

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

August 19, 2021

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, S. Zollinger, K. McGaha, M. Udy, B. Robinson, M. Wilding and J. Holmgren)

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL of the July 15, 2021 Planning Commission Minutes.

5. UNFINISHED BUSINESS

- a. NONE

6. PUBLIC HEARINGS

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

7. NEW BUSINESS

- a. **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**
- b. **THE RANCH ESTATES SUBDIVISION AMENDMENT, SS21-022**, Request for approval for an amended subdivision located at approximately 3101 West 1000 North in the Tremonton area of Unincorporated Box Elder County. **ACTION**
- c. **BECKAM'S EDGE SUBDIVISION PHASE 1, SS21-023**, Request for approval for a subdivision located at approximately 11050 North 8285 West in Unincorporated Box Elder County. **ACTION**
- d. **HANCOCK TRUCKING CONCEPT SITE PLAN, SP21-003**, Request for conceptual approval for a site plan at approximately 12270 Canal Bank Road in Unincorporated Box Elder County. **ACTION**
- e. **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**
- f. **STEEL SOLAR SITE PLAN EXTENTION, 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**
- g. **AGRICULTURE PROTECTION AREA**, Request to create a new agricultural protection area at approximately 13200 North East Garland Road in Unincorporated Box Elder County. **ACTION**

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8. WORKING REPORTS

a. NONE

9. PUBLIC COMMENT

10. ADJOURN_____

AGENDA

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JULY 15, 2021

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	Excused	Scott Lyons	Comm Dev Director
Jared Holmgren	Vice-Chair	Marcus Wager	County Planner
Kevin McGaha	Member	Steve Hadfield	County Attorney
Michael Udy	Member	Jeff Scott	Commissioner
Steven Zollinger	Member	Diane Fuhriman	Executive Secretary
Bonnie Robinson	Member		
Laurie Munns	Member		

Vice-Chair Jared Holmgren called the meeting to order at 7:00 p.m.

The Invocation was offered by **Commissioner Laurie Munns**.
The 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 June 17, 2021 meeting were made available to the Planning Commission prior to this meeting and upon review a **Motion** was made by **Commissioner Laurie Munns** to approve the minutes as written. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

UNFINISHED BUSINESS - NONE

PUBLIC HEARINGS

Vice-Chair Jared Holmgren 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.

CJD HAULING CONDITIONAL USE PERMIT, CUP21-002, Request for a Conditional Use Permit for a Home Business, located at 1310 West 7800 South in the South Willard area of Unincorporated Box Elder County. ACTION

Staff explained the property is located on 7800 South in the South Willard area west of I-15. The applicant's home is located on the 2-acre parcel and this request is for a home business. The County's Land Use Code defines a home business 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.

Staff stated the applicant operates a small dump truck company consisting of 4 super dump trucks and 1 bobtail with an end dump trailer. There would be no customers coming to the property. Employees/drivers will arrive at the property in the morning and park and leave their personal vehicles on-site. The hours of operation generally vary depending on the job, ranging from 6:30 a.m. to 8:00 a.m. Following work they return to the property between 1:30 p.m. and 7:30 p.m. They haul primarily asphalt, gravel, sand, rock, and road base. The property has been improved with gravel and road base for the trucks and employees to park vehicles on. The surrounding land uses are Agriculture, Commercial and Residential. The surrounding zones are A-20 (Agriculture 20 acres) and RR-2 (Rural Residential 2 acre).

The public hearing was then opened for comments.

Hearing no public comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the CJD Hauling Conditional Use Permit, CUP 21-002. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

ACTION

Staff read the approval standards for a Conditional Use Permit for a home business.
(See Attachment No. 2 – Approval Standards.)

Commissioner Bonnie Robinson asked about the enforcement of the conditions. Staff said if there are specific conditions needing to be installed, the business license would not be issued until those conditions are met. Once those conditions have been met, if the business is violating those conditions, that is where complaints from neighbors may come into play and enforcement would have to be taken. **Commissioner Robinson** is concerned with the amount of gravel. She asked how storm water will be managed as to not flood out the neighbors, and how dust will be mitigated.

John Anderson, applicant, said he does not have neighbors and only has gravel on one parcel. There is 100 ft. from the fence line to the yard that is gravel. The gravel is setting in a bowl, he has removed the dirt off the top and put the gravel down, so there is a foot difference between the gravel itself and the surrounding area. Basically there is a ring around the property that would contain the water. Staff stated for dust and mud control the County Road Supervisor would like the first 40 ft. of the ingress/egress to the property asphalted. Mr. Anderson said he will do what he needs to do to meet the conditions.

MOTION: A Motion was made by **Commissioner Laurie Munns** to approve application CUP21-002, a Conditional Use Permit for a Home Business and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

CONDITIONS:

1. Screened fencing where the vehicles will be parked.
2. Any lighting as part of the business shall be directed downwards as to not pollute the neighborhood with unnecessary nighttime light.
3. No parking trucks/trailers on the public right-of-way (7800 South).
4. No extended idling of trucks on the property or in the residential area.
5. No business conducted during nighttime hours.
6. No on-site major maintenance or servicing of trucks (engine rebuilds, drivetrains, etc.).
7. No more than one non-registered/non-running truck on the property.
8. No on-site storage of materials the business is contracted to haul.
9. All weather road base surface for access driveway and parking area shall be installed, graded, and maintained to be dust and mud free.
10. All drainage created by home, business, parking area, etc. must be managed on-site.
11. Ingress/egress to property off 7800 South will require an excavation permit from County Roads Department to ensure it is designed/built to avoid damage to existing County road.
12. Ingress/egress drive paved for first 40 feet (minimum) into property.
13. Any future buildings over 200 square feet require a building permit through the County.
14. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
15. Compliance with Article 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code.
16. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.

ZONING MAP AMENDMENT, Z21-009, Request for a zone change of 1.246 acres from R-1-20 (Residential 20,000 sq. ft.) to SW-NC (South Willard Neighborhood Commercial), located at 664 West 7550 South in the South Willard area of unincorporated Box Elder County. ACTION

Staff stated the applicant is requesting to rezone from R-1-20 to SW-NC (South Willard Neighborhood Commercial). The surrounding land uses are Agricultural and Residential. The surrounding zones are R-1-20.

The public hearing was then opened for comments.

Staff received the following email from South Willard resident Matthew Hansen to be read into the record.

It is my opinion that the proposed lot and the surrounding area should remain zoned as residential. While I understand there is a need for tax revenue gained from commercial zoning this is not the area for it. As a county advocate, I would ask you keep this area residential for the quiet enjoyment for all who call this area home...not a business area. Additional traffic and people coming and going wedged in between homes is not welcome. There is not a need, but rather the hope of an outside developer looking to make a lot more attractive. He doesn't have a vested interest, rather an invested interest. Thank you for your careful consideration in guiding the future of our neighborhood.

Kory Jardine, applicant, said a lot of what is listed in this zone is conditional, there are only 4 or 5 permitted uses. He is unsure what he wants to with the property. He lives in the home on the property now and would like to move to a house next to the existing home if the price is right. The access would be off 7550 South. It makes sense to have a business off Highway 89 where all the fruit farms are located. He said he cares about his neighbors and whatever he decides to do will fit within the ordinance and will be fairly small, with a limited number of people coming to and from the business.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Zoning Map Amendment Z21-009. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

ACTION

Staff read the standards for reviewing zoning map amendments as follows:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The South Willard Community Plan addresses this area as SW-NC and behind it R-1-20 and does not recommend anything other than this zoning designation for the future. The County's General Plan states that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; The area has residential as well as agricultural uses.

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 shed additional light on this matter.

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 subdivision was approved with water from the South Willard Water Company. The existing roadway (7550 South) would be the only entrance/exit from this property unless the applicant wanted to work with UDOT for a new access to HWY 89.

Staff explained this request does fit within the South Willard Community Plan. If the Planning Commission recommends approval to the County Commission, staff advises the conditions listed in the staff report be included in the motion.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Z21-009 a zoning map amendment from the R-1-20 zone to SW-NC zone and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Steven Zollinger** 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.

ZONING MAP AMENDMENT, Z21-010, Request for a zone change of 0.7 acres from RR-20 (Rural Residential 20,000 sq. ft.) to A-20 (Agriculture 20 acres), located at 2011 North 2800 West in the Corinne area of unincorporated Box Elder County. ACTION

Staff stated the applicant is requesting that 0.7 acres in the unincorporated Corinne area be rezoned from the RR-20 (Rural Residential 20,000 sq. ft.) zone to the A-20 (Agricultural 20 acre) zone. The reason for this request is the new property owner is trying to bring the existing structure on the property into compliance. The current structure is an illegal nonconforming triplex. The structure was constructed in 1941 as a single family dwelling. In the 1980's the structure was partially converted to a triplex for farm housing. There were 3 separate dwelling units but the utilities were on the same meter. The landowner allowed the farm workers to stay there as part of their compensation for farming. In 2005 it was further converted into a triplex as 3 separate meters were added to the property so each unit could be rented individually. The current zone of RR-20 does not allow for triplexes, the A-20 zone does. Despite being smaller than 20 acres in size, the applicant would like the property to be zoned A-20 which would make the parcel a legal, non-conforming parcel. The surround land uses are Residential, Rural Residential, Agricultural, and Agricultural-Floodplain. The surrounding zones are all RR-20.

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 Zoning Map Amendment Z21-010. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

ACTION

Staff read the Box Elder County Land Use Management & Development Code section 2-2-080-E that outlines the standards for reviewing zoning map amendments.

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The County General Plan states that 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. West Corinne Community Plan (2004): As stated above the plan shows both A-20 and RR-20 as acceptable zones for this area.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; The area is a combination of residential and agricultural uses.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment should not have an effect on adjacent property. The public hearing process may shine additional light on this.

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, existing use, and allowed uses within the proposed zone would not have an impact on the facilities and services listed above.

MOTION: A Motion was made by **Commissioner Steven Zollinger** to forward a recommendation of approval to the County Commission for application Z21-010 a zoning map amendment from the RR-20 zone to the A-20 zone and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Kevin McGaha** 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.

ZONING MAP AMENDMENT, Z21-011, Request for a zone change of 57.5 acres from RR-20 (Rural Residential 20,000 sq. ft.) to M-G (General Industrial) modified with a zoning agreement to limit allowed uses in the M-G zone, located at approximately 4500 North 6800 West in the West Corinne area of unincorporated Box Elder County. ACTION

Staff stated a similar application was presented to the Planning Commission in May. At that meeting's public hearing there was opposition to the request as there are many intense uses allowed in the M-G zone. The Planning Commission reviewed the West Corinne Community Plan which shows the area as RR-20 and a recommendation of denial was forwarded to the County Commission who motioned to deny the request. The County Commission suggested the landowner work with staff towards a zoning agreement which would limit the uses within the M-G zone.

The proposed rezone agreement includes the following uses and excludes all others.

- Land Developments - Industrial Parks
- Land Developments - Land Development for various Commercial, Industrial & Manufacturing
- Industrial Services - General Contract Construction Services
- Industrial Services - Masonry, Stonework, Tile Setting & Plastering Services
- Industrial Services - Roofing & Sheet Metal Services
- Industrial Services - Water & Well Drilling Services
- Services - Roofing & Sheet Metal Services
- Services - Real Estate Subdividing & Land Developing Services
- Services - Real Estate Operative Construction Builders
- Wholesale Trade & Warehousing - Machinery, Equipment & Supplies
- Wholesale Trade & Warehousing - Farm Products & Equipment
- Wholesale Trade & Warehousing - Hardware, Plumbing, Heating Equipment & Supplies
- Services - Automobile Repair & Services
- Chemical & Plastics Manufacturing – Drug

The public hearing was then opened for comments.

