

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES MAY 16, 2024

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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	Excused
Jed Pugsley	Vice-Chair
Lonnie Jensen	via telephone
Steven Zollinger	Member
Bonnie Robinson	Member
Jared Holmgren	Member
Jennifer Jacobsen	Member
Vance Smith	Alternate/Member

*the following Staff was present:*

Scott Lyons	Excused
Marcus Wager	County Planner
Destin Christiansen	Excused
Stephen Hadfield	Excused
Boyd Bingham	Co. Commissioner
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 April 18, 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 Vance Smith and passed unanimously.

**MOTION:** A motion was made by Commissioner Bonnie Robinson to strike Agenda Item 6c from the May 10, 2024 Agenda. The motion was seconded by Commissioner Jared Holmgren and carried unanimously.

### UNFINISHED BUSINESS

**ZONING MAP AMENDMENT, Z23-016, Request for a zone change of 11.905 acres from MU-160 (Multiple Use – 160 acres) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and 158.945 acres from MU-160 (Multiple Use – 160 acres) to MU-80 (Multiple Use – 80 acres) located in Willard Canyon at approximately 370 North 700 East currently parcel 02-006-0020 in Willard area of Unincorporated Box Elder County ACTION**

Staff explained this application was table for up to 6 months in December 2023. There have been no updates from the applicant. The item has been placed on the agenda as “Unfinished Business” which allows the Planning Commission the option to discuss without action as well as take action on the application if desired.

Staff read the standards for reviewing zoning map amendments as they apply to this application:

- A. Whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan;** In the Natural Resources Section the General Plan states: “We conserve our natural resources, which have inherent value and contribute to our quality of life in Box Elder County.” It also states “Soils and geotechnical considerations, such as fault lines, soil types, depth to bedrock...may also reveal factors to avoid when considering development.” Additionally in the Goals + Strategies section some of the goals that may apply are:
- Preserve sensitive lands and avoid developing on lands with natural hazards.
  - Improve access to public lands that provide hiking, biking, camping, hunting, fishing, and other recreational opportunities.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** The area is primarily mountainside and existing gravel extraction. There is some housing and orchards approximately 0.65 miles to the west of the property. The area has primarily been used for mining and recreation (hiking) for 30+ years. 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;** 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 applicant has stated that there will be no additional roads or utilities needed for this portion of property. All infrastructure related to the mining operation is already in place lower on the mountain and this request would only extend the mining area by 11.09 acres. Public roads receiving the majority of the impact in the vicinity of the gravel pit are owned/maintained by either Willard City or UDOT. Dust suppression has historically been a local complaint regarding the existing operation. A question for the applicant may be if there is sufficient water supply to better mitigate this negative impact.

Staff explained if the Planning Commission chooses to approve the application, an agreement should be put in place where Willard City is designated as the code enforcement body before an Administrative Conditional Use Permit is issued.



**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to forward a recommendation of approval to the County Commission for Application Z23-016, a zoning map amendment from MU-160 (Multiple Use 160 acre) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and MU-80 (Multiple Use 80 acre) zones with the addition of a code enforcement agreement between Box Elder County and Willard City prior to approval and adopting the conditions and findings of the staff. The motion was seconded by **Commissioner Jennifer Jacobsen** and unanimously carried.

**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.
4. A code enforcement agreement between Box Elder County and Willard City designating Willard City as the code enforcement body.

**WILLARD CANYON SUBDIVISION, SS23-021 Request for approval for 1 new non-residential lot located on the north side of Willard Canyon in Unincorporated Box Elder County. ACTION**

Staff explained this item was tabled for up to 6 months at the December 2023 meeting. This parcel is being created for the mining operation, leaving the rest of the parcel designated as MU-80. County code states if there are two zoning designations on a property, the zone taking up more of the property should be the only zone. No structures are being proposed and access would be via Willard City roads and through the existing gravel mining operation.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve Application SS23-021 a request for a non-residential lot located on the north side of Willard Canyon and adopting the conditions and findings of staff with emphasis on Conditions #1 and #2. The motion was seconded by **Commissioner Steven Zollinger** and unanimously carried.

**CONDITIONS:**

1. Approval by the County Commission of Zoning Map Amendment application Z23-016.
2. Compliance with review and approval by the County Surveyor, Engineer, Roads Department, and Building Official.
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.

## **PUBLIC HEARINGS**

Vice-Chair Jed Pugsley 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, Z24-004, Request for a zone change of 110 acres from A-20 (Agriculture 20 acres) to RR-2 (Rural Residential 2 acre) located at approximately 4000 W 12800 N in the Collinston area of Unincorporated Box Elder County.**

Staff stated the applicant is requesting parcel 06-041-0015 (110 acres) be rezoned from A-20 (Agriculture 20 acres) and RR-2 (Rural Residential 2 acres) to the RR-2 (Rural Residential 2 acres) zone. The surrounding land uses are Rural Residential and Agricultural.

Staff read the outline for reviewing zoning map 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: This plan suggests that most growth should occur in the cities and towns. The County can adopt policies to encourage that to happen but must continue to recognize private property rights and coordinate with the incorporated communities.

Existing zoning reflects a combination of concepts, with MU-40 encompassing gravel extractions industries, dry farm, grazing operations, and food production zones. Two-acre and one-acre zones accommodate single family. An A-20 zone lies west/down slope from the canal on the north end.

Future Land Use: as part of the agricultural heritage area, large lot zoning should continue, which encourages continued agricultural activity and open space. Dry farms may or may not continue to be viable depending on drought conditions. Water storage and distribution systems for irrigation and culinary use should be explored. Gravel pit industries may have development conflicts (dust, noise, hours of operation) due to their prevalence in the area.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** The area is mainly agricultural uses with some residential as well. The Planning Commission needs to decide if a RR-2 zone could be considered 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.** It is unknown what the extent of the adequacy of facilities is in this area but water may be a limiting factor.

The public hearing was then opened for comments.

Richard Garrett, Collinston, lives 1 ½ miles from the proposed rezone area. He is concerned with the potential of 55 homes. There is only one road into the property which would cause infrastructure issues with emergency response vehicles. His biggest issue is water, the Division of Water Resources has declared this area over-appropriated for water. Mr. Garrett is also concerned with the impact on the school district. The proposed zone change will be a disaster on our schools.

