

Cache County Planning Commission (CCPC)

Minutes for 06 January, 2011

Present: Josh Runhaar, Chris Harrild, Chris Sands, Clair Ellis, Leslie Larson, Phillip Olsen, Chris Allen, Jon White, Denise Ciebien, Megan Izatt

Start Time: 5:31:00 (Video time not shown on DVD)

Ellis welcomed and introduced new members; **Larson** gave opening remarks.

5:33:00

Agenda

Agenda approved with the removal of item #2 Black Ridge Farms Conditional Use Permit Expansion

5:36:00

Minutes

December 2, 2010 – Passed.

05:36:00

#1 Election of Chair and Vice-Chair

Larson nominated Clair Ellis for Chair; *Allen* seconded; **Passed 5, 0.**

Sands nominated Larson for Vice-Chair; **Passed 5, 0.**

05:39:00

#2 Black Ridge Farms

Sands motioned to continued item #2 up until the next meeting; *Larson* seconded; **Passed 5, 0.**

5:42:00

#3 Cheryl Pinder Conditional (Curt & Cheryl Pinder)

Harrild reviewed Curt and 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 in the Agricultural Zone located at approximately 3703 West 600 South, Young Ward. This has been remanded back to the Planning Commission from September 16, 2010 Board of Adjustment meeting.

There is a large building on the back portion of this land that is used as a shop and initial the building was approved as an agricultural Building and is in the process of being changed to a commercial building.

Staff and Planning Commission discussed the reasons the Board of Adjustments sent this item back to the Planning Commission. Also, the storage of hazardous materials and overnight storage was discussed. A hazardous materials plan has been requested and if the Pinder's are going to haul hazardous materials they also have to comply with federal regulations. The wording of condition #4 was discussed and it was decided to use a different word than park. The current building that is on site is in the process of being converted from an agricultural building to a commercial building; the building has to meet all the conditions required by the building inspector to complete that process. The number of semi trucks and trailers was discussed.

Cheryl Pinder if you have a trailer to haul cows, you also need a trailer for grain, etc. You need the trailers for commodities.

Larson okay, I'm not objecting on the number, I think it just needs to be stated exactly what we mean.

Ellis so there could be three semi-trucks but possibly more trailers. I don't see a limit on the number of trailers; I see a number for how many trailers are loaded with materials, but not on storage.

Runhaar the intent of the code is for there to be three trucks, so that we know there are three employees.

Sands they are not limited in the number of trucks for their own agricultural needs, correct?

Runhaar right. So they can have as many trucks and trailers as they want for their agricultural needs, but for the commercial they are limited to three trucks. For the trailers, I don't know. If they have six trailers for three trucks, then there already are more trailers than 3. I don't see anywhere in the conditions where the number of trailers is limited. So they could have half a dozen trailers on site but only be using three.

Curtis Pinder on the land available, we won't be able to have more than six or seven trailers on site.

Runhaar staff's larger concern is the number of semi-trucks, not necessarily trailers.

White couldn't you state you can have no more than six trailers?

Allen the concern is whether the trailers are loaded or not.

Larson why do we care if they are loaded or not because they look the same either loaded or not.

Ellis there was some public comments on storage.

Larson hazardous storage is a separate issue. If those trailers are loaded or not, you can't tell; unless it is hazardous materials, it shouldn't matter.

Runhaar maybe we should say storage is not permitted except in the building or loaded trailers and that way it can't become a stock pile.

Ellis let's get commissioner's opinions on the trailers. There will only be three trucks, now we need to decide on the trailers.

Sands I don't think there is a problem with an unlimited amount of trailers.

Allen to me, I don't see a problem with the number of trailers but storage. I don't see an issue with the number of trailers as long as this doesn't become a stock pile.

Olsen I'm on the same line of thought. I don't have a problem with extra trailers being stored there as long as they aren't full.

Mr. Pinder there is four trailers that usually sit, and then the three that we use on a regular basis. So that's seven, and when a house is there we can't get more than six or seven trailers in there.

Ellis I would be more comfortable with a limit, whether it be 10 or 12.

Mr. Pinder you can't get 10 or 12 trailers in there when there is a house.

Larson what about stacking them?

Mr. Pinder there really isn't any need for stacking them and it's a very hard thing to do.

