

## Cache County Planning Commission (CCPC)

Minutes for 4 March 2010

**Present:** Josh Runhaar, Leslie Mascaro, Darrel Gibbons, Clair Ellis, Leslie Larson, David Erickson, Don Nebeker, Curtis Dent, Chris Sands, Jon White, Don Linton, Megan Izatt

**Start Time: 5:30:00** (Video time not shown on DVD)

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

### Approval of Agenda

*Passed.*

### Approval of Minutes

*Passed.*

**5:35:00**

### Consent Agenda

#### Dena Christensen Subdivision & Boundary Line Adjustment ( Randy Christensen)

##### findings of fact:

1. The Dena Christensen 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 Dena Christensen 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 Dena Christensen 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 Dena Christensen Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. High Creek 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 an adequate, approved, domestic water right shall be set in place for Lot 2.
3. All private drives shall meet applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County. Encroachment permits shall be completed as lots are developed.
4. All lots shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
5. The Applicant shall reaffirm the County's 33' from centerline right-of-way for the County road, High Creek Road, across the entire frontage of the proposed subdivision.

*Gibbons made a motion to recommend approval for the 3-lot Dena Christensen Subdivision with the conditions and findings of facts to the Cache County Council; Dent seconded; passed 7, 0.*

**5:37:00**

## **#2 Godfrey Subdivision (Kevin Godfrey)**

**Mascaro** reviewed Mr. Kevin Godfrey's request for a 2-lot subdivision on 22.89 acres of property in the Agricultural zone located south of Clarkston. Currently access is inadequate and will need to be widened to county standards with a 20' wide hard surface and 1' shoulders with a gravel surface. The County road has some road damage at the intersection and will need to be fixed by the applicant. Lot 1 is proposed for residential use, and Lot 2 will remain in agriculture production. Lot 1 is feasible for a septic tank system and a well.

**Ellis** Mr. Godfrey, do you understand the conditions?

**Kevin Godfrey** yes, I've read through them. I understand that I need to do a gravel base, correct?

**Ellis** does the road need to meet county standards?

**Runhaar** yes.

**Mr. Godfrey** I will do what needs to be done.

**Gibbons** how far along the road are we requiring that he improve the road?

**Runhaar** about ¼ of a mile.

**Mr. Gail Godfrey** the road is already a county road? Why would Kevin be responsible to maintain and fix a county road?

**Linton** he is not required to, but because this road isn't on the county schedule for improvement it will need to be done. He can wait until it is on the county schedule, but we cannot give a timeline on when it will be. The road is not up to standards and needs to be for further construction.

**Mr. Gail Godfrey** there is a road there and a previous home is there that is serviced by that same road.

**Runhaar** the residence was built in 1940, and because it is an existing home, but county does work with them on garbage and snow removal. But we still need to require a 20 ft wide road with 1 ft wide shoulder on each side and an approved base for this development.

**Mr. Gail Godfrey** the county does run snow trucks and garbage on this road.

**Mascaro** snow removal is only taken care of up to a point and after that point the road does drift close during the wintertime.

**Mr. Gail Godfrey** the road does drift closed, but not because of us. What gives Kevin the right to go out and tell the other land owner that he has to widen the road and do the shoulder work and encroach? What does he have to do to improve the road?

**Mascaro** the road will need to be widened to 20 ft with 1 ft shoulders and improve the soft spot near the intersection and gravel is fine for the additional widening.

**Mr. Gail Godfrey** I understand the road needs to be fixed, but I'm still confused on what exactly needs to be done to that road.

**Runhaar** he will need an encroachment permit to work within the right of way for the road improvements and he will need to meet with an engineer or surveyor to draw up plans and will need to meet the minimum county road requirements.

**Gibbons** on previous projects the county has worked with the applicant on road improvements; does the county have the ability to work with Mr. Godfrey on the road improvements?

**Runhaar** we have done contracts with an applicant where the county does the work, but the applicant covers the cost.

**Mr. Gail Godfrey** the county is already traveling that road for garbage and snow removal to the existing home.

**Runhaar** the existing home is an existing condition; to put an additional residence on this road that meets no standards is not acceptable and we cannot approve it.

