

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

January 20, 2022

Agenda review with Planning Commissioners at 6:00 p.m.

1. **CALL TO ORDER 7:00 p.m.** (County Commission Chamber Room, Main Floor)
 - a. Roll Call (Commissioners L. Munns, S. Zollinger, K. McGaha, M. Udy, B. Robinson, M. Wilding and J. Holmgren)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL of the December 16, 2021 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
 - a. None.
6. **PUBLIC HEARINGS**
 - a. **ORDINANCE TEXT AMENDMENT, Z21-023**, Request for a text amendment to change the eligibility requirements of Chapter 3-8-1, Master Planned Community Zone, of the Box Elder County Land Use Management & Development Code. **ACTION**
7. **NEW BUSINESS**
 - a. **BEAR HOLLOW EVENT CENTER SITE PLAN, SP21-010**, Request for approval of an events center located at approximately 15010 North Bear Hollow Dr. in the Collinston area of Unincorporated Box Elder County. **ACTION**
 - b. **BECKAM'S EDGE SUBDIVISION PHASE 2, SS21-034**, Request for approval for a subdivision located at approximately 11050 North 8300 West in the Tremonton area of Unincorporated Box Elder County. **ACTION**
 - c. **LARKIN AGRICULTURAL SUBDIVISION, AS22-001**, Request for approval for an amended subdivision located at approximately 10714 North 8400 West in the Tremonton area of Unincorporated Box Elder County. **ACTION**
 - d. **PIERSON AGRICULTURAL SUBDIVISION, AS22-002**, Request for approval for an agricultural subdivision located at approximately 13465 North East Garland Road in the East Garland area of Unincorporated Box Elder County. **ACTION**
8. **WORKING REPORTS**
 - a. Home Occupations/Home Businesses
 - b. Cemeteries
9. **PUBLIC COMMENT**
10. **ADJOURN**_____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES DECEMBER 16, 2021

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
Kevin McGaha	Member
Michael Udy	Excused
Steven Zollinger	Member
Bonnie Robinson	Member
Laurie Munns	Member

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Steve Hadfield	County Attorney
Jeff Scott	Commissioner
Diane Fuhriman	Executive Secretary

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

The Invocation was offered by **Commissioner Laurie Munns**.

Pledge was led by **Commissioner Steven Zollinger**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the October 21, 2021 and November 18, 2021 meetings 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.

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.

UKEN DOODLE LLC, CONDITIONAL USE PERMIT, CUP21-007, Request for a Conditional Use Permit to operate a kennel at 4740 North Highway 38 in the Harper Ward area of Unincorporated Box Elder County. ACTION

Staff stated the applicant is requesting a Conditional Use Permit for a dog breeding kennel. They indicate they have an approximate 1000 sq. foot shed on the property that would house 3 female dogs. Adjacent to the shed, the applicant would have an approximate 1000 sq. foot fenced area to be used as a dog run. The property is currently used as their residence. The property is located at 4740 North Hwy 38 in the Honeyville area. The surrounding land use is Rural Residential and Agriculture; the surrounding zoning is RR-5.

Staff read the standards for reviewing conditional uses from Section 2-2-100 of the Box Elder County Land Use Management & Development Code 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.
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.

The public hearing was then opened for comments.

Hearing no comments, a motion was made by **Commissioner Laurie Munns** to close the public hearing on the Uken Doodle Conditional Use Permit, CUP21-007. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

ACTION

Staff explained if the applicant is compliant with the conditions set forth by the Planning Commission, they should be eligible for a Conditional Use Permit. Staff recommends approval.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to approve application number CUP21-007, a Conditional Use Permit for a dog kennel, and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder 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.

ZONING MAP AMENDMENT, Z21-020, Request for a zone change of 5.11 acres from C-G (General Commercial) to C-E (Commercial Enterprise), located at approximately 9000 South Highway 89 in the South Willard area of Unincorporated Box Elder County. ACTION

Staff explained the applicant is requesting parcels 01-047-0013; 0044 be rezoned from C-G (General Commercial) zone to C-E (Commercial Enterprise) zone.

Staff read the approval 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 does state that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests. The South Willard Community Plan states that parcels fronting onto Highway 89 may be rezoned as neighborhood commercial.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; The area is a combination of agricultural uses and some residential homes with some commercial uses along Highway 89.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment shouldn't affect the values of adjacent property. 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. The developer would be required to bring in the utilities for the development. The others should be fine.

The public hearing was then opened for comments.

Richard Woodland has adjoining property to this location. He is not concerned with the zoning change but with the access into the property. There are consistently car crashes on the corner. He would like more background information before this is approved.

Jim Flint, applicant, said the property is in a split zone. The proposal is to make the property a single zone. He explained the concept plan will be addressed later in the meeting and he can answer any questions at that time.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Zoning Map Amendment, Z21-020. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

ACTION

Staff explained the proposed map amendment meets the approval standards found in County Code. The Planning Commission can make a recommendation of approval to the County Commission if they so choose. Staff has recommendations for conditions of approval listed in the staff report.

Commissioner Mellonee Wilding asked if storage units are allowed in any other zone. Staff explained storage units are only allowed as a conditional use in the C-E zone. **Commissioner Wilding** asked what else is allowable in the C-E zone. Staff listed agricultural, residential, and commercial such as hotels, industrial type printing, transportation, communication, retail trade, and services. The zone is more lighter industrial, where the M-G zone is heavier industrial.

MOTION: A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval to the County Commission for application Z21-020, an zoning map amendment from C-G (General Commercial) zone to C-E (Commercial Enterprise) zone and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** 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.

ZONING MAP AMENDMENT, Z21-021, Request for a zone change of approximately 140 acres from R-1-20 (Residential 20,000 sq. ft.) to MPC (Master Planned Community), located at approximately 7090 South Highway 89 in the South Willard area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting 140 acres be rezoned from R-1-20 Residential Single Family 20,000 square feet) to the MPC (Master Planned Community) zone. The proposed MPC zone would include only single-family residential uses. The submitted concept plan shows nine phases of approximately 30 lots per phase. The surrounding land uses are Agricultural to the north, Residential to the south, Residential/Commercial to the east, and 1-15/Willard Bay to the west. The R-1-20 zone is to the north and south, The R-1-20/C-H zones are to the east, and the A-20 zone is to the west.

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 MPC zone was created as part of the South Willard plan as residents were open to a variety of housing types and uses if the property qualifies. The County's General Plan addresses the goal of preserving orchards in the area. None of this property is used as orchard.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; The area is a combination of residential, agricultural, and mining. Whether the proposed amendment is harmonious with the overall character of existing development is subjective. The proposed MPC zone would consist primarily of 1/3 to 1/2 acre single family residential.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed residential would likely add some car traffic to Highway 89. The proposed amendment would benefit the residential development to the south by creating additional access roads to Hwy 89. This would improve safety and circulation in the area.

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. There are services in the area, such as schools, police, and fire protection. The applicant owns water shares for the development. The water infrastructure would be provided by South Willard Water Company (this is still being negotiated). Sewer will be provided by Willard City. Storm water drainage systems would be required of the developer and would be dedicated to and maintained by the Flood Control District. Plans for this would be submitted as part of the subdivision process.

Staff explained the MPC zone is a unique zone which has five eligibility requirements. Per Chapter 3-8-1, to be considered for a MPC zone, all applications shall meet the following criteria (applicant's response in italics):

- 1. Encompass a minimum of one hundred (100) acres to assure reasonable internal and external land use compatibility. The property in question shall be solely owned by an individual, partnership, or corporate entity, or under option to purchase by an individual, partnership, or corporate entity, at the time an MPC application is submitted; otherwise, the MPC application shall be filed jointly by all owners of the property.** *The project exceeds the 100-acre minimum size in order to be MPC zone considered. Attached is a surveyed boundary of the project site.*
- 2. Demonstrate in textual, visual, and oral form to the Planning Commission and the County Commission that the property in question is unique due to size, slope, natural features, sensitive lands, natural hazards, current land uses, other relevant features or that difficult hardship related conditions exist.** *The project consists of a coordinated, cohesive community. The land has a moderate, down gradient westward slope from Highway 89 to the railroad tracks, and consists largely of farmed land. Sensitive lands are in the northwest portion of the site per FEMA and wetlands mapping.*
- 3. All areas of the proposed MPC zone shall be included in the specific plan.** *The boundary survey shows the entire area to be included in the MPC zone.*
- 4. Offer unique advantages over traditional forms of development as determined by the Planning Commission and County Commission.** *The scope of the project offers a unique advantage of a well-integrated community design.*
- 5. A portion of the housing units shall be income targeted housing for persons of medium and low income. The number of income targeted housing units must be commensurate with the size and scope of the proposed development and is subject to the approval by the County Commission.** *Medium and Low Income: County subdivision projects usually are associated with 1-acre or larger lots. Occasionally there are lots as small as 1/2 acre but such can be septic-system challenged. Old Farm offers a variety of 15,000 SF to 20,000 SF lots, thereby creating perhaps the most affordable-based community in the County.*

The public hearing was then opened for comments.

