



4:45 p.m.

Workshop in the County Council Chambers

5:30 p.m.

Call to order

Opening remarks/Pledge – Chris Sands

Review and approval of agenda

Review and approval of the minutes of the February 6, 2014 meeting

5:35 p.m.

Regular Action Items

- (1) **PUBLIC HEARING** – 5:40 p.m. – Rose Hill Subdivision Rezone – Stephen Eliason is requesting a recommendation to the County Council for approval of 11.48 acres of property in the Agricultural (A10) Zone to be rezoned to the Rural 2 (RU2) Zone located at approximately 3230 South Highway 23, Wellsville.
- (2) **Agricultural Protection Area** – Michael B. & Pauline Falslev are requesting 196.6 acres of property in the Agricultural (A10) Zone be placed in an Agricultural Protection Area located at approximately 4800 North 4000 West, southwest of Amalga.
- (3) **Discussion:** Telecommunication Facilities
- (4) **Discussion:** Title 17.18 - Sensitive Areas

Board Member Reports

Staff reports

Adjourn



PLANNING COMMISSION MINUTES

06 FEBRUARY 2014

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DRAFT

Present: Stephanie Nelson, Chris Harrild, Josh Runhaar, Brady Christensen, Leslie Larson, Phillip Olsen, Rob Smith, Jon White, Megan Izatt, Denise Ciebien

Start Time: 05:30:00

Larson welcomed and gave opening remarks

Agenda

Passed with no changes.

Minutes

Passed with no changes.

05:34:000

Larson welcomed our new commission member Brady Christensen and offered appreciation for Clair Ellis and Chris Allen's service.

Regular Action Items

#1 Elections

Smith nominated Chris Sands for the chairman position; *Olsen* seconded; **Passed 4, 0.**

Olsen nominated Rob Smith for the vice-chairman position; *Christensen* seconded; **Passed 4, 0.**

Runhaar will continue to act as secretary for the board.

#2 Public Hearing 5:45 - Amendments to Titles 16 and 17

Harrild briefly reviewed the amendments to Titles 16 and 17. Sections 16.02.050 and 16.02.070 are amendments to subdivision amendments and boundary line adjustments to bring the county ordinance into compliance with state code. Section 16.03.030[C][9] amendments replaced "government control monuments" with "Cache County section corners". Section 16.03.030[D-H] amended to move D-H to become C-G and the preferred scale clarified. Section 16.03.040[A] amendment changes clarified the placement of setbacks on final subdivision plats. 16.04, 17.07.040, and 17.10.060 was amended so the term "development agreement" will be replaced with the term "improvement agreement." 17.07.040 was amended to define the term "density". Up until 2001 subdivisions were approved as a conditional use permit.

5:51:00

Smith motioned to open the public hearing; *Olsen* seconded; **Passed 4, 0.**

Harrild Section 16.02.070 Boundary Line Adjustments [C] was changed to read “All properties amended by a boundary line adjustment, including subdivision amendments, are subject to the regulations of the Cache County Code. Where boundaries are adjusted between properties that do not share the same zone, the zoning designation does not adjust with the adjusted property lines. Base and/or overlay zoning districts shall not be amended except through the formal process as identified in this Code and by the State.”

5:54:00

Olsen motioned to close the public hearing; *Smith* seconded; **Passed 4, 0.**

Smith motioned to recommend the Title 16 and 17 amendments to the County Council for approval; *Christensen* seconded; **Passed 4, 0.**

5:55:00

#3 Bert Reese Rezone

This item has been moved to March 6, 2014 Planning Commission meeting.

5:55:00

#4 Road to Paradise (Ann A. Bolinder)

Nelson reviewed Ms. Ann A. Bolinder's request for a conditional use permit (CUP) to expand an existing dog breeding business to include pet grooming services on 5.01 acres of property in the Agricultural (A10) Zone located at 7215 South Highway 165, Hyrum. This would expand the use of the existing business. The previous permit allowed no more than 12 dogs. Ms. Bolinder proposes to increase that number to 15 dogs. UDOT has approved the proposed expansion on the road. Notices were mailed out and no public comment has been received.

