

**MINUTES  
BOX ELDER COUNTY  
PLANNING COMMISSION  
MARCH 18, 2004**

The Board of Planning Commissioners of Box Elder County, Utah met in the County Commission Chambers of the Historic County Courthouse, 01 South Main Street, Brigham City, Utah at 7:00 p.m., **MARCH 18, 2004**. The following members were present constituting a quorum:

Richard Kimber	Chairman	<i>The following Staff was present:</i>	
David Tea	Member		
Jon Thompson	Member	Garth Day	County Planner
Theron Eberhard	Member	Elizabeth Ryan-Jepps	Dept Secretary
Richard Day	Member		
Clark Davis	Member	Amy Hugie	County Attorney
Ann Holmgren	Member - excused		

The **session** was called to order by **Chairman Richard Kimber** at 7:08 p.m.

The **Minutes** of the regular meeting held on February 19, 2004 were given to the Planning Commissioners prior to their meeting (March 18, 2004) for review. **Chairman Richard Kimber** asked for a Motion as to whether or not the **Minutes** should be accepted as written. A couple of corrections were pointed out after which time **Commissioner Jon Thompson** made a motion to accept the Minutes with corrections made and submit to **Chairman Richard Kimber** for his signature. The motion was seconded by **Commissioner Clark Davis** and passed unanimously.

## **SUBDIVISIONS FOR APPROVAL**

### **CONSENT AGENDA ITEMS**

#### **TWIN LAKES, THREE-LOT SUBDIVISION, APPLICATION #SS04-002, LOCATED AT OR ABOUT 14130 NORTH 3100 WEST IN THE COLLINSTON AREA**

This subdivision was brought back for review after having had some adjustments made on the size of the frontage on each of the three lots. These lots are now in accordance with the regulations set forth in the LUC. This property is currently in an area of the County that is zoned RR-2 (two acre minimum with the lots requiring two hundred feet of frontage). The petitioner has established proof of all utilities and water service will be provided by individual wells on the property. As the petition appeared to be in accordance with the existing subdivision ordinances and zoning requirements, Mr. Garth Day recommended granting preliminary and final approval at this time.

**MOTION:** A Motion was made by Commissioner Clark Davis to grant Preliminary and Final approval to the Twin Lakes Three-lot Subdivision and submit to Chairman Richard Kimber for his signature. The Motion was seconded by Commissioner Jon Thompson and passed unanimously.

**RASMUSSEN ONE-LOT SUBDIVISION, APPLICATION #SS04-006, LOCATED AT OR ABOUT 3578 NORTH 6000 WEST IN THE WEST CORINNE AREA.**

This one-lot subdivision is located in an area of the County that is currently un-zoned and the property is three acres in size. The petitioner has established proof of all utilities with water being provided by the West Corinne Water Company. As the petition appeared to be in accordance with the existing subdivision ordinances and zoning requirements, Mr. Garth Day recommended granting preliminary and final approval at this time.

**MOTION:** A Motion was made by Commissioner Clark Davis to grant Preliminary and Final approval to the Rasmussen One-Lot Subdivision and submit to Chairman Richard Kimber for his signature. The Motion was seconded by Commissioner Jon Thompson and passed unanimously.

**PETERSEN ONE-LOT SUBDIVISION, APPLICATION #SS02-016, LOCATED AT OR ABOUT 7980 NORTH 11600 WEST IN THE PENROSE AREA.**

This one-lot subdivision contains 4.19 acres and is located in an area of the County that is currently un-zoned. The petitioner has not established proof of all the utilities (water, BRHD and gas/electric) and those requirements will need to be met prior to receiving final approval.

**MOTION:** A Motion was made by Commissioner Clark Davis to grant Preliminary approval to the Petersen One-Lot Subdivision until the proof of utilities can be established and final approval may be granted. The Motion was seconded by Commissioner Jon Thompson and passed unanimously.

**HUNSAKER ONE-LOT SUBDIVISION, APPLICATION #SS03-019, LOCATED AT OR ABOUT 4550 WEST 11200 NORTH, EAST OF THE TREMONTON AREA.**

This one-lot subdivision, east of Tremonton consists of 5.5 acres. The property is currently un-zoned and the petitioner has established proof of all utilities for the two lots. As the petition appears to be in accordance with the currently existing subdivision ordinances and Zoning requirements, Mr. Garth Day recommended granting preliminary and final approval at this time.

**MOTION:** A Motion was made by Commissioner Clark Davis to grant Preliminary and Final approval to the Hunsaker One-Lot Subdivision and submit to the Chairman Richard Kimber for his signature. The Motion was seconded by Commissioner Jon Thompson and passed unanimously.

