
BOX ELDER COUNTY PLANNING COMMISSION AGENDA

September 15, 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 August 18, 2016 Planning Commission Minutes.
5. **PUBLIC HEARINGS**
 - a. **NORTHSHORE RAIL SERVICES, LLC, ROAD VACATE A PORTION OF ROAD AT APPROXIMATELY 18400 WEST EAST PROMONTORY ROAD AT THE SOUTHERNMOST END OF PROMONTORY POINT. ACTION**
 - b. **TRIGON, SP16-004, SITE PLAN FOR A PROPOSED CONSTRUCTION OF A C-STORE LOCATED AT APPROXIMATELY 8720 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY. ACTION**
6. **NEW BUSINESS**
 - a. **ROAD DECICATION, NORTHSHORE RAIL SERVICES, LLC**, re-routing a section of road at Promontory to make way for construction of rail spur and loop track.
 - b. **TECHNOLOGY ASSOCIATES, DAKOTA HAWKS, CUP14-003**, six month extension for installation of wireless communication facility at approximately 11483 West 12000 North in the Bothwell area of Box Elder County.
 - c. **AS16-007, CALDER AG SUBDIVISION**, located at approximately 4542 West 14800 North in the Garland area of Box Elder County of approximately 10 acres.
 - d. **AS16-008, COOMBS AG SUBDIVISION**, located at approximately 16800 North 5200 West in the Fielding area of Box Elder County of approximately 10 acres
 - e. **AS16-009, CREEKSIDE AG SUBDIVISION**, located at approximately 8985 West 10400 North (Rocket Road) in the Bothwell area of Box Elder County of approximately 93 acres.
7. **UNFINISHED BUSINESS**
8. **WORKING REPORTS**
9. **PUBLIC COMMENTS**
10. **ADJOURN**_____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES August 18, 2016

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/Excused		
Laurie Munns	Vice-Chairman		
Kevin McGaha	Member/Excused	Marcus Wager	Planner
Michael Udy	Member	Steve Hadfield	Co. Attorney.
Bonnie Robinson	Member	Elizabeth Ryan	Exec. Secretary
Desiray Larsen	Member	Com. Jeff Scott	
Mellonee Wilding	Member		

Prayer was offered by **Commissioner Michael Udy**.

Pledge was led by **Laurie Munns, Plan. Com. Vice-Chairman**.

The following citizens were present

Stephanie Tugaw-Madsen/Honeyville Matthew Prescott/Providence Olin Prescott/Perry

The Minutes of the July 21, 2016 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Desiray Larsen** to accept the Minutes as written; seconded by **Commissioner Mellonee Wilding** and passed unanimously.

PUBLIC HEARINGS

Vice-Chairman Laurie 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.

CUMMINGS ASSET PROTECTION TRUST; Z16-005; PROPOSED ZONE CHANGE OF APPROXIMATELY 5 (FIVE) ACRES LOCATED AT APPROXIMATELY 4750 NORTH 6800 WEST IN UNINCORPORATED BOX ELDER COUNTY FROM THE CURRENT RR20 ZONE TO M-G ZONE.

Staff explained that this rezone request from **Stephanie Tugaw-Madsen** was for rezoning an approximate five acre parcel that is currently zoned RR-20 (Rural Residential 20,000 sq. ft. lot) to M-G (General Industrial) zoning.

Ms. Tugaw-Madsen was representing potential buyers, Matt and Olin Prescott [as well as the seller of the property] and told the Planning Commissioners that the rezone is requested in order for the Prescott's' to locate a wood splitting business on the property, noting that this property is within their price range for their business. There is a parcel of land just north of this property that is owned by Mr. Chester Christensen that may become 4800 North sometime in the future (is currently a dirt road, but not dedicated to the County at this time). This property is also close to P&G's, which they were hoping would make the rezone easier. At the conclusion of the remarks the Public Hearing was closed with a Motion by **Commissioner Bonnie Robinson** and seconded by **Commissioner Desiray Larsen**, passing unanimously.