Hearing no comments, a motion was made by **Commissioner Laurie Munns** to close the public hearing on the Zoning Map Amendment, Z21-021. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

ACTION

Staff stated the applicant is in attendance if the Commissioners have any questions. Staff explained the applicant is required to submit a specific plan including maps, text and supporting information. The applicant has submitted the types of uses in the area which is Single Family Residential. They have proposed to build a 35 ft. asphalt road with curb, gutter, and sidewalk. Conceptual storm water has been shown, road design and circulation has been shown, frontage and setback requirements have been addressed. They have also addressed the method of providing water and sewer. The agreement with Willard City shows the verification of capacity for sewer. The applicant has sufficient water as far as paper shares, but until they drill the well in the spring they will not know the actual capacity. A draft development agreement with the County has been submitted and is currently under review.

Staff explained Willard City is somewhat interested in this project but has pushed it aside. This is why the applicant has come to the County seeking approval under this section of code.

Commissioner Steven Zollinger verified there are currently no Master Planned Communities in Box Elder County.

Commissioner Mellonee Wilding asked if the County has a definition of low and middle income housing. Staff said County code has a definition for moderate income housing but is unsure if the definition is applicable where code states moderate instead of low and middle income. Moderate income housing is defined as 80% of the median household income for the area.

Commissioner Laurie Munns said there is a potential of 275 homes in the proposed MPC. She is concerned with the two points of access on Highway 89. How will people get out in case of an emergency? Staff said the access points are regulated by UDOT and only allow a certain amount of accesses per linear feet.

Commissioner Jared Holmgren questioned what unique advantages this project offers over traditional forms of development.

Brent Bailey said what makes this piece of ground unique is the layout of the road. It was designed to slow traffic to make it nice for families with children. Open space has been left for a trail system that ties into Willard City's Master Plan Trail and the UTA trail system.

Commissioner Bonnie Robinson takes issue with tight subdivisions in the County. They belong in a city especially where the infrastructure is controlled by a city. The residents who live in the MPC have no say to the elected officials who control their utilities.

Commissioner Laurie Munns is concerned with the size of the lots. The MPC will take what is now 1/2-acre lots and increase them to 1/3-acre lots which is a way to get more housing on the property. The County is not in the business of being a city. When she thinks of a Master Planned Community, she thinks of green space and parks, not just a housing development.

Brent Bailey explained the project was presented to Willard City with a park in the middle but discussions with the County revealed the County could not maintain the park.

Commissioner Mellonee Wilding said she still does not understand how this development provides a unique advantage over any other subdivision. An MPC is typically a mix of uses, housing types, and open space. This is just a more dense subdivision which does not offer a unique advantage over traditional forms of development. Commissioner Wilding also referred to the second eligibility requirement that states 'demonstrate that the property in question is unique due to size, slope, natural features, sensitive lands, natural hazards, current land uses, other relevant features or that difficult hardship related conditions exist'. She said this is a flat, old farm so she does not see how this property would meet this eligibility requirement.

Jim Flint said the property has a moderate, natural down gradient westward slope. He feels the Commissioners are suggesting an MPC can only be done on hardship strapped land. He said what makes this unique is it would be the most cohesive, affordable based community in the County.

Commissioner Bonnie Robinson mentioned snow removal. The County is not set up for that tight of density when it comes to snow removal.

Commissioner Mellonee Wilding reiterated she does not feel the criteria for an MPC zone has been met. She asked staff if the proposal could be tabled and a time frame implemented for the applicant to work with Willard City if the city is still interested in the project.

Staff addressed in detail the options the Planning Commissioners have if they choose to forward a recommendation of approval to the County Commission or if they choose to table the item. In addition, if this development qualifies for the MPC zone, then there is potential for the County and the developer to make Willard City a third party to this proposal, but the development would need to be annexed into the city. If the proposal does not meet the Master Planned Community standards this becomes a moot point.

MOTION: A Motion was made by **Commissioner Kevin McGaha** to table application Z21-021 a zoning map amendment from R-1-20 (Residential 20,000 sq. ft.) to the MPC (Master Planned Community) zone for a period of no more than 6 months, based on verification of water capacity, and the development agreement being reviewed. The motion was seconded by **Commissioner Steven Zollinger** and discussion followed. The motion died with a vote of 3 to 2.

MOTION: A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of denial to the County Commission for application Z21-021, a zoning map amendment from R-1-20 (Residential Single Family 20,000 square ft.) to the MPC (Master Planned Community) zone based on it does not meet the standards set by County Code Chapter 3-8-1 for a Master Planned Community. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

ORDINANCE TEXT AMENDMENT, Z21-022, Request for a text amendment to add Animal feeding operations as Chapter 4-5 into the Box Elder County Land Use Management & Development Code. ACTION

Staff said this is a request for a text amendment to add Chapter 4-5 of the Box Elder Land Use Management and Development Code. This chapter is to provide application requirements for AFOs (Animal Feeding Operations) to include large CAFOs (Concentrated Animal Feeding Operations) for unincorporated Box Elder County. This amendment stemmed from State legislation passed in July 2021 requiring that any county wishing to restrict Large CAFOs (Concentrated Animal Feeding Operations) must designate geographic areas for the use prior to February 1, 2022.

The Box Elder Land Use Management & Development Code 2-2-080.C allows authorized County staff to initiate amendments to text of 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 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 does state that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.

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 that would allow for animal feeding operations. 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 should not adversely affect adjacent property. 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 should not have an effect on the adequacy of facilities.

The public hearing was then opened for comments.

Joel Ferry, State Representative and House Sponsor of this legislation, stated the reason this legislation came forward was because communities and counties throughout the state were trying to restrict and push these feeding operations out of their communities. He feels like it was an overreach and a gross, heavy hand from some of the counties where they were trying to specifically target the hog operations existing in Central Utah. The revised proposal by the County is taking this further than what the state had recommended by placing conditions on AFOs. What State Code defines as large concentrated animal feeding operations is what we are specifically talking about. Historically, Box Elder County has not had any trouble with CAFOs. The DEQ and the Department of Agriculture regulates CAFOs heavily. Adding an additional layer of regulation will make it that much more difficult for our community to operate. We are an agricultural friendly County and we want to continue to be such. He feels this ordinance is somewhat anti-agriculture. He thinks the sticking point is the date of February 1st; he is willing to remove the date so it is open ended.

Arthur Douglas stated during the Bush Administration he sat on the Northern Utah Soil Conservation Board. At that time there were CAFOs and AFOs. As a conservation board, along with the NRCS, it was their duty and responsibility to sit with a map of the County and pinpoint every dairy, creek, and waterway that was a possibility of being a contaminant. The Farm Bureau was to identify and visit with the producer of the contaminant letting them know to either fix the problem or be fined. Respectfully, this should not be an issue with Box Elder County. It is because

of the big hog farms this legislation is being introduced into Box Elder County. This is going to have an effect on all of our livestock. He questioned what will happen to the children who show animals at the County Fair. Mr. Douglas said this is nothing more than another tax.

Floyd Bingham has read the original version of the proposed text amendment. He said some of us have been in the agricultural and livestock business for over 100 years. If anybody understands the use of the land and how livestock affects that land, we do. If we do not take care of it and overgraze it or if animals are put in there too long, we are unable to grow any kind of crop. If we want to be successful in this business, we need to be good stewards of the land. When the County or someone else gets involved, it seems to him there is someone looking over our shoulders that does not know our business quite as well as we do. In Honeyville City, a lawsuit has been going on for four years. Someone from Los Angeles, CA was complaining about his neighbor's manure in an agriculturally zoned area. About 20 years ago, the state created Agricultural Protection Areas where farmers and ranchers could put their property into those area and be protected from nuisance lawsuits. He feels this ordinance is the counter to that protection area.

