

AGENDA
CACHE COUNTY PLANNING COMMISSION REGULAR MEETING
CACHE COUNTY COUNCIL CHAMBERS
199 NORTH MAIN (HISTORICAL COURT HOUSE) LOGAN
OCTOBER 6, 2011 5:30 P.M.

- 4:45 p.m. Workshop in the County Council Chambers.
- 5:30 p.m. Welcome and opening remarks.
Review and approval of agenda.
Review and approval of the minutes of the September 1, 2011 meeting.
- 5:35 p.m.

Consent Agenda

- (1) **L & D Cannell Subdivision** – Douglas R. Cannell is requesting a recommendation of approval to the County Council for a 2-lot subdivision on 4.70 acres of property in the Agricultural Zone located at approximately 975 West Highway 218, west of Smithfield.

Regular Action Items

- (2) **Lofthouse Subdivision** – Rusty Eskelson is requesting a recommendation of approval to the County Council 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 located at approximately 25 East 10700 South (West Canyon Road), Avon and continued for up to 90 days from the July 7, 2011 meeting.
- (3) **Mount Sterling Ranches Subdivision** – Wayne L. Crow is requesting a recommendation of approval to the County Council for a 25-lot subdivision on 378.83 acres of property in the Agricultural Zone located at approximately 7400 South 4000 West, Mt. Sterling.
- (4) **Discussion** – Section 17.07 - Definitions; Section 17.09 - Schedule of Zoning Uses.
- (5) **Discussion** – Ordinance revision priorities.

Board Member Reports.
Staff reports. Adjourn.

This is a public meeting and all interested persons are invited to attend. Complete details and legal descriptions are on file for public inspection at the office of the Cache County Development Services Department, 179 North Main, Room 305, Logan, Utah, 755-1640.

In compliance with the Americans With Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Janeen Allen, Executive Secretary, at 755-1850 at least three working days prior to the meeting.

Cache County Planning Commission

Minutes for 6 October, 2011

Present: Chris Harrild, Josh Runhaar, Phillip Olsen, David Erickson, Leslie Larson, Lamont Godfrey, Chris Allen, Jon White, Denise Ciebien, Megan Izatt

Start Time: 5:31:00 (Video time shown on DVD)

Larson welcomed and **Erickson** gave opening remarks.

5:32:00

Agenda

Passed

Minutes

September 1, 2011 – Minutes passed.

5:34:00

Consent Agenda

#1 L&D Cannell Subdivision (Douglas R. Cannell)

Harrild reviewed Mr. Douglas R. Cannell’s request for a recommendation of approval to the County Council for a 2-lot subdivision on 4.70 acres of property in the Agricultural Zone located at approximately 975 West Highway 218, west of Smithfield. This does need to have UDOT approval due to its location on Highway 218 and we have built that into the conditions and findings of fact.

Erickson** motioned for approval to the County Council with the stated conditions and findings of fact; **Allen** seconded; **Passed 5, 0.

05:36:00

Regular Action Items

#2 Lofthouse Subdivision (Rusty Eskelson)

Harrild reviewed Mr. Rusty Eskelson’s request for a recommendation of approval to the County Council for an additional 3 lots in an existing 2-lot subdivision formerly called Wengreen Farms 2-Lot Subdivision on 55.21 acres of property in the Agricultural Zone located at approximately 25 East 10700 South (West Canyon Road); this item was continued up to 90 days from the July 7, 2011 meeting. Access to this subdivision is on an existing private road from County road 10700 (West Canyon Road). The County road has an average width of 16 feet of double chip

seal paved surface and the applicant is unwilling to widen the road to 20 feet and it is not on the Capital Improvements Plan (CIP). The existing bridge over the Little Bear River on 10700 South is 16.5 feet and 40 feet long. Staff does not feel it is appropriate for the applicant to replace the bridge and the County will be addressing the bridge. The existing private drive is roughly constructed and narrow. The drive crosses a culvert that is washing out and is inadequate for fire access. Staff is recommending denial of the subdivision due to the substandard County road.

