

MINUTES BOX ELDER COUNTY PLANNING COMMISSION SEPTEMBER 21, 2006



The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 7:00 p.m. The following members were present constituting a quorum:

Richard Kimber	Chairman
Jon Thompson	Member
Richard Day	Member
David Tea	Member
Clark Davis	Excused
Theron Eberhard	Member
Chad Munns	Member

The following Staff was present:

Garth Day	County Planner
Elizabeth Ryan	Secretary

Chairman Richard Kimber called the session to order at 7:00 p.m.

The Minutes of the regular meeting held on August 17, 2006 were made available to the Planning Commissioners prior to their meeting (September 21, 2006). A motion was made by Commissioner Theron Eberhard to accept the Minutes. Commissioner Jon Thompson seconded the motion and it passed unanimously.

Citizen Present for the Planning Commission Meeting and Public Hearings

Walt Heyman/American Fork, UT
Craig Veibell/Beaver Dam, UT
Ron Johnson/Hyde Park, UT
Sue Hansen/Eden, UT
Bruce Evans/Brigham City, UT

Alton Veibell/Beaver Dam, UT
Clyde Nichols/Brigham City, UT
Rock Hill/Bear River City, UT
Jerry Anderson/Plain City, UT

COMMON CONSENT

ROCK D. HILL REZONE, APPLICATION SS06-010, LOCATED AT OR ABOUT 13600 NORTH IN THE COLLINSTON AREA.

GIBBS SUBDIVISION, APPLICATION SS06-011, LOCATED AT OR ABOUT 3555 NORTH HWY 38, IN THE HARPER WARD AREA.

MOTION: A Motion was made by Commissioner David Tea to set a Public Hearing for the two applications mentioned above for the October 26, 2006 meeting of the Planning

Commission. The Motion was seconded by **Commissioner Jon Thompson** and passed unanimously.

PUBLIC HEARINGS

THE FARMS, PHASE VI, APPLICATION SS06-002, LOCATED AT OR ABOUT 7425 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA.

Staff reviewed this petition with the Commissioners. This eleven-lot subdivision is part of The Farms Subdivision in the South Willard area, but was not part of the original concept plan, which consisted of five phases. The property is zoned R-1-20 and all lots meet the minimum area of 20,000 square feet. The petitioner has established proof of all utilities with water being provided by the South Willard Water Company and the petition appears to be in accordance with the existing subdivision ordinances and zoning requirements. No comments were received during the open public hearing on this subdivision.

MOTION: A Motion was made by **Commissioner Richard Day** to close the Public Hearing on the Farms, Phase VI Subdivision. Motion seconded by **Commissioner David Tea** and passed unanimously.

HIGH COUNTY ESTATES P-ZONE OVERLAY AND SUBDIVISION, APPLICATION SS06-008, LOCATED AT OR ABOUT 13000 NORTH IN THE BEAVER DAM AREA.

Staff explained that this petition is two-fold. Public comment will be received on the P-Zone (re-zone request) request and the subdivision itself. The re-zone request is located in the Beaver Dam area adjacent to the Cache County line, but the access to the subdivision is from the Cache County side. The subdivision has about thirty-nine acres with twenty-seven lots and some open space provided within the subdivision. The well for the subdivision is a private water source and will require a well protection area. Lots 11 and 20 will have a restriction as to the location of the septic tanks on those lots due to the protection area for the well and, as such, will be noted on the plat. Verification from the utilities needs to be provided, but there should be no problem as they were secured when this subdivision was originally submitted. The petitioner's drinking water source protection plan has been on file with the county surveyors' office since 1999. Staff explained that a P-Zone (Plan Zone) Overlay allows for the zoning within the development to reflect the zoning for that development. The zoning for this area is currently R-2, but with the P-Zone Overlay it would change the zoning within the subdivision to R-1-20. The road accessing this subdivision from the Cache County side will need to be brought up to the standards set by Cache County. No comments were received during the open public hearing on this subdivision.

MOTION: A Motion was made by **Commissioner Theron Eberhard** to close the Public Hearing on the High County Estates P-Zone Overlay and Subdivision petition. Motion seconded by **Commissioner Chad Munns** and passed unanimously.

