

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

October 19, 2023

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, 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 September 21, 2023 Planning Commission Minutes.**
5. **PRESENTATION**
JAY OLSEN/Utah Department of Agriculture & Food, County Water & Land Conservation Program.
6. **UNFINISHED BUSINESS**
 - a. None
7. **PUBLIC HEARINGS**
 - a. **ZONING MAP AMENDMENT, Z23-015**, Request for a zone change of 2 acres from A-20 (Agriculture 20 acre) to RR-2 (Rural Residential 2 acres) located at approximately 7829 S 1500 W in the South Willard area of Unincorporated Box Elder County.
8. **NEW BUSINESS**
 - a. **CONDITIONAL USE PERMIT, CUP23-008**, Request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 12800 North 3700 West in the Deweyville area of Unincorporated Box Elder County. **ACTION**
 - b. **TWIN LAKES SUBDIVISION, SS23-018** Request for approval for an amended subdivision located at approximately 14185 North 3100 West in the Collinston area of Unincorporated Box Elder County. **ACTION**
 - c. **SOUTH WILLARD STORAGE, SP22-005**, Request for approval for a storage unit facility located at approximately 8980 South Highway 89 in the South Willard area of Unincorporated Box Elder County.
9. **WORKING REPORTS**
 - a. Training
10. **PUBLIC COMMENT**
11. **ADJOURN**_____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES SEPTEMBER 21, 2023

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

Roll Call

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

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Stephen Hadfield	County Attorney
Boyd Bingham	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 Jennifer Jacobsen**.
Pledge was led by **Commissioner Bonnie Robinson**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the August 17, 2023 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 Jennifer Jacobsen** and passed unanimously.

PRESENTATION

Multiple Family Housing – Micah Capener

Micah Capener explained he wants to provide additional information to the commissioners regarding multiple family housing in Box Elder County. He gave the commissioners a handout addressing items he is concerned about that were discussed in the August Planning Commission meeting.

(See Attachment No. 2 – Presentation Handout.)

UNFINISHED BUSINESS

CONDITIONAL USE PERMIT, CUP23-004, Request for a Conditional Use Permit for an Agricultural Nutrient Manufacturing Facility located at approximately 12090 North Highway 38 in the Deweyville area of Unincorporated Box Elder County. ACTION

Staff stated the applicant is requesting a Conditional Use Permit for an agricultural nutrient manufacturing facility. The proposed site is located at 12090 North Hwy 38, north of Deweyville and south of Collinston. The site was previously occupied by Rupp's recycling and the Rudd Fabrication facility. The surrounding land uses are Gravel Excavation, Commercial/Industrial, Agriculture and Rural Residential. The surrounding zones are M-G, RR-1 and RR-2.

Staff explained this request came before the Planning Commission in August; there was discussion regarding the use, and how the facility would fit into the area. The commissioners invited the applicant to the table to take a more in-depth look at the following questions and/or conditions raised at the August meeting: catch basin for spills, adequate fire suppression, signage to inform any first responders as to what is being stored in the facility, noise, lighting, wastewater or other waste products, smells, storage, explosive combinations, and what kind of state or federal license/permit are they required to carry?

Jared Summers, applicant, said the noise emitted from the electric mixer motors will be less than the noise emitted from the traffic on the street. The normal operating hours will be from 8 a.m. to 4 p.m. There will be no odor emanating from the manufacturing of the product. Raw materials will be stored for mixing in the building, but most are food grade materials. There will be fire suppression throughout the building and will be inspected by the Fire Marshal.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to approve application CUP23-004, a Conditional Use Permit for an Agricultural Nutrient Manufacturing Facility and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

CONDITIONS:

1. Any lighting shall be directed downwards and hooded as to not pollute adjacent properties with unnecessary nighttime light.
2. No parking trucks/trailers, employee vehicles, etc. within the public right-of-way.
3. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
4. Compliance with Article 2-2-100, Conditional Use Permit, 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 licenses, permits, etc.

PUBLIC HEARINGS

ORDINANCE TEXT AMENDMENT, Z23-009, Request for a text amendment adding Section 5-1-370, Multiple Family Dwellings to the Box Elder County Land Use Management & Development Code. The proposed section regulates if and where Multiple Family Dwellings are allowed in unincorporated Box Elder County. ACTION

Staff explained the proposed text amendment will add a section to Chapter 5-1 Regulations Applicable to all Zones. Staff clarified the text amendment presented to the Planning Commission 2 years ago was exclusive to unzoned areas, this amendment applies to all zoned and unzoned areas county-wide. The Land Use Management & Development Code allows the Planning Commission to initiate amendments to the text of county code. These amendments are ultimately decided upon by the County Commission with a recommendation from the Planning Commission.

Staff read the standards for reviewing zoning text 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;** Multiple chapters of the General Plan highlight that development should happen within Cities/Towns. The proposed amendment is consistent with the County's General Plan.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** This text amendment would apply to all areas of unincorporated Box Elder County. Being that the vast majority of housing in unincorporated county is single family housing the proposed amendment should be harmonious with the overall character of existing development.
- C. The extent to which the proposed amendment may adversely affect adjacent property;** The proposed amendment to not allow multiple family dwellings in unincorporated county should not negatively affect adjacent property. The public hearing process may shed additional light on this subject.
- 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.** As this proposed text amendment would apply countywide it is difficult to speak to the adequacy of facilities and services serving a particular property. The county does not own or operate sewer or water systems, it does not have a parks and recreation department, increased density would likely drive up the need for police and fire protection, bussing for schools, etc.

Staff said it is difficult to speak to the adequacy of facilities and services serving a particular property. Box Elder County does not own or operate any sewer or water systems and has no Parks and Recreation Department. Increased density would drive up the need for police and fire protection and additional bussing for schools.

Chairman Mellonee Wilding asked those in attendance to come forward to the microphone and state their name. Due to the many people in attendance, she asked to keep the comments brief, each person will have three minutes to speak. The Planning Commission encourages and appreciates hearing from the public, but will not take any questions during the public hearing. This is the commissioners' time to listen and the publics' time to speak.

The public hearing was then opened for comments.

John Mitchell, asked those in attendance how many have multi-generational roots in the farming communities of Box Elder County. He said there are lessons and principles being taught to our children through the farm lifestyle like hard work, sacrifice and service that will be lost to uncontrolled sprawl and development. Slow controlled growth is manageable but high density housing is not. He grew up trusting his neighbors because he had known them for years. High density housing will have rapid turnover and the feeling of community will be lost. If irrigated farm ground continues to be developed, there will be no place to grow our food. If farmers are pushed farther and farther away from less arable land, food prices will go up and the quality and amount will drop. He stated the effects of immigration are already being seen with street gangs, graffiti and crime. These will only increase. The crime statistics in the cities where there is high density housing show you don't want to live there or have your grandchildren live there. Children will not be safe walking, biking, or riding horses on the country roads where generations before have done, because of traffic and other crime that will come along. There will be increased traffic, noise, and litter, more police, fire, and EMS will be required which will make our taxes go up. Developers do not care about anything but money; they do not care about the lifestyle they grew up in or that our grandchildren will not be able to enjoy. Mr. Mitchell said we live in a desert, we don't have enough water as it is now. All of these things in the unincorporated areas are wrong.

Orson Boyce lives in Perry and has a business in Bothwell. He has a lot of agricultural clients and finds it interesting when there are new developments in an area, continued use for agriculture is picked on pretty quick. He has a friend who is a farmer and when new development came in, his friend came under attack because he would bring his cows into what is now a town, and everyone tried to sue him because the cows stink. Mr. Boyce asked if ten units are put in at one end of the street and 100 units on the other end of the street, who is supposed to improve the street? Are enough impact fees generated from those units for improvements? He suggested the county look at what needs to be done to make the impact fees really work. He said the real issue is continued or historic use of the land. If he has new neighbors next to his hay field, not everybody is going to like that he bales hay at 4 a.m. He is very concerned about randomly placing multi-family units throughout the county.

