



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 August 4, 2016 meeting.

5:35 p.m.

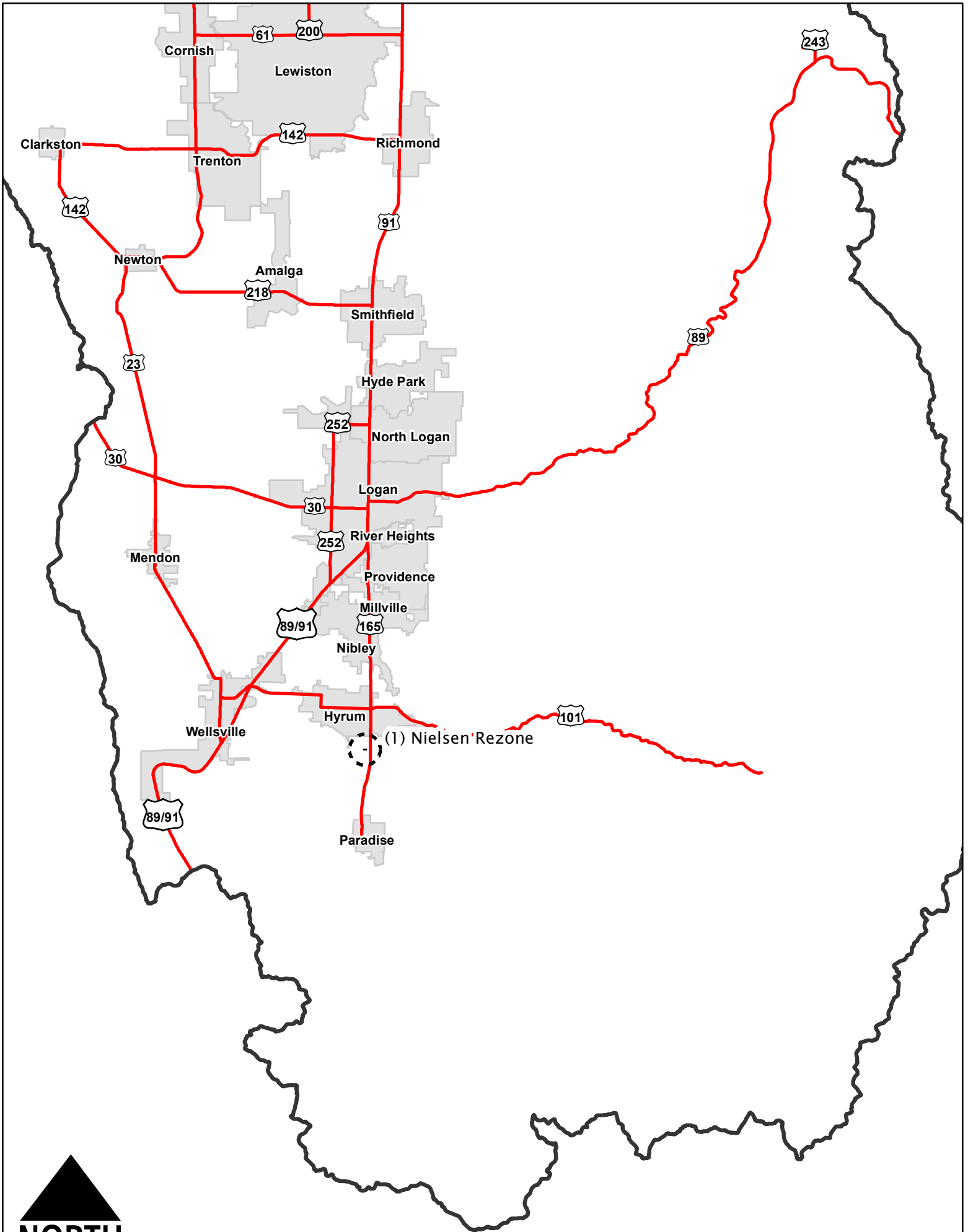
Regular Action Items

- (1) **Public Hearing (5:35 PM): Nielsen Rezone** — A request for a recommendation of approval to the County Council for a rezone of 5 acres of property at 100 West 6600 South, south of Hyrum, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
- (2) **Discussion** – 17.23 Sign Standards

Board Member Reports

Staff reports

Adjourn



NORTH



PLANNING COMMISSION MINUTES

04 August 2016

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1 **Present:** Jacob Adams, Chris Harrild, Josh Runhaar, Megan Izatt, Lee Edwards, Brady
2 Christensen, Rob Smith, Chris Sands, Phillip Olsen, Nolan Gunnell, Lane Parker

3
4 **Start Time: 05:47:00**

5
6 **Smith** welcomed and gave opening remarks

7
8 **05:48:00**

9
10 **Agenda**

11
12 Adopted with no objection.

13
14 **Minutes**

15
16 Approved with minor edits on page 2.

17
18 **05:50:00**

19
20 **Regular Action Items**

21 **#1 Darrel's Appliance Subdivision 1st Amendment (Jeff Ricks)**

22
23 **Adams** reviewed Mr. Darrell Ricks' request for a recommendation of approval to the County
24 Council to create a new lot (Lot 3) from the existing Lot 1 of the Darrell's Appliance
25 Subdivision at approximately 3390 North and 2400 West in the Agricultural (A10) Zone. This
26 was previously continued from the July 7, 2016 meeting. At that time staff needed time to
27 confer with legal counsel regarding the county's density requirements and the application of
28 development potential. Under current zoning (A10) the requested lot would exhaust the
29 development potential within the subdivision boundary and no further division would be
30 possible. The owner of record of the existing Lot 2 is the larger of the two parcels and is where
31 the development potential is located as measured by the available acreage. This owner is
32 therefore affected by the proposal and their signature is required on the proposed plat prior to
33 recordation. A design exception would be required for the paved width of 2400 West; all other
34 utilities and services have no issues. Fire protection has been reviewed by the Cache County Fire
35 Marshall's office.

36
37 **05:51:00**

38
39 **Gunnell** arrives.

40
41 **Jeff Ricks** (proponent) nothing has changed since the last meeting but I can answer any
42 questions.

