

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

January 16, 2020

1. **CALL TO ORDER** 7:00 p.m. (County Commission Chamber Room, Main Floor)
  - a. Roll Call (Commissioners L. Munns, D. Larsen, K. McGaha, M. Udy, B. Robinson, M. Wilding and J. Holmgren)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL of the December 19, 2019 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
  - a. NONE
6. **PUBLIC HEARINGS**
  - a. **GDK CORINNE REZONE, Z20-001**, Request for a re-zone from A-20 to RR-5 for 150 acres on parcel 04-070-0001 located at 6000 West and 4000 North in the West Corinne area of Unincorporated Box Elder County. **ACTION**
7. **NEW BUSINESS**
  - a. **GROVER ROAD VACATE, VAC19-001**, for an ally way in between 15500 North and 15600 North at approximately 5500 West in the Riverside area of Unincorporated Box Elder County. **ACTION**
8. **WORKING REPORTS**
  - a. NONE
9. **PUBLIC COMMENT**
10. **ADJOURN**\_\_\_\_\_

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES DECEMBER 19, 2019

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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>	
Laurie Munns	Chairman	Scott Lyons	Comm Dev Director
Mellonee Wilding	Vice-Chair	Marcus Wager	County Planner
Kevin McGaha	Excused	Steve Hadfield	County Attorney
Michael Udy	Excused	Jeff Scott	Commissioner
Desiray Larsen	Excused	Diane Fuhriman	Executive Secretary
Bonnie Robinson	Member		
Jared Holmgren	Member		

**Chairman Laurie Munns** called the meeting to order at 7:00 p.m.

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

### **The following citizens were present & signed the attendance sheet**

See Attachment No. 1 – Attendance Sheet.

The Minutes of the November 21, 2019 meeting were made available to the planning commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Mellonee Wilding** to approve the minutes as written. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

**MOTION:** A Motion was made by **Commissioner Mellonee Wilding** to approve the December 19, 2019 agenda with the following amendment. Remove Item 7b.-Brookside Ranches Subdivision, SS19-037 due to an incomplete application. The applicant failed to provide notarized authorization from the landowner. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

### **UNFINISHED BUSINESS**

**DAVIS REZONE, Z19-009, Request modified by applicant and sent back by County Commission. Modified request is for a re-zone from C-G to RR-2 for 4 acres consisting of Lots 1 and 2 of the Andersen Bullavard Subdivision located at approximately 1180 & 1240 West 7800 South in the South Willard area of Unincorporated Box Elder County. ACTION**

Staff explained the area was originally zoned A-20. About three years ago the applicant requested the same area be rezoned to RR-2. The Planning Commission forwarded a recommendation of denial to the County Commission. The recommendation was based on public input as well as the zoning designation in the South Willard Community Plan. The County Commission then rezoned approximately 15 acres of the south portion of the parcel total along the 7800 South frontage to the RR-2 zone. In 2018 the landowner requested four of those 15 acres be rezoned to C-G (Commercial General). A recommendation of approval was forwarded from the Planning Commission to the County Commission and the request was approved. The applicant is now requesting those 4 acres be zoned back to RR-2.

**Commissioner Laurie Munns** expressed concern if another public hearing should be held as it concerns a zone change. Staff indicated the zone change on the 4 acres was included in the public hearing held last month. **Commissioner Laurie Munns** stated based on that public hearing the Planning Commission recommended denial to the County Commission because the public was not in favor of residential development in the area.

**Commissioner Mellonee Wilding** expressed her concern with the adequacy of facilities in the area. There is no water infrastructure for fire suppression. Staff said anyone who builds on these lots would have to have a sprinkler system.

Bob Davis, applicant, said the property was originally zoned 2-acres. He does not understand why it cannot be put back the way it was. He feels he should be able to rezone his own property so he can build his home where he wants. He would like to switch Lot 1 commercial to Lot 3 commercial and Lot 3 commercial to Lot 1 residential. He feels the commissioners have their minds already made up on his property.

