

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
August 4, 2010 - 5:00 p.m.**

**In Attendance were:**

Randy Mair, Planning Commission – Chairperson  
John Jorgensen, Planning Commission  
Kent Olsen, Planning Commission  
Chris Peatross, Planning Commission  
Dean Burton, Planning Commission  
Edward Roberts, Planning Commission  
Shelly Fabrizio, Planning Commission  
Mike Hyde, Community Development Administrator  
CoraLee Sanchez, Planning Secretary

**Visitors:**

All visitors for Chamtech CUP  
unless otherwise noted.

Bill Walsh  
Shirley Weathers  
Diana Stevens  
Ranelle and Dennis Schulz  
Tom and Sharon Brown  
Karl and Colleen Merritt  
Brent and Colleen Carter  
Clark and Wanda Cordner  
John and Martha Laurence  
Mark and Helen Watts  
Abby Roberts  
Charlotte Carr  
Warren Hoagland  
Larena Carter  
Barbara Hardman  
Dwayne and Mele Rasmussen  
Nate, Janie, and Dianna Uhi  
Ryan Chapman  
Jason McKenna  
Ron Sweat  
Todd Kleinfelder  
Eileen Anderson  
Mark George  
Larry and Carol Cook  
Jack Whitehead  
Tom and Sharon Brown

August Meadows  
August Meadows

Don Gansen  
Vickie Heimuli  
Victoria Neron  
Judy and Dale Pettit  
Travis Mitchell, Duchesne County Sheriff's Office  
David Boren, Duchesne County Sheriff's Office  
Lori Jane Brown  
Barbara and Destiny Knudson  
Sam and Jorlen Salisbury  
Ted and Jessie Tucker  
Randall Peterson  
Brent Miller  
Randall Thacker  
Heather Gutoff  
Robert Bennett  
Tony and Leslee Lewis  
Julie Hewitt  
Fred Mauerman  
Mark Redmond  
Joe Parker  
Marshall and Nathan Warneke  
Dwayne Compton  
Jim and Robyn Andersen  
Keith and Darla Iba  
George Hendrix  
Bob and Deb Hawthorne  
Bobbi Turner  
Judy Hamblin  
Tony Sutera  
Suzanne Carter

August Meadows

Commissioner Mair opened the meeting at 5:00 P.M.

Commissioner Mair asked if any of the Planning Commissioners had any ex-parte contacts or conflicts of interest associated with either item on the agenda. Commissioner Roberts stated he has had some contact with Fruitland residents for the Chamtech CUP only because he lives in the area but does not feel there should be any conflicts so the hearing proceeded. No one objected to Mr. Roberts' participation.

**PUBLIC HEARINGS:**

- A. Continuation of the public hearing on a request by A&R Development Company for preliminary plat approval of the August Meadows Subdivision, Phase 1, located on 47.8 acres of land southeast of the intersection of 2500 North and 3000 West in the Roosevelt area.**

Mr. Hyde stated this hearing was recessed at the July 7<sup>th</sup> meeting. The applicant is proposing a subdivision, consisting of 16 lots, averaging about 2.7 acres in size, on 47.8 acres of land located about five miles northwest of Roosevelt and 19 lots for phase 2 according to the development plan provided referring the commission to the map in their packets.

Before final plat approval there are some items that need to be addressed.

The title report will need to be provided to verify all easements and right of ways crossing the property.

There is an existing ten inch water line in 3000 West that will provide culinary water service to the proposed subdivision. In this case, culinary water is available from the Cedarview-Montwell Special Service District as indicated in their letter dated June 16, 2010. Before construction of the new water system within the subdivision, construction plans must be submitted to the water provider and the Utah Division of Drinking Water for review and approval. After construction, the water lines and fire hydrants shown on the plat must be inspected by the water provider and the Utah Division of Drinking Water. Prior to recording of the final plat, the operating permit for the water system must be received or bonding posted in the amount of 125% of the cost estimate to install said system. Prior to occupancy of any homes within this subdivision, with the exception of the existing home on Lot 5, water system improvements shall be accepted by the Utah Division of Drinking Water by issuance of an operating permit.