**Mr. Glen Godfrey** have you seen the road?

**Mascaro** yes.

**Mr. Glen Godfrey** there is oil right to the property line; the only part he should have to improve is from the oil until the front of his property. He shouldn't have to improve all the way back into town should he?

**Runhaar** it's an issue of road width, not the surfacing material.

**Mr. Glen Godfrey** is the width there, or are you going to have to take from the property owners?

**Runhaar** if it becomes an issue, we would work with the attorney's office to make sure the proper right of way is there.

**Mr. Glen Godfrey** there is another home there and he didn't have to improve the road.

**Runhaar** when was the home built?

**Mr. Glen Godfrey** about 15 to 20 years ago.

**Runhaar** I can't speak to more than a decade ago; we have a different ordinance.

**Mr. Glen Godfrey** it seems to me you are putting a hardship on these people due to the road; everyone else is going to benefit.

**Ellis** let's bring this back to the commission and we will discuss the road.

**Mr. Kevin Godfrey** do you have an estimated cost on the road improvements?

**Runhaar** we don't do cost estimates.

**Mr. Kevin Godfrey** the road has to be 20 feet for future development?

**Runhaar** no, for your development to be able to happen the road needs to be improved to 20 feet wide. We can't provide fire service right now.

**Mr. Kevin Godfrey** has the fire code changed?

**Runhaar** there have been changes in 2006, 1994, etc.

Staff and Planning Commission discussed the requirements for road improvements including widening and gravel requirements. Staff and Planning Commission also discussed the legal ramifications and requirements.

**Mr. Lynn Lemon** when we adopted the 20 ft. road standard there was a provision which allowed one (1) home on an unimproved road. However, that was changed 4 years ago when the fire code changed. If we choose to improve this road, we have gobs of roads like this. We just need to be consistent with everyone in this situation.

**Mr. Jeremy Buttars** I represent Mrs. Butters; she is wondering if this will impact her taxes?

**Runhaar** no.

#### **FINDINGS OF FACT:**

- 1.** The Godfrey 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 Godfrey 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 Godfrey 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 Godfrey 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 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 in place for lot 1.
- 3.** All roads 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.

5. The Applicant shall reaffirm the County's 33' right-of-way for the County road, 8800 West, across the entire frontage of the proposed subdivision.
6. County road 8800 West shall be widened to 20' wide with 1' shoulders with a gravel surface from intersection of 300 South to the private drive of the subdivision. An approved turnaround shall be constructed. The applicant shall improve the road damage located at the intersection of 8800 West and 300 South with a minimum of a gravel surface.
7. The design of the County road 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. All road work within Clarkston on any improvements shall be worked out between Clarkston and the applicant.

*Dent made a motion to recommend approval for the 2-lot Godfrey Subdivision with the conditions and findings of facts to the County Council; **Larson seconded; passed 7, 0.***

**5:59:00**

**#3 Longstroth Family Subdivision (Jason Wooden)**

**Mascaro** reviewed Mr. Jason Wooden's request for a 5-lot subdivision on 24.84 acres of property in the Agricultural Zone located west of Mendon. This item was continued from last month's meeting due to a property dispute concerning the private road. Since that time the applicant and adjacent property owner have made an agreement and the private road is no longer in dispute. There is change to condition #5; the applicant shall provide proof of the right-of-way. Also, condition #9 concerning Codes Covenants and Restrictions will need to be included within the conditions.

**Runhaar** we did receive an agreement from the applicant and Judge Russell.

Staff and Planning Commission discussed the agreement. There will need to be a detailed property description. Staff and Planning Commission discussed conditions #6 and #7 concerning road standards and drainage.

**Judge Cheryl Russell** I have received the deed and I have agreed to not oppose the subdivision. The property to the south has a fence and I request that the fence will stay there.

**FINDINGS OF FACT:**

1. The Longstroth Family 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 Longstroth Family 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 Longstroth Family 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 Longstroth Family 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 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 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. All refuse and recycling containers shall be placed 4' apart from one another.
5. The Applicant shall reaffirm the County's right-of-way of 33' from the centerline across the entire frontage of the proposed subdivision along 1000 South. The applicant shall reaffirm the County's right-of-way along the private road, 6800 South, with a minimum of 25' from the centerline across the frontage of the property.

