

**MINUTES**  
**BOX ELDER COUNTY PLANNING COMMISSION**  
**DECEMBER 16, 1999 COUNTY COURTHOUSE**  
**BRIGHAM CITY, UTAH**

Attendance:

|                |                                 |
|----------------|---------------------------------|
| Jon Thompson   | Vice-Chairman                   |
| Royal Norman   | County Commissioner             |
| Stan Reese     | Member                          |
| David Tea      | Member                          |
| Denton Beecher | County Surveyor/Interim Planner |
| Malinda Hansen | Planning Office Secretary       |

Excused:

|                 |                  |
|-----------------|------------------|
| Richard Kimber  | Chairman/Excused |
| Deanne Halling  | Member/Excused   |
| Theron Eberhard | Member/Excused   |

- I. The meeting was called to order at 7:00 p.m. by Vice-Chairman Thompson. Commissioner Tea made a motion to approve the minutes from the November 18, 1999, meeting with changes. Commissioner Reese seconded the motion. The motion passed unanimously.

**II SUBDIVISIONS FOR APPROVAL**

**Checkettes Subdivision (Preliminary and Final), At or about 4945 N. 3600 W.**

Mr. Beecher explained that this subdivision had been presented before as a six lot subdivision and in a recordable fashion. Mr. Beecher stated that in the beginning there was some miscommunication by various parties involved. The original intent by Mr. Checkettes was for a three lot subdivision, although he was told by his designer that the Planning Commission would never approve it and that he would need to include a 66 foot road and establish a 6 lot subdivision. While meeting with Mr. Beecher in November, Mr. Beecher explained various parts of the Code to Mr. And Mrs. Checkettes and he suggested that they back up to the original plan. Mr. Beecher told the Commissioners that the Checkettes did make application for this subdivision prior to ordinance 233 being adopted, and felt that they should take the liberty to accept this as a minor subdivision under the prior Code. It is now being presented therefore, as a three lot subdivision with a "T" forming at the 5000 N intersection. Mr. Beecher stated that the road as presented previously could become a traffic hazard if the road was to continue straight through, as the public has been using this road as a "L" turn for years. It would be better off to move the road to the south in the future if the property was to be further subdivided. He recommended that the Checkettes "quit claim" to the county 33 feet in the road, to make clear that it will be there in the future for the county to develop. The Checkettes presented a copy of the Quit Claim Deed that they had recorded. Mr. Beecher gave his recommendation to the Planning Commission to approve this subdivision as platted. Commissioner Norman expressed concern about the road not continuing through and he thought it might create a safety issue. Mr. Beecher said that the safety issue will be better resolved with a future road in the new location. The Checkettes have agreed to pipe the irrigation ditch running in front of the

subdivided lots . The culinary water will be provided by ACME Water Company. No additional pavement is needed currently with only a three lot subdivision and this current impact changes its complexity. Commissioner Tea made a motion to accept this subdivision as presented and authorizing the Vice-Chairman to sign. Commissioner Reese seconded the motion. The motion was passed unanimously.

**Munns Subdivision (Preliminary & Final), at about 3415 N. Hwy 38**

Mr. Beecher stated that this is a two lot subdivision in a RR-5 zone in the Harper Ward area. One lot contains 8 acres and the other 10 acres. Commissioner Norman asked about whether the land owner had a right to dispose of the right of use on the old railway. Mr. Beecher stated that they could not and that the right of use was deeded to county by the state and can be used as a future county road if the County so desired. Commissioner Reese made a motion to approve this subdivision as presented and authorizing the Vice-Chairman to sign. Commissioner Tea seconded the motion. Discussion was held and access onto the highway was brought up as a concern. Mr. Beecher stated that it has been urged that Mr. Munns use the existing two entrances onto the highway. The motion was passed unanimously.

**LeRoy Craner (Preliminary & Final), at about 6400 West 1600 North**

Mr. Beecher presented this subdivision as the land owner was not in attendance. This is a one lot subdivision and the subdivider has acquired all the necessary approvals, stating that everything is in order. Commissioner Norman made a motion to approve this subdivision as presented and authorizing the Vice-Chairman to sign. Commissioner Reese seconded the motion. The motion was passed unanimously.

