

MINUTES  
BOX ELDER PLANNING COMMISSION  
JUNE 17, 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 7:00 p.m. on June 17, 1999.

The following members were present constituting a quorum:

Richard Kimber	Chairman
Jon Thompson	Vice Chairman
David Tea	Member
Deanne Halling	Member
Stan Rees	Member
Theron Eberhard	Member

Also Present:

Jim Marwedel	County Planner
Carol Christensen	Secretary

Excused Absence:

Royal Norman	Member
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The meeting was called to order at 7:00 p.m. by Chairman Kimber.

APPROVE THE MINUTES OF MAY 20, 1999

A motion was made to approve the Minutes of May 20, 1999, by Deanne Halling. The motion was seconded by Stan Reese and carried unanimously.

HEALTH DEPARTMENT AND STAFF RECOMMENDATIONS REGARDING  
APPROVAL OF CREATING LOTS WITHOUT CULINARY WATER

Randy Wilde and Bob Wilson from the Health Department discussed concerns they have with new subdivisions and their potential lack of water sources. Specifically, their concerns are for the people who subdivide and the possibility that new lots will not see any new water companies providing water. Another concern is when one well serves two or more lots, they run into the problem of who maintains the well. Also, if you approve a lot without water, they don't know if the landowner will be able to obtain a well permit for the water, making it impossible for them to build on that lot, and if they do manage to get a permit, they don't know if it will be a deep well or shallow well water.

Mr. Marwedel presented some recommendations (attached). Mr. Eberhard expressed his concern that if anyone wants to subdivide within the County, they will have to show proof of water availability even though they might not intend to build on that lot at the present time or in the future. Mr. Wilson explained that they would rather people get water from a public source. Mr. Wilde is faced with people subdividing, and they feel they are taking responsibility for approving the water, regardless if they can get a well or not. He further stated that for a subdivision they need to know the intentions for the lot, and if it is a buildable lot, they want to make sure that they can have acceptable culinary and waste water if needed. If the lot is for another use, put on the plat what the intended use will be. Jim Marwedel sees it as consumer protection. Chairman Kimber feels it's a shared responsibility between the Planning Commission and the Health Department. Mr. Eberhard feels the point of subdividing is not the time to require culinary water and the proper time would be when the landowner wants to build on that lot and thinks it may be taking away people's rights to subdivide their land.

Chairman Kimber suggested to the Health Department that they only sign off on the lot that is currently being built on to prevent any future problems.

This information will give the Planning Commission an opportunity to look into it further. They will schedule another meeting with the Health Department to finalize this.

#### ROAD POLICY AND TRANSPORTATION PLAN DISCUSSION

Jim passed out a copy of Cache County's road policy, showing what kind of road improvements you need to have for subdivisions (attached). He has drafted a proposed road policy for Box Elder County for the Planning Commission to review (attached). We would need to identify what kinds of road there will be and decide if they should be local, collector, or arterial. He wants to tie transportation and land use together for the capacity of the roads. You can only handle so many homes on certain roads without destroying the roads and they need to have a transportation plan on how to maintain those roads and upgrade them. Chairman Kimber asked if Mr. Marwedel had discussed this with the County Surveyor and the Road Department. Mr. Marwedel said he had with the County Surveyor. Chairman Kimber would like to review it and have a meeting with Denton Beecher and someone with the Road Department to address it.

#### TODD LISH SUBDIVISION

This is a five-lot subdivision at 6800 West and 4000 North. This item was tabled.

#### BEVERLY H. NELSON SUBDIVISION

This is a two lot subdivision at about 7130 South Highway 89 in South Willard. Technically they didn't need to subdivide, because they started with two lots and ended up with two lots, but they thought to be safe, they would subdivide. They are intending to build on these lots and it meets all the zoning requirements.

Motion: Theron Eberhard made a motion to approve the Beverly H. Nelson Subdivision. The motion was seconded by Jon Thompson and carried unanimously.

### TOLMAN MINOR SUBDIVISION

This is a three-lot subdivision at about 9250 North and Sunset Drive. They have not received the Health Department's approval. This item was tabled.

### CONSIDER PRELIMINARY DESIGN PLAN AND REQUEST REZONE

Mr. Veibell has submitted an application to rezone 40 acres. He wants a Planned District on 39.5 acres. Back in February, there was a request to rezone this area. At that time, the Commission tabled it and waited for Mr. Veibell's Source Protection Plan and the Beaver Dam Source Source Protection Plan. The Source Protection Plan has been approved by the State for the Veibell's well. The SPP for Beaver Dam has been submitted to the State. It hasn't been approved by the State yet and there is a concern that the Plan's Zone 2 will encroach upon this.

