

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JANUARY 18, 2024

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

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|-------------------|------------------|
| 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 | Excused |
| Destin Christiansen | County Planner |
| Stephen Hadfield | County Attorney |
| 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 Jed Pugsley**.
Pledge was led by **Commissioner Vance Smith**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the December 21, 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 Jared Holmgren** and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

ZONING MAP AMENDMENT, Z23-017, Request for a zone change of 8 acres from A-20 (Agriculture 20 acres) to C-G (General Commercial) and 12.925 acres from A-20 (Agriculture 20 acres) to RR-10 (Rural Residential 10 acres) located at approximately 8205 S 1500 W in the South Willard area of Unincorporated Box Elder County.

Staff stated the applicant is requesting parcel 01-045-0134 (20.925 total acres) be rezoned from A-20 (Agricultural-20 acres) to two separate zones. The western 8 acres are requested to be

rezoned to the C-G (General Commercial District) zone and the remaining eastern 12.925 acres to the RR-10 (Rural Residential-10 acres) zone. The parcel is in the South Willard area of unincorporated Box Elder County and the applicant has been through the annexation petition process with Willard City. The surrounding land uses are Agricultural and Residential.

Staff explained zoning map amendments are a legislative proceeding so 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 as follows:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan; The County’s General Plan for the South Willard area states “existing commercial uses along US 89 should be retained, but new commercial growth should mostly occur near the interchange, where mixed uses could be introduced. Since orchards are not found west of I-15, 20-acre agricultural zoning should be retained to provide for crops and grazing.” 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 consists mainly of agricultural uses with some residential homes to the north to include a couple of home businesses (heavy transportation operation and a vehicle conversion business) as well as a livestock auction facility. The Planning Commission needs to decide if a C-G and RR-10 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. Access to the proposed property is via 1500 West (a gravel road). It is unknown what the adequacy of the road and facilities would be in this area for the proposed zone changes and any future use(s).

The public hearing was then opened for comments.

Donna Kunz, South Willard, stated she runs cattle and horses and has since 1999. She has a well located under the freeway that provides water for her livestock and her home. If they want to build houses, there is no available water for any residences unless a well is drilled. Ms. Kunz said the area is zone agricultural, people there understand livestock and the lifestyle. She has other land she leases next to residential zoning and her fences are always being cut. She is not opposed to the commercial zoning but is against residential homes being built.

Zach Ainsworth, applicant, explained he has no plans for residential housing and understands Ms. Kunz's concerns with agriculture and livestock. He currently rents property in Ogden for his business but wants to move his business here and have access to the interstate. He wants to zone the western 8 acres as commercial to have a metal building to store trucks, trailers, and equipment in and have a place to get in and out of in the winter to make repairs and service.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Zoning Map Amendment, Z23-017. The motion was seconded by **Commissioner Lonnie Jensen** and passed unanimously.

ACTION

Staff clarified the remaining 12 acres would not be compliant under the current A-20 zone (Agricultural-20 acres). The RR-10 (Rural Residential-10 acres) zone would keep the parcel compliant.

Commissioner Mellonee Wilding explained if the applicant chose to build homes on the 12-acre parcel, the RR-10 zone limits them to one (1) home.

Staff stated the C-G (General Commercial District) zone allows for a number of potential uses ranging from department stores, furniture stores, gas stations, car dealers, auto repair shops and shopping centers, to movie theaters.

Commissioner Mellonee Wilding reminded the commission their concern is not with the intended use by the applicant but is with the potential uses stated by staff and the standards for reviewing zoning map amendments. She thinks the road for any heavy commercial business is inadequate.

Road Supervisor Darin Mcfarland said the road is heavily used due to the auction barn located there. A portion of the road is gravel so additional commercial traffic would not be handled well. Gravel roads are not salted in winter. It is his opinion the road would need to be upgraded.

Applicant Zach Ainsworth offered to help with upkeep of the road and asked if there is a conditional use he could apply for to protect the county.

