

November 21, 2017

UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION:** (Public Hearing)
- A. APPLICANT** - Utah County Commission
 - B. REQUEST** - Proposed amendment to the Utah County General Plan and amendment to the Official Utah County Zone Map from the Mining and Grazing (M&G-1) Zone to the Grazing (G-1) Zone
 - C. LOCATION** - Sections 10, 11, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28, 29, 32, 33, and 34, T8S R1E, and Sections 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 22, and 23, T9S R1E, West Mountain area of Utah County
 - D. ZONING** - Mining and Grazing (M&G-1)
 - E. ACREAGE** - Approximately 10,700 acres

II. ZONING ADMINISTRATOR’S REVIEW:

Property Information

The subject property consists of approximately 10,700 acres that are comprised of multiple parcels, the majority of which is owned by various state and federal agencies. The property comprises the majority of the geologic feature known as West Mountain. The property contains a number of transmission towers/facilities on the top of West Mountain, along with the observatory owned and operated by Brigham Young University. Other existing uses include agricultural, residential, and several gravel/earth extraction operations. Much of the property includes steep hillside, vacant grazing and range land, and areas for unimproved recreation such as hiking and four-wheeling. Future plans for an ATV park and shooting range have been under consideration on the southern end of the property.

Adjacent uses include agricultural, residential, gravel/earth extraction operations, and vacant land. A majority of the property lies within the Natural Hazards Overlay (NHO) Zone of Utah County for the following designated hazards: Rock fall, debris flow, and land slide. The property also lies within the Wildland Urban Interface area of Utah County. The southern end of the

property is adjacent to Genola City and Payson City, and portions of the property lie within both cities' annexation policy declaration.

Note: Parcels 28:004:0008, 28:009:0003, and 28:009:0004 lie within an agricultural protection area that was recorded May 19, 2014 in the Utah County Recorder's Office. Inclusion of these parcels in approval of this application would require written approval from all property owners within the agriculture protection area affected by the change as per Section 17-41-402 of the Utah State Code.

Property's Status in Present M&G-1 Zone

The large majority of the property is presently in the Mining and Grazing (M&G-1) Zone. Several parcels of the subject property have portions that lie within the Residential Agricultural (RA-5) Zone, or an adjacent incorporated city. Staff has not researched each individual property as it relates to eligibility for certain uses in that zone.

Applicant's Request

The Utah County Commission has asked the Planning Commission to review a proposed new zoning designation, the Grazing (G-1) Zone, which is part of a separate application. This new zone would maintain the grazing of livestock on the open range and the location of activities and land uses not appropriate near urban centers in the dry mountain and desert areas of the county, while preventing any new earth extraction operations and other potentially incompatible uses with residential and agricultural uses from commencing operation. This new G-1 Zone could be applied to areas of increasing conflict between these uses, including the West Mountain area, which is the subject of this application.

The proposed G-1 Zone is patterned after the existing M&G-1 Zone relative to residential densities and allowed uses. However, certain uses, including earth extraction operations, asphalt and concrete batch plants and associated uses and structures, landfills, explosives manufacturing and storage, among others, have not been included as permitted or conditional uses in the G-1 Zone as a way to prevent potential adverse effects related to the close proximity of incompatible uses.

Specifically, the County Commission has requested that staff provide data related to the following:

- Number of existing gravel extraction operations on West Mountain and their future production capacities.
- Population projections for south Utah County as it relates to future demand of aggregate materials associated with projected growth.
- Capacity and durability of roads which serve as major haul routes for the delivery of aggregate products from existing operations on West Mountain.

Staff understands the purpose of such data is related to the long-term viability of changing the zoning of West Mountain to prevent any new earth extraction operations, effectively eliminating

West Mountain as a source for aggregate products beyond the existing operations and their legal expansion options. **It should be noted, the data provided by staff is general in nature and is intended to provide the Planning Commission with background information related to the purpose of this application. Many variables exist related to this data and Planning Commission members are encouraged to consider such variables in coming to a determination of a recommendation to the County Commission as it relates to this legislative action.**

The above-referenced data is included as part of this report attached as the following:

- “**Mining/Earth Extraction Sites Located on West Mountain**”
- “**Mining/Earth Extraction Sites in Unincorporated Utah County Including City Sites on West Mountain**”
- “**Utah County Mining/Earth Extraction Locations (Unincorporated)**”
- “**South Utah County - Population Projection**”
- “**South Utah County - Total Dwelling Unit Projection**”
- “**South Utah County Gravel Industry Study**”

The new G-1 Zone is proposed to fall within the “Agricultural/Watershed” designation on the Land Use Map of the Utah County General Plan, 2014. As a result, Chapter 5 of the General Plan land would need to be amended to list the G-1 Zone as being included within the “Agricultural” designation associated with the land use map of the General Plan.

