

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES April 21, 2022

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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:

*Roll Call*

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

*the following Staff was present:*

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Steve Hadfield	County Attorney
Jeff Scott	Excused
Diane Fuhriman	Executive Secretary

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

The Invocation was offered by Commissioner Bonnie Robinson.  
Pledge was led by Commissioner Steven Zollinger.

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

See Attachment No. 1 – Attendance Sheet.

The Minutes of the March 17, 2022 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 Steven Zollinger and passed unanimously.

**UNFINISHED BUSINESS -NONE**

**PUBLIC HEARINGS**

Chairman Mellonee Wilding 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.

**ZONING MAP AMENDMENT, Z22-004, Request for a zone change of 10 acres from RR-20 (Rural Residential 20,000 sq. ft.) to C-H (Commercial Highway), located at approximately 1950 North 2800 West in the West Corinne area of Unincorporated Box Elder County.**

**ACTION**

Staff stated the request is to change zoning on a 10-acre parcel to Commercial Highway. The surrounding land uses are Industrial/Commercial, Hwy/Agriculture and Rural Residential. The surrounding zones are RR-20 and A-20.

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

Hearing no comments, a motion was made by Commissioner Bonnie Robinson to close the public hearing on Zoning Map Amendment Z22-004. The motion was seconded by Commissioner Steven Zollinger and passed unanimously.

**ACTION**

Staff explained based on the analysis of the proposed map amendment, this application meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code. The previous owners subdivided the 10 acres by deed only, which created an illegal parcel. The current owner is aware of this and is in talks with the surveyor to correct the error through the subdivision process. If a recommendation of approval is forwarded to the County Commission, staff suggests including completing the subdivision as one of the conditions.

Commissioner Bonnie Robinson said there is a trucking company up the road, sheds for sale by the freeway and just east of this parcel in Brigham City is 350 acres zoned Manufacturing.

Commissioner McIlhenny Wilding said where the parcel is right next to the freeway it makes sense to put something commercial there.

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to forward a recommendation of approval to the County Commission for application Z22-004, a Zoning Map Amendment from RR-20 (Rural Residential 20,000 sq. ft.) to the C-H (Highway Commercial) zone and adopting the conditions and findings of staff, and as modified by the conditions below. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

**CONDITIONS:**

1. The applicant successfully completes a subdivision as this parcel was subdivided by deed only.
2. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 2-2-080, Zoning Map and Text Amendments, 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.

**ZONING MAP AMENDMENT, Z22-005, Request for a zone change of approximately 1 acre from RR-20 (Rural Residential 20,000 sq. ft.) to C-N (Commercial Neighborhood), located at approximately 8074 West HWY 83 in the West Corinne area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting part of parcel 04-073-0019 be rezoned from RR-20 (Rural Residential 20,000 sq. ft.) to the C-N (Neighborhood Commercial) zone. The parcel is in the West Corinne area. The surrounding land uses are Agriculture, HWY, and Rural Residential. The surrounding zones are A-20 and RR-20. Staff read the approval standards from Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code as they apply to this application, and found the proposed map amendment meets the approval standards.

The public hearing was then opened for comments.

Leann Kilts, applicant, explained there is an old decrepit building on the property she would like to tear down and build a barndominium for a reception center. In order to do this, she needs to rezone a portion of the property.

Colton Rasmussen, landowner, owns the property over the canal from Leann Kilts and he fully supports what she wants to do with her land.

Hearing no further comments, a motion was made by **Commissioner Jared Holmgren** to close the public hearing on the Zoning Map Amendment Z22-005. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

**ACTION**

**Commissioner Mellonee Wilding** asked if enough space would be provided for parking and a barn on just 1 acre.

Applicant Leann Kilts explained she owns 90 acres and is willing to work with the Planning Commission on whatever is required for parking. Access is via her son's property so access will not encumber her neighbors' properties.

**Commissioner Bonnie Robinson** said there needs to be sufficient space for sewer, the building, and sufficient parking. Highway 83 is a busy highway and it is dangerous for people to park along.

**Commissioner Mellonee Wilding** stated if the Planning Commission approves the zone change on the 1-acre parcel now, when Ms. Kilts comes back with the proposal and there is not enough land, she has the ability to go through this process again.

Staff suggested the Planning Commissioners take into consideration that when a parcel is split by two zones, the zone taking up the majority of the parcel is the zoning that rules.

**Commissioner Mellonee Wilding** asked what the simplest way for the applicant to have what she needs? How can this request be modified to simplify this for the applicant?



Staff explained the Planning Commission can recommend approval to the County Commission with a modification that up to 2 acres be rezoned to the CN zone; that way if she needs less than 2 acres, it can be less. Staff added the Commissioners should be clear where the 2 acres are going to be, and the two acres needs to encompass the 1 acre in the existing legal.

