

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES SEPTEMBER 16, 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	Member	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 Laurie Munns.  
The Pledge was led by Commissioner Kevin McGaha.

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

See Attachment No. 1 – Attendance Sheet.

The Minutes of the August 19, 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.

### **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.

**MOMENTUM TRUCKING CONDITIONAL USE PERMIT, CUP21-005, Request for a Conditional Use Permit for a Home Business, located at 1360 West 7800 South in the South Willard area of Unincorporated Box Elder County. ACTION**

Staff explained the requested Conditional Use Permit is for a home business. A home business is defined as ‘a business that manufactures or provides a service for agricultural and residential uses with fewer than 10 employees and that is incidental and secondary to the use of the structure or dwelling for residential purposes and does not change the current character of the dwelling or neighborhood’. The property is located at 1360 West 7800 South in South Willard, west of the Interstate. The property to the north, south, and west are agricultural use and are zoned A-20. The property to the east is residential use and zoned RR-2. The property to the east has a home business with a similar Conditional Use Permit.

Staff read the approval standards for reviewing a home business:

- A. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the community, or injurious to property or improvements in the community, existing surrounding uses, buildings and structures.
- B. The proposed use of the particular location is necessary or desirable to provide a service or facility, which will contribute to the general well-being of the neighborhood and the community.
- C. The proposed use at the particular location is compatible with the intent, function and policies established in the general plan, this Code and the particular zoning district in which the use is proposed

The public hearing was opened for comments.

Hearing no comments, a motion was made by Commissioner Laurie Munns to close the public hearing on the Momentum Trucking Conditional Use Permit, CUP 21-005. The motion was seconded by Commissioner Kevin McGaha and passed unanimously.

**ACTION**

Staff said the proposed business is for a dump truck company. Staff has not been made aware of how many trucks the company operates, how many employees there are, the proposed hours of operation, or other aspects of the operation. Staff feels it would not be wise to proceed without knowing the details of the operation. There are two parcels included in this application; parcel 01-041-0040 was split off by deed, creating an illegal parcel. County Code states the County may not issue a land use permit on an illegal parcel. The illegal parcel needs to be corrected by the landowner prior to approval of this request.

**MOTION:** A Motion was made by Commissioner Laurie Munns to table the review of Application CUP21-005, a request for a Conditional Use Permit for a Home Business until October 21, 2021 based on the findings that there is not enough information for County Departments to give recommendations to the Planning Commission. The motion was seconded by Commissioner Bonnie Robinson and passed unanimously.

**ZONING MAP AMENDMENT, Z21-015, Request for a zone change of 224.39 acres from MU-40 (mixed use 40 acres) to RR-10 (rural residential 10 acres), located at approximately 15550 North 400 West on parcels: 06-030-0019 and 06-030-0001 in the Beaver Dam area of Unincorporated Box Elder County. ACTION**

Staff stated the applicant proposed a similar rezone in January from MU-40 to RR-5. The Planning Commission forwarded a recommendation of denial based on it being inconsistent with the goals and objectives of the general plan; not being harmonious with the overall character of the area and adjacent properties; community concern regarding roadway access, water, storm water, and adequate facilities; and County concern regarding roadway access. The RR-5 application eventually expired as it had been six months since originally being submitted and substantial action to have it approved had not taken place. The applicant has submitted this new application requesting the RR-10 zone. Staff explained the MU-40 zone was adopted June 2, 1998 as part of a community-wide effort to zone the Beaver Dam/Collinston area. Prior to that date, the area was unzoned.

Staff read the Approval 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 General Plan states 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 agricultural/hillside with some two-acre rural residential development along the existing road. The entire Collinston/Beaver Dam area is zoned MU-40 with the exception of land within a 400-foot buffer of existing county roads.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** This is unknown. The amendment would likely increase traffic along 400 West as new homes would be developed. Another concern expressed by a long time resident is regarding water. She stated that the existing homes in the area are on a spring or wells and there is very little water pressure. She stated that there have been times when two household appliances cannot be used simultaneously for lack of water. Her concern is the addition of homes in the area may reduce water even further. 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.** The proposed zone change would increase the allowed development density by up to four times. Without knowing how the land would be developed, it is difficult to address all the items in this section.

