

Cache County Planning Commission (CCPC)

Minutes for 02 December, 2010

Present: Josh Runhaar, Chris Harrild, Chris Sands, Clair Ellis, Leslie Larson, Curtis Dent, Jon White, David Erickson, Denise Ciebien, Megan Izatt

Start Time: 5:30:00 (Video time not shown on DVD)

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

5:32:00

Agenda

Passed with the removal of items #6 and #8.

Minutes

October 07, 2010 – Passed.

05:35:00

#1 Approval of 2011 Meeting Schedule

Larson motioned to approve the schedule for 2011; Dent seconded; Passed 5, 0.

05:37:00

Consent Agenda

#2 Maple Leaf Ranch and Maple Leaf Estates Subdivision Amendment (Steven C. Taylor)

Dent motioned to approve the consent agenda; Larson seconded; Passed 5, 0.

No change to original findings of fact or conditions.

05:39:00

#3 DD Auto & Salvage (David Grange)

Harrild reviewed Mr. David Grange's request for a Conditional Use Permit(CUP) to allow the expansion of an existing CUP including the construction of additional buildings, fencing, storm drainage system and truck scale located partially in the Industrial Manufacturing and Commercial Zones at approximately 1976 West 200 North west of Logan. This item was continued from the August 2010 meeting. . There is still work being done on the application and staff is recommending that the item be continued up to 60 days.

Larson is there a reason to not grant a continuance?

Runhaar not really. We try not to hold applications for no longer than 6 months; if we do have an application that long we re-evaluate and see what is holding the application up and what needs to be done.

Sands motioned to continue item #3 up to 60 days; Erickson seconded; Passed 5, 0.

05:52:00

#4 Lofthouse Subdivision (Rusty Eskelson)

Harrild reviewed Mr. Rusty Eskelson's request for an additional 3 lots in an existing 2-lot subdivision formerly called the Wengreen Farm Subdivision amended on 55.21 acres of property in the Agricultural Zone at approximately 25 East 10700 South, Avon. There are no problems with services for this area, but there is an issue of access. The applicant would be required to widen the road leading to the subdivision and would need a 20 foot wide road within the subdivision as well to meet fire code. The cost involved with widening that road is beyond the reach of the applicant. The figure that has been discussed is \$100,000 or more to widen the road to 20 feet. Staff is recommending denial for the project due to the issues with the road.

Staff and Planning Commission discussed the road and the needed road improvements. The bridge is currently not wide enough for two cars to pass and the county doesn't feel it is the applicant's reasonability to replace that bridge. If a solution can be found, the applicant can come back and reapply.

Runhaar The bridge washed out a few years ago, and FEMA funding would only replace the bridge to like conditions. The county didn't want to spend the money on the bridge to widen it when there are other roads that need attention first.

Rusty Eskelson what do you want from me?

Ellis do you see a solution?

Mr. Eskelson I don't see an easy solution. If somewhere there is code that states the width that it needs to meet we can't build the bridge to not meet those requirements. We really are talking about 3 homes and the impact of more homes on that road would be minimal. We ask for a variance to be made and we be given the right to go ahead. If in the future there is a development where money could be made then I can see forcing the 20 foot wide requirement.

Ellis the 20 feet is stipulated by fire code, we can't do anything about that. Josh, is it stipulated elsewhere?

Runhaar title 16 also requires it. Not only would you have to go through the Board of Adjustment, you would have to go through the State Fire Board to get a variance for the fire code. I can't grant that a variance and not even our fire chief can do that.

Dent if we were to make a motion, would we deny it and then he would appeal it or should we continue up to 6 months?

Runhaar that would be up to you. If he wants to get a variance for the fire code I don't know if 6 months would be enough time for the state.

Dent are you interested in an appeal?

Mr. Eskelson not really. There has been quite a bit of expense incurred so far and we would like to avoid putting much more into it.

Runhaar I don't think appealing to the state is expensive, but lengthy.

Dent motioned to continue item #4, the Lofthouse Subdivision up to 6 months; Larson seconded

Rusty Lofthouse how long has the 20 foot requirement for the road been in effect for additional homes?

Runhaar since 2007 and we enacted it in mid-2008.

Mr. Lofthouse I'm just wondering because a home has been built at the end of this road about 2 years ago; if they got around it, then that should be applied.

Runhaar if the house was approved two years ago, then likely they may have been able to get around it since the fire code was adopted in Cache Valley until mid-2008. Buildings that were permitted before the passing of the fire code wouldn't have had to meet the new requirements.

Mr. Lofthouse the cost of widening this road is exorbitant, more than \$100,000. There are water ways that would have to go under, etc. If there is a way around this issue, how did that the other homes on the road get around it?