**Rulon Burton, (Concept, Preliminary and Final), at about 10795 N. 10800 W.**

Mr. Beecher stated that this subdivision was located in Thatcher approximately ½ mile south of Zollinger corner on Highway 102. Mr. Burton was there to represent this subdivision. Mr. Burton stated that he and his brother currently own this property but that his brother was selling his land. Mr. Burton wants to be able to keep the lot which his home is currently located on and an additional lot to build one more home. This property is currently in an unzoned area. Mr. Beecher stated that Mr. Burton's engineers have estimated that the cost to install the culverts that will be required, will be approximately \$1800. He also informed the Commissioners that UDOT approval has been received which states that a bonded contractor will be allowed to create an entrance onto the Highway. Vice-Chairman Thompson asked if there were any drainage concerns. Mr. Beecher said that he sees no problems at all with this particular subdivision and that he recommends the Planning Commission to approve. Commissioner Tea made a motion to approve this subdivision as presented and authorizing the Vice-Chairman to sign. Commissioner Reese seconded the motion. The motion was passed unanimously.

## **Millenniel Heights (Concept), at about 7600 S. Hwy 89**

Mr. Beecher reviewed the proposal of this subdivision and stated that it would be completed in phases. He brought to the Commissions attention the redlined areas of the plat. There are some concerns where there are a large number of lots that do not meet the radial or right angle requirements as set forth in section 7.7.12.3.4 of the Land Use and Development Code. It has also been the County's policy to require all subdividers to install full improvements, consisting of curb, gutter and sidewalks on any lot smaller than 120 feet in lot frontage, 7.7.7.9.1. It has been the policy that anything 120 feet and over in lot frontage, put in place a minimum of 6 foot shoulders not to exceed a 2:1 slope and drainage, 7.7.12.4.9. Ms. Peck stated that she may apply for variance on the lot frontage issue, due to the fact that several of the lots she is proposing are 100 feet in lot frontage. She does not feel that she should be required to improve with curb, gutter and sidewalks. Mr. Beecher stated that if Ms. Peck does make application for a variance to the County Commission that a public hearing would also have to be held. Ms. Peck said if the variance on the lot size was not granted she would lose 4 lots, which was a lot of money she would lose. Mr. Beecher went on to explain that the developer has not adhered to the code in the creating of the subdivision in the previous mentioned areas of concern, but the rest of the concept does have all the additional items that are required in the Concept Phase. He stated that Ms. Peck has provided him with a market analysis. Commissioner Norman expressed his concern with the possible impact on the environment with this many septic systems. Mr. Beecher mentioned that this is where the health departments approval comes in very valuable, as they would establish the impact on the environment and surrounding wells. Ms. Peck had a letter from the board of health, stating; use of septic is feasible in this area. Perk Test would still need to be performed. She stated that the secondary water would come from the Pineview Water, which the owner had put in previously. South Willard Water Company will be the primary source of culinary water. Mr. Beecher recommended that the Commission move to approve the concept of this subdivision, making the following conditions; that Ms. Peck make application for a variance with the County Commission or conform to the Code; and, that the Planning Commission needs to decide whether or not they are going to deviate from the radial requirements in section 7.7.12.3.4. Commissioner Tea made a motion to approve the concept plan of this subdivision but that the subdivision be required to comply with the radial lot line and perpendicular to the street line requirements. As well the lot frontage of 120 feet shall be required if Millenniel Heights wished to not install curb, gutter and sidewalks, as outlined in the Code. Commissioner Reese seconded the motion. Vice-Chairman Thompson restated to Ms. Peck that her options were to either install curb, gutter and sidewalks or each lot shall contain the 120 feet of lot frontage, or apply for variance with the County Commission. The motion was passed unanimously.

### **III OTHER CONSIDERATIONS FOR APPROVAL**

#### **Agricultural Protection Zone - Gay Pettingill**

Mr. Beecher presented a proposed Agricultural Protection to the Planning Commission for their recommendation to the County Commission. He stated that this particular area was owned by Gay Pettingill and was located immediately south of the proposed Millenniel Heights subdivision which was just presented to the Commission for concept plan approval. Mr. Beecher reviewed the proposed

recommendation letter with the Commissioners and stated that farming will continue as in the past on this acreage. Commissioner Tea made a motion to approve the recommendation letter and to authorize the Vice-Chairman to sign. Commissioner Reese seconded the motion. The motion was passed unanimously.