Don DeJarnatt stated he is for the amendment.

Miranda DeJarnatt said she does not want more people coming in. She is concerned about the water. She feels it is not fair to the new people coming in that won't have water and it is not fair to those who have been there forever because there is hardly any water now.

Teresa Cornwall stated she is in favor of the amendment. Bringing in more families will bring in more money but this has happened in her area and her property taxes increased exponentially. While those homes may bring in a little more money, it is going to cost the rest of them a lot more.

Stephanie Tugaw-Madsen, Brigham/Tremonton Board of Realtors, gave the commissioners a handout showing housing data on rents and the average price over the last 4 years. She then read a letter on behalf of the Board of Realtors.

(See Attachment No. 3- Board of Realtors statement & Housing Data.)

Mattie Swenson said she is one of the vulnerable they are projecting the multi-family complexes on. She and her husband live in her parents basement due to difficulties of the past year. She said they have looked at everything and cannot afford anything. The multi-family complexes in Tremonton are unaffordable at \$250,000 even with her and her husband working. With interest rates the way they are, even if the complexes can be brought in under \$150,000, it is not a possibility; bringing more into the community is not a solution.

Brodie Calder, Mortgage Finance Expert, liked what Ms. Swenson said in regards to things being stressful for those trying to make their way because of the affordability crisis. Mr. Calder gave the commissioners a handout and explained the affordability breakdown for Box Elder County. Single family homes are a major issue with affordability and are affecting over 75% of the community. Teachers, farmers and police officers are not able to obtain a new home because of the affordability crisis happening. The only thing people can afford is rent, and multi-family housing allows renting to go forward. Fair housing is one item needing to be looked at in regards to discrimination, the county would be discriminating against more than 75% of the community. Mr. Calder attended the July Planning Commission meeting and said he was highly offended at some of the characters explained in a community meeting. He hopes the commissioners can redeem themselves for some of the things said in the July meeting.

(See Attachment No. 4 – Affordability Breakdown.)

Susan Nielsen has been a resident of Box Elder County for sixty-four years. She has watched changes occur in the county and none of them are for the good. The reason there is an affordability problem in the country is because government is spending money they do not have. The more money the government takes from its citizens, the less money she has to afford the staples of life like housing, food, and clothing. Multiple family housing will increase the taxes in Box Elder County for every homeowner. She said people are coming in and buying up the ground which was once purchased to continue farming. The ground is no longer affordable for the farmers. Flooding the market with multiple family homes has not made rent prices go down and neither have the home prices. The money is being made by the developers which is not fair to the rest of us.

Katie Nielsen has a friend who pays an unaffordable \$2100 a month for rent. She verified with staff only one septic tank per ½-acre is allowed in unincorporated county. She does not see how one septic tank for a four-plex is enough. Ms. Nielsen said she works in the building industry; her income relies on building, but she does not like what she is seeing for the people of Box Elder County. She knows of a contractor who has built hundreds and hundreds of multi-plexes in Utah and Idaho. Those multi-plexes are now sitting empty because no one can afford to rent or buy them. Another issue of concern is the roads, they will need to have turning lanes. Will the citizens of Box Elder County be responsible for the roads?

Dave Madsen said he is a transplant from Brigham City to rural Box Elder County. The house he had in Brigham City was by the hospital where the street was nice and quiet. An apartment complex was built across the street and within a year or two there was vandalism, people trying to break into neighbors houses, and an increased police presence. He does not think all the people moving into multiple family housing will be similar, but it is what happened to him. Mr. Madsen said the home he bought in the county belonged to Micah Capener. He feels it is unfortunate Mr. Capener

was able to grow up in a rural country environment, and is now trying to take it away. Mr. Madsen is against building out in the county, he likes the openness, which is one reason he bought an existing house. He is able to walk his horses and loves the environment. He asked a neighboring farmer, Michael Rudd his opinion and was told his property has been in his family for years and he should be able to do what he wants. If he wants to sell it to a developer and get the highest price for his land, he should be able to do so. Mr. Madsen agrees and said he would not want our rights taken away, but he would also like to keep the agriculture mentality. People may say we are discriminating against the builders, but they are discriminating against us who want to live in the country. He moved out to the country for a reason, and would like it to stay the same. Anything he can do to keep the environment the way it is, he will definitely support.

Gage Swenson agrees with what was said by Mr. Madsen. He wants to point out Micah Capener stated no multiple family dwellings have been developed in Box Elder County in the last 4 years, but there have been a dozen apartment complexes built in Tremonton over the last 4 years. Those complexes are \$1200 a month which is not affordable. He works at Northrup Grumman and is doing the best he can, but at this point he cannot see a way to afford the cost of rent along with groceries, gas and the necessities of life. Mr. Swenson asked how the schools will handle the increase in the number of children. The Tremonton hospital is also not big enough to handle the influx of children and people from multiple family housing.

Kelly Lemon has lived in the unincorporated area of Collinston for 15 years. He said if anyone wants to see what Box Elder County will look like in 20 years, go to Davis or Weber County where it is all apartment buildings. His family moved here to get away from those areas. Mr. Lemon said two years ago he was part of a steering committee created by the County Planners. It is important to note, multiple polls were held throughout the county and all of them came back with the number one thing county residents want, is open space. High-density housing should be held in existing, incorporated communities where amenities and infrastructure are available. The people who cannot afford housing, probably cannot afford gas for the long trips into the communities to buy their necessities. Mr. Lemon verified with staff the four standards for reviewing zoning text amendments need to be met. It seems to him multiple family housing should not be done in unincorporated Box Elder County.

Ted Mayo said the devil is in the details. The developers and realtors like to paint a rosy picture, but when he hears multiple family dwellings, he sees those huge 5-level monstrosities being built all over Ogden. He would hate to see those in Box Elder County.

Wyatt Blue said there have been some good points made today. He is 21 years old and has lived in Box Elder County for 16 years. He attended Box Elder, and Bear River High Schools and knows how packed the classes are. Having multiple family housing is going to make class sizes worse. The fewer student in a class, the better the teaching. He attended a class requiring a maximum of thirty students, but there were fifty-six students in the class. There were 3 different classes with 40-50 students where no one had a desk and everyone was sitting on the floor in the back. Mr. Blue said he likes to take his pets for walks. Multiple family housing will increase traffic exponentially and he would hate any of his pets, or future family being hurt, because of the increase in traffic and population.

Arthur Miller stated he is in favor of the amendment. He agrees with the comments made by those who are also in favor. He thinks the citizens in attendance are intelligent enough to know the realtors are not worried about discrimination; this comes down to money for them. He appreciates their business as he is in that line of work; he understands the need to support our families. This amendment is about developing a community in a smart and reasonable way. In regards to the numbers and figures presented by Mr. Calder about how astronomical mortgage and rental rates are, although he appreciates the comments, he disagrees with one being separate from the other. Rental rates are directly impacted by mortgage rates and housing prices. Landlords are going to take advantage of whatever the market will allow. Rental rates will continue to go up as long as housing prices continue to go up. Those who seem to be against this amendment have a direct ability to profit substantially from selling our community out.

Debbie Diamond stated she is in favor of the amendment. She has 3 kids attending college, 2 of which have to live in the basement of their grandparents' house because rent is not affordable. The other child bought a multi-family house, they cannot afford the payment alone so they are renting a room to another couple to afford the payment. She does not believe multiple family housing is going to be helpful to Box Elder County.

David Forsberg said he has lived in apartments as well as rural farming communities. The farming community started making decisions like the ones being discussed here. He does not want to see multiple family housing happen in unincorporated county like he saw it happen there. Box Elder County is a great place to live. He is for the amendment to not allow multiple family housing. Mr. Forsberg said he appreciates the realtors and developers who want to do this, but it is only going to line the pockets of the developers. Rent is not going down, people are still suffering. Most people who own their homes take care of them and keep them up. Some of the multiple family homes only have their lawns mowed and nothing more.