Chairman Kimber stated there have been a lot of issues, accusations and counter-accusations related to this matter. He asked Mr. Veibell to review what information he has at this point.

Mr. Veibell and Mr. King were present along with Cindy Young and Attorney, Dellano S. Findlay. Mr. King feels this development has been unreasonably held up when they could add to the living quality of Box Elder County. They appeared in January for a Concept Plan which gave them the approval to proceed to the next steps. They have addressed all of the issues on the plats and in writing. They fully expect that they can be approved to move on. The drinking water source protection plan is in place. This was the most important issue, and another issue is they feel that the neighborhood is opposing this subdivision. There have been letters sent threatening to take legal action against the County if the Veibell's are allowed to create this subdivision, and they asked the Commission not to be intimidated in the face of this threat.

Mr. King referred to Section 3.6.12.1 of the Box Elder County Land Use and Development Code, which states they must build in phases, with at least 25 lots in each phase. The ordinance creates a dilemma for their second phase, when they have less than 25 lots to build on. Chairman Kimber asked Mr. Findlay to provide him with a copy of the statute.

Jon Thompson mentioned a concern about the Source Protection Plan for Twitchell Springs, and it not being approved by the State. If it's been designated as a threat to drinking water pollution, it is something the Planning Commission needs to study and see what the legal implications would be. He feels obligated to be convinced that there isn't a legal ramification that can come back on the Commission. Chairman Kimber stated that they need the County Attorney to review this prior to approval.

Spokesperson for the Beaver Dam area was Charlotte Nelson, Secretary & Trustee of Beaver Dam, and Terry Howard of Beaver Dam. Chairman Kimber asked her to review the Source Protection Plan at the present time. Mr. Marwedel had a map of their source protection. A blue line showed the 250-day travel time to reach the source of the drinking water. Ms. Nelson indicated they did a feasibility study to advise them how to provide safe water to their community. They have been working toward the recommendations of the Division of Drinking Water and consulted with their engineers and it made sense to do the Plan with all three water sources combined. Recently the merger was completed with Twitchell Springs and the Beaver Dam Water Co. The delineation report was prepared by Hansen, Allen, and Luce Engineers. The State Division of Drinking Water has stated that even though they have questions, they are minor ones, and they will be able to complete the review within two weeks.

Mrs. Howard wanted to clarify that they have not tried to slow down the process for the Veibells. Twitchell Springs became a corporation twenty years ago, filed it with the state and have shareholders. They have six hookups. Mr. Veibell has five. Their system has been there 70 years longer than Mr. Veibell's. There is only one home within the blue zone right now and two pre-existing septic systems in that area. This is a single public water system. Sleepy Hollow, Twitchell and Beaver Dam have combined their efforts. Each one has their own reservoirs.

Stan Reese asked if there was run-off on their reservoir. Ms. Nelson indicated in the spring there was. The concerns about the water shed goes back to 1981, indicated Mrs. Howard. Chairman Kimber would like to ask about the engineers as they did this study and what procedures they utilized in coming up with the Source Protection area and also the diminished capacity of these sources from the well up higher, how was that determined. Ms. Nelson also indicated that the engineers use different measures in delineating wells than springs. In calculating those zones, springs are considered surface water and more susceptible to pollution. Geologic mapping information was provided and used by their engineers. They also use the recharge rate of the area. Mrs. Howard pointed out that there is a subdivision ordinance in Box Elder County which would keep the Commission from approving a subdivision which could endanger the drinking water.

Mr. Veibell wanted to mention that when his Source Protection Plan came back, it ended being about 875 feet in length. His is a well and theirs is a spring. The spring is heavily fertilized with weed killer around it, he says. Mr. Kimber would like to see a copy of the plan to see how they determined that particular configuration and the dimensions of it and stated that a septic system is a concern for the citizens of the community and becomes a tough balancing act. They need more answers and Chairman Kimber thinks there is a legal issue here. They do want to move this process along, but Mr. Kimber does not feel ready to vote on it tonight. He would recommend that they call a special meeting two weeks from tonight and would hope that they would have further information from the Beaver Dam Water Source Protection Agency, and also speak to the County Attorney for his review. Mrs. Hunt would like a copy of their plan as soon as it is submitted to the

State. Chairman Kimber recommended that they meet with their attorney and schedule a meeting two weeks from tonight.

