

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

February 20, 2020

1. **CALL TO ORDER** 7:00 p.m. (County Commission Chamber Room, Main Floor)
  - a. Roll Call (Commissioners L. Munns, D. Larsen, K. McGaha, M. Udy, B. Robinson, M. Wilding and J. Holmgren)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL of the January 16, 2020 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
  - a. NONE
6. **PUBLIC HEARINGS**
  - a. **TEXT AMENDMENT, C-H (COMMERCIAL HIGHWAY) ZONE, Z20-002, Request for a text amendment to allow motor vehicle sales as a permitted use in the C-H zone. ACTION**
  - b. **SILVER EAGLE REZONE, Z20-003, Request for a re-zone from MU-160 to RR5 for 34.35 acres on parcel 03-064-0029 located at 1651 South Willard Peak Road in the Mantua area of Unincorporated Box Elder County. ACTION**
7. **NEW BUSINESS**
  - a. **BROOKSIDE RANCHES SUBDIVISION, SS19-037, Request for preliminary approval for a 30-Lot subdivision located at approximately 13300 North East Garland Road (4400 West) in Unincorporated Box Elder County. ACTION**
  - b. **NELSON AGRICULTURAL SUBDIVISION, AS20-001, Request for approval for dividing agricultural land located at approximately 4856 North 3200 West in Unincorporated Box Elder County. ACTION**
  - c. **MARZIALE AGRICULTURAL SUBDIVISION, AS20-002, Request for approval for dividing a home from agricultural land located at approximately 7280 West 9600 North in Unincorporated Box Elder County. ACTION**
  - d. **FOREST STREET SURPLUS PROPERTY, Brigham City, Request to acquire 17 feet of parcel fronting on Forest Street for the purpose of a future widening. The two County parcels are located at 975 West and 893 West.**
8. **WORKING REPORTS**
  - a. NONE
9. **PUBLIC COMMENT**
10. **ADJOURN**\_\_\_\_\_

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES JANUARY 16, 2020

---

The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 7:00 p.m. The following members were present by a roll call, constituting a quorum:

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

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

The Invocation was offered by **Commissioner Michael Udy**.  
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 December 19, 2019 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jared Holmgren** to approve the minutes as written. The motion was seconded by **Commissioner Mellonee Wilding** and passed unanimously.

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to approve the January 16, 2020 agenda. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

### **UNFINISHED BUSINESS – NONE**

## **PUBLIC HEARINGS**

Chairman Laurie Munns 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.

### **GDK CORINNE REZONE, Z20-001, Request for a re-zone from A-20 to RR-5 for 150 acres on parcel 04-070-0001 located at 6000 West and 4000 North in the West Corinne area of Unincorporated Box Elder County. ACTION**

Staff stated the applicant is requesting parcel 04-070-001 be rezoned from A-20 (Agricultural 20 Acres) to RR-5 (Rural Residential 5 Acre). The parcel is 150 acres in size. The surrounding area is agricultural zoning.

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

- A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The West Corinne Community Plan (below) shows this area as being a possible A-20 or 1 Acre or Future Industrial. The nearest 5 acre zoning is in Harper Ward – further east of this property.
- 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 mainly agricultural uses and some residential homes that are in the RR-20 and A-20 zones. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective.
- C. The extent to which the proposed amendment may adversely affect adjacent property; and** This is subjective. Residential uses do tend to bring additional traffic. They also tend to bring higher property values. 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.** With other homes somewhat in the vicinity of this area, it is likely the facilities to service this property could be made available. Regardless, if the property is developed, the developer would bear the cost burden to bring the utilities to the property.

Staff said the web map shows there are some flood plain areas and wetlands scattered throughout the property. The applicant has leveled off this ground so he would need to work with the Army Corp of Engineers and FEMA to get that resolved.

The public hearing was then opened for comments.

David Lee, adjacent property owner, thanked the Planning and Zoning Department for reaching out and letting him know about this zone change. He is neither in favor or against the zone change and wishes the applicant well with whatever they plan to do.

Con Roper, adjacent property owner, has a right-of-way across the applicants' property and does not want it to be affected by this rezone.

Hearing no further comment, a motion was made by **Commissioner Desiray Larsen** to close the public hearing on the GDK Corinne Rezone, Z20-001. The motion was seconded by **Commissioner Michael Udy** and passed unanimously.

### **ACTION**

Staff explained the Box Elder County LUM&DC allows for rezones by the property owner. If the commission forwards a recommendation of approval, there are recommended conditions in the staff report.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to forward a recommendation of approval to the County Commission for application number Z20-001, a zoning map amendment from the A-20 (Agricultural 20 Acres) Zone to the RR-5 (Rural Residential 5 Acres) Zone and adopting the conditions and findings of the staff report. The motion was seconded by **Commissioner Mellonee Wilding** 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.

### **NEW BUSINESS**

#### **GROVER ROAD VACATE, VAC19-001, for an alleyway in between 15500 North and 15600 North at approximately 5500 West in the Riverside area of Unincorporated Box Elder County. ACTION**

Staff explained 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;** Jody Grover owns the

- property on all sides of this area other than the right-of-way of 15600 North.
2. **Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County;** The proposed vacation does not affect the County's General Plan or Transportation Plan.
  3. **Is the proposed vacation in compliance with all Box Elder County Land Use and Development Code requirements, State, Federal or other local regulations;** The proposed vacation is in compliance with all requirements and regulations.
  4. **Will the proposed road vacation financially harm any landowner or stakeholder who may have an interest in the road;** The Public Hearing process is in place to help bring any evidence of harm to light.
  5. **The County shall not vacate any other private interest within the right-of-way;** No other interests within the right-of-way are to be vacated.
  6. **When considering the vacation of a deeded road as opposed to a right-of-use road, the provisions of the surplus property disposal policy shall be used;** The proposed road is a right of use 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 petitioner has supplied the description, and the applicant is the only owner who abuts the road to be vacated.

