

**MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
APRIL 20, 2000**

The Board of Planning Commissioners of Box Elder County, Utah met in a regularly scheduled meeting, at the County Courthouse, 01 South Main Street in Brigham City, Utah at 7:00 p.m., on **APRIL 20, 2000.**

The following members were present constituting a quorum:

Jon Thompson	Vice-Chairman
Royal Norman	Member
David Tea	Member
Theron Eberhard	Member

The following members were excused:

Richard Kimber	Chairman
Deanne Halling	Member
Stan Reese	Member

The following Staff were present:

Garth Day	County Planner
Malinda Hansen	Department Secretary

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

APPROVAL OF MINUTES

THE MINUTES OF THE PUBLIC HEARING AND REGULAR MEETING HELD ON MARCH 16, 2000 WERE APPROVED ON A MOTION BY COMMISSIONER TEA, SECONDED BY COMMISSIONER EBERHARD AND UNANIMOUSLY APPROVED.

AGENDA: ATTACHMENT NO.1

SUBDIVISIONS

Gary Davis Subdivision - one lot

Mr. Day stated that the planning staff has on file all utility letters for this subdivision including UDOT approval. This subdivision has met all state and county requirements.

MOTION: A motion was made by Commissioner Tea to approve the Gary Davis Subdivision for preliminary and final phases, authorizing the Vice-Chairman to sign and refer to the County Commission for approval. The motion was seconded by Commissioner Eberhard and unanimously approved.

Artell Whitaker Subdivision - one lot

Mr. Day stated that the planning staff has on file all utility letters for this subdivision. This petitioner is requesting a subdivision of lot one of the Lloyd Whitaker Minor Subdivision. This subdivision has met all state and county requirements.

MOTION: A motion was made by Commissioner Eberhard to approve the Artell Whitaker Subdivision for preliminary and final phases, authorizing the Vice-Chairman to sign and refer to County Commission for approval. The motion was seconded by Commissioner Tea and unanimously approved.

Jason Bingham Subdivision - one lot

Mr. Day stated that the planning staff has on file all utility letters for this subdivision. This subdivision has acquired from the State a shallow well permit. Bear River Health Department reported to the planning staff that this will be the last shallow well permit allowed in Box Elder County for parcels that consist of less than five acres. The plat includes the recording of two easements; one easement over and across the adjacent Mark Wood property for access to the petitioners well, the other establishing a well protection zone. The applicant has no access to a public water system. This subdivision meets all the requirements set forth by the state and county.

MOTION: A motion was made by Commissioner Eberhard to approve the Jason Bingham Subdivision for preliminary and final phases, authorizing the Vice-Chairman to sign and refer to County Commission for approval. The motion was seconded by Commissioner Tea and unanimously approved.

Chet Tingey Subdivision - two lots

Mr. Day stated that the planning staff has established proof of all utilities required for Lot 1. Lot 2 of this subdivision has not established utilities and will be recorded with restrictions to reflect such. Both lots have access off an established county road, 5000 North. This subdivision has met all state and county requirements.

MOTION: A motion was made by Commissioner Tea to approve the Chet Tingey Subdivision for preliminary and final phases, authorizing the Vice-Chairman to sign and refer to County Commission for approval. The motion was seconded by Commissioner Norman and unanimously approved.

Stokes West Subdivision - two lots

Mr. Day stated that the planning staff has established proof of all utilities required for lot 1. Lot 2 of this subdivision will be recorded for agricultural purposes only. Each lot consists of approximately 20 acres. A 33' dedication will be recorded with the filing of this plat for future county improvements. No improvements will be required at this time. The closest road improvements currently are far in distance. Currently two homes are located on this road. This subdivision has met all state and county requirements.

MOTION: A motion was made by Commissioner Norman to approve the Stokes West Subdivision for preliminary and final phases, authorizing the Vice-Chairman to sign and refer to County Commission for approval. The motion was seconded by Commissioner Eberhard and unanimously approved.

