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# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

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July 21, 2016

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 June 16, 2016 Planning Commission Minutes.
5. **PUBLIC HEARINGS**
  - a. **BAKER SUBDIVISION AMENDED, SS16-013** located at approximately 4520 North Highway 13 east of Corinne. **ACTION**
  - b. **ORDINANCE TEXT AMENDMENT Z16-003**. Proposal to amend Section 3-4-070 to allow “Other Outdoor Storage (clean)” as a conditional use in the *Commercial Enterprise* zone. **ACTION**
  - c. **ORDINANCE TEXT AMENDMENT, Z16-004**. Proposal to update portions of the Subdivision regulations in *Section 6-1-060-D*, updating building permit requirements; *Section 6-1-090*, Variances; and *Section 6-1-240-F-6*, updating public utility easement requirements. **ACTION**
6. **NEW BUSINESS**
  - a. **TRINITY COOK, AS16-004**, Agricultural Subdivision request to subdivide 10.33 acres for agricultural purposes. Located at 6800 West 9080 North, just West of Elwood and South of Tremonton in Box Elder County. **ACTION**
  - b. **TRINITY COOK, AS16-005**, Agricultural Subdivision request to subdivide 2.17 acres to divide the home from the rest of the agricultural property. Located at 6800 West 9080 North, just West of Elwood and South of Tremonton in Box Elder County. **ACTION**
  - c. **ROSS & JUNE PHILLIPS, AS16-006**, Agricultural Subdivision request to subdivide approximately 25 acres for agricultural purposes. Located at 4815 West 10800 North in the Tremonton area of Box Elder County. **ACTION**
  - d. **HIGH COUNTRY ESTATES, ROAD DEDICATION PLAT**; proposal to dedicate the private roadway owned by the HOA to box Elder County as a public road. **ACTION**
7. **UNFINISHED BUSINESS**
8. **WORKING REPORTS**
9. **PUBLIC COMMENTS**
10. **ADJOURN**\_\_\_\_\_

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES June 16, 2016

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

<i>Roll Call</i>		<i>the following Staff was present:</i>	
Chad Munns	Chairman		
Laurie Munns	Vice-Chairman/Excused	Scott Lyons	Planner
Kevin McGaha	Member/Excused	Marcus Wager	Planner
Michael Udy	Member	Jeff Scott	Co. Comm.
Bonnie Robinson	Member	Elizabeth Ryan	Exec. Secretary
Desiray Larsen	Member		
Mellonee Wilding	Member		

Prayer was offered by **Commissioner Bonnie Robinson**.  
Pledge was led by **Commission Chairman Chad Munns**.

### **The following citizens were present**

Ricki Draper/Willard	John Young/Brigham City
Heather Young/Brigham City	Charles Young/Brigham City
Brent Kenley/Riverdale	Christina Kenley/Riverdale
Kyle Blackburn/	Jason George/Riverdale
Chad Reid/Honeyville	Jared Holmgren/Bear River City

The Minutes of the May 12, 2016 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Bonnie Robinson** to accept the Minutes as written; seconded by **Commissioner Desiray Larsen** and passed unanimously.

## **PUBLIC HEARINGS**

**Chairman Chad Munns** called for the public hearings on the agenda by informing those in attendance that each item would be handled separately, and that the time for the hearings was to allow the public the opportunity to voice any concerns and that the Commissioners would listen to the comments and concerns. After the public hearing on an item the Planning Commissioners would then discuss and take action on the item.

## **DEWEYVILLE RANCHETTES PHASE 2; SS16-012, SIERRA HOMES FOR THE CREATION OF FOUR (4) BUILDING LOTS OF APPROXIMATELY TWO (2) ACRES**

**EACH, LOCATED AT APPROXIMATELY 11805 NORTH 3400 WEST IN THE DEWEYVILLE AREA OF BOX ELDER COUNTY.**

**ACTION:** This item was taken off of the agenda for tonight's meeting at the request of the petitioner.

**SITE PLAN, SP16-003, FROERER REAL ESTATE (HAVOC K9), LOCATED AT APPROXIMATELY 9500 SOUTH HIGHWAY 89 IN SOUTH WILLARD A NON-PROFIT ORGANIZATION FOR TRAINING AND DONATION OF DOGS TO LAW ENFORCEMENT. ALSO RETAIL SPACE FOR SPORT DOG EQUIPMENT AND PROMOTIONAL ITEMS FOR SALE TO PUBLIC.**

Staff explained that this application was for a site plan approval regarding activities related to training and the donation of dogs to law enforcement and a retail space that would offer sport dog equipment and other promotional items to sell to the general public. This is an existing building that has several rooms for training and some private office spaces and bathroom/shower facility that would allow for an overnight watchman/security person if needed. This is located at approximately 9500 South on Highway 89 in South Willard with the access to the property located in Weber County. This is a permitted use in the BECLUM&DC, meets the setback requirements and has been reviewed by the various county departments. No comments were given and the public hearing was closed with a motion by Commissioner Desiray Larsen, seconded by Commissioner Michael Udy and passed unanimously.

**ACTION:** Staff recommended approval with conditions that were outlined in staff report. Commissioner Bonnie Robinson has a question regarding the access from Highway 89 and onto a private road wondering if there was any plan for signage for directions in locating this facility. Ricki Draper, the Executive Director told the commissioners that currently there were no plans for signage as the road that leads into this site is located in Weber County and they (HAVOC K9) have to work with Weber County regarding that issue. They are also in the process of getting the site (9500 South) on Google Maps as it does not currently exist on the map; and working with the U.S. Post Office to get a more accurate address.

