

# MINUTES

## BOX ELDER COUNTY

### PLANNING COMMISSION

#### DECEMBER 18, 2004

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The Board of Planning Commissioners of Box Elder County, Utah met in the County Commission Chambers at 7:00 p.m. The following members were present constituting a quorum:

Richard Kimber	Chairman	<i>The following Staff was present:</i>	
Richard Day	Member		
Clark Davis	Member	Garth Day	County Planner
Ann Holmgren	Member	Elizabeth Ryan-Jeppsen	Dept Secretary
Jon Thompson	Member		
David Tea	Member	Amy Hugie	County Attorney
Theron Eberhard	Excused		

Chairman Richard Kimber called the session to order at 7:00 p.m.

The *Minutes* of the regular meeting held on October 21, 2004 were made available to the Planning Commissioners prior to their meeting (December 18, 2004) for review. Chairman Richard Kimber asked for a Motion as to whether or not the *Minutes* of October 21, 2004 should be accepted as written. A few words that needed to be corrected were pointed out by the Commissioners and Commissioners Thompson then made the motion to accept the Minutes as written (with noted corrections made) and submit to Chairman Richard Kimber for his signature. The motion was seconded by Commissioner David Tea and passed unanimously.

**Citizen Present for the Planning Commission Meeting**

Kyle Hamblin	467 North 4000 West, West Point
Ben U. Smith	2020 South Willard Peak Rd, Mantua
Johnny Hulse	560 West 7615 South, Willard
Donnie Tarver	816 Meadowland, Brigham City
Karen Smith	2020 South Willard Peak Rd, Mantua
Darlene Caldwell	741 Park Drive, Mantua
Larry Caldwell	741 Park Drive, Mantua
Gary Andersen	65 South 100 West, Hyde Park
Georgia Sullivan	1881 East 3780 South, Salt Lake City
Dave Hawkes	7920 South Hwy 89, Willard

**SUBDIVISIONS FOR APPROVAL**

**CONSENT AGENDA ITEMS -- NONE**

## NEW BUSINESS

### RE-ZONE APPLICATION FOR THE BEN U. SMITH PROPERTY LOCATED AT 2020 SOUTH WILLARD PEAK ROAD, SOUTHEAST OF MANTUA

Mr. Garth Day presented the application for the re-zone of the Ben U. Smith property in the Mantua area stating that this property is located just outside the Mantua City boundary on Willard Peak Road. The Bruce Carr subdivision is located in the same vicinity and a P-Zone was approved approximately two years ago. The Smith property is currently zoned MU-160 and contains approximately 160 total acres; the two parcels are contiguous and is also contiguous with the Bruce Carr P-Zone property. This petition is before the Planning Commission to determine whether or not they want to set a Public Hearing for this property. Mantua zoning in this area is RR-5 and it is recommended that this property also follow those guidelines and be re-zoned as RR-5. Many of these 160 acres are on the mountainside and could probably not be developed in the future; only about twenty of the acres are usable land. (The property owners have not petitioned Mantua at this time for annexation.) The surrounding County property is zoned as MU-160. The petitioners have approach Mantua City with their intentions of having this property re-zoned through the County process.

**MOTION:** A Motion was made by **Commissioner Jon Thompson** for the Planning Commission to set a Public Hearing for their next regularly scheduled meeting on January 20, 2005 at 7:00 p.m. The motion was seconded by **Commissioner David Tea** and passed unanimously.

### GARY ANDERSEN 4-PLEX SITE PLAN REVIEW, LOCATED AT OR ABOUT 15210 NORTH 5400 WEST IN THE RIVERSIDE AREA.

This property is currently un-zoned and consists of 2.07 acres. It is in the vicinity of the Riverside Corner Gas Station/Convenience Store. The petition is to construct three fourplexes on the remainder of the land owned by Gary Andersen. The petitioner has established proof of all utilities, with water being provided by the Riverside/North Garland Water Service District. The Bear River Health Department has also given their approval for the septic systems. This application is within the permitted use since there is no zoning in effect at this time for the area. Staff made the following recommendations regarding the petition.

- All access from State Highway must be approved by UDOT.
- Approval from the Bear River Health Department for the septic systems.
- The relocation of the detention basin and designed for a 100-year storm.
- A landscaping plan should be submitted.
- The utility and grading plan should be submitted.
- Adequate buffering from the adjacent landowners and uses needs to be addressed.

