

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

February 15, 2018

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 C. Munns, D. Larsen, K. McGaha, M. Udy, L. Munns, B. Robinson, and M. Wilding)
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL** of the January 18, 2018 Planning Commission Minutes.
- 5. UNFINISHED BUSINESS**
  - a. NONE
- 6. PUBLIC HEARINGS**
  - a. **LAND USE TEXT AMENDMENT, Z17-020 Request to amend text of Section 3-2-070.7 – Dwellings of the Box Elder County Land Use Management and Development Code. (ACTION)**
  - b. **ANDERSON BROTHERS RE-ZONE, Z18-001 Request to re-zone property from R-1- 20/C-H to C-E, located at approximately 6927 South HWY 89 in the South Willard area of unincorporated Box Elder County. (ACTION)**
  - c. **JEPPSON FARMS RE-ZONE, Z18-002 Request to re-zone property from A-20 to RR-5, located at approximately 800 North to 200 North on 2600 West in the Brigham City area of unincorporated Box Elder County. (ACTION)**
- 7. NEW BUSINESS**
  - a. **NORTHSHORE RAIL SERVICES, LLC; SP16-002, Site Plan Extension to construct, own and operate a Class 1 private heavy rail facility with connection to Union Pacific for inbound and outbound service, located on South Promontory. (Parcels 01-011-0044, 0047, 0048, and 0093). (ACTION)**
  - b. **AS18-002, MARBLE AG SUBDIVISION; located at approximately 1600 North 6427 West in the West Corinne area of unincorporated Box Elder County. (ACTION)**
  - c. **AS18-003, LISH AG SUBDIVISION, located at approximately 17515 North 4400 West in the Fielding area of Unincorporated Box Elder County. (ACTION)**
- 8. WORKING REPORTS**
  - a. NONE
- 9. PUBLIC COMMENT**
- 10. ADJOURN**\_\_\_\_\_

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES JANUARY 18, 2018

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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>	
Chad Munns	Excused	Scott Lyons	Com Dev Dir.
Laurie Munns	Member	Marcus Wager	County Planner
Kevin McGaha	Excused	Marla Young	County Clerk
Michael Udy	Excused	Steve Hadfield	County Attorney
Desiray Larsen	Member	Jeff Scott	Co. Commissioner
Bonnie Robinson	Member		
Mellonee Wilding	Member		

**Commissioner Laurie Munns** called the meeting to order and was acting chairman at the meeting.

The Invocation was offered by **Commissioner Laurie Munns**.

Pledge was led by **Commissioner Desiray Larsen**.

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

*(Attachment: Attendance Roll)*

The Minutes of the November 16, 2017 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; seconded by **Commissioner Desiray Larsen** and passed unanimously.

**MOTION:** **Commissioner Robinson** made a motion to amend the agenda by moving item 7e, which is unfinished business, to 5a. The motion was seconded by **Commissioner Wilding** and the agenda was amended.

### **UNFINISHED BUSINESS**

#### **ZONING MAP AMENDMENT, Z17-007 ZONE PROPERTY DE-ANNEXED FROM WILLARD CITY AT APPROXIMATELY 6801 SOUTH HWY 89 TO THE R-1-20 (SINGLE FAMILY 20,000 SQ. FT.) ZONE**

Staff stated this application was initiated by the county. The proposal is to zone the area that was de-annexed from Willard City to the R-1-20 zone. It originally came before the Planning

Commission in April of 2017. A public hearing was held and a motion was made to table the application for six months.

Commissioner Laurie Munns asked if the property owner would like to have input.

Aaron Jensen said the last time he was here the item was tabled until they could get a hydrological study. The study has been completed and he shared details from the study. The conclusion showed the proposed development and grading will not adversely impact water filtration and drainage. Previously, Dr. Oaks had presented a geological report that was contrary. This study responds to Dr. Oaks' concerns. He stated, they want to pursue the Master Plan Community Zone, which was written in part for their site because of its unique development challenges. They would prefer the MPC zone and presented a new map.

Commissioner Munns stated the Planning Commission needs to decide on the R-1-20 zone. If they want to change to a different zone, it would require them to reapply and hold a public hearing.

Commissioner Wilding stated it has been eight months since the public hearing and would rather put a zone on it than have it un-zoned.

Commissioner Robinson said the people felt like there should be some zoning there.

**MOTION:** Commissioner Wilding made a motion to forward a recommendation to the County Commission for approval of Application # Z17-007, a zoning map amendment amending a de-annexed un-zoned area to the R-1-20 zone including conditions from staff. The motion was seconded by Commissioner Larsen and unanimously carried.

