

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

December 19, 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 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 November 21, 2024 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
 - a. **HAWK WAY BENCH SUBDIVISION, SS24-025**, Request for preliminary approval of a 10-Lot subdivision located at approximately 4700 North 950 West in the Brigham City area of Unincorporated Box Elder County. **ACTION**
6. **PUBLIC HEARINGS**
 - a. **ZONING MAP AMENDMENT, Z24-018**, Resident request for a zone change of 95 acres from Unzoned to MG-EX (Mining, Quarry, Sand, & Gravel Excavation) located on the Promontory peninsula of unincorporated Box Elder County. **ACTION**
 - b. **ORDINANCE TEXT AMENDMENT, Z24-020**, Resident request for a text amendment to Section 5-1-360, Annexation Policy of the Box Elder County Land Use Management & Development Code. Proposal to modify the area where the annexation policy applies. **ACTION**
 - c. **ORDINANCE TEXT AMENDMENT, Z24-019**, County request for a text amendment to Section 5-1-360, Annexation Policy of the Box Elder County Land Use Management & Development Code. Proposal for exemptions to the policy. **ACTION**
7. **NEW BUSINESS**
 - a. **THE GATHERING PLACE SITE PLAN, SP24-005**, Request for site plan approval of a gathering place barn located at approximately 4542 W 14800 N in the East Garland area of Unincorporated Box Elder County. **ACTION**
 - b. **CEDAR RIDGE SUBDIVISION PHASE 2, SS24-030**, Request for preliminary approval of a 4-Lot subdivision located at approximately 3250 W Crest View Avenue, in the Deweville area of Unincorporated Box Elder County. **ACTION**
 - c. **THATCHER HILLS SUBDIVISION, SS24-032**, Request for preliminary approval of a 27-Lot subdivision located at approximately 11600 W 10400 N in the Thatcher area of Unincorporated Box Elder County. **ACTION**
 - d. **J&N and M&H AGRICULTURE PROTECTION AREA, AP24-01**, Request for an agriculture protection area on multiple parcels located in the West Corinne area of Unincorporated Box Elder County. **ACTION**
8. **WORKING REPORTS**
 - a. None
9. **PUBLIC COMMENT**

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

December 19, 2024

10. ADJOURN_____

AGENDA

BOX ELDER COUNTY PLANNING COMMISSION MINUTES NOVEMBER 21, 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	Excused
Jed Pugsley	Vice-Chair
Lonnie Jensen	Excused
Bonnie Robinson	Member
Jared Holmgren	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	County Attorney
Boyd Bingham	Excused
Diane Fuhriman	Executive Secretary

Vice-Chair Jed Pugsley called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Jared Holmgren.
Pledge was led by Commissioner Vance Smith.

The following citizens were present & signed the attendance sheet
See Attachment No. 1 – Attendance Sheet.

The Minutes of the October 17, 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 Jennifer Jacobsen and passed unanimously.

UNFINISHED BUSINESS

HAWK WAY BENCH SUBDIVISION, SS24-025, Request for preliminary approval of a 10-Lot subdivision located at approximately 4700 North 950 West in the Brigham City area of Unincorporated Box Elder County. ACTION

Staff explained this item came before the Planning Commission in October. Prior to that meeting the applicant contacted staff requesting the item be tabled as there were items needing to be resolved. On November 15th, the applicant provided an updated plat and site plan. There are still some minor items to be addressed such as modifying notes on the subdivision plat. The more major issues involve two historic waterlines coming out of Cataract Canyon and Moss Rock Canyon that go across the property. County code requires any existing septic tanks, storm drains, culinary and secondary water supplies on the property, or within 100 feet thereof, be shown on the subdivision plat. The applicant's surveyor has been on the property locating those to add to the map.

The County Engineer and Road Supervisor mentioned in their most recent review there is a question regarding the profile. It looks like it is showing asphalt with what appears to be a ribbon curb on the edge that was not labeled. They want to make sure it complies with County Road Department standards. The County Engineer also brought up the issue of drinking water. The development is proposed to be its own private water system connected into the Bear River Water Conservancy District. The conservancy district would sell water wholesale to the development and then the development would provide that water to the 10 lots. The County Engineer would like to see something from the state showing it has reviewed the water system and has issued an operating permit from the Division of Drinking Water. The operating permit would not be required prior to preliminary plat approval, but would be tied in with the final plat.

Commissioner Bonnie Robinson feels like there is still too much needing to be done and would like to continue the table already in place.

Commissioner Vance Smith asked if the applicant has any concerns with the solutions to the water issues. Staff explained applicant is working with an attorney and an engineer to sort out the water situation and submit the drinking water application.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to continue with the tabling of the request from the October 17, 2024 Planning Commission meeting for Application SS24-025, a preliminary plat for the Hawk Way Bench Subdivision located in unincorporated Box Elder County. The motion was seconded by **Commissioner Vance Smith** and unanimously carried.

CONDITIONS

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

PUBLIC HEARINGS

ORDINANCE TEXT AMENDMENT, Z24-014, Request for a text amendment to amend/update the use tables to include "C1" (Administrative Conditional Use) to the Box Elder County Land Use Management & Development Code. ACTION

Staff stated this request is intended to correct a good portion of the county land use code. There are a number of uses considered to be administrative review uses, such as Home Occupations. The C1 Use allows staff to get through the approval process for those items that fall within that realm. In addition, there were a number of chapters that involve C1 Uses that were out-of-date. Staff can bring all those chapters up-to-date and in compliance with how the land use code is currently used.

Staff read the standards for reviewing ordinance text amendments as 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 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 corrects uses within the use tables of the Box Elder County Land Use Code that staff currently review and approve. The Planning Commission needs to decide if this amendment would be harmonious.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed text amendment should not have an adverse effect on adjacent property.

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

The public hearing was then opened for comments.

Mitchell James stated he appreciates the work staff puts into updating the county code.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Ordinance Text Amendment, Z24-014. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

ACTION

MOTION: A Motion was made by **Commissioner Jared Holmgren** to forward a recommendation of approval to the County Commission for application Z24-014, an ordinance text amendment to amend/update the use tables to include "C1" (Administrative Conditional Use) in the Box Elder County LUM&DC and adopting the conditions and findings of staff . The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 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 – Ordinance Text Amendment.)

ZONING TEXT AMENDMENT, Z24-015, Request for a zone change of 10 acres from MU-160 (Multiple Use 160 acres) to the RR-10 (Rural Residential 10 acre) zone on parcel #01-059-0053 in the Lucin area of Unincorporated Box Elder County. ACTION

Staff stated the applicant is requesting parcel 01-059-0053 (10 acres) be rezoned from MU-160 (Multiple Use 160 acres) to the RR-10 (Rural Residential 10 acre) zone. The parcel is located way out west in the Lucin area and it appears it was split off in 2003 making it an illegal parcel. The surrounding land use is agricultural and surrounding zoning is MU-160.

Staff read the standard for reviewing zoning map amendments as they apply to this request as follows:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan; The County’s General Plan does not address areas this far West. The zoning that is in this area is original zoning the County established in 1974. The purpose of the MU zone is stated as: “Mixed Use zones provide a multiple use district to establish areas in mountain, hillside, canyon mountain valley, desert and other open and generally undeveloped lands where human habitation should be limited in order to protect land and other open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing and livestock raising, and to wildlife values; to avoid the premature development of lands by discouraging intensive development until the ultimate best use of the land can be recommended by the Planning Commission to the County Commission; and to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the community.” It is important to point out this verbiage was also established in the original 1974 code as zoning ordinance and has not been changed for 50 years.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; The area is all open/grazing/agricultural uses. The Planning Commission needs to decide if an RR-10 zone could be considered harmonious. Staff’s opinion is it is not 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.

The adequacy of facilities is nonexistent in this area.

The public hearing was then opened for comments.

Hearing no comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Zoning Text Amendment, Z24-015. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

ACTION

Staff explained county code allows for the rezone of property subject to zoning map amendment procedures and approval. The Planning Commission will need to determine if the proposed map amendment meets the approval standards for reviewing zoning map amendments. Staff reiterated they feel this request is not harmonious.

Commissioner Bonnie Robinson said there is nothing in the area that says this should be zoned as residential 10-acres. She feels it would set a bad precedence for the future to have little places out there that do not fit what is already there. The property is also landlocked so there is no legal access to the parcel.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to forward a recommendation of denial to the County Commission for application Z24-015, a request for a zone change of 10 acres from MU-160 (Multiple Use 160 acres) to the RR-10 (Rural Residential 10 Acre) zone based on not meeting the standards set in Section 2-2-080(E); there is no access to the subject property; there are no utilities in the area. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

ORDINANCE TEXT AMENDMENT, Z24-016, Request for a text amendment adding Section 5-1-390, Determining Legal Parcels to the Box Elder County Land Use Management & Development Code. ACTION

Staff explained this amendment is for clearly stating the process for determining legal parcels in the county. Previously, the determinations have just been done matter-of-fact. Staff thinks it best to have something in writing so to always stay consistent. Staff was under the impression that state code in 1993 was what had started subdivision regulations for the county. The property rights Ombudsman's office in the state researched it and found it was 1954 when the original code came into the state. There was an update in 1992 outlining some regulations for subdivisions but did not require subdivisions to be gone through. The Ombudsman's office said even though the state did not require that, perhaps the county and their ordinances did. Staff found the county ordinance for subdivision regulations passed on November 24, 1992. After reviewing the verbiage, Staff determined it would be good to add the word "applicable" towards the end where it says for the zoned or unzoned areas so it would not apply to every single subdivision that is done, only ones that apply to that zoned or unzoned area.

Staff then read the standards for reviewing ordinance text amendments as they apply to this request.

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

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; This text amendment would apply to all areas of unincorporated Box Elder County.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.

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

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

The public hearing was then opened for comments.

Mitchell James agrees with putting applicable in the verbiage.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Ordinance Text Amendment, Z24-016. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

ACTION

Staff explained the Planning Commission will need to decide if this request agrees with the standards in Section 2-2-080. Staff feels that it does agree and recommends approval.

MOTION: A Motion was made by **Commissioner Jennifer Jacobsen** to forward a recommendation of approval to the County Commission for application Z24-016, a request for a text amendment adding Section 5-1-390, Determining Legal Parcels to the Box Elder County LUM&DC and adding the word applicable in the last sentence to read: If a parcel is considered illegal, it will need to go through the subdivision process and meet all zoning requirements for the applicable zoned or unzoned areas to be considered legal, 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 Section 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.

ORDINANCE TEXT AMENDMENT, Z24-017, Request for a text amendment adding Section 2-2-220, Lot Line Adjustment to the Box Elder County Land Use Management & Development Code. ACTION

Staff said this amendment is for creating a process for lot line adjustments to comply with State Code. The state is trying to make it easier for people to do these types of things and not have to go through a full-blown subdivision amendment. Section 2-2-220 E is where state code language comes in. In Section 2-2-220 I. Expiration, staff feels there should not be an excessive amount of time between getting approval and being recorded so a lot line adjustment approval shall expire and become null and void if the notice of approval and the document of conveyance are not recorded within thirty (30) days after approval.

Staff read the standards for reviewing Ordinance Text Amendments as they apply to this request.

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

- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** This text amendment would apply to all areas of unincorporated Box Elder County.

- C. The extent to which the proposed amendment may adversely affect adjacent property;** The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.

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

The public hearing was then opened for comments.

Hearing no comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Ordinance Text Amendment, Z24-017. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

ACTION

MOTION: A Motion was made by **Commissioner Jennifer Jacobsen** to forward a recommendation of approval to the County Commission for application Z24-017, an ordinance text amendment adding Section 2-2-220, Lot Line Adjustment to the Box Elder County LUM&DC 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 Section 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. 3 – Lot Line Adjustment.)

NEW BUSINESS

BECKAM’S EDGE SOUTH SUBDIVISION, SS24-029, Request for preliminary approval of a 29- Lot subdivision located at approximately 10900 N 8400 W in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff explained this subdivision has taken place over the last four years with multiple stages. Stages 1 through 4 comprised Beckam’s Edge first portion. The south area will go through a new preliminary approval, then the developer will start working through the various phases. A plat was submitted and all applicable county departments reviewed the plat and submitted their reviews back to the applicant. The applicant has submitted a new plat and the majority of the items from the department reviews have been taken care of.

Staff stated the County Engineer has reviewed the storm drainage proposal and there is what appears to be a field drain along the south portion of the parcel. It is difficult to see on the field drain maps but looks like it runs right along that parcel line or close to it. The applicant would need to locate it and show it on the preliminary plat if it is located on the property.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to approve application SS24-029 a preliminary plat for the Beckam’s Edge South Subdivision located in unincorporated Box Elder County and adopting the conditions and findings of staff with emphasis on mapping the field drain. The motion was seconded by **Commissioner Vance Smith** and unanimously carried.

CONDITIONS:

1. Compliance with review and approval by the County Surveyor, Engineer, Fire Marshal, Planning & Zoning, Roads Department, and Building Official.
2. Compliance with the requirement from the County Surveyor and the County Roads Department that the retention pond be designed and constructed as part of Phase 5.
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.

WORKING REPORTS

Staff has finished interviewing all culinary and irrigation water suppliers throughout the county. There were 50+ interviews conducted. The findings from those interviews were presented at the seven regional meetings. Staff will start drafting the overall plan from the seven regional plans.

and asked if the Planning Commission would be interested in a presentation on where staff is at with those plans.

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to adjourn commission meeting. The motion was seconded by **Commissioner Vance Smith** and meeting adjourned at 8:00 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission

**PLANNING COMMISSION
 STAFF REPORT**

Meeting Date: December 19, 2024

Agenda Item #: 5a

Application Type:
 Preliminary Subdivision

APPLICANT(S):
 Kory Wayment

PROJECT #:
 SS24-025

ADDRESS:
 4700 N 950 W
 Harper Ward area

ZONE:
 RR-5

PARCEL #:
 04-035-0021

REPORT BY:
 Scott Lyons,
 Comm. Dev. Director

BACKGROUND

The applicants are requesting preliminary approval of the Hawk Way Bench Subdivision plat. The proposed subdivision is for 10 new lots approximately 5.5 acres in size and is shown as two phases. The existing parcel is 67.97 acres in size, there will be no remainder parcel.

