

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

April 21, 2022

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, S. Zollinger, K. McGaha, M. Udy, B. Robinson, M. Wilding and J. Holmgren)

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL of the March 17, 2022 Planning Commission Minutes.

5. UNFINISHED BUSINESS

- a. None.

6. PUBLIC HEARINGS

- a. **ZONING MAP AMENDMENT, Z22-004**, Request for a zone change of 10 acres from RR-20 (Rural Residential 20,000 sq. ft.) to C-H (Commercial Highway), located at approximately 1950 North 2800 West in the West Corinne area of Unincorporated Box Elder County. **ACTION**
- b. **ZONING MAP AMENDMENT, Z22-005**, Request for a zone change of approximately 1 acre from RR-20 (Rural Residential 20,000 sq. ft.) to C-N (Commercial Neighborhood), located at approximately 8074 West HWY 83 in the West Corinne area of Unincorporated Box Elder County. **ACTION**
- c. **ORDINANCE TEXT AMENDMENT, Z22-006**, Request for a text amendment to Article 5, Exhibit A, Road Standards, of the Box Elder County Land Use Management & Development Code. **ACTION**
- d. **ZONING MAP AMENDMENT, Z22-007**, Request for a zone change of 75.2 acres from R-1-20 (Residential 20,000 sq. ft.) to MPC (Master Planned Community), located at approximately 8500 South HWY 89 in the South Willard area of Unincorporated Box Elder County. **ACTION**
- e. **ORDINANCE TEXT AMENDMENT, Z22-008**, Request for a text amendment to Section 5-1-290, Home Occupation, of the Box Elder County Land Use Management & Development Code. **ACTION**
- f. **ORDINANCE TEXT AMENDMENT, Z22-009**, Request for a text amendment to add Chapter 6-3, Agricultural Subdivision, to the Box Elder County Land Use Management & Development Code. **ACTION**

7. NEW BUSINESS

- a. **AGRICULTURAL PROTECTION AREA, AP22-002**, Request to create a new agricultural protection area on multiple parcels around the Brigham City area of Unincorporated Box Elder County. **ACTION**
- b. **AGRICULTURAL PROTECTION AREA, AP22-003**, Request to amend an approved agricultural protection area on multiple parcels around the Brigham City area of Unincorporated Box Elder County. **ACTION**
- c. **MOUNTAIN VIEW RANCHES SUBDIVISION PH. 2, SS22-007**, Request for preliminary approval for a subdivision located at approximately 17985 North 6000 West in the Fielding/Plymouth area of Unincorporated Box Elder County. **ACTION**
- d. **VACATE COUNTY ROAD, VAC22-001**, Request to vacate a portion of County Road Way at approximately 15500 North 5450 West in the Riverside area of Unincorporated Box Elder County. **ACTION**

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

April 21, 2022

8. WORKING REPORTS

a. NONE

9. PUBLIC COMMENT

10. ADJOURN_____

AGENDA

BOX ELDER COUNTY PLANNING COMMISSION MINUTES MARCH 17, 2022

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:

Roll Call

Mellonee Wilding	Chairman
Jared Holmgren	Vice-Chair
Kevin McGaha	Excused
Michael Udy	Excused
Steven Zollinger	Member
Bonnie Robinson	Member
Laurie Munns	Member

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Steve Hadfield	County Attorney
Jeff Scott	Commissioner
Diane Fuhriman	Executive Secretary

Chairman Mellonee Wilding called the meeting to order at 7:00 p.m.

The Invocation was offered by **Commissioner Steven Zollinger**
Pledge was led by **Commissioner Mellonee Wilding**

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

SELECT A CHAIR AND VICE-CHAIR TO SERVE A TERM OF ONE (1) YEAR

MOTION: A Motion was made by **Commissioner Laurie Munns** to nominate Mellonee Wilding as chair of the Planning Commission for a term of one (1) year. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

MOTION: A Motion was made by **Commissioner Laurie Munns** to nominate Jared Holmgren as the vice-chair of the Planning Commission for a term of one (1) year. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

The Minutes of the February 17, 2022 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 –NONE

PUBLIC HEARINGS

ZONING MAP AMENDMENT, Z22-003, Request for a zone change of 56.93 acres from Unzoned to R-1-20 (Residential 20,000 sq. ft.). The request is for all lots within Phase 1 and 2 of the Brookside Ranches Subdivision located at 13500 North East Garland Road. ACTION

This item was withdrawn.

NEW BUSINESS

WARBURTON AGRICULTURAL SUBDIVISION, AS22-003, Request for approval for an agricultural subdivision located at approximately 78500 West Etna Road in the Etna/Grouse Creek area of Unincorporated Box Elder County. ACTION

Staff explained the two lots are already separated but have the same parcel number. The way one quarter section was sold off, it ending up leaving those two lots as one parcel. (See image below). Staff has prepared a document to be recorded which will create separate parcel numbers for each lot. The legal descriptions proposed for the two lots have been reviewed and approved by the County Surveyor. Staff stated this request meets all the requirements in Utah State Code 17-27a-605 and has been approved by the Culinary Water and Sanitary Sewer Authorities. Staff recommends approval.



MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve application number AS22-003, an agricultural subdivision, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Steven Zollinger** and unanimously carried.

NEW BEGINNINGS SUBDIVISION, SS22-003, Request for approval for a subdivision located at approximately 15125 North 4400 West in the Riverside area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting final approval of the New Beginnings Subdivision plat. The proposed subdivision is for five new lots, ranging from .80 acres to 1.51 acres in size. The remaining parcel will be 25 acres in size. The surrounding land use is Rural Residential and Agriculture, the surrounding zoning is Unzoned. Access for all of the lots would be off 4400 West.

Staff explained this application started as a preliminary subdivision plat but has been converted to a final plat application. Staff has not received the final plat to begin the reviewing process; however, all applicable county departments will be reviewing this subdivision. Whether the Planning Commission decides to table or approve this request, the end result will be the same.

Commissioner Bonnie Robinson feels this request is not complete enough for approval. Commissioners Wilding and Munns agreed.

MOTION: A Motion was made by **Commissioner Laurie Munns** to table application SS22-003, a final plat for the New Beginnings Subdivision located in unincorporated Box Elder County, for up to 3 months based on an incomplete application and to allow time for all applicable county departments to review. The motion was seconded by **Commissioner Steven Zollinger** and unanimously carried.

WORKING REPORTS

UCIP Training

The Utah Counties Insurance Pool is coming in April to train the Planning Commissioners. The agenda for the April meeting is quite full. Adding the training could prolong the meeting to 3 or 4 hours. Staff said the training could be done another day in person, or possibly another day virtually. Staff will contact the UCIP about a virtual meeting.

Home Occupations/Home Businesses

Staff has updated a few items since last month's meeting. The discussion included 1. Different sized lots not having different rules; everyone who owns a home should be treated equally. 2. Uses could be amended, if a home occupations is allowed in a zone, they would need to adhere to certain provisions. 3. Prohibited uses have been updated for home occupations. 4. Storage, storing a neighbor's boat for \$30 a month is not the problem, it is those who purposely build a large building and find a loophole for storage units in a residential area under the guise of a home occupations. 5. Daycares and the number of employees and minimum lots size of two acres. 6. At what point does a business cross over from a home occupations to a commercial business. 7. Parking of tractor trailers, semi-trucks or other heavy equipment.

Staff asked the commissioners to send him any notes they have made concerning the topic in hopes of bringing it back to the April meeting with a public hearing.

Subdivisions

Staff has been running subdivisions a certain way; after looking in-depth at county code, the procedures in the code are not being followed. The procedures staff has been following makes more sense so they would like to change code to reflect the way things are done. They are cleaning up the redundancy in the code and making it more streamline. A substantial change is for small subdivisions; currently it is for 3 lots with no improvements. Staff is proposing to change to 10 lots with improvements.

Staff asked the commissioners to read the chapter and suggest any changes they would like. The commissioners all agree that anything making the procedure easier and in-line with the procedures we now use is a bonus.

PUBLIC COMMENTS

All the commissioners and staff thanked Commissioner Laurie Munns for her 13 years of service.

ADJOURN

MOTION: A Motion was made by Commissioner Steve Zollinger to adjourn commission meeting. The motion was seconded by Commissioner Jared Holmgren and meeting adjourned at 8:07 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION
STAFF REPORT

Meeting Date: April 21, 2022
Agenda Item #: 6a

Application Type:
Zoning Map Amendment

APPLICANT(S):
Jolene Marble

PROJECT #:
Z22-004

ADDRESS:
Approx. 1950 North 2800 West

PARCEL #:
03-069-0038

CURRENT ZONE:
RR-20

TYPE OF ACTION:
Legislative

REPORT BY:
Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting that parcel 03-069-0038 be rezoned from RR-20 (Rural Residential 20,000 sq. ft.) to the C-H (Highway Commercial) zone. The parcel sits on the corner of 2800 West and HWY 13 in the West Corinne area.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone 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	Industrial/Commercial	RR-20
South	HWY/Agricultural	A-20
East	Agricultural/Rural Residential	RR-20
West	Agricultural	RR-20

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 2-2-060-A states that zoning map amendments are a legislative proceeding. Per said section:

Decisions regarding a legislative application shall be based on the “reasonably debatable” standard, as follows:

- The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.
- In making such determination, the decision-making authority may consider the following: (1) Testimony presented at a public hearing or meeting; and (2) personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on

such conditions and activities, the values of other properties, and upon the general orderly development of the County.

