

Cache County Planning Commission (CCPC)

Minutes for 5 May, 2011

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

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

Ellis welcomed and **Runhaar** gave opening remarks.

5:34:00

Agenda

Agenda approved with the deletion of items 7 and 9.

5:35:00

Minutes

April 7, 2011 – passed.

April 19, 2011 – passed

5:38:00

Consent Agenda

#1 BLT Subdivision

#2 Kelly Spackman Subdivision Amendment and Boundary Line Adjustment

*Larson motioned to recommend approval for the consent with the stated conditions; **Erickson** seconded*

Larson motioned to suspend the previous motion for public comments.

Mr. Ross Olsen I am representing the Thane's who own property to the south of this piece of property. We wish to make our opposition known regarding any more development on 2400 west. We have a borrow pit and waste system out there that is atrocious, using your engineer's language. When we built out there 5 years ago, the Planning Commission made us put a culvert in and would not approve our permits until that culvert was inspected by the fire department, road crew, and building inspector. Dr. Thane and I met with Don Linton and Mr. Zollinger two weeks ago. I've got 11 sump pumps that I use to pump water out of that borrow pit to keep it off my property. It is a mess out there and the Planning Commission needs to seriously look at the problems before they consider doing more permits out there.

Runhaar the county is still working on what to do with this. It isn't just the borrow pit; this area has an extremely high water table. If you look at the conditions, at #4 we are requiring them to build like they are located in a flood plain. Mr. Zollinger is looking at the borrow pit situation and there is no indication that adding more homes here would worsen the situation. We are trying to resolve how that roadway

drains and even if that is resolved you are still going to have homes that will get water due to the high water table.

Mr. Olsen Mr. Zollinger did bring us some information about that. It is a high water table area and we knew that. The problem we have is the Benson canal comes down Airport Road and intersects that road. There used to be a culvert on the east end where the canal crosses the road that allowed water to go back into the Swiss slough. Both the canal and the slough cross within 75 feet of each other. The borrow pits haven't been maintained and we've been told it isn't the county's job. It is the right of way so I can't do anything about it either. Now there are little dam's all the way down. All of that water, flows southwest and it ponds all the way up 2400; you get enough head pressure that the water comes right through the road and I pump water 3 times a day. The people that are trying to put this subdivision, I doubt they get a septic test this year due to the high water.

Ellis it sounds like there are two issues: whether the parcel is appropriate for home building, and whether the water can be resolved.

Runhaar the problem is a water issue. The entire area has a drainage problem, however, the County can't use a subdivision in the middle of this to fix a regional problem. We are working on the water issue as a County. On whether or not the lots are suitable for building; with the recommendations that we are requiring, they are.

Ellis would the building of two more homes affect the neighbors?

Runhaar I don't see that they will. This is ground water and I don't see how building homes here would displace additional water. While I understand all the problems being raised, I can't see that these homes will impact the ground water.

Sands our road engineer isn't here, but I imagine if he were, he would say that the borrow ditches aren't intended to convey water but water does collect there.

Runhaar we've got a road that has a lot of water around it but we can't build borrow ditches to convey all that water. We looked at Maughan's Corner and the water is draining the way it was intended.

Larson we do require culverts?

Mr. Olsen no you do not.

Runhaar in reviewing what has happened on this road over the last decade, culverts have not been required for single family homes that have been built and we are trying to fix that situation. This subdivision will be required to have culverts.

Mr. Olsen when we built our home, we were required to put an 18 inch culvert on a 30 foot driveway. Two other homes have come in and they were not required to have a culvert. The homes aren't going to hurt. The borrow system was existing and it hasn't been maintained. Somebody has to get their ducks in a row so that we can fix this.

Mr. Floyd C. Naegle I am the applicant and currently live in Benson and we are aware of the situation with the water in this area. We are asking that we not be used as leverage beyond the scope of our project. We are looking at building two homes here and will meet the requirements that they Planning Commission requires. We are willing to put the culverts in and we are willing to meet and continue to meet everything that the Planning Commission requires. I haven't dug an official test hole, but I have dug

a hole and it drained adequately. I see no bearing that building two more homes there is going to cause any more issues with ground water and are willing to get and comply with the septic permits that we will be required to get. I don't want this to turn into an emotional issue and over homes that were developed. I don't want us to be used to fix a much bigger problem. Putting in those culverts will probably make it better and will certainly not make the problem worse.

Larson condition #5 is the culvert and #6 is compliance with the fire code for the driveway?

Harrild yes.

Larson I understand water problems, but I don't find anything compelling to deny this due to the water.

Larson renewed motion for approval of the consent agenda items with the stated conditions and findings of facts as stated; Erickson seconded; Passed 4, 0.

6:04:00

Planning Commission and staff discussed who maintains borrow pits. Borrow pits are supposed to be used to maintain drainage coming off the road and not the land around it.