43
44 **Brad Reese** (owner of record of lot with development potential) we haven't changed our feelings
45 about this either. We feel like this will hurt us and we won't be able to continue to split our lot
46 and are strongly against this. If there is a way to change it so all involved are happy, we would
47 support that.

1
2 *Christensen* motioned to recommend approval to the County Council with the stated findings of
3 fact, conditions, and conclusions as written; *Olsen* seconded; **Passed 5, 0.**

4
5 **05:57:00**

6
7 **#2 Phoebe Meadows Subdivision (James Fournier)**

8
9 **Adams** reviewed Mr. James Fournier's request for a recommendation of approval to the County
10 Council for a four-lot subdivision on 20.5 acres of property at approximately 7900 South 400
11 West, northwest of Paradise, in the Agricultural (A10) Zone. Access will be split between two
12 roads. Lot 4 will be accessed from 7900 south; Lots 2 and 3 will be accessed from county road
13 400 west. The existing dwelling on the proposed Lot 1 already gains access from 7900 South.
14 The applicant has proposed to close Lot 1's 7900 South access and move it to 400 west. 400
15 West is a paved road and does not meet the minimum paved requirement but does meet the total
16 width requirement and staff recommends a design exception be made. 7900 South is a gravel
17 road of varying width, anywhere from 17 to 20 feet, and county winter maintenance is provided.
18 There is not adequate turn around space on this road for large equipment such as garbage trucks
19 or snow plows. A turnaround is required at the west end of 7900 South. Condition 3b was
20 amended to read "Any portions of the turnaround not currently within the county right-of-way
21 must be dedicated to the county or an easement granted to the county."
22

23 **Staff** and **Commission** discussed access; access for Lot 1 will be from 400 West; Lot 4 will have
24 access from 7900 South.

25
26 **6:01:00**

27
28 **Parker** arrived

29
30 **James Fournier** I go by Bear; I represent the subdivision. I have received approval from the
31 State for the water well permits. We have plans to move the current driveway on 7900 South,
32 and the plan is to close that driveway and move it to 400 West and to put a deed restriction on
33 the property to prevent future owners from accessing 7900 South.
34

35 **Olsen** but access for the farm building will be from 7900 south?

36
37 **Mr. Fournier** yes, they pull in to put the hay in and then pull back out.

38
39 **Olsen** and that doesn't pose a problem at all?

40
41 **Mr. Fournier** no.

42
43 **Sandra Nielson** I wondered about the property beyond, the piece down below that little cabin; if
44 at some future point they want to put a dwelling in there would they have to access 400 West,
45 since there would be no opportunity to do that from 7900 South?
46

1 **Harrild** the county has made a break where a road needs to be paved or not. Currently 3 homes
2 do not require a paved road but as soon as a fourth home was to be added, they would have to
3 pave the road to the nearest access point.

4
5 **Ms. Nielson** so the last person has to do the paving?
6

7 **Harrild** correct
8

9 **Ms. Nielson** so by putting these two more homes, then if another home is wanted that home
10 would have to do the paving?
11

12 **Christensen** just to clarify right now there are only two accesses so that should allow for one
13 more?
14

15 **Runhaar** typically when you are dealing with one home at a time, design exceptions are
16 common. But if they were to divide for a subdivision, paving would be required. Typically the
17 philosophy is that the first developer coming in widens the road and sets the base and then the
18 next developer would add the next step for road improvements and so on; it's a step based
19 requirement.
20

21 **Ms. Nielson** there is nothing being developed in the last lot so there are actually four lots?
22

23 **Christensen** even though there are four lots in the subdivision, only one lot is accessing 7900
24 south.
25

26 **Ms. Nielson** so just one house is going to, where is that?
27

28 **Christensen** approximately that last yellow marker on the left side of the property on the map.
29

30 **Paul Murray** my wife and I own the property across from this. The only concern that we have is
31 that road, if you notice the yellow line going east and west, takes a pretty drastic taper from one
32 side of the county access from the other side. I would like to see that road centered in the center
33 of the county's property. That barn you see in the middle of the structure there is about 30-40%
34 in the county and they obviously shifted the road to the north to stay away from that barn. But I
35 think it's only fair that the road be centered on the center of the county property to keep it from
36 crowding the property boundary. We have an irrigation line that runs the full length of that and
37 the road has been slid over for way too many years. If you take the existing fence post that has
38 been there for a long time, if you measure from those posts to the extreme north end of the barn
39 there is only 55 feet on there. So 16 feet of that barn is on the county but the road is just going to
40 keep shifting further and further north and we would like to see that stop. The access of four
41 homes means two more homes could go down 7900 before oil would be required?
42

43 **Adams** before asphalt is required, yes.
44

45 **Mr. Murray** so the existing farm structures have no bearing on access?
46

47 **Adams** that is correct.

1
2 **Staff and Commission** discussed the right of way. The question was asked if it mattered if the
3 road was centered. The county would like to see all roads centered perfectly but that's not
4 realistic. The structure mentioned is not impeding safe access. The width of the road is identified
5 as 21 ½ feet wide and the shed is an additional 18 feet beyond the edge of the existing road. The
6 county establishes from the center of the road a 10 foot travel lane and a 2 foot shoulder and
7 included in a 7-foot wide clear zone; so from the center line of the road to the edge of the clear
8 zone is 17 feet. The shed as shown is pretty close and the County will ask the surveyor to
9 confirm what the distance is and the County has no problems shifting the road to the south if the
10 substructure is good and it makes sense when improvements to the road happen.

11
12 **Gunnell** is it a shed or a pole barn?

13
14 **Adams** it is a very tall pole barn.

15
16 **Ms. Nielson** what does the roundabout entail?

17
18 **Adams** that would be a 90 foot diameter turnaround.

19
20 **Ms. Nielson** so there would be a turnaround near that gate?

21
22 **Adams** yes. It would be the same surface as the road and would be used by emergency vehicles,
23 garbage trucks, or snow plows.

