

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

August 15, 2024

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

1. **CALL TO ORDER 7:00 p.m.** (County Commission Chamber Room, Main Floor)
  - a. Roll Call (Commissioners B. Robinson, M. Wilding, J. Holmgren, J. Pugsley, V. Smith, J. Jacobsen, and L. Jensen)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL of the June 20, 2024 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
  - a. **8400 W AMEND AND EXTEND SUBDIVISION, SS24-015**, Request for preliminary plat approval of a new 5-Lot subdivision located at approximately 10100 North 8400 West in the Tremonton area of Unincorporated Box Elder County. **ACTION**
6. **PUBLIC HEARINGS**
  - a. **ZONING MAP AMENDMENT, Z21-008**, Request for a zone change of 114.55 acres from MU-40 (Multiple Use - 40 acre lots) and RR-1 (Rural Residential - 1 acre lots) to RR-1 (Rural Residential - 1 acre lots), located at approximately 55500 West HWY 30 in the Park Valley area of Unincorporated Box Elder County. **ACTION**
  - b. **ORDINANCE TEXT AMENDMENT, Z24-009**, Request for a text amendment to Section 3-2-010(B), Purpose - Agricultural, of the Box Elder County Land Use Management & Development Code. **ACTION**
  - c. **ORDINANCE TEXT AMENDMENT, Z24-010**, Request for a text amendment to Section 2-1-050, Land Use Authority, of the Box Elder County Land Use Management & Development Code. **ACTION**
  - d. **ZONING MAP AMENDMENT, Z24-011**, Request for a zone change of 2 acres from RR-20 (Rural Residential – 20,000 sq. ft.) to C-N (Neighborhood Commercial), located at approximately 6100 West 4000 North in the Corinne area of Unincorporated Box Elder County. **ACTION**
7. **NEW BUSINESS**
  - a. **MILLS SUBDIVISION FIRST AMENDMENT, SS24-020**, Request for an amendment to the final plat of the Mills Subdivision, located at approximately 11336 N 4400 W in the Tremonton area of Unincorporated Box Elder County. **ACTION**
8. **WORKING REPORTS**
  - a. Heritage Homestead - RV Park Text Amendment
9. **PUBLIC COMMENT**
10. **ADJOURN**\_\_\_\_\_

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES JUNE 20, 2024

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

*Roll Call*

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

*the following Staff was present:*

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

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

The Invocation was offered by **Commissioner Vance Smith**.

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 May 16, 2024 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jared Holmgren** to approve the minutes as written. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

**UNFINISHED BUSINESS**

**LOOKOUT MOUNTAIN SUBDIVISION PHASE 2, SS24-005, Request for preliminary plat approval of a 10-Lot phase 2 subdivision located at approximately 16250 North 6000 West in the Riverside area of Unincorporated Box Elder County. ACTION**

Staff explained this request came before the Planning Commission in April. A motion was made to table the item based on the plat not meeting code requirements. One requirement was the maximum block length. The applicant then requested a variance from the County Hearing Officer to allow for a longer block length. A hearing was held and the County Hearing Officer denied the request. The basis for his decision was the applicant could redesign the subdivision to comply with the land use code. The new layout bumps the future right-of-way further north between lots 10 and 11 and closes off the 60 ft. future right-of-way at the south end.

Staff said reviews have been sent to the applicant and passed along to his engineer. Some of the items from those reviews still need to be taken care of. Staff will make the applicant aware of what needs to be done to become compliant with county code. The commission has the option to table the request and have the applicant resolve the items or approve the request with the unresolved items as conditions of approval and direct staff to ensure those conditions are met.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to approve Application SS24-005, a preliminary plat for the Lookout Mountain Subdivision Phase 2, located in Unincorporated Box Elder County and adopting the exhibits and findings of the staff report and upon all conditions being met. The motion was seconded by **Commissioner Lonnie Jensen** and unanimously carried.

**CONDITIONS:**

1. Submission of a current title report for Phase 2.
2. Compliance with review and approval by the County Surveyor, Engineer, Fire Marshal, Planning & Zoning, Roads Department, and Building Official.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
5. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**PUBLIC HEARINGS**

Chairman Mellonee 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, Z24-007, Request for a zone change of 6.0 acres from Unzoned to RR-1 (Rural Residential 1 acre) located at approximately 6581 N 6800 W in the West Corinne/Bear River area of Unincorporated Box Elder County. ACTION**

Staff explained county code allows a property owner to request a rezone subject to approval by the County Commission with a recommendation from the Planning Commission, which is based on the following “reasonably debatable” standard.

- 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 as follows:

- A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The County's General Plan states: This plan suggests that most growth should occur in the cities and towns. The County can adopt policies to encourage that to happen but must continue to recognize private property rights and coordinate with the incorporated communities. The area is not zoned. Although there is an argument for properties to remain unzoned, which is mostly a property rights discussion, the possibility of unwanted and incompatible uses is highly likely in areas that lack zoning. To the south of the subject property (West Corinne area), existing zoning is a combination of rural residential, 20-acre agricultural, and larger MU-40 zones. The MU-40 allows for additional business uses that the other zones do not accommodate. The Box Elder County vision suggests continuing the agricultural heritage of the area, allowing for some flexible lot sizes through rural residential clustering, and expanding the industrial/warehousing uses in the area. Future Land Use: as part of the agricultural heritage area, large lot zoning should remain, to encourage continued agricultural activity. Irrigation capabilities, culinary systems, and water rights should be studied to assure the current system can serve the area in the future.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** The area is mainly agricultural uses with some residential homes (south and east) along 6800 West. The Planning Commission needs to decide if an RR-1 zone could be considered harmonious.
- C. The extent to which the proposed amendment may adversely affect adjacent property;** This is unknown. The public hearing process may bring forth additional information.
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** It is unknown what the extent of the adequacy of facilities is in this area but water may be a limiting factor.

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

Hearing no comments a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Zoning Map Amendment Z24-007. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

## ACTION

Commissioner Bonnie Robinson believes subdivisions belong in the cities, but realizes this property is Unzoned and the applicant can choose to request the zone change. The water supply is not an issue as long as the land continues to be farmed, but when the property is subdivided into individual lots, is when available water supplies will need to be addressed.

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to forward a recommendation of approval to the County Commission for application Z24-007, a zoning map amendment from Unzoned to RR-1 (Rural Residential 1 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.

### **ZONING MAP AMENDMENT, Z24-008, Request for a zone change of 49.70 acres from Un-Zoned to RR-1 (Rural Residential – 1 acre) located at approximately 7931 W 10400 N in the Tremonton area of Unincorporated Box Elder County. ACTION**

Staff explained County Code 2-2-080.C allows a property owner to apply for and request a zone change. The zoning on the surrounding properties is Unzoned and the surrounding land uses are Agricultural and Rural Residential.

