

BOX ELDER COUNTY PLANNING COMMISSION MINUTES AUGUST 17, 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	Excused
Steven Zollinger	Member
Bonnie Robinson	Member
Jed Pugsley	Excused
Jennifer Jacobsen	Member
Vance Smith	Excused

the following Staff was present:

Scott Lyons	Excused
Marcus Wager	County Planner
Destin Christiansen	County Planner
Stephen Hadfield	Excused
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 Mellonee Wilding.
Pledge was led by Commissioner Jennifer Jacobsen.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the July 20, 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

CONDITIONAL USE PERMIT, CUP23-001, Request for a Conditional Use Permit for a Recreational Vehicle Park located at approximately 20755 North 6000 West in the Plymouth area of Unincorporated Box Elder County. ACTION

Staff explained this item was first presented to the commissioners in March. A deadline of 6 months was given for the applicant to submit updated drawings and renderings of the area. No updated plans have been submitted.

Staff contacted the applicant and was told the following: I have been put on hold from the company regarding this project. They want me to turn my focus to construction of a new building in line with the middle building and going south. Our needs keep shifting in this ever-changing economy. So, I'll be sending you new information on a new proposed building shortly, would you put this one on hold please and thank you.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to table Application CUP23-001 for up to 6 months to allow time for the applicant to adjust to the economy and submit updated plans. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

PUBLIC HEARINGS

Chairman 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, Z23-013, Request for a zone change of 4 acres from RR-5 (Rural Residential-5 acres) to RR-2 (Rural Residential-2 acres) located at approximately 4815 N. Hwy 38 in the Harper Ward area of Unincorporated Box Elder County. ACTION

Staff stated the applicant is requesting parcel 04-028-0034 (4 acres) be rezoned from RR-5 (Rural Residential - 5 acres) to the RR-2 (Rural Residential - 2 acres) zone. The parcel is in the Harper Ward area of unincorporated Box Elder County and the applicant has been through the annexation petition process with Honeyville City. The surrounding land uses are Agricultural and Rural Residential; the surrounding zoning is RR-5.

Staff explained decisions regarding a legislative application shall be based on the “reasonably debatable” standard, as follows:

- The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.
- In making such determination, the decision-making authority may consider the following: (1) Testimony presented at a public hearing or meeting; and (2) personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the County.
- The decision-making body should state on the record the basis for its decision.

Staff read the standards for reviewing zoning map 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 County's General Plan states that most growth should occur in the cities and towns. The County can adopt policies to encourage that to happen but must continue to recognize private property rights and coordinate with the incorporated communities.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; The area is mainly agricultural uses with scattered residential homes lining the highway. The Planning Commission needs to decide if an RR-2 zone could be considered harmonious.

C. The extent to which the proposed amendment may adversely affect adjacent property; This is unknown. The public hearing process may bring forth additional information.

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. It is unknown what the adequacy of facilities is in this area for the RR-2 zone.

The public hearing was then opened for comments.

Terrence Tenley lives south of Honeyville. He has a question about the process of applying to Honeyville for annexation. What effect does this have on other people in the area? As far as this application, he has no problem with anyone splitting up their property.

Robert Jensen, applicant, said he has everything squared around with the annexation through Honeyville. He would just like the 4-acre parcel changed to two 2-acre parcels.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Zoning Map Amendment Z23-013. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

ACTION

Commissioner Bonnie Robinson asked if the road will make a difference on the acreage. Staff stated there is a subdivision on the east side of the road so the parcel has already been divided off properly.

Staff explained the annexation process in regards to Mr. Tenley's comment. In March the County Commission passed an ordinance requiring individuals residing in a future annexation boundary of a municipality, to apply for annexation. The County's General Plan indicates residents would like to see growth happen near cities and towns. The ordinance also gives the municipalities first choice to annex and protects the county from becoming a city. Mr. Tenley appreciated the explanation and will let his neighbors know.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Z23-013 a request for a zone change of 4 acres from RR-5 (Rural Residential 5-acre) to RR-2 (Rural Residential 2-acre) and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

CONDITIONS:

1. Compliance with Section 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 5 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

CONDITIONAL USE PERMIT, CUP23-003, Request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 11820 North 10000 West in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting a Conditional Use Permit for an Accessory Dwelling Unit. They seek to build an approximate 860 square foot dwelling unit. Their existing home is approximately 3500 square feet. No other accessory dwelling unit (internal or external) exists on the property. The surrounding land uses are Agricultural and Rural Residential and zoning is RR-5. All proposed structures will adhere to the RR-5 building setbacks. Access to the property is obtained off county road 10000 West. County code allows for one ADU per lot in zones allowing single-family dwellings, subject to Conditional Use Permit approval. Staff recommends approval.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to approve application CUP23-003, a Conditional Use Permit for an Accessory Dwelling Unit and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jennifer Jacobsen** and unanimously carried.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-100, Conditional Use Permit, 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 licenses, permits, etc.

