

**MINUTES
BOX ELDER COUNTY
PLANNING COMMISSION
DECEMBER 18, 2008**

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
Clark Davis	Member	Tamara Wright	Planner
Chad Munns	Member		
Theron Eberhard	Excused		

Chairman Richard Kimber called the Planning Commission meeting to order at 7:08 p.m.

The following citizens were present:

Tracie Bailey/South Willard	Kirt Bailey/South Willard
Wesley Pierson/Fielding	April Larsen/Park Valley

The Minutes of the November 20, 2008 meeting were made available to the Commissioners prior to this meeting and upon review **Commissioner Chad Munns** pointed out two minor corrections to be made. A Motion was then made by **Commissioner Jon Thompson** to accept the Minutes with corrections; seconded by **Commissioner Chad Munns** and passed unanimously.

PUBLIC HEARINGS

Chairman Richard Kimber opened the Public Hearings for the items on the agenda at 7:11 p.m.

LAMAY ISLAND, CONDITIONAL USE PERMIT, LOCATED ON PARCEL 01-009-0069, FOR THE PURPOSE OF RESIDENTIAL/PERSONAL RECREATIONSL USE.

Staff reported that information had been received from Hill Air Force Base concerning the restricted air space where this project is to be located. Due to this information it was recommended that this item be tabled at this time and no hearing be held until the petitioner was able to obtain a variance from HAFB.

WESLEY PIERSON SUBDIVISION, SS08-031, LOCATED IN THE EAST GARLAND AREA.

This petition was to create a 5.5 acre parcel where there is an existing home on the property, located at approximately 13465 North East Garland Road. No comments were received during the public hearing and a Motion was made by **Commissioner Richard Day** to close the hearing, seconded by **Commissioner David Tea** and passed unanimously.

PROPOSED CHANGES TO THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE

The proposed changes to the *Box Elder County Land Use Management & Development Code* include; 1) adding language to 2-2-100 Conditional Use Permit review process, and 2-2-100 Site Plan Review Exceptions; 2) adding language to 1-3 Definitions and Article 6 Subdivision for clarification. **Chairman Richard Kimber** asked if the changes had been published and Kevin Hamilton stated that the notice was given in the newspapers, the actual language is not published in the papers, but is available at the Community Development office for the public to review. No comments were heard during the hearing and a Motion was made by **Commissioner David Tea** to close the public hearing, seconded by **Commissioner Clark Davis** and passed unanimously.

The Public Hearings were closed at 7:17 p.m.

COMMON CONSENT-- NONE

UNFINISHED BUSINESS

TRACIE BAILEY (SOUTH CHERRYWOOD ESTATES) LOT 2 AMENDMENT, SS08-024, LOCATED IN THE SOUTH WILLARD AREA.

Staff reported that this petitioner would not be able to move the flag road from the south to the north side of the lot due to be location of the drain field of the septic system and there is also a telephone line pole that is located on the north side of the property. The petitioner has now decided to apply for a Conditional Use Permit to reduce the setback requirements on the south side from the required ten feet to five feet. **Commissioner Clark Davis** asked about the progress of the catch basin that is to service the Vista View Estates and the South Cherrywood Estates. When it was reported that the work has started but is not yet completed, **Commissioner Clark Davis** then suggested that the approval process for the CUP would probably move forward more quickly if that work was completed and met the standards set by the County. **Chairman Richard Kimber** then told the petitioners to continue working on completing the catch basin and to keep Staff informed in order to move forward with the CUP approval. No further action was taken at this time on this petition.

GARY CHRISTENSEN ONE-LOT SUBDIVISION, SS08-030, LOCATED AT APPROXIMATELY 12000 NORTH 10800 WEST IN THE BOTHWELL AREA.

This petition received concept approval at the November 2008 meeting and was now requesting preliminary and final approval. This property is part of the Emerene C. Anderson Trust located in the Bothwell area and it was proposed that a five acre parcel be created to break off acreage where there is an existing home and five sheds; resulting in a remainder parcel of approximately 152 acres.

MOTION: A Motion was made by **Commissioner Clark Davis** to grant Preliminary and Final approval for the Gary Christensen One-Lot Subdivision with the conditions as outlined by Staff. Motion seconded by **Commissioner Richard Day** and passed unanimously.

Conditions of Approval:

1. 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.**

2. 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.**

3. 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.**

4. 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.**

5. Rural road/road improvement agreement.

6. Compliance with all state and county subdivision regulations for which a specific variance has not been granted.

APRIL LARSEN ONE-LOT SUBDIVISION, SS08-023, LOCATED ON SEC 27, T13N R13W (PARCEL 07-105-0003 IN THE PARK VALLEY AREA.

Staff reported that this petition received concept approval in November 2008. The petitioner has now received all of the necessary utility letters as well as a letter from the property owner which indicates knowledge of the project.

MOTION: A Motion was made by **Commissioner Chad Munns** to grant approval for the April Larsen One-Lot Subdivision located in the Park Valley area with the conditions as set by Staff. 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. Letters of approval from gas, electric, and/or other utility providers.

8. Rural road/road improvement agreement.

9. Compliance with all state and county subdivision regulations for which a specific variance has not been granted.

10. Financial guarantee for all required improvements not installed prior to recording of the subdivision.

NEW BUSINESS

LAMAY ISLAND, CONDITIONAL USE PERMIT

Due to the restricted air space where this project is to be located, no action was taken on this petition.

MOTION: A Motion was made by **Commissioner Clark Davis** to Table this item at this time, seconded by **Commissioner David Tea** and passed unanimously.

