

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

October 17, 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 September 19, 2024 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
  - a. None
6. **PUBLIC HEARINGS**
  - a. **ORDINANCE TEXT AMENDMENT, Z24-005, Request for a text amendment to Chapter 3-6, Mobile Home Parks, of the Box Elder County Land Use Management & Development Code. ACTION**
7. **NEW BUSINESS**
  - a. **CONDITIONAL USE PERMIT, CUP24-004, Request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 23420 West 1200 North in the Promontory area of Unincorporated Box Elder County. ACTION**
  - b. **HAWK WAY BENCH SUBDIVISION, SS24-025, Request for preliminary approval of a 10-Lot subdivision located at approximately 4700 North 950 West in the Brigham City area of Unincorporated Box Elder County. ACTION**
  - c. **SMITH ONE LOT SUBDIVISION, SS24-026, Request for an amendment to the final plat of the Smith One Lot Subdivision located in the Elwood/Bear River City area of Unincorporated Box Elder County. ACTION**
8. **WORKING REPORTS**
  - a. None
9. **PUBLIC COMMENT**
10. **ADJOURN**

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES SEPTEMBER 19, 2024

---

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

*Roll Call*

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

*the following Staff was present:*

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

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

The Invocation was offered by **Commissioner Jennifer Jacobsen**.  
Pledge was led by **Commissioner Bonnie Robinson**.

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

See Attachment No. 1 – Attendance Sheet.

The Minutes of the August 15, 2024 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jed Pugsley** to approve the minutes as written. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

**UNFINISHED BUSINESS**

**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 this item came before the Planning Commission in August and was tabled for lack of an updated subdivision plat and unfinished county department reviews. The applicant's surveyor has since submitted an updated subdivision plat which was sent out for department review. All departments have reviewed and approved the preliminary plat. Details regarding construction improvements will be addressed when the applicant submits for final plat approval.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to approve application SS24-015, a preliminary plat for the 8400 West Amend and Extend Subdivision and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Lonnie Jensen** and unanimously carried.

**CONDITIONS**

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

**ZONING MAP AMENDMENT, Z21-008, Request for a zone change from MU-40 (Multiple Use - 40 acre lots) to RR-1 (Rural Residential - 1 acre lots), of 400 ft. east and west from center line of Green Rock Canyon Road located at approximately 55400 West HWY 30 in the Park Valley area of Unincorporated Box Elder County. ACTION**

**Commissioner Jed Pugsley** recused himself due to conflict of interest.

Staff explained this application came before the Planning Commission in August and was tabled for up to six months to allow the applicant time to work with staff on modifying the request. The applicant has modified the request to only include land 400 feet east and west from the centerline of Green Rock Canyon Road, zoned RR-1. This reduces the acreage requested to be included in the rezone down to approximately 41 acres. The applicant feels this is consistent with how zoning is applied with respect to other roads throughout the Park Valley area.

Staff said the four standards for reviewing zoning map amendments still apply.

(1) Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; (2) Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; (3) The extent to which the proposed amendment may adversely affect adjacent property; (4) 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 Commissioners feel this revised request is more harmonious with the surrounding area.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for Application Z21-008, a zoning map amendment from MU-40 (Multiple Use 40 acre lots) to RR-1 (Rural Residential – 1 acre lots), of 400 ft. east and west from centerline of Green Rock Canyon Road 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 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**PUBLIC HEARINGS**

**ORDINANCE TEXT AMENDMENT, Z24-012, Request for a text amendment to Chapter 2-2, Administrative and Development Review Procedures, of the Box Elder County Land Use Management & Development Code. ACTION**

Staff stated the main focus of this request is to clean up Chapter 2-2 by deleting ordinance numbers no longer needed and correcting code references. There are two major issues this text amendment will correct. A few years ago the Conditional Use Permit section was cleaned up and brought up to state code standards. Staff should have also cleaned up Section 110 Administrative Conditional Use Permits at that time. The other issue is in Section 120 Site Plan Review which references individual uses and Planned Commercial Centers. There is verbiage staff is not comfortable with and there are no Planned Commercial Centers in Box Elder County. Staff said the Planning Commission needs to pay particular attention to the Site Plan section. Currently a licensed engineer is required to draw up and stamp the plans. The County Building Official has asked to include architectural plans be prepared, stamped and signed by a professional architect. The County Fire Marshal has asked to include verbiage regarding the fire code and emergency vehicle access.

Staff read the standards for reviewing zoning text amendments as they apply to this request.

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

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** This text amendment would apply to all areas of unincorporated Box Elder County.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.

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

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

Hearing no comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on text amendment to Chapter 2-2, Administrative and Development Review Procedures. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

### **ACTION**

**Commissioner Bonnie Robinson** stated she is in favor of removing the verbiage regarding Planned Community Centers. **Commissioner Mellonee Wilding** is in favor of adding the requests from the building official and fire marshal.

**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to forward a recommendation of approval to the County Commission for application Z24-012, a request for a text amendment to Chapter 2-2, Administrative and Development Review Procedures of the Box Elder County LUM&DC and adopting the conditions and findings of staff and striking Section F5. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

### **CONDITIONS:**

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

*(See Attachment No. 2 – Chapter 2-2 Proposed verbiage.)*

### **ORDINANCE TEXT AMENDMENT, Z24-013, Request for a text amendment adding Section 5-1-380, Swimming Pools to the Box Elder County Land Use Management & Development Code. ACTION**

Staff stated this is a request to add Section 5-1-380: Swimming Pools to the Box Elder County Land Use Management & Development Code. The proposed amendment would address requirements for the location, design, and construction of swimming pools, both public and private within unincorporated Box Elder County.

Staff read the standards for reviewing zoning text amendments as they apply to this request.

- A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The 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 apply to those individuals or entities wishing to build swimming pools within unincorporated Box Elder County. 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;**  
This addition of code helps ensure that there would not be an adverse effect on adjacent property.
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** The proposed text amendment is county-wide and should not have an effect on the adequacy of facilities.

