

Cache County Planning Commission (CCPC)

Minutes for 3 June, 2010

Present: Josh Runhaar, Leslie Mascaro, Clair Ellis, Leslie Larson, Don Nebeker, Chris Sands, David Erickson, Curtis Dent, Jon White, James Swink, Megan Izatt

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

Ellis welcomed; Ellis gave opening remarks.

Approval of the Agenda

Passed.

Approval of Minutes

Passed.

5:35:00

Consent Agenda

#1 Reese Subdivision Amended

FINDINGS OF FACT:

- 1.** The Reese Subdivision Amendment has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
- 2.** The Reese Subdivision Amendment has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
- 3.** The Reese Subdivision Amendment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance. The Reese Subdivision Amendment 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.

#2 Dirk Henningsen Subdivision and Boundary Line Adjustment

FINDINGS OF FACT:

- 1.** The Dirk Henningsen Subdivision and Boundary Line Adjustment 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 Dirk Henningsen 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 Dirk Henningsen 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 Dirk Henningsen 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.
5. The Applicant shall dedicate 50' for the private road, 1200 East, through the subject property.
6. Private road 8700 South shall be constructed to 20' wide and a minimum gravel surface from the county road to the end of the subdivision.
7. 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.
8. The applicant shall post signage to indicate that the road is private and there will be no county maintenance or snow removal to the road.
9. The design of all private roads within the development 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.

Dent first; Sands seconded; Passed 5, 0.

5:37

#3 Mark Stewart Subdivision and Boundary Line Adjustment (Mark Stewart)

Mascaro reviewed Mr. Mark Stewart request for a 4-lot subdivision and boundary line adjustment on 40.60 acres of property in the Agricultural Zone located at approximately 7755 West 600 North Petersboro. The current traffic on this road is considered light and it's used for recreational purposes, one residential home, and Avalon Hills. After consultation with the County's attorney, engineer, executive, staff recommends denial of the project because it does not meet the road standards in section 16.04.040 of the Cache county Code or International Fire Code.

Staff and Planning Commission discussed the needed road improvements for the subdivision and the blind hill located on the road. The base surface of the road was also discussed. A letter from the applicant was discussed by the Commission.

Tana Stewart first of all I know you call Avalon Hills a single family home. However, they have 50 employees, one day of family visiting, twice a week sessions; they have a lot of traffic on that road. Not only that, there has been increased traffic on that road for the trailhead. Many hunters use that trailhead for hunting access and others use it as well.

Mark Stewart our engineers also looked at the blind hill and they came to the conclusion that 30 miles an hour is the correct speed for that hill. We would like to work with the county on this situation. We are willing to do the widening if the county would come and do the chip and seal.

Staff, Planning Commission, and applicant discussed the needed changes to the road and what ways the requirements could be met. Currently the road is not wide enough and the base needs to be addressed as well.

Dent it's possibly a mile that needs to be widened?

Mr. Stewart about ¾ mile.

Dent have you got a cost estimate?

Nebeker arrives.

Mr. Stewart we have. The cost of chip and sealing the road is cost prohibitive; we cannot afford to do the entire road that way.

Larson would that satisfy the requirement?

Runhaar we are still going to have an issue with width and pavement. The concern I have is that if we try to follow development around the county, it becomes difficult.

Mr. Stewart lot 4 has been approved and will be built on and that is at the top of that hill. It has already been sold and they are planning to build on it.

Ellis how does the county council feel about the road?

White I don't dare say if we do it or not. My feeling is that we go by the road

Runhaar we're based on what's been submitted to us and that is the first 1600 feet. It certainly gives us more leeway.

Mr. Zollinger there are several issues related to the project. One of them is the 30 mile speed limit which they say they have had checked with the engineers which hasn't happened quite yet. With extending the chip and seal and widening the road; the seam of the road would be right where the tire would drive and could cause some major problems. Most of the use is light loaded traffic and that does a minimal impact to the pavement. But the full effect of widening the pavement the way that we are discussing has not been proved to be effective. It is most likely going to cause maintenance problems.

Dent so the best option is to chew up the chip and seal that is there and redo it all.

Mr. Zollinger that is one option.

