

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES MAY 17, 2018

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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>	
Laurie Munns	Chairman	Scott Lyons	Com Dev Dir.
Mellonee Wilding	Vice-Chair	Marcus Wager	County Planner
Kevin McGaha	Member	Steve Hadfield	Excused
Michael Udy	Excused	Jeff Scott	County Commission
Desiray Larsen	Member	Diane Fuhriman	Executive Secretary
Bonnie Robinson	Member		
Jared Holmgren	Member		

**Chairman Laurie Munns** called the meeting to order at 7:00 p.m.

The Invocation was offered by Chairman Laurie Munns.  
Pledge was led by Commissioner Jared Holmgren.

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

Ron & Marie Hansen

Marlee Larsen

The Minutes of the April 19, 2018 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 as written. The motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

### **UNFINISHED BUSINESS - NONE**

### **PUBLIC HEARINGS**

Chairman Laurie Munns explained public hearings provide an opportunity for the public to voice their concerns or approval on an item. In the meeting there is also unfinished business, public hearings, and new business. The unfinished business and new business provides opportunity for the commissioners to take action on an item. It is not a time for public comment or input. Although, the commissioners may ask questions of the applicant during these times.

**ANDREASEN ZONING MAP AMENDMENT, Z18-005, Request to re-zone property from A-20 (agricultural 20 acres) to RR-20 (rural residential 20,000 sq. ft.) at approximately 3300 North 4425 West in the Corinne area of unincorporated Box Elder County.**

Staff said the applicant is requesting approximately 5 acres of their parcel to be re-zoned from A-20 (Agricultural 20 acres) to RR-20 (Rural Residential 20,000 sq. ft.) Surrounding land use to the north, south, and east is agriculture. To the west there is a residential house. The area is largely a combination of RR-20 and A-20 and a slight bit of industrial.

The public hearing was then opened for comments.

Ron Hansen of Corinne, is wondering if it has to be in ½ acre parcels. He does not want to limit people but he is concerned there can be up to 9 other parcels there. His parcel is the one residential house to the west. He also does not want his view of the mountains blocked.

Hearing no further comments a motion was made by Commissioner Bonnie Robinson to close the public hearing on the Andreasen Zoning Map Amendment Z18-005, the motion was seconded by Commissioner Kevin McGaha and passed unanimously.

**ACTION**

Staff reviewed Section 2-2-080.E., standards for review for zoning map amendments as follows:

- A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; *The West Corinne Community Plan shows the possibilities in this area should be 1 Acre or Future Industrial. However, the County has already strayed from this plan in the Proctor and Gamble area which showed a possible RR-20 but is now zoned as M-G.***
- B. 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 uses.***
- C. The extent to which the proposed amendment may adversely affect adjacent property; and *This is subjective. Residential uses do tend to bring additional traffic. They also tend to bring higher property values. The public hearing process may shine additional light on this.***
- D. 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 facilities and services intended to serve the subject property currently exist. Proof of these facilities is required prior to approval of a development plan or building permit.***

Staff said it can be interpreted that the proposed map amendment meets the approval standards. This is a legislative decision so the planning commission will recommend to the county commission either approval or denial or the item may be tabled. If approval is recommended, the following four conditions will apply.

1. Applicant provides a legal description for the area to be rezoned.
2. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**Chairman Laurie Munns** reminded the commissioners the applicant's intention is for one home on the 5-acres but the RR-20 zone will allow for the potential of 10 homes. She asked if the West Corinne General Plan was to have 1-acre or future industrial. She questioned why this zone was not offered to the applicant instead of RR-20.

Staff said at the time of the application, the West Corinne Plan had not been looked into. Knowing there was a lot of RR-20 in the area and the applicant was wanting to just build a house, RR-20 was recommended.

