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**MINUTES**  
**BOX ELDER COUNTY PLANNING COMMISSION**  
**OCTOBER 18, 2001**

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The Board of Planning Commissioners of Box Elder County, Utah met at their regularly scheduled meeting, at the County Courthouse, 01 South Main Street in Brigham City, Utah at 7:00 p.m. on **OCTOBER 18, 2001.**

The following members were present constituting a quorum:

Richard Kimber	Chairman
Commissioner Steve Holmgren	(for Com. Royal Norman)
Stan Reese	Member
David Tea	Member
Theron Eberhard	Member
Deanne Halling	Excused
Jon Thompson	Excused

The following Staff was present:

Garth Day	County Planner
Elizabeth Ryan-Jeppsen	Department Secretary

The **regular session** was called to order by **Chairman Kimber** at 7:03 p.m.

**APPROVAL OF MINUTES**

The Minutes of the regular meeting held on September 20, 2001 were reviewed by the members present and **Commissioner Tea** asked that the bulleted items on page 4 of 8 be clarified at which time the Minutes would stand as written. A Motion was then made by **Commissioner Tea** and seconded by **Commissioner Reese** to approve the Minutes and submit to the Chairman for signature.

The Subdivision Amendment for The Farms at South Willard Subdivision was taken off of the agenda as it was not ready to be presented at this time.

## SUBDIVISIONS FOR APPROVAL

### THE HEBER M. BUTLER TWO-LOT SUBDIVISION, LOCATED AT OR ABOUT 5920 WEST 13600 NORTH, NORTH OF GARLAND

This two-lot subdivision is located in an un-zoned area and each lot consists of .689 acres. Mr. Butler currently resides on lot one (since 1973), with his son petitioning for the division of lot two to build a house on that property in the future. This particular parcel of land has had three additional minor subdivisions since 1980, and the purpose of this subdivision is to separate Mr. Butler's property and home from lot two and the remaining agricultural farmland. All utilities are available to Mr. Butler's property, and also to the lot two property; however they are not connected at this time.

**MOTION:** A motion was made by **Commissioner Reese** that the Heber Butler Two-Lot Subdivision be granted **preliminary and final approval** and authorize the Chairman to sign. The motion was seconded by **Commissioner Tea** and passed unanimously.

### THE POTTER (JACOB KAAE) ONE-LOT SUBDIVISION, LOCATED AT OR ABOUT 17295 NORTH 5200 WEST IN THE RIVERSIDE AREA.

This property is currently in an unzoned area and consists of one acre. The petitioner has established proof of all utilities with the water service being through the Riverside/North Garland Water Company. As this petition is in accordance with the existing subdivision ordinances and Zoning Requirements, the Planning Staff recommended granting Preliminary and Final approval. *(Jacob Kaae and his wife were present at the meeting).*

**MOTION:** A motion was made by **Commissioner Reese** that the Potter One-Lot subdivision be granted **preliminary and final approval** and authorize the Chairman to sign. The motion was seconded by **Commissioner Tea** and passed unanimously.

### THE BARNES TWO-LOT SUBDIVISION (INCLUDING A FLAG LOT), LOCATED AT OR ABOUT 6950 SOUTH ON HWY 89 IN THE SOUTH WILLARD AREA.

This two-lot subdivision is currently in an area zoned R-1-20, and each lot meets the minimum size of 20,000 sq. ft. (or approximately one half acre). Lot one is just over a half acre and lot two, the flag lot, has 1.1 acre (including the stem), or .8 acre for building purposes. Since this petition contains a flag lot, it is subject to the review of the Ordinance governing flag lots within Box Elder County. The initial proposal for these two lots showed that lot two (the flag lot) did not meet the maximum stem requirements of 250 feet (it was in excess of 300 feet). It has since been redrawn to meet the requirements set forth. There will be a deceleration lane (as per UDOT) from HWY 89