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 Ordinance Text Amendment, Z24-013. The motion was seconded by **Commissioner Lonnie Jensen** and passed unanimously.

### **ACTION**

Staff explained this amendment adds safety and security provisions of what a swimming pool should have. It also adds swimming pools as a permitted use in different zones.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to forward a recommendation of approval to the County Commission for application Z24-013 an ordinance text amendment adding Section 5-1-380, Swimming Pools to the Box Elder County LUM&DC and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

### **CONDITIONS:**

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

*(See Attachment No. 3 – Section 5-1-380:Swimming Pools.)*

### **NEW BUSINESS**

#### **CALDER EXCAVATION, CUP24-003, Request for a Conditional Use Permit for excavation for property located at 4542 West 14800 North in the East Garland area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting a Conditional Use Permit for excavation on his property. The applicant states: “Excavation of 13,000 cubic yards for use of agriculture, livestock, and fish/wildlife habitat. Soil will remain on site in landscape design”. The property is six (6) acres in

size and is located at 14800 North 4542 West in the East Garland area. The surrounding land uses are Agriculture and Rural Residential and the surrounding area is Unzoned.

Staff reviewed the following portions of Section 2-2-100 pointing out which items should be pertinent topics of discussion by the Commissioners.

4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable within the district including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gasses, heat, light, electromagnetic disturbances, glare, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance. *The Planning Commission may set conditions for potential impacts such as hours of operation, dust, and noise - or any others that can be thought of. This should be a topic of discussion during the meeting. Section 4-8-060(B) states that “the hours of operation should be between 7:00 am to 5:30 pm”. Section 4-8-060(C) states that “All graded or disturbed surfaces of excavations, and all equipment materials and roadways on the site shall be dampened or suitably treated, managed, or contained to prevent the deposit of dust on neighboring properties; all materials transported to or from the site shall be so contained during transportation as to prevent spillage on streets or other property outside of the site.”*

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. *The Planning Commission may set conditions for potential damage to adjacent properties such as flooding etc.*

6. Modifications to signs and exterior lighting to assure proper integration of the use. *The Planning Commission may set conditions for potential exterior light pollution. Lighting should conform to Chapter 5-9, Outdoor Lighting Standards.*

Staff recommends approval of the Conditional Use Permit and setting specific conditions in regards to Section 4-8-060 and Section 2-2-100.

**Commissioner Bonnie Robinson** questioned what defines an attractive nuisance? Staff stated it could be anything someone would want to stop and see.

**Commissioner Lonnie Jensen** stated the drawing shows the pond area as fenced and asked how wildlife is supposed to get in? Also, if the pond leaks it will raise the water table? What will that do to the surrounding farm ground? **Applicant Brodie Calder** said the water table sits at 7 to 8 ft. deep year-round. There will be a berm up and around the pond. He owns all the property to the west, if there ever was a breach it would flow to his ditches.

**Commissioner Jed Pugsley** asked what the time frame is to dig the hole. **Mr. Calder** stated he was told it will take two weeks to dig the hole.



**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to approve application CUP24-003, a Conditional Use Permit for excavation for property located at 4542 West 14800 North in East Garland and adopting the conditions and findings of staff, specifically noting the conditions of Section 4-8-060 B and Section 4-8-060 C as part of the conditions of approval. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

**CONDITIONS:**

1. Compliance with Section 4-8-080 requiring a Conditional Use Permit.
2. Compliance with Section 4-8-060.
3. Compliance with Section 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code.
4. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
5. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.

**WORKING REPORTS - NONE**

**PUBLIC COMMENTS - NONE**

**ADJOURN**

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to adjourn commission meeting. The motion was seconded by **Commissioner Jared Holmgren** and meeting adjourned at 7:55 p.m.

---

Mellonee Wilding, Chairman  
Box Elder County Planning Commission





**PLANNING COMMISSION  
STAFF REPORT**

**Meeting Date: October 17, 2024**

**Agenda Item #: 6a**

**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Mitchell James

**PROJECT #:**

Z24-005

**ORDINANCE:**

Chapter 3-6, Mobile Home  
& RV Parks

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

The applicant has requested a text amendment to Chapter 3-6, Mobile Homes, Mobile Home Subdivisions, & Recreational Vehicle Parks. The original proposal was brought before the Planning Commission as a “working report” in order to get some feedback regarding the changes. What is proposed is mostly a rewrite of the full chapter. The Planning Commission has concerns regarding the potential density of mobile home and RV parks. This and other infrastructure concerns were expressed by the Planning Commission during working reports as well as via email following the meeting. The Planning Commission were open limited numbers of RVs and expressed openness to the idea of “agritourism” type uses as they are gaining popularity and fit better within a rural county and its limited infrastructure. The language proposed at the end of this report is what the applicant provided based on that feedback.

**ANALYSIS**

**County Code:**

The Box Elder Land Use Management & Development Code 2-2-080.C allows property owners 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;**  
*Tours, hospitality, and educational programs tied in with agritourism are encouraged to be considered. The reduction of mobile home and RV park density as currently allowed also aligns with the general plan. Densities that are better served by city infrastructure are better served within cities.*
- 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 reduce potential negative effects on adjacent properties. 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.**

*As this proposed text amendment would apply countywide, it is difficult to speak to the adequacy of facilities and services serving a specific property or area even. With that said, the proposed language only allows RV spaces at a density of one per two acres with a maximum of six spaces total. The proposed language requires the host provide water, power, septic, and refuse accommodations. The Planning Commission has briefly discussed whether this should be required, or left up to the host, or even prohibited and the RV would be self-sustaining for the time spent on the host's property.*

**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 Z24-005, 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 Z24-005, 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 Z24-005, an ordinance text amendment 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.