CONDITIONAL USE PERMIT, CUP23-006, Request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 9250 West Point Lookout Drive in the Bothwell area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting a Conditional Use Permit for an Accessory Dwelling Unit. The ADU will be approximately 988 square feet. The existing home is approximately 4417 square feet. No other accessory dwelling unit (internal or external) exists on the property. The property is

located at 9250 West Point Lookout Drive in the Bothwell area. The surrounding land uses are Rural Residential and Agricultural. The surrounding zones are RR-5.

Staff explained the intent is to place the structure towards the south end, on the west side of the U-shaped driveway. The applicant has stated they would also like to add a garage. Access to the property is obtained by county road, Point Lookout Drive. All applicable county departments have reviewed this request. Staff recommends approval.

MOTION: A Motion was made by Commissioner Steven Zollinger to approve application CUP23-006, a Conditional Use Permit for an Accessory Dwelling Unit and adopting the conditions and findings of staff. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-100, Conditional Use Permit and Chapter 5-6, Accessory Dwelling Units, 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 licenses, permits, etc.

CONDITIONAL USE PERMIT, CUP23-004, Request for a Conditional Use Permit for an Agricultural Nutrient Manufacturing Facility located at approximately 12090 North Highway 38 in the Deweyville area of Unincorporated Box Elder County. ACTION

Staff explained the applicant is requesting a Conditional Use Permit for an agricultural nutrient manufacturing facility. The county land use code classifies this as “agricultural chemicals manufacturing”. The proposed business would be located at 12090 North Hwy 38 in the area between Deweyville and Collinston. The site was previously occupied by Rupp’s Recycling and the Rudd Fabrication facility. The surrounding land uses are Gravel Excavation, Commercial/Industrial, Agriculture and Rural Residential. The surrounding zones are M-G, RR-1 and RR-2.

Staff read the standards for reviewing conditional uses as they apply to this request as follows:

1. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards. *We will not need any changes made for traffic or pedestrians. Loading docks are located on the East side of the building.*
2. Negative impacts on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems. *We should use less electricity but possible more water. We will reach out to the water conservancy to discuss usage and any possible effects.*

3. Negative impacts on connectivity and safety for pedestrians and bicyclists. *There will be no change or negative impact.*
4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable within the district including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, glare, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance. *We will have less impact on all of the items listed above when compared to the last company in the building. We are looking to only operate 8 hours a day, 7-3 or 8-4, Monday - Friday. Still undecided on start time. Minimal employees, starting with 2. We will park on the East or South side of the building.*
5. Environmental impacts that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as fault lines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands. *We anticipate no risk or contamination to adjacent properties. We will not affect any of the items listed in question 5. Any waste material will be used in an agricultural environment. Local farmers can benefit from using our waste/excess material on their crops.*
6. Modifications to signs and exterior lighting to assure proper integration of the use. *We may eventually hang a sign, no additional lighting that would raise concerns for neighbors or distracting to motorists passing by.*
7. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located. *We will be setting an air scrubber on the south west side of the building close to the propane tank, but far enough away there is no added hazard.*
8. Reduction in the tax base and property values. *We don't expect to see a negative effect in property value.*
9. Reduction in the current level of economy in governmental expenditures. *Not anticipated at this time. Not exactly sure what this question is asking?*
10. Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall. *With no foreseeable changes to the property, there is sufficient access for emergency personnel.*
11. Reduction in usable open space. *Usable open space will not change.*
12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring. *The building and grounds will be kept up to meet or exceed the town or county requirements.*

Staff said water will be provided by the Bear River Water Conservancy District and power by Rocky Mountain Power. Staff received a call today from Commissioner Lonnie Jensen, who along with other residents in the area, are under the impression the BRWCD has no more water to give.

Staff stated the Planning Commission must determine if the project meets, or can meet with conditions, the twelve Conditional Use Permit approval standards listed above. Staff informed the commission the applicants have gone through the annexation petition process with the town of Deweyville and have provided the documentation.

(See Attachment No. 2 – Deweyville Petition.)

The commission invited Jared Summers and Corey Wheeler, Earthstrong applicants, to the table to answer questions.

Jared Summers stated he has spoken with Carl Mackley at the BRWCD and was assured there will be no problems with obtaining water.

Commissioner Mellonee Wilding stated part of their job as a commission is to know what conditions need to be placed on a Conditional Use Permit. She asked the applicants for the definition of an agricultural nutrient facility, what is manufactured, and what is used in that process.