**MOTION:** A Motion was made by Commissioner Desiray Larsen to grant approval for the Site Plan; SP16-003 for HAVOC K9 with the conditions as outlined by Staff. Motion was seconded by Commissioner Bonnie Robinson and passed unanimously.

**Conditions of Approval:**

1. Compliance with Section 2-2-090 of the BECLUM&DC
2. Compliance with Article 5, Regulations of General Applicability, of the BECLUM&DC
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**REZONE, Z16-001: COUNTY PROPOSED RE-ZONE OF PARCEL 01-012-0160 ON PROMONTORY POINT FROM THE MUNICIPAL SOLID WASTE ZONE (MSW) TO THE SOLID WASTE ZONE (SW).**

Staff explained that Box Elder County was the petitioner for this proposed re-zoning of property located on Promontory Point from the MSW zone to SW zone which is currently the accurate zoning for that area. The MSW zone no longer exists in the BECLUM&DC and this area was overlooked when the other MSW zones in the county were re-zoned correctly. Notice of the re-zone had not been given to the correct landowner previously, but notice had been given for this meeting. The following comments were given during the public hearing.

**Mr. John Young** of Young Resources said that Young Resources wanted to let the Planning Commissioners know of their feelings regarding the landfill at Promontory. Young Resources are part owners in the landfill and had donated 1000 acres to that landfill. That had been done in order for diversification and allow for other possible incomes. Since that time a lot of things have changed and they are now opposed to having a landfill on Promontory Point and wanted that to be noted at this time. Originally they thought that this would be a municipal landfill but were now concerned that if this becomes a solid waste landfill it would open the door for a Class 5 landfill at this site. A Conditional Use Permit was given as a Class 1 and would provide for different municipalities to use the landfill. They were concerned that if this were to become a Class 5 landfill it could bring in waste from many places and they did not want to become a dumping ground for waste that no one else wants. He also mentioned that there is pending litigation on this property and the county needs to be prepared for the consequences. As the members of the Planning Commission are caretakers of the county they should not let Box Elder County become like Tooele County.

The public hearing was then closed with a Motion by **Commissioner Bonnie Robinson**, seconded by **Commissioner Mellonee Wilding** and was unanimous.

**ACTION:** Staff noted that the reason for this request is because the MSW zone no longer exists in the County Code. Changing this area from a MSW zone to a SW zone would not have any effects on whether or not this could still be used as a landfill. The Class 5 landfill that was mentioned would be licensed through the state, and could have been grant/licensed under either the MSW or SW zone, but the Planning Commission could still place conditions upon the operation. This area on Promontory Point was considered by the county to be suitable for a landfill about fourteen years ago, and a permit was granted and extended several time, but the permit for that has now expired. It was further explained that over the past year or so and culminating last fall an outside firm was hired to help determine where a landfill corridor should be in the county. It was an oversight that this area was not updated when the text and county map was done after the new location and definition for a landfill was adopted by the county. There were several other scenarios that were brought up and discussed, but were not pertinent to whether or not this area needed to be changed from the MSW to the SW zone. **Chairman Chad Munns** said that this needed to be changed to be in compliance with the new SW zoning. In the future some of the concerns mentioned by **Mr. John Young** could come before the Planning Commission and would be addressed at that point. Changing to the SW zone would not affect the pending litigation.

**MOTION:** A Motion was made by **Commissioner Michael Udy** to forward a recommendation of approval to the County Commission for approval of a zoning map amendment from the MSW to SW zone for the area at Promontory Point. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

**Conditions for Approval:**

1. Compliance with Article 5 of the BECLUM&DC.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments of the BECLUM&DC.

**REZONE, Z16-002: LANNY LEWIS RE-ZONE (PARCEL 05-105-0080; 1.08 ACRE)  
PROPERTY LOCATED AT APPROXIMATELY 10195 NORTH 11600 WEST IN THE  
THATCHER AREA, FROM RESIDENTIAL TO COMMERCIAL.**

Staff explained that this petitioner was requesting that a 1.08 acre portion of parcel 05-105-0080 be re-zoned from C-G (General Commercial) to M-G (General Manufacturing). This property is located in the Thatcher area. This re-zone will allow LCS Holdings, LLC to expand their cabinet manufacturing. The public hearing was opened and the following comment was made.

*Mr. Lanny Lewis* said that at the present time the Sagebrush Circle Drive has semi-trucks traveling on it to reach the facility and having this re-zoned would allow for those trucks to have another access on 11600 West with a turnaround and eliminating having to go through a residential area.

No other comments were given and the public hearing was closed with a Motion by **Commissioner Bonnie Robinson** and seconded by **Commissioner Michael Udy**. Unanimous.

**ACTION:** Staff recommended approval and forwarding to the County Commission for the re-zone of this property.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for the re-zone of the 1.08 acre portion of parcel 05-105-0080 as requested by LCS Holdings, LLC. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

**Conditions for Approval:**

1. Compliance with Article 5 of the BECLUM&DC.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments of the BECLUM&DC.

**NEW BUSINESS--NONE**

**UNFINISHED BUSINESS--NONE**

**WORKING REPORTS**

Staff informed the Planning Commissioners that there were portions of the BECLUM&DC that needed to be updated specifically in Section 6 (Subdivisions). Those included: **Section 6-1-060-D**, Compliance required, updating Building Permit Requirements; **Section 6-1-090**, Variances, updating to a Hearings Officer; and **Section 6-1-240-F-6**, updating Public Utility Easement

Requirements. Staff was then directed to move forward with the proposed updating and return with the proposed changes at a future meeting of the Planning Commission.