## **NEW BUSINESS**

### **ROAD VACATION – 5800 WEST**

County Attorney Amy Hugie addressed the Planning Commissioners concerning this petition to have 5800 West (a County road) vacated. The County has been in litigation with most of the residents of the area where this road is located. On February 25, 2004 the County participated in a mediation with Judge Lowe and reached a settlement agreement, and one of the provisions of that agreement was that the County [through their insurers] would pay the plaintiff one hundred thousand dollars (\$100,000.00); the other provision was that the road would be vacated. Even though Judge Lowe ordered that this road be vacated, it was the concern of the County Attorney and other legal counsel that the process needed to be followed by presenting this matter to the Planning Commission for their recommendation. The Planning Commission would then recommend to the County Commission that a public hearing be set regarding the vacation of this road, but Ms. Hugie did not feel that the Planning Commission needed to have any findings in making their recommendation as they would be following the order of Judge Lowe. Ms. Hugie went on to explain that a public hearing has been set by the County Commission for March 30, 2004 regarding this matter and that the Planning Commission is responding to that order from Judge Lowe in their recommendation. The members of the Planning Commission asked a few more questions regarding this property after which time the following motion was made.

**MOTION:** A Motion was made by **Commissioner Clark Davis** to recommend to the County Commission to hold a public hearing regarding the vacation of County Road 5800 West and that consideration of this vacation be contingent upon receiving a signed settlement agreement by all parties involved. The Motion was seconded by **Commissioner Jon Thompson** and passed unanimously.

### **SUBDIVISION AMENDMENTS FOR KENT ANDERSON AND TIMOTHY HELMICK MINOR SUBDIVISIONS**

County Attorney Amy Hugie stated that since the plaintiffs [Kent Anderson and Timothy Helmick] have not furnished the necessary plats for these subdivisions amendments it was suggested that this matter be tabled at this time.

**MOTION:** A Motion was made by **Commissioner Jon Thompson** to Table the Kent Anderson and Timothy Helmick Minor Subdivision Amendments at this time. The Motion was seconded by **Commissioner David Tea** and passed unanimously.

**ELITE HOMES, LLC [CHERRY WOOD ESTATES], THIRTY LOT SUBDIVISION, APPLICATION #SS04-007, LOCATED AT OR ABOUT 8070 SOUTH HWY 89 IN THE SOUTH WILLARD AREA.**

This application was for the conceptual plan review of this thirty-lot subdivision that is being purposed for the South Willard area. This property is currently zoned R-1-20 which is residential, single family dwellings on 20,000 square foot lots. This project still needs to be reviewed by the South Willard Water Company and also the Willard Flood Control Board prior to being granted preliminary approval. The petition appears to be in accordance with the existing subdivision ordinances and zoning requirements and the Staff made the following recommendations subject to any approval of this petition.

- ↗ UDOT approval allowing access from US 89 to the subdivision
- ↗ South Willard Water company approval
- ↗ South Willard Flood Control review
- ↗ Approval from the Bear River Health Department
- ↗ Verification of all utilities

It was also determined that lots 28 and 30 should be restricted from having any access from US 89 and that the numbering of the lots in the subdivision should be numbered from east to west. The property in this subdivision is also located within the vicinity of an agricultural protection area and that needs to be indicated on the final plat map. Mr. Garth Day also said that the Planning Commission might want to impose some additional requirements such as a fence along the west lots as a buffer from the railroad. The Planning Commission members and Mr. Don Johnston (subdivision's engineer) reviewed the concept map drawing of this subdivision and talked about this subdivision connecting with the Twin Falls subdivision that is located north of this property. The conceptual drawing indicated roads that [could] connect these two subdivisions together, but until that time there will be a temporary turn-around on those streets that have more than one lot. There will probably be two phases to the development of this subdivision and as the phases come in for approval, they will be limited to a maximum of twenty lots at any one time per phase. At the conclusion of their discussion the following motion was made.

**MOTION:** A Motion was made by **Commissioner Jon Thompson** to approve the Conceptual plan for the Cherry Wood Estates Thirty-lot Subdivision. The Motion was seconded by **Commissioner David Tea** and passed unanimously.

