

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

April 18, 2019

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 L. Munns, D. Larsen, K. McGaha, M. Udy, B. Robinson, M. Wilding and J. Holmgren)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL of the March 21, 2019 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
 - a. NONE
6. **PUBLIC HEARINGS**
 - a. **LAND USE TEXT AMENDMENT, Z19-002.** Request to amend text of the Box Elder Land Use Management & Development Code Chapter 3-5, South Willard Neighborhood Commercial (SW-NC), to allow the use “professional offices”.
7. **NEW BUSINESS**
 - a. **TAG SITE PLAN, SP19-001,** Request for a Tactical Laser Tag Arena located at approximately 9500 South HWY 89 in the South Willard area of Unincorporated Box Elder County. **ACTION**
 - b. **WILLARD VIEW ESTATES SUBDIVISION, SS19-010,** at approximately 656 West 7550 South in the South Willard area of Unincorporated Box Elder County. **ACTION**
 - c. **SURPLUS PROPERTY DISPOSAL FOR COUNTY WATER SHARES. ACTION**
8. **WORKING REPORTS**
 - a. NONE
9. **PUBLIC COMMENT**
10. **ADJOURN**

BOX ELDER COUNTY PLANNING COMMISSION MINUTES MARCH 21, 2019

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>	
Laurie Munns	Chairman		
Mellonee Wilding	Excused	Scott Lyons	Com Dev Dir.
Kevin McGaha	Member	Marcus Wager	County Planner
Michael Udy	Excused	Steve Hadfield	County Attorney
Desiray Larsen	Member	Jeff Scott	Excused
Bonnie Robinson	Member	Diane Fuhriman	Executive Secretary
Jared Holmgren	Member		

Chairman Laurie Munns called the meeting to order at 7:00 p.m.

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

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the January 17, 2019 meeting were made available to the planning commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jared Holmgren** to approve the minutes as written. The motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to approve the March 21, 2019 agenda. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

UNFINISHED BUSINESS - NONE

PUBLIC HEARINGS – NONE

NEW BUSINESS

WILSON AGRICULTURAL SUBDIVISION, AS19-001, at approximately 4100 North 6800 West in the West Corinne area of Unincorporated Box Elder County.

Staff said this is an agricultural subdivision located on Iowa String Road. The applicant is requesting to separate 12 acres off a bigger parcel located in the RR-20 zone (Rural Residential 20,000 sq. ft.) in the West Corinne area of Box Elder County. The applicant is correcting a mistake made in 2018 which split the parcel off the bigger parcel by deed only, creating an illegal parcel. Going through this process now will correct the error and make the 12-acre parcel a legal agricultural parcel.

Staff then reviewed the following analysis from Utah State Code 17-27a-605(1)(b) and (2)(a)(ii) which outlines the standards for review for agricultural subdivisions.

17-27a-605(1)(b) the proposed subdivision:

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

Staff said Utah State Code allows for agricultural subdivisions to be subject to review procedures and approval from the planning commission. It is staff's opinion the proposed agricultural subdivision meets all of the approval standards found in Section 17-27a-605(1)(b) and (2)(a)(ii) of the Utah State Code. Staff recommends approval of this agricultural subdivision.

Commissioner Bonnie Robinson asked why water and sewer are a concern in an agricultural subdivision. Staff answered state code requires it, but staff is unsure why.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to approve application AS19-001 an agricultural subdivision, and adopting the findings and conditions of staff. The motion was seconded by **Commissioner Kevin McGaha** and unanimously carried.

BELNAP AGRICULTURAL SUBDIVISION, AS19-002, at approximately 4100 North 6800 West in the West Corinne area of Unincorporated Box Elder County.

Staff said this is just one parcel north of the parcel just discussed and is in the same situation. In going through and reviewing state code, this one also meet the requirements. Staff has the notice

and the certificate of approval. The findings are the same as the prior request and it meets all the approval standards. Staff recommends approval.

Commissioner Desiray Larsen asked if there is acreage minimums for an agricultural subdivision. Staff replied there are minimums depending on the zoning, but at least 5 acres is required for an agricultural subdivision like this one.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve application AS19-002 an agricultural subdivision and adopt the conditions and findings of the staff report. The motion was seconded by **Commissioner Kevin McGaha** and unanimously carried.