Ann Bolinder I have lived at that location for just over 10 years and grew up here. My husband is disabled and I would like to find a way for some kind of income at home so that I don't have to leave him.

Larson will the increase have significant influence on your income?

Ms. Bolinder not really.

Larson when you refer to 12 to 15 dogs, does a puppy qualify as a dog unit? I guess I'm wondering if there is a litter of 12 puppies, you are going to go over that allowance of 15. How does that work?

Runhaar we are counting licensed adult dogs, over 6 months in age, for those 15 allowed dogs.

White I know the neighbors adjacent to this property and they don't have any complaints.

Olsen motioned to approve the Road to Paradise conditional use permit with changes to condition #2 wording regarding registered dogs; *Smith* seconded; **Passed 4, 0.**

#5 Discussion - Telecommunication Facility

Harrild staff researched a number of items in considering this ordinance with the focus on meeting the requirements that the planning commission discussed and identified at the previous meeting.

Staff and commission discussed the reason for creating a telecommunication facilities ordinance. One of the bigger issues is that there are number of towers that are just on the edge of cities that raise concern regarding setbacks and co-locations. Staff is going to try and get all the current towers into zoning compliance, which should not be too hard to continue to do. This ordinance would allow some review and/or approvals to be issued without having to come before the commission, but would allow for approval by the director. However, major changes, such as adding height, to the tower or new towers will still have to come before the commission for approval. This also allows the county to better address compliance with the FCC action timeline of 90 days.

Staff has also suggested an amendment to 17.10 Development Standards, .050 Supplemental Standards in correlations with 17.20, Telecommunications Facilities. The section title Exceptions to Height Limitations has been deleted.

#6 Discussion - Title 17.18 - Sensitive Areas

Staff and commission discussed Title 17.18 – Sensitive Areas. The ordinance for sensitive areas needs to be specific and yet flexible to make it useable. The focus and reasoning for a sensitive area needs to be based on health, safety, and welfare. The county does not need additional laws for endangered and threatened animals, vegetation, etc. because the Federal and State governments have already regulated those areas. This creates a more formal process and identifies the process for applicants to reference for sensitive areas. The commission asked whether or not canals should be included in the sensitive areas ordinance. Currently canals are not identified as sensitive areas. State law requires that the county notify the canal company when development occurs and it does require that the canal map all canals. Staff will review the ordinance and address canals therein.

6:36:00

Adjourned

STAFF REPORT: ROSE HILL SUBDIVISION REZONE

06 March 2014

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Stephen Eliason
Staff Recommendation: None
Type of Action: Legislative
Land Use Authority: Cache County Council

Parcel ID#: 11-048-0008,
 11-048-0010, and 11-048-0017

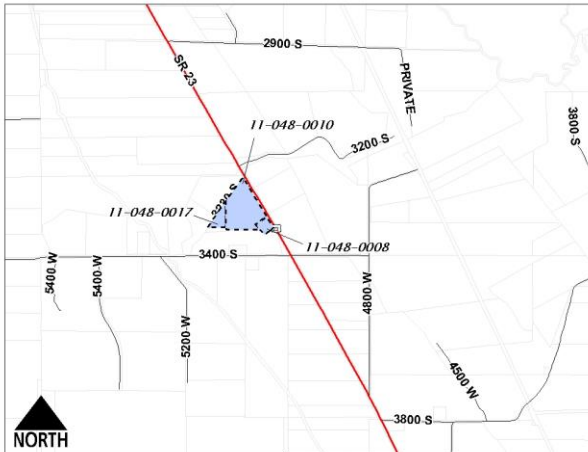
LOCATION

Reviewed by: Stephanie Nelson, Planner I

Project Address:
 3230 South HWY 23
 Wellsville, Utah 84339
Current Zoning:
 Agricultural (A-10)

Acres: 11.48

Surrounding Uses:
 North – Agricultural/Residential
 South – Agricultural/Residential
 East – Agricultural/Residential
 West – Agricultural/Residential



Purpose, Applicable Ordinance, and Summary

Purpose:

To review and make a recommendation to the County Council regarding the proposed Rose Hill Subdivision Rezone.