Staff stated there is no culinary water system in this area. Any proposed wells would need to be approved by the Utah Division of Water Rights. The Division of Water Rights shows the applicant-owning one well associated with parcel 06-030-0019 (166.79 acres) with the following rights: Irrigation - 0.25 acres; Stock Water - 60 ELUs; Domestic - 1 EDU. The Division of Water Rights shows no information associated with parcel 06-030-0001 (57.6 acres). Water rights would need to be converted from Stock Water to Domestic in order to develop this property. Individual septic systems approved by the Bear River Health Department would be required. Per the adopted County Road Standards the existing County road (400 West) would need to be expanded and improved. Staff has spoken with the Utah Property Rights Ombudsman regarding the right-of-way and road improvements. He stated if the county does not want the expense and maintenance to bring the road to the current standard then they should not approve the rezone request. He stated the alternative is to give the developer the option to enter into an agreement to acquire the necessary right-of-way and to improve the road to the current standard as part of the zoning approval.

The public hearing was opened for comments.

Staff read an email from Beaver Dam resident Therina Simmons to be read into the minutes.

*(See Attachment No. 2 – Simmons email.)*

Justin Bott said his biggest concerns are with sewer and culinary water. His well is a shallow well and water starts to come in at 22 ft. With the water table raising on a wet year, and his property being downhill from the property being discussed, he is worried about feces contaminating his well. He has been told there is plenty of water there, but he has lived there for 7 years and there have been times when he has turned on his tap and not even a drip comes out. Also, the road is not wide enough for increased traffic and there are no fire hydrants. Mr. Bott feels the area should remain farmland.

Terry Clendening stated he has been looking for information regarding water but there is not much information available since a study done in 1974. He is very concerned about water in the area and asked the Commissioners to use caution and work with the Division of Water Rights.

Tyson Belk lives south of this parcel and his concern is water. He is not opposed to growth, but if growth is going to happen, it should be done in a way that does not put anyone into a difficult situation. They also have a shallow well and have had water issues throughout the years. His spring has dried up so they are going solely off the well. A hydrologist told him if other wells go in, there is potential to run out of water.

Kayleen Erickson remembers taking snow to melt it and use it to flush the toilet. It frightens her to be out of water. She said there is not enough water to support 22 potential homes.

Brandon Erickson read a letter from Randy Bowen to be read into the record.

*(See Attachment No. 3 – Bowen Letter.)*

Kathryn Clendening stated her biggest issue is water. She is grateful the road has been improved but the water issue is a problem. They have not been watering their lawns, not only take care of themselves but other people. You have to think of someone else, not just yourself.

Rebecca Wigington said a lot of the land being discussed has been owned by her family for generations and generations and has slowly been sold off. She lives on her family farm and water has always been a problem. Her father's property is dry farmed because water is not available to wet farm. She asked the Commissioners to please not destroy the farmland just for somebody to gain a profit.

Mike Weston, applicant, said he and his brother have farmed in the County for 45 years. When he purchased the land, he thought it would be a good place where his children and family could live. He is not a developer and is not interested in cutting up the ground and selling it off. It was purchased so family could build some homes. Mr. Weston said there is available water. The Division of Water Rights knows what they are doing; they would not allow a bunch of wells to destroy someone else's water. He wants to make it clear he is not selling to any other people than family; there will not be 20 homes up there anytime soon. Development is eventually going to happen there, but maybe it is just not the right time and he may have to wait on it. Mr. Weston thanked the Commissioners for their time and consideration.

Levi Weston currently lives in Logan. He would like to build a home on his Uncle's property. He thinks it scares people when they see 224 acres are going to be developed, but worst-case scenario is 20 homes on the 224 acres. Those homes will be spread out and only one or two homes in the next ten years, so there should be no concern about it becoming a city. He said banks do not like lending on 40 acres. Building on smaller acreage makes it more affordable for them to build.

Hearing no further comments **Commissioner Bonnie Robinson** made a motion to close the public hearing on the Zoning Map Amendment, Z21-015. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

## **ACTION**

Staff explained that based on the analysis of the rezone application request from MU-40 to RR-10 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. Review standards A and D can only be met by improving the existing road (400 West) to the current county standard. 3. 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.

