

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES August 28, 2014

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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 constituting a quorum:

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

### The following citizens were present:

Tim T. Munns/Hansel Valley	Thayne Hupp/Hansel Valley
J. Golden Ward/Hansel Valley	Rod Arbon/Snowville
Keith Oman/Snowville	Jared Holmgren/Bear River City
Melanie Holmgren/Bear River City	Dakota Hawks/Murray
Ellen Cook/Leader Newspaper	Becky Poppe/Portage
Shain Stoddard/W. Bountiful	

The Minutes of the July 17, 2014 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jay Christensen** to accept the Minutes as written; seconded by **Commissioner Laurie Munns** and passed unanimously. Also, the Minutes of the Planning Commission Work Session held on August 12, 2014 at the Snowville Town Hall were reviewed and a **Motion** was made by **Commissioner Laurie Munns** to accept the Minutes with the addition of *Dennis Poulsen* as an attendee at the Snowville Town Hall. Motion was seconded by **Commissioner Desiray Larsen** 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.

## **TEXT AMENDMENT, BOX ELDER COUNTY, AMENDMENT TO THE BOX ELDER COUNTY LAND USE MANAGEMENT CODE, SECTION 6-1-060; TO CLARIFY THE LANGUAGE REGARDING THE SALE OF LAND AND TO ALIGN WITH THE STATE CODE.**

Staff explained that the Box Elder County Commission has requested that an amendment to the BECLUM&DC be made in order to align the County Code with that of the State Code which addresses the sale of illegally subdivided parcel. Several years ago, parcels in the western part of the County were being sub-divided illegally [without going through the subdivision process with the County]. Many of these parcels were subdivided into lots that did not conform to the assigned zoning in the area, i.e. 160 parcels being broken into ½ to 1 acre lots. This text amendment would make it easier for the County to regain ownership of these parcels at a tax sale and [hopefully] be able to combine them together again for a legal sale by the County. No comments were received and a Motion was made by **Commissioner Desiray Larsen** to close the hearing, seconded by **Commissioner Bonnie Robinson** and passed unanimously.

**Z14-006, SHAIN STODDARD, REZONE. RE-ZONING OF PROPERTY LOCATED AT APPROXIMATELY 24965 NORTH 6000 WEST IN THE PORTAGE AREA OF BOX ELDER COUNTY FROM UN-ZONED TO MG-EX ZONE TO ALLOW FOR AGGREGATE MINING ON APPROXIMATELY 462 ACRES. (FILED 7-21-2014)**

This applicant was requesting a re-zone of approximately 462 acres in the Washakie/Portage area in order to remove gravel materials for construction work being done at the Washakie Renewable Energy site. *Becky Poppe*, from Washakie, said that this area has been used in the past for gravel excavation in building the freeway and that the area is surrounded by agricultural uses. No other comments were received and a Motion was made by **Commissioner Laurie Munns** to close the hearing, seconded by **Commissioner Jay Christensen** and passed unanimously.

**UNFINISHED BUSINESS**

**Z14-003, TECHNOLOGY ASSOCIATES; DAKOTA HAWKS PETITION TO AMEND THE BECLUM&DC TO ALLOW CELLULAR TOWERS IN THE RR-5\* (5 ACRE MODIFIED RURAL RESIDENTIAL ZONE) IN THE BOTHWELL AREA OF BOX ELDER COUNTY. (FILED 6-10-2014)**

Staff explained that this petitioner was requesting an amendment to the BECLUM&DC that would allow cellular towers in the RR-5\* (modified) zone located in the Bothwell area. A public hearing was held at the July 17, 2014 meeting of the Planning Commission and there were no comments for or against this amendment change. *Dakota Hawks*, from Technology Associates, told the commissioners that the area that is being leased for this cell tower is located within the RR-5\* zone, which currently does not allow for such uses. The reasoning behind the two zones [RR-5 and RR-5\*] was not known and there are only about nine variations in the uses between the two. Staff said that with this petition, it would be a good time to review the zones to see if combining them would be recommended. *Mr. Hawks* had also made application for a Conditional Use Permit, but in order to move forward with that the amendment to the Code needed to be completed. He further said that he has started ordering the environmental studies necessary for the placing of the tower. **Commissioner Jay Christensen** said that this is probably a good time to combine the two zones and **Commissioner Laurie Munns** mentioned that since there were no objects or concerns at the public hearing, combining the two would make sense. Staff then said that the text amendment could be made to allow for the cell towers under a CUP in the RR-5\* [modified] and then the commissioners could work on combining the two zones together as another public hearing would be necessary with combining all of the uses in the two zones as either not allowed, permitted or conditional. At the conclusion of the discussion the following motion was made.

