

Cache County Planning Commission (CCPC)

Minutes for 1 April, 2010

Present: Josh Runhaar, Leslie Mascaro, Darrel Gibbons, Clair Ellis, Leslie Larson, David Erickson, Don Nebeker, Chris Sands, Tony Baird, Megan Izatt

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

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

Approval of Agenda

Passed.

Approval of Minutes

Passed.

5:36:00

#1 Godfrey Subdivision (Kevin Godfrey)

Gibbons made a motion to reconsider the Godfrey subdivision; Nebeker 2nd, passed 6, 0.

Gibbons two concerns with this. Part of the road improvements are within Clarkston City limits. The double chip and seal is where the county road begins. The home that is there is only lived in for half the year.

Staff and Planning Commission discussed the improvement of the road. The requirements that would need to be met for another residence on that road and a possible agreement between the applicant and the county to fix the road together were discussed. The ordinance and its requirements were discussed and the legal ramifications of the ordinance were discussed. The Commission also discussed what the county can legally require applicants to do to improve roads and the issue of service when the road does not meet standards.

Gail Godfrey Kevin is my son. We've met with the city of Clarkston and they are also concerned with the damage to the road. Apparently there is a spring on the west side of the road and they are going to dig it out and drain it. The mayor has stated that the city is embarrassed by this road. Mr. Ben Ferry came out a week ago and met with me, and I walked the road with and discussed it with him. He pointed out that the county is receiving money for this road and he doesn't think that Kevin should be responsible for this. He also wanted me to remind you that the county will receive revenue from Kevin's home and I believe there will be more homes on this road in the future. We didn't ask the county to build a road for Kevin to build a home. All we are asking is for the right for Kevin to build a home on the ground that I bought 20 years ago and sold a piece to him. If Clarkston City will improve the hole, then Kevin can travel the road the way it is. The county services will only have to travel an extra 200 feet for snow removal,

and garbage collection. This isn't a subdivision; I don't know why you are calling it a subdivision. If I had known that Kevin was going to have to improve the road, I would never have sold him the ground. I own property in Clarkston and we would have worked something out that way. We were aware that he need to have water, septic, and we upped the lot size to make sure septic would pass. We wouldn't be here tonight if we had known about the road issues. If Kevin or I have to pay for the improvements to the county road, I think we should have some control over it. He should be allowed to put a toll gate out there to be reimbursed for the cost of the repairs. Other people are going to benefit from these improvements, and Kevin shouldn't be responsible. I can get a combine or a swather down that road right now.

Ellis the planning commission is limited by the ordinance, and the ordinance states that we have to meet the fire code. Fire code requires the 20 feet.

Kevin Godfrey when I met with the county to discuss the requirements for getting a building permit, no one said anything about the road. If they had, I would have picked a different spot to build my home. To have a house out there, isn't worth the price of building a road.

Ellis is that something that could be discussed in the process?

Runhaar No. At the time you apply for a subdivision application we cannot determine if they are going to have to build a road until they go through the subdivision process.

Ellis at what point would they have discussed water and the lot size?

Runhaar the lot size would have been discussed with Bear River Health Department (BRHD). Water would have come a little bit later.

Erickson at what point would they find out about the road?

Runhaar when staff issues a report, which could be up to 3 weeks later.

Kevin Godfrey I was unaware of any of the conditions regarding the road. That is my contention with this. If there was some way to discuss that before all the expense has gone out to see if the lot is suitable, it would be better.

Ellis the language doesn't say who will be responsible for the cost of widening the road.

Runhaar the county is not going to improve the road. If they want to wait until the road is on the capital improvement plan that will be at least four years out.

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.

Gibbons made a motion to add the language that the county road crew be the recommended contractor for laying the gravel that the applicant will provide to the previous motion from last month's meeting; Nebeker seconded; failed to pass 3, 3.

Staff and Planning Commission discussed the development agreement between Estancia Subdivision and the County for the road improvements that were completed. The applicant in that situation paid the full cost of the improvement. Notice of possible road improvements in the subdivision process was discussed and the use of the county as the required contractor was discussed as well.

6:26:00

#2 Diamond H Subdivision (Alyssa Hebdon)

Mascaro reviewed. Ms. Alyssa Hebdon is requesting approval for a 2-lot subdivision on 71.91 acres of property in the Agricultural Zone located at approximately 7200 North 490 West, Smithfield. Access from 7200 north is not adequate; the road will need to be widened to 20 feet with one foot shoulders. The existing turnaround is sufficient. The lot is feasible for septic tank system and a well.

Ellis is this a similar situation with the road improvements?

Runhaar it is, but the applicant has the possibility of moving the lot closer to 300 West. It will not significantly impact that subdivision by moving the lot either way.

Roy Hebdon the road has to be widened?

Ellis yes.

Mr. Hebdon are you talking the private drive or the county road?

Mascaro the county road.

Mr. Hebdon that road was redone by the county last year.

Runhaar they re-graded it.

Mr. Hebdon they did more than just re-grade it.

Mascaro the road condition is currently 17 to 20 feet without shoulders. We are requesting a 22 ft wide road including the 1' shoulder on each side.

Gibbons the county redid this road a year ago and it doesn't meet the standards. It's ridiculous to require the applicant to do it again.

