

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

August 15, 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 July 18, 2019 Planning Commission Minutes.
5. **UNFINISHED BUSINESS**
  - a. **LAND USE TEXT AMENDMENT, Z19-006.** Request to amend text of the Box Elder Land Use Management & Development Code Chapter 3-3, Residential & Multiple Residential, to remove a zoning district and amend other text. **ACTION**
6. **PUBLIC HEARINGS**
  - a. **NONE**
7. **NEW BUSINESS**
  - a. **DAVIS AGRICULTURAL SUBDIVISION, AS19-004,** six acre agricultural subdivision at approximately 1500 West 7800 South in the South Willard area of Unincorporated Box Elder County. **ACTION**
  - b. **RIVER VIEW ESTATES SUBDIVISION AMENDMENT, SS19-031,** Request to amend Lots 7 & 8 of the Riverview Estates Subdivision to combine them into one lot. Located at approximately 4540 West 12000 North in the Tremonton area of Unincorporated Box Elder County. **ACTION**
8. **WORKING REPORTS**
  - a. **NONE**
9. **PUBLIC COMMENT**
10. **ADJOURN** \_\_\_\_\_

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES JULY 18, 2019

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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	Excused	Steve Hadfield	County Attorney
Michael Udy	Member	Jeff Scott	Commissioner
Desiray Larsen	Member	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 Laurie Munns**.  
Pledge was led by **County Planner Scott Lyons**.

### **The following citizens were present & signed the attendance sheet**

See Attachment No. 1 – Attendance Sheet.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve the July 18, 2019 planning commission agenda. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

The Minutes of the June 20, 2019 meeting were made available to the planning commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Desiray Larsen** to approve the minutes as written. The motion was seconded by **Commissioner Mellonee Wilding** 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.

**LAND USE TEXT AMENDMENT, Z19-005. Request to amend text of the Box Elder Land Use Management & Development Code Chapter 3-2, Multiple Use, Agricultural, & Rural Residential, to allow for medical cannabis growing and processing sites. ACTION**

Staff stated in a December 2018 Special Legislative Session HB 3001-the Utah Medical Cannabis Act was passed. As part of the act state code requires counties to allow medical cannabis establishments in at least one agricultural zone and one industrial/manufacturing zone. Staff is proposing the MG (General Industrial) zone and the A-20 (Agriculture 20-acre) to be the two zones allowing for these medical cannabis establishments.

The public hearing was then opened for comments. There were no comments.

Hearing no comment, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on LUM&DC Text Amendment Z19-005. The motion was seconded by **Commissioner Mellonee Wilding** and passed unanimously.

**ACTION**

Commissioner Laurie Munns feels the A-20 zone is the appropriate zone for these establishments. Staff recommends approval be forwarded to the county commission to bring county code into compliance with state code. In addition to the proposed text it should be added that the cannabis production establishment be a state permitted and licensed operation.

There was discussion on this being a permitted use in unzoned areas. At the conclusion of the discussion staff said county code states the planning commission can modify what is brought before them as part of their recommendation to the county commission. The planning commission can request staff to add to Chapter 5-1 'Regulations Applicable to all Zones' including unzoned areas that the cannabis production establishments are only allowed in the MG and A-20 zones.

**MOTION:** A Motion was made by **Commissioner Mellonee Wilding** to forward a recommendation of approval to the county commission on Application Z19-005 A text amendment to Chapters 3-2 and 3-4 of the Box Elder County LUM&DC and adopt conditions and findings of staff; also adding the language to say the facility must be a state permitted and licensed cannabis production establishment; also an addition be made to Chapter 5-1 "Regulations Applicable to all Zones" stating cannabis production establishments are limited to the A-20 and MG zones. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

**LAND USE TEXT AMENDMENT, Z19-006. Request to amend text of the Box Elder Land Use Management & Development Code Chapter 3-3, Residential & Multiple Residential, to remove a zoning district and amend other text. ACTION**

Staff stated this text amendment would remove various uses within some zones as well as the removal of Planned Unit Developments, Recreational Vehicle Storage, and the removal of the R-1-6 column of Chapter 3-3. Most of these zones are too small for Box Elder County and staff does not see a need for this in the county.

