

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

September 19, 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 August 15, 2019 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
 - a. NONE
6. **PUBLIC HEARINGS**
 - a. **PETERSON ZONING MAP AMENDMENT, Z19-008. Request for a re-zone from MU- 160 to MU-40 on parcel(s): 02-005-0050; 02-005-0059; 02-005-0060; 02-005-0061; and 02-005-0062 in Unincorporated Box Elder County. ACTION**
7. **NEW BUSINESS**
 - a. **TRESTLEWOOD SITE PLAN, SP19-004**, request for site plan approval for a wood aging business at approximately 6800 North 8400 West in Unincorporated Box Elder County. ACTION
 - b. **ANNIE'S LANDING PHASE 2 SUBDIVISION, SS19-017**, at approximately 7550 South 650 West in the South Willard area of Unincorporated Box Elder County. ACTION
8. **WORKING REPORTS**
 - a. NONE
9. **PUBLIC COMMENT**
10. **ADJOURN**_____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES AUGUST 15, 2019

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

Vice-Chair Mellonee Wilding called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Desiray Larsen.
Pledge was led by Commissioner Kevin McGaha.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

MOTION: A Motion was made by Commissioner Desiray Larsen to approve the August 15, 2019 agenda. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

The Minutes of the July 18, 2019 meeting were made available to the planning commissioners prior to this meeting and upon review a **Motion** was made by Commissioner Bonnie Robinson to approve the minutes as written. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

UNFINISHED BUSINESS

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 explained a public hearing was held last month for the Chapter 3-3 text amendment. At the request of the planning commission, staff has changed the purpose statement to read “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”. Staff has also removed from the table the R-1-12, R-1-6, RM-7 and RM-15 columns.

Commissioner Kevin McGaha questioned the wording of the first line of the purpose. Staff suggested rewording it to: “The purpose of this chapter is to set forth regulations for areas currently zoned R-1-8 within Box Elder County”.

Commissioner Bonnie Robinson would like to have Section 3-3-070-8.2 “Private recreational grounds and facilities, not open to the general public, and to which to admission charge is made” removed from the text and also strike Section 3-3-70-3.93 “Accessory Dwelling Units”.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward to the county commission a recommendation of approval for Z19-006 with all the conditions listed by staff, and striking Section 3-3-070-8.2 and Section 3-3-70-3.93 and correct the wording of Section 3-3-010. The motion was seconded by **Commissioner Jared Holmgren** and was carried unanimously.

PUBLIC HEARINGS - NONE

NEW BUSINESS

DAVIS AGRICULTURAL SUBDIVISION, AS19-004, six acre agricultural subdivision at approximately 1500 W 7800 S in the South Willard area of unincorporated Box Elder County. ACTION

Staff said the applicant has requested a 6-acre parcel be agriculturally subdivided from a larger parcel located at 1500 West 7800 South in the South Willard area. Requirements for review per Utah State Code for an agricultural subdivisions are as follows:

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; *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.

Staff stated the subdivision meets these requirements and recommends approval of Application AS19-004.

Commissioner Desiray Larsen asked about the purpose of subdividing the smaller parcel.

Staff explained there is a 4-plex on the larger parcel and both parcels meet the minimum acreage required for a subdivision. The applicant plans on splitting the 6-acre piece off to sell to a buyer.

MOTION: A Motion was made by **Commissioner Michael Udy** to approve the Davis Agricultural Subdivision, AS19-004 The motion was seconded by **Commissioner Desiray Larsen** and unanimously carried.

RIVER VIEW ESTATES SUBDIVISION, SS19-031, Request to amend Lots 7 & 8 of the River View Estates Subdivision to combine them into one lot. Located at approximately 4540 W 12000 N in the Tremonton area of unincorporated Box Elder County. ACTION

Staff said the River View Estates subdivision was approved in 1979. The owners' home is on Lot 8; Lot 7 has a small shed on the property. The owners would like to put a larger garage/shop on Lot 7. To avoid setback requirements and also for utility purposes, it makes sense to combine the two lots into one. The applicants are requesting to amend the subdivision plat to reflect combining the lots. The proposed subdivision plat is currently under review. The landowners' surveyor has finalized the plat, and the county surveyor department has reviewed the plat, and have changes that need to be made.

