

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES May 18, 2017

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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	Chairman		
Laurie Munns	Vice-Chairman	Scott Lyons	Excused
Kevin McGaha	Excused	Marcus Wager	Planner
Michael Udy	Excused	Diane Fuhriman	Exec. Secretary
Bonnie Robinson	Member	Steve Hadfield	Co. Attorney
Desiray Larsen	Excused	Jeff Scott	Excused
Mellonee Wilding	Member		

The Invocation was offered by Chairman Chad Munns  
Pledge was led by Commissioner Laurie Munns

### **The following citizens were present & signed attendance sheet**

*(See Attachment No. 1 – Attendance Sheet.)*

The Minutes of the April 20, 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 Laurie Munns and passed unanimously.

### **PUBLIC HEARINGS**

Chairman Chad Munns called for the public hearings on the agenda by informing those in attendance that each item would be handled separately, and that the time for the hearings was to allow the public the opportunity to voice any concerns and that the Commissioners would listen to the comments and concerns. After the public hearing on an item the Planning Commissioners would then discuss and take action on the item.

**OYLER TEXT AMENDMENT, Z-17-008 Text amendment to Chapter 5-6, Accessory Dwelling Units, of the Box Elder County Land Use Management & Development Code. (ACTION)**

Staff said the applicant is requesting a text amendment be made to Section 5-6-060M (Development Standards within the Accessory Dwelling Units). The current verbiage states the maximum height can be 20 ft., the proposed verbiage is to go up to 26 ft. The specific reason for the request is to allow for a garage under the accessory dwelling unit, which would be detached from the main home.

Staff reviewed the standards for review criteria as follows:

**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.*

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

*This text amendment would affect all unincorporated areas of Box Elder County.*

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

*The proposed amendment should not adversely affect adjacent property.*

**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.*

Chairman Chad Munns inquired if there is a height requirement in the code.

Staff said there are two height requirements. 1) It cannot be higher than the main dwelling. 2) It cannot be more than 20 ft.

Chairman Chad Munns asked for comments from those in attendance. There were no comments.

With no comments being heard Commissioner Bonnie Robinson made a motion to close the public hearing on Text Amendment, Z17-008. Commissioner Mellonee Wilding seconded the motion and the public hearing was closed.

**ACTION:** Commissioner Laurie Munns questioned if the change would make the dwelling a two-story unit. Commissioner Mellonee Wilding clarified the change would basically allow an ADU above a garage but would not allow for a two-story ADU because of the square footage requirement.

Staff said the commission may recommend approval to the county commission but this is a legislative decision. Additional information may be taken into account such as public input which there was none, private property rights and economic considerations. There are some conditions outlined in the recommendation section should you choose to forward a recommendation of approval.

**MOTON:** A motion was made by Commissioner Laurie Munns to forward a recommendation to the county commission on Application Z17-008 as written with the conditions listed by staff. The motion was seconded by Commissioner Bonnie Robinson and unanimously carried.

**SORENSEN RE-ZONE, Z17-009 Re-zone property at approximately 13855 North 3100 West from RR2 to RR-1 (Rural Residential 1-acre) Zone (ACTION)**

Staff informed the commission the applicant is requesting part of parcel 06-037-0010 be re-zoned from RR-2 to RR-1. The only area to be rezoned is to the east of the whole parcel. Zoning designations around the parcel are mostly RR-2. There are some manufacturing food products across Highway 38. To the east there is MU-40 and MU-160, to the south is light industrial and RR-1. Staff read an email received from Kelly Lemon who resides in Collinston opposing the zoning change.

*(See Attachment No. 2 – email.)*

Chairman Chad Munns asked for comments from those in attendance.

Ted Dean lives across the street from the parcel proposed to be re-zoned. He and his wife are opposed to the re-zone.

Jon Sorensen, Applicant, said his intention is to not take up additional frontage from the property. The RR-2 requires 250 ft. of frontage, RR-1 requires 120 ft. He plans on having 1 ½ acre lots.

Nancy Hachmeister purchased her home in September and plans on using the home when she retires within the next two years. She bought the home for the peace and quiet. She wants to enjoy her retirement.