Mr. Hyde stated a review copy of proposed protective covenants, if applicable will need to be provided prior to final plat approval and recording.

Culvert locations will need to be coordinated with and approved by the Duchesne County Public Works Director, prior to construction. Site grading disturbing more than one acre of land requires a stormwater permit from the Utah Department of Environmental Quality. The proposal calls for drainage berms leading to drainage ditches on each side of the roadways. There is no piped storm drainage system in this area.

No perimeter fencing is proposed as there appears to be no active cattle grazing on abutting lands. It is preferred that perimeter fencing be left to the individual parcel owners' choice.

The Tri County Health Department issued a letter on July 28, 2010 stating that the subdivision is feasible to construct with on-site wastewater disposal systems.

The preliminary plat must make adequate provisions for the continuation of roads to serve adjoining lands. Such provisions have been made for extension of roads into the proposed phase two of this development. No other provisions for road extensions are required in this case. The cul de sacs on Palomino Circle are about 1,000 feet long, which meets this standard.

Mr. Hyde stated, because of the lot size, staff recommendation is that roads will be paved to county standards however the temporary cul de sacs can be graveled with a diameter of 100 feet for turn arounds.

The developer shall coordinate with the Road Department in the provision of street signs at the intersections shown. Such signs must be installed before occupancy of any homes in the subdivision – with the exception of the home on Lot 5, which was minor subdivided from the parent parcel previously. Upon preliminary plat approval, the developer may construct the subdivision roads, after approval of plans by the Duchesne County Public Works Director. Prior to recording of the final plat, the subdivision roads must be accepted for maintenance by the Duchesne County Public Works Director or a bond must be posted in the amount of 125% of the construction cost estimate for said roads.

The plat shows proposed fire hydrants sufficient to provide coverage within 500 feet of each lot which will be approved by the fire department.

Mr. Hyde stated there is an existing Dry Gulch Irrigation pressurized irrigation line traversing the property, which will be relocated by the developer to the north and west boundaries of the subdivision. If the developer intends to provide irrigation water to the lots in this subdivision, the plans for the delivery system will need to be coordinated with Dry Gulch Irrigation and an entity, such as a homeowners association or water company, will need to be formed to operate and maintain the irrigation water delivery system.

Mr. Hyde recommends that the Planning Commission adopt the Findings of Fact and Conclusions set forth in this Staff Report and approve the preliminary plat of the August Meadows Subdivision, Phase 1, subject to the following conditions:

1. Protective covenants and a public offering statement shall be provided and approved by the County prior to final plat approval.
2. The final plat shall include any easements revealed after preparation of a title report.
3. A DEQ storm water permit shall be obtained if construction of this subdivision disturbs one acre or more of land.
4. Prior to final plat approval, all subdivision road improvements, including ditches and culverts, shall be improved to county standards and accepted by the Public Works Director, unless a bond in the amount of 125% of the construction cost estimate is posted.
5. Prior to occupancy of any homes within this subdivision, with the exception of the existing home on Lot 5, road improvements shall be accepted by the Duchesne County Road Department and road signs shall be installed at all intersections.
6. Prior to final plat approval, all subdivision water system improvements, including fire hydrants, shall be constructed in accordance with plans approved by the Utah Division of Drinking Water (UDDW) and the water providers and an

operating permit received from the UDDW, unless a bond in the amount of 125% of the construction cost estimate is posted.

7. Prior to occupancy of any homes within this subdivision, with the exception of the existing home on Lot 5, water system improvements shall be accepted by the Utah Division of Drinking Water by issuance of an operating permit.
8. Prior to occupancy of any homes within this subdivision, with the exception of the existing home on Lot 5, the irrigation water delivery system will need to be constructed in accordance with plans developed in coordination with Dry Gulch Irrigation and an entity formed to operate and maintain this system.

Mr. Hyde referred the commission to some photos of the proposed subdivision and asked if there are any questions of the staff report. There were none so the applicant was invited to speak.

Ryan Chapman, Chapman Construction agrees with the staff report and feels like they are developing a larger lot subdivision in the area, water and paved streets making it a product the public will want to purchase.

