

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

May 16, 2024

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 S. Zollinger, B. Robinson, M. Wilding, J. Holmgren, J. Pugsley, V. Smith, J. Jacobsen, and L. Jensen)

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL of the April 18, 2024 Planning Commission Minutes.

5. UNFINISHED BUSINESS

- 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**
- b. **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**

6. PUBLIC HEARINGS

- a. **ZONING MAP AMENDMENT, Z24-004**, Request for a zone change of 110 acres from A-20 (Agriculture 20 acres) to RR-2 (Rural Residential 2 acre) located at approximately 4000 W 12800 N in the Collinston area of Unincorporated Box Elder County.
- b. **ZONING MAP AMENDMENT, Z24-006**, Request for a zone change of 19.75 acres from Un-Zoned to A-1/2 (Agriculture – ½ acre lots) located at approximately 4542 W 14800 N in the East Garland area of Unincorporated Box Elder County.
- c. **ORDINANCE TEXT AMENDMENT, Z23-018**, Request for a text amendment to Sections 6-1-240(I) & (K), Subdivisions, of the Box Elder County Land Use Management & Development Code.

7. NEW BUSINESS

- a. None

8. WORKING REPORTS

- a. None

9. PUBLIC COMMENT

10. ADJOURN_____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES APRIL 18, 2024

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

Roll Call

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

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Stephen Hadfield	County Attorney
Boyd Bingham	Excused
Diane Fuhriman	Executive Secretary

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

The Invocation was offered by **Commissioner Lonnie Jensen**.
Pledge was led by **Commissioner Jennifer Jacobsen**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the March 21, 2024 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jared Holmgren** to approve the minutes as written. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

UNFINISHED BUSINESS

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. ACTION

Staff said the applicant is seeking site plan approval for 496 storage units in the South Willard area. This request was tabled in October 2023 to allow time for county departments to review the application. The county engineer is currently the only remaining department to review the application and is asking for a geo- technical report, updated storm water calculations, and grading plan irregularities to be corrected.

The surrounding land uses are Rural Residential and Agriculture to the north, zoned as RR-1; to the south is Rural Residential, zoned as Commercial General; to the east is UDOT, zoned as Commercial General, and to the west the land use is Agriculture and zoned as R-1-20.

Staff read the standards for approval for conditional uses from Section 2-2-100(E) as follows:

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, gasses, 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 stated substantial progress has been made since this came before the commission last year. Staff recommends approval subject to the conditions listed in the staff report.

MOTION: A Motion was made by **Commissioner Steven Zollinger** to approve application SP22-005, a Site Plan for a storage unit facility located in the South Willard area of Unincorporated Box Elder County and adopting the conditions and findings of staff and modified by the conditions below. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

CONDITIONS:

1. Compliance with Section 2-2-100, Conditional Use Review, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-120, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
3. Compliance with reviews from all county departments.
4. Submission of a geotechnical report for review by the county engineer.
5. All lighting shall be downward directed and be 100% shielded in order to prevent light pollution onto neighboring properties.
6. Any proposed signage shall be in compliance with Chapter 5-3 of the Box Elder County Land Use Management & Development Code.
7. Access within the site should be maintained and kept open and free from debris as required by the Fire Marshal to provide adequate access for fire protection.
8. All grounds shall be maintained in accordance with Section 5-1-300, Conservation of Values, of the Land Use Code. The site shall be maintained free of inappropriately stored flammable materials. Materials that are customary to the business shall be stored in accordance with applicable laws.
9. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
10. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

ROCKET II SOLAR, SP24-002, Request for Phase 2 of a solar farm located at approximately Golden Spike Dr. and HWY 83 South of Howell area of Unincorporated Box Elder County. ACTION

Staff explained the county engineer is waiting to see studies on the proposed drainage system. The studies will not be completed until the time of the building permit. All other applicable departments have reviewed and approved the request. Staff feels comfortable with the commission approving the site plan subject to county engineer approval.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve application SP24-002, a Site Plan for a solar farm located in the Howell area of Unincorporated Box Elder County and adopting the conditions and findings of staff, and upon the drainage system being reviewed and approved by the county engineer. The motion was seconded by **Commissioner Jed Pugsley** and unanimously carried.

CONDITIONS:

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

STEEL II SOLAR, SP24-003, Request for Phase 2 of a solar farm located at approximately 6500 West 20800 North in the Plymouth area of Unincorporated Box Elder County.

ACTION

Staff explained the county engineer is waiting to see studies on the proposed drainage system for this site in the Plymouth area. Staff feels comfortable with the commission approving the site plan subject to county engineer approval.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve application SP24-003, a Site Plan for a solar farm located in the Plymouth area of Unincorporated Box Elder County and adopting the conditions and findings of staff, and upon the drainage system being reviewed and approved by the county engineer. The motion was seconded by **Commissioner Jed Pugsley** and unanimously carried.

CONDITIONS:

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

PUBLIC HEARINGS

Chairman Mellonee Wilding explained public hearings provide an opportunity for the public to voice their concerns or approval on an item. The commissioners will not answer questions during the public hearing.

ROBLES REZONE, Z24-003, Request for a zone change of 2 acres from A-20 (Agriculture-20 acres) to C-G (Commercial-General) and 5.70 acres from A-20 (Agriculture-20 acres) to RR-5 (Rural Residential-5 acres) located at approximately 12418 West Faust Valley Road in the Bothwell area of Unincorporated Box Elder County. ACTION

Staff explained county code allows a property owner to apply for and request a rezone subject to zoning map amendment approval by the County Commission with a recommendation from the Planning Commission.

Staff read the standards for reviewing zoning map amendments and how they apply to this request.

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The County's General Plan states: This plan suggests that most growth should occur in the cities and towns. The County can adopt policies to encourage that to happen but must continue to recognize private property rights and coordinate with the incorporated communities.

