

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

January 17, 2019

Agenda review with Planning Commissioners at 6:00 p.m.

1. **CALL TO ORDER** 7:00 p.m. (County Commission Chamber Room, Main Floor)
 - a. Roll Call (Commissioners L. Munns, D. Larsen, K. McGaha, M. Udy, B. Robinson, M. Wilding and J. Holmgren)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL of the December 20, 2018 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
 - a. **ROCKET SOLAR LLC SITE PLAN, SP18-005**, Request for a solar farm located at approximately Golden Spike Dr. and HWY 83 South of Howell area of Unincorporated Box Elder County. **ACTION**
 - b. **LANDIS GRAVEL PIT REZONE, Z18-012**, Request for a re-zone from RR-5 to MG-EX at approximately 11740 West 12000 North in the Bothwell area of Unincorporated Box Elder County. **ACTION**
6. **PUBLIC HEARINGS**
 - a. **SOUTH WILLARD DEVELOPMENT REZONE, Z17-019**, Request for a re-zone from R-1-20 to Master Planned Community at approximately 6800 South HWY 89 in the South Willard area of Unincorporated Box Elder County. **ACTION**
 - b. **WILLIAMS REZONE, Z19-001**, Request for a re-zone from RR-5 to R-1-8 at approximately 9805 West 11600 North in the Bothwell area of Unincorporated Box Elder County. **ACTION**
7. **NEW BUSINESS**
 - a. **EAST AGRICULTURAL SUBDIVISION, AS18-010**, at approximately 8185 West 10400 North in the Bothwell area of Unincorporated Box Elder County. **ACTION**
8. **WORKING REPORTS**
 - a. NONE
9. **PUBLIC COMMENT**
10. **ADJOURN**

BOX ELDER COUNTY PLANNING COMMISSION MINUTES DECEMBER 20, 2018

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

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

The Invocation was offered by **Commissioner Mellonee Wilding**.
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 November 15, 2018 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.

UNFINISHED BUSINESS

M2M TRUCKING LLC CONDITIONAL USE PERMIT, CUP18-005, Request for a home trucking business at approximately 13505 North 3100 West in the Collinston area of Unincorporated Box Elder County.

Staff explained a public hearing was held last month for a conditional use permit to locate a small trucking company in the Collinston area. Following the public hearing a discussion was held to determine if the proposed business meets the definition of a home business. The discussion became focused on if the business changed the character of the dwelling or neighborhood. A request was made for a site visit to the area so the planning commission could get a better feel of what the character is of the community. The commissioners were able to visit the area and discuss what they saw.

Commissioner Laurie Munns asked the commissioners if after the site visit they feel it qualifies as a home business, specifically pertaining to the character of the neighborhood.

Commissioner Jared Holmgren feels the business does fit well in the neighborhood.

Commissioner Kevin McGaha stated he had concerns when it was first presented to the commission, but after going out and looking at the site, he saw all sorts of industrial equipment, silos, and a gravel pit nearby. He does not believe it would be disharmonious with the neighborhood.

Commissioner Laurie Munns verified with staff that if the commissioners find this business meets the definition of a home business, the commission is required to issue a conditional use permit.

Staff stated the reason it is called a conditional use permit is because the planning commission is allowed to place conditions on the proposed use in order to mitigate any negative effects. Staff has made some recommendations as to those conditions but the commission can add or remove as seems appropriate.

1. Compliance with Section 2-2-100 of the Box Elder County Land Use Management & Development Code.
2. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.
3. No business conducted during nighttime hours.
4. Limited business traffic – How many trucks/trailers and trips?
5. Trucks must exit the area on 3100 West heading south to Highway 38.
6. No extended idling of trucks on the property or in the residential area.
7. Annual application of magnesium chloride on private drive from 3100 West to storage structure to suppress dust.
8. No maintenance/servicing of trucks on the property.
9. Trucks, trailers, and any other business related equipment must be stored within a structure that is aesthetically compatible with the surrounding area.
10. No storage of materials the business is contracted to haul.
11. Any lighting as part of the storage structure and business be directed downwards as to not pollute the neighborhood with unnecessary nighttime light.
12. County Roads Supervisor (based on design of 3100 West):
 - a. No more than three trucks/trailers at this location.
 - b. No loaded trailers to/from this property.
 - c. No trucks/trailers parked along the County right-of-way.
 - d. Ingress/egress to property off County right-of-way will require excavation permit from County Roads Department to ensure it is designed/built to avoid damage to existing County asphalt.

Commissioner Laurie Munns said prior to the business license being issued, she wants to make sure there is enough base going back off the side of the property so the trucks can be off the road. She thinks this is something needing to be done for the safety of the residents as well as the aesthetics of the area.

Commissioner Mellonee Wilding expressed she is not comfortable with condition #9 which states the trucks be stored within a structure. She understands it is the applicant's eventual plan but does not want to make it a requirement based on everything else in the neighborhood. She would also like #4 defined as to how many trucks/trailers and trips.

Staff commented the road supervisor's conditions stated no more than three (3) trucks or trailers at the location and trucks can only come in empty. The road is not designed for loaded trucks.

Commissioner Laurie Munns invited the applicant to the table to discuss if these conditions are doable for them.

Applicant Angela Merritt stated most of the conditions are okay but she is concerned because when Mr. McNelly comes home on the weekend and has to deliver on Monday, the truck is usually loaded. He possibly could come in twice a week with a loaded truck.

Commissioner Bonnie Robinson reminded the applicant the condition of trucks coming in empty was made by the road supervisor and the planning commission has no say over that condition.

Commissioner Jared Holmgren feels the road supervisor's issue is not with the road but with getting on and off the road and the stress that will put on the banks of the road.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve Application CUP18-005 a conditional use permit for a home business with conditions listed by staff, edited by removal of #9, and adding no refers, and they have the option to negotiate with the road supervisor on condition #12b, and add condition #13 that the trucks cannot be parked on the road or in the county right-of-way of the road. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

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.

HANCOCK CONDITIONAL USE PERMIT, CUP18-007, Request for an accessory dwelling unit at approximately 10090 West 1200 North in the Bothwell area of unincorporated Box Elder County.

Staff said the zoning in the Bothwell area is RR-5 and accessory dwelling units are permitted as a conditional use. Section 3-2-070-7.5 of county code allows accessory dwelling units as conditional permits and Chapter 5-6 regulates accessory dwelling units. As far as the conditional use permit, they are set in place to protect the health, safety, and welfare of residents and staff did not find any huge impact this would cause to residents in the Bothwell area. As far as the accessory dwelling

unit, the existing home is 2300 sq. ft. according to county records and the proposed dwelling unit would be 896 sq. ft. which meets the 40% requirement.

The public hearing was then opened for comments. There were not comments.

Hearing no comments a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Hancock Conditional Use Permit, CUP 18-007, a conditional use permit for an accessory dwelling unit in the Bothwell area. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

ACTION

Staff said in the findings section of the staff report, staff finds this is allowed in the RR-5 zone and can be interpreted that it does meet both sections of code. Staff feels comfortable allowing this CUP to move forward and has given the commission three model motions for consideration.

MOTION: A Motion was made by **Commissioner Michael Udy** to approve CUP18-007, a Conditional Use Permit for an Accessory Dwelling Unit, and adopting the exhibits, conditions and findings of the staff report. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

LANDIS GRAVEL PIT REZONE, Z18-012, Request for a rezone from RR-5 to MG-EX at approximately 11740 West 12000 North in the Bothwell area of unincorporated Box Elder County.

Staff stated the request is for a rezone from RR-5 (Rural Residential 5-acre) to MG-EX (Mining Quarry, Sand & Gravel Excavation). Rezones have four (4) standards that must be met, they are as follows:

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

The County General Plan recommends that industrial development be located adjacent to major transportation corridors (railroads and roadways) and public utility/service areas. It is recommended that industrial areas, where feasible, be annexed to municipalities to help cover costs of local services.