Melanie Elliot is for the ordinance text amendment. Her family moved here from Ogden and has lived in Riverside for 13 years. She said her oldest son was changing because he wanted to be like the other kids in Ogden. She is grateful for the neighbors and friends in Riverside for the help they have been to her son. Her son has good friends and she knows it is because of the hard work the farmers teach their kids.

Camylla Butler has lived in Box Elder County 81 years. Her grandson lives in an apartment he rents for over \$2000 a month. If his 4 year old trots along the stairs, he is fined \$25 every time the child is noisy. She also thinks people should be taxed on the amount paid for our houses, instead of what the county thinks our homes are worth.

Katherine Summers said she is very proud she was on the planning board that put in place the 5-acre allotments in Bothwell. The 5-acre allotment brought in wonderful neighbors and gives everyone space. As she heard the new rules read, it sounds to her like the planning commission can come in and change the 5-acre zoning. She hopes she heard it wrong. She is very much against multiple family housing because her family farms. Ms. Summers stated she gets offers in the mail for their land every week. All the developers want is money. They do not offer anywhere near what she would have to pay if she bought a neighbor's property. What the developers are trying to do to the landowners by forcing them off their land for development is like highway robbery.

Laura Calder is a resident of unincorporated Box Elder County. She stated the reason housing is not affordable is because there is not enough housing. This is an economic supply and demand issue. As long as Utah is a great place to live, people are going to come here. The population is growing, but there is not enough housing for everyone. By taking away multiple family housing, options are being taken away. This ordinance is not stopping development, it is stopping multiple family housing. Ms. Calder owns a lot of farmland and stated she could develop all of her property into single family homes, but if she were to build multiple family housing in small clusters, it would leave the rest of the land open. She believes everyone should have an equal opportunity to housing and property rights. Property rights are essential to our freedom and liberties we enjoy in our country. George Washington said "Freedom and property rights are inseparable, you cannot have one without the other." Ms. Calder said she is here tonight because she feels the amendment is an infringement on her property rights. Both the U.S. and Utah Constitutions state, "nor shall property be taken for public use, without just compensation." She explained eminent domain is where government can take property but must pay the property owner for the property. Regulatory Taking is when government does not physically occupy the property, but adopts ordinances and regulations restricting use of the property, depriving them of some, or all rights. Some of the rights she would be deprived of, and would expect compensation for, are highest and best use, and enjoyment of property. She does not see this text amendment resolving the problem. There are other ideas and avenues that actually resolve the problem. Ms. Calder said she has heard of discrimination and stereotyping of people, not only in this meeting but other meetings. She also has heard this amendment is about personal agendas, which is nothing a government board should be having in these decisions.

Shane Jacobsen lives in unincorporated county and enjoys farm country. He has seen triple story apartment buildings with very little parking going up in Cache County. It is just a matter of time until they start creeping out into other counties. He enjoys purchasing vegetables, hay and grass from local farmers. Every year we are dependent on the local farmers to provide these goods. Family will ask us to get corn for them because the corn here is the best. Mr. Jacobsen's family owns apartments on campus and charges \$800 a month including covered parking and snow removal. These apartments are built in the properly zoned areas where they make sense. He is for the amendment and wants to keep farmlands in unincorporated county. He believes Box Elder County's roots come from the farming heritage background of the farmers who have been here for centuries. The farmers are teetering because the food industry is a hard business. The youth of these generations are having a hard time running these farms. It will not take much convincing to sell their land. The triple story apartment buildings are there to make the developers money, it is not for the benefit of the people who purchase them.

Lynn Summers is one of the farmers these people say they appreciate. He appreciates those compliments. He loves living his lifestyle. Allowing these dwellings to come in will change his lifestyle and the lifestyle of others. Allowing these dwellings will change the county and the county will turn into an Ogden, or a Davis or Cache County. Mr. Summers does not want to see this happen. He really wants to keep farming.

Braeden Capener thinks there is a misconception with what multiple family housing is about. Multiple family housing has always been allowed, this does not change anything. He said everyone

seems to have visions of 5-story buildings in Riverside, but that is totally impossible and they cannot be built. What we are really talking about is onesie-twosie 4-plexes. These 4-plexes have been built in Riverside and have not changed anybody's life, or ruined the community. He grew up in Riverside and there were no major negative effects from small, rural, multiple family housing. If everyone is worried about farmland and open space, then they should be pro multiple family housing. Building 4 houses in a small area rather than building on large, 1-acre lots, takes up a lot less farmland in rural and residential areas. Both areas need to carry the weight to be able to have more housing. Prices are not going to get better by banning multiple family housing; it is only going to get worse. Mr. Capener said everyone has private property rights. Sometimes people love telling other people what to do with their private property. This is a property rights issue which should not be approved. He does not agree with requesting this by text amendment where adjacent property owners do not need to be notified.

Chuck Elliot is for the amendment. We do not need any multiple family dwellings in unincorporated Box Elder County. To say things will not change is ridiculous. He grew up in Liberty and the area was great for a lot of years. More and more people moved in and reduced the amount of land to build a home. People having been there for years were forced out because taxes went out of sight and because there was no infrastructure. There is no infrastructure in unincorporated Box Elder County to support multiple family housing. Mr. Elliot stated when there are a lot more people, there will be a need for more schools and more law enforcement and our taxes will go up. Developers do not care, they throw up these buildings, make their money and then run away.

Stephanie Tugaw-Madsen said this zoning change is misunderstood. There is multiple family housing already permitted now. What this amendment does is make it so any multiple family housing has to be rental units instead of owned units. She wants people to understand there is a moratorium on wells in the county. No one can even get a well right now. There is only one private water company in the whole county issuing water taps. Most of the ground in unincorporated county is on septic tanks and needs to be approved by the Bear River Health Department. Ms. Madsen stated most of the units will be 4 units or smaller because of the septic tank situation. Realtors do not want the 100-unit complexes either and there are restrictions on the height of the buildings also. Her personal opinion is to leave the code the same as it is now.

Kelly Lemon stated unless the county figures out a way to protect the open spaces in perpetuity, the realtors and developers will find a way to develop those open spaces. If multiple family dwellings are allowed in unincorporated county, the open spaces have already been condensed and will continue to be condensed more and more. He would vote to continue to maintain as much open space as possible by not allowing multiple family housing in the unincorporated areas of Box Elder County.

Dennis Holland referenced Brody Calder's comments about unaffordable housing and thinks he is correct, but it is because of the administration in Washington D.C. Inflation is all over America. He said we all want affordable housing. This type of housing does not make sense when having to buy \$4 gasoline to go get groceries or go to the hospital. Diesel fuel for the few school buses we have is \$5. If multiple family housing was close to Tremonton, people could walk or ride their bikes for groceries. He is not opposed to 4-plexes as long as they are within a town, or can be

annexed into a town where city water, sewer, fire and police departments can take care of them. Mr. Holland is concerned with setting a precedent stating if he has 15 acres of land along a county road, he could build 10 of the multiple family units with 150 ft. frontage which would house 160 people, half of those being children. Mr. Holland does not have any children but his taxes were raised double in the last year, \$1000+ goes to the school district. The 160 people living in the complexes would not pay school tax. He is not opposed to affordable housing but does not want the farmers to have to buy the bus, pay for the fuel and the driver to haul those kids to town.

Max Madsen said a lot of respectable points have been made. He is in the category of those who are fighting the affordable housing crisis. He does not think it is any fault of the county, it is just how the market is today. We are fighting a big group of buyers that are in high demand. We want to buy something but there is not enough to buy, causing the prices to go up. Wages are not matching inflation which makes it difficult for young people like himself. Mr. Madsen said his age group seems to tell each other housing is not affordable, and they shouldn't even try. He wants to say we should try, it can be affordable. It is not a matter of working harder because wages are not keeping up with inflation but it still can be done. Mr. Madsen feels this amendment is misunderstood; it is not deciding if we can or cannot have multiple family housing, it is restricting property owners and in turn, making more rental units. He said it has been spelled out pretty clear that when prices are high there is short inventory. When there are 10 people who want to buy 2 townhomes, they will fight to get the highest price, this is what is raising the prices. For it to be affordable, there needs to be 10 townhomes for 10 buyers who offer what they can.

