

MINUTES

BOX ELDER COUNTY PLANNING COMMISSION

FEBRUARY 19, 2009

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

Richard Kimber	Chairman	<i>the following Staff was present:</i>	
Jon Thompson	Vice Chairman		
Richard Day	Member	Kevin Hamilton	Planner
David Tea	Member	Elizabeth Ryan	Secretary
Jay Hardy	Member	Tamara Wright	Excused
Chad Munns	Excused		
Theron Eberhard	Member		

Chairman Richard Kimber called the Planning Commission meeting to order at 7:04 p.m. The Minutes of the January 22, 2009 meeting were made available to the Commissioners prior to this meeting and upon review, **Commissioner Richard Day** made a Motion to accept the Minutes as written; seconded by **Commissioner David Tea** and passed unanimously.

The following citizens were present:

Kirt Bailey/South Willard	Don Johnston/Tremonton
Rod Herrick/Ogden	Jerry Anderson/Ogden
Taylor Anderson/Willard	JD Anderson/Willard
Bob & Ronda Davis/Willard	

PUBLIC HEARINGS

Chairman Richard Kimber informed the public that item 3.c., the road vacation at the intersection of 400 West HWY 30 in the Collinston/Beaver Dam area would be taken off of the agenda for this meeting as there had not been given sufficient notice to the affected property owners. Chairman Kimber then opened the Public Hearing for the other two items on the agenda.

CONDITIONAL USE PERMIT, CUP09-001, SOUTH CHERRYWOOD ESTATES, LOT 2, IN SOUTH WILLARD

The petitioner is requesting a reduction in the setback requirements for this property located in South Willard that is currently zoned R-1-20. Lot 2 has been divided into two parcels, 01-138-0083 and 01-138-0084. The request is to reduce the east side to nine (9) feet and the south side of the lot to five (5) feet. The south side of this property will abut a flag road which will access the existing home [as no access will be allowed from HWY 89]. No comments were received during the public hearing and a Motion was made by **Commissioner Jon Thompson** to close the hearing, seconded by **Commissioner Theron Eberhard** and passed unanimously.

CONDITIONAL USE PERMIT, CUP09-003, ANDERSON LIVESTOCK AUCTION IN SOUTH WILLARD

Chairman Kimber informed the public that it was the intent of the Commission to table this issue, but as the public hearing had been noticed in the newspapers, they would go forward with that part of the agenda. Kevin Hamilton informed the Commissioners that an auction facility is a permitted use in the existing zone. The Anderson Livestock had been given a CUP previously, but that permit has expired and it was found that not all of the conditions of the original permit had been completed; therefore the petitioner was again filing for this CUP. Mr. Jerry Anderson, the petitioner, asked the Commissioners what it was that he needed to complete to move forward on this, i.e. the buffer along the road and other concerns that had been brought up by the County Planner. He was told that those items would be addressed at another time and not during the public hearing; however Mr. Anderson mentioned that was told by the County Planner, Tamara Wright, that he needs to submit a site plan for this facility to the Planning office by March 5, 2009 in order to have it considered at the March 19, 2009 meeting. No other comments were received and a Motion was made by **Commissioner Theron Eberhard** and seconded by **Commissioner Jon Thompson** and passed unanimously.

ROAD VACATE FOR PROPERTY LOCATED AT THE INTERSECTION OF 400 W HIGHWAY 30 IN THE COLLINSTON/BEAVER DAM AREA.

This item was taken off of the agenda for this meeting.

COMMON CONSENT-- NONE

UNFINISHED BUSINESS -- NONE

NEW BUSINESS

CONDITIONAL USE PERMIT, CUP09-001, SOUTH CHERRYWOOD ESTATES, LOT 2 AMENDMENT AND CONDITIONAL USE, LOCATED AT APPROXIMATELY 8069 SOUTH 875 WEST IN THE SOUTH WILLARD AREA.

