

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JUNE 16, 2022

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	Excused
Kevin McGaha	Excused
Lonnie Jensen	Member
Steven Zollinger	Excused
Bonnie Robinson	Excused
Jed Pugsley	Member
Jennifer Jacobsen	Alternate/Member
Vance Smith	Alternate/Member

the following Staff was present:

Scott Lyons	Excused
Marcus Wager	County Planner
Destin Christiansen	County Planner
Steve Hadfield	County Attorney
Jeff Scott	Co. Commissioner
Diane Fuhriman	Executive Secretary

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

The Invocation was offered by Commissioner Jed Pugsley.
Pledge was led by Commissioner Lonnie Jensen.

No citizens were in attendance

The Minutes of the May 19, 2022 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by Commissioner Jed Pugsley to approve the minutes as written. The motion was seconded by Commissioner Lonnie Jensen and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

GENERAL PLAN AMENDMENT, GP22-001, Text amendment to the Box Elder County General Plan to update the County Resource Management Plan.

Staff stated the Utah Public Lands Policy Coordinating Office (PLPCO) had legislation passed for every county to update their County Resource Management Plan (CRMP) to address the following topics:

• Access to Public Lands • Renewable Energy • Critical Materials • Utility Corridors • Pipelines & Infrastructure.

All of the above topics have already been addressed in their respective chapters. The proposed changes for Chapter 16 is for Mineral Resources to include established and potential mineral resources from the updated 2022 USGS critical minerals lists. The minerals in Box Elder County are lithium, antimony, and tungsten. Also to amend Chapter 23, Utilities, to include additional information, goals, and policies regarding utility corridors and pipelines and infrastructure.

Staff read the procedure for a General Plan Amendment from LUM&DC 2-2-070. These amendments are decided upon by the County Commission with a recommendation from the Planning Commission.

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 2-2-070(D)(2)(c) outlines the following procedural requirements for General Plan Amendments.

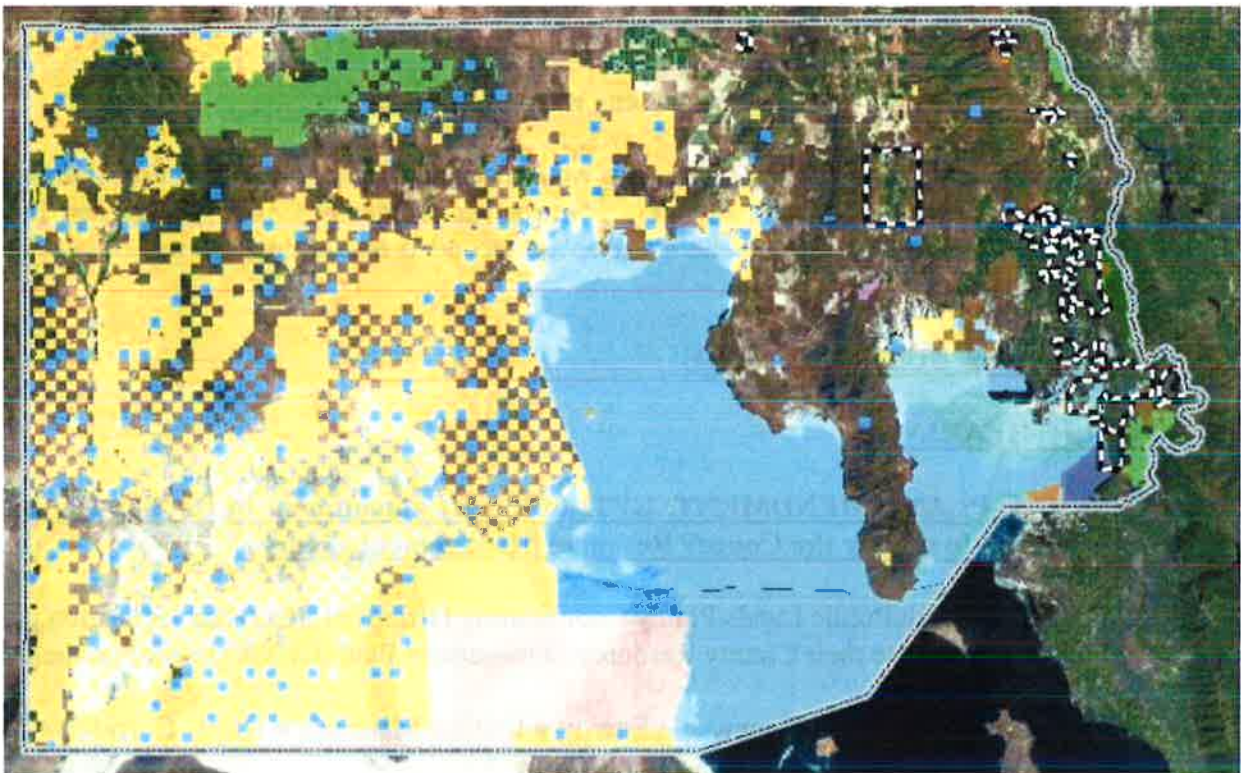
A. Written statement showing the desired language change;

