

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

August 17, 2023

Agenda review with Planning Commissioners at 6:00 p.m.

1. **CALL TO ORDER 7:00 p.m.** (County Commission Chamber Room, Main Floor)
 - a. Roll Call (Commissioners S. Zollinger, B. Robinson, M. Wilding, J. Holmgren, J. Pugsley, V. Smith, J. Jacobsen, and L. Jensen)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL** of the July 20, 2023 Planning Commission Minutes.
5. **UNFINISHED BUSINESS**
 - a. **CONDITIONAL USE PERMIT, CUP23-001, Request for a Conditional Use Permit for a Recreational Vehicle Park located at approximately 20755 North 6000 West in the Plymouth area of Unincorporated Box Elder County. ACTION**
6. **PUBLIC HEARINGS**
 - a. **ZONING MAP AMENDMENT, Z23-013, Request for a zone change of 4 acres from RR-5 (Rural Residential-5 acres) to RR-2 (Rural Residential-2 acres) located at approximately 4815 N. Hwy 38 in the Harper Ward area of Unincorporated Box Elder County. ACTION**
7. **NEW BUSINESS**
 - a. **CONDITIONAL USE PERMIT, CUP23-003, Request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 11820 North 10000 West in the Tremonton area of Unincorporated Box Elder County. ACTION**
 - b. **CONDITIONAL USE PERMIT, CUP23-006, Request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 9250 West Point Lookout Drive in the Bothwell area of Unincorporated Box Elder County. ACTION**
 - c. **CONDITIONAL USE PERMIT, CUP23-004, Request for a Conditional Use Permit for an Agricultural Nutrient Manufacturing Facility located at approximately 12090 North Highway 38 in the Deweyville area of Unincorporated Box Elder County. ACTION**
8. **WORKING REPORTS**
 - a. NONE
9. **PUBLIC COMMENT**
10. **ADJOURN**_____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES July 20, 2023

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

Roll Call

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

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	Excused
Destin Christiansen	County Planner
Stephen Hadfield	Excused
Boyd Bingham	Excused
Diane Fuhriman	Executive Secretary

Vice-Chairman Jared Holmgren called the meeting to order at 7:00 p.m.

The Invocation was offered by **Commissioner Bonnie Robinson**.
Pledge was led by **Commissioner Jared Holmgren**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the June 15, 2023 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jed Pugsley** to approve the minutes as written. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

Vice-Chair Jared Holmgren 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.

ORDINANCE TEXT AMENDMENT, Z23-011, Request for a text amendment to remove Exhibit A, New Road Standards 2014 from the Box Elder County Land Use Management & Development Code. ACTION

Staff stated the county is requesting to remove road standards from the county land use code. The Box Elder County Roads Department is in the process of developing a Public Works Standards Code where the new, proposed roads standards will be kept. The proposed amendment would affect Article 5: Exhibit A New Road Standards 2014 of the Box Elder County LUM&DC.

Staff read the standards for reviewing zoning text amendments from Section 2-2-080 from county code 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 we make sustainable, efficient, and convenient infrastructure choices that place Box Elder County and its communities in a strong position for the future.
- B. **Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** This text amendment is simply transferring the location of where the road standards for Box Elder County are kept. 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;** 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.

The public hearing was then opened for comments.

Hearing no comments, a motion was made by **Commissioner Jed Pugsley** to close the public hearing on the Ordinance Text Amendment Z23-011. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

ACTION

Commissioner Jared Holmgren confirmed the request does not remove county road standards, but puts them under the jurisdiction of the road department. Staff stated this is a cleaner way to do this.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Z23-011, a request for a text amendment to remove Exhibit A, New Road Standards 2014 from the Box Elder County Land Use Management & Development Code and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Steven Zollinger** 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.

ORDINANCE TEXT AMENDMENT, Z23-012, Request for a text amendment to add Section 5-1-370 Landscape Requirements, to the Box Elder County Land Use Management & Development Code. ACTION

Staff said the state has a program for current property owners to be reimbursed \$1.50 per sq. ft. for replacing lawn with water wise landscaping. The landscaping requirements set by the state must be added to the county land use code. Any new residential development shall comply with the following requirements:

- a. No lawn on parking strips or areas less than eight feet in width in new residential development.
- b. No more than 50% of front and side yard landscaped area in new residential developments is lawn. Lawn limitations do not apply to small residential lots with less than 250 square feet of landscaped area.

In new commercial, industrial, institutional, and multi-family development common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

Staff said this would add an enforcement element to the Planning & Zoning Department having to ensure this is enforced with new construction. However, it also opens up the opportunity for current landowners to be able to have access to more water-wise decisions.

Staff read the standards for reviewing zoning text amendments from Section 2-2-080 from county code 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: "Communities are engaged in creating water-wise landscapes as a requirement for getting a building permit. Such ordinances usually specify a maximum amount of turf, and that rock mulches need to have defined amounts of shade through the planting of trees, and even more common is a prevention of vegetation in park strip areas except for appropriately sized trees. Leading edge communities are tying this conservation movement to Low Impact Development (LID) techniques to retain storm water on-site".
- B. **Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** This text amendment would apply to all areas of unincorporated Box Elder County. The proposed amendment should be harmonious with the overall character of existing development.
- C. **The extent to which the proposed amendment may adversely affect adjacent property;** The 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 and services.

Staff feels the Planning Commission can recommend approval on this request if they so desire. Alternative options would be to have staff look at what landscaping requirements are currently on the books, or staff can continue to operate as usual.

The public hearing was then opened for comments.

Brodie Calder said he would look to approve this request as there is a major problem with water right now. He does not see a need for some of the portions needing to be 8 ft. or less on the residential side, it can be done with better landscaping options. He sees water conservation as being very helpful.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Ordinance Text Amendment, Z23-012. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

ACTION

Commissioner Bonnie Robinson asked if clover would qualify as lawn. Clover requires less water, less mowing, and is still green. She asked if there are other ground covers that may be considered lawn.

Commissioner Steven Zollinger said there are all types of different landscaping including dry scape. Is the county going to try to limit people to this standard of landscaping?

Staff explained the limitations would be that residents could have lawn up to 50% of the front and side yards. They could put clover in 100% of the yard. This is not requiring they have lawn in the 50%, they can have lawn *up to* 50%.

Commissioner Steve Zollinger asked if someone has their own water well system and they want to plant more lawn or have an orchard type yard, what standard do we hold those landowners too? He asked if the county is compliant with the state now.

Staff explained it is voluntary on the part of the county to make this available to the public. It is voluntary for the public once it has been made available to them. It would be mandated for new construction.

