

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

June 20, 2024

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 B. Robinson, M. Wilding, J. Holmgren, J. Pugsley, V. Smith, J. Jacobsen, and L. Jensen)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL of the May 16, 2024 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
 - a. None
6. **PUBLIC HEARINGS**
 - a. **ZONING MAP AMENDMENT, Z24-007**, Request for a zone change of 6.0 acres from Unzoned to RR-1 (Rural Residential 1 acre) located at approximately 6581 N 6800 W in the West Corinne/Bear River area of Unincorporated Box Elder County. **ACTION**
 - b. **ZONING MAP AMENDMENT, Z24-008**, Request for a zone change of 49.70 acres from Un-Zoned to RR-1 (Rural Residential – 1 acre) located at approximately 7931 W 10400 N in the Tremonton area of Unincorporated Box Elder County. **ACTION**
7. **NEW BUSINESS**
 - a. **LOOKOUT MOUNTAIN SUBDIVISION PHASE 2, SS24-005**, Request for preliminary plat approval of a 10-Lot phase 2 subdivision located at approximately 16250 North 6000 West in the Riverside area of Unincorporated Box Elder County. **ACTION**
 - b. **VACATE COUNTY ROAD, VAC24-01**, Request to vacate a right-of-way alley in the center of Block G between 15200 N and 15300 N in the Riverside area of Unincorporated Box Elder County. **ACTION**
 - c. **8400 W AMEND AND EXTEND SUBDIVISION, SS24-015**, Request for preliminary plat approval of a new 5-Lot subdivision located at approximately 10100 North 8400 West in the Tremonton area of Unincorporated Box Elder County. **ACTION**
8. **WORKING REPORTS**
 - a. None
9. **PUBLIC COMMENT**
10. **ADJOURN**_____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES MAY 16, 2024

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 6th 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 STAFF REPORT

Meeting Date: June 20, 2024

Agenda Item #: 6a

Application Type:
Zoning Map Amendment

APPLICANT(S):
Jeffrey John

PROJECT #:
Z24-007

ADDRESS:
6581 N 6800 W

PARCEL #:
04-052-0073

CURRENT ZONE:
Unzoned

TYPE OF ACTION:
Legislative

REPORT BY:
Destin Christiansen,
County Planner

BACKGROUND

The applicant is requesting that parcel 04-052-0073 (6.0 acres) be rezoned from Unzoned to the RR-1 (Rural Residential - 1 acre min.) zone. The parcel is located in the West Corinne/Bear River area of 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	Agricultural	Unzoned
South	Rural Residential/Ag	Unzoned
East	Rural Residential	Unzoned
West	Agricultural	Unzoned

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: 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. To the south of the subject property (West Corinne area), existing zoning is a combination of rural residential, 20-acre agricultural, and larger MU-40 zones. The MU-40 allows for additional business uses that the other zones do not accommodate.

The Box Elder County vision suggests continuing the agricultural heritage of the area, allowing for some flexible lot sizes through rural residential clustering, and expanding the industrial/warehousing uses in the area.

Future Land Use: as part of the agricultural heritage area, large lot zoning should remain, to encourage continued agricultural activity. Irrigation capabilities, culinary systems, and water rights should be studied to assure the current system can serve the area in the future. The current large industrial and warehousing area should be promoted and expanded.

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 homes (south and east) along 6800 West. The Planning Commission needs to decide if an RR-1 zone could be considered harmonious.

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

FINDINGS:

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from Unzoned to the RR-1 (Rural Residential - 1 acre) 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 re-zone 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.
3. This application is for a rezone from Unzoned to the RR-1 (Rural Residential - 1 acre) zone.

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 Z24-007, a zoning map amendment from Unzoned to the RR-1 (Rural Residential - 1 acre) 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 Z24-007, a zoning map amendment from Unzoned to the RR-1 (Rural Residential - 1 acre) 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 Z24-007, a zoning map amendment from Unzoned to the RR-1 (Rural Residential - 1 acre) zone 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.





