

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES April 16, 2020

---

The Board of Planning Commissioners of Box Elder County, Utah met via a Web/Teleconference 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	Member	Steve Hadfield	Excused
Michael Udy	Member	Jeff Scott	Excused
Desiray Larsen	Member	Diane Fuhriman	Executive Secretary
Bonnie Robinson	Member		
Jared Holmgren	Member		

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

The Invocation was offered by Commissioner Laurie Munns.

**The following citizens attended via electronic link access:**

Vance Smith, Brookside Ranches

The Minutes of the February 20, 2020 meeting were made available to the Planning Commission 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 Mellonee Wilding and passed unanimously.

The Agenda of the April 16, 2020 meeting was made available to the Planning Commission prior to this meeting and upon review a **Motion** was made by Commissioner Kevin McGaha to approve the agenda. The motion was seconded by Commissioner Mellonee Wilding and passed unanimously.

**UNFINISHED BUSINESS - NONE**

**PUBLIC HEARINGS - NONE**

**NEW BUSINESS**

**PLANNING COMMISSION ELECTRONIC MEETING POLICY, Policy authorizing the Box Elder County Planning Commission to meet via electronic meeting.**

Staff said the County Commission adopted an electronic meeting policy. The policy was initiated due to the Covid-19 pandemic and has been modified for use by the Planning Commission. The

policy still needs to be reviewed and approved by the County Commission. The Governor's declaration stated electronic meetings may be held, and meeting requirements from the Utah State Code can be waved, as long as the state is under an emergency order. Staff stated the way the policy is written, it will serve the Planning Commission well after the pandemic also.

**MOTION:** A Motion was made by Commissioner Mellonee Wilding to adopt the Electronic Meeting Policy and send a recommendation of approval to the County Commission. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

*See Attachment No. 1 – Resolution No. 20-05*

**DAVIS DAIRY AGRICULTURAL SUBDIVISION, AS20-003, Request for approval for dividing agricultural land located at approximately 5900 West HWY 83 in Unincorporated Box Elder County. ACTION**

Staff stated the applicant is requesting an agricultural subdivision to rearrange and subdivide five parcels from three existing parcels. The three existing parcels are considered illegal. Not understanding the process, the applicant unknowingly split them off by deed only. He is looking to correct this and create five agricultural parcels. The applicant is planning to sell a portion to another landowner to farm. This agricultural subdivision follows Utah State Code Section 17-27a-605 approval standards as follows:

- 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; 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.**

Staff said the new owner would complete, sign and record with the County Recorder, a notice describing the current and future layout of those parcels. The notice has been prepared and is being reviewed by the County Surveyor. There are some issues with the current legal descriptions, the future legal descriptions were provided by the applicant's surveyor and have no issues.

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to approve the Davis Dairy Agricultural Subdivision, Application AS20-003, with the conditions and findings of staff, and subject to clarification of the legal description and survey description. The motion was seconded by Commissioner Kevin McGaha and unanimously carried.

**BROOKSIDE RANCHES SUBDIVISION PHASE 1, SS20-005, Request for final approval for a 18-Lot subdivision located at approximately 13300 North East Garland Road (4400 West) in Unincorporated Box Elder County. ACTION**

Staff informed the Commissioners this subdivision came before them in February as a preliminary subdivision with 30 lots. At that time the subdivision received approval subject to a long list of conditions. Due to issues with the availability of culinary water, the developer has trimmed the

subdivision down to two phases. Phase 1 has 18 lots and Phase 2 with 12 lots. The 18 lots in Phase 1 range in size from 0.65 to 8.57 acres. Most of the conditions placed on the subdivision during the preliminary approval phase have been addressed but there are still some items unresolved.

Staff stated a new subdivision plat has been submitted; the County Surveyor has reviewed the new plat and found issues with the survey. Those issues will be cleaned up before County Commission approval. The other main documents submitted are the survey and the improvement drawings showing all the infrastructure to be installed. The roadways, grading and sloping, the storm water improvements, water lines and fire suppression. These were submitted yesterday and are with the County Engineer who was unable to have them all reviewed in time for this meeting. Based on the last review from the engineer, there were three items that have not been agreed upon. The bridge width, the storm drainage at the end of the cul-de-sac, and the temporary access to the north. The applicant is proposing a 30 ft. bridge, the County Road Supervisor and County Engineer are requesting a 35 ft. bridge. The County also wanted to see a particular style of guard rail and requested the guardrail meet AASHTO standards. The design the applicant submitted is not the same design as the County Road Supervisor requested but it does meet AASHTO standards. In the storm drainage section, the County Engineer is requesting storm drain boxes for the water to drain into and then piped to the pond. The applicant is proposing an above ground ditch the water would drain into and then move into the pond. Both proposed plans meet code requirements.