Whipple Subdivision - three lots

The planning commission granted preliminary approval of this subdivision on February 17, 2000. In March this subdivision was tabled due to unresolved issues with the Home Owner's Association and the need to obtain Willard Flood Control approval. Mr. Day stated that the petitioner now has on file approval from the Willard Flood Control and has an original on file of the Home Owner's Association. The road improvements will be required to continue up to the point East of the cul-de-sac turn off, then continue as a dirt road as in the past. Eighteen (18) feet of asphalt, compaction and six foot shoulders are all required in the improvement drawings. UDOT approval has been obtained and a deceleration lane is required. The County has established access on the private road for emergency vehicles or other county needs. Ms. Peck stated that if the adjacent land owner's in the future dedicate 33' for roadway to the county, the Whipple's would be willing at that time to dedicate the private road to the County also. The existing sheds on the Whipple property are to be torn down. This subdivision has met all state and county requirements and all previous issues resolved.

MOTION: A motion was made by Commissioner Tea to approve the Whipple Subdivision for final approval, authorizing the Vice-Chairman to sign and refer to County Commission for approval. The motion was seconded by Commissioner Eberhard and unanimously approved.

Millennial Heights, Phase 1

Mr. Day reviewed with the Commission the request that was previously presented to them on February 17, 2000, for the request of non-radial lot lines. The commission denied this request. Mr. Day pointed out that the new plat conforms with the radial lot line requirement with the exception of

a few of the cul-de-sac lots. Whomever purchases lot eight (8) of this subdivision will be required to maintain and be liable for the detention basin. Commissioner Thompson raised some concerns with the liability of this basin, if a child were to drown, or other accidents. It was suggested that chain-link fence be required. Ms. Peck stated that whomever purchased this lot would actually be buying a one acre lot for the price of a half acre and that they would be able to use the detention basin as yard space, in exchange for the ownership and maintenance of the basin. The developer/owner of the subdivision will be held responsible and liable for the basin until lot 8 is sold. The improvement drawings will include curb, gutter and sidewalks throughout. An easement of 25' will be in place along lots 14 and 15 for an existing diversion irrigation box. Lot 13 has a 10' right-of-way which the developer is required to fence along both sides, providing an asphalt access to the irrigation box. This right-of-way will be vacated at such a time it is no longer utilized or required for irrigation purposes and will be reverted back to the owner of lot 13. Mr. Day stated that this agreement is something that the local irrigators can live with but are not 100% happy. The right-of-use had never been recorded with the county for the irrigators in the past, therefore limiting the requirements of the subdivider providing an easement. The matter is of a civil nature if the irrigators wished to pursue another avenue. A Catch basin for debris will be installed in Phase II to eliminate debris in the detention basin located in Phase I. Willard Flood control, UDOT approval and all other utility approvals have been resolved and met and are on file with the Planning office.

MOTION: A motion was made by Commissioner Tea for Final approval of the Millennial Heights, Phase I Subdivision, authorizing the Vice-Chairman to sign and forwarding to the County Commission for approval. The motion was seconded by Commissioner Norman and unanimously approved.

OTHER CONSIDERATIONS FOR APPROVAL

Ben Hunsaker and Lawana Stenquist - Agriculture Protection Zone

This petition for an Agricultural Protection Zone was submitted to the Planning Commission for recommendation to the County Commission. After a site inspection of the petition consisting of 213.27 acres, the staff has found that all requirements set forth by the Utah State Code have been met.

MOTION: A motion was made by Commissioner Tea to authorize the Vice-chairman to sign the recommendation from the Planning Commission to the County Commission for the entire 213.27 acres petitioned. The motion was seconded by Commissioner Eberhard and unanimously approved.

Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, Phil C. Rasmussen and L & K Davis Dairy Farm Ltd Partnership- Agricultural Protection Zone.

Mr. Day presented this petition for recommendation from the Planning Commission to the County Commission. He stated that he had reviewed the petition and found that 241.57 acres, lie within Corinne City limits, therefore requiring those portions to be eliminated from the Petition. The Petitioners have the opportunity to Petition Corinne City for those portions. Staff recommends

creating the agricultural protection area for to total of 1112.74 acres located in un-zoned(1102.74) and RR5 (20 acres) areas of the County. The petition has met all other requirements set forth in the Utah State Code.

