

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES September 18, 2014

---

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:

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

### The following citizens were present:

Robert Dunn/Brigham City	Faylene Brown/Brigham City
James Jensen/Brigham City	Jared Holmgren/Bear River City
Shain Stoddard/Bountiful	Becky Poppe/Portage
Devin Jones/Smithfield	

The Minutes of the August 28, 2014 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 Laurie Munns** 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, but this was not a time for questions/answers.

## **TEXT AMENDMENT, BOX ELDER COUNTY, AMENDMENT TO THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE, CHAPTER 2-2; SECTION 2-2-080 (D) (4), ADMINISTRATION & DEVELOPMENT REVIEW PROCEDURES.**

Staff explained that this first item was being proposed in order to align the County Land Use Code with that of the Utah State Code in regards to public hearing when presented before the County Commission for approval. Currently a public hearing is required at the Planning Commission level and is an option for the County Commission; the BECLUM&DC states that a public hearing needs to be held at the County Commission level. This would eliminate that necessity, unless recommended by the Planning Commission. No comments were received and a

Motion was made by **Commissioner Bonnie Robinson** to close the public hearing and seconded by **Commissioner Kevin McGaha**, passed unanimously.

**CUP14-004, WASHAKIE RENEWABLE ENERGY, GRAVEL PIT OPERATION FOR ATTCO TRUCKING LOCATED AT APPROXIMATELY 24000 NORTH, EAST OF I-15. (FILED 8-27-2014)**

This applicant was requesting a CUP in order to create A sand and gravel pit in the Portage area of Box Elder County. Currently the property is un-zoned and the proposed zone is for MG-EX. Phase One of the pit would encompass approximately 23 acres with the max production at 2,000 tons per day and a average of 20,000 tons monthly. **Mr. Shain Stoddard**, ATTCO Trucking, asked that approval be given to this request as this site has formerly been used for gravel excavation. No other comments were received and a Motion was made by **Commissioner Laurie Munns** to close the public hearing, seconded by **Commissioner Kevin McGaha**, passed unanimously.

**Z14-006, RICHARD B. JENSEN, TRUSTEE, RE-ZONE PROPERTY LOCATED AT APPROXIMATELY 196 N 2600 W, WEST OF BRIGHAM CITY. RE-ZONE APPROXIMATELY 80 ACRES FROM THE CURRENT A-20 (20 ACRES AGRICULTURE) TO A-1/2 (ONE HALF ACRE). (FILED 8-8-2014)**

Staff explained that this re-zone request is in order to re-zone approximately 79 acres (on two separate parcels – 03-109-0018 and 03-109-0020) from the current zone of A-20, agricultural 20 acre to A-1/2, one-half acre parcel. **Ms. Faylene Brown**, daughter of the applicant, told the Commissioner that this is being requested in order to open the property for possible development for the applicant’s children and grandchildren. No other comments were received and the public hearing was closed with a Motion by **Commissioner Bonnie Robinson**, seconded by **Commissioner Kevin McGaha** and was unanimous.

**UNFINISHED BUSINESS--NONE**

**NEW BUSINESS**

**TEXT AMENDMENT, BOX ELDER COUNTY, AMENDMENT TO THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE, CHAPTER 2-2; SECTION 2-2-080 (D) (4), ADMINISTRATION & DEVELOPMENT REVIEW PROCEDURES.**

Staff presented the proposed text amendment change to the CommissionerS for their recommendation of approval to the County Commission.

*“Following receipt of a recommendation from the Planning Commission, the County Commission may hold a public hearing on the application as provided in Section 2-2-050 of this Chapter and in the Utah Open and Public Meetings Act. ~~Following a public hearing and~~ After due consideration the County Commission may approve, approve with modifications, or deny the proposed amendment.”*

Five words would be illuminated from the text, and **Commissioner Bonnie Robinson** again stated that if the Planning Commission felt that a public hearing should be held at the County Commission level that recommendation would be included in the Planning Commission

recommendation.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for the Text Amendment to Chapter 2-2-080 (D) (4). Motion seconded by **Commissioner Laurie Munns** and passed unanimously.

**CUP14-004, WASHAKIE RENEWABLE ENERGY, GRAVEL PIT OPERATION FOR ATTCO TRUCKING LOCATED AT APPROXIMATELY 24000 NORTH, EAST OF I-15. (FILED 8-27-2014)**

Staff explained that additional materials to accompany this application were submitted ten days prior to this meeting and there was not enough time for all of the approving departments to review the materials and report back. The County Engineer, County Roads Department, County Fire Marshal and the Bear River Health Department are all currently reviewing this application; therefore Staff recommended that this item be Tabled until the October 2014 meeting. **Commissioner Laurie Munns** was especially interested in the report from the Roads Department with regards to the traffic generated by the gravel trucks moving materials out of this location and it may be necessary to add additional conditions on the CUP. **Commissioner Bonnie Robinson** asked for clarification on the amount of material that would be taken off of the site. The applicant said that it would be excavated on an “as needed basis”. **Devin Jones**, Sunrise Engineering asked if it would be possible to grant a limited conditional use permit in the interim period before the October meeting. However, Staff replied saying that because they are waiting on the review of the other departments, it is not a matter of if the permit will be allowed, but more of when and what conditions will be placed on it. Without the reports of those agencies, it would be difficult to issue a temporary permit at this time.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to Table the application for the CUP of ATTCO Trucking until the other county reviewing agencies have been able to make their recommendations to the Planning Staff. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