**Proposed language from the applicant with notes from staff:**

Box Elder County Land Use Management & Development Code

Article 3: Zoning Districts  
Chapter 3-6 – Recreational Vehicles  
Box Elder Zoning Ordinance as Adopted xxxx

**Definitions:**

**Prefabricated Home:** A dwelling not classified as a licensed vehicle that can be moved and installed on an appropriate foundation. This code excludes such dwellings, as building codes for various constructions are covered elsewhere.

**Mobile Tents:** A licensed vehicle or trailer not equipped for dwelling purposes. This code does not apply to Mobile Tents.

**Mobile Home:** Any housing unit that has had the tires/wheels or suspension removed and placed on support stands and anchored down. Commonly known as single-wide, double-wide, triple-wide, etc. These are a type of prefabricated home.

**Recreational Vehicle:** A licensed vehicle or trailer equipped for use as a dwelling. The “recreational” part of this name is about historical and common usage. The category now includes vehicles that are too large to fit into camping sites and have limited use for recreation.

**Purpose and Intent:**

The purpose and intent of this section are:

- A. To ensure that unique aspects of Recreational Vehicles align with the objectives and purposes of this code.
- B. To assure Recreational Vehicle users that the facilities they use provide a minimum set of amenities.

**3-6-010: Facility Development Plans Required:**

An entity planning on providing Recreational Vehicle facilities must submit development plans for review according to the rules and procedures in this chapter.

**3-6-020: Continuing Conditional Use Permit Required:**

- A. Recreational Vehicle facilities need a conditional use permit approved by the Planning Commission, renewable every ten years per Commission rules.
- B. The Commission will automatically renew permits barring code violations, verified three months before expiration.
- C. Code violations for health and safety can lead to immediate permit revocation.

**3-6-020: Location:**

- A. Recreational Vehicles are allowed only in facilities with an approved active conditional use permit.

**Commented [SLL1]:** Some of these would need to be added to our definitions Chapter 1-3 as opposed to here. Other definitions in that chapter would need to be eliminated based on this amendment.

**Commented [SLL2]:** I like these, but would also like to keep it simple with set standards and either make it C1 (administrative staff review) or Permitted.

**Commented [SLL3]:** What zones? How many spots? Would this be determined by acre/density? \*this is mostly addressed in 3-6-080

- B. Recreational Vehicles in transit are not covered by this code.
- C. Recreational Vehicles in licensed sales areas are exempt, except when connected to power, sewer, and water.
- D. Unoccupied Recreational Vehicles may be stored on private residential lots, adhering to required setbacks and other vehicle-related zoning requirements.

3-6-030: Standards:

- A. Facilities for Recreational Vehicle use must meet commercial building construction codes, excluding those hindering safe and enjoyable use.
- B. Facilities protecting Recreational Vehicles from the elements require approved venting systems or alternative heating/cooling to the onboard systems meeting commercial building codes.
- C. Open-air facilities do not require venting systems.

3-6-040: Parking Site Design:

- A. Back-in sites shall be designed for at least a 34 ft Class A.
- B. Pull-through sites shall be designed for at least a 34 ft Class A towing a 20 ft trailer.
- C. All sites shall be designed for four feet on both sides for doors and slide-outs.
- D. All sites shall be designed to include at least one 220v 50 amp service, ground-level sewage access, and cold weather water service.
- E. All sites shall be designed to accommodate at least one 220v 50 amp electric vehicle recharge service in addition to the Recreational Vehicle electric service.
- F. All sites shall be designed to safely provide parking for at least one tow vehicle and one medium-sized sedan.
- G. All sites shall be designed with at least two feet of space from the front of the vehicle to the road and room for the rear service door to be opened and accessed.
- H. Stormwater shall be controlled, and directed, and shall not puddle or cause surface support softness under the leveling feet of the Recreational Vehicle.
- I. Stormwater shall not puddle under a Recreational Vehicle or in walking areas.
- J. The surface under the Recreational Vehicle leveling feet shall be hard enough to not require additional support.
- K. The surface shall be within 2 inches of level the entire length and width of each site.

3-6-050: Road Design:

- A. All roads shall be designed for a 34 ft Class A towing a 20 ft trailer.
- B. There shall be at least one entrance to the facility which shall be capable of handling two-way traffic at the same time.
- C. Rig and car street parking areas for amenities shall not impede the flow of traffic.
- D. Stormwater shall be controlled, and directed, and shall not puddle.

3-6-060: Pets:

- A. A Recreational Vehicle facility can be declared to be pet-free. It is the owning entity's responsibility to enforce this rule.
- B. Pet feces within a Recreational Vehicle facility, with or without a pet-free declaration, shall be considered grounds for immediate revocation of the Recreational Vehicle facilities' conditional use permit.

**Commented [SLL4]:** My interpretation of this is that an RV would have to meet setbacks and not be parked in PUEs. We have never enforced this. Probably not a great idea.

**Commented [SLL5]:** These seem like storage or indoor facilities. Also could include amenities that a park may have (some have offices, bathrooms, etc.). My understanding of what the PC is looking for would be a basic setup for short-term stays. Some PC members even mentioned no hookups allowed as most RVs are self-sufficient for up to a week.

**Commented [SLL6]:** These could all be recommendations, but not requirements. The market and host could determine what is actually necessary.

**Commented [SLL7]:** These all seem to be good requirements. Access, site flow should all meet fire code.

**Commented [SLL8]:** Requirements, or leave this up to the host?

- C. Recreational Vehicle facilities that allow pets shall provide designated areas for pet exercise and excretion. These areas should be proportionate to the number and types of pets within the facility. Signs shall be posted at exits of the Recreational Vehicle facility stating, that residents must follow a “Good Neighbor Policy” and clean up after their pets, and that failure to do so can result in expulsion from the Recreational Vehicle facility.

3-6-70: Garbage:

- A. There must be at least one enclosed garbage collection dumpster.
- B. The garbage collection dumpster must be sized for accumulation for the maximum number of garbage collection off days plus two days.

