

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

September 16, 2021

Work session with Planning Commissioners at 5:30 p.m. regarding the General Plan update

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 August 19, 2021 Planning Commission Minutes.**

5. **UNFINISHED BUSINESS**

- a. NONE

6. **PUBLIC HEARINGS**

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

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

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

7. **NEW BUSINESS**

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

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

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

d. **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**

e. **AGRICULTURE PROTECTION AREA**, Request to create a new agricultural protection area on multiple parcels in the South Willard area of Unincorporated Box Elder County. **ACTION**

8. **WORKING REPORTS**

- a. **BEAR RIVER HEALTH DEPARTMENT** – Discussion on high density housing

9. **PUBLIC COMMENT**

10. **ADJOURN** _____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES AUGUST 19, 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	Chairman	Scott Lyons	Comm Dev Director
Jared Holmgren	Vice-Chair	Marcus Wager	County Planner
Kevin McGaha	Excused	Steve Hadfield	County Attorney
Michael Udy	Excused	Jeff Scott	Commissioner
Steven Zollinger	Excused	Diane Fuhriman	Executive Secretary
Bonnie Robinson	Member		
Laurie Munns	Member		

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

The Invocation was offered by **Commissioner Jared Holmgren**.

The Pledge was led by **Commissioner Laurie Munns**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

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

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

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

Chairman Mellonee Wilding explained public hearings provide an opportunity for the public to voice their concerns or approval on an item. In the meeting there is also unfinished business, public hearings, and new business. The unfinished business and new business provides opportunity for the commissioners to take action on an item. It is not a time for public comment or input. Although the commissioners may ask questions of the applicant during these times.

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

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

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

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

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

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

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

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

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

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

The public hearing was then opened for comments.

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

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

ACTION

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

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

CONDITIONS:

1. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
2. Compliance with Article 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Section 5-7-040, General Regulations of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable county, state and federal laws regulating the proposed use, including all licenses, permits, etc.

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

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

Staff read the standards for reviewing zoning text amendments from BEC LUM&DC as they apply to this request:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The proposed amendment is consistent with the goals, objectives, and policies of the County's General Plan. The General Plan states that "urban-type developments within the County should be restricted to locations within municipalities or to adjacent locations which can be annexed, in order that new street and highway construction can be kept to a minimum".

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

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment should not adversely affect adjacent property.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection. This is one of several reasons the applicant is requesting this amendment be made. Unzoned areas are limited in their ability to provide facilities and services, especially for uses such as high-density housing.

The public hearing was then opened for comments.

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

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

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

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

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

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

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

Susan Holland understands people need homes and apartments but what she has a challenge with is what about the people who are already there? What about the homes already established? She lives across from property owned by Micah Capener and knows it is not going to be just a couple of buildings being built, there is probably going to be a minimum of four in a complex and will end up being 20 buildings right in front of her home. She said there is additional acreage behind

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

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

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

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

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

Jade Marble has lived in Box Elder County his whole life. He just bought a piece of property with the intent of putting a guest home on it for his mother so he can take care of her. This text amendment violates his rights as a property owner to do as he pleases with his property. He thinks doing something like this should be on a case-by-case basis rather than an all encompassing blanket of not allowing any multi-family dwellings. He thinks this proposal should not be approved as it takes away his rights as a property owner in the County.

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

ACTION

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

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

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

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

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

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

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

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The County's General Plan does state that future land use decisions will

consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; The area is a combination of residential and agricultural uses. The requested RR-2 zoning would be harmonious with the overall character in the vicinity of the subject property.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment shouldn't affect the values of adjacent property. The public hearing process may bring forth additional information.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection. It is unknown at this time if the facilities and services are adequate for this property

The public hearing was then opened for comments.

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

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

ACTION

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

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

CONDITIONS:

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

Development Code.

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

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

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

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

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

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; This text amendment applies to all areas of unincorporated Box Elder County that are zoned for residential.

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

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

The public hearing was then opened for comments.

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

ACTION

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

MOTION: A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval to the County Commission for Application Z21-014, a text amendment

to Chapter 5-6, Accessory Dwelling Unit, of the Box Elder County Land Use Management & Development Code, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

NEW BUSINESS

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

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

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

CONDITIONS:

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

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

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

Staff explained State Code sections 17-27a-608 and 609 regulates the amendments of subdivisions. One section of the code specifically states the Land Use Authority may approve a vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the Land Use Authority finds a) there is good cause for the vacation or amendment, b) no public street or County utilities have been vacated or amended. The amended plat has been reviewed by all applicable County departments and is ready for Planning Commission approval.

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

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

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

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

CONDITIONS:

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

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

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

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

B. The proposed use shall conform to development standards of the applicable zone. Whether the proposed use/design can conform to development standards is still being reviewed by the County Fire Marshal, County Engineer, and County Roads Supervisor.

C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. This is still under review.

D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. This is still under review.

E. If the proposed use is located on a lot or parcel which has been subdivided without County approval a subdivision plat shall be approved and recorded as a condition of approval. N/A

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

CONDITIONS:

1. Compliance with Section 2-2-090, Permitted Use Review, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-120, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Section 5-2-070, Location of Off-Street Parking, of the Box Elder County Land Use Management & Development Code.
4. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
5. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

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

This item was cancelled.

