

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

January 19, 2017

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 C. Munns, D. Larsen, K. McGaha, M. Udy, L. Munns, B. Robinson, and M. Wilding)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL** of the December 15, 2016 Planning Commission Minutes.
5. **PUBLIC HEARINGS**
 - a. BOB & RONDA DAVIS, Z16-013, RE-ZONE PROPERTY LOCATED AT APPROXIMATELY 1100 WEST 7800 SOUTH IN THE SOUTH WILLARD AREA FROM THE CURRENT A20 TO RR-2. ACTION
 - b. THIROS JOINT VENTURE, Z16-012, ZONING TEXT AMENDMENT TO ALLOW RESIDENTIAL USE IN A COMMERCIAL ZONE LOCATED AT APPROXIMATELY 8823 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA. ACTION
 - c. HOUSTON NEFF EARL & CHARLES L EARL, Z16-006, RE-ZONE PROPERTY LOCATED AT APPROXIMATELY 15455 NORTH 2400 WEST IN THE COLLINSTON AREA FROM THE CURRENT ZONE OF MU-40 TO RR-1. ACTION
 - d. TIMBER BOYS LLC; CUP16-005, CONDITIONAL USE PERMIT FOR GENERAL MANUFACTURING OF RAW TREES INTO FIREWOOD; LOCATED AT APPROXIMATELY 4780 N 6800 W [ON 4.86 ACRES] IN THE CORINNE AREA OF BOX ELDER COUNTY. ACTION
 - e. SCOTT MARSH, (BLUE OX DEVELOPMENT), Z16-010, ZONING MAP AMENDMENT FOR PROPERTY LOCATED AT APPROXIMATELY 1120 SOUTH MAIN STREET IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY. PROPERTY CURRENTLY UNZONED; PETITION TO CHANGE TO MG-EX ZONE TO MATCH ZONING OF PROPERTY DIRECTLY NORTH OF THIS LOCATION. ACTION
 - f. PROMONTORY POINT RESOURCES, SP16-001 & CUP16-002, SITE PLAN AND CONDITIONAL USE PERMIT TO CONSTRUCT A NON-HAZARDOUS LANDFILL TO BE LOCATED ON PARCEL 01-012-0160. ACTION
6. **NEW BUSINESS**
 - a. AS16-011, EARL AG SUBDIVISION, located at approximately 15455 North 2400 West in the Collinston/Beaver Dam area of Box Elder County dividing 1 acre with a single family dwelling off 98.19 acres. (ACTION)
 - b. SP16-005, DESERT TECH TRAINING FACILITY LLC SITE PLAN, located at approximately 22400 North 9200 West, near Plymouth. (ACTION)
7. **UNFINISHED BUSINESS**
8. **WORKING REPORTS**
9. **PUBLIC COMMENTS**
10. **ADJOURN** _____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES December 15, 2016

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:

<i>Roll Call</i>		<i>following Staff member were present:</i>	
Chad Munns	Chairman	Scott Lyons	Com Dev Dir.
Laurie Munns	Vice-Chairman	Marcus Wager	Planner
Kevin McGaha	Excused	Elizabeth Ryan	Exec. Secretary
Michael Udy	Member	Steve Hadfield	Co. Attorney
Bonnie Robinson	Member	Jeff Scott	Co. Commissioner
Desiray Larsen	Member		
Mellonee Wilding	Member		

Prayer was offered by **Commissioner Laurie Munns**
Pledge was led by **Commission Chairman Chad Munns**

The following citizens were present

Jared Holmgren/Bear River City	Shelly Wood/Farr West
June Summers/Willard	John Reese/Brigham
Linda Reese/Brigham	Kris Udy/Tremonton
Boyd Udy/Promontory	Robert Adams/Brigham City
Bill Gilson/Co. Road Dept	Brett Hubbard/Willard
Norris Hubbard/Willard	Nathan Rose/Willard
Brian Rose/Willard	Jim Hunter/Willard
Debbie Hunter/Willard	Joel Murray/Willard
Douglas Walker/Deweyville	Aaron Jensen/Murray

The Minutes of the November 17, 2016 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Laurie Munns** to accept the Minutes with one change; seconded by **Commissioner Mellonee Wilding** and passed unanimously.

PUBLIC HEARINGS

Chairman Chad Munns called for the public hearings on the agenda by informing those in attendance that each item would be handled separately, and that the time for the hearings was to allow the public the opportunity to voice any concerns and that the Commissioners would listen to

the comments and concerns. After the public hearing on an item the Planning Commissioners would then discuss and take action on the item.

ORDINANCE TEXT AMENDMENT, CHAPTER 3-9: MINING, QUARRY, SAND & GRAVEL EXCAVATION ZONE (MG-EX) AND CHAPTER 4-8: LANDFILL & LAND EXCAVATION OVERLAY. AMENDING LANGUAGE REGARDING MAXIMUM SLOPES.

Planning staff said that they were requesting a text amendment to various sections of Chapter 3-9: Mining, Quarry, Sand & Gravel Excavation Zone (MG-EX) and 4-8: Landfill & Land Excavation Overlay. The county's current code leaves a significant amount of review and control in the hands of the Planning Commission and the Zoning Administrator, and staff felt that neither had the necessary expertise to approve without creating some possible liability on the county's part. It was noted that the State Department of Oil, Gas and Mining oversee and permit gravel pit operations. In the State's review they require core sampling and review by experts that can determine excavation and fill slopes. With this text amendment, appropriate mining slopes would be determined by the Division of Oil, Gas and Mining, and would be part of the applicant's state permit. For those operations that are exempt from having to obtain a state permit, the County Engineer felt that a 2:1 slope would be considered a safe slope.

There were no comments and a Motion was made by Commissioner Mellonee Wilding to close the public hearing; seconded by Commissioner Bonnie Robinson and was unanimous.

ACTION

Considering the information that had been given the following Motion was made.

MOTION: A Motion was made by Commissioner Desiray Larsen to forward a recommendation of approval for the Ordinance Text Amendment; Chapter 3-9 and Chapter 4-8 (various sections) to the County Commission for their review and approval. Motion seconded by Commissioner Bonnie Robinson and passed unanimously.

ORDINANCE TEXT AMENDMENT, SECTION 5-2-060; MAINTENANCE OF PARKING LOTS. AMENDING LANGUAGE REGARDING PARKING LOT AND FENCING STANDARDS.

Planning staff was requesting that a text amendment be made regarding Section 5-2-060, Maintenance of Parking Lots, Subsection A & B of the current county code. Staff then outlined the proposed changes:

5-2-060. Maintenance of Parking Lots.
A. Surfacing
1. Each off-street parking lot **in the R-1-20 Zone** shall be surfaced with an asphaltic or Portland cement or other binder pavement and permanently maintained so as to provide a dustless surface. **All other Zoned and Un-Zoned areas may have a gravel surface parking lot with a Mag-Chloride mixture being applied at least once per year.**
B. Screening. **In the R-1-20 Zone**, the sides and rear of any off-street parking lot which adjoins an area which is to remain primarily residential shall be screened from such area by a masonry wall or solid visual barrier fence not less than four (4) nor more than six (6) feet in height.

There were no comments and the public hearing was closed with a Motion by Commissioner

Laurie Munns, seconded by Commissioner Desiray Larsen and was unanimous.

ACTION

Commissioner Desiray Larsen was not at the meeting where these changes had been suggested and staff explained that this was brought about by a petition where a paved parking lot was required, but because of the location in a more rural area it was really not necessary and the neighbors were against having the fence between the business and their property. Therefore, the change in the language in the code needed to be amended.

MOTION: A Motion was made by Commissioner Bonnie Robinson to forward a recommendation of approval for the Ordinance Text Amendment, Section 5-2-060, Maintenance of Parking Lots of the BECLUM&DC to the County Commission for their review and approval. Motion was seconded by Commissioner Laurie Munns and passed unanimously.

WALKER FAMILY FARMS L.P.; VAC16-002 ROAD VACATE; VACATE FIRST HALF MILE OF ETNA RESERVOIR CUTOFF ROAD ACROSS PRIVATE PROPERTY.

Staff explained that this petitioner was requesting to vacate a portion of road at approximately 79550 West Etna Road in the Grouse Creek area of the county. This is a cut-off road to Etna Reservoir. There are no residences that use this access, but it is used for water access but that access will remain if the road vacation is granted. There are no other right-of-way interests that will be affected by the vacation. There were no comments and the public hearing was closed with a Motion by Commissioner Desiray Larsen, seconded by Commissioner Mellonee Wilding and was unanimous.

ACTION

Staff recommended approval and said that there would be some language included in the Ordinance regarding the easements and that they are not to be vacated. Also, Commissioner Laurie Munns mentioned a letter that had been received in opposition to this road vacate, that was later retracted, and suggested that issue also be cleared up before the road vacate ordinance was presented to the county commission.

MOTION: A Motion was made by Commissioner Laurie Munns to forward a recommendation approving the Walker Family Farms L.P. road vacate to the County Commission with any conditions outlined by staff and with a letter of agreement from those that may be affected by the vacate, that they are in agreement. Motion seconded by Commission Mellonee Wilding and passed unanimously.

NEW BUSINESS

AS16-010, STOREY AG SUBDIVISION, LOCATED AT APPROXIMATELY 5590 NORTH CALLS FORT ROAD IN THE BEAR RIVER CITY AREA OF BOX ELDER COUNTY DIVIDING 2 ACRES WITH A SINGLE FAMILY DWELLING OFF 61.56 ACRES.