24
25 **Mr. Murray** just for clarifications if we subdivide the property of the Nolan Murray Trust, that
26 would not be measured from the center of the road as it exists now but would go from the center
27 of the county property, correct? I don't care if the road moves but I would like to see it centered
28 on the County's property.

29
30 **Smith** I don't think anything we are doing here is going to change any legal boundaries.

31
32 **Mr. Murray** I understand but I want it on the record that we are not going from the center of the
33 road as it is now. Because if you do that it would put it over in our property; I want 33 feet from
34 the center of what the County owns.

35
36 **Harrild** what you have stated is correct.

37
38 **Mr. Fournier** we have already discussed that relative to that 33 foot setback, on our side of the
39 road we would need to give the county 1.65 feet so that the setback will be there. That is already
40 in the final plat map.

41
42 **Staff and Commission** discussed winter maintenance. As long as the road is frozen enough the
43 county plows it but if it isn't they have to use a grader down the road.

44
45 **Mr. Tony Ray** I live across from this; talking about the hay barn and corrals that are there. You
46 are only allowed so many accesses on that road. The people who buy that are not going to access
47 the corrals from that road? So wouldn't that put one more access on the road?

1
2 **Harrild** the number of accesses are calculated by average daily trips. So the average daily trips
3 are how many trips the average person takes from their home. A single family dwelling typically
4 makes 10 average daily trips and you can have up to 30 daily trips on a gravel road. So that's
5 typically three homes.

6
7 **Mr. Ray** you aren't answering what I'm asking. I'm asking about the access to the corrals; there
8 are enough corrals back there to handle 200-300 head of cattle and will bring up more access
9 then what you are talking about.

10
11 **Harrild** sure; and that's what they look at as an average daily trip ratio. When we look at Ag it
12 doesn't have the impact on the road that a single family dwelling does.

13
14 **Mr. Ray** you keep talking about a single family but you've got corrals that certain times a year
15 are going to have big hay trucks coming in.

16
17 **Runhaar** for Ag access, gravel is fine.

18
19 **Mr. Ray** I know that.

20
21 **Runhaar** we don't require pavement for Ag access.

22
23 **Mr. Ray** I know that but you can only have so many access off that road.

24
25 **Runhaar** residential accesses.

26
27 **Smith** residential is treated different then agriculture.

28
29 **Mr. Ray** so in other words they can have as many corral accesses as they want?

30
31 **Runhaar** you can run a dairy off a gravel road; you can run a really big dairy all day long.

32
33 **Mr. Ray** then how many accesses can they have for that really big dairy?

34
35 **Runhaar** they are going to have however many accesses they have today; they are grandfathered
36 in.

37
38 **Mr. Ray** ok, my next question is was there ever an access or anything provided for those corrals
39 that are back there

40
41 **Runhaar** it was probably built before we had access standards in place. If this was built before
42 15 years ago, we didn't have access standards in place. We deal with what's out there and as
43 things come in we try to improve them as we can. We've got dairy and Ag producers using
44 gravel roads everywhere and we would prefer they do that because there is a lot less wear and
45 tear. So we don't look at the access for Ag uses off gravel roads as an impact to concern
46 ourselves with. It's only when homes are being built out there that paved roads come into play.

47

1 **Leslie Clifton** I can reassure or not reassure that the people that are currently in the process of
2 acquiring that home don't have cattle. They possibly have a couple of horses but they don't have
3 250 cattle or anything like that. We don't know what their future is but they are not cattle people;
4 they don't have any cattle. We don't know what the future would hold with this couple but their
5 future is to have a couple horses or goats but nothing in any large agriculture like that.

6
7 **Smith** just so everyone knows, even if they did, this body does not have any authority over that.
8 Our code deals with residential access, much different then Ag access. As staff has indicated that
9 code changes from time to time; depending on the date of a use affects whether or not it is valid
10 to a large extent.

11
12 ***Gunnell** motioned to recommend approval with the stated findings of fact, conditions, and*
13 *conclusions, including the edits to condition #3b; **Sands** seconded; **Passed 6, 0.***

14
15 **06:27:00**

16
17 **#3 Meridian Acres Subdivision (Kirt Lindley)**

18
19 **Adams** reviewed Mr. Kirt Lindley's request for a recommendation of approval to the county
20 Council for a three-lot subdivision with an agricultural remainder on 35.43 acres of property at
21 approximately 6100 South 2400 West, southwest of Hyrum, in the Agricultural (A10) Zone.
22 Access for this subdivision is from 6100 South. 6100 South is a private road that was approved
23 for the subdivisions approved back in 2004 and 2010. 6100 South was approved in 2010 as a 20
24 foot wide double chip seal road; currently the requirement for the number of homes on this road
25 requires a 22 foot paved width and this road currently does not meet that standard. Also, once a
26 road serves more than 3 homes a design exception would need to be given to keep the road as a
27 private road; otherwise the road becomes a public road. A request for a design exception must be
28 provided. Staff is recommending a continuance due to needing more information on the existing
29 structure of the road, a record of previous maintenance, and plan for future maintenance from the
30 applicant.

31
32 **Staff and Commission** discussed 6100 south. Currently the road is private and the County does
33 no work or maintenance on the road. The question also arises that when more lots are approved
34 on private roads, should that road remain private or become public? Staff is looking for more
35 information on if the road has been maintained and if there is adequate structure in place to
36 maintain the road. There are currently 9 lots on the road and with this application it would add
37 three more lots for a total of twelve lots on the road. The current applicant only has to make sure
38 maintenance and access is maintained for their land. Typically this is done through an HOA
39 agreement.

40
41 **Mr. Kirt Lindley** I can tell you, on the other lots that have been approved there is a Home
42 Owners Association. In talking to Mr. Wright, these three lots would become part of the Home
43 Owners Association for the road only. The homes would put so much money into the HOA for
44 maintenance of that road. I do know there are agreements in place to maintain the road and the
45 homeowners are the ones responsible for that road.

46
47 **Christensen** is there a hammerhead or a turnaround for this road?