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

Staff said the applicant is requesting an extension of approval for a Site Plan that was approved on August 8, 2019 and granted an extension on August 21, 2020, for an 80 megawatt solar farm on approximately 900 acres located at approximately 6500 West 20800 North. Box Elder County Land Use Management & Development Code Section 2-2- 040-I allows for extensions of time, it states: “Unless otherwise prohibited by this Code, upon written request and for good cause shown, any decision-making body or official having authority to grant approval of an application may, without any notice or hearing, grant an extension of any time limit imposed by this Code on such

application, its approval, or the applicant. The total period of time granted by any one (1) or more extensions for a given application shall not exceed twice the length of the original time period.” The applicant is requesting that the construction commencement extension deadline be extended for one (1) year and the substantial completion deadline be extended for two (2) years. Essentially, the new dates we would be working with are August 8, 2022 for construction commencement and August 8, 2024 for substantial completion. Under our code, this extension would be the last one they can obtain for this project.

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

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

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

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

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

AMENDMENT:

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

WORKING REPORTS - NONE

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Jared Holmgren and the meeting adjourned at 9:05 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION

STAFF REPORT

Meeting Date: September 16, 2021

Agenda Item #: 6a

Application Type:

Conditional Use Permit for Home Business

APPLICANT(S):

Tarrie Orton for Momentum Trucking

PROJECT #:

CUP21-005

ZONE:

RR-2 (Rural Residential 2 acre)

PARCEL #:

01-041-0040, -0041(illegal)

TYPE OF ACTION:

Administrative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting a Conditional Use Permit for a Home Business. The business is a dump truck company. At the time of this report we are not aware of how many trucks the company operates, how many employees there are, proposed hours of operation, or other aspects of the operation. We do know the property has been improved with gravel and roadbase for the trucks and employee vehicles to park on. The trucks will be parked outside behind the existing home. The property is located at 1360 West 7800 South in the South Willard area west of I-15.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	A-20
South	Livestock Auction	A-20
East	Residential*	RR-2
West	Agriculture	A-20

*with home business trucking CUP

ANALYSIS

County Code:

Home Business definition:

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.

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 3-2-070-9 allows Home Business within the RR-2 (Rural Residential 2 acre) Zoning district subject to Conditional Use Permit approval. Section 2-2-100 outlines the following standards for review for conditional uses.

- A. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the community, or injurious to property or improvements in the community, existing surrounding uses, buildings and structures.**



-
- B. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.

 - C. The proposed use at the particular location is compatible with the intent, function and policies established in the general plan, this Code and the particular zoning district in which the use is proposed.

Setbacks:

There is no structure proposed.

Access:

Access to the property is obtained by 7800 South an existing county road.

County Department Review:

The Fire Marshal, Engineer, and Roads Department are currently reviewing the request.

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 Home Businesses that are approved by the Planning Commission.
2. As we don't know what type of trucking company this is and how many employees there are we cannot confirm whether they qualify as a Home Business.
3. There are two parcels included in this application. At this time, parcel 01-041-0041 is considered an illegal parcel and needs to be brought into conformance in order to be eligible for land use permit approval.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission TABLE the requested Conditional Use Permit to allow the applicant time to sort out the illegal parcel situation and provide additional business information.**

MODEL MOTIONS

Approval – "I move the Planning Commission approve application number CUP21-005, a Conditional Use Permit for a Home Business, 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 CUP21-005, a Conditional Use Permit for a Home Business, to (give date), based on the following findings:”

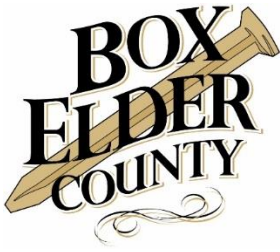
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number CUP21-005, a Conditional Use Permit for a Home Business, 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.





DAVIS BOB C. ETUX 01-041-003



**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: September 16, 2021

Agenda Item #: 6b

Application Type:

Zoning Map Amendment

APPLICANT(S):

Rob Weston

PROJECT #:

Z21-015

ADDRESS:

15550 N 400 W
Beaver Dam

PARCEL #:

06-030-0019, 06-030-0001

CURRENT ZONE:

MU-40

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons
Comm. Dev. Director

BACKGROUND

The applicant is requesting that 224.39 acres located at approximately 15550 North 400 West in the Beaver Dam area be rezoned from MU-40 (Multiple Use 40 acre) to the RR-10 (Rural Residential 10 acre) zone. The MU-40 zone was adopted June 2, 1998 as part of an effort to zone the Beaver Dam/Collinston area. Prior to this the area was unzoned.

The applicant proposed a similar rezone in January. It was from MU-40 to RR-5, so five-acre minimum as opposed to the 10 acre currently proposed. The Planning Commission forwarded a recommendation of denial based on:

1. It being inconsistent with the goals and objectives of the general plan.
2. Not being harmonious with the overall character of the area and adjacent properties.
3. Community concern regarding roadway access, water, storm water, and adequate facilities.
4. County concern regarding roadway access.

The RR-5 application eventually expired as it had been six months since originally submitted and substantial action to have it approved had not taken place; and the applicant had submitted a new application requesting the RR-10 zone.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner or authorized agent to apply for and request a re-zone for his/her property subject to 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	Ag	MU-40
South	Ag/Rural Residential	MU-40 / RR-2
East	Ag	Cache County
West	Ag/Rural Residential	MU-40 / 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;

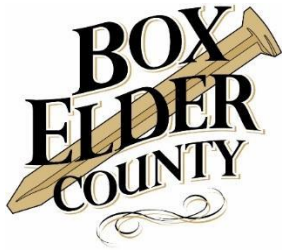
The County General Plan states that the County will encourage and support design and development strategies that preserve open space, particularly those developed to preserve agricultural land.

