MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
OCTOBER 19, 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 **OCTOBER 19, 2000.**

The following members were present constituting a quorum:

Richard Kimber	Chairman
Jon Thompson	Vice-Chairman
David Tea	Member
Stan Reese	Member
Royal Norman	Member
Deanne Halling	Member
Theron Eberhard	Member (arrived approx 7:26)

The following Staff were present:

Garth Day	County Planner
Elizabeth Ryan-Jeppsen	Department Secretary

The **regular session** was called to order by Chairman Kimber at 7:01 p.m.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 21, 2000 WERE TABLED FOR APPROVAL UNTIL THE NOVEMBER PLANNING MEETING.

SUBDIVISIONS FOR APPROVAL

Burt Subdivision, at or about 2710 W. Hwy 13

Mr. Day presented the Burt **two lot** subdivision which is located at or about 2710 W. Hwy 13. (Just east of Corinne). **Lot one** contains .8 acres; Lot two contains 17.9 acres. Home on property is owned by Mr. Burt with approximately 19 acres. The subdivision is separating about .8 of an acre off of the larger part of 19 acres. Ted Burt has sold **lot one** to his grandson and Bank requires that the house have a smaller part of property to remain with it. No buildings are on **lot two**; it is presently zoned for agricultural use only. On September 21, 2000, the Commission granted Preliminary approval for this subdivision. There were a couple of issues with the Health Dept. and some of the required signatures were missing at the September meeting but those issues have since been resolved. There is proof of all utilities because the house is already in place on the .8 acres. The plat was not available for last month's meeting so the Commission could not grant final approval. Some of the necessary signatures were missing and the Plat had to be sent down to St. George as that is where Ted Burt is at the present time. The Plat now has Mr. Burt's signature and that of the attorney, but not the surveyor's signature. However the surveyor has approved it, but we have not been able to get together for the required signature. Question: "Why is that east boundary at an angle to the road? Do you know? Is there significance to that?" Asked by **Commissioner Thompson**. Evidently there is an already existing cement wall that was put in place years ago. No other questions were presented as this subdivision had been discussed earlier. Mr. Day recommends to the Commission to grant final approval of this subdivision.

MOTION: A motion was made by **Commissioner Tea** to grant final approval of the Burt Lot 2 Subdivision and authorizing the Chairman to sign and refer to the County Commission for approval. The motion was seconded by **Commissioner Norman** and unanimously approved.

Grover Subdivision, six lot subdivision located at or about 17000 N. 6000 W. northwest of Riverside.

Mr. Day reviewed the **6-lot** subdivision which was granted Preliminary approval at the September 21, 2000 meeting. Area is located a little northwest of the Riverside area. The petition meets all of the requirements of the Land Use and Development Code. Have not yet received the district sanitation approval in the form of a signature on the Plat; have received a letter stating that everything is correct. The inspector, Randy Wilde, who covers this particular area of the county is on vacation. Last month Robert Wilson was on vacation. Currently property is unzoned and Mr. Day recommended that the subdivision be approved and the Chair to sign when all other required signatures have been obtained. Each lot is 35,000+ square feet (2/3 acre) and meets the 120 foot frontage requirements so that there are no improvements that are required except for the basic entrance; has Riverside/North Garland water (letter in file).

MOTION: A motion was made by **Commissioner Thompson** to grant final approval of the Grover Subdivision and authorizing the Chairman to sign and refer to the County Commission for approval. The motion was seconded by **Commissioner Tea** and unanimously approved.

Jensen Subdivision, located at or about 222 West Hwy 13, east of Corinne

Mr. Day presented this **3-lot** subdivision which is a little more complicated; have petitioned for a 3-lot subdivision and there are a couple of issues with it. One is that the county does not really address flag lots in the county; we don't have any standards or anything that covers flag lots and beginning to see them occur more. It would be a good idea to have a policy that would address those for future. Petitioners have met minimum standard recommendations made by Mr. Day. The stem should be a minimum of 20 feet wide, could be more if needed, but should be no smaller than 20 feet. Next, there should be sufficient room for two vehicles to pass each other along the stem. The length should not be more than 400 feet which is a good standard for the length of a dead end access. Another recommendation is that the stems be improved for an all-weather surface in the instance that emergency vehicle should need to access. That would mean concrete, asphalt, or compacted road base which would have to be maintained by the homeowner. Another recommendation is that the stem be used only for an ingress/egress. Not to be used for placement of a shed, parking, or planting a garden alongside. The above-mentioned recommendations need to be implemented into a policy to help govern flag lots in the future. This developer was willing to meet the recommendations, but someone in the future may not be willing to meet unless in an outlined policy.

