

BOX ELDER COUNTY PLANNING COMMISSION MINUTES March 17, 2016

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	Scott Lyons	Planner
Kevin McGaha	Member	Marcus Wager	Planner
Michael Udy	Member/Excused		
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:

Griffin Holmgren/Bear River City	Rowdy Bailey/Bear River City
Jake Holmgren/Bear River City	Jared Holmgren/Bear River City
Tim Munns/Hansel Valley	Thayne Hupp/Tremonton
J. Golden Ward/Tremonton	Scott & Veronica Holland/Brigham
Matt Hansen/Perry	Jim Flint/Brigham City
Josh Skidmore/Brigham City	

The Minutes of the January 21, 2016 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jay Christensen** to accept the Minutes as written; seconded by **Commissioner Kevin McGaha** 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.

SCOTT & VERONICA HOLLAND, CUP15-006, ACCESSORY DWELLING LOCATED AT 4345 NORTH HIGHWAY 38 IN THE HARPER WARD AREA OF BOX ELDER COUNTY.

Staff explained that this petitioner was requesting a conditional use permit in order to use the existing (smaller) home located on the property as an accessory dwelling. The BECLUM&DC, Section 3-2-070-7.5 allows for accessory dwelling units as a conditional use when a new home is

built having at least 2850 square feet in size; the existing home would then meet the requirement of 40% size for the accessory dwelling. No comments were given and the public hearing was closed with a Motion by **Commissioner Desiray Larsen**, seconded by **Commissioner Kevin McGaha** and was unanimous.

ACTION:

Commissioner Desiray Larsen asked if the required 2850 square feet had to be living space or could it also include an unfinished basement? Staff said that the Code does not specify whether it has to be finished living space or not. It would not include a garage nor does it address the number of stories that may be in the homes design. Staff also said that the applicant was aware of the requirement for this conditional use in the RR-5 zone and they were provided with a letter outlining the requirements. If the applicant can meet the requirements then the size of the home would be reviewed by the building department when the building application was submitted. **Mr. Scott Holland** told the commissioner that the requirements were quite clear and that the size of the proposed home would exceed the necessary 2850 square feet. Staff also added that when a building permit is submitted the county planner also reviews the application to make sure that it meets the setback requirements and the percentage of coverage.

MOTION: A Motion was made by **Commissioner Kevin McGaha** to approve the Conditional Use Permit application of Scott & Veronica Holland, CUP15-006; seconded by **Commissioner Jay Christensen** and passed unanimously. (The BECLUM&DC, Section 5-6-060 outlining the development standards for Accessory Dwelling Units)ⁱ

SKIDMORE TRANSPORTATION SERVICES, INC. CUP16-001, A CONDITIONAL USE PERMIT FOR AN IMPOUND YARD LOCATED ON THE SOUTHEAST CORNER OF 2260 WEST HIGHWAY 13, WEST OF BRIGHAM CITY.

Staff explained that this petitioner was requesting a conditional use permit for a hard surface parking that would be used as an impound lot located between Brigham City and Corinne on Highway 13.

Mr. Jim Flint, from Hansen Engineering, presented the commissioners with a site plan stating that there would be no buildings and that the area would be use solely for the purpose of containing impounded vehicles. The site is approximately one-third of an acre and is already base rocked. The area is very flat and if necessary a berm could be constructed around the containment area. The area will be well-lit and in order to apply for the permit from the state it is necessary to first have the approval from the county. He also noted that Josh Skidmore (the landowner) and Matt Hansen (Hansen Motors) were in attendance and would be happy to address any concerns or questions that the planning commissioners might have.

No other comments were given and the public hearing was closed with a Motion by **Commissioner Laurie Munns**; seconded by **Commissioner Desiray Larsen** and was unanimous.