1
2 **Mr. Lindley** there are already two in place on this road.
3

4 **Adams** staff did receive concerns from Logan Environmental for services on this road due to the
5 steepness and getting garbage trucks in or out during the winter. If you get ice on this road it can
6 make it difficult for the trucks to get in and out. There might need to be a service provision for
7 garbage to be moved out to 2400 West.
8

9 **Smith** there are some pretty specific guidelines and information required for the roads; is the
10 applicant aware of those?
11

12 **Adams** we have sent them the staff report but have not yet talked to the applicant directly. Staff
13 has received some written comments regarding the water and building homes on this land.
14

15 *Olsen motioned to continue the item up to 90 days; Sands seconded; Passed 6, 0.*
16

17 **06:40:00**
18

19 **#4 Hawk's Ridge Subdivision (Dave Griffin)**
20

21 **Adams** reviewed Mr. Dave Griffin's request for a recommendation of approval to the County
22 Council for an eleven-lot subdivision on 87.38 acres of property at approximately 6750 West
23 2000 North, Petersboro, in the Agricultural (A10) Zone. Access to this application is on an
24 existing private road. There are 22 existing lots; 10 of the proposed lots would have access from
25 6750 west; one lot would have access from 2000 North. The existing subdivisions were approved
26 back in 2007, 2010, and 2011. This is a private road so no county maintenance is provided for
27 this road. Residential refuse service is provided on 2000 North. Staff has recommended a
28 continuance due to staff needing more information on the roads.
29

30 **Staff and Commission** discussed the application. There are lots to the north and west of this road
31 that all access the private road; between the existing subdivisions there are 22 lots with 2 to 3
32 homes built. Staff's understanding is the existing home owners are maintaining the road.
33

34 **Brian Lyon** I'm representing the applicants and have been involved with this from the start. The
35 first subdivision, Eagle Rock, was done in 2007. We received an easement agreement through
36 the different properties to put the road where it is; that agreement states that with this easement
37 the parties intended to convey the easement to the grantee and provide a structure for any future
38 users of the easement who own or occupy any servient property, that would be the Griffin and
39 Donald properties which was to be Eagle Rock Subdivision, and that the Griffin property is to
40 contribute to cost of the maintenance and snow removal of the private road and it also says the
41 same thing in the contributions. That's how it is being maintained. Eagle Rock has an HOA that
42 maintains the road. It was my understanding that the road met the County's standards at that
43 time. In fact, we wanted to pave it but the County has a double chip and seal requirement and
44 they had a hard time doing that and I'm not even sure if it has pavement under the chip and seal
45 because it was such a hard time to do chip and seal. So at that time the road was designed to
46 county standards, Mr. Zollinger was the county engineer who reviewed the plans for the roads,
47 drainage, and cross section. So that's how it's maintained. Any other properties that access that

1 road will be required to help with maintenance and snow removal. When I talked to Marty
2 Moore he was also under the impression that the road was designed to the County standards and
3 he was in a meeting with Lynn Lemon who said to make sure it was done to county standards in
4 case it ever was dedicated to the county but they were not going to accept it at that time
5

6 **Christensen** would you clarify something, was the agreement that developments to the north
7 would fully foot the cost of maintenance or share it?
8

9 **Mr. Lyon** that all lot owners would equally share it; both owners in Eagle Rock and any others
10 that accessed that road would share it equally between the lot owners. The garbage service would
11 pick up on 2700 west and there was one lot on the north that their garbage service would be on
12 2000 North. I believe garbage pickup is pretty well taken care of.
13

14 **Christensen** you identified two existing subdivisions, but it lists three on here?
15

16 **Mr. Lyon** there is Eagle Rock, and Eagle Rock phase 2. Those were both done by the first
17 developer and then the subdivision, West Bench Vista is just below to the west.
18

19 **Gunnell** you talked about maintenance and removal and snow. Does it talk about construction or
20 anything?
21

22 **Mr. Lyon** it says that the board has the power to assess funds for maintenance and snow
23 removal. Is that your question?
24

25 **Gunnell** well it almost seems the road needs to be bigger and better?
26

27 **Mr. Lyon** the road is designed for 2, 10-foot lanes and 2, 2-foot shoulders, which is 24 feet of
28 asphalt. In the staff report it states there is 23 feet of asphalt and 1 foot wide shoulder but this
29 road is wider than the current county road that it accesses too.
30

31 **Adams** for garbage pickup, Logan City Environmental said they would pick up on 6750 but
32 shoulder improvements might be required.
33

34 **Mr. Lyon** we are ok to keep it private; we would love to see it taken over by the County but
35 know there are a lot of other roads the County maintains. When it was done, it was intended to
36 be built to County standards and we wanted to be asphalt but the County said no, our standard is
37 chip and seal.
38

39 **Runhaar** I would argue with that; I don't remember there ever being a discussion about asphalt
40 and the County would never turn down asphalt over chip and seal.
41

42 **Mr. Lyon** well, that's what I remember.
43

44 **John Terry** I wasn't aware of this, but it is pretty close to a family member's property, but
45 adding that many lots and that many wells, how is that going to affect existing wells?
46

1 **Smith** we don't require specific data on the water other than there be sufficient water rights. That
2 is usually adjudicated through the state's water engineer and I don't know the status on those
3 rights.

4 **Adams** that is in process and staff usually allows an applicant to submit an application while that
5 approval is going on as it may take a month or two to get the water rights approved. Normally we
6 build in a condition that before a plat is recorded the water rights must be obtained.

7
8 **Sands** Brian, do you know how many lots have sold in these subdivisions?
9

10 **Mr. Lyons** all the lots in West Bench Vista have sold and two have sold in Eagle Rock.