After the motion was made, Mr. Don Johnston asked if the Planning Commission would be able to grant preliminary and final approval at their next meeting (April 15, 2004) if all of the approvals mentioned above had been taken care of and the engineer drawings updated with the necessary changes. **Chairman Richard Kimber** said that it has been done in the past, but that the Planning Commission relies on the recommendation of the Staff in making their approval and the Commission would not want to commit to a promise of approval at this time. Mr. Garth Day stated that all of those approvals from the water company, flood control, BRHD, utilities and UDOT would have to be received by the Planning Office by the first of April 2004 as that is the deadline for submittal.

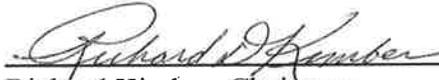
## PUBLIC HEARING IN WEST CORINNE

A Public Hearing has been scheduled for Thursday, March 25, 2004 at the Corinne Elementary School to discuss and present the findings of the West Corinne Community Planning Committee at 7:00 p.m. The Planning Commissioners discussed how this plan would be presented to the citizens of the community. It was determined that Mr. Garth Day will present the PowerPoint presentation, after which time the members of the Planning Commission will take the responses of the community and incorporate those suggestions and concerns in making their final recommendations.

Mr. Garth Day also brought the Planning Commissioners up-to-date on the process of the Bothwell Community Planning Committee.

A Motion was made by Commissioner Jon Thompson and seconded by Commissioner Richard Day to adjourn the meeting at 8:14 p.m., all concurred

Passed and adopted in regular session this 15th day of April 2004.

  
Richard Kimber, Chairman  
Box Elder County  
Planning Commission

**MINUTES  
CORINNE COMMUNITY PLAN  
PUBLIC HEARING  
MARCH 25, 2004 7:00 P.M.**



**Citizens in attendance:**

Amy Hugie	Box Elder County Attorney	Diane Harper	6410 W 2400 N; Corinne
Pat Comarell	Planning Consultant	Diana Davis	3398 N 6000 W; Corinne
John Ferry 	845 N 6800 W; Corinne	Ken Davis	3398 N 6000 W; Corinne
Max Moore 	2190 N 6400 W; Corinne	Newell &	
Whitney Young 	830 N 6800 W; Corinne	Linda Norman	3255 N 8400 W; Corinne
Dee Hardy 	3021 No 2800 W; Brigham	Robert &	
Maurice Carter	2584 N 7600 W; Corinne	Brenda Anderson	2905 N 7600 W; Corinne
Donna Hubbard	1996 North 6800 W; Corinne	Larissa Fertig	2264 N 3800 W; Corinne
Brent Hubbard	2205 N 6800 W; Corinne	Don C. Miller	2505 N 4000 W; Corinne
Branson G. Neff	2625 N 7600 West; Corinne	Patricia A Miller	2505 N 4000 W; Corinne
Sandra Neff	2625 N 7600 West; Corinne	Boyd Lancaster	3312 W 2600 N; Corinne
Dean Wood	4675 W 2400 N; Corinne	Wade Norman	4015 N 6800 W; Corinne
Dawn Reeder	1658 N 6400 W; Corinne	Sid Norman	2785 N 6800 W; Corinne
Nancy Fuller	Ogden Standard Examiner	Connard O. Roper	3875 N 6000 W; Corinne
Lloyd Bunderson	2400 N 6030 W; Corinne	Claude M. Jeppesen	364 N 7200 W; Corinne
Monica Bunderson	2222N 6800 W; Corinne	Amy Bodily	1580 N 6800 W; Corinne
Neil Harper	6410 W 2400 N; Corinne	Dee Walker	3980 N 4000 W; Corinne
Roger &		Larry Lee Jensen	2255 N 3860 W; Corinne
Ginger Burt	7255 W 3200 N; Corinne	Edna Hardy	3021 N 2800 W; Brigham
Ben Wiley	8635 W 3200 N; Corinne	Dennis Patterson	2875 N 6400 W; Corinne
Kim Braegger	4680 N Hwy 13; Corinne	Clay Smoot	3950 N 2800 W; Brigham
		Dennis Nelson	4555 W Hwy 83; Corinne

 Member of West Corinne Community Planning Committee

**Members of the Box Elder Planning Commission present included:**

Chairman Richard Kimber	Garth Day	Box Elder County Planner
Member Jon Thompson	Elizabeth Jeppsen	Department Secretary
Member Theron Eberhard	Amy Hugie	BE County Attorney
Member Richard Day	Member David Tea	Excused
County Commissioner Clark Davis	Member Ann Holmgren	Excused