ACTION:

Staff informed the Commission that this parcel is part of some other parcels bearing the same number and would need to be broken off from those with a legal description and recording it before going to the County Commission for approval. Once the rezone is granted then the Prescott's would submit a site plan for their wood business and were hoping to be able to move forward within the next couple of weeks to start storing wood at this site. **Ms. Tugaw-Madsen** said that the contract date is for September 16, 2016 and they were hoping to have approval and have the legal description recorded prior to that date. When the sale is completed a new parcel number would be assigned with that legal description, and the purchase is contingent upon the rezone of the property. Staff then said that it would be able to be placed on the County Commission meeting scheduled for September 7, 2016 if approved and forwarded by the Planning Commission.

Vice-Chairman Laurie Munns then pointed out the Standards that needed to be considered in granting this rezone.

- 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.*

As there were no objections and Staff had recommended approval the following Motion was made.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation for approval of the Z16-005; Cummings Asset Protection Trust rezone of approximately five acres to the County Commission with any conditions of Staff and with a legal description recorded for that specific property. Motion was seconded by **Commissioner Michael Udy** and passed unanimously.

Conditions of Approval:

- a. Compliance with Article 5 of the BECLUM&DC.
- b. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the BECLUM&DC.
- c. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

UNFINISHED BUSINESS--NONE

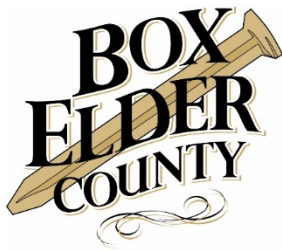
WORKING REPORTS -- NONE

PUBLIC COMMENTS -- NONE

A **Motion** was made to adjourn at 7:13 p.m., unanimous.

Passed and adopted in regular session this 15th day of September 2016.

Chad Munns, Chairman
Box Elder County
Planning Commission



PLANNING COMMISSION STAFF REPORT

Meeting Date: September 15, 2016

Agenda Item #: 5a

Application Type:

Road Vacate

APPLICANT(S):

Northshore Rail
Services, LLC

PROJECT #:

VAC16-001

ADDRESS:

Approx. 18400 West East
Promontory Road

PARCEL #:

01-011-0047, 01-011-0048,
01-011-0093

CURRENT ZONE:

Un-Zoned

TYPE OF ACTION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting to vacate a portion of roadway at approximately 18400 West East Promontory Road at the very South end of Promontory Point. Attached is a map showing the proposed road vacate.

ANALYSIS

County Code:

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

Land Use Ordinance Standards Review:

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

1. Is there a prevailing public interest in keeping the road open; and
 - a. *This road vacate application is different than others that have come before. The applicant on this item is proposing to relocate the road by vacating this portion of roadway and dedicating a new route, all of which is on their own property.*
2. Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County; and
 - a. *The proposed vacation does not affect the County's General Plan or Transportation Plan.*

3. Is the proposed vacation in compliance with all Box Elder County Land

Use and Development Code requirements, State, Federal or other local regulations; and

a. *The proposed vacation is in compliance with all requirements and regulations.*

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

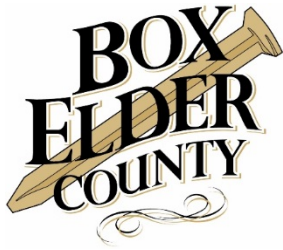
a. *The Public Hearing process is in place to help bring any evidence of harm to light.*

5. The County shall not vacate any other private interest within the right-of-way; and

a. *No other interests within the right-of-way are to be vacated.*

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

a. *The proposed road is a right-of-use road and does not need to conform to the surplus property*



disposal policy.

7. The petitioner will provide descriptions in a deeded right-of-way for all abutting owners who may receive any ownership of the vacated road.
 - a. *The petitioner has supplied the descriptions, and the applicants are the only owners who abut the road to be vacated and to be dedicated.*

FINDINGS:

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

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

RECOMMENDATION

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

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number VAC16-001, a road vacation for 18400 West East Promontory Point Road, as outlined in the road vacation plat, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

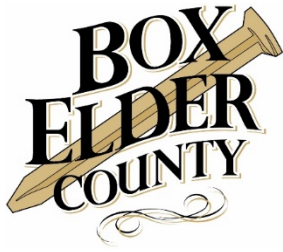
Continue – “I move the Planning Commission continue the review of application number VAC16-001, a road vacation for 18400 West East Promontory Point Road, as outlined in the road vacation plat, to (give date), based on the following findings:”

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

Denial – “I move the Commission forward a recommendation of denial to the County Commission, application number VAC16-001, a road vacation for 18400 West East Promontory Point Road, as outlined in the road vacation plat, based on the following findings:”

