



PLANNING COMMISSION MINUTES

07 NOVEMBER 2013

Item	Page
1. Consent Item: Daus Minor Subdivision Amendment	2
2. Sprint/Crow Mountain CUP Expansion (pulled from agenda)	n/a
3. Public Hearing: 5:40 p.m. Moake Rezone to RU2.....	2
4. Public Hearing: 6:00 p.m. Top of the World Estates Rezone to RU5.....	4
5. 2014 Planning Commission and Board of Adjustments meeting dates	6
6. Amendments to Title 17	7

Present: Leslie Larson, Chris Allen, Chris Sands, Clair Ellis, Phillip Olsen, Stephanie Nelson, Chris Harrild, Josh Runhaar, Megan Izatt, Denise Ciebien

Start Time: 05:34:00

Larsen welcomed and **Allen** gave opening remarks

Agenda

Item #2 was removed because it was not ready to be heard.

Minutes

Passed - no changes.

05:37:00

Consent Agenda

#1 Daug's Subdivision Amendment (Nathan Daug's)

Harrild reviewed Mr. Nathan Daug's request for a recommendation of approval to the County Council to amend the Daug's Minor Subdivision including the adjustment of the line between the existing lots 1 and 2 and creation of an additional lot from lot 1, on 12.82 acres of property located in the Rural 2 (RU2) Zone at approximately 2460 South 1800 West, Young Ward.

Sands motioned to accept the consent agenda with the noted findings of fact and conditions of approval; *Allen* seconded; **Passed 5, 0.**

05:40:00

#3 Public Hearing 5:40 pm: Moake Rezone (Steven Taylor)

Harrild reviewed Steven Taylor's request for a recommendation of approval to the County Council for the rezone of 10 acres of property from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at approximately 13975 North 400 West, Beaver Dam. There is currently one dwelling located on the property and this rezone would allow the potential of up to four more buildable lots. This parcel is adjacent to a 70 acre property that was rezoned to the RU2 Zone. Within a one-mile radius of this parcel, the surrounding vicinity is comprised of parcels with an average parcel size of 19.8 acres. Of the parcels that have homes on them the average parcel size is 28.26 acres.

The intent behind the RU2 Zone adoption was discussed. The county is not currently capable of maintaining the existing county roadway systems, and therefore this increased burden is likely to impact the maintenance of all county roads. Consideration of the long term cost to maintain and serve high density areas in the unincorporated county is an appropriate tool when determining necessary action regarding such requests. This is an area where Box Elder and Cache County share winter maintenance of the road. Access by 8000 West is adequate but there are issues on 600 North. At this time no public comment has been received regarding this application.

05:53:00

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

Steven Taylor I represent the Moake family. This subdivision is currently for the Moake family only. The staff report was excellent but within a mile of the home there are 30 completed homes that are being lived in. There are 52 lots just behind this that are less than an acre each and there are 12 lots under construction or in various planning stages as well.

Sands does this area have a water system?

Mr. Taylor yes, there is a state approved water system. There are new roads and those roads have been accepted by the County and the Box Elder roads are in the process of being accepted as well. There is one road that is substandard. It is graded but it gets wash boarded and I have been informed that that is to be paved in early spring by Box Elder. The Moake's came to us and I suggested that they build on their own property because the larger lots in the county aren't selling. So having a smaller density is a little more effective in selling these lots and getting people to move to this location. The water company will serve these new homes and the water company has the water and capability to do so. This is an adequate subdivision. They are looking for two additional lots and the reason for the RU2 Zone was because an RU5 zone will not allow us to subdivide to get the additional lots we needed.

Sands the water company will provide water?

Mr. Taylor yes and the water company currently serves the home that is there as well.

Notification of adjacent property owners was sent out.