See Attachment No. 2 – Proposed Verbiage for Text Amendment.

The public hearing was then opened for comments. There were no comments.

Hearing no comment, a motion was made by **Commissioner Michael Udy** to close the public hearing on Land Use Text Amendment Z19-006, the motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

### **ACTION**

**Commissioner Mellonee Wilding** said in the standards review for zoning text amendments, it states: *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.* She feels all of the lots are too small to be a part of the county and that we are building a city outside of city limits. The county has always said they are not in the business of cities, so this seems out of harmony with that objective. She thinks a provision should be put in for the already existing zones and that this chapter should not be in the county code. If someone needs these types of lot sizes, they need to create a city or annex into a city.

**Commissioner Desiray Larsen** asked about the RM-7 and RM-15 zones. Staff stated the zones are for 7 units to the acre and 15 units to the acre. The R-1 is residential single family, R-6 is 6000 sq. ft., R-8 is 8000 sq. ft., R-12 is 12,000 sq. ft. The RM zones are for apartments and town homes. All are too small for septic and require a sewer system.

**Commissioner Mellonee Wilding** reiterated her point of the county having these zones when the county has no infrastructure to support them and is not equipped to manage them.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to table Land Use Text Amendment Z19-006, with the request for staff to look into striking Chapter 3-3 but grandfathering in existing spots already zoned under this chapter. The motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

### **NEW BUSINESS**

#### **ASHBY SUBDIVISION VACATE, SS19-027, at approximately 12425 Canal Bank Rd. in the Tremonton/Garland area of Unincorporated Box Elder County. ACTION**

Staff said the Rod Ashby Subdivision was created June 27, 2000. The applicant is requesting the subdivision be vacated and combined with the other parcels owned by the Ashbys.

Staff stated Per State Code sections 17-27a-608 and 609 a subdivision can be vacated by the county commission with an ordinance as opposed to a subdivision plat. The planning commission must make a recommendation to the county commission. The planning commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the county. The planning commission acts as an advisory body to the county

commission and shall make investigations, reports and recommendation on proposed subdivisions as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the commission's review and recommendation of a subdivision vacate application, it will be forwarded to the county commission for final approval. The ordinance is then forwarded to the Box Elder County Recorder's office for review and recording.

Staff recommends forwarding a recommendation of approval subject to receiving the legal description for the consolidated parcel. Staff would then place the legal description in an ordinance which would be proposed to the county commission at their next meeting.

**MOTION:** A Motion was made by **Commissioner Michael Udy** to forward a recommendation of approval to the county commission for SS19-27, subject to receiving the pending legal description. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

**STEEL SOLAR SITE PLAN, SP19-003, Request for a solar farm located at approximately 6500 West 20800 North in the Plymouth area of Unincorporated Box Elder County.**  
**ACTION**

Staff said the applicant is requesting a site plan approval for a 80-megawatt solar farm on approximately 900 acres. The land uses surrounding this property are agricultural and unzoned.

Staff read the following regarding land use ordinance standards review:

- 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. *This is being done through the review process.***
- D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. *This is being done through the review process.***
- 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 county engineer has reviewed and approved the site plan request. The proposed solar panel structures met setbacks for the unzoned areas. Access to the property is obtained on 20800 North and Frontage Road.

**Commissioner Bonnie Robinson** has concerns about 900 acres of junky solar panels laying around after they no longer serve their purpose. She asked if there is any agreement with the property owner that after the panels are no longer of use, they will be cleaned up.

**Emily Skill, Project Developer Enyo Renewable Energy**, explained panels usually last 25-30 years. In the land use lease agreement with the landowner, there is information regarding decommissioning the site. Once the panels have served their purpose, they will be decommissioned and the land returned to its original use.

**Commissioner Bonnie Robinson** said a condition should be required for appropriate warning signs to be put on fences and gates around the perimeter. She asked what the time frame is for completion of the development. **Emily Skill** replied they are estimating approximately eight (8) months. Development could start as soon as January 2020.

