

MINUTES

BOX ELDER COUNTY PLANNING COMMISSION

OCTOBER 15, 2009

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

Richard Day	Chairman	<i>the following Staff was present:</i>	
Chad Munns	Excused		
Desiray Larsen	Member	Kevin Hamilton	Director
David Tea	Excused	Elizabeth Ryan	Secretary
Jay Hardy	Member	Tamara Wright	Planner
Jay Christensen	Member	Steve Hadfield	Co. Attorney
Laurie Munns	Member		

Chairman Richard Day called the Planning Commission meeting to order at 7:02 p.m. The Minutes of the made available to the Planning Commissioners prior to this meeting and upon review a Motion was made by **Commissioner Laurie Munns** to accept the Minutes as written; seconded by **Commissioner Jay Christensen** and passed unanimously.

The following citizens were present:

J. Brad Barto/Plain City	Tom A. Davis/Brigham City
Clint Davis/Brigham City	Terry Pritchard/Willard
Kimball Hooges/Orem	Julie Magleby/Provo
Joe Serrao/Salt Lake City	

PUBLIC HEARINGS

Chairman Richard Day informed those present that this was the time set for the public hearings on the various petitions on the agenda. The Commissioners would listen to the comments and concerns, but this was not a questions/answer time. **Chairman Richard Day** informed the Commissioners and citizens that the Five-C Mobile Home Park CUP09-022 (item 3e and 5e on the agenda) was being removed from the Public Hearing and also no action would be taken on the petition at this time. Mr. Jerry Cook had decided not to move forward with this petition at this time. A Motion was then made by **Commissioner Jay Hardy** to remove this item from the agenda; seconded by **Commissioner Desiray Larsen** and passed unanimously. The **Chairman** then called for the hearing of the first petition.

VERIZON WIRELESS, SP09-007, CO-LOCATION ON EXISTING AMERICAN TOWER COMMUNICATION TOWER LOCATED OFF I-84 AT EXIT 27 IN THE SNOWVILLE AREA OF BOX ELDER COUNTY.

Verizon Wireless was petitioning to co-locate on the 250 foot American Tower Communication's existing tower located off of I-84 at Exit #17 on the Rattlesnake pass Ranch, LLC in the Snowville

area in unincorporated box Elder County. The antennas to the existing monopole will all be located inside a 12 foot by 26 foot prefabricated equipment shelter. No comments were received during the public hearing and a Motion was made by **Commissioner Desiray Larsen** to close the hearing; seconded by **Commissioner Jay Christensen** and was unanimous.

J. BRAD BARTO GRAVEL PIT, CONDITIONAL USE PERMIT, SP09-008, LOCATED THREE MILE NORTHWEST OF PROMONTORY AT APPROXIMATELY 8605 NORTH SALT HILL ROAD.

This proposed gravel operation is located approximately three miles northwest of the Promontory Salt Wells Road and is currently being used as a dry farm. The petitioner would like to continue farming the land and remove pit run material on the hill located on the 320 acres until it is level enough to farm. No comments were received during the Public Hearing and a Motion was made by **Commissioner Jay Hardy** to close the hearing; seconded by **Commissioners Laurie Munns** and was unanimous.

TERRY PRITCHARD, SP09-009, ADDITION TO GARAGE LOCATED ON NON-CONFORMING PROPERTY LOCATED AT APPROXIMATELY 755 W 7900 S IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.

This petitioner had made an application to expand his legal non-conforming garage on his property located in the South Willard area of Box Elder County. The existing garage was built before the current zoning of R-1-20 was adopted and there is only a two foot rear yard setback from the garage. Expanding the garage will not change that two foot setback. No comments were received during the Public Hearing and a Motion was made by **Commissioner Desiray Larsen** to close the hearing; seconded by **Commissioner Jay Christensen** and was unanimous.

DAVIS RANCH (THOMAS A. DAVIS) SS09-015, LOCATED AT APPROXIMATELY 4120 NORTH 2800 WEST IN BOX ELDER COUNTY.

Thomas Davis has applied for a subdivision to create a one-lot parcel of .5 acre located on property located in the Corinne area of Box Elder County. No comments were received during the Public Hearing and a Motion was made by **Commissioner Laurie Munns** to close the hearing; seconded by **Commissioner Jay Hardy** and was unanimous.

FIVE-C MOBILE HOME PARK (JERRY COOK) CUP09-022, LOCATED AT 7720 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.

Removed from Agenda

BRAG -- PRE-DISASTER MITIGATION PLAN FOR THE BEAR RIVER REGION (BOX ELDER, CACHE & RICH COUNTIES).