Current zoning is generally a 5-acre agricultural designation, but many of the lots are much larger. As part of the larger agricultural heritage area, 20-acre zoning is more appropriate. To assess the potential for some areas to be rezoned to the larger lot designation, a lot size analysis should be completed. Agricultural protection zones on individual properties may prevent that from occurring, since owners in such zones have the right to reject zoning changes that impact their property.

Future Land Use: as part of the agricultural heritage area large lot zoning should remain, to encourage continued agricultural activity. A GIS lot size analysis should be performed to evaluate additional zoning options. Irrigation capabilities and water rights should be studied to assure the current system can serve the area in the future.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; The area is mainly agricultural uses with residential as well (Marble Hill Estates is in close proximity). The Planning Commission needs to decide if a C-G and RR-5 zone could be considered harmonious.

C. The extent to which the proposed amendment may adversely affect adjacent property; This is unknown. The public hearing process may bring forth additional information.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection. It is unknown what the extent of the adequacy of facilities is in this area but water may be a limiting factor.

The public hearing was then opened for comments.

Tiffani Summers, Bothwell, thanked the commissioners for serving the community and for the opportunity to voice their concerns. She stated the Bothwell community is agriculturally based and has had a community plan and zones in place for generations. There are businessmen and developers with ulterior motives creeping in on all sides of the community. The farmers and ranchers in our area are finding it more and more difficult to survive. She asked the commissioners to uphold the community plan and zones already in place so they can protect the grazing land and farm ground from encroaching businesses and developments.

Blaine Summers, Bothwell, read letters from Bothwell residents Calvin Bingham, Don and Kim Anderson, and Bernard Hill opposing the proposed rezone. Mr. Summers feels the Commercial General zone is not compatible with the farms and ranches in the area. He asked the Planning Commission to deny the zone change.

(See Attachment No. 2 – Letters.)

Jerry Day, Bothwell, is concerned with hazmat material being dumped in the area. There are water wells, West Corinne Water, and cemetery water which could be contaminated by allowing in a diesel shop.

Wes Firth, Thatcher, stands with what has already been said. The area is a beautiful community and if one commercial property is opened up, it will avalanche into a lot more.

Joe Summers represents Bothwell Water and said they do not have the facilities to support fire protection and is also concerned with hazmat for his own wells. He opposes the proposed zone change.

Lynn Summers, Thatcher, said they are all farmers and ranchers and would hate to see the community change. He said the Planning Commission has the power to enforce the zones already in place and hopes they will.

Angela Tomlinson, Thatcher, is also opposed to the proposed zone change and supports what has already been said.

Lee Summers, Bothwell, stated he has been a part of the RR-5 zone his whole life and feels the lifestyle is a great way to raise a family. He said we do not need anything industrial coming in.

Ross Summers, Bothwell, stands with the current zoning and worries about the consequences of what this zone change could snowball into.

Nick Newman, Bothwell, agrees with what everyone has said. It is hard enough keeping afloat with the competition that has already come in.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Robles Rezone, Z24-003. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

ACTION

Commissioner Mellonee Wilding complemented those in attendance for being kind and respectful, and concise in their comments.

Staff explained the Planning Commission will need to determine if 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.

Commissioner Steven Zollinger explained the Bothwell community formed a committee in 2004 to establish a community plan. The plan states that no residence shall be smaller than 5 acres. This was not to dissuade growth, but to limit growth. He feels the comments made in the public hearing reflect what the residents want. Commissioner Zollinger thinks the commission should also take into consideration the County's General Plan of preserving agriculture as they review this rezone request.

Commissioner Mellonee Wilding said because of the zoning in the County's General Plan and not being sure Commercial General and Residential zones are harmonious together, she feels this request does not meet the four standards for zoning map amendments. Lack of water may also be an issue as stated in the public hearing by the representative from Bothwell Water.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to forward a recommendation of denial to the County Commission for application Z24-003, a zoning map amendment from A-20 (Agriculture 20 acres) to the RR-20 (Rural Residential 20,000 sq. ft.) zone based on not meeting the standards for zoning map amendments in Box Elder County code. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

ORDINANCE TEXT AMENDMENT, Z24-002, Request for a text amendment to Chapter 5-9: Outdoor Lighting Standards as an addition to the Box Elder County Land Use Management & Development Code. ACTION

Staff explained this text amendment, if approved, will create a lighting standard ordinance for the unincorporated areas of Box Elder County.

Staff read the standards for reviewing text amendments as they apply to this request as follows:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; Subsection 24.3 (Visual Resources) of Appendix C (Resource Management Plan) of the County's General Plan states that, "Box Elder County desires to manage light pollution in the rural portions of the county" and "Support efforts to reduce or mitigate limited light pollution in rural and undeveloped portions of Box Elder County...this would include considering how additional lighting from a proposed project would impact Great Salt Lake resources and visitor experience." Further, the County plan states that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; This text amendment would apply to all outdoor lighting for any type of proposed development in unincorporated Box Elder County. The Planning Commission needs to decide if this amendment would be harmonious.

C. The extent to which the proposed amendment may adversely affect adjacent property; One of the goals of the proposed amendment is to not adversely affect adjacent property. However, the public hearing process may shed additional light (no pun intended) on this subject.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection. The proposed text amendment is county-wide and should not have an effect on the adequacy of facilities.

The public hearing was then opened for comments.

Shaun Thornley, Harper Ward, thanked the commissioners and staff for their service. He has read through the ordinance several times and is in favor of approval. The ordinance does not seem to be overreaching, allowing him to do what he wants with lighting on his own property but not allowing him to trespass light onto other peoples' property. Mr. Thornley said we have gone from incandescent and fluorescent lights to LED and halogen lights that are super bright and the light shines for a long distance. He thinks this is a common sense standard and a well-intentioned ordinance.

Applicant Dean Lester stated he has worked closely with the county planners. They have considered codes from across the state and have made improvements to Box Elder County's code. He is in complete agreement with the planners and asked the Planning Commission to forward a recommendation of approval to the County Commission for the ordinance text amendment.

