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

1. CALL TO ORDER 7:00 p.m. (County Commission Chamber Room, Main Floor)

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL of the October 19, 2023 Planning Commission Minutes.

5. UNFINISHED BUSINESS
   a. None

6. PUBLIC HEARINGS
   a. ZONING MAP AMENDMENT, Z23-016, Request for a zone change of 11.905 acres from MU-160 (Multiple Use – 160 acres) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and 158.945 acres from MU-160 (Multiple Use – 160 acres) to MU-80 (Multiple Use – 80 acres) located in Willard Canyon at approximately 370 North 700 East currently parcel 02-006-0020 in Willard area of Unincorporated Box Elder County ACTION

7. NEW BUSINESS
   a. WILLARD CANYON SUBDIVISION, SS23-021 Request for approval for 1 new non-residential lot located on the north side of Willard Canyon in Unincorporated Box Elder County ACTION

8. WORKING REPORTS
   a. Training – Zoning Reform for Housing Attainability

9. PUBLIC COMMENT

10. ADJOURN________________________
BOX ELDER COUNTY
PLANNING COMMISSION MINUTES
OCTOBER 19, 2023

The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 7:00 p.m. The following members were present by a roll call, constituting a quorum:

Roll Call
Mellonee Wilding  Chairman
Jared Holmgren  Vice-Chair
Lonnie Jensen  Member
Steven Zollinger  Member
Bonnie Robinson  Member
Jed Pugsley  Member
Jennifer Jacobsen  Member
Vance Smith  Alternate/Member

the following Staff was present:
Scott Lyons  Comm Dev Director
Marcus Wager  County Planner
Destin Christiansen  County Planner
Stephen Hadfield  Excused
Boyd Bingham  Co. Commissioner
Diane Fuhriman  Executive Secretary

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

The Invocation was offered by Commissioner Jared Holmgren. Pledge was led by Commissioner Jed Pugsley.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

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

PRESENTATION

County Water & Land Conservation Program – Jay Olsen/UDAF

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

(See attachment No. 2 – Power Point Presentation.)
UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

Chairman Mellonee Wilding explained public hearings provide an opportunity for the public to voice their concerns or approval on an item. In the meeting there is also unfinished business, public hearings, and new business. The unfinished business and new business provides opportunity for the commissioners to take action on an item. It is not a time for public comment or input. Although the commissioners may ask questions of the applicant during these times.

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

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

The public hearing was then opened for comments.

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

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

ACTION

Staff explained rezone requests are a legislative decision with the Planning Commission being the recommending body. There are four approval standards that must be met. Based on their review, the Planning Commission determines if the four standards have been met or not, then forwards a recommendation to the county commission who makes the final decision. The four approval standards are, (a) whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan; (b) whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; (c) the extent to which the proposed amendment may adversely affect adjacent property; and (d) the adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Staff said with this request there are items that need to be taken into account. The parcel is currently zoned A-20 and is 13 acres in size. As far as the zoning, the parcel is already substandard because the parcel existed prior to the zoning being adopted, which makes it a legal non-conforming parcel. With legal non-conforming parcels, they cannot be made more non-conforming. If the 2 acres are rezoned into RR-2 and then subdivided off, the subdivision could not be approved because it would
leave a more non-conforming 11-acre parcel. If the Planning Commission chooses to forward a recommendation of approval, the landowners request for the 2-acre zoning would need to include the modification of the rest of the parcel being zoned RR-10 (Rural Residential 10 acre). The modification would allow both future parcels to be legal, conforming parcels. The legal description will also need to be reviewed by county staff.

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to forward a recommendation of approval to the County Commission for application Z23-015 a request for a zone change of 2 acres from A-20 (Agriculture 20 acre) to RR-2 (Rural Residential 2 acres) and adopting the conditions and findings of staff, and modified by the conditions below. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

**CONDITIONS:**
1. Compliance with Section 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.
4. Include the modification of the 11-acre remainder parcel to be rezoned to RR-10 (Rural Residential 10 acre).
5. Legal description of the parcel zoned RR-2 (Rural Residential 2 acre) be reviewed by County Staff.