Staff explained that this application is for an ag subdivision which would create a two acre parcel when the home is located with the remaining approximate 61.5 acres as agricultural. The request

has been reviewed and meets all of the requirements of the State Code. Staff then recommended approval.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to grant approval to the Storey Ag Subdivision, with a single family dwelling parcel and the remainder parcel as agricultural. Motion seconded by **Commissioner Laurie Munns** and passed unanimously.

DISPOSAL OF SURPLUS PROPERTY, DETENTION BASIN FOR THE FARMS IN SOUTH WILLARD SUBDIVISION PHASE 4, (OWNED BY BOX ELDER COUNTY) PARCEL #: 01-040-0145 IN BOX ELDER COUNTY.

Staff explained that when there is surplus property to be disposed of, county policy requires that it be reviewed by the Planning Commission to ensure that it complies with the General Plan, the LUM&DC and any other applicable ordinances. This request from the County is that Lot 40B [parcel 01-040-0145] Phase IV in The Farms Subdivision located in South Willard transferred to the Box Elder County/Willard City Flood Control and Special Drainage District. All liability would transfer from the county to the Flood Control District.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to recommend approval for the disposal of this surplus property (the detention basin, lot 40B, Phase IV in The Farms Subdivision in South Willard) to the Willard City Flood Control and Special Drainage District. Motion was seconded by **Commissioner Michael Udy** and passed unanimously.

UNFINISHED BUSINESS -- NONE

WORKING REPORTS

TEXT AMENDMENT: Section 2-2-100 Conditional Use Permit

TEXT AMENDMENT: Section 2-2-120 Site Plan Review

The two text amendments that Staff has been working on are not yet completed, but hopefully they will be able to e presented at the January or February meeting.

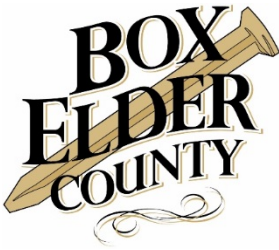
PUBLIC COMMENTS

Dr. Douglas Walker, from Deweyville thanked the commissioners and Staff, along with Bill Gilson and Commissioner Stan Summers with all the help with the request for the Walker Family Farms road vacate.

A **Motion** was made to adjourn at 7:31 p.m.; unanimous.

Passed and adopted in regular session this 19th of January 2017.

Chad Munns, Chairman Box Elder County Planning Commission



PLANNING COMMISSION

STAFF REPORT

Meeting Date: January 19, 2017
Agenda Item #: 5a

Application Type:

Zoning Map Amendment

APPLICANT(S):

Bob & Ronda Davis

PROJECT #:

Z16-013

ADDRESS:

1100 West 7800 South in
the South Willard area

PARCEL #:

01-041-0028

CURRENT ZONE:

A-20 (Agriculture 20 acres)

TYPE OF ACTION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting that Parcel 01-041-0028 be re-zoned from A-20 (Agriculture 20 acres) zone to RR-2 (Rural Residential 2 acres) zone.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone for his/her property subject to zoning map amendment approval by the County Commission with a recommendation from the Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agricultural/Residential	A-20
South	Agricultural/Commercial	A-20
East	I-15/Residential	R-1-20
West	Agricultural	A-20

Land Use Ordinance Standards Review:

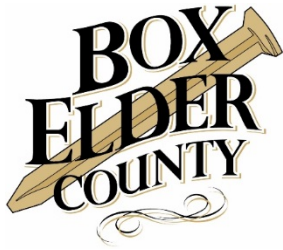
Box Elder County Land Use Management & Development Code section 2-2-080-E outlines the following standards for review for zoning map amendments.

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;

The South Willard Community Plan addresses this area as A-20 and does not recommend anything other than this zoning designation for the future. However, the Counties 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;

The area is a combination of residential, commercial, and mainly agricultural. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective. This



point could be argued saying yes, it is harmonious due to there being R-1-20 zoning just across I-15. The RR-2 zoning could be a good bridge from A-20 to R-1-20.

C. The extent to which the proposed amendment may adversely affect adjacent property; and

The proposed amendment shouldn't affect the values of adjacent property.

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.

With other residential and light commercial already in place in this vicinity, it is likely the facilities and services intended to serve the subject property are adequate.

FINDINGS:

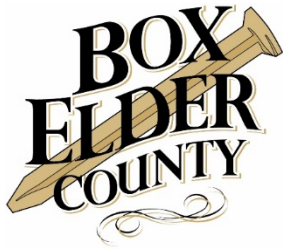
Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from A-20 (Agriculture 20 acres) to RR-2 (Rural Residential 2 acres) and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the re-zone of properties subject to zoning map amendment review procedures and approval.
2. It can be interpreted that the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.
3. This application is for a rezone from A-20 to RR-2; R-1-20 is an existing zone in this area and this re-zone could be a good bridge between A-20 and R-1-20.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission forward a recommendation of APPROVAL to the County Commission**, 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 Z16-013, a zoning map amendment from the A-20 (Agriculture 20 acres) zone to RR-2 (Rural Residential 2 acres) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

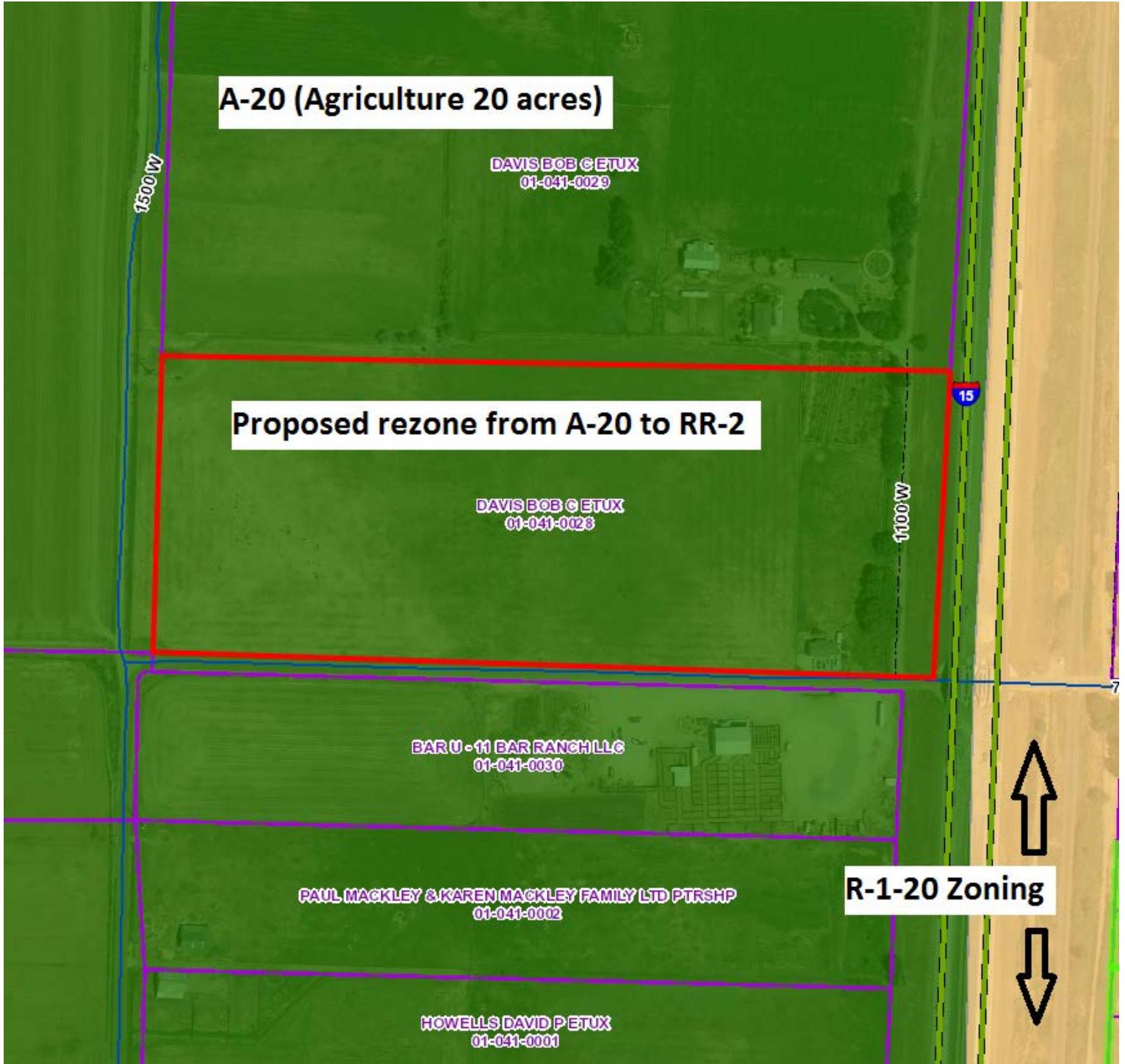
Table – “I move the Planning Commission table the review of application number Z16-013, a zoning map amendment from the A-20 (Agriculture 20 acres) zone to RR-2 (Rural Residential 2 acres) zone to (give date), based on the following findings:”

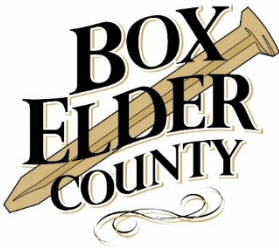
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z16-013, a zoning map amendment from the A-20 (Agriculture 20 acres) zone to RR-2 (Rural Residential 2 acres) zone 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 19, 2017

Agenda Item #: 5b

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Thiros Joint Venture –
Jim Thiros

PROJECT #:

Z16-012

ORDINANCE:

Section 3-4-070

TYPE OF APPLICATION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting that a text amendment be made regarding Section 3-4-070, Regulations for Specific Uses, of the Box Elder County Land Use Management & Development Code, adding in Section 3-4-070-3.4 – Dwelling Unit for On-Site Manager for Storage Units.
(See attachment for proposed verbiage)

ANALYSIS

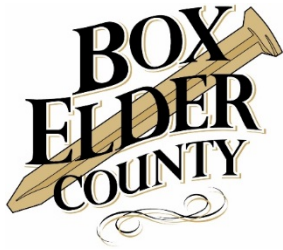
County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner or agent of a 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 proposed amendment is consistent with the goals, objectives, and policies of the County's General Plan.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**
This text amendment would affect areas in South Willard.
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**
The proposed amendment should not adversely affect adjacent property.
- 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 amendment should not put a strain on any of these facilities.