Commissioner Kevin McGaha asked if it is county code that requires a survey to combine the lots. Staff replied it is state code but there is a difference of opinion on the code. The county recorder takes the position a survey with a plat is required to amend any aspect of a subdivision.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to approve Application SS19-031 amending the River View Estates Subdivision, subject to conditions outlined by staff as well as the surveyor's recommendations. The motion was seconded by **Commissioner Kevin McGaha** and unanimously carried.

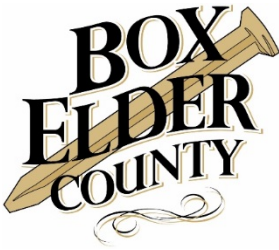
WORKING REPORTS - NONE

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to adjourn planning commission meeting. The motion was seconded by **Commissioner Jared Holmgren** and meeting adjourned at 7:25 p.m.

Laurie Munns, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION

STAFF REPORT

Meeting Date: September 19, 2019

Agenda Item #: 6a

Application Type:

Zoning Map Amendment

APPLICANT(S):

Valeen Peterson

PROJECT #:

Z19-008

ADDRESS:

Section 23, Township 8
North, Range 1 West

PARCEL #:

02-005-0050, -0059, -0060,
-0061, -0062

CURRENT ZONE:

MU-160

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons
Comm. Dev. Director

BACKGROUND

The applicant is requesting that 361.63 acres (all of Section 23 that falls in Box Elder County) located in the mountains south of Mantua be rezoned from MU-160 (Multiple Use 160 acres) to the MU-40 (Multiple Use 40 acres) zone. The 361 acres consists of five illegal parcels ranging in size from 49 acres to 140 acres. It was family property that was recently split up amongst recipients. Upon splitting the property it no longer met the 160 acre minimum parcel size required by the MU-160 zoning adopted in 1974.

ANALYSIS

County Code:

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

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Church Camp	MU-160
South	Mountain	F-40 (Weber County)
East	Grazing	MU-160
West	Grazing	MU-160

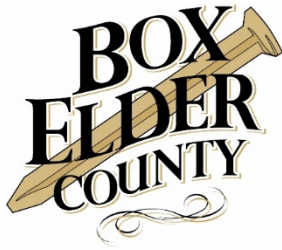
Land Use Ordinance Standards Review:

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

amendments.

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

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



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

The area is primarily open space, hillside, and forest. The current zoning requires 160 acres minimum to build a home, etc. The proposed zoning allows the exact same uses as the current zoning, it would just reduce the minimum acreage required from 160 acres down to 40 acres.

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

To our knowledge the proposed amendment would not have an effect on 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.

As stated above, the proposed zoning change allows the same uses currently allowed, just on a smaller minimum parcel size. There are limited to no facilities in this area currently, and I don't foresee that changing. The county road that accesses these parcels is a "D" road, meaning it is unmaintained and does not receive winter maintenance. It is actually behind a locked gate for the winter and the only way to access it would be by snowmobile. Any water and sewer would be self-provided via a well and septic system. Refuse would be pack-in, pack-out, "leave no trace" similar to camping.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the rezone of the subject parcel from MU-160 (Multiple Use 160 acres) to MU-40 (Multiple Use 40 acres) and a survey of the surrounding area, staff concludes the following:

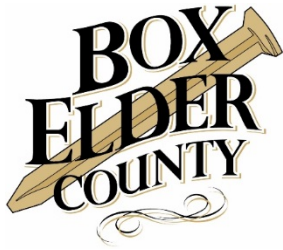
1. The Box Elder Land Use Management and Development Code allows for the rezone of properties subject to zoning map amendment review procedures and approval.