- The decision-making body should state on the record the basis for its decision.

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 states that the West Corinne area is primarily agricultural with large lot single family and that the vision for the area suggests continuing the agricultural heritage, while allowing for some flexible lot sizes through rural residential clustering, and expanding the industrial/warehousing uses in the area.

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

The area is a combination of mainly agricultural uses and some residential homes and some industrial/commercial uses. A commercial zone could be considered harmonious.

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 may bring forth additional information.

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.

It is likely that the facilities and services already exist, the developer would have to verify this and bring them into the project.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from RR-20 (Rural Residential 20,000 sq. ft.) to the C-H (Highway Commercial) 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.
3. This application is for a rezone from RR-20 (Rural Residential 20,000 sq. ft.) to the C-H (Highway Commercial) zone.

RECOMMENDATION

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

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

1. The applicant successfully completes a subdivision as this parcel was subdivided by deed only.
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 Z22-004, a zoning map amendment from RR-20 (Rural Residential 20,000 sq. ft.) to the C-H (Highway Commercial) 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 Z22-004, a zoning map amendment from RR-20 (Rural Residential 20,000 sq. ft.) to the C-H (Highway Commercial) 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 Z22-004, a zoning map amendment from RR-20 (Rural Residential 20,000 sq. ft.) to the C-H (Highway Commercial) zone based on the following findings:”

1. List findings for denial...

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





PLANNING COMMISSION
STAFF REPORT

Meeting Date: April 21, 2022
Agenda Item #: 6b

Application Type:
Zoning Map Amendment

APPLICANT(S):
Leann Kilts

PROJECT #:
Z22-005

ADDRESS:
8074 West HWY 83

PARCEL #:
Part of: 04-073-0019

CURRENT ZONE:
RR-20

TYPE OF ACTION:
Legislative

REPORT BY:
Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting that part of parcel 04-073-0019 be rezoned from RR-20 (Rural Residential 20,000 sq. ft.) to the C-N (Neighborhood Commercial) zone. The parcel is in the West Corinne area.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone 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	Agricultural	A-20
South	HWY/Agricultural/Rural Residential	RR-20
East	Agricultural/Rural Residential	RR-20
West	Agricultural	RR-20

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 2-2-060-A states that zoning map amendments are a legislative proceeding. Per said section:

Decisions regarding a legislative application shall be based on the “reasonably debatable” standard, as follows:

- The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.
- In making such determination, the decision-making authority may consider the following: (1) Testimony presented at a public hearing or meeting; and (2) personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on

such conditions and activities, the values of other properties, and upon the general orderly development of the County.

- The decision-making body should state on the record the basis for its decision.

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 states that the West Corinne area is primarily agricultural with large lot single family and that the vision for the area suggests continuing the agricultural heritage, while allowing for some flexible lot sizes through rural residential clustering, and expanding the industrial/warehousing uses in the area.

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

The area is a combination of mainly agricultural uses and some residential homes. The Planning Commission needs to decide if a commercial zone could be considered harmonious.

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 may bring forth additional information.

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.

It is likely that the facilities and services already exist, the developer would have to verify this and bring them into the project.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from RR-20 (Rural Residential 20,000 sq. ft.) to the C-N (Neighborhood Commercial) 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.
3. This application is for a rezone from RR-20 (Rural Residential 20,000 sq. ft.) to the C-H (Highway Commercial) zone.

RECOMMENDATION

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

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

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

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z22-005, a zoning map amendment from RR-20 (Rural Residential 20,000 sq. ft.) to the C-N (Neighborhood Commercial) 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 Z22-005, a zoning map amendment from RR-20 (Rural Residential 20,000 sq. ft.) to the C-N (Neighborhood Commercial) 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 Z22-005, a zoning map amendment from RR-20 (Rural Residential 20,000 sq. ft.) to the C-N (Neighborhood Commercial) zone based on the following findings:”

1. List findings for denial...

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





PLANNING COMMISSION
STAFF REPORT

Meeting Date: April 21, 2022

Agenda Item #: 6c

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Ronald Zwick

PROJECT #:

Z22-006

ORDINANCE:

Article 5, Exhibit A, Road Standards

TYPE OF APPLICATION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is proposing a change to the Box Elder County Road Standards. He is requesting that the “#1 Road Section” be amended to allow up to three or four homes on this standard of road.

The “#1 Road Section” is the County’s minimum residential access. It is a 30 foot right-of-way consisting of a 20 foot road and five foot drainage swales on each side of the road. The county currently only allows up to two homes on this road section. A third home would trigger the #2 or #3 Road Section. As opposed to describing them as well, I will insert a cross-section of the road standards below.

Additional information that is relevant is that the County Road Supervisor has recently begun the process of updating the County Road Standards. The possibility of increasing the number of homes allowed on a 30-foot right-of-way has been discussed. Understanding that there are pros and cons to everything, the draft updates have not fully addressed this yet. The current and draft standards do state that any road on a 30-foot right-of-way is a private road/driveway and not public infrastructure.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows an affected landowner to initiate proposed amendments to the 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 General Plan doesn’t address minor roads like this specifically. It does address larger roads and the benefits of connectivity.

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 apply to all areas of unincorporated Box Elder County.

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

The proposed amendment would likely have little affect on adjacent property. Whether the affect is adverse is likely subjective and up to adjacent property owners. The public hearing process may shed additional light on this subject.

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 text amendment would place some added demand on facilities and services as it would allow additional development on existing “#1 Road Section” roads and would also allow three to four lot developments to proceed more easily than previously.

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. The Planning Commission will need to determine if this application meets the standards in Section 2-2-080.

RECOMMENDATION

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

If a recommendation of approval is forwarded to the County Commission 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 Z22-006, an ordinance text amendment 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 Z22-006, an ordinance text amendment 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...

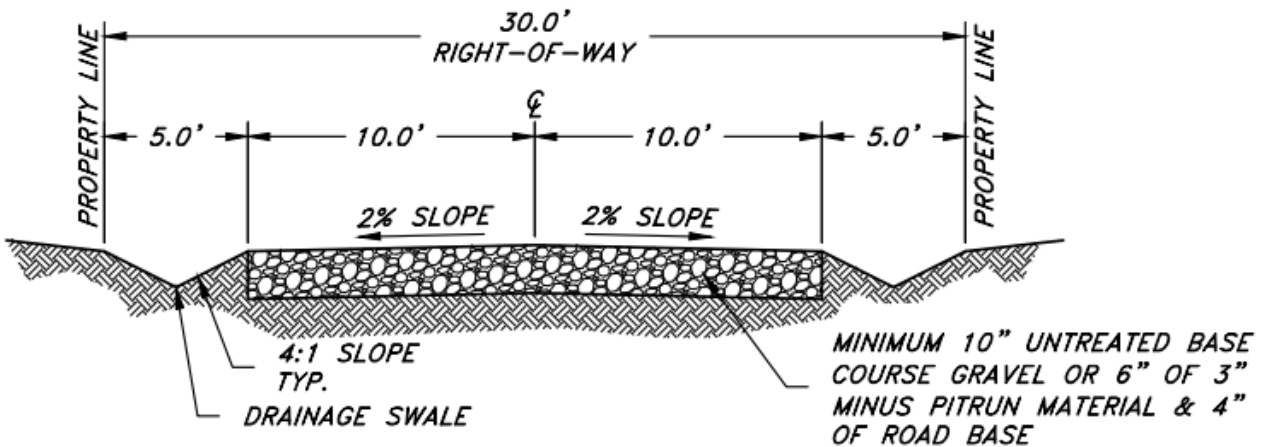
Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z22-006, an ordinance text amendment based on the following findings:”

1. List findings for denial...

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

#1 ROAD SECTION

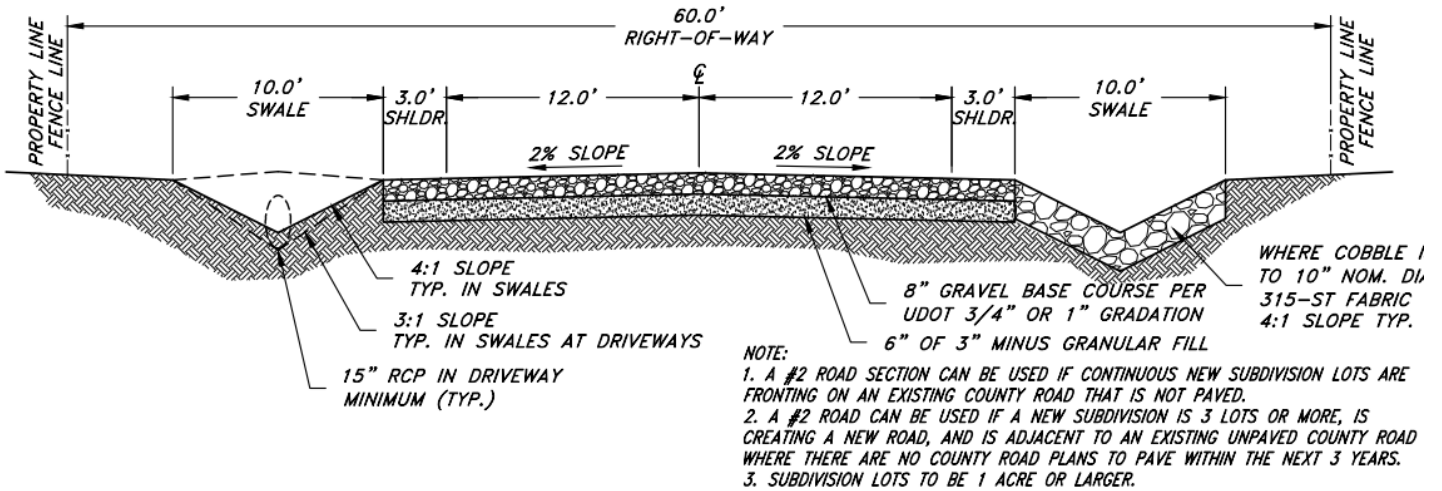
MINIMUM RESIDENTIAL ACCESS, PRIVATE ROAD AND PRIVATE DRIVEWAY (SERVING 1 OR 2 LOTS) FOR DRIVEWAYS OVER 150' LONG



