

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

2  
3 Minutes for 7 January 2010

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

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

9  
10 **Ellis** welcomed; **Larson** gave opening remarks.

11  
12 **Approval of Agenda**

13  
14 *Passed.*

15  
16 **Approval of Minutes**

17  
18 *Passed.*

19  
20 **5:37:00**

21  
22 **#1 The S Curve Subdivision (Steven C. Taylor)**

23  
24 **Runhaar** Benson has no active board right now. We do need to follow due process, and allow  
25 the applicant to proceed. That is why this board is reviewing this subdivision.

26  
27 **Mascaro** reviewed Steven C. Taylor's request for a 4-lot subdivision and boundary line  
28 adjustment on 13.20 acres of property in the Agricultural Zone located at 2202 West 4500 North  
29 in Benson. County road 2400 West will provide adequate access to the proposed subdivision.  
30 The private drive shall be constructed to county standards, 22' wide with 2' shoulders and a  
31 gravel base. This parcel is located within the Benson Culinary Water District. This district was  
32 established to provide clean water to the residents within Benson, because of the poor water  
33 quality in this area. Benson will allow a maximum of two water hook-ups per subdivision. All  
34 buildable lots will need to connect to Benson Culinary Water System. There was a wetland  
35 study conducted that indicates there are potential wetlands. In reference to the wetland study  
36 map, any construction proposed on the east side of the line, will need to conduct a wetland  
37 delineation prior to construction.

38  
39 **Staff** and Planning Commission discussed the road requirements. The road needs to be 22ft  
40 wide with 2 foot shoulders and at least a gravel surface. The road also needs to have the 33 foot  
41 wide easement in place.

42  
43 **Clements** I have an issue with #6. They have to be part of the Benson Culinary Water District  
44 even if Benson doesn't have the water to support the subdivision?

45  
46 **Runhaar** that is what is supposed to happen

1 **Steven Taylor** Herb Weston is the owner of the property and I'm his agent. We were told that  
2 we could have two hook-ups and no more, because Benson Culinary Water District couldn't  
3 afford more. Because of that, we were told we need to get a well permit for the back two lots  
4 and the state water board has approved a well being drilled there.

5  
6 **Ellis** do you have any concerns with other conditions?  
7

8 **Mr. Taylor** this is an official county right of way?

9 **Runhaar** yes, it is.

10  
11 **Mr. Taylor** the intent is to stay in agriculture, and to keep the wetlands as they are.

12  
13 **Dent** Do you have a well permit? If you don't build the house, do you plan to drill a well for  
14 livestock?

15  
16 **Mr. Taylor** yes.

17  
18 **Erickson** can you please give me a little background on the wetland's study that was conducted?  
19

20 **Mr. Taylor** before Jay would consider accepting the plot, someone needed to go walk the  
21 property and that's what Cindy did.  
22

23 **Kelby Johnson** I have a concern with the well. The Benson culinary well is not very far from  
24 where they want to drill a well. The Benson well serves all of Benson. I have studied this and  
25 drilling a new well could cause a funnel in the water table and could impact the Benson well.  
26

27 **Mascaro** Benson's culinary well is located approximately 1 mile northeast from this area near  
28 Smithfield.

29 **Brad Reese** I have an irrigation ditch running through this piece of property and I'm wondering  
30 how this will affect it.

31  
32 **Mr. Taylor** it won't affect the irrigation ditch.  
33

34 **Mr. Herb Weston** I replaced the cement culvert with a plastic culvert a few years ago. I want to  
35 put another 24 inch culvert in near the corner.  
36

37 **Ms. Sherilyn Johnson** I have a couple of concerns. There is a very high water table due to the  
38 wetlands. There is also a problem with septic tanks. Neighbors in the area have their septic  
39 tanks flooded out during the spring. I'm also concerned about road traffic. There is a dangerous  
40 blind curve and I've had people end up in my front yard coming around that curve.  
41

42 **Larson** I have a question on the septic tank. What does shallow water table mean?  
43

44 **Runhaar** I don't know, but Bear River Health has approved these lots for septic tank systems.  
45

46 **Larson** can we state something like the septic can be no lower than the footings for the house?

1 **Clements** I reviewed a septic a few months ago and it was 2 ft and footings require at least 3  
2 feet.

