

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

April 20, 2017

Agenda review with Planning Commissioners at 6:00 p.m.

1. **CALL TO ORDER** 7:00 p.m. (County Commission Chamber Room, Main Floor)
 - a. Roll Call (Commissioners C. Munns, D. Larsen, K. McGaha, M. Udy, L. Munns, B. Robinson, and M. Wilding)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL** of the February 16, 2017 Planning Commission Minutes.
5. **PUBLIC HEARINGS**
 - a. HALES RE-ZONE, Z17-003 re-zone property at Promontory Point. Property is currently un-zoned; requesting MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone. (ACTION)
 - b. ANDERSON RE-ZONE, Z17-004 re-zone property at approximately 1120 North 11600 West from R-1-20 and RR-5 to RR-1 (Rural Residential 1 acre). (ACTION)
 - c. WILLIAMS RE-ZONE, Z17-005 re-zone property at approximately 8865 South HWY 89 from R-1-20 to C-H (Highway Commercial). (ACTION)
 - d. TEXT AMENDMENT, Z17-006 text amendment to Chapter 1-3 – Definitions, of the Box Elder County Land Use Management & Development Code. (ACTION)
 - e. ZONING MAP AMENDMENT, Z17-007 zone property de-annexed from Willard City at approximately 6801 South HWY 89 to the R-1-20 (Single Family 20,000 sq. ft.) zone. (ACTION)
6. **NEW BUSINESS**
 - a. **GROVER/CAPENER ROAD VACATE, VAC17-002; Vacate the un-vacated portion of 5550 West North of 15300 North in the Riverside area of Unincorporated Box Elder County. (ACTION)**
 - b. **BANKHEAD SUBDIVISION AMENDMENT, SS17-003; Amend the Lloyd Brandt Thompson Subdivision by combining lots 8 & 9 at approximately 18511 North 6000 West. (ACTION)**
7. **UNFINISHED BUSINESS**
 - a. **CRAYNOR TEXT AMENDMENT, Z17-001; Chapter 3-2-070 to allow reception/wedding event center. (ACTION)**
8. **WORKING REPORTS**
 - a. **COUNTY RESOURCE MANAGEMENT PLAN**
9. **PUBLIC COMMENTS**
10. **ADJOURN**_____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES March 16, 2017

The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 7:00 p.m. The following members were present by a roll call, constituting a quorum:

<i>Roll Call</i>		<i>the following Staff was present:</i>	
Chad Munns	Chairman		
Laurie Munns	Vice-Chairman	Scott Lyons	Com Dev Dir.
Kevin McGaha	Excused	Marcus Wager	Planner
Michael Udy	Excused	Diane Fuhriman	Exec. Secretary
Bonnie Robinson	Member	Steve Hadfield	Co. Attorney
Desiray Larsen	Member	Jeff Scott	Co. Commissioner
Mellonee Wilding	Member	Bill Gilson	Co. Road Dept.

MOTION: A motion was made by **Commissioner Laurie Munns** to move agenda item #7, Unfinished Business, Promontory Point Resources, to the beginning of the meeting as agenda item #4A. The motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

Prayer was offered by **Commissioner Laurie Munns**
Pledge was led by **Commissioner Desiray Larsen**

The following citizens were present & signed attendance sheet ¹

(See Attachment No. 1 – Attendance Sheet 131 Names)

The Minutes of the February 16, 2017 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Laurie Munns** to approve the minutes; seconded by **Commissioner Bonnie Robinson** and passed unanimously.

UNFINISHED BUSINESS – PROMONTORY POINT RESOURCES

PROMONTORY POINT RESOURCES, SP16-001 & CUP16-002, SITE PLAN AND CONDITIONAL USE PERMIT to construct a non-hazardous landfill to be located on Parcel 01-012-0160 (**ACTION**)

Chairman Chad Munns said he has heard Promontory Point Resources has concerns with the bonding issue and would like the amount of the bond reduced. Mr. **Brett Snelgrove** explained the reason they have asked to reduce the bond is the money could instead be used for

improvements. He proposed reconvening after one year and reducing the amount of the bond at that time. County Road Supervisor **Bill Gilson** stated the bond is set at \$5M. He said he is willing to meet again in one year and look at the status of the roadway; however, it could go either way. If there is more damage to the roadway, the amount of the bond could increase. **Mr. Snelgrove** stated he understood and agreed to meet again in September 2018.

Commissioner Bonnie Robinson asked what a reasonable time frame is for the trucks to go from where they meet the pilot car at the highway to the site and back. **Brett Snelgrove** stated they want to be able to have some flexibility. Parameters have been set from 6 a.m. to 6 p.m. for operational hours. We anticipate 5 trucks per convoy will take about an hour to unload and turn. When the first one hits the site, the second one can come down, so there will be 2 convoys at the site, one emptying and one waiting.

Brett Snelgrove stated they will have a pilot car for anything over 16,000 GBW and expects the same standards will be held for others in the area. He feels they should have to adhere to the same rules. **Commissioner Laurie Munns** stated it is Promontory Point that is asking for the permit; the road has always been there for the farmers and ranchers. **Brent Kenley, Northshore Rock Products**, does not want to be held to those standards, he feels they have been there a long time and should be grandfathered-in.

Commissioner Bonnie Robinson asked for clarification whether or not there is a building on-site. **Brett Snelgrove** said there will be another CUP which will reference a building because a building is required for unloading by rail

Commissioner Laurie Munns would like to make it a condition to make an exit for any wildlife that get on to the property. After a brief discussion, it was agreed that the 6 ft. fence and an outlet by the scale house will be sufficient.

Commissioner Laurie Munns is concerned with damage to water lines, both culinary and stock, that may or may not be caused by Promontory Point LLC and who would be held responsible. It was decided it would be best to take any damage to water lines on a case by case basis.

MOTON: A motion was made by **Commissioner Bonnie Robinson** to approve SP16-001 & CUP16-002, the site plan and conditional use permit for Promontory Point Resources with the following conditions: that the \$5M bond be in place for one year and re-looked at upon a road review in September 2018 and every other year thereafter; that they will have 2 pilot cars and a minimum 5 trucks with each convoy; that the hours of operation will be based on daylight; that the \$5M bond will be released when they switch to using rail and based upon a final inspection between Promontory Point Resources and the Box Elder County Road Department; that they will have a 6 ft. perimeter fence; that the road conditions will be subject to the road department's three-phase road condition they have set with the county; that the Promontory Point Resources final 26 conditions be met with emphasis on #26 that compliance with all county, state, and federal requirements and regulations; that with condition #24, if there an issue with water

lines along the road, that those be dealt with on a case-by-case basis to determine who would be liable for repairing that particular line and any other conditions listed by staff. The motion was seconded by Commissioner Desiray and passed unanimously.

PUBLIC HEARINGS

Chairman Chad Munns called for the public hearings and explained the commission would be talking about administrative and legislative decisions. Legislative decisions are ones that have to be changed in our code and public hearings allow for input regarding those decisions. Administrative decisions are ones that need to conform to the law. The laws have been set so the commission judges if the decision fits within the code. He also explained the difference between a public meeting and a public hearing. The state of Utah requires all public entities to conduct business in a public forum, which is the *public meeting* we are in now. A *public hearing* is held to receive input from citizens so the commission may make informed decisions and/or recommendations. The commission may not respond to any individual during a public hearing.

Chairman Chad Munns asked those in attendance to be clear and precise with the public comments in the hearing and to please not repeat what others have already stated.

35:57 Recording

BRETT & MARIANNE CRAYNOR, Z17-001 ZONING ORDINANCE TEXT AMENDMENT CHAPTER 3-2-070 TO ALLOW RECEPTION/WEDDING EVENT CENTER.

Staff said the applicants are requesting a text amendment to chapter specifically agricultural ½ acre to allow a wedding reception center.

Chairman Chad Munns asked for comments from those in attendance. There were no comments.

