

Cache County Planning Commission (CCPC)

Minutes for 2 April 2009

Present: Josh Runhaar, Jay Baker, Chris Sands, Lee Nelson, Lamar Clements, Curtis Dent, Clair Ellis, Leslie Larson, David Erickson, Donald Linton, Megan Izatt

Start Time: 5:33:00 (Video time not shown on DVD)

Nelson welcomed; **Runhaar** gave opening remarks.

Approval of Agenda

Clements moved to approve agenda with an amendment to remove item #3, Estancia Subdivision Phase 4. Dent seconded; passed 7, 0.

Approval of Minutes

Dent moved to approve the 05 February 09 minutes with the addition of noting welcome of new Board member David Erickson and expressing thanks for Troy Allen's service. Mr. Allen was not reappointed to the Board by the County Council. Erickson seconded; passed 7, 0.

5:36:00

Consent Agenda

Baker reviewed Mr. Lyle Shakespear's request for a 3-lot subdivision on 5.88 acres of property in the Agricultural Zone northwest of Smithfield. There are concerns raised by the public regarding ground water and spring runoff. In this area this is a high water table and drainage will be required to be in place.

Clements moved to removed item #1 from the consent agenda to allow public comment. Dent seconded; passed 7, 0.

Troy Bingham my well now will start cavitating in the summer and I know it will start to go down. I've talked to well drillers and they guarantee this will affect my well. I now have a problem with standing water; it sits on my drain field and comes up my shower drains and toilets. I also have a problem with a neighbor's culvert that backs up onto my property. I just want to know how this is going to affect my house and if it will cause further problems with the water runoff.

Dent what is the natural water drainage?

Mr. Bingham the road blocks the natural drainage.

Nelson how long has the road been there?

Mr. Bingham longer than 15 years. It was a dirt road, but it has been paved now.

Nelson is it a county road?

Runhaar it is.

Dent do they need a storm water permit?

Runhaar no.

Nelson how are additional homes going to affect the water?

Mr. Bingham I'm not sure. They could be floating part of the year. The 6 inch pipe I have installed isn't big enough.

Nelson where does the water go?

Mr. Bingham in my basement a couple of times. The water is pumped across the road.

Dent is there a ditch?

Mr. Bingham yes and it ends half way into my field.

Runhaar the County can't address the drainage issue unless it is caused by the County. We can add stipulation #5 for no sub grade construction.

Nelson let the state engineer know of the well concerns because they can put restrictions on the well that the homeowners will have to drill.

Chris Chambers I own the hay field to the south and we have problems with drainage. There is a good pond of water now, right where they want to build.

Guy Perkins I own the white home with the A driveway. The water runs down 6600 North during the spring. The water is a tricky thing and every previous owner of the Shakespear home has had water problems. Bingham's have tried for 10 years to get help with the road/water problems and nothing has happened.

Dent how high is it ponding?

Mr. Shakespear it's pooling quite a bit. We would have to bring in quite a bit of fill and there will be no basement.

Nelson David, do you know this land?

Erickson not really but all the wells are filled up out there and there is no place for that water to go. If those pumps go on, the wells drop.

Mr. Bingham I've asked the county to punch a culvert through to the other side of the road and they won't.

Nelson where are the ditches out here?

Mr. Chambers there was an irrigation ditch here, but it's not there anymore.

Dent who owns this land?

Mr. Chambers Larkin.

Linton from a legal perspective unless there is an easement, if people fill in those ditches, the county can't do anything on the flooding issue.

Erickson it used to be pasture and when it was flood irrigation it was swamp.

Mr. Chambers Mr. Shakespear was saying if this is built up, where does the water go after? I don't want it backing up on my ground and now their stakes are further out in our field.

Runhaar for the stakes, you're going to have to talk to the Surveyor's office.

Mr. Chambers I don't want more water draining on my field.

Nelson if you haul in fill, you need to make sure you don't impact that drainage.

Mr. Shakespear we don't want to negatively impact the existing wells. It sounds like drainage issues have been going on for a long time and it seems like a culvert would work. If the County is good with a culver, that would work. The siting on the house would sit further in, so it wouldn't affect the drainage of the water.

Staff and Planning Commission members discussed drainage issues.

Nelson you all need to work together and hopefully come up with a solution to benefit all.

Mr. Perkins talking about drainage, nobody wants to be liable for water. I hauled in gravel and sumps, etc because I didn't want water. When the county plows come through, it makes it worse.

Ellis we need a condition concerning the water issues.

Runhaar we can state that the home construction needs to be reviewed.

Ellis moved to recommend approval to the County Council with the additional recommendations #5 and #6. Dent seconded; No vote was held on the motion.

Dent this drops into a ditch here?

Mr. Perkins yes.

Staff and the Planning Commission further discussed the drainage issues.

Dent moved to continue item #1 until the next scheduled meeting to allow staff and the applicant time to properly address the drainage issue. Erickson seconded; passed 7, 0.

