

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES AUGUST 19, 2021

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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:

<i>Roll Call</i>		<i>the following Staff was present:</i>	
Mellonee Wilding	Chairman	Scott Lyons	Comm Dev Director
Jared Holmgren	Vice-Chair	Marcus Wager	County Planner
Kevin McGaha	Excused	Steve Hadfield	County Attorney
Michael Udy	Excused	Jeff Scott	Commissioner
Steven Zollinger	Excused	Diane Fuhriman	Executive Secretary
Bonnie Robinson	Member		
Laurie Munns	Member		

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

The Invocation was offered by Commissioner Jared Holmgren.  
The Pledge was led by Commissioner Laurie Munns.

**The following citizens were present & signed the attendance sheet**  
See Attachment No. 1 – Attendance Sheet.

The Minutes of the July 15, 2021 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by Commissioner Bonnie Robinson to approve the minutes as written. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

The Agenda of the August 19, 2021 meeting was made available to the Planning Commission prior to this meeting and upon review a **Motion** was made by Commissioner Laurie Munns to approve the agenda with one change of cancelling Item 7e. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

## **UNFINISHED BUSINESS -NONE**

## **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.

**GSL CONDITIONAL USE PERMIT, CUP21-003, Request for a Conditional Use Permit to construct new telecommunications towers located on parcel 01-011-0042 in Unincorporated Box Elder County. ACTION**

Staff stated the applicant is requesting a Conditional Use Permit for two new telecommunication facilities on Promontory Point.

Staff read the standards for reviewing Conditional Use Permits from Section 5-7-040 of County code as they apply to this request:

**A. All telecommunications facilities shall comply with federal, state and county regulations;** GSL Brine Shrimp Cooperative complies with all regulations.

**B. Collocation is strongly encouraged to minimize the number of antenna support structures by collocation of multiple antennas on a single structure, and by encouraging the location of antennas on pre-existing structures;** These new towers are only going to be used by GSL Brine Shrimp Cooperative— as far as we know.

**C. Comply with the Telecommunications Act of 1996 by establishing regulations;** GSL Brine Shrimp Cooperative complies with these regulations.

**D. New telecommunications facilities require a Conditional Use Permit;** This application satisfies this requirement.

**E. Setbacks: All telecommunication facilities shall be setback at a distance equal to 110% of the total height of the tower from all property lines, inhabited structures, overhead utility lines, and public roads or public right-of-ways.** This facility meets this requirement.

**F. Signage: No commercial messages or signage shall be allowed on antenna supports (towers) or equipment, beyond safety warnings and one identification sign which are not greater than four (4) square feet in size;** The applicant has not stated if any signage will be used.

**G. Fencing: A six (6) foot fence shall be erected around the perimeter of the telecommunication facility site.** There needs to be a six (6) foot fence built around the facility.

The public hearing was then opened for comments.

Timothy Hawkes, applicant, said there is an important need for these towers. They help promote safety for the workers on Promontory Point and fishermen out on the lake. He said they have no intent to post signage as the only thing to see a sign in that remote area is a stray jackrabbit. Once the towers are in place a fence will be built as required. Mr. Hawkes thanked the Commissioners for their support.

Hearing no further comments, a motion was made by **Commissioner Laurie Munns** to close the public hearing on the GSL Conditional Use Permit, CUP21-003. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

## **ACTION**

Staff explained based on the analysis of the Conditional Use Permit application, staff concludes the following: the Box Elder Land Use Management and Development Code allows for Conditional Use Permits for new telecommunication facilities which are approved by the Planning Commission; it is staff's opinion the proposed text amendment meets all of the approval standards found in Section 5-7-040 of the Box Elder County Land Use Management and Development Code. Staff recommends approval.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve application CUP21-003, a Conditional Use Permit for a new telecommunications facility and adopting the conditions and findings of staff including fencing and signage as needed. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

## **CONDITIONS:**

1. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
2. Compliance with Article 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Section 5-7-040, General Regulations 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 licenses, permits, etc.

## **ORDINANCE TEXT AMENDMENT, Z21-012, Request for a text amendment to Chapter 5-1, to not allow high density development in unzoned or unincorporated Box Elder County. ACTION**

Staff stated the applicant is requesting a text amendment to Chapter 5-1, Regulations Applicable To All Zones. This chapter applies to both zoned and unzoned areas. The applicant is requesting a section be added restricting high-density development in unzoned areas. Currently the definition in County code for a Multiple Family Dwelling is "a building containing more than one dwelling unit"; which applies to duplexes, triplexes, fourplexes etc. The proposed language from the applicant is "No High Density Development, such as Dwelling, Multiple Family in settings that are unzoned."

