

MINUTES

BOX ELDER COUNTY

PLANNING COMMISSION

MAY 15, 2008



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	Excused	Elizabeth Ryan	Secretary
Clark Davis	Member	Tamara Wright	Planner
Chad Munns	Member		
Theron Eberhard	Excused		

Chairman Richard Kimber called the Planning Commission meeting to order at 7:03 p.m.

The following citizens were present:

Grant Cefalo	Terry Jackson	Brian Rose
Nathan Rose	Mary Beard	Aaron Beard
Harper Johnson	Adrianna Forsgren	Paul Facer
Mary Workman	Brent Workman	LuWayne Harris
Gary Norman	Danny MacFarlane	Glen Palmer
Ron Rombrdax	Shirley & David Chase	Leslie Beraux
Faye & Duaine Jacobson	Scott Newman	Dave Archer
Harriet Ritter	Chip Ritter	Jack Gage
Jack Gage	John Boss	(others left before signing)

The *Minutes* of the regular meetings held on April 17, 2008 were reviewed by the members and **Chairman Richard Kimber** pointed out some corrections that needed to be made. A Motion was then made by **Commissioner Jon Thompson** to accept the Minutes with corrections made; seconded by **Commissioner Clark Davis** and passed unanimously.

PUBLIC HEARINGS

Chairman Richard Kimber informed the citizens in attendance that the public hearings regarding the **Mt. Pisgah Quarry** and the **Box Elder County Fencing Ordinance** would not be held due to inadequate notification of the hearing and/or incomplete applications. The county attorney would have a copy of the draft regarding the changes to the county fencing ordinance for any of those interested and the public hearing for the fencing ordinance would be rescheduled for June 19, 2008. (Several individuals that had come for those two public hearings left the chamber room.)

GAGE 2-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 15950 NORTH BEAVER DAM ROAD IN THE BEAVER DAM AREA

This two-lot subdivision is located in an area of the county that is currently zoned RR-2 (two acre lot minimum). Each of the lots meets the minimum standards and will front on Beaver Dam Road. No comments were received during the public hearing and the hearing was closed with a Motion by **Commissioner Chad Munns**; seconded by **Commissioner Clark Davis** and passed unanimously.

JONATHAN BOSS 2-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 10300 WEST 10400 NORTH IN THE BOTHWELL AREA

This two-lot subdivision is located in the Bothwell area of the county with the current zoning being RR-5 (five acre lot minimum). There is a total of 25.07 acres to be divided and the lots will front on 12000 North.

Scott Newman of Bothwell said, *“Bothwell has a five acre zoning as of a few years ago. (Clarification was made that these two lots will meet the requirements; Lot 1 is 8.03 acres and Lot 2 17.08 acres.) A couple of other concerns...I farm up there, it’s a farming community, you need to know that I’m going to spread manure...it stinks...I do farm at night and everything else. It’s a farming community...that road this winter...somebody got stuck going up that road guess who they come to to try and pull them out? Guess what, I’m not going to pull them out...the county is responsible for that road. It’s a county road, the county’s told me not to push it or clean it so whatever the county wants to do...like I say, my concern is I farm there I have problems with my well right now and I disagree with having more wells being drilled in the Bothwell pocket. I know with twenty-three acres what’s someone going to do with twenty-three acres on a single dwelling they’re going to try farming.”*

Jonathan Boss said, *“I just plan on living there, I don’t plan on farming and [I’m] willing to help with the road conditions if that is required.”*

The hearing was then closed with a Motion by **Commissioner Jon Thompson**; seconded by **Commissioner Richard Day** and passed unanimously.

VALLEY VIEW ESTATES PHASE II (7 LOTS) LOCATED AT APPROXIMATELY 7150 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA

This petition was for concept approval on the second phase of the Valley View Estates Subdivision located in the South Willard area. The total acreage for phase two is approximately 6.20 acres and each lot will consist of the required minimum of 20,000 square feet for the R-1-20 zone. The lots will front on a new street with curb, gutter and sidewalk required. No comments were received during the public hearing and the hearing was closed with a Motion by **Commissioner Clark Davis**; seconded by **Commissioner Jon Thompson** and passed unanimously.

JACKSON ONE-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 14970 NORTH 4400 WEST IN THE GARLAND AREA.

This one lot subdivision is located in an area of the county that is currently un-zoned. The lot consists of one acre and will front of 4400 West in the Garland area (14960 North). No comments were received during the public hearing and the hearing was closed with a Motion by **Commissioner Chad Munns**; seconded by **Commissioner Richard Day** and passed unanimously.

DUAINE JACOBSON LOT LINE ADJUSTMENT/AMENDMENT IN THE DEERRUN SUBDIVISION LOCATED AT APPROXIMATELY 874 WEST 8000 SOUTH IN THE SOUTH WILLARD AREA

This property is located in the DeerRun Subdivision in the South Willard area of the county with R-1-20 zoning. The petitioner is requesting that two lots (owned by him) be combined into one parcel creating a 1.16 acre lot. No comments were received during the public hearing and the hearing was closed with a Motion by **Commissioner Richard Day**; seconded by **Commissioner Jon Thompson** and passed unanimously.

