



Planning Commission Minutes

2 September 2021

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Present: Angie Zetterquist, Chris Harrild, Tim Watkins, Brady Christensen, Chris Sands, Melinda Lee, Jason Watterson, Nolan Gunnell, John Luthy, Matt Phillips, Megan Izatt

Start Time: 05:57:00

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

05:59:00

Agenda

Lee motioned to approve the agenda with the removal of item #3; **Watterson** seconded; **Passed 4, 0.**

06:01:00

Minutes

Watterson motioned to approve the minutes from August 5, 2021; **Lee** seconded; **Passed 4, 0.**

06:03:00

Consent Agenda

#1 Mendon South Subdivision 1st Amendment

Sands motioned to approve the Mendon South Subdivision 1st Amendment with the two conditions and one conclusion; **Lee** seconded; **Passed 4, 0.**

06:03:00

Public Hearing

#2 Ordinance 2021-21 Amendments to Title 17 – Amending Title 17 to allow a new use type for agriculture related alcohol production and sales

Harrild reviewed the draft language for Ordinance 2021-21 Amendments to Title 17.07.6160.

Staff and **Commission** discussed section 4 and startup growing/production and section 5 i and iii.

06:38:00

Sands motioned to open the public hearing for Ordinance 2021-21 Amendments to Title 17; **Lee** seconded; **Passed 4, 0.**

Steve Martin commented on fruit availability at startup, catastrophic situations and pulling fruit from other sources, and the 5,000 case production.

Christensen asked about allowances for catastrophic situations and the pulling fruit be tied to production for wineries Mr. Martin works with.

Mr. Martin commented that different areas in California have different requirements; in Santa Barbara 25% of the grapes being processed have to be grown on site and there is no restriction on sourcing fruit from other areas in catastrophic situations.

Keith Meikle commented on pulling fruit from Utah only during catastrophic situations and it limiting production during those years, the 5,000 case limit, and the advertising wording.

Luthy commented he will have to research that.

Mr. Meikle commented on the food on site and limiting sourcing fruit and how it affects interstate commerce.

Dwayne Miles commented on sourcing fruit from other areas and limiting that to Utah, and restricting property use.

Justin Robinson commented on needing to cover co-oping in the ordinance and sourcing fruit.

Ben Kiety commented in support of the ordinance and wants to build a cidery.

Christensen asked about establishing a crop.

Mr. Kiety stated apples take a little longer but there are variances for different fruit. A standard of using roots/plants in the ground to help with the amount of fruit that can be sourced from elsewhere would be best.

Orie Spears commented in support of the ordinance and that apples take about 4-7 years to get to full production depending on the type of tree/apple and sourcing fruit.

06:59:00

Sands motioned to close the public hearing; Watterson seconded; Passed 4, 0.

Mr. Martin encouraged the Commission to look at plants/trees in the ground as a way to help with the amount of fruit that can be sourced elsewhere.

07:00:00

Regular Action Items

#3 Bailey Acres Subdivision 1st Amendment

Removed due to Surveying Issues

#4 Bryan Hansen Conditional Use Permit

Zetterquist reviewed the Bryan Hansen Conditional Use Permit (CUP).

Mikayla Hansen commented on the 50 foot setback condition.

Christensen commented that the codes in place are what need to be enforced.

Mrs. Hansen commented that the highway is causing the problem with 50 foot setback.

Harrild commented that the question is valid but that needs to be addressed with the County Council.

Luthy stated the 50 foot setback is County Ordinance and the Commission does not have the discretion to change that condition and to change that would require a change in ordinance at the County Council level.

Mrs. Hansen commented on condition 2 and access.

Phillips stated they need to come to the road department and they will check the access and work on that condition.

Mrs. Hansen asked about landscaping and parking analysis.

Sands commented that a site plan that shows the requirements for parking meets that condition or alternatively you can provide a parking analysis.

Staff and **Commission** discussed the landscaping requirements and if a building permit is needed for the structure.

Watterson motioned to approve the Bryan Hansen Conditional Use Permit with the 14 conditions and 2 conclusions; *Lee* seconded; **Passed 4, 0.**

07:26:00

#5 Cold Water Private Airport Conditional Use Permit

Zetterquist reviewed the staff report for the Cold Water Private Airport CUP.

Luthy explained that the Commission enforces the ordinance and if an application can meet reasonable conditions imposed to mitigate impacts, the Commission, legally, has to approve the CUP.

Tina Howard commented against due to being a nuisance because of noise and would like to see a condition that requires private owners to broadcast their identifying information and plane status. She would also like to see airport runways be taken out of greenbelt status and taxed accordingly and that runways that have over 20 takeoffs be listed as commuter status. Runways are potential fire hazards and should be overseen by the Fire Marshall for restrictions during drought conditions. After approval, insurance does not have to be proven for the plane or the runway and she would like that to be a condition of approval.