Staff and Planning Commission discussed the capital improvements plan. 10700 South is not on the CIP so the County has no funds to help with widening the road. It is planned to eventually be on the CIP but that could be 10 to 15 years down the road. While the County has many road projects that need to be done there is only \$1.1 million in funding, so the County needs to prioritize and try and deal with major problems immediately. Some members on the Council feel that it isn't fair to deny people development if a County road is substandard, not on the CIP, and the applicant not being willing to wait for the County to do those improvements. The County cannot allow development, according to law, on roads that are under improved. It opens the County up to liability issues. However, some members feel that if the County can't keep up with improvements to meet the ordinance and fire code then they shouldn't be denying development when the applicant doesn't want to put those improvements in place and that the ordinance should be changed. If 10700 South were on the CIP, the County would be willing to work something out with the applicant, but it's not and staff cannot place it on the CIP.

Mr. Eskelson I've said everything there is to say more than once on this. What I would hope that I could get tonight is that if you guys want the road to give me an approval based on the road being widened to your standard. Lyle and I are trying to come up with a way to fund it. We have a lot tied up in this. We hope that we can find the right person to put something together and get the road done. If we could get an approval that the building permit won't be released until the road is done then at least we would feel like we've made a step forward. I understand the County's side of this regarding the road and I think it sucks, but I'm not in a hurry to develop or build on the piece of ground that I want out of this subdivision. As long as I have the approval to build once the road is taken care of then I will try and figure out the funds to get the road done.

Staff and planning commission discussed why they cannot conditionally accept the applicant's promise of the road improvements. The applicant needs to provide a plan as to how they are going to proceed. If the road becomes a condition of approval, it is an exaction, which is not allowed.

Mr. Eskelson it never was that I refused to build the road, I said it's not feasible based on the numbers I've been given. I've continued to look for away to make the road work, but the reality is that I'm worn out. I've tried every angle to make this work and have decided that if I'm still going to go down this road I'm just going to have to figure out a way to pay for it. Yes, it rubs me wrong. I've figured out that if I work a few more hours and do a couple of other things then I can make enough to fix the road and then build the house a few years down the road. I don't want you to come back later and say that the road needs to have curb and gutter etc.

Olsen have you given them a design of what you are going to require?

Harrild it's a 20 foot wide double chip seal road that is going to be required. It's up to the engineer.

Mr. Eskelson I was told that I could widen one side of the road and was given the depth of fill required and that it would need to be double chip seal.

Harrild up until this point the applicant hasn't been willing, we didn't say he flat out refused to, but he hasn't been willing.

Olsen does this need to go back all the way to the highway?

Harrild correct.

Mr. Eskelson it all needs to be filled.

Kimberly Lofthouse I know he has decided that he is willing to widen the road. I am also very frustrated because at the last meeting we were told that they would revise the report but when we came back we were told flat out denial. My father-in-law has Parkinson's disease and can't walk anymore and he is very sick. I and my husband need to be out there to help take care of him and one of the plots is ours so that we can farm the land and take care of my father in-law. If you've ever had a person in your family diagnosed with something life threatening it is a very hard thing and you can't do it alone. With him willing to improve the road I would ask you to pass this today so we can move on to the next section.

Larson anyone else?

Bruce Nelson I own lot two in the two-lot Wengreen Farms subdivision. I am at the far end of what would be a private road off of West Canyon Road. There has been no discussion or planning for the maintenance for that road to my home where there will be three additional properties that will need to use that private road for access. I have a concern that the plan isn't well developed, at least to my satisfaction, and currently I'm the only one that maintains that road. I would like an agreement for joint maintenance for that road. It currently is a rough gravel road and I'm working on improving that road up to my home. I have a concern that this body needs to be aware that there is no planning in that regard.

Wendy Steed I live just up from the private road. My question is where are these properties going to be?

Harrild Lot 1 and lot 2 currently exist here and they are adding lots 3, 4, and 5.

Ms. Steed When you originally came up here, Mr. Eskelson, you stated that you wanted one house and that there was only going to be 2 extra cars up there. As it is now with just the Lofthouse's there are a lot of cars driving that road and they have no respect for the current speed limit. There is a 'Y' right there that with the floods this spring has sunk down in. Right now only one car can get through there. How far would he need to do the 20 ft., would he have to improve up my road also, or what?

Runhaar only to his access point.