**Commissioner Bonnie Robinson** said it was mentioned in the public hearing they only want to build one or two houses in the next ten years. It might be wise to keep the current zoning of MU-40; this would allow the applicant to build the number of homes he is currently looking to build. If things change in 10 years, the applicant can always come back and ask again. Commissioner Robinson feels asking the County to upgrade the road would be a huge expense for the county for just a couple of homes.

**Commissioner Jared Holmgren** thinks the original issues the Commission had with the request for 5-acre lots; also applies to 10-acre lots. There is a lack of infrastructure and the land is surrounded by the MU-40 zone.

The Commission understands the applicant's intent is to build for family but the opportunity is there for 20 homes. The Commission cannot base their decision on intent.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of denial to the County Commission for Application Z21-015 a request for a zone change from MU-40 to RR-10 with the findings that it is not harmonious with the surrounding area, concern and cost to the County for roadway access, and residents' water. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

**ORDINANCE TEXT AMENDMENT, Z21-016, Request for a text amendment to reinstate the Planned Unit Development overlay zone back into the Box Elder County Land Use Management & Development Code. ACTION**

Staff explained the applicant is requesting a text amendment to reinstate Chapter 4-3, Planned Unit Development (PUD) Overlay. On November 19, 2015, the Planning Commission forwarded a recommendation of approval to the County Commission to remove Chapter 4-3 out of our Land Use Code. On December 2, 2015, the County Commission voted to take the Planning Commission's recommendation and removed Chapter 4-3 out of our Land Use Code. There was much discussion before these votes were taken, and much of the discussion was surrounding the open space and who would maintain it. At the time, the Planning Commission could not see a way forward with keeping Chapter 4-3 in our Land Use Code.

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 General Plan states that "with increased interest and development in the area, providing adequate and affordable housing opportunities is emerging as a top County priority. The County has identified the need to better understand area-housing needs and will work with community leaders, developers and citizens to identify ways in which these issues can be politically and socially addressed. The County will also support community and private efforts to construct affordable housing units to the extent that these projects are compatible with existing residential development patterns". As the County is now going through a General Plan update, one

of the possibilities to preserve agricultural spaces is with Planned Unit Developments, however, this is subject to change.

**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 would allow PUD's, the Planning Commission needs to decide if this amendment would be harmonious.

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

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** The Planning Commission needs to decide if the County has the facilities and services that would be needed to support PUD's.

The public hearing was then opened for comments.

Mike Bastian, applicant, informed the Commission on the background of this request. The amendment proposes a general PUD overlay over the entire County but includes language to make it specific to areas serviced by sewer. This would limit the places the PUD overlay could be used. A lot of the proposed language is the same as what was in the original PUD overlay.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Ordinance Text Amendment, Z21-016. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

## **ACTION**

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

**Commissioner Bonnie Robinson** asked why the applicant is not annexing into Willard City. She said this proposal would be creating a 'city'. Townhouses do not belong in Unincorporated County.

Mike Bastian stated Willard City also does not have a PUD in place.

Staff commended Mr. Bastian for improving upon the ordinance the County had in place but questioned if this is something that is wanted in the County. Previously a PUD was allowed as a conditional use in a variety of zones. There was a PUD approved in Harper Ward but it expired and never completed. After the Harper Ward melee, staff and the Commission revisited the issue and decided to remove PUDs from County Code. There are two restrictive items in the applicant's

proposal. It is no longer a guarantee that needs to be mitigated via conditions, it is a legislative action based on the location of the PUD. The requirement for it to be in an area serviced by sewer narrows it down to a selective area.

Commissioner Mellonee Wilding said this proposal looks great and the plan is beautiful but agrees it is a mini city. There is no fire protection and no police protection there. The road would also need to be maintained by the County. This proposal creates a city and the County is not in the business of being a city. The new County General Plan suggests density be near city centers and includes creative housing which would only be approved along Highway 89. The Planning Commission would not be subdividing a farm outside the city areas.

Commissioner Bonnie Robinson pointed out services would be provided by Willard City. The inhabitants of the PUD will not be voting residents of Willard City and will have no recourse for whatever Willard City decides for them. They will be left with no vote.