Christensen asked if any of these concerns had been raised before to staff or commissioners.

Mrs. Howard stated she has tried but wasn't given opportunity to.

Christensen suggested Mrs. Howard also talk with her County Council representative.

Mrs. Howard state she has.

Christensen asked about the tail number.

Mrs. Howard commented that she would like the planes to broadcast their ADS-B number.

Kurt Nielson commented he is building a house on the end of the runway and asked how this affects property values, safety concerns regarding the location of the runway being over his house, and noise concerns.

Dwayne Miller commented concerning CUPs and limitations and doesn't want a plane flying over his house.

Larry Stewart commented that a dangerous precedent seems to be being set and the issues that have been raised should be taken to the County Council to reconsider this ordinance due to dangers, noise pollution, and insurance concerns.

Janos Lakatos commented on his application and submitting all the necessary paperwork federally and on a state level. He commented on FAA plane requirements and runway length requirements.

Christensen asked about insurance on planes.

Mr. Lakatos commented he has insurance but he does not believe it is a requirement by the state.

Watterson asked about radioing an identifying number.

Mr. Lakatos commented that it is regulated by the FAA and is not required under 10,000 feet or more than 30 miles away from a broadcast space.

Commissioners and **Staff** discussed if requiring an identifying number for the plane. That is controlled by the FAA because they regulate airspace and the Commission can try to regulate that but pilots don't have to comply. Utah does not require planes to carry insurance.

Mr. Lakatos stated he is trying to be a good neighbor by already outfitting his aircraft with mufflers and does have insurance.

Lee asked if anyone can use the airport.

Mr. Lakatos stated it's a private airport but no other pilot can use the airport unless given permission and only up to the number of uses stated in the application. Also, only aircraft that can land or takeoff within 500 feet can use this airport and for the valley that is maybe a dozen aircraft.

08:08:00

Watterson motioned to extend the meeting until 8:45 pm; Lee seconded; Passed 4, 0.

Staff and **Commission** discussed how a plane's negative impacts for noise can be mitigated and if the application can meet the ordinance. Discussion on fire impacts and responsibility, hours of operation, and the FAA controls many aspects of how a plane flies and operates.

Lee motioned to approve the Cold Water Private Airport with the three conclusions and two conditions; Watterson seconded; Passed 3, 1 (Sands voted nay).

08:23:00

#6 Rocky Mountain Reindeer Farm Conditional Use Permit

Zetterquist reviewed the staff report for the Rocky Mountain Reindeer Farm CUP.

Staff and **Commission** discussed setbacks.

Scott Wells commented on behalf of Wellsville City with concerns with accessory buildings, overnight stays like Airbnb, aesthetics, access and traffic impacts, and building inspections.

Christensen asked about the annexation Mr. Wells brought up.

Mr. Wells commented that there are two property owners who are interested in annexation and both are next to the city and they don't want to annex uses into Wellsville that do not conform to their current ordinances.

Brett Nielson commented he is a neighbor to this property and at some point would consider annexation into the Wellsville and has concerns with the number of activities mentioned in the application, parking concerns, lighting concerns, health concerns due to wasting disease in reindeer, restrooms, and meeting ADA requirements.

Larry Stewart commented with concerns regarding the business fitting on the parcel, access, traffic, escaping animals, wasting disease, smell, restrooms, and water.

08:45:00

Lee motioned to extend the meeting to 10:00 pm; Watterson seconded; Passed 4, 0.

Dale (Can't hear last name) commented wasting disease being partly in control of the County, safety concerns from water and construction without proper permits, possibly composting and hauling off of manure problems, road conditions and traffic, restrooms, and tickets are already being sold without the needed permits.

Shanna Clark is the applicant and commented they are on a waiting list for a well to be drilled. Parking is not provided by the current tomato business and they are aware of Wellsville City's code and have no desire to be annexed. There won't be bright lights because it negatively affects the animals and there will be no composting on site but waste will be hauled off. The plan is for 15-20 deer and the parking lot will be gravel which will help prevent runoff. There will be wheel chairs available. The plan is for port-a-potties for now and then add restroom and septic as feasible.

Lee asked about building a fence without permits.

Mrs. Clark commented they were told they could put the fence where it was wire and thought the other construction was covered under Agriculture.

Christensen asked if the applicant had read and understood all the conditions.

Mrs. Clark replied yes.

Harrild commented the fence was discussed with the Building Department but was later approved to proceed.

Mrs. Clark commented they have been in contact with the DWR and are aware of the regulations that they would need to follow.

Mr. Clark that they have all intents to follow all the conditions and feel like this will be a benefit to the Valley.

Staff and **Commissioners** discussed a condition #18 that the land still qualify as agriculture under the Farmland Act and to check that with the Assessor's office. Also if this application falls under the Agritourism ordinance to begin with due to the 51% requirement, parking analysis and traffic study, restroom facilities were all discussed.

