

1 Cache County Planning Commission

2 May 5, 2016

3 (Transcription begins at video timestamp 25:13.)

4
5 **ROB SMITH:** The next thing we have is the Holyoak
6 Airport CUP.

7 **JACOB ADAMS:** This is a request for approval
8 conditional use permit for a private airport on 19.75 acres of
9 property at this address here, 6523 West 400 South, northwest
10 of Mendon. This is a lot in the Pheasant Ridge Estates
11 Subdivision. You can see here there are homes left and right,
12 properties that you can see there along the southern edge, the
13 same size and configuration of those properties. The home was
14 built with sort of a shop/hanger on the back end of the barn.

15 The runway -- the applicants or others parties have
16 been using the area as a runway in previous years. It shows up
17 on the historical registry of Google from 2004 to 2009,
18 roughly.

19 The owners were contacted by the County saying -- to
20 inform them that they needed a permit to be operating an
21 airport out of this area.

22 The access to this property is from 400 South, which
23 is the road you see there, that is accessed by the county road
24 6400 West. 400 South is a private road. These roads do not
25 currently meet the minimum standards for the county road

1 manual; however, the subdivisions were approved with the roads
2 in the current condition, at that condition, and the proposed
3 use has not really increased the intensity of use on those
4 roads, so Staff recommends that designing stats should be
5 granted for those roads for this purpose.

6 So looking at the proposal in a little more depth
7 here, the proposal, or the applicants said they have a slightly
8 modified Cessna 182 Aircraft, and that is what is really going
9 to drive a lot of the perimeters that we look at here today in
10 terms of its performance and the type of airstrip that's
11 needed.

12 The applicants have told us that they'll be using the
13 airstrip and will allow family and friends to use the strip as
14 well. Their proposed airstrip is 1300 feet long, which will
15 basically run from the north edge of the property to the south
16 edge of the property, and it's 50 feet wide. The airport would
17 be Visual Flight Rules only, V.F.R., plus necessitating some
18 limitations based on the season and time-of-day operation.

19 They have listed basically the, at max, 5:30 a.m. to
20 10:30 p.m. and would be willing to -- they have stated that
21 they would be willing to notify their neighbors if for whatever
22 reason they had to operate outside of those stated hours.

23 So again, going back to the airplane, that is really
24 what drives everything.

25 Now, the county code requires that the applicants

1 meet the zoning criteria set forth by the FAA circular
2 AC 150/5300-13A. The application was missing some detailed
3 information, but based on the aircraft they mentioned, Staff
4 was able to identify some of this. I would say on the screen
5 here are the details from that circular as to the different
6 zones, the different protection areas required for that.

7 Starting at the runway length that is required, as
8 you can see on this note on the very top left, that's the FAA
9 determined the length of the runway is really based on the
10 capabilities of the aircraft. In this case, the Cessna 182 has
11 an absolute minimum for take off of 625 feet, and landing by
12 590 feet. So lump those together, and the minimum length is
13 625.

14 It has a stated distance to clear obstacles over
15 50 feet, of 1300 feet, so that's where we get that total length
16 of the runway, according to the specifications provided by
17 Cessna.

18 Now, we took these numbers and put them into a map to
19 really be able to figure out where all these laid out on the
20 ground. As you can see, we've got several different zones that
21 are identified here for runway safety area, object free zone,
22 obstacle free zone, and the runway protection area.

23 As you might be able to see here on the right side of
24 the image, some of these zones do cross over into the home area
25 just slightly, but that could be mitigated by shifting the

1 runway to the east a dozen feet or so, and the home would be
2 outside of that area. So that's not -- the east-west
3 connection isn't really the concern in this one.

4 But as you can see, based on the 1300-foot length,
5 which is from the north property boundary to the south property
6 boundary, a lot of zones overlap the properties to the north
7 and south. This is especially true of the runway protection
8 zones, which are these kind of, almost triangular shapes here
9 at each end of the runway. Those extend about 1,000 feet long
10 and 450 feet wide at the wide end. On the south that
11 encompasses almost all the property to the south and crosses
12 two properties to the north.

13 The FAA recommends or stipulates that the operators
14 of the airport have some control over the land use of these
15 areas to ensure that they remain free of any obstacles or
16 above-ground objects.

17 Going back to the runway here real quick. The FAA
18 also states for an aircraft this size, the runway needs to be
19 60 feet wide. Again, that's fair, in my opinion, and should be
20 relatively easy to accommodate.

21 So going back to the runway protection zone, this
22 really creates a question of property rights. In our staff
23 report, Staff has brought it up to the Commissioners to
24 determined whether acquisitional land to insure control of
25 those zones is part of the permit, or if the permit can be

1 granted with the condition that the development rights of the
2 neighboring properties have priority over the airport, and that
3 future development within the protection zones in those lots
4 may restrict the airport's ability to operate.

5 It should be noted the property to the south,
6 directly to the south, there is a platted subdivision lot.
7 So for what it's worth, in the development -- grand scheme of
8 development there.

9 **NOLAN GUNNELL:** Is that not also true of the north?

10 **JACOB ADAMS:** The northern ones are not currently
11 part of a platted subdivision. We haven't really dug into the
12 legality of those lots.

13 **CHRIS HARRILD:** There's potential for homes on any of
14 the three lots.

15 **JACOB ADAMS:** Yes.

16 **NOLAN GUNNELL:** There's already a home --

17 **CHRIS HARRILD:** Yes, there's one already on the one
18 just north.

19 **JACOB ADAMS:** So Staff looked at this and looked at
20 what we could do to make this an approvable permit and came up
21 with several different conditions. The ones I want to call out
22 here are number 2, while on (inaudible), the applicant must
23 provide a layout and design, complying with the runway design
24 standards in FAA Advisory Circular AC 150/5300-13A. Those are
25 the ones that were identified earlier. We just need to see how

1 the applicant can make the runway fit on the property, and with
2 all of the identified clear zones in that FAA circular.

3 Then moving onto the next, I'll call out Number 6, as
4 well. This is a little bit of a chicken and the egg thing.
5 The code requires this Airport Master Record be submitted, yet
6 the FAA says don't submit that to us until you have the airport
7 built. So we're adding this as a condition that once the
8 airport is built and is operable, development services needs to
9 see a copy of the Airport Master Record. Again, the general
10 discussion about the control of the runway protection zones and
11 how that would go moving forward. That is our report. What
12 questions do you have?

