

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES FEBRUARY 16, 2023

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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	Excused
Jared Holmgren	Vice-Chair
Lonnie Jensen	Member
Steven Zollinger	Excused
Bonnie Robinson	Excused
Jed Pugsley	Member
Jennifer Jacobsen	Alternate/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

Vice-Chair Jared Holmgren 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.

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

See Attachment No. 1 – Attendance Sheet.

The Minutes of the January 19, 2023 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**

### **SOLIVIA OFFICE PARK, SP22-003, Request for Site Plan approval of a recycling and manufacturing facility located at approximately 12425 N Canal Bank Road in the Garland area of Unincorporated Box Elder County. ACTION**

Staff explained the applicant is requesting site plan approval for a recycling and manufacturing facility. The proposed use is on a 10.5 acre parcel located at 12425 North Canal Bank Road in an unzoned area of Box Elder County between Tremonton and Garland. The facility would use some existing buildings on the site, some existing buildings would be demolished, and a new 20,000 square foot building is proposed. The facility takes industrial scrap waste from facilities such as

Procter and Gamble, recycles it and manufactures spill absorbent products to service the oil and chemical industries. Products manufactured include spill socks, spill booms, and other absorbent products. The surrounding land uses are Rural Residential and Agriculture with I-15 to the west. The surrounding zones are Unzoned.

Staff updated the commissioners with what has taken place since this item was presented last month. All county departments have submitted their reviews, the feedback from those reviews was sent to the applicant's engineer who updated the site plan based on those reviews. The updated site plan was submitted to staff on February 9, 2023. The revised site plan was then sent back out to the various departments for review. Staff has not heard back from the County Engineer, Roads Supervisor, Fire Marshal and Building Official on the second revision. Some of the requirements will have been met with the revised site plan but sometimes even a third revision is necessary.

Staff concerns are with the utilities. There is an existing septic system on site for the existing home. There is a new septic system proposed for restrooms associated with the new structure but staff has not received a feasibility study from the Health Department acknowledging the new system. Staff is also concerned with water. A letter was received from the Garland City Mayor stating Garland will be providing fire suppression services but will not be providing culinary water services to projects outside Garland City limits. If the property owners are able to coordinate with adjacent property owners and complete an annexation into Garland, the site would be expected to meet Garland City development standards and connect to city utilities.

*(See Attachment #2 – Garland City Letter.)*

Staff said the property owner owns a well on the site classified as 1 Equivalent Domestic Unit, 1 Equivalent Livestock Unit, and 0.2 acres irrigation. The applicant has been notified to speak with the Department of Water Rights to determine if the use of that water for the restrooms onsite for this project would be acceptable under the Equivalent Domestic Unit or if the water right would need to change classification.

**Commissioner Lonnie Jensen** asked how the facility cleans up after their everyday process. **Bo Peck**, applicant, said all the processes are conducted inside the building so clean up will all be inside. There is no wastewater generated from the cleanup process.

**Commissioner Jed Pugsley** asked if the applicant has spoken with Garland City about annexation. **Jim Flint**, Engineer, stated there have been extensive talks with Garland about annexing, however no definitive answer has been received from Garland. Mr. Flint said they also cannot convince the intervening owners to come on board with Garland for annexation.

**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to approve application SP22-003, a Site Plan for a recycling/manufacturing facility, and adopting the conditions and findings of the staff. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

**CONDITIONS:**

1. Compliance with Section 2-2-090, Permitted Use Review, of the Box Elder County Land Use Management & Development Code.

2. Compliance with Section 2-2-120, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
3. Compliance with reviews from the Zoning Administrator, County Engineer, Road Supervisor, Fire Marshal, and Building Official.
4. Submit will-serve letter or other proof of utilities from water provider, septic, power, and gas/propane.
5. All grounds shall be maintained in accordance with Section 5-1-300, Conservation of Values, of the Box Elder County Land Use Management & Development Code.
6. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
7. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

## **PUBLIC HEARINGS**

### **ORDINANCE TEXT AMENDMENT, Z23-001, Request for a text amendment to remove Chapter 3-8-1, Master Planned Community Zone, from the Box Elder County Land Use Management & Development Code. ACTION**

Staff stated the Box Elder County Planning Commissioners have requested that consideration for a text amendment be made to remove Chapter 3-8-1, Master Planned Community Zone, from the Box Elder County Land Use Management & Development Code. These amendments are decided upon by the County Commission with a recommendation from the Planning Commission.

Staff read the standards for reviewing zoning text amendments as they apply to this request:

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The General Plan states: "Box Elder County understands that future development is most likely to occur in areas where adequate services are available. The County does not support extending services through or into areas that have not been identified for future development. With respect to responsible land use planning and efficient resource use, it is the County's preference that growth and development take place within existing communities or in unincorporated areas within which adequate services are or may be made available."

**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 where a Master Planned Community would be considered, the Planning Commission needs to decide if this amendment would be harmonious.

**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 possibly 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 likely reduce the effect on the facilities in the area of development.

