

MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
SEPTEMBER 23, 1999
BOX ELDER COUNTY COURTHOUSE
BRIGHAM CITY, UTAH

Attendance:

Jon Thompson	Vice-Chairman
David Tea	Member
Theron Eberhard	Member
Deanne Halling	Member
Royal Norman	County Commissioner
Jim Marwedel	County Planner
Malinda Hansen	Planning Secretary

Excused:

Richard Kimber	Excused
Stan Reese	Excused

- I.** The meeting was called to order at 7:00 p.m. David Tea moved to approve the Minutes of the August 19, 1999 meeting, with the wording from flag pole to access. Theron Eberhard seconded and the motion passed unanimously.

II CONSIDERATIONS FOR APPROVAL

a. Country Escapes, 4 Lot, 16555 N. 4400 W.

Milt Williams came forward, to present his final plans for his minor subdivision, in which a public hearing was held on September 19, 1999. Jon Thompson reviewed the proceedings of that meeting briefly and minutes were sent to the Planning Commission. It was determined that the main concern with this subdivision was the private road issue. Jon Thompson stated that in the past the County has approved private roads for subdivisions that were 2 lots but not four lots. Jim Marwedel stated that even though the county has made exceptions in the past, that the Planning Commission needed to move forward with creating and proposing an ordinance change to the County Commission to make the road policy more in line with the exceptions that the commission has been allowing with private roads. Theron Eberhard moved to table this subdivision until the County held a public hearing on establishing new county road policies. Deanne Halling seconded the motion, the motion was passed unanimously.

b. Wood Minor Subdivision, 2 lot, 7625 S. Hwy 89

The Woods came forward to present their subdivision. Mr. Marwedel stated that this was a simple subdivision. The LDS Church has put this property up for sale, but there is home currently on one piece. The Wood's desire to purchase the piece with the home separately, and the church would then sell this piece separate from the remaining land. Deanne Halling moved to approve the subdivision, David Tea seconded the motion, the motion passed unanimously.

c. Fairbanks Estates, 10 lot subdivision, 7425 S. 500 W., Final

Ned Fairbanks presented his final Mylar to the Commission. Jim Marwedel stated that there was still one issue outstanding with the Flood Control and Mr. Fairbanks Engineers. The concern with the Willard Flood Control is the amount of riprap that will be required. Mr. Marwedel stated that all other facets of the subdivision have been completed. David Tea motioned to accept this proposed subdivision, contingent on the Flood Control Engineers and Mr. Fairbanks Engineers coming to an agreement on the riprap. Theron Eberhard seconded the motion, the motion passed unanimously.

d. Barnes Ranchettes, 7 lot, 9600 N. 7600 W.

Mr. Dale Barnes presented his proposed subdivision. Mr. Marwedel stated that one concern the Commissioners should have would be the access of lots 1,2 and 3. There is a large irrigation ditch there which needs to be addressed as to how the property owners of lots 1, 2 and 3 will get on and off of their lands. Mr. Barnes stated that he has been in contact with John Collum, the head of the County Road Department and that Mr. John Collum stated that if Mr. Barnes provide the Culverts and materials that the County Road department would install the driveways over this irrigation ditch. Mr. Marwedel also stated that Lots 7 and 8 need to be combined into one lot, as lot 8 did not have a road other than an easement to the property. Theron Eberhard moved to approve the preliminary design with the combining of lots 7 and 8 and with the agreement that was made with the Road Department. David Tea seconded the motion. The motion passed unanimously.

e. Kent Anderson, Amended Subdivision, 3 lot, 5630 W. 6400 N.