13 **BRADY CHRISTENSEN:** So with the conditional use
14 permit on this, with them buffer zones of the departure and
15 arrival, if a conditional use permit was extended, and say one
16 of these neighboring parcels comes in and says, I want to put a
17 house on that, we would just recall the conditional use permit
18 at that time? Is that what would happen?

19 **CHRIS HARRILD:** Very likely. What would have to
20 happen under the current code is that if they can't meet those
21 conditions in the permit, it can be revoked. We'd have to put
22 notice out and come back to you and revoke the permit.

23 We could also just build a condition that says
24 exactly what you just said; that if someone builds, and they
25 can no longer meet the minimum requirements of the circular,

1 dah-dah-dah, then if the permit can't meet the conditions, they
2 can't operate an airport. That's just -- if they can't meet
3 the conditions, they can't operate.

4 **CHRIS SANDS:** Seems like a prudent condition.

5 **CHRIS HARRILD:** Either way it's the same result.
6 Long term, it might be a value to revoke the permit, because
7 then there's no question about it.

8 **NOLAN GUNNELL:** Is that anything that encumbers
9 50 feet? Not only a house?

10 **CHRIS HARRILD:** Any structure.

11 **NOLAN GUNNELL:** Any structure.

12 **CHRIS HARRILD:** It could be a barn.

13 **NOLAN GUNNELL:** Barn, trees, tall, whatever.

14 **CHRIS HARRILD:** Yeah, it's a fairly restrictive zone.

15 **BRADY CHRISTENSEN:** Can you tell us again if you have
16 the measurements? What is the width of that parcel, do we
17 know? I mean, I'm familiar when that house was built.
18 We worked on it. But without the house out of it, it's got to
19 be at least 100 feet wide, isn't it, to 250, between the edge
20 of the house and the neighboring property?

21 **CHRIS HARRILD:** It's at least that. It's closer to
22 300 to 400.

23 **BRADY CHRISTENSEN:** 300?

24 **CHRIS HARRILD:** I'll tell you the actual width, 650
25 total width of the lot.

1 **BRADY CHRISTENSEN:** 650? That's not -- oh, the total
2 width? So that house --

3 **CHRIS HARRILD:** So about 400.

4 **BRADY CHRISTENSEN:** So about 400?

5 **CHRIS HARRILD:** There's space to shift it east and
6 west, east, sorry.

7 **NOLAN GUNNELL:** So we're about 400 feet from the home
8 to the property line?

9 **ROB SMITH:** Okay, other questions at this time for
10 Staff? If not, let's hear from the applicant, if the applicant
11 is here. Please come up, state your name and speak into the
12 microphone so we can all here what you have to say.

13 **RACHEL HOLYOAK:** My name is Rachel Holyoak, and I do
14 own this property. I want to start off that there are kind of
15 three conditions that Staff was worried about. I just want to
16 address them.

17 We're willing to stipulate that the development of
18 any of the properties around us will take precedence to the
19 airport; and we would need to readdress whether that is a
20 shortened runway to meet the zones, or whether the conditional
21 use permit is restricted or revoked. We don't have any issue
22 with that. That makes sense. Right now those properties are
23 undeveloped, and we don't believe we'd be any nuisance to the
24 property owners.

25 The distance to the house, the FAA's circular does

1 recommend 60 feet. The portion that I want to talk for a
2 minute on that is the FAA's circular is meant for any small
3 aircraft, which includes passenger jets up to ten passengers.
4 And so it's very, very conservative in these overlay zones
5 simply because anything classified as a small aircraft has to
6 meet these minimums.

7 Sixty feet wide is really, really wide for a small
8 aircraft that's got two passengers: the pilot and the co-pilot.
9 So the proposed 50 feet we felt like was enough, that it gave
10 plenty of margin. However, when this goes on a FAA sectional,
11 if a pilot were to look quick, a glance in an emergency
12 situation and see 60 feet wide, and the stake 1300 feet for
13 13,000 feet, he might think, "I can't land here." The 50 feet
14 for any pilot is going to go, "Wait a minute, this is meant for
15 small aircraft." We purposely did that to try to restrict
16 people from thinking, "Oh, I might be able to land on that
17 strip."

18 Obviously, we only want people landing there that we
19 approve and that we are okay with. But just in case, we felt
20 like the off-width provided plenty of safety margin given our
21 aircraft, the largest we want to land here, but it also will
22 allow for that, wait a minute, that conscience thought that
23 says this seems like something's off.

24 Um, as far as moving the runway goes, we can do that.
25 We tried to take advantage of the fact that the ground here has

1 been compacted for 20 years, and one of the major components of
2 flipping a small aircraft is when you go into soft dirt. So if
3 you have us now move the runway from where it exists today,
4 you're asking us to give up basically almost two decades of
5 compaction where the existing runway is. And so we'll work
6 with you on that. We appreciate everybody for reviewing it,
7 but we do want to bring to your attention that would be what
8 you're asking us to do, and in the name of safety it may be
9 more unsafe to move it than to not. Likewise, it keeps the
10 runway closer to our property, and not moves it closer to the
11 neighbors' property, which was also a consideration for us.

12 If you think about a catastrophic event, the people
13 who are most likely impacted by a catastrophic event are my
14 family, and so clearly we're going to operate safely, but I
15 would rather have it be our family and our property in danger
16 than get closer to a neighboring property.

17 Um, all things to consider there, so that I'm fair, I
18 am asking you to waive those two conditions.

19 Um, let me think, what else? One other thing I'd
20 note, the planes that were not landed by us but by other
21 neighbors, were landed on the current private road that's
22 17 feet wide. So 50 feet is three times the size of where
23 aircraft were landing. So you don't have to take my word for
24 it, but just looking at that logistically, we're three times
25 bigger than where airplanes were landing currently.

1 Um, there is some precedence here. Not by us, but by
2 the previous owner with the Cessna 182, so you know it's
3 capable. Beyond that, I'll guess I'll ask if you have
4 questions for me.

5 **ROB SMITH:** Any questions for the applicant?

6 **NOLAN GUNNELL:** I have a question. On that width, I
7 wouldn't think that we'd shift the whole runway over. We would
8 just add ten feet, so you would still have 50 of the original
9 runway, would we not?

10 **RACHEL HOLYOAK:** If you did that, we would still be
11 out of compliance, so I would ask why would we do that?
12 Because it's from edge to edge, so the zone is then into my
13 house. If you meet the current edge, you would have to shift
14 it to not grant the exception.

