

## Cache County Planning Commission (CCPC)

Minutes for 05 August, 2010

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

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

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

**5:34:00**

### Agenda

*Passed*

### Minutes

**July 8, 2010** - *Passed*

**5:37:00**

### Consent Agenda

#### #1 Clawson Subdivision (Cody Clawson)

**Bonnie F. Nielson** I am an adjoining property owner and we share a fence line on two sides. There is a clause stating that this is an agricultural area and I wanted it noted that this is subject to sight and sounds of agriculture.

*Nebeker* motioned to recommend approval to the Cache County Council for the 4-lot Clawson subdivision with the noted recommendations and findings of fact; **Dent** seconded; **Passed 5, 0.**

#### **Findings of fact:**

1. The Clawson 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 Clawson 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 Clawson 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 Clawson 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 all building lots within the Clawson Subdivision.
3. All lots shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
4. The driveway shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County. The driveway shall be a 20' drivable surface and an approved turnaround shall be constructed at the end of the driveway.

**5:41:00**

**#2 Mark Stewart Subdivision and Boundary Line Adjustment (Mark Stewart)**

**Harrild** reviewed Mr. Mark Stewart's request; continued from June 3, 2010 meeting. A portion of 600 North beginning at the intersection with 7200 West and continuing for the 3,100 feet to the west does not meet the county standard. It needs to be widened to comply with the county standard of 20 feet with one foot shoulders. The applicant and the county have come to an agreement on the road improvements.

**White** who is widening the road?

**Runhaar** the applicant will widen the road and will chip and seal that portion of the road and the county will chip and seal the rest of the road.

**Dent** wasn't there an issue with widening it due to a seam in the road?

**Runhaar** the seam will actually fall mid-tread and there should be less stress on the seam.

**Ellis** so it will be a total new surface?

**Runhaar** yes it will.

*Dent motioned to approve the Mark Stewart Subdivision with the stated conditions and findings of fact; Erickson seconded; Passed 5, 0.*

**Findings of fact:**

1. The Mark Stewart 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 Mark Stewart 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 Mark Stewart 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 Mark Stewart 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 enter into a development agreement with Cache County Corporation in regards to the required widening of 600 North in Petersboro that shall perform the following:
  - a. The proponent shall widen 600 North to the width required by the Cache County Code and the 2009 International Fire Code.
  - b. The proponent shall be responsible for and work with the County in the paving of the widened portion of 600 North.
  - c. The County will be responsible for the resurfacing of the existing roadway width.
2. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
3. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
4. All private drives shall meet applicable requirements of the 2009 International Fire Code and any other applicable codes as adopted by Cache County.
5. All lots shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
6. County road 600 North shall be improved to a 20' wide and 1' shoulders of typical paved surface from the 7200 West and 600 North intersection to the west end of the subject property.
7. The Applicant shall reaffirm the County's right-of-way of 33' from the centerline across the entire frontage of the proposed subdivision along 600 North.
8. 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.
9. Individual lot access onto 600 North street has been proposed and appears to be adequate. The applicant will be required to obtain encroachment permits prior to the construction of each access to work within the County's right of way.
10. All landowners are required to obtain a Zoning Clearance and all applicable department reviews prior to any construction on the lots.

**5:46:00**

### **#3 DD Auto & Salvage Conditional Use Permit (David Grange)**

**Harrild** reviewed Mr. David Grange's request for a conditional use permit to allow the expansion of an existing conditional use permit including construction of additional buildings, fencing, storm drainage system, and truck scale located partially in the IM (Industrial Manufacturing) and Commercial (C) Zones at approximately 1976 West 200 North, west of Logan. Currently DD Auto and Salvage is in violation of the existing Conditional Use Permit. They have expanded onto lots that they were not approved to do so. The proposed Conditional Use Permit expansion includes 4 new buildings, an impound yard, and screening of the property along Highway 30 and 1900 West; this screening will include three signs to be located along Highway 30, the piping of the existing slough from 1900 West to the southern edge of parcel #05-060-0002, an additional access from 1900 West at approximately 100 North, and a truck scale. Staff will be working with UDOT and Logan City concerning the access points on Highway 30 and on 1900 West. 1900 West is part of Logan. Staff recommends that the Commission continues this item until more of the details are worked out and we can give more concrete conditions. Staff recommends that these details provide a phasing plan with an approximate timeline for the proposed development and expansion of the Conditional Use Permit, a screening plan, a hazardous fluids containment plan, and a general site maintenance plan.

Staff and commission discussed the possibility of wetlands in the area and the process that would be needed if there are. Also, the current violation of the existing conditional use permit was discussed and the necessity of a screening plan for the site.