RECOMMENDATION

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

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

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



including all current licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z19-008, a zoning map amendment from the MU-160 (Multiple Use 160 acre) zone to MU-40 (Multiple Use 40 acre) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

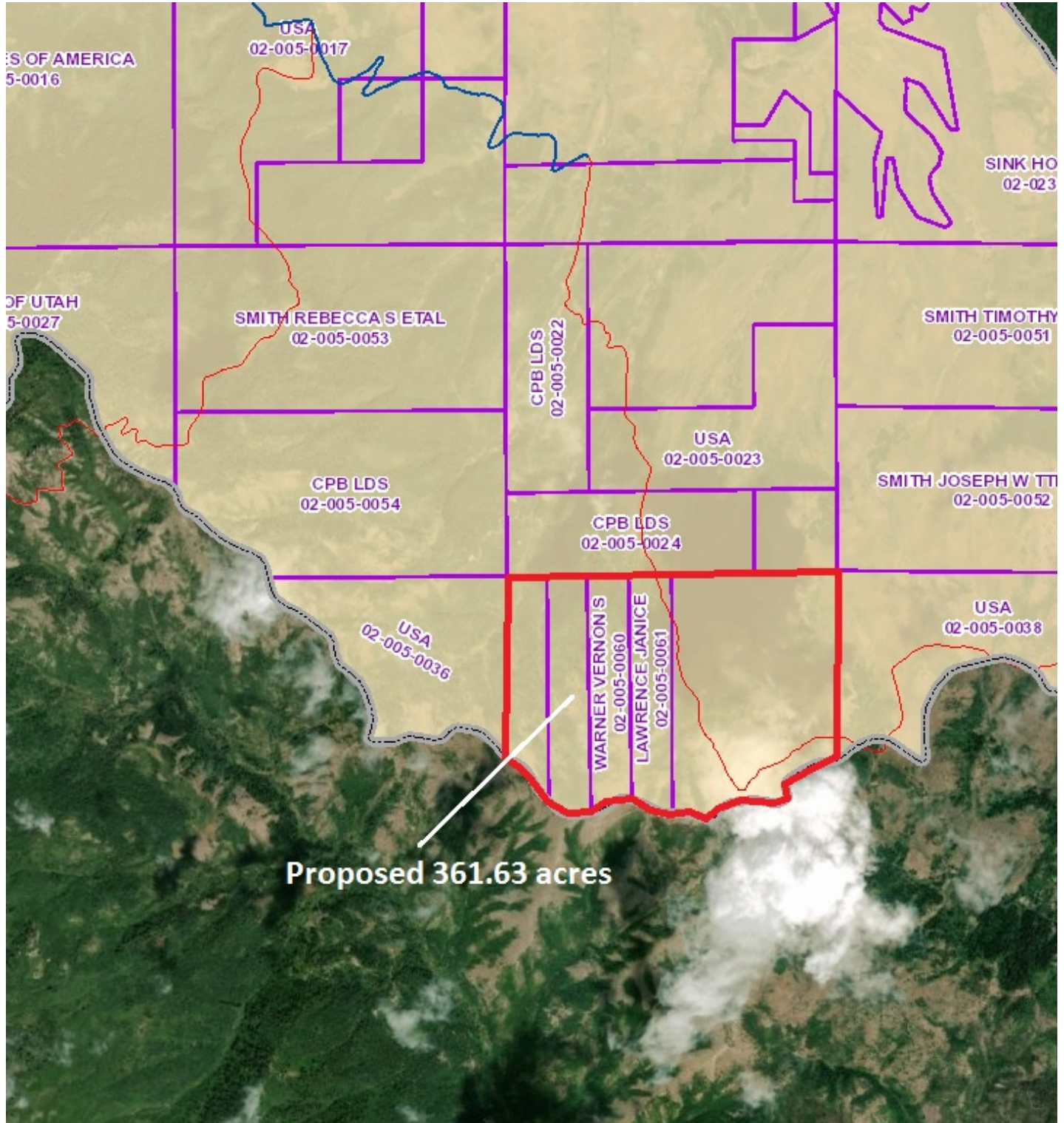
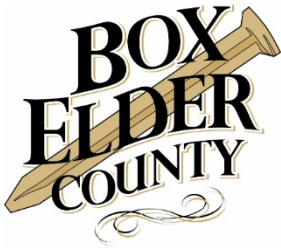
Table – “I move the Planning Commission table the review of application number Z19-008, a zoning map amendment from the MU-160 (Multiple Use 160 acre) zone to MU-40 (Multiple Use 40 acre) zone to (give date), based on the following findings:”