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. It is staff's opinion that the proposed text amendment meets all of the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission forward a recommendation of APPROVAL to the County Commission.**

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z16-012, a text amendment regarding Section 3-4-070, Regulations for Specific Uses, of the Box Elder County Land Use Management & Development Code, adding in Section 3-4-070-3.4 – Dwelling Unit for On-Site Manager for Storage Units, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

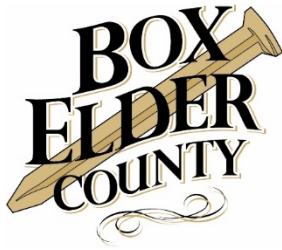
Table – “I move the Planning Commission table the review of application number Z16-012, a text amendment regarding Section 3-4-070, Regulations for Specific Uses, of the Box Elder County Land Use Management & Development Code, adding in Section 3-4-070-3.4 – Dwelling Unit for On-Site Manager for Storage Units, 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 Z16-012, a text amendment regarding Section 3-4-070, Regulations for Specific Uses, of the Box Elder County Land Use Management & Development Code, adding in Section 3-4-070-3.4 – Dwelling Unit for On-Site Manager for Storage Units, based on the following findings:”

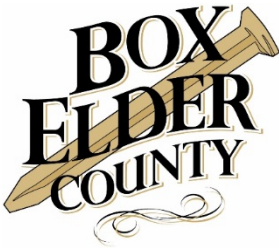
1. List findings for denial...

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



3-4-070. Regulations for Specific Uses.

BOX ELDER COUNTY ZONING RESTRICTIONS								
CODE SECTION	"P" = Permitted Uses "C" = Conditional Uses "A" = Applies "- " = Not permitted	CURRENT ESTABLISHED RESIDENTIAL ZONING DISTRICTS						
		C-N	C-S	C-H	C-G	M-FP	M-G	C-E
3-4-070-3	RESIDENTIAL							
3-4-070-3.1	Hotels, Tourist Courts & Motels	-	C	C	C	-	-	C
3-4-070-3.2	Recreation Coach Parks	-	C	C	C	-	-	C
3-4-070-3.3	Rooming and Boarding Houses	-	C	-	C	-	-	C
<u>3-4-070-3.4</u>	<u>Dwelling Unit for On-Site Manager for Storage Units with Stipulations:</u> <u>A. The Manager/Caretaker must reside in the residence;</u> <u>B. The site must be maintained so as to minimize the impact on neighboring properties;</u> <u>C. The establishment shall conform to all applicable fire, building, and health codes;</u> <u>D. The dwelling unit shall be attached to the main structure and be compatible with the main structure through architectural use of building forms, construction materials, and colors used;</u> <u>E. The dwelling unit shall have the same address as the main structure;</u> <u>F. The dwelling unit shall not be sold separately from the main structure;</u> <u>G. Two parking spaces shall be provided for the dwelling unit. No off-site parking will be accepted for this requirement.</u>	!	!	!	!	!	!	P



PLANNING COMMISSION

STAFF REPORT

Meeting Date: January 19, 2017
Agenda Item #: 5c

Application Type:

Zoning Map Amendment

APPLICANT(S):

Chuck & Houston Earl

PROJECT #:

Z16-011

ADDRESS:

15455 North 2400 West in the Collinston/Beaver Dam area

PARCEL #:

06-027-0043

CURRENT ZONE:

MU-40 (Multiple Use 40 acres)

TYPE OF ACTION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting that Parcel 06-027-0043 be re-zoned from MU-40 (Multiple Use 40 acres) zone to RR-1 (Rural Residential 1 acre) zone.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone for his/her property subject to zoning map amendment approval by the County Commission with a recommendation from the Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agricultural	MU-40
South	Residential	MU-40
East	Agricultural	MU-40
West	Agricultural	MU-40

Land Use Ordinance Standards Review:

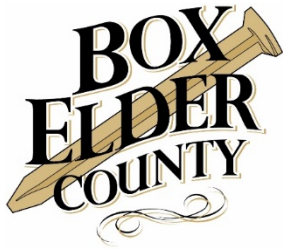
Box Elder County Land Use Management & Development Code section 2-2-080-E outlines the following standards for review for zoning map amendments.

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;

The County's General Plan makes no reference as to how specific areas should be zoned. It 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;

The area is a combination of agricultural and residential, but mainly agricultural. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective. This



point could be argued saying yes, it is harmonious due to there being some RR-2 zoning and further South, RR-1 Zoning.

C. The extent to which the proposed amendment may adversely affect adjacent property; and
The proposed amendment shouldn't affect the values of adjacent property.

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.
With a home already built on the property, it is likely the facilities and services intended to serve the subject property are adequate.

FINDINGS:

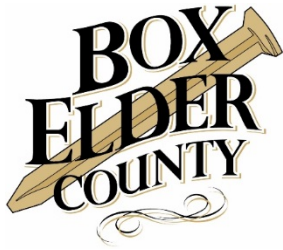
Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from MU-40 (Multiple Use 40 acres) to RR-1 (Rural Residential 1 acre) and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the re-zone of properties subject to zoning map amendment review procedures and approval.
2. It can be interpreted that the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission forward a recommendation of APPROVAL to the County Commission**, 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 Z16-011, a zoning map amendment from the MU-40 (Multiple Use 40 acres) to RR-1 (Rural Residential 1 acre) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

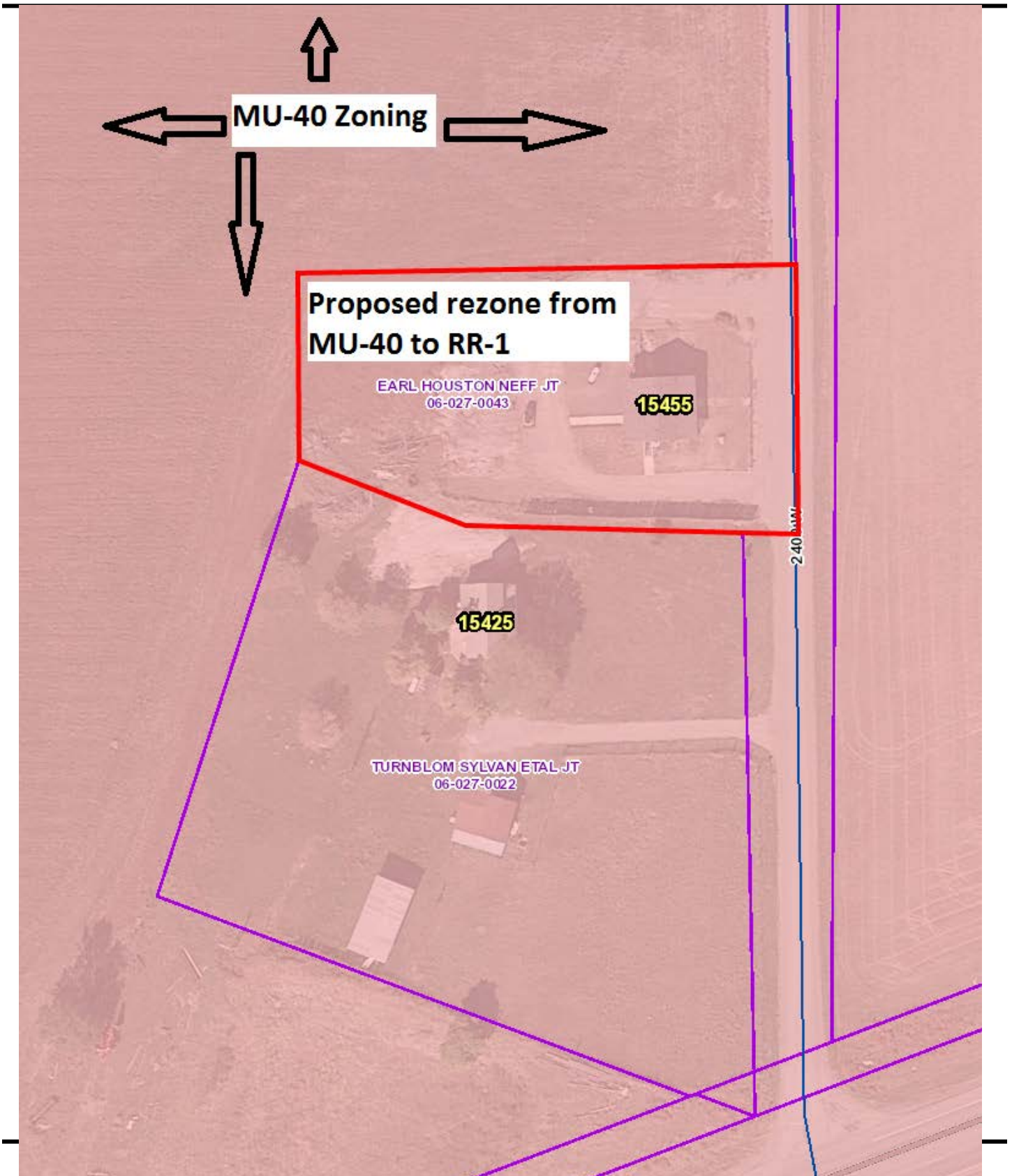
Table – “I move the Planning Commission table the review of application number Z16-011, a zoning map amendment from the MU-40 (Multiple Use 40 acres) to RR-1 (Rural Residential 1 acre) zone to (give date), based on the following findings:”

