

BOX ELDER COUNTY PLANNING COMMISSION MINUTES February 19, 2015

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 by a roll call, constituting a quorum:

Chad Munns	Chairman	<i>the following Staff was present:</i>	
Desiray Larsen	Vice-Chair/Excused	Steve Hadfield	Co Attorney
Kevin McGaha	Member/Excused	Marcus Wager	Planner
Michael Udy	Member/Excused	Commissioner Jeff Scott	
Bonnie Robinson	Member		
Jay Christensen	Member	Elizabeth Ryan	Exec. Sec.
Laurie Munns	Member		

The following citizens were present:

Scott Watts/Harper Ward	Jerry D Wilde/Harper Ward
Taylor Wilde/Harper Ward	J. D. Wilde/Harper Ward
Jack Walker/Harper Ward	Paul Munns/Harper Ward
Jeremy Bischoff/Harper Ward	Dale R. LeDuc/Harper Ward
David Cotts/Harper Ward	Monte Munns/Harper Ward
Barbara Wright/Harper Ward	Kim H. Hawker/Harper Ward
Charley Young/Harper Ward	Heather Young/Harper Ward
Darold Harris/Harper Ward	Dawna Roskelley/Harper Ward
Gerald Roskelley/Harper Ward	John Young/Harper Ward
Bonnie Young/Harper Ward	Linda Siddoway/Harper Ward
Clark Siddoway/Harper Ward	David Yates/Harper Ward
Ryan Lee/Harper Ward	Alyssa Young/Harper Ward
Chelsy Young/Harper Ward	Justin Stark/Harper Ward
Katherine Timothy/Harper Ward	Mike Timothy/Harper Ward
Kent Yates/Harper Ward	Robert Jensen/Harper Ward
C. Harrop/Harper Ward	Mike Jensen/Brigham City
Byron Nelson/Bothwell	John D. Sagers/Bothwell
Brenda N. Sagers/Bothwell	Diana Sorensen/Bothwell
Fred Sorensen/Bothwell	Joseph Summers/Bothwell
Lee Summers/Bothwell	Katherine Summers/Bothwell
Douglas Newman/Bothwell	Tamera Newman/Bothwell
Eric/Olsen/Bothwell	Tracee Olsen/Bothwell

The Minutes of the January 22, 2015 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Laurie Munns** to accept the Minutes as written; seconded by **Commissioner Bonnie Robinson** and passed unanimously.

PUBLIC HEARINGS

Chairman Chad Munns called for the public hearings on the agenda by informing those in attendance that each item would be handled separately, and that the time for the hearings was to allow the public the opportunity to voice any concerns and that the Commissioners would listen to the comments and concerns, but this was not a time for questions/answers.

ORDINANCE TEXT AMENDMENT, Z15-002: PROPOSAL TO DISSOLVE THE BOARD OF ADJUSTMENT AND APPOINT A HEARING OFFICER.

Staff told the commissioners that this item was discussed at the January meeting and it was decided at that time that the public hearing would be placed on the February agenda as the first step in dissolving the **Board of Adjustment** and appoint a **Hearing Officer** that would deal with issues that may occur due to a decision made by the planning commission. As staff had explained recently, it was difficult to have the necessary members for a Board of Adjustment appointed and kept up to date with the necessary knowledge that needs to be considered when an item may come before it. A Hearing Officer would allow for the (one) person to be better equipped to deal with issues as they come up with the knowledge and background in land use planning and any legalities that may apply. [One person in the audience asked why this issue had not been heard before at a previous meeting; however, it was discussed during the Working Report portion of the January 22, 2015 meeting and staff was directed to complete the necessary paperwork to have it as a public hearing and agenda item for the February 19, 2015 meeting.] The public hearing was opened and no comments were received. A Motion was made by **Commissioner Bonnie Robinson** to close the public hearing; seconded by **Commissioner Jay Christensen** and passed unanimously.

