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**MINUTES**  
**BOX ELDER COUNTY PLANNING COMMISSION**  
**JUNE 21, 2001**

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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 **JUNE 21, 2001**.

The following members were present constituting a quorum:

Deanne Halling	Acting Chair
Theron Eberhard	Member
David Tea	Member
Stan Reese	Member
Richard Kimber	Excused
Royal K. Norman	Excused
John Thompson	Excused

The following Staff was present:

Garth Day	County Planner
Elizabeth Ryan-Jepps	Department Secretary

The following public was also present:

Richard Day	South Willard
Dennis Jorgensen	Interstate Rock
Bruce Jones	Developer, The Farms at South Willard
Keith Hansen	Land Owner, The Farms at South Willard
Steve Pettingill	South Willard (arrived approx. 7:25 p.m.)

The **regular session** was called to order by **Acting Chairperson Halling** at 7:07 p.m.

## APPROVAL OF MINUTES

The Minutes of the regular meeting held on April 19, 2001 were reviewed by the members present and a Motion was made by Commissioner Tea and seconded by Commissioner Reese to approve the Minutes as written and submit to the Chairman for signature.

## SUBDIVISIONS FOR APPROVAL

Mr. Day informed the Commissioners that the Bardell Mangum One Lot Subdivision and the Richard Hansen One Lot subdivision were being taken off of the agenda for tonight's meeting and would be tabled until next month's meeting.

### CORDELL THOMPSON ONE LOT SUBDIVISION, LOCATED AT OR ABOUT 23600 W. 18280 N. IN THE HANSEL VALLEY AREA.

Mr. Day stated that this project was being backed by the County in order to have some law enforcement in the Hansel Valley Area as Cordell Thompson is a County Sheriff (Mr. Thompson owns the property). This is a one acre parcel which meets all ordinance requirements and construction of the home as already started under an illegal subdivision. There will be a well on the property and permission has been obtained regarding it. The property is currently unzoned. Proof of natural gas has not been obtained as Mr. Thompson will be using propane gas; all other utilities are verified. Thirty-three feet has been dedicated for the road and the Rural Road Agreement is not applicable as the existing road is already oiled but has not been dedicated to the County.

**MOTION:** A motion was made by Commissioner Eberhard that the Cordell Thompson one-lot subdivision be granted preliminary and final approval and authorize the Chairman to sign. The motion was seconded by Commissioner Reese and passed unanimously.

### STAN HOGAN ONE LOT SUBDIVISION, LOCATED AT OR ABOUT 5525 W. 17600 N., NORTH OF RIVERSIDE.

Mr. Day explained that this property is currently unzoned and consists of a one acre parcel and proof of all utilities have been established with water supplied by Riverside/North Garland Water Company. There is a remainder parcel which consists of approximately four acres that can be subdivided in the future if it is desired; would be subject to the same approval process. Commissioner Eberhard asked is 17600 North is paved, which it is. The septic tank has been approved by the Health Department.

**MOTION:** A motion was made by Commissioner Reese to grant preliminary and final approval to the Stan Hogan one lot subdivision and authorize the Chairman to sign. Motion seconded by Commissioner Eberhard and passed unanimously.

**THE FARMS AT SOUTH WILLARD SUBDIVISION, LOCATED AT OR ABOUT 7300 SOUTH ON US HWY 89 IN SOUTH WILLARD.**

Mr. Day showed the Commissioners an overview of the subdivision which contains fifty-four lots, but the project that was under consideration at this meeting was Phase I which consists of sixteen lots. Approval from the South Willard Flood Control has now been received; the South Willard Water Co. has also given their approval for supplying water to the subdivision. Lots 1, 2, and 13 have a restriction placed on them – they will not be able to have access to HWY 89 from the lot itself, but will have to go into the subdivision to access the property. Approval has been received from UDOT. There is also a ag-protection area adjacent to this subdivision and has been so noted on the plat. There are a couple of wells located within the subdivision and it is the understanding of the Planning Office that an agreement has been reached between Mr. Pettingill and Mr. Jones regarding those wells. Those wells are to be relocated onto Gay Pettingill’s property to continue supplying water to the orchards. Mr. Bruce Jones stated that he has been in contact with a well drilling company (and received a bid) and the funds will be available for the drilling of two new wells in the location which Mr. Pettingill will choose. **Commissioner Halling** asked about the run-off from the two subdivisions east of HWY 89 across from the Farms. Mr. Richard Day, from the Willard Flood Control, stated that the drainage from the east side of HWY 89 will be directed to the culvert drainage ditch to be directed to the west side as it has in the past in a controlled outlet. **Commissioner Eberhard** asked about the catch basin for the collection of the drainage water. Mr. Jones answered by saying that there will be a temporary drainage facility, or ditch, at the bottom of Phase I which will be abandoned when Phase II is completed and a larger facility constructed that will service both Phase I and II and then again when Phase III is completed until the final catch basin will be located west to the railroad tracks and a retention basin. The barrow pits on either side of the roads will protect the homes by directing the drainage water away from them. **Commissioner Halling** asked about the Health Department approval for the septic tanks. Mr. Day answered by saying that a feasible study for the septic tanks, but each individual home will have to get approval for the individual septic tank to be located on the property. The lower perk tests did not hit water until approximately eight feet down.

