

1 **Cache County Planning Commission (CCPC)**

2
3 Minutes for 3 December 2009

4
5 **Present:** Josh Runhaar, Leslie Mascaro, Chris Sands, Curtis Dent, Lee Nelson, Lamar Clements,
6 Clair Ellis, David Erickson, Leslie Larson, Donald Linton, John White, Megan Izatt

7
8 **Start Time 5:32:00** (Video time not shown on DVD)

9
10 **Clements** welcomed; **Dent** gave opening remarks

11
12 **Approval of Agenda**

13
14 *Dent made a motion for the approval of the agenda; Erickson seconded; passed 6, 0.*

15
16 **Approval of Minutes**

17
18 *Ellis made a motion for approval of the 01 October 2009; Sands seconded; passed 6, 0.*

19
20 **5:35 Nelson** arrived.

21
22 *Erickson made a motion for approval of the 05 November 2009; Dent seconded; passed 7, 0.*

23
24 **Approval of 2010 Meeting Schedule**

25
26 *Larson made a motion to approve the 2010 meeting schedule with the change of July's meeting*
27 *moving from the 11th to the 8th; Erickson seconded; passed 7, 0.*

28
29 **Election of Officers**

30
31 *Dent made a motion to nominate Clair Ellis as Planning Commission Chairman; Larson*
32 *seconded; passed 7, 0.*

33
34 *Erickson made a motion to nominate Lamar Clements as Vice Chairman; Dent seconded;*
35 *passed 7, 0.*

36
37 **5:43:00**

38
39 **Consent Agenda**

40
41 **#1 Pinder Subdivision (Cheryl Pinder)**

42
43 *Sands made a motion to remove item #1 from the consent agenda; Clements seconded; passed*
44 *7,0.*

45
46 **Mascaro** reviewed Ms. Cheryl Pinder's request for a 2-lot subdivision on 103.13 acres of
47 property in the Agricultural Zone in Young Ward. County road 600 South provides adequate

1 access to the site. The private drive shall not be any wider than 30 feet. Garbage collection will
2 be picked up along 600 S.

3
4 **Runhaar** The current discussion is on the subdivision of the property. The use of the property
5 may be changing, but that will be discussed at a later date.

6
7 **Mr. John Easley** myself and the other neighbors have met with the Pinders. We are concerned
8 about the Pinders running a tucking company from the property. We were told the situation
9 would be strongly monitored. I fell like there is an infringement on my lifestyle with this. We
10 would like the land to stay in the Agricultural zone and not be rezoned to industrial. This does
11 change our quality of life. We're concerned with the wildlife out there; some of the birds have
12 moved on due to the construction. We're concerned with the seasonal wetlands and understand
13 there will be no septic tank.

14
15 **Nelson** Cheryl, would you please explain what you want to do. And everyone keep in mind that
16 trucks are part of agriculture.

17
18 **Cheryl Pinder** we came in for a building permit. We used to run 90% of Agriculture, and 10%
19 of commercial, but have had to move our trucks to more commercial because of the economy.
20 We would like to try and keep the land in the Agricultural zone because if we move it out, we
21 have 7 years of back taxes to pay. We ran into opposition of the building with the neighbors and
22 we've tried to remedy that. The neighbors wanted to discuss the issues they had which were
23 lighting, truck noise, water issues, spillage, and oil leaks. All the oil from our trucks goes
24 straight to the landfill. It would be better to stay in the Agriculture zone instead of commercial
25 or industrial. We want to be good neighbors and not cause havoc. We are asking to stay in the
26 Agriculture zone and run our trucks.

27
28 **Nelson** if you rezone to commercial or industrial anything can go in there.

29
30 **Runhaar** Where they do commercial hauling they are a wholesale business, and that is not
31 currently permitted in the Agricultural Zone.

32
33 **Nelson** what do you haul?

34
35
36 **Ms. Pinder** grain, hay, cattle; we run a lot of Ag.

37
38 **Clements** I don't see a problem with that.

39
40 **Runhaar** we need to discuss the subdivision, not the use. The use was classified as an
41 administration decision.

42
43 **Ellis** what is the background of the subdivision?

44
45 **Ms. Pinder** we own all 103 acres. We had neighbors who wanted to live there; they were not
46 allowed to build because of septic. 2 years ago we purchased it back and changed everything

1 back into our name. We didn't know we need to come before the planning commission. We
2 didn't know it needed to be recorded.

3
4 **Mascaro** it is currently subdivided without necessary board approvals and is restricted.