Laurie since no comments made motion 2nd by Mellonee Wilding closed public hearing at 7:40
Laurie made a motion to table this item. Chad directed staff to look into this code and evaluate.
Bonnie made a point on the 5 acre restriction
Laurie motion to table the item. Seconded by

ACTION Staff said in the zone is home occupations. The closest facility he can see in state code is airports etc.

LUMBERJACK REZONE, Z17-002 REZONE PROPERTY DE-ANNEXED FROM

WILLARD CITY, PARCEL #: 02-055-0117; REQUESTING MG-EX ZONE.

Staff said th applicant is requesting have a zoning designation to it as it has been recently de annexed from Willard City. There are adjacent parcel to the north east south and west and Marcus talks faster that I can type.

Staff clarified that since this property was de-annexed from Willard it had no zoning, this application is for just the zoning not a CUP.

Norris Hubbard – concerned with water. Gave a history of in the 70’s he has spent a considerable amount of money to keep his water and doesn’t want to lose his water to a gravel pit.

Brett Hubbard – and commissioner had a small heated discussion about time allotted to speak. Get a copy of the letter from the email Scott sent and insert it here in the minutes.

June Summers? Has live in this area for 59 years and said these people stand to make millions of dollars and she stands to lose everything.

Bob Oaks touched on the high points of his presentation Insert Bobs Presentation here.

Dave Clapier. Has worked for the railroad for 38 years and ground water

Inversion situations those GSL plants pollutnts blow over

Do we really want another ugly scar and the face of the mountain in

Jan Nielsen respectfully asked the commission to deny this app. Would have an effect on the value of the property and the economic impact on BEC. Quote studied showed a 30 % reduction of sale price. Property values reduces 5% 2 miles from the site %. Changing from a residential or agricultural area would have a radical change on the area. A devaluation of the neighboring property. Since no one would want to build next to a gravel she respectfully decline the app for a zoning change.

?

Austin Bowcutt lives across the street from a gravel pit. 6 a.m. louds trucks all day, dust, wake up to engine brakes,

Jim Johnson lives on Hwy 89 in Willard has a copy of agreement between Lumberjack. &

As mentioned the pollutants, the water, this whole agenda boils down to money. Skip the dirty mining part and skip right to the good part and build homes.

Peggy Barker 1977 moved to Willard, hikes the foothills it’s not only about the scientific part and the water, it’s also about the beauty

Aaron Jensen owns the lumberjack property. Two primary issues grading and water. Spoke about the two processes. What he was planning was that the planning commission forward a recommendation to the co commission. Asked the comm to keep in mind that housing

Asked that the Mg zoning. ?’s about the asphalt plant going in.

If we are granted the zone, the next step is applying for a CUP. Planning to develop residential housing but it requires removing – 30 ft bench in –

Julie Jacobsen said some of us have livestock, and a lot of trucks on why 89

?

Seth Durpee he grows and has bees but cannot do that with a gravel pit and the dust.

Kent Davis –co comm as willrd for a master plan for the community of south Willard. They reviewed.

Karla Parson – company north farms llc. Directly west of this property. Wants to clarify what happens on the west side with the water. Has had a spring

Shirley Henderson couple of studies that she feels are skewed about the dust. She is offended at laws not being observed.

Breanna Siederholm, moved here last summer would like the commission to consider that this Zoning leaves it open for a gravel pit at a later date even if there intended use is to build homes.

Consider what could happen down the road.

Chairman Chad Munns – we want to hear your input but I think we have heard enough input. He thinks we have got the message. Explained about forward a recommendation to the county commission.

Keith Davis – go residential right now if that is their end game.

Joel Murray this will impact him the most since he is the closest parcel owner. Water think of what the best use for the property is. Problem with having enough water for their homes, if you cant buy the water from a farmer, you're not going to build a house here. He wonders if there will be enough water for the homes.

Steve Summers across the street from the property reject for a couple of reasons, water, hydrology report he would like to present it to

Debbie Frye – transportation issue- highway 89 lots of kids and bus routes on the highway because there is not enough room. Putting the big trucks on the highway is just going to make the problem worse. Taxes will have to pay for more road work and with the pits that are already in the area the roads are going to pay the price.

Aaron Jensen lumberjack owner wants to table this item and provide some of the hydrology reports etc. audience did not care for the idea of tabling the item

Business Owner from salt lake city – rely on fruitway and the produce and this not only affects Willard residence but also other areas of the state.

Helen Pettingill – has receied promises about watering down the dust and other promises but the gravel pits have not kept them. Tar is a problem also. Trucks don't slow down for God, man, or devil.

Jacob Kearnl opposed to more zoning that would allow more quarries. There is 3 quarries within 5 miles in this area. Bench areas are being destroyed. \$3M hosuing

Lou Hubbard – clarified that this will be 8 gravel pits in the s w

Grey – parable of the camel in the tent.

JayDell Sackett – speaking on behalf of Willard Bay Gardens. There is a beautiful nursery there that a gravel pit would have a negative effect on especially with the dust.

Marie Morrow she comes from Idaho to buy plants from Willard Bay Gardens and buy fresh produce to take back to Idaho. This is a special place. Bottom line is how this going to affect the community and water.

Jeremiah Moss subdivision don't need houses and don't need quarries.

Jim second time to speak

Tim Martin – 10 year Willard resident – these are massive trucks that travel hwy 89l He understands the long term plan but also recognizes the concerns the residents of the area have.

Callie Daniels – Perry resident

Julie Jacobsen – moved from the city to the country for the quiet that would be gone if we have another gravel pit.

Bob Oaks –

Jerrold Monson – s Willard water board – enough water right now don't have water rights. Don't protect the gravel pits.

Carrie Gossett – 2 year resident

Mellonne hearing no further comments we have a motion to close the public hearing at 9:30 p.m.

ACTION: Laurie if the zoning is changed we can't pick and choose. It opens up

Desiray questioned about the property being unzoned.

Scott - will need to hold another public hearing as a different zone.

County commission will eventually have to zone the property as

Scott & Larie discussion

Chairman Chad Munns petitioner has the right to ask to use the land any way they want. This is a legislative body

Discussion about the S Willard plan between scott and desiray.

Laurie put in the things the commission has to consider when making a decision on zoning.

Laurie – denial to the county commission the list of findings is not within and also c which will adversely affect adjoin property . unanimously passed.

NEW BUSINESS – NONE

WORKING REPORTS -NONE

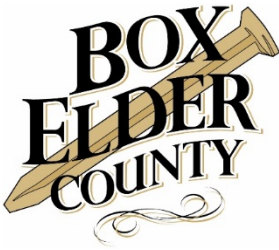
PUBLIC COMMENTS

ADJOURN

MOTION: A motion was made by Commissioner Laurie Munns to adjourn the March meeting at 9:50 p.m. The motion was seconded by Commissioner Bonnie Robinson and passed unanimously. Passed and adopted in regular session this 20th day of April 2017.

Chad Munns, Chairman
Box Elder County Planning Commission

¹ Attendance List.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: April 20, 2017
Agenda Item #: 5a

Application Type:

Zoning Map Amendment

APPLICANT(S):

Paul T. Hales

PROJECT #:

Z17-003

ADDRESS:

Promontory Point
Peninsula

PARCEL #:

01-122-0001, 0002, 0003,
0004, 0005, 0006, 0007,
0014, 0015, 0016, 0023

CURRENT ZONE:

Un-Zoned

TYPE OF ACTION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting that Parcels 01-122-0001, 0002, 0003, 0004, 0005, 0006, 0007, 0014, 0015, 0016, 0023 (approximately 164.83 acres) be re-zoned from un-zoned to MG-EX (Mining, Quarry, Sand, & Gravel Excavation) zone.

ANALYSIS

County Code:

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

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agricultural	Un-Zoned
South	Agricultural	Un-Zoned
East	Agricultural	Un-Zoned
West	Agricultural	Un-Zoned

Land Use Ordinance Standards Review:

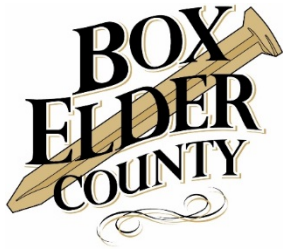
Box Elder County Land Use Management & Development Code section 2-2-080-E outlines the following standards for review for zoning map amendments.