CUP15-001, CONDITIONAL USE PERMIT, MITTON PEAK ESTATES, PRIVATE CAPITAL GROUP FOR A 17 LOT PUD OVERLAY DEVELOPMENT AT APPROXIMATELY 4980 NORTH HIGHWAY 38 IN THE HARPER WARD AREA OF BOX ELDER COUNTY. (FILED 1-28-2015)

Staff explained to the planning commissioners that this petitioner was requesting a Conditional Use Permit for a Planned Unit Development (PUD) in the Harper Ward area of Box Elder County. There are 88 acres in this PUD of which some 55 acres would be left undeveloped and dedicated as open space for the community to enjoy. The proposed setbacks for lots 1-11 are front yard of 20 feet, side yard of 10 feet, and rear yard of 15 feet; which would need approval from the planning commission. The setbacks for lots 12-17 are proposed at front yard of 100 feet, due to a power easement and side yard at 10 feet. The setback for the rear yards is still in question due to a possible power easement there also. However, staff was recommending that the setbacks be 30 feet for the lots to better conform to regulations in other areas of the county. The access would be from Highway 38 and also from 1100 West (which now ends in a cul-de-sac). As this is a Conditional Use Permit, the availability of utilities for the subdivision has not yet to be submitted. This concept plan for the PUD does meet the necessary requirements of the BECLUM&DC. Voneene Jorgensen, from the BRWCD, did have a few concerns regarding the water pressure for lots 12-17 and the applicant was going to meet with her regarding those concerns. *County Attorney, Steve Hadfield*, reminded the planning commission and citizens that

this was for the concept approval of the PUD and not for final approval at this time. The public hearing was then opened for any comments.

Mr. John Sagers from Bothwell read from Article 3 Zoning Districts. *“The purposes of providing a rural residential district are to promote and preserve in appropriate areas conditions favorable to large-lot family life; to maintain a rural atmosphere, to provide for the keeping of limited numbers of animals and fowl and to reduce requirements for public utilities, services, and infrastructure.”* As this proposed PUD is located with an RR-5 zone he felt that any development should keep that philosophy and purpose in mind. He further stated that he was interested in this as Bothwell, too, is an RR-5 and RR-5 modified and the planners are intent on making it an RR-5 zone, and what happens in Harper Ward could set a precedence for what happens in Bothwell. He also said that this had been tried twice before to his knowledge with cluster housing with the back of the property remaining as a reserve, and it takes away from the rural atmosphere as it creates an urban subdivision in a rural environment. There are RR-1 and RR-2 zones in the county that would be appropriate for this type of activity. He also asked if the people that buy these lots, are they required to buy five acres and just the property where the house will sit. If they are required to purchase five acres then those acres would not be contiguous. The five acre zone is for a person to purchase five acres and build a home on those five acres. What then happens to the open space, is it the property of the community; and if a person sells his house is he also selling the additional “open space acreage with it? Does the person buying the house even know that there is additional property with the house? He again stated that this has been tried before a couple of times to his knowledge and all it does is open the additional property up for mischievous. He said that he has twenty acres in Bothwell with an older home on it and he would like to be able to sell that house with a half acre and keep a reserve of four and a half acres up on the hill and call it good. A farmer could have twelve acres and want to put twelve houses on it and then go up on the hill and purchase additional acres up and the hill and that would be the reserve for those twelve houses. This petition might be a concept, but he felt that it should be rejected at the beginning.

Mr. Kim Hawker said that he owns 48 acres that would connect with this proposed open space and once owned a house on 1100 West for about 23 years. When he purchased that home there was not a road there but more of a circle and was told that it was his and the others living along that road to maintain it. For twenty-three years he plowed and took care of the road and the year that he moved someone that owned that ground went to the county and said that they [the county] owned that road. The plat had always shown a cul-de-sac at the end of the road and now “magically there is a road.” He said the 1100 West does not go through as the ground is owned by Karl Bodily. The road was then paved and plowed by the county, which is nice. And now, he said, the county is going to let people build on that road that wasn’t even supposed to be a road and then in ten years that open space that couldn’t be subdivided will be subdivided again because new people will be on the planning commission. When it comes to politics, he said, they [the county, planning commission] are never playing the same game because he was always told that the road was his responsibility along with others living there. If they do this for this petitioner then they will do that for everyone that owns property there, but one thing is

that this area is not Perry or Willard and there are not four-five lanes of highway on 38 and it is not a straight road and is dangerous with the cars and bicyclers, walkers, etc., and if this goes through then the state engineers will need to come in and improve this road for the increased traffic and they will be buying a lot of homes in order to do that.