**MOTION:** A Motion was made by Commissioner Jared Holmgren to forward a recommendation of approval to the County Commission for application Z22-005, a Zoning Map Amendment from RR-20 to C-N and adopting the conditions and findings of staff and modified to include this may be expanded up to a 2-acre parcel as long as it includes the 1-acre legal description on the application. The motion was seconded by Commissioner Jed Pugsley and passed unanimously.

**ORDINANCE TEXT AMENDMENT, Z22-006, Request for a text amendment to Article 5, Exhibit A, Road Standards, of the Box Elder County Land Use Management & Development Code. ACTION**

Staff stated this application is to amend the #1 Road Section of the County Road Standards.

The “#1 Road Section is a 30 foot right-of-way with 20 ft. of all-weather surface, meaning it does not have to be asphalt but it does have to have compacted road base designed to carry emergency vehicles. The road section currently allows up to two homes to have access. Any more than two homes would trigger the next standard which is a 60 ft. right-of-way. The applicant is requesting to increase the number of homes to three or four. Staff explained this should be viewed as a county-wide amendment.

Staff presented additional information in that the County Road Supervisor has recently begun the process of updating the county road standards. The possibility of increasing the number of homes allowed on a 30-foot right-of-way has been discussed. Understanding there are pros and cons to everything, the draft updates have not fully addressed this yet. Between all the departments working on the road standards, this will probably be a month’s worth of work.

The public hearing was then opened for comments.

Ronald Zwick, applicant, said he bought a parcel in Beaver Dam. The access to the parcel is off the cemetery road which is a privately-owned road. The Cemetery Board would prefer it to stay a #1 Road Section; they do not want the additional traffic.

Tyson Petersen, is the builder for Ronald Zwick. He discovered the developer has another 30 ft. access next to the Beaver Dam Road, but the developer is not willing to finish it for the Zwick’s to be able to build. He said the parcel Mr. Zwick now owns is unbuildable due to access and is the reason for the amendment. Now that the Beaver Dam Road is there he can use it for access and actually build his home. Mr. Petersen has the other residential access.

Hearing no further comments, a motion was made by Commissioner Bonnie Robinson to close the public hearing on the Ordinance Text Amendment, Z22-006. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

## ACTION

Staff read the approval standards for zoning text amendments from Section 2-2-080 from the Box Elder County LUM&DC as they apply to this request as follows.

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The General Plan doesn't address minor roads like this specifically. It does address larger roads and the benefits of connectivity.

**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.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** The proposed amendment would likely have little effect on adjacent property. Whether the affect is adverse is likely subjective and up to adjacent property owners. 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 would place some added demand on facilities and services as it would allow additional development on existing "#1 Road Section" roads and would also allow three to four lot developments to proceed more easily than previously

The Planning Commission will need to determine if this applications meets these standards and make a recommendation to the County Commission.

**Commissioner Jared Holmgren** asked if the County Road Department decides to change the ordinance will it supersede whatever decision the Planning Commission decides tonight? Staff replied that it would.

Staff explained all Road Sections #1 are private roads. This particular one the cemetery owns has a 30 ft. right-of-way with a 20 ft. road leading to the cemetery. Adjacent to that 30 ft. right-of-way, another property owner owns a 30 ft. right-of-way running parallel up to the cemetery. The applicant has an easement from the cemetery for their 30 ft. right-of-way and an easement from the landowner for his 30 ft. right-of-way creating a 60 ft. easement. The applicant purchased a legal, non-buildable parcel, but with proper access it can be a built upon. The applicant is essentially the developer and that is why the road department has told him it is up to him to construct a roadway. The road department likes the idea of a 60 ft. right-of-way.

**Commissioner Steven Zollinger** asked if staff has received any impact statements from the road department on the number of homes and what kind of road standard should be attached.

Staff stated the Road Supervisor has indicated this is currently under review but sees pros and cons to both sides of allowing 3-4 homes and also maintaining the road the way it is.

Commissioner Mellonee Wilding said the county is pro-agriculture so a dirt road with homes off it is completely fitting with the environment of the Box Elder County. A lot of people live at the end of a dirt road.

Staff stated if we look at a road standard from a capacity standpoint, putting 20 homes on a 20 ft. wide all-weather road would not be a maintenance burden. From a developer's standpoint, homes can be put all along the roads. When discussing the General Plan the main thing people were interested in is the preservation of agriculture. Homes can be put along the roads but then the agricultural lands will have disappeared.

Commissioner Steven Zollinger would like to see a report on what the Road Department feels like the impact would be on a 30 ft. vs. 60 ft. right-of-way.

**MOTION:** A Motion was made by Commissioner Steven Zollinger to table the review of Application Z22-006 an Ordinance Text Amendment until next month's meeting in order for the Planning Commission to receive information back from the Road Supervisor regarding capacity on this road and his feelings on a 30 ft. vs. 60 ft. right-of-way. The motion was seconded by Commissioner Jed Pugsley and passed unanimously.

