

BOX ELDER COUNTY PLANNING COMMISSION MINUTES December 15, 2022

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

Roll Call

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

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	Excused
Destin Christiansen	County Planner
Steve Hadfield	Excused
Jeff Scott	Co. Commissioner
Diane Fuhriman	Executive Secretary

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

The Invocation was offered by **Commissioner Bonnie Robinson**.

Pledge was led by **Commissioner Jed Pugsley**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the November 17, 2022 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jed Pugsley** to approve the minutes as written. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

UNFINISHED BUSINESS

ALPINE SPRING ESTATE SUBDIVISION, SS22-020, Request for preliminary approval for a 19-lot subdivision located at approximately 300 West 100 South in the Fielding area of Unincorporated Box Elder County. ACTION

Staff explained the preliminary plat was first presented to the Planning Commission in July of this year. Upon review the item was tabled for up to six months due to issues with several lots not meeting county development requirements, primarily FEMA floodplain issues. The applicant is still working on the issues and is waiting to hear back from FEMA. He would like the item tabled again.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to table application S22-020 a preliminary plat for the Alpine Springs Estates Subdivision for up to six months while the applicant is still working with FEMA. The motion was seconded by **Commissioner Jed Pugsley** and unanimously carried.

ORDINANCE TEXT AMENDMENT, Z22-014, Request for a text amendment to Section 1-3-040, Definitions, as well as the use tables in Chapter 3-2, Chapter 3-3, and Chapter 3-7 of the Box Elder County Land Use Management Development Code. ACTION

Staff explained a public hearing for this text amendment was held in October with further refinement being made in the November meeting. The County Attorney has completed his review and has recommended two minor modifications. In Section 1-3-040, Animals and Fowl for Recreation and Family Food Production the language is vague. The language is now clarified to show which zones apply to large animal regulations and which zones apply to small animal regulations. The definition regarding apiaries is also vague in regards to the number of hives. There is no clear definition of aviary so aviary has been replaced by the word beehive. Staff recommends forwarding a recommendation of approval.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Z22-014, an ordinance text amendment, adopting the conditions and findings of staff and adopting the two changes suggested by the County Attorney clarifying the small animal portion, switching out the word apiary for the word beehive, and removing the sentence ‘All animals shall have a minimum of two of the same type of animal for wellbeing’. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

CONDITIONS:

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

VALLEY VIEW ESTATES SUBDIVISION PH 3, SS22-024, Request for preliminary approval for a subdivision located at approximately 550 West 7150 South in the Willard area of Unincorporated Box Elder County. ACTION

Staff said this application was tabled by the Planning Commission on September 15th, 2022 for three (3) months to have the applicant bring their project into compliance with the following conditions:

1. Compliance with all comments from County staff.
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.
5. Drainage easements need to be dedicated to the South Willard Flood Control District and the frontage on Lot 1 addressed.

Staff sent reminder emails to the applicant on November 22, 2022 and December 7, 2022 but has not received any response nor any updated plats addressing the necessary revisions. Staff has spoken with Josh Braegger, President of the South Willard Flood Control District. Mr. Braegger is unsure if an easement needs to be dedicated for the drainage area. He is going to put the item on the district's agenda in January for discussion and get an answer regarding the easement.

MOTION: A Motion was made by Commissioner Jed Pugsley to table the application SS22-024, a preliminary plat for Valley View Estates Phase 3 Subdivision for up to 90 days based on the conditions & findings of the staff report. The motion was seconded by Commissioner Kevin McGaha and unanimously carried.

PUBLIC HEARINGS - NONE

NEW BUSINESS

CONDITIONAL USE PERMIT, CUP22-007, Request for a Conditional Use Permit for an Accessory Dwelling Unit, located at approximately 11660 North Rocky Point Road in the Bothwell area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting a Conditional Use Permit for an Accessory Dwelling Unit. They want to convert an existing 1375 sq. foot home into an external accessory dwelling unit to allow for the construction of a new 4054 sq. ft. main home. The surrounding land uses are Agriculture and Rural Residential. The surrounding zones are Unzoned with part of the north and east being bordered by Tremonton. Following are the standards for review for conditional uses:

1. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards.
2. Negative impacts on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems.
3. Negative impacts on connectivity and safety for pedestrians and bicyclists.
4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable within the district including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, glare, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.

