

MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
REGULAR MEETING HELD SEPTEMBER 17, 1998

THE FOLLOWING MEMBERS WERE PRESENT CONSTITUTING A QUORUM:

Richard Kimber	Chairman
Deanne Halling	Member
David Tea	Member
Stan Reese	Member

ALSO PRESENT WERE:

Jim Marwedel	County Planner
Joel Henrie	Planning Assistant
Denton Beecher	County Surveyor

ABSENT: Louis Douglas	Member
Jon Z. Thompson	Member
Royal K. Norman	Member and County Commissioner

APPROVAL OF THE MINUTES OF JULY 16, 1998

Richard Kimber officially called the meeting to order.

MOTION: David Tea made a motion to pass the previous Planning Commission minutes. Stan Reese seconded, and the motion passed.

Denton Beecher requested moving item A to the end of the agenda, and it was approved.

BAYVIEW MAJOR SUBDIVISION

Jim Marwedel introduced the Preliminary Design Plan for Bayview Estates at about 7600 S. 500 W. south of Willard, east of U.S. Highway 89. As discussed last time, an easement for a retention basin based on a ten year flood plan was established with help from UDOT. Also, a letter from the flood district to certify that the subdivision is not in a flood zone was provided. Some changes have been made due to a shift in the easements.

Mr. Marwedel stated that he would like a gently sloped drain, and the developers stated that they could do that. Mr. Marwedel stated that he had concerns about the slope of the streets. Denton Beecher stated that the developer's engineer will be responsible for

profiling and designing the plan to conform to the county adopted street grades. Mr. Marwedel stated that the developer needs to get a hold of Mr. Beecher and go over what is needed for the final plat design.

Richard Kimber asked about the well head the from last meeting and the developer stated that the well is south of the development. Mr. Beecher stated that it is on 7800 South, and that it appears the well is between 1200 feet to ½ mile from the Subdivison. Mr. Marwedel stated that South Willard will provide water.

David Tea asked about single access into a subdivision, with only one access on to a public right-of-way. Mr. Beecher stated that it is in the ultimate plan to tie into the Fairbanks Subdivison, so the cumulation of the two subdivisions would total two entrances. Mr. Marwedel expressed some concern over the slopes of a few lots.

Mr. Kimber announced that most of this is really their problem, either in de-sloping or selling sloped lots. Mr. Kimber entertained a motion to approve the preliminary plan for Bayview Estates with the stipulations discussed.

MOTION: Deanne Halling made a motion to approve the motion, and Mr. Tea seconded; the motion passed unanimously.

FAIRBANKS ESTATES MAJOR SUBDIVISION

Denton Beecher introduced the final plat approval of the Fairbanks Estates Subdivision in South Willard. Mr. Beecher stated that a past issue of a mortgage on a roadway was a concern of the county attorney, which had been cleared up by Mr Fairbanks. Mr. Beecher stated that he also has completed the title of insurance, as well as all other forms needed for final approval. Further, Protective Covenants that are to be submitted with the plat need to be reviewed by the Planning Commission. Mr. Beecher stated he had no problems with the Protective Covenants. Mr. Beecher also stated that he has all necessary documentation, has sent it to the proper people, and has not had any complaints returned.

Mr. Beecher stated that since the property does not front the highway, additional highway lanes are unnecessary. Denton Beecher also stated that he recommends accepting the final plan. Richard Kimber entertained a motion to recommend the Fairbanks Subdivision to the County Commission.

MOTION: Stan Reese made a motion for the chairman to sign the final plat, and Deanne Halling seconded; the motion unanimously passed.

BOTHWELL RR-5 ZONE CHANGE

Jim Marwedel stated that last month the County Commission approved a committee to

address the zoning needs of the Bothwell area. Two of the six from the committee were in attendance; Curtis Shuman and Theron Eberhard. Mr. Shuman stated that the major concern of the people from Bothwell is that they want to be able to sell a home without breaking up the farm. Mr. Eberhard proposed the changes made by the committee and Jim Marwedel, and stated that those changes in blue were Jim Marwedel's suggested removals, yellow were typos, and red were additions. SEE ATTACHMENT.