Mr. Marwedel state that Mark Nelson applied for the amendment of this subdivision, as he bought the land not knowing that this was for agricultural use only. Mr. Nelson has already drilled a well, and put in place a septic tank. Mr. Jon Thompson stated that the reason this lot was for agriculture use only was that lot three which Mr. Nelson bought did not have road access and did not own any piece of land that would give him road access and at the time this subdivision was originally drawn up lot three did not have water. Although Mr. Nelson has now gotten an approved water source. Theron Eberhard motioned to deny this subdivision based on the issue that there was no road access owned by lot three. David Tea seconded the motion. The motion passed unanimously.

f. Paul Hunsaker, 3 lot subdivision

The Hunsaker family came forward to present their amendment to the commissioners. Mr. Marwedel stated that a 6:30 meeting was held with the Board of Adjustment on this particular subdivision earlier this evening. The issues with the Board of adjustment were first the 250' lot width and second the 5 acre zoning in which the property is located. Two of the lots are at 5 acres and the third is at 4.894. The Board of Adjustment granted the variances and it was passed unanimously at their meeting. David Tea stated that the plat should be amended to show all three lots having an undivided interest in the first two hundred feet of the road access, so as not to create three separate access, (which he felt UDOT would not approve three separate accesses). David Tea motioned to approve the subdivision with the contingency to have one shared undivided interest in the first 200' of the road for all three parcel owners. Theron Eberhard seconded the motion. The motion passed unanimously.

III. CONSIDERATIONS FOR OTHER ACTIONS

a. Zone Change for RHN property South of Beaver Dam, 2 miles South of Highway 30.

This matter was tabled.

b. Consider Transportation Plan & Roadway Requirements.

Mr. Marwedel stated that Attachment "A" was prepared after contacting several surrounding area Counties like Weber, Cache and Utah and this chart was prepared based on their road requirements. Mr. Marwedel suggested presenting this proposal to the County Commission the following Tuesday.

c. Amend CUP for Wal-Mart to allow temporary concrete batch plant.

Deanne Dalling moved to approve the amendment to the CUP to allow Wal-Mart to have a temporary concrete batch plant. David Tea seconded the motion. The motion passed unanimously.

d. Conditional Use Permit or Zone Change to allow for a Bed and Breakfast on 5 acres in Collinston.

Mr. Marwedel stated that he had done some research and that the CUP for a Bed and Breakfast would be allowable in the current zone. The code states that a home business is allowed. It is also stated that it will only permit an additional four parking spaces outside of the family. David Tea stated that if the law required only four additional parking spaces then the county should limit this Bed and Breakfast to only being able to have four rental rooms. The Commission asked Kenneth and Bonnie Love to do some investigation and check with the different

authorities in regards to Water safety being on a private well, the Fire department on safety issues and The County Building Inspector and ask him to come out and check the safety of the stairwells and other building safety throughout the old school. It was also stated that no Food Handlers Permit would be required since the Love's are planning on only serving a continental breakfast. The Planning Commission asked the Love's to check on these various issues and then return to the Commission to proceed.

IV ITEMS FOR DISCUSSION

a. RDA Process for Economic Development/Wal-Mart.

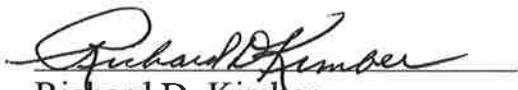
Randy Sandt and Don Miller came to present the RDA for the Wal-Mart project out in Corinne (Attachment "B"). They said that the RDA would be presented in full length at the October 5th County Commission meeting.

b. Grouse Creek Zoning

The matter was tabled.

The meeting was adjourned.

Passed and adopted in regular session this 21st day of October,
1999.



Richard D. Kimber

Box Elder County Planning Commission Chair

7.7.12.4.5 Minimum right-of-way widths and roadway widths for public streets shall be determined by resolution of the County Commission for various categories of streets, but in no case shall the standards below be exceeded:

Street Category	Minimum ROW for 2-way Public Streets	Minimum ROW for 2-way Private Streets	Minimum Roadway Width for 2-way Public Streets	Minimum Roadway Width for 2-way Private Streets	Maximum Number of lots that can be served by road
Arterial	100 feet		75 feet paved		unlimited
Major	80		55 feet paved		unlimited
Collector	66		41 feet paved		400
Local	50	33	26 feet paved	24 feet	40
Farm Access Collector	66		38 foot wide pavement or 24 foot wide pavement with 14' gravel shoulders on each side (as determined by the County Engineer)		unlimited
Rural Road	50	33	38 foot gravel	24 foot gravel	400

