

MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
JUNE 15, 2000

The Board of Planning Commissioners of Box Elder County, Utah met in a Public Hearing and regularly scheduled meeting, at the County Courthouse, 01 South Main Street in Brigham City, Utah at 7:00 p.m., on **JUNE 15, 2000**.

The following members were present constituting a quorum:

Richard Kimber	Chairman
Stan Reese	Member
Royal Norman	Member
Theron Eberhard	Member
Deanne Halling	Member

The following members were excused:

Jon Thompson	Vice-Chairman
David Tea	Member

The following Staff were present:

Garth Day	County Planner
Malinda Hansen	Department Secretary

The following public were in attendance for the Public Hearing:

Jamy Corbett	Tremonton,	Dorothy Pierce	Brigham City
Larry Pierce	Brigham City	Kent Lish	Garland
Susan Lish	Garland	Louis Christensen	Bothwell
Ricky L. Christensen	Spring Acres	Jay R. Christensen	Spring Acres
Deborah Shaw	West Haven	Jeff Loscher	Ogden
Dean Stokes	Garland	Rozanne Ashby	Garland
Dennis Rasmussen	Corinne	Charles Berchtold	Brigham City
E. Wayne Berchtold	Brigham City	John Connes	Roy
Elisa Coones	Roy	Dawn Reeder	Corinne
Mike Crillo	Brigham City	Peter M. Singh	Tremonton

The Public Hearing was called to order at 7:00 p.m. by Chairman Kimber.

Chairman Kimber asked Mr. Day to give an overview of the current petition. Mr. Day stated that the purpose of the petition is to create an Airport Overlay Zone, also known as a Safety Influence Zone. Mr. Day presented a plat map illustrating the proposed zone by a gray highlight. The Overlay Zone as shown would be extended 1000' feet in either direction off the end of the runway. Mr. Day presented the illustrated cross sections showing a 20:1 grade. Mr. Day stated that development can occur in these overlay zones but there will be some height restrictions. The heights will vary depending on locations of the proposed buildings. The airport is currently in an un-zoned area of the county. Chairman Kimber opened the floor to the public for comments or questions. Chairman Kimber stated that the purpose of the Public Hearing is to hear public comment on the proposed zone before any action is taken. Mr. Dean Stokes of 12695 N. 7200 West, Garland, asked what the length and width of the runway was. Mr. Day stated that the length was 3500' long and 95' wide. Mr. Stokes stated that the runway is currently not 95' wide nor has it been in the past. Mr. Day stated that the Overlay Zone will be 95' wide as reflected on the plat. Mr. Day also stated that since Mr. Pierce is in an un-zoned area, that he could at any time while in an un-zoned area, increase the width of his runway. Mr. Stokes also asked who will be liable for the safety zones, and who assumes liability in the case of an accident. Mr. Day stated that the liability would fall on the private individuals using the airport not the county. Mr. Day stated that if at any time the land around the airport was annexed into Tremonton City, the Airport Overlay Zone would no longer be in affect unless Tremonton City created an Airport Overlay Zone for those portions, as this would no longer be Box Elder County jurisdiction. Mr. Darwin Thompson of 1205 North Canal Bank Road asked if this airport would be required to be licensed by the FAA. Mr. Day stated that the FAA does not regulate private airports, but they do make recommendations in regards to safety measures. Mr. Day reviewed the FAA recommendations with the public as was outlined in a letter to Mr. Pierce. Mr. Thompson asked if the airport could be used for commercial use. Mr. Day stated that the airport would be used for private planes, sprayer's, government planes for varment control, etc. The traveling public on commercial liners will not be landing here. Rosanne Ashby, of 12500 Canal Bank Road asked what the height of building could be in the overlay zones and if Mr. Pierce could keep expanding his airport to make it larger. Mr. Day stated that the airport cannot increase in size without Mr. Pierce petitioning the County to do so and he would also have to acquire adjacent land. Mark Allred, with M&D Development, 3101 W. 1000 N. Tremonton asked if the plat map reflected the most up to date annexation information. Mr. Day stated that this information was updated with the recorders office just two days prior. Louis Christensen with Spring Acres, stated that he owns a large portion of property that will be impacted by this airport and requested that the Planning Commission table the issue until he has time to consult his attorney in regards to the matter. Mr. Christensen stated that the creation of an overlay zone will hurt Spring Acres if the City of Tremonton refuses to annex the remaining portion into the city limits thus causing an economic hardship on him. Mr. Day stated once again that this airport has been in existence since the 1950's. This airport will be operable whether or not the county creates an overlay zone. The County Attorney has determined that this would not create an unreasonable burden on property owners. Mr. Darwin Thompson requested that before the Planning Commission makes a decision that they define