WESLEY PIERSON SUBDIVISION, SS08-031, ONE 5.5 ACRE LOT LOCATED IN THE EAST GARLAND AREA.

Staff reported that the petitioner is requesting concept/preliminary/final approval for the creation of a 5.5 acre parcel where an existing home is located at 13465 North East Garland Road. The petitioner asked about the Rural Road Agreement that was required and was informed that this is a requirement of all subdivisions regardless of size or location, but as this property is located in an area of the County that is unincorporated at this time, it may be many years before the agreement takes effect and requires the petitioner's involvement in improving the road with curb, gutter, and sidewalk.

MOTION: A Motion was made by **Commissioner Chad Munns** to grant Concept/Preliminary/Final approval to the Wesley Pierson One-Lot Subdivision. Motion seconded by **Commissioner Clark Davis** and passed unanimously with the conditions as outlined by Staff.

Conditions of Approval:

1. 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.**
2. 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.**
3. 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.**
4. 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.**
5. Rural road/road improvement agreement.
6. Compliance with all state and county subdivision regulations for which a specific variance has not been granted.

PROPOSED CHANGES TO THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE.

The following are the proposed changes and additions to the *Code*.

1) 2-2-100 Conditional Use Permit; E.1. *Subdivisions and planned unit developments meet the requirements for conditional use permit approval upon receiving final approval by County Commissioners subdivision plat or planned unit development plat.*

2) 2-2-110 Site Plan Review, C. *Exceptions. For buildings and land uses requiring conditional use permits, site plan review shall be incorporated within such conditional use permits and need not be a separate application, provided the requirements of this Chapter are met.*

3) **Subdivision**: *any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, nits, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.*

A. *“Subdivision” includes:*

1. *the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and*

2. *except as provided in “B” below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.*

B. *“Subdivision” does not include:*

(i) *a bona fide division or partition of agricultural land for agricultural purposes;*

(ii) *a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:*

(A) *no new lot is created; and*

(B) *the adjustment does not violate applicable land use ordinances;*

(iii) *a recorded document, executed by the owner of record:*

(A) *revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or*

(B) *joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;*

(iv) *a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:*

(A) *an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or*

(B) *an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility; or*

(v) *a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:*

(A) *no new dwelling lot or housing unit will result from the adjustment; and*

(B) *the adjustment will not violate any applicable land use ordinance.*

(C) *the joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitutes a subdivision under this Subsection (48) as to the unsubdivided parcel of property of subject the unsubdivided parcel to the county’s subdivision ordinance.*

MOTION: A Motion was made by **Commissioner Chad Munns** to forward the proposed changes to the *Box Elder County Land Use Management & Development Code* to the County Commissioners for their review and consideration. Motion seconded by **Commissioner Jon Thompson** and passed unanimously.

BOX ELDER COUNTY FENCING ORDINANCE

At the County Commission meeting held on December 9th and 16th, 2008 the Commissioners reviewed the current fencing ordinance and the recommendations made by the Planning Commissioners. The County Commissioners decided not to take any action on accepting the recommendations, but to return the ordinance to the Planning Commissioners with some concerns and questions that had come up regarding the fencing of BLM land in the western part of the County. It was suggested that a work session be scheduled and that the County Commissioners, County Attorney, and Planning Commissioners meet to review the proposed changes and concerns voiced. A work session was tentatively set for January 20, 2009.

WORKING REPORTS

The annual retreat for the Planning Commissioners, staff and county attorney was set for Thursday, January 8, 2009 at 6:30 p.m.

The commissioners were informed that it would be necessary to have the Chairman and Vice Chairman of the Planning Commission re-elected at the January meeting. At that time the current **Chairman Richard Kimber** said that as he had served on the Planning Commission for a number of years, (1983 to the present) he would be tendering his resignation in the coming year; this would be effective in the appointment month of March. **Commissioner Jon Thompson** also said that he would be resigning from that Planning Commission effective in the appointment month of March. After some discussion it was suggested that the current Commissioners forward some names of persons to the Planning Staff that could be considered as replacements. Those names could then be narrowed down and final nominations forwarded to the County Commissioners for their appointment approval. It was also suggested that the other members of the Planning Commission be reviewed to see if they were still interested in serving until the next appointment time. (A copy of the appointments is attached to these Minutes.)

Kevin Hamilton informed the Commissioners that the larger land owners in the South Willard area have entered into an agreement to upsize the sewer line for future connection. Also, as more development and industry comes into the county, i.e. Procter and Gamble, there will be additional tax dollars generated.

PUBLIC COMMENTS – NONE

Commissioner Richard Day made a motion to adjourn the Planning Commission meeting at 7:48 p.m.

Passed and adopted in regular session this 22nd day of January 2009.

Richard Kimber, Chairman
Box Elder County
Planning Commission

BOX ELDER COUNTY PLANNING COMMISSION

Revised January 2009

DAVID TEA

Term Expires: March 2011

RICHARD KIMBER, Chair (resigning March 2009)

Term Expired: March 2007

Next March 2010

THERON EBERHARD

Term Expired: March 2010

RICHARD DAY

Term Expires: March 2009

JON THOMPSON, Vice Chair (resigning March 2009)

Term Expired: March 2008

CHAD MUNNS

Term Expires: March 2010

JAY HARDY

County Commissioner

*Planning Commissioners are appointed as volunteers for a period of three (3) years that are to be staggered and serve until reappointed or a replacement is found. Chair and Vice-Chair are to be elected by the Planning Commission each year. This list shows when your last appointment would have been up and the next one on the horizon. If you want to continue serving until your **next** expiration date, OK, but if not let us know so that we can start considering a replacement. Thanks*