06:32:00

#2 Hyrum City Sewer Plant

Baker reviewed Mr. Kevin Maughan's request for a Conditional Use Permit to allow the construction of a drying bed adjacent to the existing Hyrum City water treatment facility located near 600 North in Hyrum. There are no problems with access to the new bed and there are 3 conditions of approval.

Mr. Kevin Maughan in the simplest form, we are looking to build a great big parking lot. The solids taken out of the sewage must be dried. The drying bed does not need to be lined because there is no water in the solids.

Findings of Fact:

1. The Hyrum City Sewer Plant Expansion Conditional Use Permit has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Hyrum City Sewer Plant Expansion Conditional Use Permit has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The conditional use permit is issued in conformance with the Standards and Criteria for a Conditional Use within Title 17 of the Cache County Code.

CONDITIONS OF APPROVAL

The following stipulations must be met for the development to conform to the County Ordinance and the requirements of county service providers, and for the protection of the public interest and adjacent properties.

1. Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are permitted uses in this agricultural zone.
2. Any expansion of the approved conditional use shall require review and approval by the County Planning Commission prior to the expansion.
3. The applicant must abide by the site plan and construction specifications as submitted to the Cache County Zoning Office.

Sands moved to approve the Conditional Use Permit for the Hyrum City Sewer Plant with staff's recommended conditions and findings of fact. Erickson seconded; passed 7, 0.

06:39:00

#4 and 5 Wellsville View Estates Subdivision and Sterling Country Estates Subdivision

Baker reviewed Mr. Stephen Wright's request for a preliminary plat approval for the Wellsville View Estates 3-lot subdivision on 3.35 acres of property and the Sterling Country Estates 5-lot subdivision on 21.20 acres of property. Both subdivisions are located in the Agricultural zone east of Wellsville. The Planning Commission needs to discuss access to the subdivisions.

Larson 6100 south is a private road, not public?

Baker it is private.

Dent gravel or asphalt?

Baker the existing portion is gravel.

Mr. Stephen Wright there are 2 other approved 4-lot subdivisions out there as well.

Larsen you want the road to stay a private road?

Baker yes.

Runhaar the county would not take this road over as it is now.

Baker the fire department did bring up the issue of the alignment of the road; it has a jog in it.

Mr. Wright there is a little jog in the road and there is 50 feet on either side to fix the problem.

Sands if the culvert needs to be replaced during the straightening of the road, would you replace it?

Mr. Wright it hopefully won't need to be, but if I have to rebuild the bridge, I will.

Erickson do we need to obtain approval of the canal company?

Runhaar only if the culvert needs to be moved or replaced.

Mr. Wright that culvert has been there for 50 years.

Runhaar if modifications need to be made, permission will need to be obtained.

Mr. Wright alright.

Sands it meets the easement standards?

Runhaar that will come back with the final plat approval.

Nelson each lot will have its own well?

Mr. Wright yes.

Ellis it looks like the road to the south is on private property, does the road remain private?

Kurt Lindley part of the right-of-way is on my ground, if the land was ever subdivided, that road would access it.

Nelson do you understand the road requirements, Mr. Wright?

Mr. Wright 20 ft. hard surface, with 3 ft. barrow pit. What exactly do you consider a hard surface?

Nelson we can recommend that the road be gravel, but it could end up being chip and seal or asphalt.

Steve McBride anything over 150 feet requires a turnaround for fire engines.

Sands are the width requirements different for different lengths of road?

Mr. McBride not that I'm aware of.

Clements is that 150 ft a hard rule?

Mr. McBride it should be.

Baker we have sketches of what turnarounds the fire department will accept.

Darren Nielson I share the right-of-way with these other gentleman. I would like to know what road designation you will apply to this road.

Baker Garbage collection will require a waiver of liability if the road is private.

Mr. Nielson who is in charge of road maintenance?

Baker typically an HOA.

Mr. Nielson do you consider the street a minor street?

Runhaar it will be a minor collector.

Finding of Fact:

1. The Wellsville View Estates Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.

Finding of Fact:

1. The Sterling Country Estates Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.

Clements moved to approve the preliminary plats for the Wellsville View Estates Subdivision and the Sterling Country Estates Subdivision. **Ellis** seconded; **passed 7, 0.**

07:12:00

#6 Cache County Land Use Ordinance

Runhaar reviewed the changes for the Cache County Zoning Ordinance, Title 17. The legal review is pending and we need to find out if the General Plan supports the proposed zoning changes or if it needs to be amended.

Staff and the Planning Commission discussed the zoning system and the proposed changes to the current ordinance.

*Ellis moved for staff to proceed with the RE-2, A-10, and AE-5 designations. **Larson** seconded, passed 4 (Clements, Nielson, Ellis, and Larsen), 3 (Erickson, Dent, and Sands).*

09:02:00 – Adjourned