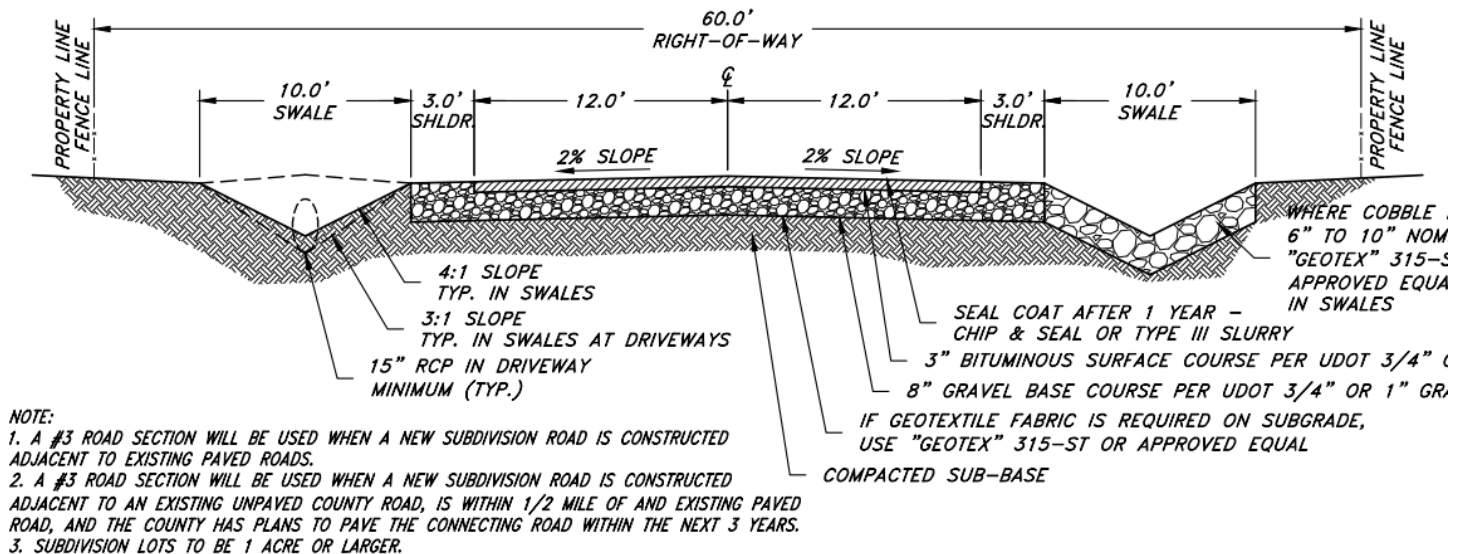
NOTE:

1. THIS GRAVEL BASE COURSE THICKNESS SHALL BE CONSIDERED AS THE COUNTY STANDARD, BUT MAY BE INCREASED BY THE COUNTY ENGINEER WHEN A GREATER DEPTH IS NECESSARY, OR FABRIC ADDED IF IN WET AREAS, TO PROVIDE SUFFICIENT STABILITY. DESIGNER AND / OR DEVELOPER MAY SUBMIT AN ALTERNATIVE PAVEMENT DESIGN BASED ON A DETAILED SOILS ANALYSIS FOR APPROVAL BY THE COUNTY ENGINEER WHICH MAY MODIFY THE ROAD THICKNESS, BUT IN NO CASE SHALL THE GRAVEL BASE COURSE BE LESS THEN 4". PRIVATE DRIVEWAYS OVER 150' IN LENGTH NEED TO BE DESIGNED TO CARRY HS-20 TRAFFIC LOADS. IT IS ALSO ACCEPTABLE FOR THE DEVELOPERS ENGINEER TO SUBMIT A DESIGN FOR THE ROAD AND CERTIFY IT FOR REVIEW BY THE COUNTY ENGINEER.
2. FIRE MARSHAL MAY CHANGE DESIGN BASED ON AVAILABLE FIRE FLOW.

#2 ROAD SECTION
STANDARD GRAVEL PUBLIC ROAD
APPLIES WHERE LOTS ARE 1 ACRE OR LARGER



#3 ROAD SECTION
STANDARD PAVED PUBLIC ROAD





PLANNING COMMISSION
STAFF REPORT

Meeting Date: April 21, 2022
Agenda Item #: 6d

Application Type:

Zoning Map Amendment

APPLICANT(S):

Mike Bastian

PROJECT #:

Z22-007

ADDRESS:

8300 South to 8900 South
 HWY 89 in the South
 Willard area

PARCEL #:

01-045-0016, -0015, -0132,
 -0118

CURRENT ZONE:

R-1-20

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons,
 Comm. Dev. Director

BACKGROUND

The applicant is requesting that approximately 78.55 acres be rezoned from R-1-20 (Residential Single Family 20,000 square feet) to the MPC (Master Planned Community) zone. The proposed MPC zone would include only residential uses. The two proposed zones are a R-1-13 Zone (Residential Single Family 13,000 square feet) and a MF-1 Zone (Multifamily Townhome). The Concept Plan does not show a phased build-out, but does show a layout as well as number of lots, units, and open space.

SITE IMPROVEMENT TABLE	
TYPE	AREA
TOTAL AREA	3,282,708 sq.ft. 75.360 acres
TOTAL LOTS/UNITS	250
UNITS PER GROSS ACRE	3.31 LOTS-UNITS / ACRE
RESIDENTIAL LOTS	
TYPE	TOTAL UNITS
NET TOTAL AREA	1,599,477 sq. ft.
TOTAL RESIDENTIAL LOTS	106
AVERAGE LOT SIZE	15,089 sq.ft.
TOWNHOMES	
TYPE	TOTAL UNITS
6-PLEX UNITS	48
5-PLEX UNITS	50
4-PLEX UNITS	28
3-PLEX UNITS	12
DUPLEX UNITS	6
TOTAL UNITS	144

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	Church/Agricultural (school district property)	R-1-20
South	Hot Springs Mobile Home Park	R-1-20
East	Elk Farm/Coleman Mobile Home Park	R-1-20
West	I-15/Agriculture (west of interstate)	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 MPC zone was created as part of the South Willard plan as residents were open to a variety of housing types and uses if the property qualifies. The County’s General Plan addresses the goal of preserving orchards in the area. None of this property is used as orchard.

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

The area is a combination of residential, agricultural, and mining. Whether the proposed amendment is harmonious with the overall character of existing development is subjective. The proposed MPC zone would consist of approximately 49% single-family residential, 23% multifamily townhomes, and 28% open space.

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

The proposed residential would likely add some car traffic to Hwy 89. This standard is somewhat subjective as well. The public hearing 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.

There are services in the area, such as schools, police, and fire protection. The applicant has a water agreement in place with Bear River Water Conservancy District. The applicant also has a sewer agreement in place with Willard City. Stormwater drainage systems would be required of the developer and would be dedicated to, and maintained by, the Flood Control District. Detailed plans for this would be submitted as part of the subdivision process.

Per Chapter 3-8-1 of the Box Elder County Land Use Management & Development Code, to be considered for a MPC zone, all applications shall meet the following criteria (applicant’s response in italics):

- 1. Encompass a minimum of one hundred (100) acres to assure reasonable internal and external land use compatibility. If the property/development is to be serviced by sewer, the minimum**



acreage requirement for the MPC zone shall be reduced to fifty (50) acres. The property in question shall be solely owned by an individual, partnership, or corporate entity, or under option to purchase by an individual, partnership, or corporate entity, at the time an MPC application is submitted; otherwise, the MPC application shall be filed jointly by all owners of the property.

The project exceeds the 50-acre minimum size and is to be serviced by sewer. Attached is a surveyed boundary of the project site.

- 2. Demonstrate in textual, visual, and oral form to the Planning Commission and the County Commission that the property in question is unique due to size, slope, natural features, sensitive lands, natural hazards, current land uses, other relevant features or that difficult hardship related conditions exist.**

Our property is located on the far South end of the County. It is bordered by the trailer park on the south boundary, I-15 on the west, future school ground on the north, and Highway 89 on the east with the elk farm east of that.

We would like to transition zone from the trailer park with our townhomes and transition into single-family lots. Our single-family lots will be a minimum of 13,000 square feet.

