
MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
AUGUST 23, 2001

The Board of Planning Commissioners of Box Elder County, Utah met in a Public Meeting at their regularly scheduled meeting, at the County Courthouse, 01 South Main Street in Brigham City, Utah at 7:00 p.m. on **AUGUST 23, 2001**.

The following members were present constituting a quorum:

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

The following Staff was present:

Garth Day	County Planner
Elizabeth Ryan-Jepps	Department Secretary
Sarah Greary	Student Intern from Weber State

The **regular session** was called to order by **Chairman Kimber** at 7:01 p.m.

APPROVAL OF MINUTES

The Minutes of the regular meeting held on July 19, 2001 were reviewed by the members present and a few word/spelling corrections were noted. A Motion was then made by **Commissioner Thompson** and seconded by **Commissioner Eberhard** to approve the Minutes with corrections and submit to the Chairman for signature.

Mr. Day stated that an item needed to be added to tonight's agenda regarding the Beaver Dam issue, Ordinance 232 and the "P" Zone which could be addressed as a small issue action item.

Because **Commissioner Eberhard** was excused from the meeting held in June, he asked that the common consent agenda be clarified. Mr. Day explained that when items are placed on the common consent agenda it is to expedite the meeting process, but questions can still be addressed and if for any reason one of the Commissioners feels that it is necessary, an item (subdivision) can be taken from the common consent and dealt with separately. At that time a motion was made by **Commissioner Eberhard** to approve the three items on the Common Consent Agenda as written and seconded by **Commissioner Halling**. Unanimously passed.

SUBDIVISIONS FOR APPROVAL

THE WAYNE G. HOLLAND SUBDIVISION, LOCATED AT OR ABOUT 7520 WEST 6500 NORTH IN THE TREMONTON AREA.

This one lot subdivision consists of one half acre in an unzoned area. The petitioner has established proof of all utilities with water being supplied by the West Corinne Water Co. At present there is a mobile home on the site which will be removed and a new home built on the property. The petition is in accordance with the existing subdivision ordinances and zoning requirements.

MOTION: A motion was made by **Commissioner Eberhard** that the Wayne G. Holland one-lot subdivision be granted **preliminary and final approval** and authorize the Chairman to sign. The motion was seconded by **Commissioner Halling** and passed unanimously.

THE WARD ONE LOT SUBDIVISION (TONYA JONES), LOCATED AT OR ABOUT 5105 WEST 15200 NORTH IN THE RIVERSIDE AREA.

This one lot subdivision consists of approximately 3.64 acres. The petitioner has established proof for all utilities with water service being supplied by the Riverside/North Garland Water Co. The petitioner is in accordance with the existing ordinances and zoning requirements with the exception of having not received approval from UDOT authorizing access from the State Highway. Final approval from the County Commission will not be granted until the approval from UDOT has been received.

MOTION: A motion was made by **Commissioner Eberhard** that the Ward one-lot subdivision be granted **preliminary and final approval** (once the approval from UDOT has been received) and authorize the Chairman to sign. The motion was seconded by **Commissioner Halling** and passed unanimously.

THE SMITH NUMBER ONE SUBDIVISION, LOCATED AT OR ABOUT 8014 NORTH 12400 WEST IN THE PENROSE AREA.

This one lot subdivision consists of 6.6 acres and is currently un-zoned. The petitioner has an established home on the property and is in accordance with the subdivision ordinances and zoning requirements. This petition received preliminary approval at the July 19, 2001 Planning meeting and is seeking final approval at this time.

MOTION: A motion was made by **Commissioner Eberhard** that the Smith Number One subdivision be granted **final approval** and authorize the Chairman to sign. The motion was seconded by **Commissioner Halling** and passed unanimously.

SITE PLAN REVIEW

THE ASIAN-AMERICAN MEDITATION CENTER, LOCATED EAST OF PARK VALLEY.

Mr. Day stated that Mr. Malcolm Duvall has petitioned the Planning Commission for final approval of the Phase-One construction regarding the Asian-American Meditation Center located east of Park Valley and southwest of the Curlew Junction. The architect, Mr. Bingham, has submitted more complete plans for the building which will house the Buddha that was donated to Mr. Duvall at the Center. A question was raised by **Commissioner Kimber** regarding the road access and whether or not UDOT had been consulted about that issue. According to the petitioner, UDOT has approved access to the road. The gravel road is owned by the County and requires minimal maintenance. UDOT did not feel that there would be a significant increase on the road. **Commissioner Thompson** asked Mr. Day if he still had the same concerns that were present at the July 19th meeting. Mr. Day told the commissioners that he had recently taken a "field trip" to the site and that his prior concerns had been adequately answered. Mr. Bingham stated that it will probably be a year before the building is completed and that they intend to meet all of the requirement of the building inspectors. They will work within the confines of the County guidelines regarding building permits which are issued with a time frame of one hundred eighty days with no limit to the number of extensions that may be given. Stan Peterson is a licensed contractor who will be working on the construction of the building, but there will also be volunteers involved in the work. Robert Hriska was also present with Mr. Duvall at this meeting with the Planning Commission, regarding the Asian-American Meditation Center.

