

BOX ELDER COUNTY PLANNING COMMISSION MINUTES November 17, 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>following Staff member were present:</i>	
Chad Munns	Chairman	Scott Lyons	Com Dev Dir.
Laurie Munns	Vice-Chairman	Marcus Wager	Planner
Kevin McGaha	Member	Elizabeth Ryan	Exec. Secretary
Michael Udy	Excused		
Bonnie Robinson	Member		
Desiray Larsen	Excused		
Mellonee Wilding	Member		

Prayer was offered by **Commissioner Mellonee Wilding**.
Pledge was led by **Commission Chairman Chad Munns**.

The following citizens were present

Brady Lewis/Perry Lanny Lewis/Thatcher David Z. Thompson/Deweyville

The Minutes of the September 15, 2016 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Bonnie Robinson** to accept the Minutes with one change; seconded by **Commissioner Mellonee Wilding** 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.

DAVID Z. THOMPSON; Z16-007, ORDINANCE TEXT AMENDMENT TO CHANGE THE MINIMUM FRONTAGE REQUIREMENT IN THE RR-1 [BECULM&DC] 3-2-080-2.1, FROM 200 FEET TO 145 FEET.

Staff informed the commissioners that this applicant was requesting for a text amendment in Section 3-2-080-2.1 which deals with the minimum width required for frontage in the RR-1 zone. The current frontage requirement is 200 feet and the applicant was requesting that be

reduced to 145 feet of frontage. There were no comments received and the Public Hearing was closed with a Motion by **Commissioner Laurie Munns**, seconded by **Commissioner Kevin McGaha** and was unanimous.

ACTION

Staff said that they had researched what the frontage is in other counties/areas and found that they ranged from 175 to 100 feet. As there are so few areas in Box Elder County that are zoned as RR-1 (one acre lots) it was recommended that the frontage be changed to 120 feet instead of the 145 as was requested by the applicant.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for an ordinance text amendment to Section 3-2-080-2.1 reducing the required lot frontage from 200 feet to 120 feet in the RR-1 zone. Motion seconded by **Commissioner Laurie Munns** and passed unanimously.

ORDINANCE TEXT AMENDMENT, CHAPTER 2-2: ADMINISTRATIVE AND DEVELOPMENT REVIEW PROCEDURES. UPDATING NOTICING REQUIREMENTS FOR PUBLIC MEETINGS AND PUBLIC HEARINGS.

This request for a text amendment was being presented by the Box Elder County Planning Staff and it would amend various sections of Chapter 2-2: Administrative & Development Review Procedures. The primary section is Section 2-2-050: Public Hearings and Meetings and how those meetings are to be noticed; and there are other sections in the Code that refer back to this section. In researching this change it was found that Section 2-2-050 refers to portions of the state code that are not really applicable to many of the applications received by the county. Those legislative actions that refer back to the state code include: text amendments, general plan amendments and re-zones. Therefore, staff was requesting that those actions that have a portion in the state code would continue to refer back to that code, whereas other actions such as conditional use permits, that don't have a portion in the state code would refer to the county code. No comments were given and the Public Hearing was closed with a Motion by **Commissioner Mellonee Wilding**, seconded by **Commissioner Kevin McGaha** and was unanimous.

ACTION

Staff then recommended approval and forwarding to the County Commission.

MOTION: A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval to the County Commission for an ordinance text amendment to Chapter 2-2: Administrative and Development Review Procedures (updating noticing requirements for public hearings and meetings).ⁱ Motion seconded by **Commissioner Kevin McGaha** and passed unanimously.

ORDINANCE TEXT AMENDMENT, CHAPTER 3-9: MINING, QUARRY, SAND & GRAVEL EXCAVATION ZONE (MG-EX) AND CHAPTER 4-8: LANDFILL & LAND EXCAVATION OVERLAY. AMENDING LANGUAGE REGARDING MAXIMUM SLOPES TO DEFAULT TO STATE REGULATIONS.

