

MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
REGULAR MEETING HELD AUGUST 20, 1998

The following members were present constituting a quorum:

| | |
|-------------------------------|--------------------------------|
| Jon Z. Thompson | Member |
| Royal K. Norman | Member and County Commissioner |
| Deanne Halling | Member |
| David Tea | Member |
| Stan Reese | Member |
| Richard Kimber (arrived late) | Member |

Also present were:

| | |
|--------------|--------------------|
| Jim Marwedel | County Planner |
| Joel Henrie | Planning Assistant |

Absent: Louis Douglas

With Chairman Kimber absent upon the beginning of the meeting, Jon Thompson officially declared the meeting opened.

Approval of the minutes of July 16, 1998

Deanne Halling made a motion to accept the minutes of the July 16 meeting, and David Tea seconded the motion; the motion unanimously passed.

Minor Subdivisions:

1. Dennis Pierson two lot subdivision at 17115 North 4400 West near Fielding

Mr. Pierson showed the Planning Commission the spatial location of the lots in the Dennis Pierson Minor Subdivision, showing that they are out of Fielding city limits near the cemetery. Mr. Pierson stated that he doesn't want a lean against his house if he borrows money, this is the reason that he subdivided the two lots. Jim Marwedel stated that lot two's water has not been tested, but that lot is not intended for residential use. Mr. Pierson stated he has Ukon water for lot one, and that he plans on leaving lot 2 an agricultural green belt. Stan Reese motioned to approve the minor subdivision and Royal Norman seconded the motion on the condition outlined on the plans concerning the testing of lot two's water.

2. Selman's Two lot subdivision at about 4350 West 12050 North near Tremonton

Mr. Selman stated that the location of the lot is on their farm, with water coming from Tremonton or Garland, both of which are tapped and approved for his use. Jim Marwedel asked about easements, and Mrs. Selman stated that her family owns all of the surrounding land. The Health Department has done the required testing, and the lot is over 600 feet from the river. Jon Thompson asked about the road configuration, and Mr. Selman stated that he wished to keep the road going straight for future needs. Stan Reese made the motion to approve the Selman's minor subdivision and Deanne Halling seconded; the motion passed unanimously. Mr. Selmen stated that he will pave the road after the motion was passed to keep dust down and have fewer people complaining.

Major Subdivisions

1. Major Subdivision Concept Plan for Bayiew Estates at about 7600 South 500 West south of Willard, east of U.S. Highway 89

Jim Marwedel showed the spatial location of the subdivision, and the subdivision representative stated that a Dr. Christensen is selling land. Jon Thompson stated that this is the preliminary site plan whereas the adjacent Fairbanks subdivision is in the final stages. Jon Thompson asked what they are going to do about the diversions from the dam, clarifying that they will need to work out the flood plain issues with the owners of the dam, South Willard Flood Control District, and detail all flood issues. The Representative stated that the old owners stated that it is not for floods. A member of the general public stated that he has half interest in the dam, and it is not a flood reservoir. The subdivision representative stated that the owners are aware of the gravel pits and have stated that those buying houses will also know. Further, roads in the subdivision have been adjusted as to match the other in the area. They are also aware of a well in the area, noting that all sewage will be septic on half acre lots. David Tea stated that new subdivisions need to be 200 feet from all wells, and Royal K. Norman pointed out that a well from South Willard is directly below the subdivision. The owner stated that the well is 770 feet from the subdivision. Jon Thompson stated that they will have to deal with the Health Department and must comply with what they require. The subdivision representative stated that they will not be putting in curb and gutter, but will be putting in asphalt; the same as what the Fairbanks subdivision is doing. Jim Marwedel stated that from this day forward the commission needs to address sidewalks before they come to the commission. Jim Marwedel stated that at the concept level, there is not any real problem with the plan. Deanne Halling stated that there is a need to have Mr. Fairbanks match his roads with the stubs from this subdivision. The Representative stated that provisions of fire hydrants have been made. There is also a drainage plan, flowing to the highway, and it has not been proposed to the State of Utah yet. Deanne Halling stated that they need to check with the State of Utah. Jim Marwedel stated that they will need to get a permit from the state. Jim Marwedel asked what the road connects to, and it was stated that the road goes to a fence.

