

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

September 21, 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 August 17, 2023 Planning Commission Minutes.**
5. **PRESENTATION**  
**MICAH CAPENER / BOARD OF REALTORS**, Presentation regarding multiple family housing in Box Elder County.
6. **UNFINISHED BUSINESS**
  - a. **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**
7. **PUBLIC HEARINGS**
  - a. **ORDINANCE TEXT AMENDMENT, Z23-009**, Request for a text amendment adding Section 5-1-370, Multiple Family Dwellings to the Box Elder County Land Use Management & Development Code. The proposed section regulates if and where Multiple Family Dwellings are allowed in unincorporated Box Elder County. **ACTION**
  - b. **ORDINANCE TEXT AMENDMENT, Z23-014**, Request for a text amendment to Sections 5-1-360, Annexation Policy, 1-3-040, Definitions, and 3-2-070, Regulations for Specific Uses of the Box Elder County Land Use Management & Development Code. **ACTION**
8. **NEW BUSINESS**
  - a. **BACKROAD LANDSCAPING, SP23-003**, Request for Site Plan approval of a landscaping business located at approximately 10090 North 6800 West in the Tremonton area of Unincorporated Box Elder County. **ACTION**
  - b. **CONDITIONAL USE PERMIT, CUP23-007**, Request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 3210 West Cobble Crest Road in the Deweyville area of Unincorporated Box Elder County. **ACTION**
9. **WORKING REPORTS**
  - a. ADU Water Will Serve Letter
10. **PUBLIC COMMENT**
11. **ADJOURN**\_\_\_\_\_

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES AUGUST 17, 2023

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

*the following Staff was present:*

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

**Chairman Mellonee Wilding** called the meeting to order at 7:00 p.m.

The Invocation was offered by **Commissioner Mellonee Wilding**.  
Pledge was led by **Commissioner Jennifer Jacobsen**.

**The following citizens were present & signed the attendance sheet**

See Attachment No. 1 – Attendance Sheet.

The Minutes of the July 20, 2023 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jared Holmgren** to approve the minutes as written. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

**UNFINISHED BUSINESS**

**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**

Staff explained this item was first presented to the commissioners in March. A deadline of 6 months was given for the applicant to submit updated drawings and renderings of the area. No updated plans have been submitted.

Staff contacted the applicant and was told the following: I have 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.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to table Application CUP23-001 for up to 6 months to allow time for the applicant to adjust to the economy and submit updated plans. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

## **PUBLIC HEARINGS**

Chairman Wilding explained public hearings provide an opportunity for the public to voice their concerns or approval on an item. In the meeting there is also unfinished business, public hearings, and new business. The unfinished business and new business provides opportunity for the commissioners to take action on an item. It is not a time for public comment or input. Although the commissioners may ask questions of the applicant during these times.

### **ZONING MAP AMENDMENT, 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**

Staff stated the applicant is requesting 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. The surrounding land uses are Agricultural and Rural Residential; the surrounding zoning is RR-5.

Staff explained 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.

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

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

The public hearing was then opened for comments.

Terrence Tenley lives south of Honeyville. He has a question about the process of applying to Honeyville for annexation. What effect does this have on other people in the area? As far as this application, he has no problem with anyone splitting up their property.

Robert Jensen, applicant, said he has everything squared around with the annexation through Honeyville. He would just like the 4-acre parcel changed to two 2-acre parcels.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Zoning Map Amendment Z23-013. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

## **ACTION**

**Commissioner Bonnie Robinson** asked if the road will make a difference on the acreage. Staff stated there is a subdivision on the east side of the road so the parcel has already been divided off properly.