This text amendment was also being proposed by the Planning Staff but in doing research for the amendment found that more needed to be done in the language of the proposed changes. Therefore, the Public Hearing was opened and will remain open until the December 15, 2016 meeting.

ACTION

To be continued at the December 15, 2016 meeting.

LLS HOLDINGS LLC; CUP16-004, CONDITIONAL USE PERMIT FOR MILLWORK TO EXPAND THE CABINET MANUFACTURING SITE PLAN LOCATED AT APPROXIMATELY 10255 NORTH 11600 WEST IN THE THATCHER AREA OF BOX ELDER COUNTY.

This applicant was requesting approval for an addition to a current building for Lewis Cabinets located in the Thatcher area of Box Elder County. The site plan has been reviewed by the various county departments and given approval. The Fire Marshall would request that a fire suppression system be installed at the time of construction of the addition. The current code also requires that the parking lot be paved and that fences be installed between the business and any neighboring properties. The following comments were given during the public hearing.

Mr. Brady Lewis noted that this proposed CUP was only for the south side where the expansion is going. Regarding the fencing, the residential property owners on the south are those that sold this property to Lewis Cabinets and were aware of the expansion taking place.

Mr. Lanny Lewis, owner, told the commissioners that the surrounding neighbors to the north were against having a fence put in as it would affect their properties. One neighbor would have to remove a row of trees; another would lose a section of grass and the third would not be able to access his property in the back. All would be upset if this requirement was follow through with.

The Public Hearing was then closed with a Motion by **Commissioner Mellonee Wilding** and seconded by **Commissioner Bonnie Robinson**; passing unanimously.

ACTION

Staff said that after visiting the site and the issues of the parking lot and the fencing, they had no issues with the parking lot not having asphalt due to the location of this business in a more rural area of the county. Regarding the fencing, after the visit it was determined that the fencing would not be required between these properties. However, necessary steps would need to be taken to either remove or modify parts of the code that are requiring these two items. A text amendment would then be presented to the Planning Commissioners for their approval and action at the next meeting. [Staff Recommendations: 4. "Approval of the text amendment to remove the requirement for asphaltting the parking lot and fencing around the property."]
Staff recommended approval for this CUP and site plan for LCS holdings LLC.

Chairman Chad Munns asked if some type of deferral agreement could be done in regards to the fence issue as property owners may change in the future and fencing may be necessary. Staff replied by saying that it would probably be good to remove this requirement from this particular section of the code, but leave it in others sections; such as areas where there is more dense population mixed with businesses. Then those applications could be looked at on individual basis and as part of the Conditional Use Permit review process.

MOTION: A Motion was made by **Commissioner Laurie Munns** to approve the Conditional Use /Site Plan for LCS Holding LLC with the conditions as outlined by Staff. Motion seconded by **Commissioner Mellonee Wilding** and passed unanimously.

Conditions of Approval:

1. Compliance with Section 2-2-100 of the BECLUM&DC.
2. Compliance with Article 5, Regulations of General Applicability, of the BECLUM&DC.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.
4. Approval of the text amendment to remove the requirement for asphaltting the parking lot and required fencing between the business and the neighboring residential properties.

NEW BUSINESS

AS16-009, JEONA MARBLE AG SUBDIVISION LOCATED AT APPROXIMATELY 3780 WEST 16000 NORTH IN THE FIELDING AREA OF BOX ELDER COUNTY DIVIDING 1 ACRE WITH A SINGLE FAMILY DWELLING OFF 17.71 ACRES.

This applicant was requesting an ag-subdivision in order to separate a home and agricultural property. Located in an un-zoned area of the county the parcel with the house would be one acre and the farm parcel would be approximately 17.71 acres. The house was built in the 1950s and there is a private road for access.

MOTION: A Motion was made by **Commissioner Laurie Munns** to grant approval for the Jeona Marble Ag-Subdivision; seconded by **Commissioner Mellonee Wilding** and passed unanimously.

