

BOX ELDER COUNTY PLANNING COMMISSION MINUTES MARCH 21, 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	Excused	Marcus Wager	County Planner
Kevin McGaha	Member	Steve Hadfield	County Attorney
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 Laurie Munns.
Pledge was led by Commissioner Jared Holmgren.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the January 17, 2019 meeting were made available to the planning commissioners prior to this meeting and upon review a **Motion** was made by Commissioner Jared Holmgren to approve the minutes as written. The motion was seconded by Commissioner Desiray Larsen and passed unanimously.

MOTION: A Motion was made by Commissioner Desiray Larsen to approve the March 21, 2019 agenda. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

UNFINISHED BUSINESS - NONE

PUBLIC HEARINGS – NONE

NEW BUSINESS

WILSON AGRICULTURAL SUBDIVISION, AS19-001, at approximately 4100 North 6800 West in the West Corinne area of Unincorporated Box Elder County.

Staff said this is an agricultural subdivision located on Iowa String Road. The applicant is requesting to separate 12 acres off a bigger parcel located in the RR-20 zone (Rural Residential 20,000 sq. ft.) in the West Corinne area of Box Elder County. The applicant is correcting a mistake made in 2018 which split the parcel off the bigger parcel by deed only, creating an illegal parcel. Going through this process now will correct the error and make the 12-acre parcel a legal agricultural parcel.

Staff then reviewed the following analysis from Utah State Code 17-27a-605(1)(b) and (2)(a)(ii) which outlines the 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.*

(2)(a)(ii) 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. *A document has been prepared and will be recorded following approval of this application.*

Staff said Utah State Code allows for agricultural subdivisions to be subject to review procedures and approval from the planning commission. It is staff's opinion the proposed agricultural subdivision meets all of the approval standards found in Section 17-27a-605(1)(b) and (2)(a)(ii) of the Utah State Code. Staff recommends approval of this agricultural subdivision.

Commissioner Bonnie Robinson asked why water and sewer are a concern in an agricultural subdivision. Staff answered state code requires it, but staff is unsure why.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to approve application AS19-001 an agricultural subdivision, and adopting the findings and conditions of staff. The motion was seconded by **Commissioner Kevin McGaha** and unanimously carried.

BELNAP AGRICULTURAL SUBDIVISION, AS19-002, at approximately 4100 North 6800 West in the West Corinne area of Unincorporated Box Elder County.

Staff said this is just one parcel north of the parcel just discussed and is in the same situation. In going through and reviewing state code, this one also meet the requirements. Staff has the notice

and the certificate of approval. The findings are the same as the prior request and it meets all the approval standards. Staff recommends approval.

Commissioner Desiray Larsen asked if there is acreage minimums for an agricultural subdivision. Staff replied there are minimums depending on the zoning, but at least 5 acres is required for an agricultural subdivision like this one.

MOTION: A Motion was made by Commissioner Bonnie Robinson to approve application AS19-002 an agricultural subdivision and adopt the conditions and findings of the staff report. The motion was seconded by Commissioner Kevin McGaha and unanimously carried.

TRIPLE S STORAGE SITE PLAN, SP18-004, Request for a storage unit facility located at approximately 9200 South Hwy 89 in the South Willard are of unincorporated Box Elder County.

Staff said the applicant is requesting a conditional use permit for a storage unit facility. This property was originally a storage unit condominium subdivision plat in 2009. The current owner vacated the subdivision plat to put it back into one parcel. The zone is the commercial enterprise zone which was adopted in September of 2008 and the zone allows for storage units. The proposed facility would need to adhere to the conditions set forth in Section 2-2-100 of the LUM&DC which states:

1. 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;
2. 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;
3. 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.