UPDATE: The applicant has provided an updated plat and site plan on December 10th. It has been sent out to various departments for review to ensure it meets development requirements. I have received reviews back from the County Recorder's office and the County Surveyor. I have updated the County Department Review portion of the report below. Additional updates will be provided at the Planning Commission meeting.

ANALYSIS

Land Use Ordinance Standards Review:

Land Use Management & Development Code 6-1-130 requires the subdivision of property receive preliminary approval from the Box Elder County Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Hillside/Grazing	RR-5
South	Hillside/Rural Residential	RR-5
East	Hillside/Rural Residential	MU-160
West	Rural Residential	RR-5

Access:

Access would be via County road 1100 West connecting to a proposed new road, 4700 North and 950 West. The two new roads are proposed to be private roads.

Utilities:

The County has received utility will-serve letters from Rocky Mountain Power and culinary water through the Bear River Water Conservancy District. We have also received a septic feasibility letter from the Bear River Health Department. This feasibility letter is for a single conventional wastewater system to be installed to service a single-family dwelling on each proposed lot.

Setbacks:

All setbacks for the RR-5 zone can be met. Setbacks will be reviewed and enforced during the building permit process.

County Department Reviews:

County Surveyor

- The Owner's Dedication still lists the streets as public. Our understanding is they are to be private rights-of-way owned and maintained by an HOA. This public/private road designation needs to be clarified and corrected.
- The road section shown on the utility plan doesn't match any county standard. In order to meet a county standard something that will protect the edge of the asphalt must be proposed (ribbon curb, rolled gutter, standard curb & gutter). Anything else is not considered acceptable.

County Engineer

- The subdivider will need to provide a letter from the State Division of Drinking Water (DDW) indicating that they have received copies of the plans and that the plans meet their requirements.
 - Per the applicant's engineer the plans have been submitted to the DDW and the applicant is awaiting a response.
- The subdivider should provide a water report with hydraulic calculations for fire suppression.
 - This report was submitted by the applicant on December 10th and sent out to county staff for review.
- The County Engineer feels there is sufficient information to approve the Preliminary Plan application and the items above can be reviewed as part of the Final Plat application.

Fire Marshal

- The Fire Marshal has approved the Preliminary Plat application.

Planning & Zoning

- Has requested changes to labeling of easements on the property to match corresponding records on the title report. Easements must be labeled with their recorded entry number as well as book and page if necessary.
 - Easement labels have been added to match the title report.
- Has requested that the location of two historic waterlines be located and added to the plat.
 - The applicant has located these waterlines and added their location to the preliminary plat.

Road Department

- The Road Superintendent has stated that he agrees with the most recent review of the County Surveyor.

Findings:

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

1. The preliminary plat as currently proposed does not comply with any county road standard.
2. The County Engineer and Fire Marshal have approved the proposed Preliminary Plat.
3. The County Surveyor, Road Superintendent, and Recorder have a few items that must be resolved.
4. Modifications to the proposed preliminary 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 TABLE or may APPROVE the proposed preliminary plat based on the findings above and any others the Planning Commission finds. Should the Planning Commission approve the plat staff recommends the approval include the conditions below:**

1. Compliance with review and approval by the County Surveyor, Planning & Zoning, Roads Department, and Building Official.
2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use

Management & Development Code.

3. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS24-025, a preliminary plat for the Hawk Way Bench 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....

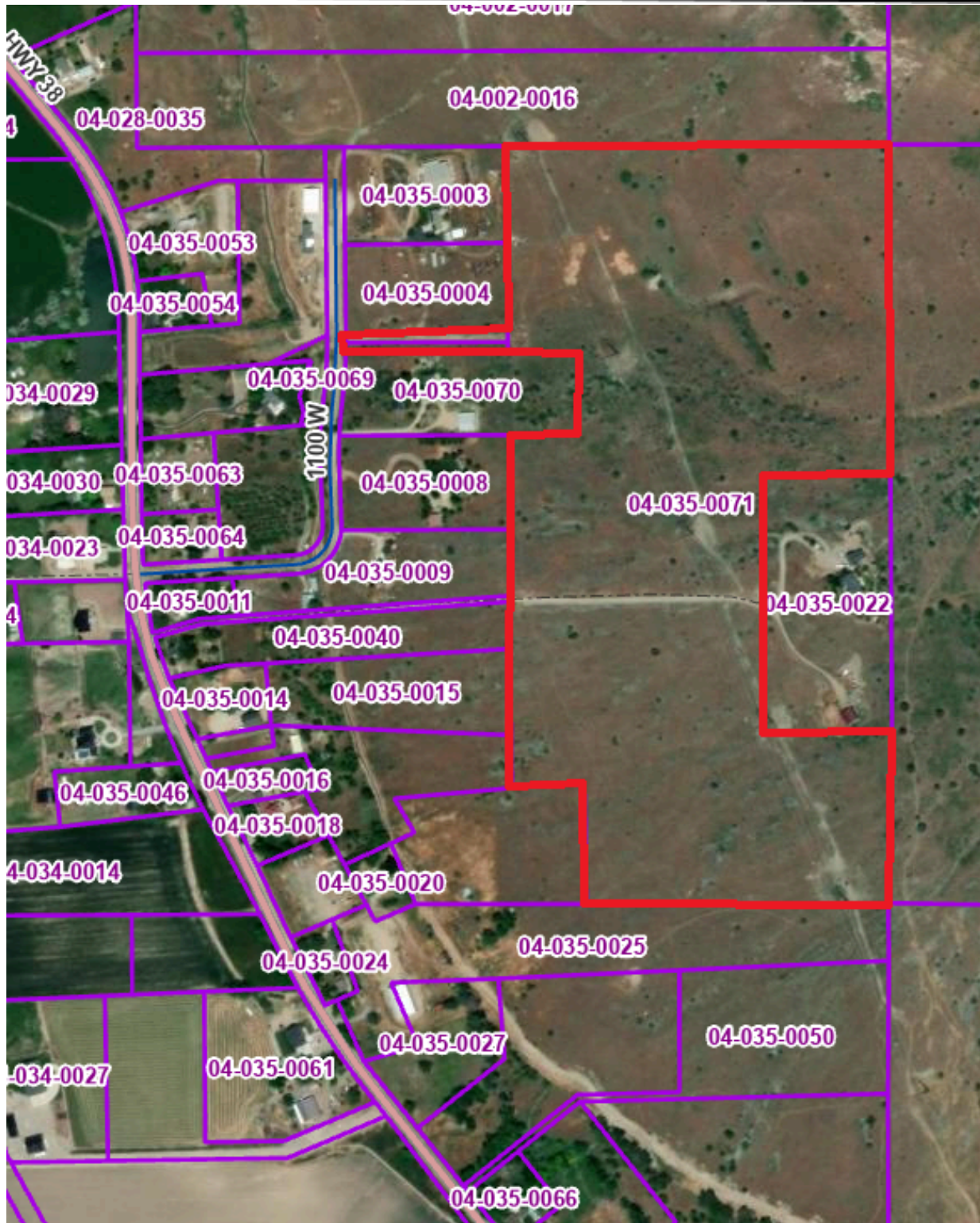
Table – “I move the Planning Commission table application number SS24-025, a preliminary plat for the Hawk Way Bench Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

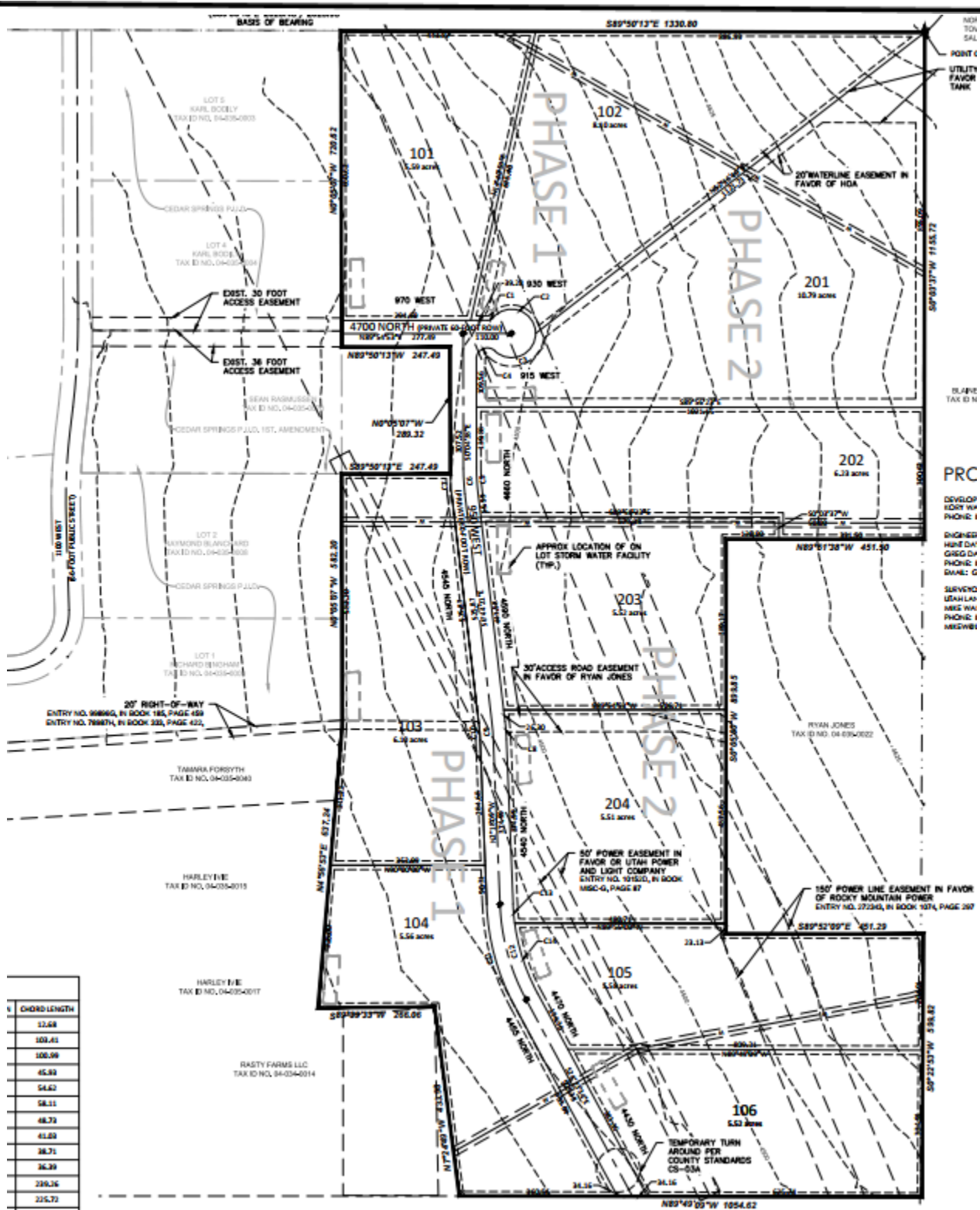
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number SS24-025, a preliminary plat for the Hawk Way Bench Subdivision, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

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







PLANNING COMMISSION

Meeting Date: Dec. 19, 2024

STAFF REPORT

Agenda Item #: 6a

Application Type:

Zoning Map Amendment

APPLICANT(S):

Paul Hales

PROJECT #:

Z24-018

ADDRESS:

Promontory Point Peninsula

PARCEL #:

Parcel #: 01-122-0008,
0009, 0010, 0011, 0012,
0013, 0036

CURRENT ZONE:

Unzoned

TYPE OF ACTION:

Legislative

REPORT BY:

Destin Christiansen,
County Planner

BACKGROUND

The applicant is requesting that Parcels 01-122-0008, 0009, 0010, 0011, 0012, 0013, and 0036 (approximately 95 acres) located in the Promontory Range area be re-zoned from Unzoned to the MG-EX (Mining, Quarry, Sand, & Gravel Excavation) zone.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone 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	MG-EX
East	Agricultural	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;

Though included as part of the plan area of the General Plan, the County's General Plan makes no specific reference as to how the Promontory Range area should be zoned. The General Plan does state that future land use decisions should enhance our towns and cities, focusing most of the growth there and that decisions should support our farmers and ranchers in their agricultural stewardship.

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

The area is a combination of commercial (landfill, mineral ponds) and mainly agricultural uses. Whether the proposed zoning map amendment is harmonious with the overall character of existing development is quite subjective. 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; however, due to the remoteness of the area, the proposed amendment should not likely affect the values or other factors of adjacent property. The public hearing process may bring forth additional information.

