

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES APRIL 21, 2011

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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	Vice Chairman		
Desiray Larsen	Member	Kevin Hamilton	Director
David Tea	Member	Elizabeth Ryan	Ex. Secretary
Ryan Tingey	Member/Excused	Scott Lyons	Planner
Jay Christensen	Member	Steve Hadfield	Co. Attorney
Laurie Munns	Member		

**The following citizens were present:**

Voneene Jorgensen/Brigham City	Judy Hartvigsen/Brigham City
Todd & Laura Johnson/Beaver Dam	Dale Barnett/South Willard
Jacob Hales/South Willard	

**Chairman Richard Day** called the Planning Commission meeting to order at 7:07 p.m. The Minutes of the April 21, 2011 meeting were made available to the Planning Commissioners prior to this meeting and upon review a couple of corrections were noted and a **Motion** was made by **Commissioner David Tea** to accept the Minutes, with corrections made; seconded by **Commissioner Desiray Larsen** and passed unanimously.

## **PUBLIC HEARINGS**

**Chairman Richard Day** called for the public hearings on the agenda by informing those in attendance that each item would be handled separately, and that the time for the hearings was to allow the public the opportunity to voice any concerns and the Commissioners would listen to the comments and concerns, but this was not a questions/answer time.

## **PUBLIC HEARING ON PROPOSED CHANGES TO SECTION 3-8-030.2 OF THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE RESTRICTING THE LOCATION AND CREATION OF MUNICIPAL SOLID WASTE ZONES (MSW) WITHIN THE COUNTY.**

*Kevin Hamilton* advised the Commissioners that Section 3-8-030.2 of the Land Use Code covers the location and creation of Municipal Solid Waste Zones within the County. The Bear River Water Conservancy District had pointed out some issues regarding ground water in the locating of possible landfills; (construction debris landfills had already been addressed regarding ground water issues) however municipal solid waste landfills had not dealt with protecting ground water

aquifers. This proposed amendment would add language to Section 3-8-030.2, which would include:

- A. *No new Municipal Solid Waste (MSW) zone or lateral expansion of an existing facility shall be located within:*
  1. *One mile of any existing residential dwelling or dwellings;*
  2. *A ground water primary recharge area, groundwater classified as IB;*
  3. *Located over a sole source aquifer as determined by a hydro geologic study.*

The Public Hearing was opened and Dale Barnett, of South Willard asked what was meant by “located over a **sole source aquifer** as determined by a hydro geologic study.” Mr. Hamilton’s response was that he understood that to mean a source of drinking water from a single well or from a water company. That would be culinary water and not secondary water sources. No other comments were received and the hearing was closed with a Motion by **Commissioner Laurie Munns** and seconded by **Commissioner Chad Munns**, unanimous.

**RICHARD TODD JOHNSON, CUP11-004, CONDITIONAL USE PERMIT FOR SINGLE FAMILY HOME ON PARCEL 06-165-0010, ZONE MU40 IN THE BEAVER DAM AREA OF BOX ELDER COUNTY.**

*County Planner, Scott Lyons* informed the Commissioners that this petitioner is requesting a Conditional Use Permit to construct a home in the Beaver Dam area on a parcel zoned as MU-40. This is an allowed use with a CUP. No comments were received during the public hearing and a Motion was made by **Commissioner David Tea** to close the hearing, seconded by **Commissioner Jay Christensen**, unanimous.

**UNFINISHED BUSINESS**

**JACOB HALES, SOUTH CHERRYWOOD ESTATES LOT 2-PARCEL “A” AMENDED; SS10-006 LOCATED IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY. [REQUEST FOR A SIX-MONTH EXTENSION.]**

*County Planner, Scott Lyons* told the Commissioners that this petitioner is requesting a six month extension in order to have the necessary work completed in order to have this subdivision amendment recorded. The property is located at approximately 8069 South 875 West in the South Cherrywood Estate Subdivision in an R-1-20 zone. The original developer is completing the work on a detention basis that services both the South Cherrywood and the Vista View Subdivisions. If this work is not completed and the amended subdivision is not recorded at the end of this extension, the petitioner would need to reapply and begin the process again [from the beginning]. **Chairman Richard Day** felt that this extension was necessary in order for the work to be completed and get this recorded and Staff recommended approval of the extension.

**MOTION:** A Motion was made by **Commissioner David Tea** to grant the six month extension for the South Cherrywood Estates Lot 2-Parcel “A” Amended Subdivision; seconded by **Commissioner Desiray Larsen** and passed unanimously.

## **NEW BUSINESS**

### **PUBLIC HEARING ON PROPOSED CHANGES TO SECTION 3-8-030.2 OF THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE RESTRICTING THE LOCATION AND CREATION OF MUNICIPAL SOLID WASTE ZONES (MSW) WITHIN THE COUNTY.**

Based on the discussion during the Public Hearing portion of the meeting, it was recommended that the Planning Commission forward a recommendation to the County Commission for the adoption of the proposed changes to Section 3-8-303.2 of the *Box Elder County Land Use Management & Development Code*.

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to forward a recommendation to the County Commission to adopt changes to Section 3-8-030.2 of the County Land Use Code. Motion was seconded by **Commissioner David Tea** and passed unanimously.