6. The private road, 6800 West, will be improved by applicant to meet County standards, 20' wide with 1' shoulders and a minimum of a chip and seal surface.
7. The County Engineer has reviewed the plat and the following shall be completed:
  - Lot 2 shall access from 6800 West; this access will be setback from the intersection by 80'. Access from County road 1000 South Street will not be granted to Lot 2.
  - The right of way width for 1000 South Street should be designated as 33 feet from the section line in 1000 South Street.
  - A drainage plan should be developed that shows how drainage water from the subdivision lots will be collected and routed. A spring or other drainage feature is located on the property affecting lots 3, 4, and 5. The developer should identify any culverts or easements that cross under 6800 West Street or the proposed subdivision and how the proposed development will affect the culverts or easements crossing.
  - Water lines may be located in the 6800 West right-of-way due to the proximity of an apparent Mendon City water tank located within 400 feet of the south subdivision boundary. Any easements or water lines shall be indicated on the plat.
8. The applicant shall improve the intersection of 6800 West and 1000 South including the surface, drainage, turning radius, and stop sign.

*Larson made a motion to recommend approval for the 5-lot Longstroth Family Subdivision with the noted conditions and findings of fact with the change to condition #5 and the addition of condition #8; Gibbons seconded; passed 7, 0.*

**6:11:00**

#### **#4 Amigos Meadow Subdivision (Bruce Kidman)**

**Mascaro** reviewed Mr. Bruce Kidman's request for a 4-lot subdivision in the Agricultural Zone located at approximately 37 N 6330 West, Petersboro. Access from the county road is adequate. The private drive will need to be constructed to county standards. Staff has received a letter from the canal company. They are requesting that no structure or building will be placed on property owned by the canal company and that no water run-off will drain into the canal. The proponent will complete a drainage plan to ensure that no additional water run-off will drain onto adjacent property owners or into the canal. Lots 2 and 3 will need to meet a minimum 1.25 acres to qualify for septic and lot 1 will need to meet a minimum of 1 acre to ensure a well and septic tank system can be placed on-site. Condition #7 has been added regarding Bear River Health's assessment, and condition #9 has been added regarding the Codes Covenants and Restrictions for the private road.

Runhaar the private drive shall be constructed to a 20' minimum and 1' shoulders with a minimum of a chip and seal surface. Condition #8 should be added to include this.

Staff and Planning Commission discussed chipping and sealing the road, issues with the canal, and adding signage for private road notice.

**Ellis** Mr. Kidman, do you understand the conditions?

**Mr. Bruce Kidman** I do.

**Gibbons** do we want to add language regarding drainage?

**Larson** yes.

**Dave and Dean Willie** We own the land surrounding this subdivision. The land surrounding the subdivision is an Agricultural Protection Area. Drainage is an issue and I don't feel basements should be allowed. Also, I don't know where the drainage from this subdivision is going to go.

**Ellis** we did receive a letter from Tony Hardman

**Mr. Ray Bankhead** I am head of the Wellsville and Mendon Canal Company. No drainage from this subdivision will be allowed into the canal.

Staff and Planning Commission discussed drainage and the possibility of allowing no basements to be built in the subdivision.

**Mr. Kidman** I've flooded once due to tree roots blocking the ditches further down the road; never have I had water due to ground water in my basement.

**findings of fact:**

1. The Amigos Meadow 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 Amigos Meadow 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 Amigos Meadow 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 Amigos Meadow Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. Center Street, 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 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.
5. The Applicant shall reaffirm the County's 33' from centerline right-of-way for the County road, Center Street, across the entire frontage of the proposed subdivision.
6. A drainage plan will be set in place with special consideration given to excess water run-off will not be collected in the canal, and to ensure that water run-off will not flow onto adjacent properties.
7. Lots 2 & 3 shall be a minimum of 1.25 acres and lot 1 shall be a minimum of 1 acre as to ensure the required separation between septic tank systems and culinary water wells.
8. The private drive shall be constructed to 20' wide with 1' wide shoulders and a minimum chip and seal surface.
9. A sign shall be posted in front of the subdivision to state it's a private road.
10. 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.