Another issue concerns an existing building (located on **Lot 1**) with a water tap, or a letter from West Corinne Water Company that says they can transfer from one location to another. No letter stating that water is available where needed. The owner of the property misunderstood Mr. Day when he told him that they didn't have to do anything on one of the lots if they didn't want to and the owner indicated that they weren't planning on developing for about two years. The property owner took that to mean that they did not have to have water to the lot. There needs to be a letter from West Corinne Water Company stating that there is water available to the undeveloped lot. **Lots two & three**, being the flag lots would have received approval from the Commission, but if the water fee was not paid then the West Corinne Water Company could come in and remove the water tap. Mr. Day talked with the petitioner and they understood and are willing to have property redesigned into a two-lot subdivision.

Commissioner Thompson asked what was the problem with flag lots. Mr. Day stated that right now flag lots have not been a problem, but as the county grows and development continues flag lots [could] become a problem. Two problems were discussed by Mr. Day: 1) Emergency service identification – hard to find a house location if in wooded flag lot location. 2) a very real "not in my backyard issue" may exist. The new house [being built on the flag lot] ends up in the backyard of the existing house. It is a bad idea for more than one flag lot to share a stem which is the case with this particular subdivision. Problems caused by traffic in and out and disagreement between neighbors. Sometimes flag lots are necessary when it is the only way that the property owner may have access to property, but they can also be a bad thing when a developer will try to

squeeze in another lot by using a flag lot. A written policy on flag lots would force the developer to utilize the land more effectively.

Commissioner Norman asked if any wetlands were involved in this proposed subdivision. Mr. Day stated that he did not believe so. Mr. Day recommended that this subdivision be tabled and sent back to the engineer to either design a two-lot subdivision where there are sufficient utilities or secure the third water tap.

MOTION: A motion was made by Commissioner Halling to table the Subdivision and was seconded by Commissioner Tea . The motion was unanimously approved.

Gary Andersen Subdivision, at or about 15184 North 5400 West .

Mr. Day presented the Gary Andersen Subdivision (site plan and subdivision) located at the four-way stop in Riverside on the Southeast corner. An existing house is situated to the east of area of the subdivision. The area is currently unzoned and the first lot is the subdivision where Mr. Andersen wants to break off two acres and build a service station with a convenience store. (Earlier in the year the commission adopted, in the Land Use Management Code, site plan review regulations, which would give the Planning Commission and the County Commission the ability to regulate [commercial uses] the issue to some extent. Had that not been adopted the commission would only be looking at a subdivision and not the site plan issue.

There needs to be on-site detention for the surface runoff, drainage [will be covered with asphalt] that will cause runoff water; possible contamination of the surrounding property. The EPA will needs to approve the storm drainage system purposed. Mr. Wilde, the district sanitarian (currently on vacation) and the Health Department will also need to review the site plans. The Water commissions – Riverside/North – have not stated that this was a commercial business location. They need to understand that there would be heavier use [commercial business] than if it were for a housing unit only. Jay McFarland, Secretary of the Water Commission, was not aware that he needed to stipulate the water usage. A letter should be ready tomorrow, October 20th, for the conditional use permit. Gary Andersen has the conditional use permit already [lacking the water usage issue]; since property is currently unzoned, the proposed use is permitted and the commission cannot do much other than through the site plan review regulation. Since this is the first one there can be some discussion along the lines of landscaping, lighting [how will affect the adjacent neighbors], and any other conditions.