**Commissioner Desiray Larsen** said without the input from the applicant she feels inclined to table the item.

**MOTION:** A Motion was made by **Commissioner Kevin McGaha** to table the item until legal description is provided and give the applicant an opportunity to provide input. Motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

## **NEW BUSINESS**

### **LARKIN ESTATES SUBDIVISION, SS18-011, at approximately 10720 North 8400 West in the Bothwell/Tremonton Area of unincorporated Box Elder County.**

Staff explained the applicant is requesting final approval for Larkin Estates, an 8-lot subdivision. There would be seven new lots of approximately 7.16 acres. The eighth lot has a home on it at 1.34 acres. The area is unzoned. Section 6-1-190 of the LUM&DC requires the subdivision to receive final approval from the county commission with prior approval from the planning commission. The surrounding land uses and zoning to the north is agricultural and a small amount of residential. To the south, east and west is agriculture with the whole area being unzoned. Access will be on 8400 West, an existing county road. The letters for all utilities have been turned in but staff is waiting for a title report, a geotechnical report, and a health department feasibility letter. All the setbacks in the area can be met with the subdivision and will be reviewed during the

building permit process. All departmental reviews have been done on the subdivision.

Staff recommends approval with the following conditions:

1. Compliance with all the comments from County Staff.
2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**MOTION:** A Motion was made by Commissioner Desiray Larsen to approve Application SS18-011 in the Bothwell/Tremonton area for the Larkin Subdivision as well as adopting conditions as stated in the staff report. The motion was seconded by Commissioner Mellonee Wilding and unanimously carried.

**CHRISTENSEN AGRICULTURAL SUBDIVISION, AS18-004, at approximately 16360 North 5200 West in the Riverside/Fielding Area of unincorporated Box Elder County.**

Staff said the applicant is requesting an agriculture subdivision to separate a single family dwelling located at approximately 16360 North 5200 West in the Riverside/Fielding area. The subdivision would create a 5-½ acre residential piece and a 13.07 acre agricultural piece. For this analysis staff used Utah State Code Section 12-27a-605(1)(5) which allows subdivisions to be exempt from plat requirements as long as they include agricultural land, a single family dwelling, and an ordinance is enacted at the county commission level following planning commission approval.

Staff reviewed Utah State Code 17-27a-605(1)(5) which outlines the following standards for review for agricultural subdivisions.

**17-27a-605(1)(b) the proposed subdivision:**

- A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; Yes.
- B. Has been approved by the culinary water authority and the sanitary sewer authority; Yes.
- C. Is located in a zoned area; and Yes.
- D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance. Yes.

**17-27a-605(5)(a)**

- A. The parcel contains an existing legal single family dwelling unit; Yes.
- B. The subdivision results in two parcels, one of which is agricultural land; Yes.
- C. The parcel of agricultural land:
  - a. Qualifies as land in agricultural use under Section 59-2-502; and
  - b. Is not used, and will not be used, for a nonagricultural purpose; Yes.
- D. Both the parcel with an existing legal single family dwelling unit and the parcel of

agricultural land meet the minimum area, width, frontage, and setback requirements of the applicable zoning designation in the applicable land use ordinance; and Yes.

- E. The owner of record completes, signs, and records with the county recorder a notice:
  - a. Describing the parcel of agricultural land by legal description; and
  - b. Stating that the parcel of agricultural land is created as land in agricultural use, as defined in Section 59-2-502, and will remain as land in agricultural use until a future zone change permits another use.

*This is done with the Certificate of Approval from the Planning Commission.*

Staff feels comfortable with the application and everything complies with the state code requirements.

**MOTION:** A Motion was made by Commissioner Desiray Larsen to approve the Christensen Agricultural Subdivision with a single family dwelling AS18-004. The motion was seconded by Commissioner Bonnie Robinson and unanimously passed.

### **WORKING REPORTS - NONE**

### **PUBLIC COMMENTS - NONE**

### **COMMISSION REQUEST**

Commissioner Desiray Larsen requested staff to research the possibility of requiring unzoned areas to zone the property depending on what the application is proposing. The commissioners suggested looking into what other counties like Box Elder County such as Toole County does with zoning.

**MOTION:** A motion was made by Commissioner Desiray Larsen directing staff to come back with a working report of zoning options for the unzoned areas. The motion was seconded by Commissioner Kevin McGaha and unanimously carried.

### **ADJOURN**

**MOTION:** A Motion was made by Commissioner Jared Holmgren to adjourn commission meeting. The motion was seconded by Commissioner Kevin McGaha and meeting adjourned at 8:05 p.m.



Laurie Munns, Vice Chairman  
Box Elder County Planning Commission