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

The County's General Plan makes no reference as to how specific areas should be zoned. It does state that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.

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

The area is a combination of commercial (landfill, mineral ponds) and mainly agricultural uses. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective.



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

The proposed amendment shouldn't affect the values of adjacent property. The public hearing process is in place for this information to come to light.

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

Due to the lack of road infrastructure, it is likely that gravel trucks would have a negative impact on the existing roads.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcels from un-zoned to MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone and a survey of the surrounding area, staff concludes the following:

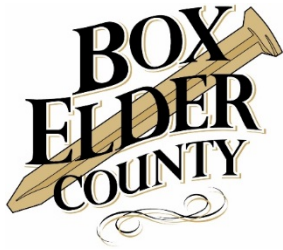
1. The Box Elder Land Use Management and Development Code allows for the re-zone of properties subject to zoning map amendment review procedures and approval.
2. It can be interpreted that the proposed map amendment both meets and does not meet the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.

RECOMMENDATION

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

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

1. 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 Z17-003, a zoning map amendment from un-zoned to MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

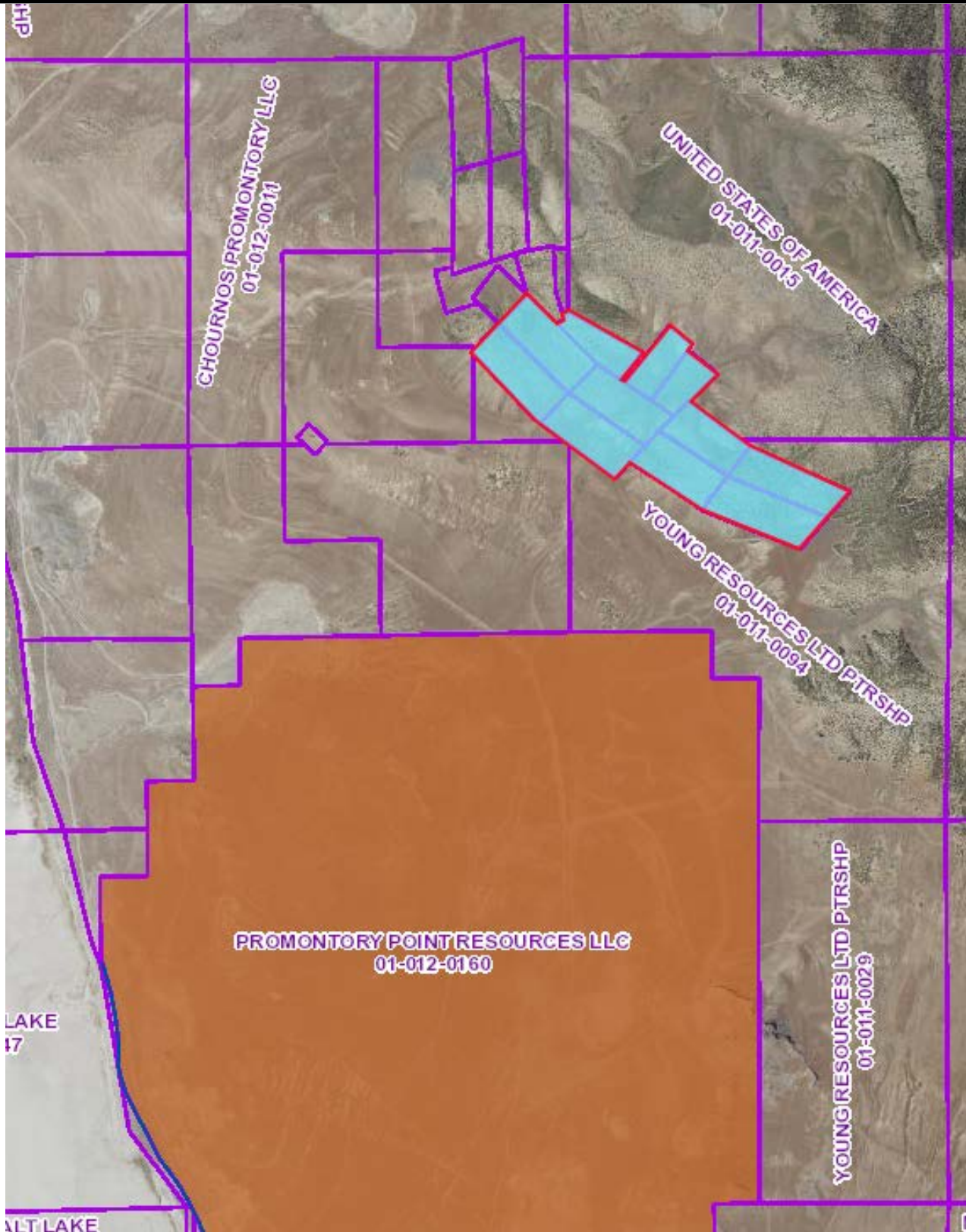
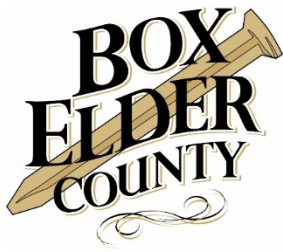
Table – “I move the Planning Commission table the review of application number Z17-003, a zoning map amendment from un-zoned to MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone to (give date), based on the following findings:”

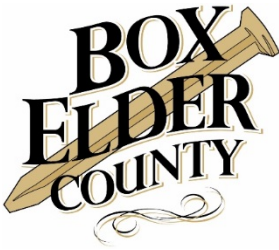
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z17-003, a zoning map amendment from un-zoned to MG-EX (Mining, Quarry, Sand & Gravel Excavation) 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 20, 2017

Agenda Item #: 5b

Application Type:

Zoning Map Amendment

APPLICANT(S):

Anderson Family Trust

PROJECT #:

Z17-004

ADDRESS:

Approximately 11200
North 11600 West

PARCEL #:

05-124-0012, 05-124-0014,
05-100-0055

CURRENT ZONE:

RR-5 and R-1-20

TYPE OF ACTION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting that Parcels 05-124-0012, 05-124-0014, and 05-100-0055 be re-zoned from RR-5 (Rural Residential 5 acres) zone and R-1-20 (Single Family Residential 20,000 sq. ft.) zone to RR-1 (Rural Residential 1 acre) zone.

ANALYSIS

County Code:

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

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agricultural	RR-5
South	Agricultural	R-1-20
East	Agricultural/Residential	R-1-20/RR-5
West	Agricultural	R-1-20/A-20

Land Use Ordinance Standards Review:

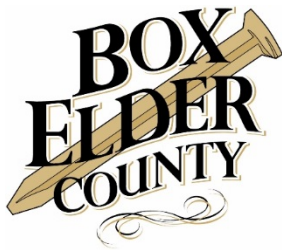
Box Elder County Land Use Management & Development Code section 2-2-080-E outlines the following standards for review for zoning map amendments.

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

The County's General Plan makes no reference as to how specific areas should be zoned. It does state that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.

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

The area is a combination of residential and agricultural uses. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective. This point could be



argued saying yes, it is harmonious due to there being existing residential and agricultural uses.

C. The extent to which the proposed amendment may adversely affect adjacent property; and
The proposed amendment shouldn't affect the values of adjacent property.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
With other residential and agricultural uses already in place in this vicinity, it is likely the facilities and services intended to serve the subject property are adequate.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcels from RR-5 (Rural Residential 5 acres) zone and R-1-20 (Single Family Residential 20,000 sq. ft.) zone to RR-1 (Rural Residential 1 acre) zone and a survey of the surrounding area, staff concludes the following:

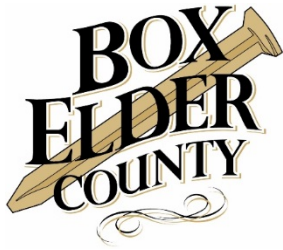
1. The Box Elder Land Use Management and Development Code allows for the re-zone of properties subject to zoning map amendment review procedures and approval.
2. It can be interpreted that the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.
3. This application is for a rezone from RR-5 and R-1-20 to RR-1; R-1-20 and RR-5 are existing zones in this area and this re-zone could be a good bridge between R-1-20 and RR-5.