TRIPLE S STORAGE SITE PLAN, SP18-004, Request for a storage unit facility located at approximately 9200 South Hwy 89 in the South Willard are of unincorporated Box Elder County.

Staff said the applicant is requesting a conditional use permit for a storage unit facility. This property was originally a storage unit condominium subdivision plat in 2009. The current owner vacated the subdivision plat to put it back into one parcel. The zone is the commercial enterprise zone which was adopted in September of 2008 and the zone allows for storage units. The proposed facility would need to adhere to the conditions set forth in Section 2-2-100 of the LUM&DC which states:

1. 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;
2. 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;
3. 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.

To be more specific, the code states the following factors should be reviewed and considered:

1. Conditions relating to safety of persons and property.
 - a. The impact of the proposed facility or use on the health, safety, and welfare of the County, the area, and persons owning or leasing property in the area. *There should be no impact.*
 - b. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area. *Any adverse effects the commission can think of should be addressed with the applicant.*
 - c. Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding. *The county engineer has reviewed the grading and drainage plans and has requested the drainage plan be approved by UDOT and to see the documentation from UDOT addressing the plan.*
 - d. Increased setback distances from lot lines where the planning commission determines it to be necessary to ensure the public safety. *Per the proposed site plan all required setbacks are being met.*

e. Appropriate design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault or other seismic hazard, which may exist on or near the property, and limitations and/or restrictions to use and/or location of use due to site conditions, including but not limited to wetlands, flood plains or landslide area. *The county engineer has reviewed a geotechnical report for the site and made construction recommendations accordingly. The plans meet structure support and site specific requirements will be submitted as part of the building permit package.*

2. Conditions relating to the compatibility of the use.

a. The suitability of the specific property for the proposed use. *Staff finds no health, safety, or welfare issues affecting the suitability of the proposed site.*

b. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity. *The surrounding development is mainly commercial/industrial (gravel pit, stone supply & monument business) currently with some residential to the north. The area primarily zoned general commercial and commercial enterprise as it is adjacent to Hwy 89 and the Interstate.*

c. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity. *Staff has no evidence of this.*

d. The number of other similar conditional uses in the area and the public need for the proposed conditional use. *To staff's knowledge there is one similar conditional use in the area, another storage facility to the north. The public need is subjective.*

3. Conditions relating to health and safety. *Any adverse effects the commission can think of should be addressed with the applicant.*

4. Conditions relating to environmental concerns. *Any adverse effects the commission can think of should be addressed with the applicant.*

5. Conditions relating to compliance with intent of the General Plan and characteristics of the zone district. *Staff finds none.*

6. The aesthetic impact of the proposed facility or use on the surrounding area. *Any effects the commission can think of should be addressed with the applicant.*

7. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area. *Proof of the necessary utilities for the proposed project have been provided. These utilities are available in the area. These are required as part of the building permit process as well.*

8. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation. *The fire marshal has completed his review and recommends approval. UDOT has approved the ingress/egress to the property from Hwy 89. Other applicable items are currently being evaluated as part of the county engineer's review of the site plan.*

9. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use. *Any adverse effects the commission can think of should be addressed with the applicant.*

Staff continued stating the fire marshal has recommended approval and UDOT's access has been approved. All of the planning department's questions have been resolved leaving only the questions the county engineer had regarding the type of gravel used in the access drive as well as UDOT approval of the drainage plan. Staff recommends the planning commission can table this and wait for those items, or approve with the condition of final approval from the county engineer.

Staff would also add the conditions of compliance with recommendations and requirements set forth by county staff, compliance with conditional use section 2-2-100 of the LUM&DC, as well as compliance with state and federal permits.

Commissioner Laurie Munns asked if the area would be fenced.

Chet Hovey, the civil engineer for the project said fencing will be provided. The property has a drainage berm around it. There have been improvements on the property per UDOT's requirements to help with drainage. In regards to the road base coming into the facility, he thinks it is his determination of what the road base should be because he is the one stamping it and stating what it needs to be. He does not mind using UDOT's specifications on road base but he does not want to be limited to doing that because he is the one stamping it whereas the county engineer is not. He thinks it might be a liability on the county's perspective if there is a failure. Mr. Hovey said the county engineer's recommendation is coming from the geotechnical report which he did not do, nor did the owner pay for the report. The geotechnical report will have to be reviewed by his firm to make sure they are comfortable with it because ultimately it is their liability and responsibility. He has responded to the county engineer having no problem with the specifications, but the UDOT road base may not have enough binder in it. He wants an all-weather road that will bind up tight.

