

BOX ELDER COUNTY PLANNING COMMISSION MINUTES October 18, 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	<i>the following Staff was present:</i>	
Desiray Larsen	Vice Chairman/Excused	Kevin Hamilton	Director
Kevin McGaha	Member		
Michael Udy	Member/Excused	Elizabeth Ryan	Ex. Secretary
Bonnie Robinson	Member	Scott Lyons	Planner
Jay Christensen	Member		
Laurie Munns	Member		

The following citizens were present:

Todd Gibbs/Portage	Dan Thomas/Portage
Bryce Thurgood/Perry	Valerie Martin/Plymouth
Robert John/Portage	Peter Burt/Brigham City
Jorge Esparza/Brigham City	BJ Reeder/Brigham City
Diane Gauthier/Brigham City	Daniel Kingston/Plymouth
Zulema Esparza/Brigham City	

The Minutes of the September 20, 2012 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Bonnie Robinson** to accept the Minutes as written; seconded by **Commissioner Jay Christensen** 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.

JORGE & ZULEMA ESPARZA; ROAD VACATE; ALL OF COUNTY RIGHT-OF-WAY LOCATED ADJACENT TO PARCEL #03-074-0001, LOCATED IN SEC 9, T9N, R2W IN THE CORINNE AREA OF BOX ELDER COUNTY.

This petitioner was requesting that the county right-of-way along the north property line between his property (parcel 03-074-0001) and that of Peter Burt's property (parcel 03-068-0040) be

vacated. *Peter Burt* said that he was in agreement with the road being vacated but was concerned as to how the property would be divided. (That would be addressed later) No other comments were made and a Motion was made by **Commissioner Laurie Munns** to close the public hearing; seconded by **Commissioner Kevin McGaha** and was unanimous.

DAN THOMAS, TODD GIBBS, ROAD VACATE; ROAD PASSING THROUGH SEC 17, T14N, R4W; TO CONTROL DAMAGES CAUSED BY TRESPASSING.

This petitioner was requesting that the county road west of the east section line of Section 17 T17N R4W in Portage Canyon be vacated. This road begins in the Town of Portage and then dead-ends shortly after crossing through Section 17. *Robert John* approached the Planning Commission and said that he is opposed to this road being vacated as his family is currently in litigation with Sniper Country and this road [could] be included in that litigation as it accesses the Washakie property that the Sniper Country petitioners need to access. *Dan Thomas* then rebutted saying that there is access on the Washakie side (through Section 19) that can allow access to the hunting club. The LDS Church does have some property east of where this proposed road vacate is located and would not be affected by this action. *Mr. Thomas* further said that there is a fire break in Section 17 [in the vicinity of this road] and also private property signs that are ignored by persons with 4-wheelers and motorcycles that travel off of the county road. *Valerie Martin* lent her support in vacating this portion of the road. *Todd Gibbs* said that there is no access beyond Section 17 to the Washakie property and anyone wanting to that area would need to do so from down below on the other side. No other comments were received and the hearing was closed with a Motion by **Commissioner Laurie Munns**; seconded by **Commissioner Kevin McGaha**, unanimous.

SS12-007, CASTLE CREEK HOMES/BRYCE THURGOOD, ANNIE'S LANDING SUBDIVISION, PRELIMINARY PLAT 9-LOTS; LOCATED AT APPROXIMATELY 7550 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.

This petition is to subdivide a 4.44 acre parcel in the South Willard area into 9 lots. Eight of the lots would have frontage on 7550 South with the ninth fronting on Highway 89. No comments were received and the hearing was closed with a Motion by **Commissioner Bonnie Robinson**; seconded by **Commissioner Jay Christensen**, unanimous.

UNFINISHED BUSINESS -- NONE

NEW BUSINESS

JORGE & ZULEMA ESPARZA; ROAD VACATE; ALL OF COUNTY RIGHT-OF-WAY LOCATED ADJACENT TO PARCEL #03-074-0001, LOCATED IN SEC 9, T9N, R2W IN THE CORINNE AREA OF BOX ELDER COUNTY.