Ms. Steed I'm concerned about that culvert because it is sloping away. There is a lot of traffic currently going to the Lofthouse's and only one car can make it up there at a time.

Staff and commission discussed where the road ends. The road currently services 10 to 11 homes. To add more homes to that road compounds the safety issues that are currently there and those issues need to be fixed before more development goes in so they don't become bigger issues. The bridge can have signage regarding the narrowness, but the other issues need to be fixed. The County currently maintains the road and will maintain the improvements after they are done. There has been one home that was built after the ordinance change regarding the road, but the permit for that home was issued before the change went into effect. Because the permit was issued before the change the County was required to allow them to build that home without the needed road improvements. Staff asks that the applicant submit something in writing stating that he is willing to put in the road, not because the County requires it, but because the road is currently substandard. Staff also asks that the item be continued to give time for language regarding an approval to the County council can be discussed for the conditions and findings of fact. CC&R agreements will need to be created with the property owner on the south end of the road regarding the road and other things. The CC&Rs will need to be approved with the other two properties owners from the Wengreen Farms subdivision and the County before the subdivision plat can be recorded. Also, when this does come back before the Commission the other two homeowners currently in the subdivision have not signed any agent letters and are opposed to what is being proposed so that will need to be taken into consideration.

White does Lyle own the road or them?

Mr. Eskelson Lyle does.

Runhaar Lyle owns the road that comes south.

Erickson motioned to continue the item up to 30 days to finish up conditions for approval and to finish any agreements that need to be made regarding the private road leading to the homes; Godfrey seconded; Passed 5, 0.

Runhaar we will detail this out and give you a call.

Mr. Eskelson I thought this was what we did three months ago.

Harrild the last time we met we discussed different ways regarding dividing the property and you said you were going to get back to us with what you wanted to do and that's the last time we talked.

Mr. Eskelson that's my fault then.

6:27:00

#3 Mount Sterling Ranches Subdivision (Wayne L. Crow)

Harrild reviewed Mr. Wayne L. Crow's request for a recommendation of approval to the County Council for a 25-lot subdivision on 378.83 acres of property in the Agricultural Zone located at approximately 7400 South 4000 West, Mt. Sterling. There is a boundary line adjustment with this proposal but there will be no measurable net gain or loss of acreage to either parcel. The applicant's proposal combines three parcels and the development potential of each parcel as noted above to create a single development. There is a low point in the land that is pretty wet. They are trying to focus development around that area to help with that problem. Access to the property is from 4000 west and is adequate for the project. Culverts may be necessary as lots are developed within the subdivision. The proposed private roads within the subdivision will consist of 12 foot wide, 3 inch thick asphalt travel lanes and 2 foot shoulders. The road within the subdivision will exceed our standards because they are planning on doing a 24 foot wide road with 2 foot wide shoulders. The applicant is currently seeking approval from the State to establish a private water system to provide culinary water to the proposed lots. The State has performed a preliminary evaluation of the proposed private water system and while no final approval has been given, the State has noted that the system appears to be feasible. Due to the private roads within the subdivision a liability waiver must be signed and kept with the Logan City Environmental Department before Solid Waste collection will be made available. We do have some questions regarding the fire protection and the applicant is working on answering our questions.

Staff and planning commission discussed Wellsville City's concerns about homes being built on ridgelines. This subdivision has no homes being built on a ridgeline. Runhaar did inform the commission that this area is in Wellsville City's annexation area, but Wellsville has supplied no comments regarding this subdivision. The developer's plans show that the road leading up to the subdivision meets the County standards and that within subdivision the road exceeds County standards. Commission and staff discussed adding condition 10. Condition 10 asks that the developer provided a plan for how the open space is going to be maintained. The developer does not need to have open space in the subdivision but has chosen to do so and staff would like to see a maintenance plan for that open space.

Wayne Crow what the owners have planned is to build fences around the properties and for the open space to remain as it is today. Access to the open space will be to the south. They may have cattle up there, there are cattle now, but it's planned to remain natural. It is the owner's desire to have both hydrants and fire sprinklers. The CC&Rs do need to be changed regarding the fire sprinklers and hydrants. The open space and large basin will remain natural and will be used for drainage. Most of the homes will not be able to be seen from outside the basin.