Staff explained the annexation process in regards to Mr. Tenley's comment. In March the County Commission passed an ordinance requiring individuals residing in a future annexation boundary of a municipality, to apply for annexation. The County's General Plan indicates residents would like to see growth happen near cities and towns. The ordinance also gives the municipalities first choice to annex and protects the county from becoming a city. Mr. Tenley appreciated the explanation and will let his neighbors know.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Z23-013 a request for a zone change of 4 acres from RR-5 (Rural Residential 5-acre) to RR-2 (Rural Residential 2-acre) and adopting the conditions and findings of staff . The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

**CONDITIONS:**

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

**NEW BUSINESS**

**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**

Staff said 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 surrounding land uses are Agricultural and Rural Residential and zoning is RR-5. All proposed structures will adhere to the RR-5 building setbacks. Access to the property is obtained off county road 10000 West. County code allows for one ADU per lot in zones allowing single-family dwellings, subject to Conditional Use Permit approval. Staff recommends approval.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to approve application CUP23-003, a Conditional Use Permit for an Accessory Dwelling Unit and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jennifer Jacobsen** and unanimously carried.

**CONDITIONS:**

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

**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**

Staff said the applicant is requesting a Conditional Use Permit for an Accessory Dwelling Unit. The ADU will be approximately 988 square feet. The 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. The surrounding land uses are Rural Residential and Agricultural. The surrounding zones are RR-5.

Staff explained the intent is to place the structure towards the south end, on the west side of the U-shaped driveway. The applicant has stated they would also like to add a garage. Access to the property is obtained by county road, Point Lookout Drive. All applicable county departments have reviewed this request. Staff recommends approval.

**MOTION:** A Motion was made by **Commissioner Steven Zollinger** to approve application CUP23-006, a Conditional Use Permit for an Accessory Dwelling Unit and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

**CONDITIONS:**

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

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

Staff explained 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. The site was previously occupied by Rupp’s Recycling and the Rudd Fabrication facility. The surrounding land uses are Gravel Excavation, Commercial/Industrial, Agriculture and Rural Residential. The surrounding zones are M-G, RR-1 and RR-2.

Staff read the standards for reviewing conditional uses as they apply to this request as follows:

1. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards. *We will not need any changes made for traffic or pedestrians. Loading docks are located on the East side of the building.*
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. *We should use less electricity but possible more water. We will reach out to the water conservancy to discuss usage and any possible effects.*

3. 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 effect 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.*

Staff said water will be provided by the Bear River Water Conservancy District and power by Rocky Mountain Power. Staff received a call today from Commissioner Lonnie Jensen, who along with other residents in the area, are under the impression the BRWCD has no more water to give.

Staff stated the Planning Commission must determine if the project meets, or can meet with conditions, the twelve Conditional Use Permit approval standards listed above. Staff informed the commission the applicants have gone through the annexation petition process with the town of Deweyville and have provided the documentation.

*(See Attachment No. 2 – Deweyville Petition.)*

The commission invited Jared Summers and Corey Wheeler, Earthstrong applicants, to the table to answer questions.

Jared Summers stated he has spoken with Carl Mackley at the BRWCD and was assured there will be no problems with obtaining water.

**Commissioner Mellonee Wilding** stated part of their job as a commission is to know what conditions need to be placed on a Conditional Use Permit. She asked the applicants for the definition of an agricultural nutrient facility, what is manufactured, and what is used in that process.

Jared Summers, General Manager, explained every nutrient has a plus or minus charge utilized by plants. In order for the plants to use the nutrients effectively, they have to be chelated or complexed. Natural sugars and amino acids are the primary sources. Our facility chelates or complexes those in the same way nature does. We take raw fertilizers that interact with the environment and make them so they move through the soil, move into the plant, and the plant utilizes them within the cell. We are trying to accomplish this with all 16 nutrients a plant utilizes and trying to make it almost 100% efficient. When a grower puts phosphate on his soil, only 8% is utilized; the rest is tied up in the soil. We are trying to increase that efficiency.

**Commissioner Wilding** asked what raw materials will be coming into the facility. Mr. Summers said an example would be zinc sulfate or zinc nitrate.

When asked about waste materials, Mr. Summers said there are certain waste materials that can work as those sugars and amino acids. We are doing specific chemistry where we have to have a precise attraction and a finished product. Certain companies in the industry will take a waste material and mix it with the nutrient, but they do not prove it is complexed or chelated. Our facility will actually prove it is completely protected from the environment which could cause it to be inactive or not be utilized.