**PUBLIC COMMENTS -- NONE**

A **Motion** was made to adjourn at 7:48 p.m., unanimous.

Passed and adopted in regular session this 21<sup>st</sup> day of July 2016.

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Chad Munns, Chairman  
Box Elder County  
Planning Commission



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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: July 21, 2016

Agenda Item #: 5a

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**Application Type:**

Subdivision Amend and Extend

**APPLICANT(S):**

Brook Nebeker for Boyd Nebeker

**PROJECT #:**

SS16-013

**ADDRESS:**

4520 North HYW 13 just South of Bear River City

**ZONE:**

RR-20 (Rural Residential, 20,000 sq. ft.)

**PARCEL #:**

04-068-0022

**TYPE OF ACTION:**

Administrative

**REPORT BY:**

Marcus Wager, County Planner

**BACKGROUND**

The applicant is requesting an amendment to the Baker Subdivision plat in order to create a new 1 acre building lot within this subdivision. (see attached plat)

**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	Residential	RR-20
South	Agricultural	RR-20
East	Residential	RR-20
West	Agricultural	RR-20

**Access:**

Access to all lots currently exist by way of a 60 ft. access easement and will remain as approved on the original subdivision plat.

**Utilities:**

All necessary letters have been submitted and are satisfactory for all utilities.

**Setbacks:**

All setbacks for the RR-20 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. Per State Code 17-27a-608 the applicant and all owners in the subdivision have not signed the plat thereby the Planning Commission will consider at a public hearing the applicant's petition to amend the subdivision plat.

**County Department Reviews:**

The County Surveyor Building Department, and GIS Department are currently reviewing the plat.

The Fire Marshal and Roads Department have reviewed the plat and will require a fire hydrant be installed, and recommend approval.



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### **Findings:**

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

1. With conditions outlined in the recommendation section of the staff report, the final amended subdivision plat complies with the subdivision regulations of Box Elder County.

### **RECOMMENDATION**

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

1. Compliance with 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 SS16-013, an amended plat for the Baker Subdivision, located at approximately 4520 North HWY 13 just South of Bear River City in unincorporated Box Elder County, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – “I move the Planning Commission table the review of application number SS16-013, an amended plat for the Baker Subdivision, located at approximately 4520 North HWY 13 just South of Bear River City in unincorporated Box Elder County, to (give date), based on the following findings:”

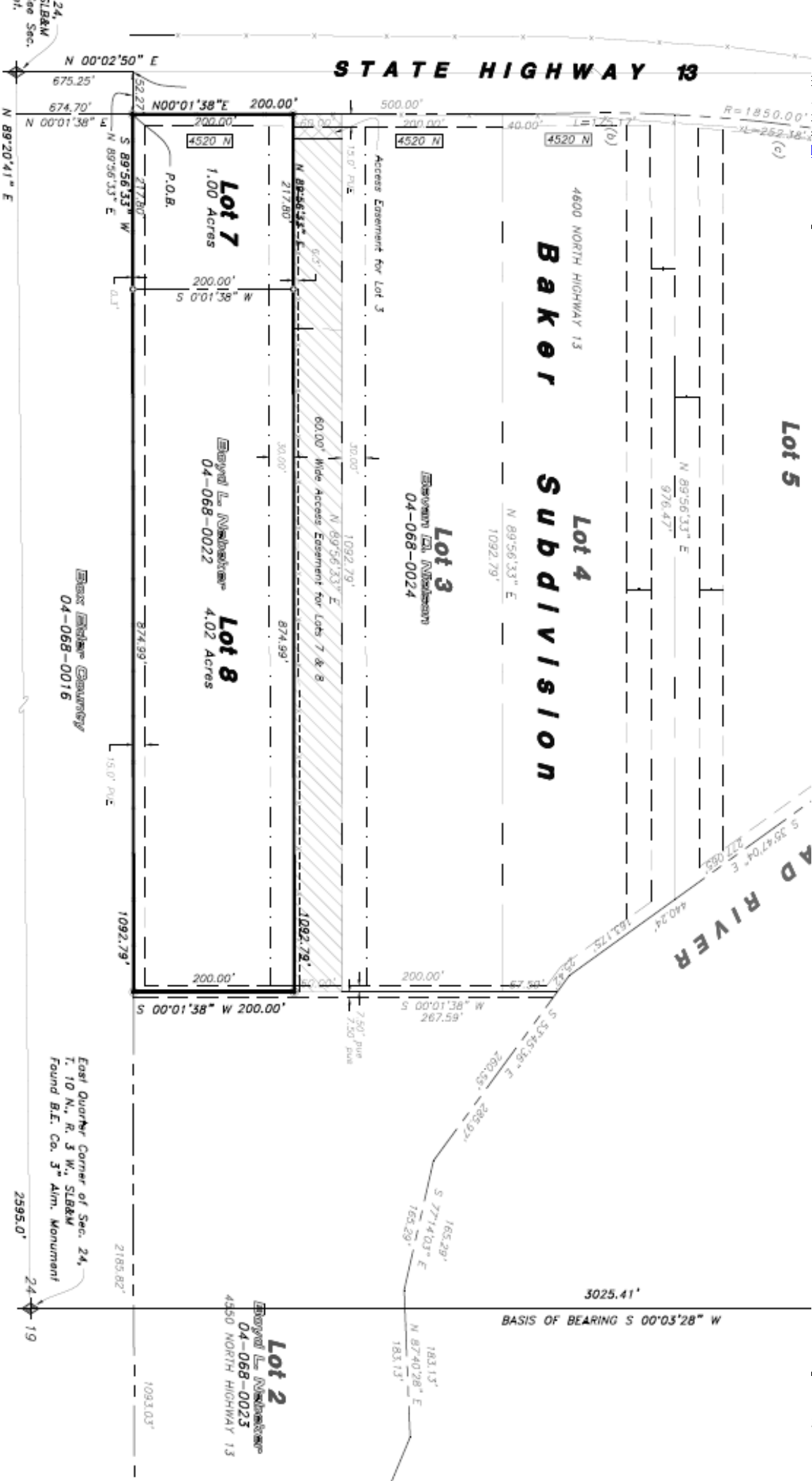
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – “I move the Planning Commission deny application number SS16-013, an amended plat for the Baker Subdivision, located at approximately 4520 North HWY 13 just South of Bear River City in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

