



PLANNING COMMISSION MINUTES

05 NOVEMBER 2015

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Present: Chris Harrild, Josh Runhaar, Lane Parker, Chris Sands, Rob Smith, Phillip Olsen, Megan Izatt, Lee Edwards

Start Time: 05:33:00

Sands welcomed and **Smith** gave opening remarks

05:35:00

Agenda

Adopted with the removal of items 3, 5, 6, and 7.

Minutes

Adopted with no changes.

05:38:000

Regular Action Items

#1 Barber Conditional Use Permit (Andrew & Shelly Barber)

Harrild reviewed Mr. Andrew Barber’s request for a conditional use permit (CUP) to allow an accessory apartment in a single family dwelling located on 50.25 acres of property at 6189 south 2400 West, east of Wellsville (Agricultural, A10 Zone). The intent for the apartment is for a potential semi-private living space for members of their family at their own discretion, such as elderly parents or married children. The proposed apartment does not have its own entrance, utilities, water, septic, or parking area. The proposed use must comply with the requirements for definition 1120 – Accessory Apartment.

Mr. Andrew Barber if you change the process for this, can I get my money back?

Harrild unfortunately, no.

Mr. Andrew Barber there was some angst over this issue because as I filled out the application with staff I was told to answer “does not apply” for all the questions.

Olsen motioned to approve the Barber Conditional Use Permit with the stated conditions and findings of fact; *Smith* seconded; **Passed 4, 0.**

Sands just for your information that use will now run with the property.

05:45:00

#2 Public Hearing: 5:40 p.m. - Powder Mountain Sprint Rezone (Robert Blackie and Shammikka Chisolm)

Harrild reviewed Mr. Robert Blackie and Ms. Shammikka Chisolm’s request for a recommendation of approval for a rezone of a 0.69 acre portion of 73.69 acres of property in the Resort Recreation (RR) Zone to include the Public Infrastructure (PI) Zone, located at Powder Mountain. The existing facility at this site is at present a legal, nonconforming use. Approval of the rezone request would bring the tower into

conformance with the Cache County Code, and allow additional permitting to occur on the site. While the closest fire protection on the Cache County side is from Wellsville, it is more likely that fire protection would come from the Weber County side.

Lane Fishburn/Sprint our application is actually for a microwave dish. I've seen the build projects for the next 5 years and I have not seen anything in the plans for another tower at all.

5:49:00

Smith motioned to open the public hearing; **Parker** seconded; **Passed 4, 0.**

5:50:00

Smith motioned to close the public hearing due to no public comment; **Parker** seconded; **Passed 4, 0.**

Smith motioned to recommend approval of the Powder Mountain Sprint Rezone to the County Council with the stated findings of fact; **Parker** seconded; **Passed 4, 0.**

05:51:00

#3 Public Hearing: 5:50 p.m. – Com-Tech Manufacturing Services Inc. Rezone

Application was withdrawn.

#4 Musselman Airport Conditional Use Permit (Greg Musselman)

Harrild reviewed Mr. Musselman's request for approval of a conditional use permit (CUP) to allow a private airport located on 114.32 acres of property at 11800 South 1300 East, Avon (Agricultural, A10 Zone). This item was continued from October's meeting. Staff and commission discussed the items the FFA deemed did not apply to the type of aircraft that will be using this runway and also discussed the location of the nearest home. The flight pattern is setup to not impact or fly over that home unless it is an emergency situation. The road was the main issue and staff was waiting on the review of the fire district at the time of the last planning commission. The Fire Marshall has reviewed the project and has stated that the proposed airstrip, the access road shall be a minimum of 12' wide, all-weather surface such that fire apparatus and emergency medical vehicles are able to access the site in a minimal amount of time under weather conditions common to the area. The other thing to note is the fire district has stated that during the winter the Fire District does not have apparatus capable of traveling over snow and will not be able to provide fire protection in the event of an accident. Furthermore, medical assistance will be delayed and will require a response by the Cache County Sherriff's office Search and Rescue Team.

Staff and commission discussed the necessary improvements on the road. Mr. Musselman will have to lay gravel down to meet the requirements of the Fire District. Some members expressed concerns with applying public road requirements when fire protection and medical personal will not be able to access this site always. Staff upholds the requirements of the Fire Marshall and he has to enforce the code.

Mr. Greg Musselman I actually had an opportunity to talk with the Fire Marshall about this and he wrote a letter to the Development office. My issue is, and Mr. Olsen is aware of the road, the road is just a dirt road and people can drive around on the grass to get past things. But I did scrape the ground today and I sent pictures to Chris. My argument with this is, if the road isn't passable I won't be going up there and there won't be a need for emergency services. Also, in the wintertime if we use this, the Fire Department has already said they won't be able to get up there. I actually propose that we strike #5 from the

requirements and I assume the responsibility. Also, if I have an emergency elsewhere, on the side of the mountain or wherever, obviously there won't be a road to access that either. That road has been there a very long time and obviously isn't passable when super wet.

Sands are you concerned with the all-weather surface?

