MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
SEPTEMBER 20, 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 7:30 p.m. on **SEPTEMBER 20, 2001.**

The following members were present constituting a quorum:

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

The following Staff was present:

Garth Day	County Planner
Elizabeth Ryan-Jeppsen	Department Secretary
Sarah Geary	Student Intern from Weber State

The **regular session** was called to order by Chairman Kimber at 7:30 p.m.

APPROVAL OF MINUTES

The Minutes of the regular meeting held on August 23, 2001 were reviewed by the members present and a few word/spelling corrections were noted. A Motion was then made by Commissioner Norman and seconded by Commissioner Tea to approve the Minutes with corrections and submit to the Chairman for signature.

SUBDIVISIONS FOR APPROVAL

THE COWLEY ONE-LOT SUBDIVISION, LOCATED AT OR ABOUT 9490 NORTH 6800 WEST IN THE TREMONTON AREA.

This one lot subdivision consists of 2.51 acres in an unzoned area. The petitioner has established proof of all utilities, with water being supplied by the West Corinne Water Co. The petition is in accordance will the existing subdivision ordinances and zoning requirements. (*Cheryl Cowley* was present at the meeting).

MOTION: A motion was made by Commissioner Reese that the Cowley one-lot subdivision be granted **preliminary and final approval** and authorize the Chairman to sign. The motion was seconded by Commissioner Thompson and passed unanimously.

THE ROBERT NEIL JACOBSON TWO-LOT SUBDIVISION, LOCATED AT OR ABOUT 8401 NORTH 6000 WEST, WEST OF ELWOOD CITY.

This two lot subdivision consists of approximately 1.82 acres. Lot one is half an acre and lot two consists of 1.32 acres. The petitioner has established proof for utilities, with the exception of water service and gas, which must be provided prior to final approval by the County Commission. The petitioner is in accordance with the existing ordinances and zoning requirements. (*Robert and Dorthea Jacobson* were present at the meeting).

MOTION: A motion was made by Commissioner Reese that the Jacobson two-lot subdivision be granted **preliminary and final approval** (with the establishment for proof of water and gas service) and authorize the Chairman to sign. The motion was seconded by Commissioner Thompson and passed unanimously.

THE SOUTH CARR THREE-LOT SUBDIVISION, LOCATED JUST OUTSIDE THE MANTUA CITY BOUNDARY ON WILLARD PEAK ROAD.

Re-zone Request – MU 160 to P-Zone Public Hearing

Present for Public Hearing: *Bruce Carr, 1660 South Willard Peak Rd; Mantua, UT*
Shaun & Lynette Carr
Scott Butler, 1105 Meadow, Mantua, UT
Dennis & Catherine Spiers; 1223 E 300 N, Ogden, UT

Public Hearing for re-zone from MU 160 to P-zone. Mr. Day covered the present zoning on the property, and the proposed re-zoning of the property. The P-zone would become the building zone,

and where something violates the P-zone, the zone then becomes void. The petition is requesting a three-lot subdivision on the property. One lot would be designated as agricultural/recreational purposes only. **Lot one** is a building lot with frontage on Willard Peak road; **lot three** (which already has a home located on it) is a restricted lot, because there is no frontage or access to the lot other than by the private road/lane; **lot two** has no access and would be restricted to agricultural and recreational purposes only and prohibited from residential development. The State of Utah has indicated that the existing water well would be able to accommodate the residences. A letter has been received from the Heath Department stating that a septic tank may be put on lot one. However, this property lies within the Brigham City source protection 3 protection area, which does not allow septic tanks within source protection 3, 4, or 5 protection areas. Since this property is within the unincorporated part of the County and is under its ordinances, a septic tank is allowed in a source protection 3 area under the guidelines of the County and the State, as recognized by Planning Office and Health Department. It was recommended that the 33 foot right-of -way (road/lane) be extended to 50 feet, with a turn-around placed at the end, and that Willard Peak Road in front of the subdivision be dedicated as a county road (Commissioner Norman noted that this road is already being maintained by the County). Zoning considerations:

The general Planning Commission considerations were:

- maintain orderly residential, commercial, industrial, recreational growth and development.
- a definite edge should be established between the different types of uses to protect integrity.
- zoning should reflect the existing use of the property to the largest extent possible unless in transition.
- whenever possible, property facing each other from across a local street should be same or similar zoning.
- zoning boundaries should not cut across individual lots or developments, and illogical boundaries should be redrawn to follow property or established geographical lines.
- primary frontage and land use should be considered when establishing zoning boundaries for corner lots.
- any non-residential zone adjacent to or abutting a residential zone should be a planned zoning to minimize impacts on residential areas.
- the Planning Commission may consider the use of multiple family or professional office zoning as a buffer to commercial or transitioning.
- the zoning changes should reflect, as much as possible, the current use of the land, should not create a problem, and that services are available to handle any proposed development(s).

