

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

February 17, 2022

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 L. Munns, S. Zollinger, K. McGaha, M. Udy, B. Robinson, M. Wilding and J. Holmgren)

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL of the January 20, 2022 Planning Commission Minutes.

5. UNFINISHED BUSINESS

- a. None.

6. PUBLIC HEARINGS

- a. **ORDINANCE TEXT AMENDMENT, Z22-001**, Request for a text amendment to remove Chapter 3-8-1, Master Planned Community Zone, from the Box Elder County Land Use Management & Development Code. **ACTION**
- b. **ORDINANCE TEXT AMENDMENT, Z22-002**, Request for a text amendment to change Chapter 5-3, Signs, of the Box Elder County Land Use Management & Development Code. **ACTION**

7. NEW BUSINESS

- a. **AGRICULTURE PROTECTION AREA, AP22-01**, Request to create a new agricultural protection area on multiple parcels around the Brigham City area of Unincorporated Box Elder County. **ACTION**
- b. **BEAR HOLLOW EVENT CENTER SITE PLAN, SP21-010**, Request for approval of an events center located at approximately 15010 North Bear Hollow Dr. in the Collinston area of Unincorporated Box Elder County. **ACTION**
- c. **SURPLUS PROPERTY DISPOSAL FOR COUNTY PROPERTY IN BRIGHAM CITY**
ACTION

8. WORKING REPORTS

- a. Home Occupations/Home Businesses

9. PUBLIC COMMENT

10. ADJOURN

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JANUARY 20, 2022

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:

Roll Call

Mellonee Wilding	Excused
Jared Holmgren	Vice-Chair
Kevin McGaha	Excused
Michael Udy	Excused
Steven Zollinger	Member
Bonnie Robinson	Member
Laurie Munns	Member

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	Excused
Steve Hadfield	County Attorney
Jeff Scott	Excused
Diane Fuhrman	Executive Secretary

Vice Chair Jared Holmgren called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Steven Zollinger.

Pledge was led by Commissioner Laurie Munns.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the December 16, 2021 meeting were made available to the Planning Commission prior to this meeting and upon review a **Motion** was made by Commissioner Laurie Munns to approve the minutes as written. The motion was seconded by Commissioner Steven Zollinger and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

Vice-Chair Jared Holmgren explained public hearings provide an opportunity for the public to voice their concerns or approval on an item. In the meeting there is also unfinished business, public hearings, and new business. The unfinished business and new business provides opportunity for the commissioners to take action on an item. It is not a time for public comment or input. Although the commissioners may ask questions of the applicant during these times.

ORDINANCE TEXT AMENDMENT, Z21-023, Request for a text amendment to change the eligibility requirements of Chapter 3-8-1, Master Planned Community Zone, of the Box Elder County Land Use Management & Development Code. ACTION

Staff stated Section 3-8-1 of County code is the MPC (Master Planned Community) zone. It is a unique zone as it has 5 specific eligibility requirements. The first eligibility requirement states a property must encompass a minimum of 100 acres to assure reasonable internal and external land use compatibility. The modification the applicant is proposing is to add is “If the property/development is to be serviced by sewer, the minimum acreage requirement for the MPC zone shall be reduced to fifty (50) acres”. If the property/development is serviced by individual septic systems it would need to meet the 100-acre requirement.

The public hearing was then opened for comments.

Staff read a letter from Juliana Larsen.

(See Attachment No. 2 – Letter.)

Jan Nielsen has concerns as a resident of the area being considered. She was on the committee who set up the Master Plan years ago and said it has changed some since then. She is concerned about the services available in the area, particularly water. The water there would not be enough to support what is being requested. And since this is a corridor of traffic, the traffic pattern would be extremely difficult for the citizens with just the one road. It would be difficult to get in and out, especially with the gravel trucks. Most of the citizens like the rural environment and do not want high density. The citizens would appreciate the County respecting the Master Plan. Ms. Nielsen objects to lowering the acreage for high density housing.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Ordinance Text Amendment, Z21-023. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

ACTION

Staff read the standards for reviewing zoning text amendments as they apply to this request as follows:

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 most growth should occur in the cities and towns. The County can adopt policies to encourage that to happen, but must continue to recognize private property rights and coordinate with incorporated communities. Incorporated cities may want assurance that growth adjacent to their current boundaries reflect policies/plans of their community. This would take a high level of cooperation and coordination between the city and the County.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; This text amendment would apply to all

areas of unincorporated Box Elder County, the Planning Commission needs to decide if this amendment would be harmonious.

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

The proposed amendment is likely to affect adjacent property. Whether the affect is adverse is possibly subjective and up to adjacent property owners. The public hearing process may shed additional light on this subject.

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 likely have an effect on the facilities in the area of development. Proof of adequacy would be required as part of the rezone and development agreement process.

Staff said this is a legislative decision so the request will go before the County Commission for a final decision. Staff advised the Planning Commission when making their recommendation to the County Commission, the four approval standards should be taken into account as well as additional information from public input, resident preferences, private property rights, and economic considerations.

Commissioner Laurie Munns stated the County is not in the business of being a city. This is a way to get a 1/3 acre lots instead of a 1/2 acre. It is an opportunity to put more lots into the acreage. The only places that are going to have sewer are places next to a city. She feels the cities should annex the MPC into their cities as opposed to being in the County boundaries.

Commissioner Bonnie Robinson agreed and said the County's General Plan states most growth should occur in cities and towns. Housing of this density means town or city. She feels this request seems unreasonable. If an area is serviced by city utilities the residents should be annexed into the city so they have a vote on who controls the utilities. Commissioner Robinson said one of the eligibility requirements is the property needs to be unique due to size, slope, natural features, sensitive lands, natural hazards, current land use, etc. She pictures something unique that needs to be the focus of the community but does not see how that can be met on 50 acres.

Commissioner Steven Zollinger said if we do this for one area that leaves the County open to all other unincorporated areas. We are not in the business of having Master Planned Communities zoned in the County, we would ask it to be done in the cities.

Mike Bastian, applicant, explained there are places within the County that are not annexed into cities but can be serviced by city sewer which was the thought process behind lowering the requirement to 50 acres. By putting the caveat of being serviced by sewer to lower the eligibility to 50 acres, not many cities will allow places to be serviced by their sewer outside of their city limits as well, which concentrates the amount of area eligible for this MPC.

MOTION: A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of denial to the County Commission on application Z21-023, an ordinance text amendment to change the eligibility requirement of the MPC zone, based on it not being harmonious with the overall character of the County, residents are against the proposal, most growth should occur in cities & towns, will negatively affect adjacent property owners, and cause more condensed travel. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

NEW BUSINESS

BEAR HOLLOW EVENT CENTER SITE PLAN, SP21-010, Request for approval of an events center located at approximately 15010 North Bear Hollow Dr. in the Collinston area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting site plan approval for an event center including hard surface parking and sidewalks on approximately 51 acres located at approximately 15010 Bear Hollow Drive in the Collinston area. Substantial comments were sent by staff to the engineer working on the project and an updated drawing was expected yesterday but has not yet been received. County Code allows for an event center in un-zoned areas as a permitted use subject to site plan approval. The proposed use meets the standards of approval for permitted uses.

MOTION: A Motion was made by **Commissioner Laurie Munns** to table the review of application number SP21-010, approval of an events center, until the February 2022 meeting based on the County has not received the updated drawings. The motion was seconded by **Commissioner Bonnie Robinson** and unanimously carried.