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to approve Application SP19-003, a site plan for a solar farm, and adopting any conditions and findings outlined by staff and for Steel Solar to provide appropriate warning signage placed at the entrance and perimeter of the solar power planned project. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

**WORKING REPORTS - NONE**

**PUBLIC COMMENTS - NONE**

**ADJOURN**

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to adjourn commission meeting. The motion was seconded by **Commissioner Jared Holmgren** and the meeting adjourned at 7:52 p.m.

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Laurie Munns, Chairman  
Box Elder County Planning Commission



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## PLANNING COMMISSION STAFF REPORT

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Meeting Date: August 15, 2018

Agenda Item #: 5a

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**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z19-006

**ORDINANCE:**

Chapter 3-3

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

A request has been made to amend Chapter 3-3, Residential and Multiple Residential. The amendment would remove most of the chapter with only the R-1-8 column left to regulate the existing parcels zoned R-1-8. (See attached for proposed verbiage).

**ANALYSIS**

**County Code:**

Land Use Management & Development Code 2-2-080.C allows authorized County Staff 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;**

*Currently there are only a couple of parcels in Bothwell and some parcels in Thatcher that have the R-1-8 zone, none of the other zones within Chapter 3-3 are applied anywhere in the County.*

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

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

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

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



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## **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 Z19-006, a text amendment to Chapter 3-3, Residential and Multiple Residential, of the Box Elder County Land Use Management & Development Code, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – "I move the Planning Commission table the review of application Z19-006, a text amendment to Chapter 3-3, Residential and Multiple Residential, of the Box Elder County Land Use Management & Development Code, to (give date), based on the following findings:"

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

**Denial** – "I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z19-006, a text amendment to Chapter 3-3, Residential and Multiple Residential, of the Box Elder County Land Use Management & Development Code, based on the following findings:"

1. List findings for denial...

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





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**PROPOSED VERBIAGE FOR TEXT AMENDMENT**

**Chapter 3-3 – Residential & Multiple Residential Districts**

**Sections.**

- 3-3-010. Purpose.
- 3-3-020. Scope.
- 3-3-030. Definitions.
- 3-3-040. Uses Allowed.
- 3-3-050. Use Regulations.
- 3-3-060. Regulations of General Applicability.
- 3-3-070. Regulations for Specific Uses. (**Ordinance 318; 376**)
- 3-3-080. Regulations for Uses.

**3-3-010. Purpose.**

The purpose of this chapter is for currently zoned R-1-8 parcels within Box Elder County. The R-1-8 zone is not an option for rezones due to Box Elder County lacking the adequacy of facilities and services to serve this type of development. ~~Residential zones provide a wide range of residential land uses at various densities. These zones are intended to protect the stability of neighborhoods and encourage, collectively, different kinds of compatible residential development.~~

- ~~A. — **R-1-12:** To provide areas for low density, single-family residential neighborhoods of spacious and uncrowded character.~~
- B. R-1-8:** To provide areas of medium low-density, single-family residential neighborhoods where low and medium costs of development may occur.
- ~~C. — **RM-7:** To provide areas for medium residential density with the opportunity for varied housing styles and character.~~
- ~~D. — **RM-15:** To provide areas for medium high residential density with the opportunity for varied housing styles and character.~~

**3-3-020. Scope.**



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The provisions of this Chapter shall apply to any real property located in a residential and multiple residential zones as shown on the Official Zoning Map.

### **3-3-030. Definitions.**

Certain words and phrases in this Chapter, including uses, are defined in Chapter 1-3 of this Code.

### **3-3-040. Uses Allowed.**

- A. Permitted and Conditional Uses.** Permitted and conditional uses allowed in ~~agricultural~~ **the residential** zones shall be as set forth on the Table of Uses Allowed in this Chapter. Permitted and conditional uses are indicated by "P" or "C," respectively. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-." If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A." If the regulation does not apply, it is indicated in the appropriate column by a dash, "\_."
- B. Accessory Uses.** Permitted and conditional uses set forth in on the Table of Uses Allowed shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this Code.
  2. No accessory use, building, or structure shall be allowed on a lot or parcel unless a permitted or conditional use has been and is currently established.