Commissioner Mair asked if there were any other questions. There were none. So any one opposed was invited to speak.

Judy Hamblin, Dry Gulch Irrigation, stated they have not been notified by the developers and feels the concerns Dry Gulch has with moving the lines are justified. Mrs. Hamblin feels the commission should require the developers to notify the individual water companies of the plans and changes they want to make to potential developments. There are some concerns about the low spots and could have potential flooding if the lines are not moved properly. Mrs. Hamblin does feel the subdivision is needed and will be an asset to Duchesne County.

Commissioner Mair asked if there were any questions. There were none so the applicant was invited to rebut.

Mr. Chapman stated they wanted to get approval for the subdivision before going to the expense of moving right of ways and installing new irrigation lines. It was never their intention to leave Dry Gulch out of the loop and feels they can agree and work together. Mr. Chapman feels the drainage will be handled thru the 100 year storm design plan.

Commissioner Olsen asked Mr. Chapman if they have worked on moving the lines. Mr. Chapman replied nothing has been finalized at this point.

There was some discussion with the commission and Mr. Chapman about working with Dry Gulch to work out an agreement with the irrigation company.

Mrs. Hamblin stated she feels they can work those items out.

Commissioner Mair asked if there were any other questions or comments.

Commissioner Fabrizio motioned to recommend that the Planning Commission adopt the Findings of Fact and Conclusions set forth in this Staff Report and approve the preliminary plat of the August Meadows Subdivision, Phase 1, subject to the conditions as stated in the staff report. Commissioner Jorgensen seconded the motion and it passed unanimously.

**B. Request by Chamtech Operations for a conditional use permit to operate a commercial training facility for law enforcement and military personnel west of the Lower Red Creek Road in Section 3 and a small portion of Section 2, Township 4 South, Range 8 West.**

Mr. Hyde stated there have been Findings for Denial and Findings for Approval prepared for the commission to consider. The applicants have proposed a facility that would offer training to law enforcement and military personnel. Training would be offered year round to 12-man teams in ATV operation, hand to hand combat, use of communication equipment and surveillance and counter-surveillance techniques. Proposed sniper training has been removed from the application. Aircraft flyovers are not planned at this point either. The facility would eventually include lodging, dining and classroom structures. Such a facility is a conditionally permitted use in the A-10, Agricultural Residential zone.

Mr. Hyde stated the planning commission may grant a conditional use permit in compliance with this ordinance if the following criteria are met.

- 1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety or general welfare.**

Mr. Hyde stated the proposed use may have negative effects on public welfare such as noise generation from ATV operation training. While the area does not have a dense population, many persons own small acreages in the vicinity which serve as a getaway. The proposed use, even if hours of operation were regulated, would likely disturb the solitude property owners seek when visiting their lands in the area.

- 2. The proposed use will be located and conducted in compliance with the goals and policies of the Duchesne County General Plan and the purposes of this ordinance.**

Mr. Hyde stated the Duchesne County General Plan states that future growth and development decisions should be made with sensitivity to rural residential/agricultural interests. However, the plan also indicates that the county wishes to encourage business activity and that the county will support efforts to recruit new businesses, retain existing businesses and assist with the expansion of existing businesses. In light of these plan policies, and in spite of the economic and training benefits the proposal would bring, the Conditional Use request should be denied, as the protection of rural residential and recreational interests in the area from adverse impacts, such as noise, would be difficult to attain with the proposed operation.

- 3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.**

Mr. Hyde stated the proposal would be located on 640 acres of land west of the Lower Red Creek Road. The property is large enough but located too close to residential and recreational properties to permit the conduct of the use in a manner that is not detrimental to adjoining properties.

Some other conditions may include the following:

- 1. That the site will be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all building and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the area.**

Mr. Hyde stated if the permit is approved, to preserve the appearance and character of the area, tree removal shall be limited to that necessary to meet Wildland Urban Interface Code requirements. Structures shall have an exterior color that blends with the predominate color of the landscape.

