

**MINUTES  
BOX ELDER COUNTY PLANNING COMMISSION  
FEBRUARY 21, 2002**



The Board of Planning Commissioners of Box Elder County, Utah met at their regularly scheduled meeting, at the County Courthouse, 01 South Main Street in Brigham City, Utah at 7:00 p.m. on **FEBRUARY 21, 2002**. The following members were present constituting a quorum:

Richard Kimber	Chairman
Royal Norman	Member
David Tea	Member
Jon Thompson	Member
Theron Eberhard	Member
Deanne Williams	Member
Stan Reese	Member

The following Staff was present:

Garth Day	County Planner
Elizabeth Ryan-Jeppsen	Department Secretary

The session was called to order by **Chairman Kimber** at 7:00 p.m.

The *Minutes* of the regular meeting held on December 20, 2002 and January 17, 2002 were reviewed by the members present and **Commissioner Tea** made a motion that the Minutes for the two meetings be approved as written; the motion was seconded by **Commissioner Reese** and submitted to the Chairman for signature.

**SUBDIVISIONS FOR APPROVAL**

*Two items were on the Consent Agenda to be considered this month.*

**THE DAVE SMITH ONE-LOT SUBDIVISION, LOCATED AT OR ABOUT 23185 NO. LOCOMOTIVE SPRINGS ROAD, APPROX THREE MILES SOUTH OF SNOWVILLE.**

This one-lot subdivision is located in an un-zoned area and consists of 1.9 acres. The petitioner has established proof of all utilities as there is currently a temporary dwelling on the property. Water

service will be provided by a private well currently approved by the State. The subdivision is located on an existing gravel road and the petitioner has signed the Rural Road Agreement as required. According to Mr. Day, the petition is in accordance with the existing subdivision ordinances and Zoning Requirements and recommends granting **Preliminary** and **Final** approval for this one-lot subdivision

**MOTION:** A motion was made by **Commissioner Reese** that the David Smith One-Lot Subdivision be granted **preliminary and final approval** and authorize the Chairman to sign. The motion was seconded by **Commissioner Norman** and passed unanimously.

**THE CAPNER ONE-LOT SUBDIVISION, LOCATED AT OR ABOUT 15970 NORTH 5200 WEST IN THE RIVERSIDE AREA.**

This property is currently in an un-zoned area and consists of .54 acre. The petitioner has established proof of all utilities with water being provided by the Riverside/North Garland Water Co. The petition is in accordance with the existing subdivision ordinances and Zoning Requirements and Mr. Day recommended granting **Preliminary** and **Final** approval at this time.

**MOTION:** A motion was made by **Commissioner Reese** that the Capner One-Lot Subdivision be granted **preliminary and final approval** and authorize the Chairman to sign. The motion was seconded by **Commissioner Norman** and passed unanimously.

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**NEW BUSINESS**

**(VACATE) THE TOLMAN AND SUNSET PARK SUBDIVISION, LOCATED AT OR ABOUT 9250 NORTH 12000 WEST IN THE THATCHER AREA.**

This petition is in accordance with Section 17-27-808 of the Utah State Code and the Box Elder County Land Use Management and Development Code. It is in the best interest of the County/Property Owner to clear up this situation by vacating these two Subdivisions and will not financially harm any landowner or affect any of the existing streets, easements or Agriculture Protection Zones. There are no roads that have been dedicated in this subdivision. This petition is to vacate lot number three (#3) of the Tolman Subdivision and lots one through five (#1 thru #5) of block one and lot one (#1) of block two of the Sunset Park Subdivision. The property is located in an un-zoned area of the County at this time. The Tolman Subdivision was originally created in November of 1999 and the Sunset Park Subdivision was created in September 1980. The petitioner will submit a new subdivision plan to the Planning Commission in the coming month(s) which will be the (new) Tolman Seven-Lot Subdivision extending the length of four lots in the subdivision taking the boundary of those lots to the top of the hill. Other than the length of these four lots increasing, the acreage/ownership will remain the same as currently described in metes and bounds

descriptions. Signatures are on file from the homeowners agreeing to vacate the existing subdivision. The technical review for the new subdivision will be considered when that petition comes before the Planning Commission. This petition is only to vacate the existing subdivision(s).

**MOTION:** A motion was made by Commissioner Norman to recommend to the County Commission to vacate lot number three (#3) of the Tolman Subdivision and lots one through five (#1 thru #5) of block one and lot one (#1) of block two of the Sunset Park Subdivision. The motion was seconded by Commissioner Tea and passed unanimously.

**CONDITIONAL USE PERMIT (CUP) FOR A TEMPORARY DWELLING TO HOUSE AGRICULTURAL EMPLOYEES LOCATED ON THE TIM LUNDAY DAIRY, 980 WEST 7800 SOUTH IN THE SOUTH WILLARD AREA.**

The property where this proposed dwelling unit is located is currently zoned R-1-20 and requires a CUP. The Agricultural Facility that this unit will service was in existence prior to the re-zoning of this area to R-1-20 and the petition is in compliance with the current zoning provisions as a conditional use. The following recommendation were made by Mr. Day concerning this Conditional Use Permit:

- the proposal must continuously meet all current ordinance requirements relating to safety of persons and property, health and sanitation and environmental concerns;
- the dwelling must maintain compliance with all applicable building codes;
- the dwelling must maintain compliance with all applicable fire codes;
- the dwelling must be approved by the BRHD prior to occupancy;
- the CUP is only valid for up to five years\* or when the need for the dwelling expires, whichever is a shorter period of time; and
- if the dwelling is left vacant for more than 365 consecutive days the CUP shall become invalid.

