

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

February 20, 2025

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, B. East, B. Bowen)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL of the January 16, 2025 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
  - a. None
6. **PUBLIC HEARINGS**

a. <b>ZONING MAP AMENDMENT, Z25-002</b> , Request for a zone change of 1.5 acres from R-1-20 (Residential District-20,000 sq. ft.) to M-G (General Industrial) located at approximately 11145 North 11600 West in the Bothwell area of unincorporated Box Elder County. <b>ACTION</b>
b. <b>ORDINANCE TEXT AMENDMENT, Z25-003</b> , Request to amend various sections of the Box Elder County Land Use Management & Development Code. <b>ACTION</b>
7. **NEW BUSINESS**

a. <b>HOMESTEAD AT EAST GARLAND, SS25-001</b> , Request for preliminary approval of a 27-Lot subdivision located at approximately 13500 North 4400 West in the East Garland area of Unincorporated Box Elder County. <b>ACTION</b>
b. <b>ALMA WALKER CAMPGROUND, CUP25-001</b> , Request for a Conditional Use Permit for a small campground located at approximately 3792 West 3600 North in the Corinne area of Unincorporated Box Elder County. <b>ACTION</b>
8. **WORKING REPORTS**
  - a. Parking Standards for Reception Centers
9. **PUBLIC COMMENT**
10. **ADJOURN**

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES JANUARY 16, 2025

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

*Roll Call*

Mellonee Wilding	Chairman
Jed Pugsley	Excused
Lonnie Jensen	Member
Bonnie Robinson	Member
Jared Holmgren	Member
Jennifer Jacobsen	Member
Vance Smith	Alternate/Member

*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 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 December 19, 2024 meeting were made available to the Planning Commission prior to this meeting and upon review a **Motion** was made by **Commissioner Vance Smith** to approve the minutes as written. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

**UNFINISHED BUSINESS**

**ORDINANCE TEXT AMENDMENT, Z24-020, Resident request for a text amendment to Section 5-1-360, Annexation Policy of the Box Elder County Land Use Management & Development Code. Proposal to modify the area where the annexation policy applies.**  
**ACTION**

Staff stated this request came before the Planning Commission on December 19, 2024. A group of residents from the Harper Ward area applied for an amendment to the county annexation policy. The goal of the proposal was to encourage more coordination between cities and the county, especially in those growth areas adjacent to the municipal boundaries. A public hearing was held where input was received from the residents and from multiple cities. Staff explained the next item

on the agenda was submitted by staff and addresses exemptions to the same annexation policy. From a timing standpoint, these two aligned at the same time. Following last month's public hearing the commission directed staff to find language addressing the concerns of staff regarding exemptions, and the concerns of the residents, and try to meet the original intent of the annexation policy.

Applicant David Griffith reminded the Planning Commission of the 80% of Harper Ward residents who signed a petition to have Harper Ward remain rural. The signers of the petition are favorable to the suggestion of a parcel being within a half-mile of a city boundary for annexation upon land use applications. The residents are also favorable to the suggestion to create a Harper Ward Community Plan. However, residents are concerned after learning the Bear River Water Conservancy District Board is considering transferring the Harper Ward water line to Brigham City. Clause C of the annexation policy states if a development improvement or building lot will be using any utility provided by a municipality, any land use application is forced to petition the city for annexation. Acquiring the Harper Ward water line may aid Brigham City's annexation efforts, and has the appearance of a conflict of interest as the mayor of Brigham City is also the chairman of the Bear River Water Conservancy District Board. Mr. Griffith asked the Planning Commission to recommend to the County Commission postponing any Harper Ward annexation approvals until a community plan is completed and residents have had time to consider their options regarding the water line. Mr. Griffith thanked the Commission for their time and consideration and appreciates their support in this matter.

**Commissioner Bonnie Robinson** shares the concern of a municipality providing one utility might trigger an annexation. She would like to consider the idea if there is only one utility involved, it does not trigger an annexation request.

**Commissioner Mellonee Wilding** asked if a city is asked to provide water, could they provide water on contingency of annexation. Staff clarified cities generally require annexation in order to provide a utility.

The commissioners discussed the implications of requiring two utilities before triggering annexation. A land use change would have to have been applied for to trigger the annexation policy.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of denial to the County Commission for application #Z24-020 based on there is a comparable text amendment the applicant is in agreement with and willing to support. The motion was seconded by **Commissioner Vance Smith** and unanimously carried.

**ORDINANCE TEXT AMENDMENT, Z24-019, County request for a text amendment to Section 5-1-360, Annexation Policy of the Box Elder County Land Use Management & Development Code. Proposal for exemptions to the policy. ACTION**

Staff explained this item also came before the planning commission at the December 19, 2024 meeting. The item was tabled and the Planning Commission directed staff to provide language

balancing the various perspectives received from the public hearing, input from various cities, and discussions from the meeting. Staff finalized and emailed the language to the Planning Commission for review. Additional changes and clarifications from the County Attorney's office were recommended including changing 'legislative application' to 'zoning map amendments' which applies to specific pieces of property. Other recommendations from the attorney's office removes spelling out the annexation process. The landowner is instead directed to the annexation process in state code.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application #Z24-019 a text amendment to Section 5-1-360, Annexation Policy, including recommendations from the County Attorney to change legislative application to zoning map amendment, changing item b. to state using two or more utilities provided by a municipality, and changing item #2 directing the landowner to the annexation process in state code, and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Jenifer 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.