06:03:00

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

Currently under the A10 Zone the applicants are allowed one lot. Under the RU2 Zone there is the potential for four lots. The previous rezone request in this area was recommended for denial due to the scale of the project. There are people who want to live in the country and the county is better served if those homes are clustered together in one area and this rezone application seems to fit with the surrounding area where there is a subdivision behind this already. Some of the commissioners expressed concerns with the argument of the cost to the county for road maintenance to recommend denial. It doesn't seem at this point like the county is trying to address the cost issue of meeting the growth demand for road building and maintenance. However, the money to pay for roads comes only from gas tax. There are several problems facing the road issue but at the moment there are no viable solutions for those problems. Budgeting for roads from the general fund not only affects the unincorporated area of the county but the city residents. The county has never had to use general fund money for roads but that is going to have to change in the future to keep the road department running. Staff and commission discussed language for findings of fact and conditions. The location of the subject property is compatible with the purpose of the proposed RU 2 zoning district and is appropriately served by suitable public roads, has access to necessary water and utilities, and adequate public services. There is minimal impact to agriculture with this rezone. The scale of the development is suitable to the area and is consistent with the adjoining 70 acre properties zoning.

Olsen motioned, Ellis seconded; Passed 5, 0, to recommend approval for the rezone with the findings of fact as follows:

- 1. The location of the subject property is compatible with the purpose of the proposed Rural 2 zoning district and is appropriately served by suitable public roads, has access to necessary water and utilities, and has adequate public service provision.*

2. *The subject property is suitable for development within the proposed Rural 2 zoning district without increasing the need for variances or special exceptions.*
3. *The subject property is suitable as a location for all of the permitted uses within the proposed Rural 2 zoning district as there is an existing cluster of homes in the immediate area.*
4. *The subject property, when used for the permitted uses in the Rural 2 zoning district, would be compatible with adjoining land uses.*

06:32:00

#4 Public Hearing 6:00 pm: Top of the World Estates Rezone (Bob Wright)

Harrild reviewed Mr. Bob Wright's request for a recommendation of approval to the county Council for the rezone of 129 acres of property from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone located at approximately 1550 West 6600 South, Hyrum. There is a portion of 129 acres of the property that is undevelopable due to steep slopes. Therefore, the requested rezone would allow up to 24 lots on the 129 acre property. The density within a one-mile radius of this property reflects an average parcel size of 14.57 acres. Of the parcels that have homes on them the average parcel size is 4.5 acres. This proposed rezone is about $\frac{3}{4}$ of mile from Hyrum City. The maintenance of the roads is an issue because the county is not currently capable of maintaining the existing county roadway systems, and therefore this increased burden is likely to impact the maintenance of all county roads. Access to the property from county road 1600 west is adequate with the exception of an approximately 800 foot long portion that averages 16 feet in width and is a substandard dirt/gravel road. The applicant has expressed a willingness to improve the road to meet county standards. Notice was sent to surrounding property owners and no public comment has been received at this time. Wells will provide culinary water. Finding water is hit or miss in this area, but staff has no detailed information. There is a 16 acre parcel adjacent to this property that was rezoned to the RU 5 zone. This property was previously recommended for approval to the Council by the Commission as a 1 lot subdivision. Council approved that request but the approval is now void as the plat was not recorded.

06:41:00

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

Jake Young I represent the applicant. When we looked at putting together a concept plan, the idea is to do a cluster development and put all the homes and the lots in the middle and leave ag and pasture land out to the side and everything west of the hillside undeveloped. If this were developed a new road would replace the existing dirt road. The owner has done research and has found there is adequate water for wells. Electricity is nearby and for gas they would have to do propane. I did look at lots close by this and there are some lots that are in the 1.5 acre range and some that are 5 acres. I just wanted to bring up that there is some precedent of smaller cluster lots being close by. We looked at the zoning and we did feel that this meets the intent of the RU5 zone.

Sands does the applicant own other large parcels adjacent to this one?

Mr. Young no.

Sands I remember there were some big development plans for this area, but it doesn't look like that went anywhere?

Runhaar incorporation for this area was looked at but not pursued.

Allen is the farm ground irrigated or dry?

Mr. Young Dry farm. The area to the upper right is not farmed and neither is the area to the west but the rest is dry farm.

Larsen what percentage of the dry farm would be taken out of production?

Runhaar at least half if not more.

Larsen you've already been to the water department?

Mr. Young the owner of the property has talked to adjacent landowners and they have had good success with wells. So no, we haven't talked to the water department but the owner is hoping to do smaller lots as well. The goal is to cluster the lots.

Larsen so you are looking for the density not specific lot sizes?