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

Due to the lack of road infrastructure, it is likely that gravel/mining trucks would have a negative impact on the existing roads in the area.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from Unzoned to the MG-EX (Mining, Quarry, Sand, & Gravel Excavation) 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 decide 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 MG-EX (Mining, Quarry, Sand, & Gravel Excavation) 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 Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Chapter 3-9, Mining, Quarry, Sand, & Gravel Excavation Zone, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z24-018, a zoning map amendment from Unzoned to the MG-EX (Mining, Quarry, Sand, & Gravel Excavation) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

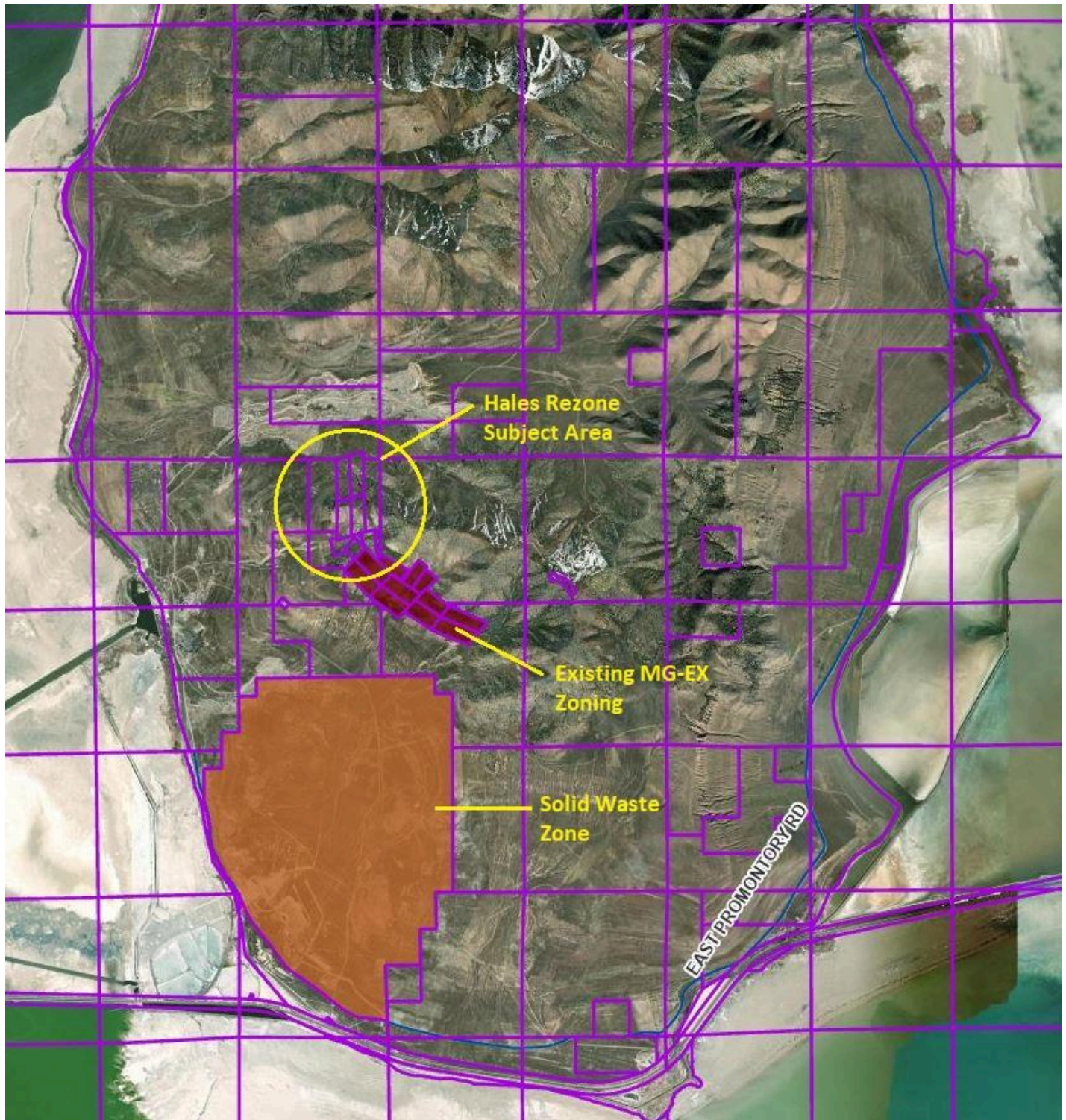
Table – “I move the Planning Commission table the review of application number Z24-018, a zoning map amendment from Unzoned to the MG-EX (Mining, Quarry, Sand, & Gravel Excavation) zone to (give date), based on the following findings:”

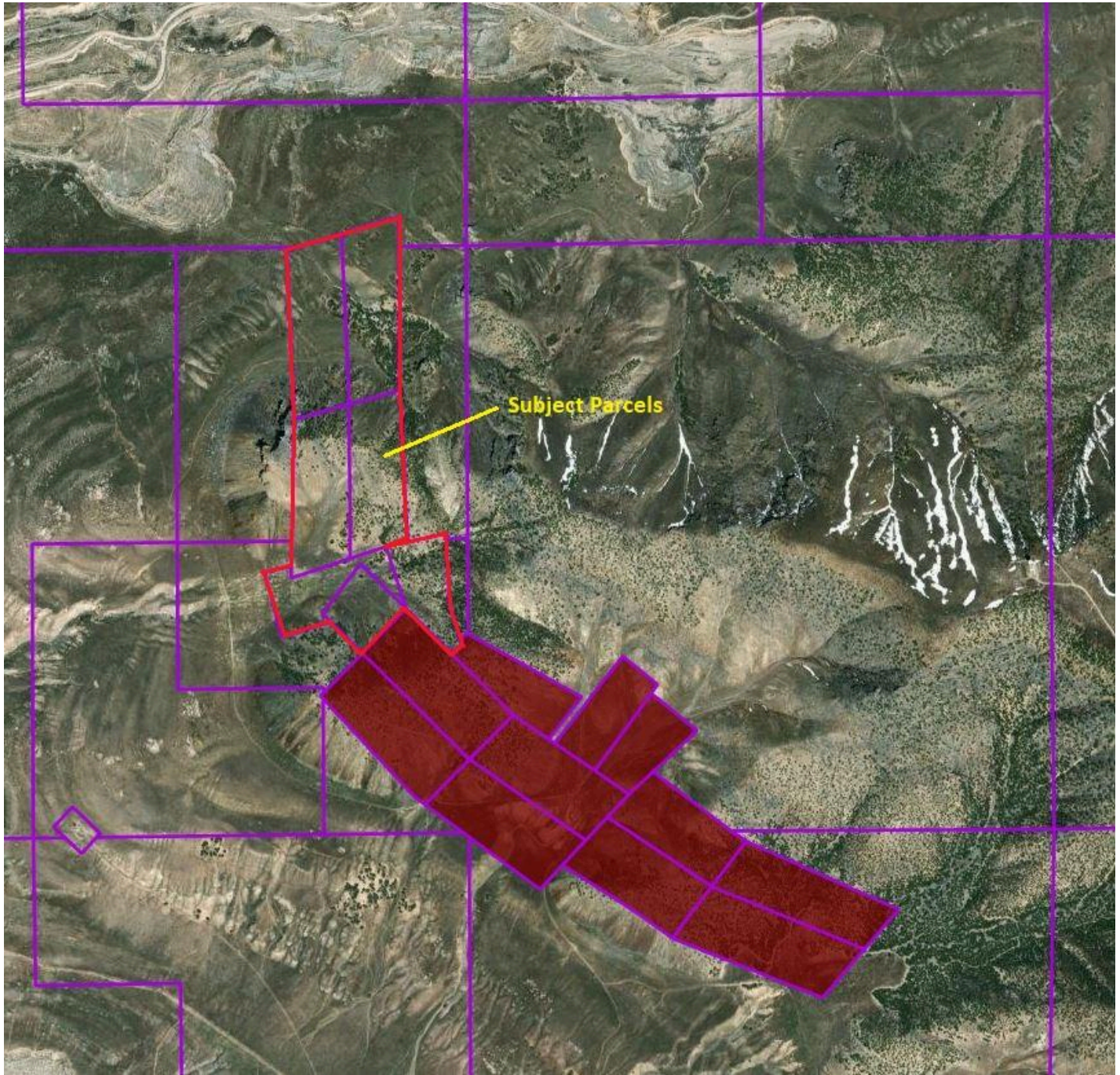
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z24-018, a zoning map amendment from Unzoned to the MG-EX (Mining, Quarry, Sand, & Gravel Excavation) zone based on the following findings:”

1. List findings for denial...

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





PLANNING COMMISSION

Meeting Date: December 19, 2024

STAFF REPORT

Agenda Item #: 6b

Application Type:

Ordinance Text Amendment

APPLICANT(S):

David Griffith

PROJECT #:

Z24-020

ORDINANCE:

Section 5-1-360, Annexation Policy

TYPE OF APPLICATION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

A group of residents from the Harper Ward area of the county are proposing a text amendment to Section 5-1-360, Annexation Policy, of the Box Elder County Land Use Management & Development Code. The residents have concerns regarding the existing policy and propose to modify the language with the intention of continuing city/county coordination for growth on jurisdictional borders and within utility service areas, but limit urban growth into rural areas.

Applicant's Summary of Intent:

"The intent of the proposed Box Elder County Annexation Ordinance change is to allow rural areas of unincorporated Box Elder County to remain rural, and for residents to retain their rural lifestyle, without municipalities annexing and consequently forcing city ordinances, services, and costs onto rural residents. Box Elder County's recent survey of residents revealed our citizens' strong desire to preserve the county's agricultural heritage and rural character. The proposed ordinance change supports this goal. The existing ordinance allows, if not encourages, municipalities to annex large tracts of land far from the cities' boundaries (within their annexation plans), even as remote island annexations. The

municipalities have no obligation to provide timely utility infrastructure to the annexed properties. Under the current ordinance, county rural land owners who seek a Land Use Application or Legislative Application are forced to petition a municipality for that application. As island annexations are allowed, the result is that total annexation of all properties in a municipality's annexation plan will inevitably become part of a city. Those annexations may lead to high density residential developments. We understand that U.S. landowner rights are strong and cherished. No one wants to be told they cannot subdivide and develop their land to high density housing. Likewise, we do not want to be forced to live in a city, to live by city ordinances, and pay for city infrastructure against our wishes. In either case, a land owner is being forced against their wishes. One case is no more objectionable than the other. We who live in the rural areas do not want high density subdivisions next door to us. We want to continue to live by county ordinances and retain both our rural lifestyles and the current five acre minimum zoning where it now exists.

The proposed change is:

- Compatible with the county general plan
- Encourages retention of our agricultural heritage
- Harmonious with the character of the existing development and geographies (mountains, marshes, wetlands, agricultural fields)

- Does not adversely affect adjacent properties
- Maintains the existing rural character

Being forced to annex into a city does adversely affect our properties. The proposed ordinance change entails no facilities upgrades to service the existing areas, whereas the existing ordinance does entail eventual infrastructure costs - roads, utilities, police, fire, etc.

For these reasons, we request the Box Elder County Commission approve the proposed ordinance change. In the proposed language, Land Use Applications and Legislative Applications that border the city boundary are forced to petition the affected city, and so that city has input for that application. Cities can make island annexations with County Commission review and approval, and would require a city to provide utility infrastructure immediately, which they should be willing to do if the annexation makes financial sense. With the proposed ordinance change, any property that is not contiguous to the city limits will have Land Use Applications and Legislative Applications reviewed and approved by Box Elder County. Cities should not be allowed to annex properties that are not contiguous to the city limits and yet not provide immediate utility infrastructure and services to that property.”

ANALYSIS

County Code:

The Box Elder Land Use Management & Development Code 2-2-080.C allows property owners to initiate amendments to the 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;**
Multiple chapters of the General Plan highlight that development should happen within cities/towns. Additionally, one of the goals and strategies of the General Plan is regional cooperation between the county and cities/towns. The survey data gathered as part of the General Plan process did reveal residents' desire to preserve the county's agricultural heritage and rural character.
- 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.
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**
The public hearing may shine additional light on this.
- 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, application number Z24-020, an ordinance text amendment adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table the review of application number Z24-020, an ordinance text amendment to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z24-020, an ordinance text amendment based on the following findings:”

1. List findings for denial...



COMMUNITY DEVELOPMENT DEPARTMENT
01 South Main Street
Brigham City, Utah 84302
(435) 734-2634 Fax: (435) 734-2728
www.boxeldercounty.org

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

Proposed Community Development Application

I propose that County Ordinance 5-1-360 Annexation Policy, be changed as follows:

~~Deleted text is red and struck through.~~ Added text is highlighted and underlined.

5-1-360 Annexation Policy

The Box Elder County Commission, Planning Commission, or Community Development Office shall not take action on any proposed Land Use Application or Legislative Application within unincorporated Box Elder County (except building permits that are not using municipal utilities) if the Land Use Application or Legislative Application ~~is~~ meets either of the two following criteria:

- ~~Located within any municipal annexation policy plan as defined in Utah Code 10-2-401.5, or~~ The property of the proposed application shares a property boundary with any municipality's incorporated boundary, or
- ~~Located within ½ mile of any municipality incorporated boundary, if a municipality does not have an annexation policy plan boundary, or~~
- If a development, improvement, or building lot will be using any utility provided by a municipality.

If the proposed Land Use Application or Legislative Application meets any of the above criteria, the developer shall provide the applicable municipality(s) with a Notice of Intent to File a Petition (Utah Code 10-2-403 (2) (a) (i)) and thereafter work with the County Clerk to meet all the noticing requirements contained in Utah Code. Upon the County Clerk providing the applicable municipality with the certification of complying with the Notice of Intent to File a Petition, the developer shall petition the municipality for annexation. If the municipality(s) rejects the petition for annexation, the developer shall provide signed documentation to the Community Development office from the municipality(s) showing the municipality's rejection of an annexation petition. After such documentation is received, the Land Use Application or Legislative Application may move forward.

No municipality shall complete island annexations without providing utility infrastructure to the subject property upon annexation.

Any Land Use Application or Legislative Application using a municipality's utilities cannot have a higher density than that allowed by the municipality providing the utilities.

All applications shall be subject to the time limits set forth in Section 2-2-040(K), Substantial Action Required and Section 2-2-040(L), Expiration of Application of the Box Elder County Land Use Management and Development Code.

PLANNING COMMISSION

STAFF REPORT

Meeting Date: December 19, 2024

Agenda Item #: 6c

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z24-019

ORDINANCE:

Section 5-1-360, Annexation
Policy

TYPE OF APPLICATION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

Box Elder County staff is proposing a text amendment to Section 5-1-360, Annexation Policy, of the Box Elder County Land Use Management & Development Code. The original policy was adopted in February 2023. It has been in place for almost two years. During that time we have found there are some items staff and cities within the county feel should be modified. As you can see in the proposed language attached to this report there are several uses that would currently trigger the policy that we have found are unnecessary and should be exempt.

