

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES APRIL 18, 2019

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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:

<i>Roll Call</i>		<i>the following Staff was present:</i>	
Laurie Munns	Chairman	Scott Lyons	Com Dev Dir.
Mellonee Wilding	Vice-Chair	Marcus Wager	County Planner
Kevin McGaha	Excused	Steve Hadfield	County Attorney
Michael Udy	Member	Jeff Scott	Commissioner
Desiray Larsen	Excused	Diane Fuhriman	Executive Secretary
Bonnie Robinson	Member		
Jared Holmgren	Member		

**Chairman Laurie Munns** called the meeting to order at 7:00 p.m.

The Invocation was offered by **Commissioner Michael Udy**.  
Pledge was led by **Commissioner Bonnie Robinson**.

### **The following citizens were present & signed the attendance sheet**

See Attachment No. 1 – Attendance Sheet.

The Minutes of the March 21, 2019 meeting were made available to the planning commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jared Holmgren** to approve the minutes as written. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve the April 18, 2019 agenda. The motion was seconded by **Commissioner Mellonee Wilding** and passed unanimously.

### **UNFINISHED BUSINESS- NONE**

### **PUBLIC HEARINGS**

Chairman Laurie Munns explained public hearings provide an opportunity for the public to voice their concerns or approval on an item. In the meeting there is also unfinished business, public hearings, and new business. The unfinished business and new business provides opportunity for the commissioners to take action on an item. It is not a time for public comment or input. Although the commissioners may ask questions of the applicant during these times.

**LAND USE TEXT AMENDMENT, Z19-002. Request to amend text of the Box Elder Land Use Management & Development Code Chapter 3-5, South Willard Neighborhood Commercial (SW-NC), to allow the use “professional offices”.**

Staff stated the text amendment being requested is to add the use “professional offices” to the uses allowed in the South Willard Neighborhood Commercial Zone.

The public hearing was opened for comments. There were no comments.

Hearing no comments, a motion was made by Commissioner Bonnie Robinson to close the public hearing on the Land Use Text Amendment, Z19-002, the motion was seconded by Commissioner Michael Udy and passed unanimously.

**ACTION**

Staff explained for a text amendment the approval standards set forth in the land use code are as follows:

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan;** *The proposed amendment is consistent with the goals, objectives, and policies of the County’s General Plan.*

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** *this text amendment affects all areas of unincorporated Box Elder County that have the zoning designation of South Willard Neighborhood Commercial.*

**C. The extent to which the proposed amendment may adversely affect adjacent property;** *and The proposed amendment should not adversely affect adjacent property.*

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** *The proposed amendment should not put a strain on any of these facilities.*

Staff continued stating the land use code allows for ordinance text amendments subject to review of these approval standards. It is staff’s opinion the proposed amendment meets the approval standards and the planning commission may forward a recommendation of approval to the county commission.

Commissioner Laurie Munns asked staff since this text amendment affects all areas of unincorporated Box Elder County having the designation of South Willard Neighborhood Commercial; do you see this being in effect in other areas where we would not want it to be there?

Staff said there is only one area zoned South Willard Neighborhood Commercial and it does not have a negative effect. If this is incorporated into the text of the code, then any future requests for the South Willard Neighborhood Commercial Zone that would then be part of the analysis as to whether any use in this table would impact the area.

Commissioner Bonnie Robinson asked if someone in West Corinne could come and request that zone or is it specific to South Willard.

Staff answered the South Willard Neighborhood Commercial District specifically states areas in appropriate location along the fruitway of US Highway 89.

Commissioner Laurie Munns confirmed that not only is the planning commission forwarding a recommendation of adding the words professional offices, but also whether or not we want to see it as a conditional use or a permitted use.

Staff stated the applicant asked for professional offices to be allowed in the zone but did not specify conditional vs. permitted. Staff has also put together a draft for the definition of professional office as “a building where the business of a commercial organization or professional person is conducted limited to normal office activities, not including accessory functions of the business”.

**MOTION:** A Motion was made by Commissioner Mellonee Wilding to forward a recommendation of approval to the county commission on Application #Z19-002 for the Land Use Text Amendment, with the condition it be a conditional use not a permitted and include the definition of professional office put together by staff. The motion was seconded by Commissioner Bonnie Robinson and passed unanimously.

