

MINUTES
BOX ELDER PLANNING COMMISSION
MARCH 18, 1999

The Board of Planning Commissioners of Box Elder County met in regular session in the Commission Chamber of Box Elder County Courthouse, 01 South Main in Brigham City, Utah, at 6:00 p.m. on March 18, 1999.

The following members were present constituting a quorum:

David Tea	Member
Stan Rees	Member
Jon Thompson	Member
Theron Eberhard	Member

Also Present:

Jim Marwedel	Planner
Carol Christensen	Secretary

Absent:

Richard Kimber	Chairman
Royal Norman	Member
Deanne Halling	Member

The meeting was called to order at 6:50 p.m. by Jon Thompson.

ELECT PLANNING COMMISSION CHAIR AND VICE-CHAIR

David Tea made a motion to elect Richard Kimber as the Planning Commission Chairman. The motion was seconded by Stan Rees and carried unanimously.

A motion was made by Stan Rees to elect Jon Z. Thompson as the Planning Commission Vice-Chair. The motion was seconded by David Tea and carried unanimously.

APPROVE THE MINUTES OF FEBRUARY 18, 1999

A motion was made to approve the minutes of February 18, 1999, by Stan Rees. The motion was seconded by David Tea and carried unanimously.

CONCEPT PLAN FOR MARRIOTT MEADOWS SUBDIVISION

The Marriott Meadows Subdivision is a 12-lot subdivision at 5400 West and 14400 North near Garland on the old highway. All of the lots are about 2/3 of an acre. The engineer for Marriott Subdivision presented maps to the Commission for their review. The only

issue was that there was double frontage, on the highway and another road. This way they won't have to get encroachments permits from UDOT. Jim Marwedel indicated that everything looked good on this subdivision. They are seeking concept plan approval.

Motion: Stan Rees made a motion to accept the plan as presented. The motion was seconded by Theron Eberhard and carried unanimously.

BAYVIEW ESTATES MAJOR SUBDIVISION IN SOUTH WILLARD

A map was brought to the Commission to review by Mark Bingham. They have made a few changes, and if escrow was in place, it would be final this evening. He has a new developer. Right now his intention is to get approval for the design changes. He does not want to buy property until the changes have been approved. Next month he will have the final plan. Jim Marwedel explained they have had concept and preliminary plan approval and he is in final approval right now. He would like everything approved related to where the lot lines are. He is not asking for an approval, only a motion. He needs approval for a non-radial lot line. The zoning is residential for lots with a square footage of 20,000. Jim Marwedel doesn't see any problems and has received a letter from flood control and their engineer has approved the project. In South Willard a water reservoir is being built just above this subdivision. It will be another month before the final plan is approved. They may decide to do this in two phases.

Motion: A motion was made by Jon Thompson to approve the changes in the new boundary lines in the Bayview Estates. David Tea seconded and the motion carried unanimously.

AGRICULTURAL PROTECTION AREA PETITION

Jim Marwedel showed the commission a map showing the agricultural protection area for the Garland area. This area not in a zoned area so agriculture is permitted. Anything that produces food for man or furthers the production of food for man is considered agriculture. This is so the farmers can keep farming and be protected from being sued.

Motion: Stan Rees made a motion to recommend the agricultural protection area petition for 2243 acres with the exception of parcels 06-051-0067, 06-054-0035, 06-055-0009, 06-055-0070, 06-056-0024, 06-057-0016, 06-057-0019, 06-057-0021, 06-057-0023, 06-057-0028, 06-058-0033, 05-058-0034, 06-060-0011, 06-060-0012, 06-060-0025, 06-060-0032, 06-060-0035, 06-060-0019, 06-060-0063, 06-061-0006, 06-061-0017, 06-061-0041, 06-113-0011, 06-057-0008, 06-057-0014 and 06-061-0003, specifically the petition filed by Clint Munns. The motion was seconded by Theron Eberhard and carried unanimously.

MONTE MUNNS CONCEPT PLAN FOR FIVE LOT SUBDIVISION IN HARPER WARD

This item was tabled.

KEITH ANDERSON SUBDIVISION SOUTHWEST OF BOTHWELL CEMETARY

Motion: David Tea made a motion to table this. The motion was seconded by Stan Rees and carried unanimously.

SOUTH FARM AMENDED SUBDIVISION

This is a four-lot subdivision and is an amendment to an amendment. This is in the final plan stage. They have their own water and the health department has already signed it. Jim Marwedel doesn't see any problem with this plan.

Motion: A motion was made by Theron Eberhard to approve the South Farm Subdivision as presented. The motion was seconded by Stan Rees and carried unanimously.

KENT ANDERSON MINOR SUBDIVISION

This is a three-lot subdivision along the Bear River Canal at about 6800 North. Jon Thompson stated it was prime irrigation land. Originally proposed three lots, were going to have shallow wells, two are big enough, lot 3 is barely big enough, one has existing septic and the only access to lot 3 is currently the canal road. Mr. Marwedel suggested an easement on one of the other properties. There is presently shown on plan a twenty-foot easement. He also asked that they designate agricultural use only on parcel number three. There are two building lots. Theron Eberhard expressed some concern with the width of the access only being twenty feet wide, due to combines, tractors, etc. Denton Beecher still has to sign this. Mr. Marwedel would recommend that it would be contingent upon the surveyor's approval and a 32 foot wide road. Mr. Anderson sold some property without properly subdividing and would like to rectify the problem.