Commissioner Bonnie Robinson said rock is an option but rock is so hot, plants are much cooler and help to clean the air. Staff said there is a statement in the County General Plan that if a landowner is going to use rock, they are required to have a certain amount of trees.

Commissioner Jed Pugsley verified the \$1.50 comes from the state and that this is front and side yards only with no regulations for back yards. He is concerned with locking in the whole county to these standards.

Staff explained from an enforcement standpoint, the Planning & Zoning Department would note on the building permit the landscaping requirements. At that point, staff would address the issues if our office received complaints from neighbors or from the water company.

Staff said the Planning Commission has multiple options with this text amendment. They can direct staff to take it back to the drawing board and come back with something more complete, or forward a recommendation of denial to the County Commission and let them decide if they want to approve or deny.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to table Ordinance Text Amendment Z23-012 a request to add Section 5-1-370 Landscape Requirements to the Box Elder County LUM&DC pending further review. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

NEW BUSINESS

LOOKOUT MOUNTAIN SUBDIVISION, SS23-010, Request for preliminary plat approval for a 10-lot phase 1 of a subdivision located at approximately 16250 North 6000 West in the Riverside area of unincorporated Box Elder County. ACTION

Staff said the applicants are requesting preliminary approval of the Lookout Mountain Subdivision Phase 1 plat. The proposed subdivision is for 10 new lots 1.75 acres in size. The existing parcel is 284.19 acres in size. The surrounding land uses are Agriculture and Rural Residential and the surrounding zoning is Unzoned. 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. No plan for water rights and distribution have been established and submitted at this point in the project. The applicant will need to drill at least one well and test water quality and quantity prior to final plat approval. Staff has 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.

Staff has received an updated plat from the applicant's surveyor and engineer. Staff is waiting on the geotechnical and soils report but all other concerns have been addressed.

Commissioner Bonnie Robinson asked is the proposed road paved or gravel? Staff said the road will be paved. The proposed cross-section will be 30 ft. of asphalt with rolled curb and gutter on both sides. There will be grates to filter the storm water to the proposed storm water management system. **Commissioner Robinson** asked if there is 7 acres of irrigation and 100 elu's, how will the water be distributed?

Developer Brodie Calder explained they will be single wells and explained the distribution for animal rights per elu, and culinary water. The residents will not be able to water everything. The reality is there are water issues all through the county and this is a dry farm area. The whole valley is shut down for more water drilling.

Commissioner Jennifer Jacobsen is concerned with runoff in the area. Since the second phase is not going to be done for a while, how do we make sure even more water is not going to get pushed into the area?

A discussion ensued with the applicant's engineer Jim Flint, the commissioners, and staff regarding the plans for runoff concluding that when the first phase goes in, a berm will go up in the meantime behind where the second phase is going to be directing all on-site runoff to the drainage basin. **Commissioner Jacobsen** said this is a plan that can put some worries at ease for the neighbors in the area. A berm across is going to solve the problem because the runoff will follow all the way down to where the drainage is supposed to go.

MOTION: A Motion was made by **Commissioner Steven Zollinger** to approve application SS23-010, a preliminary plat for the Lookout Mountain Subdivision Phase 1 contingent upon the following conditions. The motion was seconded by **Commissioner Jed Pugsley** and unanimously carried.

CONDITONS:

1. Submission of a comprehensive geotechnical and soils report prepared by a qualified engineer.
2. Submission of proposed secondary water ownership and distribution.
3. Compliance with review and approval by the County Surveyor, Engineer, Roads Department, and Building Official.
4. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
5. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
6. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

WORKING REPORTS

Multi-Family Housing Language

Staff explained in April the Planning Commission requested to discuss Multi-Family Housing and whether or not it belongs in unincorporated Box Elder County. In April the language proposed was simple, it stated multiple family dwellings as defined in Chapter 1-3 are not allowed in unincorporated Box Elder County. This was placed into a pending ordinance moratorium in April, allowing up to 6 months to either approve or not approve something. Staff asked for additional direction on what the commission would like to do.

Staff read from the General Plan, which was adopted in January 2021, the “Guiding Principles” and “What do Box Elder County Residents Value”.

(See Attachment No. 2 – Excerpts from the General Plan.)

Commissioner Jed Pugsley asked what the definition of Multiple Family Dwellings is as stated in Chapter 1-3. Staff stated the definition is a building containing more than one (1) dwelling unit. This does not include accessory dwelling units, they are defined separately. **Commissioner Bonnie Robinson** asked if the county allows for internal accessory dwelling units. Staff explained the county started allowing external dwelling units approximately 10 years ago. The county building official was not on board with internal dwelling units because of the amount of building code requirements. Then a few years ago the state mandated internal dwellings units. Basement apartments are an internal ADU if they are on the same utilities and are a permitted use. If the building has separate utilities, it would be considered a duplex and considered multi-family housing. For an ADU the owner has to occupy one of the two units.

Staff explained duplexes, triplexes, four-plexes, and larger apartment complexes would be defined as multi-family dwellings. Staff was directed to look into restricting these dwellings in unincorporated Box Elder County based on the lack of infrastructure and the language in the General Plan but asked if the Planning Commission can think of circumstances where these dwellings should be allowed.

Commissioner Jed Pugsley said in an agricultural setting for certain circumstances, a duplex would not be that big of a deal. He could see more issues if the county goes with tri and four-plexes etc. He would like to see the definition of multi-family as three or more dwelling units.

Staff said historically there are a lot of zones that do not allow for duplexes and tri-plexes. Some of the larger zones such as A-20, MU-40 and MU-160, which are primarily agricultural zones, do allow for them. The assumption is it is for migrant workers and ranch hands. The code also allows for mobile homes for ranch hands. The reason detached ADU's were allowed is people would request to put a mobile home in their back yard for a mother-in-law apartment. These were temporary requests that became permanent problems. The ADU became a solution to having a mother-in-law apartment that was not a trailer and would become problematic.

There was a discussion on the lack of availability of affordable housing in Box Elder County which concluded with it being a separate issue from Multiple Family Dwellings.

Commissioner Jed Pugsley said there is talk of opening up a mine out west of Snowville. There will be 600 full-time workers by 2028. At some point these workers are going to have to live somewhere. He feels a lot of the housing will be in unincorporated Box Elder County.

Commissioner Steve Zollinger commented based on the information in the working report, he would like to have the language worked over a little more.

Commissioner Jennifer Jacobsen takes issue with keeping the agricultural character when there would be a ton of houses in one cluster. She would like to have language added for agricultural workers. She does not want to deter from that because it does promote agriculture.

