



CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT

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Planning Commission Minutes: 12 July 2012

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Cache County Planning Commission

Minutes for 12 July 2012

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

5:32:00

Larson welcomed and gave opening remarks.

Agenda

Passed

Minutes

Passed with noted editorial changes.

5:35:00

Public Hearing

#1 Sierra Estates Rezone (Michael Burton)

Harrild reviewed Mr. Michael Burton's request for a recommendation of approval to the County Council for a rezone from the A-10 Zone to the RU-5 Zone of a 10.57 acre parcel located at approximately 10525 South Old highway 165, south of Paradise. Currently, the applicant can have one legal lot. The rezone would allow them to add one more buildable lot and no more. The average density in this area is one unit per 50 acres and the average parcel size is 13 acres. This area is primarily agricultural and no issues were received from the other departments. Staff did receive a letter from the property owner to the south stating they are strongly opposed to this development. Staff is recommending denial for this rezone due to the stated findings of fact in the staff report.

Olsen motioned to open the public hearing for the Sierra Estates Rezone; **Watterson** seconded; **Passed 5, 0.**

Michael Burton there is about 3 acres that I would like to split off. I have a preliminary plan drawn from a survey and this is in a flood plain ... the buildable spot would be directly west of the existing home. I own the property across the highway as well, but it will be a 3 acre piece broken off the larger parcel.

Larson this would be a flag lot?

Mr. Burton legally, yes it would be a flag lot. If it's a make or break deal by saying we want to have a standard lot instead of a flag lot, I can still do that.

Sands motioned to close public hearing; *Watterson* seconded; **Passed 5, 0.**

Staff and Commission discussed finding of fact #3. The Commission felt that the Planning Commission doesn't deny rezones because the ordinance does not specify appropriate locations for the RU zones. That is not grounds for denial but merely an observation. Staff would like to keep the issue that the ordinance does not specify where these zones should be located and it is becoming an issue of spot zoning which is not effective planning. Many members of the planning commission do not like the wording of findings of fact #1 and #3. There are several homes that have been built along that road that are on smaller lots and some members of the commission feel that this is appropriate. There is access from the highway and this area is suitable for development. The biggest concern is where the access point is going to be and how the lot is going to be broken up. This is not an original 1970 parcel, but is a lot that is buildable.

Mr. Burton when I first presented this, I was told there were already two applications similar to what I'm doing. I understand Mr. White's and Mr. Ellis's concerns, but are you going to put your foot down with me and say no more?

Larson those two applications were not in this area and the surrounding areas for those applications were similar to what they were applying for.

Harrild there was one in Mount Sterling and the Janet Ryan Rezone. I can see the similarities that Mr. Burton is seeing.

Mr. Burton the person to the south doesn't live there. What happened 5 years ago was that I was advised by Mr. Baker to wait and see how it changes.

Larson your neighbors are given an opportunity to comment and we see it as helpful if they cite ordinances or things like that. However, just because they don't like it doesn't mean we are going to deny.

Mr. Burton I just find it ironic that they are opposing me when they built a home last year.

Ellis have you talked to other neighbors?

Mr. Burton I have, but they have expressed no issues with it.

Ellis my comment of this setting a precedent isn't necessarily negative because maybe this is a great area for more homes.

Staff pointed out that this is similar to stringing subdivisions and could cause problems a couple of years down the road. With this action there isn't a comprehensive view of the area and you can't design it cohesively. Planning Commission members asked about possibly rezoning the whole corridor. However, the County has expressly indicated that property owner initiated rezones are preferred, and that County driven rezones are to be avoided. Staff and commission discussed the difference between legislative and administrative decisions and the findings of fact for those different decisions. This is a legislative action and there is more flexibility with the

decision. Staff and planning commission discussed the possibilities for the future of this area however staff has no idea if there are other people who will want to develop in this area in the near future. Approving this one application might not do anything, but it would set a precedent and could open the flood gates for more development in this area. Commissioner Ellis expressed his concern with the proposed rezone but deferred to Commissioner Olsen as Mr. Olsen lives in the vicinity.

Olsen motioned to recommend approval of the Sierra States Rezone to the County Council with the four findings of fact stating approval; Ellis seconded;

Discussion on the motion Some members of the commission are wondering about the scale of the proposal and if it really fits with the area. Members feel they would be able to justify a denial in the future if an application were to come in stringing parcels to gain more lots.

Original motion Passed 3, 2 (Watterson & Larson voted nay).