7.7.12.4.6 Designation of Road Category
 6800 West shall be designated a Farm Access Collector. When a Transportation Plan is adopted for the County, it shall determine categories for other roads. If a road has not been designated one of the above categories of road, or is a new road, then the road shall be considered a local access road if it is evident that the road could never serve more than 40 lots. If it is possible that the road could serve more than 40 lots, the developer shall either (1) improve the road to the standards of a Farm Access Collector or (2) petition to have the road designated otherwise by altering the County Road Plan through holding the proper public hearings, etc. and if the road is then otherwise designated to another category the developer will be required to improve the road to the standards of the road category above.

7.7.12.4.7 Road Improvements
 Developers will be required to make road improvements for subdivisions with 4 or more lots according to the following:

- A. Lot Frontage Requirements

The developer will be required to improve the road along the frontage of each lot that (1) has less than 330 feet of frontage (not width, but frontage) and (2) has less than 10 acres, to the standard identified above unless the road is already to the above standard.

B. Required Off-site Improvements

In addition, if any portion of the road or roads between the new lots and the nearest state highway are not improved to the appropriate standards above, the developer will also be responsible for improvement of 200 feet (length) of the road for each new lot to be created. The county engineer will determine where the segment that should be improved should be, whether it will be a continuation of the road that fronts the lots, or if it will be a segment to come off the state highway or otherwise. If the implementation of these standards results in a stretch of gravel road that will be less than 1000 feet in length in between two stretches of paved road, the developer will also be responsible for paving the 1000 feet or less to bring the paved portions together as one continuous paved road.

C. Substitutions/Exemptions:

Improving key intersections that will be most impacted by the new development so that they have turn lanes (left and/or right) may substitute for other required improvements if recommended by the County Engineer. Also, flexibility in design in local access may be allowed if the developer can show that such design provides adequate access to the lots and adequate access for emergency and maintenance or service vehicles. This may include one-way lanes that loop around as opposed to the more traditional cul-de-sac.

D. Clarifying Examples:

1. A developer proposes to create 3 new lots off his current parcel for a subdivision with a total of 4 lots. One of the lots is over 10 acres. His current parcel is on the corner of a Farm Access Road and a gravel road that has not been designated as any particular category. All lots will have their access off the existing County gravel road. The County Engineer determines that the gravel road could easily end up providing access to over 40 lots eventually. The developer will be required to improve the road in front of the 3 lots that are less than 10 acres in size to the Farm Access Road standard. The County Engineer determines that a 24 pavement with 14 foot shoulders (for farm equipment) would be sufficient and so the developer improves the road in front of the 3 lots to that standard. The Farm Access Road on the other side has not been improved to the standard above for the entire length between the subdivision and the nearest state highway. So, the developer would be required to improve 600 feet (or 3 times 200 feet) of the road to the Farm Access Road standard. However, the County Engineer finds that safety and access would be best insured if turn lanes were constructed at the intersection at of the roads where the subdivision corners. The developer elects to build turn lanes at the intersection in lieu of the required improvements to the Farm Access Road at the recommendation of the County Engineer.

2. A developer proposes to create 4 new lots off his current parcel for a subdivision with a total of 5 lots. One of the lots is over 10 acres and another is 5 acres but has frontage of over 330 feet. These lots will not be required to have improvements to their frontage. The current parcel is on a gravel road that has not been designated as any particular category. The County Engineer determines that the gravel road could easily end up providing access to over 40 lots eventually. The developer would normally be required to improve the road in front of 3 lots and an additional 600 feet to the Farm Access Road standard. However, the area is remote and so the developer petitions to have the road designated as a Rural Road. The County holds the proper public hearings and the Planning Commission recommends that the road be designated a Rural Road. The County Commission holds a public hearing, following which they decide to concur with the developer and the Planning Commission recommendation and adopt a plan that designates the road as being in the Rural Road category. The developer then only improves the required portion of the road to the Rural Road standard (if any further improvements are needed).

