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# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

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December 15, 2016

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 November 17, 2016 Planning Commission Minutes.
5. **PUBLIC HEARINGS**
  - a. 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. ACTION
  - b. ORDINANCE TEXT AMENDMENT, SECTION 5-2-060; MAINTENANCE OF PARKING LOTS. AMENDING LANGUAGE REGARDING PARKING LOT AND FENCING STANDARDS. ACTION
  - c. PROMONTORY POINT RESOURCES, CUP16-002; CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A NON-HAZARDOUS LANDFILL LOCATED ON PARCEL #01-012-0160. ACTION
  - d. WALKER FAMILY FARMS L.P.; VAC16-002 ROAD VACATE; VACATE FIRST HALF MILE OF ETNA RESERVOIR CUTOFF ROAD ACROSS PRIVATE PROPERTY. ACTION
6. **NEW BUSINESS**
  - a. **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. (ACTION)
  - b. **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. (ACTION)
7. **UNFINISHED BUSINESS**
8. **WORKING REPORTS**
  - a. **TEXT AMENDMENT:** Section 2-2-100 Conditional Use Permit
  - b. **TEXT AMENDMENT:** Section 2-2-120 Site Plan Review
9. **PUBLIC COMMENTS**
10. **ADJOURN**\_\_\_\_\_

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES November 17, 2016

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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/Excused	Scott Lyons	Com Dev Dir.
Laurie Munns	Vice-Chairman	Marcus Wager	Planner
Kevin McGaha	Member	Steve Hadfield	Co. Attorney.
Michael Udy	Excused	Elizabeth Ryan	Exec. Secretary
Bonnie Robinson	Member	Com. Jeff Scott	
Desiray Larsen	Excused		
Mellonee Wilding	Member		

Prayer was offered by Commissioner Mellonee Wilding.  
Pledge was led by **Commission Chairman Chad Munns**.

### **The following citizens were present**

Brady Lewis/Perry      Lanny Lewis/Thatcher      David Z. Thompson/Deweyville

The Minutes of the September 15, 2016 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Bonnie Robinson** 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.

### **DAVID Z. THOMPSON; Z16-007, ORDINANCE TEXT AMENDMENT TO CHANGE THE MINIMUM FRONTAGE REQUIREMENT IN THE RR-1 [BECULM&DC] 3-2-080-2.1, FROM 200 FEET TO 145 FEET.**

Staff informed the commissioners that this applicant was requesting for a text amendment in Section 3-2-080-2.1 which deals with the minimum width required for frontage in the RR-1 zone. The current frontage requirement is 200 feet and the applicant was requesting that be

reduced to 145 feet of frontage. There were no comments received and the Public Hearing was closed with a Motion by **Commissioner Laurie Munns**, seconded by **Commissioner Kevin McGaha** and was unanimous.

**ACTION**

Staff said that they had researched what the frontage is in other counties/areas and found that they ranged from 175 to 100 feet. As there are so few areas in Box Elder County that are zoned as RR-1 (one acre lots) it was recommended that the frontage be changed to 120 feet instead of the 145 as was requested by the applicant.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for a ordinance text amendment to Section 3-2-080-2.1 reducing the required lot frontage from 200 feet to 120 feet in the RR-1 zones. Motion seconded by **Commissioner Laurie Munns** and passed unanimously.

**ORDINANCE TEXT AMENDMENT, CHAPTER 2-2: ADMINISTRATIVE AND DEVELOPMENT REVIEW PROCEDURES. UPDATING NOTICING REQUIREMENTS FOR PUBLIC MEETINGS AND PUBLIC HEARINGS.**

This request for a text amendment was being presented by the Box Elder County Planning Staff and it was being that various sections of Chapter 2-2: Administrative & Development Review Procedures. The primary section is Section 2-2-050: Public Hearings and Meetings and how those meetings are to be noticed; and there are other sections in the Code that refer back to this section. In researching this change it was found that Section 2-2-050 refers to portions of the state code that are not really applicable to many of the applications received by the county. Those legislative actions that refer back to the state code include: currently text amendments, general plan amendments and re-zones. Therefore, staff was requesting that those actions that have a portion in the state code would continue to refer back to that code, whereas other actions such as conditional use permits, that don't have a portion in the state code would refer to the county code. No comments were given and the Public Hearing was closed with a Motion by **Commissioner Mellonee Wilding**, seconded by **Commissioner Kevin McGaha** and was unanimous.

**ACTION**

Staff then recommended approval and forwarding to the County Commission.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval to the County Commission for an ordinance text amendment to Chapter 2-2: Administrative and Development Review Procedures (updating noticing requirements for public hearings and meetings).<sup>i</sup> Motion seconded by **Commissioner Kevin McGaha** and passed unanimously.

**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 TO DEFAULT TO STATE REGULATIONS.**

This text amendment was also being proposed by the Planning Staff but in doing research for the amendment found that more needed to be done in the language of the proposed changes. Therefore, the Public Hearing was opened and will remain open until the December 15, 2016 meeting.