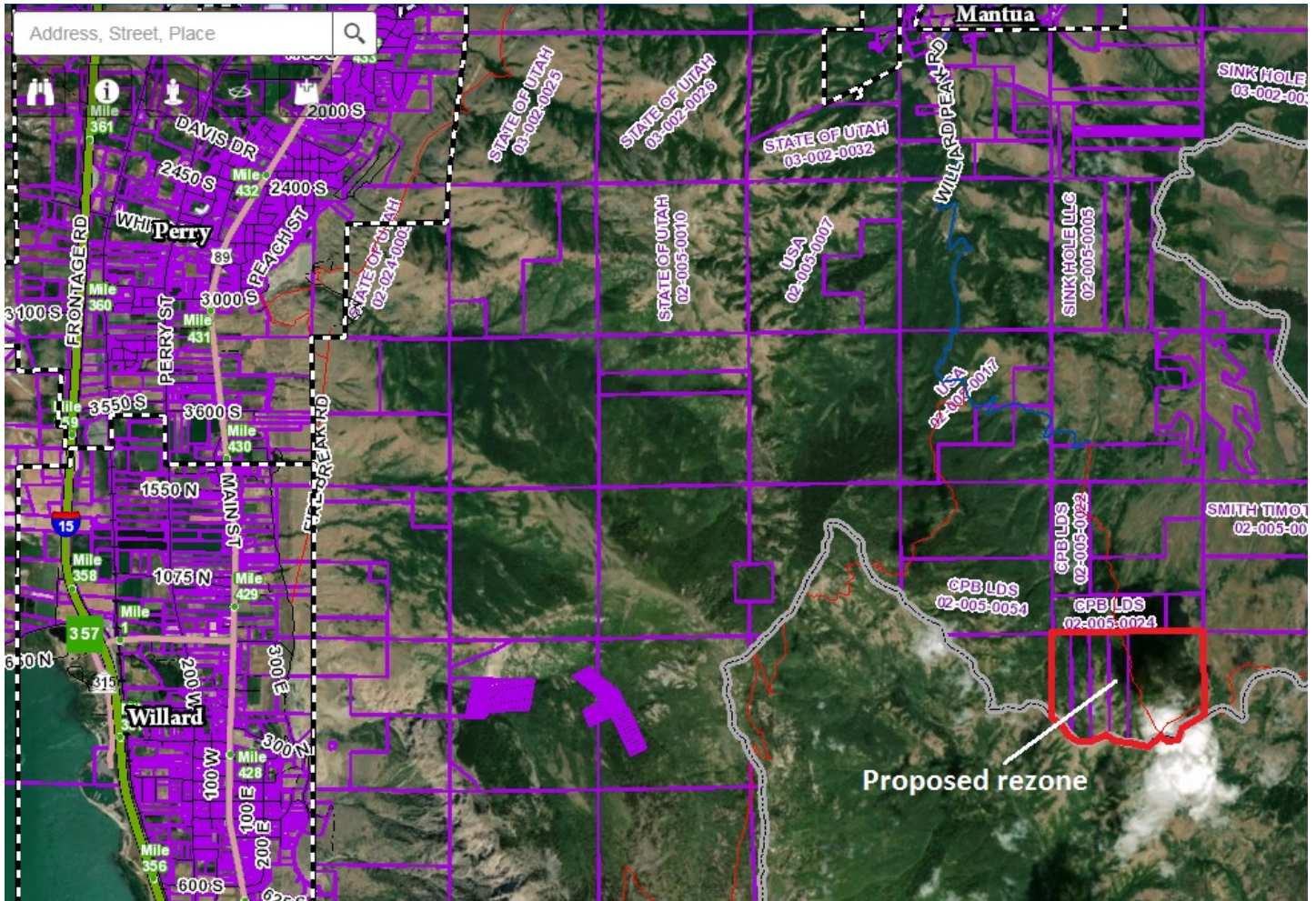
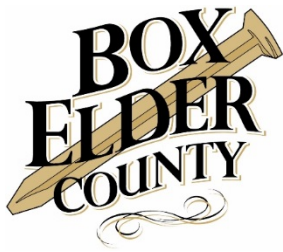
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z19-008, a zoning map amendment from the MU-160 (Multiple Use 160 acre) zone to MU-40 (Multiple Use 40 acre) zone based on the following findings:”

