

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JULY 15, 2010

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 Day	Chairman	<i>the following Staff was present:</i>	
Chad Munns	Vice Chairman		
Desiray Larsen	Member	Kevin Hamilton	Director
David Tea	Member	Elizabeth Ryan	Ex. Secretary
Jay Hardy	Excused	Tamara Wright	Planner
Jay Christensen	Excused	Steve Hadfield	Co. Attorney
Laurie Munns	Excused	Andre Pommier	Fire Marshall

Chairman Richard Day called the Planning Commission meeting to order at 7:06 p.m. The Minutes of the June 17, 2010 meeting were made available to the Planning Commissioners prior to this meeting and upon review a Motion was made by **Commissioner Chad Munns** to accept the Minutes as written; seconded by **Commissioner David Tea** and passed unanimously.

The following citizens were present:

Dan Vanzeben/Ogden	Scott Grover/Garland
Scott Morrill/Logan	Jerry Cool/Willard
Shannon Cook/Willard	Dale Barnett/Willard
Rob Stokes/Thatcher	Jeff Hansen/Wellsville
Jerry Stevenson/Layton	Linda St Clair/Willard

PUBLIC HEARINGS

Chairman Richard Day called for the public hearings on the agenda by informing those in attendance that each item would be handled separately, and that the time for the hearings was to allow the public the opportunity to voice any concerns and the Commissioners would listen to the comments and concerns, but this was not a questions/answer time.

PARK VALLEY FIRE DEPARTMENT, CUP10-011, LOCATED AT APPROXIMATELY 54106 WEST STATE HIGHWAY 30 IN PARK VALLEY.

Staff reviewed the CUP application with the Commissioners before comments were taken from the citizens. The Park Valley Fire Department is asking for this CUP in order to build a new substation in a RR-1 zone. Further, UDOT approval would be needed for access to the site. This proposed station will be located next to the existing fire station. **Dan Vanzeben**, architect for the Park Valley Fire Station approached the Commissioners stating that “*in addition to the letter that Tamara had received relative to the UDOT approval we also have letters, which I can give to Tamara this evening, from Raft River Rural Electric Cooperative that they are serving that area; that there is availability to get power for this building. In addition to that from One Propane will be providing the propane. I think the critical*”

element for this structure is so that we can build a structure where the apparatus can be parked and serviced and facilitated; specifically with a heated structure so that in the winter they can keep the trucks that have the tanks with the water in those. Currently the facility that they are parked in does not have heating so they have to drain the tanks in the winter. That becomes a problem when you're fighting fires with the pump generally in the ditch needing to have that tank water, so that's critical. Obviously budget is a real challenge for this building and as you're aware from reading the staff report there is not a well on site for water availability and I have talked with Mike Rhodes at the Bear River Health Department who has indicated in our discussions that as long as we don't have water and can't use restroom facilities there's no reason to spend the money at this point to put a septic system in yet. And I appreciate staff's recommendation that this conditional use permit for the fire station be approved based on approval of the storage facility only, where they can put their equipment and then recognize as culinary water is accessed through a well or something like that and the septic system installed then they would use it for additional kinds of business operations. They understand that, and we understand that in this process, and request that you give that consideration to get this building and an important facility out in the Park Valley area. Thank you and if you have any questions I'll be glad to answer them if I can."

Chairman Richard Day said that they may have some questions later, but not at this time in the meeting. Staff then read in a letter from Andy Pommierⁱ regarding this facility regarding fire protection. No other comments were received and a Motion was made by Commissioner David Tea to close the hearing, seconded by Commissioner Desiray Larsen and was unanimous.

RIVERSIDE FARMS, SS10-001, (FINAL) 18460 NORTH 5200 WEST IN THE RIVERSIDE AREA OF BOX ELDER COUNTY

Staff explained that this application is for final approval on the 35 Lot Subdivision located in the unzoned area of Riverside. This development will be done in two phases and received its concept and preliminary approval on August 20, 2009. Staff referenced Article 6-1-130ⁱⁱ stating that the petitioner has a one year timeframe in which to record the subdivision plat after preliminary approval was received. Staff read a letterⁱⁱⁱ from Bill Gilson of the Box Elder County Road Department and Andy Pommier^{iv} Building/Fire Inspector for the County. A memorandum^v from the County Engineer's office was also read by Staff. The hearing was then opened and Scott Morrill, representing the petitioner Jerry Stevenson, approached the Commissioners stating "we have not be given the red line comments from the engineer so it is kind of hard to say if we have any issues; he apparently didn't generate them until the day before yesterday and they haven't come so I'd like to sure we'll work them out but I need to know what I'm agreeing to. I think the issue boils down to the secondary access that we talked about last time we were at this meeting. And just to recap, we sited the provision within the Box Elder County Code that said if you had topographical features or other features you can have a variance. And we went round and round and round in that meeting . . . it was indicated that if we put on the face of the plat that the homes would be sprinkled, individually, that the requirement for a secondary access would be eliminated; and so after much debate on behalf of the owner he decided to go ahead and do that and we have put that on the face of the plat that each home will be individually sprinkled. So I'm kind of mystified why that issue came back up when we were told that it could be – or would be eliminated if we went ahead and sprinkled because of the fire flow issue. With regards to the things from Mr. Gilson, apparently he didn't come in and look at the information, because the UDOT approval letter is there that he wanted to see the specifications of . . . everything that he asked for has been in Tamara's hands, and so don't know where those comments came from, but I think we've satisfied them. If there's a culvert that's twelve inches that he wants sized to fifteen, that's not a problem, and I think we need to resolve the secondary access issue once and for all. As we pointed out last time, UDOT has said this is where you can have an access; we can't go to the north because there's already access, UDOT won't permit it and to the south, topographically we end up 60, 70, 80 feet of cut and we drop down into the river, so in our opinion we meet the provision that says if you meet the topographical a variance is possible. We've done everything we can do with regards to sprinkling the homes and doing traffic studies and doing everything that we feel is reasonable, and so that's why we've designed it the way we have. Trying to think the other

