

**BOX ELDER COUNTY
PLANNING COMMISSION MINUTES
SEPTEMBER 21, 2017**

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

The Invocation was offered by **Commissioner Laurie Munns**.
Pledge was led by **Commissioner Desiray Larsen**.

The following citizens were present & signed the attendance sheet

(See Attachment No. 1 – Attendance Sheet.)

The Minutes of the August 17, 2017 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Desiray Larsen** to approve the minutes; seconded by **Commissioner Laurie Munns** and passed unanimously.

UNFINISHED BUSINESS

High Country Estates, Road Dedication Plat; proposal to dedicate the private roadway owned by the HOA to Box Elder County as a public road. (ACTION)

Staff stated this road dedication was brought before the commission in July 2016. The item was tabled and the HOA was directed to address the dedication plat, improvements to the roadway and drainage. Over the last year the HOA has been working with staff in addressing the improvements. The county engineering put together a list of improvements needing to be made to bring the road to current county standards in order for the county to take over the roadway. Those items have been addressed and are in the dedication agreement. Road Supervisor Bill Gilson has reviewed the agreement and found it meets his needs. The county attorney has the agreement and staff is waiting for his approval. Staff informed the planning commission a recommendation of approval would be forwarded to the county commission who is the deciding body on behalf of the county. The county commission also signs the dedication agreement as far as the improvements and how the payments are to take place as proposed.

Chairman Chad Munns asked when the agreement was put together. The applicant replied two weeks ago. **Commissioner Kevin McGaha** asked if there is any indication from the county attorney if he is recommending approval. Staff said the county attorney checks the wording of the agreement and ensures that all the improvements recommended are included in the agreement. **Commissioner Kevin McGaha** asked if the planning commission can recommend approval with a condition of approval from the county attorney.

Commissioner Laurie Munns questioned if it is up to the association to collect the \$3,000 fees each year and submit the fees to the county. The applicant replied it is the responsibility of the association.

MOTION: A motion was made by **Commissioner Laurie Munns** to recommend approval to the county commission upon county attorney review. The motion was seconded by **Commissioner Desiray Larsen** 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.

GENERAL PLAN AMENDMENT, GP17-002 Text amendment to the Box Elder County General Plan to include a Southeastern Box Elder County Active Transportation Plan. (ACTION)

Staff said this proposed amendment/addition to the Box Elder County General Plan is an active transportation plan. In 2015 the county was awarded a Rivers, Trails and Conservation Assistance Grant (RTCA) by the National Park Service. With the grant staff was able to create a regional active transportation plan with South Willard (Box Elder County), Willard City, Perry City, and Brigham City being participants in this process. The idea is to connect the southeast region of Box Elder County with a trail system so non-motorized transportation can move throughout the region. It has been a 2 year process. A stakeholder committee and a steering committee were formed to get input throughout the process. Public meetings were held to get public input and there was a great turnout for those meetings. Maps were provided so the attendees could give input as far as routes within their particular area. It was good to get some boots on the ground information from the local residents.

Staff stated this is the final draft of the whole process. In addition to the county updating this into their general plan, Perry, Willard, and Brigham City would also adopt it into their general plans.

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

With no comments being heard **Commissioner Laurie Munns** made a motion to close the public hearing on GP17-002. The motion was seconded by **Commissioner Kevin McGaha** and the public hearing closed.

ACTION: **Commissioner Bonnie Robinson** asked if horses are considered non-motorized transportation. Staff replied horses are considered non-motorized. There may be some equestrian friendly trails and some that are not equestrian friendly and are just used for joggers and bicyclers etc. Staff informed the commission when a developer comes in and the east-west connection goes through their property, just as the road standards apply to a development, we can work with the developer so there is still an east-west connection. **Commissioner Bonnie Robinson** also asked if there is any plan to use eminent domain. Staff said there is not and is not sure eminent domain could be used with a trail.

Commissioner Kevin McGaha noted the time frame goes to 2040 and beyond. Staff gave an example of a Parley's Trail in Salt Lake City which goes down to Sugarhouse. That trail required overpasses and millions of dollars to construct this trail because it was not a thought forty years ago, whereas the county can look at this in advance and anticipate the growth and different uses coming our way.

MOTION: A motion was made by **Commissioner Desiray Larsen** to forward a recommendation of approval to the county commission to amend the general plan to include the active transportation plan. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

DEVIN KUNZLER, CUP17-003 Conditional Use Permit for a Single Family Dwelling in the MU-40 zone located at 57770 West Hwy 30. (ACTION)

Staff informed the commission the applicant lives in Park Valley and owns a 6-acre parcel which is zoned Multiple Use 40-acres (MU40) and is legal non-conforming and is eligible for all uses, but does require a CUP in order to build a single family home.

Chairman Chad Munns opened the public hearing for public comment. There were no comments.

With no comments being heard **Commissioner Bonnie Robinson** made a motion to close the public hearing for CUP17-003 Conditional Use Permit for a Single Family Dwelling. The motion was seconded by **Commissioner Kevin McGaha** and the public hearing closed.

ACTION: **Commissioner Laurie Munns** verified since this is a flag lot it is legal non-conforming and asked if there are any other conditions needing to be required in a motion. Staff said in the MU-40, MU-80 and MU-160 zones a conditional use permit is required for a single family dwelling. A conditional use permit essentially means it is a permitted use that conditions can be applied to that seem necessary.

Staff's recommendation is to approve the CUP and recommends for the future to remove those sections of the code requiring a conditional use permit. Being that when the applicant applies for

a building permit, staff will review all the same requirements. Where the planning commission meets once a month and public hearings have to be notified three weeks in advance, it can set back the applicant for two months. With a building permit, staff can do a review in seven days.