Staff and Planning Commission discussed the blind hill and the issues with width and snow removal.

Mr. Stewart regarding the sight distance, you should have received a copy of the engineering work we have done that talks about the sight distance.

Staff and Planning Commission discussed the Capitol Improvements plan and the commission having access to the plan.

Larson made a motion to continue item #3 up to 90 days; Dent seconded; Passed 6, 0.

FINDINGS OF FACT:

- 1.** The Mark Stewart Subdivision does not conform to the requirements of Title 16.04.040 of the Cache County Code requiring a minimum 20' roadway.
- 2.** The Mark Stewart Subdivision does not conform to the requirements of International Fire Code section 503.2.1 requiring a minimum 20' roadway.
- 3.** 600 North, the road providing service to the proposed subdivision does not provide an adequate level of service to maintain the health, safety, and welfare of prospective residents of this proposed subdivision.

Conditions: there are no conditions for this project.

6:07:00

#4 CCP Conditional Use Permit (Cheryl Pinder)

Mascaro reviewed Ms. Cheryl Pinder's request for a Conditional Use Permit for a small business to allow commercial semi-trucks and trailers to park on 1 (one) acre of property in the Agricultural Zone located at approximately 765 South 3200 West, Young Ward. 3200 West does provide adequate access. Ms. Pinder wishes to park commercial semi-trucks and trailers on the 1 acre parcel. The application does meet the 9 criteria that is listed for a small business and a conditional use permit.

Dent what has changed for this project?

Mascaro the applicants applied for a rezone in December on a different piece of property to park their commercial trucks and trailers. That property wasn't eligible for a small business because there wasn't a house located on-site. There is a house located on this property.

Runhaar this is the same business but a different piece of property. They have also reduced the number of trucks that will be housed at this location; they are asking to house three vehicles at this location which meets the small business standards.

Sands in the interest of full disclosure I do have a small financial interest in this applicant; they cut my pasture.

Cheryl Pinder we own this piece of property and the piece next to it as well and behind it. We have been hauling cattle, gravel, hay, and manure anything to do with a farm out there. There are also commercial trucks that we use to help with our farm.

Mr. Pinder we didn't know we were out of compliance and that we needed a conditional use permit to park our trucks on our property.

Staff, Planning Commission, and the applicant discussed the boundary line adjustment and the possibility of a joint access agreement for the piece of property next to this.

Dave Compton I live just to the south of this property and have lived there for several years. I've never had a problem with them or their trucks and it's not an issue.

FINDINGS OF FACT:

- 1.** The CCP Pinder 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 CCP Pinder 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.
- 3.** The CCP Pinder conditional use permit is issued in conformance with the Standards and Criteria for a Permitted Use within Title 17 of the Cache County Code.
- 4.** 3200 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

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.** Access shall meet the maximum 30' wide requirement to be in conformance to the Cache County Code.
- 2.** Any expansion of the approved conditional use or alteration of the master plan shall require review and approval by the Cache County Planning Commission prior to the expansion.
- 3.** The applicant shall reaffirm the County's right-of-way of 33' from the centerline across the entire frontage of the property.

4. The applicant shall meet the specifications as set forth in the small business standards as defined in chapter 17.21 of the Cache County Code. The applicant is subject to the following standards:
- a. It will not unduly interfere with or adversely impact adjacent property owners; specifically the appearance, traffic, and operations arising from the small business are consistent with the agricultural zone; and
 - b. Outside storage will be minimized and/or adequately screened; and
 - c. There is adequate parking for business vehicles and visitors; and
 - d. It does not and will not have more than three (3) employees (FTE) equivalent in addition to those persons residing on the subject lot; and
 - e. It will be conducted generally between the hours of six o'clock (6:00) A.M. and ten o'clock (10:00) P.M.; and
 - f. It will comply with all federal, state, and county codes and regulations, including business license regulations; and
 - g. Handicapped persons may obtain a waiver of standards as necessary through the zoning administrator to allow such persons to become self-sufficient; and
 - h. Business licenses and zoning approval may be reviewed and revoked upon valid unresolved complaints; and
 - i. Inspections by county officials may occur, as necessary, to test conformance with these regulations. (Ord. 2004-13, 8-24-2004)

Larson made a motion to approve the CCP Conditional Use Permit; Nebeker seconded; Passed 6, 0.