**Commissioner Mellonee Wilding** stated there have been two public hearings and both outcomes were against the property being subdivided. Both public hearings came down that this is a farm/agricultural area not a housing area. The Planning Commission has acted upon that outcome both times.

Bob Davis, reiterated he is just asking for the reconfiguration of the lots so he can build a house on his property.

Staff explained that code states the Planning Commission and the County Commission have the ability to modify the original request. What Mr. Davis is requesting is Lot 3 take the commercial zoning and Lot 1 take get the rural residential zoning. Lot 3 was not included in the original request so it falls outside the area that was requested for a rezone. When the public hearing was noticed Lot 3 was not included so the Planning Commission cannot act on it. A new application would need to be submitted and a public hearing noticed on the new request.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of denial to the County Commission, application number Z19-009, a zoning map amendment from the C-G (General Commercial) zone to RR-2 (Rural Residential 2 acres) based on the following findings. The motion was seconded by **Commissioner Mellonee Wilding** and was unanimously carried.

- FINDINGS:**
1. The facilities and services are inadequate.
  2. It violates the South Willard Community Plan.
  3. Prior public comment indicates the citizens do not want the zone changed.

**PUBLIC HEARINGS - NONE**

**NEW BUSINESS**

**WOOD EVENT BARN SITE PLAN, SP19-005, Request for approval for an event barn located at approximately 9690 North 6800 West in Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting site plan approval for an event barn. The surrounding area is agriculture and unzoned. County code Section 2-2-120.D.2.c allows event barns as a commercial use in unzoned areas. The site plan meets all the approval standards and the setbacks can be met in the unzoned areas. The applicant is proposing 42 parking stalls and access will be off 6800 West. The site plan has been reviewed by all applicable departments and staff recommends approval.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** that the Planning Commission approve application number SP19-005, a Site Plan for an event barn, and adopting the conditions and findings of the staff report. The motion was seconded by **Commissioner Bonnie Robinson** and unanimously carried.

**BROOKSIDE RANCHES SUBDIVISION, SS19-037, Request for preliminary approval for a 20-Lot subdivision located at approximately 13300 North East Garland Road (4400 West) in Unincorporated Box Elder County. ACTION**

This item was removed due to an incomplete application.

**JENSEN AGRICULTURAL SUBDIVISION, AS19-008, Request for approval for splitting off a home from agricultural land located at approximately 12030 West 8000 North in Unincorporated Box Elder County. ACTION**

Staff explained the parcel was created in 2006 before the current applicant owned it. The parcel was divided off by deed only and therefore is considered to be an illegal parcel. The applicant is trying to refinance so he wants to break off the parcel properly. Staff recommends approval.

Staff then read the standards for review from Utah State Code as follows:  
17-27a-605(1)(b) the proposed subdivision:

- A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; *Yes*.
- B. Has been approved by the culinary water authority and the sanitary sewer authority; *Yes*.
- C. Is located in a zoned area; and *Yes*.
- D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance. *Yes*.

17-27a-605(5)(a)

- A. The parcel contains an existing legal single family dwelling unit; *Yes*.
- B. The subdivision results in two parcels, one of which is agricultural land; *Yes*.
- C. The parcel of agricultural land:
  - a. Qualifies as land in agricultural use under Section 59-2-502; and
  - b. Is not used, and will not be used, for a nonagricultural purpose; *Yes*.
- D. Both the parcel with an existing legal single family dwelling unit and the parcel of agricultural land meet the minimum area, width, frontage, and setback requirements of the applicable zoning designation in the applicable land use ordinance; and *Yes*.
- E. The owner of record completes, signs, and records with the county recorder a notice:
  - a. Describing the parcel of agricultural land by legal description; and
  - b. Stating that the parcel of agricultural land is created as land in agricultural use, as defined in Section 59-2-502, and will remain as land in agricultural use until a future zone change permits another use.

This is done with the Certificate of Approval from the Planning Commission.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to application number AS19-008, an agricultural subdivision with a single family dwelling, and adopting the conditions and findings of the staff report. The motion was seconded by **Commissioner Mellonee Wilding** and unanimously carried.

