

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

June 16, 2022

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

1. **CALL TO ORDER 7:00 p.m.** (County Commission Chamber Room, Main Floor)
  - a. Roll Call (Commissioners S. Zollinger, K. McGaha, 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 May 19, 2022 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
  - a. **None.**
6. **PUBLIC HEARINGS**
  - a. **GENERAL PLAN AMENDMENT, GP22-001, Text amendment to the Box Elder County General Plan to update the County Resource Management Plan.**
7. **NEW BUSINESS**
  - a. **AGRICULTURAL PROTECTION AREA, AP22-004, Request to create a new agricultural protection area on multiple parcels around the Brigham City area of Unincorporated Box Elder County. ACTION**
8. **WORKING REPORTS**
  - a. **None.**
9. **PUBLIC COMMENT**
10. **ADJOURN**

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES May 19, 2022

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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	Excused
Kevin McGaha	Member
Lonnie Jensen	Member
Steven Zollinger	Member
Bonnie Robinson	Member
Jed Pugsley	Member
Jennifer Jacobsen	Excused
Vance Smith	Excused

*the following Staff was present:*

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Anne Hansen	County Attorney
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 Steven Zollinger**.  
Pledge was led by **Commissioner Kevin McGaha**.

**The following citizens were present & signed the attendance sheet**

See Attachment No. 1 – Attendance Sheet.

The Minutes of the April 21, 2022 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Steven Zollinger** to approve the minutes as written. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

**UNFINISHED BUSINESS**

**NEW BEGINNINGS SUBDIVISION, SS22-003, Request for approval for a subdivision located at approximately 15125 North 4400 West in the Riverside area of Unincorporated Box Elder County. ACTION**

Staff reminded the Commissioners this item was tabled in the March meeting in order to receive sufficient information for county reviews. A final plat has been received and staff has made substantial progress with the final plat but is waiting for a geotechnical report to finalize the review process.

Staff said based on information presented in the staff report, application materials submitted, and the site review, staff recommends approval with conditions.

**MOTION:** A Motion was made by **Commissioner Kevin McGaha** to approve application SS22-003, a final plat for the New Beginnings Subdivision and adopting the exhibits, conditions and findings of staff . The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

**CONDITIONS:**

1. Compliance with all County Staff reviews and comments.
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 County Engineer, GIS, Fire, Roads, Planning & Zoning requirements as part of Final Plat.
5. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**ORDINANCE TEXT AMENDMENT, Z22-006, Request for a text amendment to Article 5, Exhibit A, Road Standards, of the Box Elder County Land Use Management & Development Code. ACTION**

Staff said this request was tabled after some healthy discussion in the April meeting and has been brought back for additional discussion and input from the County Roads Supervisor. The applicant is requesting “#1 Road Section” be amended to allow up to three or four homes on this standard of road. The current county standard only allows up to 2 homes on the #1 Road Section. A third home would trigger the #2 or #3 Road Section. The County Road Supervisor has begun the process of updating the County Road Standards so the possibility of increasing the number of homes allowed on a 30 ft. right-of-way has been discussed but nothing has been officially decided. Understanding there are pros and cons to everything, the draft updates have not fully addressed this yet. The current draft standards state any road on a 30-foot right-of-way is a private road/driveway and not public infrastructure.

Road Supervisor Darin Mcfarland stated he has concerns with the 30 ft. right-of-way in the event of them being turned over to the county. It is pretty common in other areas where a road is built and then it does not function like the homeowner would like, then they approach the county to take it over. With the #1 Road Standard, he has concerns for that reason only. He understands if the right-of-way was taken over, it would need to be built to county standards to the 66 ft. right-of-way. Gravel roads are a concern as well for maintenance and snow removal. Snow removal cannot be done to as high of standards as paved roads.

**Commissioner Steve Zollinger** stated this text amendment is not for just one individual property but for the entire county. He asked if there is a necessity to change county road standards in any other parts of the county. **Road Supervisor Mcfarland** said he has not encountered any. Commissioner Zollinger thinks everything problematic will be increased if the number of homes is increased.

**Commission Bonnie Robinson** does not see any need or benefit to change the standard for the whole county. She likes that it is designed to follow the General Plan's idea of protecting agriculture but she is also concerned with the cost the county would incur if the county had to take over all the little roads.

Darin McFarland said the purpose of the road standard is for agricultural use and two buildings is reasonable for a road that size and built to that standard. The more buildings there are, the more use the road gets, and the more it will affect the way it functions.

