

Cache County Planning Commission (CCPC)

Minutes for 3 September 2009

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

Start Time: 5:31:00 (Video time not shown on DVD)

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

Approval of Agenda

Clements motioned to approve the agenda; *Erickson* seconded; **passed 6, 0.**

Approval of Minutes

Clements motioned to approve the 06 August 2009 minutes with the noted changes; *Ellis* seconded; **passed 5, 0 (Sands Abstained)**

5:34:00

Approval of Consent Agenda

#1 Jay Leishman Subdivision (Jay Leishman)

Ellis there is 19 ft county road meeting a private lane. There is a requirement that the private lane be 20 ft. Shouldn't the county road be the one widened?

Runhaar the county road needs an additional foot of width.

Ellis it isn't in the conditions.

Runhaar we can make that change.

Ellis the applicant understands?

Mr. Jay Leishman yes.

Findings of fact:

- 1.** The Jay Leishman 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 Jay Leishman 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 Jay Leishman Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
- 4.** The Jay Leishman Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

CONDITIONS OF APPROVAL

1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. Prior to final plat recordation adequate, approved, domestic water rights shall be in place for Lot 2.
3. 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.
4. Access to both lots shall be combined.
5. Residents shall provide sufficient space along 8100 South for placement of refuse and recycle containers so they do not interfere with traffic.
6. The Applicant shall reaffirm the 33' from centerline right-of-way for County road 8100 South across the entire frontage of the subdivision. The county road must meet a minimum of 20 feet.
7. An improved turnaround area at the end of 8100 South shall be provided, and shall be approved by the Fire Department.

#2 Garland Acres Subdivision Amended (Kyle Yonk)

Findings of fact:

1. The Garland Acres 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.
2. The Garland Acres 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.
3. The Garland Acres Subdivision Amendment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Garland Acres Subdivision Amendment is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 600 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

1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. Prior to final plat recordation adequate, approved, domestic water rights shall be set in place.
3. Residents shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.

Larson motioned to recommend approval to the County Council of items #1 and #2 on the consent agenda and to move item #3 off the consent agenda for more discussion. **Erickson** seconded; **passed 6, 0.**

5:39:00

#3 Rosehill Holdings LLC (Max Wilkinson)

Mascaro reviewed Mr. Max Wilkinson's request for approval for a Conditional Use Permit to allow the construction of two storage units on 34.73 acres of property in the Agricultural Zone located south of Hyrum.

Ellis is this in the commercial or agricultural zone?

Mascaro Ag.

Runhaar this could not be approved administratively due to the size of the expansion.

Nelson what is the size of the buildings?

Mascaro East side of the processing plant the addition would be 18' x 98' and the other addition is 60' x 94'.

Ms. Carol Jessop I live on 6600 S above the dairy, and I am against expanding the dairy. It is such a bottle neck on that road. You cannot pass with two cars on that road, and the bridge cannot support two cars passing. The county promised to widen the bridge last time we were here, and it hasn't happened. Also, there are calf pens all the way to the black top; they have semi trucks up there constantly. We were told there would be very little traffic; it is difficult to get up and down that road. We don't need big sheds down there to create more of a hassle. When does the County start thinking of the people that live up there? They have a big pond up there that is nothing more than a breeding ground for mosquitoes. If they enlarge the plant, that pond has to be enlarged. We are an agricultural zone; we are not an industrial zone.

Tama Mathews I own the property to the north and adjoining above that we have 30 acres. My concern is illumination. We raise mink and we cannot have yard lights of any kind. If they add lighting, it would be very detrimental to our business. Mink have to be in total darkness. Artificial light ruins their pelts, and their breeding habits.

Mr. Max Wilkinson there will be no additional lighting.

Ellis do we need to address the road and how the expansion will affect it?

Mr. Wilkinson it won't increase traffic. We have a semi in there (3) three times a week to take milk to another cooler. Milk trucks are in and out of there during the middle of the night and are done by 7 am.

Clements are there hay trucks being unloaded on the road?

Mr. Wilkinson no, not unless it is the dead of winter and the hay truck can't get in the yard.

Ellis do you need more space because production has increased?