**White** I was wondering if they had talked about the cars. Is the storage facility to take parts off the car or what?

**Mr. Grange** 90% of the material that comes into the yard is processed immediately. Some of the better vehicles that come in, we would like the time to harvest the parts and increase our efficiency that way. In the parts yard they rarely stay more than 6 months.

**Ellis** this is a big expansion and is a service that is needed. It is a highly visible location and the screen will be important to protect the neighbors. I know your letter mentions an 8 foot screen done in phases.

**Mr. Grange** we intend to put in an 8 foot fence, but the material is still up in the air. Ideally we would like to do a nice rock/concrete front fence, but that is costly and to begin with the fence would be vinyl.

**Ellis** I would like to see some rigid guidelines regarding the spillover.

**Mr. Grange** it is real difficult to put a timeline on it due to the market and financial means needed to do that.

**Erickson** this property isn't owned by you?

**Mr. Grange** yes.

**Erickson** is the out parcel used as part of the company?

**Mr. Grange** no, it is owned by a trucking company and they store their trucks there.

**Erickson** is there any berm or filtration currently

**Mr. Grange** there has been a wetlands delineation done when they built the slough and it was determined at that time that the wetlands was for the stream only and I don't know how far they went.

**Sands** it would have to be an entire survey of the property so you would still need to get a wetlands delineation for your property.

**Mr. Grange** I've been working with Cache Landmark and they have handled the engineering requirements and everything. I would expect that more requirements would be added when we go to pipe that.

**Sands** I think the comments that have been mentioned are similar to mine. The other thing I think need to be considered is access onto the highway.

**Mr. Grange** we have had some discussions with UDOT. Our right of way is more than 500 feet of that intersection and due to the fact that the highway speed limit decreases before it reaches our property and so we won't need a turning lane.

**Sands** that section next to the landfill is really narrow and I know there are plenty of people who don't stay on the asphalt and wander into the landfill fence there every year. Quite of few times in the year, you are doing open burning out there, what type of burning is that?

**Mr. Grange** we do burn sometimes.

**Sands** I'm speaking of burn barrels.

**Mr. Grange** We do have a burn barrel and we get the right permits for burning when we do.

**Sands** what are you burning?

**Mr. Grange** pallets and things like that.

**Sands** no oil?

**Mr. Grange** no.

**Runhaar** we are going to have to check on the wetlands and look into the delineation and work with UDOT and Logan. We are still needing more information on the screening as well. Staff recommends that a full wetland delineation be added to the list of additional details to be provided by the applicant.

*Sands motioned to continue item #3 up to 90 days; Erickson seconded; Passed 5, 0.*

**6:13:00**

**#4 Cheryl Pinder Conditional Use Permit (Cheryl Pinder)**

Staff and commission discussed the reason for two permits and how to make the permits work.

**Harrild** reviewed Ms. Cheryl Pinder's request for a conditional use permit for a small business to allow semi-trucks to park on 2.60 acres of property. There are 4 trucks and 13 trailers that are used for the business. The number of employees currently allowed at 3, but there are more employees than that, but most of them are not paid and do not live on this property. There will need to be a space for the truck and trailer to get off the road to unlock the gate and there will need to be a hazardous fluid containment plan due to the size of the trucks in case there is a leak or spill. The other item has to do with the screening; the outside storage needs to be adequate to screen all outside storage.

Staff and commission discussed the screening of trucks and the setback that will be required for trucks pulling in and out of the lot. Hours of operations and a hazardous fluid containment plan were discussed as well. The number of employees for this conditional use permit was discussed and it will be set at 3 employees. For the conditional use permit to take effect the Pinders will have to build a home on the lot to run their business. The rezone application from a previous meeting was discussed. The Planning Commission made no decision regarding the application and the rezone never went before the County Council. There are two permits currently before the Commission and the all members of the Commission are against issuing two permits for one lot.

**Ellis** Chris, you have mentioned that the applicant bails some hay for you and that is under \$100 and I see no problems there.

**Sands** when I saw the two applications in our packet I didn't read them as consecutive. I believe in the small business designation for the Ag Zone and its purpose is well spelled out in our ordinance. There is point, however, when one of those uses can become too big and needs to be moved to a commercial zone. I drove down the road again and I can see this parcel from my private property and I can see half a dozen large metal buildings down the road used for agricultural uses. I think were we start to run into conflicts is when a small business starts to look like a commercial business.

**Ellis** I don't see a lot of support for two permits.

**Mr. Pinder** why we applied for two permits is because of your ordinances. There is no stipulation for commercial business for the Ag zone. We had to identify our business with something and that is why we applied for a CUP.