COMMON CONSENT

A Motion was made by **Commissioner Clark Davis** to separate the Jonathan Boss 2-Lot Subdivision from the Common Consent items; seconded by **Commissioner Richard Day** and passed unanimously.

- 1. GAGE 2-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 15950 NORTH BEAVER DAM ROAD IN THE BEAVER DAM AREA**
- 2. JACKSON ONE-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 14970 NORTH 4400 WEST IN THE GARLAND AREA.**

Conditions for Approval include:

1. Conditions, requirements and recommendations of culinary water provider: where no culinary water system is available the letter shall come from the state or local agency having jurisdiction to approve the new well or water system. The developer is required to comply with all the requirements and recommendations of the culinary water provider and/or state/local approving authority prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved by the County Commission.
2. Conditions, requirements and recommendations of wastewater treatment provider: where no wastewater treatment system is available the letter shall come from the state of local agency having jurisdiction to approve the new wastewater treatment system. The developer is required to comply with all the requirements and recommendations of the wastewater treatment provider and/or state/local approving authority prior to the recording of the subdivision, unless a financial guarantee to cover the costs of the required and recommended improvements has been approved by the County Commission.
3. Conditions, requirements and recommendations of Box Elder County Fire Marshal: the developer is required to comply with all the requirements and recommendations of the country fire marshal prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved by the County Commission. **The developer must have the fire department send the County Planner a letter specifying their recommendations and requirements have been met.**
4. Conditions, requirements and recommendations of the County's Engineer: the developer is required to comply with all the requirements and recommendations of the county's engineer prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved by the County Commission. **The developer must have the County Engineer sent the County Planner a letter specifying their recommendations and requirements have been met.**
5. Conditions, requirements and recommendations of the County Building Department: the developer is required to comply with all the requirements and recommendations of the county building department prior to the recording of the subdivision. **The developer must have the building department send the County Planner a letter specifying their recommendations and requirements have been met.**
6. Conditions, requirements and recommendations of the County Road Department: the developer is required to comply with all the requirements and recommendations of the county road department prior to the recording of the subdivision. **The developer must have the road department send the County Planner a letter specifying their recommendations hand requirements have been met.**
7. Letter of approval from gas, electric, and/or other utility providers.
8. Rural road/road improvement agreement

9. Compliance with all state and county subdivision regulations for which a specific variance has not been granted.
10. Financial guarantee for all requirement improvements not installed prior to recording of the subdivision.

MOTION: A Motion was made by **Commissioner Clark Davis** to grant approval for the Common Consent items (Gage and Jackson Subdivisions) listed above with the conditions for approval as set by Staff. Motion seconded by **Commissioner Chad Munns** and passed unanimously.

JONATHAN BOSS 2-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 10300 WEST 10400 NORTH IN THE BOTHWELL AREA

Staff explained that the county road department would like to meet with the petitioner and address some issues concerning the road where these two subdivisions are located, as 12000 North is currently a gravel road and needs to be improved to 60 foot width and is currently 24 feet. There are also some drainage issues which need to be addressed. There are also concerns from the county surveyor. (See attachment "A" & "B") **Chairman Richard Kimber** suggested that because of these concerns, tabling this petition might be the best action at this time.

MOTION: A Motion was made by **Commissioner Jon Thompson** to Table any action on the Jonathan Boss 2-Lot Subdivision; seconded by **Commissioner Richard Day** and passed unanimously.

UNFINISHED BUSINESS

PENDING ORDINANCE REGULATING UTILITY CORRIDORS IN BOX ELDER COUNTY

Chairman Richard Kimber told the audience that a meeting had been held the previous evening (5-14-08) with Rocky Mountain Power [representatives] and members of the Council of Government. At the conclusion of that meeting questions were submitted to RMP by citizens and elected officials, and those questions are going to be answered in writing. Therefore, due to that meeting and discussions that took place during the agenda review process prior to the Planning Commission meeting, **Chairman Kimber** recommended that any discussion on the pending ordinance regulating utility corridors in Box Elder County be delayed until a future meeting, probably June 2008. A Motion was made by **Commissioner Jon Thompson** to postpone discussion regarding utility corridors until a later meeting; seconded by **Commissioner Clark Davis** and passed unanimously.