MOTION: A motion was made by **Commissioner Thompson** that the Site Plan Review for the Asian-American Meditation Center, Phase One be granted **final approval** and recommend that the County Commission approve the Site Plan and Phase One. The motion was seconded by **Commissioner Tea** and unanimously passed.

THE DENTON JOHN ONE LOT SUBDIVISION, LOCATED AT OR ABOUT THREE MILES WEST OF THE I-15 ROAD IN THE PORTAGE AREA (CLOSE TO THE IDAHO BORDER).

Mr. Day stated that this particular subdivision deals with two issues: first, there was a home previously on the property in the past that has burned down and Mr. John would like to reconstruct a home on that existing foundation; second, there is a thirty-three stip of land leading to the property that needs to be considered as a road instead of part of the subdivision. Mr. John owns all of the property surrounding the location of the house, but needs to divide off the parcel for the home. **Commissioner Tea** had some concerns regarding the road and why it was not being considered at flag lot because of the road and would, therefore, have to meet the requirements set forth by the Planning Commission in regards to those regulations. **Commissioner Kimber** did not feel that there would be a problem with this road being labeled as a private lane and, therefore, would fall into a loop hole where it would not have to meet the conditions of a road leading to a flag lot. Because Mr. John owns all of the surrounding property, it is not known whether or not any other homes will be build on the property in the future, but **Commissioner Tea** suggested that if the road were required to be sixty-six feet from the beginning then if any other construction were done in the future the issue regarding the private lane/road would have been covered. Another issue that was raised regarding the lane or road, is that if it is designated as a road then the County would be responsible for the maintenance of its condition. Mr. Day further stated to the Commissioners that the petitioner is willing to sign the Rural Road Agreement in the event that any future development should occur on this property.

MOTION: A motion was made by **Commissioner Tea** that the Denton John One Lot subdivision be granted **preliminary and final approval** with the stipulation that the current road be expanded to thirty-three feet, instead of the present thirty feet, and that an additional thirty-three feet be set aside adjacent to it for a future road dedication (if necessary). The motion was seconded by **Commissioner Thompson** and unanimously passed.

BRUCE CARR FOUR LOT SUBDIVISION AND RE-ZONE, LOCATED AT OR ABOUT THE WILLARD PEAK ROAD IN MANTUA.

Mr. Day stated that Mr. Carr currently owns property that is split by the boundary of Mantua City and an unincorporated portion of the County. The access to his property is through the unincorporated portion and his property has been subdivided into an illegal subdivision. When Mr. Carr applied for a building permit, he learned that it was not a legal lot and that he would also have to request a re-zone as his property is located within a MU-160 zone for the County. Mr. Carr's property consists of 23.5 acres and he was requesting for a four-lot subdivision. After discussion among the Commissioners and Mr. Day it was felt that the property should be taken back to the engineer and made into a three-lot subdivision with the third lot being designated as agricultural use

with not future development planned. Other issues raised in regards to this petition were:

- there was no documentation from the Bear River Health Department regarding the water and sewer on the property.
- a well protection easement for the water and sewer; located within Brigham City's well protection area.
- the petitioner is requesting a P-Zone district be established which would require the following:
 - *uses be allowed as permitted or conditional used shall be same as those for a RR-5 zone.*
 - *Zoning and land use requirements shall be governed by the RR-5 zoning regulations*
 - *development shall be subject to all the conditions, notes, and specifications as per the South Carr Subdivision*
 - *septic waste shall be approved by the Bear River Health Department*
 - *the front, rear, and side yard regulations shall be the same as those for a RR-5 zone*
- not all documentation for the utilities have been received
- lot number four does not have the frontage on a dedicated County road as required
- the existing house on lot two must meet the set-back requirement of twenty feet
- all public utility easements are required to be fifteen feet (seven and one half on each side of the property lines) and are currently at ten feet
- the private well currently has two families drawing from it and would add one more with the son building a home

MOTION: A motion was made by **Commissioner Halling** that the Bruce Carr Four-Lot Subdivision petition be tabled until the September meeting and that in the meantime the issues surrounding the boundary lines, proof of all utilities, well protection, approval from the Bear River Health Department, and the holding of a public hearing can be addressed. Also that the petition be changed from a four-lot subdivision to a three-lot subdivision with one lot designated as agricultural use. The motion was seconded by **Commissioner Tea** and unanimously passed.