6:16:00

#5 Beaver Mountain Master Plan Expansion (Dave Bell)

Mascaro reviewed David Bell's request for a Conditional Use Permit to allow the expansion of the Beaver Mountain Master plan to include new buildings, a lift, utility upgrades, parking expansion, and bike trails located in Logan Canyon. Beaver Mountain Ski Resort has been operating for the past 60 years. There has been a master plan since 1978 and in 1997 the master plan was revised and Beaver Mountain has completed most of the goals set out in that revision. There was a land swap that took place in 1998 between SITLA and the National Forest Service; the applicant currently leases the subject property from SITLA. The proposed master plan update would be planned out in stages over the next 10 years.

Dave Bell presented on the Beaver Mount Resort project. The 1997 Master Plan has been mostly completed and needs to be updated. Beaver has outgrown many of the facilities since 1997 and needs to update their parking, lifts, and other items. Highway 89 is near the base of one of the new lifts that will be built. In 1997 up until now, many new goals have been developed and we would like for Beaver Mountain to maintain the status as the primary day-use ski area in the northern Wasatch. We would also like to continue to minimize our environmental impact and still be able to service the area and the University. Currently 2,200 to 2,600 skiers per day on peak days are using the facility during 08/09 and this last season topped those numbers. The current lift capacity is about 1800 and the current service capacity is around 1,500. The proposal would bring the lift capacity up to about 2,400 and skier services up to 2,500. The proposal would replace the current lodge with a new facility. The old ticket office would come out and the new lodge would sit where the ticket office currently is located. With the expansion of facilities comes the need for more water. There are 7 buildings being proposed in this plan; two buildings would be like warming huts and would provide toilet facilities and limited food service. One major problem at Beaver Mountain is handicap accessibility and this plan would help address a number of issues for handicap accessibility. A ski school meeting building and a new lift are also part of the 7 proposed buildings. Parking needs to be expanded and that would happen primarily in the upper parking lot. There will be buffers for visual impact. The facilities are also used during the summer by youth groups and other people. One of the big problems is water. There needs to be more water storage up there. The Seeholzer's do have water rights to this well and the water is pumped out to large storage tanks. There needs to be another storage tank near Little Beaver run. We proposed two solutions that we are considering; one is to pump the water to the proposed storage tank. The other option is to drill another well and gravity feed a storage tank. Marge's Triple would have one of the new warming facilities at its base and the new lift would have the other warming facility. One of the membership lodges will be located along the edge of the lower parking lot and the other membership lodge will be up

above the current lodge. The new membership lodge near the current lodge would provide the handicap access that is currently lacking. The new parking lot would have a surface lift to provide ski in/out capabilities. The summer plan would expand some of the RV sites and camping facilities and would add mountain bike and nature trails that could be utilized in conjunction with the lift system. Most are located in areas where trails already exist and would have better signage, and grooming. Beaver is a great place and we think it will continue to provide important services to the surrounding area.

Ellis this is a big addition. What parts might be important to the planning commission and what parts might be controversial?

Mr. Bell the buildings are tripping up some people. If you put a building in, you need septic and water and we are working to get all those issues resolved. The lift, buildings, and parking are big items. While the trails are big items, they already are there.

Mascaro are there any additions to the bike trails?

Mr. Bell there are some connections between trails that we are proposing, but not too much that would need to be cut in. I would look at the lifts, buildings, and parking.

Runhaar these are long term improvements. You won't see the improvements come back, they will be done administratively. That is the point of the master plan; it is a long term conditional use permit. I hope the commission has a level of comfort that the facilities going in are designed appropriately and that they are going to meet all of our standards and codes. Mr. Bell brings up a valid point that buildings need water and septic. Our concerns are building facilities, parking, and the lift capacity. We will meet with UDOT and talk about what they are going to require and cover all our bases.

Mr. Bell one thing about the level of comfort that Josh is talking about is that these guys have done a wonderful job in the past. Everything that is there is well taken care of and done well. They have never overextended themselves with debt or improvements.