*Gibbons made a motion to recommend approval for the 4-lot Amigos Meadows Subdivision with the noted conditions and findings of facts including the additions of conditions 7, 8, and 9.*

*Nebeker seconded; passed 7, 0.*

**6:25:00**

**#5 Lono Subdivision (Cliff Hyer)**

**Mascaro** reviewed Mr. Cliff Hyer's request for a 5-lot subdivision on 19.34 acres of property in the Agricultural Zone located at approximately 7107 West 1400 North, Benson. Lot 5 will be an agricultural lot and will be sold to the farm to the north of this piece of property. Lot 1 currently has a home onsite with one water hook-up from Benson Culinary Water District. This culinary system was established to provide clean water to the residents of Benson. Benson Culinary will allow 2 additional water hook-ups per development. Lot 3 will not receive a hookup and will need a well permit or an additional hookup from Benson Culinary Water District.

Staff and Planning Commission discussed water. Staff and the county council recommend that lots with no hookups should not be approved. Also a 25 ft ingress and egress for access to lots 4 and 5 was discussed.

**Mr. Cliff Hyer** we are allowed 3 hookups; one will be mine and two additional ones. The second and third hookups will be for lot 3 and 4. I want to give my well rights, which I have to give up anyway to be attached to Benson Culinary, to lot 2. I'm not going to develop lot 2 at this point I do want it understood that lots 3 and 4 will have the other hookups. The water I use in my house currently is from Benson culinary. I don't want to cause problems, but I want lot 2 to be accepted. I have to take it out of greenbelt, I'm being penalized for that. It's something that maybe I could develop 5 years, 30 years, however many down the road.

**Sands** you want to build on lots 3 and 4?

**Mr. Hyer** lot 4 will be built on right away. Lots 2 and 3 will be held in reserve, but I would like to develop them further down the road. Lot 2 currently does not have hookups, but I would like to give my well rights to lot 2. I want to have the right to sell the land to my children maybe and have lot 2 be a building lot.

**Ellis** How is the water quality in the well?

**Mr. Hyer** Before I was hooked up to Benson Culinary's water, my house was serviced by a well for several years. I wouldn't want to drink from it.

**Mr. Brett Findlay** I want to purchase lot 4. In Benson, my understanding, is that the agreement is 3 hookups for an original 1970 parcel. That is the current standing, but it will change in the future. Benson is still paying off the cost of the system, but there will be future growth and Benson will be allowed more hookups. He does have the ground water right, if you can keep that with lot 2, it would be beneficial. I know it can't be sold as a building lot until water is there, but I would like to see be able to keep it for future development.

**Mr. Hyer** I don't want the subdivision to be held up because I'm requesting a 4-lot subdivision with only three hook-ups. I would rather propose a 3-lot subdivision if the water issue will hold up the development.

Staff and Planning Commission discussed Agricultural Remainder designation for lot 2. Also the Benson Culinary Water District and hookups were discussed. Staff and Planning Commission also discussed the possibility of moving the current well from lot 1 to lot 2.



**6:40:00**

## **Jon White Leaves**

### **findings of fact:**

- 1.** The Lono 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 Lono 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 Lono 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 Lono Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
- 5.** 3200 West Street, 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 in place. All buildable lots shall be connected to Benson Culinary water or show proof of acceptable culinary water well.
- 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.
- 5.** The Applicant shall reaffirm the County's 33' from centerline right-of-way for the County road, 3200 West Street, across the entire frontage of the proposed subdivision.

***Gibbons*** made a motion to recommend approval for a 3-lot buildable subdivision with an Agricultural remainder; ***Nebeker*** seconded; ***passed 7, 0.***

**6:46:00**

## **#6 Hat J Ranch Subdivision (Chad J. Olsen)**

**Mascaro** reviewed Mr. Chad Olsen's request for a 2-lot subdivision on 149.34 acres of property in the Agricultural Zone located at approximately 7107 West 1400 North, Petersboro. There will be 1 buildable lot and rest will be kept in agriculture. Lots 2 and 3 were subdivided without the necessary approvals and are currently restricted. Highway 30 provides adequate access to the site. The applicant has met with UDOT that has determined no permits are required at this time for the additional lot. The owner of lot 3 has refused to be part of the subdivision and a public hearing will be set at Council to address the issue. Lot 1 is feasible for a septic tank system, and will be serviced by an existing well.

Staff and Planning Commission discussed access and orientation of lot 1.