James Hart, applicant, said when he first applied he found the zone allowed for things that were never his intent. His intent is to have an industrial park. He has had homebuilders request 1-2 acres sites with a metal building and an outside yard. Another request was for a place to mix concrete.

Paul Waters, Layton, is trying to purchase some land here that is rural and quiet. He would like to get away from trucks and traffic and thinks bringing in this much commercial would just increase those things. He does not want to be in the noise they are in now in Layton City.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Zoning Map Amendment Z21-011. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

ACTION

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

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The County General Plan recommends that when possible, manufacturing uses will be located adjacent to population centers in order to discourage urban sprawl and reduce the costs of providing utilities and services. It also states that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests West Corinne Community Plan (2004):The Plan settled on the zoning that is now in place in the West Corinne planning area. This specific parcel and area consists of RR-20. Map B from the plan (attached below) shows possible zoning for the area as RR-20.

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 manufacturing, agricultural, and rural residential. Whether the proposed amendment is harmonious with the overall character of existing development is subjective. This point could be argued saying yes, it is harmonious due to there being existing manufacturing northeast of the subject property, but can also be argued against as there are several new homes directly to the east and this would push some commercial and industrial uses closer to those homes.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment would have an effect on adjacent property. This would open up the property to some commercial and industrial uses. The public hearing process may shine additional light on this.

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 wastewater and refuse collection. The proposed zone change and agreement would limit the allowed commercial and industrial uses to ones that could more likely be serviced by the current infrastructure. West Corinne Water Co. has lines in the area. They are not issuing water connections currently and are in the process of doing a study to determine how much water they have available to sell. Rocky Mountain Power has lines in this area. Dominion Energy does not have lines adjacent to this parcel, most of the homes to the south are on propane, Dominion is likely servicing P&G to the north. Storm water drainage would need to be managed on-site. Roadways are sufficient, as they have been improved as part of the P&G project.

Staff said one of the main concerns brought to the Planning Commission in May was the high water levels.

Commissioner Steven Zollinger said if the Commission moves forward, we need to make sure the drains are sufficient. The Bear River Canal Company had a letter read into the minutes at the public hearing in May. They were concerned with liability issues regarding water and he questioned if those comments still apply. Staff received an email from the canal company stating their comments still apply.

(See Attachment No. 3 – Letter Bear River Canal Co.)

Commissioner Laurie Munns asked if each of the businesses would be required to have a Conditional Use Permit. Staff said it would depend on how they sit in the M-G zone. If they are in the M-G zone as a permitted use they would still be required to go through the site plan approval process. If their use is listed as a conditional use in the M-G zone a CUP and a site plan review would be required simultaneously.

Commissioner Laurie Munns is concerned that a lot of the residents building to the east of this parcel are thinking it is a rural residential area. The residents expressed their concerns at the public hearing in May and she feels their concerns are still valid.

Commissioner Bonnie Robinson expressed her concern with the lack of water supply and not in keeping with the Corinne General Plan.

MOTION: A Motion was made by **Commissioner Kevin McGaha** to forward a recommendation of approval to the County Commission for application Z21-011 a zoning map amendment from RR-20 zone to the M-G zone including the zoning agreement and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Steven Zollinger** with **Commissioner Bonnie Robinson** and **Commissioner Laurie Munns** voting nay. The motion passed with a vote of 3-2.

(See Attachment No. 4 – Zoning Agreement.)

NEW BUSINESS

DENKERS SUBDIVISION AMENDMENT, SS21-020, Request for approval for an amended subdivision located at approximately 4596 North 6800 West in the West Corinne area of Unincorporated Box Elder County. ACTION

Staff said the original subdivision was recorded on February 6, 2020. The surrounding land use is Agriculture and is zoned as RR-20. Access is via 6800 West (Iowa String Road) and the utilities go to the existing home as a part of the original subdivision. The new lot will be for agricultural purposes only. All county departments are currently reviewing the plat. Staff recommends approval.

MOTION: A Motion was made by **Commissioner Laurie Munns** to approve application SS21-020, an amended subdivision subject to final approval by the County Surveyor and County GIS office and review and approval of the title report by the County Attorney. The motion was seconded by **Commissioner Bonnie Robinson** and unanimously carried.

FREEMAN FARMS SUBDIVISION AMENDMENT, SS21-021, Request for approval for an amended subdivision located at approximately 10125 North 6800 West in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff said the subdivision is just south of Tremonton City. Along the north side of the subdivision there is a 30 ft. irrigation, access, and public utility easement. The developer is requesting it be removed from the plat. His surveyor added it to the plat without his knowledge and it slipped past him and was approved as such. There is no need for the easement and the developer would like it removed.

Staff explained as per State Code sections 17-27a-608 and 609 a subdivision can be amended by the Land Use Authority via approval and recording of an amended plat. The Planning Commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the County.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve application SS21-021, amending the Freeman Farms subdivision located in Box Elder County adopting the exhibits, conditions and findings of staff along with final approval from the County GIS/Surveyor and County Attorney. The motion was seconded by **Commissioner Kevin McGaha** and unanimously carried.

WORKING REPORTS

ORDINANCE TEXT AMENDMENT, Z21-012, Request for an Ordinance Text Amendment to Chapter 5-1 of the Box Elder County Land Use Management & Development Code to prohibit high density development such as Multiple Family Dwellings in the Unzoned area.

Staff stated the applicant wanted to have discussion and/or feedback in the working reports section prior to taking it as a public hearing. The applicant has been knocking on doors in his neighborhood and has 5 or more pages of signatures opposed to multi-family housing in their community. The applicant felt as he went out on this quest that his petition signed by neighbors was not regarding zoning but was specifically regarding the opposition to multi-family housing. He has a variety of reasons to oppose multi-family housing, most of which make a lot of sense being in rural, unincorporated county as far as utilities, agricultural preservation, and septic etc.

Staff explained there is a chapter in the County land use code called Regulations Applicable to all Zones. That section includes unzoned areas as a zone so the regulations in the chapter apply to unzoned areas as well. The applicant is requesting a section be added restricting high density development in unzoned areas. The proposed language states “No High Density Development, such as Dwelling, Multiple Family (as defined in Chapter 1-3) in settings that are unzoned.” For reference the definition for Dwelling, Multiple Family is: A building containing more than one (1) dwelling unit. This applies to duplexes, triplexes, and on up to large scale apartments.

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 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.

Commissioner Bonnie Robinson verified the applicant is requesting this only be applied to unzoned areas.

There was discussion of the legalities and the imposing of this restriction on all unzoned areas of Box Elder County.

Commissioner Laurie Munns feels zoning protects property owners more than it hinders them. She would rather see landowners zone their property rather than limit it.

Commissioner Jared Holmgren directed staff to look into the legalities of this request.

Dennis Holland, applicant, said he realizes this is a sticky situation. He has many neighbors that are farmers with children. At some point these neighbors are going to come before the Planning Commission wanting an acre lot for their children to build a house on all down his street. He thinks if he had presented his petition to his neighbors as a zoning request, he would not have gotten as many signatures. Mr. Holland understands questioning the legalities of his request but if the Planning Commission is trying to plan communities, he feels high-density housing needs to be closer to towns and leave the rural areas as rural.

Commissioner Steven Zollinger stated zoning is what protects landowners. There are zones that restrict high-density building. He encouraged Mr. Holland to get with his community and discuss zoning options.

GENERAL PLAN UPDATE, John Janson, Consultant for the General Plan, presented his findings and draft outline.

(See Attachment No. 5 – Power Point.)

PUBLIC COMMENTS

DeAnna Hardy thanked the Commissioners for having a public comment period. She has attended several local meetings where public comments have been removed from the agendas. Ms. Hardy values the 1st Amendment, the right to freedom of speech. She recently heard about a man in Collinston who was denied the right to sell his property in 1-acre lots. Neighbors at the public hearing for his request expressed their desire to keep the area at 2-acre lots. Ms. Hardy feels the Commission succumbed to mob rule by not allowing his request. The Utah Constitution states we have the right to possess property and the right to do with it what we want. She explained her thoughts about Agenda 21 and Envision Utah wanting to control all the land, water, air, and people.

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Steven Zollinger and meeting adjourned at 10:03 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission

PLANNING COMMISSION

STAFF REPORT

Meeting Date: August 19, 2021

Agenda Item #: 6a

Application Type:

Conditional Use Permit for New Telecommunication Facility

APPLICANT(S):

Timothy Hawkes for GSL Brine Shrimp Coop.

PROJECT #:

CUP21-003

ZONE:

Unzoned

PARCEL #:

01-011-0042

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting a Conditional Use Permit for two (2) new telecommunication facilities on Promontory Point, on parcel #: 01-011-0042

ANALYSIS

County Code:

Land Use Management & Development Code Section 3-2-070-16 allows as a conditional use, wireless telecommunication towers and Section 5-7-040-D states that new telecommunication facilities require a Conditional Use Permit. Conditional Use Permits are decided upon by the Planning Commission.

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 5-7-040 outlines the following standards for review for Conditional Use Permits.

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 preexisting 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.

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- 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.

FINDINGS:

Based on the analysis of the Conditional Use Permit application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for Conditional Use Permits for new telecommunication facilities which are approved by the Planning Commission.
2. It is staff's opinion that 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.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff gives the Planning Commission the following three options in the model motions section below,** along with the conditions outlined:

Conditions of Approval:

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.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number CUP21-003, a Conditional Use Permit for a new telecommunications facility, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

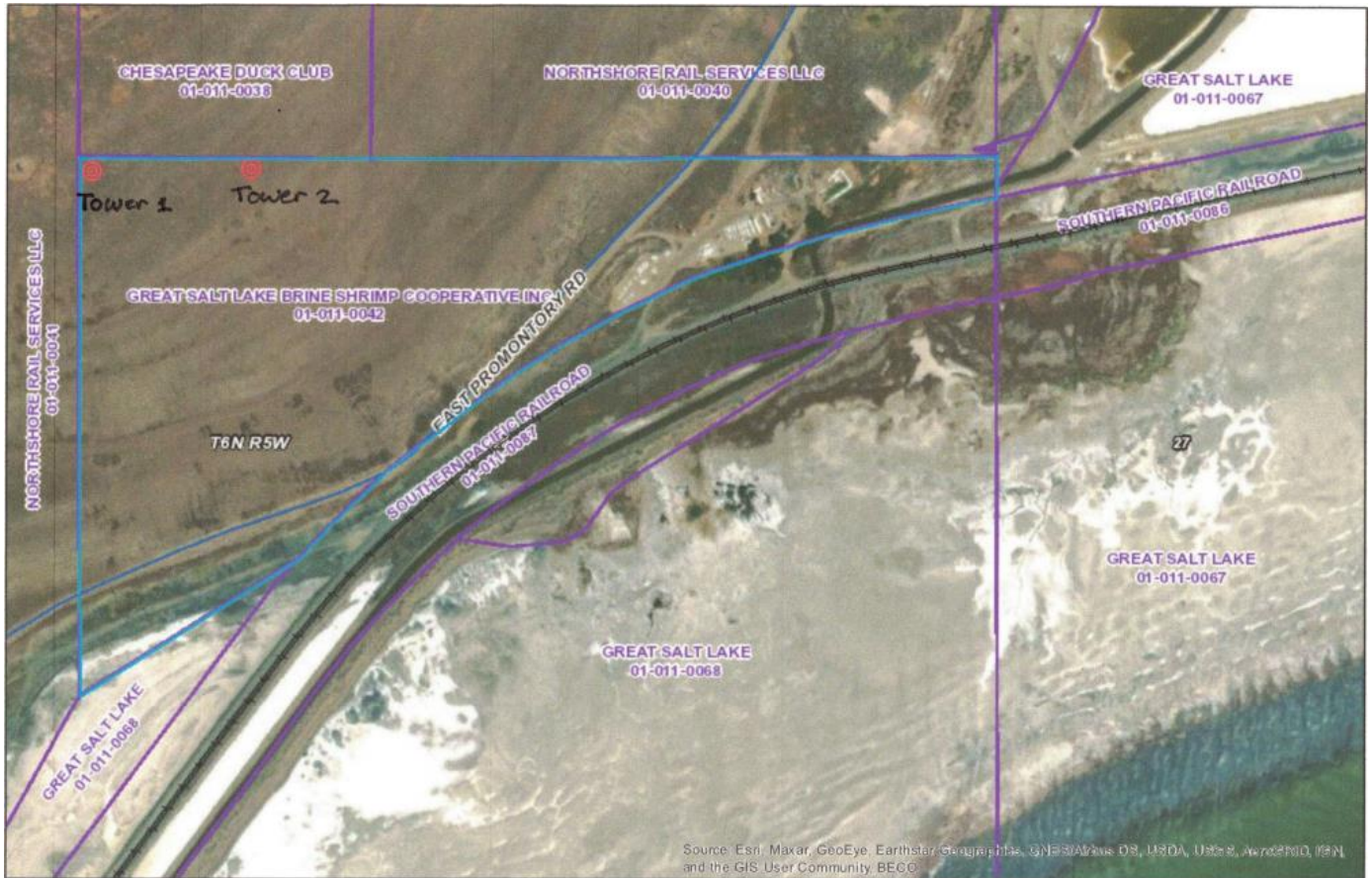
Table – “I move the Planning Commission table the review of application number CUP21-003, a Conditional Use Permit for a new telecommunications facility, to (give date), based on the following findings:”