Commissioner Jed Pugsley reiterated the idea of regulating multiple housing to start with three or more dwelling units and go from there. He does not think it is possible to regulate ones and twos. If water is going to be an issue and basement apartments are going to be an issue, why not let them be side-by-side vs. stacked on top of each other.

PUBLIC COMMENTS – NONE

Brodie Calder cautioned the commissioners as they are thinking about the multiple family housing, to consider the people's property rights. People bought their property assuming they have certain rights. This is going to be a zoning change which may restrict or reduce the value of property. As you are making these changes, recognize how you are going to affect and compensate those that are going to have their value changed.

ADJOURN

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to adjourn commission meeting. The motion was seconded by **Commissioner Steven Zollinger** and meeting adjourned at 8:28 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION

STAFF REPORT

Meeting Date: August 17, 2023

Agenda Item #: 5a

Application Type:

Conditional Use Permit

APPLICANT(S):

Travis Poulson

PROJECT #:

CUP23-001

ZONE:

Un-Zoned

PARCEL #:

07-036-0029

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting a Conditional Use Permit for an RV park and residential dwellings (future phase) on property located at 20755 North 6000 West in the Plymouth area. The site would consist of 21 RV spots and 13 future single family dwellings with a proposed laundry and shower facility in the middle. See attached site plan below.

UPDATE: When this came before the Planning Commission, the Commission required the following:

1. Updated drawings and renderings of the area.
2. Show a minimum 36 inch sidewalk width around the exterior of the private road (where the entrances to the RV pads are).
3. Obtain Utility letter for all utilities.
4. Compliance with all comments from County Staff.
5. Compliance with Section 2-2-100 and Chapter 3-6 of the Box Elder County Land Use Management & Development Code.
6. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.

7. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

No updated plans have been submitted. I reached out to the applicant and he stated the following: I've been put on hold from the company regarding this project. They want me to turn my focus to construction of a new building in line with the middle building and going South. Our needs keep shifting in this ever-changing economy. So, I'll be sending you new information on a new proposed building shortly, would you put this one on hold please and thank you.

ANALYSIS

County Code:

Land Use Management & Development Code Chapter 3-6 allows RV parks as a conditional use in an un-zoned area. Conditional Use Permits are decided upon by the Planning Commission according to Section 2-2-100.

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 2-2-100 outlines the following standards for review for Conditional Use Permits:

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1. Conditions may be imposed as necessary to prevent or minimize the anticipated detrimental effects of the use on adjacent properties and within the zoning district, or upon public facilities and services. Such conditions shall be expressly set forth in the approval authorizing a conditional use permit.
 2. The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements prescribed by this Code and other applicable Codes, can be met or need mitigation.
 3. The following standards should be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied:
 - a) Compliance with Development Standards found in specific chapters of this Code
 - b) Mitigation of reasonably anticipated detrimental effects arising from the conditional use including, but not limited to:
 1. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards.
Should not have an impact.
 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.
Should not have an impact.
 3. Negative impacts on connectivity and safety for pedestrians and bicyclists.
Should not have an impact.
 4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable within the district including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, glare, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.
Should not have an impact.
 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.
Should not have an impact.
 6. Modifications to signs and exterior lighting to assure proper integration of the use.
Should not have an impact.

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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.
Should not have an impact.
 8. Reduction in the tax base and property values.
Should not have an impact.
 9. Reduction in the current level of economy in governmental expenditures.
Should not have an impact.
 10. Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall.
Should not have an impact. However, I am still waiting to hear from the County Fire Marshall.
 11. Reduction in usable open space
Should not have an impact.
 12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
Should not have an impact.

Box Elder County Land Use Management & Development Code section 3-6-040 outlines the following development standards for Recreational Vehicle Parks:

- A. The Planning Commission shall review the proposed development plan to determine its compliance with all portions of the County General Plan and, among other things, shall attempt to make sure that such development will constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding area. Standards higher than the minimum standards contained in this Code may be required if necessary for local conditions of health, safety, and protection of property, and to ensure that the development will mix harmoniously with contiguous and nearby existing and planned uses.
- B. The Planning Commission shall not approve any application for mobile home park, recreational vehicle park, or mobile home subdivision conditional use permit if the developer cannot provide required water supplies and facilities, waste disposal systems, storm drainage facilities, access or improvements, or if the developer cannot ensure that the development will be completed within twelve (12) months, or if the Planning Commission or County Commission determines there would be unusual danger of flood, fire or other hazard, or if the proposed development would be of such character or in such a location that it would:
 1. Create excessive costs for public services and facilities.
 2. Endanger the health or safety of the public.
 3. Unreasonably hurt or destroy the environment.
 4. Cause excessive air or water pollution, or soil erosion, or

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5. Be inconsistent with any adopted general or specific plan of the area in which it is to be placed.
- C. The development shall conform to the following standards and requirements, unless modified by an approved planned unit development plan:
1. The area shall be in one ownership, or if in several, the application for approval of the development shall be filed jointly by all owners of the property included in the plan.
 2. A strip of land at least fifteen (15) feet wide surrounding the entire park shall be left unoccupied by mobile homes, recreational vehicles, storage buildings, service buildings, garages or any add-ons, and shall be planted and maintained in lawn, shrubs, trees, with an approved durable permanent wall or fence designed to afford privacy to the development.
 3. All storage and solid waste receptacles outside the confines of any mobile home or recreational vehicle shall be housed in a closed structure compatible in design and construction to the mobile homes, and to any service buildings within the development; all patios, carports, garages, and other add-ons shall be compatible in design and construction with the mobile home. The service buildings shall be constructed in accordance with standard commercial practice and kept in good repair as determined by the Zoning Administrator. In mobile home developments where units will be situated with long axis perpendicular to the street, streets will run in a North-South direction to the greatest extent possible. This is to promote solar orientation of the units.
 4. In addition to meeting the above requirements and conditions, and conforming to the other laws of the County, all mobile home parks, recreational vehicle parks, and mobile home subdivisions shall also conform to all applicable state regulations. In the event of any conflict between said regulations and this Chapter, this Chapter shall take precedence where such regulations are more strict, and the provisions of the state regulations shall take precedence where such regulations are more strict.
- D. Every mobile home park, recreational vehicle park, and mobile home subdivision shall provide underground utility service to every mobile home stand or lot as required by the Planning Commission, including but not limited to water, sewer, power, natural gas, telephone, and TV.

Box Elder County Land Use Management & Development Code Section 3-6-090 outlines additional requirements for Recreational Vehicle Parks:

- A. Recreational vehicle parks shall generally be located:
 1. Adjacent to or in close proximity to a major traffic artery or highway.
 2. Near adequate shopping facilities.
 3. Within or adjacent to a mobile home park.
- B. Not less than ten percent (10%) of the gross land area shall be set aside for the joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks, and off-street parking **shall not** be construed as part of the ten percent (10%) common area required for parks and playgrounds for occupants; provided, however, that in initial stages of development or in special

smaller developments the minimum area shall not be less than two (2) acre or ten percent (10%), whichever is greater.