**Commission Kevin McGaha** understands the text amendment would allow for a number of substandard roads to be petitioned for the county to bring up to standard at a huge cost. Land Use Ordinance Standards Review C states the extent to which the proposed amendment may adversely affect adjacent property owners and because this is a text amendment to the whole county, the whole county would be the adjacent property owner. This would be a negative thing for the county to undertake.

**MOTION:** A Motion was made by **Commissioner Steven Zollinger** to forward a recommendation of denial to the County Commission for application Z22-006, a request for a text amendment to Article 5 Exhibit A, Road Standards, based on it does not meet the objectives and policies of the County General Plan to keep open space; and it would adversely affect adjacent property owners in the entire county. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

## **PUBLIC HEARINGS**

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

## **ZONING MAP AMENDMENT, Z22-010, Request for a zone change of 0.37 acres from R-1-20 (Residential 20,000 sq. ft.) to C-G (General Commercial), located at approximately 7125 South HWY 89 in the South Willard area of Unincorporated Box Elder County. ACTION**

Staff stated the applicant is requesting parcel 02-055-0046 be rezoned from R-1-20 to the C-G zone. The parcel is in the South Willard area and has been historically used for commercial use for 20+ years. The surrounding land use is residential with a greenhouse to the north and US 89 to the west.

Staff continued that this is subject to approval by the County Commission with a recommendation from the Planning Commission. Box Elder County Land Use Management & Development Code, Section 2-2-060-A states 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.

Staff said based on their review of the proposed zoning map amendment this meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.

The public hearing was then opened for comments.

Karen Ewell, Karen's Kars said her business has been there for 20 years. The property used to be a gas station and also a bar, so it has been a business for a long time. She said they participate in their community, love their neighbors, and take care of their property. She is trying to upgrade and bring other businesses in to thrive and not fade away during Covid 19. She is for her community and will be glad to do whatever it takes.

Brenda Moyes owns the other business related to this rezone. She said they are a family owned mechanic shop with three employees. They will adhere to the rules in the agreement of having only four cars in front at all times. They are not trying to grow the area or have increased traffic. She grew up in the area and appreciates everyone being willing to accept them.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Zoning Map Amendment Z22-010. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

## **ACTION**

**Commission Mellonee Wilding** asked for examples of what is allowed in the C-G zone. What is the heaviest use allowed? Staff said it can range from a mechanic shop to a barber shop with one of the heaviest uses being light manufacturing or a mobile home park. Other uses include bakeries, books and stationery shops, candy and confectionery shops, and clothing and retail stores.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Zoning Map Amendment, Z22-010, a request for a zone change of 0.37 acres from R-1-20 (Residential 20,000 sq. ft.) to C-G (General Commercial) and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Kevin McGaha** 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.

**ORDINANCE TEXT AMENDMENT, Z22-011, Request for a text amendment to Section 3-2-080-2.2, Minimum Width Along the radius of a Cul-de-sac of the Box Elder County Land Use Management & Development Code. ACTION**

Staff stated the applicant is requesting a text amendment to amend Section 3-2-080-2.2, Minimum Width along the radius of a Cul-de-sac, in the Box Elder Land Use Management and Development Code. This has historically been 50 feet per lot in all zones. The proposal is to have cul-de-sac frontage on a scale, by zone, similar to all frontage requirements. For example, the 1/2 acre zone requires a frontage of 100 feet and cul-de-sac frontage of 50 feet. This is a 2:1 ratio. This proposal expands this 2:1 ratio throughout all residential zones as shown in the table below.

Zone	Frontage	Cul-de-sac Frontage
R-1-20, RR-20	100 feet	50 feet
RR-1	120 feet	60 feet
RR-2	175 feet	87 feet
RR-5	250 feet	125 feet
RR-10	330 feet	165 feet

Cul-de-sacs would still be allowed in other non-residential zones (MU and Ag zones) as a turnaround option to meet fire code, but the benefit of reduced frontage on a cul-de-sac would only apply to residential zones. The rationale for this is residential zones in the county exist to promote and preserve conditions favorable to large-lot, family life, to maintain a rural atmosphere, and to reduce requirements for public utilities, services, and infrastructure. In contrast, MU zones are in areas 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 avoid damage to watersheds, water pollution, soil erosion, danger from brush land fires, etc. Also, agricultural zones are to promote and preserve areas favorable to agriculture and to maintain greenbelt spaces. Ag zones are intended to protect those areas from the intrusion of uses inimical to the continuance of agricultural activity.