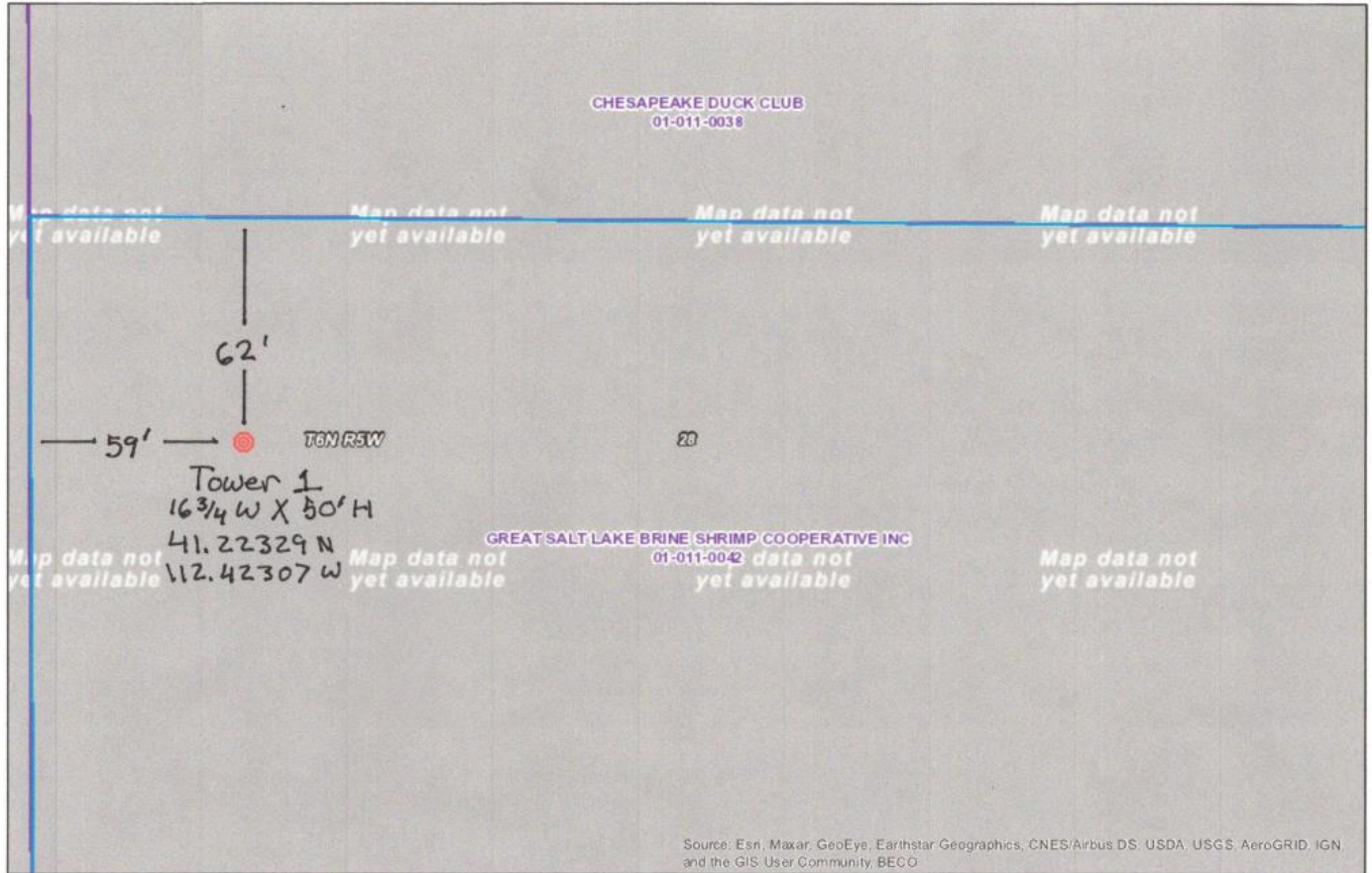
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

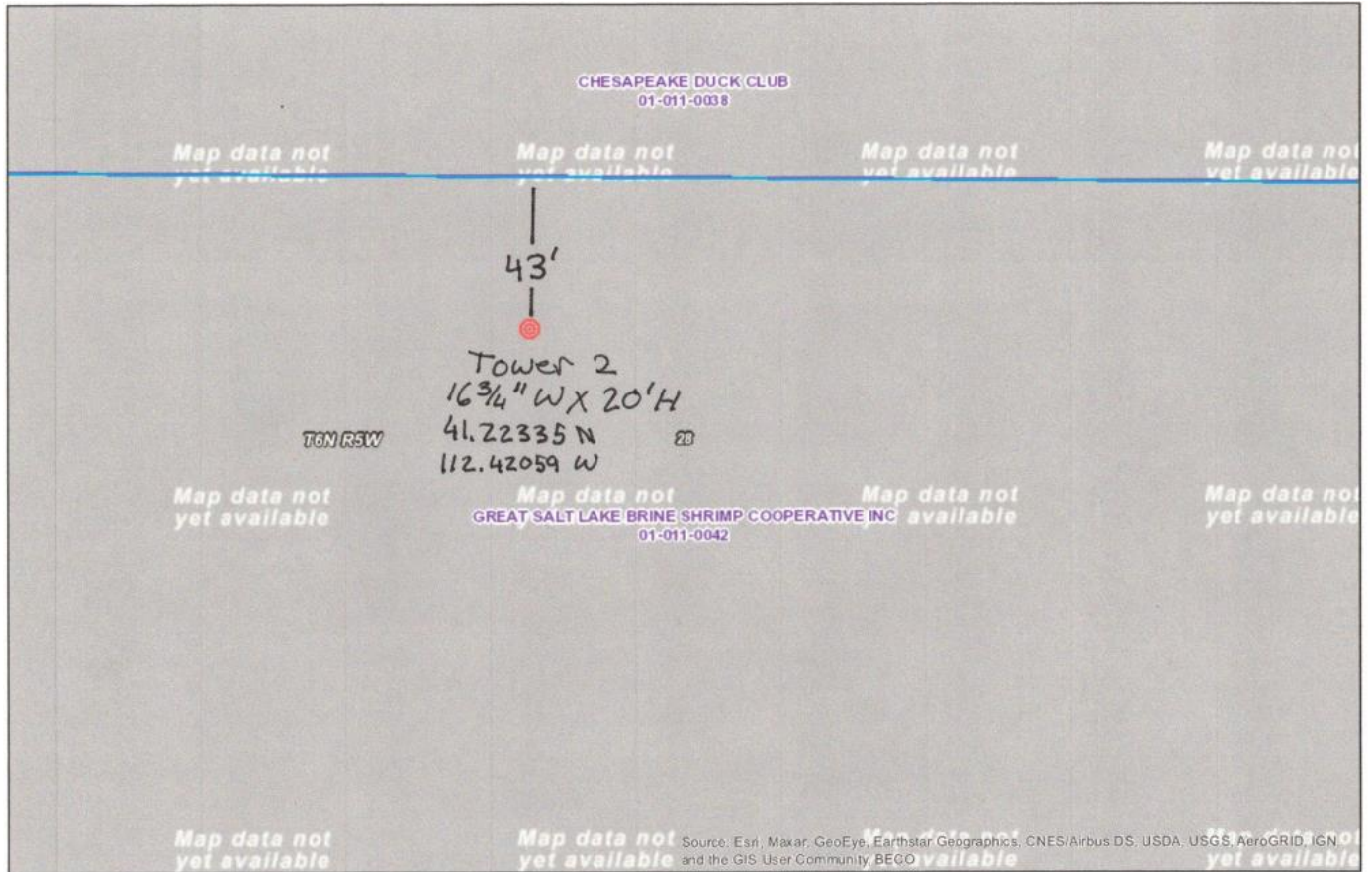
Denial – “I move the Planning Commission deny application number CUP21-003, a Conditional Use Permit for a new telecommunications facility, based on the following findings:”

1. List findings for denial...

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









PLANNING COMMISSION
STAFF REPORT

Meeting Date: August 19, 2021

Agenda Item #: 6b

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Dennis Holland

PROJECT #:

Z21-012

ORDINANCE:

Chapter 5-1

TYPE OF APPLICATION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting a text amendment to Chapter 5-1, Regulations Applicable To All Zones. Specifically he is requesting that a section be added restricting high-density development in unzoned areas. The language the applicant has proposed is:

“No High Density Development, such as Dwelling, Multiple Family (as defined in Chapter 1-3) in settings that are unzoned.”

For reference the definition for Dwelling, Multiple Family is:

A building containing more than one (1) dwelling unit.

This definition encompasses all multifamily structures from duplexes, triplexes, and fourplexes to large-scale apartments.

The applicant, who resides in an unzoned area north of Riverside, has been to the County Commission with a five-page petition of signatures from residents in his area of the county stating their opposition to high-density housing. The Commission directed him to continue to work with the community and staff on this effort. This application is the result of that effort. The reason for this request as opposed to zoning the area is residents are overwhelmingly in support of this amendment, but not as enthusiastic about the limitations imposed through zoning.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows an affected 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. 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; 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.

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.

UPDATE: The main concern regarding this proposal that was brought up during the "working reports" portion of the July Planning Commission meeting was whether this type of a text amendment is legal or not. I have reached out to the Office of the Property Rights Ombudsman for counsel and am waiting to hear back.

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 a review of unzoned areas, the Planning Commission may forward a recommendation to the County Commission. As this is a legislative decision additional information may be taken into account such as public input, resident preferences, private property rights, economic considerations, etc.