7.7.12.4.8 Average frontage requirement and maximum number of lots allowed to front certain roads

No more than 3 lots per subdivision shall be allowed to have their primary access directly to a state highway or 6800 West. Also, the **average (not necessarily minimum)** frontage of those lots must be at least 250 feet.

REDEVELOPMENT AGENCY ASSISTANCE IN ECONOMIC DEVELOPMENT

Pre April 1, 1993 Project Areas	ALTERNATIVE NO. 1 Traditional Redevelopment Requirements	ALTERNATIVE NO. 2 Economic Development Requirements
1. Less restrictive definition of blight	1. Definition of "redevelopment" and "blighted area" (see p. 2)	1. Definition of "economic development" (see p. 2)
2. City Council must find area blighted. To do this a "blight analysis" is undertaken	2. City Council must find area to be a "blighted" area. To do this a "blight analysis" is undertaken	2. A "benefit analysis" is undertaken to describe the benefits of public financial assistance vs. private investment
3. Eminent domain possible for a period of 7 years	3. Eminent domain possible for a period of 5 years	3. <u>NO</u> eminent domain permitted
4. Tax increment is available for 25 years on a declining basis	4. Tax increment financing available for a period of either: (a) 100% for 12 years (b) 75% for 20 years	4. Tax increment financing is available for a period of either: (a) 100% for 12 years (b) 75% for 20 years
5. Governing Board of Agency determines use of tax increment	5. Taxing Agency Committee ("Mother May I Committee") consisting of 7 members and approves "project area budget" for 12 or 20 year periods	5. Taxing Agency Committee ("Mother May I Committee") consisting of 7 members and approves "project area budget" for 12 or 20 year periods.
	Taxing Agency Committee consists of: 2 - rep. School District 2 - rep. County Commission 2 - rep. City Council <u>1</u> - rep. State School Board 7 - Total voting members 1 - non-voting member 8 - Total Committee	Taxing Agency Committee same as Alternative 1

STEPS IN THE RDA PROCESS FOR ECONOMIC DEVELOPMENT WITH STATUTORY GUIDELINES

Step 1 Designation of City Council as the RDA Board of Directors

[17A-2-1203] Any community may create a redevelopment agency and may conduct business regarding the redevelopment and economic development for the community. The agency may enter into contracts generally and accept financial assistance from any source as well as expend those resources it has. The agency may borrow money from financial institutions or from the state or federal government for its purposes as long as all conditions of the loan or grant are met.

Step 2 Designate Survey Area by Resolution of the Agency Prepare Economic Development Report

[17A-2-1205] Before any area is designated for redevelopment or economic development, the community authorized to undertake the development shall: (1) have a planning commission; and (2) have a general plan as required by law.

[17A-2-1204] Economic Development Survey Areas shall be designated by resolution of the governing body of the agency. The resolution designating a survey area or areas shall contain the following: (1) A finding that the area requires study to determine if a project or projects within the area are feasible; and (2) a description or a map of the boundaries of the area designated.

Step 3 Meet any Preconditions for Designating a Project Area

[17A-2-1205] The agency shall meet all preconditions set forth in step 2.

Step 4 Designate a Project Area

[17A-2-1206] On the agency's own motion, at the direction of the legislative body, the agency may select one or more project areas comprising all or part of the proposed survey area and formulate a preliminary plan for the economic development of each project area in cooperation with the planning commission of the community.

Step 5 Notify Property Owners of First Public Hearing

[17A-2-1222] Notice of the public hearing on a project area plan shall be given by publication not less than once a week for four successive weeks in a newspaper of general circulation published in the county in which the land lies. The published notice shall describe specifically the boundaries of the proposed economic development

project area and state the day, hour, and place in which persons objecting to the proposed project area plan may appear before the legislative body and show cause why the proposed plan should not be adopted. The agency shall notify the last-known assessee of each parcel of land in the project area of any public hearing at least 30 days before the date of the public hearing. The notice shall be sent to the last-known owner address as shown on the last equalized assessment roll. This notice shall be mailed by certified mail for projects for which a preliminary plan has been prepared after April 1, 1993.

