PLANNING COMMISSION MEETING

March 21, 1985

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday, March 21, 1985, at 7:00 p.m.

Members present were: Don Petersen, Richard Kimber, Kent Newman Jon Thompson, DeVon Breitenbeker

Ex-officio: Denton Beecher and Jay Hirschi

Excused: Don Chase and Thomas Mower

Chairman Richard Kimber conducting and called the meeting to order. He asked for a motion to approve the minutes of February 21, 1985. Motion was made by Don Petersen that the minutes of February be approved. Motion was seconded by Kent Newman, with all voting in favor.

SHERMAN EARL MINOR SUB-DIVISION - 5 LOTS

Sherman Earl met with the Commission and presented his plat for approval on his subdivision as discussed in the meeting held in July, 1984. Surveyor Denton Beecher reported that Mr. Earl has sold Lot #1 and a home is being built on the lot. Mr. Beecher said the subdivision has been reviewed by the Health Department and made mention of two (2) requirements on the plat as follows:

1. No building permit shall be issued until proof of an approved water system and received by the County.
2. Lots #2 and #3 shall only be approved for a shallow septic tank & drain.

Mr. Beecher said a letter has been received from DOT regarding approval for access to each of the lots, but each owner of the lots must obtain a permit from the Ogden Office at a cost of $5.00 each. Mr. Beecher reported that the U.P.& L. will provide electrical services. He also stated that Mr. Earl has met all the requirements with the above mentioned restrictions and recommends to the Planning Commission that it be approved. A motion was made by Don Petersen that, with the conditions as specified, the plat be approved and authorize the chairman to sign the plat, and recommend that the plat be presented to the County Commissioners with their recommendation that it be approved. Motion was seconded by DeVon Breitenbeker, with all voting in favor.

VON CURTIS - SKETCH PLAN FOR PLANNED UNIT DEVELOPMENT

Von Curtis reported that he met with the Board of Adjustments to ask if they would amend their previous decision and allow him to divide his 2 remaining lots as indicated on his sketch plan, and which was discussed during the Commission meeting held on February 21, 1985. It was reported by the Chairman that the Board of Adjustments refused to allow him to divide his lots as indicated on the plat,(one 4 acres and the other 2.43 acres). They also rescinded their previous decision to allow them to be divided into two 4 plus acres each, because the land area presented was not large enough. Mr. Curtis is now asking the Planning Commission if they will consider approving Sedar Springs Planned Unit Development No. II which would divide the lots as specified above,

and would require a hearing to be held to get the input of the people. The question asked by Mr. Breitenbeker was, Is the Planning Commission being asked to allow land within a 5 acre zoned area, be split into one 4 acre lot and one 2.43 acre lot? He said basically that one lot would be conforming to the zone while the other lot would not be conforming to the Zoning Ordinance under the disguise of a planned unit development. He said it is his understanding that a planned unit development should be for many lot developments or condominium - multi unit housing. Denton Beecher said that legally this is a boarderline situation and somewhat shakey. Mr. Breitenbeker asked if the discussion is for a planned unit development, or a request for a zone change? He said anyone has the right to request a zone change as long as it is not spot zoning. Jon Thompson said it would appear that a person could request that the Planning Commission or County Commissioners hold a hearing, and if the conception of the people would be to change the zone, then it should be allowed by the Commissions as long as it was a considerable sized area and not spot zoning within a zoned area. Mr. Breitenbeker said as a member of the Planning Commission, it would be necessary for Mr. Curtis to present a petition with the signatures of about 10 people who owns property in the area, and who are in support of a zone change, before he would recomment that a hearing be held. Following other comments, DeVon Breitenbeker made a motion that the request by Von Curtis does not meet the qualifications of a Planned Unit Development and therefore must be denied, but recommend that Mr. Curtis contact other people in the area who might be interested in a zone change, then re-submit his request. Motion was seconded by Don Petersen and approved by all members present.

LAURENCE JACK PIERCE MINOR SUBDIVISION

Denton Beecher reported that Mr. Pierce has some land West of Garland where he lives and has sold one lot, and a building permit has been issued to build a house. He said Mr. Pierce wants to sell another lot which would create a 3 lot minor subdivision and presented a sketch plan which he recommended approval by the Commission. Following a discussion, Don Peterson made a motion that the Commission accept the recommendation of Mr. Beecher and approve the sketch plan to allow Mr. Pierce to proceed. Motion was seconded by Jon Thompson and was approved.

Meeting adjourned at 8:45 p.m.