

Cache County Planning Commission (CCPC)

Minutes for 06 August 2009

Present: Josh Runhaar, Jay Baker, Leslie Mascaro, Curtis Dent, Lee Nelson, Lamar Clements, David Erickson, Leslie Larson, Clair Ellis, Megan Izatt, John White

Start Time: 5:32:00 (Video time not shown on DVD)

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

Approval of Agenda

Clements moved to approve agenda. Dent seconded; passed 6, 0.

Approval of Minutes

Erickson moved to approve the 16 July 09 minutes. Clements seconded; passed 3, 0 (Nelson, Dent, and Ellis abstained).

5:34:00

Consent Agenda

#1 South Mount Sterling Subdivision (Kurt Bankhead)

STAFF DETERMINATION

South Mount Sterling Subdivision, **findings of fact:**

1. The South Mount Sterling 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 South Mount Sterling 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 South Mount Sterling Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. South Mount Sterling Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 5600 South, 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 the proponent shall meet all applicable standards of the Cache County Ordinance.
2. Adequate, approved, domestic water rights will be in place at the time of final plat recordation.
3. Applicant shall deed right-of-way for County road 5600 South across the entire frontage of the subdivision. The right-of-way, as designated on 5600 South, is 66' or 33' from the centerline of the road.

#2 Housley Brothers Subdivision Amended (Clinton & Margaret Housley)

Mr. Clinton Housley 14 yrs. ago, I built my home in Richmond and at that time I got 3 surveys. We were told we needed a new survey when starting this project. Why isn't one of the previous surveys good?

Runhaar only the lot that is being built on needs to be resurveyed.

Mr. Housley okay, I wish I would have know that, it would have saved us \$2800.

Nelson any other questions?

Mr. Housley we've been told we need a 20ft road for this subdivision

Runhaar it is staff's recommendation that the access be combined with the existing access rather than create a new one as shown on the survey plat.

Mr. Housley it is next to Mountain Shadow, can we combine the access with this property?

Nelson is Mountain Shadow going to use that road too?

Mr. Housley I haven't seen their plans, but my road is oiled.

Dent due to the draw to the west; I'm not sure they'll want to use this access.

Mr. Housley they have 3 or 4 building lots to the west of my road and I want to build on the east side. This road is already oiled, and I'm sure the roads on the west side would want to share that road.

White if we've got two homes there, how can we do that without a 50 ft right of way?

Runhaar two homes we can get away with 20 ft. because it is a private driveway.

Ellis there will have to be a turnaround added.

Mr. Housley yes, when it's done.

STAFF DETERMINATION

Housley Brothers Subdivision Amendment, **findings of fact:**

- 6.** The Housley Brothers Subdivision Amendment has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
- 7.** The Housley Brothers Subdivision Amendment 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.
- 8.** The Housley Brothers Subdivision Amendment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
- 9.** The Housley Brothers Subdivision Amended is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
- 10.** 11800 North, 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.

4. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
5. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
6. The private drive shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County. Applicant shall upgrade the private drive to meet the 20' wide requirement including an approved turnaround.
7. Access to Lots 1 & 2 shall be combined.
8. Residents of Lot 1 shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.

Dent moved to recommend approval to the County Council for the South Mount Sterling 2-lot Subdivision and the Housley Brothers Subdivision 1-lot amendment to the County Council. Clements seconded; passed 6, 0.

5:46:00

3 & 4 Wellsville View Estates Subdivision and Sterling Country Estates Subdivision (Stephen Wright)

Mascaro reviewed Mr. Stephen Wright's request for a 3-lot subdivision on 3.35 acres in the Agricultural Zone east of Wellsville and a 5-lot subdivision on 21.20 acres in the Agricultural Zone east of Wellsville. Fire and Garbage have reviewed the road and stated there are no problems. The culvert will need 18 inches of fill over it for it to support 75000 lbs. The county is requesting that Mr. Wright submit a drainage plan addressing the storm run-off concerns from the proposed development, and a letter of approval from the canal company.