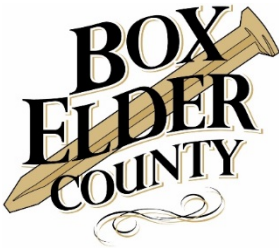
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z16-011, a zoning map amendment from the MU-40 (Multiple Use 40 acres) to RR-1 (Rural Residential 1 acre) zone 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 19, 2017

Agenda Item #: 5d

Application Type:

Conditional Use Permit

APPLICANT(S):

Timber Boys, LLC
Matt Prescott

PROJECT #:

CUP16-005

ZONE:

M-G (General Industrial)

PARCEL #:

04-067-0032

TYPE OF ACTION:

Administrative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting Conditional Use Permit approval for general manufacturing of raw trees into firewood. The site is located at approximately 4780 North 6800 West in the West Corinne Area. The applicant runs a small log splitting and firewood business. Proposed on the site is the splitting, drying, and storage of firewood.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Manufacturing	M-G
South	Agriculture	RR-20
East	Agriculture	RR-20
West	Agriculture	RR-20

ANALYSIS

County Code:

Box Elder County Land Use Management & Development Code Section 3-4-070-17 allows Wood & Paper Manufacturing as a conditional use. As an administrative action, Conditional Use Permits are decided upon by the Planning Commission.

Land Use Ordinance Standards Review:

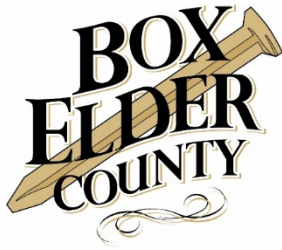
Section 2-2-100 outlines the following standards for review for

Conditional Use Permits:

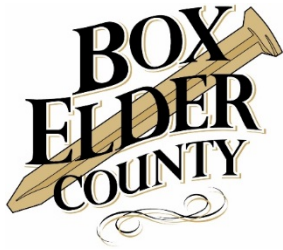
1. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the community, or injurious to property or improvements in the community, existing surrounding uses, buildings and structures;
2. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
3. The proposed use at the particular location is compatible with the intent, function and policies established in the general plan, this Code and the particular zoning district in which the use is proposed.

To be more specific, the code states the following factors should be reviewed and considered:

1. Conditions relating to safety of persons and property.



-
- a. The impact of the proposed facility or use on the health, safety, and welfare of the County, the area, and persons owning or leasing property in the area.
There should be no impact.
 - b. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area.
Any adverse effects the Commission can think of should be addressed with the applicant.
 - c. Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
The county engineer is currently reviewing the grading and drainage.
 - d. Increased setback distances from lot lines where the Planning Commission determines it to be necessary to ensure the public safety.
At this time there are no buildings proposed on site, thus setbacks are not an issue.
 - e. Appropriate design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault or other seismic hazard, which may exist on or near the property, and limitations and/or restrictions to use and/or location of use due to site conditions, including but not limited to wetlands, flood plains or landslide area.
At this time there are no buildings or structures proposed on site.
2. Conditions relating to the compatibility of the use.
 - a. The suitability of the specific property for the proposed use.
Staff finds no health, safety, or welfare issues affecting the suitability of the proposed site.
 - b. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity.
The surrounding development is Manufacturing or agricultural in nature.
 - c. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity.
Staff has no evidence of this.
 - d. The number of other similar conditional uses in the area and the public need for the proposed conditional use.
To staff's knowledge there are no similar conditional uses in the area. The public need is subjective. This is a successful business relocating from another area.
 3. Conditions relating to health and safety.
Any adverse effects the Commission can think of should be addressed with the applicant.
 4. Conditions relating to environmental concerns.
Any adverse effects the Commission can think of should be addressed with the applicant.
 5. Conditions relating to compliance with intent of the General Plan and characteristics of the zone district.
Staff finds none.
 6. The aesthetic impact of the proposed facility or use on the surrounding area.
Staff finds no evidence of this. This is subjective.
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7. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area.
These utilities are available in the area. These are required as part of the building permit process.
 8. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation.
These are currently being evaluated as part of the County Engineer's review of the site plan.
 9. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use.
Any adverse effects the Commission can think of should be addressed with the applicant.

Setbacks:

At this time there are no buildings proposed on site, thus setbacks are not an issue.

Access:

Access to the property is obtained by 6800 West (Iowa String) on the west side of the property.

County Department Review:

Fire Marshal – No concerns.

County Engineer – Currently reviewing.

Road Supervisor – Currently reviewing.

Health Department – Currently reviewing.

FINDINGS:

Based on the analysis of the Conditional Use Permit/Site Plan application, staff concludes the following:

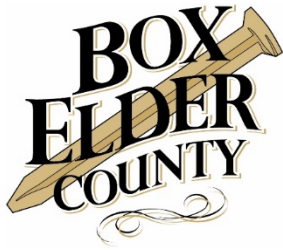
1. The Box Elder Land Use Management and Development Code does allow for wood and paper manufacturing uses in the M-G (General Industrial) areas which are approved by the Planning Commission through a Conditional Use Permit review.
2. The Site Plan will conform to all requirements within the Box Elder Land Use Management and Development Code after all comments from staff have been satisfied.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff makes no recommendation at this time. A recommendation can be made once all staff reviews have been received.**

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number CUP16-005, a Conditional Use Permit/Site Plan for Timber Boys, LLC, 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 the review of application number CUP16-005, a Conditional Use Permit/Site Plan for Timber Boys, LLC, 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 CUP16-005, a Conditional Use Permit/Site Plan for Timber Boys, LLC, based on the following findings:”

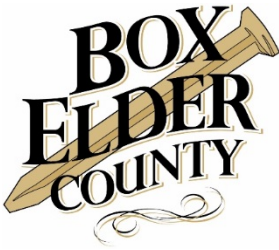
1. List findings for denial...

Some conditions to consider:

- Compliance with Section 2-2-100 of the BECLUMD Code.
- Compliance with Article 5, Regulations of General Applicability, of the BECLUMD Code.
- Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.
- Compliance with reviews from county staff.

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





PLANNING COMMISSION

STAFF REPORT

Meeting Date: January 19, 2017
Agenda Item #: 5e

Application Type:

Zoning Map Amendment

APPLICANT(S):

Aaron Jensen for
Blue Ox Development

PROJECT #:

Z16-008

ADDRESS:

1130 South HWY 89 in the
South Willard area

PARCEL #:

02-055-0018

CURRENT ZONE:

Un-Zoned

TYPE OF ACTION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting that Parcel 02-055-0018 have a zoning designation applied to it as it has recently been de-annexed from Willard City. When this happens, the property owner has the ability to request a specific zone be applied to the land. In this case the adjacent parcels are zoned MG-EX, R-1-20, and MU-160, this particular parcel is 33.14 acres so the MU-160 zoning designation does not make sense, thus one of the other two should be considered. The landowner's preference is MG-EX and that is why it is being evaluated first.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone for his/her property subject to zoning map amendment approval by the County Commission with a recommendation from the Planning Commission.

Surrounding Land Use and Zoning:

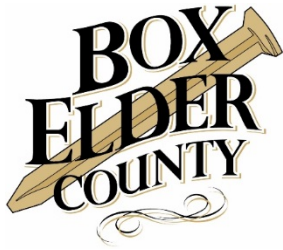
<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Mining/Residential	MG-EX/Willard City
South	Agricultural	R-1-20
East	Agricultural	MU-160
West	Agricultural/Residential	Willard City

Land Use Ordinance Standards Review:

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

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;

The South Willard Community Plan addresses the area just south of this parcel as being R-1-20 and does not recommend anything other than this zoning designation for the future. However, 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;

The area is a combination of residential, agricultural, and mining. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective. This point could be argued saying yes, it is harmonious due to there being MG-EX zoning just north of this parcel.

C. The extent to which the proposed amendment may adversely affect adjacent property; and

The proposed amendment may affect the values of adjacent property.

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.

With other residential, agriculture, and mining (zoning) already in place in this vicinity, it is likely the facilities and services intended to serve the subject property are adequate.