15 Here again, I want the center line to be compacted
16 dirt because your best spot is to land with your wheels in the
17 center of the runway with the most compacted dirt. And you can
18 take that for what it's worth. I can't widen and still leave
19 the center on the compacted part. And I also can't shift it,
20 and not get rid of the compacted part and meet the zone that
21 you're asking me to meet.

22 **ROB SMITH:** How long, and maybe I missed it, but how
23 long has that been used as a runway? It sounds like quite
24 awhile.

25 **RACHEL HOLYOAK:** It has. I believe the last cease

1 and desist came in about 2013; well, the only cease and desist
2 letter we got was in 2013. We bought the property in 2011.
3 And we actually asked that people not to use it as a runway so
4 we could work with the County and get whatever we needed.

5 There was some concern from neighbors with the amount
6 that the previous owner was using it. And so we just asked
7 that until we get it all legalized that they not do that. Um,
8 that's when they started landing on the road; so --

9 **ROB SMITH:** Okay. Other questions for the applicant?

10 Thank you.

11 **RACHEL HOLYOAK:** Thank you.

12 **ROB SMITH:** Are there others that want to speak to
13 this agenda item?

14 Please step up here, state your name.

15 **BRYAN GUDMUNDSON:** This is a written response.

16 **ROB SMITH:** So you have a written response, okay.
17 And if we could just have you speak one at a time, that would
18 be --

19 **DEBRA GUDMUNDSON:** We're together.

20 **BRYAN GUDMUNDSON:** This is my wife.

21 **ROB SMITH:** Yeah, that's fine. But if you each want
22 to make a comment, feel free to just state your name and speak
23 separately.

24 **BRYAN GUDMUNDSON:** My name is Bryan Gudmundson, and
25 I own the property directly across the road and to the south of

1 the property.

2 (Inaudible question.)

3 **BRYAN GUDMUNDSON:** Yes, uh-huh. And Cookie owns the
4 one directly in the lane path. She's one of our neighbors
5 there in Mendon. Also, just to preface this, I'm also speaking
6 on behalf of Paul Willie, a good friend of mine. He's the only
7 one I really had the opportunity to contact because of short
8 notice. I actually just read the proposal just two hours ago
9 and tried to respond in writing, so hopefully you'll go through
10 that.

11 Just to give a little background. Ms. Holyoak is
12 exactly right, those airplanes were landed on the gravel;
13 previously to that, they were landed in the field. All the
14 neighbors -- we were living out of the state. The neighbors
15 were very upset. In fact, we came to a meeting, and
16 Mr. Holyoak also attended, and he knows of the concern the
17 neighbors have about landing any airplane in the subdivision.

18 This is not agricultural, per se. This is an
19 eight-lot subdivision of 20 acres each with a road running down
20 the middle, four on each side. They consistently --
21 Mr. Holyoak's neighbor, and her neighbor, owned that home.
22 Through bankruptcy, Mr. Holyoak received it, and he moved next
23 door. And he's a commercial pilot, and so he would fly out of
24 his land, when he owned the home, and go to work, and then fly
25 home. Then when he couldn't do that any more, he began to fly

1 down the middle of the road. And the neighbors were very
2 concerned about the children riding their four-wheelers up and
3 down the road and having the airplane.

4 At some points there would be two airplanes in the
5 driveway, they have a curved driveway. And they would taxi up
6 the road, and they would both park on that. The neighbors,
7 again, we didn't appreciate that. I have not got a house there
8 yet, neither does Cookie. The people next to us were the last
9 remaining people to build.

10 That approach is about at my window level. And so if
11 you can imagine between 5:00 in the morning and 10:30 at night
12 having an airplane come down. We moved to Mendon for a very
13 quiet existence, a rural, farm ground. We paid a lot for this
14 lot, this 20-acre lot, in a subdivision; and so I believe the
15 way it will impact our family is not only will it destroy the
16 environment for all neighbors, but also it will devalue
17 property. It'll make it more difficult if we decide we've got
18 to sell this, and this is part of the reason why we would
19 consider that. When we go to sell this property, and there is
20 an airport there, the property values will go down.

21 What I've done in this very-quickly-put-together
22 paper here, is I've taken the Utah County code or Cache County
23 code, 17, your standards criteria for conditional use permit.
24 This is the six-point criteria that I suppose you're being held
25 to relative to making this decision. And so I have addressed

1 every one of those six points. I hope you will read through
2 that in making this decision.

3 I don't believe that the decision meets that criteria
4 in almost all cases, and I would ask you if you would please
5 reconsider and not grant an airport in the middle of a
6 residential zone neighborhood where we hope to some day have a
7 quiet existence out in Mendon area.

8 Our you neighbors, we tried to call Cookie, who lives
9 directly across the street. We were not able to get ahold of
10 her. Again, it's just been hours since we found out about
11 this. But I know that my neighbors, not only in this area, but
12 also in Mendon, would not appreciate the landing and taking
13 off, the noise.

14 If you can imagine having an airport directly across
15 the street from your home, listening to them warm up, and then
16 take off, and then land. I hope that the zoning will also
17 protect those in the area, as well as Mr. Holyoak's right to
18 have an airport in a residential area, if that's what you deem
19 to grant. Any questions for me?

20 **ROB SMITH:** Thank you.

21 **DEBRA GUDMUNDSON:** My name is Debra Gudmundson, I'm
22 Bryan's wife, and I just wanted to add as well, that if you're
23 going to consider -- continue to consider this, that you will
24 give us more time to contact other neighbors in the area. I
25 understand the notice went to people 300 feet away, that's like

1 three landowners. And I know that Paul Willie lives directly
2 in the south-north path of this airport as well, and he's very,
3 very concerned, but he's outside of the 300 feet.

4 So we ask that there be a -- maybe a delay on this
5 consideration for a later time when more people can be notified
6 so there is a fair representation of the people in the area,
7 and they can respond to this as well.

8 **ROB SMITH:** Okay, thank you.

9 Are there others here that wish to address this
10 topic?

11 **JOE CHAMBERS:** Don't you just love to see me, Rob?

12 **ROB SMITH:** Yeah, it's good to see you, Joe, always.

13 **JOE CHAMBERS:** Joe Chambers. I know the Staff just
14 loves it when I show up to these meetings.

