

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JUNE 15, 2023

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:

Roll Call

Mellonee Wilding	Chairman
Jared Holmgren	Vice-Chair
Lonnie Jensen	Member
Steven Zollinger	Excused
Bonnie Robinson	Excused
Jed Pugsley	Excused
Jennifer Jacobsen	Member
Vance Smith	Excused

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Stephen Hadfield	County Attorney
Boyd Bingham	Excused
Diane Fuhriman	Executive Secretary

Chairman Mellonee Wilding called the meeting to order at 7:00 p.m.

The Invocation was offered by **Commissioner Jennifer Jacobsen**.
Pledge was led by **Commissioner Jared Holmgren**.

The following citizens were present & signed the attendance sheet.

No citizens were in attendance

The Minutes of the May 18, 2023 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jared Holmgren** to approve the minutes as written. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

UNFINISHED BUSINESS

ALPINE SPRING ESTATE SUBDIVISION, SS22-020, Request for preliminary approval for a 19 lot subdivision located at approximately 300 West 100 South in the Fielding area of Unincorporated Box Elder County. ACTION

Staff explained the preliminary plat was first presented to the Planning Commission in July 2022. The existing parcel is 70.47 acres in size. Nineteen new lots are being proposed over multiple phases. The new lots are between 0.5 and 0.73 acres in size. Upon review, the item was tabled for up to six months due to issues with several lots not meeting development requirements based on FEMA floodplain issues. The applicant was notified of the floodplain issues in May, July, and September. The request came back before the Planning Commission in December 2022 and was once again tabled for up to 6 months. The applicant stated at that time they have been working

with FEMA but the floodplain issues have yet to be resolved. Staff has not received any updates since December 2022 and has requested feedback from the developer via email. The applicant replied they are still working with FEMA and will keep staff posted when something comes up.

Staff explained the actions the Planning Commission can take at this time. The plat can be tabled again and wait to see if there are any updates with the issues the request has. The Planning Commission may also deny the preliminary plat based on the plat as currently proposed, does not comply with county development standards; and that modifications may be made to bring it into conformance with the County Land Use Management & Development Code but staff has not seen those modifications to date.

Commissioner Mellonee Wilding asked how much communication has been received by staff between July and December. Staff said the applicant has responded to communication when asked but has not initiated any communication. **Commissioner Wilding** said the lack of action is the biggest issue for her. She is inclined to have them come back when they are ready.

Commissioner Jared Holmgren stated where they have not initiated any contact, we do not know if this request is dead in the water.

MOTION: A Motion was made by **Commissioner Jennifer Jacobsen** to deny application SS22-020, a preliminary plat for Alpine Spring Estates Subdivision based on the following findings of staff: **a.** The plat as currently proposed does not comply with county development standards; **b.** Modifications to the proposed preliminary plat may be made to bring it into conformance with the County Land Use Management & Development Code, some modifications are known at this time, some are not as they are dependent on the result of the applicant's outcome with FEMA **c.** Lack of progress with the following conditions being met. 1) Submission of a water will-serve letter prior to Phase 2 final plat application, 2) Submission of an approved Letter of Map Amendment from FEMA for the removal of the floodplain burdening Lots 3-6 and 17-19. 3) Submission of an updated feasibility letter from the BRHD. 4) Compliance with all BRHD comments. 5) Submission of proposed secondary water ownership and distribution. 6) Compliance with all County Staff reviews and comments. 7) Compliance with Article 5 Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code. 8) Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code. 9) Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

PUBLIC HEARINGS

ORDINANCE TEXT AMENDMENT, Z23-010, Request for a text amendment to several Sections of Chapter 2-2, Administrative & Development Review Procedures of the Box Elder County Land Use Management & Development Code to update noticing requirements to be in compliance with new State legislation.

Staff explained the Planning Commission will need to determine if this request meets the following review standards from Section 2-2-080 of county code.

- A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The County's General Plan does not specifically deal with noticing requirements.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** This text amendment would apply to all areas of unincorporated Box Elder County. The proposed amendment should be harmonious with the overall character of existing development.
- C. The extent to which the proposed amendment may adversely affect adjacent property;** The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** The proposed text amendment should not have an effect on the adequacy of facilities and services.

Staff explained state code recently changed and this text amendment would bring the county into compliance. State code now requires noticing to the property owner by posting the notice on the property, specifically to re-zones, road vacates, and easements. This would apply to all areas of unincorporated Box Elder County.

(See Attachment No 2 – Notice Updates.)

The public hearing was then opened for comments. There were no comments.

Hearing no comments, a motion was made by **Commissioner Jared Holmgren** to close the public hearing on Ordinance Text Amendment, Z23-010. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

ACTION

MOTION: A Motion was made by **Commissioner Jared Holmgren** to forward a recommendation of approval to the County Commission for application Z23-010, a request for a text amendment to several Sections of Chapter 2-2, Administrative & Development Review Procedures of the Box Elder County Land Use Management & Development Code and adopting the conditions and findings of staff . The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

CONDITIONS:

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. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

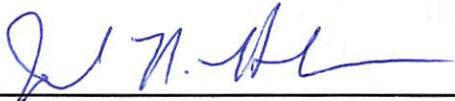
NEW BUSINESS - NONE

WORKING REPORTS - NONE

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Jared Holmgren to adjourn commission meeting. The motion was seconded by Commissioner Jennifer Jacobsen and meeting adjourned at 7:12 p.m.