3-6-80: Size-based requirements:

- A. Recreational Vehicle facilities in unincorporated county areas are limited to 1 site per 2 acres of parcel land. A single owner across contiguous parcels may count all their contiguous parcel acreage for maximum facility sites.
- B. Recreational Vehicle facilities with six or more sites are not allowed in unincorporated county areas.

3-6-90: Recreational Vehicle Facility

- A. Setback of 10 ft from Right-of-Way for active roads without sidewalks.
- B. Setback of 4 ft from Right-of-Way for active roads with sidewalks.

**Commented [SLL9]:** Not sure what these setbacks mean. Also, what is the setback from neighboring properties?

Misc. thoughts:

- Time allowed for stays? Previous code was 90 days. Not allowed for permanent living.
- Must meet lighting code.

**Commented [SLL10]:** Staff thoughts.

**PLANNING COMMISSION  
 STAFF REPORT**

**Meeting Date: October 17, 2024**

**Agenda Item #: 7a**

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

**APPLICANT(S):**  
 Kinsey Swift

**PROJECT #:**  
 CUP24-004

**ZONE:**  
 Unzoned

**PARCEL #:**  
 03-007-0007

**TYPE OF ACTION:**  
 Administrative

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

**BACKGROUND**

The applicant is requesting a Conditional Use Permit for an Accessory Dwelling Unit. They seek to build an approximate 640 square foot accessory dwelling unit. Their existing home is approximately 3460 square feet. No other accessory dwelling unit (internal or external) exists on the property. The property is located at 23420 West 1200 North in the Promontory area.

*Surrounding Land Use and Zoning:*

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

**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 unzoned building setbacks.*

**Access:**

*Access to the property is obtained off of Big Valley 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 Chapter 2-2-100, Conditional Use Permit and Chapter 5-6, Accessory Dwelling Units, of the Box Elder County Land Use Management & Development Code.

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

### **MODEL MOTIONS**

**Approval** – “I move the Planning Commission approve application number CUP24-004, 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....

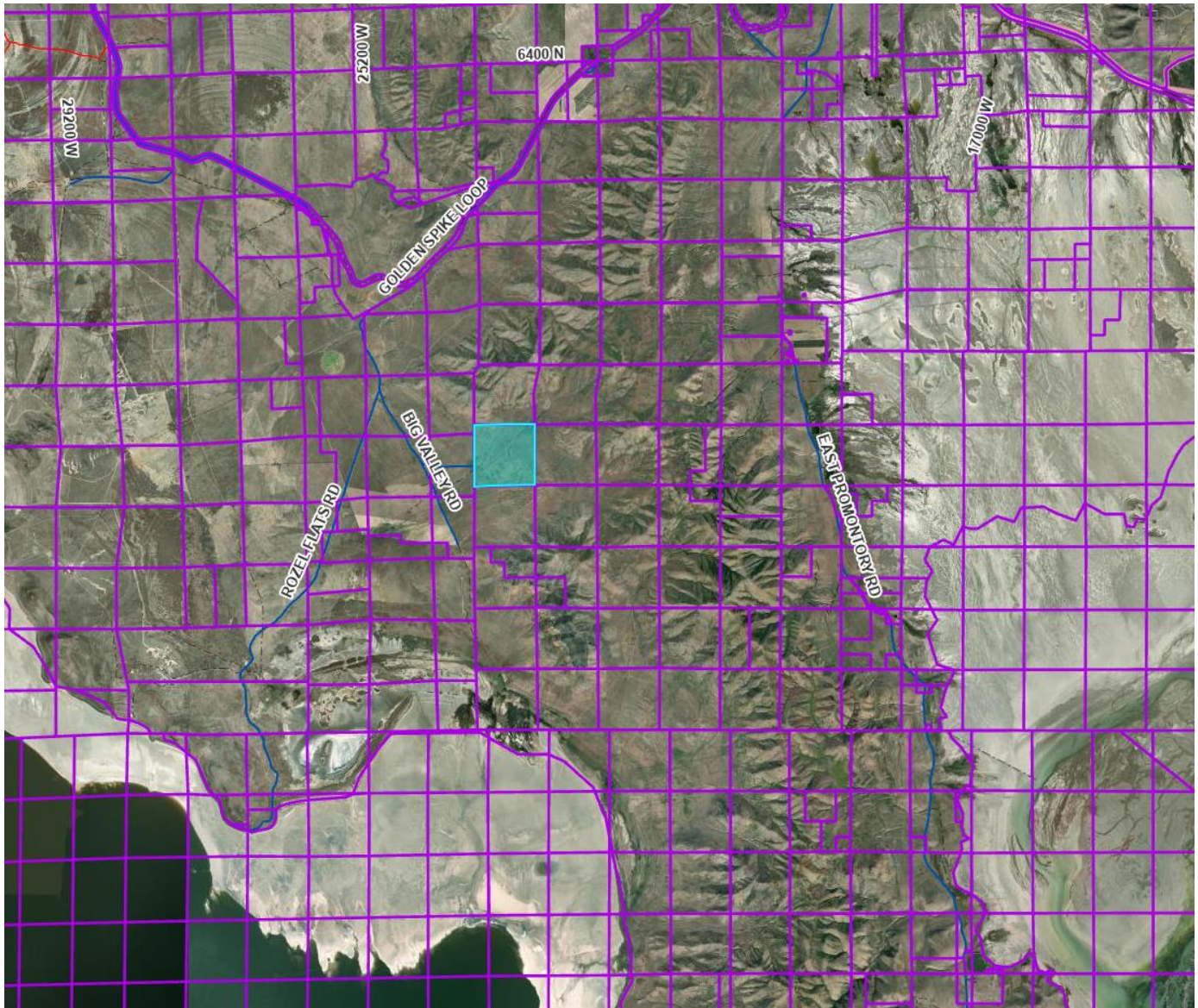
**Table** – “I move the Planning Commission table the review of application number CUP24-004, a Conditional Use Permit for an Accessory Dwelling Unit, to (give date), based on the following findings:”