Jim Marwedel stated that the grade is 5% to 7%. Royal K. Norman made a motion to pass the concept plan, Deanne Halling seconded, and the motion unanimously carried.

2. Barrientez Major Subdivision - 6000 West 16800 North – FINAL DRAFT

This subdivision has gone from a minor subdivision to a major subdivision, as a couple has split one of their lots, forming a ten lot major subdivision. The subdivision is accessed by an asphalt county road. A question was raised about fire hydrants, and the local water companies ability to supply them. Proof of water and septic tanks have been provided. The subdivision representatives have permits for each lot and have had them signed. A Concern of drainage was brought up, and Jim Marwedel stated that it can be passed contingent on receipt on the drainage regulations and plans and approval of those regulation by the county engineer. Royal K. Norman made the motion and Stan Reese seconded contingent on the previously stated sentence; the motion unanimously passed.

A. Request to extend Staker Paving's conditional use permit by one month

Jim Marwedel read the letter from Staker Paving to Denton Beecher about the late start Staker experienced, causing them to need a month's extension, seeking only the total amount of time they originally sought. See attachment for more information. Royal K. Norman suggested that the Commission give them six weeks so they can finish the project. David Tea made the motion to recommend to the County Commission to extend to Staker a 4-6 week extension. Stan Reese seconded and the motion carried unanimously.

B. Rudd Family Agricultural Protection Area petition for areas near Howell, Fielding, Plymouth and Portage

Jim Marwedel stated that the lots must be more than 5 acres, and there are some lots that are less, as well as some lots within city boundaries. Areas in Howell are void except around the corner, and also one little piece in section 36 of R3W northwest of Fielding. 6052+ acres of eligible land is owned by the Rudds. Jim Marwedel stated that the county doesn't have say on the buffer, and that this will be a recommend, later going to a public hearing. Jim Marwedel stated that APA's will keep the state from taking land unless there is no other alternative. These lands can be pulled and sold at any time by the owner. Richard Kimber stated that there is a motion, and Stan Reese seconded a motion to recommend. The motion carried in the affirmative unanimously.

C. Question from Wetlands Plan Committee: Where do you expect and desire future interstate highway capacity to be expanded and how (widening or a second parallel interstate)?

Carry over item from last month. Jim Marwedel stated that the wetlands committee is

concerned, but 1-15 is only 60% of full capacity. David Tea stated that because of Willard Bay location, he doesn't see any other option. Jim Marwedel stated that one new option is to run the freeway through the lake. Richard Kimber stated that UDOT is in the position to make the opinion and not this commission. The idea was tabled.

D. Concept Plan consideration and zoning question regarding a planned district in Harper Ward - Shirlene Peck - Planned Residential Unit Development (P.R.U.D.)

