

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES NOVEMBER 21, 2019

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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 by a roll call, constituting a quorum:

| <i>Roll Call</i> |            | <i>the following Staff was present:</i> |                   |
|------------------|------------|---|-------------------|
| Laurie Munns     | Chairman   | Scott Lyons                             | Comm Dev Director |
| Mellonee Wilding | Vice-Chair | Marcus Wager                            | County Planner    |
| Kevin McGaha     | Member     | Steve Hadfield                          | County Attorney   |
| Michael Udy      | Excused    | Jeff Scott                              | Commissioner      |
| Desiray Larsen   | Excused    | Diane Fuhriman                          | Excused           |
| Bonnie Robinson  | Member     |   |                   |
| Jared Holmgren   | Member     |   |                   |

Chairman Laurie Munns called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Laurie Munns.  
Pledge was led by Commissioner Jared Holmgren.

### The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the October 22, 2019 meeting were made available to the planning commissioners prior to this meeting and upon review a **Motion** was made by Commissioner Bonnie Robinson to approve the minutes as written. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

**MOTION:** A Motion was made by Commissioner Jared Holmgren to approve the November 21, 2019 agenda. The motion was seconded by Commissioner Kevin McGaha and passed unanimously.

### UNFINISHED BUSINESS - NONE

### PUBLIC HEARINGS

Chairman Laurie Munns explained public hearings provide an opportunity for the public to voice their concerns or approval on an item. In the meeting there is also unfinished business, public hearings, and new business. The unfinished business and new business provides opportunity for the commissioners to take action on an item. It is not a time for public comment or input. Although the commissioners may ask questions of the applicant during these times.

**DAVIS REZONE, Z19-009, Request for a rezone from A-20 to RR-2 for 18 acres on the North part of parcel #: 01-041-0037 at approximately 7750 South 1100 West in the South Willard area of Unincorporated Box Elder County. ACTION**

Staff stated the applicant is requesting that parcels 01-041-0033, 0034, 0037 be rezoned from the A-20 (Agriculture 20 acres) and C-G (General Commercial) zones to the RR-2 (Rural Residential 2 acres) zone. This area totals about 19 acres. Approximately three years ago the applicant requested the same area be rezoned to the same RR-2 zone. At that time the Planning Commission recommended denial to the County Commission. At the County Commission level, the rezone to RR-2 was approved along the area of 7800 South so up to 6 lots could be subdivided along the roadway. About one year ago the applicant requested lots 1 and 2 of the 3-lot subdivision be rezoned to commercial. The applicant is now requesting the same zoning they applied for three years ago for the entire parcel to be zoned RR-2.

Staff said the applicant has requested the following be read into the minutes: Bob and Ronda Davis feel this is a good blend *<between 20 acre Agriculture and the half-acre residential>* and would keep it rural. They do not have any plans other than they would rather build on 1100 West vs. 7800 South.

The public hearing was then opened for comments.

John Larkin, South Willard, stated residents of South Willard had a meeting years ago and agreed that houses and residential areas would be on the east side of the railroad and freeway and all the agricultural land would stay in the A-20 zone. He owns most of the ground in the area and has a large feed yard and pours a lot of money into Box Elder County with buying cattle and feed. He said Anderson Livestock is across the road from this property and is the only livestock yard in the northern area. Mr. Larkin said he feeds a lot of cattle on a year-round basis and he does not want any of the ground out of the A-20 zone. He feels it is not a good place to build houses.

Hearing no further comments a motion was made by Commissioner Bonnie Robinson to close the public hearing on the Davis Rezone, Z19-009. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

**ACTION**

Staff explained the four approval standards for zoning map amendments from the Box Elder County Land Use Ordinance are as follows:

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The South Willard Community Plan created in 2006, addresses this area as A-20 and does not recommend anything other than this zoning designation for the future. The County's General Plan states that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** The area has some dispersed housing units, commercial (livestock auction), but is mainly agricultural. Whether the proposed amendment is harmonious with the overall character of existing development is subjective. This point could be argued saying yes, it is harmonious due to there being R-1-20 zoning just across I-15. The RR-2 zoning could be a bridge from A-20 to R-1-20.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** and The proposed amendment should not affect the values of adjacent property.