In reviewing the proposal, the Planning Commission agreed upon these changes to the following sections:

- 19.4.3 Replace with the statement "*One and only one small lot may be created through a single process of subdividing (" a subdivision"). A subdivision that creates a small lot must provide necessary easements to provide access for the use and maintenance (utilizing modern farm machinery) of existing irrigation ditches, canals, access roads, etc. which are necessary for the operation of the agricultural reserve and other remaining agricultural land.*"
- 19.4.4 Delete
- 19.4.5.1 Add a parenthetical statement so that it reads "Must include the complete dwelling septic system (whether new or existing) and the septic drain field must be set back 10 feet from any new boundary."
- 19.4.5.2 Add a parenthetical statement to the end so that it reads "Frontage, boundaries and building setbacks must comply with Sections 19.5, 19.6, 19.7, 19.8 where new boundaries are being created (but these setback requirements do not apply to existing structures in relation to existing boundaries)."
- 19.4.5.4 This statement was incorporated into 19.4.3 and so the condition numbered 19.4.5.5 moves up and becomes 19.4.5.4 (and there is no 19.4.5.5)
- 19.4.6.1 A statement was added to the end to have it read "Shall remain agricultural reserve acreage regardless of ownership and a notation shall be recorded on the deed of the parcel specifying that the property, so long as it is zoned RR-5 (Modified), is subject to the provisions of an 'Agricultural Reserve' in the RR-5 (Modified) District of the Box Elder County Land Use and Development Code."
- 19.4.6.5 The word "frontage" to be added to the end of the sentence.
- 19.5 The phrase "or an approved private roadway" be added following the word "roadway".

The question was asked whether these changes needed to be brought back to the committee for their approval. Mr. Shuman and Mr Eberhard said that they did not need to take it to their committee for review because it retains the idea behind what the committee wants. Mr. Shuman stated that the people of Bothwell now feel more informed and that the zone change experience has been positive.

MOTION: David Tea made a motion to recommend to the County Commission to adopt the proposed zoning revision for the RR-5 (Modified) district, with the changes they had made. Stan Reese seconded and the motion passed unanimously.

SUBDIVISION REQUIREMENTS FOR MINOR VS. MAJOR SUBDIVISIONS

Richard Kimber entertained a motion to table the item to give staff more time to research it.

MOTION: David Tea made a motion to table the item. Deanne Halling seconded and the motion passed unanimously

GROUSE CREEK COMMUNITY PLANNING EFFORTS

Richard Kimber met with some citizens of Grouse Creek and discussed the possibility of receiving planning assistance from the county. He suggested that Jim Marwedel, Denton Beecher, Stan Reese, and Richard Kimber should meet with the community and discuss with them how planning and zoning could help them. Richard Kimber stated that the new generation of Grouse Creek has started an effort to rebuild Grouse Creek, and Denton Beecher stated that the county is helping by tearing down two old county-owned buildings and building a new one.

BELEW MINOR SUBDIVISION

Denton Beecher stated that they wish to create two lots, one of which is a flag lot. Denton Beecher added a stipulation that the flag lot entrance must be a gravel, all-weather road. West Corrine water must be acquired before the building permit can be acquired.

MOTION: Deane Halling motioned to approve the minor subdivision contingent on receiving a letter for water and approval from the Health Department as well as the stipulation relative to the road that are noted on the plat. Stan Reese seconded and the motion passed unanimously.

HELMICK MINOR SUBDIVISION

Denton Beecher explained the subdivision proposal, stating that they did have septic approval, but it had expired and would need to be renewed. He also read notes on the subdivision.

MOTION: David Tea motioned to accept the minor subdivision with the condition they acquire the appropriate signatures. Stan Reese seconded and the motion passed unanimously.

DEE KUNZLER MINOR SUBDIVISION

Mr. Beecher presented the Dee Kunzler Minor Subdivision located in the Rosette area.

MOTION: Stan Reese motioned to accept the minor subdivision as presented with the accompanying notes. David Tea seconded and the motion passed unanimously.

RODNEY MACFARLANE MINOR SUBDIVISION

Mr. Beecher presented the Rodney Macfarlane Minor Subdivision located in Riverside.

MOTION: Stan Reese motioned to accept the minor subdivision as presented with accompanying notes. David Tea seconded and the motion passed unanimously.

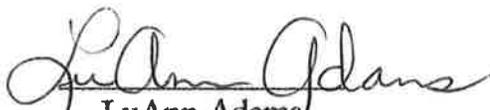
ADJOURNMENT

Stan Reese motioned to adjourn at 9:05 p.m. All were in favor and the meeting stood adjourned.

Passed and adopted in regular session this 15 day of October, 1998.


