

BOX ELDER COUNTY PLANNING COMMISSION MINUTES DECEMBER 19, 2019

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	Excused	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 Mellonee Wilding.
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 November 21, 2019 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 as written. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

MOTION: A Motion was made by Commissioner Mellonee Wilding to approve the December 19, 2019 agenda with the following amendment. Remove Item 7b.-Brookside Ranches Subdivision, SS19-037 due to an incomplete application. The applicant failed to provide notarized authorization from the landowner. The motion was seconded by Commissioner Bonnie Robinson and passed unanimously.

UNFINISHED BUSINESS

DAVIS REZONE, Z19-009, Request modified by applicant and sent back by County Commission. Modified request is for a re-zone from C-G to RR-2 for 4 acres consisting of Lots 1 and 2 of the Andersen Bullavard Subdivision located at approximately 1180 & 1240 West 7800 South in the South Willard area of Unincorporated Box Elder County. ACTION

Staff explained the area was originally zoned A-20. About three years ago the applicant requested the same area be rezoned to RR-2. The Planning Commission forwarded a recommendation of denial to the County Commission. The recommendation was based on public input as well as the zoning designation in the South Willard Community Plan. The County Commission then rezoned approximately 15 acres of the south portion of the parcel total along the 7800 South frontage to the RR-2 zone. In 2018 the landowner requested four of those 15 acres be rezoned to C-G (Commercial General). A recommendation of approval was forwarded from the Planning Commission to the County Commission and the request was approved. The applicant is now requesting those 4 acres be zoned back to RR-2.

Commissioner Laurie Munns expressed concern if another public hearing should be held as it concerns a zone change. Staff indicated the zone change on the 4 acres was included in the public hearing held last month. Commissioner Laurie Munns stated based on that public hearing the Planning Commission recommended denial to the County Commission because the public was not in favor of residential development in the area.

Commissioner Mellonee Wilding expressed her concern with the adequacy of facilities in the area. There is no water infrastructure for fire suppression. Staff said anyone who builds on these lots would have to have a sprinkler system.

Bob Davis, applicant, said the property was originally zoned 2-acres. He does not understand why it cannot be put back the way it was. He feels he should be able to rezone his own property so he can build his home where he wants. He would like to switch Lot 1 commercial to Lot 3 commercial and Lot 3 commercial to Lot 1 residential. He feels the commissioners have their minds already made up on his property.

Commissioner Mellonee Wilding stated there have been two public hearings and both outcomes were against the property being subdivided. Both public hearings came down that this is a farm/agricultural area not a housing area. The Planning Commission has acted upon that outcome both times.

Bob Davis, reiterated he is just asking for the reconfiguration of the lots so he can build a house on his property.

Staff explained that code states the Planning Commission and the County Commission have the ability to modify the original request. What Mr. Davis is requesting is Lot 3 take the commercial zoning and Lot 1 take get the rural residential zoning. Lot 3 was not included in the original request so it falls outside the area that was requested for a rezone. When the public hearing was noticed Lot 3 was not included so the Planning Commission cannot act on it. A new application would need to be submitted and a public hearing noticed on the new request.

MOTION: A Motion was made by Commissioner Bonnie Robinson to forward a recommendation of denial to the County Commission, application number Z19-009, a zoning map amendment from the C-G (General Commercial) zone to RR-2 (Rural Residential 2 acres) based on the following findings. The motion was seconded by Commissioner Mellonee Wilding and was unanimously carried.

- FINDINGS:**
1. The facilities and services are inadequate.
 2. It violates the South Willard Community Plan.
 3. Prior public comment indicates the citizens do not want the zone changed.

PUBLIC HEARINGS - NONE

NEW BUSINESS

WOOD EVENT BARN SITE PLAN, SP19-005, Request for approval for an event barn located at approximately 9690 North 6800 West in Unincorporated Box Elder County.

ACTION

Staff said the applicant is requesting site plan approval for an event barn. The surrounding area is agriculture and unzoned. County code Section 2-2-120.D.2.c allows event barns as a commercial use in unzoned areas. The site plan meets all the approval standards and the setbacks can be met in the unzoned areas. The applicant is proposing 42 parking stalls and access will be off 6800 West. The site plan has been reviewed by all applicable departments and staff recommends approval.

MOTION: A Motion was made by Commissioner Jared Holmgren that the Planning Commission approve application number SP19-005, a Site Plan for an event barn, and adopting the conditions and findings of the staff report. The motion was seconded by Commissioner Bonnie Robinson and unanimously carried.

BROOKSIDE RANCHES SUBDIVISION, SS19-037, Request for preliminary approval for a 20- Lot subdivision located at approximately 13300 North East Garland Road (4400 West) in Unincorporated Box Elder County. ACTION

This item was removed due to an incomplete application.