ACTION:

Chairman Chad Munns asked the petitioner(s) if they had been able to review the staff report that included the rules and regulations associated with this request. Staff said that there were a couple of additional concerns which included possibly having a berm around the area as Mr. Flint had mentioned and also that the details regarding the size and type of the sign to be placed on Highway 13 would need to be submitted in order to make sure that it met the regulations of the Code. The light that is currently in the area is adequate and there were additional conditions that staff had outlined in the staff report which had been given to the petitioner. As this is a request for a hard surface parking area, staff said that the planning commissioners could discuss the type of road base or surface material that they would like to see used. The county engineer had indicated that a type of asphalt or road base would be desirable and also showing a plan for any fluid containment if any of the vehicles should be leaking any fluids.

Commissioner Laurie Munns asked if it would need to have asphalt or could another type of hard surfacing be sufficient. Currently there is no definition in the Code that addresses “hard surface” according to staff.

Mr. Josh Skidmore said that the area is currently a compacted road base with gravel on top, as is the case with other impound yards, i.e. S&M Diesel in Corinne or Brett’s Towing on Forest Street they are graveled. He was basically asking to put up a chain-link fence to be able to secure vehicles in an impound yard. In regards to the signage, it would basically be a 3 foot by 5 foot piece of wood noting that it was an impound lot with the license number on it with a phone number to contact and would be attached to the chain-link fence.

Mr. Matt Hansen said that there is already a fence at the site and an additional fence would be placed inside of it as there are very specific requirements from the state in order to have an impound lot designated as a state impound lot. The standard six or eight foot chain-link fence also has to have three rows of barbed wire running along the top. This is going to be a holding yard for vehicles that may have been involved in an accident; a place where they can be stored while the owner may be waiting for information or a decision from an insurance company.

Staff’s concern was that with a conditional use permit, it runs with (or stays with the property/land) and if this petitioner moves on and sells the property the new owner might not follow the suggestions that are being made at this time. It is the responsibility of the planning commission to look at the items that can be mitigated and place any necessary conditions on the CUP that would remain with it regardless of who the landowner might be. Impound yards can sometimes be looked at as blight in the community and this planning commission has the ability to take care of any issues that they deem necessary in granting the CUP.

The petitioner(s) and the planning commissioner continued to discuss this project and items of concern after which the following motion was made.

MOTION: A Motion was made by **Commissioner Laurie Munns** to approve the CUP for a Hard Surface Parking Impound Lot with the conditions and findings as outlined by Staff. **Commissioner Kevin McGaha** then asked to amend the Motion with additional conditions that had been discussed with the petitioner, as did **Commissioner Bonnie Robinson**. **Commissioner Jay Christensen** then seconded the Amended Motion and the Motion passed unanimously.

Conditions of Approval (from Staff) (* indicates conditions from Staff and Planning Commissioners):

- a. Screened fencing on all four sides where the vehicles will be parked.*
- b. Lighting to adequately provide lighting for the property.*
- c. Signage near HWY 13 for the general public.

- d. Regarding the property west of this site where the access road will be, an easement will need to be recorded granting access (even though the property is currently owned by Mr. Skidmore that could change in the future).*
- e. Compliance with Article 5 of the BECLUM&DC.
- f. Compliance with Section 2-2-100, Conditional Use Permit, of the BECLUM&DC.
- g. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.

Additional conditions as outlined by Planning Commission:

- 1. Screened fencing on all 4 sides where the vehicles will be parked.*
- 2. Lighting to adequately provide lighting for the property.*
- 3. Signage as required by the State of Utah, and meeting the requirements of Box Elder County.
- 4. Conditions and findings on staff report along with all comments from staff are taken care of on the site plan.
 - a. All comments already received by Hansen and Associates. (a construction of a berm will not be required)
 - b. A grading and drainage plan as approved by the County Engineer.
- 5. Fluid receptacles on site to catch any leaking fluid from vehicles.
- 6. No dismantling or salvaging of vehicles within the impound yard.
- 7. An all-weather hard surface road base maintained at the site.
- 8. No building will be constructed as part of this Conditional Use Permit, nor utilities.
- 9. Access road easement to be recorded in the County Recorder's office.*
- 10. Designated parking spaces provided outside of impound yard with signage.
- 11. A copy of the state license will be given to the Planning & Zoning office (may be done after Conditional Use Permit is obtained).
- 12. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
- 13. Compliance with Article 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code.
- 14. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.