**PUBLIC HEARINGS – BRENT MACFARLANE, NC17-001 NONCOMPLYING STRUCTURE. REQUEST TO INCREASE THE DEGREE OF NONCONFORMANCE OF A STRUCTURE AT APPROXIMATELY 15445 NORTH 5400 WEST IN THE RIVERSIDE AREA OF UNINCORPORATED BOX ELDER COUNTY**

Staff explained the petitioner requested an increase in the degree of nonconformance of two structures in Riverside. The increase would be taken care of by creating a new property line. It is currently one piece of property for both structures. The Land Use Code does allow for the change upon Planning Commission approval.

Commissioner Munns opened the public hearing.

There was no public comment.

**MOTION:** Commissioner Robinson made a motion to close the public hearing on the Brent MacFarlane NC17-001 noncomplying structure request. The motion was seconded by Commissioner Wilding and the hearing was closed.

Staff went through the approval standards which included:

- Increase in nonconformance is compatible with adjoining property and not detrimental to the community
- Increase does not affect traffic
- Increase does not affect the value in adjacent property
- Increase does not affect the ability of adequate public services

Staff reported they have found the request does meet the required approval standards.

**MOTION:** Commissioner Robinson made a motion to approve Application # NC17-001 to increase the nonconformance with the conditions and findings of the staff report. The motion was seconded by Commissioner Larsen and unanimously carried.

### **NEW BUSINESS**

#### **VAC17-003, ROAD VACATE; VACATE ALLEY-WAY BETWEEN LOTS 1,2,3,&4 OF BLOCK 6 IN THE RIVERSIDE PLAT AT APPROXIMATELY 15465 NORTH 5400 WEST IN THE RIVERSIDE AREA OF UNINCORPORATED BOX ELDER COUNTY**

Staff described the Riverside plat that was recorded in the late 1800's. It outlined lots and blocks with alleyways. Some of the landowners are requesting the alleyways be vacated. According to state code, when a right of way is vacated, half of it goes to each adjoining property owner.

**MOTION:** Commissioner Robinson made a motion to approve the VAC17-003 regarding the road vacate of the alleyway 1,2,3, & 4 of Block 6 Riverside plat subject to conditions and forward recommendation of approval to the County Commission. The motion was seconded by Commissioner Wilding and unanimously carried.

#### **SP17-003, BEAR HOLLOW RANCH FAMILY CENTER SITE PLAN; LOCATED AT APPROXIMATELY 14970 NORTH BEAR HOLLOW DRIVE IN THE RIVERSIDE AREA OF UNINCORPORATED BOX ELDER COUNTY**

Staff explained the applicant is requesting approval for the site plan for Bear Hollow Family Center located in Bear Hollow Ranch between Riverside and Collinston. The parking lot is in place already and the proposed structure is 8,700 sq. feet in size and would use an approximate 4,800 sq. foot building footprint. It is in an un-zoned area. Event centers are a permitted use in an un-zoned area. They went through the site plan approval standards and stated those standards have been met. The request has been through the necessary reviews from county staff, Fire Marshal, and Engineer. There are some recommendations/conditions from the Engineer and County Planning and Zoning that still need to be taken care of. Those recommendations are:

1. Compliance with Section 2-2-120 of the Box Elder County Land Use Management & Development Code.

2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
3. The access to the proposed structure and adjacent parking all look like it can drain away from the building to the existing curb & gutter then on to the existing catch basin. There seems to be a lot of hard surface for the one shown inlet box. A drawing showing top of curb elevations will be needed for final approval.
4. A letter from the Bear River Health Department approving a septic system for this structure.
5. A letter from UKON water stating they can serve the project and approving the infrastructure improvements servicing the project.
6. A letter from the Box Elder County Fire Marshal regarding fire suppression requirements.
7. A landscaping plan will be needed for final approval. This should show planting details as well as sprinkler layout and the connection to the secondary water main.
8. Building elevations showing surface materials and colors including any lighting and signage.
9. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**MOTION:** Commissioner Wilding made a motion to approve SP17-003 a site plan for the Bear Hollow Ranch Family Center adopting the exhibits, conditions and findings on the staff report. The motion was seconded by Commissioner Robinson and unanimously carried.