Mr. Jerry Wilde told the commissioners that he was on the panel when the zoning was put in place and it was done by the people in Harper Ward that knew what the conditions were there. There is a lot of water there and a lot of times it is difficult to cut the hay on the west side because of the high water there that comes up from underground. He said that the only reason for this type of development, a PUD, is to circumvent the zoning ordinance that is in place with the five acre zoning. This has happened once before on the west side when a developer wanted to take out the swamps as part of the five acres. Also the septic tanks will not run in an area like this, they need to be where they the sewage can be handled as it is needed. That is not the way it was zoned, the people that did the zoning wanted it as five acres. He continued by saying that the planning commission over the years has shafted the residents in Harper Ward a little bit, but other than that the zoning has remained pretty close to the five acres. In conclusion the five acre zoning was done by people that knew what they wanted and what would be a benefit to the county.

Mr. Scott Watts said that he lives by the pond out there and was concerned about the ammonia and nitrates that would be put in the water due to the septic systems. He also said that he works for Vulcraft and they are required by law that no contaminates get into the water slue. This development would pollute the water.

Mr. Michael Timothy began by saying that the grass is always greener over the septic system and also said that he was disappointed in the county even addressing something like this as it was just circumventing the zoning. He said that he had served on a planning commission and was aware of what developers do; they have all plans of what they are going to do and how they will make it work for the presentation to the planning commission, but then in the end he said he just doesn't trust developers as they say what the commission wants to hear; they want to make money at the other citizens expense.

Mr. Justin Stark had a couple of questions 1) a conditional use permit for a concept plan, what exactly was that. **Commission Chairman Chad Munns** said that the concept plan is looked at to see if what is being proposed is feasible and then it is followed up with a preliminary plan and a final plan for approval. There are three steps in the process. **Mr. Stark** then asked what were the conditions on the CUP. **Chairman Chad Munns** then said that this is something that is approved in the [existing] Code; a PUD is allowed in all zones and that was something that the commission needed to look into. The CUP says that is a permitted use, but the commission has the ability to place certain conditions on its approval. The planning commission needs to have legal reason to deny an application, and not just because the people don't want it. **Mr. Stark** then went on to say that the open space included in this plan is not very accessible and so probably the reason for the open space is because the developer can't get to the area to build anything. He also agreed with Scott Watts' comments regarding the septic waste and the

concentration where the slue is located down below and though it might not be a legal matter to deny this application, it could very well be an environmental issue that would be taken into consideration. 2) The canal runs through this area that provides for those below and he didn't see anything other than a bridge on it and what is to stop people from taking water from the canal when no one is looking. That is an issue for those located on the end of the ditch. This happening could open it up for it to happen again just a few miles south and his concerns was that people moving in would want the rural atmosphere but then later start to complain about the smells and the sounds of the animals from farmers or those raising crops in the area. Let the cities expand outward and he also mentioned the safety of the highway with the traffic and bicyclists and pedestrians. People don't obey the speed limit and one winter there were two cars that went into the same power pole within twenty minutes of one another. He said that he did not feel that this subdivision should be allowed at this time and felt that there should be even legal or environmental reason to deny it.

Mr. Kent Yates said that his property is north of this area and he has a water line (culinary) that is fed by a spring and he didn't want to see that disrupted. He said that he wouldn't mind being able to sell some half acre lots, but the open space, as was mentioned by someone, just become a lot of nuisance with dirt bikes and 4-wheelers. He thought that the entire concept was discussing.