11
12 *Sands motioned to continue the item up to 90 days for the applicant to provide the requested*
13 *information; Olsen seconded; Passed 6, 0.*

14
15 **06:54:00**

16
17 **#5 Garland Acres Subdivision 2nd Amendment (Reed & Kyle Yonk)**

18
19 **Adams** reviewed Reed and Kyle Yonk's request for a recommendation of approval to the
20 County Council to add four lots to an existing three-lot subdivision on 77.37 acres of property at
21 approximately 600 North 7200 West, Petersboro, in the Agricultural (A10) Zone. The large piece
22 labeled lot 4 will become an agricultural remainder and the additional lots would be the four new
23 additional lots. Given the 77 acres, that would exhaust the development potential under the
24 current zoning. All access will come from 600 North and 7200 West and these roads meet all
25 county requirements. The applicant has supplied approved water rights and Bear River Health
26 Department has provided septic system feasibility. Service provisions have been met and
27 shoulder improvements may be required to provide enough space for residential refuse and
28 recycle containers. Water for fire suppression would be provided by Mendon Fire Department.
29

30 **Mr. John Terry** Lot 1 is what we purchased in 2013. Can you point out the new lots please?
31

32 **Adams** so the numbering is a little off but the four lots I'm pointing at are the new lots.
33

34 **Mr. Terry** at the time we had bought that lot it was our understanding that it wasn't eligible for
35 more development and that this would stay as rural as possible. So I want to understand what is
36 going on here so water rights have been approved by Bear River?
37

38 **Adams** the state water engineer.
39

40 **Staff and Commission** discussed development for this application. When this was set up Lot 4
41 was an agricultural remainder and is undevelopable but that doesn't mean that plat can't be
42 amended. This is an amendment to allow further development on what was a restricted parcel for
43 residential development. Under the current code this applicant does meet the requirements for the
44 proposed division.
45

46 **Mr. Terry** it's part of the inducement to which we purchased this lot. The real estate agent
47 indicated that there would be no more development on this so we paid a pretty good size price

1 for it hoping that it would be extremely rural and there wouldn't be lots of traffic. We don't have
2 any standing to claim otherwise but it is disappointing because it is contrary to the agricultural
3 remainder that previously existed.

4 **Mr. Terry** we didn't have an opportunity to write an objection we just received the mailing
5 about this meeting.

6
7 **Adams** If this amendment is approved the density for this parcel has been met under the current
8 A10 Zone. If the landowner were to apply for a rezone there is a possibility for a higher density
9 if that rezone were approved.

10
11 **Ms. Kyle Yonk** we did make sure Mr. Terry knew that it would be possible for more
12 development if the county changed the ordinance. We did assure him that there would not be a
13 lot behind him because we are farmers and would like to continue farming. We are excited to
14 have neighbors and his view is amazing and will not be encroached by this.

15
16 *Olsen motioned to recommend approval to the County Council for the Garland Acres*
17 *Subdivision 2nd Amendment with the stated findings of fact, conditions, and conclusions as set*
18 *forth; Parker seconded; Passed 6, 0.*

19 **07:04:00**

20
21 **#6 CTST Thompson Subdivision 1st Amendment (Tresa Nelson)**

22
23 **Adams** reviewed Ms. Tresa Nelson's request for a recommendation of approval to the County
24 Council to add two lots to an existing two-lot subdivision on 62.64 acres of property at
25 approximately 4358 West 6800 South, south of Wellsville, in the Agricultural (A10) Zone. This
26 parcel was originally divided in 2000. The new request is to add an additional two lots in the
27 smaller piece. Lots 2 and 3 will have access from 6800 South; 6800 South currently meets the
28 county road requirements and the county provides winter maintenance. The owner of the larger
29 parcel that holds the development potential has signed an agent letter stating they understand that
30 this affects their development potential and are ok with it. An official statement from Wellsville
31 City will need to be obtained indicating permission to connect two additional dwellings to the
32 Wellsville City municipal water supply. For fire protection, access needs to come from 6800
33 South, otherwise the private road will need to be improved; water for fire suppression would be
34 provided by Wellsville City. Recycling and trash collection will be provided along 6800 South.

35
36 **Staff and Commission** discussed the road. The applicant has stated verbally that access will
37 come from 6800 south. There was a previous home approved off the private road and the fire
38 district stated that if any other access on that road would require it to be improved.

39
40 **Ms. Tresa Nelson** on 6800 South, if we can gain access there then we don't have to worry about
41 going up the private road?

42
43 **Adams** no.

44
45 **Ms. Nelson** do we need to have any other improvements?

46
47 **Adams** staff has determined that 6800 South meets the requirements.

1
2 **Ms. Nelson** I don't think we will end up using that other road.

3
4 **Runhaar** you will have to get an encroachment permit to build an access but you wouldn't have
5 to do any improvements.

6
7 **Adams** you would need an encroachment permit just for the driveway.

8
9 **Gunnell** motioned to recommend approval to the County Council for the CTST Thompson
10 Subdivision 1st Amendment with the stated findings of fact, conditions, and conclusions; **Olsen**
11 seconded; **Passed 6, 0.**

12
13 **07:11:00**

14
15 **#7 Status of DD Auto & Salvage Permit**

16
17 **Harrild** reviewed the Conditional Use Permit (CUP) and the proponent's failure to meet the
18 requirements for DD Auto and Salvage. In 2014 this item went to the County Council and they
19 extended the deadline to September 2016 for the applicant to meet the conditions of the CUP.
20 This has come back before the Planning Commission so the County Council has some direction
21 from this body as to what direction the Planning Commission would like the County Council to
22 go. One main issue is that the applicant has continued to expand into areas where they do not
23 have a permit to operate. Between 2012 and 2016 expansion continued without the proper
24 permits or finishing any of the other requirements of the CUP, to staff's frustration. Staff has
25 made some recommendations for the Council's consideration of the CUP that either:

26 A. The request be approved, and legal actions to correct the existing violations remain
27 suspended with the condition that the developer resolve all violations immediately.
28 This means that any and all material and/or operations must be removed from the site
29 outside the approved, existing conditional use permit area as identified on the
30 attached map, and that said area be in compliance with the requirements of the
31 existing CUP.

32 Or

33 B. The request be rejected, the CUP voided, and legal action to correct the existing
34 violations proceed. A new application for CUP expansion may be made when the site
35 is in compliance with the existing CUP, County Code, and when the developer is able
36 to comply with the requirements that are likely to be incurred in the expansion of the
37 existing CUP.