PLANNING COMMISSION STAFF REPORT

Meeting Date: June 20, 2024

Agenda Item #: 6b

Application Type:
Zoning Map Amendment

APPLICANT(S):
Jeffrey John

PROJECT #:
Z24-008

ADDRESS:
Appx: 7931 W 10400 N

PARCEL #:
05-082-0080

CURRENT ZONE:
Unzoned

TYPE OF ACTION:
Legislative

REPORT BY:
Destin Christiansen,
County Planner

BACKGROUND

The applicant is requesting that parcel 05-082-0080 (49.70 acres) be rezoned from Unzoned to the RR-1 (Rural Residential - 1 acre min.) zone. The parcel is located in the Tremonton area of 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	Agricultural	Unzoned
South	Rural Residential/Ag	Unzoned
East	Rural Residential/Ag	Unzoned
West	Rural Residential/Ag	Unzoned

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: 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.

Future Land Use: In Tremonton City's Integrated Land Use Plan (passed in August, 2023), it currently reserves the long term future use (20-50 years) of this area as "single-family residential (low to medium density)".

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 homes (north and south) along 10400 North and 10000 North. The Planning Commission needs to decide if an RR-1 zone could be considered harmonious.

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

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.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from Unzoned to the RR-1 (Rural Residential - 1 acre) 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 re-zone 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.
 3. This application is for a rezone from Unzoned to the RR-1 (Rural Residential - 1 acre) zone.

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 Z24-008, a zoning map amendment from Unzoned to the RR-1 (Rural Residential - 1 acre) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

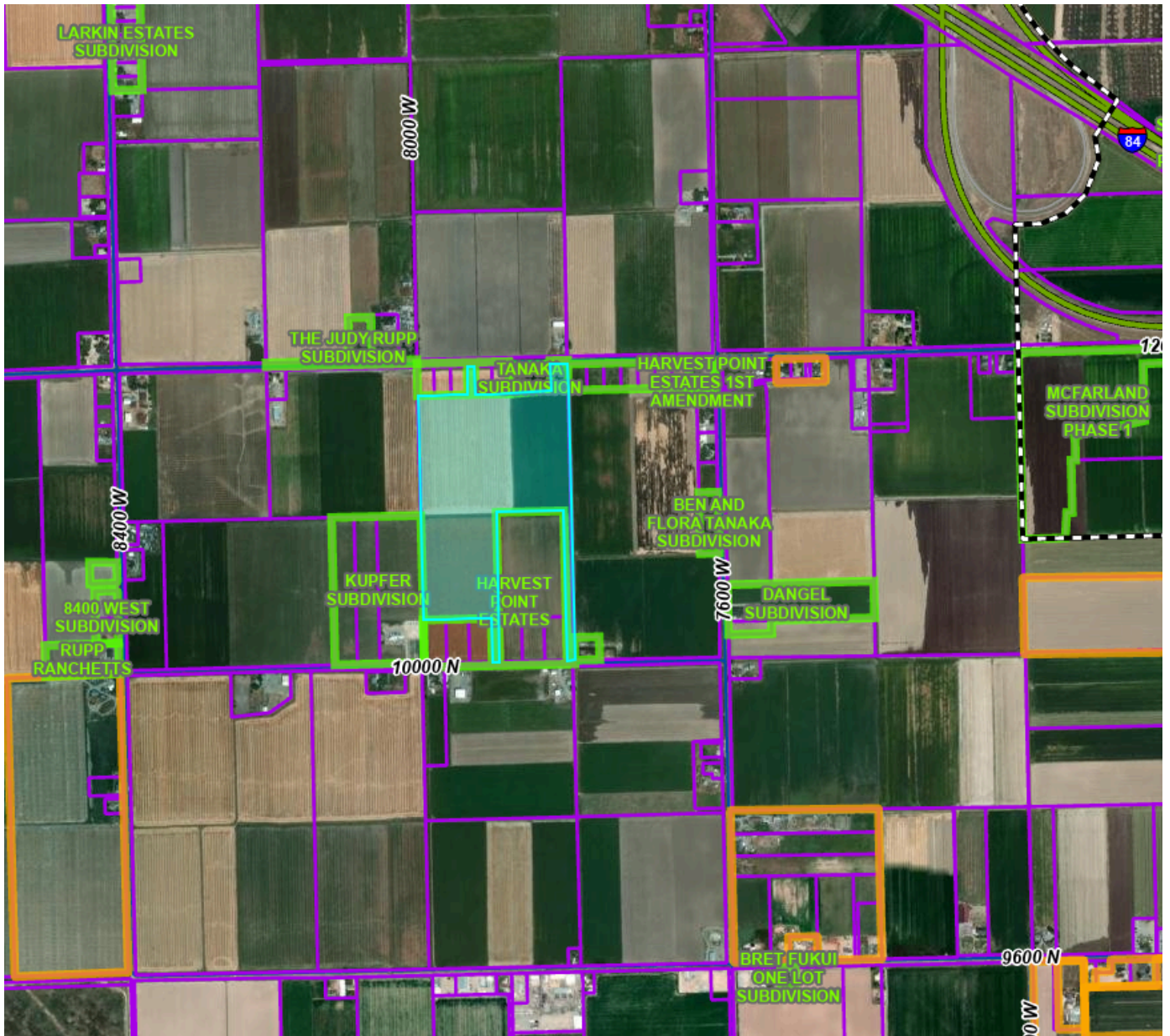
Table – “I move the Planning Commission table the review of application number Z24-008, a zoning map amendment from Unzoned to the RR-1 (Rural Residential - 1 acre) zone to (give date), based on the following findings:”