Jared Summers, General Manager, explained every nutrient has a plus or minus charge utilized by plants. In order for the plants to use the nutrients effectively, they have to be chelated or complexed. Natural sugars and amino acids are the primary sources. Our facility chelates or complexes those in the same way nature does. We take raw fertilizers that interact with the environment and make them so they move through the soil, move into the plant, and the plant utilizes them within the cell. We are trying to accomplish this with all 16 nutrients a plant utilizes and trying to make it almost 100% efficient. When a grower puts phosphate on his soil, only 8% is utilized; the rest is tied up in the soil. We are trying to increase that efficiency.

Commissioner Wilding asked what raw materials will be coming into the facility. Mr. Summers said an example would be zinc sulfate or zinc nitrate.

When asked about waste materials, Mr. Summers said there are certain waste materials that can work as those sugars and amino acids. We are doing specific chemistry where we have to have a precise attraction and a finished product. Certain companies in the industry will take a waste material and mix it with the nutrient, but they do not prove it is complexed or chelated. Our facility will actually prove it is completely protected from the environment which could cause it to be inactive or not be utilized.

The applicants explained the waste materials will mostly be stored inside the facility, there will be no odors emitting because the amino acids have already been dissected from where it was sourced; everything they sell will be in liquid form and delivered by 275 gallon plastic totes; truck traffic will be light; waste water will be captured and analyzed for nutrient content and is very valuable to the grower. The facility will be using very little of explosive fertilizers like nitrogen, we will be solutionizing those and they will never be sitting there in large quantities. The other explosive used is dry Sulphur and will also be at the facility for a very short amount of time. We try to dramatically reduce the amount of nitrogen phosphate and potassium that is applied, and balance it with the other nutrients, which actually has a better yield and grows a better plant.

The commissioners discussed the conditions they would need to apply to approve this request. This is new technology and until this meeting, were not aware of what the operation of the facility entails.

Commissioner Jared Holmgren asked if tabling this item would be detrimental to their operation.

MOTION: A Motion was made by Commissioner Bonnie Robinson to table the review of application CUP23-004, a Conditional Use Permit for an Agricultural Nutrient Manufacturing Facility until 9/21/23 to allow time for the commissioners to discuss and apply conditions. The motion was seconded by Commissioner Jennifer Jacobsen and unanimously carried.

WORKING REPORTS – NONE

Future Working Reports

Commissioner Wilding asked if a zone can be required when someone wants to do a new use on an unzoned property. Is there a way to ask them to rezone the parcel for that use?

Commissioner Robinson would like to make sure applicants have met the requirements set forth of utilities and water etc. before applying for an ADU. She suggested having the applicants for ADUs approach the utilities first and make sure there is adequate water for the ADU, or require a will-serve letter from the utility companies for the ADU.

Commissioner Robinson attends Brigham City Council meetings where a council member cannot approve prior minutes if he/she was not in attendance at that particular meeting. She asked if a commissioner can motion to approve the minutes if the commissioner did not attend the meeting.

Commissioner Robinson would prefer to have a podium for the applicants to approach when speaking instead of the table. She does not like looking down on applicants. She would prefer people to be at eye level.

PUBLIC COMMENTS

Planning Commissioner Steven Zollinger: I would like to enter a statement of clarification from our last county meeting. As a planning commissioner my intent is to balance the private interest with the public good. As I interact in discussion I try to use my experience to help move policy forward. I would like to apologize to any individual or group that may have been offended by my prior comments and let them know that I do sometimes misspeak and generalize at times, but it has, and will continue to be, my intention to continue to look out for the individual private property rights of all people without consideration of membership in any protected classes, and try to balance public good.

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 8:29 p.m.


Mellonee Wilding, Chairman
Box Elder County Planning Commission

SPECIAL MEETING NOTICE

PUBLIC MEETING OF THE DEWEYVILLE TOWN COUNCIL

Thursday, August 17, 2023

6:00 PM

10870 N HWY 38 DEWEYVILLE, UTAH

Members of the council may participate electronically. Meetings may be closed for reasons allowed by statute. Motions relating to any of the items listed below, including final action, may be taken.

AGENDA

1. Thought/Prayer: Council Member Nate Spackman
2. Pledge: Council Member April Litchford

Public Comments: This is an opportunity for the public to address the council. Please limit your comments to three minutes. Please speak in a courteous and professional manner.

3. Jared Summers – Business License in projected annexation area of Deweyville

Adjourn:

Notice of Intent to file Annexation Petition

The leasers of certain real property shown and described as Exhibit A hereto (the “Property”) intend to file a petition with Deweyville City to annex the Property into [Deweyville City Limits](#). This letter constitutes notice of the Property leasers” intent to file the annexation petition.