**Mr. Chad Olsen** I understand everything needed. I hesitate to call it a subdivision due to only one home, but I just want to move back home.

Staff and Planning Commission further discussed access to lot 1 and orientation of lot 1 and why it does not match the existing roadway alignment.

**FINDINGS OF FACT:**

1. The Hat J Ranch 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 Hat J Ranch 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 Hat J Ranch 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 Hat J Ranch Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. Highway 30, 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 in place for lot 1.
3. All private drives shall meet applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County. The Private drive shall be constructed to a 20' wide gravel surface with 1' shoulders and an approved turnaround.
4. All lots shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
5. A sign shall be posted in front of the subdivision that states that it's a private road.
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 can be adequately funded and maintained.

*Erickson made a motion to recommend approval for the 2-lot Hat J Ranch Subdivision with the noted conditions and findings of facts with addition of a condition for the CCNR to the County Council; Gibbons seconded; passed 7, 0.*

**6:56:00**

**#7 UT 1 Big Boot Rezone (Doug Kofford)**

**Mascaro** reviewed Mr. Dough Kofford's request for a rezone with the FR-40 (Forest Recreation) to include the UCO (Utility Corridor Overlay) of a 50' X 50' leased portion of a 157.24 acre parcel located in Sardine Canyon just south of Wellsville.

**Sands** Why the proliferation of cell towers recently?

**Mr. Kofford** The Mt. Pisgah site is closing and we need to address the coverage throughout the valley.

**FINDINGS OF FACT:**

1. The locations of the subject properties are compatible with the purpose of the proposed Utility Corridor Overlay zoning district.
2. The subject properties are suitable for development within the Utility Corridor Overlay Zone district without increasing the need for variances or special exceptions within this zone or the underlying Forest/Recreation Zone.
3. The subject properties are suitable as a location for all permitted uses within the proposed Utility Corridor Overlay Zone.
4. The subject properties when used for the permitted uses in the Utility Corridor Overlay Zone would be compatible with the adjoining land uses.

**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 the commencement of any site development activities on this site, a Conditional Use Permit shall be approved in conformance with Title 17 the Cache County Code.

*Larson made a motion to approve the rezone of the 50' X 50' leased portion with the FR-40 zone to include the UCO; Dent seconded; passed 7, 0.*

**7:01:00**

### **#8 UT 1 Hyde Park Rezone (Doug Kofford)**

**Mascaro** reviewed Mr. Doug Kofford's request for a rezone with the Agricultural (A) Zone to include the Utility Corridor Overlay (UCO) Zone of a 50' X 50' leased portion of a 1 (one) acre parcel located north of Hyde Park.

#### **FINDINGS OF FACT**

1. The locations of the subject properties are compatible with the purpose of the proposed Utility Corridor Overlay zoning district.
2. The subject properties are suitable for development within the Utility Corridor Overlay Zone district without increasing the need for variances or special exceptions within this zone or the underlying Agricultural Zone.
3. The subject properties are suitable as a location for all permitted uses within the proposed Utility Corridor Overlay Zone.
4. The subject properties when used for the permitted uses in the Utility Corridor Overlay Zone would be compatible with the adjoining land uses.

#### **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 the commencement of any site development activities on this site, a Conditional Use permit shall be approved in conformance with Title 17 the Cache County Code.

*Dent made a motion to approve the rezone of the 50' X 50' leased portion of land from Agricultural Zone to UCO; Larson seconded; passed 7, 0.*

**7:01:00**

### **5 Minute Recess**

**7:08:00**

**Runhaar** reviewed the requirements for a Conditional Use Permit. Once Conditional Use Permits are approved they cannot be revoked due to a change in the ordinance. Staff and the applicant can try to mitigate all concerns that are brought forward, but if they cannot be mitigated the Planning Commission can deny the Conditional Use Permit.

**7:13:00**

### **#9 UT 1 Avon (Doug Kofford)**

**Mascaro** reviewed Mr. Doug Kofford's request for a Conditional Use Permit to allow the construction of a communication facility consisting of a monopole with 12 antennas and a 12' X 26' equipment shelter located at approximately 10500 South 800 East, Avon. This parcel was

recently rezoned to include the Utility Corridor Overlay Zone. There was a name change from UT-1 Ding Dong to UT-1 Avon.