Step 6 Hold a Public Hearing to Discuss the Concept of Redevelopment with Owners of Property Within the Proposed Project Area

[17A-2-1211] An agency shall hold two public hearings at least 30 days apart. The first public hearing shall be held to inform the public about the proposed project area and to allow public input into agency deliberations on the plan.

[17A-2-1221] The legislative body at a public hearing shall consider the project area economic development plan.

Step 7 1 - Prepare Preliminary Plan with Planning Commission

[17A-2-1207] Preliminary plan shall describe the boundaries of the project area and contain a general statement of the land uses, layout of principal streets, population densities, and building intensities and standards proposed as the basis for the economic development of the project area. The plan shall show how the goals for economic development shall be met as well as showing that the proposed economic development conforms to the master or general community plan. The shall identify the way in which private developers, if any, will be selected to undertake the economic development as well as identify any developers who are currently involved in the proposed economic development.

2 - Report to the Preliminary Plan

[17A-2-1220] Each project area plan shall be accompanied by a report containing the reasons for the selection of the project area and a description of the physical, social, and economic conditions existing in the area. The report shall include a financial analysis of the proposed redevelopment describing the proposed method of financing the economic development of the project area in sufficient detail so that the legislative body may determine the economic feasibility of the plan. The report shall contain to the extent known, the items specified for a "project area budget" and a description of any tax incentives offered private entities for facilities located in the project area. It shall also include the report and recommendations of the planning commission.

3 - Prepare Owner Participation Rules

[17A-2-1214] Each economic development plan shall provide for reasonable opportunities to participate in the redevelopment of property in the project area by the owners of property in the project area if the owners enter into a participation agreement with the agency. The agency shall permit owners and tenants within the project area reasonable opportunities to participate in the redevelopment of the project area by allowing the following: (1) owners retaining, maintaining, and if necessary rehabilitating, all or portions of their properties; (2) owners acquiring adjacent or other properties in the project area; (3) owners selling all or portions of their improvements to the agency, retaining the land, and developing their properties; (4) owners selling all or portions of their properties to the agency and purchasing other properties in the project area; (5) owners selling all or portions of their properties to the agency and obtaining preferences to reenter the project area; (6) tenants having opportunities to become owners of property in the project area, subject to the opportunities of owners of property in the project area; or (7) other methods approved by the agency. The agency shall extend reasonable preferential opportunities to owners and tenants in the project area ahead of persons and entities from outside the project area, to be owners and tenants in the project area during and after the completion of economic development.

The agency shall prepare and submit rules governing the opportunities to the legislative body of the community at the time the agency submits the economic development plan to the legislative body of the community. The legislative body of the community may not adopt the economic development plan until the rules have been adopted by the agency and approved by the legislative body of the community.

4 - Prepare Property Owner's Rights Documents

[17A-2-1211] The notice sent to all property owners shall include the summary of property owners rights. It is the right of each owner to object to the inclusion of his property within the project area, as well as any procedure of the agency in the creation of the project area. Owners also have the right to obtain any document from the agency regarding the proposed plan.

5 - Prepare Report to Plan - Including Economic Development Analysis

[17A-2-1202] Economic Development shall be defined as the planning or replanning, design or redesign, development or redevelopment, construction or reconstruction, rehabilitation, business relocation or any combination of these within all or part of a project area and the provision of office, industrial, manufacturing, warehousing, distribution, parking, public or other facilities, or improvements as may benefit the state or community in order for a public or private employer to create additional jobs within the state. An economic development analysis shall consist of a

analytical study relating to all aspects applicable to the proposed project area. It shall be included with the report on the proposed project plan.