**NEW BUSINESS**

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

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

1. The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Zoning Administrator. The Box Elder County Zoning Administrator has determined the expansion does not increase the degree of nonconformity of the existing building.
2. A structure which is nonconforming as to height, area, or yard requirements may be enlarged upon authorization by the Planning Commission, where the Commission, after notice and a hearing, finds the enlargement to be compatible with adjoining property and not detrimental to the community, as determined by the effect of the enlargement on traffic, value of adjacent and nearby properties, and the availability of adequate public facilities and services. The Planning Commission will need to make this determination.
MOTION: A Motion was made by Commissioner Jared Holmgren to approve CUP23-008, a Conditional Use Permit for an Accessory Dwelling Unit and adopting the exhibits, conditions and findings of staff. The motion was seconded by Commissioner Jed Pugsley and unanimously carried.

CONDITIONS:
1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Chapter 2-2-100, Conditional Use Permit and Chapter 5-6, Accessory Dwelling Units, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.
4. Approval of the enlargement of the non-conformity.

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

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

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

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

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

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

Staff explained Box Elder County code allows for personal storage facilities as a conditional use in the Commercial Enterprise (C-E) zone subject to Site Plan approval.
Section 2-2-100(E) outlines the following standards for approval for conditional uses:

1. Conditions may be imposed as necessary to prevent or minimize the anticipated detrimental effects of the use on adjacent properties and within the zoning district, or upon public facilities and services. Such conditions shall be expressly set forth in the approval authorizing a conditional use permit.

2. The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements prescribed by this Code and other applicable Codes, can be met or need mitigation.

3. The following standards should be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied:
   a. Compliance with Development Standards found in specific chapters of this Code
   b. Mitigation of reasonably anticipated detrimental effects arising from the conditional use including, but not limited to:
      1. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards.
      2. Negative impacts on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems.
      3. Negative impacts on connectivity and safety for pedestrians and bicyclists.
      4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable within the district including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, glare, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.
      5. Environmental impacts that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as fault lines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
      6. Modifications to signs and exterior lighting to assure proper integration of the use.
      7. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.
      8. Reduction in the tax base and property values.
      9. Reduction in the current level of economy in governmental expenditures.
      10. Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall.
      11. Reduction in usable open space.
      12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
Staff said the site plan has been approved by the County Roads Supervisor but staff is waiting for reviews from the County Engineer, the County Surveyor, the County Fire Marshal, and the County Building Official.

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

**WORKING REPORTS - NONE**

**PUBLIC COMMENTS - NONE**

**ADJOURN**

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Jared Holmgren and meeting adjourned at 7:49 p.m.

____________________________________
Mellonee Wilding, Chairman
Box Elder County Planning Commission
**APPLICATION TYPE:** Zoning Map Amendment

**APPLICANT(S):** Willard City

**PROJECT #:** Z23-016

**ADDRESS:** North side of the mouth of Willard Canyon

**PARCEL #:** 02-006-0020

**CURRENT ZONE:** MU-160

**TYPE OF ACTION:** Legislative

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

**BACKGROUND**

The applicant is requesting that 170.85 acres be rezoned from MU-160 (Multiple Use 160 acre) to the following:

- 11.09 acres to MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone
- 159.76 acres to MU-80 (Multiple Use 80 acre) zone

Willard City would like to negotiate an agreement with adjacent property owners and mine operators to lease the 11.09 acre portion of the parcel for gravel extraction purposes. Willard City would have annexed the parcels and existing operations into city boundaries if not for state code that would diminish their ability to regulate existing operations.

**ANALYSIS**

**County Code:**

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

**Surrounding Land Use and Zoning:**

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<thead>
<tr>
<th>Direction</th>
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<tbody>
<tr>
<td>North</td>
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<td>MU-160</td>
</tr>
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<td>Willard Canyon/Mountain</td>
<td>MU-160</td>
</tr>
<tr>
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<td>MU-160</td>
</tr>
<tr>
<td>West</td>
<td>Gravel Mining</td>
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</tbody>
</table>

**Land Use Ordinance Standards Review:**

Box Elder County Land Use Management & Development Code section 2-2-060-A states that zoning map amendments are a legislative proceeding. Per said section:

Decisions regarding a legislative application shall be based on the “reasonably debatable” standard, as follows:

- The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible
communities, encourage appropriate use and development, and promote the general welfare.

- In making such determination, the decision-making authority may consider the following:
  - (1) Testimony presented at a public hearing or meeting; and
  - (2) personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the County.

- The decision-making body should state on the record the basis for its decision.