John Losee, applicant, stated the chances of 55 homes being built there is zero. He has no plans for any more homes than his own. With the surrounding area zoned as RR-2, it makes sense to zone his property RR-2 also. He has a culinary hook-up to the spring located on his property so he will not need water from anywhere else. Mr. Losee will add an asphalt road as requested by his wife. He understands the area is farming and looks forward to when he is done farming for the day, he can be within minutes of going to his home vs. driving to Garland every night. He has been approached by six developers to develop the land but he has refused them all. There will be virtually no impact or change to the area.

Kyle Potter, Collinston, gave a history of the zoning plan put in place 30 years ago for Collinston. He has seen this before, the property owner states they are not planning on development but once the zone change is in place, development is made easier. Fire protection and ambulance service will need to be relied on from other small communities. Mr. Potter encouraged the Planning Commission to not veer away from the County General Plan and recommends they deny the request.

Karli Bitner is opposed to the proposed rezone and potential development of the 110 acres in Collinston. There are already not enough bus drivers for the school system. She is concerned with the roads and the increase in traffic this change could potentially bring. There is only one through-road to the center of Tremonton, she and her family ride their bikes and run on this road. There are no sidewalks, which poses a significant safety risk. Ms. Bitner feels the safety and the quality of life for the current residents should be a top priority.

Craig Feller, built his home in Collinston in 1977. In 1980 he opposed a development in the area for the same reasons being said here tonight. There used to be a couple of duck ponds down by his home where geese, ducks, and deer would frequent, but are now destroyed. It is a shame the deer and the birds don't go there anymore. He guesses it's just a sign of progress.

Zac Groom opposes the proposed rezone for the same reasons already stated. He is concerned with water and stress on the infrastructure, and the bus schedule for his family is already difficult, He would like to see less and less development.

Burke Jensen is in agreement with what has already been said. It seems a little excessive to rezone for just one home. He applauds Mr. Losee for not wanting to destroy farmland. As a nation, we are becoming food insecure and losing farm ground at an alarming rate. He is also concerned with water being over appropriated in the area. If ownership changes, the property is already zoned for more homes creating more water and sewer issues. Cities are more equipped for this kind of infrastructure.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Zoning Map Amendment, Z24-004. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

### **ACTION**

Staff explained the Planning Commission will need to determine if the proposed zoning map amendment meets the approval standards of section 2-2-080-E of the land use code.

**Commissioner Jared Holmgren** asked if the current zoning would restrict where a house could be built. Staff replied as long as the applicant can meet the setbacks and stay out of the wetlands or flood plain areas, they can build anywhere on the property.

**Commissioner Vance Smith** said with the applicant also owning the parcel to the north, zoned as RR-2, he has plenty of ground he could legally develop and with the RR-2 zone surrounding the area, it would be hard to make the justification that it is not harmonious with the precedence already set. There will be a handful of regulations allowing a large subdivision to go in and geographical issues limiting what the applicant already owns at RR-2.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application, Z24-004, a request for a zone change of 110 acres from A-20 (Agriculture 20 acres) to RR-2 (Rural Residential 2 acre) and adopting the conditions and findings of staff and with the additional comment of: with RR-2 already being in the area and contiguous to this parcel, it would be difficult to not forward a recommendation of approval. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

### **CONDITIONS:**

1. Compliance with Section 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 5 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.



**ZONING MAP AMENDMENT, Z24-006, Request for a zone change of 19.75 acres from Un-Zoned to A-1/2 (Agriculture – ½ acre lots) located at approximately 4542 W 14800 N in the East Garland area of Unincorporated Box Elder County.**

Staff stated the applicant is requesting parcel 06-048-0012 (19.75 acres) be rezoned from Unzoned to the A 1/2 (Agriculture 1/2 acre) zone. The parcel is located in the East Garland area. The surrounding land uses are Agricultural and Rural Residential and the surrounding area is Unzoned.

Staff read the standards for reviewing zoning map 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: This plan suggests that most growth should occur in the cities and towns. The County can adopt policies to encourage that to happen but must continue to recognize private property rights and coordinate with the incorporated communities.

The area is not zoned. Although there is an argument for properties to remain unzoned, which is mostly a property rights discussion, the possibility of unwanted and incompatible uses is highly likely in areas that lack zoning. An A-20 zone could be appropriate in East Garland, after a lot size evaluation through GIS mapping.

Future Land Use: as part of the agricultural heritage area, large lot A-20 zoning should be established to encourage continued agricultural activity with an allowance for smaller lots along major roads. Irrigation capabilities, water rights, and culinary system potential should be studied to assure the current system can serve the area in the future.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** The area is mainly agricultural uses with some residential (to the east) as well. The Planning Commission needs to decide if an A ½ zone could be considered 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.** It is unknown what the extent of the adequacy of facilities is in this area but water may be a limiting factor.

Staff explained there has been some confusion regarding this application. The request is for a zoning map amendment not a subdivision. Unzoned areas allow for almost anything. The only limited items are landfills and gravel pits which need to be zoned specifically for those two things.

The public hearing was then opened for comments.

Staff read into record emails received from Brian Shaffer, Taler Gunderson, and Bryan Bingham who were unable to attend the public hearing.

*(See attachment No. 2 – emails.)*

Brodie Calder, applicant, read a prepared statement explaining the intentions of the zoning map amendment and to clear up any misunderstandings.

*(See Attachment No. 3 – Brodie Calder statement.)*

Laura Calder, applicant, read a prepared statement regarding property rights.

*(See Attachment No. 4 – Laura Calder statement.)*

Josh Munns, represent the Munns Family Trust which owns the property to the west since 1981. The road width going in on the county road is not big enough for a subdivision. They measured from the south side of the road, and at 40 ft., the road would be in people's front yard. He said 4800 West is a private road maintained by the local farmers to access their fields and irrigate. The spring there is drank out of, swam in and fished in. When that field is watered the gallons per minute in his spring go up in 6 – 7 hours. He agrees everyone has the right to do what they want with their property, he has a family paradise he loves. He just doesn't want them stacked on the property like sardines. The acreage would allow for 30 -31 homes which requires a second access, and there isn't one. He is concerned with the septic getting into their drinking water.