Ken Love said everything around this re-zone project is two-acres. He moved from Harrisville, Utah because a Wal-Mart was put up across the street from him. He wanted to be in an area less populated. Mr. Love questions the reason for the re-zone. He is concerned the re-zone will double the density of the population. He suggested creating a master plan for the area and avoid all these re-zones being requested.

Adam Alexander, Collinston, stated his concern is with the spring run-off coming from the higher elevation to the lower elevations, and with more density in septic systems, it would affect the spring water he uses to water his fields and potentially his culinary water.

Christie Ballard, Collinston, moved here from Salt Lake City in 1997 to get the rural feel. They enjoy the lifestyle where their animals and kids can run free. She is opposed to the zone change.

Adella Corbridge, Collinston, her biggest concern is potentially opening up the other lots to the same re-zoning. The school system is full enough and the buses are overly crowded. She said since the area is unincorporated there is no police force, fire or other emergency services.

Stephanie Barksdale has been here twenty-three years in the same area. Every time someone has an idea, there is a re-zone. She thinks a master plan is a wonderful idea. She is also concerned about having enough water. Ms. Barksdale thinks it would be nice to have a plan instead of all of these requests to change zones.

Connie Lemon, Collinston, stated her and her husband moved here eight years ago from Davis County. She doesn't want what happened in the Davis County area to happen here. Each time a property was re-zoned to a lower acreage, more and more properties would follow along. She doesn't want to see any parcels lower than two-acres.

Lonnie Jensen, Collinston, said his family was one of the first to settle in the Collinston area. He said the land for this re-zone is 10 to 15 ft. lower than the existing road, so with the water run-off, that will effect it quite a bit. The 6 acres in the re-zone are part of a 19.02 acre parcel, so there is plenty of land we don't have to worry about why we need to go to 1-acres. Mr. Jensen read from the Box Elder County General Plan which states *county residents indicate that open, agricultural landscape contributes to the county's quality of life and sense of place. They enjoy small town atmosphere and lifestyle associated with this type of land use. As the county continues to grow and develop, citizens feels that prime agricultural land and associated uses should be protected. Box Elder County will pursue this goal with three objects in mind. Protecting prime agricultural land, maintaining the county's rural character and lifestyle and protecting private property rights.* Mr. Jensen said this type of re-zone will bring in a lot more people and we will lose the rural character. He asked the commissioners to deny the re-zone.

Jon Sorensen, applicant, asked how the community would feel if he went to the two-acres and the verbiage in the RR-2 was changed from 250 ft. to 150 ft..

With no other comments being heard **Commissioner Mellonee Wilding** made a motion to close the public hearing on the Sorensen Re-Zone Z17-009. The motion was seconded by **Commissioner Bonnie Robinson** and the public hearing was closed.

**ACTION:** **Chairman Chad Munns** commented that we live in America. Any of you has a right to request a zoning change. That is one of our freedoms. We appreciate the public input we receive from these hearings. This is a legislative decision which means the planning commission will make a recommendation to the county commission to change the law. He said growth is going to come but Box Elder County will not have a sewer system. Areas would need to incorporate to have a sewer system. A master plan would be up to the citizens to create, not the commission.

Staff reviewed the standards for review criteria as follows:

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

*The County's General Plan makes no reference as to how specific areas should be zoned. It 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.*

**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 residential and agricultural uses. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective. This point could be argued saying yes, it is harmonious due to there being existing residential and agricultural uses.*

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

*The proposed amendment shouldn't adversely affect the values of adjacent property.*

**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.**

*With other residential and agricultural uses already in place in this vicinity, it is likely the facilities and services intended to serve the subject property are adequate*

Jon Sorenson stated he is not as concerned with the acreage as he is the frontage and setbacks.

MOTION: A motion was made by Commissioner Mellonee Wilding to forward a recommendation to the county commission to deny the Sorenson Re-Zone Z17-009. The motion was seconded by Commissioner Bonnie Robinson and passed unanimously.

**CRAYNOR RE-ZONE, Z17-010 re-zone property at approximately 3150 West Forest Street from A ½ to C-N (Neighborhood Commercial). (ACTION)**

Staff informed the commission this item was before them last month as a text amendment. It then went to the county commission who ended up denying the text amendment. The applicant has applied for a re-zone from an agricultural ½ acre zone. Last month the planning commission directed staff to find a commercial type zone this item could fit into. In looking through the code, the neighborhood commercial zone seems to fit the best as it has the least amount of uses within the commercial code. The proposal before you now is to re-zone the property to the neighborhood commercial zone. Staff stated the applicant is requesting approximately an acre be re-zoned. The zoning to the south is Brigham City and mostly agricultural, to the north is A-20, to the east is A-½, to the west is A-20.