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

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The County's General Plan states: This plan suggests that most growth should occur in the cities and towns. The County can adopt policies to encourage that to happen but must continue to recognize private property rights and coordinate with the incorporated communities.

The area is not zoned. Although there is an argument for properties to remain unzoned, which is mostly a property rights discussion, the possibility of unwanted and incompatible uses is highly likely in areas that lack zoning.

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

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** The area is mainly agricultural uses with some residential homes (north and south) along 10400 North and 10000 North. The Planning Commission needs to decide if an RR-1 zone could be considered harmonious.

**C. The extent to which the proposed amendment may adversely affect adjacent property;**  
This is unknown. The public hearing process may bring forth additional information.

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** It is unknown what the extent of the adequacy of facilities is in this area but water may be a limiting factor.

The public hearing was then opened for comments.

Lloyd Wood has a farm on 10000 West and stated the road is not adequate for the traffic that is there now. Years ago Road Supervisor Johnny Collum tarred the dirt road. Since then, the road has had only one coat of tar and chippings. There has been no asphalt put on the road and it is only about 25 ft. wide. The residents push snow across the road onto his frontage, the wind blows the drifts out across his fields and winterkills his crops. Mr. Wood said there is no drinking water available in the area. He has a well on his property but any wells issued from here on will be protested. He thinks regardless of the properties being in greenbelt, with development, taxes will go up. He is also concerned with the retention ponds and would like to know what the plan is for water run-off. He does not want it running across his property. Mr. Wood would like it on record, he is against the zone change.

Brandon East farms 40 acres to the west of the property being discussed. He has the same concerns as Mr. Wood. He farms for a living and has run from subdivisions his whole life. If a subdivision shows up with houses next to him, he would be afraid to light a fire to burn his ditch, or spray his fields with crop protection products. Development makes his job difficult. He believes in private property rights but developers create subdivisions and then leave. They do not have to deal with the long-term repercussions. Mr. East said if there is going to be houses on one-acre lots, he would like to see a fence put there to at least keep trespassers off his property. There are dangerous agricultural activities going on and he does not want the liability of people trespassing on his property. He would like to see this kept agricultural and let the farmers make food for the country.

Jeff John, applicant, explained why he is doing this zone change. If he wants to give his kid an acre of ground to build a house he can do so. Every farmer in the area has given their kids an acre of ground. He knows a lot of unincorporated Box Elder County has the potential to be zoned, and a lot of the land is being saved for agricultural use. A lot of the agricultural use could be zoned A-20 which means no subdividing anything less than 20 acres. Right now he just wants to rezone, there is no application for a subdivision. He has 58 acres he just wants to be able to do what he wants with it in the future as far down as one-acre lots. By doing this he is making the zone more restrictive. He is bumping up restrictions, not planning a subdivision.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Zoning Map Amendment, Z24-008. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

## **ACTION**

**Commissioner Bonnie Robinson** explained if the applicant chose to, he could submit an application for a ½-acre lot subdivision. The Planning Commission would not be able to stop it.

**Commissioner Mellonee Wilding** added that the commission would not have a choice if someone in an Unzoned area submitted a request for a Maverick, or anything else allowed in an Unzoned area. She said the applicant zoning his property is more restrictive and protects area residents better than what it does now.

**Commissioner Bonnie Robinson** said she is a fourth generation farmer on her family farm and loves the agriculture life. She suggested to those who love agriculture as she does, to zone their land as Agricultural. If an application for a subdivision comes in and the surrounding land is zoned Agricultural, the Planning Commission has the recourse to say the subdivision is not harmonious with the overall character of existing development. Commissioner Robinson also suggested putting land in an Agricultural Protection Area. These areas allow farmers to continue to farm and burn the ditches and bale at night. Ag Protection Areas protect farmers from frivolous lawsuits and complaints from neighboring subdivisions, basically stating “we were here first”.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Z24-008, a zoning map amendment from Unzoned to the RR-1 (Rural Residential - 1 acre) zone and adopting the conditions and findings of the staff. The motion was seconded by **Commissioner Lonnie Jensen** 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**

### **VACATE COUNTY ROAD, VAC24-01, Request to vacate a right-of-way alley in the center of Block G between 15200 N and 15300 N in the Riverside area of Unincorporated Box Elder County. ACTION**

Staff said this request is in the Historic Riverside area. The original Riverside plat had alleyways 18 ft. in width and ran north to south between the blocks. The property owners on Block G have requested the alleyway be vacated giving the property owner on the west an additional nine feet and each of the five property owners on the east an additional nine feet.

Staff explained County Commission Policy 2003-01 governs road vacations. The policy states an application for a road vacation must be presented to the Planning Commission. A recommendation is then forwarded to the County Commission. A public hearing will be held at the County Commission level and a final decision would be made on the road vacation. Staff read the standards

from Policy 2003-01 outlining the standards when considering a road vacation as they apply to this request:

1. **Is there a prevailing public interest in keeping the road open;** To staff's knowledge this portion of right-of-way alley has never been used for public access. It was platted in 1894, but has historically been used as private property.
2. **Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County;** The Transportation section of the County's General Plan states the following regarding roadway design: The proposed vacation does not affect the County's General Plan or Transportation Plan.
3. **Is the proposed vacation in compliance with all Box Elder County Land Use and Development Code requirements, State, Federal or other local regulations;** The proposed vacation is in compliance with all requirements and regulations.
4. **Will the proposed road vacation financially harm any landowner or stakeholder who may have an interest in the road;** All landowners directly fronting on the proposed right-of-way alley have signed the application. Adjacent landowners have been noticed of the public hearing. The public hearing process is in place to help bring any evidence of harm to light.
5. **The County shall not vacate any other private interest within the right-of-way;** No private interests within the right-of-way are to be vacated. Private access within the right-of-way would become a civil issue between landowners if the application is approved by the County Commission.
6. **When considering the vacation of a deeded road as opposed to a right-of-use road, the provisions of the surplus property disposal policy shall be used;** The proposed vacate is not a deeded road and does not need to conform to the surplus property disposal policy.
7. **The petitioner will provide descriptions in a deeded right-of-way for all abutting owners who may receive any ownership of the vacated road.** The petitioners have supplied the descriptions. The descriptions have been reviewed by the County's Recorder/Surveyor office and require revisions by the applicant.

**MOTION:** A Motion was made by **Commissioner Jennifer Jacobsen** to forward a recommendation of approval to the County Commission for Application VAC24-1, a right-of-way alley vacation located at Block G of the Riverside Plat between 15200 North and 15300 North in the Riverside area of unincorporated Box Elder County, and adopting the conditions and findings of the staff report. The motion was seconded by **Commissioner Vance Smith** and unanimously carried.