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

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
-

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

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z21-012, an ordinance text amendment adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table the review of application number Z21-012, an ordinance text amendment to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z21-012, an ordinance text amendment based on the following findings:”

1. List findings for denial...

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



PLANNING COMMISSION

STAFF REPORT

Meeting Date: August 19, 2021
Agenda Item #: 6c

Application Type:
Zoning Map Amendment

APPLICANT(S):
Gretchen Alexander

PROJECT #:
Z21-013

ADDRESS:
Approx. 13800 North HWY
38 - Collinston

PARCEL #:
06-037-0048; 0052

CURRENT ZONE:
M-FP (Manufacturing Food
Products)

TYPE OF ACTION:
Legislative

REPORT BY:
Marcus Wager,
County Planner

BACKGROUND

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.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone for his/her property subject to zoning map amendment approval by the County Commission with a recommendation from the Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agricultural	RR-2
South	Agricultural	RR-2
East	Rural Residential	RR-2
West	Agricultural	RR-2

Land Use Ordinance Standards Review:

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

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

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

such conditions and activities, the values of other properties, and upon the general orderly development of the County.

- The decision-making body should state on the record the basis for its decision.

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

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

The County's General Plan 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; and

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

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

It is unknown at this time if the facilities and services are adequate for this property.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from M-FP (Manufacturing Food Products) zone to RR-2 (Rural Residential 2 acres) zone and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the re-zone of properties subject to zoning map amendment review procedures and approval.
2. It can be interpreted that the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.
3. This application is for a rezone from M-FP to RR-2; RR-2 is already existing zones in this area.

RECOMMENDATION

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

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

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

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z21-013, a zoning map amendment from M-FP (Manufacturing Food Products) zone to RR-2 (Rural Residential 2 acres) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

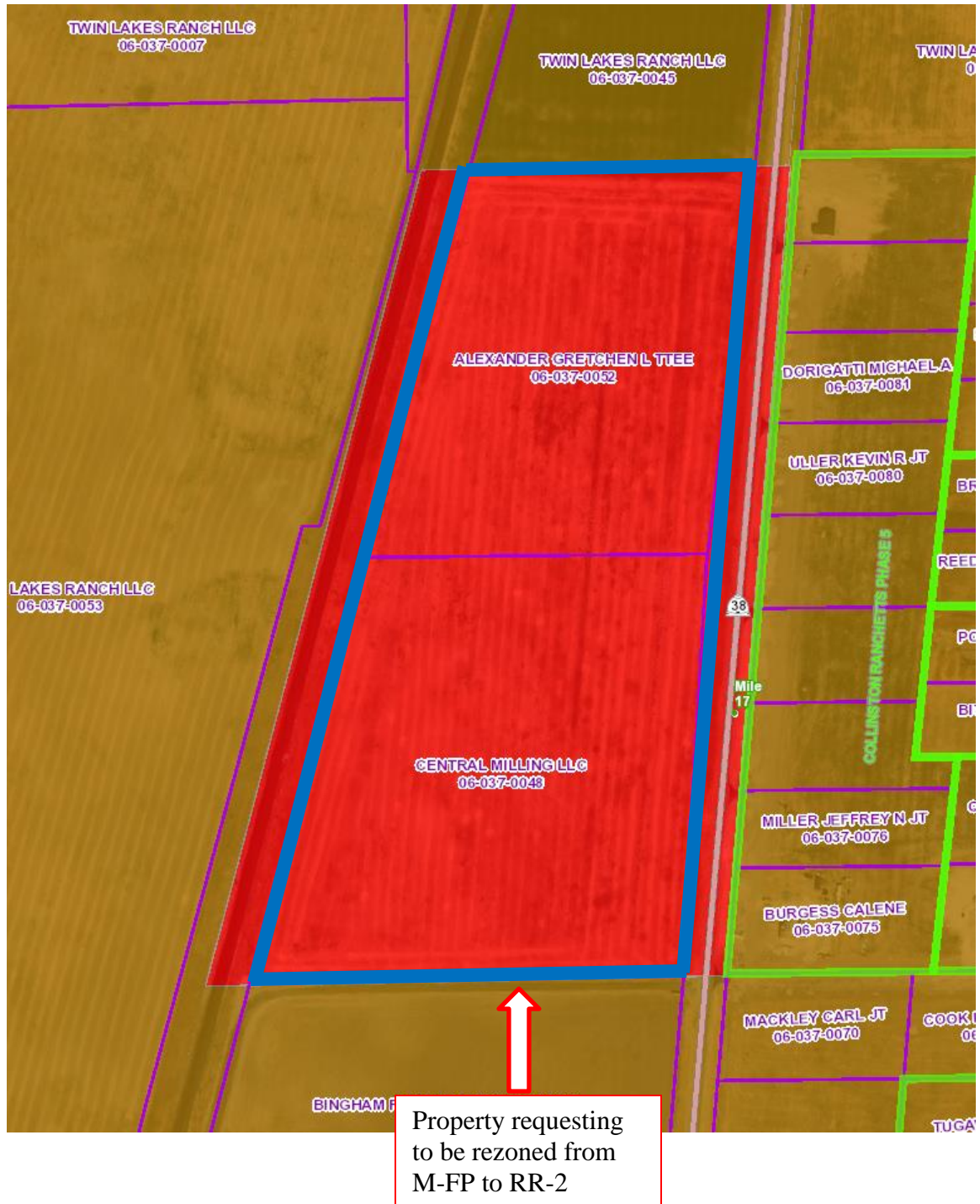
Table – “I move the Planning Commission table the review of application number Z21-013, a zoning map amendment from M-FP (Manufacturing Food Products) zone to RR-2 (Rural Residential 2 acres) zone to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z21-013, a zoning map amendment from M-FP (Manufacturing Food Products) zone to RR-2 (Rural Residential 2 acres) zone based on the following findings:”

1. List findings for denial...

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





PLANNING COMMISSION
STAFF REPORT

Meeting Date: August 19, 2021
Agenda Item #: 6d

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z21-014

ORDINANCE:

Chapter 5-6

TYPE OF APPLICATION:

Legislative

REPORT BY:

Marcus Wager
County Planner

BACKGROUND

The applicant is requesting a text amendment to Chapter 5-6, Accessory Dwelling Unit, to allow for Internal Accessory Dwelling Units in Residential Zones. (See attached for proposed text changes).

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows the Planning Commission 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 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; 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 will not have an impact on facilities and services.

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, economic considerations, etc.

MODEL MOTIONS

Approval – "I move the Planning Commission forward a recommendation of approval to the County Commission, application number 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 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 Z21-014, a text amendment to Chapter 5-6, Accessory Dwelling Unit, 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 Z21-014, a text amendment to Chapter 5-6, Accessory Dwelling Unit, 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 Marcus Wager at 435-734-3308 if you have any questions.



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

PROPOSED VERBIAGE FOR TEXT AMENDMENT

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

Chapter 5-6 – Accessory Dwelling Units & Internal Accessory Dwelling Units

~~Box Elder Zoning Ordinance 375 as Adopted _____ November 6, 2013 _____~~

- 5-6-010. Title.
- 5-6-020. Purpose.
- 5-6-030. General Regulations.
- 5-6-040. Definitions.
- 5-6-050. Conditional Use Permit Required.
- 5-6-060. Development Standards.
- 5-6-070. Inspections.
- 5-6-080. Affidavit.

5-6-010. Title.

The regulations contained in this Chapter shall be known and may be cited as “Accessory Dwelling Unit Regulations” and “Internal Accessory Dwelling Unit Regulations” of Box Elder County and its Land Use Management and Development Code.

5-6-020. Purpose.

The county recognizes that accessory dwelling units (ADUs) and internal accessory dwelling units (IADUs) in zones that allow a single-family residence can be an important tool in the overall housing plan for the county. The purposes of the ADU standards of this code are to:

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable.
- B. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
- C. Provide for affordable housing opportunities.
- D. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.

5-6-030. General Regulations.

- A. Except as provided in this Code, no ADU or IADU shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the use district in which it is located.
- B. All ADUs and IADUs hereafter erected in Box Elder County shall comply with the current standards of the International Residential Code, and all other codes and ordinances adopted by Box Elder County.

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

- C. All ADUs and IADUs must be reviewed and approved for septic feasibility by the Bear River Health Department.
- D. All ADUs and IADUs shall be maintained in good condition.
- E. No person may engage in the business of erecting, altering, relocating, or constructing ADUs or IADUs without a valid Utah contractor's license, and valid County business license.

5-6-040. Definitions.

Accessory Dwelling Unit: A self-contained dwelling unit located on an owner occupied property that is in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen.

Internal Accessory Dwelling Unit: A self-contained dwelling unit within or attached to a single family residential building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen.

Owner Occupancy: When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

5-6-050. Permitted and Conditional Use Permit Required.

An ADU meeting the regulations and ~~development~~ standards, as specified in ~~section 5-6-060~~ of this chapter, may be allowed in any zone that allows a single-family residence after approval of a conditional use permit (§2-2-100) by the planning commission. IADU's meeting the regulations and standards, as specified in this chapter may be allowed in any zone that allows a single-family residence as a permitted use.

5-6-060. Development Standards.

- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit, ~~or~~ the ADU, or the IADU as their permanent residence. Applications for an ADU or IADU shall include evidence of owner occupancy as defined in section 5-6-040 of this chapter.
 - B. ADUs or IADUs shall not be sold separately from the main unit.
 - C. ADUs IADUs shall not be rented on a transient basis (periods less than 30 days).
 - D. Only one (1) ADU IADU may be created per lot or property in zones that allow single-family dwellings.
 - E. The design and size of the ADU or IADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
-

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

- F. Installing separate utility meters and separate addresses for the ADU or IADU is prohibited.
- G. The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence.
- H. ~~ADUs shall be occupied by no more than two (2) related or unrelated adults and their children~~
The occupants of the ADU or IADU shall be related to each other by blood, marriage, or adoption; or up to two (2) unrelated individuals who are living as a single housekeeping unit. The occupants of the ADU or IADU shall not sublease any portion of the ADU or IADU to other individuals.
- I. The minimum lot size required for construction of an ADU or IADU in all zones that allow single-family dwellings shall be twenty thousand (20,000) square feet.
- J. ADUs or IADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
- K. ADUs or IADUs and the main dwelling must be on the same parcel and may not be subdivided.
- L. ADUs shall be compatible with the exterior color and materials of the ~~principal dwelling surrounding area~~. IADUs shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
- M. The maximum height for ADUs or IADUs is limited to one story ~~and to twenty-six (26) feet or the height of the principal structure, whichever is less.~~
- N. A minimum of one (1) off street parking space must be provided for the ADU or IADU.
- O. Where an existing subdivision has CC&Rs in place that govern ADUs the more restrictive regulation shall govern the use and development of that subdivision.
- P. The planning commission may place other appropriate or more stringent conditions deemed necessary in approving ADUs as per the standards found in Section 2-2-100, Conditional Use Permit ~~to protect the public safety, welfare and single-family character of the neighborhood.~~
- Q. Multi-family homes, mobile homes, RV's, trailers, campers, tents, and/or any other temporary structure and/or vehicle shall not qualify as an ADU or IADU.

5-6-070. Inspections.

Following the issuance of a conditional use permit, the Building Official of Box Elder County may approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the planning commission. Representatives of the building department shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued.

5-6-080. Affidavit.

Applicants for ADUs or IADUs shall provide an affidavit stating that the owner of the property will occupy either the primary dwelling unit, ~~or~~ accessory dwelling unit, or internal accessory dwelling unit as defined in section 5-6-040 and comply with all other requirements of this chapter. Upon approval of the ADU or IADU by the planning commission, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

for the ADU or IADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and reauthorize the ADU or IADU.