- 3. All areas of the proposed MPC zone shall be included in the specific plan.**

The boundary survey shows the entire area to be included in the MPC zone.

- 4. Offer unique advantages over traditional forms of development as determined by the Planning Commission and County Commission.**

We have a unique opportunity to bring sewer from the lift station in Willard City all the way to the south of our property. It is proposed to be an 18-inch line, that will have capacity to service all of the ground on the south end of the county that is yet to be developed. Right now, it is a pretty clean shot and we have had the engineering done, and know we can make it gravity flow from A to B with the path we have now. We have negotiated with Willard City and they are willing to service our property with sewer, even though we aren't in the city. This isn't common with most cities and is a great opportunity to get sewer all the way to the south of the county. It is my understanding that a lot of ground in the South Willard area west of Hwy 89 does not pass a percolation test. Having this sewer line installed helps EVERY landowner at some point in time.

With a MPC like this, we will be able to bring more affordable housing types to the community vs traditional ½-acre lots. We will also be able to bring amenities and trail systems that will serve the neighborhood. Our trail systems could potentially give access to the future Master Planned Trail system that will run along the UTA ROW and connect with Weber County's trail.

- 5. A portion of the housing units shall be income-targeted housing for persons of medium and low income. The number of income targeted housing units must be commensurate with the size and scope of the proposed development and is subject to the approval by the County Commission.**

We have a variety of housing types in this community. First, the townhomes will bring the possibility of home ownership to so many people trying to get into their first home and start



building equity. The townhomes have become the “starter house” and to be able to offer this in a neighborhood is a great opportunity. It will help meet the needs of so many persons of medium to low income.

We would like to propose some type of a deed restriction or guarantee that on a portion of our single-family lots, the houses have to be built with some type of an ADU built into the property. This will help multiple people.

- 1. It will help the person buying the house be able to afford the single family home, because they will have an ADU that they could potentially rent out to help offset the cost of their mortgage.*
- 2. The ADU will help people that might not be in a position to purchase a home, but would like to live in a nice neighborhood vs living in an apartment. It will provide a form of affordable housing in the county.*

We would like to discuss with the Planning Commission, the County Commissioners what that number of guaranteed ADUs looks like, and what the county would like to see.

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

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

The applicant has submitted a Concept plan and text showing and describing the lot layout and sizes, where stormwater would be detained, road width and layout, height and setback requirements. He has also addressed the method of providing water and sewer, but has not provided specific verification of capacity, just an agreements that the BRWCD and Willard City will provide those services. A basic list of permitted and conditional uses has been submitted. A title report has been submitted. Application fees have been paid.

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

- a. **Name of Zone/Purpose/Goals – R-1-13 and MF-1**
- b. **Lot area, width, setbacks, building heights, lot coverage, and housing densities.**

	R-1-13	MF-1
Area	13,000 square feet	?
Width/Frontage	?	?
Setbacks	F:25, R:30, S:8,10	F:20, R:30*, S:10*
Height	2 stories	2 stories
Coverage	?	?
Density	13,000 square feet	?

- c. **Streetscapes, parking, and circulation.** – County #5 Road Section?
- d. **Fencing** – Existing County standards?
- e. **Signs** – Existing County standards?
- f. **Architectural standards** – ?



3. A development agreement that runs with the land.

A draft agreement is currently under review.

ADDITIONAL CONSIDERATIONS:

- Infrastructure cost per unit – Is it sustainable or subsidized?
- Open space – Is it limited to community or available to the public?
- Greater mix of uses?
- Greater mix of densities?
- Does adding density this distance from groceries, school, etc. make sense?
- “Open space” strips between townhomes and on property boundaries maintained by HOA?
- Do townhomes have a small yard or patio?
- Add landscaping plan/requirements to the development agreement. Trees, bushes, etc. in various open spaces.
- Landscaping (bushes/trees) or sound barrier? along Hwy 89 frontage.
- Additional trail along Hwy 89 frontage from 8300 S. to 8900 S.
- Additional pedestrian connections (shown in red, Historic Orchard Pathway (UTA property) shown in yellow).
- North/south pedestrian access between single-family lots. Provides easier pedestrian access to pickleball, playground, church, and future school.
- Pedestrian access between all center townhomes to increase accessibility to pickleball and playground as well as enhanced north/south access.
- Architectural standards in development agreement.
- Uses
 - ADUs
 - Short-term rentals (air bnb)?
 - Will ADUs work here considering distance to employment and retail?
 - Home Occupations?
 - Animals?
 - Will there be CCRs that have further control?
 - Zone should be broader and CCRs more detailed if this is the case.

FINDINGS:

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

1. The Box Elder Land Use Management and Development Code allows for applying zoning designations on properties subject to zoning map amendment review procedures and approval.
2. The proposed zoning map amendment may meet the Approval Standards found in Sections 2-



2-080(E) and 3-8-1 of the Box Elder County Land Use Management and Development Code subject to Planning Commission determination of eligibility and an approved development agreement.

3. Staff has compiled a preliminary list of additional items to be considered if the Planning Commission feels the application meets the eligibility requirements.

RECOMMENDATION

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

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z22-007, a zoning map amendment from R-1-20 (Residential Single Family 20,000 square feet) to the MPC (Master Planned Community) zone based on the following findings:”

1. List findings and conditions for approval...

Table – “I move the Planning Commission table the review of application number Z22-007, a zoning map amendment from R-1-20 (Residential Single Family 20,000 square feet) to the MPC (Master Planned Community) zone to (give date), based on the following findings:”

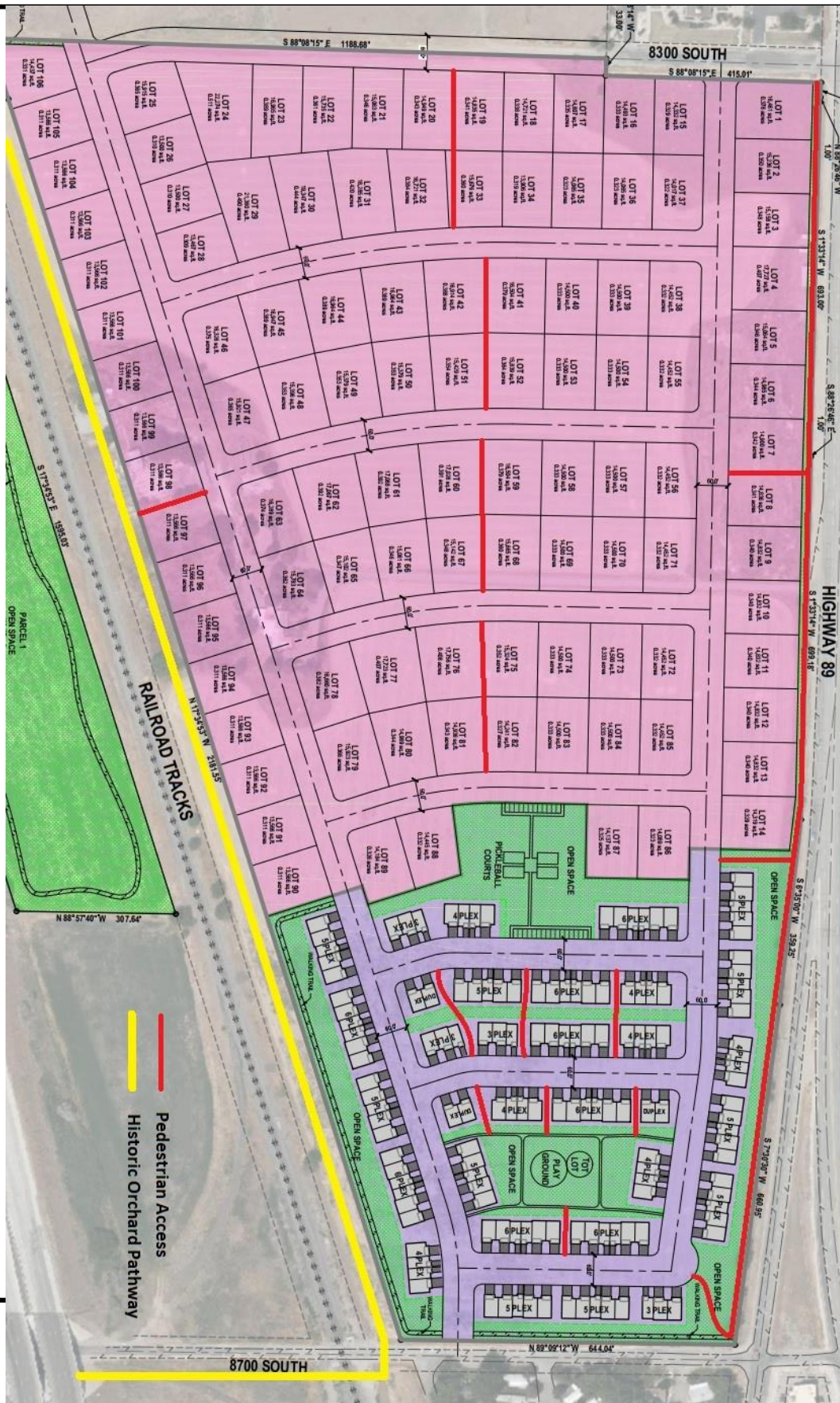
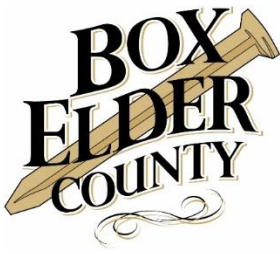
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z22-007, a zoning map amendment from R-1-20 (Residential Single Family 20,000 square feet) to the MPC (Master Planned Community) zone based on the following findings:”

2. List findings for denial...

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





PLANNING COMMISSION

Meeting Date: April 21, 2022

STAFF REPORT

Agenda Item #: 6e

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z22-008

ORDINANCE:

Chapter 5-1-290

TYPE OF APPLICATION:

Legislative

REPORT BY:

Destin Christiansen,
County Planner

BACKGROUND

The applicant is requesting a text amendment to amend Chapter 5-1-290 of the Box Elder Land Use Management and Development Code. This section amendment is to provide application requirements for Home Occupations for unincorporated Box Elder County.