comments . . . like I said, we just haven't gotten them; I don't know. . . planning's had the plans for two months and it's just like within the last two weeks, **or last two days**, people have decided that they better get comments to us. I'm thinking we can work things out, but I haven't seen them to say that concretely." Commissioner David Tea suggested that Staff let the petitioner read those comments before this was addressed by the Commission later on. To which Scott Morrill responded "we turned in plans two months ago. I think they took them as said oh, maybe what about this; and so there's a 24 X 30 set of redlines somewhere . . . fair enough, we can work that out, but I don't know if they're wholesale changes or they're just sort of typos, I just don't know what they are." No other comments were received and the hearing was closed with a Motion by Commissioner Chad Munns, seconded by Commissioner Desiray Larsen and pass unanimously.

UNFINISHED BUSINESS

5C'S MOBILE HOME PARK, JERRY COOK

Staff explained that this mobile home park is located in South Willard in a Commercial General zone; the petitioner is asking for a conditional use permit to allow for ten recreational vehicles within this park that has been in existence since 1960 and is currently a legal non-conforming use and can be used to the extent that it was legally created. The approval standards in considering this application were from, 1) Article 3-6-040, Standards and Requirements for All Mobile Homes Parks, Recreational Vehicle Parks, and Mobile Home Subdivisions; 2) Article 3-6-090, Additional Requirements for Recreational Vehicle Parks; and 3) Article 2-2-100, subsection F under Conditional Use Permit, as this use is allowed in the zone with a CUP. Staff then referred to the staff report for items that needed further discussion. A letter^{vi} from Andy Pommier Fire/Building Inspector was then read by Staff. It was also noted that Bill Gilson, Box Elder County Road Department did not have any concerns or comments regarding the road in the park as it is not maintained by the County. Also, UDOT did not have any concerns with this application at this time.

Commissioner David Tea suggested that each of the items be discussed individually as he had a question regarding the actual acreage of the site and it was determined to be 4.08 acres. The petitioner [Jerry Cook] was then asked to come forward to join in with the Commissioners in discussing the approval standards and items.

Article 3-6-040

- 1. "A strip of land at least fifteen feet wide surrounding the entire park shall be left unoccupied by mobile homes, recreational vehicles, storage buildings, service buildings garages or any add-ons, and shall be planted and maintained in lawn, shrubs, trees, with an approved durable permanent wall or fence designed to afford privacy to the development."*

Staff noted that there is a permanent fence surrounding the park; however there are some areas where the fifteen feet to the fence line is between three and nine feet. Where the distance was less than the required fifteen Staff noted that those sites had a shed or other outbuilding which accompanied the mobile home and once that [the mobile home] was removed and the development of the RV site, then the distance would increase. Once the RV site was created then the fifteen feet would need to be maintained. Currently each of the lots is approximately thirty (30) by seventy (70) feet.

- 2. "Shall conform to all applicable state regulations."*

- 3. "All storage and solid waste receptacles outside the confines of any mobile home or recreational vehicle shall be housed in a closed structure compatible in design and construction to the mobile homes."*

Currently there is a designated spot for the solid waste receptacle; however the receptacles are not enclosed at this time and would need to be addressed. Mr. Cook said that there would not be a problem with enclosing the waste receptacle in the Park.

Article 3-6-090 (Staff noted that it appeared that most of these had been met and fell within the regulations of the Code.)

1. *“Recreational vehicle parks shall generally be located: a) Adjacent to or in close proximity to a major traffic artery or highway; b) Near adequate shopping facilities; c) Within or adjacent to a mobile home park.”*

This Park is located in South Willard on Highway 89.

2. *“Not less than ten percent of the gross land area shall be set aside for the joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks, and off-street parking shall not be construed as part of the ten percent common area required for parks and playgrounds for occupants; provided, however, that in initial stages of development or in special smaller developments the minimum area shall not be less than two acres or ten percent, whichever is greater.”*
3. *“Yard lighting with a minimum of 0.2 foot candles of light shall be required for protective yard lighting the full length of all driveways and walkways.”*

Mr. Cook asked what would be recommended during Staff’s recent visit to the site and was told that an additional two lights should meet the requirements. He agreed with the three existing lights and the two new lights would be located between those existing. That should provide adequate lighting for the park.

