

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

April 19, 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 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 March 15, 2018 Planning Commission Minutes.
5. **UNFINISHED BUSINESS**
  - a. NONE
6. **PUBLIC HEARINGS**
  - a. **SENAWAVE CONDITIONAL USE PERMIT, CUP18-001, Request to install a 10 ft. tall tower for wireless transmission of internet service at approximately 4550 North HWY 38 in the Harper Ward area of Unincorporated Box Elder County.**
  - b. **LAND USE TEXT AMENDMENT, Z18-004, Request to amend text of Section 5-1-070 – Lot Standards and Street Frontage of the Box Elder County Land Use Management and Development Code.**
7. **NEW BUSINESS**
  - a. **DON MILLER SUBDIVISION, SS17-027, at approximately 17350 North 6000 West in the Garland Area of unincorporated Box Elder County.**
  - b. **CRAYNOR SUBDIVISION 1<sup>st</sup> AMENEMENT, SS18-006, at approximately 3150 West Forest Street in the Brigham City Area of unincorporated Box Elder County.**
  - c. **MILESKI ROAD VACATE, VAC18-001, at approximately 11600 North – East of HWY 38 in the Deweyville Area of Box Elder County.**
8. **WORKING REPORTS**
  - a. NONE
9. **PUBLIC COMMENT**
10. **ADJOURN**

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES MARCH 15, 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>	
Laurie Munns	Member	Scott Lyons	Com Dev Dir.
Kevin McGaha	Excused	Alyssa Braegger	Exec. Sec.
Michael Udy	Excused	Steve Hadfield	County Attorney
Desiray Larsen	Excused		
Bonnie Robinson	Member		
Mellonee Wilding	Member		

**Vice Chair Laurie Munns** called the meeting to order at 7:37 p.m.

The Invocation was offered by **Vice Chair Laurie Munns**.  
Pledge was led by **Commissioner Mellonee Wilding**.

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

Chad Anderson/South Willard	Dale Fredde/ Willard
Robert Thorstead/Willard	Matt Barker/Willard
Keith Davis/Willard	Aaron Jensen/Centerville
Aaron Robertson/Centerville	

### **SELECTION/APPOINTMENT OF NEW CHAIR AND VICE-CHAIR**

**Commissioner Mellonee Wilding** made a motion to nominate **Vice-Chair Laurie** Munns for Planning Commission Chair, there were no other nominations. All in favor.

**Commissioner Bonnie Robinson** made a motion to nominate **Commissioner Mellonee Wilding** for Planning Commission Vice- Chair, there were no other nominations. All in favor.

**Commissioner Laurie Munns** *wants to thank Chad Munns for all of the time and energy that he gave to this commission. I've been on it for 9 years and Chad was on there 3 or 4 years prior to me. Chad has done very well and we appreciate all of the work that Chad has done. With that I want to welcome Jared Holmgren from Bear River City. He is going to replace Chad on this commission. Chad resigned so there is one more year for Chad so Jared will serve for one year under Chad's seat and then be hopefully reappointed.*

The Minutes of the February 15, 2018 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 corrected; seconded by **Commissioner Mellonee Wilding** and passed unanimously.

### **UNFINISHED BUSINESS- NONE**

### **PUBLIC HEARINGS**

#### **LAND USE TEXT AMENDMENT, Z18-003 REQUEST TO AMEND TEXT OF SECTION 3-4-070-07 – RETAIL TRADE OF THE BOX ELDER COUNTY LAND USE MANAGEMENT AND DEVELOPMENT CODE.**

Staff explained that this came before them last month. There were some residents not in favor of the change to a commercial enterprise zone. The direction from the planning commission was for staff to look at the code and find a way to make the other uses requested work with the existing zone. (Commercial Highway)

Proposal is to allow antiques and used merchandise as a permitted use in a Commercial Highway zone. The public hearing was then opened for comments.

**Chad Anderson**, applicant is in favor of the change. He was able to locate a zoning discrepancy and his property is now zoned Commercial Highway one hundred percent. Hearing no further comment a Motion was then made by **Commissioner Desiray Larsen** to close the hearing, seconded by **Commissioner Jared Holmgren** and was unanimous.

### **ACTION**

Staff informed the commissioners that this text amendment met all of the Approval Standards found in Section 2-2-080 of the BECLUMDC and recommended approval of the text amendment.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval for the Ordinance Text Amendment, Z18-003, to the County Commission for their review. Motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

### **NEW BUSINESS**

#### **GLEN HOLLAND 2<sup>ND</sup> SUBDIVISION AMENDMENT, SS18-003, at approximately 7520 West 6400 North in Bear River City Area of unincorporated Box Elder County.**

Staff explained that this is a second amendment to the Glen Holland Subdivision. The original

subdivision included the house and barn behind the house. The first amendment added land to the west. This amendment adds land to the North approximately 25 ft. The previous property line went right through the barn. The land owner is acquiring 25 ft. from the neighboring property owner to clear up that discrepancy.

