

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JULY 18, 2019

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

| <i>Roll Call</i> | | <i>the following Staff was present:</i> | |
|------------------|------------|-----------------------------------------|---------------------|
| Laurie Munns | Chairman | Scott Lyons | Com Dev Dir. |
| Mellonee Wilding | Vice-Chair | Marcus Wager | County Planner |
| Kevin McGaha | Excused | Steve Hadfield | County Attorney |
| Michael Udy | Member | Jeff Scott | Commissioner |
| Desiray Larsen | Member | Diane Fuhriman | Executive Secretary |
| Bonnie Robinson | Member | | |
| Jared Holmgren | Member | | |

Chairman Laurie Munns called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Laurie Munns.
Pledge was led by County Planner Scott Lyons.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

MOTION: A Motion was made by Commissioner Bonnie Robinson to approve the July 18, 2019 planning commission agenda. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

The Minutes of the June 20, 2019 meeting were made available to the planning commissioners prior to this meeting and upon review a **Motion** was made by Commissioner Desiray Larsen to approve the minutes as written. The motion was seconded by Commissioner Mellonee Wilding and passed unanimously.

UNFINISHED BUSINESS - NONE

PUBLIC HEARINGS

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

LAND USE TEXT AMENDMENT, Z19-005. Request to amend text of the Box Elder Land Use Management & Development Code Chapter 3-2, Multiple Use, Agricultural, & Rural Residential, to allow for medical cannabis growing and processing sites. ACTION

Staff stated in a December 2018 Special Legislative Session HB 3001-the Utah Medical Cannabis Act was passed. As part of the act state code requires counties to allow medical cannabis establishments in at least one agricultural zone and one industrial/manufacturing zone. Staff is proposing the MG (General Industrial) zone and the A-20 (Agriculture 20-acre) to be the two zones allowing for these medical cannabis establishments.

The public hearing was then opened for comments. There were no comments.

Hearing no comment, a motion was made by Commissioner Bonnie Robinson to close the public hearing on LUM&DC Text Amendment Z19-005. The motion was seconded by Commissioner Mellonee Wilding and passed unanimously.

ACTION

Commissioner Laurie Munns feels the A-20 zone is the appropriate zone for these establishments. Staff recommends approval be forwarded to the county commission to bring county code into compliance with state code. In addition to the proposed text it should be added that the cannabis production establishment be a state permitted and licensed operation.

There was discussion on this being a permitted use in unzoned areas. At the conclusion of the discussion staff said county code states the planning commission can modify what is brought before them as part of their recommendation to the county commission. The planning commission can request staff to add to Chapter 5-1 'Regulations Applicable to all Zones' including unzoned areas that the cannabis production establishments are only allowed in the MG and A-20 zones.

MOTION: A Motion was made by Commissioner Mellonee Wilding to forward a recommendation of approval to the county commission on Application Z19-005 A text amendment to Chapters 3-2 and 3-4 of the Box Elder County LUM&DC and adopt conditions and findings of staff; also adding the language to say the facility must be a state permitted and licensed cannabis production establishment; also an addition be made to Chapter 5-1 "Regulations Applicable to all Zones" stating cannabis production establishments are limited to the A-20 and MG zones. The motion was seconded by Commissioner Bonnie Robinson and passed unanimously.

LAND USE TEXT AMENDMENT, Z19-006. Request to amend text of the Box Elder Land Use Management & Development Code Chapter 3-3, Residential & Multiple Residential, to remove a zoning district and amend other text. ACTION

Staff stated this text amendment would remove various uses within some zones as well as the removal of Planned Unit Developments, Recreational Vehicle Storage, and the removal of the R-1-6 column of Chapter 3-3. Most of these zones are too small for Box Elder County and staff does not see a need for this in the county.

See Attachment No. 2 – Proposed Verbiage for Text Amendment.

The public hearing was then opened for comments. There were no comments.

Hearing no comment, a motion was made by Commissioner Michael Udy to close the public hearing on Land Use Text Amendment Z19-006, the motion was seconded by Commissioner Jared Holmgren and passed unanimously.