Motion: Stan Reese made a motion that the Commission meet on July 1, 1999, at 7:00 p.m. to discuss this matter with the Veibells and the Howards. The motion was seconded by David Tea and carried unanimously.

#### CONCEPT PLAN FOR CONDITIONAL USE PERMIT FOR FLOUR MILL

This is a Concept Plan for a Conditional Use Permit for the Panissimo Baking Company Bakery/Flour Mill. This Concept Plan is more for the bakery than the flour mill. They have included the flour mill because it will be needed in the future. They are seeking concept approval of where they are locating this. One of the issues is water. They have submitted an application for water and have contingency plans. Other options they have are water rights from a well across the highway, and Lorin Bingham has offered well water for some ownership in the bakery. Jim Christensen has mentioned they can buy water from the Bear River Water Conservancy District. Water is available from four different sources. The first bakery will have 80 workers, with bathroom facilities, and some water for the dough. "Before final plan approval, they will have to have that approved," Mr. Marwedel said. The septic tank could be 200-300 gallons of waste water. Several bakeries would become a bigger issue, to accommodate in the next ten years. Engineers will do the preliminary plan from the concept plan. According to the Code, they have to be 1500 feet from any surface water. Chairman Kimber said they will need to address the waste water and culinary water on the preliminary plan. The buildings are of metal siding. These buildings will look considerably nicer than the other plant, and will need to be bacteria free. Jon Thompson asked Mr. Marwedel his opinion, and his concerns were also the water and drainage. He would recommend calling Mr. Wilde about septic systems.

Motion: Jon Thompson made a motion to approve the Concept Plan for Panissimo Baking Company. The motion was seconded by Stan Reese and carried unanimously.

#### PAUL HUNSAKER SUBDIVISION

This is a three-lot subdivision at about 12300 North Highway 13. The lot sizes did not meet zoning requirements. This item was tabled.

#### SORENSEN SUBDIVISION

This is a two-lot subdivision at about 13785 North East Garland Road. They have water rights from UKON, the septic systems has been approved by Randy Wilde at the Health Department. The area is unzoned.

Motion: Jon Thompsen made a motion to approve the Sorensen Minor Subdivision and authorize the Chairman to sign it. The motion was seconded by Deanne Halling and carried unanimously.

#### RICHARD HUPP MINOR SUBDIVISION

This is on the old highway north of the Cross Roads. The biggest issue is that he's getting his water from his father-in-law's well. David Tea asked if there is UDOT approval for the turn-around. It was said that Mr. Vigil would call if he has any concerns about access. Mr. Marwedel feels comfortable with the Commission approving this subdivision.

Motion: Stan Reese made a motion to approve the Richard Hupp Minor Subdivision. The motion was seconded by Theron Eberhard and carried unanimously.

#### WAL-MART SUBDIVISION

Did not get final requirements in and waste water is not approved. This item was tabled.

#### BAYVIEW ESTATES SUBDIVISION FINAL PLAN

This item was tabled.

#### CONSIDER GROUSE CREEK ZONING PROPOSAL

At the last meeting Mr. Marwedel passed out a proposal to the Commission and took it out to the meeting in Grouse Creek. It was pretty well received by the citizens. Chairman Kimber felt the public hearing deteriorated somewhat, but there was a good exchange of ideas. He received a letter (attached) from a Grouse Creek citizen (Verl Smith) with some comments explaining that zoning would be a good idea and that they appreciate the Commission's efforts and are supportive of their efforts. Chairman Kimber suggests they review them and he recommends they table this at the present time

Motion: Jon Thompson made a motion to table this item. The motion was seconded by Deanne Halling and carried unanimously.

#### FORM COMMITTEES FOR INVESTIGATING ZONING FOR WEST CORINNE AND NORTHEAST COUNTY AREA

Mr. Marwedel would like to start planning for areas in West Corinne, Riverside and Garland.

Motion: Deanne Halling made a motion to authorize the administrator to form a committee for investigating zoning, with Stan Reese acting as administrator. The motion was seconded by Jon Thompson and carried unanimously.

SET PUBLIC HEARING FOR CONSIDERING ADOPTING WETLANDS  
MANAGEMENT PLAN

This won't be the final draft of the Wetlands Management Plan, but Mr. Marwedel would like to set a public hearing conducted by the Planning Commission to consider adopting the Box Elder County Wetlands Management Plan, and requested that a meeting be held within four weeks. The public hearing will be from 7:00 – 7:30 and the regular meeting will begin at 7:30 p.m.

