

MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
FEBRUARY 17, 2000

The Board of Planning Commissioners of Box Elder County, Utah met in a regularly scheduled meeting at the County Courthouse, 01 South Main Street in Brigham City, Utah at 7:00 p.m., on **FEBRUARY 17, 2000**. The following members were present constituting a quorum:

Richard Kimber	Chairman
Jon Thompson	Vice-Chairman
Royal Norman	Member
Deanne Halling	Member
David Tea	Member
Stan Reese	Member

The following members were excused:

Theron Eberhard	Member
-----------------	--------

The following Staff were present:

Garth Day	County Planner
Denton Beecher	County Surveyor
Malinda Hansen	Department Secretary

The regular session was called to order by Chairman Kimber at 7:05 p.m.

Mr. Beecher introduced Garth Day as the New Box Elder County Planner/Economic Development Director to the Commissioners.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 20, 2000 WERE APPROVED ON A MOTION WITH THE CORRECTION ON PAGE TWO, FIRST LINE TO READ: “ 33' IN WIDTH”, BY COMMISSIONER TEA, SECONDED BY COMMISSIONER REESE AND UNANIMOUSLY APPROVED.

AGENDA: ATTACHMENT NO.1

SUBDIVISIONS

Roger Whipple, 3 lot subdivision, (preliminary plan)

Mr. Day reviewed the Whipple Subdivision with the Commissioners, reminding them that this subdivision had received conceptual approval on January 20, 2000. The commission at that time had some concerns regarding drainage, road access to the subdivision, a substandard 33' road, UDOT access onto Hwy 89, along with a possible requirement of a deceleration lane. Mr. Day stated that to date there has been no approval from UDOT. The Planning Department is waiting for the subdividers engineers to turn in plans which include percolation test results and drainage calculations. Mr. Beecher stated that the engineer had included a sump, with a 5' in depth manhole, located in the cul-de-sac and then the drainage would flow out to Hwy 89, the current plans are not specific as to where exactly this drainage would flow. Mr. Beecher also stated that there is a concern about paving the road to the edge of the existing property due to power lines located on the property line, this would not meet with the County desires. Mr. Day reviewed engineering concerns that the department had with the plat:

- There are questions regarding the detention basin, storm water, the flood control district's engineer has not yet reviewed the proposal. A letter from the district is required prior to approval.
- If the access to the subdivision 8000 S. is private, how will the maintenance and ownership of the road to be handled? Does the Commission want to set a precedent in approving a substandard public road? This will cause some difficulties with emergency vehicles and road maintenance, snow plowing etc.
- No title report as been furnished as required by sec.3.4.1.1.1 of the development code.
- No Engineer's cost estimate have been provided as required by sec. 3.4.1.1.11., nor has the subdivider established any financial security, (Escrow Agreement) with the County.
- The County is yet to receive a letter from UDOT approving the access from Highway 89.

MOTION: A motion was made by Vice-Chairman Thompson to approve the preliminary plan of the Whipple Subdivision, Phase I, contingent upon:

1. A road dedication to the County of 30' width by 545' length, from the adjoining neighbor, the Whites, therefore allowing this road to be a total in width of 60', for public road. Currently the Commission would only require the improvement of the northern 30' owned by the Subdivider and Jack B. Parsons. If the subdivider fails to

receive the dedication from the Whites, the subdivider would then need to create a homeowners association or other form of legal maintenance and ownership of the road as a requirement to develop this as a private road;

2. Subdivider must implement all other engineering concerns stated by Mr. Day and Mr. Beecher, including but not limited to, drainage, water flow, UDOT approval, Willard Flood Control, and Utility approvals.
3. That the subdividers engineers meet with Mr. Day and Mr. Beecher to clear up all issues prior to Final Plan Approval.

The motion was seconded by Commissioner Norman and unanimously approved.

