

BOX ELDER COUNTY PLANNING COMMISSION MINUTES MAY 16, 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	Excused
Mellonee Wilding	Vice-Chair	Marcus Wager	County Planner
Kevin McGaha	Member	Steve Hadfield	Excused
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 Kevin McGaha**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

MOTION: A Motion was made by **Commissioner Kevin McGaha** to approve the May 16, 2019 agenda. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

SELECT A CHAIR AND VICE-CHAIR TO SERVE A TERM OF ONE (1) YEAR.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to nominate Laurie Munns as chair of the planning commission for a term of one (1) year. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

MOTION: A Motion was made by **Commissioner Kevin McGaha** to nominate Mellonee Wilding as the vice-chair of the planning commission for a term of one (1) year. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

The Minutes of the April 18, 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 Kevin McGaha** 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.

MARRIOTT CONDITIONAL USE PERMIT, CUP19-001, request for a conditional use permit for professional office use in the South Willard – Neighborhood Commercial zone. **ACTION**

Staff stated the applicant is requesting a conditional use permit for a professional office located in an existing building at 8195 S. Highway 89 in South Willard. The applicant owns the property and would like to lease it to a local trucking company for office/bookkeeping use. This use should generate very little traffic with only 2-3 employees and occasional clients. The company has a separate location for the parking and storage of its truck fleet. The surrounding zoning is R-1-20 with the land use for the north, south, and west being rural residential and to the east is agriculture.

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

Hearing no comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Marriott Conditional Use Permit, CUP 19-001. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

ACTION

Staff explained the Box Elder County Land Use Code Section 3-5-070-4.13, which was approved last month, allows this as a conditional use and also defines the definition of professional office. Section 2-2-100, which is the conditional use permit section of the code outlines the review standards, one of which relates to health and safety as follows: 1. This location is for office use only. Trucks, trailers, and any other business related equipment/materials must be stored at a separate location. 2. The business should not generate any truck traffic at this location. Staff recommends approval subject to certain conditions.

Commissioner Laurie Munns stated her concern with truck and trailer traffic has been addressed where it will only be used as an office.

MOTION: A Motion was made by Commissioner Bonnie Robinson to approve the Marriott Conditional Use Permit 19-001 with conditions listed by staff. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

CONDITIONS:

1. Compliance with Section 2-2-100 of the Box Elder County Land Use Management & Development Code.
2. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.
3. This location is for office use only. Trucks, trailers, and any other business related equipment/materials must be stored at a separate location.
4. The business should not generate any truck traffic at this location.

MACKLEY REZONE, Z19-003, request for a rezone from A-20 to C-E at approximately 7875 S 1500 W in the South Willard area of unincorporated Box Elder County. ACTION

Staff explained the applicant is requesting a rezone from A-20 to C-E. The parcel is 12.95 acres in size. The parcel was created in 1907 at 15.24 acres. In 1973 when the freeway came through it was changed to 12.95 acres. It is a legal non-conforming parcel, often referred to as “grandfathered in”. The surrounding land uses are mostly A-20. To the east is I-15 and zoned residential R-1-20.

The public hearing was then opened for comments.

Trisha and Dan Coleman, stated they are partners with Paul Mackley on this parcel and have been building the structure on the front part of the property. Trisha Coleman gave a background of where they come from and how they enjoy the rural lifestyle. It is not their goal to take away from the agricultural lifestyle. She described their business as taking military vehicles and outfitting and customizing them for disaster response. Most of their clients are preparedness minded people and farmers use these vehicles for water and grain. They have many clients that use them as camping vehicles, but are ready to answer the call whenever there is an emergency or disaster in the area. The business is mostly done on-line so it does not bring any traffic in and out of the area. Ms. Coleman said ultimately she would like the zone to stay agricultural but the commercial enterprise zone seems to allow their type of business.

Dan Coleman said when it comes to the business side of it all, we looked at all the different zones and they all have different limitations. Because of the theft they have had where they are currently, they want to be able to be close and keep an eye on things. The commercial enterprise zone is the only one that regulates for on-site security. Mr. Coleman said he does not know how long the business will last but anticipates a 5-6 year run. They are building the structure as a barn and the ultimate goal when this business is over for it to become their ranchette.