Mr. Wilkinson no, we need more dry storage space for milk bottles, caps, etc; and to help with sanitation.

White it is a skinny, narrow road. The calf pens do need to be moved back. What Carol said about the road is true; cars cannot pass on the bridge.

Nelson can you move the calf pens back?

Mr. Wilkinson how far do I need the calf pens off the road?

Runhaar at least 33 ft from the center of the road.

Mr. Wilkinson okay.

Staff and Planning Commission discussed road width and setback requirements.

Erickson is this additional space being required by the inspector?

Mr. Wilkinson no, but the inspector says it will be a big improvement for sanitation.

Staff and Planning Commission discussed right-of-way on the road.

Ellis there were some concerns raised not regarding the commercial use in the Agricultural zone, but about the dairy itself. I just want neighbors to be aware that the commission's hands are tied by the Conditional Use Permit as long as the conditions are met. Maybe the neighbors can get a copy of the permit and report non-conformities.

Craig Rasmussen I am on the Hyrum City Council and I want to address the right of way width. This area is on the future annexation list for Hyrum and is listed on our transportation plan as a future collection point. We would like to preserve a future 66 ft. right-of-way there.

Staff and Planning Commission discussed the right-of-way, and nonconforming uses.

Larson it needs to be well noted that the property owner has been advised of the easement and its requirements.

FINDINGS OF FACT

1. The Rosehill Holding's Conditional Use Permit expansion 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 Rosehill Holding's Conditional Use Permit expansion 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 expansion is issued in conformance with the Standards and Criteria for a Conditional Use within Title 17 of the Cache County Code.

CONDITIONS OF APPROVAL

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.
4. The parking areas to the south and west shall be maintained so that fire apparatus may have access in an emergency.
5. All combustible materials including weeds shall be cleared from the buildings.
6. The property owner has been advised of the County road standard to dedicate 33 feet from the center of the existing road 6600 South to the County for future widening and improvement of the road.
7. The proponent shall continue to be subject to the conditions of previously approved Conditional Use Permits for this use on said property.
 - Current and future owners of this property must comply with any variance or special exception issued by the Board of Adjustment in conjunction with this permit.
 - 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 the permitted uses in the Agricultural Zone(Ag) and Forest Recreation Zone (FR-40).
 - A copy of the plan engineered by the NRCS for the retention pond to accommodate waste water from the dairy and processing plant shall be given to staff for the file prior to the recording of this permit.
 - The applicants shall obtain a County Business License for the commercial business.
 - There shall be no sales of product on site.
 - This business may have up to 18 employees in addition to family members.
 - The property owners shall dedicate 25 feet on either side of the center of the existing road 6600 South to the County for future widening and improvement of the road.
 - The applicants shall receive approval from the State Water Engineer's Office to use the water from the well for the bottling plant.
 - The applicants shall take every precaution to prevent animal waste or waste water from the dairy and bottling plant from entering the canal bordering this parcel.

- Any expansion of this commercial business in number of employees beyond 18 approved construction of additional buildings, etc., shall be reviewed and approved by the Planning Commission prior to that expansion.

Clements motioned to approve the Conditional Use Permit for Rosehill Holdings, LLC. *Ellis* seconded; **passed 6, 0.**

6:07:00

#4 Agricultural Protection Area (Farrell D. Petersen)

Mascaro reviewed Mr. Farrell D. Petersen's request for an Agricultural Protection Area on 34.73 acres of property in the Agricultural Zone near Hyrum. Staff received a letter of objection from Hyrum City stating that the Agricultural Protection Area would frustrate Hyrum's annexation plans. Mr. Linton has looked at the letter and still recommends approval.

Craig Rasmussen I want to state that Hyrum City does object this. I know there is little that we can do to stop it, but I also know that it basically makes it illegal to annex this due to it creating a peninsula. This prohibits property owners in this area for future development. I've also heard a rumor that action is coming before the council to decrease the size of Agricultural Protection Areas to 5 acres and I don't agree with that.

