

BOX ELDER COUNTY PLANNING COMMISSION MINUTES February 20, 2014

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-Chair	Scott Lyons	Planner
Kevin McGaha	Member/Excused	Steve Hadfield	Attorney
Michael Udy	Member	Elizabeth Ryan	Ex. Secretary
Bonnie Robinson	Member	Commissioner Jeff Scott	
Jay Christensen	Member		
Laurie Munns	Member/Excused		

The following citizens were present:

Richard Kimber/Brigham City	Dan Burton/Brigham City
Nancy Burton/Brigham City	Claine Tanner/Grouse Creek
Brian & Kimberly Baker/Brigham City	Steven Kimber/Brigham City
Mike Jensen/Hansen & Assoc/Brigham City	

The Minutes of the January 16, 2014 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Desiray Larsen** to accept the Minutes as written; seconded by **Commissioner Michael Udy** 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.

AMENDMENT TO CHAPTER 5-1, REGULATIONS APPLICABLE TO ALL ZONES. CLARIFY THAT THE REGULATIONS IN SAID CHAPTER ARE APPLICABLE IN ALL ZONED AND UN-ZONED AREAS THROUGHOUT THE COUNTY.

Staff explained that this amendment is to help clarify language in the Code, 5-1-010. The chapter deals with regulations that are applicable throughout the county regardless of the zone; however questions sometimes arise in un-zoned areas and what regulations govern them. This proposed amendment would read *“and shall apply to all zoned and un-zoned area of the unincorporated Box Elder County.”* No comments were given and the hearing was closed with a Motion by **Commissioner Bonnie Robinson** and seconded by **Commissioner Jay Christensen**. Passed unanimously.

AMENDMENT TO CHAPTER 2-2, SECTION 2-2-160, TEMPORARY USE PERMIT. DISTINGUISH SPECIAL EVENT PERMIT FROM TEMPORARY USE PERMIT AND OUTLINE THE PROCESS FOR BOTH PERMITS.

Staff explained that this amendment to the Code is to establish regulations to govern Special Event Permits that are currently covered under the Temporary Use Permit, but are different in nature. The County has had several applications for special events (that may last for up to thirty days) over the past year and the Temporary Use Permit does not necessarily cover the processes that are different for such events. Section 2-2-170 would become the Special Event Permit with the remaining sections in that Article moving up one number ending with 2-2-210; Procedural Irregularities. No comments were given and a Motion was made by **Commissioner Desiray Larsen** to close the hearing, seconded by **Commissioner Bonnie Robinson** and was unanimous.

NANCY AND DAN BURTON 3-LOT SUBDIVISION, SS14-001, LOCATED AT APPROXIMATELY 10840 N 10800 W IN THE THATCHER AREA OF BOX ELDER COUNTY.

This three-lot subdivision is located in the Thatcher area of the County, which is currently un-zoned. The petitioners are working with UDOT to establish access for the lots which front on SR-102. No comments were given and the hearing was closed with a Motion by **Commissioner Michael Udy**, seconded by **Commissioner Jay Christensen** and was unanimous.

KIMBER SUBDIVISION, SS14-003, A THREE LOT SUBDIVISION LOCATED AT APPROXIMATELY 13255 N GROUSE CREEK RD. IN THE GROUSE CREEK AREA OF BOX ELDER COUNTY.

This three-lot subdivision located on Grouse Creek Road at approximately 13260 North. This area is un-zoned and the applicant is working with the Division of Water Rights for a well permit and also with the BRHD for the septic tanks. There were no comments and the hearing was closed with a Motion by **Commissioner Jay Christensen**, seconded by **Commissioner Bonnie Robinson** and was unanimous.

UNFINISHED BUSINESS

MITTON PEAK ESTATES, PRIVATE CAPITAL GROUP, INC. SS13-016, CONCEPT APPROVAL FOR AN 8-LOT SUBDIVISION LOCATED AT APPROXIMATELY 4980 NORTH HIGHWAY 38 NORTH OF BRIGHAM CITY.

Staff reviewed this application noting that it had received approval in November 2013 for the concept plat. There are proposed eight lots for this subdivision ranging from 5 acres to 23.6 acres. *Mike Jensen*, from *Hansen & Associates* talked with the commissioners regarding some of the questions that had come up regarding the fence line and water line the in on this property. *Mr. Jensen* said that the existing water line, which runs through several of the lots will either remain where it is with an easement granted or may be moved if deemed necessary. In regards to the existing fence line, *Mr. Jensen* said that there may be a trade of land and that issue will be addressed once the concept plan has been approved and the project moves forward with further engineering and planning. Access to the development has been granted by UDOT and the design of the access road may be changed as the current road is at a 74 degree angle and may need to be changed to 90 degrees, plus or minus 5 degrees, to meet the county road standards. Service for water, gas and power has been received and fire sprinklers are recommended but not required at this time.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to grant Concept approval for the Mitton Peak Estates Subdivision allowing the petitioner to move forward with the final design of the project. Motion seconded by **Commissioner Desiray Larsen** and passed unanimously.