It also states that future land use decisions will consider the following:

- *maintaining the current quantity and quality of public services and facilities through balancing growth and development with facility/service capacity e.g. water, sewer, waste disposal, transportation and roads, law enforcement, emergency services;*
- *protecting rural, agricultural, mineral, wildlife and other County interests or traditional land uses;*
- *promoting development patterns consistent with, and sensitive to, resident preferences; and*
- *balancing private property rights with public interests.*

It is the County’s position that future residential development should complement other County interests and be located in areas that are compatible with adjacent land uses.

B. Whether the proposed amendment is harmonious with the overall character of existing



development in the vicinity of the subject property;

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

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

This is unknown. The amendment would likely increase traffic along 400 West as new homes would be developed. Another concern expressed by a long time resident is regarding water. She stated that the existing homes in the area are on a spring or wells and there is very little water pressure. She stated that there have been times when two household appliances cannot be used simultaneously for lack of water. Her concern is the addition of homes in the area may reduce water even further. The public hearing process may shine additional light on adverse effects.

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

The proposed zone change would increase the allowed development density by up to four times. Without knowing how the land would be developed it is difficult to address all the items in this section.

With that being said, there is no culinary water system in this area. Any proposed wells would need to be approved by the Utah Division of Water Rights. The Division of Water Rights shows the applicant owning one well associated with parcel 06-030-0019 (166.79 acres) with the following rights:

- Irrigation - 0.25 acres
- Stock Water - 60 ELUs
- Domestic - 1 EDU

The Division of Water Rights shows no information associated with parcel 06-030-0001 (57.6 acres). Water rights would need to be converted from Stock Water to Domestic in order to develop this property.

Individual septic systems approved by the Bear River Health Department would be required.

Per the adopted County Road Standards the existing county road (400 West) would need to be expanded and improved. I spoke with the Utah Property Rights Ombudsman regarding the right-of-way and road improvements. He stated if the county does not want the expense and maintenance to bring the road to the current standard then they shouldn't approve the rezone request. He stated the alternative is to give the developer the option to enter into an agreement to acquire the necessary right-of-way and to improve the road to the current standard as part of the zoning approval.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the rezone of the subject



parcel from MU-40 (Multiple Use 40 acre) to the RR-10 (Rural Residential 10 acre) and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the rezone of properties subject to zoning map amendment review procedures and approval.
2. Review standards A and D can only be met by improving the existing road (400 West) to the current county standard.
3. The Planning Commission is tasked with making a recommendation to the County Commission based on “reasonably debatable” findings from the above information, information presented during the public hearing, and any additional information requested of the applicant or staff.

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.** 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. Subject to the county or the applicant improving 400 West to the current standard.
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 forward a recommendation of approval to the County Commission, application number Z21-015, a zoning map amendment from the MU-40 (Multiple Use 40 acre) to the RR-10 (Rural Residential 10 acre) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

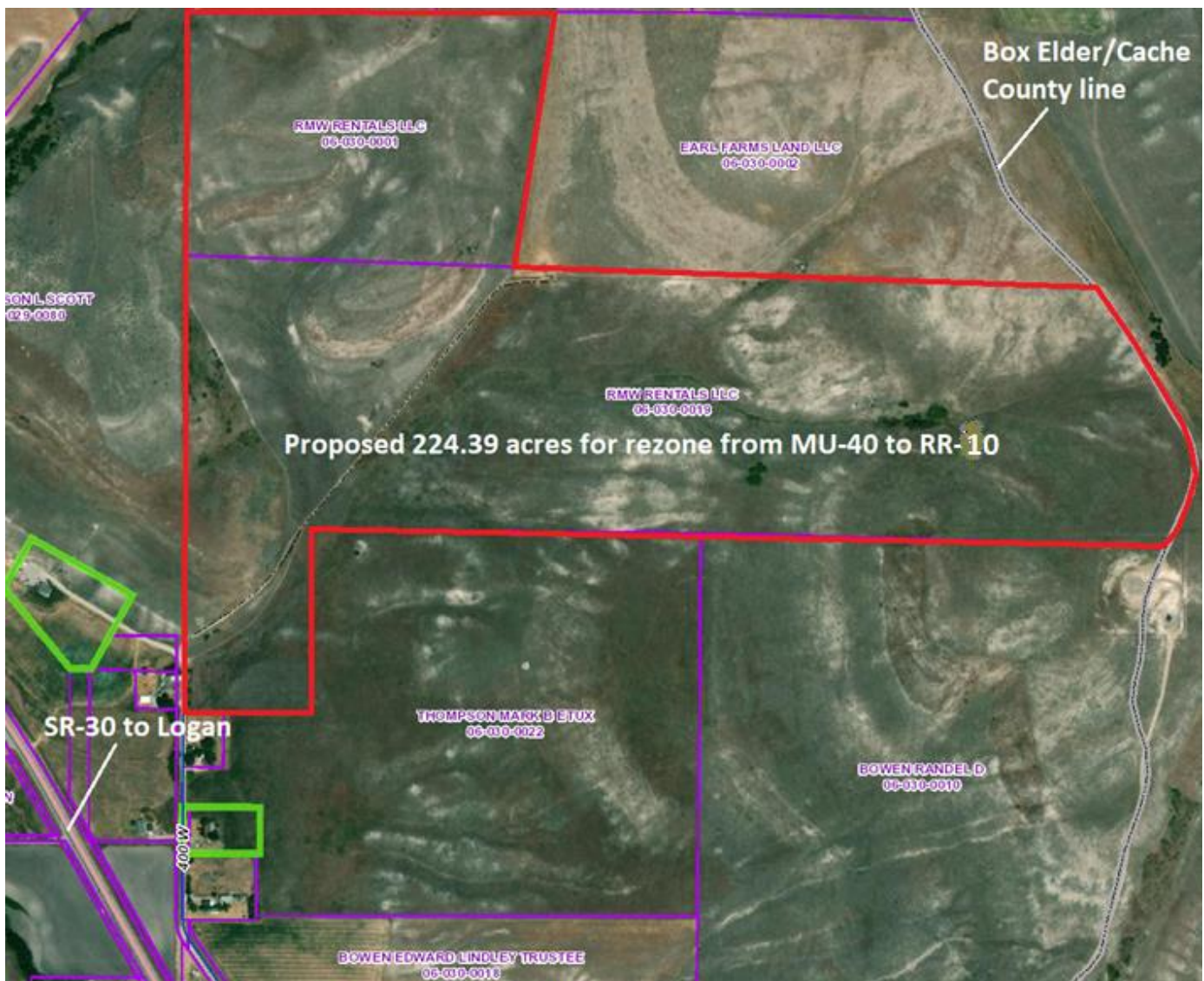
Table – “I move the Planning Commission table the review of application number Z21-015, a zoning map amendment from the MU-40 (Multiple Use 40 acre) to the RR-10 (Rural Residential 10 acre) zone to (give date), based on the following findings:”