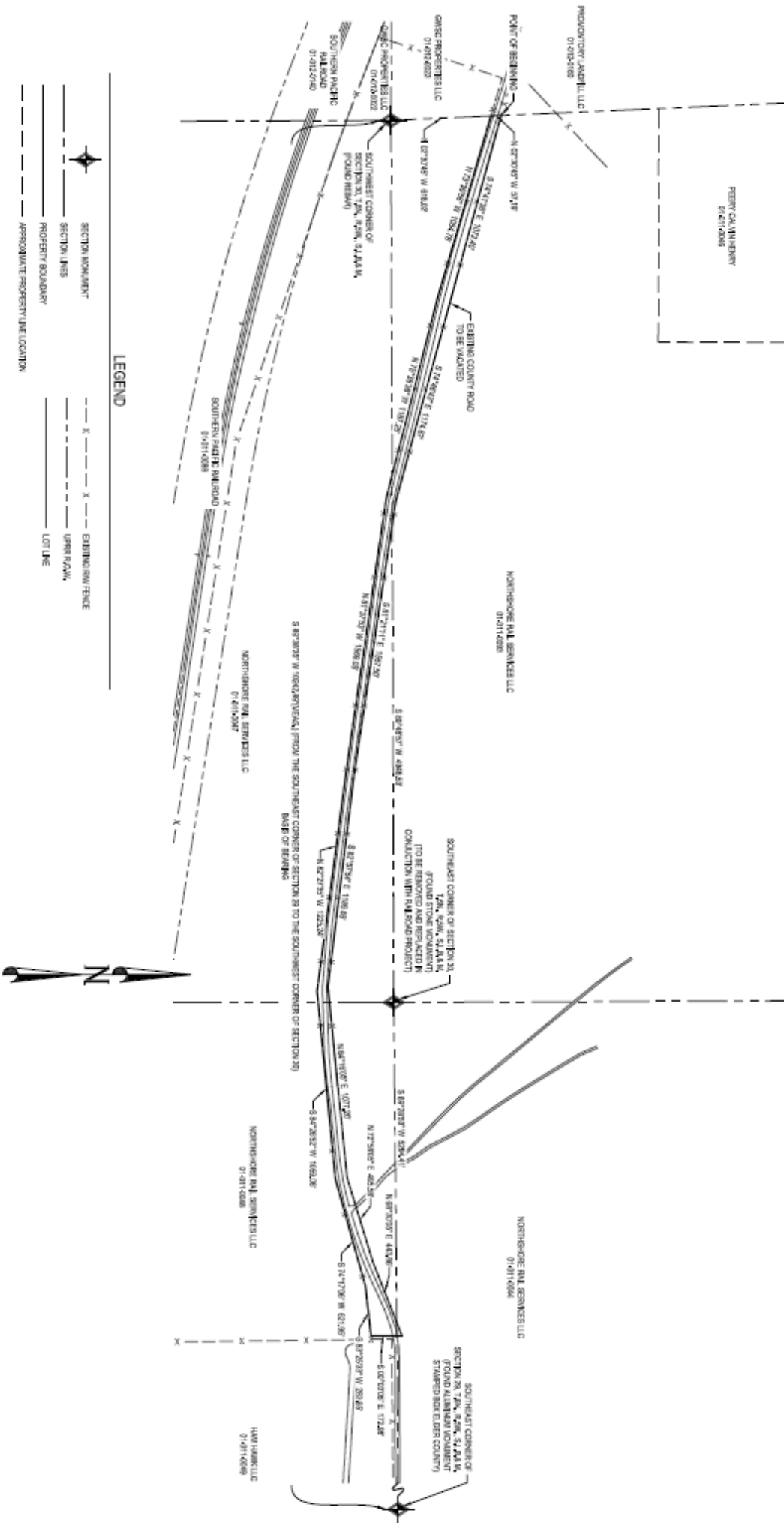
1. List findings for denial...

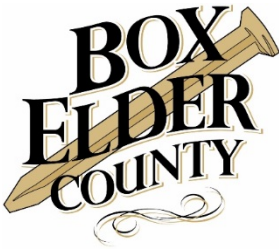
Please feel free to contact Marcus Wager at 435-734-3308 if you have any questions.



