MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
FEBRUARY 15, 2001

The Board of Planning Commissioners of Box Elder County, Utah met in a Public Meeting at their regularly scheduled meeting, at the County Courthouse, 01 South Main Street in Brigham City, Utah at 7:00 p.m. on **FEBRUARY 15, 2001.**

The following members were present constituting a quorum:

Deanne Halling	Member (acting Chair)
Stan Reese	Member
David Tea	Member
Theron Eberhard	Member
Royal Norman	Member

The following Staff was present:

Garth Day	County Planner (arrived 7:16 p.m.)
Elizabeth Ryan-Jeppsen	Department Secretary

The **regular session** was called to order by Acting-Chairperson Halling at 7:00 p.m.

APPROVAL OF MINUTES

The minutes of the regular meeting held on December 21, 2000 were reviewed by the members present and several clarification issues were discussed by Commissioner Tea. A Motion was made by Commissioner Norman and seconded by Commissioner Tea to approve the Minutes once the corrections are made and submit to the Chairman for signature.

SUBDIVISIONS FOR APPROVAL

NED FAIRBANKS SUBDIVISION (PHASE III), AT OR ABOUT 7425 SOUTH 425 WEST IN SOUTH WILLARD

Mr. Day stated that this subdivision is now at the preliminary level for approval having had the conceptual approval earlier. The final drawings are also finished and if the Commission so chooses, could be granted final approval also at this meeting. Phase I of this subdivision has already been completed and the Commission granted approval. Phase II is nearly complete with a few issues that are still being dealt with. The addresses (Phase III) have now been placed on the Plat Map in accordance with the Surveyor's office. In regards to the street sections in Phase III, they need to be amended to meet the Surveyor's requirements. On lots where there is greater than 120' of frontage, curb, gutter, and sidewalk improvements

are not required. Instead a drainage barrow is required, so the road has a six-foot shoulder with a 2% slop and a drainage area. On the drawings that were submitted there was a six-foot shoulder with a ditch which was unacceptable and needed to be corrected. The engineer has corrected those drawings to meet the necessary requirements. There is a letter in the file from the South Willard Water Company and the Willard Flood Control Board regarding the design of the storm drainage system in this subdivision. Commissioner Norman asked if there is a catch basin for this drainage system. The water in the cul-de-sac drains out of the subdivision. Mr. Day stated that this was one of the issues that were a concern of the staff which has been brought to the attention of the engineer. He then stated that it was the recommendation of the staff to grant preliminary approval for the Phase III of the Fairbanks Subdivision. Commissioner Halling asked about granting final approval also and Mr. Day stated that he could see no real problem with granting final also. Mr. Day noted that the necessary signatures were not on the Mylar map which is usually required before final approval is given so there is still some review to be done by those agencies, i.e., Health Department, County Surveyor and County Attorney.

MOTION: A motion was made by Commissioner Eberhard that preliminary and final approval be granted to the Fairbanks Phase III Subdivision and authorize the Chairman to sign with the stipulation that all the other signatures have been acquired on the drawings. The motion was seconded by Commissioner Reese and passed unanimously.

GENE HARDY SUBDIVISION, AT OR ABOUT 3008 W. FOREST STREET

Discussion concerning this one lot subdivision ensued and Commissioner Eberhard asked Mr. Day about the drainage ditches needing to be covered over. Mr. Day noted that this is required for access to the property and these ditches will be filled in by the petitioner. Commissioner Norman asked for verification as to whether this ditch was an irrigation ditch or drainage ditch and Mr. Day stated that it is only a drainage ditch. Commissioner Tea mentioned that the County Road person could possibly help the petitioner in covering the ditch so that it is done properly, but it is not a requirement.

MOTION: A motion was made by Commissioner Norman to grant preliminary and final approval for the Gene Hardy Subdivision and was seconded by Commissioner Tea and was passed unanimously.

WASHAKIE ESTATES EIGHT LOT SUBDIVISION, AT OR ABOUT 15600 N. 5200 W.