**ZONING MAP AMENDMENT, Z22-007, Request for a zone change of 75.2 acres from R-1-20 (Residential 20,000 sq. ft.) to MPC (Master Planned Community), located at approximately 8500 South HWY 89 in the South Willard area of Unincorporated Box Elder County. ACTION**

Staff explained the proposed MPC zone would include only residential uses. The two proposed zones are a R-1-13 Zone (Residential Single Family 13,000 square feet) and a MF-1 Zone (Multifamily Townhome). Land use to the north is a church, property owned by the school district, and agriculture, to the south is the Hot Springs Mobile Home Park, to the east is an elk farm and the Coleman Mobile Home Park, to the west is Interstate 15 and agriculture. The surrounding zones are R-1-20 and A-20. The Concept Plan does not show a phased build-out, but does show a layout as well as number of lots, units, and open space.

*(See Attachment No. 2 – Concept Plan.)*

Staff said the MPC zone is unique in the sense that it is a rezone so the same standards of review from Section 2-2-080-E of county code would apply. Those standards and the applicant's response to each are in the Commissioners' packet for review. In addition to meeting those standards there are 5 eligibility requirements. **1)** Encompass a minimum of one hundred (100) acres to assure reasonable internal and external land use compatibility. If the property/development is to be serviced by sewer, the minimum acreage requirement for the MPC zone shall be reduced to fifty (50) acres. The property in question shall be solely owned by an individual, partnership, or corporate entity, or under option to purchase by an individual, partnership, or corporate entity, at the time an MPC application is submitted; otherwise, the MPC application shall be filed jointly by all owners of the property. **2)** Demonstrate in textual, visual, and oral form to the Planning Commission and the County Commission that the property in question is unique due to size, slope,



natural features, sensitive lands, natural hazards, current land uses, other relevant features or that difficult hardship related conditions exist. 3) All areas of the proposed MPC zone shall be included in the specific plan. 4) Offer unique advantages over traditional forms of development as determined by the Planning Commission and County Commission. 5) A portion of the housing units shall be income-targeted housing for persons of medium and low income. The number of income targeted housing units must be commensurate with the size and scope of the proposed development and is subject to the approval by the County Commission.

The public hearing was then opened for comments.

Ben Crook stated he was on the South Willard Advisory Committee when the Master Plan was being drafted for this area. The concept was to include parks and open space. It is his opinion this request does not meet requirement No. 4 that makes anything special about it. It looks like it has been re-platted as a subdivision and has been changed from 1/2-acre lots to 1/3-acre lots except for the townhomes. He does not see the justification to go to the MPC zone as opposed to having a platted subdivision.

Jean Dimick owns the Hot Springs Mobile Home Park across from this property. She wonders if South Willard can house all they are proposing to bring into the area. The property owners now are the fourth owners since it was the cherry farm years ago. It was not developed before because of problems with the sewer. She said Hot Springs is on their own sewer system and has two existing wells. She questioned where all the water and sewer will come from for a community that size.

Calee Garn would like to know who will maintain the parks? Where this is located in unincorporated Box Elder County, will her tax dollars go to lawn care and maintenance?

Hearing no further comments, a motion was made by **Commissioner Steven Zollinger** to close the public hearing on the Zoning Map Amendment, Z22-007. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

## **ACTION**

Staff noted the staff report has the requirements needing to be submitted with the application. All of those requirements have been submitted but need some work. Staff considers this request a complete application and has completed their review. The County Attorney's office and a consultant have also reviewed the submission. The following are additional items to take into consideration

- Infrastructure cost per unit – Is it sustainable or subsidized?
- Open space – Is it limited to community or available to the public?
- Greater mix of uses?
- Greater mix of densities?
- Does adding density this distance from groceries, school, etc. make sense?
- “Open space” strips between townhomes and on property boundaries maintained by HOA?
- Do townhomes have a small yard or patio?
- Add landscaping plan/requirements to the development agreement. Trees, bushes, etc. in various open spaces.

- Landscaping (bushes/trees) or sound barrier? along Hwy 89 frontage.
- Additional trail along Hwy 89 frontage from 8300 S. to 8900 S.
- Additional pedestrian connections (shown in red, Historic Orchard Pathway (UTA property) shown in yellow on the concept plan).
- North/south pedestrian access between single-family lots. Provides easier pedestrian access to pickle ball, playground, church, and future school.
- Pedestrian access between all center townhomes to increase accessibility to pickle ball and playground as well as enhanced north/south access.
- Architectural standards in development agreement.
- Uses
  - o ADUs
    - Short-term rentals (air bnb)?
    - Will ADUs work here considering distance to employment and retail?
  - o Home Occupations?
  - o Animals?
  - o Will there be CCRs that have further control?
  - o Zone should be broader and CCRs more detailed if this is the case.

Staff stated if this were approved staff supports the use of accessory dwelling units as they do aid in affordable housing, but things like short-term rentals in communities like this can be problematic. These are things the Commissioners should take into account as well such as the developer did not propose home occupations or animals as uses.

