



## DEVELOPMENT SERVICES DEPARTMENT

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

### PLANNING COMMISSION MINUTES

**19 November 2018**

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**Present:** Angie Zetterquist, Chris Harrild, Chris Sands, Nolan Gunnell, Brady Christensen, Phil Olsen, Jason Watterson, Rob Smith, Lane Parker, Lee Edwards, Megan Izatt

**Start Time: 11:30:00**

**Christensen** welcomed and **Watterson** gave opening remarks

**11:32:00**

**Regular Action Items**

**#1 Benson Canal Enclosure Project Conditional Use Permit**

**Zetterquist** reviewed the staff report for Benson Canal Enclosure Project Conditional Use Permit.

**Brad Bearnson** commented that he represents the Benson Canal Company. The company would like to complete the project by April 1, 2019 and the primary purpose is to help conserve water.

**Jan Rhodes** asked about easements, the historical width of the canal, and where she receives her water.

**Christensen** asked if Ms. Rhodes had contacted the Canal Company before this meeting.

**Ms. Rhodes** responded she had.

**Watterson** asked about where the water accesses her property.

**Ms. Rhodes** responded that currently she receives water on the east end of her property and the new line will be on the south end. This means the water will be at the bottom of the field instead of the top where the slope is.

**Christensen** asked if Ms. Rhodes concerns had to do with where her water would come with the new pipeline.

**Ms. Rhodes** stated that she has concerns with where the pipe is going to go through her property and how she is going to get water to her property.

**Parker** asked if Ms. Rhodes would be willing to do a sprinkler system.

**Ms. Rhodes** responded that currently she flood irrigates.

**Parker** asked how many acres she has on her property.

**Ms. Rhodes** responded 89 acres and then used the map to point out where she is currently receiving water and where the proposed new access for water would be.

**Gunnell** asked if Ms. Rhodes has water rights for all 89 acres.

**Ms. Rhodes** responded yes.

**Parker** asked if that was a historic waterway.

**Ms. Rhodes** responded no that has nothing to do with Benson.

**Mr. Bearnsen** used the map to point out the north canal that goes under the road and stated that there are only 10 shares of water. The owners have refused to allow the canal company to go through their property and so the pipeline was re-engineered to follow the historic pathway of the canal within the bounds of the historic easement. **Mr. Bearnsen** pointed out where the new delivery point would be for Ms. Rhodes.

**Christensen** asked if the ditch would remain.

**Mr. Bearnsen** responded that the ditch would remain but have no water.

**Gunnell** asked about the location of the pipeline through Ms. Rhodes field.

**Mr. Bearnsen** responded that the original intent was to go underground through the field but because two landowners did not like that idea the pipeline was reengineered to follow the historical path of the canal.

**Sands** asked about the pipeline being an underground utility.

**Mr. Bearnsen** stated that it would have been underground by at least 30 inches.

**Parker** asked if there were other property owners that will have to redo ditches or put a pipe in to get the water where needed.

**Mr. Bearnsen** responded that there will still be flood irrigators but it would be better for everyone, over time, to convert to a pressurized system.

**Sands** asked about the easement.

**Mr. Bearnsen** responded that for Ms. Rhodes property it is going through the historic easement so there is no new easement needed.

**Sands** asked about the width.

**Mr. Bearnsen** stated that the pipeline will stay within the historic maintenance area of the canal.

**Watterson** asked if the canal would remain or would it be filled.

**Mr. Bearnsen** responded that the canal would remain.

**Sands** asked if the easement for the abandoned canal sections change or remain the same.

**Mr. Bearnson** responded it is the same prescriptive easement that has been around for several decades.

**Ms. Rhodes** asked if the easement was for Cache County Drainage, not Benson Canal.

**Mr. Bearnson** responded that historically the easement has been used for drainage but by the Canal Company also.

**Ms. Rhodes** asked about the width of that easement and how the width is decided.

**Olsen** responded that most easements for canals are 15 feet from the center of the canal.

**Ms. Rhodes** asked who decides the width.

**Olsen** responded that it is typically decided from the center of the canal.

**Harrild** stated 50 total feet for the prescriptive easement from the top of the canal bank.

**Ms. Rhodes** asked who decides that.

**Mr. Eric Frandsen** stated that typically there is an access road or canal bank maintained on one side for maintenance or access for the canal. The intent is to put the pipeline in that maintenance/access road and not to exceed that width. The canal will need to remain open because it is also a drainage ditch for the county.

