



**PLANNING COMMISSION MINUTES**

**06 MARCH 2014**

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**Present:** Stephanie Nelson, Chris Harrild, Josh Runhaar, Rob Smith, Chris Sands, Jason Watterson, Brady Christensen, Leslie Larson, Jon White, Megan Izatt, Denise Ciebien

**Start Time:** 05:32:00

**Sands** welcomed and gave opening remarks

### Agenda

Passed with no changes.

### Minutes

Passed with no changes.

**05:36:000**

### Regular Action Items

#### #1 Public Hearing – 5:40: Rose Hill Subdivision Rezone (Stephen Eliason)

**Nelson** reviewed Mr. Stephen Eliason's request for 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. There are two existing homes and the requested rezone would allow up to five lots total, or three additional dwellings. The property is located entirely in the floodplain. Staff has received comment from one neighbor and it was in support of this rezone. Staff noted that the County Council is likely to table rezone requests to the RU2 and RU5 zones until further consideration, in the form of a general plan, has been made as to the placement of said zones. However, the Planning Commission is encouraged to continue to provide a recommendation to the County Council as per usual.

**5:41:00**

*Larson motioned to open the public hearing for the Rose Hill Subdivision; **Smith** seconded; **Passed 5, 0.***

**Steve Eliason** this is all family ground right here and my sister wants to build a home so we need at least one more building lot. The plan is for the land to stay in the family, there is no plan to sell.

**Kimball Probst** I live across the street and was curious about the RU zone. As I read it the RU zone should be adjacent to cities so I'm just trying to understand what is going on. I'm not opposed to houses but am curious if this is the best zone for this area.

**Harrild** that is the discussion with the Council.

**Mr. Probst** I'm not opposed to more houses here, I'm just trying to understand the zone and how it affects the area. What happens after this rezone happens?

**Runhaar** this does set a precedent for the surrounding area and that is part of the concern that we have seen and part of why Council is reconsidering the placement of these types of rezones.

**Mr. Probst** I'm not opposed to houses across the street and that is not why I'm here. I'm just trying to understand.

**5:45:00**

*Larson motioned to close the public hearing; Watterson seconded; Passed 5, 0.*

**Staff and Commission** discussed the rezone. Rezones for the RU zones have been handled on a case by case basis in the past and really depend on the character of the area around the rezone. Access was discussed with UDOT and UDOT has approved their plan for access. There would be no additional access on to SR 23; access for the new lots would be from the established driveway.

**Mr. Eliason** at the time I built my driveway, the county required a deed for a 50 foot right of way.

**Harrild** regarding the two adjacent private access drives, there is fence between them and they are separately and privately maintained. UDOT did specify that if a subdivision were to occur, the apron within the SR 23 right-of-way would need to be paved.

**Mr. Eliason** the plan is for this to stay in the family.

**Staff and Commission** discussed roads. At this point the county would not be responsible for the maintenance of this road. The county is working on signage for private roads so that it is more recognizable which roads are private and which roads are public.

**Devron Anderson** I'm a licensed land surveyor and we have submitted all the information regarding the flood plan to a civil engineer and onto FEMA to remove these lots from the flood plan. My next questions is couldn't it be written into the covenants that this road would remain private forever?

**Runhaar** yes we can, but that doesn't mean that the buyers are going to research that out and that we won't get calls regarding this road in the future.

**Sands** I know to you, Mr. Eliason, this rezone doesn't seem like a big deal but we as commissioners have to look at the big picture. Does putting this zone here open the door for other landowners on SR 23 to want this same thing? That is something that we have to look at and decide.

**The Commissioners** some are nervous about the jump in density from A10 to RU2. However, for this particular rezone it doesn't seem to affect the area too much. This is an existing triangle of land that already has two homes on it and it does have adequate access to utilities. With the right qualifiers some commissioners would be in favor of this rezone.