15 Two or three comments, if I could. Number one, I
16 appreciate the comments of the citizens, but it seems to me
17 that the comments were really directed towards the legislative
18 decision that's already been made by the County and not the
19 conditional use permit, the concerns that were just expressed.
20 And I'll just point that out, so you can mull that over in your
21 judgment.

22 Second of all, I think the comment that was made that
23 it doesn't meet the six criteria is contrary to the Staff's
24 report. Before, I think the Staff has already determined that
25 it meets the criteria for the conditional use permit.

1 And I guess the third thing is, is that your job, as
2 I understand it by the statute, is once the County Council has
3 determined that this property can be subject to a conditional
4 use permit, is to mitigate the problems that are there, and if
5 they are reasonably reasonable conditions, any reasonable
6 conditions, that could be sat on the situation that would
7 mitigate whatever concerns you might seek for it.

8 And the property owner has a right, based on the
9 legislative decision made by the County Council already, to
10 receive the conditional use permit. Staff and I have gone that
11 round with the ombudsman's office before, and I think that's
12 fairly well stated law.

13 The third thing is, is I asked my clients to proceed
14 on the conditional use permit to save litigation costs.
15 I actually think there's a non-conforming use already in
16 existence that pre-dates your ordinance, and that they complied
17 with the letter from the County without challenging it for
18 litigation purposes.

19 But if push came to shove, I actually think a
20 non-conforming use actually exists on the property already,
21 based on the prior use; and the fact that the airport runway,
22 as they refer to it, and as Staff has indicated that prior
23 Google shows -- clearly shows up in there. But that's not the
24 issue before you.

25 I think my client wants to suggest reasonable

1 conditions, including the fact that this FAA regulation is
2 designed for ten-passenger jets, and you sort of have look at
3 what they are. You have to put a condition on the use of a
4 Cessna. You can be flexible, and I would recommend that you be
5 a little flexible. I appreciate your time. Thanks.

6 **ROB SMITH:** Thank you.

7 Any other comments?

8 **RACHEL HOLYOAK:** May I give one more?

9 **ROB SMITH:** Let's let the applicant make a comment,
10 and then we'll take one more.

11 **RACHEL HOLYOAK:** I do just want to respond to the
12 neighborhood comment. Um, we have not talked with Gudmundsons
13 or Mrs. Tanner simply because of time. But we have talked to
14 the other landowners directly around us, and they are all fine
15 with it. I don't think any of us can speak on behalf of those
16 landowners.

17 Paul Willie was mentioned; it's interesting. We
18 talked to him when we bought the property in 2011, realizing he
19 was on take off, and his views at that time expressed to us
20 were different.

21 Um, so I just ask that if we're going to do anything
22 based on anyone speaking for someone, that's really out of
23 family, and we need them either here to comment, or we need to
24 hear from them in writing. That's it.

25 **ROB SMITH:** Thank you.

1 Mr. Gudmundson, do you want to make a comment?

2 **BRYAN GUDMUNDSON:** Just to let you know that our
3 point person was the Benson family, which live two lots down.
4 That's the home we met in when we first met the Holyoaks. And
5 I know they're not interested in having an airport as far as
6 we've been told.

7 And it took -- I know that she was taking pictures
8 and doing a lot of complaining to the County Attorney. And it
9 took the County Attorney -- there was actually the Holyoaks'
10 neighbor, who was the commercial pilot, in an e-mail
11 belligerently saying, "I'll do whatever I want, any time I
12 want. No one is going to stop me." She forwarded that to the
13 County Attorney. At that point he planned to put a stop to it.
14 That was in 2013.

15 So it's been a very quiet issue since then, thinking
16 that it would go away. So now there are -- I guess
17 subdivision -- I don't know what they're called, a kind of
18 contract have expired where we ask each other's permission to
19 do things. I think it's come up now, and now they're pushing
20 for the airport there. Just a little bit more behind that, but
21 I appreciate your consideration.

22 **ROB SMITH:** Thank you.

23 We have another comment, it looks like.

24 **NATHAN HOLYOAK:** My name is Nathan Holyoak. I'm the
25 landowner, along with Rachel Holyoak. I just wanted to

1 remind -- some of you are new faces to this stuff. I want to
2 remind you that there has been quite an ongoing effort to put
3 into place legalities to accommodate private airstrips.
4 We've had doctors and others come in and express their will and
5 desire.

6 This is not something that was ever done
7 pretentiously or below the public knowledge. It was even in
8 the *Herald Journal*, front page, and stated our property
9 specifically.

10 There's also several lots around us that have not
11 been built on, and I do think it's advantageous to look at the
12 laws, which we have tried to work with this Commission to come
13 to a common agreement, and county citizens. Not only myself,
14 but Mr. Musselman, at the time he was working through them.
15 So it has never been our intent to blindside or to negate any
16 kind of discussion with neighbors or anything else.

17 There are those that don't like this. There are
18 those who do like this. We've already established that fact.
19 We tried to look at laws that were reasonable for all folks
20 involved, and I believe the new county codes that were put in
21 place due to our efforts over the last couple of years need to
22 be part of the consideration of this, and I thank the
23 Commission for their time.

24 **ROB SMITH:** Thank you.

25 Any other comments?

1 Okay. I have another question for Staff while we're
2 looking at this. Just so I'm clear, is there currently no
3 structures on Parcel 0032 or 0033 or Parcel to the north, other
4 than what we can see?

5 **CHRIS HARRILD:** That's correct.

6 **JOSH RUNHAAR:** To our understanding, yes.

7 **ROB SMITH:** The map doesn't quite show that whole
8 parcel, especially that 0032.

9 **CHRIS HARRILD:** Both of those are vacant.

10 **ROB SMITH:** Okay. All right, what are the
11 Commission's thoughts?

12 **NOLAN GUNNELL:** I have a question. On the 300-foot
13 notice, is that only based by property line, or is it based on
14 protection zone, too, that that should go, too?

15 **CHRIS HARRILD:** Strictly based on property line.

16 **NOLAN GUNNELL:** So just that lot.

17 **CHRIS HARRILD:** So there were seven different
18 property owners noticed based on that requirement.

19 **NOLAN GUNNELL:** Okay.

20 **CHRIS HARRILD:** Are there any questions related to
21 the code's requirements for private airports?

22 **LANE PARKER:** I think I had a question. So if
23 another one of those, a property owner, then, who is in line
24 with the flight path, either take off or landing flight path,
25 if they were to build on that property, then, that that would

1 take precedence over the current? That would negate their
2 conditional use permit? They would have to cease and desist at
3 that point? I mean, if we approved it now, and they were
4 flying. If someone went to build on their place, because it's
5 in the flight path?