### **3-3-050. Use Regulations.**

No building, structure or real property shall be used and no building or structure shall hereafter be erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Code or other laws.

### **3-3-060. Regulations of General Applicability.**

The use and development of real property in ~~agricultural, mixed use, or rural~~ **the** residential zones shall conform to regulations of general applicability as set forth in the following chapters of this Code.

- A. Regulations Applicable to All Zones. See Chapter 5-1 of this Code.
- B. Off-Street Parking and Loading. See Chapter 5-2 of this Code.



- C. Signs. See Chapter 5-3 of this Code.
- D. Sensitive Lands. See Chapter 4-2 of this Code.

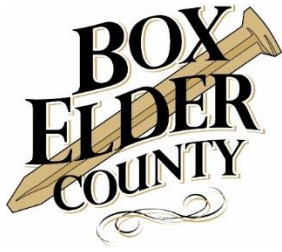
### 3-3-070. Regulations for Specific Uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this Code, such regulation shall apply in addition to the requirements of this Chapter and shall prevail over any conflicting provision of this Chapter.

BOX ELDER COUNTY ZONING RESTRICTIONS						
CODE SECTION	"P" = Permitted Uses "C" = Conditional Uses "A" = Applies "-" = Not permitted	CURRENT ESTABLISHED RESIDENTIAL ZONING DISTRICTS				
		R1 12	R1 8	R1 6	RM 7	RM 15
3-3-070-1.0	<b>ACCESSORY USES</b>					
3-3-070-1.1	Accessory Buildings and uses customarily incidental to permitted uses other than those listed below Swimming Pool	P	P	P	P	P
3-3-070-1.2	Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C
3-3-070-1.3	Temporary buildings for uses incidental to construction work, including living quarters for guard or night watchman, which building must be removed upon completion or abandonment of the construction work. Mobile homes for temporary living quarters and such other temporary uses found appropriate to the Planning Commission and approved by the County Commission.	C	C	C	C	C
3-3-070-2.0	<b>SPECIAL USES</b>					
<del>3-3-070-2.1</del>	<del>Child day care or nursery</del>	C	C	C	C	C
3-3-070-2.2 <sup>1</sup>	The tilling of the soil, the raising of crops, horticulture and gardening	P	P	P	P	P
3-3-070-2.2	Home Occupation		C			
3-3-070-2.3	Household pets		P			
3-3-070-3.0	<b>RESIDENTIAL</b>					
3-3-070-3.1	Single-family dwelling	P	P	P	P	P



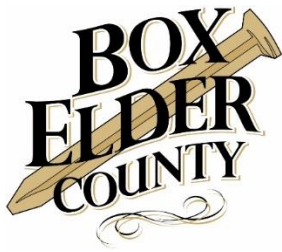
<del>3-3-070-3.2</del>	<del>Two-family dwelling</del>	-	-	-	<del>P</del>	<del>P</del>
<del>3-3-070-3.3</del>	<del>Three-family dwelling</del>	-	-	-	€	€
<del>3-3-070-3.4</del>	<del>Four-family dwelling</del>	-	-	-	€	€
<del>3-3-070-3.5</del>	<del>Multiple-family dwelling</del>	-	-	-	€	€
<del>3-3-070-3.6</del>	<del>Groups of dwellings (including twin homes, etc.) when approved as a planned unit development</del>	-	€	€	€	€
<del>3-3-070-3.7</del>	<del>A two-family dwelling on a corner lot requires two (2) front and two (2) rear yards</del>	-	-	-	A	A
		<del>R1</del> 12	R1 8	<del>R1</del> 6	RM 7	RM 15
3-3-070-3.8 <sup>2</sup>	Residential facilities (group homes) for the handicapped and elderly provided they are separated at least 3/4 mile from another similar facility	€	C	€	€	€
3-3-70-3.9 <sup>3</sup>	Accessory Dwelling Unit ( <b>Ordinance 376</b> )	€	C	€	€	€
<del>3-3-070-4</del>	<del>Home Occupation</del>	€	€	€	€	€
<del>3-3-070-5</del>	<del>Hospital: medical or dental clinic accessory to a hospital and located on the same premises</del>	€	€	€	€	€
<del>3-3-070-6</del>	<del>Household pets</del>	P	P	P	P	P
3-3-070-8.0	<b>PUBLIC AND QUASI-PUBLIC</b>					
3-3-070-8.1	Private Educational institution having a curriculum similar to that ordinarily given in public schools	€	C	€	€	€
3-3-070-8.2	Private recreational grounds and facilities, not open to the general public, and to which to admission charge is made	€	C	€	€	€
<del>3-3-070-8.3</del>	<del>Professional offices when harmonious with the general character of the district where located</del>	€	€	€	€	€