RECOMMENDATION

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

If a recommendation 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 Z17-004, a zoning map amendment from the RR-5 (Rural Residential 5 acres) zone and R-1-20 (Single Family Residential 20,000 sq. ft.) zone to the RR-1 (Rural Residential 1 acre) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

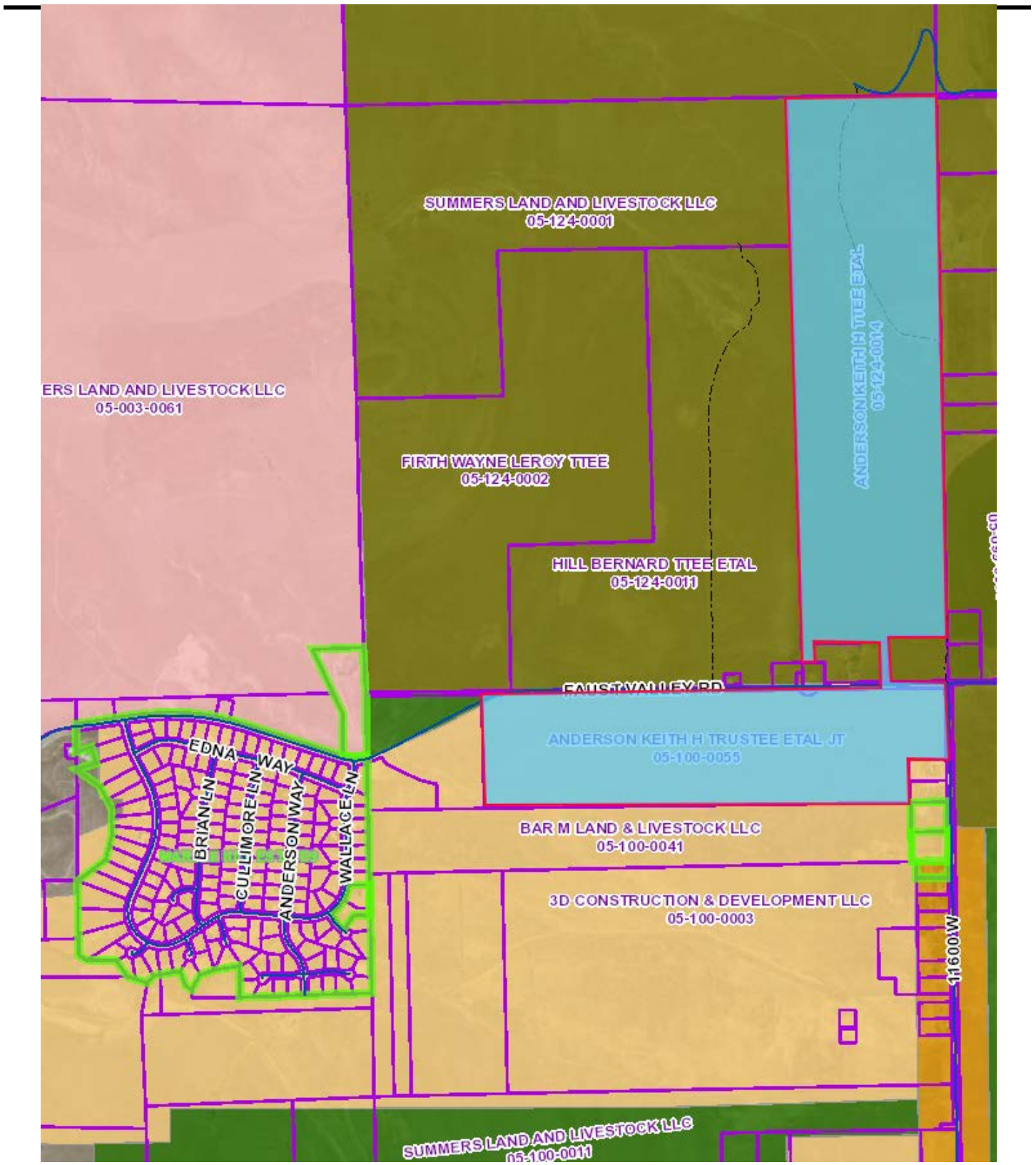
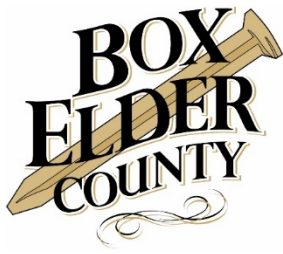
Table – “I move the Planning Commission table the review of application number Z17-004, a zoning map amendment from the RR-5 (Rural Residential 5 acres) zone and R-1-20 (Single Family Residential 20,000 sq. ft.) zone to the RR-1 (Rural Residential 1 acre) zone to (give date), based on the following findings:”

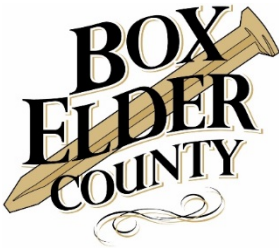
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z17-004, a zoning map amendment from the RR-5 (Rural Residential 5 acres) zone and R-1-20 (Single Family Residential 20,000 sq. ft.) zone to the RR-1 (Rural Residential 1 acre) 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 20, 2017

Agenda Item #: 5c

Application Type:

Zoning Map Amendment

APPLICANT(S):

Kelly Williams

PROJECT #:

Z17-005

ADDRESS:

8865 South HWY 89
South Willard

PARCEL #:

01-047-0008

CURRENT ZONE:

R-1-20

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons
Comm. Dev. Director

BACKGROUND

The landowner is requesting that Parcel 01-047-0008 be rezoned from the R-1-20 residential zone to the C-H highway commercial zone. [Please see the use table for all uses allowed in the C-H zone.](#)

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C. allows a landowner to initiate a zoning map amendment as set forth in said section.

Surrounding Land Use and Zoning:

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

The surrounding area is quite diverse with regard to land use. Please see attached aerial map.

Land Use Ordinance Standards Review:

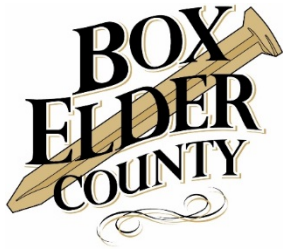
Box Elder County Land Use Management & Development Code section 2-2-080.E. outlines the following standards for review for zoning map amendments.

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

The South Willard Community Plan states the following: "The Committee recommends these uses described below as appropriate for South Willard at

this time and for the near future (next five years). In the future, the Committee realizes as the community needs change, the uses may need to be reviewed and uses be added to meet the desires of the community. That review of uses could come either from an advisory committee reviewing the whole plan (which is recommended previously in this plan) or someone testing it by submitting an application for a different use."

With that being said, the plan recommends commercial in appropriate locations along Hwy 89. The



plan recommends the Neighborhood Commercial or South Willard Neighborhood Commercial for areas along Hwy 89. The plan also states that the area between north and southbound Hwy 89 may be considered for more intense commercial and light industrial uses, as it is separated from areas where more intense residential uses are anticipated. The County's General Plan states 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;

Please see the attached aerial map as well as the [use table for allowed uses](#).

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

The proposed amendment may have an adverse effect on adjacent property, adjacent property owners have been noticed of the proposed amendment.

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

With a variety of land uses in the vicinity it is likely the facilities and services intended to serve the subject property exist. Proof of these facilities is required prior to approval of a development plan.