1. List findings for denial...

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







PLANNING COMMISSION STAFF REPORT

Meeting Date: September 19, 2019

Agenda Item #: 7a

Application Type:

Site Plan review for
Trestlewood

APPLICANT(S):

Tammy Cannon

PROJECT #:

SP19-004

ZONE:

Un-Zoned

PARCEL #:

04-054-0010

TYPE OF ACTION:

Administrative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting Site Plan approval for a wood aging business on approximately 136 acres located at approximately 6800 North 8400 West on Parcel: 04-054-0010.

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	Tremonton Green Waste Facility	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 wood aging 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. 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

Setbacks:

The proposed wood laying areas meet setbacks in for Un-Zoned areas.

Access:

Access to the property is obtained on 6800 North.



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. Compliance with all comments from Box Elder County Staff.
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 SP19-004, a Site Plan for wood aging, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

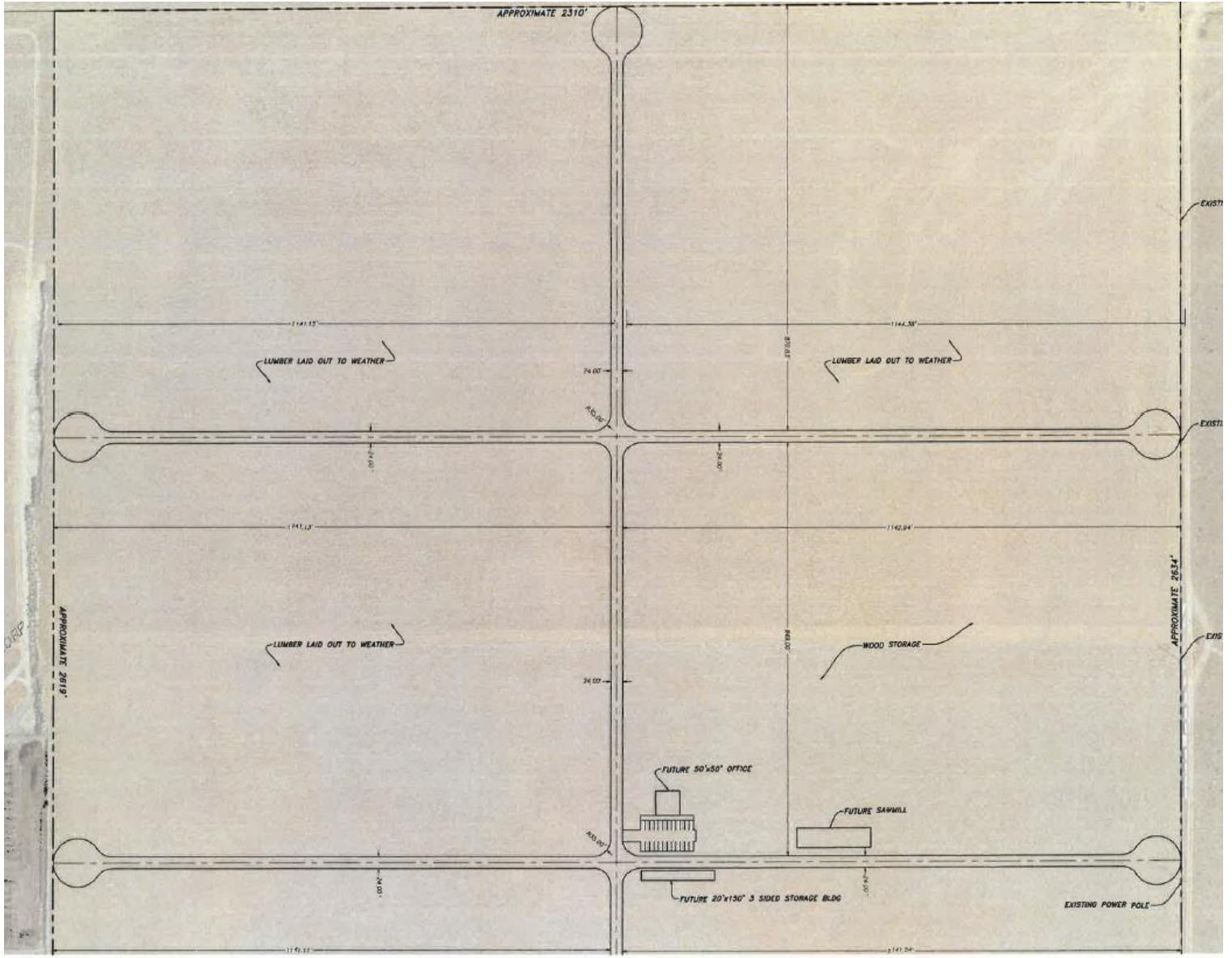
Table – “I move the Planning Commission table the review of application number SP19-004, a Site Plan for wood aging, to (give date), based on the following findings:”

