

MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
DECEMBER 20, 2001

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 **DECEMBER 20, 2001**.

The following members were present constituting a quorum:

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

The following Staff was present:

Garth Day	County Planner
Elizabeth Ryan-Jepps	Department Secretary

The **regular session** was called to order by **Chairman Kimber** at 7:00 p.m.

APPROVAL OF MINUTES

The Minutes of the regular meeting held on November 29, 2001 were reviewed by the members present and one minor clarification was noted on page 2 of 5 regarding the shed on the Wood Minor Subdivision. The correction was thus noted and **Commissioner Tea** made a motion that the Minutes be approved (with correction made) and submit to the Chairman for signature. The motion was seconded by **Commissioner Norman** and passed unanimously by the members.

SUBDIVISIONS FOR APPROVAL

Two items were on the Consent Agenda to be considered this month.

THE JASON UDY ONE-LOT SUBDIVISION, LOCATED AT OR ABOUT 14765 N 5400 W IN THE WEST GARLAND AREA.

This one-lot subdivision is located in an un-zoned area and consists of 1.33 acres. The petitioner has established proof of all utilities with the water service being provided by the Riverside/North Garland Water Co. The petition is in accordance with existing subdivision ordinances and requirements and the petitioner is in the process of obtaining authorization from UDOT allowing access to the lot. Mr. Day recommended that the petition be granted **Preliminary** and **Final** approval for this one-lot subdivision.

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

THE DIDERICKSEN ONE-LOT SUBDIVISION, LOCATED AT OR ABOUT 9975 N 11600 W IN THE THATCHER AREA.

This one-lot subdivision is located in an area that is currently un-zoned and consists of .621 acre. Proof of all utilities has been established as there is an existing home on the proposed subdivision property and it is in accordance with the existing ordinances and zoning requirements. Mr. Day recommended that this subdivision be granted **Preliminary** and **Final** approval.

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

New business for consideration

THE HOGAN FOUR-LOT SUBDIVISION, LOCATED AT OR ABOUT 5500 W 17600 N, NORTH OF RIVERSIDE.

Mr. Day explained to the Commissioners that a one-lot subdivision was done on the Stan Hogan property some time ago. The remainder parcel is now being divided into four parcels consisting of one acre each. The petitioner has established proof of all utilities with water being provided by the Riverside/North Garland Water Co. The petition is also in accordance with the existing ordinances and requirements. Although this is a routine subdivision, it was not included in the consent agenda because it consists of four lots. **Commissioner Williams** asked when the original subdivision was done; the answer was August 2001. She then asked why these four lots were not included at that

time; and Mr. Hogan said that they originally wanted to sell off one lot in order to payoff the property and then more interest was generated for the other remaining lots. Commissioner Tea then asked about the size of these four lots being split off as they did not appear to be the same size; however Mr. Day explained that they were each one acre as was the original lot approved in August. He went on to explain that the requirements are for 120 feet of frontage and each lot has 145 feet of frontage. (If frontage is less than 120 feet, then curb, gutter and sidewalk is required) The lot sizes are not regulated in the un-zoned area, but are required to have at least one half acre in order to accommodate the septic tank. The road in front of these lots is either sixty or sixty-six feet in width. With those clarification the following motion was made.

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

THE MUNNS TWO-LOT SUBDIVISION, LOCATED AT OR ABOUT 3365 N HWY 38 IN THE HARPER WARD AREA.

Mr. Day explained to the Commissioners that this two-lot subdivision is currently zoned RR-5 with one lot consisting of 7.46 acres and the other 8.53 acres. There is 250 feet of frontage, which is the minimum requirement in the RR-5 zone. The petitioner has established proof of all utilities with water being furnished by the Bear River Water Conservancy District (however, documentation verifying this has not been received). The petition is not in accordance with the existing subdivision ordinances and Zoning Requirements which must be completed prior to its final approval.