Runhaar the only way to get around it now is to apply to the state for a variance.

Carlene Parkinson I live across from this. The road out there is bad and I agree that it needs to be fixed. Where does the fire marshal come into this? Can they not get a fire truck through there? I'm not fighting for this, I'm just wondering.

Ellis as I understand it the County Council adopted the fire code as a county ordinance

White the idea behind the ordinance is that 2 fire trucks should be able to pass each other.

Ms. Parkinson if this does happen, what happens to the zoning around it?

Runhaar no zoning changes will happen here.

Ms. Parkinson what is the minimum lot size for building a home out there?

Runhaar typically a density of 1 unit per 10 acres.

Ms. Parkinson when does curb and gutter come in?

Runhaar in the county, never.

Motion passed

Finding of Fact:

1. County Road 10700 South, from 100 East to the access point at 25 East, has an average width of 16 feet of double chip seal paved surface. Cache County ordinance requires the road to be a 20 foot wide paved surface with one foot shoulders.

06:04:00

#5 Richmond City Water Tank (Darek Kimball)

Harrild reviewed Mr. Darek Kimball's request for a CUP to allow the construction of a culinary water tank and a 20' X 30' single story chlorination and control valve building, for Richmond City on 2.1 acres of a 27.04 acres parcel located approximately one mile east of Richmond on Cherry Creek Road. The tank will be in the ground and stick out of the ground one to two feet, but won't be visible after re-vegetation.

White I thought the road up to this is in terrible condition?

Runhaar the section of road that this is located on is not bad.

Dent there is a 20 foot wide surface.

White okay.

Dent is this going to affect the canal?

Darek Kimball I'm the engineer for Richmond City. This is right below the canal; we will have to pipe part of the canal right behind this tank.

Dent why are they condemning it?

Mike Aldridge from Richmond City. The city didn't have the money to purchase the whole lot and the lawyers were able to come to an agreement.

Dent the house will still have access?

Mr. Aldridge yes.

Eric Brooksby our family owns the property to the north of it. That road isn't as good as you think and the plats still show that we own that. The road doesn't exist on the plats and we still pay taxes on that property.

Runhaar the road is a county road and there are forms you can fill out to not pay taxes on it.

Mr. Brooksby my only other concern is if there is a water problem that road washes out very easily and that could be a problem.

Ellis the road has been looked at?

Runhaar not as closely as something else applying for here because this isn't a habitable structure that is going in.

Dent this road is really in good condition for the use it gets. It gets used a lot and is kept in good enough condition.

Dent moved to approve with the noted condition; **Sands** seconded; **Passed 5, 0.**

Findings of Fact:

1. The Richmond City Water Tank 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 Richmond City Water Tank 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 Richmond City Water Tank Conditional Use Permit is issued in conformance with the Standards and Criteria for a Conditional Use within Title 17 of the Cache County Code.
4. The Richmond City Water Tank Conditional Use Permit is compatible with the Agricultural (A-10) Zone and with the surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

Condition of Approval:

1. The applicant shall abide by the site plan and all other submitted materials in the construction of the water tank and chlorination and control valve building.

06:19:00

Sands leaves

#7 Mt. Pisgah (Hal Fronk)

Harrild the rezone process for this application has been completed. What is being asked for now is a CUP to allow limestone extraction on 640 acres in the Mineral Extraction Zone located approximately two miles north of Mantua. This has been approved by the state and that allows them to be a rolling quarry. What that means is that they can extract from a 5 acre area, move onto another 5 acres but have to reclaim that previous 5 acres. The applicant will have to meet and comply with state requirements. The quarry will employ an estimated 12 employees involved in the operation of a front end loader, haul trucks, excavator, and a crusher/screener. Due to the remoteness of this location staff doesn't feel that sound barriers, etc. are needed for the site. The public's concerns were for the road and traffic but that has been taken care of with the construction of a private road. There will be about 15 trucks going in and out of the quarry. The road will be 26 feet wide with 2 foot shoulders and a 10 foot wide fuel break on either side of the road has been recommended. The fire district has also recommended that the area surrounding the road be reclaimed and has made suggestions on what should happen there.

Ellis what about operation hours?

Harrild hours of operation are noted in the conditions under item 10 and reflect the hours required by the Cache County Ordinance 17.13.060.

Ellis the applicant is here?

Hal Fronk what changes have been made?

Harrild there are no changes to the conditions. The permit is only for area 1 and the six proposed phases.

Mr. Fronk I don't think there is anything else.

Runhaar the reason a quarry of this size can go in without issues is because it is 2 ½ miles from the nearest residence.

White what about drainage? Is the culvert for this private road going to meet up with the county culvert?