**Z14-006, RICHARD B. JENSEN, TRUSTEE, RE-ZONE PROPERTY LOCATED AT APPROXIMATELY 196 N 2600 W, WEST OF BRIGHAM CITY. RE-ZONE APPROXIMATELY 80 ACRES FROM THE CURRENT A-20 (20 ACRES AGRICULTURE) TO A-1/2 (ONE HALF ACRE). (FILED 8-8-2014)**

Based on the information and materials submitted to the Planning Staff it was recommended that this application received approval for the re-zone.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval to the County Commission subjected to the conditions as stated in the staff report. Motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

**Conditions of Approval:**

1. Compliance with Article 5 of the BECLUM&DC.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the BECLUM&DC.
3. Compliance with all applicable county, state and federal laws regulating the proposed

use, including all current licenses, permits, etc.

## **WORKING REPORTS**

### **RR-5 and RR-5\* (modified) Zones**

Planner Scott Lyons discussed the possible changes to the RR-5 and RR-5\* (modified) zones in the county. (Via a text message, Commissioner Jay Christensen, who lives in the Bothwell area, said that he could see no need for the modified zone to exist.) Staff explained that there are minor differences in the uses in the two zones and this text amendment was generated by an application for a cell tower location in the RR-5\* (modified) zone, which does not allow for such uses at this time. It had been discussed previously that one of the zones be eliminated and the uses combined as inclusive to the area. A text amendment and a map amendment would occur and a public hearing would be held with notification being sent to the residents of [this] Bothwell area. Chairman Chad Munns asked if there are any former commissioners, either planning or county, that may be contacted regarding any knowledge as to why there are these two zones in this area. He would like to know what the thought was for creating the two zones originally.

### **Sexually Oriented Business Ordinance #224**

Planner Marcus Wager discussed the existing SOB Ordinance with the Commissioners. This Ordinance was adopted in 1998 and upon doing some research, additional restrictions were being recommended. The location of SOB within Box Elder County were also discussed and either creating a zone specifically for such uses, proposing an overlay zone, or limiting to industrial zones. County Attorney, Steve Hadfield said that the county could probably not create a zone specific to this use if it were difficult to access or at such a remote location that it would be unreasonable even if located on a county road, i.e. western part of the county. Staff said that while researching for this ordinance he found that most zones are located in industrial zones. Without having a specific zone or an overlay, an SOB could be located in an un-zoned area of the county. Staff asked that the commissioners forward any recommendation regarding this ordinance to him during the next several weeks.

### **Animal Ordinance Section 1-3-040 (Definitions) in the BECLUM&DC**

Planner Marcus Wager reviewed the proposed changes to the Animal Ordinance that are being proposed in the BECLUM&DC. This change is directed more toward the smaller lots of ½ acre in many of the rural residential areas. The current definitions for household pets and kennels are: [These would be eliminated and new language and a table showing number of animals allowed would replace it.]

***“Household Pets:*** *Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, rabbits and ~~canaries~~’ fowl; not to exceed a total of four (4) dogs or cats, four (4) rabbits, and six (6) fowl; the total number of pets shall not exceed ten (10). Household pets do ~~but~~ not include any animals which are likely to inflict harm or endanger the health, safety, or welfare of any person or property. This definition shall not include a sufficient number of dogs as to constitute a kennel as defined in this Code.”*

***“Kennel:*** *An establishment having ~~four~~(4) five (5) or more dogs or cats for the purpose of boarding, keeping, breeding, buying, grooming, letting for hire, training for profit, or selling.”*

The proposed would be:

- *“Combining Animals and Fowl for Recreation and Family Food Production: Animals and Fowl for Recreation and Family Food Production: The keeping of animals on a lot or parcel for exclusive personal, non-commercial, use by persons residing thereon.”*

Type	Maximum Per Acre
Cows, Goats, Sheep, Horses, Donkeys	2
Pigs, Hogs	2
Chickens, Ducks, Pigeons	10
Rabbits, Hares	10
Apiaries	5 Hives

It was suggested that other types of birds be added, i.e. pheasants, turkeys, geese, etc. Also the number of chickens was questioned as to whether more should be allowed. The acreage was also discussed as to whether it should be half acre or full acre. Staff explained that it is more in the residential areas of half acre where questions are directed regarding the number of animals. This item will be brought back to the Planning Commission at a future date once it is more in the final state.

#### **Follow-up on County Ordinance 350 – Municipal Solid Waste Corridors**

County Planner, Scott Lyons updated the Commissioners regarding information that he had received from three environmental engineers that could do the work on locating areas in the County suitable for a municipal solid waste corridors. One firm met with him and gave a proposal [quote] of between \$5000 and \$20,000. The other two firms have not gotten back with any firm quote numbers. He will keep the Commissioners informed as information comes in. Commissioner Laurie Munns again said that it was important that the Planning Commissioners be kept informed and that a work session could be scheduled once a definite decision is made with hiring and moving forward.

#### **PUBLIC COMMENTS – NONE**

A **Motion** was made to adjourn at 8:11 p.m., unanimous.

Passed and adopted in regular session this \_\_\_\_\_ 23<sup>rd</sup> day of October 2014 \_\_\_\_\_.

\_\_\_\_\_  
Chad Munns, Chairman  
Box Elder County  
Planning Commission