Mr. Farrell D. Petersen This ground was acquired from Leland Stanford of the Union Pacific Railroad by my grandfather, my father inherited it after him, and then me. I want it to be protected for my family for agriculture. I don't think we need another Salt Lake; let's keep some of the green space in Cache County. It doesn't surprise me that Hyrum City objects this. This summer I have disputes and threats from Hyrum City. I am trying to develop the water rights there, I have 18 shares. I would like to utilize my shares more fully.

Ellis an Agricultural Protection status would require the owner's approval for annexation?

Runhaar yes.

Staff and Planning Commission discussed the requirements for an Agricultural Protection Area and the possibility of being annexed.

Mr. Rasmussen I don't believe the city is opposed to Mr. Petersen's want of an Agricultural Protection status for his land. But this does affect adjoining property owners. If the other property owners want to annex and Mr. Petersen doesn't, he holds all of the property owners hostage. Hyrum can't designate when and where it annexes, that is dependent upon the request of the property owners.

Findings of fact:

- 1) The land is currently under agricultural production as pasture, hay, and grains.
- 2) The land is within the Agriculture Zone.
- 3) Approximately 37.67 acres of land area is irrigated from the Hyrum Irrigation Company. The proponent maintains 18.5 shares of water to flood irrigate. The owner has plans to switch to a sprinkler system with a pump in the future.
- 4) The 37.67 acres is an agriculturally viable parcel.

Erickson motioned to recommend approval to the County Council for the Farrell D. Petersen Agricultural Protection Area near Hyrum. *Ellis* seconded; **passed 6, 0.**

6:21:00

#5 & 6 Lazy 9 Ranch Subdivision Phases 1 and 2 (Garrett Mansell & Danny Macfarlane

Mascaro reviewed Mr. Mansell's and Mr. Macfarlane's request for 10-lots completed in two (2) phases of 5-lots a piece on 39.57 acres of land in the Agricultural Zone located north of Smithfield. There is a boundary line adjustment with this subdivision. The applicants have provided a drainage plan, a letter of approval from the canal company, and an open space plan. The county engineer has reviewed the drainage plan and feels it will be sufficient. The preliminary plat was discussed during the August 4th meeting.

Runhaar the last three conditions have been requested by the canal company.

Erickson on the drainage plan, were the canal companies approached on this? I know part drains into Logan North Canal Company and I know they were not approached.

Mr. Danny Macfarlane they weren't addressed. What has been proposed is a 2 ft berm to be built along the entire west end of the property; so no run off will leave the property.

Erickson nothing will run off into Logan North Canal?

Mr. Macfarlane no.

Nelson in a wet year is that going to be enough?

Erickson no. If there is a large storm, it will run. Does the 2 ft. berm go up along the north side?

Mr. Macfarlane No, it runs along the west side and ties back in east and west. It maybe goes 20 ft. east on each end. There is a constant slope from east to west. By state law the property can run storm water off the property as long as it doesn't exceed historical run off. We can't predict or withhold all run-off on that property.

John Hillyard has Union Pacific Railroad been contacted? A 2 ft berm will not hold all the water if there is a lot of rain and it will not take much to wash the railroad ties out of the ground.

Nelson how does this change what has happened in the last 20 years?

Mr. Hillyard when you change it and go from Agriculture where the water seeps into the soil, and you put asphalt, and driveways in, the water doesn't seep into the ground and the run-off is increased. Whenever you put asphalt, sidewalk, driveways, any of that you can create problems.

Mr. Macfarlane the railroad hasn't been approached, but we are within the property with the berm. There is going to be a 22 ft. wide road and driveway materials are up to the homeowners. The road will slope into the open space.

Erickson that road that goes down the middle, does it go into the open space and that your collection area, or does it go over those two lots?

Mr. Macfarlane That roadway has a centerline and a two percent grade on each side. Half of the loop will slope into the open space. It's all intended to slope off towards the lots on the roadway.

Erickson are there berms going in on the other areas?

Mr. Macfarlane there is a berm on the southern east side of the canal and we are going to extend that berm along the remaining section of the canal.

Clements you really need to put emphasis on where this additional storm water is going to go.

Mr. Macfarlane that is the purpose of the drainage plan that the county engineer has reviewed and approved.