*Larson motioned to recommend the Rose Hill Rezone to the County Council with the findings of fact as discussed; Smith seconded; Passed 5, 0.*

**Planning Commission Findings of Fact:**

1. *The location of the subject property is compatible with the purpose of the proposed Rural 2 zoning district and is appropriately served by a major state highway corridor, does not require additional highway access, has access to necessary water and utilities, and 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.*
4. *The existing cluster of homes forms a perimeter for the placement of potential development as infill to the existing subdivision.*
5. *The scale of the subject property, when used for the permitted uses in the Rural 2 zoning district, would be compatible with adjoining land uses.*

6:23:00

**#2 Agriculture Protection Area (Michael B. & Pauline Falslev)**

**Harrild** reviewed Mr. Michael B. & Ms. Pauline Falslev's request to place 196.6 acres of property in the Agricultural (A10) Zone into an Agriculture Protection Area located at approximately 4800 North 4000 West, southwest of Amalga. Currently the property is used for the production of corn, wheat, barley and hogs. Agriculture Protection Areas give the landowners an additional protection against nuisance complaints. The main concern to be addressed is the asserting that the adjacent and bisecting county roads are not placed within the agriculture protection area as it would restrict any future road improvements. This has been addressed in the staff report findings which preclude the 66 foot wide right of way from the protection area.

*Smith* motioned to recommend approval of the Falslev Agricultural Protection Area with the stated findings of fact to the County Council; **Christensen** seconded; **Passed 5, 0.**

6:31:00

**Discussion – Telecommunication Facilities**

**Staff and Commission** discussed the proposed telecommunication facility ordinance. Included in the Commissioner's packet is a list of all the telecommunications structures in the County, and lists their height, structure type, current zone, and the parcel number of their location. In the past commissioners have tried to keep telecommunications structures under 100 feet. Staff expressed the opinion that in the valley it probably makes sense to have a taller tower and encourage co-location but up in the hills it would be better to have shorter towers because they will be less noticeable. The proposed ordinance does have height cap of 45 feet, but also allows the commission the ability to reduce or waive the height restrictions listed upon the request of the applicant and if the applicant can show a need for a greater height. Also, the commission would like to retain the sentence in the ordinance that states: As applicable, a statement that the proposed Support Structure will be made available for co-location to other service providers at commercially reasonable rates.

7:08:00

**Discussion – Title 17.18 Sensitive Areas**

**Runhaar** Currently if a parcel is listed in a sensitive area any development requires a conditional use permit, and the entire valley is currently listed as a sensitive area. The current ordinance is overly broad, encompassing too much.

**Harrild** reviewed the proposed amendments. Staff has been working to define the extent of sensitive lands in the county and to create more precise ordinance direction. Staff's focused on defining sensitive areas based on the intent to protect the general health, welfare, and safety of the citizens of Cache County. The sensitive areas analysis has been addressed as non-developable and potentially developable areas. Canals and ridgelines are new additions. Staff has also gathered data regarding sensitive species to help determine the flora and fauna habitat necessary for inclusion as sensitive areas. An example of this is the Maguire Primrose that is only located in Logan Canyon. As a federally listed species, the habitat has been identified as an important habitat area. Commissioners would prefer that the ordinance state that for wildlife and flora that the species be identified by federal agencies as threatened or endangered to help determine what needs to be in sensitive areas in the county and to help decide when a habitat management plan would be required. Setbacks were discussed and some word changes made to the ordinance regarding the limitations. Ridgelines were discussed. If a development wants to build on the ridgeline the applicant is going to have to supply an analysis that meets the ordinance requirements.

**Staff** noted that they would set and notice a public hearing for both ordinance pieces for the next planning commission meeting on April 10, 2014.

**Staff Report**

**Runhaar** DD Auto and Salvage has been issued another extension. He does have a permit to build his decorative masonry wall and he has until September before reporting back to the County Council.

**7:46:00**