Hearing no further comments, a motion was made by **Commissioner Jared Holmgren** to close the public hearing on the Ordinance Text Amendment, Z21-012. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

ACTION

Staff recommends approval be forwarded to the County Commission.

MOTION: A Motion was made by **Commissioner Steven Zollinger** to forward a recommendation of approval to the County Commission for application Z24-002, a request for a text amendment to Chapter 5-9: Outdoor Lighting Standards as an addition to the Box Elder County Land Use Management & Development Code and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

(See Attachment No. 2 – Outdoor Lighting Standards.)

NEW BUSINESS

LOOKOUT MOUNTAIN SUBDIVISION PHASE 2, SS24-005, Request for preliminary plat approval of a 10-Lot phase 2 subdivision located at approximately 16250 North 6000 West in the Riverside area of Unincorporated Box Elder County. ACTION

Staff said the plat shows the lot layout, street layout and street pattern. Once approved, the applicant would submit for final plat approval which would show how the subdivision is going to function and include any improvements. The first phase has been reviewed and approved for Lots 1-10. Phase 2 is proposing Lots 11-20, eight of which are 1.75 acres and the two southern-most lots are a little over 2 acres. The surrounding area is Unzoned and is primarily used as Rural Residential and Agriculture.

Staff explained the county surveyor and fire marshal have reviewed the plat and have requested some changes and have general notes regarding improvements. The review from Planning & Zoning shows the maximum block length allowed is 1320 feet. The north/south block length of 6125 West is 1540 feet; this would either need to be reduced or a variance obtained. The detention basin on Lot 20 must be on its own parcel and dedicated to the county. The applicant must provide a copy of a title report. The subdivider must work with USPS for location and type of mailboxes; the location must also be shown on the plat. Staff stated the preliminary plat does not comply with county development standards and recommends tabling the proposed plat until these five items are brought into conformance.

Commissioner Mellonee Wilding thinks the block issue alone is big enough for this request to be tabled.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to table application SS24-005, a request for preliminary plat approval for up to six months. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

AMENDED MOTION:

An amendment to the motion was made by **Commissioner Jed Pugsley** to table application SS24-005, a request for preliminary plat approval, for up to six months to allow the applicant time to address the items from the county department reviews and meet the conditions listed below. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

CONDITIONS:

1. Submission of a current title report for Phase 2.
2. Compliance with review and approval by the County Surveyor, Engineer, Fire Marshal, 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.

CONDITIONAL USE PERMIT, CUP24-002, Request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 14865 North 4400 West in the East Garland area of Unincorporated Box Elder County. ACTION

Staff said the applicant seeks to build an approximate 1600 sq. ft. accessory dwelling unit. The surrounding land uses are Rural Residential and Agriculture, the surrounding zoning is Unzoned. The request meets all the standards of the Conditional Use Permit Section and Chapter 5-6-060(D) for Accessory Dwelling Units. Staff has prepared an affidavit for the applicant to sign and have recorded if the Planning Commission chooses to approve the request.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve Application CUP24-002 and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder 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.

WORKING REPORTS

Heritage Homestead – RV Park Text Amendment

Staff explained Mitchell James submitted an application regarding R.V. parks. Currently the county land use code addresses R.V. parks and mobile home parks in the same section of code. Mr. James has had experience with R.V. parks from living in an R.V. short term, to living in an R.V. while doing contract work in a city for three years. He has found our county code to be quite restrictive and wanted to propose some updated language. Staff and Mr. James have reviewed and revised the proposed language and gave the commissioners a copy to review. Staff said more revisions of the draft will be needed.

Commissioner Mellonee Wilding would like to review the submission before asking questions.

Geotechnical Report Text Amendment – Commissioner Zollinger

Commissioner Zollinger said he has been contacted by residents who are having septic tank problems. The individuals do not understand why the perk testing was done at a time of year when the water table was low. Commissioner Zollinger contacted Mark Rees with the Bear River Health Department and was told those tests are done at the time they come into his office. He would like to direct staff to see if those studies could be done when the water comes in the canal so the testing would reflect where the water table would be.

Staff's understanding of when a geotechnical report is submitted and is reviewed by the county engineer, they are looking at layers of sediment and can see historic high water tables. The perk test is more of a snapshot.

Commissioner Wilding stated septic systems are regulated by the health department, they are not something the Planning Commission has jurisdiction over and therefore cannot make a ruling on. The geotechnical reports are done by engineers who are experts at septic systems.

Staff said they would reach out to a geotechnical engineer to see what kind of groundwater snapshot the county is getting and will report back to the commission.

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by **Commissioner Jared Holmgren** to adjourn commission meeting. The motion was seconded by **Commissioner Jed Pugsley** and meeting adjourned at 9:05 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION
STAFF REPORT

Meeting Date: May 16, 2024
Agenda Item #:5a

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

UPDATE

At the December 21, 2023 meeting this application was tabled for up to 6 months. At the time of the writing of this staff report, there has been no update from the applicant.

The item has been placed on the agenda as “Unfinished Business” which allows the Planning Commission the option to discuss without action as well as take action on the application if desired.

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:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Mountain	MU-160
South	Willard Canyon/Mountain	MU-160
East	Mountain	MU-160
West	Gravel Mining	MU-160

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

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....

