



**CACHE COUNTY CORPORATION**  
**DEVELOPMENT SERVICES DEPARTMENT**

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**Planning Commission Minutes**

**07 February 2013**

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## Cache County Planning Commission

Minutes for 07 February 2013

**Present:** Chris Harrild, Josh Runhaar, Rob Smith, Leslie Larson, Chris Sands, Chris Allen, Jon White, Megan Izatt

**Start Time: 5:34:00**

**Larson** welcomed and gave opening remarks/pledge.

**5:41:00**

### Minutes

**Passed**

### Agenda

**Passed**

**05:43:00**

### Consent Agenda:

#### **#1 Halo Subdivision and Boundary Line Adjustment (Hal Olsen)**

Mr. Hal Olsen's request for a recommendation of approval to the County Council for a 1-lot subdivision with a remainder parcel and a boundary line adjustment on 34 acres of property located in the Agricultural (A-10) Zone at approximately 2400 South 2000 West, College Ward.

#### **#2 Kelly Spackman Subdivision 2<sup>nd</sup> Amendment (Floyd Naegle)**

Mr. Floyd Naegle's request for a recommendation of approval to the County Council for a subdivision amendment which includes the addition of 1 lot to the existing subdivision and boundary line adjustment of the subdivision boundary on 58.19 acres property located in the Agricultural (A-10) Zone at approximately 3033 North 2400 West, Benson.

*Sands* motioned to approve the consent agenda; *Smith* seconded; **Passed 4, 0.**

**5:45:00**

### Regular Action Items

#### **#3 Public Hearing: 5:40 p.m. – Smithfield Canyon Estates Rezone (Jake Young)**

*Sands* motioned to open the public hearing; *Allen* seconded; **Passed 4, 0.**

**Harrild** reviewed Mr. Jake Young's request for a recommendation of approval to the County Council for a rezone of 40 acres of property from the Agricultural (A-10) Zone to the Rural-5

(RU-5) Zone located at approximately 2100 Canyon Road, east of Smithfield. The current ordinance does not specify specific locations for the RU-5 zone. However, there are requirements for the RU-5 zone itself. The zone must be appropriately served by suitable public roads, have access to necessary water and utilities, and have adequate public service provision. Currently according to the ordinance the parcel can only have one home and there is one home already. The applicant is applying for a density of 1 building lot per 5 acres. The approximate developable acreage of the site is 27.5 acres. With the proposed RU-5 designation there would be five homes allowed. At the time of development, additional acreage that is not counted in calculating development density will include any public road rights-of-way and may also result in a reduction in the potential for developable lots. The road is an average 20 foot wide paved surface with a gravel shoulder that averages approximately one foot in width. Due to the snow on the ground the shoulder measurement is only approximate and maybe reassessed in better weather conditions. Access for emergency response is adequate and the water supply for fire suppression will be provided by the City of Smithfield Fire Department. Staff has provided no determination but will assist the Commission in drafting a determination and findings.

Staff and planning commission discussed how staff is going to make determinations in regards to the RU-5 and RU-2 zone. Currently staff is going to provide all the information to the commission and allow them to decide what the determination will be and then help draft it. The determination for emergency response is decided by the Deputy Fire Marshall of the county and he looks at the access to the property to determine if a water tender can access the property and also determines where the response will come from. While there are approximately 27 developable acres, that number may change as more in-depth calculations are done at the time of subdivision application. Currently there is one home and a horse arena on the property.

**Gordon Wood** spoke briefly and introduced Jake Young.

**Larson** Are you the underlying applicant?

**Mr. Wood** Yes.

**Larson** Then I will disclose that I know Mr. Wood due to him being my son's doctor.

**Jake Young** I work with Civil Solutions Group. When you look at the overall area there is not much developable acreage/land. Most of that area is mountains and so I think that is the reason why you have such large areas with single homes. Mr. Wood's parcel is particularly good because it does have some nice flat spots by the river and in the canyon. Its current use is pasture and horses are housed there. The question about the shed, it may or may not stay; that would depend on who comes to own the land. The property has been surveyed and we've taken very good care of the site and the intent is to preserve the stream corridor and to stay off the hillside for homes. The property does have two access points which would be used for future development if it were approved. The slope really just kind of picks up behind the proposed lots and there is currently one well on the property. Our study has shown that there is enough water up there for a second well. Also there are smaller parcels with homes on them up there.

**Sands** did you mention any thing about the road?

**Mr. Young** The existing road was put in by Mr. Wood for recreation purpose.

**Mr. Wood** this property is 480 acres and is leased 4 to 5 months of the year for cattle. When I bought it there was no access to the upper acreage so I added the road 5 to 6 years ago to access that. It's used to put the cattle up there and was built by Brent Christensen. It was a little steep so a few years ago we put the switchbacks in and that was to make it work with the county code.

**Runhaar** it's more a cattle road?

**Mr. Wood** it's a pretty good road and you can get a big truck up there. It's not a road that you want to drive in the winter.

**Mr. Young** the existing home was flooded and probably needs to be torn down and rebuilt.

**Runhaar** what was the source of the flood?

**Mr. Young** a frozen pipe in the winter.

**Larson** where is the river?

**Mr. Young** right here.

**Larson** the road is right next to it?

**Mr. Young** so here's the creek. It runs along the tree line and when we check out the acreage for the non-developable land it was greater than 30% and also top of bank to top of bank.

**Sands** so you did include the stream in that calculation?

**Mr. Young** Yes.

**Gerald Miles** I live next to this. My concern is the house would be torn down. I'm his neighbor and I'm really friendly with him. My concern is, when I put my land here I have 40 acres that go up and around and I'm landlocked. When I wanted to build up there, when I put my well in they said that I could only hook onto one per house and there is enough room up there to build another house. My son would like to build up there and they can have a couple more homes up there. I would like to be equal to these guys and so I would need another well and sewer up there.