**Ellis** the small business exception is to help those who need the secondary income.

**Mr. Pinder** I only want one CUP but we have to have two to take care of the ordinance.

**Mrs. Pinder** if one CUP will let us do all that we need to do, that's what we want.

**Mr. Pinder** really to park semis and trailers on the property, you have no ordinances for that. To park semis with commodities on there, you have no ordinance.

**Ellis** would you address the employees?

**Mrs. Pinder** we have three employees for the business, but if you want to run off the Ag there are 7. I have three hauling for Ag and three hauling from commercial. On the Ag part of that, it is my family for my farm.

**Ellis** my understanding is that if it is your personal use, it falls under Ag. But, when you start hauling for others, you need a CUP.

**Runhaar** you will have three employees for this parcel?

**Mrs. Pinder** yes.

**White** is that your farm around this parcel?

**Mr. Pinder** yes.

*Dent moved to hear the public comment for 10 minutes; Erickson seconded; Passed 5, 0.*

**Dick Whittier** I live on 3200. We are here to ask for the CUP to be granted. There is a group of neighbors that support this and we only ask that the normal Agricultural activities be allowed. We aren't concerned with any of the issues that have been raised and want to move on with this issue as long as it meets the law.

**Jason Whittier** I live on 3200 west as well. I've known the Pinders forever and have worked for them. How can there be recommendations to pass when the law is met?

**Ellis** we are appointed by the County Council to administer the ordinances that pass.

**Mr. J Whittier** thank you, I think the silent majority out there is for this.

**Shane Olsen** I grew up out there and live on the Mendon road. I heard the word circumvent mentioned a couple of times and that is not what Kurt Pinder is doing. He is trying to make everyone happy and satisfy everything that needs to be done and it is not his intention to circumvent.

**Ann Ribera** there has been a petition mentioned that has been passed around and they say there is 60 or 70 signatures. However, there is only the Forinash's and myself next to this, not 60 or 70 people. When this started two years ago, we were told that this was not a commercial property, but it seems to be a commercial business. My question is when does the conditional

use permit go into effect and how is it enforced? What is to prevent a violation of the conditional use permit? We aren't objecting to agricultural uses of the land, we are objecting to commercial uses of the land.

**Mr. Grange** this is just an observation, I'm not in to any of this. However, you have a 2 ½ acre piece here by the time you add a residence on that there is not a lot of room for expansion. If it does expand, I think you will see them move to a commercial lot.

**Gerald Forinash** I was born and raised in the San Fernando Valley and I watched it go from agricultural to residential. I've watched areas move from agricultural to residential areas several times and every time you pass a conditional use permit of this nature, you lose some agricultural land.

**Ellis** that is the end of public comments. I think since the commercial permit is more broad, it allows more activities and we will deal with that first and then deal with the agricultural permit. If there is not a motion what happens?

**Runhaar** I understand that the Planning Commission doesn't want to pass two permits and we can discuss language to change either permit.

***Sands** motioned to approve a Conditional Use Permit to allow trucks to be parked in the Agricultural Zone; **Erickson** seconded;*

***Sands** motioned to amend the previous motion to add condition 12, "Outdoor lighting must conform to night sky conditions including full cut off."; **Motion failed due to lack of second.***

***Erickson** motioned to amend Condition 4 to read, "If the site is gated, then the gate must be set back a sufficient distance from the roadway to provide sufficient space for a semi-truck and trailer to park outside the gate, wholly outside the county right of way, to ensure the safety of all motor vehicles traveling along 600 South."; **Ellis** seconded; **Passed 5, 0.***

***Erickson** motioned to amend Condition 11d to read, "It will be conducted generally between the hours of six o'clock (6:00) A.M. and ten o'clock (10:00) P.M., with extended hours as the planting and harvesting seasons require."; **Ellis** seconded; **Passed 5, 0.***

Screening for the storage and trucks were discussed.

***Nebeker** motioned to add Condition 12, "No parking or storage will be permitted within any setback."; **Erickson** seconded; **Passed 5, 0.***

***Erickson** moved to amend Condition 8 by striking the number 4 and changing it to 7 commercial semi-trucks and 7 commercial trailers, **Sands** seconded; **Failed for lack of four affirmative votes (3 yeas, 2 nays)***

***Nebeker** motioned to add Condition 13, "The applicant shall obtain and maintain a current and accurate business license." and to strike the sentence discussing impositions on*



*agricultural commodities or activities under Conditions of Approval; Sands seconded; Passed 5, 0.*

The number of semi tractors and trailers was discussed as well as a possibility for a review period for the permit. The review period was decided against.

