

BOX ELDER COUNTY PLANNING COMMISSION MINUTES March 19, 2015

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:

Chad Munns	Chairman	<i>the following Staff was present:</i>	
Desiray Larsen	Vice-Chair/Excused	Steve Hadfield	Co Attorney
Kevin McGaha	Member	Marcus Wager	Planner
Michael Udy	Member	Scott Lyons	Planner
Bonnie Robinson	Member	Comm. Jeff Scott/Excused	
Jay Christensen	Member/Excused	Elizabeth Ryan	Exec. Sec.
Laurie Munns	Member/Excused		

The following citizens were present:

Jim Flint/Brigham City	Linford Landis/Bothwell
Kent Baker/Riverside	Kent Yates/Brigham City
Karl Bodily/Brigham City	Lois Bodily/Brigham City
John Young/Brigham City	Jason Grace/
Lee Summer/Bothwell	Doug Newman/Bothwell
Tamera Newman/Bothwell	Brenda Sagers/Bothwell

The Minutes of the February 19, 2015 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 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, but this was not a time for questions/answers.

BIG G ENTERPRISES, SS15-006, RIVERBEND ESTATES, 16-LOT SUBDIVISION LOCATED AT APPROXIMATELY 15600 NORTH 4800 WEST IN THE RIVERSIDE AREA OF BOX ELDER COUNTY. (FILED 2-19-2015)

Staff explained that this petition was for a 16 lot subdivision to be located in the Riverside area of unincorporated Box Elder County. The lots would range from ¾ acre to two acres with access from 15600 North with a temporary turnaround at the end of the project. The hearing was

opened and the petitioner approached the commissioners.

Mr. Clayton Grover, owner of Big G Construction had a newer plat that had addressed some of the concerns from the various county departments. He also had a letter from Miller gas for providing propane and Rocky Mountain Power. The Bear River Health Department had given preliminary approval for the septic systems. Riverside water would be providing the water for the project.

Mr. Kent Baker said that he was the adjoining property owner at the site of this proposed subdivision. He noted that the Riverside Water Company had the water to provide water to this subdivision, but was concerned that they did not have the engineered study that would [probably] be required for the delivery of that water. Supposedly Riverside Water will be doing that engineered study and wondered if Mr. Grover would be paying for it. Mr. Baker was also concerned as to how septic systems could be approved when all of the irrigation water runs toward the Malad River when he irrigates his fields. Noted that the cuts in the ground are visible from the water seeping up through the ground (where these homes are proposed to be built). He was concerned how that would impact the basements of the homes and if he would be on the losing end when that happens. He also wondered if a traffic study had been done for the road of 15600 North which was going to be the access to the subdivision.

No other comments were given and the hearing was closed with a Motion by **Commissioner Michael Udy** and seconded by **Commissioner Kevin McGaha**, passed unanimously.

CUP15-002, LINFORD LANDIS, CONDITIONAL USE PERMIT FOR A HOME AND EXCAVATION BUSINESS TO BE LOCATED ON PARCEL 05-099-0004 OF 31.2 ACRES AT APPROXIMATELY 10800 WEST 12000 NORTH IN THE BOTHWELL AREA OF BOX ELDER COUNTY. (FILED 2-19-2015)
UNFINISHED BUSINESS

Staff explained that this petitioner is requesting a Conditional Use Permit for a home and [home occupation] business to be located on a 31.2 acre parcel in the Bothwell area of unincorporated Box Elder County where the current zoning is RR-5. The business that is currently owned and operated by Mr. Landis is a small excavation business with a few employees. There would be some trucks and materials stored at the site. Staff then read in the applicant's summary of his intent:

“We are planning to build a house and a shop on this property. We plan to have our excavation business with employees, based from this location. There will also be some pipe and materials stored at the site.

Our work is a service that benefits the local community. Our services include but are not limited to livestock water lines, irrigation lines, field drains, waterlines, septic systems, sewer lines, basements, general excavation, grading, gravel, top soil, dump trucking, and driveways.

We feel that this business will not cause significant negative impact on the neighborhood. There will be employees coming to work in the morning and then generally they will go to work for the day in either a company pickup or truck and then returning in the evening and then they will go home.”

The public hearing was opened and the following comment was given.

Ms. Brenda Sagers had a question concerning the address of this proposed home and business and said that she did not think it was correct and also wanted clarification as to what a CUP was. **Commissioner Chad Munns** said that it is for a “Conditional Use Permit. **Commissioner Munns** also said that they would look into the problem with the address to make sure it was correct and located in the Bothwell area and not in the Thatcher area. (The correct address should probably be 12800 North 10800 West).

No other comments were received and the hearing was closed by a Motion from **Commissioner Bonnie Robinson**, seconded by **Commissioner Kevin McGaha** and passed unanimously.

