

BOX ELDER COUNTY PLANNING COMMISSION MINUTES July 21, 2016

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	ComDevDirector
Laurie Munns	Vice-Chairman	Marcus Wager	Planner
Kevin McGaha	Member	Steve Hadfield	Co. Attorney.
Michael Udy	Member/Excused	Elizabeth Ryan	Exec. Secretary
Bonnie Robinson	Member/Excused		
Desiray Larsen	Member		
Mellonee Wilding	Member/Excused		

Prayer was offered by **Commissioner Kevin McGaha**.

Pledge was led by **Scott Lyons, Community Development Director**.

The following citizens were present

Scott Grover/Garland	DeNisee Grover/Garland
Stan Hurd/Layton	Dennis Potter/Beaver Dam
Rich Croft/Beaver Dam	

The Minutes of the June 16, 2016 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Desiray Larsen** to accept the Minutes as written; seconded by **Commissioner Kevin McGaha** 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.

BAKER SUBDIVISION AMENDED, SS16-013 LOCATED AT APPROXIMATELY 4520 NORTH HIGHWAY 13 EAST OF CORINNE. ACTION

Staff explained that this applicant was requesting an amendment to the Baker Subdivision plat in order to create a one acre lot in the subdivision. The property is located in an RR-20 zone and all setbacks can be met and there is currently a 60 foot wide easement to the north of the lot that would allow access. No comments were given and the Public Hearing was closed with a Motion by Commissioner Laurie Munns and seconded by Commissioner Desiray Larsen, unanimous.

ACTION:

Staff recommended approval of this amendment and the following Motion was made.

MOTION A Motion was made by Commissioner Laurie Munns to approve the Baker Subdivision Amended Plat with the condition as outlined by Staff. Motion seconded by Commissioner Kevin McGaha and passed unanimously.

Conditions of Approval:

1. Compliance with all comments from County Planning 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.

ORDINANCE TEXT AMENDMENT Z16-003. PROPOSAL TO AMEND SECTION 3-4-070 TO ALLOW “OTHER OUTDOOR STORAGE (CLEAN)” AS A CONDITIONAL USE IN THE COMMERCIAL ENTERPRISE ZONE. ACTION

Staff explained that this applicant was requesting a text amendment to the BECLUM&DC that would allow “Other Outdoor Storage (clean) in the C-E (Commercial Enterprise) zone when given a conditional use permit. Currently the use is only allowed in General Industrial zone. No comments were received and the Public Hearing was closed with a Motion by Commissioner Kevin McGaha, seconded by Commissioner Laurie Munns, unanimous.

ACTION:

Staff told the commissioners that this application had been reviewed and, based on the approval standards in the Code, found no reasons why this should not be approved. It would then go on to the County Commission for final approval. Along with the request it was also found that there was no current definition for “clean” storage in the Code and the following was offered:

“Other Outdoor Storage (clean)” – The storage of items such as boats, automobiles, recreational vehicles, trailers, and other similar items outside of a completely enclosed building. The area must be kept clear, organized, and weed free. The surface must be asphalt or treated road base to eliminate dust. The site must be surrounded by six-foot-tall screened fencing.

County Attorney, Steve Hadfield suggested that the height of any fence be changed to “not less than six feet” as a higher fence may be needed or desired. He also wondered if there needed to

be a limit to the number of boats, automobiles, etc should be limited and what would classify as “clean” material. Would any type of construction materials be allowed?

Commissioner Laurie Munns asked if there should be any setback restrictions placed on the items or materials that could be stored if they would create a fire hazard to any of the buildings. Staff stated that when a conditional use permit was applied for and issued, it would be reviewed by the County Fire Marshall to address any potential fire hazards. There was some further discussion and the following Motion was made.

MOTION: A Motion was made by **Commissioner Kevin McGaha** to forward a recommendation of approval to the County Commissioners to approve the Ordinance Text Amendment to allow “Other Outdoor Storage (Clean)” as a Conditional Use in the Commercial Enterprise Zones and also that a definition of “clean” outdoor storage be included in the BECLUM&DC along with any other conditions of Staff. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

Conditions of Approval:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Change in the height of the fence to be no less than six feet (type of screening).

ORDINANCE TEXT AMENDMENT, Z16-004. PROPOSAL TO UPDATE PORTIONS OF THE SUBDIVISION REGULATIONS IN SECTION 6-1-060-D, UPDATING BUILDING PERMIT REQUIREMENTS; SECTION 6-1-090, VARIANCES; AND SECTION 6-1-240-F-6, UPDATING PUBLIC UTILITY EASEMENT REQUIREMENTS.

Staff explained that these text amendments were being purposed by the County Planners in order to update and correct some of the text in portions of the subdivision regulations of the **BECLUM&DC**.

6-1-060. Compliance Required. This would eliminate the sewer/septic tank and all other underground utilities that are under a street surface having to be installed before a building permit may be issued.

6-1-090. Variances. Request for variances would be presented to a Hearing Officer (contracted with the County) and not to the Planning Commission for review. The Hearing Officer would then make a decision.