6 **CHRIS HARRILD:** That's correct.

7 **BRADY CHRISTENSEN:** Can I just ask one other question
8 with that, too?

9 So say that this was to be approved; and for example,
10 the Gudmundson property to the south of it, whether their
11 home's in the flight path or not; is that going to bring this
12 back to discussion again?

13 **CHRIS HARRILD:** Specific to -- I want to make a
14 distinction between flight path and protection zone just for
15 the record.

16 **BRADY CHRISTENSEN:** Well, yeah, the protection zone
17 is what I'm referring to.

18 **CHRIS HARRILD:** Okay. If it's within the protection
19 zone, there aren't supposed to be any objects there. So you
20 have some specific things like with the runway object rezone,
21 which is the outline red area. The protection zones extends
22 beyond that. Those have specific rules tied to them. If there
23 were to be a home or a barn or what have you placed in those
24 areas, that would impact their ability to meet the requirements
25 of the county code, which makes the reference to the FAA

1 specifications.

2 One point of clarification there, when this portion
3 was adopted into the code, it was done with the understanding
4 that these were conservative or liberal -- however you look at
5 it -- requirements for airstrips. And the decision at the time
6 was to adopt those and to use those as the requirements for the
7 viewing airstrips. So just to clarify that point, that was
8 done intentionally to allow that review to occur under those
9 perimeters.

10 **JON WHITIE:** Using that as specified 60-foot rule, I
11 assume?

12 **JOSH RUNHAAR:** Yeah, we're referencing with the --

13 **JON WHITIE:** Yes, we adopted -- we said that we didn't
14 want to get into it and we would go with --

15 **JOSH RUNHAAR:** If the planning commission has
16 reasonable justification to augment the pieces of the CUP, that
17 is your authority, but you would need -- you know, any CUP. We
18 bring you standards and conditions. You need to meet with what
19 the code says, but you do have the ability to take what Staff
20 gives you and have it make sense on the property.

21 So if there's a question here as to how to make that
22 work in these specific circumstances, that's why we have the
23 planning commission. But we do have the code that establishes
24 basic criteria.

25 **DANNY:** Would you allow me to clarify one thing

1 because this is new ground for --

2 **ROB SMITH:** Yes, would you step up here.

3 **DANNY:** My name is Danny (last name inaudible). The
4 regulation is that aircraft capability takes precedence.

5 **CLERK:** Would you move towards the mic, please?

6 **DANNY:** The FAA regulation -- in November you
7 approved the 40-foot runway, and I think it was because you
8 guys understood or may have forgotten, or at least Staff
9 understood at that time that the regulation that the County has
10 adopted has a provision in it that says that aircraft
11 capability takes precedence over it. Which means that, you
12 know, the smaller aircraft like the Cessna, they don't need the
13 60-foot wide, which is what Mrs. Holyoak was trying to bring to
14 your attention.

15 Because it's a new area, I just think that it needs
16 to be clarified so you make the conditions specific for the use
17 here the best that meets everybody's --

18 **ROB SMITH:** Thank you.

19 **JON WHITIE:** I have a question.

20 They said it would only be used by friends and
21 family. What does friends differentiate?

22 **ROB SMITH:** I think the applicant would have to
23 address that.

24 Would you mind addressing that for us?

25 **RACHEL HOLYOAK:** No problem. Our thoughts here are

1 we do have friends who own private aircraft. They would need
2 to contact us before they landed. No surprise landings, and
3 just ask if they can land. Let us know they're coming. And
4 right now that is, off the top of my head, less than ten people
5 we know, probably closer to five, but it might be six. Our
6 thoughts are just, you know, occasionally, I have a friend
7 who's a helicopter pilot, and my dad will be on job sites with
8 him. And they have often said, we flew over your house. We'd
9 love to stop in and say hi.

10 So we're just looking for -- there are occasions, I
11 don't anticipate it being often, but friends may say, hey, we
12 would like to swing in and say hi. Could we fly up to your
13 place? That is our intent. It would be very infrequent, and
14 we will make sure with all of those pilots, that their aircraft
15 is less demanding than our Cessna 182, and the aircrafts they
16 have today are such. Other questions or clarifications based
17 on that answer?

18 **ROB SMITH:** It doesn't look like it, thank you.

19 **RACHEL HOLYOAK:** Thank you.

20 **CHRIS HARRILD:** Can I add a comment just quickly?
21 There was a reference to the previous airstrip that we approved
22 through this piece of code. It followed the exact same
23 process, exactly. It's a smaller plane. It has smaller
24 requirements with less runway-width requirements, less landing
25 and take-off requirements. That's why it was 40 feet. There

1 is no inconsistency there. It's consistent with the code.

2 And so while there's a concern that they're different
3 because they're different planes, so that's built to meet those
4 different requirements that the different planes have. So
5 while it appears there's an incongruity, there's not. It's a
6 consistent following of the code.

7 **NOLAN GUNNELL:** So this table 3.5 is taking the
8 standards for that plane, and that's where we're getting the
9 width and everything else; right?

10 **CHRIS HARRILD:** That's correct.

11 **NOLAN GUNNELL:** So that's nothing that we brought in.
12 It's something that the FAA --

13 **CHRIS HARRILD:** The FAA.

14 **RACHEL HOLYOAK:** Would you allow me to comment?

15 **CHRIS HARRILD:** Sure. Oh, I can't say that.

16 **ROB SMITH:** Go ahead.

17 **RACHEL HOLYOAK:** So just be aware, the Musselman's
18 aircraft is 30 feet in wingspan, and ours is 34.

19 So, we're talking about a four-foot difference. And the table
20 is not specific to an aircraft. It's specific to all small
21 aircraft that have an approach speed of less than 90 knots, and
22 our plane is 70 knots, while Greg's -- while Mr. Musselman's is
23 50.

24 So there is a difference in aircraft-approach speed;
25 however, the table applies equally to both the aircraft that he

1 was flying and the aircraft we're flying with the four -- our
2 plane is four feet longer than this one.

3 **CHRIS HARRILD:** That differs from what we have
4 discovered in following that specific circular.
5 The Cessna 182 and Kit Fox are in different categories. The
6 Kit Fox qualifies as an A-1. The Cessna 182 qualifies as a
7 B-1. It's a higher qualification, there's higher requirements,
8 there's higher runway lengths, widths, etc. And if there's a
9 disagreement there, we have to see something to substantiate
10 that. From our review there isn't something to substantiate
11 that.