The County's zoning regulations also include the flexibility, as specific cases may require, to locate industrial uses adjacent to raw materials or in isolated locations to maintain public safety. Regardless of the location, industrial uses will occur in a manner sensitive to adjacent land uses and the environment, including water and air quality.

It also states this with regard to gravel pits: Development of the County's resources is important to present and future residents. It is the County's position that these resources can be developed in responsible manner. Operation conditions should address potential conflicts with adjacent land uses and community values. Sites should be engineered and managed for environmental compatibility, aesthetics and reclamation.

Bothwell Community Plan (2004):

The Plan settled on the zoning that is now in place in Bothwell (RR-5 main area and MU-40 west mountains). No other zoning for the area has been proposed. Mining or gravel extraction was not mentioned in the plan.

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 rural residential and mainly agriculture. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective. Agricultural uses do occasionally put large machines on the roads. They can also create dust. There once was a gravel operation on this parcel, but it has been abandoned for many years. We also don't know the intensity of that operation. The proposed use has the potential to increase the amount of heavy truck traffic in the area.

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

The proposed amendment may have an effect on the values of adjacent property. The public hearing process may shine additional light on this.

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

The proposed use would have minimal, if any impact, on parks and recreation facilities, police and fire protection, schools, and storm water drainage systems. The applicant would need to prove water supplies as well as improve roadways in order to ensure these facilities are adequate to serve the project. Proof of these facilities is required prior to approval of a conditional use permit, site plan, development plan, or building permit.

Staff continued stating these are the approval standards and as this is a legislative matter, public input is to be taken in to account. The MG-EX zone allows permitted uses, administratively issued conditional use permits issued by staff, and there are conditional use permits issued by the planning commission.

Table 3-9-070.1 Mining, quarry, sand, and gravel excavation and support uses.		
USE		(MG-EX)
a	Accessory uses buildings customarily incidental to conditional uses	C1
b	Agriculture, grazing of animals, raising of crops	P
c	Automobile and truck service station	C1
d	Cast stone, cement, cinder, terra cotta; tile, brick, synthetic cast stone, brick, block pumice stone and gypsum products	C1
e	Coffee shop	P
f	Construction equipment and supply trailer, temporary	C1
g	Construction field office, temporary	C1
h	Convenience store with gasoline sales	C1
i	Gravel and sand excavation	
	(1) Commercial operations	C1
	(2) Temporary project specific operations	C1
j	Machine shop	C1

k	Mines	C
	Chemicals & fertilizers (mineral) mining	C
l	Quarries	C
m	Parking lot incidental to a use conducted on the premises	C1
n	Parking lot not incidental to a use conducted on the premises	C1
o	Pottery, plaster, incidental plaster, plaster of Paris, ceramic, and clay	C1
p	Power generation (electrical) for on-site use	
	1. Solar	P
	2. Wind under 5.9 kva	P
	3. Auxiliary, temporary, wind, with more than 6 kva, but less than 10	C
	4. Fuel cells, steam, hydro, or reciprocating engine with more than	C1
	5. Steam, hydro, or reciprocating engine with more than 150 kva	C1
q	Rock crusher/concrete batch plant	C1
r	Truck and freighting operation	C1
s	Truck and heavy equipment service station and repair facility	C1
t	Truck wash	C1

Table 3-9-070.2. Manufacturing, curing, compounding, processing, packaging, production and treatment. Such uses are to be located no closer than 1,300 feet from a zoning district boundary.

Use		(MG-EX)
a	Accessory uses buildings customarily incidental to conditional uses	C
b	Asphalt plant	C
e	Coal	C
f	Gasoline, natural gas, and petroleum	C
g	Iron	C
h	Lime	C
i	Lubricating grease, oil, oilcloth and oiled rubber goods	C
j	Metal ore mining/Ore smelting	C
l	Precious or semiprecious stones or metals/Dimension stone	C
m	Tar	C

The public hearing was then opened for comments.

Buster Marble, Bothwell, said he would like to discuss information he has taken from the county website regarding Chapter 3-9 MG-EX. In 3-9-010 it states 'this zone is to assure that the operations of such sites do not impact adjoining uses'. The biggest concern he has is the mining part of the rezoning. Within one mile to two miles directly east of this property, there are six irrigation wells that three different farmers use. He owns and operates Chanshare Farms which uses four of the wells. He is concerned the mining portion of this zoning could affect the aquifer that supplies the water to these wells. The water in them now is marginal at best. He takes water samples every year and can show this through water samples over the past ten year. Another mile north, there are six more irrigation wells in current use. One of the wells is for the Bear River

Water Conservancy District and is the best water in that valley. With this being a conditional use permit for mining, he can also see an impact from quarry, sand & gravel, but he is more concerned with the mining portion and the issues with water and contamination. Mr. Marble said he is unsure what Mr. Landis is planning to do as far as mining, but by giving this a conditional use permit for mining, it would allow anybody at any time to be able to mine. He would like a study done and paid for by the applicant showing the potential impact on the aquifer and if there is anything that could happen if he was given a permit. If the applicant is given a permit, he would like the commission to add as a condition that at a future date, if there is any contamination in the wells because of the use, he would like restitution to be paid for crop failure. He reiterated his biggest concern is with the aquifer itself and the ability to continue to run and operate his business. Mr. Marble thanked the commission for their time and asked them to take into consideration the affects this would have on the water and aquifer in Bothwell.

Linford Landis, applicant, said this area has been a gravel pit in the past and gravel was taken out. One of the reason he likes this spot is there is a natural bow in the area. He wants to have a gravel pit, he is not interested in mining, just excavating gravel. The operation would basically be hidden so he feels it is a good spot for a gravel pit. He wants to be a good neighbor and work with his neighbors and their concerns. He said we are requesting to rezone the whole piece of land but the actual extraction area would be a lot smaller. The state only allows 10 acres to be open and his thought is to also keep a perimeter where there would be no houses around the pit. He is willing to work with Box Elder County on improving the roads. He has spoken with the county road supervisor and was given a memo by him on what needs to be done.

Jeff Ivers, Bothwell, lives to the west of the proposed site. His concerns are with the traffic in and out of the property. The applicant said the pit would be hidden but his feeling is it would be hidden until the wind comes up and blows the debris down into the residential properties. He proposed the commission looks at the amount of residents there and the amount of trucks that may travel in and out. He thinks it would be a good idea if there is a way the trucks can come in to the south end of the property.

David Harris, Bothwell, said he agrees about the quality of the water issue stated by Mr. Marble. The road needs a lot of work. There is too much traffic there as it is now. He is tired of driving around it all the time. The road needs to be widened but he does not want it on his property. He does not want to give up any more ground.

Brenda Sagers, said she has lived in Bothwell most of her life. She is concerned with the 12000 North impact of heavy trucks. The roads out there are very narrow. She lives on 9200 west, which is quite a ways east of the development, but if trucks come across 12000 North and tie into the state road, he could be going down her road. There is a lot of Thiokol [sic] traffic and a lot of people coming and going to that area off the Frontage Road. It is a 40 mph road but people drive 70 mph in front of her house. She is hoping the commissioners will take into consideration the roads were not made for heavy hauling of gravel or sand at a constant usage. She does not want to block somebody from making a living but she thinks there are other areas for a pit. She said there are already quite a few sand and gravel pits around and does not think there is a need for any more. Her feeling is to vote against this conditional use permit and keep it at 5 acres.

Sandra Hood, lives north of the property in question. She said there are several homes down that way and when the wind comes they will get nothing but their dirt. It is already bad enough when the winds blow now. If there is a gravel pit up there, we are going to get hit with all of the dirt. There are kids and animals on the street, and feels they do not need any more traffic coming down that way.

