MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
APRIL 19, 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 **APRIL 19, 2001.**

The following members were present constituting a quorum:

Richard Kimber	Chair
Jon Thompson	Vice-Chair
Deanne Halling	Member
Royal Norman	Member

Theron Eberhard – excused
Davis Tea – excused
Stan Reese – excused

The following Staff was present:

Garth Day	County Planner
Elizabeth Ryan-Jeppsen	Department Secretary

The following public was also present:

Karen M. Palmer	D. Lyle Palmer Subdivision
Michael Miner	Salt Lake City Mission CUP
Monica L. Wilson	Salt Lake City Mission CUP
Wayne C. Wilson	Salt Lake City Mission CUP
Jared R. Call	Call Subdivision
Janett Call	Call Subdivision
Dennis Christensen	Christensen Subdivision
Alton Veibell	Ordinance 232 Amend.
Glen Nelson	Qwest CUP

The **regular session** was called to order by Chairman Kimber at 7:00 p.m.

APPROVAL OF MINUTES

The minutes of the regular meeting held on March 15, 2001 were reviewed by the members present and a Motion was made by Commissioner Norman and seconded by Commissioner Thompson to approve the Minutes as written and submit to the Chairman for signature.

SUBDIVISIONS FOR APPROVAL

LYLE PALMER ONE LOT SUBDIVISION, LOCATED AT OR ABOUT 4925 WEST GUNSIGHT PEAK ROAD, NORTH OF PLYMOUTH.

Mr. Day noted that this subdivision was tabled at the March 15, 2001 meeting because of a couple of issues. 1) the County has an ordinance that states: "if you build a subdivision or petition for a subdivision along a gravel road you are required to put asphalt down – not only in your frontage, but 200 feet in either direction." In this case where is it a one-lot subdivision (meeting all the other requirements) the petitioners struggled with the asphalt issue.

This particular ordinance came into effect as the result of a subdivision in the west Corinne area where a developer put in a five-lot subdivision on a gravel road and made no improvements to the road. Later when the homeowners started complaining about the dust problem they wanted the County to go in and do the road improvements. One of the problems associated with the Palmer Subdivision is that it is in a quite remote area -- the existing road goes to the Short Divide. (Mr. Day, along with Commissioner Tea and Commissioner Reese, drove out to the area to look at the proposed subdivision and the road in question). The road is 32 feet long and widens out to 50 feet at the top. In order to have asphalt put down it would cost the petitioner approximately $500,000. Mr. Day proposed that the Planning Commission/County Commission enter into an agreement with the petitioner which basically stated that they (the petitioner) realized that they were building on a gravel road and that if in the future if the dust became a problem, they would agree to pay their share if road improvements were to be made in the future. Mr. Day drafted a "**Rural Road Agreement**" that was suggested at the March 15, 2001 meeting stating that the petitioner realized they are building on a dirt/gravel road and there may be dust occurring (from travel along the roadway) which would be their responsibility to rectify and not the County's. (See attachment #1) All future subdivisions/developers along this particular road would also be required to enter into this same agreement with the County. If a *Special Improvement District* were established sometime in the future (because of other houses being built along this road), 51% of those living along the road would have to agree to go forth with the road improvements and each (homeowner) would be required to pay their share of the cost.

A *Special Improvement District* is a tax assessment that goes on to cover the cost of building the road and along with that, each of the homeowners would have to get the road (from their property) to the required standard (60-66 feet) width.

MOTION: A motion was made by Commissioner Thompson that the Lyle Palmer one-lot subdivision be granted preliminary and final approval (with the restrictions set forth in the **Rural Road Agreement**) and authorize the Chairman to sign. The motion was seconded by Commissioner Halling and passed unanimously.

JARED CALL ONE LOT SUBDIVISION, LOCATED AT OR ABOUT 7200 NORTH 7800 WEST, WEST OF BEAR RIVER.

Mr. Day stated that this subdivision is currently in an unzoned area consisting of one acre. The petitioner has established proof of all utilities with water being supplied by the West Corinne Water Company. The proposed subdivision is also on a gravel road making the **Rural Road Agreement** appropriate. The property owner is willing to dedicate 33 feet of the property on both 7200 North and 7200 West (on a section corner) to the County (helping to establish the position of the road). Mr. Day noted that in cases such as this (and the Palmer Subdivision) where it is in an isolated area, putting asphalt down really does nothing more than create an area of road that would need to be maintained by the County. Commissioner Norman noted that this area will probably see more construction in the future, however, making the **Rural Road Agreement** a document that would be used toward the (future) road.

MOTION: A motion was made by Commissioner Thompson to grant preliminary and final approval to the Jared Call one lot subdivision, with the stipulation that it is subject to the **Rural Road Agreement,** and authorize the Chairman to sign. Motion seconded by Commissioner Halling and passed unanimously.