MOTION: A motion was made by Commissioner Norman to recommend to the County Commission, The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, Phil C. Rasmussen and L & K Davis Dairy Farm Ltd Partnership petitions for Agricultural Protection Zone excluding those portions within the Corinne City limits. Recommending 1122.74 total acres. The motion was seconded by Commissioner Tea and unanimously approved.

Brandy Moody - Day Care Conditional Use Permit

Mr. Day reviewed this petition with the commissioners. He stated that Ms. Moody has applied with the Clerk's office for a business license and in doing so, found that a Day Care provided in her home which is located in an R-1-20 zone requires a Conditional Use Permit. Mr. Day stated that this particular use is heavily monitored, inspected and licensed by the State of Utah, requiring such things as safety inspections, fencing and a certain amount of square feet per child. Mr. Day recommended approval of the CUP, limiting the Conditional Use Permit to a 60 day stipulation, to provide the county with copies of her state license and DFS inspections ensuring that all safety and adult/child ratios are met and that Ms. Moody maintain a current County business license. If for any reason these requirements are not met in 60 days or written request for an extension made with good reason, the Conditional Use Permit would be null and void.

MOTION: A motion was made by Commissioner Tea to recommend to the County Commission the Brandy Moody petition for a Conditional Use Permit, allowing a Day Care in her home; conditional upon the requirements set forth as:

1. because the use is regulated by the State, the CUP should be contingent on State requirements and approvals, (copies of which shall be kept current and on file with the County Offices);
2. verification of a site inspection for uniform building code compliance (either state DFS inspectors or authorized licensed inspector);
3. adequate safety features (such as fencing ect.)on the property;
4. the petitioner must meet the state mandated adult / child ratios;
5. the petitioner must complete the business license requirements and state licensing within 60 days of approval of the CUP, and furnish to the County Copies of said State permit;
6. if any of the above requirements are not met within 60 days or written request

for extension made with good reason, the CUP shall be null and void; (CUP is not valid for lapse in use greater than 365 days).

The motion was seconded by Commissioner Eberhard and unanimously approved.

Robert Stokes - Raising of Lynx - Conditional Use Permit

This petition is for the raising of Lynx in an RR-2 zone just north of Deweyville. The Land Use Management and Development Code, does not clearly define lynx as an allowed use. The sections closest to this petitioned request for a CUP are as follows:

1.43.8.5 HOUSEHOLD PETS. Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not normally dangerous animals, such as lions or tigers. This definition shall not include a sufficient number of dogs as to constitute a kennel as defined in this Code; and

		MU 160	MU 80	MU 40	A 20	RR 10	RR 5	RR 1
10.3.4.3	Farms devoted to raising and marketing chickens, turkeys, or other fowl or poultry, fish or frogs, mink, rabbits, including wholesale and retail sale	P	P	P	P	P	C	-

***** **21.4.3** All uses as listed in an RR-5 district of Chapter 10; except area, width, side, rear or front yard, etc. regulations are allowed in RR-2 zoning.

Mr. Drew Lish and Mr. Stokes presented to the Commissioners pictures of Mr. Lish's current Lynx operation located in the county. Mr. Lish's lynx are due to have kittens within 3-4 weeks and Mr. Stokes wishes to obtain a pair for Fur breeding purposes. Mr. Day stated that the requirements set forth by the State of Utah, only allow the use of Breeding Lynx for Fur Trading purposes. The commission reviewed with Mr. Lish and Mr. Stokes, some of the safety concerns with these animals. Mr. Stokes stated that they will be de-clawed and bottle fed as infants, being more like a large house cat. Mr. Lish stated that when he established a Lynx operation in the Tremonton area, he was required to provide a double containment system. There are several state and federal regulations for these animals. The Canada Lynx was placed on the threatened and endangered species list on the 24th of March, 2000. It was suggested that either the Planning Commission or the County Commission set this matter for public hearing. Mr. Stokes requested that he be allowed to talk individually with his neighbors instead of a public hearing. The County Commission could opt one

way or the other on a public hearing and it was suggested that the Planning Commission take this opportunity to consider holding a public hearing. Mr. Stokes stated that since his father resided in an un-zoned area in the County, he has applied with the State to begin his lynx breeding operation there and would transfer the animals at such a time a CUP is obtained for his home and state license is obtained for the Deweyville location.

