

**MINUTES  
BOX ELDER COUNTY  
PLANNING COMMISSION  
MARCH 20, 2008**

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The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 7:00 p.m. The following members were present constituting a quorum:

Richard Kimber	Chairman	<i>The following Staff was present:</i>	
Jon Thompson	Vice Chair		
Richard Day	Member	Kevin Hamilton	Planner
David Tea	Member	Elizabeth Ryan	Secretary
Clark Davis	Member	Tamara Wright	Planner
Chad Munns	Member		
Theron Eberhard	Member		

**Chairman Richard Kimber** called the Planning Commission meeting to order at 7:00 p.m.

The following citizens were present:

Greg Hansen/Brigham City	Joe Rudd/Garland
Peggy Chadwell/Park Valley	Glenn Williams/Ogden
Leslie Clifton/Ogden	Lewis Christiansen/Ogden
Susan Thackeray/Brigham City	David Hess/Ogden
J.Dak Maxfield/Ogden	Joel Ferry/Fruit Heights
Brent Samsion/Orem	John Ferry/Corinne

The *Minutes* of the regular meetings held on January 17, 2008 were reviewed by the members and a Motion was made by **Commissioner David Tea** to accept the Minutes as written; seconded by **Commissioner Jon Thompson** and passed unanimously. The Minutes of the regular meeting held on February 21, 2008 were reviewed by the members and two minor changes were pointed out by **Commissioner David Tea**. A Motion was then made by **Commissioner Theron Eberhard** to accept the Minutes with the changes made as mentioned; seconded by **Commissioner Richard Day** and passed unanimously.

## **PUBLIC HEARINGS**

### **RE-ZONE PETITION FOR VALLEY COMMUNITY L.L.C. (PEGGY & BILLY CHADWELL) FOR PROPERTY OWNED BY M. DEE KUNZLER & SON RANCHES PARTNERSHIP IN THE ROSETTE AREA (URRENTLY ZONED MU-40 AND RR-1 TO C-S)**

Staff explained that this is a spot-zone which is allowed by the current state law. The purpose is for the location of a convenience store/gas station. Peggy Chadwell, the petitioner, was present at the meeting to answer any questions/concerns that the Commissioners had. No comments were made during the Public Hearing and a Motion was made by **Commissioner Chad Munns** to close the Public Hearing, seconded by **Commissioner Clark Davis** and passed unanimously.

**ACCESSORY USE TO A CONDITIONAL USE PERMIT FOR THE MCQUIRE GRAVEL PIT (Staker Parsons) LOCATED IN SOUTH WILLARD**

This petition was for the addition of a scale house to the existing gravel pit operation. The location would be in the southeast area of the site. The purpose is to increase the size of the scale and for an upgrade. Commissioner Richard Day asked about the location of the new BRWCD water well, but it was unknown. No other comments were made during the Public Hearing and a Motion was made by Commissioner Clark Davis to close the hearing, seconded by Commissioner Jon Thompson and passed unanimously.

**LITTLE MOUNTAIN ONE-LOT SUBDIVISION (GENEVA ROCK) LOCATED AT APPROXIMATELY 11300 WEST HIGHWAY 83 IN THE WEST CORINNE AREA**

Staff explained that this is a non-residential subdivision for which no new roads will be built. The property is currently used as grazing land and for gravel extraction. No changes in use or improvements are being proposed at this time. The property has recently be sold to Geneva Rock for the intended use as a gravel operation, not for residential use. The lot contains 229 acres in an area that is currently zoned MU-40. Joel Ferry, one of the petitioners was present and stated that requesting the break-off of this one-lot was due to the request of the buyers of the property. No other comments were received and a Motion was made by Commissioner Richard Day to close the hearing, seconded by Commissioner Jon Thompson, and passed unanimously.

**COMMON CONSENT**

**LITTLE MOUNTAIN ONE-LOT SUBDIVISION (GENEVA ROCK) LOCATED AT APPROXIMATELY 11300 WEST HIGHWAY 83 IN THE WEST CORINNE AREA**

Conditions for approval: If the use should change in the future, the property owners would need to apply for a site plan and/or application for a Conditional Use Permit. Staff recommended approval of the petition.

**MOTION:** A Motion was made by Commissioner David Tea to approve the Little Mountain One-Lot Subdivision (Geneva Rock) per conditions set by Staff; motion seconded by Commissioner Jon Thompson and passed unanimously.

**UNFINISHED BUSINESS**

**ROSS RUDD 8-LOT SUBDIVISION LOCATED AT APPROXIMATELY 16600 NORTH 5200 WEST IN THE GARLAND AREA (FINAL APPROVAL)**

This subdivision is located in an area of the county that is currently un-zoned with eight lots being proposed on an 8 acre parcel. Each lot will be approximately .705 acre and will front on a new street of 16750 North. Curb, gutter and sidewalk will be required within the subdivision; however no curb, gutter and sidewalk are being required at this time along Highway 13 (lots 1 & 2). Staff recommended approval based on the following conditions:

- ▶ Conditions, requirements and recommendations of culinary water provider. The petitioner/developer is required to comply with all the requirements and recommendations of the culinary water provider and/or state/local approving authority

- prior to recording of the subdivision.
- ▶ A letter verifying approval from the Health Department for the new wastewater treatment system.
  - ▶ Approval from the County Fire Marshal and other emergency services responding to homes in the new subdivision. Letter needs to indicate that those services will be available in the area.
  - ▶ The developer is required to comply with all the requirements and recommendations of the county's engineer.
  - ▶ Letters of approval verifying service from gas, electric, and/or other utility providers.
  - ▶ Rural road/road improvement agreement if improvements are deferred on Highway 13.
  - ▶ Compliance with all state and county subdivision regulations for which a specific variance has not been granted.
  - ▶ Financial guarantee for all required improvements not installed prior to recording of the subdivision

**MOTION:** A Motion was made by **Commissioner Jon Thompson** to grant Final approval for the Ross Rudd 8 Lot Subdivision based on the Conditions outlined by Staff (above). Motion was seconded by **Commissioner Richard Day**. **Commissioner Clark Davis** made an amendment to the Motion -- Lots 1 and 2 of this subdivision may have to participate in the cost of the curb, gutter and sidewalk along Highway 13 if that improvement is necessary in the future. Amendment seconded by **Commissioner Theron Eberhard** and amendment and Motion passed unanimously.