The applicants explained the waste materials will mostly be stored inside the facility, there will be no odors emitting because the amino acids have already been dissected from where it was sourced; everything they sell will be in liquid form and delivered by 275 gallon plastic totes; truck traffic will be light; waste water will be captured and analyzed for nutrient content and is very valuable to the grower. The facility will be using very little of explosive fertilizers like nitrogen, we will be solutionizing those and they will never be sitting there in large quantities. The other explosive used is dry Sulphur and will also be at the facility for a very short amount of time. We try to dramatically reduce the amount of nitrogen phosphate and potassium that is applied, and balance it with the other nutrients, which actually has a better yield and grows a better plant.

The commissioners discussed the conditions they would need to apply to approve this request. This is new technology and until this meeting, were not aware of what the operation of the facility entails.

Commissioner Jared Holmgren asked if tabling this item would be detrimental to their operation.

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to table the review of application CUP23-004, a Conditional Use Permit for an Agricultural Nutrient Manufacturing Facility until 9/21/23 to allow time for the commissioners to discuss and apply conditions. The motion was seconded by Commissioner Jennifer Jacobsen and unanimously carried.

## **WORKING REPORTS – NONE**

### **Future Working Reports**

Commissioner Wilding asked if a zone can be required when someone wants to do a new use on an unzoned property. Is there a way to ask them to rezone the parcel for that use?

Commissioner Robinson would like to make sure applicants have met the requirements set forth of utilities and water etc. before applying for an ADU. She suggested having the applicants for ADUs approach the utilities first and make sure there is adequate water for the ADU, or require a will-serve letter from the utility companies for the ADU.

Commissioner Robinson attends Brigham City Council meetings where a council member cannot approve prior minutes if he/she was not in attendance at that particular meeting. She asked if a commissioner can motion to approve the minutes if the commissioner did not attend the meeting.

Commissioner Robinson would prefer to have a podium for the applicants to approach when speaking instead of the table. She does not like looking down on applicants. She would prefer people to be at eye level.

## **PUBLIC COMMENTS**

Planning Commissioner Steven Zollinger: I would like to enter a statement of clarification from our last county meeting. As a planning commissioner my intent is to balance the private interest with the public good. As I interact in discussion I try to use my experience to help move policy forward. I would like to apologize to any individual or group that may have been offended by my prior comments and let them know that I do sometimes misspeak and generalize at times, but it has, and will continue to be, my intention to continue to look out for the individual private property rights of all people without consideration of membership in any protected classes, and try to balance public good.

**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 8:29 p.m.

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Mellonee Wilding, Chairman  
Box Elder County Planning Commission



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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: September 21, 2023

Agenda Item #: 6a

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**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.



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*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.*



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**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** – *Is waiting on the applicant's architect to classify the building/use so he can apply the appropriate section of the fire code. His main concerns are regarding fire suppression and spill containment.*

**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 Commission Review (conditions raised based on discussion at August meeting):**

1. Catch basin for spills.
2. Adequate fire suppression.
3. Signage to inform any first responders as to what is being stored in the facility.
4. Noise.
5. Lighting.
6. Wastewater or other waste products.
7. Smells.
8. Storage.
9. Explosive combinations.
10. What kind of state or federal license/permit are they required to carry?

**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**



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**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....

