

BOX ELDER COUNTY PLANNING COMMISSION MINUTES FEBRUARY 21, 2013

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

The following citizens were present:

Gloria Knudsen/Portage	Bud Knudsen/Portage
Dan Thomas/Portage	Robert John/Portage
Todd Gibbs/Portage	Alejandra Saunders/Brigham City
Ashlee Doonan/Corinne	

The Minutes of the January 17, 2013 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Laurie Munns** to accept the Minutes; seconded by **Commissioner Bonnie Robinson** 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.

DAN THOMAS ROAD VACATE; VAC12-004. THE COUNTY ROAD IN PORTAGE CANYON BEGINNING AT THE NE CORNER OF PARCEL 08-093-0006 AND PASSING SW THROUGH SECTION 16 T14N R4W, SECTION 17 T14N R4W, SECTION 18 T14N R4W AND TERMINATING IN SECTION 19 T14N R4W.

This petitioner was requesting a portion of a road in Portage Canyon to be vacated. This application was before the Planning Commission before when it was discovered that there was an additional landowner that had not be notified for the public hearing and needed to be re-notified to include all landowners. That has now been done and the petition is before the Planning Commission again. **Mr. Robert John** approached the Commissioners restating his objection to vacating the road as his father is involved in a law suit with a group that claims there is no other access to their site than through the John property. **Mr. John** said that this [road] could possibly access the property in question and is against the vacation of the road. **Mr. Dan**

Thomas also addressed the Commissioners saying that this is basically the same petition that the saw before, with the exception of all of the landowners having been notified of the possible vacating of the portion of road that runs through Mr. Thomas' property. No other comments were made and the hearing was closed with a Motion by **Commissioner Bonnie Robinson** and seconded by **Commissioner Desiray Larsen**; passing unanimously.

UNFINISHED BUSINESS

DAVID NIELSON SUBDIVISION, SS12-009, 2-LOT SUBDIVISION LOCATED AT APPROXIMATELY 8944 NORTH 6800 WEST IN THE TREMONTON AREA OF BOX ELDER COUNTY.

This petition was taken off of the agenda for this meeting.

ROCHE RANCH SUBDIVISION #1, SS12-011, 3-LOT SUBDIVISION LOCATED AT APPROXIMATELY 6000 WEST 17000 NORTH IN THE RIVERSIDE AREA OF BOX ELDER COUNTY, (PARCEL 07-048-0002).

This petition was before the Commission at the January 2013 meeting and Tabled at that time. It has changed from a three-lot to a two-lot subdivision as there was trouble with getting the water approval for the third lot and the petitioners did not want to postpone moving ahead with the other two lots. There had also been some trouble in obtaining approval for the septic systems as the petitioner had submitted the paperwork to the office in Brigham City, when it should have gone through Cache County Health Department.

MOTION: A Motion was made by **Commissioner Laurie Munns** to grant Final approval to the Roche Ranch 2-Lot Subdivision with conditions as outlined by Staff. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

Conditions of Approval:

1. Compliance with BECLUM&DC, Section 6-1, Subdivisions.
2. Compliance with BECLUM&DC, Chapter 5-1, Regulations Applicable to all Zones
3. Compliance with requirements of the Box Elder County Engineer, County Surveyor, Road Supervisor, Fire Marshal, Zoning Administrator, and the Bear River Health Department.
4. Submit proof of septic approval from the Bear River Health Department (before petition will be placed on County Commission agenda).
5. Compliance with all applicable county, state, and federal laws regulating the proposed uses, including all licenses, permits, etc.

NEW BUSINESS

DAN THOMAS ROAD VACATE; VAC12-004. THE COUNTY ROAD IN PORTAGE CANYON BEGINNING AT THE NE CORNER OF PARCEL 08-093-0006 AND PASSING SW THROUGH SECTION 16 T14N R4W, SECTION 17 T14N R4W, SECTION 18 T14N R4W AND TERMINATING IN SECTION 19 T14N R4W.