Staff, Mr. Kofford, and Planning Commission discussed the building conditions, notification to surrounding residents, and visual impacts. The equipment shelter will be constructed from neutral colored building materials. Staff, Mr. Kofford, and Planning Commission also discussed possible interference with other service providers and Mr. Kofford responded there should be no interference with other service providers. The height of the monopole, site mitigation, and other possible sites for monopoles and antennas was discussed.

*Gibbons made a motion to approve the Conditional Use Permit for the UT 1 Avon project with the noted conditions and findings of fact. Larson seconded; passed 7, 0.*

**7:34:00**

**#10 Rocky Mountain Power – Green Canyon to Nibley (George Humbert)**

**Mascaro** reviewed Mr. George Humber's request for a Conditional Use Permit to allow the upgrade of an existing transmission line and a substation located near Millville. The transmission line runs from Green Canyon to Nibley with various sections within the County's Jurisdiction. The transmission line is located within 4 other city limits; these cities will approve the line through their own jurisdictions. Within the County, there will be approximately 20 poles replaced. Similar poles will be replaced where possible. An expansion to Millville substation is also being requested. County road provides adequate access to the site. The applicant will need to reaffirm the County right of way along the County road on the east side of the subject property. The applicant recently dedicated 66' right of way along the west side of the subject process when they completed a Boundary Line Adjustment in December 2009.

Staff, Mr. Humbert, and Planning Commission discussed the pole height and type that will be used. The County has requested that similar types of poles be used. The old substation will be upgraded to meet the current and future needs of Cache Valley Residents.

**Mr. George Humbert** 2 lines on the east bench will be upgraded and we will rebuild the west substation. We will not be requesting new easements or anything to the like. We will be upgrading the line and using (16) H poles, (3) single poles, and (1) three-pole structure. We will be adding onto the current substation. The substation site plan is a total build-out. We will be adding one transform and this will serve the valley for a long time. We will do the site improvements shown, but not all the equipment shown on the picture will be added at this time. This upgrade is to prepare for future growth.

Staff, Mr. Humbert, and Planning Commission discussed re-vegetation and the slope of the land.

**Mr. Harry Meadows** I am the city planner for Millville. The new substation will affect us and the substation is in our zone 3 planning. We have met with Rocky Mountain Power a couple of times and support this project.

**Ms. Louanne Pierson** I live on the road 550 East in Millville. How will this affect the value of land? Also, we've had fires up there from the power station.

**Runhaar** there shouldn't be any degradation in value because of the transmission line.

**Ms. Pierson** I also have a concern with the roads. A lot of equipment will be using that road. It's not a wide road or a great road to begin with and I am wondering who will pay for the degradation of the road and what about fires?

**Ellis** can we regulate hours of construction?

**Sands** construction activities can be regulated.

**Runhaar** we can put an agreement in place with the county, Millville, and Rocky Mountain Power to take care of the road and we can restrict construction hours.

**Mr. Humbert** fires are caused by lots of sources. The new construction will be heftier and sturdier. There are things that happen: lightning strikes, vandalism, birds and we can't control that. We will put a static line in place, but cannot guarantee this will prevent fire. We follow all the national standards to make sure everything is safe and we have talked with Millville about the road and have set some conditions already. We will have a pre-construction meeting with Millville to discuss equipment and a letter will be sent to residents living on 550 East to notify of construction. Damages to the road will be mitigated through the reclamation plan. We will work within reasonable construction hours. Days should be fine with weekends.

**Mr. Gary Niederhauser** Rocky Mountain Power is a wonderful company to work with. The asphalt ends before the substation and the road is completely underdeveloped and it leads to Millville Canyon. My understanding is the right of way will be deeded to the county and the road will be better than it is now and I support this project.

*Dent made a motion to continue the meeting up to one hour; Sands seconded; passed 7, 0.*

*Gibbons made a motion to approve the Conditional Use Permit for Rocky Mountain Power with the stated conditions and findings of fact; Erickson seconded;*

*Sands made a motion to amend the first motion to limit construction hours to dawn to dusk, Larson seconded; passed 7, 0.*

Staff, Mr. Humbert, and Planning Commission discussed the right of way deeded to the county and discussed the needed improvements to the right of way. Improvements will only go as far as needed for equipment to pass over the road. The re-vegetation plan was also discussed and will be checked to make sure everything is in order.