5. Environmental impacts that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as fault lines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
6. Modifications to signs and exterior lighting to assure proper integration of the use.
7. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.
8. Reduction in the tax base and property values.
9. Reduction in the current level of economy in governmental expenditures.
10. Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall.
11. Reduction in usable open space.
12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.

All applicable county departments have reviewed the application and staff recommends approval.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve application CUP22-007, a Conditional Use Permit for an Accessory Dwelling Unit and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Kevin McGaha** and unanimously carried.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
2. Compliance with Article 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.

BECKAM'S EDGE SUBDIVISION PH 3, SS22-034, Request for final approval for a subdivision located at approximately 11050 North 8285 West in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff explained when the application was submitted for preliminary approval, the applicant did not own all the land. Since that time the applicant has acquired the land to the south. The developer has worked with the fire marshal and there will be a 30 ft. access for emergency purposes which will eventually be a full road. The proposed subdivision phase is six lots, five of those will be 1.75 acres which is the minimum required to have a septic system and a well on the same lot. There is water infrastructure from West Corinne that comes in and runs to the north end and will be installed to the south end as well with hydrants installed for fire suppression. The developer has secured water rights and well permits for each of the lots from the Division of Water Rights.

Staff said when the plat was submitted there were errors in the legal description. The revisions have been made but the County Engineer and County Surveyor have not reviewed the updated plat. The County Road Supervisor is aware of the extended infrastructure and the County Fire Marshal has approved the design.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve the SS22-034, a final plat for the Beckam's Edge Phase 3 Subdivision and adopting the conditions findings of staff. The motion was seconded by **Commissioner Jed Pugsley** and unanimously carried.

CONDITIONS:

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

WORKING REPORTS

Kennels

Staff has created an outline regarding kennels. Staff will email the outline to the Planning Commission to receive feedback to see if county code regarding kennels needs to be modified.

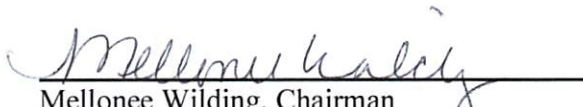
PUBLIC COMMENTS

Clyde Westley, Willard, said he is concerned that Willard City is getting into the gravel pit business. Mr. Westley gave the commissioners a statement of his concerns for review.

(See Attachment No. 2 – Statement.)

ADJOURN

MOTION: A Motion was made by **Commissioner Steven Zollinger** to adjourn commission meeting. The motion was seconded by **Commissioner Kevin McGaha** and meeting adjourned at 8:42 p.m.


Mellonee Wilding, Chairman
Box Elder County Planning Commission

PLANNING COMMISSION MEETING

Thursday Dec. 15, 2022

NAME	ADDRESS	AGENDA ITEM
Jeff & Karen Madsen	11620 N Rocky Pt. Rd. Tremonton Ut.	conditional use
Byron Nelson	11980 N 10000 W Tremonton	Conditional
Joseph Summers	11100 W. 11200 N TREMONTON	Conditional
Clyde Westley	221 E 100 S Willard	Comment Period

PLEASE PRINT

BOX ELDER COUNTY PLANNING COMMISSION December 15, 2022

Willard City Councilmembers and Mayor unanimously favor the sale of gravel and material from city owned property (adjacent the operating Wells Pit, North of Willard Canyon) to Granite Construction.

My concern with this is not so much the gravel as it is the fact Willard City would be getting into the gravel pit business. The entire east side of Willard is owned by gravel interests and if Willard city sells this gravel, what message are they sending these companies? It is hard to complain when you are eating your own dust?

Property rights, HB288(gravel considered critical infrastructure) and other points are difficult enough to fend against in these questions. Finding a balance in all of this is difficult, but having a good vision, and looking for a broad scope of the issue may help.