## **NEW BUSINESS**

### **LEWIS STORAGE & REPAIR, SITE PLAN, LOCATED AT APPROXIMATELY 7000 WEST 20800 NORTH IN THE PLYMOUTH AREA.**

This property is located in an area of the county that is currently un-zoned and the use is permitted. No new building will be constructed; a 60x100 medal building is to be refurbished and the petitioner will come in for that approval. It was also suggested that a fence be constructed around the site. There is an existing well on the property and the health department has been contacted regarding the septic system. There will only be one employee and the existing building may also serve as a residence for that employee/night watchman. The petitioner is currently located in Ogden and is having to relocate due to Wal-Mart building on that property.

**MOTION:** A Motion was made by **Commissioner Chad Munns** to approve the site plan for Lewis Storage & Repair. Motion was seconded by **Commissioner Theron Eberhard**. **Commissioner David Tea** asked for an amendment to the Motion regarding having slats placed in the [front] fence along the road [20800 North] to limit the visibility to the site. Amendment seconded by **Commissioner Richard Day**; Motion and Amendment passed unanimously.

**RE-ZONE PETITION FOR VALLEY COMMUNITY L.L.C. (PEGGY & BILLY CHADWELL)  
FOR PROPERTY OWNED BY M. DEE KUNZLER & SON RANCHES PARTNERSHIP IN  
THE ROSETTE AREA (URRENTLY ZONED MU-40 AND RR-1 TO C-S)**

The Petitioner was requesting that the current zone be changed from RR-1 and MU-40 to C-S (Commercial Shopping District) or C-H (Highway Commercial District) for the purpose of locating a convenience store/gas station in the Park Valley Rosette area along Highway 30. Commissioner David Tea asked if there were any similar stores in the area, and there are none. Staff outlined the approval standards in considering this request which included:

- ★ Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan.
- ★ Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
- ★ The extent to which the proposed amendment may adversely affect adjacent property; and
- ★ The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.

Staff then recommended approval of this re-zone request based on the above standards.

**MOTION:** A Motion was made by Commissioner Jon Thompson to recommend approval of the re-zone request for the Valley CommUnity L.L.C and forward to the County Commission for their action. Motion was seconded by Commissioner David Tea and passed unanimously.

**ACCESSORY USE TO A CONDITIONAL USE PERMIT FOR THE MCQUIRE GRAVEL PIT  
(JACK B. PARSON COMPANY) LOCATED IN SOUTH WILLARD**

Commissioner Clark Davis asked the petitioners if they had a copy of the original conditions set on this gravel operation and the petitioner was asked if they could supply a copy to the planner. There was a question as to what the hours of operation had been set, whether from 7 a.m. to 5:30 p.m. [as stated in the new ordinance] or later in the evening until 9 p.m. The Commissioners wanted the new CUP to coincide with the original. There was also some discussion regarding the grading plan for the site and then the following motion was made.

**MOTION:** A Motion was made by Commissioner David Tea to approve the accessory use to the existing CUP for the McQuire Gravel Pit in South Willard with the stipulation that the operation continue to operate under the conditions set in the original permit. Motion seconded by Commissioner Chad Munns and passed unanimously.

**ORDINANCE REGULATING THE LOCATION OF MAJOR UTILITY LINES WITHIN THE  
COUNTY; ORDINANCE REGULATING VEHICLE SALVAGE YARDS, JUNK YARDS, AND  
DOG KENNELS WITHIN THE COUNTY**

Staff discussed the creation of a couple of [possible] new ordinances for the County that would address the location of major utility lines in the county and the location of vehicle salvage/junk yards and dog kennels. There are currently numerous utility lines buried throughout the County and with Rocky MT.

Power's plan for a major line coming through the County and connecting with the Ben Lomond Substation, it was thought that perhaps the entire County should be addressed. In the area of South Willard and Harper's Ward a petitioner is required to apply for a Conditional Use Permit, but the other areas of the County where the proposed transmission line is to be located currently is un-zoned and un-regulated. **Commissioner Richard Kimber** suggested that Staff look at ordinances in other Counties and samples of those ordinances regulating such matters be brought back to the Planning Commissioner for review and discussion. As for [any] current petitions/application in the un-zoned areas of the county, the petitioners would probably have vested rights at this time. In regards to the ordinance regulating vehicle/junk yards and dog kennels any proposed ordinance could cover anything that the Commission felt would fall under the nuisance category. It was also suggested that sample ordinances be brought back for the members to review.

**WORKING REPORTS**

Staff and the County Attorney are currently working on a fencing ordinance for the April 8, 2008 work session of the Planning Commissioners.

**PUBLIC COMMENTS -- NONE**

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**Commissioner Jon Thompson** made a motion to adjourn the Planning Commission meeting at 8:09 p.m.

Passed and adopted in regular session this 17th day of April, 2008

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Richard Kimber, Chairman  
Box Elder County  
Planning Commission