**ACTION**

To be continued at the December 15, 2016 meeting.

**LLS HOLDINGS LLC; CUP16-004, CONDITIONAL USE PERMIT FOR MILLWORK TO EXPAND THE CABINET MANUFACTURING SITE PLAN LOCATED AT APPROXIMATELY 10255 NORTH 11600 WEST IN THE THATCHER AREA OF BOX ELDER COUNTY.**

This applicant was requesting approval for an addition to a current building for Lewis Cabinets located in the Thatcher area of Box Elder County. The site plan has been reviewed by the various county departments and given approval. The Fire Marshall would request that a fire suppression system be installed at the time of construction of the addition. The current code also requires that the parking lot be paved and that fences be installed between the business and any neighboring properties. The following comments were given during the public hearing.

*Mr. Brady Lewis* noted that this proposed CUP was only for the south side where the expansion is going. Regarding the fencing, the residential property owners on the south are those that sold this property to Lewis Cabinets and were aware of the expansion taking place.

*Mr. Lanny Lewis*, owner, told the commissioners that the surrounding neighbors to the north were against having a fence put in as it would affect their properties. One neighbor would have to remove a row of trees; another would lose a section of grass and the third would not be able to access his property in the back. All would be upset if this requirement was follow through with.

The Public Hearing was then closed with a Motion by **Commissioner Mellonee Wilding** and seconded by **Commissioner Bonnie Robinson**; passing unanimously.

**ACTION**

Staff said that after visiting the site and the issues of the parking lot and the fencing, they had no issues with the parking lot not having asphalt due to the location of this business in a more rural area of the county. Regarding the fencing, after the visit it was determined that the fencing would not be required between these properties. However, necessary steps would need to be taken to either remove or modify parts of the code that are requiring these two items. A text amendment would then be presented to the Planning Commissioners for their approval and action at the next meeting. [Staff Recommendations: 4. "Approval of the text amendment to remove the requirement for asphaltting the parking lot and fencing around the property."]  
Staff recommended approval for this CUP and site plan for LCS holdings LLC.

**Chairman Chad Munns** asked if some type of deferral agreement could be done in regards to the fence issue as property owners may change in the future and fencing may be necessary. Staff replied by saying that it would probably be good to remove this requirement from this particular section of the code, but leave it in others sections; such as areas where there is more dense population mixed with businesses. Then those applications could be looked at on individual basis and as part of the Conditional Use Permit review process.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to approve the Conditional Use /Site Plan for LCS Holding LLC with the conditions as outlined by Staff. Motion seconded by **Commissioner Mellonee Wilding** and passed unanimously.

**Conditions of Approval:**

1. Compliance with Section 2-2-100 of the BECLUM&DC.
2. Compliance with Article 5, Regulations of General Applicability, of the BECLUM&DC.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.
4. Approval of the text amendment to remove the requirement for asphaltting the parking lot and required fencing between the business and the neighboring residential properties.

## **NEW BUSINESS**

### **AS16-009, JEONA MARBLE AG SUBDIVISION, LOCATED AT APPROXIMATELY 3780 WEST 16000 NORTH IN THE FIELDING AREA OF BOX ELDER COUNTY DIVIDING 1 ACRE WITH A SINGLE FAMILY DWELLING OFF 17.71 ACRES.**

This applicant was requesting an ag-subdivision in order to separate a home and agricultural property. Located in an un-zoned area of the county the parcel with the house would be one acre and the farm parcel would be approximately 17.71 acres. The house was built in the 1950s and there is a private road for access.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to grant approval for the Jeona Marble Ag-Subdivision; seconded by **Commissioner Mellonee Wilding** and passed unanimously.

## **UNFINISHED BUSINESS -- NONE**

## **WORKING REPORTS**

**Commissioner Laurie Munns** asked if there was any information regarding the time/date that an application would remain in open status before it would be rendered inactive and closed out so that [the] petitioner would have to reapply sometime in the future and pay any applicable fees to have it considered again. **Scott Lyons** said that he had been in touch with the State Property Rights Ombudsman and that his recommendation (on this particular application that was of concern) was, 1) that it could be tabled until the petitioner decided to come back and then the commission could take action on it based on the original public hearing that was held; and when it is a legislative action, as this one was with a rezone and a general plan amendment, the County

Commission has all the power and could deny the request as they are representatives of the entire county and are acting in behalf of all citizens. Or, the planning commission could notify the petitioner saying that they (the county) were ready to move forward with acting on the application and proceed.

**Chairman Chad Munns** had recently attended some training and said that one of the presenters there had asked “why would you want to put time limits?”, as the planning commission’s function is to help the public move forward with any petitions and any time limits or constraints are theirs and not the county’s. **Scott Lyons** then said that in the current county code it states that if there is no action or substantial progression to get the application approved then it becomes void. However, with this particular application, it was submitted, two public hearings were held and the applicant had tried to get it approved within a six month time frame. There is nothing in the code that specifically states that an application expires after a certain amount of time has passed once some action toward approval has taken place.