**Commissioner Mellonee Wilding** said in reviewing the MPC zone in county code it states “such areas will result in a unified development that promotes a sense of community, high quality design standards, walkable neighborhoods, centers of activity, and increase compatibility with surrounding property”. She sees an issue there and does not think #2 and #4 of the criteria have been met per Chapter 3-8-1 of county code. She thinks affordable housing is great but a MPC is a community and this is a subdivision with increased density because of the availability of sewer. Willard City has a new ordinance regarding MPC zones and is handling the sewer for this development and can annex this development into the city.

**Commissioner Steven Zollinger** said there are no parks, no walking paths, there is nothing unique about this, it is a subdivision not an MPC.

**Commissioner Bonnie Robinson** stated if this is annexed into Willard City, the residents will be able to vote for the people who run the utilities. She also does not see anything unique about this, there needs to be some geological formation or something needing to be preserved. She struggles with #2 of the criteria to be met. I-15 is a hazard but not a natural one. She feels this is a city development, not a county development.

**Commissioner Jared Holmgren** stated this does not qualify on at least two of the five requirements.

**Commissioner Mellonee Wilding** said before the Commissioners go on and are able to mitigate any additional concerns, this application has to meet the land use standards and it has to meet the five Master Plan Community criteria.



Mike Bastian, applicant, feels his request meets the five criteria for a MPC zone. He thinks a lot of the questions are left to interpretation. In regards to #2, the property is located on the far south end of the county and being able to bring a sewer line that will service the area.

Commissioner Mellonee Wilding clarified that #2 of the criteria is 'natural features'. The sewer being available does not meet that criteria. The property has to be unique in and of itself outside of the development in order for it to be unique.

Mike Bastian asked for clarification of what would be a unique feature?

There was a discussion between the Commissioners and the applicant regarding what qualifies as a unique feature and meeting the criteria of a MPC zone.

**Commissioner Vance Smith** asked if the developer/applicant has had conversations with Willard City regarding their MPC zone. Mr. Bastian explained his plan does not work with their new MPC zone. They would need to ask for variances and start back over; it also does not meet their requirement for open space. Willard City's lowest zone is the half-acre zone and they no longer have a multiple housing zone. Staff interjected that Willard City wanted to tie the zoning to their general plan. If the general plan specified a particular density for a property, then when the MPC zone was applied for it would be a possibility but it was to mirror the density in the general plan. Staff is unsure how that would play out where this is not a part of their general plan because it is outside of the city limits. Willard City's open space requirement is 20% so if they were to count parcel 1 as open space on the other side of the tracks, it would meet their open space requirements but if they were to not count it, the city has provided a way to purchase open space credits. Essentially if there was 15% open space, 5% open space credits could be purchased by paying a fee to Willard City that could be used to enhance other open space parks within the city.

**MOTION:** A Motion was made by **Commissioner Steven Zollinger** to forward a recommendation of denial to the County Commission for application Z22-007, a Zoning Map Amendment from R-1-20 to a Master Planned Community based on not meeting eligibility requirements #2 and #4 for a MPC zone. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

**ORDINANCE TEXT AMENDMENT, Z22-008, Request for a text amendment to Section 5-1-290, Home Occupation, of the Box Elder County Land Use Management & Development Code. ACTION**

Staff explained this section amendment is to provide application requirements for Home Occupations for unincorporated Box Elder County. As the code currently exists it has potential to allow for quite a bit of external impact on surrounding neighbors and communities. The intent of this amendment is to drastically reduce that impact. This amendment will be decided upon by the County Commission with a recommendation from the Planning Commission. The Planning Commission will need to determine if this meets the standards in Section 2-2-080 of county code.

The public hearing was then opened for comments.

Kaylee Garn is grateful there is agricultural representation on the commission. Her family runs a farm out of their home in unincorporated Box Elder County. They have semi-trucks to haul their own commodity and livestock. Her concern is if this amendment allows for her family to continue to run their farm and they will not have restrictions placed on them for their trucks as subdivisions move in on top of them. She wants to be able to continue to operate their farming operation with their employees.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Ordinance Text Amendment, Z22-008. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

### **ACTION**

Staff said prior to this amendment there was a home business aspect to the home occupations section of code. This amendment would eliminate the home business aspect. The intent would be to encourage the entities doing bigger, larger operations to rezone into a more appropriate zone.

Staff stated this amendment does allow for the use of an external, accessory building. As far as lawn mower repair, junkyards, major appliance repair, etc. these are listed as prohibited uses in the proposed amendment. Standard #15 has also been addressed. There was discussion at last month's meeting if a 1/2-acre residential lot would not be suitable as the best place to park two Class 8 semi-trucks and trailers. The intent behind this part of the amendment is for off-premise use, up to two semi-trucks and trailers would be allowed to park if you have a minimum of 2 acres. The proposed verbiage for Standard #15 is:

The storage or parking on the premises of tractor trailers, semi-trucks, or other heavy equipment used for an off-premises business shall not exceed more than two 80,000 pound or less semi-trucks with trailers (Class 8 GVWR or less) and requires a minimum acreage size of 2 acres. All trucks and trailers used as part of the home occupation shall be licensed and registered, and parked in accordance with this land use code.