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to forward a recommendation of denial to the County Commission for application Z21-016, an ordinance for a text amendment based on the following findings. It is a small city; there is no vote for the residents that have city services; and the County does not have the services to accommodate a PUD in any area of the County. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

## **NEW BUSINESS**

**RIVER RIDGE SUBDIVISION – AMEND & EXTEND, SS21-025, Request for approval for an amended subdivision located at approximately 11310 North 4400 West in the Tremonton area of Unincorporated Box Elder County. ACTION**

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to remove item 7A, the River Ridge Subdivision – Amend & Extend, SS21-025, from the agenda. The motion was seconded by Commissioner Kevin McGaha and unanimously carried.

**THE FARMS IN SOUTH WILLARD 2ND AMENDMENT, SS21-026, Request for approval for an amended subdivision located at approximately 7330 South 739 West in the South Willard area of Unincorporated Box Elder County. ACTION**

Staff explained the proposed amendment is a lot line adjustment in an existing subdivision between Lots 110 and 112. Lot 110 is 0.78 acres and Lot 112 is 0.94 acres. The proposed amendment adjusts the lot line between the two lots increasing Lot 110 to 0.9 acres and decreasing Lot 112 to 0.82 acres. Surrounding land uses are Residential and Agriculture and zoning is R-1-20. Both lots have existing access and utilities as there are homes on the two properties. County departments have reviewed the request and there were minor modifications requested from the County GIS/Surveyor. When the revised plat is returned from the applicant's surveyor, a title review will be completed with the County Attorney. Staff recommends approval.



**MOTION:** A Motion was made by Commissioner Laurie Munns to approve Application SS21-026 amending The Farms in South Willard subject to final approval by the County GIS/Surveyor and County Attorney. The motion was seconded by Commissioner Kevin McGaha and unanimously carried.

**RICHINS AGRICULTURAL SUBDIVISION, AS21-007, Request for approval for an agricultural subdivision at approximately 10500 North 10000 West in the Bothwell area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting an agricultural subdivision to separate one parcel into two. Both new parcels meet the zoning requirements for the area as well as the minimum acreage to qualify as an agricultural parcel. The land is located in an un-zoned area in the Bothwell area of Box Elder County.

Staff read the Land Use Ordinance Standards Review as they apply to this request as follows:

**A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; Yes.**

**B. Has been approved by the culinary water authority and the sanitary sewer authority; Yes.**

**C. Is located in a zoned area; Yes.**

**D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance. Yes.**

**(2)(a)(ii) the new owner of record completes, signs, and records with the county recorder a notice:**

**A. describing the parcel by legal description; and**

**B. stating that the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.**

This document has been prepared and will be recorded following approval of this application.

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to approve Application AS21-007 an agricultural subdivision and adopting the conditions and findings of staff. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

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

Staff said the applicant is requesting to vacate the right-of-way located between Blocks B and C of the Riverside Plat also known as 15400 North and west of 5475 West in the Riverside area of unincorporated Box Elder County.

Angela Harris, landowner south of the road in question, stated when her house was built in 2001 and Heron Carreno's house to the north was built in the late 1990's, the right of way was never surveyed so they were unaware of where the property lines were until a County survey was done. The fence has been there for 30 years. She is asking to vacate the road so they do not have to move the fence and back yard for a right-of-way that may, or may not, be necessary.

Staff explained there have been other requests for vacates in Riverside, primarily for alleyways. The area was platted in 1894. When something is platted, if the road doesn't get built at that time, it is difficult for people to see where the property lines are. The right-of-way here that was platted in 1894 has since been encroached on. It is a public right-of-way and does provide access to an adjacent property owner.

Box Elder County Commission Policy #2003-01 outlines the standards when considering a road vacation. Staff read how those standards apply to this request as follows:

- 1. Is there a prevailing public interest in keeping the road open;** This portion of right-of-way established by the 1894 Riverside Plat has never been used for public purposes. With that being said it is on the perimeter of the platted area and would provide access to those adjacent landowners just outside of the platted area, including access and circulation to any future development. In this case, Jody and Jason Grover (adjacent landowners) are the landowners with a prevailing public interest in keeping the right-of-way public. They have expressed interest in keeping this public as well as improving it.
- 2. Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County;** 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;** Vacating the right-of-way may financially harm the landowner to the west where the right-of-way stubs. 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.
- 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 and approved by the County Recorder/Surveyor office.

Commissioner Mellonee Wilding stated the Commission needs to consider this request as if there is no chicken coop and no fence. It does not matter what kind of fence is there or the condition of the shed.

