

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JULY 16, 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	Member	Brian Duncan	Deputy Co. Attorney
Michael Udy	Excused	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 Laurie Munns.
Pledge was led by Commissioner Mellonee Wilding.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Agenda of the July 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 as amended by removing Item #5, the Moulding Rezone, Z14-002. The motion was seconded by Commissioner Kevin McGaha and passed unanimously.

The Minutes of the June 18, 2020 meeting were made available to the Planning Commission prior to this meeting and upon review a **Motion** was made by Commissioner Desiray Larsen to approve the minutes with the following amendment: Commissioner Bonnie Robinson, Commissioner Mellonee Wilding and Commissioner Kevin McGaha were excused from the meeting. The motion was seconded by Commissioner Mellonee Wilding 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.

STAUFFERS TOWING CONDITIONAL USE PERMIT, CUP20-01, Request for a Conditional Use Permit for an impound yard, located at approximately 2260 West HWY 13 in the Brigham City/West Corinne area of Unincorporated Box Elder County. ACTION

Staff explained this request is for a Conditional Use Permit for a hard surface parking impound lot. It is located at 2260 North Highway 13 between Brigham City and Corinne City. The zoning is C-G (General Commercial). The proposed impound lot would put Stauffers Towing on the rotation in Box Elder County to be able to tow vehicles and keep them temporarily which is the standard with impound yards.

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

Hearing no public comments, a motion was made by Commissioner Mellonee Wilding to close the public hearing on the Stauffers Towing Conditional Use Permit, CUP20-01. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

ACTION

Staff said Section 3-4-070-5.2 from the Box Elder County Land Use Management & Development Code allows this use within the General Commercial Zone. Staff then read the approval standards for reviewing conditional uses from Section 2-2-100 as follows:

- A. **The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the community, or injurious to property or improvements in the community, existing surrounding uses, buildings and structures.** The proposed use will not be detrimental to the health, safety, or welfare of persons residing or working in the community.
- B. **The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.** The proposed use will provide a service to Box Elder County. Access to major transportation corridors is beneficial to towing companies.
- C. **The proposed use at the particular location is compatible with the intent, function and policies established in the general plan, this Code and the particular zoning district in which the use is proposed. The proposed use is compatible with the General Plan and the C-G (General Commercial) Zone.** There is another towing company located directly adjacent to this location, leasing space from the same landowner.

Staff recommends approval subject to the conditions listed in the staff report.

MOTION: A Motion was made by Commissioner Jared Holmgren to approve application number CUP20-01, a Conditional Use Permit for a hard surface parking impound lot, and adopting the exhibits, conditions and findings of staff. The motion was seconded by Commissioner Mellonee Wilding and passed unanimously.

CONDITIONS:

1. Screened fencing on all 4 sides where the vehicles will be parked.
2. Downward facing lighting to adequately provide lighting for the property.
3. Signage as required by the State of Utah.
4. Fluid receptacles on site to catch any leaking fluids from vehicles.
5. No dismantling or salvaging of vehicles within the impound yard.
6. No stacking and racking. Vehicles shall not be stacked or racked. Only one (1) vehicle height shall be permitted within vehicle storage area.
7. Hard surface parking only. No sales of vehicles or parts of vehicles.
8. All weather road base surface to be maintained.
9. No building will be constructed as part of Conditional Use Permit.
10. Once a state license is obtained a copy shall be provided to the County Zoning office.
11. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
12. Compliance with Article 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code.
13. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.

WEBB CONDITIONAL USE PERMIT, CUP20-02, Request for a Conditional Use Permit for an Accessory Dwelling Unit, located at approximately 52709 West Clear Creek Road in the Unincorporated Box Elder County. ACTION

Staff stated the applicant is requesting a Conditional Use Permit for an Accessory Dwelling Unit on the property located at 52709 West Clear Creek Road in the Clear Creek area. The existing home is 1125 square feet in size. For this application, the home would be considered the accessory dwelling unit on the property once the new home is built. The new home to be built would be the main home on the property once it is complete. The applicant is unable to build the new, main home until the Conditional Use Permit is granted.

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

Hearing no public comments, a motion was made by Commissioner Bonnie Robinson to close the public hearing on the Webb Conditional Use Permit, CUP20-02. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

ACTION

Staff explained the two sections of county code that govern this are Section 5-6-060 and Section 2-2-100 which has new language adopted. The standards that apply to this application are under Section 3b. There should not be any impact by building another house on this parcel. The applicant is compliant with all the requirements listed in Section 5-6-060. Staff noted Item G from that section which states the total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence. The new home is expected to be around 4400 sq. ft. so the ADU could potentially be up to 1760 sq. ft. The existing home is below that number at 1125 sq. ft.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to approve application number CUP20-02, a Conditional Use Permit for an Accessory Dwelling Unit, and adopting exhibits, conditions and findings of staff. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

NEW BUSINESS

JOHN AGRICULTURAL SUBDIVISION, AS20-005, Request for approval for dividing agricultural land located at approximately 4000 North 6000 West in Unincorporated Box Elder County. ACTION

Staff said the applicant came before the Planning Commission a few months ago for a rezone to RR-5. The applicant is trying to divide ten parcels from one existing parcel. Utah State Code 17-27a-605(1)(b) outlines review standards for the proposed agricultural 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;** The applicant has had a survey done for a road dedication plat – if that plat is recorded before the notice of approval than this requirement can be satisfied with no problems.
- 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.