ACTION

Commissioner Mellonee Wilding said in the standards review for zoning text amendments, it states: *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.* She feels all of the lots are too small to be a part of the county and that we are building a city outside of city limits. The county has always said they are not in the business of cities, so this seems out of harmony with that objective. She thinks a provision should be put in for the already existing zones and that this chapter should not be in the county code. If someone needs these types of lot sizes, they need to create a city or annex into a city.

Commissioner Desiray Larsen asked about the RM-7 and RM-15 zones. Staff stated the zones are for 7 units to the acre and 15 units to the acre. The R-1 is residential single family, R-6 is 6000 sq. ft., R-8 is 8000 sq. ft., R-12 is 12,000 sq. ft. The RM zones are for apartments and town homes. All are too small for septic and require a sewer system.

Commissioner Mellonee Wilding reiterated her point of the county having these zones when the county has no infrastructure to support them and is not equipped to manage them.

MOTION: A Motion was made by Commissioner Bonnie Robinson to table Land Use Text Amendment Z19-006, with the request for staff to look into striking Chapter 3-3 but grandfathering in existing spots already zoned under this chapter. The motion was seconded by Commissioner Desiray Larsen and passed unanimously.

NEW BUSINESS

ASHBY SUBDIVISION VACATE, SS19-027, at approximately 12425 Canal Bank Rd. in the Tremonton/Garland area of Unincorporated Box Elder County. ACTION

Staff said the Rod Ashby Subdivision was created June 27, 2000. The applicant is requesting the subdivision be vacated and combined with the other parcels owned by the Ashbys.

Staff stated Per State Code sections 17-27a-608 and 609 a subdivision can be vacated by the county commission with an ordinance as opposed to a subdivision plat. The planning commission must make a recommendation to the county commission. The planning commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the county. The planning commission acts as an advisory body to the county

commission and shall make investigations, reports and recommendation on proposed subdivisions as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the commission's review and recommendation of a subdivision vacate application, it will be forwarded to the county commission for final approval. The ordinance is then forwarded to the Box Elder County Recorder's office for review and recording.

Staff recommends forwarding a recommendation of approval subject to receiving the legal description for the consolidated parcel. Staff would then place the legal description in an ordinance which would be proposed to the county commission at their next meeting.

MOTION: A Motion was made by Commissioner Michael Udy to forward a recommendation of approval to the county commission for SS19-27, subject to receiving the pending legal description. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

STEEL SOLAR SITE PLAN, SP19-003, Request for a solar farm located at approximately 6500 West 20800 North in the Plymouth area of Unincorporated Box Elder County.
ACTION

Staff said the applicant is requesting a site plan approval for a 80-megawatt solar farm on approximately 900 acres. The land uses surrounding this property are agricultural and unzoned.

Staff read the following regarding land use ordinance standards review:

- 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. *Yes***
- C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this code. *This is being done through the review process.***
- D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. *This is being done through the review process.***
- 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***

The county engineer has reviewed and approved the site plan request. The proposed solar panel structures met setbacks for the unzoned areas. Access to the property is obtained on 20800 North and Frontage Road.

Commissioner Bonnie Robinson has concerns about 900 acres of junky solar panels laying around after they no longer serve their purpose. She asked if there is any agreement with the property owner that after the panels are no longer of use, they will be cleaned up.

Emily Skill, Project Developer Enyo Renewable Energy, explained panels usually last 25-30 years. In the land use lease agreement with the landowner, there is information regarding decommissioning the site. Once the panels have served their purpose, they will be decommissioned and the land returned to its original use.

Commissioner Bonnie Robinson said a condition should be required for appropriate warning signs to be put on fences and gates around the perimeter. She asked what the time frame is for completion of the development. Emily Skill replied they are estimating approximately eight (8) months. Development could start as soon as January 2020.

MOTION: A Motion was made by Commissioner Desiray Larsen to approve Application SP19-003, a site plan for a solar farm, and adopting any conditions and findings outlined by staff and for Steel Solar to provide appropriate warning signage placed at the entrance and perimeter of the solar power planned project. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

WORKING REPORTS - NONE

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Jared Holmgren and the meeting adjourned at 7:52 p.m.



Laurie Munns, Chairman
Box Elder County Planning Commission