

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JUNE 18, 2020

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	Comm Dev Director
Mellonee Wilding	Vice-Chair	Marcus Wager	County Planner
Kevin McGaha	Excused	Steve Hadfield	County Attorney
Michael Udy	Member	Jeff Scott	Commissioner
Desiray Larsen	Member	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 Desiray Larsen.

Pledge was led by Commissioner Jared Holmgren.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet. Commissioner Mike Udy via electronic meeting

The Agenda of the June 16, 2020 meeting was made available to the Planning Commission prior to this meeting and upon review a **Motion** was made by Commissioner Jared Holmgren to approve the agenda. The motion was seconded by Commissioner Desiray Larsen and passed unanimously.

The Minutes of the May 21, 2020 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by Commissioner Desiray Larsen to approve the minutes as written. The motion was seconded by Commissioner Jared Holmgren 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.

LITTLE MOUNTAIN REZONE, Z20-005, Request for a re-zone from Unzoned to MG-EX for 3300.43 acres located on Little Mountain at approximately 4800 North Landfill Road in the West Corinne area of Unincorporated Box Elder County. ACTION

Staff explained the surrounding area of this property has several zones. The applicant is requesting that 3300.43 acres be rezoned from Unzoned, MU-40 (Multiple Use 40 acre), and A-20 (Agricultural 20 acre) to the MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone. This zone is primarily requested when there is interest in mining activity. The predominate land uses in the area are agriculture and mining.

The public hearing was then opened for comments.

Ellen Nelson, Corinne, asked where access to the property is going to be. She is curious where they are going to put the gravel pits because this property is adjacent to her property. She is concerned how the gravel pit is going to affect her property and what hours of the day or night the gravel pit be in operation.

Hearing no further comments, a motion was made by Commissioner Desiray Larsen to close the public hearing on the Little Mountain Rezone, Z20-005. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

ACTION

Commissioner Laurie Munns expressed her concern with access to the property.

Randy Anderson, representative for Nicoli Nicholas, said there are 3 right-of-way accesses to the property. The times the pit will be in operation will depend on what job is being done. Staff said the hours of operation can be addressed at the time of the conditional use permit.

Randy Anderson said there have always been gravel operations on parts of the property. The agreement between Nicoli Nicholas and Box Elder County is quite extensive. The county has the right to take material off the property and pay the going rate for it. He said a lot of answers can be found in the agreement and made himself available to the commissioners and staff to answer any questions they may have.

Staff said the access to the south leading on to Highway 83 is a 50 ft. right-of-way owned by Mr. Nicholas. The county has a recorded legal description if a survey needs to be done to determine exactly where that 50 ft. is. Staff read the approval standards for a zoning map amendment as follows:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The County General Plan recommends that industrial development be located adjacent to major transportation corridors and public utility/service areas. It is recommended that industrial areas, where feasible, be annexed to municipalities to help cover costs of local services.

The County's zoning regulations also include the flexibility, as specific cases may require, to locate industrial uses adjacent to raw materials or in isolated locations to maintain public safety. Regardless of the location, industrial uses will occur in a manner sensitive to adjacent land uses and the environment, including water and air quality.

It also states with regard to gravel pits: Development of the County's resources is important to present and future residents. It is the County's position that these resources can be developed in responsible manner. Operation conditions should address potential conflicts with adjacent land uses and community values. Sites should be engineered and managed for environmental compatibility, aesthetics and reclamation.

West Corinne Community Plan (2004): The Plan settled on the zoning that is now in place in West Corinne. This area consists of A-20, MU-40, and Unzoned. No other zoning for the area has been proposed. Mining or gravel extraction as a zone or as a use was not mentioned in the plan.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; The area is a combination of agriculture, the county landfill that uses 6800 North and Iowa String Road as its main access roads, and other gravel operations to the west and south that access onto Hwy 83.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment may have an effect on the values of adjacent property. The public hearing process may shine additional light on this.

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 use would have minimal, if any impact, on parks and recreation facilities, police and fire protection, schools, and storm water drainage systems. The applicant would need to prove water supplies as well as improve roadways in order to ensure these facilities are adequate to serve the project. Proof of these facilities is required prior to approval of a conditional use permit, site plan, development plan, or building permit.