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

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

**PUBLIC COMMENTS -- NONE**

A **Motion** was made to adjourn at 7:54 p.m., unanimous.

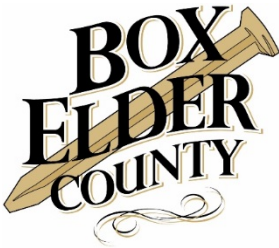
Passed and adopted in regular session this 15<sup>th</sup> day of December 2016.

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Chad Munns, Chairman  
Box Elder County  
Planning Commission

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<sup>i</sup> BECLUM&DC, Article 2-2: Administrative and Development Review Procedures



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## PLANNING COMMISSION STAFF REPORT

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Meeting Date: December 15, 2016  
Agenda Item #: 5a

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**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County Staff

**PROJECT #:**

Z16-009

**ORDINANCE:**

Chapter 3-9 and Chapter 4-8;  
various sections

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

The Box Elder County Planning Staff is requesting that a text amendment be made to various sections of Chapters 3-9: Mining, Quarry, Sand & Gravel Excavation Zone (MG-EX) and 4-8: Landfill & Land Excavation Overlay. The current code puts a significant amount of review and control in the Planning Commission and Zoning Administrator's hands with regard to mining slopes, where neither body has significant expertise this leaves the county with unnecessary liability. The State Department of Oil, Gas and Mining oversee and permit gravel pit operations. They require core sampling with review by experts in the field to determine excavation and fill slopes. To staff it makes more sense to default to these experts when it comes to this aspect of the mining permit. The changes would default mining slopes to those deemed appropriate by the Division of Oil, Gas and Mining as part of the applicant's state permit. For operations that are exempt from State permits I have spoken with the County Engineer and his experience shows that a 2:1 slope is considered a safe slope and the standard for State exempt operations. (See attachment for proposed language)

**ANALYSIS**

**County Code:**

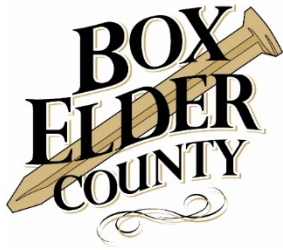
Land Use Management & Development Code 2-2-080.C allows county staff to initiate amendments to text of the Box Elder County Land Use Management & Development Code. These amendments are decided upon by the County Commission with a recommendation from the Planning Commission.

**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.



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**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**

This text amendment does not affect any specific property.

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

The proposed amendment does not affect any specific 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 does not affect any specific property.

**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 and application materials submitted, **staff recommends the Planning Commission forward a recommendation of APPROVAL to the County Commission.**

**MODEL MOTIONS**

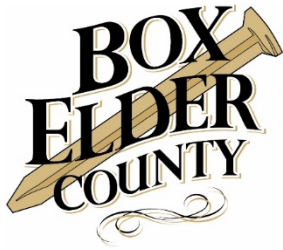
**Approval** – "I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z16-009, a text amendment to Chapters 3-9: Mining, Quarry, Sand, & Gravel Excavation Zones and 4-8: Landfill and Land Excavation Overlay of the Box Elder County Land Use Management & Development Code, 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 Z16-009, a text amendment to Chapters 3-9: Mining, Quarry, Sand, & Gravel Excavation Zones and 4-8: Landfill and Land Excavation Overlay of the Box Elder County Land Use Management & Development Code, 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...

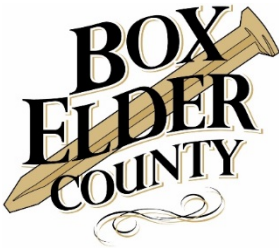




**Denial** – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z16-009, a text amendment to Chapters 3-9: Mining, Quarry, Sand, & Gravel Excavation Zones and 4-8: Landfill and Land Excavation Overlay of the Box Elder County Land Use Management & Development Code, 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.



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## PLANNING COMMISSION STAFF REPORT

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Meeting Date: December 15, 2016  
Agenda Item #: 5b

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**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z16-011

**ORDINANCE:**

Section 5-2-060,  
Maintenance of Parking Lots

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

The Box Elder County Planners have requested that a text amendment be made regarding Section 5-2-060, Maintenance of Parking Lots, Subsections A & B, of the Box Elder County Land Use Management & Development Code. (See attachment for proposed verbiage)

**ANALYSIS**

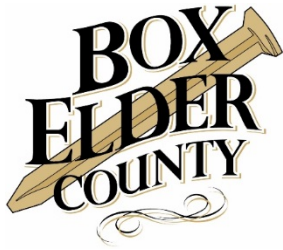
**County Code:**

Land Use Management & Development Code 2-2-080.C allows the County Commission and 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.

**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;
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
- C. The extent to which the proposed amendment may adversely affect adjacent property; and
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.