only five homes under the half acre minimum rule, then there would be much more than 20% left over for open green space. Mr. Day pointed out that the open space had to be designed and NOT just the left over space between buildings; even with clustering there will be lots for the homes and yards. Mr. Day further pointed out that they would want to remain flexible, but for zoning purposes would use 20,000 square feet. The density from the zone would not change according to Mr. Day. Also cluster housing should not be a loophole around zoning. Mr. Day went on to further state that one of the reasons for cluster housing in a rural area is to preserve some productive land, which would not be the case in urban clustering. This would be a way to preserve farmland and orchards in the county. **Commissioner Tea** felt that it would not be a good idea to have the leftover land non-productive land because then clustering has done nothing toward preserving farm/orchard possibilities. To help with this concern, Mr. Day felt that two items should be added to the guidelines for PRUD/cluster housing; 1) restrict the overall development to a minimum size, i.e. a cluster development would not be allowed unless there was a minimum of twenty acres. 2) Also put a maximum amount so that someone would not be able to put a cluster on a piece of property that would contain 6,000 acres of open green space.

**Commissioner Kimber** also thought that it would not be in the best interest of clustering if the density of the houses were placed at a distance that would not be beneficial to the infrastructure of the project. Therefore, making the open space as productive as possible and not split it up. The Commissioners further discussed the guidelines that they would want to see set forth in PRUD/cluster housing projects and the following are some of the results:

- Creating a traditional PRUD, to preserve some traditional open space, productive open land. Minimum size in overall development, for size and zoning.
- Look at model ordinances from other counties.
- Utilize the wetlands; possibility of mitigation before being used as open space. Also, what could be possible use for land in the future if rules/ordinances change? What are the open space/green space availability and ordinances?
- There are very few cluster housing developments done in Utah that have worked. Cluster housing is used more in the east; started in New England. Need to compare failed and successful cluster housing projects. Cluster housing is more of an urban than a rural issue.
- Preserving the farmer, preserving a nature atmosphere, and who is attracted to the atmosphere. Farmers need to be able to make their living, and maintain the land.
- Who takes care of the common space? Are there any loopholes that may exist?
- Cluster housing is likely to work or not depending on willingness of people. Need to work on required lot sizes while maintaining the density. Should look at setting minimum sizes, but also create maximum sizes.
- Commission needs to consider guidelines more closely and fine tune the ordinance before passing anything final.
- Set up the possibility of field trips to existing PRUDs. A bad example can sometimes be as good as looking at a good example.
- Also need to consider the septic tank density within the County. Is now set at one half acre per septic tank.

When **Commissioner Holmgren** asked Mr. Day if he thought the possibility of cluster housing was going to happen in Box Elder County on a large scale, his response was that the Governor's office is pushing for this type of development through The Envision Utah Project. Cluster housing may work in some areas and not in others. Other options may need to be considered, but having one and five acre lots is not really the answer as a lot of times the larger lots result in weeds because large lots are difficult to maintain for an individual family. Need to be able to get the lot sizes down while maintaining the density levels; rather than zone with a minimum lot size it might be better to have a maximum lot size restriction so that the lot can be maintained satisfactorily. **Commissioner Kimber** felt that the Planning Commission members needed to take their time in evaluating just what it is that would be included in the cluster housing provisions. Mr. Day will continue to work on this project.



## **ZONING**

Mr. Day explained that one of the goals of the Community Development Office (Planning) is to be able to prepare for economic development and at the same time supervise growth. It is not the intent of the Planning Commission to implement zoning just for the sake of zoning; want to be able to plan with the various areas, where and why zoning is done in the manner it is. For this reason Mr. Day had invited *Ms. Patricia Comarell* to attend the Planning Commission meeting and talk with the Commissioners about zoning within the County. As one of the goals of the Planning Office is to help establish zoning regulations in parts of the County that are currently un-zoned, *Ms. Comarell* was brought in as she has helped in other parts of the state, i.e. has served as Executive Director for the Ogden City Counsel, City Planner in Ogden City, Sandy and some parts of Davis County in similar zoning situations.