Tyson King, lives where the road will go through. He is concerned with having kids on an asphalt road and more traffic. He measured for the road and said it would impede on his and his neighbor's property. He is opposed to the zone change.

Brent Shaffer, understands property rights. His concerns are the 14800 North family right-of-way. They measured it today and from lot to center of the road is 16 ½ ft., giving a 33 ft. right-of-way to get to the property. The road is a one-way-in and one-way-out to the property. It becomes a choke point for any emergency services. He would like to keep high density near the cities who have the services and ability to service the septic systems. Water is also a concern. Mr. Shaffer feels the county does not keep up with the increased density with the roads. He understands this is a zone change and not a subdivision but it does open it up for the future.

Michelle Bingham, Riverside, thinks 5-acre lots would be a better proposal. A lot of the existing homes there did not need ½-acre lots to build next to mom and dad. She is also concerned with the schools, the classrooms are already overgrown. The Calder's history shows they are planning future developments.

Wesley Pierson understands this is a zone change, but thinks it is a predecessor to a subdivision. More houses means more traffic and more accidents. The roads will not support any more traffic.



Jesse Shaffer owns part of the road that is a right-of-way to the farms. He understands it is not a county road, however, it is a road people use and is hard to maintain. Many drivers are not property owners in the area. He is concerned with having to restrict right-of-way access to only property owners along the road.

Kyle Potter said we have reached a point in our county where we need to ask ourselves how much we value production in agriculture. Production is being lost at an alarming rate. He encouraged the Planning Commission to protect this ground and keep another generation on it for the future.

Brendon Bailey is a recent transplant to the area from Pleasant View. He said when Pleasant View became too crowded for him, he moved to Riverside. He said people want to move in and then slam the door shut behind them, meaning it's okay to for me to subdivide my land for my kids, but it's not okay for anyone else. He values the agricultural aspect of the county and advises the farmers to not sell their farms to developers. It's a simple solution. He feels what we are debating is not a rezoning proposal but whether the county should have more subdivisions and how it impacts agriculture in the area. He said there are already measure in place to protect agriculture.

Devin King lives in the house on the corner and is concerned with the width of the road leaving only 15 ft. to come out of the garage. He is also concerned with adding more wells.

Monica Clevenger said her family would have sold her 5 acres to build on in Bothwell, but they were unable to afford what the property was worth. They chose to move to an affordable piece of property and built their home. She supports private property rights and what the Calder's choose to do with their property.

Dillon Munns said he is a 6<sup>th</sup> generation farm kid from Garland. He hopes as the future comes and changes happen, his little family paradise will stay the same, the road will be maintained and the water from the spring will still be as crisp and clear as it is today. He hopes the Planning Commission understands the meaning of preserving what we have.

Jake Larsen said he is not here to tell people what they can or cannot do with their property. You have to earn the right to live in the area. He wants the Calder children to come and live there, but he does not want the doors open to have more than their kids to come and live. He is looking at his children's future also.

John Shaffer is a heavy equipment operator and driving on the road as narrow as it is makes safety a factor. If the property were to become a subdivision, kids are also a risk factor.

Gatlin Lear supports the Calder's property rights and wants them to be able to provide for their children. He does oppose the ½ acre lot size though. Even if the plans are for their kids and grandkids to build there, that is still a lot of homeowners driving past him and his children every day. He would like to see a compromise on lot size. Mr. Lear stated we have elected representatives who can make laws and legislation according to community views. He believe this community is opposed to ½ acre lots and is glad he can exercise his rights.

Jeff Miller said it is bothersome there is potential for 30+ lots. He feels that many homes may infringe on his property rights. He has cattle in the area and feels people and cattle do not go hand in hand.

Bailey Shaffer is in the same boat as Gavin and Jeff whose parents gave them land to build on. He is all for the Calder's having family move back and stay close. He is concerned with the small lots there is potential for a lot of houses. Whether they are the Calder kids or not, it is still a lot of homes which increases the traffic. The road is already very dangerous. Whatever decision is made, he asked the commission to please consider safety and do something with the road. Slowing it down, putting in a stop light, putting in a 4-way stop, do something to make the section of 4400 West more safe.

Jared Fawson said he loves his neighbors and lives in the area for a reason. He loves the rural community, not a high density lifestyle. He said 14800 North is not wide enough for the property to be zoned for ½ acre lots.

Mike Olsen is concerned with the traffic. He said the traffic on 4400 west is crazy. People go at least 80 miles an hour on a 45 mph road. There is always traffic there and if it is zoned to where they can put that many more homes, there will be that much more traffic. He encouraged the commissioners to look at the safety in the area.

Jake Jensen said this is a zoning matter and the county uses the zoning ordinances to help with the master plan. He would like it to show an honest depiction of what is supposed to be there to help those who make the decision know what to plan for.

Brenda Sagers said we all have rights to our ground. Her property is zoned as 5 acres in Bothwell. She is concerned with what will happen with the 20 acres when their grandkids and great grandkids want to live close. She wants this brought into perspective and not let all the subdivision take over. She said otherwise we will be contacting Russia or China saying we don't have any food in America because we sold all our ground off. She encouraged the commission to get realistic and decide what is best for people.

Jon Rhodes takes care of his grandfather's farm. He is all for family and children, we work our whole lives working to give our kids something. We shouldn't be opening the doors for subdivisions, we need to conserve our agriculture.

Burke Jensen is concerned with food and farms especially after hearing from Mr. Munns about their spring and water and how fast the gallons per minute increases. He asked if there is a county code regarding the width of the road.

Derek Oyler said he spends 4-6 days a month in public meetings and people usually don't show up like they have here. Government is run by people who show up. He thinks there is more work to do in the area in regards to planning. He is on the Ukon Water Board and said it's hard to plan when the future isn't known with Unzoned areas. The Calder family request is legal and allowed,



but feels there is more to do as a community and speak up a little more other than when something is happening in our back yard.