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;

In the Natural Resources Section the General Plan states: “We conserve our natural resources, which have inherent value and contribute to our quality of life in Box Elder County.” It also states “Soils and geotechnical considerations, such as fault lines, soil types, depth to bedrock...may also reveal factors to avoid when considering development.” Additionally in the Goals + Strategies section some of the goals that may apply are:

- Preserve sensitive lands and avoid developing on lands with natural hazards.
- Improve access to public lands that provide hiking, biking, camping, hunting, fishing, and other recreational opportunities.

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

The area is primarily mountainside and existing gravel extraction. There is some housing and orchards approximately 0.65 miles to the west of the property. The area has primarily been used for mining and recreation (hiking) for 30+ years. The Planning Commission needs to decide if an MG-EX zone could be considered harmonious.

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

This is unknown. The public hearing process may bring forth additional information.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

The applicant has stated that there will be no additional roads or utilities needed for this portion of property. All infrastructure related to the mining operation is already in place lower on the mountain and this request would only extend the mining area by 11.09 acres. Public roads receiving the
majority of the impact in the vicinity of the gravel pit are owned/maintained by either Willard City or UDOT. Dust suppression has historically been a local complaint regarding the existing operation. A question for the applicant may be if there is sufficient water supply to better mitigate this negative impact.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the rezone of the subject parcel from MU-160 (Multiple Use 160 acre) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and MU-80 (Multiple Use 80 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 rezone of properties subject to zoning map amendment review procedures and approval.
2. The Planning Commission must base a recommendation on the four approval standards above as well as public input, resident preferences, private property rights, and economic considerations.

RECOMMENDATION

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

If a recommendation of approval is forwarded to the 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 Z23-016, a zoning map amendment from MU-160 (Multiple Use 160 acre) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and MU-80 (Multiple Use 80 acre) zones 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 Z23-016, a zoning map amendment from MU-160 (Multiple Use 160 acre) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and MU-80 (Multiple Use 80 acre) zones 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 Z23-016, a zoning map amendment from MU-160 (Multiple Use 160 acre) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and MU-80 (Multiple Use 80 acre) zones 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.
BACKGROUND
Willard City is requesting approval of the Willard Canyon Subdivision plat. The proposed subdivision is for 1 new non-residential lot. The applicant has a zoning map amendment application running concurrent with this application. If approved that application would allow Willard City to subdivide the 170.85 acre parcel into an 11.09 acre parcel and a 159.76 acre parcel.

ANALYSIS

Land Use Ordinance Standards Review:
Land Use Management & Development Code 6-1-250 states “the subdivider shall demonstrate to the satisfaction of the Planning Commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity.”

Surrounding Land Use and Zoning:

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</tr>
</tbody>
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Access:
Access would be via existing Willard City roads and through the existing gravel mining operation.

Utilities:
Willard City has stated that there will be no construction of buildings or development of lots on either of these parcels. No utilities are necessary for their intended mining lease.

Setbacks:
As no structures are proposed, setbacks do not apply.

County Department Reviews:
County Surveyor
- Has submitted a review with minor modifications needed to the plat.
County GIS
- Has submitted a review with minor modification needed to the plat.
Fire Marshal

- Has approved his review of the development.

An update will be provided at the Planning Commission meeting.

Findings:
Based on the analysis of the proposed subdivision plat and a survey of surrounding area, staff concludes the following:
1. The plat as currently proposed does not comply with County development standards.
2. The applicant’s surveyor/engineer is currently revising the plat based on County reviews.
3. Modifications to the proposed plat may be made to bring it into conformance with the County Land Use Management & Development Code.

RECOMMENDATION
Based on the information presented in this report, application materials submitted and the site review, the Planning Commission may APPROVE the plat application with the following conditions of approval as well as any others the Planning Commission finds:

1. Approval by the County Commission of Zoning Map Amendment application Z23-016.
2. Compliance with review and approval by the County Surveyor, Engineer, Roads Department, and Building Official.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
5. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS23-021, a plat for the Willard Canyon Subdivision, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:
1. List any additional conditions....

Table – “I move the Planning Commission table application number SS23-021, a plat for the Willard Canyon Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date…

Denial – “I move the Planning Commission deny application number SS23-021, a plat for the Willard Canyon Subdivision, located in unincorporated Box Elder County based on the following findings:”
1. List findings for denial...

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