

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

May 18, 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 April 20, 2017 Planning Commission Minutes.
5. **PUBLIC HEARINGS**
 - a. OYLER TEXT AMENDMENT, Z17-008 Text amendment to Chapter 5-6, Accessory Dwelling Units, of the Box Elder County Land Use Management & Development Code. (ACTION)
 - b. SORENSEN RE-ZONE, Z17-009 Re-zone property at approximately 13855 North 3100 West from RR-2 to RR-1 (Rural Residential 1 acre) Zone. (ACTION)
 - c. CRAYNOR RE-ZONE, Z17-010 re-zone property at approximately 3150 West Forest Street from A ½ to C-N (Neighborhood Commercial). (ACTION)
 - d. TEXT AMENDMENT, Z17-011 text amendment to Chapter 1-3, Definitions and Chapter 3-4, Commercial & Manufacturing regarding reception centers, of the Box Elder County Land Use Management & Development Code. (ACTION)
 - e. TEXT AMENDMENT, Z17-012 Text amendment to Chapter 3-2, Multiple Use, Agricultural, & Rural Residential and Chapter 3-7, RR-20 & R-1-20 regarding cul-de-sac frontages, of the Box Elder County Land Use Management & Development Code. (ACTION)
 - f. TEXT AMENDMENT, Z17-013 Text amendment to Chapter 3-9, Mining, Quarry, Sand & Gravel Excavation Zone regarding the purpose and non-hazardous landfills, of the Box Elder County Land Use Management & Development Code. (ACTION)
 - g. TEXT AMENDMENT, Z17-014 Text amendment to remove mining from all Chapters except Chapter 3-9, of the Box Elder County Land Use Management & Development Code. (ACTION)
6. **NEW BUSINESS**
 - a. Riverbend Estates Subdivision, SS17-006, Preliminary approval for a 17-Lot subdivision located at approximately 15600 North 4950 West in the Riverside area of unincorporated Box Elder County. (ACTION)
7. **UNFINISHED BUSINESS**
 - a. NONE
8. **WORKING REPORTS**
 - a. COUNTY RESOURCE MANAGEMENT PLAN
9. **PUBLIC COMMENTS**
10. **ADJOURN** _____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES APRIL 20, 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	Scott Lyons	Com Dev Dir.
Laurie Munns	Vice-Chairman	Marcus Wager	Planner
Kevin McGaha	Excused	Diane Fuhriman	Exec. Secretary
Michael Udy	Excused	Steve Hadfield	Co. Attorney
Bonnie Robinson	Member	Jeff Scott	Excused
Desiray Larsen	Member		
Mellonee Wilding	Member		

The Invocation was offered by **Commissioner Bonnie Robinson**
Pledge was led by **Commissioner Mellonee Wilding**

The following citizens were present & signed the attendance sheet:

(See Attachment No. 1 – Attendance Sheet.)

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

Chairman Chad Munns called for the public hearings.

PUBLIC HEARINGS

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.

Staff stated the applicant has requested the 11 parcels in question be zoned from un-zoned to the MG-EX. (Mining, Quarry, Sand & Gravel Excavation) Surrounding the parcel is agricultural areas and all are un-zoned.

Chairman Chad Munns asked for comments from those in attendance.

Chad Reed, Northshore Rail Services, said the area is a good place for a quarry but questioned how the property will be accessed. The land is surrounded by private property and BLM lands.

Paul Hales, Applicant/Property Owner, said property access will be resolved fairly soon but will involve the courts. His property was the first privately owned property in the area and was used for mining. He stated he does not want to mine but wants to generate income from the property. He would also like to be able to use the rail for access.

Brent Kenley, Northshore Rock Products, said he has met with Mr. Hales a few times and have entertained allowing him access to the property. He stated each time they have met it seems Mr. Hales wants more and more. Mr. Kenley asked the commission to make it so Mr. Hales has to follow the same guidelines as other property owners.

Paul Hales, said he has taken Lynn Kunzler from the Utah State Division of Oil, Gas, & Mining to the site. They reviewed what he needs to have done. The main concern is Indian artifacts on the land and he would need an archeologist to visit the site. Mr. Hales said he only wants to excavate the top layer.

MOTION: A motion was made by Commissioner Mellonee Wilding to close the public hearing. The motion was seconded by Commissioner Desiray Larsen and passed unanimously.

(ACTION)

Chairman Chad Munns reminded the commissioners this hearing is for re-zoning the property not for a conditional use permit.

Commissioner Laurie Munns verified which parcels are included in the re-zone and asked staff to go over the review standards.

Staff then referred to the review standards (as outlined in the BECLUM&DC Section 2-2-080 E) that are used when a zoning map amendment is requested.

- a. ***“Whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan.*** Staff informed the commissioners the county’s general plan makes no references to how specific areas should be zoned. It does state the future land use decision must consider the following. Promoting development patterns consistent with, and sensitive to, residential preferences and balancing private property rights with public interest.
- 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 landfill, commercial, mineral ponds but mainly agricultural uses. Whether the proposed amendment is harmonious is quite subjective.
- c. ***The extent to which the proposed amendment may adversely affect adjacent property.*** The proposed amendment should not affect the values of adjacent properties but 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 the gravel trucks would have a negative impacts on the existing roads, which could be considered at the condition use permit process.

Commissioner Laurie Munns noted the infrastructure on those roads may be there because of Promontory Point Resources and what we are having them go through. She does not think Promontory Point Resources should have to bear the brunt of everything that is now going to go down.

MOTION: Commissioner Laurie Munns made a motion to recommend approval of the zone change from un-zoned to MG-EX zone. The motion was seconded by Commissioner Desiray Larsen and passed unanimously.

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)

Staff stated the applicant is requesting three parcels be re-zoned to RR-1. The north side of the highway is currently zoned Agricultural and RR-5, the south side is zoned Agricultural and R-1-20, the east side is a mix of Agricultural, R-1-20 and RR-5, and the west is Agricultural, R-1-20 and A-20.

Chairman Chad Munns asked for comments from those in attendance

Jerry Day, Bothwell asked if the property owner has the infrastructure and the water needed. He is concerned with sewage going into the Bothwell wells and the residents' backyards that are below this property.

Kent Anderson, Property Owner/Applicant said the idea is to have the best use of the property. The land is all dry land with no irrigation. He said there is going to be growth north and south of Salt Lake City. The growth south is going to come here soon. He feels this is the best use for that ground. He feels the ½-acre zoning would cause problems because of curb and gutter requirements.

Cloe Anderson, Property Owner/Applicant said we feel it would be better to put homes on prime irrigated land in the valley. She said about 20 years ago we made a mini-subdivision, and there was a lot of ire raised about it then. In that 20 years we have sold 2 lots and they have 2 nice homes there. If this is anything near that kind of selling, it would be 100 years before it is populated

Brian Ward, Board Member/West Corinne Water Company informed the commission the water company serves over 600 homes and businesses. Our services area begins at Brigham City's west boundary and stretches out to Little Mountain and up to Rocket Road, and includes most of the unincorporated area. As near as he can tell every home will be built within a mile of our main power source. He is concerned about rezoning the area. It will increase the density of potential septic systems by a factor of 5, increasing risk of contamination. The rezoning will open the door for smaller lots in the area. He stated the West Corinne Water Company is not necessarily opposed

to developing this area, but at this point, are just not sure if a sewer systems would be needed to protect our water source.

Byron Nelson, Bothwell Cemetery and Water Company said they are concerned over the proposed number of septic tanks adjacent to the cemetery. He said the main water source is located in the corner of the cemetery where Bothwell gets the bulk of their water that goes through the town. Mr. Nelson said the state engineer has told us in the past not to even spray the lawn there for fear of contamination. The testing regulations we have to follow to keep us certified is growing, so we have serious concerns.