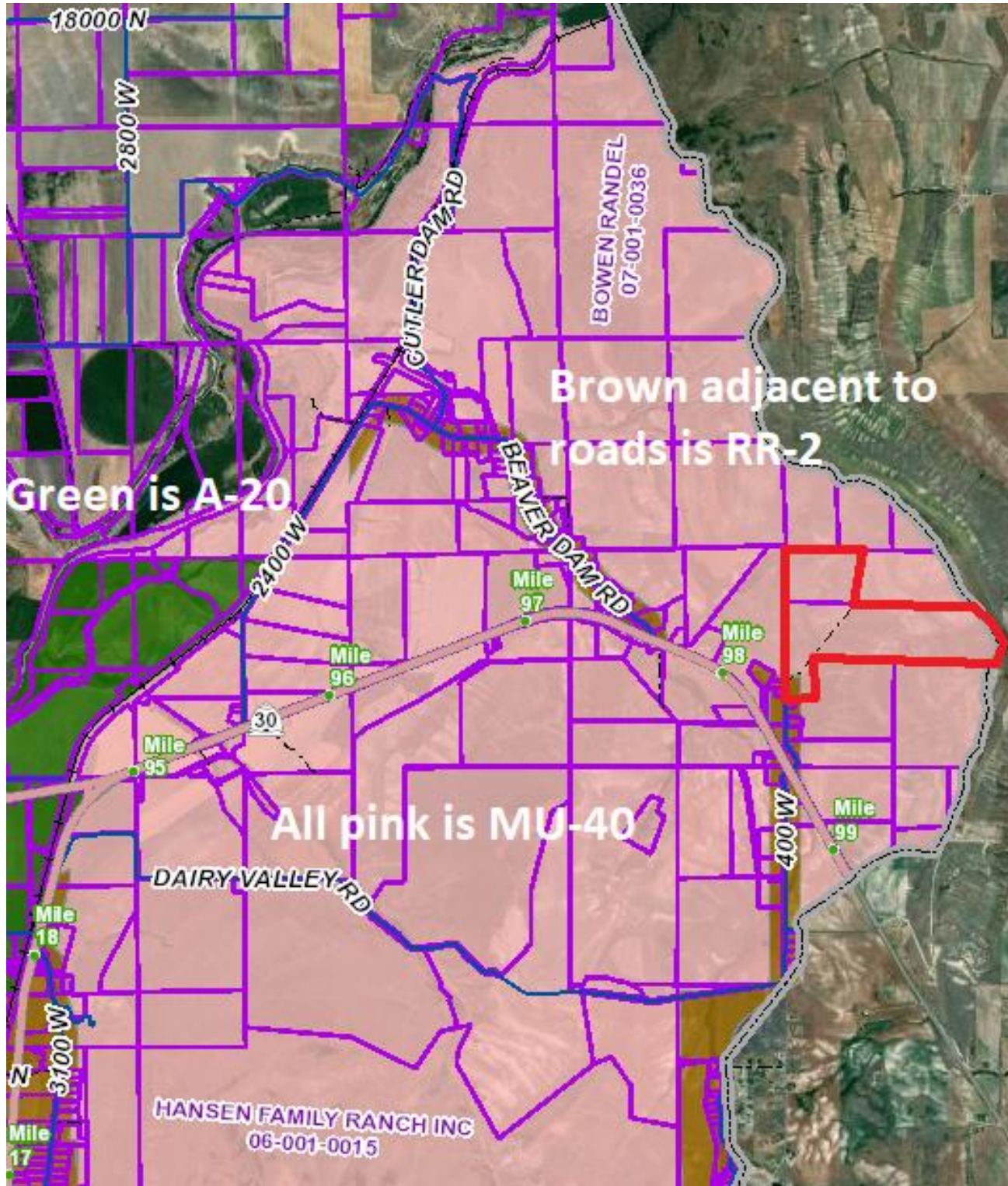
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z21-015, a zoning map amendment from the MU-40 (Multiple Use 40 acre) to the RR-10 (Rural Residential 10 acre) zone 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: September 16, 2021
Agenda Item #: 6c

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Mike Bastian

PROJECT #:

Z21-016

ORDINANCE:

Chapter 4-3 (to reinstate)

TYPE OF APPLICATION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting a text amendment to reinstate Chapter 4-3, Planned Unit Development (PUD) Overlay (proposed verbiage attached).