### **PUBLIC HEARINGS**

Chairman Mellonee Wilding explained public hearings provide an opportunity for the public to voice their concerns or approval on an item and asked to please keep comments concise. 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, Z24-021, Request for a zone change of 72.18 acres from RR-5 (Rural Residential 5-acre) to RR-2 (Rural Residential 2-acre) located at approximately 10255 West 13600 North in the Bothwell area of unincorporated Box Elder County. ACTION**

Staff stated the applicant is requesting a zone change of 72.18 acres. The surrounding land use is Agricultural and Rural Residential; the surrounding zoning is RR-5. As this is a legislative application, decisions shall be based on the "reasonably debatable" standard as follows:

- The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.

- In making such determination, the decision-making authority may consider the following:
  1. Testimony presented at a public hearing or meeting; and
  2. personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the County.
- The decision-making body should state on the record the basis for its decision.

Staff 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: This plan suggests that “future land use decisions should enhance our towns and cities, focusing most of the growth there and that decisions should support our farmers and ranchers in their agricultural stewardship.” Bothwell Community Plan: Future Land Use indicates that “as part of the agricultural heritage area, large lot zoning should remain to encourage continued agricultural activity. A GIS lot size analysis should be performed to evaluate additional zoning options.”

**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 with some residential homes (west and east) along 13600 North. The Planning Commission needs to decide if an RR-2 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.

The public hearing was then opened for comments.

Calvin Bingham expressed concerns about the impact of the proposed change on drainage and flooding, sharing personal experiences and the opinions of a contractor who suggested requiring them to put in a tile line all the way to the big canal. Mr. Bingham read a letter from Jill Christensen who helped establish the current RR-5 zoning. The property owner knew the parcel was zoned RR-5 upon purchase.

Douglas Call shared similar concerns about drainage and flooding, emphasizing the need for proper drainage systems to handle increased water flow. He is against the proposed rezone.

Krys Oyler raised concerns about the impact of development on noise and runoff, and the potential for flooding in the area. He feels development will not fit well in the area. He farms at night and with a housing development, the homeowners would not put up with night farming.

Richard Nicholson spoke of the unique characteristics of Bothwell and the importance of maintaining the five-acre minimum lot size to preserve the community's rural character. He feels the majority of the residents of Bothwell want to preserve five-acre zoning.

Jacob Thurgood presented a petition signed by 250 residents opposing the proposed zoning change citing concerns about preserving the community's rural character, lack of infrastructure, and environmental impact. He thanked the Planning Commission for their attention and consideration. *(See Attachment No. 2 – Petition.)*

Sandra Hood shared personal experiences with flooding of 10800 West and the potential for increased water flow if the zoning change is approved. She is against the proposed zone change.

Joe Summers opposes the proposed zoning change. He stated the developer knew the property was zoned five-acres when he purchased it. He emphasized how hard the community has fought to preserve the RR-5 zoning and the potential negative impact of changing it. He thanked the Planning Commission for their service and the dedication to the role they play in the county.

Jim Morrison called attention to the Box Elder County General Plan and the community's consensus on maintaining the five-acre minimum lot size. Large lot zoning should remain to encourage agricultural activity.

Jonathan Mauchley supports the petition and opposes the zoning change. He moved to Bothwell for the five-acre minimum. He emphasized the importance of maintaining the community's rural character.

Buster Marble raised concerns about the impact of the proposed zoning change on drainage and flooding. He expressed the need for proper water management of secondary water.

Kathryn Summers shared personal experiences and the efforts of the community to preserve the five-acre minimum lot size. She commented on the beauty of the Bothwell area and asked the Commissioners to preserve the five-acre zoning.

Jeff Ivers compared the proposed zoning change to the negative impact of urban development. He emphasized the importance of maintaining the community's rural character. Mr. Ivers strongly opposes two-acre zoning.

Victoria Dickinson supports the petition opposing the zoning change. She commented on the community's self-sufficiency by neighbor helping neighbor. She is also concerned with flooding. She knows several individuals who created the Bothwell Community plan. She thinks it would dishonor their memory, service, and commitment to the community plan by changing the zoning.

Lori Hall is not a farmer but prefers five-acre zoning which allows her the space and freedom to do what she wants on her property. Bothwell has a lifestyle she wants to see preserved.

Eileen Firth urged the Commissioners to follow the desires of the community over those of developers.

Shaunie Mackie is one of the younger generation to inhabit Bothwell who understands and respects the privilege of living in Bothwell. She said developers do not share that same respect.

Robert Nelson agrees with all that has been said opposing the zone change.

Shane Newman is a 53-year resident of Bothwell. He noted the generational fight to maintain the rural character of the area. He has a hard time with a developer coming in knowing the zoning and then trying to change it after the fact.

Staff read into the record letters from Ashley Rhodes, Chris and Arlene Thurgood, Kim Detwiler, and Layne and Tiffani Summers.  
(See Attachment No. 3 – Letters.)

Nick Newman is a fourth-generation farmer. He mentioned some of the challenges farmers face including water restrictions. He feels it is unfair developers can come in and use much more water than the farmers.

Mattie Swenson is concerned with the impact two-acre zoning will have on the community's values and safety.

Jim Flint noted not all residents can manage such large parcels as five-acre lots. Smaller lots can be easier to maintain. He provided examples of various smaller property sizes in the area. Mr. Flint emphasized the challenges of managing large parcels, especially for those without the necessary resources.

Brenda Sagers is an 81-year-old resident of Bothwell. She understands the area has some two-acre parcels but farming two acres is impractical. She opposes the reduction to two acres.