Hal Anderson, Property Owner/Applicant reaffirmed they are looking for the highest and best use of the property. When looking at the south side of 11200 those are half-acres , it has been mention about density, we are asking reduce density by half as it goes from half-acre to one-acre. The other side is five-acre lots. The Wasatch corridor is moving south and is inevitable. Growth is going to happen. To the west is all dry land, to the east is all irrigated. We want to take less desirable land and make it into developmental homes.

Jennifer Hansen is a transplant to Bothwell. She moved there so her kids could live in the country and have space and land. Ms. Hansen questioned who benefits from “best use of the land.” By having a one-acre lot vs. a five-acre lot, it all comes down to money. She understands about growth; she has 4 children who will need a place to live. She doesn’t want to stop the growth but thinks there needs to be a better plan. She uses the Bothwell water system and there is not enough water for those who use it now. She also lived in the Stephenson Farms Subdivision and there is not enough water for those lots either. Ms. Hansen believes people should be able to do what they want with their land, but at what cost? She doesn’t want a septic system running over the top of her water system.

Jeff Ivers echoes what has already been said tonight. He would like the planning commission to consider the culinary water source for these lots, the secondary water system, and the emergency services that may be needed. The homes being built there are required to have fire hydrants and that is a concern to him. The cemetery and Marble Park do not need the septic tanks encroaching on their culinary water. He is sure these lots will be affordable for families to buy, but thinks it is too much, too fast.

Amy Megan, Bothwell, questioned if an environmental study has been done on this land for the water. This same thing happened in Washington where she lived before moving to Bothwell. The developers came in and built houses on farm ground; every farm we had went away. The growth happened within a 3-4 year period. She asked the commission to take some time with this and study the impact it will have on the community.

Brenda Sagers, Bothwell stated there are two separate communities involved, Bothwell and Thatcher. If Thatcher wants to put the property into half-acre lots, that is up to Thatcher to decide. She said two years ago we fought to keep the R-5 zoning and that is what we want to do now as our main goal. Ms. Sagers said it has been mentioned about water problems and septic tank problems. If that well would have to be cut off, we would not be able get a trickle of water to drink,

we would have no lawns or flowerbeds. She stated we are talking about two different communities and it needs to be addressed as such.

Hal Anderson, Property Owner/Applicant said there is not a problem with the water. We have had it under study for three years. He told those in attendance not to worry about the water.

Carrie Fairchild pointed out where her home is located in Thatcher and said there are two different neighborhoods, Thatcher and Bothwell and they should not be in the same conversation. Ms. Fairchild said the parcels pertaining to her area is half-acre going to one-acre. In her opinion it is better having one-acre parcels bringing in only half of the people that half-acres would.

John McGuire lives in the RR-5 area. He stated the applicant made the point of not wanting to sell any lots at this point. That makes it clear in his mind to postpone this zoning change until they have all the arrangements and a plan set up for what they are claiming to do. It appears they don't need to make this change at this time. Mr. McGuire said the property owners have stated development is coming and there is nothing we can do about it. If that is the case, we ought to consider taking that seriously and think about sidewalks, curb and gutter, and sewage. Otherwise we will have one-acre lots with no curb and gutter and the upkeep for those types of lots are not quite as nice as the fully developed curb and gutter lots. Mr. McGuire said he has been in the area for a decade and has had long discussions with the folks that were originally part of the RR-5 zoning change. One of the main intents of the zoning was for a cultural purpose. They wanted to make sure farmers could do their farming, children on bicycles and tricycles were kept safe and the zone would attract people who are interested in the rural lifestyle. Mr. McGuire said the parcel north of the highway and the parcel south of the highway are two different changes of different magnitudes. One is going from a half-acre to an acre, the other going from an RR-5 to an RR-1. His recommendation is to split them into two different proposals and have them considered separately.

Brandon Evans stated 4-5 years ago he came before the planning commission to start a business in the Bothwell but the business got shut down. One of the biggest reasons was fire sprinkler systems; there was not enough water to activate it. He told the commission his child came home from school and said his chemistry teacher told him the water in Bothwell isn't very good. Mr. Evans said he likes it but according to the water board it is not that great for you. He said a lot of people here tonight have said they come from communities that have turned from farming communities to one-acre lots. The reason they come here is to get a five-acre parcel so they can support their farms, their animals, and grow their own hay. We are taking that away. He realizes growth would be nice but thinks it should start in the cities and work its way out, instead of working from the outside back in.

Richard Nicholas said one of the biggest challenges in life is to keep things simple. Life is so complicated, it takes work to keep it simple. He realizes the commissioners have a lot to consider with this issue but thinks the core issues are not complicated at all. The water issue concerns him. Every time the power goes out we have to get a jug of water so we can flush to toilet because the water is off. He told the commissioners if it becomes apparent what the majority of the community wants, to make their decision based on the majority.

Kim Detweiler, Bothwell wants to make it known she is opposed to the zone change. She bought the property because she likes space and this zoning will take it away.

Stacy Temple said he is the face of the growth people are talking about. He thinks there are two distinct issues to the zone change. The property on the south is dry land and on the north is considered irrigation. He thinks the commissioner should reconsider separating these two issues and bringing them to future meeting. Mr. Temple said all the communities around the properties have serious concerns about water. If the infrastructure is not in place when development comes, when the water is not there when they want it, they will have to go back and re-do it. The cost is tremendous the second time around. Mr. Temple said he currently lives in Clinton but plans on building a house in the area soon. He thinks the two distinct issues should be separated and brought up in a future meeting.

Steve Zollinger, Bothwell, owns property to the east and rents parcels to the north. He has lived here all his life. The Stevenson Subdivision has quite a few five-acre lots and has brought some wonderful people to the area who came here because they wanted a rural, not urban, atmosphere. If the zoning is changed to one-acre, it goes against the grain of the vision Bothwell has and the reason we as a people live there. He said as a farmer I bail hay at 2 a.m., and as the area becomes more populated, people may not understand the farming lifestyle and it would create direct conflict with him. He is opposed to the change primarily because of the vision we have as Bothwell residents.

Buster Marble, Bothwell, thanked the commission for allowing this time to speak. From what he has gathered the main concern is the septic systems and the water. He currently farms just to the east of the parcels in question and has similar concerns as Mr. Zollinger.

Roslyn Lord lives in the Stevenson Subdivision. She moved from West Haven because it became too congested. She is opposed to any zoning changes. Ms. Lord stated there will be 247 homes, with 2 cars per household and only one road coming from Tremonton. The bridge is already really bad. Ms. Lord said after the first ten lots were created in the Stevenson Subdivision, the acreage behind them was subdivided. After that they were not allowed to flood irrigate anymore. She said it cost a lot of money to put in irrigation pipe on their property they cannot use because they went to a pump system. She said they still have a hard time irrigating our property because there is not enough water.

Katherine Summers, Bothwell has land adjoining this property. She is concerned about the sewer system because we all have septic tanks. With that many more houses, sewer will become a problem. She questioned when it becomes a problem to the applicant, they will have to fix it but who will end up paying for it. Ms. Summers stated she if for five-acre lot or no change at all.

Drew Anderson, Bothwell echoes the same concerns as have previously been expressed. He asked the commission to uphold the already set-in-place standard of five acres.

Michael Cragun, Bothwell, said he doesn't know what went into the RR-5 zoning when it was originally established. He would like to think there was some forward thinking and people were planning ahead for development. He said he can see development in the area in a controlled manner, and in a manner continuing to accommodate the farming and rural lifestyle so many of us love and appreciate. He also echoes the concerns with the water.