KNUDSEN ONE LOT SUBDIVISION, LOCATED AT OR ABOUT 12000 NORTH 4925 WEST IN THE EAST GARLAND AREA.

Mr. Day noted that this subdivision was granted preliminary approval at the March 15, 2001 meeting. There were some questions regarding the additional 16.5 feet of 12000 North frontage that was dedicated and is now shown on the plat (as per request of the County Surveyor). The subdivision consists of .79 acres. All utilities have been established with water being supplied by S & K Water Company. This subdivision is NOT subject to the **Rural Road Agreement.** The petition is in accordance with the existing subdivision/zoning ordinances.

MOTION: A motion was made by Commissioner Halling to grant final approval of the Knudsen Subdivision and was seconded by Commissioner Norman. Passed unanimously.

DENNIS CHRISTENSEN TWO LOT SUBDIVISION, LOCATED AT OR ABOUT 2959 WEST FORREST IN THE BRIGHAM CITY AREA.

Mr. Day stated that this subdivision would require the **Rural Road Agreement** because of the Curb & Gutter and Sidewalk requirement. The two lots would be required to do the improvements since they are less than 120 feet (88 feet and 110 feet). There is an automatic waiver of this requirement if the lot frontage is greater than 120 feet, but since the frontage on these lots are 88 feet and 110 feet, if the petitioner were to put in the curb/gutter/sidewalk, it would probably be there for quite a while before more houses were built and a new curb/gutter/sidewalk would have to be put in (making the expense incurred by Mr. Christensen unnecessary). The **Rural Road Agreement** also covers this issue when at which time the curb/gutter/sidewalk were deemed necessary (because of other development/subdivisions), Mr. Christensen would be required to participate in his share of the expense of the improvements. Mr. Day also noted that

the petitioner has not yet established documentation of phone service, but proof of all other utilities, including West Corinne Water Company, has been received.

MOTION: A motion was made by Commissioner Thompson that the Dennis Christensen two lot subdivisions be granted preliminary and final approval, subject to the **Rural Road Agreement** and establishing telephone service verification. Motion seconded by Commissioner Halling and passed unanimously.

CONDITIONAL USE PERMIT APPLICATIONS

SALT LAKE CITY MISSION – CUP

This Conditional Use Permit is for the Salt Lake City Mission and a site plan review for a working ranch. It is located in a rather remote area of the County which is currently zoned MU-160; fifteen miles north of the Tooele County line and eight miles east of the Nevada line. A working ranch is being proposed at the located to be operated by a church organization. Because this is a church organization, they are not required to secure a County Business License. The petitioner has permission to establish a well on the site to supply the culinary water. The Planning Office has not yet received verification from the Health Department approving the culinary system or the septic system. Access to the site has been secured through August of 2015. Mr. Day stated that the Planning Commission, as well as the County Commission, has the right to request and hold a public hearing concerning this petition. Mr. Michael Miner, and Mr. & Mrs. (Monica) Wayne C. Wilson, from the Salt Lake Mission, was present at the meeting to field any questions presented by the Commissioners.

Commissioner Halling asked what type of structures were going to be built on the site to house the staff and workers.

A. To begin with there would be trailers and campers on the site while the digging of the well and water lines was being completed. Mr. Wilson noted that there was an existing well on the property that was used by a Mr. Lish for approximately ten years (16" well 600' deep).

B. There are also two existing septic tanks on the property that were capable of servicing sixplexes.

C. The Mission wants to place mobile homes on the property (as temporary facilities) while money is being raised to build permanent structures.

D. The ultimate goal is to build some ranch houses, a facility for church services, and the long term goal is to be able to accommodate approximately one hundred men – but this is a very long term plan.

Commissioner Halling then asked about the ratio of staff to residents. Mr. Wilson answered that it is about one to seven, but there are also a lot of volunteers to help out. Commissioner Norman asked about the source of power/electric to the site. Mr. Wilson said that there would be a generator and solar along with propane. Telephone service will be through Verizon Wireless. Mr. Wilson went on to explain that the ultimate goal is to make this a working ranch that will be able to sustain itself with a vegetable garden and animals. Commissioner Halling asked about the state inmates that could possibly be housed at the location. Mr. Wilson explained that in the seven years they have been in operation in Salt Lake City they have had

some 10-12 persons that have been sent to their facility to complete their sentence. They have had good success in the past with about 96%. The inmates that have opted to be placed in the Mission have had to complete an application and an interview process by the Mission personnel and there is a screening process to be done with each applicant. There has only been two that did not complete the program.