The proposed change is supported by both the land use code as well as the recently adopted general plan. Based on feedback from general plan survey/meeting participants, more than 90% of participants want to see orchards and ag lands for farming and ranching actively preserved. Additionally, 81% of participants stated the preferred general growth pattern for new development is growth focused in towns and cities with preserved open space. The general plan also emphasizes the importance of road network connectivity via a grid network. Cul-de-sacs naturally oppose connectivity and should be limited in use.

The public hearing was then opened for comments.

Brodie Calder supports this plan. It is his opinion some corrections need to be made. Mr. Calder handed the commissioners a proposal showing his subdivision on 260 acres. The first page shows what it would be using the 50 ft. radius as it currently sits. The biggest concern he has is the 1320 ft. of frontage is going to be the main concern for the MU zones because there is no more availability to cut these up into a reasonable manner if you were to keep these at 40-acre lots. He explained page 2 of the handout shows what is going to happen with this proposed plan with roads being all over the place the county would have to maintain. He recommends the planning commission approve the plan as is and amend some of the MU-40 and MU-80 frontages to help support some of the bigger lots to be able to be divided without having such large frontages.

*(See attachment No. 2 – Proposal.)*

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Ordinance Text Amendment, Z22-011. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

## **ACTION**

Staff explained based on the analysis of the ordinance text amendment application, staff concludes 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. The Planning Commission will need to determine if this application meets the standards in Section 2-2-080.

**Commissioner Mellonee Wilding** appreciates that this ties into the frontage of lots in similar size. She thinks it is a simpler way to do this. She also appreciates the vision statement was quoted and that it meets what the county residents want.

**Commissioner Bonnie Robinson** asked for Road Supervisor Darin Mcfarland's opinion on cul-de-sacs as far as snow removal and maintenance. Supervisor Mcfarland said the most impact is snow removal. The greater amount of drive approach in a cul-de-sac will affect the residents with more snow in their approaches. In a cul-de-sac there is nowhere else to push the snow.

**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to forward a recommendation of approval to the County Commission for application Z22-011, an ordinance text amendment and adopting the conditions and findings of staff. 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.

## **NEW BUSINESS**

### **TOLMAN SUBDIVISION THIRD AMENDMENT, SS22-010, Request for approval for an amended subdivision at approximately 9259 North Sunset Dr. in the Thatcher area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting an amendment to the Tolman Subdivision and the Tolman Subdivision 2nd Amendment—the amended plat is known as Tolman Subdivision Third Amendment. This amendment will move what is currently Lot 6 to where the proposed Lot 8 is showing. The surrounding land use and zoning is Rural Residential/Agriculture and Unzoned. Access will be via 9250 North which is an established county road. All setbacks for the unzoned area can be met. Setbacks will be reviewed and enforced during the building permit process.

All applicable County Departments have reviewed this amendment and there are no more comments. The proposed subdivision amendment complies with the subdivision regulations of Box Elder County and the State of Utah.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve the application number SS22-010, Tolman Subdivision Third Amendment, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Kevin McGaha** 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. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

### **BEAR HOLLOW RANCH SUBDIVISION 2ND AMENDMENT, SS22-012, Request for approval for an amended subdivision at approximately 3983 West Slalom Way in the Collinston area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting an amendment to Lots 2 and 3 of the final plat of Bear Hollow Ranch Subdivision in the Collinston area. The proposed amendment combines the two lots into one lot of approximately 1.2 acres, effectively erasing the lot line between Lots 2 and 3. The land use to the east and west is Residential. To the south is the lake and common area and to the north is Bear River and SR-30. The surrounding zoning is A-20 and Unzoned. Access to the lots is via Slalom way, a private drive within the Bear Hollow Ranch Subdivision.

State Code Section 17-271-608 and 609 is the portion of code regulating subdivision amendments and subdivision plat amendments are to be reviewed and approved by the Planning Commission. This subdivision has been through one round of reviews and there are a couple of items needing to be addressed both from the title report by the County Attorney and the survey review by the

County Surveyor. Staff is comfortable with the Planning Commission approving the plat subject to the fore-mentioned reviews as conditions.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve the application number SS22-012, amending Bear Hollow Ranch Subdivision 2nd Amendment Lots 2 & 3, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff and upon final approval by the County Surveyor and County Attorney. The motion was seconded by **Commissioner Kevin McGaha** and unanimously carried.