REZONE, Z16-001: COUNTY PROPOSED RE-ZONE OF PARCEL 01-012-0160 ON PROMONTORY POINT FROM THE MUNICIPAL SOLID WASTE ZONE (MSW) TO THE SOLID WASTE ZONE (SW).

Staff explained that this request was generated by the County in order to bring this parcel into compliance with the current BECLUM&DC language that was recently changed. When the Land Use Code was changed this parcel was not included in the zone change and is still listed as Municipal Solid Waste Zone and needs to change to Solid Waste Zone. The correction is for one word, "municipal". *Mr. Tim Munns* said that he was in favor of this change as it is just a technicality and supports the planning commission and the county commission in granting the CUP for this Solid Waste Zone once it is submitted to the county. No other comments were received and the public hearing was closed with a Motion by **Commissioner Desiray Larsen**, seconded by **Commissioner Kevin McGaha** and was unanimous.

ACTION:

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for the proposed re-zone

of parcel 01-012-0160 on Promontory Point; motion seconded by **Commissioner Kevin McGaha** and passed unanimously.

It was noted by **Chairman Chad Munns** that the **PROMONTORY POINT RESOURCES, CUP16-002**, conditional use permit for the construction of a non-hazardous landfill of approximately 2000 acres located on parcel 01-012-0160 had been removed from the agenda at the request of the petitioner. (This item had been noticed for a public hearing).

NEW BUSINESS

JAY CHRISTENSEN, AGRICULTURAL SUBDIVISION, REQUEST TO SUBDIVIDE 5.686 ACRES FOR AGRICULTURAL PURPOSES. LOCATED AT 11820 NORTH 10000 WEST IN THE BOTHWELL AREA.

Commissioner Jay Christensen asked to be excused from the discussion and action regarding this item. Staff then explained that this request is to subdivide this property by an agricultural subdivision. This type of subdivision is different than a subdivision where a home is being built in that the petitioner is able (as per the State Legislature regarding agricultural subdivision) to present the request without having to have a plat created and then approved by the planning commission. (*Exempt From Plat Requirements*) The land use authority, i.e. the Planning Commission reviews the request and then [may] grant approval. Once approval is granted, the petitioner would then take the new deeds to the recorder's office for recording. Staff also told the commissioners that this split will not result in a lot where a home is being built, but an agricultural building could be built and therefore does not have to show proof of utilities or approval from the Health Department.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to grant approval for the Jay Christensen, Agricultural Subdivision. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously; with **Commissioner Jay Christensen** excusing himself.

UNFINISHED BUSINESS--NONE

NEBONET/J. C. MICKELSON, CUP15-011, CONDITIONAL USE PERMIT FOR LOCATION OF WIRELESS INTERNET ANTENNA STRUCTURE AT APPROXIMATELY 12596 WEST FAUST VALLEY ROAD IN BOTHWELL AREA OF BOX ELDER COUNTY.

This petitioner had come before the planning commission in January proposing this wireless antenna be located in the Marble Hills Subdivision. This subdivision has covenants that do not allow for any antennas other than those that are on the roof of a home. One of the residents was opposed to the location and wanted the covenants enforced. (The county does not enforce covenants, but the residents can.) Therefore, Nebonet has found another location located on the west side of Faust Valley Road. This location will still be able to service the clients of the area; however this antenna will need to be a sixty foot tall structure. **Chairman Chad Munns** asked if all of the conditions were being met with application, and staff said there are no specific conditions/regulations regarding the setbacks, as it does not fall under the guidelines of a telecommunications ordinance. However, as this is a conditional use permit the planning

commission could require specific setbacks under the essential services portion of the Code. There would need to be specific reasons for requiring the 110% setback.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to grant approval for the Nebonet Conditional Use Permit (wireless internet antenna structure) as presented. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