Ms. Dawna Roskelley said that she was concerned as to how the zoning could be changed to half acre lots for one and not for everyone. She said that there were several residents that live in the area that would like to be able to separate off a half acre or an acre with an existing home and then build another smaller one on the remaining land. Regarding the legality of this proposal, could the commission really say that these guys could do this and the rest of the residents could not, and would it then turn into a legal issue. And if all could divide off half acre lots then there are going to be a lot of new houses build and this one little subdivision will turn into a lot more and with that comes a lot of human waste and how would that be taken care of? This will endanger the people and the farmers there and it isn't fair to let one do this and not let everyone do the same with their land. How can these people be able to do this and make a lot of money and then just walk away and the people of Harper Ward have to deal with the added waste; she felt that this could turn into a real legal issue, at least for her. She also mentioned that the road is not adequate to support the additional traffic that would come with the development.

Mr. John Young said that he lives north of this proposed development and came about a year ago when it was first being purposed with eight houses. He said that there is a water line that goes through this property, serving his home and others and wonder what was being done with that. He was also concerned with the traffic and the school buses that stop to pick up the children living in the area. He agreed with the others that had spoken.

Mr. Darold Harris lives on the south side of this and said that he has more frontage than is included in this development. He also spoke about the springs in the area and the water table and did not feel that septic systems could be supported there. If the re-zoning to the

half acre lots was going to be done for this area then it needed to be done for everyone in the area and people could decide for themselves whether or not to divide and sell their land. There have been fences taken out along the road as well as a fire hydrant. He didn't like the noise of the diesel trucks that travel along there and wondered about the additional cats and dogs of these new people moving in as well as not wanting to listen to the constant building (hammering) for the next ten years while this is being developed. He said he had spoken to the surveyor (?) and was told that this was very impractical for this property.

Mr. Lyle Walker lives on the [so called] 1100 West and has for the past 29-30 years. In agreeing with Mr. Hawker, he said that they had taken care of the road for those living on it. Referred to the access coming up from the bottom of the hill and said that it is not adequate for the traffic; the bridge going over the canal is not designed for a lot of traffic. On lot 17 of the proposed subdivision is the access road for Rocky Mountain Power to get to their lines up on the mountain and didn't know what type of easement or access rights they had. He also said that it was his understanding that above his house where the old and new power lines are located the zoning was MU 160, so how could that acreage be included in the five acre parcels for this. Enjoys living in the rural area as do others and the only good he could see would be that maybe John's (Young) hay would be greener down below where the septic tanks would be.

Ms. Barbara Wright lives on 1100 West and was very concerned about the bridge over the canal as when RMP was putting in the power lines the bridge was going to be stabilized but never was. She walks this area quite often and said that this is not nice ground but very rocky. There are also mountain lions that come down for water at times and she had seen their tracks, along with other animals, i.e. skunks and coons, etc. Her house is on the water line, but also has a well that she can connect to. When they purchased their house and property they were buying five acres, but then that changed with the road and now it shows that they own 4.6 acres. She said that when the road was improved with paving, it was those living along the road that had to pay for it and took care of it. She said she had talked with the person paving this road when it was being worked on and he told her that in the (35) years he worked for the county he did not know it was a county road.

Mr. Clark Siddoway said that he had recently returned from the home show in St. George area and wondered about where those homes were getting water. Was told that the water comes from St. George, but where does St. George get its water? Same with this area; the planning commission really needs to consider that issue as it is key. What happens when the water companies can no longer supply water to these new homes? All of the other issues will be moot if there is not water available.

Mr. Eric Olsen from the Bothwell area thanked the commissioners for their service and said that often the citizens come to these meetings and don't really understand the issue. His understanding was that this petition was something that was "legally allowed" and asked for clarification. **Chairman Chad Munns** said that the commission has three options to consider 1) approve; 2) disapprove; or 3) table in order to investigate the issue

further. **Mr. Olsen** then asked the commission to consider tabling this item for a month or two to allow the citizens the opportunity to look into what legal options may be there for them. Some may want to look into hiring attorneys independently to look into the legalities of this development in the area.