FINDINGS:

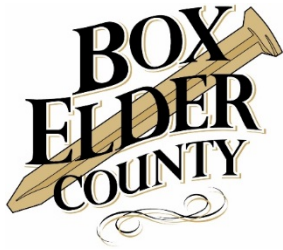
Based on the analysis of the proposed zoning map amendment to the Highway Commercial zone and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for applying zoning designations on 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 zoning designation from R-1-20 to C-H.

RECOMMENDATION

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

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



-
1. 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 Z17-005, a zoning map amendment from R-1-20 (Residential Single Family 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....

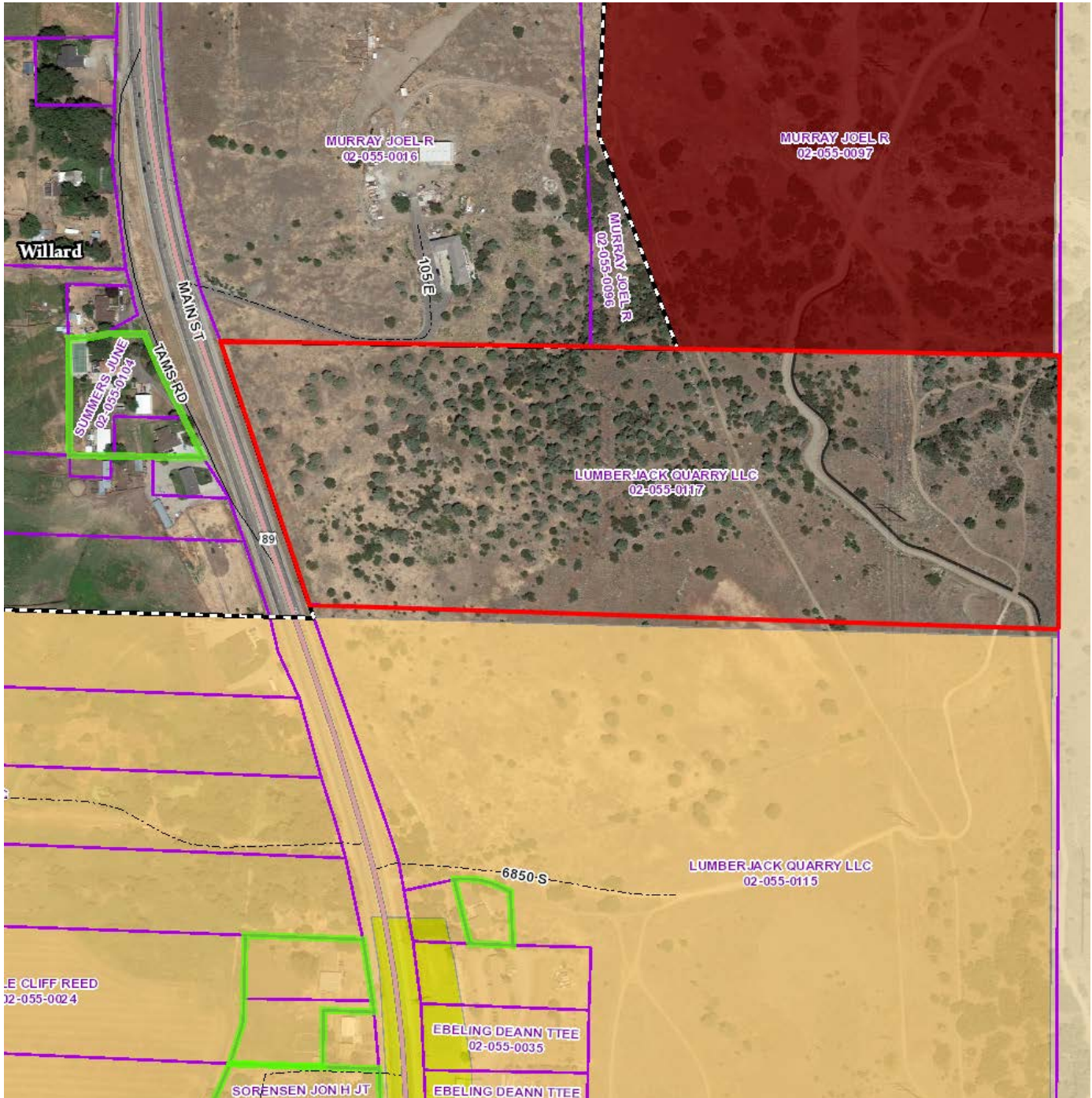
Table – “I move the Planning Commission table the review of application number Z17-005, a zoning map amendment from R-1-20 (Residential Single Family 20,000 sq. ft.) to the C-H (Highway Commercial) zone to (give date), based on the following findings:”

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 Z17-005, a zoning map amendment from R-1-20 (Residential Single Family 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 Scott Lyons at 435-734-3316 if you have any questions.





HWY 89W

Warehousing & Trucking
Zoned Commercial Enterprise

Storage Units
Zoned Commercial Enterprise

300 feet

Custom Fabrication
Home Business
Zoned R-1-20

160 feet

Residence

150 feet

Subject Property

HWY 89

4-plex

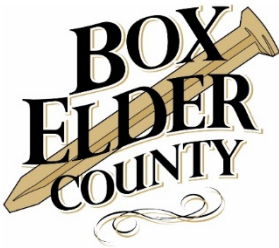
700 feet

Residences

Salvage Yard
Zoned General Commercial

HWY 89

State Road Shed



PLANNING COMMISSION STAFF REPORT

Meeting Date: April 20, 2017

Agenda Item #: 5d

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z17-006

ORDINANCE:

Section 1-3-040

TYPE OF APPLICATION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The Box Elder County Planners have requested that a text amendment be made regarding Section 1-3-040, Definitions, of the Box Elder County Land Use Management & Development Code, amending and adding state legislature requirements.

(See attachment for proposed verbiage)

ANALYSIS

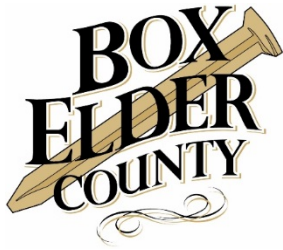
County Code:

Land Use Management & Development Code 2-2-080.C allows authorized County Staff to initiate amendments to text of the Box Elder County Land Use Management & Development Code. These amendments are decided upon by the County Commission with a recommendation from the Planning Commission.

Land Use Ordinance Standards Review:

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

- A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;**
The proposed amendment is consistent with the goals, objectives, and policies of the County's General Plan.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**
This text amendment would affect all unincorporated areas of Box Elder County.
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**
The proposed amendment should not adversely affect adjacent property.
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**
The proposed amendment should not put a strain on any of these facilities.



FINDINGS:

Based on the analysis of the ordinance text amendment application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for ordinance text amendments subject to review procedures and approval by the County Commission with a recommendation from the Planning Commission.
2. It is staff's opinion that the proposed text amendment meets all of the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission forward a recommendation of APPROVAL to the County Commission.**

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z17-006, a text amendment regarding Section 1-3-040, Definitions, of the Box Elder County Land Use Management & Development Code, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

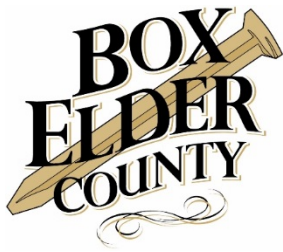
Table – “I move the Planning Commission table the review of application number Z17-006, a text amendment regarding Section 1-3-040, Definitions, of the Box Elder County Land Use Management & Development Code, to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z17-006, a text amendment regarding Section 1-3-040, Definitions, of the Box Elder County Land Use Management & Development Code, based on the following findings:”

1. List findings for denial...

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



Chapter 1-3 – Definitions

1-3-040. Definitions. (Ordinance 309 , 328 & 361)

As used in this Code, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included Herein, but defined in the building code shall be construed as defined therein.

Animals and Fowl for Recreation and Family Food Production: The keeping of animals on a lot or parcel for exclusive personal, non-commercial, use by persons residing thereon. Applicable to the R-1-20 Zone.