Mr. Day pointed out to the Commissioners that the last time they looked at this subdivision they told Mr. Jones that because of the problems surrounding the wells on the property they would consider preliminary and final approval the next time this project came before them. Also, Mr. Day stated that the developer will have to supply proof of financial guarantee for the wells and improvements that are to be made with funds placed in an escrow account before the petition would go the County Commissioners for approval.

**MOTION:** A motion was made by **Commissioner Tea** to grant preliminary and final approval of the Farms Subdivision, Phase I, and was seconded by **Commissioner Eberhard**. Passed unanimously.

## CONDITIONAL USE PERMIT APPLICATIONS

### CONDITIONAL USE PERMIT FOR INTERSTATE ROCKS PRODUCTS, INC., LOCATED APPROXIMATELY FIVE MILES WEST OF HWY 30 AND FIFTEEN MILES SOUTH OF PARK VALLEY.

Mr. Day told the Commissioners that permission from the Bureau of Land Management has been received by the petitioner to proceed with the rock quarry which is approximately ten/fifteen miles past Dove Creek Road. This will be a quarry operation where the rocks will be mined and then taken elsewhere for the processing. The waste and rubble from the quarry will be taken to Cache Valley to a crusher and turned into landscape rock. The majority of the product will be shipped to Southern California, Washington, Oregon and other parts of the U.S. There are some substantial road improvements that are needed in order to access the area and the County, as well as the BLM, will oversee those improvements. This property is under lease with the BLM from the Rock Product's people. There are other rock mining quarries in this area, some operating with permits and some without; difficult to police because of remoteness of the area. The requirements from the BLM are much more strict than those of the County, so the petitioner will have to abide by those guidelines set forth. The requirement from the County is that a business license be secured by the Rock Products Company within thirty days of CUP approval; a regrading and re-vegetation plan be submitted (which they have submitted); must meet all local, state and federal environmental regulation guidelines (EPA and DAQ) and must continue to meet those regulations in order to retain the Conditional Use Permit; plus continually meet current ordinance requirements relating to the safety of persons and property, health and sanitation as well as environmental concerns. This operation also serves as an economic issue as jobs will be created with approximately twenty-five employees, however, none will be permanent occupants at the quarry site itself.

**MOTION:** A motion was made by **Commissioner Tea** to recommend the approval of the Conditional Use Permit for Interstate Rocks Products and authorize the Chairman to sign. The motion was seconded by **Commissioner Reese** and passed unanimously.

### NEWMAN BROTHERS PROPERTY-AGRICULTURAL PROTECTION AREA, IN BOTHWELL AREA.

Mr. Day explained that the County had been petitioned by the Newman Brothers requesting that 252.24 acres be placed in an Ag-Protection Area. The petition meets all the necessary requirements for the Agricultural Protection Zone as outlined by State Law. There are five parcels that add up to the 252.24 acres and no changes are foreseen until ownership of the property changes. When land is placed under the Ag-Protection, it is so noted on the Plat Map. The proposed land and any improvements will remain in its current nature of use. If the type of farming changes on the ag-protection land, then the protection is no longer in effect. After twenty years the land automatically loses the protection status. Mr. Day noted that there are approximately 20,000 acres within the County under Agricultural Protection.

**MOTION:** A motion was made by **Commissioner Eberhard** that a recommendation be made to the

County Commission to establish the Agricultural Protection petition for the Newman Brothers Property. The motion was seconded by **Commissioner Reese** and passed unanimously.

