

County Planning Commission (CCPC)

Minutes for April 7, 2011.

Present: Josh Runhaar, Chris Harrild, Clair Ellis, Phillip Olsen, Chris Allen, LaMont Godfrey, Jon White, Denise Ciebien, Jason Winn, and Marsha Giles.

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

Ellis welcomed and Ellis gave opening remarks.

Agenda

Runhaar remove item # 6 from the agenda because it takes 5 votes to approve the Planning Commission by-laws.

Agenda approved with correction.

Minutes

March 3, 2011 –*Approved with the correction on Page #1 Line #37 the word should be "inadequate" instead of "adequate".*

#1 – Thomas Subdivision (Thomas Poulos)

Harrild reviewed the Thomas Poulos request for a recommendation of approval to the County Council for a 2-lot subdivision on 7.30 acres of property in the Agricultural Zone located at approximately 6133 West 7500 North, Newton. He stated there would be two developable lots with one existing home. The road issue would be the main concern. At the time Mr. Poulos built his home, he was required to have an 18' road. He wanted to build his home before going through the subdivision process. Mr. Poulos was informed that if he decided to proceed with the subdivision process the road would then be required to be 20' wide with 1' shoulders. This would require moving some telephone poles. He decided to forgo building the road to the 18' width until the subdivision was completed and then build it according to the subdivision requirements. Harrild also stated the Fire review required an all weather road and the existing road surface from 6200 West to the applicant's home was inadequate.

White why don't we make him improve the road before we approve the division?

Harrild The County is requesting Mr. Poulos widen County road 7500 North from Newton Center Street to 6200 West and then to improve the road surface to an all weather surface from 6200 West to the applicant's home. Both roads must be improved or financial surety for their construction must be provided prior to the final plat being recorded.

White where is the new home to be built?

Harrild on a 2.44 acre parcel south of the new home now being built.

Poulos wanted to wait to see what the Planning Commission required for road construction for the subdivision before he began improvements to road.

Runhaar will get Lynn Zollinger, the County Engineer, and Darrel Erickson, the Road Superintendent, to review this road.

Clair Christiansen, Mayor of Newton and adjacent property owner, why the added two acres to this property?

Runhaar there were gaps showing on the plat map. Mr. Poulos filed a quiet title to eliminate the gaps. The original 1970 parcel is eligible for two lots as per the request.

Christiansen Mr. Poulos has already put fence posts on the risers. The irrigation company needs maintenance access. Could the road be moved to the other side of the risers.

Harrild the right-of-way belongs to the County. The 33' right-of-way will show on the final plat. The water line has been put in that right-of-way. No matter which side of the risers the road is on, a pole will need to be moved.

Val J. Rigby mother is concerned that if the risers or the water line was to be moved they would not function properly. Who would be responsible for the costs?

Angie Ransbottom if road is moved, sprinkler line would need to be moved. I want the road to remain where it is.

Gordon Jenkins it would cost thousands of dollars to move pipe line.

Poulos I'm aware the applicant is to bear the cost of widening the road.

Ellis I do not think the applicant should bear the cost of improving the road beyond the 20' surface.

Godfrey Will the road be completed if we give him approval for subdivision.

Runhaar the subdivision plat will not be recorded until the conditions are met. We could require a financial surety and then proceed with the work if the applicant does not complete it.

Ellis motioned to recommend approval to the County Council for the two lot subdivision with the correction to remove "paved" and "1' shoulders" from item #5 of the Conditions. Olsen seconded and was unanimously passed (4 to 0).