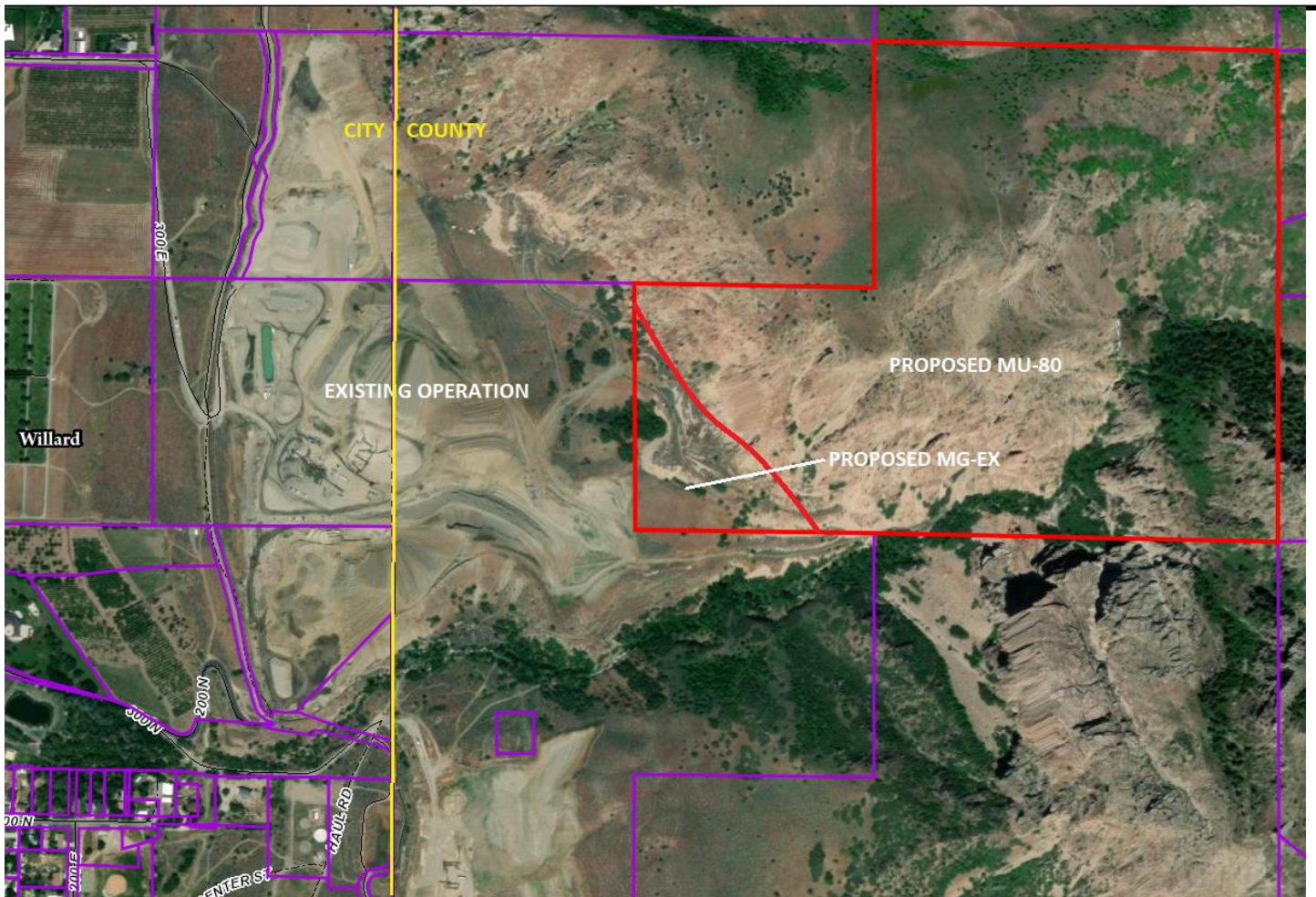
Table – “I move the Planning Commission table the review of application number Z23-016, a zoning map amendment from MU-160 (Multiple Use 160 acre) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and MU-80 (Multiple Use 80 acre) zones to (give date), based on the following findings:”

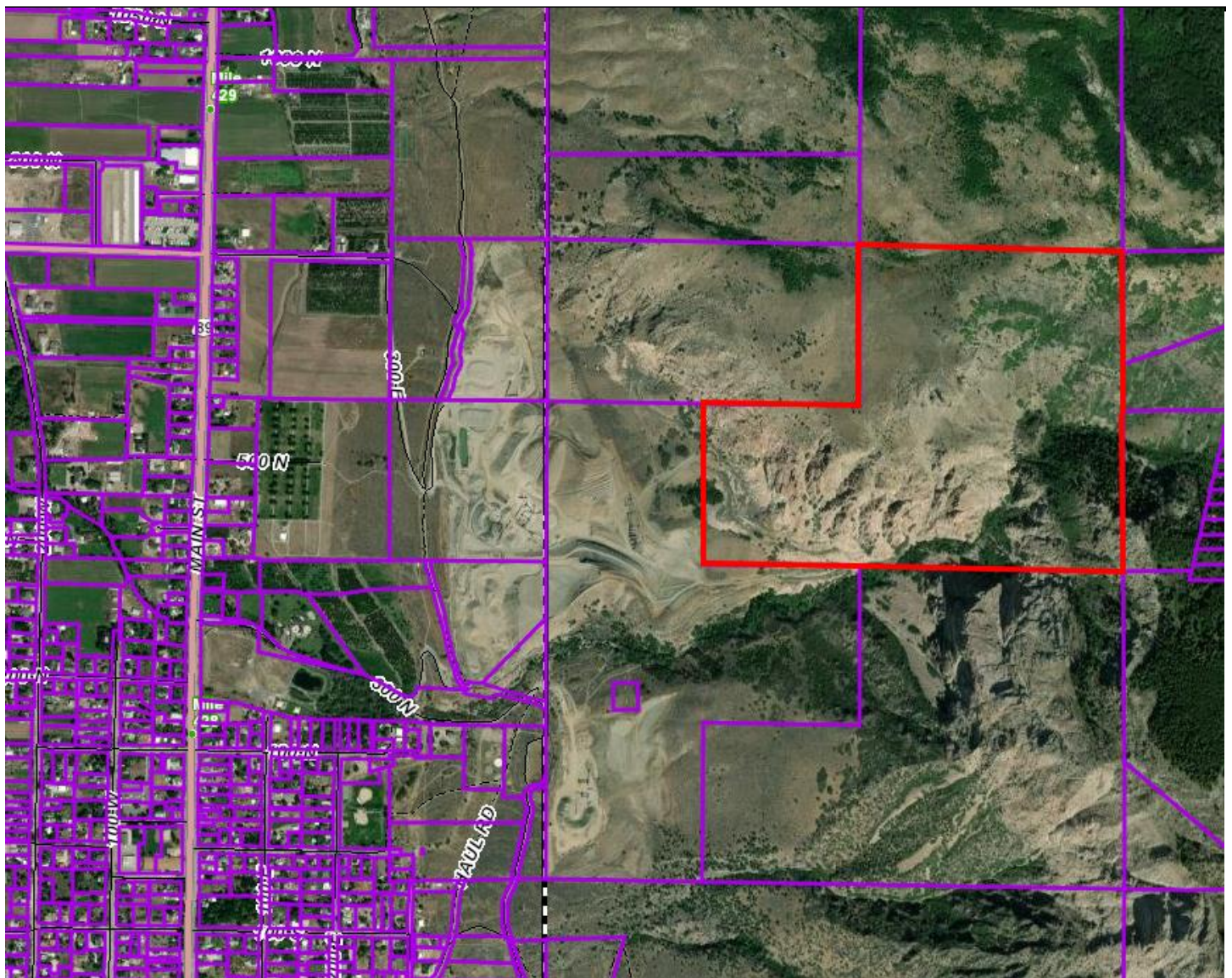
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

