

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JANUARY 18, 2018

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>	
Chad Munns	Excused	Scott Lyons	Com Dev Dir.
Laurie Munns	Member	Marcus Wager	County Planner
Kevin McGaha	Excused	Marla Young	County Clerk
Michael Udy	Excused	Steve Hadfield	County Attorney
Desiray Larsen	Member	Jeff Scott	Co. Commissioner
Bonnie Robinson	Member		
Mellonee Wilding	Member		

Commissioner Laurie Munns called the meeting to order and was acting chairman at the meeting.

The Invocation was offered by **Commissioner Laurie Munns**.

Pledge was led by **Commissioner Desiray Larsen**.

The following citizens were present & signed the attendance sheet

(Attachment: Attendance Roll)

The Minutes of the November 16, 2017 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; seconded by **Commissioner Desiray Larsen** and passed unanimously.

MOTION: **Commissioner Robinson** made a motion to amend the agenda by moving item 7e, which is unfinished business, to 5a. The motion was seconded by **Commissioner Wilding** and the agenda was amended.

UNFINISHED BUSINESS

ZONING MAP AMENDMENT, Z17-007 ZONE PROPERTY DE-ANNEXED FROM WILLARD CITY AT APPROXIMATELY 6801 SOUTH HWY 89 TO THE R-1-20 (SINGLE FAMILY 20,000 SQ. FT.) ZONE

Staff stated this application was initiated by the county. The proposal is to zone the area that was de-annexed from Willard City to the R-1-20 zone. It originally came before the Planning

Commission in April of 2017. A public hearing was held and a motion was made to table the application for six months.

Commissioner Laurie Munns asked if the property owner would like to have input.

Aaron Jensen said the last time he was here the item was tabled until they could get a hydrological study. The study has been completed and he shared details from the study. The conclusion showed the proposed development and grading will not adversely impact water filtration and drainage. Previously, Dr. Oaks had presented a geological report that was contrary. This study responds to Dr. Oaks' concerns. He stated, they want to pursue the Master Plan Community Zone, which was written in part for their site because of its unique development challenges. They would prefer the MPC zone and presented a new map.

Commissioner Munns stated the Planning Commission needs to decide on the R-1-20 zone. If they want to change to a different zone, it would require them to reapply and hold a public hearing.

Commissioner Wilding stated it has been eight months since the public hearing and would rather put a zone on it than have it un-zoned.

Commissioner Robinson said the people felt like there should be some zoning there.

MOTION: Commissioner Wilding made a motion to forward a recommendation to the County Commission for approval of Application # Z17-007, a zoning map amendment amending a de-annexed un-zoned area to the R-1-20 zone including conditions from staff. The motion was seconded by Commissioner Larsen and unanimously carried.

PUBLIC HEARINGS – BRENT MACFARLANE, NC17-001 NONCOMPLYING STRUCTURE. REQUEST TO INCREASE THE DEGREE OF NONCONFORMANCE OF A STRUCTURE AT APPROXIMATELY 15445 NORTH 5400 WEST IN THE RIVERSIDE AREA OF UNINCORPORATED BOX ELDER COUNTY

Staff explained the petitioner requested an increase in the degree of nonconformance of two structures in Riverside. The increase would be taken care of by creating a new property line. It is currently one piece of property for both structures. The Land Use Code does allow for the change upon Planning Commission approval.

Commissioner Munns opened the public hearing.

There was no public comment.

MOTION: Commissioner Robinson made a motion to close the public hearing on the Brent MacFarlane NC17-001 noncomplying structure request. The motion was seconded by Commissioner Wilding and the hearing was closed.

Staff went through the approval standards which included:

- Increase in nonconformance is compatible with adjoining property and not detrimental to the community
- Increase does not affect traffic
- Increase does not affect the value in adjacent property
- Increase does not affect the ability of adequate public services

Staff reported they have found the request does meet the required approval standards.

MOTION: Commissioner Robinson made a motion to approve Application # NC17-001 to increase the nonconformance with the conditions and findings of the staff report. The motion was seconded by Commissioner Larsen and unanimously carried.

NEW BUSINESS

VAC17-003, ROAD VACATE; VACATE ALLEY-WAY BETWEEN LOTS 1,2,3,&4 OF BLOCK 6 IN THE RIVERSIDE PLAT AT APPROXIMATELY 15465 NORTH 5400 WEST IN THE RIVERSIDE AREA OF UNINCORPORATED BOX ELDER COUNTY

Staff described the Riverside plat that was recorded in the late 1800's. It outlined lots and blocks with alleyways. Some of the landowners are requesting the alleyways be vacated. According to state code, when a right of way is vacated, half of it goes to each adjoining property owner.

MOTION: Commissioner Robinson made a motion to approve the VAC17-003 regarding the road vacate of the alleyway 1,2,3, & 4 of Block 6 Riverside plat subject to conditions and forward recommendation of approval to the County Commission. The motion was seconded by Commissioner Wilding and unanimously carried.

