

BOX ELDER COUNTY PLANNING COMMISSION MINUTES OCTOBER 20, 2011

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	Excused
Desiray Larsen	Excused
Kevin McGaha	Excused
Michael Udy	Member
Bonnie Robinson	Member
Jay Christensen	Member
Laurie Munns	Member

the following Staff was present:

Kevin Hamilton	Director
Elizabeth Ryan	Ex. Secretary
Scott Lyons	Planner
Steve Hadfield	Co. Attorney

The following citizens were present:

Arin Zerkle/Brigham City	Kenneth Davis/Corinne
Diana Davis/Corinne	Craig Adams/Logan
Stephen Adams/Garland	Bruce R Baird/Salt Lake City

Acting Chairman Laurie Munns called the Planning Commission meeting to order at 7:09 p.m. The Minutes of the September 15, 2011 meeting 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 Michael Udy** and passed unanimously.

PUBLIC HEARINGS

Acting Chairman Laurie 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 questions/answer time.

DAVIS DAIRY SUBDIVISION, SS11-008, SIX LOT SUBDIVISION LOCATED AT APPROXIMATELY 4000 NORTH 6964 WEST, IN THE CORINNE AREA OF BOX ELDER COUNTY.

This six-lot subdivision is located west of Corinne where the zoning is RR-20. Each lot is approximately .90 acres. The petitioner, Ken Davis asked the Planning Commission about the size of the water line that was required by the County as the West Corinne Water District had given different requirements and said that the size would be determined by the County. With some discussion between the Planning Commission members and Staff the conclusion was that the Water District would be the ones to determine the size of the water line that would be

necessary for this subdivision. No other comments were received and the public hearing was closed with a Motion by **Commissioner Jay Christensen**, seconded by **Commissioner Bonnie Robinson**, unanimous.

IBERDROLA RENEWABLES, INC., CUP11-011, INSTALLATION, OPERATION, AND REMOVAL OF TEMPORARY METEOROLOGICAL TOWERS TO BE LOCATED ON PARCELS 08-056-0003, 07-001-0002, AND 07-001-0042 IN BOX ELDER COUNTY.

This petition is for the installation of three MET towers to be located in the Plymouth area of the County, which is currently un-zoned. It was not necessary for the Planning Commission to take any action regarding approval of this application; however it had been placed on the Public Hearing agenda. No comments were received during the hearing and a Motion was made by **Commissioner Michael Udy** to close the hearing; seconded by **Commissioner Jay Christensen**, unanimous.

UNFINISHED BUSINESS

BEAR HOLLOW RANCH, SS11-007, PROPOSED NINETEEN (19) LOT SUBDIVISION AT PRIVATE WATER PARK LOCATED AT APPROXIMATELY 15000 NORTH 4000 WEST, NORTHEAST OF GARLAND IN BOX ELDER COUNTY. (PRELIMINARY APPROVAL)

County Planner, Scott Lyons, informed the Commissioners that the recommendations that had been placed on this subdivision have been met by the petitioner(s). Each of the nineteen (19) lots will be serviced by a private well and each lot will need to have a perk test from the Health Department performed for the septic system. Therefore, it was recommended that this be given final approval and forwarded to the County Commission for their review and approval.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to grant Final approval to the Bear Hollow Ranch 19-Lot Subdivision with the conditions as outlined by Staff and other recommendations and requirements of the County Engineer, County Road Department, and safety officials. Motion was seconded by **Commissioner Jay Christensen** and passed unanimously.

Conditions of Approval:

1. Compliance with Article 6-1, Subdivisions, of the Box Elder Land Use Management & Development Code.
2. Compliance with Article 5, Regulations of General Applicability, of the BECLUM&DC.
3. Compliance with requirements of the Box Elder County Engineer, County Surveyor, County Roads Supervisor, and Bear River Health Dept.
4. Requirements of the Bear River Health Dept:
 - a. Wells must be dug and approved prior to approving individual building lots.
 - b. On the final plat it is recorded that a perk test must be done on each individual lot.
5. Requirements of the Box Elder County Engineer (see attachment A)
6. Compliance with all applicable county, state and federal laws regulating the proposed use, including all current licenses, permits, etc.

WASHAKIE RENEWABLE ENERGY, LLC. SITE PLAN REVIEW FOR A COMMERCIAL BIODIESEL PLANT LOCATED AT APPROXIMATELY 7950 WEST 24000 NORTH IN THE PLYMOUTH AREA OF BOX ELDER COUNTY.

County Planner, Scott Lyons explained to the Planning Commission that this application was tabled at the September meeting in order to allow the petitioner to meet with and address some of the concerns and conditions that had been set by the county engineer, the fire official, road supervisor, zoning administrator and the health department. The site plan has now been updated in accordance with the county engineer's requests; the health department's requests; and a storm water prevention plan has been submitted to the county engineer. It was then recommended that this new site plan be given approval with some specific requirements as outlined:

- a. Compliance with Article 5-1 of the BECLUM&DC
- b. Compliance with Article 2-2-110, Site Plan Review, of the BECLUM&DC
- c. Compliance with the requirements and recommendations of the County Engineer, County Fire Marshal, Zoning Administrator, Health Department, and Roads Supervisor.
- d. That an agreement be made between the applicant and the County regarding roadway improvements and the cost share of said improvements.
- e. Per Box Elder County Code 2-2-110(D)(3) no further site improvement shall be undertaken prior to issuance of a site plan permit.
- f. Compliance with all applicable county, state and federal laws regulating the proposed use, including all current licenses, permits, etc.