COMMUNITY DEVELOPMENT DEPARTMENT
01 South Main Street
Brigham City, Utah 84302
(435) 734-2634 Fax: (435) 734-2728
www.boxeldercounty.org

PROMONTORY ROAD VACATION PLAT
 LOCATED IN SECTIONS 29, 30, 31, & 32, TOWNSHIP 6 NORTH, RANGE 5 WEST, SALT LAKE BASE & MERIDIAN,
 BOX ELDER COUNTY, UTAH





PLANNING COMMISSION

STAFF REPORT

Meeting Date: June 16, 2016

Agenda Item #: 5b

Application Type:

Site Plan review for Willard's

APPLICANT(S):

Jeff Beckstead/Jim Flint

PROJECT #:

SP16-004

ZONE:

C-E (Commercial Enterprise)

PARCEL #:

01-045-0020

TYPE OF ACTION:

Administrative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting Site Plan approval for a convenience store with gas pumps located at approximately 8720 South HWY 89 in the South Willard Area on Parcel: 01-045-0020.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	C-E
South	Commercial	C-E
East	Agriculture	R-1-20
West	Residential	R-1-20

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code Section 3-4-070-7.20 allows as a permitted use Gasoline Service Station and Section 2-2-120.D.2.c, allows for commercial uses subject to Site Plan approval. Section 2-2-090 outlines the following standards for approval for permitted uses.

A. The proposed use shall be allowed as a permitted use in the applicable zone. Yes

B. The proposed use shall conform to development standards of the applicable zone. Yes

C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. Yes

D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. This property is located in a well protection zone (zone 2); this is being worked on by the applicant

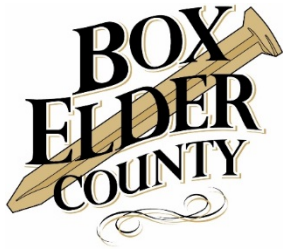
E. If the proposed use is located on a lot or parcel which has been subdivided without County approval a subdivision plat shall be approved and recorded as a condition of approval. N/A

Setbacks:

The proposed building and gas pumps all meet setbacks within the C-E Zone.

Access:

Access to the property is obtained on HWY 89 on both the East and West sides of the property.



County Department Review:

All applicable County departments are currently in the review process for this application. Comments can be provided at the meeting.

FINDINGS:

Based on the analysis of the Site Plan application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for commercial uses in the C-E (Commercial Enterprise) areas which are approved by the Planning Commission through a Site Plan review.
2. The Site Plan will conform to all requirements within the Box Elder Land Use Management and Development Code after all comments from staff have been satisfied.
3. The property in question is within a well protection zone (zone 2) and will need to be addressed before the County can take action on this item.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission TABLE the site plan with the following conditions:**

1. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 5, Regulations of General Applicability, 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.
4. Addressing the zone protection area problem.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SP16-004, a Site Plan for Willard’s, 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 SP16-004, a Site Plan for Willard’s, to (give date), based on the following findings:”

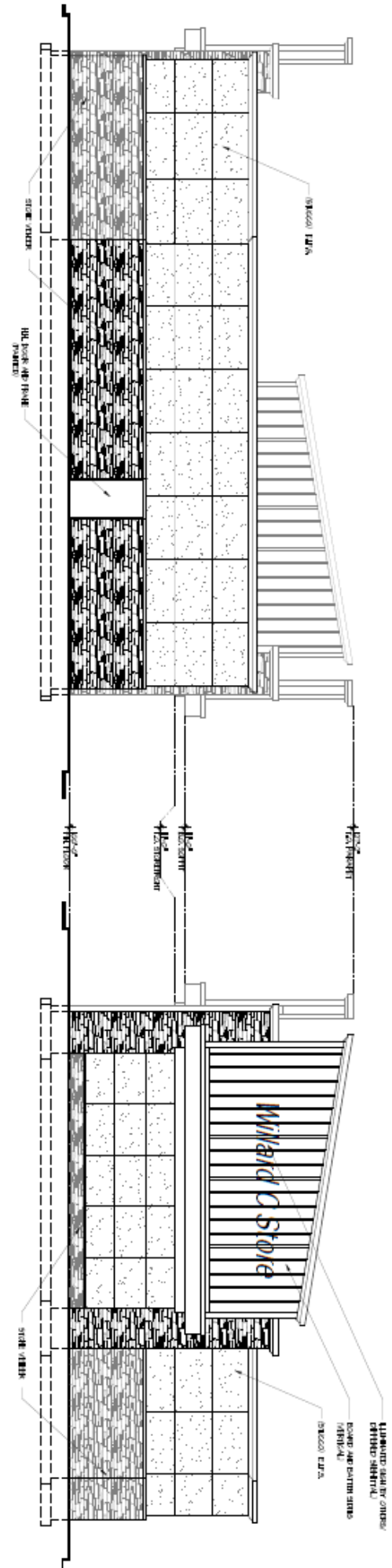
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number SP16-004, a Site Plan for Willard’s, based on the following findings:”