BJ Reeder owns and lives on one of the two-acre lots. He takes comfort in knowing there will not be 3 or 4 houses popping up in his backyard. He moved from Nibley Utah where five-acre lots were reduced to half-acre lots, and the small town feel was gone. Maintaining five-acre lots will preserve the rural character of Bothwell.

Katherine Nielsen wanted to tear down her existing home and rebuild but she would have to rezone the property to do so. She empathizes with the investor but stated he knew what he was taking on.

Steve Dickson a newer community member, expressed support for the current zoning based on the compelling reasons presented.

Lee Summers shared his family's history in the area and the importance of maintaining the rural character for future generations.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Zoning Map Amendment Z24-021. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

### **ACTION**

Staff explained the Planning Commission will need to determine if the proposed map amendment meets the approval standards of county code.

**Commissioner Bonnie Robinson** thinks there is no difference between farming a two-acre lot and a five-acre lot. They are both too small to use farm equipment efficiently. However, we want to protect agriculture in the county. She reminded those in attendance about placing their farmland in an Agricultural Protection Area.

**Commissioner Jennifer Jacobsen** pointed out this request does not fit with the Bothwell Community Plan and is not harmonious with the surrounding area. She thanked everyone for coming and supporting their community.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of denial to the County Commission for application Z24-021 a request for a zone change 72.18 acres from RR-5 (Rural Residential 5-acre) to RR-2 (Rural Residential 2-acre) located in the Bothwell area of Unincorporated Box Elder County, based on overwhelming public opposition and not being harmonious with surrounding area. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

### **ORDINANCE TEXT AMENDMENT, Z25-001, Request for a text amendment to Chapter 6-3 Agricultural Subdivisions in the Box Elder County Land Use Management & Development Code. ACTION**

Staff explained the proposed changes are based on discussions with the ombudsman's office. The proposal streamlines the process for agricultural subdivisions by removing the current process and replacing it with the suggestions from the ombudsman's office. Agricultural subdivisions are not considered subdivisions and are excluded from the subdivision code. There is no plat required, the landowner just marks the deed that the division is for agricultural purposes. The ombudsman's office provided staff with specific language to be used.

*(See Attachment No. 4 – Proposed Text Amendment.)*

**Commissioner Jared Holmgren** suggested changing the minimum acreage requirement in Section 6-3-070 from five (5) acres to ten (10) acres.

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



Hearing no comments a motion was made by **Commissioner Jared Holmgren** to close the public hearing on the Ordinance Text Amendment, Z25-001. The motion was seconded by **Commissioner Lonnie Jensen** and passed unanimously.

### **ACTION**

Staff explained read the standards for reviewing ordinance 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;** The proposed amendment is consistent with the goals, objectives, and policies of 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.
- C. The extent to which the proposed amendment may adversely affect adjacent property; and** The proposed amendment should not adversely 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.** The proposed text amendment should not have an effect on the adequacy of facilities.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to forward a recommendation of approval to the County Commission for application Z25-001, a request for a text amendment to Chapter 6-3 Agricultural Subdivisions striking #2 and #3 from Section 6-3-050, and adjusting the minimum acreage requirement in Section 6-3-070 from five (5) acres to ten (10) acres, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

### **CONDITIONS:**

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

### **NEW BUSINESS**

**AUTO SALES, SP24-006, Request for site plan approval of an auto dealership located at approximately 15450 N 5250 W in the Riverside area of Unincorporated Box Elder County.**

### **ACTION**

Staff said the applicant is requesting site plan approval for 0.63 acres for auto sales in the Riverside area. The surrounding land use in Agricultural, surrounding zoning is Unzoned.

Staff read the standards for reviewing 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.** The review process is currently underway, once finished the development will conform.
- C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code.** The review process is currently underway, once finished the development will conform.
- D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances.** The review process is currently underway, once finished the development will conform.
- 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

All applicable county departments have reviewed and approved the request. Staff recommends approval and adding the limit of selling two (2) cars at a time.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to approve application SP24-006, a request for site plan approval of an auto dealership located in the Riverside area of Unincorporated Box Elder County adding the compliance of selling a 2 car limit and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Lonnie Jensen** and unanimously carried.

**CONDITIONS:**

1. Compliance with all comments from Staff.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**SURPLUS PROPERTY, SPD24-001 Request for the sale of surplus property parcel 03-082-0067. ACTION**

Staff said a Brigham City resident approached the county regarding the surplus sale of a small 0.05 acre parcel located adjacent to her property. The property defaulted to the county via tax deed. The County Commission directed staff to take the request through the surplus property disposal process. The recommendation from the Planning Commission is based three factors. 1. How does the County General Plan apply to this request? 2. How does the land use code apply to this surplus property disposal? 3. Staff can submit a recommendation to the County Commission on behalf of the Planning Commission within 15 days of the Planning Commission's action.

**MOTION:** A Motion was made by **Commissioner Bonnie Robison** to forward a recommendation of approval to the County Commission that the County General Plan, the County Land Use Code, and any other applicable ordinances they are aware of are not applicable to this proposal. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

## **WORKING REPORTS - NONE**

## **PUBLIC COMMENTS**

Reed Young thanked the Planning Commission for their service and amending the language of the annexation ordinance. It has been made clear to him, Brigham City will do everything in its means to exploit the county's ordinance in order to gain as many annexation petitions as possible. The city believes they could force annexation on the entirety of their plan. It is Mr. Young's opinion forceful annexation flies completely in the face of personal liberty and property rights.