Utah State Code (2)(a)(ii) states the new owner of record completes, signs, and records with the county recorder a notice:

- A. describing the parcel by legal description; and**
- B. stating that the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.**

Staff stated this document has been prepared other than the legal description, and will be recorded following approval of this application.

Commissioner Laurie Munns stated her confusion as to why they are doing an agricultural subdivision to make a regular subdivision but saying it is agricultural. Staff explained it is an agricultural subdivision which will create 10 agricultural parcels and only agriculture can take place on those parcels until a regular subdivision is created to make buildable lots.

Staff indicated two conditions for the commissioners to keep in mind while making a decision 1.) is recording the road dedication plat before the recording the notice of approval and 2.) finalizing the legal description of the notice of approval. These two things need to take place before the applicant can do anything else.

MOTION: A Motion was made by Commissioner Jared Holmgren to approve application number AS20-005, an agricultural subdivision and adopting the conditions and findings of staff report including recording the Road Dedication Plat before recording the Notice of Approval and finalizing the legal description for the Notice of Approval. The motion was seconded by Commissioner Kevin McGaha and unanimously carried.

CARTER AGRICULTRURAL SUBDIVISION, AS20-006, Request for approval for dividing a single family home off agricultural land located at approximately 54585 West 17000 North in Park Valley in Unincorporated Box Elder County. ACTION

Staff explained the applicant is requesting an agricultural subdivision to separate the home from the agricultural land. The land is in an area zoned RR-1 and located at 54585 West 17000 North in Park Valley. Currently the parcel is 81.5 acres in size and the new parcel for the home would be just over 1 acre. Utah State Code 17-27a-605(1)(5) outlines the following standards for review for agricultural subdivisions.

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; 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; 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 Desiray Larsen to approve application number AS20-006, and agricultural subdivision with a single family unit and adopting the conditions and findings of the staff report. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

LITTLE MOUNTAIN SURPLUS PROPERTY DISPOSAL, SPD20-03, Discussion and action regarding the sale or lease of 156-acre County owned (Municipal Building Authority) property at the base of Little Mountain. ACTION

Staff said multiple parties have inquired about parcel 04-091-0003, a 156-acre parcel at the base of Little Mountain on the north side. The County acquired the parcel in 1996 as part of the landfill property acquisition. The landfill sits atop Little Mountain and is now located on a 111-acre parcel. The Box Elder County Commission has decided to send this through the surplus property disposal process. Part of that process when real property is involved, is for it to be reviewed by the Planning Commission to see if the disposal complies with the General Plan and the Land Use Management & Development Code.

Staff said the County General Plan does not specifically address this area or this property. Landfill Road is a public road and currently bisects this property. No future roads are currently planned on this property. As this property is unzoned the portions of the Land Use Code applicable to unzoned areas would apply to any future land use on this property. The current use of the property is in compliance with the Land Use Code. The County Recorder's office is currently investigating whether Landfill Road is a right-of-use road or if it has been dedicated to the County. Once this is discovered, it is staff's opinion it would be wise to ensure a sufficient width of land and that the road is deeded to the County prior to any future sale or lease of the property. As this parcel has no use or ties to the landfill the County has leased it over the years for grazing. The Commission is open to both continued lease of the property as well as the sale of it back to private ownership.

Staff can submit a recommendation to the County Commission on behalf of the Planning Commission within 15 days of the Planning Commission's decision.

MOTION: A Motion was made by Commissioner Kevin McGaha to forward a recommendation of approval to the County Commission of application number SPD20-03, a surplus property disposal of parcel 04-091-0003, located at the base of Little Mountain and subject to the determination of whether or not a roadway dedication needs to take place. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

WORKING REPORTS - NONE

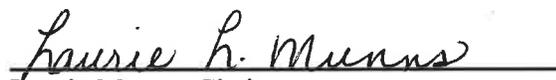
PUBLIC COMMENTS - NONE

WORK SESSION – COMMISSIONERS

The commissioners discussed setting a date for a work session on the Randy Moulding item so Commissioner Holmgren and Commissioner Wilding who were not present six years ago can be brought up to speed as well as a refresher course for the other commissioners. Staff will set up a date and time that will work with the commissioners' schedules.

ADJOURN

MOTION: A Motion was made by Commissioner Mellonee Wilding to adjourn July 16, 2020 Planning Commission Meeting. The motion was seconded by Commissioner Jared Holmgren and meeting adjourned at 7:50 p.m.


Laurie Munns, Chairman
Box Elder County Planning Commission