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## **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 gives the Planning Commission the following three options in the model motions section below:**

## **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z16-011, a text amendment regarding Section 5-2-060, Maintenance of Parking Lots, of the Box Elder County Land Use Management & Development Code, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

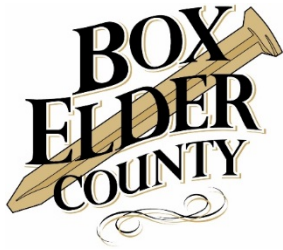
1. List any additional conditions....

**Table** – “I move the Planning Commission table the review of application number Z16-011, a text amendment regarding Section 5-2-060, Maintenance of Parking Lots, of the Box Elder County Land Use Management & Development Code, 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 text amendment regarding Section 5-2-060, Maintenance of Parking Lots, of the Box Elder County Land Use Management & Development Code, based on the following findings:”

1. List findings for denial...



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

### **5-2-060. Maintenance of Parking Lots.**

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

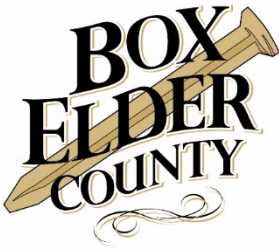
#### **A. Surfacing**

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.**
2. The parking area shall be so graded as to dispose of all surface water.
3. If such water is to be carried to adjacent streets, it shall be piped under sidewalks.

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.

C. Landscaping. Each parking lot shall be adequately landscaped to comply with a plan approved by the Planning Commission and such landscaping shall be permanently maintained.

D. Lighting. Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining residential premises and from street traffic.



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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: December 15, 2016

Agenda Item #: 5c

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**Application Type:**

Conditional Use Permit

**APPLICANT(S):**

Promontory Point Resources,  
Northern Engineering

**PROJECT #:**

CUP16-002

**ZONE:**

Solid Waste Zone

**PARCEL #:**

01-012-0160

**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 has a current license with the State of Utah. 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.

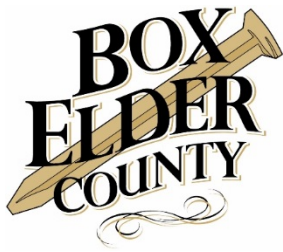
1. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the community, or injurious to property or improvements in the community, existing

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



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*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.*

- 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.*

- 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*

- 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.*

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.*

- 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.

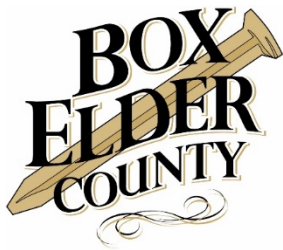
*The surrounding development is currently agriculture, a gravel pit, and mineral extraction to the north and east. The west and south are railroad and the Great Salt Lake.*

- 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.*

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

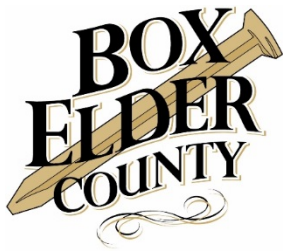
*There are no other similar conditional uses in the area. The only other landfill in the County is the Little Mountain county owned landfill. Per county code the applicant "shall show a demonstrated need for the facility within Box Elder County."*



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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.*
  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.*
  5. Conditions relating to compliance with intent of the General Plan and characteristics of the zone district.  
*None.*
  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.*
  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.*
  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.*
  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.*

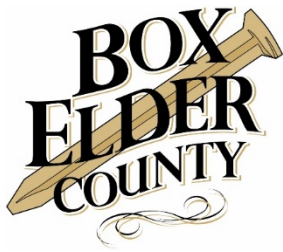
Box Elder County Land Use Management and Development Code Section 3-8-120 requires the following of Conditionally Permitted facilities:

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

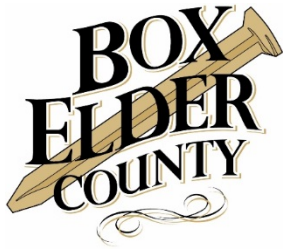


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- C. All conditional use permits issued within a Solid Waste Zone shall be reviewed by the Planning Commission who shall impose such requirements and conditions as are necessary for protection of adjacent properties and the public welfare. As a minimum 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.
  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.
  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 not yet 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.
  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.
  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:
    - (a) 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;
    - (b) have access to copy any records that must be kept under the conditions of this permit;
    - (c) inspect any facilities, equipment, practices, or operations regulated or required under this permit; and
    - (d) 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.
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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.
  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.
  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.
  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.
  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?*
  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.  
*A fugitive dust plan has not yet been submitted.*
  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.  
*An operations plan has not yet been submitted.*
  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.  
*A state approved closure plan has not yet been submitted.*
  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.
  16. All internal roads shall be constructed with a dust free surface or treatment.
  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.
  18. The construction drawings of cells shall be submitted to the Box Elder County Department of Engineering for approval prior to construction.
  19. The operator of the solid waste facility shall complete a mitigation agreement with the Board of County Commissioners.
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*A mitigation agreement has not yet been submitted.*

20. The operator of the solid waste facility shall build a perimeter security fence of a sufficient size 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. Several 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.