Please feel free to contact Marcus Wager at 435-734-3308 with any questions.

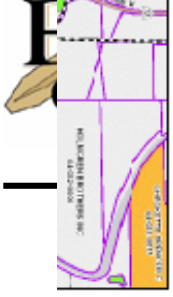




NOTES:  
 CULINARY WATER TO BE PROVIDED BY WEST CORINNE WATER COMPANY  
 SANITARY SEWER TO BY INDIVIDUAL SEPTIC SYSTEM  
 ALL PUBLIC UTILITY EASEMENTS ARE 15.0' WIDE UNLESS OTHERWISE NOTED  
 ALL PUBLIC UTILITY EASEMENTS ARE 15.0' WIDE UNLESS OTHERWISE NOTED

**Baker County**  
 04-068-0016

East Quarter Corner of Sec. 24,  
 T. 10 N., R. 3 W., S18&W  
 Found B.F. Co. 3" Alm. Monument





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# PLANNING COMMISSION

## STAFF REPORT

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**Meeting Date: July 21, 2016**

**Agenda Item #: 5b**

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**Application Type:**

Ordinance Text  
Amendment

**APPLICANT(S):**

Stan Hales Jr.

**PROJECT #:**

Z16-003

**ADDRESS:**

9150 S. Hwy 89

**PARCEL #:**

01-154-0016, 01-047-0058

**CURRENT ZONE:**

C-E (Commercial  
Enterprise)

**TYPE OF ACTION:**

Legislative

**REPORT BY:**

Scott Lyons,  
County Planner

**BACKGROUND**

The applicant is requesting that a text amendment be made to the Box Elder County Land Use Code to allow "Other Outdoor Storage (clean)" in the C-E (Commercial Enterprise) Zone by Conditional Use Permit. Currently this use is only allowed in the M-G (General Industrial) Zone. This use is separate from and does not allow uses such as junk yards, auto wrecking yards, etc. With that being said, it is staff's recommendation that a definition for "Other Outdoor Storage (clean)" be added to the definitions section of the land use code. I have included a sample definition below:

"Other Outdoor Storage (clean)" - The storage of items such as boats, automobiles, recreational vehicles, trailers, and other similar items outside of a completely enclosed building. The area must be kept clean, organized, and weed free. The surface must be asphalt or treated road base to eliminate dust. The site must be surrounded by six-foot-tall screened fencing.

**ANALYSIS**

**County Code:**

Land Use Management & Development Code 2-2-080.C allows a property owner to initiate amendments to the text of the county land use 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-E outlines the following standards for review for zoning map

amendments.

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

*The County's General Plan states that 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**



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development in the vicinity of the subject property;

*The proposed text amendment would affect any property zoned C-E.*

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

*The proposed text amendment would affect any property zoned C-E.*

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

*The proposed text amendment would affect any property zoned C-E.*

### **FINDINGS:**

Based on the analysis of the ordinance text amendment application request to allow "Other Outdoor Storage (clean)" in the C-E Zone as a conditional use staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for ordinance text amendments.
2. It can be interpreted that the proposed ordinance text 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, **staff recommends the Planning Commission forward a recommendation of APPROVAL to the County Commission**, 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.

### **MODEL MOTIONS**

**Approval** – "I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z16-003, an ordinance text amendment allowing "Other Outdoor Storage (clean)" as a conditional use in the C-E (Commercial Enterprise) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....



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**Table** – “I move the Planning Commission table the review of application number Z16-003, an ordinance text amendment allowing “Other Outdoor Storage (clean)” as a conditional use in the C-E (Commercial Enterprise) zone to (give date), based on the following findings:”

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

**Denial** – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z16-003, an ordinance text amendment allowing “Other Outdoor Storage (clean)” as a conditional use in the C-E (Commercial Enterprise) 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.