Date of Notice: July 13, 2023

Date of Intended Petition: July 20, 2023

Petition Sponsor: Kory Wheeler

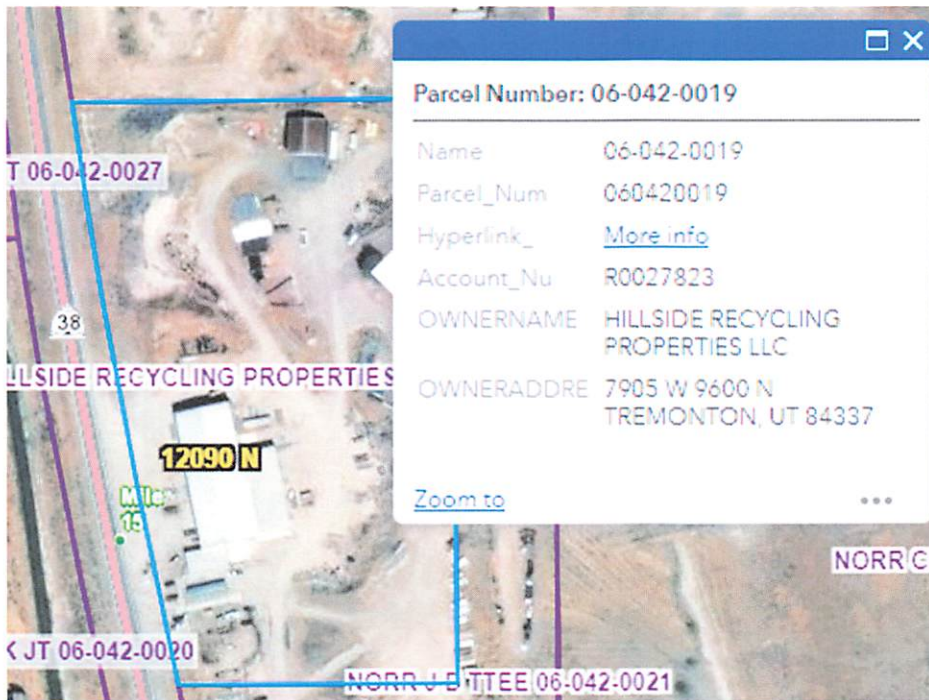
Attention: Your property may be affected by a proposed annexation.

County records show that you own property within an area that is intended to be included in a proposed annexation to Box Elder County or that is within 300 feet of that area. If your property is within the area proposed for annexation, you may be asked to sign a petition supporting the annexation. You may choose whether to sign the petition. By signing the petition, you indicate your support of the proposed annexation. If you sign the petition but later change your mind about supporting the annexation, you may withdraw your signature by submitting a signed, written withdrawal with the recorder of clerk of Deweyville City within 30 days after Deweyville City receives notice that the petition has been certified.

There will be no public election on the proposed annexation because Utah law does not provide for an annexation to be approved by voters at a public election. Signing of not signing the annexation petition is the method under Utah law for the owners of property within the area proposed for annexation to demonstrate their support of or opposition to the proposed annexation.

You may obtain more information on the proposed annexation by contacting Lesley Kendrick at 10870 N HWY 38 Deweyville Utah, 84302, (435) 239-7312, deweyville@digis.net, slyons@boxeldercounty.org. Once filed, the annexation petition will be available for inspection and copying at the office in Deweyville located at 10870 N HWY 38 Deweyville Utah, 84302.

Exhibit A



Approve annexation: _____

Deny annexation: Lesley Kendrick
(Mayor)



Phone · 435-239-7312 • Fax 435-239-7312

10870 N. Hwy 38 Deweyville, Utah 84309

deweyville@digis.net

On this day, August 17, 2023, the Deweyville Town Council has by majority vote of a duly called meeting of the Town Council of Deweyville Town, Box Elder County, Utah, formally DENIED the annexation presented by Mr. Jared Summers concerning the property located at 12090 N Hwy 38, Deweyville, Utah, which is in the proposed future planned annexation area of Deweyville Town.

Signed,



Lesley Kendrick, Mayor

ATTEST:



Nancy Page, Clerk

COUNCIL MEMBERS VOTE:

	Aye	Nay	Absent
Mayor Lesley Kendrick	<u>X</u>	_____	_____
Nate Spackman	<u>X</u>	_____	_____
Jared Doman	_____	_____	<u>X</u>
April Litchford	<u>X</u>	_____	_____
Les Wheatley	<u>X</u>	_____	_____