

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JANUARY 20, 2022

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:

Roll Call

Mellonee Wilding	Excused
Jared Holmgren	Vice-Chair
Kevin McGaha	Excused
Michael Udy	Excused
Steven Zollinger	Member
Bonnie Robinson	Member
Laurie Munns	Member

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	Excused
Steve Hadfield	County Attorney
Jeff Scott	Excused
Diane Fuhriman	Executive Secretary

Vice Chair Jared Holmgren called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Steven Zollinger.
Pledge was led by Commissioner Laurie Munns.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the December 16, 2021 meeting were made available to the Planning Commission prior to this meeting and upon review a **Motion** was made by Commissioner Laurie Munns to approve the minutes as written. The motion was seconded by Commissioner Steven Zollinger and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

Vice-Chair Jared Holmgren 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.

ORDINANCE TEXT AMENDMENT, Z21-023, Request for a text amendment to change the eligibility requirements of Chapter 3-8-1, Master Planned Community Zone, of the Box Elder County Land Use Management & Development Code. ACTION

Staff stated Section 3-8-1 of County code is the MPC (Master Planned Community) zone. It is a unique zone as it has 5 specific eligibility requirements. The first eligibility requirement states a property must encompass a minimum of 100 acres to assure reasonable internal and external land use compatibility. The modification the applicant is proposing is to add is “If the property/development is to be serviced by sewer, the minimum acreage requirement for the MPC zone shall be reduced to fifty (50) acres”. If the property/development is serviced by individual septic systems it would need to meet the 100-acre requirement.

The public hearing was then opened for comments.

Staff read a letter from Juliana Larsen.

(See Attachment No. 2 – Letter.)

Jan Nielsen has concerns as a resident of the area being considered. She was on the committee who set up the Master Plan years ago and said it has changed some since then. She is concerned about the services available in the area, particularly water. The water there would not be enough to support what is being requested. And since this is a corridor of traffic, the traffic pattern would be extremely difficult for the citizens with just the one road. It would be difficult to get in and out, especially with the gravel trucks. Most of the citizens like the rural environment and do not want high density. The citizens would appreciate the County respecting the Master Plan. Ms. Nielsen objects to lowering the acreage for high density housing.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Ordinance Text Amendment, Z21-023. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

ACTION

Staff read the standards for reviewing zoning text amendments as they apply to this request 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 that most growth should occur in the cities and towns. The County can adopt policies to encourage that to happen, but must continue to recognize private property rights and coordinate with incorporated communities. Incorporated cities may want assurance that growth adjacent to their current boundaries reflect policies/plans of their community. This would take a high level of cooperation and coordination between the city and the County.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; This text amendment would apply to all

areas of unincorporated Box Elder County, the Planning Commission needs to decide if this amendment would be harmonious.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment is likely to affect adjacent property. Whether the affect is adverse is possibly subjective and up to adjacent property owners. The public hearing process may shed additional light on this subject.

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 proposed text amendment would likely have an effect on the facilities in the area of development. Proof of adequacy would be required as part of the rezone and development agreement process.

Staff said this is a legislative decision so the request will go before the County Commission for a final decision. Staff advised the Planning Commission when making their recommendation to the County Commission, the four approval standards should be taken into account as well as additional information from public input, resident preferences, private property rights, and economic considerations.

Commissioner Laurie Munns stated the County is not in the business of being a city. This is a way to get a 1/3 acre lots instead of a 1/2 acre. It is an opportunity to put more lots into the acreage. The only places that are going to have sewer are places next to a city. She feels the cities should annex the MPC into their cities as opposed to being in the County boundaries.

Commissioner Bonnie Robinson agreed and said the County's General Plan states most growth should occur in cities and towns. Housing of this density means town or city. She feels this request seems unreasonable. If an area is serviced by city utilities the residents should be annexed into the city so they have a vote on who controls the utilities. Commissioner Robinson said one of the eligibility requirements is the property needs to be unique due to size, slope, natural features, sensitive lands, natural hazards, current land use, etc. She pictures something unique that needs to be the focus of the community but does not see how that can be met on 50 acres.

Commissioner Steven Zollinger said if we do this for one area that leaves the County open to all other unincorporated areas. We are not in the business of having Master Planned Communities zoned in the County, we would ask it to be done in the cities.