FINDINGS:

Based on the analysis of the zoning map amendment application request from being de-annexed from Willard City and having a zoning designation of MG-EX and a survey of the surrounding area, staff concludes the following:

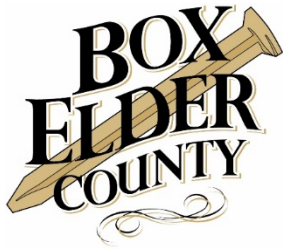
1. The Box Elder Land Use Management and Development Code allows for applying zoning designations on properties subject to zoning map amendment review procedures and approval.
2. It can be interpreted that the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.
3. This application is for a rezone from de-annexed to MG-EX; MG-EX is an existing zone in this area.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may forward a recommendation of approval to the County Commission**, but 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 is forwarded to the legislative body 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 Z16-008, a zoning map amendment from de-annexed/un-zoned to MG-EX (Mining, Quarry, Sand, & Gravel Excavation) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

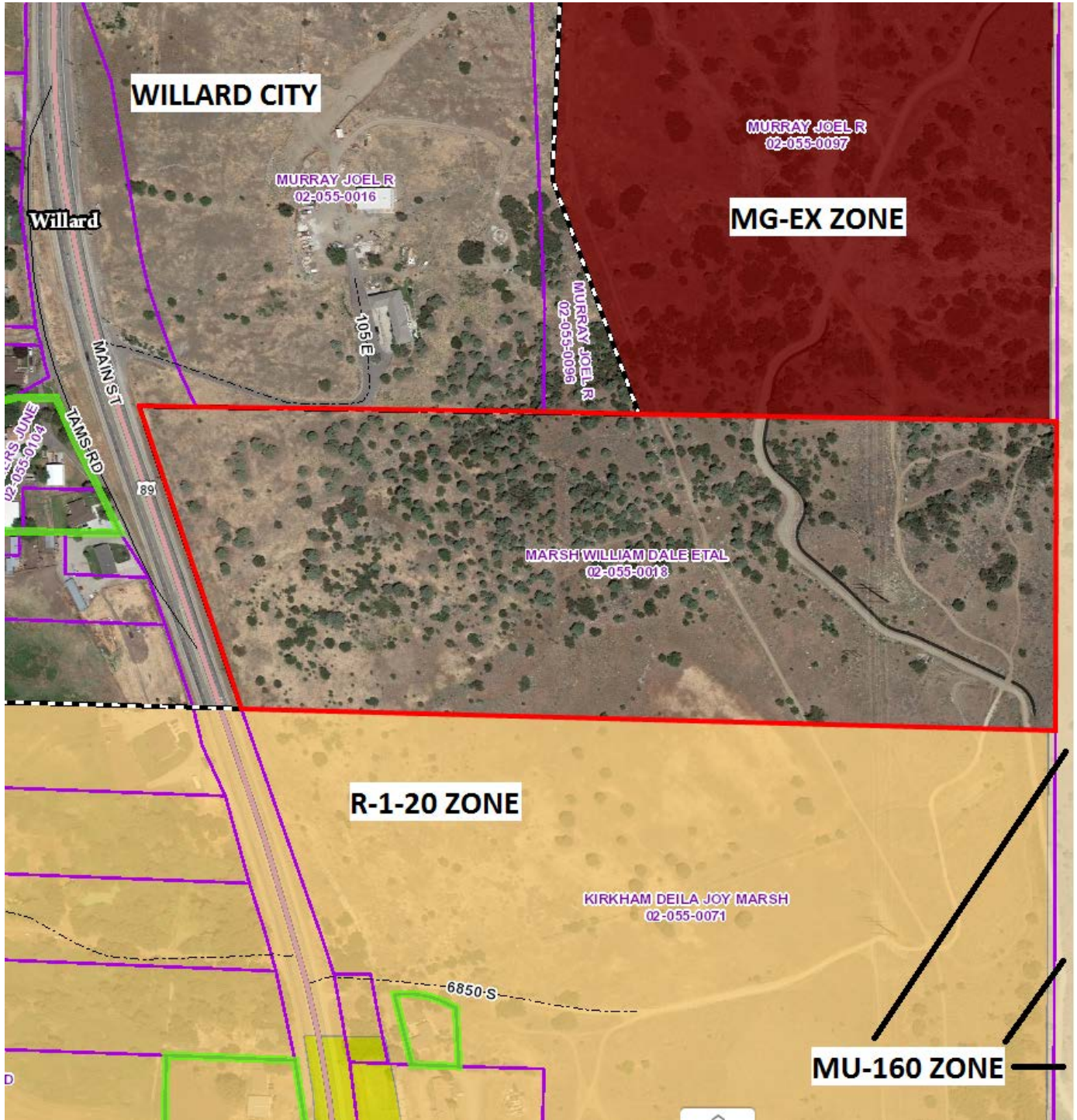
Table – “I move the Planning Commission table the review of application number Z16-008, a zoning map amendment from de-annexed/un-zoned to MG-EX (Mining, Quarry, Sand, & Gravel Excavation) zone to (give date), based on the following findings:”

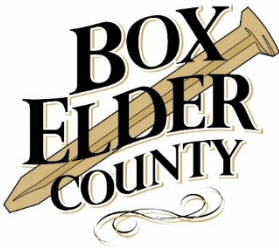
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z16-008, a zoning map amendment from de-annexed/un-zoned to MG-EX (Mining, Quarry, Sand, & Gravel Excavation) zone 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 19, 2017

Agenda Item #: 5f

Application Type:

Conditional Use Permit

APPLICANT(S):

Promontory Point Resources

PROJECT #:

CUP16-002

ZONE:

Solid Waste Zone

PARCEL #:

01-012-0160

TYPE OF ACTION:

Administrative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting a Conditional Use Permit to construct and operate a non-hazardous landfill. The proposed location is the southwest portion of the Promontory peninsula (T6N R6W Sections 13, 24, 25 and T6N R5W Sections 18, 19, 30). The landfill received its original Conditional Use Permit in 2003, but after several years renewing it with the Planning Commission that permit expired. For that reason they are back requesting approval of a new Conditional Use Permit. (Maps and plans are attached)

ANALYSIS

County Code:

Land Use Management & Development Code Section 3-8-140(e) allows solid waste landfills as a conditional use. Conditional Use Permits are decided upon by the Planning Commission.

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 2-2-100 outlines the following standards for review for Conditional Use Permits.

1. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the community, or injurious to property or improvements in the community, existing surrounding uses, buildings and structures;
2. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
3. The proposed use at the particular location is compatible with the intent, function and policies established in the general plan, this Code and the particular zoning district in which the use is proposed.

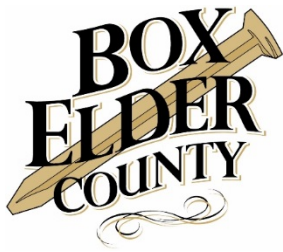
To be more specific, the code states the following factors should be reviewed and considered:

1. Conditions relating to safety of persons and property.
 - a. The impact of the proposed facility or use on the health, safety, and welfare of the County, the area, and persons owning or leasing property in the area.

Staff does not have sufficient information at this time to make a determination.

PPR Response:

- *The engineering controls and operating procedures that will be implemented during construction, operation, and closure of the facility to protect human health and the*



environment are described in the attached Promontory Landfill Class I Landfill Application dated August 2008 under which a Conditional Use Permit was issued. A Permit Modification and Design Report Phase I Promontory Landfill May 2016 was prepared to reflect current engineering and design that will further enhance protection to human health and the environment, attached.

- *The two aforementioned reports also contain information that describe the geohydrologic assessment, land use compatibility, stormwater runoff, alternative waste handling plans, procedures for excluding non-acceptable waste, contingency plans for emergencies, training of personnel, etc.*

- b. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area.

The applicant must submit an operations plan, a fugitive dust plan, a closure plan, and a mitigation agreement with the County Commission. These plans should cover proposed safeguards. Any adverse effects the Planning Commission can think of should be addressed with the applicant.

PPR Response:

- *The Operations Plan is provided in the Promontory Landfill Class I Landfill Application dated August 2008, Pages 5-1 to 5-13.*
- *The Fugitive Dust Control Plan is provided as an attachment to this response. In summary measures will be taken during construction and operation of the site to prevent fugitive particulate matter from becoming airborne such as planting vegetative cover, providing synthetic cover, watering, chemical stabilization, wind breaks, or other equivalent methods or techniques.*
- *The closure and post-plans are provided in Promontory Landfill Class I Landfill Application, August 2008, Pages 6-1 to 6-3 and in Appendix G of the Permit Modification and Design Report Phase I Promontory Landfill dated May 2016.*
- *PPR met with Scott Lyons on December 14, 2016 and requested information on the process and requirements for a mitigation agreement. PPR will prepare and submit a mitigation agreement with the Board of County Commissioners upon receipt of the requirements for the mitigation agreement.*

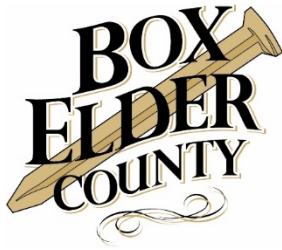
- c. Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.

None of the site is subject to flooding. Building elevations will be submitted at the time of building permit application. Grading plans were requested by the County Engineer and are being prepared.

No PPR response required.

- d. Increased setback distances from lot lines where the Planning Commission determines it to be necessary to ensure the public safety.

This is something the Commission may want to address with the applicant. There are no specific requirements for this type of use. The state permit requires a 1,000-acre buffer area,



but no specific setbacks as to how that buffer is applied. The site plan shows the following setbacks from the solid waste cells to all property lines:

North: 9,000 feet

South: 1,000 feet

East: 1,600 feet

West: 1,000 feet

PPR Response:

- *The setbacks portrayed on the site plans may be moved or altered as approved by DEQ.*

- e. Appropriate design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault or other seismic hazard, which may exist on or near the property, and limitations and/or restrictions to use and/or location of use due to site conditions, including but not limited to wetlands, flood plains or landslide area.

