



Planning Commission Minutes

2 June 2022

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**6. Discussion: Amending 17.07.030: Use Related Definitions – 4100 Recreation Facility, 17.09.030:
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Present: Chris Harrild, Tim Watkins, Brady Christensen, Chris Sands, Melinda Lee, Brandon Spackman, Nolan Gunnell, Taylor Sorensen, Megan Izatt

Start Time: 05:32:00 pm

Sands called the meeting to order and **Spackman** gave the opening remarks.

05:33:00 pm

Agenda

Adopted as presented.

05:34:00 pm

Minutes

Minutes from May 5, 2022 adopted with no changes.

05:34:00 pm

Consent Items

#1 Cutler

Lee motioned to approve the consent agenda with the 1 conclusion and 7 conditions; **Daug**s seconded; **Passed 5, 0.**

05:35:00 pm

Regular Action Items

#2 Public Hearing (5:35 pm): Veibell Rezone

Watkins reviewed the staff report for the Veibell Rezone.

Staff and **Commissioners** discussed the parcel configuration, and the existing business that is an existing non-conforming use due to a code change.

05:46:00 pm

Spackman motioned to open the public hearing for the Veibell Rezone; **Lee** seconded; **Passed 5, 0.**

Craig Veibell commented as the owner of the property on the history of the property and wanting to split the home off and sell it.

Watkins commented the non-compliance of the CUP is due to the lot change.

Sands asked if Mr. Veibell's plan was to split the lot in two and just do a new east/west boundary.

Mr. Veibell commented they want to sell the home with about a ½ to ¾ of an acre and keep operating the business on the remaining property.

Duags asked if a home could be built on the remaining acreage with the business.

Mr. Veibell commented he had no plans to build a home at this time.

Staff and **Commissioners** discussed that a home could not be built without rezoning the property, that the lot with the business will be taxed as commercial, and the property that is restricted due to being in the subdivision.

Sorensen commented on the legal non-conforming use of the property and if the business can continue to operate and it can but cannot expand.

05:58:00 pm

Lee motioned to close the public hearing for the Veibell Rezone; Spackman seconded; Passed 5, 0.

Sands asked if Mr. Veibell if he planned to consolidate the lots.

Mr. Veibell commented he thought that was already done.

Duags asked staff why it was nonconforming still.

Watkins commented that they didn't know at this time.

Mr. Veibell commented that he does want to clean up the boundary lines.

Commissioners discussed approving the rezone.

Mr. Veibell commented that they do not want to make any changes other than separating the home from the business to be able to sell the house.

Commissioners discussed the potential development of the lot with the business.

Duags motioned to recommend approval to the County Council for the Veibell Rezone with the 3 stated conclusions; Spackman seconded; Passed 5, 0.

06:00:00 pm

#3 Public Hearing (5:50 pm): Jershon Rezone

Watkins reviewed the staff report for the Jershon Rezone.

Christensen disclosed that he does have business interests and knows the land owners but has no financial stakes in this project.

Staff and **Commissioners** discussed access to the property.

06:13:00 pm

Daug motioned to open the public hearing for the Jerston Rezone; *Lee* seconded; **Passed 5, 0.**

Mark Cardall commented as owner of the property on the rezone, access, and the need for homes in the valley.

Alan Lower commented as the owner of Lower Foods that he has a large footprint so people don't complain about his business, and that the water table is high in this area and is against the rezone.

Mark Woodward commented as the owner of Ritewood and owns property to the west and runs trucks full of chicken manure and farm equipment on the road and is opposed to the rezone.

Spackman asked what the foreseeable problems could be that would negatively affect his business.

Mr. Woodward commented they haul raw chicken manure on this road and there have been complaints about the smell, and possible problems with flies.

Andrew Snarr commented against the rezone due to water and wanting the 10 acre parcel requirement to stay.

Vern Fielding commented as one of the listing agents for the property on the rezone being contiguous and consistent with the surrounding parcel sizes and as an advocate for the owner's property rights.