**CUMMINGS AGRICULTURAL SUBDIVISION, AS19-009, Request for approval for dividing agricultural land located at approximately 4564 North 6800 West in Unincorporated Box Elder County. ACTION**

Staff said this is one of three agricultural subdivisions before the commission. The applicant is requesting an agricultural subdivision to separate seven acres off a larger parcel located at approximately 4564 North 6800 West in an un-zoned area of Unincorporated Box Elder County. This process would create a legal agricultural parcel. The same approval standards apply as previously read minus Section 605(5) requiring a single family home. Staff recommends approval.

**MOTION:** A Motion was made by **Commissioner Mellonee Wilding** that the Planning Commission approve application number AS19-009, an agricultural subdivision, and adopting any conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

**CUMMINGS AGRICULTURAL SUBDIVISION, AS19-010, Request for approval for dividing agricultural land located at approximately 4598 North 6800 West in Unincorporated Box Elder County. ACTION**

Staff said this agricultural subdivision would separate 5.5 acres off a larger parcel located at approximately 4598 North 6800 West in an area zoned as RR-20 of unincorporated Box Elder County. This subdivision meets the approval standards of Utah State Code and staff recommends approval.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** that the Planning Commission approve application number AS19-010, an agricultural subdivision, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Mellonee Wilding** and unanimously carried.

**CUMMINGS AGRICULTURAL SUBDIVISION, AS19-011, Request for approval for dividing agricultural land located at approximately 4636 North 6800 West in Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting an agricultural subdivision to separate seven acres off a larger parcel located at approximately 4636 North 6800 West in an un-zoned area of unincorporated Box Elder County. This agricultural subdivision also meets the approval standards of Utah State Code and staff recommends approval.

**MOTION:** A Motion was made by **Commissioner Mellonee Wilding** to approve application number AS19-011, an agricultural subdivision, and adopting the conditions and findings of the staff report. The motion was seconded by **Commissioner Bonnie Robinson** and was unanimously carried.

**WORKING REPORTS - NONE**

**PUBLIC COMMENTS - NONE**

**GRANT APPLICATION – STAFF**

Staff informed the commission they applied for and received a grant through a program UDOT put together to hire a consultant and to assist in updating the General Plan.

**ADJOURN**

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to adjourn commission meeting. The motion was seconded by **Commissioner Bonnie Robinson** and meeting adjourned at 7:50 p.m.

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Laurie Munns, Chairman  
Box Elder County Planning Commission



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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: January 16, 2020

Agenda Item #: 6a

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**Application Type:**

Zoning Map Amendment

**APPLICANT(S):**

David John

**PROJECT #:**

Z20-001

**ADDRESS:**

Approx. 4000 North 6000  
West

**PARCEL #:**

04-070-0001

**CURRENT ZONE:**

A-20

**TYPE OF ACTION:**

Legislative

**REPORT BY:**

Marcus Wager  
County Planner

**BACKGROUND**

The applicant is requesting that the listed parcel be rezoned from A-20 (Agricultural 20 Acres) to RR-5 (Rural Residential 5 Acre). The Parcel is 150 acres in size.

**ANALYSIS**

**County Code:**

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

**Surrounding Land Use and Zoning:**

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	RR-20
South	Agriculture	A-20
East	Agriculture	A-20
West	Agriculture	RR-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 West Corinne Community Plan (below) shows this area as being a possible A-20 or 1 Acre or Future Industrial. The nearest 5 acre zoning is in Harper Ward – further east of this property.*

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

*The area is a combination of mainly agricultural uses and some residential homes that are in the RR-20 and A-20 zones. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective.*



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

*This is subjective. Residential uses do tend to bring additional traffic. They also tend to bring higher property values. The public hearing process may shine additional light on this.*

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

*With other homes somewhat in the vicinity of this area, it is likely the facilities to service this property could be made available. Regardless, if the property is developed, the developer would bear the cost burden to bring the utilities to the property.*

**FINDINGS:**

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

1. The Box Elder Land Use Management and Development Code allows for a rezone subject to zoning map amendment review procedures and approval.
2. It can be interpreted that the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.
3. This application is for a zoning designation from A-20 to RR-5.

