



PLANNING COMMISSION MINUTES

07 MARCH 2013

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Cache County Planning Commission

Minutes for 07 March 2013

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

Start Time: 5:33:00 (Video time not shown on DVD)

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

5:35:00

Minutes

Passed

Agenda

Passed

05:36:00

Regular Agenda

#1 Public Hearing 5:40 pm: Amendments to Title 17:17.22 Off-Street Parking Standards

Harrild reviewed the changes to the off-street parking standards. The amendments reflect a minimum standard combined with a performance standard. This provides flexibility and greater accuracy in assessing parking need. There will be a minor increase in work load for staff in parking analysis reviews and the potential that a parking analysis may be another requirement for applicants to complete.

Commission members asked about exceptions to the standard. Things that do not require a parking analysis would be most residential applications and utilities. Most of the commercial applications that require at least 5 parking stalls have already completed a parking analysis and all staff asks is for the applicant to forward that analysis on. The analysis must be completed by a registered professional.

5:45:00

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

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

5:46:00

#2 Thain Subdivision and Boundary Line Adjustment (Danny Thain)

Harrild reviewed Mr. Danny Thain's request for a recommendation of approval to the County Council for a 2-lot subdivision and a boundary line adjustment on 131.69 acres of property located in the Agricultural (A10) Zone at approximately 4748 North 3200 West, Benson. There are some issues regarding access to the subdivision. A private road ~4700 North currently serves all 5 homes but does not meet the ordinance standards. The applicant is proposing a new access for the 2 southern-most homes. The problem lies in that these two homeowners do not agree with the proposed change of access. The disagreement is a civil matter and staff recommends that the item be continued until there is an agreement.

Larson do you know the distance from 4700 north to the proposed new road?

Mr. Danny Thain it's about 487 feet.

Larson what is the maintenance on the road?

Mr. Thain it is our farm road. It's paved and we've rock chipped it and we've maintained it.

Sands is there an agreement with the other landowners about maintenance for that road?

Mr. Thain no there is not.

Sands a lot of the times there is an agreement with private roads so it's not just one person that is maintaining it.

Mr. Thain over the years I've asked for help with maintenance but have been denied.

Sands there other homes or properties have a legal right to use that road?

Mr. Thain that's what we're dealing with right now because if the other two homes are allowed to use that access, the reason it's been this way is because it's always been family. But the far south home was sold last year and the other home is on the market now and because it's changing hands the current access is illegal. To make it legal, right now it's paved to 12 feet wide which is sufficient for three homes but to make it legal for 5 homes it needs to be paved to 22 feet with a 60 foot right of way. However, there isn't room for that between the buildings. There's hardly 30 feet between them and the road there between them is 15 to 16 wide and then it goes down to 12 feet to the two south houses. So what we've proposed is to build a new road up to the south homes through the field so they have their own legal access.

Watterson the proposed access is between those two homes?

Mr. Thain the proposed access is right between the two south homes.

Harrild the road actually goes into this lot and that homeowner would have to grant access to the other homeowner for access to their property.

Mr. Thain it would actually go down right there, straight down to 3200 West instead of going up through the farm yard.

Ellis along that 4700 north it's 12 feet wide and then winds through the farm yard?

Mr. Thain yes.

Ellis and those other two buildings belong to one of the other houses?

Mr. Thain yeah, it's all one piece of property except for the two south homes which are on their own lots.

Harrild this house is on its own parcel, as is this house, as is this house.

Larsen so when were the southern homes built?

Mr. Thain the southern most home was built in the 1934 and the other one in the early 1980s.

Olsen where they all family homes?

Mr. Thain yes, until last year.

Staff and commission discussed the subdivision. The two southern homes are on their own lots, as is the home to the north but the other two homes are on the same lot and that is what is causing problems. The southern homes are legal, conforming lots. This is not a 1970 parcel.

Mr. Thain the two homes are on their own lots and have been surveyed. The one house there that we're subdividing was built in 1950 and the other just north of it is my home. It's a double wide mobile home and it was put there in 1976 and the reason that it doesn't have a building lot is that at the time we put that in we had a yearly permit that we renewed. But some time along that way they discontinued that and so we're sitting there with an illegal house with no lot.

Larson so that is now a non-conforming use.

Mr. Thain but now we've surveyed it so they can each have their own lots.

Ellis so the parcel we're talking about would start at the third home to the south and go north and we would be creating two parcels/subdivisions out of that?

Harrild it would be one parcel that kind of wraps around this home and comes down in this area along the hillside and the other one is just attached to the remainder of the entire parcel.

