

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JANUARY 19, 2012

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:

Chad Munns	Chairman
Desiray Larsen	Vice Chairman
Kevin McGaha	Excused
Michael Udy	Excused
Bonnie Robinson	Member
Jay Christensen	Excused
Laurie Munns	Member

the following Staff was present:

Kevin Hamilton	Director
Elizabeth Ryan	Ex. Secretary
Scott Lyons	Planner
Steve Hadfield	Co. Attorney

The following citizens were present:

Don Joe Durrant/South Willard
Jerry Wilde/Brigham City

Julie Thurgood-Johnson/Brigham
Devon Brightenbecker/Brigham

Chairman Chad Munns called the Planning Commission meeting to order at 7:04 p.m. The Minutes of the November 17, 2011 meeting were made available to the Planning Commissioners prior to this meeting and upon review a correction was noted by **Commissioner Bonnie Robinson** to have the date changed approving the Minutes, after which a **Motion** was made by **Commissioner Bonnie Robinson** to accept the Minutes with the correction; seconded by **Commissioner Desiray Larsen** and passed unanimously.

PUBLIC HEARINGS

Chairman Chad Munns 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 that the Commissioners would listen to the comments and concerns, but this was not a questions/answer time.

WASHAKIE RENEWABLE ENERGY, SP11-004, SITE PLAN FOR LARGE STORAGE TANK FARM AND TRUCK LOADING FACILITY LOCATED AT APPROXIMATELY 7950 WEST 24000 NORTH IN THE PLYMOUTH AREA OF BOX ELDER COUNTY.

This petitioner was requesting a site plan/permitted use review for Phase II of their facility for construction and use of a commercial biodiesel production site. The property is currently unzoned. No comments were received and a Motion was made by **Commissioner Desiray Larsen** to close the hearing, seconded by **Commissioner Bonnie Robinson** and was unanimous.

THURGOOD-JOHNSON, CUP11-014, FOR THE CONSTRUCTION OF A HOME ON A PRIVATE DRIVE LOCATED AT APPROXIMATELY 3300 NORTH HIGHWAY 38, ZONED MU-160, IN THE HARPER WARD AREA OF BOX ELDER COUNTY.

This petitioner was requesting approval for a private drive to access property located at approximately 3300 North Highway 38 in the Harper Ward area. The property is located in the MU-160 zone; however these two lots were created before the zoning went into effect in 1974. A conditional use permit is required for a private drive when the property does not front on a county road. *Mr. Devon Brightenbecker* spoke with the commissioners regarding his concerns with this petition. His home is located west of these two lots and he was concerned about his source of drinking water that is supplied from the canyon east of his home, and also the location of the septic tank and drainage field and the possible pollution of his drinking water. If the proposed home were located further north there would not be the concern. Also in regard to the frontage on a county road, it was his understanding that property needed to be on a road with the required frontage. He was also concerned about having two homes in the MU-160 zone and how the property could be divided. *Julie Thurgood-Johnson* then came forward to address the commissioners stating that she was not aware that *Mr. Brightenbecker* had a well on his property and moving the homes north would not be a problem. As far as the access road was concerned, *Ms. Thurgood-Johnson* said that she had spend a great deal of time researching and also had purchased an additional 15 feet in order for the road to be widen as necessary to the 30 feet. The road has been engineered by Hansen's Engineering and has been approved by UDOT and the county engineer. In regards to the proposed two homes, there are two parcel, one 16 and the other 20. The 16 acre parcel connects to the road and the 20 acre parcel may have a home on it sometime in the future as she does plan to sell that lot. *Jerry Wilde* then told the commissioner that he lives next to this property and it was his understanding when the zoning went into effect that it was required that a home needed either 250 feet of frontage or location on a dedicated county road. Also other homes in the area do have frontage on a dedicated road and the access roads have been oiled in order to cut down on the amount of dust that is generated. *Mr. Wilde* also questioned the two parcels as they were under one person's name and he did not think it was intended to be two separate parcels/lots. After the comments a Motion was made by **Commissioner Laurie Munns** to close the hearing, seconded by **Commissioner Bonnie Robinson** and was unanimous.

DON JOE DURRANT, SS11-015, AMENDMENT TO THE DEER RUN SUBDIVISION LOCATED AT APPROXIMATELY 8027 SOUTH 875 WEST IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.

This applicant was requesting an amendment to lot 1 of the Deer Run Subdivision as *Mr. Durrant* was acquiring additional land outside of the existing subdivision's boundary. Deer Run Subdivision is locate at approximately 8000 South 925 West in the South Willard area. The area is currently zoned as R-1-20. No comments were received and the hearing was closed with a Motion by **Commissioner Bonnie Robinson**, seconded by **Commissioner Desiray Larsen** and was unanimous.

PENDING ORDINANCE/SIGN ORDINANCE. ORDINANCE TO RE-WRITE AND UPDATE EXISTING SIGN ORDINANCE OF THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE, ARTICLE 5, CHAPTER 5.3 (CHAPTER 4 OF 1992 LUM&DC)

County Planner, Scott Lyons informed the Planning Commissioners that this pending ordinance is to update the existing Sign Ordinance as it had not been updated since 1992. It was now being presented to the Commissions and a Public Hearing for review and would then be reviewed by the County Attorney. A copy was available for the public to review and Mr. Lyons said that he had received a few requests that he had e-mailed out. No comments were received and a Motion was made by **Commissioner Desiray Larsen**, seconded by **Commissioner Laurie Munns** and was unanimous.