The survey on this plat has been reviewed by the county engineers, county surveyor, road department and all applicable county departments to ensure accuracy.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve the Glenn Holland 2<sup>nd</sup> ammendment SS18-003 with conditions of staff. Motion was seconded by **Commissioner Jared Holmgren**.

## **WORKING REPORTS**

### **BLUE OX MPC ZONE DISCUSSION**

The zone is created and intended for enhancing what is existing and preserving some amenities on the property for the long term while still allowing for some development use.

**Commissioner Mellonee Wilding** asked why the county.

Blue OX stated that the City of Willard does not have in their code to do what they are trying to accomplish. The County code does. He also stated that there are so many limitations in Willard City's code. The County just makes sense. It benefits the county in a tax perspective.

**Comissioner Mellonee Wilding** stated that housing does not provide any benefit to the county. She feels that the reason the county benefits the developer is that they are able to more aggressively grade and haul off material and stated that the one thing the residents do not want is a gravel pit.

Blue OX feels that the county will benefit from the gravel pit because there is a cost benefit in the extraction of the gravel and the revenues the county gains from that.

Staff stated that the point of sale happens where they deliver so there is no revenue that the county gains from that.

**Commissioner Mellonee Wilding** asked about the plan to reclaim the old gravel pit.

Blue OX stated that it lies in the housing.

*"You have a hillside that is unreclaimed. That gets topsoiled and landscaped out in a native seed as part of our trail system".*

**Commissioner Bonnie Robinson** mentions that it look like a lot of tight housing; townhouses, apartments and is concerned that type of housing is good for the county. They have talked about even eliminating the ½ acre zone because it does not fit the county.

Blue OX stated they have 144 acres and plans to use .52 acres per home. There is clustered density

mostly on the West side but it is surrounded by 18 acres of natural open space. On the East side there is a density at the highway that makes sense from a traffic point of view.

He also feels that preserving the hillside and lowering the elevation of the development is more in line with what people want to see. They are matching the grade from the property South moving North. Most of the properties that exist there are on old gravel mining operations.

Staff then asked if all development would be below power lines.

Blue OX stated that it would and that everything else would be natural open space and the trail system.

**Commissioner Bonnie Robinson** expressed concern about who owns and manages the open space. **It takes a lot of maintenance and money to maintain.**

**Commissioner Mellonee Wilding** then stated that it is typically deeded to a city as a park. The County does not have a parks department.

Staff suggested the best way would be with a conservation easement and remain as is now. The conservation easement would prevent any future development and as natural open space doesn't require any maintenance.

In regards to the west side Blue OX stated, *"Because of clustering that density into those apartments that creates a HOA of types. We would leave that in a conservation easement under the ownership and management of the owners of those apartments. This zone is identified to fit challenging pieces and that piece is challenging because that sources the water for all the fields North and South of that and the last thing we want to do is start pushing dirt around and mess things up so all the sudden our springs change or we have issues on the water sourcing"*.

**Commissioner Mellonee Wilding** then asked about the mining operation.

Blue Ox stated that they would be processing as much as they can on site because they want to use the topsoil. They just want to grade out the site to maximize the development. They would modify uses and timelines.

**Commissioner Mellonee Wilding** is concerned about the 15 years of mining and that it goes against what the South Willard residents want.

Blue Ox stated that is what Granite is proposing and that it could go faster.

## **PUBLIC COMMENTS**

At this point **Commissioner Laurie Munns** opens for public comment. No comments were made.

## **UNFINISHED BUSINESS—NONE**

**ADJOURN**

**MOTION:** A Motion was made at 8:33 p.m. to adjourn.

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Laurie Munns, Vice Chairman  
Box Elder County Planning Commission



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## PLANNING COMMISSION

### STAFF REPORT

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Meeting Date: April 19, 2018

Agenda Item #: 6a

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**Application Type:**

Conditional Use Permit for  
New Telecommunication  
Facility

**APPLICANT(S):**

Senawave

**PROJECT #:**

CUP18-001

**ZONE:**

MU-160

**PARCEL #:**

04-035-0022

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

The applicant is requesting a Conditional Use Permit for a new telecommunication facility just off HWY 38 in the Harper Ward area of Box Elder County on parcel #: 04-035-0022

**ANALYSIS**

**County Code:**

Land Use Management & Development Code Section 3-2-070-16 allows as a conditional use, wireless telecommunication towers and Section 5-7-040-D states that new telecommunication facilities require a Conditional Use Permit. Conditional Use Permits are decided upon by the Planning Commission.

**Land Use Ordinance Standards Review:**

Box Elder County Land Use Management & Development Code section 5-7-040 outlines the following standards for review for Conditional Use Permits.