## Box Elder County Land Use Management & Development Code

### Article 3: Zoning Districts

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	-
3-4-070-27	<b>OUTDOOR STORAGE (Ordinance 301)</b>							
3-4-070-27.1	Auto Wrecking Yards	-	-	-	-	-	C	-
3-4-070-27.2	Other Outdoor Storage (clean)	-	-	-	-	-	C	C
3-4-070-27.3	Petroleum Products Bulk Plants	-	-	-	-	-	C	-
3-4-070-28	<b>INSTITUTIONAL</b>							
3-4-070-29	<b>RESIDENTIAL (Ordinance 301)</b>							
3-4-070-29.1	Religious Quarters	C	C	C	C	-	C	C
3-4-070-29.2	Retirement Homes & Orphanages	C	C	C	C	-	-	C
3-4-070-30	<b>HEALTH SERVICES (Ordinance 301)</b>							
3-4-070-30.1	Hospital Services	-	-	C	C	-	-	C
		C-N	C-S	C-H	C-G	M-FP	M-G	C-E
3-4-070-30.2	Executive, Legislative & Judicial Functions	C	C	C	C	-	C	C
3-4-070-30.3	Postal Services	C	C	C	C	-	C	C
3-4-070-31.4	Protective Functions & Their Related Activities	C	C	C	C	-	C	C
3-4-070-32	<b>EDUCATION SERVICES (Ordinance 301)</b>							
3-4-070-32.1	Special Training & Schooling	C	C	C	C	-	C	C
3-4-070-33	<b>RELIGIOUS &amp; WELFARE SERVICES (Ordinance 301)</b>							
3-4-070-33.	Churches, Synagogues & Temples, Welfare & Charitable Services	C	C	C	C	-	C	C



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# PLANNING COMMISSION

## STAFF REPORT

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**Meeting Date: July 21, 2016**

**Agenda Item #: 5c**

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**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z16-004

**ORDINANCE:**

Chapter(s): 6-1, Subdivisions,  
various Sections

**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 various Sections of Chapter 6-1, Subdivisions, 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 the County Commission and 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;
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
- C. The extent to which the proposed amendment may adversely affect adjacent property; and
- 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.



### **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 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 Z16-004, a text amendment regarding various Sections in Chapter 6-1, Subdivisions 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 Z16-004, a text amendment regarding various Sections in Chapter 6-1, Subdivisions 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 Z16-004, a text amendment regarding various Sections in Chapter 6-1, Subdivisions of the Box Elder County Land Use Management & Development Code, based on the following findings:”

1. List findings for denial...

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

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## Chapter 6-1 – Subdivisions (Ordinance 340)

### 6-1-060. Compliance Required.

- D. Except as otherwise provided, it shall be unlawful for any person to receive a building permit for a lot within a subdivision until water, sewer or septic tank, and storm drainage and all other required underground utilities located under the street surfaces within the subdivision are installed, inspected and approved by the County, and all streets in the subdivision are rough graded.

### 6-1-090. Variances.

Where the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, strict compliance with the provisions of this Code would cause an unusual and unnecessary hardship on the subdivider, the ~~County Commission, after receiving a recommendation from the Planning Commission,~~ Hearing Officer may vary such requirements and require such conditions as will secure, insofar as practicable, the objectives of the requirement varied. Any variance shall be based on a problem with the land. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the ~~Planning Commission~~ Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic. ~~Any variance authorized shall be entered in the minutes of the County Commission.~~

### 6-1-240. General Requirements for All Subdivisions.

#### F. Utilities.

6. Utility easements shall be provided within the subdivision as required for public utility purposes.
- ~~Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of 20 feet, apportioned equally in abutting properties (10 feet each lot). A ten-foot (10 ft.) public utility easement shall traverse the front of each lot.~~
  - Where ~~front-line~~ rear and side yard easements are required, a minimum of 10 feet shall be allocated as a public utility easement. Perimeter easements shall be not less than 10 feet in width, ~~extending throughout the peripheral area of the development, if required by the Planning Commission.~~
  - All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required if any utilities are to be overhead. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.





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## PLANNING COMMISSION

### STAFF REPORT

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Meeting Date: July 21, 2016

Agenda Item #: 6d

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**Application Type:**

Road Dedication

**APPLICANT(S):**

High Country Estates HOA

**PROJECT #:**

N/A

**ADDRESS:**

All roads in High Country Estates Subdivision

**PARCEL #:**

06-038-0047

**CURRENT ZONE:**

RR-2 (Rural Residential 2-acres)

**TYPE OF ACTION:**

Legislative

**REPORT BY:**

Scott Lyons,  
County Planner

**BACKGROUND**

The applicant is requesting to dedicate all roadways within the High Country Estates Subdivision to Box Elder County to be used and maintained as public rights of way. The roadways are currently private and owned by the High Country Estates HOA.

**ANALYSIS**

**County Code:**

Land Use Management & Development Code Chapter 6-1 allows for the dedication of streets as public rights of way to Box Elder County. These dedications 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 6-1-140(C) outlines the review and approval standards for final subdivision plats and roadway dedications.

**County Department Reviews:**

The County Surveyor is currently reviewing the dedication plat to ensure it conforms to the county land use code.

The County Roads Supervisor is currently reviewing the dedication plat and has been on site as well.

**FINDINGS:**

Based on the analysis of the roadway dedication plat and a visit to the site, staff concludes the following:

1. At the current time there are a few items that need to be cleared up as well as reviews from county staff that need to be received prior to, or as a condition of, final approval.

**RECOMMENDATION**

Based on the information presented in this report, application materials submitted and the site review,



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staff makes no recommendation at this time. It is anticipated that additional information will be provided prior to the 7/21/2016 meeting.