The issue is Willard City, (and its residents) are long known for not wanting anymore gravel pits on the mountains to their east. This land lies within Box Elder County, and in the past residents have had little success in stopping any new pits.

Box Elder County now has a new vision **Together**, (since 2019 in the county's general plan) yet Willard officials have not taken any advantage (that I am aware of) to find out what this might mean. In February of this year, I suggested to them that the county is embracing UDOT's vision of expanding front runner (into Box Elder County). The county also supports the Bonneville Shoreline Trail. This gives the County as much stake in keeping this corridor beautiful as Willard has.

The county's general plan is full of good thoughts: **In the Vision:**
Together we have enjoyed a high quality of life in our small towns, surrounded by productive working lands and the natural beauty of the mountains and the Great Salt Lake. As we look to the future together, we view these assets as the foundation to our future.

- *Support our farmers and ranchers to continue doing what they do best, stewarding the land for productive food production, whether cultivating orchards, farms, or ranches.*

● *Care for our natural lands and resources while enhancing access, so the experience of our natural world can continue to be a part of life in Box Elder County.*

In the Guiding Principles:

2. General Growth Patterns.

We invest in our towns and cities that have served us well for generations. We encourage most new growth to happen in these communities, maintaining safe, vibrant, and prosperous places for future generations. We preserve and protect our agricultural and natural lands that surround our cities and towns. We encourage strategies that enable long-term agricultural pursuits and support our rural atmosphere.

Willard has served Box Elder County, (and the State of Utah) well for the past two generations with millions of tons of rock and mountain material to build Willard Bay, and much of I-15 in Box Elder County.

I believe it is time for the mountain east of Willard to heal, before it is torn completely apart. The existing pits should be closed and settled before other pits are considered (and planned) by our county.

Fruit growers around the existing gravel pit are being harmfully impacted, and city and county officials are aware of it. Yes, Granite is doing what they can to improve dust reduction, but most of that is by using sprinklers. They couldn't even give me a figure of how much water they used last year, but said, "it was a lot." Granite is promising more sprinkler systems to help reduce future dust, but that will mean more water. They have other ideas, but it is still a gravel pit.

One local farmer at Willard's Open House (Oct. 25th) suggested they open up and mine a smaller area, then reclaim it before opening the next. Stating that when he spreads manure on his fields, he only has so many hours before it has to be tilled under. It takes longer, but has less impact to his neighbors. Everyone knows cheap gravel comes at a cost. Maybe it would be better to pay that cost now in the price of gravel and find some solutions in making life better.

Under the title **2. General Growth Patterns.**

What exactly does our county mean, when they say: *“We invest in our towns and cities that have served us well for generations.”*

I would like to know the answer to that. Willard city officials should be asking this question, but they are even avoiding the question as to what the majority of Willard Residents want. In a survey last year, it was pretty clear what they wanted, and it sounded more like what our County’s general plan wants. However, if it is a fact that the majority of Willard city residents want another gravel pit, (I could change my attitude) but until that is determined, I for one want to see the mountain given better protection.

Consider this narrow corridor between Brigham City and the Weber County line, the Great Salt Lake has forced all travelers close to these mountains for hundreds of years. Now Willard Bay forces our interstate system, Rail System, and Highway 89 to less than two miles from these mountains as travelers between Salt Lake City and the Great North West are funneled along this same corridor. These mountains are also a commanding view from Willard Bay State Park, something else our county and state cares about.

The Bonneville Shoreline Trail travels directly through this gravel rich area, and one day it will reach from Southern Idaho, 280 miles to Nephi. Our state, county, and city should be working together to encourage this trail remain on its original level of Lake Bonneville, a unique opportunity that will be erased if the future gravel developments are not better controlled.

I don’t know how much the county does to implement their general plan; I am not aware of initiatives taken here in Willard, but it seems to me that there are plenty of opportunities that could be explored.

Highest Regards,

Clyde Westley
221 East 100 South
Willard, UT 84340

clydewestley@yahoo.com
Questions or Feedback welcome

(435) 764-8220