ANALYSIS

County Code:

The Box Elder 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 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;

This text amendment would apply to all areas of unincorporated Box Elder County that would allow for home occupations. The Planning Commission needs to decide if this amendment would be harmonious.

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

The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.

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 text amendment should not have an effect on the adequacy of facilities.

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. The Planning Commission will need to determine if this application meets the standards in Section 2-2-080.

RECOMMENDATION

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

If a recommendation of approval is forwarded to the County Commission 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 Z22-008, an ordinance text amendment 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 Z22-008, an ordinance text amendment 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 Z22-008, an ordinance text amendment based on the following findings:”

1. List findings for denial...

Please feel free to contact Destin Christiansen at 435-695-2547 if you have any questions.

Proposed Text Amendment:

5-1-290. Home Occupation.

A. An Administrative Conditional Use Permit may be approved by the Zoning Administrator for a home occupation, i.e., an occupation of a person or family where they reside and which occupation is clearly incidental and secondary to the use of the structure for dwelling and residential purposes, and does not change the residential character of the dwelling or the neighborhood, and in connection with which there is no display and/or stock of merchandise.

B. *Definitions.*

1. "Home Occupation" shall mean any business activity, other than those listed below, which is conducted entirely within a dwelling or attached garage and is clearly incidental, secondary and in addition to the use of the structure for dwelling purposes. The purpose of the home occupation section is to allow the use of a portion of a home by one of its residents for business purposes, while establishing standards to ensure that the business use of the home will not adversely impact the residential character of the neighborhood in which the home occupation is located.

Unless otherwise prohibited herein, a home occupation is allowed as specified in respective zones provided it maintains compliance with the requirements and standards listed in this section.

C. *Prohibited uses.* The following uses are prohibited as home occupations:

1. Ambulance service;
2. Animal and veterinary clinic;
3. Any use involving the storage or sale of inflammable, explosive, or hazardous materials;
4. Body piercing, body art, or tattoo parlor;
5. Clinic or hospital;
6. Junkyards;
7. Lawn mower or small engine repair;
8. Major appliance repair or sales (washer, dryers, refrigerators, etc.);
9. Mortuaries or crematoriums;
10. Motor vehicle, boat, or recreational vehicle repair or sales (to include auto body repair);
11. Personal or commercial storage;
12. Restaurant;
13. Sexually oriented business.
14. Towing operations;
15. Trucking or heavy equipment operations; or

16. Welding, iron works, foundries.

D. *Exemptions.* The following activities are exempted from regulation under this section:

1. Garage or yard sales; provided the sale is held for not more than three (3) consecutive days, and no more than two (2) times per year at the same location, and no consignment goods are offered for sale;
2. Temporary social gathering sales that do not exceed one (1) day, such as candle parties, book parties, etc. not to exceed four (4) occurrences per year.

E. *Requirements.* A home occupation shall comply with the following requirements:

1. An application for a land use permit with a site plan depicting the site boundaries and relevant buildings or facilities on-site shall be required in order to verify zoning requirements.
2. The property owner's written authorization shall be submitted as part of the application for the home occupation.
3. The home occupation shall obtain an annual business license.

F. *Standards.* A home occupation shall comply with the following standards:

1. The primary use of the dwelling must be residential. The extent of a home occupation shall be incidental and secondary to the use of the property for residential purposes.
2. The person(s) operating the business must reside in the dwelling on a full-time basis (at least nine months per year). Up to two additional persons may be employed by the home occupation provided the residence is on a lot with a minimum of one (1) acre in area.
3. The home occupation shall retain the general character and appearance of a residential dwelling and not change the general character of the neighborhood except for approved signage and parking. No exterior remodeling shall take place that would change the residential appearance of the home.
4. Interior structural alterations made to the home are allowed only if they are consistent with its primary use as a dwelling.
5. Except as specified herein, the home occupation shall only be allowed inside a dwelling unit or in an on-site accessory building. The home occupation shall not use any space in a yard or any space on the premises outside of the dwelling or accessory building. This does not apply to the following:
 - a. A child day care or preschool, or an adult day care may use outdoor facilities for outdoor recreation or leisure.
 - b. Instructional activities may be conducted outdoors provided that the instruction is limited to lessons and lesson-related equipment, materials, or objects in such a manner that maintains compliance with subsection F(3) of this section. Instructional activities shall not include recitals, competitions, tournaments, shows, or

performances that may draw spectators. Instructional activities conducted outdoors or in an accessory building shall not involve any of the following:

- 1) Manufacturing, industrial processes, or the use of heavy equipment or machinery;
 - 2) Commercial scale assembly or creation of goods or materials;
 - 3) Commercial scale construction or contractor activities; or
 - 4) Outdoor storage.
6. Customers shall be allowed at the residence only if scheduled on an appointment basis, and are only allowed between the hours of seven a.m. (7 AM) and nine p.m. (9 PM). The hours of operation for day-care and preschool centers shall not begin any earlier than six a.m. (6 AM), or operate later than ten p.m. (10 PM) seven days a week. Group lessons or sessions shall not exceed six people at a time.
7. When day-care and preschool centers for 4 or more children under the age of 14 for more than 4 hours a day are approved as a home occupation, the following conditions will also be required:
- a. A license shall be issued by the Utah Department of Workforce Services for the same, and all regulations and conditions imposed by that agency observed.
 - b. Copies of all required State licenses will be attached to the application.
 - c. Outside yard space will be fenced for the protection of the children (contain them safely).
8. Home occupations with visiting clientele will be subject to the following standards:
- a. No more than one home occupation with visiting clientele shall be permitted on any property.
 - b. No home occupation with visiting clientele shall be allowed in multifamily dwelling units.
9. The storage or display of supplies, inventory, equipment, or materials in any portion of the yard is prohibited.
10. The home occupation shall not substantially increase the demand for public services in excess of those usually and customarily provided for residential uses. It shall not substantially increase foot and vehicular traffic, parking, noises, lighting, glare, vibration, odors, smoke, dust or airborne particulate matter, heat, fumes, refuse, interference with radio and/or television reception, or anything else that is uncommon to the established character of the neighborhood to such a degree as to constitute a nuisance to the residents of the immediate area.
11. The home occupation shall not create noise in excess of 60 decibels as measured from the property line.
12. Outdoor lighting used for the home occupation shall be downward directional and one hundred percent (100%) shielded from view from adjacent properties.

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13. In addition to the parking spaces required for the residents of the dwelling, parking for customers and for any employee(s), if allowed under subsection E(6) above, must be provided in the driveway or garage.
 14. No vehicle larger than a passenger car, van, or one-ton pickup truck is allowed to be brought to, parked on, or stored on the property in conjunction with a home occupation.
 15. The storage or parking on the premises of tractor trailers, semi-trucks, or other heavy equipment used for an off-premises business shall not exceed more than two 80,000 pound or less semi-trucks with trailers (Class 8 GVWR or less) and requires a minimum acreage size of 2 acres. All trucks and trailers used as part of the home occupation shall be licensed and registered, and parked in accordance with this land use code.
 16. Only those tools, equipment, or electric apparatus that are commonly used as accessories to or in conjunction with residential uses are allowed to be used as part of the home occupation.
 17. Barber or beautician services shall be limited to two stations per residence.
 18. Tanning salons shall be limited to two tanning beds per residence.
 19. The condition of the dwelling and landscaped areas shall be well maintained.
 20. The home occupation shall maintain compliance with all applicable local, state, and federal regulations.

G. *Home occupation sign.* Any sign must comply with Chapter 5-3 of the Box Elder County Land Use Management and Development Code.

H. *Inspections.* Inspection during reasonable hours by county officials may occur as necessary to assure compliance with these regulations.

I. *Regulations and Enforcement.*

1. An application for a home occupation shall be submitted to the Planning and Zoning Department of Box Elder County for review and shall be accompanied by the application fee. Upon finding that the applicant understands and agrees to comply with the standards set forth in Section 5-1-290(F), the application shall be approved.
2. All home occupations are required to obtain a Box Elder County business license. The business license shall be renewed each year that the business is in operation.
3. Violations of the standards set forth in Section 5-1-290(F) shall be subject to the penalties outlined in Chapter 2-4 of this code. In addition, a business license revocation hearing may be scheduled at the discretion of the Box Elder County zoning administrator for any home occupation found to be in violation of the home occupation standards or of any other county ordinance.
4. The business owner is responsible for complying with all applicable health, fire, building and safety codes.
5. All home occupations shall be reviewed for compliance with the provisions of this section.