**RECOMMENDATION**

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may forward a recommendation of approval to the County Commission**, but as this is a legislative decision additional information may be taken into account such as public input, resident preferences, private property rights, 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 Z20-001, a zoning map amendment from the A-20 (Agricultural 20 Acres) Zone to the RR-5 (Rural Residential 5 Acres) 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 Z20-001, a zoning map amendment from the A-20 (Agricultural 20 Acres) Zone to the RR-5 (Rural Residential 5 Acres) 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 Z20-001, a zoning map amendment from the A-20 (Agricultural 20 Acres) Zone to the RR-5 (Rural Residential 5 Acres) Zone based on the following findings:”

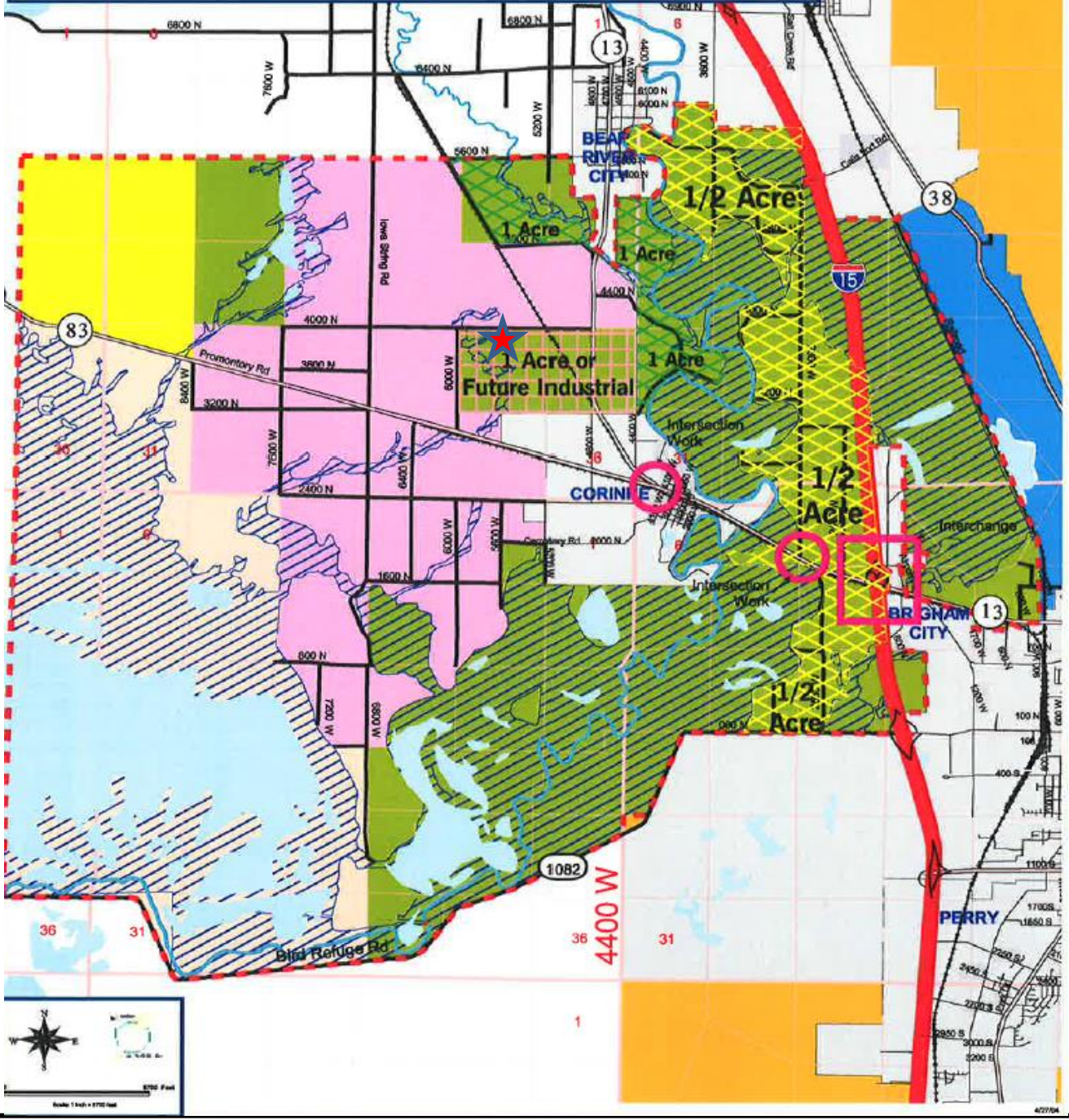
1. List findings for denial...

