



**Planning Commission Minutes**

**6 July 2023**

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**Present:** Angie Zetterquist, Tim Watkins, Stephen Nelson, Kurt Bankhead, Brady Christensen, Jason Watterson, Chris Sands, Lane Parker, Val Jay Rigby, Nolan Gunnell, Matt Phillips, Taylor Sorensen, Megan Izatt

**Start Time: 05:31:00**

**Parker** called the meeting to order and **Watterson** gave the opening remarks.

**05:32:00**

### Agenda

*Watterson* motioned to approve the agenda; **Rigby** seconded; **Passed 5, 0.**

### Minute

*Watterson* motioned to approve the minutes from June 1, 2023; **Rigby** seconded; **Passed 5, 0.**

**05:33:00**

### Consent Items

#### #1 Denali South Horse Ranch Subdivision 1<sup>st</sup> amendment

#### #2 Hobbled Dog Cidery Conditional Use Permit

*Watterson* motioned to approved the consent agenda; **Sands** seconded; **Passed 5, 0.**

### Regular Items

**05:34:00**

#### #3 Geneva Rock – Newton Pit Conditional Use Permit

**Zetterquist** reviewed the staff report for the Geneva Rock – Newton Pit Conditional Use Permit.

**Christensen** arrived.

**Staff** and **Commissioners** discussed the rolling 10 acres conditioned on previous gravel pit applications, the possibility of requiring a sound study, what requirements will be for light, and the applicant's request for extraordinary hours, water, dust control, and reclamations.

**Watterson** asked if anything of the extra proposed conditions discussed posed a problem.

**Bill King** commented on behalf of Geneva Rock on the noise study, dust control, trucking water in instead of using the canal, and reclamation.

**Sands** commented on the cost per acre for reclamation and some concerns for the amount mentioned in the proposed plan.

**Mr. King** commented they usually spend \$300/acre for seed. The top soil is pushed to create a berm that helps with sound and sight of the pit and then is ready to be pushed back over for reclamation.

**Parker** commented on the code for reclamation.

**Mr. King** responded that he found requirements in the County Ordinance that references the current International Building Code for grading.

**Watterson** asked what the maximum exposed vertical height would be.

**Mr. King** responded that it would be 2:1 or about 300 feet vertically per the pit design.

**Watterson** asked what the Point of the Mountain pit's exposure was.

**Mr. King** responded 1:1½. Reclamation plans will be run by the planning staff to come to an agreement on a per acre dollar amount.

**Staff** and **Commissioners** discussed the grading from the International Building Code.

**Mr. King** commented that falls under item #6 and impacts item #8.

**Watterson** asked about the rolling 10 acres requirement typically required for pits.

**Mr. King** responded that the pit is on a hillside.

**Watterson** asked if there was a measurement that could be used to do the rolling 10 acres.

**Mr. King** responded that there is a potential for a measurement but when the pit is opened there will be berms around the outside.

**Watterson** commented that it needs to be formalized in the CUP so it is enforceable.

**Bill Gammell** commented that a condition that could help bridge the gap, once final slope topography is available then once 10 acres is available then it can be reclaimed to meet that 10 acres.

**Sands** commented that another way could be require that no more than 25% of the pit is open at one time.

**Mr. Gammell** responded that 25% at a time is not a bad idea.

**Christensen** asked how big the mine floor is expected to be.

**Mr. Gammell** commented 50 to 70 acres at a time.

**Christensen** commented about the Northwest face of the pit.

**Mr. Gammell** responded in those areas the material would be pulled down.

**Parker** responded that to proceed tonight really doesn't work as staff needs to work on wording for the extra conditions.

**Watterson** asked if there was a site entrance identified, with the understanding that it could change depending on UDOT and if they have thought about using Parsons entrance.

**Mr. Gammell** responded that they have discussed using Parsons internally but have not approached them. There is a tentative entrance identified but that could be changed if UDOT doesn't approve it.

**Commissioners** discussed having everything ready to be approved by the next meeting and the extraordinary hours and how to regulate/control for that.

**Mr. King** asked if there is a way that conditions could be put under staff approval or does it have to come back to the commission.

**Sorensen** responded that from his understanding it has to come back before the Commission.

*Watterson motioned to continue the Geneva Rock – Newton Pit Conditional Use Permit up to 90 days; Sands seconded; Passed 6, 0.*

**06:24:00**

**#4 Public Hearing (5:45 p.m.) Esperanza Estates Rezone**

**Zetterquist** reviewed the staff report for the Esperanza Estates Rezone.

**06:34:00**

*Christensen motioned to open the public hearing; Watterson seconded; Passed 6, 0.*

**Dennis Mitton** commented against the rezone due to water.

**Kurt Mitton** commented with concerns regarding water.

**Pam Gunnell** commented with concerns regarding water.

**Lola Mitton** commented with concerns regarding water.

**Nick Eliason** commented as applicant and wanting more building lots for kids to build on. The intent would be to have the homes on the hill and everything in the back remain agriculture.

**Bankhead** asked about using the stub for water that Wellsville City has there.

**Mr. Eliason** responded that the water ends before this property.

**Bankhead** responded he had talked with Wellsville City and there is a possibility for them to provide the water.

**Watterson** asked if annexation with Wellsville City has been discussed.

**Mr. Eliason** stated he hasn't.

**06:41:00**

*Sands* motioned to close the public hearing; *Watterson* seconded; **Passed 6, 0.**

**Staff** and **Commissioners** discussed the rezone and water, having the applicant approach Wellsville regarding annexation, lack of comment from Wellsville, and roads.