Staff read the standards for reviewing zoning text amendments from BEC LUM&DC 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. The General Plan states that "urban-type developments within the County should be restricted to locations within municipalities or to adjacent locations which can be annexed, in order that new street and highway construction can be kept to a minimum".

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** This text amendment applies to all unzoned areas of unincorporated Box Elder County and could be considered harmonious with the character and development in those areas.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** 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.** This is one of several reasons the applicant is requesting this amendment be made. Unzoned areas are limited in their ability to provide facilities and services, especially for uses such as high-density housing.

The public hearing was then opened for comments.

Brodie Calder stated he owns acreage in the area under consideration for this amendment. Even though this is a text amendment he is surprised this is not considered a zone change as this is changing zoning effectively for high density. He said this will negatively affect his property value as he will not have the ability to allow for these types of residences. There is a major shortage of housing in Utah and this type of reduction of not allowing duplexes, triplexes, and fourplexes is something he thinks needs to be looked at. He strongly opposes the approval of this request.

Micah Capener feels this is blatant discrimination. There is a serious problem with affordability right now. A home cannot be built affordably anymore especially considering the average income in Box Elder County. He has bought and sold hundreds of properties of people who have the intent to build multiple projects or multiple homes on their property. Most of those people do not know about this proposal. He feels most people do not realize the scope of what this proposal would do. His definition of high density, like the multiple units available in Tremonton City, is not even feasible in unincorporated Box Elder County where there is no water or septic available. Mr. Capener asked the Commissioners to let those who bought unzoned property in Box Elder County do what they want to do with their property.

Dennis Holland, applicant, said he moved to the area to be in a rural situation which Box Elder County is. The vision is to keep Box Elder County rural. If apartments were to be built across from where he lives, he is no longer in a rural situation, which is why he decided to put this petition together. The petition is very simple, the second two lines of the petition represent an area close to where he lives but he could have done the same thing in lots of locations in Box Elder County and got 5 more pages of signatures in 24 hours. He is trying to be a good citizen and keep Box Elder County rural. Mr. Holland said he is fully aware there is a housing shortage but feels high density housing needs to be closer to towns where they are closer to their jobs and closer to the schools.

Staff read the following email received from Dusty Roche to be read into the record.

The county has been very good to me, and has helped me in all our ventures with the land we occupy in Box Elder County. Thank you for that, and to also the road crew and county commissioners. With that I am displeased to hear that you will not allow duplexes or apartments outside of unincorporated areas. Apartments and smaller dwellings like duplexes are the backbone of our great city and county and help provide options for people in different stages of life. In particular newlyweds, blue collar workers, and second home retirees. I think it would be a grave mistake to not allow this. Churches, communities, and cities rely on a proper mix of all demographics to succeed and have a bipartisan livable community. We need these duplexes and apartments. Look at the North Garland on 6000 west how nice they are, look at the apartments in Riverside by the 4-way stop. Have they not added tax revenue, commerce, and livability to our great community? Thank you for considering this, and I hope others will hear it as well. Sincerely, -Dusty Roche (Lincoln Financial and Roche Ranches Inc.)

Marc Allred is a developer in the Tremonton area. He purchased 25 acres in the outskirts of Tremonton to surround his home so he can control the area around him. He also owns unzoned property by 8400 West he is looking to develop that would also be affected by this proposal. He feels the people of Box Elder County who this proposal could affect do not know about this meeting. Mr. Allred said it is hard to build multi-family units and meet the health department's criteria on septic systems where there is no sewer. It is simpler to be closer to a city to develop multi-housing but there are still limits on the number of units because 30 units cannot be built when there is only septic for 5. The way the property is defined helps with the set up but he prefers not to have someone in Fielding rezone his parcels in the Tremonton area of Box Elder County. It needs to be set up to protect all of Box Elder County in good and bad, not just to prevent people from having neighbors next door. This is why he bought the 25 acres to surround his home so he can do what he likes. Growth is coming. The average house is selling for \$600,000, people cannot afford that, so developers have to look at some of the multi-unit projects. Our kids cannot afford to build next door to us if they are \$600 000, they need to find something affordable and the only way to do that is to build them closer together with less land.