Laura Holmgren has read the original ordinance. Ms. Holmgren said her daughter is the 7th generation to be on her family farm. She wants to preserve her opportunity to farm and ranch if she chooses. She and her husband serve as the Utah Young Farmer & Rancher State Chair so they hold a voting seat on the Utah Farm Bureau Board of Directors. The short story of how we got here is important. Beaver County was inundated with negative feedback from animal activists who opposed mink plants housed in their county. Their Planning & Zoning Committee suggested a 2 ½-mile setback to their County Commissioners who then doubled that to a 5-mile setback. When Millard County began to experience negative feedback regarding their large hog operations, they followed suit by doubling their setback to 10 miles. She feels the proposed zone restrictions for Box Elder County seem incredibly arbitrary. There have been no down-wind studies and no public complaints suggesting these regulations are necessary for our County.

Chris Beins is an attorney, a rancher and runs livestock. He has read the proposed ordinance and has also read about every page of EPA regulations that applies to CAFOs. It is disturbing to him both from a livestock perspective and an attorney's perspective. He questions the validity and the necessity of this proposed ordinance to take place when there is already federal regulations covering these issues. He has spoken with an individual who has a CAFO permit under federal law and they are compliant. Why as a County do we need to push this issue further? Is it revenue? This proposal conflicts with the EPA regulations. There is contradictory language and the definitions are not the same. He feels this is not a good idea from a legal standpoint or a community standpoint.

Spencer Gibbons, Utah Farm Bureau, encouraged the Commissioners to continue to seek information from the farmers and ranchers who will be impacted by this the most.

Riggin Holmgren sits on Bear River City Council and appreciates what the Commissioners do. He looks at this as a draconian overreach to an industry that is already heavily regulated by the Federal Government, the EPA, and multiple entities who watch everything we do. These entities have people who check and inspect that we are not polluting our water ways. He does not see the County's place in this. He urged the Commissioners to leave it is the way it is and vote it down.

Seth Schneringer ranches all over Box Elder County. He has read the legislation and acreage is not specified for CAFOs or AFOs. He asked what is going to happen if you are feeding cows in a 1000-acre pasture? How are the Commissioners going to work with the BLM on what numbers are already allocated in a permit? Much of Western Box Elder County is in winter permits, are those going to be affected by whatever is defined as a CAFO?

Hannah Freeze serves as the AFO/CAFO Program Manager for the Utah Department of Agriculture & Food. She has seen the most recent draft of the ordinance. If the County desires to restrict the siting of large CAFOs, the scope of the proposed ordinance should focus solely on large CAFOs. There are several instances in the proposed ordinance more restrictive than the current regulations of the state of Utah and the Federal Government. She recommends tabling or scrapping this issue and let the state work with these large CAFO producers on a one-to-one basis and let small operations continue to operate as is.

Andy Yeates, Farm Bureau, stated 93% of the people who voted on the County's General Plan wanted Box Elder County to remain an agricultural county. This proposal is a death sentence to agriculture in Box Elder County. The County has spoken and wants it to remain agriculture.

Josh Munns said Box Elder County is agriculture, agriculture is American. He asked what is being done to protect the farmers and ranchers against regulations. This proposal is not protecting us but is taking away and tying the hands of generations to come. He asked the Commission to keep in mind the futures of their families, their community, and the future of America.

Chad Hardy is a dairyman and has one of the operations that falls under a CAFO. He said there are six families supported by their large family dairy. He loves Box Elder County and dairying so they chose to grow the dairy to the point where it could support multiple families. The regulations he deals with already are burdensome and it takes a lot of effort to stay within those regulations. Mr. Hardy encouraged the Commissioners to let things continue as they are and if something does arise, we can address it at that time.

Mitch Hancock currently holds four of the nine CAFO permits in the state of Utah. He appreciates the effort of reaching out to the farmers but the effort to get this proposal passed tonight is premature and done without due diligence. He agrees with comments that we are getting pushed from the outside in. These regulations will come whether we like it or not. If the County elects to follow regulations in this manner, it deserves due diligence.

The following Box Elder County residents spoke in opposition to the Ordinance Text Amendment: Jed Shannon, Juliana Larsen, Tyrell Stephens, Bret Selman, Richard Holmgren, Jed Larkin, Tim Douglas, Carson Greener, Whyatt Garn, Ryker Holmgren, McKayla Shannon, Tyana Price, and Calee Garn.

Jim Bowcutt stated he worked with producers in the AFO and CAFO programs for 12 years when he worked for the Department of Environmental Quality. He would mitigate the struggles created by the EPA and the DEQ due to the red tape these programs presented to the landowners. The restrictions coming down on the agricultural community are not going to get any better. Agricultural producers are struggling right now because of the increased regulations and costs. As

we move forward, he thinks we need to communicate and work closely with the Department of Agriculture & Food, the Farm Bureau, and the legislators who drafted this bill.

Jim Flint said he lives 50 ft. from a Holstein dairy operation and has no complaints about it. His in-laws also have a dairy. He thinks there is a perception that nothing can be done about this, that we are handcuffed and have to be on the defensive. He suggests going on the offensive and doing what we can from that perspective.

Chubb Munns read from Section 4-5-060 of the draft that states: The closest inside edge of the retaining wall of any manure treatment lagoon, or outside wall of a milking barn, or the outside edge of any corral or manure storage area shall be at least six hundred sixty feet (660') from the nearest, inhabited dwelling. He would like to see the same implemented on any subdivision in the County. He encouraged the Planning Commission to revisit this and put agriculturists on a committee and word the ordinance to protect agriculture for generations to come.

Kris Udy said she wants to understand where this is coming from and who is pushing this amendment. She feels the answer is not to table this item, the answer is to deny it.

Kent Baker has a small operation in the roping business. He runs approximately 300 calves a year and has 150 calves at a time on his property. He said the passion in this room is insane. His father taught him no other generation has had it this good, everything is better. He said the way the country is turning right now, we need to stand up and protect our freedoms and our way of life.

Hearing no further comments, a motion was made by **Commissioner Steven Zollinger** to close the public hearing on Ordinance Text Amendment, Z21-022. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

ACTION

Staff explained Box Elder County Code allows for ordinance text amendments subject to review procedures and approval by the County Commission with a recommendations from the Planning Commission. The Planning Commission needs to determine if this application meets the standards in Section 2-2-080.

Commissioner Mellonee Wilding appreciates the public doing their due diligence and reading the ordinance.

State Representative Joel Ferry feels tonight's discussion was centered around additional regulation on agriculture. Additional regulation was not the intent of this legislation. Other counties have been addressing this issue and there is a lot of confusion oriented around the deadline date of February 1, 2022. Representative Ferry stated he has made public his intention of removing that date on the Utah Legislature website. By removing that date there is no pressing need to act.

Commissioner Steven Zollinger became a Commissioner in hopes of making a difference. He recognizes the passion here, agriculture is what takes care of his family. He wants the public to know the Commissioners do their best to help the public protect their rights.

Commissioner Jared Holmgren is concerned that the text amendment being discussed is not the most current version. It is clear to him that the people this affects the most are not interested.

Commissioner Kevin McGaha stated anytime a rule is written, there are going to be unintended consequences. It is incumbent upon the Commission to make sure those unintended consequences do not bloom into something that is going to hurt people. What precipitated this legislation was some draconian measures that happened in other counties. The fear is those measures might spill over into Box Elder County. He said the Commission needs to make sure the intended consequences are to protect the ranchers and farmers of our County. Give us a chance to do that, that is where the Commission's heart is, we want to make sure agriculture is protected.

Commissioner Laurie Munns asked County Attorney Stephen Hadfield if the Commission needs to act on the version of the text amendment received on Monday or should the item be tabled so the Commissioners can read the revision. **Attorney Stephen Hadfield** said since there are two versions of the text amendment, it is probably not prudent to act until the Commission has had opportunity to review the revision.

Commissioner Bonnie Robinson feels until the legislators meet and removes the date of February 1st the Commissioners are somewhat stuck.

Commissioner Jared Holmgren said in his opinion, we would be no worse off if the Commission does nothing because that is what we have right now.