1. List findings for denial...

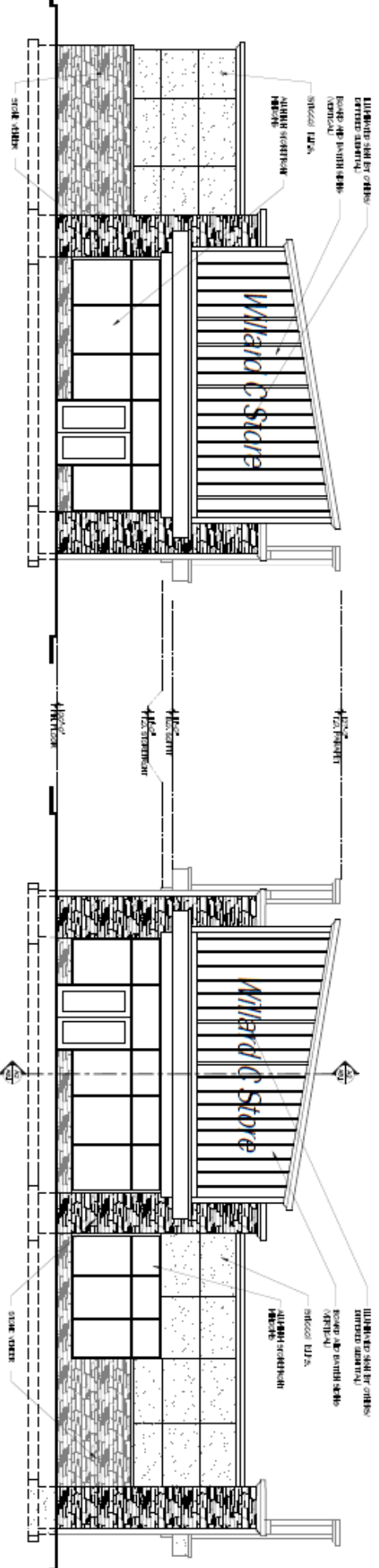
Please feel free to contact Marcus Wager at 435-734-3308 if you have any questions.





WEST EXTERIOR ELEVATION
 SCALE: 3/8" = 1'-0"

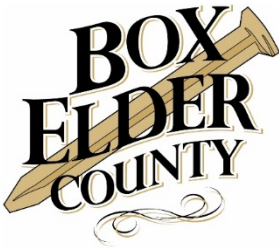
NORTH EXTERIOR ELEVATION
 SCALE: 3/8" = 1'-0"



SOUTH EXTERIOR ELEVATION
 SCALE: 3/8" = 1'-0"

EAST EXTERIOR ELEVATION
 SCALE: 3/8" = 1'-0"





PLANNING COMMISSION STAFF REPORT

Meeting Date: September 15, 2016
Agenda Item #: 6a

Application Type:

Road Dedication

APPLICANT(S):

Northshore Rail Services

PROJECT #:

N/A

ADDRESS:

Approx. 18400 West East
Promontory Road

PARCEL #:

01-011-0044, 01-011-0047,
01-011-0048, 01-011-0093

CURRENT ZONE:

Un-Zoned

TYPE OF ACTION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting to dedicate a new section of roadway to replace a proposed vacated section of roadway to Box Elder County to be used and maintained as a public right of way. The roadway is shown on the attached plat map.

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:

All County reviewers have reviewed the plat and have no further comments.

