

BOX ELDER COUNTY PLANNING COMMISSION MINUTES FEBRUARY 15, 2018

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	Member	Marcus Wager	County Planner
Kevin McGaha	Excused	Elizabeth Ryan	Exec. Sec.
Michael Udy	Member	Steve Hadfield	County Attorney
Desiray Larsen	Member	Jeff Scott	Co. Commissioner
Bonnie Robinson	Member		
Mellonee Wilding	Excused		

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

The Invocation was offered by **Commissioner Bonnie Robinson**.
Pledge was led by **Commissioner Desiray Larsen**.

The following citizens were present & signed the attendance sheet

Chad Anderson/South Willard	David Ebeling/South Willard
Diana Wuanschell/Perry	Chad Reid/Ogden
Monica Garcia/Brigham City	Anthony Martinez/Perry
Jafer Shah	Max Kniess
Thomas Kihne	Rory Tessmer-Fields
Brandon Edwards	

The Minutes of the January 18, 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; seconded by **Commissioner Desiray Larsen** and passed unanimously.

PUBLIC HEARINGS

LAND USE TEXT AMENDMENT, Z17-020 REQUEST TO AMEND TEXT OF SECTION 3-2-070.7 – DWELLINGS OF THE BOX ELDER COUNTY LAND USE MANAGEMENT AND DEVELOPMENT CODE.

Staff explained that this came before them at an earlier time when the petitioner was requesting a home be allowed on a MU-160 zone instead of a conditional use. The Planning Commissioner then asked that the Section 3-2-070-7 regarding dwelling in this zone be looked at and a possible

change made with a text amendment. This text amendment would also affect all unincorporated areas of Box Elder County that are MU-160, MU-80, MU-40 and A-20. The Public Hearing was then opened for comments. No comments were received and a Motion was made by **Commissioner Desiray Larsen** to close the hearing, seconded by **Commissioner Laurie Munns** and was unanimous.

ACTION

Staff informed the commissioners that this text amendment met all of the Approval Standards found in Section 2-2-080(E) of the BECLUMDC and recommended approval of the text amendment.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval for the Ordinance Text Amendment, Z17-020, to the County Commission for their review. Motion was seconded by **Commissioner Michael Udy** and passed unanimously.

ANDERSON BROTHERS RE-ZONE, Z18-001 REQUEST TO RE-ZONE PROPERTY FROM R-1- 20/C-H TO C-E, LOCATED AT APPROXIMATELY 6927 SOUTH HWY 89 IN THE SOUTH WILLARD AREA OF UNINCORPORATED BOX ELDER COUNTY.

Staff explained that this parcel is located in the South Willard area and is currently zoned as C-H (Commercial Highway) and R-1-20 (Residential 20,000 sq. ft. lot). The petitioner is requesting that the zone be changed to C-E (Commercial Highway). Staff further explained that where a parcel has two zone designations within it, the zone with the largest percentage governs the property. This parcel does have a commercial building on it by the highway, but that [commercial] use has not be in effect for over a year and, therefore, the parcel reverts to the R-1-20 zone. At this point the applicant is asking for a commercial enterprise zone for this two acre parcel. At this point the Public Hearing was opened by **Chairman Chad Munns**.

Chad Anderson, applicant, told the commercials that he purchased this property in March 2017 as a commercial property and is wanting to get the zoning corrected so that he can have the businesses on the property that he had originally intended. (This property is that of an old Flying J Gas Station on Highway 89.) There is manufacturing to the south and north of this property. There are two buildings on this property, and his intended use was for one as an automotive restoration shop and the other building (that was formerly a convenience store, with a two-bedroom apartment), the store would be a retail store and the middle portion of the property is planned as an outdoor storage for RVs and boats [sometime in the future]. When he purchased the property he thought that it was zoned as commercial, and in speaking with the Willard City Planner was told that there may be a problem with the zoning, but he proceeded with the purchase under the assumption that he would be able to acquire the necessary zone for the businesses that he intended.

At this point in the public hearing, Staff read in a couple of e-mails that had been received regarding this re-zone. One from (*Planning Commissioner Mellonee Wilding*) and another from *Richard Day* (*former Chairman of the Box Elder Planning Commission*) both opposing the re-zone. (see attached) There was also a phone call from *Jon Sorensen* also opposed to the re-zone. All three are current residents of South Willard.

David Ebeling, owns property north with the machine shop and felt that the property should be zoned as commercial and the Flying J Station was also zoned as commercial. He has been doing business at this location since the 1950's and thought that this property for Mr. Anderson should be zoned as commercial as well.