There are two areas that *Ms. Comarell* may help the Commissioners in dealing with zoning issues.

1. Ask questions to determine what it is that the Planning Commission wishes to accomplish with the zoning.
2. Help with the controversy that will arise over the zoning issues

### **Goals for Zoning**

1. How to deal with controversies concerning zoning? Usually two values present.
  - a. need to find the balance between those values; have some control of the quality, but not too much regulation. Residents are usually afraid that government will take away too many of their rights, but when a bad (zoning) scenario happens, they want something done about it (by Planning Commissioners).
  - b. individual feels that it is their right to do what they want with their land, but it is also the responsibility of the Commission to protect the safety and welfare of its citizens.



the intention to eventually build a house on the second lot once the Health Department had given their approval. Because the note from the Health Department is located within the subdivision (and not outside the area) on the plat map, it requires a motion from the Planning Commission to be removed. Mr. Day stated that an affidavit could be filed that would essentially be the same as changing an address.

**MOTION:** A motion was made by **Commissioner Eberhard** that a recommendation be made to the County Commission to authorize the Health Department to remove the “ag use only” note from lot two of the Stokes West Subdivision. The motion was seconded by **Commissioner Tea** and passed unanimously.

### **JOE STOKES SUBDIVISION**

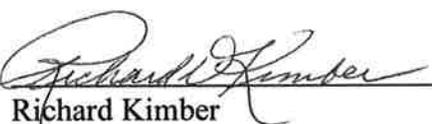
This proposal was to amend a minor subdivision by adding an additional parcel. By adding parcel number seven it would also change the depth of the other existing six lots. Each parcel would increase by one hundred feet in depth and create parcel seven. At present, the lots are just over a half acre each and 130 feet deep. Adding this additional parcel would change them to eight tenths of an acre and 230 feet deep. There is also a sixty-six future road included in the subdivision. Mr. Day told the Commissioners that there were two options to handle this change. 1) Lot seven could be broken off and handled as a one lot subdivision in an of itself; or 2) could be handled with a subdivision amendment to the minor subdivision which was originally approved. **Commissioner Kimber** suggested that it could be amended and make the entire subdivision a new subdivision including all of the existing six lots with the seventh added (seven lot subdivision). This would eliminate the minor subdivision classification. It would then come back to the Planning Commission as a new subdivision for approval. **Commissioner Eberhard** asked if the approval for the “full blown” subdivision could not be granted at this time by the Planning Commission, thus eliminating the petitioner having to return to the Planning Commission in another month or so. Mr. Day said that it would be up to the Commissioners to make that recommendation and he would get the necessary changes made for a Mylar.

**MOTION:** A motion was made by **Commissioner Eberhard** that the amendment to the Joe Stokes Minor Subdivision be changed to a “full blown” subdivision with seven lots and to grant **preliminary and final approval**. The subdivision would be subject to all requirements of the County regarding subdivisions. The motion was seconded by **Commissioner Reese** and passed unanimously.

At the conclusion of the meeting, Mr. Day told the Commissioners about the Land Use Law class to be held Tuesday, December 4<sup>th</sup> in Brigham City and suggested it would be beneficial for all that could arrange their schedules to attend. **Commissioner Holmgren** stated that he had attended the class previously, which deals with private property rights, and it was very worthwhile. The class itself is free, however there are materials available for purchase at a cost of twenty dollars and Mr. Day would get those for any that were interested.

A motion was made by **Commissioner Reese** to adjourn the meeting at 8:58 p.m., seconded by **Commissioner Eberhard**, and passed unanimously.

Passed and adopted in regular session this 29th day of November, 2001.



Richard Kimber  
Box Elder County  
Planning Commission, Chair