Larson what bothers me, is why the county is improving that road. This is the same issue all over again. If we're going to deal with this issue, we need to do it with uniform application. I don't want to deal with it this way; it needs to be dealt with by ordinance.

Mr. Hebdon there is an existing road there and an existing house.

Lemon how long has that house been there?

Erickson 10 years maybe.

Lemon in 1994 when the fire code designated a 20 ft wide road, the county council said we will allow 1 home on a road that is less than 20 feet. They felt like it was undue burden to make one home to put in a 20 ft. wide road. Apparently, in the last couple of years when we changed the code, we did away with that. This creates a problem. It's a different deal when you are doing a subdivision, but with one home.

Mrs. Hebdon why are they calling it a subdivision for one home?

Runhaar that is a state requirement and we have to follow the state mandate.

Lemon I am troubled that the county is working on a road that goes to one home.

Staff and Planning Commission discussed applying the ordinance uniformly and the county's process for improving roads.

Erickson I will abstain from voting due to this being my neighbor.

Findings of Fact:

1. The Diamond H 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 Diamond H 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 Diamond H 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 Diamond H 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. The county road and private drive shall meet applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
4. Lot 1 shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
5. The Applicant shall dedicate right of way, 33' from centerline for the County roads, 7200 North and 300 West, across the entire frontage of the proposed subdivision.
6. County road 7200 North shall be widened to 20' wide with 1' shoulders with a gravel surface from intersection of 300 West to the private drive of the proposed building lot.
7. The design of the 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. Surfacing shall meet minimum county standards.
8. The proponent shall install a minimum 18" culvert in the drainage ditch under the access.

Larson made a motion to recommend approval to County Council for the 2-lot Diamond H Subdivision; Sands seconded; passed 5, 0. (Erickson abstained)

Sands just to reiterate, relocating the lot will negate a lot of these road improvements.

6:47:00

#3 JBS Swift Wastewater Upgrade Conditional Use Permit (George Don Summit)

Mascaro reviewed. The applicant is requesting an expansion to an existing Conditional Use Permit to upgrade a wastewater treatment plant. This expansion will reduce phosphorous discharge from the treatment plant to receiving waters. Access from county road is adequate; there is a 30' wide paved surface. The private drives are 22-25' wide and are sufficient. The upgrade will add 12 structures to the site including adding a clarifier, basins, processing building, and a shed.

Staff and Planning Commission discussed the conditional use permit.

George Don Summit I work for JBS Swift, I'm the engineer. We did receive a call from Nibley City and discussed what we are going to do. With this permit we will be taking care of a pond that smells and switching it to a pond that will not smell as bad. We are doing this because the State is mandating that we do it to continue our business.

Findings of Fact:

1. The JBS Swift Wastewater Upgrade 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 JBS Swift Wastewater Upgrade 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; and
3. The JBS Swift Wastewater Upgrade 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.
4. 1200 West, the road that provides access to the subject property, has an adequate capacity or suitable level of service for the proposed use

CONDITIONS OF APPROVAL

The following stipulations must be met for the development to conform to the Cache 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;
2. Any further expansion or modification of the facility, site, or of the business shall require a review by the Land Use Authority for a new Conditional Use Permit and meet the requirements of the Cache County Ordinances.

3. 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.
4. All landowners are required to obtain a Zoning Clearance and all applicable department reviews prior to any construction on the subject parcel.
5. The proponent is subject to all conditions as set forth and approved on all existing Conditional Use Permits for this use on said property.

Nebeker made a motion to approve JBS Swift's request for a conditional use permit; Gibbons seconded; passed 6, 0.

6:54:00

#4 Amendments to Title 17.18 – Sensitive Areas Overlay

Runhaar reviewed the amendments to Title 17.18. FEMA has requested that we automatically adopt their flood insurance studies and all the effective FEMA Flood Insurance Rate Maps and that is included in this ordinance. We currently are in contention with FEMA regarding the flood plain delineation maps for the Mendon area.

Staff and Planning Commission discussed the effects of adopting FEMA's flood plain map on developable land and the needed changes to FEMA's proposed map. All canals that are currently designated as flood plain will be removed, and other needed changes will be discussed as well. The requirements for an elevation certificate were also discussed. The finished grade of the home must be shown, and they must prove that they are not impeding the rest of the flood plain.

Gibbons made a motion to recommend Chapter 17.18 Sensitive Areas Overlay to the County Council, Sands seconded; passed 6, 0.

7:18:00

#5 Discussion – Amendments to Title 17.09, 17.07, 17.21

Runhaar discussed the amendments to Title 17.09, 17.07, 17.21. We are trying to simplify the map and group things together. The definitions will be split into two sections; one section will be general definitions, and the second section will be definitions for the use chart. Small business standards in the Agricultural Zone were discussed and Planning Commission has been asked to review chapter 17.21.

7:41:00

#6 Discussion – Envision Utah

Runhaar reviewed the Envision Utah project. Staff hopes this will give the needed motivation to rewrite the general plan.

7:45:00

#7 Discussion – Road Standards

Runhaar asked the Planning Commission to review the handout and decided which part of the road standards needed to be discussed and rewritten. The commission wishes to discuss private roads, the distinction between county and farm roads, application and control for road improvements for county roads, right of way, triggers for requiring road improvements.

8:04:00

Adjourned