Chad Anderson then told the commissioner that he could no longer use the property as commercial zone as it was abandoned for over a year's time. The former owners of the property, Braegger Bros. did not renew their business license last year and therefore the property lost it commercial zone. All of the property has now reverted to residential. If it were commercial highway he would be able to put the store and shop on it and could see the concerns with the open storage, but with Willard Bay being so close he thought it would be a good use for the property.

The Public Hearing was then closed with a Motion by **Commissioner Michael Udy**, seconded by **Commissioner Desiray Larsen** and was unanimous.

ACTION

Staff then referred to Section 2-2-080-E and also from the *“South Willard Community Plan which addresses this area as neighborhood commercial and does not recommend anything other than this zoning designation for the future. However, the County’s General Plan 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.”* Further, *this area is a combination of Commercial, 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 Commercial uses. The proposed amendment shouldn’t affect the values of adjacent property. The public hearing process is in place for this information to come to light. With other commercial, 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.”* Staff then said that the uses that are being proposed by Mr. Anderson are not the only uses that could be allowed on this property if the zoning were changed.

Commissioner Laurie Munns then asked what uses were allowed in the C-E zone and those in a C-H zone. Staff then read some of the uses that would be allowed in the C-E zone but not in the C-H zone; commercial contract printing, retail trade, antiques, books and stationary, bakery, children's clothing, confectionary were some examples given that would be allowed in the C-E zone but not in the C-H zone. The most intense uses in the C-E zone that make it different from other commercial zones is that it's not just “commercial”. There is a Commercial Neighborhood, Commercial Shopping, Commercial Highway, General Commercial and as Commercial Enterprise. The Commercial Enterprise zone is considered the most intense as it is between heavy commercial and light industrial. It is the only commercial zone to allow storage units and outdoor storage. Otherwise it would need to be zoned manufacturing for those two uses. **Commissioner Bonnie Robinson** then asked about the other two businesses in the area and did they fit into this zone or were perhaps “grandfathered” in. Staff then said that those businesses were there before the zoning was put in that area. **Chairman Chad Munns** then said that during the public hearing

the main concern was with the outdoor storage and that Mr. Anderson was willing to work with the residents and the South Willard Community Plan. The applicant has requested Commercial Enterprise for the entire parcel and could make this “an island” in this area, but there is C-E zone further south on HWY 89. **Commissioner Laurie Munns** then asked if the storage part of the plan could be governed by a conditional use permit that would help to place restrictions on it so that it doesn’t become an outdoor storage/junk yard. Staff then said that an outdoor storage is a conditional use within the zone that was being requested and they would be required to obtain a CUP; however, it is difficult to regulate these uses once they get out-of-hand and often it was not the intention of the landowner that this happened. This would be a recommendation to the County Commission and they could hold another public hearing if they thought it was necessary. The CC would be making the final decision as to approve or deny. At the end of the discussion the following motion was made.

MOTION: A Motion was made by **Commissioner Michael Udy** to forward a recommendation to the County Commission to deny the Zoning Map Amendment (re-zone request), Z18-001, Anderson Brothers, from C-H and R-1-20 zones to C-E zone. It was further motioned that the applicant be encouraged to re-apply, requesting a re-zone to the C-H (Commercial Highway) zone. Motion was seconded by **Commissioner Bonnie Robinson** and was passed with **Commissioner Laurie Munns** opposed to denying the request for the re-zone.

JEPPSON FARMS RE-ZONE, Z18-002 REQUEST TO RE-ZONE PROPERTY FROM A-20 TO RR-5, LOCATED AT APPROXIMATELY 800 NORTH TO 200 NORTH ON 2600 WEST IN THE BRIGHAM CITY AREA OF UNINCORPORATED BOX ELDER COUNTY.

Commissioner Bonnie Robinson asked to be excused from the discussion and action regarding this re-zone request. Staff then informed the commissioners that the applicant/landowners were requesting the parcels of 03-109-0009, 0014, 0016, 0035, 0036, and 0045 be re-zoned from the current A-20 (Agriculture 20 acre) to RR-5 (Rural Residential 5 acre). The public hearing was opened and no comments were received. A Motion was made by **Commissioner Desiray Larsen** to close the public hearing, seconded by **Commissioner Laurie Munns** and was unanimous.

ACTION

Staff told the commissioners that this area is already a combination of residential and agricultural uses so the re-zone would be harmonious with the existing uses. Staff also said that this area is also within the annexation plan for Brigham City and could well be annexed into Brigham City boundaries sometime in the future and they would then determine the zoning.