- 2. Provisions of parking facilities, including vehicular ingress and egress, loading and unloading areas and the surfacing of parking areas and driveways to specified standards.**

Mr. Hyde stated if the permit is approved, prior to beginning operations, the applicant shall receive approval of a parking and vehicular access plan from the Community Development Director. Parking areas must be sized to accommodate the largest number of trainees anticipated at any one time. Ingress and egress must be over a route with legal status and be constructed to the standards of the Wildland Urban Interface Code.

- 3. The provision of required street and highway dedication and improvements and adequate water supply, sewage disposal and fire protection.**

Mr. Hyde stated prior to beginning operations, the applicant shall receive approval from the TriCounty Health Department for the water supply, wastewater disposal and sanitation facilities. Prior to beginning operations, the applicant shall receive approval of their fire protection facilities from the Duchesne County Fire and Emergency Management Department.

- 4. Regulation of signs.**

Mr. Hyde stated off premise business signs visible from a county road are allowed without a permit if not greater than 32 square feet in size, located outside of the road right of way and sited with written permission of the private property owner. Off premise business signs on private property that are visible from Highway 40 require a permit from the Utah Department of Transportation (and require a county permit if greater than 32 square feet in size). Warning signage will need to be placed at strategic locations

(such as property entry points or on fencing surrounding the site) to inform the public of potential danger on the property associated with the training operations.

**5. The mitigation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electro-magnetic disturbances and radiation.**

Mr. Hyde stated this training facility will create noise and dust disturbances. The applicant states that sniper training would not be offered. They would use water trucks to control dust. However, noise from ATV training, even if hours of operation are regulated, would echo in the canyons and disturb the solitude of the area; which property owners bargained for when purchasing their lands.

**6. The regulation of operating hours for activities affecting normal schedules and functions.**

Mr. Hyde stated to avoid creation of nuisance noise, the Planning Commission frequently limits hours of operation. Normally, noise is not allowed outside the hours of 7:00 AM to 9:30 PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays. Even if shortened time periods are considered, the impact of noise from ATV training in the area would be a nuisance to owners of residential and recreational property in the area.

Mr. Hyde stated based on these conclusions the request does not comply with all of the Conditional Use Permit requirements of the Duchesne County Zoning Code; particularly those requirements associated with noise generation and detrimental effects on public health, safety and welfare as stated in the findings. Based on these findings staff's recommendation is denial of the Conditional Use Permit requested by Chamtech Operations.

Mr. Hyde stated our office has received many letters, phone calls and e-mails on this request all of which are concerned about the dust, noise, gunfire, impact on wildlife and lack of peacefulness in this recreational area.

Mr. Hyde read the Findings for Approval, stating should the Planning Commission decide to approve the Conditional Use Permit requested by Chamtech Operations, approval should be subject to the following conditions:

1. Prior to beginning operation of the facility, the applicant shall:
  - a. Obtain approval from the TriCounty Health Department for the water supply, wastewater disposal and sanitation facilities.
  - b. Receive approval of their fire protection facilities from the Duchesne County Fire and Emergency Management Department.
  - c. Erect signage at entry points or along a border fence advising the public of safety hazards associated with the facility.



- d. Receive approval of a parking and vehicular access plan from the Community Development Director. Parking areas must be sized to accommodate the largest number of trainees anticipated at any one time. Ingress and egress must be over a route with legal status and be constructed to the standards of the Wildland Urban Interface Code, as determined by the Duchesne County Fire and Emergency Management Director. No existing bridge or culvert over Red Creek or Currant Creek is to be used for access, unless the applicant conducts an engineering study and verifies that said bridge or culvert is sufficient to accommodate heavy vehicle traffic, was constructed with a Corps of Engineers Section 404 permit and was constructed to withstand the 100-year flood. Any new bridge or culvert construction shall meet the same standards.
  - e. Obtain a county business license.
2. The facility shall maintain hours of operation that ensure noise generation from business activities will cease outside the hours of 7:00 AM to 9:30 PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays.
  3. Tree removal shall be limited to that necessary to meet Wildland Urban Interface Code requirements.
  4. Structures shall have an exterior color that blends with the predominate color of the landscape.
  5. No off-premise business signage may be erected unless the required permits are obtained from the county and/or the Utah Department of Transportation.
  6. Applicant shall control dust on driving surfaces so it does not become a nuisance to other property owners. Before beginning operations, the applicant shall identify a water source to fill dust control equipment.
  7. Applicant shall abide by any seasonal use restrictions or other requirements established by the Utah Division of Wildlife Resources to protect wildlife.