**Commissioner Bonnie Robinson** expressed concern with homes being so close to the canal. She questioned how to keep the development as far from the canal as practically possible and how that would be enforced. Staff said there are two lots adjacent to the canal. The side yard setbacks are 15 ft. in the area. The best way to enforce that is to require the homes to be setback 15 ft. from their east property lines which would push the homes as far East on the lot as possible.

**Vance Smith**, applicant, said there is 55 ft. from the center line of the canal to his property line. He feels the map is a misrepresentation of the actual situation. The lots are 1¼-acre lots so there should be plenty of room to put a house. He said the canal company requires 55 – 60 ft. from the center line of the canal to where the fence will be for maintenance.

**Commissioner Jared Holmgren** asked why the commission has not seen verification of the ownership of the water shares. The water shares have been a focal point over the last three months

**Vance Smith** said he was not aware the commissioners needed to see the water shares. He will provide proof of the 8 water shares he already owns to staff. The tricky part for him is he is dealing with a private water company. They will not sell him a share until he is ready to put a house in. So he cannot acquire all of the shares for the entire subdivision ahead of time. He is working on different avenues on how to obtain the shares.

**Commissioner Jared Holmgren** stated the water company only gives out 10 shares a year through a lottery system. The opportunity to have the water shares seems a little shaky.

Staff clarified the reason Phase 1 is 18 lots is the applicant has 8 water shares which he will provide proof of tomorrow as stated. The way Ukon Water wrote their letter suffices as a will serve letter for the 10 shares plus the 8 shares the applicant already owns. The commission can allow up to 18 lots as Phase 1 and the other 12 lots will have to be postponed as part of Phase 2 until Ukon Water is willing to provide a letter clarifying more shares, or the applicant is able to acquire more shares.

***Road Supervisor Bill Gilson joined the meeting.***

**Commissioner Mellonee Wilding** asked Mr. Gilson why a 35 ft. bridge was needed instead of a 30 ft. bridge. **Bill Gilson** stated he and his staff came to this conclusion with regards to safety. A 35 ft. bridge will be narrowed down if it is required to have a cement parapet. At the base of the parapet, there is another foot and a half on each side coming into the road. In the wintertime, if there is snow along the edges, there is another foot and a half in. So the bridge would be narrowed in to 31-32 ft. For large trucks whether it be transports or snow plows, the radius is needed to come off East Garland Road and make the turn without turning into the oncoming lane. It also has to do with pedestrian safety. There needs to be enough room, especially in winter, to walk across the bridge and get back and forth and still have room for traffic.

**Commissioner Mellonee Wilding** feels a 35 ft. bridge is wise, especially since it is the county who will be liable and responsible for the bridge. She does not want to go against the recommendation of those from the county who know what is needed and have the experience.

**Vance Smith** said the first design presented was on a part of a road that did not have a lot of shoulder so there was not a place for cars to turn off the road. The inlets and the lots were completely redesigned so the bridge could be put further north, which gave an additional 60 ft. of turnoff. The bridge was redesigned to be wide enough to be the same as every other driving surface in the subdivision. Mr. Smith said the guardrail is different than the parapet which he feels is just another preference thing vs. design code. He had the engineer make sure the guardrail met AASHTO standards for collision safety. There was also a pedestrian bridge designed which would allow people to cross the canal without having to cross on the roadway but for maintenance issues the road supervisor does not recommend it. He has spent a lot of time and money making sure the bridge meets AASHTO standards and having to go back and redesign will cost a decent amount of money and the extra fee is also a considerable amount of money.

**Commissioner Jared Holmgren** stated he is more comfortable going with the County Road Department than with the developer.

**Commissioner Mellonee Wilding** agrees with Commissioner Holmgren and stated having a driving service on a flat where someone can veer off 50 ft. does not matter, but it does matter on a bridge.