Mr. Day stated that the Commission granted preliminary approval for this subdivision at their October 19, 2000 meeting. The eight-lot subdivision is currently unzoned and has established proof of all utilities including water from the Riverside/North Garland water service district. There are no street improvements required except for the basic utilities stubs to each lot. Commissioner Norman asked if there were Ag lands behind these lots and Mr. Day noted that this subdivision is in the vicinity of an Ag protection area which was noted on the Plat map.

It was initially felt that the water line would need to be upgraded, but upon further consideration it was determined that this will not have to be done and it does not interfere with any irrigation systems that the staff is aware of. Commissioner Tea asked about the width of the lots which are 116 ½' and if gravel drainage will be put into place. This was affirmative. Commissioner Norman asked about the existence of any type of drain ditch in front of the subdivision which is along a County road. Mr. Day stated that the County Surveyor did not indicate a drain ditch in that area. Commissioner Reese noted that this particular drainage will dump directly into the Malad River. There is an oil road already present.

MOTION: A motion was made by Commissioner Reese to grant final approval for the Washakie Subdivision, seconded by Commissioner Eberhard and passed unanimously.

THE FARMS AT SOUTH WILLARD SUBDIVISION (BRUCE JONES DEVELOPER), AT OR ABOUT 7300 SOUTH HWY 89 IN SOUTH WILLARD

Mr. Day stated that this subdivision is in an area which was recently re-zoned to one-half acre lots, and is located between the I-15 Interstate and HWY 89. The property was formerly owned by Lowell Lemon. Mr. Jones is proposing a 54-lot subdivision (one of the largest that has been reviewed by the Commission). If the Commission granted conceptual approval at this meeting, Mr. Jones will proceed with the preliminary design. Conceptual approval is giving approval to the overall design of the subdivision.

The following recommendations were made by the Staff and discussed with the Commissioners:

a. **Lots 1, 2, and 13** have double frontage (on a main road into subdivision and also on HWY 89) and should be restricted from having access from HWY 89. UDOT would also require that stipulation and documentation from UDOT will be required regarding the access restriction from HWY 89.

b. **Lots 40-49** also needs to be restricted so that the primary access is not from the (county) frontage road which is adjacent to the Railroad along the back (west) side of the subdivision. Commissioner Halling asked about the possibility of homeowners on these lots wanting access because of having a horse, but Mr. Day stated that large animals are not allowed in areas zoned R-1-20.

   1. Commissioner Norman brought up the possibility of a commuter rail line that may come north into Brigham City and that it would probably be placed along this existing road/railroad line. He felt that within the next twenty years this could happen and was concerned that the right-of-way not be disturbed along this existing rail area. He wondered if some of the lots butting up against the back of the plan would have to have home destroyed if this were to happen. Commissioner Eberhard noted that these particular lots were longer than the others and Mr. Day stated that this may be something that should receive closer consideration by Mr. Jones. Therefore, a possible restriction could be placed regarding whether a gate should be placed along the back of those lots.

c. **Lot 40** will need to have an additional restriction in order to require proper maintenance of the detention basin.

d. **Lot 13** has an odd shape portion which should be reconfigured to be part of **Lot 14.**

e. All lots are on a septic tank system, but the possibility of a sewer system has been discussed. At this point a percolation test is not required. Preliminary feasibility has been done by Bob Wilson, and he indicated that the one half acre lots are OK. Mr. Jones noted that Bob Wilson had performed about ten test holes and evaluated each hole. The water level in every hole stabilized at eight feet.

f. Mr. Day had received a letter from the Pettingill's concerning the location of wells located on **lots 9, 10, and 11.** Not sure how this issue will have to be worked out. Becky Pettingill was present and stated that this was something that happened between Lemons and Pettingill's many years ago. It will be the developer's responsibility to resolve this problem. Commissioner Norman asked if the Board of Health was concerned that these wells might be contaminated. These are flowing wells that go below 100'. Well protection zones will need to be established (by the

developer) around the wells.