FINDINGS OF FACT

1. The Thomas 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 Thomas 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 Thomas 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 Thomas 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 Thomas Subdivision.
3. The applicant shall provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be a minimum of one foot out of the travel lane.
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' wide, all-weather, drivable surface and an approved turnaround shall be constructed at the end of the driveway.
5. The applicant shall widen the portion of 7500 North from its eastern junction with 6200 West to its western junction with Newton City's Center Street to a 20' wide all weather surface, as approved by the Cache County Engineer and Cache County Road Department. The applicant shall bear all costs associated with the widening of this portion of roadway.
6. The Applicant shall reaffirm the County's 33' right-of-way for the County road, 7500 North, across the entire frontage of the proposed subdivision.
7. Before installation of an on-site septic tank system, a septic permit shall be obtained from, and the applicant shall submit to all other requirements of, the Bear River Health Department.
8. Fire protection for all buildable lots shall be provided for in accordance with the 2009 International Fire Code and as approved by the Cache County Fire Chief.

#2 - Lindley Basin Rezone (Wayne L. Crow)

Harrild reviewed the Wayne L. Crow request for a recommendation of approval to the County Council for a rezone of 150.72 acres of a 243.50 acre parcel from FR-40 to Agricultural Zone located at approximately 7400 South 4000 West, Mt. Sterling. He stated the proposed rezone was for the portion of the parcel that had been historically and currently farmed. The applicant has intentions to subdivide and develop in the future.

Runhaar the County originally attempted to separate farmed property from the hillsides with the Agricultural and Forest Recreation zones, but was not always 100% accurate. It has been typical practice that when these types of areas are found they are corrected.

Tom Bailey, from Wellsville City, recommended that they talk to Wellsville City about annexation before they are ready to develop.

Wayne Crow the applicant has tried to co-operate with Wellsville City with no success. Today's request is for the rezone only.

***Godfrey** motioned for a recommendation of approval to the County Council including the findings of fact and conditions written in the staff report. **Olsen** seconded and was unanimously passed (4 to 0).*

FINDINGS OF FACT

1. The location of the subject property is compatible with the purpose of the proposed Agricultural zoning district.
2. The subject property is suitable for development within the proposed Agricultural zoning district without increasing the need for variances or special exceptions.
3. The subject property is suitable as a location for all of the permitted uses within the proposed Agricultural zoning district.

4. The subject property, when used for the permitted uses in the Agricultural zoning district, would be compatible with adjoining land uses.

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 the commencement of any site development activities on this property, a subdivision shall be approved in conformance with Title 17 of the Cache County Code.
2. Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are permitted uses within the surrounding Agricultural Zone.

#3 - Edge Excavation Rezone (Justin Robinson)

Harrild reviewed the request for a recommendation of approval to the County Council for a Rezone of 16.64 acres from Agricultural Zone to Industrial Manufacturing Zone located at approximately 2200 North 1100 West, Logan.

Jerry Crosley explained that Edge Excavation wanted to rezone the property across the road and move their operations. They are purchasing the property instead of leasing where they are now located.

Runhaar they have been working with UDOT and Logan City, who anticipates annexation in the future.

Harrild there is a property line dispute because of overlaps and gaps on the plat. The applicant has had a discussion with the adjacent property owner. They could do a quit claim or quiet title to resolve this problem.

Ellis what would happen if the rezone is approved and then they find the property lines are not correct?

Runhaar those corrections could be taken care of internally. The Zoning Administrator has the authority to take care of that administratively.

Olsen Logan City has shown an interest; the applicant is intending to work with them.

Kelly Cronquist, acting for his mother, the fence line is not as shown on 2200 North.

Runhaar they are trying to move the road south to avoid the drainage ditch which is on the north side.

Allen motioned to recommend approval to the County Council based on the findings listed in the staff review. Godfrey seconded and was unanimously passed (4 to 0).

FINDINGS OF FACT

1. The location of the subject property is compatible with the purpose of the proposed Industrial Manufacturing zoning district.
2. The subject property is suitable for development within the proposed Industrial Manufacturing zoning district without increasing the need for variances or special exceptions.

3. The subject property is suitable as a location for all of the permitted uses within the proposed Industrial Manufacturing zoning district.
4. The subject property, when used for the permitted uses in the Industrial Manufacturing zoning district, would be compatible with adjoining land uses.