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6. A change of business ownership and/or relocation to a new address is considered a new business and requires separate approval.



PLANNING COMMISSION
STAFF REPORT

Meeting Date: April 21, 2022

Agenda Item #: 6f

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z22-009

ORDINANCE:

Chapter 6-3, Agricultural Subdivisions

TYPE OF APPLICATION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

Box Elder County is proposing a text amendment to add Chapter 6-3, Agricultural Subdivisions, to the Box Elder County Land Use Management & Development Code. Utah Code 17-27a-605 outlines agricultural subdivisions and regulations to be exempt from subdivision plat requirements. It allows the County Commission to adopt an ordinance making the agricultural subdivision process an administrative land use decision. As the state code sets forth clear requirements to qualify for an agricultural subdivision, it is proposed that county staff act as the review and approval body to streamline the process for all involved. (See attachment for proposed language)

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows the County to initiate proposed 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 General Plan doesn't address agricultural subdivisions specifically. It does address agriculture and the importance of preserving agricultural lands.
- 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 apply to all areas of unincorporated Box Elder County. This does not change one's ability to perform an agricultural subdivision, it just streamlines the process.
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**
The proposed amendment would likely have little affect on adjacent property. As stated above, this does not change one's ability to perform an agricultural subdivision, it just streamlines the process.

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 text amendment is not dependent on the adequacy of facilities as it only creates agricultural parcels.

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. The Planning Commission will need to determine if this application meets the standards in Section 2-2-080.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and a review of areas, staff recommends the Planning Commission 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 County Commission 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 Z22-009, an ordinance text amendment 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 Z22-009, an ordinance text amendment 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 Z22-009, an ordinance text amendment 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.

Proposed Text Amendment:

Chapter 6-3 – Agricultural Subdivisions

Sections.

6-2-010	Purpose
6-2-020	Interpretation
6-2-030	Definitions
6-2-040	Authority
6-2-050	Agricultural Subdivisions
6-2-060	Agricultural Subdivisions with a Single Family Dwelling
6-2-070	Additional Requirements

6-2-010. Purpose.

The purpose of this Chapter, and any rules, regulations, standards and specifications hereafter adopted pursuant hereto or in conjunction herewith are:

- A. To promote and protect the public health, safety and general welfare.
- B. To align the Box Elder County Land Use Management and Development Code with Utah Code and streamline the Agricultural Subdivision process for both landowners and the County.

6-2-020. Interpretation.

The interpretation of this Chapter shall be consistent with the provisions of Section 17-27a-605 of the Utah Code, and as said provisions may be subsequently amended or revised by the State of Utah. Accordingly, any conflicts between this Chapter and Section 17-27a-605 of the Utah Code, and as said provisions may be subsequently amended, shall be resolved in accordance with Section 17-27a-605 of the Utah Code.

6-2-030. Definitions.

As used in this Chapter, the following terms shall have the following meanings:

“**Land in agricultural use**” means land that:

- A. land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
 - B. forages and sod crops;
 - C. grains and feed crops;
 - D. livestock as defined as:
 - a. a domestic animal;
 - b. a fish;
 - c. a fur-bearing animal;
 - d. a honeybee; or
 - e. poultry;
 - E. trees and fruits; or
 - F. vegetables, nursery, floral, and ornamental stock; or
 - G. land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.

6-2-040. Authority.

For purposes of this Chapter, the person(s) acting as the Land Use Authority is the Zoning Administrator as defined in Chapter 1-3 of this Code.

6-2-050. Agricultural Subdivisions.

Notwithstanding the provisions of Chapter 6-1 of this Code, a plat is not required to subdivide unincorporated land into 10 or fewer parcels of agricultural land if:

- A. The proposed agricultural subdivision:
 - a. Is not traversed by the mapped lines of a proposed street as shown in the general plan unless the county has approved the location and dedication of any public street, county utility easement, any other easement, or any other land for public purposes as the county's ordinance requires;
 - b. Has been approved by the culinary water authority and the sanitary sewer authority;
 - c. Is located in a zoned area; and
 - 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.
- B. The parcel(s):
 - a. Qualifies as land in agricultural use; and

-
- b. Is not used and will not be used for any nonagricultural purpose; and
 - C. 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 parcel is created for agricultural purposes and will remain so until a future zoning change permits other uses.
 - D. Following the review and approval of a complete application, the Zoning Administrator shall provide a certificate in writing that:
 - a. The county has provided notice as required by ordinance; and
 - b. The proposed agricultural subdivision:
 - i. Is not traversed by the mapped lines of a proposed street as shown in the general plan unless the county has approved the location and dedication of any public street, county utility easement, any other easement, or any other land for public purposes as the county's ordinance requires;
 - ii. Has been approved by the culinary water authority and the sanitary sewer authority;
 - iii. Is located in a zoned area; and
 - iv. 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.
 - E. The certificate of written approval outlined in Subsection 6-2-050(E) must be attached to the document recorded in the County Recorder's office that divides the property by a metes and bounds description in order to be considered a legal agricultural subdivision as allowed in this Chapter.

If a parcel created under Subsection 6-2-050 is used for a nonagricultural purpose, the county shall require the parcel to comply with the requirements of Section 17-27a-603 of the Utah Code and Chapter 6-1 of this Code.

6-2-060. Agricultural Subdivision with a Single Family Dwelling.

Notwithstanding Chapter 6-1 of this Code, as well as Sections 17-27a-603 and 17-27a-604 of Utah Code and subject to 17-27a-605(1) of Utah Code, a plat is not required to subdivide an unincorporated parcel of land if:

- A. The parcel contains an existing legal single family dwelling unit;
- B. The subdivision results in two parcels, one of which is agricultural land;
- C. The parcel of agricultural land:
 - a. Qualifies as land in agricultural use; and
 - b. Is not used, and will not be used, for a nonagricultural purpose;
- 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
- 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 and will remain as land in agricultural use until a future zoning change permits another use.
 - F. Following the review and approval of a complete application, the Zoning Administrator shall provide a certificate in writing that:
 - a. The county has provided notice as required by ordinance; and
 - b. The proposed agricultural subdivision:
 - i. Is not traversed by the mapped lines of a proposed street as shown in the general plan unless the county has approved the location and dedication of any public street, county utility easement, any other easement, or any other land for public purposes as the county's ordinance requires;
 - ii. Has been approved by the culinary water authority and the sanitary sewer authority;
 - iii. Is located in a zoned area; and
 - iv. 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.
 - G. The certificate of written approval outlined in Subsection 6-2-060(G) must be attached to the document recorded in the County Recorder's office that divides the property by a metes and bounds description in order to be considered a legal agricultural subdivision as allowed in this Chapter.

If a parcel of agricultural land divided from another parcel under Subsection 6-2-060 is later used for a nonagricultural purpose, the plat exemption provided in Subsection 6-2-060 no longer applies, and the county shall require the owner of the parcel to:

- A. Retroactively comply with the subdivision plat requirements of Section 17-27a-603 of Utah Code and Chapter 6-1 of this Code; and
- B. Comply with all applicable land use ordinance requirements.

6-2-070. Additional Requirements.

Minimum Acreage

- A. A parcel must be a minimum of five (5) acres in size to qualify as an agricultural parcel.

Access Required

- A. Proof of access to each agricultural parcel created under this Chapter must be provided to the Zoning Administrator prior to the issuance of a certificate of approval. **Access must be a minimum of 30 feet in width.** Proof of access can be an existing or newly created easement. Access is not required to be improved.

PLANNING COMMISSION

Meeting Date: April 21, 2022

STAFF REPORT

Agenda Item #: 7a

Application Type:
 Agricultural Protection Area

APPLICANT(S):
 Morris Burt, et.al.

PROJECT #:
 AP22-02

ADDRESS:
 Multiple parcels in the West Brigham City area

PARCEL #:
 03-004-0081, 03-004-0083,
 03-004-0084, 03-073-0007,
 03-110-0018, 03-110-0031,
 03-110-0038

CURRENT ZONE:
 Unzoned/A-20

TYPE OF ACTION:
 Legislative

REPORT BY:
 Destin Christiansen,
 County Planner

BACKGROUND

The applicants are requesting to establish an Agriculture Protection Area on approximately 841.63 acres located on multiple parcels in the West Brigham City Area.

ANALYSIS

State Code:

Utah State Code 17-41 regulates the establishment of Agriculture Protection Areas. According to this code, the Planning Commission shall submit a written report to the County Commission regarding the proposal.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	Unzoned/A-20
South	Rural Residential/Ag	Unzoned/A-20
East	Rural Residential/Ag	Unzoned/A-20
West	Rural Residential/Ag	Unzoned/A-20

Approval Standards Review:

Utah State Code 17-41-303 outlines the following standards for review for the creation of Agriculture Protection Areas.

A. The effect of the creation of the proposed area on the planning policies and objectives of the county;

At this time, the County has nothing in place promoting or restricting the creation of Agriculture Protection Areas. The one aspect of Agriculture

Protection Areas that affects county planning is that the county cannot change the zoning of or a zoning regulation affecting land within a protection area without written approval from all landowners within the protection area that is affected by the change.

B. Analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305;

a. Whether or not the land is currently being used for agriculture production;

The proposed parcels are currently being used for agriculture production. Three parcels (03-004-0081, 0083, and 0084) may be wetland area only and not currently used for agricultural production.