Mr. Young yes.

Ellis are you looking for multiple wells or what is the plan?

Mr. Young I think it would be one well per multiple lots.

Larsen is that permissible?

Runhaar it can be but it depends on how many dwellings will be served. The state has been forcing those types of situations into public water systems.

Mr. Young if the water is a big concern could that it be a requirement for the owner to do a test before the County Council meeting?

Runhaar no because we have no power over that.

Staff and Commission discussed the ordinance requirement for adequate water. Many commissioners would like to see some sort of evidence of adequate water. This would require a judgment call because usually that type of evidence is required at time of development. This is a difficult area for the county to service and there are going to be issues with maintenance. The parcel immediately to the north was rezoned but no subdivision has been approved. Water is still a concern for many commissioners.

Bob Wright one of the other proposals that has been brought forward was to do a holding tank with an oversized well because of the way the gravity is up there it could service all the lots. But that is something that I don't want to go into as this is a bank owned property.

Runhaar you are going to have some issues with a community well because zones 1 and 2 have to be kept clear of septic tanks. So there are going to be some issues.

Richard Miller I own a lot of the property north of this. From my stand point, you can see the cluster that I developed and you can see all of the remaining farm land. So it makes sense to me, and I think when you worry about farm ground it makes sense to cluster it. This proposed development leaves a lot of ground available for farming. I personally think that 5 acres is a mistake because people can't take care of it. To cluster and make small acreages is what should be considered proper for this area.

Larsen one of the things that is not obvious to people who don't deal with this all the time, is that it used to be that we considered lot size but that has changed and when we talk about RU5 that is a density standard.

Mr. Miller the property in front of this is 5 acres.

Runhaar no, it was rezoned to RU5 but they can do 1 acre lot sizes

Mr. Miller well I do know the property up here and we have drilled many wells and have had no problems with them but they are at a much lower level than these would be. The road access, the county won't even take care of it. The private road is taken care of by the landowners.

07:00:00

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

Staff and Commission discussed the application. One concern raised is this is a bank owned property and while the applicant has presented a clustered approach that isn't guaranteed. Whoever buys this property can come in and do whatever they want as long as they meet the ordinance. They don't have to cluster the lots. Some commissioners felt like this could be spot zoning. Also, no services are currently there and this area is hard to access. The current road is a county road but it is not serviced or maintained. The road that is currently serving homes in that area is a private road. There is no evidence of the services needed for this area like there has been for other applications that have been approved. Many commissioners expressed the need for development in this area to catch up to the location of the property. If there was more development in the area many commissioners would be inclined to approve the rezone but at this point it is hard to make a case for a rezone here.

Mr. Young if it was left at A10 and developed at 12 lots they would not be able to cluster it?

Larsen no, you could still cluster. It's a density standard not a lot size. The one concern is the drainage area for septic fields, and that will need to be determined with help from the Bear River Health Department.

Mr. Young okay.

The possibility of this being a private road was discussed. That would be considerably harder to do because of the way the ordinance is now.

Ellis motioned, Allen seconded; Passed 5, 0, to recommend denial to the County Council with the findings of fact as follows:

- 1. Consistency with the existing density of the surrounding area was not shown.*
- 2. Appropriate service by suitable public roads, access to necessary water and utilities, and adequate public service provision was not shown.*

07:25:00

#5 2014 Planning Commission and Board of Adjustments Meeting Dates and Deadlines

Sands motioned to adopt the meeting schedule with the noted meeting date changes; Allen seconded; Passed 4, 0. (Olsen not in room at time of vote)

07:30:00

#6 Amendments to Title 17

Runhaar reviewed the amendments to Title 17. Zoning administrator has been changed to Director of Development Services throughout Title 17. The effective period for land use authority approval was added and made part of 17.02.070. Notice of meetings was discussed and the 300 foot standard was kept because it is a clear standard that is easy to follow. In 17.07 a section regarding agricultural remainders was added. Infrastructure improvements are not development agreements they are infrastructure improvement agreements, that change will be added into section 17.07.

Sands motioned to recommend approval of Title 17 to the County Council with the noted changes; Allen seconded; Passed 5, 0.

07:55:00

Adjourned