BECKAM'S EDGE SUBDIVISION PHASE 2, SS21-034, Request for approval for a subdivision located at approximately 11050 North 8300 West in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff explained the Beckam's Edge Subdivision Phase 2 is located at 11200 North and 8400 West. Phase 1, Lots 1-9, is north of this property. Phase 2 has proposed nine lots, Lots 10-16. The lots range in size from 1.75 acres to 3.62 acres. This is in an un-zoned area and the surrounding land uses are Rural Residential and Agriculture. Access is via 8400 West which is an existing county road. New roads 11050 North and 8350 West are proposed as part of the first phase.

Staff has received utility letters from the power and gas companies and a feasibility letter has been received from the Bear River Health Department. Water will be provided through individual wells; proof of water rights and well permits have been provided by the Utah Division of Water Rights. Section 6-1-240(K) of the Land Use Code states the applicant must show the ground water in that area can test and meet the culinary water requirements. This section of code must be followed.

Marc Allred, applicant, said it is our preference to get water from West Corinne Water but they have not gotten very far on moving forward. West Corinne Water bought water from the Bear River Water Conservancy District but even with that added to the system, they are not able to sell any because they are already over capacity. He hopes to hear from West Corinne Water within the

next meeting date or two. If WCW decides to sell the first 100, he is in line to receive 45 of them for this phase. Mr. Allred prefers not to do the wells, but the only way for WCW to see he can move forward without buying their water is for the state of Utah to get started setting up for the wells. The state can then turn them over for irrigation shares and dig a shallow well. Culinary wells needs to be 100 ft. or deeper for culinary water. He is hoping the wells are just a backup plan.

Staff stated the reviews on the revised plat have been finalized and have received approval from all County departments. Staff recommends approval.

MOTION: A Motion was made by **Commissioner Laurie Munns** to approve application number SS21-034, a final plat for the Beckam's Edge Subdivision Phase 2, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Bonnie Robinson** and unanimously carried.

CONDITIONS:

1. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
3. Subject to review and approval by the County Engineer, Surveyor, and Roads, Fire, Planning, and Building Departments.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

LARKIN AGRICULTURAL SUBDIVISION, AS22-001, Request for approval for an amended subdivision located at approximately 10714 North 8400 West in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff said the applicant requesting an agricultural subdivision to separate one parcel into two. Parcel one would be 21.02 acres and parcel two would be 12.7 acres. The land is located in an un-zoned area in the Tremonton area of Box Elder County. Both new parcels qualify as agricultural parcels and meet the standards for review in state code. The new owner of record completes, signs, and records with the County Recorder a notice describing the parcel by legal description and stating the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 of state code, and will remain so until a future zoning change permits other uses. Staff has prepared the aforementioned document and is ready to be signed if this request is approved.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve application number AS22-001, an agricultural subdivision, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Laurie Munns** and unanimously carried.

PIERSON AGRICULTURAL SUBDIVISION, AS22-002, Request for approval for an agricultural subdivision located at approximately 13465 North East Garland Road in the East Garland area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting an agricultural subdivision to separate 12.34 acres for agricultural use from the existing 13.24 acres. An existing single family home will remain with the 0.90 acres. Both of the proposed parcels meet the zoning requirements for the area and the 12.34 acre parcel meets the minimum acreage to qualify as an agricultural parcel. The land is located in the East Garland area and is unzoned. This process would separate the home and create one legal parcel designated for agricultural use. The request meets all of the standards for review in state code and staff has prepared the document described in Section (2)(a)(ii) of state code to be signed and then recorded. State code also requires staff to present an ordinance to the County Commission due to there being a home on the property.

MOTION: A Motion was made by **Commissioner Steven Zollinger** to approve application number AS22-002, an agricultural subdivision, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Laurie Munns** and unanimously carried.

WORKING REPORTS

Home Occupations/Home Businesses

Staff said there are separate definitions for home businesses and home occupations. Home occupations refer to businesses running a daycare or a salon or accounting out of a home whereas home businesses currently allows for up to nine employees which has become problematic. Staff has been reviewing codes from other places and has some good ideas. Staff would like to lessen the impact on the neighbors who moved into a place assuming they were buying in a more residential area, not a business oriented area. (trucking and auto repair etc.) Staff will send the Commissioners what they have currently as far as home businesses and home occupations.

MPC Zones

Commissioner Jared Holmgren directed staff to “handle” the MPC zone and put it as an action item on the next agenda.

Cemeteries

Commissioners Laurie Munns said Box Elder County is very diverse. There is a family cemetery in Corinne that is going to be totally different from the one on the hillside in Park Valley. This is not going to be a one size fits all. She thinks it is going to be difficult to wrap parameters around. A fence might not be suitable in one area but could be in another. She directed staff to put this item on next month’s agenda.

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Laurie Munns to adjourn commission meeting. The motion was seconded by Commissioner Steven Zollinger and meeting adjourned at 8 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION

STAFF REPORT

Meeting Date: February 17, 2022

Agenda Item #: 6a

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z22-001

ORDINANCE:

Chapter 3-8-1, Master
Planned Community Zone

TYPE OF APPLICATION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The Box Elder County Planning Commissioners have requested consideration that a text amendment be made to remove Chapter 3-8-1, Master Planned Community Zone, from the Box Elder County Land Use Management & Development Code. (See attachment for proposed amendment)

ANALYSIS

County Code:

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

Land Use Ordinance Standards Review:

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

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

The General Plan states: "Box Elder County understands that future development is most likely to occur in areas where adequate services are available. The County does not support extending services through or into areas that have not been identified for future development. With respect to responsible land use planning and efficient resource use, it is the County's preference that growth and development take place within existing communities or in unincorporated areas within which adequate services are or may be made available."

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

This text amendment would apply to all areas of unincorporated Box Elder County, the Planning Commission needs to decide if this amendment would be harmonious.

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

The proposed amendment would likely have little affect on adjacent property. Whether the affect is adverse is possibly subjective and up to adjacent property owners. The public hearing process may shed

additional light on this subject.

- 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 likely reduce the effect on the facilities in the area of development.

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. The Planning Commission will need to determine if this application meets the standards in Section 2-2-080.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and a review of areas, the Planning Commission should forward a recommendation to the County Commission. *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 of approval is forwarded to the County Commission 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 Z22-001, an ordinance text amendment 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 Z22-001, an ordinance text amendment 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 Z22-001, an ordinance text amendment 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.

Proposed Text Amendment:

~~Chapter 3-8-1 Master Planned Community Zone~~

~~Ordinance No. 316 as adopted August 11, 2009~~

~~Sections. 3-8-1~~

- ~~Purpose and Intent~~
- ~~MPC Zones Created~~
- ~~Eligibility~~
- ~~Master Planned Community Application Submittal~~
- ~~Payment of Fees~~
- ~~Selection of Planning Consultants~~
- ~~Rezoning Required~~
- ~~Zone Designation~~
- ~~Phasing~~
- ~~Exceptions or Variations from the Approved Specific Plans~~
- ~~Zoning Reversion~~

~~Purpose and Intent~~

~~The purpose of the Master Planned Community (MPC) Zone designation is to provide a regulatory tool which allows large properties to be developed in accordance with a specific plan and pursuant to a development agreement. The MPC relies on the submission of a specific plan, creation of unique zone descriptions, and negotiated development agreements to promote inventive and efficient land use patterns that would otherwise be difficult or impossible to accomplish under other county zoning ordinances. Such areas will result in a unified development that promotes a sense of community, high quality design standards, walkable neighborhoods, centers of activity, and increased compatibility with surrounding properties. Such areas may promote a mix of uses, traditionally separated in the county ordinance.~~