Staff suggested instead of making a condition that the commission has to see an approval specifically regarding the drainage from UDOT, the safest way to handle it would be to say we have to see an approval from the county engineer and then their engineer can negotiate with our engineer as to what is the fairest resolution.

MOTION: A Motion was made by **Commissioner Kevin McGaha** to approve application number SP18-004 based on final approval by the county engineer, compliance with recommendations and requirements by county staff, compliance with Section 2-2-100 of the Box Elder County Land Use Management & Development Code and compliance with state and federal permits. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

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 Desiray Larsen** and meeting adjourned at 7:30 p.m.

Laurie Munns, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION STAFF REPORT

Meeting Date: April 18, 2019

Agenda Item #: 6A

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Kami Marriott

PROJECT #:

Z19-002

ORDINANCE:

Section 5-1-070

TYPE OF APPLICATION:

Legislative

REPORT BY:

Scott Lyons,
Community Development
Director

BACKGROUND

The applicant is requesting a text amendment to Section 3-5-070-4, Services, specifically, adding in "Professional Offices" in the South Willard Neighborhood Commercial District.
(See attached for proposed verbiage).

ANALYSIS

County Code:

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

Land Use Ordinance Standards Review:

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

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

The proposed amendment is consistent with the goals, objectives, and policies of the County's General Plan.

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

This text amendment affects all areas of unincorporated Box Elder County that have the zoning designation of South Willard Neighborhood Commercial.

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

The proposed amendment should not adversely affect adjacent property.

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

The proposed amendment should not put a strain on any of these facilities.



FINDINGS:

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

1. The Box Elder Land Use Management and Development Code does allow for ordinance text amendments subject to review procedures and approval by the County Commission with a recommendation from the Planning Commission.
2. It is staff's opinion that the proposed text amendment meets all of the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.

RECOMMENDATION

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

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

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

MODEL MOTIONS

Approval – "I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z18-004, a text amendment to Section 5-1-070, Lot Standards and Street Frontage, of the Box Elder County Land Use Management & Development Code, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – "I move the Planning Commission table the review of application Z18-004, a text amendment to Section 5-1-070, Lot Standards and Street Frontage, of the Box Elder County Land Use Management & Development Code, 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 Z18-004, a text amendment to Section 5-1-070, Lot Standards and Street Frontage, of the Box Elder County Land Use Management & Development Code, 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 VERBIAGE FOR TEXT AMENDMENT

3-5-070-4	SERVICES	
3-5-070-4.1	Animal Clinic/veterinary hospital (Ordinance 361)	C
3-5-070-4.2	Apparel repair, alteration and cleaning pick-up services, shoe repair services, tailor	P
3-5-070-4.3	Art/cultural uses (e.g., Art studios, Dance studios)	C
3-5-070-4.4	Beauty and barber shops	P
3-5-070-4.5	Day Care	C
3-5-070-4.6	Home occupations	P
3-5-070-4.7	Medical/dental offices	C
3-5-070-4.8	Photographic studio	C
3-5-070-4.9	Professional health care offices	C
3-5-070-4.10	Schools (commercial)	C
3-5-070-4.11	Small Butcher shop (meat processing) (Ordinance #361)	C
3-5-070-4.12	Small Taxidermy (Ordinance #361)	C
3-5-070-4.13	Professional Offices	P



PLANNING COMMISSION

STAFF REPORT

Meeting Date: April 18, 2019

Agenda Item #: 7A

Application Type:

Site Plan review for TAG

APPLICANT(S):

Jessica Cox

PROJECT #:

SP19-001

ZONE:

C-G (General Commercial)

PARCEL #:

01-047-0041

TYPE OF ACTION:

Administrative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting Site Plan approval for a tactical laser tag arena located at approximately 9500 South HWY 89 in the South Willard Area on Parcel: 01-047-0041.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture/Marsh	C-G
South	Commercial	C-G
East	Commercial	C-G
West	Agriculture/Marsh	C-G

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code Section 3-4-070-9.5 allows as a permitted use Sports Activities Facilities and Section 2-2-120.D.2.c, allows for commercial uses subject to Site Plan approval. Section 2-2-090 outlines the following standards for approval for permitted uses.