Julie Thurgood Johnson is currently trying to build a home in the Harper Ward area. She expressed her frustration with Brigham City and the overreach of government agencies. Brigham City recently changed an ordinance where they take the water rights if your property is annexed into the city. Bonneville Shoreline Trails is trying to go from Nephi Utah to Idaho through her neighbor's property. The Bear River Canal Company took 50 feet of her property where they should only have 25 feet. Ms. Johnson reiterated she is tired of government overreach.

Greg Woodward agrees with Ms. Johnson's frustrations.

Jo Brown does not want to be annexed into Brigham City and echoes Ms. Johnson's comments.

Derek Oyler works for Brigham City Corporation. He wants it on record there are still two major issues the city has with the current ordinance. He explained the city is dealing with developers being conducive with the city's general plan within the annexation area. There has been discussion on development roads and types of infrastructure to be put in. Any county ordinance in place stating developers need to develop to the standards of the city cannot be enforced by Box Elder County, they can only be enforced by the city. Mr. Oyler said whether there is one utility provided or more does not matter. What does matter is that the city develops right the first time so the city doesn't have to go back in and use taxpayer money to redevelop the right way.

DJ Bott, mayor of Brigham City, said the city does not want to annex Harper Ward. What is happening is big businesses are looking at areas to gobble up land to make bigger areas to bring in their businesses. Brigham City is totally supportive of Harper Ward wanting to stay agricultural. But Brigham is dealing with multi-million dollar companies wanting to expand not only in the Harper Ward area but areas like Corinne also. These businesses can buy up agricultural land for their businesses and need Brigham City services and infrastructure, so they apply for annexation into Brigham. Brigham City is not out to annex Harper Ward, the city is actually trying to protect them from the big companies by creating industrial areas out in the country.

**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 10:02 p.m.

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Mellonee Wilding, Chairman  
Box Elder County Planning Commission



# PLANNING COMMISSION STAFF REPORT

Meeting Date: Jan. 20, 2024

Agenda Item #: 6a

**Application Type:**  
Zoning Map Amendment

**APPLICANT(S):**  
Lanny Lewis

**PROJECT #:**  
Z25-002

**ADDRESS:**  
11145 N 11600 W,  
Tremonton, UT 84337

**PARCEL #:**  
Parcel #: 05-100-0065

**CURRENT ZONE:**  
R-1-20

**TYPE OF ACTION:**  
Legislative

**REPORT BY:**  
Destin Christiansen,  
County Planner

## **BACKGROUND**

The applicant is requesting that parcel 05-100-0065 (1.5 acres total) located in the Thatcher area be re-zoned from R-1-20 (Residential District-20,000 sq. ft.) to the M-G (General Industrial) zone to allow for a cabinet and machine shop.

## **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	R-1-20/RR-5
South	Residential	R-1-20
East	Agricultural	RR-5
West	Agricultural	R-1-20

### **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 General Plan: States that future land use decisions should enhance our towns and cities, focusing most of the growth there and that decisions should support our farmers and ranchers in their agricultural stewardship.*

*For the Thatcher/Penrose area, the General Plan states that "large lot zoning should continue, including R-1-20, RR-1, and larger A-20 zones, which encourage continued agriculture." The Box Elder County vision suggests continuing the agricultural heritage of the area and allowing for some flexible lot sizes through rural residential clustering.*

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**

*The subject property is 1 of 5 lots of the Keith H. Anderson Minor Subdivision. The area is mainly a combination of agricultural uses and some residential homes. The Planning Commission needs to decide if an M-G zone could be considered harmonious. Aside from the applicant's desired uses, other M-G uses could comprise anything from gas stations, auto repair shops, etc. to petroleum products manufacturing (petroleum refining, paving materials, roofing materials, etc.) and iron/steel foundries and manufacturing.*

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

*The proposed zoning could affect adjacent properties; however, 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 likely that the facilities and services already exist; however, the developer would have to verify this and bring them into the project.*

**FINDINGS:**

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from R-1-20 (Residential District-20,000 sq. ft.) to the M-G (General Industrial) 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 decide 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 R-1-20 (Residential District-20,000 sq. ft.) to the M-G (General Industrial) 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 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.

## **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z25-002, a zoning map amendment from R-1-20 (Residential District-20,000 sq. ft.) to the M-G (General Industrial) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