### **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:”

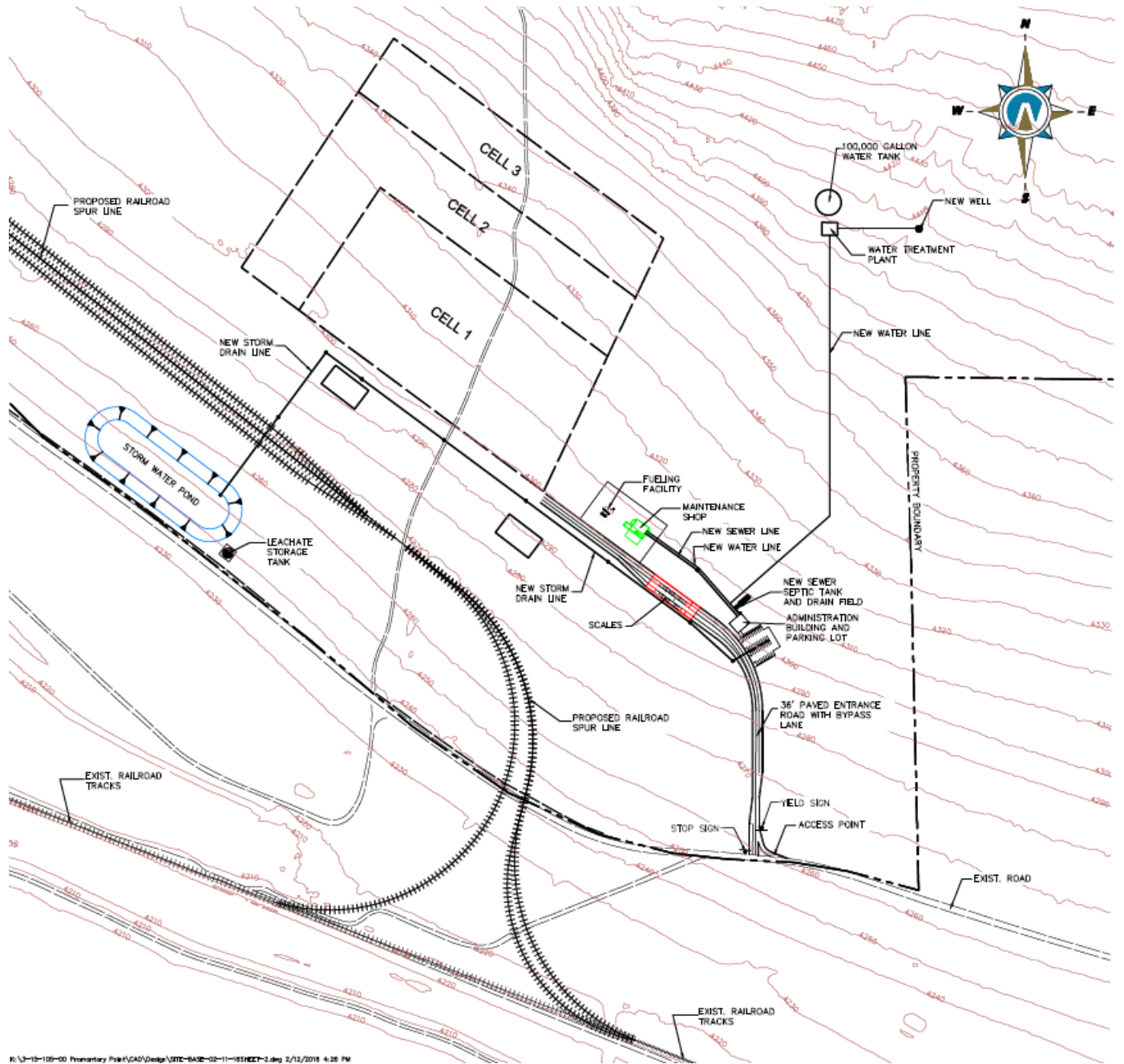
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

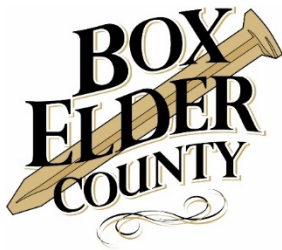
**Denial** – “I move the Planning Commission deny application number CUP16-002, a Conditional Use Permit for construction and operation of a non-hazardous landfill, based on the following findings:”

1. List findings for denial...

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







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## PLANNING COMMISSION STAFF REPORT

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Meeting Date: December 15, 2016

Agenda Item #: 5d

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**Application Type:**

Road Vacate

**APPLICANT(S):**

Douglas Walker

**PROJECT #:**

VAC16-002

**ADDRESS:**

Approx. 79550 West Etna  
Road

**PARCEL #:**

05-017-0016, 05-134-0007

**CURRENT ZONE:**

Un-Zoned

**TYPE OF ACTION:**

Legislative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

The applicant is requesting to vacate a portion of roadway at approximately 79550 West Etna Road in the Grouse Creek area of Box Elder County. Attached is a map showing the proposed road vacate.