A. The proposed use shall be allowed as a permitted use in the applicable zone. Yes

B. The proposed use shall conform to development standards of the applicable zone. Yes

C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. Yes

D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. Yes

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

Setbacks:

There is an existing building on the parcel and no modification is proposed on this Site Plan.

Access:

Access to the property is obtained on HWY 89 in Weber County and has a private lane going back to the existing building.



County Department Review:

All applicable County departments have reviewed the application materials and have no comments because there is an existing building and a private road.

FINDINGS:

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

1. The Box Elder Land Use Management and Development Code does allow for commercial uses in the C-G (General Commercial) areas which are approved by the Planning Commission through a Site Plan review.
2. The Site Plan conforms to all requirements within the Box Elder Land Use Management and Development Code.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission APPROVE the site plan with the following conditions:**

1. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 5, Regulations of General Applicability, 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 approve application number SP19-001, a Site Plan for TAG, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

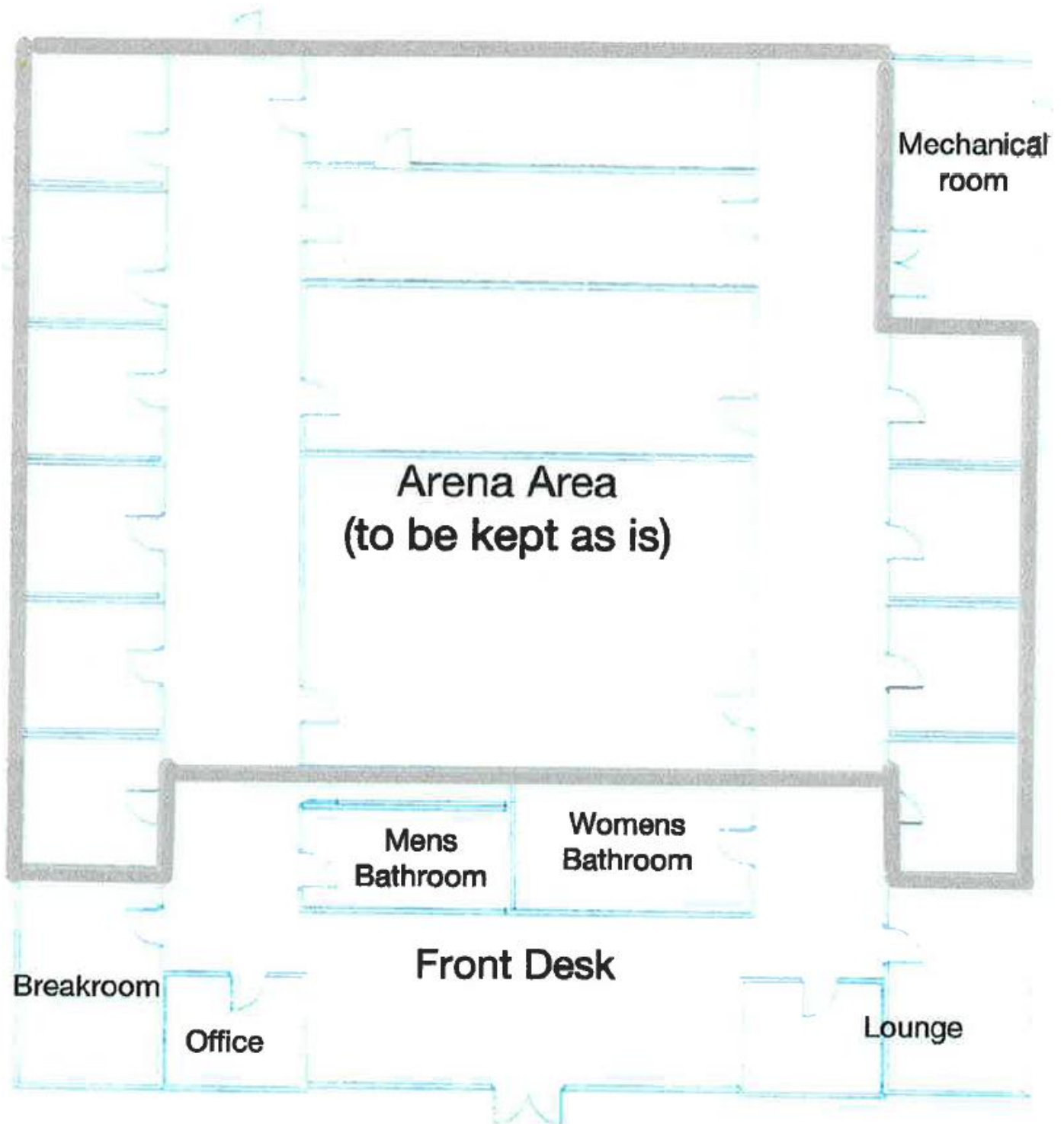
Table – “I move the Planning Commission table the review of application number SP19-001, a Site Plan for TAG, to (give date), based on the following findings:”

