

BOX ELDER COUNTY PLANNING COMMISSION MINUTES APRIL 19, 2018

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	Alyssa Braegger	Exec. Sec.
Kevin McGaha	Excused	Steve Hadfield	County Attorney
Michael Udy	Member	Marcus Wager	County Planner
Desiray Larsen	Member	Jeff Scott	County Commission
Bonnie Robinson	Member		
Jared Holmgren	Member		

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

The Invocation was offered by Jared Holmgren.
Pledge was led by Michael Udy.

The following citizens were present & signed the attendance sheet

Bret Craynor, Brigham City	Bruce Zundel, Garland
Marianne Craynor, Brigham City	David Bradshaw, Salt Lake City

The Minutes of the March 15, 2018 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Mellonee Wilding** to approve the minutes with the addition of the handout from Blue Ox as an attachment, seconded by **Commissioner Jared Holmgren** and passed unanimously.

UNFINISHED BUSINESS - NONE

PUBLIC HEARINGS

SENAWAVE CONDITIONAL USE PERMIT, CUP18-001, REQUEST TO INSTALL A 10 FT. TOWER FOR WIRELESS TRANSMISSION OF INTERNET SERVICE AT APPROXIMATELY 4550 NORTH HWY 38 IN THE HARPER WARD AREA OF UNINCORPORATED BOX ELDER COUNTY.

Staff said the applicant is requesting a conditional use permit for a new telecommunication facility off Highway 38 in the Harper Ward area. This would service the Harper Ward area with wireless

internet. The Box Elder County Land Use Management & Development Code Section 5-7-040 outlines the requirements. Staff said the request complies with all the standards.

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

Hearing no comments a Motion was made by Commissioner Bonnie Robinson to close the hearing on CUP18-001, seconded by Commissioner Mellonee Wilding and was unanimous.

ACTION

Staff recommended approval where this meets all the requirements of the Box Elder County Land Use Management & Development Code Section 5-7-040 as follows:

A. All telecommunications facilities shall comply with federal, state and county regulations; *Senawave complies with all regulations.*

B. Collocation is strongly encouraged to minimize the number of antenna support structures by collocation of multiple antennas on a single structure, and by encouraging the location of antennas on preexisting structures; *this new tower does not have plans for collocation at this time.*

C. Comply with the Telecommunications Act of 1996 by establishing regulations; *Senawave complies with these regulations.*

D. New telecommunications facilities require a Conditional Use Permit; *this application satisfies this requirement.*

E. Setbacks: All telecommunication facilities shall be setback at a distance equal to 110% of the total height of the tower from all property lines, inhabited structures, overhead utility lines, and public roads or public right-of-ways. *This facility meets this requirement. Minimum Setback: 11 ft. Proposed Setback: 15 ft.*

F. Signage: No commercial messages or signage shall be allowed on antenna supports (towers) or equipment, beyond safety warnings and one identification sign which are not greater than four (4) square feet in size; *There will be some small signage on the fence which meets this requirement.*

G. Fencing: A six (6) foot fence shall be erected around the perimeter of the telecommunication facility site. *There will be a six (6) foot fence built around the facility.*

MOTION: A Motion was made by Commissioner Mellonee Wilding to approve Conditional Use Permit #18-001 with any conditions recommended by staff. Motion was seconded by Commissioner Michael Udy and passed unanimously.

LAND USE TEXT AMENDMENT, Z18-004, REQUEST TO AMEND TEXT OF SECTION 5-1-070 – LOT STANDARDS AND STREET FRONTAGE OF THE BOX ELDER COUNTY LAND USE MANAGEMENT AND DEVELOPMENT CODE.

Staff explained in Section 5-1-070 of the BEC LUM&DC it states that no lot, 5-acres or less, can be created when it is more than three times as long as it is wide. The request would allow such a lot to be located anywhere in the county. This request will repeal that part. It also states streets and right-of-ways are approved by the planning department which they are not. We are proposing

to remove that text also. Staff said we are proposing this text amendment because frontage and setback standards which would regulate the size of a building lot were recently adopted which made this seem a little onerous.

The public hearing was then opened for comments.