**AS17-004, COOMBS AG SUBDIVISION, LOCATED AT APPROXIMATELY 17190 NORTH 5200 WEST IN THE FIELDING AREA OF UNINCORPORATED BOX ELDER COUNTY**

Staff explained AS17-004 is an Ag Subdivision in the Fielding area. The subdivision would create a 2.66-acre parcel leaving the rest of the current parcel with approximately 91.3 acres. They gave the standards review which included:

- The proposed subdivision is not traversed by map lines nor proposed streets
- Has been approved by culinary water authority and sanitary sewer authority
- Is located in a zoned area
- Conforms to all applicable Land Use Ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinances

Staff stated it conforms with sub-section 5 with the following requirements:

- A. Existing legal single family dwelling unit
- B. Subdivision results in two parcels, one of which is for agricultural land
- C. The parcel of land in agriculture qualifies as land in agricultural use and is not and will not be used for non-agricultural purposes
- D. Both parcels meet minimum set-back requirements in the applicable land use ordinances

E. Owner of record signs and records a notice describing the parcel as agricultural use  
Staff reported the parcel does meet state code requirements and recommended approval.

**MOTION:** Commissioner Robinson made a motion to approve AS17-004 Coombs Ag Subdivision with the conditions and findings in the staff report. The motion was seconded by Commissioner Wilding and unanimously carried.

**AS18-001, KUPFER AG SUBDIVISION, LOCATED AT APPROXIMATELY 10190 NORTH 8400 WEST IN THE TREMONTON AREA OF UNINCORPORATED BOX ELDER COUNTY**

Staff explained this subdivision is similar to the previous one and has an existing home on it. This subdivision would create a .575-acre parcel and a 76.42-acre agricultural parcel. They explained the standards which are:

- The proposed subdivision is not traversed by map lines nor proposed streets
- Has been approved by culinary water authority and sanitary sewer authority
- Is located in a zoned area
- Conforms to all applicable Land Use Ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinances

Staff reported it conforms with sub-section 5 with the following requirements:

- A. Existing legal single family dwelling unit
- B. Subdivision results in two parcels, one of which is for agricultural land
- C. The parcel of land in agriculture qualifies as land in agricultural use and is not and will not be used for non-agricultural purposes
- D. Both parcels meet minimum set-back requirements in the applicable land use ordinances
- E. Owner of record signs and records a notice describing the parcel as agricultural use

Staff stated it meets the necessary requirements and recommended approval.

**MOTION:** Commissioner Robinson made a motion to approve application AS18-001 Kupfer Ag Subdivision with the conditions and findings in the staff report. The motion was seconded by Commissioner Wilding and unanimously carried.

**WORKING REPORTS - NONE**

**PUBLIC COMMENTS –**

There was no public comment.

**ADJOURN**

**MOTION:** A Motion was made by Commissioner Robinson to adjourn at 7: 56 p.m.; seconded by Commissioner Wilding and the meeting adjourned.

Passed and adopted in regular session this 15th day of February 2018.

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Chad Munns, Chairman  
Box Elder County Planning Commission



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## PLANNING COMMISSION STAFF REPORT

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Meeting Date: February 15, 2018

Agenda Item #: 6a

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**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z17-020

**ORDINANCE:**

Section 3-2-070-7

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

The Box Elder County Planners have requested that a text amendment be made regarding Section 3-2-070-7, Dwellings, of the Box Elder County Land Use Management & Development Code.  
(See attachment 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;**  
*This text amendment would affect all unincorporated areas of Box Elder County that are in the MU-160, MU-80, MU-40, and A-20 zones.*
- 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, **staff recommends the Planning Commission forward a recommendation of APPROVAL to the County Commission.**

## **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z17-020, a text amendment regarding Section 3-2-070-7, Dwellings, 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....

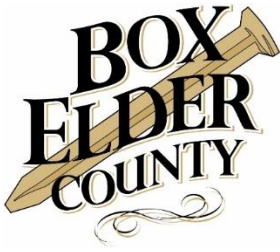
**Table** – “I move the Planning Commission table the review of application number Z17-020, a text amendment regarding Section 3-2-070-7, Dwellings, of the Box Elder County Land Use Management & Development Code, to (give date), based on the following findings:”

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 Z17-020, a text amendment regarding Section 3-2-070-7, Dwellings, 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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## **Chapter 3-2 – Multiple Use, Agricultural, and Rural Residential District**

<b>3-2-070-7</b>	<b>DWELLINGS</b>	<b>MU-160</b>	<b>MU-80</b>	<b>MU-40</b>	<b>A-20</b>
<b>3-2-070-7.1</b>	Single-Family dwelling	<b>€ P</b>	<b>€ P</b>	<b>€ P</b>	<b>P</b>
<b>3-2-070-7.2</b>	Two-Family dwelling	<b>€ P</b>	<b>€ P</b>	<b>€ P</b>	<b>P</b>
<b>3-2-070-7.3</b>	Three-Family dwelling	<b>€ P</b>	<b>€ P</b>	<b>€ P</b>	<b>€ P</b>



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# PLANNING COMMISSION

## STAFF REPORT

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**Meeting Date: February 15, 2018**  
**Agenda Item #: 6b**

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**Application Type:**  
Zoning Map Amendment

**APPLICANT(S):**  
Chad Anderson

**PROJECT #:**  
Z18-001

**ADDRESS:**  
6927 South HWY 89

**PARCEL #:**  
02-055-0037

**CURRENT ZONE:**  
G-H & R-1-20

**TYPE OF ACTION:**  
Legislative

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

**BACKGROUND**

The applicant is requesting that Parcel 02-055-0037 be re-zoned from C-H (Commercial Highway) and R-1-20 (Residential 20,000 sq. ft.) zones to the C-E (Commercial Enterprise) zone.