Scott Butler- asked to attend this public hearing by the Mantua Town Council; raised comment that Town Council concern is that there a moratorium on septic tanks within Mantua, but this particular subdivision is right outside the town limits. Also have concerns about water availability to new subdivision. When asked by a member of the Commission if the well on this property would have an impact on Mantua, he stated that there was no evidence that water source would affect Mantua water.

Dennis Spiers - voiced concern regarding any (present or future) livestock on this property and the effect it would have on water; also that the (existing) well would be able to supply the needs of residences of this subdivision. In addition, he asked who would be responsible for any emergency services to these lots?

Shawn Carr (Petitioner) - has applied for water rights from the existing well; the State of Utah has done a survey/investigation, and the state engineer believes that the applicant is entitled to use of water and can complete the proposed development. Water rights were a concern when he applied for the water and that this well would interfere with Brigham City wells because of the proximity to Mantua's wells. However, it was found to be a sufficient distance from surrounding wells. A document from the Division of Water Rights, State of Utah, reference # 29-2411, is contained in file.

Clarification was made by the Commissioners regarding items that were addressed by those present concerning the Carr Subdivision.

- The road is dedicated to the County for maintenance purposes (Willard Peak Road). Land owner owns to the middle of the road.
- Impact of future livestock being moved in, and future of aquifer and availability of water through wells for agriculture and people require documentation of all services before anything is allowed to go in on Lot Two.
- County would be responsible for emergency services, however Mantua responds first (because of location); the County would reimburse Mantua for expenses/services, and the County is then reimbursed by home owner.

MOTION: A motion was made by **Commissioner Norman** that the Public Hearing for the Bruce Carr Three-Lot Subdivision be brought to a close (at 7:57 p.m.); seconded by **Commissioner Reese** and passed unanimously.

With some further discussion of the Planning Commission members, the following motion was made.

MOTION: A motion was made by **Commissioner Thompson** that the Bruce Carr Three-Lot Subdivision be granted preliminary approval and submit to the County Commission for the holding of a public hearing and to grant approval of the P-zone. The motion was seconded by **Commissioner Reese** and unanimously passed.

THE HIGH COUNTRY ESTATES PHASE ONE SUBDIVISION, CONSISTING OF ELEVEN LOTS, LOCATED AT OR ABOUT 400 WEST ALONG WILLOW CREEK DRIVE.

Suzette Hernandez, 16090 No. Beaver Dam Rd., Beaver Dam, UT
J. Alton Veibell, 14815 No. 400 W., Beaver Dam, UT
Grethe Veibell, 14815 No. 400 W., Beaver Dam, UT
Holly Veibell, 228 N 600 E., Logan, UT
Craig Veibell, 114085 No. 400 W.. Beaver Dam, UT

Zoned MU-40 with a P-zone overlay. Issues: Moratorium from Health Department for water source protection. Delineation is completed, but plan has not been approved. Septic tank in zone two, and State can not approve it, is working through the issue. The subdivision is on track for approval, other than the moratorium. The petitioner has received proof of all utilities. Subdivision will be served by individual septic tanks. A document from the State Health Department regarding the moratorium was read. Feasibility from State comes in letter after the perk test is completed. The water for the subdivision will be supplied by the Willow Creek Water Company (the property of Mr. Alton Veibell); gas will be propane from Archibald Propane; electricity from Utah Power, and telephone from Citizen Communications. A portion of the access to this subdivision is located in Cache County, and still awaiting the letter of approval from them. The road into the subdivision is a private access road and will be maintained by the residents of the subdivision community. The subdivision is in accordance with zoning and subdivision requirements for County, and received preliminary approval from Planning Commission approximately two years ago (has been held up with legal proceedings since that time). Ordinance 232 was in place for this P-zone and has since been amended to better reflect the usage, but had not been placed in effect because of the delineation, which has since been removed. The individual septic tank will have to be approved with individual perk tests by the Health Department; this approval, too, has been placed on hold for over a year due to the court proceedings. The source protection for the well (owned by Mr. Veibell) is a determination to be made by the Health Department, which has been submitted and approved by them.