Tiffany Fawson asked where Ukon is going to get the water. She does not want her 60 year old mom to be without water. She wants her kids to grow up in the country and learn about agriculture. She agrees with the Calders to keep family close but does not understand why we need 30 homes there.

Boyd Bingham, County Commissioner, appreciates the opportunity for the community to come and have a voice. He has listened to what has been said about the roads and traffic and how the county needs to widen the roads and build new bridges. He understands what is needed, but questions how the county would pay for these things? How many miles of road will make it safe? Commissioner Bingham agrees we need to come up with better ideas of how to plan, how to make the improvements, and how to work together.

Hearing no further comments, a motion was made by **Commissioner Steven Zollinger** to close the public hearing on the Zoning Map Amendment, Z24-006. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

## **ACTION**

Staff stated it seems throughout the public comment period, there was an overarching theme of people not wanting to open this up to more than just the Calder children living there. Before anything happens with this application, the applicant could bring in an application for a subdivision with ½ acre lots and because the property is Unzoned, the subdivision could happen.

**Commissioner Jed Pugsley** thanked the public for coming and letting their voices be heard, the comments did not fall on deaf ears. He said there are approval standards for reviewing zoning map amendments and our decision will be based on those standards.

**Commissioner Jared Holmgren** said as far as planning for the future, this request is what we shoot for. They have a plan for it, come and zone for it, so the rest of the world can plan for what is coming. Where the property is Unzoned the applicant could do a lot more other than houses. He feels it is good planning.

**Commissioner Bonnie Robinson** loves agriculture so she understands that side of it but where the property is unzoned anything can happen. Zoning protects your rights.

**Commissioner Vance Smith** appreciates the comments made and applauds the multi-generational farmers. He has a moral obligation with NIMBY (not in my backyard). He struggles with trying to limit someone else's property rights. He sees this application as the Calders rezoning to something they are currently allowed to do, but giving it a designation making it easier for the commission to work with property owners moving forward.

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to forward a recommendation of approval to the County Commission for application Z24-006, a zoning map amendment from Unzoned to A ½ (Agriculture ½ acre) zone and adopting the conditions and findings of staff. The motion was seconded by Commissioner Vance Smith and passed unanimously.

**CONDITIONS:**

1. Compliance with Section 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 5 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, Z23-018, Request for a text amendment to Sections 6-1-240(I) & (K), Subdivisions, of the Box Elder County Land Use Management & Development Code**

This item was cancelled.

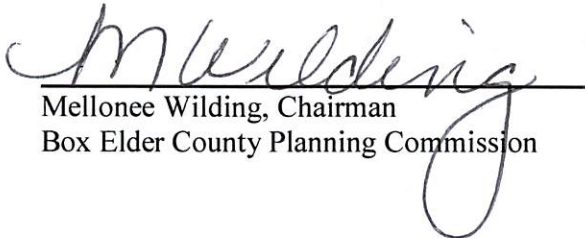
**NEW BUSINESS - NONE**

**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 meeting adjourned at 9:20 p.m.

  
Mellonee Wilding, Chairman  
Box Elder County Planning Commission



**PLANNING COMMISSION MEETING**  
**Thursday May 16, 2024**

NAME	ADDRESS	AGENDA ITEM
Bridie Calder & Laura Calder	4542 W 14800 N Garland	Public Hearings 224-006
Craig FELLER	4050 W. 12,800 N.	PUBLIC HEARINGS
Randi Smith	4465 W 13600 N Garland	
Brad Wells	781 N 800 W Brigham	Public Hearing
Brent Shaffer	15145N 4800W Garland, UT 84312	Public Hearing Zoning Change
Colleen Shaffer	" "	"
Shelley Austin	4339 W 14400W Garland, UT	"
Mike Austin	4339 W 14400N Garland UT	"
Diana Baker	276 W Center Willard	
Mikhail Jackson	13885 N 3100W Collinston	"
Charlotte Jackson	13885 N 3100W Collinston	"
Tyson King	14815 N 4400 W Garland UT	224-006
Devin King	17417 N Edgewood PL Deweyville ??	
John Shaffer	4990 W 14400 N Garland UT	"
Roy Shaffer	4990 W 14400 N Garland UT	"
Patti Shaffer	4990 W 14400 N Garland UT	"
Courtney Shaffer	4820 W. 14400 N Garland UT	"
Jesse Shaffer	4820 W 14400 N Garland UT	"
JEFF MILLER	14973 N 4400 W GARLAND	"

## PLANNING COMMISSION MEETING

NAME	ADDRESS	AGENDA ITEM
Whitney Miller	14973 N 4400 W Garland	"
Dylan Munns	697 N main Garland	Public Hearing
Josh Munns	697 N. Main Garland	Public Hearing
Sindy Munns	465 N. Main Garland	Public Hearing
John Losee	246 W 780 S Garland	Rezone
Patrick Kirby	3452 W 12800 N Deweyville	Public Hearing
Coit Mund	98 N. Main St Brigham	Rezone
Jeremy Kimpton	80W 50S William	Rezone
Mike Bruegger	36 N. 200 W. William, UT	Rezone
Keeton Isaacson	4660 W 14400 N Garland UT	rezone
abbi hoskins	4660 W 14400 N Garland UT	rezone
Shariann Murphy	4660 W 14400 N Garland UT	Rezone
Richard Garrett	13760 N 3100 W, Collinston, UT	Rezone
Kassie Rhodes	5050 W. 12800 N., Garland, UT	Public Hearing
Jon Rhodes	5050 W 12800 N Garland	Public Hearing
Gatlin Lear	4448 W 14800 N Garland	Rezone
Ann Larson	14760 N 4400 W Garland	Rezone
Bailey Shaffer	14911 N 4400 W Garland	Rezone
Jared Fawson	14865 N 4400 W Garland	Rezone

Kyle Potter

Collinston

Losee Rezone

Zac Groom

"

Derek Oyler

5-16-24

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## PLANNING COMMISSION MEETING