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 CUP24-004, a Conditional Use Permit for an Accessory Dwelling Unit, based on the following findings:”

1. List findings for denial...

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







**FRONT ELEVATION**

1/8" = 1'-0"



**LEFT ELEVATION**

1/8" = 1'-0"



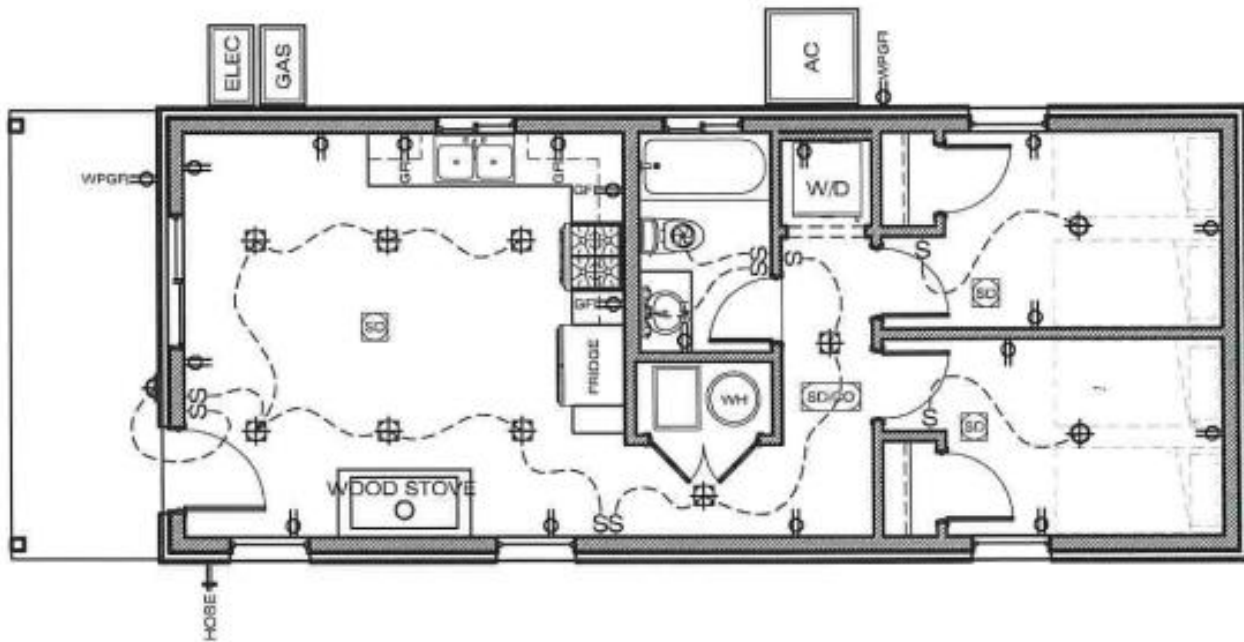
Main Level Plate  
9' - 1 1/8"

First Floor  
0"

T.O. Foundation  
0"

T.O. Footing  
-3' - 0"

B.O. Footing  
-3' - 10"



**PLANNING COMMISSION  
 STAFF REPORT**

**Meeting Date: October 17, 2024  
 Agenda Item #: 7b**

**Application Type:**  
 Preliminary Subdivision

**APPLICANT(S):**  
 Kory Wayment

**PROJECT #:**  
 SS24-025

**ADDRESS:**  
 4700 N 950 W  
 Harper Ward area

**ZONE:**  
 RR-5

**PARCEL #:**  
 04-035-0021

**REPORT BY:**  
 Scott Lyons,  
 Comm. Dev. Director

**BACKGROUND**

The applicants are requesting preliminary approval of the Hawk Way Bench Subdivision plat. The proposed subdivision is for 10 new lots approximately 5.5 acres in size and is shown as two phases. The existing parcel is 67.97 acres in size, there will be no remainder parcel.

**ANALYSIS**

**Land Use Ordinance Standards Review:**

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

**Surrounding Land Use and Zoning:**

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Hillside/Grazing	RR-5
South	Hillside/Rural Residential	RR-5
East	Hillside/Rural Residential	MU-160
West	Rural Residential	RR-5

**Access:**

Access would be via County road 1100 West connecting to a proposed new road, 4700 North and 950 West. The two new roads are proposed to be private roads.

**Utilities:**

The County has received utility will-serve letters from Rocky Mountain Power and culinary water through the Bear River Water Conservancy District. 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 the RR-5 zone can be met. Setbacks will be reviewed and enforced during the building permit process.

**County Department Reviews:**

County Surveyor

- Has requested changes to street and lot addressing and various plat requirements for approval/recording purposes. County Engineer
  - 4700 North Street as proposed exceeds the County road standards for slope. County standards allow a maximum slope of 10% for up to 500 feet and a sustained slope of 7%. The applicant's proposal is

---

approximately 14.5 % slope.

Fire Marshal

- Has reviewed the preliminary plat and requested that a note be added to the plat that states all homes will have individual fire sprinkler systems. He is also requiring a hammer head or cul-de-sac where the road stubs at the south end (this would be temporary until the road is extended further south).

Planning & Zoning

- An initial review was provided to the developer, the developer's engineer updated the plat/plans based on this review and has addressed the comments.

Road Department

- The Road Superintendent reached out to me to clarify that private road standards don't differ from the public standard. He stated that the applicant could build up to two lots on a gravel road, but anything beyond that would need to be on the required asphalt road standard.