6:54:00

Regular Action Items:

#2 Edge Excavation (Justin Robinson)

Harrild reviewed Mr. Justin Robinson's request of approval for a conditional use permit (CUP) to allow a transfer yard for rock products on 16.64 acres of property in the Industrial Manufacturing (IM) Zone located at approximately 1100 West 2200 North, Logan. This item has come before the planning commission before, however Edge Excavation never recorded their permit and allowed it to lapse but still proceeded to operate business activities on the site. They are currently in violation as they have no permit and are operating. They were given the option from staff to reapply for a CUP and come into compliance with County code or to terminate all activities and remove the material from the site. There are no changes from the previous application except they have improved the county road 2200 North from 16 feet wide to 20 feet wide without a permit. The applicant is still working on the wetlands delineation. The applicant will need to submit documents on how they've improved the road and documents stating how they will improve the road once they pave it. The applicant will need to work with UDOT to fix the intersection of 2200 North and State Route 252 and then pave the road.

Mr. Jay Pitcher the reason due to the lapse is a misunderstanding on our side with UDOT. UDOT was supposed to have all this done and we went on the recommendations of UDOT and Logan City. They are trying to fix that road. All the other conditions that we were asked to do have been met. We've been working with Frontier Engineering on the wetlands delineation and they've been helping keep to the standards of the Army Corps of Engineers. The reason for the lapse was because UDOT never got back to us.

Runhaar the applicant was utilizing Logan City road standards, however they failed to actually communicate with the County to obtain the required permits.

Ellis you understand all the new conditions?

Mr. Pitcher yes, and we can show you all that we've done with the road. We can also submit all the tests results and everything that we've done for the wetlands delineation.

Runhaar I do need declare that I have bought materials from Edge Excavation in the past, I do not feel that that imposes any conflict though.

Staff discussed some formatting issues with the conditions and findings of fact.

Sands motioned to approve the Edge Excavation Conditional Use Permit with the three findings of fact and the 6 conditions of approval as amended; **Ellis** seconded; **Passed 5, 0.**

7:09:00

#3 Amendments to Title 17 – 17.07 Definitions, 17.09 Schedule of Zoning Uses

Staff reviewed the restructured use chart and definitions section. Currently there is the problem of definitions with no uses and uses with no definitions. Staff has tried to reduce the number of defined uses. Staff and the county do not care if someone is selling flowers or cupcakes, the county does not need that detailed of a use so everything like that would go into one use. Single family dwellings are not allowed in the FR-40 zone because the county has a 180 day occupancy restriction for dwellings in the FR-40. There is an entire section of code that deals with home based business which contradicts itself. Home based businesses are permitted in the Agricultural Zone. The county doesn't care if they are doing a business out of their home if there are no employees, and they really aren't impacting the area. If there is a business that is an accessory use to the farm, like a machine shop, it is not considered a small business; it is an accessory use to the farm and the county isn't going to have problems with that. The biggest definitional change is the home based business. The problem with home based business is when we have a business in the unincorporated area that has daily pickups and drop-offs, semi traffic, and numerous employees. That is when neighbors start to complain and when the county starts to hear about problems. Staff and commission discussed where the move from the agricultural zone to rural residential zone happens. Produce stands will be permitted on A-10 and conditioned in the RU-2 and RU-5. Multifamily dwellings are not allowed in any of the zones except Resort/Recreation zones. Accessory apartments are permitted in the A-10, RU-2, and RU-5. For residential living facilities, they are permitted everywhere that single family dwellings are. Those facilities come before the planning commission and the county council when they are applying to have more than 4 residents. Commercial zones are typically office space, etc. and Industrial is manufacturing, etc. The county either needs to differentiate between those two zones or change and have one zone.

Watterson I did want to go on the record and state that I'm not in total agreement with moving storage facilities out of the agricultural zone and into the industrial zone. Storage sheds are a viable option for a farmer to take some of their acreage and build a business. If we move those out of that zone and put them in industrial, I worry that we open ourselves up to businesses/uses, like a sexually-oriented business, to come into places we don't want.

Many members discussed having agriculturally supported businesses close to the agricultural zone. The industrial zone takes planning on where to put them because there needs to be appropriate water, roads, and the surrounding areas need to be compatible. The county doesn't want an industrial zone next to 30 homes, where it's gravel roads, and there isn't an adequate water source. Farmers aren't building secondary business to support their farms. They are working second jobs or are selling their land to a commercial entity and letting them build those businesses. The impacts of the business that we consider to be an industrial use are relatively the same in the long term.

8:06

Adjourned

Planning Commission Meeting
July 12, 2012

name

address

MICHAEL BURTON
Natalie Watkins

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