Staff continued stating the idea is to figure out what the threshold is, or at what point it turns from a home occupation to a commercial operation; where suddenly the impact is far greater than what it would be within a home.

There was discussion among the commissioners regarding the prohibited uses.

**MOTION:** A Motion was made by **Commissioner Steven Zollinger** to forward a recommendation of approval to the County Commission for application Z22-008, an ordinance text amendment to Section 5-1-290, Home Occupation and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Vance Smith** and the motion passed with **Commissioner Bonnie Robinson** and **Commissioner Jed Pugsley** voting nay.

### **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.

**ORDINANCE TEXT AMENDMENT, Z22-009, Request for a text amendment to add Chapter 6-3, Agricultural Subdivision, to the Box Elder County Land Use Management & Development Code. ACTION**

Staff explained Utah Code 17-27a-605 outlines agricultural subdivisions and the process required in order to be exempt from subdivision plat requirements. The state defines a subdivision as anytime a parcel is split; one turning into two, two turning into three etc. Generally, subdivisions have to be platted but Section 17-27a-605 explains in what scenarios subdivision are exempt from platting requirements. One way staff has been doing agricultural subdivisions, which meets state code, is every time one gets approved it comes before the Planning Commission, then it needs to meet certain requirements, then the Planning Commission approves it and issues a certificate of approval which then gets recorded with a deed splitting the property.

Staff continued that the other scenario is when an existing home is being split off an agricultural parcel; they go to the Planning Commission and then to the County Commission for approval. State code allows the legislative body to pass an ordinance allowing staff a.k.a. the Community Development department to approve an agricultural subdivision one time and then from there forward the Community Development department becomes the land use authority on these types of applications. People will be able to come to the department's office and request an agricultural subdivision. Staff will have their legal description which will result in the two agricultural parcels. Once the county surveyor has approved the legal description, staff will give the applicant the certificate to be recorded in the Recorder's Office. Following this procedure will take only 2-5 days instead of taking a month to get to the Planning Commission and will not clog up Planning Commission meetings. Staff is proposing to add a new section of code to the subdivision code Chapter 6-3 Agricultural Subdivisions to cover these changes.

The public hearing was then opened for comments.

Hearing no comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Ordinance Text Amendment, Z22-009. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

**ACTION**

Staff read approval standards as they apply to this application.

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The General Plan doesn't address agricultural subdivisions specifically. It does address agriculture and the importance of preserving agricultural lands.



**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. This does not change one's ability to perform an agricultural subdivision, it just streamlines the process.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** The proposed amendment would likely have little effect on adjacent property. As stated above, this does not change one's ability to perform an agricultural subdivision, it just streamlines the process.

**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 is not dependent on the adequacy of facilities as it only creates agricultural parcels.

Staff has found this application meets these standards and recommends approval.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Z22-009, an ordinance text amendment and adopting the conditions and findings of staff and subject to the edits by the County Attorney. The motion was seconded by **Commissioner Jared Holmgren** 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**

**AGRICULTURAL PROTECTION AREA, AP22-002, Request to create a new agricultural protection area on multiple parcels around the Brigham City area of Unincorporated Box Elder County. ACTION**

Staff said this request is from multiple applicants requesting to establish an agricultural protection area on approximately 841.63 acres west of Brigham City. The surrounding land uses are Agriculture and Rural Residential/Ag. The surrounding zoning is Unzoned/A-20.

Utah State Code 17-41-303 outlines the following standards for review for the creation of Agriculture Protection Areas.

**A. The effect of the creation of the proposed area on the planning policies and objectives of the county;** At this time, the County has nothing in place promoting or restricting the creation of Agriculture Protection Areas. The one aspect of Agriculture Protection Areas that affects county planning is that the county cannot change the zoning of or a zoning regulation affecting land within a protection area without written approval from all landowners within the protection area that is affected by the change.

**B. Analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305;**

**a. Whether or not the land is currently being used for agriculture production;** The proposed parcels are currently being used for agriculture production. Three parcels (03-004-0081, 0083, and 0084) may be wetland area only and not currently used for agricultural production.

**b. Whether or not the land is zoned for agricultural use;** The proposed parcels are currently Unzoned (parcels 03-004-0081, 0083, and 0084) and A-20 (03-073-0007, 03-110-0018, 0031, and 0038).

**c. Whether or not the land is viable for agricultural production;** The proposed parcels are viable for agricultural production.

**d. The extent and nature of existing or proposed farm improvements;** Parcels 03-073-0007, 03-110-0018, 0031, and 0038 are currently being used for agricultural production. Not sure of the production status of the remaining 3 parcels.

