

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JUNE 20, 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	Com Dev Dir.
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 Jared Holmgren.
Pledge was led by Commissioner Desiray Larsen.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

MOTION: A Motion was made by Commissioner Mellonee Wilding to approve the June 20, 2019 agenda with the exception of the cancellation of item 7c. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

The Minutes of the May 16, 2019 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.

LAND USE TEXT AMENDMENT, Z19-004, Request to amend text of the Box Elder Land Use Management & Development Code Chapter 1-3, Definitions, to reduce the number of employees allowed as a part of a home business. - ACTION

Staff stated the planning commission has requested a text amendment be made to the section of definitions for home businesses. Currently the code has regulations allowing up to nine (9) employees for any approved home business. The text amendment would change the verbiage that reads “fewer than 10” to read “up to two (2)”, and eliminating the language that states “and does not change the current character of the dwelling or neighborhood”. Recent training staff has attended suggests eliminating this type of language because it is can be very subjective.

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

Hearing no comments, a motion was made by Commissioner Jared Holmgren to close the public hearing on Text Amendment Z19-004, the motion was seconded by Commissioner Desiray Larsen and passed unanimously.

ACTION

Staff explained there are a lot of questions surrounding this topic and later on in the agenda there is an item under working reports to propose a possible moratorium for home businesses and home occupations to see where they fit in the county. Staff is comfortable with this being either denied or tabled so the moratorium can be underway.

MOTION: A Motion was made by Commissioner Bonnie Robinson to allow Box Elder County to withdraw the request for the Land Use Text Amendment Z19-004 for further study by staff. The motion was seconded by Commissioner Mellonee Wilding and passed unanimously.

NEW BUSINESS

NELSON 5 AGRICULTURAL SUBDIVISION, AS19-003, at approximately 4856 North 3200 West in the Corinne area of unincorporated Box Elder County. ACTION

Staff said the applicant is requesting an agricultural subdivision. It would consist of 5.086 acres being split off from a larger parcel in the RR-20 (Rural Residential ½ acre) zone. Both parcels would remain over the ½-acre and 5-acre minimums required for an agricultural subdivision. State code has the following requirements for an 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; *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 stated the legal description submitted by the applicant is under review with the recorder/GIS office. Staff's recommendation is to approve this agricultural subdivision subject to the final review from the GIS office.

Commissioner Laurie Munns asked is the 5.086-acre lot will have a home on it. Staff explained when a parcel is split off without a home as an agricultural subdivision, it is to remain in agriculture until the applicant goes through an agricultural subdivision process creating a buildable lot. This parcel will remain as agricultural only until a new owner subdivides and provides utilities as a buildable lot.

Commissioner Bonnie Robinson verified that this subdivision is just taking one field and making it into two fields.

MOTION: A Motion was made by Commissioner Mellonee Wilding to approve Application AS19-003 an Agricultural Subdivision and adopt the conditions and findings of staff as well as pending final review of the legal description of the county GIS office. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

RODGER TOWING SITE PLAN, SP19-002, Request for an impound lot located at approximately 12425 Canal Bank Road in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting site plan approval for an impound yard. The location is in an unzoned area and an impound yard is considered a permitted use there. As the request is a for a commercial use, it is required to go through the site plan review process which involves submitting a site plan, review of the site plan by the county and by the planning commission for final approval.

Staff then read the conditions that code requires for site plans as follows:

- A. The proposed use shall be allowed as a permitted use in the applicable zone. *Yes***
- B. The proposed use shall conform to development standards of the applicable zone. *Yes***
- C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. *Yes***
- D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. *Yes***

Staff continued stating setbacks are generally required when new structures are proposed but in this case no new structures are proposed as part of the site plan. Only security fencing is proposed and all fencing will be within the property boundaries. Access to the property is obtained on Canal Bank Road which is an existing county road.

Staff verified with applicant Amber Snyder that they are proposing to purchase all of the property. The applicant is under contract and purchase is hinging on this process. Staff said the applicant is going to have to have the property line adjusted. It would make the most sense to consolidate everything in to one parcel. Staff suggested making that a condition of approval.

Commissioner Laurie Munns urged the commissioners to stay consistent with what they have done in the past and use the same guidelines used with other impound lots.

Commissioner Bonnie Robinson read conditions used in the past. *See conditions below.*

MOTION: A Motion was made by Commissioner Bonnie Robinson to approve Application SP19-002, a site plan for the towing and impound facility and adopt all the conditions and findings of staff. The motion was seconded by Commissioner Desiray Larsen and unanimously carried.

CONDITIONS:

1. Screened fencing on all 4 sides where the vehicles will be parked.
2. Lighting to adequately provide lighting for the property.
3. Signage as required by the State of Utah.
4. Conditions and findings on staff report along with all comments from staff are taken care of on the site plan.
 - a. All comments already received by Johnston Engineering.
 - b. A final site plan be approved by County Engineer.
5. Fluid receptacles on site to catch any leaking fluid from vehicles.
6. No dismantling or salvaging of vehicles within the impound yard.
7. All weather road base surface to be maintained.
8. No building will be constructed as part of this Conditional Use Permit.
9. Parking spaces provided outside of impound yard with signage.
10. Once a state license has been obtained, a copy be given to the Planning & Zoning office (may be done after Conditional Use Permit is obtained).
11. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
12. Compliance with Article 2-2-120, 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.
14. No stacking of vehicles.
15. Property lines cannot go through the yard, the buildings, and the access road (discussion was to consolidate parcels).

SURPLUS PROPERTY DISPOSAL FOR COUNTY PROPERTY IN MANTUA. ACTION

This item was cancelled.

WORKING REPORTS

Commercial Code

Staff said they are trying to consolidate the commercial code. Currently the code is gigantic and lists crazy uses such as youth boy clothes and toddler shoes. These weird uses could be consolidated together which staff is currently working to do.

Home Business and Home Occupation – Possible Moratorium

Staff feels like there are a lot of questions needing answers on home businesses and occupations before action can be taken on some things. Staff said moratoriums are six (6) months.

MOTION: A motion was made by Commissioner Bonnie Robinson to put a moratorium on home business and home occupation applications for up to six (6) months while staff fixes the code. The motion was seconded by Commissioner Mellonee Wilding and passed unanimously.

Discussion

There was a discussion among the commissioner and staff regarding unzoned areas having no public hearings for neighbors to voice their opinions. Different options were discussed such as annexations and collaborating with the cities. They also discussed updating the general plan.

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Desiray Larsen and meeting adjourned at 7:52 p.m.



Laurie Munns, Chairman
Box Elder County Planning Commission