**MOTION:** A Motion was made by Commissioner Kevin McGaha to forward a recommendation of approval to the County Commission on VAC21-02 based on there is no prevailing public interest in keeping it open; it does not substantially affect the County General Plan or the Transportation Plan; and there is no apparent financial harm to any stakeholder. 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**

Staff the applicant is requesting to establish an Agriculture Protection Area on 413.65 acres located on multiple parcels in the South Willard Area. Utah State Code 17-41 regulates the establishment of Agriculture Protection Areas. According to this code, the Planning Commission shall submit a written report to the County Commission regarding the proposal.

Staff read the standards for review for the creation of Agriculture Protection Areas as they apply to this request as follows:

**A. The effect of the creation of the proposed area on the planning policies and objectives of the county;** At this time the County has nothing in place promoting or restricting the creation of Agriculture Protection Areas. The one aspect of Agriculture Protection Areas that affects county planning is that the county cannot change the zoning of or a zoning regulation affecting land within a protection area without written approval from all landowners within the protection area that is affected by the change.

**B. Analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305;**

**a. Whether or not the land is currently being used for agriculture production;**

The proposed parcels are currently being used for agriculture production.

**b. Whether or not the land is zoned for agricultural use;**

The proposed parcels are currently A-20 (Agricultural 20 Acres).

**c. Whether or not the land is viable for agricultural production;**

The proposed parcels are viable for agricultural production.

**d. The extent and nature of existing or proposed farm improvements;**

100% of the acreage is currently being used for agricultural production.

**e. In the case of an agriculture protection area, anticipated trends in agricultural and technological conditions applicable to the use of the land in question.**

This is something Planning Commissioners familiar with agricultural production may be more familiar with.

**C. Recommends any modifications to the land to be included in the proposed agricultural protection area;** 2 of the requested parcels are already in an agricultural protection area. Those parcels are 01- 048-0016 and 01-049-0017. This was done on April 24, 2001, Resolution #: 01-04. I recommend removing these 2 parcels from this proposal.

**D. Analyzes and evaluates any objections to the proposal;** No objections to the proposal have been submitted.

**E. Includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.** This recommendation must come from the Planning Commission to the County Commission.

Following the motion a recommendation will prepared to the County Commission on your behalf.

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to forward a recommendation to the County Commission to accept the proposal to create an Ag Protection Area of the parcels in South Willard except the two parcels already in an Ag Protection as well as any conditions recommended by staff. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

### **WORKING REPORTS**

#### **Bear River Health Department – High Density Housing.**


Mark Rees, Bear River Health Department, presented a Power Point Presentation regarding what the health department looks for on septic systems when developing properties.

*(See Attachment No. 4 – Power Point.)*

### **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 9:30 p.m.

  
Mellonee Wilding, Chairman  
Box Elder County Planning Commission

# PLANNING COMMISSION MEETING

THURSDAY September 16, 2021

NAME	ADDRESS	AGENDA ITEM
Richard Day	739W 7325 S Willard	Little Farms' South Willard 7b
Cecilee Weston	15550 N 400 west Beaver Dam	
Levi Weston		Beaver dam rezone
Stetsan Weston	960 Canyon Road A	Beaver Dam rezone
Austin Weston	361W 9405	Beaver Dam rezone
Hunter Albert	1229 west 800 South	Beaver Dam
Danthon Erickson	15541 N 400 W Beaver Dam	Beaver Dam rezon
Tyson Belk	15400 N 400 W Beaverdam	Beaver dam
Vaughan Wisington	15233 N 400 W Beaver Dam	Beaver dam
Rebecca Wisington	15233 N 400 W Beaverdam	Beaver dam
Kayleen Erickson	15541 N. 400 W. Beaver Dam	Beaver Dam
Kathryn Clendening	15385 N. 400 W. <sup>Beaver Dam</sup> <del>Beaver</del> lit	221-015 Zoning Amendment
Terry Clendening	15385 N. 400 W <sup>Beaver Dam</sup>	221-005
Neal Fishw	16430 N. Beaver Dam Rd	Beaver Dam
Troy Bellister	16439 N Beaver Dam Rd	
Angela Harris	15385 N. 5475 N. Riverside	<del>PRD</del> Vacate Right of Way
Mike Bastian	7721 S. 1750 E. South Weber	PRD
Heron Carreno	15455 N 5475 W	
Whitney Bott	15515 N. 400 W. Beaverdam	221-015