The engineers are currently working on a rough plan regarding the water retention and have informed the EPA. The idea of a water retention on the east side of the property has been proposed with some slope from south to north. Runoff could be beneficial to the surrounding farms if deemed feasible by the EPA engineer Scott Moorland who is working with Gary Andersen. Will be working with the local irrigation company with that issue.

The fuel tanks that Mr. Andersen is proposing to use will be buried underground. Tanks meet heavy regulation and a copy stating such is ready to be submitted to the Commission.

Gary Andersen addressed the commission concerning the following issues:

- With the Health Dept., have performed test holes (and first [water] tests) and expected

to have an approved form in time for the meeting, but Mr. Wilde is on vacation. [Would have approval form on October 25th]. Site work is completed there.

- Jay McFarland has been apprized of the water usage, but was not aware that he needed to stipulated the water use in a letter to Mr. Day.
- Have had engineers working on water retention and with the EPA.
- Will have underground fuel tanks – heavy regulations governing them (possibility of spillage when tanks are being filled or when customers are accessing the gas from the pumps).
- Water retention will be on east side of property. Some slope on the property going from south to north. An existing irrigation ditch that is on the north end and will work with the irrigation company as to how they want to protect it, i.e., cover, etc. Irrigation company would take the runoff, but would need to go through the EPA for safety issues. Scott Morland is engineer working with Andersen and handling those concerns.
- Reason asking for a subdivision on property is because he doesn't want to tie up all the property in the loan with the bank for the station and convenience store.
- There are approximately four houses in the four-corner area of subdivision and residences have some concerns. Mr. Andersen is also concerned that the community accept this business proposal and he wants to meet the needs of the community.
- Welcoming input from the community members and does not want to infringe on them.
- On the north end there would be three pumps that would service cars from both sides; one would service diesel vehicles. Two pumps on east side would be to service semi traffic -- does not anticipate a great deal of diesel usage or would probably want to put in more diesel pumps. (Semi traffic usually travels greater distances and drivers often have gas cards from companies they are employed though using facilities such as Flying J, etc.)
- Does not anticipate housing, such as a motel to be included in proposal.
- Test hole for septic system has been done and was tested after several days in a row. Had a person come in and do a certified percolation test. Findings were given to Randy; based on that a system could be designed. Don't know how large drain line will be. Water test was 7' 3". Drain pipe not lower than two feet. Eighteen inches of gravel field to be put in. Information re: septic system testing has been given to Randy.

A motion was made by to hear from community members regarding the project.

Teresa Forsberg, 15270 North 5245 West, came in with concerns (printed up)from some of the neighbors of proposed subdivision. Concerns included:

- Security - twenty-four hour business in isolated area, easy access to a freeway if business robed with the late hours.
- Obtrusive lighting and signage - little community and don't want forty foot tall lights and signs.
- Pollution control - holding ponds or water runoff; if put in irrigation would carry with it fuel or ground spillage and into crops and children playing in area. Holding pond to east - property is owned by Mr. Richins (possible housing issues there).
- Traffic - when Ms. Forsberg spoke with UDOT they led her to believe that there had

not been anything passed regarding access to property.

➡Diesel truck accommodations - could they be eliminated from the plan.

Mr. Richins, another landowner with adjoining property to subdivision proposal.

➲Has 100 year old farm surrounding area. Wants to keep as agricultural until time that his children will be using it several years in the future. Has title to 20 acres on the south and his mother has other part of farm surrounding it.

➲Is troubled by the large truck issue – the road is not very wide to accommodate 50'+ trailers. Semi trucks idling all night during winter hours, etc. Would render surrounding property unsuitable for future housing. Only separated by small property line. Larger trucks would have to utilize every available inch to pull in and out of station.

➲Traffic issue with semi trucks and local traffic in and out of existing turning lanes on road. Big concern for UDOT to design for lane acceleration and in/out lane to meet all the necessary requirements.

➲Water retention – probably more of detention and then meter out (at same rate as would normally come off of property) into landscaping. Existing ditch is already higher than 18 inches. Mr. Richins would lose building lot if diesel pumps are permitted because of room necessary for semi trucks to maneuver in and out.