***Action on the original motion with subsequent amendments; Failed for lack of four affirmative votes (3 yeas, 2 nays – Dent, Nebeker).***

**Findings of fact:**

1. The Cheryl 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 Cheryl 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 Cheryl 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. 600 South, 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. Limitations within this Conditional Use Permit are specific to the commercial trucking business. No conditions within this Conditional Use Permit are imposed on agricultural commodities or activities.

1. The applicant must abide by the site plan and construction specifications as submitted to the Cache County Zoning Office.
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. Private access shall meet the maximum 30' wide requirement to be in conformance to the Cache County Code.
4. If the site is gated, then the gate set back a minimum of 60' from the roadway to provide sufficient space for a semi-truck and trailer to park outside of the gate is recommended as to ensure safety of all motor vehicles traveling along 600 South.
5. The applicant shall reaffirm the County's right-of-way of 33' from the centerline across the entire frontage of the property.
6. The applicant shall meet all requirements to establish a small business on-site including constructing a home prior to recordation of the Conditional Use Permit.
7. The applicant shall work with the Cache County Building Department to convert the existing agriculture structure into a commercial structure prior to recordation of the Conditional Use Permit.
8. The applicant shall operate no more than 3 (three) commercial semi-trucks in relation to this Conditional Use Permit.

9. When on the site, storage of the commercial materials transported by the applicant shall be confined to the three (3) semi-truck trailers. Storage of any other commercial materials on the site is not permitted.
10. The applicant shall provide a hazardous fluids containment plan.
11. 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. Outside storage and parked trucks shall be adequately screened; and
    - 1) Minimum screening shall be approved by the Cache County Zoning Administrator and shall be adequate to conceal all storage; and
  - b. There is adequate parking for business vehicles and visitors; and
  - c. 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
  - d. 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
  - e. It will comply with all federal, state, and county codes and regulations, including business license regulations.

**7:47:00**

*Dent motioned to recess for 5 minutes and extend the meeting until 8:30 pm; Erickson seconded; Passed 5, 0.*

**7:55:00**

#### **#5 Beaver Mountain Master Plan Expansion (David Bell)**

**Harrild** reviewed Beaver Mountain's Master Plan Expansion. The general idea of the plan is what is being approved tonight, any specific for individual buildings, fire plan, etc., still come back to staff for approval. UDOT did have a concern about access and has asked that some sort of a traffic study be done in the future regarding the growth.

**Nebeker** what has the State Trust Lands said about this?

**Harrild** they said they approved of the expansion.

**Mr. Bell** we first sat down with SITLA and they gave us a letter of approval and that was given to staff at the beginning.

**Sands** my only issue from last time was regarding the re-vegetation and slope of the parking lot and I believe that has been addressed. The only issue that I have for this meeting is that the proposal discusses future residential development and I am not comfortable approving something when I don't know where the residential dwellings will be.

**Mr. Bell** SITLA has been discussing residential dwellings around there, not Beaver. It should not have been worded that way. That lift is really for the lower parking lot; it is a service lift.

**Sands** that's great. I don't want to approve a future lift for residential access when the residential access hasn't been planned.

***Sands** motioned to approve the Beaver Mountain Master Plan Expansion Conditional Use Permit with the change of wording under the 6 to 10 year plan, bullet 1, to read "When necessary install a surface 'ski-in/ski-out' lift to connect the lower parking lot"; **Erickson** seconded; **Passed 5, 0.***

**Findings of fact:**

1. The Beaver Mountain 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 Beaver Mountain Conditional Use Permit expansion 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 Beaver Mountain 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. State Route 243, 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 developments to conform to the County Ordinance and the requirements of county service providers.

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. All landowners are required to obtain a Zoning Clearance and all applicable department reviews prior to any construction or the placement of structures on the subject parcel.
4. The applicant shall meet all applicable requirements of the 2009 International Fire Code.
5. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be 100 to 200 feet from any water way or well unless otherwise designated by the Health Department.
6. An increase in user capacity (i.e., additional lifts and/or ski runs), shall require the applicant to review the existing access with the UDOT to determine if improvements to the access are required.
7. The applicant shall obtain a Stormwater Pollution Prevention Permit from the State.

**Staff and the Commission** also discussed that the staff will need to provide feedback to the Planning Commission as the specific items of the Master Plan are completed. Staff will add a note to the staff report that requires the staff to provide feedback to the Planning Commission concerning the development detailed in the Master Plan.

**8:15:00**

**#6 Discussion – Titles 12, 16, 17.02**

Staff and commission discussed the addition of a 6<sup>th</sup> home on a private road and the variance procedure for that situation.

A subcommittee to discuss roads issues will be set up and include two Planning Commissioners, Curtis Dent (Chair), and Don Nebeker, James Swink, one Council Member, Darrell Erickson, Josh Runhaar, and Lynn Zollinger.

**8:46:00**

**Adjourned**