Staff clarified the only difference of being no worse off is, with that deadline being set something has to be done by February 1st; if in the future the County ever felt it was necessary to regulate this, that possibility is taken away.

MOTION: A Motion was made by **Commissioner Steven Zollinger** to forward a recommendation of denial to the County Commission for application Z21-022, an ordinance text amendment adding Animal feeding operations as Chapter 4-5 into the Box Elder County LUM&DC based on this is not what the County wants, we do not want regulation, something different needs to be done.

AMENDMENT:

An amendment to the motion was made by **Commissioner Jared Holmgren** to base the denial on, it is not consistent with the goals, objectives and policies of the County's General Plan and, is not harmonious with the overall character of the existing development in the vicinity of the subject property being all of Box Elder County. The motion and the amendment was seconded by **Commissioner Laurie Munns** and passed unanimously.

NEW BUSINESS

AGRICULTURE PROTECTION AREA, AP21-003, Request to create a new agricultural protection area on multiple parcels around the Tremonton area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting to establish an Agriculture Protection Area on 65.76 acres located on multiple parcels in the Tremonton Area. The surrounding area is primarily agriculture and is Unzoned. The parcel to the north, also owned by the applicant, is currently in an Agriculture Protection Area.

Staff read the approval standards for reviewing the creation of an Agriculture Protection Area 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.

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; and 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; No changes or modifications are recommended by staff.

D. Analyzes and evaluates any objections to the proposal; and To our knowledge 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 a recommendation will be prepared on the Planning Commission's behalf to the County Commission.

MOTION: A Motion was made by **Commissioner Laurie Munns** to forward a recommendation to the County Commission to accept the proposal to create the Agriculture Protection Area on multiple parcels in the Tremonton area in unincorporated Box Elder County. The motion was seconded by **Commissioner Bonnie Robinson** and unanimously carried.

PERMITTED USE REVIEW, PU21-001, Request to have a multi-structure dwelling complex under single ownership, located at approximately 3807 West Slalom Way in the Riverside/Collinston area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting Planning Commission approval for a multi-structure dwelling complex under single ownership and management. The owner has one home on the property currently and would like to build another structure on the adjacent parcel and possibly another future dwelling down the road.

Staff explained Section 2-2-090 outlines the following standards for review for permitted uses.

1. A permitted use shall:
 - a. Be allowed as a permitted use in the applicable zone;
 - b. Conform to development standards of the applicable zone;
 - c. Conform to applicable regulations of general applicability and regulations for specific uses set forth in this Code; and
 - d. Conform to any other applicable requirements of Box Elder County Ordinances.
2. Conditions may be imposed as necessary to achieve conformance with applicable code requirements.
3. If proposed development is located on a lot or parcel which has been subdivided without County approval:
 - a. A subdivision plat shall be approved and recorded as a condition of approval, and
 - b. Street improvements shall be provided as required by this Code and other applicable requirements of Box Elder County Ordinances.

Staff said one of the conditions that may be imposed is the multi-structure dwelling complex is for residential, non-commercial, use only. If it were to be used for commercial purposes, code requires a site plan review and has additional building requirements.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to approve application number PU21-001, a Permitted Use Review for a multi-structure dwelling complex under single ownership and management, and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Steven Zollinger** and unanimously carried.

- CONDITIONS:**
1. The multi-structure dwelling complex is for residential, non-commercial, use only.
 2. Approval of application SS21-032. Bear Hollow Ranch Subdivision 1st Amendment.
 3. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
 4. Compliance with Article 2-2-090, Permitted Use Review, of the Box Elder County Land Use Management & Development Code.
 5. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.

BEAR HOLLOW RANCH SUBDIVISION AMENDMENT, SS21-032, Request for approval for an amended subdivision located at approximately 3807 Slalom Way in the Riverside/Collinston area of Unincorporated Box Elder County. ACTION

Staff said the applicant owns Lots 10 and 11 of the Bear Hollow Ranch Subdivision. The two lots total 1.8 acres, each lot consisting of 0.9 acres. The proposed amendment adjusts the lot line between the two lots increasing Lot 10 to 0.9 acres and decreasing Lot 11 to 0.82 acres. Access to the lots exists via Slalom Way which is a private drive within the Bear Hollow Ranch Subdivision. All utilities are existing and all setbacks are being met. Any setbacks for new structures would be regulated at the time of the building permit.

Staff explained per State Code sections 17-27a-608 and 609 a subdivision can be amended by the Land Use Authority via approval and recording of an amended plat. The Planning Commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the County. The Planning Commission acts as an advisory body to the County Commission and shall make investigations, reports and recommendation on proposed subdivisions as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the Planning Commission's review and approval of a subdivision amendment application, it will be recorded in the office of the Box Elder County Recorder. Two items needing to be finalized are County Attorney review of the title report and the vacation of a private utility easement.

MOTION: A Motion was made by **Commissioner Laurie Munns** to approve application number SS21-032, amending Bear Hollow Ranch Subdivision 1st Amendment Lots 10 & 11, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of staff and subject to the easement being vacated and County Attorney review of the title report. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

HARVEST POINT ESTATES SUBDIVISION 1ST AMENDMENT, SS21-033, Request for approval for an amended subdivision located at approximately 7625 West 10400 North in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff said there are two platted subdivisions the applicant owns both lots in and is requesting to combine lot 1 of the Ben and Flora Tanaka Subdivision and lot 13 of the Harvest Point Estates Subdivision. The surrounding land uses are Rural Residential and Agriculture and the area is Unzoned. The engineering department is currently reviewing the amended subdivision.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve application SS21-033, a request for approval for an amended subdivision and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

CONDITIONS:

1. Compliance with all comments from staff.
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.

ROCKET SOLAR II SITE PLAN, SP21-005, Request for phase 2 of a solar farm located at approximately Golden Spike Dr. and HWY 83 South of Howell area of Unincorporated Box Elder County. ACTION

Staff said this is Phase II for a 45 megawatt solar farm on 230 acres. This request meets the standards for approval for permitted uses as outlined in Section 2-2-090 of County Code. The County Engineer had comments that will be taken care of during the design phase of this project.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve application SP21-005, a Site Plan for a solar farm and adopting the conditions and findings of the staff report. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

CONDITIONS:

1. Compliance with all comments from Staff
2. Rocket Solar provide appropriate warning signage placed at the entrance and perimeter of the solar power plan project.
3. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
4. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
5. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

STEEL SOLAR II SITE PLAN, SP21-006, Request for phase 2 of a solar farm located at approximately 6500 West 20800 North in the Plymouth area of Unincorporated Box Elder County. ACTION

Staff said this request is for approval for a Site Plan for a 67 megawatt solar farm on 336 acres located in the Plymouth area. This request meets the standards for approval for permitted uses as outlined in Section 2-2-090 of County Code. The County Engineer had comments that will be taken care of during the design phase of this project.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to approve application SP21-005, a Site Plan for a solar farm and adopting the conditions and findings of the staff report. The motion was seconded by **Commissioner Steven Zollinger** and unanimously carried.

CONDITIONS:

1. Compliance with all comments from Staff
2. Steel Solar provide appropriate warning signage placed at the entrance and perimeter of the solar power plan project.

3. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
4. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
5. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

HANCOCK TRUCKING SITE PLAN, SP21-007, Request for approval of a site plan at approximately 12270 North Canal Bank Road in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting Site Plan approval for a trucking operation including hard surface parking, offices, and truck bays for maintenance and repairs on approximately 11 acres located at approximately 12270 North Canal Bank Road. The surrounding land uses are Rural Residential, Agriculture and Industrial and the zoning is Unzoned. Trucking companies are allowed as a commercial use in unzoned areas. This request also meets the standards for approval for permitted uses as outlined in Section 2-2-090 of County Code.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to approve application SP21-007, a site plan for a trucking company and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Kevin McGaha** and unanimously carried.

CONDITIONS

1. Compliance with all comments from Box Elder County Staff.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, 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.

KING TRUCKING SITE PLAN, SP21-008, Request for approval of a site plan at approximately 12190 North Canal Bank Road in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff said this request has basically the same information as the prior request but is for the parcel to the south. The applicant is also requesting Site Plan approval for a trucking operation including hard surface parking, offices, and truck bays for maintenance and repairs on approximately 11 acres located at approximately 12190 North Canal Bank Road, Tremonton area on Parcel: 06-060-0120

MOTION: A Motion was made by **Commissioner Laurie Munns** to approve application SP21-008, a site plan for a trucking company and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Kevin McGaha** and unanimously carried.