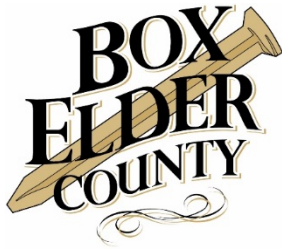
Type	Maximum Per ½ Acre – any combination
Cows, Donkeys, and other large animals	1
Horses	2
Goats, Sheep, Llamas, Alpacas and other small animals	7 <u>2</u>
Pigs, Hogs	2
Chickens, Ducks, Pigeons	10
Rabbits, Hares	20 <u>5</u>
Apiaries, Aviaries	5 Hives

Buildable Area: The area on a lot or parcel bounded by front, rear, and side building lines where a main building may be constructed except that land with an average grade exceeding ~~15~~ 30 percent shall not be considered geo-technically buildable ~~unless it is approved by conditional use permit.~~

Land Use Applicant: A property owner, or the property owner’s designee, who submits a land use application regarding the property owner’s land.

Land Use Application: An application required by ~~the~~ Box Elder County ~~Land Management and Development Code~~ and submitted by a land use applicant to obtain a land use decision and does not mean an application to enact, amend, or repeal a land use regulation.

Land Use Decision: A final action of a land use authority or appeal authority regarding a land use permit, a land use application, or the enforcement of a land use regulation, land use permit, or development agreement.



~~**Land use ordinance:** A planning, zoning, development, or subdivision ordinance of Box Elder County, but does not include the general plan.~~

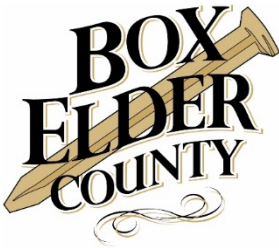
Land Use Regulation: An ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land and does not include a general plan, a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance, or a temporary revision to an engineering specification that does not materially increase a land use applicant's cost of development compared to the existing specification or impact a land use applicant's use of land.

Lot, Unrestricted:

- A. A lot having an average slope of less than ~~15~~ **30** percent and containing a buildable area of at least 75 feet by 100 feet, or
- B. the minimum size of a lot permitted in the zoning district in which it is located, with an average slope of less than ~~15~~ **30** percent, or
- C. as a buildable area designated as such on the subdivision plat in which the lot is located, if the average slope of the lot is greater than ~~15~~ **30** percent.

~~**Planned District:** A zoning district, the boundaries of which are to be shown on the zoning map, but the regulations for which shall be determined by a general development plan to be adopted by the County Commission as part of the Box Elder County Land Development & Management Code, after a public hearing, as required for other zoning districts.~~

~~**Planned Unit Development (PUD):** An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements. Planned Unit Development regulations may govern the subdivision of land if it is proposed by the development to sell individual lots in the Planned Unit Development. Thus Planned Unit Development regulations can be subdivision regulations which may be chosen by the developer as an alternative to specifically designated subdivision regulations of this Code, to become effective only through the Planned Unit Development approval process.~~



PLANNING COMMISSION

STAFF REPORT

Meeting Date: April 20, 2017

Agenda Item #: 5e

Application Type:

Zoning Map Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z17-007

ADDRESS:

1130 South HWY 89 in the South Willard area

PARCEL #:

02-055-0117

CURRENT ZONE:

Un-Zoned

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons
Comm. Dev. Director

BACKGROUND

Box Elder County is requesting that Parcel 02-055-0117 have a zoning designation applied to it as it has recently been de-annexed from Willard City. In this case the adjacent parcels are zoned MG-EX, R-1-20, and MU-160, this particular parcel is 34.73 acres so the MU-160 zoning designation does not make sense, thus one of the other two zones should be considered. The landowner proposed the MG-EX zone and the Planning Commission forwarded a recommendation of denial to the County Commission. Prior to proceeding to the County Commission the landowner withdrew the application. In an effort to not have an un-zoned parcel in this area staff is proposing the parcel be zoned R-1-20 as it is the other adjacent zone.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C. allows authorized County Staff to initiate a zoning map amendment as set forth in said section.

Surrounding Land Use and Zoning:

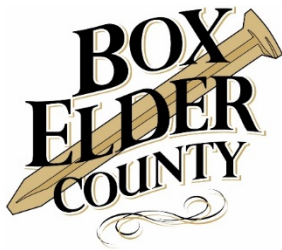
<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Mining/Residential	MG-EX/Willard City
South	Agricultural	R-1-20
East	Agricultural	MU-160
West	Agricultural/Residential	Willard City

Land Use Ordinance Standards Review:

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

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

The South Willard Community Plan addresses the area just south of this parcel as being R-1-20 and does not recommend anything other than this zoning designation for the future. The County's General Plan states that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.



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

The area primarily consists of residential and agricultural with some small commercial along the highway and some mining about 1.5 miles to the north and south.

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

The proposed amendment would have less effect on adjacent property than leaving the parcel un-zoned.

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

With other residential (development and zoning) already in place in this vicinity, it is likely the facilities and services intended to serve the subject property exist. Proof of these facilities is required prior to approval of a development plan or subdivision.

FINDINGS:

Based on the analysis of the proposed zoning map amendment to the R-1-20 zone and a survey of the surrounding area, staff concludes the following:

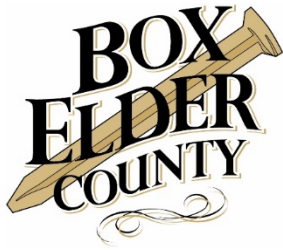
1. The Box Elder Land Use Management and Development Code allows for applying zoning designations on properties subject to zoning map amendment review procedures and approval.
2. It can be interpreted that the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.
3. This application is for a zoning designation from un-zoned to R-1-20.

RECOMMENDATION

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

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

1. 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 Z17-007, a zoning map amendment from de-annexed/un-zoned to R-1-20 (Residential Single Family 20,000 sq. ft.) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

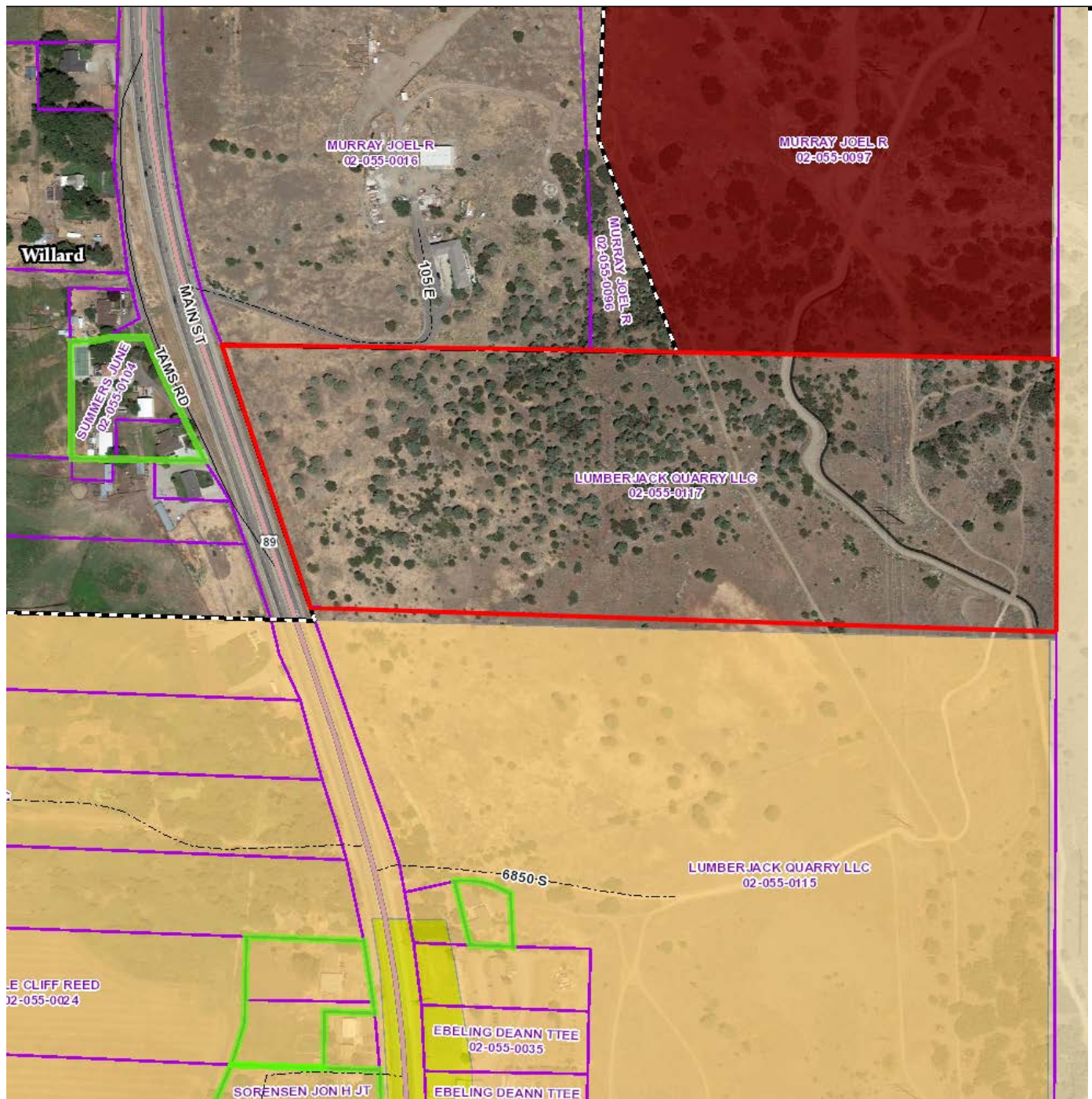
Table – “I move the Planning Commission table the review of application number Z17-007, a zoning map amendment from de-annexed/un-zoned to R-1-20 (Residential Single Family 20,000 sq. ft.) zone to (give date), based on the following findings:”

