

MINUTES BOX ELDER COUNTY PLANNING COMMISSION JULY 19, 2007



The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 6:14 p.m. for a Work Session prior to the Planning Commission meeting. The following members were present constituting a quorum:

Richard Kimber	Chairman	<i>The following Staff was present:</i>	
Jon Thompson	Member	Kevin Hamilton	Planner
Richard Day	Member	Elizabeth Ryan	Secretary
David Tea	Member	Pat Comarell	Consultant
Clark Davis	Member	Steve Hadfield	County Attorney
Theron Eberhard	Member		
Chad Munns	Member (excused)		

During the Work Session Pat Comarell and Kevin Hamilton reviewed the proposed revised and updated Box Elder County Land Use Management & Development Code with the Commission. The reasons for the re-writing and updating of the code were explained and a few changes that would be made in the proposed code [in the Subdivision] section were gone over by Staff. The Motion that would need to be made during the regular meeting was addressed and the changes that were discussed would be included in that Motion by the [Planning] Commissioner.

Chairman Richard Kimber called the Planning Commission meeting to order at 7:04 p.m.

The following citizens were present:

- | | |
|---------------------------------------|------------------------------------|
| Ray Manning/Garland | Darrell Quail/South Willard |
| Valena & Clifton Higley/South Willard | Randy Marble/Tremonton |
| Jerry & Vickie Petersen/Willard | Bennie Rittenour/Willard |
| Kent & Kathy Ross | Elden & JoAnne Kimber/Grouse Creek |
| Eric Shepherd/South Willard | Mark & Leisa Daines/South Willard |
| Therald Quayle/Willard | Gerald Albiston/Willard |
| Scott & Mary Miller/Brigham City | Jacob & Sally Kingston/Plymouth |
| Jacob & James Knight/Plymouth | Dean Brett/South Willard |
| Michael J Neary/South Willard | Mary Ellen Butler/Garland |
| Clay Butler/Tremonton | Jed Lillywhite/Garland |
| Mark & Collin Gibby/Brigham City | Al Gerhardt/Corinne |
| Brennan Gerhardt/Corinne | Brittany Williamson/Corinne |
| Travis & Katie Reeder/Corinne | Connie Butler/Garland |
| Austin Butler/Garland | |

The *Minutes* of the regular meeting held on June 21, 2007 were made available to the Planning Commissioners prior to this meeting (July 19, 2007). One word needed to be deleted and Commissioner Theron Eberhard asked about the additional option that was mentioned by Dean Brett on his variance request for setback requirements and if that could be added to the Minutes. A Motion was then made by Commissioner Jon Thompson; seconded by Commissioner David Tea; passed unanimously.

PUBLIC HEARINGS

AUSTIN C. BUTLER SITE PLAN (STORAGE UNITS), APPLICATION 07-008, LOCATED AT APPROXIMATELY 3650 NORTH 6000 WEST IN THE GARLAND AREA.

This property is in an area of the County that is currently un-zoned and the petitioner is proposing constructing storage units on the property. Staff was recommending that the area around the storage units be paved to control the dust created by gravel. The Public Hearing was opened and a comment was made by Mary Ellen Butler (a cousin of the petitioner) regarding the construction of a privacy fence surrounding the units as they live adjacent to the property and she was concerned about the safety and privacy of their property. Also asked if there was going to be a gate surrounding the units that would help with unauthorized access to the units; additionally would other units be built in the future on the rest of the property owned by the petitioner? Clay Butler asked about the upkeep of the vinyl slats proposed to be put in the fence on the side next to the Butler home, how would it be kept up and repaired if necessary; was also concerned about the number of units that could be built in the future as there is no zoning currently in the area. Austin Butler, the petitioner, addressed the issue of asphalt around the units and told the commissioners of the type of road base surfacing that he was suggesting putting in place of paving that would cut down sufficiently the problem of dust. The petitioner had also agreed to construct an eight foot fence around the units with privacy slats on the side next to the neighboring property. Mr. Butler also spoke of the other storage unit facilities in the area and that they were not fenced, nor was there paving or a road base around the units [only gravel], but he was willing to go a step further with the road base and fencing on this project. At the conclusion of the comments the Hearing was closed with a motion by Commissioner Clark Davis, seconded by Commissioner Jon Thompson, passed unanimously.