NAME	ADDRESS	AGENDA ITEM
Tiffany Fawson	14865 N. 4400 W Garland	Rezone
Rachel Crane	3426 W 12800 N Deweyville	Zoning change
Monica Cleverger	4590 W 13600 N Garland	all
Karli Bitner	13725 N 3100 W Collinston	rezone change
Boyd Bingham	3525 W 8000 N Honeyville	—
Steve Narmaw	7590 W 2400 N Curinne	all
Jeff's Laura Wells	1254 N Main Willard	
TERREY JACKSON	14970 N 4400 WEST GARLAND	
Trisha Boyle	14022 W. 4400 W. Garland UT 84312	
Burke Jensen	Collinston	a / /
BRANDON BAILEY	15550 N. 4950 W. GARLAND	REZONE
Wesley Pierson	13465 NE Garland Rd Garland	Hearing
Jake Jensen	14255 N 3100 W Collinston	Zoning Change
Brenda Jagers	visitors	
Michelle Bingham	15270 N. 5325 W. Riverside	#66 rezone
Simon Sr	14398 N 4400 W Garland	Zoning change
Shelley Olsen	14700 N 4400 W Garland	all
Mike Olsen	14700 N 4400 W Garland	all
Bonnie Ashby	15805 N. 4400 W Garland	
Travis Spencer	14016 N. 3100 W. Collinston	Rezone. change.
Dave K Larson	14398 N 4400 W Garland UT.	Rezone



Diane Fuhriman <dfuhriman@boxeldercounty.org>

## Fwd: Agenda 5/16/2024 East Garland

1 message

Thu, May 16, 2024 at 8:01 PM

----- Forwarded message -----

From: **Taler Rawlins**  
Date: Thu, May 16, 2024 at 6:02 PM  
Subject: Agenda 5/16/2024 East Garland  
To:

We do not need another big development in our rural area because it has a great impact on our small farming community. If we continue to allow big developments in our communities we will no longer have the space to farm. These developments have a great impact on the people living in these areas and divide the community. We do not want another big development in our area. The only people benefiting from these subdivisions are the developers who are outbidding the farmers and they don't have the communities best interest in mind, all they care about is money not the impact they have on the members of the community or the way of life they are killing.

Taler Gundersen  
13445 North East Garland Road  
Garland, Utah 84312

Att. #2





Diane Fuhriman <dfuhriman@boxeldercounty.org>

---

## Fwd: Planning and zoning 1/2 acre lots

1 message

Thu, May 16, 2024 at 8:02 PM

----- Forwarded message -----

From: **Bryan Bingham**

Date: Thu, May 16, 2024 at 6:42 PM

Subject: Planning and zoning 1/2 acre lots

To:

To whom it may concern:

My name is Bryan Ivan Bingham. I am a resident of Box Elder County. I reside in Riverside. I also manage the family farm owned by Martha and the late Ivan Bingham at 14735 N 4400 W Garland, UT. The farm sits adjacent to the property in question.

I am opposed to changing the agricultural land into 1/2 acre lots . If you have any questions please feel free to reach me 435 279 3774. Thanks!

Bryan Ivan Bingham

15270 N 5325 W

PO Box 41

Riverside, UT 84334

Yahoo Mail: Search, Organize, Conquer

Att. #3

## Meeting:

I want to start off by stating what this application is for because there have been some misunderstandings. First of all our property is NOT ZONED. Let's be clear that right now because it is UNZONED I could develop this into what I am requesting. I could use this property not only for agricultural or residential, but also for commercial or industrial use. By me zoning my property, I am actually giving up some of property rights to make my intent with my property clear. This is NOT a subdivision application. If we were subdividing this property right now we would have done a subdivision application and zoning it first would have been totally unnecessary. Our intent is to zone this property to protect and exercise our current property rights for our children and posterity to one day live there.

The A-½ zoning we are zoning our property means we can use it for agriculture but also have as little as half acre lots that we can break off for our children. The purpose of zoning is a "like" for a "like." We picked this zoning because this is what has been done in the area.

In fact, there have been 110 lots within just a 1 mile radius in the last 20 years. That includes 24 subdivisions. Please see the attached excel spreadsheet to see that what we are requesting is a "like" for a "like" and is in harmony with what has already happened in our area.

We bought this property UNZONED in 2017. We bought it for our kids. We bought every single acre at developable prices because that is the best use and value for the property. You might remember us from 2021 when we came to the public meeting about the County General Plan where we explained even then that we had bought our property for our children to live on. That night at the meeting it was explained the plan is NOT zoning. True to that fact our property is still considered UNZONED. The County plan is used to guide future planning and growth, and was created by surveying the public.

The reason why it did not zone property is because it only took the public's perspective and the property owner DID NOT HAVE ANY SAY regarding their OWN property. That is why it is just a guide. As we have taken part in seeing growth and development in our county, we have decided, and under the guidance of legal council, we want to have our input with our property right's respected regarding our OWN property. This will help with better planning if we get the property owner's intent so the county can make better decisions.

So this zoning is within our current rights, and is a like for a like, but we also want to show the infrastructure currently supports the zoning.

1. Water: Attached is a letter from Ukon water company showing they have available water. We also have attached a copy of our water right which is more than enough water. We also own irrigation water that can be used as secondary.
2. Septic: We actually have a barn we just built and the septic perc test passed without issue with the health department. So there is reason to believe there is no issue and the



health department would have to review the septic type and application for the future lot/subdivision.

3. Road: We have attached a letter from Scott Lyons and Office of Property Rights Ombudsman addressing the county road and that it is acceptable for development.
4. Power: Power is available on that street because it is right by our house and a service letter for power is attached.
5. Gas: Propane is what is in the area and the attached letter for service of the propane is attached.

So as you can see the infrastructure supports this zoning.