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 Ordinance Text Amendment Z23-001. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

### **ACTION**

Staff explained their findings of the text amendment application as follows:

1. The Box Elder Land Use Management and Development Code does allow for ordinance text amendments subject to review procedures and approval by the County Commission with a recommendation from the Planning Commission.
2. The Planning Commission has historically concluded that the Master Planned Community Zone fits better within Cities/Towns that has the services to support that type of development.
3. The Box Elder County General Plan is harmonious with this proposal, as it supports growth and development taking place within existing communities or in unincorporated areas within which adequate services are or may be made available.
4. The Planning Commission will need to determine if this application meets the standards in Section 2-2-080.

**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to forward a recommendation of approval to the County Commission for application Z23-001 an ordinance text amendment to remove Chapter 3-8-1, Master Planned Community Zone from the Box Elder County LUM&DC and adopting the conditions and findings of staff . The motion was seconded by **Commissioner Lonnie Jensen** 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**

#### **BELMONT SPRINGS PARK SUBDIVISION 1STAMENDMENT, SS23-001, Request for approval for an amended subdivision at approximately 19020 North Wendell Way in the Garland area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting an amendment to the final plat of the Belmont Springs Park Phase 1 Subdivision in the Plymouth area of unincorporated Box Elder County. The proposed amendment adjusts Lot 1 of Block 3 from .36 acres to .34 acres and adds an additional lot (Lot 10) consisting of .28 acres. The applicant owns the proposed Lot 10 and has been maintaining a portion

of Lot 1. The request is basically a lot line adjustment between the applicant and the owner of Lot 1. The surrounding land uses are Rural Residential to the north, Belmont Springs Park Subdivision to the South and West, and to the East is the Belmont Hot Springs. Access is via county road Wendell Way and all utilities are existing. All departments have reviewed and approved the plat and staff recommends approval.

**MOTION:** A Motion was made by **Commissioner Jennifer Jacobsen** to approve application SS23-001 amending the Belmont Springs Park Subdivision Phase 1 and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Jed Pugsley** and unanimously carried.

**CONDITIONS:**

1. Final approval by the County Attorney.
2. Compliance with Sections 17-27a-608 and 609 of the Utah State Code.

**LITTLE BEAR MANOR SUBDIVISION, SS23-003, Request for final plat approval for a 4 lot subdivision, located at approximately 11200 North 3600 West in Unincorporated Box Elder County. ACTION**

The applicant is requesting Final Plat approval of the Little Bear Manor Subdivision plat, a 4-lot subdivision located at approximately 11200 North 3600 West in the Deweyville area. The subdivision is zoned RR-1 and is approximately 6.55 acres. The lots average 1.64 acres in size. The surrounding land uses are Rural Residential and Agriculture with the Bear River to the north and west. The surrounding zones are A-20. Access to the property is SR-102 and the applicant has preliminary approval from UDOT for access from the subdivision onto the state highway.

Staff has received will-serve letters from power and propane companies and a feasibility letter from the Bear River Health Department. Proof of water rights and well permits have been provided by the Division of Water Rights but a well has not yet been drilled so a water test has not been completed. The County Surveyor and Engineer have reviewed and approved the proposed plat. The County Fire Marshal has given some feedback but has not given approval as of yet. The County Building Official has reviewed the geotechnical report which states the structure should not be closer than 40 ft. to the embankment leading to the river. The County Attorney will need to review the plat against the title report prior to approval by the County Commission.

**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to approve to approve application SS23-003, a final plat for the Little Bear Manor Subdivision, and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Jennifer Jacobsen** and unanimously carried.

**CONDITIONS:**

1. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
3. Subject to review and approval by the Fire Marshal, Planning and Building departments, and County Attorney.

4. The applicant must have at least one well drilled and the water tested. This water must meet drinking water standards. A copy of the water test must be submitted to the Community Development department.
5. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

## **WORKING REPORTS**

### **Kennels**

There was a discussion regarding the changes made by staff and the commissioners. It was concluded to add this item as a public hearing on next month's agenda.

### **Miscellaneous**

Commissioner Jennifer Jacobsen requested staff to put together language to not allow multi-family housing in unincorporated Box Elder County due to not having the infrastructure to support multi-family housing. She requested the language be emailed to the Planning Commissioners to review.

## **PUBLIC COMMENTS - NONE**

## **ADJOURN**

**MOTION:** A Motion was made by Commissioner Lonnie Jensen to adjourn commission meeting. The motion was seconded by Commissioner Jennifer Jacobsen and meeting adjourned at 7:50p.m.



Meljonee Wilding, Chairman  
Box Elder County Planning Commission

Jan Holmgren Vice Chair





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February 16, 2023

Dear Box Elder Planning Commission,

We are aware that the Solivia Office Park Site Plan is under consideration at your meeting this evening. Garland City will only be providing fire suppression services for this project at this time. We are not serving culinary water utilities to a parcel that is currently located outside of our city limits. If the property owners are able to coordinate with adjacent property owners and complete an annexation into Garland, the site would be expected to meet Garland City development standards and connect to city utilities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Linda Bourne", is written over a light blue horizontal line.

Linda Bourne  
Mayor