commercial vs. public. Chairman Kimber stated that this is not the issue with the petition. This airport is currently in existence and use and can continue to be used as such, and how the land owner uses it whether it is commercial or private the commission has no policing power over that. Chairman Kimber asked Mr. Darwin Thompson what his definition of commercial was. Mr. Thompson replied, anything that generates revenue. Chairman Kimber stated that if the petition is denied, the land owner can still do what he wants. If the Airport Overlay Zone goes into place the county can control height limitations for safety in those areas. Chairman Kimber closed the floor for Public Hearing.

The regular session was called to order by Chairman Kimber at 7:37 p.m.

MOTION: A motion was made by Commissioner Norman to table the petition for the creation of an Airport Overlay Zone until the July Planning Commission meeting, allowing Spring Acres to consult their attorney in the matter and Mr. Day defines the definitions of Commercial and Public Use. The motion was seconded by Commissioner Reese and unanimously approved.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING HELD ON MAY 25, 2000 WERE APPROVED ON A MOTION BY COMMISSIONER EBERHARD , SECONDED BY COMMISSIONER REESE AND UNANIMOUSLY APPROVED.

SUBDIVISIONS FOR APPROVAL

Holly Estates, at or about 2400 N. 6800 W.

Mr. Day presented the Holly Estates 4 lot subdivision. Lot "1" consists of 4 acres, the other lots consist of 1 acre. Each lot has approximately 100' of non-build able area for septic systems. No improvements are required for the county road as they are adequate in their current state. However, it will be the individual land owners responsibility to provide driveway access to their property. The property is currently un-zoned, and each lot meets the 120' feet frontage requirement. Mr. Day recommended to the Commission to grant preliminary and final approval of this subdivision. Commissioner Norman asked Mr. Reeder where the under ground drainage district lines run through this property. Mr. Reeder stated that he believed the lines ran parallel to the canal. Commission Norman stated that the property owner will have to be careful as to where the septic drain lines will go, so as not to interfere with these drainage district lines. Commissioner Norman stated that he felt that this would need to be a restricted zone, and reflected as such on the plat. Commissioner Eberhard felt it would be appropriate that the drainage district lines be shown on the plat, identifying the location and depth.

MOTION: A motion was made by Commissioner Eberhard to approve the Holly Estates Subdivision for preliminary and final phases, conditional upon the plat reflecting

where the drain lines are currently located, the depth of said drain lines and restriction of building above the drain lines and authorizing the Chairman to sign and refer to the County Commission for approval. The motion was seconded by Commissioner Halling and unanimously approved.

Rasmussen Subdivision, at or about 2136 N. 6400 W.

Mr. Day reviewed the Rasmussen 3 lot subdivision, stating that the Planning Staff is requesting a conditional preliminary and final approval, being subject to the county commission's approval of the vacation of the Fruitvale Subdivision on the 27th of June, 2000. This property is currently un-zoned. Commissioner Norman asked Mr. Rasmussen where the under ground drainage district lines were located on this property. Commissioner Eberhard suggested that the same requirement be placed on the Rasmussen Subdivision as was required for Holly Estates.

MOTION: A motion was made by Commissioner Norman for approval of the preliminary and final phases, conditional upon the vacation of the Fruitvale Subdivision. The plat reflecting where the drainage district lines are currently located, the depth of said drain lines and restriction of building above the drain lines, and authorizing the Chairman to sign and refer to the County Commission for approval. The motion was seconded by Commissioner Reese and unanimously approved.

Crillo Subdivision, at or about 2400 N. 6800 W.

Mr. Day reviewed the Crillo 1 lot subdivision. Mr. Day stated that the property owner has been asked to dedicate the 33' foot road that runs the length of his entire remaining parcel as well as the portion located in front of the subdivision. This 33' road dedication has been cause for controversy in the past and could be cleared up easily with the recording of this subdivision. Mr. Singh has some concerns with the drainage, he feels that some areas of the ditch only have 12" tile or plastic pipe which is causing slow draining in certain areas, resulting in backup and flooding. Commissioner Norman stated that this particular subdivision needs to have the same requirements as Rasmussen and Holly Estates for the Drainage District Lines.

MOTION: A motion was made by Commissioner Norman to grant preliminary approval for the Crillo Subdivision. Before Final approval can be granted the issue of the backed up drain lines must be resolved as to responsibility. The final plat must reflect where the drainage district lines are currently located, the depth of said drain lines and restriction of building above the drain lines. The motion was seconded by Commissioner Reese and unanimously approved.