Mr. Hyde stated there should be an 8<sup>th</sup> condition stating the applicant would provide a training schedule and a point of contact information to the Duchesne County Sheriff's office prior to any operations, so they could address any concerns if the need arises.

Mr. Hyde asked if there were any questions of the staff report. There were none so the applicant was invited to speak.

Anthony Sutera, co-owner of Chamtech Operations, explained to the commission the background of the company and the need for this training facility. Mr. Sutera is surprised at the expressions and emotions this application has caused. Mr. Sutera and his business partner Eric Hernandez both have military and special operations background and feel the training the military and police have could be improved on and that is what this facility will provide. It is a small company at this time and feels the terrain will be beneficial for the operation. It is not their intention to hurt or put anybody in harms way. Mr. Sutera and Mr. Hernandez feel this venue will be beneficial to the companies they serve and to Duchesne County. Mr. Sutera read a letter from his business partner expressing the same views and feelings that Mr. Sutera has and appreciates the

opportunity to apply for this permit and hopefully put the area residents at ease and asked the commission if they have any questions.

Commissioner Peatross asked Mr. Sutura if they will pursue military contracts or will it be a private venture and what size of ATV's will they be using for training. Mr. Sutura stated it will be service companies and federal contracts the ATV's will be 4-wheeler style, no hummers or anything of that size and in a five day week the training sessions will be approximately 1/3 class training, 1/3 ATV and 1/3 communication.

There was some discussion with Commissioner Fabrizio, Mr. Hyde and Mr. Sutura on the access to the location and right of way issues.

Mr. Sutura stated this could be a good venue, business opportunity and profitable for the county if we can resolve the issues.

Commissioner Olsen asked if there are any other sites. Mr. Sutura stated this is the only site at this time.

Commissioner Roberts asked if the shooting will stay off the table. Mr. Sutura stated if they could have this location, any sniper training would occur elsewhere.

Mr. Hyde asked about the aerial and flight training. Mr. Sutura replied that would not be available at this location.

Commissioner asked if there were any other questions from the commission or any others is favor of the proposal. There were none so the opposition was invited to speak with a 3 minute time limit.

Bill Walsh, a Red Creek resident stated his concerns about the changes this will cause to what is a quiet residential area, the questionable government contracts, public safety, access to the property, dangers to wildlife in the area, the changes in business plans. Mr. Walsh feels that Mr. Sutura is not being truthful and encourages the public to go to the Chamtech website and see what business practices they encourage and what their business consists of. Mr. Welch strongly objects to the approval of the Chamtech application.

Duane Compton, a Camelot Resort resident, stated his concerns about the wildlife, the peacefulness and air quality of the area, the major impact on the watershed. Mr. Compton asked the commission to deny the permit applied for by Chamtech.

Julie Heiwitt, stated the concerns for her parents who are full time residents in Camelot as to potential noise, hazards to the wildlife and the peacefulness they wanted to enjoy during their retirement.

Diana Stevens, a resident on Lower Red Creek road, is concerned about the shooting possibilities in the future and if this is going to be a commercial facility, she does agree however that there is a need for additional training but does not think the armed forces or the police academies are going to pay for private training. As a retired police officer, she feels the need for this facility but not at this location.

Carl Merritt, a resident on Lower Red Creek road, stated if you want to ride AVT's go to the sand dunes, and feels there should be no shooting in this residential area.

Helen Watts, an adjoining property owner on Lower Red Creek bought property in this area because of the quiet lifestyle and the wildlife in this area. Mrs. Watts feels that Chamtech will not be monitored and will be able to hire questionable people and objects to the approval if this application.