Motion: A motion was made by Theron Eberhard to approve the Kent Anderson Minor Subdivision plan contingent on the surveyor's approval and a 32 foot wide access road and then authorize the chair to sign the approval after the contingency is met and subject to the notes on the mylar. The motion was seconded by David Tea and unanimously carried.

CONSIDER CONDITIONAL USE PERMIT FOR DEVELOPMENT OF "COLORED SMOKE"

This area is located on the south edge of the County by the hot springs. It is a company which develops colored smoke for the fourth of July or shows, etc. The applicant thinks

this should be grandfathered in, but it's after a year of disuse. He only wants the permit for a year, and may reapply depending on how well the business does, at which time he would reapply for a permanent conditional use permit. The Commission is not sure if they have enough information about mixing chemicals. Mr. Eberhard feels they need to know more about the chemical hazards and air quality prior to making a motion on this. The applicant's intention is to experiment with different colors, but is not intending to produce pyrotechnics. David Tea suggested that this individual might need a permit to work with the explosives (from Alcohol and Tobacco). The Commission would like to know what kind of pollution is going to be created and who is going to control this. Another member mentioned the fire marshal ought to look at this too.

Motion: A motion was made by Theron Eberhard to table this pending receipt of letters from the Division of Air Quality and the Bureau of Alcohol, Tobacco and Firearms about the possible use of explosives, fire marshal review, and a more explicit definition of "commercial products" that are to be combined. The motion was seconded by David Tea and carried unanimously.

DELIBERATE NEW MINOR SUBDIVISION PROCEDURES AND DEFINITION

Mr. Marwedel showed the Commission a new minor subdivision application and revisions to the code including a new definition for a minor subdivision. A new definition for a minor subdivision. Instead of requiring a concept plan, they are actually requiring a final plan. Documents that need to be submitted are listed in the new application.

One change is requiring an electronic copy. It will save time and money since the engineers do it electronically and they can send it to us. David Tea mentioned that "if available" is written on the application, it may give people the impression that they won't need to do an electronic copy, that it is just an option. Mr. Marwedel is only requiring the lines of the lots.

Motion: A motion was made by David Tea to recommend that the County Commission hold a public meeting and all of these changes be adopted into the Code. The motion was seconded by Theron Eberhard and carried unanimously.

CONSIDER PROPOSED TELECOMMUNICATIONS TOWER REGULATIONS

Mr. Marwedel sent the Commission members a copy of the proposed telecommunications tower regulations regarding the location of cellular towers. Planning Commission members were concerned about how this relates to all kind of antennas. Mr. Marwedel said this could be an issue in some areas and the Commission members might want to take a closer look at this. Mr. Marwedel will visit with the Brigham City Planner about this to better understand the definitions, and the main thing that needs to be addressed are

lattice towers in unincorporated areas. No action was taken on this until it is better understood.

CONSIDER PERMIT FOR FURTHER EXCAVATION WORK TO RESTORE
PROPERTY IN SOUTH WILLARD AFTER ILLEGAL GRAVEL EXTRACTION

Jim Marwedel showed the Commission plans for restoration and excavation of the property in South Willard. The applicant put together a plan which was unacceptable and was returned to them. This is in a residential zone. The County Attorney wants them to be issued a conditional use permit. Mr. Marwedel sat down with some of the neighbors and they came up with a draft plan. Jim showed the Commission a copy of the plan drafted by Reeves & Associates. He sent a letter to Mr. Archer that said what was expected. Reeve & Associates didn't fix anything. The County Planner ended up doing most of the work on this. Part of the plan was that they were going to re-vegetate, but there's not much there but boulders now. David Tea suggested they propose what they will do to re-vegetate. Mr. Marwedel would like to give them permission to do Phase 1 to put the drainage way back. Excavation is not still going on. There is a concern with flood control.

Motion: A motion was made by David Tea to give a permit to Mr. Archer to proceed with excavation and restoration of the drainage way/road followed by what is shown as phases 1-4 and any further restoration work cannot commence until a better plan has been submitted and approved. The motion was seconded by Stan Rees and carried unanimously.

REPORT ON GROUSE CREEK ZONING

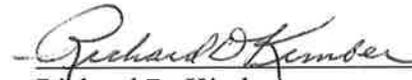
Jim Marwedel went with Richard Kimber to Grouse Creek. Grouse Creek residents are concerned about junk in the yards and are interested in zoning. Grouse Creek wanted a survey done with what restrictions they would like in that area. There are three categories: the area around the paved road, areas around other roads (Class B roads) and everything else. Mr. Marwedel will be attending another meeting on the 26th of March with Grouse Creek residents. The Commission members reviewed some of the surveys that have already been returned.

REPORT ON WETLANDS PLAN PROCESS

Chuck Shaw from the County Planner's office was present to discuss the Wetlands Plan. Mr. Marwedel explained that the County was divided into seven groups which will decide what to do with these wetland areas. The purpose was to figure out what can be done when development conflicts with wetlands. What's motivating this is Economic Development. 45% of all the wetlands in Utah are in Box Elder County. Once the planning groups come up with a proposal, it will be put into the wetlands management plan, which will eventually come before the Planning Commission. Chuck read a letter explaining what they propose to do.

A motion was made to adjourn by Theron Eberhard. Stan Rees seconded the motion.
Meeting adjourned at 9:10 p.m.

Passed and adopted in regular session this 15 day of April, 1999.


Richard D. Kimber
Chairman