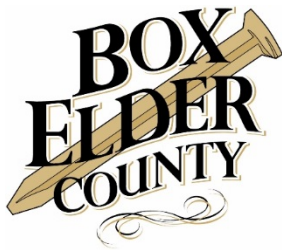
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z17-007, a zoning map amendment from de-annexed/un-zoned to R-1-20 (Residential Single Family 20,000 sq. ft.) zone based on the following findings:”

1. List findings for denial...

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





PLANNING COMMISSION STAFF REPORT

Meeting Date: April 20, 2017

Agenda Item #: 6a

Application Type:

Road Vacate

APPLICANT(S):

Grover/Capener

PROJECT #:

VAC17-002

ADDRESS:

Approx. 15300 North
5550 West

PARCEL #:

06-046-0062, 06-046-0123

CURRENT ZONE:

Un-Zoned

TYPE OF ACTION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting to vacate the un-vacated portion of roadway at approximately 15300 North 5550 West in the Riverside area of Unincorporated Box Elder County. Attached is a map showing the proposed road vacate.

ANALYSIS

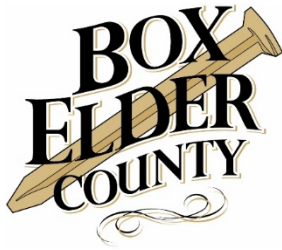
County Code:

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

Land Use Ordinance Standards Review:

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

1. Is there a prevailing public interest in keeping the road open; and
 - a. *There Grovers are the only residences that use this road for access.*
2. Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County; and
 - a. *The proposed vacation does not affect the County's General Plan or Transportation Plan.*
3. Is the proposed vacation in compliance with all Box Elder County Land Use and Development Code requirements, State, Federal or other local regulations; and
 - a. *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
 - a. *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
 - a. *No other interests within the right-of-way are to be vacated.*
6. When considering the vacation of a deeded road as opposed to a right-of-use road, the provisions of the surplus property disposal policy shall be used; and
 - a. *The proposed road is a right of use 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.



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

FINDINGS:

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

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

RECOMMENDATION

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

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number VAC17-002, a road vacation between parcel numbers: 06-046-0062 and 06-046-0123 at approximately 15300 North 5550 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 VAC17-002, a road vacation between parcel numbers: 06-046-0062 and 06-046-0123 at approximately 15300 North 5550 West in the Riverside area of Unincorporated Box Elder County, to (give date), based on the following findings:”

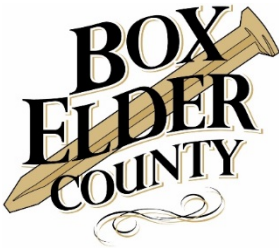
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number VAC17-002, a road vacation between parcel numbers: 06-046-0062 and 06-046-0123 at approximately 15300 North 5550 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 Marcus Wager at 435-734-3308 if you have any questions.





PLANNING COMMISSION

STAFF REPORT

Meeting Date: April 20, 2017

Agenda Item #: 6b

Application Type:

Subdivision Amendment

APPLICANT(S):

Mack & Jackie Bankhead

PROJECT #:

SS17-003

ADDRESS:

18511 North 6000 West

ZONE:

Un-Zoned

PARCEL #:

07-041-0034 and
07-041-0035

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting an amendment to the Lloyd Brandt Thompson Subdivision. The property is located at approximately 18511 North 6000 West. The amendment would combine lots 8 & 9 in the subdivision into one lot, thereby creating one two-acre lot as opposed to two one-acre lots.

ANALYSIS

County Code:

Land Use Management & Development Code 6-1-190 requires the subdivision of property to be approved by the Box Elder County Commission with recommendation from the Planning Commission.

Box Elder County Land Use Management & Development Code Article 6 outlines the requirements for subdivision review. Per State Code 17-27a-608 the applicant and all owners in the subdivision have signed the petition thereby the Planning Commission may consider at a public meeting the applicant's petition to amend the subdivision plat. The Planning Commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the County. The Planning Commission acts as an advisory body to the County Commission and shall make investigations, reports and recommendation on proposed subdivisions as to their conformance

to the general plan, zoning code and other pertinent documents as it deems necessary. Following the Commission's review and recommendation of a subdivision application, it will be forwarded to the County Commission for final approval.

Surrounding Land Use and Zoning:

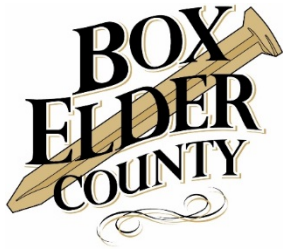
<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Residential	Un-Zoned
South	Agriculture	Un-Zoned
East	Agriculture	Un-Zoned
West	Agriculture	Un-Zoned

Access:

Access to the property is via 6000 West.

Utilities:

Letters from all utility companies have been submitted with the original subdivision.



County Department Reviews:

The proposal was reviewed by impacted County departments. With the conditions included below, the various County departments recommend approval of the proposed subdivision amendment.

Findings:

Based on the analysis of the subdivision amendment request, staff concludes the following:

1. The proposed amendment is consistent with the standards of State Code Section 17-27a-608.
2. The subject property is in an un-zoned area and qualifies for subdivision amendment.