- C. Yard lighting with a minimum of 0.2 foot candles of light shall be required for protective yard lighting the full length of all driveways and walkways.
- D. All areas not covered by recreational vehicles, hard surfacing, or buildings shall be landscaped and permanently maintained pursuant to a plan approved by the Planning Commission.
- E. All off-street parking spaces and driveways shall be hard surfaced before the adjacent recreational vehicle spaces may be occupied.
- F. The roadways shall be designed to accommodate anticipated traffic, including the following standards, unless modified by an approved planned unit development plan:
 - 1. ONE-WAY TRAFFIC. A minimum of fifteen (15) feet in width plus extra width as necessary for maneuvering recreational vehicles.
 - 2. TWO-WAY TRAFFIC. A minimum of thirty (30) feet in width.
 - 3. ENTRANCE ROADWAYS: Minimum of thirty-six (36) feet in width.
 - 4. ROADWAYS: All roadways shall be hard surfaced and bordered by twenty four (24) inch rolled gutters or an approved equivalent.
 - 5. SIDEWALKS: Thirty-six (36) inch minimum width sidewalks shall be installed on all main roadways within the development, if required by the Planning Commission.
 - 6. ACCESS: Each recreational vehicle park shall have at least two (2) accesses to public streets, unless more than one (1) is prohibited by a responsible public agency.
- G. No individual space in a recreational vehicle park shall be used by one individual recreational vehicle for more than ninety (90) days consecutively, nor shall such space be rented or leased to any one individual for a period longer than ninety (90) days in any one calendar year.
- H. Recreational vehicles may be stored where permitted, but not used for permanent living quarters.
- I. Recreational vehicles may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot in an appropriate zoning district when such use is a permitted or a conditional use.
- J. Ten (10) recreational vehicles may be accommodated in an approved and licensed mobile home park, provided that:
 - 1. The recreational vehicle park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes.
 - 2. The recreational vehicle use area shall have direct access to a collector or arterial street.
 - 3. Separate ingress and egress shall be provided for recreational vehicles when required by the Planning Commission.
- K. Recreational vehicle parks may be approved by the County Commission in locations permitting such use in this Code. Before such approval is given, a report to the County Commission by the Planning Commission shall find that the proposed development will:
 - 1. Be placed on a parcel of land of not less than five (5) acres, or within a mobile home park, unless modified by a planned unit development plan.
 - 2. Before first occupancy, have at least twenty-five (25) spaces completed (10 if in a mobile home park), or an approved schedule of financing, construction and phase completion, and approved security, to assure compliance.

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 allows for Recreational Vehicle Parks in un-zoned areas subject to Conditional Use Permit approval by the Planning Commission.
2. The Planning Commission will need to determine if the proposed Recreational Vehicle Park can and will meet the requirements of Box Elder Land Use Management and Development Code Sections 2-2-100, 3-6-040 and 3-6-090.
3. At the time of this report (3/10/2023), the County is currently waiting on updated drawings and responses to the first round of comments.

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 approve application number CUP23-001, a Conditional Use Permit for a Recreational Vehicle Park, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

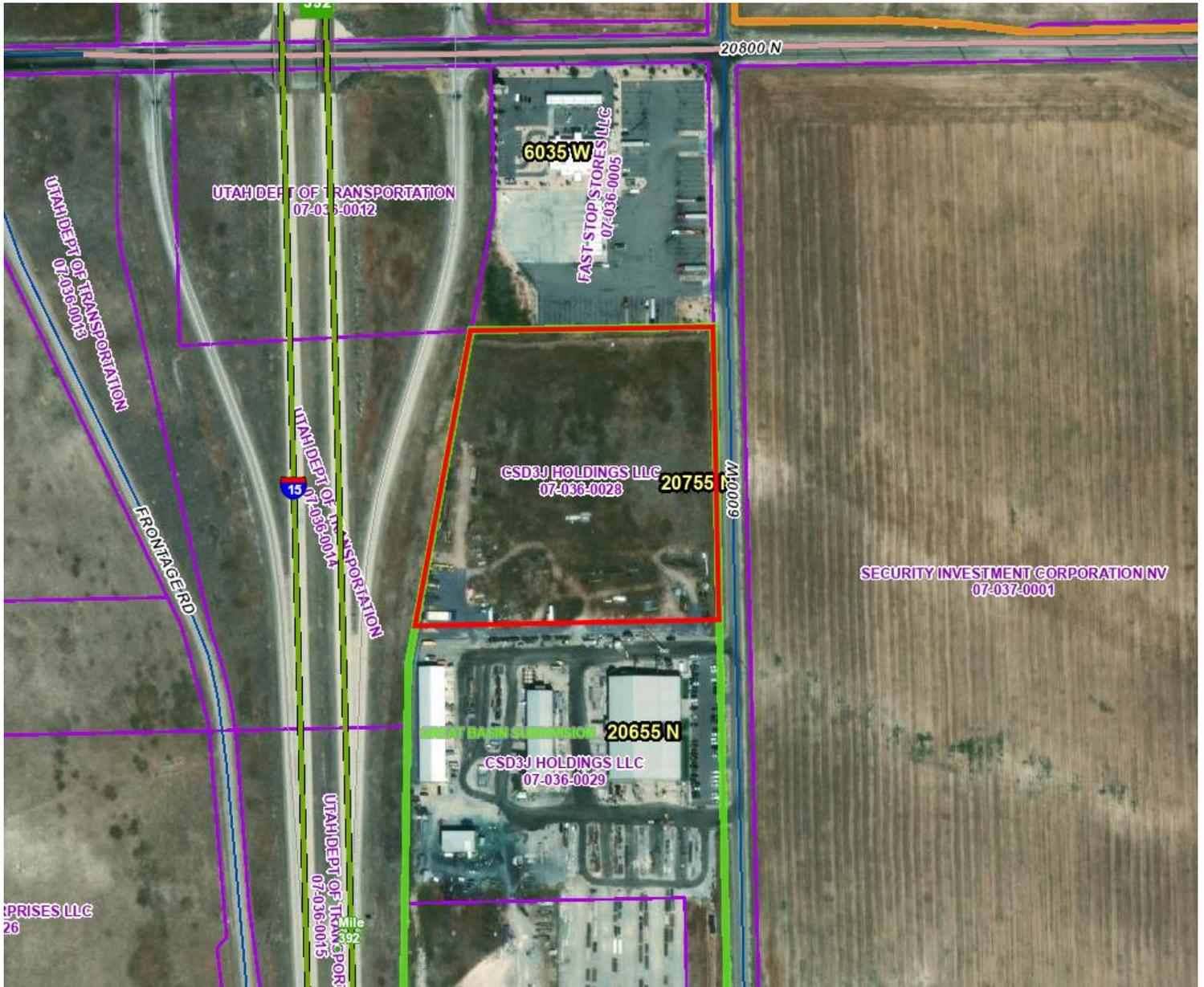
Table – “I move the Planning Commission table the review of application number CUP23-001, a Conditional Use Permit for a Recreational Vehicle Park, to (give date), based on the following findings:”

