

MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
OCTOBER 21, 1999
BOX ELDER COUNTY COURTHOUSE
BRIGHAM CITY, UTAH

Attendance:

Richard Kimber	Chairman
Jon Thompson	Vice-Chairman
Royal Norman	County Commissioner
David Tea	Member
Theron Eberhard	Member
Stan Reese	Member
Malinda Hansen	Planning Office Secretary

Excused:

Deanne Halling	Excused
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- I. The meeting was called to order at 7:00 p.m. Jon Thompson made a motion to approve the minutes from the September 16, 1999, public hearing as revised. Stan Reese seconded the motion. The motion passed unanimously.

David Tea made a motion to approve the minutes from the September 23, 1999. Planning Commission, as revised. Jon Thompson seconded the motion. The motion passed unanimously.

II Items for Discussion

Walmart - RDA

Randy Sant and Don Miller came forward to present the Preliminary RDA and to obtain the Planning Commissions recommendation to the County Commissioners. Mr. Sant asked the Planning Commission if they had anything that they would like to have addressed in this redevelopment plan that is not currently covered. He also stated that this redevelopment plan would not supercede anything that the Planning Commission has previously set forth in Conditional Use Permits

Randy Sant requested a motion be made on recommendation of this Preliminary RDA. Jon Thompson made a motion to recommend the Wal-Mart Preliminary RDA as written to the Box Elder County Commissioners. David Tea seconded the motion. The motion was passed unanimously.

III CONSIDERATIONS FOR APPROVAL

Kent Anderson, 3 lot subdivision, 5630 West 6400 N.

It was asked if the Planning Commission would strike the words "for Agriculture Purposes only", off the previously filed subdivision that was approved in March 1999. Mark Nelson and Kent Anderson said that the lot now had legal road access and a shallow well that has passed Health Department approval. Jon Thompson made a motion contingent upon the recording of the Warranty Deed with the attached easement to approve this change in the Kent Anderson subdivision by striking the prior recording of Agriculture lot only. Theron Eberhard seconded the motion. The motion passed unanimously.

Country Escapes, 4 lot at about 16555 N. 4400 W.

Malinda Hansen reviewed the prior concerns about this subdivision and results from the public hearing with the Planning Commission. She also stated that Mr. Quinten Hess has brought up some new concerns about this subdivision and would like a moment to present them to the Planning Commission. Mr. Hess said that he was concerned that he will lose his easement on the South side if this subdivision is approved. Mr. Williams said that he is not taking the easements away. It was suggested that the two take their differences on easements to attorneys and handle it in civil court; this was not a Planning Commission issue. Theron Eberhard made the motion to accept this subdivision as designed. Stan Reese seconded the motion. The motion passed unanimously.

Checkettes Subdivision, 6 lot, at about 4845 N. 3600 W.

Preston Checkettes presented his subdivision and stated that he has no intent to ever develop the remaining parcel and therefore is asking to be considered as a minor subdivision in final. Mr. Greg Hansen recommended to Mr. Checkettes that a 66 foot road be planned in at this time to leave an opening for the future. Malinda Hansen stated they do have health department verbal approval. Jon Thompson made a motion to approve this subdivision contingent upon Health Department signature, and after obtained, to authorized the Chairman of the Planning Commission to sign. Stan Reese seconded the motion. The motion passed unanimously.

Hendrickson Acres, 3 lot at about 6400 W. 4000 N.

Royal Norman asked what the width of the property is after the 75' easement by the canal company. Scott Hendrickson stated that there would be about 90 feet left with which to build a home on and approximately 3/4 of an acre. Royal Norman stated that there is a concern now that there are going to be eight homes on a gravel, county road, and he is sure that the residents will be petitioning the County within a few years to pave the road. Royal stated that it was too late to require paving of the road, and therefore the reason for the proposed road policy which will be reviewed at a Public Hearing on the 26th of October. David Tea made the motion to accept the subdivision. Stan Reese seconded the motion. The motion passed unanimously.

IV CONSIDERATIONS FOR OTHER ACTIONS

Quintin Hess, Agriculture Protection Zone

Stan Reese made a motion to recommend the Quintin Hess, 250.25 acres for an Agriculture Protection Zone to the County Commissioners, Jon Thompson seconded the motion. The motion passed unanimously.