**PLANNING COMMISSION MEETING**

**THURSDAY** *September 16, 2021*

NAME	ADDRESS	AGENDA ITEM
<i>Justin Bott</i>	<i>15515N 400W Berrudam Utah</i>	<i>6B</i>

PLEASE PRINT



Scott Lyons &lt;slyons@boxeldercounty.org&gt;

## Beaver Dam re zoning

1 message

Therina Simmons &lt;therinasimmons@gmail.com&gt;

Tue, Sep 14, 2021 at 7:03 AM

To: Scott Lyons &lt;slyons@boxeldercounty.org&gt;

Thursday is a meeting to re zone the Durfey farm. I will not be able to attend. I am sending this letter so my voice can be heard.

To the planning committee,

I will not be able to attend the planning meeting on Thursday in which a request to re-zone a farm in Beaver Dam will be presented.

I would like express my feelings as a resident of Beaver Dam and Box Elder County. I have taken part in the county survey & done my best to stay informed and be part of the county planning and designing how our county grows. I do appreciate the time and effort you put in on a county level. I do hope that this continues and that we can create planned growth. As I see it the plan is to keep housing growth near the cities & keep outlying areas more rural. The plan sounds to me like it opposes creating a bedroom community out of this farm.

I oppose changing the former Durfey farm into a subdivision. My reasons are first, because it is against the plan. The water in that area is a serious problem for current residents. We have discussed before the 73 acres of water that used to flow into the current beaver Dam system. This has been reduced to 23 acres. The reason for this is likely because of the current subdivision which drilled wells for that community. Twitchell springs which formerly supplied water to this area dried up and is no longer available. The infrastructure for growth to little Beaver Dam would absolutely need to be addressed. Many issues need to be faced before this farm should be taken out of current zoning.

The Westons say they want to simply put in a few houses for their family. How many houses is that? Can 1 or 2 acres be annexed from the farm for this purpose? I do not see a problem with this. I personally know a builder who has been offered part of this land and they are not family. This is what leads me to believe this is a subdivision not a family plot. If they want to put in a subdivision please address all the issues this will create. Plan for them before rezoning.

I do not think our county is obligated to change the zoning on a farm. It was purchased as a farm. It is up to the purchaser to do their due diligence and check out if changing a farm into a housing development is feasible and beneficial to anyone besides themselves before purchasing.

The purchaser should check out the county plan, and the water situation... before they purchase. It feels to me like investors simply see a way of making a lot of money by purchasing farms at farm prices simply to sell it for residential.

This is happening all over our county. Money seems to be the only benefit here. Would this financially benefit our county or would the added expense of new infrastructure be a burden to the county?

It does not seem to be beneficial to anyone except an investor to change the zoning on this farm at this time.

To Whom It May Concern:

My name is Randel Bowen and I own parcel #06-030-0010 which is the property bordering the southside of the property parcel #06-030-0019 being considered for a rezone.

I am AGAINST the rezoning of this property. For generations, the Beaver Dam community has determined that having the property zoned as MU-40 was one of the best ways to preserve and protect the history of Beaver Dam and its strong farming and ranching community. We've never wanted someone or some foreign entity coming in buying property and developing just to get gain and destroy the culture of this historic valley. Generations of this mutual united agreement should not be ignored or thrown to the side just because some individual or entity decides they want to get gain at the expense of generations of families and the history therein.

I encourage you to deny the Zoning Map Amendment, Z20-012.