12 **ROB SMITH:** So that's where you came up with these
13 measurements, based on the Staff's research on plane size?

14 **CHRIS HARRILD:** Just as a side note, when you go into
15 the circular, it immediately populates all the measurements
16 once you put in the type of aircraft it is. There is even an
17 index that identifies what type of aircraft qualifies as an A-1
18 or a B-1, what have you. That's how those distinctions are
19 made, and that's how that's populated. It's not even a
20 determination that Staff is making. It's strictly based on the
21 FAA requirements, and how their form functions.

22 Andd maybe there's -- maybe we're talking past each
23 other, maybe there's a misunderstanding here, but we would like
24 to see something to substantiate that. We provided all the
25 evidence here. If there was something else to contradict it

1 that was substantial, it would certainly be worth looking at.

2 **BRYAN GUDMUNDSON:** May I comment?

3 **ROB SMITH:** One more quick one.

4 **BRYAN GUDMUNDSON:** I didn't bring my attorney, and I
5 don't know what your past has been relative to this issue,
6 whether you're violating any laws or not, but perhaps in the
7 past I can see if someone's out in the middle of nowhere, there
8 is no residential area, and there's no neighbors, sure. If you
9 have enough room, you can go ahead and land that thing, and
10 everything is fine.

11 But in a residential area where people have paid
12 considerable amount of money, I think there's some room for
13 leniency on both sides of the equation, not only to protect the
14 other residents of the subdivision. Remember, it's a
15 subdivision. It's not a piece of acreage out in the middle of
16 nowhere, but also to protect the Holyoaks as well. We don't
17 have legal counsel, but I would like, if you can't make a
18 decision, to have an opportunity to look at this a little
19 closer.

20 Remember, this is a subdivision. This is not out in
21 the middle of nowhere. It is flying almost right past by our
22 bedroom window if we build a house there. If we decide to
23 sell, we will have economic loss. No one wants to live near an
24 airport. If someone wanted to have an airport across from your
25 home, how would you feel?

1 So if the laws are there to protect anybody, it
2 should protect those in that subdivision both economically and
3 relative to the value of peace and quiet. We have a zoning for
4 airports. And they can land their helicopters and their
5 airplanes there, come in and visit all they like.

6 Also, I'd just remind you that the neighbor next door
7 was the one who originally owned the property and lost it in
8 bankruptcy. He was the one who will be flying in there and
9 taking off. He's the friend of the Holyoaks. So when he goes
10 to work in Salt Lake, he's going to be using that airport
11 probably to come and go to work.

12 Now, they can address that, but I know they're good
13 friends, and I can see that. So 15 times out of the year,
14 almost every other day, according to that document, we will
15 wake up to the sound of aircraft warming up or taking off right
16 past our home.

17 If you can put yourself in that position, I'd hope
18 you'd understand what we're getting at here, and how difficult
19 it is.

20 **ROB SMITH:** Okay. Thank you.

21 I think we've heard all different viewpoints on this.
22 I think as a Commission we need to decide a course of action.
23 I would be inclined to go with this, especially with the added
24 condition that once development occurs that that may trump
25 airport use. But to me it's fairly compelling that there's not

1 that many residences out there right now. It seems to, as a
2 conditional use, not have a lot of impact on the neighboring
3 parcels. Those are just my initial thoughts as I look at this.

4 **LANE PARKER:** I tend to agree with that. If I knew
5 he had a runway, I'd be interested in buying the property next
6 to it so I could use his runway. But I think that the
7 conditions of the County has found here, and you spent a lot of
8 time looking at that because there are so many different ones
9 around the valley who are flying small planes. This one barely
10 fits in. But they've got enough ground that it fits. But if
11 someone was to come in and build on either end of that flight
12 path, why, yeah, that would change it.

13 **ROB SMITH:** It would change it.

14 **LANE PARKER:** It would take away their opportunity to
15 use that, but that's -- unless they buy the ground at either
16 end, they take that chance.

17 **ROB SMITH:** Other thoughts from the Commission?

18 **NOLAN GUNNELL:** I would think we would need to talk
19 about the width, would we not? See where we sit there?
20 Whether it's 50 or 60? What it's based on, the standards
21 coming through? What are your thoughts?

22 **LANE PARKER:** I think that's within, certainly within
23 the purview of the Commission to do that.

24 **CHRIS HARRILD:** That would be contrary to the code as
25 it's written. Directly contrary.

1 They'd have to do their own review and make a determination
2 there, but that would be the proper place to contest something
3 to do with the code. Or they could propose a recode rewrite
4 and they could revisit it, and then they could come back and
5 reapply.

6 So there are other options to pursue, but I -- I'm
7 so hesitant to recommend a course that would be so -- to me, a
8 change from what the code requires without going through a
9 different process.

10 **ROB SMITH:** Chris, what do you think?

11 **CHRIS SANDS:** It's hard not to look at it and feel
12 like it's sort of shoehorned in here, and just barely sort of
13 meets it. But I guess I'm less inclined to waive the
14 conditions that are here. I think we should stick to the
15 requirements in our code, and how they relate to the
16 requirements from FAA on this. And if it means shifting the
17 runway ten feet or whatever to not have the conflict, then we
18 ought to be sticking to that.

19 **LANE PARKER:** I tend to agree with that. I mean,
20 again, there are some neighbors that don't like it if we adjust
21 that a little bit. If we stay right within the FAA perimeters,
22 then we've done everything in our power that's right to -- it's
23 shoehorned in, maybe, but that's why I tend to leave that
24 stipulation in place.

25 **ROB SMITH:** Well, and certainly as that area develops

1 and people build homes there, it's going to change the nature
2 of that whole area.

3 **LANE PARKER:** Well, certain areas of the country,
4 why, you'd probably pay more to have a house next to the
5 airport.

6 **ROB SMITH:** Like the golf course.

7 **LANE PARKER:** Yeah, like the golf course.

8 **ROB SMITH:** Well, are we ready for some kind of
9 motion on this, Commission?

10 **JOSH RUNHAAR:** If I can speak up? I'm just trying to
11 think through the process and give options. You know, Staff
12 here has done the research on what the requirements are for
13 runway width, lengths, all that kind of material. We base it
14 on the aircraft type given us. But we're basing that on FAA
15 requirements. So we do our best judgment as to what the FAA is
16 saying based on the aircraft type.