**Commissioner Bonnie Robinson** asked who is responsible for the pond? Staff said there is not a flood district in this area. South Willard has a flood district; those ponds get turned over to the South Willard Flood Control District for maintenance. There is another subdivision northwest of this one which was required by the county engineer to do the same design with the storm water boxes and underground piping. That pond is maintained by the property owner.

**Road Supervisor Bill Gilson** said if there is an issue with piping the entire run of 160 ft., he would suggest improving the borrow with cobble and lining it instead of the pipe.

**Commissioner Laurie Munns** thinks a time frame needs to be implemented for the temporary entrance in and out of the subdivision. **Commissioner Mellonee Wilding** asked staff if a year time frame could be implemented for now and if needs be, an extension could be granted. Staff said that would be the smartest way to do it. And in addition the temp access still needs to meet the minimum road standards for an emergency vehicle.

**MOTION:** A Motion was made by **Commissioner Mellonee Wilding** to approve application SS20-005, a final plat for the Brookside Ranches Subdivision Phase 1, located at approximately 13300 N. East Garland Road, and adopting the conditions and findings of staff, and subject to the County Engineer reviewing the final plan, proof of water shares, and the drainage at the bottom of the cul-de-sac is lined and cobbled, the bridge to be 35 ft. and temporary access is granted for one (1) year only and must be minimum standards for emergency vehicles. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

**CONDITIONS:**

1. Compliance with all County Staff reviews and comments.
2. Final approval of the plat, security agreement, and development agreement by the County Commission.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with Chapter 6-1, Subdivisions, 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.

**COLLINSTON RANCHETTS PHASE 5, SS20-009, Request for final approval for a 9-Lot subdivision located at approximately 13800 North HWY 38 in Unincorporated Box Elder County. ACTION**

Staff said the 9 lots in Collinston Ranchettes Phase 5 range in size from 2.00 acres to 2.72 acres. All 9 lots front on Highway 38 and are all accessed from UDOT. They have the preliminary approval from UDOT for shared accesses, final approval is pending. The culinary water is being provided by the Bear River Water Conservancy District. The subdivision has been reviewed by all applicable county departments. All utilities have been submitted and approved.

**MOTION:** A Motion was made by **Commissioner Bonne Robinson** to approve application SS20-009, a final plat for the Collinston Ranchettes Subdivision Phase 5, located at approximately 13730 North Hwy 38 in the Collinston area of unincorporated Box Elder County, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

**CONDITIONS:**

1. Compliance with all the comments from County Staff.
2. Submittal of an improvement estimate.
3. Final approval of the plat and development agreement by the County Commission.
4. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
5. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
6. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**MUNNS SUBDIVISION LOT LINE AMENDMENT, SS20-015, Request to amend lot lines in the Munns Subdivision located at approximately 3425 North HWY 38 in Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting to amend lot lines within the Munns Subdivision Amendment No. One. The landowner is combining two parcels into one single parcel. All parcels within the subdivision will meet the minimum zoning requirements for the area. There are two parcels to be combined. This follows approval standards set forth in state code 17-27a-608(5) that states the owners of record of adjacent parcels that are described by a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the land use authority in accordance with subsection (5)(b) which states the land use authority shall approve an exchange title under subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance. Staff stated this exchange of title does not result in a violation of land use ordinance, so based on state code, the land use authority shall approve it. A notice of approval shall be recorded in the office of the County Recorder.

**MOTION:** A Motion was made by Commissioner Mellonee Wilding to approve Application SS20-015, an amendment to the Munns Subdivision Amendment No. One with no conditions or findings of staff. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

**WORKING REPORTS - NONE**

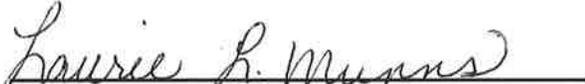
**PUBLIC COMMENTS - NONE**

**MANTUA SITE VISIT**

The Commissioners and staff discussed a site visit to Mantua for the Silver Eagle Rezone. Due to Covid-19, aka the Corona Virus, there was discussion of keeping social distancing standards at the site. Staff will send out a calendar of dates for mid-May for the Commissioners.

**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 8:17 p.m.

  
Laurie Munns, Chairman  
Box Elder County Planning Commission