ANALYSIS

County Code:

The Box Elder Land Use Management & Development Code 2-2-080.C allows the County to initiate amendments to the 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;**
Multiple chapters of the General Plan highlight that development should happen within cities/towns. Additionally, one of the goals and strategies of the General Plan is regional cooperation. This proposal is a coordinated effort between the County and cities/towns. The proposed amendment is consistent with the County's General Plan.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**
This text amendment would apply to all areas of unincorporated Box Elder County.
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**
The goal of the proposed amendment is to enhance coordination and cooperation with cities/towns in the county. This should result in better development within planned annexation areas. The specific uses addressed in this amendment should pose no issue to a city/town's future plans and in zones where said uses are allowed, the uses have already been legislatively determined to have no adverse effect on

adjacent properties.

- 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, application number Z24-019, an ordinance text amendment adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table the review of application number Z24-019, an ordinance text amendment to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z24-019, an ordinance text amendment based on the following findings:”

1. List findings for denial...

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

5-1-360. Annexation Policy. (Ordinance 573)

A. Requirements.

1. The Box Elder County Commission, Planning Commission, or Community Development Office shall not take action on any proposed Land Use Application or Legislative Application within unincorporated Box Elder County (except building permits that are not using municipal utilities) if the Land Use Application or Legislative Application is:
 - a. Located within any municipal annexation policy plan as defined in Utah Code 10-2-401.5, or
 - b. Located within ½ mile of any municipality incorporated boundary, if a municipality does not have an annexation policy plan boundary, or
 - c. If a development, improvement, or building lot will be using any utility provided by a municipality.
2. If the proposed Land Use Application or Legislative Application meets any of the above criteria, the developer shall provide the applicable municipality(s) with a Notice of Intent to File a Petition (*Utah Code Ann. §10-2-403(2)(a (i))*) and thereafter work with the County Clerk to meet all the noticing requirements contained in Utah Code. Upon the County Clerk providing the applicable municipality with the certification of complying with the Notice of Intent to File a Petition, the developer shall petition the municipality for annexation. If the municipality(*ies*) rejects the petition for annexation, the developer shall provide signed documentation to the Community Development office from the municipality(*ies*) showing the municipality's rejection of an annexation petition. After such documentation is received, the Land Use Application or Legislative Application may move forward.
3. If the proposed Land Use Application or Legislative Application meets any of the above criteria, the developer shall provide the applicable municipality(s) with a Notice of Intent to File a Petition (*Utah Code Ann. §10-2-403(2)(a (i))*) and thereafter work with the County Clerk to meet all the noticing requirements contained in Utah Code. Upon the County Clerk providing the applicable municipality with the certification of complying with the Notice of Intent to File a Petition, the developer shall petition the municipality for annexation. If the municipality(*ies*) rejects the petition for annexation, the developer shall provide signed documentation to the Community Development office from the municipality(*ies*) showing the municipality's rejection of an annexation petition. After such documentation is received, the Land Use Application or Legislative Application may move forward.
4. Any Land Use Application or Legislative Application using a municipality's utilities cannot have a higher density than that allowed by the municipality providing the utilities.

5. All applications shall be subject to the time limits set forth in Section 2-2-040(K), Substantial Action Required and Section 2-2-040(L), Expiration of Application of the Box Elder County Land Use Management & Development Code.

B. Exemptions.

1. The following Land Use Applications and Legislative Applications are exempt from the requirements listed in subsection "A" of this section and are NOT required to go through the annexation petition process with a municipality:
 - a. 1-Lot Subdivisions that are not adjacent to a municipal boundary and are not using municipal utilities.
 - b. Accessory Dwelling Units (internal and detached) in which there are no municipal utility services to the parcel or lot.
 - c. Home Occupations
 - d. Swimming Pools
 - e. Home-Based Kennels
 - f. Conditional Use Permits for temporary buildings and mobile homes for uses incidental to construction work or temporary living quarters in which there are no municipal utility services to the parcel or lot.
 - g. Any zoning map amendment outside of a ½ mile radius of an existing municipal boundary.



PLANNING COMMISSION STAFF REPORT

Meeting Date: December 19, 2024

Agenda Item #: 7a

Application Type:

Site Plan - The Gathering Place

APPLICANT(S):

Brodie Calder

PROJECT #:

SP24-005

ZONE:

Un-Zoned

PARCEL #:

06-048-0010

TYPE OF ACTION:

Administrative

REPORT BY:

Marcus Wager,
Sr. County Planner

BACKGROUND

The applicant is requesting approval for a Site Plan for a Gathering Place Barn on 6 acres located in the East Garland area.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	Un-Zoned
South	Agriculture	Un-Zoned
East	Agriculture/Rural Res.	Un-Zoned
West	Agriculture	Un-Zoned

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

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

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

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

applicable zone. The review process is currently underway, once finished the development will conform

C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. The review process is currently underway, once finished the development will conform

D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. The review process is currently underway, once finished the development will conform

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

Setbacks:

All buildings are existing and meet setbacks in for Un-Zoned areas.

Access:

Access to the property is obtained via 14800 North, an existing County Road.



County Department Review:

The review process is currently underway with all departments. If an update is available before the meeting I will give an update at the meeting.

FINDINGS:

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

1. The Box Elder Land Use Management and Development Code does allow for commercial uses in the un-zoned areas which are approved by the Planning Commission through a Site Plan review.
2. The Site Plan will conform to all requirements within the Box Elder Land Use Management and Development Code after all comments from staff have been satisfied.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission APPROVE the site plan** subject to the following conditions:

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

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SP24-005, a Site Plan for a gathering place barn, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

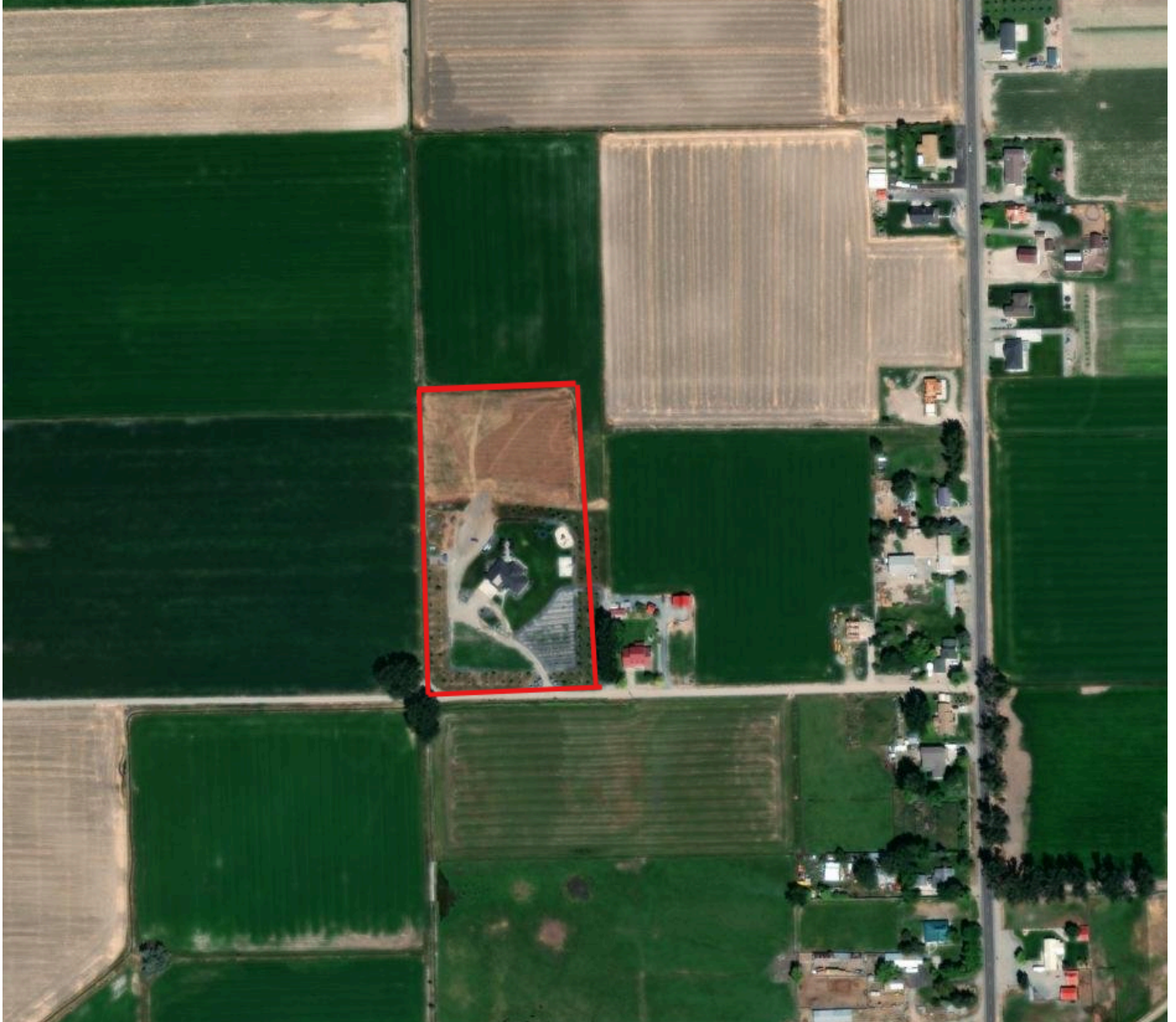
Table – “I move the Planning Commission table the review of application number SP24-005, a Site Plan for a gathering place barn, to (give date), based on the following findings:”

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 SP24-005, a Site Plan for a gathering place barn, 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: December 19, 2024

Agenda Item #: 7b

Application Type:
 Preliminary Subdivision

APPLICANT(S):
 Jason Thompson

PROJECT #:
 SS24-030

ADDRESS:
 3250 W. Crest View Ave.

ZONE:
 RR-1

PARCEL #:
 06-042-0033

REPORT BY:
 Marcus Wager,
 Sr. County Planner

BACKGROUND

The applicant is requesting approval of the Cedar Ridge Subdivision Phase 2 preliminary plat. The proposed subdivision is for 4 new lots approximately 1 to 1.77 acres in size with a .19 acre parcel for a storm water basin. The existing parcel is approximately 5.89 acres in size, there will be no remainder parcel.

ANALYSIS

Land Use Ordinance Standards Review:

Land Use Management & Development Code 6-1-130 requires the subdivision of property receive preliminary approval from the Box Elder County Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	MU-40
South	Residential	RR-1
East	Agriculture/Residential	RR-1/MU-40
West	Residential	RR-1

Access:

Access would be via County road Crest View Avenue and terminate in a new cul-de-sac.

Utilities:

The County has received utility will-serve letters from Rocky Mountain Power, Dominion Energy, and culinary water through the Cedar Ridge Distribution Water Company. We have also received a septic feasibility letter from the Bear River Health Department. This feasibility letter is for a single conventional wastewater system to be installed to service a single-family dwelling on each proposed lot. Lots 201 and 204 will need to have specific verbiage on the plat in accordance with the BRHD letter.

Setbacks:

All setbacks for the RR-1 zone can be met. Setbacks will be reviewed and enforced during the building permit process.

County Department Reviews:

The first review has been sent back to the applicant and he is working on getting the updated plat back to us. Any additional updates will be provided at the Planning Commission meeting.

Findings:

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

1. Most County departments are currently reviewing plat/plans that have been provided. We are awaiting an update plat.
2. Modifications to the proposed preliminary 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 TABLE or may APPROVE the proposed preliminary plat based on the findings above and any others the Planning Commission finds. Should the Planning Commission approve the plat staff recommends the approval include the conditions below:**

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

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS24-030, a preliminary plat for the Cedar Ridge Subdivision Phase 2, 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 SS24-030, a preliminary plat for the Cedar Ridge Subdivision Phase 2, 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 SS24-030, a preliminary plat for the Cedar Ridge Subdivision Phase 2, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

Please feel free to contact Marcus Wager at 435-734-3308 with any questions.



CEDAR RIDGE SUBDIVISION PHASE 2

LOCATED IN SECTION 32, TOWNSHIP 12 NORTH, RANGE 2 WEST
 SALT LAKE BASE & MERIDIAN
 DEWEYVILLE, BOX ELDER COUNTY, UTAH



MENT
 - EAST OF HAMMOND
 MAIL IN ASPHALT
 1 SURFACE
 PER 120' WIDE
 CENTER OF SECTION 32,
 NORTH, RANGE 2 WEST

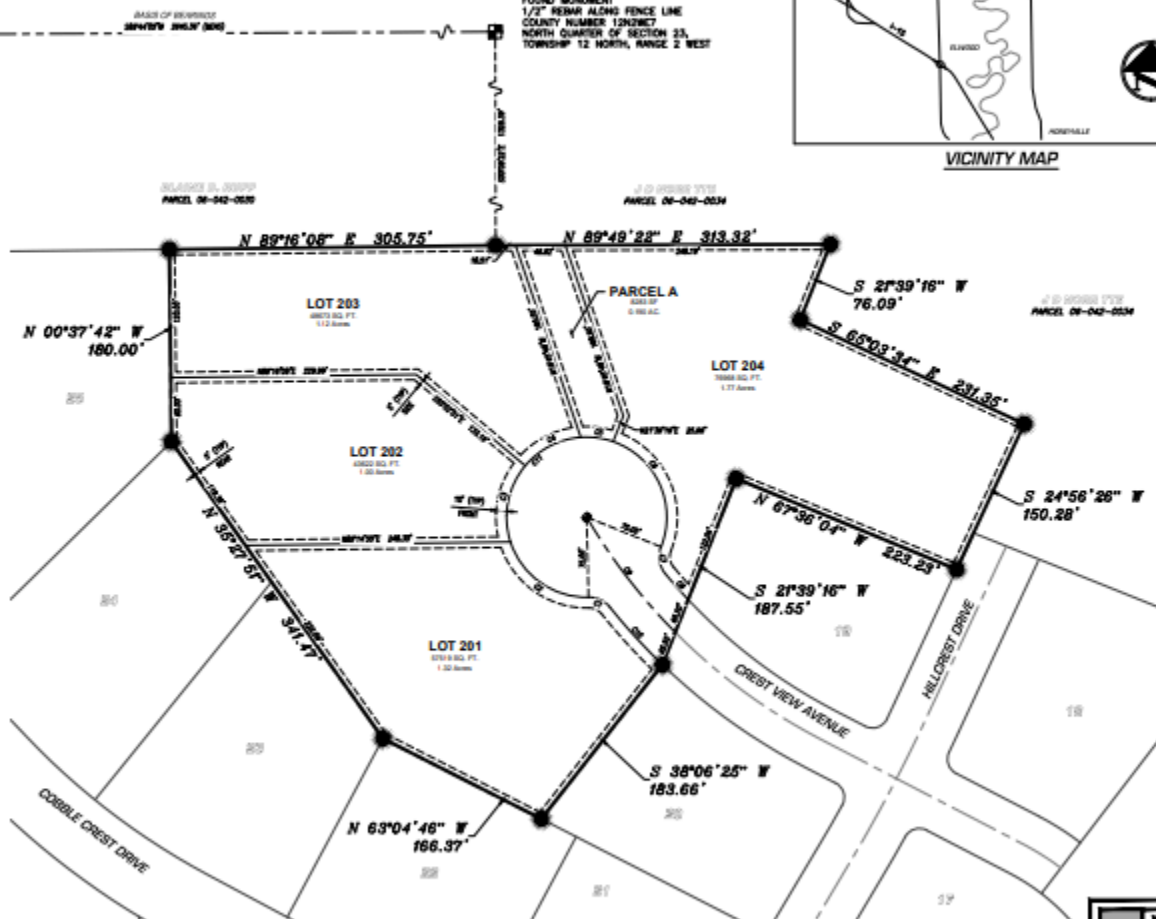
FOUND MONUMENT
 1/2" REBAR ALONG FENCE LINE
 COUNTY NUMBER 1296267
 NORTH QUARTER OF SECTION 23,
 TOWNSHIP 12 NORTH, RANGE 2 WEST