~~Specific plans are conceptual in nature but more precise than the County General Plan. Specific plans will generally include text and maps sufficient to generally delineate proposed land uses issues for~~

~~the site. Specific plans shall provide goals for the area which can be translated into more formal zoning designations.~~

~~MPC Zones Created~~

~~———— An area approved as a MPC may generally follow the requirements of an existing conventional zone but shall be considered a new zoning district. If an existing zone is to be followed, variations from that zone are anticipated and encouraged to meet the goals of the approved specific plan. Property to which the MPC has been applied may require a General Plan change, followed by a subdivision(s) or conditional use permit(s) and shall be developed only in conformance with an approved specific plan and development agreement. Land uses appropriate to the area shall be defined in the process and in the new zone.~~

~~Eligibility~~

- ~~———— To be considered for a MPC zone, all applications shall meet the following criteria:~~
- ~~1. Encompass a minimum of one hundred (100) acres to assure reasonable internal and external land use compatibility. The property in question shall be solely owned by an individual, partnership, or corporate entity, or under option to purchase by an individual, partnership, or corporate entity, at the time an MPC application is submitted; otherwise, the MPC application shall be filed jointly by all owners of the property.~~
 - ~~2. Demonstrate in textual, visual, and oral form to the Planning Commission and the County Commission that the property in question is unique due to size, slope, natural features, sensitive lands, natural hazards, current land uses, other relevant features or that difficult hardship related conditions exist.~~
 - ~~3. All areas of the proposed MPC zone shall be included in the specific plan.~~
 - ~~4. Offer unique advantages over traditional forms of development as determined by the Planning Commission and County Commission.~~
 - ~~5. A portion of the housing units shall be income targeted housing for persons of medium and low income. The number of income targeted housing units must be commensurate with the size and scope of the proposed development and is subject to the approval by the County Commission.~~

~~Master Planned Community Application Submittal~~

- ~~———— Minimum requirements for submittal to the Planning Commission are as follows:~~
- ~~1. An accurate legal description of the entire MPC zone to be designated. A map shall be included showing the area and vicinity. The MPC zone proposed may include more property than is currently being considered for a current development plan but which may later be developed in a subsequent phase as shown in the current development plan.~~
 - ~~2. A specific plan including: the conceptual location, arrangement and configuration of the various land uses proposed; the general alignment of arterial, collector, and other backbone streets; the system of open spaces and pedestrian/bicycle trails; existing vegetation; potential lotting~~

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- ~~patterns; density; development amenities; proposed housing for persons of medium or low income; and other relevant information.~~
- ~~3. Contour information shall be provided in areas with slopes over 10%. Anticipated final grading should also be conceptually identified.~~
 - ~~4. Proposed locations for stormwater detention and the system for collection and distribution.~~
 - ~~5. Method of providing water and sewer service, including verification of capacity.~~
 - ~~6. A list of permitted and conditional uses.~~
 - ~~7. Conceptual standards for height, placement, and size of buildings including setbacks.~~
 - ~~8. Title commitment report.~~
 - ~~9. Payment of initial General Plan Amendment and Zoning Map/Ordinance Amendment Application fees.~~

Payment of Fees

~~———The County has limited personnel and financial resources to consider the issues raised by an MPC application. Upon payment of the initial application fees, the applicant shall schedule a meeting with the County Planner, including the County's engineer, and County's legal counsel, to prepare an initial cost estimate and/or requests for proposals for planning or other consultants the County determines are needed for review and consideration of the proposed plan, development agreement and rezoning. The need for consultants shall be at the discretion of the County Planner. After the meeting with the County Planner, the County's engineer, and County's legal counsel and an appropriate time for the receipt of proposal from needed consultants, the County shall provide the applicant with an estimate of the extraordinary expenses that will be caused by the application including, but not limited to, outside planning consultants, outside engineering consultants, and outside legal counsel. If the applicant desires to continue to process the application, the applicant shall deposit with the County twenty percent (20%) of the estimated expenses. The County shall draw on the application deposit on a monthly basis as billed by the required consultants and shall promptly provide copies of such bills to the applicant. At the end of any month when the deposit shall become lower than ten percent (10%) of the estimated expenses, the applicant shall, in order to continue processing the application, within fifteen (15) days of being notified by the County, deposit with the County such monies as are necessary to restore the deposit to being no less than ten percent (10%) of the estimated expenses. The total amount of billing to the applicant for an MPC application shall not exceed one hundred ten percent (110%) of the initial estimate. At the completion of the processing of an MPC application, any balance remaining on the deposit shall be refunded to the applicant. In the event the MPC applicant conforms to the foregoing, such application will be expedited by the County.~~

Selection of Planning Consultants

~~———In recognition of the fact that the applicant for an MPC Zone is paying fees for outside planning and engineering consultants the County shall consult in good faith with the applicant in selecting such planning consultants. The County shall choose engineers, which shall be chosen at the sole and unfettered discretion of the County specifically, prior to choosing the planning consultants, the County and the applicant shall meet and attempt to create a process that complies with State law and the County Code in obtaining~~

~~proposals for such services. After proposals are received for the provision of such planning services, the County and the applicant shall cooperate in choosing the consultants considering such factors as the cost and timing for performing such services and the experience of the proposers in successfully working on projects of the type being proposed. The applicant, in its sole discretion, shall be entitled to veto the selection of any one planning consultant. The ultimate selection of the consultants shall be the County's.~~

Rezoning Required

~~———— The rezoning shall follow procedures outlined in the County Code for such processes. No rights to any development pursuant to this MPC Ordinance shall accrue to any property until all of the requirements of this MPC Ordinance are satisfied, including the execution and recordation of a development agreement. The zone approval shall include the following:~~

- ~~1. A specific plan including maps, text, and supporting information as defined in the previous section.~~
- ~~2. The text for the draft property specific MPC zone, and any associated sub-districts, to be implemented, generally defined with the following elements:~~
 - ~~a. Name of Zone/Purpose/Goals~~
 - ~~b. Lot area, width, setbacks, building heights, lot coverage, and housing densities.~~
 - ~~c. Streetscapes, parking, and circulation~~
 - ~~d. Fencing~~
 - ~~e. Signs~~
 - ~~f. Architectural standards~~
- ~~3. A development agreement that runs with the land.~~

Zone Designation

~~———— Each MPC zone shall, after its adoption, have a unique designation pertaining to the area to be rezoned. It shall be designated by the prefix “MPC” and then a descriptive title for the area it is intended to cover. Each new MPC zone shall be added to this chapter.~~

Phasing

~~———— Projects may be phased over a defined number of years. For example, a project may have an initial phase of land contouring or gravel extraction, and then lead into residential or commercial construction or development. Phasing shall be defined as part of the specific plan and shall be a part of the development agreement.~~

~~———— Phases and property may be added to a particular MPC zone subject to an amendment to the specific plan and development agreement.~~

Exceptions or Variations from the Approved Specific Plans

~~———— After adoption of the MPC, during the construction process, there may be a need for modifications to the plans. Changes to the specific plans shall be made pursuant to the processes specified therefore in~~



~~the approved development agreement or, if there are no such procedures, the Planning Commission shall hold a hearing and make a determination in favor, against, or a modification to the proposal. All approved specific plans shall be strictly followed.~~

~~Zoning Reversion~~

~~———— If substantial construction or the initial defined phase is not begun within seven (7) years or as otherwise provided in the development agreement, the MPC zone will be considered abandoned and revert to the previous zone designation without any additional action by the County Commission or the Planning Commission, or in lieu of automatic reversion to the previous zone designation the County may elect to rezone the property to some other zoning classification other than the previous zone designation. Extensions of the zoning designation may be granted by the County Commission, if legitimate reasons are offered by the applicant or property owner, or the Commission finds that it is in the best interest of Box Elder County to continue the zone designation.~~

PLANNING COMMISSION STAFF REPORT

Meeting Date: February 17, 2022
Agenda Item #: 6b

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z22-002

ORDINANCE:

Chapter 5-3

TYPE OF APPLICATION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting a text amendment to amend Sections in Chapter 5-3, Signs of the Box Elder Land Use Management and Development Code. This is to update our Sign Chapter taking out the ability for electronic signs in all sign zones and to clarify Sections of this Chapter. In the last legislative session there was a bill that would have allowed any billboard to be converted to a digital billboard if a code allowed them on premise but not off premise. The United States Supreme Court is currently making a decision on billboards that also has to do with allowing them to be converted to digital if digital signs are permitted on premise but not off premise. To be consistent with both on premise and off premise signs, we are proposing to not allow them in any sign zone.