- ① documentation from the BRHD verifying septic tank feasibility
- ② documentation from the water company verifying water availability
- ③ documentation from UDOT authorizing access to HWY 38

Based on these findings, Mr. Day recommended that the Munns Two-Lot Subdivision be granted Preliminary approval. Once the above documentation has been received, this petition will return to the Commission for final approval.

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

SITE PLAN REVIEW & CONDITIONAL USE PERMIT FOR THE LDS MEETING HOUSE (CHURCH); LOCATED AT OR ABOUT 7625 SOUTH HWY 89 IN SOUTH WILLARD.

Mr. Day explained to the Commissioners that this *Site Plan* review and *CUP* for a new LDS

Meeting House is to be located in South Willard near the Millennial Heights Subdivision. The petition appears to be in accordance with the existing Zoning Requirements. The items that were discussed at the November 29, 2001 meeting have been addressed to the satisfaction of Mr. Day. An approval from the South Willard Flood Control (as per Richard Day – present at this meeting) has been received addressing the feasibility of the project and outlining the requirements necessary to serve this project in regards to water and septic system as well as the storm drainage and detention basin have been approved by the Willard Flood Control. The south access road has been eliminated and the boundary line has been redrawn (deeding five feet to the Wood Minor Subdivision) so that the existing shed no longer crosses the property line.

Mr. Lanny Herron and *Mr. Dave Waldron* were again present at this meeting to answer any questions from the Commissioners. Addressing the issue of additional fire hydrants, Mr. Herron indicated that four corner fire hydrants would be placed around the building supplied by an eight-inch water line and have been approved by the Fire Marshall. A privacy fence will be on the east and south sides of this church site; there is an existing fence on two sides of the Wood Minor Subdivision. The lighting will consist of six low light fixtures within the sidewalk area surrounding the chapel and no lighting will interfere with the homes in the area. A traffic analysis was deemed unnecessary. The existing road (7615 South) is paved with curb and gutter. There will be curb around the parking area with a rolled curb on the west parking lot to allow for snow removal in the winter months.

MOTION: A motion was made by **Commissioner Tea** that the *Site Plan* and *CUP* for the LDS Meetinghouse be granted **preliminary** and **final approval**. The motion was seconded by **Commissioner Norman** and passed unanimously.



CLUSTER HOUSING

Mr. Day noted to Commissioners that the present zoning in the County allows cluster housing in almost every zone and as more development takes place, there will possibly be more of this sort of housing construction proposed. If cluster housing is handled correctly it can be beneficial, but currently there are no regulations governing such development. Mr. Day has been working on those guidelines for the Commissioners to review and approve. The general guidelines that Mr. Day had for consideration at this meeting follow:

- All private streets within the development should be constructed to County standards. Sidewalks should be constructed on at least one side of the street.
- Common area (open space) should be designed to provide activity areas for use by

all the residents within the development such as playgrounds, recreational courts, picnic areas and pavilions, gazebos and water features. The amenities should be centrally located providing equal access to residents within the PRUD.

- Open space should be designed (not left over space between buildings).
- A minimum of 20% of the entire site should be in open green space (common area). Each phase of the development should provide its proportion of required open space.
- The development should have a defined design theme that is highly visible in various locations within the development which may include: building design, signage, lighting, and other special features.
- The PRUD/Cluster Development is to be designed as a community within a community.
- Area that is otherwise “un-developable” will not be calculated as part of density.
- Minimum Lot Area – the minimum lot area for dwellings may be reduced below the area normally required in the zone in which the Cluster Subdivision is located, but no lot shall have an area less than two-thirds of the minimum lot area required for such dwelling in the respective zone.
- Minimum Lot Width and Yard Setbacks – The minimum lot width and side yard may be reduced below the width and side yard normally required in the zone in which the Cluster Subdivision is located, but no lot shall have a width or side yard of less than three-quarters of the minimum lot width or side yard required in the respective zone.
- Open Space Provision – There shall be permanently reserved within the subdivision for recreation and/or open space, parcels of land whose total area is not less than the amount by which the areas of the residential lots are reduced below the minimum area normally required in the zone in which the Cluster Subdivision is located.
- Open Space Preservation and Maintenance – Recreation and/or open space areas to be permanently reserved shall be improved, landscaped, and maintained in accordance with a plan approved by the Planning Commission and Cluster Subdivision provisions of the Subdivision Ordinance.