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

# BOX ELDER COUNTY RIGHT-OF-WAY DEDICATION

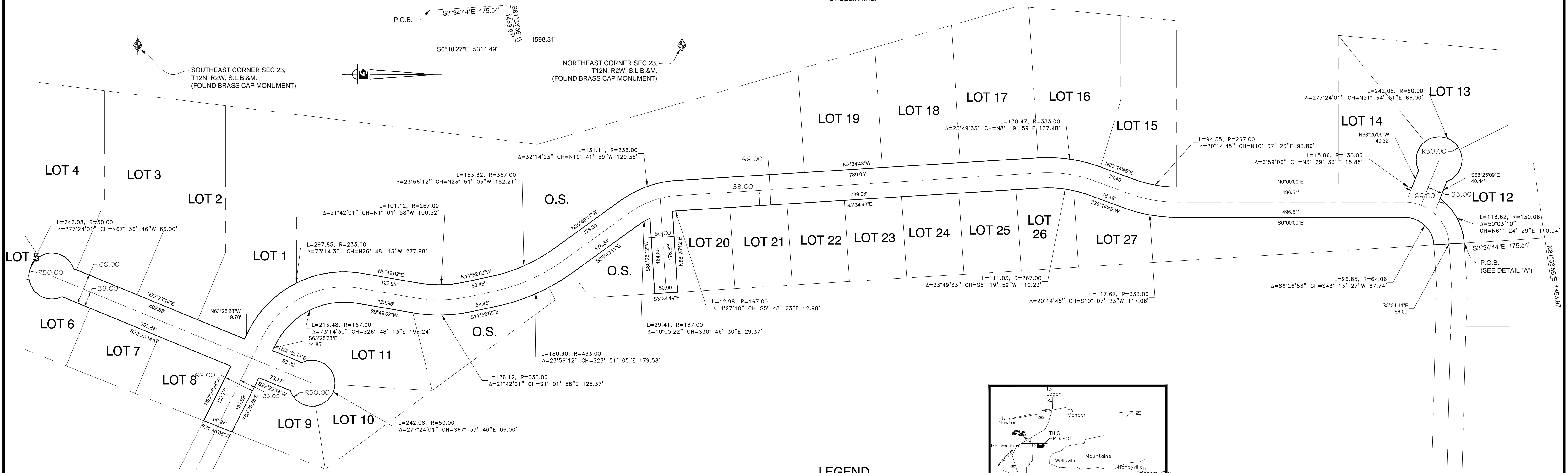
WILLOW CREEK DRIVE (652 WEST), APPALOOSA CIRCLE (14075 NORTH), HORIZON CIRCLE (580 WEST), HIGHLANDER CIRCLE (580 WEST)

LOCATED IN THE EAST HALF OF SECTION 23, TOWNSHIP 12 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, BOX ELDER COUNTY, UTAH, JULY 2016