4. *“All areas not covered by recreational vehicles, hard surfacing, or buildings shall be landscaped and permanently maintained pursuant to a plan approved by the Planning Commission.”*

Commissioner David Tea said that he thought that the area was landscaped inside the fence, except for the location of the storage units and that area was not relevant to this conditional use permit.

5. *“All off-street parking spaces and driveways shall be hard surfaced before the adjacent recreational vehicle spaces may be occupied.”*

Commissioner David Tea asked for a definition of “off-street parking?” What was being considered as a street; was it the strip of pavement through the park? Staff stated that the roadway through the park is basically paved from edge to edge, ranging from twenty-two feet to thirty-four feet through the mobile home park. The road width being discussed dealt with that of the RV portion of the park and not the mobile home park regulations. **Mr. Cook** noted that the road is fifty feet wide before meeting the grass and only thirty feet are required to be paved for the road leaving ten feet on each side for the parking. The main concern here voiced by **Commissioner David Tea** was not as concerned with where the RV would be parked, but where a car/truck would be parked that accompanied the recreational vehicle [trailer]. After some discussion **Mr. Cook** said that the area where the RV’s would be located would be opened up for additional pavement, creating space for parking without having to pave the entire road through the length of the park. Most RV pads are thirty feet and the mobile home pads are seventy feet which would allow for the additional pavement. **Commissioner Chad Munns** then asked the petitioner what the surface pads were where the mobile homes are located. **Mr. Cook** said that some are gravel and some paved, about 50/50 with some concrete.

6. *“The roadways shall be designed to accommodate anticipated traffic, including the following standards, unless modified by an approved planned unit development plan:*
 - a. *ONE-WAY TRAFFIC. A minimum of fifteen feet in width plus extra width as necessary for maneuvering recreational vehicles.*
 - b. *TWO-WAY TRAFFIC. A minimum of thirty feet in width.*
 - c. *ENTRANCE ROADWAYS: Minimum of thirty-six feet in width.*
 - d. *ROADWAYS: All roadways shall be hard surfaced and bordered by twenty-four inch rolled gutters or an approved equivalent.*
 - e. *SIDEWALKS: Thirty-six inch minimum width sidewalks shall be installed on all main roadways within the development, if required by the Planning Commission.*

f. ACCESS: Each recreational vehicle park shall have at least two accesses to public streets, unless more than one is prohibited by a responsible public agency.

Commissioner David Tea asked for clarification on the difference between “two-way traffic” and “entrance roadways” other than feet. Where does the entrance roadway turn into a two-way street? Chairman Richard Day said that he interpreted that as where the entrance from Highway 89 met the roadway into the Park; that would be thirty feet. Andy Pommier suggested that the Commissioners may want to consider the ability to maneuver the RV’s in the park as most parks have pads at an angle. But Chairman Richard Day said that during the site visit he felt that the pads were at an angle and it would be the driver’s “problem” to back the RV into the slot. Mr. Cook then said that he would encourage any RV owners to enter the park from Highway 89 and leave heading west, connecting onto 7800 south to travel east back to the highway [as the angle of the lots are already constructed that way]. Commissioner David Tea then asked what the petitioner intended to do in widening the roadway within the park. Mr. Cook responded saying that he intended to pave the area of the RV section to at least fifty feet and perhaps a little more to enable the off-street parking for cars/trucks to get off of the traveling surface width of the roadway. Mr. Cook also noted that he had been asked why this road was never made a one-way street and said that it would be difficult to enforce as this is on private property.

Commissioner David Tea asked if the petitioner had thought about sidewalks in the park and was told that as they [sidewalks] had not been required at the time of the initial development (in the 1960’s) they were not being considered at this time either. Commissioner Desiray Larsen asked about the requirement of the roadways being paved with a hard surface and bordered by a twenty-four inch rolled gutter or approved equivalent. The Commissioners discussed this determining that this would address storm water run-off and that when the roadway was widened that would need to be addressed to keep any run-off within the confines of the park, noting that there is a catch basin located on the west end of the park and has controlled the water thus far. Commissioner David Tea suggested that a rolled edge [on pavement] may help to eliminate the asphalt being broken up when vehicles drive over the edge, as has occurred in many areas in South Willard. Mr. Cook said that when the blacktop is put in he would see about having that done to help with the longevity of the surface, noting that he did not know just when that would be done. He continued saying that he needed to meet with the South Willard Flood District to determine where the storm water would go and having blacktop/asphalt laid before that would create problems. Commissioner David Tea then noted that one of the requirements was that “*all off-street parking spaces and driveways shall be hard surfaced before the adjacent recreational vehicle spaces may be occupied;*” that would need to be addressed before using the RV pads. To that Mr. Cook’s response was that if that was the case this petition could stop now. However, Commissioner Desiray Larsen stated that the Commission was amiable with the surface that was currently in place. Commissioner David Tea said that his concern was that the car/truck pulling the RV would have to park on dirt and not on a paved hard surface; however Commissioner Chad Munns felt that the car/truck would be able to park along with the RV on the designated pad and that many would not be disconnected from the RV at all. Mr. Cook said that if any [hard] surface was added to the side of the RV pad he would put a road base down; to which it was asked, what was a definition of a hard surface? The Commissioners determined that they would specify that it needed to be a hard surface, but it would be the County Engineer that would determine just what a hard surface was. Rolled gutters or an approved equivalent would also be determined by the County Engineer, and sidewalks would not be required as it would be difficult to have sidewalks only in the area where the RV portion of the park is located.