**Paul Cardon** commented with concerns regarding non-service of his shares and what is going to happen there regarding compensation, why the pipe is being downsized to smaller sized pipe, how property lines that are determined by the ditch boundary going to be maintained when the ditches are destroyed.

**Olsen** asked how many acre feet in a share of water.

**Mr. Cardon** responded that it's dependant on the flow of the Logan River.

**Christensen** asked if Mr. Cardon had tried to meet with the canal company before this meeting.

**Mr. Cardon** responded he had.

**Rick Rees** commented that the old system had a lot of problems and the new system will allow the canal company to minimize the water loss and better service the shareholders. There should be 7.18 gallons of continuous water per share. The company is trying to work with Logan City for more water.

**Parker** asked if everyone who currently has shares, their shares are still available and all will receive water to their property line.

**Mr. Bearnson** stated that the piece of the property Mr. Cardon is referring to is actually supposed to be serviced by Bear River Water, not Benson. There is a dispute with him on that.

**Mr. Rees** responded the company is evaluating where the water is being used and where the water should be going. The company is trying to accommodate everyone the way that is best.

**Olsen** asked about allowing flooding from a pressurized system.

**Mr. Frandsen** responded that it is difficult to allow flooding out of a pressurized system but as long as maintenance is diligent it should be fine. There were supposed to be 12 flood turnouts, but there are only 6 flood turnouts now.

**Christensen** commented that the commission's oversight here is if the project meets the ordinance requirements for a conditional use permit (CUP).

**Gunnell** asked about the pipe size and what the psi is expected to be.

**Mr. Frandsen** stated the pipe ranges in size from 6" to 27" and the PSI should be 55.

**Gunnell** asked if the end of the line will still be pressurized enough to run a sprinkler system.

**Mr. Frandsen** stated yes.

**Sands** asked about the ditches being used for property lines.

**Mr. Frandsen** stated that it is not his jurisdiction but he doesn't think the ditches can legally be used to help establish property lines and that a licensed surveyor would have to conduct a survey.

**Mr. Cardon** asked about the abandoned ditches easements.

**Jotham Hatch** stated that parts of the canal have been used for drainage during the spring time and what the plan is for drainage after the canals are filled.

**Mr. Bearnson** stated the abandoned easements will cease to exist. For existing drainage systems, Benson Canal Company is following JUB Engineers requirements. Some of the ditches will be closed, others will remain open.

**Mr. Frandsen** stated that JUB noted 8 to 10 specific locations where the ditches will need to stay open and Benson Canal has agreed to comply with those comments.

**Mr. Rees** commented that he has been trying to work with the homeowners near Darrel's Appliance about the drainage. The canal is currently partially open and the water can be put in there but there is no outlet for the water to go where both ends of the canal are covered.

**Watterson** commented that for storm water to go into the section of canal, it has to be pumped into the canal.

**Mr. Rees** stated that there were plans at one time to put a delivery line in to the Swiss sluice but the property owners didn't want that.

**Harrild** stated the intent from JUB and the requirement of the county is for the canals to remain open in that area for drainage along 2400 West.

**Commission** and **Staff** discussed the drainage and storm water. The area around Charlie Maughan's Corner has been discussed and reviewed by JUB Engineering and they have signed off on what is going on there.

**12:19:00**

**Rob Smith** arrived.

**Christensen** asked if the intent was to enclose the canal through that area.

**Mr. Frandsen** stated that the west branch of the canal is where the pipeline is going through in that area.

**Mr. Rees** stated historically water has been put into the canal in the spring, but there is no quick discharge. There is not an established storm drain in this area.

**Mr. Hatch** stated that the homeowners don't expect the canal company to be a drainage company. The canal company was just trying to help the homeowners out but that path is going to be removed and a strategy/plan needs to be created to help relieve that drainage problem.

**Staff** and **Commission** discussed the drainage issues and the need for the canal south of Darrell's Appliance to remain open for drainage.

**12:45:00**

*Gunnell motioned to approve the Benson Canal Enclosure Project Conditional Use Permit with the 11 conditions and 3 conclusions as written; Parker seconded; Passed 7, 0.*

**12:47:00**

**Adjourned**