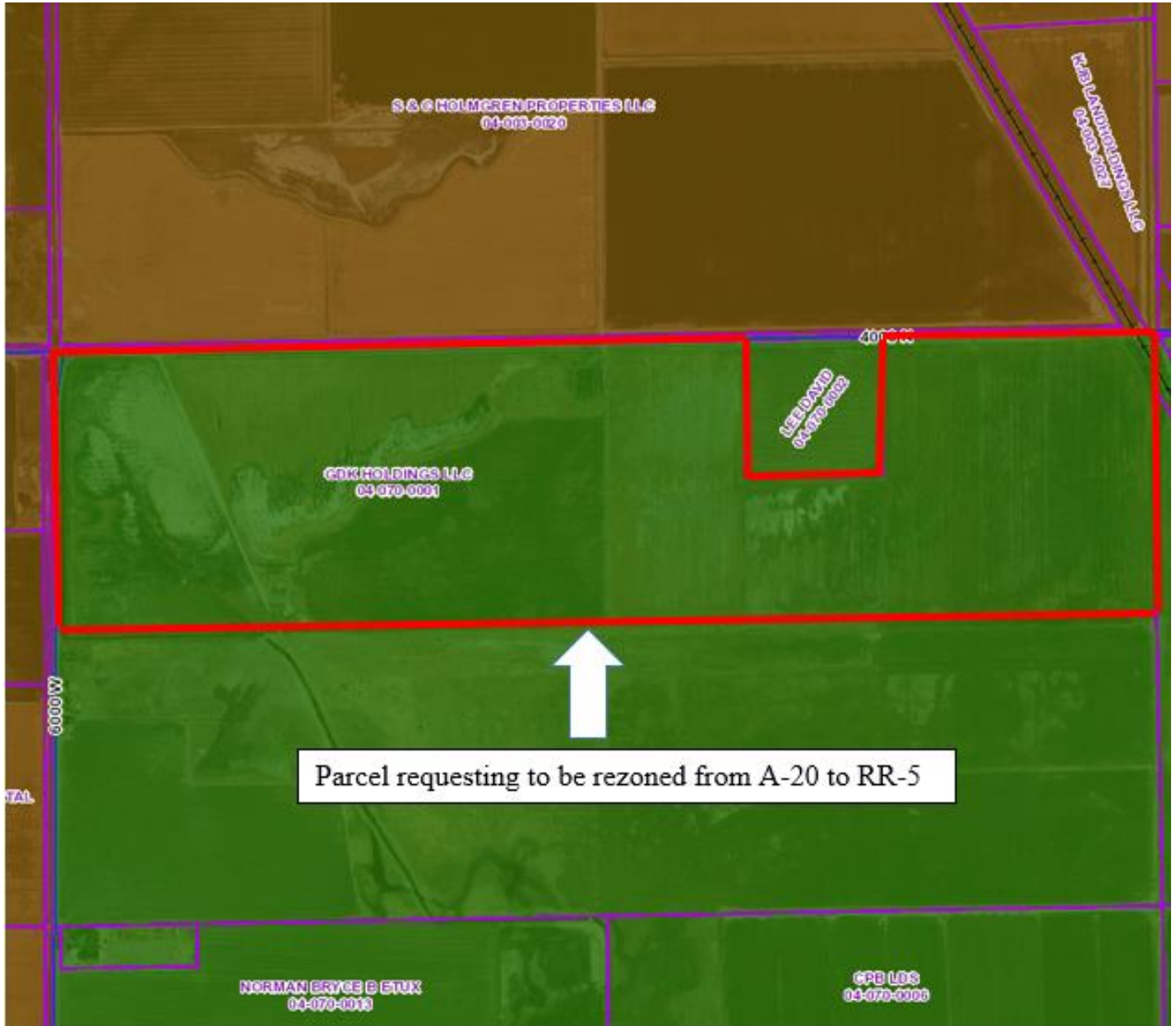
Please feel free to contact Marcus Wager at 435-734-3308 if you have any questions.