Staff stated they have received phone calls from Mark Chapman, Ann Mitchell, and Laura Thorpe who agree with the proposed text amendment to not allow multiple family dwellings in unincorporated Box Elder County.

Staff read emails received from citizens Emily Jensen, Max Mills, Travis Cook, Robin Jensen, Eleanor Jensen, Dennis Holland and Maleah Christensen both for and opposed to the proposed text amendment.

(See Attachment No. 2 – Emails.)

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Ordinance Text Amendment, Z23-009. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

ACTION

Commissioner Mellonee Wilding thanked everyone for attending the public hearing. She does not want anyone to go away feeling unheard and made some clarifications. The commissioners cannot change any zoning, they do not set the taxes, and have no say over the schools. Although these are valid concerns, the commissioners are unable to address those issues. Commissioner Wilding stated this amendment is not about being for or against multiple family housing; it is about where it makes sense to put multiple family housing and how it works with the Box Elder County Plan. There is an absolute need, but it is a matter of where it makes sense to support that kind of density.

Commissioner Jed Pugsley clarified the moratorium from the Governor's Office was for large well usage. If a new agricultural well is being created or a huge well for multiple housing units, there is a moratorium currently on those. There is no moratorium on small domestic wells. If he were to apply for a small domestic well for his house and a small amount of livestock units, there is no moratorium on those in the state of Utah.

Commissioner Jared Holmgren said this housing crisis has been ongoing for 3-4 years. If there have not been any multiple family dwellings built in unincorporated county in that amount of time, nobody is really concerned about the housing crisis. They are more worried about building great big houses and making all that money. Since that market is drying up they want to go for a different revenue.

Commissioner Jed Pugsley pointed out the lack of county services. He is an EMT and a firefighter in rural Box Elder County. There are not enough people to staff the department so residents of the greater Snowville area can wait up to forty minutes for a fire truck or ambulance to arrive from Tremonton City. West of Thatcher there is no garbage pickup in the county and burning refuse is illegal in Utah. He said this is a larger issue than whether services are available versus what services can actually handle. There are no services available west of Tremonton.

Commissioner Bonnie Robinson was involved in the development of the Box Elder County General Plan. At that time, the public spoke about how critical maintaining open space and agriculture is to our county. She said development is coming but development needs to be localized in or very near cities. Box Elder County was designed to be a rural county with limited services. Those of us who live in unincorporated county really appreciate that kind of lifestyle. The idea of keeping multiple family housing closer to, or preferably within a city makes more sense. Commissioner Robinson heard the comment about farming late at night and bothering neighbors. She said farmers can apply to put their land in ag protection. This is something the county offers to protect farmers from frivolous lawsuits from residents of the developments moving in next to the farms.

Commissioner Steven Zollinger said all of unincorporated Box Elder County has single family dwellings so the proposed amendment is harmonious with the overall character of existing development as stated in our review standards. The county is not in the business of having a lot of apartments, they are more suited to be in the cities and towns. There are also no sewer or water hookups available in unincorporated county.

Commissioner Jennifer Jacobsen stated multiple family housing is not allowed in unincorporated Cache County, so this is not something new. She agrees with the statements already made in regards to the proposal being harmonious with the General Plan and services that can be rendered for those developments.

Commissioner Jed Pugsley clarified the difference between an accessory dwelling unit and a duplex is utilities. A duplex can split the utilities between the two units whereas an internal ADU cannot split the utilities. ADUs also require an owner to live in one of the units.

Commissioner Mellonee Wilding reminded the commissioners the proposal must meet the four standards for reviewing text amendments. 1. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; 2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; 3. The extent to which the proposed amendment may adversely affect adjacent property; and 4. 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.

Commissioner Lonnie Jensen is concerned about multiple family housing being opened up in the rural part of the county. If a landowner has 40 acres, building 4 duplexes on those 40 acres equals 160 homes out in the country. It would be better to annex those homes into a city.

Commissioner Bonnie Robinson is appreciative of the people who attended tonight and were able to voice their opinion. Sometimes the planning commission has to make hard decisions without the benefit of public opinion. These decisions can affect our neighbors, our friends, and family. She knows it may have been hard to listen to opposing opinions but our country is built on being able to have our say, but with that, we do not always get what we want. Commissioner Robinson reiterated the planning commission is tasked with following the four reviewing standards for text amendments. She said the commissioners have tried hard to listen to public opinion that development should happen by cities and towns; it just makes more sense and is also in keeping with the County's General Plan. There are no existing multiple family dwellings in unincorporated county so the proposal is harmonious with existing development. Commissioner Robinson said we have just heard public input on what multiple family housing might look like in our county and how it may adversely affect adjacent properties. Also, unincorporated county is not able to provide the facilities and services needed for multiple family housing.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Z23-009, a request for a text amendment adding Section 5-1-470, Multiple Family Dwellings to the Box Elder County Land Use Management & Development Code and adopting the conditions and findings of staff and because the text amendment meets the objectives the Planning Commission is tasked with meeting. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

(See Attachment No. 6 – Proposed Text Amendment.)

ORDINANCE TEXT AMENDMENT, Z23-014, Request for a text amendment to Sections 5-1-360, Annexation Policy, 1-3-040, Definitions, and 3-2-070, Regulations for Specific Uses of the Box Elder County Land Use Management & Development Code. ACTION

Staff stated the county is proposing a text amendment to amend the following Sections: 5-1-360, Annexation Policy, 1-3-040, Definitions, and 3-2-070, Regulations for Specific Uses. Specifically this text amendment will update to include all applications for the annexation policy and remove Home Businesses from our Land Use Code. Home businesses was removed once before, but failed to be removed from Chapter 3-2 and in the definitions. Staff was under the impression they were

removing all the applications that came before them but due to a ruling from the Utah Supreme Court, legislative applications and regular land use applications are not the same.

Staff read the standards for reviewing zoning text 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;** Multiple chapters of the General Plan highlight that development should happen within Cities/Towns. The proposed amendment is consistent with the County's General Plan.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** This text amendment would apply to all areas of unincorporated Box Elder County. The proposed amendment should be harmonious with the overall character of existing development.
- C. The extent to which the proposed amendment may adversely affect adjacent property;** The goal of the proposed amendment is to have better development near Cities/Towns (development that will fit in with the City/Town as it will be annexed in the future). The public hearing process may shed additional light on this subject.
- 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 proposed text amendment should not have an effect on the adequacy of facilities and services.

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

Hearing no comments, a motion was made by **Commissioner Jed Pugsley** to close the public hearing on the Ordinance Text Amendment, Z23-014. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

ACTION

Staff clarified home occupations are still allowed, home businesses are being removed.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to forward a recommendation of approval to the County Commission for application Z23-014 a request for a text amendment to Sections 5-1-360 Annexation Policy, 1-3-040, Definitions, and 3-2-070 Regulations for Specific Uses of the Box Elder County Land Use & Development Code and adopting the conditions and findings of staff . The motion was seconded by **Commissioner Jennifer Jacobsen** 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.

(See Attachment No. 3 – Proposed Annexation Policy.)

NEW BUSINESS

BACKROAD LANDSCAPING, SP23-003, Request for Site Plan approval of a landscaping business located at approximately 10090 North 6800 West in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting site plan approval for a landscaping business. The proposed use is mainly for the storage of landscape installation equipment on the property. The request initially came in as a home occupation, but home occupations indicate no part of the business may be stored or maintained outdoors. This required the applicant to go through the site plan review process. The site is on approximately 1.51 acres located at 10090 North 6800 West in an unzoned area of Box Elder County, south of Tremonton City. The surrounding land use is Rural Residential and the surrounding zoning is Unzoned.

