

BOX ELDER COUNTY PLANNING COMMISSION MINUTES December 20, 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:

the following Staff was present:

Chad Munns	Excused		
Desiray Larsen	Vice Chairman	Kevin Hamilton	Director
Kevin McGaha	Excused	Steve Hadfield	Co. Attorney
Michael Udy	Member	Elizabeth Ryan	Ex. Secretary
Bonnie Robinson	Member	Scott Lyons	Planner
Jay Christensen	Excused		
Laurie Munns	Member		

The following citizens were present:

Shane & Connie Getz/West Fork LLC	Nefi Garcia/Verizon
Paul Beus/Wheatland	

The Minutes of the November 15, 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 Laurie Munns** and passed unanimously.

PUBLIC HEARINGS

Vice-Chairman Desiray Larsen 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.

SP12-005, SITE PLAN FOR WESTFORK, LLC. AGRICULTURAL SEED PROCESSING, MIXING, STORAGE FOR WHOLESALE AND RETAIL SALES. LOCATED AT APPROXIMATELY 10220 WEST 11600 NORTH IN THE BOTHWELL AREA OF BOX ELDER COUNTY.

This petitioner was seeking approval for a site plan at an existing site (formerly Bland Farms) to use as a processing, storage and sales of agricultural seeds. No additional buildings are proposed to be built at the site and an existing bunkhouse will be removed as it does not meet current safety standards. No comments were made and the hearing was closed by a Motion from **Commissioner Michael Udy** and seconded by **Commissioner Bonnie Robinson**. Motion passed.

CUP12-006, CONDITIONAL USE PERMIT FOR VERIZON WIRELESS CELL TOWER LOCATED AT APPROXIMATELY 54106 WEST 18400 NORTH IN THE PARK

VALLEY AREA OF BOX ELDER COUNTY.

This petitioner was seeking approval for a cell tower to be located in the Park Valley area of the county. There are no other towers in the area that could be used for co-location. The proposed tower is 190 feet with a six foot lightening rod attached. Mr. Nefi Garcia approached the Commissioners and talked about the regulation regarding the setbacks and minimum distance required for this tower and said that he hoped he could work with the Commissioners and Staff in reaching an agreement to allow for a lesser distance. If not, a new study would need to be done and the location of the tower would be on another parcel than the one proposed. No other comments were received and the hearing was closed with a Motion by **Commissioner Laurie Munns** and seconded by **Commissioner Bonnie Robinson**; passed unanimously.

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 APPROVAL)

Kevin Hamilton reminded the Commissioners that this subdivision had received preliminary approval in November 2011 and that this subdivision was started about five to six years ago but never completed the entire process. There had been some issues regarding water for the lots and also perk tests by the health department. Those issues have all now been resolved and Mr. Hamilton recommended granting Final approval for this subdivision.

MOTION: A Motion was made by **Commissioner Laurie Munns** to grant Final approval to the Craig Garn Subdivision, seconded by **Commissioner Michael Udy** and passed unanimously.

NEW BUSINESS

SP12-005, SITE PLAN FOR WESTFORK, LLC. AGRICULTURAL SEED PROCESSING, MIXING, STORAGE FOR WHOLESALE AND RETAIL SALES. LOCATED AT APPROXIMATELY 10220 WEST 11600 NORTH IN THE BOTHWELL AREA OF BOX ELDER COUNTY.

Staff informed the Commissioners that a site visit had been taken to assess this existing facility. The fire marshal was concerned about the empty pallets and was told that they will not be empty, but will be used for storage of the seeds. There is a building that houses an office and there is an area for public parking close to it. Most of the sales will be wholesale with a few retail sales. Most the seeds are grass seed. Staff recommended approval for this site plan.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to grant approval for the Westfork, LLC Site Plan with the conditions as outlined by Staff. Motion was seconded by **Commissioner Laurie Munns** and passed unanimously.

Conditions of Approval:

1. Compliance with Box Elder County LUM&DC Section 2-2-110, Site Plan Review
2. Compliance with Box Elder County LUM&DC Chapter 5-1, Regulations Applicable to all Zones.
3. Compliance with all applicable county, state, and federal laws regulating the proposed uses, including all licenses, permits, etc.

CUP12-006, CONDITIONAL USE PERMIT FOR VERIZON WIRELESS CELL TOWER LOCATED AT APPROXIMATELY 54106 WEST 18400 NORTH IN THE PARK VALLEY AREA OF BOX ELDER COUNTY.