Runhaar okay, so everyone is fine with 3 trucks. Then a new number, 10, would be so many trailers whether loaded or not.

Larson what about the hazardous fluid containment plan?

Runhaar we have requested the hazardous containment plan and it is more procedural. It explains the process they need to go through if they have a spill, etc.

Larson okay, so it's a plan that makes sure that there is no leeching, etc.?

Mrs. Pinder we have to comply with federal regulations anyways.

Larson okay on 11 b and e what is it referring to?

Sands commercial trucking.

Runhaar we can also specify repair/mechanical work.

Staff and Commission discussed the possibility of gate and the process that would need to go through. The gate would have to be approved by staff and Mr. Zollinger, the road engineer

Larson motioned approval for the Cheryl Pinder Conditional Use Permit subject to the conditions of approval with the clarification that condition #4 will state standing or stopped in place of park, and that the number of trailers be limited to seven parked on site and no more than three loaded trailers at any given time; in condition 11b the word 'It' will be replaced with 'Business', and in condition 11e the word 'It' will be replaced with 'Business'. Sands seconded;

Staff and Commission discussed wording of condition 4. It shall state something to the extent "to ensure the safety of all vehicles . . . Placement of any gate shall be reviewed by County and Staff."

Larson motioned to amend the original motion so that Condition 4 will now read "If the site is gated, then the gate must be set back a sufficient distance from the roadway to provide adequate space for a semi-truck and trailer to stop or stand, to ensure the safety of all motor vehicles traveling along 600 South. Placement of any gate shall be reviewed by County staff". Allen seconded; Passed 5, 0.

Original motion with amendment Passed 5, 0.

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 Cache County Ordinance, 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.

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 conditional use permit shall require review and approval by the appropriate land use authority 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 must be set back a sufficient distance from the roadway to provide adequate space for a semi-truck and trailer to stop or stand, to ensure the safety of all motor vehicles traveling along 600 South. Placement of any gate shall be reviewed by County staff.
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 three (3) commercial semi-trucks in relation to this Conditional Use Permit.
9. No more than a total of seven (7) trailers shall be allowed at the proposed site. There shall be no more than three (3) loaded trailers on the site at any one time.
10. Storage of commercial materials shall be confined to the three (3) loaded semi-truck trailers. Commercial items may also be stored within the commercial building. Storage of any other commercial items on the site is not permitted.
11. The applicant shall provide a hazardous fluids containment plan.
12. 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;
 - i. 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. This business will not have more than three (3) employees (FTE) equivalent in addition to those persons residing on the subject lot, and;
 - d. Business 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, and;
 - e. Business will comply with all federal, state, and county codes and regulations, including business license regulations, and;
13. No parking or storage will be permitted within any setback; this includes the removal of existing parking areas within the setback.
14. The applicant shall obtain and maintain a current and accurate business license.

6:40:00

#4 Armor Storage Hyrum/Nibley Conditional Use Permit (Curtis Knight)

Harrild reviewed Mr. Curtis Knight's request for an expansion of an existing Conditional Use Permit to allow 214 storage units (3 storage buildings) and an office/residence on 4.33 acres of property in the Agricultural Zone located at approximately 4400 South Highway 165, north of Hyrum. Self-service storage units are a conditionally permitted use in the Agricultural Zone however, there is an inconsistent use. Also, the County ordinance does not specifically allow caretaker's or manager's residences and as per 17.06.020 is prohibited.

Staff and Commission discussed the manager's/caretaker's residence and whether or not it is allowed. Currently the ordinance reads that unless it is a specifically allowed use, it cannot be allowed; the residence is being used as an accessory of the commercial use, it is not a single family dwelling and that is not permitted as part of the ordinance.

Alan Shakespear I am the applicant's representative for this item. Yes, the manager's residence would be a home, but it would also be an office space to conduct business. When you get this many storage units in one place you really need a place to conduct business.

Runhaar the office is fine; it's the residence that is the problem. It is not a single family home; an office is fine, a residence is not.

Mr. Shakespear we want to do something similar to our space on 6th west. There is a business office, an apartment, and a climate controlled space which is exactly what we would like to build out at this site. If it is not legal for us to put a residence out there, then we won't and will resort to having an office. When we get to this level it is more helpful to have a person out there on site at all times.

Olsen we talking more a single bedroom apartment?

Mr. Shakespear correct.