**MOTION:** A Motion was made by **Commissioner Michael Udy** to forward a recommendation of approval for the text amendment to the County Commission to allow cellular towers in the RR-5\* modified zone as a conditional use. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

**TECHNOLOGY ASSOCIATES; CUP14-003, INSTALLATION OF WIRELESS COMMUNICATION FACILITY LOCATED AT APPROXIMATELY 11483 WEST 12000 NORTH IN THE BOTHWELL AREA OF BOX ELDER COUNTY. (FILED 6-10-2014)**

The applicant was requesting a conditional use permit for the construction of a cellular tower to be located on a 25 acre leased parcel in the Bothwell area. An amendment to the BECLUM&DC had also been applied for and was recommended to be forwarded to the County Commission for their action at this meeting. This amendment will allow cellular towers as a conditional use in the RR-5\* modified zone.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to approve the Conditional Use Permit for Technology Associates pending the passing of the text amendment by the County Commissioners. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

**Z14-002, ZONING MAP/ORDINANCE-GENERAL PLAN AMENDMENT, RANDY MOULDING, RE-ZONE 2200 ACRES OF PROPERTY LOCATED APPROXIMATELY 8 MILES SOUTHEAST OF SNOWVILLE, TO MSW ZONE TO CREATE A CLASS I LANDFILL OPERATION. (APPLIED 4-18-2014).**

Regarding this application, Staff informed the Commissioners that a letter had been received from the applicant's attorney.<sup>i</sup> The letter was then read to the commissioners. In the letter, it was requested that this application be tabled without date. **Commissioner Bonnie Robinson** was concerned with the reference to "without date" and asked if there is something in the BECLUM&DC that would address the date request. Staff said that there is probably something in the Code that puts a time limit on an application if no work or progress is done over time, but would research to find the exact wording/requirements. **Commissioner Bonnie Robinson** then asked if a date could be added to the motion in tabling the application and *County Attorney Steve Hadfield* said that it would be best to follow whatever is found in the Code. **Commissioner Laurie Munns** then asked that the letter from Barnett Intermountain Water Consulting (to Steve Styler) also be included in these Minutes.<sup>ii</sup>

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to follow the request of the applicant and his attorney to Table this application without date and direct Staff to review the Code to determine what restrictions [in regards to a date deadline] may be applicable to tabling this application. Motion seconded by **Commissioner Jay Christensen** and passed unanimously.

**NEW BUSINESS**

**TEXT AMENDMENT, BOX ELDER COUNTY, AMENDMENT TO THE BOX ELDER COUNTY LAND USE MANAGEMENT CODE, SECTION 6-1-060; TO CLARIFY THE**

**LANGUAGE REGARDING THE SALE OF LAND AND TO ALIGN WITH THE STATE CODE.**

Staff explained that this amendment to the BECLUM&DC would change the language and align the county's code with that of the State Code. This change to 6-1-060. (Compliance Required.) B would then read: *"An owner of land not subdivided in accordance with applicable State law and/or County ordinance shall not transfer, sell, or offer for sale such land, nor shall a building permit be issued....."* Additional language would be added as 6-1-060.F, *"The county may bring an action against an owner to require the property to conform to this code as provided under state law. (Utah Code 17-27a-611)."*

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval for the text amendment to the BECLUM&DC Section 6-1-060; Compliance Required, to the County Commission for their action. Motion seconded by **Commissioner Desiray Larsen** and passed unanimously.

**Z14-006, SHAIN STODDARD, REZONE. RE-ZONING OF PROPERTY LOCATED AT APPROXIMATELY 24965 NORTH 6000 WEST IN THE PORTAGE AREA OF BOX ELDER COUNTY FROM UN-ZONED TO MG-EX ZONE TO ALLOW FOR AGGREGATE MINING ON APPROXIMATELY 462 ACRES. (FILED 7-21-2014)**

**Commissioner Laurie Munns** said that she was concerned with the entire 462 acres being re-zoned and what portion would be excavated at any given time. The applicant, *Shain Stoddard*, said that only a small portion of about five acres would be open at any given time and that a five year plan would be submitted for the project. **Commissioner Bonnie Robinson** had concerns about the smaller portion of the parcel that was located on the western part of the freeway and asked if that area could be left out of the re-zone altogether. **Chairman Chad Munns** said that if the land does not have any gravel it would not be excavated and that area is currently used as pasture. It was further noted that there were no comments during the public hearing portion of this meeting and the applicant would still need to apply for a Conditional Use Permit and have a plan to accompany the project.

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to forward a recommendation of approval to the County Commissioners for the re-zone application of Shain Stoddard. Motion seconded by **Commissioner Jay Christensen** and was unanimous.