**A. All telecommunications facilities shall comply with federal, state and county regulations;**

*Senawave complies with all regulations.*

**B. Collocation is strongly encouraged to minimize the number of antenna support structures by collocation of multiple antennas on a single structure, and by encouraging the location of antennas on preexisting structures;**

*This new tower does not have plans for collocation at this time.*

**C. Comply with the Telecommunications Act of 1996 by establishing regulations;**

*Senawave complies with these regulations.*

**D. New telecommunications facilities require a Conditional Use Permit;**

*This application satisfies this requirement.*

**E. Setbacks: All telecommunication facilities shall be setback at a distance equal to 110% of the total height of the tower from all property lines, inhabited structures, overhead utility lines, and public roads or public right-of-ways.**

*This facility meets this requirement. Minimum Setback: 11 ft. Proposed Setback: 15 ft.*

**F. Signage: No commercial messages or signage shall be allowed on antenna supports (towers) or equipment, beyond safety warnings and one identification sign which are not greater than four (4) square feet in size;**

*There will be some small signage on the fence which meets this requirement.*



**G. Fencing: A six (6) foot fence shall be erected around the perimeter of the telecommunication facility site.**

*There will be a six (6) foot fence built around the facility.*

**FINDINGS:**

Based on the analysis of the Conditional Use Permit application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for Conditional Use Permits for new telecommunication facilities which are approved by the Planning Commission.
2. It is staff's opinion that the proposed text amendment meets all of the Approval Standards found in Section 5-7-040 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 gives the Planning Commission the following three options in the model motions section below,** along with the conditions outlined:

**Conditions of Approval:**

1. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
2. Compliance with Article 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Section 5-7-040, General Regulations, 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 licenses, permits, etc.

**MODEL MOTIONS**

**Approval** – “I move the Planning Commission approve application number CUP18-001, a Conditional Use Permit for a new telecommunications facility, 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 CUP18-001, a Conditional Use Permit for a new telecommunications facility, to (give date), based on the following findings:”

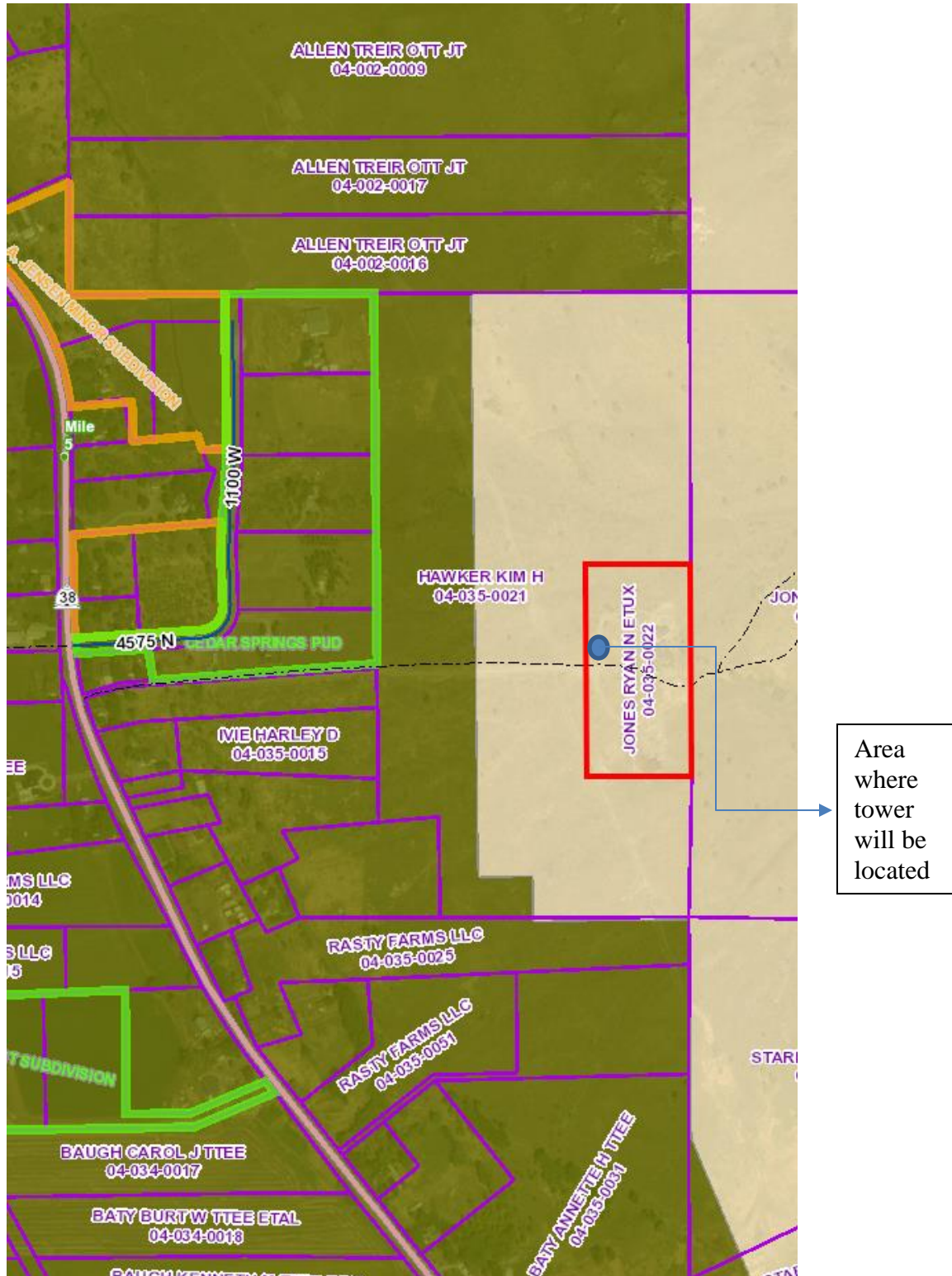
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