Freidays Subdivision/Vacating - This matter was tabled

CUP - Joe Stoddard/First Equity

First Equity presented the plan (1) they are handling this property to be reconditioned, and (2) reclamation plan to develop and stabilize the property. Coty Evans said that this was their reasoning in hiring Joe Stoddard who is licensed by the State as a land excavator. Rod Ylst said that if the conditional use permit was granted he would not object to having a community meeting with those neighbors who wished to participate on a regular basis so they have some input as to what is happening in the excavation process. Kent Davis a neighbor to the property in question asked if First Equity was going to require a bond from Mr. Stoddard. First Equity offered to provide the County with a \$100,000 bond from them, not Joe Stoddard, on this project. Gay Pettingill stated that he was concerned because Joe Stoddard is the same man who is involved in hauling and mining on property further south. Joe Stoddard stated he was not the one mining and excavating on the adjoining property.

Joe Stoddard, said that the property in question is extremely steep and with his requirements of leaving a 2 to 1 slope set by the state, he would make this property more secure. Kent Davis feels that this 2 to 1 slope will just run into his property. Mr. Pettingill was concerned that Joe Stoddard will be very deep if they stick to 2 to 1 slope.

Joe Stoddard stated the previous owner had the road so steep that if a semi truck driver lost his air he would be out of control, creating an unsafe situation. Joe suggested that the road be made with switchbacks and then be terraced. They would also brine the roads and terrace for safety if he was allowed the Conditional Use Permit.

“Were not out here to make enemies but have the intention to clean up,” Mr. Coty Evans stated. Mr. Pettingill asked for Denton Beecher to survey and decide how deep they should be allowed to excavate if a conditional use permit is granted. It was also asked if the County Attorney could review this before granting a conditional use permit.

Mr. Stoddard stated that having a gravel pit and rock crushing permit is not a big deal to him, he would just like to perform land excavation. Royal Norman sated that there would have to be a zone change to allow the set up of a gravel pit. Currently now only land excavation is allowed in this area with a conditional use permit. Royal asked if First Equity would be interested in putting up a \$100,000 surety bond for clean up in case Joe Stoddard leaves the land a mess. First Equity said that they would put up the bond if that is what the Commission requests.

Richard Kimber suggested that before the Planning Commission proceed any further an Engineer be brought in to design a plan, have the County Surveyor and the County Attorney review these plans before a conditional use permit will be granted.

Joe Stoddard mentioned that we are on a time constraint with the weather changing to snow soon. He also said that we need to stabilize this mountain before the weather creates problems.

Richard Kimber said he is not willing to even consider a conditional use permit until things are cleared up with engineers proposals, and after review by the County Surveyor, County Attorney and Willard Flood Control.

Royal Norman asked Joe Stoddard how long it would take for him to prove that he could hold true to what he is proposing, and if the First Equity would guarantee a \$100,000 surety bond, if the project isn't done correctly. He suggested to let him have three months to prove himself and develop a committee and see that the job can be done right. Then if the project fails, First Equity has provided the money to correct and clean it up.

Joe Stoddard invited all those concerned to visit the site on a daily basis to monitor his doings if they so wished. Joe said that he had started to repair the road so it could be a safer situation for the trucks hauling off the property. He came to the Planning Office to fill out a permit application as soon as he knew it was required and he pulled off as soon as Malinda Hansen asked him to desist until such a time as a conditional use permit was granted.

Theron Eberhard asked if quarrying is permitted in a RR1 zone and to clarify the definition of removing rock. Quarrying is not permitted in a RR1 Zone, only Land Excavation is allowed and then only with a Conditional Use Permit recommended by the Planning Commission and approved by the County Commission.

Richard Kimber stated that we need to get an engineers proposal and have it reviewed by the County Surveyor and County Attorney to determine if this project is in the County's best interest. Joe Stoddard mentioned that there is a liability issue here, especially with the winter months coming.

Richard Kimber said he is not ready to act and that the County has been burnt on this particular piece of property in the past. Coty Evans stated that First Equity was also burnt in the past but reminded the Commission that this is new people and new circumstances and asked if the Commission would give them a chance for their worth and value.

Richard Kimber stated that there is the issue of time, and he suggested that the applicants get together an engineers proposal in time to set this matter on the November agenda. Jon Thompson made a motion to table this issue for more information from the applicants engineers and further study. David Tea seconded the motion. The motion passed unanimously.

Richard Kimber suggested that the Planning Department get in contact with the County Attorney and ask him to contact the man who was previously involved in this property and prosecute him for the violations incurred.

The meeting was adjourned at 10:00 p.m.

Passed and adopted in regular session this 18th day of November
1999.



Richard D. Kimber

Box Elder County Planning Commission Chair