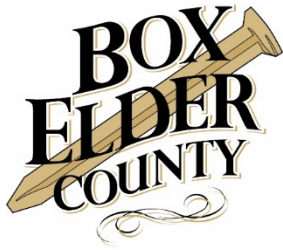
FINDINGS:

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

1. All comments have been addressed, and the plat does conform to the Box Elder County Land Use & Management Code.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff makes 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, a road dedication for 18400 West East Promontory Point Road, as outlined in the road dedication plat, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Continue – “I move the Planning Commission continue the review of a road dedication for 18400 West East Promontory Point Road, as outlined in the road dedication plat, to (give date), based on the following findings:”

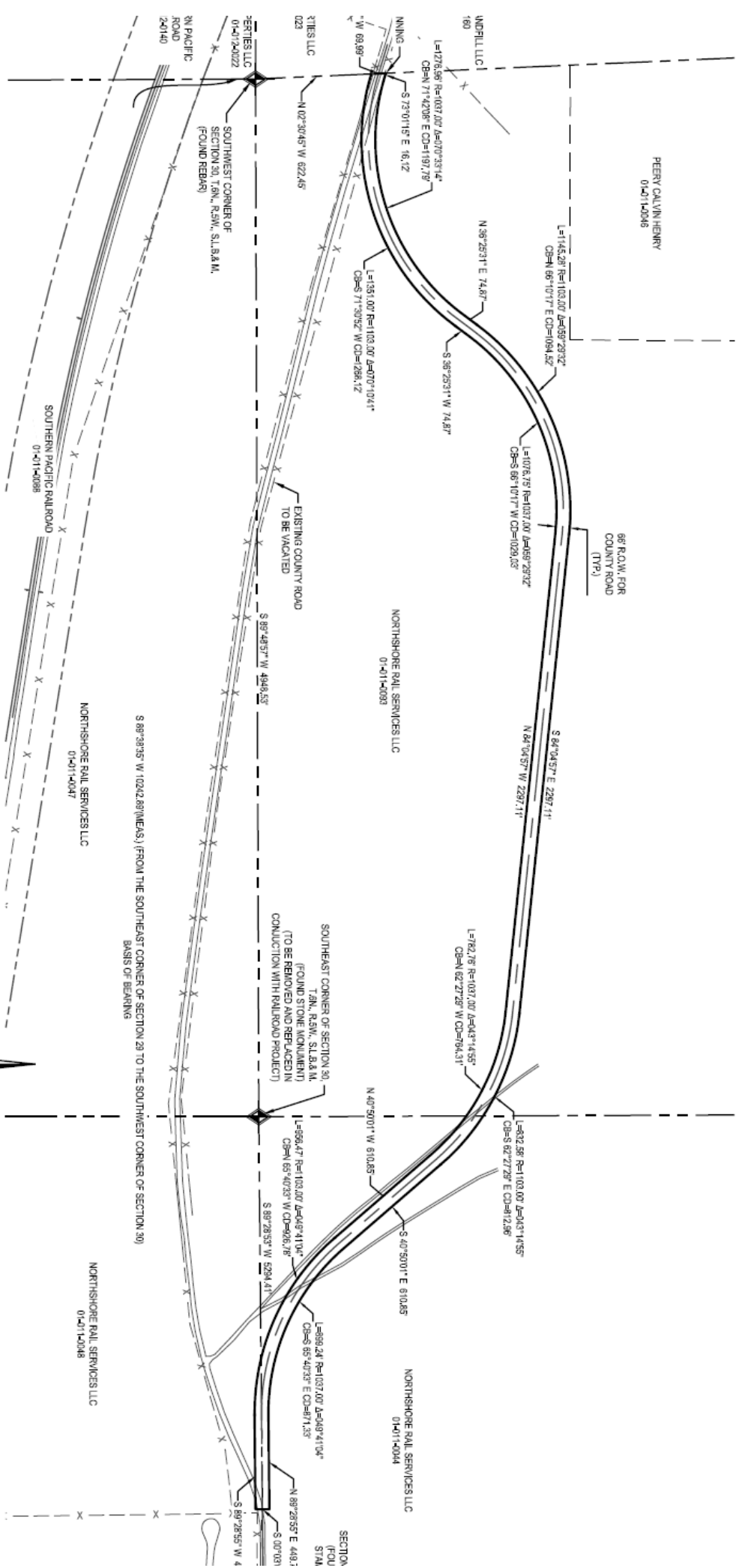
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Commission forward a recommendation of denial to the County Commission, a road dedication for 18400 West East Promontory Point Road, as outlined in the road dedication plat, based on the following findings:”

List findings for denial...