3  
4 **Ellis** we've had restrictions on basements before. Are there any concerns there?  
5

6 **Runhaar** not on the front two lots.  
7

8 **Ms. Wynona Steel** I own the home net to this on the north side. I am concerned about water  
9 too. I've lived there since 1979 and several years I haven't been able to use my septic because it  
10 floods and I can't get it fixed because it just happens again and it cost too much. I'm also  
11 concerned with the extra traffic.  
12

13 **Mr. Wayne Maughan** I understand growth is happening around the state and the county. I  
14 would like to see as growth happens we limit the impact on current residents. People live in the  
15 country because they don't want multiple dwellings in their back yards. We also need to  
16 consider the air pollution in our valley when discussing new construction and the added drivers  
17 that it could possibly bring.  
18

19 **Ellis** thank you for the comments.  
20

21 **Mr. Weston** I appreciate the opinions of others and neighbors. I was born and raised here in  
22 Logan. After attending USU, I went into farming. My father passed away and I continued to  
23 farm with my 3 boys. As to the flooding, I think part of it is due to the road. Mr. Reese has put a  
24 lot of money into the drainage and it was an expensive and mighty undertaking and we will get  
25 to see how it works this year. The traffic will probably increase, but hopefully people will be  
26 careful drivers.  
27

28 **Staff** and the planning commission discussed condition #6 and its requirements.  
29

30 **Mr. Taylor** we were asked to obtain a well permit for the back (2) two lots because we couldn't  
31 have more hook-ups through Benson's Culinary Water District.  
32

33 **Runhaar** if there is no contention from Benson Culinary Water District, we can take it out.  
34

35 **Mr. Taylor** due to their funding, I've been told, they couldn't have more than (2) two water  
36 hook-ups per subdivision in Benson.  
37

38 ***Sands** made a motion for recommendation approval of the 4-lot S Curve Subdivision to the  
39 County Council with the removal of condition #6 and the necessary rewording of #7; **Nelson**  
40 seconded.*  
41

42 ***Nelson** made a motion to amend the previous motion to include the addition of condition #8  
43 stating that no sub-grade construction will be allowed. **Sands** seconded; **passed 7, 0.***  
44

45 **Main Motion passed 7, 0.**  
46

47 **FINDINGS OF FACT**

1. The S Curve 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 S Curve 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 S Curve Subdivision conforms to the preliminary requirements of §16.03.030 of the Cache County Subdivision Ordinance; The S Curve Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties; and
4. Amalga Benson Road, 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. Prior to final plat recordation adequate, approved, domestic water rights shall be set in place;
3. The private road shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County. The private road shall be constructed to 22' wide and 2' shoulders with a gravel base surface;
4. Residents shall provide sufficient space for placement of refuse and recycle containers along the county road so they do not interfere with traffic;
5. The Applicant shall reaffirm the County's right-of-way of 33' from centerline for the County road, Amalga Benson Road, across the entire frontage of the proposed subdivision;
6. A formal wetland delineation study shall be conducted prior to any building on the east side of the line as indicated in the wetland study.
7. There shall be no sub-grade construction within the subdivision.

**06:25:00**

**#2 High Creek Properties Subdivision (Jay Leishman)**

**Mascaro** reviewed Mr. Jay Leishman's request for a 5-lot subdivision on 16.17 acres of property in the Agricultural Zone located north of Paradise. There is an existing home on Lot 5, and lots 1, 2, 3, and 4 are being subdivided for residential use. County road 400 West provides adequate access to lots 1, 2, 3, & 4. The hard surface is 20' wide with a paved surface. All lots are feasible for septic tank systems and wells. Refuse and recycling containers must be placed on the west side of 400 West. Property owners shall place a gravel pad along the west side of 400 West to allow sufficient space for these containers to ensure they will not impact traffic.

**Dent** how close is the subdivision from the city limits?

**White** about 3/4 mile.

**Mr. Leishman** my only concern is the garbage/recycling pad. Is that going to have to be paved?

**Runhaar** no, it just needs to be a gravel pad at the side of the road for collection.

**Eugene Ware** I live right across from this subdivision. Part of the value of our house, according to the appraisal, is due to the 360 view. I'm worried that this subdivision could lower the value of my property because the view maybe impeded. I just want to be notified and included.

**Runhaar** notification is handled by the County Executive's office, but we can make a special exception to notify you.

*Nelson passed a motion to recommend approval of the 5-lot High Creek Properties Subdivision to the County Council; Dent seconded; passed 7, 0.*

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**Findings of Fact:**

1. The High Creek Properties 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 High Creek Properties 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 High Creek Properties 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 High Creek Properties Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 400 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**

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.
3. All private drives shall meet applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
4. All lots shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic. Gravel pads will be placed on the west side of the road to allow sufficient space for each refuse and recycling container.
5. The Applicant shall reaffirm the County's right-of-way for the County road, 400 West, across the entire frontage of the proposed subdivision.