Staff read Section 2-2-090 outlining the standards for approving permitted uses as they apply to this request:

- A. The proposed use shall be allowed as a permitted use in the applicable zone. *Yes*
- B. The proposed use shall conform to development standards of the applicable zone. *Whether the proposed use/design conforms to development standards as all County departments have reviewed and approved the use/design.*
- C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. *This is still under review.*
- D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. *This is still under review.*
- E. If the proposed use is located on a lot or parcel which has been subdivided without County approval a subdivision plat shall be approved and recorded as a condition of approval. *N/A*

Staff explained there are no utilities or future buildings being proposed and access to the property is via 6800 West. All applicable departments have approved the proposed site plan.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to approve the SP23-003, a request for site plan approval of a landscaping business in Unincorporated Box Elder County and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Steven Zollinger** and unanimously carried.

CONDITIONS:

1. Compliance with Section 2-2-090, Permitted Use Review, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-120, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
3. Compliance with reviews from the Road Supervisor and Building Official.
4. Any future lighting must be downward directed and be hooded (100% shielded) in order to prevent light pollution onto neighboring properties.

5. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
6. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

CONDITIONAL USE PERMIT, CUP23-007, Request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 3210 West Cobble Crest Road in the Deweyville area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting a Conditional Use Permit for an Accessory Dwelling Unit. They seek to build an approximate 960 square foot dwelling unit as part of a proposed outbuilding. Their existing home is approximately 3750 square feet. No other accessory dwelling unit, internal or external, exists on the property. The surrounding land use is Rural Residential and the surrounding zoning is RR-1.

Staff read the standards for reviewing conditional uses as follows:

1. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards.
2. Negative impacts on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems.
3. Negative impacts on connectivity and safety for pedestrians and bicyclists.
4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable within the district including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, glare, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.
5. Environmental impacts that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as fault lines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
6. Modifications to signs and exterior lighting to assure proper integration of the use.
7. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.
8. Reduction in the tax base and property values.
9. Reduction in the current level of economy in governmental expenditures.
10. Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall.
11. Reduction in usable open space.
12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.

Staff said all applicable county departments have reviewed the proposal and recommends approval.

MOTION: A Motion was made by **Commissioner Steven Zollinger** to approve CUP23-007, a request for a Conditional Use Permit for an Accessory Dwelling Unit located in the Deweyville area of Unincorporated Box Elder County and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jed Pugsley** and unanimously carried.

CONDITIONS:

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

WORKING REPORTS

Accessory Dwelling Unit Water Will Serve Letter

Staff said a concern was brought up in the August meeting about South Willard Water’s policy conflicting with allowing an ADU to connect to the same meter as the primary dwelling. This has been this way since external ADUs were originally adopted in 2014. The Bear River Water Conservancy District changed their policy to allow for connections in those unique ADU situations soon thereafter. Staff said they cannot force their hand to change their policy. If a conflict arises, the homeowner could approach the planning department and request a text amendment or go to their water company and request a policy change.

PUBLIC COMMENTS

Dennis Holland thanked the commissioners for volunteering. He appreciates their service and the work they do. As he canvassed the area to gather people’s thoughts about multiple family dwellings, he was surprised at how few people knew about this public meeting. Commissioner Mellonee Wilding and staff informed him meetings are published on the Utah Public Notice website, the Planning Commission’s Facebook page, and the Box Elder County website.

ADJOURN

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to adjourn commission meeting. The motion was seconded by **Commissioner Jennifer Jacobsen** and meeting adjourned at 9:30 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



**PLANNING COMMISSION
STAFF REPORT**

**Meeting Date: October 19, 2023
Agenda Item #: 7a**

Application Type:

Zoning Map Amendment

APPLICANT(S):

Jerry Anderson

PROJECT #:

Z23-015

ADDRESS:

7829 S 1500 W
South Willard

PARCEL #:

01-041-0030

CURRENT ZONE:

A-20

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting that the west 2.08 acres of parcel 01-041-0030 (13 acres) be rezoned from A-20 (Agricultural 20 acres) to the RR-2 (Rural Residential 2 acres) zone. The parcel is the property shared by the Anderson Livestock Auction in the South Willard area west of I-15 in unincorporated Box Elder County.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone subject to zoning map amendment approval by the County Commission with a recommendation from the Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Rural Residential	RR-2
South	Rural Residential	A-20
East	Livestock Auction	A-20
West	Agricultural	A-20

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 2-2-060-A states that zoning map amendments are a legislative proceeding. Per said section:

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.

Box Elder County Land Use Management & Development Code section 2-2-080-E outlines the following standards for review for zoning map amendments.

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;

The County's General Plan states that most growth should occur in the cities and towns. The County can adopt policies to encourage that to happen but should continue to recognize private property rights and coordinate with the incorporated communities.

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 rural residential.

C. The extent to which the proposed amendment may adversely affect adjacent property; and

It is unlikely the proposed amendment would affect adjacent property. 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.

Facilities and services are limited in this area. There is no water or sewer infrastructure. I believe the adjacent homes are served by septic and well. In order to subdivide and build on this property the owner would need to provide proof of a domestic water right as well as a water test showing it meets drinking water quality. They would also be required to provide a septic feasibility permit from the Bear River Health Department.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the rezone of the subject parcel from A-20 (Agricultural 20 acres) to the RR-2 (Rural Residential 2 acres) zone and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the rezone of properties subject to zoning map amendment review procedures and approval.
2. The Planning Commission will need to determine if the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.



RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission has three options to forward as a recommendation to the County Commission.** As this is a legislative decision additional information may be taken into account such as public input, resident preferences, private property rights, economic considerations, etc.

If a recommendation of approval is forwarded to the legislative body staff recommends it be subject to the following 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.

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z23-015, a zoning map amendment from A-20 (Agricultural 20 acres) to the RR-2 (Rural Residential 2 acres) zone 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 application number Z23-015, a zoning map amendment from A-20 (Agricultural 20 acres) to the RR-2 (Rural Residential 2 acres) zone 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, application number Z23-015, a zoning map amendment from A-20 (Agricultural 20 acres) to the RR-2 (Rural Residential 2 acres) zone 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.





**PLANNING COMMISSION
 STAFF REPORT**

**Meeting Date: October 19, 2023
 Agenda Item #: 8a**

Application Type:
 Conditional Use Permit for an Accessory Dwelling Unit

APPLICANT(S):
 Karwin Weaver

PROJECT #:
 CUP23-008

ZONE:
 RR-2

PARCEL #:
 06-042-0005

TYPE OF ACTION:
 Administrative

REPORT BY:
 Marcus Wager,
 County Planner

BACKGROUND

The applicant is requesting a Conditional Use Permit for an Accessory Dwelling Unit. They seek to build an approximate 1000 square foot accessory dwelling unit. Their existing home is approximately 3500 square feet. No other accessory dwelling unit (internal or external) exists on the property. The property is located at 12776 North 3400 West in the Collinston area.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	RR-2
South	Rural Residential/Ag	RR-2
East	Rural Residential/Ag	RR-2
West	Agriculture	RR-2

ANALYSIS

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 5-6-060(D) allows one (1) ADU per lot or property in zones that allow single-family dwellings subject to Conditional Use Permit approval. Section 2-2-100 outlines the following standards for review for conditional uses.

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

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

Box Elder County Land Use Management & Development Code section 2-3-060-C states: Any expansion or enlargement of a noncomplying structure that increases the degree of nonconformance is prohibited except as provided in this subsection.

1. The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Zoning Administrator. *The Box Elder County Zoning Administrator has determined that the expansion does not increase the degree of nonconformity of the existing building.*
2. A structure which is nonconforming as to height, area, or yard requirements may be enlarged upon authorization by the Planning Commission, where the Commission, after notice and a hearing, finds the enlargement to be compatible with adjoining property and not detrimental to the community, as determined by the effect of the enlargement on traffic, value of adjacent and nearby properties, and the availability of adequate public facilities and services. *The Planning Commission will need to make this determination.*

Setbacks:

All built and proposed structures currently or will adhere to the RR-2 building setbacks.