Sands but it looks like a single family home?

Mr. Shakespear correct. It looks like a single family home in one sense, but it is obvious that it isn't just a home it is a business as well. There are two front doors and the sign is on the building as well.

Olsen so we're not talking necessarily of a family living here?

Mr. Shakespear usually it is a young couple going to school and once they get onto baby number 2 it's really tight and they move out. Also, the section that is being referred to in the ordinance has many areas that are not specifically explained that relate to this facility, such as climate control vs. uncontrolled.

Runhaar does climate control vs. non-climate control change the use of the facility? No, so we don't care about that.

Staff and Commission discussed the definition of a single family dwelling and what is permitted within the ordinance. Currently the ordinance does not allow a living space to be an accessory to a commercial business located on that commercial site.

Mr. Shakespear this is just a site feature to protect the storage units.

Runhaar there is a difference between the use and site features.

Allen motioned to approve the Conditional Use Permit with deletion of staff's determination for a manager's residence; *Olsen* seconded;

Sands personally I think that the site plan needs a little more work to meet condition 11's requirement for screening and landscaping.

Mr. Shakespear we sat down with Hyrum City and handed them our plan and asked them what they would like to see. We have taken the steps the city asked for and have made the changes.

Sands does the site plan that is with Hyrum's letter have the changes?

Mr. Shakespear no. We have added landscaping to the plan. What specific portion do you see as weak?

Sands generally if you are trying to screen a use that is objectionable along the highway a nice big berm or wall is better than a line of trees. I'm just encouraging you to move more in that generally direction.

Mr. Shakespear our intent initially with the trees was to add to the property, not screen it. Do we want to screen it, no, but if you are asking us to do that then we will.

Sands I think the intent to screen the storage units is there and the current plan doesn't meet those expectations. I don't expect the property to be completely hidden, but I think more needs to be done.

Larson I don't know if this needs to be disclosed or not, but I have a 1/9th interest in the property directly west of this piece.

Harrild I have received some public comment regarding this project. A nearby landowner noted that there has been an increase in runoff onto his property since improvements were made to the road. The public comment also noted that the City of Nibley had done some work along the side of the road and that may have changed and/or filled the previously existing drainage.

Mr. Shakespear clarified that is not runoff from their property.

Original motion passed 4, 0 (Sands abstained).

FINDINGS OF FACT

1. The Armor Storage 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 Armor Storage Conditional Use Permit Expansion 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 Armor Storage Conditional Use Permit Expansion is issued in conformance with the Standards and Criteria for a Permitted Use within Title 17 of the Cache County Code.

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. Proper storm water retention facilities are required to prevent increased flow onto adjoining properties. These facilities will be reviewed by the County Engineer for compliance and adequacy. The cost of such review shall be paid by the proponent.
2. The applicant must abide by the site plan and construction specifications as submitted to the Cache County Zoning Office.
3. Prior to issuance of a building permit, the County Fire Department will require a plan review of the structures and site.
4. Prior to issuance of a building permit, a permit for the septic system for the manager's residence shall be submitted to the Development Services Office.
5. No site development shall be performed prior issuance of this Conditional Use Permit Expansion and a building permit.
6. Future development of this site will be considered a phase of this development and may be considered urban development as defined in §10-2-401 U.C.A. As such the development will be subject to all State regulations pertaining to urban development.
7. Prior to site development the proponent will file a record of survey with the County Surveyor.
8. 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.
9. Any work within UDOT right of way requires permitting. The applicant shall work with the County to complete the application.
10. Access shall meet the maximum 30' wide requirement to be in conformance to the Cache County Code.
11. The site shall be adequately screened and landscaped so that the storage units are not easily visible to passing traffic, and shall also meet the landscaping requirements of Hyrum City. Adequate screening may include berms, fencing, and varying heights and types of vegetation.
12. All conditions of the Conditional Use Permit issued on May 17, 2010 shall be applicable and shall be completed prior to issuance of this Conditional Use Permit Expansion.

7:39:00

5 minute recess

7:44:00

Discussion – Amendments to Title 12, Title 16, Title 17.02, County Road Standards

Runhaar we still have section 5, and the appendix to discuss. We are trying to avoid detail language at this point and working on policy being exactly what we want it to.

Staff and commission discussed the intent of reviewing the county road standards for the new commission members.

8:17:00

Adjourned