GERHARDT RE-ZONE PETITION & ONE-LOT SUBDIVISION, APPLICATION SS07-015, LOCATED AT APPROXIMATELY 120 SOUTH 6800 WEST IN THE WEST CORINNE AREA.

Currently this property is zoned MU-160 (multiple use 160 acres) and the petitioner(s) is requesting a re-zone to RR-20 and approval of a one-lot subdivision. When the General Plan and zoning was created for the West Corinne area in 2004 this area was not included in the RR-20 zone but was left open for zoning in the future as landowners petitioned the County. In this petition for the re-zone only the petitioner's half acre lot is included and it is approximately 1000 feet south of the current RR-20 zoning. The state does allow for spot-zoning and the Commission has the discretion as to whether or not include the adjacent property around the petitioner's to be included in the re-zone as the other [current] residents are in close proximity to the RR-20 zone. The Public Hearing was opened and the petitioner (Brittany Williamson) asked if it would be easier to have the other property included in the re-zone petition at this time. Commissioner Richard Kimber said that it would be easier for the Planning Commission to address the re-zone issue if the additional property

were included, thus eliminating the spot-zone of this one-lot and having the other property remain in the MU-160 zone. No further comments were made and the Hearing was closed with a motion by **Commissioner Theron Eberhard**; seconded by **Commissioner David Tea** and passed unanimously.

WASHAKIE RENEWABLE ENERGY SITE PLAN, APPLICATION 07-006, LOCATED IN THE WASHAKIE AREA, NORTH OF PLYMOUTH.

This petition was for the site-plan approval of a bio-diesel manufacturing plant located in the Washakie area, north of Plymouth. The petitioner, Dr. Jacob Kingston, had a PowerPoint presentation that was shown to those present at the Hearing. (A copy of that presentation is included with these Minutes). More information regarding this bio-diesel can also be found at www.wrebiofuels.com. **Commissioner Jon Thompson** asked if there was any “downside” to the use of this bio-diesel as compared to regular diesel in vehicles. Dr. Kingston answered that the “gel point” was about 10 degrees higher with bio-diesel. **Commissioner Theron Eberhard** asked if it could be used in road vehicles and if the different manufacturers of farm equipment had converted their machinery to use the alternative fuel, and its affect on the warranties? Dr. Kingston answered that Dodge and Cummins had increased their OEM standards to 20%, but he thought that the others were still at 2%. Bio-diesel is usually mixed with another fuel also. Austin Butler asked if there was any manufacturing pollution to the valley from the bio-diesel. Dr. Kingston answered that there was none as there would be a solid by-product that could be sold as a fertilizer. The Hearing was closed with a motion from **Commissioner Jon Thompson**, seconded by **Commissioner David Tea**; passed unanimously.

VALENA HIGLEY, ADCUP 07-010, HOME OCCUPATION BUSINESS LICENSE [FIREARM SALES] LOCATED AT 460 WEST 7615 SOUTH IN THE SOUTH WILLARD AREA.

This petition was for a home occupation of firearm sales in South Willard and the petitioner has received their license from ATF. Public comments were made by Eric Shepherd and Gerald Albiston, each concerned with having a home business in the neighborhood. When they purchased their property they understood that there would not be such activities in the development as there is a homeowners covenant associated with this subdivision. Concern was also made in regards to the number of children in the subdivision and the accessibility of firearms because of this potential business. Clifton Higley (husband of petitioner) stated that the purpose of this permit was not for the sole purpose of selling firearm out of the residence, but more for being able to attend and sell firearms at various gun shows throughout the area. The covenants of the subdivision were mentioned again by residents at the meeting and Staff stated that the County cannot enforce CC&Rs; it is more something that the residents within the subdivision enter into when purchasing their homes in the development and they would need to contact a private attorney to see if they (the CC&Rs) were enforceable. The County cannot be held to the covenants of the subdivision. **Commissioner Clark Davis** asked if it would be advisable for the Planning Commission to have a copy of the CC&Rs for review, but Staff said that he would not recommend that. At the conclusion of the comments the Hearing was closed with a motion by **Commissioner Theron Eberhard**; seconded by **Commissioner Richard Day** and passed unanimously.