<b>Name</b>	<b>Date</b>	<b>Lots</b>	<b>Distance</b>
Calder Family Subdivision	06/12/2014		1 0 Miles
Gatlin & Kimber Lear Subdivision	08/04/2019		1 0.11 Miles
Bailey Shaffer Subdivision	04/07/2020		1 0.12 Miles
Jeffrey Miller Subdivision	10/10/2014		1 0.15 Miles
Jackson Subdivision Phase 2	04/24/2012		1 0.17 Miles
Jackson Subdivision	08/04/2008		1 0.18 Miles
Wesley Larson Subdivision	08/30/2018		1 0.18 Miles
New Beginnings Subdivision	09/01/2023		4 0.19 Miles
Riverbend Estates Subdivision 1 & 2	10/7/2015		30 0.44 Miles
Riverside Ranch Subdivision	09/04/2019		1 0.45 Miles
Berva Thurston Subdivision 1 & 2	04/29/2009		3 0.46 Miles
Delbert Bruderer Subdivision	12/16/2022		1 0.54 Miles
Austin Subdivision	05/17/2019		2 0.59 Miles
Bear Hollow Ranch Subdivision	12/1/2011		19 0.6 Miles
Dave Shaffer Subdivision	05/14/2018		2 0.6 Miles
M&M Estates East Subdivision	08/15/2014		3 0.65 Miles
M&M Estates Subdivision	06/08/2009		14 0.72 Miles
Grovers Small Subdivision	04/14/2012		1 0.79 Miles
Marriott Meadows Subdivision	11/01/2001		12 0.84 Miles
Coombs Subdivision	11/20/2019		1 0.86 Miles
Hampton Ford Subdivision	07/01/2004		1 0.89 Miles
Coy Ashby Subdivision	11/3/2017		1 0.92 Miles
Washakie Estates Subdivision	03/13/2004		8 0.94 Miles
Total Lots			110



May 16, 2024

To whom it may concern,

Ukon Water Company has 60 + water shares available for purchase. Recently the board adopted the guideline to have new applicants bring their own water to ensure we have availability for potential growth. The new applicants must bring an approved division of water rights and transfer those rights to Ukon Water Company in exchange for a culinary water share.

Sincerely,

Derek Oyler  
Ukon Water President

# Water Right Details for 29-4781

Utah Division of Water Rights

5/16/2024 8:35 AM

(WARNING: Water Rights makes NO claims as to the accuracy of this data.)

Water Right: 29-4781

Application/Claim: A82728

Certificate:

## Owners:

Name: Brodie and Laura Calder  
Address: 4542 W 14800 N  
Garland UT 84312

Interest:

Remarks:

## General:

Type of Right: Application To Appropriate      Source of Info.: Application to Appropriate      Status: Approved

Quantity of Water: 8.28 ACFT

Source: Underground Water Wells (2)

County: Box Elder

Common Description: 1.2 Miles South East Riverside

Proposed Det. Book: 29-

Map:

Pub. Date:

Land Owned by Appl.:

County Tax Id#: 06-048-0100

## Dates:

Filing:

Filed: 06/30/2021

Priority: 06/30/2021

Decree/Class:

Advertising:

Publication Began: 08/04/2021

Publication End: 08/11/2021

Newspaper: The Tremonton Leader

Protest End Date: 08/31/2021

Protested: Protested and

Hearing Held: 11/08/2021

Approval:

State Eng. Action: Approved

Action Date: 06/28/2022

Recon. Req. Date:

Recon. Req Type:

Certification:

Proof Due Date: 06/30/2027      Extension Filed Date:

Election or Proof:

Election/Proof Date:

Cert./WUC Date:

Lapsed, Etc. Date:

Lap. Ltr. Date:

Wells:

Prov. Well Date:

Most Recent Well Renovate/Replace Date:

## Points of Diversion:

Points of Diversion - Underground:

(1) N 214 ft. W 1225 ft. from E4 corner, Sec 13 T 12N R 3W SLBM

Well Diameter: 6 in.

Depth: to 500 ft.

Year Drilled:

Well Log:

Well Id#:

Elevation:

UTM: 406140.24, 4625812.867 (NAD83)

Source/Cmnt:

(2) N 222 ft. W 956 ft. from E4 corner, Sec 13 T 12N R 3W SLBM

Well Diameter: 6 in.

Depth: to 500 ft.

Year Drilled:

Well Log: No

Well Id#:

Elevation:

UTM: 406222.231, 4625815.306 (NAD83)

Source/Cmnt:



**Water Uses:**

Water Uses - Group Number: 729304

Water Use Types:

Irrigation-Beneficial Use Amount: 2 acres      Group Total: 2      Period of Use: 04/01 to 10/31

Stock Water-Beneficial Use Amount: 10 ELUs      Group Total: 10      Period of Use: 01/01 to 12/31

Place Of Use:	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	
Sec 13 T 12N R 3W SLBM								X									2
Group Acreage Total :																2	

**Use Totals:**

Irrigation sole-supply total: 2 acres      for a group total of: 2 acres  
 Stock Water sole-supply total: 10 ELUs      for a group total of: 10 ELUs

**Protestants:****Application Protestants:**

Received: 08/31/2021      Type: Application

Name: Bear River Canal Company  
 Address: c/o Emily E. Lewis, Attorney  
 201 S. Main Street, Suite 1300  
 Salt Lake City, UT 84111-2216

Comments:

Received: 08/31/2021 (Withdrawn)      Type: Application

Name: Bear River Club Company  
 Address: c/o Carl Stettler  
 P.O. Box 543  
 Brigham City, UT 84302

Comments:

Received: 08/31/2021 (Withdrawn)      Type: Application

Name: U.S. Fish and Wildlife Service  
 Address: c/o Brian Caruso, Agent  
 P.O. Box 25486, DFC, Mailstop 60189  
 Denver CO 80225-0486

Comments:

# Water Right Details for 29-4782

Utah Division of Water Rights

5/16/2024 8:34 AM

(WARNING: Water Rights makes NO claims as to the accuracy of this data.)

