

Cache County Planning Commission (CCPC)

Minutes for Special Meeting 29 July, 2010

Present: Don Nebeker, Curtis Dent, Clair Ellis, Dave Erickson, Chris Sands, Josh Runhaar, Chris Harrild

Start Time: 4:30

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

Agenda

Passed

Discussion: Amendments to the County Ordinance regarding County Road Standards and their adoption:

- Title 12 – Roadway and Public Places
- Title 16 – Subdivisions
- Title 17.02 – Administration
- County Road Standards

Ellis reviewed Planning Commissions recommendations to County Council concerning amendments to the road standards ordinance including ordinance language and the concept of the structure of a matrix but did not include any values in the matrix due to a lack of time. Council responded that they would prefer to have a completed matrix with values for consideration. He proposed the Commission start their discussion with filling out the matrix and noted the 20 discussion points previously discussed by the Commission.

Runhaar noted that three pieces were sent to the County Council, titles 12, 16, and 17. Planning Commission had recommended that the Commission be “*the*” recommending body as opposed to “*a*” recommending body. The County Council noted their concern about this level of authority and requested a change of language to allow the Council to place a time limit on items placed before the Planning Commission for recommendation.

Ellis would be happy to have it read “*a*” and asked if the Planning Commission could hold up the County Council.

Runhaar confirmed that it could on general plans and ordinance amendments and noted that State Code calls the Planning Commission “*the*” recommending body for those items, meaning that if the Commission refused to send up a recommendation, they could effectively stall the process.

Nebeker asked if the word timely could be added to the ordinance.

Runhaar noted that there were no other concerns from the County Council other than the use of the word “*the*” and the need to complete the matrix.

Sands had no issues with adding a time limit and recommended they revisit the list of 15 questions previously presented by Ellis.

Ellis recommended they address question #7 first – “What values for each standard should be in the matrix?” and address format secondarily.

Runhaar referred to a list of 7 questions that had been sent to the Commissioners and noted that most of that will come in reference to the matrix.

Ellis noted he would like to get a sense from the Commissioners on the values for the matrix and suggested that start on the column private roads and asked the question, when does the County take over a private road?

Runhaar noted the example of West Bench Vista and the private road there and the Council's potential interest in taking over private roads in good condition.

Ellis recommended they begin with private roads and asked what standards the ordinance should require for private roads. He asked for each Commissioner's comments.

Nebeker referred to private land as sacrosanct and encouraged caution in placing restrictions on private property and roads, noting that any restrictions should be held to health and safety concerns; otherwise it is an intrusion on private rights.

Ellis asked if the option should be available to the developer on whether or not the road is public or private.

Nebeker agreed the decision should be the developers.

Dent and Sands noted the need to distinguish between one and two lane roads.

Dent referred to the current tendencies of the County Council not to favor private roads but noted that that might change. He noted his uncertainty as to where to place the threshold that determines where a private road becomes a public road, but believes the choice should be left to the developer up to that threshold. He also noted that the complaints received concerning private roads be met with a list of private sector companies/individuals that may assist in maintaining the private roadway. Also noted that good signage at the beginning of a road stating maintenance responsibility is effective. He noted that the chart should not be too restrictive.

Ellis was inclined to the default towards liberty as long as health, safety, and welfare concerns are met and noted that the County currently uses the fire code for the standard. He noted that he is comfortable allowing the developer to decide and that the use of a sign is a good way to note private roads. He was comfortable with an 18'-20' road width, and was uncertain what clear zone was but encouraged consideration of wildlife and vegetation in the clear zone area. Referred to the grid system and using it as a means of maintaining an overall traffic standard in consideration of private roads.

Dent asked a question concerning the need for a 50' wide right of way and does not see a need for that wide of a right of way. He asked if 50' is really required for a 20' wide private road.

Nebeker agreed there should be an option and asked for the purpose of the right of way.

Runhaar noted the need for an easement across property.

Ellis noted the need for a place to push snow.

Nebeker asked where a fence would go, at the road or the right of way.