### **AGRI-BUSINESS PARK PLAN IN CORINNE**

Mr. Day spoke with the Commissioners regarding the Economic Development project that is currently underway in Corinne. The Agri-Business Park is being created by the County Redevelopment Agency, located on State Rd 13, formally known as *The Old Mule Ranch*. The County is in the process of purchasing the property. An Economic Development Area (EDA) is being established as required by State Law. The property will consist of approximately nineteen lots and has been preliminarily approved for a \$1 million grant from the Federal Government for the infra-structure. The concept for the Park itself is an agri-business/industrial park that will provide a market place for value added agricultural business, i.e. the Co-op, Global Nutrients, strawboard manufacturing, etc. **Commissioner Eberhard** asked about the incentives that will be available for businesses locating within the Park. Mr. Day stated that there are several incentives which include: 1) because of the Federal Grant, the cost for the improvements to the property will be greatly reduced to the County; 2) the tax increments will be tied in with that of Walmart Distribution Center. The tax currently on the property is \$1500 per year, but once businesses locate to the Park and construct building the tax will be at a different level than that of \$100 per acre; 3) because the County will be the owners of the property there are grants available that otherwise would not be. The Park is located within Corinne City limits, but State Law requires that the County Planning Commission review and approve the plan. Corinne City will receive upgrades to their infrastructure including the water system with larger pipes. The City has sufficient water to supply the Park. The problem is not the water producing but the water storage facilities available in the City. There is no reservoir available for storage of the excess water. There will also be road improvements and possibly a C-Store with parking for the trucks going to Walmart. UDOT will be reconstructing the "Y" intersection which will force the Bear River Co-Op to relocate to the Agri-Business Park.

**MOTION:** A motion was made by **Commissioner Tea** to accept the Agri-Business/Industrial Park Plan and seconded by **Commissioner Eberhard**. Unanimously passed.

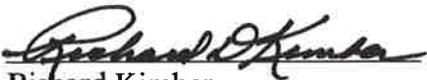
### **OTHER BUSINESS ITEMS**

- A. **Street Lights** within larger subdivisions. Currently street lights are not required in subdivisions such as The Farms at South Willard. Ned Fairbanks has placed street lights in his subdivision and is paying for them himself, but does not want to continue always. Street lights are a safety factor and the Commission is currently considering having the developer install the lights and provide the funds for a ten year period, after which time the County would take over the cost of the lights under its general maintenance fund. It would be approximately \$10 per street light. Also, sometime in the future some of these subdivision areas may be incorporated into a surrounding/nearby city.

- B. **Sewer Project** in South Willard. A feasibility study is being done to bring a sewer line into the South Willard area. Received a grant for \$17,500 with an additional \$2,000 from the Bear River Water Conservancy District and \$2,000 from the Willard Flood Control, County is putting \$8,000. The plan is to see if it is feasible to connect South Willard into the Central Weber Sewer Improvement District.
- C. **216 Source Protection Ordinance.** Alton Veibell issue; lower Beaver Dam Spring. When there is a public water system (as defined by the State) with 25 or more connections a source protection can be done. The plan that is in place is NOT an approved plan. Alton Veibell's subdivision is across by the Willow Creek Fault line and supposedly water will not cross a fault line but will instead run along the line. There are three steps to have a source protection put into place; 1) delineation; 2) inventory all the potential contamination sources; and 3) management (with text to back up) and then sent in for approval through the State. It is then sent to the County to regulate. The problem with this particular protection area is that the State does not scrutinize the delineation as long as it meets (or exceeds) the minimum requirements. There are many concerns regarding how the lines have been drawn to make this source protection area. A letter has been received from the State placing a moratorium for 250 day travel time to study the issue. Ordinance 216 will be amended so that people affected by it will be able to have input.
- D. **Consent Agenda.** Mr. Day suggested that in order to speed the Planning meetings along there can be a consent agenda which makes one motion to approve very routine items. This would include the one-lot subdivisions that are simple and have all the necessary paperwork, etc. in place. Larger subdivisions, such as The Farms, would not be included. There are other items that need to be dealt with by the Planning Commissioners and having the common consent agenda would allow this to happen. If there are any questions, they would still be addressed. The packets that are sent out would still contain all of the information that the Commissioners are currently receiving regarding each of the individual subdivisions.

A motion was made by **Commissioner Reese** to adjourn the meeting at 8:35 p.m. and passed unanimously.

Passed and adopted in regular session this 19th day of July, 2001.

  
Richard Kimber  
Box Elder County  
Planning Commission, Chair