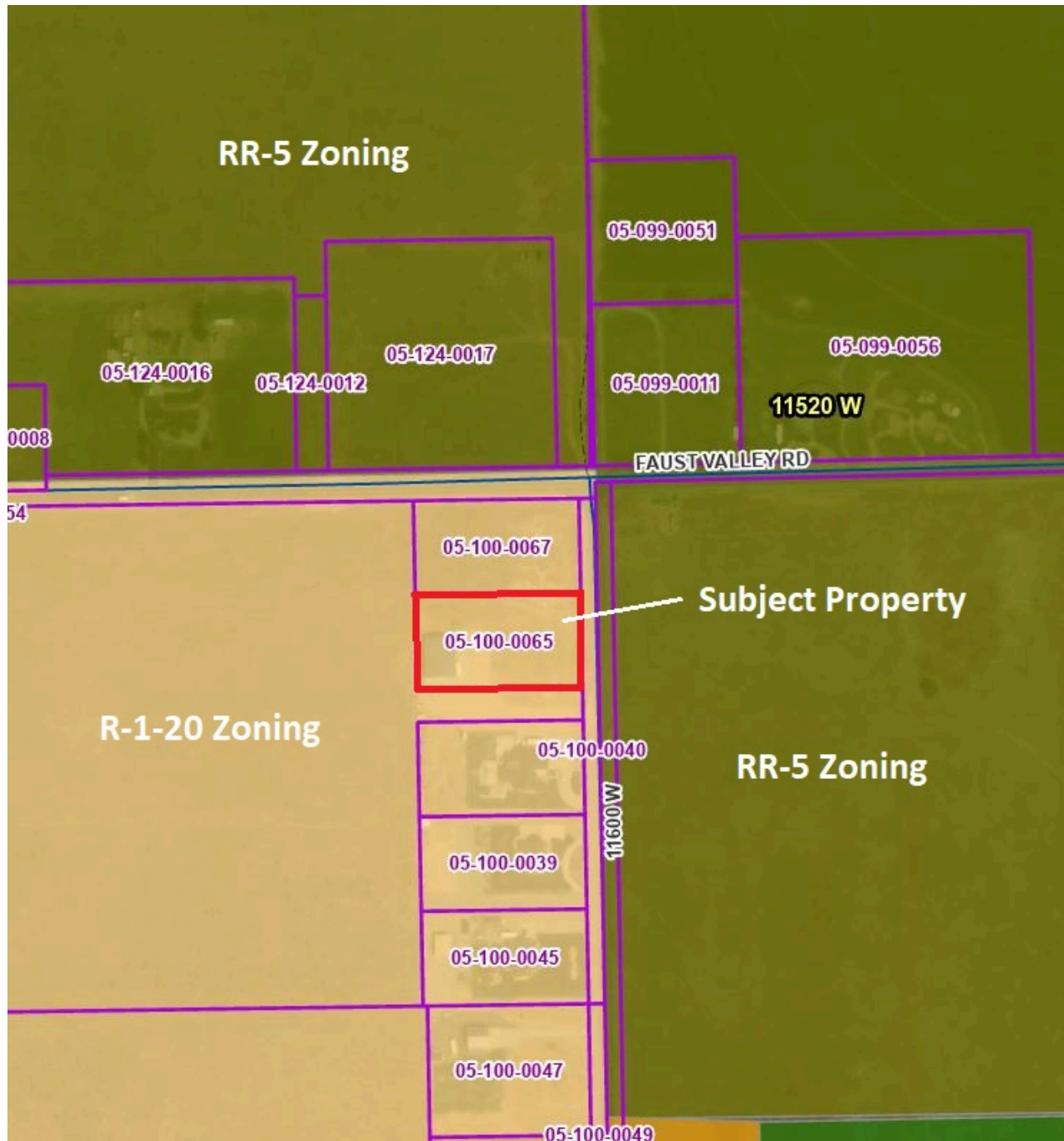
**Table** – “I move the Planning Commission table the review of application number Z25-002, a zoning map amendment from R-1-20 (Residential District-20,000 sq. ft.) to the M-G (General Industrial) zone to (give date), based on the following findings:”

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

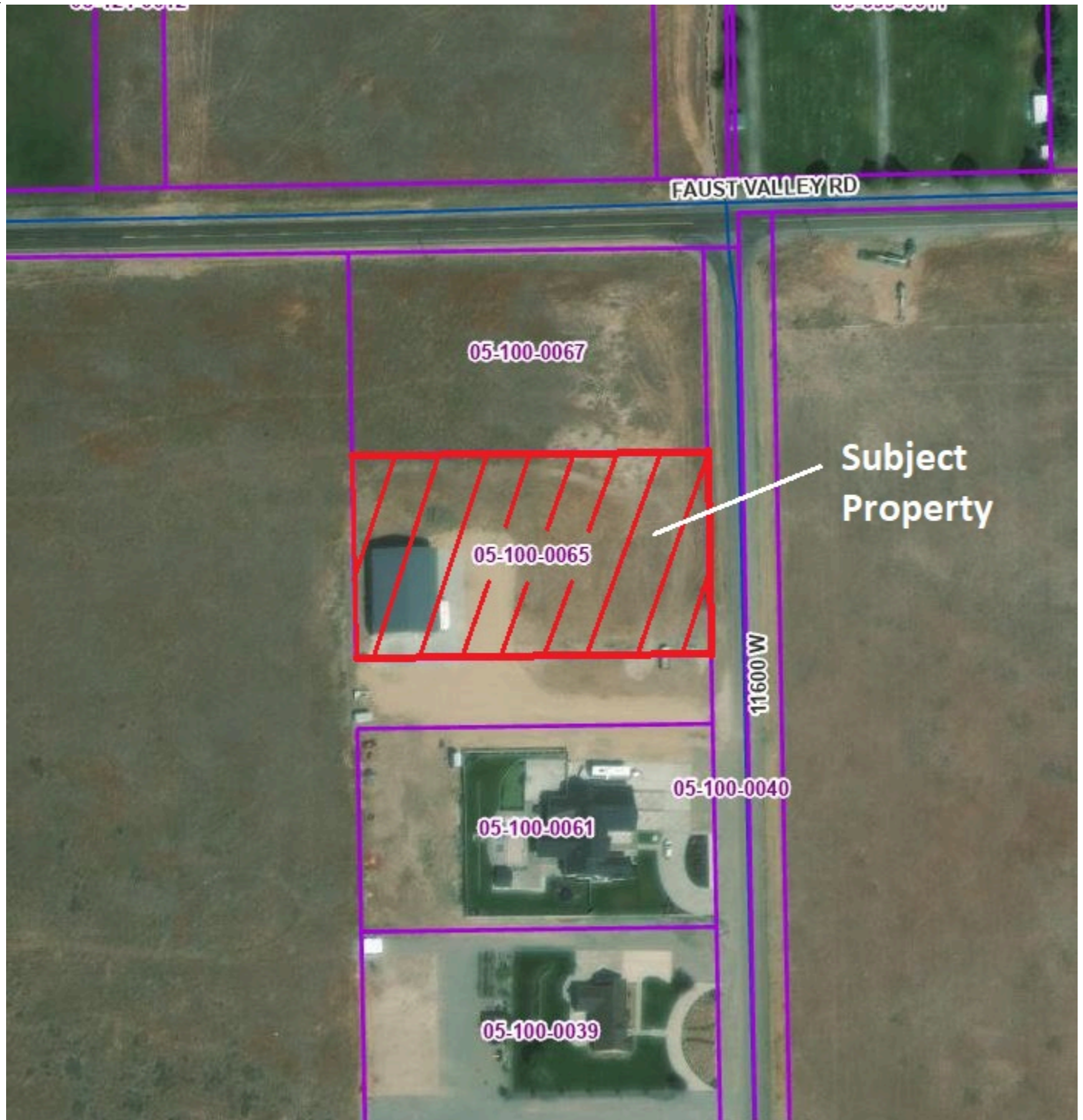
**Denial** – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z25-002, a zoning map amendment from R-1-20 (Residential District-20,000 sq. ft.) to the M-G (General Industrial) zone based on the following findings:”