Runhaar asked to skip item # 4 and go to # 5 first because of time shortage.

The agenda was amended.

#5 – Amendments to Section 17.19 Public Infrastructure Overlay Zone.

Harrild The current land use ordinance does not sufficiently address public infrastructure development. Currently we have the Utility Corridor Overlay (UCO) Zone and one reference to a sanitary landfill in the code. The UCO Zone does not have to encompass the entire piece, only a portion. You can lay the overlay zone over the base zone such as agriculture. We have looked at how overlay zones function and made amendments and set specific requirements within Title 17.19. This allows us to address items such as landfills or sewage lagoons where the existing ordinance does not.

Ellis we are proposing to change the name of the overlay zone to broaden the scope.

Runhaar we are taking the County from a narrow focus to new language that includes public utilities, power lines, power stations, and landfills. We are making it a public infrastructure overlay where all of those pieces fit in. It is going to give the County the ability to say “these uses are appropriate in these locations.”

Harrild I’ll go through the hand-outs and note the changes made.

Ellis would be best if we started with the use chart.

Harrild then led a discussion concerning the proposed changes made to the ordinance in regard to the proposed (PI) Public Infrastructure Overlay Zone. Items discussed included cell towers with height limits and landscaping, landfills, power stations, power lines, public utilities, sewage plants, transfer stations and more.

Jon White set backs at cell tower sites should depend on the height of the cell tower.

Runhaar that is one of the things that can be reviewed through the application process. The Planning Commission can require more than the minimum setbacks.

Darrell Gibbons there will be transfer stations at the Logan landfill.

There are eight categories in the PI Zone that were discussed; they are 17.019.010 through .080.

Runhaar the State dictates that the Planning Commission is the recommending body.

Gibbons the urgency of this matter is that we have the ordinance in place before we can take the application for the landfill to the State. There is a two to three year window. The proposed site will be in Clarkston. It will take a year to draft and submit the application to the State. The county will need to go through the rezone prior to the State application.

Runhaar after the Planning Commission makes their recommendation to the County Council it requires a public hearing for the changes in the ordinance.

Olsen motioned to recommend approval of the changes to the ordinance to the County Council. Godfrey seconded and was unanimously passed (4 to 0).

White it would be a good idea to place this information on the internet to notify people.

Harrild it is a good idea to get more people to read this information and I can have the proposed changes posted online if needed.

7:50 p.m.

Runhaar we still have several items to discuss and only 10 minutes. How should we proceed?

Ellis let's go back to item #4.

#4 – Amendments to the County Ordinance

Amendments include Title 12 – Roadway and Public Places; Title 16 – Subdivisions; Title 17.02 – Administration; and County Road Standards.

Runhaar made some edits suggested by Chris Sands including the requirement for a licensed professional seal instead of a licensed engineer seal. Where it was left off was Ordinance changes for Titles 12, 16 and 17 were motioned for basic approval pending for all the changes within the road standards. There were no changes except to change the table since then. So, anything you see that has been removed from other sections has been put into Title 12. Section 2.4 is the section developed, but unsure of how well this section will function. We'll test the language and make adjustments as to how it works or doesn't work. We will be looking at how to get the basic road in and then additional people moving in may be required to do additional improvements. I have had conversations with Council member as to the level of responsibility the County will have to take on improving county roads. We are doing an analysis on county roads and how they are lacking and how to get them to that standard. If the county does not build their roads to standard we will be fighting developers and trying to get them to build roads to County standards.

Godfrey should not approve Thomas Subdivision until the roads are improved.

Runhaar it is in his conditions to improve the road.

Ellis proposed to meet at a special meeting to discuss roads.

Runhaar there have been some new code requirements from State Legislature. There is a binder available to provide by-laws and rules of operation at the public meetings and web site. This binder also contains the Land Use Ordinance and Subdivision Ordinance for members of the audience to look at if desired.

Items # 6, 7, and 8 will be held over until next months meeting.

Adjourn 8:10 p.m.