Micah Capener said he is working with Mr. Landis on this project. As part of the conditional use permit to be approved by staff, there has to be a detailed dust management, reclamation management, road access, and timing for hours of use submitted. The code specifically has a myriad of pages of code on how to manage and control this use. He thinks it is also important to note that Mr. Landis is the only one who lives on the 12000 North section of the road up to the 10800 West road. It is a perfect spot to be able to control and keep it nice and managed. He also thinks it is interesting Chanshare is the one speaking here when they are the one having large amounts of trucks daily bringing in and out sod. We need to make sure everyone is treated fairly when it comes to road access and maintenance of the roads. He said Mr. Landis is not asking for a mining conditional use permit, it is for excavation. The code also specifically states he will have to improve the roads, make sure they are kept up at his expense which we have already addressed. He thinks this kind of use is a huge asset for the area because most all of the gravel pits are on the other side of town. He encouraged the planning commission to review the code because it has a lot of provisions in there for dust management. He would also encourage a site visit.

Keith Weaver, said he lives in the Thatcher area which is several miles from the site so he does not know of all the impact if he lived next to it but he does see something happening in our community which is the big companies buying the small pits out and monopolizing the price. In the last five years the price of gravel has gone up a fair bit. Smaller operations like this one are our chance to serve the community and thinks this would be a good asset to the community.

Buster Marble wants to make sure the board understands his main concern is the aquifer and the water. The road conditions were brought up and noted his company does use the roads to the north. The county has maintained the roads and built them up and he is grateful. He said he pays his taxes just like everybody else.

Greg Marble, has lived in Bothwell 62 years, and has been on his property all his life. There are so many permits and so many steps they have got to go through to get this gravel pit going. He said the applicant is a very good neighbor and votes to give him the conditional use permit as long as it does not hurt the aquifer. The 12000 North road is a problem for him though. To get from 10800 North to the gravel pit on 12000 North, the road would need to be immensely improved. The folks on these roads do not want any more traffic but they have got it anyway, whether it is Chanshare trucks, farmers, or just local people. He feels the major deal is the access road to the gravel pit.

Staff read the following two emails from citizens to be entered into the records.

We are residents of Bothwell and are opposed to the proposed rezoning in Bothwell for a gravel pit. The creation of another gravel pit in the area would add large truck traffic to our small country roads. At least the existing pit on the East side of the valley allows that traffic to utilize the frontage

road where it is not passing directly through residential areas. We use our local roads (including 10800 W and 12000 N) not only for car traffic, but also for running, walking and bike riding. A gravel pit would cause ugly scarring of the hillside. This is detrimental not just from a community aesthetic standpoint, and also for the negative affect it would have on our property values. We feel that the advantage gained by a few parties with the creation of a gravel pit would not outweigh the damage done to the quality of life of all of the rest of the residents of the Bothwell valley.

Thank you for your time,
Michael and Jennifer Cragun

From: Richard Nicholas

To: Scott L. Lyons

Subject: Rezoning

This email expresses my concern about the zoning you are considering for the gravel pit in Bothwell. I do believe that a person should have the right to do with their property as they wish (to a point). In this case there are just too many people that would be impacted by the increase in traffic and associated problems to go forward with this project. If there is another route that could be used to haul gravel out of this area it should be considered and I hope it will be. I hope these factors will be weighed as you consider what to do. I don't want anyone to be hurt here but I also don't want to deal with the problems that will come as a result of granting this.

Hearing no further comments a motion was made by **Commissioner Jared Holmgren** to close the public hearing on the Landis Gravel Pit Rezone, Z18-012. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

ACTION

Commissioner Laurie Munns said the commissioners now need to discuss some of their concerns and the concerns and comments from the residents. She stated her main concern is the applicant is asking to rezone 625 acres. She realizes the applicant only wants to mine a portion of that but is still asking to rezone the 625 acres which opens it up to everything staff read at the beginning of the meeting. She commented to the applicant's concern about having a buffer around it by stating as long as you control that land, you have that buffer. As soon as you do not it does open it up to every other aspect out there to be done.

Commissioner Mellonee Wilding has the same concern and asked if there is an acreage limit on the MG-EX zone. Staff replied there is not a limit. **Commissioner Mellonee Wilding** then questioned if the zone could be applied to a smaller area within that property. Staff said if the commission allows the zoning on the whole piece, then he would submit for his CUP, and the operations plan would show how much area is to be mined. The state allows up to 10-acres to be open at a time. As he mines 10 acres, he can reclaim an acre and open another acre and repeat the process. The size of the rezone would more be determined by the operations plan.

Commissioner Laurie Munns reminded the commissioners the task at hand is a rezone on 625 acres in Bothwell. It is not a conditional use, what we are doing is giving anyone who is within that zoned area, the opportunity to do whatever the MG-EX zone allows. Some of the other issues such

as the water quality should be taken into consideration as far as a rezone, but the roads and improvements and other things are all conditional upon that being another zone. Our task today is to determine whether or not this property is something we want to see rezoned.

Staff reminded they commission they are a recommending body so they would be forwarding a recommendation to the county commission who would be the decision making body.

Commissioner Bonnie Robinson would like to go on a site visit so the commissioners can see what they are dealing with. Maps are good but it is always good to go and be there.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to table the Z18-012 zoning map change request to allow the planning commission to make a site visit. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

Commissioner Laurie Munns said she would like to schedule the site visit for after the first of the year. She told those in attendance they are welcome to attend the site visit.

NORMAN REZONE, Z18-013, Request for a rezone from MU-160 to RR-20 at approximately 3255 North 8400 West in the West Corinne area of unincorporated Box Elder County.

Staff showed the property is currently zoned MU-160 and was done as a part of the West Corinne Community Plan. There are 2 parcels being requested to be rezoned to RR-20 which is 20,000 square foot minimums. On 8400 West, one side is MU-160, the other side is RR-20. The area west of 8400 West is largely wetlands but these two parcels fall outside of the wetlands. There is a slight sliver at the top of the northwest corner that falls within the flood plain. The bigger parcel is 74.18 acres and the smaller one is 5-acres. Both are less than the 160-acre minimum but were both created before the zoning was put into place, so they are both legal. Land uses to the north, south, east and west are all agricultural. North is MU-40, south and west is MU-160 and east is RR-20.

Staff said there are four things to consider from the BEC LUM&DC Section 2-2-080.E. 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 makes no reference as to how specific areas should be zoned. It 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.

There is a West Corinne Community Plan in place that shows this area to remain MU-160 in the future; however, staffs guess is that to the West of these parcels there are a lot of wetlands and floodplains and that is the reason for the MU-160 zoning. These parcels are not a part of the wetlands or floodplain.

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 with both MU-160 and RR-20 zones. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective. This point could be argued saying yes it is harmonious due to there being several existing RR-20 zoning.

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. The applicant has stated that they want to keep farming the land, but if re-zoned to RR-20 the land could be split up into half acre lots.

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 facilities currently exist in the area – if development did occur the cost to upgrade or extend services would be up to the developer.

The public hearing was then opened for comments.

Newell Norman, owns the property on the west side of the road. He has a neighbor who wants to buy the property but he cannot sell the house because an appraiser said it is in the restricted 150 acres. He would like the zoning changed so he can sell the house. He plans on going down around the corner to the east and building a home there. In that neighborhood there are only three homes in a half-mile radius, so the area is not overpopulated. There is a 4-inch water line that comes down the street on 3000 West to service those three homes and there is ample power. He would like to have the west side of the road rezoned so he can sell the house and farm.

Royal Norman, owns 160 acres kitty-corner from Newell Norman's house. He wonders why it is zoned MU-160 and why it is not all zoned RR-20. He said the Nelsons own property around this piece and have children that will want to build homes and will have to rezone the property.

Jeremy Nelson is buying the property from Newell Norman. He said if he wants to build a house he cannot in that parcel of land. He lives on the north side of the road and there is only 120 acres behind their house which is less than the MU-160. If he wanted to build another house, he could not. His only proposition is to put all of it in to RR-20 so he can do the things he desires.

Ella Nelson owns the property to the west and the south of the parcel in question. She is not sure how far the zoning goes on 8400 West, but it makes it difficult for her sons who are staying on the farm to build a home.

Blake Norman, thanked the commission for all they do. He wants to emphasize the purpose of this rezone is his parents, Newell & Linda Norman, want to sell this parcel to hopefully enjoy retirement after a life-long endeavor in the business but also to give a couple of fine young men a change to get started in farming. He encourages the commission to rezone the property.