Access:

Access to the property is obtained off of 3400 West, an existing county road.

County Department Review:

All applicable County departments have reviewed this.

FINDINGS:

Based on the analysis of the Conditional Use Permit application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for Conditional Use Permits for accessory dwelling units that are approved by the Planning Commission.
2. Subject to the applicant's compliance with the conditions set forth by the Planning Commission they should be eligible for a Conditional Use Permit.
3. The Planning Commission will need to authorize the enlargement of the nonconformity of the existing building.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission APPROVE the requested Conditional Use Permit with the following conditions:**

Conditions of Approval:

1. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
2. Compliance with Chapter 2-2-100, Conditional Use Permit and Chapter 5-6, Accessory Dwelling Units, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.

MODEL MOTIONS

Approval – "I move the Planning Commission approve application number CUP23-008, a Conditional Use Permit for an Accessory Dwelling Unit, and adopting the exhibits, 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 application number CUP23-008, a Conditional Use Permit for an Accessory Dwelling Unit, to (give date), based on the following findings:"

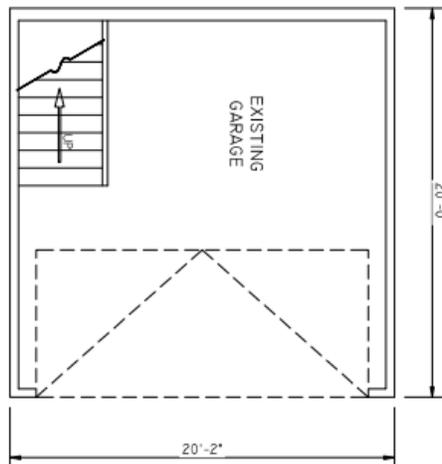
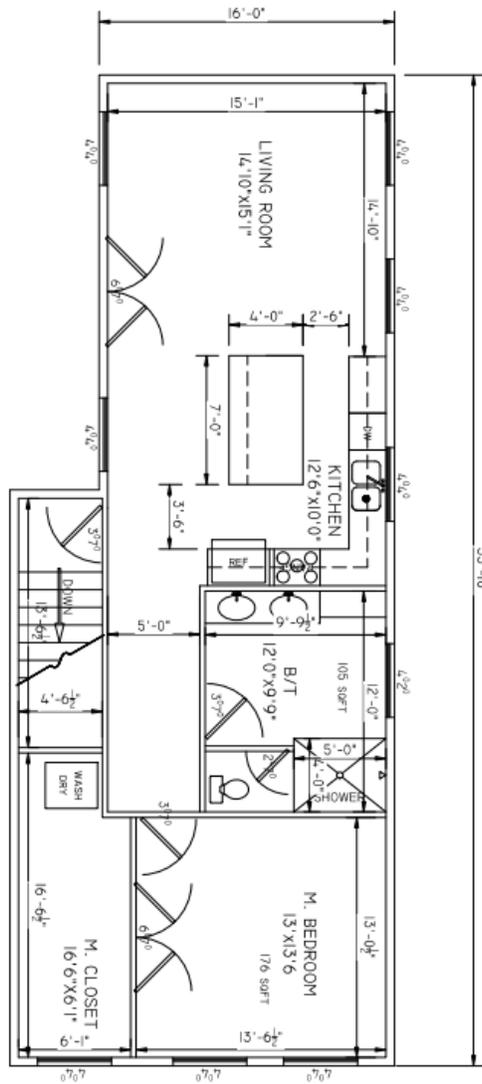
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – "I move the Planning Commission deny application number CUP23-008, a Conditional Use Permit for an Accessory Dwelling Unit, based on the following findings:"

1. List findings for denial...

Please feel free to contact Marcus Wager at 435-734-3308 if you have any questions.







PLANNING COMMISSION
STAFF REPORT

Meeting Date: October 19, 2023
Agenda Item #: 8b

Application Type:

Subdivision - Amendment

APPLICANT(S):

Adam Alexander

PROJECT #:

SS23-018

ADDRESS:

14185 N 3100 W,
Collinston, UT 84306

ZONE:

RR-2

PARCEL #:

06-037-0050, 0051

REPORT BY:

Destin Christiansen,
County Planner

BACKGROUND

The applicant is requesting an amendment to the final plat of the Twin Lakes Ranch Subdivision No. 5 in the Collinston area of unincorporated Box Elder County. The proposed amendment adjusts Lot 7 from 2 acres to 5.50 acres and adds an additional Lot 8 that consists of 3.59 acres.

ANALYSIS

State Code:

State Code sections 17-27a-608 and 609 allow a subdivision to be amended by recording an amended plat following approval by the Land Use Authority.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Rural Residential	RR-2
South	Ag/Rural Residential	RR-2
East	Agriculture	RR-2
West	Agriculture/Hwy 38	RR-2

Access:

Access to the lots is existing via Highway 38 (for Lot 8), a UDOT road and 3100 West (for Lot 7), a county road.

Utilities:

All utilities are existing for Lot 7. They were installed as part of the original subdivision development. Will-serve letters have been submitted for the different utilities that would service proposed Lot 8.

Setbacks:

All setbacks can be met for the RR-2 zone. Setbacks will be reviewed and enforced during the building permit process.

Land Use Ordinance Standards Review:

Per State Code sections 17-27a-608 and 609, a subdivision can be amended by the Land Use Authority via approval and recording of an amended plat. The Planning Commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the County. The Planning Commission acts as an advisory body to the County Commission and shall make investigations, reports and recommendation on proposed subdivisions as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the Planning Commission's review and approval of a subdivision amendment application, it will be recorded in the office of the Box Elder County Recorder.

County Department Reviews:

- The County Surveyor Department has approved the proposed plat.
- The County Engineer is currently reviewing the proposed plat.
- The County GIS Department is currently reviewing the proposed plat.

Findings:

Based on the analysis of the proposed subdivision amendment and a survey of surrounding area, staff concludes the following:

1. The proposed subdivision amendment complies with the subdivision regulations of Box Elder County and the State of Utah.
2. Subject to review and approval by the County Engineer and County GIS Department, the subdivision amendment should be approved.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may APPROVE the subdivision amendment subject to the following conditions:**

1. Final approval by the County Engineer and GIS Departments.
2. Compliance with Sections 17-27a-608 and 609 of the Utah State Code.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS23-018, amending the Twin Lakes Ranch Subdivision No. 5, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