Troy Hatch commented against the rezone due to water concerns and not wanting 5-6 homes when the original number of homes agreed on was 3-4 when the work on property lines and right of ways was discussed.

06:27:00 pm

Daug motioned to close the public hearing for the Jerston Rezone; *Lee* seconded; **Passed 5, 0.**

Commissioners and **Staff** discussed the access road that would be built, impacts on the agricultural side, and building when an existing use could cause problems.

Daug motioned to recommend approval to the County Council for the Jerston Rezone based on the 1 conclusion; *Lee* seconded; **Failed 2, 2 (Christensen abstained).**

06:38:00 pm

#4 Holyoak Airport Conditional Use Permit

Harrild reviewed the staff review for the Holyoak Airport CUP.

Gunnell reminded the Commissioners' to not only consider the Holyoak's rights but the homeowner whose home is in the runway protection zone (RPZ).

Joe Chambers commented as representation for the Holyoak's on the FAA advisory circular complexity and County Staff not being trained for this issue, safety concerns being alleviated by requiring a right hand take off and left hand landings, Staff's recommendation violates Utah Code § 17-27a-506(2), and that the Commission has not reconsidered this item but has been looking to revoke it. He also commented

that information seems to be filtered through staff and there is not equal access to providing information for the applicant.

Daug asked about the new proposed flying pattern and it being approved by the FAA.

Mr. Chambers responded the FAA stated they would have a response sometime between May 18 and July 1st. If the FAA agrees the master plan for the runway would be updated.

Daug asked if it is denied if the problem still exists.

Mr. Chambers stated yes.

Harrild responded that even if the FAA agrees to the limitation it does not change the RPZ.

Mr. Chambers commented that the circular is silent on that issue.

Harrild commented that staff has contacted the FAA and it would be helpful for staff to address the concerns raised.

Mr. Chambers commented that if staff has reached out to the FAA it has not been with the Holyoak's included in that dialogue.

Spackman asked how the revocation would affect Ms. Holyoak and how many flights are happening now.

Mr. Chambers responded very few flights are happening and Ms. Holyoak wants the CUP to be in compliance.

Spackman asked if Ms. Holyoak would still be allowed to fly in the area and land without the CUP.

Mr. Chambers responded that temporary use for landing is not regulated by the FAA but the Holyoak's want to be in compliance with the law.

Rachel Holyoak commented that currently use of the runway is not much but they would like to get an aircraft that would allow them to use the runway on a more frequent basis. They want to be above board so the neighbors are aware also and so that the Sheriff and the FAA aren't contacted every time they land or takeoff.

Laura Barras commented representing the homeowners in the RPZ and as a neighbor to the property that she feels at even more of a disadvantage to accessing the Commission to provide information and read a letter from the Ruperts', the homeowners in the RPZ. The conditions of the CUP are not being met and the safety concerns are many.

Harrild commented on Staff contacting the FAA, State Code for CUPs, Staff's role for the Commission and sharing information to the Commission, and reviewed the County Ordinance in regards to the FAA Circular.

Sorensen commented that federal law does not regulate private airports but left up to local municipalities.

Commissioners gave their thoughts on the proposed revocation.

Christensen motioned to revoke the Holyoak Airport Conditional Use Permit based on the requirements of the County Land Use Code and that conditions of the Conditional Use Permit have not been met; **Lee** seconded; **Passed 5, 0.**

07:41:00 pm

#5 Discussion

Harrild reviewed the memorandum to amend the Use Related Definition, 5810 Private Airport.

Commissioners and **Staff** discussed sound report suggestion and how to enforce it.

07:54:00 pm

#6 Discussion

Watkins reviewed the information for RV parking sites for Agritourism and to remove campgrounds as a recreational facility.

Commissioners and **Staff** discussed removing campgrounds as a recreational facility.

08:07:00 pm

Adjourned