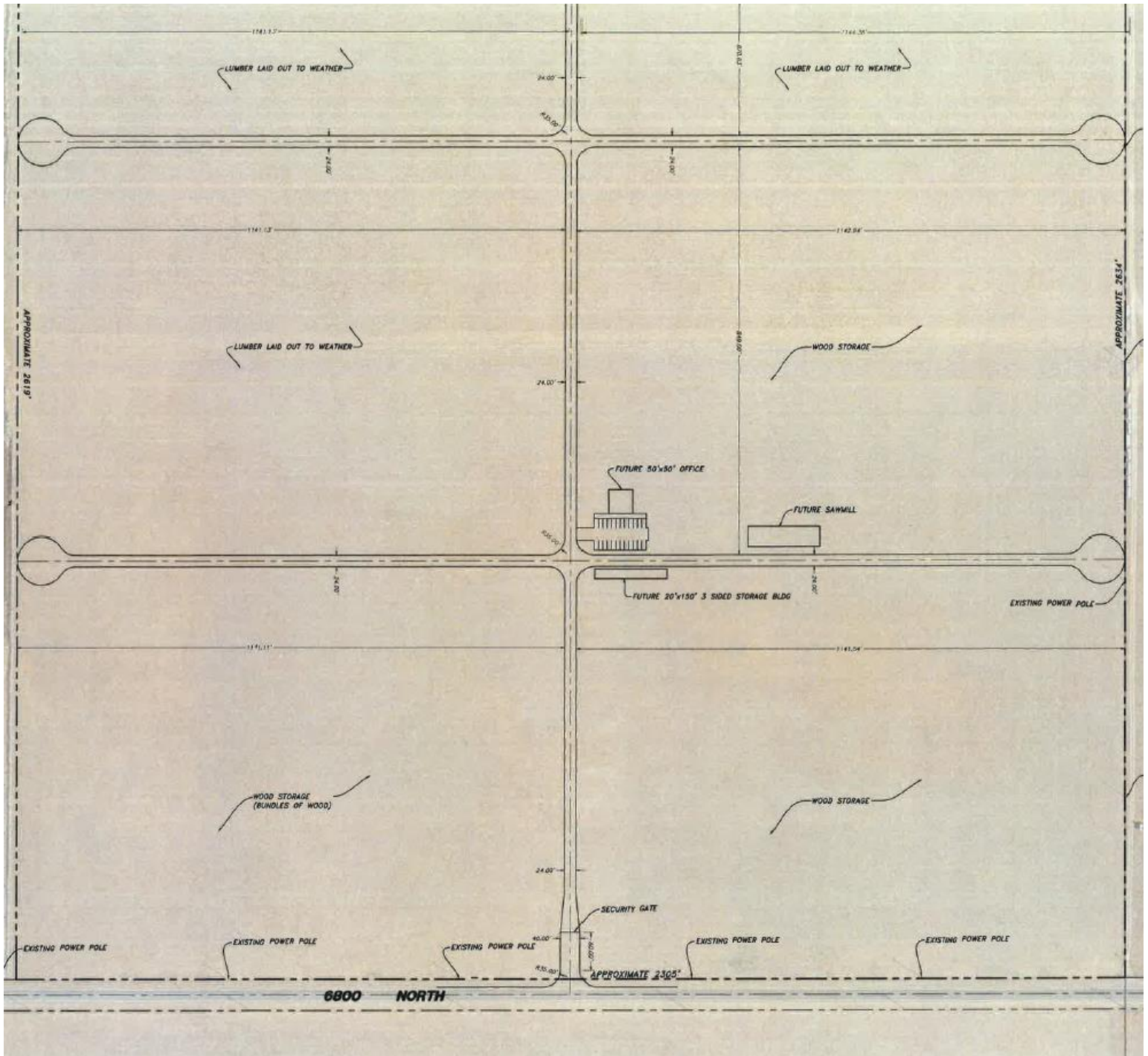
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number SP19-004, a Site Plan for wood aging, based on the following findings:”

1. List findings for denial...

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







PLANNING COMMISSION

STAFF REPORT

Meeting Date: September 19, 2019

Agenda Item #: 7b

Application Type:

Subdivision - Final

APPLICANT(S):

Doug Bassett

PROJECT #:

SS19-017

ADDRESS:

650 West 7550 South
(South Willard Area)

ZONE:

R-1-20

PARCEL #:

01-040-0210

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting final approval of the Annie's Landing Phase 2 Subdivision plat. The proposed subdivision is eight lots with each lot containing between 20,000 – 23,000 sq. ft. and a detention basin on the West side of the subdivision.

ANALYSIS

County Code:

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

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Residential	R-1-20
South	Residential	R-1-20
East	Residential	R-1-20
West	Residential	R-1-20

Access:

Access to all lots will be via county road 7550 South.

Utilities:

The letters for utilities have been turned in and are satisfactory. We are still awaiting a geotechnical report.

Setbacks:

All setbacks for the R-1-20 Zone can be met. Setbacks will be reviewed and enforced during the building permit process.

Land Use Ordinance Standards Review:

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

County Department Reviews:

All County departments are currently reviewing this subdivision.



Findings:

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

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

RECOMMENDATION

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

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

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS19-017, a final plat for the Annie’s Landin Phase 2 Subdivision, located at approximately 650 West 7550 South in the South Willard area of unincorporated Box Elder County, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