Erickson has the point of diversion for the irrigation company been decided upon?

Mr. Macfarlane yes it is on the north side of the road on the very east property line off the six inch line.

Erickson so a right-of-way through Richmond Irrigation has happened?

Mr. Macfarlane yes, and there is valves at that location also. There is a 4 inch line, and a 2 inch service line to each lot.

Erickson how many psi?

Mr. Macfarlane 160.

Lamont Paulson where they are building the school, it has been interesting with the rainy year we've had, in front of my home. They built a 3 ft. berm to help with drainage, and if it had rained just a little bit longer, it would have come over that 3 ft. berm.

Mr. Macfarlane I've seen the construction plans for the school and all the runoff goes to that bermed area. That is a specified retention area.

Larson the applicant has met the conditions of approval and the county engineer has signed off.

Findings of fact:

1. The Lazy 9 Phase I 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 Lazy 9 Phase I 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 Lazy 9 Phase I Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Lazy 9 Phase I Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

Lazy 9 Subdivision II

Findings of fact:

1. The Lazy 9 Phase II 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 Lazy 9 Phase II 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 Lazy 9 Phase II Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Lazy 9 Phase II Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

CONDITIONS OF APPROVAL

1. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
2. Prior to final plat recordation adequate, approved, water rights shall be in place for the proposed open space.
3. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
4. 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.
5. The private road shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
6. 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 and open space can be adequately funded and maintained.
7. 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.
8. Water line easements for the (3) proposed wells that will service ten lots shall be set in place before final recordation.
9. Applicant shall obtain a permit from U-DOT prior to road construction.
10. A temporary all weather 96" diameter turn-around must be provided at the end of Phase I until the road is completed for both phases.
11. The pipe under 7940 North Street shall be a 42" Reinforced Concrete Pipe with a total length of 48'.
12. No storm water above the natural unimproved run-off shall be allowed into the canal. The canal board approved the drainage plan, showing rock check dams and earth berms used to contain the storm water from the subdivision improvements from entering the canal.
13. Prior to final plat recordation, the applicant must set in place a 32' wide easement as opposed to the current 30' wide easement as per the request of Richmond Irrigation Company. One-third of the easement shall be located on the East side of the centerline of the canal with the remaining two-thirds of the easement located on the west side of the centerline of the canal.

Larson motioned to recommend approval to the County Council for the Lazy 9 Subdivision Phases 1 and 2. Clements seconded; passed 4, 0 (Erickson & Dent abstained).

6:35:00

Dent arrives.

#7 Estancia Subdivision Phase 4 (Todd Morrill & Walt Young)

Mascaro reviewed Mr. Todd Morrill's and Mr. Walt Young's request for a 4-lot subdivision on 14.34 acres of property in the Agricultural Zone located northwest of Smithfield. The road is currently not adequate but conditions from phases 1, 2, and 3 will also apply for phase 4. Bear River Health Department (BRHD) has approved the lots for septic tanks and wells with several stipulations. There are jurisdictional wetlands in this area, and the applicant has consulted with

an ecological engineering firm and has determined that there are no jurisdictional wetlands in the building envelopes.

Runhaar This development will be lumped into the same development agreement as 1, 2, and 3 for the road improvements. We've been asked that the conditions regarding the wells and septic tanks be recorded on the plat, and we've discussed this and we're not sure where to put them because plat notes are permanent and requirements for septic and wells could change.

Dent what is the status on the road improvements?

Runhaar we have the development agreement and that will be signed at the recordation of the plat at the end of the year.

Clements how many of these are you going to do? You are taking advantage of the county ordinance and I disagree with this. You are creating a residential area and destroying an agricultural area.

Ellis we should state that the applicant didn't write the ordinance, the County Council did.

Erickson I'm flabbergasted that this was approved due to the wetlands in the area.

Clements I've been told that it is really poor water.

Mr. Walt Young how many places have people talked about poor water in the county? There are wells in this area.

Clements the ladies to the north of here have poor water, and I was wondering if you knew anything about it.

Mr. Young I'm not an engineer, I couldn't tell you about the quality of the water.