ANALYSIS**County Code:**

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

Land Use Ordinance Standards Review:

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

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

The County General Plan doesn't specifically address signage, but does address land uses that may rely upon signage. For those land uses it states "Box Elder County understands that future development is most likely to occur in areas where adequate services are available. The County does not support extending services through or into areas that have not been identified for future development. With respect to responsible land use planning and efficient resource use, it is the County's preference that growth and development take place within existing communities or in unincorporated areas within which adequate services are or may be made available."

B. Whether the proposed amendment is harmonious with the overall character of existing

development in the vicinity of the subject property;

This text amendment would apply to all areas of unincorporated Box Elder County.

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

The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.

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 should not have an effect on the adequacy of facilities.

FINDINGS:

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

1. The Box Elder Land Use Management and Development Code does allow for ordinance text amendments subject to review procedures and approval by the County Commission with a recommendation from the Planning Commission.
2. The Planning Commission will need to determine if this application meets the standards in Section 2-2-080.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and a review of areas, the Planning Commission should forward a recommendation to the County Commission. 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 of approval is forwarded to the County Commission 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 Z22-002, an ordinance text amendment 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 Z22-002, an ordinance text amendment 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 Z22-002, an ordinance text amendment based on the following findings:”

1. List findings for denial...

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

Proposed Text Amendment:

Chapter 5-3 - Signs Regulations

~~Box Elder Zoning Ordinance 358 as Adopted: April 4, 2012~~

- | | |
|---------------------|--|
| 5-3-010. | Title. |
| 5-3-0210. | Purpose. |
| 5-3-0320. | Definitions. |
| 5-3-0430. | Interpretation. |
| 5-3-0540. | Severability. |
| 5-3-0650. | General Regulations. |
| 5-3-0760. | Signs Not Regulated By This Chapter. |
| 5-3-0870. | Inspections. |
| 5-3-0980. | Enforcement. |
| 5-3-1090. | Violations & Penalties. |
| 5-3-1100. | Sign Permit & Permit Fee Required. |
| 5-3-1220. | Non-Conforming Signs. |
| 5-3-1230. | Maintenance & Repair. |
| 5-3-1340. | Sign Overlay Zoning Districts. |
| 5-3-1450. | Codes & Symbols. |
| 5-3-1560. | Sign Types, Effects, Dimensions, Numbers, and Locations by Overlay District. |

~~5-3-010. — Title.~~

~~The regulations contained in this Chapter shall be known by and may be cited as “Sign Regulations” of Box Elder County and its Land Use Management and Development Code.~~

5-3-0210. Purpose.

The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, to improve appearance and views within the major transportation corridors by setting requirements for the location, type, number of, size, height, and lighting of signs and to preserve and improve the aesthetic values, economic prosperity, and visual qualities of Box Elder County.

The purpose of the sign regulations set forth in this Code shall be to balance public and private interests by establishing parameters regarding the display, erection, use, and maintenance of signage within Box Elder County in order to:

- ~~A. Promote the creation of an attractive visual environment that encourages a healthy economy by:
 - 1. Permitting businesses to inform, identify, and communicate effectively;
 - 2. Directing the general public through the use of signs;
 - 3. Recognizing the various commercial communication requirements of all sectors of the business community; and
 - 4. Encouraging the innovative use of design.~~
- ~~B. Preserve and improve the appearance of Box Elder County as a place in which to live and to work and as an attraction to non-residents who come to visit or trade by:
 - 1. Protecting public and private investment in buildings and open spaces;
 - 2. Safeguarding and enhancing property values;
 - 3. Integrating signs that are harmonious to the buildings and sites which they occupy;
 - 4. Encouraging the appropriate design, scale, and placement of signs; and
 - 5. Limiting or forbidding signs which interfere with solar access of adjacent properties.~~
- ~~C. To foster public safety along public and private streets within the community by:
 - 1. Assuring that all signs are in safe and appropriate locations;
 - 2. Minimizing potential hazards to motorists and pedestrians;
 - 3. Reducing driver inattentiveness; and
 - 4. Promoting renovation and proper maintenance of signage.~~
- ~~D. To have administrative review procedures that are the minimum necessary to:
 - 1. Guarantee equal treatment under the law through accurate record keeping and consistent enforcement;
 - 2. Balance the community's objectives and regulatory requirements with the reasonable advertising and way-finding needs of businesses;
 - 3. Provide flexibility as to the number and placement of signs so the regulations are more responsive to business needs while maintaining the community's standards; and
 - 4. Allow for consistent enforcement of the Sign Regulations.~~

5-3-0320. Definitions.

A Frame Sign: A sign constructed of wood, plastic, or metal, having a solid surface for written advertising with two sides not exceeding 6 square feet on a side attached at the top to allow the sign to stand in an upright position weighted or anchored sufficiently at the bottom to prevent blow overs and to be movable at will.

Abandoned Sign: A sign which, for a period of at least ~~one hundred eighty (180) consecutive days~~ one (1) year or longer no longer advertises or identifies a legal business establishment, an existing product or activity, or accurate information.

Alterations: A change or rearrangement in the structural parts or design whether by extending on a side, by increasing in area or height, or by relocating or change in position.

~~**Animated:** A sign with parts or sections which revolve or move or which has flashing or intermittent lights, but not including electronic message signs.~~

Awning Sign: A sign which is integral with or placed on a translucent awning or other “fabric” covering a framework and which is backlit.

Billboard: A freestanding sign that identifies or communicates a commercial or non-commercial message regarding an activity, service, product, or matter that is not conducted on or related to the lot or parcel where the sign is located.

Canopy Sign: A sign which is mounted on and supported by a canopy and may be found either above the canopy or hanging beneath the canopy, but in all cases mounted perpendicular to the building.

Changeable Copy: A sign on which text or copy is changed manually or electronically, but not including poster panels or painted bulletins.

County Road: Any roads built or maintained in whole or in part by Box Elder County or with the aid of Box Elder County funds.

Fascia Sign: A sign which is erected on or above the roof line of a building and which is wholly or partially supported by the building.

~~**Flashing:** A sign which contains or is illuminated by lights which are intermittently cut on or off, change intensity or otherwise create the illusion of flashing or movement.~~

Freestanding Sign: A sign which is supported by one or more upright columns, poles, or braces, in or upon the ground.

Identification: A sign displayed to indicate the name or nature of a building, or of a use.