"EXHIBIT A"

Affidavit and Notice of Accessory Dwelling Unit and Related Regulations
(To Be Completed, Signed and Recorded at Box Elder County by Property Owner)

Property Owner(s) Name: _____ Phone: _____

Property Address: _____

Parcel Number: _____

Complete Legal Description:

I (we) _____, being first duly sworn, depose and say that I (we) am (are) the current owner(s) of the property listed above: that I (we) occupy the property listed above. I (we) certify that the second dwelling unit on the property is an accessory dwelling and understand that a future purchaser of the property will be required to reauthorize the accessory dwelling unit in order to continue the use. I (we) also understand that any use of the accessory dwelling unit on the property is contingent on the owner of the property occupying either the principal or accessory dwelling unit and compliance with the provisions of the Box Elder County Code ~~(attached)~~.

Owner's Signature

Owner's Signature (co-owner if any)

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

Residing in _____

My commission expires: _____

After recording, provide a copy to: Box Elder County Planning & Zoning Office 1 S. Main Brigham City, UT 84302

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

Affidavit and Notice of Internal Accessory Dwelling Unit and Related Regulations
(To Be Completed, Signed and Recorded at Box Elder County by Property Owner)

Property Owner(s) Name: _____ Phone: _____

Property Address: _____

Parcel Number: _____

Complete Legal Description:

I (we) _____, being first duly sworn, depose and say that I (we) am (are) the current owner(s) of the property listed above: that I (we) occupy the property listed above. I (we) certify that the second dwelling unit on the property is an internal accessory dwelling and understand that a future purchaser of the property will be required to reauthorize the internal accessory dwelling unit in order to continue the use. I (we) also understand that any use of the internal accessory dwelling unit on the property is contingent on the owner of the property occupying either the principal dwelling unit or internal accessory dwelling unit and compliance with the provisions of the Box Elder County Code (attached).

Owner's Signature _____ Owner's Signature (co-owner if any)

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public _____

Residing in _____

My commission expires: _____

After recording, provide a copy to: Box Elder County Planning & Zoning Office 1 S. Main Brigham City, UT 84302

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

3-2-070. Regulations for Specific Uses.

		MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1
<u>3-2-070-7.6</u>	<u>Internal Accessory Dwelling Unit</u>	P	P	P	P	P	P	P	P	P

3-7-070. Regulations for Specific Uses.

		RR-20	R-1-20
<u>3-7-070-3.8</u>	<u>Internal Accessory Dwelling Unit</u>	P	P



PLANNING COMMISSION

STAFF REPORT

Meeting Date: August 19, 2021

Agenda Item #: 7a

Application Type:

Final Subdivision

APPLICANT(S):

Max Mills

PROJECT #:

SS21-017

ADDRESS:

Approximately 17600
North 6000 West

ZONE:

UNZONED

PARCELS #:

07-045-0024

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting Final approval of the Mountain View Ranches Subdivision plat. The proposed subdivision is 4 new lots, all of the lots will be 1.75 acres or larger. The existing parcel is 57.14 acres in size.

ANALYSIS

Land Use Ordinance Standards Review:

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

Access:

Access will come off of 6000 West and 17600 North for the whole subdivision. There will be space for a new road for the rest of the parcel to be developed in the future.

Utilities:

The County has gotten utility will serve letters from the power, gas, and water companies and they are satisfactory for this subdivision. We have also received a feasibility letter from the Bear River Health Department and a geotechnical report.

Setbacks:

All setbacks can be met for this Unzoned area.

County Department Reviews:

All applicable County departments have reviewed this subdivision and there are no more comments.

Findings:

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

1. The final subdivision plat does comply with the final subdivision regulations of Box Elder County.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission APPROVE the final plat** with the following 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.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS21-017, a final plat for the Mountain View Ranches Subdivision, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table application number SS21-017, a final plat for the Mountain View Ranches Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

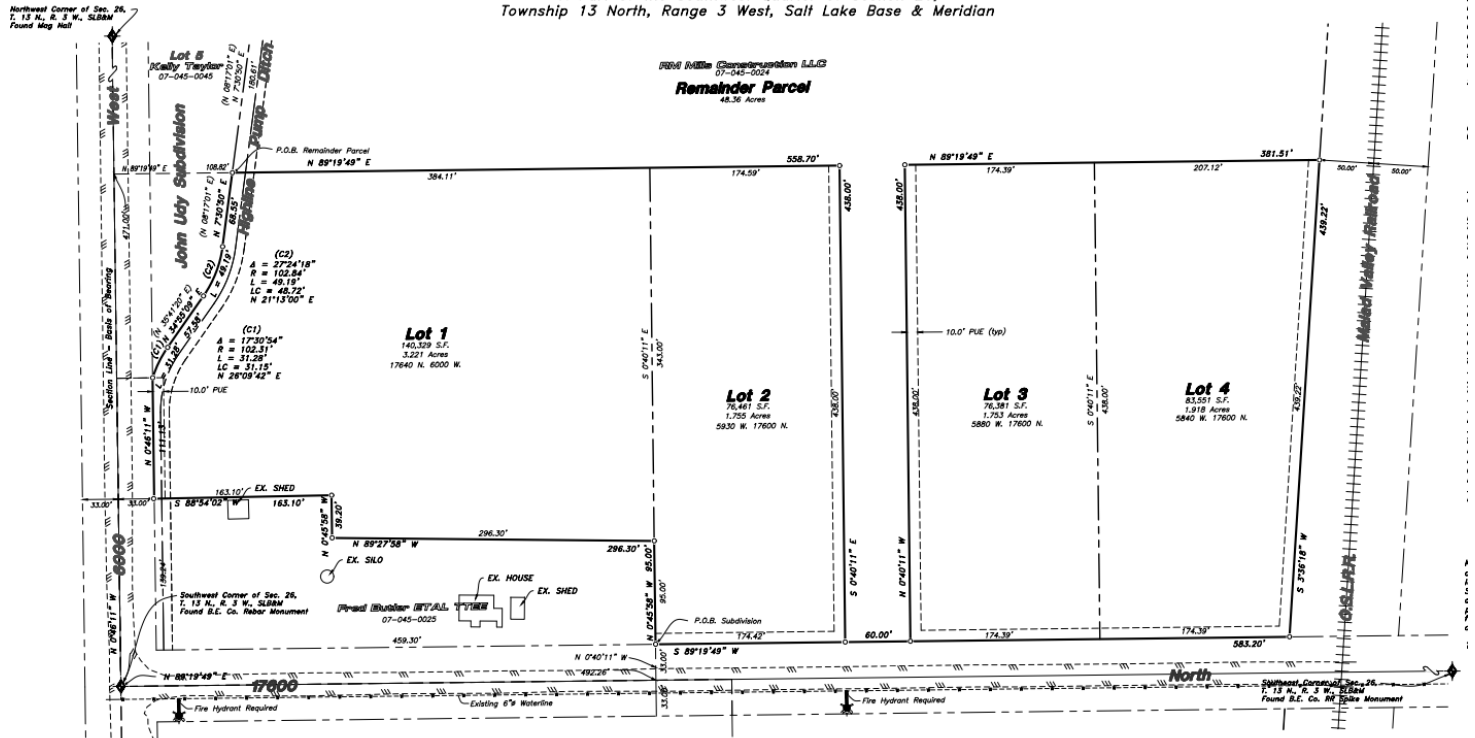
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number SS21-017, a final plat for the Mountain View Ranches Estates Subdivision, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

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

Mountain View Ranches Subdivision
 Box Elder County, Utah
 A Part of the Southwest Quarter of Section 26,
 Township 13 North, Range 3 West, Salt Lake Base & Meridian







PLANNING COMMISSION

STAFF REPORT

Meeting Date: August 19, 2021

Agenda Item #: 7b

Application Type:

Subdivision - Amendment

APPLICANT(S):

Marc Allred

PROJECT #:

SS21-022

ADDRESS:

3101 West 1000 North
Tremonton

ZONE:

Unzoned

PARCEL #:

05-055-0199, -0200

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting an amendment to the final plat of The Ranch Estates Subdivision. The subdivision is two lots totaling approximately 12.3 acres. Lot 1 is 2.3 acres and Lot 2 is 9.9 acres. 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.

ANALYSIS

State Code:

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

Surrounding Land Use and Zoning:

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

Access:

Access to the lots will be via 1000 North in Tremonton.

Utilities:

The letters for utilities have all been submitted as part of the original subdivision.

This is just a lot line adjustment.

Setbacks:

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

Land Use Ordinance Standards Review:

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

County Department Reviews:

- Applicable County departments are reviewing the plat.



Findings:

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

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

RECOMMENDATION

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

1. Final approval by the County GIS/Surveyor.
2. Final approval by the County Attorney.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS21-022, amending The Ranch Estates Subdivision, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table application number SS21-022, amending The Ranch Estates Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission deny application number SS21-022, amending The Ranch Estates Subdivision, located in unincorporated Box Elder County based on the following findings:”

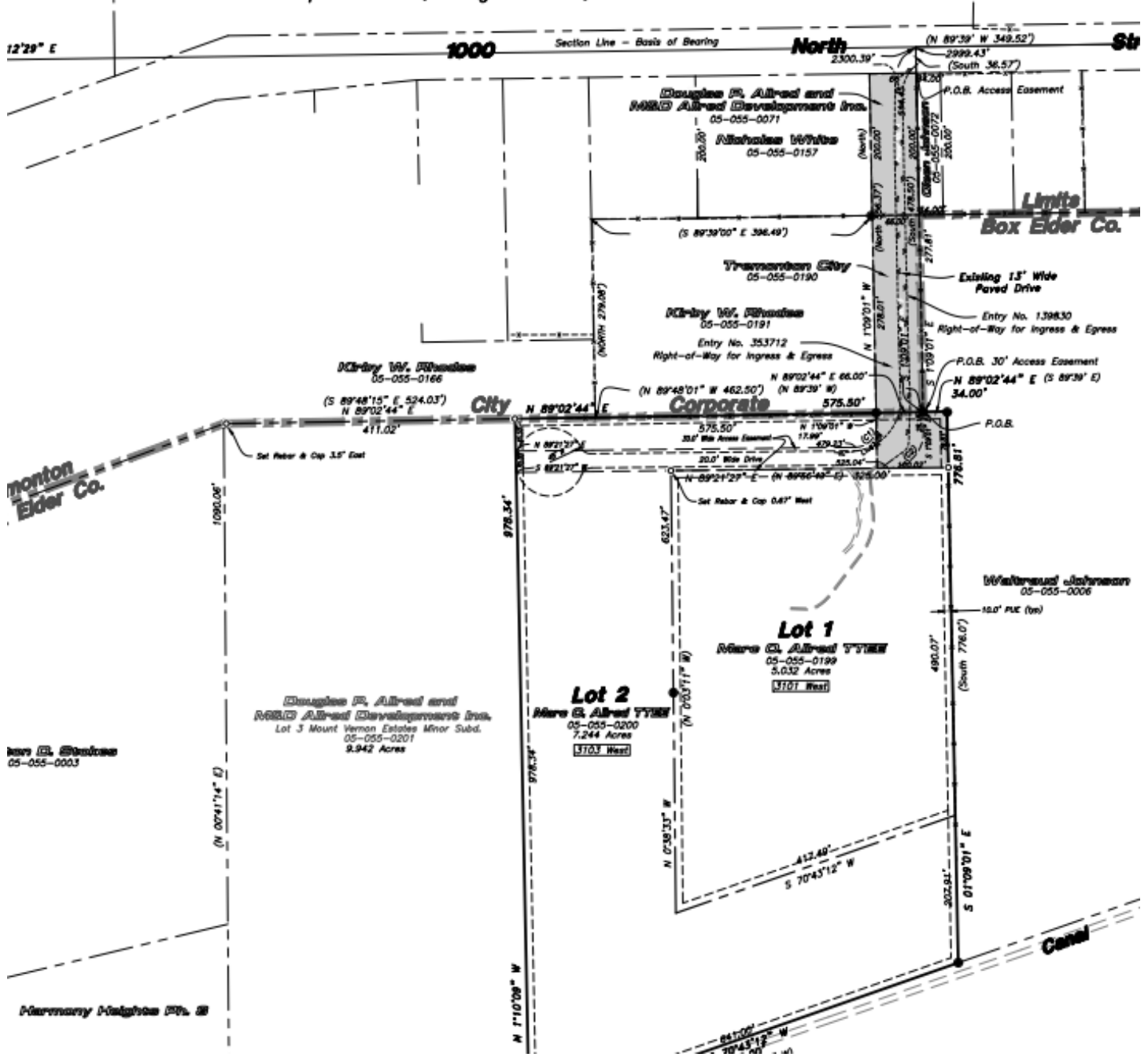
1. List findings for denial...