Staff reported that there could be some opposition from the local and adjacent landowners similar to that received when the Convenience Store was being purposed. Mr. Andersen stated that he would follow whatever guidelines and requirements were required by UDOT regarding the access to the fourplexes. Buffering from the fourplexes and the adjacent landowners was also discussed between the petitioner and the Planning Commissioners. Mr. Andersen said that he would be agreeable (for a joint venture) to any buffering if it was a condition required for the approval of the petition. [The other recommendations made by Staff, i.e. approval from the BRHD, the relocation of the detention basin and the design for a 100-year storm, the landscaping plan, and the utility and grading plan had been met prior to this meeting and verification is in the petitioner's file.] This type of petition does not have to go any further for approval beyond the Planning Commission; the next step in the process would be for the petitioner to obtain the building permit.

**MOTION:** A Motion was made by **Commissioner David Tea** for the Planning Commission to approve the site plan review application for the Gary Andersen 4-Plex with the contingencies of obtaining final approval from UDOT and the installation of (a minimum) of a six foot chain link fence on the south property line. The motion was seconded by **Commissioner Jon Thompson** and passed unanimously.

### **BOX ELDER COUNTY SURPLUS PROPERTY**

The disposal of surplus property policy requires that the Planning Commission make its review to determine if it is consistent with the objective of the General Plan of the County.

The Box Elder County Commission shall review the reports of the County Surveyor regarding potential surplus real property and make preliminary decisions regarding the same. If a preliminary decision is made to consider disposing of or leasing any property, the issue shall be submitted to the Box Elder County Planning Commission for this recommendation.

The disposition of real property shall conform with the Box Elder County General Plan and the Land Use Management and Development Code and all other County ordinances and standards.

The Planning Commission shall submit its recommendations within fifteen (15) days from the date the Planning Commission reviews the proposed disposition.

This piece of property consists of thirty-nine acres and is located on the south end of Bear River City. [The property was originally purchased by the County with the intent of building a transfer station.] The property is currently zoned RR-20 (half acre lots) and the County's General Plan does not identify any particular need in this area for a public facility or any other use at this time, and disposing of this surplus property does not appear to be in conflict with or inconsistent with the General Plan. It was recommended by Staff that the Planning Commission recommend disposal of this property. After some discussion, the Planning Commissioners decided not to make any recommendation at this time.

**MOTION:** A Motion was made by Commissioner Jon Thompson to **Table** the issue for the disposal of the surplus property for further study. The motion was seconded by Commissioner David Tea and passed unanimously. (This item will be rescheduled for the January 20, 2005 planning meeting.)

**DEER RIDGE SUBDIVISION, PHASE I, LOCATED IN THE SOUTH WILLARD AREA AT ABOUT 7900 SOUTH HIGHWAY 89.**

This subdivision was originally submitted in September and was accepted for conceptual review by the Planning Commission. Since that time the developer has made some changes and submitted them to the Planning Office. This ten lot subdivision is located in an area of the County that is currently zoned R-1-20. Access to this subdivision will be through the Twin Falls Subdivision at the request of UDOT. All construction drawings have been submitted and all documentation, short of the engineering review on the construction drawings, appeared to be in order at this time. The issues that were of concern to the Planning Commission at the September meeting have been dealt with, and the petitioner has verification for all utilities for the subdivision. The South Willard Water Company has also given their approval for this Phase I of the subdivision.

**MOTION:** A Motion was made by Commissioner Clark Davis to grant preliminary and final approval for the Deer Ridge Subdivision, Phase I. The Motion was seconded by Commissioner Richard Day and passed unanimously.

**WARD FAMILY RE-ZONE PETITION, 209 LOT SUBDIVISION LOCATED IN THE SOUTH WILLARD AREA WEST OF HIGHWAY 89.**

This petition was two-part in nature. The first being a conceptual review for the 209-lot subdivision; and the second for the re-zone request of the property for the subdivision. This property is currently zoned R-1-20 and the petitioner is requesting that it be re-zoned as R-1-10, or 10,000 square foot lots. As the petition generally appeared to be in accordance with the existing subdivision ordinances and zoning requirements, Staff made the following recommendations:

- ▶ Documentation from UDOT allowing access from US 89
- ▶ Documentation from the South Willard Water Company
- ▶ Documentation from the Willard Flood Control
- ▶ Access to a sewer system to allow for the smaller lots
- ▶ Documentation from utility companies providing the necessary services to the subdivision

In order for lots to be smaller than the 20,000 square foot minimum within the County there needs to be access to a sewer system. The developer is planning for a private sewer connection with the Central Weber Sewer District, with a connection available southwest of this proposed subdivision in Weber County. Staff mentioned that a feasibility study has been conducted regarding the location, alignment and engineering of building a trunk line to service this area; several of the larger landowners in the area have shown initial interest in the project. The preliminary study has been completed and has now moved on to the next round, which is for the design and alignment of the

line for connection with the Central Weber Sewer District. On the east side of Highway 89, across from this proposed subdivision, is property owned by White's Farm and also the Randy Marriott property whom have shown interest in developing their property also into smaller lots. Willard City has recently conducted their own sewer feasibility study and they are looking at having a trunk line connect to the Central Weber Sewer District also.