The two accesses to the park were satisfied with the Highway 89 access and also from 7800 South.

7. “No individual space in a recreational vehicle park shall be used by one individual recreational vehicle for more than ninety day consecutively, nor shall such space be rented or leased to any one individual for a period longer than ninety days in any one calendar year.”

Commissioner David Tea asked Staff if they had had a chance to research this since the last meeting (in June 2010) and was told that as the code currently states a 90 day time limit, this petitioner would have to comply to those regulations that are in place at this time.

8. *“Recreational vehicles may be stored where permitted, but not used for permanent living quarters.”*

Satisfied with the ninety day time limit restriction for occupation.

9. *“Recreational vehicles may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot in an appropriate zoning district when such use is a permitted or a conditional use.”*

Staff said that this was not really applicable as this is not a “sales lot” in an appropriate zoning district.”

10. *“Ten recreational vehicles may be accommodated in an approved and licensed mobile home park, provided that: a) the recreational vehicle park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes; b) the recreational vehicle use area shall have direct access to a collector or arterial street; c) separate ingress and egress shall be provided for recreational vehicles when required by the Planning Commission.”*

Commissioner Desiray Larsen addressed the petitioner asking if it was still his intention to have a chain link fence as the barrier between the mobile homes and the RV’s.

Mr. Cook said that he would like to have fourteen (14) lots in the park set up for RVs; further explaining his reason for this request was with the ninety day limit, if a potential guest came in and **Mr. Cook** needed to move an existing RV to accommodate them, he would need to have a spot to transfer that RV to. *“Let’s say, for instance, you lengthen the stay to a year, but no more than ninety days in one lot, I don’t know how you’re going to do it . . . I’m going to have to move RVs around in there. And if they’re full, where do I move it to? Do I come over to Dave and say, Dave you’ve got to pull out because I’ve got to move this guy.”*

Commissioner David Tea agreed that was a good question, but didn’t know the answer, emphasizing the ten lot maximum, asking the petitioner what would happen if the ten lots were full and another RV came in to rent a spot what would happen then if the fourteen lots were granted. To that, **Mr. Cook** said that he would not rent out beyond the ten limit maximum and the Commission would have to trust his word on that. **Chairman Richard Day** reiterated the ten lot maximum and that it couldn’t be changed at this time without an amendment to the Code.

In further discussing the barrier issue, **Chairman Richard Day** said that whether a chain link fence, or bushes or trees or whatever, there is nothing in the Code to specify what needs to be used as long as the RVs are separated from the mobile home [trailers]. That could also be left to the discretion of the County Engineers or inspectors.

Direct access to a collector or arterial street is provided with Highway 89 [to the east] and 7800 South [to the south].

Regarding the separate ingress and egress issue, **Commissioner Desiray Larsen** said that what is currently there should be sufficient for this park.

Commissioner David Tea said that he felt the Commission was satisfied with the approval standards that had been outlined by Staff on the staff report [Article 2-2-100]. Staff then read a letter from the County Engineer, Jones & Associates^{vii}, dated May 13, 2010 also noting that the Commissioners had made a site visit to the 5C’s Mobile Home Park. At the conclusion, **Commissioner David Tea** noted that the two homes at the top of this Park [on Highway 89] are nice homes and that the location of the RV pads will begin behinds these two homes would add to the “clout” of the petitioner’s request. Staff then outlined the **Conditions of Approval** for this petition.

1. A final site plan needs to be submitted to the Planning Commission for final approval. (This site plan will need to show the ten stalls and where the barriers will be, how and with what it will be accomplished).
2. Compliance with all state, federal and local regulations.
 - a. Provide documentation from the State that Five C’s mobile home park is in compliance
3. Maintain a current business license
4. Compliance with Article 5, Regulations of General Applicability
5. Compliance with Article 3-6, Mobile Homes, Mobile Home Subdivision, & Recreational Vehicle Parks, including but not limited to the following items

- a. Article 3-6-040
- b. Article 3-60090
6. Compliance with Article 2-2-100, Conditional Use Permit
7. Compliance with Article 2-3, Nonconformities
8. Only ten recreational vehicles can be accommodated within the Five C's mobile home park at any given time.
9. Compliance with the screening recommendations by the Planning Commission.