Mr. Fred Sorensen from Bothwell talked about the zoning change that is being done in the Bothwell area and was concerned that if this type of development could be done in Harper Ward it could happen in Bothwell too. The people in Bothwell did not know that this was a possibility. Felt that the citizens were getting half of the picture now.

Mr. Charley Young said that no matter how things are zoned a developer can come in and re-zone it. Why, then have zoning in the first place? They (the developers) knew what the zoning was to begin with and now find that they can re-zone to smaller lots. He was also concerned with the springs and the impact of the septic systems on water that is used for irrigation.

Mr. Justin Stark talked about the fires that occur in the area especially if there are no range animals to keep the forage down. Who will be responsible for any fires and how will they access the area to fight them? Also when RMP was digging for the new power lines, they found underground water in many of the holes that were dug. If the springs are disturbed and the springs dry up who will take responsibility for that?

Mr. David Yates said that he hoped he wouldn't be stoned, but wanted to take a bit of a different view of this issue and mentioned a picture in the courthouse hallway of the old Harper Springs that was probably taken in the early 1900s. At that time there were only a few homesteaders living there and he has lived in this area for almost 60 years and the growth that has occurred thus far has been [mostly] good. All of the people that have moved in during his lifetime have made it a better place. The hard part is how to handle the growth in the future because it is coming. Growth will continue and this may not be the best for this time, but hoped that others in the community would be able to understand how to handle the development and growth that will come.

Mr. Mike Timothy said that those that moved in kept the five acre lots.

Ms. Bonnie Young referred to the original plan of seven houses and how that changed with adding an additional ten more. **Chairman Chad Munns** said that everyone there had the same right to purpose something similar to this. So if the developer wants to change their minds from 18 lots to thirty lots that is their right because they own the property. She understood that, but was concerned with the water line that ran across the property and that they had tried to work with Hansen's and when they didn't hear anything back they contacted Hansen's and were told that it was being sold and then the next they knew was the additional lots were being put in and no one had addressed the water or the easement. It was a concern that nothing had been addressed with them as landowners with a reservoir located on the corner of Lot 12 and this development.

Mr. Jerry Wilde said that it appeared that the zoning of the five acres that was done some forty years ago means nothing and when it was zoned 250 feet was required as frontage. He said that everybody knows that planning and development is just a means of circumventing the zoning that is in place.

Ms. Tamera Newman from Bothwell said that the issue was RR-5 zoning needed to be clarified to mean that the five acres had to be contiguous and not a half acre here and the remaining up on the hill; couldn't that be changed so that things like this couldn't even be purposed unless they met the definitions of the zone. **Chairman Chad Munns** responded and said that is one of the questions that they are looking at with the Bothwell area too.

Ms. Katherine Timothy said that she had spoken with the *County Treasurer, Shawn Thornley* and he told her that 250 feet of frontage was required on the highway or county road and the five acres had to be contiguous and that was at the end of November.

County Planner, Marcus Wager said that was true, but with an overlay like this all of the eighty-eight acres can be used and the lot sizes can be minimized with a PUD overlay and has been allowed since 2007 when the Code was passed/adopted. PUDs also deal with the frontage being shortened as well.

Mr. John Sagers from Bothwell said that he had recently sold a house in Bothwell with six acres and said that he was foolish as he could have come to the county and said he would sell the house with one acre and put the other five acres into a reserve. That would have been legal for him to do and would have been approved if he had come in and asked for a conditional use permit. All those that have been living under this five acre rule have been foolish in the past also.

Mr. Bob Jensen is the secretary of the Harper Irrigation Company and said that the spring in the area has been there longer than those living in the area. That was a big concern to him and he felt that no matter what concerns might be voiced by the residents of the area it wouldn't make any difference. He said that his neighbor (who was the assessor or something with the county) was able to purchase two one acre lots after the five acre zone was enacted and someone else was able to build a home on a lot that was 4.75 acres. He was concerned with any disruption of the head gate of the Bear River Canal Company and it is right under where these lots are. He also said that a realtor [unnamed] had recently build a home on Highway 38 on less than the required five acres and when he asked about that, the realtor said that they knew the planning commission and could get anything through that they wanted.