Regarding the water issue at the site, Mr. Day told the petitioners that they would not be allowed to start with any operation until they had verification of water (on-site). Mr. Wilson stated that they had purchased two 1000 gallon water tanks. Mr. Day further noted that the Health Department would allow them to haul water to the site, but the Planning Office/Commission would not; having the two 1000 gallons tanks on site and full would constitute water at the site. Not having water on-site would also be an issue with the Fire Marshall. Mr. Wilson said that although there is a well on the site, there needs to be a test done for about 150 days and the tanks would be there only as a temporary solution until that well is tested and Oked.

Some of the other concerns mentioned by the Commissioners included:

1. **Commissioner Thompson** voiced concern regarding the handling of potentially dangerous individuals from the state (prison). Mr. Wilson stated that this program is an alternative to actually serving jail time. (It was never made clear at what level of violence a person could be and not accepted in the program.)
2. Mr. Day asked about the first aid training that would be available because of the remoteness of the ranch.
3. Mr. Day asked if the Commission were to recommend only those persons with drug/alcohol offences, would the Mission be acceptable to that?
4. **Commissioner Norman** asked if there would be any law enforcement personnel on the staff. Mr. Wilson said that the person managing the ranch has worked in security for a number of years, but he would not have the ability to handcuff or lock a person up.
5. **Commissioner Kimber** asked about the professional training of the staff other than ecclesiastical training. The program director has a bachelor's degree in psychology with emphasis on working with drug and alcohol treatment (from Utah State University). Mr. Wilson stated that the main focus of the program of the Mission is Christianity. They use a twelve-step type program to help the residents with "usage" problems. **Commissioner Kimber** noted that there are several philosophical approaches to these particular types of programs.
6. **Commissioner Thompson** asked about the average age of those in the program – approximately 35 years old. The youngest was 18 (and was not successful) but a 19-year-old was successful in completing the program and is now holding down a job.
7. **Commissioner Kimber** noted that if this Commission were to recommend a public hearing in regards to the petition, there would probably be some concerned citizens from Grouse Creek, Lucid, Montello, and possibly even Wendover, that may have similar concerns as were voiced at this meeting.
8. **Commissioner Norman** asked about the insurance coverage of the facility and if it also covered the residents or just the staff. Most of the residents are either indigent persons or wards of the state, being eligible for insurance through UMAP. Mr. Wilson said that each resident person would be required to undergo a complete physical before being cleared to be housed at this "ranch" location.

After some further discussion between the Commissioners and the petitioners it was purposed that a motion be made with stipulations attached.

MOTION: A motion was made by Commissioner Thompson that a recommendation be made to the County Commission for the Conditional Use Permit application for the Salt Lake City Mission subject to the following conditions: 1) Bear River Health Department approval; 2) Box Elder County Building Inspection Department approval; 3) Box Elder County Fire Marshal approval; 4) meet all State requirements and secure all required Licenses within a sixty [60] day period; 5) that the total number of permanent residents be limited to 25 [including staff]; 6) at least one resident staff member be CPR or first aid certified; 7) that there would be NO violent offenders/parolees admitted to the program and restricted to drug and alcohol offenders only; and 8) that the application is subject to County Audit and reviewed after one year. The motion was seconded by Commissioner Norman.

FURTHER DISCUSSION: Commissioner Norman asked about the ambulance service to the area as ambulance service from Grouse Creek would probably cost between $1000 and $1200. A life-flight could possibly run as high as $25,000. Mr. Wilson said that because most of the residents are indigent the cost of medical services is usually covered by the County or are eligible for UMAP. Mr. Wilson went on to say that most of the individuals that they deal with are eligible for either the free clinic or UMAP and that they have ninety days to apply for the coverage even after an accident/medical problem. Commissioner Norman asked that clarification be made to state that if a person is indigent, then they would be the responsibility of the State and not the County alone and they would need verification of the UMAP coverage for those indigent persons. Ambulances are required to respond to any type of a call and often the County could get stuck with the amount charged. The same would apply to a fire truck being called to the area.

Commissioner Kimber said that it would not be necessary for the Planning Commission to hold a public hearing, but that they **would recommend** to the County Commission to hold a public hearing.

ADDITIONAL MOTION: Commissioner Thompson added to his above motion that a Public Hearing be held by the County Commission and at that time the issue of the financial backing for medical coverage/clarification. Also, Mr. Day would prepare a form with the stipulations set forth in the motion(s) concerning the application for a Conditional Use Permit for the Salt Lake City Mission. Motion unanimously passed.

