



**PLANNING COMMISSION MINUTES**

**09 JULY 2015**

<u>Item</u>	<u>Page</u>
1. Marcus Subdivision.....	2
2. Upper High Creek Canal Conditional Use Permit.....	3
3. Little Bear Field Subdivision.....	4
4. Discussion: Title 17.07 - 5100 Recreational Facility.....	5
5. Staff Reports... ..	5

1 **Present:** Stephanie Nelson, Josh Runhaar, Jason Watterson, Brady Christensen, Rob Smith, Chris Sands,  
2 Lane Parker, Leslie Larson, Jon White, Lee Edwards, Megan Izatt

3  
4 **Start Time:** 05:30:00

5  
6 **Sands** welcomed and **Parker** gave opening remarks

7  
8 **05:33:00**

9  
10 **Agenda**

11  
12 Adopted with no changes.

13  
14 **Minutes**

15  
16 Adopted with no changes.

17  
18 **05:34:000**

19  
20 **Consent Items**

21  
22 *Smith* motioned to move item #1 to the regular action items; *Larson* seconded; **Passed 6, 0.**

23  
24 **#1 Marcus Subdivision (Todd Marcus)**

25  
26 **Nelson** reviewed Mr. Todd Marcus's request for a recommendation of approval to the County Council for  
27 a 2-lot subdivision on 77.55 acres of property located at 7561 West 1000 South, Mendon in the Forest  
28 Recreation (FR40) Zone and Agricultural (A10) Zone. This proposal is to correct the existing parcel  
29 configuration by dividing parcel number 11-095-0007 into two (2) developable lots that reflect the  
30 existing zoning. There is an existing home on the 37.55 acres proposed Lot #1 in the A10 zone. Lot #2,  
31 the FR40 zoned parcel, is vacant. Access to the existing dwelling is from county road 1000 south and is  
32 no adequate for further residential development. However, given that the new lot is in the FR40 zone and  
33 would only all a recreational cabin, and that access to a cabin only requires a 12' wide gravel roadway,  
34 the existing access is acceptable. Due to the steepness of 1000 South, residents in this area share a  
35 frontload dumpster located at the Mendon City shop at approximately 350 West 200 North (1000 South).  
36 There are moderate and steep slopes located within the subdivision boundary. Any development  
37 including roadways, within moderate slope areas shall require further geotechnical review.

38  
39 **Gaylen Baker** I own property to the north of this. The road up there is terrible. It washes every time the  
40 water comes down there. They had a fire up there when one of Marcus's sheds burned and the fire  
41 department had a very hard time getting up there and finding it. The house that is up there was originally  
42 a recreation house. We've had a lot of problems with Marcus; he is a terrible neighbor. They built a  
43 cabin there illegally when this was done. They didn't have a building permit. We also have had  
44 problems with the fence. He left all the material for the old fence there and it's cut the cattle and the  
45 horses and we've also had problems with them cutting fences and running ATVs and snowmobiles up  
46 there. We've had problems with him having animals up there and letting them roam. He had a bull that  
47 impregnated several cows and we couldn't sell them. The spring up there, we own Richard's springs up  
48 there, and he has already tried to file on that so he can have a fish pond. The road problem is a big issue.  
49 He blocked Randy Stacey from gaining access to his cabin up there and that had to go to court.

1 **Carl Baker** I used to farm all this land up there. Kids with four wheelers used to go up there and run  
2 over the crops so we didn't get much up there. I've had cattle tied up with him and couldn't go over and  
3 get them because they've locked everything up. I know as we get more people in there, there are going to  
4 be a lot more problems with fire. That's already burned once and I would hate to see that happen again.  
5 They are only supposed to be there a 180 days but they are there year round now. It's a beautiful area and  
6 I would like to see it stay the way it is for our kids and the future. I hate to have a subdivision there  
7 because we already have problems with the home down below. I hate to see this go in.

8  
9 Staff and commission discussed the Marcus Subdivision. The subdivision currently meets all the  
10 requirements of the ordinance. Occasionally the county receives complaints regarding cabins being lived  
11 in more than 180 days but it's very hard to regulate that issue. Everyone is required to have a building  
12 permit to build a cabin or expand any existing home/cabin. Most of the problems that have been  
13 explained to the commission are not something the commission has authority over. The road is a big  
14 issue and the county struggles to keep that road open but the county will not pave that road just for cabins.  
15 1000 south does meet county requirements but does narrow down further up.