ID	CHORD BEARING
1	N89°16'08" E
2	S21°39'16" W
3	S24°56'28" W
4	N67°36'04" W
5	S38°06'25" W
6	N63°04'46" W
7	N00°37'42" W
8	N89°49'22" E
9	S21°39'16" W
10	S67°03'34" E
11	N63°04'46" W
12	S38°06'25" W
13	N67°36'04" W
14	S24°56'28" W
15	S21°39'16" W
16	S67°03'34" E
17	N89°49'22" E
18	N89°16'08" E

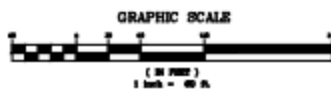
1"=100' SCALE
 ALL DIMENSIONS
 UNLESS OTHERWISE
 SPECIFIED ARE IN
 FEET AND INCHES
 (ROUNDED TO THE
 NEAREST 1/16")

FEET AND INCHES

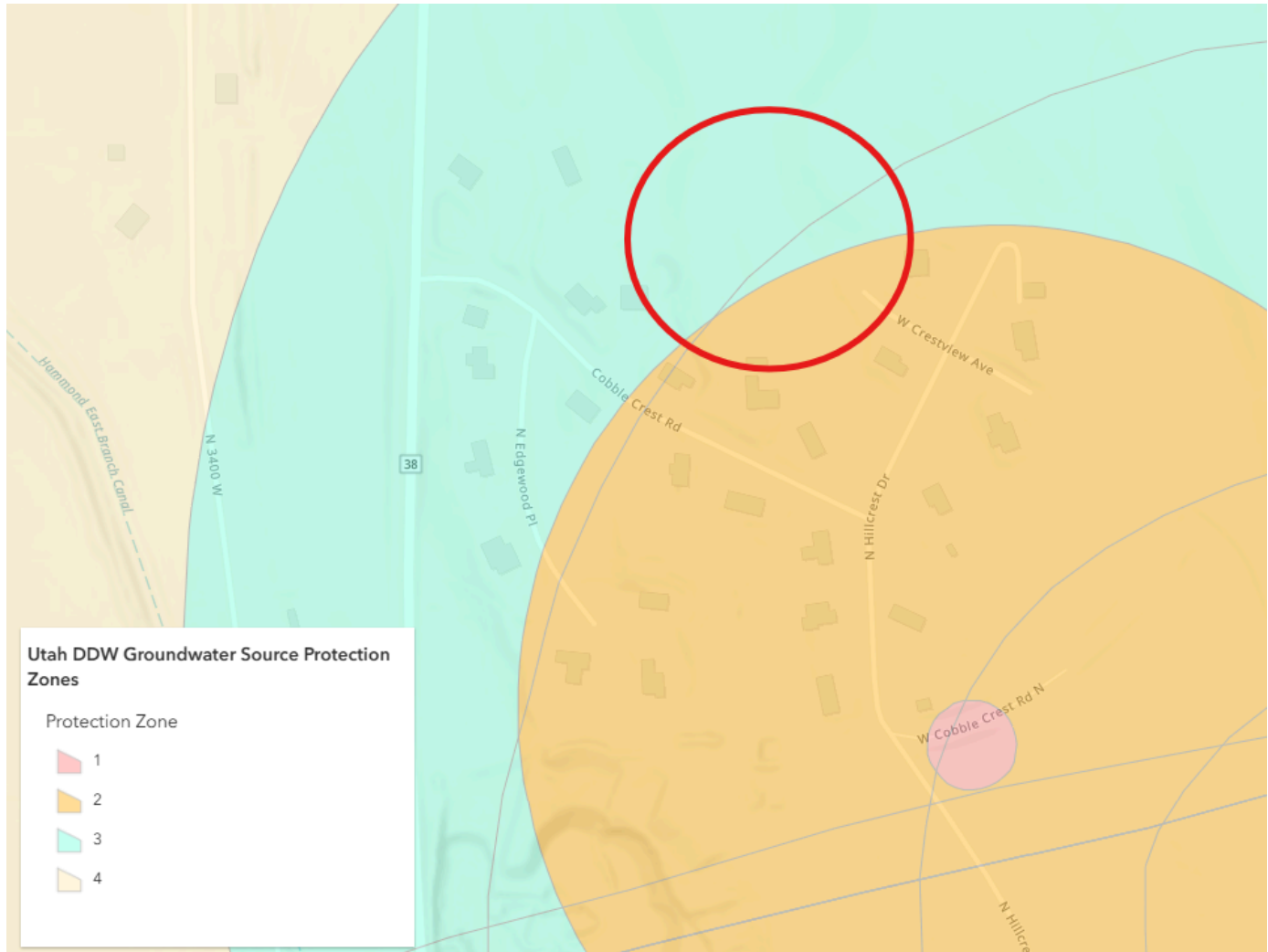
LEGENDS
 CITY DISTRICT
 BOX ELDER COUNTY ROADS
 IN

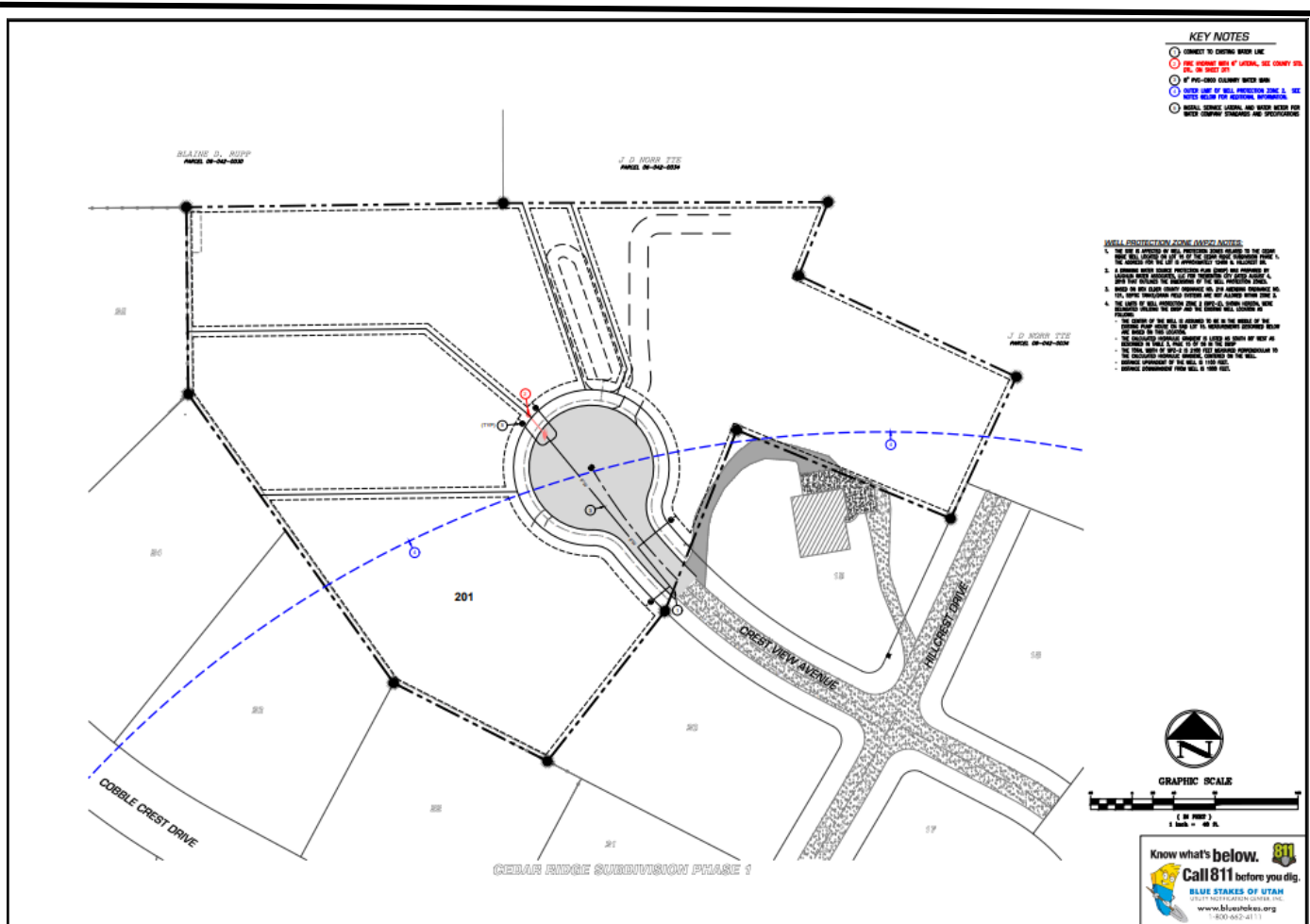


CEDAR RIDGE SUBDIVISION PHASE 1



JT Engineering, PC
 7800 South 2320 East
 South Weber, Utah
 Mobile 801.868.7752





*The blue line shows the limit of the zone 2 well protection

PLANNING COMMISSION
STAFF REPORT

Meeting Date: Dec. 19, 2024
Agenda Item #: 7d

Application Type:
 Preliminary Subdivision

APPLICANT(S):
 Randy Moulding, Jim Flint

PROJECT #:
 SS24-032

ADDRESS:
 Appx.: 10800 North 11600
 West, Thatcher

ZONE:
 RR-1 (Rural Residential-1
 acres)

PARCEL #:
 05-101-0030

REPORT BY:
 Destin Christiansen,
 County Planner

BACKGROUND

The applicants are requesting preliminary approval of the Thatcher Hills Subdivision preliminary plat consisting of three (3) phases located in the Thatcher area of unincorporated Box Elder County. The proposed subdivision is for 27 new lots total, averaging 1.06 acres in size each. The proposed lots combined are 28.66 acres in size.

ANALYSIS

Land Use Ordinance Standards Review:

Land Use Management & Development Code 6-1-130 requires the subdivision of property receive preliminary approval from the Box Elder County Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	A-20
South	Residential	R-1-8
East	Agriculture	A-20/Unzoned
West	Rural Residential/Agriculture	RR-1, R-1-20

Access:

Access will come off of 11600 West and 10400 North for the subdivision as well as new, additional road stubs dedicated for future development.

Utilities:

The County has received all utility will-serve letters from the power, gas, and water companies and they are satisfactory for this subdivision. We have also received a feasibility letter from the Bear River Health Department for Phase 1. A geotechnical report has been requested but not yet received.

Setbacks:

All setbacks for the RR-1 zone can be met. Setbacks will be reviewed and enforced during the building permit process.

County Department Reviews:

This application is a preliminary subdivision plat application. All applicable County departments are currently reviewing this subdivision – Comments can 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. With conditions outlined in the recommendation section of the staff report, the preliminary subdivision plat will comply with the preliminary subdivision regulations of Box Elder County, after all of the comments are satisfied.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **if the Planning Commission APPROVES the preliminary plat**, staff recommends the following conditions:

1. Compliance with all County Staff reviews and comments.
2. Submission to the Box Elder Community Development Office of a geotechnical report for the subject property.
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 SS24-032, a preliminary plat for the Thatcher Hills Subdivision, all phases, 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....