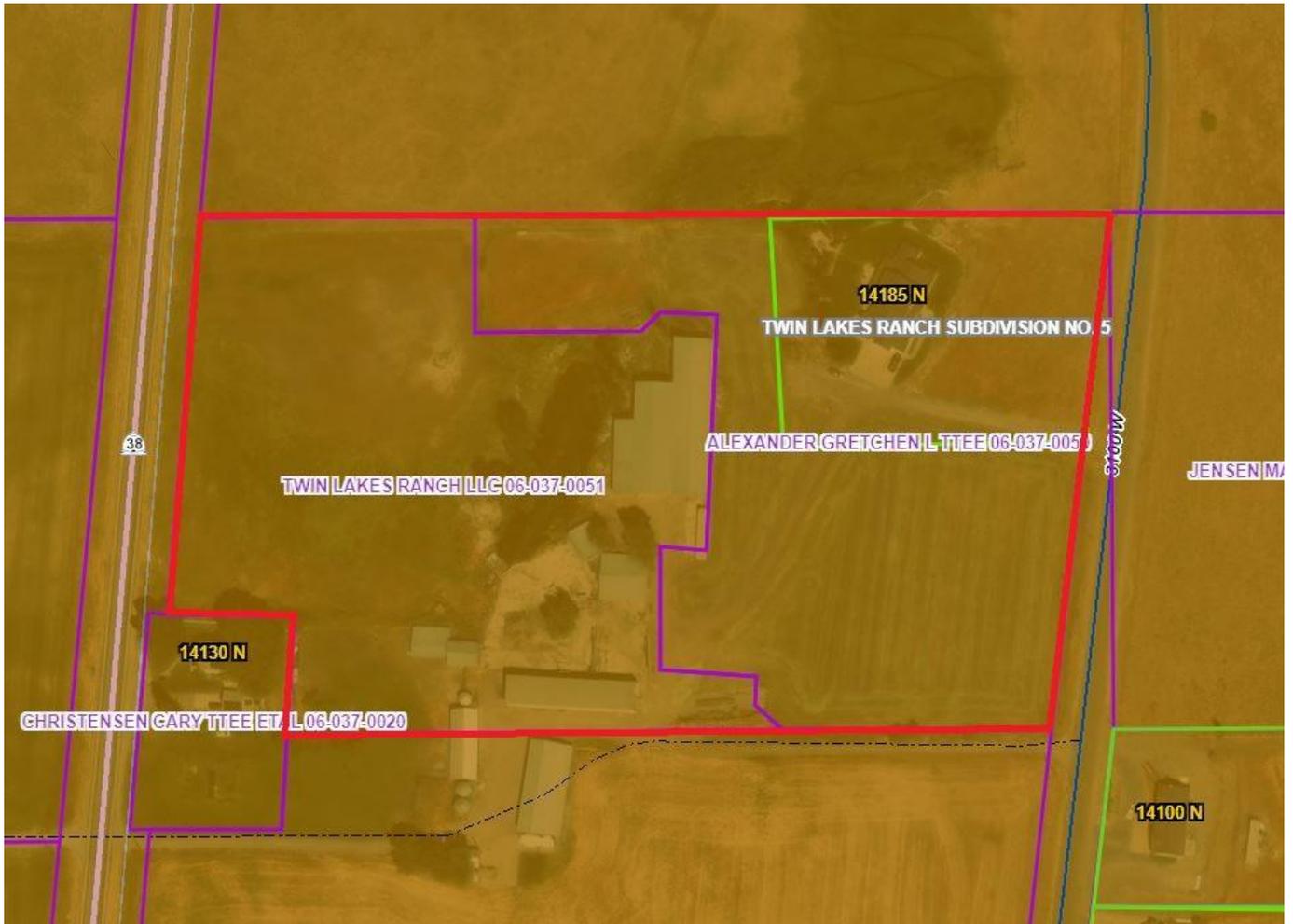
Table – “I move the Planning Commission table application number SS23-018, amending the Twin Lakes Ranch Subdivision No. 5, located in unincorporated Box Elder County, to (give date), based on the following findings:”

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 deny application number SS23-018, amending the Twin Lakes Ranch Subdivision No. 5, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

Please feel free to contact Destin Christiansen at 435-695-2547 with any questions.





PLANNING COMMISSION
STAFF REPORT

Meeting Date: October 19, 2023

Agenda Item #: 8c

Application Type:

Site Plan
Storage Units

APPLICANT(S):

Jeremy Draper

PROJECT #:

SP22-005

ZONE:

C-E (Commercial Enterprise)

PARCEL #:

01-047-0065

TYPE OF ACTION:

Administrative

REPORT BY:

Destin Christiansen,
County Planner

BACKGROUND

The applicant is requesting site plan approval for a storage unit facility of approximately 496 storage units. The proposed use is on an approximately 5.42 acre parcel located at 8980 South Highway 89 in the South Willard area of Box Elder County.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Rural Residential/Agriculture	RR-1
South	Hwy 89/Rural Residential	C-G
East	UDOT Road Shed	C-G
West	Hwy 89/Agriculture	R-1-20

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code Section 3-4-070-8.39.5 allows for personal storage facilities as a conditional use in the Commercial Enterprise (C-E) zone subject to Site Plan approval.

Section 2-2-100(E) outlines the following standards for approval for conditional uses:

1. Conditions may be imposed as necessary to prevent or minimize the anticipated detrimental effects of the use on adjacent properties and within the zoning district, or upon public facilities and services. Such conditions shall be expressly set forth in the approval authorizing a conditional use permit.
2. The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements prescribed by this Code and other applicable Codes, can be met or need mitigation.
3. The following standards should be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied:
 - a. Compliance with Development Standards found in specific chapters of this Code
 - b. Mitigation of reasonably anticipated detrimental effects arising from the conditional use including, but not limited to:
 1. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street

widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards.

2. Negative impacts on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems.
3. Negative impacts on connectivity and safety for pedestrians and bicyclists.
4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable within the district including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, glare, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.
5. Environmental impacts that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as fault lines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
6. Modifications to signs and exterior lighting to assure proper integration of the use.
7. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.
8. Reduction in the tax base and property values.
9. Reduction in the current level of economy in governmental expenditures.
10. Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall.
11. Reduction in usable open space.
12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.

Setbacks:

All built and proposed structures currently or will adhere to the C-E building setbacks.

Access:

Access to the property is via Highway 89, an existing UDOT road.

Proposed Conditions:

The applicant is proposing the following:

-

Staff proposed conditions:

- All lighting shall be downward directed and be 100% shielded in order to prevent light pollution onto neighboring properties.
- Any proposed signage shall be in compliance with Chapter 5-3 of the Box Elder County Land Use Management & Development Code.
- Access within the site should be maintained and kept open and free from debris as required by the Fire Marshal to provide adequate access for fire protection.
- All grounds shall be maintained in accordance with Section 5-1-300, Conservation of Values, of the Land Use Code. The site shall be maintained free of inappropriately stored flammable materials. Materials that are customary to the business shall be stored in accordance with applicable laws.

County Department Reviews:

- The County Engineer is currently reviewing the original submission of the site plan package.
- The County Surveyor is currently reviewing the original submission of the site plan package.
- The County Roads Supervisor has approved the site plan.
- The County Fire Marshal is currently reviewing the original submission of the site plan package.
- The County Building Official is currently reviewing the original submission of the site plan package.

FINDINGS:

Based on the analysis of the proposed Site Plan application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for storage unit facilities in the C-E zone subject to Site Plan review and approval by the Planning Commission.
2. The proposed Site Plan is still under review by several departments.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may APPROVE, TABLE, or DENY the request.** If approved, staff ask that the approval be subject to the following conditions:

1. Compliance with Section 2-2-100, Conditional Use Review, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-120, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
3. Compliance with reviews from the County Engineer, County Surveyor, Fire Marshal, and Building Official.
4. All lighting shall be downward directed and be 100% shielded in order to prevent light pollution onto neighboring properties.
5. Any proposed signage shall be in compliance with Chapter 5-3 of the Box Elder County Land Use Management & Development Code.