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



The Ranch Estates First Amendment

Box Elder County, Utah
A Part of the Northwest Quarter of Section 5,
Township 11 North, Range 3 West, Salt Lake Base & Meridian





PLANNING COMMISSION

STAFF REPORT

Meeting Date: August 19, 2021

Agenda Item #: 7c

Application Type:

Final Subdivision

APPLICANT(S):

Marc Allred

PROJECT #:

SS21-023

ADDRESS:

Approximately 11050
North 8285 West

ZONE:

Unzoned

PARCELS #:

05-058-0057

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting Final approval of the Bekam's Edge Phase 1 Subdivision plat. The proposed subdivision phase is nine lots. The lots range in size from 0.75 acres to 1.89 acres.

ANALYSIS

Land Use Ordinance Standards Review:

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

Access:

Access is via 8400 West an existing county road. New roads 11050 North and 8350 West are proposed as part of the first phase.

Utilities:

The County has gotten utility will serve letters from the power, gas, and water companies and they are satisfactory for this subdivision. We have also received a feasibility letter from the Bear River Health Department as well as a geotechnical report.

Setbacks:

All setbacks can be met for this unzoned area and will be enforced during the building permit process.

County Department Reviews:

All applicable County departments have submitted reviews to the developer and his surveyor/engineer and are waiting for revised plans.

Findings:

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

1. The final subdivision plat does comply with the final subdivision regulations of Box Elder County.

-
2. There are still outstanding comments from staff reviews that need to be addressed and revised as part of the Phase 1 plat and improvement plans.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may APPROVE the final plat** with the following 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.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS21-023, a final plat for the Bekam’s Edge Phase 1 Subdivision, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

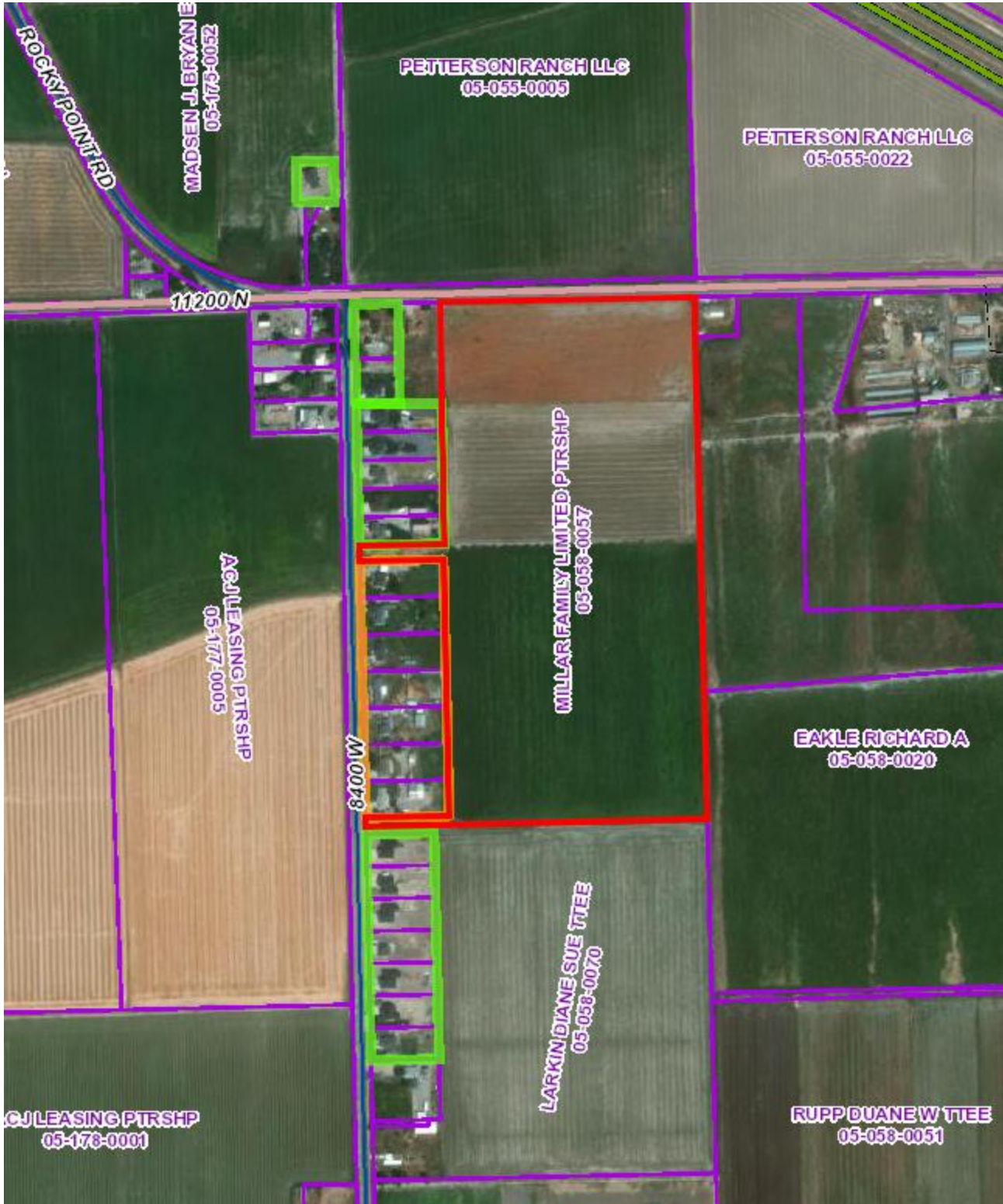
Table – “I move the Planning Commission table application number SS21-023, a final plat for the Bekam’s Edge Phase 1 Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission deny application number SS21-023, a final plat for the Bekam’s Edge Phase 1 Subdivision, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

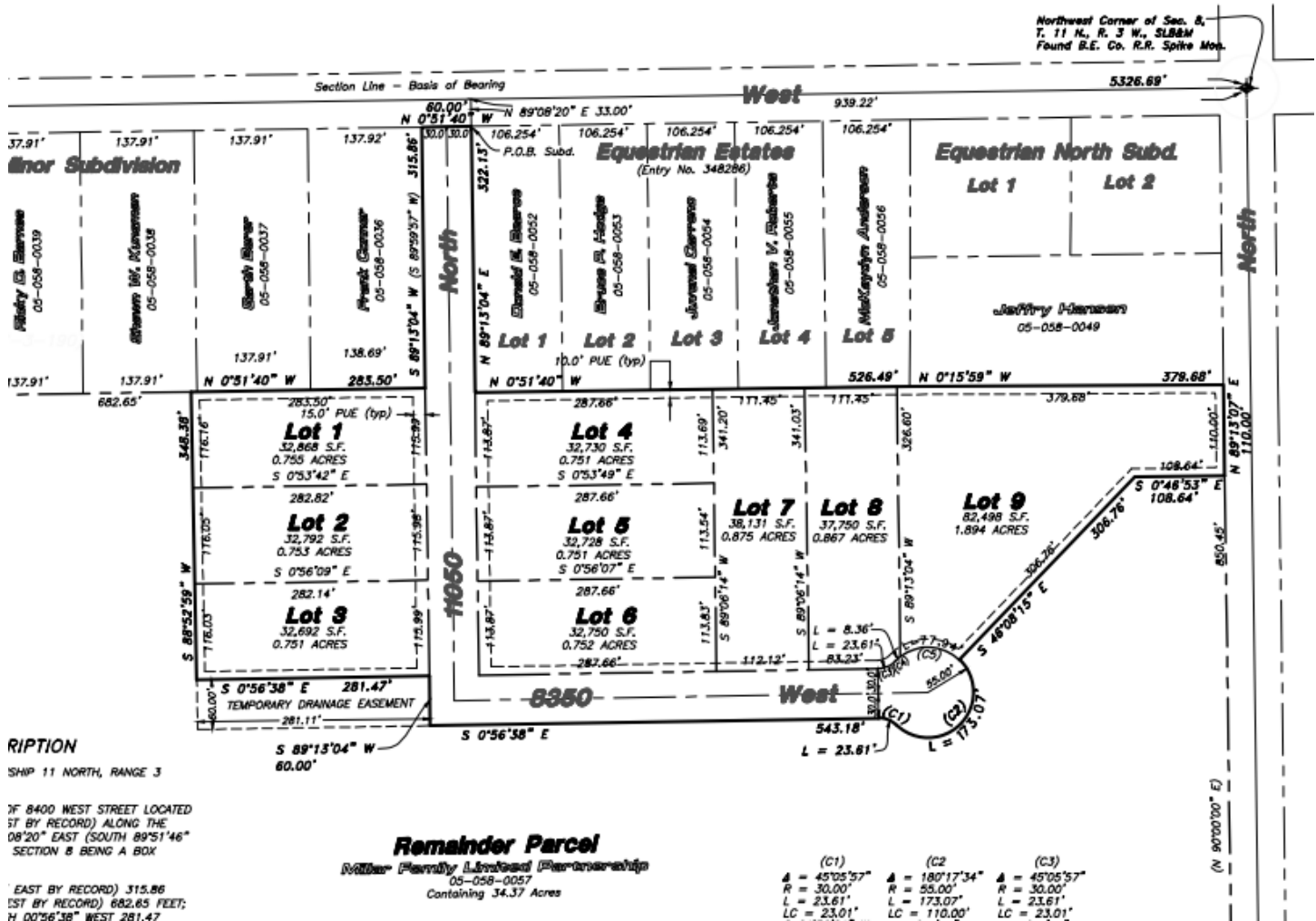
Please feel free to contact Scott Lyons at 435-734-3316 with any questions.