Colton Rasmussen owns a cabinet shop in West Corinne that employs over 50 people. His employees do not make enough to buy expensive houses. He cannot afford to compete with Procter & Gamble or Wal-Mart wages so he employs people who need multi-unit housing. He said with inflation and other economic things going on, he may have to do something like that for his kids to give them a start. His personal belief is every house needs to get a permit anyway, so those who review permitting look at each property individually and approve or disapprove each permit. He feels a blanket statement does not do justice for everybody. His employees drive from Portage, Roy, and Ogden to Corinne. If his employees lived here he would be able to employ them longer and take care of them better.

Susan Holland understands people need homes and apartments but what she has a challenge with is what about the people who are already there? What about the homes already established? She lives across from property owned by Micah Capener and knows it is not going to be just a couple

of buildings being built, there is probably going to be a minimum of four in a complex and will end up being 20 buildings right in front of her home. She said there is additional acreage behind that and if another 15-20 apartment buildings are built, that is hundreds of people coming in and out in front of her home. That is a lot of people. She understands they need housing but thinks that many people need to be closer to the city to get their groceries and be closer to stores and work. She questioned if these people understand they are going to be in an agricultural area next to farm equipment that runs all night long. She asked again about the people already there, that are already vested in their homes, that have already put thousands of dollars or hundreds of thousands of dollars into their homes to see their way of life go down the drain.

Vance Smith agrees this is a large blanket zone change over a large amount of real estate, especially with duplexes and triplexes. He currently lives in a duplex with his parents and he plans to build another one next door so he can keep track of his parents. He has a challenge with the existing residents in the area. They have a right to do what they would like to do on their property, but he also pays hundreds of thousands of dollars into his own establishment. He develops land and it is how he feeds his family. He said a great part of America and of Box Elder County is there are a lot of people doing different things. The County makes money from economic development, and buildings and developments bring in tax dollars. He agrees when you buy land, you control it; that is what he does. He buys the land he wants and sometimes develops it. He builds the kind of lots he would like to live on. This large of a blanket text amendment would seriously impact tax revenue and the ability to build and provide for our families.

Dylan Oyler is a resident of Tremonton and said he mimics most of what has been said and is opposed to this text amendment. People constantly ask him if he knows of places with affordable housing, there is none. He feels we all have the same opportunity as the developers do to purchase property and do what we want. This blanket statement just does not work and wanted to voice his opposition.

Josh Riedesel is Colton Rasmussen's business partner and owns property in West Corinne. He said to run a local business that employs 50+ people there is a definite need for housing to support them and our local economy. He said it needs to be made easier, not harder than it already is to get these projects approved and off the ground. He echoes the other views of opposition,

Bradon Capener voiced his objection to the text amendment. The development of these kinds of properties in unzoned areas dictate their own density. Infrastructure is a major consideration, the availability of sewer and water are what dictate the density of what is going to be built there. There are already some 4-plexes and duplexes in and around the community. Having a 4-plex down the road does not make the area less rural. He is opposed to the text amendment.

Jade Marble has lived in Box Elder County his whole life. He just bought a piece of property with the intent of putting a guest home on it for his mother so he can take care of her. This text amendment violates his rights as a property owner to do as he pleases with his property. He thinks doing something like this should be on a case-by-case basis rather than an all

encompassing blanket of not allowing any multi-family dwellings. He thinks this proposal should not be approved as it takes away his rights as a property owner in the County.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Ordinance Text Amendment, Z21-012. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

## **ACTION**

**Commissioner Jared Holmgren** verified with staff that there is zoning available that allows for duplexes and triplexes. He said the verbiage of the proposal states “in settings that are unzoned” so it is his understanding this proposal would not ban multi-family altogether, just in the unzoned areas which could then be rezoned to allow duplexes, triplexes and 4 plexes. Staff said if this proposal were to pass, property owners in unzoned areas could request a zone change to allow for multi-family housing. This proposal would not affect external accessory dwelling units aka mother-in-law apartments. The state legislature recently required cities and counties of certain size to adopt an ordinance allowing internal ADUs also. The difference between a mother-in-law apartment, either internal or external, versus a duplex is essentially two dwelling on one property while duplexes are generally hooked up to two separate utilities.