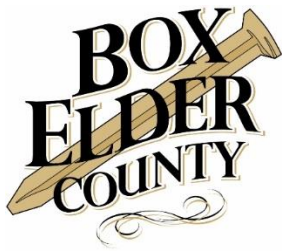
# West Corinne Community Plan

# Map B

<b>Transportation</b> Possible Minor Collectors Interstate Highway On/Off Ramp County Roads City Roads Railroads	<b>Current Zoning</b> MU-160 (Multiple Use - 160 acre lots) RR-5 (Rural Residential - 5 acre lots)	Possible Sensitive Areas Overlay Possible One-Half Acre Possible 1 Acre + Possible 1 Acre or Industrial Planning Area City Boundaries Water
<b>Possible Zoning</b> Possible MU-40 Possible A-20 Possible RR-20 Possible MU-160 Possible Industrial M-G		







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## PLANNING COMMISSION STAFF REPORT

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Meeting Date: January 16, 2020

Agenda Item #: 7a

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**Application Type:**

Road Vacate

**APPLICANT(S):**

Jody Grover

**PROJECT #:**

VAC19-001

**ADDRESS:**

Approx. 15600 North  
5500 West

**PARCEL #:**

06-046-0062, 06-046-0123

**CURRENT ZONE:**

Un-Zoned

**TYPE OF ACTION:**

Legislative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

The applicant is requesting to vacate the un-vacated portion of roadway in between 15500 North and 15600 North and approximately 5500 West in the Riverside area of Unincorporated Box Elder County. Attached is a map showing the proposed road vacate.

**ANALYSIS**

**County Code:**

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

**Land Use Ordinance Standards Review:**

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

1. Is there a prevailing public interest in keeping the road open; and
  - a. *Jody Grover owns the property on all sides of this area other than the right-of-way of 15600 North.*
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 description, and the applicant is the only owner who abuts the road to be vacated.*

### **FINDINGS:**

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

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

### **RECOMMENDATION**

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

### **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number VAC19-001, a road vacation 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....