Bruce Zundel, North Garland, thinks this is a not a good thing or else there will be a bunch of stringy lots everywhere. He is here for another topic on the agenda but this topic ties into it. Mr. Zundel thinks this needs to be presented in a broader forum because he would like to see more input from people in the county.

Marianne Craynor, Brigham City, said this will not affect her property because they are annexing the section into Brigham City, but they do have a lot like what is being described here. She said they have to have 150 ft. and our lot is a little bit deeper than three times the width. We do not have that much frontage but the width in the back is three times that. It is a 4-acre lot which is still a big section of property. It is pointless to not make it a building lot; it would be just worthless property. She agrees with what staff is trying to do.

Hearing no further comment a Motion was made by Commissioner Mellonee Wilding to close the hearing on Z18-004 Text Amendment to Section 5-1-070, seconded by Commissioner Bonnie Robinson and was unanimous.

ACTION

Staff read the Box Elder County Land Use Management & Development Code section 2-2-080 used for reviewing for zoning text amendments.

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.*

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.*

Chairman Laurie Munns asked staff to explain how the new changes in frontage apply to this text amendment.

Staff said for each lot created from now on in the un-zoned areas the frontage will be 100 ft. The setback requirements were taken from R-120 and RR-20 standards which is 30 ft. in front, 30 ft. in the rear and 15 ft. on each side. If there is not enough right-of-way then it goes from the center

line of the road back 63 ft. Staff feels comfortable where the frontage standards are in place that the three times as long as it is wide was overkill but the decision is up to the planning commission and the county commission.

Chairman Laurie Munns verified since this is a text amendment, the planning commission will forward a recommendation of approval or denial to the county commission for a final decision.

The commissioners discussed and agreed the shape or dimension of what is behind the frontage is not their place to say. As long as the property owner has met the frontage and setback minimums and access and safety as required.

MOTION: A Motion was made by Commissioner Bonnie Robinson to forward a recommendation of approval to the county commission for Z18-004 Text Amendment of Section 5-1-070 with any conditions listed by staff. The Motion was seconded by Commissioner Desiray Larsen and passed unanimously.

NEW BUSINESS

DON MILLER SUBDIVISION, SS17-027, AT APPROXIMATELY 17350 N 6000 W IN THE GARLAND AREA OF UNINCORPORATED BOX ELDER COUNTY.

Staff explained the subdivision is a 7-lot subdivision. Lots 4 and 5 already have homes on them. This process will allow homes on the other lots. It is an un-zoned area with a half-acre minimum. The smallest lot is approximately 1-acre. The rest of the lots are 5.6 to 5.7 acres. It has been through the review process and has the recommendation of approval from the surveyor's office. The fire marshal has given approval subject to the installation of a fire hydrant on the southwest corner of Lot 1. Infrastructure would be required and take place at the county commission level. Staff would draft a subdivision improvement agreement which would include the installation of the fire hydrant as well as meter boxes for the water lines on Lots 1, 2, 3, 6, and 7. The road department is comfortable with the proposed subdivision. Staff recommends moving forward to the county commission for final approval.

Chairman Laurie Munns asked if each lot is separately accessed on to the county road. Staff replied they are. She then asked if there is drainage along the road. Staff said there is and along the ditch the county engineer requires a 15 inch RCP reinforced concrete pipe to cross the ditch. If the ditch is larger than 15 inch, then they would need to expand that out to potentially an 18 inch. The road department has no concerns with ingress/egress coming off the county road. The health department has also given approval for the 5 lots available for new homes.

Commissioner Jared Holmgren inquired about agricultural protection to the landowners bordering the subdivision.

Staff said there are already some agricultural protection zones in the area. State code requires if there are agricultural protection zones in the vicinity that it be listed on the subdivision plat with a disclaimer stating the lots are within a certain distance of an agricultural protection area. The

agricultural use holds the highest use in this area and protects the adjacent landowners from any nuisance complaints or things associated with agriculture such as noise, dust, smells, etc. Landowners can request an agricultural protection be placed on their land at any time.

Staff recommends approval and then forwarding a recommendation to the county commission for approval.