Erickson for the water for this homes, is there secondary?

Mr. Crow we do have a well that has 120 acre feet. We've gone over this with the state. What will happen is each home will have an acre and a ¼ of irrigation, plus their culinary and 120 animals divided among the 25 lots.

Erickson the source for that is on this property?

Mr. Crow it's a well located on the property and we are currently having it tested for quality.

Rodger Nicks I am neighbor to this property. I've just recently heard of this. First of all I feel Mr. Crow and the owner have done a good job of laying this out. I do have some concerns regarding 4000 west. When you enter the basin, 90% of these homes will not be visible, but right up on top of the bluff is what I'm concerned with. From the research that I've done today, the County has been considering bonusing some of the landowners for clustering their development in one area. I know they are maximizing their lots for profitability, but my question is if it is possible for the County to bonus them land on the bluff due to them clustering their development and block the view of the Wellsville's? As has been noted, it is an agricultural area and that is part of the reason we've moved out there and we would like to see as much remain in agriculture as possible. Is it possible to allow more building lots down around the basin and leave the bluffs free of development?

Mr. Crow if you look at the map of the area that has been shaded; that is a 30% slope. Where the homes have been placed there is no construction going up the slope or on top of the bluff. The thing that the owner was really trying to do, is if you look at the size of the lots they all exceed 5 acres and the owner has done that to have them be green belt compliant. The owner originally wanted to put homes up on the bluffs, but through County, Wellsville and other things he has agreed not to put homes up there.

Mr. Nicks There are 737 acres for sale to the north and west. As this piece develops it's possible that the other side of the bluff will be developed as well. I just want the natural beauty of Wellsville and the mountains and see how to develop that land beautifully as well.

Mr. Crow the acres that have been just brought up are contiguous to Wellsville City and would most likely have to be done according to Wellsville City's ordinances.

Runhaar it doesn't have to be, but that is discussion for the future. County ordinance limits any development across a 30% grade. The only concern would maybe be to put limitations on lots 2 and 3 that they would have to access from Mount Sterling Court only. The other option you have is to self restrict the back of those lots for no residential building.

Brent Hansen I also live in this area. I'm not here to talk against this, but I do have a couple of questions. Does the County have a plan for clustering to try and keep development clustered together so that there is a lot of agricultural area and open space? What are the thoughts on clustering?

Larson we actually have worked on a cluster ordinance so that developers do have that option. It's not something that we require but it's a tool that a developer can use to figure their developments in that way. A lot of developers like it because it minimizes infrastructure for them. There are a variety of options, but we don't force developers to use it.

Runhaar we are still looking at clustering. Our current ordinance is ineffectual because it states that if you want to cluster you can. The committee did recommend that we have a stronger statement on clustering. We've discussed it with several entities and the plan is to work on it in the near future.

Mr. Hansen do we have a master plan for growth and development in the County?

Runhaar we do have a comprehensive plan that was written in 1996 and adopted in 1998 and hasn't been followed. That is something we are working on.

Mr. Hansen why do you not follow it?

Runhaar it's made up of 127 goals and half of them contradict the other half. Also, it doesn't look at future development but what is there now.

Mr. Hansen most of my neighbors have had well problems and most the people I know out if that area have well problems. We have 25 homes going in and is there enough water for sure?

Mr. Crow it pumps 450 gallons per minute and we are only required to have 150 gallons per minute.

Runhaar that is a common problem that happens to cities as well as homes, however, the state is really the only authority on provisioned water.

Mr. Hansen right now there were questions on open space, and I would like to see a little more solidification regarding the open space.

Larson just as an FYI, they have offered open space but we don't require it. We are not set up to require open space. We also can't require them to not build on the ridge tops but they have chosen to design the subdivision to not breach those ridge tops.

Mr. Nicks if you look at just where you were pointing, you could access that road from the canyon and 6800 south.

Runhaar you could, but it would have to be discussed at that point in time.

Mr. Nicks I understand that, I'm just wondering what can and can't be required for the development.

Runhaar at this time they cannot develop it. In the future they can change that and open it up for development, but at this time there is no conceivable way to develop there.