Mike Bastian, applicant, explained there are places within the County that are not annexed into cities but can be serviced by city sewer which was the thought process behind lowering the requirement to 50 acres. By putting the caveat of being serviced by sewer to lower the eligibility to 50 acres, not many cities will allow places to be serviced by their sewer outside of their city limits as well, which concentrates the amount of area eligible for this MPC.

MOTION: A Motion was made by Commissioner Laurie Munns to forward a recommendation of denial to the County Commission on application Z21-023, an ordinance text amendment to change the eligibility requirement of the MPC zone, based on it not being harmonious with the overall character of the County, residents are against the proposal, most growth should occur in cities & towns, will negatively affect adjacent property owners, and cause more condensed travel. The motion was seconded by Commissioner Bonnie Robinson and passed unanimously.

NEW BUSINESS

BEAR HOLLOW EVENT CENTER SITE PLAN, SP21-010, Request for approval of an events center located at approximately 15010 North Bear Hollow Dr. in the Collinston area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting site plan approval for an event center including hard surface parking and sidewalks on approximately 51 acres located at approximately 15010 Bear Hollow Drive in the Collinston area. Substantial comments were sent by staff to the engineer working on the project and an updated drawing was expected yesterday but has not yet been received. County Code allows for an event center in un-zoned areas as a permitted use subject to site plan approval. The proposed use meets the standards of approval for permitted uses.

MOTION: A Motion was made by Commissioner Laurie Munns to table the review of application number SP21-010, approval of an events center, until the February 2022 meeting based on the County has not received the updated drawings. The motion was seconded by Commissioner Bonnie Robinson and unanimously carried.

BECKAM'S EDGE SUBDIVISION PHASE 2, SS21-034, Request for approval for a subdivision located at approximately 11050 North 8300 West in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff explained the Beckam's Edge Subdivision Phase 2 is located at 11200 North and 8400 West. Phase 1, Lots 1-9, is north of this property. Phase 2 has proposed nine lots, Lots 10-16. The lots range in size from 1.75 acres to 3.62 acres. This is in an un-zoned area and the surrounding land uses are Rural Residential and Agriculture. Access is via 8400 West which is an existing county road. New roads 11050 North and 8350 West are proposed as part of the first phase.

Staff has received utility letters from the power and gas companies and a feasibility letter has been received from the Bear River Health Department. Water will be provided through individual wells; proof of water rights and well permits have been provided by the Utah Division of Water Rights. Section 6-1-240(K) of the Land Use Code states the applicant must show the ground water in that area can test and meet the culinary water requirements. This section of code must be followed.

Marc Allred, applicant, said it is our preference to get water from West Corinne Water but they have not gotten very far on moving forward. West Corinne Water bought water from the Bear River Water Conservancy District but even with that added to the system, they are not able to sell any because they are already over capacity. He hopes to hear from West Corinne Water within the

next meeting date or two. If WCW decides to sell the first 100, he is in line to receive 45 of them for this phase. Mr. Allred prefers not to do the wells, but the only way for WCW to see he can move forward without buying their water is for the state of Utah to get started setting up for the wells. The state can then turn them over for irrigation shares and dig a shallow well. Culinary wells needs to be 100 ft. or deeper for culinary water. He is hoping the wells are just a backup plan.

Staff stated the reviews on the revised plat have been finalized and have received approval from all County departments. Staff recommends approval.

MOTION: A Motion was made by Commissioner Laurie Munns to approve application number SS21-034, a final plat for the Beckam's Edge Subdivision Phase 2, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of staff. The motion was seconded by Commissioner Bonnie Robinson and unanimously carried.

CONDITIONS:

1. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
3. Subject to review and approval by the County Engineer, Surveyor, and Roads, Fire, Planning, and Building Departments.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

LARKIN AGRICULTURAL SUBDIVISION, AS22-001, Request for approval for an amended subdivision located at approximately 10714 North 8400 West in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff said the applicant requesting an agricultural subdivision to separate one parcel into two. Parcel one would be 21.02 acres and parcel two would be 12.7 acres. The land is located in an un-zoned area in the Tremonton area of Box Elder County. Both new parcels qualify as agricultural parcels and meet the standards for review in state code. The new owner of record completes, signs, and records with the County Recorder a notice describing the parcel by legal description and stating the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 of state code, and will remain so until a future zoning change permits other uses. Staff has prepared the aforementioned document and is ready to be signed if this request is approved.