**8400 W AMEND AND EXTEND SUBDIVISION, SS24-015, Request for preliminary plat approval of a new 5-Lot subdivision located at approximately 10100 North 8400 West in the Tremonton area of Unincorporated Box Elder County. ACTION**

Staff explained the 8400 West Subdivision is an existing subdivision consisting of 3 lots. The subdivision is being amended by adding an additional 5 lots which extends the property line on lot 3. The surrounding land uses are Agriculture and Rural Residential, the surrounding area is Unzoned. Access would be by 8400 West. Staff has received utility will-serve letters and the



feasibility letter from the Bear River Health Department. The County Surveyor has requested changes to street and lot addressing, the storm water infrastructure, and the owners dedication. The County Engineer has requested changes to storm water infrastructure and roadway profile design, and a geotechnical report. The Fire Marshal has requested updated locations for fire hydrants. Planning & Zoning requires a geotechnical and soils report based on the county's public works standards and the subdivider must work with USPS for location and type of mailboxes with the location being shown on the plat.

Staff stated the current plat does not comply with county development standards. The main reason being the storm water infrastructure being an easement on one of the existing lots as opposed to being a separate parcel that the road department can easily access and maintain.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to table Application SS24-015, a preliminary plat for the 8400 West Amend and Extend Subdivision, located in unincorporated Box Elder County for up to 6 months allowing time for the submission of a geotechnical report and review and approval from the County Surveyor, Engineer, Fire Marshal, Planning & Zoning, Roads Department, and Building Official. The motion was seconded by **Commissioner Vance Smith** and unanimously carried.

**WORKING REPORTS - NONE**

**PUBLIC COMMENTS - NONE**

**ADJOURN**

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to adjourn commission meeting. The motion was seconded by **Commissioner Lonnie Jensen** and meeting adjourned at 8:12 p.m.

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Mellonee Wilding, Chairman  
Box Elder County Planning Commission

**PLANNING COMMISSION  
 STAFF REPORT**

**Meeting Date: August 15, 2024  
 Agenda Item #: 5a**

**Application Type:**  
 Preliminary Subdivision  
 Amend & Extend

**APPLICANT(S):**  
 Blaine Rupp

**PROJECT #:**  
 SS24-015

**ADDRESS:**  
 10100 N 8400 W  
 Tremonton area

**ZONE:**  
 Unzoned

**PARCEL #:**  
 05-083-0036

**REPORT BY:**  
 Scott Lyons,  
 Community Development

**BACKGROUND**

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

**UPDATE:** This came before the Planning Commission in June and was tabled due to county departments requesting a geotechnical and soils report as well as review items from the County Surveyor, Fire Marshal, Engineer, Roads, and Planning departments. The applicant has since submitted the geotechnical report and an updated subdivision plat. Those items were sent out for review. Staff will update the Planning Commission as follow up reviews/comments are made.

**ANALYSIS**

**Land Use Ordinance Standards Review:**

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

**Surrounding Land Use and Zoning:**

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

**Access:**

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

**Utilities:**

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

**Setbacks:**

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

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process.

### **County Department Reviews:**

#### County Surveyor

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

#### County Engineer

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

#### Fire Marshal

- Has requested updated locations for fire hydrants.

#### Planning & Zoning

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

An update will be provided at the Planning Commission meeting.

### **Findings:**

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

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

### **RECOMMENDATION**

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

1. Submission of a geotechnical and soils report based on the county's public works standards.
2. Compliance with review and approval by the County Surveyor, Engineer, Fire Marshal, Planning & Zoning, Roads Department, and Building Official.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
5. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

### **MODEL MOTIONS**

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**Approval** – “I move the Planning Commission approve application number SS24-015, a preliminary plat for the 8400 West Amend and Extend Subdivision, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – “I move the Planning Commission table application number SS24-015, a preliminary plat for the 8400 West Amend and Extend Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

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

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

1. List findings for denial...

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







# PLANNING COMMISSION STAFF REPORT

Meeting Date: August 15, 2024

Agenda Item #: 6a

**Application Type:**

Zoning Map Amendment

**APPLICANT(S):**

Bruce Pugsley

**PROJECT #:**

Z21-008

**ADDRESS:**

Green Rock Canyon Rd and  
SR-30 in Park Valley

**PARCEL #:**

07-106-0010, -0011

**CURRENT ZONE:**

RR-1 and MU-40

**TYPE OF ACTION:**

Legislative

**REPORT BY:**

Scott Lyons  
Comm. Dev. Director

**BACKGROUND**

The applicant is requesting that 114.55 acres located at approximately Green Rock Canyon Rd and SR-30 in Park Valley area be rezoned from MU-40 (Multiple Use 40 acre) to the RR-1 (Rural Residential 1 acre) zone. The current RR-1 and MU-40 zones were adopted August 23, 1982.

**UPDATE:** This application came before the Planning Commission in May of 2021. A recommendation of denial passed unanimously based on the lack of infrastructure, police, fire, and water, as well as the potential impact on Park Valley schools. The applicant did not proceed with the application to the County Commission within a reasonable period of time and it expired. He is now restarting the process for the same request.

**ANALYSIS**

**County Code:**

Land Use Management & Development Code 2-2-080.C allows a property owner or authorized agent to apply for and request a re-zone for his/her property subject to 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	Agriculture	MU-40
South	Agriculture	RR-1
East	Agriculture	RR-1, MU-40
West	Agriculture	RR-1, MU-40

**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



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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 General Plan states that the County will encourage and support design and development strategies that preserve open space, particularly those developed to preserve agricultural land.*

*It also states that future land use decisions will consider the following:*

- *maintaining the current quantity and quality of public services and facilities through balancing growth and development with facility/service capacity e.g. water, sewer, waste disposal, transportation and roads, law enforcement, emergency services;*
- *protecting rural, agricultural, mineral, wildlife and other County interests or traditional land uses;*
- *promoting development patterns consistent with, and sensitive to, resident preferences; and*
- *balancing private property rights with public interests.*

*It is the County's position that future residential development should complement other County interests and be located in areas that are compatible with adjacent land uses.*

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

*The area is primarily rural residential/agricultural. The rural residential is zoned for one-acre lots with development along the existing roads and a core area in Park Valley. This property is just on the fringe of that core.*

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

*This is unknown. The amendment would increase the density on this acreage. Some of the adjacent parcels are already zoned entirely RR-1. The public hearing process may shine additional light on adverse effects.*





**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.**

*Water in this area is via well or spring and is approved by the State Division of Water Rights.*

*Individual septic systems approved by the Bear River Health Department would be required for any building permit. The landowner may be required to improve roads, storm water, culinary water and other facilities/services listed if development is pursued.*

**FINDINGS:**

Based on the analysis of the zoning map amendment application request for the rezone of the subject parcel from MU-40 (Multiple Use 40 acre) to the RR-1 (Rural Residential 1 acre) and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the rezone of properties subject to zoning map amendment review procedures and approval.
2. The Planning Commission is tasked with making a recommendation to the County Commission based on “reasonably debatable” findings from the above information, information presented during the public hearing, and any additional information requested of the applicant or staff.