MOTION: A motion was made by **Commissioner Thompson** to recognize the preliminary approval of the High Country Estates, Phase One Subdivision.
A motion was made by **Commissioner Norman** to grant final approval to the High County Estates, Phase One Subdivision and submit to the Chair for signature. The motion was seconded by **Commissioner Eberhard** and passed unanimously.

DIVERSE DESIGNS II, INC., RE-ZONE, LOCATED AT OR ABOUT 8118 SOUTH HWY 89 IN THE SOUTH WILLARD AREA.

Blake Hoppie & Jill Hoppie; 783 E 650 S, Ogden
Ron Conger; 8170 S HWY 89, Willard
Richard Day; 815 W 7800 S, Willard

Petition for re-zone, currently zoned R-120, and would like to be re-zoned for commercial use. An old existing business is on property. It was recommended by the Staff to extend the zone all the way to road; approximately one and one half acres. This was previously used as commercial site but was legally nonconforming and no longer exists. Petitioners had applied for a business license to locate business at site which was very similar to the business that operated there a number of years ago. Since this is a commercial undertaking, being located in a recently re-zoned residential area (R1-20), it was found to be nonconforming. Other options available would be to locate the desired business elsewhere or petition for a re-zone of the property. Questions asked of the

petitioner by the Planning Commission members included: traffic impact, number of employees, noise level, and proposed use, some site plan revisions may be necessary. Options for commissioners are 1) to hold a public hearing 2) deny the petition, 3) recommend approval to the County Commission with or without conditions. **Negative** impacts: this is a small piece of property being re-zoned from residential to commercial. **Positive** impacts: would put the buildings to use, instead of having them remain vacant. Past uses: bending tubes for aircraft, hand railing, for aerospace industry, which is what the petitioner is proposing to do also. No manufacturing will be done on the lot, just bending and welding pieces together. The current buildings on the lot would be maintained; they have been vacant for the past year or so. One of the buildings was used as residential housing with the remaining as large sheds/garages (but are actually too large to be used as such over the long term). There are three other residences within five to seven hundred feet of site. Noise will be minimal, less noisy than machine shop. Part of property site will be used as a rental property, located approximately twenty feet from commercial buildings. It was suggested that perhaps some of the Planning Commission member should take a field trip to the site for further evaluation.

MOTION: A motion was made by **Commissioner Tea** to recommend that the County Commission holding a public hearing in regards to Diverse Designs II, Inc. petition to re-zone this property (with his recommendation being that the petition be denied for the re-zone, since this area was recently re-zoned to R1-20). This motion was seconded by **Commissioner Thompson** and passed unanimously.

CLUSTER HOUSING PROPOSAL/GUIDELINES

This was **not** a public hearing, but several concerned citizens from the area were present at this meeting as they felt it would be effecting them sometime in the future. Those present included:

Vella Yates; 3880 N HWY 38, Brigham City
Max Baty; 4146 N HWY 38, Brigham City
Arland DuVall 3660 N HWY 38, Brigham City
Glade & JoAnn Evans; 2960 N HWY 38, Brigham City
Daniel O. & Sandra Holdaway; 3830 N HWY 38, Brigham
Wade H. Hyde; 4000 N HWY 38, Brigham City
Jerry & Kay Wilde; 3102 N HWY 38, Brigham City
D. R. & Elaine LeDuc; 3380 N HWY 38, Brigham City
Grant & Mary Christiansen; 1555 N 170 E, Brigham City
Brent Reeder; 1815 N HWY l38, Brigham City
Kent Yates; 5220 N HWY 38, Brigham City
Bill & Sherel Cannon; 4075 N HWY 38, Brigham City
Clark & Mechelle Coleman; 3500 N HWY 38, Brigham
David Yates; 3880 N HWY 38, Brigham City
Tom Walker, 3820 N HWY 38, Brigham City
Leland Yates; 3900 N HWY 38, Brigham City

