

MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
REGULAR MEETING HELD DECEMBER 17, 1998

The following members were present constituting a quorum:

Richard Kimber	Chairman
David Tea	Member
Stan Reese	Member
Louis Douglas	Member
Royal Norman	Member
Jon Thompson	Member
Deanne Halling	Member

Also present were:

Jim Marwedel	County Planner
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Chairman Richard Kimber presented the Minutes of November 19, 1998 for approval. A motion was made by Jon Thompson to approve the minutes as written. The motion was seconded by Stan Rees and unanimously carried.

PLANNING MEETINGS TO BEGIN AT 6:00 P.M.

It was decided by the Planning Commission to begin the Planning Commission Meetings during the next three months at 6:00 p.m rather than 7:00 p.m.

Motion: Stan Rees made a motion to begin the Planning Commission Meetings at 6:00 p.m. during the next three months. The motion was seconded by Jon Thompson and unanimously carried.

STOKES MINOR SUBDIVISION

Jim Marwedel presented maps of the Stokes Subdivision to the Planning Commission for review. They are going from five lots to four lots.

Motion: A motion was made by Deanne Halling to amend the maps as shown (Amendment #3), the motion was seconded by Stan Rees and unanimously carried.

KUNZLER MINOR SUBDIVISION IN PARK VALLEY

Dee Kunzler Minor Subdivisions shows the creation of a six acre lot bounded by the zoning line. Jim Marwedel did grant a building permit for the entire area and a new home is being erected. Chairman Kimber would prefer that they not act on this until the Health

Department approved the septic system for the new home, but they have not signed the plat. The Bear River Health Department signs it. Chairman Kimber feels that this is not critical or urgent, and that this can be held until the next meeting.

ZINCK MINOR SUBDIVISION IN WILLARD

This has been cleared with Mr. Beecher, but there are existing problems with access easements. Mr. Norman feels they need to understand more before this is approved.

This survey does correct existing conditions so that on the property descriptions it would be properly described. Jim Marwedel said there needs to be an access easement for several people. Chairman Kimber indicated that the plat is fine except one piece. Mr. Beecher will need to explain this to them. Mr. Norman indicated that there is a drain which runs down to the interstate. This was pre-existing, maintains flooding. Jon Thompson said this is the best way to deal with it, but there is still a problem with the road. They need to show an easement through or adjacent to the Blackwell property. Chairman Kimber said he felt there was no urgency on this and would like to table this until there is a clarification on the roadway.

Motion: Jon Thompson made a motion to table the Zinck Minor Subdivision until this is clarified with some indication on the plat. The motion was seconded by David Tea and unanimously carried.

EGGLI MINOR SUBDIVISION

They still need the Bear River Health Department's approval on this subdivision. This subdivision is not zoned yet. Jon Thompson asked what the Eggli's intend to do with it. Mr. Norman said that they want to develop two lots. The septic approval for a new home is not actually signed yet. Jon Thompson said that they have been conditionally approved before, and that they have pretty good agricultural land. The Eggli's already have a building permit but the plat has not been signed by the Health Department.

Motion: Jon Thompson made a motion to approve the Eggli Minor Subdivision, authorizing the chairman to sign and conditionally approve if the Egglis get approval from the Bear River Health Department. The motion was seconded by Stan Rees and unanimously carried.

LAMAR HESSLER MINOR SUBDIVISION

This subdivision has no health department approval and is un-zoned. They need to use the existing road as a private driveway. Lots 2 & 4 are going to be used for agricultural purposes only. This is an amended version. Jim Marwedel noted that they don't need the Bear River Health Department's approval because there is already a house built on their land. Several members of the commission suspect that people will want to purchase these lots to build

homes on. The existing owners may also want to build a newer home. Jon Thompson explained that two of those lots may require septic tanks and a drain field. Chairman Kimber suggested tabling this until lots 1 & 3 have the Health Department's approval. Mr. Norman sees no reason not to approve it.

Chairman Kimber asked the Commission to entertain a motion to approve conditionally the Lamar Hessler Subdivision on the condition that they get the Health Department's approval. Jon Thompson was concerned that maintenance for the private road to the home would eventually be shifted to the County rather than the owner. He asked if the road would be maintained by the owner and not the County. Mr. Norman said they would need to dedicate the road to the County for the County to maintain it.