Staff stated based on the analysis of the petition to vacate the alleyway, staff recommends approval.

**MOTION:** A Motion was made by **Commissioner Mellonee Wilding** to forward a recommendation of approval to the County Commission, application number VAC19-001, a road vacation in the Riverside area of Unincorporated Box Elder County, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

#### **WORKING REPORTS - NONE**

#### **PUBLIC COMMENTS - NONE**

#### **ADJOURN**

**MOTION:** A Motion was made by **Commissioner Mellonee Wilding** to adjourn commission meeting. The motion was seconded by **Commissioner Desiray Larsen** and meeting adjourned at 7:26 p.m.

---

Laurie Munns, Chairman  
Box Elder County Planning Commission



---

## PLANNING COMMISSION STAFF REPORT

---

Meeting Date: February 20, 2020

Agenda Item #: 6a

---

**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Chad Anderson

**PROJECT #:**

Z20-002

**ORDINANCE:**

Section 1-3-040

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

The applicant has requested a text amendment to Section 3-4-070-7.33, allowing the retail sale of motor vehicles in the C-H (Highway Commercial) zone as a permitted use. Motor vehicle sales is currently a permitted use in the C-S (Commercial Shopping) zone, C-G (General Commercial) zone, C-E (Commercial Enterprise) zone, and M-G (General Industrial) zone.

**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.*

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

*This text amendment affects all areas of unincorporated Box Elder County where the C-H (Highway Commercial) zone exists or is approved in the future. The only current C-H zones in the county are along Hwy 89 in South Willard and a parcel adjacent to the frontage road and I-84 in Bothwell.*

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

*The proposed amendment should not adversely affect adjacent property.*

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

*The proposed amendment should not put any more of a strain on any of these facilities than other uses*



---

*already allowed in the C-H zone.*

### **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 Z20-002, a text amendment to Section 3-4-070-7.33, allowing the retail sale of motor vehicles in the C-H (Highway Commercial) zone as a permitted use, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

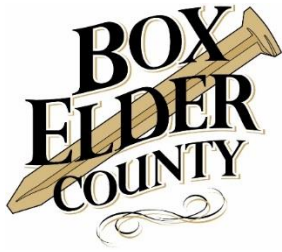
**Table** – "I move the Planning Commission table the review of application Z20-002, a text amendment to Section 3-4-070-7.33, allowing the retail sale of motor vehicles in the C-H (Highway Commercial) zone as a permitted use, to (give date), based on the following findings:"

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 Z20-002, a text amendment to Section 3-4-070-7.33, allowing the retail sale of motor vehicles in the C-H (Highway Commercial) zone as a permitted use, based on the following findings:"

1. List findings for denial...

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



---

**PROPOSED VERBIAGE FOR TEXT AMENDMENT**

		C-N	C-S	C-H	C-G	M-FP	M-G	C-E
3-4-070-7.33	Motor Vehicles	-	P	P	P	-	P	P





---

# PLANNING COMMISSION

## STAFF REPORT

---

Meeting Date: February 20, 2020

Agenda Item #: 6b

---

**Application Type:**

Zoning Map Amendment

**APPLICANT(S):**

Kurt Spiers

**PROJECT #:**

Z20-003

**ADDRESS:**

1651 South Willard Peak Road, Mantua

**PARCEL #:**

03-064-0029

**CURRENT ZONE:**

MU-160

**TYPE OF ACTION:**

Legislative

**REPORT BY:**

Scott Lyons  
Comm. Dev. Director

**BACKGROUND**

The applicant is requesting that 34.35 acres located at 1651 South Willard Peak Road in the Mantua area be rezoned from MU-160 (Multiple Use 160 acres) to the RR-5 (Rural Residential 5 acres) zone. The 34.35 acres is a legal non-conforming parcel as it was created prior to the MU-160 zone was adopted in June of 1974.

**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	Rural Residential	Mantua
South	Rural Residential	MU-160 / RR-5
East	Grazing/Hillside	MU-160
West	Rural Residential	MU-160 / RR-5

**Land Use Ordinance Standards Review:**

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 recommends the preservation of open space, hillsides, and prominent ridgelines. It also recommends that prominent ridgelines be identified in order to establish no development areas. To my knowledge this has never taken place.*

**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 mix of open space, hillside, and rural residential development. The current zoning requires 160 acres minimum to build a home, etc. The proposed zoning allows the development of 5 acre lots. The proposed parcel is currently bordered by RR-5 zoning on the south and west sides.*

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

*To our knowledge the proposed amendment would 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.**

*As stated above, the proposed zoning change allows the same uses currently allowed in the area. The landowner/developer would be required to do a perc test and submit septic approval from the Bear River Health Department. Power is already in the area supplying to neighboring homes. Water is being proposed through the Town of Mantua via an agreement to provide space for a new town water tank and infrastructure on the property.*

**FINDINGS:**

Based on the analysis of the zoning map amendment application request for the rezone of the subject parcel from MU-160 (Multiple Use 160 acres) to RR-5 (Rural Residential 5 acres) 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. It can be interpreted that the proposed zoning map amendment meets the approval standards set forth in the Box Elder Land Use Management and Development Code.