Motion: Chairman Kimber made a motion to have a public hearing to adopt the Box Elder County Wetlands Management Plan on July 15, 1999, at 7:00 p.m. The motion was seconded by Deanne Halling and carried unanimously.

Stan Reese made a motion to adjourn at 10:07 p.m.

Passed and adopted in regular session this 15<sup>th</sup> day of July, 1999.

  
Richard D. Kimber  
Chairman

## RECOMMENDATIONS FOR CONSIDERING AVAILABILITY OF CULINARY WATER IN APPROVING SUBDIVISION LOTS

The Planning Department in consultation with the Health Department have been concerned with approving the creation of lots without secured culinary water. They have found that:

1. We're not going to see new water companies for small subdivisions (less than 10 lots) because of the costs and hassles associated with public water companies, which are required for 15 hook-ups or 25 people.
2. If you have one well serving 2 or more lots, then you have problems of who will maintain the well and pump (eg. Are they going to have one pump?).
3. If you approve a lot without water, you don't know if:
  1. The landowner will ever get a permit for a well, and
  2. If they do, you don't know if they will have good deep-well water or if they will have to use shallow-well water.
4. If you don't know before hand what kind of water they will use, you almost have to require them to have every lot be large enough to accommodate a shall well with a septic system (unless they have water from a water company) and that's assuming they will get a well permit.

With the above factors in mind, the staff recommends the following:

1. For each new subdivision, each non-agricultural lot (except one, called the remainder lot) must have culinary water secured for the lot, either from a water company or through receiving approval for a water right.
2. Agricultural lots are not required to have secured culinary water. However, these lots must either be at least 20 acres or have proof that the lot contains land, configuration, size, marketability, quality and location that guarantee that it is economically viable as a lot to be used only for agricultural uses. At the very least, the lot and its produce must meet the USDA and U.S. Census definition for a farm, but the Planning Commission shall consider other factors as well.
3. Subdividers may show other "phases" of a subdivision on a single plat and then provide signature blocks for approval of future phases when water is secured for the lots in the future.
4. The "remainder" lot and any agricultural lots shall each be large enough to accommodate a shallow well and septic system in the future.

Grouse Creek, Utah  
June 7, 1999

Richard Kimber, Chairman  
Box Elder County Planning Commission  
Court House  
Brigham City, Utah 84302

Dear Richard:

I have reviewed the draft of the Grouse Creek proposed land use regulations as presented to the people of Grouse Creek during the public hearing on May 21, 1999 and the following comments and observations are submitted for your consideration.

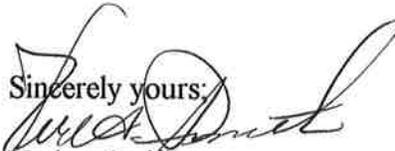
First let me say that I welcome some type of planning that gives guidance and control over development in the Grouse Creek area and you and the members of the commission are to be thanked for your efforts.

Some of the questions I have are as follows:

1. Agriculture: under permitted uses - chickens, turkeys, or other fowls.....( are okay) but not in a confined operation. Does this mean they can't be in a coop or run?
2. Residential Uses:  
Household pets. It would seem some limit in numbers would be appropriate.  
Mobile Home Park. It would seem to me that all Mobile Park development should be conditional use permit required regardless of acres.
3. Storage: Outdoor storage of Junk (is permitted ) if..... In addition to screening from view of class B road it should also include screening from all roads and adjoining neighbors. I feel very strong about this as I face it every day in Ogden and Grouse Creek.
4. Other: Land Excavations, this should be expanded on to give guidelines because almost daily someone is digging ditches, trenches, and pits for one reason or another. I think maximum dimensions permitted would be appropriate.

I would appreciate an advance copy of your revised proposal being developed for the your next public hearing, with time, date, and place of meeting, be forwarded to me at Box 71 Grouse Creek, Utah at your earliest convenience.

Your assistance in this matter is greatly appreciated

Sincerely yours:  
  
Verl T. Smith

A. Lot Access for Residential Development

1. Frontage - Every lot to be developed shall have:
  - a. a minimum of 100 feet on a public road; or
  - b. a recorded right-of-way approved by the Board of Adjustment providing access to a public road.
  