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 Z24-008, a zoning map amendment from Unzoned to the RR-1 (Rural Residential - 1 acre) zone 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.



**PLANNING COMMISSION
 STAFF REPORT**

Meeting Date: June 20, 2024

Agenda Item #: 7a

Application Type:

Preliminary Subdivision
 Phase 2

APPLICANT(S):

Brodie Calder

PROJECT #:

SS24-005

ADDRESS:

16000 N 6000 W
 Riverside area

ZONE:

Unzoned

PARCEL #:

06-110-0010, -0005

REPORT BY:

Scott Lyons,
 Community Development

BACKGROUND

The applicants are requesting preliminary approval of the Lookout Mountain Subdivision Phase 2 plat. The proposed subdivision is for 10 new lots 1.75 acres in size. The existing parcel is 284.19 acres in size.

Update:

This plat was tabled at the April 2024 planning commission meeting to allow the applicant time to request a variance for the block length or modify his road proposal. Additionally, to adjust the plat to meet various department review requests and submit a title report. The applicant requested a variance and in May, the Hearing Officer denied it, as there are ways for the applicant to design the road layout to comply with county code. He is now modifying the plat to meet the existing block length requirements as well as add the other items addressed in staff reviews.

ANALYSIS

Land Use Ordinance Standards Review:

Land Use Management & Development Code 6-1-130 requires the subdivision of property receive preliminary approval from the Box Elder County Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture/Rural Residential	Unzoned
South	Agriculture/Rural Residential	Unzoned
East	Rural Residential	Unzoned
West	Agriculture	Unzoned

Access:

Access would be via a proposed new road, 16000 North, connecting to County road 6000 West.

Utilities:

The County has received utility will-serve letters from Miller Gas, Rocky Mountain Power, and water rights for 20 dwellings have been approved by the Division of Water Rights. The water rights also include seven acres for irrigation and 100 ELUs (equivalent livestock units) for stock water. We have also received a feasibility letter from the Bear River Health Department. This feasibility letter is for a single conventional wastewater system to be installed to service a single family dwelling on each proposed lot. As stated above, irrigation and stock water shares are owned by the developer. No plan for water rights and distribution has been established and submitted at this point in the project.

Setbacks:

All setbacks for unzoned areas can be met. Setbacks will be reviewed and enforced during the building permit process.

County Department Reviews:

County Surveyor

- Has requested some changes to lot addressing, land ownership noted on the plat, as well as some of the general notes regarding improvements.

Fire Marshal

- Has requested one note regarding fire hydrants and indoor fire sprinklers be added to the plat.

Planning & Zoning

- The maximum block length allowed is 1320 feet. The north/south block length of 6125 West is 1540 feet. The applicant is updating the plat to meet the 1320 foot requirement.
- The detention basin on Lot 20 must be on its own parcel and dedicated to the county.
- The applicant must provide a copy of a title report.
- The subdivider must work with USPS for location and type of mailbox(s). The location(s) must be shown on the plat.