Staff and the Planning Commissioners discussed this petition for a wireless cell tower to be located in the Park Valley area of the county. Staff reported that the county engineer had reviewed the site plan and found no issues other than the required setbacks of the tower to the county road right-of-way. The county road supervisor also had no concerns. The one concern of the zoning administrator (staff) was that of the setbacks also that are required. **Commissioner Laurie Munns** asked where the nearest home was located and was told that it is approximately 700-800 feet away to the west. The concern from the petitioner was that if the tower had to be setback the 110% from the county right-of-way, a new study would need to be conducted and that it would put the placement on another parcel of land. Staff informed the Commissioners that the requirement of the 110% did not have to be met if the adjoining property owners were in agreement with the shorter distance and also if approval was granted by the Planning Commission. At the conclusion of the discussion the following Motion was made.

MOTION: A Motion was made by **Commissioner Laurie Munns** to grant approval for CUP12-006, Conditional Use Permit for Verizon Wireless Cell Tower with the conditions as outlined by Staff. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

Condition of Approval:

1. Compliance with Box Elder County LUM&DC Section 2-2-100, Conditional Use Permit.
2. Compliance with Box Elder County LUM&DC Chapter 5-1, Regulations Applicable to all Zones.
3. The tower is to be located as far back as possible from the county road right-of-way on the parcel (07-102-0006) where the 50'X50' lease has been obtained. (Where the setback of 110% is not or cannot be met, notarized authorization from adjacent land owners is required.
4. Notarized authorization from the landowner of parcel 07-102-0006 where the tower is to be located.
5. The applicant is responsible for any damage (ruts, etc.) to the county roads of 54000 West and 18400 North during the construction and installation process for the tower.
6. Compliance with all other applicable county, state, and federal laws regulating the proposed uses, including all licenses, permits, etc.

CHANGE IN NON-CONFORMING STATUS FOR WHEATLAND SEED SITE PLAN, LOCATED AT 1780 N HWY 38, BRIGHAM CITY.

Kevin Hamilton explained to the Planning Commissioners that an existing agricultural industry had started to construct a lean-two on the side of an existing building without a building permit and they have now come in to get the necessary permits to meet regulations. When the original facility was built there was no zoning in the area, but in 1987 the area was zoned and restricted any additions to existing buildings. However, the *Box Elder County LUM&DC Section 2-3-040* states, "***A nonconforming use, noncomplying structure, nonconforming lot, or other nonconformity may not be changed except in conformance with the provisions of this Code or as authorized by the Planning Commission.***" Therefore, the Planning Commission does have the authority to make an exception to this structure. *Mr. Hamilton* noted that this definition is very broad and should

probably be changed setting criteria for future use when the Planning Commission makes any exceptions to the usage. Those changes should [possibly] include:

1. *The proposed change supports the continued operation of the agriculture industry that existed prior to zoning.*
2. *The area or business already existed and is trying to enclose an expansion.*
3. *The proposed change does not encroach on any adjacent property use or structures.*
4. *The proposed change(s) supports the health, safety and general welfare of the citizens of Box Elder County.*

Mr. Paul Beus, of Wheatland Seed, told the Commissioners that this structure is about a 12'X24' area that will cover boxes with seeds. The structure still meets the setback requirements, and they are hopeful to get it completed before the bad winter weather settles in for the additional protection of products.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to grant approval for the non-conforming status change at the Wheatland Seed site (1780 North Highway 38) and direct Staff to make the necessary changes to the ordinance with the four points mentioned, specifically 1, 2, and 4. A proposed change to the ordinance would be presented to the Planning Commission at the January 2013 meeting. Motion was seconded by **Commissioner Laurie Munns** and passed unanimously.

WORKING REPORTS

WIRELESS COMMUNICATION TOWERS

Staff reported that this new section under chapter 5, Regulations of General Applicability, of the County Land Use Code would help to detail and regulate the review process for cellular, radio, television and other wireless communication towers. It would also include recommendations and encourage co-location wherever possible and [hopefully] make the review process easier and possibly bypass some applications from having to come before the Planning Commission. Also ensure that all federal, state, and county regulations are followed.

CHAPTER 6-1 – SUBDIVISIONS

Staff is working on clarifying some portions of Chapter 6-1 which deals with subdivisions in the county and wants to clarify the existing Code especially in areas that allow for excess personal interpretation by a developer. Other areas for clarification will also be reviewed.

PUBLIC COMMENTS -- NONE

A **Motion** was made to adjourn at 7:43 p.m., unanimous.

Passed and adopted in regular session this 17th day of January 2013.

Chad Munns, Chairman
Box Elder County
Planning Commission