Brent Carter, a resident on Lower Red Creek road, stated his concerns about the road issues and the lack of fire and police protection. This road is not useable and should not be the access for a commercial business.

Mark Redmond, a Roosevelt Utah resident, stated his concerns about the wildlife, traffic, dust and the noise that will be uprooted because of this application and is opposed to the approval.

Janie Uhi, property owner on Lower Red Creek, stated this is a dirt road Chamtech wants for access and will not give any access or right of way. Mrs. Uhi stated her concerns about the dust, lack of police protection and or medical help, the damage to the wildlife. This is a peaceful area and wants it to stay that way and hopes the commission will deny this request.

Mark Watts, an adjoining property owner on Lower Red Creek, stated his concerns for the safety of his grandchildren, the dangers to the wildlife, trespassing and water issues, the road and lack of accessibility during the winter months. Mr. Watts wants the commission to deny the request for Chamtech.

Jim Anderson, Darla and Keith Iba, property owners and residents on Lower Red Creek, stated Chamtech is for profit and are a self motivated company. There is no access for them and this company would disturb the residential atmosphere that exists in the canyon.

Shirley Weathers, resident and business owner on Lower Red Creek. stated her family oriented business will suffer if this application is approved, they offer day hikes, educational farm visits for school kids, training clinics they have a lodging facility and guest house for tourists, hunters and fisherman. Ms. Weathers feels this permit does not go with the Duchesne County Plan. There are many dangers associated with the approval of Chamtech's application, the dangers to wildlife, dust, water and road issues. Ms. Weathers hopes the commission denies this request.

Sam Salisbury, an adjoining property owner and resident on lower red creek, enjoys hiking in the terrain that Chamtech wants to use for their facility. Mr. Salisbury feels the environmental impact, erosion of the land and damage to wildlife due to the activities and needs of this company's request and urges the commission to deny the application.

Nathan Warneke, resident and property owner, stated he and his wife home school his 6 children and feels the noise, dust and disturbances will keep them from getting an education and being productive citizens.

Melody Rasmussen, an adjoining property owner and resident on Lower Red Creek, stated her concerns about the dust, noise and the dangers to the wildlife that will come with the approval of this application. She has sick children and feels the clean air and peacefulness in the area helps keep them healthier.

Barbara Turner, Bandanna Ranch resident, feels that the impact this will have on the Fruitland community, it is a quiet, residential and recreational area that has family values and feels the approval of this application could destroy that.

Brent Miller, a cabin and property owner on Red Creek, stated his concerns about the wildlife, noise and dust and has some questions for Mr. Sutera. 1-Do they have contracts now and what are their requirements. 2- If there is to be no shooting or aircraft training why not go elsewhere to facilitate those aspects of the company and 3- Since you are a small company do you have the capital to start and finish this project. Mr. Miller urges the commission to vote against this proposal.

Barbara Knudson, owner of Camelot Resort, is opposed to this application and feels that if the people who use her resort for family gatherings and group retreats see military vehicles and hear gunfire will ask questions and ultimately destroy her business. Mrs. Knudsen also is concerned what the future will hold and how far they will try to expand and the services they will offer to proposed vendors.

Ron Sweat, a Fruitland resident, stated the land values will decline and this business will ruin the county. The Navy seals and other military and police operations have their own secret and extensive training and do not need this facility in this area and is opposed to the approval of this application and request.

Suzanne Carter, an adjoining property owner and resident on Lower Red Creek, stated her concerns about the retirement lifestyle, the increased traffic, the damage to the wildlife in the area, safety and fire hazards for the older adults and children, the water and road access issues and lack thereof. They are building a new home and do not want this training facility at this location.

John Laurence, resident on Lower Red Creek, stated the road access is thru his property and he will not give any easement.

Joe Parker, property owner next to the proposed site, stated he is active military for 24 years and understands the need for training facilities just not in this area. This residential location is peaceful, quiet, full of wildlife and a lifestyle that would be ruined if there were live rounds and atv training. Accidents happen all the time and at this location doing what the applicants have requested we are just asking for one. Mr. Parker asked the commission to deny the applicants request for a conditional use permit.