Ellis condition #7, it seems vague.

Runhaar that condition is carried over from the first 3 phases.

Mr. Paulson it is interesting to listen to the dialogue. I don't know who's to protect who. BRHD must approve everything because I don't know anyone who would put a septic tank in here without fear of it floating away. You can build a home, but the issues that come with the septic tank after, are enormous. People don't get enough information. There is a home there, without a basement, and if one of their sub pumps doesn't go off, they get a foot and a half of water in there home.

Mr. Chris Chambers my point of view is similar to Mont's. I live east of here. The developer is going to come in and do their thing and be gone and we're left to deal with it, and so are the homeowners. This can create problems for everybody that is left there.

Mr. Hillyard I own property above this. I dig post holes and 9 months out of the year, you can dig a 30 inch post hole and it will be filled before you even get the post in the ground. I turned

the water off on the piece of property you're looking to rezone seven days ago, and the water around the perk test hole is still standing. There is a present water issue, and there always has been in the area. There are wells in the area that Amalga has capped because they are ironing. There are good wells, but they are deep.

Ellis the conditions don't mention septic, is that carried over?

Mr. Young it comes from the health department. We did perk tests and drilled test wells. BRHD reviewed all the results.

Runhaar looking at BRHD, they've listed where and where not septic tanks could be. We can state no subgrade construction.

Sands was the intent to adopt the stipulations from the BRHD letter?

Runhaar we can, but in 10 yrs. standards can change. I think we need to state that buyers need to go talk to BRHD.

Mr. Young isn't that a requirement?

Runhaar it is.

Mr. Young this is not a flat swampy piece of land.

Larson I am not an engineer. This is difficult; there are some really difficult issues. Within areas where it gets that wet, there are "islands" in those areas. I don't know how far we can go to protect someone from themselves. We have the requirements and when an applicant meets those, we can't deny them. We look to see that the requirements are met and if the applicant meets the requirement, we say okay. The opponents to the project have legitimate concerns, but as a government agent, I don't think there is anything we can do to deny the subdivision where the applicant has met the requirements.

Dent motioned to recommend denial to the County Council for the Estancia 4-lot Subdivision phase 4. Motion dies due to lack of a second.

Nelson do you think irrigation will affect these homes?

Mr. Hillyard yes.

Mr. Paulsen I'm more worried about the impact on the road.

Erickson on 7800 west, Utah Power is moving the power lines?

Runhaar Yes.

Erickson 7800 west is impassable for passing.

Mr. Young all the road improvements have been approved by the county engineer.

Erickson are the property owners aware of the road improvements?

Mr. Young yes.

Runhaar the road has been on the county improvement plan for the last two years. We just haven't had the oil or the funds to improve it yet.

Findings of fact:

1. The Estancia Phase 4 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 Estancia 4 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 Estancia 4 Subdivision conforms to the Preliminary and final plat requirements of §16.03.030 and §16.03.040 Cache County Subdivision Ordinance.
4. Estancia 4 Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

CONDITIONS OF APPROVAL

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. Prior to final plat recordation the proponent shall correct the placement of Amalga's waterline easement through Lot 16.
4. The proponent shall enter into a development agreement with the County for the improvement of all off-site roads as listed in the attached draft Development Agreement prior to recordation of the plat. The draft Development Agreement shall be finalized prior to hearing by the County Council.
5. County road 1600 West shall be constructed to a minimum 20 foot width with a double chip-and-seal surface and a minimum one foot shoulder.
6. The design of 1600 West 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.
7. Special accommodation to access should be made for potential conflicts with farm equipment.

Larson motioned to recommend approval to the County Council for the Estancia Phase 4, a 4-lot Subdivision. Ellis seconded; passed 4(Nelson, Clements, Larson, Ellis), 3 (Sands, Dent, Erickson).

7:23:00

#8 Discussion – Amendment to the Cache County Comprehensive Plan

Runhaar reviewed the proposed changes to the County Comprehensive plan.

Sands passed a motion for adoption of the proposed changes to the Cache County Comprehensive plan. Larson seconded; passed 7, 0.

7:40:00

Adjourned.