**FINDINGS OF FACT:**

- 1.** The Rocky Mountain Power transmission line and substation 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 Rocky Mountain Power transmission line and substation 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; and
- 3.** The Rocky Mountain Power transmission line and substation 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. The applicant must abide by the site plan and construction specifications as submitted to the Cache County Zoning Office. Final plans involving road and access shall be approved administratively at a later date;
2. No site development shall be performed prior issuance of this Conditional Use Permit and a building permit as required;
3. Prior to the commencement of development activity on this site, the Master Plan, including a site plan, reclamation and revegetation plan (cut/fill slope), Drainage Plan, and Hazardous Emergency Response Plan shall be reviewed for compliance with applicable county ordinance. The applicant shall pay the cost of any and all engineering reviews;
4. Prior to issuance of the Conditional Use Permit the applicant shall obtain all necessary Federal, State, and local permits as required;
5. The applicant shall reaffirm 66' right of way to the County along County road 500 East along the east side of the Millville substation parcel; and
6. Any expansion or modification of the facility, site, or of the business shall require review and approval by the appropriate land use authority and shall meet the requirements of the Cache County Ordinances.
7. Prior to Construction, the applicant shall provide written notice to all property owners along the route and County Road 500 East regarding the commencement of construction.
8. The hours of construction shall be limited during the daylight hours during the work week.

*Gibbons made a motion to approve the Conditional Use Permit for Rocky Mountain Power with the stated conditions and findings of fact, and with the limitations on construction hours to dawn to dusk; Erickson seconded; passed 7, 0.*

**8:06:00**

#### **#11 Rainey Ranch Discussion (John D. Chadwick)**

**Runhaar** reviewed Mr. John D. Chadwick's request for a Conditional Use Permit for a Recreational Facility to allow a ski resort including ski rentals, cafeteria grill, lodge, warming hut, tubing hill, and 4 ski lifts located in the Forest Recreation Zone, east of Richmond. There will be some night skiing. The road is a big issue and road improvements will be needed before the ski resort is allowed to open. There are also concerns regarding access to the ski resort through Richmond neighborhoods and the road impacts there. Also, source water protection is an issue. There are numerous wells and springs in the area leading down to Richmond City. Road access will have to come through Richmond City. We have received comments from some public agencies and we will continue too.

**Larson** what does the legend on the water source protection map mean?

**Runhaar** different colors indicate how many days it takes water to travel to the different wells.

Staff and Planning Commission discussed the base zone and use. They also discussed year round residency, cabins, and hotel facilities. Hotel Facilities will not be allowed. Staff and Planning Commission discussed ground water zones and wells. They also discussed increased traffic and the impacts on the roads leading to the ski resort. The impact is still being worked on and the Planning Commission will receive a report back in future meetings. Water quality and untreated water use was also discussed. The County does claim all of Cheery Creek Road up until the trail head. Currently part of the ski run does cross a road and that will need to be looked at because we cannot close the road due to a ski run.

**Mr. John D. Chadwick** We did want to see how much public support we had and after 3 hours in Lee's parking lot we got 700 signatures. This resort has been in planning for 10 years and serious planning for 2 years. I don't have a lot of the knowledge that goes into ski resort planning and have brought a lot of professionals into consult. I would like them to speak now.

**Mr. Denzel Rowland** I met John in Logan at a national ski area show. I've been in the resort business for 40 years and have looked over the land in questions. It seems like good land for ski runs and I think this could be a win-win situation. It has a lot of potential.

**Sands** what is the highest elevation?

**Mr. Rowland** about 7,500 feet. This reminds me of Wolf Valley in the Ogden community. It is going to need grooming and snow making.

**Mr. Logan Checketts** I love Cache Valley and our vision for Rainey Ranch Resort is for a family friendly resort. We intend for the resort to stay family run and we want to develop a hospitable atmosphere for all. I visited 97 individuals from Franklin and all are excited for the resort. We hope this will bring a lot of revenue to Cache Valley. The economy is currently suppressed for development, we want to use as much local labor and business as possible for the building and supplying of the resort. We do plan on catering to intermediate skiers. We are aware of those who have concerns and plan to mitigate all that we can. We do have financial backing to see this through and we feel like this would be a good asset for the valley.