Hearing no further comments a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Z18-013, a zoning map amendment from MU-160 to RR-20. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

ACTION

Commissioner Bonnie Robinson expressed her concern about half-acre zones fitting better in a municipality than county. When half-acre zones are being considered it should be taken into consideration that it is a better fit for a city than a county. It is a little frightening to her. Sometimes bigger zones, even though they are restrictive, are also protective.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the county commission for application Z18-013, a zoning map amendment from MU-160 (Multiple Use 160 Acres) to RR-20 (Rural Residential 20,000 sq. ft.) zone and adopting the conditions and findings of the staff report. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

NEW BUSINESS

ROCKET SOLAR LLC SITE PLAN, SP18-005. Request for a solar farm located at approximately Golden Spike Dr. and Hwy 83 South of Howell area of unincorporated Box Elder County.

Staff said the applicant is requesting site plan approval for an 80 megawatt solar farm on 558 acres. To the north, south, east, and west the land use is agriculture and is all unzoned. The Box Elder County Land Use Management & Development Code Section 2-2-120.D.2.c allows solar farms as a commercial use in un-zoned areas as a permitted use subject to Site Plan approval. Section 2-2-090 outlines the following standards for approval for permitted uses.

- A. The proposed use shall be allowed as a permitted use in the applicable zone. *Yes***
- B. The proposed use shall conform to development standards of the applicable zone. *Yes***
- C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. *The applicant is working to submit this information.***
- D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. *The applicant is working to submit this information.***
- 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***

The proposed solar panel structures meets the setback requirements for the unzoned area. Access would be obtained off Golden Spike Drive on the south side of the property. All applicable county and state departments are currently in the review process. Staff is waiting to hear back from the Utah Division of Wildlife for any additional comments they may have and also from the county engineer, Kent Jones.

Staff recommends tabling this item as it is still in the review process.

MOTION: A Motion was made by **Commissioner Michael Udy** to table SP18-005, the Rocket Solar Site Plan. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

Commissioner Laurie Munns asked for a site visit to the proposed solar farm site for the same day as the site visit for the Landis Gravel Pit rezone.

KIMBER AGRICULTURAL SUBDIVISION, AS118-009, at approximately 6435 North 6800 West in the Bear River City area of unincorporated Box Elder County.

This item was cancelled.

BROOKSIDE ESTATES PHASE 2, 2ND AMENDMENT, SS18-031 at approximately 3968 West 15800 North in the Fielding area of unincorporated Box Elder County.

Staff said the applicant is requesting an amendment to the Brookside Estates Phase 2 Subdivision plat. The applicant/landowner is looking to modify Amended Lot 7 (1.5 acres) by dividing it into Lots 16 (0.5 acre) and 17 (1 acre). The 15800 North Street has been improved as part of Phase 2, and this is the only change. This has been reviewed by all applicable county departments except for the county attorney. It meets all the requirements for a subdivision amendment and staff recommends to approve the amendment subject to the county attorney review.

MOTION: A Motion was made by **Commissioner Mellonee Wilding** to approve application SS18-031, an amended plat for the Brookside Estates Phase 2 Subdivision, with any conditions listed by staff and pending approval from the county attorney. The motion was seconded by **Commissioner Jared Holmgren** and unanimously passed.

WORKING REPORTS - NONE

PUBLIC COMMENTS - NONE

ADJOURN

Commissioner Laurie Munns stated the commissioners will have their annual payment-in-kind on January 10, 2019 at Maddox Restaurant at 6:00 p.m.

MOTION: A Motion was made by **Commissioner Mellonee Wilding** to adjourn commission meeting. The motion was seconded by **Commissioner Bonnie Robinson** and meeting adjourned at 8:56 p.m.

Laurie Munns, Vice Chairman
Box Elder County Planning Commission



PLANNING COMMISSION

STAFF REPORT

Meeting Date: January 17, 2019

Agenda Item #: 5a

Application Type:

Site Plan review for
Rocket Solar, LLC

APPLICANT(S):

Christine Mikell

PROJECT #:

SP18-005

ZONE:

Un-Zoned

PARCEL #:

05-004-0052, 0055, 0083,
0084

TYPE OF ACTION:

Administrative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting Site Plan approval for an 80 megawatt solar farm on 558 acres located at approximately Golden Spike Dr. and HWY 83 on Parcels: 05-004-0052, 0055, 0083, and 0084.

Surrounding Land Use and Zoning:

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

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code Section 2-2-120.D.2.c allows solar farms as a commercial use in un-zoned areas as a permitted use subject to Site Plan approval. Section 2-2-090 outlines the following standards for approval for permitted uses.

- A. The proposed use shall be allowed as a permitted use in the applicable zone. Yes**
- B. The proposed use shall conform to development standards of the applicable zone. Yes**
- C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. *The applicant is working to submit this information.***
- D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. *The applicant is working to submit this information.***
- E. If the proposed use is located on a lot or parcel which has been subdivided without County approval a subdivision plat shall be approved and recorded as a condition of approval. N/A**

Setbacks:

The proposed solar panel structures meet setbacks in for Un-Zoned areas.

Access:

Access to the property is obtained on Golden Spike Dr. on the South side of the properties.



County Department Review:

All applicable County departments are currently in the review process for this application. Comments can be provided at the meeting.

FINDINGS:

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

1. The Box Elder Land Use Management and Development Code does allow for commercial uses in the un-zoned areas which are approved by the Planning Commission through a Site Plan review.
2. The Site Plan will conform to all requirements within the Box Elder Land Use Management and Development Code with the conditions outlined in the recommendations section of the staff report.

RECOMMENDATION

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

1. Rocket Solar provide appropriate warning signage placed at the entrance and perimeter of the solar power plan project.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SP18-005, a Site Plan for a solar farm, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

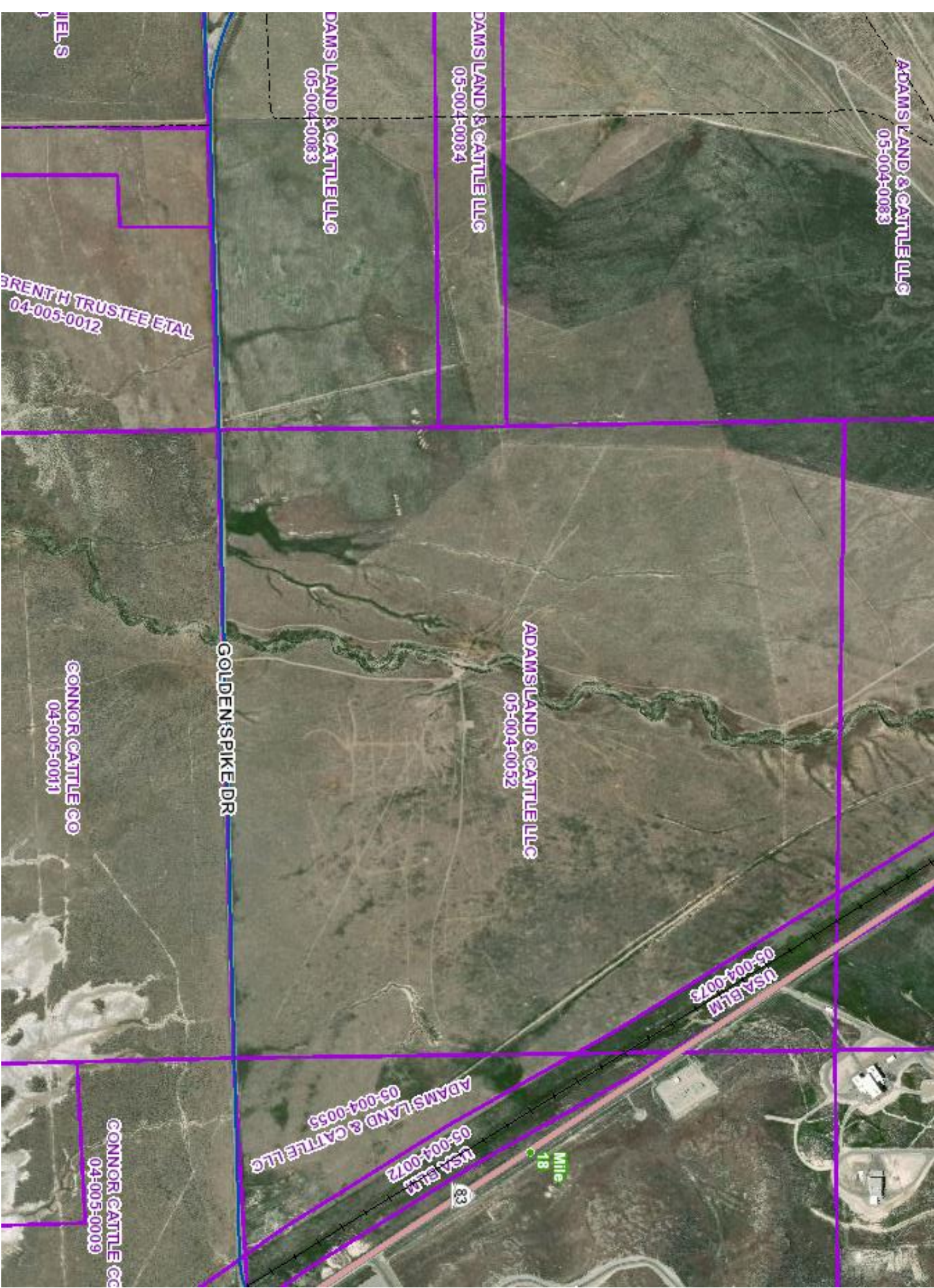
Table – “I move the Planning Commission table the review of application number SP18-005, a Site Plan for a solar farm, to (give date), based on the following findings:”