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: February 20, 2025  
Agenda Item #: 6b

<b><u>Application Type:</u></b> Ordinance Text Amendment
<b><u>APPLICANT(S):</u></b> Box Elder County
<b><u>PROJECT #:</u></b> Z25-003
<b><u>ORDINANCE:</u></b> Code Text updates
<b><u>TYPE OF APPLICATION:</u></b> Legislative
<b><u>REPORT BY:</u></b> Destin Christiansen, County Planner

## BACKGROUND

The applicant is requesting a text amendment to amend/update a number of sections of the Box Elder County Land Use Management & Development Code.

## ANALYSIS

### **County Code:**

The Box Elder Land Use Management & Development Code 2-2-080(C) allows authorized county staff to initiate amendments to the text of the Box Elder County Land Use Management & Development Code. These amendments are decided upon by the County Commission with a recommendation from the Planning Commission.

### **Land Use Ordinance Standards Review:**

Box Elder County Land Use Management & Development Code section 2-2-080 outlines the following standards for review for zoning text 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 future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.*
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**  
*This text amendment updates different portions of the Code that are conflicting with other updated sections of the Code. The Planning Commission needs to decide if this amendment would be harmonious.*
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**  
*The proposed text amendment should not have an adverse effect on adjacent property.*
- 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 is county-wide and should not have an effect on the adequacy of facilities.*

## **FINDINGS:**

Based on the analysis of the ordinance text amendment application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for ordinance text amendments subject to review procedures and approval by the County Commission with a recommendation from the Planning Commission.
2. The Planning Commission will need to determine if this application meets the standards in Section 2-2-080.

## **RECOMMENDATION**

Based on the information presented in this report, application materials submitted and a review of areas, the Planning Commission should forward 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 County Commission, staff recommends it be subject to the following conditions:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 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.

## **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z25-003, an ordinance text amendment 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 Z25-003, an ordinance text amendment to (give date), based on the following findings:”

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

**Denial** – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z25-003, an ordinance text amendment based on the following findings:”

1. List findings for denial...

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

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### ~~Chapter 3-8-2 The Orchards Master Planned Community Zone~~

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## Chapter 5-6 – Accessory Dwelling Units & internal Accessory Dwelling Units

### 5-6-050. Permitted and **Administrative** Conditional Use Permit Required.

An ADU meeting the regulations and standards, as specified in this chapter, may be allowed in any zone that allows a single-family residence after approval of an **administrative** conditional use permit (§2-2-1010) by the **planning commission zoning administrator**. IADU's meeting the regulations and standards, as specified in this chapter ~~may be~~ **are** allowed **as a permitted use** in any zone that allows a single-family residence ~~as a permitted use~~.

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## Chapter 5-8 – Kennels

### 5-8-040. Conditional Use Permit, **Administrative Conditional Use Permit**, and/or Site Plan Required.

A **commercial** kennel meeting the regulations and standards, as specified in this chapter, may be allowed in any unzoned areas and zoned areas as set forth in the use tables after approval of a conditional use permit (§2-2-100) and/or site plan (§2-2-120). **A home-based kennel meeting the regulations and standards, as specified in this chapter, may be allowed in any unzoned area and zoned area as set forth in the use tables after approval of an administrative conditional use permit (§2-2-110) and/or site plan (§2-2-120).**

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## Chapter 5-1 - Regulations Applicable To All Zones

### 5-1-150. Maximum Height ~~and Floor Area~~ of Accessory Buildings. (~~Ordinance 345~~)

**Except for agricultural buildings,** ~~No~~ building which is accessory to a one-family, two-family, three-family, or four-family dwelling shall be erected to a height greater than ~~twenty~~ **thirty**-five (~~235~~) feet, ~~nor be higher, nor contain greater square foot floor area than the principal building to which it is accessory~~. The accessory building shall comply with the setback distances required by this Code for the district in which such lot **or parcel** is located.



**5-1-160. Area of Accessory Buildings.**

No accessory building or group of accessory buildings in any residential district shall cover more than twenty-five (25) percent of the **lot or parcel** rear yard.