**Commissioner Mellonee Wilding** said she was struck by the statement that the residents are overwhelmingly in support of this amendment, but not enthusiastic about the limitations imposed through zoning. She said zoning is how we set limits. This text amendment is trying to limit someone else's property without inflicting those same zoning rules on their own property which does not make sense to her but she is grateful for citizens who take initiative.

**Commissioner Bonnie Robinson** thanked those in attendance for their participation and making their job so much easier.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of denial to the County Commission for application Z21-012, an ordinance text amendment based on public opposition and the broadness of the text amendment. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

## **ZONING MAP AMENDMENT, Z21-013, Request for a zone change of 35.64 acres from MFP (Manufacturing Food Products) to RR-2 (Rural Residential 2 acres), located at approximately 13800 North Hwy 38 in the Collinston Area of unincorporated Box**

Staff said the applicant is requesting that Parcels 06-037-0048; 0052 be re-zoned from M-FP (Manufacturing Food Products) zone to RR-2 (Rural Residential 2 acres) zone. The current zoning was put into place in 1998. The parcels total 35.64 acres in size. The surrounding land uses are Agricultural and Rural Residential and are all zoned RR-2.

Staff read the approval standard 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 does state 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;** The area is a combination of residential and agricultural uses. The requested RR-2 zoning would be harmonious with the overall character in the vicinity of the subject property.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** 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 unknown at this time if the facilities and services are adequate for this property

The public hearing was then opened for comments.

Gretchen Alexander, applicant, explained when she originally bought the property it was zoned RR-2. There were plans for a bakery so they had the zoned changed to MFP (Manufacturing Food Products), but the bakery never happened. A master plan meeting was held in Collinston and the residents stated they want no more industry/manufacturing in their area. This prompted her decision to change the zoning back to RR-2.

Hearing no further comments, a motion was made by Commissioner Bonnie Robinson to close the public hearing on the Zoning Map Amendment, Z21-013. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

## **ACTION**

Staff stated County code allows for this rezone subject to the proper procedures and approvals. If the Planning Commission chooses to forward a recommendation of approval to the County Commission, staff recommends adding the conditions listed in the staff report to the motion. Staff noted Highway 38 is a state road. There are certain requirements the state uses for ingress and egress of their roads. The state has approved all the entrances to those lots as they stand as the county has no control over state requirements.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for Application Z21-013, a zoning map amendment from the MFP zone to the RR-2 zone adopting the conditions and findings of staff. 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

**ORDINANCE TEXT AMENDMENT, Z21-014, Request for a text amendment to Chapter 5-6, Accessory Dwelling Units, to allow for Internal Accessory Dwelling Units. ACTION**

Staff said in the last legislative session the state legislature passed HB-82 requiring cities and towns of certain sizes to allow Internal Accessory Dwelling Units. If the County does not have this in place into County Code by October 1, 2021 it will be allowed anyway.

Staff read the standards for reviewing zoning text 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 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 applies to all areas of unincorporated Box Elder County that are zoned for residential.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** The proposed amendment should not adversely affect adjacent property and is mandated by state code.

**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 amendment will not have an impact on facilities and services.

The public hearing was then opened for comments.

Hearing no comments a motion was made by **Commissioner Laurie Munns** to close the public hearing on Ordinance Text Amendment, Z21-014. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

**ACTION**

Staff explained this request will just add Internal Accessory Dwelling Units to Chapter 5-6, Accessory Dwelling Unit, of Box Elder County Code.

**MOTION:** A Motion was made by Commissioner Laurie Munns to forward a recommendation of approval to the County Commission for Application Z21-014, a text amendment to Chapter 5-6, Accessory Dwelling Unit, of the Box Elder County Land Use Management & Development Code, and adopting the conditions and findings of staff. The motion was seconded by Commissioner Bonnie Robinson and passed unanimously.

## **NEW BUSINESS**

### **MOUNTAIN VIEW RANCHES SUBDIVISION, SS21-017, Request for approval for a subdivision located at approximately 17600 North 6000 West in Unincorporated Box Elder County. ACTION**

Staff said this request is for Mountain View Ranches Subdivision which will have 4 lots. All lots will be 1.75 acres or larger. The existing parcel is 57.14 acres in size. The surrounding land uses are Agriculture and Rural Residential/Agriculture. The surrounding zoning is Unzoned. All the setbacks can be met in the Unzoned area. Access for Lot 1 will come off 6000 West, Lots 2-4 will have access off 17600 North. The County received will serve letters from the power, gas, and water companies, and a feasibility letter from the Bear River Health Department and geotechnical report. All applicable County departments have reviewed this subdivision and staff recommends approval.