Nelson will the new homes change the path of runoff?

Mr. Stephen Wright There is over 24 acres and only 8 homes going in so I don't think so. We are meeting the Bureau of Reclamation regarding the canal and I think wings need to be added to the culvert. I don't see how the drainage will affect the intersection of 6100 S and 2400 W. If you're concerned about the road, you could grant me a waiver for the chip and seal.

Clements I don't believe in forcing people to chip and seal a private road.

Mr. Wright it is a private road, and it will cost me a minimum of \$70-100,000 to do the road.

Clements if the fuel tax was going towards helping with the cost of the road and maintenance, I wouldn't have a problem with it.

Mr. Wright there are 8 homeowners where I live now and we all got together to do the road as we could afford to do it. If I have to add the chip and seal for the development, that should be my decision.

Nelson we are in a hard spot because private roads cause great problems because people still expect the county to maintain the road.

Mr. Wright the county doesn't maintain the road.

Ellis what is the extent of the road.

Mr. Wright it starts here and ends here. As I understand it, I'm also responsible for chipping and sealing the existing part of the road where there already are homes due to the subdivision going in.

Nelson any other questions?

Mr. Wright I understand that I have 1 yr. from county approval to record my plat. I would like to have 2 years to complete the project because the land is part of the proposed annexation into Hyrum for a golf course. I would like additional time for the developers of the golf course to pursue the annexation. If I don't get this done, I have to start over with the process.

Runhaar only the County Council can grant extensions.

Mr. Wright the Planning Commission's agreement would help.

Runhaar developers have to apply for an extension through the County Council after the first 12 months.

Wright if I don't get an extension, it's not good. I have to go in this fall to do the initial grade for the road to give it time to settle.

Runhaar We write escrows all the time. We just need a security agreement among our office, the attorney's and the developer. We can't sell lots without a guarantee that the improvements for the road will happen, but that can be done.

Nelson you do have that option.

Mr. Wright I would like you to not require the chip and seal. I would prefer to do gravel.

Ellis how does the road fit in with the county road plan?

Baker it's a dead end, there are not connections. The county will not take it over.

Runhaar that road is bordered on three sides, two sides by the canal, one side by the Bureau of Reclamation; they would have to cross back over the canal to connect to anything.

The Planning Commission and Staff discussed weight limits and fire code regulations for the culvert.

Mr. Wright if you go axle to axle, you can't get 75000 lbs.

Baker we can look at it, but it is fire code.

Runhaar they have had an engineer look at it, and has determined this culvert will need 18 inches of cover. It's not even a bridge it just needs some cover over the culvert.

The Commission and staff discussed road width, management, and designation.

Larson the county is in long enough to see the agreement is in place for the home owner's association to take care of the road and it becomes a civil matter after the home owner's association takes over.

Mr. Wright it is stated on the plat map that the road is private and is to be maintained by the homeowners.

Larson which is why this part is important because we say all that needs to be said, and it is stated in a public record.

Mr. Wright the existing road is gravel, and it's a nice gravel road.

Wellsville View Estates findings of fact:

1. The Wellsville View Estates 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 Wellsville View Estates 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 Wellsville View Estates Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Wellsville View Estates Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

Sterling Country Estates Subdivision findings of fact:

1. The Sterling Country Estates 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 Sterling Country Estates 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 Sterling Country Estates Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Sterling Country Estates Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

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.

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. The design of the private roads shall be reviewed by the County Engineer for compliance with applicable codes. The proponent shall submit a full set of engineered design and construction plans. The plans shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. The cost of such review shall be paid by the proponent. Surfacing shall meet minimum county standards.
4. The private road shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
5. The plat shall not be recorded until an agreement in regards to the Covenants, Conditions, and Restrictions is approved by the Cache County Attorney and Zoning Administrator to ensure that the private road can be adequately funded and maintained. The applicant shall provide documentation that the private road, 6100 south, will be jointly maintained.
6. A note shall be added to the final plat stating that County services may be limited or discontinued if the private road is not adequately maintained.
7. There must be a drainage plan set in place with special consideration given to the slope, the road, and excess water run-off collected in the canal.
8. Applicant shall obtain a letter of approval from the Bureau of Reclamation for the proposed changes regarding access and collection of additional storm water run-off.