To be more specific, the code states the following factors should be reviewed and considered:

1. Conditions relating to safety of persons and property.
 - a. The impact of the proposed facility or use on the health, safety, and welfare of the County, the area, and persons owning or leasing property in the area. *There should be no impact.*
 - b. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area. *Any adverse effects the commission can think of should be addressed with the applicant.*
 - c. Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding. *The county engineer has reviewed the grading and drainage plans and has requested the drainage plan be approved by UDOT and to see the documentation from UDOT addressing the plan.*
 - d. Increased setback distances from lot lines where the planning commission determines it to be necessary to ensure the public safety. *Per the proposed site plan all required setbacks are being met.*

e. Appropriate design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault or other seismic hazard, which may exist on or near the property, and limitations and/or restrictions to use and/or location of use due to site conditions, including but not limited to wetlands, flood plains or landslide area. *The county engineer has reviewed a geotechnical report for the site and made construction recommendations accordingly. The plans meet structure support and site specific requirements will be submitted as part of the building permit package.*

2. Conditions relating to the compatibility of the use.

a. The suitability of the specific property for the proposed use. *Staff finds no health, safety, or welfare issues affecting the suitability of the proposed site.*

b. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity. *The surrounding development is mainly commercial/industrial (gravel pit, stone supply & monument business) currently with some residential to the north. The area primarily zoned general commercial and commercial enterprise as it is adjacent to Hwy 89 and the Interstate.*

c. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity. *Staff has no evidence of this.*

d. The number of other similar conditional uses in the area and the public need for the proposed conditional use. *To staff's knowledge there is one similar conditional use in the area, another storage facility to the north. The public need is subjective.*

3. Conditions relating to health and safety. *Any adverse effects the commission can think of should be addressed with the applicant.*

4. Conditions relating to environmental concerns. *Any adverse effects the commission can think of should be addressed with the applicant.*

5. Conditions relating to compliance with intent of the General Plan and characteristics of the zone district. *Staff finds none.*

6. The aesthetic impact of the proposed facility or use on the surrounding area. *Any effects the commission can think of should be addressed with the applicant.*

7. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area. *Proof of the necessary utilities for the proposed project have been provided. These utilities are available in the area. These are required as part of the building permit process as well.*

8. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation. *The fire marshal has completed his review and recommends approval. UDOT has approved the ingress/egress to the property from Hwy 89. Other applicable items are currently being evaluated as part of the county engineer's review of the site plan.*

9. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use. *Any adverse effects the commission can think of should be addressed with the applicant.*

Staff continued stating the fire marshal has recommended approval and UDOT's access has been approved. All of the planning department's questions have been resolved leaving only the questions the county engineer had regarding the type of gravel used in the access drive as well as UDOT approval of the drainage plan. Staff recommends the planning commission can table this and wait for those items, or approve with the condition of final approval from the county engineer.

Staff would also add the conditions of compliance with recommendations and requirements set forth by county staff, compliance with conditional use section 2-2-100 of the LUM&DC, as well as compliance with state and federal permits.

Commissioner Laurie Munns asked if the area would be fenced.

Chet Hovey, the civil engineer for the project said fencing will be provided. The property has a drainage berm around it. There have been improvements on the property per UDOT's requirements to help with drainage. In regards to the road base coming into the facility, he thinks it is his determination of what the road base should be because he is the one stamping it and stating what it needs to be. He does not mind using UDOT's specifications on road base but he does not want to be limited to doing that because he is the one stamping it whereas the county engineer is not. He thinks it might be a liability on the county's perspective if there is a failure. Mr. Hovey said the county engineer's recommendation is coming from the geotechnical report which he did not do, nor did the owner pay for the report. The geotechnical report will have to be reviewed by his firm to make sure they are comfortable with it because ultimately it is their liability and responsibility. He has responded to the county engineer having no problem with the specifications, but the UDOT road base may not have enough binder in it. He wants an all-weather road that will bind up tight.

Staff suggested instead of making a condition that the commission has to see an approval specifically regarding the drainage from UDOT, the safest way to handle it would be to say we have to see an approval from the county engineer and then their engineer can negotiate with our engineer as to what is the fairest resolution.

MOTION: A Motion was made by **Commissioner Kevin McGaha** to approve application number SP18-004 based on final approval by the county engineer, compliance with recommendations and requirements by county staff, compliance with Section 2-2-100 of the Box Elder County Land Use Management & Development Code and compliance with state and federal permits. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

WORKING REPORTS - NONE

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 7:30 p.m.



Laurie Munns, Chairman
Box Elder County Planning Commission