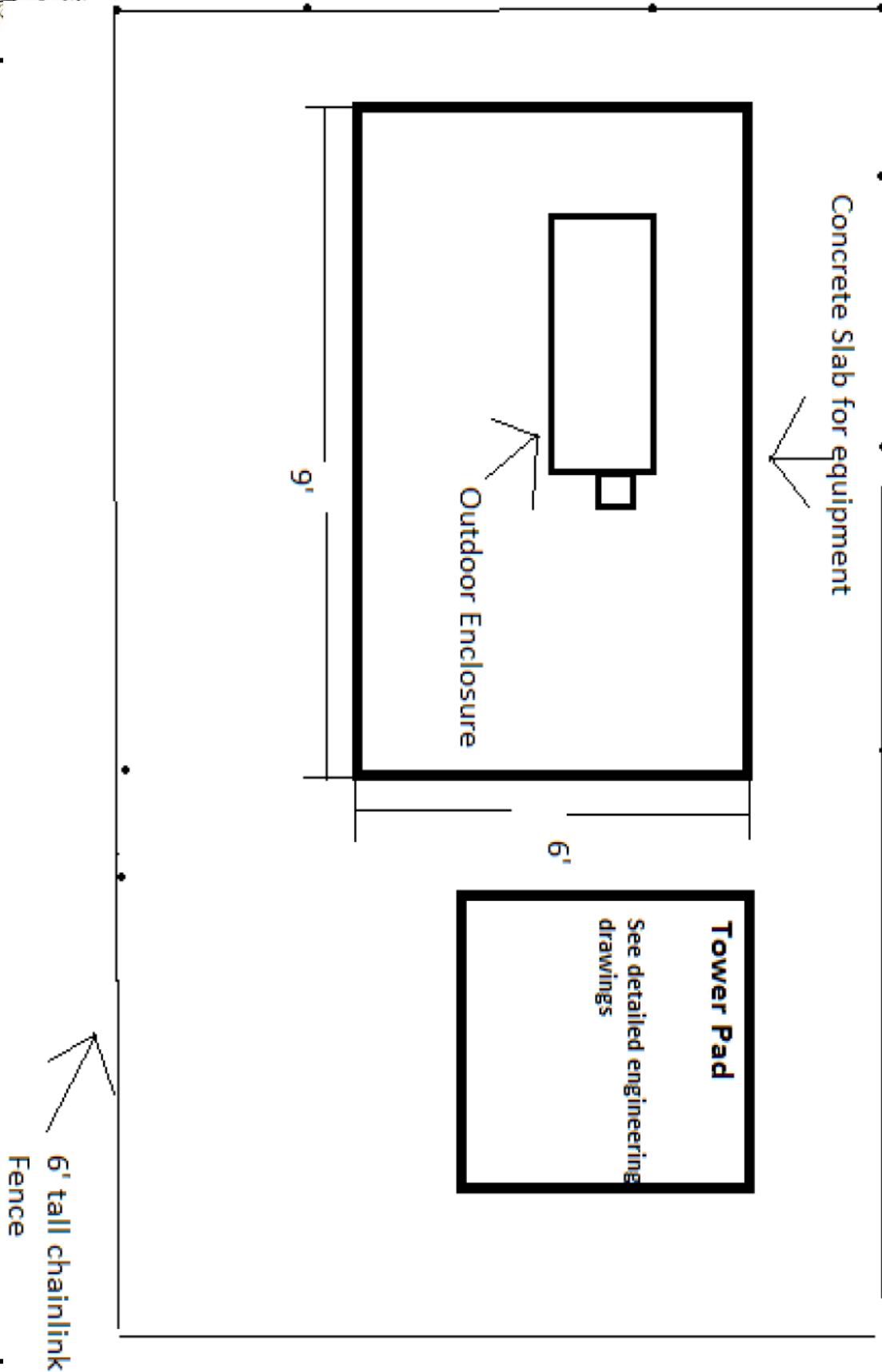
**Denial** – “I move the Planning Commission deny application number CUP18-001, a Conditional Use Permit for a new telecommunications facility, based on the following findings:”