Richard D. Kimber
Chairman

ATTEST:


LuAnn Adams/
Recorder/Clerk



AGENDA
BOX ELDER COUNTY PLANNING COMMISSION
MEETING PLACE: COUNTY COMMISSION CHAMBERS
BOX ELDER COUNTY COURTHOUSE
BRIGHAM CITY, UTAH

1. Public agenda for the Box Elder County Planning Commission meeting scheduled for September 17 at 7:00 P.M.
2. Notice given to the newspaper this 16th Day of September 1998
3. Approval of the minutes of August 20, 1998
4. Scheduled Delegations:
 - A. Minor Subdivisions:
 - B. Major Subdivision Preliminary Design Plan for Bayview Estates at about 7600 S. 500 W. south of Willard, east of U.S. Highway 89
 - C. Major Subdivision Final Plan Approval for Fairbanks Subdivision in South Willard
 - D. Bothwell RR-5 modified district zoning change (Ad-hoc committee recommendation)
 - E. Different Subdivision requirements for minor versus major subdivisions
 - F. Grouse Creek community planning efforts
5. Old Business:
 - A.
 - B.

Recommended Changes to

CHAPTER 19

**RURAL RESIDENTIAL DISTRICT RR-5
(MODIFIED)**

Ad Hoc Planning Committee

Dave Sagers Co-Chairman
Curtis Shuman Co-Chairman
Stan Summers
Theron Eberhard
Jim Bingham
Richard Nicholas

Curtis Shuman

Stan Summers

James Bingham

Dave Sagers

Richard Nicholas

Theron Eberhard

Notes

Paragraph & line numbering has been changed per County planner Jim Marwedel to correct numbering errors.

2. All committee recommended changes are in red or underlined.

All county planner recommendations are in blue or embossed. Concurrence by committee footnoted.

~~Strikeout~~ means recommended deletion from original document

Typo corrections to original document are highlighted in yellow or shadowed

CHAPTER 19

RURAL RESIDENTIAL DISTRICT RR-5 (MODIFIED)

19.1. PURPOSE

19.1.1 **RURAL RESIDENTIAL DISTRICT RR-5 (MODIFIED).** The purposes of providing an **RR-5 (MODIFIED)** rural residential district are:

19.1.1.1 To promote and preserve in appropriate areas conditions favorable to large-lot family life

19.1.1.2 Maintaining a rural atmosphere

19.1.1.3 Encourage the continued use of prime farm land for agricultural purposes

19.1.1.4 The keeping of limited numbers of animals and fowl

19.1.1.5 Reduced requirements for public utilities, services and infrastructure

19.1.1.6 This district is intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

~~19.2~~ ~~CODES AND SYMBOLS~~

~~In following sections of this chapter, uses of land or buildings which are allowed in various districts are shown as "permitted uses," indicated by a "P" in the appropriate column, or as "conditional uses," indicated by a "C" in the appropriate column. If a use is not allowed~~

~~in a given district, it is not named.~~¹

19.2 USE REGULATIONS

No building, structure ~~of~~ or ² land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the multiple use, agricultural, or rural residential districts except as provided in this Code.

19.2.1 PERMITTED USES:

19.2.1.1 Accessory buildings and uses customarily incidental to permitted agricultural uses, provided,, however, that such accessory buildings are a minimum of ~~100~~ ³ 30 feet from the street on which the primary building fronts and ~~100~~ ⁴ 20 feet from any dwelling.

~~19.3.1.2 ———— except that any pen,, corral or pasture for the keeping of animals or fowl shall be located the minimum distance- of 150 feet from any public road or approved private road.~~⁵

~~19.3.1.3 ———— Accessory buildings and uses customarily incidental to permitted uses other than those listed above.~~

19.2.1.2 Agriculture, business or industry

19.2.1.3 Apiary

19.2.1.4 Farms devoted to raising and marketing chickens, turkeys or other fowl or poultry, fish or frogs including wholesale and retail sales.

19.2.1.5 Farm or ranch housing (including mobile homes).

19.2.1.6 Feed lots.

19.2.1.7 Temporary housing for family, aged, or ~~infirm~~ infirm.⁶

¹ Per County planner Jim Marwedel this paragraph does not apply and should be deleted.

² Typo error correction to original document.

³ Recommended by county planner. Committee concurs.

⁴ Recommended by county planner. Committee concurs.

⁵ Recommended by county planner. Committee concurs.

⁶ Typo error correction to original document.

- 19.2.1.8** Temporary buildings for uses incidental to construction work, including living quarters for guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work. Mobile homes for temporary living quarters and such other temporary uses found appropriate to the Planning Commission and approved by the County Commission.
- 19.2.1.9** Single family dwelling.
- 19.2.1.10** Family food production.
- 19.2.1.11** Household pets.

19.3 **CONDITIONAL USES**

- 19.3.1** Dude ranch,, family vacation range
- 19.3.2** Home occupation
- 19.3.3** Child day care and nursery
- 19.3.4** Kennel
- 19.3.5** Subdivisions and planned units developments
- 19.3.6** Land excavations

19.4 THE MINIMUM LOT AREA FOR ANY MAIN USE IS 5 ACRES EXCEPT AS PROVIDED BELOW.

19.4.1 A lot of less than 5 acres ("small lot") may be created through the process of sub-dividing provided a quantity of acreage is designated agricultural reserve. The agricultural reserve acreage when added to the small lot acreage must total at least 10 acres. One dwelling is permitted on the small lot and one dwelling is permitted on the agricultural reserve.