**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	Commercial	C-H, R-1-20
South	Commercial	C-H, R-1-20
East	Agricultural	R-1-20
West	Residential	R-1-20

**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 this area as neighborhood commercial and does not recommend anything other than this zoning designation for the future. However, 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 Commercial, residential and agricultural uses. Whether the proposed*



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*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 existing Commercial uses.*

- C. The extent to which the proposed amendment may adversely affect adjacent property; and**  
*The proposed amendment shouldn't affect the values of adjacent property. The public hearing process is in place for this information to come to light.*
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**  
*With other commercial, residential, and agricultural uses already in place in this vicinity, it is likely the facilities and services intended to serve the subject property are adequate.*

### **FINDINGS:**

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from C-H (Commercial Highway) and R-1-20 (Residential 20,000 sq. ft.) zones to the C-E (Commercial Enterprise) zone and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the re-zone of properties 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.

### **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, and economic considerations, etc.

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

1. Applicant provides a legal description for the area to be re-zoned.
2. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 2-2-080, Zoning Map and Text Amendments, 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.



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## **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z18-001 a zoning map amendment from C-H (Commercial Highway) and R-1-20 (Residential 20,000 sq. ft.) zones to the C-E (Commercial Enterprise) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

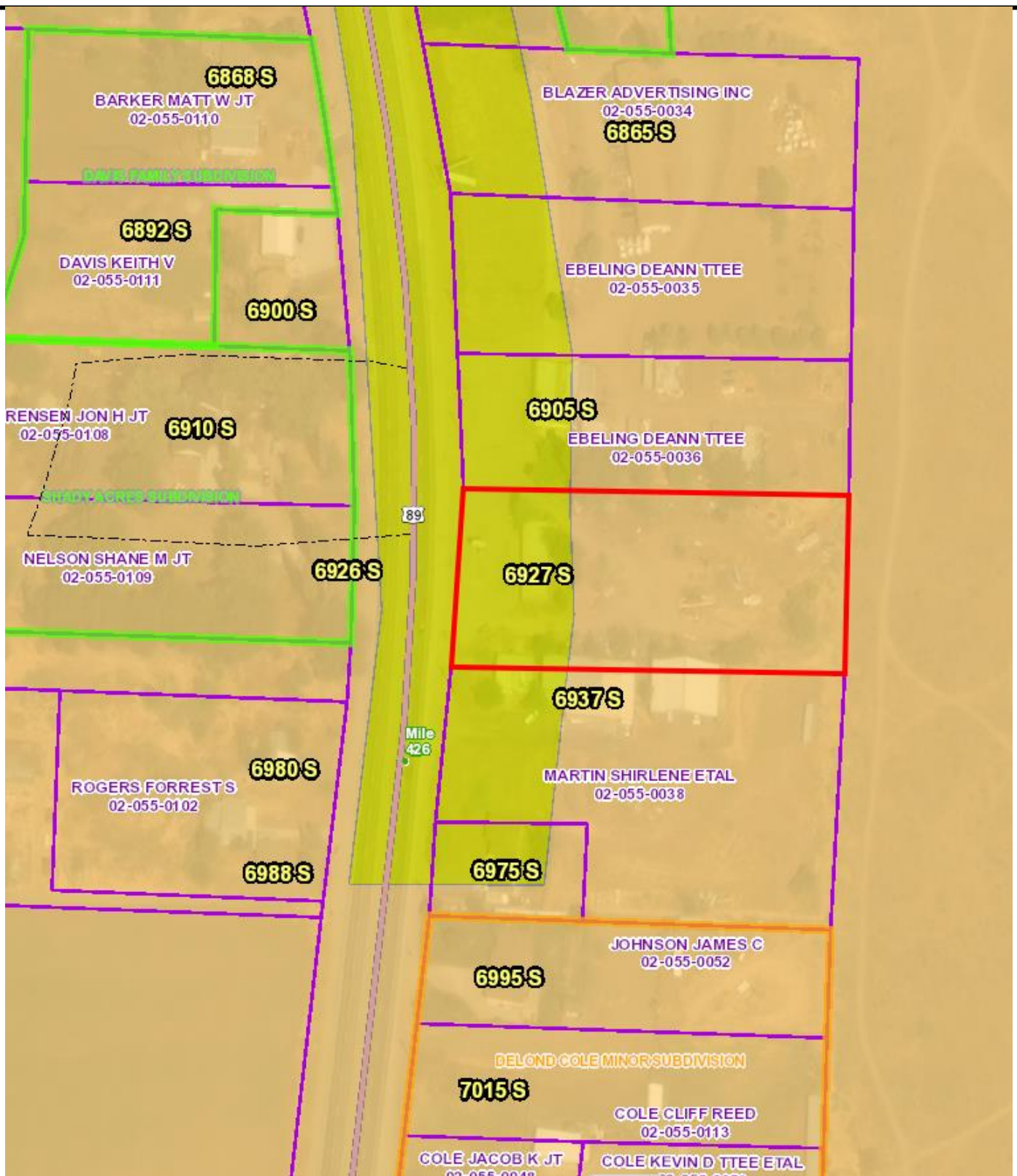
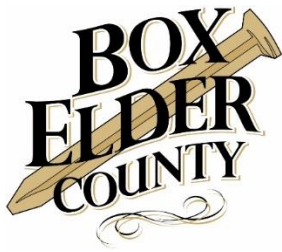
**Table** – “I move the Planning Commission table the review of application number Z18-001 a zoning map amendment from C-H (Commercial Highway) and R-1-20 (Residential 20,000 sq. ft.) zones to the C-E (Commercial Enterprise) zone to (give date), based on the following findings:”