Megan Branch, Bothwell, said she knew when they moved to Bothwell they would have to abide by the five-acre lot. She stated it is one of the things that makes the community great and thinks it should stay in five-acre lots.

Robert Vance said he has lived in the area for three years and loves the community. He commented on the applicants remarks of not to worry about the water and best use of the land. He thinks most people here are very concerned about the water. He said the applicant stated the land is not being cultivated right now because there is insufficient water for it. Mr. Vance questioned if there is insufficient water for cultivation, where is it going to come from for 250 new homes.

Layne Summers, Bothwell, agrees with Mr. Hal Anderson they should all be five-acre lots. He spoke about when Willard City has septic problems and had raw sewage coming down the hill. If you put 250 homes up there they may be the same problems at South Willard and water is an issue.

Janiece Newman, lives at the bottom of the hill and does not want sewage as a problem. She told of how a property caught on fire and when the fire trucks came, there was no water to be found. The firefighters had to go way down the street to locate any water. She is very concerned about the water issue.

Robert Hall, Bothwell, opposes the zone change. It does not benefit anyone but the Andersons. He loves the area he lives in and does not want the zoning changed.

Angela Tomlinson, Thatcher, it at the bottom of a hill and has septic and well water. She is concerned with that many homes being up there and the drainage going down in to her well water. She does not want to be tasting other peoples crap. This will have a huge impact on all the residents.

Sandy Hood said she is the victim of the fire Janiece spoke about earlier. She said we lost our home because we had no water for the fire department to put it out. She said there is just no water to support all the new homes.

Mick Newman said he is the next generation of future farmers to Bothwell. This change would not only effect the water rights, but will affect his lifestyle. There are plenty of people out in the area that would dry farm that ground. We are in need of food and in need of beef.

Lori Larson Hall, Bothwell, voiced her opinion she oppose this rezoning. She has lived all over the valley and ended up in Bothwell. She rented a home on a farm. She said when the farm was sold she was blessed enough to buy the home on a five-acre lot. She loves the lifestyle and wants to keep it that way. She stated there is not a ton of traffic on her road but the highway has a lot of trucks and a lot of traffic with ATK. She cannot image making any more room for any more traffic

and does not want more traffic detouring past her road than already does.

Weston Getz said he is also a future farmer. He said his family has owned and farmed land by Iowa String for all our lives. He plans on farming for the rest of his life and does not want the zoning changed.

Brody Barry, Tremonton, feels like anything of this type to happen in Bothwell gives more leverage to keep adding on to Bothwell and will soon be full of houses and no agriculture.

MOTION: A motion was made by **Commissioner Laurie Munns** to close the public hearing on Application Z17-004. The motion was seconded by **Commissioner Bonnie Robinson** and the public hearing was closed.

ACTION: **Chairman Chad Munns** reiterated that the public hearing is now closed and asked members of the water board to join in a discussion.

Chairman Chad Munns asked the members of board if they supply water to the south parcel. **Steve Norman**, board member, answered there is one connection near the well on the Bothwell side. That is where our source is that supplies over 600 businesses and homes in West Corinne up toward Thatcher and to Bothwell and Tremonton. He said the well is a key part of our system. We respect the Andersons want to do what they can with their property, but we have to look out for those 600+ water users. **Chairman Chad Munns** asked what the water pressure is now and was answered they are at 90 lbs. **Steve Norman** said the pressure is good because we are on the hill but the water volume can go down. Taking this year out of the picture, we were telling people to conserve because our tanks were empty and especially those tanks in the Bothwell area.

Commissioner Laurie Munns asked if they water company has any intention of expanding or is the company maxed out with the 600+ they have now. **Steve Norman** there is more water available but we could not supply for even half of what we are discussing here, probably only 10 – 15% more **Chairman Chad Munns** asked if the water company is connected to the conservancy district and was answered they are on the Honeyville side. **Steve Norman** is concerned about water contamination and questioned once the water is contaminated how do we bring it back.

Chairman Chad Munns said we live in a rural community, the county itself is not going to be in the sewage business until we become a city. Commissioner Wilding made a point in our pre-meeting about five-acre lots costing the taxpayers' money, one-acre lots also cost the taxpayers' money. That is a concern to the commission. The property taxes the county receives does not equal the revenue they spend.

Commissioner Desiray Larsen asked if the same amount of water would be used for five homes on one-acre lots as compared to a home on a five-acre lot. Staff said homes use a very consistent amount of water. About 40% is used in the home, what is used outside of the home is based on the type of landscaping as well as the season.

Chairman Chad Munns said the landowners and the public have spoken. There are three landowners who want the zone change and the rest do not. That does not mean the landowner does not have rights. They can petition again. He said the county does have curb, gutter, and sidewalk laws. If you build, a lot of them are deferred until the county deems necessary to have them put in. If one house is on a five-acre lot is the county is probably not going to require curb, gutter and sidewalk, but if it is a subdivision it would be required.

Commissioner Bonnie Robinson thinks there are 2 separate issues here and it makes it difficult to make a lump sum decision. Staff informed the commission they have the option to recommend approval of the proposal, recommend denial of the proposal, recommend approval with modifications, or the item can be tabled. Staff said if the issue is separated into two items and the commission is inclined to leave the Bothwell area as five-acre and approving the portion in Thatcher as one-acre, the code does state the commission has the ability to approve with modifications. **Chairman Chad Munns** stated the applicant would need to be made aware of the separation. **Commissioner Mellonee Wilding** has a difficult time with making the change because we would be asking other people in the county to fund the snow removal, the fire and the police in an area already zoned as half-acre by making it acres.

Commissioner Laurie Munns questioned Mr. Hal Anderson about the water studies he mentioned earlier asked if he could share information with them. Mr. Anderson said there is nothing that I can bring before this public meeting tonight.

MOTION: A motion was made by **Commissioner Laurie Munns** to forward a recommendation of denial to the county commission on Z17-004 application. The motion was seconded by **Commissioner Mellonee Wilding**. **Commissioner Bonnie Robinson** and **Commissioner Desiray Larsen** opposed the recommendation leaving **Chairman Chad Munns** to break the tie with a final vote. **Chairman Chad Munns** voted to forward a recommendation of denial to the county commission and the motion passed.

WILLIAMS RE-ZONE, Z17-005 re-zone property at approximately 8865 South HWY 89 from R-1-20 to C-H (Highway Commercial).

Staff informed the commission the applicant has requested a parcel located at 8865 South on Highway 89 in the South Willard area be re-zoned from R-1-20 (residential half-acre) to C-H (Highway Commercial). To the north of this parcel there is a residence and directly to the west is a pond and agricultural use. To the south and east is hillside. There are also some commercial uses in the general vicinity.

Chairman Chad Munns asked for comments from those in attendance.

Richard Woodland owns the pond across from this property. He said he understands they want to sell sheds on the property but does not see how this particular zoning accommodates what they want to do. He is not necessarily against the proposed change, but is worried about the traffic going in and out of the property. There is no turn-out there and the highway has a double yellow line.

Kelly Williams, Owner/Operator of Williams Steel Buildings, said the property is kind of an eyesore and he wants to put some display buildings on the property and place some advertising for our metal buildings. He does not think the property should be zoned R-1-20 because he cannot envision anyone wanting to build a house there. He agrees there may be an issue with traffic but does not think there will be a large volume of traffic, maybe only a few cars will stop and look at the display.

Dale Zito asked what if mid-stream he decides to do something else that might become a nuisance, or he decides to sell it. He said a change might be detrimental to our home even though he thinks it is a great idea, the area is very clean and very nice there now.