CONDITIONS:

1. Compliance with all comments from Box Elder County Staff.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, 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.

SOUTH WILLARD STORAGE UNITS CONCEPT SITE PLAN, SP21-009, Request for conceptual approval for a site plan at approximately 9000 South HWY 89 in the South Willard area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting conceptual site plan approval for a storage unit facility to contain approximately 308 storage units. The proposed use is located on approximately 5 acres located at 9000 South Highway 89 in the South Willard area of Box Elder County. The applicant submitted a zoning amendment application as well to rezone the parcel to C-E (Commercial Enterprise).

Staff read Section 2-2-120, Site Plan Review, as follows: A conceptual site plan is not intended to permit actual development of property pursuant to such plan, but shall be prepared merely to represent how the property could be developed. Approval of a conceptual site plan authorizes the applicant to prepare a preliminary (final) site plan. Submittal, review, and approval of an application for a conceptual site plan shall not create any vested rights to development.

All departments are currently reviewing this application. If the Planning Commission has any feedback, now is the time to provide the applicant with thoughts or opinions on the concept.

Commissioner Laurie Munns has concerns with access. She suggested improved signage may help. A discussion ensued with the applicant.

WORKING REPORTS

Cemeteries - Discussion

The Commissioners directed staff to come back with additional information.

Signs – Discussion

The Commissioners directed staff to come back with additional information.

Animals – Discussion

The Commissioners directed staff to come back with additional information.

PUBLIC COMMENTS - NONE

Mitch Hancock, Staff, and the Commissioners had further discussion regarding CAFOs.

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Laurie Munns and meeting adjourned at 11:10 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION

STAFF REPORT

Meeting Date: January 20, 2022

Agenda Item #: 6a

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Mike Bastian

PROJECT #:

Z21-023

ORDINANCE:

Section 3-8-1 Eligibility

TYPE OF APPLICATION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting a text amendment to Section 3-8-1, Eligibility requirements for the MPC (Master Planned Community) zone. Currently the first requirement for eligibility is “Encompass a minimum of 100 acres to assure reasonable internal and external land use compatibility.” The applicant is proposing that this requirement be modified to allow a minimum of 50 acres if the project is serviced by a sewer system.

The proposed Eligibility section can be found at the end of this report.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows an affected property owner to initiate amendments to text of 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.

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 2-2-080 outlines the following standards for review for zoning text amendments.

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 incorporated communities. Incorporated cities may want assurance that growth adjacent to their current boundaries reflect policies/plans of their community. This would take a high level of cooperation and coordination between the city and the County.

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, 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; and

The proposed amendment is likely to affect 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 have an effect on the facilities in the area of development. Proof of adequacy would be required as part of the rezone and development agreement process.

FINDINGS:

Based on the analysis of the ordinance text amendment application, staff concludes the following:

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 will need to determine if this application meets the standards in Section 2-2-080.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and a review of areas, the Planning Commission should forward a recommendation to the County Commission. *As this is a legislative decision additional information may be taken into account such as public input, resident preferences, private property rights, economic considerations, etc.*

If a recommendation of approval is forwarded to the County Commission staff recommends it be subject to the following 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.

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z21-023, an ordinance text amendment adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table the review of application number Z21-023, an ordinance text amendment to (give date), based on the following findings:”

1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...
-

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z21-023, an ordinance text amendment based on the following findings:”

1. List findings for denial...

Please feel free to contact Scott Lyons at 435-734-3316 if you have any questions.

Proposed Text Amendment:

Eligibility

To be considered for a MPC zone, all applications shall meet the following criteria:

1. Encompass a minimum of one hundred (100) acres to assure reasonable internal and external land use compatibility. **If the property/development is to be serviced by sewer, the minimum acreage requirement for the MPC zone shall be reduced to fifty (50) acres.**
2. The property in question shall be solely owned by an individual, partnership, or corporate entity, or under option to purchase by an individual, partnership, or corporate entity, at the time an MPC application is submitted; otherwise, the MPC application shall be filed jointly by all owners of the property.
3. Demonstrate in textual, visual, and oral form to the Planning Commission and the County Commission that the property in question is unique due to size, slope, natural features, sensitive lands, natural hazards, current land uses, other relevant features or that difficult hardship related conditions exist.
4. All areas of the proposed MPC zone shall be included in the specific plan.
5. Offer unique advantages over traditional forms of development as determined by the Planning Commission and County Commission.
6. A portion of the housing units shall be income targeted housing for persons of medium and low income. The number of income targeted housing units must be commensurate with the size and scope of the proposed development and is subject to the approval by the County Commission.



PLANNING COMMISSION
STAFF REPORT

Meeting Date: Jan. 20, 2022

Agenda Item #: 7a

Application Type:

Site Plan review for
Bear Hollow Event Center

APPLICANT(S):

Jacob Jensen

PROJECT #:

SP21-010

ZONE:

Un-Zoned

PARCEL #:

06-035-0045

TYPE OF ACTION:

Administrative

REPORT BY:

Destin Christiansen
County Planner

BACKGROUND

The applicant is requesting Site Plan approval for an event center including hard surface parking and sidewalks on approximately 51 acres located at approximately 15010 Bear Hollow Drive, Collinston area on Parcel: 06-035-0045.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture/Hwy 30	Un-Zoned/A-20
South	Agriculture	Un-Zoned/A-20
East	Agriculture	A-20
West	Agriculture	Un-Zoned

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code Section 2-2-120.D.2.c allows for an event center as a commercial use in un-zoned areas as a permitted use subject to Site Plan approval. Section 2-2-090 outlines the following standards for approval for permitted uses.

A. The proposed use shall be allowed as a permitted use in the applicable zone. Yes

B. The proposed use shall conform to development standards of the applicable zone. Yes

C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. Yes.

D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. Yes.

E. If the proposed use is located on a lot or parcel which has been subdivided without County approval a subdivision plat shall be approved and recorded as a condition of approval. N/A

Setbacks:

The proposed building can meet setbacks for Un-Zoned areas.

Access:

Access to the property is obtained on Bear Hollow Drive.

County Department Review:

Staff is currently reviewing this application and has not received any updated drawings at this time.

FINDINGS:

Based on the analysis of the Site Plan application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for commercial uses in the un-zoned areas which are approved by the Planning Commission through a Site Plan review.
2. The Site Plan will conform to all requirements within the Box Elder Land Use Management and Development Code with the conditions outlined in the recommendations section of the staff report.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission could either APPROVE the site plan with conditions OR TABLE the site plan** until the following conditions have been met:

1. Receipt of updated plans for further review.
2. Compliance with all review comments from Box Elder County Staff.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SP21-010, a Site Plan for an event center, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. Compliance with all review comments from Box Elder County Staff.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, 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.