On November 19, 2015 the Planning Commission forwarded a recommendation of approval to the County Commission to remove Chapter 4-3 out of our Land Use Code. On December 2, 2015, the County Commission voted to take the Planning Commission’s recommendation and removed Chapter 4-3 out of our Land Use Code.

There was much discussion before these votes were taken, and much of the discussion was surrounding the open space and who would maintain it. At the time, the Planning Commission could not see a way forward with keeping Chapter 4-3 in our Land Use Code.

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

As the County is now going through a General Plan update, one of the possibilities to preserve agricultural spaces is with Planned Unit Developments, however, this is subject to change.

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

This text amendment applies to all areas of unincorporated Box Elder County that would allow PUD's, the Planning Commission needs to decide if this amendment would be harmonious.

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

The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.

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

The Planning Commission needs to decide if the County has the facilities and services that would be needed to support PUD's.

FINDINGS:

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

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

RECOMMENDATION

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

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

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

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z21-016, 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 Z21-016, 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 Z21-016, an ordinance text amendment 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.

Chapter 4-3 – Planned Unit Development (PUD) Overlay

Sections.

- 4-3-010. Purpose.
- 4-3-020. **Zone Change Overlay Required.**
- 4-3-030. **Townhomes** to be developed as Planned Unit Development
- 4-3-040. **Application Requirements.**
- 4-3-050. **General Requirements.**
- 4-3-060. Open Space Requirements.
- 4-3-070. Expiration.

4-3-010. Purpose.

The purpose of planned unit developments is to permit flexibility in land use and to allow diversification in the interrelationships of various uses and structures within their sites and thus offers an alternative method to the traditional type of development. The application of planned unit development concepts is intended to encourage neighborhoods, housing, design, open space, and facilities compatible with the present living environment in the County as described by the General Plan, while at the same time assuring compliance with practices which will ensure the health, safety, and public welfare of the future inhabitants of the planned unit development, as well as maximizing the energy utilization efficiency of the project. In exchange for the additional services provided by the developer in a planned unit development, this Chapter will allow for increased intensity of buildings and more flexible uses of land.

4-3-20. Zone change overlay required

- A. The development of a planned unit development requires a re-zone to be apply Planned Unit Development Overlay to the area that it will be located, after which a site plan may be reviewed by the Planning Commission.
- B. The property must be serviced by Sewer in order to qualify to apply for the PUD Overlay.

4-3-030. Townhomes to be developed as Planned Unit Development

Where, in the opinion of the Planning Commission, the unique features of a **townhome** project (i.e., ownership, financing, topography, types of land uses, etc.) require more flexibility in design, solutions in order to protect the public interest, the proposed **townhome** project shall comply with the provisions of this Chapter.

4-3-040. Application Requirements.

- A. Concurrent with the submission of a Community Development Application for a Conditional Use Permit, the applicant shall prepare and submit a concept plan. The proposed concept plan shall include the following items:
1. The proposed name of the subdivision;
 2. A vicinity plan showing significant natural and manmade features on the site and within 500 feet of any portion of it; the property boundaries of the proposed subdivision and adjacent properties; the names of adjacent property owners, public facilities, location and size of public utilities, public and private easements, existing survey monuments;
 3. An aerial map at a scale of 1"=100' or other competent base map showing the area within ¼ mile of the project boundaries topographic contours at no greater interval than five feet;
 4. A proposed lot and street layout;
 5. A description of the type of culinary and irrigation water system(s) proposed; also, documentation of water rights and secondary water shares;
 6. A description of the size and location of sanitary sewer or septic tanks, and storm water drain lines and subsurface drainage;
 7. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA;
 8. The total acreage of the entire tract proposed for subdivision;
 9. Verification from a qualified engineer or licensed surveyor that the contour elevations do not vary more than five (5) feet;
 10. The subdivider shall submit a current title report (with an effective date not earlier than thirty (30) days prior to the submittal date of a complete application), for the verification of all easements effecting the subdivision from a qualified engineer or licensed surveyor;
 11. Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.

4-3-050. General Requirements

- A. No planned unit development shall have an area less than that approved by the Planning Commission as adequate for the proposed development.
- B. The Planning Commission shall require such arrangement of structures and open spaces as they deem necessary to ensure that adjacent properties will not be adversely affected. In particular:
1. Lot area, width, yard, height, and coverage requirement shall be determined by approval of the preliminary design plan.
 2. All Planned Unit Developments shall have a minimum 30 ft. setback buffer from all neighboring neighborhood properties around the border of the PUD.
- C. All plans must be prepared by a qualified surveyor/engineer licensed in the state of Utah.

-
- D. With a PUD overlay zoning, a density of up to 5 units to the acre may be applied. This shall be set by the County Council at the time of Preliminary Approval, via a development agreement.
 - E. The development shall be in single or corporate ownership at the time of application, or the application must be filed jointly by all owners of the property.
 - F. Signs: the type, size, location, design and nature of signs, if any shall be detailed in the concept plan.
 - G. All roads developed within a Planned Unit Development shall be designed and constructed in accordance with Box Elder County Road Standards.
 - H. Ownership of private open space reservations shall be established in a manner acceptable to the County Commission and made a part of the conditions of approval.
 - I. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:
 - 1. Granting to the County a permanent open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational or park use, with ownership and maintenance being the responsibility of an Owners' Association established with Articles of Association and By-Laws which are satisfactory to the Planning Commission; and
 - 2. Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.
 - 3. Granting to the County a permanent conservation easement on and over the said private open spaces to guarantee that the open space remains perpetually in agricultural use, with ownership and maintenance being the responsibility of the property owner.
 - J. All Planned Unit Developments shall enter into a Subdivision Improvement Agreement between the developer and the County for all required improvements.