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 Z18-001 a zoning map amendment from C-H (Commercial Highway) and R-1-20 (Residential 20,000 sq. ft.) zones to the C-E (Commercial Enterprise) 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.







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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: February 15, 2018  
Agenda Item #: 6c

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**Application Type:**

Zoning Map Amendment

**APPLICANT(S):**

Alvin Jeppson Farms, Inc.  
Chet & Camille Jeppson

**PROJECT #:**

Z18-002

**ADDRESS:**

200-800 North 2600 West  
in the Brigham City area.

**PARCEL #:**

03-109-0009, 0014, 0016,  
0035, 0036, 0045

**CURRENT ZONE:**

A-20

**TYPE OF ACTION:**

Legislative

**REPORT BY:**

Scott Lyons  
Comm. Dev. Director

**BACKGROUND**

The applicant/landowners are requesting that the listed parcels be rezoned from A-20 (Agriculture 20 acres) to RR-5 (Rural Residential 5 acres).

**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	M-G (Brigham)
South	Agriculture	A-1/2
East	Agricultural	A-20
West	Agricultural	A-20

**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.*

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

*The area is a combination of residential and agricultural uses. 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 existing residential uses.*

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



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*This is subjective. Residential uses do tend to bring additional traffic. They also tend to bring higher property values. The public hearing process may shine additional light on this.*

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

*The facilities and services intended to serve the subject property currently exist. Proof of these facilities is required prior to approval of a development plan or building permit.*

**FINDINGS:**

Based on the analysis of the proposed zoning map amendment to the A-20 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 A-20 to RR-5.

**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. Applicant provides a legal description for the area to be rezoned.
2. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 2-2-080, Zoning Map and Text Amendments, 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 forward a recommendation of approval to the County Commission, application number Z18-002, a zoning map amendment from A-20 (Agriculture 20 acre) zone to the RR-5 (Rural Residential 5 acre) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:





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1. List any additional conditions....

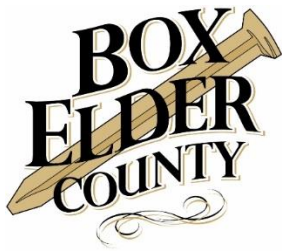
**Table** – “I move the Planning Commission table the review of application number Z18-002, a zoning map amendment from A-20 (Agriculture 20 acre) zone to the RR-5 (Rural Residential 5 acre) zone to (give date), based on the following findings:”

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

**Denial** – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z18-002, a zoning map amendment from A-20 (Agriculture 20 acre) zone to the RR-5 (Rural Residential 5 acre) zone based on the following findings:”

1. List findings for denial...

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





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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: February 15, 2018

Agenda Item #: 7a

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**Application Type:**

Site Plan Extension

**APPLICANT(S):**

Northshore Rail Services LLC.