Mr. Day stated to the Commissioners the interest throughout the State and various planning communities regarding the Governor's Envision Utah Plan. The State has made a push to encourage communities to look at a different type of development – smart growth – to preserve so of the unique features in the different areas. Agricultural spaces, open spaces, even wetlands, hillsides, park spaces, things that are quality of life issues. One of the way to do this is through what is called a Planned Residential Unit Development (**PRUD**) or cluster housing. The goal of cluster housing is to group the houses closer together; smaller lot sizes being easier to maintain and opening up

larger spaces of open space; the landowners would still get the same rate of return.
Currently the subdivision ordinances in the state/county are (i.e.):

* one half acre lot, developer will do what is needed to make the lot fit that size
* density is two units per acre (with no minimum lot size), then the developer has more flexibility.
* usually try to do cluster housing in larger areas, such as one hundred acres. In such a case, if fifty houses can be placed on fifty of the acres, that would then leave the other fifty acres to be designated as one of the afore-mentioned "spaces" (recreational; agricultural, or sensitive area).
* it is not a good idea to cluster housing and then have the zoning change and end up with more units than originally planned for.

Mr. Day went on to explain to the Commissioners that a recent plan for cluster (type) housing project was submitted to the planning office, but was not adequate. The plan was denied and returned to the developer for more complete planning/drawing/roads. One of the first thing that needs to be done is to make sure that the services would be available for a cluster subdivision. It is the responsibility of the Planning Commission to come up with some guidelines for cluster housing in the future, as more of this type of development will [probably] be coming to the Commission. **Commissioner Eberhard** asked if these PRUDs or cluster type housing developments would usually be within a zoned area or would it be its own zoned area. Mr. Day answered 'No', it would not be its own zoned area. Therefore, a regular subdivision could be accomplished, or the same area could be developed more creatively with cluster housing. Has not yet been tried in this county. In other parts of state there have been some that have been successful and some that have not. South Ogden City has a failed PRUD, because the homeowners decided to dis-incorporate, leaving the City with the responsibility of the road in the subdivision which were poorly constructed to begin with. Therefore, Mr. Day felt that all roads in a PRUD should be built to the specification of the County from the beginning. There continued to be discussion regarding this issue of cluster housing with some of the highlights being:

- wetlands are already protected, so should they really be considered as part of the property that can be developed?
- how to keep protected areas protected into the future, say twenty years or more.
- part of the goal when doing a PRUD should be to keep the density level the same as it would be if done with the zoning for that area.
- in the unincorporated parts of the County the size of the lot is restricted because of having no sewer system; therefore lots must be a half acre minimum and in some case may need to be even larger. This is even the case in un-zoned areas of the County – half acre lots are the minimum.
- don't want to let the cluster zone become a loop-hole for a developer, thus the open area has to be maintained as such for the future, but also be flexible.

Some of the concerns of the local citizens concerning the cluster housing issue included:

- ⇛ water and sewer available for the area, whether zoned half acre or five acre minimum, causing over saturation for the area and sinkage problems.
- ⇛ water table which would cause flooding of basements, even in dry years.
- ⇛ if people want services available, then why not move into a city that has those services already available to them.
- ⇛ complaints of new residents about the rural 'smells' that at first they may not have thought would have been a bother to them.
- ⇛ more homes being constructed are effecting the springs that are on some of the existing home lots. Unable to get good water sample and now used for irrigation.
- ⇛ who owns the property that is left open in these cluster housing areas; who has decision making rights for this property?
- ⇛ it would seem that cluster housing would take place in areas that are already higher density, trying to maintain the rural and open space. Unfortunately, many of these high density areas, i.e., Weber, Davis and other such counties, were also very rural at one time in the not too distant past.
- ⇛ fire hydrants and emergency services available
- ⇛ consider the topography of the land; no development is allowed on slopes greater than 15%.
- ⇛ difficult to maintain a park since the County does not have a parks & recreation system.

Commissioner Kimber suggested that the members of the Planning Commission look over the proposed guidelines that Mr. Day had included within the packets for this meeting and decide what they would like to see on the final guidelines that will govern PRUDs/cluster housing. Whether or not a public hearing would be held before the final guidelines were adopted is at the discretion of the Planning Commission/County Commission.

A motion was made by **Commissioner Reese** to adjourn the meeting at 9:34 p.m. and passed unanimously.

Passed and adopted in regular session this 18th day of October, 2001.

Richard Kimber
Box Elder County
Planning Commission, Chair