

BOX ELDER COUNTY PLANNING COMMISSION MINUTES SEPTEMBER 20, 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	Marcus Wager	County Planner
Kevin McGaha	Member	Steve Hadfield	Excused
Michael Udy	Excused	Jeff Scott	Excused
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 Jared Holmgren
Pledge was led by Commissioner Desiray Larsen

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the August 16, 2018 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by Commissioner Bonnie Robinson to approve the minutes as written. The motion was seconded by Commissioner Desiray Larsen and passed unanimously.

UNFINISHED BUSINESS

STAHOLI STORAGE SITE PLAN, SP18-003, at approximately 11175 West Hwy 13 in the Brigham City Area of unincorporated Box Elder County.

Commissioner Laurie Munns asked staff to update the commissioners on any further input since this item was tabled from the August Planning Commission Meeting.

Staff explained the county engineer and county road supervisor were able to meet with the applicant's engineer on-site and walk the access road and the proposed site and look at the drainage elements. The main concern the planning commission had at the August meeting was in regard to

ground water and storm water. The county engineer has two recommendations. One is to eliminate the notch so the basin goes to the top. If the basin were to fill entirely from a storm, then it would overflow to the west which is the natural flowing direction for water. The other recommendation was to place a condition on the site plan approval that if ground water starts to show up and takes up any space in the basin, a second basin be constructed to the south of the storage site that would then increase the capacity so the capacity for the site is met.

Tom Checketts, Attorney from Kirton McConkie and representing adjacent landowner Frank Rees said they are not opposed to the development and would encourage the planning commission to approve the site plan. There are three conditions they would propose to have included in the motion of approval. Attorney Checketts stated tractors often get stuck in the field and when they get unstuck and leave a 6 inch rut, there is standing water. The water table can be there, so simply increasing the size of the retention is not going to solve the issue. The county engineer is saying if the water overflowed, it would go west which is true, but the difference is this development will increase the impervious surface. Our recommendation is if or when the standing water comes, it either be piped to the south or there is a ditch that runs along the highway that has an outlet to get by the freeway. Instead of building more and more retention basins, which we do not think will solve the problem, have it either pumped back to the highway or pumped to the north where Brigham City has a large storm drain which is designed to get the water out of the fields.

Attorney Checketts stated there has been a gate along the highway that has kept teenagers and lost people from coming down the lane and getting stuck. We would recommend a condition for approval be the gate that is there be moved to the north end of where the road is going to be improved. Not only does that keep the people out but it keeps the cows off the highway. The third and final proposed condition for approval would be the detention basin is shown as being outside the fence right next to the right-of-way, we are afraid with it being a public road and attracting people to come down to take care of business, it might create a safety hazard and a reason for cows to get out. Our proposal would be that the fence for the project be modified to include the basin.

Attorney Checketts thinks these three conditions improve the development and would not create an undue burden for the applicant.

Commissioner Laurie Munns said since she is not an engineer she does not know if the first request is doable. She does not have a problem with requesting they move a gate with the animals and liabilities that are there, nor does she have a problem with them moving the fence.

Commissioner Bonnie Robinson asked about the road (right-of-way) being fenced off. Staff assumes it was fenced by one of the landowners. It is not a county gate. It is a county right-of-way but not an established roadway.

Jim Flint, Brigham City, stated the ditch along the highway is actually higher than the northwest part of the property. He thinks it would be an unusual request to require a pumping situation. Pumps work well in sewer systems but are not used in storm drainage settings. Right now the water

flows to the Rees property. We are actually damming it up and not letting the historical flow proceed in that direction. So in many ways Mr. Rees will experience a decrease in water flow. The irrigation ditch is in the public right-of-way and we recommend it continue there for operational reasons. Mr. Flint said the purpose of the fence is to be a security fence around the new yard. He feels it is awkward to require a fence for an off-site reason such as keeping neighbor cattle out of a dry pond.

Scott Staheli is speaking on behalf of his son Brock Staheli who is out of the country. Mr. Staheli has talked with his son regarding the gate issue and they feel it is a safety concern. This is an RV storage unit and if someone is trying to pull off the highway and turn into the property to store a 40 ft. trailer, they are not going to be able to get the trailer off the highway.

After some discussion **Commissioner Laurie Munns** verified that there will be a security fence around the storage units and then a second barbed wire fence down the right-of-way.

Commissioner Mellonee Wilding read the recommendation from the county engineer for a condition stating when the time comes to build a county standard road in this county right-of-way that the property owner be required to participate in the cost of the road improvements on a pro-rated basis. This would include finishing the road to his north property line, to place asphalt and even curb & gutter if the situation requires it.

Commissioner Kevin McGaha questioned if there is standing water in the detention basin, what is the feasibility of going north to the Brigham City storm drain?

Staff explained they were not aware the storm drain existed and it would need to be addressed with Brigham City. Generally if using the city's infrastructure the city requires the property to be annexed.