JENSEN AGRICULTURAL SUBDIVISION, AS19-008, Request for approval for splitting off a home from agricultural land located at approximately 12030 West 8000 North in Unincorporated Box Elder County. ACTION

Staff explained the parcel was created in 2006 before the current applicant owned it. The parcel was divided off by deed only and therefore is considered to be an illegal parcel. The applicant is trying to refinance so he wants to break off the parcel properly. Staff recommends approval.

Staff then read the standards for review from Utah State Code as follows:

17-27a-605(1)(b) the proposed subdivision:

- A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; *Yes.*
- B. Has been approved by the culinary water authority and the sanitary sewer authority; *Yes.*
- C. Is located in a zoned area; and *Yes.*
- D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance. *Yes.*

17-27a-605(5)(a)

- A. The parcel contains an existing legal single family dwelling unit; *Yes*.
- B. The subdivision results in two parcels, one of which is agricultural land; *Yes*.
- C. The parcel of agricultural land:
 - a. Qualifies as land in agricultural use under Section 59-2-502; and
 - b. Is not used, and will not be used, for a nonagricultural purpose; *Yes*.
- D. Both the parcel with an existing legal single family dwelling unit and the parcel of agricultural land meet the minimum area, width, frontage, and setback requirements of the applicable zoning designation in the applicable land use ordinance; and *Yes*.
- E. The owner of record completes, signs, and records with the county recorder a notice:
 - a. Describing the parcel of agricultural land by legal description; and
 - b. Stating that the parcel of agricultural land is created as land in agricultural use, as defined in Section 59-2-502, and will remain as land in agricultural use until a future zone change permits another use.

This is done with the Certificate of Approval from the Planning Commission.

MOTION: A Motion was made by Commissioner Bonnie Robinson to application number AS19-008, an agricultural subdivision with a single family dwelling, and adopting the conditions and findings of the staff report. The motion was seconded by Commissioner Mellonee Wilding and unanimously carried.

CUMMINGS AGRICULTURAL SUBDIVISION, AS19-009, Request for approval for dividing agricultural land located at approximately 4564 North 6800 West in Unincorporated Box Elder County. ACTION

Staff said this is one of three agricultural subdivisions before the commission. The applicant is requesting an agricultural subdivision to separate seven acres off a larger parcel located at approximately 4564 North 6800 West in an un-zoned area of Unincorporated Box Elder County. This process would create a legal agricultural parcel. The same approval standards apply as previously read minus Section 605(5) requiring a single family home. Staff recommends approval.

MOTION: A Motion was made by Commissioner Mellonee Wilding that the Planning Commission approve application number AS19-009, an agricultural subdivision, and adopting any conditions and findings of staff. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

CUMMINGS AGRICULTURAL SUBDIVISION, AS19-010, Request for approval for dividing agricultural land located at approximately 4598 North 6800 West in Unincorporated Box Elder County. ACTION

Staff said this agricultural subdivision would separate 5.5 acres off a larger parcel located at approximately 4598 North 6800 West in an area zoned as RR-20 of unincorporated Box Elder County. This subdivision meets the approval standards of Utah State Code and staff recommends approval.

MOTION: A Motion was made by Commissioner Bonnie Robinson that the Planning Commission approve application number AS19-010, an agricultural subdivision, and adopting the conditions and findings of staff. The motion was seconded by Commissioner Mellonee Wilding and unanimously carried.

CUMMINGS AGRICULTURAL SUBDIVISION, AS19-011, Request for approval for dividing agricultural land located at approximately 4636 North 6800 West in Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting an agricultural subdivision to separate seven acres off a larger parcel located at approximately 4636 North 6800 West in an un-zoned area of unincorporated Box Elder County. This agricultural subdivision also meets the approval standards of Utah State Code and staff recommends approval.

MOTION: A Motion was made by Commissioner Mellonee Wilding to approve application number AS19-011, an agricultural subdivision, and adopting the conditions and findings of the staff report. The motion was seconded by Commissioner Bonnie Robinson and was unanimously carried.

WORKING REPORTS - NONE

PUBLIC COMMENTS - NONE

GRANT APPLICATION – STAFF

Staff informed the commission they applied for and received a grant through a program UDOT put together to hire a consultant and to assist in updating the General Plan.

ADJOURN

MOTION: A Motion was made by Commissioner Jared Holmgren to adjourn commission meeting. The motion was seconded by Commissioner Bonnie Robinson and meeting adjourned at 7:50 p.m.


Laurie Munns, Chairman
Box Elder County Planning Commission