**5-1-340. BOX ELDER COUNTY MINIMUM ROAD STANDARDS (~~Ordinance 330~~)**

**C. MINIMUM STANDARD DRAWINGS (~~Ordinance 379 1-22-2014~~)**

**See Box Elder County Road Department's Public Works Standards ~~SEE EXHIBIT A~~**

**PLANNING COMMISSION**  
**STAFF REPORT**

**Meeting Date: February 20, 2025**

**Agenda Item #: 7a**

**Application Type:**  
 Preliminary Subdivision

**APPLICANT(S):**  
 Garth Day

**PROJECT #:**  
 SS25-001

**ADDRESS:**  
 13500 North 4400 West

**ZONE:**  
 Unzoned

**PARCEL #:**  
 06-053-0129

**REPORT BY:**  
 Marcus Wager,  
 Sr. County Planner

**BACKGROUND**

The applicant is requesting approval of The Homestead at East Garland Subdivision preliminary plat. The proposed subdivision is for 27 new lots (in 2 phases) approximately 0.5 to 1.96 acres in size with a remainder portion on the west. The existing parcel is approximately 52.34 acres in size.

**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/Residential	Unzoned
South	Agriculture/Residential	Unzoned
East	Residential	Unzoned
West	Agriculture/Residential/River	Unzoned

**Access:**

Access would be via County road 4400 West or East Garland Road and terminate at the west end of the development with stub roads to the north and south in both phase 1 and phase 2.

**Utilities:**

The County has received utility will-serve letters from Rocky Mountain Power, Enbridge Gas, and culinary water through the UKON Water Company. We have also received a septic feasibility letter from the Bear River Health Department. This feasibility letter is specifically for 13 Lots (phase 1) with a single conventional wastewater system to be installed.

**Setbacks:**

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

**County Department Reviews:**

The first review has been sent back (on 1-21-2025) to the applicant and he is working on getting the updated plat back to us. Any additional updates will be provided at the Planning Commission meeting.

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### **Findings:**

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

1. Most County departments are currently reviewing plat/plans that have been provided. We are awaiting an update plat.
2. Modifications to the proposed preliminary plat will need to 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. Compliance with review and approval by the Box Elder County Development Review Committee..
2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
4. Compliance with 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 SS25-001, a preliminary plat for the The Homestead at East Garland 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....

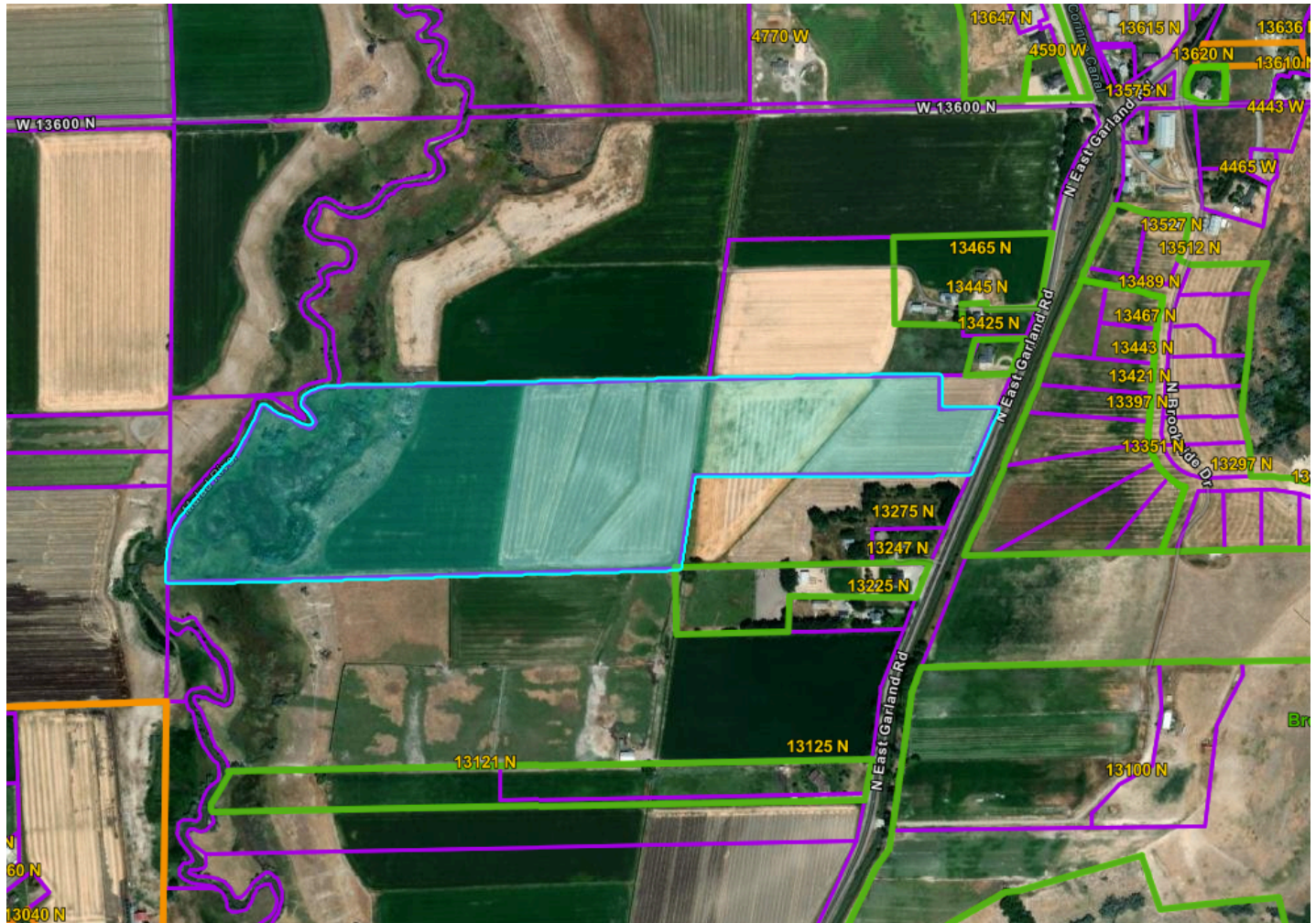
**Table** – “I move the Planning Commission table application number SS25-001, a preliminary plat for the The Homestead at East Garland Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