## BOUNDARY DESCRIPTION

A PART OF THE EAST HALF OF SECTION 23, TOWNSHIP 12 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN BEGINNING AT THE SOUTHEAST CORNER OF LOT 12 HIGH COUNTRY ESTATES SUBDIVISION BEING LOCATED SOUTH 01°10'27" EAST 1598.31 FEET ALONG THE EAST LINE OF SAID SECTION 23 AND SOUTH 81°33'56" WEST 1453.97 FEET AND SOUTH 03°34'44" EAST 175.54 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 23, RUNNING THENCE SOUTH 03°34'44" EAST 66.00 FEET; THENCE ALONG THE ARC OF A 64.06 FOOT RADIUS CURVE TO THE LEFT 96.65 FEET, HAVING A CENTRAL ANGLE OF 86°26'53"; CHORD BEARS SOUTH 43°13'27" WEST 87.74 FEET; THENCE SOUTH 00°00'00" EAST 496.51 FEET; THENCE ALONG THE ARC OF A 333.00 FOOT RADIUS CURVE TO THE RIGHT 117.67 FEET, HAVING A CENTRAL ANGLE OF 20°14'45"; CHORD BEARS SOUTH 10°07'23" WEST 117.06 FEET; THENCE SOUTH 20°14'45" WEST 78.49 FEET; THENCE ALONG THE ARC OF A 267.00 FOOT RADIUS CURVE TO THE LEFT 111.03 FEET, HAVING A CENTRAL ANGLE OF 23°49'33"; CHORD BEARS SOUTH 08°19'59" WEST 110.23 FEET; THENCE SOUTH 03°34'48" EAST 789.03 FEET; THENCE ALONG THE ARC OF A 167.00 FOOT RADIUS CURVE TO THE LEFT 12.98 FEET, HAVING A CENTRAL ANGLE OF 04°27'10"; CHORD BEARS SOUTH 05°48'23" EAST 12.98 FEET; THENCE NORTH 86°25'12" EAST 176.62 FEET; THENCE SOUTH 03°34'44" EAST 50.00 FEET; THENCE SOUTH 86°25'12" WEST 164.80 FEET; THENCE ALONG THE ARC OF A 167.00 FOOT RADIUS CURVE TO THE LEFT 29.41 FEET, HAVING A CENTRAL ANGLE OF 10°05'22"; CHORD BEARS SOUTH 30°46'30" EAST 29.37 FEET; THENCE SOUTH 35°49'11" EAST 178.34 FEET; THENCE ALONG THE ARC OF A 433.00 FOOT RADIUS CURVE TO THE RIGHT 180.90 FEET, HAVING A CENTRAL ANGLE OF 23°56'12"; CHORD BEARS 23°51'05" EAST 179.58 FEET; THENCE SOUTH 11°52'59" EAST 58.45 FEET; THENCE ALONG THE ARC OF A 333.00 FOOT RADIUS CURVE TO THE RIGHT 126.12 FEET, HAVING A CENTRAL ANGLE OF 21°42'01"; CHORD BEARS SOUTH 01°01'58" EAST 125.37 FEET; THENCE SOUTH 09°49'02" WEST 122.95 FEET; THENCE ALONG THE ARC OF A 167.00 FOOT RADIUS CURVE TO THE LEFT 213.48 FEET, HAVING A CENTRAL ANGLE OF 73°14'30"; CHORD BEARS SOUTH 26°48'13" WEST 110.23 FEET; THENCE SOUTH 03°34'48" EAST 789.03 FEET; THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE RIGHT 242.08 FEET, HAVING A CENTRAL ANGLE OF 27°24'01"; CHORD BEARS SOUTH 67°37'48" EAST 66.00 FEET; THENCE SOUTH 22°22'14" EAST 68.92 FEET; THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE RIGHT 242.08 FEET, HAVING A CENTRAL ANGLE OF 27°24'01"; CHORD BEARS SOUTH 67°37'48" EAST 66.00 FEET; THENCE SOUTH 22°22'14" EAST 68.92 FEET; THENCE SOUTH 63°25'28" EAST 131.99 FEET; THENCE SOUTH 21°44'08" WEST 86.24 FEET; THENCE NORTH 63°25'28" WEST 132.73 FEET; THENCE SOUTH 22°23'14" WEST 397.84 FEET; THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE RIGHT 242.08 FEET, HAVING A CENTRAL ANGLE OF 27°24'01"; CHORD BEARS NORTH 67°36'48" WEST 66.00 FEET; THENCE NORTH 22°23'14" EAST 402.68 FEET; THENCE NORTH 63°25'28" WEST 19.70 FEET; THENCE ALONG THE ARC OF A 333.00 FOOT RADIUS CURVE TO THE RIGHT 297.85 FEET, HAVING A CENTRAL ANGLE OF 73°14'30"; CHORD BEARS NORTH 26°48'13" WEST 277.98 FEET; THENCE NORTH 09°49'02" EAST 122.95 FEET; THENCE ALONG THE ARC OF A 267.00 FOOT RADIUS CURVE TO THE LEFT 101.12 FEET, HAVING A CENTRAL ANGLE OF 21°42'01"; CHORD BEARS NORTH 01°01'58" WEST 100.52 FEET; THENCE NORTH 11°52'59" WEST 58.45 FEET; THENCE ALONG THE ARC OF A 367.00 FOOT RADIUS CURVE TO THE LEFT 153.32 FEET, HAVING A CENTRAL ANGLE OF 23°56'12"; CHORD BEARS NORTH 23°51'05" WEST 152.21 FEET; THENCE NORTH 35°49'11" WEST 178.34 FEET; THENCE ALONG THE ARC OF A 233.00 FOOT RADIUS CURVE TO THE RIGHT 131.11 FEET, HAVING A CENTRAL ANGLE OF 32°14'23"; CHORD BEARS NORTH 19°41'59" WEST 129.38 FEET; THENCE NORTH 03°34'48" WEST 789.03 FEET; THENCE ALONG THE ARC OF A 333.00 FOOT RADIUS CURVE TO THE RIGHT 138.47 FEET, HAVING A CENTRAL ANGLE OF 23°49'33"; CHORD BEARS NORTH 08°19'59" EAST 137.48 FEET; THENCE NORTH 20°14'45" EAST 78.49 FEET; THENCE ALONG THE ARC OF A 267.00 FOOT RADIUS CURVE TO THE LEFT 94.35 FEET, HAVING A CENTRAL ANGLE OF 20°14'45"; CHORD BEARS NORTH 10°07'23" EAST 93.86 FEET; THENCE NORTH 00°00'00" EAST 496.51 FEET; THENCE ALONG THE ARC OF A 130.06 FOOT RADIUS CURVE TO THE RIGHT 15.86 FEET, HAVING A CENTRAL ANGLE OF 06°59'06"; CHORD BEARS NORTH 03°29'33" EAST 15.85 FEET; THENCE NORTH 68°25'09" WEST 40.32 FEET; THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE RIGHT 242.08 FEET, HAVING A CENTRAL ANGLE OF 27°24'01"; CHORD BEARS NORTH 21°34'51" EAST 68.00 FEET; THENCE SOUTH 68°25'09" EAST 40.44 FEET; THENCE ALONG THE ARC OF A 130.06 FOOT RADIUS CURVE TO THE RIGHT 113.62 FEET, HAVING A CENTRAL ANGLE OF 50°03'10"; CHORD BEARS NORTH 61°24'29" EAST 110.04 FEET TO THE POINT OF BEGINNING.

## DETAIL "A" NOT TO SCALE



### OWNER'S DEDICATION

I/WE THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND DEDICATE THE SAME INTO PUBLIC STREETS AS SHOWN ON THIS PLAT AND HEREBY DEDICATE, GRANT AND CONVEY TO BOX ELDER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO GRANT AND DEDICATE A PERPETUAL EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS STREETS, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY BOX ELDER COUNTY, UTAH, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS.

