

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES October 22, 2015

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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 by a roll call, constituting a quorum:

Chad Munns	Chairman	<i>the following Staff was present:</i>	
Desiray Larsen	Vice-Chair/Excused	Scott Lyons	Planner/Excused
Kevin McGaha	Member/Excused	Marcus Wager	Planner
Michael Udy	Member		
Bonnie Robinson	Member	Elizabeth Ryan	Exec. Secretary
Jay Christensen	Member	Jeff Scott	Co. Commission
Laurie Munns	Member	Steve Hadfield	Co. Attorney

**The following citizens were present:**

Marla Scott/Willard	Tim T. Munns/Hansel Valley
J. Golden Ward/Tremonton	Thayne Hupp/Hansel Valley
Jared N. Holmgren/Bear River City	Gavin Holmgren/Bear River City

The Minutes of the September 17, 2015 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 as written; seconded by **Commissioner Bonnie Robinson** and passed unanimously. The Minutes of the October 12, 2015 meeting of the Planning Commissioners was also made available to the commissioners prior to this meeting and a Motion was made by **Commissioner Jay Christensen** 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. After the public hearing on an item the Planning Commissioners would then discuss and take action on the item.

## **MILLENIAL HEIGHTS PH 1; AMENDSS15-017; M. JAMES SCOTT; SUBDIVISION AMENDMENT TO LOT 8-R, 676 WEST 7615 SOUTH, IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY. (ACTION)**

Staff explained that this amendment to the Millennial Heights Phase 1 Subdivision concerns the home located on lot 8 of the subdivision. West of this home is the detention basin that services the entire subdivision and its acreage is included with that of the homeowners. The zoning for

the area is 20,000 square feet and this lot contains a total of 33,460 square feet. The homeowner is proposing to subdivide the lot into two separate parcels resulting in lot 8 (where the home is located) having 18,164 square feet and the area with the detention basin having 15,296 square feet; the detention basin would then be dedicated to the Willard Flood Control District for ownership and maintenance. As this proposed amendment would result in lot 8 having less than the 20,000 square feet required it needs approval from the planning commission as well as review by the county hearing officer regarding a variance. As the property is now, the homeowner is responsible for the detention basin as well as any liability associated with it. During the public hearing, **Ms. Marla Scott** (homeowner) said that she would be available to the planning commissioners if they had any questions regarding this request. No other comments were made and a Motion was made by Commissioner Bonnie Robinson to close the public hearing, seconded by Commissioner Michael Udy and passed unanimously.

#### **ACTION**

The planning commissioners asked if the Willard Flood Control District was aware of this request and were told that they were and agreed to take over the responsibilities of the detention basin. Staff also informed the commissioners that the hearing officers for the variance would be considering this issue on November 12, 2015 and that the planning commissioners could approve the request to amend [the plat] Phase 1 of the Millennial Heights Subdivision subject to the ruling of the hearing officer.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve the Millennial Heights Phase 1 Subdivision Amendment subject to any conditions outlined by Staff and with the approval of the variance by the hearing officer. Motion was seconded by **Commissioner Laurie Munns** and passed unanimously.

#### **BOX ELDER COUNTY SOLID WASTE CORRIDOR TEXT AMENDMENT; AMENDMENT TO CHAPTER 3-8 OF THE BECLUM&DC. (ACTION)**

Staff explained that the Box Elder County Planning Commission had recommended that a study be completed to determine location of landfill corridors within the county. That study is now complete and has the recommended changes/additions that had been recommended through various work sessions. *County Attorney, Steve Hadfield* suggested adding a requirement that an applicant would need to obtain a Conditional Use Permit when requesting a solid waste landfill (within the approved corridor). There were also three other minor word corrections that were noted and would be changed before forwarding on to the county commission for action. During the public hearing, **Mr. Tim Munns** from Hansel Valley thanked the commissioners for the time and effort that had gone into this text amendment and that it is important that the county protects the water that so many depend upon, whether it be first or second classification. **Mr. Tim Munns** also asked if the county commissioners would hold a public hearing regarding this text amendment and was told that they were not required to, but it would be at their discretion. **Mr. Jared Holmgren** also thanked the planning commissioners for the hard work that had been put forth in this text amendment and also acknowledged the good communication that had taken place during this process. The public hearing was then closed with a Motion by **Commissioner Bonnie Robinson**; seconded by **Commissioner Jay Christensen** and was unanimous.

#### **ACTION**

Staff reviewed the changes that had been pointed out by **Commissioner Laurie Munns** and the addition of the Conditional Use Permit was added into the language of Chapter 3-8-1 to read:

*“The provision of this chapter shall apply to all areas of unincorporated Box Elder County. Solid Waste Landfills shall not be allowed in the county until the property has been successfully rezoned to a solid waste zone, obtain a conditional use permit, and until all requirements of this chapter/zone have been met.”*

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval to the County commission, for application Z15-012, a text amendment regarding various Sections and renumbering in Chapter 3-8, Construction and Municipal Waste Zones of the BECLUM&DC; and adopt the exhibits and conditions of the findings of the staff report as modified. Motion was seconded by **Commissioner Michael Udy** and passed unanimously.

## **UNFINISHED BUSINESS--NONE**

## **NEW BUSINESS**

### **BROOKSIDE ESTATES, SS15-020, FINAL APPROVAL, 5-LOT SUBDIVISION LOCATED AT APPROXIMATELY 15930 N 4000 W IN THE FIELDING AREA OF BOX ELDER COUNTY. (ACTION)**

Staff explained that this applicant was requesting final approval for a five lot subdivision just south of Fielding in unincorporated Box Elder County. Lots one and two already have homes on them and lots 3, 4, and 5 are new lots created with one acre each. Lots 1, 2, 3, and 4 will have access from 4000 West with lot 5 having access from 16000 North per UDOT approval. All utility letters have been received including the Bear River Health Department for septic systems. The application is currently being reviewed by the various county departments and Hansen & Associates is working on the final plat for this subdivision. Approval was recommended by Staff. This subdivision did not have to be presented to the planning commission for concept or preliminary approval since there were no improvements necessary; therefore eliminating the necessity for the public hearing. Staff noted that a geo-tech report had been done for this area and water was found at about seven to eight feet; therefore basements would be allowed, but additional control measures would be needed around the foundation of any new homes built on these lots.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve the Brookside Estates 5-Lot Subdivision with any conditions outlined by Staff and with the approval of other county departments. Motion was seconded by **Commissioner Jay Christensen** and passed unanimously.

#### **Conditions of Approval:**

1. Compliance with Article 5, Regulations of General Applicability, of the BECLUM&DC.
2. Compliance with Chapter 6-1, Subdivisions, of the BECLUM&DC
3. Compliance with all the comments from County staff.
4. Compliance with all applicable County, State and Federal laws regulating the proposed use, including all current licenses, permits, etc.

## **WORKING REPORTS**

Staff discussed the “Planned Unit Development” pending ordinance that started in the April 16, 2015 meeting. The six month period has now ended and direction was needed as to what the commissioners wanted to do with this section/chapter of the BECLUM&DC. As this is still part of the code it would be possible for an applicant to request a PUD. After some discussion, the planning commissioners directed staff to return to the November 19, 2015 meeting with a recommendation to remove this PUD section from the Code and also to contact other surrounding similar [rural] counties to ask how they are handling these types of developments.

## **PUBLIC COMMENTS**

A **Motion** was made to adjourn at 7:32 p.m., unanimous.

Passed and adopted in regular session this 19th day of November 2015.

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Chad Munns, Chairman  
Box Elder County  
Planning Commission