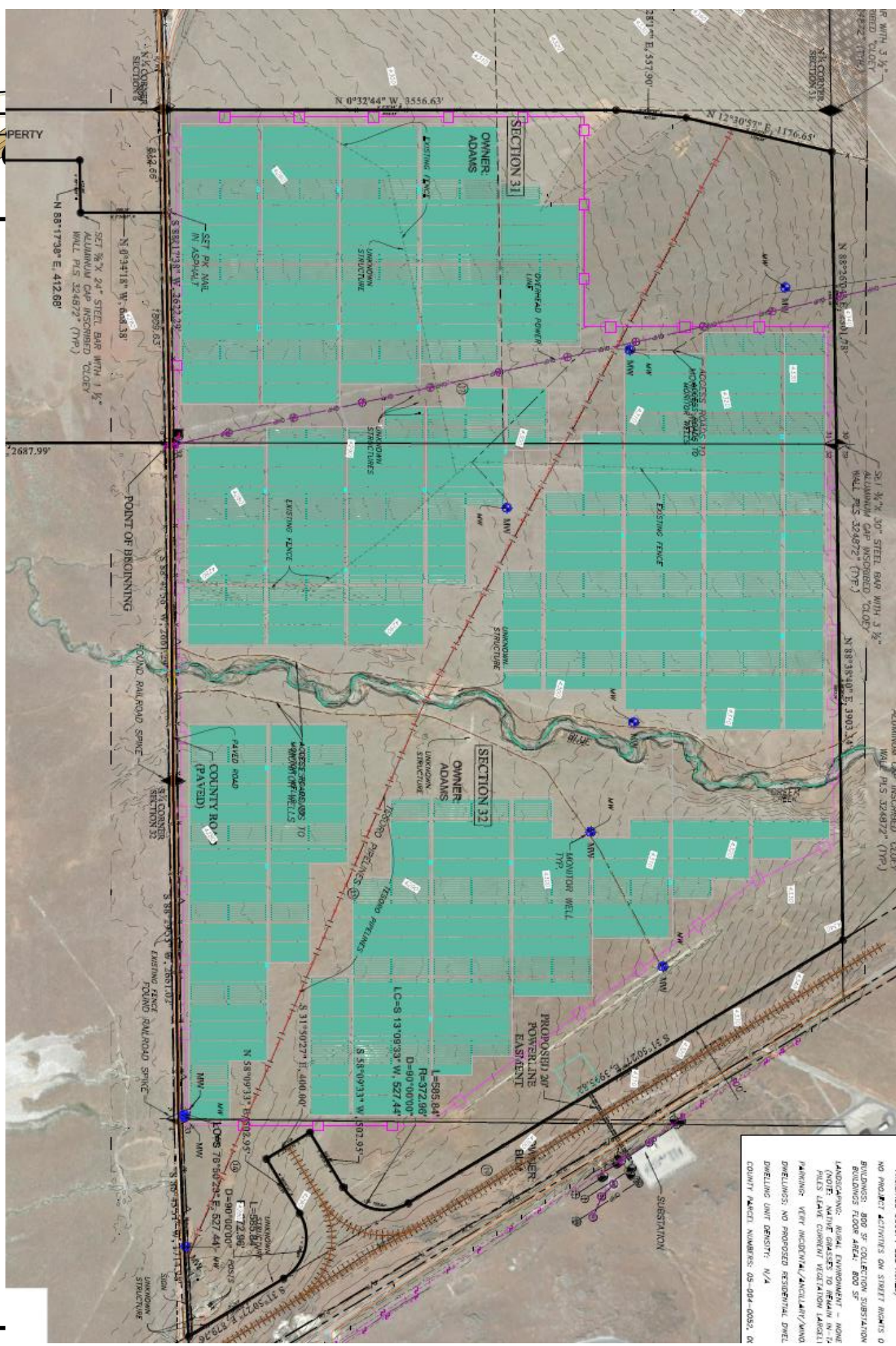
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number SP18-005, a Site Plan for a solar farm, based on the following findings:”

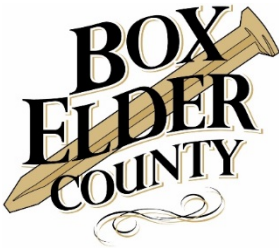
1. List findings for denial...

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





NO PROJECT ACTIVITIES ON STREET RIGHTS OF WAY
 BUILDINGS: 800 SF COLLECTION SUBSTATION
 BUILDINGS: FLOOR AREA: 800 SF
 LANDSCAPING: RURAL ENVIRONMENT - NONE
 (NOTE: NATURE GRASSES TO REMAIN IN 1/2
 ACRES LEAVE CURRENT VEGETATION LABELS)
 PAVERS: VERY MODERATE/ACCIDENTARY/NO
 DWELLING UNIT DENSITY: N/A
 COUNTY PARCEL NUMBERS: 05-084-0055, OR



PLANNING COMMISSION

STAFF REPORT

Meeting Date: January 17, 2019
Agenda Item #: 5b

Application Type:

Zoning Map Amendment

APPLICANT(S):

Linford Landis

PROJECT #:

Z18-012

ADDRESS:

11600 West 12000 North
in the Bothwell area

PARCEL #:

06-003-0069

CURRENT ZONE:

RR-5

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons
Comm. Dev. Director

BACKGROUND

The applicant is requesting that 625 acres be rezoned from RR-5 (Rural Residential 5 acres) to the MG-EX (Mining, Quarry, Sand & Gravel Excavation) 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	Agriculture	RR-5
South	Agriculture	RR-5
East	Agriculture/Rural Residential	RR-5
West	Agriculture	MU-40

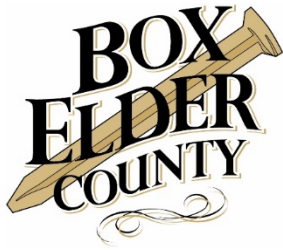
Land Use Ordinance Standards Review:

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 that industrial development be located adjacent to major transportation corridors (railroads and roadways) and public utility/service areas. It is recommended that industrial areas, where feasible, be annexed to municipalities to help cover costs of local services.

The County's zoning regulations also include the flexibility, as specific cases may require, to locate industrial uses adjacent to raw materials or in isolated locations to maintain public safety. Regardless of the location, industrial uses will occur in a manner sensitive to adjacent land uses and the environment, including water and air quality.