The purpose of the amendment to this lot 2 in the South Cherrywood Estates Subdivision is to create two separate parcels, 01-138-0083 [B], and 01-138-0084 [A]. Parcel [A] 0084 has an existing home on the property, but access is not allowed from Highway 89. Therefore, access to this home will be via a flag lot on the south side of parcel [B] 0083. There is an existing building on parcel B and the petitioner is requesting that the setback requirements be reduced to nine (9) feet on the east side of this building and five (5) feet on the south side of this building. The width of the [flag] road will be 30 feet and the side yard setback requirement can be reduced by a conditional use permit in the R-1-20 zone. Dividing lot 2 into the two parcels will result in the required acreage required in the R-1-20 zone.

MOTION: A Motion was made by **Commissioner Jon Thompson** to approve the Conditional Use Permit requesting the reduction of setback requirements on Parcel B. Motion was seconded by **Commissioner Richard Day**. **Commissioner David Tea** asked for clarification on the use of the existing building and the fire code requirements. It was determined that **one of the conditions regarding the use of this existing building**

would be determined by the County Fire Marshall and that it would not be for a living facility.

Conditions of Approval:

1. Compliance with all other listed zone regulations for the R-1-20 zone.
2. A final plat indicating the reduced setbacks and location of existing structures.

MOTION: A Motion was made by Commissioner Theron Eberhard to approve the amendment to Lot 2 of the South Cherrywood Estates, which will result in the creation of Parcel A and Parcel B. Motion seconded by Commissioner Richard Day and passed unanimously.

Conditions of 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.

CONDITIONAL USE PERMIT, CUP09-003, ANDERSON LIVESTOCK AUCTION, LOCATED AT APPROXIMATELY 1151 WEST 7800 SOUTH IN THE SOUTH WILLARD AREA.

As there were still a number of items missing from other agencies that needed to be addressed on this petition the Commissioners tabled any action.

MOTION: A Motion was made by **Commissioner David Tea** to Table action on the CUP for the Anderson Livestock Auction and to place it on the March 19, 2009 agenda; seconded by **Commissioner Jay Hardy** and passed unanimously.

WORKING REPORTS

The Planning Commissioners briefly discussed the process for selecting new members for the planning commission as well as the Board of Adjustment. **Chairman Kimber** asked if a member of the planning commission also needed to serve on the Board of Adjustments as a number of years ago when there was a Board of Adjustments he served on both and felt that it might not be appropriate in the future. In reviewing the list of individuals that had either responded to, or been recommended by others, it was determined that the first priority would be to fill the vacancies on the planning commission and then review names for the Board of Adjustments.

County Attorney Steve Hadfield talked with the Planning Commissioners about conflicts of interest while serving on the planning commission. He reviewed Chapter 16, *Public Officers' and Employees Ethics Act*, and Chapter 16a, *County Officers and Employees Disclosure*. A copy of those two chapters is included with the official Minutes of this meeting.

The Planning Commissioners then discussed the possibility of forwarding a letter regarding its recommendation on the fencing ordinance to the County Commissioners. After some discussion it was determined that the official minutes of the various meetings that were held regarding the fencing issue ordinance and the Minutes of the September, October, December 2008 meetings and the January 2009 meeting would serve as the Planning Commission's official recommendation and no letter would be needed in addition.

PUBLIC COMMENTS – NONE

A Motion was made by **Commissioner Jay Hardy** to close the Planning Commission meeting and proceed into a closed session. Motion seconded by **Commissioner Richard Day** and was unanimous.

Commissioner Richard Day then opened the closed session with a Motion which was seconded by Commissioner Jay Hardy.

At the conclusion of the closed session a Motion was made by Commissioner Jay Hardy to close this session, seconded by Commissioner David Tea and was unanimous.

Commissioner Jay Hardy then made a motion to adjourn the Planning Commission meeting at 9:15 p.m.

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

Richard Day, Chairman
Box Elder County
Planning Commission