6-1-240. General Requirements for All Subdivisions. Utility easements for public utility purposes in front lots would be 10 feet and rear and side yard easements would require a minimum of 10 feet with perimeter easements not less than 10 feet in width.ⁱ

Feedback had been received from the county engineer and from various developers regarding the changes proposed in 6-1-060 and none had objections and felt they would be beneficial with eliminating some of the restrictions. The water, storm drainage and the roads being rough graded would remain the same. No comments were received and the Public Hearing was closed with a Motion by **Commissioner Laurie Munns**, seconded by **Commissioner Desiray Larsen**, unanimous.

ACTION:

Staff then recommended that this text amendment be approved and forwarded to the County Commission.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to forward a recommendation of approval to the County Commission regarding the Ordinance Text Amendment, Z16-004; seconded by **Commissioner Laurie Munns** and passed unanimously.

NEW BUSINESS

TRINITY COOK, AS16-004, AGRICULTURAL SUBDIVISION REQUEST TO SUBDIVIDE 10.33 ACRES FOR AGRICULTURAL PURPOSES. LOCATED AT 6800 WEST 9080 NORTH, JUST WEST OF ELWOOD AND SOUTH OF TREMONTON IN BOX ELDER COUNTY. ACTION

Staff explained that this agricultural subdivision had come before the planning commission and at that time it was approved; however the petitioner had been working with the owner of neighboring property for a boundary line adjustment agreement, but that did not happen. Therefore the parcel is being divided into two agricultural remainder parcels A (12.24 acres) and B (10.38 acres). A public hearing was not required.

MOTION: A Motion was made by **Commissioner Laurie Munns** to approve the Trinity Cook Agricultural Subdivision, AS16-004 request; seconded by **Commissioner Kevin McGaha** and passed unanimously.

TRINITY COOK, AS16-005, AGRICULTURAL SUBDIVISION REQUEST TO SUBDIVIDE 2.17 ACRES TO DIVIDE THE HOME FROM THE REST OF THE AGRICULTURAL PROPERTY. LOCATED AT 6800 WEST 9080 NORTH, JUST WEST OF ELWOOD AND SOUTH OF TREMONTON IN BOX ELDER COUNTY. ACTION

This is the second part of the Trinity Cook agricultural subdivision and it is being requested that a 2.17 acre portion [where a home is located on the property] be subdivided from the agricultural remainder B parcel of 10.38 acres. There will still be sufficient land in the remainder B parcel to qualify as agriculture.

MOTION: A Motion was made by **Commissioner Laurie Munns** to approve the Trinity Cook, AS16-005 Agricultural Subdivision of 2.17 acres with the home and the remainder to remain as agricultural. Motion seconded by **Commissioner Desiray Larsen** and passed unanimously.

ROSS & JUNE PHILLIPS, AS16-006, AGRICULTURAL SUBDIVISION REQUEST TO SUBDIVIDE APPROXIMATELY 25 ACRES FOR AGRICULTURAL PURPOSES. LOCATED AT 4815 WEST 10800 NORTH IN THE TREMONTON AREA OF BOX ELDER COUNTY. ACTION

Staff explained that this is a proposal for an agricultural split with the original division being 7.5 acres on the northern part of the property which included the house on the property with approximately 25 remaining acres. Since this application was originally submitted, the buyer of

the agriculture portion of the property is interested in purchasing more of the property; that of the 7.5 acres, which would result in this parcel being two to three acres. However, this change would only affect the certificate's legal description that is recorded with the deed once that issue is resolved and that paperwork would not be drafted until the actual acreage is determined and could then be recorded. After discussing the issue the following motion was made.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to grant approval of the Ross & June Phillips Agricultural Subdivision request subject to Staff completing the Certificate once the Deed, with the correct acreage, has been submitted. Motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

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 explained that the High Country Estates Home Owners Association, representing all of the residents within High Country Estates Subdivision, are requesting to dedicate all roadways within the subdivision to Box Elder County, to be owned and maintained by the County as public roadways. There is one main road that circles through the subdivision with a couple of cul-de-sacs. The county surveyor has reviewed the dedication Plat and there are a few minor things that need to be fixed regarding the labeling on the Plat; the county road supervisor has also submitted his review. The County Road Supervisor, Bill Gilson was present at this meeting as well as representatives of the HOA. Staff then stated that some of the issues brought up by the County Road Supervisor were concerning the drifting issues for snow on the road in the winter, but if dedicated to the County those roads would be maintained, but also letting the residents know that even after plowing snow may drift onto the road surface again. Another issue was that the current asphalt is approximately seven years old and would possibly need to be resealed. There would also need to be speed limit signs posted within the subdivision.ⁱⁱ

Mr. Bill Gilson, County Road Supervisor, came forward to address some of these concerns with the Planning Commission stating that there is a large section of the road that is located in Cache County, but concerning the roads within the subdivision and particularly those within Box Elder County, he felt that it was warranted for the county to take over the roads and maintenance. This would ensure that the roads were maintained and that county services, i.e., fire, ambulance, etc., would be provided to the residents of the subdivision. (Those services are already provided by the County, but having the roads maintained by the County, especially in the winter months, would further assure safe access.) In the last four years the County has spent considerable amount of funds in maintaining 400 West that many of the residents use to access this subdivision. The county needs to take into consideration the costs that would be involved in taking on these additional roads; road surfacing, drainage, curb and gutter, etc. He felt that he would need to budget approximately \$15000 to resurface the subdivision roads as they were last sealed in 2010. He said that the snowplowing would be difficult because of the cul-de-sacs within the subdivision as a smaller truck would be required to plow those areas. Also he would not be able to make return visits for plowing if drifting occurred throughout the day.