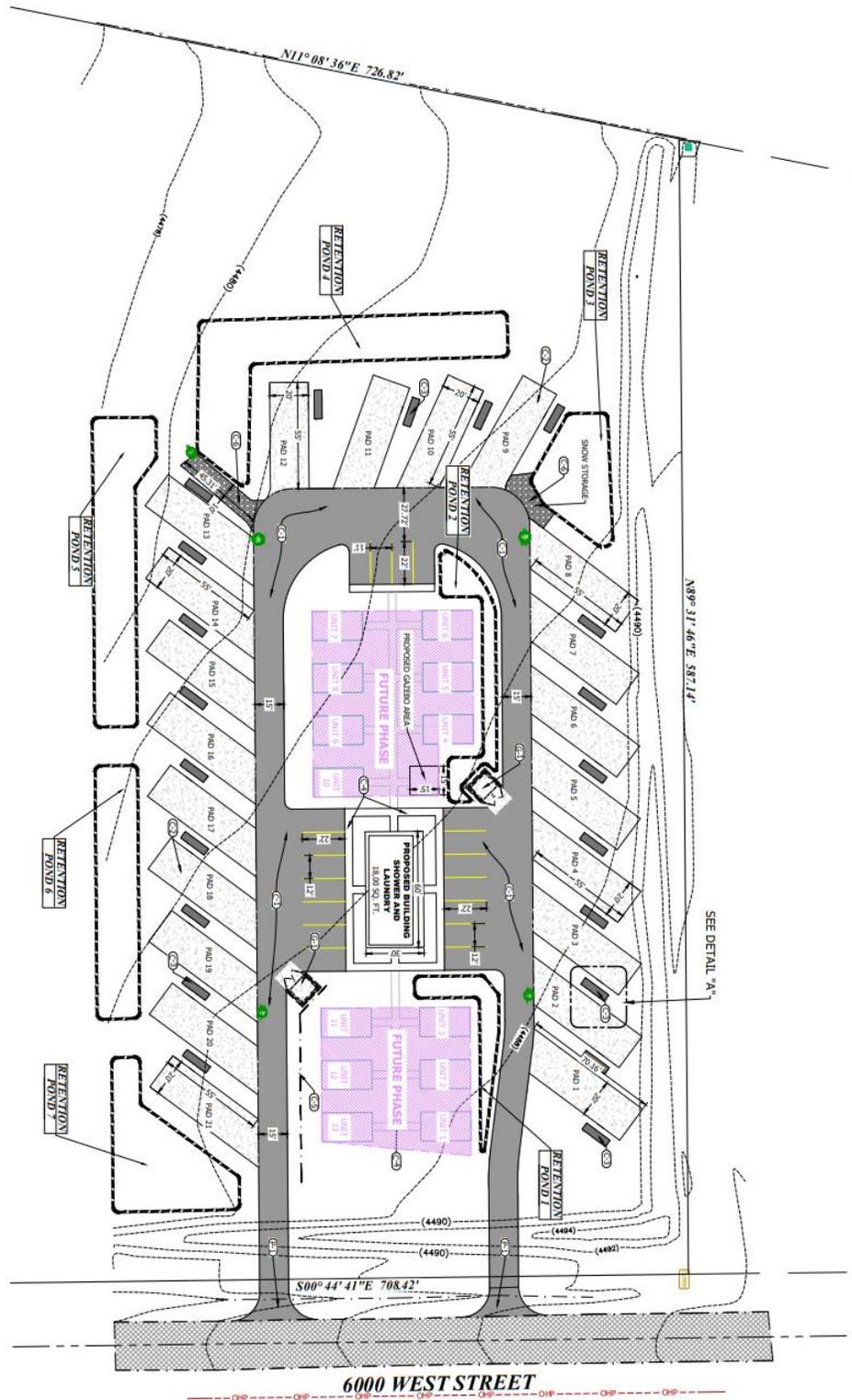
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number CUP23-001, a Conditional Use Permit for a Recreational Vehicle Park, based on the following findings:”

1. List findings for denial...

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







PLANNING COMMISSION
STAFF REPORT

Meeting Date: August 17, 2023
Agenda Item #: 6a

Application Type:

Zoning Map Amendment

APPLICANT(S):

Bob Jensen

PROJECT #:

Z23-013

ADDRESS:

Approximately: 4815 N
Hwy. 38

PARCEL #:

04-028-0034

CURRENT ZONE:

RR-5

TYPE OF ACTION:

Legislative

REPORT BY:

Destin Christiansen,
County Planner

BACKGROUND

The applicant is requesting that parcel 04-028-0034 (4 acres) be rezoned from RR-5 (Rural Residential - 5 acres) to the RR-2 (Rural Residential - 2 acres) zone. The parcel is in the Harper Ward area of unincorporated Box Elder County and the applicant has been through the annexation petition process with Honeyville City.

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	RR-5
South	Agricultural	RR-5
East	Rural Residential/Ag/Hwy 38	RR-5
West	Agricultural	RR-5

Land Use Ordinance Standards Review:

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

Decisions regarding a legislative application shall be based on the “reasonably debatable” standard, as follows:

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

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

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

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

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

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

The area is mainly agricultural uses with scattered residential homes lining the highway. 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 adequacy of facilities is in this area for the RR-2 zone.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from RR-5 (Rural Residential - 5 acres) to the RR-2 (Rural Residential - 2 acres) zone and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the 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 RR-5 (Rural Residential - 5 acres) to the RR-2 (Rural Residential - 2 acres.) 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 Z23-013, a zoning map amendment from RR-5 (Rural Residential - 5 acres) to the RR-2 (Rural Residential - 2 acres) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