MOTION: A Motion was made by Commissioner Mellonee Wilding to approve SS17-027, Don Miller Subdivision at approximately 17350 N 6000 W in the Garland area of the unincorporated area of Box Elder County, the motion was seconded by Commissioner Desiray Larsen and unanimously carried.

CRAYNOR SUBDIVISION 1ST AMENDMENT, SS18-006, AT APPROXIMATELY 3150 WEST FOREST STREET IN BRIGHAM CITY AREA OF UNINCORPORATED BOX ELDER COUNTY.

Staff explained the parcel is located in the A-1/2 zone and the applicant is requesting to amend the subdivision plat. The applicant would like to extend the property line further east. It would make Lot 1 larger going from 4.2 acres to 6.26 acres. The remainder lot would decrease from 5.77 to 3.74 acres. The surrounding land uses and zoning area north is agriculture and has a zoning of A-20; to the south is also agriculture in Brigham City. The east is also agriculture zoned as A-1/2, south and west is agriculture with A-20 as the zoning. The access to Lot 1 is on Forest Street and was approved and installed at the time the home was built. The utilities were all provided when the subdivision was first created.

Staff continued stating the BEC LUM&DC Article 6 outlines the requirements for subdivision reviews. The survey on this plat has been reviewed by the county engineers, county surveyor, road department and all applicable county departments to ensure accuracy. They have all recommended approval. Staff recommends approval of the amended plat SS18-006.

Chairman Laurie Munns asked if this amendment would be contingent upon the text amendment discussed prior in the meeting is approved by the county commission. Staff said it would and to include it into the motion.

MOTION: A Motion was made by Commissioner Bonnie Robinson to approve the Craynor Subdivision 1st Amendment SS18-006 on condition of the county commission approving the land use Text Amendment Z18-004 that requests to amend the text of Section 5-1-070 the Motion was seconded by Commissioner Jared Holmgren and unanimously passed.

MILESKI ROAD VACATE, VAC18-001, AT APPROXIMATELY 11600 NORTH – EAST OF HWY 38 IN THE DEWEYVILLE AREA OF BOX ELDER COUNTY.

Staff explained the applicant is requesting to vacate the county “D” road located at approximately 11600 North, east of Hwy 38 on the hillside just north of Deweyville in unincorporated Box Elder

County. The two property owners, Earl Cannon and Toby Mileski have signed the application and are both interested in having the road vacated. The reason for the road vacate is there is no necessary public use, it does not access any public lands, and basically crosses and dead ends on private property. Staff then reviewed the approval standards from the county's road vacate policy #2003-01 as follows:

1. Is there a prevailing public interest in keeping the road open; and *The road does not access public property, it dead ends on private property.*
2. Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County; and *the proposed vacation does not affect the County's General Plan or Transportation Plan.*
3. Is the proposed vacation in compliance with all Box Elder County Land Use and Development Code requirements, State, Federal or other local regulations; and *The proposed vacation is in compliance with all requirements and regulations.*
4. Will the proposed road vacation financially harm any landowner or stakeholder who may have an interest in the road; and *The Public Hearing process is in place to help bring any evidence of harm to light.*
5. The County shall not vacate any other private interest within the right-of-way; and *no other interests within the right-of-way are to be vacated.*
6. When considering the vacation of a deeded road as opposed to a right-of-use road, the provisions of the surplus property disposal policy shall be used; and *The proposed vacate is not a deeded road and does not need to conform to the surplus property disposal policy.*
7. The petitioner will provide descriptions in a deeded right-of-way for all abutting owners who may receive any ownership of the vacated road. *The petitioners have supplied the descriptions, and the applicants are the only owners who abut the road to be vacated.*

Staff said as all approval standards can be met, staff recommends the planning commission forward a recommendation of approval to the county commission.

MOTION: A Motion was made by Commissioner Desiray Larsen to forward a recommendation of approval to the county commission for Application VAC18-001, a road vacation in the Deweyville area of Box Elder County. The Motion was seconded by Commissioner Mellonee Wilding and was unanimous.

WORKING REPORTS - NONE

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Mellonee Wilding to adjourn commission meeting. The motion was seconded by Commissioner Jared Holmgren and meeting adjourned at 7:54 p.m.



Laurie Munns, Vice Chairman
Box Elder County Planning Commission