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6. Access within the site should be maintained and kept open and free from debris as required by the Fire Marshal to provide adequate access for fire protection.
 7. All grounds shall be maintained in accordance with Section 5-1-300, Conservation of Values, of the Land Use Code. The site shall be maintained free of inappropriately stored flammable materials. Materials that are customary to the business shall be stored in accordance with applicable laws.
 8. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
 9. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SP22-005, a Site Plan for a storage unit facility, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

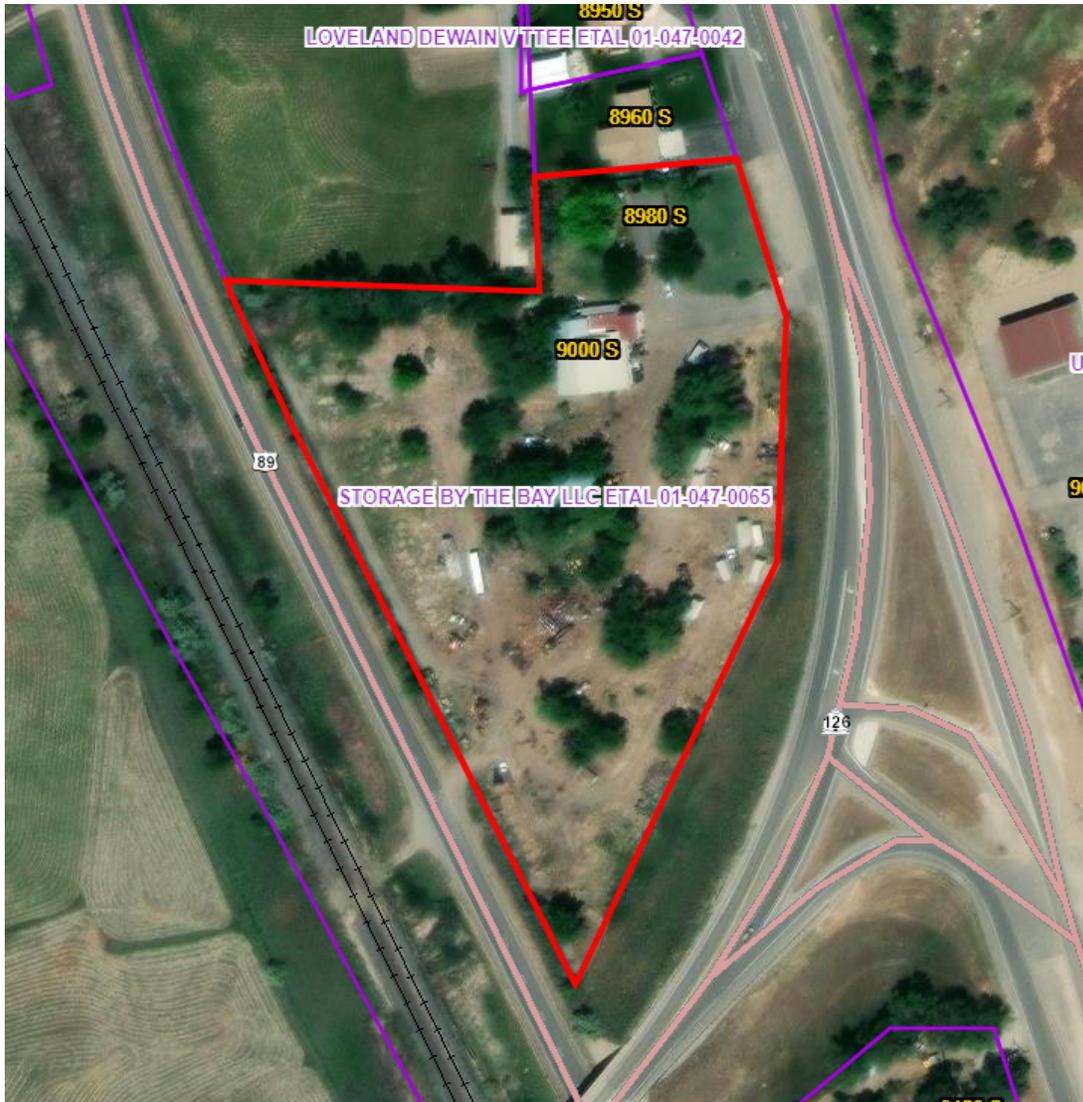
Table – “I move the Planning Commission table the review of application number SP22-005, a Site Plan for a storage unit facility, to (give date), based on the following findings:”

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 deny application number SP22-005, a Site Plan for a storage unit facility, based on the following findings:”

1. List findings for denial...

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

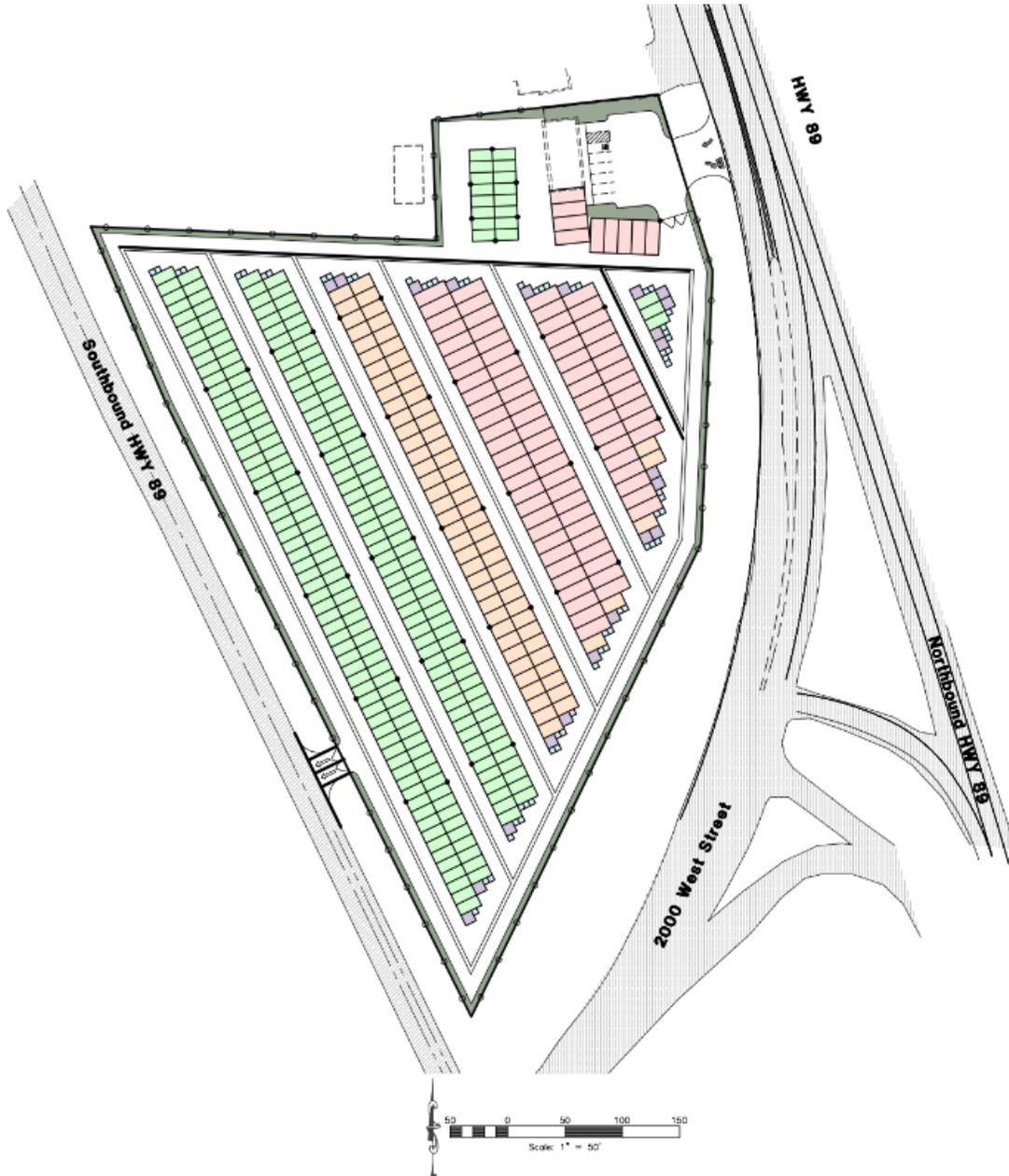


Project Narrative/Notes/Revisions

1. 2022/07/18 JM - COMPLETED DESIGN FOR CLIENT & CITY REVIEW.
2. 2023/03/30 JM - UPDATED PER UDOT COMMENTS.
3. 2023/05/02 JM - UPDATED PER UDOT COMMENTS.

South Willard Storage Units Improvement Plans

SOUTH WILLARD, BOX ELDER COUNTY, UTAH
 JULY 2022



Notice:
 THESE PLANS WERE CREATED FOR UTILITIES & INFRASTRUCTURE. IF PRIOR COPIES TO BLACK & WHITE WORK MAY NOT SHOW UP