

BOX ELDER COUNTY PLANNING COMMISSION MINUTES July 18, 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	Excused/Chairman		
Desiray Larsen	Excused/Vice-Chair	Scott Lyons	Planner
Kevin McGaha	Member	Steve Hadfield	Co. Attorney
Michael Udy	Member	Elizabeth Ryan	Ex. Secretary
Bonnie Robinson	Member		
Jay Christensen	Member		
Laurie Munns	Member/Acting Chairperson		

The following citizens were present:

Joel Murray/Willard Eric Thomas/Rocky Point Jason Murray/Brigham City

The Minutes of the June 20, 2013 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Michael Udy** to accept the Minutes as written; seconded by **Commissioner Jay Christensen** and passed unanimously.

PUBLIC HEARINGS

Acting Chairman Laurie 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.

STOKES WEST SUBDIVISION, AMENDMENT 2213-011, STEVEN JENSEN, PETITIONER, TO AMEND SUBDIVISION LOCATED AT APPROXIMATELY 7595 WEST 8800 NORTH IN THE TREMONTON AREA OF BOX ELDER COUNTY.

The petitioner, Steven Jensen, was asking to amend this subdivision as he was asking to change the existing boundaries of lots 2 and 3 resulting in enlarging lot 3 by approximately 20 (twenty) feet. No comments were received and the hearing was closed with a Motion by **Commissioner Bonnie Robinson**, seconded by **Commissioner Kevin McGaha** and was unanimous.

ROCKY POINT STORAGE UNITS (BECTSTEAD CONSTRUCTION) CONDITIONAL USE PERMIT, CUP13-002 [CUP08-011], LOCATED AT APPROXIMATELY 9150 SOUTH HWY 89 [PARCEL 01-047-0037] IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.

This petitioner was requesting a conditional use permit to construct storage unit buildings that would be sold (rather than rented) much like condominiums. This proposal had originally come

to the Planning Commission in 2008, but due to the change in the economy no work was started and it is necessary to restart the process with a public hearing on the project. No comments were received and a Motion was made by **Commissioner Kevin McGaha** to close the public hearing, seconded by **Commissioner Jay Christensen** and was unanimous.

UNFINISHED BUSINESS

ZONING MAP AMENDMENT, Z13-005, JOEL & JASON MURRAY FOR PROPERTY LOCATED AT APPROXIMATELY 1025 SOUTH 105 EAST IN THE WILLARD AREA OF BOX ELDER COUNTY. RE-ZONE THE REMAINDER OF PARCEL 02-055-0095 TO MG-EX CONSISTING OF APPROXIMATELY 24 ACRES.

Staff explained that this applicant is requesting a re-zone for the remainder of the property from the current R-1-20 to MG-EX. In August 2010 the petitioner asked to have this parcel re-zoned and at that time 10.53 acres above the canal were re-zoned to MG-EX for excavation. The 15.47 acres below the canal were to be used for the scales and stockpiling and 13.98 acres remained as R-1-20. The petitioner would now like to be able to excavate on all of the 36.56 acres that he owns. (This excludes the area where the petitioner's home is located on the parcel.) **Commissioner Bonnie Robinson** noted that she had the opportunity to visit this site and that there is a gravel pit already existing in the area and that during the Public Hearing on this petition at the June 20, 2013 meeting there was only one person that voiced any concern and that was from a Council Member from Willard City. (This property is in un-incorporated Box Elder County.) Due to this, she felt granting approval for the re-zone would be warranted. **Commissioner Kevin McGaha** suggested that the Commission look at and consider all of the approval standards that had been outlined before making a final recommendation.

◀ *“Whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan.”* Staff talked about the South Willard Community Plan that was adopted in 2006 and became a part of the County’s General Plan; it did not include the Murray property. [The parcel that is owned by Mr. Murray was at one time within the limit of Willard City, but was de-annexed a few years back.] This Plan was to be used as a guide but was not necessarily binding.*

◀ *“Whether the proposed amendment (zone) is harmonious with the overall character of existing development in the vicinity of the subject property;*

◀ *“The extent to which the proposed amendment may adversely affect adjacent property.”* Staff referred to Table 3-9-080.1 of the BECLUM&DC and noted that the uses listed on Table 3-9-080.2 would not be allowed on this parcel as they would not be able to meet the setback requirements that would be necessary. The use that this petitioner was seeking is allowed in Table 3-9-080.1.

◀ *“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, storm-water drainage systems, water supplies, and waste water and refuse collection.”* **Commissioner Laurie Munns** asked if the storm-water drainage system would be the only one that would be applicable to this application. Staff then said that Mr. Murray had met with the canal company and had been giving permission to cross that canal road and that the creation of a detention basin may help the canal company. Also UDOT has given its approval for access to the property and many of the approvals needed are not required until the application for a Conditional Use Permit is

submitted. **Commissioner Kevin McGaha** then said that probably the only concern would be the proposed annexation of South Willard into Willard City and whether or not that would have any impact on the Murray property and its use. *County Attorney Steve Hadfield* said that this property would probably not be included in the annexation and would probably be grandfathered in and regulated by the County. However, not knowing or seeing the maps and boundaries of the proposed annexation plan, this was only an opinion. (However, the property above this parcel is zoned as MU-160 and is regulated by the County.) At the conclusion of the discussion, **Commissioner Kevin McGaha** said he had no objections to the re-zone.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation to the County Commission to approve the Joel Murray Re-zone located at 1025 South 105 East in the Willard area, with a determination that the proposed amendment is able to comply with all of the approval standards as outlined by Staff. Motion was seconded by **Commissioner Michael Udy** and passed unanimously.