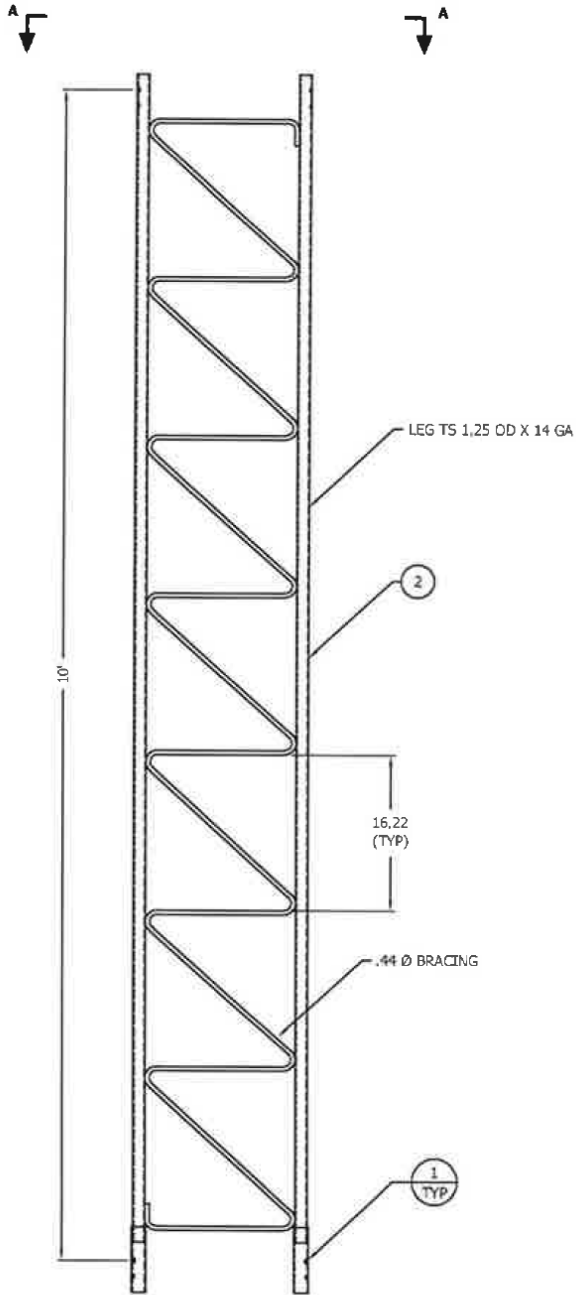
1. List findings for denial...

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

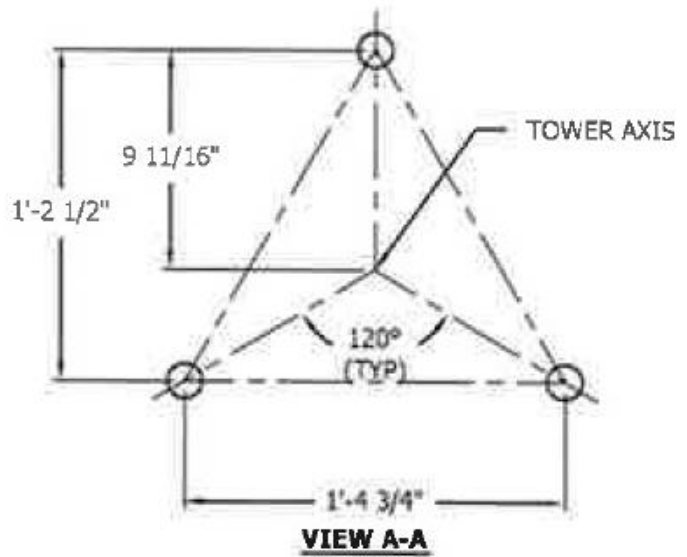








**ELEVATION VIEW**



**VIEW A-A**



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## PLANNING COMMISSION STAFF REPORT

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Meeting Date: April 19, 2018

Agenda Item #: 6b

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**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z18-004

**ORDINANCE:**

Section 5-1-070

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

The Planning Department requested a text amendment to Section 5-1-070, Lot Standards and Street Frontage. The current code has a regulation that no lot 5 acres or less can be created when it is more than 3 times as long as it is wide. The request would allow such a lot to be located anywhere in the County. The other item being proposed to be taken out is that streets or R-O-W's are approved by the Planning Commission – these are not; so we are proposing a removal. (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;**  
*This text amendment affects all areas of unincorporated Box Elder 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 Z18-004, a text amendment to Section 5-1-070, Lot Standards and Street Frontage, 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....

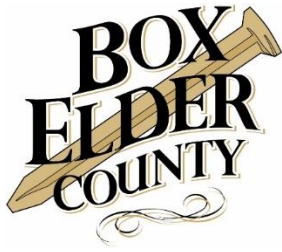
**Table** – "I move the Planning Commission table the review of application Z18-004, a text amendment to Section 5-1-070, Lot Standards and Street Frontage, of the Box Elder County Land Use Management & Development Code, to (give date), based on the following findings:"

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 Z18-004, a text amendment to Section 5-1-070, Lot Standards and Street Frontage, 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.