Mr. Kevin Hamilton addressed the Commissioners stating that this Pre-Disaster Mitigation Plan is actually being put together by the Bear River Association of Governments (BRAG) which covers Box Elder, Cache, and Rich Counties. The significance of this plan is to allow counties and cities to be able to apply for federal funds in case of a disaster such as the flood that occurred in the Bear River a few years ago. This plan would work as any other general plan element as it would be advisory only and would not have any force of law, but gives options and recommendations and would need to be adopted by the County with ordinances. No comments have been received at the Planning Office and it is now before the Planning Commissioners to hold a public hearing. No

comments were received and a Motion was made by **Commissioner Jay Hardy** to close the hearing, seconded by **Commissioner Desiray Larsen** and was unanimous. (Mr. Hamilton said that comments could still be taken at the Community Development office until the Planning Commissioners meet at their November 19, 2009 meeting.)

UNFINISHED BUSINESS-- NONE

NEW BUSINESS

VERIZON WIRELESS, SP09-007, CO-LOCATION ON EXISTING AMERICAN TOWER COMMUNICATION TOWER LOCATED OFF I-84 AT EXIT 27 IN THE SNOWVILLE AREA OF BOX ELDER COUNTY.

Staff explained that Verizon Wireless had made an application to co-locate on an existing American Tower Communication (ATC) tower located in the Snowville unincorporated area of Box Elder County. Verizon's antennas would be added to the existing monopole and the equipment would be located inside a prefabricated equipment shelter at the location, and the proposed use at this location is necessary and/or desirable to provide more service to the neighborhood and surrounding community. The proposed use is compatible with the General Plan of the County and meets the conditional use permit requirements outlined in Article 2-2-100 of the Box Elder Land Use Management and Development Code.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to grant approval for the CUP of Verizon Wireless to co-locate on the Existing American Tower Communication Tower in the Snowville area with the conditions as outlined by Staff. Motion seconded by **Commissioner Jay Christensen** and passed unanimously.

Conditions for Approval:

1. An original notarized letter of authorization needs to be furnished to Staff before a CUP can be issued.
2. Compliance with State regulations.
3. Compliance with Article 2-2-100 – Conditional Use Permits of the BE County Land Use Management & Development Code.
4. Compliance with Article 2-2-110 – Site Plan of the BE County Land Use Management & Development Code
5. Reclamation of disturbed land.
6. Compliance with FAA and FCC regulations.

J. BRAD BARTO GRAVEL PIT, CONDITIONAL USE PERMIT, SP09-008, LOCATED THREE MILE NORTHWEST OF PROMONTORY AT APPROXIMATELY 8605 NORTH SALT HILL ROAD.

Staff again told the Commissioners that this is for conceptual approval only at this time as the petitioner needs to have their engineer address the issues that have been outlined by the County Engineer. Mr. Barto then came forward to discuss this project with the Commissioners. Mr. Barto said that he was a general contractor/farmer and saw that there was a need for gravel to be available in the western part of the County instead of having to travel across the valley to locations that would be more easily reached from this location. One such customer would be ATK. The property is fairly level with a slight hill that Mr. Barto said he would like to be able to extract the gravel from that hill until level enough to farm. It would mostly be a pit-run operation and a screen or crusher would

[probably] not be needed. **Commissioner Laurie Munns** had some concerns regarding the road to this property and if it was capable of handling the vehicles needed for hauling gravel from this location. **Chairman Richard Day** suggested that Bill Gilson of the County Road Department look at the road(s) in this area to determine if they are capable of the increase in the traffic with gravel trucks. Mr. Barto then said that he would be comfortable with meeting whatever requirements were deemed necessary regarding the road. Mr. Tom Davis approached the Commissioners stating that he felt this would be a good operation and would help to reduce some of the traffic, as well as the damage to the roads caused by existing gravel trucks in the area where he lives on 2800 West.

MOTION: A Motion was made by **Commissioner Laurie Munns** to accept the conceptual plan for the Barto Gravel Pit with conditions as outlined by Staff. Motion seconded by **Commissioner Desiray Larsen** and passed unanimously.

Pursuant to Article 2-2-100.E2b - Procedure

A conceptual site plan is not intended to permit actual development of property, but shall be prepared merely to represent how the property could be developed. Approval of a conceptual site plan authorizes the applicant to prepare a preliminary site plan. Submittal, review, and approval of an application for a conceptual site plan shall not create any vested rights to development

TERRY PRITCHARD, SP09-009, ADDITION TO GARAGE LOCATED ON NON-CONFORMING PROPERTY LOCATED AT APPROXIMATELY 755 W 7900 S IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.

Staff explained that a non-complying structure is one that was legally existing before the current land use, or zoning was put into place and that because of one or more subsequent land use ordinance changes a structure does not conform to the required setback, height or other regulations outlined in the new zone. Mr. Pritchard's property is located in the South Willard area of the County and the home and garage was built in 1986 before the R-1-20 zone went into effect. Mr. Pritchard is petitioning to expand his existing garage and the rear yard setback of two feet will remain the same with the expansion.

MOTION: A Motion was made by **Commissioner Jay Hardy** to approve Terry Pritchard's request to enlarge his existing garage with the conditions as outlined by Staff and that the rear yard setback will remain at two feet. The Motion seconded by **Commissioner Laurie Munns** and passed unanimously.