38
39 **Staff and Commission** discussed DD Auto and Salvage. Previous Commission members were
40 unwilling to continue to extend the CUP requirement deadline and that is part of the reason for it
41 going to the County Council. Staff decided that since the original CUP was granted by the
42 Planning Commission they would bring the item back for discussion and then proceed to the
43 County Council.

44
45 **David Grange** I am the property owner. To fill you in on what is happening, back in 2007 I
46 originally requested a CUP for the expansion of the property that is in red on the left side of the
47 green (referring to map). The green area was already in place when I brought the property. Since

1 that time I have made another agreement with a landowner to expand the property; he owns the
2 property labeled 0001 and the one in grey is kind of a grey area. He holds the title to it but it's
3 kind of a joint thing. We are in some legal issues here and in September of 2014 I had screen-
4 walled the area along Highway 30 from the entrance into the yard. That is all property owned by
5 me and I had intended to go around the corner with that and to go down to the southeast corner.
6 But at the time my relationship with the potential partner deteriorated. He still has an investment
7 but hasn't ratified our partner agreement. The thing that triggered what is going on here is I
8 talked to Chris and he suggested that I talk to Mr. Buttars who suggested I submit a request to
9 drop the section to the right off of my request because I can't get the requirements of the permit
10 accomplished due to legal issues.

11
12 **Smith** who is the legal owner of the parcel ending in 0012?

13
14 **Mr. Grange** that is me; I own all the property shown in green on your map on the wall and all
15 the property in red to the left. When I bought the property there were six different parcels and
16 over time we have gathered all the other parcels.

17
18 **Christensen** have the titles been changed and everything on 0001?

19
20 **Mr. Grange** the property labeled 0001 was traded to the other individual by the City.

21
22 **Christensen** but it's in his name?

23
24 **Mr. Grange** it is. My request was to continue to get my fencing up, which will happen over the
25 next several weeks, on the parcel in red which will bring it into compliance.

26
27 **Sands** so you can bring parcel 0012 in to compliance?

28
29 **Mr. Grange** yes.

30
31 **Christensen** is that entire parcel going to have an 8 foot concrete fence around it?

32
33 **Sands** just on the highway.

34
35 **Mr. Grange** on the west, the requirements state that I need to put a 6 foot chain link fence with
36 privacy screening. I have acquired a number of concrete panels to use along the south and would
37 like to use those in lieu of the chain link fence. My intent is to continue working to bring lot 12
38 into compliance with the agreement I currently have with the county.

39
40 **Christensen** what is your plan between you and the new partner with where you have taken stuff
41 on to 0001?

42
43 **Mr. Grange** I'm probably going to have to vacate that.

44
45 **Christensen** so will you abandon it or move it?

46
47 **Mr. Grange** yeah, I'll abandon it. My intent is to eventually acquire it and screen it.

1
2 **Christensen** but in abandoning it you will clean it off?
3
4 **Mr. Grange** yes.
5
6 **Smith** it looks like its crept south on to the 0001 parcel and it looks like there is a lot of room up
7 to the northwest of 0012. It seems like an easy solution to move all of that off of there.
8
9 **Harrild** there are some wetland areas that he has to work around there.
10
11 **Mr. Grange** there is a slough in there.
12
13 **Smith** what about to the northwest?
14
15 **Mr. Grange** there are some minor issues there; it's just a low spot.
16
17 **Christensen** what is the future of that front area, is that a third property owner?
18
19 **Mr. Grange** no, that's the same guy that owns the property to the right. That front shop is used
20 in the towing business which I am a legal owner of but under current legal standings we have
21 split that up to where he runs the towing business and I run the salvage yard.
22
23 **Christensen** does he have his own business license and CUP?
24
25 **Mr. Grange** the towing business is set up under a different company and it's legally separate.
26
27 **Christensen** but they have their own CUP?
28
29 **Mr. Grange** the square with the towing shop has had its own CUP or whatever it's operating
30 under since the 1970s or 1980s. Everything to the left and south of that Howard Mickey owned
31 and got the CUP setup on that. When I took over I also bought the property to the left and we got
32 the zoning changed and working on the CUP for that in the mean time.
33
34 **Sands** so the current request is to drop parcel 0001?
35
36 **Mr. Grange** yes.
37
38 **Christensen** so just for clarification that along with completing the fence you will also have that
39 cleared and not be operating on it by the end of September?
40
41 **Mr. Grange** yes. I would like to continue using it but on the overhead it is certainly not in the
42 existing CUP. My plan is to abandon that property and bring the rest of the property that I have
43 into completion and have the CUP recorded.
44
45 **Sands** is your plan to finish the screening on the south and the east side?
46
47 **Mr. Grange** my hands are tied because I don't own the property.

1
2 **Sands** right, but at least on your property?
3

4 **Mr. Grange** my plan is to hopefully acquire that at some point and continue the screening.
5

6 **Runhaar** essentially what he is asking for is to modify the CUP and drop those two parcels out
7 and modify the conditions. I don't see the conditions changing in terms of the screening but the
8 location of the screening. It would be pulled back to that property line. So the screening is still
9 going to be required but you are going to shift it to your property line.
10

11 **Mr. Grange** if I don't acquire that other property I would do some screening there.
12

13 **Runhaar** but we are saying that time is now. Whether or not you are on that property or not you
14 have to screen your use. That was the requirement that was there. So if you drop that eastern
15 portion the screening requirement isn't going to go away but is going to shift to your property.
16

17 **Mr. Grange** originally that property to the right wasn't in the request and no mention was made
18 to screen that side.
19

20 **Runhaar** originally when, 2006?
21

22 **Mr. Grange** when we originally started this in 2007.
23

24 **Runhaar** no, because all the permits have screening on that eastern boundary.
25

26 **Mr. Grange** I can put up a chain link fence along that property line and it is still going to be six
27 feet lower than anybody trying to view over that way because it's down in the swell.
28

29 **Harrild** you had a consultant do a visual assessment to identify what would be visible. They
30 even went as far as to identify from the highway, how tall your stacks could be. When you come
31 from this side it is a little different because you have the drop to the slough and you come back
32 up a little bit. But the height of this road is greater than the base elevation in the yard, right?
33