-
- b. Whether or not the land is zoned for agricultural use;**
The proposed parcels are currently Unzoned (parcels 03-004-0081, 0083, and 0084) and A-20 (03-073-0007, 03-110-0018, 0031, and 0038).
 - c. Whether or not the land is viable for agricultural production;**
The proposed parcels are viable for agricultural production.
 - d. The extent and nature of existing or proposed farm improvements; and**
Parcels 03-073-0007, 03-110-0018, 0031, and 0038 are currently being used for agricultural production. Not sure of the production status of the remaining 3 parcels.
 - e. In the case of an agriculture protection area, anticipated trends in agricultural and technological conditions applicable to the use of the land in question.**
This is something Planning Commissioners familiar with agricultural production may be more familiar with.

C. Recommends any modifications to the land to be included in the proposed agricultural protection area;
None at this time.

D. Analyzes and evaluates any objections to the proposal; and
No objections to the proposal have been submitted.

E. Includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.
*This recommendation must come from the Planning Commission to the County Commission.
Following your motion I will prepare a recommendation to the County Commission on your behalf.*

FINDINGS:

Based on the analysis of the Industrial Protection Area application request for the creation of an Industrial Protection Area and a survey of the surrounding area, staff concludes the following:

1. The Utah State Code allows for the creation of an Agriculture Protection Area subject to the above review and approval by the County Commission with a recommendation from the Planning Commission.
2. The current zone(s) and use of the applicants' properties meet the requirements set forth by the state code.
3. Any future zoning or zoning regulation changes affecting this land would require written approval from the landowners.

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

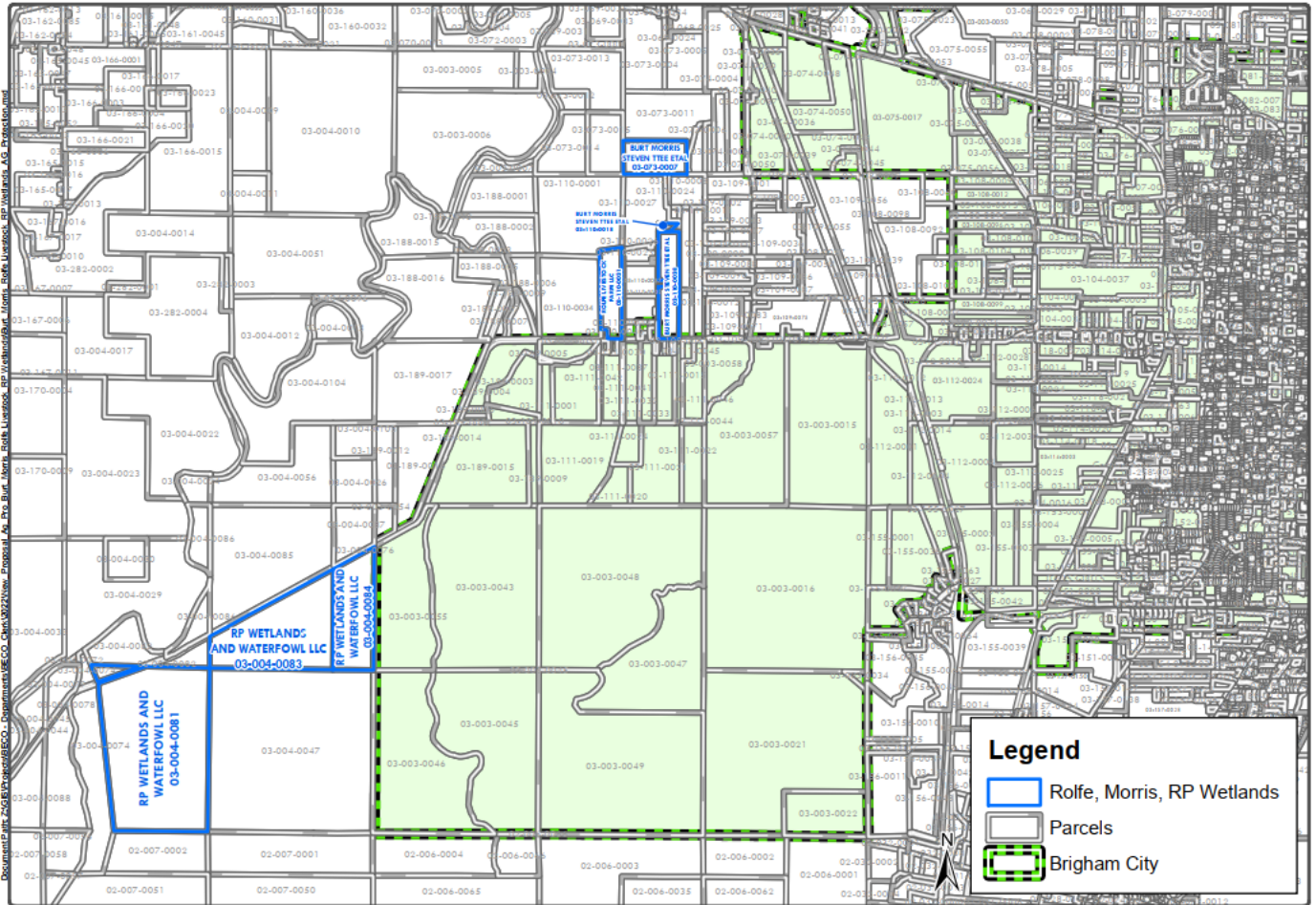
Approval – “I move the Planning Commission forward a recommendation to the County Commission to accept the proposal to create the Agriculture Protection Area on multiple parcels in the West Brigham City area in unincorporated Box Elder County.

Modify – “I move the Planning Commission forward a recommendation to the County Commission to accept and modify the proposal to create the Agriculture Protection Area on multiple parcels in the West Brigham City area in unincorporated Box Elder County, with the following modifications...

Denial – “I move the Planning Commission forward recommendation to the County Commission to reject the proposal to create the Agriculture Protection Area on multiple parcels in the West Brigham City area in unincorporated Box Elder County, based on the following findings:”

1. List findings for rejection...

Please feel free to contact Destin Christiansen at 435-695-2547 if you have any questions.



DESCRIPTION
Apr 07, 2022

Proposed Agricultural Protection Proposal
Morris Burt, Rolfe Livestock, RP Wetlands
<small>This is neither a plot nor a survey. It is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other land. No liability is assumed by reason of any reliance hereon.</small>

SCALE
1 inch = 4,000 feet

PLANNING COMMISSION
STAFF REPORT

Meeting Date: April 21, 2022

Agenda Item #: 7b

Application Type:
 Agricultural Protection Area

APPLICANT(S):
 McRea Farms, LLC, et al.

PROJECT #:
 AP22-03

ADDRESS:
 Multiple parcels in the West
 Brigham City area

PARCEL #:
 03-074-0004, 03-074-0006,
 03-109-0020, 03-109-0025,
 03-109-0075

CURRENT ZONE:
 A-1/2/A-20

TYPE OF ACTION:
 Legislative

REPORT BY:
 Destin Christiansen,
 County Planner

BACKGROUND

The applicants are requesting to establish an Agriculture Protection Area on approximately 208.36 acres located on multiple parcels in the West Brigham City Area.

ANALYSIS

State Code:

Utah State Code 17-41 regulates the establishment of Agriculture Protection Areas. According to this code, the Planning Commission shall submit a written report to the County Commission regarding the proposal.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Rural Residential/Ag	RR-20/RR-5/A-20
South	Rural Residential/Ag	A-20/Brigham City
East	Agriculture	A-20/Brigham City
West	Agriculture	A-20

Approval Standards Review:

Utah State Code 17-41-303 outlines the following standards for review for the creation of Agriculture Protection Areas.

A. The effect of the creation of the proposed area on the planning policies and objectives of the county;

At this time, the County has nothing in place promoting or restricting the creation of Agriculture Protection Areas. The one aspect of Agriculture Protection Areas that affects county planning is that the county cannot change the zoning of or a zoning regulation affecting land within a protection area without written approval from all landowners within the protection area that is affected by the change.

B. Analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305;

- a. **Whether or not the land is currently being used for agriculture production;**

The proposed parcels are currently being used for agriculture production; however, parcel #03-109-0025 (James Jensen) has a residence on the property.

b. Whether or not the land is zoned for agricultural use;

The proposed parcels are zoned for A-20 (agriculture-20 acres) and A-1/2 (agriculture-1/2 acre).

c. Whether or not the land is viable for agricultural production;

The proposed parcels are viable for agricultural production.

d. The extent and nature of existing or proposed farm improvements; and

100% of the acreage is currently being used for agricultural production aside from the residence on parcel #03-109-0025.

e. In the case of an agriculture protection area, anticipated trends in agricultural and technological conditions applicable to the use of the land in question.

This is something Planning Commissioners familiar with agricultural production may be more familiar with.

C. Recommends any modifications to the land to be included in the proposed agricultural protection area;

None at this time.

D. Analyzes and evaluates any objections to the proposal; and

To our knowledge no objections to the proposal have been submitted.

E. Includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.

This recommendation must come from the Planning Commission to the County Commission.

Following your motion, staff will prepare a recommendation to the County Commission on your behalf.