2. Right- Of- Way - The property owner shall deed or dedicate:
  - a. 50-foot wide right-of-way along the entire length of the property to be developed; or
  - b. the maximum portion of the 50-foot wide right-of-way which is owned, but not less than 25 feet from the center of the road; however,
  - c. private driveways do not require a deeded right-of-way.
  
3. Road Standard - The road surface shall be constructed to a 20-foot width meeting the minimum requirements of the public improvements for Cache County:
  - a. a gravel surface for single family dwellings, for one lot split, and for minor subdivisions (3-5 lots); or
  - b. a paved (asphalt) surface for major subdivisions (6+ lots); however,
  - c. the Planning Commission may waive or require the asphalt surfaces on a case by case basis with justification and findings of fact.
  
4. Road Improvements are required:
  - a. to be made along the entire frontage of the improved parcel only for the first lot, or
  - b. to the nearest first priority road which currently meets County standards for 2 or more lots.
  
5. Uniform Fire Code requires:
  - a. a 20-foot wide road surface for private driveways which are longer than 150 feet; and
  - b. a 50-foot radius turn-around or other turn-around approved by the Cache County Fire Chief's office for dead-end roads, private roads, and private driveways longer than 150 feet.
  
6. Zoning Clearance - The property owner must provide the following verifications prior to the release of a zoning clearance:
  - a. the recorded deeded right-of-way; and
  - b. the road surface has been improved to meet County standards.
  
7. Existing Residence  
An addition to an existing residence which will enlarge the living space by 50 percent and/or increase the assessed value by 50 percent, must meet the above requirements.
  
8. Forest Recreation Zone - The above requirements do not apply to this zone.

## PROPOSED ROAD POLICY

1. Frontage - Every lot to be developed shall have:
  - a. a minimum of 100 feet on a public road (as measured at a setback of 30 feet), or
  - b. a recorded right-of-way approved by the Planning Commission providing access to a public road.
  
2. Right-of-Way - The property owner shall deed or dedicate:
  - a. 50-foot wide right-of-way along the entire length of the property to be developed;  
or
  - b. (for right-of-use right-of-ways) the maximum portion of the 50 foot right-of way which is owned, but not less than 25 feet from the center of the road; however,
  - c. private driveways do not require a deeded right-of-way, and
  - d. if it can be shown that the right-of-way will only serve as local access for 30 lots or less, the right-of-way can be reduced to 40 feet.
  
3. Road Improvement Requirements:
  - a. For subdivisions with less than 3 building lots:  
A gravel surface meeting Box Elder County standards shall be constructed from the nearest County - maintained road to each building lot.
  - b. For subdivisions with 3 or more building lots:  
A paved surface must be constructed to the appropriate standard for the road type (whether it be local access, sub-collector, or collector) for a distance equal to:  
six percent of the distance between the subdivision and the closest paved road that existed as of August 1, 1999 for each building lot (i.e. 6% of the distance **for each lot**)  
plus  
half of the distance of the frontage of all lots in the subdivision that have less than 330' of frontage  
**But, at a minimum** the entire frontage of every lot that has frontage of less than 330' must be paved. (Any additional requirement for paving according to the formula above shall be met by paving from the nearest paved road toward the subdivision.)  
[Note: If lots are proposed on a road the has been partially paved since 8/1/99, the requirement is still to pave a distance equal to that outlined in the above formula even if it is to pave past the proposed lots.]
  
4. Required Road Standards:
  - a. 24 feet is the minimum width
  - b. For paved roads, a minimum of 6' gravel shoulders at the same grade as the pavement shall be required on both sides of the road.
  - c. For roads that are designated in the County Transportation Plan to be sub-collectors or collectors, or for roads where a new subdivision will result in an average daily traffic of more than 250 vehicles, the minimum pavement width shall be 26 feet with a minimum of 8 feet gravel shoulders on either side at the same

grade as the pavement.

5. Uniform Fire Code requires:
  - a. a 20-foot wide road surface for private driveways which are longer than 150 feet; and
  - b. a 50-foot radius turn-around or other turn-around approved by the Box Elder County Fire Marshall's office for dead-end roads, private roads, and private driveways longer than 150 feet.
  
6. Zoning Clearance - The property owner must provide the following verifications prior to the release of a zoning clearance:
  - a. the recorded deeded right-of-way; and
  - b. the road surface has been improved to meet County standards.
  
7. Existing Residence  
An addition to an existing residence which will enlarge the living space by 50 percent and/or increase the assessed value by 50 percent, must meet the above requirements.
  
8. MU-160 Zone - The above requirements do not apply to this zone.