34 **Mr. Grange** it's almost the same.
35

36 **Harrild** so if you have a fence here you can use the same visual analysis for how high your
37 stacks can be. That's what happened here, I would anticipate that same approach because we are
38 going to have to look at that by changing the application. They have to reassess what conditions
39 apply so it's going to come back to the Planning Commission at some point and the conditions
40 are going to be amended and specific. They may require an additional analysis to identify where
41 a fence needs to be, how tall it needs to be, what material may be required or not required; all
42 that stuff has to be revisited. You should anticipate some level of review and some level of
43 screening on that full southern and eastern boundary to the properties that you are involved with.
44 Whether it's something you can move and replace if you do acquire that property. I don't know
45 what they are going to require. We would have to assess that with essentially a new application
46 because it's being amended.
47

1 **Staff and Commission** discussed the application. Staff will research the original CUP and what
2 changes need to be made to the new application to bring it into compliance. The business needs
3 to comply with the CUP and a portion is already in compliance because there is a wall along the
4 north end of parcel 12.

5
6 **Sands** you've built part of your wall?
7

8 **Mr. Grange** I will build a block concrete wall from the southwest corner all the way to the south
9 and for about 200 feet going east and over in the other corner this is some as well.

10
11 **Sands** you also started some screening along 19th west as well.
12

13 **Mr. Grange** yes.
14

15 **Christensen** Staff is trying to give you as much remaining notice you have before you are shut
16 down all together. You are all but out of time.
17

18 **Mr. Grange** well, whatever I'm going to need to do.
19

20 **07:39:00**

21
22 **#8 Discussion – 17.23 Sign Standards**

23
24 **Harrild** This wasn't intended to be on the agenda for discussion tonight.
25

26 **Staff Reports**
27

28 **Runhaar** the last two rezones that went before the Commission, the one in Avon was rejected
29 and the one in Smithfield was approved. The reason for rejecting the one in Avon, they said it
30 wasn't adjacent to the rest of the development pattern and the road was substandard.
31

32 **07:51:00**
33

34 **Adjourned**

STAFF REPORT: NIELSEN REZONE

1 September 2016

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: James Nielsen

Parcel ID#: 01-071-0007

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

Acres: 5.00

Surrounding Uses:

100 West 6600 South
South of Hyrum

North – Agricultural

South – Agricultural

Current Zoning:

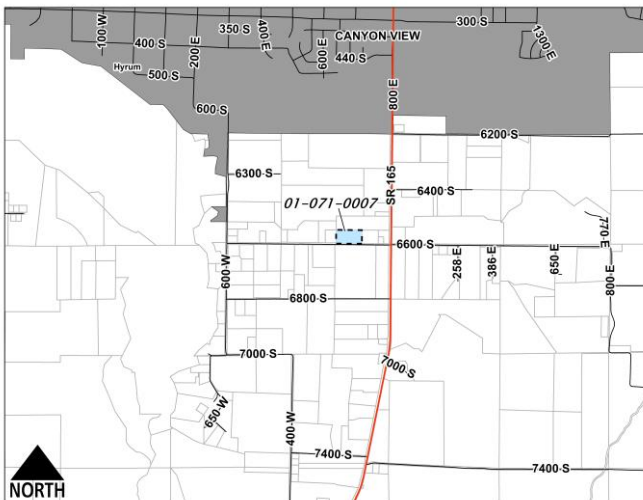
Proposed Zoning:

East – Residential/Agricultural

Agricultural (A10)

Rural 2 (RU2)

West – Residential/Agricultural



SUMMARY

The Nielsen Rezone is a request to rezone 5 acres of property on parcel 01-071-0007 from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone. This rezone may allow this parcel to be divided into two separate lots as part of a subdivision process.

Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the included findings of fact. Any impacts related to permitted and conditional uses allowed within the RU2 Zone will be addressed as part of each respective approval process required prior to site development activities.

FINDINGS OF FACT (23)

Property Context—Policy for Determination of Parcel Legality, 29 August 2013

1. Parcel 01-071-0007 is a legal parcel as the result of a conditional use permit in 1985 on parcel 01-071-0012.

Zone Placement—17.08.030 [A]

2. Current ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [A] [1] identifies the purpose of the RU2 Zone and includes the following:

“To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.”
3. The majority of the land surrounding the subject property is currently used for agriculture, though there are several residential subdivisions to the west along 6600 South.
4. Within a mile of the proposed rezone, the average size of county parcels with a home is 6 acres, while the average size of parcels without a home is 14.7 acres (Exhibit A).
5. The subject property is less than half a mile from Hyrum and is within their stated annexation area.
6. Hyrum City has stated they have no objections to the rezone (Exhibit B). They anticipate this area would be annexed in the future but it is not feasible to annex at this time due to the number of parcels between the subject property and the city boundary.

Land Use Context—17.10.030

7. Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed than the Agricultural (A10) Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:
 - Agricultural Manufacturing
 - Recreational Facility
 - Cemetery
 - Private Airport
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Topsoil Extraction
8. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone.

Road Access—17.08.030 [A], County Manual of Roadway Design and Construction Standards

9. County Land Use Ordinance §17.08.030 [A] [3] states the RU2 Zone “must be appropriately served by suitable public roads...”
10. County Manual of Roadway Design and Construction Standards Table 2.2 sets the minimum standard for any roads providing access to four dwellings or more as a 22-foot-wide paved surface, one-foot-wide gravel shoulders, and a 66-foot-wide right-of-way.
11. 6600 South currently has 21 feet of paved width with one-foot-wide gravel shoulders and an unknown right-of-way width.

12. 6600 South does not meet the minimum county standards for pavement width and may not meet the minimum standards for the right-of-way width. Full improvement of this road to the minimum county standards may be required as part of a subdivision.
13. 6600 South currently receives winter maintenance.

