

BOX ELDER COUNTY PLANNING COMMISSION MINUTES December 19, 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/Excused		
Desiray Larsen	Vice-Chair/Excused	Scott Lyons	Planner
Kevin McGaha	Member	Steve Hadfield	Co. Attorney
Michael Udy	Member/Excused	Elizabeth Ryan	Ex. Secretary
Bonnie Robinson	Member		
Jay Christensen	Member		
Laurie Munns	Member		

The following citizens were present:

Bonnie Young/Harper Ward	John Young/Harper Ward
Craig Rees/Tremonton	Jim Flint/Brigham City
Duncan Murray/Perry	

Chairman Chad Munns could not attend this meeting and a Motion was made by Commissioner Kevin McGaha to appoint Commission Laurie Munns as Chairman pro tem in his absence. Motion was seconded by Commissioner Jay Christensen and was unanimous.

The Minutes of the October 24, 2013 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 Kevin McGaha and passed unanimously.

PUBLIC HEARINGS

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.

ROAD STANDARDS – AMENDMENT TO EXISTING BOX ELDER COUNTY ROAD, STORM DRAIN, AND FENCING STANDARD DRAWINGS.

County Planner, Scott Lyons reviewed the amendment to the existing county road, storm drain and fencing standards with the commissioners. Currently there are two standards for either private or public roads which leave the responsibility of improving private road to the residents along that road. (The example of the Copper Hills Subdivision was mentioned) The proposed amendment would create new standards that would benefit both county residents and developers.

Jim Flint, from Hansen and Associates said that this is a huge step in the right direction for developers in helping them with roads when creating new subdivisions or other developments in the county. No other comments were received and a Motion was made by **Commissioner Bonnie Robinson** to close the hearing and seconded by **Commissioner Jay Christensen**; passed unanimously.

AGRICULTURAL SETBACKS – AMENDMENT TO CHAPTERS 3-2 AND 3-7 ACCESSORY USES CHANGING SETBACKS FOR AGRICULTURAL BUILDINGS, PENS, CORRALS, PASTURES.

This amendment is to adjust the agricultural setbacks in the county from public rights-of-way and buildings for the housing of animals. The current setbacks are 150 feet and 100 feet respectively and this would change to the property lines and 20 feet. No comments were received and the hearing was closed with a Motion by **Commissioners Bonnie Robinson** and seconded by **Commissioner Jay Christensen**; passed unanimously.

ACCESSORY BUILDING SETBACKS – AMENDMENT TO CHAPTERS 3-2 AND 3-7 CHANGING REAR AND SIDE YARD SETBACKS FOR NON-AGRICULTURAL ACCESSORY BUILDINGS.

This text amendment is proposed to change the setbacks for accessory buildings in the county from 10 feet off the side and rear yard to three feet in all one and one-half acre zones. No comments were given and the hearing was closed with a Motion by **Commissioner Jay Christensen** and seconded by **Commissioner Kevin McGaha**; passing unanimously.

LAURENCE J. PIERCE MINOR SUBDIVISION AMENDMENT, AMENDSS13-015, AMENDMENT TO MAKE THE DEED LINES MATCH THAT OF OCCUPANCY OF RESIDENTS.

Staff explained that this petitioner is requesting the amendment in order to correct deed lines to match the occupancy lines in this minor subdivision. *Craig Rees*, one of the petitioners asked why this was necessary to come before the planning commissioners. No other comments were given and the hearing was closed with a Motion by **Commissioner Bonnie Robinson**, seconded by **Commissioner Kevin McGaha** and passed unanimously.

MITTON PEAK ESTATES, PRIVATE CAPITAL GROUP, INC. SS13-016, CONCEPT APPROVAL FOR 8-LOT SUBDIVISION LOCATED AT APPROXIMATELY 4980 NORTH HIGHWAY 38 NORTH OF BRIGHAM CITY.

This petition is a result of a re-zone that was granted a few months prior, and was now before the planning commissioners for concept approval of an eight lot subdivision located in the Harper Ward of the county. Each lot is a minimum of five acres. *Mr. John Young* talked with the commissioners regarding this petition and was concerned about how it would affect the water reservoir located in the area, the existing fence lines and that there are also electrical lines on the property. *Jim Flint*, an engineer for the project assured him that those concerns would be looked at and that this is just a concept plan at this point and that a detention pond would be located on one of the lower lots to take care of water runoff. No other comments were given and a Motion was made by **Commissioner Kevin McGaha**, seconded by **Commissioner Jay Christensen** and passed unanimously.