MOTION: A Motion was made by Commissioner Bonnie Robinson to approve application number AS22-001, an agricultural subdivision, and adopting the conditions and findings of staff. The motion was seconded by Commissioner Laurie Munns and unanimously carried.

PIERSON AGRICULTURAL SUBDIVISION, AS22-002, Request for approval for an agricultural subdivision located at approximately 13465 North East Garland Road in the East Garland area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting an agricultural subdivision to separate 12.34 acres for agricultural use from the existing 13.24 acres. An existing single family home will remain with the 0.90 acres. Both of the proposed parcels meet the zoning requirements for the area and the 12.34 acre parcel meets the minimum acreage to qualify as an agricultural parcel. The land is located in the East Garland area and is unzoned. This process would separate the home and create one legal parcel designated for agricultural use. The request meets all of the standards for review in state code and staff has prepared the document described in Section (2)(a)(ii) of state code to be signed and then recorded. State code also requires staff to present an ordinance to the County Commission due to there being a home on the property.

MOTION: A Motion was made by Commissioner Steven Zollinger to approve application number AS22-002, an agricultural subdivision, and adopting the conditions and findings of staff. The motion was seconded by Commissioner Laurie Munns and unanimously carried.

WORKING REPORTS

Home Occupations/Home Businesses

Staff said there are separate definitions for home businesses and home occupations. Home occupations refer to businesses running a daycare or a salon or accounting out of a home whereas home businesses currently allows for up to nine employees which has become problematic. Staff has been reviewing codes from other places and has some good ideas. Staff would like to lessen the impact on the neighbors who moved into a place assuming they were buying in a more residential area, not a business oriented area. (trucking and auto repair etc.) Staff will send the Commissioners what they have currently as far as home businesses and home occupations.

MPC Zones

Commissioner Jared Holmgren directed staff to “handle” the MPC zone and put it as an action item on the next agenda.

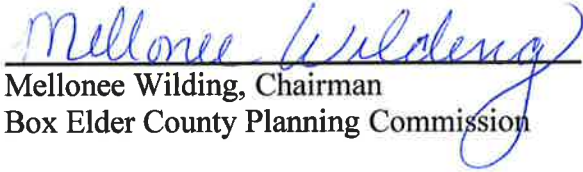
Cemeteries

Commissioners Laurie Munns said Box Elder County is very diverse. There is a family cemetery in Corinne that is going to be totally different from the one on the hillside in Park Valley. This is not going to be a one size fits all. She thinks it is going to be difficult to wrap parameters around. A fence might not be suitable in one area but could be in another. She directed staff to put this item on next month’s agenda.

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Laurie Munns to adjourn commission meeting. The motion was seconded by Commissioner Steven Zollinger and meeting adjourned at 8 p.m.


Mellonee Wilding, Chairman
Box Elder County Planning Commission

PLANNING COMMISSION MEETING

THURSDAY, JANUARY 20, 2021

NAME	ADDRESS	AGENDA ITEM
JAN NIELSEN Taler Gundersen	7980 S. Hwy 89 WILLARD East Garland	221-028 Pierson
Hunter Gundersen	East Garland	Pierson
Debi Raliced	3103 W. 1000 N. Terrington	Beckam's Edge
Marc Allwood	3103 W. 1000 N. Terrington	Beckam's Edge
MATT HALES	306. MTN VIEWS DR. BRIGHAM	BECKAM'S EDGE
Mike Bastian	1721 S. 1750 E. South Weber Dr.	TEXT amendment

PLEASE PRINT

Scott,

Thank you for providing me with the information regarding the agenda item for tonight's county commission meeting.

The idea of doing changes to the county planning document via text amendment methodology, causes me some concern. This proposal reminds me of the one that you had to the committee the last time you met and discussed another change to the master plan.

The following are the concerns I have.

Why are we changing the acreage requirement and in fact removing all reference to any kind of an acreage requirement?

These requests for change are being made in small increments to a plan that hasn't been in effect for very long.

The number of buildings that are going to be put on the new acreage and under this new proposal would be the same number as on the last with fewer acres being used.

My biggest concern, is that by making small changes in this fashion, with not much participation by your constituents, can allow for the county general plan to be modified in many ways without much if any input from your constituents.

I believe that this issue should be solved at the city level and not at the county level where we are being required to make so many changes to accommodate such a request.

I respectfully ask for you to consider this very carefully and consider the possible future implications for such action.

Thank you for your attention to this,

Juliana Larsen

Brigham city, Box Elder County resident.