Applicable Ordinances and Laws

The following are ordinances and laws pertaining to this request:

1. **Section 1-2** of the Utah County Land Use Ordinance identifies the intent and purposes of the Ordinance.
2. **Section 5-7-A** identifies the purpose and intent of the Mining and Grazing (M&G-1) Zone of Utah County.
3. **Section 5-18-A** identifies the purpose and intent of the proposed Grazing (G-1) Zone of Utah County.
4. **Sections 7-23-C and 7-25** establishes the criteria for Planning Commission recommendation of approval to the County Commission for any land use ordinance or zone map amendment.

III. STAFF FINDINGS:

1. The application can be shown to meet the requirements of **Section 7-23-C-1** of the Utah County Land Use Ordinance, which requires the Planning Commission to find the amendment will conform to the land use element and other provisions of the general plan, due to the following:

-The proposal appears to be consistent with the General Plan intent of not allowing industrial uses in agricultural zones under the premise that 1) gravel extraction operations, including batch plants are more closely identified as industrial, and 2) the M&G-1 Zone's land use designation as agricultural is reflective of more sensitive crop production rather than livestock grazing and dry farming (found under "General Plan, Land Use Element Plan", "Industry as a land use" in Chapter 5, Utah County General Plan, 2014). **However, consideration should be given to areas of historical mining and extraction activities as it relates to the location and availability of resources on properties associated with these uses.**

2. The application needs to show it meets the requirements of **Section 7-23-C-2**, which requires the Planning Commission to find the amendment to be in the best interest of the health, safety, and welfare of the public. The application can be shown to meet this requirement with the intent of eliminating new earth extraction operations and other potentially incompatible uses with residential and agricultural uses on West Mountain.

However, if the intent of this application is to also consider the best interest of the health, safety, and welfare of the public beyond the West Mountain area, consideration should be given to the impacts of the potential dispersal/displacement of earth extraction operations to more remote areas of southern Utah County and beyond which would allow such uses, and the costs associated with that dispersal. This should also include consideration of the available locations of mineral resources.

Note: Section 3-25 of the Utah County Land Use Ordinance was recently amended by the Utah County Commission to enhance the requirements for extraction operations located within ½ mile of existing residential and agricultural uses to help further mitigate potential adverse effects from extraction operations on surrounding residents and agricultural operations.

3. The application needs to show it meets the requirements of **Section 7-23-C-3**, which requires the Planning Commission to find the amendment will more fully carry out the general purposes and intent of the ordinance.

-Section 1-2-C lists the promotion of efficient and economical utilization, conservation, and production of land, water, and other resources and facilities. Consideration should be given to the impact on the economical utilization of mineral resources resulting in the potential dispersal of extraction operations to more remote areas.

-Section 1-2-D lists the fostering of the county's agricultural and other industries as one of the intents and purposes of the ordinance. The application appears to help foster the county's agricultural industries, but could potentially adversely impact the county's earth extraction industries, particularly as it relates to the elimination of the mineral resources found on West Mountain as a location for new operations. Consideration should be given to the effectiveness of the recently approved land use ordinance change related to enhanced requirements for extraction operations, as it relates to this stated purpose of the ordinance.

-Section 1-2-H lists the lessening of hazards from traffic hazards as one of the intents and purposes of the ordinance. The application would appear to potentially lessen the amount of additional truck traffic as it would relate to the elimination of any new excavation operations on West Mountain. However, consideration should be given to the potential of increased truck traffic in other areas of the county where new operations would be dispersed to.

IV. ZONING ADMINISTRATOR'S POSITION:

That if the Utah County Planning Commission feels the proposal; 1) meets the intent of the Utah County Land Use Ordinance; 2) is consistent with the Utah County General Plan, 2014, and; 3) is in the best interest of the health, safety, and welfare of the public, then it consider:

Recommendation of approval to the Utah County Commission of the proposed amendment to the Utah County General Plan and amendment to the Official Utah County Zone Map from the Mining and Grazing (M&G-1) Zone to the Grazing (G-1) Zone, based on the minimum findings addressed above supporting that recommendation.

Note: A recommendation for approval should include a condition that any inclusion of parcels 28:004:0008, 28:009:0003, and 28:009:0004 as part of the property to be re-zoned would require written approval from all property owners within the recorded agriculture protection area affected by the change as per Section 17-41-402 of the Utah State Code.