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.





**PLANNING COMMISSION
 STAFF REPORT**

**Meeting Date: May 16, 2024
 Agenda Item #: 5b**

Application Type:
 Non-residential
 Subdivision

APPLICANT(S):
 Willard City

PROJECT #:
 SS23-021

ADDRESS:
 North side of Willard
 Canyon

ZONE:
 MU-160

PARCEL #:
 02-006-0020

REPORT BY:
 Scott Lyons,
 Community Development
 Director

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.

Update: At the December 21, 2023 meeting this application was tabled for up to 6 months. At the time of the writing of this staff report, there has been no update from the applicant.

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:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Mountain	MU-160
South	Willard Canyon/Mountain	MU-160
East	Mountain	MU-160
West	Gravel Mining	MU-160

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....

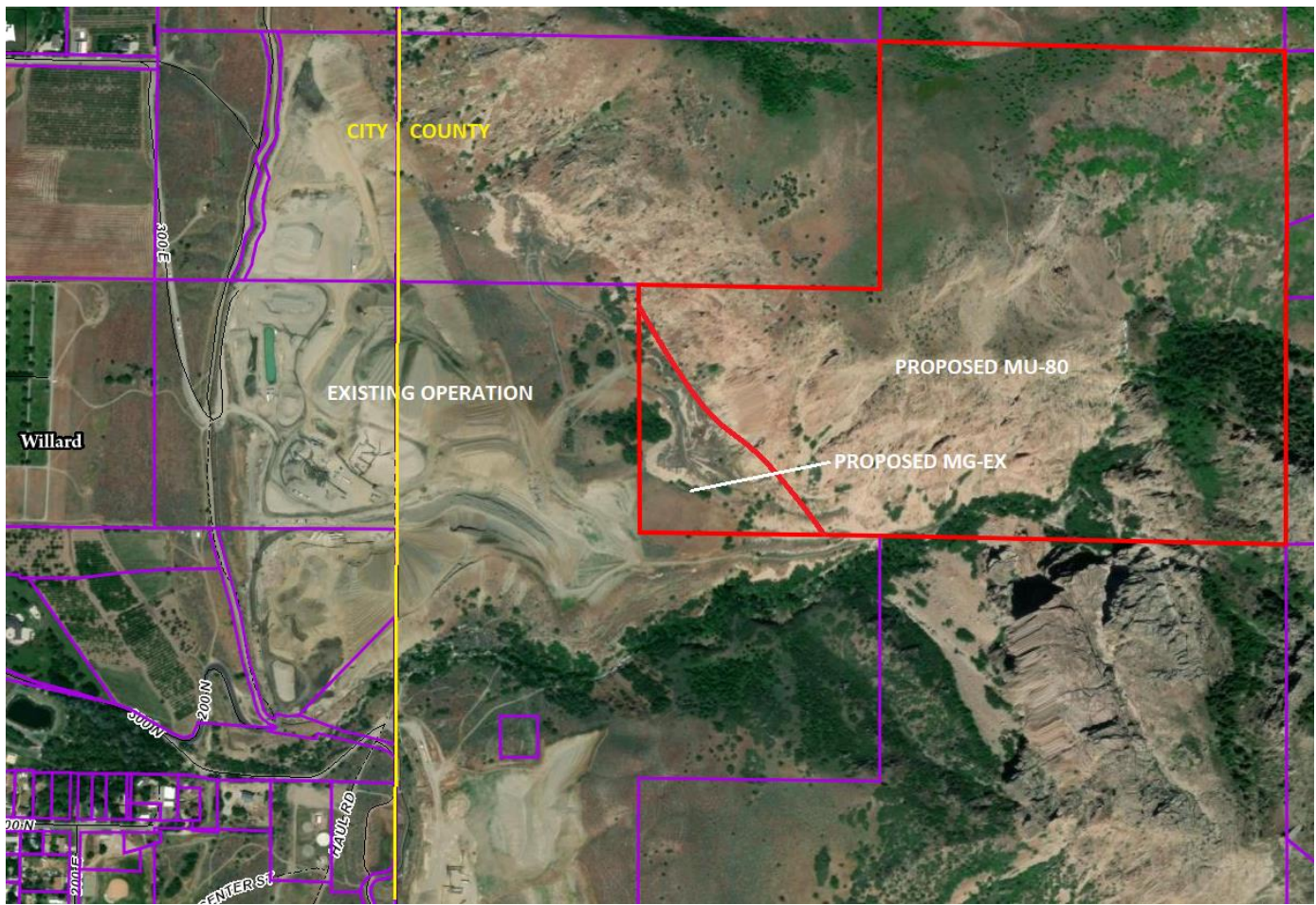
Table – "I move the Planning Commission table application number SS23-021, a plat for the Willard Canyon Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:"