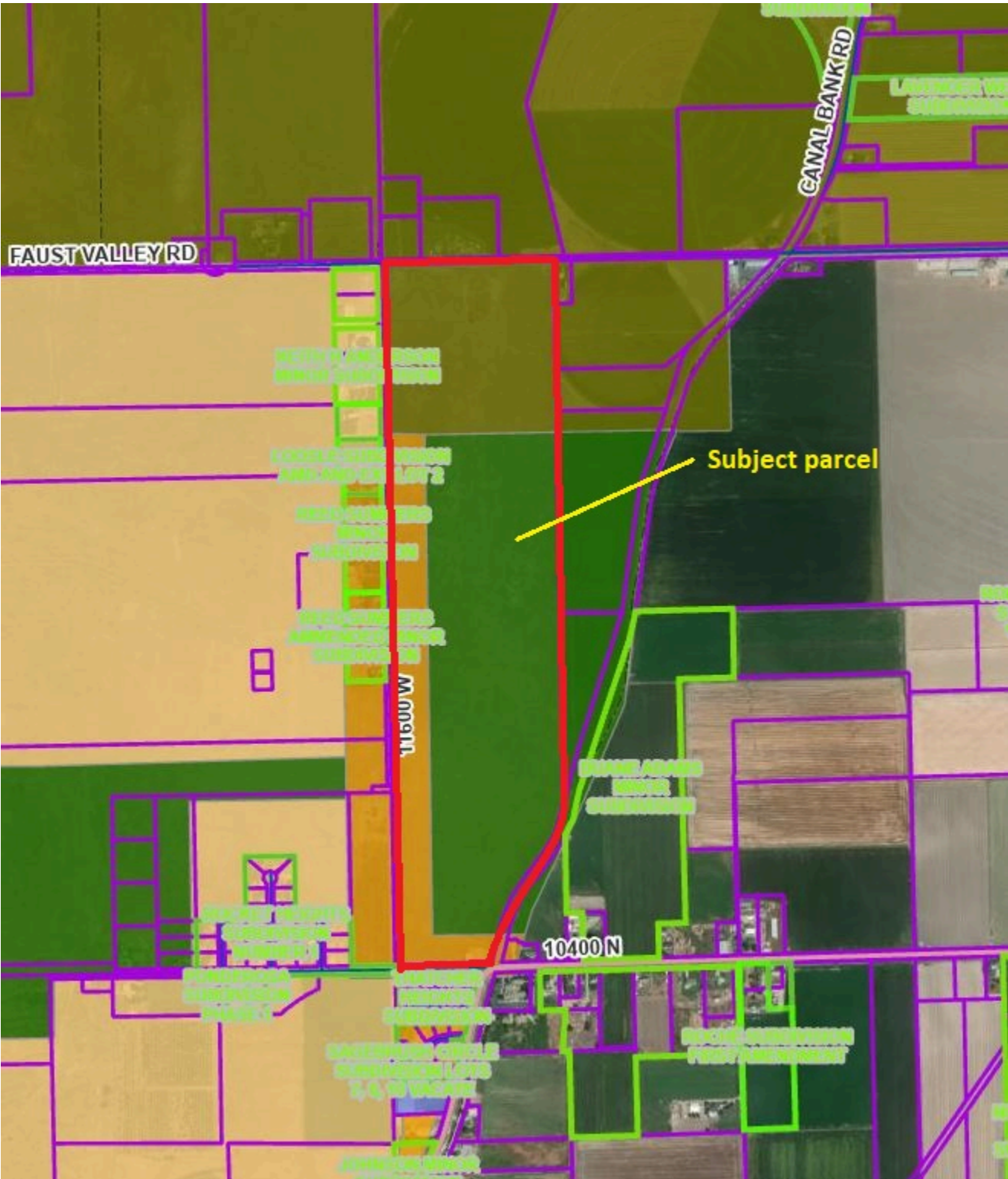
Table – “I move the Planning Commission table application number SS24-032, a preliminary plat for the Thatcher Hills Subdivision, all phases, located in unincorporated Box Elder County, to (give date), based on the following findings:”

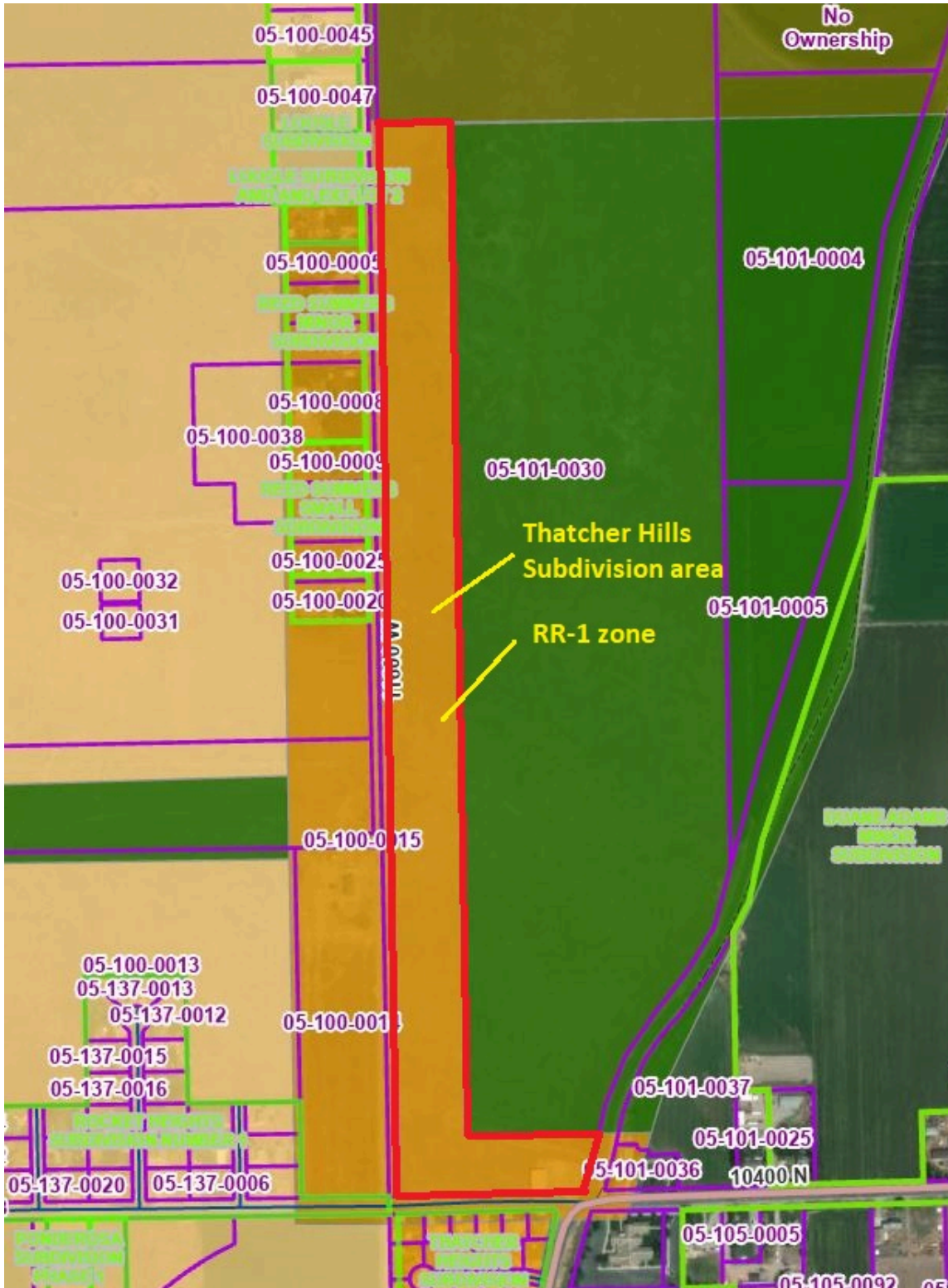
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

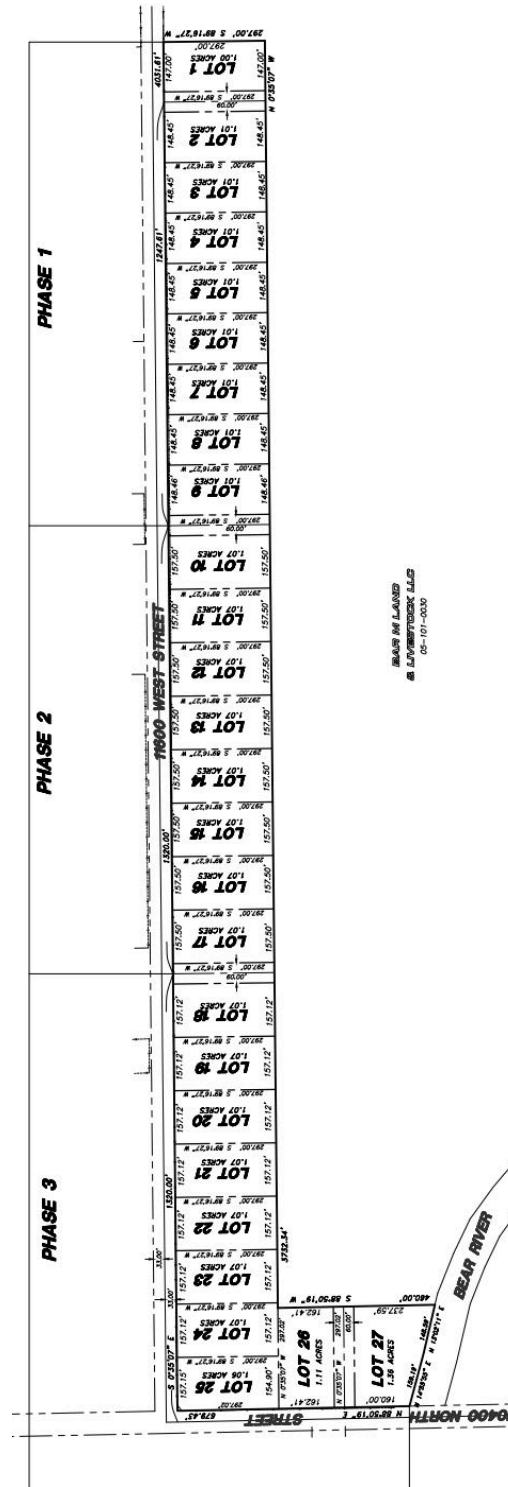
Denial – “I move the Planning Commission deny application number SS24-032, a preliminary plat for the Thatcher Hills Subdivision, all phases, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

Please feel free to contact Destin Christiansen at 435-695-2547 with any questions.









PLANNING COMMISSION
STAFF REPORT

Meeting Date: December 19, 2024
Agenda Item #: 7e

Application Type:
Agricultural Protection Area

APPLICANT(S):
J&N & M&H Properties

PROJECT #:
AP24-01

ADDRESS:
Multiple parcels in the West Corinne area

PARCEL #:
Multiple Parcels listed in the Background Section

CURRENT ZONE:
RR-20

TYPE OF ACTION:
Legislative

REPORT BY:
Marcus Wager,
Sr. County Planner

BACKGROUND

The applicant is requesting to establish an Agriculture Protection Area on 674.27 Acres across multiple parcels in the West Corinne area. The parcels are as follows:

03-161-0042: .796 Acres; 03-161-0074: 33.81 Acres;

03-162-0013: 41.02 Acres;

03-166-0001: 62.78 Acres; 03-166-0003: 35.62 Acres; 03-166-0004: 25.31 Acres; 03-166-0014: 38.07 Acres;

04-071-0004: 118.12 Acres;

04-072-0035: 18.96 Acres;

04-075-0006: 90.96 Acres; 04-075-0021: 10.15 Acres; 04-075-0022: 36.23 Acres; 04-075-0023: 45.99 Acres; 04-075-0027: 28.79 Acres;

04-075-0028: 4.92 Acres; 04-075-0029: 12.7 Acres;

04-077-0004: 39.63 Acres; 04-077-0039: 4.02 Acres; 04-077-0052: 26.42 Acres;

ANALYSIS

State Code:

Utah State Code 17-41 regulates the establishment of Agriculture Protection Areas. According to this code, the Planning Commission shall submit a written report to the County Commission regarding the proposal.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture/Rural Residential	RR-20
South	Ag/RR/Comm	RR-20/MU-160/M-G
East	Ag/RR/Comm	RR-20/A-20/M-G
West	Agriculture	RR-20

Approval Standards Review:

Utah State Code 17-41-303 outlines the following standards for review for the creation of Agriculture Protection Areas.

A. The effect of the creation of the proposed area on the planning policies and objectives of the county;

At this time, the County has nothing in place promoting or restricting the creation of Agriculture Protection Areas. The one aspect of Agriculture Protection Areas that affects county planning is that the county cannot change the zoning of or a zoning regulation affecting land within a protection area without written approval from all landowners within the protection area that is affected by the change.

B. Analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305;

a. Whether or not the land is currently being used for agriculture production;

State code defines agricultural production as:

Agricultural production means production for commercial purposes of crops, livestock, and livestock products. Agricultural production includes the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.

It looks as though all parcels with the exception of one are being used for agriculture production. Parcel 03-161-0042 appears to be an access lane (image below).

b. Whether or not the land is zoned for agricultural use;

All parcels are zoned RR-20. While this zone allows for general agriculture, it does not allow for agricultural industry.

c. Whether or not the land is viable for agricultural production;

Three of the parcels are less than five acres in size. Historically 5 acres has been the cutoff used for agricultural protection areas as well as agricultural subdivisions. According to BEC Ordinance 556, Section 2, any area in an agriculture protected area must have 5.5 continuous acres.

d. The extent and nature of existing or proposed farm improvements; and

All parcels have some sort of feed area, outbuilding, or crop on the property, with some of the parcels having a home on the property as well.

e. In the case of an agriculture protection area, anticipated trends in agricultural and technological conditions applicable to the use of the land in question.

This is something with which Planning Commissioners familiar with agricultural production may be more familiar.

C. Recommends any modifications to the land to be included in the proposed agricultural protection area;

The Planning Commission must determine if all parcels should be included in the proposed agriculture protection area.

D. Analyzes and evaluates any objections to the proposal; and

Dennis and Celeste Patterson have submitted an objection Letter (attached). It is quite detailed, the Planning Commission should review this letter and use it as evidence if the Planning Commission so chooses to forward a recommendation of denial.

E. Includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.

This recommendation must come from the Planning Commission to the County Commission. Following the Planning Commission motion, staff will prepare a recommendation to the County Commission on behalf of the Planning Commission.

FINDINGS:

Based on the analysis of the Agricultural Protection Area application request for the creation of an Agricultural Protection Area and a survey of the surrounding area, staff concludes the following:

1. The Utah State Code allows for the creation of an Agriculture Protection Area subject to the above review and approval by the County Commission with a recommendation from the Planning Commission.
2. Any future zoning or zoning regulation changes affecting this land would require written approval from all landowners within an agriculture protection area.