After some discussion, there were still concerns voiced by the Commissioners and it was proposed that Mr. Day create a policy that would (further) clarify the ordinance for cluster housing and also take a closer look at the RR-5 zoning and the modified RR-5 within the County and how cluster housing would affect those area before final approval. Commissioner Eberhard was concerned that the PRUDs or cluster housing would in effect create a greater number of smaller subdivisions in areas where citizens do not particularly want them, especially in the RR-5 zones. Mr. Day went on to explain to the Commissioners that this is **NOT** an ordinance, but a policy to help to define the already existing ordinance. He further said that if the Commissioners felt that this particular PRUD or Cluster Housing would cause many problems, then they should consider re-writing the ordinance and eliminate it completely.



ZONING

Ms. Patricia Comarell met with the Planning Commissioners to again discuss zoning parts of the County that are currently un-zoned. *Ms. Comarell* discussed the steps that she felt are part of the zoning process.

- ✱ ***Brainstorm ideas which will serve as the intent and justification for zoning.***
 - Why is zoning desirable?
 - What is objective?
 - Figure out what zoning should be in an area.
 - What are the choices?
 - What is appropriate – preserve prime agricultural land, commercial & manufacturing?
 - What environmental factors limit development?
 - What are compatible uses?
 - Impact on adjacent properties
 - What will be resistance from citizens?
 - Who are the stakeholders?
 - What will be gained from action?
 - How will Commission respond to arguments and concerns?
 - What are some bad scenarios that could have been avoided by zoning?
 - Examples such as commercial business going into residential area – allowed because not zoned against such building projects.
 - Residents often are against certain projects, but forget after approvals of such projects are granted and zoning of areas is no longer an issue until the next time.
 - May have to wait for catalysis in each area before zoning is considered.
- ✱ ***How will Commission deal with controversial issues.***
 - Need to have handouts available regarding the proposed area to be considered for zoning.
 - Answer why this particular area at this time?
 - List of what CAN be done with the property and not just what CANNOT be done.
- ✱ ***Establish trust with public regarding the zoning issues.***
- ✱ ***Once framework established, the Planning Commission and Staff can take necessary steps to put more details on considerations.***
- ✱ ***Planning Commission would hold public hearing(s) and forward recommendations to County Commission.***
 - Planning Commissioners need to be informed before able to make decisions regarding zoning.
 - The Commission needs to have details available to public concerning the

proposed zoning – keep the public informed on zoning issues.

- Establish trust with the community and public.
- Take public's input into consideration.
- Address the fears and concerns of those present.
- Repeat the concerns of the public to make sure they are understood.
- Make decision with public present, not in private meeting if possible.
- What are the pros and cons of the proposed zoning?
- Need to be familiar with the existing ordinances
- What could be the long-term problems and implications?
- Mix the zoning with planning in the County.
- What are the State Law requirements regarding zoning and why are regulations necessary?

At the next meeting with *Ms. Comarell*, the Commissioners will talk about actual zoning in various parts of the County and where to begin the process.

Mr. Day presented the proposed schedule of dates for the Planning Commission to meet in the 2002 year. The January meeting is usually cancelled in lieu of the annual Christmas Dinner of the Planning Commissioners and their spouses. **Chairman Kimber** suggested that the dinner be set for January 17th and if a meeting was deemed necessary, the Commission could meet on the 24th. At this point there is nothing on the agenda for the January meeting.

A motion was made by **Commissioner Reese** to adjourn the meeting at 9:07 p.m.

Passed and adopted in regular session this 21st day of February, 2002.



Richard Kimber
Box Elder County
Planning Commission, Chair