4-3-060. Open Space Requirements

- A. Each Planned Unit Development shall provide a minimum of 30% open space. The open space shall be designated on the concept plan and recorded on the final plan.

B. Open Space may include:

1. Parks
2. Walkways or trails
3. Natural areas, and landscaped areas;
4. Agricultural areas, not including structures.

C. Open space may not include:

1. Leftover space between buildings;
2. Narrow spaces under ten feet (10') in width that is immediately adjacent to buildings, where the space is between the building and parking areas or drive aisles;
3. Public Utility and similar easements may not be counted toward meeting the open space requirement, unless such land is usable as a trail or other similar purpose and approved by the Planning Commission.

D. All areas for agricultural use or open space as a result of the Planned Unit Development shall be preserved. Such areas shall be noted on the subdivision plat as an agricultural or open space area with future residential and commercial development prohibited. Areas that are designated for agricultural land shall have a conservation easement recorded in the County Recorder's office and areas that are designated as open space shall have an open space easement recorded in the County Recorder's office.

E. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of a Site Plan.

4-3-070. Expiration.

A. Expiration of Planned Unit Development.

Once the Planned Unit Development approval has been granted, the applicant may apply for the Preliminary Plat. If the Preliminary Plat has not been applied for within one (1) year of the date of the Planned Unit Development approval by the Planning Commission, the Planned Unit Development must again be submitted to the Planning Commission for review and approval.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: September 16, 2021

Agenda Item #: 7a

Application Type:

Subdivision - Amendment

APPLICANT(S):

Max Mills

PROJECT #:

SS21-025

ADDRESS:

Approx. 11310 North 4400
West (Tremonton area)

ZONE:

Unzoned

PARCEL #:

05-023-0015, 0021, 0029,
0030, 0031

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting an amendment to the final plat of Mills Subdivision – the amended plat is known as River Ridge Subdivision – Amend & Extend. The subdivision is five total lots with two lots having homes already, two lots being new building lots, and one lot being non-buildable.

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

Access:

Access to the lots will be via 4400 West, an established County road.

Utilities:

The letters for utilities have all been submitted as part of the original subdivision. However, letters for the two new lots have been submitted as well.

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 have reviewed the plat and there are no more comments.

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.

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. 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 SS21-025, amending The Mills Subdivision – the amended plat is known as River Ridge Subdivision – Amend & Extend, 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 SS21-025, amending The Mills Subdivision – the amended plat is known as River Ridge Subdivision – Amend & Extend, located in unincorporated Box Elder County, to (give date), based on the following findings:”

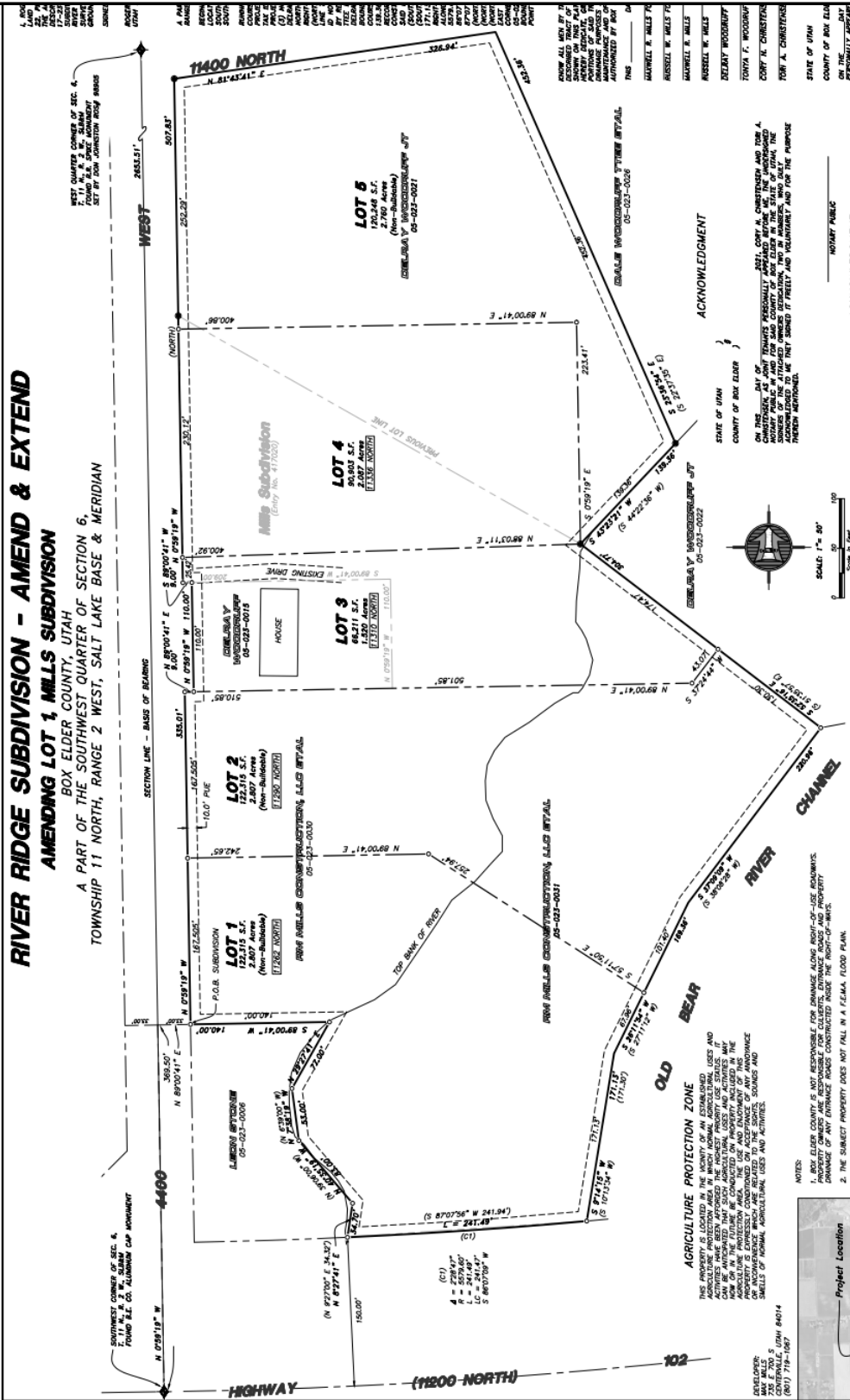
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number SS21-025, amending The Mills Subdivision – the amended plat is known as River Ridge Subdivision – Amend & Extend, 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.