**RECOMMENDATION**

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

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

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

**MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z21-008, a zoning map amendment from the MU-40 (Multiple Use 40 acre) to the RR-1 (Rural Residential 1 acre) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:



- 
1. List any additional conditions....

**Table** – “I move the Planning Commission table the review of application number Z21-008, a zoning map amendment from the MU-40 (Multiple Use 40 acre) to the RR-1 (Rural Residential 1 acre) zone to (give date), based on the following findings:”

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

**Denial** – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z21-008, a zoning map amendment from the MU-40 (Multiple Use 40 acre) to the RR-1 (Rural Residential 1 acre) zone based on the following findings:”

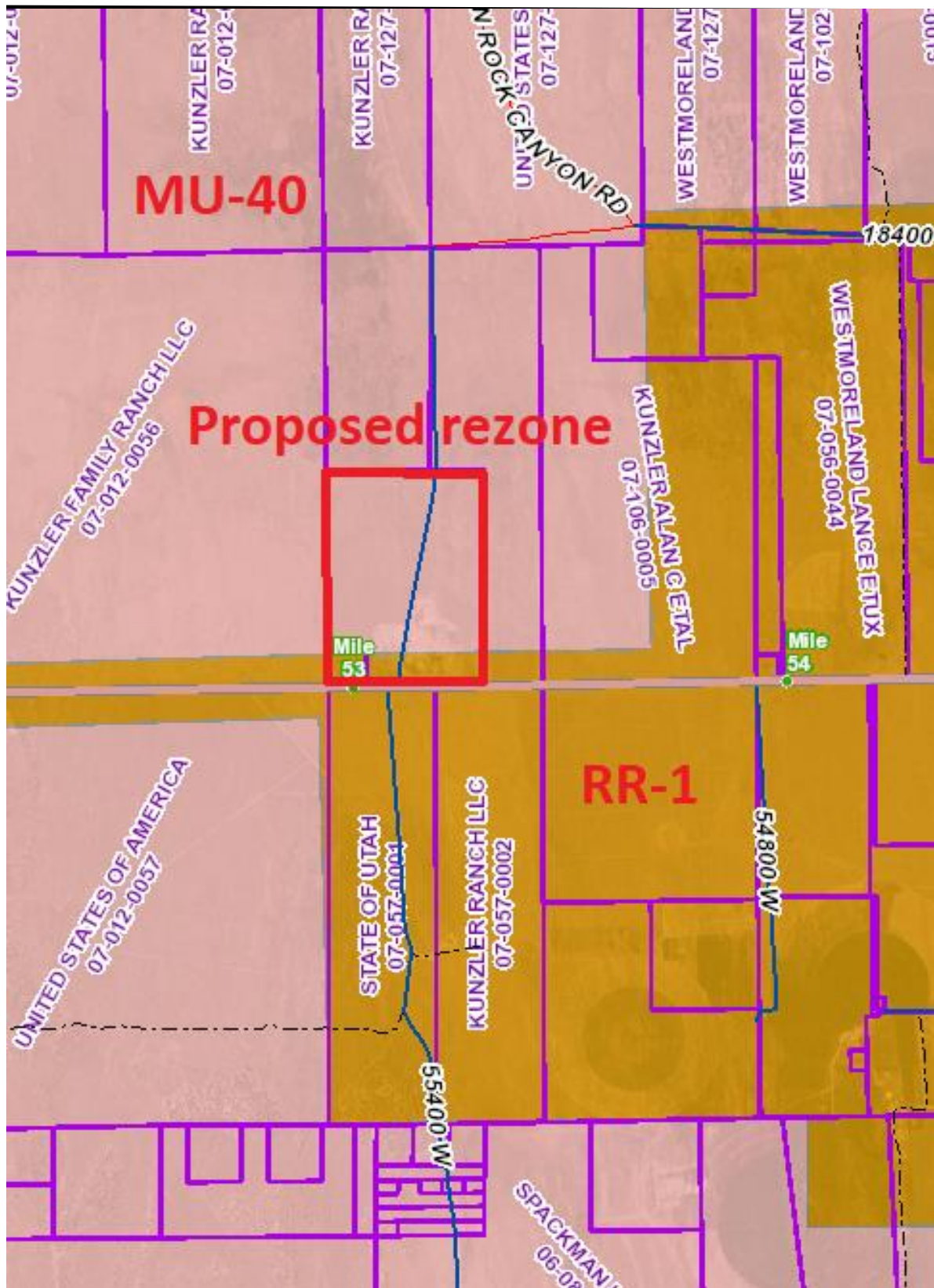
1. List findings for denial...