Water Right: 29-4782

Application/Claim: A82729

Certificate:

## Owners:

Name: Calder Family Farm LLC  
Address: 4542 W 14800 N  
Garland UT 84312

Interest:

Remarks:

## General:

Type of Right: Application To Appropriate      Source of Info.: Application to Appropriate      Status: Approved  
Quantity of Water: 8.42 ACFT

Source: Underground Water Wells (2)

County: Box Elder

Common Description: 1.2 Miles South West Riverside

Proposed Det. Book: 29-

Map:

Pub. Date:

Land Owned by Appl.:

County Tax Id#: 06048-0109

## Dates:

Filing:

Filed: 06/30/2021

Priority: 06/30/2021

Decree/Class:

Advertising:

Publication Began: 08/04/2021

Publication End: 08/11/2021

Newspaper: The Tremonton Leader

Protest End Date: 08/31/2021

Protested: Protested and

Hearing Held: 11/08/2021

Approval:

State Eng. Action: Approved

Action Date: 06/28/2022

Recon. Req. Date:

Recon. Req Type:

Certification:

Proof Due Date: 06/30/2027      Extension Filed Date:

Election or Proof:

Election/Proof Date:

Cert./WUC Date:

Lapsed, Etc. Date:

Lap. Ltr. Date:

Wells:

Prov. Well Date:

Most Recent Well Renovate/Replace Date:

## Points of Diversion:

Points of Diversion - Underground:

(1) N 766 ft. W 1000 ft. from E4 corner, Sec 13 T 12N R 3W SLBM

Well Diameter: 6 in.

Depth: to 200 ft.

Year Drilled:

Well Log:

Well Id#:

Elevation:

UTM: 406208.82, 4625981.117 (NAD83)

Source/Cmnt:

(2) N 991 ft. W 1003 ft. from E4 corner, Sec 13 T 12N R 3W SLBM

Well Diameter: 6 in.

Depth: to 500 ft.

Year Drilled:

Well Log: No      Well Id#:

Elevation:

UTM: 406207.906, 4626049.697 (NAD83)

Source/Cmnt:



**Water Uses:**

Water Uses - Group Number: 729306

Water Use Types:

Irrigation-Beneficial Use Amount: 2 acres      Group Total: 2      Period of Use: 04/01 to 10/31

Stock Water-Beneficial Use Amount: 15 ELUs      Group Total: 15      Period of Use: 01/01 to 12/31

Place Of Use:	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	
Sec 13 T 12N R 3W SLBM								X									2
Group Acreage Total :																2	

**Use Totals:**

Irrigation sole-supply total: 2 acres      for a group total of: 2 acres  
 Stock Water sole-supply total: 15 ELUs      for a group total of: 15 ELUs

**Protestants:****Application Protestants:**

Received: 08/31/2021      Type: Application

Name: Bear River Canal Company

Address: c/o Emily E. Lewis  
 201 S. Main Street, Suite 1300  
 Salt Lake City, UT 84111-2216

Comments:

Received: 08/31/2021 (Withdrawn)      Type: Application

Name: Bear River Club Company

Address: c/o Carl Stettler  
 P.O. Box 543  
 Brigham City, UT 84302

Comments:

Received: 08/31/2021 (Withdrawn)      Type: Application

Name: U.S. Fish and Wildlife Service

Address: c/o Brian Caruso, Agent  
 P.O. Box 25486, DFC, Mailstop 60189  
 Denver CO 80225-0486

Comments:

# Water Right Details for 29-4832

Utah Division of Water Rights

5/16/2024 8:32 AM

(WARNING: Water Rights makes NO claims as to the accuracy of this data.)

Water Right: 29-4832

Application/Claim: A83100

Certificate:

## Owners:

Name: Calder Family Farm, LLC  
Address: 4542 W 14800 N  
Garland, Utah 84312

Interest:

Remarks:

## General:

Type of Right: Application To Appropriate      Source of Info.: Application to Appropriate      Status: Approved  
Quantity of Water: 6 ACFT

Source: Underground Water Well

County: Box Elder

Common Description: 1.2 Miles SW of Riverside, Ut

Proposed Det. Book: 29-

Map:

Pub. Date:

Land Owned by Appl.: Yes

County Tax Id#: 06-048-0100

## Dates:

Filing:

Filed: 01/26/2022

Priority: 01/26/2022

Decree/Class:

Advertising:

Publication Began: 02/16/2022

Publication End: 02/23/2022

Newspaper: The Tremonton Leader

Protest End Date: 03/15/2022

Protested:

Hearing Held:

Approval:

State Eng. Action: Approved

Action Date: 05/20/2022

Recon. Req. Date:

Recon. Req Type:

Certification:

Proof Due Date: 05/31/2027      Extension Filed Date:

Election or Proof:

Election/Proof Date:

Cert./WUC Date:

Lapsed, Etc. Date:

Lap. Ltr. Date:

Wells:

Prov. Well Date:

Most Recent Well Renovate/Replace Date:

## Points of Diversion:

Points of Diversion - Underground:

(1) N 991 ft. W 1003 ft. from E4 corner, Sec 13 T 12N R 3W SLBM

Well Diameter: 6 in.

Depth: 100 to 500 ft.

Year Drilled:

Well Log:

Well Id#:

Elevation:

UTM: 406207.906, 4626049.697 (NAD83)

Source/Cmnt:

(2) N 766 ft. W 1000 ft. from E4 corner, Sec 13 T 12N R 3W SLBM

Well Diameter: 6 in.

Depth: 100 to 500 ft.

Year Drilled:

Well Log: No

Well Id#:

Elevation:

UTM: 406208.82, 4625981.117 (NAD83)

Source/Cmnt:

**Water Uses:**

Water Uses - Group Number: 730256

Water Use Types:

**Fish Culture:** Fish/Wildlife

Period of Use: 01/01 to 12/31

Acre Feet Contributed by this Right for this Use: 6

Place Of Use:	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	
Sec 13 T 12N R 3W SLBM								X									
Group Acreage Total :																	

**Use Totals:**

Other sole-supply total: 6 acft

**Reservoirs:**

Reservoir/Storage Name: Calder Pond

Dam Number:

Capacity: 6 acre-feet

Area Inundated: 1 acres

Dam Height: 8 feet

From: 01/01 to 12/31 inclusive

Area	North West Quarter				North East Quarter				South West Quarter				South East Quarter			
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE
Sec 13 T 12N R 3W SLBM								X								



Bear River Canal Co  
275 N 1600 E  
Tremonton, UT 84337

CANAL RIDERS:

West-  
East & Laterals A,B,D,F-  
Central & Iowa-  
Hammond East/West-

Ryley Fletcher @ 435-339-3443  
Tony Haven @ 435-230-3424  
Nick Hiatt @ 435-466-0021  
Michael Harris @ 435-764-3987