Conditions for Approval:

The rear yard setback shall not be less than the existing 2' setback indicated on the Site Plan submitted to the Planning and Zoning office.

DAVIS RANCH (THOMAS A. DAVIS) SS09-015, LOCATED AT APPROXIMATELY 4120 NORTH 2800 WEST IN BOX ELDER COUNTY.

Staff explained that this .5 acre lot is located in the RR-20 zone area of Corinne and the petitioner has received all letters from the utility providers. Approval was then recommended.

MOTION: A Motion was made by **Commissioner Jay Hardy** to grant Concept/Preliminary/Final approval to the Davis Ranch One-Lot Subdivision with the conditions as outlined by Staff. Motion seconded by **Commissioner Jay Christensen** and passed unanimously.

Conditions for Approval:

1. Conditions, requirements and recommendations of culinary water provider: Where no culinary water system is available the letter shall come from the state or local agency having jurisdiction to approve the new well or water system. The developer is required to comply with all the requirements and recommendations of the culinary water provider and/or state/local approving authority prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved by the County Commission.
2. Conditions, requirements and recommendations of wastewater treatment provider: Where no wastewater treatment system is available the letter shall come from the state or local agency having jurisdiction to approve the new wastewater treatment system. The developer is required to comply with all the requirements and recommendations of the wastewater treatment provider and/or state/local approving authority prior to the recording of the subdivision, unless a financial guarantee to cover the costs of the required and recommended improvements has been approved by the County Commission.
3. Conditions, requirements and recommendations of Box Elder County Fire Marshal: The developer is required to comply with all the requirements and recommendations of the county fire marshal prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved by the County Commission. **The developer must have the fire department send the County Planner a letter specifying their recommendations and requirements have been met.**
4. Conditions, requirements and recommendations of the County's Engineer: The developer is required to comply with all the requirements and recommendations of the county's engineer prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved by the County Commission. **The developer must have the County Engineer send the County Planner a letter specifying their recommendations and requirements have been met.**
5. Conditions, requirements and recommendations of the County Building Department: The developer is required to comply with all the requirements and recommendations of the county building department prior to the recording of the subdivision. **The developer must have the building department send the County Planner a letter specifying their recommendations and requirements have been met.**
6. Conditions, requirements and recommendations of the County Road Department: The developer is required to comply with all the requirements and recommendations of the county road department prior to the recording of the subdivision. **The developer must have the road department send the County Planner a letter specifying their recommendations and requirements have been met.**
7. Rural road improvement agreement.
8. Compliance with all state and county subdivision regulations for which a specific variance has not been granted.

BRAG -- PRE-DISASTER MITIGATION PLAN FOR THE BEAR RIVER REGION (BOX ELDER, CACHE & RICH COUNTIES).

Mr. Kevin Hamilton recommended that this item be Tabled until the November 19, 2009 meeting during which time any comments from the general citizenry of the County would be taken at the Community Development office.

MOTION: A Motion was made by **Commissioner Laurie Munns** to Table action on the BRAG Pre-Disaster Mitigation Plan; Motion seconded by **Commissioner Desiray Larsen** and was unanimous.

OIL,GAS AND MINERAL LEASE; BOX ELDER REDEVELOPMENT AGENCY AND

LIBERTY PIONEER ENERGY SOURCE INC.

Mr. Kevin Hamilton told the Commissioners that there are two locations being purposed for this oil and gas lease. One is located at the site of the old race track/landfill on west Forest Street consisting of 140 acres the other just south of Bear River at approximately 4000 North 4000 West consisting of 39 acres. The company, **Liberty Pioneer Energy Source**, is requesting to lease these properties for potential oil and gas exploration without any guarantee that any actual exploration will take place. The reason that this request is coming before the Planning Commission is to determine if the request is in compliance with the County General Plan. The property located on the west end of Forest Street is actually within the boundary of Brigham City, but is owned by the County. After discussing this project with **Kimble Hooges**, a representative of Liberty Pioneer Energy Source, the Commissioners determined that this was in compliance with the County General Plan and that the company would follow all zoning and ordinance regulations and apply for (if necessary) any applications that may be required.

MOTION: A Motion was made by **Commissioner Laurie Munns** to recommend that the County Commission approve this lease as it conforms to the County General Plan. Motion seconded by **Commissioner Desiray Larsen** and passed with **Commissioner Jay Hardy** abstaining from the vote.

WORKING REPORTS

Staff reported that as there is still a lot of work to be done with updating the Land Use Management Code, there would not be any work sessions scheduled until after the first part of the New Year. Hopefully at that time new ordinances will be ready for review and recommendation of the Planning Commission.

PUBLIC COMMENTS – NONE

A **Motion** was made by **Commissioner Jay Christensen** to adjourn at 7:57 p.m., unanimous.

Passed and adopted in regular session this 19th day of November 2009.

Richard Day, Chairman
Box Elder County
Planning Commission