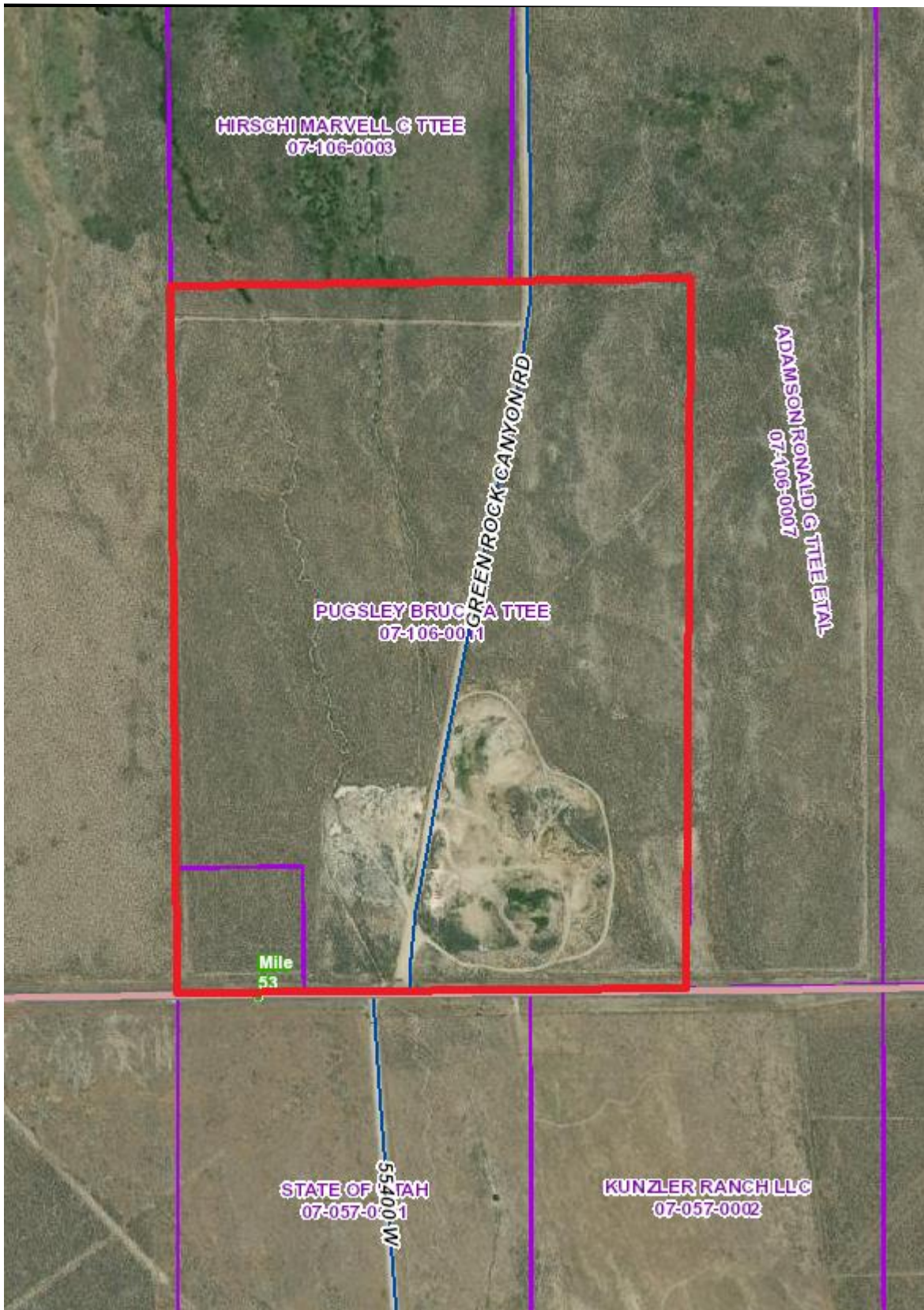
Please feel free to contact Scott Lyons at 435-734-3316 if you have any questions.



COMMUNITY DEVELOPMENT DEPARTMENT  
01 South Main Street  
Brigham City, Utah 84302  
(435) 734-2634 Fax: (435) 734-2728  
[www.boxeldercounty.org](http://www.boxeldercounty.org)

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**PLANNING COMMISSION  
STAFF REPORT**

**Meeting Date: August 15, 2024**

**Agenda Item #: 6b**

**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z24-009

**ORDINANCE:**

Chapter 3-2

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

A request has been made to amend Chapter 3-2, Multiple Use, Agricultural, and Rural Residential. The amendment would remove the ability for the A 1/2 zone to be used in the future. The verbiage for the A 1/2 zone would be left to regulate the existing parcels zoned A 1/2. (See attached for proposed verbiage).

**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;**  
*The proposed amendment is consistent with the goals, objectives, and policies of the County’s General Plan.*
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**  
*This text amendment would apply to all areas of unincorporated Box Elder County.*
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**  
*The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.*
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**  
*The proposed text amendment should not have an effect on the adequacy of facilities.*

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

## **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z24-009, 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 Z24-009, 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 Z24-009, 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.

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**Proposed Text Amendment:**

**3-2-010. Purpose.**

**B. Agricultural.** Agricultural zones promote and preserve in appropriate areas favorable to agricultural and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

The purpose of the A ½ zone in this Chapter is to outline regulations for existing A ½ parcels within Box Elder County. The A ½ zone is not an option for rezones due to this zone not being adequate for agricultural uses.





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

**Meeting Date: August 15, 2024**  
**Agenda Item #: 6c**

**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z24-010

**ORDINANCE:**

Chapter 2-1-050: Land Use Authority

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Destin Christiansen,  
County Planner

**BACKGROUND**

The applicant is requesting a text amendment to amend Section 2-1-050: Land Use Authority of the Box Elder County Land Use Management & Development Code. The proposed amendment would address yearly planning commission attendance requirements for Box Elder County Planning Commissioners and some general cleanup of the section.

**ANALYSIS**

**County Code:**

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

**Land Use Ordinance Standards Review:**

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

amendments.

- A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;**  
*The County's General Plan states that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.*
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**  
*This text amendment would only apply to the requirements for the county's volunteer Planning Commissioners. The Planning Commission needs to decide if this amendment would be harmonious.*
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**  
*The proposed amendment should not adversely affect adjacent property.*
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**  
*The proposed text amendment is county-wide and should not have an effect on the adequacy of*

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*facilities.*

### **FINDINGS:**

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

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

### **RECOMMENDATION**

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

If a recommendation of approval is forwarded to the County Commission, staff recommends it be subject to the following conditions:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with 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 Z24-010, 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 Z24-010, 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 Z24-010, an ordinance text amendment based on the following findings:”

1. List findings for denial...

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

## 2-1-050. Land Use Authority.

- A. Established as the Land Use Authority.** A Planning Commission, consisting of seven (7) members, is hereby established to exercise the powers and duties specified herein. The County Commission may appoint two (2) alternate Planning Commission members. In the event of the absence of any regular members at any meeting, the alternate member(s) shall serve with full rights and authority at said meeting. The appointment, term, vacancy, and removal of an alternate member shall be the same as for a regular Planning Commission member.

Planning Commission Members shall:

- a. Be appointed by the Box Elder County Commission
- b. Be residents of Box Elder County
- c. Own real property within Box Elder County
- d. Attend at least eight (8) Planning Commission meetings each year
- e. Serve without compensation, except for reasonable expenses incurred in performing their duties as members of the Commission.

~~Members of the Planning Commission shall serve without compensation, except for reasonable expenses incurred in performing their duties as members of the Commission.~~

### ~~A.~~ **B. Appointment and Terms of Office.**

1. Planning Commission members shall be appointed by the County Commission.
  - a. The terms of Planning Commission members shall be staggered. Each member of the Planning Commission shall serve for a term of three (3) years and until a successor is appointed, provided that members may be appointed for terms shorter than three (3) years when necessary to provide staggered terms.
  - b. Planning Commission members may be reappointed for successive terms.
  - c. The County Commission may remove any member of the Planning Commission at any time with or without cause.
  - d. A vacancy occurring on the Planning Commission by reason of death, resignation, removal, disqualification or any other reason shall be promptly filled by a replacement appointed in the same manner as the original appointment for the remainder of the unexpired term of the replaced member.
2. Members of the Planning Commission shall be deemed “volunteers” for purposes of County ordinances, rules, regulations and policies concerning personnel; provided, however, they shall be included in the definition of “employee” for purposes of the Utah Governmental Immunity Act, *Utah Code Ann. § 63-30a-101, et seq.*, as amended.