Regarding number 8 and the ten recreational vehicles, **Commissioner David Tea** noted that this refers to accommodated at any given time, but not necessarily built. If the petitioner were to build twelve spots the Planning Commission would probably not require him to fill them back in, however, if there were more than ten being accommodated then there [could] possibly be a citation issued to Mr. Cook. Again, that could be left up to the inspectors, but at this time the Commission could not give him (Mr. Cook) permission to build more than the ten maximum slots. Staff then recommended approval with the conditions outlined, allowing the ten recreational vehicle spots within the Five C's Mobile Home Park, with the understanding that Article 2-3-040, (in changing the current nonconforming status) ***“to the extent any nonconforming use, non-complying structure, nonconforming lot, or other nonconformity become conforming, it shall not be changed back to the previously existing nonconforming condition.”***

Mr. Cook said that he felt he would be able to meet all of the conditions **except** for the laying of the blacktop/asphalt before recreational vehicles would be accommodated, and he would not allow any RVs into the Park until **Andy Pommier** (County Building Inspector) had given his approval to do so. **Chairman Richard Day** agreed that this issue of the hard surface and blacktop/asphalt could be worked out between the petitioner, the county inspector and county engineer as this was something that would affect other projects throughout the County.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to grant approval for the Conditional Use Permit allowing the Five C's Mobile Home Park **ten recreational vehicles** spots within the existing park with the conditions as outlined by Staff and complying with *Article 3-6-040* and *Article 3-6-090* and *Article 2-2-100* as outlined above. Also, that the petitioner understands that once this change is made it cannot revert back to the legal nonconforming use (*Article 2-3-040*) granted before this change with the recreational vehicles. Motion was seconded by **Commissioner Chad Munns** and passed unanimously.

NEW BUSINESS

PARK VALLEY FIRE DEPARTMENT, CUP10-011, LOCATED AT APPROXIMATELY 54106 WEST STATE HIGHWAY 30 IN PARK VALLEY.

Staff reviewed the approval standards with the Commissioners for this conditional use permit as they were listed on the staff report. As there is no water available at this location, **Chairman Richard Day** asked if there is any facility nearby that had restrooms available and/or water for the fire workers to use if needed. **Andy Pommier** told the Commissioners that the county road shed building is across the street from this location and the ambulance is located there; most of the firemen help to man that facility and there is a shower and restroom in that building. **Commissioner David Tea** asked where the fire water tanks would be filled with water if none is available at this site and was told that there is a well at the LDS Church and also at the location of the school. Staff continued stating that the location of this facility would allow for adequate storage for the equipment and that this location is next to the existing fire station, in the center of town situating it close to public gathering areas, including the school. Because of the location, **Chairman Richard Day** asked if a Rural Road Agreement was necessary, but was told that

was not necessary as this fronts on Highway 30 [a county road] and approval has been received from UDOT regarding the access.

Dan Vanzeben told the Commissioners that UDOT required a *“thirty-five foot right-of-way easement access; essentially in the center of the property and we have located the building so that access from the south side of the building coming out to the street will be paved with asphalt, but the contractor is going to try and talk UDOT into letting them do concrete since asphalt is kind of a silly material out that far. But right now the requirement is a thirty-five foot easement, measured at the throat . . . a thirty-five foot access, which UDOT has approved and that will have an eighteen inch culvert underneath it. We will have gravel surfacing from the south of the building to that property line and to that access and then the payment onto the road.”*

MOTION: A Motion was made by **Commissioner David Tea** to forward a recommendation to the County Commission to grant approval for the Conditional Use Permit for the Park Valley Fire Station as a storage facility with the conditions of approval as outlined by Staff. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

Conditions of Approval:

1. Compliance with Article 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code Book.
2. Compliance with recommendations and requirements from County Engineer
3. Compliance with recommendations and requirements from County Fire Marshall
4. Compliance with all State, Federal and Local regulations
5. Building Permit is required for construction of Park Valley Fire Station
6. Compliance with Article 3-2-070, Regulations for Specific Uses for the RR-1 zoning district.

A ten minute break was taken at 8:27 p.m. and **Chairman Richard Day** called the meeting back to order at 8:35 p.m.

RIVERSIDE FARMS, SS10-001, (FINAL) 18460 NORTH 5200 WEST IN THE RIVERSIDE AREA OF BOX ELDER COUNTY

Staff discussed the review letters from Bill Gilson, County Road Department (attachment III) regarding 1) possible redesign to another access point to help with the congestion; 2) increasing the culverts crossing the roadway from twelve (12) inches to fifteen (15) inches [which is the current County standard]; 3) a design specification for the proposed rolled curb; 4) the pressurized irrigation system running thru lots 2, 6, 16, and 17; is it a working system; is there an easement; what kind of line is it; and will it cause problems with septic systems [Staff noted that currently it is the intent of the Bear River Canal Company to run the pressurized irrigation system for the Riverside Farms Subdivision]. 5) documentation from UDOT addressing the need or no need for deceleration lanes for the access to the subdivision (Staff said that a letter [April 29, 2009] from UDOT had been reviewed which stated *“They have reviewed and conditionally approved the request for an access for SR 13.”* This letter was not an actual approval, however Staff was informed that UDOT Region One had given approval for this access. Official documentation would be needed granting that access. 6) with the concern for safety in and out of the subdivision and so many housing units with only one access, a recommendation was made to widen the main subdivision roadway to the second “Y” section to the east.