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:"

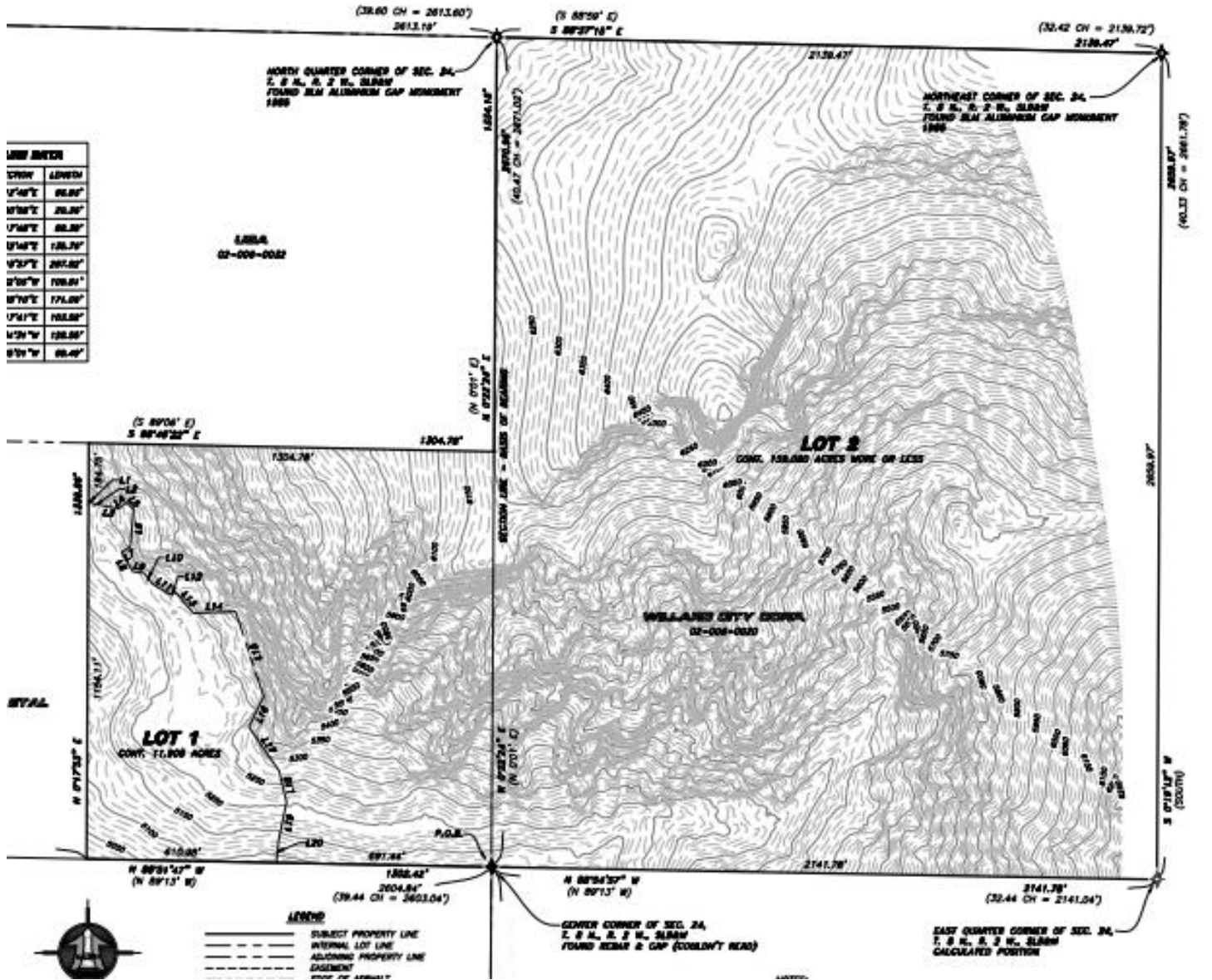
1. List findings for denial...

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



WILLARD CANYON SUBDIVISION

BOX ELDER COUNTY, UTAH
 A PART OF THE NORTHWEST & NORTHEAST QUARTERS OF SECTION 24,
 TOWNSHIP 8 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN





PLANNING COMMISSION STAFF REPORT

Meeting Date: May 16, 2024
Agenda Item #: 6a

Application Type:

Zoning Map Amendment

APPLICANT(S):

John Losee

PROJECT #:

Z24-004

ADDRESS:

Approximately: 12800 N
4000 W

PARCEL #:

06-041-0015

CURRENT ZONE:

A-20/RR-2

TYPE OF ACTION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting that parcel 06-041-0015 (110 acres) be rezoned from A-20 (Agriculture 20 acres) and RR-2 (Rural Residential 2 acres) to the RR-2 (Rural Residential 2 acres) zone. The parcel is located in the Collinston area.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone 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	Rural Residential/Ag	RR-2
South	Agricultural	A-20
East	Rural Residential/Ag	A-20/RR-2
West	Agricultural/River	Unzoned

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 development, encourage appropriate use and development, and promote the general welfare.
- In making such determination, the decision-making authority may consider the following: (1) Testimony presented at a public hearing or meeting; and (2) personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of

businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the County.

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

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 states: This plan suggests that most growth should occur in the cities and towns. The County can adopt policies to encourage that to happen but must continue to recognize private property rights and coordinate with the incorporated communities.

Existing zoning reflects a combination of concepts, with MU-40 encompassing gravel extractions industries, dry farm, grazing operations, and food production zones. Two-acre and one-acre zones accommodate single family. An A-20 zone lies west/down slope from the canal on the north end.

Future Land Use: as part of the agricultural heritage area, large lot zoning should continue, which encourages continued agricultural activity and open space. Dry farms may or may not continue to be viable depending on drought conditions. Water storage and distribution systems for irrigation and culinary use should be explored. Gravel pit industries may have development conflicts (dust, noise, hours of operation) due to their prevalence in the area.