**B. C. Organization and Procedure.** The Planning Commission shall be organized and exercise its powers and duties as follows:

1. Members of the Planning Commission shall select one (1) of its members as chair to oversee the proceedings and activities of the Planning Commission.
  - a. The chairperson shall serve for a term of one (1) year.
  - b. Members of the Planning Commission shall select one (1) of its members as vice-chair to act in the absence of the chair. The chair and vice-chair may be re-elected for successive terms.
2. The Planning Commission may adopt policies and procedures, consistent with the provisions of this Code and applicable law, to govern the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the Planning Commission. All such policies and procedures shall be submitted to the County Commission for review and approval.
3. The Planning Commission shall meet on a regular day(s) each month, as determined by the Planning Commission, and at such other times as the Planning Commission may determine. All meetings shall be properly noticed and held in accordance with the Open Meetings Law set forth in *Utah Code Ann. § 52-4-1, et seq.*, as amended.
4. No official business shall be conducted by the Planning Commission unless a quorum of its members is present. Four (4) members of the Planning Commission shall constitute a quorum. The minimum number of yes votes required for the Planning Commission to take any action shall be the majority of members present, unless otherwise prescribed by law.
5. Decisions of the Planning Commission shall take effect on the date of the meeting or hearing where the decision is made, unless a different date is designated in the Commission's rules, or at the time the decision is made.
6. The Planning Commission shall keep written minutes and a recording shall be kept of all open meetings. Such minutes and recording shall include: the date, time, and place of the meeting; the names of members present and absent; the substance of all matters proposed, discussed, or decided; a record, by individual member, of votes taken; the name of each person who provided testimony and the substance in brief of their testimony; and any other information that any member requests be entered into the minutes or recording.
  - a. The Planning Commission shall transmit reports of its official acts and recommendations to the County Commission. Any member of the Commission also may make a concurring or dissenting report or recommendation to the County Commission.
  - b. The minutes of all meetings of the Planning Commission shall be prepared and filed in the office of the County Recorder. All such records shall be available for public review

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and access in accordance with the Government Records and Access Management Act, *Utah Code Ann.*, §63G-2-101, *et seq.*, as amended.

- D. Powers and Duties.** The Planning Commission shall have all the powers and duties, explicit or implied, given planning commissions by Utah State law (Each of such powers and duties shall be exercised pursuant to the procedural and other provisions of this Code). With respect to unincorporated area of the county, the Planning Commission powers and duties are:
1. Prepare and recommend a general plan and amendments to the general plan as provided in Section 2-2-070 of this Code;
  2. Prepare and recommend land use ordinances, zoning maps, official maps, and amendments as provided in Section 2-2-080 of this Code;
  3. Prepare and recommend subdivision regulations
  4. Administer applicable chapters of this Code;
  5. Hear and act on a land use applications
  6. Establish application processes that:
    - a. may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested, and
    - b. shall protect the right of each:
      - 1) applicant and third party to require formal consideration of any application by the Planning Commission,
      - 2) applicant, adversely affected party, or county officer or employee to appeal a land use authority's decision to a separate appeal authority, and
      - 3) participant to be heard in each public hearing on a contested application.
  7. Recommend approval or denial of subdivision;
  8. Hear and decide the approval or denial of conditional use permits, as provided in Section 2-2-100 of this Code;
  9. Hear and decide any other matter that the County Commission designates;
  10. Exercise any other powers that are necessary to enable the Planning Commission to perform its function or that are delegated to it by the County Commission.
- E. Examinations and Surveys.** The Planning Commission and its authorized agents may enter upon any land at reasonable times to make examinations and surveys as necessary to enable it to perform its function to promote County planning and development.
- F. Appeal.** Any person adversely affected by a final decision of the Planning Commission made in the exercise of the provisions of this Code may appeal that decision to the Hearing Officer.



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# PLANNING COMMISSION

## STAFF REPORT

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**Meeting Date: August 15, 2024**  
**Agenda Item #: 6d**

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**Application Type:**

Zoning Map Amendment

**APPLICANT(S):**

Leann Kilts

**PROJECT #:**

Z24-011

**ADDRESS:**

Approx. 6100 West 4000  
North

**PARCEL #:**

Part of: 04-071-0008

**CURRENT ZONE:**

RR-20

**TYPE OF ACTION:**

Legislative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

The applicant is requesting that part of parcel 04-071-0008 be rezoned from RR-20 (Rural Residential 20,000 sq. ft.) to the C-N (Neighborhood Commercial) zone. The parcel is in the West Corinne area.

**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-20
South	Agricultural	RR-20
East	Agricultural/Rural Residential	RR-20
West	Agricultural	RR-20

**Land Use Ordinance Standards Review:**

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

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

- The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.
- In making such determination, the decision-making authority may consider the following: (1) Testimony presented at a public hearing or meeting; and (2) personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on

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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 the West Corinne area is primarily agricultural with large lot single family and that the vision for the area suggests continuing the agricultural heritage, while allowing for some flexible lot sizes through rural residential clustering, and expanding the industrial/warehousing uses in the area.*

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

*The area is a combination of mainly agricultural uses and some residential homes. The Planning Commission needs to decide if a commercial zone could be considered harmonious.*

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

*The proposed amendment shouldn't affect the values of adjacent property. The public hearing process may bring forth additional information.*

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

*It is likely that the facilities and services already exist, the developer would have to verify this and bring them into the project.*

**FINDINGS:**

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from RR-20 (Rural Residential 20,000 sq. ft.) to the C-N (Neighborhood Commercial) zone and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the re-zone of properties subject to zoning map amendment review procedures and approval.
2. The Planning Commission will need to decide if the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.
3. This application is for a rezone from RR-20 (Rural Residential 20,000 sq. ft.) to the C-N (Neighborhood Commercial) zone.