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 SP19-001, a Site Plan for TAG, based on the following findings:”

1. List findings for denial...

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





PLANNING COMMISSION

STAFF REPORT

Meeting Date: April 18, 2019

Agenda Item #: 7B

Application Type:

Subdivision - Final

APPLICANT(S):

Kory & Jilane Jardine

PROJECT #:

SS19-010

ADDRESS:

656 West 7550 South
(South Willard Area)

ZONE:

R-1-20

PARCEL #:

01-040-0234

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting final approval of the Willard View Estates Subdivision plat. The proposed subdivision is six lots with lot 1 being 1.24 acres and lots 2 through 6 being approximately 0.64 acres each.

ANALYSIS

County Code:

Land Use Management & Development Code 6-1-190 requires the subdivision of property receive final approval from the Box Elder County Commission with prior approval from the Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture/Residential	Un-zoned
South	Agriculture	Un-zoned
East	Agriculture	Un-zoned
West	Agriculture	Un-zoned

Access:

Access to all lots will be via county road 7550 South – if lot 1 were to have an access from HWY 89, it would need an approval from UDOT.

Utilities:

The letters for utilities have been turned in and are satisfactory. We are still awaiting a feasibility letter from the Bear River Health Department, a title report and a geotechnical report.

Setbacks:

All setbacks for the R-1-20 Zone can be met. Setbacks will be reviewed and enforced during the building permit process.

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code Article 6 outlines the requirements for subdivision review.

County Department Reviews:

All County departments are currently reviewing this subdivision.



Findings:

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

1. With conditions outlined in the recommendation section of the staff report, the final subdivision plat will comply with the subdivision regulations of Box Elder County, after all of the comments are satisfied.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission APPROVE of the Final Plat** subject to the following conditions:

1. Compliance with all the comments from County Staff.
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 SS19-010, a final plat for the Willard View Estates Subdivision, located at approximately 656 West 7550 South in the South Willard area of unincorporated Box Elder County, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