3-3-070-8.4 <sup>3</sup>	Public and quasi-public buildings and uses (cemeteries, churches, essential service facilities, golf courses, substations or transmission lines 50kv or greater capacity, recreation trails, schools, streets (public and private), and railroad and utility lines and rights-of-way)	€	C	€	€	€
3-3-070-9	<b>Ordinance 318</b>					
3-3-070-10	Subdivisions	€	€	€	€	€
3-3-070-11	Planned Unit Developments	€	€	€	€	€
3-3-070-12	Recreational Vehicle Storage	€	€	€	€	€

### 3-3-080. Regulations for Uses.

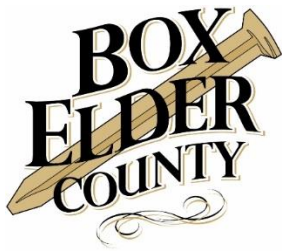
		<b>R1 12</b>	<b>R1 8</b>	<b>R1 6</b>	<b>RM 7</b>	<b>RM 15</b>
3-3-080-13	<b>AREA REGULATIONS</b>					
3-3-080-13.1	The minimum lot area in square feet for a single-family dwelling structure in the district regulated by this chapter shall be	<b>12,000</b>	<b>8,000</b>	<b>6,000</b>	<b>7,000</b>	<b>8,000</b>
3-3-080-13.1	The additional lot area in square feet for each additional dwelling unit in a dwelling structure shall be	-	-	-	<b>6,000</b>	<b>3,500</b>
3-3-080-13.2	Minimum lot area in square feet for all main uses or buildings other than dwelling shall be	-	-	-	<b>5,000</b>	<b>3,500</b>
3-3-080-14.0	<b>WIDTH REGULATIONS</b>					
3-3-080-14.1	The minimum width in feet for any lot in the districts regulated by this chapter, except as modified by planned unit developments, shall be	<b>90</b>	<b>70</b>	<b>60</b>	<b>70</b>	<b>70</b>
3-3-080-15.0	<b>FRONTAGE REGULATIONS</b>					



3-3-080-15.1	The minimum width of any lot at the street right-of-way line in feet in the districts regulated by this Chapter, except as modified by conditional use permit, shall be	<del>45</del>	40	<del>40</del>	<del>45</del>	<del>45</del>
		<del>R1</del> <del>12</del>	R1 8	<del>R1</del> <del>6</del>	<del>RM</del> <del>7</del>	<del>RM</del> <del>15</del>
3-3-080-16	<b>FRONT YARD REGULATIONS</b>					
3-3-080-16.1	The minimum depth in feet for the front yard for main buildings in districts regulated by this Chapter shall be	<del>30</del>	30	<del>30</del>	<del>30</del>	<del>30</del>
3-3-080-16.2	Or the average of the existing buildings on the block where 50 percent or more of the frontage is developed; however, in no case					
3-3-080-16.2a	Shall be less than	<del>25</del>	25	<del>20</del>	<del>20</del>	<del>20</del>
3-3-080-16.2b	Or be required to be more than	<del>30</del>	30	<del>30</del>	<del>30</del>	<del>30</del>
3-3-080-16.3	Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise they shall be set back the following number of feet from the rear of the main building	<del>10</del>	8	<del>6</del>	<del>6</del>	<del>8</del>
3-3-080-16.4	On corner lots, main buildings shall have two front yards, and one rear yard, and one side yard	<del>A</del>	A	<del>A</del>	<del>A</del>	<del>A</del>
3-3-080-17.0	<b>REAR YARD REGULATIONS</b>					
3-3-080-17.1	The minimum depth in feet for the front yard in the districts regulated by this Chapter shall be	<del>50</del>	25	<del>25</del>	<del>25</del>	<del>25</del>