Mr. Day: Site Plan could include buffering, fence, no overnight semi parking to be allowed in area. Lighting to help with the concerns of the citizens. Controlling the use is hard to do because of lack of zoning for area. Are citizens (Ms. Forsberg and Mr. Richins) concerned that the gas station will increase the flow of traffic in the area.? Mr. Andersen selected particular location because it is not a matter of if that area grows, but when. The traffic will change by itself. Property owners want to hold onto land for their future generations, but sometimes the next generation has different ideas.

Commissioners have sufficiently discussed the issue and Mr. Day recommends a Preliminary approval; other issues need more discussion. Recommend that Mr. Andersen address buffering, lighting, drainage. Have the engineer draw up plans to protect surrounding properties. Can't zone, but could list the bottom portion for residential use only. Mr. Andersen has not intended use for property in commercial/residential. Mr. Day suggested that the Commission start zoning some of the parts of the county that are currently unzoned. As growth continues there could be more issues along this same line. If zoned as residential then there will be other issues to address, i.e., sewer, curb and guttering, etc.

This needs to be addressed as two separate issues; the site plan and the subdivision.

MOTION: A motion was made by **Commissioner Norman** to grant Preliminary approval on the Andersen Subdivision and was seconded by **Commissioner Tea.** The motion was unanimously approved.

It was decided to table the issue dealing with the commercial use of the property at this time. Break the site plan into two steps. Will return next month for final approval. Need to wait until more of the issues have been dealt with, i.e., lighting for station area, buffering with detention,

vinyl fencing [make attractive for neighbors], signage restriction [limit to six feet whole range latitude]. Mr. Andersen will take plans back to engineer for redesign; could the pumps be set further back? Would probably cause more traffic problems with on/off of the highway. Could elimination of the semi pumps be a possibility, but still have a diesel pump for pickups? [Wouldn't want the semi traffic in other location because of residential] Would fencing and landscaping/trees be necessary on the corner to help restrict the lighting and other possible problems? Wants to make appealing and still address concerns of the public. Need for adequate security system. UDOT to address safety issues for traffic.

MOTION: A motion was made by **Commissioner Eberhard** to table the site plan until site issues have been resolved and seconded by **Commissioner Tea**. It was unanimously approved.

Washakie Estate Subdivision, at or about 15600 North 5200 West.

Mr. Day presented the Washakie Eight Lot Subdivision which is located around the corner from the Andersen Subdivision discussed. Area is currently unzoned, and the petitioner is requesting an eight-lot subdivision over the area. There are oil and utilities available from the road and perhaps a water line, but location is unsure as to where it is located. Subdivision is requesting Preliminary approval at this time. Have not received confirmation of septic system. The Malad River runs between the subdivision and 4400 West. Mr. Day recommended that the Commission approve Preliminary Washakie eight lot subdivision.

MOTION: A motion was made by **Commissioner Halling** to approve the Preliminary Washakie Eight Lot Subdivision and was seconded by **Commissioner Reese**. The motion was unanimously approved.

Fairbanks Estate-Phase 3- Subdivision, at or about 7425 South 425 West in South Willard.

Mr. Day presented the Fairbanks Subdivision - Phase 3 - for Preliminary approval. The map shows the overall plan of the subdivision consisting of Phase 1, 2, and 3. Ten lots currently make up Phase 3 of the Subdivision. Power line funs along the couth boundary easement. One issue regarding a 20-foot strip that needs to be deeded to Lot 20 in Phase 2. Haven't determined how to handle yet. It may require a subdivision amendment to the Phase 2. It was asked of the Mr. Fairbanks why he was wanting to include that particular 20 foot stip to Lot 20. Mr. Fairbanks stated, "What happened there, was years ago I gave my daughter a lot, the boundaries weren't very definite, she planted some bushes beyond the boundary. So giving her another 20 feet; her house is shown up there (indicating map) in Phase 2 and as soon as I can get it done, I'll have a description of that 20 feet made up and I'll deed it to her, which will, and her house and the rest of her property in Phase 2. I think a deed to her should take care of that. She planted some bushes over there and I didn't have the heart to tell her to pull them up." The twenty feet of land in discussion doesn't really belong to either subdivision. Someday the issue may cause a problem