NEW BUSINESS

BURT SUBDIVISION AMENDED, LOT 3; TO CREATE A NEW BUILDING LOT BY DIVIDING LOT 3A (CONSISTING OF APPROXIMATELY 12.5 ACRES) CREATING LOT 4.

The petitioner, Brian Baker, is requesting an amendment to the Burt Subdivision in order to create a building lot of 5.5 with the remaining 6.97 to remain as designated agriculture land. The property is currently zoned as RR-20 and the subdivision is provided access from Highway 13. Proof of utilities has been submitted and approval from the Bear River Health Department. Fire sprinklers are recommended, but are not required. Staff recommended approval of this amendment.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to grant approval to the Burt Subdivision Amended, Lot-3 and forward on to the County Commission for its approval. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

AMENDMENT TO CHAPTER 5-1, REGULATIONS APPLICABLE TO ALL ZONES. CLARIFY THAT THE REGULATIONS IN SAID CHAPTER ARE APPLICABLE IN ALL ZONED AND UN-ZONED AREAS THROUGHOUT THE COUNTY.

The Planning Commissioners received information regarding this amendment during the public hearing and made the following motion.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to approve and forward recommendation to the County Commission for clarification in the language in Chapter 5-1, Regulation Applicable to All Zones. Motion seconded by **Commissioner Jay Christensen** and passed unanimously.

AMENDMENT TO CHAPTER 2-2, SECTION 2-2-160, TEMPORARY USE PERMIT. DISTINGUISH SPECIAL EVENT PERMIT FROM TEMPORARY USE PERMIT AND OUTLINE THE PROCESS FOR BOTH PERMITS.

The Planning Commissioners received information regarding this text amendment during the public hearing and made the following motion.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve and forward a recommendation to the County Commission for their approval of the Amendment to Chapter 2-2, amending *Section 2-2-160 Temporary Use Permit* and the addition of *2-2-170 Special Event Permit*, with any corrections as noted. Motion was seconded by **Commissioner Michael Udy** and passed unanimously.

NANCY AND DAN BURTON 3-LOT SUBDIVISION, SS14-001, LOCATED AT APPROXIMATELY 10840 N 10800 W IN THE THATCHER AREA OF BOX ELDER COUNTY.

Staff explained that this 3-lot subdivision has been reviewed by the various county departments and the petitioners are meeting with UDOT in early March for access approval off of SR 10800 West. The proof for utilities has been submitted including the BRHD and Division of Water Rights for wells on the property.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to grant approval to the Nancy and Dan Burton 3-Lot Subdivision and forward to the County Commission once approval is received from UDOT along with any other conditions as stated by Staff. Motion seconded by **Commissioner Bonnie Robinson** and passed unanimously.

Conditions of Approval:

1. Compliance with Article 5 of the BECLUM&DC
2. Compliance with Article 6-1, Subdivisions, of the BECLUM&DC
3. Compliance with requirements and recommendations of the County Engineer, Fire Marshal, and Bear River Health Dept.
4. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.
5. Proof of access to the subdivision by UDOT.

KIMBER SUBDIVISION, SS14-003, A THREE LOT SUBDIVISION LOCATED AT APPROXIMATELY 13255 N GROUSE CREEK RD. IN THE GROUSE CREEK AREA OF BOX ELDER COUNTY.

This petitioner is still working with the Bear River Health Department for approval of a septic system and with the Utah Division of Water Rights for their well permit. Staff noted that a subdivision plat was submitted and then returned to the petitioner's engineer with corrections noted and the county engineer has not been able to review the new plat at this time for approval. In order for the subdivision to be forwarded on to the county commission for approval the plat needs to be signed by the county engineer, therefore, it was recommended that this petition be tabled at this time.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to Table approval of this petition until the county engineer has been able to do a final review of the subdivision plat. Motion was seconded by **Commissioner Jay Christensen** and passed unanimously.

WORKING REPORTS-- NONE

PUBLIC COMMENTS

Mr. Richard Kimber, a former member and chairperson of the Box Elder Planning Commission commended the members in their efforts and diligence in upgrading the Land Use Management Code.

Chairman Chad Munns also noted the presence of new County Commission Jeff Scott at this meeting, whose duty is to oversee the Planning Commission.

A **Motion** was made to adjourn at 7:41 p.m., unanimous.

Passed and adopted in regular session this 20th of March 2014 .

Chad Munns, Chairman
Box Elder County
Planning Commission