**MOUNTAIN VIEW RANCHES SUBDIVISION PH. 2, SS22-013, Request for final approval for a subdivision located at approximately 17985 North 6000 West in the Fielding/Plymouth area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting final approval of the Mountain View Ranches Subdivision plat. The proposed subdivision is 20 new lots, all of the lots will be 1.75 acres or larger. The existing parcel is 97.85 acres in size. The surrounding land use is Rural Residential and Agriculture; the surrounding zoning is Unzoned. Access will come off of 6000 West for the entire subdivision. Two future access points are planned for the rest of the parcel to be developed in the future. All applicable county departments have reviewed this subdivision and there are no more comments. The only thing being waited for is the testing of the wells for the water to service the subdivision.

Staff was hoping to have the updated plat by meeting time. At the last meeting with the preliminary plat, staff read in the Bear River Health Department Letter dated February 24, 2022 that had some items needing to be in the notes section and showing on the actual lots where the septic and wells can go because they need to have a certain distance between them. Staff has not received the updated plat but is comfortable with approval.

*(See attachment No. 3. – BRHD Letter.)*

**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to approve the application SS22-013, a final plat for the Mountain View Ranches Subdivision Ph. 2, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of staff paying particular attention to conditions #1 and #2. The motion was seconded by **Commissioner Steven Zollinger** and unanimously carried.

**CONDITIONS:**

1. Compliance with the Bear River Health Department Letter dated February 24, 2022.
2. The well water complies with Section 6-1-240-K 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 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 - NONE**

**PUBLIC COMMENTS - NONE**

Jeff Trimble represents a landowner who recently purchased land located at 2600 North and 2800 West in Box Elder County. He is seeking information on developing the area. There was discussion on annexing into Corinne City and the availability of culinary and secondary water in the county.

**ADJOURN**

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Jed Pugsley and the meeting adjourned at 8:45 p.m.

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Mellonee Wilding, Chairman  
Box Elder County Planning Commission



# PLANNING COMMISSION STAFF REPORT

Meeting Date: June 16, 2022

Agenda Item #: 6a

**Application Type:**

General Plan Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

County Resource  
Management Plan

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

Per Utah Public Lands Policy Coordinating Office (PLPCO) each county is to update their County Resource Management Plan (CRMP) to address the following topics:

- Access to Public Lands
- Renewable Energy
- Critical Materials
- Utility Corridors
- Pipelines & Infrastructure

Our currently adopted CRMP already addresses:

- Access to Public Lands as part of Chapter 12. Land Access
- Renewable Energy as part of Chapter 6. Energy Resources
- Critical Materials as part of Chapter 16. Mineral Resources
- Utility Corridors and Pipelines & Infrastructure as part of Chapter 23. Utilities.

Proposed are the following additions:

- Amend Chapter 16. Mineral Resources to include established and potential critical mineral resources from the updated 2022 USGS critical minerals list. These minerals in Box Elder County are lithium, antimony, and tungsten.
- Amend Chapter 23. Utilities to include additional information, goals, and policies regarding utility corridors and pipelines & infrastructure.

**ANALYSIS**

**County Code:**

Land Use Management & Development Code 2-2-070 outlines the procedure for a General Plan Amendment. 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 2-2-070(D)(2)(c) outlines the following procedural requirements for General Plan Amendments.

**A. Written statement showing the desired language change;**

Please see the attached amendments to the County Resource Management Plan.