### **First Equity - Conditional Use Permit, Gravel Pit-Willard**

Mr. Ylst, Mr. Evans, and Mr. Kulawinski from First Equity presented themselves to the commission. Mr. Ylst stated that Mr. Stoddard was no longer involved with this Conditional Use Application. Mr. Ylst presented a graph that showed a representation of what the former owner Mr. Archer did to the land. He stated that First Equity has hired Reeves and Associates as their engineer and they now have a slope analysis of what is existing and what has been recommended by their engineers as to development of the land to make it most marketable. Mr. Ylst stated that their proposal was that they currently have a greater than a 2 to 1 slope, they want to bring it back to a 2 to 1 slope. The idea being that as they reestablish the slope that they re-vegetate as they go. Mr. Ylst said that they felt that this would make the property marketable. Mr. Evans stated that some excavation will have to be done to repair the damage that has been done to this property and they will actually have to cut into the hillside, and that there will be areas involving filling and digging.

Mr. Beecher asked if their Engineer prepared a cross section for them. First Equity stated that they had not received one to date. Mr. Beecher presented a cross section that he had prepared. He stated that in the concept plan First Equity submitted, it reflects in actuality a 4 to 1 slope and is not any different from what is currently existing, and reflects a 25% grade. He suggested that First Equity take this concept back to their Engineers and have them create some cross sections for review. He also stated that if First Equity created a 2 to 1 slope, the land would not be marketable for development. It was asked what the purpose of excavating the land in this quantity is if First Equity is just trying to clean up to market the property and not creating an official gravel pit. Commissioner Tea stated that this land in its original state was not appropriate for the development of homes. Mr. Beecher suggested that this plan was not palatable as presented tonight, and would suggest that they get with their engineers and make some needed changes. The Planning Commission suggested that First Equity set up a meeting with their engineers and Mr. Beecher to review the County's concerns with the Reeves proposal. Commissioner Tea and Commissioner Norman both suggested that if and when the County approves this Conditional Use Permit that a time limitation be placed on the excavating off this property. It was suggested that two years be enough time to accomplish the task as set forth by First Equity. Commissioner Norman mentioned that we already have a gravel pit now we need to clean it up. Commissioner Tea made a motion to table the concept plan of this conditional use permit, until further corrections are made and a meeting is held with Mr. Beecher and Reeves & Associates. Commissioner Reese seconded the motion. The motion was passed unanimously.

## **IV ITEMS FOR DISCUSSION**

### **Quintin Hess Letter**

Mr. Beecher reviewed Mr. Hess' letter as well as the proposed reply letter that was drafted after the Planning Department had reviewed tapes and minutes of the meetings in question. The Planning Commission felt that the letter was appropriate and suggested that Vice-Chairman Thompson sign for mailing to Mr. Hess. Vice-Chairman Thompson signed the letter for mailing.

### **Miscellaneous Planning Mail**

Mr. Beecher reviewed a letter from Utah State University, Department of Forest Resources. The letter was asking for help in doing surveys in our County in regards to open space and recreational areas. He suggested that since we are currently advertising for a planner/economic development specialist, to table the issue until the specialist is hired. The matter was tabled.

### **Planning Commission Compensation**

The compensation dinner was tentatively set for January 5, 2000, at 6:00 p.m., Mr. Beecher asked Ms. Hansen to check with those commissioners who were not present to confirm that this date would be satisfactory to all. If all were in agreement reservations should be made for 18 people.

### **Discuss Changing Land Use and Development Code**

Mr. Beecher reviewed with the Planning Commissioners the changes that were proposed in section 7.7 of the Land Use and Development Code. He stated that when Ordinance 233 was adopted some of the text was in conflict with each other. One section eliminated minor subdivisions, while the other one redefined minor subdivisions, therefore the reasoning for the revision of 7.7. Also in 7.7 updates from the Utah State Code, 1999, were implemented. Also highlighted in the update were two sections on road widths. After much discussion of the previously proposed road policy and its areas of concern, it was decided that Mr. Beecher should have a meeting with Mr. Collom with Box Elder County Roads, allowing Mr. Collom to be a part of the establishment of the road policy and his recommendations. The Commission would then like Mr. Beecher to present to the Planning Commission the outcome of that meeting. After Planning Commission review of the road policy and any other changes in the Land Use and Development Code a Public Hearing would need to be held.

Commissioner Tea made a motion to adjourn the meeting at 9:40.

Passed and adopted in regular session this 20<sup>th</sup> day of January,  
2000.

  
Richard Kimber

Box Elder County Planning Commission Chairman