

BOX ELDER COUNTY PLANNING COMMISSION MINUTES November 19, 2015

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		
Desiray Larsen	Vice-Chair	Scott Lyons	Planner
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/Excused	Steve Hadfield	Co. Attorney

the following Staff was present:

The following citizens were present:

Dennis & Diane Sphere/Ogden	Craig Feller/Roy
Kipp Hoffman/West Haven	Erik & Lori Johnson/Deweyville

The Minutes of the October 22, 2015 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Bonnie Robinson** to accept the Minutes as written; seconded by **Commissioner Jay Christensen** 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.

LEWIS CABINET SPECIALTIES, CUP15-005; CONDITIONAL USE PERMIT FOR A BUILDING ADDITION TO THEIR CABINET MANUFACTURING FACILITY LOCATED AT 11585 SAGEBRUSH CIRCLE IN THATCHER.

This item was removed at the request of the petitioner.

TEXT AMENDMENT, Z15-015; TEXT AMENDMENT TO CHAPTER 4-3, PLANNED UNIT DEVELOPMENT OVERLAY ZONE, OF THE BECLUM&DC.

Staff explained that the Box Elder County Planning Commissioners had requested that a text amendment be made that would remove Chapter 4-3, Planned Unit Development Overlay Zones from the BECLUM&DC. This was a pending ordinance and the six month time frame for

working on amending the current ordinance has now expired. A letterⁱ was presented that had been submitted by Mr. Jim Flint, from Hansen & Associates, Inc. requesting that the Overlay Zones not be removed, but tabled and continue working on this item to the satisfaction of the commission. No other comments were given and the public hearing was closed with a Motion by **Commissioner Bonnie Robinson**, seconded by **Commissioner Desiray Larsen** and was unanimous.

DISCUSSION/ACTION

Staff noted that not having a PUD ordinance in place could affect the Mitton Peaks Subdivision's Conditional Use Permit that had been approved in the Harper Ward area as no work has started and when it was approved, ordinance states that work had to be started within six months and substantially completed within a two year time frame. Removing the current PUD would then put Mitton Peak Subdivision under the guidelines of a new ordinance. (Mitton Peak was planning to come back to the Planning Commission at the December 2015 meeting to ask for an extension.) **Commissioner Bonnie Robinson** said that a PUD could probably be a good development in some areas, but as it currently reads it is too broad for this county. Staff said that in researching other counties it was found that developable area does not include slopes that are over 20-30%; our code does not have any limitation currently other than having to leave 30% for open space. **Chairman Chad Munns** still felt that the best thing to do would be to remove the ordinance and work toward revising and rewriting Chapter 4-3. Staff noted that there is no time constraint as to when the new chapter would have to be completed.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to remove Chapter 4-3, Planned Unit Development Overlay Zones from the BECLUM&DC with the understanding that the commissioners would work toward adopting new language and guidelines for PUDs in Box Elder County. Motion was seconded by **Commissioner Jay Christensen** and passed unanimously.

TEXT AMENDMENT, Z15-016; TEXT AMENDMENT TO CHAPTER 6-1, SUBDIVISIONS, OF THE BECLUM&DC.

Staff explained that this text amendment was regarding various sections of Chapter 6-1, Subdivisions of the BECLUM&DC where some proposed verbiage would be changed or eliminated. Section 6-1-120, Concept Plan (approval) would be taken out and approval would only be needed at the preliminary and final stages of subdivision approval. Also subdivision of three (3) lots or less would be approved by the Zoning Administrator as long as there were no necessaryⁱⁱ [infrastructure] improvements. The definition of a small subdivision would also change. It was noted that this change would allow for public utility companies to subdivide smaller lots that were less than the zone of a proposed subdivision. No comments were given and the public hearing was closed with a Motion by **Commissioner Desiray Larsen**, seconded by **Commissioner Jay Christensen** and was unanimous.

DISCUSSION/ACTION

Commissioner Bonnie Robinson asked if there would be any point during the approval process when the public would have the opportunity to voice any opinions regarding these three-lot subdivision petitions. Staff explained that a public hearing is not required at the County Commission level, and that again, these approvals would only be made administratively if there were no infrastructure improvements needed. If improvements were necessary, then the

application would be presented to the Planning Commission for approval and recommendation to the County Commission.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to forward a recommendation to the County Commission for approval of the Text Amendment regarding Chapter 6-1 of the BECLUM&DC; seconded by **Commissioner Bonnie Robinson** and passed unanimously.