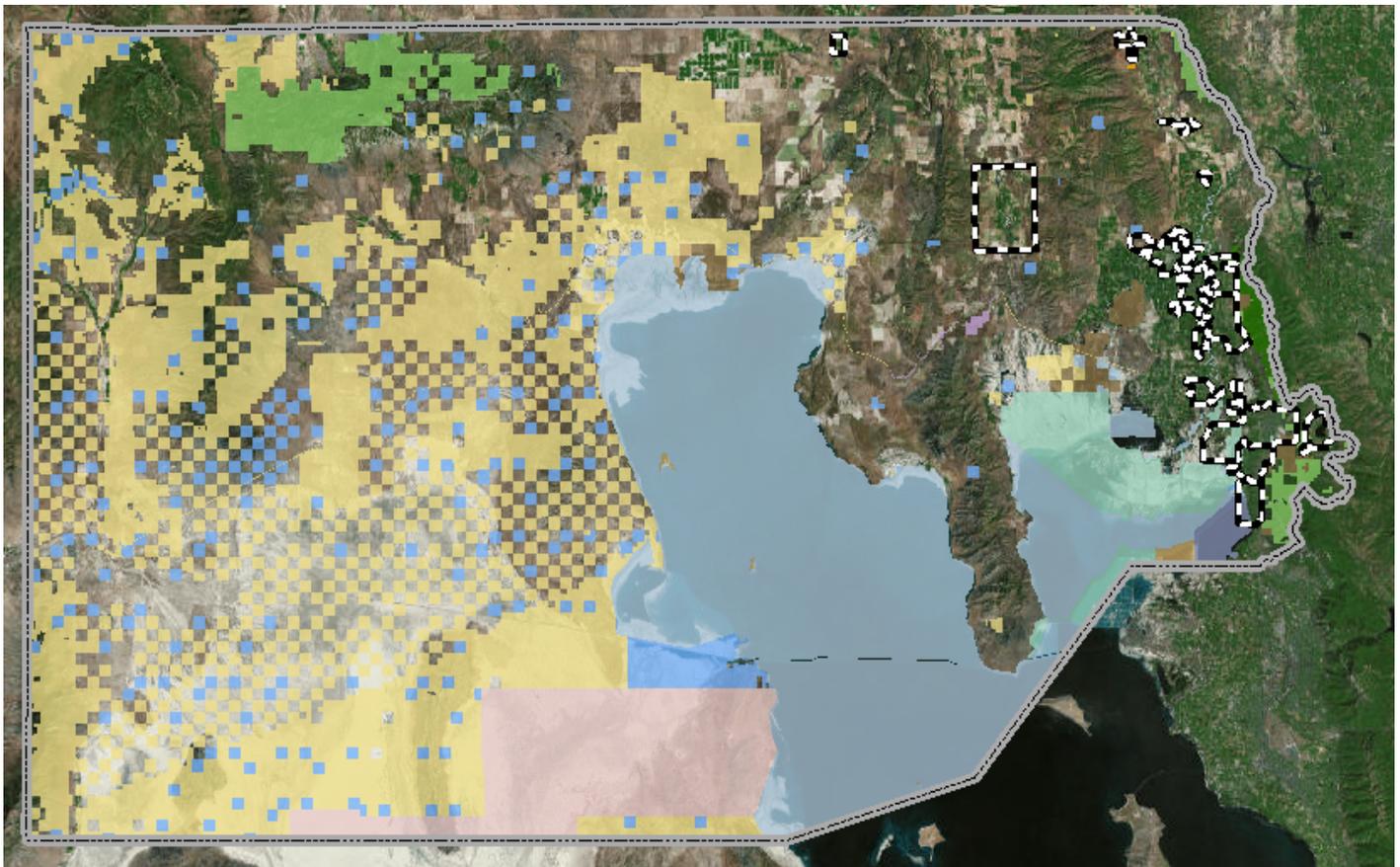
**B. Written statement explaining why existing General Plan language is no longer appropriate or feasible;**

This text amendment to the General Plan is not to replace “no longer appropriate or feasible” language, but to add information to an existing section of the plan as mandated by the Utah State Legislature and Public Lands Policy Coordinating Office.

**C. Analysis of the potential impacts of the proposed amendment; and**

The language and impacts of the proposed amendment have been reviewed and analyzed by county staff and the Utah PLPCO. The proposed changes should benefit the county and landowners when it comes to future planning and permitting for critical materials as well as utility corridors and projects.

**D. Map showing the affected areas if text changes will affect specific geographic areas.**



**FINDINGS:**

Based on the analysis of the proposed General Plan text amendment, staff concludes the following:



1. The Box Elder Land Use Management and Development Code allows for General Plan text amendments subject to review procedures and approval by the County Commission with a recommendation from the Planning Commission.
2. The procedural requirements as set forth in Section 2-2-070(D)(2)(c) have been met.

### **RECOMMENDATION**

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may forward a recommendation of approval to the County Commission.**

### **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission to amend the Box Elder County General Plan to include the proposed County Resource Management Plan amendments, 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 the amendment of the Box Elder County General Plan to include the proposed County Resource Management Plan 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 to amend the Box Elder County General Plan to include the proposed County Resource Management Plan 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.