Scott Morrill then joined the Commissioners to discuss these issues stating *“we can upgrade the culverts; that’s not a problem . . . the rolled curb, I thought we showed on the plans . . .so he might not have seen it. The pressurized irrigation system, we have created an easement . . . the old one has been abandoned . . .he may not have seen those plans, but on the plans we’ve got it going down a property line. A separate easement, then gets us out to roads, then we run in the right-of-way, so pretty standard. Again, that’s on the plans.* When asked by Staff about the current irrigation being abandoned, **Mr. Morrill** said, *“It hasn’t been abandoned today . . .when we get approval, when we start construction, we*

will abandon and reconstruct. We would like to see documentation from UDOT . . . we paid for an expensive traffic study, traffic count; we didn't do it. They compiled it, they sited federal standards and everything and it came back that we were below the thresholds for deceleration lanes. Is he asking for a copy. . . I think we gave it to you and if not we can get you a copy. That's why, I mean if UDOT, I can guarantee that if any way they could have pushed us into it they would have, but we were below the threshold." [Chairman Richard Day asked if that study was inclusive of all thirty-five lots and was told that it was.] "We didn't decide to phase this until the last meeting and so all along, in fact up there it says thirty-five lots. . . so the answer is yes. And the traffic counts were based on the thirty-five lots. And then number six, the difficulty we have is we have a specific width given to us from UDOT for the width to coming off there. They grant us what their access will be so widening it will have a choke point, no matter what. So I guess I don't see the benefit of widening the road and then choking down to what the width that UDOT grants us in their access. I'm thinking that the right-of-way access there is sixty feet. So that's the right-of-way width, but the pavement is less than that. Again, I don't really see a problem with widening it, but to what? The letter here just says widening it. . . are we talking . . . well my position is as long as I don't have to restart the process with UDOT . . . if you guys have ever done that, you'll know why. . . because, granted we've dedicated the right-of-way width, it's there; so if adding six feet each side benefits somebody and that solves our problems. . . but anyway that's my hesitation is somehow that this requires UDOT to come back to us. Otherwise, we keep it until we get to the right-of-way line UDOT width then we jump out to Box Elder County's width, and I don't know how that benefits. . . "

Commissioner Chad Munns asked Staff to again review the comments about the fire code (from Attachment IV) and the congestion on the access road.

Staff read **503.1.2 Additional access.**

"The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. It is my opinion that the design of the subdivision has the potential for impairment that could limit access. The potential would further be exacerbated by the development of phase 2. As this is a subjective opinion, I would prefer to enforce the above provision as directed by the planning commission and/or county commission."

Commissioner Chad Munns continued discussing this issue stating that in the case of an accident at the access it would be difficult for an emergency vehicle to respond to an incident further into the subdivision with only the one access.

Mr. Morrill said that he recalled that "included in that discussion was we did not meet what they were calling out for fire flow, therefore, since we weren't meeting fire flow, give us two accesses, or in the alternative have each individual home sprinkled therefore you wouldn't need to meet the fire flow access, therefore you wouldn't need a second access. That's how I understood the argument . . . and we've pointed out last time that we have topographical issues and we have UDOT issues, spacing the distance on how far we can get another access, and we felt we met the provision for a variance and you said, well is this a variance request or is this . . . where are we? We left the meeting saying we'll take comments . . . we'll take our best set of plans based on those qualifications; we'll turn them in so we . . . everybody finally writes down what the issues are; so I thought that's what this meeting would be; we would come here and everybody would say here's our comments, take care of the comments, and we're almost there, I don't think we've quite got there, but for some reason it appears that they're backing off on this second access if we sprinkle the homes.

Chairman Richard Day said that his recollection regarding the previous meeting and discussion was that there were two separate issues, 1) the access and 2) the fire issue. Those were addressed as having a sprinkling system as a solution to the fire issue; however it didn't solve the access in, in the event of an

emergency or ambulance and it didn't have anything to do with that situation. To that, **Mr. Morrill** said that is why a variance had been requested. **Andy Pommier** agreed with the Chairman that these were two separate issues; the sprinkler system was required because of the fire flow issue; but if the appendix chapter was used the sprinkler system would get rid of having to have the second access when you had thirty homes. In other discussions, Mr. Morrill told Mr. Pommier that he couldn't use the appendix chapter so consequently that was dropped and NFPA would be used for calculation. **Mr. Kevin Hamilton** then told the Commissioners that the discussion between Mr. Morrill and Mr. Pommier needed to be directed to the Commissioners and not between the two of them.

