

**MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
MARCH 21, 2002**



The Board of Planning Commissioners of Box Elder County, Utah met at their regularly scheduled meeting, at the County Courthouse, 01 South Main Street in Brigham City, Utah at 7:00 p.m., **MARCH 21, 2002**. The following members were present constituting a quorum:

Jon Thompson	Vice-Chair
Royal Norman	Member
David Tea	Member (arrived 7:26 p.m.)
Deanne Williams	Member
Stan Reese	Member
Richard Kimber	(excused)
Theron Eberhard	(excused)

The following Staff was present:

Garth Day	County Planner
Elizabeth Ryan-Jeppsen	Department Secretary

The **session** was called to order by Vice-Chairman Thompson at 7:05 p.m.

The *Minutes* of the regular meeting held on February 21, 2002 were reviewed by the members present and Commissioner Williams made a motion that the Minutes be approved as written; the motion was seconded by Commissioner Reese and submitted to the Chairman for signature.

SUBDIVISIONS FOR APPROVAL

There were no items on the Consent Agenda to be considered this month.

NEW BUSINESS

CONDITIONAL USE PERMIT (DR. STEPHEN STARR, BED & BREAKFAST) LOCATED AT OR ABOUT 1500 SOUTH PARK DRIVE IN THE MANTUA AREA.

There were a number of concerns regarding this Conditional Use Permit for a Bed & Breakfast in the Mantua area. Dr. Stephen Starr addressed the Commissioners regarding those concerns, as did Mr. Day. The property is currently located in an area zoned MU-160 and falls into the CUP category. An existing home, located in a subdivision created in 1963, is being considered for this Bed & Breakfast. There are six bedrooms in the home and Dr. Starr was not sure if all would have private bath facilities. There would be a management and housekeeping staff, but there would not necessarily be a family living in the home year round. Although the petition is in compliance with the current zoning provisions as a conditional use, there was some concern about the maintenance of the road leading to the home during the winter months. Part of the road belongs to the city of Mantua and is maintained by them with the remainder having been taken care of by Dr. Starr. There was a great deal of discussion regarding this particular issue. In addition to the concerns surrounding the road, a letter had been received from the Bear River Health Department [Environmental Health] addressing their concerns regarding this permit. Those concerns follow:

1. *"The private well must be approved as a public (Transient Non-community) drinking water system. The State of Utah, Division of Drinking Water requirements include water sampling and source protection."*
2. *"The kitchen must be remodeled to meet commercial food service requirements of the Utah Food Code. These requirements are available through the Bear River Health Department."*
3. *The septic system needs to be evaluated to insure that it meets the additional load from a commercial establishment. If jetted tubs and toilet facilities are added in each room, the system as installed is inadequate."*
4. *"If Mr. Starr intends to open the swimming pool currently onsite to lodgers, the pool will need to meet the requirements of the State Swimming Pool Code. These requirements are also available through the health department."*

Mr. Day also had concerns regarding the granting of the conditional use permit and those recommendations follow:

1. *The proposal must continuously meet all current ordinance requirements relating to safety of persons and property, health and sanitation and environmental concerns*
2. *The facility must maintain compliance with all applicable building codes*
3. *The facility must maintain compliance with all applicable fire codes*
4. *The facility must be approved by the BRHD as a commercial use prior to operation*

5. *The facility shall have a business license with the County prior to opening and operating*
6. *If the facility is not used for more than 365 consecutive days, the CUP shall become invalid. (in other words, it must be used at least once a year as a Bed & Breakfast business entity).*

Mr. Day told the Planning Commissioners that they could hold a public hearing or make their recommendation to the County Commission who could hold a public hearing prior to granting the CUP for the Bed & Breakfast. Because of the numerous concerns about the road maintenance and those expressed by the Bear River Health Department and Mr. Day, it was decided to table this issue until Dr. Starr had an opportunity to clear up some of these issues. Mr. Day said that he would get with the County engineer and determine the property boundaries to better determine the maintenance of the road to the proposed Bed and Breakfast facility.