## 16. Mineral Resources

### 16.1 Management Setting

#### *Context*

Locatable minerals are high-value ores and elements such as gold, silver and copper. The extraction of locatable surface and subsurface mineral deposits on public lands is regulated by both the federal and state governments. Salable minerals include sand, gravel, and other aggregate, the extraction of which is regulated by Box Elder County. Information regarding the regulation and management of mineral development is available in this document under Section 17, Mining. Leasable minerals include oil, gas, coal, and other extracted energy sources, description and discussion of which are found in this document in Section 6, Energy Resources.

#### *Findings*

Box Elder County has moderate mineral resources, most notable in the western part of the county, including unique building stone quarries and a variety of minerals that are extracted from Great Salt Lake brines.

Brine shrimp are found in the Great Salt Lake and the harvest of which is a multi-million dollar industry. A large portion of the fishing fleet used to harvest shrimp is based out of Promontory Point. Brine shrimp harvests are managed by the Utah Department of Wildlife Resources.

In 2022 the United States Geological Survey released an updated list of critical minerals for those minerals that are necessary for national security and economic prosperity. The updated list includes lithium, antimony, and tungsten. Per the Utah Geological Survey these minerals have notable locations in Box Elder County.

## 23. Utilities

### 23.1 Management Setting

#### *Context*

Utilities, including reliable transportation of energy and communication services, are important to the people and businesses of Box Elder County. Utility corridors crossing public lands have the potential to adversely impact the natural resources, land uses, and visual quality.



Among the federal land management agencies and utility industry, the definition of a corridor varies. The Western Utility Group defines a corridor as: “A linear strip of land without definite width, but limited by technological, environmental and topographical factors, and containing one or more utility, communication or transportation facilities. A corridor is a land use designation, identified for the purpose of establishing policy direction as to the preferred location of compatible linear facilities and compatible and conflicting land uses. It does not imply entitlement of use. Appropriate environment review and regulatory permitting must precede occupancy on a project-specific basis.”

### ***Findings***

Energy transmission via pipelines and powerlines occurs throughout Box Elder County, though precise counts, quantities, and locations are not available.

### ***Legal Context***

Utility corridors on public lands are generally managed during the land and resource planning stages. Forest Plans specifically address transportation and utility corridors.

### ***Applicable Laws***

Utility corridors are managed under land use planning procedures specified for the US Forest Service by the National Forest Management Act (16 USC §1600 et seq. [1976]) and for the US Bureau of Land Management by Federal Land Policy and Management Act (43 USC §1701 et seq. [1976]). Both federal land management agencies are subject to the National Environmental Policy Act (42 USC §4321 et seq. [1969]) planning process.

## **23.2 Desired Future State**

Box Elder County supports utility development on public lands while properly mitigating impacts to other resources through coordination with and approval by the county.

Box Elder County desires active and effective participation in the federal land planning process designating corridors that may pass through the county. Box Elder County desires to become involved in the process early and to maintain active participation, and supports cooperative partnership with federal agencies and the utility industry wherever possible.

## **23.3 Management Objectives and Associated Policies and Guidelines**

### ***23.3.1 Management Objective***

Lessen resource impacts from utility to corridor development and place new facilities adjacent to existing facilities whenever possible.

### **Policies and Guidelines**

- When possible, manufacturing uses will be located adjacent to population centers in order to
- discourage urban sprawl and reduce the costs of providing utilities and services.[1]



- Encourage regionalization of utilities.
- Coordinate regionally with agencies, private entities, and providers in planning and designing utility corridors.

### **23.3.2 Management Objective (Utility Corridors)**

**Maintenance of existing utility corridors and plan for the future development of new utility corridors across federal and state lands to meet projected state and county growth and demand.**