An update will be provided at the Planning Commission meeting.

Findings:

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

1. The preliminary plat as currently proposed does not comply with County development standards.
2. The applicant's surveyor/engineer is currently revising the plat based on County reviews.
3. Modifications to the proposed preliminary plat may be made to bring it into conformance with the County Land Use Management & Development Code. A variance may be necessary to bring the proposed plat into compliance with the Development Code.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may TABLE or may APPROVE the proposed preliminary plat based on the findings above and any others the Planning Commission finds. Should the Planning Commission approve the plat staff recommends the approval include the conditions below:**

1. Submission of a current title report for Phase 2.
2. Compliance with review and approval by the County Surveyor, Engineer, Fire Marshal, Planning & Zoning, 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.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS24-005, a preliminary plat for the Lookout Mountain Subdivision Phase 2, 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 SS24-005, a preliminary plat for the Lookout Mountain Subdivision Phase 2, located in unincorporated Box Elder County, to (give date), based on the following findings:”

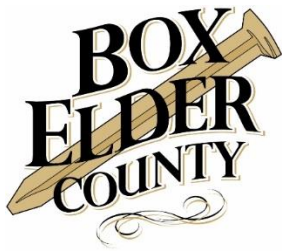
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number SS24-005, a preliminary plat for the Lookout Mountain Subdivision Phase 2, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

Please feel free to contact Scott Lyons at 435-734-3316 with any questions.





PLANNING COMMISSION

STAFF REPORT

Meeting Date: June 20, 2024

Agenda Item #: 7b

Application Type:

Road Vacate

APPLICANT(S):

Anita Godfrey

PROJECT #:

VAC24-01

ADDRESS:

Alley – Block G
Riverside

CURRENT ZONE:

Unzoned

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting to vacate the alley that runs north/south in the center of Block G between 15200 N and 15300 N in the Riverside area of unincorporated Box Elder County. Attached is a map showing the proposed right-of-way vacate. The current alley is 18 feet in width. The applicant states the application that “we would like the alley between properties eliminated.” There are six property owners total that front on the alley. All six are part of the application.

ANALYSIS

County Code:

Box Elder County Commission Policy #2003-01 governs road vacations. According to this policy, an application for a road vacation must be presented to the Planning Commission to receive a recommendation to be presented to the County Commission.

Land Use Ordinance Standards Review:

Box Elder County Commission Policy #2003-01 outlines the following standards when considering a road vacation:

1. Is there a prevailing public interest in keeping the road open; and
To staff’s knowledge this portion of right-of-way alley has never been used for public access. It was platted in 1894, but has historically been used as private property.
2. Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County; and
The Transportation section of the County’s General Plan states the following regarding roadway design: The proposed vacation does not affect the County’s General Plan or Transportation Plan.
3. Is the proposed vacation in compliance with all Box Elder County Land Use and Development Code requirements, State, Federal or other local regulations; and
The proposed vacation is in compliance with all requirements and regulations.
4. Will the proposed road vacation financially harm any landowner or stakeholder who may have an interest in the road; and
All landowners directly fronting on the proposed right-of-way alley have signed the application. Adjacent landowners have been noticed of the public hearing. The public hearing process is in place to help bring any evidence of harm to light.



-
5. The County shall not vacate any other private interest within the right-of-way; and
No private interests within the right-of-way are to be vacated. Private access within the right-of-way would become a civil issue between landowners if the application is approved by the County Commission.
 6. When considering the vacation of a deeded road as opposed to a right-of-use road, the provisions of the surplus property disposal policy shall be used; and
The proposed vacate is not a deeded road and does not need to conform to the surplus property disposal policy.
 7. The petitioner will provide descriptions in a deeded right-of-way for all abutting owners who may receive any ownership of the vacated road.
The petitioners have supplied the descriptions. The descriptions have been reviewed by the County's Recorder/Surveyor office and require revisions by the applicant.