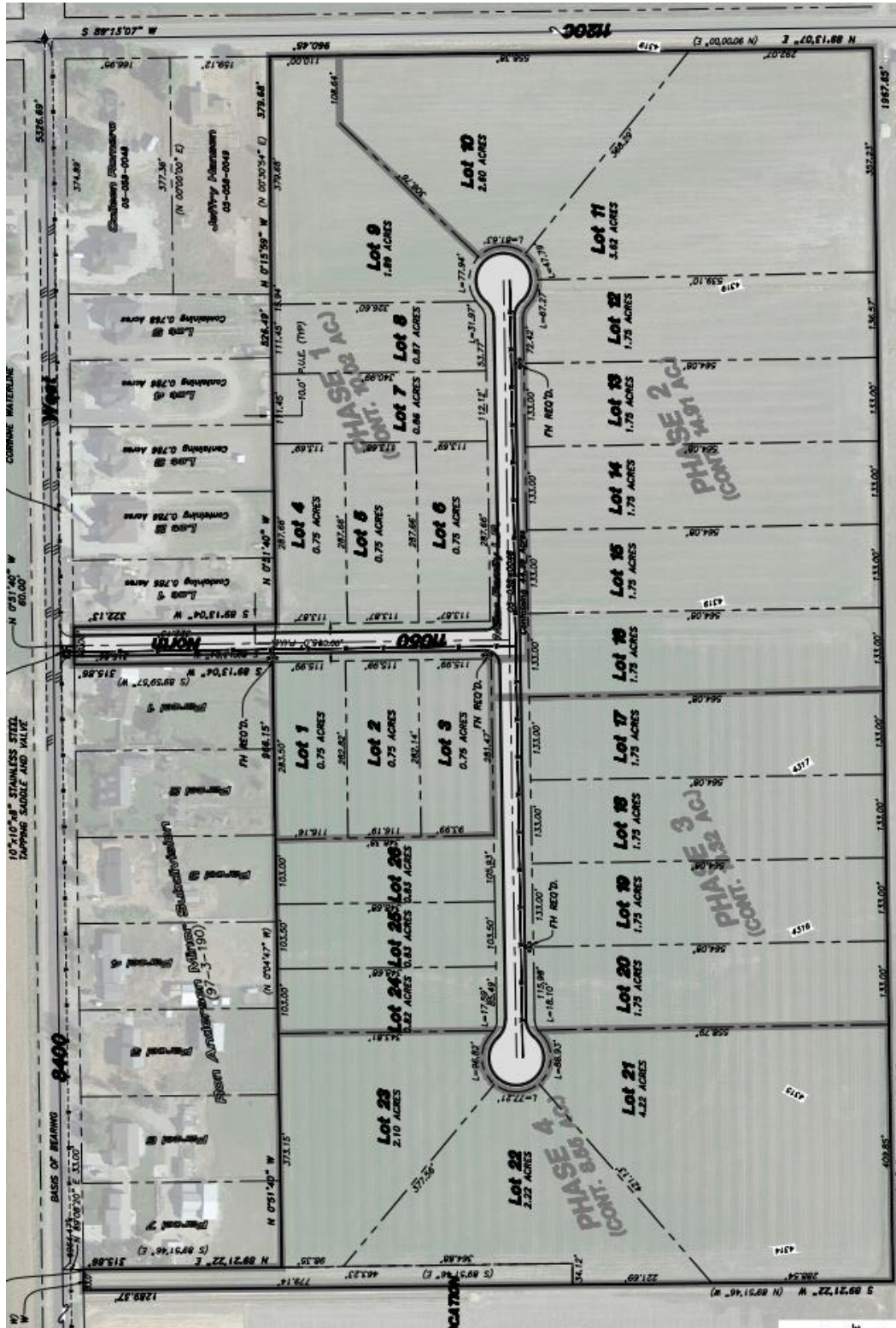


Beckam's Edge Subdivision

Box Elder County, Utah

A Part of the Northwest Quarter of Section 8,
 Township 11 North, Range 3 West, Salt Lake Base & Meridian







PLANNING COMMISSION

STAFF REPORT

Meeting Date: May 20, 2021
Agenda Item #: 7d

Application Type:

Concept Site Plan
Conditional Use Permit
Hancock Trucking

APPLICANT(S):

Bruce Hancock

PROJECT #:

SP21-003
CUP21-004

ZONE:

Unzoned

PARCEL #:

06-060-0095

TYPE OF ACTION:

Administrative

REPORT BY:

Scott Lyons,

BACKGROUND

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. The proposed use is located on approximately 11 acres located on Canal Bank Road just north of 1000 North in the Tremonton area.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Residential	Unzoned
South	Agriculture	Tremonton
East	Malt-O-Meal	Tremonton
West	I-15	Unzoned

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code Section 2-2-120.D.2.c allows truck operations as a permitted use in unzoned areas 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.
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

Section 2-2-120, Site Plan Review, states the following:

A conceptual site plan is not intended to permit actual development of property pursuant to such plan, but shall be prepared merely to represent how the property could be developed. Approval of a conceptual site plan authorizes the applicant to prepare a preliminary (final) site plan. Submittal, review, and approval of an application for a conceptual site plan shall not create any vested rights to development.

Section 5-2-070, Location of Off-Street Parking, states:

Off-street parking shall not be allowed in required front yard setbacks except by conditional use permit and then only in areas where the character of the street and general landscaping plan will not be adversely affected.

Setbacks:

The proposed buildings can meet setbacks for unzoned areas.

Access:

Access to the property is via Canal Bank Road. This road shows on our map as a county road, but ownership is designated as UDOT.

County Department Reviews:

- The County Engineer is currently reviewing the concept site plan.
- The County Roads Supervisor is currently reviewing the concept site plan.
- The County Fire Marshal has requested fire flow calculations, building type and use along with a code analysis in order to figure our requirements for fire needs.

FINDINGS:

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

1. The Box Elder Land Use Management and Development Code does allow for commercial/industrial uses in the unzoned areas which are approved by the Planning Commission through a Site Plan review.
2. The Conceptual Site Plan is still under review by several departments.
3. Being that Conceptual Site Plan approval does not create any vested rights to development staff recommends the Planning Commission table the Conditional Use Permit request until the Final Site Plan approval is ready.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission can make one of the following motions** subject to the following 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.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SP21-003, a Conceptual Site Plan for a trucking operation, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

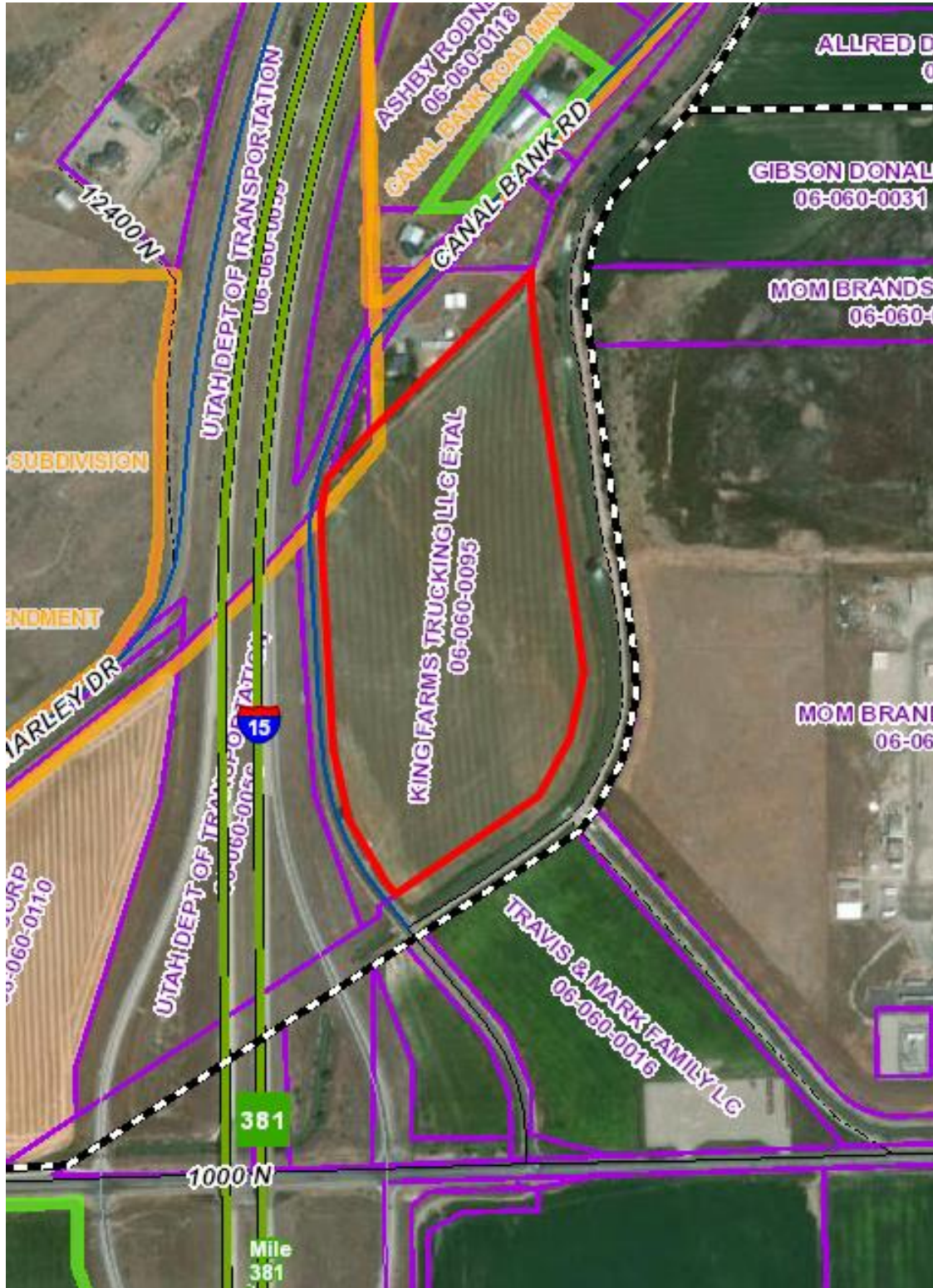
Table – “I move the Planning Commission table the review of application number SP21-003, a Conceptual Site Plan for a trucking operation, to (give date), based on the following findings:”

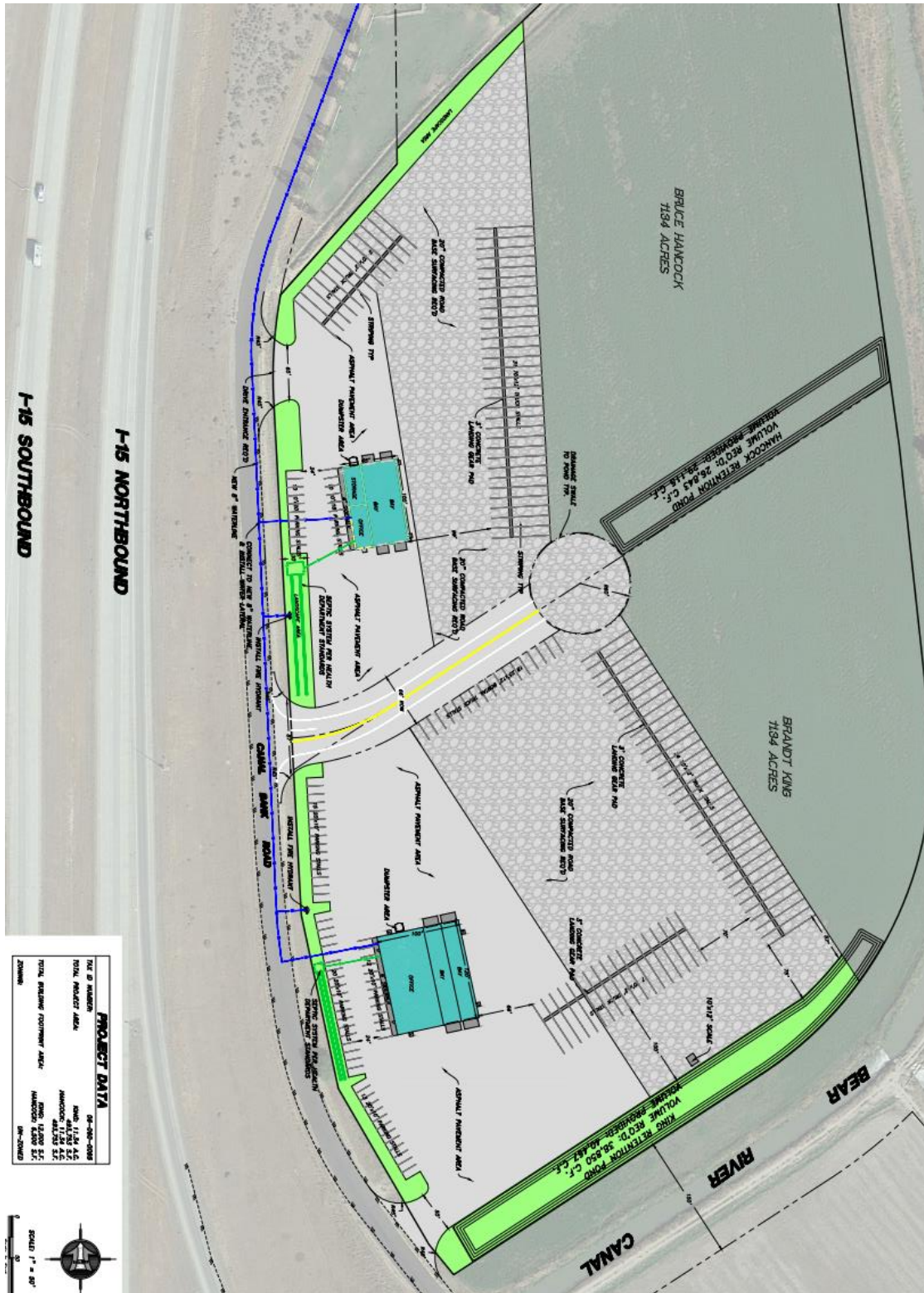
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number SP21-003, a Conceptual Site Plan for a trucking operation, 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.