Staff has no evidence of the above listed or other natural hazards in the proposed area.

No PPR response required.

2. Conditions relating to the compatibility of the use.

- a. The suitability of the specific property for the proposed use.

Staff is not aware of any health, safety, or welfare issues that cannot be mitigated that affect the suitability of the proposed site.

No PPR response required.

- b. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity.

The surrounding development is currently agriculture, a gravel pit, and mineral extraction to the north and east. The west and south are railroad and the Great Salt Lake.

No PPR response required.

- c. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity.

This could be considered subjective and the public hearing may provide more insight.

PPR Response:

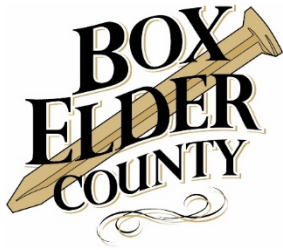
- *Significant research and investigation has been conducted to show that the facility will not be injurious to potential or existing development. Additionally, a permit to operate a Class I landfill along with a Conditional Use Permit were issued prior indicating that the facility was not deemed injurious.*

- d. The number of other similar conditional uses in the area and the public need for the proposed conditional use.

There are no other similar conditional uses in the area. The only other landfill in the County is the Little Mountain county owned landfill. Per county code the applicant "shall show a demonstrated need for the facility within Box Elder County."

PPR Response:

- *The following items support the need for a landfill in this area.*
 - *The county has rezoned the area to allow construction of the landfill.*



-
- *The county has a prior Conditional Use Permit for this facility that has just expired, Promontory Landfill Class I Landfill Application dated August 2008, Appendix B.*
 - *The DEQ has permitted the facility and therefore, they saw a need for this facility.*

3. Conditions relating to health and safety.

These should be addressed in the operations, fugitive dust, contingency, and closure plans. These should also be addressed as part of the state permit.

PPR Response:

- *Information regarding health and safety can be found in the following documents and the respective pages.*
 - *Operations Plan - The Operations Plan is provided in the Promontory Landfill Class I Landfill Application dated August 2008, Pages 5-1 to 5-13.*
 - *Fugitive Dust - The Fugitive Dust Control Plan is provided as an attachment to this response*
 - *Contingency Plan - The contingency plan is provided as part of the Operation Plan in the Promontory Landfill Class I Landfill Application dated August 2008, Pages 5-5 to 5-9.*
 - *Closure Plan - The closure and post-plans are provided in Promontory Landfill Class I Landfill Application dated August 2008, Pages 6-1 to 6-3 and in the Permit Modification and Design Report Phase I Promontory Landfill May 2016, page 2-4 and Appendix G.*
- *In addition to the inclusion of health and safety information in the above referenced documents, PPR will report any conditions that may endanger human health or the environment within 72 hours per 3-8-120 C. 4.*

4. Conditions relating to environmental concerns.

These should be addressed in the operations, fugitive dust, contingency, and closure plans. These should also be addressed as part of the state permit.

PPR Response:

- *In addition to the inclusion of health and safety in the above referenced documents PPR will report any conditions that may endanger human health or the environment within 72 hours per 3-8-120 C. 4.*

5. Conditions relating to compliance with intent of the General Plan and characteristics of the zone district.

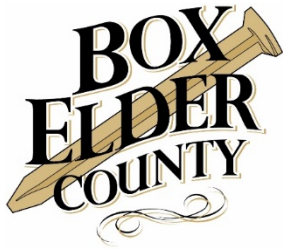
None.

No PPR response required.

6. The aesthetic impact of the proposed facility or use on the surrounding area.

The aesthetic impact of the landfill may be something to discuss with the applicant as well. This would be the time to decide if fencing, landscaping, tree screening, or any other measures are appropriate.

PPR Response:



-
- *PPR will maintain the site in a manner that is consistent with the natural landscape.*

7. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area.

A new water system is proposed on site. A new septic system is proposed on site. No information regarding power has been submitted. The causeway is to be used for access to the site, some county roadway will still be impacted. The agreement between the landowner and Union Pacific for use of the causeway has been requested but has not yet been submitted.

PPR Response:

- *PPR is working with Rocky Mountain Power for the power to the site.*
- *The causeway will not be used for landfill operations; the county road will be used for access to the site. PPR is working with the county on a road improvement plan. A summary of which is attached to this letter.*

8. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation.

These should all be addressed as part of the overall site plan. The submitted site plan is in a concept format and does not address all these items in detail. At the time of this report staff does not have a detailed final site plan.

PPR Response:

- *A site plan is provided as an attachment to this letter.*

9. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use.

These should be addressed as part of the site plan and other plans (operations, fugitive dust, mitigation, state permit). This concept plan has not yet addressed these items in detail.

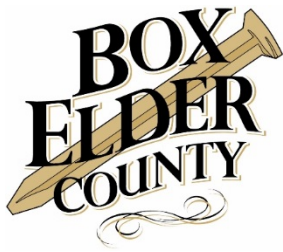
PPR Response:

- *Safeguards and procedures to prevent noxious or offensive omissions are provided in the Promontory Landfill Class I Landfill Application dated August 2008, Operation Plan Pages 5-1 to 5-13.*
- *A Fugitive Dust Plan has been prepared and enclosed with this submittal.*

Box Elder County Land Use Management and Development Code Section 3-8-120 requires the following of Conditionally Permitted facilities:

- A. A conditional use permit shall be obtained prior to constructing or operating a solid waste facility within the Solid Waste Zone. No presumption of approval shall be made regarding an application. All applications for conditional use permits made to the Planning Commission shall include all drawings, maps, specifications, statements and records as required by the Box Elder County Land Use Management & Development Code and this chapter. Applications that are incomplete upon submission shall be returned to the applicant. The landowner and operator shall be responsible to insure all conditions are complied with.

PPR Response:



- Drawings, maps, specifications, statements, and records are provided as attachments to the letter.

B. Prior to any conditional use permit being issued, the applicant shall show a demonstrated need for the facility within Box Elder County.

PPR Response:

- *The county has rezoned the area to allow construction of the landfill and therefore, saw a need for the facility.*
- *The county has a prior Conditional Use Permit for this facility that has just expired, Promontory Landfill Class I Landfill Application dated August 2008, Appendix B.*
- *The DEQ has permitted the facility and therefore, they saw a need for this facility.*

C. All conditional use permits issued within a Solid Waste Zone shall be reviewed by the Planning Commission who shall impose such requirements and conditions as are necessary for protection of adjacent properties and the public welfare. As a minimum all conditional use permits shall have the following conditions:

1. The solid waste facility is permitted for ancillary and support facilities necessary to conduct its business such as offices, maintenance facilities, laboratories, records storage facilities, process stations and equipment, fuel and chemical storage, and support services to maintain a workforce.

No PPR response required.

2. The operator of the municipal solid waste facility shall maintain all facilities and activities in such fashion to assure conformity to all Box Elder County land use, health, building, plumbing, mechanical and electrical codes, National Fire Protection Association Standards (NFPA), and other County ordinances, rules and regulations.

No PPR response required.

3. Copies of the licenses and permits issued by the State of Utah, Department of Environmental Quality, Division of Solid and Hazardous Waste shall be filed with the County Department of Engineering. The facility shall not operate without the proper permits being in force.

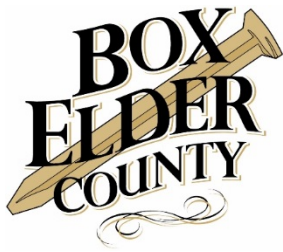
Copies of permits have been submitted.

4. The operator of the solid waste facility shall maintain a contingency plan and shall report to Box Elder County and the Bear River Health Department any conditions that may endanger human health or the environment. Any such information shall be reported orally as soon as practicable once the operator of the solid waste facility becomes aware of the circumstances of such incident and in writing within 72 hrs.

PPR Response:

- *The contingency plan is provided as part of the Operation Plan in the Promontory Landfill Class I Landfill Application dated August 2008, Pages 5-5 to 5-9.*

5. The operator of the solid waste facility shall take all reasonable steps to minimize and correct any adverse impacts on the public health and environment. At a minimum, the operator may be required to address on-site monitoring; which may be required for assessment of impacts to air, water, soil, vegetation and public health exposures on all property under the control of the solid waste facility. Any air, soil or groundwater monitoring assessments shall be provided to the Box Elder County Community Development Department and the Bear River Health Department. Box



Elder County reserves the right to monitor and assess all subject properties that may be impacted at its discretion.

No PPR response required.

6. The operator of the solid waste facility shall allow Box Elder County or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:
- enter at reasonable times upon the solid waste facility premises where a regulated facility and/or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - have access to copy any records that must be kept under the conditions of this permit;
 - inspect any facilities, equipment, practices, or operations regulated or required under this permit; and
 - sample or monitor for the purpose of assuring permit compliance or as otherwise directed by Box Elder County, any substances or parameters at any location.

No PPR response required.

7. The provisions of the permit are severable. If any provisions of the permit, or the application of any provision of the permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected.

No PPR response required.

8. The conditional use permit shall be reviewed upon any change in the facilities operation. Box Elder County, the landowner or the operator may review the permit at any time.