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## **RECOMMENDATION**

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

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

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

## **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z24-011, a zoning map amendment from RR-20 (Rural Residential 20,000 sq. ft.) to the C-N (Neighborhood Commercial) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – “I move the Planning Commission table the review of application number Z24-011, a zoning map amendment from RR-20 (Rural Residential 20,000 sq. ft.) to the C-N (Neighborhood Commercial) zone to (give date), based on the following findings:”

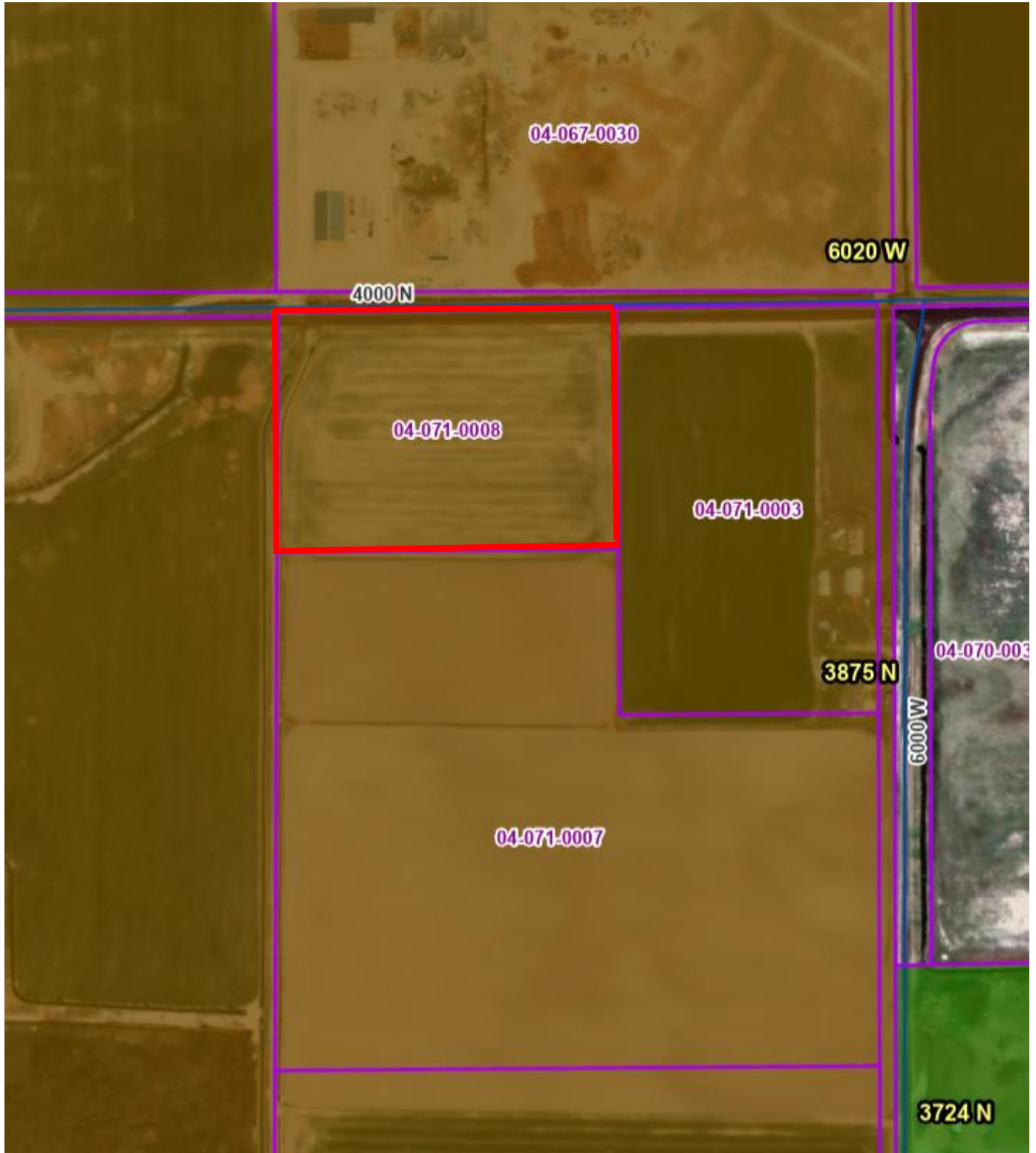
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z24-011, a zoning map amendment from RR-20 (Rural Residential 20,000 sq. ft.) to the C-N (Neighborhood Commercial) zone 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 15, 2024

Agenda Item #: 7a

**Application Type:**

Subdivision - Amendment

**APPLICANT(S):**

DelRay Woodruff

**PROJECT #:**

SS24-020

**ADDRESS:**

11336 N 4400 W, Tremonton,  
UT 84337

**ZONE:**

Unzoned

**PARCEL #:**

05-023-0021, 0029

**REPORT BY:**

Destin Christiansen,  
County Planner

**BACKGROUND**

The applicant is requesting an amendment to the final plat of the Mills Subdivision in the Tremonton area of unincorporated Box Elder County. The proposed amendment adjusts Lot 1 from 2.081 acres to 2.082 acres, adjusts the lot property lines, and renames the lot to Lot 2.

**ANALYSIS**

**State Code:**

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

**Surrounding Land Use and Zoning:**

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

**Access:**

Access to the lot exists via 4400 West, a county road.

**Utilities:**

All utilities are existing for Lot 2. They were secured as part of the original subdivision development. Will-serve letters have been previously submitted for the different utilities that would service proposed Lot 2.

**Setbacks:**

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

**Land Use Ordinance Standards Review:**

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

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### County Department Reviews:

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

### Findings:

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

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

### RECOMMENDATION

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

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

### MODEL MOTIONS

**Approval** – “I move the Planning Commission approve application number SS24-020, amending the Mills Subdivision First Amendment, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

