

BOX ELDER COUNTY PLANNING COMMISSION MINUTES MAY 21, 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	Excused	Steve Hadfield	County Attorney
Michael Udy	Member	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 Bonnie Robinson.

The following citizens were present & signed the attendance sheet
See Attachment No. 1 – Attendance Sheet

The following citizens/commissioners attended via electronic link access
Commissioner Desiray Larsen
Lance Rose, Zachary Anderson Subdivision
Marisha Menlove, Surplus Property

The Minutes of the April 16, 2020 meeting were made available to the Planning Commissioners 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 Jared Holmgren and passed unanimously.

The Agenda of the May 21, 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. The motion was seconded by Commissioner Mellonee Wilding and passed unanimously.

UNFINISHED BUSINESS

SILVER EAGLE REZONE, Z20-003, Request for a re-zone from MU-160 to RR5 for 34.35 acres on parcel 03-064-0029 located at 1651 South Willard Peak Road in the Mantua area of Unincorporated Box Elder County. ACTION

Staff explained this item came before the commission in February. A public hearing was held and the commission chose to table the item in order to conduct a site visit. The commissioners have visited the property and can now make a recommendation to the County Commission.

Staff read the approval standards for a zoning map amendment as follows:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The County General Plan recommends the preservation of open space, hillsides, and prominent ridgelines. It also recommends that prominent ridgelines be identified in order to establish no development areas. To staff's knowledge, this has never taken place.

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 mix of open space, hillside, and rural residential development. The current zoning requires 160 acres minimum to build a home. The proposed zoning allows the development of 5-acre lots. The proposed parcel is currently bordered by RR-5 zoning on the south and west sides in unincorporated county and on the north side in Mantua.

C. The extent to which the proposed amendment may adversely affect adjacent property; To our knowledge the proposed amendment would not have an effect on adjacent property. 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. The proposed zone change allows the same uses currently allowed in the area. The landowner/developer would be required to do a perc test and submit septic approval from the Bear River Health Department. Power is already in the area supplying to neighboring homes. Water is being proposed through the Town of Mantua via an agreement to provide space for a new town water tank and infrastructure on the property.

Commissioner Mellonee Wilding thinks it would be difficult to deny the zone change when it is in harmony with the surrounding area.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Z20-003, a zoning map amendment from the MU-160 zone to the RR-5 zone and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Michael Udy** and unanimously carried.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

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.

TEXT AMENDMENT, SECTION 2-2-100, Z20-004, Request for a text amendment to the Conditional Use Permit section of the Box Elder County Land Use Management and Development Code.

Staff stated the Box Elder County Community Development Department is requesting a text amendment to Section 2-2-100, Conditional Use Permits. The current code is vague and out of date and does not conform to state code. The state updated their code in 2005 and is cracking down on having conditional use permit sections updated. The department has contracted with John Janson to modify our county code to align with state code. Staff has gone through the code piece by piece and added some finishing touches. The main point was to remove the vagueness of what we currently have, and have more solid standards we can rely on for conditional use permits. Staff explained if this text amendment is adopted the next step would be to go through the county land use code and see what conditional uses are already in place. We need to decide if those are uses we want to have in the county, and are they in the areas we want them.

Staff read the standards for review for zoning text amendments from Box Elder County Land Use Management & Development Code section 2-2-080 as follows:

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

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; This text amendment affects all areas of unincorporated Box Elder County.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment should not adversely affect adjacent property.

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. The proposed amendment should not put a strain on any of these facilities.

The public hearing was then opened for comments.

Hearing no comments, a motion was made by **Commissioner Michael Udy** to close the public hearing on Text Amendment, Section 2-2-100, Z20-004. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

ACTION

Staff feels this amendment will be a good thing for the county and recommends approval.

MOTION: A Motion was made by **Commissioner Mellonee Wilding** to forward a recommendation of approval to the County Commission for Application Z20-004, a text amendment to Section 2-2-100, Conditional Use Permit, of the Box Elder County LUM&DC, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

NEW BUSINESS

COUNTY SURPLUS PROPERTY DISPOSAL, Request by private party to acquire parcel 05-043-0065, Lot 1 of the Tremonton Hospital Subdivision, located at 464 West 600 North in Tremonton. ACTION