There is a house and dairy currently on the property and this petition is for a temporary dwelling for hired help. The dwelling will possibly be a mobile or pre-fab home that must meet the requirements of the County Code; it will not be a travel trailer. A foundation on the dwelling is not required and if a foundation is put in place there are other restrictions that apply, i.e. the unit cannot have been built prior to 1976, it must meet tie-down requirements, and it must meet roof loads and other specifications. Commissioner Norman asked if the building inspectors would be involved in this CUP; Mr. Day stated that the building inspectors would inspect the plans as they come in and once it is located on the site the Health Department and building inspector would make sure that it meets all requirements. A septic tank permit will be required as well as a building permit. If at some time in the future the petitioner wanted to make this a permanent dwelling he would have to subdivide and meet those requirements (two permanent dwellings cannot be on one parcel of land per current zoning codes). Commissioner Tea asked if there were some way that the five-year check could be included in Mr. Day's recommendations; is there a reminder that could trigger the review. Mr. Day suggested that each January the existing CUPs be pulled from the files and reviewed to determine

which ones are at the five-year mark. This is more of an administrative control that Mr. Day will continue to work on. After some further discussion the following motion was made,

*\*Currently the five-year period has not been tracked as [these type of] CUPs have been administered by building permits. Once the permit is granted, there has been no follow-up for a review to take place at a given time in the future. A constructed follow-up procedure needs to be put in place that will help with the control and review of these [CUP] items. In addition, at this time there are no approvals/regulations that must be met by the Fire Marshall, BRHD, building codes, etc. and this, too, needs to be corrected.*

**MOTION:** A motion was made by **Commissioner Tea** to grant the CUP for the temporary dwelling on the Tim Lunday property with the afore-mentioned conditions. The motion was seconded by **Commissioner Norman** and passed unanimously.

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## **CLUSTER HOUSING**

Mr. Day stated that issue of Cluster Housing and PRUDs first started due to the fact that in the current ordinance for residential zones (both urban and rural), PUD/PRUDs are allowed and there are no good guidelines to regulate them. Developers are using the PUD/PRUD as a loophole at this time to be able to get around some of the zoning regulations. Therefore, there needs to be some stricter guidelines and requirements regulating this issue; a clear definition of what a PUD/PRUD is and the code needs to be tightened up. **Commissioner Eberhard** had taken the time since the December meeting to review the PRUD/Cluster Housing Guidelines that Mr. Day had compiled as well as those definitions contained in the current Land Use and Development Code. He then submitted to Mr. Day a six-page outline of his concerns and findings. Mr. Day concluded that the issues **Commissioner Eberhard** brought up present a larger picture of this issue and items that the Planning Commissioners need to consider. The Commissioners discussed those concerns brought forth by **Commissioner Eberhard** which included some of the following (both pro and con)\*:

- ⇒ **“As a planning commission we should plan by carefully defining zones to protect and preserve the integrity of the zone.”**
- ⇒ **“Cluster housing changes the nature of rural areas zoned for large lot family life.”**
- ⇒ **“Cluster housing should only be used in Residential Districts.”**
- ⇒ **“Putting houses close together minimizes the cost of infrastructure” and “provides larger green spaces for residents to enjoy.”**
- ⇒ **“In a rural setting cluster housing takes large green spaces and breaks it up into smaller large green spaces.”**

- ⇒ **“Rural areas do not need to have more green space created. They are green space to start with.”**
- ⇒ **“Responsibility for maintenance is shifted to others. Homeowners associations or other methods of assuring maintenance may be difficult to regulate.”**
- ⇒ **“Cluster housing encourages development by lowering the cost for the developer.”**

(\*Commissioner Eberhard's complete document, along with Mr. Day's Proposed Guidelines, accompany these minutes.)

It was determined by those present that an overhaul of the codes needs to be considered to make them user friendly and, in doing so, will also redefine (or better define) some of the issues regarding PUD/PRUDs, zoning within parts of the County currently un-zoned, and other pertinent problems, i.e. separate the subdivision guidelines and the zoning codes as they are two different issues according to Mr. Day. He further stated that a four-section code would probably be better for future use [will take several months to re-write] and could include:

- 1. POLICY**
- 2. ZONING**
- 3. SUBDIVISION ORDINANCE**
- 4. SUBDIVISION STANDARDS**

In the meantime, there are enough guidelines currently in place to regulate the larger developments that may come before the Planning Commission for consideration.

At the conclusion of the discussion regarding the PRUD/Cluster Housing, Mr. Day addressed the Commissioners concerning the two Commissioners whose term expired in March 2001; Commissioner Stan Reese and Commissioner Theron Eberhard, and two others whose term will expire in March 2002; Commissioner Jon Thompson and Commissioner David Tea. He asked if any were interested in continuing to serve on this commission; all except Commissioner Reese agreed to continue to serve. Commissioner Reese felt that he had fulfilled his duty, would like to be able to pursue other activities. He would consider the March meeting his last unless a replacement had not been named by that time.

A motion was made to adjourn the meeting at 8:25 p.m.

Passed and adopted in regular session this 21st day of March, 2002.

  
Richard Kimber, Chairman  
Box Elder County  
Planning Commission