**Larson** are you on sewer or septic?

**Mr. Miles** septic tank. Other than that, I have no objection whatsoever. It's beautiful and I personally like to keep it as quiet up there as you can. So I will talk to the county to see what I can do.

**Runhaar** come in and talk to our staff. If you're looking for water rights you need to talk to the state engineer and then Bear River Health deals with septic.

**Larson** that won't come before this body.

**Mr. Miles** okay.

**Larson** a change of zoning in an area means the area changes. So what benefits one is a benefit to another and what's a detriment to others could be a detriment to you.

**Commission and Staff** discussed notification of the project. Smithfield City was not notified because it did not fall within the 1 mile notification area.

**Mr. Miles** 10 years ago my wife and I came before the county commissioners then and it was almost two years before we could even build up there because of everything they put you through to get there. I guess times have changed because you guys have been lovely to work with. I appreciate that with this body and I appreciate your time and your concern with us in the county, so thank you.

**Larson** thank you.

**Sands** what sort of lot sizes are you looking at here?

**Mr. Young** we've looked at the lots sizes here and are thinking 2 acres. That would give people horse property if they wanted it and we've looked at doing CC&Rs to keep the corridors open for common uses such as fishing, four wheeling, hiking, etc.

**Larson** do these lot lines correspond with what look like lot lines on the aerial view?

**Sands** not exactly, those look like fence lines.

**Mr. Young** we've looked at several options in terms of access and respecting the river, respecting the hillside and what an owner would want in terms of size of a lot. Horse or pasture could be important and we've looked at larger parcels. If someone wanted to purchase a lot and the barn together, that could be a possibility.

**Larson** is the barn currently in use?

**Mr. Young** it is, a lady has some horses there and trains them.

**Larson** but there is no commercial use?

**Mr. Wood** that's her business, she brings horses back and forth for training.

**Mr. Young** she brings horses back and forth but no clients are coming up there.

**White** so everyone would own the top parcel up there jointly?

**Mr. Young** the owner, Mr. Wood is going to keep the top piece and an agricultural piece. So it would essentially be the top and down there.

**Larson** so the undeveloped remainder would be absorbed back into the other 400 acres?

**Staff and Commission** discussed the detail needed for the rezone. The particulars of the subdivision do not impact the rezone but do give an overall sense of what the change could entail. The Ag remainder can be left as a remainder and becomes undevelopable. RU-5 is a density based method and the lots do not have to be 5 acres in size for development. The overall density will include the whole parcel but the ownership of the open remainder does not matter.

**Mr. Young** and this would be designed as a cluster and that was the idea behind it. That is part of the reason we have the lots in that 2 to 3 acre range.

*Sands motioned to close the public hearing; Smith second; Passed 4, 0.*

**6:24:00**

**Staff and Commission** discussed the RU-5 zone and how it is decided where it should be allowed. In the past the scale, location, surrounding density, whether or not it's productive farm ground, and infrastructure have all played into whether or not previous applications have been passed or denied. This is a legislative decision and any findings are the prerogative of the Commission and Council. Staff introduced the Commission to the updated Planning and Zoning website. Anyone can access all the documentation, pictures, etc. that staff has put together for each application.

**Staff and Commission** discussed the noticing. Six property owners were noticed for this applicant and all lived within the 300 feet of this parcel.

**Commissioners** discussed whether or not they were comfortable with the proposal. All were in agreement that the proposal seems to fit with the area and all seem to be favorable to allow RU-5 in this area. There are some concerns for the road but currently the road is fine. However, it does need to be noted that the more development that happens in the county the more funds that are going to be needed to handle services and having them reach all the areas needed.

*Allen motioned to recommend approval to the County Council regarding the Smithfield Canyon Estates with the noted findings of fact; Smith seconded; Passed 4, 0.*

**6:52:00**

**Staff and Commission** discussed the current situation in regards to development and the impacts fees. Currently impact fees are not feasible for the county due to the low number of building permits that are issued each year. The prioritization and maintenance of roads was discussed.

**7:04:00**

#### **#4 Amendments to Title 17 – §17.22 – Off Street Parking Standards**

**Harrild** reviewed the off street parking standards. Staff has reviewed and identified elements that are ineffective. Those elements have been revised to incorporate and reflect a performance standard rather than just a minimum standard. In general, a minimum standard is likely to lead to an overabundance of parking and a maximum standard is likely to lead to a lack of available off-street parking and is geared towards more urban environments. A performance standard is a better reflection of the needs of a proposed use. A parking analysis would need to be completed by the applicant to identify the parking need.

**7:30:00**

#### **#5 Discussion: Ordinance Amendments – Dark Sky Ordinance and Signage**

**Staff and Commission** discussed dark sky ordinance possibilities. The county does not have an ordinance that regulates light trespass. The Commission has previously requested that staff prepare a dark sky ordinance for their review due to public requests that such a standard should be in place. A dark sky ordinance would likely be part of the ordinance development standards. Staff suggests that the commission shy away from differentiating between agricultural and residential lighting. The lighting fixture is more easily controlled than the actual light bulb and the commission can control that on new development through the building code and zoning.

**Staff and Commission** discussed signage. A portion of the ordinance is not first amendment compliant or doesn't work well. Time, manner, and location of the signage can be regulated. Also off-site signage is regulated. There are also some questions regarding lighting of signs and electronic message displays (EMDs). Staff would prefer eliminating EMDs completely and would like to eliminate the sign height and allow monument signs only. Some commission members expressed concerns about completely eliminating pole signs but would like to see the height limit lower than the current requirement.

**7:55:00**

**Adjourned**