MOTION: A motion was made by Commissioner Norman to hold a public hearing on May 18, 2000 for the Robert Stokes petition raising Lynx as a Conditional Use in the Collinston area allowing the staff to set the specific time. The motion was seconded by Commissioner Tea and unanimously approved.

Larry Pierce - Airport Overlay Zone

Mr. Pierce has petitioned for a Zone change in the North Garland area, creating an Airport Overlay Zone. Mr. Day stated that this petition was still being researched by the Planning Staff in regards to FAA regulations and other requirements that would help define the difference between public and private airports. No motions were requested at this time.

Miscellaneous Business

Administrative CUP approvals:

Mr. Day reviewed with the Commissioners, an issue that has come up in regards to Conditional Use Permits. Many small home based business are now required to apply with the County for a Business License. We are requesting that Conditional Use Permits be approved administratively by the Planning Director for certain Home Occupations such as, daycare, computer/office services, professional, or crafts etc. under the following conditions:

- 23.2.1 The occupation is clearly incidental and secondary to the use of the structure for dwelling and residential purposes, and does not change the residential character of the dwelling or the neighborhood, and in connection with which there is no display and/or stock of merchandise. The home occupation shall not involve the use of any accessory building, either attached or detached, which substantially changes the character of the dwelling or of the neighborhood. The Planning Director's review of an application in arriving at affirmative findings to meet the above policies shall also include the following specific standards:
 - 23.2.1.1 No employees (members of the immediate family residing in the home are not considered employees).
 - 23.2.1.2 No unusual traffic (delivery trucks, commercial vehicles, heavy equipment etc.) is permitted either on or off-site which are not customarily observed in

residential use.

- 23.2.1.3 No parking except for customary automobiles and other traditional residential vehicles including vans and pickups.
- 23.2.1.4 No parking lots for more than 4 vehicles on the premises outside of the residential structure(s).
- 23.2.1.5 All required parking will be accommodated on-site.
- 23.2.1.6 Unusual waste, or amounts, residential or otherwise may not be generated.
- 23.2.1.7 Unusual electronic interference may not be generated.
- 23.2.1.8 Non-residential dust, odors, noise, and other contamination may not be generated.
- 23.2.1.9 When day-care and pre-school centers for 4 or more children under the age of 14 for more than 4 hours a day are approved as "home occupations" the following conditions will also be required:
 - 23.2.1.9.1 A license shall be issued by the Utah Department of Workforce Services for same, and all regulations and conditions imposed by that agency observed.
 - 23.2.1.9.2 Copies of all required State licenses will be attached to application.
 - 23.2.1.9.3 Outside yard space will be fenced for the protection of the children (contain them safely).
- 23.3 A temporary permit for temporary use of a mobile home upon a property may be acted upon and approved by the County Building Permit Agency, limiting the temporary use to five (5) year period.

MOTION:

A motion was made by Commissioner Tea to amend the proposed Land Use Management and Development Code, Chapter 23 to allow Home Based Businesses as outlined above, be approved administratively and recommend to the County Commission the addition of said amendment setting for Public Hearing. The motion was seconded by Commissioner Eberhard and unanimously approved.

Training:

Mr. Day reviewed with the Commissioners his request to begin training sessions for the Planning Commission. Training is a requirement from the State in order for the County to become a 21st

Century County. Commissioner Eberhard suggested that Mr. Day schedule training at the end of Planning Commission meetings, varying on the intensity or length of each individual month's agenda. Commissioner Tea stated that it is very difficult for him to arrive before 7:00 p.m., he would rather stay late than come earlier. Mr. Day agreed to adjust training on a monthly basis, determined by the intensity/length of the agenda.

ADJOURNMENT

A motion was made by Commissioner Tea to adjourn the meeting at 9:20.

Passed and adopted in regular session this 25th day of May, 2000.


Richard Kimber

Box Elder County Planning Commission Chairman