TRAVIS & KATIE REEDER ONE-LOT SUBDIVISION, APPLICATION SS07-016, LOCATED AT APPROXIMATELY 1430 NORTH 6800 WEST IN THE WEST CORINNE AREA.

This one-lot subdivision is located in an area of the county that is currently zoned RR-20 (20,000 sq. ft. lot) and is proposed as a one acre lot which meets those requirements. No comments were received regarding this petition during the Public Hearing. The Hearing was closed with a motion by **Commissioner Jon Thompson** and seconded by **Commissioner Richard Day**; passed unanimously.

SCOTT D. MILLER ONE-LOT SUBDIVISION, APPLICATION SSO7-017, LOCATED AT APPROXIMATELY 17350 NORTH 6000 WEST IN THE GARLAND AREA.

This one-lot subdivision is located in an area of the County that is currently un-zoned. The proposed lot will be one acre and will front on 6000 West. No comments were received during the Public Hearing portion of the meeting regarding this petition. The Hearing was closed with a Motion by **Commissioner Richard Day**; seconded by **Commissioner Theron Eberhard**; passed unanimously.

BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE

Pat Comarell, a consultant hired by the County to help with the update and re-write of the current Land Use Management & Development Code, addressed the Commission regarding the updating of the Code manual to bring it closer to that of the State Code case law. The major objects of the re-write were to get a more objective format of the material and to set the perimeters for future development in the County. Also the State law that relates to land use development has been significantly re-written a few years ago, and the updating of the County Code follows those regulations more closely. Also recent community plans, i.e. West Corinne, Bothwell, and South Willard were included in the new Code. It also provides the legal framework for the Code. Definitions have been updated throughout the new Code. Non-Conforming uses and non-conforming structures were also updated to align with the new State Laws. This new ordinance will also allow the Planning Commission to delegate some decisions to the planning staff without having to be presented to the Planning Commission. (Straight forward items that would be approved by the Commission without having to be placed on the agenda.) There are still some areas of the Code that have not been updated, i.e. PUD zone; Mobile Home Zones; Signage requirements and the County will need to address those areas. During the Public Hearing portion, Randy Marble asked how the new Code would affect existing petitions. The County does have an ordinance that was adopted at the last County Commission meeting and any new petitions for subdivision would be held to the new Code standards. The Hearing was then closed with a motion by **Commissioner Theron Eberhard**; seconded by **Commissioner Clark Davis**; passed unanimously.

COMMON CONSENT

TRAVIS & KATIE REEDER ONE-LOT SUBDIVISION, APPLICATION SS07-016, LOCATED AT APPROXIMATELY 1430 NORTH 6800 WEST IN THE WEST CORINNE AREA.

This one lot subdivision is located in an area of the County that is currently zoned RR-20 (one half acre lot minimum) and the petition appears to meet the zoning requirement. Staff outlined the **conditions** for approval of the subdivision which included:

- ▶ Letter of approval from culinary water provider.
- ▶ Letter of approval from Health Department concerning the wastewater treatment or septic system.
- ▶ Letter of approval from the Box Elder County Fire Marshal.
- ▶ Approval from the County's Engineer and that the petitioner comply with those recommendations prior to recording of the subdivision.
- ▶ Letters of approval for the various utilities for the site.
- ▶ The petitioner(s) signing a Rural Road/Road Improvement Agreement.
- ▶ The petitioner(s) comply with all state and county subdivision regulations for which a specific variance has not been granted.

Upon meeting the above conditions, Staff recommended granting Preliminary and Final Approval for this subdivision.