It also states this with regard to gravel pits: Development of the County's resources is important to present and future residents. It is the County's position that these resources can be developed in responsible manner. Operation conditions should address potential conflicts with adjacent land uses and community values. Sites should be engineered and managed for environmental compatibility, aesthetics and reclamation.

Bothwell Community Plan (2004):

The Plan settled on the zoning that is now in place in Bothwell (RR-5 main area and MU-40 west mountains). No other zoning for the area has been proposed. Mining or gravel extraction was not mentioned in the plan.

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 rural residential and mainly agriculture. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective. Agricultural uses do occasionally put large machines on the roads. They can also create dust. There once was a gravel operation on this parcel, but it has been abandoned for many years. We also don't know the intensity of that operation. The proposed use has the potential to increase the amount of heavy truck traffic in the area.

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

The proposed amendment may have an effect on the values of adjacent property. The public hearing process may shine additional light on this.

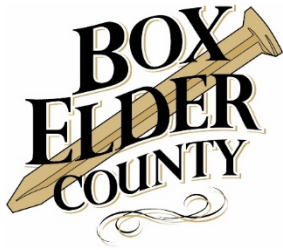
D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

The proposed use would have minimal, if any impact, on parks and recreation facilities, police and fire protection, schools, and storm water drainage systems. The applicant would need to prove water supplies as well as improve roadways in order to ensure these facilities are adequate to serve the project. Proof of these facilities is required prior to approval of a conditional use permit, site plan, development plan, or building permit.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the rezone of the subject parcel from RR-5 (Rural Residential 5 acres) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) 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.



RECOMMENDATION

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

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

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

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z18-012, a zoning map amendment from the RR-5 (Rural Residential 5 acre) zone to MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

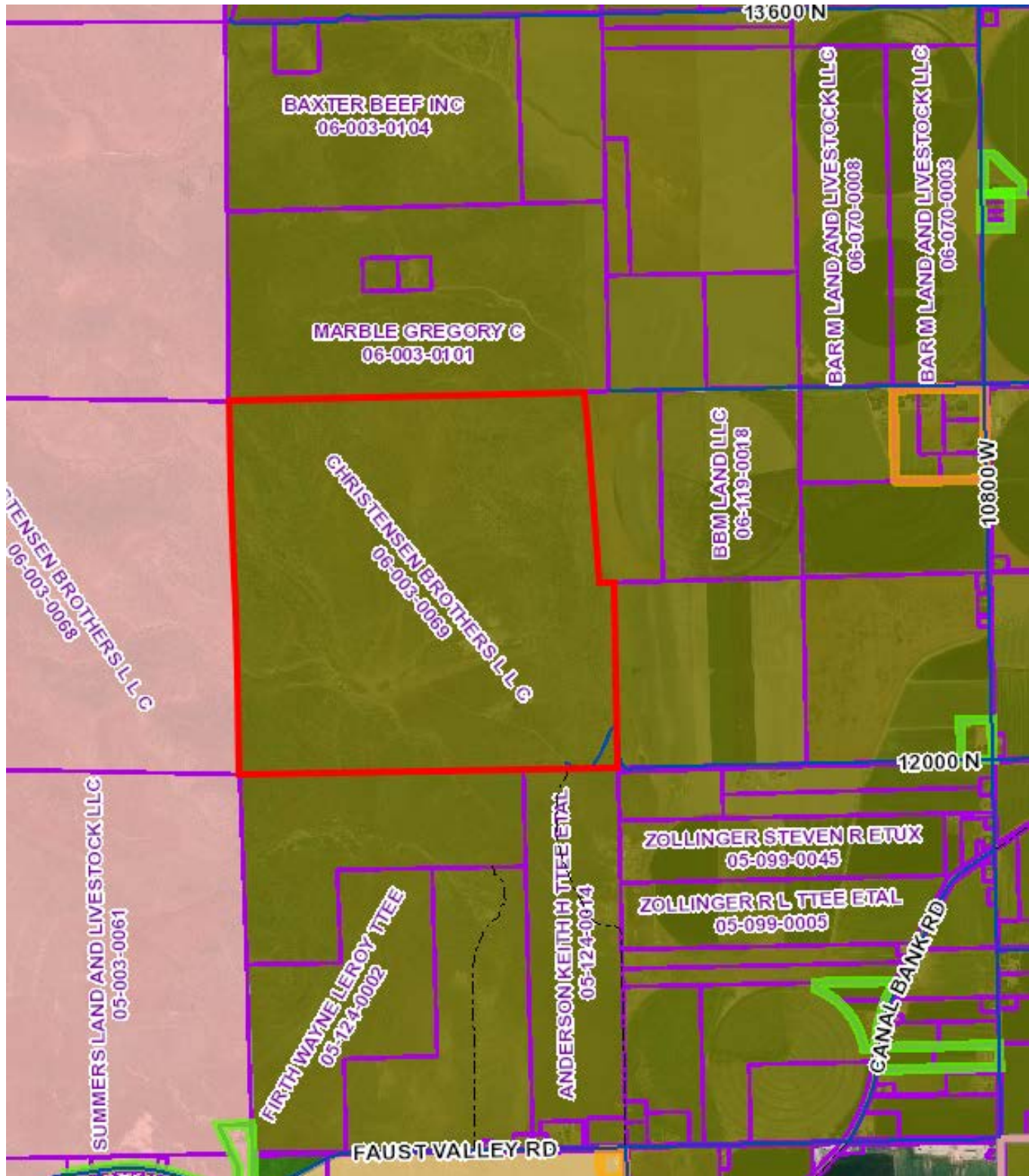
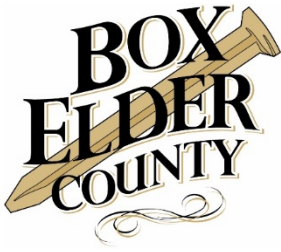
Table – “I move the Planning Commission table the review of application number Z18-012, a zoning map amendment from the RR-5 (Rural Residential 5 acre) zone to MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone to (give date), based on the following findings:”