See Attachment No. 1 – Amendments

B. Written statement explaining why existing General Plan language is no longer appropriate or feasible; This text amendment to the General Plan is not to replace “no longer appropriate or feasible” language, but to add information to an existing section of the plan as mandated by the Utah State Legislature and Public Lands Policy Coordinating Office.

C. Analysis of the potential impacts of the proposed amendment; and The language and impacts of the proposed amendment have been reviewed and analyzed by county staff and the Utah PLPCO. The proposed changes should benefit the county and landowners when it comes to future planning and permitting for critical materials as well as utility corridors and projects.

D. Map showing the affected areas if text changes will affect specific geographic areas.



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

Hearing no comments, a motion was made by Commissioner Jed Pugsley to close the public hearing on the General Plan Amendment, GP22-001. The motion was seconded by Commissioner Lonnie Jensen and passed unanimously.

ACTION

Staff explained based on their findings that 1) the Box Elder County LUM&DC allows for General Plan text amendments subject to review procedures and approval by the County Commission with a recommendation from the Planning Commission and 2) the procedural requirements as set forth in Section 2-2-070(D)(2)(c) have been met, staff recommends forwarding a recommendation of approval to the County Commission.

MOTION: A Motion was made by Commissioner Vance Smith to forward a recommendation of approval to the County Commission to amend the Box Elder County General Plan to include the proposed County Resource Management Plan amendments and adopt the conditions and findings of staff with the exception of changing Duchesne County to Box Elder County. The motion was seconded by Commissioner Jed Pugsley and passed unanimously.

NEW BUSINESS

AGRICULTURAL PROTECTION AREA, AP22-004, Request to create a new agricultural protection area on multiple parcels around the Brigham City area of Unincorporated Box Elder County. ACTION

Staff said the applicants are requesting to establish an Agriculture Protection Area on approximately 193.01 acres located on multiple parcels in the West Brigham City Area. The surrounding land use is Agriculture; the surrounding zones are Unzoned, A-20 and RR-5.

Staff read the standards for reviewing the creation of Agriculture Protection Areas as they apply to this request as follows:

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.

b. Whether or not the land is zoned for agricultural use; The proposed parcels are currently Unzoned (parcels 03-004-0082), RR-5 (03-109-0065), and A-20 (all remaining

parcels).

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; 100% of the acreage is currently being used for agricultural production.

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, staff will prepare a recommendation to the County Commission on behalf of the Planning Commission.

MOTION: A Motion was made by Commissioner Jed Pugsley 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 in unincorporated Box Elder County. The motion was seconded by Commissioner Vance Smith and unanimously carried.

WORKING REPORTS - NONE

PUBLIC COMMENTS - NONE

OPEN RANGE/FENCE IN-FENCE OUT

Commissioner Jed Pugsley said there has been an issue out west with livestock being hit on the road. If an animal is hit and killed along Highway 30, insurance companies are not paying for the animal because the area is not designated as open range. The issue ends up in court for 8 to 12 months fighting the insurance company. He is aware of at least four on-going cases in the county caught up in litigation. He asked if this is an issue to be brought before the Planning Commission or the County Commission. County Attorney Stephen Hadfield said it depends on what the County Commission wants to do. Box Elder County does not have open range but rather fence in – fence out.

Commissioner Jed Pugsley will look into the issue further with the County Commission.

ADJOURN

MOTION: A Motion was made by Commissioner Vance Smith to adjourn commission meeting. The motion was seconded by Commissioner Jed Pugsley and meeting adjourned at 7:14 p.m.



Mellonee Wilding, Chairman
Box Elder County Planning Commission