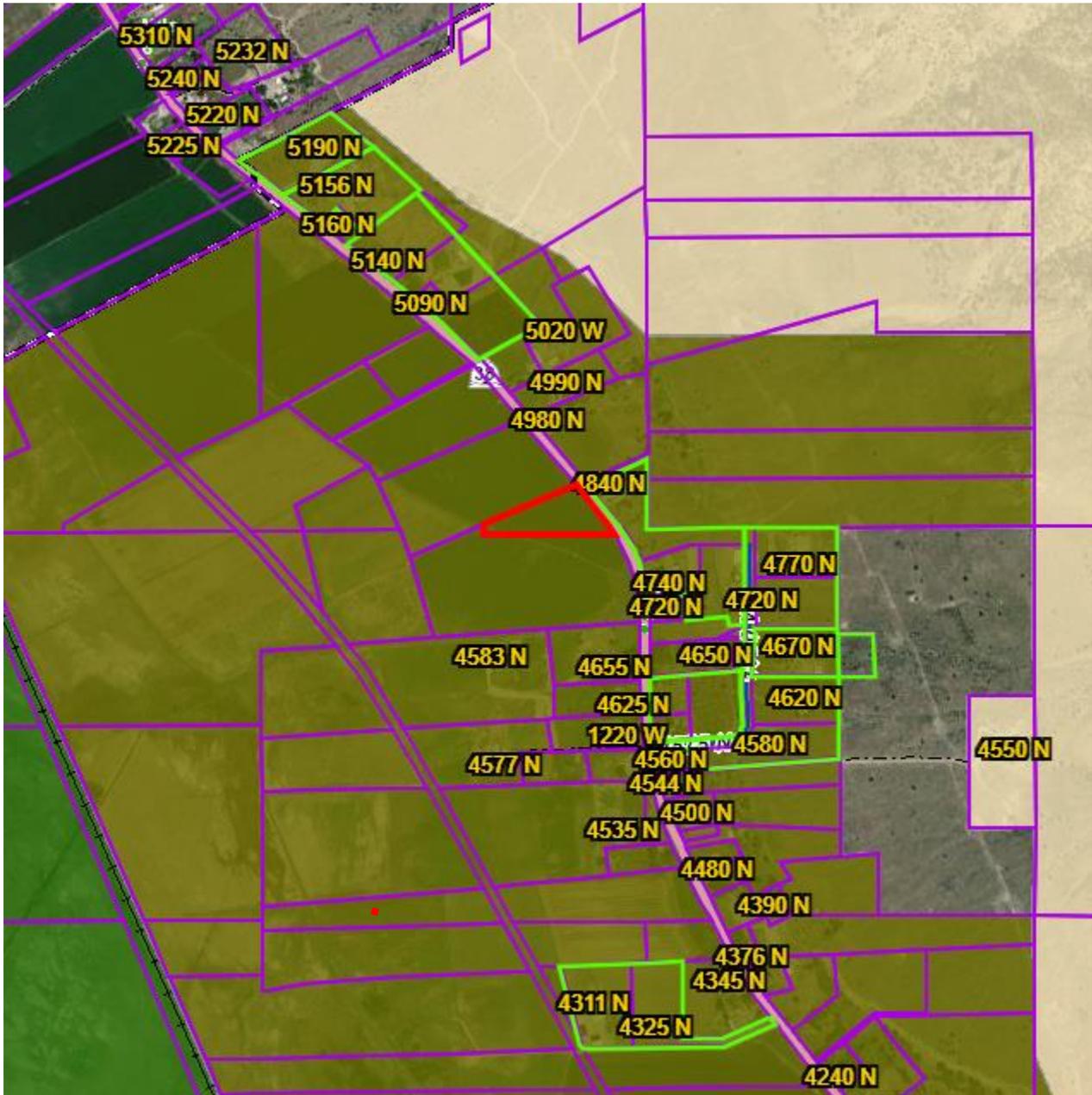
Table – “I move the Planning Commission table the review of application number Z23-013, a zoning map amendment from RR-5 (Rural Residential - 5 acres) to the RR-2 (Rural Residential - 2 acres) zone to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z23-013, a zoning map amendment from RR-5 (Rural Residential - 5 acres) to the RR-2 (Rural Residential - 2 acres) zone based on the following findings:”

1. List findings for denial...

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





**PLANNING COMMISSION
 STAFF REPORT**

**Meeting Date: August 17, 2023
 Agenda Item #: 7a**

Application Type:
 Conditional Use Permit for an Accessory Dwelling Unit

APPLICANT(S):
 Kellie Christensen

PROJECT #:
 CUP23-003

ZONE:
 RR-5

PARCEL #:
 05-097-0041

TYPE OF ACTION:
 Administrative

REPORT BY:
 Marcus Wager,
 County Planner

BACKGROUND

The applicant is requesting a Conditional Use Permit for an Accessory Dwelling Unit. They seek to build an approximate 860 square foot dwelling unit. Their existing home is approximately 3500 square feet. No other accessory dwelling unit (internal or external) exists on the property. The property is located at 11820 North 10000 West in the Bothwell area.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	RR-5
South	Rural Residential/Ag	RR-5
East	Agriculture	RR-5
West	Agriculture	RR-5

ANALYSIS

Land Use Ordinance Standards Review:

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

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

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

Setbacks:

All built and proposed structures currently or will adhere to the RR-5 building setbacks.

Access:

Access to the property is obtained off of 10000 West, an existing county road.

County Department Review:

All applicable County departments have reviewed this.

FINDINGS:

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

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

RECOMMENDATION

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

Conditions of Approval:

1. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
2. Compliance with Article 2-2-100, Conditional Use Permit and Chapter 5-6, Accessory Dwelling Units, of the Box Elder County Land Use Management & Development Code.

-
3. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number CUP23-003, a Conditional Use Permit for an Accessory Dwelling Unit, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