#### **Policies and Guidelines**

- **Encourage utility companies, cooperatives, the Utah Division of Public Utilities and other applicable state and federal agencies to coordinate efforts with the County related to existing and future utility corridors.**
- **Protect access for utility companies to maintain and improve infrastructure and utility corridors.**
- **Expedited federal approval processes and policies for the maintenance of utility corridors and new construction projects.**
- **Support Bureau of Land Management instruction memorandums (e.g. Utah IM-2021-004) that allows utility companies to have additional flexibility to access infrastructure and utility corridors for maintenance purposes and to reduce the risk of wildfire impacts on the utility.**
- **Maintain and update wildland fire protection plans to reduce the risk of wildfire in utility corridors.**
- **Partner with other entities to avoid, minimize, and mitigate challenges that utility corridors may present to cultural resources and threatened, endangered, and sensitive species.**
- **Encourage redundancy and physical separation for utility facilities needed to serve local and regional consumers.**
- **Work with federal and state agencies to identify utility corridors needed to access and deliver to foreign or domestic markets, all forms of traditional mineral resources, critical minerals, and renewable energy resources.**
- **Ensure that sufficient utility corridors are available to provide essential utilities to local and regional consumers, including in areas with current or future federal special designations.**
- **Encourage feasibility studies for different types of utility transmission, distribution, and collection infrastructure.**
- **Support innovation to make existing and future utility corridor infrastructure more efficient, reliable, safe, climate-resilient, and sustainable.**
- **The State of Utah is an “any-of-the-above” energy state and Box Elder County supports that approach. Utility corridors must be preserved and developed to transport the complete range of energy resources.**
- **Federal agencies shall recognize and aid utilities in implementing wildland fire protection plans required of qualified utilities under Title 54-24-201 of the Utah Code.**
- **Interstate transmission lines should provide access for utilization of energy by citizens of Box Elder County, the state of Utah, or supply significant and continual incentives that benefit the citizens of the county and state.**
- **Utility corridors are needed in Box Elder County and the state of Utah to maintain affordable, reliable, abundant, and dispatchable energy at all times.**



- **Box Elder County will support minimizing impacts to prime and unique soils and irrigable acres to the maximum extent possible when new utility corridors are being considered.**
- **Box Elder County discourages natural gas vent lines (e.g. pig lines) in close proximity to electrical transmission and distribution lines, or other non-compatible operations.**
- **Every effort should be made to ensure that wildland fires are not caused by utility providers.**
- **Duchesne County recognizes the economic and educational importance of internet access.**

### **23.3.3 Management Objective (Pipelines & Infrastructure)**

**In light of Utah's arid environment and the world's changing climate conditions, the need for sufficient and reliable water, energy, and critical resources, the need for storage and related infrastructure is ever increasing. Therefore, to ensure Utah's ongoing drought resilience, energy security, and to provide for current and future needs, Box Elder County supports the state's efforts to build and invest in necessary infrastructure, including additional pipelines, dams, reservoirs, above and below-ground storage facilities, and other feasible infrastructure.**

### **Policies and Guidelines**

- **Support statewide economic opportunities and resilience for Utah communities through the provision of adequate pipelines and other infrastructure.**
- **Assist in the development of pipelines and sufficient infrastructure to meet Box Elder County's current and future needs.**
- **Work with land managers in an attempt to ensure that project continuity issues on public lands do not inhibit project implementation.**
- **Support feasibility studies to prioritize water storage and pipeline projects and become proactive in order to capitalize on high water flows during flood years.**
- **Encourage the improvement of techniques and the utilization of aquifer storage and recovery.**
- **Support efficient and timely delivery of water and energy resources without damaging infrastructure.**
- **Support innovative and proven technologies to line earthen and concrete canals in order to reduce water loss and increase transportation efficiency.**
- **Form partnerships with stakeholders and obtain funding from the Bureau of Reclamation to form partnerships that benefit communities.**
- **Support water conservancy districts in applying for grants to improve water delivery systems.**
- **There may be a future need to supply hydrogen along major highway arteries. There are several different methods of utilizing hydrogen opportunities that need to be further studied and strategically implemented. Avoid hydrogen production that requires excessive water consumption.**
- **Strategically support hydroelectric production by using new technology such as in-pipe hydro systems within existing and future pipelines.**
- **When economically and technically feasible, and in the best interest of local communities and operators, encourage efforts to avoid decommissioning hydroelectric power facilities.**
- **Encourage the development of infrastructure projects aimed at recharging depleted aquifers.**
- **Encourage xeriscaping policies, incentive programs, and educational campaigns to reduce water usage and reliance.**