Ellis is open to something other than 50' for a right of way. He stated that they would need to make clear to developers the need for a 66' wide right of way to meet county standards if they intended to transfer it to the County.

Runhaar noted that a change in right of way width will require a change in setback distances or the addition of utility right of ways.

Runhaar and Dent discussed how a right of way functions.

Lynn Zollinger asked question concerning right of way width ownership, noting the likelihood of the owner selling the property, and also noting taxes assigned to the right of way property. He also asked concerning speed limit enforcement on the private road.

Ellis noted that that is perhaps the difference between an easement and a right of way.

Lynn Zollinger restated his questions concerning ownership of the right of way.

Erickson stated that a threshold is necessary or otherwise contractors may take advantage of it. He also noted that with the 50' right of way, he is concerned about ownership and responsibility of a right of way or easement. He asked what the purpose of a private drive is, is it for a single individual or for a subdivision.

Ellis noted the need to define how much development is allowable on a private road.

Sands noted that there is a place for private roads category in the matrix and that a private road is sometimes the most logical option. He is ok with a 50' right of way, although something less may be ok. He noted that the property owners of a private road will need to pay for the upgrade to a public roadway. He discussed the volume per day in regard to the development limit noting that the average home makes 10 trips per day and that the rural road category with a threshold of fewer than 200 trips per day is equal to 20 lots. He stated that the 20 lot threshold is the one that make sense and that the private road threshold shouldn't exceed the rural.

Ellis noted volume per day is an engineering standard and that the road base standard is pretty flexible.

Runhaar commented that there was an issue concerning development of 18 lots on a private road followed by a new development developing three additional lots and potentially being responsible for the improvement to the road in order to meet a new standard.

Ellis recommends changing title of row 'Volume per day'.

Runhaar noted that the Council has a pattern of requiring paved roads on subdivisions with 3 or 4 plus lots. He also noted that a private road is different from a private drive. A private drive requires at least a 24' easement and a private road will have a greater requirement.

Sands said that that makes sense if a private drive is accessed by a private road.

Dent noted that "private drive" is not in the matrix.

Runhaar noted that a private drive is not a road.

Sands noted that anything with 4 to 20 lots requires a private road.

Ellis noted that private drives need to be included in the matrix.

Runhaar noted that a footnote could be included there to address private drives. He also addressed short and long term maintenance issues for private roads with the example of the Eagle Rock subdivision where there is currently only one home, therefore a lack of funding to maintain the road. He anticipated that it would be 15-20 years before funding is in place and that there is no means of enforcement. He proposed that the County require the original subdivider to agree that a special service district be established to tax owners of property to allow the County to fix the road. He noted that there is a lesser standard for private roads compared to the County standard but that the County could require that the base construction materials be the same. He asked if the clear zone could be removed from the matrix and noted that it is too site specific in regard to speed, volume, topography, etc... He also noted that road surface material needs to be addressed.

Nebeker commented that it is up to the Council and they can choose a different option.

Runhaar commented that if the Commission is recommending something less than what the Council is currently doing then it should be explained by the Commission.

Ellis noted that the matrix is recommending minimum standards.

Runhaar noted that signage will help. He noted that planners and most jurisdictions are afraid of private infrastructure, i.e., roads, sewers, etc... and that there needs to be a way for the County to fix issues and address them with a sinking fund in order to mitigate the failure of private enterprise.

Nebeker asked if it isn't already in existence in the role of the private market place. He doesn't disagree that the County has some liability to improve a road.

Runhaar noted that the only way to get repayment is through a special service district.

Dent noted Maple Rise where the County owns the bridge and commented on the threshold noting that no one wants HOA fees. He recommended a threshold of ≤ 3 for private drives and ≥ 4 homes for private roads.

Erickson asked what the overall goal is.

Runhaar commented that a good road can lead to more development.

Dent commented location, location, location.

Runhaar and Dent discussed how to communicate private road status to home buyers, noting that signage has been the best foot forward, private roads are fine if done well, and the Council has set the threshold of ≥ 4 homes for requiring pavement on the road.

Ellis recommended they make proposals and take a vote.

