

where the house was located. The Public Hearing was closed with a Motion by **Commissioner Theron Eberhard**, seconded by **Commissioner Richard Day** and passed unanimously.

LDS CHURCH CONCEPT PLAN APPLICATION; SS07-035/CUP07-016 LOCATED AT APPROXIMATELY 8600 SO HWY 89 IN THE SOUTH WILLARD AREA.

This subdivision will consist of approximately eight acres to build a new LDS Stake Center in the South Willard area. The property will be accessed by a new road to be constructed by the petitioner with approval by UDOT. The new road will be in close proximity with the proposed **Residence @ The Orchards** Subdivision to the south. No comments were received and the Motion was made by **Commissioner Clark Davis** to close the hearing, seconded by **Commissioner Richard Day** and passed unanimously.

GNUDSEN SUBDIVISION #2 (3 LOTS), APPLICATION SS07-036, LOCATED AT APPROXIMATELY 5000 WEST 12000 NORTH IN THE TREMONTON AREA.

This three-lot subdivision was before the Commissioners for concept approval. The total area of the property is 5.8 acres; lots 1 and 2 will front on 12000 North with the third lot being a flag lot and meets those guidelines. No comments were received and a Motion was made by **Commissioner David Tea** to close the hearing, seconded by **Commissioner Richard Day** and passed unanimously.

COMMON CONSENT

1. **ORSON POULSEN ONE-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 7680 NORTH 12400 WEST IN THE PENROSE AREA. (concept, preliminary, final)**
2. **WILLARD STAKE [CENTER] SUBDIVISION LOCATED AT APPROXIMATELY 8600 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA. (concept)**
3. **GNUDSEN SUBDIVISION #2 (3-LOT), LOCATED AT APPROXIMATELY 5000 WEST 12000 NORTH IN THE TREMONTON AREA. (concept)**

MOTION: A Motion was made by **Commissioner Clark Davis** to accept the items under Common Consent for approval; seconded by **Commissioner Richard Day** and passed unanimously.

UNFINISHED BUSINESS

RIVER CREST [130-LOT] SUBDIVISION (MICHAELIS/DAY), APPLICATION SS07-033 LOCATED AT APPROXIMATELY 5000 WEST HIGHWAY 30 IN THE RIVERSIDE AREA.

This petition was before the Commissioner at the November 29, 2007 meeting and was tabled at that time. The petitioner, Garth Day, was at this meeting to address those questions that were presented. Mr. Day informed the Commissioners that Fielding City does not currently have an annexation policy/plan in place and therefore petitioning for annexation was not possible. Also the number of other landowners that would be involved would probably not agree with the annexation. He further explained that they were not seeking any “municipal” services from the County and were going to form a home owners association for the upkeep and maintenance of the roads in the subdivision. The emergency services would be provided by Tremonton City, water from the Riverside/North Garland Water Co., and the homes would be on individual septic systems. The petitioners have a letter from Rocky Mountain Power and Questar Gas for those services. A discussion regarding the roads in the subdivision began and **Commissioner Clark Davis** asked about the possibility of constructing the [private] roads to County

standards. Curb, gutter, and sidewalk were also discussed. Mr. Day said that there would not be a problem constructing the roads to meet County standards, but the curb, gutter and sidewalk would create problems with the storm water drainage issues with the Phase II Environmental issues and the County would be required to monitor those issues. Mr. Day further stated that by having the private roads the County would not be responsible for the maintenance. However the Commissioners were concerned that this subdivision could end up being similar to that of the Marble Hills Subdivision. Mr. Day explained that this petition was different from the Marble Hills petition in that Marble Hills (1979) was approved in one step and the roads were [always] supposed to be public roads and turned over to the County, but that never happened as the petitioner died (about 1984) and the requirement by the County (at that time) was that 70% of the subdivision had to be built out before the roads could be dedicated and turned over to the County; that never happened. A Special Service District was then put in place to improve those roads. Mr. Day said that a SSD would be an option for this petition also, but that is something that is started by the County. Roads are built to last for a 25-30 year time period and after that time a SSD could be considered. Mr. Day reminded the Commissioners that this petition was at the concept approval level and although there were 130 lots it would be done in phases and over a five/six year period of time with 20/25 lots at a time. At this time the petitioners were seeking concept approval with recommendation from the Commissioners in order to move forward with the design of the subdivision. It was suggested that the requirement regarding the roads be discussed with Bill Gilson (County Road Department) and whether curb and gutter is needed. As for the sidewalk, Staff was concerned with the safety of the residents if no sidewalk is available. The possibility of having a sidewalk on one side of the road was also discussed. **Commissioner Theron Eberhard** was concerned that several other large subdivision petitions had come before the Planning Commission and none of those had purposed having private roads, thus the County would have to take over those roads and the responsibility of maintenance from the onset; why would this petitioner want to have private roads when they too could just turn the roads over to the County? Mr. Day explained that the original reason was that they did not want to have to build the roads to meet the County standards. **Commissioner Chad Munns** questioned the necessity of having the roads built to County standards if a mechanism was being put into place for the upgrade and maintenance of the roads in the future (20-30 years). **Commissioner Clark Davis** said that they (the Planning Commission) would not want to have to agree to the same type of exclusion for other [future] subdivision petitions. At the conclusion of the discussion, **Commissioner Clark Davis** said that he felt his participation in the discussion was warranted, but he needed to excuse himself from the vote as his firm does work for one of the petitioners (Darrin Michaelis). At the conclusion of the discussion the following motion was made and included Staff's conditions for approval.