Diana Uhi, property owner on Lower Red Creek, is from this area and loves the quality of life. Mrs. Uhi is concerned with the damage to wildlife, safety of children, and the lack of peacefulness that Red Creek provides to its residents. Mrs. Uhi is asking the commission to deny the applicants request.

Commissioner Mair asked if there were any other comments. There were none so the applicant was invited to speak in rebuttal.

Mr. Sutera stated he respects the public comments and thanked the commission for their time. Commissioner Mair asked Mr. Sutera the questions Mr. Miller asked earlier in the hearing, Mr. Sutera replied there are no contracts as they were waiting for approval and a facility. There is plenty of capital to sustain this facility and if we cannot have sniper and aircraft training that is ok we will do the atv, communication and classroom training.

Commissioner Peatross asked Mr. Sutera about the atv use. Mr. Sutera replied at this time it would mostly be obstacle courses until they get a better layout of the area.

Commissioner Mair asked if there were any other questions or comments. There were none so the hearing was closed.

Commissioner Peatross asked Mr. Hyde if there were any issues of erosion control. Mr. Hyde stated Utah DEQ would require a storm water permit.

Commissioner Fabrizio asked if the 12 man teams would each have their own vehicles. Mr. Sutera stated they would work in teams of 4 and would be shuttled back and forth in one or two transport vehicles.

There was some discussion between the Planning Commission, Mr. Hyde and Mr. Sutera about there being two bases of operation, the access and right of way issues and if there will be any overnight services provided. Mr. Hyde also explained the appeal process if either party wishes to do so.

There were some comments from the audience about access and right of way issues,

Mr. Hyde stated the public hearing has been closed and explained to the commission their options.

There was some discussion between the Planning Commission on their concerns and options. Mr. Hyde asked that each commissioner state their position.

Commissioner Peatross stated there are some different options for the applicant and in the end he does not feel that this will be different from a larger farming operation so he is leaning to the side of approval subject to the conditions stated in the staff report, adding limited number of people, prohibiting any firearms, erosion control and limit ATV's to a specific course.

Commissioner Burton stated he understands the concerns of the public and wonders if the applicants operation is compatible with the recreational and residential area, feeling they are not. His vote at this time would be to deny the request.

Commissioner Jorgensen feels this is a residential area but asked the audience how many ride atv's, shoot their guns and hunt or hike on the property surrounding the proposed site. At this time is leaning toward denial.

Commissioner Mair has some concerns with the changes the applicant has made with the plans of operation, stating he wishes to table the hearing and give Mr. Sutera time to get a plan of operation vs. making changes as needed and address the right of way issues. Agreeing with Commissioner Jorgensen that it is a residential area stating there are going to be changes and the public needs to adapt.

Commissioner Fabrizio feels the applicant is not proposing anything different than what the residents are doing now, stating it will be different and no one likes change but that is the sign of progress. Commissioner Fabrizio stated the applicant will need to work with the property owners and has a battle on his hands but would vote for approval at this time.

Commissioner Olsen stated his concerns and understands people have the right to do what they want with their property, The public feeling here tonight is they do not want this business in their backyard and I would lean towards denial of the application.

Commissioner Roberts stated due to public input during the hearing and worried about the applicant's financial impact due to the lack of firearms training, I would vote to deny the request.

Commissioner Olsen motioned to adopt the findings and conclusions to deny the request for a Conditional Use Permit by Chamtech Operations. Commissioner Roberts seconded the motion. Commissioners Olsen, Roberts, Jorgensen and Burton voted for the motion, Commissioners Peatross and Fabrizio voted against the motion and Commissioner Mair abstained. (Vote 4-2 for denial)

Mr. Hyde stated the applicant can appeal the decision within 10 days.

**NEW BUSINESS:**

None

**Minutes: Approval of July 7, 2010**

Commissioner Jorgensen moved to approve the minutes of July 7, 2010 meeting. Commissioner Burton seconded the motion and it passed unanimously.

**Commission Comments and Staff Information Items:**

None

**Adjournment:**

Meeting adjourned at 7:15 p.m.