Watterson** motioned to approve the Rocky Mountain Reindeer Farm Conditional Use Permit with the 17 conditions and the addition of condition #18 and the 2 conclusions; **Lee** seconded; **Passed 4, 0.

09:10:00

Recessed for 5 minutes

09:15:00

#7 West Edge Estates Conditional Use Permit

Zetterquist informed the Commission that staff recommends a continuance for #7.

Christensen asked what information is still being needed for the CUP.

Zetterquist responded that the information has been submitted now to Development Services but not with enough time to review it.

Staff and **Commission** discussed dirt storage and if there is an existing CUP on the property that Edge is currently using to the east. Condition #8 was also discussed and being looked at by the applicant.

Justin Robinson commented that he provided a written rebuttal in the packet he handed out. The only item he was aware of holding up the application was the realignment of 12th West. There is no change to what is being done on the property; the company is just moving west.

Gunnell asked about the wetlands study.

Mr. Robinson stated the professional has stated there is no need for a study right now because the land has been irrigated; all practices and recommendations that he provides in the future will be followed.

Gunnell commented on the wetlands study.

Mr. Robinson stated from the professional's view point the Army Corp of Engineers isn't need to be brought on sight at this point.

Sands asked if the consultant was going to delineate where the wetlands are and if those areas would be avoid.

Mr. Robinson replied yes.

Christensen asked how much space is need or wanted to have access to continue operations.

Mr. Robinson responded that there is 20 tons of soil sitting in the 12 west corridor that needs to be moved to the back part of the property as soon as possible.

Lee asked about combining the parcels to help with setbacks.

Mr. Robinson stated later on that is more hassle then it is worth at this point due to the canal drainage, road right of ways, and a pond on the property.

Staff and **Commissioners** discussed if a decision could be made tonight.

Watterson motioned to continue the West Edge Conditional Use Permit up to 90 days; **Lee** seconded; **Passed 4, 0.**

9:43:00

#8 Valley View Self Storage Conditional Use Permit

Matt Johnson commented on behalf of Valley View self storage and commented on the application and what information is needed, concerns with the timeline for the property exchange with the owners and the IRs and went through the concerns he is aware of from the County.

Nathan (Can't hear last name) commented that they are meeting with Mendon City next week and should have approval from them then and this project at this point should not conflict with their annexation plan.

Mr. Johnson asked if the conditions given on Wednesday are the conditions of the CUP.

Harrild stated he could not answer this at that time because those conditions could change after a full review of the application. This was put on the agenda to help the applicant to meet their due diligence timeline and there are not conditions to meet at this time.

Mr. Johnson asked if the Commission could comment on the applicant if there were any other problems.

Lee responded as far as she can tell this should go quickly next meeting.

Mr. Johnson commented on the fencing requirement.

Christensen stated there are specific guidelines given in the CUP.

Harrild commented typically there is minimum requirement for 10% landscaping and the screening needs to be applicable and appropriate to the area. That question could be asked and imposed if the applicant comes back and can present on that.

Nathan commented on the fencing/screening.

Mr. Johnson commented on the fencing/screening requirement.

Luthy commented on the ordinance regarding fencing/screening requirements.

Mr. Johnson commented on trying to be on next month's agenda.

Harrild asked if their concerns were having a condition be required that they would consider onerous.

Mr. Johnson responded yes because this piece of property was picked for numerous reasons and to it already being zoned commercial.

10:04:00

Watterson motioned to extend the meeting to 10:15; *Sands* seconded; **Passed 4, 0.**

Lee motioned to continue the Valley View Self Storage Conditional Use Permit up to 90 days; *Watterson* seconded; **Passed 4, 0.**

10:05:00

#9 Pending Action: Ordinance 2021-21 Amendments to Title 17 – Amending Title 17 to allow a new use type for agriculture related alcohol production and sales.

Harrild reviewed the proposed language for Ordinance 2021- Amendments to Title 17.

Commissioners and **Staff** discussed sourcing of products due to catastrophic events and new start ups.

Mr. Meikle commented on the plants in the ground and 51% percent.

Gunnell commented on the intent of plants in the ground and a start time timeline limit.

Mr. Meikle commented on the timeline of fruit being productive.

Commissioners and **Staff** discussed what changes or information is needed to act on the ordinance.

Mr. Meikle commented on the size of the winery and barrel storage needed for 15,000 case production.

10:23:00

Sands motioned to extend the meeting until 10:30; *Watterson* seconded; **Passed 4, 0.**

Commissioners and **Staff** discussed Agritourism.

Sands motioned to recommend approval to the County Council for Ordinance 2021-21 Amendments to Title 17 – Amending Title 17 to allow a new use type for agricultural related alcohol production and sales with the language suggested and amended by the Commission and Staff; **Watterson** seconded; **Passed 4, 0.**

Mr. Meikle commented on the food present for a tasting.

10:32:00

Adjourned.