Nebeker this is state trustland's property, and certainly the state of Utah has the authority to issue and administer permits. Where does the authority come from to switch that from the state of Utah to the county? As a ski resort gets bigger, it requires a lot of interdisciplinary input and takes a lot of study and work working with the developer and the proponent. There are a lot of things included in this. What authority is it that shifts that from the state of Utah to the County?

Swink the county is a subdivision of the state. If you want a legal analysis of where that comes from, we can do that in my office. Where there maybe some jurisdiction with the state, they won't get involved in the nitty-gritty everyday stuff that the county does.

Nebeker wouldn't parks and recreation get involved? To what extent would they be involved?

Swink the county has always been involved with Beaver Mountain.

Mr. Bell that is correct. The forest service was the first lease holders and they required that the county be involved in Beaver Mountain. The revenue source from Beaver Mountain is important. If there were developing a new community, you guys would be required to impose your standards and codes on that community. These guys are building it, but they need to come to you for permission. This has all been reviewed by SITLA, and they have approved and sent a letter to Josh.

Swink my office is willing to provide information on where the authority to do this comes from.

Mr. Bell SITLA has been involved with a lot of them in Southern Utah. All of the communities in Southern Utah are working with SITLA to build their projects and all the local communities and counties have jurisdiction.

Nebeker I have no problem with the jurisdiction, but I know where this involves state trustlands and I don't know if all the responsibility should be shifted to the county.

Mr. Ted Seeholzer I believe SITLA is giving you permission to have a say in what happens in your county.

Nebeker I don't think it's simply a matter of participation, but responsibility and protecting the county's interest. Maybe their involvement should be more.

Mr. Seeholzer if we can let's leave the state down there and the county up here.

Larson does Beaver Mountain maintain the cross country ski track?

Mr. Seeholzer Utah State University leases that land from SITLA.

Larson I would encourage you that none of the parking gets shifted further down. It sounds like it won't be convenient for it to be shifted down, but the issue being that there are a few small snowmobile parking lots. Snowmobilers do pay to license and insure their vehicles and I would encourage that the parking not be hampered.

Dent you talk about expanding the parking, what about improvement? Are there any plans to chip and seal the parking?

Mr. Bell parking is a maintenance headache summer and winter. Some of the parking is paved.

Mr. Seeholzer we would rather put our money into lifts and things that would make money and would prefer to use gravel in the parking. We spend about \$30,000 a year on parking.

Erickson is this going to require new filings for water to increase that capacity?

Mr. Seeholzer we are in the process of working with the water people and have bought 4 ½ shares of water and working with the canal. We would like to be able to make snow on different runs and areas of the resort. We are working with the people; we do have enough culinary water for our uses. We are a non consumption use and we have talked with the canal company. Our permit does run until the year 2038 and we will be renewing it.

Mr. Bell One of the things, at least to my understanding, is outside of Beaver's boundary line.

Sands the zoning is FR-40, we do have a resort/recreation zone; this isn't going to require a zone change?

Runhaar no, unless SITLA comes in and proposes housing.

Sands I really liked everything and I like the way the resort is done. I think a little attention needs to be paid to the fill slopes.

Mr. Bell there were a couple of slides that addressed that, and the master plan addresses that and there will be some vegetation replanting that will happen.

Rod Hammer this is a pretty comprehensive conditional permit, but one thing I noticed is there is no comprehensive fire plan in here. I think it may be incumbent that we add a comprehensive fire protection plan as this evolves and goes forward. I would like to work together and come up with something that is agreeable to both parties regarding fire protection.

Erickson made a motion to continue item #5 up to 90 days; Larson seconded; Passed 6, 0.

7:12:00

Recess

7:23:00

#6 Amendments to County Ordinance – Title 12 and 16 and County Road Standards

Staff and Planning Commission discussed the ordinances listed above. Currently the road ordinance is unenforceable and there are no technical specifications. The infrastructure for inspections and other needed items is not in place for quality control and the issues concerning width and surface have caused problems. The main concerns are with roads moving from a farm road to a road servicing homes. Three options were proposed to help with the current inconsistencies with farm roads and moving them to local. All three options helped to divide road improvements between developers as homes go in.

8:43:00

Adjourned