MOTION: A motion was made by Commissioner Williams to table the granting of the CUP to Dr. Starr for the Bed & Breakfast located in the Mantua area until the next meeting. The above-mentioned conditions, as well as, the issue surrounding the maintenance of the road, must be met prior to this Commission's recommendation to the County Commission regarding this CUP. The motion was seconded by Commissioner Reese and passed unanimously.

COMMERCIAL RE-ZONE FOR PROPERTY CURRENTLY ZONED RR-5 IN THE BOTHWELL AREA ADJACENT TO I-84 (FLOYD EGGLE PETITION)

Mr. Day addressed the Commissioners regarding this property, which is located about three miles west of Tremonton. The property had been agricultural land, but several years ago was assessed by the County Assessor as commercial. There is a billboard on the property that UDOT would not grant a permit for as they said the zoning showed this area to be agricultural and not commercial. Until that time Mr. & Mrs. Eggli were unaware of this and have been paying the higher taxes assessing this property as commercial. Most of the surrounding property is either zoned as commercial or RR-5. Their [Mr. & Mrs. Eggli's] concern was to get the records straightened out. Mr. Day sighted the following goals in the General Plan regarding this request:

1. maintaining the current quantity and quality of public services and facilities through balancing growth and development with facility/service capacity, e.g. water, sewer, waste disposal, transportation and roads, law enforcement, emergency services
2. protecting rural, agricultural, mineral, wildlife and other County interests of traditional land uses
3. promoting development patterns consistent with, and sensitive to, resident preferences; and
4. balancing private property rights with public interests.

Further, Mr. Day's recommendation to the Planning Commission was that they could set a date for a public hearing regarding the re-zone of the property, or they could forward a favorable recommendation to the County Commission who would in turn hold a public hearing on the proposed Zoning Map Change.

MOTION: A motion was made by Commissioner Reese to forward a favorable recommendation to the County Commission regarding the re-zoning of this property owned by Floyd Egli. The motion was seconded by Commissioner Tea and passed unanimously.

Mr. Day spoke with the Commissioners regarding the re-writing of the current Land Use Development Code Book as was discussed during the February 2002 meeting. Mr. Day presented a proposed format for the new document consisting of: 1) Policy, interpretation and guidelines – General plan directions and statements; 2) Zoning Ordinance -- update; 3) Subdivision Ordinance – new; 4) Improvement drawings/standards – Engineering; and 5) Checklists, applications, fees, processes, etc. An example from the existing book was compared to the new format showing the conciseness of the proposed changes. The new format would be in line with similar formats used by some of the cities in the area that have recently rewritten their code books, i.e. Honeyville, Elwood, Mantua, etc. The current Code Book was revised in 1992. The information contained in the new book would not change, but would be easier to read and understand. It was pointed out that the Code Book needs to reflect the County's General Plan, but there also needs to be tighter regulations and ordinances in order to maintain that plan.

Commissioner Thompson asked about the zoning within the County and what the status was concerning that. Mr. Day noted that a consultant has been retained to help with that process, but since two of the commissioners were not able to attend this meeting it was determined best to wait to get started on that issue when all were present.

At the conclusion of the items on the agenda, Commissioner Norman presented Commissioner Reese with a plaque and gift certificate for his years of service on the Planning Commission. Commissioner Reese had indicated at the February meeting that this would be his last meeting with the Planning Commission as one of its Commissioners. Although unsure of the number of years of service, it was estimated that Commissioner Reese had been on this commission between eight and nine years. He was wished well by all and expressed his appreciation for having the opportunity to serve with the other members.

A motion was made to adjourn the meeting at 8:17 p.m. by Commissioner Reese and all concurred.

Passed and adopted in regular session this 18th day of April, 2002.

A handwritten signature in cursive script, reading "Richard Kimber", is written over a solid horizontal line.

Richard Kimber
Box Elder County
Planning Commission Chair