Tom Checketts stated of the three issues raised, the water that affects the value of all the acres is 98% of our concern. He thinks a condition could be added to say if the engineers proposals do not work, they may resolve it another way. He feels it is a reasonable condition to say the extra run-off water will be dealt with.

MOTION: A motion was made by **Commissioner Mellonee Wilding** to approve the site plan for the Staheli Storage Units SP18-003 with conditions listed by staff as well as it being contingent upon the UDOT access being granted and should the right-of-way be developed into a road in the future that the property owner be required to participate in the cost of the improvements on a pro-rated basis and if the current retention pond in a wet year has water in the basin, a second retention pond to the south must be developed to hold any potential run-off and increase the basin size.

AMENDED MOTION: **Commissioner Kevin McGaha** added if the engineer's proposals do not work to address the standing water then the issue should be readdressed.

MOTION: A motion was made by Commissioner Mellonee Wilding to accept the amendment to the original motion. The motion was seconded by Commissioner Jared Holmgren and unanimously passed.

PUBLIC HEARINGS

ROMERO CONSTRUCTION ZONING MAP AMENDMENT, Z18-009, Request to rezone four acre from RR-2 (Rural Residential 2 acres) zone to C-G (General Commercial) Zone at approximately 1200 West 7800 South in the South Willard area of Unincorporated Box Elder County.

Staff stated the request is to rezone 4 acres along 7800 S, west of I-15, in the South Willard area. The surrounding zoning is A-20 and RR-2. The proposal is for 4 acres among the 12-acre RR-2 section be rezoned to the C-G (General Commercial) zone. Staff read the four 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 commercial development be located within or adjacent to existing communities or service areas. Where feasible, commercial areas adjacent to municipalities should be annexed. The County supports appropriately designed and sited development along major thoroughfares and in unincorporated communities as long as adequate services can be provided and the location is compatible with desired growth patterns. The South Willard Community Plan addresses this area as A-20 and does not recommend anything other than this zoning designation for the future. However, this plan is a guide only and has already been strayed from on other rezone requests. The County General Plan also states that future land use decisions will consider the following: promoting development patterns consistent with; and sensitive to, resident preferences; and balancing private property rights with public interests.

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 rural residential, commercial, and mainly agricultural. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective. This point could be argued saying yes, it is harmonious due to there being commercial zoning just east across I-15 and an existing agricultural industry/commercial use across the street on 7800 South.

C. The extent to which the proposed amendment may adversely affect adjacent property; and

The proposed amendment shouldn't have a great 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.

With other residential and light commercial already in place in this vicinity, it is possible the facilities and services intended to serve the subject property are adequate depending on the proposed use. As the C-G zone allows for a variety of uses there may be some uses that the existing facilities and services may not be able to serve adequately. Proof of these facilities is required prior to approval of a development plan or building permit.

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.

The public hearing was then opened for comments.

Shane Nelson, Willard, is a neighbor of the applicant and was asked to speak on his behalf. Mr. Nelson said the applicant has an existing construction business and has a lot of heavy equipment. He is looking for a place to park the equipment and put a fence around it and at some point in the future be able to build a shop. He currently rents a spot for his equipment in Perry and is looking to move his business closer to home and have easier access to where most of his business is to the south. What Mr. Romero is proposing would not bring any additional traffic or people to the area. He would eventually like to build a home there.

Bob Davis, Willard, thinks it would be advantageous to the neighborhood.

Hearing no further comments a motion was made by Commissioner Bonnie Robinson to close the public hearing on the Romero Construction Zoning Map Amendment Z18-009, the motion was seconded by Commissioner Desiray Larsen and passed unanimously.

ACTION

Commissioner Bonnie Robinson said she has been to the neighboring business Anderson Livestock and thinks it would fit the area well.

MOTION: A motion was made by Commissioner Desiray Larsen to forward a recommendation of approval to the county commission for application Z18-009 zoning map amendment from RR-2 to C-G with conditions from staff as outlined. The motion was seconded by Commissioner Mellonee Wilding and passed unanimously.

BUSCH ZONING MAP AMENDMENT, Z18-010, Request to re-zone a 3.14 acre property from A-20 (Agriculture 20 acres) zone to A-1/2 (Agriculture ½ acre) Zone located at 3008 West Forest Street in the Brigham City area of Unincorporated Box Elder County.

Staff stated the applicant is requesting to have their parcel rezoned from A-20 to A-1/2. The parcel is currently 3.14 acres. The parcel was subdivided February 15, 2005 and the zoning in this area was put into place June 29, 2004. Subdividing below the 20 acres and not going through a subdivision process is what made this parcel illegal. The applicant is trying to get the home refinanced and this rezoning process will help them get through the refinancing process. The surrounding zoning is A-20 and A-1/2. Staff then read the standards review as follows:

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

The County's General Plan makes no reference as to how specific areas should be zoned. It does state that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.

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 agricultural uses and residential homes. All of the land to the south is within Brigham City limits and is zoned higher density than the county's A-20. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective. This point could be argued saying yes it is harmonious due to there being several other existing residential dwellings in the area, even some on ½ acre lots, but on the other hand the majority of the area is used as agriculture.