**e. In the case of an agriculture protection area, anticipated trends in agricultural and technological conditions applicable to the use of the land in question.** This is something Planning Commissioners familiar with agricultural production may be more familiar with.

**C. Recommends any modifications to the land to be included in the proposed agricultural protection area;** None at this time.

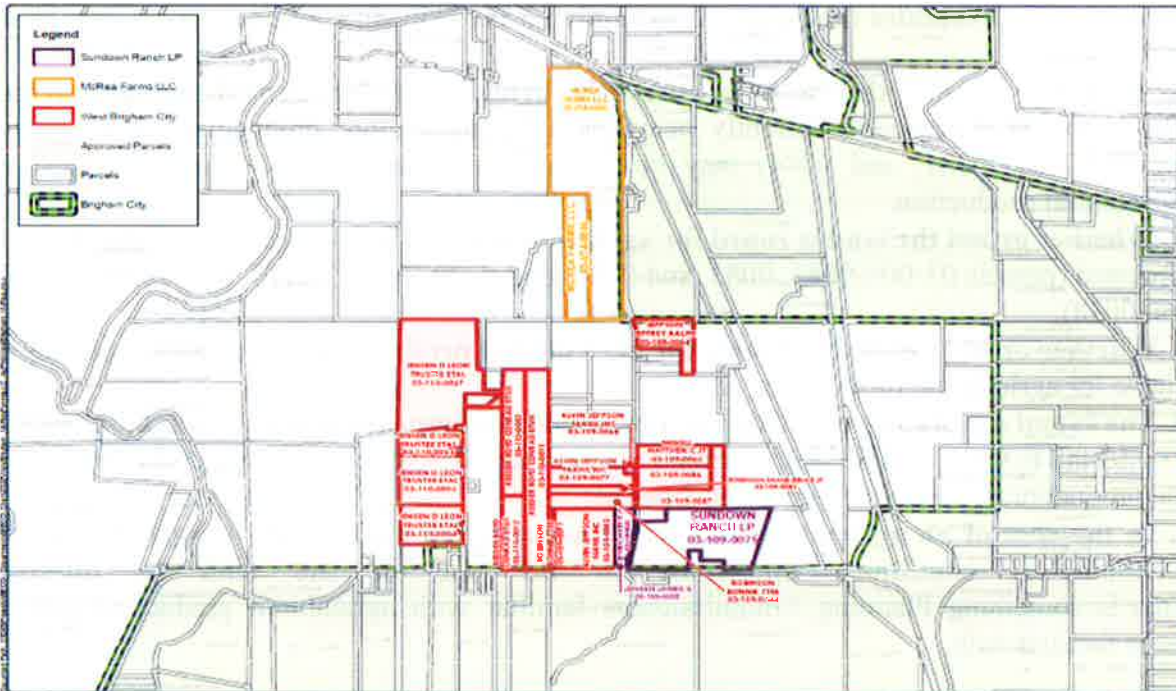
**D. Analyzes and evaluates any objections to the proposal;** No objections to the proposal have been submitted.

**E. Includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.** This recommendation must come from the Planning Commission to the County Commission. Following the motion a recommendation will be prepared to the County Commission on your behalf.

**MOTION:** A Motion was made by **Commissioner Steven Zollinger** to forward a recommendation of approval to the County Commission to accept the proposal to create the Agriculture Protection Area on multiple parcels in the West Brigham City area in unincorporated Box Elder County. The motion was seconded by **Commissioner Bonnie Robinson** and unanimously carried.

**AGRICULTURAL PROTECTION AREA, AP22-003, Request to amend an approved agricultural protection area on multiple parcels around the Brigham City area of Unincorporated Box Elder County. ACTION**

Staff said this request is in addition to a previous agricultural protection area approved in the February 2022 Planning Commission meeting (shown in red below). The parcels in yellow and purple are what is being proposed to be added. Commissioner Bonnie Robinson recused herself as she has property in the agricultural protection area being discussed.



**MOTION:** A Motion was made by Commissioner Steven Holmgren to forward a recommendation to the County Commission to accept the proposal to create the Agriculture Protection Area on multiple parcels in the West Brigham City area of unincorporated Box Elder County. The motion was seconded by Commissioner Jed Pugsley and unanimously carried.

**MOUNTAIN VIEW RANCHES SUBDIVISION PH. 2, SS22-007, Request for preliminary approval for a subdivision located at approximately 17985 North 6000 West in the Fielding/Plymouth area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is seeking preliminary approval of the Mountain View Ranches Subdivision plat. The proposed subdivision is 20 new lots consisting of 1.75 acres or larger. The surrounding land uses are Agriculture and Rural Residential; the surround zoning is Unzoned. Access will come of 600 West for the entire subdivision. Two future access points are planned for future development.



Staff read a letter/feasibility study from the Bear River Health Department listing 4 conditions that need to be met.