Staff stated that this subdivision is before the Planning Commission for **conceptual review** at this time, but it does not grant the developer **vested rights**, as there are several other conditions that need to be met before the petition would be considered for preliminary review and approval.

**Commissioner Clark Davis:** asked if the Planning Commission could reject this conceptual review at this time if they felt that the County was not far enough along in its own master plan; or wait until the review and completion of all the feasibility studies had been considered in order for the Planning Commission to have a more comprehensive and informed approach when considering these smaller lot subdivisions, rather than looking at each one of them individually.

Staff continued the discussion with the Planning Commissioners, stating that the South Willard Community Plan will be the next project that the County will be working on. There is a storm water plan that is near completion for the South Willard area. Staff also stated that with a development such as this, the residents would likely want some services available and parks for recreation. This starts to make the planning process look like that of planning a city and the County is not ready to take that position at this time. As the property is currently zoned as R-1-20, if the Commissioners didn't feel comfortable with the re-zone petition, Staff recommended rejecting the concept plan for the re-zone. However, in fairness to the developer something needs to be done, i.e. moving forward with at Community Plan such as was conducted in West Corinne and Bothwell. The Planning Commissioner discussed the matter among themselves for several more minutes before making the decision to reject this petition at this time.

**MOTION:** A Motion was made by **Commissioner Clark Davis** to not accept the petition for conceptual review for the Ward Family 209-Lot Subdivision. The motion was seconded by **Commissioner Jon Thompson** and passed unanimously.

As this petition was two-fold in nature, Staff recommended that rather than place a moratorium on development in this area, the Planning Commission could state that it would not consider any re-zone for this area, but it would consider subdivisions as long as those subdivisions met the current requirements of half-acre lots. The plan process for this area needs to begin soon after the first of the year with holding a town meeting and establishing a committee of citizens to serve on the committee. Re-zoning in this area will not just result in smaller lot sizes for homes, but there could also be some commercial zones as well. The petitioner asked if the Commission could give any sort of a time frame that would allow the developer to know when such a re-zone petition would be considered. **Commissioner Richard Day** stated that there are other issues besides that of a sewer, i.e. water, flood, etc. that would affect this entire area. **Commissioner Clark Davis** stated that the past community plan processes have taken somewhere between six and 12 months to complete. The developer stated that he was not looking for definite approval at this meeting, but rather whether or not it would be possible in the future. If not, then the development could possibly proceed with half-acre lots in order to begin the development of the property now. Staff stated that it would start on

getting the town meeting scheduled sometime in either January or February. The developer said that he would pull his petition for the re-zone of the property at this time.

## **PUBLIC COMMENTS -- NONE**

## **STAFF REPORTS**

Staff gave a report on the results of the Bothwell Pocket area. A Public Hearing was held by the County Commission and an ordinance adopted to rezone the area known as the Bothwell Pocket as RR-5 and the mountain/hill area west of the Pocket zoned as MU-40 (over to the Howell area west of Bothwell).

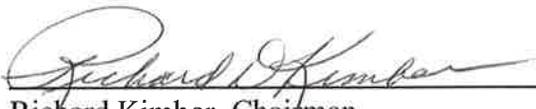
Staff also introduced Donnie Tarver, one of the County's building inspectors, who will be working closely with the Planning Office in the future.

**Commissioner Clark Davis** suggested that a council member from Willard City be invited to the Planning Commission meeting scheduled for January 20, 2005 to give a review and update on the Willard City Sewer Feasibility Plan; possibly Rod Mund.

A target date for the first meeting regarding the South Willard Plan (Town Meeting) was suggested for Thursday February 10, 2005.

A Motion was made by **Commissioner Ann Holmgren-Jensen** to adjourn the meeting at 8:34 p.m.

Passed and adopted in regular session this 20th day of January 2005.



Richard Kimber, Chairman  
Box Elder County  
Planning Commission