Berchtold Subdivision, at or about 6400 N. 6800 W.

Mr. Day reviewed the Berchtold, 1 lot subdivision. Mr. Berchtold stated that they were breaking off the home from the rest of the farm. Due to family circumstances the home is needing to be sold and the remaining parcel will be farmed as it has been in the past.

MOTION: A motion was made by Commissioner Reese to approve the Berchtold Subdivision for preliminary and final phases, authorizing the Chairman to sign and refer to the County Commission for approval. The motion was seconded by Commissioner Eberhard and unanimously approved.

Rod Ashby Subdivision, at or about 12500 Canal Bank Rd.

Mr. Day reviewed the Rod Ashby 2 lot Subdivision. Mrs. Ashby stated that they were trying to clear up title work on the home, and they were in the process of trying to obtain a bank loan on the home, therefore the need to separate the home from the remaining parcel.

MOTION: A motion was made by Commissioner Reese to approve the Rod Ashby Subdivision for preliminary and final phases restricting lot 2 from all building until utilities are established, authorizing the Chairman to sign and refer to the County Commission for approval. The motion was seconded by Commissioner Eberhard and unanimously approved.

CONSIDERATIONS FOR APPROVAL

Conditional Use Permit - Small Rescue Kennel - R-1-20, South Willard

Mr. Day reviewed last month's commission actions in regards to the petition for a small rescue kennel. At that time the Commission requested additional information, which the Planning Staff has now received and forwarded to the Commissioners prior to this meeting. Mrs. Shaw presented pictures of her current operations in Weber County and also Pictures of a County Kennel. Mr. Day once again reviewed the Planning Staff recommendations should a conditional use permit be approved:

- Outside Containment facilities should be required for rescue dogs exercise needs.
- A maximum limit of rescue dogs at any given time (suggested number of six [6]) should be placed upon the petitioner.
- With this limit the property should be maintained as a two acre parcel and not be reduced to R-1-20.
- A current Box Elder County Business license be required.
- All permits and license be obtained within 120 days.
- Each dog kept on the premises, receives vaccinations/examination from a licensed veterinarian and verification of such records are kept on file with the petitioner, provided to the county upon request.

- If the use is not used or written extension applied for within a 365 day period the Conditional Use Permit is void.

MOTION: A motion was made by Commissioner Eberhard to recommend to the County Commission the approval of a small Rescue Kennel in the South Willard area with the above 7 stipulations being required. The motion was seconded by Commissioner Reese and unanimously approved.

Zone Change Petition - at or about 1075 W. 7800 S., re-zone from RR-5 to Commercial - 1 acre

Mr. Day reviewed this petition with the Commissioners. The petition is requesting a zone change for property that is currently located in RR-5 zoning. The property consists of 1.14 acres with a 6,084 sq. ft. Industrial Building that is currently used for Fruit Processing. Properties across the street are currently zoned commercial. Mr. Day suggested approving the petitioned zone change as it matches the existing use on the land.

MOTION: A motion was made by Commissioner Norman to recommend to the County Commission to hold a public hearing in regards to the petitioned zone change in South Willard from RR-5 to Commercial for 1.14 acres of land. The motion was seconded by Commissioner Reese and unanimously approved .

Agriculture Protection Zone - Allen, Fukui, Sorensen, Lindsay, Rose, Jeppson

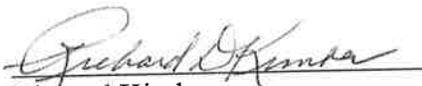
Mr. Day stated that the Allen, Fukui, Sorensen, Lindsay, Rose, Jeppson petition is located approximately due west of Elwood. After Planning Staff review it was found that 38.61 acres in the petition are actually located within Elwood Town limits. The Planning Staff recommends that the Commission approve the creation of and agriculture protection zone for the remaining 433.178 acres.

MOTION: A motion was made by Commissioner Eberhard to recommend 433.178 acres of the Allen, Fukui, Sorensen, Lindsay, Rose, Jeppson petition to the County Commission for an Agriculture protection zone excluding the 38.61 acres located in Elwood. The motion was seconded by Commissioner Reese and unanimously approved.

ADJOURNMENT

A motion was made by Commissioner Reese and seconded by Commissioner Halling to adjourn the meeting at 9:05. Unanimously approved.

Passed and adopted in regular session this 17th day of August, 2000.


Richard Kimber
Box Elder County
Planning Commission Chairman