Mr. Darold Harris said that he and others have water pipes in the ground that go to their property and those will have to be uprooted and moved and that should be taken into consideration along with everything else.

Mr. Dale LeDuc said that when the zoning was passed it was for one house on five acre. Didn't understand the concept of this and encouraged it not to be approved.

No further comments were given and the Public Hearing was closed with a Motion by **Commissioner Laurie Munns**; seconded by **Commissioner Bonnie Robinson** and passed unanimously.

UNFINISHED BUSINESS – NONE

NEW BUSINESS

ORDINANCE TEXT AMENDMENT, Z15-002: PROPOSAL TO DISSOLVE THE BOARD OF ADJUSTMENT AND APPOINT A HEARING OFFICER.

After having reviewed this and having received no comments during the public hearing, Staff recommended that a recommendation for approval be forwarded to the County Commission.

MOTION: A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval to the County Commission to adopt the **Ordinance Text Amendment Z15-002**, dissolving the Board of Adjustment and to appoint a Hearing Officer and include any conditions that may be necessary to align with the State Code. The Motion was seconded by **Commissioner Jay Christensen** and passed unanimously.

CUP15-001, CONDITIONAL USE PERMIT, MITTON PEAK ESTATES, PRIVATE CAPITAL GROUP FOR A 17 LOT PUD OVERLAY DEVELOPMENT AT APPROXIMATELY 4980 NORTH HIGHWAY 38 IN THE HARPER WARD AREA OF BOX ELDER COUNTY. (FILED 1-28-2015)

Commissioner Chairman Chad Munns said that after hearing the comments during the public hearing, he and other members of the planning commission had taken notes and had some questions of their own regarding this application.

- ◀ How many head gates for the canal were located on this property? Possibly four and this may be a legal issue that needed to be addressed regarding the access or easements.
- ◀ As this is located on a state road it would need approval from the state and not from the county until dealing with 1100 West.
- ◀ The Roads Department, Engineering, and Fire have all reviewed this application.
 - ☼ concerns with the road alignment
 - ☼ the drainage basin at the bottom of the development
 - ☼ any other concerns, i.e. the bridge over the canal, would have to be reviewed before any approval would be granted.
 - ☼ issues regarding the possible fires and how that would be handled
 - ☼ concerns with the water pressure and number of fire hydrants that would be required by the fire marshal, and water for those hydrants
 - ☼ the water flow requirements and gallons per minute
 - ☼ would like to review where the 5 acre and the 160 acre zones are located, when was it re-zoned

- ☀ what are the plans, if any, for fire suppression on the mountain side
- ☀ septic tanks and the underground water and springs that feed the pond down below and the irrigation water
- ☀ concerns with the water run-off with storms and where would it go

Commissioner Laurie Munns mentioned again that this commission acts as a policing agency in making sure that the rules and laws in the existing BECLUM&DC and followed. Anyone living in the county with property has the right to come in and request a change to the code or the zoning in an area. **Commissioner Bonnie Robinson** thanked the citizens for coming as it helps the commission with making informed decisions when they have heard from the people. Also the plans for this development are looked at by more than just the planning commission. The County Road Department, Bill Gilson, the County Engineer/Surveyor, and County Fire Marshal, Cory Barton all review applications that are submitted. Some issues that the voiced are good and some others not so; rain and fires will happen regardless of the number of houses that may or may not be there.

A **Motion** to take a ten minute break was made by **Commissioner Bonnie Robinson** and seconded by **Commissioner Jay Christensen** at 8:34 p.m.

Commission Chairman Chad Munns called the meeting back to order at 8:43 p.m. and more questions were presented by the members of the commission.