Kent Davis said he is a close neighbor to the property and was also a part of the committee that created this opportunity to have these commercial highway zones. One of the intents we had when this zoning was created was to provide some business resource for that end of the county. Mr. Davis does not have any objection to the property re-zone. He questioned if the revenues generated would stay in the county.

MOTION: After hearing no further comment, **Commissioner Laurie Munns** made a motion to close the public hearing regarding Z17-005. The motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

ACTION: Staff informed the commission of the uses included in the C-H (Highway Commercial) zone. Staff recommended a way to simplifying a re-zone is to find the 3-5 most intense uses in the zone. Based on those uses it can be decided if it is an appropriate zone for the area.

Commissioner Bonnie Robinson said the revenue question that was asked is a valid concern. The commissioners asked Mr. Williams where his business is currently based and licensed. Mr. Williams answered they are currently in Layton and sell from their home. He would like to get more organized and have a place of business other than their home.

Commissioner Laurie Munns said at other times the commission has had to find if the applicant has UDOT approval. Staff said there is an existing access located there but if there is a change in use the applicant must go through UDOT. In this scenario where the use has been residential and changes to commercial then UDOT would need to approve the access.

Commissioner Laurie Munns referred to the review standards (as outlined in the BECLUM&DC Section 2-2-080 E) that are used when a zoning map amendment is requested.

- a. *“Whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan.*
- b. *Whether the proposed amendment is harmonious with the overall character of existing development I the vicinity of the subject property.*
- c. *The extent to which the proposed amendment may 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”.*

After a discussion regarding South Willard residents approving the uses in highway commercial zone as acceptable **Chairman Chad Munns** called for a motion.

MOTION: A motion was made by **Commissioner Desiray Larsen** to forward a recommendation of approval of the Williams Re-zone Z17-005 on to the county commission with other conditions if staff sees fit. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

TEXT AMENDMENT, Z17-006 text amendment to Chapter 1-3 – Definitions, of the Box Elder County Land Use Management & Development Code.

Staff said the reason this is being brought forward is state code has recently changed in the last legislative session. The legislature was looking for a way to differentiate between administrative and legislative issues. The changes we are proposing starts with the animals because we have received some complaints in the R-1-20 zone. In the buildable area staff had an average grade of 15% but as they compared other codes found 30% is more normal.

(See Attachment No. 2 – Staff Report.)

Chairman Munns asked for comments from those in attendance.

Aaron Jensen would like to know the impact on residential development agreements.

MOTION: After hearing no further comment a motion was made by **Commissioner Mellonee Wilding** to close the public hearing on Text Amendment Z17-006. The motion was seconded by **Commissioner Desiray Larsen** and the public hearing was closed.

(ACTION)

Staff informed the commissioner this text amendment affects R-1-20 only; RR-1-20 (Rural Residential 20,000 sq. ft.) is not affected. **Commissioner Desiray Larsen** said to answer Mr. Jensen's question this amendment only affects new development on half-acre. She asked if it is an existing half-acre is the animal portion grandfathered in. Staff answered from this point forward, if it were to change, would have to comply with the new changes. **Commissioner Mellonee Wilding** asked if the lot was sold, would the lot be grandfathered in. Staff replied uses run with the land. If the use stops for one year or more, then the use is gone.

There was a discussion among the commissioners regarding definitions of, and the number of animals allowed with the amendment. Staff suggested pulling back from some of the allowances for animals. **Chairman Chad Munns** recommends using the more conservative numbers.

MOTION: A motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval for Text Amendment Z17-006 as written by staff. The motion was seconded by **Commissioner Desiray Larsen** and the motion passed with **Commissioner Mellonee Wilding** opposed voting nay.

ZONING MAP AMENDMENT, Z17-007 zone property de-annexed from Willard City at approximately 6801 South HWY 89 to the R-1-20 (Single Family 20,000 sq. ft.) zone.

Staff informed the commission the lumberjack property recently de-annexed from Willard City and consists of 37.3 acres. The proposal is coming from the county that the parcel be zoned R-1-20 as it is now an un-zoned parcel is open to a variety of uses not conducive to the area.

Chairman Chad Munns asked for comments from those in attendance.

Aaron Jensen, representative of the property owner said we originally applied for the MG-EX zone which appeared to be very broad and the other permitted uses were not needed. We would like to find a way to develop this land. Mr. Jensen said a hydrological study is needed and has received bids for the study. He wants to make it clear this is not the zoning they want or applied for prior. His plan is different than R-1-20 zoning, he believes a larger variety of homes will be put there not just 20,000 sq. ft. lots. Mr. Jensen stated they are not prepared to propose any different zoning as they were notified only a short time ago. At this point he feels this zoning is not appropriate for the land and would like time to present his plan for his land. He asked the commission to deny or at least table this issue so they have to put together a plan for our land.

Jim Johnson owns property next to the property in question and is all for this zoning. He said this is the same manure we were shoveling last month and nothing has changed. The neighbors do not want or need a gravel pit. He encouraged the commission to make the same decision and pass this zoning.

Kent Davis feels this is a good use and proposal for the property and is in harmony with the surrounding areas. He thinks it is a great option to hold it in this position rather than leaving it un-zoned.

Zach Peterson concurs with Mr. Davis and urges the commission to recommend approval.

Matt Barker lives directly west of the property and feels this is a good zone. He said Lumberjack can always reapply later for different zoning.

Amber Peterson agrees this is a great step in keeping the community the way the residents want.

Aaron Jensen reiterated this hearing is for zoning not for a conditional use permit. He stated the commission can table this and ask for more information from him. The conditional use permit can restrict most of the things the public was concerned about at the last hearing. Mr. Jensen asked again for the commission to table this item and allow us to work on this.

June Summers said everyone has invested a lot. Anything Lumberjack does up there is going to affect us tremendously. We have been there a long time and the water belongs to us on the west side, not up on the hill.

Peggy Barker bought property directly west of the property in question. She wants all the Juniper trees, the deer and rabbits, and the ability to hike and walk. If it comes to a choice of a gravel pit or more residences she will side with residences.

MOTION: After hearing no further comment a motion was made by **Commissioner Laurie Munns** to close the public hearing on Text Amendment Z17-006. The motion was seconded by **Commissioner Bonnie Robinson** and the public hearing was closed.

(ACTION)

Staff stated from the county standpoint the reason this was placed on the agenda was because the property is currently un-zoned and some type of zoning needs to be applied to the property. The choice for R-1-20 is from the other adjacent property. Staff said it was an effort to get some zoning applied to the property but does not prohibit the landowner from requesting new zoning.

Commissioner Bonnie Robinson asked staff if the item is tabled does that protect the property for up to six months. At that point the landowner may have the water study finished. Staff agreed the item can be tabled so no changes can be made up to the six month period. Essentially tabling is the same as applying a zone because there would be something in place that would prohibit commercial or industrial uses.

MOTION: A motion was made by **Commissioner Bonnie Robinson** to table Zoning Map Amendment X17-007 giving the landowner further time to provide the hydrological study. The motion was seconded by **Commissioner Mellonee Wilding** and passed unanimously.

NEW BUSINESS

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)

Staff said the applicant is requesting to vacate a portion of the roadway at approximately 15300 N and 5550 W in the Riverside area of unincorporated Box Elder County. The other half of the road was previously vacated.

MOTION: A motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval for the Grover/Capener road vacate VAC17-002. The motion was seconded by **Commissioner Laurie Munns** and passed unanimously.