Illuminated Sign: A sign equipped with artificial lighting devices for the purpose of improving the sign's visibility. This definition shall include internally and externally lighted signs.

Interstate Highway: Roads that receive federal aid or are considered to be part of the National Highway System.

~~**Low Profile Sign:** A sign mounted directly, or in close proximity, to the ground, and not over six (6) feet in height from the top of any required landscaped berm to the top of the sign cabinet which is incorporated into some form of landscaping design scheme, planter box, or berm.~~

~~**Marquee:** A permanent roof like shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right of way.~~

~~**Marquee Sign:** Any sign attached to or made an integral part of a marquee.~~ A permanent roof like shelter extending from part or all of a building face and constructed of some durable material.

~~**Message Center:** A display consisting of an array of light sources, panels or disks which are electronically activated.~~

Mobile Sign: A sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground.

Monument Sign: A sign mounted directly, or in close proximity, to the ground, and not over six (6) feet in height from the top of any required landscaped berm to the top of the sign cabinet which is incorporated into some form of landscaping design scheme, planter box, or berm.

Non-conforming Sign: A sign or sign structure which lawfully existed at the time an applicable zoning or other ordinance became effective, but which does not presently conform to all the requirements of this Code.

Official business directional sign: A sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to public accommodations or commercial services for the traveling public.

Off-premises Sign: Any sign, including a billboard or general outdoor advertising device, that advertises or directs attention to a business, commodity, service, activity, or matter conducted, sold, or offered elsewhere than on the same lot or parcel upon which such sign is located.

On-premise Sign: A sign which advertises products or services available on the premises where the sign is located.

Portable and temporary signs: A sign, with or without changeable copy, intended for temporary use which is not permanently affixed to the ground or a structure. To include A Frame Signs and Mobile Signs.

Projecting Wall Sign: A sign which is affixed to an exterior wall or building or structure and which projects more than 18 inches from the building or structure wall, and which does not extend above the parapet, eaves, or building facade of the building upon which it is placed.

Roof Sign: A sign which is erected on or above the roof line of a building and which is wholly or partially supported by the building.

Rotating Sign: A sign which revolves three hundred sixty (360) degrees with continuing motion.

Sign: Any object, device, display, or structure, or a part thereof, used to visually convey a commercial and/or noncommercial message and design for the purpose of directing, attracting attention, or making known the subject thereof, but not including the lawful display of merchandise.

Sign Area: For signs that have a frame or a separate background, the area of a sign that is used for writing, representation, emblem or other display purposes located within the area of the frame or separate background containing the display, excluding the structural supporting framework, bracing or wall provided such wall meets zoning ordinance regulations and is clearly incidental to the display itself. In computing sign area, only one side of a back-to-back or double face sign shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than thirty degrees (30°). For signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display, including any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. When a low profile sign is mounted on a base rising a maximum of three feet and consisting of materials matching the predominant materials used in the construction of the principal building on the premise where the sign is located, the area of the base shall not be included in the calculation of sign area.

Sign Height: The distance in vertical feet from the elevation of the adjacent dedicated public street, at the edge of the pavement, to the highest point of the sign structure. For property with an elevation higher than the adjacent public street, the height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

Snipe Sign: A sign which is attached to a public utility pole, light fixture poles, canopy supports, or the supports for another sign.

State Road: Any roads built or maintained in whole or in part by the state or with the aid of state funds.

Tourist-oriented directional sign: A sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to points of scenic, historic, cultural, educational, religious, and recreational interest.

5-3-0430. Interpretation.

The requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Code, the Box Elder County ordinances, or other laws. However, the requirements of this Chapter shall prevail over conflicting provisions of any other requirement in this Code unless a different standard is expressly authorized.

In interpreting and applying the provisions of this Code, the sign regulations contained herein are declared to be the minimum standards allowable for the purpose set forth. The types of signs allowed by this Code shall be plenary and sign types not specifically allowed as set forth within the Code shall be prohibited. It is not intended by this Chapter to interfere with nor abrogate nor annul any easement, covenants, nor other agreements between private parties existing at the time of the effective date of this Code; provided, however, that where this Code imposes a greater restriction upon signs, and the location thereof requires or imposes other conditions than those required or imposed by other laws, ordinances, or restrictions, the provisions of this Code shall control.

In matters of interpretation, the provisions of this chapter shall be interpreted by the Zoning Administrator or designee.

5-3-0540. Severability.

This Chapter is hereby declared severable. In the event that any provision in this Chapter is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or the enforcement of either this Chapter as a whole or any parts not declared invalid or unconstitutional.

5-3-0650. General Regulations.

- A. Except as provided in this Code, no sign shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, or have the text of the sign changed, except in conformity with the regulations herein specified for the use district in which it is located. No permit is required for the maintenance of a sign nor is a permit required to change copy on painted, printed, or changeable copy signs.
- B. All signs hereafter erected in Box Elder County shall comply with the current standards of the National Electrical Code, the Uniform Building Code, and all other ordinances of Box Elder County. ~~No sign shall be placed on public property or within a public right-of-way except when expressly licensed by the County Commission, and if applicable the Utah Department of Transportation.~~
- C. Unless otherwise specified in this Chapter, all signs may be illuminated. However no sign may utilize:
 1. An exposed incandescent lamp with an external reflector without a sunscreen or comparable diffusion;

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2. Any exposed incandescent lamp in excess of 15 watts unless a screen is attached;
 3. Any revolving beacon light.

- D. ~~Unless otherwise specified in this Chapter, any sign herein allowed may use manual or automatic changeable copy.~~ **If any provision of this chapter conflicts with any provision of other codes, then the more restrictive provision shall apply.**
- E. No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid Utah contractor's license and a valid **County** business license. All persons involved in the maintenance, installation, or relocation of signs near or upon the public right-of-way or property shall agree to hold harmless and indemnify Box Elder County, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this Code has not specifically directed the placement of a sign. Such persons shall also maintain insurance to indemnify Box Elder County against any form of liability to a minimum of \$1,000,000.00.
- F. **An Illuminated sign shall direct their light downward and be installed so that the light source cannot be seen by adjacent properties.**

5-3-0760. Signs Not Regulated By This Chapter.

These regulations pertain to all signs within Box Elder County, but shall not be construed to apply to:

- A. Official traffic or government signs installed for the benefit of the public, including official business directional signs and tourist-oriented directional signs;
- B. On-premise signs attached to windows or walls which are clearly of a temporary nature and which promote specific sales for short periods of time;
- C. Signs erected on private property and unaffiliated with any particular business being operated on that property which do not exceed twelve (12) square feet;
- D. Campaign election signs;
- E. Flags of any nation or flags of any government or non-commercial organization;

These provisions are not intended to regulate the copying of signs or the messages contained in the sign. This Chapter also does not regulate building design. Although not regulated by this Chapter the above signs may still require a building permit.

5-3-0870. Inspections.

The Building Official of Box Elder County shall have the following duties in regard to sign inspections:

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- A. To make an initial inspection of any sign that requires a building permit upon the completion, erection, reconstruction or remodeling of the same and notification of said completion, erection, reconstruction or remodeling. This inspection shall be made to assure compliance with the provisions of these regulations, other ordinances of Box Elder County and conditions precedent to the issuance of a conditional use permit if applicable.
 - B. To inspect each sign for which a complaint of non-compliance with local ordinances is made in writing to the building official.
 - C. To make routine compliance checks of all signs to ensure conformance to these regulations, other ordinances of Box Elder County and conditions precedent to the issuance of a conditional use permit if applicable.

5-3-0980. Enforcement.