At a few minutes after 7:00 p.m. **Chairman Richard Kimber** welcomed the citizens that were present at the Public Hearing held in the Corinne Elementary School and opened the meeting by introducing the members of the Box Elder County Planning Commission that were present and *County Attorney Amy Hugie*. **Chairman Kimber** also told the audience that **no final decision** regarding the proposed West Corinne plan or zoning would be made at the conclusion of this meeting held on March 25, 2004 nor at the conclusion of the

zoning would be made at the conclusion of this meeting held on March 25, 2004 nor at the conclusion of the Public Hearing on April 15, 2004. This would be a time to receive input from the members of the community concerning the plan that the West Corinne Community Planning Committee had put together after working toward that end for the past ten months (since the original Town Meeting that was held in May 2003). Chairman Kimber then turned the time over to **John Ferry**, Chair for the West Corinne Community Planning Committee. John Ferry then introduced the members of the Committee: **John Ferry, Max Moore, Whitney Young, and Dee Hardy.**

**Mr. Ferry** then explained to the audience the process by which this committee had come up with their proposed plan [for zoning and planning] in West Corinne. Some of the points that were considered while trying to reach a workable plan included: 1) identify what is happening in the community; 2) be able to maintain the lifestyle of the citizens of the community; 3) have an opportunity to manage the growth that is coming into the area. The ultimate purpose of this committee was to come up with a model that could be worked with and flexible enough to be changed in the future as needed. **Mr. Ferry** also introduced *Pat Comarell*, an independent consultant that has been the facilitator during the process of these committee meetings. **Mr. Ferry** then turned the time over to Box Elder County Planner, **Garth Day** to go through the PowerPoint Presentation that would outline the objectives of the plan and the reasons for moving in this direction at this time. (A copy of that PowerPoint Presentation accompanies these Minutes)

Maps that identified the proposed zoning and planning area were distributed to the audience and it was stated that this is an open-ended process and [again] nothing would be made final at this meeting. (The two maps, A & B, are included with these Minutes). Mr. Ferry reviewed the maps with the audience, outlining some of the details and the proposed zoning area. After a few minutes **Chairman Kimber** invited the citizens to come forward with any comments, concerns, suggestions that they wanted to express.

- *Ginger Burt (7255 W 3200 N; Corinne)* asked about the minimum or maximum sizes or guidelines regarding commercial development in the area. **Mr. Day** responded stating that currently there is no commercial zoning, however, the guidelines for the future identified some area along the Iowa String Road that would be suitable for commercial development. Development for commercial would be determined if the conditions were right at the time and the market was ready then a petition that [might] come into the Planning Office could be considered for zoning to commercial. *Ms. Burt* also had concerns regarding the availability of water in the area for commercial development. **Mr. Day** stated that some plans are in the works with the Bear River Water Conservancy District, Corinne City and the West Corinne Water Company, tying all three systems together in an effort to avoid problems [of lack of water]. **Chairman Kimber** noted that businesses that might want to come into the area might have to invest in the infrastructure regarding the supply of adequate water for facilities.
- How will existing facilities be addressed? **Chairman Kimber** responded by informing the audience of the items that are necessary for [any] development. Anything that is currently in the area would be “grand fathered” in.
- *Rolie Holmes* had concerns regarding the type of homes that would be allowed in the area, i.e. \$300,000 homes next to trailers or pre-fabs.
- *Don Miller—Chairman of Corinne City Planning & Zoning (2505 N 4000 W; Corinne)* suggested that a “right to farmers” be included in the master plan to help protect the farmers in the area that are currently using the land for purposes incidental to farming; such as baling hay at night. **Mr. Day** stated that there are currently several Ag-Protection areas in the West Corinne vicinity which basically states that property is used for agricultural purposes and those building in the area next to that property are aware of it.
- *Branson Neff (2625 N 7600 W; Corinne)* stated that he had been through a similar situation in Salt Lake while growing up on farm/orchard in Salt Lake and development

started coming into the area. Those people moving in found that they didn't like the smell of the cows and use of machinery at all hours of the day. Cutting of fences and animals getting loose even though this farm was grandfathered in caused trouble. Thought that covenants should be used when development starts to help protect the farmers in the area. Does not want to have his rights as an individual to be infringed on because of "new" people coming into the area to develop. Didn't think that those that are making the decisions (Planning Commission) or committee members really know what is going on in an area where they don't live.