Jim Marwedel stated that a P.R.U.D. would need a new zone because it is a form of clustering. Ms Peck stated that the people would own extra lots around the P.R.U.D. collectively. Ms. Peck stated that the P.R.U.D. gives ownership to the people, and it is under restrictive ownership. David Tea stated that of 250 acres, 220 acres are wetlands and only 30 acres are farmable. Jim Marwedel read the ordinance, showing that the P.R.U.D. fits within the law. David Tea stated that the lots are sloping, and there is a legal issue of the intent of the five acre zone. Jon Thompson stated that you there will need to be public zoning because they are changing the zoning. The request is for 24 lots. Jon Thompson stated that the county plan encourages this type of activity as long as it does not bring more utilities. Jim Marwedel asked about septic systems for 24 lots, and how that would affect the wetlands. David Tea asked if water has been checked on. Richard Kimber Entered the room (8:20 p.m.). Ms. Peck asked if this type of concept will work in other areas of the county. David Tea stated that it has been tried in others of the county. Ms Peck stated that P.R.U.D.'s fit into all zones in other areas, and she was wondering why she needs a zone change. Jon Thompson asked Jim Marwedel if the County Plan encourages P.R.U.D.'s. Jim Marwedel stated that it does because it preserves open space and wetlands. David Tea stated that the plan talks about preserving farmland and not much about wetlands. Jon Thompson stated that it does talk about wetlands in other areas of the book. Jim Marwedel stated that most of the lots fit the present zoning. Ms Peck is only interested in ideas and concept, and will check on water as well as that many lots so close to the highway. Ms. Peck asked if it is possible for the county to add P.R.U.D.'s to current zoning or if there will be a need to have a new zone and a public hearing for each zone. Jim Marwedel stated that this is the type of thing that is needed for the fruitway, but not necessarily for the Harper area. David Tea stated that this could work in the right area, and Jon Thompson said that this piece of property might have some problems. Jon Thompson stated that there is no need for a motion because this was more of a learning process.

D. Referral of Bothwell RR-5 modified district zoning change from County Commission

Jim Marwedel reported that Bothwell was unreceptive to the terms of the zoning change. Jon Thompson stated that he received unsolicited quips about the Bothwell plan, and that

the majority like the concept, but not the wording. The citizens want to preserve the 5 acre lots, and that they want to preserve the garden spot image of Utah. Also, they just want to do something. Ferron Everhard will reword the zoning change and Jim Marwedel will get back to the Planning Commission later. David Tea made a motion to accept the committee appointed to pursue a better process in Bothwell passed down to the Planning Commission by the County Commission. Richard Kimber seconded, and the motion was carried unanimously.

E. Deliberate submission and application deadlines and requirements

Jim Marwedel asked that there be a standard of ten days prior to meetings for applications to be submitted. Also, Jim Marwedel stated that minor subdivisions are only subjected to a concept plan, and he wishes to have minor subdivisions go through steps to be more clearly defined, basically to be in writing. Richard Kimber made a motion to authorize Jim to make a document and bring back to the commission next meeting. David Tea seconded and the issue was unanimously carried. Jim Marwedel stated that he has already made a draft. Royal K. Norman made a motion and Deanne Halling seconded and the motion was unanimously carried to accept the 10 day prior to meeting concept.

Further Jim Marwedel asked for a signature on the letter for the septic study. The Planning Commission made a resolution to support Richard Kimber in signing the study.

Royal K. Norman stated that Jim Marwedel is now his own department, and that in November he needs to develop goals for the next years. Richard Kimber stated that he thanked the Commission for recommending we get a planner.

ADJOURNMENT

Stan Reese motioned to adjourn the meeting and Deanne Halling seconded, the motion carried and the meeting was adjourned at 9 p.m.

Passed and adopted in regular session this 17 day of September, 1998.


Richard D. Kimber, Chairman

ATTEST:


LuAnn Adams, Recorder/Clerk

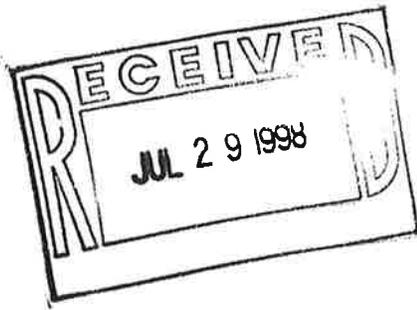
AGENDA
BOX ELDER COUNTY PLANNING COMMISSION
MEETING PLACE: COUNTY COMMISSION CHAMBERS
BOX ELDER COUNTY COURTHOUSE
BRIGHAM CITY, UTAH