**ANALYSIS**

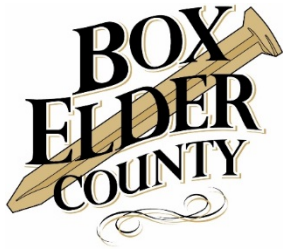
**County Code:**

Box Elder County Commission Policy #2003-01 governs road vacations. According to this policy, an application for a road vacation must be presented to the Planning Commission to receive a recommendation to be presented to the County Commission.

**Land Use Ordinance Standards Review:**

Box Elder County Commission Policy #2003-01 outlines the following standards when considering a road vacation:

1. Is there a prevailing public interest in keeping the road open; and
  - a. *There are no residences that use this road for access. Currently it is used for water access but that access will remain if the road is vacated.*
2. Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County; and
  - a. *The proposed vacation does not affect the County's General Plan or Transportation Plan.*
3. Is the proposed vacation in compliance with all Box Elder County Land Use and Development Code requirements, State, Federal or other local regulations; and
  - a. *The proposed vacation is in compliance with all requirements and regulations.*
4. Will the proposed road vacation financially harm any landowner or stakeholder who may have an interest in the road; and
  - a. *The Public Hearing process is in place to help bring any evidence of harm to light.*
5. The County shall not vacate any other private interest within the right-of-way; and
  - a. *No other interests within the right-of-way are to be vacated.*
6. When considering the vacation of a deeded road as opposed to a right-of-use road, the provisions of the surplus property disposal policy shall be used; and
  - a. *The proposed road is a right-of-use road and does not need to conform to the surplus property disposal policy.*



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7. The petitioner will provide descriptions in a deeded right-of-way for all abutting owners who may receive any ownership of the vacated road.
    - a. *The petitioner will be supplying the descriptions, and the applicants are the only owners who abut the road to be vacated.*

### **FINDINGS:**

Based on the analysis of the petition to vacate a Box Elder County Road, staff concludes the following:

1. Un-zoned areas allow for Road Vacations subject to approval by the Box Elder County Commission with a recommendation from the Planning Commission.
2. The petition is in compliance with the current Zoning provisions and County Road Vacate Policy.
3. Staff is waiting for the description of the road.

### **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 for the road vacate with the following conditions:**

1. Staff receives the description of the road vacate.

### **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number VAC16-002, a road vacation for the first half mile of Etna Reservoir cut off Road at approximately 79550 West Etna Road, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

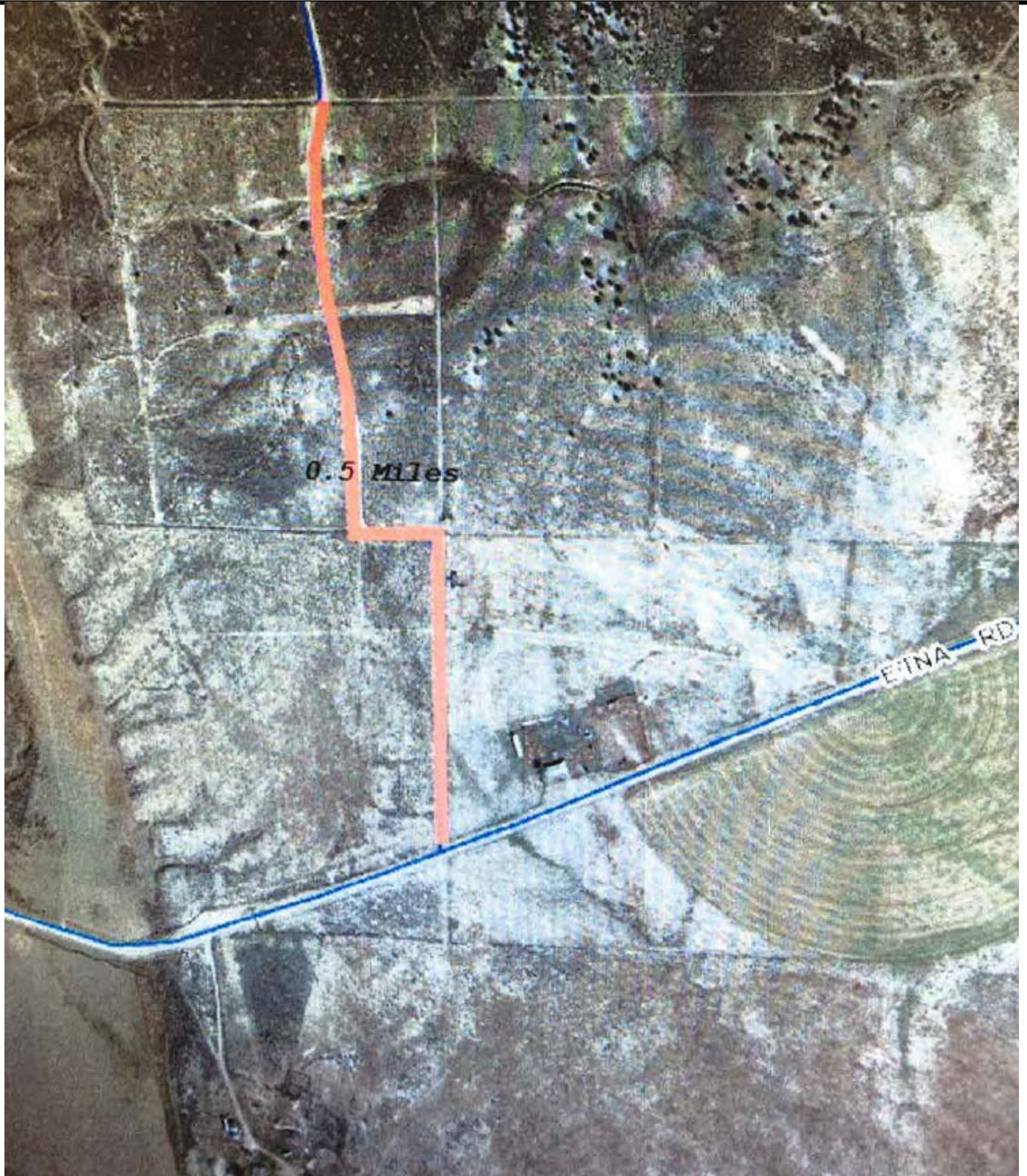
**Table** – “I move the Planning Commission table the review of application number VAC16-002, a road vacation for the first half mile of Etna Reservoir cut off Road at approximately 79550 West Etna Road, to (give date), based on the following findings:”