**Mr. Joel Henderson** I'm here partly on behalf of neighbors as well as myself. I live right at the mouth of the canyon. We did write a letter about our concerns. Both negative and positive aspects of this project need to be known. Water, water quality, and water protection is an issue. I also am a professional geologist; these folks have a 5,000 gallon leach filed into an undefined aquifer planned and this leads down to Richmond Springs and culinary water. Residents are concerned with where water for snow making will come from. Also, hunting and wildlife is an issue. Infrastructure and safety need to be considered. The road has some serious problems that will need to be mitigated. Also, a business plan is missing. I don't see how this is a long term viable business; I know the snow and think a lot of snow making will be happening. The land is currently zoned as FR-40 and the county does have a separate zone for resort and recreation and this fits that description.

**Mr. Allen Lundgreen** I sit on the city council for Richmond City. The city does have concerns as well. As mentioned, the issue with water is one of Richmond's main concerns. Richmond has recently acquired a well for further growth that is near here and up above the wilderness area is the city springs. Our transmission line currently runs just under a million gallons a day and it runs parallel to the road. If that transmission line is disrupted it would be critical and disrupt Richmond's fire protection and homeowners use. If the road is improved that line would most likely have to be moved and entails a lot of cost and plans that the city is not prepared to deal with.

**Dent** has there been communication between Richmond and the resort?

**Marlow Adkins** yes.

**Mr. Colton Checketts** I'm from Malad; I am a school teacher and I'm concerned with the positive impacts on families and youth. I think this provides a positive opportunity to pull kids from their video games and as an educator I'm excited for the positive possibilities that come with the resort.

**Ron Vance** I work for Forrest District and we are the bordering agency on 3 sides. One concern would be boundary marking and management and we are wondering how that would be handled.

Staff and Planning Commission discussed notification to government agencies concerned with the area and the project.

**Dan Miller** I am the executive director of the Bear River Watershed Council and a resident in Richmond City. Our main concerns are the long lasting impacts on the watershed and wildlife. We also are concerned with what happens if the resort falls into economic turmoil. We don't believe that the economic viability of this project is sustainable. With this in mind we access the Planning Commission to call for an in depth economic study and a business plan that takes into account 15 to 30 due to red air warnings and a possibly boycott by Richmond City residents..

**Don Saddler** I have been a contractor for 4 years and I'm concerned with the water and the waste water. I've done some calculations from the information that has been provided. They are going to use a drainage field that will not have the possibility of evaporation; they are placing that drainage field within 300 to 350 feet of a stream as well. If you do two flushes per person per day per toilet, not including any other utilities, these guys are going to put a half million gallons per month of water in 5 months at the bottom end and  $\frac{3}{4}$  of a million gallons of water on the upper end. Over a 5 month period that is 2.8 million gallons of waste water on the low end and 3.3 million gallons of waste water on the upper end. Once that water gets into the aquifers that supplies 9 wells and 7 springs, you can't fix it. The only way to do it is by constructing a sewer line.

**Ted Fields** I am concerned with water. Do you know how much water it takes to make an acre of snow? 280,000 gallons of water to make an acre of snow and if they have a 100 acres, 15% of that will require snow to be made every year.

**Gibbons** the applicant needs to know the process won't be short for approval; it will be a drawn out process.

Staff and Planning Commission discussed the differences between the Rainey Ranch Ski Resort and the Powder Mountain project. Rainey Ranch is a much smaller development and will not need the same financial backing as Powder Mountain. There will be a development agreement with Rainey Ranch incase something does happen that the land can be reclaimed, but will not be as extensive as Powder Mountain.

*Dent made a motion to extend the meeting by 15 minutes and to limit discussion to the Planning Commission; Sands seconded; passed 7, 0.*

Staff and the Planning Commission discussed the water issues and suggested that the applicant and Richmond city discuss the issues more in depth together. The Commission would also like



to know the standards for passing this type of project and what they legally can require and can't require. The Commission and staff also discussed the land use and what is allowed in the FR-40 Zone. The Commission would also like to hear more about the environmental impacts and who they will affect those that live around the area.

*Sands made a motion to continue item #11 up to 6 months; Dent seconded; passed 7, 0.*

**9:10**

**Adjourned**