FINDINGS:

Based on the analysis of the Agriculture Protection Area application request for the creation of an Agriculture Protection Area and a survey of the surrounding area, staff concludes the following:

1. The Utah State Code allows for the creation of an Agriculture Protection Area subject to the above review and approval by the County Commission with a recommendation from the Planning Commission.
2. The current zone and use of the applicants' properties meet the requirements set forth by the state code.
3. Any future zoning or zoning regulation changes affecting this land would require written approval from the landowners.

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 to the County Commission to accept the proposal to create the Agriculture Protection Area on multiple parcels in the West Brigham City area in unincorporated Box Elder County.

Modify – “I move the Planning Commission forward a recommendation to the County Commission to accept and modify the proposal to create the Agriculture Protection Area on multiple parcels in the West Brigham City area in unincorporated Box Elder County, with the following modifications...

Denial – “I move the Planning Commission forward recommendation to the County Commission to reject the proposal to create the Agriculture Protection Area on multiple parcels in the West Brigham City area in unincorporated Box Elder County, based on the following findings:”

1. List findings for rejection...

Please feel free to contact Destin Christiansen at 435-695-2547 if you have any questions.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: April 21, 2022

Agenda Item #: 7c

Application Type:
Preliminary Subdivision

APPLICANT(S):
Max Mills

PROJECT #:
SS22-007

ADDRESS:
Approximately 17985
North 6000 West

ZONE:
UNZONED

PARCELS #:
07-045-0062

REPORT BY:
Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting Preliminary approval of the Mountain View Ranches Subdivision plat. The proposed subdivision is 20 new lots, all of the lots will be 1.75 acres or larger. The existing parcel is 97.85 acres in size.

ANALYSIS

Land Use Ordinance Standards Review:

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	Unzoned
South	Rural Residential/Agriculture	Unzoned
East	Agriculture	Unzoned
West	Rural Residential/Agriculture	Unzoned

Access:

Access will come off of 6000 West for the entire subdivision. Two future access points are planned for the rest of the parcel to be developed in the future.

Utilities:

The County has gotten utility will serve letters from the power, gas, and water companies (well permits) and they are satisfactory for this subdivision. We have also received a feasibility letter from the Bear River Health Department and a geotechnical report.

Setbacks:

All setbacks can be met for this Unzoned area.

County Department Reviews:

All applicable County departments have reviewed this subdivision and there are no more comments.

Findings:

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

1. The preliminary subdivision plat does comply with the preliminary 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 approve plat** with the following conditions:

1. Compliance with the Bear River Health Department Letter dated February 24, 2022.
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 SS22-007, a preliminary plat for the Mountain View Ranches Subdivision Ph. 2, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

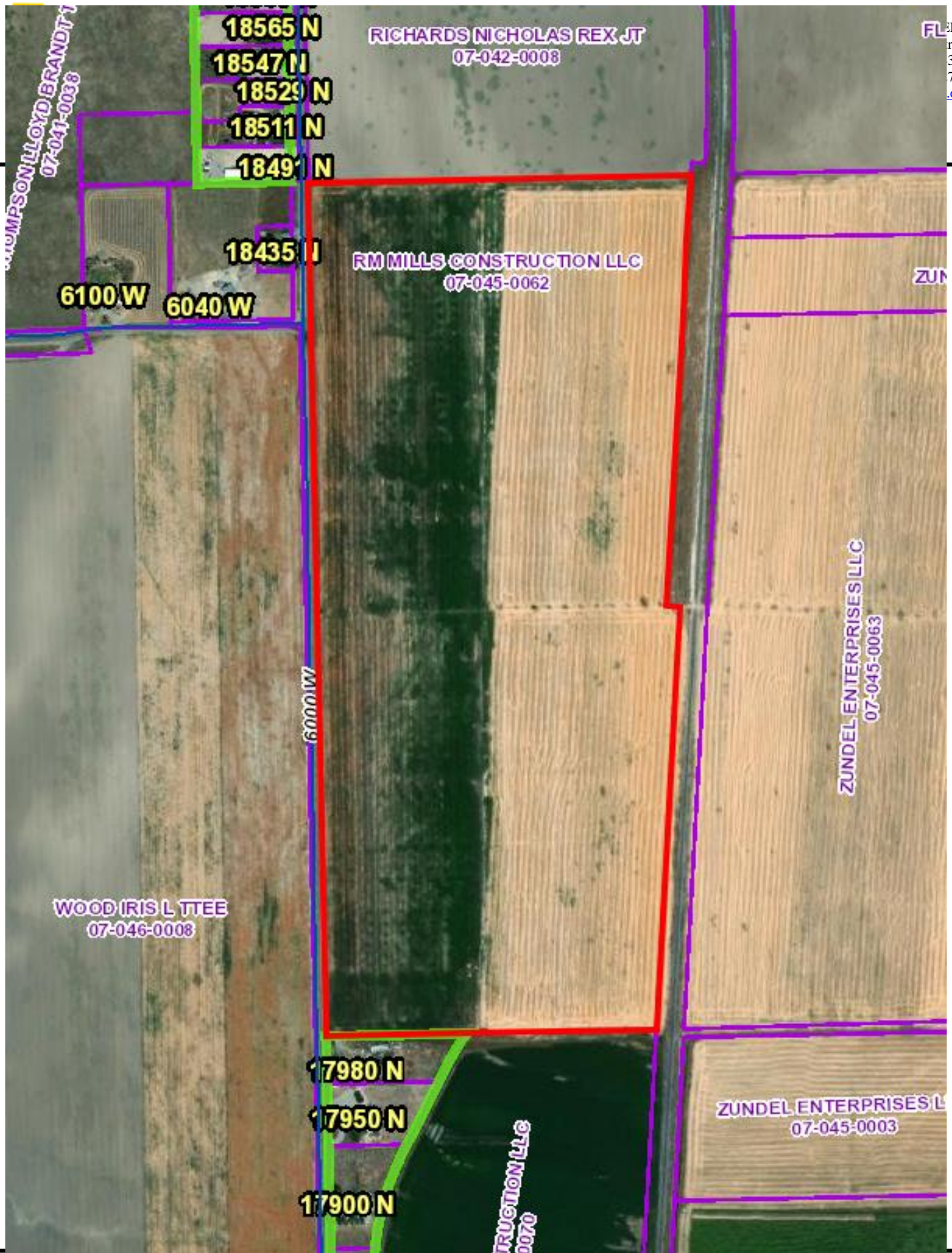
Table – “I move the Planning Commission table application number SS22-007, a preliminary plat for the Mountain View Ranches Subdivision Ph. 2, located in unincorporated Box Elder County, to (give date), based on the following findings:”

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 deny application number SS22-007, a preliminary plat for the Mountain View Ranches Subdivision Ph. 2, located in 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.





PLANNING COMMISSION STAFF REPORT

Meeting Date: April 21, 2022

Agenda Item #: 7d

Application Type:

Road Vacate

APPLICANT(S):

Matt Gibbs

PROJECT #:

VAC22-01

ADDRESS:

15500 North between
5400 West and 5475 West

CURRENT ZONE:

Unzoned

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting to vacate 15500 North between 5400 West (SR-13) and 5475 West in the Riverside area of unincorporated Box Elder County. Attached is a map showing the proposed right-of-way vacate. The current road is a 12-15 foot wide gravel road. The applicant states in his application that "this road has no traffic and has never been maintained by the county." There are two other property owners fronting on the right-of-way.

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
This portion of right-of-way established by the 1894 Riverside Plat has been used by the public, but not improved or maintained by the county. With that being said it is part of the existing grid system of the platted area and, being a grid, would provide access to more than just those fronting on the right-of-way, especially as the county grows and develops. Staff has also reached out to UDOT for input as this is an access road to SR 13.
2. Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County; and
The Transportation section of the County's General Plan states the following regarding roadway design: "Overall, the roadway network should focus on connectivity. This means that block sizes should not be too large, and important collectors should not dead end or terminate in a cul-de-sac. This is best achieved by using a hierarchical grid system of roadways, which Box Elder County and most communities already have in many areas." It also states: "Specific areas of concern are residential neighborhoods and school drop-off zones. The use of cul-de-sacs should be reduced to assure more connections. Traditional grids generally help achieve better street connectivity and traffic distribution..."



Minor collectors should reinforce the current grid system, where established.”

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
Not all landowners directly fronting on the proposed right-of-way have signed the application. Adjacent landowners will be noticed of the public hearing. 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 private 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 receive any ownership of the vacated road.
The petitioners have supplied the descriptions. The descriptions have been reviewed by the County’s Recorder/Surveyor office and require revisions by the applicant.

FINDINGS:

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

1. Unzoned areas allow for road vacations subject to approval by the Box Elder County Commission with a recommendation from the Planning Commission.
2. The county will need a revised legal description to review prior to the County Commission taking action on the application.
3. The proposed vacation may impact future circulation in the Riverside area.
4. The public hearing at the County Commission level will provide additional information for their decision.

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 VAC22-01, a right-of-way vacation located at 15500 North between



5400 West (SR-13) and 5475 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 VAC22-01, a right-of-way vacation located at 15500 North between 5400 West (SR-13) and 5475 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 forward a recommendation of denial to the County Commission, application number VAC22-01, a right-of-way vacation located at 15500 North between 5400 West (SR-13) and 5475 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 if you have any questions.