UNFINISHED BUSINESS -- NONE

WORKING REPORTS

Commissioner Laurie Munns asked if there was any information regarding the time/date that an application would remain in open status before it would be rendered inactive and closed out so that [the] petitioner would have to reapply sometime in the future and pay any applicable fees to have it considered again. **Scott Lyons** said that he had been in touch with the State Property Rights Ombudsman and that his recommendation (on this particular application that was of concern) was, 1) that it could be tabled until the petitioner decided to come back and then the commission could take action on it based on the original public hearing that was held; and when it is a legislative action, as this one was with a rezone and a general plan amendment, the County

Commission has all the power and could deny the request as they are representatives of the entire county and are acting in behalf of all citizens. Or, the planning commission could notify the petitioner saying that they (the county) were ready to move forward with acting on the application and proceed.

Chairman Chad Munns had recently attended some training and said that one of the presenters there had asked “why would you want to put time limits?”, as the planning commission’s function is to help the public move forward with any petitions and any time limits or constraints are theirs and not the county’s. **Scott Lyons** then said that in the current county code it states that if there is no action or substantial progression to get the application approved then it becomes void. However, with this particular application, it was submitted, two public hearings were held and the applicant had tried to get it approved within a six month time frame. There is nothing in the code that specifically states that an application expires after a certain amount of time has passed once some action toward approval has taken place.

TEXT AMENDMENT: *Section 2-2-100 Conditional Use Permit*

The planning staff had recently attended some training that addressed conditional use permits and the information given there was that these CUPs needed to be as clear as possible. In comparing Box Elder’s Code with that of other cities and counties, staff found that there needs to be some changes made in our Code. There is language that needs to be eliminated.

TEXT AMENDMENT: *Section 2-2-120 Site Plan Review*

Staff also wants to make reviewing of site plans smoother. The Code currently states that site plans, even small ones, need to be reviewed, approved, and stamped by a licensed [Utah] engineer. However, for some smaller businesses requiring them to do this and pay for the engineering on a plan that they could possibly do themselves, perhaps this could be eliminated, especially for start-up businesses. Another was making amendments to a site plan, such as with the petition from Lewis Cabinets at this meeting.

Commissioner Laurie Munns said that she was not sure that if taking approval of these site plans away from the commission was a good idea, even if only for small sites. That is why the Planning Commission exists.

Staff then argued that the Planning Commission is not a permitting commission but a planning commission and what has been planned is in the Code and has been accepted for a particular zone or use within a zone. Therefore, rather than have the planning commission look at all the drainage, utilities, setbacks, etc. those have already been addressed before by staff and deemed acceptable for that area and then presented to the planning commission. As an example, if a business had already received approval on their site plan and then decided to move the location of a “proposed” building from one place on the property to another, they would not need to submit another site plan for approval, since it was not going to have an impact on the overall site or the neighbors.

Conditional Use Permits come before the planning commission so that if there are any conditions that might need to be attached to it, then the planning commission has the opportunity to do so at the time of approval. Whereas with a site plan, what should or shouldn’t be on a particular site should have already been outlined in the Code. **Chairman Chad Munns** then said that another thing that was discussed at the training he attended regarded the role of the planning commission. Is the planning commission executive, legislative, or judges? They are judges, because they don’t make the laws, or code, but recommend them to the county commissioners for approval

and adoption. The planning commission then has to recommend, based on the adopted code, if a petition or use, is allowed or not in an area or zone within the county. Staff will return for the December meeting with proposals regarding site plans and conditional use permits for the planning commissioners to review.

PUBLIC COMMENTS -- NONE

A **Motion** was made to adjourn at 7:54 p.m., unanimous.

Passed and adopted in regular session this 15th day of December 2016.

Chad Munns, Chairman
Box Elder County
Planning Commission

ⁱ BECLUM&DC, Article 2-2: Administrative and Development Review Procedures