

Cache County Planning Commission (CCPC)

Minutes for 4 June 2009

Present: Josh Runhaar, Jay Baker, Leslie Mascaro, Chris Sands, Lee Nelson, Lamar Clements, Clair Ellis, David Erickson, Megan Izatt, Jon White, Leslie Larson

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

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

Approval of Agenda

Erickson moved to approve agenda with the change of moving staff reports to after item 2. *Clements* seconded; **passed 5, 0.**

Approval of Minutes

Clements moved to approve the 07 May 09 minutes. *Erickson* seconded; **passed 4, 0.** (**Larson** abstained)

Planning Commission Members extend a welcome to the new County Planner Leslie Mascaro.

5:37:00

Consent Agenda

#1 Conditional Use Permit (Guy Jardine)

FINDINGS OF FACT:

- 1.** The Jardine Accessory Apartment 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 Jardine Accessory Apartment 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 existing primary residence or the accessory apartment shall be occupied by the owner. If at any time either the primary residence or the accessory apartment is not owner occupied this permit shall be void.
- 4.** All permits from the Bear River Health Department and the Building Department shall be approved prior to construction of the accessory apartment.
- 5.** Additional accessory apartments shall not be allowed on this property.
- 6.** Prior to construction the applicant shall consult with the State Water Engineer regarding the necessity of additional water rights.

Clements moved to approve the Conditional Use Permit for an accessory apartment for Guy Jardine. *Sands* seconded; **passed 5, 0.**

5:37:00

#2 Red Fox Subdivision (Doug Larsen)

Baker reviewed Mr. Doug Larsen's request for a 3-lot subdivision on 15.24 acres in the Agricultural Zone Southeast of Mendon. The 3rd lot is for agricultural use only. Bear River Health Department (BRHD) has monitored the ground for one year due to a high water table. The two building lots will require lifted drain fields that are installed in soil fill. The soil fill will be constructed following a plan prepared and stamped by a certified engineer.

Nelson Mr. Larsen, do you understand the septic?

Mr. Doug Larsen not completely. When I talked to them during monitoring, lot 1 was a little bit wetter than lot 2 and there was no problems with lot 2. I did understand there would need to be soil brought in to cover the drain for lot 1, but not the whole line.

Baker staff doesn't know the exact details but essentially you need to follow whatever the engineered plans dictate.

Mr. Larsen I do understand about the fill and that an engineer would need to look at it.

Erickson the two adjacent lots were monitored, why those instead of all the lots?

Mr. Larsen we were curious on lot 3 that if the drain was put around lots 1 and 2 how it would affect lot 3.

Baker the third lot is only for agriculture.

Mr. Larsen right now it is agriculture, but maybe in the future it will be turned into a building lot.

Nelson I suggest you learn about how the septic is to work so you can tell buyers.

Mr. Larsen yes, Cartwright Engineering designed the drainage around the property and he was willing to design the septic systems for future property owners.

Larson have you talked to the homeowners to the north?

Mr. Larsen I haven't. I don't know if they have had problems with water or not.

Larson yes they have. I'd like to see if we could issue a warning about the high water table to the buyers.

Runhaar we can look at putting it on the plat.

Larson I just want a caution for someone not familiar with the area.

Mr. Larsen there are other alternatives for the septic systems and maybe the county can show that.

Sands I agree there are alternative options but the BRHD has to sign off and they are not willing to do that.

*Clements moved to recommend approval of the Red Fox 3-lot Subdivision to the County Council with the recommended findings of fact and stipulations including a condition that a note regarding the shallow water table be placed on the plat. **Larson** seconded; **passed 5, 0.***

FINDINGS OF FACT:

- 1.** The Red Fox Subdivision 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 Red Fox Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
- 3.** The Red Fox Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
- 4.** Red Fox Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
- 5.** County Road 5400 West, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed level of development.

CONDITIONS OF APPROVAL

The following stipulations must be met for the developments to conform to the County Ordinance and the requirements of county service providers.

- 1.** Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
- 2.** Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
- 3.** All septic systems shall comply with the engineering and monitoring required by the Bear River Health Department.
- 4.** No sub-grade construction shall be allowed.
- 5.** The applicant shall construct a gravel pad for placement of refuse and recycle containers.
- 6.** The final plat shall contain a disclosure regarding the shallow ground water on the property.

5:51:00

Staff Reports

Runhaar we have a request from Mr. Burris regarding the Spring Ridge Estates. Phase 1 has 2 lots that have sold and 1 is under contract. Mr. Burris is asking for a change on the subdivision layout. The lot sizes would be reduced from between 5 and 6 acres to between 1 and 1.5 acre lots and there would be the same number of lots. This would also change the road length. The reason for the change is because the current water system will not support a 5-acre lot. We are not concerned about any legal challenge for amending the subdivision.

Clements there were 39 lots originally?

Runhaar yes, but we are looking at a phase. They are taking out 18 lots at 5 to 6 acres and replacing them with 18 lots of 1 to 1.5 acres. The rest of the acreage would be dry farm.

Wendel Morse this eliminates some of the road way, and the concept is to have a continuous farmed area. We hope some of phase 1 would end up being farmed as well. We also want to ask that you give consideration, that if you get a clustering ordinance that it apply to this subdivision.

5:56:00

Ellis arrives.

Nelson the smaller lot size will be easier to manage.

Mr. Morse yes. The landscaped area will have sufficient water and there is a farmer currently renting part of the land.

Jon White will the green area be deemed undevelopable?

Mr. Morse yes, but we are also asking that if there is a clustering ordinance passed, that there could possibly be more lots added in.

Nelson if you put 39 acres back in for development would they be of the smaller lot size?

Mr. Morse yes, if there is an ordinance in place that permits that. Farmland needs to be preserved.

No Motion Needed

6:06:00

#3 Public Hearing

Nelson the public hearing is now open.

Ellis we need a better notice.

Runhaar we struggle with notices because you can't put much in the Newspaper. We do try to do a better notice on the County Website, but we are still limited to the web engineer's whims.

Clements motioned to close the Public Hearing due to no comment from the audience. Ellis seconded; passed 6, 0.

6:13:00

#4 Cache County Land Use Ordinance

Runhaar briefed the Commission on the suggested changes to the General Plan and the suggested changes to Agricultural Zones Zoning Ordinances, Title 17.

Staff and the Planning Commission discussed what the base zone should be called. They debated between Agricultural, Residential, Estate, or Rural. Ultimately the Commission decided to call the base zone Rural Zoning. The Council and staff also discussed what the base density should be.

Ellis moved to recommend approval to the County Council the changes to the Agricultural Zone with a base density of A-10. Clements seconded; passed 3, 2. (Larson abstained.)

6:59:00

Larson leaves.

Sands moved to recommend approval to the County Council the sight development standards for 1970 parcels being 3 lots at a density of 1 lot per 2 acres. Ellis seconded; passed 5, 0.

Ellis moved to recommend approval to the County Council the establishment of the RU-2 and RU-5 zones and for the needed changes in subsequent parts of the ordinance regarding RU-2 and RU-5. Erickson seconded; passed 5, 0.

7:16:00

Nelson what has happened regarding the water issues that were discussed at the last meeting?

Runhaar research on the water issues is being done and we are waiting on the developer for more information.

7:18:00

Adjourned.