RECOMMENDATION

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

1. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
3. Compliance with State Code Section 17-27a-608.
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 Commission approve application number SS17-003, a subdivision amendment, located at approximately 18511 North 6000 West in the Riverside area of unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

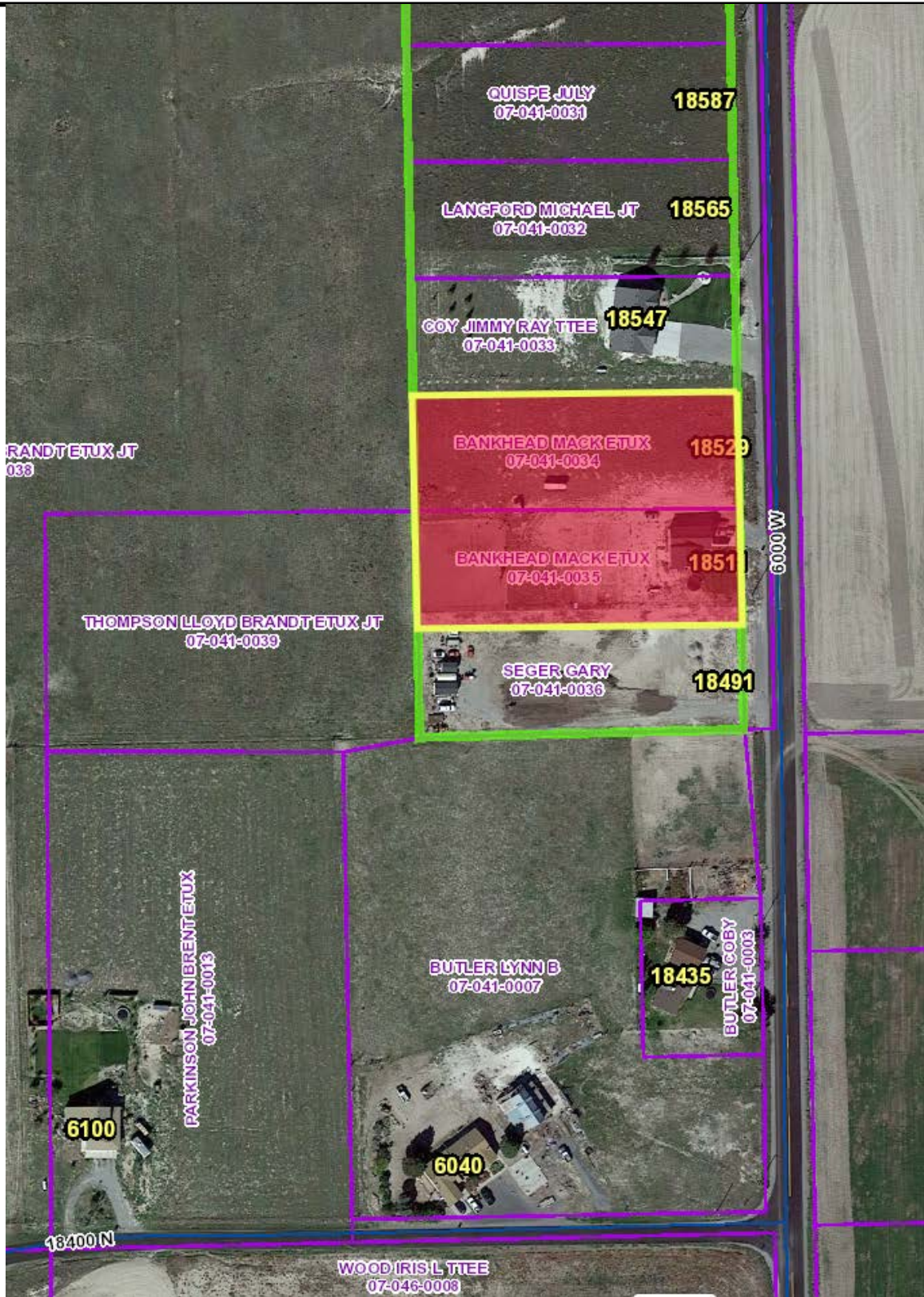
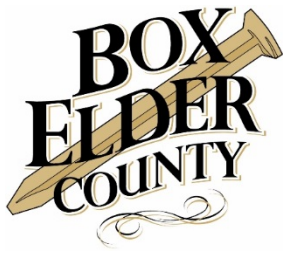
Table – “I move the Commission table the review of application number SS17-003, a subdivision amendment, located at approximately 18511 North 6000 West in the Riverside area of unincorporated Box Elder County, to (give date), based on the following findings:”

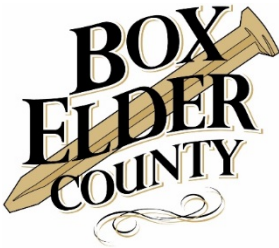
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Commission deny application number SS17-003, a subdivision amendment, located at approximately 18511 North 6000 West in the Riverside area of unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

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





PLANNING COMMISSION

STAFF REPORT

Meeting Date: April 20, 2017
Agenda Item #: 7a

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Bret & Marianne Craynor

PROJECT #:

Z17-001

ORDINANCE:

Chapter 3-2, Section 3-2-070

TYPE OF APPLICATION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting a text amendment to Section 3-2-070 of Chapter 3-2: Multiple Use, Agricultural, and Rural Residential District. The current code does not allow reception, wedding, or event centers. The request would allow such a center to be located in the A-½ zoning district. The applicant has not stated whether the requested use would be a permitted use or conditional use, ultimately that decision would be up to the County Commission.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner affected by this section of code 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:

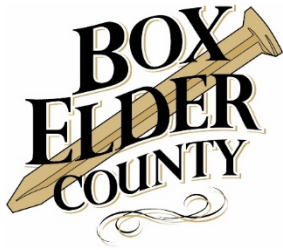
Box Elder County Land Use Management & Development Code section 2-2-080 outlines the following standards for review for zoning text amendments.

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

The County's General Plan states the following regarding commercial development:

"Due to its limited ability to provide municipal services, Box Elder County encourages commercial development to take place within or adjacent to existing communities or service areas. In areas where adequate services do not exist, the County encourages the development of commercial cores wherein several businesses can utilize a single self-contained water/wastewater systems or justify extending existing service lines. Where feasible, commercial areas adjacent to municipalities should be annexed.

The County recognizes the tax-base benefits that come from commercial development and will support appropriately designed and sited development along major thoroughfares and in unincorporated communities as long as adequate services can be provided and the location is compatible with desired growth patterns. The County will continue to allow the seasonal use of roadside fruit stands and



markets. It is the County's position that agriculture-associated businesses help maintain the County's rural atmosphere and reflect positively on the County and the agricultural industry.

Box Elder County recognizes that commercial development in the unincorporated areas often occurs along major thoroughfares, and adjacent to existing communities. In some cases, this development acts as the gateway to these communities. The County will work with affected municipalities to ensure that proposed development complements community aesthetics and design standards."

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

This text amendment affects only properties zoned A-½ and properties adjacent to those A ½ zones. There are only two properties in the county zoned A-½ are both are surrounded by A-20 zoning. The character of the area in both locations is predominantly agricultural with some sparse residential.

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

This is subjective. The proposed amendment would generate additional traffic that is not customary in a predominantly agricultural area. One could argue that the bird refuge is nearby and is somewhat of a commercial use that generates additional traffic as well.

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.

At this time the proposed amendment would apply to only two properties. The site plan review for an event center would address these services.

PLANNING COMMISSION QUESTIONS:

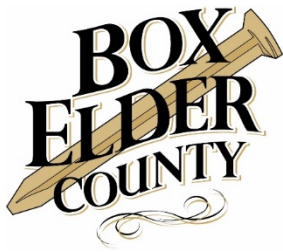
At the Planning Commission's March 16th meeting questions arose whether this use should be allowed in the A-½ zone being that it may not be feasible to locate a wedding/reception center on ½ acre. It isn't likely that you could locate the use on ½ acre, but each of the parcels zoned as A-½ are the following acreages 4.23, 5.76, 66.1, 3.09, and 6.9. So, despite the zoning having a ½ acre designation that only requires the parcel to be a *minimum* of ½ acre.

Another question that was raised was regarding parking. **Parking stalls required would be one space for each three seats or the occupancy determined by the architect divided by three.**

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.



RECOMMENDATION

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

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z17-001, a text amendment to Chapter 3-2: Multiple Use, Agricultural, and Rural Residential District of the Box Elder County Land Use Management & Development Code, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table the review of application Z17-001, a text amendment to Chapter 3-2: Multiple Use, Agricultural, and Rural Residential District of the Box Elder County Land Use Management & Development Code, to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z17-001, a text amendment to Chapter 3-2: Multiple Use, Agricultural, and Rural Residential District of the Box Elder County Land Use Management & Development Code, based on the following findings:”

1. List findings for denial...

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