SCOTT D. MILLER ONE-LOT SUBDIVISION, APPLICATION SSO7-017, LOCATED AT APPROXIMATELY 17350 NORTH 6000 WEST IN THE GARLAND AREA.

The one lot subdivision is located in an area of the County that is currently un-zoned and the lot is one acre in size. Staff outlined the **conditions** for approval of the subdivision which included:

- ▶ Letter of approval from culinary water provider.
- ▶ Letter of approval from Health Department concerning the wastewater treatment or septic system.
- ▶ Letter of approval from the Box Elder County Fire Marshal.
- ▶ Approval from the County's Engineer and that the petitioner comply with those recommendations prior to recording of the subdivision.
- ▶ Letters of approval for the various utilities for the site.
- ▶ The petitioner(s) signing a Rural Road/Road Improvement Agreement.
- ▶ The petitioner(s) comply with all state and county subdivision regulations for which a specific variance has not been granted.

Upon meeting the above conditions, Staff recommended granting Preliminary and Final Approval for this subdivision.

MOTION: A Motion was made by **Commissioner Clark Davis** to approve the *Travis & Katie Reeder One-Lot Subdivision* and the *Scott D. Miller One-Lot Subdivision* [as common

consent items] per the petitioner(s) meeting the **conditions** outlined by Staff. Motion was seconded by **Commissioner Richard Day** and passed unanimously.

NEW BUSINESS

The petition for the Conditional Use Permit of JoAnne Kimber G.C. Gone Country was moved to the first item under New Business by a request of **Chairman Richard Kimber** with no objections from the other commissioners.

JOANNE KIMBER [G.C. GONE COUNTRY] CONDITIONAL USE PERMIT, APPLICATION CUP07-011, [RV PARK] LOCATED AT APPROXIMATELY 11785 NORTH GROUSE CREEK ROAD IN THE GROUSE CREEK AREA.

Staff explained that the petitioner(s) have a small grocery store/gas station at 11785 North Grouse Creek Road and are requesting a Conditional Use Permit for a 4-lot RV park at the same location to accommodate those visiting and/or working in the area. The long-term goal of the petitioner(s) was to also construct some cabins for rental purposes in the future. Staff's only concern for this petition was that of fire protection, but the Fire Marshal has provided a letter stating that coverage would be available for the site. Staff had no further recommendations regarding this petition.

MOTION: A Motion was made by **Commissioner Jon Thompson** to grant approval of the Conditional Use Permit for **JoAnne Kimber G.C. Gone Country**; seconded by **Commissioner Richard Day**. **Commissioner David Tea** asked if there were any conditions to be imposed with this Permit and **Chairman Richard Kimber** said that his only concern was in regards to the location of the gasoline storage and its proximity to the RV site, however that concern had been approved by the State. The Motion passed unanimously.

GERHARDT RE-ZONE AND ONE-LOT SUBDIVISION, APPLICATION SS07-015, LOCATED AT APPROXIMATELY 120 SOUTH 6800 WEST IN THE WEST CORINNE AREA.

Brittany Williamson (the petitioner) told the Commissioners that at the time of submitting their petition they were told that they needed a half acre to build, but were unaware that the location of the property was within the MU-160 zone as there are other homes along the road in the location of this property. The petitioner has already invested money in this lot and because of that was now asking for a re-zone of the property along with the approval of the subdivision. **Commissioner Richard Kimber** asked if there was any reason why the re-zone could not extend to the south end of the petitioner's property or even further. Staff stated that was probably the ultimate goal of the landowner(s), but in the interest of time restrictions regarding noticing of Public Notices the petitioner decided to go forward with their petition at this time hoping for approval from the Planning Commission and then addressing the issue of including additional property in the re-zone request. **Commissioner Theron Eberhard** was concerned with re-zoning one lot, but Pat Comarell referred to the West Corinne Community Plan which allowed for the re-zoning of one lot. **Commissioner Clark Davis** asked if the petitioner(s) would object to the re-zoning of additional property in the area, and they were not.