MOTION: A Motion was made by **Commissioner Laurie Munns** to forward to recommendation of approval to the County Commission for the Jeppson Farms Re-zone, Z18-002, from the A-20 zone to the RR-5 zone with any condition as outlined by staff. Motion was seconded by **Commissioner Michael Udy** and was unanimous.

Conditions of Staff:

1. Applicant to provide a legal description for the area to be re-zoned.
2. Compliance with Article 5 of the BECLUM&DC.
3. Compliance with Article 2-2-080, Zoning Map and Text Amendments of the

BECLUM&DC.

4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

UNFINISHED BUSINESS—NONE

NEW BUSINESS

NORTHSHORE RAIL SERVICES, LLC; SP16-002, SITE PLAN EXTENSION TO CONSTRUCT, OWN AND OPERATE A CLASS 1 PRIVATE HEAVY RAIL FACILITY WITH CONNECTION TO UNION PACIFIC FOR INBOUND AND OUTBOUND SERVICE, LOCATED ON SOUTH PROMONTORY. (PARCELS 01-011-0044, 0047, 0048, AND 0093).

Staff informed the commissioners that this applicant received approval for their site plan for the rail services in April 2016. The actual permit was then issued in March of 2017 after certain conditions were met. Site plans expire if construction on the project is not commenced within one (1) year of the issuing date or within two (2) years if not substantially completed from the issued date. Therefore, this applicant was requesting an eighteen (18) month extension in order for Union Pacific Rail Road to give their approval for the communal track rail plans (that will be located at the south end of Promontory Point on Parcels: 01-011-0044, 0047, 0048, and 0093). *Mr. Chad Reed*, from Northshore Rail Services, told the commissioners that Union Pacific needed the 18 months extension to redesign and then would probably need to come before the Planning Commission to get the permission to rebuild. North Shore Rail Services cannot begin their project until Union Pacific has completed its designs. They were asking for the eighteen month extension along with the additional twelve months to get the project substantially underway.

MOTION: A Motion was made by **Commissioner Laurie Munns** to approve the eighteen (18) month extension for the Site Plan for Northshore Rail Services LLC, SP16-002, with the eighteen month extension on the Conditional Use and an additional twelve months for the work to be completed. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

AS18-002, MARBLE AG SUBDIVISION; LOCATED AT APPROXIMATELY 1600 NORTH 6427 WEST IN THE WEST CORINNE AREA OF UNINCORPORATED BOX ELDER COUNTY.

Staff explained that this petitioner was requesting that a single family dwelling located on a parcel of approximately 135.50 acres be divided off in an agricultural subdivision. The home would remain with 1.39 acres and the 134.11 acres would remain as an agricultural parcel. The application meets the Utah State Code 17-27a-605(1) (5), outlining standards for agricultural subdivisions and staff recommended approval.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve the Marble Ag Subdivision, AS18-002, with any conditions as outlined by Staff. Motion was seconded by **Commissioner Michael Udy** and passed unanimously.

AS18-003, LISH AG SUBDIVISION, LOCATED AT APPROXIMATELY 17515 NORTH 4400 WEST IN THE FIELDING AREA OF UNINCORPORATED BOX ELDER COUNTY.

Staff explained that this applicant was requesting an agricultural subdivision in order to separate a single family dwelling that is located on an approximate 44 acre parcel by subdividing the home with 1.50 acres and the remaining agricultural parcel having 42.96 acres. The requirements of the Utah State Code 17-27a-605(1) (5) are met with this and approval was recommended.

MOTION: A Motion was made by **Commissioner Michael Udy** to approve the Agricultural Subdivision with a single family dwelling, AS18-003, with any conditions as outlined by Staff. Motion was seconded by **Commissioner Laurie Munns** and passed unanimously.

WORKING REPORTS

Staff told the commissioners that Arron Jensen with Blue Hawks in South Willard requested a work session with the planning commission in March 2018. It could take place during the regular planning commission meeting on March 15, 2018 or at another time is more convenient. Blue Hawks has been working on language for a text amendment for an MPC zone [this would be a new zone] added to the BECLUM&DC. Staff told the commissioners that there is only one item on the agenda for the March meeting so a work session could take place at the end of the meeting. **Commissioner Desiray Larsen** said that she would not be attending the March meeting and **Commissioner Chad Munns** could [possibly] attend if necessary. It was then decided that this work session would take place during the working report time at the March 15, 2018 meeting.

PUBLIC COMMENTS --NONE

ADJOURN

MOTION: A Motion was made at 7:51 p.m. to adjourn.

Laurie Munns, Vice Chairman
Box Elder County Planning Commission