### **RICHARD TODD JOHNSON, CUP11-004, CONDITIONAL USE PERMIT FOR SINGLE FAMILY HOME ON PARCEL 06-165-0010, ZONE MU40 IN THE BEAVER DAM AREA OF BOX ELDER COUNTY.**

This petitioner is requesting a conditional use permit to construct a single family dwelling on property located in the Beaver Dam area in the MU-40 zone. This is an allowed use per Section 3-2-070-7.1 of the Land Use Code, with a CUP. The application and site has been visited by the County Building/Fire Inspector, County Engineer and Road Supervisor. Access to the property is via Beaver Dam Road and a 580 foot private drive is being proposed by the applicant. This road will be build by the petitioner to meet the county's road standards as outlined in BECLUM&DC Article 5 Exhibit A. Staff then recommended approval for this CUP.

**MOTION:** A Motion was made by **Commissioner Chad Munns** to grant approval for the Conditional Use Permit for Richard Todd Johnson to build a single family dwelling on parcel 06-165-0010, with the conditions as outlined by Staff. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

**Conditions for approval:**

1. Compliance with Article 5 of the BECLUM&DC.
2. Compliance with Article 2-2-100, Conditional Use Permit, of the BECLUM&DC.
3. Compliance with requirements and recommendations of the Health Department, County Engineer, Fire Inspector, and Road Supervisor.

## **WORKING REPORTS**

1. *Ms. Voneene Jorgensen* from the **Bear River Water Conservancy District** had asked to address the Planning Commissioners regarding water and the source of that water throughout the County. Ms. Jorgensen thanked the Commissioners for recommending the changes to Section 3-8-303.2 of the *Box Elder County Land Use Management & Development Code* in order to help protect the [valuable] water resources in the County. It is important that these water aquifers are adequately protected not only for its current use, but also for future developments. If the water supplied from the two large wells, located in the Bothwell Pocket were to become contaminated for some reason, the water

that is supplied from them would be difficult to replace. Water from these wells helps to provide water service to Tremonton City, Bothwell, Thatcher's 45 homes, plus water to the Ukon Water Company, Fielding Water Company, Riverside/North Garland; therefore it is very important to protect this water source as it would be irreplaceable. Those two big wells owned by the District pump 3000 gallons per minute and 2500 gallons per minute with very little drawdown. *Ms. Jorgensen* then talked a bit about how and when the Water District was created and the Board that governs it. Created in 1988 it is a political subdivision of the State of Utah with boundaries that encompass the entire county. It is a taxing entity and is therefore able to build infrastructure for water and water rights. They are governed by an eleven member board, with a member of the County Commission, a member from the independent water companies, and a member of the Bear River Canal Company. The county is divided into eight geological areas with a representative from each of those areas. A new water system has been completed in the South Willard area and is capable of delivering water from approximately 8000 South to the Weber County line. The District has a policy that they do not service private areas or municipalities unless they are invited or petitioned to do so. They are currently in the process of designing a water system for the Beaver Dam area and also in the Collinston area. The District is hoping to prepare for growth in the county once the economy creates that opportunity for developers and individuals as was seen prior to 2008. Because of this, *Ms. Jorgensen* asked that when developments occur, that they (BRWCD) be contacted first as supplier for the water needs. They would like the opportunity to provide water service with the current resources or be able to oversee the development of new water systems in accordance with the guidelines for drinking water rules. The intent of this is to prevent the development of substandard water systems; this would protect the new homeowners in developments and the County from having to deal with costly repairs having to be made to substandard systems. Again, *Ms. Jorgensen* expressed appreciation to the Planning Commissioners and looked forward to working with the County in developing language that could be included in the development code of the County.

**Chairman Richard Day** said that it would be important to schedule some work sessions to work toward the development of an ordinance to cover the items that had been discussed.

2. *County Planner, Scott Lyons* informed the Commissioners that this possible amendment would affect accessory dwellings units within the County. Currently mobile homes are allowed on a person's property under specific conditions with a CUP. This amendment would address accessory dwelling units as opposed to mobile homes. Proposed development standards had been compiled, but it was decided to review those in further detail during a work session. The date of a possible work session was discussed and the possibility of scheduling a separate date for the work session versus holding that meeting after the conclusion of the next planning commission meeting on May 19, 2011. Depending on the length of the May meeting, a work session could be held that evening or if necessary scheduled for another time, possibly at the beginning of June.

**Chairman Richard Day** felt that more information would need to be gathered from the Bear River Water Conservancy District in order to work toward formulating an amendment or ordinance regarding water usage/rights, but that a tentative work session

would be scheduled following the May 19<sup>th</sup> Planning Commission meeting as time allowed.

3. The Planning Commissioners were informed of an upcoming meeting scheduled for May 12, 2011 from 6-8 p.m. at the County Courthouse to be conducted by the Utah Forestry, Fire & State Lands and SWCA Environmental Consultants Planning Team members involved in the Great Salt Lake Comprehensive Management Plan.

**PUBLIC COMMENTS – NONE**

A **Motion** was made to adjourn at 7:55 p.m., unanimous.

Passed and adopted in regular session this 19th day of May 2011.

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Richard Day, Chairman  
Box Elder County  
Planning Commission