Chairman Chad Munns asked for comments from those in attendance.

Jason Jensen, lives north of the Craynor property. He opposes the re-zoning to commercial. He enjoys the rural lifestyle. He is afraid if it is opened up for commercial, it is opening the door for larger commercial projects to come in. He does not want to see that happen.

Leon Jensen, owns property bordering the Craynor property on the north. There is a building already there and he questions why this request was not made before the building was built. He is not opposed to Brett Craynor rezoning, but he is worried about the next guy who comes along and wants his property re-zoned to commercial also. He requested the planning commission deny the re-zoning and re-iterated the zoning request should have taken place before the building was built.

Nicole Jensen opposes the re-zoning to commercial. She stated we live in a rural community. If she wanted to live next to something commercial, she would live by a Wal-Mart

Christy Jeppsen said this will bring more traffic and noise to the area. She opposes this re-zone and does not want commercial zoning in the area.

Tawny Bush lives to the east of the property. She is friends and neighbors with the Craynors but she and her husband are opposed to the commercial zoning.

Marcy Turner also opposes the zone change. She does not want to cause problems or make the Craynors feel bad, but she is worried about more and more requests to change zones to commercial.

Marianne Craynor, applicant, said it was recommended to them to do it this way to make her barn commercial. She said there is no water, we are not a part of Brigham City, and we cannot buy a water tap. We also do not have sewer so it is not that easy to re-zone as commercial.

Steve Burt echoes the other comments that have been made and opposes the rezone.

Brett Craynor, applicant, said all the people in attendance here tonight are our friends and neighbors, so this is difficult for him. They enjoy the rural setting as much as anyone else but he does want to be able to supplement his income by providing a nice venue for people to come and have their weddings. We have had positive reviews from the weddings we have already had in the barn. It was frustrating for us last month but we are here trying again. The response does not sound optimistic, which is devastating to us and causes me to reevaluate my family and their location.

Burton Nelson agrees it is not easy to go against a neighbor but he is opposed to the commercial re-zone. He wants the peace and quiet of the country when they move out there in the near future.

Larry Turner moved there for the country atmosphere. He does not object to what the Craynors are doing but is opposed to the commercial re-zoning.

Tawny Bush said she rented their barn to do family photos. It is a beautiful place they have set up. When she did rent the barn, she did not consider the commercial side of it. She is also concerned there will be a significant increase in traffic.

Brett Craynor, applicant, stated there is no access to water unless we annex into Brigham City. Growth is coming whether we want it or not. He understands it is not so much as them running the business as it so much the commercial zoning. There is also no sewer there, so for a commercial building like a hotel, it would not work there.

With no other comments being heard Commissioner Laurie Munns made a motion to close the public hearing on the Z17-010 re-zone. The motion was seconded by Commissioner Mellonee Wilding and the public hearing closed.

**ACTION:** Chairman Chad Munns questioned why this particular commercial zone was chosen. Staff informed the commission is was because it has the least amount of uses out of any of the commercial zones in our code. Staff then informed the commission of the uses allowed in a neighborhood commercial zone.

Commissioner Laurie Munns stated this puts the commission in a hard spot. We have heard as many comments against the re-zone as we did for the re-zone request in Collinston. We need to treat each area in the county the same with the people and their comments.

Commissioner Mellonee Wilding said what Commissioner Munns has stated helps make this decision simple based on it is not in harmony with the community, and the citizens do not want it, which is two of the four criteria we need to meet.

**MOTION:** A motion was made by Commissioner Mellonee Wilding to forward a recommendation of denial to the county commission for Craynor Re-Zone Z17-010. The motion was seconded by Commissioner Bonnie Robinson and passed unanimously.

**MOTION:** Commissioner Laurie Munns requested a recess. And the planning commission meeting recessed at 8:19 p.m. Chairman Chad Munns reconvened the planning commission meeting at 8:24 p.m.