Additional updates 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. Various County departments are currently reviewing updated plat/plans that have been provided based on their original 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. Compliance with review and approval by the County Surveyor, Engineer, Fire Marshal, Planning & Zoning, Roads Department, and Building Official.
2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**MODEL MOTIONS**

**Approval** – "I move the Planning Commission approve application number SS24-025, a preliminary plat for the Hawk Way Bench 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 SS24-025, a preliminary plat for the Hawk Way Bench Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

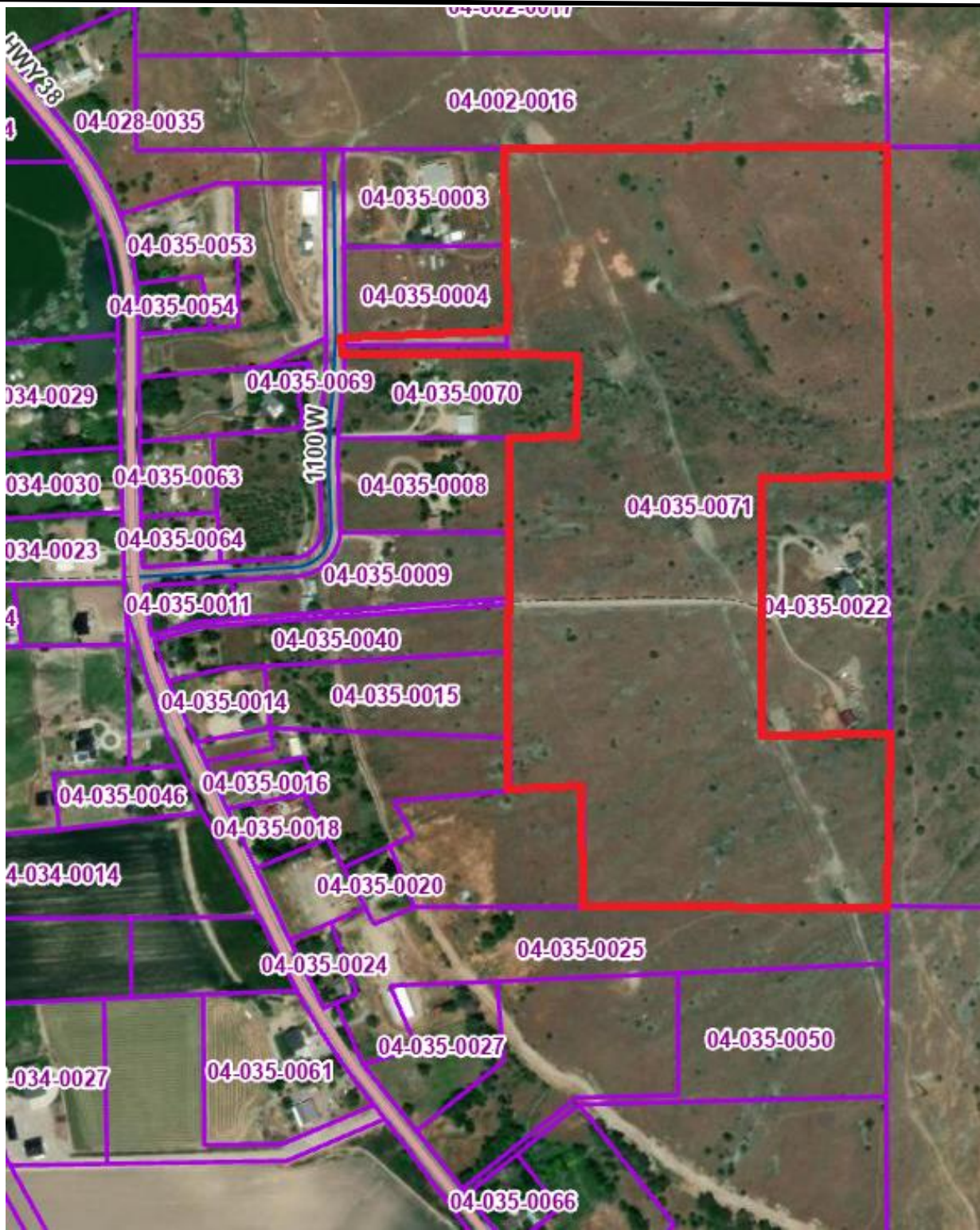
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