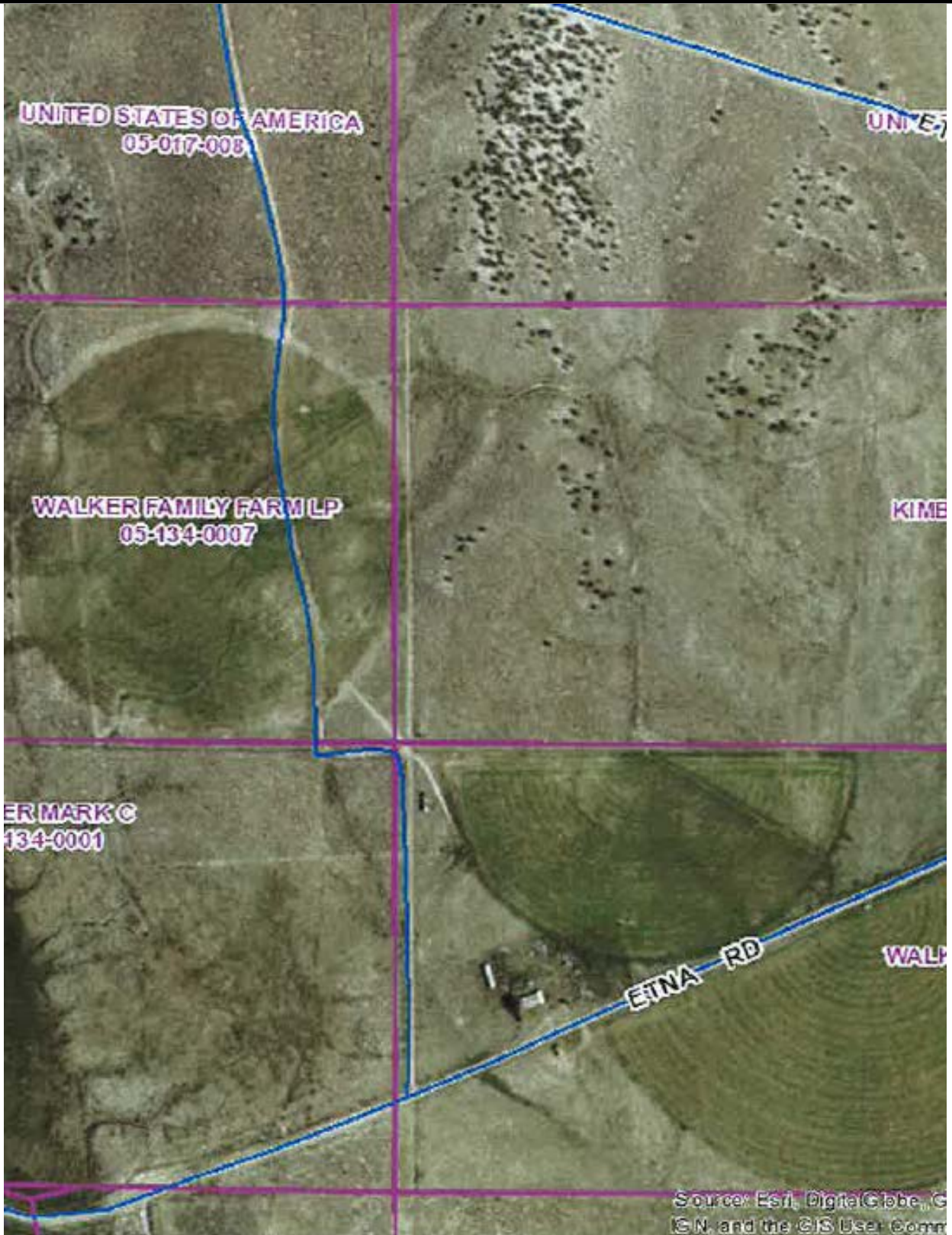
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – “I move the Commission forward a recommendation of denial to the County Commission, application number VAC16-002, a road vacation for the first half mile of Etna Reservoir cut off Road at approximately 79550 West Etna Road, based on the following findings:”