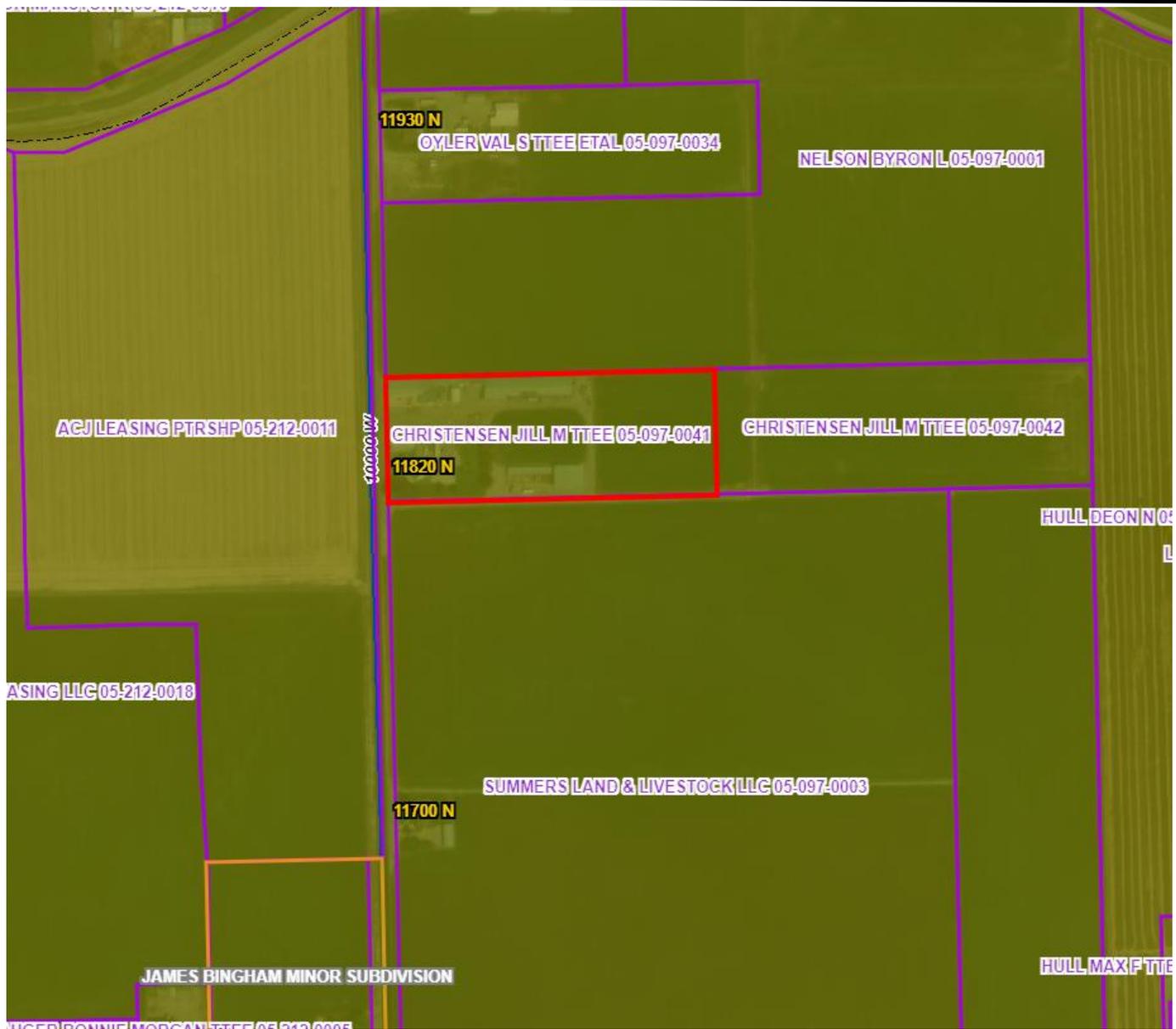
Table – “I move the Planning Commission table the review of application number CUP23-003, a Conditional Use Permit for an Accessory Dwelling Unit, to (give date), based on the following findings:”

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

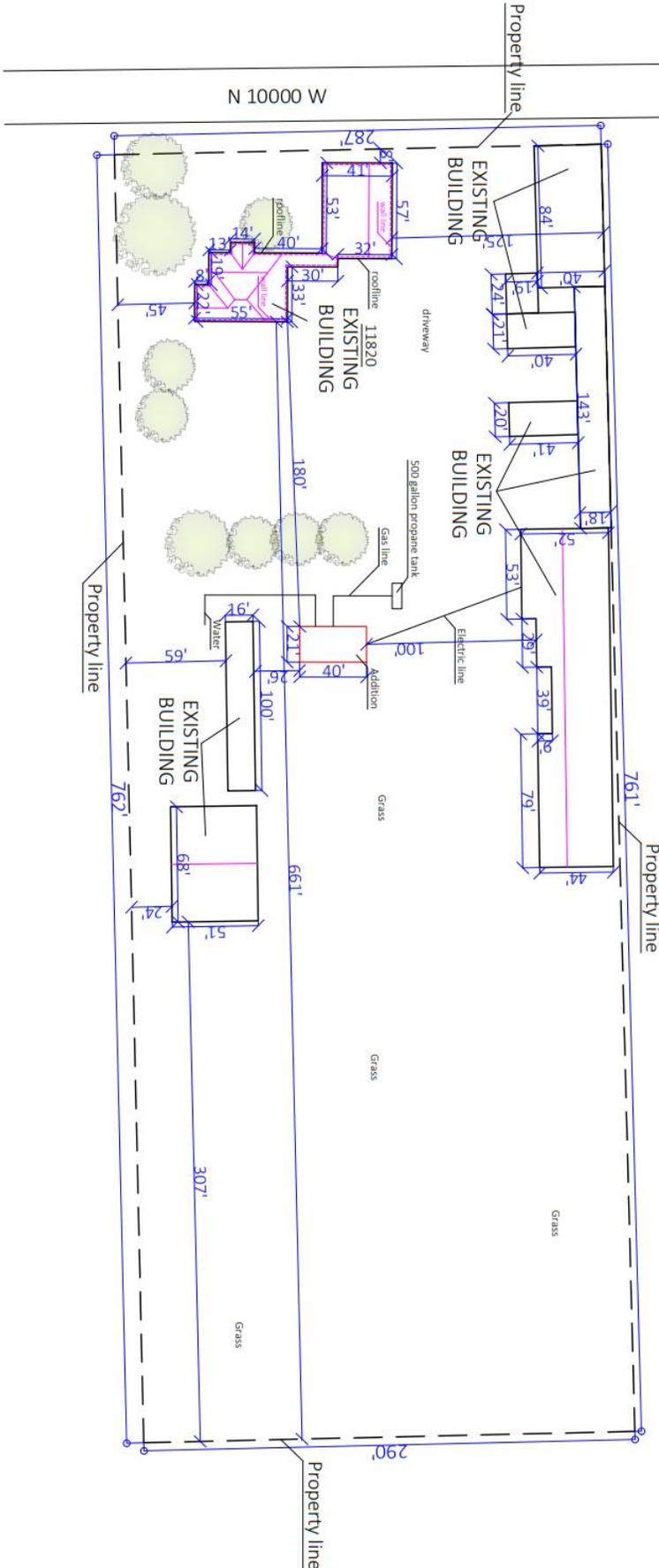
Denial – “I move the Planning Commission deny application number CUP23-003, a Conditional Use Permit for an Accessory Dwelling Unit, based on the following findings:”

1. List findings for denial...

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



11820 N 10000 W
Tremonton, UT 84337
Parcel ID: 05-097-0041
Lot area: 5.00 Acres
Paper Size: 11"X17"





PLANNING COMMISSION
STAFF REPORT

Meeting Date: August 17, 2023
Agenda Item #: 7b

Application Type:

Conditional Use Permit for an Accessory Dwelling Unit

APPLICANT(S):

Ryan Nay

PROJECT #:

CUP23-006

ZONE:

RR-5

PARCEL #:

05-210-0021

TYPE OF ACTION:

Administrative

REPORT BY:

Destin Christiansen,
County Planner

BACKGROUND

The applicant is requesting a Conditional Use Permit for an Accessory Dwelling Unit. They seek to build an approximate 988 square foot dwelling unit. Their existing home is approximately 4417 square feet. No other accessory dwelling unit (internal or external) exists on the property. The property is located at 9250 West Point Lookout Drive in the Bothwell area.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Rural Residential/Ag	RR-5
South	Rural Residential/Ag	RR-5
East	Rural Residential/Ag	RR-5
West	Rural Residential	RR-5

ANALYSIS

Land Use Ordinance Standards Review:

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

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

properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as fault lines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.

6. Modifications to signs and exterior lighting to assure proper integration of the use.
7. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.
8. Reduction in the tax base and property values.
9. Reduction in the current level of economy in governmental expenditures.
10. Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall.
11. Reduction in usable open space.
12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.

Setbacks:

All built and proposed structures currently or will adhere to the RR-5 building setbacks.

Access:

Access to the property is obtained by Point Lookout Drive, an existing county road.

County Department Review:

All applicable County departments have reviewed this.

FINDINGS:

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

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

RECOMMENDATION

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

Conditions of Approval:

1. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
2. Compliance with Article 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code.

-
3. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number CUP23-006, a Conditional Use Permit for an Accessory Dwelling Unit, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table the review of application number CUP23-006, a Conditional Use Permit for an Accessory Dwelling Unit, to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission deny application number CUP23-006, a Conditional Use Permit for an Accessory Dwelling Unit, 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: August 17, 2023

Agenda Item #: 7c

APPLICATION TYPE

Conditional Use Permit for
Agricultural Chemicals
Manufacturing

APPLICANT(S)

Jared Summers for
Earthstrong

PROJECT #

CUP23-004

ZONE

M-G (General Industrial)
Ordinance 219 (June 1998)

PARCEL #

06-042-0019 (9.4 acres)

TYPE OF ACTION

Administrative

REPORT BY

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting a Conditional Use Permit for an agricultural nutrient manufacturing facility. The county land use code classifies this as “agricultural chemicals manufacturing”. The proposed business would be located at 12090 North Hwy 38 in the area between Deweyville and Collinston at the site previously occupied by Rupps recycling and the Rudd Fabrication facility.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Gravel Excavation	M-G
South	Commercial/Industrial	RR-1
East	Hillside/Agriculture	RR-1
West	Rural Residential	RR-2

ANALYSIS

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 3-4-070-18.1 allows Agricultural Chemicals Manufacturing within the M-G (General Industrial) Zoning district subject to Conditional Use Permit approval. Section 2-2-100 outlines the following standards for review for conditional uses. (Applicant responses are in *italics*)

- 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.
We will not need any changes made for traffic or pedestrians. Loading docs are located on the East side of the building.
- 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.
We should use less electricity but possible more water. We will reach out to the water conservancy to discuss usage and any possible effects.
- Negative impacts on connectivity and safety for pedestrians and bicyclists.



There will be no change or negative impact.

4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable within the district including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, glare, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.

We will have less impact on all of the items listed above when compared to the last company in the building. We are looking to only operate 8 hours a day, 7-3 or 8-4, Monday - Friday. Still undecided on start time. Minimal employees, starting with 2. We will park on the East or South side of the building.

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.

We anticipate no risk or contamination to adjacent properties. We will not affect any of the items listed in question 5. Any waste material will be used in an agricultural environment. Local farmers can benefit from using our waste/excess material on their crops.

6. Modifications to signs and exterior lighting to assure proper integration of the use.

We may eventually hang a sign, no additional lighting that would raise concerns for neighbors or distracting to motorists passing by.

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.

We will be setting an air scrubber on the south west side of the building close to the propane tank, but far enough away there is no added hazard.

8. Reduction in the tax base and property values.

We don't expect to see a negative affect in property value.

9. Reduction in the current level of economy in governmental expenditures.

Not anticipated at this time. Not exactly sure what this question is asking?

10. Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall.

With no foreseeable changes to the property, there is sufficient access for emergency personnel.

11. Reduction in usable open space.

Usable open space will not change.

12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.

The building and grounds will be kept up to meet or exceed the town or county requirements.

Setbacks:

There are no new structures proposed.



Access:

Access to the property is obtained by Hwy 38.

Utilities:

Water – *The Bear River Water Conservancy District has confirmed that they can provide water to the proposed use.*

Power – *Power is provided by Rocky Mountain Power and is in place from the previous businesses occupying this site.*

County Department Review:

Fire Marshal – *Sent this comment “I need to know more about what they are doing. It could change a lot depending how what they are making.” Based on this, I connected them by phone and am waiting for additional info from the Fire Marshal following his discussion with the applicant.*

Building Official – *Sent this comment “I necessarily don't have a problem with site plan but due to the change of use of the occupancy I will require an architect to sign off on the building. I will need a code analysis on egress and the new occupant definition.”*

County Engineer – *Has no input as there are no proposed changes to the site outside of the structure.*

Planning/Zoning – *Items the Planning Commission may want to discuss with the applicant:*

- *Any dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, etc. associated with the process.*
- *Will there be any outdoor storage associated with the proposed use? On-site storage of products/chemicals used in the process. Will they be stored indoors or outdoors? Where? Is this acceptable?*
- *Hazards associated with the proposed use in proximity to residences?*
- *Hazardous or flammable chemicals or materials?*

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 Agricultural Chemicals Manufacturing as approved by the Planning Commission.
2. The Planning Commission must determine if the project meets (or can meet with conditions) the twelve CUP approval standards listed above.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission have a thorough discussion with the applicant regarding the project to determine if it meets the twelve approval standards. Following this discussion the Planning Commission may approve, approve with conditions, table, or deny (if the twelve standards cannot be met with conditions) the requested Conditional Use Permit. If approved staff recommends it be subject to the following conditions plus any others the Planning Commission deems necessary.**



Conditions of Approval:

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

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number CUP23-004, a Conditional Use Permit for Agricultural Chemicals Manufacturing, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table the review of application number CUP23-004, a Conditional Use Permit for Agricultural Chemicals Manufacturing, to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission deny application number CUP23-004, a Conditional Use Permit for Agricultural Chemicals Manufacturing, 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.