**TEXT AMENDMENT, Z17-011 text amendment to Chapter 1-3, Definitions and Chapter 3-4, Commercial & Manufacturing regarding reception centers, of the Box Elder County Land Use Management & Development Code. (ACTION)**

Staff informed the commission this item has previously been before the commission and is closely related to the last item. The proposed verbiage would add the definition of a reception center as “a building for a formal social occasion held to welcome someone or to celebrate a particular event”. In Chapter 3-4-070, Commercial Neighborhood Zone, other professional services would be removed and reception center would be added.

Chairman Chad Munns asked for comments from those in attendance. There were no comments.

With no other comments being heard Commissioner Laurie Munns made a motion to close the public hearing on Text Amendment Z17-011 Chapter 1-3 and Chapter 3-4. The motion was seconded by Commissioner Bonnie Robinson and the public hearing closed.

**ACTION:** Commissioner Bonnie Robinson agrees with changing the verbiage and thinks the text which staff read should have been in there to begin with.

Staff read the purpose of the neighborhood commercial zone which is to provide areas and appropriate locations or convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designated to promote a combination of retail and service facilities which in character and scale are necessary to meet day-to-day needs of the area residents.

Staff reviewed the standards for review criteria as follows:

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

The County's General Plan states the following regarding commercial development:

*"Due to its limited ability to provide municipal services, Box Elder County encourages commercial development to take place within or adjacent to existing communities or service areas. In areas where adequate services do not exist, the County encourages the development of commercial cores wherein several businesses can utilize a single self-contained water/wastewater systems or justify extending existing service lines. Where feasible, commercial areas adjacent to municipalities should be annexed.*

Commissioner Bonnie Robinson thinks annexing into Brigham City is the best option for them. She stated Brigham City would like to annex the whole area. Commissioner Mellonee Wilding questioned whether this item fits the definition of neighborhood commercial. Unincorporated areas of the county need gathering places but does this fit in this commercial zone. She does not think it is a day to day need, it is a bigger deal than neighborhood commercial. Commissioner Laurie Munns disagreed. Weddings are a day-to-day event, they happen all around us all of the time. Chairman Chad Munns thinks a smaller neighborhood should be created. Commissioner Mellonee Wilding agreed stating no one wants a hotel in their neighborhood.

**MOTION:** A motion was made by Commissioner Laurie Munns to forward a recommendation of approval for text amendment Z17-011 to the county commission. The motion was seconded by Commissioner Bonnie Robinson and passed with Commissioner Mellonee Wilding opposing.

**TEXT AMENDMENT, Z17-012 Text amendment to Chapter 3-2, Multiple Use Agricultural, & Rural Residential and Chapter 3-7, RR-20 & R-1-20 regarding cul-de-sac frontages of the Box Elder County Land Use Management & Development Code. (ACTION)**

Staff informed the commission the county is the applicant for this item. In looking at some of the cul-de-sacs in the county, mostly in South Willard, some were close to 50 ft. and none were lower than 50 ft. **Chairman Chad Munns** asked if the proposal is 50 ft.

**Chairman Chad Munns** asked for comments from those in attendance. There were no comments.

With no other comments being heard **Commissioner Bonnie Robinson** made a motion to close the public hearing on Text Amendment Z17-012. The motion was seconded by **Chairman Chad Munns** and the public hearing closed.

**ACTION:** **Chairman Chad Munns** asked if there is a minimum radius on cul-de-sacs and was told 90 ft. **Commissioner Bonnie Robinson** figured the circumference would be 270 ft. **Chairman Chad Munns** said at 50 ft. that would allow for 5 lots, then allowing for a 66 ft. road, would leave it at 4 lots.

**MOTION:** A motion was made by **Chairman Chad Munns** to forward a recommendation of approval to the county commission as written by staff. The motion was seconded **Commissioner Bonnie Robinson** and passed unanimously.

**TEXT AMENDMENT, Z17-013 Text amendment to Chapter 3-9, Mining, Quarry, Sand & Gravel Excavation Zone regarding the purpose and non-hazardous landfills of the Box Elder County Land Use Management & Development Code. (ACTION)**

Staff informed the commission the county is proposing to remove non-hazardous landfill from Table 3-9-080.1 and adding items to Table 3-9-080.2. Basically, we are just reorganizing the two chapters.

