



DEVELOPMENT SERVICES DEPARTMENT

BUILDING | SURVEYING | ENGINEERING | GIS | PLANNING & ZONING | ROADS | WEEDS

PLANNING COMMISSION MINUTES

04 JUNE 2015

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1 **Present:** Stephanie Nelson, Chris Harrild, Josh Runhaar, Rob Smith, Chris Sands, Lane Parker, Brady
2 Christensen, Megan Izatt

3 **Start Time:** 05:30:00

4 **Sands** welcomed and **Christensen** gave opening remarks

5 **05:37:00**

6 **Agenda**

7 Approved with no changes.

8 **Minutes**

9 Approved with no changes.

10 **05:38:00**

11 **Regular Action Items**

12 **#1 Public Hearing: 5:40 pm – Fuhriman Farm Rezone (Jerry W. Fuhriman)**

13 **Nelson** reviewed Mr. Jerry W. Fuhriman's request to rezone 20.18 acres from the Forest Recreation
14 (FR40) Zone to the Agricultural Zone (A10) Zone located at 8400 South 3700 West Old Sardine Canyon
15 Road, Mt. Sterling. There are no existing dwellings on this property. Historically, this property has been
16 farmed since 1981, and possibly earlier. Access is adequate and no public comment has been received at
17 this point. This property should have been zoned A10 to begin with but when the FR40 zone was created
18 it was included with the FR40 zone. There is a possibility to build on this land if it is rezoned to the A10
19 zone.

20 **05:47:00**

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

22 **Jerry Fuhriman** I appreciated the recommendation to rezone this to A10. I am concerned that waiting
23 on the property owner to the north regarding a rezone of their property would hold up our rezone. As a
24 community member I paid \$450 to be able to have this review and that should be taken into consideration
25 rather than involving other people at this time. We purchased the land in 1975 and at that time it was
26 being used as agriculture.

27 **5:49:00**

28 *Smith motioned to close the public hearing; Christensen seconded; Passed 4, 0.*

29 **Parker** motioned to recommend approval the Fuhriman Farm Rezone from FR40 Zone to the A10 Zone to
30 the County Council with the stated conditions and findings of fact; **Smith** seconded; **Passed 4, 0.**

31 **05:51:00**

1 **#2 Public Hearing: 5:50 pm - UT1 Wellsville V2W Rezone (Daniel Thurgood)**

2
3 **Nelson** reviewed a representative of Verizon Wireless, Mr. Daniel Thurgood's request to rezone a leased
4 portion of 42.14 acres to include the Public Infrastructure (PI) Overlay Zone and located in the
5 Agricultural (A10) Zone at 6100 South 3200 West, east of Wellsville. The existing tower and equipment
6 building at this site are a legal, nonconforming use. Approval of the rezone request would bring the tower
7 into conformance with the Cache County Land Use Ordinance and allow additional permitting to occur
8 on the site. The existing CUPs that have been recorded allow a 120' tall lattice tower with 14 antennas
9 and 1 dish. At present, the tower is 120' tall with 14 antennas. Access to this property is adequate.

10 **05:55:00**

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

12
13 **Daniel Thurgood** I am here representing Verizon Wireless. We want to rezone to bring our tower into
14 conformance with the ordinance and make it a legal use. We are not planning to increase the compound
15 or tower but we want to upgrade the equipment on the antennas.

16 **Nolan Gunnell** I own the property to the north of this. So they are not expanding or going any higher?

17 **Mr. Thurgood** no, we are not expanding.

18 **Harrild** there is a new rule from the FCC and the maximum this tower could go is 140'. But they would
19 have to come back to this Commission before they can go any higher than what they are now.

20 **Mr. Gunnell** so he can go to 140 before he would have to come back here?

21 **Harrild** no he would have to come back here for approval.

22 **Runhaar** that is the tallest he can go. A lot of these are done to upgrade antennas/equipment and in order
23 to issue a permit it has to be a legal, conforming use. Right now this is a legal, nonconforming use.

24 **Mr. Gunnell** and that permit only contains designs for that site?

25 **Runhaar** yes. What we are seeing is that they are making these changes to put new antennas up and
26 changing the old bigger towers out for smaller towers which lessen the footprint of the site.

27 **05:59:00**

28 *Christensen motioned to close the public hearing; Smith seconded; Passed 4, 0.*

29
30 **Smith** motioned to recommend approval of the UT1 Wellsville V2W Rezone to the County Council based
31 on the two findings of fact; **Parker** seconded; **Passed 4, 0.**

32 **06:00:00**

33 **#3 Public Hearing: 6:00 pm – Title 17 – Airport**

34
35 **Harrild** reviewed the changes since the last meeting including the change to the use chart. Private
36 Airports will not be allowed in the RU2 and RU5 and would be considered a conditional use in the A10,

1 FR40, RR, C, I Zones with dashes placed in the ME and PI Zones. The addition of text clarifying
2 temporary and intermittent airports was the main change since the last meeting.

3
4 **06:03:00**

5
6 *Christensen motioned to open the public hearing for Title 17 – Airports; Parker seconded; Passed 4, 0.*

7
8 **Rachel Holyoak** we are very supportive of this and appreciate the council taking the time for this. I think
9 this does the right thing in making sure we aren't infringing on our neighbors but still be allowed to have
10 an airstrip.

11
12 **Smith** are you an aircraft owner?

13
14 **Ms. Holyoak** we are a small aircraft owner and we would like to have a runway.

15
16 **Greg Musselman** I probably am the person who started this whole thing. I am a small aircraft owner and
17 a military and commercial pilot. I operated a small aircraft off my property for about 8 months before my
18 neighbor decided they didn't like it. The county does need to have oversight over this and the FAA
19 obviously already does have oversight also. Basically you are saying we can operate off our property as
20 long as we go through all the steps with you. This is a property rights issue for me. We just want to use
21 our property in a legal and respectful way and the way we want to. Chris has done a great job with this
22 and I give this my full support.