Millennial Heights, 38 lot subdivision, (requesting non-compliance with radial lot lines)

Mr. Day reviewed the history of this subdivision. This subdivision is located in the South Willard area. The Planning Commission approved the concept plan of this subdivision on December 16, 1999:

Excerpt from December 16, 1999 minutes:

*Commissioner Tea made a motion to approve the concept plan of this subdivision **but that the subdivision be required to comply with the radial lot line and perpendicular to the street line requirements.** As well the lot frontage of 120 feet shall be required if Millennial Heights wished to not install curb, gutter and sidewalks, as outlined in the Code. Commissioner Reese seconded the motion. Vice-Chairman Thompson restated to Ms. Peck that her options were to either install curb, gutter and sidewalks or each lot shall contain the 120 feet of lot frontage, or apply for variance with the County Commission. The motion was passed unanimously.*

Ms. Peck is now requesting the Planning Commission approve non-radial lot lines as set forth in section:

7.7.12.3.4 Side lot lines shall be at right angles or radial to street lines, except where justified by the developer and approved by the Planning Commission.

Mr. Beecher stated that it appears that the reason for the approval of non-radial lot lines for the subdivider is to achieve the highest number of lots, so as to be more advantageous financially to the subdivider. Mr. Day stated that if the commission were to approve the non-radial lot lines, they would be setting a precedent for future subdividers. Ms. Peck stated that in their request of a variance to non-radial lot lines, no strange shaped lots or road hazards will be established. Mr. Day said that if the commission were to make a motion in regards to non-radial lot lines, that they should state the commissions specific reasons for the approval. Ms. Peck requested to have another

opportunity to bring in a new preliminary plat, working out some of the radial lot line issues. Mr. Day suggested that the commission table this issue until those plans are received.

MOTION: A motion was made by Commissioner Halling to deny the request for approval of non-radial lot lines throughout the Millennial Heights Subdivision. The motion was seconded by Commissioner Tea and unanimously approved.

Amendment to Joe Stokes, 6 lot subdivision, (Amendment, Final Plan)

Mr. Day reviewed the Joe Stokes original subdivision which was originally approved in 1995 as a 6 lot subdivision by the Planning Commission. The subdivider is petitioning for an amendment to the original plat increasing lot size by a depth of 100' for lots numbered 1 through 6 on the plat. Ms. Fuhrman, representing the subdivider, stated that the reason for increasing the depth of each lot is to achieve more marketable and appealing lots. Mr. Beecher stated that there is no need for additional health department or other utility approvals as these were all originally received with the original approval in 1995.

MOTION: A motion was made by Vice-Chairman Thompson to approve the requested amendment, increasing each of the six (6) lots by 100' in depth, and authorizing the Chairman to sign. The motion was seconded by Commissioner Tea and unanimously approved.

OTHER CONSIDERATIONS FOR APPROVAL

Rupp Trucking, CUP, (to create a hot plant within an existing gravel pit)

This item was tabled.

Land Use Management and Development Code, (set date for public hearing)

Mr. Day stated at the January 20, 2000 Planning Commission Meeting the commissioners were given a copy of the Land Use Management and Development Code for review of possible additions, corrections and amendments. Mr. Day has reviewed the code and recommends the below stated additions also be considered by the Commission:

Chapter 3 Subdivision submittals to include one (1) 11"x17" copy of plat, (we already require three (3) 24" x 36" copies). (This would be required on each phase.)

Add the following to the schedule for subdivision reviews;

All required documentation, plats, due 10 business days prior to Planning Commission (First Thursday of the each month). For each Phase, Concept, Preliminary and Final.

Chapter 3 Add the requirement that the final subdivision cost estimates be prepared by a

licensed engineer with the affixed engineering stamp.

Chapter 3 Forty-Five (45) day action is currently required by the code to refer to the County Commission after final plan approval is made by the Planning Commission. We should add a provision that if this requirement is not met, the subdivider must bring the plat to Planning Commission once again for approval.

Chapter 3.5 Financial guarantees requirements need to be added with the following options:

1) Establish an escrow account as per engineers cost estimate with 10% held for guarantee, for a period of one year.

2) Require a bond from a financial institution which guarantees improvements, as per engineers cost estimate with 10% held for guarantee, for a period of one year.

3) Develop a procedure for each of the above financial guarantees where as inspections are made by the County as certain outlined phases of improvements are completed.

Chapter 7; (streets)
All streets should be extended to subdivision boundaries and fully improved.

The option for half streets should be eliminated.