Runhaar noted that most of the information has been discussed by the Commission with the exception of the private and rural road categories.

Ellis disagreed and noted that all that Commission had reviewed was the shoulders.

Runhaar noted that this was discussed but that no motions were made.

***Dent** motioned that on the private road that it read under four lot development, that the lanes be two lane, 10 feet each for a total of 20 feet hard surface, the right of way be 35 feet, shoulder width be zero, and paved width be zero, with a gravel surface; **Erickson** seconded;*

Lynn Zollinger commented concerning the clear zone and that it is not appropriate to include it as it is in the matrix as clear zone is too specific in its application.

Sands commented that the clear zone should be left out of the matrix.

Erickson** motioned to amend the previous motion to read 3 or less lots; **Dent** seconded; **Passed 5-0.

***Nebeker** motioned to amend the motion to substitute 200 per day for the volume limit and to leave the development limit box under private roads blank; **Ellis** seconded; **Failed 2-3** (**Sands, Erickson, Dent**)*

Ellis commented that he supports the decision of whether to pave a private road are left to the developer in consideration of the other safeguards that are in place.

Runhaar noted that instead of changing the minimum standard, there is the option for the developer to apply for a variance.

Nebeker noted that he did not want the requirements to be too restrictive.

Runhaar discussed variances.

Ellis noted that he will not vote in favor of the current motion as it is too restrictive.

Runhaar noted that if the motion does not pass, it can still go to Council with the Commission's notes on what the vote was and why.

***Erickson** motioned to amend the motion to remove the clear zone from the matrix; **Sands** seconded; **Passed 4-1**(**Nebeker**)*

Nebeker asked when does a private road become a public road and who bears the cost.

Dent asked about the clear zone and noted that people need room to get off the road for safety reasons.

Runhaar noted that clear zone is addressed in a different portion of the ordinance.

Ellis discussed clear zone noting it would be removed from the chart but in place in the ordinance.

***Dent** motioned to amend his previous motion to be ≤ 5 under lot development and ≤ 50 trips per day; **Erickson** seconded; **Passed 4-1** (**Nebeker**)*

Ellis commented concerning the 200 trips per day being in relation to the road base.

Runhaar and Commission discussed how trips per day and development limit relate.

Erickson asked if there are any successes in the valley of subdivisions of 5 or more lots.

Runhaar is uncertain if there are any and that it is too soon to tell with some.

Erickson stated that he believes that most developments will be small.

Nebeker shared his successful experience with private roads owned and maintained by the land holders and that telling private land owners how to do things on their own land is overstepping the bounds of government. He also noted that we are trying to anticipate a problem that may or may not happen.

Dent discussed HOA's and their ineffectiveness.

Runhaar noted that he believes that it is Council's position that if the County is going to require a public standard for a private road, it might as well be a public road.

Dent noted that the threshold be kept low so that developers are aware that if they exceed the threshold they will bear the cost of the road.

Nebeker commented that he is apprehensive with the motion where there is relatively little traffic.

Ellis asked what the motion is.

Dent restated that the motion is for ≤ 5 under lot development and ≤ 50 trips per day, 20 foot wide surface, 35 foot right of way, elimination of clear zones, and a gravel or hard surface.

Runhaar noted that it should be stated as gravel surface.

Dent confirmed that he is ok stating gravel only.

Erickson moved to the previous question on all pending matters; Dent seconded; Passed 5-0

Action on the original motion with subsequent amendments; Passed 4, 1 (Nebeker)

Ellis noted that the Commission has yet to discuss standards that apply to subdivisions greater than five lots and suggested a motion to adopt the first column to include greater than five lots and a paved surface.

Runhaar and Commission discuss variance procedure.

Sands motioned to adopt the remaining columns, mountain road, rural, local, collector, arterial, as shown, and the inclusion of up to 20 lots on the rural, and up to 150 lots on the local, at 10 trips per day; Dent seconded with footnote to make it one lane for mountain road. Passed 5-0

Commission discussed the matrix in regard to criteria.

6:41:00

Adjourned