**PROJECT #:**

SP16-002

**ZONE:**

Un-Zoned

**PARCEL #:**

01-011-0044, 0047, 0048, 0093

**TYPE OF ACTION:**

Administrative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

The applicant received approval from the Planning Commission for a site plan for rail services in the Promontory point area on April 21, 2016. The actual permit was issued on March 1, 2017 (after certain conditions were met). Site Plan Permits expire if construction is not commenced within 1 year or not substantially completed within 2 years from the date they are issued. The applicant is requesting an 18 month extension so that Union Pacific Rail Road can approve the communal track rail plans. The rail services will be located at the South end of Promontory Point on East Promontory Road on Parcels: 01-011-0044, 0047, 0048, 0093.

*Surrounding Land Use and Zoning:*

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	Un-zoned
South	Great Salt Lake	Un-zoned
East	Agriculture	Un-zoned
West	Proposed Landfill	Municipal Solid Waste

**ANALYSIS**

**County Code:**

**Land Use Ordinance Standards Review:**

Box Elder County Land Use Management & Development Code section 2-2-120.D.2.c, allows the construction and use of rail services for 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.***



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**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:**

*Box Elder County Land Use Management & Development Code requires no specific setbacks for this use in the un-zoned district. However, Section 1-1-100 of the Code does maintain that where any more restrictive provisions of covenants, agreements, and other ordinances or laws exist that more restrictive provision shall apply.*

**Access:**

*Access to the property is obtained on East Promontory Road. As a side note, the applicant is requesting to relocate the current position of this County road.*

**County Department Review:**

*All applicable County departments have reviewed the Site Plan.*

**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 is still in the review process by County Departments.

**RECOMMENDATION**

Based on the information presented in this report, application materials submitted and the site review, **staff gives the following 3 options to the Planning Commission:**

**MODEL MOTIONS**

**Approval** – “I move the Planning Commission approve an 18 month extension for application number SP16-002, a Site Plan for Northshore Rail Services LLC, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – “I move the Planning Commission table the review of an 18 month extension of application number SP16-002, a Site Plan for Northshore Rail Services LLC, to (give date), based on the following findings:”

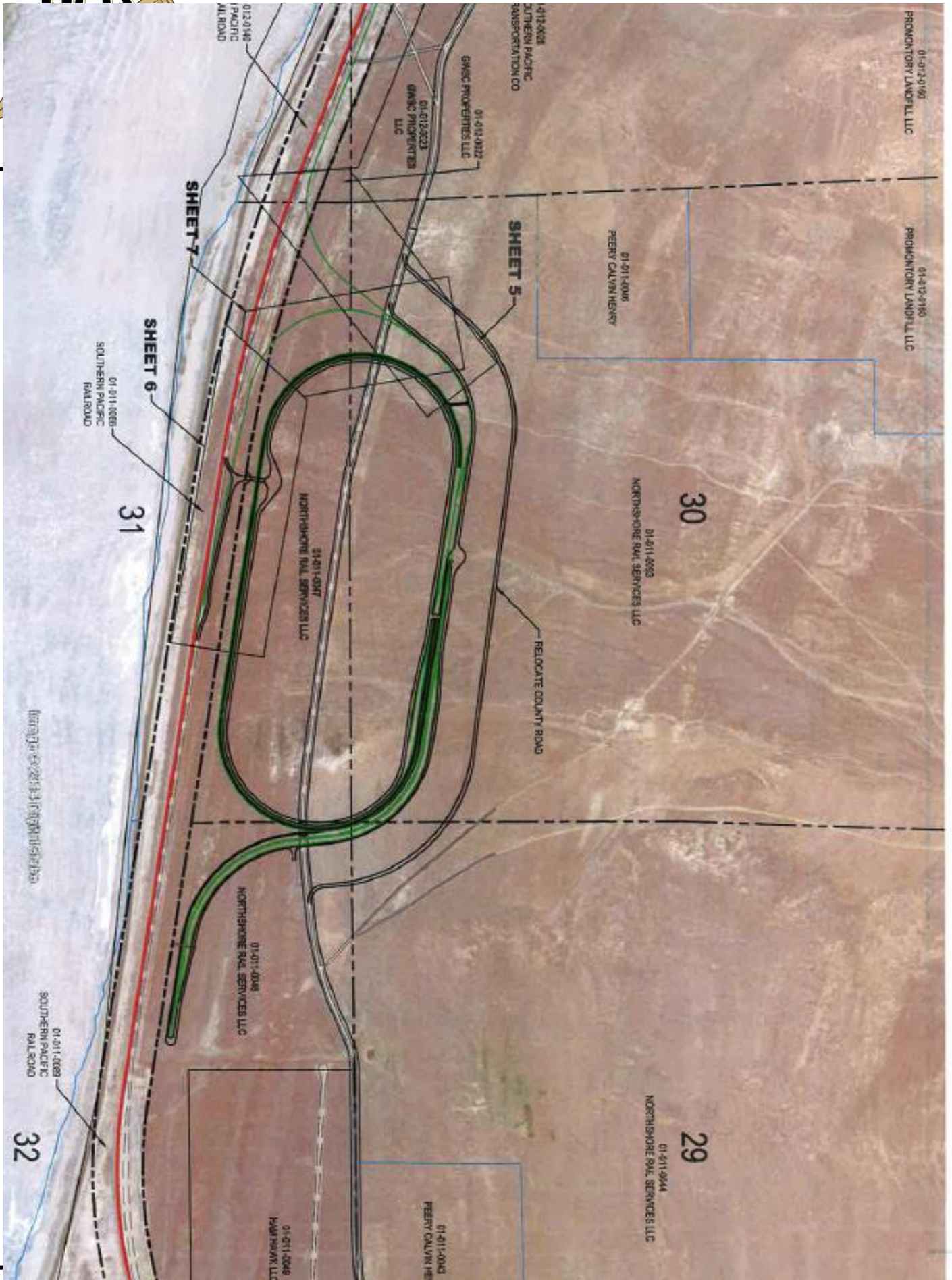
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – “I move the Planning Commission deny an 18 month extension for application number SP16-002, a Site Plan for Northshore Rail Services LLC, 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.