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to approve Application SS21-017, a final plat for the Mountain View Ranches Subdivision and adopting the exhibits, conditions and findings of staff. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

#### **CONDITIONS:**

1. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Chapter 6-1, Subdivisions, 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.

### **THE RANCH ESTATES SUBDIVISION AMENDMENT, SS21-022, Request for approval for an amended subdivision located at approximately 3101 W. 1000 N. in the Tremonton area of Unincorporated Box Elder County. ACTION**

Staff stated the application is requesting a lot line adjustment for an existing 2-Lot subdivision. The proposed amendment adjusts the lot line between the two lots increasing Lot 1 to 5 acres and decreasing Lot 2 to 7.2 acres.

Staff explained State Code sections 17-27a-608 and 609 regulates the amendments of subdivisions. One section of the code specifically states the Land Use Authority may approve a vacation or amendment of a plat by signing an amended plat showing the vacation or amendment

if the Land Use Authority finds a) there is good cause for the vacation or amendment, b) no public street or County utilities have been vacated or amended. The amended plat has been reviewed by all applicable County departments and is ready for Planning Commission approval.

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to approve Application SS21-022 amending the Ranch Estates Subdivision located in unincorporated Box Elder County and adopting the exhibits, conditions and finding of staff. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

**BECKAM'S EDGE SUBDIVISION PHASE 1, SS21-022, Request for approval for a subdivision located at approximately 11050 North 8285 West in Unincorporated Box Elder County. ACTION**

Staff said the preliminary plat came before the Planning Commission in May showing four phases. This is the final plat request for Phase 1. Phase 1 includes the first nine lots as well as the access road. Lots in this phase range from .75 acres to 1.89 acres in size. The surrounding land uses are Agriculture and Rural Residential/Agriculture, the surrounding zoning is Unzoned. Access to the subdivision is via 8400 West. A first review has been submitted by the Fire Marshal and the County Engineer and staff is waiting to hear from the Road Supervisor so the County review is still taking place. The Planning Commission has the options to either approve the request with conditions or table the item.

**MOTION:** A Motion was made by Commissioner Jared Holmgren to approve Application SS21-023, a final plat for the Beckam's Edge Phase 1 Subdivision and adopting the exhibits, conditions and findings of staff. The motion was seconded by Commissioner Laurie Munns and unanimously carried.

**CONDITIONS:**

1. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
3. Subject to review and approval by all applicable county departments.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**HANCOCK TRUCKING CONCEPT SITE PLAN, SP21-003, Request for conceptual approval for a site plan at approximately 12270 N 5475 West in Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting conceptual site plan approval for a trucking operation including hard surface parking, offices, and truck bays for maintenance and repairs. They are also requesting a conditional use permit to allow parking within the 30 foot front yard setback. Conceptual site plans have no vesting rights. If the concept site plan is approved the developer is not bound to it and neither is the County. Staff recommends when the developer returns to request approval of the final plat, the Commission can give the developer feedback with regards to parking and additions to apply to it in order to approve the Conditional Use Permit in

conjunction with the final plat that has development rights. Staff read the approval standards for permitted uses as they apply to this request:

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

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to approve Application SP21-003, a Conceptual Site Plan for a trucking operation, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Laurie Munns** and unanimously carried.

**CONDITIONS:**

1. Compliance with Section 2-2-090, Permitted Use Review, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-120, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Section 5-2-070, Location of Off-Street Parking, of the Box Elder County Land Use Management & Development Code.
4. Compliance with Article 5, Regulations of General Applicability, 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.

**VACATE COUNTY ROAD, VAC21-02, Request to vacate a portion of a County Road Way at approximately 15400 North 5475 West in Unincorporated Box Elder County. ACTION**

This item was cancelled.