1. Public agenda for the Box Elder County Planning Commission meeting scheduled for August 20, 1998 at 7:00 P.M.
2. Notice given to the newspaper this 19th Day of August 1998
3. Approval of the minutes of July 16, 1998
4. Scheduled Delegations:
 - A. Minor Subdivisions:
 1. Dennis Pierson 2 lot subdivision at 17115 N. 4400 W. near Fielding
 2. Selman's 2 lot subdivision at about 4350 W. 12050 N. near Tremonton
 - B. Major Subdivision Concept Plan for Bayview Estates at about 7600 S. 500 W. south of Willard, east of U.S. Highway 89
 - C. Request to extend Staker Paving's conditional use permit by one month
 - D. Rudd Family Agricultural Protection Area petition for areas near Howell, Fielding, Plymouth and Portage
 - E. Question from Wetlands Plan Committee: Where do you expect and desire future interstate highway capacity to be expanded and how (widening or a second parallel interstate)?
 - F. Concept Plan consideration and zoning question regarding a planned district in Harper Ward – Shirlene Peck
 - G. Referral of Bothwell RR-5 modified district zoning change from County Commission
 - H. Deliberate submission and application deadlines and requirements
5. Old Business:
 - A.
 - B.



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(801) 298-7500
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28 July, 1998

Mr. Denton Beecher
Box Elder County Courthouse
1 South Main
Brigham City, UT 84302

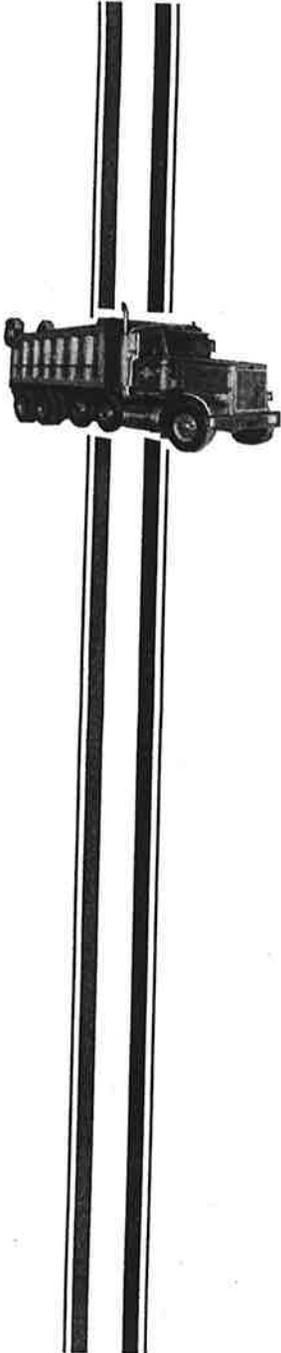
re: Revision to Conditional Use Permit
Maguire Pit

Dear Mr. Beecher:

Staker Paving was issued a Conditional Use Permit on 11/25/97 allowing us to operate an asphalt plant at JBP's Maguire Pit. Condition 5 of that permit states that the length of the permit is to be from June 1, to August 30, 1998.

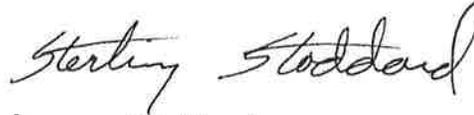
Due to late shipment of the new plant and problems with the electrical and control systems of the plant, and the difficulty that Staker had in getting UDOT to approve a mix design for their new asphalt specifications (everyone in the industry is struggling with this problem right now), we did not start producing asphalt until mid July. With the late start it is likely that it will take us into the month of September to complete the project. The project is not taking any more time than what we originally requested in the permit, but the schedule has been slid back about a month.

We would request that condition 5 of our permit would be modified to allow us to operate the plant until September 30, 1998 due to the circumstances described above. I do not know if this needs to be presented to the Planning Commission and the County Commission, but if so could you see that we are put on the agenda for the next meeting.



If you have any questions or if you need any additional information, please contact me.

Sincerely,
Staker Paving and Construction Company

A handwritten signature in cursive script that reads "Sterling Stoddard". The signature is written in black ink and is positioned above the printed name.

Sterling Stoddard
Environmental Advisor

cc: Mike Alter, Hot Springs Project Mgr.