SP17-003, BEAR HOLLOW RANCH FAMILY CENTER SITE PLAN; LOCATED AT APPROXIMATELY 14970 NORTH BEAR HOLLOW DRIVE IN THE RIVERSIDE AREA OF UNINCORPORATED BOX ELDER COUNTY

Staff explained the applicant is requesting approval for the site plan for Bear Hollow Family Center located in Bear Hollow Ranch between Riverside and Collinston. The parking lot is in place already and the proposed structure is 8,700 sq. feet in size and would use an approximate 4,800 sq. foot building footprint. It is in an un-zoned area. Event centers are a permitted use in an un-zoned area. They went through the site plan approval standards and stated those standards have been met. The request has been through the necessary reviews from county staff, Fire Marshal, and Engineer. There are some recommendations/conditions from the Engineer and County Planning and Zoning that still need to be taken care of. Those recommendations are:

1. Compliance with Section 2-2-120 of the Box Elder County Land Use Management & Development Code.

2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
3. The access to the proposed structure and adjacent parking all look like it can drain away from the building to the existing curb & gutter then on to the existing catch basin. There seems to be a lot of hard surface for the one shown inlet box. A drawing showing top of curb elevations will be needed for final approval.
4. A letter from the Bear River Health Department approving a septic system for this structure.
5. A letter from UKON water stating they can serve the project and approving the infrastructure improvements servicing the project.
6. A letter from the Box Elder County Fire Marshal regarding fire suppression requirements.
7. A landscaping plan will be needed for final approval. This should show planting details as well as sprinkler layout and the connection to the secondary water main.
8. Building elevations showing surface materials and colors including any lighting and signage.
9. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MOTION: Commissioner Wilding made a motion to approve SP17-003 a site plan for the Bear Hollow Ranch Family Center adopting the exhibits, conditions and findings on the staff report. The motion was seconded by Commissioner Robinson and unanimously carried.

AS17-004, COOMBS AG SUBDIVISION, LOCATED AT APPROXIMATELY 17190 NORTH 5200 WEST IN THE FIELDING AREA OF UNINCORPORATED BOX ELDER COUNTY

Staff explained AS17-004 is an Ag Subdivision in the Fielding area. The subdivision would create a 2.66-acre parcel leaving the rest of the current parcel with approximately 91.3 acres. They gave the standards review which included:

- The proposed subdivision is not traversed by map lines nor proposed streets
- Has been approved by culinary water authority and sanitary sewer authority
- Is located in a zoned area
- Conforms to all applicable Land Use Ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinances

Staff stated it conforms with sub-section 5 with the following requirements:

- A. Existing legal single family dwelling unit
- B. Subdivision results in two parcels, one of which is for agricultural land
- C. The parcel of land in agriculture qualifies as land in agricultural use and is not and will not be used for non-agricultural purposes
- D. Both parcels meet minimum set-back requirements in the applicable land use ordinances

E. Owner of record signs and records a notice describing the parcel as agricultural use
Staff reported the parcel does meet state code requirements and recommended approval.

MOTION: Commissioner Robinson made a motion to approve AS17-004 Coombs Ag Subdivision with the conditions and findings in the staff report. The motion was seconded by Commissioner Wilding and unanimously carried.

AS18-001, KUPFER AG SUBDIVISION, LOCATED AT APPROXIMATELY 10190 NORTH 8400 WEST IN THE TREMONTON AREA OF UNINCORPORATED BOX ELDER COUNTY

Staff explained this subdivision is similar to the previous one and has an existing home on it. This subdivision would create a .575-acre parcel and a 76.42-acre agricultural parcel. They explained the standards which are:

- The proposed subdivision is not traversed by map lines nor proposed streets
- Has been approved by culinary water authority and sanitary sewer authority
- Is located in a zoned area
- Conforms to all applicable Land Use Ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinances

Staff reported it conforms with sub-section 5 with the following requirements:

- A. Existing legal single family dwelling unit
- B. Subdivision results in two parcels, one of which is for agricultural land
- C. The parcel of land in agriculture qualifies as land in agricultural use and is not and will not be used for non-agricultural purposes
- D. Both parcels meet minimum set-back requirements in the applicable land use ordinances
- E. Owner of record signs and records a notice describing the parcel as agricultural use

Staff stated it meets the necessary requirements and recommended approval.

MOTION: Commissioner Robinson made a motion to approve application AS18-001 Kupfer Ag Subdivision with the conditions and findings in the staff report. The motion was seconded by Commissioner Wilding and unanimously carried.

WORKING REPORTS - NONE

PUBLIC COMMENTS –

There was no public comment.

ADJOURN

MOTION: A Motion was made by Commissioner Robinson to adjourn at 7: 56 p.m.; seconded by Commissioner Wilding and the meeting adjourned.

Passed and adopted in regular session this 15th day of February 2018.

Chad Munns, Chairman
Box Elder County Planning Commission