19.4.2 Parcels of land larger than 5 acres but smaller than 10 acres (and not designated as "agricultural reserve") may be subdivided to create a small lot provided the remaining acreage from the original parcel is designated agricultural reserve. One dwelling is permitted on the small lot. No dwelling is permitted on the agricultural reserve.

19.4.3 A single process of subdividing may result in one and only one small lot (but an unlimited number of lots of 5 or more acres may be created through a single subdividing process).

19.4.4 After sub-division, ownership of the small lot and the agricultural reserve may be by the same person or by two different persons.

19.4.5 The small lot:

1. Must include the complete dwelling septic system and the septic drain field must be set back 10 feet from any new boundary.
2. Frontage, boundaries and building setbacks must comply with Sections 19.5, 19.6, 19.7, 19.8 where new boundaries are being created.
3. Siting must leave adequate accessibility of at least 33 feet width to the agricultural reserve and the agricultural land to which it belonged.
4. Owner is required to provide access for maintenance and use of existing irrigation ditches, canals, access roads, etc. which are on or border the small lot and which are necessary for operation of the agricultural reserve and the remaining agricultural land to which the small lot belonged.
5. Is subject to all other applicable County dwelling lot requirements.

19.4.6 The agricultural reserve acreage:

1. Shall remain agricultural reserve acreage regardless of ownership.
2. May only be used for agricultural purposes.
3. Must be contiguous with the small lot.
4. Shall be a single entire parcel which may not be sub-divided, become a fraction of or added to another dwelling lot, agricultural reserve or parcel of land.
5. May not have a minimum width less than the small lot.
6. Will be mapped and the provisions listed herein enforced by the County zoning administrator.

19.5 ~~THE MINIMUM WIDTH FOR ANY LOT, EXCEPT AS MODIFIED BY PLANNED UNIT DEVELOPMENTS, SHALL BE 250 FEET.~~

DWELLING FRONTAGE

Where dwelling frontage is on a public roadway the following lot widths apply:

<u>Lot Size (acres)</u>	<u>Minimum Width</u>
Less than 1	100
1 to 5	150
5 or more	250

19.6 THE MINIMUM DEPTH FOR THE FRONT YARD FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS SHALL BE 30 FEET.

19.6.1 Where the existing minimum right-of-way on which the lot front is less than 66 feet, the setback shall be measured from the center line and ~~in feet~~⁷ shall be no less than 63 feet.

19.6.2 Where the proposed minimum right-of-way is more than 66 feet, the set back shall be 1/2 proposed right of way plus 30 feet.

19.6.3 Accessory buildings may have the same minimum front yard depth as the main buildings if they have the same side yard required for main buildings; otherwise they shall be set 8 feet behind the rear of the main building.

⁷ Typo error correction to original document

19.7 THE MINIMUM REAR SETBACK SHALL BE ~~50 FEET~~ 10 FEET FOR ANY STRUCTURE.

~~19.7.1, And accessory buildings, shall be 10 feet.~~

19.8 THE MINIMUM SIDE YARD FOR ANY MAIN BUILDING SHALL BE 20 FEET.

19.8.1 And accessory buildings, except as may be reduced by conditional use permit, shall be 10 feet

19.9 THE MAXIMUM HEIGHT FOR ALL BUILDINGS AND STRUCTURES IN * SHALL BE 35 FEET OR 2-1/2 STORIES.

19.10 THE MAXIMUM COVERAGE FOR ANY LOT SHALL BE 10 FEET %⁹

19.11 IMPROVEMENTS REQUIRED TO BE COMPLETED OR IN PROGRESS BEFORE A BUILDING PERMIT MAY BE ISSUED. (Improvements are to be in compliance with the standards adopted by Box Elder County. Improvements prefaced with an asterisk (*) are applicable only to subdivisions or planned unit developments.).

19.11.1	Street Grading
19.11.2	Street Base
*19.11.3	Street Paving
19.11.4	Surface Drainage Facilities
19.11.5	Wastewater Disposal Facilities
19.11.6	Culinary Water Facilities
19.11.7	Fire Fighting Facilities
*19.11.8	Street Name Signs
*19.11.9	Street Monuments
*19.11.10	Survey Monuments Boxes
19.11.11	Address Numbers

⁸ Typo error correction to original document.

⁹ Correction per county planner