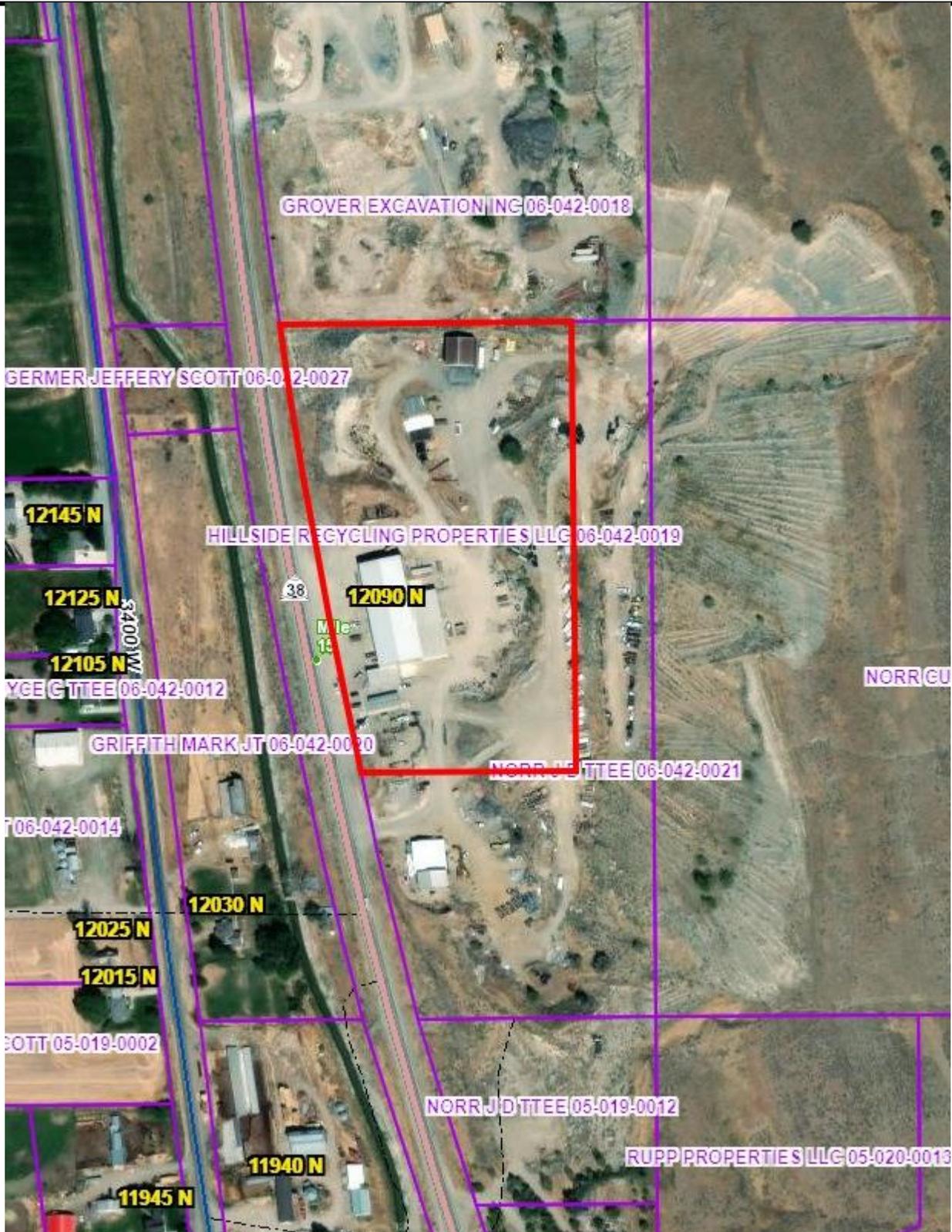
**Table** – “I move the Planning Commission table the review of application number CUP23-004, a Conditional Use Permit for Agricultural Chemicals Manufacturing, to (give date), based on the following findings:”

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.







**PLANNING COMMISSION  
STAFF REPORT**

**Meeting Date: September 21, 2023  
Agenda Item #: 7a**

**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z23-009

**ORDINANCE:**

Sections 5-1-370

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

The Box Elder County Planning Commission started the pending ordinance process to look into the regulation of if, and where, multiple family dwellings should be located in unincorporated Box Elder County. If adopted, the proposed language would become Section 5-1-370 in Chapter 5-1, Regulations Applicable to All Zones. Planning Commission and Staff have discussed a variety of regulations as well as the “pros” and “cons” of those regulations. The applicability of the County General Plan to this topic has been discussed as well. Being that there are eight Planning Commissioners, and varying perspectives on the topic, I have proposed the original proposed regulation as well as two alternate versions of regulations based on those discussions.