County Attorney Stephen Hadfield said zoning by agreement has been done in the past. He explained a zoning agreement requires a property be used for certain uses and can be structured several different ways. The agreement can be permanent and run with the land or structured that if

the land gets sold, the zone reverts back to the prior zoning. It is basically an agreement between the county and the landowner with only certain purposes being allowed.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to table Zoning Map Amendment, Z23-017 for up to 6 months and direct staff to explore the opportunities of zoning by agreement. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

NEW BUSINESS

SILVER EAGLE SUBDIVISION, SS23-025, Request for preliminary approval of a 4-Lot subdivision located at approximately 1700 S Willard Peak Road in the Mantua area of Unincorporated Box Elder County. ACTION

Staff explained the proposed development will split the property into 4 lots. Each lot has frontage along Willard Peak Road and lot 4 would have frontage along a private access road as it drifts off Willard Peak Road due to elevation. The zoning on each of these lots is 5-acres. The surrounding land uses are Agricultural and Residential. Water is to be provided by the town of Mantua and a feasibility letter was received from the Bear River Health Department. The County Surveyor and GIS departments have requested some changes to the addressing, ownership, dates and notes, the owner's dedication, and the road standards to access lots 2, 3, and 4. The County Engineer, the Road Superintendent and the Fire Marshal have not submitted reviews as of yet.

Staff was provided a contour map which will be sent to the County Engineer for review. Staff has not received the geotechnical and soils report and has the following questions regarding this request.

- Will natural gas or propane be supplied to the property?
- Will future access to the land southeast of this property be preserved for future development?
- Do these sections of code apply? (a) Where local, county and regional master plans indicate that construction or extension of sanitary sewers may serve the development area within a reasonable time, the Planning Commission may require the installation and capping of sanitary sewer mains and house connections by the developer. (b) Where a current public sewer system exists, a connection is required for the development if it falls within 300' distance of said sewer system.

Commissioner Mellonee Wilding thinks this is an incomplete application, there is a lot missing.

Road Supervisor Darin Mcfarland said the road does not qualify under the current standards. With the way the sharp bend is and the grade break, the area has low visibility, and with heavy traffic flow, this is something to be considered. There should be no more than 2 lots on a private road and the applicant is proposing 3 lots. The only way this could be approved is if there were a 60 ft. right-of-way. Supervisor Mcfarland suggested a redesign of the road to bring the road into compliance with county road standards.

MOTION: A Motion was made by Commissioner Bonnie Robinson to table application number SS23-025, a preliminary plat for the Silver Eagle Subdivision for up to 6 months to allow time for completion of the application and allowing time for redesigning of the road. The motion was seconded by Commissioner Jennifer Jacobsen and passed unanimously.

SUMMER LAND RANCHES PH. 2, SS23-023, Request for preliminary approval of a 12-Lot subdivision located at approximately 10300 West 13600 N in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting preliminary approval for Phase 2 of Summer Land Ranches. The 12 lots average 5.95 acres in size. The surrounding land use is Agriculture and Rural Residential. Access will be off 13600 North for all lots. All will-serve letters have been received from the utility companies and a feasibility letter was received from the Bear River Health Department. A geotechnical report has also been submitted. The preliminary subdivision plat will comply with county regulations and staff recommends approval.

MOTION: A Motion was made by Commissioner Jared Holmgren to approve application SS23-023, a preliminary plat for the Summer Land Ranches Subdivision, Phase 2 located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of staff. The motion was seconded by Commissioner Vance Smith and unanimously carried.

CONDITIONS:

1. Compliance with all County Staff reviews and comments.
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.

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 8:19 p.m.



Jared M. Holmgren, Vice-Chair
Box Elder County Planning Commission

PLANNING COMMISSION MEETING

Thursday January 18, 2024

| NAME | ADDRESS | AGENDA ITEM |
|-----------------|---|-------------------------|
| Steve Tobias | 1239 W. Jordan River Dr South Jordan, UT 84095 | Silver Eagle Mining Sub |
| Zach Hisworth | 227 Canyon View Cir Centerville UT 84614 | Commercial Zoning |
| Darin McFarland | 5730 W. 8800 N. Tremonton UT 84337 | multiple |
| KURT SPIERS | 7335 S 8500 W Willard UT 84340 | SILVER EAGLE |
| Donna M Kunz | 8135 S 1500 W Willard UT 84340 | Zone Change |
| JIM FLINT | 538 E MAIN BRIGHAM CITY | SUMMERLINA 2 |
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