C. The extent to which the proposed amendment may adversely affect adjacent property; and

This is subjective. Residential uses do tend to bring additional traffic. They also tend to bring higher property values. 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.

With a home already on this parcel it is likely the facilities and services intended to serve the subject property are adequate. If the applicant or any future land owner decides to build at this location (after a subdivision) it is very possible they would annex into Brigham City.

The public hearing was then opened for comments.

Tawni Busch, applicant, stated she just wants to get her bathroom remodeled.

Hearing no further comments a motion was made by Commissioner Bonnie Robinson to close the public hearing on the Busch Zoning Map Amendment, Z18-010. The motion was seconded by Commissioner Kevin McGaha and passed unanimously.

ACTION

Staff reiterated this zoning map amendment will help the property owner be able to move forward with their plans.

MOTION: A Motion was made by Commissioner Bonnie Robinson to forward a recommendation of approval to the county commission for the Busch Zoning Map Amendment Z18-010 with any conditions listed by staff. The motion was seconded by Commissioner Kevin McGaha and passed unanimously.

GENERAL PLAN AMENDMENT, Proposed General Plan Amendment regarding county policies and regulations for roads in forest service areas.

Staff stated this is a general plan amendment to the county resource management plan that was recently passed and adopted. The Public Lands Policy Coordinating Office of the State of Utah is seeking a petition to the Federal Government to change the road-less rules policy within the State of Utah. In the late 70's the forest service made some rules making certain areas road-less. There are 13 areas in Box Elder County designated as road-less areas, meaning roads could not be built nor could any management be done in those areas. In the second Bush administration the rule was modified to say if any individual state wants to come before the federal government and petition for state specific rules, they can do so. Utah would like to do this at this time. A meeting was held on September 18, 2018 with Box Elder County Community Development, Roads, and Emergency Management staff, along with representatives from the Bear River Association of Governments, Forestry, Fire & State Lands, and the State of Utah Office of Public Lands Policy Coordinating Office. During this meeting each of the 13 Box Elder County Roadless Rule areas were discussed as to which management possibility could be asked for with the State specific rules.

See Attachment No. 2 – Roadless Rules Petition.

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

Hearing no comments a motion was made by Commissioner Mellonee Wilding to close the public hearing on the General Plan Amendment, the motion was seconded by Commissioner Desiray Larsen and passed unanimously.

ACTION

Staff recommends this move forward to the county commission so it can be forwarded to the state.

MOTION: A Motion was made by Commissioner Desiray Larsen to forward a recommendation of approval to the county commission to include the Roadless Rules Petition as a part of the County Resource Management Plan and include any conditions as stated by staff. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

NEW BUSINESS

HUBER SUBDIVISION AMENDMENT, SS18-023, at approximately 6245 West 13600 North in the North Garland area of Unincorporated Box Elder County.

Staff said the applicant is requesting to amend the Huber subdivision plat. The applicant is looking to modify Lot 2 by shifting it east and shifting the future roadway to the west, basically flip flopping the two.

MOTION: A Motion was made by Commissioner Bonnie Robinson to approve the Huber Subdivision Amendment, SS18-023 with any conditions and findings of staff. The motion was seconded by Commissioner Kevin McGaha and unanimously carried.

GARN AGRICULTURAL SUBDIVISION, AS18-005, at approximately 18290 North 4400 West in the Fielding area of Unincorporated Box Elder County.

Staff said the applicant is requesting an agricultural subdivision to separate a single family dwelling located at approximately 18290 North 4400 West in the Fielding/Riverside area from agricultural ground. The subdivision would create a 2.98-acre residential parcel and a 58.79-acre agricultural parcel.

MOTION: A Motion was made by Commissioner Kevin McGaha to approve the Garn Agricultural Subdivision, AS18-005. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

NELSON AGRICULTURAL SUBDIVISION, AS18-006, at approximately 9405 North 6000 West in the Elwood area of Unincorporated Box Elder county.

Staff said the applicant is requesting an agricultural subdivision to separate a single family dwelling located at approximately 9405 North 6000 West in the Tremonton area from agricultural ground. The subdivision would create a 2.5-acre residential parcel and an 11.61-acre agricultural parcel.

MOTION: A Motion was made by Commissioner Jared Holmgren to approve the Nelson Agricultural Subdivision, AS18-006 and adopting the conditions of staff. The motion was seconded by Commissioner Kevin McGaha and unanimously carried.

WORKING REPORTS - NONE

PUBLIC COMMENTS - NONE

DISCUSSION

There was discussion on whether to hold the work session with Blue Ox before or during the next Planning Commission Meeting on October 18, 2018. It was decided to have the agenda review at 6:00 and the work session with Blue Ox at 6:15.

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Mellonee Wilding and meeting adjourned at 8:20 p.m.



Laurie Munns, Vice Chairman
Box Elder County Planning Commission