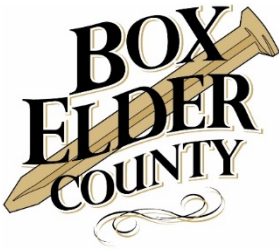
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PROMONTORY ROAD DEDICATION PLAT
 LOCATED IN SECTIONS 29, 30, & 32, TOWNSHIP 6 NORTH, RANGE 5 WEST, SALT LAKE BASE & MERIDIAN,
 BOX ELDER COUNTY, UTAH



LEGEND





PLANNING COMMISSION STAFF REPORT

Meeting Date: September 15, 2016

Agenda Item #: 6b

Application Type:

Conditional Use Permit

APPLICANT(S):

Technology Associates /
Verizon Wireless

PROJECT #:

CUP14-003

ZONE:

RR-5

PARCEL #:

05-099-0042

REPORT BY:

Scott Lyons,
County Planner

BACKGROUND

The applicant received approval for a Conditional Use Permit for a cellular tower in the Bothwell area in September of 2014. Conditional Use Permits expire in two years from the date they are issued. The applicant is requesting a six month extension to finalize the installation of the tower. The tower would be 190 feet tall. The proposed tower will be located within a 50' x 50' leased area. The area would be fenced with 6 foot chainlink fence and barbed wire. The area would also contain a 12' x 25' prefab equipment shelter. The lease area is approximately 203 feet away from the nearest parcel boundary. Access to the property is obtained by way of county road 12000 North.

ANALYSIS

County Code:

Land Use Management & Development Code Section 3-2-070-16 allows wireless telecommunication towers as a conditional use. Conditional Use Permits are decided upon by the Planning Commission.

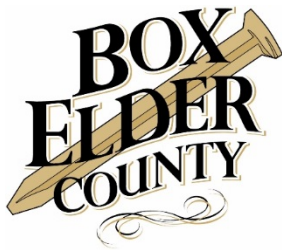
Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 2-2-100 outlines the following standards for review for Conditional Use Permits.

1. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the community, or injurious to property or improvements in the community, existing surrounding uses, buildings and structures;
2. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
3. The proposed use at the particular location is compatible with the intent, function and policies established in the general plan, this Code and the particular zoning district in which the use is proposed.

To be more specific, the code states the following factors should be reviewed and considered:

1. Conditions relating to safety of persons and property.
 - a. The impact of the proposed facility or use on the health, safety, and welfare of the County, the area, and persons owning or leasing property in the area.
 - b. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area.



-
- c. Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
 - d. Increased setback distances from lot lines where the Planning Commission determines it to be necessary to ensure the public safety.
 - e. Appropriate design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault or other seismic hazard, which may exist on or near the property, and limitations and/or restrictions to use and/or location of use due to site conditions, including but not limited to wetlands, flood plains or landslide area.
2. Conditions relating to the compatibility of the use.
 - a. The suitability of the specific property for the proposed use.
 - b. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity.
 - c. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity.
 - d. The number of other similar conditional uses in the area and the public need for the proposed conditional use.
 3. Conditions relating to health and safety.
 4. Conditions relating to environmental concerns.
 5. Conditions relating to compliance with intent of the General Plan and characteristics of the zone district.
 6. The aesthetic impact of the proposed facility or use on the surrounding area.
 7. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area.
 8. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation.
 9. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use.

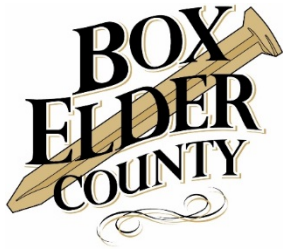
FINDINGS:

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

1. The Box Elder Land Use Management and Development Code does allow for wireless telecommunication towers subject to Conditional Use Permit approval by the Planning Commission.

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 approve a six month extension for application number CUP14-003, a Conditional Use Permit for a wireless telecommunication tower, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table the request for a six month extension for application number CUP14-003, a Conditional Use Permit for a wireless telecommunication tower, 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 the request for a six month extension for application number CUP14-003, a Conditional Use Permit for a wireless telecommunication tower, 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.