BANKHEAD SUBDIVISION AMENDMENT, SS17-003; Amend the Lloyd Brandt Thompson Subdivision by combining lots 8 & 9 at approximately 18511 North 6000 West.
(ACTION)

Staff stated the applicant is requesting to amend the Lloyd Brandt Thompson Subdivision by reconfiguring the property line. It is a platted subdivision so the request must go through this

process.

MOTION: A motion was made by **Commissioner Desiray Larsen** to approve the Bankhead Subdivision Amendment SS17-003. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

UNFINISHED BUSINESS

CRAYNOR TEXT AMENDMENT, Z17-001; Chapter 3-2-070 to allow reception/wedding event center. (ACTION)

Staff informed the commission the request is to amend Chapter 3-2-070 to allow reception/wedding event centers in the Agricultural Half-Acre zoning district. Staff said this item was tabled with questions regarding parking, feasibility in a half-acre zone, and questions regarding water.

Staff said in response to those questions parking stalls would be one space for every three seats.

Commissioner Bonnie Robinson expressed she is uncomfortable with the word “event” in the text amendment,

There was a discussion among the commissioners regarding allowed uses in half-acre zones and what qualifies as an event.

Staff said the commission has the option to move forward or deny the change in text. If the commission feels it would be more appropriate to re-zone the property to a commercial zone, the text would need to be changed there as well and add reception center to the commercial zone.

Commissioner Bonnie Robinson said she is concerned if this is a fit with a half-acre zone or if it should be in a commercial zone or even a larger zone.

The commissioners discussed the effect the change would have on other half-acre zone in the area. Staff said if the commission is proposing for the property to be re-zoned to a commercial property, the steps that would need to take place would be adding the reception center use to a particular commercial zone. A re-zone from the A ½ to that commercial zone would be required, a subdivision would also be required to subdivide the property. If it is decided when that use is applied to the commercial zone if it is decided to be done as a conditional use permit then the conditional use permit would be required also. Essentially four different kinds of applications would be required.

MOTION: A motion was made by **Commissioner Desiray Larsen** to forward a recommendation of denial to the county commission regarding the Craynor Text Amendment Z17-001 to allow a reception/wedding event center specifically in the A1/2 acre zone and directs staff to look into allowing a reception/wedding event center as a conditional use in a commercial zone. The motion was seconded by **Commissioner Laurie Munns** and passed unanimously.

WORKING REPORTS

COUNTY RESOURCE MANAGEMENT PLAN

Chairman Chad Munns said this is a 100 page document the legislature has put out to see how each county wants federal lands administrated in the county. The county commission has to have it approved by August 1.

Staff said the legislature wants all the counties to prepare a plan for their county to have a stronger state plan. It is basically the county having a say in what happens on public lands such as Forest Service and BLM. A steering committee was formed that has given input through this process. We have had various meetings and have a consulting contract with Bio-West from Cache Valley who has walked us through the process. Staff will email the draft plan to each of the commissioners to look at in part or whole and give input. The latest it can be approved is in the June commission meeting.

Chairman Chad Munns proposed moving the agenda item unfinished business to the beginning of the meeting in front of the public hearings on future agendas.

PUBLIC COMMENTS -

ADJOURN

MOTION: A motion was made by **Commissioner Mellonee Wilding** to adjourn the April 20, 2017 planning commission meeting. The motion was seconded by **Commissioner Desiray Larsen** and the meeting adjourned at 10:32 p.m.

Passed and adopted in regular session this 18th day of May 2017.

Chad Munns, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION

STAFF REPORT

Meeting Date: May 18, 2017

Agenda Item #: 5a

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Dylan Oyler

PROJECT #:

Z17-008

ORDINANCE:

Section 5-6-060-M

TYPE OF APPLICATION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant has requested that a text amendment be made regarding Section 5-6-060-M, Development Standards, of the Box Elder County Land Use Management & Development Code, amending the maximum height for accessory dwelling units.

(See attachment for proposed verbiage)

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner 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, **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 Z17-008, a text amendment regarding Section 5-6-060-M, Development Standards, 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 Z17-008, a text amendment regarding Section 5-6-060-M, Development Standards, 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 Z17-008, a text amendment regarding Section 5-6-060-M, Development Standards, 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 5-6 – Accessory Dwelling Units

Box Elder Zoning Ordinance 375 as Adopted November 6, 2013

5-6-060. Development Standards.

- M. The maximum height for ADUs is limited to one story and to twenty ~~six (20)~~ **(26)** feet or the height of the principal structure, whichever is less.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: May 18, 2017

Agenda Item #: 5b

Application Type:

Zoning Map Amendment

APPLICANT(S):

Jon Sorenson for Eli Pali

PROJECT #:

Z17-009

ADDRESS:

Approximately 13825
North 3100 West

PARCEL #:

Part of 06-037-0010

CURRENT ZONE:

RR-2

TYPE OF ACTION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting that part of Parcel 06-037-0010 be re-zoned from the RR-2 (Rural Residential 2 acres) zone to the 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-2
South	Agricultural	RR-2
East	Residential	RR-2
West	Agricultural	MFP

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 adversely 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-2 (Rural Residential 2 acres) 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-2 to RR-1; RR-1 is an existing zone in this area (to the South).

RECOMMENDATION

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

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

1. Applicant provides a legal description for the area to be re-zoned.
2. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.



MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z17-009, a zoning map amendment from the RR-2 (Rural Residential 2 acres) 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....

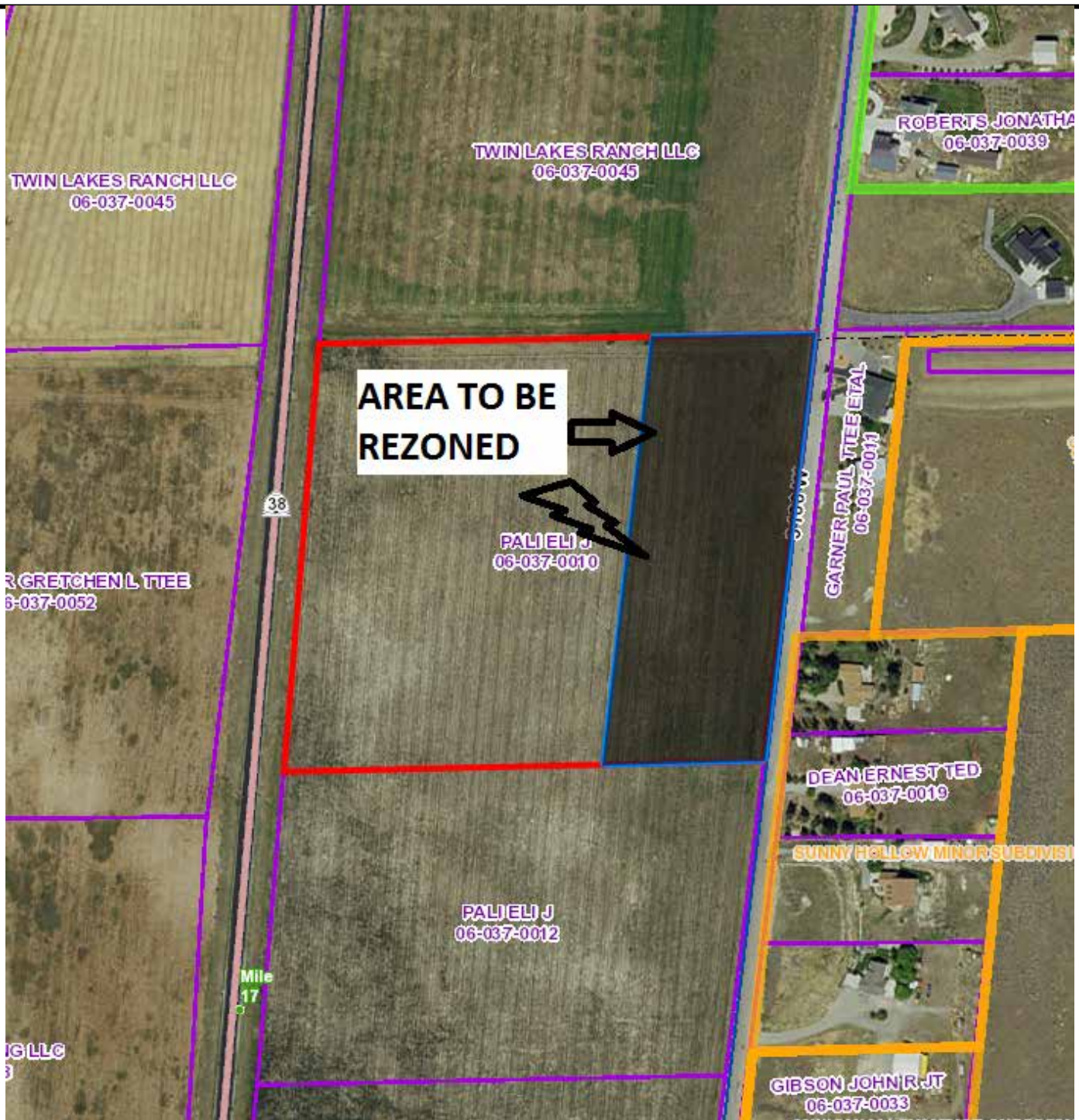
Table – “I move the Planning Commission table the review of application number Z17-009, a zoning map amendment from the RR-2 (Rural Residential 2 acres) zone to the RR-1 (Rural Residential 1 acre) zone to (give date), based on the following findings:”

