



Planning Commission Minutes

5 August 2021

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Present: Angie Zetterquist, Chris Harrild, Brandon Spackman, Lane Parker, Brady Christensen, Chris Sands, Melinda Lee, Nolan Gunnell, John Luthy, Matt Phillips, Megan Izatt, Jason Watterson

Start Time: 05:30:00

Spackman called the meeting to order and **Christensen** gave the opening remarks.

05:32:00

Agenda

Approved with no objection.

05:3:00

Minutes

Parker motioned to approve the July 8, 2021 minutes; *Christensen* seconded; **Passed 6, 0.**

05:33:00

Consent Agenda

#1 7200 North Subdivision

#2 Wendell Smith Lot Split Subdivision 2nd Amendment

#3 Riley & Annie Haviland Subdivision 1st Amendment

#4 Hill Top Farms Subdivision 1st Amendment

Sands motioned to approve the consent agenda with the conditions and conclusions as noted; *Parker* seconded; **Passed 6, 0.**

05:35:00

#5 Public Hearing (5:35 PM) – T&B Nielsen Rezone

Zetterquist reviewed the staff report for the T&B Nielsen Rezone.

05:40:00

Watterson arrived.

Commissioners and **Staff** discussed the septic system and the required frontage.

05:48:00

Christensen motioned to open the public hearing for the T&B Nielsen Rezone; *Lee* seconded; **Passed 7, 0.**

Wayne Caldwell spoke representing the applicant and commented on the source water protection zone, septic system requirements, the road issues, and the private road, the needed frontage, and the sensitive areas.

Clay Bodily spoke representing Smithfield City and commented on Smithfield's prescriptive easement to access the city's well and spoke against the rezone based on the source water protection zone and that there is no current water source there and drilling a new well would negatively influence the spring.

Shauna Twitchell commented that the easement is actually a deeded right of way up to the Nielsen's.

Kim Cronquist Jr. commented on an ongoing lawsuit and how it may result in changes to the property lines and how that could change access to the property.

Sands asked if moving the property lines would resolve some of the issues.

Mr. Cronquist stated the only thing he is aware of that could be affected is the septic system.

Parker asked about movement of the property lines.

Mr. Cronquist stated that there was a proposal from an ongoing lawsuit to adjust the property lines between the Nielsen property and the Cronquist property that could affect access.

Zetterquist commented that the rezone is tied to the current legal description.

Luthy confirmed there is litigation currently that could decrease that 50-foot access.

Mr. Caldwell commented on a possibly boundary line adjustment, and water rights linked to the parcel.

Luthy asked if there were issues of prescriptive use or boundary by acquiescence that could narrow the width of the access.

Mr. Caldwell stated he does not think so and the boundary adjustment would possibly add property by about 10 feet.

Sam Gobbel commented on the current litigation regarding the property lines and the right of ways.

06:09:00

Watterson motioned to close the public hearing for the T&B Nielsen Rezone; **Parker** seconded; **Passed 7, 0.**

Commissioners made a motion recommending denial to the County Council based on the source water protection area concerns, septic concerns, and width of the frontage.

Parker motioned to recommend denial to the Cache County Council for the T&B Nielsen Rezone; **Olsen** seconded; **Passed 7, 0.**

06:13:00

#6 The Cache Valley Straw Maze Conditional Use Permit Revocation

Harrild reviewed the approval of the conditional use permit (CUP) and the appeal to the Board of Adjustments. The original applicant submitted a request to withdraw their application and is no longer buying the property; the current owner has no interest in pursuing the activities under the CUP. The best thing to do at this point is to revoke the permit.

Christensen motioned to revoke the Cache Valley Straw Maze Conditional Use Permit based on the applicants no longer buying the property and the current owner having no interest in pursuing the conditional use permit; **Sands** seconded; **Passed 7, 0.**

06:17:00

#7 Discussion: Amendments to Title 17 regarding a new use type for alcohol production (i.e., winery)

Commissioners and **Staff** discussed tastings being included in the ordinance, determining what is considered Agriculture and what is considered manufacturing, and reviewed the proposed ordinance language. The County Council was more comfortable with alcohol production happening in the unincorporated areas of the county as long as it is tied to agriculture.

Keith Meikle commented that he gave a gentleman's name to Chris to help write ordinances and how he has to grow enough grapes to justify the purchase of equipment.

Sands asked if 5,000 cases is a reasonable number to be productive.

Mr. Meikle commented that 5,000 is usually a good number to break at and then do tiered system for control.

07:01:00

Adjourned.