On streets classified as major county streets, lot frontage should not be permitted unless otherwise approved by the Planning Commission. Access should be limited to a distance not less than 1300' and not more than 1600'.

Where an improved municipal sewer system exists, a connection is required for development within 300' of sewer.

Misc. Define Conditional Use Permit process

Add requirement for a site plan review and approval by Planning Commission for all commercial or higher uses in all zones including un-zoned areas.

(For future consideration create Sensitive Area , Redevelopment Area and Airport Overlay Zones)

Before the Planning Commission takes any action, on all issues and on the implementation of the new revised Land Use Management and Development Code, that legal council should review and give a recommendation to the County Planning Commission.

MOTION: A motion was made by Commissioner Halling to implement the above mentioned additions and approve the holding of a public hearing on March 16, 2000, beginning at 7:00, for public input on the Land Use Management and Development Code, changes, corrections and additions, then proceed with the Regular session of the Planning Commission to begin at 7:30 p.m. The motion was seconded by Commissioner Reese and unanimously approved.

Eastern Access Management Plan - Recommendation to County Commission

Mr. Beecher refreshed the commission on the progress that the county has made thus far with the Road Access Management Plans. The West Access Maps have been printed and are on sale for \$7.00 with various County Offices as well as with private entities. The Eastern Access Team now feels that they are ready to hold a public hearing to receive public input and attempt to clear up issues as to road access. Tentative meeting times are suggested contingent upon the Planning Commission's recommendation to the County Commission to set the open houses for March 20, 2000 at the Tremonton City Offices and March 21, 2000 in the Willard City Hall, both meetings to be held from 7:00 - 9:00 p.m. Mr. Beecher reviewed the proposed access maps with the Commissioners and showed areas of conflict and concern with the different organizations involved thus far. The public hearings are designed to be held in conjunction with the various cities throughout the county so as to have united participation and therefore establishing seamless maps. After the public hearing the Access Team will go back and make the approved changes and adjustments and re-present the maps to the County Commission for their approval.

MOTION: A motion was made by Commissioner Tea to approve the recommendation to the County Commission to endorse and pursue public hearings for review by the public of the Eastern Access Road Management Travel Plan, authorizing the Chairman to sign. The motion was seconded by Commissioner Reese and unanimously approved.

OTHER BUSINESS

Agricultural Protection Zone - Dean Orvis Ward - 34.05 Acres in South Willard

Mr. Day reviewed with the Commissioners outlining on the map where the petitioned Agriculture Protections Zone is located. Mr. Day stated that he has made a field inspection of these particular parcels. Due to some current ongoing concerns with the County Planning Department a portion of proposed land that has been petitioned for, (the portion of land fronting on Hwy 89 and continuing back approximately 500 feet) is not being used for agricultural purposes. Zoning Violations are occurring on this particular piece of ground, occurring on approximately four (4) acres. The petitioner has been notified in the past of these violations with request to rectify the situations both by certified mail and citations issued by the Sheriff. Mr. Day recommended to the Commissioners

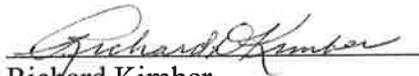
that they recommend this Agricultural Protection Zone to the County Commission, with modifications to exclude this front four (4) acre portion, due to the non-agricultural use and zoning violations existing on this portion. Commissioner Norman suggested that maybe this was an attempt by the petitioner to try an protect him from any further citations for zoning violations. Thus attempting to create more illegal storage space on the remaining parcel that is currently being used for agricultural purposes and believing it would protect him from legal action if he were established in an Agricultural Protection Zone.

MOTION: A motion was made by Commissioner Norman to approve the recommendation of an agricultural protection zone to the County Commission with the modification to exclude the frontage four (4) acres off Highway 89, being that these four (4) acres are not currently used for agricultural purposes and does not meet the criteria set forth by the Utah Code and authorizing the Chairman to sign. The motion was seconded by Vice-Chairman Thompson and unanimously approved.

ADJOURNMENT

A motion was made by Commissioner Reese to adjourn the meeting at 9:25

Passed and adopted in regular session this 16th day of March, 2000.



Richard Kimber
Box Elder County Planning Commission Chairman