- Increase watershed yields through active management of forests and other vegetated areas.
- Support the implementation of the Utah State Water Plan.
- Strategically promote watershed restoration and flood abatements after wildfires to improve soil retention, improve water quality, and reduce downstream impacts caused by flooding, siltation and debris flows.
- Encourage silt traps and other mechanisms to trap silt upstream and keep it from entering water treatment plants and downstream reservoirs that will ultimately need to be dredged when their storage capacity is reduced.
- Support innovation to make existing and future water storage and delivery systems more efficient, reliable, safe and sustainable.
- Support a network for the distribution of natural gas, crude oil, and refined petroleum products to domestic and foreign markets.
- Develop agreements with federal agencies to make it possible to maintain and improve dams, impoundments, and other facilities on federal lands with limited access in a timely and economically feasible manner. It is not economically feasible to transport equipment and supplies by helicopter.
- Encourage the use of Advanced Metering Infrastructure (AMI) to quickly identify water leaks reducing wasted water. The technology also allows remote monitoring and manipulation (valves, flow rates, pressure, etc.) of water conveyance infrastructure.
- Box Elder County supports coordinated efforts across all agencies, governments, tribal nations, and other land ownerships on infrastructure projects to minimize delays.
- Box Elder County encourages and requests federal appropriations for water infrastructure, including pipelines, water storage, and aquifer recharge.
- Box Elder County supports active forest management to increase water yields and water quality.
- Box Elder County supports active forest management to decrease water quality issues from wildfire, flooding, etc., which impacts water storage, water treatment, and water delivery systems.
- Box Elder County encourages water conservation measures, education, and incentives.
- Box Elder County supports the effort to conserve water by creating hydrogen through natural gas, coal, and other sources.
- Box Elder County supports and encourages the maintenance and development of pipelines and infrastructure that improve the state's market share and improve the quality of life for Utahns, provided such can be maintained and developed in a sustainable manner.
- Box Elder County opposes the creation of pipelines and infrastructure to remove water resources from the state of Utah in order to transport it to other states.
- Box Elder County expects pass-through pipelines and associated infrastructure to continually benefit the citizens of Utah and local communities.
- Box Elder County desires unimpeded and timely access to water storage facilities on federal lands to feasibly improve and maintain infrastructure in an effort to address water storage needs.
- Box Elder County supports projects that conserve water by the lining of ditches and canals.



- - Box Elder County supports the preservation of existing hydroelectric facilities and construction of new facilities, including in-pipe hydro systems and other innovative technologies, when such is cost-effective for the operator(s).
  - Box Elder County supports the construction and operation of pipelines and other infrastructure to enable the production and transportation of mineral resources from federal lands.

# PLANNING COMMISSION

Meeting Date: June 16, 2022

## STAFF REPORT

Agenda Item #: 7a

**Application Type:**

Agricultural Protection Area

**APPLICANT(S):**

Paddock Properties, LLC,  
 RP Wetlands & Waterfowl

**PROJECT #:**

AP22-04

**ADDRESS:**

Multiple parcels in the West  
 Brigham City area

**PARCEL #:**

03-004-0082, 03-109-0001,  
 03-109-0002, 03-109-0003,  
 03-109-0006, 03-109-0007,  
 03-109-0008, 03-109-0040,  
 03-109-0065, 03-109-0088,  
 03-110-0008, 03-110-0024,

**CURRENT ZONE:**

Unzoned/A-20/RR-5

**TYPE OF ACTION:**

Legislative

**REPORT BY:**

Destin Christiansen,  
 County Planner

**BACKGROUND**

The applicants are requesting to establish an Agriculture Protection Area on approximately 193.01 acres located on multiple parcels in the West Brigham City Area.

**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/Brigham City	Unzoned/A-20
South	Agriculture	Unzoned/A-20/RR-5
East	Agriculture	Unzoned/A-20
West	Agriculture	Unzoned/A-20/RR-5

**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;**

*The proposed parcels are currently being used for agriculture production.*

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

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*The proposed parcels are currently Unzoned (parcels 03-004-0082), RR-5 (03-109-0065), and A-20 (all remaining parcels).*

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

*The proposed parcels are viable for agricultural production.*

**d. The extent and nature of existing or proposed farm improvements; and 100% of the acreage is currently being used for agricultural production.**

**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 Planning Commissioners familiar with agricultural production may be more familiar with.*

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

*None at this time.*

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

*No objections to the proposal have been submitted.*

**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 your motion I will prepare a recommendation to the County Commission on your behalf.*

**FINDINGS:**

Based on the analysis of the Industrial Protection Area application request for the creation of an Industrial 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. The current zone(s) and use of the applicants' properties meet the requirements set forth by the state code.
3. Any future zoning or zoning regulation changes affecting this land would require written approval from the landowners.

**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:**

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## **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation to the County Commission to accept the proposal to create the Agriculture Protection Area on multiple parcels in the West Brigham City 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 the Agriculture Protection Area on multiple parcels in the West Brigham City 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 the Agriculture Protection Area on multiple parcels in the West Brigham City area in unincorporated Box Elder County, based on the following findings:”

1. List findings for rejection...

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