- ▶ 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.
- ▶ 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.
- ▶ Conditions, requirements and recommendations of Utah Department of Transportation for access onto Highway 30.
- ▶ 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 David Tea** to approve the Concept plan for the River Crest (130-lots) Subdivision requiring that the [private] roads be built to County standards with the requirement of curb and gutter left to the discretion of Bill Gilson (County Road Department); sidewalks would be required on at least one side of the road(s). Motion was seconded by **Commissioner Richard Day**. **Commissioners Theron Eberhard and Chad Munns** were opposed to the Motion as stated. **Commissioner Vice Chairman Jon Thompson** voted in the affirmative and the Motion passed three to two with **Commissioner Clark Davis** abstaining from the vote. Motion also included the conditions set forth by Staff.

ROCK HILL CONDITIONAL USE PERMIT, APPLICATION CUP07-018, PROPERTY LOCATED AT APPROXIMATELY 13600 NORTH 4400 WEST IN THE COLLINSTON AREA.

The petitioner was requesting approval for two lots to be built on a private road (farm lane) approximately one mile from the county highway. The homes would have individual wells and individual septic systems. Staff recommended that the private road have an easement of at least twenty feet or more if required and also be surfaced to carry the weight of emergency vehicles (approx. 20 tons). There should also be a turn-around for a fire truck. Emergency services would be provided by the City of Fielding and Staff was requesting that a letter from the mayor of Fielding be secured stating that those services would be provided. Staff also recommended that a Rural Road Agreement be entered into between the petitioner and the County and the petitioner still had some concerns regarding that agreement. The petitioner was also concerned with the required setbacks for all buildings on the property being a 30 feet requirement, thus allowing for any proposed future right-of-way. This concern was discussed and recommendations were made to possibly move the existing road and location of the home and any other buildings to accommodate that requirement. The petitioner said that a letter had been received from Fielding's fire department and was concerned that now a letter was being required from the mayor of Fielding, but the petitioner is in the process of getting that letter. County Attorney Steve Hadfield said that he would like to see more than a one-line letter from the emergency service providers. Would like to have the emergency service provide consider 1) the minimum width of the easement; 2) minimum width of the finished travel surface and weight carrying capacity of the access road; and 3) any specifications for fire truck turn-around at the location of the home(s). The petition has changed from the request for a two-lot subdivision to a conditional use permit as there are already two existing parcels on the private lane.

MOTION: A Motion was made by **Commissioner Clark Davis** to approve the Rock Hill Conditional Use Permit, based on the findings and conditions of Staff. Seconded by **Commissioner Chad Munns** and passed unanimously. Conditions of Staff as follows:

1. 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 receiving an occupancy permit.
2. 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 receiving an occupancy permit.

3. The Fire Marshals office has issued two letters regarding this property in regards to a proposed subdivision; a letter signed by the County Fire Marshal specific to this permit is required.
4. The developer is required to comply with all the requirements and recommendations of the county's engineer prior to receiving an occupancy permit.
5. Letter from emergency services department of city responding to site must indicate that the department has the ability to provide service to the homes, be signed by the mayor of the city providing fire service, and address the following:
 - a. Minimum width of easement if more than 20 feet is required. Other wise the minimum width shall be 20 feet.
 - b. Minimum width of finished travel surface and required weight carrying capacity of the access road.
 - c. Specifications for fire apparatus turn-around at the location of the homes.
6. The language of the easement shall be approved by the County Attorney to ensure future access to the homes.
7. A future road agreement to provide right-of-way for a future road that will provide frontage to the parcels the homes will be built on and agreeing to paying for the costs of those improvements
8. All buildings will need to be setback 30 feet from the proposed future right-of-way.

WORKING REPORTS

Commissioner Clark Davis asked that Kevin Hamilton and Steve Hadfield work on a time line for future addressing of the County Fencing Ordinance as he has had public concern over this item. Staff said that he has been in contact with other counties to ask if they have or had similar issues and concerns with their fencing policy.

The annual year-end gathering is scheduled for Tuesday, January 8, 2008 at Maddox.

PUBLIC COMMENTS - NONE

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Commissioner Richard Day made a motion to adjourn the Planning Commission meeting at 8:35 p.m.

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

Richard Kimber, Chairman
Box Elder County
Planning Commission