**RECOMMENDATION**

Based on the information presented in this report, application materials submitted and the site review, **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. 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 Z20-003, a zoning map amendment from the MU-160 (Multiple Use 160 acre) zone to RR-5 (Rural Residential 5 acre) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

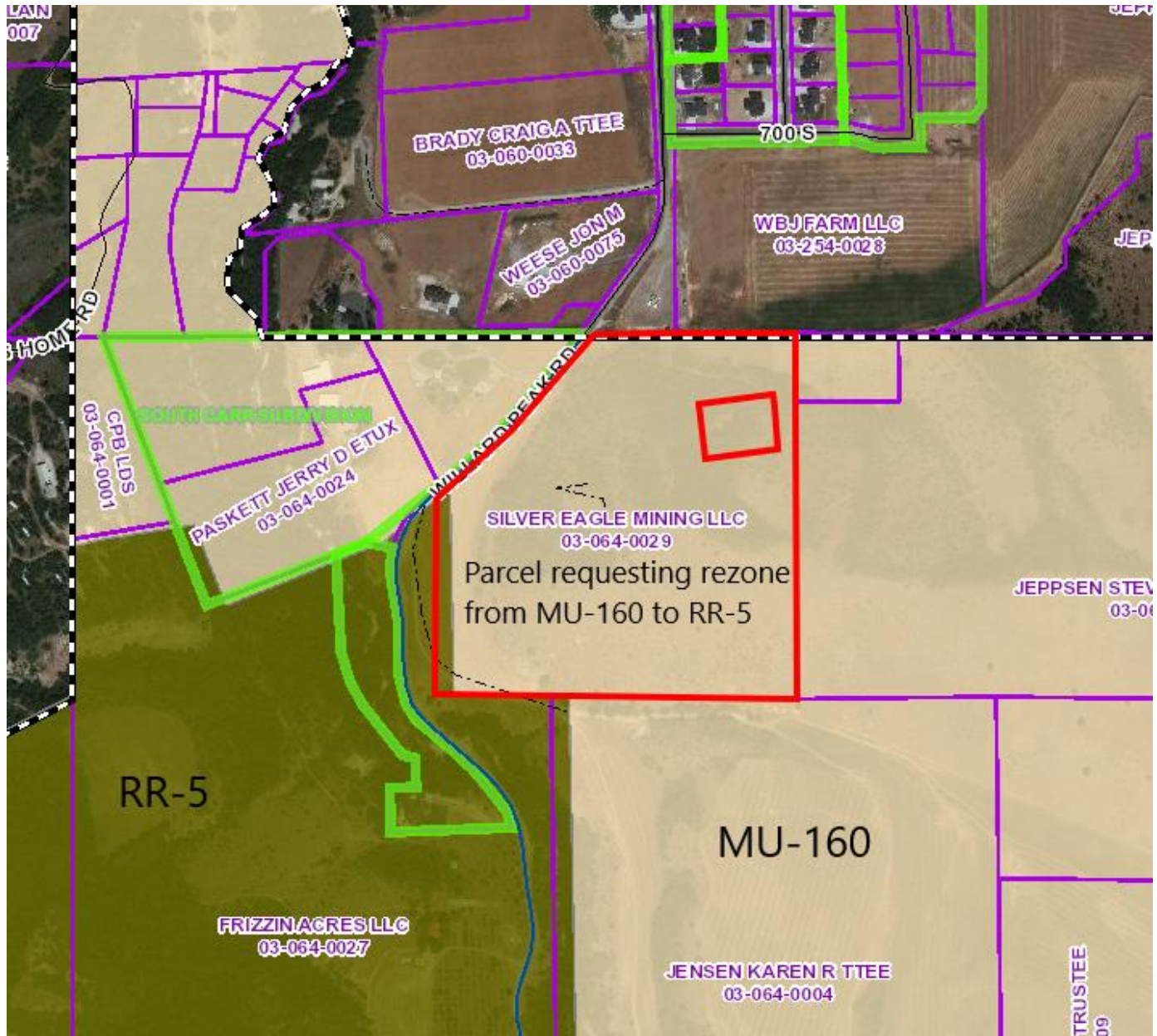
**Table** – “I move the Planning Commission table the review of application number Z20-003, a zoning map amendment from the MU-160 (Multiple Use 160 acre) zone to RR-5 (Rural Residential 5 acre) zone to (give date), based on the following findings:”