**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.** To staff's knowledge there is no culinary water system west of I-15. Water would either need to be provided by well or new infrastructure developed for the South Willard Water system. There would need to be sufficient culinary water to serve approximately 12 residences. Any development would be on septic systems as is the norm in unincorporated county. Fire protection would be dependent on water infrastructure. It would either require hydrants on new water lines or sprinkler suppression systems in individual homes.

**Commissioner Bonnie Robinson** said since there is no water there, fire protection is a big concern. She asked if they would have to put a sprinkler system in or somehow put a water system in to have a fire hydrant. Staff said that would default to the fire marshal who would make that decision. Staff's understanding is it depends on the size of the subdivision. State code exempts one-lot subdivisions from the fire sprinkler requirement, but any subdivision over one lot, if there is not a fire hydrant within 500 ft. that can supply the necessary flow, then fire sprinklers are required. In this location there is no culinary water system. The South Willard Water system does not go west of the interstate, so that water system would need to be expanded or sufficient well water would need to be supplied.

**Commissioner Laurie Munns** stated previously this year there was a home in question on the west side of the interstate. The Planning Commission checked with South Willard Water Company to see what their intent was with water in South Willard and found there were no plans to move water across the interstate at that time. She asked the commissioner to keep this in mind as they discuss this rezone.

**Commissioner Bonnie Robinson** feels the area is not a place for houses where it is across from a livestock yard.

**Commissioner Mellonee Wilding** stated this is the same thing the commission looked at years ago and it keeps coming back in different forms. She thinks the water is the biggest issue and does not think it is wise to approve where there could potentially be 12 homes and no water.

Staff said in order for the 3-lot subdivision to be approved the applicant had to go to the Division of Water Rights and do a change of use and have some of his irrigation and stock water rights changed to domestic use. He would need to go through the same procedure again for the 12 lots.

**Commissioner Laurie Munns** said the commission also needs to consider the South Willard Community Plan which was done in 2006 and is still in effect today.

Commissioner Kevin McGaha said the Box Elder County General Plan contemplates that it will incorporate the South Willard Community Plan. If the general plan does not envision that kind of development at this point, he thinks the zone should be kept as is.

**MOTION:** A Motion was made by Commissioner Mellonee Wilding to forward a recommendation of denial to the County Commission for Application Z19-009, a zoning map amendment from the A-20 and C-G zone to RR-2 zone based on the following findings of the staff report. The motion was seconded by Commissioner Kevin McGaha and passed unanimously.

**FINDINGS:**

1. The facilities and services are inadequate
2. It violates the South Willard Community Plan.
3. Public comment indicates the citizens do not want the zone changed.

**NEW BUSINESS**

**MILLER FARM SUBDIVISION, S19-038, Request for final approval for a 6-lot subdivision located at approximately 17220 North 6000 West in Unincorporated Box Elder County.**

**ACTION**

Staff said a similar subdivision came before the commission two years ago and received approval. The subdivision was recorded and platted then due to circumstances from the landowner, the plat was vacated. The landowner sold the land as one large parcel. The party who bought the parcel has submitted a new application for a subdivision similar to what was there before with some of the lot lines being slightly shifted. All departments have reviewed the subdivision and the plat has been revised to meet the requirements of the surveyor, engineer, and fire marshal. The proposed subdivision is six lots ranging in size from 3.17 to 5.5 acres. Staff recommends approval.

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to approve Application SS19-038, a final plat for the Miller Farm Subdivision and adopting the conditions and findings of the staff. The motion was seconded by Commissioner Mellonee Wilding and unanimously carried.