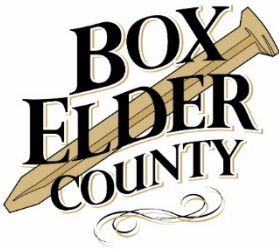


**PROPOSED VERBIAGE FOR TEXT AMENDMENT**

**5-1-070. Lot Standards and Street Frontage.**

Except for planned unit developments, condominiums, and as otherwise provided in this Code, every lot presently existing or hereafter created shall have such area, width, and depth as required by this Code for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way ~~approved by the Planning Commission~~, before a building permit may be issued; ~~provided that no lot containing five (5) acres or less shall be created which is more than three (3) times as long as it is wide~~. In un-zoned areas the regulations shall be:

<b>WIDTH/FRONTAGE REGULATIONS</b>	
The minimum width/frontage of any lot at the street right-of-way line in feet shall be	<b>100 feet</b>
<b>FRONT YARD REGULATIONS</b>	
The minimum depth in feet for the front yard for main buildings and accessory buildings shall be	<b>30 feet</b>
Where the existing minimum right-of-way on which the lot front is less than 66 feet, the setback shall be measured from the center line and in feet shall be no less than	<b>63 feet</b>
Where the proposed minimum right-of-way is more than 66 feet,	<b>the setback in feet shall be ½ proposed right-of-way, plus 30 feet</b>
<b>REAR YARD REGULATIONS</b>	
The minimum depth in feet for the rear yard for main buildings shall be	<b>30 feet</b>
Accessory buildings, *Minimum setback reduced to 5 feet so long as they do not encroach on a public utility easement.	<b>5* feet</b>
<b>SIDE YARD REGULATIONS</b>	
The minimum side yard in feet for any main building shall be	<b>15 feet</b>
Accessory buildings, *Minimum setback reduced to 5 feet so long as they do not encroach on a public utility easement.	<b>5* feet</b>



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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: April 19, 2018

Agenda Item #: 7a

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**Application Type:**

Subdivision - Final

**APPLICANT(S):**

Scott Miller

**PROJECT #:**

SS17-027

**ADDRESS:**

17350 North 6000 West  
(Riverside Area)

**ZONE:**

Un-Zoned

**PARCEL #:**

07-049-0074

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

The applicant is requesting final approval of the Don Miller Subdivision plat. The proposed subdivision is seven lots ranging in size from 0.98 to 5.7 acres.

**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	Agriculture	Un-zoned
South	Agriculture	Un-zoned
East	Agriculture	Un-zoned
West	Agriculture	Un-zoned

**Access:**

Access to all lots will be via county road 6000 West.

**Utilities:**

The letters for all utilities except water have all been turned in and are satisfactory.

**Setbacks:**

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

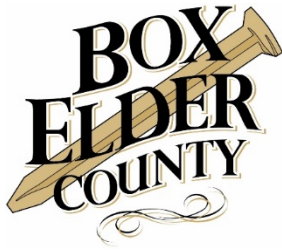
**Land Use Ordinance Standards Review:**

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

**County Department Reviews:**

The Road and Surveyor departments are the only ones that are still reviewing this subdivision (these can be provided at the Planning Commission meeting), all other departments have reviewed and are good with this subdivision.

One item to bring up is that Lot 4 currently does not meet the requirements set forth in Chapter 5-1 Section 5-1-070, Lot Standards and Street Frontage. This section of code stipulates that a lot that is less than five acres in size cannot be more than three times deep as it is wide. It has been requested that this section of code be amended and so that frontage requirements for the applicable zone be the only requirement. Approval of the subdivision in its proposed configuration would be dependent upon approval of said text amendment.



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### **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 SS17-027, a final plat for the Don Miller Subdivision, located at approximately 17350 North 6000 West in the Riverside 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 SS17-027, a final plat for the Don Miller Subdivision, located at approximately 17350 North 6000 West in the Riverside area of unincorporated Box Elder County, to (give date), based on the following findings:”

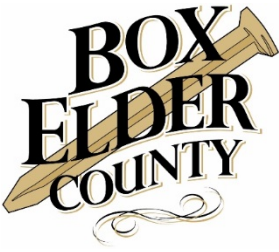
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – “I move the Planning Commission deny application number SS17-027, a final plat for the Don Miller Subdivision, located at approximately 17350 North 6000 West in the Riverside 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.