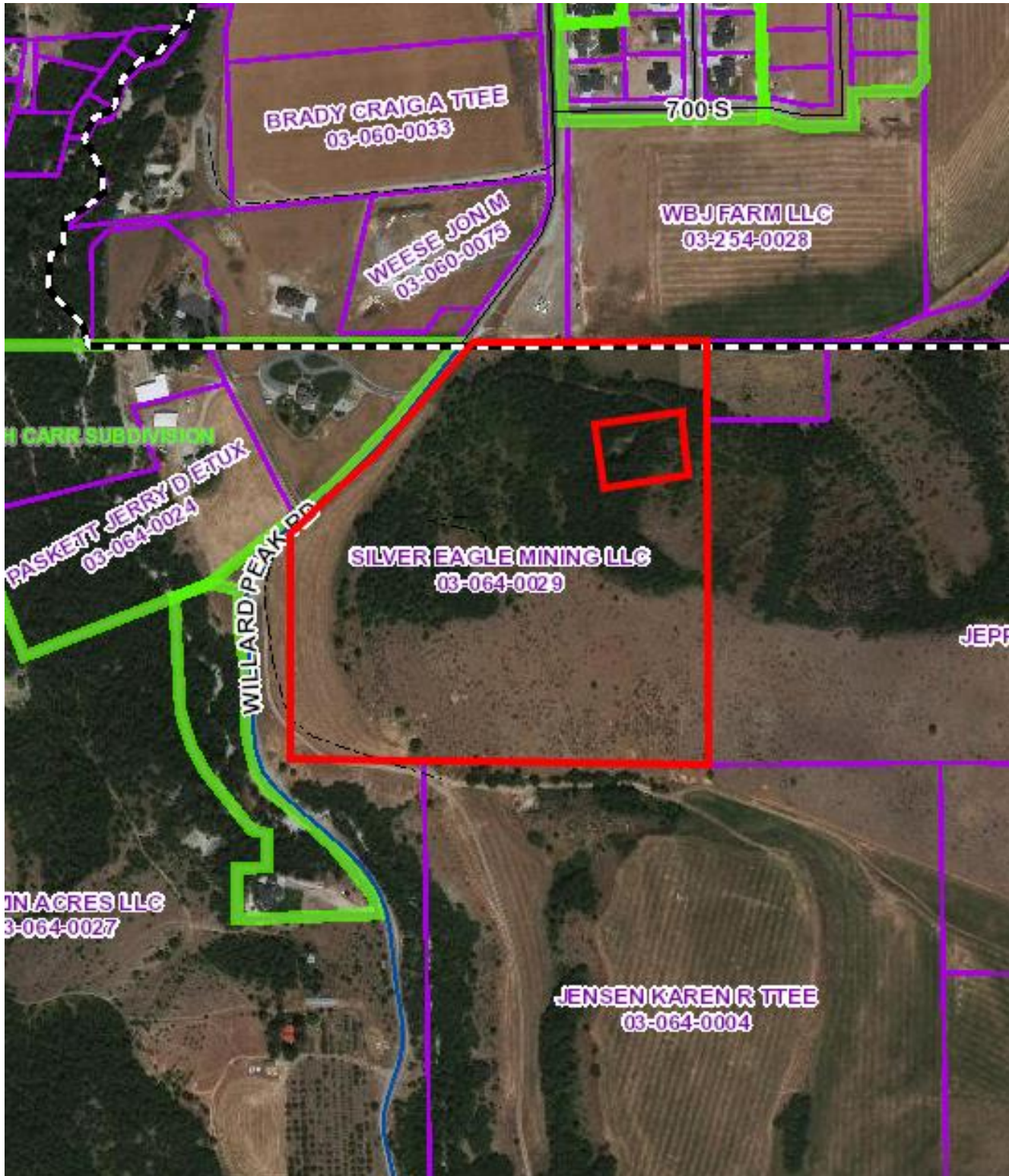
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z20-003, a zoning map amendment from the MU-160 (Multiple Use 160 acre) zone to RR-5 (Rural Residential 5 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: February 20, 2020  
Agenda Item #: 7a

---

**Application Type:**

Subdivision - Preliminary

**APPLICANT(S):**

Vance Smith

**PROJECT #:**

SS19-037

**ADDRESS:**

13300 North East Garland  
Road (4400 West)

**ZONE:**

Un-Zoned

**PARCEL #:**

06-053-0020, -0028, -0013,  
-0014, 06-040-0006

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

The applicant is requesting preliminary approval of the Brookside Ranches Subdivision plat. The proposed subdivision is 30 lots ranging in size from 0.65 to 8.57 acres and totals 39 acres in size.

**ANALYSIS**

**County Code:**

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

**Surrounding Land Use and Zoning:**

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Rural Residential	Un-zoned
South	Agriculture	Un-zoned
East	Agriculture/Bear River	RR-2
West	Rural Residential	Un-zoned

**Access:**

Access to all lots will be via East Garland Road a county road. Based on the proposed layout a bridge crossing the large canal to the east of the road must be constructed. Per the County Roads Supervisor this bridge must be H20 load rated and sufficient width for a 10 wheeler plow to turn and cross it. It must also be approved by the Bear River Canal Company. The new roads in the development will be built to road

standard #3. (standards are attached at end of report)

**Utilities:**

Letters for natural gas and power have been submitted. We are waiting on the septic permit through the Bear River Health Department. We have a water letter, but are waiting for review by the County Attorney to know if it is adequate.

**Setbacks:**

All setbacks for this un-zoned area can be met. Setbacks will be reviewed and enforced during the building permit process.

**Land Use Ordinance Standards Review:**

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



---

### County Department Reviews:

- Roads
  - Waiting for an updated review.
- Fire
  - Proposed hydrants must be shifted so the first hydrant is on the corner of the newly proposed bridge road and East Garland Road, then spaced every 1000 feet thereafter to ensure no lot is more than 500 feet from a hydrant.
- Surveyor/Engineer
  - Waiting for an updated review.
- Planning/Zoning
  - Currently under review.