so Mr. Day recommended that an amendment to Phase 2 be drawn up to take in the twenty-foot strip. A subdivision amendment is a little bit cumbersome because it has to be approved by the County Commission and if everyone in the subdivision doesn't sign on agreeing, then it would have to go to a public hearing. It was asked if all of the lots in Phase 1 and 2 have been sold. Answer was "no." Four deals have been made for Phase 3, but whether or not they will follow through is not known at this time. On a subdivision like this, after Preliminary approval by the Planning Commission then it has to go through South Willard Flood Control, South Willard Water Company for their consideration before it comes back to the Planning Commission for final approval. All utility letters are in the file except for the water letter which will need to review the plan. Lots are all .5 acre, just more than 20,000 square feet. Lots 32, 33, 37 and 38 are around 30,000 square feet. Preliminary approval will send to water company and flood control board and start preparing the construction drawings and come back for the final approval.

Mr. Day stated that they would be able to proceed with the subdivision amendment in Phase 2; draw a new boundary, including the 20 foot strip into Phase 2 and he (Mr. Day) would speak with John concerning the change.)

MOTION: A motion was made by **Commissioner Thompson** to approve the Preliminary Phase 3 Subdivision and was seconded by **Commissioner Norman.** The motion was unanimously approved.

Whipple subdivision, located at or about 8000 North and U.S. Hwy 89, in South Willard.

Mr. Day reviewed the subdivision which included a three-lot subdivision in Phase 1 with a 30-foot wide private street. Phase 2 includes a four lot with is actually a flag lot which is off the private road complicating the issue even more. Built with the 20 foot minimum and is 150 feet deep. The lot itself, excluding the stem is .5 acre. Fence needs to be along the right-of-way creating a definite edge. A letter has been received from UDOT stating that there can be no access from Lot 4 to Hwy 89. Two accesses have been allowed; one for existing house and one for 8000 South Street. The Commission voiced concern over a detention basin to help take the rain off of the road, but when the plan was presented to the Flood Control, it was determined that there would not be enough runoff because of the small street leading to the flag lot and warranted no further action. The flood control had considered all four lots at one time, as the plan had gone back and forth with three lots and then the flag lot added.

MOTION: A motion was made by **Commissioner Norman** for final approval to the Whipple subdivision and authorizing the Chairman to sign and refer to the County Commission for approval. The motion was seconded by **Commissioner Reese** and unanimously approved.

Judy Rupp Subdivision, Lot 1 subdivision located at or about 8130 West 10400 North,

southwest of Tremonton.

Mr. Day presented the lot one subdivision consisting of 1.75 acres located along Rocket Road about one and one-half mile west on north side of the road. There is an ag protection area that is within the area also that was noted. All utility letters are in place and is just a one lot subdivision; will be obtaining water from a private well that has been approved by the State. Will probably be a shallow well as petitioners will be hooking up to the West Corinne water line once the existing moratorium has been lifted. The lot measures 176 feet wide with 120 feet between it and the next lot. There is no minimum frontage required because area is unzoned. The standard that is used is 120 feet. Map does not indicate well protection zone, location of well with perimeters drawn around it. No street improvements are required as they are already in place. There is an existing ditch along the front of the property which will need to be covered or at least tiled over the access area. Mr. Day stated that he was going to recommend preliminary and final approval to the Commission, but because no well protection area is listed he would recommend that the petitioner return next month for final approval. The depth of the well would have an impact on the size of the radius surrounding it. The lot is large enough for a deep well protection radius which is 100 feet; if a shallow well, the lot would need to be redesigned. There is **NOT** an existing well on the lot; the well that is there belongs to the neighboring property. West Corinne's water line runs past property and once the moratorium is lifted they will be hooking onto existing water with the city. Well protection will remain with the lot until that time.