Ordinance:

The current Cache County Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone. The Cache County Comprehensive Plan does not currently support the RU2 Zone.

The Cache County Ordinance Title §17.08.030[C][3] requires that development within the Rural 2 (RU2) Zone must be appropriately served by suitable public roads, have access to necessary water and utilities, and have adequate public service provision.

Any impacts related to permitted development and conditional uses allowed within the Rural 2 (RU2) Zone shall be addressed as part of each respective approval process required prior to site development activities.

Summary:

Staff has identified general information as pertains to the context of the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map and in the following text:

Property Context: There are existing homes on parcel numbers 11-048-0008 and 11-048-0017. The requested rezone would allow up to five lots total, or three additional dwellings, on the 11.48 acre property. This property is located entirely in the floodplain.

Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of said zone was the areas of the unincorporated county adjacent to municipalities. This proposed rezone does not reflect that initial intent as this property is not adjacent to a municipality.

Density (see map): Within a one-mile radius of this parcel, the surrounding vicinity is comprised of parcels with an average parcel size of 15.22 acres. Of the parcels that have homes on them the average parcel size is 8.2 acres.

Maintenance Capability: The approval of the RU2 Zone in locations that are distant and/or not adjacent to municipalities increases the maintenance burden and cost to the county. 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.

Access: Access to this property is from SR 23 and is adequate.

Service Provision: Access for emergency services is adequate. Water supply for fire protection will be provided by Wellsville Fire Department.

Public Comment:

Notices were mailed to the property owners located within 300 feet of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

STAFF DETERMINATION





This report has been provided to the Planning Commission and County Council to assist them in their review of this rezone request. No determination or finding(s) of fact has been identified by staff, however all relevant information regarding the rezone request has been provided.

Staff recommends that the Planning Commission and County Council strongly consider the intended location of the RU2 Zone and the long term cost and burden to the county associated with high density areas, and arrive at a determination based on finding(s) of fact prior to any legislative action. Staff will assist in the drafting of a determination and finding(s) of fact once they have been identified by the Planning Commission and/or County Council.

Mendon

Legend



-  Proposed Rezone
-  Parcel With Homes
-  One Mile Buffer
-  Parcels

Average Parcel Size: 15.22 Acres
Average Parcel Size With a Home: 8.2 Acres

STAFF REPORT: FALSLEV AGRICULTURE PROTECTION AREA

06 March 2014

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Michael and Pauline Falslev
Staff Determination: Approval
Type of Action: Legislative
Land Use Authority: Cache County Council

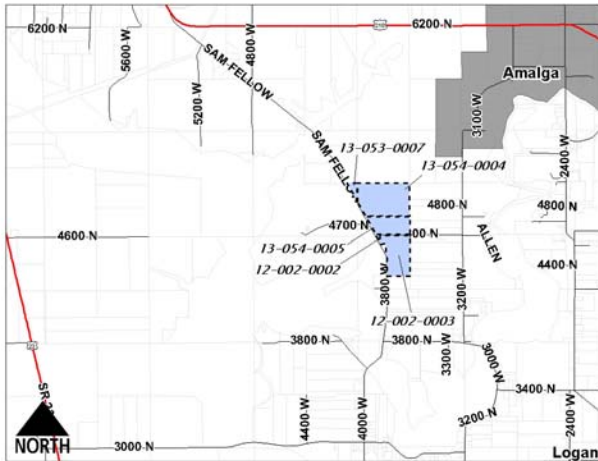
Parcel ID#: 12-002-0002, 0003, 13-053-0007,
 13-054-0004, and 0005

PROJECT LOCATION

Reviewed by: Chris Harrild, Planner II

Project Address:
 4800 North 4000 West
 Southwest of Amalga
Current Zoning: Agricultural (A-10) **Acres:** 196.66

Surrounding Uses:
 North – Agriculture/Amalga
 South – Agriculture
 East – Agriculture
 West – Agriculture



PROJECT PURPOSE, ORDINANCE, SUMMARY, AND PUBLIC COMMENT

Purpose:

The Cache County Executive has forwarded an application to the Planning Commission for a review and recommendation to the County Council regarding the request for an agriculture protection area.