### Findings:

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

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

### RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission can approve the Preliminary Plat** subject to the following conditions:

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

### MODEL MOTIONS

**Approval** – “I move the Planning Commission approve application number SS19-037, a preliminary plat for the Brookside Ranches Subdivision, located at approximately 13300 North East Garland Road (4400 West) in the East Garland area of unincorporated Box Elder County, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – “I move the Planning Commission table the review of application number SS19-037, a preliminary plat for the Brookside Ranches Subdivision, located at approximately 13300 North East Garland Road (4400 West) in the East Garland area of unincorporated Box Elder County, to (give date), based on the following findings:”

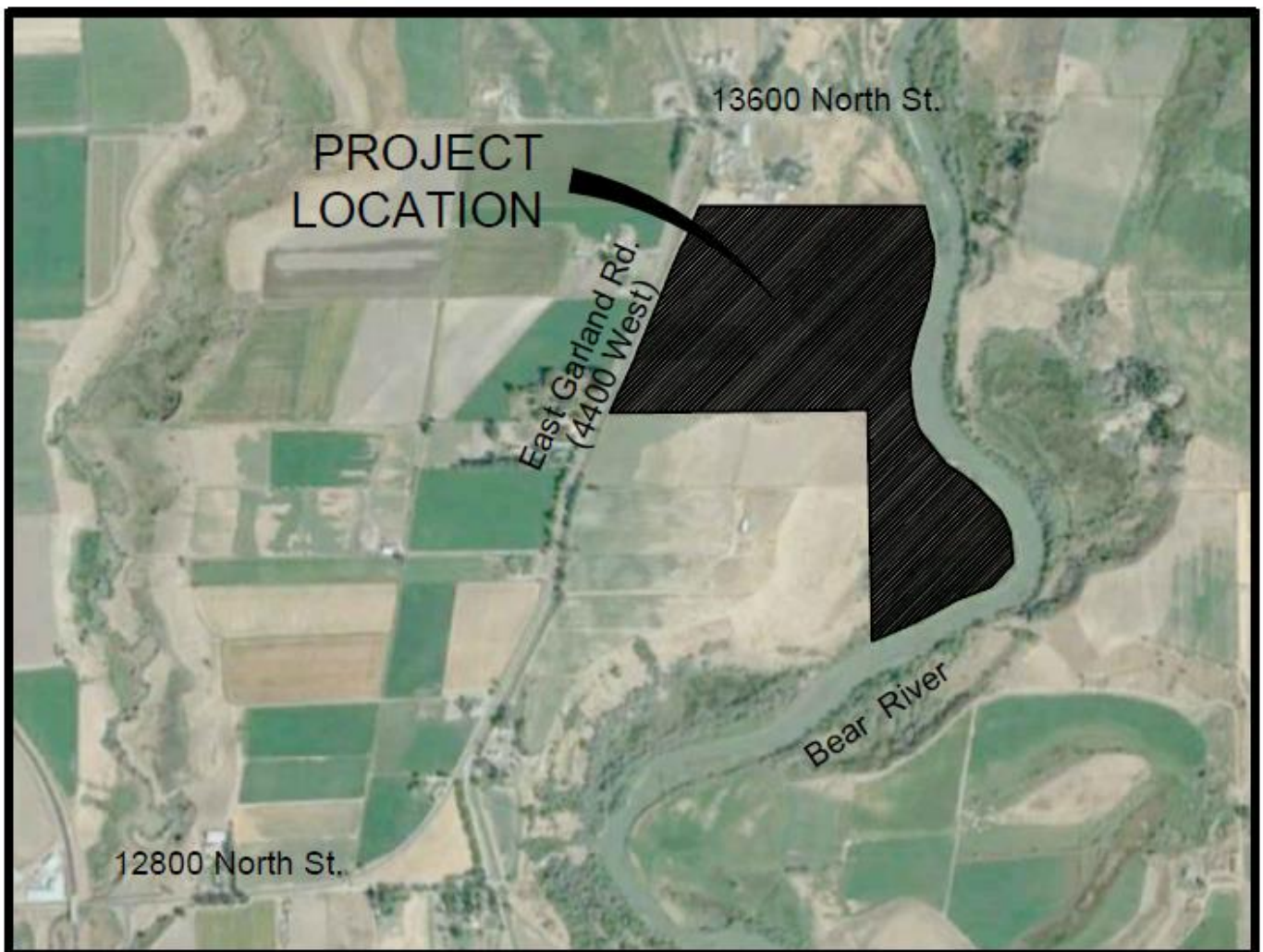
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