MOTION: A Motion was made by **Commissioner Clark Davis** to approve the re-zone and one-lot subdivision for the Darold Gerhardt Subdivision and recommend that Staff follow-up on the possibility of re-zoning the additional [Gerhardt] property and others in the area. Motion was seconded by **Commissioner Richard Day** and passed unanimously.

AUSTIN C. BUTLER STORAGE UNITS, SITE PLAN APPROVAL, APPICATIONAL CUP07-008, LOCATED AT APPROXIMATELY 13650 NORTH 6000 WEST IN THE GARLAND AREA.

The site for these storage units is located in an area of the County that is currently un-zoned and the petitioner is seeking approval for storage units to be constructed on approximately four acres of the total 5.28 acres. Staff's findings included the following on this petition.

- ▶ Commercial uses in the un-zoned area of the County are regulated by Chapter 22 of the Land Use Management and Development Code.
- ▶ The petitioner(s) is proposing gravel only around the storage units. This may create a dust problem for neighbors.
- ▶ No landscaping is proposed.

Staff's **conditions** included:

- Letter of approval from the County's Engineer: developer required to comply with all requirements and recommendations of Engineer prior to commencement of construction, unless financial guarantee to cover costs of installing required and recommended improvements has been approved by County Commission.
- A paved travel ways at least 24 feet wide around the units.
- Building permit.

Staff recommended approval per above mentioned conditions and any others that the Planning Commissioners would want to include. The Petitioner was willing to install a privacy fence (with slats) around the storage units, but staff stated that there is no set standard regulating storage units or the necessity of privacy fence currently in the Code. **Commissioner David Tea** questioned having a commercial use in a residential area which may necessitate the fence. Staff restated that although there are residents in the area, it is currently un-zoned. **Commissioner Jon Thompson** asked if there was anything in the current Code that would require a hard surface (paving) around the units, and again the response was negative as the area is un-zoned and there are no specific types of requirements regulating the site plan approval for storage units in the area, but Staff was recommending pavement around the units. Staff referred to the Site Plan approval guidelines of the LUMDC and that it allowed the Planning Commission to look at the site and consider any issue of compelling public interest; the opinion of Staff was that because it is in an un-zoned area of the County, any use could be petitioned for, without restrictions set by the Planning Commission. With this particular petition, the Planning Commission would be making a finding that it was a compelling public interest to require the pavement around the units. The Petitioner had addressed the Commissioners concerning the pavement and his plan to have a hard pack [road base] surface that would significantly help with the dust problem and explained the procedure to the Commissioners. **Commissioner Jon Thompson** again questioned the dust problem if not paved, and was torn as to whether or not require it (paving) as the units are in an un-zoned area. Staff's recommendation was to require the pavement as this would set a precedent for any future commercial projects [such as

storage units] in this and other areas of the County.

MOTION: A Motion was made by **Commissioner Clark Davis** to grant approval for the Site Plan of Austin C. Butler Storage Units as per the ***conditions*** recommended by Staff, including pavement around the units and a fence being installed. Motion seconded by **Commissioner David Tea** and passed unanimously.

VALENA HIGLEY, [FIREARM SALES] CONDITIONAL USE PERMIT, HOME OCCUPATION, APPLICATION ADCUP07-010, LOCATED AT APPROXIMATELY 460 WEST 7615 SOUTH IN SOUTH WILLARD.

After considering the comments made during the Public Hearing regarding this petition, the Commissioners asked if it would agreeable with the petitioner to not have clientele come to the residence for the sale of firearms, but use the permit primarily for the purpose of participating in various gun and sportsman shows throughout the area. That was a compromise that the petitioner was willing to make, but did ask about the possibility of internet sales as there would not be any people coming to the home. That was thought to be OK. **Commissioner Richard Day** asked if this sort of petition was in line with the recent South Willard Community Plan and Pat Comarell said that it would be typical of any other home occupation business in the area.

MOTION: A Motion was made by **Commissioner Theron Eberhard** to grant the Conditional Use Permit for Valena Higley with the stipulation that no clientele would come to the residence; seconded by **Commissioner Richard Day** and passed unanimously.

BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE

MOTION: A Motion was made by **Commissioner David Tea** and seconded by **Commissioner Jon Thompson** to recommend adoption of the [re-written and updated] ***Box Elder County Land Use Management & Development Code*** with the following corrections:

1. any reference to “city” to be eliminated
2. 6-1-240 C.3 to read: “Curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the subdivider. The County Commission may, for good cause, after receiving a recommendation from the Planning Commission, grant a deferral on the installation of curb, gutter and sidewalk for small subdivisions and subdivisions where the minimum lot size is five (5) acres or greater.”
3. 6-1-240 C.10 to read: “To ensure conformity, the developer shall furnish and install required County street signs which meet the County sign specifications and State street standards.”
4. 6-1-240-13 paragraphs 13 and 14 to be deleted entirely.

Motion passed with **Commissioner Clark Davis** abstaining from the vote.

UNFINISHED BUSINESS

DEAN BRETT CONDITIONAL USE PERMIT, APPLICATION CUP07-009, LOCATED AT APPROXIMATELY 7568 SOUTH 520 WEST IN SOUTH WILLARD.

The petition for this variance was first heard at the June 21, 2007 meeting of the Planning Commission and a Public Hearing was held at that time. The Commissioners had asked that Mr. Brett return to this meeting and have additional information for their review. Mr. Brett addressed the Commissioner informing them that he had talked further with his neighbors and was willing to change the setback on the south side to seven (7) feet and five (5) feet on the west side. This would change the size of his proposed building, and would be constructed to match the design of the residence. Commissioner Clark Davis asked what the intended use of the building would be and Mr. Brett stated that it was mainly for storage of a third vehicle and “play” vehicles. Commissioner David Tea asked about the fire requirements; Staff responded that traditionally three (3) feet is sufficient but that issue would be addressed by the building/inspection department when the petitioner applies for the building permit.

MOTION: A Motion was made by Commissioner Richard Day to grant the Conditional Use Permit to Dean Brett for a variance in the setback requirements from ten (10) feet to seven (7) feet on the south side and five (5) feet on the west side of the storage building. Also the building is not to be a steel structure, but more in line with that of the houses in the area. Motion was seconded by Commissioner Theron Eberhard; passed with Commissioner Clark Davis against granting the variance.

WASHAKIE RENEWAL ENERGY SITE PLAN APPROVAL, APPLICATION CUP07-009, LOCATED IN THE WASHAKIE AREA NORTH OF PLYMOUTH.

No further comments were received on this petition and the following Motion was made.

MOTION: A Motion was made by Commissioner Jon Thompson to approve the Washakie Renewable Energy site plan; seconded by Commissioner David Tea; passed unanimously.

ROCK HILL TWO-LOT SUBDIVISION

MOTION: A Motion was made by Commissioner Jon Thompson to Table any action on this petition at this time (as the petitioner was not present at the meeting); seconded by Commissioner Richard Day and passed unanimously.

BLUE GRASS FARMS, LOCATED AT OR ABOUT 10300 WEST AND 13600 NORTH IN THE BOTHWELL AREA.

This proposed subdivision has a total of fourteen (14) lots in an area that is currently zoned RR-5 (five acre lots) Staff’s findings included:

- ★ The petitioner has submitted a letter from the BRWCD for culinary water usage.
- ★ The roads in the subdivision will need to be fully improved.
- ★ Waste water treatment will be by on-site waste water system; with approval from Health Department.
- ★ Homes should have fires suppression sprinklers as fire hydrants are not available for this development
- ★ Roads should be stubbed to the east and west on the south end of the subdivision.