Based on the information that had been given to the Planning Commissioner and the comments made during the public hearing, Staff recommended forwarding a recommendation of approval to the County Commission regarding this road being vacated. There had been some questions as to just how the property would be divided and the state statute is that the property is usually divided down the middle with half going to each of the adjoining landowners. If the landowners

wanted it divided another way, they would need to submit a plan to the Planning & Zoning Department that could be passed on to the County Commission. Once approval to vacate the road was given by the County Commission the landowners could then divide the property as they wanted through necessary [property] deeds. **Chairman Chad Munns** had some concerns regarding any possible road in the future, but was assured that the County Road Department (Bill Gilson) had reviewed this request and given approval.

MOTION A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation from the Planning Commission to the County Commission to approve and grant vacating all of the county right-of-way located adjacent to parcel 03-074-0001, property owned by Jorge & Zulema Esparza. Motion was seconded by **Commissioner Jay Christensen** and passed unanimously.

Conditions of Approval:

1. Compliance with Box Elder County Policy #2003-01, regarding road vacations.
2. The applicant is to provide descriptions in a deeded right-of-way for all abutting owners who may receive any ownership of the vacated road.

DAN THOMAS, TODD GIBBS, ROAD VACATE; ROAD PASSING THROUGH SEC 17, T14N, R4W; TO CONTROL DAMAGES CAUSED BY TRESPASSING.

Based on the information given and comments received, Staff recommended granting approval for this road vacate. There were still a number of concerns on the part of the Planning Commissioners and other comments were received from the citizens present. *Mr. Thomas* asked if the County would maintain the damages to the road and patrol this section if the vacating was not granted; would the County be willing to fence on either sides of the road to help control the trespasser in the area. If the entire road were to be vacated, the LDS Church would [probably] be able to obtain easement rights to access their property. *Robert John* again mentioned the litigation and that this road would allow for another access to the Sniper County use area thus eliminating participants having to access through the John property side. After more discussion and noting that the Commission would like to have some input from the County Attorney before granting this road vacate, the following Motion was made.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to Table action of this road vacate petition allowing for Staff to meet with the County Attorney regarding this road (possibly) being included in the litigation that was mentioned by Robert Johns. Motion was seconded by **Commissioner Kevin McGaha**. (It was also noted that research should be conducted to determine if any road funds received by the County would be affected by vacating this road. The possibility of vacating the entire road starting out of the Town of Portage was also discussed.)

SS12-007, CASTLE CREEK HOMES/BRYCE THURGOOD, ANNIE'S LANDING SUBDIVISION, PRELIMINARY PLAT 9-LOTS; LOCATED AT APPROXIMATELY 7550 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.

Staff indicated that there are a few changes that need to be made on this subdivision before it can be considered for final approval and the petitioner is aware of those needed changes. There was

also a question as to the setbacks on a couple of existing buildings that are on lots 2 and 3. The petitioner, *Bryce Thurgood* said that the existing building on lot 2 would probably be removed and the building on lot 3 would be moved to meet the setbacks. Also, lot 2 may be reconfigured to accommodate the septic tank. There will be a detention basin on the west portion of lot 1 at Highway 89. Also curb and guttering is required for this subdivision and the petitioner is aware of that requirement. Preliminary approval was then recommended by Staff for this subdivision.

MOTION: A Motion was made by **Commissioner Laurie Munns** to grant Preliminary approval to the Annie's Landing Subdivision (Castle Creek Homes), located in South Willard with the conditions as outlined by Staff to be completed before submitting for Final approval. Motion seconded by **Commissioner Bonnie Robinson** and passed unanimously.

CONDITIONS OF APPROVAL:

1. Compliance with Article 6-1, Subdivisions, of the BECLUM&DC.
2. Compliance with Article 5, Regulations of General Applicability, of the BECLUM&DC.
3. Compliance with the requirements and recommendations of the Box Elder County engineer, Surveyor, Road Supervisor, Fire Marshal, Zoning Administrator, and the Bear River Health Department.

WORKING REPORTS -- NONE

PUBLIC COMMENTS

A **Motion** was made to adjourn at 8:09 p.m., unanimous.

Passed and adopted in regular session this 15th day of November 2012.

Chad Munns, Chairman
Box Elder County
Planning Commission