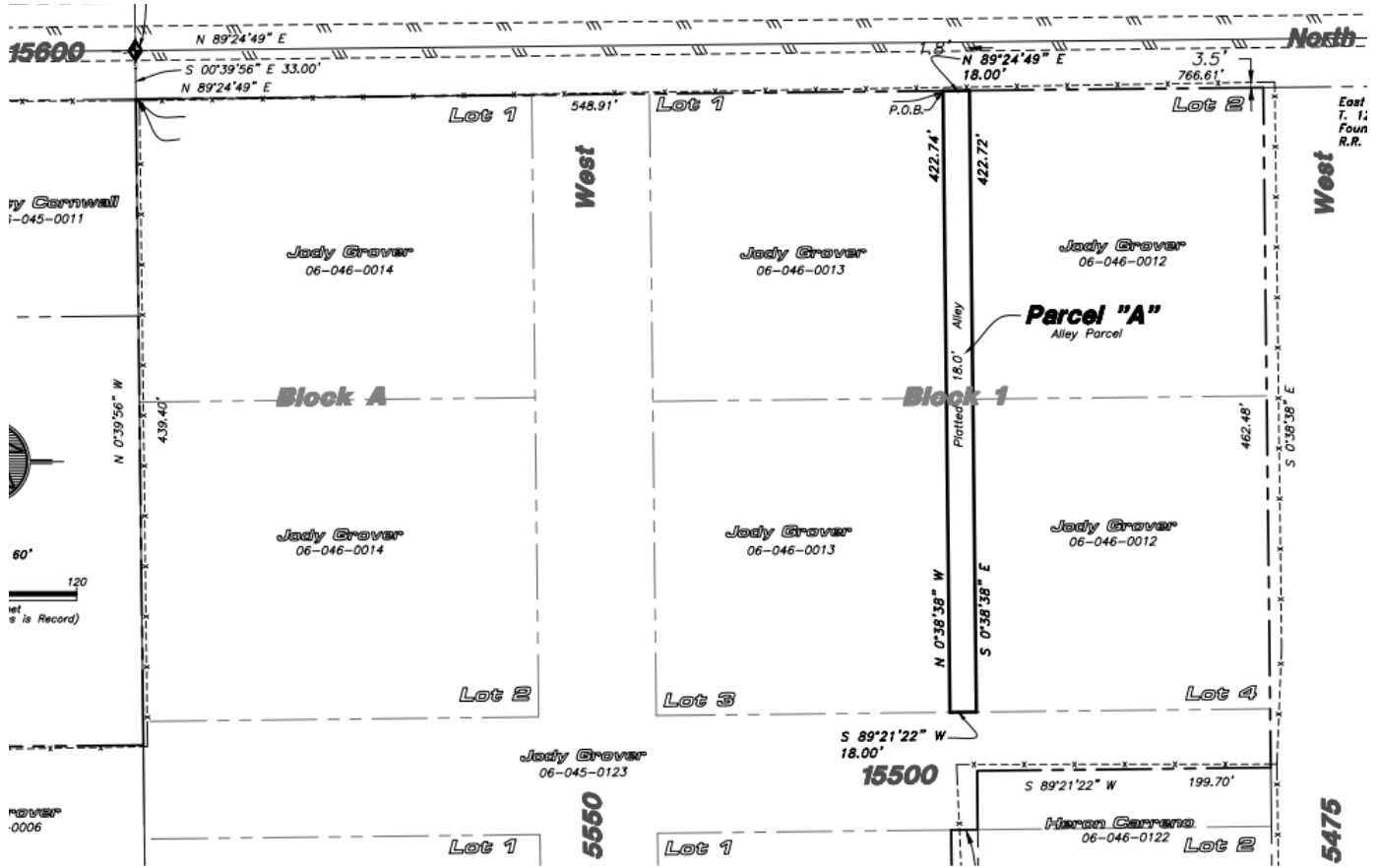
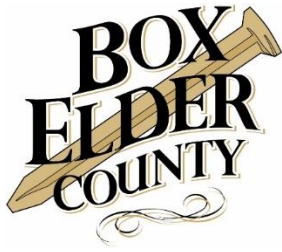
**Table** – “I move the Planning Commission table the review of application number VAC19-001, a road vacation in the Riverside area of Unincorporated Box Elder County, to (give date), based on the following findings:”

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

**Denial** – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number VAC19-001, a road vacation in the Riverside area of Unincorporated Box Elder County, based on the following findings:”

1. List findings for denial...

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



- LEGEND**
- Subject Property Line
  - - - Adjoining Property Line
  - - - Previous Property Line
  - - - Centerline
  - - - Ditch
  - - - Field Separation Line
  - - - Fence Line (Wire)
  - - - Fence Line (wood or Vinyl)
  - ⊙ Street Monument
  - ⊙ Found rebar set by others
  - ⊙ Set 5/8"x24" Rebar With Cap
  - ⊙ Section Corner

**Parcel "A"**  
 Description of Alley to be Vacated  
 A PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 12 NORTH, RANGE 3 WEST OF THE SALT LAKE BASE AND MERIDIAN.  
 BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1 OF THE RIVERSIDE SURVEY BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 15600 NORTH STREET LOCATED 33.00 FEET SOUTH 00°39'56" EAST AND 548.91 FEET NORTH 89°24'49" EAST FROM THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SAID SECTION 11;

**SURVEYOR'S CERT.**  
 I, K. Greg Hansen, do hereby certify that I am a Surveyor in the State of Utah in accordance with Professional Engineers and Professional Land Surveyor authority of the owners, I have completed a survey and shown hereon this plat in accordance with I verified all measurements, and that the same monuments have been located and/or placed on



Approximate area of ally way  
to requested to be vacated.