PLANNING COMMISSION

STAFF REPORT

Meeting Date: September 16, 2021

Agenda Item #: 7b

Application Type:

Subdivision - Amendment

APPLICANT(S):

Richard Day

PROJECT #:

SS21-026

ADDRESS:

7325 South Highway 89
South Willard

ZONE:

R-1-20

PARCEL #:

01-136-0048, -0051

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting an amendment to the final plat of The Farms in South Willard Lots 110 & 112. The subdivision is two lots totaling approximately 1.72 acres. Lot 110 is 0.78 acres and Lot 112 is 0.94 acres. The proposed amendment adjusts the lot line between the two lots increasing Lot 110 to 0.9 acres and decreasing Lot 112 to 0.82 acres.

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	R-1-20
South	Residential	R-1-20
East	Agriculture/Fruit Stand	R-1-20
West	Residential	R-1-20

Access:

Access to the lots is existing via 7325 South and 7425 South in South Willard.

Utilities:

All utilities are existing as there are already homes on the two parcels. This is just a

lot line adjustment.

Setbacks:

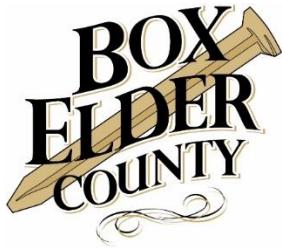
All setbacks for the R-1-20 are met.

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 SS21-026, amending The Farms in South Willard 2nd Amendment Lots 110 & 112, 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 SS21-026, amending The Farms in South Willard 2nd Amendment Lots 110 & 112, 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 SS21-026, amending The Farms in South Willard 2nd Amendment Lots 110 & 112, 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.





PLANNING COMMISSION

STAFF REPORT

Meeting Date: September 16, 2021
Agenda Item #: 7c

Application Type:
Agricultural Subdivision

APPLICANT(S):
Jeff Richins

PROJECT #:
AS21-007

ORDINANCE:
State Code 12-27a-605

TYPE OF APPLICATION:
Administrative

REPORT BY:
Marcus Wager,
County Planner

BACKGROUND

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

ANALYSIS

State Code:

Utah State Code Section 12-27a-605 allows subdivisions to be exempt from plat requirements as long as they include agricultural land and Planning Commission approval.

Land Use Ordinance Standards Review:

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

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

- A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;**
Yes.
- B. Has been approved by the culinary water authority and the sanitary sewer authority;**
Yes.
- C. Is located in a zoned area; and**
Yes.
- D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.**
Yes.

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

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

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

FINDINGS:

Based on the analysis of the agricultural subdivision application, staff concludes the following:

1. The Utah State Code allows for agricultural subdivisions subject to review procedures and approval from the Planning Commission.
2. The proposed agricultural subdivision meets all of the Approval Standards found in Section 17-27a-605(1)(b) and (2)(a)(ii) of the Utah State Code.

RECOMMENDATION

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission APPROVE application AS21-007.**

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number AS21-007, an agricultural subdivision, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