RECOMMENDATION

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

MODEL MOTIONS

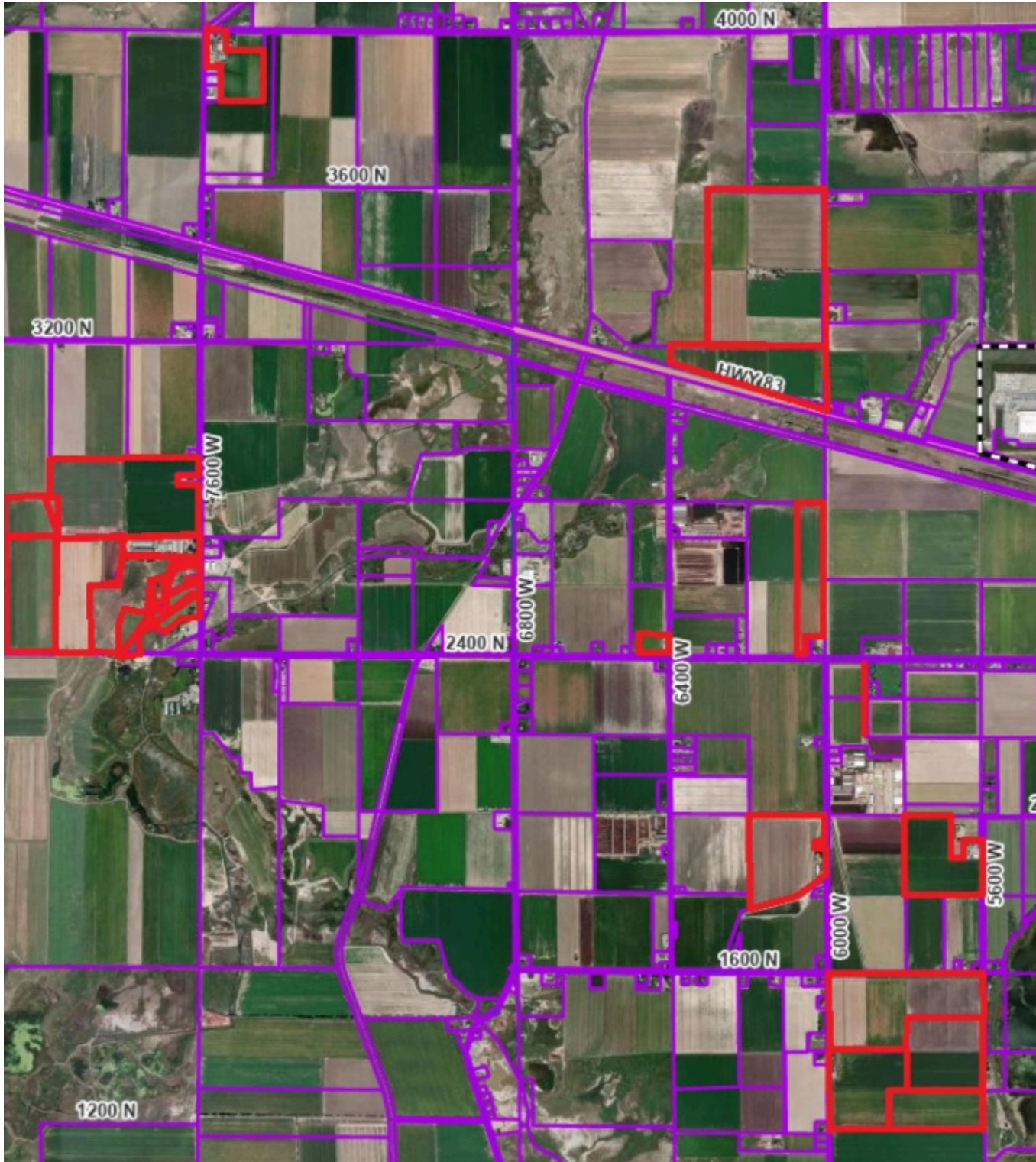
Approval – “I move the Planning Commission forward a recommendation to the County Commission to accept the proposal to create Agriculture Protection Area AP24-01 on multiple parcels in the West Corinne area in unincorporated Box Elder County.

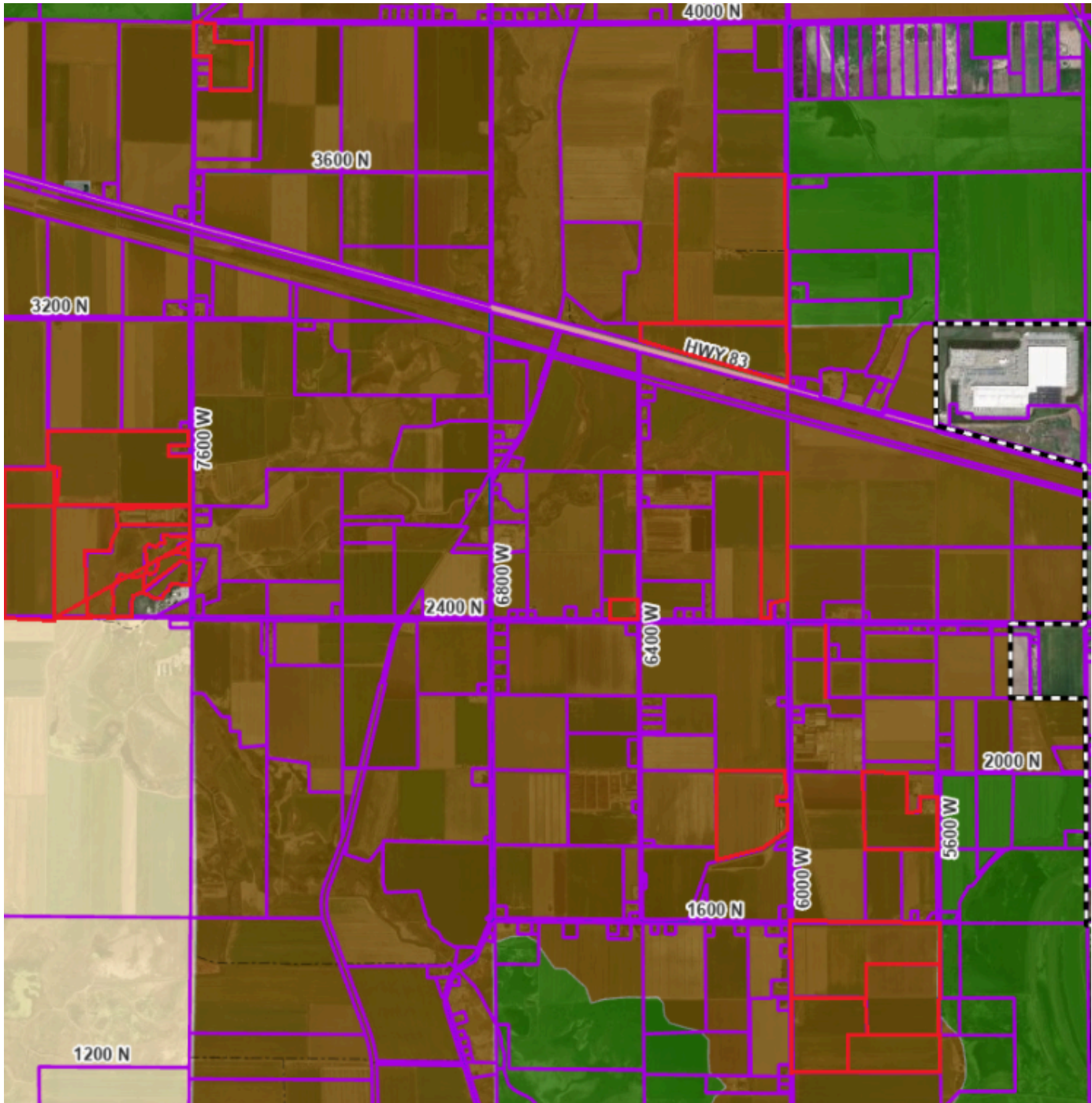
Modify – “I move the Planning Commission forward a recommendation to the County Commission to accept and modify the proposal to create Agriculture Protection Area AP24-01 on multiple parcels in the West Corinne area in unincorporated Box Elder County, with the following modifications...”

Denial – “I move the Planning Commission forward recommendation to the County Commission to reject the proposal to create Agriculture Protection Area AP24-01 on multiple parcels in the West Corinne area in unincorporated Box Elder County, based on the following findings:”

1. List findings for rejection...

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







Box Elder County Commission
c/o Box Elder County Clerk
Main at Forest
Brigham City, Utah 84302

Sent by Email: tgibson@boxeldercountyut.gov

November 22, 2024

Dear Box Elder County Commission:

We appreciate the opportunity to submit the following objection to the November 7, 2024 “Notice of Proposal For Creation of An Agricultural Protection Area” (Proposal). We own and farm the property immediately adjacent to one of the primary dairies supported by the parcels submitted for the Agricultural Protection Area (APA). We have farmed our property since 1997. Our biggest concern is that the applicant is using the APA to continue treating his dairy operation adjacent to our property as a toilet for 7,000 cows. The operation trucks up to forty large loads of manure every day through the community from other dairy operations to the applicant’s manure/compost piles approximately 800 feet from our family’s farm. This presents substantial public health and safety risks for the local community.

The County Commission should deny the Proposal based on the applicant’s current non-conformance with existing zoning laws by running a massive animal feeding operation in a rural, residentially zoned area; and by failing to abide by the appropriate number of driveways, creating unsafe driving conditions on 6400 West where the operator has unofficially taken over the road despite its residential status as feeder road to the main highway. Moreover, the parcels should not be afforded APA protection because they do not contribute to a county-defined agriculture, and one parcel is too small to be considered for APA protection. An APA is inappropriate for this applicant for the foregoing reasons:

I. The current intensive animal feeding operation does not comply with existing RR-20 zoning.

The existing zoning is RR-20, which is residential with limited agriculture. In Box Elder County, a property zoned RR-20 can only have 8 cows per 2 acres. Box Elder County Land Use Management & Development Code, Article 1,1-3-5. The purpose of the land use zoning is to: “promot[e] the health, safety, welfare,. . . including, among other things, the lessening of congestion in the streets, securing safety from fire and other dangers, protecting the tax base[.]” *Id.* at 1-1-030.

However, the animal feeding operation associated with these APA parcels does not comply with the existing zoning laws and has greatly expanded since 2004 when the area was rezoned RR-20 in the 2004 West Corinne Community Plan. *See* Exhibit A, Photos Harper Dairy from 2004 and 2023. The animal feeding operation’s 2016-2021 Nutrient Management Plan, attached as Exhibit

B, indicates that there are 1,000 lactating dairy cows, 400 dry cows, and 500 heifers on the property and receives waste and dead animals for another 5,000 cows. The operation is far exceeding the limitations of its zoning. As shown in photos of the property in Exhibit A, the animal feeding operation has grown exponentially since 2004 when the area was zoned RR-20, expanding its operations to include at least four, multi-acre retention ponds (and a new retention pond west of 6400 West this year, near our stables, not yet on map) and miles long rows of crap hauled in and piled up to compost. As discussed more below, this scale of animal feeding operation directly harms neighbors within a quarter mile and up to three miles away.

By allowing far more cows than is permissible under the existing land use code, the applicant is undermining the purpose of the land use code by creating a public health and safety hazard in the community and reducing our property value.

II. The current intensive animal feeding operation does not comply with the use of the public road as it creates a public safety and health hazard.

The West Corinne Community Plan specifies that “Commercial and manufacturing land uses should be located on collector and arterial streets, avoiding local streets which serve residential zones. Access to these uses also should avoid streets within residential zones.” West Corinne Community Plan at 1. The County Land Use Code specifically addresses the number of driveways a property can have: “Not more than two (2) driveways shall be used for each one hundred (100) feet of frontage on any street.” County Land Use Code at 5-2-050(B)(1).

The dairy operations associated with the parcels at issue in this APA proposal have created serious and ongoing issues for the neighbors seeking to use the public road. 6400 West is a residential street going through a residential zone that feeds onto the highway. Yet, the animal feeding operation has 13 driveways including private entrances that are used daily within 300 feet of road frontage. This is over double the number of driveways allowed under existing zoning. The dairy’s trucks feed cows four times a day or more, meaning that a large feed truck leaves the public road, then pulls forward and backs up leaving the premises and reentering 6 times each, four times per day. They do not pull through.

These trucks block the road and back down the road multiple times day and night, leading to road safety concerns for neighbors and travelers, resulting in large amounts of manure on the road. Tractors haul in compost, haul in straw, and haul out manure. These tractors push feed up to the cows between feedings using 6400 West for access. Deliveries, a parking lot (prohibited in RR-20), and more road entrances occur on the west side of the public road.

In addition to non-compliance with county zoning, the applicant’s number of driveways do not comply with best management practices for preventing bird flu. For example, for health reasons and biosecurity, the United States Department of Agriculture has asked dairies to have one entry point, limit the number of visitors, and have a line of separation. *See* Exhibit D, APHIS Recommendations regarding Bird Flu in Livestock.

Moreover, trucks carry feed for the cattle, manure, and dead animals to this facility. When the manure dries on the pavement, it becomes dust from the passing traffic. The manure rows/compost yard have extreme wind erosion, which has detrimental effects for public health. *See Exhibit C* (finding that dairy operations expose nearby homes to ammonia and other particulate matter at high levels within a quarter mile of the industrial feeding operations.)

I. The Land Use code defines these properties as “Agricultural business” and not “agriculture.”

The County Land Use Code specifically highlights the difference between “agriculture” and “agriculture industry,” calling the latter: “An industry or business involving agricultural products in packaging, treatment, sales, *intensive feeding*, or storage. Typical uses include animal feed yards, fur farms, *commercial milk production*. . . .” County Land Use Code at 1-3-4 (emphasis added). The state of Utah considers the Harper Dairy a concentrated animal feeding operation. The County Code very specifically cites “Agriculture” as: “The production of food through the tilling of the soil, the raising of crops, gardening and horticulture for personal use or sale, breeding and raising of domestic animals and fowl, except household pets, and *not including any agricultural industry or business*.” County Land Use Code at 1-3-4.