Clements motioned for approval to the County Council for the Wellsville View Estates 3-lot Subdivision and the Sterling Country Estates 5-lot Subdivision with the removal of the

requirement for chip and seal and replacing it with “surfacing shall meet County requirements.”
Ellis seconded, passed 5, 1 (Erickson opposed).

6:26:00

#5 & 6 Lazy 9 Ranch Subdivision Phases 1 and 2 (Garret Mansell and Danny Mcfarlane)

Mascaro reviewed Mr. Mansell’s and Mr. Mcfarlane’s request for a 10-lot subdivision done in two phases of 5-lots each on 39.57 acres in the Agricultural Zone at 94 E 7340 N in Smithfield. The applicants are working with UDOT on access to the subdivision. The Richmond Canal does run through the property. The applicants have proposed 3 wells to service the 10-lots; easements must be set in place before final plat is recorded. All lots are feasible for septic tanks. We have consulted with the County engineer and there are drainage concerns especially with lots 1, 3, and 5.

Erickson I am a property owner to the north and east of this project and I am friends with the owner of the land. I will abstain from voting.

Ellis what is the loop in the road?

Mr. Garret Mansell the loop is for traffic flow and it creates a 9 for the Lazy 9 Ranch Subdivision.

Nelson the open space could be a difficult area to maintain.

Mr. Mansell the community area?

Nelson yes.

Runhaar that is listed on the bullet points.

Nelson You are more than welcome to do it, but we just wanted to make you aware that community areas are hard to maintain.

Ellis is this a private road?

Nelson yes.

Roy Hebdon I oppose this. My land runs directly south and kitty corner of where this development is being proposed for. I live where I do because I am in agriculture and I don’t like to see good farmland developed.

Ellis we are bound by the ordinance and I would suggest you maybe look at the ordinance for grounds to oppose this development.

Erickson I was born and raised right across the road from this development. Paul acquired the land from my brother. All of these lots on the road front, run into the canal for drainage. The

canals are taking unwanted water as it is. The bridge here, needs work and the canal companies need to know. I've seen this happen before and the area explodes and you hate to see it. The rail road needs to be aware of the drainage issues as well.

The Planning Commission and staff discussed canals.

Dent is the land irrigated with Richmond Canal Water?

Erickson it is mostly irrigated with North Bench Water and some Northern Logan Water. There are no Richmond water shares.

Dent is there any secondary water?

Erickson some.

Dent okay, they have to get a permit for storm water, so aren't they going to be required to put a retention pond in?

Mr. Danny McFarlane we are bound by county and state law to do a retention pond in this subdivision. Typical runoff on undeveloped property is allowed to discharge off your property, and anything else that is added due to development has to be contained.

Ellis is this an existing road with an existing culvert?

Baker it's a dirt road with a culvert.

Ellis do they need permission for a highway access?

Mr. McFarlane yes, and we are working with UDOT.

The Planning Commission and staff discussed secondary water requirements.

STAFF DETERMINATION

Lazy 9 Ranch Subdivision Phase I, **finding of fact:**

- 5.** The Lazy 9 Ranch Subdivision Phase I conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.

STAFF DETERMINATION

Lazy 9 Ranch Subdivision Phase II, **finding of fact:**

- 1.** The Lazy 9 Ranch Subdivision Phase II conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.

Ellis motioned to approve the preliminary plat for the Lazy 9 Subdivision. Clements seconded; passed 5, 0 (Erickson abstained).

6:52:00

#7 Discussion – Amendment to the Cache County Comprehensive Plan

Runhaar reviewed the proposed amendments to the comprehensive plan. The largest change is the addition of the rural zoning designation.

The Planning Commission and staff also discussed the recordation of final plats.

No action was taken.

7:11:00

Adjourned