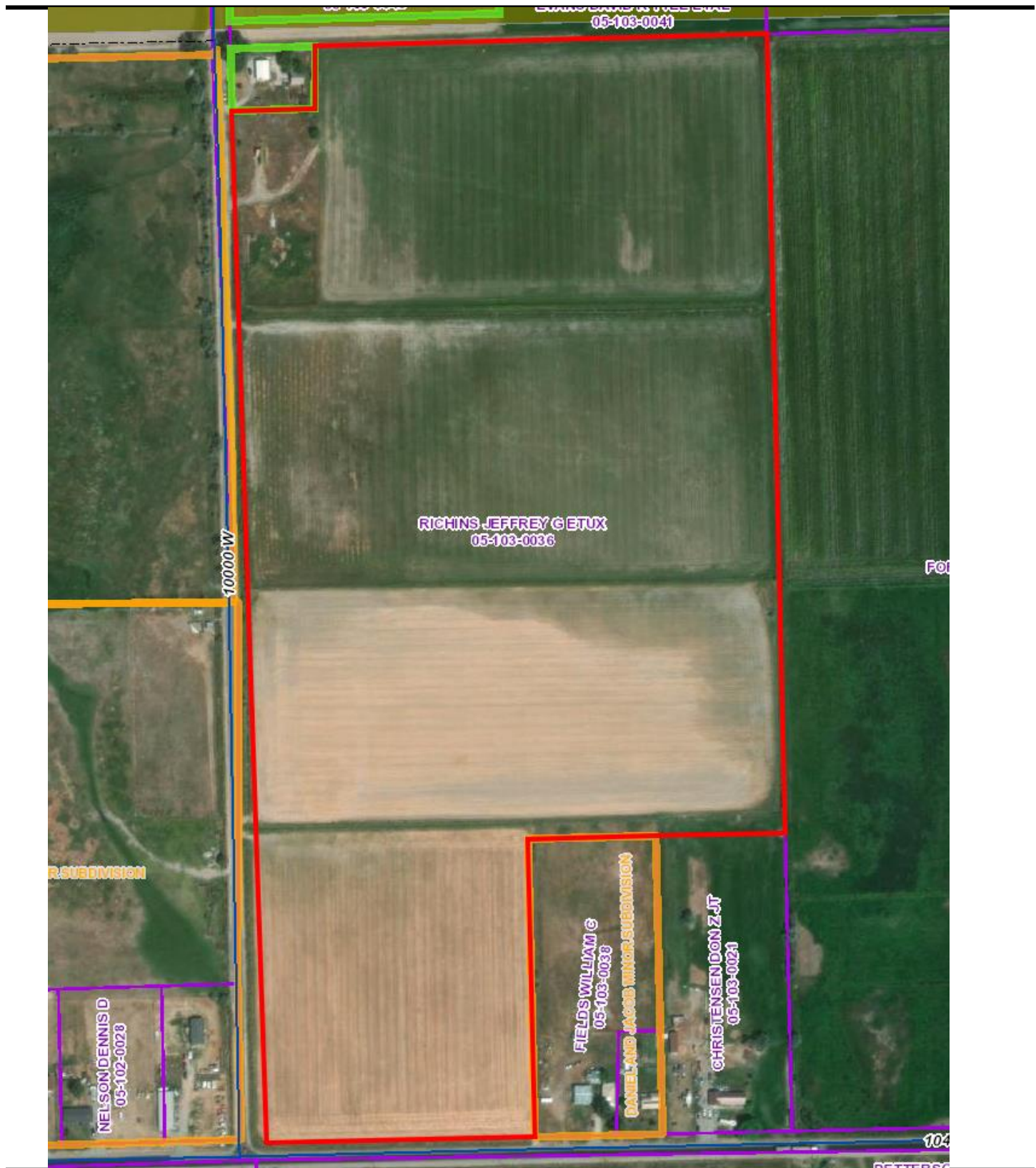
Table – “I move the Planning Commission table application number AS21-007, an agricultural subdivision, to (give date), based on the following findings:”

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 AS21-007, an agricultural subdivision, 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: September 16, 2021

Agenda Item #: 7d

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 and Jason Grover (adjacent landowners) are the landowners with a prevailing public interest in keeping the right-of-way public. They have expressed interest in keeping this public as well as improving it.*
2. Does the proposed vacation substantially affect the County General Plan

or the Transportation Plan of the County; 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 have supplied the descriptions. The descriptions have been reviewed and approved 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...

PLANNING COMMISSION
STAFF REPORT

Meeting Date: September 16, 2021
Agenda Item #: 7e

Application Type:
 Agricultural Protection Area

APPLICANT(S):
 John W. and Judd Larkin

PROJECT #:
 AP21-02

ADDRESS:
 Multiple parcels in the South Willard area

PARCEL #:
 01-041-0025,0026,0027; 01-047-0051; 01-048-0016; 01-049-0002, 0017

CURRENT ZONE:
 A-20

TYPE OF ACTION:
 Legislative

REPORT BY:
 Marcus Wager,
 County Planner

BACKGROUND

The applicant is requesting to establish and Agriculture Protection Area on 413.65 acres located on multiple parcels in the South Willard Area.

ANALYSIS

State Code:

Utah State Code 17-41 regulates the establishment of Agriculture Protection Areas. According to this code, the Planning Commission shall submit a written report to the County Commission regarding the proposal.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Rural Residential/Ag	A-20
South	Rural Residential/Power Sub Station/Ag	A-20
East	Ag/Freeway	A-20
West	Ag	A-20

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 A-20 (Agricultural 20 Acres).
- c. Whether or not the land is viable for agricultural production;**

The proposed parcels are viable for agricultural production.

- d. The extent and nature of existing or proposed farm improvements; and**
100% of the acreage is currently being used for agricultural production.
- e. In the case of an agriculture protection area, anticipated trends in agricultural and technological conditions applicable to the use of the land in question.**
This is something Planning Commissioners familiar with agricultural production may be more familiar with.

C. Recommends any modifications to the land to be included in the proposed agricultural protection area;

2 of the requested parcels are already in an agricultural protection area. Those parcels are 01-048-0016 and 01-049-0017. This was done on April 24, 2001, Resolution #: 01-04. I recommend removing these 2 parcels from this proposal.

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

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 on multiple parcels in the South Willard area in unincorporated Box Elder County.

Modify – “I move the Planning Commission forward a recommendation to the County Commission to accept and modify the proposal to create the Agriculture Protection Area on multiple parcels in the South Willard area 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 on multiple parcels in the South Willard area in unincorporated Box Elder County, based on the following findings:”

1. List findings for rejection...

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