## NORTHSHORE RAIL SERVICES

BOX ELDER COUNTY PLANNING & ZONING  
Marcus Wager – County Planner  
01 South Main  
Brigham City, UT 84302

January 19, 2018

**Re: Request for Extension of Northshore Rail Services LLC Site Plan Permit, dated March 1, 2017**

Dear Marcus,

Pursuant to your discussion yesterday with Chad Reid, and in accordance with the provisions set forth in *Box Elder County Land Use and Development Code, Article 2-2-040 (I) Extensions of Time*, Northshore Rail Services, LLC (NRS) hereby petitions for an extension of its Site Plan Permit, signed March 1, 2017 for the construction of a rail facility and County road vacate/dedicate action on the southern end of the Promontory Point Peninsula.

NRS was recently notified by Union Pacific Railroad (UPRR) that the previously approved NRS design and construction plan for connecting to the UPRR mainline has been rescinded in lieu of an alternative plan for rail service to be facilitated by UPRR via a communal track connection. The UPRR mainline communal track will be designed and constructed by UPRR to provide rail service to both NRS and Promontory Point Resources.

UPRR estimates that design of the communal track will not be completed until mid-year 2018 and that construction of the communal track will not be completed until year end 2018. That estimate does not include any delay related to additional site survey work, permitting, availability of labor and materials, and other possible impediments to completion.

The design of the communal track must be completed and permitted for construction before NRS can complete any redesign of its facility and begin construction. Inasmuch as that process is beyond the control of NRS, we request that the County grant NRS the maximum allowable extension of its Site Plan Permit, both for the start date and completion date of construction.

NRS is working with UPRR to facilitate the communal rail service connection to the benefit of Promontory Point Resources, and presumably the County. The resulting UPRR revised plan for communal mainline service precludes NRS from moving forward with its original plans for construction for the reasons noted above. NRS appreciates the County's forbearance in granting this request for the maximum allowable extension of time of its Site Plan Permit.

Chad Reid is representing NRS in this matter and can be reached by phone at 801-920-4281 or by email at [creid@northshoreep.com](mailto:creid@northshoreep.com) should there be any questions regarding this request.

Respectfully,



John T. Jones, President  
Northshore Rail Services, LLC





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**PLANNING COMMISSION**  
**STAFF REPORT**

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**Meeting Date: February 15, 2018**  
**Agenda Item #: 7b**

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**Application Type:**  
Agricultural Subdivision

**APPLICANT(S):**  
Della Marble

**PROJECT #:**  
AS18-002

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

**TYPE OF APPLICATION:**  
Administrative

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

**BACKGROUND**

The applicant is requesting an agricultural subdivision to separate a single family dwelling located at approximately 1600 North 6427 West in the West Corinne area from agricultural ground. The subdivision would create a 1.39 acre residential parcel and a 134.11 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 AS18-002 the Marble Agricultural Subdivision.**

**MODEL MOTIONS**

**Approval** – "I move the Planning Commission approve application number AS18-002, an agricultural subdivision with a single family dwelling, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – "I move the Planning Commission table application number AS18-002, an agricultural subdivision with a single family dwelling, to (give date), based on the following findings:"