- *Roger Burt (7255 W 3200 N; Corinne)* was concerned about the people that would be moving into the area that grew up in larger cities, i.e. Salt Lake, New York, etc. and these people will be coming into the area and making the decisions if the current citizens of the area don't make the decision of what to do regarding planning and zoning first. He also asked about the Golden Spike Rail Road and what is the status of that project. **Mr. Day** stated that since it is located in an un-zoned area there are no regulations at this time and because of this they (Golden Spike) are proceeding with an allowed use. (This GSRR is a separate project from the Planning Commission)
- *Brent Hubbard (2205 N 6800 W; Corinne)* asked for some clarification regarding the agricultural zoning and the residential zoning. Answer: This is a work in progress.
- *Larry Lee Jensen (2255 N 3860 W; Corinne)* was concerned with the process by which flood plain are set by organizations back east that have never been to the area. They make their determinations by just looking at a map. **Mr. Day** stated that *FEMA (Federal Emergency Management Agency)* and wetlands are set by the *Environmental Protection Agency* and regulated by the *Army Corps of Engineers*. Some work was started about two years ago to help with the wetlands planning. **Mr. Day** then reviewed the wetlands areas that were identified on the maps that were set in the 1980s by aerial photography and is called a national inventory map, and that map gives the *Army Corps of Engineers* their regulatory authority. The maps are not all correct and the goal of the wetlands planning process is to bring all of the regulations to the local level to give the County the authority to issue the necessary 404 permit. This process has stalled and it is still necessary to go to Bountiful to the *Army Corps of Engineers* to receive this 404 permit.
- *Dee Walker (3980 N 4000 W; Corinne)* was concerned with having one-acre parcels of ground for residential, because it is difficult for a homeowner to maintain even one half of an acre. Was also concerned with the open range issue, but that is handled by the County Commission and NOT the Planning Commission.
- *Sandra Neff (2625 N 7600 W; Corinne)* asked about any work on the proposed roads. Those areas can only be identified and then passed on to UDOT or others that would deal with those issue.
- *Con Roper (3875 N 6000 W; Corinne)* felt that the maps were too confusing and that the citizens needed more time to review them before making any suggestions to the committee. **Chairman Kimber** assured the citizens again that **no decisions** would be made at this meeting; in fact this Public Hearing would be continued on April 15, 2004 at the next meeting of the Planning Commission. Decisions may not even be ready to be made on the fifteenth after they have received more comments from the citizens. *Mr. Roper* also wondered about the logic concerned behind this proposed plan as he felt that he would probably have a completely different prospective than the committee. Also wondered if the individual landowners in the area had been notified and asked about their opinion concerning this plan. **Chairman Kimber** said that any questions, concerns, or comments could be written down and submitted to the Planning Commission before the

fifteenth date. A question was also asked regarding Corinne City annexing property into their city. The response was that the individual landowner petitions for annexation into a city and not the other way around.

- *Robert Anderson (2905 N 7600 W; Corinne)* wanted to understand the logic behind zoning RR-1-20 and RR-5. Again, according to **Mr. Day**, the half-acre lots are what are necessary for septic systems within the county. *Mr. Anderson* also asked about housing regulation regarding the type of houses that can be put on a piece of property. **Mr. Day** stated that the Planning Commission (or government) might only control the use of the land; they cannot regulate the kind of house that is put on the property as long as the structure meets the zoning and building code standards set forth. This is because of protective covenants and also due to fair housing regulations.
- *Kim Braegger (4680 N Hwy 13; Corinne)* asked about a family living in a trailer for a few years while a home is being built on the property. Trailers can be put on the property to accommodate temporary living, i.e. farm help, and would be under a conditional use permit and reviewed after a certain number of years, etc. *Mr. Braegger* also stated that he has five acres and there is not adequate water on those acres to maintain the landscaping.
- *Brenda Anderson (2905 N 7600 W; Corinne)* thought that growth could be limited by having five-acre lots. *Ginger Burt* agreed that having the larger lot sizes could slow mass growth down.
- A question was asked about how the land is assessed for tax purposes, as there was some concern that changing from agricultural to residential or commercial would increase a person's taxes. **Mr. Day** stated that the tax assessment is based on how the land is being used, **NOT** by the way it has been zoned.
- There were a few more comments made concerning the water issues in the area and the drought conditions that have been in the state for the last few years. It was noted that there is water in the area and those wishing to come into the area may have to have the sufficient funds to develop and bring the necessary water to their facilities.

At the conclusion of the comments made during the Public Hearing the following motion was made.

**MOTION:** A Motion was made by **Commissioner Jon Thompson** that this Public Hearing would continue at the regularly scheduled meeting of the Planning Commission to be held on April 15, 2004 in the County Commission Chambers. Seconded by **Commissioner Clark Davis** and passed unanimously. **Commissioner Jon Thompson** made a second motion at 8:48 p.m. that this meeting be adjourned and was seconded by **Commissioner Richard Day**; passed unanimously.