Motion: A motion was made by Chairman Kimber to conditionally approve the Lamar Hessler Minor Subdivision on the condition that they get the Health Department's approval. The motion was seconded by David Tea and carried unanimously.

Jim Marwedel's staff also finished digitizing the County Zoning map and showed a copy to the Commission. There will be five area maps with greater detail.

AMATEUR FIREWORKS & ROCKET MOTOR MANUFACTURING FACILITY PERMIT

Bruce Beck came before the commission almost a year ago and again more recently, expressing an interest in experimenting with fireworks (small rocket motors for fireworks). Once or twice a year, he will bring out firework manufacturers to do demonstrations. Someone told him he needs a conditional use permit. This is in an un-zoned part of the county, and Jim Marwedel doesn't believe he needs the conditional use permit. This area is about a mile from Highway 30. The County Fire Marshal burned it off recently, but it would have to be done every year to keep the area from burning, said Jon Thompson. Louis Douglas questioned whether the experimentation would be done in the summer or winter months. Mr. Beck has a permit from the Department of Alcohol, Tobacco and Firearms. Since most of this is grazing area, Jon Thompson suggested that Mr. Beck could get a burn permit to experiment out there. Fire Marshal, Greg Martz, feels that this is as good a place as any, there wouldn't be much out there that could be damaged, the powder and supplies will be kept in an 8' x 8' storage shed. Chairman Kimber felt there was no reason why they couldn't go ahead and give a conditional use permit, as long as he complies with the Department of Alcohol, Tobacco and Firearms guidelines as well as the Fire Marshals conditions.

Motion: A motion was made by Jon Thompson that Bruce Beck be allowed to experiment with fireworks as long as he complies with the Department of Alcohol, Tobacco and Firearms guidelines as well as the Fire Marshal's conditions. The ATC permit should be submitted to the county prior to

issuance of a CUP. The motion was seconded by Stan Rees and carried unanimously.

EMERGENCY REGULATIONS TO REQUIRE CONDITIONAL USE PERMITS FOR ALL COMMERCIAL & MANUFACTURING ACTIVITIES IN CURRENT UN-ZONED LAND

Commissioner Lee Allen has expressed concern to Jim Marwedel about distribution centers/large manufacturing/cellular towers, which have no regulations at all. Some have suggested making a zoning regulation committee for this. In the meantime, Lee is worried about these things, as are other commissioners. Royal Norman stated that most people have no objection to new businesses in the area, their biggest concern is the traffic caused by semi-trucks will interfere with Thiokol traffic. There are presently about four large businesses that would like to be in Box Elder County. Mr. Allen would like to have regulations to control their impacts. Mr. Marwedel's recommendation is for next 6 months to require a conditional use permit for commercial uses and for all industrial uses listed in Section 12.3. He recommends that any new use cannot cause the level of service on state highways to drop. He also presented a proposal on regulating telecommunication structures. Mr. Norman noted another problem are high tech lines going right over the top of culinary lines (buried lines). He would like to require them to come in and get a permit. Chairman Kimber would request that the County Commission recommend this plan along with utility lines. Deanne Halling asked "Are utility companies are going to have to come to the commissioners every time they have to dig?" Mr. Norman is relatively sure they would have to. Deanne Halling feels the commission may be burdening themselves by doing this. Although it is protection for the County, it also creates cumbersome paperwork for the Commission. Some kind of notification rather than permitting, may make it an easier job for everyone. Jon Thompson indicated that Rich & Box Elder Counties are the only two counties which don't have strict regulations for digging. Deanne Halling suggested having people send a notification indicating they are intending to dig, and if there is no opposition within five days, they could go ahead and dig. Mr. Norman is concerned about the building of too many homes along Hwy. 38, Iowa String, etc. UDOT requires an encroachment permit, but that only applies to state highways. Mr. Norman doesn't want to stop them from doing this, but restricting enough that it serves. Recommending use regulation as proposed by the County Planner and have the County Attorney review before adoption.

Motion: Jon Thompson made a motion to recommend the proposed emergency land use regulations as presented by the County Planner to the Commissioners for their approval, and subject to review by the County Attorney. The motion was seconded by Stan Rees and unanimously carried.