6:06:00

#3 DD Auto & Salvage (David Grange)

Harrild reviewed Mr. David Grange's request for recommendation of approval to the County Council for a Conditional Use Permit (CUP), defined as Urban Development, to allow the expansion of an existing CUP including 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; continued from the Feb. 3, 2011 meeting. We are requesting a continuance for up to 90 days as the applicant is still gathering documentation for the boundary line adjustment, traffic impact, and wetlands delineation.

Sands does the boundary line adjustment involve property along the highway?

Harrild Yes.

Sands there was one parcel that Mr. Grange said wasn't involved, but he currently has a sign on it. Is it part of the project or not?

Mr. David Grange yes it is. The thing with the multiple parcels, the previous owner bought property an acre or two at a time and it wasn't legal to develop those pieces and we are trying to get all that legal. I know this has to go to the County Council, is there any reason why this needs to stay at the Planning Commission level?

Harrild it is urban development but I believe the Council has asked for this body's recommendation.

Sands so far the packet has been incomplete so far so we haven't been able to weigh in.

Mr. Grange does it need to come to this body where the Council has the final say?

Ellis it really does because the Council relies on us.

Erickson motioned to continue DD Auto & Salvage up to 90 days; *Larson* seconded; **Passed 4, 0**

#4 Motion to Amend

A motion to amend the shoulder width requirements within the Road Standards manual as previously recommended to the Cache County Council was requested.

Planning Commission discussed the removal of footnote 6 from table 2.2. The way footnote 6 currently is stated can lead to unintended consequences regarding design exceptions. Also discussed was the addition of a new footnote 6 that would eliminate shoulder requirements on roads handling approximately 20 average daily trips or less.

Erickson motioned to remove foot note 6 from table 2.2; *Larson* seconded; **Passed 4, 0.**

The new footnote 6 was discussed. Some members of the planning commission were uncomfortable with removing the requirement for shoulders on roads that handled 20 or less average daily trips due to safety concerns. Staff and planning commission also discussed the requirements for a private road and how they are different. Currently the shoulder requirements for a private road are not as strict as they are for a rural road and so it encourages the creation of private roads. The standard for private roads could either be raised to match rural road standards or rural road standards could be lowered to match private roads. Staff suggested that the standards for private roads be raised to match rural road standards.

Sands the BLT subdivision, have we done that in the past regarding the shoulders?

Runhaar we didn't feel it was worth it to require the applicant to push a ½ foot of gravel on each side. We honestly didn't feel it should be required.

Sands if we permit the first five homes to have less than a 2 foot shoulder, what do we require of the 6th home? We can't go back and make the first 5 homes pay for that, it's going to be the county.

Ellis there has been one concept that has been universally agreed to and that is that developers have to pay their own way. It seems like requiring the first developer to put in a 24 wide road goes against this. It seems like we should require each developer to proportionally develop that road.

Sands I'm not sure that my mind has been changed.

Larson so someone could still come in and request that exception regarding shoulders?

Ellis yes.

Runhaar I think there is a misunderstanding here. If someone is back a mile off the road, it doesn't mean we will require that full mile to be improved. The engineer could say it needs that if there is a big enough subdivision, but typically we are not requiring it all the way back. This usually means we are requiring them to improve their frontage and that is what is stated right now.

6:37:00

#5 Darren Cox Subdivision (Darren Cox)

Harrild reviewed Mr. Darren Cox's request for a recommendation of approval to the County Council for a 2-lot subdivision on 44.91 acres of property in the Agricultural Zone located at approximately 793 North 8000 West, Petersboro. It is directly north of the Stewart Subdivision. The road is currently labeled as 8000 West. The major issue on this is maintenance of the road. The southern half of the road isn't maintained by the county during the winter. The far northern portion that is paved is maintained due to the subdivision on the north end of the road. Staff is requesting that this item be continued to allow staff to further confer with the County Engineer, County Roads department, and Mr. Lemon on the winter maintenance issue.

Planning Commission and Staff discussed the needed road improvements. The road needs to be widened to a 20 foot drivable surface. They also discussed the need for the county and applicant to decide on who will maintain the road during winter.

Mr. Darren Cox none of the development was up there 5 years ago. Autonomous Solutions is there and most of their employees use the southern road and so do delivery trucks. I think the time has come to look at it and see what can be done. There is another dwelling on this road and most of the traffic goes to the south. I have made some improvements to the road and spent \$22,000 doing that. There is a dwelling, but it is seasonal only. The road is heavily used by both businesses and the two residences out there, but there are also people who 4-wheel, run, walk, and bike this road. I do want to build a home out here and want to make sure the road issues are resolved.

Runhaar hopefully we can get the maintenance issues resolved next week.

Ellis would a 30 day delay be detrimental?

Mr. Cox I would certainly like a solution and have it quickly so I'm not building in the winter.

Sands we typically plow to single homes?

Runhaar usually, unless there are problems.

Larson motioned to continue the Darren Cox Subdivision for 40 days; Sands seconded; Passed 4, 0.