23
24 **06:06:00**

25
26 *Smith motioned to close the public hearing; Parker seconded; Passed 4, 0.*

27
28 **Commission** members discussed intermittent and temporary use. If people are landing in an area just
29 intermittently or temporarily the county is not going to regulate that.

30
31 *Christensen motioned to recommend approval for Title 17- Airports to the County Council; Smith
32 seconded; Passed 4, 0.*

33
34 **06:09:00**

35
36 **#4 Mountain View Kennels Conditional Use Permit (Patricia Skinner-Bennett)**

37
38 **Nelson** reviewed Ms. Patricia Skinner-Bennett's request for approval for a conditional use permit (CUP)
39 to allow a Home Based Kennel for no more than 12 dogs located at 374 North 6000 West, north of
40 Mendon (Agricultural (A10) Zone). There is an existing single family dwelling on the property and the
41 request is for construction of an additional building on the property for a new kennel and to allow up to 12
42 adult dogs on site. The dogs consist of personal pets and breeding sets shall be confined to the property
43 within the fence and/or building(s).

44 There are fault lines adjacent to this property but the specific location is not known. A geotechnical
45 report, as specified under the ordinance, was previously completed on the adjacent subdivision to the
46 south. The location of said fault line was not discovered in the mapped location, but it is the opinion of
47 the geotechnical engineer that it is located several hundred feet to the east.

48 Access to the property is from UDOT HWY 23 and the UDOT review was completed and approved.
49 There is an existing dog house on the property that would be removed. The proposed structure/kennel
50 location meets the minimum 50' setback and a sound level impact and assessment report will be required
51 but has not yet been completed. There has been no public comment received so far.

1
2 **Christensen** motioned to approve the Mountain View Kennels Conditional Use Permit with the stated
3 conditions and findings of fact; **Parker** seconded; **Passed 4, 0.**
4

5 **06:15:00**
6

7 **#5 Crow Mountain Broadcast Facility Conditional Use Permit (Joe Chambers)**
8

9 **Harrild** reviewed Mr. Joe Chamber's request for approval of a conditional use permit (CUP) to allow the
10 modification of existing telecommunications towers located on Crow Mountain at approximately 7530 N
11 Highway 91, north of Smithfield (Public Infrastructure (PI) Overlay Zone). This request is to allow the
12 modification of the tower height for the self supported lattice tower. It was approved to a height of 140'
13 but was built to 160'. This exhausts the allowable height expansion under the current interpretation of
14 6409(a). If you look at the letter of intent there are a number of modifications but most are minor and do
15 not require the approval of the Commission. However, any modification to height, such as this, requires a
16 CUP. The current FCC statute 6409(a) states that approval must be given if a tower has a height
17 extension within 10% of their existing height or 20 feet, whichever is greater. If the request is greater
18 than that 10% or 20 feet the planning commission will hear but does not have to approve. Those requests
19 can be denied. The guyed tower is 140' tall as permitted. There are also multiple antennas and a diesel
20 generator that have been added without review or approval. These are minor modifications and will be
21 reviewed through the administrative zoning clearance process once the CUP has been approved. There
22 are fault lines directly adjacent to this property, but the specific location is not known. A geotechnical
23 report shall be required as specified in §17.18.060.
24

25 **Staff and commission** discussed waiving the geotechnical report. Commissioners expressed concerns
26 with waiving that requirement and felt it should stay. The height of the tower was discussed. It seems
27 like the original condition for 140' was approved and they deliberately built the tower to 160'. Many
28 commissioners do not like that the tower was built taller than what was approved. Staff doesn't disagree,
29 but given that the tower and 160' height are existing, this appeared to be the best approach to correct the
30 violations. There is an agreement between Mr. Davis and the current property owner that allows access
31 across the property to the top where the towers are located.
32

33 **Smith** motioned to approve the CUP based on the findings of fact and conditions of approval; **Parker**
34 seconded; **Passed 4, 0.**
35

36 **06:29:00**
37

38 **Staff Reports**
39

40 **Runhaar** we talked about the county resource management plan which is the next state requirement to
41 expand our plan from 4 elements to 27 elements. They did this with the understanding that they would
42 provide funding for the project and at this point there is no mechanism in place for either group to provide
43 any funding. The requirement is still in place that it has to be completed in 12 months. So there is no
44 money and the time frame is really tight. The counties are working on getting together to figure out what
45 they want because there is no real guidance on how to accomplish what they are asking for. We are
46 sitting on this at this point to see if they can give more detailed guidance on what they want.
47

48 **Harrild** you will be seeing an ordinance update regarding the FCC rules and regulation regarding
49 telecommunication facilities.
50

1 **Staff and Commission** discussed the new FCC rules and regulations for telecommunications tower. The
2 county can still use height restrictions and require that they still look like a tree if wanted but the county
3 cannot require they prove that they need the height they are asking for based on a coverage map or
4 similar.

5
6 **Runhaar** staff was up at Cherry Peak on Monday. There are a lot of issues up there. The building isn't
7 complete and they haven't done any erosion control. They have plugged up the culverts down below and
8 our storm water employee is dealing with that. There are several fail points along the road already and
9 they have 5 weeks to fix everything because the agreement was that the county would do a chip seal on
10 that road and so far the county is not willing to accept the road. Staff is working with them to try and do
11 everything we can to fix the issues. They still do not have all the permits to complete the building and
12 staff is no longer willing to chase them down to get their permits. The road has to be completed before
13 they can operate the ski resort.

14
15 **06:45:00**

16
17 **Adjourned**