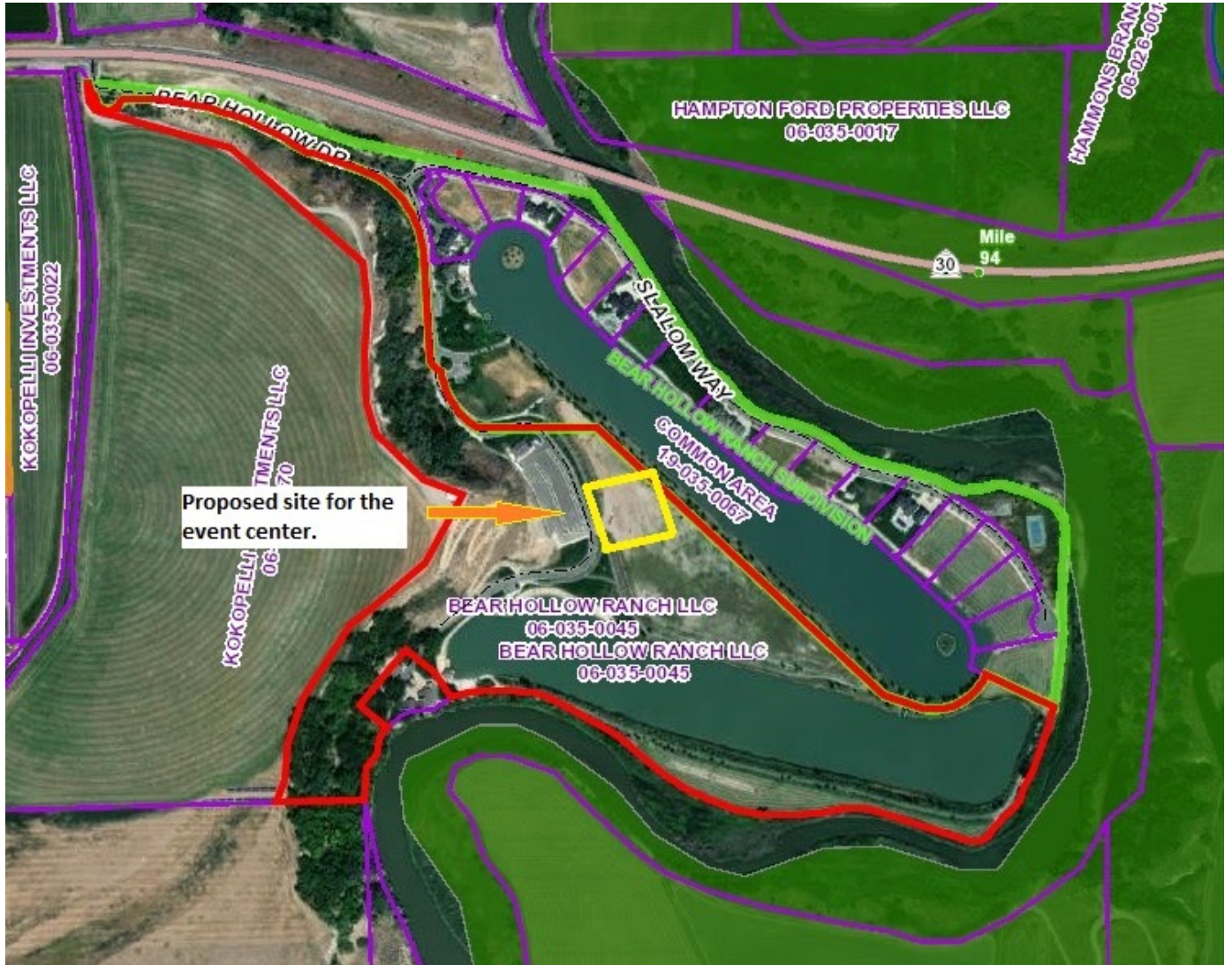
Table – “I move the Planning Commission table the review of application number SP21-010, a Site Plan for an event center, to (give date), based on the following findings:”

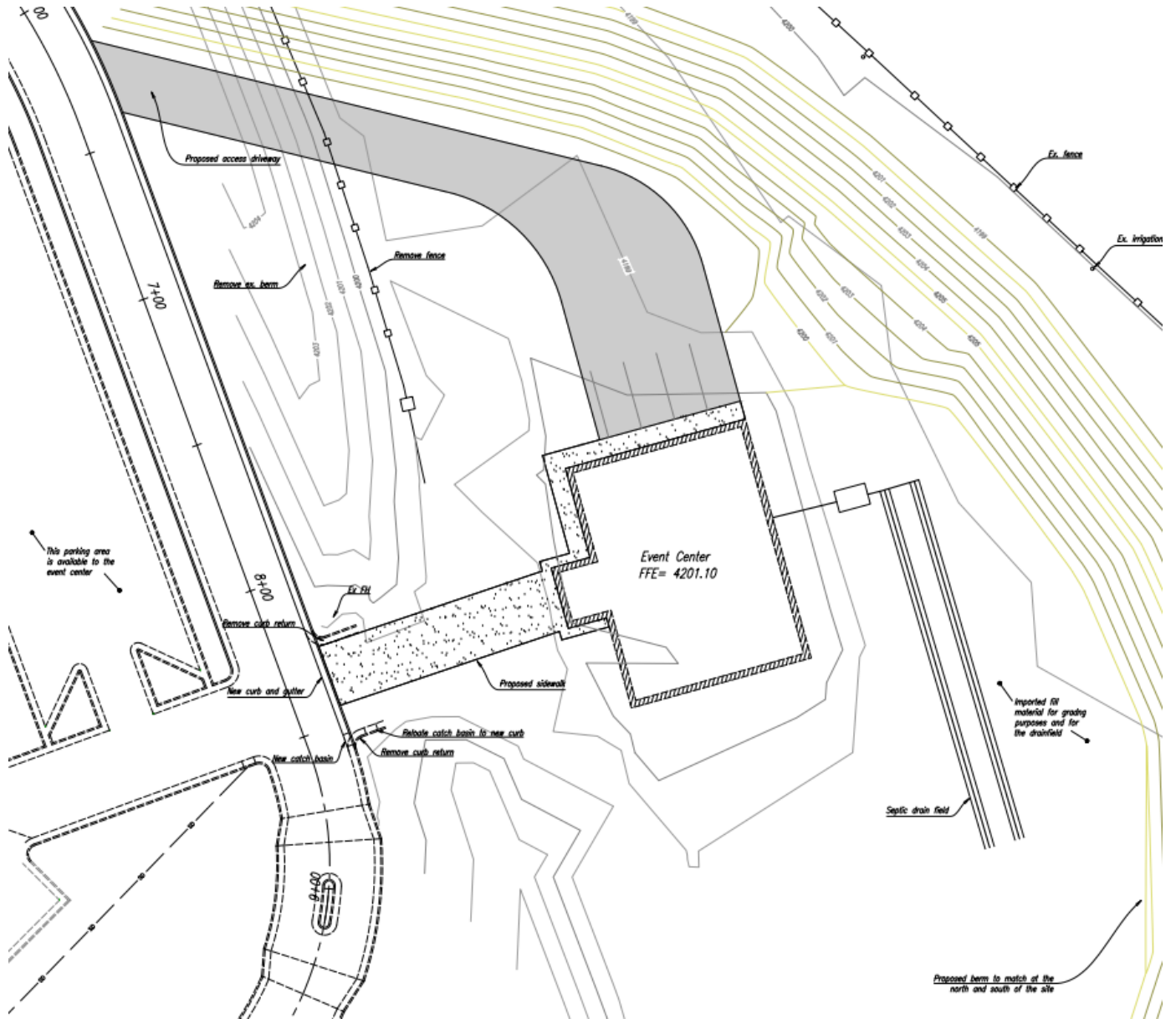
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number SP21-010, a Site Plan for an event center, based on the following findings:”

1. List findings for denial...

Please feel free to contact Destin Christiansen at 435-695-2547 if you have any questions.







PLANNING COMMISSION

STAFF REPORT

Meeting Date: January 20, 2022

Agenda Item #: 7b

Application Type:

Final Subdivision

APPLICANT(S):

Marc Allred

PROJECT #:

SS21-034

ADDRESS:

Approximately 11050
North 8285 West

ZONE:

Unzoned

PARCELS #:

05-058-0057

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting Final approval of the Bekam's Edge Phase 2 Subdivision plat. The proposed subdivision phase is nine lots. The lots range in size from 1.75 acres to 3.62 acres.

ANALYSIS

Land Use Ordinance Standards Review:

Land Use Management & Development Code 6-1-190 requires the subdivision of property receive final approval from the Box Elder County Commission with prior approval from the Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	Unzoned
South	Rural Residential/Agriculture	Unzoned
East	Agriculture	Unzoned
West	Rural Residential/Agriculture	Unzoned

Access:

Access is via 8400 West an existing county road. New roads 11050 North and 8350 West are proposed as part of the first phase.

Utilities:

The County has gotten utility will serve letters from the power and gas companies. We have also received a feasibility letter from the Bear River Health Department as well as a geotechnical report.

Water is to be provided through individual wells. Proof of water rights and well permits have been provided by the Utah Division of Water Rights. Well requirements set forth in Section 6-1-240(K) of the Land Use Code must be followed.

Setbacks:

All setbacks can be met for this unzoned area and will be enforced during the building permit process.

County Department Reviews:

County departments received a revised plat and it is currently undergoing the second review.