**RIVERSIDE VIEW ESTATES THIRTEEN-LOT SUBDIVISION (CONCEPT PLAN),
APPLICATION SS06-009, LOCATED AT OR ABOUT 4740 WEST 15600 NORTH IN THE
EAST GARLAND AREA.**

This fifteen-lot subdivision is located in an area of the county that is currently un-zoned, and the Riverside/North Garland water company will provide the water. The road will be paved with twenty-six feet of asphalt, but does not require curb and gutter. A Storm Water Management Permit is also required by the State of Utah, Division of Water Quality. That permit could require curb and gutter, and if so, would have to be adhered to. **Chairman Richard Kimber** asked if there was any limitation on the number of lots allowed on a cul-de-sac. At present it is not regulated in the LUD Code as to the number or length of a cul-de-sac, but may be with the revision of the LUD. With this particular area the land that is being land-locked by this subdivision is not developable as it is a river bottom. A comment was made regarding the radius of the turn in the cul-de-sac. The standard for the County is fifty-five feet creating a 110-foot turn-around. The following motion made.

MOTION: A Motion was made by **Commissioner Theron Eberhard** close the Public Hearing on the Riverside View Estates 15-Lot Subdivision. The Motion was seconded by **Commissioner David Tea** and passed unanimously.

**ANDERSON LIVESTOCK AUCTION, APPLICATION CUP 006-001, LOCATED IN THE
SOUTH WILLARD AREA**

The facility for this proposed livestock auction consists of approximately twelve acres and is a Conditional Use in the A-20 zone. Staff reviewed the findings for this petition of a Conditional Use Permit. The purpose is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of the County, and the following items were outlined:

- Conditions relating to safety for persons and property
 - Regulated by the State through issued permits
- Conditions relating to health and sanitation, i.e. water, waste water, etc.
 - Also regulated by permits
- Environmental concerns
- Conditions relating to performance, i.e. performance bond or escrow.
 - Public improvements such as roads

The purpose of the Public Hearing on this petition was in regards to the increase in traffic that this livestock auction would cause along 7800 South passing through the Nerva Lane subdivision. The additional staff recommendations included:

- * All storm water drainage be contained on-site;
- * All gravel parking areas be surfaced treated to control dust;
- * A landscaping buffer be installed along 7800 South to buffer the existing uses adjacent to the facility;
- * A fire hydrant be installed on site for fire protection;
- * A certificate of compliance from the State Veterinarian be obtained prior to occupancy;
- * Approval from BRHD;
- * 7800 South be fully improved to handle increased traffic flow;
- * A remediation plan for sick or deceased animals;

- * A building permit secured prior to beginning construction;
- * A Box Elder County business license secured prior to operation;
- * A limitation on the hours of operation including weekend operations.

The hearing was opened to public comment and Mr. Jerry Anderson responded to the Planning Commissioner's concerns. The bulk of the traffic would be brought in via 8700 South and then along 1500 West to the facility. It would be in operation one day a week on Tuesday starting at 10:00 a.m. and would probably not go much beyond 8:00/9:00 p.m. in the fall; during the summer months the auction would probably be finished much earlier (around 3:00 p.m.). A few exceptions might run into Wednesday mornings. Commissioner Richard Day stated that 7800 South is currently being used by truck traveling to and from John Larkin's property located on the west side of I-15. Mr. Anderson stated that during the fall months there would be more traffic due to trucks bringing in livestock (possibly 5-6; in the summer 1-2). There would also be a number of smaller trucks, with trailers being used by individuals to drop off their livestock. Mr. Anderson also informed the Commissioners that this is not a new operation, but he will be moving his current livestock auction from the Ogden area to this site. There was a letter submitted by Mr. Bob Davis concerning this petition and is part of the file.

MOTION: A Motion was made by Commissioner Theron Eberhard close the Public Hearing on the CUP application for the Anderson Livestock Auction. The Motion was seconded by Commissioner Jon Thompson and passed unanimously. Motion included the letter from Mr. Bob Davis and the eleven recommendations outlined by Staff, listed above.

UNFINISHED BUSINESS

THE FARMS, PHASE VI, APPLICATION SS06-002, LOCATED AT OR ABOUT 7425 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA.

The Farms, Phase VI, was recommended by Staff for Preliminary and Final approval after discussion during the Public Hearing. All of the construction drawings are in and the escrow will be in place before it is brought before the County Commission for their approval.

MOTION: A Motion was made by Commissioner Theron Eberhard to grant Preliminary and Final approval for the Farms, Phase VI with approval for the storm water drainage by the State. The Motion was seconded by Commissioner Jon Thompson and passed unanimously.

HIGH COUNTY ESTATES P-ZONE OVERLAY AND SUBDIVISION, APPLICATION SS06-008, LOCATED AT OR ABOUT 13000 NORTH IN THE BEAVER DAM AREA.