17 One of the avenues open to the applicants should
18 always be that if they can get something from the FAA that says
19 for this specific aircraft, we're fine with these things. In
20 the end, if we're only supporting FAA requirements and FAA is
21 willing to say this is fine, then we should leave that open as
22 an option to the landowner.

23 **ROB SMITH:** Well, that's kind of what I remember we
24 discussed when we've visited this issue before, is that to the
25 extent possible we would defer to the FAA.

1 **JOSH RUNHAAR:** Yes.

2 **ROB SMITH:** And not try to become airport
3 specialists.

4 **JOSH RUNHAAR:** So if there's something that they can
5 bring in or show us that says, yeah, look, this is directly
6 applicable, this is from the FAA. We're not going to second
7 guess those items. We should give that potential opportunity
8 there to look for those options.

9 Staff is limited in how far we can look. We looked
10 at what the standards are. We give you what the standard is by
11 code, and that's what we have. We're not going to try to
12 intermediate and see if there's a deviation or exception based
13 on aircraft type or whatever it is. But that's certainly
14 something that they can do, and it might be worthwhile for them
15 to do just that. I'll throw that out as an option.

16 If we're regulating based on FAA standards and FAA is
17 fine with what they're proposing, we've still met--

18 **NOLAN GUNNELL:** So with condition two, if they were
19 to supply us with advisory runway design compliance and
20 standards and FAA Advisory Circular, if you added the language
21 for approved by FAA, would that satisfy Staff?

22 **JOSH RUNHAAR:** Well, it's not about satisfying us.
23 It's about satisfying the code.

24 **NOLAN GUNNELL:** Well, yes.

25 **JOSH RUNHAAR:** I think all we're trying to do is

1 satisfy the code and say that we're meeting the FAA
2 requirements. However they do that, the County really doesn't
3 care. We've already said that. We went through the whole code
4 issue. Once that plane is off the ground, it's an FAA issue.

5 **NOLAN GUNNELL:** I guess I should word it, is that a
6 possibility that it's necessary that FAA approves?

7 **JOSH RUNHAAR:** I think so. It's like any other
8 condition we write. We give them options to meet the standard
9 in three different ways, all we're trying to do is have them
10 meet that standard. If the FAA is fine with however they've
11 made it, that's all we're aiming for.

12 **ROB SMITH:** And it sounds like that condition already
13 kind of says that; does it not?

14 **JOSH RUNHAAR:** Well, what we're saying, it has to
15 meet the FAA circular ac -- I don't know if they have
16 alternative options. I don't know if the FAA has a scenario
17 where you can get approval for a specific airstrip layout, I
18 don't know. I don't know. I don't know their details. So I
19 would say, or otherwise approved by the FAA.

20 If there is a process by which they can do that,
21 other than through the advisory circular, let them follow that
22 process. I don't want to get tied up a month from now stuck
23 with condition language because they didn't meet the circular,
24 but they met what FAA required of them through letter.

25 **JON WHITIE:** So then why not just leave it as that,

1 and meet FFA [sic] circular unless FFA [sic] circular makes it
2 a stipend change? So a letter saying that this is all?

3 **JOSH RUNHAAR:** I think that's all we're saying. You
4 can add to Number 2, as Mr. Edwards stated, with the runway
5 standards and FAA circular, or as otherwise approved by the
6 FAA, and leave it open ended.

7 **CHRIS HARRILD:** That could create a little challenge.
8 FAA does look at these things. The best comparison I have is
9 UDOT. So if you're on a UDOT facility, and you're traveling
10 around, what does UDOT care about? Access onto the facility,
11 then travel on the facility once you're in it -- or on it.

12 With the FAA, all they care about is air traffic.
13 Everything they do is built around air traffic. Once it's on
14 the ground, do they care? Not really. That's up to the land
15 use authority to establish how those things will be handled.
16 And so they set recommendations for how to best handle those
17 things, but they have zero teeth. They have zero anything
18 except as a recommendation.

19 They'll make findings, like, there's no obstruction,
20 or no anything like that, but they don't set a firm requirement
21 for these types of airstrips. They just don't. That's not how
22 they work. So I can see the approach there, but I'm going to
23 hope for the code still.

24 Not to disagree with Josh, per se, but having spoken
25 with the FAA and discussed this with them, that's what they

1 conveyed to me. Not that they don't care, but it's not their
2 purview. It's up to the land use authority to make the
3 determination of how it functions, and they're hands off after
4 that. It's up to them, up to the land use authority.

5 **LANE PARKER:** Then given that, we're held by this
6 table 3.5 of the B-1 small aircraft of the width of the runway,
7 are we not?

8 **NOLAN GUNNELL:** I would say yes.

9 **LANE PARKER:** Yes, so it needs to be the 60 if we're
10 following this table.

11 **LEE EDWARDS:** I think with any other group you would
12 probably get, as Josh identified, maybe a response that could
13 address this more directly, or maybe some flexibility, and some
14 sort of input they could provide that they could say, We can
15 require this instead. But the FAA does not and will not
16 function that way.

17 **BRADY CHRISTENSEN:** Hey, if I might add something
18 while it's being discussed, I would like to see these guys
19 utilize their land for the use of the airport, but my concern
20 comes from where this runway obstacle free zone on the south
21 side of the property, it's crossing not only a road, but
22 encroaching onto the neighboring properties. And to the north
23 it's encroaching also, as well, and then you include the runway
24 protection zone.

25 So, I don't know how we get around that, and I asked

1 the question briefly, but what if one of those neighboring
2 properties were to build in or out of those zones? Personally,
3 I would feel more comfortable if there was to be any
4 development at all in the corresponding properties, that it was
5 reevaluated.

6 I guess I felt better about it right now without any
7 development on the others, aside from the fact that the runway
8 obstacle free zone does cross the road on the south perimeter.
9 But maybe that's my thoughts.

10 **CHRIS SANDS:** Am I right, that one way to resolve
11 that would be that we're showing a 1300-foot long runway. It
12 doesn't have to be that long for this aircraft; is that
13 correct? They could show a shorter runway link, and alleviate
14 that concern.

15 **BRADY CHRISTENSEN:** If it fit within their property,
16 there definitely would be no concern, or less concern. At
17 least for the runway obstacle free zone.

18 **NOLAN GUNNELL:** So if you take -- what they're
19 saying, and the standard, they're different; right?