ROAD VACATE, VAC15-003; PETITION TO VACATE COUNTY ROAD 12800 NORTH BETWEEN 4000 WEST AND THE HOME AT 4050 WEST.

Staff explained that this petitioner was requesting to vacate 12800 North from 4000 West to approximately 4050 West in the Deweyville/Collinston area. This would then return the ownership to the petitioner and there would be no public access cutting through their farmland. The following comments were given:

Mr. Craig Feller, from Roy, said that it would be a big problem for him and the renters he has in the home at the end of this road if it were to be vacated. He lived in this home for a time, but has since rented it out. When he built the home it was a condition of his loan from Farmers Home Administration (FHA) that a road be built and deeded to the county.ⁱⁱⁱ He further stated that his current mortgage holder is Wells Fargo Bank and when it [the home] was refinanced and remodeled, part of the appraisal was based on the property being attached to a public road. Insurance on the home is also based on having a public road as access. When 12800 North was resurfaced by the county a few years ago he called the road department to ask if [his] road would also be resurfaced. At that time he was told that the county had run out of money and they would not be doing that, but would be able to fill in potholes as necessary, but nothing was done to maintain the road. The renters that are currently in the home (Jason and Pam Snook) have informed Mr. Feller that the snowplow comes down 12800 and turns north and turns around but does not plow this county road. He said that he had spoken with John Rhodes (the road supervisor at the time) and was told it was not a county road; he then sent documentation showing that it was. Over the past five to six years the renters have said that no maintenance has been done on the road, or any snow removal. Without having the county continue to maintain it, access would become difficult for these renters. Mr. Feller said that he does not have the funds to help with any expenses associated with maintaining/surveying this road and would like it to remain a county road.

Mr. Eric Johnson, introduced himself and his wife, Lori Johnson, by saying that they have operated the Mason farm since the early 90's and in around 2000 they purchased the farm from Roger Mason and now Mr. Mason is trying to sell his place and it was during this time that a survey was done and the discrepancies showed up regarding the road. When the survey was done it resulted in showing that some of his farmland was taken into the roadway. There is approximately sixteen and a half feet that separates his property from that of Mr. Feller. With this proposed road vacate they are hoping to get everything in compliance for both himself and Mr. Feller. He said that he had proposed (via Mr. Feller's attorney) that a thirty foot easement would be granted for access to the rented home. He said that he would also like to be able to build a shop and granary on this road, but with the current width set at sixty-six feet he cannot do that over the road easement. If the road is vacated then the easement would go back to the county road, and he and Mr. Feller would share in any costs associated with surveying and

upkeep of the road. He said that the county has not done anything to maintain this road and he has filled in potholes with his own materials.

A Motion was then made to close the public hearing by **Commissioner Bonnie Robinson**, seconded by **Commissioner Jay Christensen** and was unanimous.

DISCUSSION/ACTION

Chairman Chad Munns noted that there is currently a turn-around on this road to accommodate emergency vehicles and that safety is one of the main issues that the planning commission has when reviewing these kinds of petitions. Staff then reviewed the seven items^{iv} that needed to be considered when granting a proposed road vacate. Staff also said that an e-mail^v was received from the road supervisor, Bill Gilson, and he was not in favor of vacating the road. The commissioners continued to review the options available to the petitioner, including that a partial vacate might be considered. The rented house, owned by Mr. Feller, has been there since 1977 and needs to have access and also right-of-way for Mr. Johnson. It was concluded that Mr. Johnson would return to the planning office with other possibilities for reducing the width of the road and have it remain a county road and maintained by the county.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to table action on the road vacate petition, VAC15-003, and have the petitioner look at reducing the width of the road (to remain a county road) and other preferred options to be reviewed by the road supervisor and the planners. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

UNFINISHED BUSINESS--NONE

NEW BUSINESS --NONE

WORKING REPORTS

PUBLIC COMMENTS

A **Motion** was made to adjourn at 8:18 p.m., unanimous.

Passed and adopted in regular session this 17th day of December 2015.

Chad Munns, Chairman
Box Elder County
Planning Commission

i	Letter from Jim Flint/Hansen & Associates (PUD)
ii	Chapter 6-1; Section 6-1-120 – Administrative Review of Small Subdivisions.
iii	Letter from Mr. Feller
iv	Box Elder County Commission Policy #2003-01
v	E-mail from Bill Gilson, BEC Road Supervisor

DRAFT