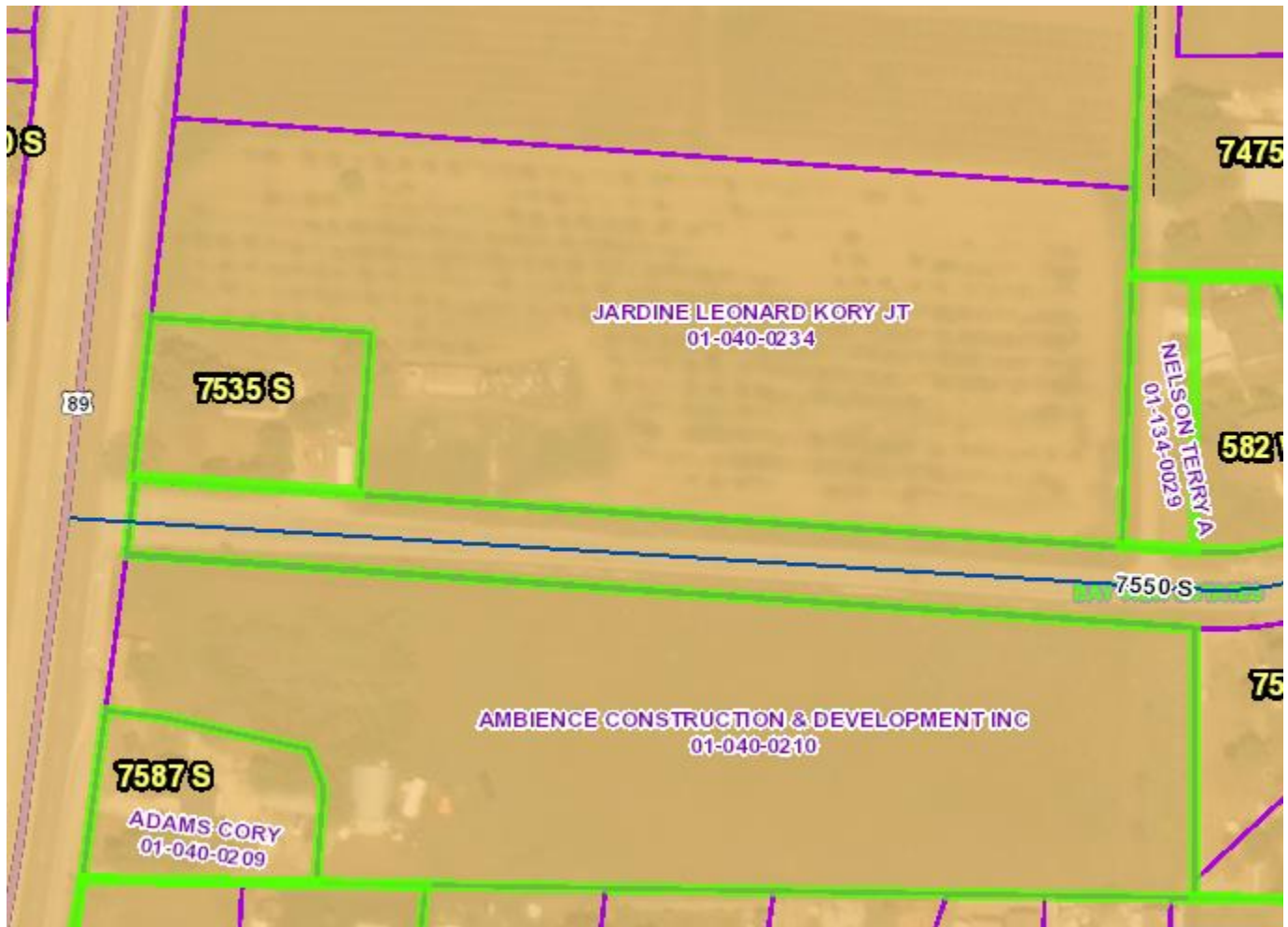
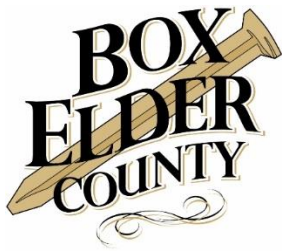
Table – “I move the Planning Commission table the review of application number SS19-010, a final plat for the Willard View Estates Subdivision, located at approximately 656 West 7550 South in the South Willard in the Tremonton/Bothwell area of unincorporated Box Elder County, to (give date), based on 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 SS19-010, a final plat for the Willard View Estates Subdivision, located at approximately 656 West 7550 South in the South Willard area of 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.





PLANNING COMMISSION STAFF REPORT

Meeting Date: April 18, 2019

Agenda Item #: 7C

Application Type:

Surplus Property Disposal

APPLICANT(S):

Box Elder County /
Tremonton City

PROJECT #:

SPD19-01

ORDINANCE:

County Policy #2000-01

TYPE OF APPLICATION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

It has been requested by Tremonton City that the Box Elder County Commission sell 44 water shares in the Bear River Canal Company. Tremonton proposes to use the shares for a city secondary water system. The County Commission has directed staff to begin the surplus property disposal process.

ANALYSIS

County Policy:

Box Elder County Policy #2000-01 requires all surplus property disposal of real estate to be reviewed by the Planning Commission to ensure they comply with the General Plan, Land Use Management and Development Code and any other applicable ordinances. The County Attorney believes water shares can be considered real estate and thus must come before the Planning Commission. The Planning Commission shall submit their recommendation within 15 days of the date of decision.