3-3-080-17.2	Accessory buildings may have a minimum setback of 1 foot provided that all drainage from them stays on the lot and there is at least 10 feet distance to another accessory building on an adjacent lot	<del>A</del>	A	<del>A</del>	<del>A</del>	<del>A</del>
		<del>R1 12</del>	R1 8	<del>R1 6</del>	<del>RM 7</del>	<del>RM 15</del>
3-3-080-17.3	Provided that on corner lots which rear on a side yard of another lot accessory buildings in all such districts shall be located not closer than 10 feet to such side yard	<del>A</del>	A	<del>A</del>	<del>A</del>	<del>A</del>
3-3-080-18.0	<b>SIDE YARD REGULATIONS</b>					
3-3-080-18.1	The Minimum side yard in feet for any dwelling in districts regulated by this Chapter shall be	<del>10</del>	8	<del>6</del>	<del>6</del>	<del>6</del>
3-3-080-18.2	And the total width of the two required side yards in feet shall be	<del>24</del>	18	<del>16</del>	<del>18</del>	<del>18</del>
3-3-080-18.3	Except that in no case shall the total width of the two side yards be less than the height of the building	<del>A</del>	A	<del>A</del>	<del>A</del>	<del>A</del>
3-3-080-18.4	Other main buildings shall have a minimum side yard in feet of	<del>20</del>	15	<del>15</del>	<del>15</del>	<del>15</del>
3-3-080-18.4.1	And the total width of the two required side yards in feet of no less than	<del>40</del>	35	<del>35</del>	<del>45</del>	<del>45</del>
3-3-080-18.5	The minimum side yard in feet for a private garage shall be	<del>10</del>	6	<del>6</del>	<del>6</del>	<del>6</del>
3-3-080-18.5.1	(except that private garage and other accessory buildings located 6 feet to the rear of the main buildings may have a minimum side yard of 1 foot if the walls of the building have a minimum tested fire resistance of 1 hour and are located at least 10 feet from a residence on an adjoining lot)	<del>A</del>	A	<del>A</del>	<del>A</del>	<del>A</del>



3-3-080-18.5.2	Provided that no private garage or other accessory buildings shall be located in feet closer to a dwelling on an adjacent lot than 10 feet	<del>A</del>	A	<del>A</del>	<del>A</del>	<del>A</del>
		<del>R1</del> <del>12</del>	R1 8	<del>R1</del> 6	<del>RM</del> 7	<del>RM</del> 15
3-3-080-18.6	On corner lots, main buildings shall have two front yards and one rear yard, and one side yard	<del>A</del>	A	<del>A</del>	<del>A</del>	<del>A</del>
3-3-080-18.6.1	The side yard in feet shall be not less than	<del>10</del>	8	<del>6</del>	<del>6</del>	<del>8</del>
3-3-080-19.0	<b>HEIGHT REGULATIONS</b>					
3-3-080-19.1	The Minimum height for all buildings and structures in districts regulated by this Chapter shall be 35 feet or 2 ½ stories	<del>A</del>	A	<del>A</del>	<del>A</del>	<del>A</del>
3-3-080-20.0	<b>COVERAGE REGULATIONS</b>					
3-3-080-20.1	The Minimum coverage in percent for any lot in the districts regulated by this Chapter shall be	<del>30</del>	35	<del>35</del>	<del>35</del>	<del>50</del>
3-3-080-21	<b>DEPTH REGULATIONS</b>					
3-3-080-21.1	The Minimum depth of a lot in feet in districts regulated by this Chapter, except as may be modified by conditional use permit, shall be	<del>130</del>	100	<del>95</del>	<del>95</del>	<del>100</del>
3-3-080-22.0	<b>IMPROVEMENTS REQUIRED TO BE COMPLETED OR IN PROGRESS BEFORE A BUILDING PERMIT MAY BE ISSUED</b>					
	(Improvements are to be in compliance with the standards adopted by Box Elder County. Improvement prefaced with an [*] are applicable only to subdivisions or planned unit developments.)					
3-3-080-22.1	Street Grading	<del>A</del>	A	<del>A</del>	<del>A</del>	<del>A</del>
3-3-080-22.2	Street Base	<del>A</del>	A	<del>A</del>	<del>A</del>	<del>A</del>
3-3-080-22.3*	Street Paving	<del>A</del>	A	<del>A</del>	<del>A</del>	<del>A</del>
3-3-080-22.4*	Curb and Gutter	<del>A</del>	A	<del>A</del>	<del>A</del>	<del>A</del>
3-3-080-22.5*	Sidewalk	<del>A</del>	A	<del>A</del>	<del>A</del>	<del>A</del>
3-3-080-22.6	Surface Drainage Facilities	<del>A</del>	A	<del>A</del>	<del>A</del>	<del>A</del>