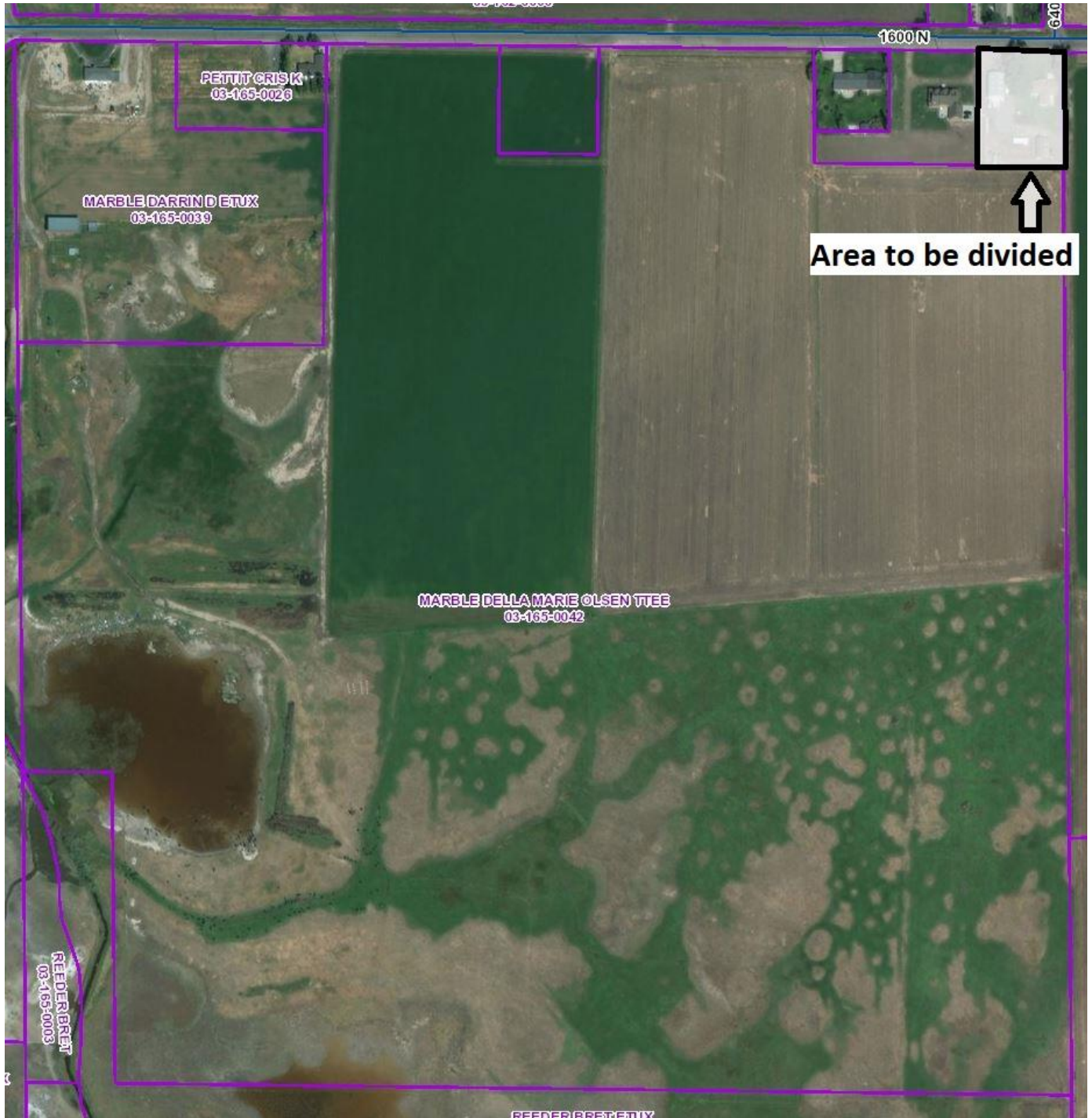
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – "I move the Planning Commission deny application number AS18-002, an agricultural subdivision with a single family dwelling, based on the following findings:"

1. List findings for denial...

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







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**PLANNING COMMISSION**  
**STAFF REPORT**

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**Meeting Date: February 15, 2018**  
**Agenda Item #: 7c**

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**Application Type:**  
Agricultural Subdivision

**APPLICANT(S):**  
Todd Lish

**PROJECT #:**  
AS18-003

**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 17515 North 4400 West in the Fielding area from agricultural ground. The subdivision would create a 1.50 acre residential parcel and a 42.96 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.



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**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 AS18-003 the Lish Agricultural Subdivision.**

**MODEL MOTIONS**

**Approval** – "I move the Planning Commission approve application number AS18-003, 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 AS18-003, 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 AS18-003, an agricultural subdivision with a single family dwelling, based on the following findings:"

1. List findings for denial...

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