UNFINISHED BUSINESS

CUP15-001, CONDITIONAL USE PERMIT, MITTON PEAK ESTATES, PRIVATE CAPITAL GROUP FOR A 17 LOT PUD OVERLAY DEVELOPMENT AT APPROXIMATELY 4980 NORTH HIGHWAY 38 IN THE HARPER WARD AREA OF BOX ELDER COUNTY. (FILED 1-28-2015)

Staff reviewed the concept plan for the PUD to be located in the Harper Ward area of Box Elder County. At this time, Staff and the developers engineer wanted to discuss the design criteria for the development, specifically the setback requirements. Staff also noted that 1100 West is a county road, but not to the current county road standards. **Mr. Bill Gilson**, the county road supervisor was not comfortable with the developer improving this road unless it was used in developing the land north of the road and it was damaged. It was going to be used by the developer during the construction the county road supervisor did not feel the developer would need to improve this road unless damage was caused and then they would need to repair the damage. (Staff thought that 1100 West was going to be re-chipped/sealed sometime during the summer [2015]). A letter had been received from the Bear River Water Conservancy District, which stated that they would be able to provide water to all of the lots, if all of the ordinances and requirements were followed by the developer. Staff also explained that with a PUD the density of the area does not change, but rather where that density is located. Rather than covering the entire 88 acres, the development occurs on the lower portion of this parcel. **Commissioner Bonnie Robinson** stated that this site was recently visited by staff, the petitioner, and available planning commissioners. As such, it was requested that this item be tabled in order for the commissioners to review and further discuss the issues surrounding this PUD.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to Table the PUD/Conditional Use Permit for the Mitton Peak Estates. Motion was seconded by **Commissioner Michael Udy** and passed unanimously.

ORDINANCE TEXT AMENDMENT, Z14-014: DEFINITIONS FOR HOUSEHOLD PETS AND REGULATIONS REGARDING THE NUMBER OF ANIMALS ALLOWED ON INDIVIDUAL PARCELS.

Staff explained that this text amendment change is for the R-1-20 zone only in the county where most of the concerns lie with the numbers and type of animals that would be allowed in more developed subdivisions with half acre lots or less.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for the Ordinance Text Amendment Z14-014. Motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

NEW BUSINESS

BIG G ENTERPRISES, SS15-006, RIVERBEND ESTATES, 16-LOT SUBDIVISION LOCATED AT APPROXIMATELY 15600 NORTH 4800 WEST IN THE RIVERSIDE AREA OF BOX ELDER COUNTY. (FILED 2-19-2015)

Staff told the Commissioners that based on the information that had been given during the public hearing it was recommended that approval be given for the preliminary plat of the Riverbend Estates to be located in the Riverside area of Box Elder County. **Commissioner Bonnie Robinson** asked about the water drainage at this site from the farmer fields. **Mr. Clayton Grover** said that the health department had dug approximately 9 to 10 test holes for the perk tests over the property and that there were no underground water issues. There are already septic systems in the area from other homes. The lots on the east side will increase in size as the property is owned to the west side of the Malad River. In regards to a traffic study and if one would be needed, staff noted the lot 11 would need to be reduced [per road supervisor] in order to improve the visibility along 15600 North; other than that, **Mr. Bill Gilson**, road supervisor, did not feel a traffic study would be necessary. **Commissioner Kevin McGaha** asked about the geo-technical report that was still missing and what information would be included in it. Staff said that report had been requested by the building official in order to determine whether or not basements would be possible in these homes and also that the Code requires subdivisions with larger lots need to provide a geo-tech report. **Mr. Clayton Grover** said that some of the issues regarding the soils could be addressed by the health department with the test that they perform as some of those holes are anywhere from two feet to ten feet deep. **Chairman Chad Munns** asked about any issues regarding the road within the subdivision and what designs were possible. There were three different designs on the new Plat.

MOTION: A Motion was made by **Commissioner Kevin McGaha** to Table action on the Big G Enterprises, Riverbend Estates 16-Lot Subdivision in order to review the items that had been submitted at this meeting and for the results of the GeoTech report. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

CUP15-002, LINFORD LANDIS, CONDITIONAL USE PERMIT FOR A HOME AND EXCAVATION BUSINESS TO BE LOCATED ON PARCEL 05-099-0004 OF 31.2 ACRES AT APPROXIMATELY 10800 NORTH 12000 WEST IN THE BOTHWELL AREA OF BOX ELDER COUNTY. (FILED 2-19-2015)

Staff explained that with the current Land Use Code the portion that regulates a home business occupation in the RR-5 zone includes some specific requirements placed upon this use including, no employees [members of immediate family are not considered employees]; no unusual traffic; no parking except for customary autos, and according to the intent of the applicant that was provided this would not really fit in as a home occupation. With this information, Staff would not be able to recommend anything but denial of this application. However, the RR-5 zone is currently under review by staff and the planning commissioners with the sixty (60) uses within that zone and as part of that review including small business within the Bothwell area (RR-5 zones) could be included. **Commissioner Bonnie Robinson** agreed that may be direction to take with the review of this RR-5 zone.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to Table this application for a home occupation in order for the uses to be reviewed in the five acre zone; Motion seconded by **Commissioner Kevin McGaha**.