RANDEL BOWEN Randel Bower Date 1-20-21

Phon 482-2922





# Onsite Wastewater Systems

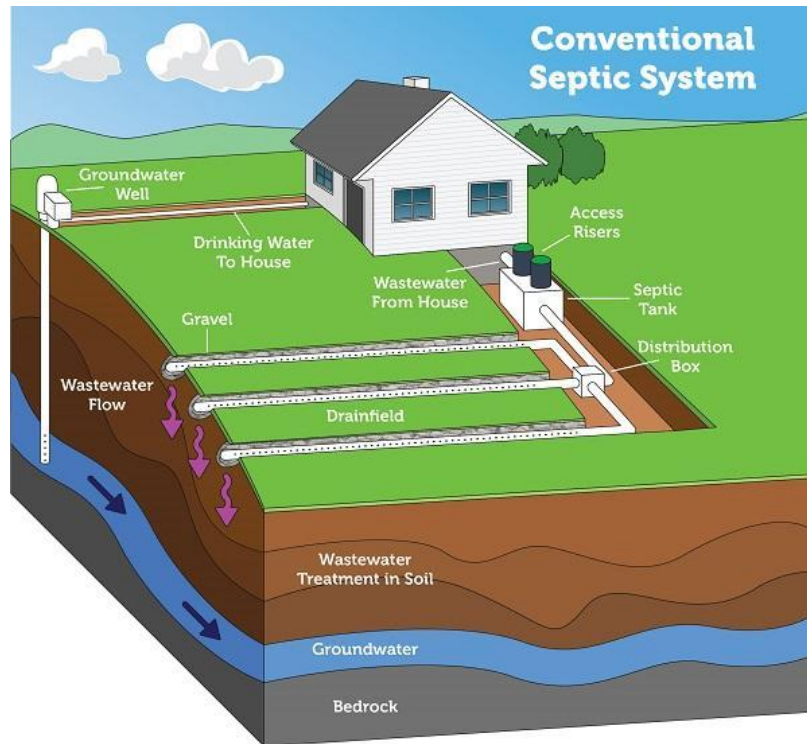
# Feasibility

- Evaluate the site
  - Ground Water, clay, bedrock
  - Percolation tests
  - Slopes
  - Wells
  - Lot size
- Letter and signature



# System Options

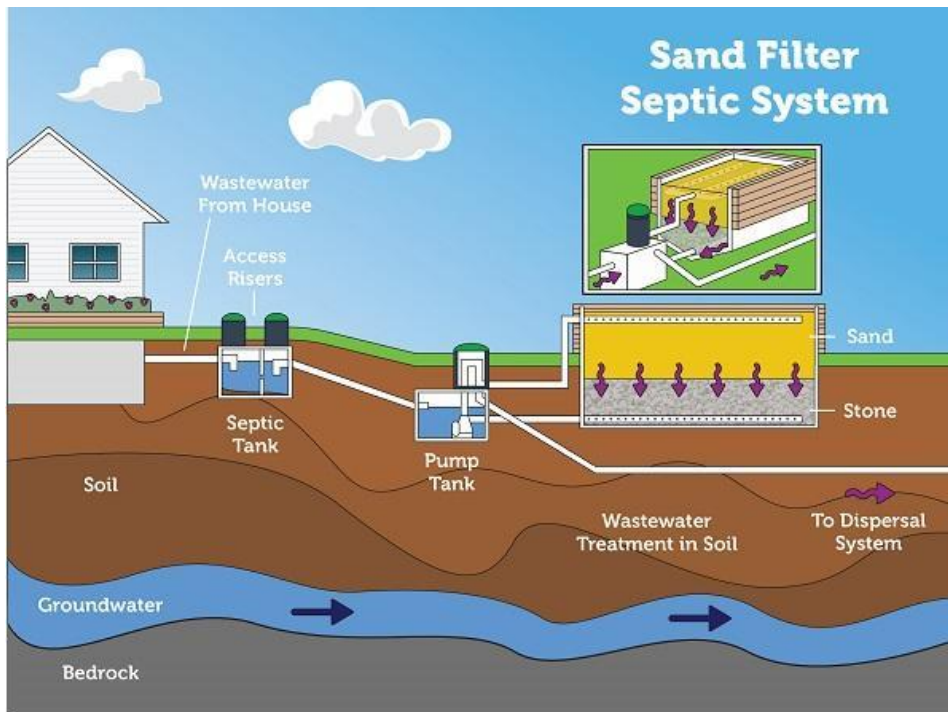
## Conventional System



- Tank
- Drainfield
- Maintenance pumping (3-8 years)
- Don't plow or flush poinsettias
- ~\$5,000

# System Options

## Alternative System



Please note: Septic systems vary. Diagram is not to scale.