---

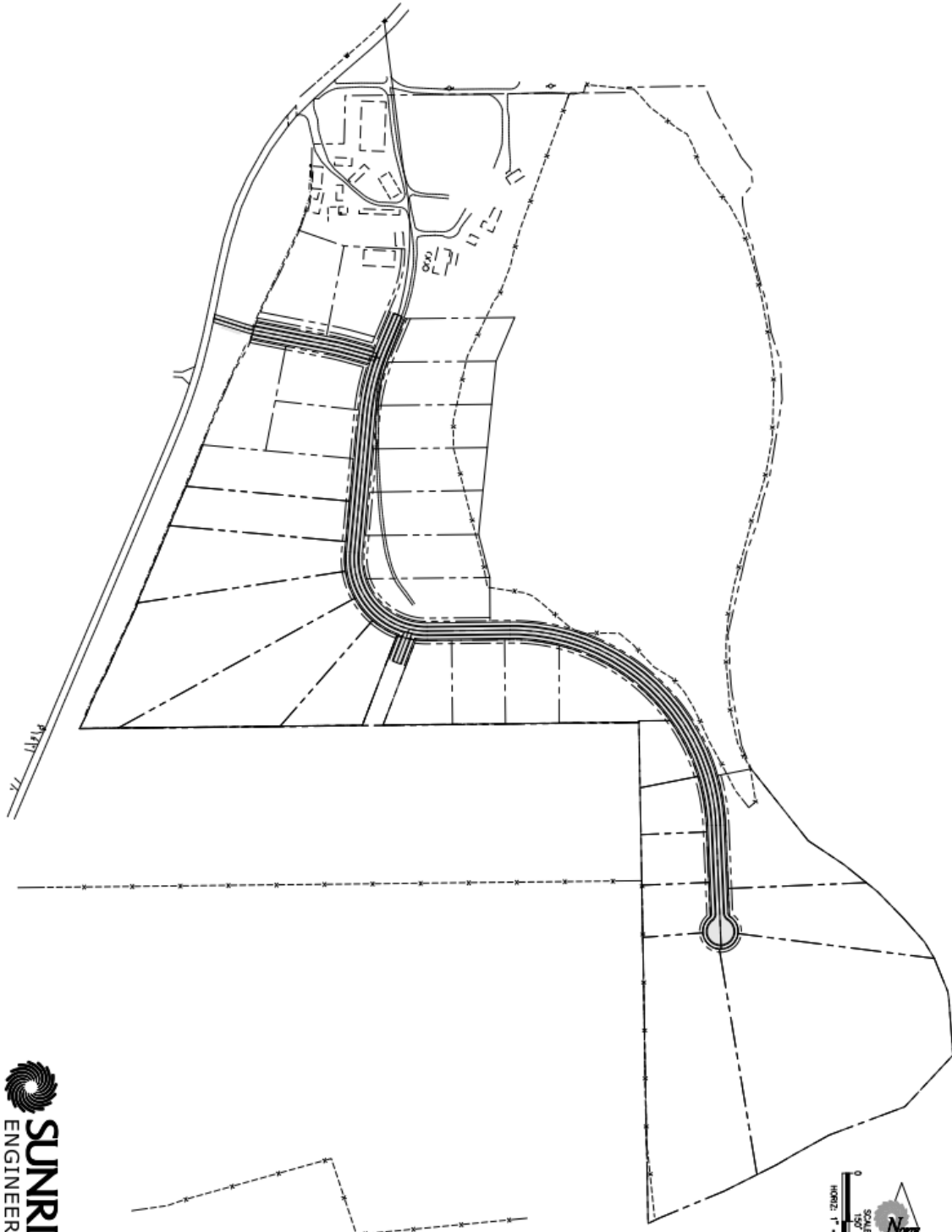
**Denial** – “I move the Planning Commission deny application number SS19-037, a preliminary plat for the Brookside Ranches Subdivision, located at approximately 13300 North East Garland Road (4400 West) in the East Garland area of unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

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

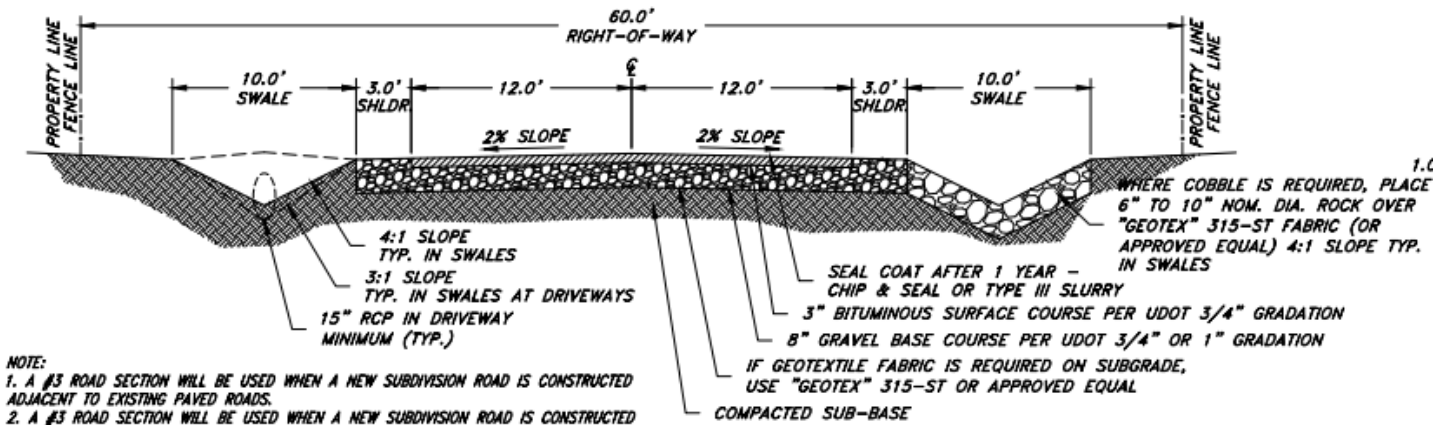






  
**SUNRISE  
ENGINEERING**  
216 SOUTH MAIN STREET  
KURTSMITH IN UTAH KAYAKS

**#3 ROAD SECTION  
 STANDARD PAVED PUBLIC ROAD**



- NOTE:**
1. A #3 ROAD SECTION WILL BE USED WHEN A NEW SUBDIVISION ROAD IS CONSTRUCTED ADJACENT TO EXISTING PAVED ROADS.
  2. A #3 ROAD SECTION WILL BE USED WHEN A NEW SUBDIVISION ROAD IS CONSTRUCTED ADJACENT TO AN EXISTING UNPAVED COUNTY ROAD, IS WITHIN 1/2 MILE OF AN EXISTING PAVED ROAD, AND THE COUNTY HAS PLANS TO PAVE THE CONNECTING ROAD WITHIN THE NEXT 3 YEARS.
  3. SUBDIVISION LOTS TO BE 1 ACRE OR LARGER.



---

# PLANNING COMMISSION

## STAFF REPORT

---

Meeting Date: February 20, 2020

Agenda Item #: 7b

---

**Application Type:**

Agricultural Subdivision

**APPLICANT(S):**

Lurae Stanger for Dennis &  
Judy Nelson

**PROJECT #:**

AS20-001

**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 5 acres off of a larger parcel located in the RR-20 zone in the Corinne area of Unincorporated Box Elder County. This process would create a legal agricultural parcel.