WORKING REPORTS

PLANNED UNIT DEVELOPMENT (PUD) FOLLOW-UP AND DISCUSSION

Staff reviewed the changes that had been made and additions that had been made by the county attorney, Steve Hadfield. Those changes were in the definitions and general requirements. As not all of the planning commissioners had been able to review the new changes, it was decided that this item would be placed on the agenda for the April 21, 2016 meeting. **Chairman Chad Munns** still had some [real] concerns where this type of development would be allowed. The main concern was that it [a PUD] would be allowed in any of the zones throughout the county and that should probably be addressed, possibly during a public hearing.

CHANGE DATE OF THE MAY PLANNING COMMISSION MEETING

The date for the May planning commission meeting was changed from the third Thursday to the second Thursday as the staff would be attending a conference conflicting with the regularly scheduled meeting.

REAPPOINTMENT OF PLANNING COMMISSIONERS (CHAD MUNNS, LAURIE MUNNS & JAY CHRISTENSEN), OR NEW APPOINTEES.

Commissioner Chad Munns and **Commissioner Laurie Munns** both said that they would agree to be reappointed for another term of three years of serving on the planning commission. **Commissioner Jay Christensen** said that he would not be able to be reappointed and he was given thanks for the years that he has served on the commission. Staff said that they will have some potential names to submit to the County Commissioners for their selection of his replacement, hopefully in time for the April 21, 2016 meeting.

PUBLIC COMMENTS

Mr. Tim Munns stated again that he was in favor of the proposed landfill at Promontory and asked what the status was of the permit that was applied for regarding the landfill in Hansel Valley. Also was there any time constraint on how long that permit could stay at its current state, noting that it has been well over a year since it was originally applied for. *County Attorney, Steve Hadfield* said that he didn't think there was anything in the Code that addressed how long a permit/petition request could be tabled. **Mr. Munns** also said that he and several of the other residents of the Hansel Valley area were interested in looking into having that area zoned to help protect the water shed and residents of that area. He was then directed to get in contact with the staff of the Planning and Zoning Department to proceed.

A **Motion** was made to adjourn at 8:38 p.m., unanimous.

Passed and adopted in regular session this 21st day of April 2016.

Chad Munns, Chairman
Box Elder County
Planning Commission

- i
- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, as their permanent residence. Application for an ADU shall include evidence of owner occupancy as defined in section 5-6-040 of this chapter.
 - B. ADUs shall not be sold separately from the main unit.
 - C. ADUs shall not be rented on a transient basis (periods less than 30 days).
 - D. Only one (1) ADU may be created per lot or property in zones that allow single-family dwellings.
 - E. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
 - F. Installing separate utility meters and separate addresses for the ADU is prohibited.
 - G. The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence.
 - H. ADUs shall be occupied by no more than two (2) related or unrelated adults and their children.
 - I. The minimum lot size required for construction of an ADU in all zones that allow single-family dwellings shall be twenty thousand (20,000) square feet.
 - J. ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
 - K. ADUs and the main dwelling must be on the same parcel and may not be subdivided.
 - L. ADUs shall be compatible with the exterior color and materials of the principal dwelling.
 - M. The maximum height for ADUs is limited to one story and to twenty (20) feet or the height of the principal structure, whichever is less.
 - N. A minimum of one (1) off street parking space must be provided for the ADU.
 - O. Where an existing subdivision has CC&Rs in place that govern ADUs the more restrictive regulation shall govern the use and development of that subdivision.
 - P. The planning commission may place other appropriate or more stringent conditions deemed necessary in approving ADUs to protect the public safety welfare and single-family character of the neighborhood.