NEW BUSINESS

ROAD STANDARDS – AMENDMENT TO EXISTING BOX ELDER COUNTY ROAD, STORM DRAIN, AND FENCING STANDARD DRAWINGS

A couple of questions were asked by **Commissioner Bonnie Robinson** concerning how the new standards would affect existing fences and ditches/canal in the county. Staff said that those would be grandfathered in as these new standards would deal with new developments. The commissioner could either table action on this amendment or forward their approval on to the County Commissioners.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval on to the County Commissioners for the **Amendment to Existing Box Elder County Road, Storm Drain, and Fencing Standard Drawings**. Motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

AGRICULTURAL SETBACKS – AMENDMENT TO CHAPTERS 3-2 AND 3-7 ACCESSORY USES CHANGING SETBACKS FOR AGRICULTURAL BUILDINGS, PENS, CORRALS, PASTURES.

After Staff reviewed the changes in the agricultural setbacks amendment that would change the setbacks for accessory buildings, pens, corrals, and pastures the following motion was made.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval on to the County Commissioners for the **Amendment to Chapters 3-2 and 3-7 Accessory Uses Changing Setbacks for Agricultural Buildings, Pens, Corrals, Pastures**. Motion was seconded by **Commissioner Jay Christensen** and passed unanimously.

ACCESSORY BUILDING SETBACKS – AMENDMENT TO CHAPTERS 3-2 AND 3-7 CHANGING REAR AND SIDE YARD SETBACKS FOR NON-AGRICULTURAL ACCESSORY BUILDINGS.

This amendment would change the existing setback requirements from 10 feet to three feet in one acre and one-half acre zones. **Commissioner Jay Christensen** noted that there could be rare occasions where this new setback would need to be adjustment because of utility easements or ditches, but those would probably be rare.

MOTION: A Motion was made by **Commissioner Kevin McGaha** to forward a recommendation of approval for the **Amendment to Chapters 3-2 and 3-7 Changing Rear and Side Yard Setbacks for Non-Agricultural Accessory Buildings**, in the one and one-half acre zones. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

LAURENCE J. PIERCE MINOR SUBDIVISION AMENDMENT, AMENDSS13-015, AMENDMENT TO MAKE THE DEED LINES MATCH THAT OF OCCUPANCY OF RESIDENTS.

Staff told the commissioners and petitioner that any adjustments made to subdivisions or plat maps have to be reviewed by the planning commissioners. This minor subdivision was created

with a deed and any adjustments to property lines need to be approved before a new plat map is recorded. This change will not affect the property taxes rate.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commissioners for the **Laurence J. Pierce Minor Subdivision Amendment**; seconded by **Commissioner Jay Christensen** and passed unanimously.

MITTON PEAK ESTATES, PRIVATE CAPITAL GROUP, INC. SS13-016, CONCEPT APPROVAL FOR 8-LOT SUBDIVISION LOCATED AT APPROXIMATELY 4980 NORTH HIGHWAY 38 NORTH OF BRIGHAM CITY.

Staff explained that as this is a concept plan many of the concerns that Mr. Young had would be dealt with at other approval levels. The Bear River Health Dept would determine where septic tanks could be located on the lots, and Steve Hadfield, County Attorney said that any discrepancies in regards to the location of fences would be determined by a judge if necessary and could change the property description.

MOTION: A Motion was made by **Commissioner Jay Christensen** to Table action on this petition to allow the petitioner time to submit a new revised plat map with the corrections that have been recommended. The petition would then be put on the January 2014 agenda. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

UNFINISHED BUSINESS--NONE

WORKING REPORTS

Duncan Murray from Perry City talked with the Planning Commissioners regarding some surplus property that is located within the city limits of Perry. This property had reverted back to the county due to the owner's failure to pay the taxes (\$23,550.42) on the property. It is a 5.14 acre parcel that Perry would like to include in a nature park. The water pressure at this elevation is not very good and the former owner/developer decided to abandon plans for development. Staff said that the purpose of having this reviewed by the Planning Commission is to determine the following:

- 1. With the exception of short term leasing or renting of surplus real property for agriculture purposes, the Box Elder County Planning Commission shall review all proposed sales, leases, and conveyances of any kind, or surplus properties owned by the County and make recommendations to the Box Elder County Commission.*
- 2. All such sales, leases and conveyances shall conform to the Box Elder County General Plan and the Land Use Management and Development Code and all other county ordinances and standards.*
- 3. The Planning Commission shall submit their recommendation or reply within 15 days from the date the Planning Commission takes action on the proposed conveyance.*

MOTION: A Motion was made by **Commissioner Kevin McGaha** to forward their recommendation to the County Commission approving the sale of this surplus property to Perry City. (The County Commission will hold a public hearing and determine the value of this property.) Motion seconded by **Commissioner Jay Christensen** and passed unanimously.

Staff reminded the commissioner of the training scheduled for Thursday, January 9, 2014 at the county road shed [5730 West 8800 North] at 6:00 p.m. Commissioner Laurie Munns said that she had a conflict and may not be able to attend.

PUBLIC COMMENTS -- NONE

A **Motion** was made to adjourn at 8:24 p.m., unanimous.

Passed and adopted in regular session this 16th of January 2014.

Chad Munns, Chairman
Box Elder County
Planning Commission