Ordinance:

State Code §17-41-305 provides specific criteria to be applied when evaluating a proposal for the creation of an agriculture protection area. These criteria are addressed in the summary. County Code §2.70 specifies there be a minimum of 5 contiguous acres in each agriculture protection area.

Summary:

County road 4600 North bisects, and 3800 West (Sam Fellow Road) borders this property. It is necessary for the county to recognize and hold open a 66 foot wide Cache County right-of-way (33 feet each side of center line) for 4600 North and 3800 West.

As per State and County Code, the following criteria have been considered:

- Is the area proposed greater than 5 acres in size?
Yes. The contiguous acreage is 196.6 acres in size.
- Is the land currently being used for agriculture production?
Yes. It is currently used for the production of corn, wheat, and barley and also for the raising of livestock (hogs).
- Is the land zoned for agricultural use?
Yes. The land is currently in the Agricultural (A10) Zone.
- Is the land viable for agriculture production?
Yes. This noted parcels are viable for agriculture production.
- What is the extent and nature of the existing or proposed farm improvements?
Improvements proposed and currently in process consist of barns for livestock and irrigation system improvements.
- What are the anticipated trends in the agricultural and technological conditions?
This is a sizeable piece of agriculture, has functioned as such, and will likely continue to function in that manner into the future.

Public Comment:

Notice to surrounding property owners has been provided as per State Code. No public comment regarding this proposal has been received by the Development Services Office.

STAFF DETERMINATION AND FINDINGS OF FACT (3)

It is staff's determination that the request for a agriculture protection area for parcels 12-002-0002, 12-002-0003, 13-053-0007, 13-054-0004, and 13-054-0005, located in the Agricultural (A-10) at approximately 4800 North 4000 West is in conformance with the Cache County Ordinance and State Code and should be approved. This determination is based on the following findings of fact:

1. The Falslev Agriculture Protection Area has been reviewed in conformance with, and meets the requirements and criteria of, §17-41-305 of State Code and §2.70 of the County Code.
2. The Falslev Agriculture Protection Area has been revised and amended to address the issues and concerns raised within the public and administrative records.
3. The Falslev Agriculture Protection Area shall not include any portion of the 66 foot wide Cache County right-of-way, reflecting 33 feet of each side from the center line, for county roads 4600 North and 3800 West.

Telecommunication Structures in Unincorporated Cache County

Parcel Number	Structure Type	Structure Height (feet)	Zone
16-001-0009	Stealth	30	FR40
10-002-0013	Lattice	40	PI
13-004-0006	Lattice	40	A10
13-070-0001	Lattice	40	A10
08-020-0001	Monopole	50	PI
10-004-0006	Monopole	50	FR40
13-070-0001	Lattice	50	A10
13-070-0001	Lattice	60	A10
04-061-0002	Monopole	74	A10
08-020-0001	Monopole	80	PI
10-002-0013	Lattice	80	PI
13-004-0006	Lattice	80 (to be built)	PI
05-049-0015	Lattice	99	PI
02-117-0032	Monopole	100	PI
13-060-0006	Lattice	100	A10
11-052-0001	Monopole	100 (to be built)	PI
10-042-0015	Lattice	120	A10
12-033-0055	Monopole	120	A10
08-020-0010	Lattice	140	PI
01-061-0015	Monopole	150	PI
08-020-0001	Monopole	150	PI
13-004-0009	Lattice	150	A10
08-020-0010	Lattice	140 (160)	PI
11-052-0001	Lattice	350	A10
11-052-0010	Lattice	350	A10

25 Structures	Structures ≤ 80'	12
	Structures ≤ 100'	16
	Structures ≤ 125'	18
	Structures ≤ 150'	22

Excepting the towers with a height of 350 feet:

Avg. height:	86.15 feet
Median height:	80 feet