Staff finds the Box Elder County Land Use Management Code allows for the rezone of properties. It is compatible with what the general plan states and the West Corinne Community Plan does not mention mining or gravel extraction as a use. The MG-EX zone did not exist at the time the community plan was created. The community plan future land use map shows this area as Unzoned, MU-40, and A-20 as it is currently.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to forward a recommendation of approval to the County Commission for Application Z20-005, a zoning map amendment from the Unzoned, MU-40 and A-20 zones to the MG-EX zone and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, 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.

NEW BUSINESS

HARDY ESTATES SUBDIVISION FIRST AMENDMENT, SS20-019, Request to amend the Hardy Estates Subdivision located at approximately 2655 North 3100 West in Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting to amend the Hardy Estates Subdivision. The original subdivision was created on April 23, 1993. The owners now wish to take half of lot 3 and combine it with lot 2 and the other half of lot 3 will be combined with lot 4. The remainder of the subdivision would not change. The surrounding areas uses to the North, South, and West are rural residential, to the east is agricultural. All of the zoning surrounding this area is RR-20 (Rural Residential 20,000 sq. ft.) Access will be maintained along 3100 West which is a county road. Utilities to the property currently exist and all setbacks are being met, as there are homes on lots 2 and 4. The county departments have completed their reviews and have no comments. Staff recommends approval.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to approve application number SS20-019, amending the Hardy Estates Subdivision lots 2, 3, and 4, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff. The motion was seconded by **Commissioner Desiray Larsen** and unanimously passed.

ZACH ANDERSON SUBDIVISION, SS20-022, Request for final approval for a 9-Lot subdivision located at approximately 11600 North 3400 West in Unincorporated Box Elder County. ACTION

Staff explained the Commissioners have previously reviewed this subdivision in the preliminary stage. An updated plat was received last night. The County Engineer and GIS are currently reviewing the plat. No significant changes have been made. Access remains off 3400 West, all utility letters have been submitted, and all setbacks can be met. Staff recommends approval with the conditions outlined in the staff report.

Staff read a letter from the Bear River Canal Company regarding this subdivision.

(See attachment No. 2 – Letter)

Staff said it should be stated on the plat that if someone chooses to build a basement on the lots on the east side of 3400 West, they could be flooded due to canal seepage.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to approve application number SS20-022, a final plat for the Zachary Anderson Subdivision, located at approximately 11600 North 3400 West in the Collinston/Deweyville area of unincorporated Box Elder County, and adopting the conditions and findings of staff and include recommendations from the Bear River Canal Company that have been read into the minutes and added as Condition #1. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

CONDITIONS:

1. Adding a note to the plat that states: "All property owners of lots 1, 2, 3, 4 and 5 on the east side of 3400 West Street and bordered by the Bear River Canal Company's earthen canal are hereby put on notice that earthen canals are known to have subterranean seepage and/or water loss, and the Bear River Canal Company (as well as any of its successor's in interest) will not be responsible for flooding or water damage resulting from subterranean water seepage from the canal or any other source."
2. Compliance with all County Staff reviews and comments.
3. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
4. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
5. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

ALLEN ROAD VACATE, VAC20-01, Request to vacate a right-of-way located at approximately 25100 North Frontage Road in the Portage area of Unincorporated Box Elder County. ACTION

Staff explained the applicant, Dustin Allen, is here on behalf of his father who currently owns the property. The old county road was abandoned over 100 years ago and the frontage road has been used since then. Mr. Allen is requesting the old county road be vacated as it has not been used in decades and has essentially been a part of their property.

Box Elder County Commission Policy #2003-01 outlines the following standards when considering a road vacation:

- 1. Is there a prevailing public interest in keeping the road open;**
- 2. Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County;**
- 3. Is the proposed vacation in compliance with all Box Elder County Land Use and Development Code requirements, State, Federal or other local regulations;**
- 4. Will the proposed road vacation financially harm any landowner or stakeholder who may have an interest in the road;**
- 5. The County shall not vacate any other private interest within the right-of-way;**
- 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;**
- 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.**

Staff said the public hearing process is held at the County Commission level for road vacates.

Dustin Allen gave a history of the land and home.

MOTION: A Motion was made by Commissioner Jared Holmgren to forward a recommendation of approval to the County Commission for Application VAC20-01, a road vacation in the Portage area of Unincorporated Box Elder County. The motion was seconded by Commissioner Desiray Larsen and unanimously carried.

WORKING REPORTS - NONE

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Michael Udy to adjourn the June Planning Commission meeting. The motion was seconded by Commissioner Jared Holmgren and the meeting adjourned at 7:50 p.m.



Laurie Munns, Chairman
Box Elder County Planning Commission