

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES March 21, 2013

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

**The following citizens were present:**

Kyle Price/Willard

Justin Stark/Brigham City

The Minutes of the March 21, 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 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.

### **KYLE PRICE. Z13-001, ZONING TEXT AMENDMENT; AMEND SECTION 3-4-070, 7.46 INCREASING THE SIZE OF SMALL WAREHOUSES CONDITIONALLY ALLOWED IN THE C-E (COMMERCIAL ENTERPRISE) ZONE.**

Staff explained that this amendment is to change some of the language regarding the limit of the size of small warehouses that are currently allowed in the C-E zone. This amendment would only affect the C-E zone. After reviewing this request it was determined that the size would not be limited [or set at a specific square footage], but would be set more by the size of the property where the warehouse was located. No comments were received and a Motion was made by **Commissioner Laurie Munns** to close the public hearing, seconded by **Commissioner Desiray Larsen** and unanimously passed.

**JUSTIN STARK, CONDITIONAL USE PERMIT, CUP12-001, TO PLACE A SMALL MODULAR HOME ON PROPERTY LOCATED AT APPROXIMATELY 3985 NORTH HIGHWAY 38, SOUTHEAST OF HONEYVILLE.**

This petitioner was requesting approval with a CUP for the temporary location of a mobile home to be placed on his property for a family member that is no longer able to live independently. *Mr. Stark* approached the Commissioners stating that his property in the Harper Ward area was well suited for a temporary home for his grandmother and his wife has a CNA license and can assist in the everyday care of this individual. No other comments were received and a Motion was made by **Commissioner Desiray Larsen** and seconded by **Commissioner Laurie Munns**, passed unanimously.

**UNFINISHED BUSINESS -- NONE**

**NEW BUSINESS**

**KYLE PRICE, Z13-001, ZONING TEXT AMENDMENT; AMEND SECTION 3-4-070, 7.46 INCREASING THE SIZE OF SMALL WAREHOUSES CONDITIONALLY ALLOWED IN THE C-E (COMMERCIAL ENTERPRISE) ZONE.**

Staff recommended that the Planning Commission forward their recommendation to the County Commission for approval of this text amendment, noting that the square footage numbers be eliminated entirely.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to forward a recommendation from the Planning Commission to the County Commission to approve the zoning text amendment regarding the size limitation for small warehouses in the C-E (Commercial Enterprise) Zone. Motion seconded by **Commissioner Michael Udy** and passed unanimously.

**JUSTIN STARK, CONDITIONAL USE PERMIT, CUP12-001, TO PLACE A SMALL MODULAR HOME ON PROPERTY LOCATED AT APPROXIMATELY 3985 NORTH HIGHWAY 38, SOUTHEAST OF HONEYVILLE.**

Staff discussed some of the conditions that were recommended to be placed on this CUP for the modular home to be located on Justin Stark's property.

1. Compliance with Article 2-2-100, Conditional Use Permit, of the BECLUM&DC.
2. That the temporary home be located a minimum distance of six-three (63) feet from the centerline of HWY 38 or thirty (30) feet from the front property line, whichever is greater.
3. That the petitioner obtain a letter from the Bear River Water Conservancy District showing proof of sufficient water and how it will be delivered.
4. An "as built" drawing must be submitted for the county to keep on file which shows the location of utilities, and ties to locate off existing features.
5. Compliance with all other applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.
6. That a time limit is set for the use of this modular home [five year time-frame] and that it could not be used as a rental income property once the family member no longer needed to occupy it.

7. A document recorded with the plat of the property which indicates that this modular home is for a temporary (family) use only and could not be used for rental income if Mr. Stark were to sell his home before the five year time frame had expired.

*Mr. Stark* said that he was still working with the BRWCD regarding the water hook-up and would know the results of those negotiations in a few days. The decision of the Planning Commission may have an impact on the decision from BRWDC. At the conclusion of the discussion the following motion was made.

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to forward a recommendation to the County Commission to grant approval for the Justin Stark CUP with the conditions outlined by Staff and that proof from the BRWCD regarding the water service to the modular home. Also a five year time frame to attached to the CUP and a letter with appropriate language stating that this home is only for a temporary use of a family member and not as rental property. Also a limit of six months for the removal of the home once it is no longer needed. Motion seconded by **Commissioner Laurie Munns** and passed unanimously.

## **WORKING REPORTS**

### **PENDING ORDINANCE, ACCESSORY DWELLING UNITS, NEW ORDINANCE (SECTION 5-6)**

Staff discussed this new Ordinance and some recommendations that he had received from the members of the Planning Commission and said that he would be placing this Ordinance on the April 2013 agenda for a public hearing. It was also noted that there are other sections [that address single-family dwellings] within the BECLUM&DC that would need to be amended to reflect this new Ordinance. As this will be a Conditional Use Permit the approval process was also discussed and whether or not it would be handled administratively or have to come before the Planning Commissioners. One advantage of any applications coming to the Planning Commission is that there would also be a public hearing held, although any negative comments from the public would not necessarily prohibit granting a CUP for an accessory dwelling if all other conditions and requirements were met. It was decided that for the first year or so any applications would come before the Planning Commission for approval.

### **PUBLIC COMMENTS -- NONE**

A **Motion** was made to adjourn at 7:36 p.m., unanimous.

Passed and adopted in regular session this 18th day of April 2013.

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Chad Munns, Chairman  
Box Elder County  
Planning Commission