The Zoning Administrator of Box Elder County is hereby vested with the duty of enforcing the sign regulations of this Code and in the performance of such duty is empowered and directed:

- A. To issue sign permits to construct, alter, or repair signs which conform to the regulations of Box Elder County.
- B. To determine whether the construction, alteration, or maintenance of any sign is in conformance with regulations of Box Elder County and the conditions imposed precedent to the issuance of a conditional use permit, if applicable.
- C. To issue a notice of violation to any person having charge or control over the sign, and person who receives a direct pecuniary benefit from displaying the sign, or any person who is otherwise responsible for the erection, alteration, or maintenance of any sign found by the Zoning Administrator to be unsafe or dangerous, or in violation of the ordinances of Box Elder County.
- D. To institute any appropriate action or proceedings in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in any case where any sign is used in violation of any ordinance of Box Elder County, including, but not limited to the zoning ordinance, to accomplish the following purposes:
 - 1. To prevent such unlawful erection, construction, re-construction, alteration, repair, conversion, maintenance or use, and
 - 2. To restrain, correct, or abate such violation.
- E. To abate and remove any unsafe or dangerous sign which is not repaired or made safe within 5 business days after giving appropriate notice to the person having charge, control, or benefit of any such sign. In such an event, the person having charge, control, or benefit of such sign shall pay to Box Elder County the costs incurred in such removal within 30 calendar days after written notice is mailed to such person.

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1. Upon failure to pay the costs incurred in abating and removing an unsafe or dangerous sign, Box Elder County may, by action of its County Commission, place a lien against property owned by the person having charge, control or benefit of such sign to assure compliance with this provision. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.
 2. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.
- F. To abate and remove any illegal sign other than unsafe or dangerous signs which is not made conforming within 60 business days after giving appropriate notice to the person having charge, control or benefit of any such sign. In such event, the person having charge, control or benefit of any such sign shall pay to Box Elder County the costs incurred in such removal within 30 calendar days after written notice is mailed to such person. Upon failure to pay the costs incurred in abating and removing an illegal sign, Box Elder County may, by action of its County Commission, place a lien against property owned by the person having charge, control or benefit of such sign to assure compliance with this provision. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.
- G. To abate and remove any non-maintained or abandoned sign which is not repaired or put into use within 10 business days after giving appropriate notice to the person having charge, control or benefit of any such sign. In such event, the person having charge, control or benefit of any such sign shall pay to Box Elder County the costs incurred in such removal within 30 calendar days after written notice is mailed to such person. Upon failure to pay the costs incurred in abating and removing a non-maintained or abandoned sign, Box Elder County may, by direction of its County Commission, place a lien against property owned by the person having charge, control or benefit of such sign to assure compliance with this provision. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.

5-3-1020. Violations & Penalties.

Any violations of this Chapter shall be subject to the enforcement procedures and penalties set forth in Chapter 2-4 of this Code.

5-3-1100. Sign Permit & Permit Fee Required.

All signs hereafter erected within Box Elder County shall be erected, reconstructed, or remodeled only in accord with the authority authorized by the sign permit issued by the County, unless such sign is not regulated as listed in Section 5-3-060. Application for a sign permit shall be made to the Zoning Administrator and shall be accompanied by a fee to defray the expenses to the County incurred in the administration of this Chapter. Such fee shall be established by resolution of the County Commission. A

sign permit shall be issued by the Zoning Administrator if the proposed sign is found by the Zoning Administrator to be in compliance with the provisions of this Code and other ordinances of the County. If the Zoning Administrator feels it is in the County's best interest that the sign should be presented to and reviewed by the Planning Commission that right is reserved. A building permit issued through the Box Elder County Building Official shall also be obtained **when required**.

A property owner may apply for a sign permit as provided in this section. An agent of a property owner shall provide a notarized authorization.

A. Procedure. An application for a sign permit shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the Zoning Administrator in a form established by the Administrator along with any fee established by the County's schedule of fees. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any;
 - b. A statement by the applicant demonstrating how the sign permit request meets the approval standards of Subsection 2-2-150(E) of this section;
 - c. A plot plan showing the following:
 - 1) Applicant's name;
 - 2) Site address;
 - 3) Property boundaries and dimensions;
 - 4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - 5) Adjoining property lines and uses within one hundred (100) feet of the subject property.
 - d. An elevation drawing showing:
 - 1) Type of sign;
 - 2) Sign location in relation to nearest property line;
 - 3) Sign face design;
 - 4) Sign height;
 - 5) Sign face area;
 - 6) Sign illumination details; and
 - 7) Reflective elements and materials.
2. After an application is determined to be complete, the Zoning Administrator shall approve, approve with conditions or deny the application within five (5) business days pursuant to the standards set forth in Section 5-3-110(B) below. Any conditions of approval shall be limited to conditions needed to conform the sign permit to approval standards.
3. After making a decision the Zoning Administrator shall give the applicant written notice of the decision.
4. A record of all sign permits shall be maintained in the office of the Zoning Administrator.

B. Approval Standards. The following standards shall apply to the issuance of a sign permit.

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1. A sign shall conform to applicable provisions of Chapter 5-3 of this Code.
 2. All signs shall be inspected by a designated officer of the County immediately after installation. The permittee shall request inspection within five (5) business days after installation.
 3. Building, electrical, and other permits shall be required as provided in the applicable building codes adopted by the County.

C. Appeal. Any person adversely affected by a final decision of the Zoning Administrator regarding a sign permit may appeal that decision to the Board of Adjustment as provided in Section 2-2-180 of this Code.

D. Effect of Approval. Approval of a sign permit shall authorize an applicant to:

1. Construct the sign as indicated on the permit, if no building, electrical, or any other permits are required.
2. If a building, electrical, or any other permits are required, such permits shall be obtained prior to construction.

E. Amendment. The procedure for amending any sign permit shall be the same as the original procedure set forth in this section.

F. Expiration. A sign permit shall expire and have no further force or effect if the sign authorized by the permit is not installed within one hundred eighty (180) days after approval.

5-3-1120. Non-Conforming Signs.

Non-conforming signs may adversely affect the public health, safety, and welfare. Additionally, such signs may adversely affect the aesthetic characteristics of Box Elder County and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of such signs.

A non-conforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the non-conforming sign:

- A. Shall not be replaced, except in conformity with the provisions of this ordinance;
- B. Shall not be enlarged, altered, or rebuilt except in conformance with this ordinance, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition; and
- C. Shall not be replaced, expanded or modified by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on non-conforming signs shall be permitted.
- D. Repair, reconstruction, and maintenance of a sign shall only include those actions required to restore the advertising sign to its original structural and mechanical condition. Such actions shall

not include increasing the size or height of the advertising sign, converting the advertising sign to a multiple message or adding any attachments to the advertising sign.

- E. A non-conforming sign damaged by fire, wind, earthquake, or other calamity may be restored as it existed previously and its use may be continued as long as the non-conforming sign had not been previously abandoned, and so long as restoration is started within ~~six (6) months~~ **one (1) year** and is diligently pursued to completion.

5-3-1230. Maintenance & Repair.

All signs shall be maintained in good condition, in such a manner as to preserve the condition, aesthetics, and life of such signs. Moving parts shall be maintained in operable condition. Signs designed to be lighted shall be maintained with a full array of lighting as intended by the design of each such sign.