FINDINGS:

Based on the analysis and review of the proposed conveyance of County water shares staff concludes the following:

1. The County General Plan states the following regarding water:



**Box Elder County General Plan
Water/Waste Water Management Element
County Goals, Objectives, and Implementation Strategies**

Water Resources

Responsible management of the area's water resources is critical. County water resources are limited. The County will encourage and support the efficient use of existing resources and exploration of additional sources. In these efforts, the County will continue to work with the Bear River Water Conservancy District, the State of Utah Division of Water Resources and Utah State University. Box Elder County will continue to work with Cache County to address watershed protection interests. It is also important for the County to coordinate water resource management efforts with Wyoming and Idaho through agencies such as the Bear River Commission.

Future development is most likely to occur in areas where adequate services are available. The County does not support extending services through or into areas that have not been identified for future development. With respect to responsible land use planning and efficient resource use, it is the County's position that growth and development should take place within existing communities or in unincorporated areas where adequate services are or may be made available. The County is interested in assessing potential needs adjacent to existing communities.

The County continues to support the development, adoption and implementation of water collection, storage, distribution and conservation plans by local municipalities, the Conservancy District and water companies. The County encourages continued cooperation among these entities as water-management decisions are made.

The County also supports increased cooperation and planning among the County, sewer districts and municipalities to address waste water issues. The County encourages these interests to explore the necessity and feasibility of a county-wide sewer district.

Objective: *Coordinate water planning efforts County-wide.*

The majority of water companies and communities within the County maintain independent water systems. In some cases, this leads to a duplication of services and equipment. In an effort to improve overall water use and delivery, the County will work with the Bear River Water Conservancy District and interested communities and water companies to develop a County-wide coordinated water plan. The main objective of this effort is to orchestrate, through a series of interlocal agreements, a coordinated water system. Coordination includes system planning, construction and maintenance, and resource allocation.

Benefits of coordinated planning include:

- improved levels-of-service to areas currently receiving marginal or inadequate services,
- more efficient use of water resources - excess resources of one entity may be used by another,
- decreased duplication of services and equipment, and
- additional leveraging for funding (partnerships, mutual objectives and benefits).



Coordinated water-system planning and operation may also prove cost-effective for smaller companies. Currently, the majority of water systems in the County are operated by qualified, yet uncertified volunteers. Considering the State's certification requirements and the existing (and anticipated) water quality monitoring regulations, it may become increasingly difficult for smaller companies to cover operating costs.

Several municipalities and water companies own water shares and have operating systems in place. It is important for these interests to be protected as County-wide planning takes place. Conditions and considerations that may be addressed through interlocal agreements include:

- **Water shares/rights** - Participating communities and companies will *not* be required to give up water ownership to participate. For the most part, communities and companies will continue to utilize their own resource. Resource sharing would take place in times of excess or need.
- **Water quality and taste** - The quality and taste of water available to current users should be protected. It is anticipated that through appropriate mixing, some areas may be able to improve quality and taste.
- **Emergency control measures** - The system will be interconnected, yet adequately valved to protect individual systems in circumstances of large system breakdown. System design will also allow individual noncompliance systems to be isolated.
- **Water allocation arrangements** - System participants will develop adequate procedures and policies for sharing available water. Agreements will identify priority users and uses.
- **Testing and compliance** - Participating companies and communities will be required to perform the number and type of water quality tests necessary to protect the integrity of the system and the interests of other users.

Objective: *Explore the possibilities of secondary water systems.*

Box Elder County encourages the development and use of secondary water systems as a way to conserve and more efficiently distribute limited water resources. The County is particularly interested in exploring the possibilities of using grey water as a secondary water source.

2. The Land Use Code does not address county owned water shares.
3. Staff can submit a recommendation to the County Commission on behalf of the Planning Commission within 15 days of the Planning Commission's action.

RECOMMENDATION

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission discuss the topic and forward a recommendation to the County Commission.**



MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval regarding application number SPD19-01, surplus property disposal of County water shares, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table application number SPD19-01, surplus property disposal of County water shares, 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 regarding application number SPD19-01, surplus property disposal of County water shares, 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.