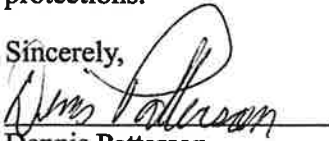
Based on the definition of agriculture and agricultural business in the county land use code, the existing parcels proposed for APA protection that contribute to the intensive animal feeding operation should be denied protections because they do not fall under the county’s definition of agriculture.

II. Not all the parcels proposed meet the five-acre minimum threshold.

In past applications for APAs, the Box Elder County Commission has established that APA parcels must be a minimum of five-acres. In the present proposal, the applicant has at least one parcel that is non-contiguous and does not meet the five-acre minimum threshold. The County Commission should at a minimum deny protections to this parcel based on size.

III. Conclusion

As a fifth-generation, lifelong farmer and wife, we appreciate the designation of APAs to benefit our community’s agricultural heritage; however, the current parcels proposed for an APA do not benefit our county’s agriculture, increase road traffic in residential area, and benefit one animal feeding operation that has failed to comply with county zoning laws and falls outside the definition of agriculture in the county land use code. The County Commission should deny these parcels APA protections.

Sincerely,

Dennis Patterson
West Corinne, Utah


Celeste Patterson
West Corinne, Utah

EXHIBIT A



EXHIBIT B

Nutrient Managements Plan (NMP) Harper Dairy

Purpose: To provide the site specifications necessary to properly utilize manure generated on the Harper Dairy owned and operated by Mitch Hancock, and to prevent the degradation of soil, water, air, plant, and animal resources. To meet the objectives of the dairy, get the most value from their manure, and to stay in compliance with current state and national regulations.

Farm/Facility: Harper Dairy
2225 N 6400 W
Corrine, Utah 84307

Owner Operator: Mitch Hancock, NooSun Dairy L.C.

Farm Headquarters Latitude and Longitude: 41.545968, -112.167894

Plan Period: March 2016 to March 2021

Watershed 106010204

Certified Conservation Planner

I certify that I am a Natural Resources Conservation Service (NRCS) approved certified planner qualified to review and approve nutrient management plans (NMPS) for compliance with NRCS NMP planning practices and NRCS standard practices. I certify that the NMP developed for the facility submitting this NOI for permit coverage complies with parts VII, VIII, IX, XI and XII of the CAFO permit and all applicable NRCS practice standards, including Practice 590 and UMARI. The NMP, if fully implemented, will be in accordance with all NMP permit requirements and all applicable NRCS practice standards for the facility.

I approve the nutrient management plan for the facility seeking permit coverage under this NOI.

Signature: _____ Date: _____
Name: _____
Title _____ Certification Credentials: _____

Owner Operator

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed this system, or those persons directly responsible for gathering the information, the information submitted to us, is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.

Signature: _____ Date _____
Name: Mitch Hancock

3.2 Generation Storage and Transfer of Manure and wastewater

Generation:

The Harper Dairy has the capacity for 1,000 lactating dairy cows, 400 dry cows and 500 heifers. There are currently storage facilities for the solid manure that is produced. The majority of the manure and liquid produced passes thru a sloped screen separator making it possible to recycle and re-use the solids thru the composting facility for bedding. The liquids are stored in one of three evaporative lagoons. In years of excess moisture, the water is moved through a series of irrigation ditches and flooded onto ground owned by the dairy. If needed, storage facilities are large enough to store all of the solid manure that is produced for a period of 150 to 180 days. Manure is applied to approximately 218 acres of farm land. Liquid manure water is stored in three lagoons; the North Lagoon has a capacity of 281,750 cu/ft and the South Lagoon with a storage capacity of 260,000 cu/ft and the East Lagoon with a storage capacity of 101,250 cu/ft. This is a total of 4,774,452 gallons. There are also four concrete solid storage facilities with a total of 208,000 cu/ft. There is also a concrete staging pad with three walls with a capacity of 16,800 cu/ft of storage. The 1,000 lactating dairy cows will produce approximately 10 gallons of waste water per animal per day to be stored in the lagoon. The lagoon needs to accommodate 150 days of storage or 150 days x 10,000 gallons or 1,500,000 gallons. The mortality compost site is 430' x 600' and uses a large amount of manure in the composting process.

As per the Hazardous Waste permit that is maintained by the dairy, all composting takes place on this facility on 7.5 acres of dairy owned land. The field is diked in order to manage all water runoff. Any water that is gathered is pumped into adjacent wastewater lagoons. All three dairy facilities use compost bedding for animals. The Harper Dairy accepts roughly 20,000 tons of solid/semi solid manure that is windrowed and composted to acceptable temperatures, then returned to each of the three dairies for bedding. The solid manure is moved by way of semi-trucks that are weighed and calibrated. The windrows also receive approximately 5,000 tons of liquid manure from slingers, aiding in maintaining proper moistures and temperatures in the windrows. The compost facility will produce approximately 8,000 tons of compost per year, that if not used for bedding will be sold to neighboring farmers.

The estimated area of the hard surface drainage around the lagoon is 72,800 sq ft. This calculation assumes all buildings and rainfall are diverted away from the lagoon. Careful diversion of all clean water will improve the operation of the lagoon and ensure compliance with the terms of the permit.

A 25 year storm event (2.5 inches in 24 hours) will produce about 15,166 cu/ft of water or 112,233 gallons of additional runoff. The lagoon is 42,000 sq ft requiring approximately 4 inches of storage. Including normal rainfall of 9 inches for the winter period the lagoon capacity will handle all of the milk house waste, and hard surface runoff leaving a free board of over 1 foot (13.9 inches).

Storage:

With proper management the storage facilities at the Harper dairy are adequate for the 150 to 180 day required storage period. The dairy will compost at least 25 percent of the solid manure produced on the dairy and use the majority of that for bedding. Local farmers will use excess compost for application on their fields. The dairy will provide a manure test and a letter indicating the responsibility to properly utilize the compost and manure that is removed. The dairy plans to develop the market for these nutrients and organic matter with the large irrigated and dry farming area of the county.

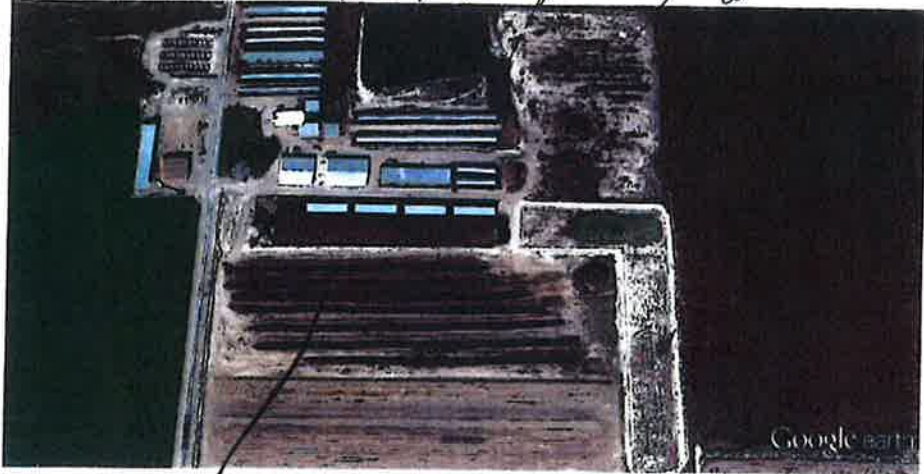
Collection/Transfer:

The manure will be scraped daily from the corrals and walkways into the solid waste structures and sloped screen separator. The solid manure from open corrals also contains some straw bedding material. Solid manure will be hauled from the storage structures directly to the composting area when conditions are appropriate. During other times, solid manure will be hauled as needed from the storage structures to a manure staging area, where it will be separated or stored until conditions are appropriate for composting land application. All manure, compost, or

wastewater transfers will be recorded and included on the manure transfer forms to be submitted to DWQ on an annual basis for each recipient of manure, etc.

The milk house is currently washed after every milking to clean up the facility. The milk house wash water and liquid manure will be piped into the storage bunker. Only chemicals approved for dairy use in cleaning and disinfection will be allowed to enter the storage tank.

Harper Dam 2
 Bunker
 Lagoon
 Bunker
 Mortality Compound



Compound 10 acres - 1100 ft x 400

North Lagoon 350 wide x 230 ⁴⁴⁰⁰⁰⁰
~~230~~ 3.5 ft w 1 ft freeboard

Dry Lot 600 x 150 : 3 acres (400 animals 205 days)

DS1 Bunker 1 90' x 300' ft x 4 ft

DS2 Bunker 2 170 x 60 x 4 ft.

Storage Lagoon 2 ft w 1 ft freeboard

Lagoon 3 1000 x 130 ft.

Mortality Compound ~~400~~
 150 x 600

X Concrete pad 60 x 70 - 3 sides 4th wall

	Yds	ft	sq
Fact	900	1400	
"	100	1000	
Dry	400	1400	
Harbours	500	200	

EXHIBIT C

Williams et al. *Environmental Health* 2011, 10:72
<http://www.ehjournal.net/content/10/1/72>



ENVIRONMENTAL HEALTH

RESEARCH

Open Access

Airborne cow allergen, ammonia and particulate matter at homes vary with distance to industrial scale dairy operations: an exposure assessment

D'Ann L Williams^{1*}, Patrick N Breyse^{1,2}, Meredith C McCormack^{1,2}, Gregory B Diette^{1,2}, Shawn McKenzie¹ and Alison S Geyh¹

Abstract

Background: Community exposures to environmental contaminants from industrial scale dairy operations are poorly understood. The purpose of this study was to evaluate the impact of dairy operations on nearby communities by assessing airborne contaminants (particulate matter, ammonia, and cow allergen, Bos d 2) associated with dairy operations inside and outside homes.

Methods: The study was conducted in 40 homes in the Yakima Valley, Washington State where over 61 dairies operate.

Results: A concentration gradient was observed showing that airborne contaminants are significantly greater at homes within one-quarter mile (0.4 km) of dairy facilities, outdoor Bos d 2, ammonia, and TD were 60, eight, and two times higher as compared to homes greater than three miles (4.8 km) away. In addition median indoor airborne Bos d 2 and ammonia concentrations were approximately 10 and two times higher in homes within one-quarter mile (0.4 km) compared to homes greater than three miles (4.8 km) away.

Conclusions: These findings demonstrate that dairy operations increase community exposures to agents with known human health effects. This study also provides evidence that airborne biological contaminants (i.e. cow allergen) associated with airborne particulate matter are statistically elevated at distances up to three miles (4.8 km) from dairy operations.

Background

The United States has witnessed the industrialization of the dairy industry over the last 40 years [1]. As a result, larger dairy facilities are now concentrated into fewer regions around the nation. The US Department of Agriculture (USDA) reports that between 1970 and 2000 the number of dairies nationwide decreased from 650,000 to 90,000. However, the number of dairy cows only declined from 12 to nine million while the average herd size increased 500% [1]. Though dairies are found in all 50 states, over a third of the all dairy animals are currently found in only two states [2]. For the purposes of

this paper industrial scale dairies will be defined as operations that house over 500 animals.

Industrial food-animal production (IFAP) facilities are often located within or close to communities and reports of odors and concerns about health effects are common [3-5]. A number of airborne contaminants are produced by IFAP facilities, many which are unregulated. These include biological and biogenic aerosols, and gases such as ammonia, methane, and hydrogen sulfide. Unlike industrial sources, little is known about the airborne emissions from IFAP or potential community exposures. This is in part due to the virtual absence of agricultural air emission regulations and rural monitoring programs [6-9]. A Workgroup on Health Effects of Airborne Exposures from Industrial Scale Animal Operations concluded that there is a lack of data on community exposure to and health effects of odors and

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¹Environmental Health Sciences, Johns Hopkins Bloomberg School of Public Health, 615 N. Wolfe Street, Baltimore, Maryland 21205, USA
Full list of author information is available at the end of the article



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EXHIBIT D



Animal and Plant Health Inspection Service
U.S. DEPARTMENT OF AGRICULTURE

Influenza and Biosecurity: Not Just for the Birds

Highly pathogenic avian influenza (HPAI) is a very contagious and often deadly respiratory disease of poultry, such as chickens, turkeys, and geese. It is often spread by wild birds and can make other animals sick too.

You can protect your birds and other animals from HPAI with good biosecurity. Simply put, biosecurity refers to everything people do to keep diseases away from animals, property, and people.



Limit visitors

- Only allow people on farm who need to be there.
- Use only one entrance and exit for the farm.
- Keep a record of all farm visitors.



Keep germs away

- Give visitors disposable shoe covers to wear on the farm.
- Keep a separate pair of boots for use on the farm around your animals.
- Use a footbath with a disinfectant solution (4 ounces of bleach in 1 gallon of water) to clean footwear before entering the farm.
- Spray disinfectant on all vehicle and trailer tires before returning to the farm.
- Don't borrow tools or equipment from other farms.
- Don't use untreated water from ponds or streams.



Avoid mixing species

- Keep other animals and strangers off the property.
- Keep livestock and pets away from birds, including bird feed, litter, or equipment.
- Keep birds out of animal pens and barns.
- Keep all wild animals (including rats and mice) away from bird and livestock areas.



Look out for sick animals

Check animals regularly for the following signs of illness:

- Coughing (“barking”), sneezing, or trouble breathing
- Discharge from eyes or nose
- Difficulty moving, walking, or standing upright
- Lack of appetite
- Severe illness in multiple animals
- Sudden or unexplained deaths



If your animals look sick, take action!

Isolate sick animals and report them to your veterinarian and/or State and Federal animal health officials.

Your veterinarian will determine if your animals might have HPAI. They may contact the U.S. Department of Agriculture or your State Animal Health Official to test your animals.



Learn more about stopping avian influenza: aphis.usda.gov/animalhealth/defendtheflock

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