**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. It is staff's opinion that 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 AS20-001 the Nelson Agricultural Subdivision.**

### **MODEL MOTIONS**

**Approval** – "I move the Planning Commission approve application number AS20-001, 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 AS20-001, 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 AS20-001, 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: February 20, 2020

Agenda Item #: 7c

---

**Application Type:**  
Agricultural Subdivision

**APPLICANT(S):**  
Jim Marziale

**PROJECT #:**  
AS20-002

**ORDINANCE:**  
State Code 12-27a-605(1)(5)

**TYPE OF APPLICATION:**  
Administrative

**REPORT BY:**  
Marcus Wager,  
County Planner

### **BACKGROUND**

The applicant is requesting an agricultural subdivision to separate a single family dwelling located at approximately 7280 West 9600 North in the Elwood/Tremonton area from agricultural ground. The subdivision would create a 8.276 acre residential parcel and a 11.481 acre agricultural parcel. These parcels have already been split apart by deed only and are now considered illegal. Going through this process now will make both of these parcels legal.

### **ANALYSIS**

#### **State Code:**

Utah State Code Section 12-27a-605(1)(5) allows subdivisions to be exempt from plat requirements as long as they include agricultural land, a single family dwelling, and an ordinance is enacted at the County Commission level following Planning Commission approval.

#### **Land Use Ordinance Standards Review:**

Utah State Code 17-27a-605(1)(5) 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.



**17-27a-605(5)(a)**

**A. The parcel contains an existing legal single family dwelling unit;**

Yes.

**B. The subdivision results in two parcels, one of which is agricultural land;**

Yes.

**C. The parcel of agricultural land:**

- a. Qualifies as land in agricultural use under Section 59-2-502; and
- b. Is not used, and will not be used, for a nonagricultural purpose;

Yes.

**D. Both the parcel with an existing legal single family dwelling unit and the parcel of agricultural land meet the minimum area, width, frontage, and setback requirements of the applicable zoning designation in the applicable land use ordinance; and**

Yes.

**E. The owner of record completes, signs, and records with the county recorder a notice:**

- a. Describing the parcel of agricultural land by legal description; and
- b. Stating that the parcel of agricultural land is created as land in agricultural use, as defined in Section 59-2-502, and will remain as land in agricultural use until a future zone change permits another use.

*This is done with the Certificate of Approval from the Planning Commission.*

**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 of an ordinance by the County Commission with approval from the Planning Commission as well.
2. It is staff's opinion that the proposed agricultural subdivision meets all of the Approval Standards found in Section 17-27a-605(1)(5) 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 AS20-002 the Jensen Agricultural Subdivision.**

## **MODEL MOTIONS**

**Approval** – “I move the Planning Commission approve application number AS20-002, an agricultural subdivision with a single family dwelling, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

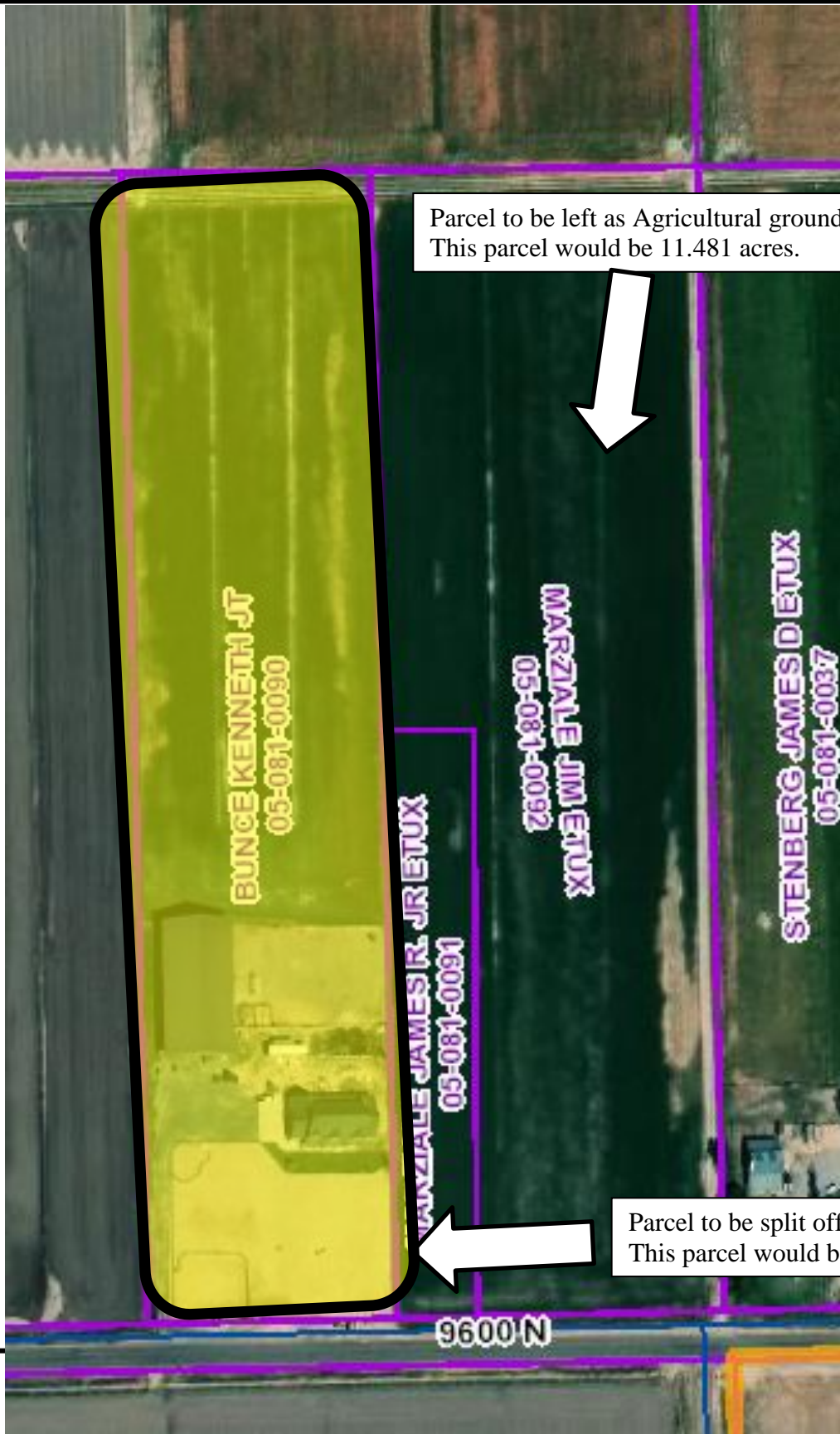
**Table** – “I move the Planning Commission table application number AS20-002, an agricultural subdivision with a single family dwelling, to (give date), based on the following findings:”