1. In regards to a possible sewer system, Mr. Day stated that a grant had been received from Utah Quality Growth Commission to do a Septic Tank Feasibility Study. Mr. Day asked the State if these funds (approx. $20,000) could be used instead for Sewer Trunk Line Study. This work is being developed by an engineer and the process will be started soon.
2. A large subdivision is currently being developed in Farr West (about two and one half miles south of the Farms subdivision) and the *Central Weber Sewer Improvement District* required that developer in Farr West to build that system to a capacity that would be able to handle both the Farr West development and the South Willard development(s) and Willard City in the future. The feasibility study will show how the South Willard (and Willard) would drop into that lift station. This would require incorporation into the South Weber Sewer District and a tax levy against those people located within that district. It was asked if the developer could put the sewer lines into place so that they would be there when a sewer line came into existence, but Mr. Day stated that it would be difficult to require developers to install sewer lines for something that is being planned [for sometime] in the future.

g. Becky Pettingill asked about the existing access road (north side of subdivision) that it not have any gates placed along it to restrict Pettingill's access to their property.

h. All lot lines are to be radial to the street unless approved otherwise by the Commission, but Mr. Day suggested that it is better to have the lines square. Also, all of the roads will be turned over to the County.

i. Commissioner Norman asked about the width of the roads and if there was sufficient room to turn around in the cul-de-sacs. Mr. Day stated that all the main roads are sixty feet wide with a radius of 100 feet in the cul-de-sacs.

j. The Ag protection area for the Cole and Pettingill property also needs to be indicated.

k. Mr. Day stated that the Commission may also want to require some fences be put into place along the lots that are boarding the Railroad. The Commission has the authority (through the subdivision ordinance) to require such a buffer if they deem it so necessary.

l. Commissioner Eberhard asked if at this point of conceptual approval, should the Commission include any recommendations that they felt the developer needed to address. Mr. Day answered that it is mainly the design of the subdivision that is primarily being considered at this point, but it would be a good idea to let the developer know of anything that they may foresee as a real concern when the preliminary plan comes before the Commission for approval.

m. Commissioner Eberhard also asked about the temporary cul-de-sac (turn-a-rounds) located at **Lot 8** (there is also a temporary located at **Lot 49).**

1. Mr. Day explained that these temporary turn-a-rounds are put into place where the road, or stub street, is greater than one lot length. This enables the trash truck access and snow removal or piling. It is temporary until the road continues through at a possible later date of development. These lots still allow sufficient room for a home to be built on them. The road does not need to be paved, but compacted in some manner.

MOTION: A motion was made by Commissioner Eberhard to approve The Farms Subdivision at the

conceptual level with the inclusion of the well protection area, and the recommendations and findings listed (as underlined in Minutes). The motion was seconded by Commissioner Tea and passed unanimously.

RODNEY & CHRISTINE JEPPESEN SUBDIVISION, AT OR ABOUT 300 NORTH 6800 WEST, IN THE CORINNE AREA

Mr. Day explained that this one lot subdivision is located in West Corinne on property that is currently unzoned. All utilities, including water have been established. He further noted that since 6800 West is not fully dedicated as a 66' county road, (it is only 33' wide) the staff has required that sixteen and one half feet be dedicated as part of the subdivision to the county. (When the other side of the road is possibly developed at a later date then sixteen and one half feet from that development would be dedicated from that side.) Commissioner Norman asked about the recommendation of 15" culvert pipes being used when the existing house next to this subdivision has a 10" pipe. After some discussion it was determined that the county surveyor possibly set that particular requirement. It was also determined that the use of 15" pipe is less likely to cause problems with backup and where 10" pipe is currently used, especially around the intersections, they plug up. Commissioner Eberhard asked about the wording concerning the "filling in of the ditches," if that was indeed what was to be done, or if they were only needing to have a culvert. Mr. Day stated that in some cases the ditches do need to be covered and these particular open ditches need to be filled in for access to the property. The petitioner stated that he has asked the drainage company to place a drain field around the .75 acre lot and also one that will run parallel with the canal. The drain field around the house will not run under the house. Commissioner Norman noted that in this particular area drain fields are usually placed underground at 400 feet apart and if a house is built over it, in five years or so, the field could be blocked off by tree growth or other underground obstructions. Mr. Jeppesen said that these drain fields should not be in jeopardy of any building. At this present time there is no stipulation regarding drains other than a map showing the location.