Randy Marble, the petitioner, questioned the reasoning for the stub roads and was willing to grant easements for any future development since he did not own the property to the east or west of this site. Mr. Marble felt that five acre lots was not conducive to high density development and that a sixty-foot road would be adequate for travel within his subdivision and that the property on the east and west would also have sufficient ground to meet the five acre lot requirements. He also felt that the other landowners [on the east and west] would benefit substantially from any stub roads that he would have to install at his expense. Also asked that if it was required that the stub road be installed, could he, the petitioner, decide where to put the road, perhaps at the south end of the development rather than between lots within Phase II or III of the development. As this was before the Planning Commission for Preliminary approval at this time there would still be adequate time to determine where to locate the stubs. **Commissioner Clark Davis** stated that the Commission needed to look at the [possible] long-term development potential of the area and not just this petitioner's request. Mr. Marble also addressed the issue of fire protection and said that he would be willing to put in eight (8) inch lines in anticipation of sometime in the future having the capability of fire hydrants in the area. Currently the BRWCD does not allow fire hydrants or home suppression sprinklers on their system. Staff was quite concerned about the precedent that would be set by allowing a large subdivision such as this without either hydrants or sprinklers in the houses and that possibly larger developments in some areas of the County were just not appropriate at this time as adequate infrastructure is not in place. Mr. Marble said that this development could be serviced by rural fire departments such as Thatcher/Penrose or the Tremonton Fire Department, as is being done in other [rural] parts of the County. Staff said that the various water companies throughout the County are looking into the issue of sufficient water being available for either hydrants or home sprinklers, but did not know when anything would be done in regards to the near future. **Commissioner David Tea** asked the petitioner what the objection was to having fire protection in the homes with sprinklers, and basically it was the additional cost of the system to the homeowner, approximately \$5,000 to \$10,000 more in the cost of construction. It was suggested that before any building permits would be issued for this development the fire protection would need to be addressed further. Although there have been developments in the past where adequate fire protection had not been in place, **Commissioner Clark Davis** said that the Commissioners had learned from those previous projects and did not want to continue allowing developments where infrastructure was not in place for the necessary services. Regarding the stub road, **Commissioner Clark Davis** also asked if the petitioner were to put the road in at the south end of the development could a Rural Road Agreement be entered into thus eliminating the necessity of pavement at this time. **Commissioner Clark Davis** further stated that Preliminary approval could be granted at this meeting with the location of the stub road being left at the discretion of the petitioner; however the issue of adequate water flow and fire protection would not be solved at this meeting. Staff agreed that could be a possible solution at this time.

Staff's [other] **conditions** for Final approval of this petition included:

- ◆ Letter of approval from the culinary water provider
- ◆ Letter of approval from the Bear River Health Department regarding the septic systems.
- ◆ Letter of approval from the Box Elder County Fire Marshal; homes will be required to have fire suppression sprinklers installed due to inadequate water supplies.
- ◆ Letter of approval from the County's Engineer
- ◆ Letter of verification for utilities, i.e. gas, electric, power, phone, etc.
- ◆ Rural road/road improvement agreement.
- ◆ 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.
- ◆ Stub roads to the east and west at the south end of the subdivision.

MOTION: A Motion was made by **Commissioner Clark Davis** to grant Preliminary approval for the Blue Grass Farms 14-Lot Development, allowing the Petitioner to determine the location of the proposed stub road, or signing a Rural Road Agreement for future development by other landowners; seconded by **Commissioner Richard Day**; passed unanimously.

WORKING REPORTS

It was suggested that BRWCD and representatives from other water companies be invited to a Planning Commission meeting to talk about the fire protection issue and the necessary adequate pressure for hydrants or home sprinklers. Staff was concerned about the liability that was being taken on by the County in approving these subdivisions that did not have adequate infrastructure in place. **Commissioner David Tea** asked if it wouldn't be appropriate to have Steve Hadfield (County Attorney) address some of these issues that have been brought up and make the necessary changes in the new Code and Ordinances to cover these infrastructure issues. Staff and the County Attorney have been working toward that end and recently there was a meeting with the various water companies addressing the need for a solution to this water flow issue and having adequate pressure and water for hydrants and home sprinklers.

PUBLIC COMMENTS - NONE

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Commissioner Jon Thompson made a motion to adjourn the Planning Commission meeting at 10:41 p.m.

Passed and adopted in regular session this 16th day of August 2007

Richard Kimber, Chairman
Box Elder County
Planning Commission