**CREATION OF AN AGRICULTURE PROTECTION AREA; PROPERTY OWNERS: GREG JOSEPH HOLMES, BENJAMIN WILEY, ETUX, ROY L. ANDREASEN, ETUX, AND JERRY F. NELSON FOR PARCELS 04-041-0033 (21.88 ACRES), 04-041-0027 (1 ACRE), 04-041-0032 (47.82 ACRES), 04-041-0020 (1.28 ACRES), 04-041-0001 (116.96 ACRES), 04-041-0022 (21 ACRES), AND 04-032-00007 (28.01 ACRES). A COMPLETE DESCRIPTION OF THE PROPERTY IS AVAILABLE IN THE BOX ELDER COUNTY CLERK'S OFFICE. (FILED 6-16-2014)**

These petitioners have requested an ag-protection area for their properties located in a current A-20 zone (agricultural 20 acres) approximately 1.5 miles north of Corinne City and west of I-15. The proposed protection area would cover 237.95 acres. The application starts with the Clerk's office and the Planning Commission needs to make a recommendation to the County

Commission. A public hearing will be held at the county commission level. As this property is used for crops, hays production, etc. and there are no homes located in the area, the owners are requesting the ag-protection for possible future nuisance complaints from any homeowners. There are no county roads that would be affected by this action.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval for the creation of an Agriculture Protection Area, as requested by the landowners, to the County Commission. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

## **WORKING REPORTS**

Staff talked about the recent site visit to Hansel Valley and the work session that was held that same night at the Snowville Town Hall. Mention was made of the Ordinance 319 which set the criteria for municipal solid waste zones (landfills) and also the follow-up Ordinance 350 which was passed with the intention of having corridors in place in the County for landfills. However at the time Ordinance 350 was passed the important work of establishing corridors was never done. During the work session held on August 12, 2014 it was suggested that a third party firm be hired by the Planning and Zoning Department to help in determining where these corridors should be placed. The members of the planning commission would be able to suggest criteria for the setting of these corridors and felt it would be pertinent for staff to move forward in contacting and interviewing some outside firms for the work. It was noted that the County Commission would have the ultimate responsibility of adopting any suggested corridors. **Commissioner Jay Christensen** suggested that there could be some studies that were done in the past concerning landfills in the White's Valley area and at Little Mountain and Promontory that could come in as helpful during this process. Staff said that once a firm had been selected another work session could be held in order for the planning commissioners to meet with them and [could] possibly also have a public meeting where input would be taken from citizens. However, Staff said that it would be a concern that the firm be inundated with comments and that the public should not direct for or against a particular area of the county. **Commissioner Laurie Munns** also said that it would be important for the planning commission to be updated, possibly on a quarterly basis, as to what was happening with the establishment of any corridor recommendations by this third party firm.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to direct Staff to begin the process of contacting third party firms that have experience in looking for suitable areas within jurisdictions for Municipal Solid Waste Zones and receiving bids to consider for this project. Motion was seconded by **Commissioner Michael Udy** and was passed unanimously.

**Chairman Chad Munns** spoke with the planning commissioners and staff regarding some of his recent travels to other areas of the country and was concerned with several advertisements for sexually oriented businesses that he had seen and wanted to know if Box Elder County had any such ordinances to govern these types of businesses. If not, then consideration should be given to get something passed that would place restrictions as to types and locations of any SOB that might be applied for in the future. Staff said the issue would be looked into as well as any State laws governing and other counties in the state that may have such ordinances.

## **PUBLIC COMMENTS**

**Mr. Tim Munns of Hansel Valley** was concerned with the wording in the letter from **Mr. Randy Moulding's** attorney that left the date of the tabling the application open. He also felt that it was important for the county to move forward in establishing corridors as mentioned in Ordinance 350. Staff said that if no work is done on **Mr. Moulding's** application it would become void after a six month period of inaction. *County Attorney, Steve Hadfield* said that as long as there is evidence of work being done involving this application (such as studies in the area of the proposed landfill) it could be suspended for quite some time.

**Mr. Rod Arbon** asked if when Ordinance 350 was passed by the county commissioners, weren't Little Mountain and Promontory established as corridors. He was also concerned about the difference between private and public landfills. *County Attorney, Steve Hadfield* said that it was entirely an oversight by the county in establishing corridors as mentioned in the 350 ordinance that passed in 2011.

**Ms. Melanie Holmgren** asked what would constitute as work being done at the landfill site. Could just digging a hole be concerned as work? Digging a hole would not be considered viable work towards the landfill and that could not be done without first having approved the application.

**Mr. Tim Munns** then asked if it would be advisable for the citizens concerned about this application to attend the meetings in the future and was told that unless the item was on the agenda it would not be discussed and the agendas are noticed in the newspapers and on Web pages for the county and state. However, they are welcome to attend any meetings that they choose.

A **Motion** was made to adjourn at 8:28 p.m., unanimous.

Passed and adopted in regular session this 18<sup>th</sup> of September 2014.

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Chad Munns, Chairman  
Box Elder County  
Planning Commission

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- i Letter from Mike Malmborg, Attorney for Randy Moulding
  - ii Letter from Barnett Intermountain Water Consulting to Steve Styler