Mr. Morrill then said *"if the fire flow requirement of 200 gallons per minute, is being asked for this subdivision, also in the appendix part of the code that he wanted to throw out; my reason is, we have been asked to meet a huge fire flow requirement that Brigham City doesn't even ask. You can't go downtown and find that anywhere in Brigham City's fire protection system. Fine, if that's part of the appendix code that he has chosen to throw out . . .so if he's going to throw it out for the second access why are we keeping it in for the fire flow issue? So if he's going to throw it out for the second access, let's throw it out for the fire flow requirements and go with what we have."*

Chairman Richard Day noted that in the prior meeting the two sides were going to meet to resolve these issues and had that meeting occurred? It was not the Planning Commission's responsibility to decide what would or wouldn't be required on this topic. The petitioner and the fire representative would work out the details and then bring that back to the Commission. The petitioner said that meeting did not take place because of conflicting schedules; to which **Chairman Day** said that if that issue could not be resolved moving forward on the rest of the approval would be moot.

Mr. Morrill then asked *"if a part of the Code is not adopted and is in an appendix is it enforceable in a decision making body here? Wholesale, not parts of it; if it's in the appendix and not adopted do we recognize it? Now that's a legitimate question."*

Chairman Richard Day responded asking *"did we accept the fact that you have made the decision to do sprinkling?"*

Mr. Morrill said *"we put that on the face of our plat, that's part of our submittal. So where do we go from there?"* **Chairman Day** then agreed that issue was taken care of; however **Commissioner Chad Munns** again asked about the width of the road. **Andy Pommier** stated that in his discussion with the county engineer while looking at the site, was something that would give a little more width to the road than the required two lanes for traffic, so that if something were to occur there would be some additional travel surface to circumvent the problem at the access site. **Commissioner Chad Munns** mentioned that the petitioners had suggested an additional five to six feet on each side of the road (within the subdivision) that could help in resolving this dilemma.

Jerry Stevenson then asked the Commissioners *"you just made mention of thirty (30) lots; do the rules change if we just go to thirty lots?"* Staff responded that the subdivision ordinance had recently been amended that states any new subdivision applications proposing thirty lots or more would need a second access. **Mr. Stevenson** then said that with enough rules put in place this project would not be able to move forward anyway, it wouldn't work financially. Realizing that it was not the fault of the Planning Commissioners and *"maybe if I can sell seven less lots, sell them bigger, maybe that . . . if that will make this thing work, but I don't think we're ever going to jump through all the hoops . . . I've been dealing with this now for a year and a half and the rules keep changing. . . and anyway I can't keep playing with it. . . I'm either going to have to put it away and come back at a later date, which may be where the County wants to be or I need to come out with something that's going to work . . .and maybe if it's go to thirty lots, if I can jump through those hoops, I'll just have a few lots that are bigger. I don't see what difference it makes between thirty and thirty-seven when we think about that for a few minutes, it isn't going to make a lot of difference in traffic or anything else. The other thing is, the way that this project is designed, you could almost come up with a travel lip by putting a four inches of gravel, of pit run, two inches of gravel on top on it, that's a travelable surface almost any place and you widen that street. You make it so you can get around the project and it makes a lot of sense. If you had an accident, you could drive around it. It would support of fire truck it would support an ambulance. You've already got that*

with the plan that we've submitted for the bridal path, if you will, on the sides. I've explained this the last time I was here, we don't want to go in and do a project with high-back curb. We think this project. . . what we're looking at is trying to put a project in that will support a community that will stay rural or rural in nature. We realize that it's a long way out, but that's our risk, but if it helps to just redesign this and go the thirty lots, we'll look at doing it that way and getting on with life. If that's the only way we're going to make the rules that you have fit let's redesign the project to thirty lots and be done with it. If that gives us the one access and the type of stuff that we need we'll conform to that. But I think you've got plenty of width here to get . . . you can get three and maybe four cars past each other on what will be a travelable surface that by the time you take rolled gutter on both sides, two lanes of traffic and a bridal path on the side, you can drive on that . . . "

Mr. Morrill said that there was a meeting scheduled with Staff and other representatives from the County for Wednesday, July 21, 2010 and that an approval was recommended by Staff pending agreements at that meeting. It was difficult for the petitioner to agree to what the agreements were in advance of actually knowing what they were. Therefore, **Commissioner Chad Munns** suggested that action on this petition be tabled until the August 19, 2010 meeting. At that time all of the necessary changes, corrections, and stipulations for approval would need to be finalized as this application would be approaching its one year time limit. **Kevin Hamilton** said that the plans and designs for this subdivision would need to be completed and available for the county engineer review and if the county engineer was not able to do their review in a timely manner it would be possible for the Planning Commission to grant a thirty-sixty day extension to the petitioner for the final approval.

MOTION: A Motion was made by **Commissioner Chad Munns** to Table final approval on the Riverside Farms Subdivision until the meeting between the petitioner and County Staff was able to take place and resolve the issues still in question with this subdivision. Action for final approval would then be placed on the August 19, 2010 Planning Commission meeting. Motion was seconded by **Commissioner David Tea** and passed unanimously.