TELECOMMUNICATION TOWER CONDITIONAL USE PERMIT FOR QWEST WIRELESS

This petition is being represented by Glen Nelson for Qwest Wireless located in the South Willard. The area is currently zoned R-1-20. The petition is in accordance with the existing subdivision ordinances and zoning requirements for the area. There is a fifteen-foot access drive along the north boundary of the property (currently owned by Don Christensen). Mr. Day stated he had a few recommendations that he would suggest accompany the permit:

1. When the tower is not longer in operation, it must be removed
2. The service provider allows co-location with other providers
3. The facility be fenced to restrict unauthorized access
4. Box Elder County Building Inspection Department approval

Mr. Nelson stated that the type of pole used is a basic steel monopole of 100 feet and a 30-inch

diameter base. There are approximately eleven acres on this proposed site. This is a new system to Box Elder County with three located in Brigham City and one in the City of Willard. This new tower will cover the South Willard area, most of the freeway and North Ogden.

MOTION: A motion was made by Commissioner Norman to recommend to the County Commission granting the Conditional Use Permit, with the above-mentioned four conditions, for the proposed telecommunications tower of Qwest Wireless. The motion was seconded by Commissioner Thompson and passed unanimously.

PROPOSED ZONING MAP AMENDMENT – *ORDINANCE 232*/PLANNED DISTRICT, ALTON VEIBELL

Mr. Day stated that this proposed amendment dealt with *Ordinance 232* which established a P-Zone in the Beaver Dam area for the Alton Veibell development. In September of 1999, the County amended the zoning map and established that **P-Zone**. A **P-Zone** is different from a normal zone in that it is more like conditional zoning, placing certain conditions on the zone. Attached is the draft amendment to *Ordinance 232*. When the Ordinance was originally put in there was Exhibit "A" with 1 and 2 additional sheets attached. (Exhibit "A" was a copy of the concept plan for the High County Estates subdivision and the problem with attaching the exhibit in its present form to the ordinance, was that it then locked down exactly how that development had to be done.) Mr. Day drafted the amendment to *Ordinance 232* indicating the changes that deemed necessary. (See attachment #2) The recommended changes will tie the ordinance to an approved subdivision rather than to a conceptual plan that may or may not work. The language of Exhibit "A" sheets 1 and 2 are being changed to "approved by Box Elder County." Also, other language changes as noted in the proposed draft accompanying these Minutes.

There was also some discussion regarding the septic systems in this subdivision. At one point there was going to be a community system, but that would require government regulation. Individual septic tanks would fall under the jurisdiction of the Health Department.

A summary judgment was issued on the original *Ordinance 232* in court and was ruled in favor of the County Planning Commission and the developer. Commission Norman noted that the lawsuit was with the community septic tank and that is being eliminated, but would this new change allow for another lawsuit. Commissioner Kimber felt that it would now fall to the Health Department to step in and approve the septic tanks or not. The Health Department (according to Mr. Day) does not feel that the individual septic systems would be a threat to the existing water sources in the area, i.e., Beaver Dam Water District. Mr. Day noted that a detail study establishing the water protection area has not been done, instead a source protection line was made and then filed with the State, nothing was filed with the County, however. It is difficult for the County to enforce a protection line when it really doesn't even exist. Mr. Day went on to explain that he felt this protection line had been drawn arbitrarily to stop the development. Commissioner Thompson wondered if at some time in the future the protection area was established and recognized, who would be responsible, financially, to have the septic systems removed. Mr. Veibell presented a definition from the **R309-600 Drinking Water Source Protection for Ground-Water Sources Rule** (see attachment #3) to the Commission body along with a map noting the location of Twitchell Springs (see attachment #4). Chairman Kimber explained that the purpose at this meeting was to clarify the ordinance and that the actual subdivision would be reviewed at another meeting and issues dealing with contamination of water sources would be addressed at that time. The matter regarding the type of septic system installed will be handled by the Health Department.

Mr. Day stated that the County Commission is required to hold a public hearing, post notices on the corners of the property, and send out notices to the residences (fourteen days in advance of the hearing). Once the *Ordinance* is changed then the subdivision will again be reviewed (preliminary review has already been given to the development). Mr. Day further noted that the reason for the change in the *Ordinance* was not because of expenses incurred by the Veibell's or the developer (that is bad public policy), but because the *Ordinance* is a little arbitrary in the delineation line. The delineation line was not properly drawn nor properly filed and cannot be enforced. Commissioner Thompson noted that the public hearing could again open up the issue for further law suits. A suggestion was made concerning re-zoning the area to a R-1-20, but that would involve the same process as changing the *Ordinance*, Mr. Day said.

MOTION: A motion was made by Commissioner Norman to approve the new description of the *Ordinance 232* and recommend to the County Commission. Seconded by Commissioner Thompson and passed unanimously.

A motion was made by Commissioner Halling to adjourn the meeting at 9:13 p.m. and passed unanimously.

Passed and adopted in regular session this 21st day of June, 2001.

Richard Kimber
Box Elder County
Planning Commission, Chair