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016. \_\_\_\_\_  
NAME  
TITLE SIGNATURE

### SURVEYOR'S CERTIFICATE

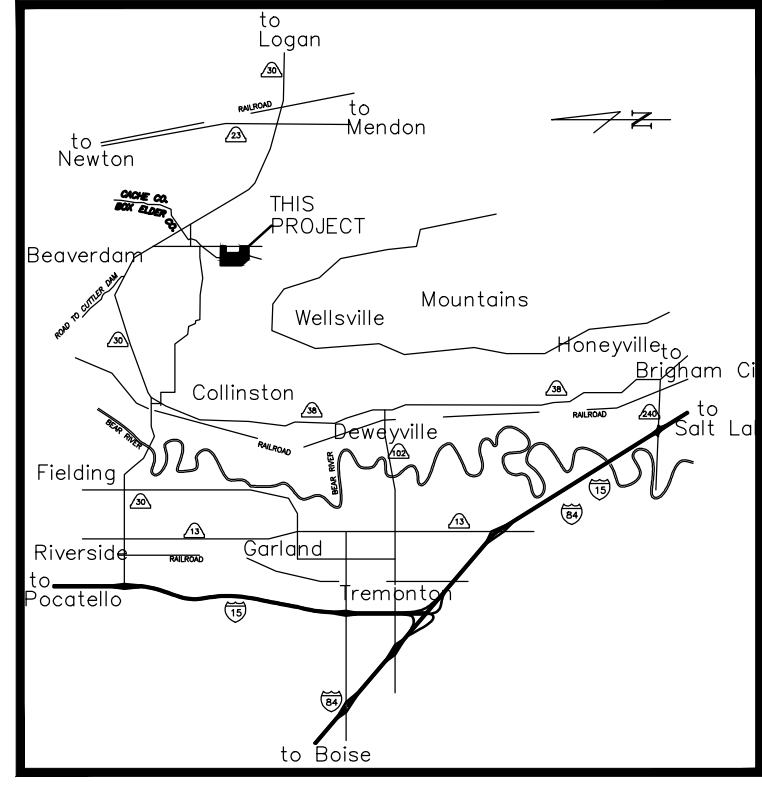
I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY AS SHOWN AND DESCRIBED ON THIS PLAT, AND HAVE DEDICATED SAID PROPERTY INTO PUBLIC RIGHT-OF-WAYS, HEREAFTER TO BE KNOWN AS WILLOW CREEK DRIVE (652 WEST), APPALOOSA CIRCLE (14075 NORTH), HORIZON CIRCLE (580 WEST), AND HIGHLANDER CIRCLE (580 WEST) IN ACCORDANCE WITH SECTION 17-23-20 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN HEREON ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

PROFESSIONAL LAND SURVEYOR  
8227228  
Klint H. Whitney  
KLINT H. WHITNEY, PLS NO. 8227228

### LEGEND

- BOX ELDER COUNTY MONUMENT AS NOTED
- SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING
- ROADWAY DEDICATION RIGHT-OF-WAY LINE
- RIGHT-OF-WAY CENTER LINE
- ADJACENT PARCEL
- SECTION LINE
- EXISTING FENCE
- EXISTING PUBLIC UTILITY EASEMENT
- EXISTING EASEMENT



### ACKNOWLEDGEMENT

STATE OF UTAH )  
COUNTY OF BOX ELDER )  
On this \_\_\_\_ day of \_\_\_\_\_, 2016, personally appeared before me (NAME OF DOCUMENT SIGNER), whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the (TITLE OR OFFICE) OF (NAME OF CORPORATION), and that said document was signed by him/her in behalf of said Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and said (NAME OF DOCUMENT SIGNER) acknowledged to me that said Corporation executed the same.

STAMP NOTARY PUBLIC

### NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO PUBLICLY DEDICATE THE RIGHT-OF-WAY OF WILLOW CREEK DRIVE (652 WEST) APPALOOSA CIRCLE (14075 NORTH) AND HORIZON CIRCLE (580 WEST) TO BOX ELDER COUNTY, UTAH. THE SURVEY WAS ORDERED BY RICH CROFT ON BEHALF OF THE HIGH COUNTRY ESTATES SUBDIVISION HOMEOWNERS ASSOCIATION. RIGHT-OF-WAY LINES WERE DETERMINED BY DIMENSIONS ON THE OFFICIALLY RECORDED PLAT OF SAID HIGH COUNTRY ESTATES. THE BASIS OF BEARING IS THE EAST LINE OF SECTION 23, TOWNSHIP 12 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BY RECORD BEARS SOUTH 00°10'27" EAST.

### BOX ELDER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE BOX ELDER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA, AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE BOX ELDER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

### BOX ELDER COUNTY ATTORNEY

I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

### BOX ELDER COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

### BOX ELDER COUNTY COMMISSION ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WAYS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF BOX ELDER COUNTY, UTAH.

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

### BOX ELDER COUNTY PLANNING COMMISSION APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION WAS DULY APPROVED BY THE BOX ELDER COUNTY PLANNING COMMISSION.

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

### BEAR RIVER-HEALTH DEPARTMENT

I do hereby certify that the soils, percolation rates, and site condition for this subdivision have been investigated by this office and are approved for on-site wastewater disposal systems.

This \_\_\_\_ day of \_\_\_\_\_, 2016

Director BOX ELDER-Morgan Health Department

DEVELOPER: NAME ADDRESS OGDEN, UT 84401 801-XXX-XXX

**S1**  
**1**

**GARDNER ENGINEERING**  
CIVIL-LAND PLANNING MUNICIPAL-LAND SURVEYING  
5150 SOUTH 375 EAST OGDEN, UT OFFICE: 801.476.0202 FAX: 801.476.0066

### COUNTY RECORDER

ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_  
FILED FOR AND RECORDED \_\_\_\_\_  
AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF OFFICIAL \_\_\_\_\_  
RECORDS, PAGE \_\_\_\_\_ RECORDED \_\_\_\_\_  
FOR \_\_\_\_\_  
COUNTY RECORDER \_\_\_\_\_  
BY: \_\_\_\_\_

R:\2601 - MISC SURVEY\1637 - HIGH COUNTRY SURVEY\DWG\RECORD BEARING HIGH COUNTRY.DWG