Olsen it looks like they have really done their homework and come forth with something that is really feasible.

Godfrey motioned to for approval to the County Council with the stated conditions and findings of fact and the amended wording to condition 10; Erickson seconded; Passed 5, 0.

07:11:00

Five Minute Break

07:16:00

#4 Discussion – Section 17.07, Section 17.09 – Schedule of Zoning Uses

Runhaar presented information regarding sections 17.07 and 17.09. The shaded areas of the chart are what are being proposed to be edited down. If it is not shaded it is from out of the current ordinance and is what we currently allow. Staff isn't necessarily interested in what is being manufactured, but what the access is and how many trucks are accessing the property is what we care about. What is being manufactured, noise, smell, etc. comes into play during the conditional use permitting process, but for an actually zoning base that doesn't matter. When a business comes in with a dual purpose, we look at the primary use and determine where it should be based on that, not the secondary or accessory use. And this type of discussion goes for every zone, if you run a day care or something similar you fall under the human services zone. For the definitions page, we haven't done an alphabetical definitions list. Our definitions run off of our use chart and follows where they are discussed in the use chart. At the end of the chart there is a list of things that are allowed but are not a specifically defined use that has been removed from the chart but put in the definitions section. We are trying to draft a home based business section, many are regulated by the state, but we currently state that a small business is fine as long as there are only 3 people besides the family members. It use to be that small businesses were an accessory to a farm, but now it's causing contention and being seen as a loop hole in the zoning. If the business is begin done in the home and not having a large presence outside the home, its fine. We do need to have a discussion on allowable uses, and we have broken them out and tried to organize them accordingly. There are two sections of definitions; you have a use definitions sections and then general definitions. These will be easier for staff to enforce and to use as people come into our office. Staff asks you to look at the chart and decided what belongs where and gives us your opinions on where things should go.

#5 Discussion – Ordinance Revision Priorities

Staff and Commission discussed the ordinances need to be revised. The Sign ordinance needs to be rewritten to be compliant with the first amendment. Clustering also needs to be revised, and there are multiple planning issues that need to be discussed and revised. A south corridor plan is almost finished regarding on the High 89. The County does have property along there but it was looking at a transportation and commercial plan for the communities along the highway. The airport master plan has been completed but there has been no way to incorporate it into the comprehensive plan. The list will be forward to council and their input will be brought back here. Staff and commission discussed what an overlay zone is and how it functions.

Annette Summers when your overlays say additional or alternative, what do you mean? In your definition is site suitability analysis, it says a comprehensive plan is required. When you recommended the landfill to the council and Commissioner Larson was asked what was specifically required it was stated 40 acres and a site suitability analysis. However, your own definition of site analysis isn't met by the 2004 plan. Back in the 2009 meeting Issa Hamud stated "I would like to do some exploration in the location in Clarkston. There are things I don't know, one of which being the ground itself. I need to do some geo-technical analysis, depth to ground water, ground water quality, soil type. We have never done anything like this..."

Larson I hate to interrupt, but this is out of order. This isn't on our agenda and it has already passed through the commission. It would be a better forum for you to attend the County Council public hearing and discuss it there.

Ms. Summers I assumed because definitions was my tie in to your discussion. I was told I wasn't allowed to talk to you other than in a meeting. I do have a presentation.

Larson has this come before the council?

Runhaar they have held a public hearing, but it hasn't concluded and is on their next agenda.

Larson that would be a better forum for this. And it might be helpful to submit a letter or comment in written form and then you can make it concise for them. This has already passed through this commission.

Ms. Summers I know this has already passed through. With the garnering of votes on that point, I thought it was respectful to come back and talk with you.

Larson if you have a recommendation on some of the projects that we are working on, like definitions.

Ms. Summers I have other issues that I am talking with the council about, but felt it would be respectful to come back here.

Larson Josh, what would be the best way for her to proceed to talk with the council?

Ms. Summers Leslie, I don't need direction I can adequately proceed with that myself.

Larson I'm sorry I know this is important for you.

Ms. Summers only because the definition is what garnered the votes.

Larson so that would be appropriate to take to the council as part of your comment that you thought the decision was made erroneously because of how the definition was interpreted.

8:00:00

Adjourned