No PPR response required.

9. This conditional use permit is revocable by the Planning Commission at any time due to failure of the permittee to observe any condition specified or failure to observe other requirements of the Box Elder County Land Use Management and Development Code, the Box Elder County Code, or the Utah State Code.

No PPR response required.

10. If the conditional use permit is revoked, the operator must immediately suspend all waste acceptance and complete corrective actions. Any waste operations must be approved by the County Commission until a conditional use permit is approved.

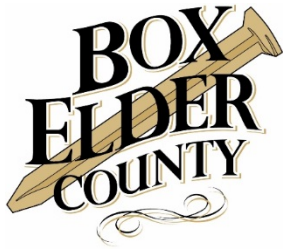
No PPR response required.

11. Loose materials shall be off-loaded in a covered structure to prevent fugitive waste from escaping into the landscape and off site. Bailed waste may be off loaded at the cell. The operator may submit an alternative plan and guarantee to be approved by the Planning Commission that will allow handling of loose waste without a covered structure for off-loading.

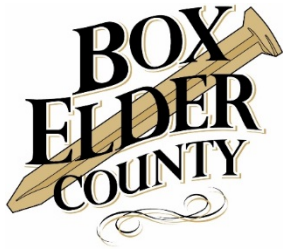
No structure for this purpose is shown on the site plan. Does this mean all waste coming to this facility is bailed?

PPR Response:

- The waste will be hauled to the site via trucks or transfer trailers. All trucks will be tarped, covered or enclosed and remain as such until the waste is off loaded at the working face.*



-
12. The operator will submit a fugitive dust plan and guarantee to be approved by the Planning Commission that will insure containment of fugitive dust.
The Fugitive Dust Control Plan is attached.
13. Before startup, an operations plan shall be submitted to the Box Elder County Planning Commission for review. The plan shall be updated and reviewed every five years with the Box Elder County Planning Commission. Each five-year plan shall expire and all operation shall cease until a new plan is approved.
The Operations Plan is attached.
14. The landowner shall submit a State approved closure plan to Box Elder County which will include post-closure activities. 1 year prior to closure or at the time that the solid waste facility is 90% filled, whichever is earlier, the landowner shall submit an updated State approved closure plan to Box Elder County. Box Elder County must approve any changes before closure activities may begin.
The state approved Closure Plan is attached.
15. The operator and landowner of the solid waste facility shall comply with the licensing and inspection requirements of Box Elder County Code and the Utah State Code.
PPR Response:
- *PPR will comply with the licensing and inspection requirements of Box Elder County and the Utah State Code.*
16. All internal roads shall be constructed with a dust free surface or treatment.
PPR Response:
- *The internal roads will be constructed with a dust free surface or will be treated to reduce dust emissions.*
17. Any waste that is blown as a result of the transportation or processing of waste from the operation of the facility shall be cleaned up daily.
PPR Response:
- *The fugitive waste plan is provided in the Promontory Landfill Class I Landfill Application dated August 2008, Appendix L.*
18. The construction drawings of cells shall be submitted to the Box Elder County Department of Engineering for approval prior to construction.
PPR Response:
- *The construction drawings of the cells are provided in Permit Modification and Design Report for Phase I of the Promontory Landfill Facility, May 2016.*
19. The operator of the solid waste facility shall complete a mitigation agreement with the Board of County Commissioners.
A mitigation agreement has not yet been submitted. The information requested in the response below was emailed to Ann Garner and Brett Snelgrove with PPR on December 21, 2016.
PPR Response:
- *PPR met with Scott Lyons on December 14, 2016 and requested information on the process and requirements for a mitigation agreement. PPR will prepare and submit a mitigation*
-



agreement with the Board of County Commissioners upon receipt of the requirements for the mitigation agreement.

- *The closure and post-plans are provided in Promontory Landfill Class I Landfill Application dated August 2008, Pages 6-1 to 6-3 and in the Permit Modification and Design Report for Phase I of the Promontory Landfill Facility, May 2016, Page 2-4.*
- *A copy of the Payment Bond for the closure and post closure of the facility is attached to this submittal.*

20. The operator of the solid waste facility shall build a perimeter security fence of a sufficient size to prevent unauthorized access.

PPR response:

- *A perimeter fence of a height of at least five feet will be placed around the perimeter of the facility to prevent unauthorized access.*

FINDINGS:

Based on the analysis of the Conditional Use Permit application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for solid waste landfills in the SW Zone subject to Conditional Use Permit approval by the Planning Commission.
2. Some items in code Sections 2-2-100 (Conditional Use Permits) and 3-8-120 (Permitted and Conditional Uses in the Solid Waste Zone) have not yet been submitted for review. Specifically an updated application, an updated Site Plan, an approved Mitigation Agreement, and an updated Roadway Improvement Plan.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff gives the Planning Commission the following three options in the model motions section below:**

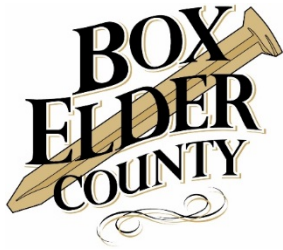
MODEL MOTIONS

Approval – “I move the Planning Commission approve application number CUP16-002, a Conditional Use Permit for construction and operation of a non-hazardous landfill, 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 the review of application number CUP16-002, a Conditional Use Permit for construction and operation of a non-hazardous landfill, 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 CUP16-002, a Conditional Use Permit for construction and operation of a non-hazardous landfill, based on the following findings:”

1. List findings for denial...

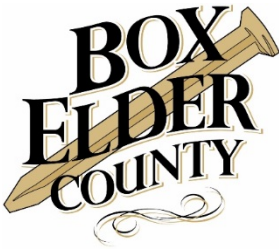
Some items or conditions to consider:

- Current application.
- Mitigation Agreement approved by the County Commission.
- Roadway Improvement Plan approved by County Road Supervisor and County Engineer and to your standards as the decision making body.
- Updated Site Plan approved by County Engineer and Planner.
- Local waste acceptance from residents? Class 1 landfills allow this. Is there any reason/need to prohibit it?
- Section 5-2 of the Operations Plan (page 67) – “Procurement of Waste Stream” – State permit states at least 25,000 tons annually is required prior to construction of facilities.
- County Commission has to approve to be a sponsor for PAB bond before it can be approved at state level. County Commission has held the public hearing, but has not yet approved this.
- Section 4 of the Fugitive Dust Plan mentions mining including blasting. This type of mining requires a state permit through the Division of Oil, Gas and Mining. Has this been acquired?
- Is the perimeter fence mentioned in 3-8-120(C.20) the same as the fence described in the Fugitive Waste Plan (Appendix L of the 2008 permit)? If so there is a height discrepancy.
- Section 5-7 of the Operations Plan (page 75) mentions that any contracts for alternative disposal locations will be negotiated prior to the facility operating. Has this taken place?
- Hours of operation?
- In a recent discussion I had with a state DEQ employee they mentioned that the state permit isn’t final until the following two items are completed:
 - PPR has contracts with local governments (city, county, SSD, etc.) in place, and;
 - PPR has financial assurance in place with the State.
- Is there any reason/need for the county to be included in the closure “final inspection” and have authority in the release of the financial assurance?

Your decisions and conditions as a Planning Commissioner:

Any condition can be applied as long as the Planning Commission can point to a specific standard in the CUP or Solid Waste ordinance.

- The condition/mitigation must be proportionate to the detriment/negative impact the use would have.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: January 19, 2017

Agenda Item #: 6a

Application Type:
Agricultural Subdivision

APPLICANT(S):
Chuck & Houston Earl

PROJECT #:
AS16-011

ORDINANCE:
State Code 12-27a-605(1)(5)

TYPE OF APPLICATION:
Administrative

REPORT BY:
Marcus Wager,
County Planner

BACKGROUND

The applicant/landowner is requesting an agricultural subdivision to separate his single family dwelling from his agricultural farm ground. The subdivision would create a one-acre residential parcel and a 98.19-acre agricultural parcel.

ANALYSIS

State Code:

Utah State Code Section 12-27a-605(5) allows subdivisions to be exempt from plat requirements as long as they include agricultural land, a single family dwelling, and an ordinance is enacted at the County Commission level following Planning Commission approval.

Land Use Ordinance Standards Review:

Utah State Code 12-27a-605(1)(5) outlines the following standards for review for agricultural subdivisions.

12-27a-601(1) - 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;

This area is not.

B. has been approved by the culinary water authority and the sanitary sewer authority;

It has, there is a home already on the property.

C. is located in a zoned area; and

Current zoning is MU-40, however the applicant is requesting a rezone to RR-1

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.

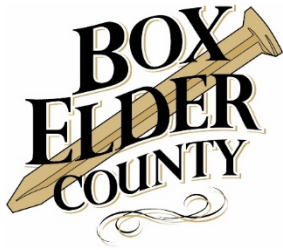
12-27a-605(5):

A. The parcel contains an existing legal single family dwelling unit;

Yes, if the rezone is approved.

B. The subdivision results in two parcels, one of which is agricultural land;

Yes.



C. The parcel of agricultural land:

- a. Qualifies as land in agricultural use under Section 59-2-502; and
- b. Is not used, and will not be used, for a nonagricultural purpose;

Yes.

D. Both the parcel with an existing legal single family dwelling unit and the parcel of agricultural land meet the minimum area, width, frontage, and setback requirements of the applicable zoning designation in the applicable land use ordinance; and

Yes.