*Watterson* motioned to recommend denial to the County Council for the Esperanza Estate Rezone with the two conclusions; *Bankhead* seconded; **Passed 6, 0.**

**06:48:00**

#### **#5 Public Hearing (6:00 p.m.) Graham Addition Rezone**

**Zetterquist** reviewed the staff report for the Graham Addition Rezone.

**Staff** and **Commissioners** discussed the FR-40 portions of the parcels, the maximum lots currently available, access.

**07:06:00**

*Christensen* motioned to open the public hearing; *Rigby* seconded; **Passed 6, 0.**

**Rodney Housley** commented representing the applicant. The land is currently dry farmed or pasture. The applicant wants to be able to have a house year round on the upper portion and leave the lower as agriculture.

**Christensen** asked if there were any other options.

**Mr. Housley** commented that he doesn't want to sell the lower property due to it being could farm ground so not that he is aware of.

**7:10:00**

*Watterson* motioned to close the public hearing; *Rigby* seconded; **Passed 6, 0.**

**Commissioners** discussed the legal description of the parcels and how the rezone opens up the possibility for more rezones in the area.

*Watterson* motioned to recommend denial to the County Council for the Graham Addition Rezone with the 3 conclusions; *Sands* seconded; **Passed 5, 0 (Christensen abstained).**

**07:17:00**

#### **#6 Public Hearing (6:15 p.m.) Ordinance Amendment Request – 17.10 Development Standards – Industrial Zone**

**Watkins** reviewed the Ordinance Amendment Request.

**Staff** and **Commissioners** discussed the railway spur, percentage of impervious coverage on properties, and setbacks.

**Nelson** explained the need for a higher setback to help protect the view shed.

**Staff** and **Commissioners** discussed the definition for agricultural processing, what precedence is set for future use of the industrial zones and projects.

**Commissioners** discussed the acreage

**07:46:00**

*Watterson* motioned to open the public hearing; **Rigby** seconded; **Passed 6, 0.**

**Ed Kavorik** commented on limiting the ordinance change to Ag processing facilities.

**Christensen** asked what height Mr. Kavorik needs to make the project work.

**Mr. Kavorik** responded the height they are asking for and that the footprint of the building is small.

**Sands** asked what maximum height for a facility like this.

**Mr. Kavorik** responded over 200 feet.

**07:51:00**

*Sands* motioned to close the public hearing; **Christensen** seconded; **Passed 6, 0.**

**Commissioners** discussed the setbacks and height for the Pepperidge Farms project.

*Watterson* motioned to recommend approval for the Ordinance Amendment Request as presented on July 6, 2023 to the County Council; **Rigby** seconded; **Passed 5, 1 (Sands voted nay).**

**07:56:00**

*Sands* motioned to extend the meeting to 8:30; **Watterson** seconded; **Passed 6, 0.**

**07:58:00**

**#7 Public Hearing (6:30 p.m.) Ordinance Change – 17.07.040 General Definitions – Developable Acreage & Sensitive Areas Non-Developable**

**Watkins** reviewed the information for the ordinance change.

**Staff** and **Commissioners** discussed lot sizes, limiting the ordinance to just A10 and not applying it to the FR40,

**08:12:00**

*Sands* motioned to open the public hearing; **Bankhead** seconded; **Passed 6, 0.**

**Joe Hawks** commented regarding the code being too broad, the issues affecting his property and how the current code negatively affects property owners.

**No Name (Father-In-Law of Joe Hawks)** commented on how the current code seems too restrictive and makes no sense.

**Bowman Lack** asked that a reasonable solution be made to allow property owners to do reasonable things with their property.

**08:22:00**

*Watterson* motioned to close the public hearing; *Sands* seconded; **Passed 6, 0.**

**Staff** and **Commissioners** discussed steep roads and that area of the code is still being worked on.

*Sands* motioned to continue the Ordinance Change – 17.07.040 General Definitions – Developable Acreage & Sensitive Areas Non-Developable up to 90 days; *Watterson* seconded; **Passed 6, 0.**

**08:25:00**

**#8 Public Hearing (6:40 p.m.) Ordinance Change – Use Type 1120: Accessory Apartment**

**Watkins** reviewed the information for the Ordinance Change – Use Type 1120: Accessory Apartment.

**Staff** and **Commissioners** discussed short term rentals.

**08:32:00**

*Sands* motioned to extend the meeting until 9:00 pm; *Watterson* seconded; **Passed 6, 0.**

**Watkins** reviewed the different types of accessory dwelling units (ADU).

**Staff** and **Commissioners** discussed requiring an ADU to have a foundation, how the State does not allow limiting the size of an internal ADU but external ADUs may be limited in size, and the definition of a family.

**Watkins** reviewed the requirements for a detached ADU and fire suppression systems for ADUs.

**08:57:00**

*Sands* motioned to open the public hearing; *Christensen* seconded; **Passed 6, 0.**

**Chris Kuester** commented on wanting to build a garage with an attached apartment. He also commented on the different versions of the ordinance, how not everyone had the capabilities to build an attached ADU, and how some of these changes creates other issues.

**09:05:00**

*Sands* motioned to extend the meeting to 9:15 pm; *Watterson* seconded; **Passed 6, 0.**

*Watterson* motioned to close the public hearing; *Sands* seconded; **Passed 6, 0.**

**Commissioners** discussed the 20-foot common wall requirement for ADUs, what to do for people who do not want to rent their ADU and the need to create an ordinance for short term rentals.

*Sands* motioned to recommend to the County Council approval for Ordinance Change 17.07.040 that includes detached accessory detached units and that staff further defines the foundation issue for accessory dwelling units, strike section 1b for short term rentals, and where impossible to meet the 20 foot shared wall, the attached accessory dwelling units will need to meet the full width of the wall; *Watterson* seconded; **Passed 6, 0.**

**09:14:00**

**Adjourned.**