*(See Attachment No. 3 – Feasibility Study.)*

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve application SS22-007, a preliminary plat for the Mountain View Ranches Subdivision Phase 2 located in unincorporated Box Elder County and adopting the exhibits, conditions and findings of staff and subject to compliance of the BRHD letter. The motion was seconded by **Commissioner Steven Zollinger** and unanimously carried.

**CONDITIONS:**

1. Compliance with the Bear River Health Department Letter dated February 24, 2022.
2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Chapter 6-1, Subdivisions, 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.

**VACATE COUNTY ROAD, VAC22-001, Request to vacate a portion of County Road Way at approximately 15500 North 5450 West in the Riverside area of Unincorporated Box Elder County. ACTION**

Staff explained the rights-of-way in Riverside, per the original plat, are 80 ft. wide. The current road is a 12 foot wide gravel road that connects the state highway and 5475 West. The applicant states in his application that “this road has no traffic and has never been maintained by the county.” There are two other property owners fronting on the right-of-way.

Staff read County Commission Policy #2003-01 outlining the following standards when considering a road vacation:

**1. Is there a prevailing public interest in keeping the road open;** This portion of right-of-way established by the 1894 Riverside Plat has been used by the public, but not improved or maintained by the county. With that being said it is part of the existing grid system of the platted area and, being a grid, would provide access to more than just those fronting on the right-of-way, especially as the county grows and develops. Staff has also reached out to UDOT for input as this is an access road to SR 13.

**2. Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County;** The Transportation section of the County’s General Plan states the following regarding roadway design: “Overall, the roadway network should focus on connectivity. This means that block sizes should not be too large, and important collectors should not dead end or terminate in a cul-de-sac. This is best achieved by using a hierarchical grid system of roadways, which Box Elder County and most communities already have in many areas.” It also states: “Specific areas of concern are residential neighborhoods and school drop-off zones. The use of cul-de-sacs should be reduced to assure more connections. Traditional grids generally help

achieve better street connectivity and traffic distribution. Minor collectors should reinforce the current grid system, where established.”

**3. Is the proposed vacation in compliance with all Box Elder County Land Use and Development Code requirements, State, Federal or other local regulations;** The proposed vacation is in compliance with all requirements and regulations.

**4. Will the proposed road vacation financially harm any landowner or stakeholder who may have an interest in the road;** Not all landowners directly fronting on the proposed right-of-way have signed the application. Adjacent landowners will be noticed of the public hearing. The public hearing process is in place to help bring any evidence of harm to light.

**5. The County shall not vacate any other private interest within the right-of-way;**  
No private interests within the right-of-way are to be vacated.

**6. When considering the vacation of a deeded road as opposed to a right-of-use road, the provisions of the surplus property disposal policy shall be used;** The proposed vacate is not a deeded road and does not need to conform to the surplus property disposal policy.

**7. The petitioner will provide descriptions in a deeded right-of-way for all abutting owners who may receive any ownership of the vacated road.**

The petitioners have supplied the descriptions. The descriptions have been reviewed by the County’s Recorder/Surveyor office and require revisions by the applicant.

Commissioner Steven Zollinger verified there will be a public hearing conducted at the County Commission level.

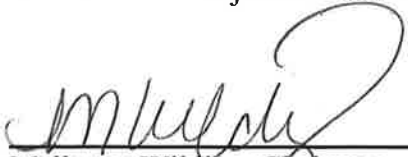
**MOTION:** A Motion was made by Commissioner Steven Zollinger to forward a recommendation of approval to the County Commission on application VAC22-01 a right-of-way vacation located at 15500 North between 5400 West and 5475 West in the Riverside area of Box Elder County and adopting the conditions and findings of staff. The motion was seconded by Commissioner Jared Holmgren and was passed with Commissioner Bonnie Robinson and Commissioner Vance Smith voting nay.