David Howells, neighbor to the south, asked for what they want to do, do they have to change zoning? He said what they are doing does not concern him but 5-10 years from now they might be doing something different. He is also concerned because the fire marshal said there would need to be an 8-inch water line under the railroad. Who pays for that and how far does it go under the railroad? He also asked who makes sure the compliances happen.

Jerry Anderson, Anderson Livestock Auction, said he does not have a problem with them living there but is also concerned with rezoning. The reason he moved to the area is because it is zoned agriculture and the livestock auction fits in with the zone. He agrees with Mr. Howell as far as what might be coming down the road with a different zone.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Mackley Rezone Request, Z19-003. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

ACTION

Staff reviewed the review standards from Section 2-2-080.E of the BEC LUM&DC for zoning map amendments with the commissioners as follows:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;

The South Willard Community Plan addresses this area as A-20 and does not recommend anything other than this zoning designation for the future. However, the County's General Plan does state that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

The area is a combination of mainly agricultural uses with some commercial and residential homes. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective.

C. The extent to which the proposed amendment may adversely affect adjacent property; and

This is subjective. The public hearing process may shine additional light on this.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Roadways and fire protection may be of concern, staff is waiting to hear back from Box Elder County Roads Supervisor. The Fire Marshall had this to say: **"I do have a concern with the ability to provide needed fire flow, this will require fire hydrants and a 8-inch line will need to be brought under the tracks to provide this"**. Staff stated the developer would pay for this. If they put in the improvements before the business is operational, then they would do that under the guidance of the county. If they do it after, then they would enter into a development agreement. All other facilities and services should be adequate.

Staff said the original building permit for the home was issued in late 2017. The original permit did not conform to what was being built on the ground. The county building official put a stop to the building. At this point, the Colemans will need to get a new building permit to keep building the home. If this rezone is to take place before they get a building permit, the commercial enterprise

zone does not allow for a single family dwelling. The zone does allow for storage units to have on-site managers.

Staff reviewed their findings with the commissioners as follows:

1. The Box Elder Land Use Management and Development Code allows for a rezone subject to zoning map amendment review procedures and approval.
2. It can be interpreted that the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.
3. This application is for a zoning designation from A-20 to C-E.

Staff said when they originally received this application, they were under the impression it was for storage units. This should not matter because when we look at rezones we have to look at all of the uses, not just what is intended now. Staff reviewed some of the uses allowed in the zone and categorized it as a heavy commercial/light industrial type of zone.

Commissioner Kevin McGaha said recently the commission looked at a CUP for something similar up north. It would not require a zone change to allow what they are describing under a conditional use permit.

Commissioner Mellonee Wilding agreed and questioned if this is not more like a home-based business.

Staff reiterated they did not know about this business until this meeting. Staff was under the impression it was for storage units.

Commissioner Laurie Munns stated a concern with changing the zone is water. Where would that fire suppression come from and what the cost would be? **Commissioner Mellonee Wilding** said she spoke with one of the board members of the South Willard Water Company and was told they do not provide any service west of I-15. She said she is leaning more towards this being a home business, which is actually better for the homeowners because they would not have to pay for a water line.

Staff said the applicant would need to come back before the commission next month with a conditional use for a home business.

Commissioner Bonnie Robinson has concerns that a house was being built that did not match the permit, and that there is a business staff was not aware of until tonight . She thinks the commission needs to be cautious because there seems to be a path of not being open.

MOTION: A Motion was made by **Commissioner Mellonee Wilding** to forward a recommendation of denial to the county commission on application Z19-003 for a zoning map amendment from A-20 to C-E zone because we do not feel it is necessary, it does not fit the character of the community, the citizens are not for the change, and there is not adequate water for fire suppression. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

NEW BUSINESS - NONE

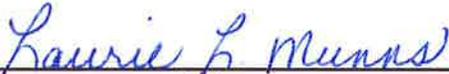
WORKING REPORTS - NONE

PUBLIC COMMENTS - NONE

Commissioner Bonnie Robinson stated she is concerned about 10 employees in a home-based business and would like to direct staff to look into it further.

ADJOURN

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



Laurie Munns, Chairman
Box Elder County Planning Commission