**ANALYSIS**

**County Code:**

The Box Elder Land Use Management & Development Code 2-2-080.C allows the Planning Commission to initiate amendments to 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;**

*Multiple chapters of the General Plan highlight that development should happen within City’s/Towns. The proposed amendment is consistent with the County’s General Plan.*

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

*This text amendment would apply to all areas of unincorporated Box Elder County. Being that the vast majority of housing in unincorporated county is single family housing the proposed amendment should be harmonious with the overall character of existing development.*

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

*The proposed amendment to not allow multiple family dwellings in unincorporated county should not negatively affect adjacent property. The public hearing process may shed additional light on this*

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*subject.*

- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**

*As this proposed text amendment would apply countywide it is difficult to speak to the adequacy of facilities and services serving a particular property. With that said, the county does not own or operate sewer or water systems, it does not have a parks and recreation department, increased density would likely drive up the need for police and fire protection, bussing for schools, etc.*

### **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 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 Z23-009, 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 Z23-009, 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 Z23-009, an ordinance text amendment 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.

**Proposed Text Amendment:**

**5-1-370. Multiple Family Dwellings**

Multiple family dwellings as defined in Chapter 1-3 are not allowed in unincorporated Box Elder County.

This affects the following sections of code as well:

- 5-1-080: Regulations Applicable to All Zones, Lot Standards and Street Frontage
- 3-2-070-7: Dwellings in Multiple Use, Agricultural, Rural Residential Zoning Districts
- 5-1-070 Regulations Applicable to All Zones, Every Dwelling to be on a Lot - Exceptions

(Chapter 1-3 definition of Multiple Family Dwelling: A building containing more than one (1) dwelling unit.)

**Alternate option #1**

Multiple Family Dwellings as defined in Chapter 1-3 (excluding Duplexes in zones where they are currently allowed and Internal Accessory Dwelling Units as defined in Chapter 5-6) are not allowed in unincorporated Box Elder County. Duplexes are allowed in zones where they are currently allowed so long as they receive Health Department approval and do not require the formation of a body politic for the septic/sewer infrastructure.

**Alternate option #2**

Multiple Family Dwellings as defined in Chapter 1-3 are allowed in zones where they are currently allowed so long as they receive Health Department approval and do not require the formation of a body politic for the septic/sewer infrastructure.



**PLANNING COMMISSION  
STAFF REPORT**

**Meeting Date: September 21, 2023  
Agenda Item #: 7b**

**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z23-014

**ORDINANCE:**

Sections 5-1-3601-3-040, 3-2-070

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

The county is proposing a text amendment to amend the following Sections: 5-1-360, Annexation Policy, 1-3-040, Definitions, and 3-2-070, Regulations for Specific Uses. Specifically this text amendment will update to include all applications for the annexation policy and remove Home Business from our Land Use Code. This amendment would apply to all areas of unincorporated Box Elder County. See proposed verbiage below.

**ANALYSIS**

**County Code:**

The Box Elder Land Use Management & Development Code 2-2-080.C allows authorized county staff to initiate amendments to 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;**  
*Multiple chapters of the General Plan highlight that development should happen within City's/Towns. The proposed amendment is consistent with the County's General Plan.*
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**  
*This text amendment would apply to all areas of unincorporated Box Elder County. The proposed amendment should be harmonious with the overall character of existing development.*
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**  
*The goal of the proposed amendment is to have better development near City's/Towns (development that will fit in with the City/Town as it will be annexed in the future). The public hearing process may shed additional light on this subject.*
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**  
*The proposed text amendment should not have an effect on the adequacy of facilities and services.*

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## **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 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 Z23-014, 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 Z23-014, 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 Z23-014, an ordinance text amendment 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.