**Chairman Chad Munns** asked for comments from those in attendance. There were no comments.

With no other comments being heard **Commissioner Bonnie Robinson** made a motion to close the public hearing on Z17-013. The motion was seconded by **Commissioner Laurie Munns** and the public hearing closed.

**ACTION:** NONE.

**MOTION:** A motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval for Text Amendment Z17-013 to the county commission. The motion was seconded by **Commissioner Mellonee Wilding** and passed unanimously.

**TEXT AMENDMENT Z17-014 Text amendment to remove mining from all Chapters except Chapter 3-9, of the Box Elder County Land Use Management & Development code. (ACTION)**

Staff informed the commission the intent is to remove mining verbiage from all chapters except Chapter 3-9.

Chairman Chad Munns asked for comments from those in attendance. There was no comment.

With no other comments being heard Commissioner Mellonee Wilding made a motion to close the public hearing on Text Amendment Z17-014. The motion was seconded by Commissioner Bonnie Robinson and the public hearing closed.

**ACTION: NONE**

**MOTION:** A motion was made by Commissioner Laurie Munns to forward a recommendation of approval for Text Amendment Z17-014 to the county commission with any recommendations by staff. The motion was seconded by Commissioner Bonnie Robinson and unanimously passed.

**NEW BUSINESS**

**Riverbend Estates Subdivision, SS17-006, Preliminary approval for a 17-Lot subdivision located at approximately 15600 North 4950 West in the Riverside area of unincorporated Box Elder County. (ACTION)**

Staff said the preliminary plat for Riverbend Estates Phase 02 is more of a concept drawing than an actual plat. The road coming down from Phase 01 should end at Lot 10 instead of further down where shown on the drawing. They are in the process of changing it so it meets the provision in our code of 1320 ft. It will come before the commission again for final approval.

**MOTION:** A motion was made by Commissioner Laurie Munns to approve Riverbend Estates Subdivision, SS17-006, Preliminary approval for a 17-Lot subdivision. The motion was seconded by Commissioner Mellonee Wilding and unanimously passed.

**WORKING REPORTS**

**County Resource Management Plan**

Commissioner Laurie Munns would prefer a hard copy of the 120+ page management plan. Commissioner Bonnie Robinson agreed and would like a hard copy also. Staff agreed to mail the plan to the commissioners.

## **Election for New Chairman**

Staff said it is time to either re-elect or elect a new chair and vice-chair. Commissioner Laurie Munns proposed to re-elect Chad Munns as the planning commission chair and Mellonee Wilding as vice-chair.

Chairman Chad Munns made it known he has two years left in his term. He will serve another year, but for the last year, he wants someone else to be chair. He has served for 15 years.

Commissioner Laurie Munns stated the committee needs commissioners that show up to meetings. We have a seven person committee and there have only been 4-5 of us at meetings for the last six months. If the other commissioners are not here, it makes the decision process much more difficult on those of us who are here.

MOTION: A motion was made by Commissioner Laurie Munns to re-elect Chad Munns as the planning commission chair and Laurie Munns as vice-chair. The motion was seconded by Commissioner Bonnie Robinson and unanimously passed.

## **Billboard/Sign Ordinance**

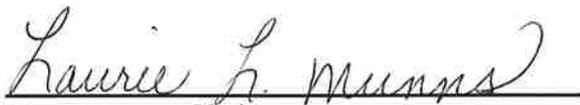
Chairman Chad Munns said in the county sign ordinance it states billboards are allowed every half-mile. The reason for the distance is because of distracted driving. If billboards are allowed any closer, instead of driving, people are reading signs. When he was driving back east he noticed in some areas they have the signs a half-mile off the side of the road. He proposes all signs and billboards meant for our freeways be within a certain distance and a minimum for size of lettering. He directed staff to look into the sign ordinance.

## **PUBLIC COMMENTS - NONE**

## **ADJOURN**

MOTION: A motion was made by Commissioner Bonnie Robinson to adjourn the Mary 18, 2017 planning commission meeting. The motion was seconded by Commissioner Mellonee Wilding and passed unanimously.

Passed and adopted in regular session this 15<sup>th</sup> day of June 2017.



Chad Munns, Chairman  
Box Elder County Planning Commission