Mr. Musselman if I am going to have to haul in gravel, that road is about ½ mile long and that is going to be a considerable expense. If there is a way for me to assume responsibility for that I would rather let that be a year round thing.

Harrild if we change condition #5 to read "In order to provide for the public safety in the form of fire and emergency medical service to the proposed airstrip, the proponent must make any improvements to the existing access as required by the Cache County Fire District or Fire Board", that way the Fire District can be included in the discussion and if it needs to be appealed to the Fire Board then it can.

Staff and commission discussed condition# 5. Staff is required to uphold the Fire Code so staff cannot give that exemption and this Commission doesn't have the authority to give that exemption either. With rewriting condition #5 then it allows the Fire District and the Fire Board to weigh in on the issue further. Staff is required to work within the code.

Mr. Musselman what constitutes land disturbance?

Runhaar removing the vegetation. If you are farming the land we don't care, but if you are digging it up for roads and buildings, that is considered disturbance.

Mr. Musselman if we are grading it to remove bumps and smooth it out is that disturbing it?

Runhaar keep it less than 5,000 square feet and it will be fine. The meaning for that is we don't want a large rainstorm to come and hit a new construction site and wash all that dirt away.

Rebecca Phillips I apologize in advance; this is very emotional for us. If you look at the proposed site our house is at the end of the strip. I am here against this conditional use. The prior runway that he had was set on a residential area and again the end of the runway was towards our house. There were times he would fly our plane towards our house. When this new proposed runway was set up we didn't have any concerns until we saw that the runway was positioned towards our house. He has stated that he would not fly over house unless it was an emergency situation. That makes us even more concerned and we feel puts our house more at risk if it's an emergency. If you look at this, you can see the semi-circle of trees and then our house is just beyond that. Our frustration is his house is located less than 300 yards to the right of this and yet the only way he could position the runway is right at our house. If this is such a safe endeavor, why couldn't the runway be turned to go over his own home? There is a concern about fire. If fire protection cannot get up there that is a concern. In the summer that is all dry brush but that fire will spread and that will affect our house and other structures in the area. I want the fire department's recommendation to be there. He may want to assume his own reasonability, but what about responsibility for the people and structures around there? We did not buy our house to have a runway near it. The people who are making this decision don't have to live with consequences or potential danger. We keep hearing this is safe but you hear frequently about planes crashing and hitting homes. He may want to assume his own risk for his safety but my concern is the risk to my family, my property, my livestock, everything that we have there. I understand this is his dream but his dream has been our nightmare for years. I just ask you to put yourself in our position.

Staff and commission discussed the distances that have been talked about in previous meeting. There is 1213 feet from the end of the runway to the structure and the proposed runway is the length required by the FAA. The actually take off distance is supposed to be shorter than the actual runway.

Ms. Phillips is this the direction that you will be flying every time?

Mr. Musselman No. The reason it is the way it is, is because the lay of the land. Also, the wind factors into the location of the airstrip. My intent is that you will actually never see the plane. The traffic pattern that I have identified, that is pretty easy to do. If I'm headed north, those landmark trees are really easy to make and are nowhere near your house. The FAA requirement in a rural area is that you have to clear any structures, vehicles, or people by 500 feet. Worst case scenario, if I take off the very last of that runway I will easily clear your house by 600 feet. Any aircraft right now could fly over any house in that area at 500 feet and do so legally and safely. Your house is not in danger from this project. My schedule won't allow me to use it more than once per week anyway. If you had felt that strongly about this, I wish you would have talked to me sooner.

Ms. Phillips we have discussed this several times with him and it is an insult to us for him to say that. I'm frustrated because we have repeatedly voiced our concerns several times over the years about this plane. We have addressed our concern with Mr. Musselman and it has been ignored.

Mr. Musselman I only flew off the other strip for about 6 months before we received the letter from the County that we had to cease and desist because it needed to be zoned. One, I didn't know it was illegal to do that and I discussed this with the county attorney. He told me I'm allowed to taxi my airplane up and down the field but I couldn't take off and land from my land because that constitutes an airport. I have tried to move the airstrip so it is far enough away from everybody. I don't know how much safer we can make this. It's the piece of ground I could find that we can do this and do it safely. It is my intent that they will never see the plane.

Staff and commission discussed the length of the runway and what length of runway is needed to take off.

Smith motioned to approve the Musselman Airstrip with the noted conditions and findings of facts with the edits to Condition #5; Olsen seconded; Passed 3, 1 (Sands voted nay).

06:24:00

#5 Wild Bunch Kennel Conditional Use Permit

Item moved to December at the request of the proponent.

Staff Reports

Runhaar Stephanie turned in her resignation and has her last day two weeks ago. We are actively trying to find someone to fill her position.

Harrild Staff has put together a summit to be held at the Riverwoods Conference center. It is from 9 am to 3 pm and the purpose is to try and have a better conversation between the developers, the planners, and elected officials so everyone knows the intent as Cache Valley grows and further develops. The Plannign Commission is invited to attend.

Sands what does the agenda look like for next month?

Harrild Wild Bunch will most likely be on there and there is another CUP for a recreation facility out by Scare Canyon.

06:32:00

Adjourned