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**Proposed Text Amendment:**

**5-1-360 Annexation Policy**

The Box Elder County Commission, Planning Commission, or Community Development Office shall not take action on any proposed Land Use Application **or Legislative Application** within unincorporated Box Elder County (except building permits that are not using municipal utilities) if the Land Use Application **or Legislative Application** is:

- a. Located within any municipal annexation policy plan as defined in Utah Code 10-2- 401.5, or
- b. Located within ½ mile of any municipality incorporated boundary, if a municipality does not have an annexation policy plan boundary, or
- c. If a development, improvement, or building lot will be using any utility provided by a municipality.

If the proposed Land Use Application **or Legislative Application** meets any of the above criteria, the developer shall provide the applicable municipality(s) with a Notice of Intent to File a Petition (Utah Code 10- 2-403 (2) (a) (i)) and thereafter work with the County Clerk to meet all the noticing requirements contained in Utah Code. Upon the County Clerk providing the applicable municipality with the certification of complying with the Notice of Intent to File a Petition, the developer shall petition the municipality for annexation. If the municipality(s) rejects the petition for annexation, the developer shall provide signed documentation to the Community Development office from the municipality(s) showing the municipality's rejection of an annexation petition. After such documentation is received, the Land Use Application **or Legislative Application** may move forward.

Any Land Use Application **or Legislative Application** using a municipality's utilities cannot have a higher density than that allowed by the municipality providing the utilities.

All applications shall be subject to the time limits set forth in Section 2-2-040(K), Substantial Action Required and Section 2-2-040(L), Expiration of Application of the Box Elder County Land Use Management & Development Code.

**1-3-040 Definitions**

~~Home Business: A business that manufactures or provides a service for agricultural and residential uses with fewer than 10 employees and that is incidental and secondary to the use of the structure or dwelling for residential purposes and does not change the current character of the dwelling or neighborhood.~~

**Legislative Application:** An application for enacting, amending, or repealing a land use regulation.

**3-2-070 Regulations for Specific Uses**

		MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1
<b>3-2-070-8</b>	Home occupation	C	C	C	C	C	C	C	C	C
<b>3-2-070-9</b>	<del>Home Business</del>	<del>C</del>								
<b>3-2-070-10</b> <sup>9</sup>	Household pets	P	P	P	P	P	P	P	P	P
<b>3-2-070-11</b> <sup>10</sup>	Small Power Generation	P	P	P	P	P	P	P	P	P
<b>3-2-070-12</b> <sup>11</sup>	Large Power Generation	C	C	C	C	-	C	-	-	-
<b>3-2-070-13</b> <sup>12</sup>	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	C	C	C	C	-	C	C	C	-
<b>3-2-070-14</b> <sup>13</sup>	Public stable, riding academy or riding ring, horse show barn or other equestrian facilities under single management	P	P	P	P	-	P	P	P	-
<b>3-2-070-15</b> <sup>14</sup>	Public or quasi-public facilities, essential service facilities, airports, schools, churches, dams and reservoirs, cemeteries, railroad and substations	C	C	C	C	C	C	C	C	C
<b>3-2-070-16</b> <sup>15</sup>	Wireless telecommunication towers, radio and television transmitting stations or towers (including repeating towers)	C	C	C	C	C	C	C	C	C



# PLANNING COMMISSION STAFF REPORT

Meeting Date: September 21, 2023  
Agenda Item #: 8a

**Application Type:**  
Site Plan  
Landscaping Business

**APPLICANT(S):**  
Brandt Denkers

**PROJECT #:**  
SP23-003

**ZONE:**  
Unzoned

**PARCEL #:**  
05-079-0077

**TYPE OF ACTION:**  
Administrative

**REPORT BY:**  
Destin Christiansen

**BACKGROUND**

The applicant is requesting site plan approval for a landscaping business. The proposed use is mainly for the storage of landscape installation equipment on property. The site is on approximately 1.51 acres located at 10090 North 6800 West in an unzoned area of Box Elder County south of Tremonton City.

*Surrounding Land Use and Zoning:*

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

**ANALYSIS**

**County Code:**

**Land Use Ordinance Standards Review:**

Box Elder County Land Use Management & Development Code Section 2-2-120.D.2.c allows agritourism operations as a permitted use in unzoned

areas subject to Site Plan approval.