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

The area is mainly agricultural uses with some residential as well. The Planning Commission needs to decide if a RR-2 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.

It is unknown what the extent of the adequacy of facilities is in this area but water may be a limiting factor.

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) and RR-2 (Rural Residential 2 acres) to the RR-2 (Rural Residential 2 acres) zone 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. The Planning Commission will need to determine if 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 (Agriculture 20 acres) and RR-2 (Rural Residential 2 acres) to the RR-2 (Rural Residential 2 acres) zone.

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 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.

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z24-004, a zoning map amendment from A-20 (Agriculture 20 acres) and RR-2 (Rural Residential 2 acres) to the 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....

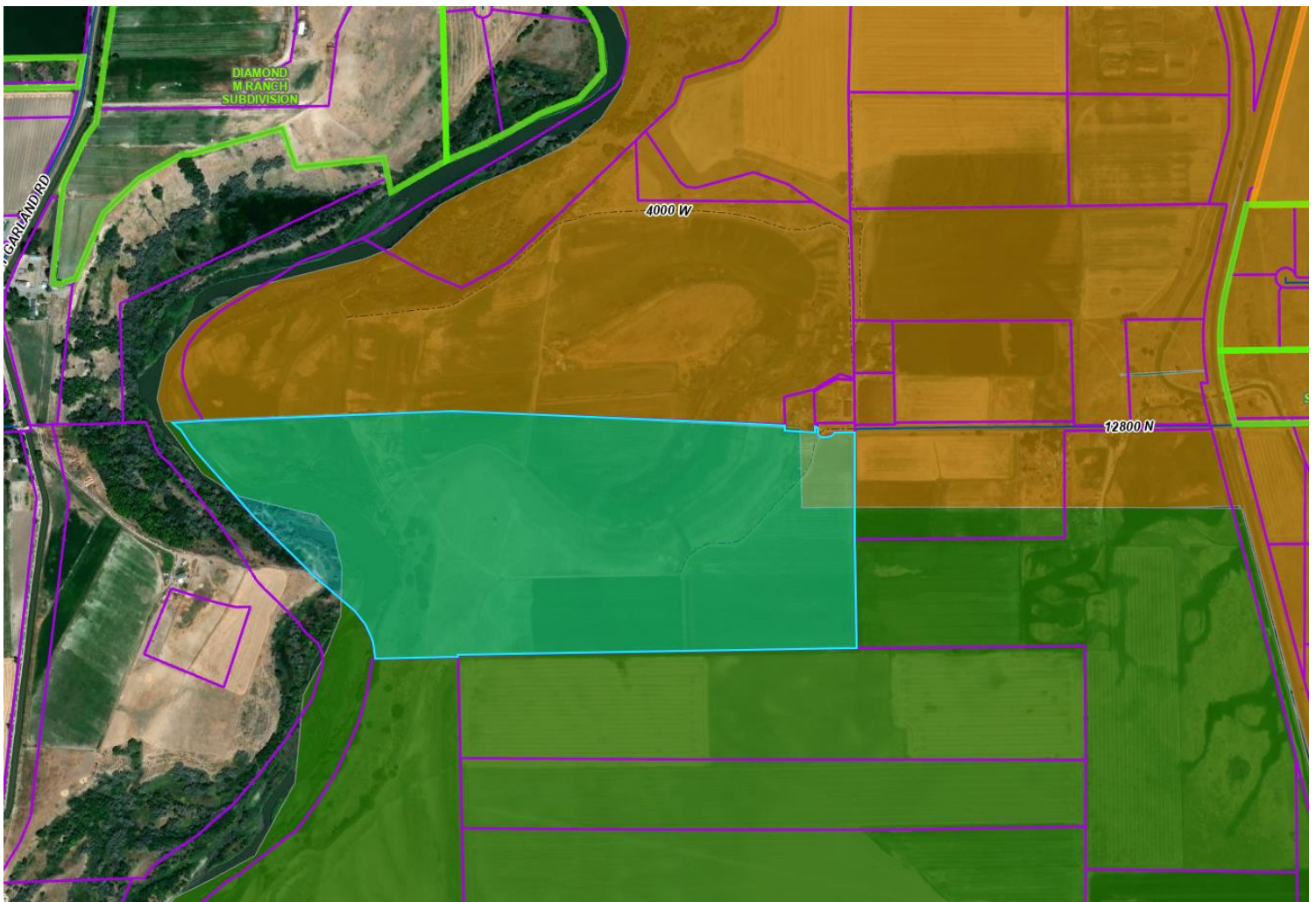
Table – “I move the Planning Commission table the review of application number Z24-004, a zoning map amendment from A-20 (Agriculture 20 acres) and RR-2 (Rural Residential 2 acres) to the RR-2 (Rural Residential 2 acres) zone to (give date), based on the following findings:”

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 Z24-004, a zoning map amendment from A-20 (Agriculture 20 acres)

- and RR-2 (Rural Residential 2 acres) to the 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: May 16, 2024
Agenda Item #: 6b

Application Type:
Zoning Map Amendment

APPLICANT(S):
Brodie Calder

PROJECT #:
Z24-006

ADDRESS:
Approximately: 14800 N
4700 W

PARCEL #:
06-048-0012

CURRENT ZONE:
Unzoned

TYPE OF ACTION:
Legislative

REPORT BY:
Marcus Wager,
Senior Planner

BACKGROUND

The applicant is requesting that parcel 06-048-0012 (19.75 acres) be rezoned from Unzoned to the A 1/2 (Agriculture 1/2 acre) zone. The parcel is located in the East Garland area.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone 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	Unzoned
South	Agricultural	Unzoned
East	Rural Residential/Ag	Unzoned
West	Agricultural	Unzoned

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

such conditions and activities, the values of other properties, and upon the general orderly development of the County.

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

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 states: This plan suggests that most growth should occur in the cities and towns. The County can adopt policies to encourage that to happen but must continue to recognize private property rights and coordinate with the incorporated communities.