Upon reviewing this application, and now that all adjoining property owners have been notified, Staff recommended granting approval for vacating this road. **Commissioner Bonnie Robinson** asked if there was sufficient room for vehicles to turn-around, i.e. snowplows, etc. As this is a rural road it is usually not plowed, but there is room for turning. Staff also noted that prior to this petition being placed on the County Commission agenda the petitioner would need to

provide descriptions in a deeded right-of-way for all abutting owners that would receive any ownership of this vacated road. Chairman Chad Munns then asked the County Attorney, Steve Hadfield, if there were any implications concerning vacating this road that could affect the lawsuit of the Johns' family. His response was no.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation to the County Commission that this application to vacate a portion of the road in Portage Canyon be approved. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

Conditions of Approval:

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

WORKING REPORTS

County Planner, Scott Lyons, spoke to the Planning Commissioners regarding the pending ordinance that deals with accessory dwelling units in the county. This ordinance was discussed with the Commission about a year ago and as the time has now lapsed without any action or completion of the ordinance, it will now need to be put on the agenda for another public hearing. The commissioners and planner discussed what they would like to see in this new ordinance and a handout was given for their consideration and review (attached)¹. Scott asked that any recommendations be forwarded to him during the next month in order to incorporate them into the ordinance before it is placed on the agenda for a public hearing.

PUBLIC COMMENTS -- NONE

A **Motion** was made to adjourn at 7:28 p.m., unanimous.

Passed and adopted in regular session this 21st day of March 2013.

Chad Munns, Chairman
Box Elder County
Planning Commission

¹ Chapter 5-6: Regulations of General Applicability – Accessory Dwelling Units

BOX ELDER COUNTY PLANNING COMMISSION

Thursday, February 21, 2013

Application Type: Ordinance Text Amendment

Agenda Item: 6a

Applicant: Box Elder County Community Development Staff

Code Section: Chapter 5-6: Regulations of General Applicability – Accessory Dwelling Units

Staff Coordinator: Scott Lyons

First Staff Review: 4/5/2011

First Planning Commission Review: 4/21/2011

I. DISCUSSION:

From Box Elder County Code:

- **Dwelling Unit:** One (1) or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping and sanitary facilities and which includes one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units, all for exclusive use by a single family maintaining a household.
- **Dwelling, Single Family:** A building containing only 1 dwelling unit.
- **Dwelling, Single-Family with Accessory Dwelling:** A building having only one (1) dwelling unit and one (1) accessory dwelling unit.
- **Dwelling, Two Family (Duplex):** A building containing only two (2) dwelling units.
- **3-6-030. Location.**
 - A. No mobile home shall be located anywhere within the corporate boundaries of the County except in a licensed mobile home park or approved mobile home subdivision, or as temporary living quarters by conditional use permit. Emergency or temporary parking of any unoccupied mobile home outside a licensed mobile home park or mobile home subdivision will be permitted for a period not exceeding twenty-four (24) hours. This limitation does not apply to unoccupied mobile homes in licensed mobile home sales areas.

Purpose of Proposed Ordinance:

- Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable.
- Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
- Provide for affordable housing opportunities.
- Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.

Definition:

- ACCESSORY DWELLING UNIT (ADU): A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is either incorporated within the single-family residence or in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

Conditional Use Permit Required:

- An ADU meeting the development standards, as specified below, may be allowed after approval of a conditional use permit by the planning commission.

Proposed Development Standards:

- The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence.
- ADUs shall not be rented on a transient basis (periods less than 30 days).
- Only one ADU may be created per lot.
- The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- Installing separate utility meters and separate addresses for the ADU is prohibited.
- A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.
- The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence and in no case shall exceed 650/800 square feet.
- ADUs shall not contain more than two (2) bedrooms.
- ADUs shall be occupied by no more than two (2) related or unrelated adults and their children.
- The minimum lot size required for construction of an attached ADU in all zones that allow single-family dwellings shall be six thousand (6,000) square feet.
- The minimum lot size required for construction of a detached ADU in all zones that allow single-family dwellings shall be twenty thousand (20,000) square feet.
- Detached ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
- Detached ADUs shall be compatible with the exterior color and materials of the principal dwelling.
- Where an existing subdivision has CC&Rs in place that govern ADUs the more restrictive regulation shall govern the use and development of that subdivision.

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- The planning commission may place other appropriate or more stringent conditions deemed necessary in approving ADUs to protect the public safety, welfare and single-family character of the neighborhood.

II. LAND USE ORDINANCE STANDARDS REVIEW

Box Elder County Land Use Management & Development Code section 2-2-080 outlines the following standards for review for Zoning Map and Text Amendments.

- A. Whether the proposed amendment is consistent with the goals, objectives and policies of the County's General Plan;**
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.**