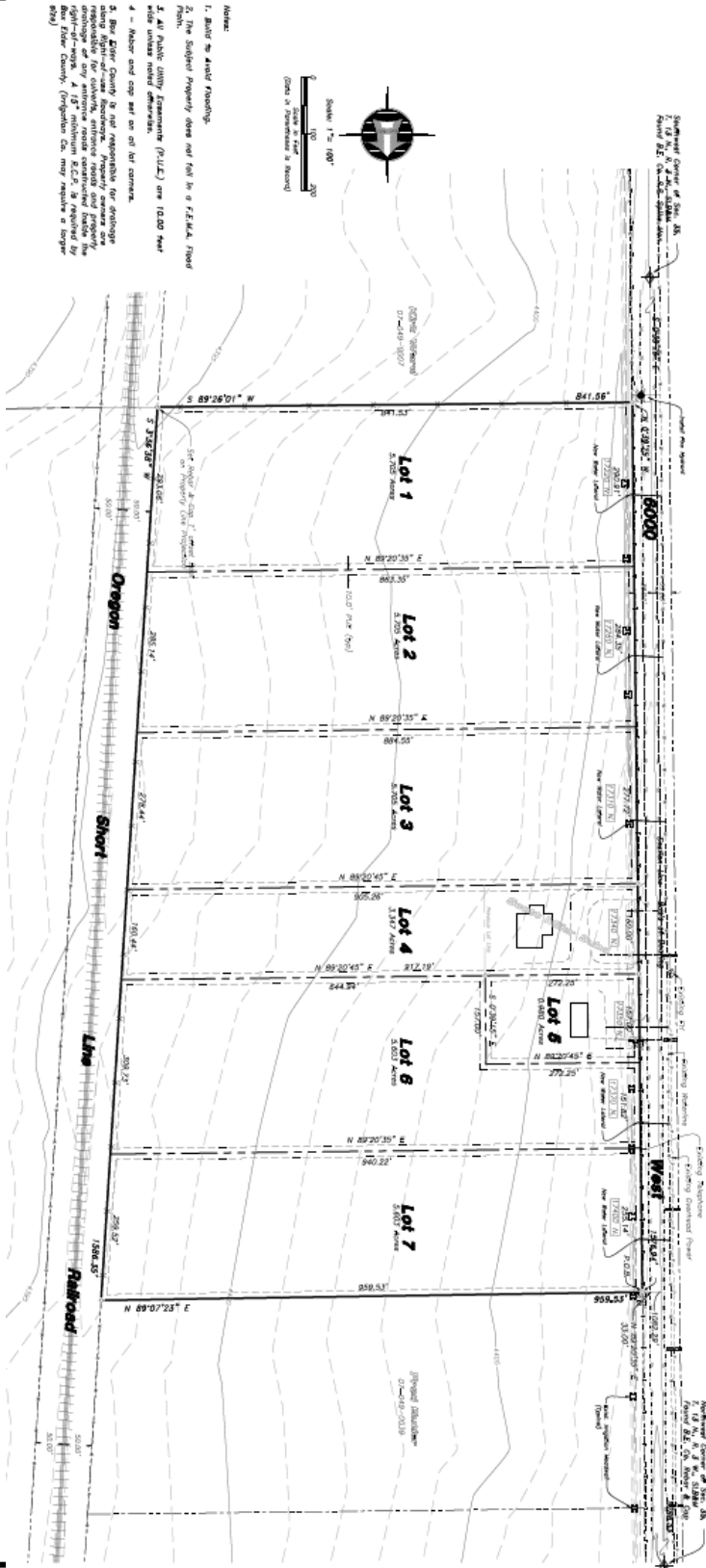




**Agriculture Protection Zone**

This property is located in the vicinity of an established Agriculture Protection Zone. The Agriculture Protection Zone is a designated area where the highest priority use is agriculture. It is intended to protect the agricultural resources of the county and to prevent non-agricultural uses that would be incompatible with the agricultural use of the land. The Agriculture Protection Zone is established by the Utah State Legislature, Chapter 2, Section 2-201, Utah Code Annotated, 1993. The Agriculture Protection Zone is established by the Utah State Legislature, Chapter 2, Section 2-201, Utah Code Annotated, 1993. The Agriculture Protection Zone is established by the Utah State Legislature, Chapter 2, Section 2-201, Utah Code Annotated, 1993.

**Don Miller Subdivision**  
 Box Elder County, Utah  
 A Part of the Northwest Quarter of Section 35,  
 Township 13 North, Range 3 West, Salt Lake Base & Meridian



- Notes:**
1. Bound to Aerial Photographs.
  2. The Subject Property does not fall in a Field, Flood Plain, or other special-use area.
  3. All Public Utility Easements (P.U.E.) are 10.00' wide unless noted otherwise.
  - 4 - Motor and cap set on oil well.
  5. Box Elder County is not responsible for changes in the right-of-way boundaries. Property owners are responsible for any maintenance costs associated with the right-of-way. A 15' minimum R.O.W. is required by Box Elder County. (Ordinance No. 1993-01-001)



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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: April 19, 2018

Agenda Item #: 7b

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**Application Type:**

Subdivision - Amended

**APPLICANT(S):**

Bret & Marianne Craynor

**PROJECT #:**

SS18-006

**ADDRESS:**

3150 West Forest St.

**ZONE:**

A-1/2

**PARCEL #:**

03-110-0035

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Dir.

**BACKGROUND**

The applicant is requesting a first amendment to the Craynor Subdivision plat. The applicant/landowner is looking to make lot 1 larger from 4.23 acres to 6.26 acres and the remainder lot would decrease in size from 5.77 acres to 3.74 acres.