The area is not zoned. Although there is an argument for properties to remain unzoned, which is mostly a property rights discussion, the possibility of unwanted and incompatible uses is highly likely in areas that lack zoning. An A-20 zone could be appropriate in East Garland, after a lot size evaluation through GIS mapping.

Future Land Use: as part of the agricultural heritage area, large lot A-20 zoning should be established to encourage continued agricultural activity with an allowance for smaller lots along major roads. Irrigation capabilities, water rights, and culinary system potential should be studied to assure the current system can serve the area in the future.

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

The area is mainly agricultural uses with some residential (to the east) as well. The Planning Commission needs to decide if an A ½ 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.

It is unknown what the extent of the adequacy of facilities is in this area but water may be a limiting factor.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from Unzoned to the A 1/2 (Agriculture 1/2 acre) zone 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. The Planning Commission will need to determine if 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 Unzoned to the A 1/2 (Agriculture 1/2 acre) zone.

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 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.

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z24-006, a zoning map amendment from Unzoned to the A 1/2 (Agriculture 1/2 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 Z24-006, a zoning map amendment from Unzoned to the A 1/2 (Agriculture 1/2 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 Z24-006, a zoning map amendment from Unzoned to the A 1/2 (Agriculture 1/2 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: May 16, 2024

Agenda Item #:6c

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z23-018

ORDINANCE:

Section 6-1-240(I)(K)

TYPE OF APPLICATION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The county is proposing a text amendment to amend Sections 6-1-240(I)(K) in Chapter 6-1, Subdivisions - this part of the text amendment was tabled for up to 6 months. The original text amendment was recommended for approval by the Planning Commission on 12/21/2023 and was approved by the County Commission on 1/23/2024. Specifically this text amendment will update well requirements and non-culinary water requirements. This amendment would apply to all areas of unincorporated Box Elder County. See proposed verbiage below.

ANALYSIS

County Code:

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

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 General Plan does not specifically give guidance on subdivisions, but it does address both culinary and non-culinary water. The water section of the plan states:

"Box Elder County understands that future development is most likely to occur in areas where adequate services are available. The County does not support extending services through or into areas that have not been identified for future development. With respect to responsible land use planning and efficient resource use, it is the County's preference that growth and development take place within existing communities or in unincorporated areas within which adequate services are or may be made available."

Under Water System Threats it states "Overuse of culinary water for irrigation purposes – consider requiring secondary water for residential landscaping".

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

This text amendment would apply to all areas of unincorporated Box Elder County. The proposed amendment should be harmonious with the overall character of existing development.

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

The public hearing process may shed additional light on this subject.

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

The proposed text amendment should not have an effect on the adequacy of facilities and services.

FINDINGS:

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

1. The Box Elder Land Use Management and Development Code does allow for ordinance text amendments subject to review procedures and approval by the County Commission with a recommendation from the Planning Commission.
2. The Planning Commission will need to determine if this application meets the standards in Section 2-2-080.

RECOMMENDATION

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

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

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, the tabled portion of application number Z23-018, an ordinance text amendment adopting the conditions and findings of the staff report, and as modified by the conditions below:

-
1. List any additional conditions....

Table – “I move the Planning Commission table the review of the tabled portion of application number Z23-018, an ordinance text amendment to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, the tabled portion of application number Z23-018, an ordinance text amendment 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.

Proposed Text Amendment:

Section 6-1-240(I)(K)

I. Water in Sufficient Quantity to be the obligation of the developer.

1. The procurement of water, whether by purchase of water rights, water shares, exchange, or service agreement, shall be the responsibility of the developer; and the water shall be provided for the use of the development in an amount sufficient **as per the Fire Code, the Utah Division of Water Rights, and/or the Utah Division of Drinking Water** ~~to meet minimum flows of 250 gallons per person per day plus outside irrigation and minimum static pressures of 50 pounds per square inch (psi), unless it can be proved to the Planning Commission that a lesser amount is adequate.~~
2. **Any subdivision using a well for culinary water must have the well water tested and meet the requirements of this Code before the subdivision can be recorded** ~~However, in no event shall the quantity of water provided by the developer be less than that required to meet fire flow standards as established by the County Fire Marshall and the County Commission, and the County Commission shall be given first right of refusal to purchase any excess water formerly used on the land.~~
3. **Private well(s) for personal use will only be allowed for a (PC needs to choose 1) one (1) lot subdivision or for a three (3) lots or less subdivision.**

K. Irrigation systems (including drainage facilities).

-
1. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within 100 feet of a proposed development, complete plans for relocation, piping, covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.
 2. In all developments in which the smallest lot is less than one acre, all irrigation systems shall be underground.
 3. All pressure irrigation systems in or within 100 feet of a proposed development shall be identified and otherwise color coded as to pipe and valve color to meet State standards and regulations.
 4. **For each acre of land in the subdivision boundary, the developer shall provide 2 acre feet of non-culinary water in coordination with the ditch company, canal company, the Bear River Water Conservancy District, or Division of Water Rights or they cannot develop the land.**
 5. **For surface water, the developer shall coordinate with the ditch company and/or canal company, as well as the Bear River Water Conservancy District to establish and design a non-culinary system.**
 6. **For ground water, the developer shall coordinate with the State and the Bear River Water Conservancy District to establish and design a non-culinary system.**
 7. **Except when arranged with the Bear River Water Conservancy District, ongoing management and maintenance of surface water system(s) is the responsibility of non-culinary water owners. If the non-culinary system services the full development, the developer shall enact a management and maintenance agreement for all lot owners. A plan shall be submitted to the County, the canal company, and/or the ditch company for review and approval.**
 8. **Ongoing management and maintenance of pressurized system(s) is the responsibility of the Bear River Water Conservancy District. The system shall be designed to BRWCD specifications and a plan shall be submitted the district for review and approval. The developer shall provide proof of BRWCD approval to the county. If individualized to wells on each property, the property owner shall manage and maintain their system.**