## NEW BUSINESS

### TAG SITE PLAN, SP19-001, Request for a Tactical Laser Tag Arena located at approximately 9500 South Highway 89 in the South Willard area of Unincorporated Box Elder County. ACTION

Staff explained this is in South Willard by the Weber County line. The property surrounding the area is zoned C-G (General Commercial.) Box Elder County Land Use Management & Development Code Section 3-4-070-9.5 allows as a permitted use Sports Activities Facilities and Section 2-2-120.D.2.c, allows for commercial uses subject to Site Plan approval. Section 2-2-090 outlines the following standards for approval for permitted uses.

- A. The proposed use shall be allowed as a permitted use in the applicable zone. *Yes***
- B. The proposed use shall conform to development standards of the applicable zone. *Yes***
- C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. *Yes***
- D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. *Yes***
- E. If the proposed use is located on a lot or parcel which has been subdivided without County approval a subdivision plat shall be approved and recorded as a condition of approval. *N/A***

Staff stated there is an existing building and no modifications are planned with this site plan. Access is off Highway 89 in Weber County and wraps around to the building. All necessary departments have reviewed this and found no issues. The Box Elder County LUM&DC allows for commercial uses in the general commercial area and the site plan conforms to all requirements of the code. Staff recommends approval.

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to approve the TAG Site Plan, SP19-001 the request for a tactical laser tag arena in South Willard area with conditions listed by staff. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

**Conditions:**

1. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**WILLARD VIEW ESTATES SUBDIVISION, SS19-010, at approximately 656 West 7550 South in the South Willard area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting final approval of a six-lot subdivision. Lot 1 is 1.24 acres, lots 2-6 are approximately .64 acres each. Surrounding zoning is R-1-20. The access comes off Highway 89 onto an existing road at 7550 South. The letters for utilities have been received and are satisfactory. The feasibility letter from Bear River Health Department needs to be updated with the name of the subdivision and the number of lots. Staff has received the geotechnical report but is still waiting on the title report. All setbacks for the R-1-20 zone can be met. Setbacks will be reviewed and enforced during the building permit process. Article 6 of the Box Elder County LUM&DC outlines the requirements for subdivision review and all county departments are either satisfied or are currently reviewing this subdivision.

Staff continued stating based on the analysis of the subdivision plat and the survey of the surrounding area, staff concludes with the conditions outlined in the recommendation section of the staff report, the final subdivision plat will comply with the subdivision regulations of Box Elder County. Staff recommends approval.

**MOTION:** A Motion was made by Commissioner Michael Udy to approve the Willard View Estates Subdivision Final Plat SS19-010 subject to the conditions mentioned by staff. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

**Conditions:**

1. Compliance with all the comments from county staff.
2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**SURPLUS PROPERTY DISPOSAL FOR COUNTY WATER SHARES. ACTION**

Staff said Tremonton City has requested to purchase 44 water shares owned by the Box Elder County Redevelopment Agency for a secondary water system. The county surplus property disposal policy states when the disposal of real estate is being considered, it is to be reviewed by the planning commission to insure compliance with the general plan and the LUM&DC. Following

the review, the planning commission shall submit their findings to the county commission within 15 days. Staff stated County Attorney Stephen Hadfield feels since water shares are often associated with real estate transactions, they can be considered real estate. In reviewing county code, staff could not find any regulations regarding county owned water shares. Upon reviewing the general plan, there is a section called water resources that states: "the county continues to support the development, adoption, and implementation of water collection, storage, distribution and conservation plans by local municipalities, the conservancy district and water companies. The county encourages continued cooperation among these entities as water-management decision are made". Staff said this could be interpreted as a conservation plan by a local municipality because Tremonton City is looking to start a secondary water system in order to conserve culinary water. In the same section of the general plan it states: "Box Elder County encourages the development and use of secondary water systems as a way to conserve and more efficiently distribute limited water resources. The county is particularly interested in exploring the possibilities of using grey water as a secondary water source". Staff feels it is safe to say the county's general plan does support secondary water systems but does outline anything specifically to the sale of county owned water shares.

Staff thinks a finding could be sent to the county commission that neither the general plan or the county code addresses county owned water shares but does address the support of secondary water systems.

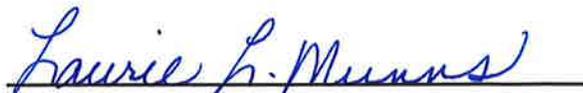
**MOTION:** A Motion was made by Commissioner Mellonee Wilding to forward a recommendation to the county commission that this is not addressed under the county land use code or the general plan and so it is not prohibited. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

**WORKING REPORTS - NONE**

**PUBLIC COMMENTS - NONE**

**ADJOURN**

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Mellonee Wilding and the meeting adjourned at 7:37 p.m.



Laurie Munns, Chairman  
Box Elder County Planning Commission