16  
17 *Parker* motioned to recommend approval to the County Council for the Marcus subdivision with the  
18 stated conditions of approval and findings of facts; *Smith* seconded; **Passed 6, 0.**

19  
20 **05:58:00**

21  
22 **Regular Action Items**

23  
24 **#2 Upper High Creek Conditional Use Permit (Alex Vaz)**

25  
26 **Nelson** reviewed Mr. Alex Vaz's request for approval of a conditional use permit (CUP) to allow the  
27 piping of Upper High Creek Canal and the addition of two structures, located along Upper High Creek,  
28 north of Richmond (Agricultural (A10) Zone). This use falls under "6220 Utility Facility, Distribution"  
29 and is a permitted use in the A10 zone. Part of this project does fall within Richmond City's jurisdiction.  
30 The intent is to pipe the existing canal to conserve and better manage the water supply. The proposed  
31 pipeline will generally follow the existing canal alignment and will range in size from 36" to 15" in  
32 diameter. At two locations, the new pipeline deviates from the existing canal and follows the County  
33 rights-of-way on High Creek Road and Upper Richmond Road. There are two buildings proposed to  
34 house irrigation valves and turbines. This facility will typically operate on a daily basis and include  
35 inspection and maintenance as necessary. Access to the site is via High Creek Road and Upper Richmond  
36 Road and is adequate. Any road cuts and work done in the county right-of-way must comply with county  
37 standards. This has been reviewed by the storm water department of the county and the review indicates  
38 that said realignment may impact adjacent properties and/or structures dependent on the actions of the  
39 property owners in filling in, or leaving and maintaining the abandoned portions of the canal as is.  
40 Notices were sent out and no comment has been received.

41  
42 It is common for a conditional use permit (CUP) to be sought when a canal company is going to pipe  
43 water. This can be a contentious and concerning project and standard permitting process might miss  
44 things. A CUP requires that the company sit down with everyone and go through all the issues. The  
45 pipeline is about 3 miles long and some of that pipeline is in Richmond City's jurisdiction. Staff noted  
46 that condition number two states that where the existing canal alignment is to be abandoned the Canal  
47 Company must notify those property owners that the canal will no longer be there. Any problem that may  
48 happen after the canal is moved it is the private property owner's responsibility and is no longer the  
49 problem of the Canal Company. Condition number two was edited to read that the Canal Company will  
50 provide evidence of notice to the property owners.  
51

1 **Larson** motioned to approve the Upper High Creek Conditional Use Permit with the three findings of  
2 facts and four conditions of approval with the recommended amendment of the word evidence on  
3 condition #2; **Christensen** seconded; **Passed 6, 0.**  
4

5 White asked about what would happen to the storm water that the abandoned section of canal currently  
6 catches once that route was abandoned. Chris Harrild and the storm water inspector walked the entire  
7 route of the canal and felt that the amount of storm water runoff that the canal catches is negligible.  
8

9 **06:31:00**

10  
11 **#3 Little Bear Field Subdivision (Kyler Archibald)**  
12

13 **Runhaar** reviewed Mr. Kyler Archibald's request for a recommendation of approval to the County  
14 Council for a 1-lot subdivision and agricultural remainder on 6.19 acres of property located at 4341 South  
15 3600 West, Wellsville (Agricultural (A10) Zone). Typically this would be done administratively but due  
16 to the roadway issues it was brought before the Commission. Access to the property is from county road  
17 3600 West and is inadequate. There are no services provided down this road by the county and fire trucks  
18 cannot access this subdivision. Typically the county would require the road to be brought up to standards  
19 to mitigate those concerns, but the County Council has to approve the expansion of services to this  
20 property. Staff has recommended a denial due to the lack of services and inadequate roadway. If the  
21 County Council were to opt to increase the level of service provided on 3600 West, the proponent may be  
22 permitted to make the necessary improvements to 3600 West.  
23

24 **Kyler Archibald** there is a home down that road currently and the road width is the same all the way  
25 down. We have submitted for our survey of a turnaround as well. There is a home down that road that is  
26 in the unincorporated area of the county not Wellsville City. The owner of the property has been doing  
27 the snow removal and the county has been grading the road.  
28