PROJECT DATA	
TITLE OF DRAWING	04-000-0000
TOTAL PROJECT AREA	11.34 AC.
TOTAL ENGINEERING FOOTPRINT AREA	11.34 AC.
ZONING	AM-00000
DATE	04/20/20
DESIGNER	AM-00000
CHECKER	AM-00000
APPROVED	AM-00000
DATE	04/20/20



PLANNING COMMISSION STAFF REPORT

Meeting Date: August 19, 2021

Agenda Item #: 7e

Application Type:

Road Vacate

APPLICANT(S):

Angela Harris (lead),
Heron Carreno

PROJECT #:

VAC21-02

ADDRESS:

Right-of-way located on
15400 North west of 5475
West

PARCEL #:

06-046-0054, 06-046-0168

CURRENT ZONE:

Unzoned

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting to vacate the right-of-way located between Blocks B and C of the Riverside Plat also know as 15400 North and west of 5475 West in the Riverside area of unincorporated Box Elder County. Attached is a map showing the proposed right-of-way vacate.

ANALYSIS

County Code:

Box Elder County Commission Policy #2003-01 governs road vacations. According to this policy, an application for a road vacation must be presented to the Planning Commission to receive a recommendation to be presented to the County Commission.

Land Use Ordinance Standards Review:

Box Elder County Commission Policy #2003-01 outlines the following standards when considering a road vacation:

1. Is there a prevailing public interest in keeping the road open; and *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 land owners just outside of the platted area, including access and circulation to any future development. In this case Jody Grover (adjacent landowner) would be the landowner with a prevailing public interest in keeping the right-of-way public.*
2. Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County; and

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; and
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; and
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; and
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; and

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 are supplying the descriptions. The descriptions will then be reviewed by the County's Recorder/Surveyor office.

FINDINGS:

Based on the analysis of the petition to vacate a Box Elder County Road, staff concludes the following:

1. Unzoned areas allow for Road Vacations subject to approval by the Box Elder County Commission with a recommendation from the Planning Commission.
2. Subject the County's review of the legal descriptions the petition is in compliance with the current zoning provisions and County Road Vacate Policy.
3. The proposed vacation may impact an adjacent neighbor's access as well as future circulation in the Riverside area.
4. The public hearing at the County Commission level will provide them with additional information for their decision.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff gives the Planning Commission the following three options in the model motions section below:**

MODEL MOTIONS

Approval – "I move the Planning Commission forward a recommendation of approval to the County Commission, application number VAC21-02, a right-of-way vacation located between Blocks B and C of the Riverside Plat also know as 15400 North and west of 5475 West in the Riverside 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 VAC21-02, a right-of-way vacation located between Blocks B and C of the Riverside Plat also know as 15400 North and west of 5475 West in the Riverside 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 forward a recommendation of denial to the County Commission, application number VAC21-02, a right-of-way vacation located between Blocks B and C of the Riverside Plat also know as 15400 North and west of 5475 West in the Riverside area of unincorporated Box Elder County, based on the following findings:”

1. List findings for denial...

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





PLANNING COMMISSION

STAFF REPORT

Meeting Date: August 19, 2021

Agenda Item #: 7f

Application Type:

Site Plan Extension for Steel Solar

APPLICANT(S):

Christine Mikell

PROJECT #:

SP19-003

ZONE:

Un-Zoned

PARCEL #:

07-090-0003, 07-091-0006,
08-055-0007, 08-056-0003

TYPE OF ACTION:

Administrative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

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 on Parcels: 07-090-0003, 07-091-0006, 08-055-0007, 08-056-0003.

Surrounding Land Use and Zoning:

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

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

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.

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 un-zoned 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 with the conditions outlined in the recommendations section of the staff report.
3. The applicant is request the final extension of approval.

RECOMMENDATION

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

1. Steel Solar provide appropriate warning signage placed at the entrance and perimeter of the solar power plan project.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, 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 the extension of time for application number SP19-003, a Site Plan for a solar farm, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

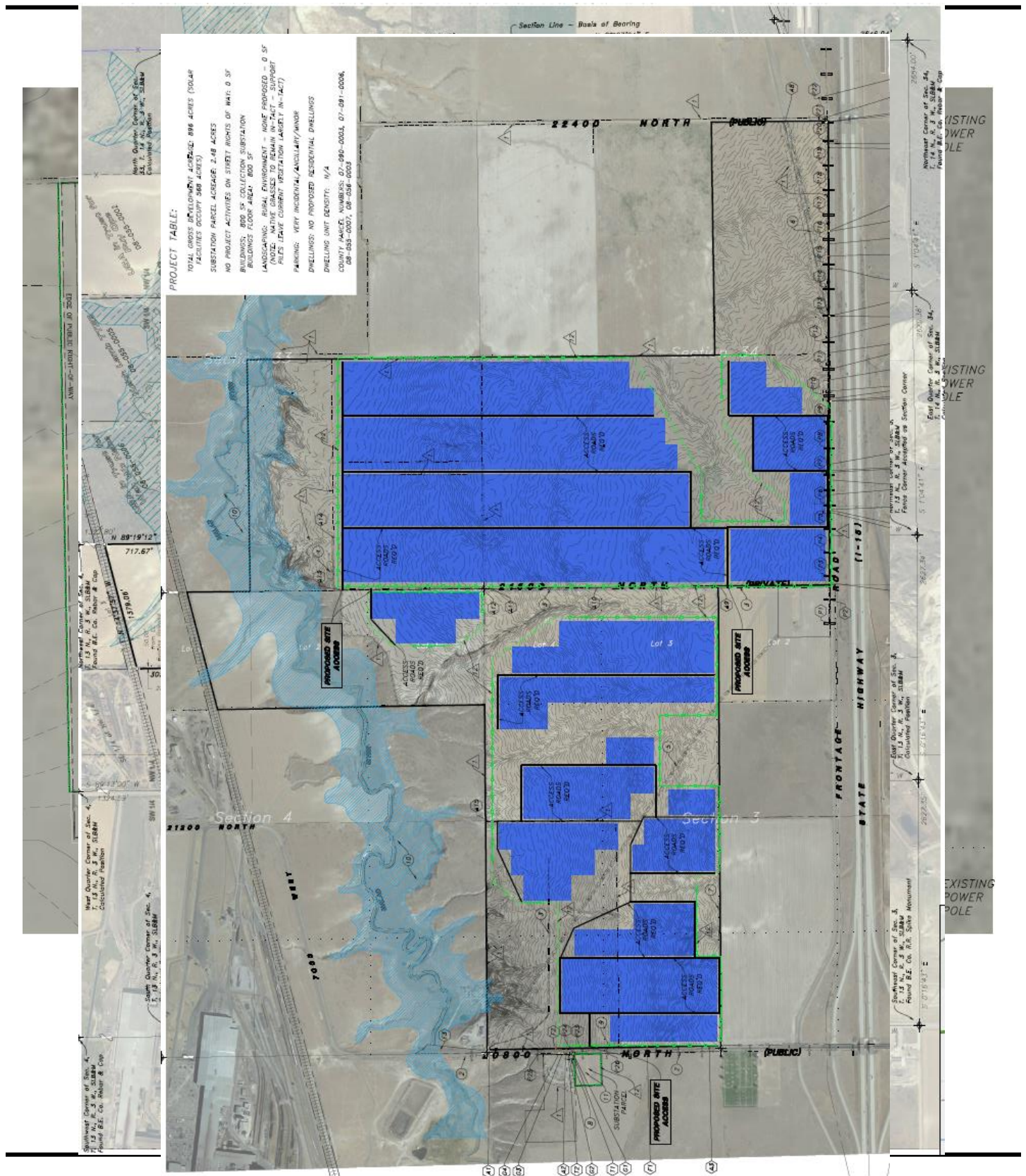
Table – “I move the Planning Commission table the review of the extension of time for application number SP19-003, a Site Plan for a solar farm, to (give date), based on the following findings:”

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 the extension of time for application number SP19-003, a Site Plan for a solar farm, based on the following findings:”

1. List findings for denial...

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





PLANNING COMMISSION

STAFF REPORT

Meeting Date: August 19, 2021

Agenda Item #: 7g

Application Type:

Agricultural Protection Area

APPLICANT(S):

Patty Green
Chad & Karla Munns

PROJECT #:

AP21-01

ADDRESS:

Approximately 13200 North
East Garland Road

PARCEL #:

06-053-0015, -0116, -0117,
-0118

CURRENT ZONE:

Unzoned

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

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

ANALYSIS

State Code:

Utah State Code 17-41 regulates the establishment of Agriculture Protection Areas. Per that Box Elder County Commission Policy #2003-01 governs road vacations. According to this code, the Planning Commission shall submit a written report to the County Commission regarding the proposal.

Surrounding Land Use and Zoning:

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

Approval Standards Review:

Utah State Code 17-41-303 outlines the following standards for review for the creation of Agriculture Protection Areas.

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 unzoned.

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; and

100% of the acreage is currently being used for agricultural production in the form of pasture, alfalfa, animals, pens, farming, beehives, and equipment.

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 industrial protection area;

No changes or modifications are recommended by staff.

D. Analyzes and evaluates any objections to the proposal; and

To our knowledge 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 your motion I will prepare a recommendation to the County Commission on your behalf.

FINDINGS:

Based on the analysis of the Industrial Protection Area application request for the creation of an Industrial Protection Area and a survey of the surrounding area, staff concludes the following:

1. The Utah State Code allows for the creation of an Agriculture Protection Area subject to the above review and approval by the County Commission with a recommendation from the Planning Commission.
2. The current zone and use of the applicant's property meets the requirements set forth by the state code.
3. Any future zoning or zoning regulation changes affecting this land would require written approval from the landowners.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff gives the Planning Commission the following three options in the model motions section below:**



MODEL MOTIONS

Approval – “I move the Planning Commission 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.

Table – “I move the Planning Commission forward a recommendation to the County Commission to accept and modify the proposal to create the Agriculture Protection Area located at approximately 13200 North East Garland Road in unincorporated Box Elder County, with the following modifications...

Denial – “I move the Planning Commission forward recommendation to the County Commission to reject the proposal to create the Agriculture Protection Area located at approximately 13200 North East Garland Road in unincorporated Box Elder County, based on the following findings:”

1. List findings for rejection...

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