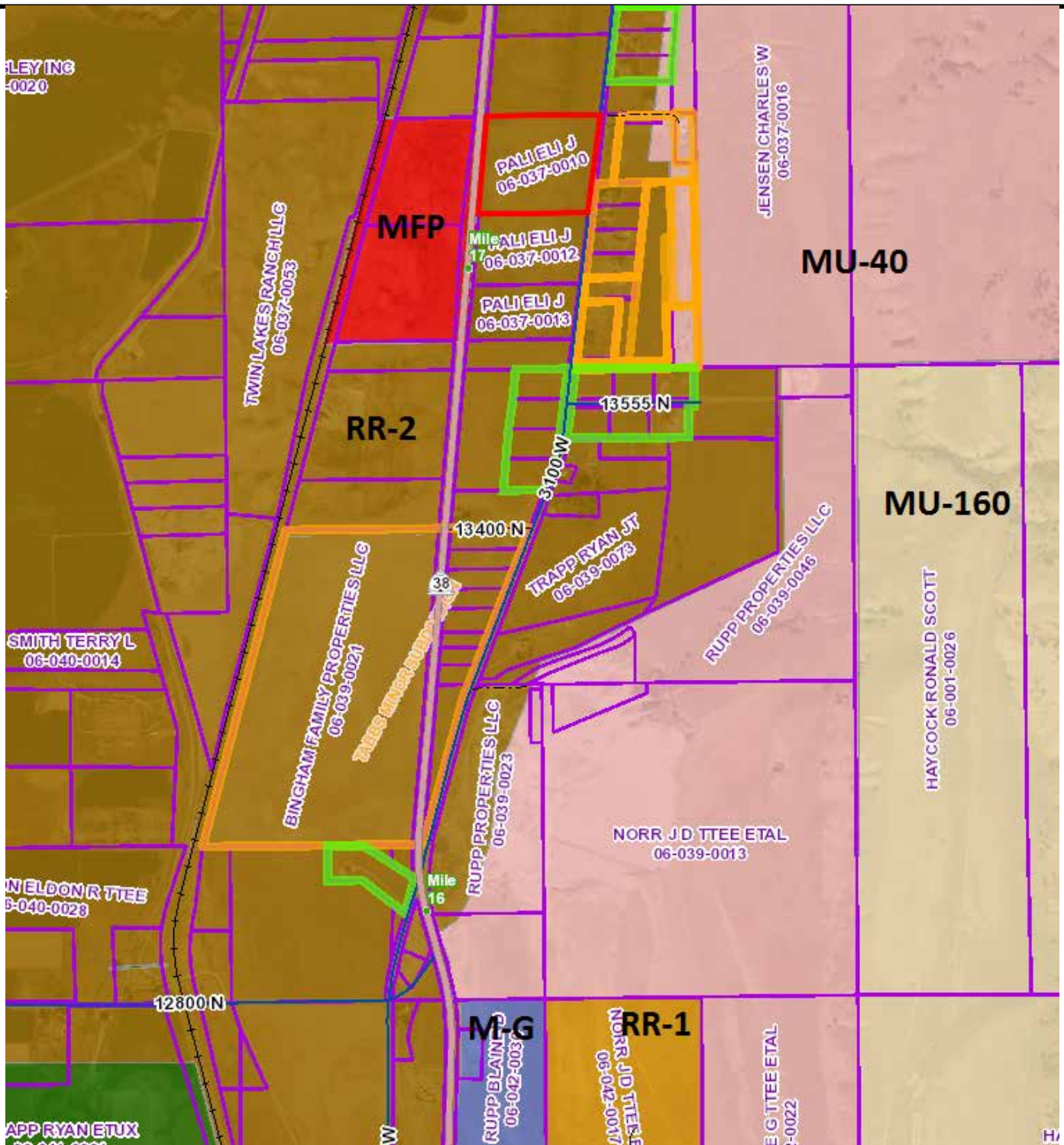
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z17-009, a zoning map amendment from the RR-2 (Rural Residential 2 acres) 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: May 18, 2017

Agenda Item #: 5c

Application Type:
Zoning Map Amendment

APPLICANT(S):
Brett & Marianne
Craynor

PROJECT #:
Z17-010

ADDRESS:
3150 West Forest Street

PARCEL #:
03-110-0035

CURRENT ZONE:
A-1/2

TYPE OF ACTION:
Legislative

REPORT BY:
Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting that part of Parcel 03-110-0035 be re-zoned from the A-1/2 (Agriculture 1/2 acre) zone to the C-N (Neighborhood Commercial) 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	A-20
South	Agricultural	Brigham City
East	Agricultural	A-1/2
West	Agricultural	A-20

Land Use Ordinance Standards Review:

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

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

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
The area is a combination of residential and agricultural uses. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective. This point could be argued saying no, it is not harmonious due to there being no other neighborhood commercial uses.



-
- C. The extent to which the proposed amendment may adversely affect adjacent property; and
It is unclear if the proposed amendment will adversely 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 Brigham City, 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 parcel from A-1/2 (Agriculture 1/2 acre) zone 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.

RECOMMENDATION

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

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

1. Applicant provides a legal description for the area to be re-zoned.
2. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.



MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z17-010 a zoning map amendment from the A-1/2 (Agriculture 1/2 acre) zone 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....