Section 2-2-090 outlines the following standards for approval for permitted uses:

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



approval a subdivision plat shall be approved and recorded as a condition of approval.  
N/A

**Utilities:**

*At this point the only structures are an existing home and shop that are already connected to utilities. There are not any proposed utilities to be used as part of the proposed site plan and business.*

**Setbacks:**

*There are not any future buildings proposed as part of the proposed site plan. However, if there were, setbacks will be enforced during the building permit process.*

**Access:**

*Access to the property is via 6800 West, an existing county road.*

**Proposed Conditions:**

Staff proposed conditions:

- No lighting is proposed, but if it is needed later, all lighting shall be downward directed and be hooded (100% shielded) to prevent light pollution to neighboring properties.

**County Department Reviews:**

- The County Engineer has reviewed and approved the proposed site plan.
- The County Roads Supervisor is currently reviewing the proposed site plan.
- The County Fire Marshal has reviewed and approved the proposed site plan.
- The County Building Official is currently reviewing the proposed site plan.

**FINDINGS:**

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

1. The Box Elder Land Use Management and Development Code does allow for commercial agritourism uses in the unzoned areas subject to Site Plan review and approval by the Planning Commission.
2. The proposed Site Plan is still under review by some departments.

**RECOMMENDATION**

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

1. Compliance with Section 2-2-090, Permitted Use Review, of the Box Elder County Land Use Management & Development Code.



- 2. Compliance with Section 2-2-120, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
- 3. Compliance with reviews from the Road Supervisor and Building Official.
- 4. Any future lighting must be downward directed and be hooded (100% shielded) in order to prevent light pollution onto neighboring properties.
- 5. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
- 6. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**MODEL MOTIONS**

**Approval** – “I move the Planning Commission approve application number SP23-003, a Site Plan for a landscaping business, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

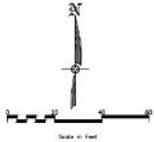
- 1. List any additional conditions....

**Table** – “I move the Planning Commission table the review of application number SP23-003, a Site Plan for a landscaping business, 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...

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





**PROJECT DATA TABLE**

TOTAL PROJECT AREA: 5,800 SF  
PROPOSED GRAVEL AREA: 5,800 SF

**NOTES:**

NO ADDITIONAL LANDSCAPING PROPOSED.  
NO ADDITIONAL LIGHTING TO SITE PROPOSED. IF NEW LIGHTING IS INSTALLED, IT SHALL BE DIRECTED DOWNWARD AND 100% SHIELDED TO PREVENT LIGHT POLLUTION.  
NO TRASH CANS, FENCES, SIGNAGE OR MECHANICAL EQUIPMENT PROPOSED.

**SITE INFORMATION**

OWNER: BRANDT DENKERS  
PARCEL NUMBER: 05-079-0077 (LOT 6-R FREEMAN FARMS SUBDIVISION)  
ADDRESS: 10090 NORTH 6800 WEST, TREMONTON  
LOT SIZE: 1.51 ACRES



**PLANNING COMMISSION  
 STAFF REPORT**

**Meeting Date: September 21, 2023  
 Agenda Item #: 8b**

**Application Type:**  
 Conditional Use Permit for an Accessory Dwelling Unit

**APPLICANT(S):**  
 Todd Summers

**PROJECT #:**  
 CUP23-007

**ZONE:**  
 RR-1

**PARCEL #:**  
 06-107-0021

**TYPE OF ACTION:**  
 Administrative

**REPORT BY:**  
 Destin Christiansen,

**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 as part of a proposed outbuilding. 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 3210 West Cobble Crest Road in the Deweyville area.

*Surrounding Land Use and Zoning:*

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Rural Residential	RR-1
South	Rural Residential	RR-1
East	Rural Residential	RR-1
West	Rural Residential	RR-1

**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-1 building setbacks.*

**Access:**

*Access to the property is obtained by Cobble Crest Road, 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 CUP23-007, 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 CUP23-007, 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 CUP23-007, 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.

