

Cache County Planning Commission (CCPC)

Minutes for 02 September, 2010

Present: Josh Runhaar, Chris Harrild, Chris Sands, David Erickson, Clair Ellis, Leslie Larson, Curtis Dent, Lamont Godfrey, Jon White, Donald Linton

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

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

5:33:00

Agenda

Passed

Minutes

July 29, 2010 - *Passed*

August 8, 2010 – *Passed with noted changes on page 6.*

5:37:00

Consent Agenda

#1 White Rock Subdivision (Vaughn Peterson)

Findings of fact:

1. The White Rock 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 White Rock Subdivision and Boundary Line Adjustment 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 White Rock Subdivision and Boundary Line Adjustment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The White Rock Subdivision and Boundary Line Adjustment 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 White Rock Subdivision and Boundary Line Adjustment.
3. At the collection points on 7200 West and 6400 West, an additional width of four (4) feet shall be required for the placement of refuse and recycle containers so they do not interfere with traffic.

4. The driveway shall meet all applicable requirements of the 2009 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.

Ellis invited applicant Vaughn Peterson to provide any comment.

Peterson had no comment.

Mallory Anderson I wondered where they were going to get the water from.

Runhaar as with all subdivisions in the county you can transfer water rights in accordance with state law.

Ms. Anderson there is a spring there but I don't think Peterson's name is on it.

Runhaar if they wanted to use the spring there the state would have to decide whether or not they would allow that. The state approves all water issues and they will have to approve that.

Ms. Anderson I would like to see all the people who use that water get together and make something of it. The state is in charge of it?

Runhaar yes.

Ellis asked for any other comments.

Dent motioned for recommendation of approval; Larson seconded; Passed 6, 0.

5:41:00

#2 Blacksmith Fork River Estates (Rick Egan)

Harrild reviewed Mr. Rick Egan's request for a 2-lot subdivision and boundary line adjustment on approximately 56.08 acres of property in the FR-40 Zone located at approximately mile marker 11, State Highway 101, Blacksmith Fork Canyon. There are two legal lots on the north and south sides of the highway. There was an illegal subdivision and they have gone through to rectify the issues. They have proposed a subdivision on the southern parcel and then there will be building lots on the north parcel that will be seasonal. The major issue is access. UDOT has looked at this and has approved the access to these lots. There is an issue with the fire district. This area is not currently designated as Wildland Urban Interface

Staff and planning commission discussed the variance granted by the Board of Adjustments and the natural barrier. There are two buildable lots and development capabilities will be limited to the two lots and the two remaining parcels will be ineligible for development. Four buildable lots are not created. Only two buildable lots will be created. The building restrictions on the ineligible parcels would be deed restricted, meaning that restrictions would be included with the deed. Legal council will research the issues discussed and report back to the commission.

Ellis I'm not personally comfortable with this yet, but we can move it on to the council. We do want to be careful of setting a precedent, and during that time we can maybe have the attorney's office check the legality of this?

Linton yes, I can certainly do that. We will want to check on the collateral consequences for the future and check for those and will get back with the council and this body next time. He suspects that with a deed restriction, that the restriction will be hard to ignore.

Ellis asked applicant Rick Egan if he had any comment.

Mr. Egan not that I can think of. We are just trying to make a piece of property that are family will enjoy.

Larson Clair, your concern then is with what the Board of Adjustment has already done or what we do tonight?

Ellis my question is because there are two legal lots there now, due to the variance, can they subdivide it again and have a non-buildable lot as well. Or does this create an illegal subdivision?

Runhaar we grant them two building lots, and the rest is a parcel. Runhaar also discussed how density based zoning works.

Larson asked what the difference is between a lot and a parcel.

Runhaar noted that a lot is buildable, while a parcel may not be.

Larson motioned to recommend approval to Council; Dent seconded; (no vote taken at this time)

Mr. Egan is it the parcel A and B thing causing the problem? If that is, can we leave it as one piece? We are fine with the parcels being one piece but my understanding was that had to be done because of the road.

Runhaar we can't combine A and B due to the natural barrier.

Mr. Egan the reason was the top piece owns the top piece and the other piece was bought over 40 years ago. This way, each family member that wants some can have a deeded piece of the property. This is more to make each of these pieces of property by itself.

Dent your purpose is for separate ownership?

Mr. Egan yes, someday down the road.

Dent so parcel A will be a different owner than lot 2, and parcel B will be owned by a different owner than lot 1?

Mr. Egan yes.

Larson so do they understand that those lots are unbuildable?

Mr. Egan yes, they do understand that. We are trying to keep the family at peace and make it all agreeable.

Linton you are planning on building two buildings and putting a trailer on another?

Mr. Egan yes, at some point in the future.

Ellis are you okay with this being continued?

Mr. Egan yes.

Sands also, this acreage doesn't add up to two lots under the density standard and there are some issues with that.

Larson motioned to continue the previous motion and Item #2 up to 60 days; *Erickson* seconded; **Passed 6, 0.**

6:18:00

5 minute recess

6:21:00

#3 Discussion – Titles 12, 16, 17.02 & County Road Standards

6:28:00

Larson leaves

Staff and commission Staff and commission discussed how to bring roads up to standard over time, also, who builds what sections of road when development happens. A private road requires 100% improvement up to county standards. Roads that don't meet the fire code are a liability to the County and the County cannot allow development on a road that does not meet county standards without improvements being required. County roads need to meet 20 feet, and shoulder requirements are dependent upon where the road is and the situation; sometimes shoulders will be added later as development happens.

A rural road can be a gravel road with a 20 foot surface with 2 foot shoulders on each side, built to a road base that allows 200 trips per day with a standard easement of 66 feet. The question then becomes, as people build on county roads that don't meet the standard, how do improvements happen and who pays for what improvements. The first home would need to develop a 20 foot road all the way back to the next improved road from their driveway entrance. For development where there are two improved roads on each side of the home, the county will need to pick a road that the homeowner will need to improve the road back to. Homeowners should not be required to improve the road both ways.

8:03:00

Adjourned