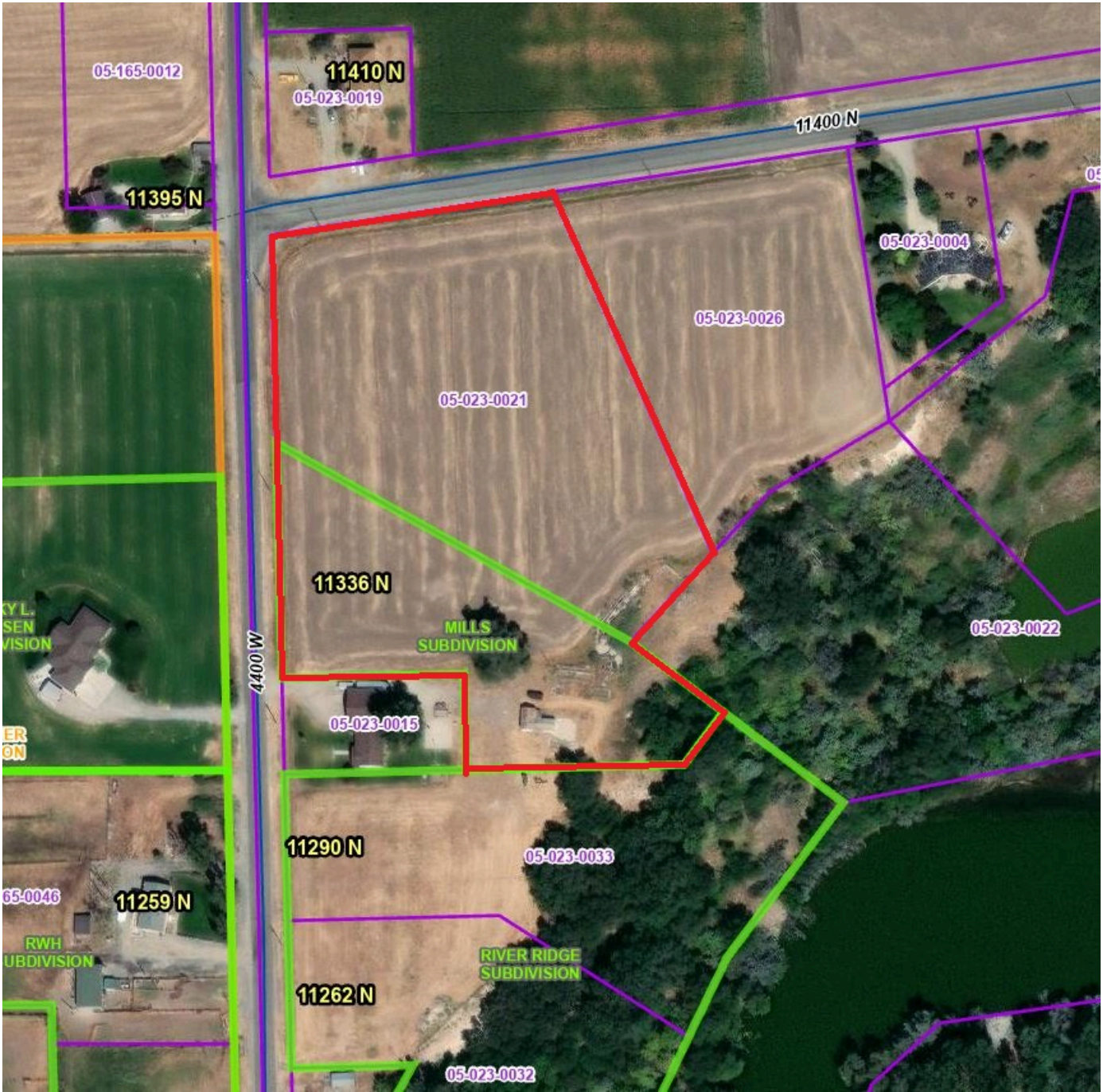
**Table** – “I move the Planning Commission table application number SS24-020, amending the Mills Subdivision First Amendment, located in unincorporated Box Elder County, to (give date), based on the following findings:”

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

**Denial** – “I move the Planning Commission deny application number SS24-020, amending the Mills Subdivision First Amendment, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

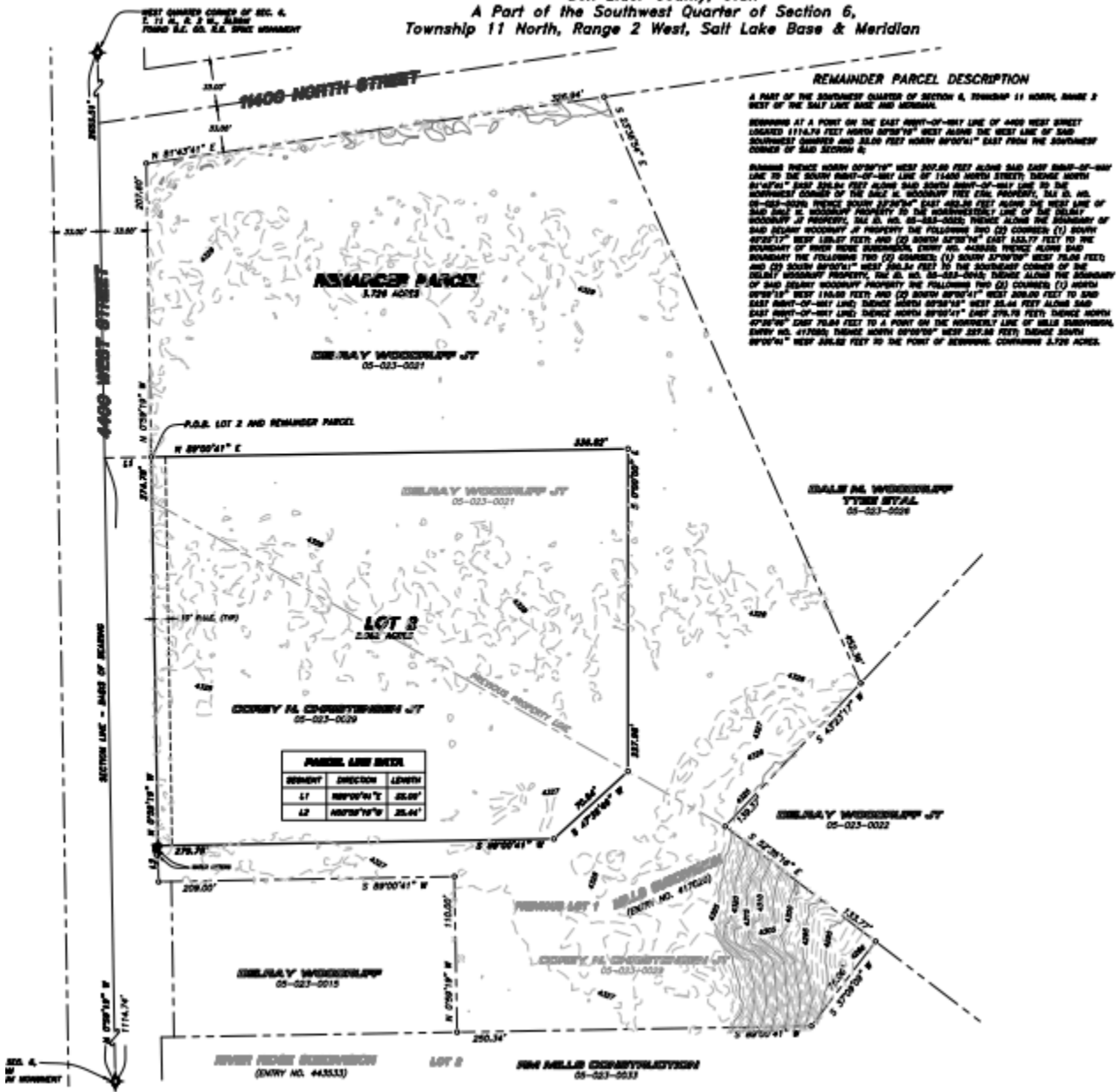
Please feel free to contact Destin Christiansen at 435-695-2547 with any questions.



**Mills Subdivision First Amendment**

**Amending Lot 1 Mills Subdivision**

Box Elder County, Utah  
 A Part of the Southwest Quarter of Section 6,  
 Township 11 North, Range 2 West, Salt Lake Base & Meridian



PARCEL AND BEAR		
BURNETT	DIRECTION	LENGTH
L1	N89°28'18" W	25.00'
L2	N89°28'18" W	25.00'