FINDINGS:

Based on the analysis of the petition to vacate a Box Elder County Road, staff concludes the following:

1. Unzoned areas allow for road vacations subject to approval by the Box Elder County Commission with a recommendation from the Planning Commission.
2. The county will need a revised legal description to review prior to the County Commission taking action on the application.
4. The public hearing at the County Commission level will provide additional information for their decision.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, staff gives the Planning Commission the following three options in the model motions section below:

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number VAC24-01, a right-of-way alley vacation located at Block G of the Riverside Plat between 15200 North and 15300 North in the Riverside area of unincorporated Box Elder County, 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 VAC24-01, a right-of-way alley vacation located at Block G of the Riverside Plat between 15200 North and 15300 North in the Riverside area of unincorporated Box Elder County, to (give date), based on the following findings:”

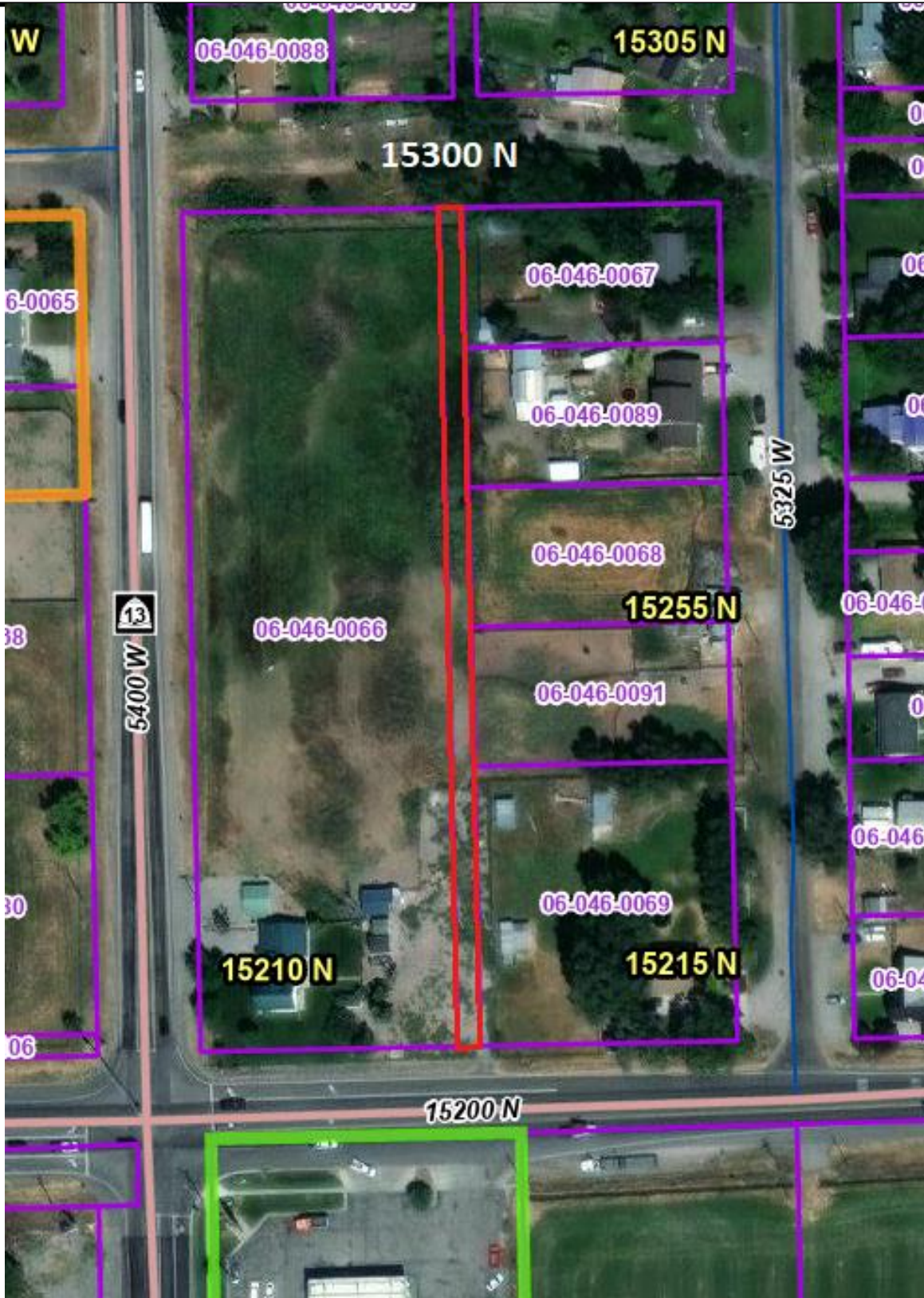
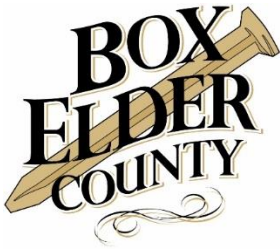
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...



Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number VAC24-01, a right-of-way alley vacation located at Block G of the Riverside Plat between 15200 North and 15300 North in the Riverside area of unincorporated Box Elder County, 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: June 20, 2024

Agenda Item #: 7c

Application Type:

Preliminary Subdivision
 Amend & Extend

APPLICANT(S):

Blaine Rupp

PROJECT #:

SS24-015

ADDRESS:

10100 N 8400 W
 Tremonton area

ZONE:

Unzoned

PARCEL #:

05-083-0036

REPORT BY:

Scott Lyons,
 Community Development

BACKGROUND

The applicants are requesting preliminary approval of the 8400 West Amend and Extend Subdivision plat. The proposed subdivision is for five new lots approximately 1 acre in size and also extends the property line on Lot 3 of the existing 8400 West Subdivision. The existing parcel is 29.38 acres in size and this phase will leave a 21.72 acre remainder parcel.

ANALYSIS

Land Use Ordinance Standards Review:

Land Use Management & Development Code 6-1-130 requires the subdivision of property receive preliminary approval from the Box Elder County Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture/Rural Residential	Unzoned
South	Agriculture/Rural Residential	Unzoned
East	Agriculture/Rural Residential	Unzoned
West	Agriculture	Unzoned

Access:

Access would be via County road 8400 West connecting to a proposed new road, 10100 North and a cul-de-sac 8475 West.

Utilities:

The County has received utility will-serve letters from Miller Gas, Rocky Mountain Power, and culinary water through West Corinne Water Company. We have also received a septic feasibility letter from the Bear River Health Department. This feasibility letter is for a single conventional wastewater system to be installed to service a single-family dwelling on each proposed lot.

Setbacks:

All setbacks for unzoned areas can be met. Setbacks will be reviewed and enforced during the building permit process.

County Department Reviews:

County Surveyor

- Has requested changes to street and lot addressing, the storm water infrastructure, as well as the Owners Dedication.

County Engineer

-
- Has requested changes to storm water infrastructure and roadway profile design.
 - Has requested a geotechnical report.

Fire Marshal

- Has requested updated locations for fire hydrants.

Planning & Zoning

- A geotechnical and soils report based on the county's public works standards must be submitted.
- The subdivider must work with USPS for location and type of mailbox(s). The location(s) must be shown on the plat.

An update will be provided at the Planning Commission meeting.

Findings:

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

1. The preliminary plat as currently proposed does not comply with County development standards.
2. The applicant's surveyor/engineer is currently revising the plat based on County reviews.
3. Modifications to the proposed preliminary plat may be made to bring it into conformance with the County Land Use Management & Development Code.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may TABLE or may APPROVE the proposed preliminary plat based on the findings above and any others the Planning Commission finds. Should the Planning Commission approve the plat staff recommends the approval include the conditions below:**

1. Submission of a geotechnical and soils report based on the county's public works standards.
2. Compliance with review and approval by the County Surveyor, Engineer, Fire Marshal, Planning & Zoning, 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.

MODEL MOTIONS

Approval – "I move the Planning Commission approve application number SS24-015, a preliminary plat for the 8400 West Amend and Extend Subdivision, 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 SS24-015, a preliminary plat for the 8400 West Amend and Extend Subdivision, 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 SS24-015, a preliminary plat for the 8400 West Amend and Extend Subdivision, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

Please feel free to contact Scott Lyons at 435-734-3316 with any questions.