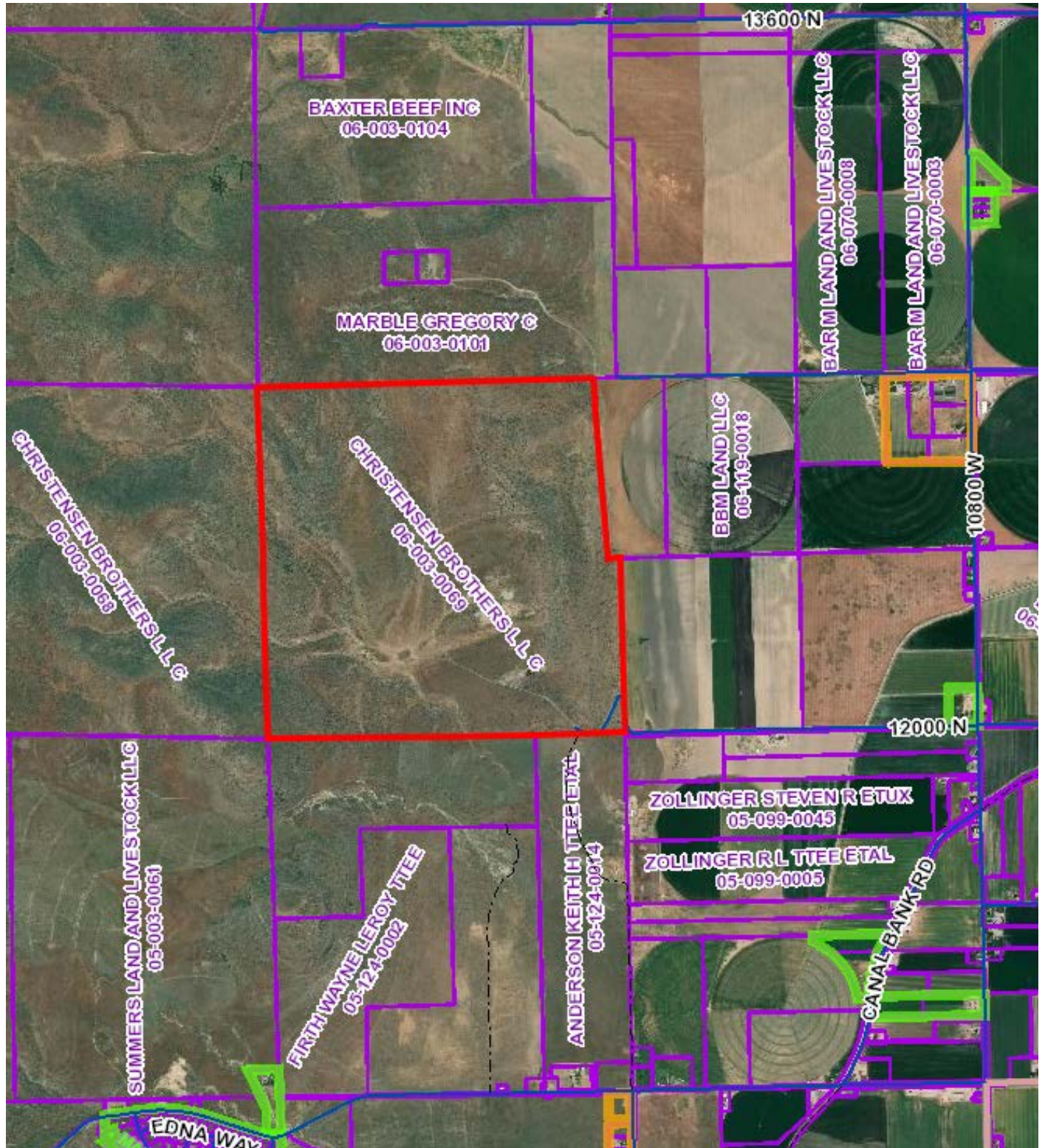
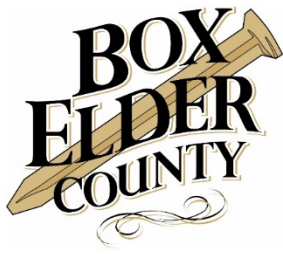
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

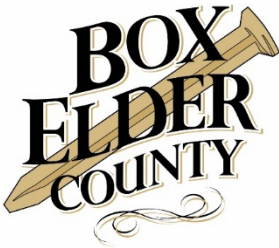
Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z18-012, a zoning map amendment from the RR-5 (Rural Residential 5 acre) zone to MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone based on the following findings:”

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: January 17, 2019

Agenda Item #: 6a

Application Type:

Zoning Map Amendment

APPLICANT(S):

Aaron Jensen for
South Willard
Development

PROJECT #:

Z17-019

ADDRESS:

1130 South HWY 89 in the
South Willard area

PARCEL #:

02-055-0117, -0115, -0070,
-0116, -0121, -0122

CURRENT ZONE:

R-1-20

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting that approximately 144.35 acres be rezoned from R-1-20 (Residential Single Family 20,000 square feet) to the MPC (Master Planned Community) zone. The proposed MPC zone would include uses such as gravel mining, multi-family apartments, townhomes, small-lot single family, large-lot single family, as well as natural open space.

ANALYSIS

County Code:

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

Surrounding Land Use and Zoning:

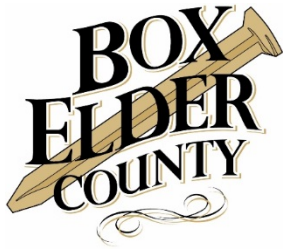
<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Mining/Residential	MG-EX/Willard City
South	Residential	R-1-20
East	Hillside (public land)	MU-160
West	Agricultural/Residential/Commercial	R-1-20/C-H

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 South Willard Community Plan addresses approximately 110 acres of this area. Per that plan the area is recommended as being R-1-20 and does not recommend anything other than this zoning designation for the future. The MPC zone was created as part of the South Willard plan as residents were open to a variety of housing types and uses if the property qualifies. 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, agricultural, and mining. Whether the proposed amendment is harmonious with the overall character of existing development is subjective. The proposed MPC zone would include mining and various densities of residential development including apartments, townhomes, 8,000-10,000 square foot single family lots, and 1/3 to 1/2 acre single family lots.

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

The proposed mining may have a negative effect on the values of adjacent property. It would likely adversely affect the existing residential uses with additional noise, dust, and truck traffic. The proposed residential would likely add some car traffic.

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.

There are services in the area, such as schools and police and fire protection. There are also water providers, but nothing has been submitted regarding water and sewer service, including verification of capacity. Stormwater drainage systems would be required by the developer. Plans for this have not yet been submitted.

In addition to the above requirements, Chapter 3-8-1, Master Planned Community Zone, requires the following:

1. A specific plan including maps, text, and supporting information as defined in the previous section.

Pieces of this have been submitted over time, but it is fairly scattered and no comprehensive submittal has been made. It is not complete and lacks maps showing proposed locations for stormwater detention and system for collection and distribution as well as lotting patterns. It also lacks a comprehensive text. As a final point it lacks supporting information such as the method of providing water and sewer service, including verification of capacity.

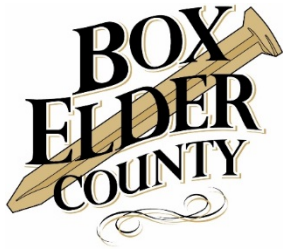
2. The text for the draft property-specific MPC zone, and any associated sub-districts, to be implemented, generally defined with the following elements:

- a. Name of Zone/Purpose/Goals
- b. Lot area, width, setbacks, building heights, lot coverage, and housing densities.
- c. Streetscapes, parking, and circulation.
- d. Fencing
- e. Signs
- f. Architectural standards

As stated above, pieces of this have been submitted over time, but no comprehensive submittal has been made.

3. A development agreement that runs with the land.

A draft agreement has been submitted.



FINDINGS:

Based on the analysis of the zoning map amendment application request from R-1-20 (Residential Single Family 20,000 square feet) to the MPC (Master Planned Community) zone and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for applying zoning designations on properties subject to zoning map amendment review procedures and approval.
2. Currently the proposed zoning map amendment does not meet the Approval Standards found in Sections 2-2-080(E) and 3-8-1 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 TABLE the item to allow the applicant additional time to meet the code requirements or may forward a recommendation of DENIAL 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.

MODEL MOTIONS

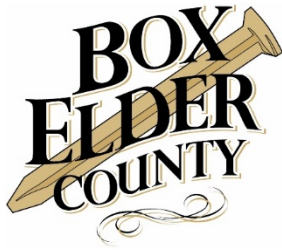
Table – “I move the Planning Commission table the review of application number Z17-019, a zoning map amendment from R-1-20 (Residential Single Family 20,000 square feet) to the MPC (Master Planned Community) zone to (give date), based on the following findings:”

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 Z17-019, a zoning map amendment from R-1-20 (Residential Single Family 20,000 square feet) to the MPC (Master Planned Community) 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.



LAND USE

ALLOCATION	
Total Acreage	144.35
Units per Acre	.521
Undeveloped Acreage #	87.94
Developed Acreage %	39.08%

HOUSING TYPE(S)

Housing Type	Units	% of Total	Demographic
Apartments	60	21.66%	Single Parents/Adults or Students
Townhomes	78	28.16%	First Single Family Home
Cottages	38	13.72%	Seniors
8K - 10K S.F.	53	19.13%	First or Second Home
.333 - .50 Acres S.F.	48	17.33%	Estate Lots
Total	277	100.00%	

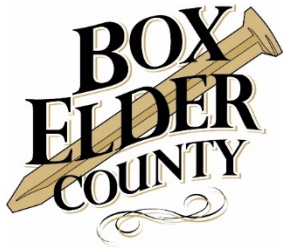
DEVELOPMENT CONCEPT



PROPOSED ZONE

The intent is to utilize existing zones descriptions; conditional and permitted uses would be modified. Proposed Zones are as follows:

- R-1-12: To provide areas for low density, single-family residential neighborhoods of spacious and uncrowded character.
- R-1-8: To provide areas of medium low-density, single-family residential neighborhoods where low and medium costs of development may occur.
- RM-7: To provide areas for medium residential density with the opportunity for varied housing styles and character.
- RM-15: To provide areas for medium high residential density with the opportunity for varied housing styles and character.
- 3-9 Mining, Quarry, Sand & Gravel Extraction Zone - The intent is to utilize the language related to the gravel extraction, distribution, and regulation .