Step 8 Notify Taxing Agencies of the Preliminary Plan

[17A-2-1259] Prior to the public hearing, the agency shall consult with each taxing agency which levies taxes on property in the proposed project area regarding the preliminary plan.

Step 9 Notify Owners of the Second Hearing Following the Required Procedures for Notice

[17A-2-1222] The steps for notification of the second hearing shall be followed as outlined in Step 5.

Step 10 Hold Required Public Hearing, and Pass Upon all Written and Oral Objections

[17A-2-1211] The second hearing shall be held to allow public comment on agency deliberations on approving the redevelopment plan.

Step 11 Agency and City Council Adopt and Pass all Required Resolutions and Ordinances Establishing the Project Area and Adopting an Economic Development Plan

[17A-2-1225] Once the hearings have been held, the legislative body may proceed to adopt, reject, or modify the project area economic development plan. The project area economic development plan may not be modified so as to add any real property to the project area without the legislative body holding a new hearing to consider the matter, notice of which shall be given in the same manner as provided in Step 5 .

[17A-1227] The ordinance shall contain a legal description of the boundaries of the project area covered by the economic development plan, the purposes and intent of the legislative body with respect to the project area, the plan incorporated by reference and a designation of the approved plan as the official economic development plan of the project area.

Step 12 A Statement is Prepared and Recorded with the County Recorder

[17A-2-1257] Within 30 days after the approval of the economic development plan, the agency shall record with the recorder of the county in which the project area is situated a document containing the following: (1) a description of the land within the

project area; (2) a statement that the economic development plan for the project area has been approved; and (3) the date of approval.

Step 13 Notification is Sent to All Taxing Districts, Notifying the Adoption of the RDA Plan

[17A-2-1256] The agency or the clerk of the community shall transmit a copy of the description of the land within the project area, a copy of the ordinance adopting the plan, and a map or plat indicating the boundaries of the project area to the following: (1) the auditor and tax assessor of the county in which the project is located; (2) the officer or officers performing the functions of auditor or assessor for any taxing agencies which, in levying or collecting its taxes, do not use the county assessment roll or do not collect its taxes through the county; (3) the governing body of each of the taxing agencies which levies taxes upon any property in the project area; and (4) the State Tax Commission. The copies shall be transmitted as promptly as practicable within 30 days, following the adoption of the economic development plan, but in any event, on or before the January 1 next following the adoption of the plan.

Step 14 Ordinance Adopting Project Area is Posted or Published

[17A-2-1226] For a period of 60 days after publication of the ordinance adopting the economic development plan, any person in interest may contest the regularity, formality or legality of the ordinance. After the 60 day period, no person may contest the regularity, formality or legality of the ordinance for any cause whatsoever.

Step 15 Agency Prepares Project Area Budget

[17A-2-1202] The project area budget consists of a multi year budget showing the following: (1) the base year taxable value of the project area; (2) the projected tax increment of the project area including the amount of any tax increment shared with other taxing districts which shall include (a) the tax increment expected to be used to implement the economic development plan including the estimated amount of tax increment to be used for land acquisition, public and infrastructure improvements, and loans, grants, or tax incentives to private and public entities; and (b) the total principal amount of bonds expected to be issued by the agency to finance the project; (3) the tax increment expected to be used to cover the cost of administering the project area plan; (4) a legal description for the portion of the project area from which tax increment will be collected; and (5) for properties to be sold, the expected total cost of the property to the agency and the expected sales price to be paid by the purchaser.

Step 16 Agency Meets with Tax Agency Committee to Review Budget and Receive Approval for Funding

[17A-2-1247.5] An agency must obtain the majority consent of the taxing agency committee for the project area budget before an agency may collect any tax increment for a project area. The project area plan may be amended from time to time by obtaining the majority consent of the taxing agency committee. If an amendment is proposed and taxing agency committee does not consent to the amendment, the agency will continue to operate under the previously approved, unamended project area budget.

Step 17 Agreements are Entered Into Between Agency and Developer