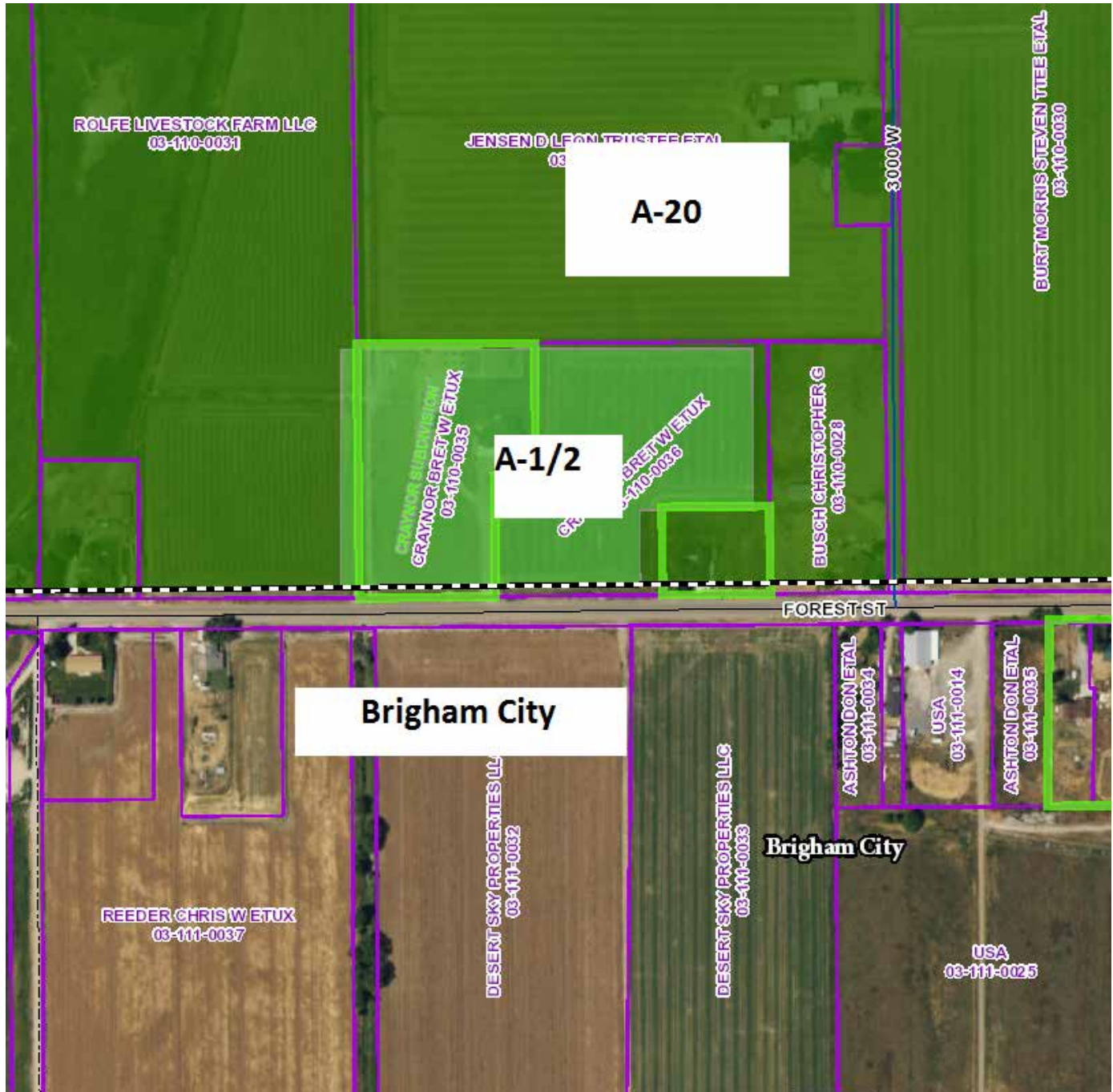
Table – “I move the Planning Commission table the review of application number Z17-010, a zoning map amendment from the A-1/2 (Agriculture 1/2 acre) zone to the C-N (Neighborhood Commercial) zone to (give date), based on the following findings:”

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 Z17-010, a zoning map amendment from the A-1/2 (Agriculture 1/2 acre) zone 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: May 18, 2017

Agenda Item #: 5d

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z17-011

ORDINANCE:

Chapter 1-3 & Chapter 3-4

TYPE OF APPLICATION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The Planning Commission requested a text amendment to Section 3-4-070-8.40 and Section 1-3-040, Definitions to allow for reception/wedding/event center. The current code does not allow reception, wedding, or event centers. The request would allow such a center to be located in the C-N zoning district. (See attached for proposed verbiage).

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows the Planning Commission 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 C-N and properties adjacent to those C-N zones. There are zero properties in the county zoned C-N in the County.

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 one property. The site plan review for an event center would address these services.

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 Z17-011, a text amendment to Section 3-4-070-8.40 and Section 1-3-040, Definitions to allow for reception/wedding/event center 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 Z17-011, a text amendment to Section 3-4-070-8.40 and Section 1-3-040, Definitions to allow for reception/wedding/event center 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 Z17-011, a text amendment to Section 3-4-070-8.40 and Section 1-3-040, Definitions to allow for reception/wedding/event center of the Box Elder County Land Use Management & Development Code, based on the following findings:”

1. List findings for denial...

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

PROPOSED VERBIAGE FOR TEXT AMENDMENT

1-3-040. Definitions.

Reception Center: a building for a formal social occasion held to welcome someone or to celebrate a particular event.

3-4-070. Regulations for Specific Uses.

BOX ELDER COUNTY ZONING RESTRICTIONS								
CODE SECTION	“P” = Permitted Uses “C” = Conditional Uses “A” = Applies “-“ = Not permitted	CURRENT ESTABLISHED RESIDENTIAL ZONING DISTRICTS						
		C-N	C-S	C-H	C-G	M-FP	M-G	C-E
3-4-070-8.40	Other Professional Services <u>Reception Center</u>	- C	€ !	-	-	-	-	-



PLANNING COMMISSION

STAFF REPORT

Meeting Date: May 18, 2017

Agenda Item #: 5e

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z17-012

ORDINANCE:

Sections 3-2-080, 3-7-080

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 Sections 3-2-080, Regulations for Uses and 3-7-080, Regulations for Uses, of the Box Elder County Land Use Management & Development Code.
(See attachment for proposed verbiage)

ANALYSIS

County Code:

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

Land Use Ordinance Standards Review:

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

- A. **Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;**
The proposed amendment is consistent with the goals, objectives, and policies of the County's General Plan.
- B. **Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**
This text amendment would affect all unincorporated areas of Box Elder County.
- 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 Z17-012, a text amendment regarding Sections 3-2-080, Regulations for Uses and 3-7-080. Regulations for Uses, 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 Z17-012, a text amendment regarding Sections 3-2-080, Regulations for Uses and 3-7-080. Regulations for Uses, 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 Z17-012, a text amendment regarding Sections 3-2-080, Regulations for Uses and 3-7-080. Regulations for Uses, 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 3-2 – Multiple Use, Agricultural, and Rural Residential District
 3-2-080. Regulations for Uses.**

3-2-080-2	WIDTH AND FRONTAGE REGULATIONS									
3-2-080-2.1	The minimum width in feet for any lot in the districts regulated by this Chapter, except as modified by planned unit development , shall be	1320	1320	1320	500	100	330	250	250	120
<u>3-2-080-2.2</u>	<u>The minimum width along the radius for cul-de-sac lots in feet shall be</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>

**CHAPTER 3-7 - Rural Residential District RR-20 and Residential District R-1-20
 3-7-080. Regulations for Uses.**

		RR-20 & R-1-20
3-7-080-3.1	The minimum width of any lot at the street right-of-way line in feet in the districts regulated by this Chapter shall be	100 feet
<u>3-7-080-3.2</u>	<u>The minimum width along the radius for cul-de-sac lots in feet shall be</u>	<u>50 feet</u>



PLANNING COMMISSION

STAFF REPORT

Meeting Date: May 18, 2017

Agenda Item #: 5f

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z17-013

ORDINANCE:

Chapter 3-9

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 Chapter 3-9, Mining, Quarry, Sand & Gravel Excavation Zone, of the Box Elder County Land Use Management & Development Code.