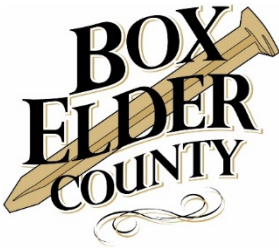
1. List findings for denial...

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









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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: December 15, 2016

Agenda Item #: 6a

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**Application Type:**  
Agricultural Subdivision

**APPLICANT(S):**  
Mark & Stephanie Storey

**PROJECT #:**  
AS16-010

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

**TYPE OF APPLICATION:**  
Administrative

**REPORT BY:**  
Scott Lyons,  
Comm. Dev. Director

### **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 two-acre residential parcel and a 61.56-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(5) outlines the following standards for review for agricultural subdivisions.

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

Yes.

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

Yes.

#### **C. The parcel of agricultural land:**

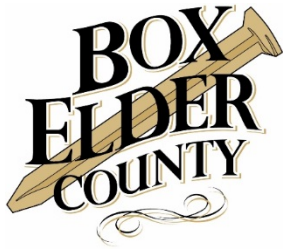
- a. Qualifies as land in agricultural use under Section 59-2-502; and
- b. Is not used, and will not be used, for a nonagricultural purpose;

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(5) 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 AS16-010 the Storey Agricultural Subdivision.**

### **MODEL MOTIONS**

**Approval** – "I move the Planning Commission approve application number AS16-010, 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 AS16-010, an agricultural subdivision with a single family dwelling, to (give date), based on the following findings:"

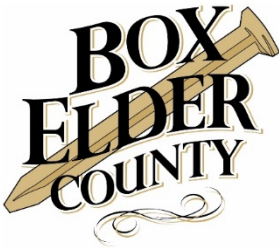
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – "I move the Planning Commission deny application number AS16-010, an agricultural subdivision with a single family dwelling, 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.





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## PLANNING COMMISSION STAFF REPORT

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Meeting Date: December 15, 2016

Agenda Item #: 6b

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**Application Type:**

Surplus Property Disposal

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

SPD16-01

**ORDINANCE:**

County Policy #2000-01

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

Box Elder County is interested in transferring ownership of the detention basin known as Lot 40B in The Farms in South Willard – Phase 4 to the Box Elder County/Willard City Flood Control and Special Drainage District.

**ANALYSIS**

**County Policy:**

Box Elder County Policy #2000-01 requires all surplus property disposal of real estate to be reviewed by the Planning Commission to ensure they comply with the General Plan, Land Use Management and Development Code and any other applicable ordinances. The Planning Commission shall submit their recommendation within 15 days of the date of decision.

**FINDINGS:**

Based on the analysis and review of the proposed conveyance of County land to the Box Elder County/Willard City Flood Control and Special Drainage District staff concludes the following:

1. The conveyance complies with the General Plan, Land Use Management and Development Code and any other applicable ordinances.
2. Staff can submit a recommendation to the County Commission on behalf of the Planning Commission within 15 days of the Planning Commission's action.

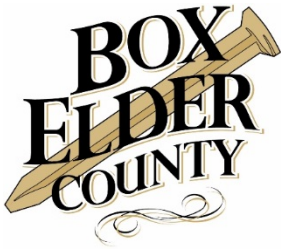
**RECOMMENDATION**

Based on the information presented in this report and application materials submitted, **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 regarding application number SPD16-01, surplus property disposal of a detention basin in The Farms Subdivision – Phase 4 to the Box Elder County/Willard City Flood Control and Special Drainage District, 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 SPD16-01, surplus property disposal of a detention basin in The Farms Subdivision – Phase 4 to the Box Elder County/Willard City Flood Control and Special Drainage District, 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 regarding application number SPD16-01, surplus property disposal of a detention basin in The Farms Subdivision – Phase 4 to the Box Elder County/Willard City Flood Control and Special Drainage District, 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.