This petition is two-fold. Staff explained that a recommendation for the P-Zone overlay needs to be made to the County Commission; the second would be to grant Preliminary approval for the High County Estates Subdivision. Once the P-Zone request is approved by the County Commission then the Subdivision approval would be acted upon for Final approval from the Planning Commission. Staff's recommendation was to forward the petition to the County Commission in favor of the P-Zone overlay request and grant Preliminary approval. (This subdivision will now have individual

septic tanks instead of a central septic tank.) The roads are to be fully improved to Cache County standards. There will be a Home Owners Association to manage the maintenance on the roads and ultimately take control of the water company for the subdivision, and also manage the open space for the area. There will be fire hydrants located within the subdivision for protection with approval from the County Fire Marshall.

MOTION: A Motion was made by **Commissioner Theron Eberhard** to recommend approval for the P-Zone Overlay and forward to the County Commission for their action. Also Preliminary approval was given for the High County Estates Subdivision, subject to the petitioner establishing proof of utilities and restriction placed on lots 11 and 20 for the location of the septic tanks so as not to infringe on the well protection area. The Motion was seconded by **Commissioner David Tea** and passed unanimously.

RIVERSIDE VIEW ESTATES THIRTEEN-LOT SUBDIVISION (CONCEPT PLAN), APPLICATION SS06-009, LOCATED AT OR ABOUT 4740 WEST 15600 NORTH IN THE EAST GARLAND AREA.

This fifteen-lot subdivision is in an area that is currently un-zoned. The Riverside/North Garland Water Company will provide the water for the subdivision and the project must have a Storm Water permit from the State of Utah, Division of Water Quality. The Malad River is to the west of the subdivision and a pond and wetland area to the east, thus no developable property is being landlocked by this subdivision. Staff recommended granting preliminary approval for this petition giving the petitioner the go-ahead to secure the construction drawings and return to the Planning Commission for final approval at a later date.

MOTION: A Motion was made by **Commissioner David Tea** grant Preliminary approval for the Riverside View Estates Subdivision and seconded by **Commissioner Chad Munns**, passed unanimously.

ANDERSON LIVESTOCK AUCTION, APPLICATION CUP 006-001, LOCATED IN THE SOUTH WILLARD AREA

Staff and the Planning Commissioners discussed the matter of the road leading to this auction site and whether or not it should require the Petitioner to fully pave 7800 South. With the increase of traffic from the auction and also from John Larkin's property, paving the road would be beneficial in the long run, even though it would add to the County's responsibility for the upkeep. Staff recommended that the parking lot for the auction area and also 7800 South be oiled, but not asphalt at this time. The additional road would be set up with a Rural Road Agreement that would go into effect as development continues in the area. The Commissioner continued to discuss this matter and the following motion was made.

MOTION: A Motion was made by **Commissioner Chad Munns** to recommend that the County Commission approve the CUP for the Anderson Livestock Auction with the following conditions attached for approval:

- Conditions relating to safety for persons and property
 - Regulated by the State through issued permits
- Conditions relating to health and sanitation, i.e. water, waste water, etc.
 - Also regulated by permits
- Environmental concerns
- Conditions relating to performance, i.e. performance bond or escrow.
 - Public improvements such as roads

Motion also to include Staff’s recommendations:

- All storm water drainage be contained on-site;
- All gravel parking areas be surfaced treated to control dust;
- A landscaping buffer be installed along 7800 South to buffer the existing uses adjacent to the facility;
- A fire hydrant be installed on site for fire protection;
- A certificate of compliance from the State Veterinarian be obtained prior to occupancy;
- Approval from BRHD;
- 7800 South be fully improved to handle increased traffic flow;
- A remediation plan for sick or deceased animals;
- A building permit secured prior to beginning construction;
- A Box Elder County business license secured prior to operation;
- A limitation on the hours of operation including weekend operations.

Motion seconded by **Commissioner David Tea** and passed unanimously.

WORKING REPORTS

The Planning Commissioner scheduled a meeting for Tuesday, October 3, 2006 to discuss the Box Elder County Fencing Ordinance and review the comments from the Public Hearing held in Tremonton on June 22, 2006. A Public Hearing is being scheduled to receive further comments regarding this ordinance on October 26, 2006 in conjunction with the Planning Commission meeting.

PUBLIC COMMENTS



The Planning Commission meeting was adjourned at 8:46 with a Motion by **Commission Theron Eberhard**, seconded by **Commissioner David Tea**.

Passed and adopted in regular session this 26th day of October 2006.

Richard Kimber, Chairman
Box Elder County
Planning Commission