5
6 **Sands** it meets all the requirements?

7
8 **Runhaar** it does.

9
10 **Mr. Pinder** if I put a house on it I won't have a problem is that correct?

11
12 **Runhaar** no, that is not correct.

13
14 **Mr. Pinder** but there was a house there, that lot was cut out.

15
16 **Runhaar** when you cut a lot out illegally, it becomes restricted.

17
18 **Ms. Pinder** that lot has always been cut out for at least 100 years.

19
20 **Runhaar** not according to the records.

21
22 **Dent** if it wasn't recorded, why does it need to be subdivided?

23
24 **Runhaar** according to the Recorder's office, it was recorded, but without proper subdivision
25 approvals We have to create the subdivision to make the lots legal.

26
27 **Mr. Easley** there was a house there when we moved there in 1990. This is turning into a fiasco.
28 The building is up; why can't he just use it and leave everything like it is?

29
30 **Nelson** because we can't have a restricted lot.

31
32 **Mr. Easley** if he gets this cleared up; can he approach it as an Ag use?

33
34 **Runhaar** no.

35
36 **Easley** what if he wants to store corn?

37
38 **Runhaar** yes, then he can stay in the Agriculture zone; but only if the use is only agriculture.

39
40 **Planning Commission** and staff discussed restricted lots, the uses of Agricultural buildings, and
41 usage of Agricultural land.

42
43 **Sands** I need to disclose that I am a neighbor of the Pinders; I pay them to cut my hay.

44
45 **FINDINGS OF FACT**

46 **1.** The Pinder Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised
47 within the public and administrative records.

- 1 2. The Pinder Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16
2 and 17 of the Cache County Code and the requirements of various departments and agencies.
- 3 3. The Pinder Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County
4 Subdivision Ordinance.
- 5
- 6 4. The Pinder Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area
7 properties.
- 8 5. 600 South, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed
9 level of development.

10 **CONDITIONS OF APPROVAL**

- 11 1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
- 12 2. Adequate, approved, domestic water rights will be in place at the time of final plat recordation unless the property is rezoned
13 Commercial/Industrial.
- 14 3. The private drive shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by
15 Cache County.
- 16 4. The private drive shall meet the maximum 30' wide requirement as per 17.22.070b of the Cache County Ordinance. The drive shall be
17 properly delineated.
- 18 5. Lot 1 shall provide sufficient space along 600 South for placement of refuse and recycle containers so they do not interfere with traffic.
19

20
21 *Larson made a motion to recommend approval to the County Council for the 2-lot Pinder*
22 *Subdivision; Clements seconded; passed 6, 0 (Sands abstained).*

23
24 **6:06**

25
26 **#2 Tarbet Subdivision and Boundary Line Adjustment (Bruce R. & Laurilee N. Tarbet)**

27
28 **Mascaro** reviewed Mr. Bruce Tarbet's request for a 3-lot subdivision and complete a Boundary
29 Line Adjustment on 74.70 acres of property in the Agricultural Zone near Richmond. Lot 1 is
30 restricted because the lack of obtaining the necessary board approvals; there is currently a home
31 on this lot. Lot two is being created for residential use. Lot 3 will remain in Agriculture.
32 County road provides adequate access. All lots are feasible for septic tank systems, and a well.

33
34 **FINDINGS OF FACT**

- 35 1. The Tarbet Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within
36 the public and administrative records.
- 37 2. The Tarbet Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and
38 17 of the Cache County Code and the requirements of various departments and agencies.
- 39 3. The Tarbet Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County
40 Subdivision Ordinance.
- 41 4. The Tarbet Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area
42 properties.
- 43 5. 11600 North, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed
44 level of development.

45
46 **CONDITIONS OF APPROVAL**

- 47 1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
- 48 2. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
- 49 3. The private drive shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by
50 Cache County.
- 51 4. Lots 1 and 2 shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
52

53 *Larson made a motion to recommend approval to the County Council for the 3-lot Tarbet*
54 *Subdivision; Dent seconded; passed 7, 0.*

1 **6:08:00**

2

3 **Board Member and Staff Reports**

4

5 Planning Commission and staff discussed fire code, fire sprinklers, and fire response times. The
6 Planning Commission requested a further discussion on the item at the January meeting with the
7 fire district present to answer questions.

8

9 Planning Commission and staff discussed the Ruby River Pipeline.

10

11 Planning Commission and staff discussed the Parkinson Gravel Pit CUP Expansion.

12

13

14 **6:31:00**

15

16 **Adjourned**