E. The owner of record completes, signs, and records with the county recorder a notice:

- a. Describing the parcel of agricultural land by legal description; and
- b. Stating that the parcel of agricultural land is created as land in agricultural use, as defined in Section 59-2-502, and will remain as land in agricultural use until a future zone change permits another use.

This is done as part of the ordinance process with the County Commission.

FINDINGS:

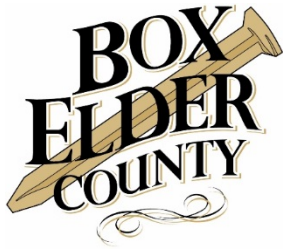
Based on the analysis of the agricultural subdivision application, staff concludes the following:

1. The Utah State Code allows for agricultural subdivisions subject to review procedures and approval of an ordinance by the County Commission with approval from the Planning Commission as well.
2. It is staff's opinion that the proposed agricultural subdivision meets all of the Approval Standards found in Section 17-27a-605(1)(5) of the Utah State Code, so long as the rezone associated with this is approved by the County Commission.

RECOMMENDATION

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission APPROVE application AS16-011 the Earl Agricultural Subdivision,** with the following condition:

1. The rezone from MU-40 to RR-1 be approved.



MODEL MOTIONS

Approval – “I move the Planning Commission approve application number AS16-011, an agricultural subdivision with a single family dwelling, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

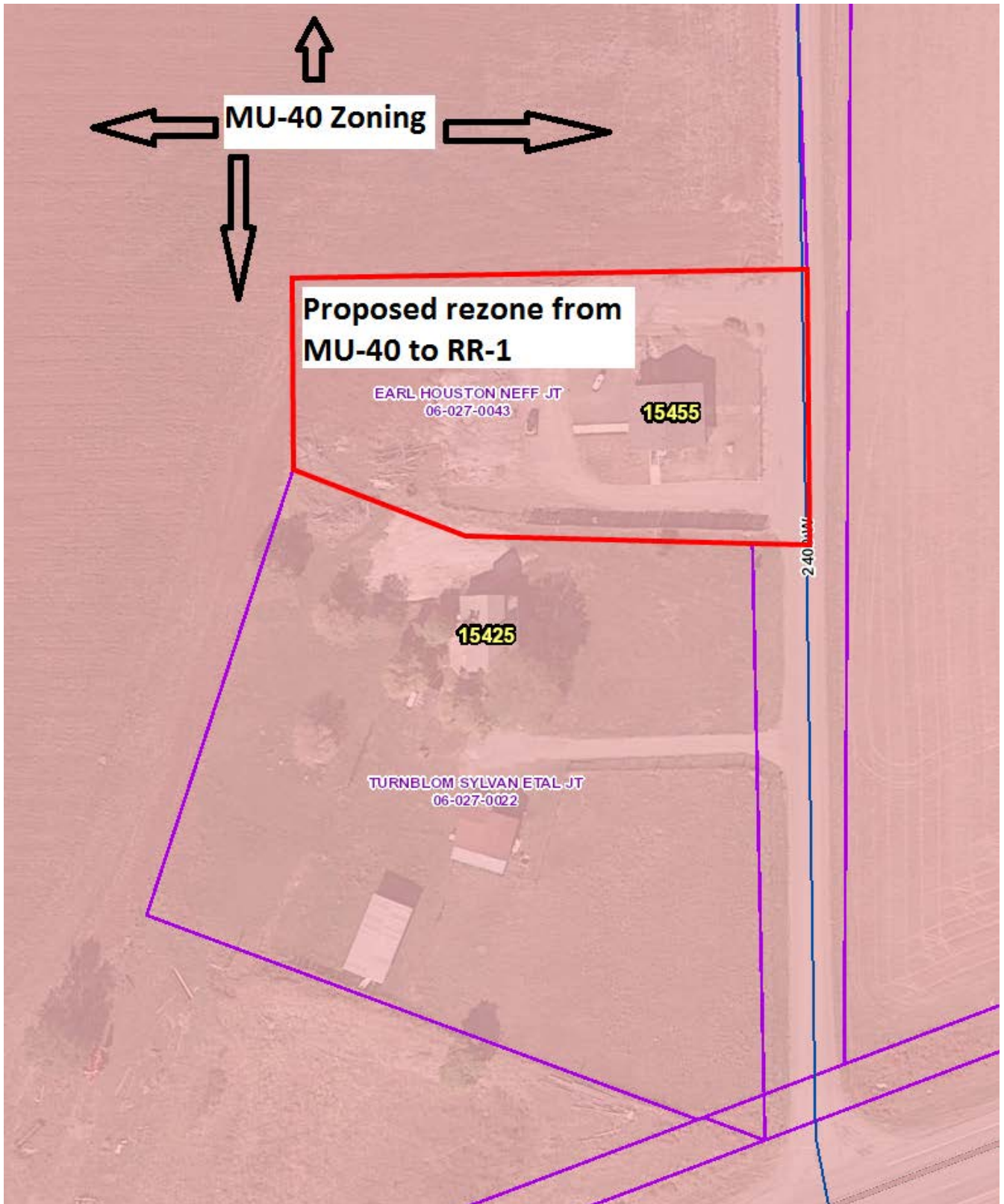
Table – “I move the Planning Commission table application number AS16-011, an agricultural subdivision with a single family dwelling, to (give date), based on the following findings:”

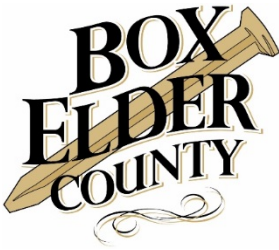
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number AS16-011, an agricultural subdivision with a single family dwelling, 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 19, 2017

Agenda Item #: 6b

Application Type:

Site Plan Review

APPLICANT(S):

Desert Tech Training Facility, LLC

PROJECT #:

SP16-005

ZONE:

Unzoned

PARCEL #:

Multiple (25,000 acres)

TYPE OF ACTION:

Administrative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting Site Plan approval for a firearms training facility to conduct training, host training, and host events. The site is located at approximately 9200 West 22400 North in the Broad Canyon area of unincorporated Box Elder County near Plymouth. The applicant has been operating under a Temporary Use Permit for the past four years due to litigation regarding legal access to the site. The Temporary Use Permit has now expired. The applicant states that the access issue has been resolved and they would like to request a permanent operating permit.

Surrounding Land Use and Zoning:

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

ANALYSIS

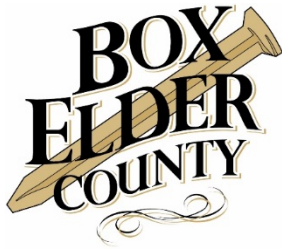
County Code:

Box Elder Land Use Management & Development Code allows controlled firearms training facilities for commercial use in unzoned areas as a permitted use subject to Site Plan approval (Section 2-2-110.D.2.c). As an administrative action, Site Plan approvals are decided upon by the Planning Commission.

Land Use Ordinance Standards Review:

Section 2-2-090 outlines the following standards for review for Site Plan Review of permitted uses:

1. The proposed use shall be allowed as a permitted use in the applicable zone.
Yes.
2. The proposed use shall conform to development standards of the applicable zone.
As some items are missing from the application this is still under discussion and review.
3. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code.
As some items are missing from the application this is still under discussion and review.



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

As some items are missing from the application this is still under discussion and review.

5. 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.

Not applicable.

Setbacks:

As some items are missing from the application this is still under discussion and review.

Access:

Access to the property is obtained by way of 22400 North. The access was in litigation, but I am told by the applicant that it has been resolved. I have no evidence of this statement, and County records currently do not show anything either.

This access road is approximately 4,100 feet long and currently does not meet the fire code and county road standards. It has been required by the County Engineer and Fire Marshal that this access road be improved to 20 feet wide with an all-weather surface. The road must be HS-20 load rated for heavier vehicles and drainage must be improved as well.

County Department Review:

Fire Marshal – Currently reviewing.

County Engineer – Currently reviewing.

Road Supervisor – Currently reviewing.

Health Department – Currently reviewing.

Planning Department – Has requested submittal of current lease agreement, proof of access, current site plan, current Fire Prevention Plan.

FINDINGS:

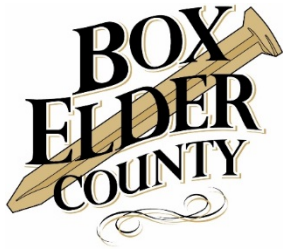
Based on the analysis of the Site Plan application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for controlled firearm training facilities in unzoned areas which are approved by the Planning Commission through a Site Plan review.
2. The applicant must submit additional information prior to making any additional findings.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff makes no recommendation at this time. A recommendation can be made once all information has been received and staff reviews have been finalized.**

MODEL MOTIONS



Approval – “I move the Planning Commission approve application number SP16-005, a Site Plan Review for Desert Tech Training Facility, LLC, 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 the review of application number SP16-005, a Site Plan Review for Desert Tech Training Facility, LLC, 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 SP16-005, a Site Plan Review for Desert Tech Training Facility, LLC, based on the following findings:”

1. List findings for denial...

Some conditions to consider:

- Compliance with Section 2-2-100 of the BECLUMD Code.
- Compliance with Article 5, Regulations of General Applicability, of the BECLUMD Code.
- Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.
- Submittal of current lease agreement, proof of access, current site plan, current Fire Prevention Plan.
- Compliance with reviews from county staff.

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