Any signs not meeting the following provisions shall be repaired or removed in accordance with the following provisions:

- A. The area on private property around the sign on which it is erected shall be properly maintained clear of brush, trees, and other obstacles so as to make signs readily visible.
- B. All burned-out bulbs or damages panels must be replaced within a reasonable time.
- C. All sign copy shall be maintained securely to the face and all missing copy must be replaced within a reasonable time.
- D. All signs shall be designed, constructed, installed, and maintained so that public and traffic safety are not compromised.

5-3-1340. Sign Overlay Zoning Districts.

There are hereby created four overlay zoning districts (S-1, S-2, S-3, & S-4) to regulate the sign type, sign effects ~~and copy content~~, sign dimensions, number of signs, and sign location in Box Elder County. The Sign Overlay Zoning Districts are as follows:

- S-1** – Signs generally fronting on County roads and some State roads. Mostly residential/home business and some small commercial.
- S-2** – Signs generally fronting on State roads and some County roads. Mostly commercial and some home business.
- S-3** – Signs fronting on an interstate highway.
- S-4** – No signs allowed in this zone.

* Except where a property that is zoned commercial/manufacturing falls within the S-1 overlay zone it is reviewed according to S-2 overlay zone standards.

* All “unzoned” areas shall comply with S-1 overlay zone, except where S-2 overlay zone regulations are approved as part of a Site Plan application.

* Sign Zones S-3 and S-4 falls within a buffer 200 feet from the centerline of the interstate highway they front on.

5-3-1450. Codes & Symbols.

In the following section the sign type, sign effects and copy content, sign dimensions, number of signs, and sign location which are allowed in the various districts are shown as “permitted” indicated by a “P” in the appropriate column (headed by the overlay zoning district designation), or as “administrative conditional uses,” indicated by a “C1” in the appropriate column. If a regulation applies in a given district, it is indicated in the appropriate column by a number to show the linear or square feet required. If the regulation does not apply, or if it is not allowed in a given district, it is either not named in the use list or is indicated in the appropriate column by a dash, “-.”

5-3-1560. Sign Types, Effects, Dimensions, Numbers, and Locations by Overlay District.

		SIGN OVERLAY DISTRICT				
		“P” = Permitted Uses “C” = Conditional Uses “A” = Applies “-“ = Not permitted				
			S-1	S-2	S-3	S-4
A	1	SIGN TYPE				
		ON-PREMISE SIGNS				
		a. Free Standing	P	P	C1	-
		b. Marquee	P	P	-	-
		c. Projecting Wall	P	P	-	-
		d. Roof	P	P	-	-
		e. Fascia	P	P	-	-
		f. Canopy	P	P	-	-
		“P” = Permitted Uses “C” = Conditional Uses “A” = Applies “-“ = Not permitted	S-1	S-2	S-3	S-4
					-	

		g. Under Canopy	P	P	-	-
		h. Low Profile Monument	P	P	-	-
		i. Awning (electric)	P	P	-	-
		j. Portable and Temporary	P	P	-	-
2		OFF-PREMISE SIGNS				
		a. Free Standing	-	-	C1	-
		b. Roof	-	-	-	-
		c. Fascia	-	-	-	-
B	1	SIGN EFFECTS AND COPY CONTENT				
		ON-PREMISE SIGNS (BILLBOARDS EXCLUDED)				
		a. Identification	P	P	P	-
		b. Illuminated	P	P	P	-
		c. Rotating	-	P	C P	-
		d. Flashing	-	C	C	-
		e. d. Changeable Copy	P	P	P	-
		f. Animated	-	C	C	-
		OFF-PREMISE SIGNS				
		a. Illuminated	-	-	C1	-
		b. Rotating	-	-	C	-
		c. Flashing	-	-	C	-
		d. b. Changeable Copy	-	-	C1	-
		e. Animated	-	-	-	-
		f. Message Center	-	P	C	-
C		SIGN DIMENSIONS				
		1. Sign Height (in feet)	10	30	40	-
		2. Maximum Sign Area on Premise (total in square feet)		250	672	-
		Non-home occupation (per sign face)	40	150	-	-
		Home occupation (total in square feet) * The following applies to S-1 only:	*16	16	-	-

		Minimum = 2 square feet Maximum = 16 square feet 2 square feet for every ½ acre of land use zone (i.e. R-1-20 = 2 square feet, RR-2 = 8 square feet)				
		“P” = Permitted Uses “C” = Conditional Uses “A” = Applies “-” = Not permitted	S-1	S-2	S-3	
		3. Maximum Sign Area off Premise (in square feet) with minimum spacing of 2,000 feet. (Billboards)	-	-	672	-
D	1	NUMBER OF SIGNS				
		ON-PREMISE SIGNS				
		a. Free Standing	1	1	1	-
		b. Marquee	1	1	-	-
		c. Projecting Wall	1	1	-	-
		d. Roof	1	1	-	-
		e. Fascia	1	2	-	-
		f. Canopy	1	1	-	-
	2	OFF-PREMISE SIGNS				
		a. Free Standing	-	-	1	-
		b. Roof	-	-	-	-
E		LOCATION OF SIGNS				
		1. Minimum Setback from Public Right-of-Way (in feet)	10	10	10	-
		2. Minimum Distance Between Signs Off-Premise “billboards” minimum spacing in lineal feet	-	-	2000	-
		3. Maximum Overhang of Public Right-of-Way Limited to the thickness of sign with a maximum in feet of:	1	1	1	-

NOTE - Signs are not permitted on public property or within the public right-of-way or above the public right-of-way ~~without express license from the County Commission or State Department of Transportation.~~



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

Also note that signs are not permitted in the residential districts except as expressly described in these regulations.

PLANNING COMMISSION

STAFF REPORT

Meeting Date: February 17, 2022

Agenda Item #: 7a

Application Type:

Agricultural Protection Area

APPLICANT(S):

D. Leon Jensen, et al.

PROJECT #:

AP22-01

ADDRESS:

Multiple parcels in the West
Brigham City area

PARCEL #:

03-109-0044, 03-109-0062,
03-109-0064, 03-109-0068,
03-109-0071, 03-109-0077,
03-109-0081, 03-109-0083,
03-109-0085, 03-109-0086,
03-109-0087, 03-110-0002,
03-110-0004, 03-110-0010,
03-110-0011, 03-110-0012,
03-110-0023, 03-110-0027

CURRENT ZONE:

A-20/RR-5

TYPE OF ACTION:

Legislative

REPORT BY:

Destin Christiansen,
County Planner

BACKGROUND

The applicants are requesting to establish an Agriculture Protection Area on approximately 339.11 acres located on multiple parcels in the West Brigham City Area.

ANALYSIS

State Code:

Utah State Code 17-41 regulates the establishment of Agriculture Protection Areas. According to this code, the Planning Commission shall submit a written report to the County Commission regarding the proposal.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Rural Residential/Ag	A-20
South	Rural Residential/Ag	Brigham City
East	Agriculture	A-20/RR-5
West	Rural Residential/Ag	A-20

Approval Standards Review:

Utah State Code 17-41-303 outlines the following standards for review for the creation of Agriculture Protection Areas.

A. The effect of the creation of the proposed area on the planning policies and objectives of the county;

At this time, the County has nothing in place promoting or restricting the creation of Agriculture Protection Areas. The one aspect of Agriculture Protection Areas that affects county planning is that the county cannot change the zoning of or a zoning regulation affecting land within a protection area without written approval from all landowners within the protection area that is affected by the change.