29 **Runhaar** we don't plow the road that I am aware of and that house was built before the road standards  
30 were adopted so they were likely grandfathered in.  
31

32 **Archibald** the homeowner has been removing the snow.  
33

34 **Sands** if they were to come in and want to subdivide today, they would have to go through the same  
35 requirements that you are.  
36

37 **Runhaar** if he built that now, he would be required to meet the same standards you are being held too.  
38

39 **Archibald** so how do you service that with a fire truck?  
40

41 **Runhaar** the road was built before the road requirements were in place and if a fire truck can't down  
42 there we can't provide that service. If that home caught fire and a fire truck couldn't get there it would  
43 burn.  
44

45 **Edwards** reminded the audience to use the mic for the record.  
46

47 **Runhaar** the road is a substandard road and does not meet code for further development. The home there  
48 might be doing the snow removal but there is nothing I can do about that. The council has to approve the  
49 expanded services.  
50

51 **Watterson** is that a 1970 parcel?

1  
2 **Nelson** it is a 1970 parcel. This originally would have gone to Josh for administrative approval where it  
3 is a one lot subdivision but because of the service and road issues it needed to come here and before  
4 council.

5  
6 **Archibald** from the telephone pole to the ditch is 22 feet and there is vegetation growing on the east side  
7 of the ditch.

8  
9 From aerial photos Staff looked at the roads and there is a widening and narrowing of the road from 15  
10 feet to 12 ½ feet. Even if the road was improved, Staff cannot administratively approve the expansion of  
11 services to this area. The County Council will have to approve the expansion.

12  
13 **Archibald** so I can't do the plowing?

14  
15 **Runhaar** no, the county is liable for any work done there and cannot allow private citizens to do the work  
16 there.

17  
18 Staff is recommending denial at this level because the expansion of services is a legislative body's action.  
19 The County Council has to vote on that action. If this goes to the council and they approve the expansion  
20 of services, staff will reprocess the application and go from there.

21  
22 **Runhaar** when this goes to council, your argument will be that the county should expand services to this  
23 area. If that approval occurs, the road will still need to be widened and a turnaround provided and your  
24 driveway cannot be the turnaround.

25  
26 **Christensen** motioned to recommend denial to the County Council with the stated findings of facts; **Smith**  
27 seconded; **Passed 6, 0.**

28  
29 **06:32:00**

30  
31 **#4 Discussion: Title 17.07 - 5100 Recreational Facility**

32  
33 **Runhaar** reviewed the current definition of Recreational Facility. Currently the definition states that  
34 recreational facilities must charge a fee and the county has no way to determine if places are charging fees  
35 so staff is recommending that the fee be taken out and a or be added into the definition.

36  
37 **Larson** motioned to recommend approval to the County Council for the changes to the Recreational  
38 Facility definition as noted; **Smith** seconded; **Passed 5, 1 (Watterson opposed).**

39  
40 Staff and commission discussed what constitutes a recreational facility. If you have a family that builds  
41 motocross track and only they use it that is not a recreational facility. However, if the family builds a  
42 track and opens it and several people every weekend and start to charge to use it; that turns into a  
43 recreational facility.

44  
45 **Staff Reports**

46  
47 Staff will contact all the commission members to check for a quorum for the August Planning  
48 Commission and the meeting may have to be moved.

49  
50 Staff handed out a draft copy of the capital improvements plan to the commission. The county is working  
51 on the roadway maintenance/building budget and has pulled off most of the projects due to lack of

1 funding. Almost all of the funding has been funneled to maintenance. Gas tax has been increased by  
2 about 5 cents and will hopefully make the budget meet all the maintenance requirements but will leave  
3 nothing for expanding services or new projects. The project marked in the green is being funded by  
4 Logan City due to annexation of that intersection. The yellow projects are being pulled off due to lack of  
5 funding. The maintenance side is moving along and trying to get all the maintenance work done possible  
6 for this year. Staff has deleted roads from the maintenance list that lead to single home or farms and  
7 those roads will revert to gravel roads. The county will grade them but will no longer pave them.

8  
9 **Adjourned**

10  
11 **6:53:00**