**CONDITIONS:**

1. Compliance with all the comments from County Staff.
2. Submittal of a current title report, septic letter, and improvement estimate.
3. Final approval of the plat and development agreement by County Commission.
4. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
5. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
6. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**ALLRED AGRICULTURAL SUBDIVISION, AS19-005, Request for approval for splitting off a home from agricultural land located at approximately 3101 West 1000 North in Unincorporated Box Elder County. ACTION**

Staff explained there is currently a home on the property that was split off by deed only. By splitting the home off the agricultural subdivision, the rest of the parcel would remain agricultural and both parcels would be legal. This subdivision would create a residential parcel about 2.34 acres in size. The request meets all of the requirements of Utah State Code Section 17-27a-605 (1)(b) and 17-27a-605(5)(a). If the commission approves the request a certificate of approval will be issued to be recorded to break off the residential parcel.

**MOTION:** A Motion was made by Commissioner Jared Holmgren to approve Application AS19-005, an agricultural subdivision with a single family dwelling and adopting the conditions and findings of staff. The motion was seconded by Commissioner Mellonee Wilding and unanimously carried.

**ALLRED AGRICULTURAL SUBDIVISION, AS19-006, Request for approval for dividing agricultural land from one parcel into two located at approximately 3101 West 1000 North in Unincorporated Box Elder County. ACTION**

Staff stated the applicant is requesting an agricultural subdivision to separate 9.9 acres off a larger parcel to create two agricultural parcels. This request also meets all of the requirements of Utah State Code Section 17-27a-605 (1)(b) and 17-27a-605(5)(a). This process would create a legal agricultural parcel. Staff recommends approval.

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to approve Application AS19-006, an agricultural subdivision and adopting the conditions and findings of staff. The motion was seconded by Commissioner Kevin McGaha and unanimously carried.

**FREHNER AGRICULTURAL SUBDIVISION, AS19-007, Request for approval for dividing agricultural land from one parcel into two located at approximately 3398 North 6000 West in Unincorporated Box Elder County. ACTION**

Staff stated the applicant is requesting an agricultural subdivision to separate 25.01 acres off a larger parcel located in an un-zoned area of Unincorporated Box Elder County, west of the Walmart Distribution Center. This process would create a legal agricultural parcel. The proposed agricultural subdivision meets the standards set forth in state code. Staff recommends approval of the application.

**MOTION:** A Motion was made by Commissioner Mellonee Wilding to approve Application AS19-007, an agricultural subdivision, and adopting the conditions and findings of staff. The motion was seconded by Commissioner Kevin McGaha and unanimously carried.

**ROCKET SOLAR LLC SITE PLAN, SP18-005, Request for an extension of approval for a solar farm located at approximately Golden Spike Dr. and HWY 83 in Unincorporated Box Elder County. ACTION**

Staff explained the applicant is requesting an extension of approval for a site plan approved on January 17, 2019. There are two time frames to be worked within. The site plan has to be started within a year of approval and substantially completed within two years. The applicant would like to extend both time frames. The Box Elder County LUM&DC Section 2-2-040-I allows for extension of times as follows:

*“Unless otherwise prohibited by this Code, upon written request and for good cause shown, any decision-making body or official having authority to grant approval of an application may, without any notice or hearing, grant an extension of any time limit imposed by this Code on such application, its approval, or the applicant. The total period of time granted by any one (1) or more extensions for a given application shall not exceed twice the length of the original time period.”*

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to approve Application SP18-005, a site plan extension for a solar farm and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Mellonee Wilding** and unanimously carried.

**CONDITIONS:**

1. Rocket Solar provide appropriate warning signage placed at the entrance and perimeter of the solar power plan project.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**WORKING REPORTS - NONE**

**PUBLIC COMMENTS - NONE**

**ADJOURN**

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to adjourn commission meeting. The motion was seconded by **Commissioner Mellonee Wilding** and meeting adjourned at 7:53 p.m.



Laurie Munns, Chairman  
Box Elder County Planning Commission