PHASING

Phases	Duration – Yrs.	Years	Primary Activity
One	3	2019 – 2021	Multi-family and trail construction on western property
Two	2	2022 – 2023	Reclamation of southern property
Three	10	2024 – 2033	Development of single-family homes on southern property
Four	1	2034 – 2035	Reclamation of northern property and trail construction
Five	4	2036 - 2039	Developments of single-family homes on northern property



PLANNING COMMISSION

STAFF REPORT

Meeting Date: January 17, 2019

Agenda Item #: 6b

Application Type:

Zoning Map Amendment

APPLICANT(S):

Todd & Janet Williams and
Bryce & Shelly Norr

PROJECT #:

Z19-001

ADDRESS:

9805 West & 9815 West
11600 North

PARCEL #:

05-209-0021; 05-209-0022

CURRENT ZONE:

RR-5

TYPE OF ACTION:

Legislative

REPORT BY:

Marcus Wager
County Planner

BACKGROUND

The applicant is requesting that the listed parcels be rezoned from RR-5 (Rural Residential 5 Acre) to R-1-8 (Residential 8000 sq. ft.). The Parcels range in size as follows: 05-209-0021 – 0.47 ac.; 05-209-0022 – 0.47 ac.; both of these parcels are considered illegal at this point due to them being split up on January 28, 2011 and the zoning was put into place on September 14, 1978. The applicant would still need to go through the subdivision process after taking this first step of rezoning the two parcels.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C. allows a property owner to initiate a zoning map amendment as set forth in said section.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	RR-5
South	Agriculture	RR-5
East	Agriculture/Residential	RR-5
West	Agriculture/residential	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's General Plan makes no reference as to how specific areas should be zoned. It 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.

There is a Bothwell Community Plan in place that shows this area to remain RR-5 in the future; No other zoning for the area has been proposed.



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 all in the RR-5 zone. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective. This point could be argued saying yes it is harmonious due to the existing homes being there for so long. It could also be said no, because the R-1-8 zone allows for a minimum of 8000 sq. ft. lots.

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. The applicant is taking the first step in fixing an illegal parcel problem.

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 homes currently exist on these parcels and have been there for quite a while (9815 W – built in 1926; 9805 W – 1991)

FINDINGS:

Based on the analysis of the proposed zoning map amendment to the RR-5 zone and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for a rezone subject to zoning map amendment review procedures and approval.
2. It can be interpreted that the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.
3. This application is for a zoning designation from RR-5 to R-1-8.



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 may be taken into account such as public input, resident preferences, private property rights, economic considerations, etc.

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

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

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z19-001, a zoning map amendment from RR-5 (Rural Residential 5 Acres) to R-1-8 (Residential 8000 sq. ft.) Zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

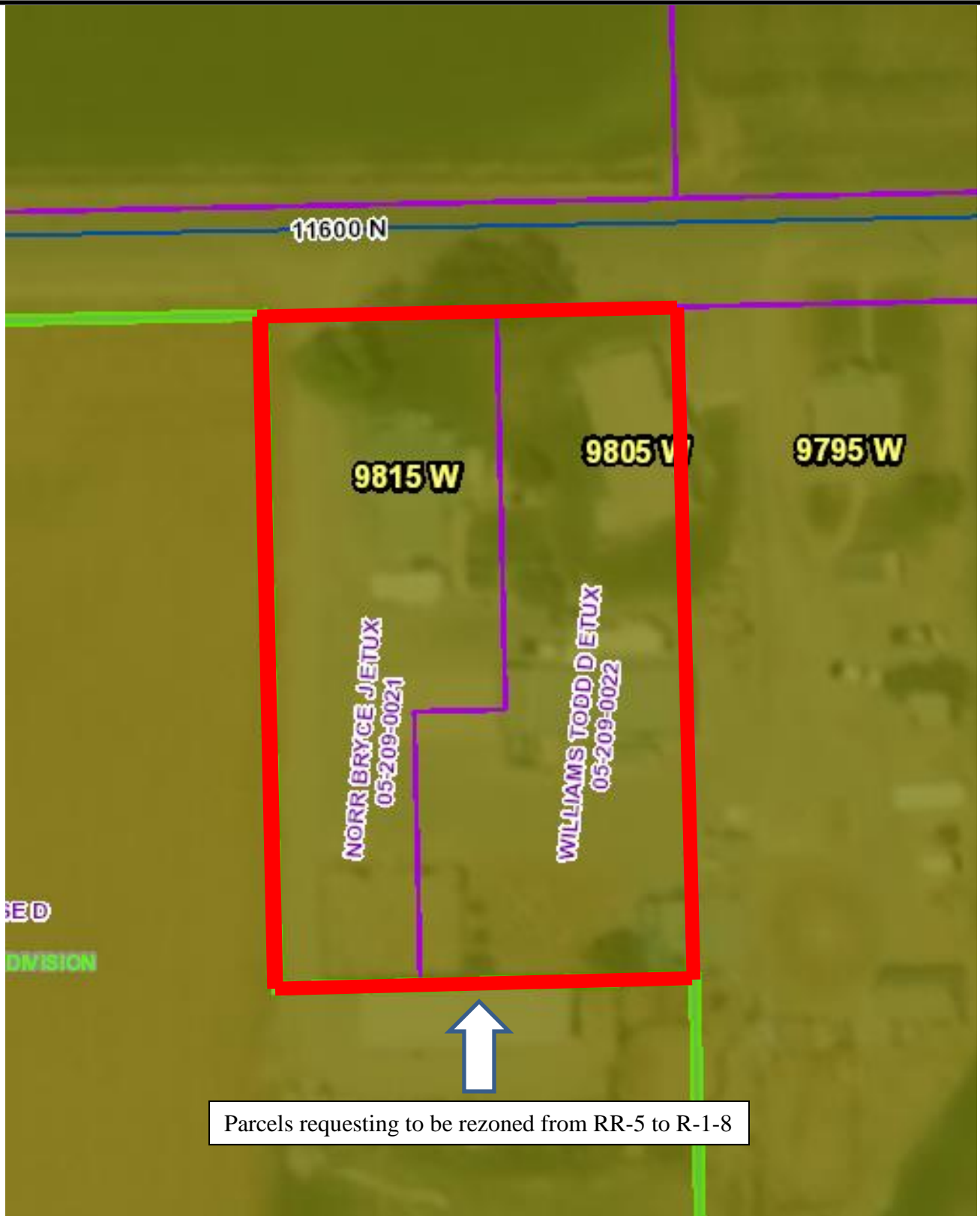
Table – “I move the Planning Commission table the review of application number Z19-001, a zoning map amendment from RR-5 (Rural Residential 5 Acres) to R-1-8 (Residential 8000 sq. ft.) Zone to (give date), based on the following findings:”

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 Z19-001, a zoning map amendment from RR-5 (Rural Residential 5 Acres) to R-1-8 (Residential 8000 sq. ft.) Zone based on the following findings:”

1. List findings for denial...

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





PLANNING COMMISSION

STAFF REPORT

Meeting Date: January 17, 2019

Agenda Item #: 7a

Application Type:

Agricultural Subdivision

APPLICANT(S):

Loren East

PROJECT #:

AS18-010

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 8185 West 10400 North in the Bothwell area from agricultural ground. The subdivision would create a 1 acre residential parcel and a 38.54 acre agricultural parcel.

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 AS18-010 the East Agricultural Subdivision.**

MODEL MOTIONS

Approval – "I move the Planning Commission approve application number AS18-010, 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 AS18-010, 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 AS18-010, 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.