Zollinger what has been stated is the roads are parallel to each other, which isn't necessarily true. You won't see one road from the other and there is a ridge between and drainage could be an issue and that will have to deal with. The culverts at this point should match up.

Erickson moved to approve the CUP with the stated conditions and findings of fact; Dent seconded; Passed 4, 0.

Findings of Fact:

5. The Pisgah Limestone 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.
6. The Pisgah Limestone Conditional Use Permit 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.
7. The Pisgah Limestone Conditional Use Permit is issued in conformance with the Standards and Criteria for a Conditional Use within Title 17 of the Cache County Code.
8. The Pisgah Limestone Conditional Use Permit is compatible with the purpose of the existing Mineral Extraction and Excavation (ME) Zone.
9. The proposed private road to access the quarry and the proposed improvements to Mt. Pisgah road provide adequate capacity, or suitable levels of service for the proposed use.

Conditions of Approval:

1. Prior to the commencement of any site development activities or limestone or aggregate extraction on this site, the master plan, including a site plan, reclamation plan, drainage plan, stormwater pollution prevention plan, Hazardous Emergency Response Plan, and for the proposed private road, a dust suppression plan, shall be reviewed for compliance with applicable county ordinance by the County Engineer. The applicant shall pay the cost of any and all engineering reviews.
2. After approval of the site plan the approval shall be put in the form of a development agreement as required by §17.13.070 of the Cache County Code. The agreement shall include a legal description of the land, a copy of the conditional use permit, a copy of the approved mineral extraction and excavation master plan, all final grading and slope for reclamation of the extraction operation that meets the requirements of Appendix J of the currently adopted International Building Code, a financial guarantee for the rehabilitation and reclamation, and other specific requirements, rights, and peculiarities pertinent to the project.
3. The private road shall meet all applicable requirements of the 2009 International Fire Code and any other applicable codes. The private road shall be a 26 foot wide drivable surface with 2 foot shoulders and a turnaround as approved by the Fire District shall be constructed at the end of the private road. No pull outs are required for this alternative, however, thinning of the vegetation is recommended. This private road shall be in place prior to commencement of mining activity.
4. The applicant shall submit plans for the private road to be reviewed for compliance with applicable county ordinance by the County Engineer. The applicant shall pay the cost of any and all engineering reviews.
5. The soil areas disturbed by the construction of the private road shall be planted with grasses exhibiting low flammability characteristics to stabilize the soil and reduce fire potential. Recommended species of grass include Crested Wheatgrass, Blue Fescue, and Rye grass.
6. The applicant shall comply with all requirements of the Division of Air Quality regarding air pollution and supply the County with a copy of the Pollution Plan (§17.13.060). The applicant shall report any findings back to the Planning Commission.

7. The applicant shall obtain an encroachment permit for any work done within the right of way of any county roads.
8. The applicant shall work with and obtain any necessary permits from UDOT in the widening of Mt. Pisgah Road at the intersection of Mt. Pisgah Road and Highway 89/91.
9. Prior to issuance of the conditional use permit the applicant shall obtain all necessary Federal, State, and local permits as required. The applicant shall submit copies of these permits to the Cache County Development Services office.
10. Hours of operation shall be held in compliance with those stated in §17.13.060 of the Cache County Code.
11. Any expansion of the approved conditional use or alteration of the master plan shall require review and approval by the County Planning Commission prior to the expansion.

06:35:00

5 Minute Recess

06:45:00

Runhaar we are going through and reviewing each section and seeing what needs to be changed. After we get everything reviewed we will go back and do detail work. We have sections 2.5, 2.6/2.7, 2.9, sections 3, 4, 5, and the appendix that are remaining.

Staff and Commission discussed dead end roads and cul-de-sacs. Dead end roads that are 500 feet or less can apply for a design a variance to keep the dead end road. However, for the most part all roads need to be able to become through roads. Subdivisions can apply for a variance and can appeal any decisions from this body to the Board of Adjustment. We are trying to avoid gaps in the road system and to avoid cul-de-sacs due to the service nightmares they develop into. Also, we are trying to avoid fire code requirements for roads that terminate after 700 feet. At that point fire code requires roads to be 26 feet wide. Also, long cul-de-sacs create nightmares for the future inhabitants and the county as there is nowhere to plow snow and the county doesn't want to take over cul-de-sacs. Temporary dead ends are different then dead end roads or cul-de-sacs and there are different requirements for temporary dead ends. We are trying to avoid having several long, permanent dead end roads in the county.

Staff and Commission discussed service streets. These provide access to areas that have limited access or a rail road right-of-way. Street naming, the address system, and irrigation water facilities design. To find information on setbacks from canals check Title 17. The storm drainage section was intended to reference national standards regarding storm drainage; it should use a 10 year rainfall rate to help determine your system requirements.

8:06:00

Adjourned