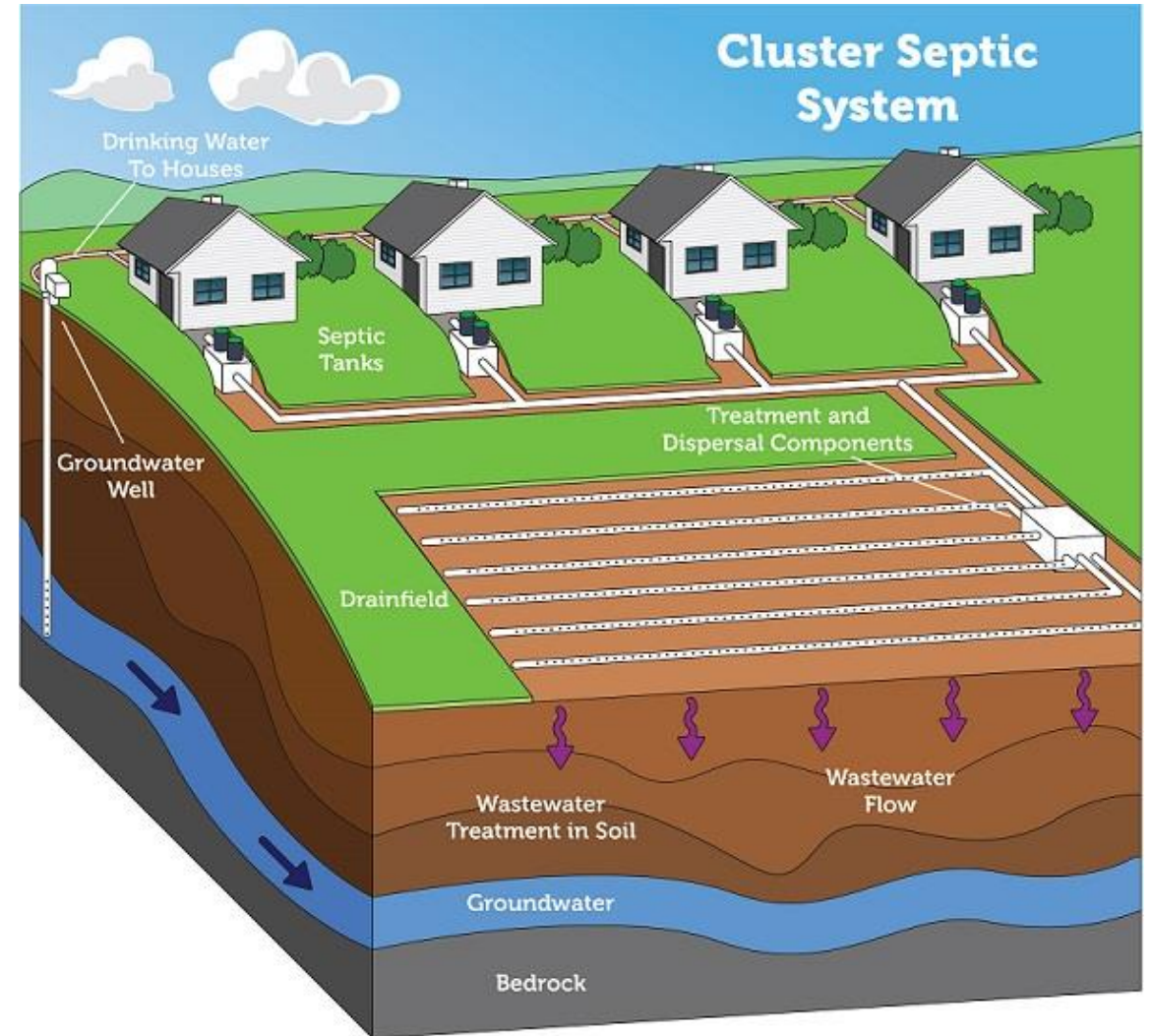
## Alternative

- Tank, drainfield
- Pump
- Filtration media
- Recirculation
- Alarms
- Operation and Maintenance
- ~\$35,000

## System Options

### Large Underground Wastewater Distribution Systems

- Sewer infrastructure established
- Home can be on poor soil
- Maintenance and operation
- Body politic oversight



Please note: Septic systems vary. Diagram is not to scale.



- More borderline lots
- Higher density subdivisions
- Permissible option doesn't always mean the best option