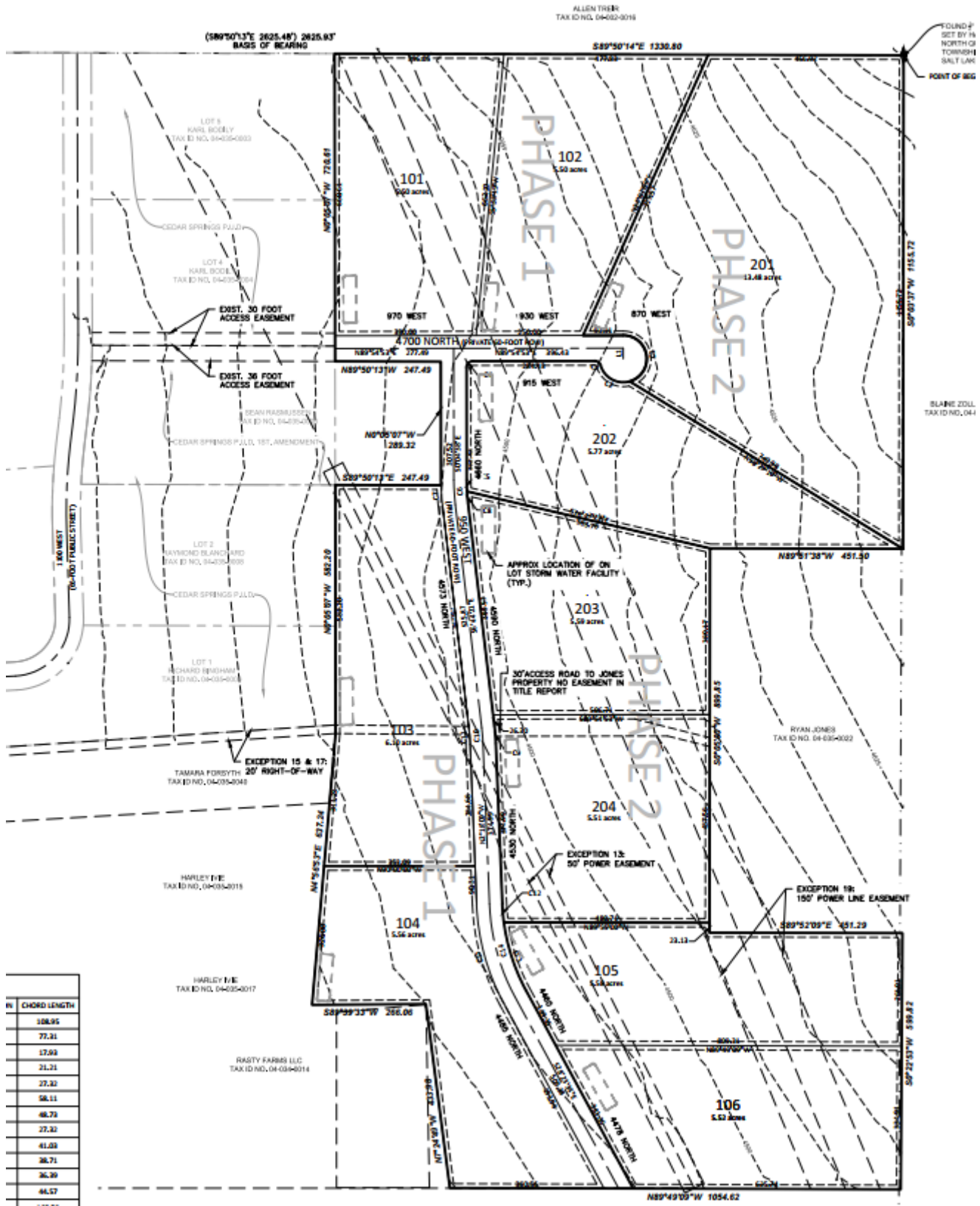
**Denial** – “I move the Planning Commission deny application number SS24-025, a preliminary plat for the Hawk Way Bench Subdivision, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

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







N	CHORD LENGTH
108.95	
77.21	
17.89	
21.21	
27.32	
58.11	
48.73	
27.32	
41.03	
38.71	
36.39	
44.57	



**PLANNING COMMISSION  
STAFF REPORT**

**Meeting Date: October 17, 2024  
Agenda Item #: 7c**

**Application Type:**  
Subdivision - Amendment

**APPLICANT(S):**  
Travis Smith

**PROJECT #:**  
SS24-026

**ADDRESS:**  
7180 North 5200 West

**ZONE:**  
Unzoned

**PARCEL #:**  
04-049-0015; 0016

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

**BACKGROUND**

The applicant is requesting an amendment to the final plat of the Smith One Lot Subdivision in the Elwood/Bear River City area of unincorporated Box Elder County. The proposed amendment adjusts the lot lines of lot 1 to better square up the lot – the acreages would remain the same for the lot and remainder parcel.

**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	Ag/Rural Residential	Unzoned
South	Agriculture	Unzoned
East	Agriculture	Unzoned
West	Agriculture	Unzoned

**Access:**

Access to the lot exists via 5200 West, a county road.

**Utilities:**

All utilities are existing for Lot 1. They were secured as part of the original subdivision development.

**Setbacks:**

All setbacks do and can be met for the Unzoned area.

**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.



---

### County Department Reviews:

- The proposed plat is currently being reviewed by all applicable County departments. An updated can be given at the Planning Commission meeting.

### 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 will comply with the subdivision regulations of Box Elder County and the State of Utah, once the reviews are all done.
2. Subject to review and approval by County Departments, 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 applicable County 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 SS24-026, amending the Smith One Lot 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 SS24-026, amending the Smith One Lot 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 SS24-026, amending the Smith One Lot Subdivision, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

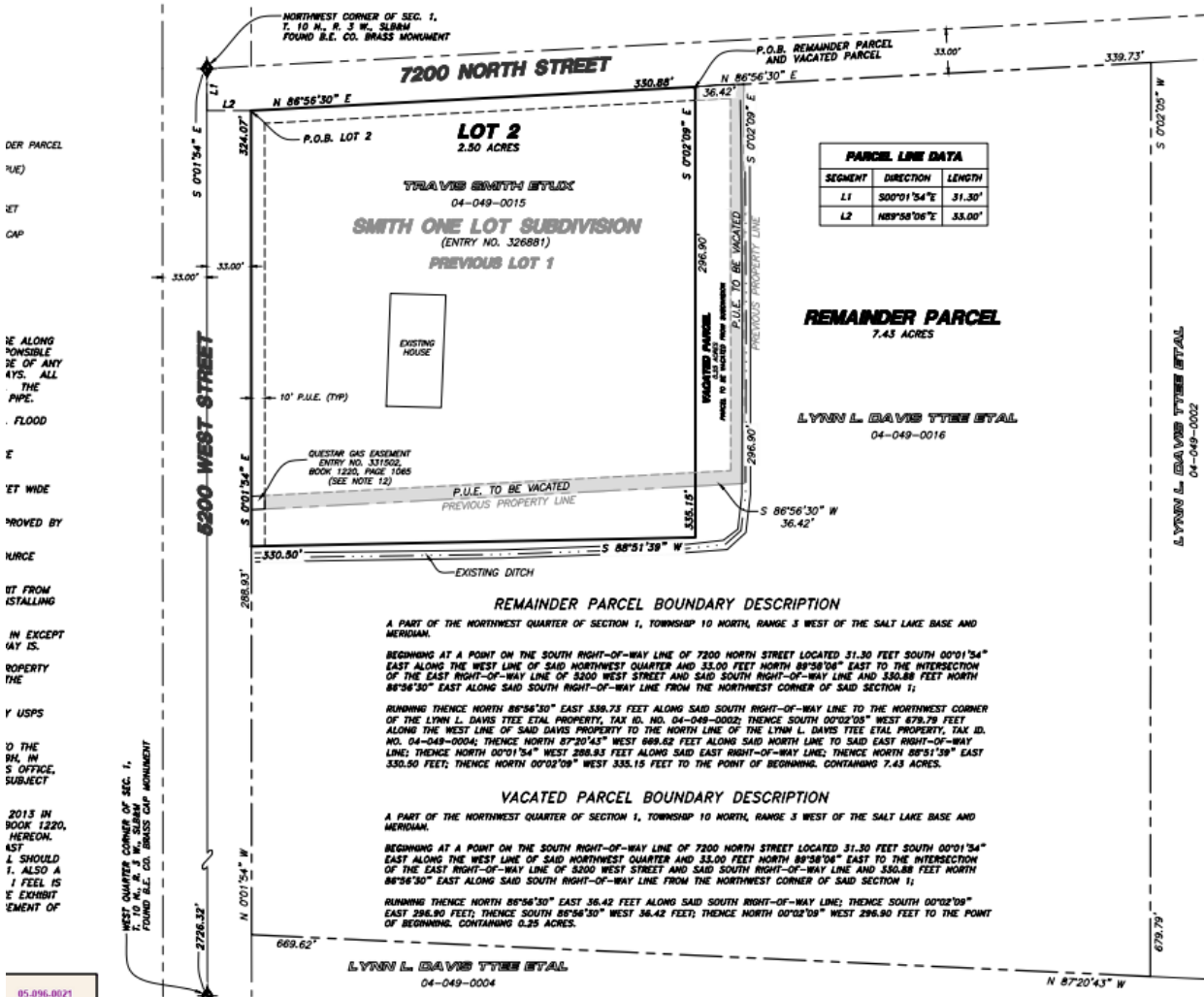
Please feel free to contact Marcus Wager at 435-734-3308 with any questions.



