

BOX ELDER COUNTY PLANNING COMMISSION MINUTES OCTOBER 19, 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	Member
Steven Zollinger	Member
Bonnie Robinson	Member
Jed Pugsley	Member
Jennifer Jacobsen	Member
Vance Smith	Alternate/Member

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Stephen Hadfield	Excused
Boyd Bingham	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 Jared Holmgren**.
Pledge was led by **Commissioner Jed Pugsley**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the September 21, 2023 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Bonnie Robinson** to approve the minutes as written. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

PRESENTATION

County Water & Land Conservation Program – Jay Olsen/UDAF

Jay Olsen, Utah Department of Agriculture & Food, introduced himself as the County Water & Land Conservation Manager. His role is to provide assistance to counties in need of technical support integrating water into land use planning; protecting open space and agriculture; identifying land parcels which qualify for agriculture protection and/or conservation easements; promoting programs available through UDAF; and working with the county, communities, and developers, to protect the integrity of irrigation and canal company's delivery systems.

(See attachment No. 2 – Power Point Presentation.)

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, Z23-015, Request for a zone change of 2 acres from A-20 (Agriculture 20 acre) to RR-2 (Rural Residential 2 acres) located at approximately 7829 S 1500 W in the South Willard area of Unincorporated Box Elder County.

Staff stated the applicant is requesting a rezone of the west 2.08 acres of their 13-acre parcel from A-20 (Agricultural 20 acres) to the RR-2 (Rural Residential 2 acres) zone. The surrounding land uses are Rural Residential and Agricultural.

The public hearing was then opened for comments.

Taylor Anderson, Anderson Livestock Auction, stated they want to break off a piece of land to build a house. The remaining 11 acres will remain agricultural. He said they already have the water shares approved.

Hearing no further comments, a motion was made by Commissioner Bonnie Robinson to close the public hearing on the Zoning Map Amendment Z23-015. The motion was seconded by Commissioner Jed Pugsley and passed unanimously.

ACTION

Staff explained rezone requests are a legislative decision with the Planning Commission being the recommending body. There are four approval standards that must be met. Based on their review, the Planning Commission determines if the four standards have been met or not, then forwards a recommendation to the county commission who makes the final decision. The four approval standards are, (a) whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; (b) whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; (c) the extent to which the proposed amendment may adversely affect adjacent property; and (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.

Staff said with this request there are items that need to be taken into account. The parcel is currently zoned A-20 and is 13 acres in size. As far as the zoning, the parcel is already substandard because the parcel existed prior to the zoning being adopted, which makes it a legal non-conforming parcel. With legal non-conforming parcels, they cannot be made more non-conforming. If the 2 acres are rezoned into RR-2 and then subdivided off, the subdivision could not be approved because it would

leave a more non-conforming 11-acre parcel. If the Planning Commission chooses to forward a recommendation of approval, the landowners request for the 2-acre zoning would need to include the modification of the rest of the parcel being zoned RR-10 (Rural Residential 10 acre). The modification would allow both future parcels to be legal, conforming parcels. The legal description will also need to be reviewed by county staff.

MOTION: A Motion was made by Commissioner Bonnie Robinson to forward a recommendation of approval to the County Commission for application Z23-015 a request for a zone change of 2 acres from A-20 (Agriculture 20 acre) to RR-2 (Rural Residential 2 acres) and adopting the conditions and findings of staff, and modified by the conditions below. 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.
4. Include the modification of the 11-acre remainder parcel to be rezoned to RR-10 (Rural Residential 10 acre).
5. Legal description of the parcel zoned RR-2 (Rural Residential 2 acre) be reviewed by County Staff.

NEW BUSINESS

CONDITIONAL USE PERMIT, CUP23-008, Request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 12800 North 3700 West in the Collinston area of Unincorporated Box Elder County. ACTION

Staff stated Section 5-6-060 of the County Land Use Management & Development Code allows one Accessory Dwelling Unit per lot. Section 2-2-100 lists the standards for reviewing conditional uses and this request meets all 12. Staff explained this Accessory Dwelling Unit is unique as it is legal non-conforming. Section 2-3-060-C of county code states: Any expansion or enlargement of a noncomplying structure that increases the degree of nonconformance is prohibited except as provided in this subsection.