UNFINISHED BUSINESS

CRAIG GARN MINOR SUBDIVISION AMENDMENT, (BOX ELDER COUNTY) SS11-009, LOCATED AT APPROXIMATELY 16800 NORTH 4400 WEST IN THE FIELDING AREA OF BOX ELDER COUNTY. (FINAL)

Kevin Hamilton informed the Commissioners that there was still an issue with one of the lots in this subdivision not having a water supply; therefore it was recommended that this petition be Tabled at this time.

MOTION: A Motion was made by **Commissioner Laurie Munns** to Table the Craig Garn Minor Subdivision Amendment. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

NEW BUSINESS

WASHAKIE RENEWABLE ENERGY, SP11-004, SITE PLAN FOR LARGE STORAGE TANK FARM AND TRUCK LOADING FACILITY LOCATED AT APPROXIMATELY 7950 WEST 24000 NORTH IN THE PLYMOUTH AREA OF BOX ELDER COUNTY.

County Planner, Scott Lyons told the Planning Commissioners that staff was recommending that this item be Tabled as there are still missing items that have not been received. The County has not been able to do a sufficient review at this time.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to Table the Washakie Renewable Energy application. Motion seconded by **Commissioner Bonnie Robinson** and passed unanimously.

THURGOOD-JOHNSON, CUP11-014, FOR THE CONSTRUCTION OF A HOME ON A PRIVATE DRIVE LOCATED AT APPROXIMATELY 3300 NORTH HIGHWAY 38, ZONED MU-160, IN THE HARPER WARD AREA OF BOX ELDER COUNTY.

Scott Lyons informed the Commissioners that this proposed access road has been reviewed by the County Fire Marshall, County Road Supervisor, County Engineer, and Staff. The County Engineer had requested that one of the turns in the access road be widen to better accommodate emergency vehicles and they were waiting for new revised road drawings to be submitted. Also it was requested that culverts be placed under the proposed road to handle and water drainage. A

question had been raised regarding the Health Department and whether or not it had made any recommendations, to which *Mr. Lyons* said that until the home is proposed and drawings submitted, the Health Department would not be involved. Once the location of the home is proposed and the location of the septic system, then the possibility of culinary water being contaminated would be addressed by them. As these two parcels are essentially land-locked and do not have frontage on a county road, access is permitted with a conditional use permit via a private road as per the BECLUM&DC. (see Article 5-1-090; ***Lots with frontage only on private streets shall be allowed by conditional use permit procedure only, and shall be subject to all applicable requirements of this Code.***) The size of the road is determined by the number of lots on the private drive. The petitioner had purchased an additional fifteen feet in order to have twenty feet travel surface with five feet on each side for drainage. The [original] road design that had been submitted did meet with County standards. *Jerry Wilde* again addressed the Planning Commission with a concern regarding the road and its length as he has farm ground which he was concerned would have more water getting on it with this new road. Staff stated that is the reason for the culverts to help divert the water flow more naturally. **Commissioner Laurie Munns** asked about the dust that would be created from this access road and if there was anything that could be done in that regard. *Ms. Thurgood-Johnson* said that she has looked into that and there are different types of gravel that can be used to help cut down on the amount of dust. It was then recommended by Staff that this application be given approval for the CUP.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to grant approval for the Conditional Use Permit for the Thurgood-Johnson private access road and for the building of home(s) in the MU-160 zone, with the conditions as outlined by Staff. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

Conditions of approval:

1. Compliance with Article 5-1 of the BECLUM&DC.
2. Compliance with Article 2-2-100, Conditional Use Permit, of the BECLUM&DC.
3. Compliance with the requirements and recommendations of the County Engineer, County Fire Marshal, Zoning Administrator, Health Department, and Roads Supervisor including:
 - a. Provide a revised road design for final review/approval.
 - b. Provide a defensible space around the home.
 - c. That the following be listed on both the deed and the plat: *The emergency services may be delayed or impossible to provide due to the steep inclines in accessing the home.*
4. Compliance with all applicable county, state and federal laws regulating the proposed use, including all current licenses, permits, etc.

DON JOE DURRANT, SS11-015, AMENDMENT TO THE DEER RUN SUBDIVISION LOCATED AT APPROXIMATELY 8027 SOUTH 875 WEST IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.

Based on the information that had been given approval of this application was recommended.

MOTION: A Motion was made by **Commissioner Laurie Munns** to forward a recommendation to the County Commission to grant approval to the Amendment to the Deer Run Subdivision with conditions as outlined by Staff. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

Conditions of Approval:

1. Compliance with Article 5-1 of the BECLUM&DC
2. Compliance with Article 6-1, Subdivisions, of the BECLUM&DC.
3. Compliance with Utah Code 17-27a-608, Vacating or amending a subdivision plat.
4. Compliance with all applicable county, state and federal laws, including all current licenses, permits, etc.

PENDING ORDINANCE/SIGN ORDINANCE. ORDINANCE TO RE-WRITE AND UPDATE EXISTING SIGN ORDINANCE OF THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE, ARTICLE 5, CHAPTER 5.3 (CHAPTER 4 OF 1992 LUM&DC)

County Planner, Scott Lyons said that as this proposed ordinance has been reviewed by the County Attorney, it was recommended at this time to Table any action in order to allow Staff the opportunity to make some changes before it comes before the Planning Commission for approval.

MOTION: A Motion was made by Commissioner Bonnie Robinson to Table any action on the proposed Sign Ordinance at this time. Motion was seconded by Commissioner Desiray Larsen and passed unanimously.

WORKING REPORTS

A proposed date of February 17, 2012 [a Friday] was tentatively set for the Planning Commissioners annual get-together at 6:30 p.m.

PUBLIC COMMENTS – NONE

A **Motion** was made to adjourn at 7:44 p.m., unanimous.

Passed and adopted in regular session this 16th day of February 2012 .

Chad Munns, Chairman
Box Elder County
Planning Commission