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 AS20-002, an agricultural subdivision with a single family dwelling, 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.



Parcel to be left as Agricultural ground.  
This parcel would be 11.481 acres.

Parcel to be split off from Ag land.  
This parcel would be 8.276 acres.



---

## PLANNING COMMISSION STAFF REPORT

---

Meeting Date: February 20, 2020

Agenda Item #: 7d

---

**Application Type:**

Surplus Property Disposal

**APPLICANT(S):**

Brigham City

**PROJECT #:**

SPD20-01

**ORDINANCE:**

County Policy #2000-01

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

It has been requested by Brigham City that the Box Elder County Commission deed the north 17 feet of parcels 03-105-0010 and 03-105-0035 located at 975 West and 893 West Forest Street in Brigham City. The city is looking to expand the Forest St right-of-way by acquiring 17 additional feet on the south side only from the Union Pacific right-of-way to 1200 West Street. The County Commission has directed staff to begin the surplus property disposal process. (see attached letter for additional details)

**ANALYSIS**

**County Policy:**

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

**FINDINGS:**

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

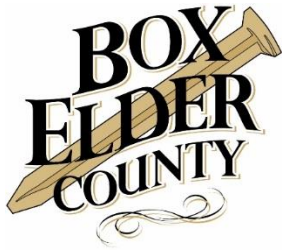
1. The County General Plan does not address county owned land within other jurisdictions.
2. The Land Use Code does not address county owned land within other jurisdictions.
3. Staff can submit a recommendation to the County Commission on behalf of the Planning Commission within 15 days of the Planning Commission's action.

**RECOMMENDATION**

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

**MODEL MOTIONS**

**Approval** – "I move the Planning Commission forward a recommendation of approval regarding application number SPD20-01, surplus property disposal of the north 17 feet of 975 West and 893 West



---

Forest Street in Brigham City, 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 SPD20-01, surplus property disposal of the north 17 feet of 975 West and 893 West Forest Street in Brigham City, to (give date), based on the following findings:”

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

**Denial** – “I move the Planning Commission forward a recommendation of denial regarding application number SPD20-01, surplus property disposal of the north 17 feet of 975 West and 893 West Forest Street in Brigham City, 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.



MAYOR'S OFFICE

Dear Property Owner(s):

This letter is to inform you that Brigham City Corporation has been awarded funding from Box Elder County for the acquisition of property on West Forest Street from Union Pacific's right-of-way to 1200 West Street and on 400 South Street from 800 West Street to 1200 West Street. The grant is part of Box Elder County's Local Corridor Preservation Fund program to help entities secure rights-of-ways for future road construction projects.

Brigham City is proposing to increase the right-of-way width on West Forest Street to 100 feet by acquiring approximately 17 feet of property on the south side only. Property on the north side of the street was previously acquired to accommodate the existing sidewalk. The plan also includes increasing the right-of-way width on 400 South Street to 80 feet by acquiring approximately 10 feet on the north side and 26 feet on the south side of the street. All of the proposed property widths may vary subject to right-of-way surveys and some additional property needed for a future railroad crossing at 400 South Street which is proposed to have a curvature alignment.

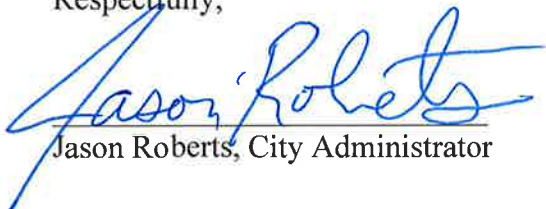
In order to purchase your property, a survey of all proposed parcels needs to be completed and your property will need to be accessed by a consultant working for the City.

The acquisition agent for this project is Brandi Davenport and her number is 801-964-9324. Brandi will be contacting you in the coming months to answer questions and present additional information to you. Some property owners may be contacted by an appraiser prior to being contacted by the acquisition agent.

Once the compensation estimate or appraisal is complete, the acquisition agent will contact you to present a written offer to purchase the needed property.

Acquiring the needed right-of-way for future road construction or improvement projects will be a huge enhancement to the transportation network serving the economic growth and sustainability of our community.

Respectfully,



Jason Roberts, City Administrator

# Box Elder County Web Map