1. The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Zoning Administrator. The Box Elder County Zoning Administrator has determined the expansion does not increase the degree of nonconformity of the existing building.
2. A structure which is nonconforming as to height, area, or yard requirements may be enlarged upon authorization by the Planning Commission, where the Commission, after notice and a hearing, finds the enlargement to be compatible with adjoining property and not detrimental to the community, as determined by the effect of the enlargement on traffic, value of adjacent and nearby properties, and the availability of adequate public facilities and services. The Planning Commission will need to make this determination.

MOTION: A Motion was made by Commissioner Jared Holmgren to approve CUP23-008, a Conditional Use Permit for an Accessory Dwelling Unit and adopting the exhibits, conditions and findings of staff. The motion was seconded by Commissioner Jed Pugsley and unanimously carried.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Chapter 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.
4. Approval of the enlargement of the non-conformity.

TWIN LAKES SUBDIVISION, SS23-018 Request for approval for an amended subdivision located at approximately 14185 North 3100 West in the Collinston area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting an amendment to the final plat of the Twin Lakes Ranch Subdivision No. 5. The proposed amendment adjusts lot 7 from 2 acres to 5.50 acres and adds an additional Lot 8 consisting of 3.59 acres. The surrounding land uses are Rural Residential and Agriculture; the surrounding zone is RR-2. Access is via Highway 38 for the proposed Lot 8 and county road 3100 West for Lot 7. The County Surveyor has reviewed and approved the proposed plat. The County Engineer and the GIS department are currently reviewing the proposed plat and staff is waiting for a response from the applicant's engineer regarding the needed corrections.

MOTION: A Motion was made by Commissioner Jared Holmgren to approve Application SS23-018, amending the Twin Lakes Ranch Subdivision No. 5 located in Unincorporated Box Elder County and adopting the exhibits, conditions and findings of staff. The motion was seconded by Commissioner Lonnie Jensen and unanimously carried.

CONDITIONS:

1. Final approval by the County Engineer and GIS Departments.
2. Compliance with Sections 17-27a-608 and 609 of the Utah State Code.
3. Approval from UDOT for access.

SOUTH WILLARD STORAGE, SP22-005, Request for approval for a storage unit facility located at approximately 8980 South Highway 89 in the South Willard area of Unincorporated Box Elder County.

Staff said the applicant is requesting site plan approval for a storage unit facility of approximately 496 storage units. The proposed use is on an a 5.42 acre parcel located in the South Willard area of Unincorporated Box Elder County. The surrounding land uses are Rural Residential and Agriculture. The surrounding zones are RR-1, C-G, and R-1-20.

Staff explained Box Elder County code allows for personal storage facilities as a conditional use in the Commercial Enterprise (C-E) zone subject to Site Plan approval.

Section 2-2-100(E) outlines the following standards for approval for conditional uses:

1. Conditions may be imposed as necessary to prevent or minimize the anticipated detrimental effects of the use on adjacent properties and within the zoning district, or upon public facilities and services. Such conditions shall be expressly set forth in the approval authorizing a conditional use permit.
2. The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements prescribed by this Code and other applicable Codes, can be met or need mitigation.
3. The following standards should be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied:
 - a. Compliance with Development Standards found in specific chapters of this Code
 - b. Mitigation of reasonably anticipated detrimental effects arising from the conditional use including, but not limited to:
 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.
 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.
 3. Negative impacts on connectivity and safety for pedestrians and bicyclists.
 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.
 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.
 6. Modifications to signs and exterior lighting to assure proper integration of the use.
 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.
 8. Reduction in the tax base and property values.
 9. Reduction in the current level of economy in governmental expenditures.
 10. Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall.
 11. Reduction in usable open space.
 12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.

Staff said the site plan has been approved by the County Roads Supervisor but staff is waiting for reviews from the County Engineer, the County Surveyor, the County Fire Marshal, and the County Building Official.