**STEEL SOLAR SITE PLAN EXTENSION, SP19-003, Request to extend approval of a site plan for a solar farm at approximately 6500 West 20800 North in the Plymouth area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting an extension of approval for a Site Plan that was approved on August 8, 2019 and granted an extension on August 21, 2020, for an 80 megawatt solar farm

on approximately 900 acres located at approximately 6500 West 20800 North. Box Elder County Land Use Management & Development Code Section 2-2- 040-I allows for extensions of time, it states: “Unless otherwise prohibited by this Code, upon written request and for good cause shown, any decision-making body or official having authority to grant approval of an application may, without any notice or hearing, grant an extension of any time limit imposed by this Code on such application, its approval, or the applicant. The total period of time granted by any one (1) or more extensions for a given application shall not exceed twice the length of the original time period.” The applicant is requesting that the construction commencement extension deadline be extended for one (1) year and the substantial completion deadline be extended for two (2) years. Essentially, the new dates we would be working with are August 8, 2022 for construction commencement and August 8, 2024 for substantial completion. Under our code, this extension would be the last one they can obtain for this project.

Liz Peyton, D.E. Shaw Renewable Investments Director, updated the Commissioners with the progress of the Steel Solar project as well as the Rocket Solar project.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve the extension of time for Application SP19-003, a Site Plan for a solar farm, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

**AGRICULTURAL PROTECTION AREA, Request to create a new agricultural protection area at approximately 13200 North East Garland Road in Unincorporated Box Elder County. ACTION**

The applicant is requesting to establish an Agriculture Protection Area on 75 acres located at approximately 13200 North East Garland Road.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to forward a recommendation to the County Commission to accept the proposal to create the Agriculture Protection Area located at approximately 13200 North East Garland Road in unincorporated Box Elder County. The motion was seconded by **Commissioner Bonnie Robinson** and a discussion followed.

**AMENDMENT:**

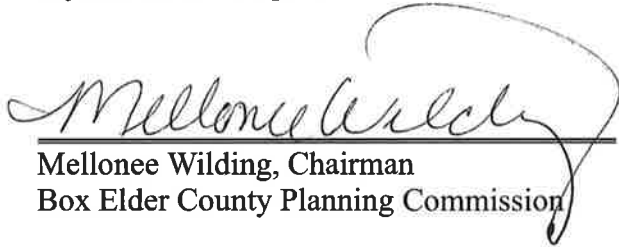
The original motion made by **Commissioner Jared Holmgren** was amended to include staff was to prepare and submit a written report to the County Commission that analyzes and evaluates the effect of the creation of the proposed area on the planning policies and objectives of the County (specifically, the effect that the creation of an Agriculture Protection Area has on the County’s ability to change the zoning of the property within an Agriculture Protection Area); analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305; recommend any modifications to the land to be included in the proposed agriculture protection area; analyzes and evaluates any objections to the proposal. The amended motion was seconded by **Commissioner Laurie Munns** and passed unanimously.

**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 the meeting adjourned at 9:05 p.m.



Mellonee Wilding, Chairman  
Box Elder County Planning Commission

# PLANNING COMMISSION MEETING

THURSDAY August 19, 2021

NAME	ADDRESS	AGENDA ITEM
Colton Rasmussen	3255 N. 8400 W Corinne	
Joshua Fredeser	" " "	
Dylan Oiler	1095 S. 150 W. Tremonton	
Jadrien Marble	4710 W 14400 N Garland	
BRIAN BOWEN	15720 N. BEAVER DAM RD	
Neal Fisher	16430 N. Beaver Dam Rd	
Troy Belliston	16439 N Beaver Dam Rd	
Meghan Whitley		Steel Solar Permit ext.
Liz Peyton		Steel Solar Permit ext.
DENNIS HOLLAND	5810 W 16800 N	ORDINANCE TEXT
SASAN HOLLAND	Garland,	
Tim Hawkes	413 S. 225 W. Centrilly, UT	RADIO TOWERS
Bruce Hancock	1240 N 2650 W Tremonton	7 d
Jason Grover	5530 west 15300 north N	Riverside vacate
Jody Grover	5530 W 15300 north Riverside	road vacate
Brodie Calder	4542 W 14800 N. Garland, UT	Ordinance Text Amend 221-012
Micah Capener	55 S. 950 E. Tremonton	Multiple Items
BRADON CAPENER	480 N 450 W TREMONTON	MULTIPLE ITEMS
Deb Allred	3101 W. 1000 N. Tremonton	Beckam's Edge

**PLANNING COMMISSION MEETING**

**THURSDAY**

NAME	ADDRESS	AGENDA ITEM
Marc Allred	3101 W 1000 North	Deacons Edge
Gretchen Alexander	14185 N 3100 W Collinston	Rezoning
Vance Smith	<del>8</del> 4465 W 13600 N Garland	Public Hearing

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