3-3-080-22.7	Wastewater Disposal Facilities	A	A	A	A	A
3-3-080-22.8	Culinary Water facilities	A	A	A	A	A
3-3-080-22.9	Fire fighting facilities	A	A	A	A	A
3-3-080-22.10*	Street Name Signs	A	A	A	A	A
3-3-080-22.11*	Street Monuments	A	A	A	A	A
3-3-080-22.12*	Survey Monuments Boxes	A	A	A	A	A
3-3-080-22.13*	Street Lights	A	A	A	A	A
3-3-080-22.14	Address Numbers	A	A	A	A	A
3-3-080-22.15	Public Utilities (Power, gas, telephone, cable TV, etc)	A	A	A	A	A



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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: August 15, 2019

Agenda Item #: 7a

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**Application Type:**  
Agricultural Subdivision

**APPLICANT(S):**  
Bob Davis

**PROJECT #:**  
AS19-004

**ORDINANCE:**  
State Code 12-27a-605

**TYPE OF APPLICATION:**  
Administrative

**REPORT BY:**  
Scott Lyons,  
Comm. Dev. Director

### **BACKGROUND**

The applicant is requesting an agricultural subdivision to separate 6 acres off of a larger parcel located in the RR-2 zone located at approximately 1500 West 7800 South in the South Willard 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:**



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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 AS19-004 the Davis Agricultural Subdivision.**

### **MODEL MOTIONS**

**Approval** – "I move the Planning Commission approve application number AS19-004, 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 AS19-004, 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 AS19-004, an agricultural subdivision, 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.





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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: August 15, 2019  
Agenda Item #: 7b

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**Application Type:**

Subdivision Amendment

**APPLICANT(S):**

Sandra Kanervisto

**PROJECT #:**

SS19-031

**ADDRESS:**

4540 West 12000 North

**ZONE:**

Un-Zoned

**PARCELS #:**

06-106-0007, -0008

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

The applicant is requesting to amend the River View Estates Subdivision. The original subdivision was created on May 22, 1979. The owners now wish to combine Lots 7 and 8 into one lot. The remainder of the subdivision would not change.

**ANALYSIS**

**County Code:**

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

**Surrounding Land Use and Zoning:**

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

**Access:**

Access is maintained along 12000 North and Lena Circle, both public County roads.

**Utilities:**

Utilities to the property currently exist.

**Setbacks:**

All setbacks are currently being met. This amendment won't change the future ability to meet setback requirements.

**Land Use Ordinance Standards Review:**

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

**County Department Reviews:**

The proposal was reviewed by applicable county departments.



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### **Findings:**

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

1. The proposed subdivision amendment complies with the subdivision regulations of Box Elder County and the State of Utah.

### **RECOMMENDATION**

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission APPROVE the River View Estates Subdivision Lots 7 & 8 Amended.**

### **MODEL MOTIONS**

**Approval** – “I move the Planning Commission approve application number SS19-031, amending the River View Estates Subdivision Lots 7 & 8, located in the Tremonton area of unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – “I move the Planning Commission table application number SS19-031, amending the River View Estates Subdivision Lots 7 & 8, located in the Tremonton 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 SS19-031, amending the River View Estates Subdivision Lots 7 & 8, located in the Tremonton 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.