Commissioner Laurie Munns asked if tonight's action was to grant approval for what has already been built at the site, to which *Kevin Hamilton* replied that the structures that had been built without approval would remain in violation until all of the conditions set forth had been met. Any further expansion would need to be applied for with a new site plan to be reviewed by the County before any construction began. A representative from Washakie addressed the Planning Commission saying that one of the problems that they have had in getting this site plan approved is the lack of County personnel. They realized that building had taken place without the proper approval from the County, but in trying to get approval they have had a difficult time in getting their fire suppression system approved; they have had difficulty in meeting with and working with the county road's department. There was some concern that they would have to wait to get all of these approvals before being able to pour cement for some new buildings before the weather turns bad. A final inspection of the fire system is scheduled for this coming Monday, but they have had a difficult time getting in touch with the County Fire Marshal. They have met with the road's department and a verbal agreement was made with both parties covering a part of the cost of the improvement to the road; however the road supervisor was going to let them know the final decision and costs. Washakie did hire the county road department to perform the necessary work to bring the road to the recommended standard of the County, but that has proven not to be the case now. They feel that they have tried to meet the requirements of the County, but seem still not to be in compliance. *Kevin Hamilton* then said that he would be happy to assist this petitioner in working with and getting together with the other departments as necessary for this approval to be given on the Site Plan. At the conclusion of the discussion the following motion was made.

MOTION: A Motion was made by **Commissioner Jay Christensen** to grant approval for this Site Plan with the conditions as outlined by Staff, and with the understanding that no further developments/buildings would take place until a proper new site plan or conditional use permit had been applied for. Motion was seconded by **Commissioner Michael Udy** 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 2-2-110, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
3. Compliance with requirements and recommendations of County Engineer, Building/Fire Official, Road Supervisor, Zoning Administrator, and Health Department.
4. Compliance with requirements and recommendations of the County Road Supervisor in that the applicant must provide documentation that an agreement regarding roadway improvements has been reached.
5. The applicant must provide documentation stating that the fire system has been tested and approved by the County or State Fire Marshal.
6. Per Box Elder County Land Use Management & Development Code 2-2-110.D.3 no further site improvement shall be undertaken prior to issuance of a site plan permit.
7. Compliance with all applicable county, state and federal laws regulating the proposed use, including all current licenses, permits, etc.

NEW BUSINESS

DAVIS DAIRY SUBDIVISION, SS11-008, SIX LOT SUBDIVISION LOCATED AT APPROXIMATELY 4000 NORTH 6964 WEST, IN THE CORINNE AREA OF BOX ELDER COUNTY.

Staff recommended granting preliminary approval for the Davis Dairy Subdivision subject to conditions set forth. It was suggested that the petitioner work with the water district to come to an agreement regarding the size of the lines that need to be installed and if sprinklers will be necessary in the proposed homes to be built. The county building inspector could also help them with the current code and if sprinklers will be necessary in the homes.

MOTION: A Motion was made by **Commissioner Michael Udy** to grant Preliminary approval to the Davis Dairy Subdivision with conditions as outlined by staff; seconded by **Commissioner Bonnie Robinson** and passed unanimously.

Conditions of Approval:

1. Compliance with Article 5-1 of the BECLUM&DC.
2. Compliance with Article 6-1, Subdivisions, of the BECLUM&DC.
3. Compliance with the requirements and recommendation of the County Engineer, County Surveyor, and County Roads Supervisor.
 - a. The County Engineer has requested that it be noted on the final plat that access across 4000 North will be the responsibility of the landowners as to how the driveways will cross the existing ditch located there [in accordance with the requirements of the ditch company].
 - b. Compliance with the County Surveyor to include that a narrative be included on the final plat and the plat drawn to a scale of 1 inch to 100 feet, and that the monuments used to survey this subdivision can be located.

IBERDROLA RENEWABLES, INC., CUP11-011, INSTALLATION, OPERATION, AND REMOVAL OF TEMPORARY METEOROLOGICAL TOWERS TO BE LOCATED ON PARCELS 08-056-0003, 07-001-0002, AND 07-001-0042 IN BOX ELDER COUNTY.

No action needed to be taken on this petition by the Planning Commission, as it is an

administrative approval.

WORKING REPORTS

Staff is working on revising and updating the **Sign Ordinance** of the BECLUM&DC and also a text amendment regarding **Accessory Dwelling Units** and a work session was scheduled for Thursday, November 3, 2011 at 6:00 p.m. to review these two topics. A notice of reminder would be sent out and the commissioners were encouraged to attend.

PUBLIC COMMENTS – NONE

A **Motion** was made to adjourn at 8:05 p.m., unanimous.

Passed and adopted in regular session this 17th day of November 2011.

Chad Munns, Vice Chairman
Box Elder County
Planning Commission