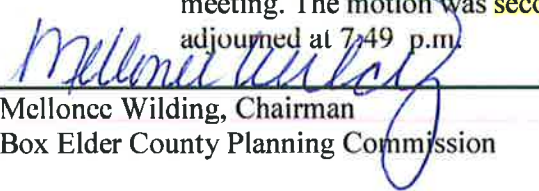
MOTION: A Motion was made by Commissioner Bonnie Robinson to table application SP22-005, a request for site plan approval for a storage unit facility located in the South Willard area of Unincorporated Box Elder County, for up to 6 months to allow time for County Departments to complete their reviews. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

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 7:49 p.m.


Melloncc Wilding, Chairman
Box Elder County Planning Commission

PLANNING COMMISSION MEETING

Thursday October 19, 2023

NAME	ADDRESS	AGENDA ITEM
Adam Alexander	14185 N 3100 W Collinston, UT	Twin Lakes Ranch
Jeremy Hoyt		7
JD Anderson	8710 S 1500 W Willard UT	7
Taylor Anderson	" "	7
Jerry Anderson	1251 W. 2800 S	?
Jay Olson	UOAF	presenting
Sue Ahlgren	4550 W 5400 N BRC UT	—
Kevin Weaver	12800 N 3400 W. Doneyville, UT	8A
Gretchen Alexander	14185 N 3100 W Collinston UT	Twin Lakes Ranch
Randi Smith	4465 W 13600 N Garland	—
Bob Davis	7100 S 1100 W	Zone

County Planning

Utah Department of Agriculture and Food's (UDAF) Role

Jay Olsen - jayolsen@Utah.gov

Cell: 801-718-0517



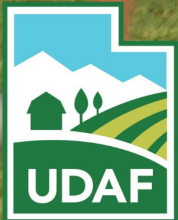
County Water & Land Conservation Program

- **Purpose:** to assist county commissioners/councils, and planning commissions with technical support in:
 - Integrating water into land use planning
 - Protecting open space and agriculture
 - Identifying land parcels which qualify for agriculture protection and/or conservation easements
 - Promoting programs available through UDAF, such as Water Optimization, AgVIP, ARDL, and others (<https://ag.utah.gov>)
 - Work with the county, communities, and developers, to protect the integrity of irrigation and canal company's delivery systems



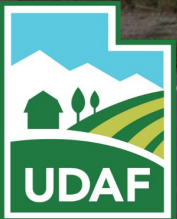
Integrating Water into Land Use Planning

- HB 41 (2020) State Water Policy Amendments:
- SB 110 (2022) Water as Part of General Plan: all counties are required to include a water use and preservation element in their general plan by the end of 2025
- SB 76 (2023) Water Amendments: consult with the Division of Drinking Water, Division of Water Resources, and Department of Agriculture and Food on water supply planning, and regional water conservation goals



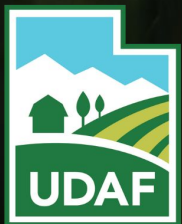
Protecting Open Space and Agriculture

- HB 305 (2022) Natural Resource Revisions: repealed the Quality Growth Commission and replaced it with the Land Conservation Board and moved the LeRay McAllister Critical Land Conservation Program to UDAF
- HB 371 (2023) Working Farm and Ranch Protection Fund: renamed the LeRay McAllister Critical Land Conservation Program, to the LeRay McAllister Working Farm and Ranch Fund.
 - The county treasurer shall, deposit 20% of the rollback tax funds into an account or fund of the county set aside for preserving or restoring open land and agricultural land.



Promoting UDAF Programs:

- Agriculture Water Optimization Program
- AgVIP Program
- ARDL
- Grazing Improvement Program
- Invasive Species Mitigation Grant
- LeRay McAllister Working Farm and Ranch Funds
- Pollinator Program
- Soil Health
- Specialty Crop Block Grants
- Utah Food Security Processing Grant
- Utah Own Brand Development Grant



<https://ag.utah.gov>

Notification of Irrigation or Canal Companies

- SB 76 “counties shall notify an irrigation or canal company located in the county so that the irrigation or canal company can be involved in the protection and integrity of the irrigation or canal company's delivery systems”
- Creating a list of irrigation/canal companies for each county
- Encouraging irrigation/canal companies to create a master plan identifying infrastructure needs



Questions