PENDING ORDINANCE, ACCESSORY DWELLING UNITS, NEW ORDINANCE (SECTION 5-6) TO ADDRESS THE ADDITION OF ACCESSORY DWELLING UNITS TO ARTICLE 5: REGULATIONS OF GENERAL APPLICABILITY OF THE BECLUM&DC.

MOTION: A Motion was made by **Commissioner Jay Christensen** to Table action on this ordinance until the next meeting of the Planning Commission; seconded by **Commissioner Michael Udy**, and was unanimous.

ACCESSORY DWELLING UNITS, ZONING TEXT AMENDMENT: AMEND SECTION 3-2-070-7; 3-3-070-3, AND 3-7-070-3 ALLOWING ACCESSORY DWELLING UNITS AS A CONDITIONAL USE IN ALL ZONES THAT ALLOW SINGLE FAMILY DWELLINGS.

MOTION: A Motion was made by **Commissioner Jay Christensen** to Table action on this ordinance until the next meeting of the Planning Commission; seconded by **Commissioner Michael Udy**, and was unanimous.

NEW BUSINESS

STOKES WEST SUBDIVISION, AMENDMENT 2213-011, STEVEN JENSEN, PETITIONER, TO AMEND SUBDIVISION LOCATED AT APPROXIMATELY 7595 WEST 8800 NORTH IN THE TREMONTON AREA OF BOX ELDER COUNTY.

After having reviewed this application and having not received any comments during the public hearing portion of the meeting, Staff recommended approval of the subdivision amendment for Steven Jensen.

MOTION: A Motion was made by **Commissioner Jay Christensen** to grant approval to the Stokes West Subdivision and forward a recommendation to the County

Commission for their consideration of approval. Motion seconded by **Commissioner Michael Udy** and passed unanimously.

ROCKY POINT STORAGE UNITS (BECKSTEAD CONSTRUCTION) CONDITIONAL USE PERMIT, CUP13-002 [CUP08-011], LOCATED AT APPROXIMATELY 9150 SOUTH HWY 89 [PARCEL 01-047-0037] IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.

Staff explained to the Commission that a CUP was granted in 2008, but the project did not move forward due to the downturn in the economy. **Eric Thomas**, representing this petition addressed the Commission saying that they were surprised when they applied for a building permit and were told that the CUP had expired as the letter they received stated that the CUP had been approved [in October 2008] and would continue with the property forward. The petitions had secured the other letters that were required from utilities and approval from UDOT and engineers, and those approvals did not have any expiration dates included with them. In 2010 they were notified by the Director of Planning and Zoning, informing them that they would need to get the Mylar plat recorded with the county or it would be necessary for them to restart the entire (approval) process. They moved forward with recording the plat, but still were not able to begin the project. Staff came forward and explained that the CUP would stay with the land/property once the project was completed; however the BECLUM&DC states that when a Conditional Use Permit is granted work on the project needs to begin with 180 days of approval and be substantially completed within two years. As that had not happened it was necessary to bring the project back to the Planning Commission for approval. Staff also informed **Mr. Thomas** that new letters from the utility companies would need to be provided and a final review from the county engineer. The approval and issuance of the CUP should not take long to complete once the letters were submitted. **Mr. Thomas** then asked if the Planning Commission could give approval with conditions attached (regarding the necessary approvals and provision of letters on the utilities).

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve the CUP for the Rocky Point Storage Units subject to the conditions that were outlined being met by the Petitioners. Motion was seconded by **Commissioner Jay Christensen** and passed unanimously.

Conditions of Approval:

- Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
- Compliance with Article 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code.
- Comply with Chapter 4-3, Special Purpose & Overlay Zones, and Chapter 6-1-250, Requirements for Non-Residential Subdivisions.
- The use of each storage unit will only be for RV storage, boat storage and other personal storage.
- The use of each storage unit shall not include commercial business or dwelling units.
- Current approvals from the following organizations:
 - South Willard Flood Control
 - South Willard Water
 - Bear River Health Department
- Owners must disclose a copy of the Conditional Use Permit with each unit leased/sold.

- Curb, gutter, and sidewalk deferral agreement recommended by UDOT Region 1 to ensure the funds are there when they do a project on Hwy 89.
- Financial guarantee for all required improvements not installed prior to recording of the condominium Mylar.
- Compliance with requirements and recommendations of the Sheriff, Health Department, Fire Marshal, and Zoning Administrator.
- Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.

WORKING REPORTS -- NONE

PUBLIC COMMENTS -- NONE

A **Motion** was made to adjourn at 7:39 p.m., unanimous.

Passed and adopted in regular session this 19th day of September 2013.

Chad Munns, Chairman
Box Elder County
Planning Commission

* It was noted that the Randy Marriott property along Highway 89 was recently re-zoned to neighborhood commercial and the South Willard Community Planning Committee were somewhat involved in granting that re-zone. The Plan has not been re-adopted since 2006.