Findings:

Based on the analysis of the proposed subdivision plat and a survey of surrounding area, staff concludes the following:

-
1. The final subdivision plat can comply with the final subdivision regulations of Box Elder County subject to meeting the requirements set forth in Section 6-1-240(K), Culinary Water System, as well as final review and approval by the County Engineer, Surveyor, and Roads, Fire, Planning, and Building Departments.
 2. A revised plat as well as construction drawings are still under review by various county departments.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may approve the Phase 2 final plat** with the following 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 County Engineer, Surveyor, and Roads, Fire, Planning, and Building Departments.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS21-034, a final plat for the Bekam’s Edge Phase 2 Subdivision, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

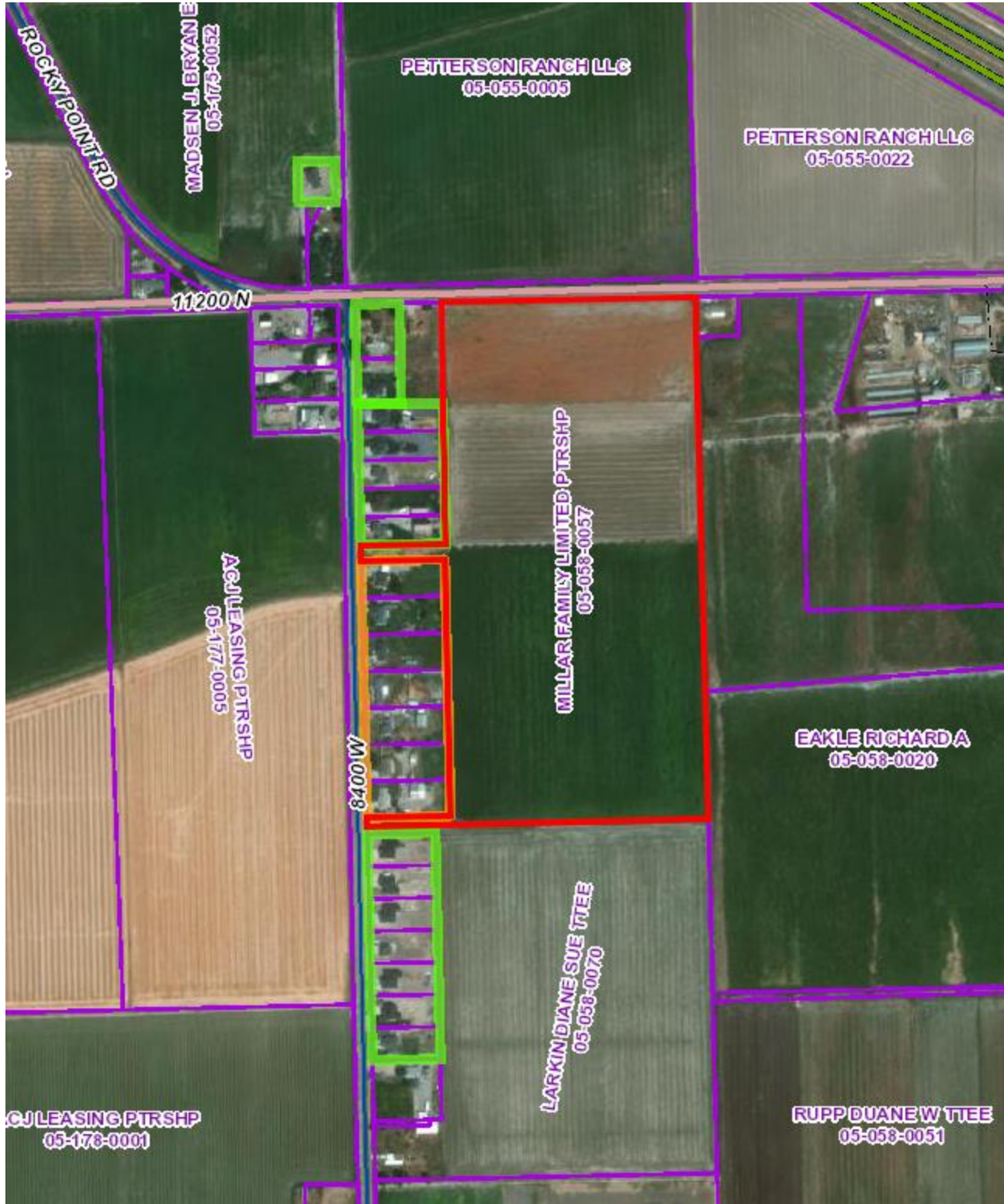
Table – “I move the Planning Commission table application number SS21-034, a final plat for the Bekam’s Edge Phase 2 Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

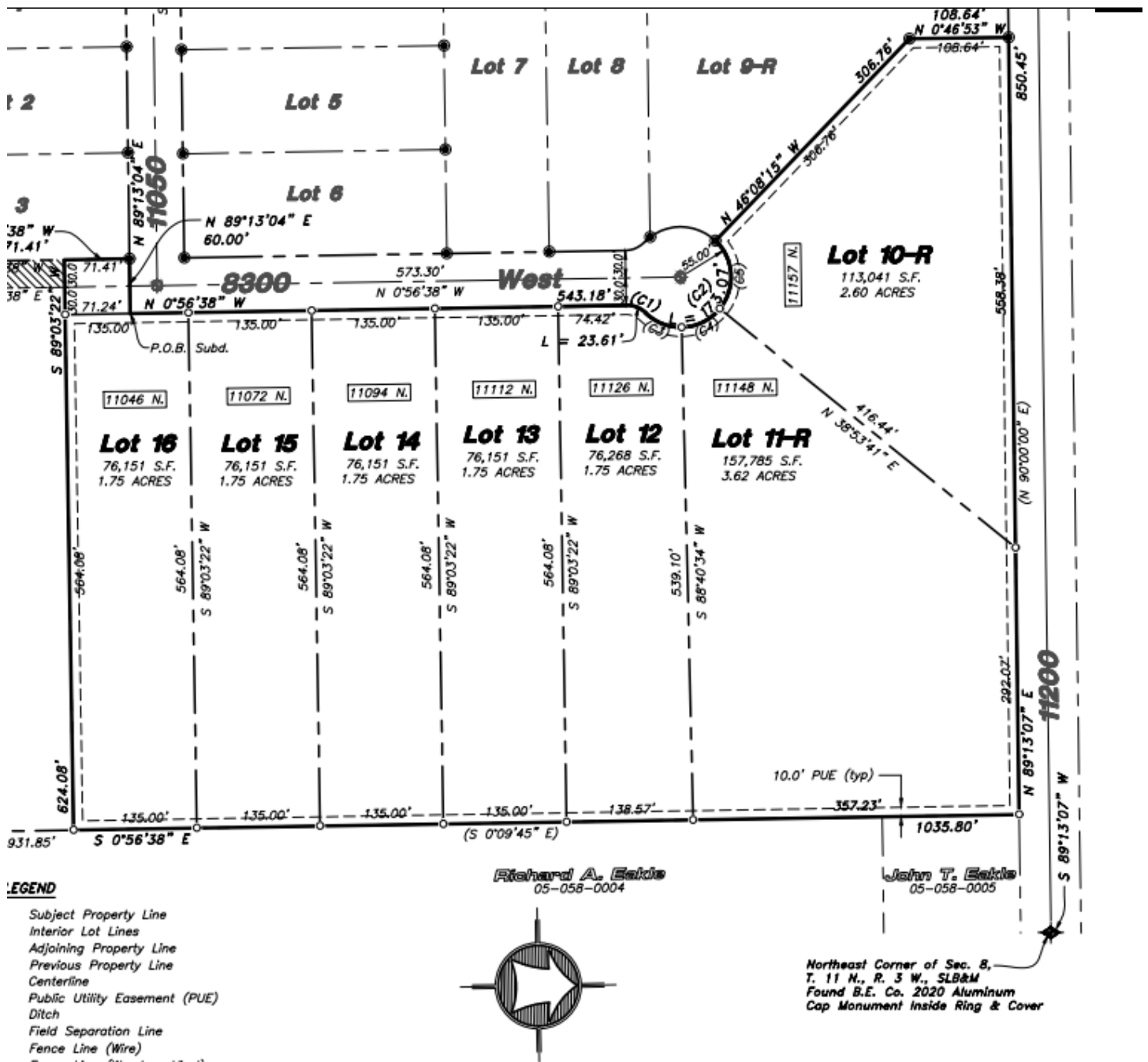
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