**SMITH ONE LOT SUBDIVISION FIRST AMENDMENT**  
**AMENDING LOT ONE, SMITH ONE LOT SUBDIVISION**  
 BOX ELDER COUNTY, UTAH  
 A PART OF THE NORTHWEST QUARTER OF SECTION 1,  
 TOWNSHIP 10 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN

SURV  
 I, MATT PRETL, DO HEREBY CERTIFY  
 UTAH IN ACCORDANCE WITH TITLE  
 SURVEYORS ACT; AND BY THE AID  
 DESCRIBED AND SHOWN HEREON TO  
 MEASUREMENTS AND HAVE HEREBY  
 AS SMITH ONE LOT SUBDIVISION #1  
 HAVE BEEN LOCATED AND/OR PLACED  
 SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

MATT PRETL, P.L.S.  
 UTAH LAND SURVEYOR LICENSE NO. \_\_\_\_\_



SUBDI  
 A PART OF THE NORTHWEST QUAR.  
 BASE AND MERIDIAN.  
 BEGINNING AT THE INTERSECTION C  
 RIGHT-OF-WAY LINE OF 7200 NOR  
 LINE OF SAID NORTHWEST QUARTER  
 SAID SECTION 1;  
 RUNNING THENCE NORTH 86°56'30"  
 00°02'09" EAST 335.15 FEET; TH  
 THENCE NORTH 00°01'54" WEST 31  
 BEGINNING, CONTAINING 2.50 ACRE

KNOW ALL MEN BY THESE PRESEN  
 LAND HAVING CAUSED THE SAME I  
 TRACT SMITH ONE LOT SUBDIVISION  
 ELDER COUNTY, UTAH, ALL THOSE  
 DRAINAGE PURPOSES AS SHOWN IN  
 OPERATION OF PUBLIC UTILITY SER

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

TRAVIS B. SMITH

MARY A. SMITH

LYNN L. DAVIS - TRUSTEE FOR THE I  
 REVOCABLE DECLARATION OF TRUST D

DENNA L. DAVIS - TRUSTEE FOR THE  
 REVOCABLE DECLARATION OF TRUST D

AC

STATE OF UTAH )  
 COUNTY OF BOX ELDER )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
 WIFE AS JOINT TENANTS, PERSONA  
 SAID COUNTY OF BOX ELDER, IN  
 TWO IN NUMBERS, WHO DULY ACK  
 PURPOSE THEREIN MENTIONED.

State of Utah Notary Public \_\_\_\_\_

Notary Printed Name \_\_\_\_\_

TRUST  
 STATE OF UTAH )  
 COUNTY OF BOX ELDER )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
 LYNN L. DAVIS AND DENNA L. DAI  
 APPEARED BEFORE ME, THE UND  
 STATE OF UTAH, THE SIGNERS OF

DER PARCEL  
 (UE)  
 ET  
 CAP  
 SE ALONG  
 POSSIBLE  
 E OF ANY  
 415. ALL  
 THE  
 PIPE.  
 FLOOD  
 E  
 ET WIDE  
 PROVED BY  
 URCE  
 IT FROM  
 STALLING  
 IN EXCEPT  
 AY IS.  
 ROPERTY  
 THE  
 Y USPS  
 D THE  
 94, IN  
 S OFFICE,  
 SUBJECT  
 2013 IN  
 BOOK 1220,  
 HEREON,  
 45T  
 I SHOULD  
 I. ALSO A  
 I FEEL IS  
 E EXHIBIT  
 EMENT OF

05-896-8021  
 JN

**NARRATIVE**  
 THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH AND SET THE PROPERTY CORNERS OF THE ONE LOT SUBDIVISION AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY TRAVIS SMITH. THE CONTROL USED TO ESTABLISH THE PROPERTY CORNERS WAS BURNING IRON RODS PLACED AT THE PROPERTY CORNERS.

**BEAR RIVER DISTRICT HEALTH DEPT. APPROVAL**  
 WASTE TREATMENT SYSTEM & PRIMARY WATER SYSTEM