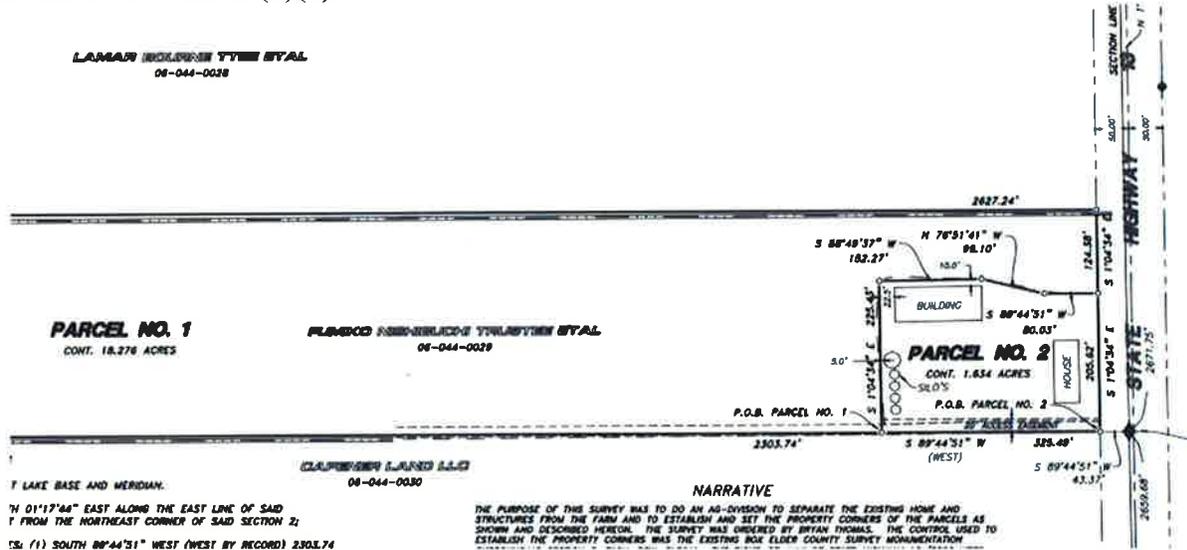
Staff explained the applicant has gone before the County Commission expressing an interest in purchasing a piece of county-owned property located in Tremonton City north of the Bear River Health Department. The applicant is planning on converting an existing nursing home into handicap-accessible, low-income housing. The county property would be used to create a parking lot first, with the potential for future expansion of the housing. The County Commission recommended the applicant start the surplus property disposal process. The process starts with the Planning Commission who makes a recommendation to the County Commission; they hold a public hearing and make a decision if they would like to dispose of the property.

Staff said the County Surplus Property Disposal Policy #2000-01 requires all surplus property disposal of real estate be reviewed by the Planning Commission to ensure they comply with the General Plan, Land Use Management & Development Code and any other applicable ordinances. Staff recommends approval and has 15 days to forward the approval to the County Commission.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval regarding application SPD20-02, surplus property disposal of parcel 05-043-0065 in Tremonton City, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Mellonee Wilding** and unanimously carried.

NISHIGUCHI AGRICULTURAL SUBDIVISION, AS20-004, Request for approval for dividing single family home off of agricultural land located at 16421 North 5200 West in Unincorporated Box Elder County. ACTION

Staff explained the property is located north of Riverside in Box Elder County. The home is located at 16421 N 5200 W with farmland behind it. Parcel No. 2 (see below) is the parcel being proposed to be split off with 1.634 acres. Parcel 1 will be the agricultural parcel containing 18.276 acres. This is an agricultural subdivision governed by state code and meets the requirements of Utah State Code 17-27a-605(1)(5).



Staff said the Certificate of Approval has been created and is ready to be signed by all parties and recorded with the County Recorder’s office.

MOTION: A Motion was made by Commissioner Mellonee Wilding to approve application AS20-004 an agricultural subdivision with a single family dwelling, and adopting any conditions and findings of staff. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

ZACH ANDERSON SUBDIVISION, SS20-017, Request for approval for a 9-Lot subdivision located at approximately 11600 North 3400 West in Unincorporated Box Elder County. ACTION

Staff said the proposed subdivision is for 9 lots and includes one amended lot from the Deweyville Ranchettes Phase 2 Subdivision. The lots range in size from 1 acre to just over 2 ½ acres. The whole property totals under 20 acres. The zoning in the surrounding area is RR-2/Agriculture. Staff explained Lots 4 and 5 are smaller in size than the required 2 acres. The property owner has 2 parcels that are 1.06 acres and 1.69 acres so it is allowed to have those same acreages within the subdivision plat because they are legal, buildable lots at this point. Access to all lots will be off 3400 West which has a full right-of-way of 66 ft. The letters for utilities have all been submitted, the geotechnical report has been received, and all the setbacks in the RR-2 zone can be met. The

departmental reviews have come back a couple of times and were sent to the surveyor to be revised. Our office received the updated plat and has sent it back out for department reviews. Staff has not received the reviews on the most updated plat but feels comfortable that with the conditions outlined in the recommendation section of the staff report, the preliminary subdivision plat will comply with the preliminary subdivision regulations of Box Elder County.

MOTION: A Motion was made by Commissioner Mike Udy to give preliminary approval for the Zach Anderson Subdivision SS20-017. 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 the May 21, 2020 Box Elder County Planning Commission Meeting. The motion was seconded by Commissioner Mellonee Wilding and meeting adjourned at 7:46 p.m.


Laurie Munns, Chairman
Box Elder County Planning Commission