



PLANNING COMMISSION MINUTES

02 JANUARY 2014

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Present: Chris Sands, Rob Smith, Clair Ellis, Chris Allen, Jason Watterson, Josh Runhaar, Chris Harrild, Stephanie Nelson, Megan Izatt

Start Time: 5:32:00

Sands welcomed and **Watterson** gave opening remarks/pledge.

5:33:00

Agenda

Item #1 was postponed until next month; the rest of the agenda was passed with no changes.

Minutes

The minutes from November 7, 2013 were passed with the addition of Leslie Larson to the present line.

05:35:00

Regular Agenda Items

#1 Elections

Postponed until February meeting.

#2 Discussion: Amendments to Titles 16 and 17

Harrild reviewed the amendments to Titles 16 and 17:

16.02.050 and 16.02.070 – Amendments regarding subdivision amendments and boundary line adjustments that bring the county ordinance into compliance with state code. State code has been amended and has removed counties authority in the review and approval of boundary line adjustments. Staff is working to resolve how to handle illegal boundary line adjustments that occurred prior to the change of state code. This does not affect a boundary line adjustment within a subdivision. Any change within a legally recorded subdivision qualifies as a subdivision amendment.

16.03.030 [C][9] – “Government control monuments” was replaced with “Cache County section corners”.

16.03.030[D-E] – D-H moved to become C-G. Preferred scale clarified.

16.03.040 [A] - placement of setbacks on final subdivision plat clarified.

The recommendation from the county surveyor was to identify subdivision setbacks on the preliminary plat and that it is not necessary to include them on the final plat.

16.04, 17.07.040, and 17.10.060 – The term “development agreement” replaced with the term “improvement agreement”.

A development agreement is something different than what we currently do so it has been replaced with improvement agreement to clear up any miscommunications.

17.07.040 – the term “density” defined.

The term is now defined as follows:

Density: the number of net acres required per dwelling unit as specified in Table 17.10.040. Net acreage shall be calculated by taking the total gross acreage and subtracting non-developable sensitive areas (e.g. wetlands, open water, steep slopes) and the area in the rights-of-way for public roads.

Roads and road rights-of-way are not included in the calculation for density. That land is also not taxed where it is owned by the county. This does have the possibility to create some non-conforming lots in the county. If a home or building is in the right-of-way the county will either have to buy the home or building or replace it as part of the cost of widening the road. The county does encourage farmers to farm right up to the edge of the road and also allows barbwire fences right along the edge of the road. Setbacks begin beginning at the edge of the right-of-way.

05:57:00

#3 Discussion: Telecommunication Facilities

Harrild reviewed information to help in shaping a telecommunication facilities ordinance. Currently if a telecommunication tower request is received to expand an existing conditional use permit (CUP) they have to first rezone the property and then apply for the CUP. Many of the telecommunication towers in the county have not been rezoned are considered a non-conforming use. If development or expansion is proposed on any of those properties, the rezone process is necessary as permits are not issued on a parcel with a non-conforming use.

Staff and Planning Commission discussed doing a possible rezone of all current tower properties that are non-conforming. That is going to require that staff review every site and look into any concerns or problems with each site. The biggest issues for telecommunication towers are height and the ability to co-locate. If the county manages telecommunication towers well then the county doesn't end up with lots of ugly structures and eyesores. Staff doesn't want to write too many design restrictions into the code so that it can be more site specific based on the area it will be in. The number of antennas/dishes needs to also be left open to some interpretation like the tower type. You can limit the number based on co-location points. Coverage maps will be required to help determine the height of tower needed. The applicant is going to need to justify the height of a tower. Some commissioners suggested that if a tower is co-locating on an existing structure and is not adding too much additional height to that structure a rezone would not be necessary; however if the applicant were to go higher than 40 feet it would require a rezone. The setback will need to be equal to the height of the tower. Staff suggested that if a telecommunication tower were to apply for a new building/generator/cabinet or adding co-locations that it would be a director/zoning clearance. There would still be requirements the applicant would have to meet, such as uses BLM color swatches for color of materials, but the process would be simpler.

06:31:00

#4 Discussion: Title 17.18 – Sensitive Areas

Harrild reviewed the current sensitive areas section. The sensitive areas currently include non-developable and potentially developable areas. Some of the issues that have come up include crucial wildlife habitat. Currently the entire county qualifies as crucial wildlife habitat. Any development in those sensitive areas is considered a conditional use and must follow that process. While this has not been actively enforced, this requires all structures to work through some sort of sensitive areas assessment process. Staff has identified some considerations to help the ordinance function:

Is there a more detailed habitat layer that can be used?

Focus on threatened and endangered species only?

Focus on state and/or federally recognized sensitive, specially valued, threatened, endangered etc. species?

Require a wildlife/habitat report?

Require a development plan (combination of letter of intent, site plan, and new construction details for CUPs and subdivisions)?

Improve detail of wildlife component, i.e., corridors, nesting, feeding, watering, etc.?

How to prevent fragmentation, impairment, alteration, etc.?

Mitigation strategies?

What is the best way to tie all of this to the ground?

Endangered and threatened plant species as a sensitive area?

Staff also noted that a ridgeline policy needs more research. Staff questioned if the commission wanted to include anything on prehistoric, historic, and cultural resources as sensitive areas.

Staff would also like to include wording for shallow water table areas that basements and sub grade structures may be prohibited.

07:00:00

Staff Reports

Cherry Peak will not be open this season due to weather and other issues. There has been a district court filing regarding the North Valley Landfill approval issued by the County Council. The county has not been served on that yet. The last two proposals for the RU 2 zone were presented at the last County Council meeting and will be discussed at the next meeting. Staff expressed concerns regarding adding new roads with new developments. There is not enough money to support the current infrastructure and adding to that burden is causing problems. The county eliminated all but one capital project this past year and that project wasn't eliminated because the county had been stockpiling the resources for.

Adjourned

7:12:00