Utilities and Public Services Provision—17.08.030 [A]

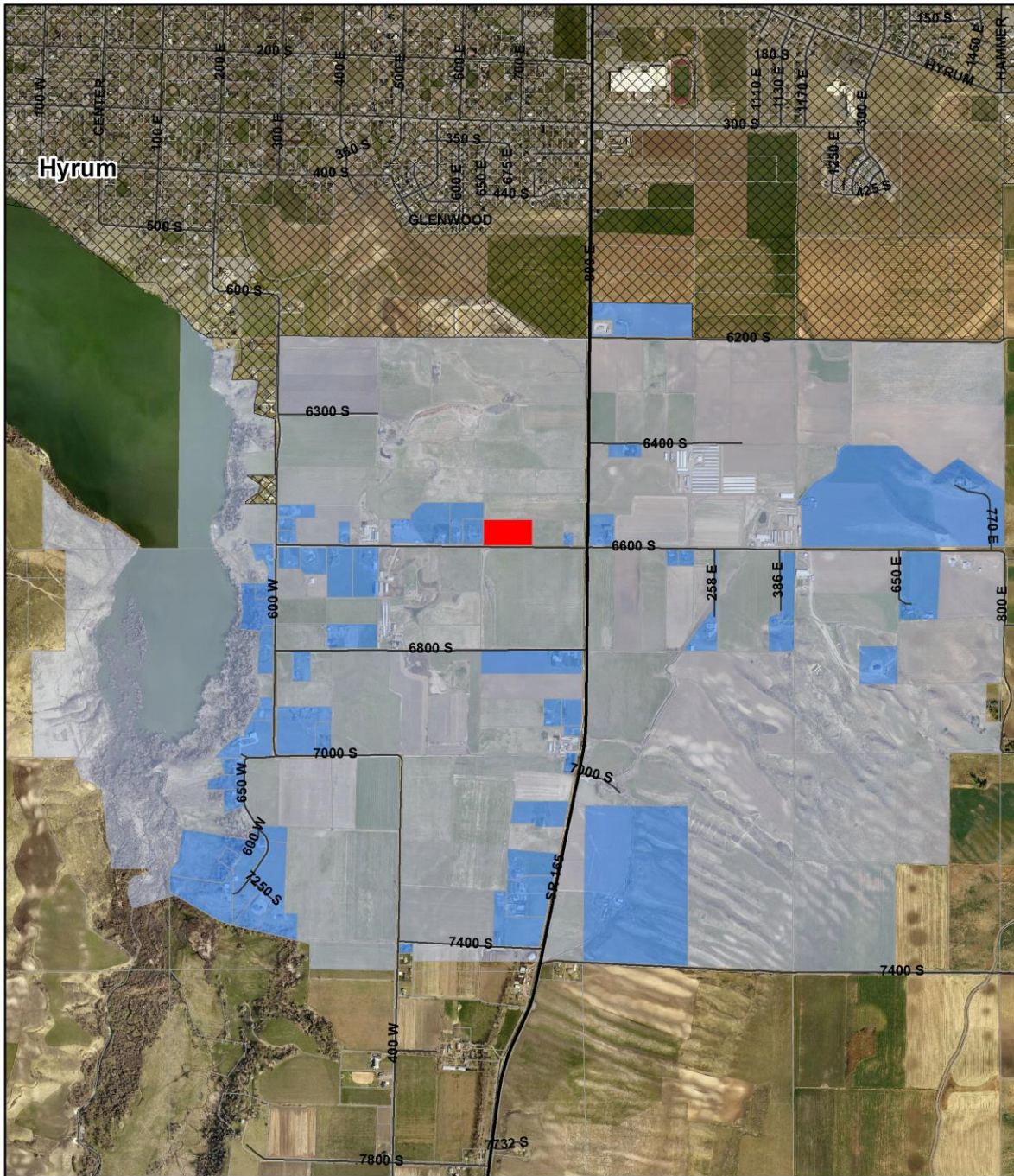
14. County Land Use Ordinance §17.08.030 [A] [3] states the RU2 Zone “must ... have access to the necessary water and utilities, and have adequate provision of public services.”
15. The County Fire District has indicated 6600 South meets their requirements.
16. Logan City Environmental Department Solid Waste Collection currently provides service on 6600 South. Containers would need to be placed on the north side of the road, and improvements to the shoulder may be required to allow the containers to be placed far enough back to avoid interfering with passing traffic.
17. Future development will require additional review of access to culinary water and septic feasibility.

Public Notice and Comment—17.02.040

18. Public notice was posted online to the Utah Public Notice Website on 19 August 2016.
19. Notice was published in the Herald Journal on 21 August 2016.
20. Notices were posted in three public places on 19 August 2016.
21. Notices were mailed to all property owners within 300 feet of the subject property on 19 August 2016.
22. Hyrum City was noticed by e-mail as part of the development review process on 8 August 2016.
23. At this time, no public comment regarding this proposal has been received by the Development Services Office.

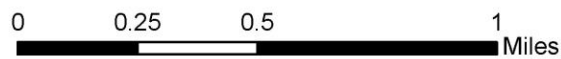
CONCLUSION

The Nielsen Rezone, a request to rezone 5.00 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at 100 West 6600 South, south of Hyrum, has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a determination based on the findings of fact identified above and any others identified at the public hearing.



Legend

- Parcels
- Proposed Rezone
- Parcels with Dwellings
- Parcels in 1 Mile Buffer



Average Parcel Size Without a Home: 14.7 Acres
Average Parcel Size With a Home: 6 Acres



August 2016





HYRUM CITY

60 West Main • Hyrum, Utah 84319
Phone (435) 245-6033

Stephanie Miller, Mayor
Council Members
Kathy Bingham
Jared L. Clawson
Paul C. James
Craig L. Rasmussen
Aaron Woolstenhulme
City Administrator
Ron W. Salvesen
Recorder
Stephanie B. Fricke
Treasurer
Todd Perkins

August 19, 2016

Re: Rezone of property in Cache County- Parcel # 01-071-0007

Cache County Planning Department,

Hyrum City does not have any objections to this rezone request. It is likely that this area would be annexed into to the city at some point in the future but the distance from the current city limits makes this not a reasonable option at this time.

Sincerely,

A handwritten signature in blue ink that reads "Ron Salvesen".

Ron Salvesen

Hyrum City Administrator