20 **CHRIS SANDS:** I think they're just going off of what
21 is constructed out there.

22 **ROB SMITH:** And I feel -- I personally feel
23 comfortable with mitigating that by adding a condition that
24 says, If and when there is development on these adjoining
25 parcels, that may restrict the airport. It may restrict the

1 use of it.

2 **CHRIS HARRILD:** Can I make a comment, too, just
3 based -- I had to track it down really quick -- based on runway
4 length? This is from the circular reference. It specifically
5 states that airport designers can, instead of applying the
6 small airplane design concept. Now, this is specific to runway
7 length only. Determine the recommended runway length from the
8 airplane flight manuals for the airplanes to be accommodated by
9 the airport in lieu of the runway length curves depicted in
10 figures 2-1 and 2-2.

11 Now, the curves they are referring to require
12 5,000-foot length runway, which is anyone would agree is
13 excessive.

14 **ROB SMITH:** That's almost a mile.

15 **CHRIS HARRILD:** That's where they're looking at
16 different types of aircraft. This is a very general
17 application to that. Now, what they're identifying here, if we
18 could skip back to the chart that looks like this in your
19 packet? There's a little note in the top right-hand corner,
20 it's in my writing, a little post-it note.

21 So there's your minimum take off and landing lengths
22 for the actual airstrips. So the maximum, excuse me, the
23 minimum could be 625. That would certainly shorten those
24 lengths. Absolutely. So the impact, I don't know if it would
25 entirely remove it, we have only identified what is before you

1 in the application.

2 **ROB SMITH:** Well, I think I'm ready to make a motion.
3 And certainly the Commission should vote the way they feel, if
4 it is seconded. But I would make a motion that we recommend
5 for approval this CUP based on the findings of fact.

6 **CHRIS SANDS:** I'm not sure, Mr. Chairman, that you
7 can make a motion. Can you?

8 **ROB SMITH:** I stand corrected. Thank you, Mr. Sands.
9 I'm a little bit new at this position.

10 **LANE PARKER:** What was your condition?

11 **CHRIS HARRILD:** I have a written condition.

12 **ROB SMITH:** This is what I came up with. Future
13 development of adjoining parcels would have priority over the
14 airport, and thus the airport and it's use may be restricted.
15 But Chris maybe has more.

16 **CHRIS HARRILD:** Mine's more specific. So whatever
17 you guys want, I'll throw them both out there. You can mix
18 them together, whatever, I don't care. If any structures,
19 example given: house, barn, shed, are built within the noted
20 runway areas and zones, the Holyoak airport CUP is rendered
21 void. I don't know if we can do that through the CUP process.
22 Counsel would have to confirm that. That might have to, under
23 our current code, come back.

24 **LEE EDWARDS:** They would have to. I think they would
25 be entitled to the process of coming back. Instead of just

1 having it void, it should be able to come back.

2 **CHRIS HARRILD:** Okay.

3 **LEE EDWARDS:** Because there is a process, a due
4 process requirement.

5 **NOLAN GUNNELL:** The process to revoke, right?

6 **CHRIS HARRILD:** We may reconsider that by the
7 planning commission for consideration of further use.

8 **BRADY CHRISTENSEN:** How would it be if any
9 development at all on adjoining parcels, and not just in the
10 pathways?

11 **CHRIS HARRILD:** Well, the requirement is specific to
12 structures in the path, within the areas of the zone
13 specifically. Anything beyond that, you're stretching yourself
14 beyond what the code says.

15 **JON WHITIE:** If it was bothering anybody all they
16 would have to do is put up two posts.

17 **ROB SMITH:** Put up a structure, yes.

18 **BRADY CHRISTENSEN:** I'd be willing to make a motion,
19 then, that Rob started that we -- sorry, I should have had this
20 correct. That we recommend an approval of the Holyoak airstrip
21 additional use permit with the stated conditions of approval
22 and Staff determination findings of fact modifying that there
23 was to be a structure added in the defined airstrip or safety
24 zones, that the CUP would be reexamined.

25 **CHRIS HARRILD:** By the planning commission?

1 **BRADY CHRISTENSEN:** By the planning commission.

2 **ROB SMITH:** We have a motion. Is there a second?

3 **LANE PARKER:** I would second that motion.

4 **ROB SMITH:** Is there any discussion on the motion?

5 **JOSH RUNHAAR:** Just for clarification, so that would
6 be eight conditions of approval, right, with the new one?

7 **LANE PARKER:** I believe that would be, yes.

8 **ROB SMITH:** Can Staff, just for clarification, can
9 Staff read that eighth condition back or restate it, make
10 sure --

11 **CHRIS HARRILD:** I didn't get exactly what you said,
12 Brady. Now it says on mine, "If any structures are built
13 within the noted runway areas and zones, the Holyoak airport
14 conditional use permit must be reconsidered by the Cache County
15 Planning Commission -- by the Cache County Land Use Authority."
16 That's meets our current code language. That would be
17 appropriate.

18 **LANE PARKER:** You said you had two, Chris, was there
19 another one talking about the width that you were putting in
20 there? Or are we basing that by what counsel said, adding
21 something with the circular?

22 **CHRIS HARRILD:** Yes, any change to the width, I
23 think, would have to come through a variance process or a code
24 amendment. I wouldn't put it in here -- I wouldn't recommend
25 putting it in here as a condition to allow a smaller or a

1 lesser width unless there's something substantive to back it
2 up, and the code doesn't make that allowance.

3 **LANE PARKER:** Okay.

4 **ROB SMITH:** Just for clarification, I think that was
5 not a part of the motion that's on the table currently. Just
6 so everybody knows.

7 **CHRIS SANDS:** That change to condition number two is
8 not?

9 **ROB SMITH:** It is not.

10 **LANE PARKER:** Has the motion been seconded based on
11 this?

12 **ROB SMITH:** Questions? Are we ready to vote on this
13 motion? Is there further discussion on the motion that's on
14 the table? Okay, all those in favor say aye.

15 >>: Aye.

16 **ROB SMITH:** Those opposed, say nay.

17 **CHRIS SANDS:** Nay.

18 **CHRIS HARRILD:** Who is the nay?

19 **BRADY CHRISTENSEN:** Chris.

20 **ROB SMITH:** Mr. Sands.

21 The motion passes. Thank you.

22 (Transcription ended on video timestamp 1:31:58)

23

24

25