**06:36:00**

**UT 1 Ding Dong Rezone (Doug Kofford)**

**Mascaro** reviewed Mr. Doug Kofford's request for a Rezone from Agricultural Zone to a UCO (Utility Corridor Overlay) Zone of a 50 'X 50' leased area of a 43.50 acre parcel for a communications tower and construction of an equipment shelter located at approximately 10500 South 800 East in Avon. The rezone will not change the base zone; it is an overlay. The overlay zone will be applied to the 50' x 50' area. Access from county road is adequate. The facility itself, private drive, and other service provisions will be discussed at the Conditional Use Permit stage.

**Mr. Dennis Hansen** I live off the hill along 8th East. My concern is what it's going to do to our wireless equipment and electronics in our home. We currently have Direct TV and Digis internet and if it's not going to interfere with those, we have no problems.

**Mr. Doug Kofford** all companies are given a frequency they are supposed to use. If I interfere with the frequency of Digis or Direct TV then we have to fix the problem. If anyone has any problems they need to let us know so we can adjust our equipment so we aren't interfering with other provider's signals.

*Larson passed a motion to approve the UCO Zone for the UT 1 Ding Dong; Erickson seconded; passed 7, 0.*

**06:45:00**

**#4 Armor Storage Hyrum/Nibley (Curtis Knight)**

1 **Mascaro** reviewed Mr. Curtis Knight's request for a Conditional Use Permit for a 128 unit  
2 storage facility and two signs on 12.69 acres of property in the Agricultural Zone located north  
3 of Hyrum. The proponent has proposed to use County Road 4600 South for access. The Road's  
4 Department has identified this road as inadequate and classifies it as a farm road. The County  
5 Engineer has made a site visit, and we will perform an initial road assessment with the applicant,  
6 staff, and County Engineer within the next couple of days. The applicant is waiting for a letter  
7 from the canal company, and will need to show all phases of there project in order to complete  
8 their application. Staff is requesting a continuation until these items can be completed.

9  
10 *Larson made the motion to close the debate and suspend the discussion until the application is*  
11 *complete; Erickson seconded; passed 7, 0.*

12  
13 **06:50:00**

14  
15 **Larson** leaves.

16  
17 **Water Supply Discussion**

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19 Captain Rod Hammer, staff and the planning commission discussed the water issues in the  
20 county regarding fires and the requirement of sprinkler systems in all new residential  
21 construction starting 2011. Staff and the planning commission also discussed the requirements  
22 of 3000 gallons of water storage for properties and how that requirement can be met.

23  
24 **Mr. Kenneth Cardon** 1500 gallons of water per minutes for 2 hours is 180,000 gallons of  
25 water.

26  
27 **Captain Hammer** that is part of Appendix B of the fire code and that has not been adopted.

28  
29 **Mr. K. Cardon** is that a law adopted by the state legislature for the international fire code?

30  
31 **Runhaar** it is a law? International fire code is adopted by the state legislature through a law.

32  
33 **Mr. Wayne Cardon** one size doesn't fit all. People in Washington, DC think they know what is  
34 going on here in Cache Valley and they don't.

35  
36 **07:41:00**

37  
38 **5 Minute Break**

39  
40 **07:45:00**

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42 **#5 Subdivision Ordinance - Amendments to Title 16.02.020, Natural Barriers**

43  
44 **Runhaar** reviewed the suggested amendments to Title 16.02.020 regarding natural barriers and  
45 density standards.

1 *Sands made a motion to approve the language for Title 16.02.020; Erickson seconded; passed*  
2 **6, 0.**

3  
4 **07:54:00**

5  
6 **#7 Amendments to the Cache County Planning Commission By-laws**

7  
8 **Runhaar** reviewed the suggested changes to the Planning Commission By-laws. The  
9 appointment/election of secretary and the handling of elections were discussed.

10  
11 *Nelson made a motion to recommend to the County Council the suggested changes to the Cache*  
12 *County Planning Commission By-laws; Clements seconded; passed 6, 0.*

13  
14 **07:55:00**

15  
16 **#6 Zoning Ordinance - Amendments to Title 17.18, Sensitive Areas Overlay**

17  
18 **Runhaar** reviewed the proposed amendments to Title 17.18. This will limit the developable  
19 acreage in the sensitive areas overlay.

20  
21 *Dent made a motion to continued item #6 until the next scheduled meeting; Clements seconded;*  
22 *passed 6, 0.*

23  
24 **08:04:00**

25  
26 **Adjourned**