Jared Holmgren, Vice-Chair
Box Elder County Planning Commission

2-2-050-B. Public Notice Classifications and Requirements ~~Required Notice of Public Hearing~~: Notices for applicable public hearings or public meetings shall comply with Section 63G-30-102 Title 17 Chapter 27a Part 2 of the Utah Code; and more particularly:

- A. Class A Notice shall be published on the Utah Public Notice Website, the Official Box Elder County Website, and the affected area.
 - 1. If the affected area is the unincorporated area of Box Elder County, the public notice will be posted at the County building.
 - 2. If the affected area is a public street, the public notice will be posted on or adjacent to the public street.
 - 3. If the affected area is an easement, the public notice will be posted on or adjacent to the easement; or in a public location that is reasonably likely to be seen by persons who are likely to be impacted by the easement.

- B. Class B Notice shall be published on the Utah Public Notice Website, the Official Box Elder County Website, and the affected area.
 - 1. For ordinance text amendments the area directly affected shall be the unincorporated area of Box Elder County and the public notice will be posted at the County building.
 - 2. For zoning map amendments, the area directly affected shall be the parcel(s) or lot(s) that have petitioned for the amendment. The public notice will be posted on the property that has petitioned for the amendment. In addition, the private real property owner and adjacent property owners to the proposed amendment will be sent a courtesy notice.

2-2-070-D-4. General Plan Amendment.

4. The County shall give a Class A notice ~~and hold a public hearing~~ on the proposed amendment as provided in Section 2-2-050 of this Code and Utah Code 17-27a-204 as amended.

- a. Each notice of a public hearing shall be at least ten (10) calendar days before the public hearing.
- b. Each notice of a public meeting shall be at least twenty four (24) hours before the meeting.

2-2-080(D3)(D4). Zoning Map and Text Amendments.

3. The County Planning Commission shall give a Class A or a Class B notice ~~and hold a public hearing~~ on the proposed amendment as provided in Section 2-2-050 of this Code and Utah Code 17-27a-205 as amended. ~~Following the public hearing and review of the application the Planning Commission shall thereafter submit its recommendation for approval, approval with modifications, or denial thereof to the County Commission.~~

- a. Each notice of a public hearing shall be mailed to each affected entity and be noticed as a Class B notice for at least ten (10) calendar days before the day of the public hearing.
- b. Each notice of a public meeting shall be at least twenty four (24) hours before the meeting and shall be published as a Class A notice.
- c. A Class B notice shall be given to the owner of private real property whose property is located within the proposed zoning map enactment or amendment at least ten (10) calendar days

before the scheduled day of the public hearing, as provided in Section 2-2-050 of this Code and Utah Code 17-27a-205-5 as amended.

- d. A Class B notice shall be given to adjacent property owners to a proposed zoning map amendment as provided in Section 2-2-050 of this Code.

4. ~~Following receipt of a recommendation from the Planning Commission, the County Commission may hold a public hearing on the application as provided in Section 2-2-050 of this Chapter and Utah Code 17-27a-205 as amended.~~ Following the public hearing and review of the application the Planning Commission shall thereafter submit its recommendation for approval, approval with modifications, or denial thereof to the County Commission. After due consideration of the recommendation from the Planning Commission, the County Commission may approve, approve with modifications, or deny the proposed amendment in a public meeting. (Ordinance 392)

2-2-100(D2)(D4). Conditional Use Permits.

2. After the application is determined to be complete, the Zoning Administrator shall give schedule a Class A notice of a public meeting hearing before the Planning Commission- as provided in Section 2-2-050 of this Chapter.

4. The Planning Commission shall hold a public meeting hearing regarding the application. After due consideration the Planning Commission shall approve, approve with conditions, or deny the application if the standards of the applicable ordinances cannot be mitigated, and the approval standards set forth in Section (E) cannot be met through the imposition of conditions based on those standards.

2-2-120-E-6. Site Plan Review.

6. The Planning Commission shall give a Class A notice of hold a public meeting pursuant to Section 2-2-050 of this Code and after due consideration shall approve, approve with conditions, or deny the application pursuant to the standards set forth in below:

- a. Any conditions of approval shall be limited to conditions needed to conform the site plan to approval standards.
- b. In the case of a conceptual site plan for a planned development, Planning Commission approval shall not be effective unless and until a corresponding Planned Unit Development Overlay or the Planned Community Overlay zone is approved by the County Commission.

2-2-130-D-2. Variances.

2. After the application is determined to be complete, the Zoning Administrator shall give a Class A notice of schedule a public meeting before the Hearing Officer as provided in Section 2-2-050 of this Code.

2-2-150-D-5. Nonconformities.

5. The County shall give a Class A notice of a public meeting. ~~The Hearing Officer shall hold a public meeting and~~ After due consideration the Hearing Officer shall approve, approve with conditions or deny the application pursuant to the standards set forth in Section 2-2-150(E) of this section. Any conditions of approval shall be limited to conditions needed to conform the nonconformity, its expansion or modification to approval standards.

2-2-160-D-4. Temporary Use Permit.

4. The Planning Commission shall give a Class A notice of ~~hold~~ a public meeting ~~hearing~~ regarding the application pursuant to Section 2-2-050 of this Code. After due consideration the Planning Commission shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Section 2-2-160(E) of this section.

2-2-190-D-2. Appeal of Administrative Decision.

2. After an application is determined to be complete, the Zoning Administrator shall give a Class A notice and schedule a public meeting before the Hearing Officer as provided in Section 2-2- 050 of this Chapter. Prior to the meeting the Zoning Administrator shall transmit to the Hearing Officer all papers constituting the record of the action which is appealed.