Chairman Chad Munns noted that this area of Bothwell (RR-5) is more agricultural uses and this use may be more suited for [small] businesses such as this that may not be suitable for more densely populated areas such as the RR-1-20 (one-half acre zones). *Attorney Steve Hadfield* stated that this current application is still for a Home Occupation and may need to be changed [to a small business] even if the use were to be allowed with any change in the RR-5 zone. If it were to still be a home occupation then the restrictions and guidelines for a home occupation would need to be changed. Staff agreed saying that either a new application would be needed or the original application would need to be amended. After some discussion by Staff, the commissioners and the county attorney, it was decided that the applicant could return and amend his original application from a home occupation to a small business and he would not have to be charged additional application fees.

MOTION: A Motion was then made by **Commissioner Kevin McGaha** to amend the original Motion to Table the current application with the option of the applicant to amend his original application based on the results of the RR-5 zoning review. Motion was seconded by **Commissioner Michael Udy** and passed unanimously.

WORKING REPORTS

Chairman Chad Munns asked that Staff include in the April agenda a pending ordinance to addresses the sixty (60) uses within the RR-5 and RR-5* (Modified) zones so that any new application that may be submitted within that area would be subject to the pending ordinance regulations. **Commissioner Bonnie Robinson** also asked that some training be provided to the

commissioners in regards PUDs and where they are allowed. If changes were to be made to PUDs then this would also classify as a pending ordinance.

Staff noted that the changes to the sixty (60) [more or less] uses in the RR-5 zone would be included in the April 2015 agenda and set for a public hearing at that same time. Any residents of the RR-5 area would be welcomed to attend this meeting. There are currently several other businesses that are in the RR-5 zone areas and need to be looked at also.

March is the time for the re-election of the Planning Commission Chairperson. **Commissioner Michael Udy** made a nomination for **Chad Munns** as the Chairman, seconded by **Commissioner Kevin McGaha** and resulted in the majority vote for **Chad Munns** as Chairman for the 2015-2016 year. A nomination for **Commissioner Desiray Larsen** as the Planning Commission Vice Chairperson was made by **Commissioner Michael Udy**, seconded by **Commissioner Kevin McGaha** and the vote was unanimous for **Desiray Larsen** as the Vice-Chairperson for the 2015-2016 year. It was also noted that **Commissioner Bonnie Robinson's** term on the planning commission was expiring this month and she would need to be re-appointed if interested in continuing to serve on the commission. **Ms. Robinson** said she would like to continue as a commissioner on the planning commission and Staff would present her name to the County Commissioners to be re-appointed to a three year term of service.

PUBLIC COMMENTS

Ms. Tamera Newman asked about the condition of the road associated with 12000 North as it is a gravel road currently. Staff said that the applicant is working with the road department on that issue. **Ms. Newman** was also concerned with the PUD in the RR-5 acre area of Harper Ward and who would own the upper portion of this development; was also concerned with the open space and any accidents that may happen with recreation or wild animals and who would be liable in such cases.

Ms. Brenda Sagers stated that people purchasing property in this proposed PUD would only be purchasing the property where the home was located and not any additional acreage higher up so how could the homeowner be liable for whatever happened on property they did not own. *County Attorney Steve Hadfield* said that this excess acreage could be dedicated to the county with an easement across one of the lot to gain access. Staff also noted that it could be owned by a corporation or HOA associated with the PUD.

Mr. Jim Flint, representing the developer for this PUD, said that he had seen the issue regarding the excess property handled in various ways where other PUDs were done. As one example a development occurred where the homes were build on the upper portion of rolling hills and the lower portion was continued to be used as agricultural by a farmer. Other examples were that the property was assigned to an HOA, deeded to the county or the developer continued ownership. In this particular case it would be whatever the county thought would be best for the area. In the particular PUD the county could say that they wanted possession with the developer dedicating easement on one of the lots for future access if the Bonneville Trail were to continue to this area. **Mr. Flint** then compared this PUD with that of the proposed Riverbend Estates development in the Riverside area. The overall purpose of a PUD is to keep open space or prime agricultural land available. Oftentimes people are not able to maintain larger parcels, such as 3,

4, and 5 acres and they result in weed patches. The main purpose of a PUD is to be able to create a maintainable cohesive neighborhood and allow for continued farming or open space.

A **Motion** was made to adjourn at 8:29 p.m., unanimous.

Passed and adopted in regular session this 16th day of April 2015.

Chad Munns, Chairman
Box Elder County
Planning Commission