

BOX ELDER COUNTY PLANNING COMMISSION MINUTES SEPTEMBER 17, 2020

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	Excused	Scott Lyons	Comm Dev Director
Mellonee Wilding	Vice-Chair	Marcus Wager	County Planner
Kevin McGaha	Excused	Steve Hadfield	County Attorney
Michael Udy	Excused	Jeff Scott	Commissioner
Desiray Larsen	Member	Diane Fuhriman	Executive Secretary
Bonnie Robinson	Member		
Jared Holmgren	Member		

Vice-Chair Mellonee Wilding called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Jared Holmgren.
The Pledge was led by Commissioner Bonnie Robinson.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.
Commissioner Desiray Larsen attended electronically.

The Minutes of the August 20, 2020 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 with one change on page 3 changing “the conservancy district” to “the engineer for the landfill design”. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

UNFINISHED BUSINESS - NONE

PUBLIC HEARINGS

Vice-Chair Mellonee Wilding 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.

TEXT AMENDMENT, SECTION 2-2-040, Z20-007, Proposal to amend the Administrative and Development Review Procedures section of the Box Elder County Land Use Management and Development Code to include language regarding the expiration of applications. ACTION

Staff stated the text amendment to Section 2-2-040 Administrative and Development Review Procedures, General Requirements was proposed by the Planning Commission. General Requirements outlines the application process for different land use permits. There have been some applications extending for long periods of time. Last month an application was completed after 6 years and another is currently beyond the 2-year mark. Staff said two years generally allows plenty of time for an applicant to work toward the approval of an application. The terms for Planning Commissioners are 3 years so it is also good to keep the applications within the terms of the existing Planning Commission. The proposal was for an expiration of application statement.

L. Expiration of Application. If within two (2) years after an application has been filed the application has not been approved or denied by the decision making body, the application shall expire and any vested rights accrued there under shall terminate.

The public hearing was then opened for comments. There were not comments.

Hearing no comments, a motion was made by Commissioner Bonnie Robinson to close the public hearing on Text Amendment, Section 2-2-040 of the Box Elder County LUM&DC. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

ACTION

Commissioner Mellonee Wilding asked how this amendment would work when an applicant asks for an extension. Staff explained for an application that has not been approved or denied, there is a separate section in code where an extension can be requested. The Planning Commission does not have to grant an extension but if they feel additional time is needed they may grant an extension up to the two years.

MOTION: A Motion was made by Commissioner Bonnie Robinson to forward a recommendation of approval to the County Commission for application Z20-007, a text amendment to Section 2-2-040, Administrative and Development Review Procedures, General Requirements, of the Box Elder County Land Use Management & Development Code, and adopting the conditions and findings of staff. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

NEW BUSINESS

ROSKELLY SUBDIVISION AMENDMENT, SS20-027, Request for an amended subdivision approval located at approximately 3733 North HWY 38 in Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting the Roskelley Subdivision be amended. The subdivision was originally approved on January 28, 2016 as a 5-acre subdivision. The owners would like to extend the subdivision to approximately 5.5 acres which would make the property eligible for greenbelt

and the ability to lower the taxes. The subdivision has been through the county review process. The County Recorder had two comments which have been addressed and a revised plat was submitted but staff has not heard back from the GIS/Recorder's Office.

MOTION: A Motion was made by Commissioner Bonnie Robinson to approve application number SS20-027, amending the Roskelley Subdivision, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of staff and that the comments from the GIS Department be finalized. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

FREEMAN FARMS SUBDIVISION, SS20-032, Request for Final approval for a 20 lot subdivision located at approximately 10120 North 6800 West in Unincorporated Box Elder County. ACTION

Staff explained preliminary approval was granted by the Planning Commission on August 20, 2020. The applicant is now requesting final approval. The access and utilities are still the same and the setbacks will be reviewed at the building permit level. There are some technical issues left with the storm drainage but staff feels comfortable recommending approval to the County Commission with the conditions outlined in the staff report.

MOTION: A Motion was made by Commissioner Bonnie Robinson to recommend approval for application SS20-032, a final plat for the Freeman Farms Subdivision, located at approximately 10125 North 6800 West in the Tremonton area of unincorporated Box Elder County, and adopting the conditions and findings of staff and finalizing the comments from the County Engineer. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

CONDITIONS:

1. Compliance with all County Staff reviews and comments.
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.

FAIRBANKS ESTATES SUBDIVISION FIRST AMENDMENT, SS20-033, Request for an amended subdivision approval located at approximately 7475 South 600 West in Unincorporated Box Elder County. ACTION

The applicant is requesting to amend the Fairbanks Subdivision with the approval of the Fairbanks Subdivision First Amendment. The original subdivision was recorded on September 5, 2014. The owner now wishes to move the lot lines back to where they were before. The surrounding zoning is R-1-20 with mostly residential and agriculture land uses. The access would be off 600 West which is a private drive and 530 West which is a public road. The proposal has been through the full county review process and there are no more comments.

Commissioner Mellonee Wilding expressed her concern about one amendment involving two subdivisions without any of the Fairbanks Estates Subdivision landowners having any input. She thinks it needs to be reviewed as two subdivisions being amended and not creating a new cross between the two.

MOTION: A Motion was made by Commissioner Bonnie Robinson to approve application SS20-033, amending the Fairbanks Subdivision and the Fairbanks Estates Subdivision so that Lot 10 is in located in the Fairbanks Estates Subdivision as it was originally and Lots 1 and 2 are in the Fairbanks Subdivision, and adopting the exhibits, conditions and findings. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

ENRIGHT AGRICULTURAL SUBDIVISION, AS20-008, Request for approval for dividing agricultural land located at approximately 6800 North 8170 West in Unincorporated Box Elder County. ACTION

Staff explained the applicant is requesting an agricultural subdivision to separate one existing 200-acre parcel into two parcels at 82.164 and 118 acres in size. The parcels are agricultural and this process would create two legal agricultural parcels.

Staff read the Land Use Ordinance Standards Review as follows:

Utah State Code 17-27a-605(1)(b) and (2)(a)(ii) 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; 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.

(2)(a)(ii) the new owner of record completes, signs, and records with the county recorder a notice:

A. describing the parcel by legal description; and

B. stating that the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.

Staff said this request meets these guidelines and recommends approval.

MOTION: A Motion was made by Commissioner Bonnie Robinson to approve application number AS20-008, an agricultural subdivision and adopting the conditions and findings of staff. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

JESSOP AGRICULTURAL SUBDIVISION, AS20-009, Request for approval for dividing agricultural land located at approximately 17600 North 3600 West in Unincorporated Box Elder County. ACTION

Staff stated the applicant is requesting a 119-acre parcel be split into two agricultural parcels approximately 20 and 99 acres in size. This process will create two legal agricultural parcels and the subdivision will follow the requirements set forth in state code. Staff needs final approval from the County GIS Department but is comfortable with recommending approval.

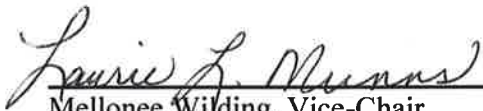
MOTION: A Motion was made by Commissioner Jared Holmgren to approve application number AS20-009, an agricultural subdivision, and adopting the conditions and findings of staff and including final approval from the County GIS Department. The motion was seconded by Commissioner Bonnie Robinson and unanimously carried.

WORKING REPORTS - NONE

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Jared Holmgren to adjourn commission meeting. The motion was seconded by Commissioner Bonnie Robinson and meeting adjourned at 7:30 p.m.



Mellonee Wilding, Vice-Chair
Box Elder County Planning Commission