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

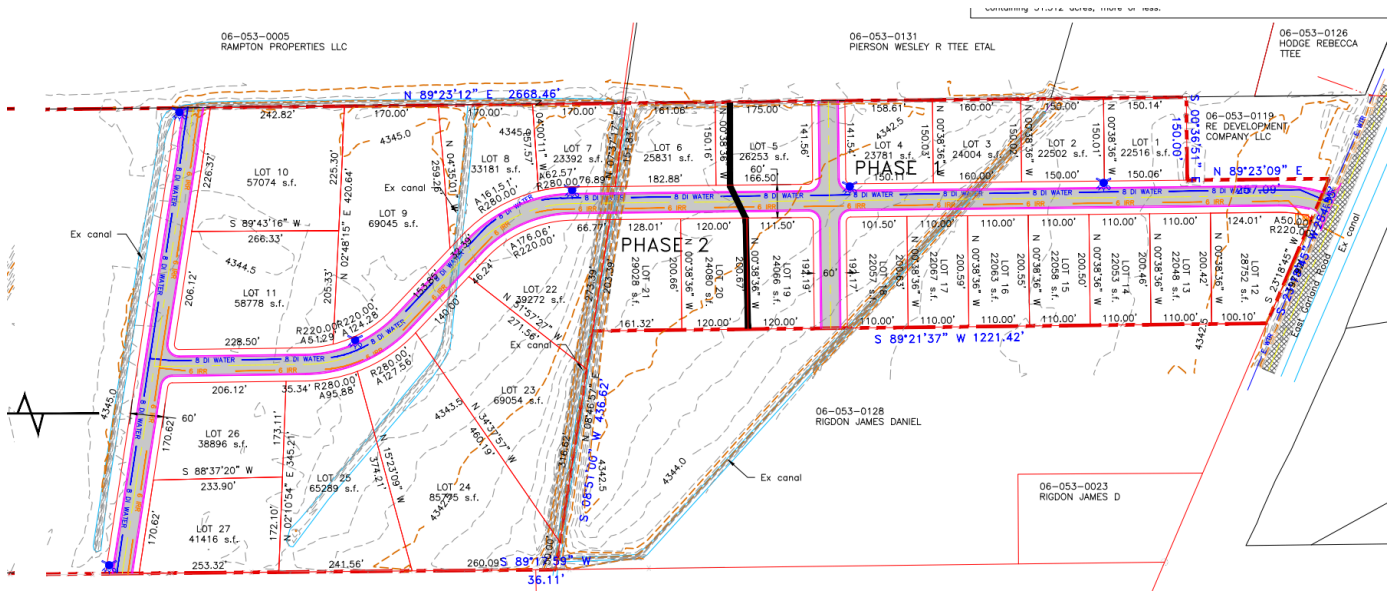
**Denial** – “I move the Planning Commission deny application number SS25-001, a preliminary plat for the The Homestead at East Garland Subdivision, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

Please feel free to contact Marcus Wager at 435-734-3308 with any questions.









**PLANNING COMMISSION  
STAFF REPORT**

**Meeting Date: February 20, 2025  
Agenda Item #: 7b**

**Application Type:**

Conditional Use Permit for a  
Campground

**APPLICANT(S):**

Alma Walker

**PROJECT #:**

CUP25-001

**ZONE:**

A-20

**PARCEL #:**

04-041-0033

**TYPE OF ACTION:**

Administrative

**REPORT BY:**

Destin Christiansen,  
County Planner

**BACKGROUND**

The applicant is requesting a Conditional Use Permit and Site Plan approval for a small campground. They seek to build a campground consisting of six (6) tent sites, two (2) day use areas, and two (2) group sites as part of the proposed facility. The property is located at 3792 west 3600 north in the Corinne area of unincorporated Box Elder County. An annexation petition was filed with Corinne City which was denied. A flood plain permit has been applied for and approved.

*Surrounding Land Use and Zoning:*

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	A-20
South	Bear River/Agriculture	RR-20
East	Agriculture	A-20
West	Agriculture	A-20/RR-20

**ANALYSIS**

**Land Use Ordinance Standards Review:**

Box Elder County Land Use Management & Development Code section 3-2-070-11 allows for a "private park or recreational grounds or private recreational camp or resort, including accessory or supporting dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory" subject to Conditional Use Permit approval. Section 2-2-100 outlines the following standards for mitigation of

reasonably anticipated detrimental effects arising from the conditional use:

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, gasses, 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 A-20 building setbacks.*

**Access:**

*Access to the property is obtained by 3600 North, an existing county road.*

**County Department Review:**

*All applicable County departments, aside from engineering, have reviewed this application and approved.*

**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 private parks/campgrounds 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.

**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:**

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**Conditions of Approval:**

1. The Engineering Department approves the site plan.
2. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
3. Compliance with Article 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code.
4. Compliance with Article 2-2-120, Site Plan Review, 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.

**MODEL MOTIONS**

**Approval** – “I move the Planning Commission approve application number CUP25-001, a Conditional Use Permit for a private park/campground, 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 CUP25-001, a Conditional Use Permit for a private park/campground, 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 CUP25-001, a Conditional Use Permit for a private park/campground, 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.