- ☀ in regards to the RR five acre zone and the smaller lots, did that five acre have to be contiguous. In this case no, since the remaining acreage is part of the entire development and could not be developed in the future. Persons purchasing the smaller lots of less than one acre are only purchasing that much property and not any of the remaining property higher up. *County Attorney, Steve Hadfield* said that the density would not be any greater than if each of those 17 houses were on five acre parcel. The density does not change, however the lot sizes may change with these types of developments.
- ☀ concerns with the frontage requirements of 250 feet and the setback requirements being less than the required 30 feet. *County Attorney, Steve Hadfield* said that those requirements can be modified also with a PUD.

Mr. Mike Jensen, representing Hansen and Associates, has been hired by the owners of the property to put this concept plan together. Some of the issues presented tonight have not been addressed as this is the concept version of the plan and there are two other steps in the process, preliminary and final. They do not want to spend a great deal of money with the design of the project for the final approval until it is known whether or not it is feasible. There are a lot of these issues that are dealt with in the future phases of the plan. In regards to the water, they are aware of that and it would have to be located and relocated and would have public access right of way as it cannot be cut off to those residents. That relocation would be a cost to the development. The Bear River Health Department has to grant approval for the individual septic

systems and a half acre is required for these septic systems. Some exploration has been done with a couple of test holes and it was found that the ground does perk. The canal is there and location of the lots has been done to help minimize any impact for access to those head gates. Some sort of easement would be needed. The proposal for the road is to be curbed and gutter and the storm water would be detained and discharged at a rate as to not cause damage to the area and land. This is something that is done for the final approval of the project. They have been in contact with the BRWCD and they have indicated that they could provide water for the development. Regarding the water pressure, that too has been looked into and those houses on the east side would be build to help alleviate those concerns as the location of the pressure points are known. Rocky Mountain Power will provide the power.

- ☀ with subdivision there is usually a requirement of having two ways in and out, and was that a requirement for this one. Is 1100 West a county road that could be used for that or would it need to be upgraded. If an upgrade was needed would the county be responsible for the cost or the developer. Staff would check on the status of the road if it is a dedicated county road.

Mr. Mike Jensen said that the applicant is proposing to start at Highway 38 and build up and the majority of the traffic would be on that road. The lower lots would be completed in the first phase of the development on this new road into the development and the second phase would be for those lots that are larger and that road would connect with 1100 West depending on the cost and what the developer was willing to spend for this upper road. He said that he did not know how far down the Health Department had dug for their perk tests.

- ☀ concerns with the ground water, irrigation water and culinary water, if it is contaminated is there anything that can be done.
- ☀ are there any restrictions regarding shrubs that might be planted along the road that would prohibit visual from cars.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to table **CUP15-001, conditional use permit, for Mitton Peak Estates**, in order for the planning commission to look into the issues and concerns that had been presented during this meeting. Motion was seconded by **Commissioner Laurie Munns** and suggested that the commission members take a site visit to this location to be better acquainted with the area. Motion passed unanimously. **Commission Chairman Chad Munns** also added that Staff should look into the water tables and springs in the area; both irrigation and culinary.

WORKING REPORTS -- NONE

PUBLIC COMMENTS

Commission Chairman Chad Munns wrapped up the meeting by saying that things in this county have changed over the past 150 years and they will continue to change. Some of those changes

may be good and others not so much. Everyone would like to be able to have their children remain close and many have the acreage that would allow that to happen. The planning commissioner are the policemen for the county in enforcing that Code as it is currently written and if people want it changed they can start the process to start that discussion.

[There were several comments made at this time by persons in the audience, but they did not come forward and state their names to be recorded and noted individually in these Minutes.]

Mr. Mike Jensen again stated that the open space that is included in a PUD cannot be developed in the future as it is dedicated as part of the ownership of the development. There is a lot of good that can come from PUDs, such as the cost of roads. When the houses are closer together the distance that a road needs to be built between those houses is less than if houses are placed on five acre parcels.

A **Motion** was made to adjourn at 9:11 p.m., unanimous.

Passed and adopted in regular session this 19th day of March 2015.

Chad Munns, Vice Chairman
Box Elder County
Planning Commission