**ANALYSIS**

**State Code:**

Utah State Code 17-27a-608 authorizes a landowner to amend a subdivision plat and exchange title to portions of parcels subject to the review and approval of the Planning Commission.

**Surrounding Land Use and Zoning:**

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	A-20
South	Agriculture	Brigham City
East	Agriculture	A-1/2
West	Agriculture	A-20

**Access:**

Access to Lot 1 is existing on Forest Street as the access was approved/installed at the time the home was built.

**Utilities:**

Utilities were all approved and installed at the time of the original Craynor Subdivision.

**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 applicable County departments have had the opportunity the proposed first amendment to the Craynor Subdivision. All have recommended approval.



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### **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 amended subdivision plat does comply with the subdivision regulations of Box Elder County.

### **RECOMMENDATION**

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

1. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Chapter 6-1, Subdivisions, 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 approve application number SS18-006, an amended plat for the Craynor Subdivision, located at approximately 3150 West Forest Street 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 SS18-006, an amended plat for the Craynor Subdivision, located at approximately 3150 West Forest Street of unincorporated Box Elder County, to (give date), based on the following findings:”

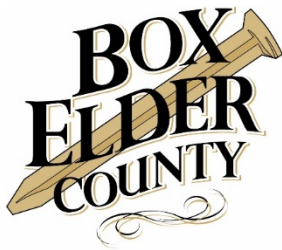
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – “I move the Planning Commission deny application number SS18-006, an amended plat for the Craynor Subdivision, located at approximately 3150 West Forest Street 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.





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## PLANNING COMMISSION STAFF REPORT

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Meeting Date: April 19, 2018

Agenda Item #: 7c

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**Application Type:**

Road Vacate

**APPLICANT(S):**

Toby Mileski, Earl Cannon

**PROJECT #:**

VAC18-001

**ADDRESS:**

County "D" Road  
11600 North east of Hwy 38  
on the Deweyville hillside

**PARCEL #:**

05-020-0011, 05-146-0002,  
-0013, -0014

**CURRENT ZONE:**

RR-2 / MU-160

**TYPE OF ACTION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

The applicant is requesting to vacate the county "D" road located at approximately 11600 North east of Hwy 38 on the hillside just north of Deweyville in unincorporated Box Elder County. Attached is a map showing the proposed road vacate.

**ANALYSIS**

**County Code:**

Box Elder County Commission Policy #2003-01 governs road vacations. According to this policy, an application for a road vacation must be presented to the Planning Commission to receive a recommendation to be presented to the County Commission.

**Land Use Ordinance Standards Review:**

Box Elder County Commission Policy #2003-01 outlines the following standards when considering a road vacation:

1. Is there a prevailing public interest in keeping the road open; and  
*The road does not access public property, it dead ends on private property.*
2. Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County; and  
*The proposed vacation does not affect the County's General Plan or Transportation Plan.*
3. Is the proposed vacation in compliance with all Box Elder County Land Use and Development Code requirements, State, Federal or other local regulations; and  
*The proposed vacation is in compliance with all requirements and regulations.*

4. Will the proposed road vacation financially harm any landowner or stakeholder who may have an interest in the road; and

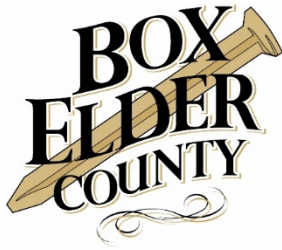
*The Public Hearing process is in place to help bring any evidence of harm to light.*

5. The County shall not vacate any other private interest within the right-of-way; and  
*No other interests within the right-of-way are to be vacated.*

6. When considering the vacation of a deeded road as opposed to a right-of-use road, the provisions of the surplus property disposal policy shall be used; and

*The proposed vacate is not a deeded road and does not need to conform to the surplus property disposal policy.*

7. The petitioner will provide descriptions in a deeded right-of-way for all abutting owners who may



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receive any ownership of the vacated road.

*The petitioners have supplied the descriptions, and the applicants are the only owners who abut the road to be vacated.*

### **FINDINGS:**

Based on the analysis of the petition to vacate a Box Elder County Road, staff concludes the following:

1. RR-2 and MU-160 zones allow for Road Vacations subject to approval by the Box Elder County Commission with a recommendation from the Planning Commission.
2. The petition is in compliance with the current Zoning provisions and County Road Vacate Policy.

### **RECOMMENDATION**

Based on the information presented in this report, application materials submitted and the site review, **staff gives the Planning Commission the following three options in the model motions section below:**

### **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number VAC18-001, a road vacation at approximately 11600 North east of Hwy 38 on the hillside just north of Deweyville in 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 VAC18-001, a road vacation at approximately 11600 North east of Hwy 38 on the hillside just north of Deweyville in 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 forward a recommendation of denial to the County Commission, application number VAC18-001, a road vacation at approximately 11600 North east of Hwy 38 on the hillside just north of Deweyville in 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 if you have any questions.