Commission Chairman, Chad Munns asked about the drainage in the subdivision and if it was adequate. *Mr. Gilson* replied saying that the problem is usually with the individual homeowners and how they have dealt with the drainage swells on their property. Have they run a culvert

under the driveway or has it been pitched, blocking the water and pushing it out to the road. He has seen a couple of issues where the water sheds off of the road and directly into the home owners' garage. The home owner, along with his developer would be accepting a lot of responsibility in how the drainage issue was designed and taken care of. County Attorney, Steve Hadfield said that once the road is dedicated to the County any problems that would arise due to water issues would be the responsibility of the County; however it could also fall back on the homeowner and the developer and how the drainage on that particular property was designed when the home was built (prior to the County taking over the roads). Staff then suggested that a site visit be arranged in order to take a closer look at some of these issues that had been brought up.

Chairman Chad Munns then asked about the number of homes on the Cache and Box Elder sides. **Mr. Rich Croft**, from the HOA said that there were around 28 on the Cache with 27 lots and 18 of those having homes on the Box Elder side. He thought that the developer may still own three of the lots on the Box Elder side. The HOA only acts for the Box Elder side. Any action on this road dedication would go before the County Commission as it is a legislative decision. **Mr. Rich Croft** further said that in talking with the landowner/developer Alton Veibel, he was told that the roads and the drainage design were done to County standards; however the homeowner and their builder can sometimes plow over where the drainage was supposed to be and change or fill-in an area, not realizing the ramifications involved in doing so.

Mr. Bill Gilson said that in 2009 the road were to the county standards when originally designed, and **Mr. Rich Croft** thought that the County may need to intervene with the developers regarding some of these issues. He also said that there are speed limit signs in the subdivision and that the roads were chip-sealed by Parsons in 2014. However, it was noted that the roads would not be accepted by the County now unless they were to the county standards. **Mr. Rich Croft** said that there is an inter-local agreement with Cache County, but they would not plow the roads on the Box Elder side once they were informed that those roads were private within the subdivision. At the conclusion of the discussion that following motion was made.

MOTION: A Motion was made by **Commissioner Laurie Munns** to Table action on the High Country Estates Road Dedication Plat until the concerns that had been discussed were addressed and taken care of. 1) Snow removal; 2) site visit with HOA to look at any homes that have had drainage problems; 3) any other drainage issues; 4) resealing of the asphalt; 5) the cost involved in any improvements that the County would need to make; and any other issues that Staff or the County Road Supervisor may find necessary to be reviewed. The Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

UNFINISHED BUSINESS--NONE

WORKING REPORTS -- NONE

PUBLIC COMMENTS -- NONE

A **Motion** was made to adjourn at 7:48 p.m., unanimous.

Passed and adopted in regular session this 18th day of August 2016.

Chad Munns, Chairman
Box Elder County
Planning Commission

i **Chapter 6-1 – Subdivisions (Ordinance 340)**

6-1-060. Compliance Required.

D. Except as otherwise provided, it shall be unlawful for any person to receive a building permit for a lot within a subdivision until water, ~~sewer or septic tank, and~~ storm drainage ~~and all other required underground utilities located under the street surfaces~~ within the subdivision are installed, inspected and approved by the County, and all streets in the subdivision are rough graded.

6-1-090. Variances.

Where the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, strict compliance with the provisions of this Code would cause an unusual and unnecessary hardship on the subdivider, the ~~County Commission, after receiving a recommendation from the Planning Commission,~~ Hearing Officer may vary such requirements and require such conditions as will secure, insofar as practicable, the objectives of the requirement varied. Any variance shall be based on a problem with the land. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the ~~Planning Commission~~ Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic. ~~Any variance authorized shall be entered in the minutes of the County Commission.~~

6-1-240. General Requirements for All Subdivisions.

F. Utilities.

6. Utility easements shall be provided within the subdivision as required for public utility purposes.

a. ~~Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of 20 feet, apportioned equally in abutting properties (10 feet each lot).~~ A ten foot (10 ft.) public utility easement shall traverse the front of each lot.

b. Where ~~front-line rear and side yard~~ easements are required, a minimum of 10 feet shall be allocated as a public utility easement. Perimeter easements shall be not less than 10 feet in width.. ~~extending throughout the peripheral area of the development, if required by the Planning Commission.~~

c. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required if any utilities are to be overhead. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

ii Letter from Bill Gilson, County Road Supervisor