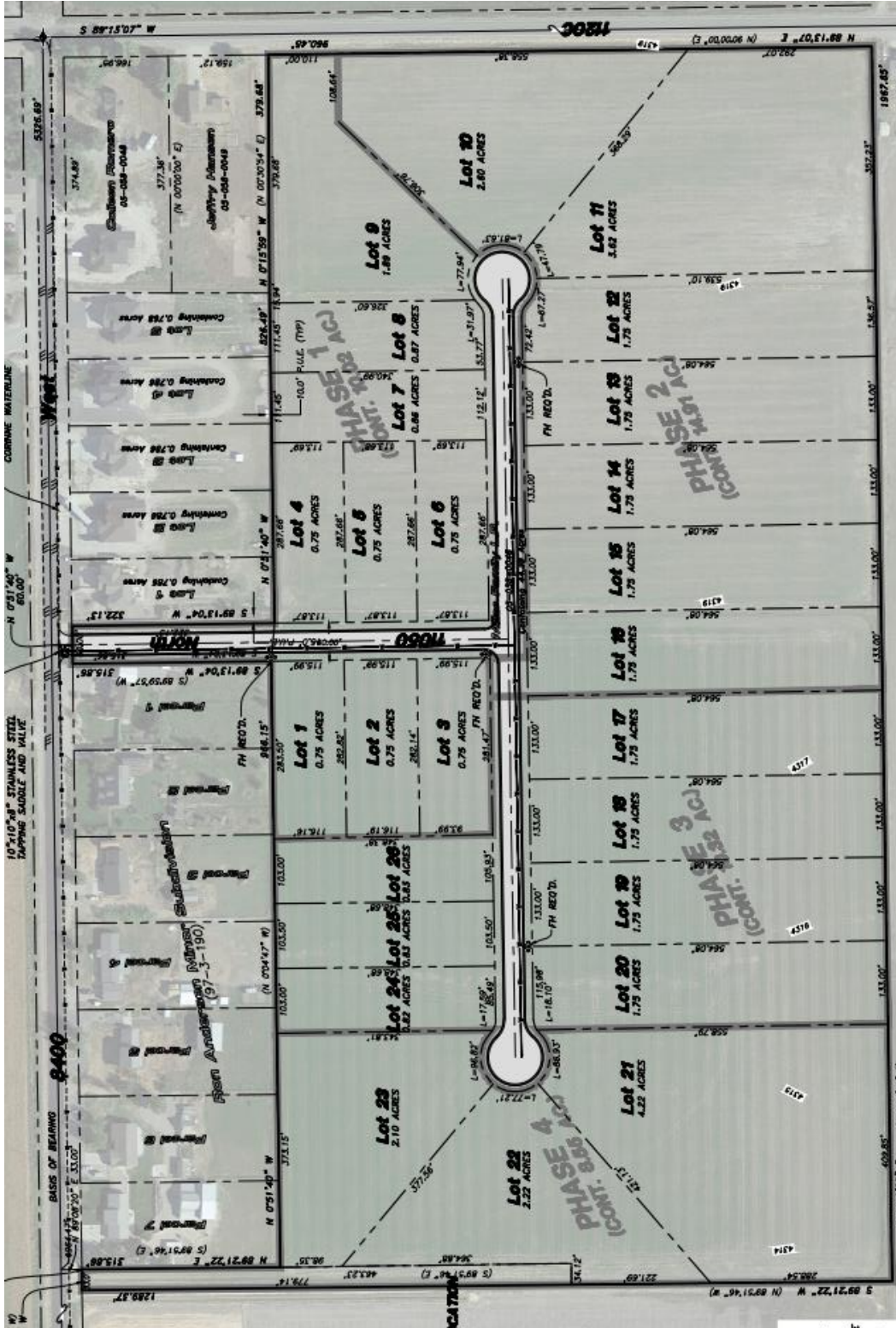
Denial – “I move the Planning Commission deny application number SS21-034, a final plat for the Bekam’s Edge Phase 2 Subdivision, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

Please feel free to contact Scott Lyons at 435-734-3316 with any questions.









PLANNING COMMISSION
STAFF REPORT

Meeting Date: January 20, 2022
Agenda Item #: 7c

Application Type:
Agricultural Subdivision

APPLICANT(S):
Diane Larkin

PROJECT #:
AS22-001

ORDINANCE:
State Code 12-27a-605

TYPE OF APPLICATION:
Administrative

REPORT BY:
Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting an agricultural subdivision to separate one parcel into two. Both new parcels both meet the zoning requirements for the area as well as the minimum acreage (parcel 1: 21.02 acres; parcel 2: 12.07 acres) to qualify as an agricultural parcel. The land is located in an un-zoned area in the Tremonton area of Box Elder County.

ANALYSIS

State Code:

Utah State Code Section 12-27a-605 allows subdivisions to be exempt from plat requirements as long as they include agricultural land and Planning Commission approval.

Land Use Ordinance Standards Review:

Utah State Code 17-27a-605(1)(b) and (2)(a)(ii) outlines the following standards for review for agricultural subdivisions.

17-27a-605(1)(b) the proposed subdivision:

- A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;**
Yes.
- B. Has been approved by the culinary water authority and the sanitary sewer authority;**
Yes.
- C. Is located in a zoned area; and**
Yes.
- D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.**
Yes.

(2)(a)(ii) the new owner of record completes, signs, and records with the county recorder a notice:

A. describing the parcel by legal description; and

B. stating that the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.

This document has been prepared and will be recorded following approval of this application.

FINDINGS:

Based on the analysis of the agricultural subdivision application, staff concludes the following:

1. The Utah State Code allows for agricultural subdivisions subject to review procedures and approval from the Planning Commission.
2. The proposed agricultural subdivision meets all of the Approval Standards found in Section 17-27a-605(1)(b) and (2)(a)(ii) of the Utah State Code.

RECOMMENDATION

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission APPROVE application AS22-001.**

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number AS22-001, an agricultural subdivision, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table application number AS22-001, an agricultural subdivision, to (give date), based on the following findings:”

1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number AS22-001, an agricultural subdivision, based on the following findings:”

1. List findings for denial...

Please feel free to contact Marcus Wager at 435-734-3308 if you have any questions.





PLANNING COMMISSION
STAFF REPORT

Meeting Date: January 20, 2022
Agenda Item #: 7d

Application Type:
Agricultural Subdivision

APPLICANT(S):
Wesley Pierson

PROJECT #:
AS22-002

ORDINANCE:
State Code 12-27a-605

TYPE OF APPLICATION:
Administrative

REPORT BY:
Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting an agricultural subdivision to separate 12.34 acres for agricultural use from the existing 13.24 acres. An existing single family home will remain with the 0.90 acres. Both of the proposed parcels meet the zoning requirements for the area and the 12.34 acre parcel meets the minimum acreage to qualify as an agricultural parcel. The land is located in the East Garland area and is unzoned. This process would separate the home and create one legal parcel designated for agricultural use.

ANALYSIS

State Code:

Utah State Code Section 12-27a-605 allows subdivisions to be exempt from plat requirements as long as they include agricultural land and Planning Commission approval.

Land Use Ordinance Standards Review:

Utah State Code 17-27a-605(1)(b) and (2)(a)(ii) outlines the following standards for review for agricultural subdivisions.

17-27a-605(1)(b) the proposed subdivision:

- A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;**
Yes.
- B. Has been approved by the culinary water authority and the sanitary sewer authority;**
Yes.
- C. Is located in a zoned area; and**
Yes.
- D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.**
Yes.

(2)(a)(ii) the new owner of record completes, signs, and records with the county recorder a notice:

A. describing the parcel by legal description; and

B. stating that the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.

This document has been prepared and will be recorded following approval of this application.

FINDINGS:

Based on the analysis of the agricultural subdivision application, staff concludes the following:

1. The Utah State Code allows for agricultural subdivisions subject to review procedures and approval from the Planning Commission.
2. The proposed agricultural subdivision meets all of the Approval Standards found in Section 17-27a-605(1)(b) and (2)(a)(ii) of the Utah State Code, if the road dedication plat is recorded before the notice of approval is.

RECOMMENDATION

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission APPROVE application AS22-002.**

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number AS22-002, an agricultural subdivision, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table application number AS22-002, an agricultural subdivision, to (give date), based on the following findings:”

1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number AS22-002, an agricultural subdivision, based on the following findings:”

1. List findings for denial...

Please feel free to contact Marcus Wager at 435-734-3308 if you have any questions.