SBA TELECOMMUNICATION TOWER CONDITIONAL USE PERMIT, LOCATED AT OR ABOUT 25800 NORTH 6500 EAST IN THE PORTAGE AREA.

Mr. Day stated that this petition is in accordance with the existing ordinances and zoning requirements. There is a fifteen foot access drive located along the east boundary of the property where the tower will be within a 100 X 100 foot fenced area. The tower will be build to 195 feet

but may expand in the future to 250 feet as more companies request use of the facility. If a utility/storage shed is build at the site, the petitioner would have to apply to the Planning Commission in the future for that approval. The following recommendations were requested by the Planning Staff before the Commission approved the CUP for SBA Telecommunications Tower to be erected:

- ① when the tower is not longer in operation, it must be removed
- ② co-location with other providers be allowed
- ③ the facility be fenced to restrict access
- ④ approval from Box Elder County Building Inspection Department be met
- ⑤ a light be placed on the tower; white during the day and red at night for visibility of planes flying in the area

MOTION: A motion was made by **Commissioner Thompson** that the Conditional Use Permit be granted approval with the stipulation of the lights being placed on the tower and recommend that the County Commission approve the CUP. The motion was seconded by **Commissioner Eberhard** and unanimously passed.

The remaining issue to be discussed, Mr. Day explained, dealt with the 232 Ordinance, Beaver Dam, and the P-zone in relation to it. **Commissioner Halling** asked Mr. Day to clarify the P-zone. Mr. Day stated that when a p-zone is created then there is an ordinance to go along with it. Ordinance 232 is the Alton Veibell P-zone and when it was created there were some issues that ended in a court ruling with the judge dismissing the action. The other issue deals with a piece of property that is in dispute; a piece which is ninety feet wide running the length of Alton Veibell's property. This particular piece was originally included in the P-zone but the judge, through the court action, has given that property to the Erickson family, but it is still zoned "P". The ordinance requires that a P-zone have the consent of all property owners and there are some property owners that do not want the P-zone. The P-zone can revert back to its previous zoning without a public hearing, but it does have to have a recommendation of the Planning Commission; then the County Commission can change it quite easily. **Commissioner Kimber** asked why the Planning Commission would do otherwise than to recommend that it revert back and sought for a motion. **Commissioner Thompson** asked what the feelings were from the Erickson's and was told that this request had come from the Erickson's. This ninety feet is no longer in the subdivision proposed by Alton Veibell (and he is appealing the decision because he feels that this ninety feet is still part of his property). The moratorium that has been placed on the development by the Health Department will end on September 15th, 2001. At the next meeting for the Planning Commission they will have the final subdivision plat to approve or not approve at their discretion.

MOTION: A motion was made by **Commissioner Halling** that the ninety feet of property revert back to the previous zoning. The motion was seconded by **Commissioner Eberhard** and unanimously passed.

Commissioner Tea brought up the issue of cluster housing that is currently being proposed in his area of the county. The area includes land that is in wetlands of approximately 180 area and only thirty are able to be developed. The zoning is RR-5 in this area. The public in this area are concerned that a cluster of housing will be done of the thirty acres that can be developed and the remainder left as wetlands. The concern is that 30-36 houses will be put on the thirty acres that can be developed and the rest left as is. **Commissioner Eberhard** explained that when a similar situation occurred in the Bothwell/Thatcher area the zoning still remained and each home had to have the minimum of five acres. Therefore, if there are only thirty acres that can be developed then that would amount to six homes. **Commissioner Tea's** concern was that when a developer brings in a map of property it is difficult to know what is wetlands and what is not. Mr. Day told that commissioners that he had requested that the developer bring in a delineation showing exactly where the wetlands were before any further progress would be made in regards to this development. Mr. Day stated that he could write up some guidelines regarding cluster housing for the Commission to consider at the next meeting. **Chairman Kimber** felt that it would be a good idea for the Commission to have a plan to look at and consider for the future proposals that may come to them whether it be wetlands or mountains. Mr. Day said that he had been approached regarding setting up a public hearing for the residents of this particular area and asked that **Commissioner Tea** be able to attend.

A motion was made by **Commissioner Thompson** to adjourn the meeting at 8:43 p.m. and passed unanimously.

Passed and adopted in regular session this 20th day of September, 2001.


Richard Kimber
Box Elder County
Planning Commission, Chair