(See attachment for proposed verbiage)

ANALYSIS

County Code:

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

Land Use Ordinance Standards Review:

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

- A. **Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;**
The proposed amendment is consistent with the goals, objectives, and policies of the County's General Plan.
- B. **Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**
This text amendment would affect all unincorporated areas of Box Elder County.
- 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 Z17-013, a text amendment regarding Chapter 3-9, Mining, Quarry, Sand & Gravel Excavation Zone, 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 Z17-013, a text amendment regarding Chapter 3-9, Mining, Quarry, Sand & Gravel Excavation Zone, 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 Z17-013, a text amendment regarding Chapter 3-9, Mining, Quarry, Sand & Gravel Excavation Zone, 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 3-9 Mining, Quarry, Sand & Gravel Excavation Zone (MG-EX)

Box Elder Zoning Ordinance 318 as Adopted September 29, 2009

3-9-070. Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial, industrial or hazardous industries zoning districts except as provided in this Part.

Table 3-9-080.1 Mining, quarry, sand, and gravel excavation and support uses.		
USE		(MG-EX)
a	Accessory uses buildings customarily incidental to conditional uses	C1
b	Agriculture, grazing of animals, raising of crops	P
c	Automobile and truck service station	C1
d	Cast stone, cement, cinder, terra cotta; tile, brick, synthetic cast stone, brick, block pumice stone and gypsum products	C1
e	Coffee shop	P
f	Construction equipment and supply trailer, temporary	C1
g	Construction field office, temporary	C1
h	Convenience store with gasoline sales	C1
i	Gravel and sand excavation	
	(1) Commercial operations	C1
	(2) Temporary project specific operations	C1
j	Machine shop	C1
k	Mines	C
	Non-hazardous landfill Chemicals & fertilizers (mineral) mining	C
l	Quarries	C
m	Parking lot incidental to a use conducted on the premises	C1
n	Parking lot not incidental to a use conducted on the premises	C1
o	Pottery, plaster, incidental plaster, plaster of Paris, ceramic, and clay	C1
p	Power generation (electrical) for on-site use	
	1. Solar	P
	2. Wind under 5.9 kva	P
	3. Auxiliary, temporary, wind, with more than 6 kva, but less than 10 kva output	C
	4. Fuel cells, steam, hydro, or reciprocating engine with more than 10.05 kva, but less than 150 kva output	C1
	5. Steam, hydro, or reciprocating engine with more than 150 kva	C1
q	Rock crusher/concrete batch plant	C1



r	Truck and freighting operation	C1
s	Truck and heavy equipment service station and repair facility	C1
t	Truck wash	C1

Table 3-9-080.2. Manufacturing, curing, compounding, processing, packaging, production and treatment. Such uses are to be located no closer than 1,300 feet from a zoning district boundary.

Use		(MG-EX)
a	Accessory uses buildings customarily incidental to conditional uses	C
b	Asphalt plant	C
e	Coal	C
f	Gasoline, <u>natural gas</u> , and petroleum	C
g	Iron	C
h	Lime	C
i	Lubricating grease, oil, oilcloth and oiled rubber goods	C
j	<u>Metal ore mining</u> /Ore smelting	C
l	Precious or semiprecious stones or metals/ <u>Dimension stone</u>	C
m	Tar	C



PLANNING COMMISSION

STAFF REPORT

Meeting Date: May 18, 2017

Agenda Item #: 5g

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z17-014

ORDINANCE:

Section 3-4-070

TYPE OF APPLICATION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The Box Elder County Planners have requested that a text amendment be made regarding Section 3-4-070, Regulations for Specific Uses, of the Box Elder County Land Use Management & Development Code. (See attachment for proposed verbiage)

ANALYSIS

County Code:

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

Land Use Ordinance Standards Review:

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

- A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;
The proposed amendment is consistent with the goals, objectives, and policies of the County's General Plan.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
This text amendment would affect all unincorporated areas of Box Elder County.
- 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 Z17-014, a text amendment regarding Section 3-4-070, Regulations for Specific Uses, 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 Z17-014, a text amendment regarding Section 3-4-070, Regulations for Specific Uses, 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 Z17-014, a text amendment regarding Section 3-4-070, Regulations for Specific Uses, 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 3-4 – Commercial & Manufacturing

3-4-070. Regulations for Specific Uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this Code, such regulation shall apply in addition to the requirements of this Chapter and shall prevail over any conflicting provision of this Chapter.

BOX ELDER COUNTY ZONING RESTRICTIONS								
CODE SECTION	"P" = Permitted Uses "C" = Conditional Uses "A" = Applies "-" = Not permitted	CURRENT ESTABLISHED RESIDENTIAL ZONING DISTRICTS						
		C-N	C-S	C-H	C-G	M-FP	M-G	C-E
3-4-070-26	MINING (Ordinance 301 337)							
3-4-070-26.1	Chemicals & Fertilizers (mineral) Mining	-	-	-	-	-	€	-
3-4-070-26.2	Coal Mining	-	-	-	-	-	€	-
3-4-070-26.3	Crude Petroleum & natural Gas	-	-	-	-	-	€	-
3-4-070-26.4	Dimension Stone	-	-	-	-	-	€	-
3-4-070-26.5	Land Excavations	€	€	€	€	-	€	-
3-4-070-26.6	Metal Ore Mining	-	-	-	-	-	€	-
3-4-070-26.7	Sand & Gravel Quarrying	-	-	-	-	-	€	-
3-4-070-26.8	Other Mining & Quarrying of Non-Metallic Minerals (except fuels)	-	-	-	-	-	€	-
3-4-070-26 (9&10)	Ordinance 337 (6-1-2010)							
3-4-070-26.9	Test Wells For Geothermal Exploration	-	-	-	-	-	P	-
3-4-070-26.10	Development of geothermal resources through production and reinjection wells	-	-	-	-	-	C	-



PLANNING COMMISSION

STAFF REPORT

Meeting Date: May 18, 2017

Agenda Item #: 6a

Application Type:

Subdivision

APPLICANT(S):

Clayton Grover

PROJECT #:

SS17-006

ADDRESS:

15600 North 4950 West
(Riverside Area)

ZONE:

Un-Zoned

PARCEL #:

06-047-0094

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting preliminary approval of the Riverbend Estates Phase 2 subdivision plat. Phase 1 was approved in 2015. Phase 2 will be an additional 17 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.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture (Ph. 1 of Sub)	Un-zoned
South	Agriculture	Un-zoned
East	Agriculture	Un-zoned
West	Agriculture	Un-zoned

Access:

Access to all lots will be via county road 15600 North and this phase will provide a stub road to the West.

Utilities:

The developer is currently working on submitting:

- a. Utility Letters (Power, Water, Gas)
- b. Feasibility Letter and Geotechnical Report

Setbacks:

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

Land Use Ordinance Standards Review:

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

County Department Reviews:

All departments are currently reviewing the plat for correctness.



Findings:

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

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

RECOMMENDATION

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

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

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS17-006, a preliminary plat for the Riverbend Estates Phase 2 Subdivision, located at approximately 15600 North 4950 West in the Riverside area of unincorporated Box Elder County, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table the review of application number SS17-006, a preliminary plat for the Riverbend Estates Phase 2 Subdivision, located at approximately 15600 North 4950 West in the Riverside area of unincorporated Box Elder County, to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission deny application number SS17-006, a preliminary plat for the Riverbend Estates Phase 2 Subdivision, located at approximately 15600 North 4950 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 with any questions.