**WORKING REPORTS - NONE**

**PUBLIC COMMENTS - NONE**

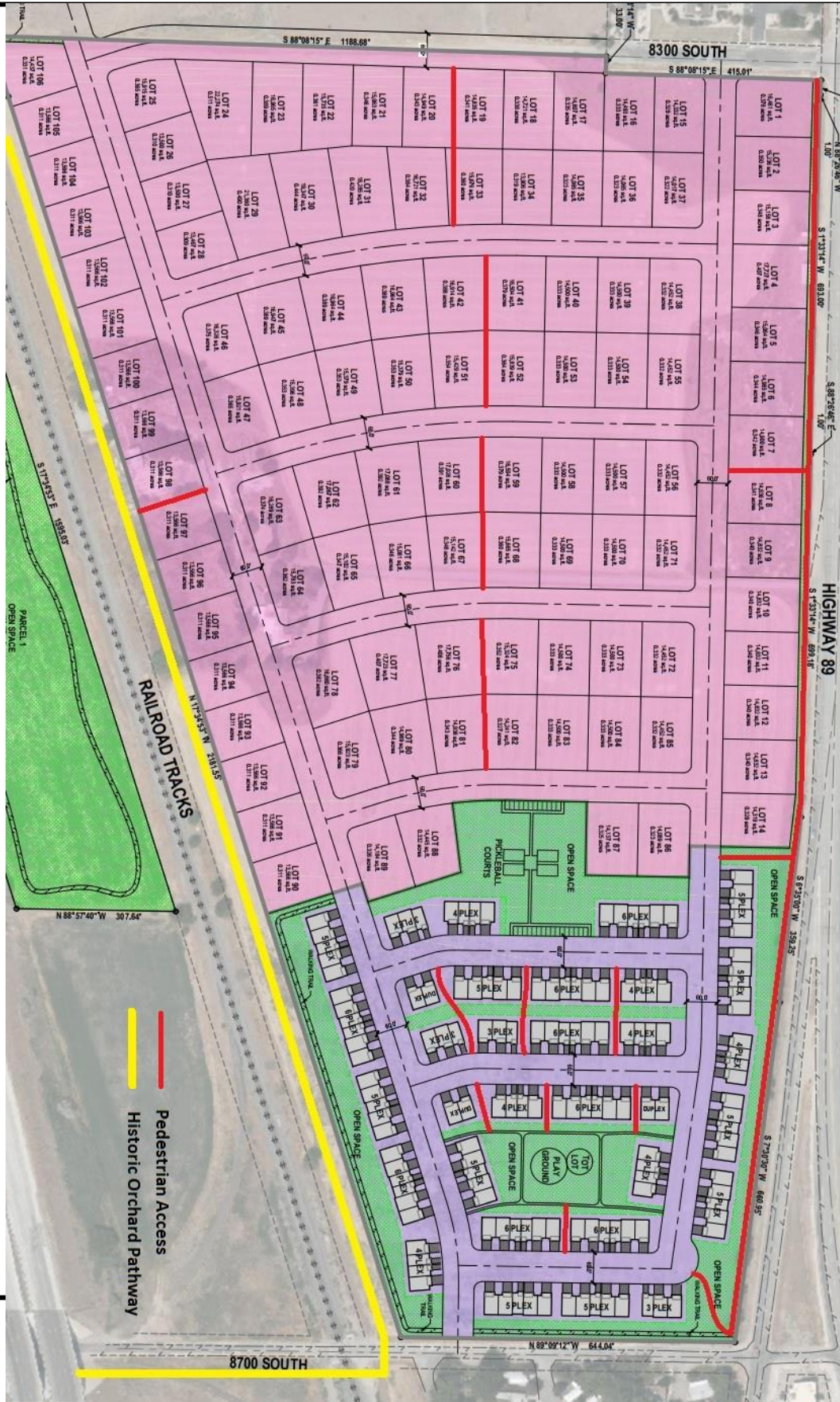
**ADJOURN**

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Jared Holmgren and meeting adjourned at 10:35 p.m.

  
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Mellonee Wilding, Chairman  
Box Elder County Planning Commission









Executive Director ~ Jordan D. Mathis  
Deputy Director ~ Joshua Greer

February 24, 2022

**RE: Mountain View Estates 20-lot subdivision, RM Mills Construction. Approximate address 18000 North 6000 West Garland, UT 84312. Part of Parcel # 07-045-0062.**

To whom it may concern:

At the request of RM Mills Construction an evaluation of the above mentioned property was conducted by Jex Environmental Solutions and the Bear River Health Department, Environmental Health Services. It was determined that soil conditions allow for a single onsite wastewater system to be installed to service a single family dwelling on these lots as they have been presented if the following conditions are met.

- 1- The single family homes on these lots shall be serviced by a packed bed media system. It is required that this requirement be noted on the subdivision final plat map.
- 2- The drainfield portions of these systems shall be located on the eastern most 100 feet of these lots where the soils were evaluated and deemed feasible. It is required that this portion of the lot be noted and marked on the subdivision final plat map.
- 3- Soil loading rates for these lots will be established according to the Jex Environmental Solutions report Table 1, dated August 11, 2021. Soil loading rates will be based on the soil texture, classification and type.
- 4- These lots will be serviced by private, individual wells. The placement of these wells will need to meet the separation distance from all of the onsite wastewater systems of the subdivision. We recommend that these well placement areas be identified on the subdivision final plat map.

The on-site wastewater disposal systems are to be installed in accordance with R317-4, Utah Administrative Code, Onsite Wastewater Systems Rule. This includes maintaining a minimum separation distance between the wastewater systems and any wells in the area. Before installation begins a septic permit will need to be obtained from this office. These systems shall be designed and engineered by a Utah state level 3 wastewater professional. Final approval will be given only after an on-site inspection of the completed project and prior to any backfilling.

Please be advised that an affirmative statement of feasibility does not imply that it will be possible to install additional wastewater systems beyond the number specified in this letter.

Also be advised that feasibility status may change if additional information is presented or if the conditions change. Feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Mark Rees".

Mark Rees

LEHS

Environmental Health Services