MOTION: A motion was made by Commissioner Tea to grant Preliminary and Final approval of the Jeppesen one-lot subdivision with the stipulation that the drain lines are indicated on the plat map. The motion was seconded by Commissioner Norman and passed unanimously.

AGRICULTURE PROTECTION AREA

AG PROTECTION AREA – JOHN W. LARKIN FAMILY PARTNERSHIP

Mr. Day noted that the 159.4 acres being proposed as an Ag Protection Area consists of three difference parcels of land. After a site visit, the staff determined that this area meets all the requirements as outlined by the State Law and would be good to have in Ag Protection. Currently alfalfa hay and corn are being grown on the land. The Willard Bay Canal runs through part of the land being petitioned. Once this petition is approved by the Planning Commission then it is submitted to the Soil Conservation District for review and recommendation. The County Commission then holds a public hearing before it is approved. If the property changes ownership the Ag Protection is still in place until a request is made otherwise. There is no penalty to take land out of Ag Protection once it is placed in protection. After twenty years it would be reviewed by the State if still protected.

MOTION: A motion was made by Commissioner Eberhard to recommend to the County Commission the establishment of the John W. Larkin Family Partnership Ag Protection Area consisting

of 159.4 acres in South Willard. The motion was seconded by Commissioner Tea and passed unanimously.

A short break was taken at this 8:14 p.m. in order for Mr. Day to retrieve the information concerning the road dedication plat in South Willard. Reconvened at 8:25 p.m.

ROAD DEDICATION – 7800 SOUTH (APPROVAL)

Mr. Day stated that this road had been surveyed by Mr. Denton Beecher by court order and had been signed off by Jerry Cook, Larry Graham, Richard Day, Tim Lunday, David Scothern, and all other property owners. The road is located in the vicinity of the 5C Trailer Court and extends under I-15. It is 47.7 feet wide and consists of property that has been used as a road for some time as a right-of-use road. No land had to be given up by any of the above-mentioned landowners. Once a road dedication has been approved by the State the Planning Commission is required to sign off on it. The County Plat maps will be adjusted to reflect this road and its description if necessary.

MOTION: A motion was made by Commissioner Reese to accept the road dedication and recommend the Chairman to sign. It was seconded by Commissioner Tea and passed unanimously.

OTHER BUSINESS

Mr. Day spoke with the Planning Commissioners regarding some 21st Century training in updating the Box Elder County Planning (zoning) Code. He stated that it needs to include current standards, i.e., road standards, drawings, drainage swells, curb & cutters, sidewalks, etc. Adopt everything into what would be called a "Development Code" as some of the smaller communities have done. Some training could be included which would probably take several months and the training time could be attached to the beginning of the regular Planning Commission meetings for thirty minutes or so. The current code was adopted in 1992 and every line is numbered and is difficult to follow. Commissioner Halling agreed that the code which was adopted in 1992 was probably an improvement over the then existing code and that now it is probably in need of improvement again. Commissioner Norman further noted that the number of subdivisions that have been approved in the past eighteen months is probably as many as were approved in the previous ten years. Mr. Day noted that there are some areas that need to be addressed, such as conceptual approvals, as they are not currently being addressed in the existing code, especially where large subdivision developments may have some serious issues (such as the Farms Subdivision reviewed at this meeting). Mr. Day said that if the Commissioners wanted full training he would be able to accommodate that or he could have everything put together for them to review on their own time. Their review could be discussed at the conclusion of the Planning meetings for ten minutes of so. Commissioner Reese stated that the latter suggestions would suit him better.

MOTION: A motion was made by Commissioner Reese at 8:48 p.m. to adjourn the meeting and was seconded by Commissioner Tea. Unanimously passed.

Passed and adopted in regular session this 15th day of March, 2001.

Richard Kimber
Box Elder County
Planning Commission, Chair