NEW BUSINESS

DUAINE JACOBSON LOT LINE ADJUSTMENT/AMENDMENT IN THE DEERRUN SUBDIVISION LOCATED AT APPROXIMATELY 874 WEST 8000 SOUTH IN THE SOUTH WILLARD AREA

The petitioner is requesting that two lots in the DeerRun Subdivision be combined into one parcel under his name. The commissioners were concerned about the existing [utility] easement on these two parcels and what would happen to them if the lots were joined. The petitioner would not be able to construct any building over these easements which go around and between the two lots unless the easements between the lots were removed. Staff recommended approval of this petition with the following conditions:

1. Conditions, requirements and recommendations of culinary water provider: Where no culinary water system is available the letter shall come from the state or local agency having jurisdiction to approve the new well or water system. The developer is required to comply with all the requirements and recommendations of the culinary water provider and/or state/local approving authority prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved by the County Commission.
2. Conditions, requirements and recommendations of wastewater treatment provider: Where no wastewater treatment system is available the letter shall come from the state or local agency having jurisdiction to approve the new wastewater treatment system. The developer is required to comply with all the requirements and recommendations of the wastewater treatment provider and/or state/local approving authority prior to the recording of the subdivision, unless a financial guarantee to cover the costs of the required and recommended improvements has been approved by the County Commission.
3. Conditions, requirements and recommendations of Box Elder County Fire Marshal: The developer is required to comply with all the requirements and recommendations of the county fire marshal prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved by the County Commission. **The developer must have the fire department send the County Planner a letter specifying their recommendations and requirements have been met.**
4. Conditions, requirements and recommendations of the County's Engineer: The developer is required to comply with all the requirements and recommendations of the county's engineer prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved by the County Commission. **The developer must have the County Engineer send the County Planner a letter specifying their recommendations and requirements have been met.**
5. Conditions, requirements and recommendations of the County Building Department: The developer is required to comply with all the requirements and recommendations of the county building department prior to the recording of the subdivision. **The developer must have the building department send the County Planner a letter specifying their recommendations and requirements have been met.**
6. Conditions, requirements and recommendations of the County Road Department: The developer is required to comply with all the requirements and recommendations of the county road department prior to the recording of the subdivision. **The developer must have the road department send the County Planner a letter specifying their recommendations and requirements have been met.**
7. Letters of approval from gas, electric, and/or other utility providers.
8. Rural road/road improvement agreement.
9. Compliance with all state and county subdivision regulations for which a specific variance has not been granted.
10. Financial guarantee for all required improvements not installed prior to recording of the subdivision.

MOTION: A Motion was made by **Commissioner Clark Davis** to approve the amendment to the DeerRun Subdivision [Lots 3 and 4] with the above conditions; seconded by **Commissioner Richard Day** and passed unanimously

VALLEY VIEW ESTATES PHASE II (7 LOTS) LOCATED AT APPROXIMATELY 7150 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA

This petition is for concept acceptance of Phase II of the Valley View Estates Subdivision in South Willard. A preliminary perk test has been done on the property, but the approval letter from the health department has not been received, along with the approval letter from the county engineer. **Commissioner Richard Day** asked about the condition of the road into the subdivision and wonder if there would be a deceleration lane into the subdivision. Other concerns regarding the grade of the road were also mentioned as the current road may be at a 14% grade and the maximum set by the county is a 12% grade. These issues will be addressed in more depth at the preliminary approval. Staff recommended accepting the concept plan for phase II of this development.

MOTION: A Motion was made by **Commissioner Richard Day** to accept the concept plan of the Valley View Estates Phase II (7-Lots); seconded by **Commissioner Clark Davis** and passed unanimously.

DISCUSSION OF PENDING NUISANCE ORDINANCE, I.E. JUNK YARDS, WRECKED OR JUNKED VEHICLES, MISCELLANEOUS MATAERIALS. [copy attached]

Chairman Richard Kimber asked that the draft of this pending ordinance be discussed. Staff stated that they had been given instruction from the County Commission to prepare an ordinance that would address trash, abandoned, wrecked and/or junked vehicles within Box Elder County. This proposed draft of the ordinance was for the Planning Commissioners to review and give input on and would then appear on the June 19, 2008 agenda. **Chairman Richard Kimber** expressed his concerns that this draft ordinance may be too restrictive for Box Elder County as much of the county is rural and in farm production and some vehicles may not be licensed year-round. **Commissioner Richard Day** expressed the opinion that perhaps the restriction of the number of vehicles in the newer subdivisions in the county may be more appropriate as sometimes problem can arise there. The overall concept of the ordinance was thought to be good and will be worked on further and reviewed at the agenda work session for the June 19, 2008 meeting and possibly set for public hearing at the July 17, 2008 meeting. (There is a time-line of six months to work on pending ordinances, making the deadline for this ordinance September 2008.)

WORKING REPORTS

Staff reported on the meeting with the members of the South Willard Community Planning Committee in regards to a proposed petition to re-zone an area from Commercial Highway to Commercial General. The meeting was productive and the members of that committee were in favor of the re-zone and talked about what they would like to see in regards to types of structures and sizes allowed. There were six members of that committee at the meeting including, Jan Nielsen, Dale Barnett, Ben Crook, Kent Davis, Mellonee Wilding, and Dale Zito. The two petitioners were also present at this meeting, Ryan Price and Kerry Schneider. Kevin Hamilton was directed to draft an amendment to the County General Plan to be adopted and then the re-zone petition could move forward.

PUBLIC COMMENTS -- NONE

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Commissioner Chad Munns made a motion to adjourn the Planning Commission meeting at 9:09 p.m.

Passed and adopted in regular session this 19th day of June, 2008

Richard Kimber, Chairman
Box Elder County
Planning Commission