21ST CENTURY COMMITTEE INITIATIVE & GROUSE CREEK ZONING REPORT

Jim Marwedel suggested that they combine Items G & D on the Agenda. Mr. Marwedel went to Grouse Creek to talk about zoning. The community wanted very casual zoning,

where commercial and industrial uses would require a CUP. Another thing they are doing is economic development. They have a foundation established for such a purpose. Mr. Marwedel suggested tying the 21st Century Community Initiative to their present goals and structure. However, the County would need to sponsor them to receive 21st Century designation. After we identify projects to work on, then a team makes a plan to achieve a specific goal. Planning commission also has to have training and receive training credits. Two benefits of this are: 1) Grouse Creek will have priority to grants; and 2) more assistance from the State and others in the projects, if the Planning Commission and County Commission agree to them getting a team. Mr. Norman asked who would be on the team. Jim Marwedel indicated that it would be the Economic Development Foundation. They are on their first draft, and already have a vision statement. Mr. Marwedel encouraged the Planning Commission to read the brochure. Chairman Kimber explained that they are concerned about the young families now in Grouse Creek and their future lack of employment. Their ranches have become cooperatives. There used to be 30-40 ranches, now there are only half a dozen and they are trying to keep their families in town. Royal Norman mentioned that they are trying to revive the town, get some industry and create some jobs. Chairman Kimber noted that a dude ranch operation is a possibility which could maybe employ a dozen people and a feed lot might employ a dozen more.

SUBDIVISION FEES & APPROVAL PROCESS

Jim Marwedel presented a list of what Weber & Cache Counties are charging for subdividing lots. The County ought to recoup some of their efforts and time and then get some money for it. Mr. Marwedel asked about adopting a flat per-lot charge, approximately \$25.00 per lot. Chairman Kimber feels that may be too low. Mr. Marwedel said that fees could also be determined by the process involved for different-sized subdivisions. One to four lot subdivisions may require one step, five to nine, two steps and ten or more, three steps. Chairman Kimber considers this to be a good idea, but would like to see it in writing before further consideration. Chairman Kimber suggested \$35.00 per lot, which would still be lower than in surrounding areas. These fees will be enacted on Tuesday. David Tea suggested elevating the fee for the first lot, then less for lots thereafter. Deanne Halling asked how much time is spent on a three-lot subdivision. Mr. Marwedel can only guess on Mr. Beecher's time, but Jim stated he probably spends two hours processing them. Mr. Marwedel doesn't want to scare people from subdividing, and so would like to keep the fees lower. There are too many illegal subdivisions at the present time without any fees established. Chairman Kimber suggested talking to Jon Bunderson to see if there is any recourse beforehand, or what recourse after people had illegally developed a subdivision. Mr. Marwedel explained that it is a class "C" misdemeanor to illegally subdivide. Jim has asked that the Recorder give the deeds to him to review. It was also recommended they speak to the County Attorney, Jon Bunderson.

Motion: A motion was made by Deanne Halling to recommend to the County Commission to have a \$100 fee for the first lot, \$35.00 for each subsequent lot. The motion was seconded by Jon Thompson and unanimously carried.

DISCUSSION OF SUBDIVISION REGULATIONS

Tabled.

WETLANDS PLANNING PROCESS REPORT

Jim informed the Commission about the Wetlands Planning Workshop that was recently held and that it was decided that they would take more time for community input.

HOUSING PLAN

The Planning Commission tabled this until next meeting to allow more detailed recommendations from the staff and BEC Housing Committee.

TRANSFER COUNTY RIGHT-OF-WAY STRIP OF LAND

A new road needs to be constructed to the airport. Brigham City wants Box Elder County to transfer the strip of land which is 66 feet in width near the airport to Brigham City. Mr. Norman has arranged for the transfer upon exchange for a demolition permit for the old Box Elder County Jail. Chairman Kimber asked that the Commission entertain a motion to have the Box Elder County transfer the right of way to Brigham City in exchange for a demolition permit from Brigham City.

Motion: Jon Thompson made a motion that the Commissioners transfer title to the road in exchange for a demolition permit for the old Box Elder County Jail. The motion was seconded by Louis Douglas and carried unanimously.

OTHER BUSINESS

Louis Douglas announced his resignation. Jim Marwedel thanked him for serving on the commission and presented him with a copy of the Box Elder County Photo Historical Tour in appreciation for his years of service on the Planning Commission.

ADJOURNMENT

A motion to adjourn was made by Stan Rees. Meeting adjourned at 8:45 p.m.

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


Richard D. Kimber
Chairman