SURPLUS PROPERTY, AT 1400 WEST FOREST STREET, RACE TRACK PROPERTY FOR THE PURPOSE OF A CONSTRUCTION STAGING SITE AND OFFICES.

Kevin Hamilton addressed the Commissioners regarding this former horse race track property located at approximately 1400 West Forest Street in Brigham City. The property is within the boundaries of Brigham City, but is owned by the County; therefore it is necessary for the Planning Commission to determine that the lease of this property would be in conformance with the General Plan of the County. It is proposed that the property be used as a staging area and contractor office site for companies associated with the Ruby Pipeline project. Any sub-contractor's leasing this property would have to comply with all Brigham City ordinances and would apply to them for any necessary permits. **Commissioner David Tea** was concerned about the property once these sub-contractors were finished and wondered if it would be the responsibility of the County to clean up the area. Mr. Hamilton said that he thought it would be the responsibility of those using the property to restore it upon vacating [and would probably be part of any agreement or use permit from the City].

MOTION: A Motion was made by **Commissioner David Tea** to forward the finding of the Planning Commission regarding the lease of the race track property located on West Forest Street to the County Commission. As this property is within the boundaries of Brigham City this action is not in conflict with the Box Elder County General Plan. Motion was seconded by **Commissioner Chad Munns** and passed unanimously.

WORKING REPORTS

LETTER IN REGARDS TO RUBBER MULCHING BUSINESS (ROB STOKES) IN THE UN-ZONED AREA.

Staff informed the Commissioners that in June of 2009 **Rob Stokes** had received approval for a site plan/conditional use permit for a rubber mulching facility which would be located on his property in the Thatcher area. Recently **Mr. Marcus Phipps**, a neighbor to the north of **Mr. Stokes'** property, e-mailed a letter^{viii} to the Planning office complaining of this operation. One of the complaints that this neighbor expressed was that on occasion the tires that were piled next to a fence between his property and that on **Mr. Stokes** would fall over and damage the fence. Staff had taken new pictures of the operation and had those to show to the commissioners. **Mr. Rob Stokes** was also in attendance at this meeting to answer any questions that the Commissioners had. **Mike Rhodes** of the Bear River Health Department visited this site and reported back to Staff that the tires were not of a size large enough to cause concerns and that the dust generated by this operation were of a size that would not be hazardous. **Mr. Rhodes** also reported that the tires were greater than twenty-six (26) inches, and that DEQ may need to be contacted regarding that issue. Staff said that DEQ had been contacted [**Mr. Wade Hansen**] and he sent a letter^{ix} regarding his findings and this letter was read into the Minutes. **Kevin Hamilton** then approached the Commissioners stating that it was his understanding that this business is in compliance with the site plan that was approved by the Planning Commission and as this is located in an un-zoned area of the County, there is little that can be done at this time. Further, **Mr. Hamilton** said that if activity at this location were to change, then Mr. Stokes would need to come in and apply to amend his current site plan/CUP, but as it is located in an un-zoned area the business activity would [probably] not be stopped while that was being done. **Mr. Stokes** said that this is a pilot operation and has grown faster than he anticipated; and he is hoping to find another location sometime in the future that will accommodate an expansion. In order for regulations to govern up-start businesses in the county, it is necessary for the citizens of a particular area to consider zoning that would help with regulations and uses that would be allowed. No motion was needed on this, and **Mr. Hamilton** said that he would visit the site [with Staff] to determine if any additional action were needed on the current (approved) site plan. Staff would then report back to **Mr. Phipps** in regards to the findings of the Planning Commission on this mulching operation.

Bear Hollow Ranch

Staff reported that this petitioner would like to have the Planning Commissioners visit the site of this development and water ski-park before the August 19, 2010 meeting. This is located in the Collinston area on Highway 30. A site visit was then scheduled for Tuesday, August 3, 2010 at 5:30 P.M. to meet at the location for those that were not familiar with this development.

It was proposed that the September meeting be changed from the 16th to the 23rd (the fourth Thursday).

PUBLIC COMMENTS – NONE

A **Motion** was made to adjourn at 9:36 p.m.; unanimous.

Passed and adopted in regular session this 19th day of August 2010.

Richard Day, Chairman
Box Elder County
Planning Commission

i	Park Valley Fire Department CUP
ii	<i>“...if the final plat has not been recorded within one year of the date of the preliminary plat approval by the Planning Commission, the preliminary plat must again be submitted to the Planning Commission for review and approval.”</i>
iii	Bill Gilson Road Department letter
iv	Andy Pommier letter
v	Jones & Associates Engineers, Inc. Memo
vi	Andy Pommier letter, 5 C’s Mobile Home Park
vii	Jones & Associates letter re: 5C’s
viii	Letter from Marcus Phipps (rubber mulching complaint)
ix	Letter from Wade Hansen (DEQ)