6:57:00

#6 Campbell Accessory Apartment (Paul Ray Campbell)

Harrild reviewed Mr. Paul Ray Campbell's request for approval of a CUP to allow an accessory apartment in their existing home located at 2012 South 800 West, Nibley. This apartment is for the current owner's father. There are no concerns from staff and no further accessory apartments would be allowed on the property.

Larson how do you define owner occupied?

Harrild it means that the owner must live in the home on the property.

Larson so the apartment could be rented?

Harrild yes.

Sands the home is in an area where there isn't adequate water for fire protection?

Harrild yes.

Jason Winn (fire district) I was just informed that there is a fire hydrant at Renegade Sports, so there is adequate water.

Erickson motioned to approve the Conditional Use Permit request for the Campbell Accessory Apartment with the stated conditions and findings of fact; **Sands** seconded; **Passed 4, 0.**

7:04:00

#8 Cache Valley View Estates Rezone (Doug Bassett)

Harrild reviewed Mr. Doug Bassett's request for a recommendation of approval to the County Council for a Rezone, from Agricultural Zone to RU-5 Zone, of 16.58 acres of property in the Agricultural Zone located at approximately 150 West 6500 South, Hyrum. This item has been before you before with the request for a 2 acre density. That request was recommended for denial. The applicant is now requesting a 5 acre density. Staff is recommending that this project be denied due to the lack of infrastructure and the impacts of rezoning a single parcel in the midst of a larger agricultural area.

Mr. Allen Karras I have a small interest in this development. We stopped and talked to Hyrum and they are still looking at annexing this area. We would like to pursue what is available and not rely on the annexation. I think the adequacy of the road is fine and yes most of the homes will go to Hyrum but that is an assumption. I don't believe three families are going to significantly impact that road. We would've liked to get approval for the 2 acre lots, but we are willing to do the 5 acre lots. I know you would like to have orderly subdividing, but the decision as to what to do with the land is really up to the owners as long as it conforms to the ordinance. We would like you to give us approval for the 5 acre parcels. We would like to make decisions for our property that is smart for us. There are paved roads up to our property. There is a private road and we have talked to Richard Miller about either paying a fee to reimburse him for part of his road or doing one down to the public road.

White is the dam in the county or Hyrum?

Runhaar I think the dam is in the county and the road I believe is in the County. The spillway cannot be widened out; the cost just isn't worth it.

Mr. Karras when we come back in with a plan we would have to make a decision regarding the road.

Ellis I think this should be approved. The dam is not the only access in and out of there; there are several paved roads in and out of this area. I don't want to set a precedent of denying things because they aren't specifically in the general plan.

Sands I'm inclined to agree with Clair on this parcel. There are several homes to the north of this and there is a public road leading to this, so I'm inclined to support it at the 5 acre density.

White isn't it a private road to from east to west from the county road to all those homes?

Mr. Karras the road east to west is.

Erickson without rezoning this, what is the maximum lots could they have?

Runhaar one.

Erickson I don't have a problem with this.

Sands does the RU-5 zone allow for smaller lots?

Harrild yes.

*Larson motioned to recommend approval to the County Council for the rezone request for the Cache Valley View Estates based on the property being adequately serviced by a public road, the area originally zoned A-10 Agriculture is unsuitable due to the land being unsuitable for agriculture, and because the rezone matches current development in the immediate area. While the limitation of the 16 foot road over the dam was considered there is another access to the property and widening the 16 foot access is not viable, and with the change to the findings of facts and conditions from denial to approval; Ellis seconded; **Passed 4, 0.***

Erickson what does adequacy of public service mean? The 10 homes that are there are obviously receiving adequate service.

Runhaar that's debatable. The primary problem that staff has with this is rezoning 15 acres at a time which can cause problems.

White the problem I can see is that road is only 16 feet. We have turned down other subdivisions for that reason. We can try to require them to all use the other entrance, but that isn't going to happen.

7:40:00

Planning Commission and staff discussed the road, current development in the area, and spot zoning.

#10 Amendments

Amendments to Sections 17.07 Definitions; 17.09 Zoning Uses, and 17.02 Administration concerning Caretaker's Residence and Land Use Administration Authority.

Harrild reviewed the reasons why this is on the agenda. Before, Armor Storage came before the planning commission requesting a caretaker's residence and the ordinance did not address that. Now, we specifically define what a caretaker's residence is and is allowed by the ordinance as needed.

Planning Commission and staff discussed why storage units are allowed in the Agricultural Zone and discussed how to change them to the Industrial/Manufacturing (IM) and Commercial (C) Zones. If the storage facilities are in the IM or C Zone there won't necessarily be a need for a caretaker's residence. Staff and commission also discussed the ramifications of this change to the ordinance and how it, basically, can be skirted. The issue was tabled until a broader discussion of land uses could be had.

#11 Discussion

Ordinance Revision List – Planning Commission discussed the list and their role in making recommendations to the County Council concerning items for the capital improvements plan, and multiple other ordinance revisions. The Planning Commission agreed that it would be a good idea to

review and make recommendation concerning many of the ordinances on the master revision list and on the capital improvements plan.

8:14:00

Adjourned.