BRODIE B. AND LAURA D. CALDER  
4542 W 14800 N  
GARLAND, UT 84312

TOTAL SHARES		
Class_A	32.810	Leased
<hr/>		
Class_B		LTRS
<hr/>		
Class E		Pipes

Co account

Phone 801-710-2602

Cell

WUID 3495

Year 2024

Email

<b>WATER TURNS</b>	<b>NoTurns 1</b>	<b>Total Shares 32.81000</b>
--------------------	------------------	------------------------------

Lease

Pool	Headgate Name	Section	Shares	CFS	Hrs:Mins	START	END
	15E	13-12-3	32.810	2.23	30h55m	Tue 12:51 PM	Wed 7:46 PM



Brodie Calder &lt;brodie.calder@gmail.com&gt;

---

## Follow Up

---

**Scott Lyons**

Tue, Feb 20, 2024 at 6:05 PM

To: Brodie Calder Gmail

Brodie,  
Yes, I spoke with the Office of the Property Rights Ombudsman. As 14800 North currently exists it is a public road by use. It has been on county maps and used by the public for 10+ years as a public road. Per the Office of the Property Rights Ombudsman the county can only require you to improve the road adjacent to a development boundary to the current county road standards including right-of-way width. If the road leading to a development is substandard the county must have an ordinance in place that does not allow "leapfrog" development along substandard roads. If the county chooses to adopt such an ordinance the county can only require the developer to improve the existing right-of-way that was established "by use". Box Elder County has something similar to this, leapfrog development isn't prohibited, but if a proposed development requires a paved road (per county standards) and currently fronts on a gravel road, but is within a specified distance of a paved road, then the developer must pave the public road leading to the development.

Hopefully all this is helpful. The short answer is the county cannot require you to purchase the home on the corner in order to provide additional right-of-way for a potential development down the road.

Let me know if you have additional questions. Thanks.

[Quoted text hidden]

--

 **BOX  
ELDER  
COUNTY** **Scott Lyons**  
Community Development  
(435) 734-3316



*Travis Rhynsburger*  
*PO Box 219*  
*Tremonton, UT 84337*

February 22, 2024

To Whom It May Concern:

This is to advise you of our ability to provide electrical service to your project located at **approximately 4542 W 14800 N, Riverside, UT** pursuant with the Electric Service Regulations on file with the Utah Public Service Commission and upon completion of necessary contracts and agreements.

Travis Rhynsburger  
Rocky Mountain Power





***Miller Gas Company***

1420 West Main  
Tremonton, Utah 84337  
(435) 257-5107

June 1, 2023

To Whom It May Concern:

We will provide propane gas service for home heating and appliances for Laura Calder's development located at approximately 4542 W. 14800 N. Garland, Utah 84312.

If you have any further questions, please call.

Sincerely,

Nolan Wood

We are here to exercise our current property rights. Property rights are not an arbitrary word. It has a definite meaning. Our rights are defined as a bundle of rights in 5 categories as followed:

1. The right of possession: This right is simply the right to own the property. As long as the property is legal and the owner possesses a valid title they have the right to claim ownership
2. The right of control or use: This grants the property owner the power to manage and use their property as they see fit, within the bounds of local and federal laws. This can include deciding the property's aesthetics and/or determining its function.
3. The right of exclusion: This permits the owner to prevent others from trespassing or entering their property.
4. The right of enjoyment: This is the right to participate in any activities they find pleasurable with their OWN property. It allows owners to use and enjoy their property in peace, without interference.
5. The right of disposition: This gives the owner the right to transfer ownership, permanently or temporarily.

What is not listed in our "rights" is other people's "wants." Our rights end at our property lines. We only have right to how we want to use and enjoy our property. We don't get to cross that line and decide how someone else gets to use or enjoy their property. By crossing that line, you are actually infringing on their rights.

This application is within our property rights. But are we infringing on our neighbor's property rights?

Let's take a look. Currently, they are being used for agriculture and farming their ground. One owner also has a water spring and recreational cabin down below by the river.

1. Right of Possession: Will they still be able to possess and own their property the way they are now? Yes!
2. Right of Control: Can they still use and control their property the way they are now? Yes! They can still plant, spray, access, harvest, and maintain their farms and the cabin the way they are now. Regarding the spring water, that is why we have ordinances in place regarding septic tank requirements from the Health Department for any housing nearby to ensure there is not infringement of their right with the septic systems and the spring water to keep everyone healthy.
3. Right of Exclusion: Can they still prevent others from entering or trespassing on their property? Yes!
4. Right of Enjoyment: Can they still enjoy their property without interference like they are doing now? Yes! They can still farm and do all they are enjoying on their property now.
5. Right of Disposition: Can they still dispose of their property if they desire to in the future? Yes!

We are not infringing on their property rights.

So let's now discuss where the balance of public interest comes in. First of all the public interest is their investments, their rights, but public interest can also mean that which is beneficial to the public as a whole. So if the public decides that they "want" our property to be used for a different purpose than what we want and our rights are for, they can "take" those rights as long as they provide "justly compensation." This is a form of eminent domain and is called a "taking." Utah law states that a taking is any substantial interference with private property which destroys or materially lessens its value, or by which the owner's right to its "use" and "enjoyment" is in any substantial degree abridged or destroyed... a taking can occur when government regulations or actions substantially interfere with the use or enjoyment of property." Furthermore this is stipulated in the 5th Amendment to the U. S. Constitution stating..."nor shall private property be taken for public use, without just compensation."

This is the law because it brings everything into balance. We paid developable prices for this land and to be clear every single acre purchased was purchased at the higher price because that is what we can do. We didn't pay a different price for the frontage than the back. Being here today not only clearly defines our intent, but sets up a basis of value to protect what we have invested in our property and asset. So if the public or government body wants to take that right, then we must be "justly compensated." And that is done through taxes.

This zoning is within our rights. To ignore our property rights we will lose this country and our divinely constitutional freedoms. We love our neighbors it is why we live here and want our children to live here. We respect their property rights and hope they will respect ours. We look forward to their comments to see if there is anything we are missing regarding how we could be infringing on their property rights.