MOTION: A motion was made by **Commissioner Reese** to grant preliminary approval for the Judy Rupp lot one subdivision and seconded by **Commissioner Eberhard.**

- For final approval will have to have the well protection and designation
- **Commissioner Reese** asked if final approval could be granted this evening based on the absence of the well protection
- Mr. Day stated that the Commission had been trying not to sign off on subdivisions that had contingencies attached, because of unknown variables.
- If final approval granted, building could start November 1
- Will still need final subdivision plat and schedule to go before County Commission, bypassing coming to Planning Committee again.
- Rather than have to come back to Planning Commission [**Commissioner Reese**] and then to County Commission could final approval be granted based on acquiring well protection, etc.
- Approve based on engineer completing his work and then recommend to County Commission.
- A well protection will remain with the property and could cause problems in the future once landowners connect onto the West Corinne Water line.

MOTION: A new motion made by **Commissioner Reese** based on above stipulations and seconded by **Commissioner Thompson**. Motion was passed unanimously.

Brown One Lot Subdivision, located at or abut 1455 North 6800 West, West Corinne.

Mr. Day presented the Brown one Lot Subdivision, an existing lot located in West Corinne. Building permit for piece of property that was subdivided illegally and no way of knowing until person(s) requests a building permit, then can be included in the subdivision process and cleaned up. The deed was recorded several years ago. Lot meets all zoning and frontage requirements and have a loan pending. Has all health department approval, ownership signatures, county attorney has signed, and appears to be in order for preliminary and final approval. Originally part of Hubbard property when lot was sold off and recorded. The law governing issue was changed in 1993.

MOTION: A motion was made by **Commissioner Eberhard** to approve the Brown Subdivision for Preliminary and final approval and authorize the Chairman to sign and refer to the County Commission for approval. Motion was seconded by **Commissioner Norman** and was unanimously approved.

Flag Lot Issue

Mr. Day recommended that the Commission draw up a policy to help govern. Suggested:

- Twenty foot stem – 300 to 400 feet only
- All-weather surface
- Limit to an ingress/egress only
- Lot, exclusive of the stem, *meet the current zoning for the area*; such as minimum of .5 acre, etc. Septic system needs to be on lot with at least .5 acre.

Other suggestions governing could include:

- Limit the number of flag lots adjacent to one another [such as two]
- Not allow any in new subdivisions
- Require fencing of sides of the stem for isolation

Commission opened up for discussion: **Commissioner Kimber** felt that suggestions were good, but issue concerning fencing should be addressed on individual basis. Not having a flag lot in new subdivisions excellent. Others: good to limit number of flag lots because of existing houses in area. Note difference between a street and a flag stem. Often flag lots are stacked – could a cul-de-sac be designed instead? Mr. Day noted that in some areas flag lots are necessary such as Mantua where it is the only way to get to the property. **Commissioner Eberhard** voiced concern that if two flag lots adjacent to each other, then stems would need to be concrete or all-weather surface. Stem into lot needs to be straight and no *dog leg turns* where could cause problems with larger (emergency) vehicles. Sharp angles [blind corners] are hard to see around.
Weber County has special exception for flag lot consideration; Davis County outlaws completely. If outlawed here, then planning would be different from the beginning – sometimes are necessary in this county.

Language for Flag Lot Amendment:

- No new subdivision with more than three lots can have a flag lot.
- Amend the Land Use Management Code to go to County Commission
- May have public hearing
- Could tone down language to make a policy instead of law [guidelines for development]
- Easier is law; would leave no flexibility
- Mr. Day constructing draft for next meeting November 16, 2000

December meeting not cancelled but held somewhere else. Possible to schedule social earlier – too busy in December. Suggested that December [regular] Planning Meeting be scheduled and have social in January. (Always someone that can't make social – could give a gift certificate).

Question regarding the RHN [Veibell Subdivision] lawsuit was brought up by Commissioner Thompson. Mr. Day stated that the judge ruled in favor. Will have a letter from Jon Bunderson for file.

ADJOURNMENT

A motion was made by Commissioner Reese and seconded by Commissioner Thompson to adjourn the meeting at 9:14 p.m. and unanimously approved.

Passed and adopted in regular session this 16th day of November, 2000.

Richard Kimber
Box Elder County
Planning Commission, Chair