MOTION: A motion was made by **Commissioner Laurie Munns** to approve CUP17-003 for Devin Kunzler and asked staff to look into removing the CUP requirement from MU-40, MU-80, and MU-160 zones. The motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

DON ROBINSON, Z17-018 Zoning Map Amendment, Proposed zone change for five acres at approximately 1115 North 1000 West from A-20 to M-G. (ACTION)

Staff informed the commission Don Robinson owns a 5-acre property north of Brigham City. The property is currently zoned Agriculture 20-acre (A-20). Mr. Robinson is looking to rezone to a Manufacturing-General Industrial zone (M-G). Mr. Robinson also owns the adjacent properties.

Chairman Chad Munns opened the public hearing for public comment.

Chuck Jensen said he owns the 43 acres to the west of the property being proposed for the zone change. He said the letter he received regarding this public hearing stated there are 20 acres being re-zoned but now sees it is five. Mr. Jensen does not plan on developing his property but he would like to know what the impact is going to be on his property now and in the future. Mr. Jensen noted that not all of his neighbors were notified by letter of the public hearing.

With no other comments being heard **Commissioner Desiray Larsen** made a motion to close the public hearing for the Don Robinson Z17-018 zoning map amendment. The motion was seconded by **Commissioner Kevin McGaha** and the public hearing closed.

ACTION: Staff said if Mr. Jensen's letter stated 20 acres, it was an error. Public hearings are noticed on the state website, county website and noticed in the local papers. State code requires only adjacent property owners be notified by letter. **Commissioner Bonnie Robinson** reminded those in attendance that this meeting is a public meeting and everyone is invited to attend.

Commissioner Desiray Larsen asked if it was ever investigated to annex the property into Brigham City.

Mr. Don Robinson, applicant, said it will be annexed eventually but at this point he does not see a need to annex. He said there are no storm drains available from any entity so he going to put in a retention pond so he does not have run off or impact his neighbors. The land will be developed in the near future but he has no solid plans as of now.

Commissioner Laurie Munns asked if the access to the property is along 10th West. Mr. Robinson stated it is, however there is a security gate into the storage bays and he plans to continue with the storage bays and will still continue to use the access through the security gate and then open the north access. At this point he is not asking for any access through 10th West. Mr. Robinson

addressed Mr. Jensen's concerns and said the only thing he can see affecting his property is would increase the value. He has taken steps to insure there will be no drainage to Mr. Jensen's property.

MOTION: A motion was made by **Commissioner Desiray Larsen** to forward a recommendation of approval for the Don Robinson Z17-018 Zoning Map Amendment to the county commission. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

NEW BUSINESS

DON ROBINSON, SP17-002, Site Plan to build new storage facilities located at approximately 1115 North 100 West in the Brigham City area. (ACTION)

Staff said Mr. Robinson is requesting site plan approval for storage units on the same property. The site plan includes sixteen 4000 sq. ft. storage bays. The development time is not set so staff asked the commission to consider this as if the storage units were going up tomorrow or in 10 years. The county engineer has reviewed the site plan and likes the retention basin idea, and feels it has been sized appropriately. His only concern is regarding the roadway and feels a development agreement would be the way to handle it. The existing roadway on the east side is on the Brigham City Master Roadway Plan. Brigham City has a development agreement with Mr. Robinson to meet the city's curb and gutter and drainage standards. The county engineer has suggested a development agreement include the same criteria regarding county standards.

Staff informed the commissioners of some conditions to be added in the motion of approval. The development agreement would be between Mr. Robinson and the County Commission. The site plan approval would be by the planning commission and would be subject to the approval of the development agreement by the County Commission as well as the county commission approving the re-zone.

MOTION: A motion was made by **Commissioner Laurie Munns** to approve SP17-002, site plan to build new storage facilities with staff recommendations of the development agreement with the county commission and also approval of the re-zone. The motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

WORKING REPORTS

Signs

Staff stated there is no maximum setback on signs for Box Elder County. Only one was found in Tooele County which states on parcels within 1000 ft. of an exit off I-80, signs must be located within a 30 ft. setback from the property line. Box Elder County code has a 10 ft. minimum and no maximum and there is a 2000 ft. spacing between billboard signs.

Commissioner Bonnie Robinson thinks a maximum needs to be set for of safety reasons.

Staff said the S-3 zone is the only zone that allow billboards and only goes out so far. Staff showed the commissioners where the S-3 zone is along the interstate. No billboards are allowed in South Willard. Staff stated it is a 700 ft. wide swath from the center and 200-250 ft. from the property lines.

PUBLIC COMMENTS – NONE

Commissioner Laurie Munns thanked County Commissioner Jeff Scott for attending each planning commission meeting, it makes her feel less nervous especially when there is a room full of people. She appreciates that he is here along with County Attorney Stephen Hadfield and that they are aware of what is happening.

Chairman Chad Munns and the other commissioners agreed. Staff said having had commissioners that have not attended in the past, it is nice when these items get to the county commission level to have someone with a thorough background knowledge because they were here.

ADJOURN

MOTION: A motion was made by **Commissioner Bonnie Robinson** to adjourn the Sept 21, 2017 planning commission meeting. The motion was seconded by **Commissioner Mellonee Wilding** and the meeting closed at 8:02 p.m.

Passed and adopted in regular session this 16th day of November 2017.

Chad Munns, Chairman
Box Elder County Planning Commission