Staff and planning commission discussed the layout of the subdivision.

Mr. Thain what we've proposed to do is to build a road from 3200 west through our field to the two southern homes and then they would have their own road and the upper three homes will share the 4700 North access.

Sands the road comes into the upper lot, is there any reason to not come in and split the two lots?

Mr. Thain that I don't know. This should have been resolved earlier. The one owner owned both houses at the same time. But they sold the one home and it's under escrow because of this issue. But I guess both of them don't want to have their own road. That's created some conflict there because both of them don't want to have their own road they want to continue using the farm access.

Harrild that becomes a civil issue.

Sands right, but would it be easier to have the road come in to where the two lots joined?

Harrild yes, and that was discussed before but when the plat came this is how it was.

Mr. Thain the reason it goes through our field at that point is because of an elevation change in the field. That's why we've put the road there. But once it gets to their border line they can do what they want with the road. They can turn it and run it between their property lines.

Sands is there any advantage to moving the road all the way to the south property line?

Harrild the road has already been cut.

Mr. Thain not really, we started putting a crossing against the highway and we got told we shouldn't have. We wanted to do it while the ground was frozen but on the south end of the property line we have an underground drain there and we don't want to put it there. And also, our neighbors have a road right on the north end of their property so there would be two roads right there together and I understand from the count you can't have them that close together.

Sands presumably that road is a private road also.

Harrild it is.

Mr. Thain they would run into the same problem we're having because they have three houses on their road already and you wouldn't be able to add two more.

Larson what about that line that backs the house?

Mr. Thain it's an irrigation ditch.

Staff and commission discussed the southern road. It is a private access and the neighbor's have expressed a wish for it to remain that way and also they would have to meet the new road standard for five homes.

Mr. Thain as the land owner I have offered to furnish the land and build the road to their properties. We went through the county standards which I think is 10 inches of gravel but they

don't want that. They want to continue to use the paved road through our farm. That's what's keeping us from finishing our subdivision I think.

Ellis besides that it would be grandfathered in?

Runhaar yes. If it weren't for the road this would have gone on consent but these are private roads and private accesses.

Harrild how long has that road been there?

Mr. Thain 50+ years. The first time it was paved was when I was a kid, so in the 60s. It is asphalt and I think it has three layers on it now.

The commission and staff discussed the application. The county can't make the decision to cut off somebody's access rights and give them a new one when it is a private access. Staff is recommending that the item be continued.

Mr. Thain I'm just wondering why, because my son wants to buy the one house but I can't sell it to him until we finish this subdivision. Is there any way to finish the subdivision and work out the deals with our neighbors after we finish the subdivision? The subdivision won't really change anything.

Runhaar the problem is the access for the number of homes that are there. ...

Mr. Thain we've had that all surveyed and submitted it.

Runhaar there has to be a solution before we can process it.

Staff and commission discussed the access. If the applicant were able to make the needed changes to the existing road then this wouldn't be a problem. However, there isn't room for the road to be widened with the existing layout of the buildings. Buildings would have to come down to be able to reach the needed width. Until the road problem is dealt with the commission cannot make a decision on the subdivision because the wider road is required for the number of homes on it for safety reasons.

Olsen motioned to continue for up to 90 days; **Ellis** seconded; **Passed 5, 0.**

6:21:00

Staff reworded B1 under the Off-street Parking Standard to read "Applicants shall submit a parking analysis or provide parking sufficient to meet the base requirement in Table 17.22.020 where applicable, for any and all development ...". The current standard creates an overabundance of parking. Most of the applications that come before the Commission don't require parking. Those that do usually already have a licensed professional involved in the process and it will be minimal effort for them to do that analysis. Parking is a standard of development and if an applicant comes in with a bad parking analysis the Commission has the ability under the development standards to require more or less stalls. The changes to the

ordinance build in the flexibility for the Commission to make a decision based on the information that is received.

Ellis motioned to recommend approval of the ordinance change as amended; Sands seconded; Passed 5, 0.

6:39:00

#3 Discussion: Dark Sky Ordinance and Signage

Currently the county allows front lit signs but not backlit signs and that is what staff is looking into for further review. Staff asked for the item to be continued.

Staff Reports

Staff reviewed what is going on with Cherry Creek Ski Resort. The Court did uphold the decision of the Board of Adjustments to uphold the Planning Commission's decision to approve the resort. The County Council did extend DD Auto & Salvage expiration date for one year to allow the applicant to continue working to meet the CUP requirements.

6:52:00

Adjourned