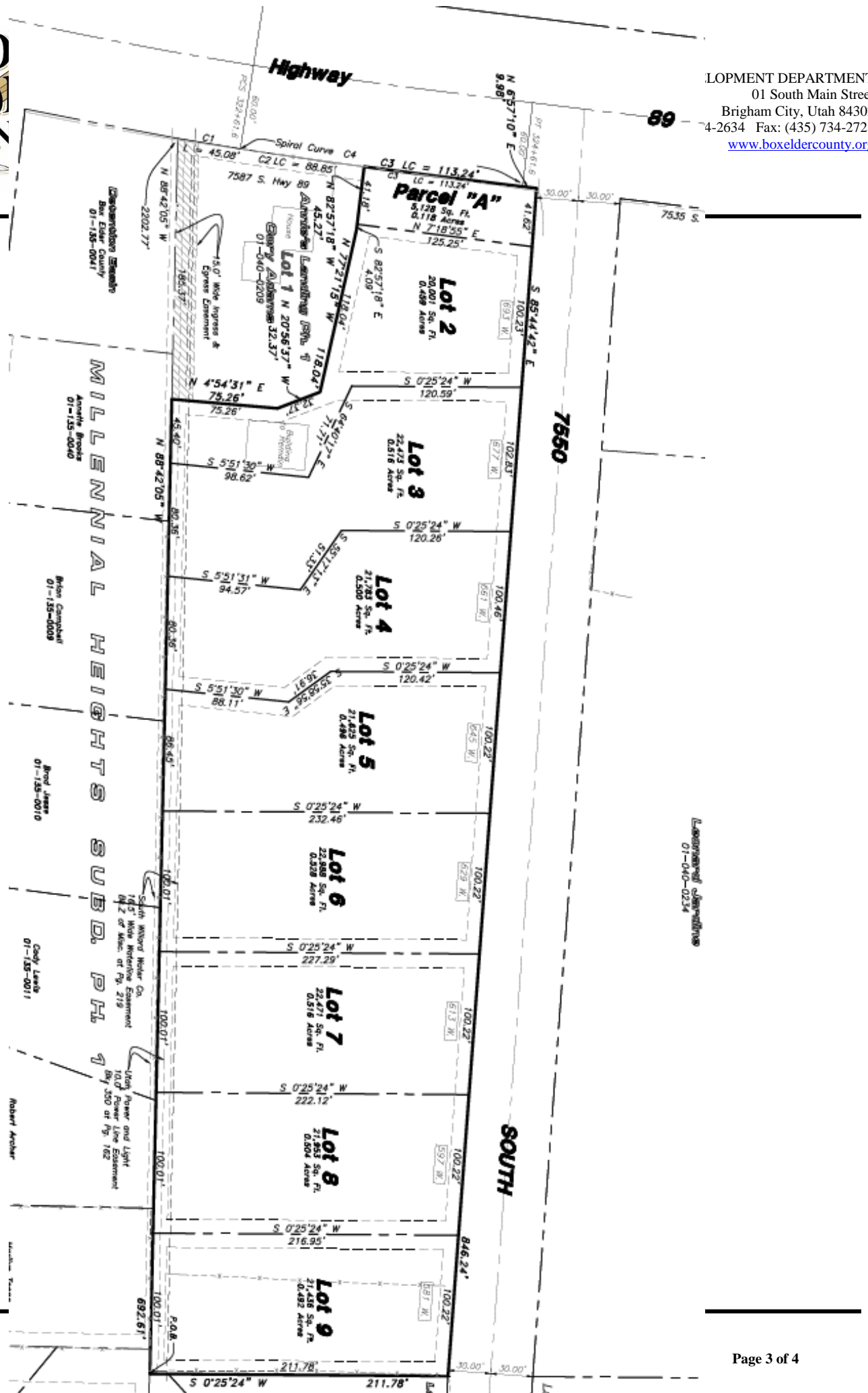
Table – “I move the Planning Commission table the review of application number SS19-017, a final plat for the Annie’s Landin Phase 2 Subdivision, located at approximately 650 West 7550 South in the South Willard in the Tremonton/Bothwell area of unincorporated Box Elder County, to (give date), based 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 SS19-017, a final plat for the Annie’s Landin Phase 2 Subdivision, located at approximately 650 West 7550 South in the South Willard area of unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

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





DEVELOPMENT DEPARTMENT
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