B. Analyzes and evaluates the proposal by applying the criteria

contained in Section 17-41-305;

a. Whether or not the land is currently being used for agriculture production;

The proposed parcels are currently being used for agriculture production; however, one parcel (03-109-0044) contains a residence.

b. Whether or not the land is zoned for agricultural use;

The proposed parcels are zoned for A-20 (agriculture-20 acres) and RR-5 (rural residential-5 acres).

c. Whether or not the land is viable for agricultural production;

The proposed parcels are viable for agricultural production.

d. The extent and nature of existing or proposed farm improvements; and

100% of the acreage is currently being used for agricultural production aside from the residence on parcel #03-109-0044.

e. In the case of an agriculture protection area, anticipated trends in agricultural and technological conditions applicable to the use of the land in question.

This is something Planning Commissioners familiar with agricultural production may be more familiar with.

C. Recommends any modifications to the land to be included in the proposed agricultural protection area;

Recommend removing parcels 03-003-0057, 03-003-0058, 03-109-0073, 03-109-0082, and 03-109-0084 from the proposed protection area as the parcels reside within Brigham City limits and the County does not have jurisdiction.

D. Analyzes and evaluates any objections to the proposal; and

To our knowledge no objections to the proposal have been submitted.

E. Includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.

This recommendation must come from the Planning Commission to the County Commission.

Following your motion, staff will prepare a recommendation to the County Commission on your behalf.

FINDINGS:

Based on the analysis of the Agriculture Protection Area application request for the creation of an Agriculture Protection Area and a survey of the surrounding area, staff concludes the following:

1. The Utah State Code allows for the creation of an Agriculture Protection Area subject to the above review and approval by the County Commission with a recommendation from the Planning Commission.
2. The current zone and use of the applicants' properties meet the requirements set forth by the state code.

-
3. Any future zoning or zoning regulation changes affecting this land would require written approval from the landowners.

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

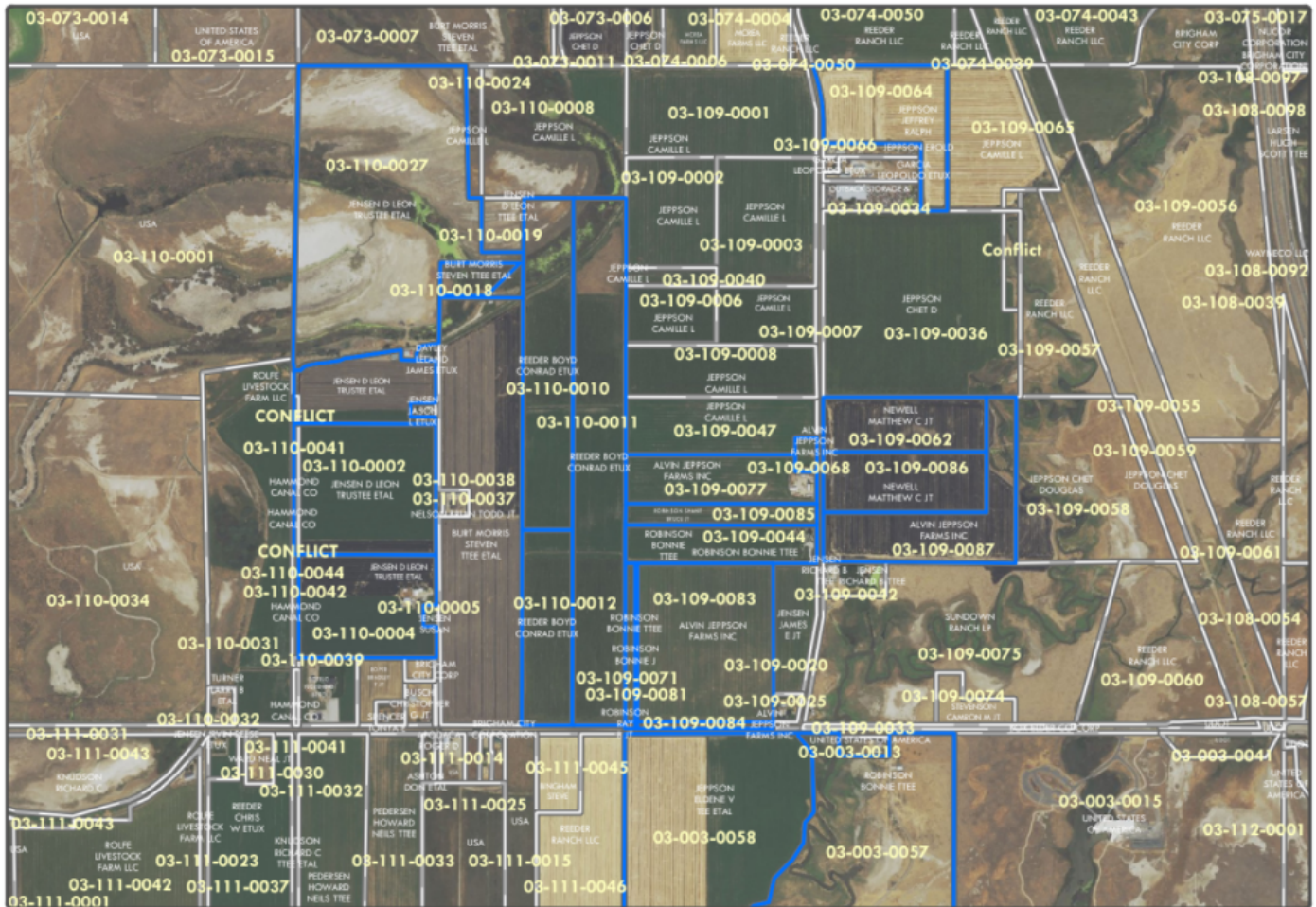
Approval – “I move the Planning Commission forward a recommendation to the County Commission to accept the proposal to create the Agriculture Protection Area on multiple parcels in the West Brigham City area in unincorporated Box Elder County.

Modify – “I move the Planning Commission forward a recommendation to the County Commission to accept and modify the proposal to create the Agriculture Protection Area on multiple parcels in the West Brigham City area in unincorporated Box Elder County, with the following modifications...

Denial – “I move the Planning Commission forward recommendation to the County Commission to reject the proposal to create the Agriculture Protection Area on multiple parcels in the West Brigham City area in unincorporated Box Elder County, based on the following findings:”

1. List findings for rejection...

Please feel free to contact Destin Christiansen at 435-695-2547 if you have any questions.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: Feb. 17, 2022

Agenda Item #: 7b

Application Type:

Site Plan review for
Bear Hollow Event Center

APPLICANT(S):

Jake Jensen

PROJECT #:

SP21-010

ZONE:

Un-Zoned

PARCEL #:

06-035-0045

TYPE OF ACTION:

Administrative

REPORT BY:

Destin Christiansen
County Planner

BACKGROUND

The applicant is requesting Site Plan approval for an event center including hard surface parking and sidewalks on approximately 51 acres located at approximately 15010 Bear Hollow Drive, Collinston area on Parcel: 06-035-0045.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture/Hwy 30	Un-Zoned/A-20
South	Agriculture	Un-Zoned/A-20
East	Agriculture	A-20
West	Agriculture	Un-Zoned

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code Section 2-2-120.D.2.c allows for an event center as a commercial use in un-zoned areas as a permitted use 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. Yes.

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 can meet setbacks for Un-Zoned areas.

Access:

Access to the property is obtained on Bear Hollow Drive.

County Department Review:

Staff is currently working through comments at this time.

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 un-zoned 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 with the conditions outlined in the recommendations section of the staff report.

RECOMMENDATION

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

1. Compliance with all review comments from Box Elder County Staff.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, 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 SP21-010, a Site Plan for an event center, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. Compliance with all review comments from Box Elder County Staff.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, 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.

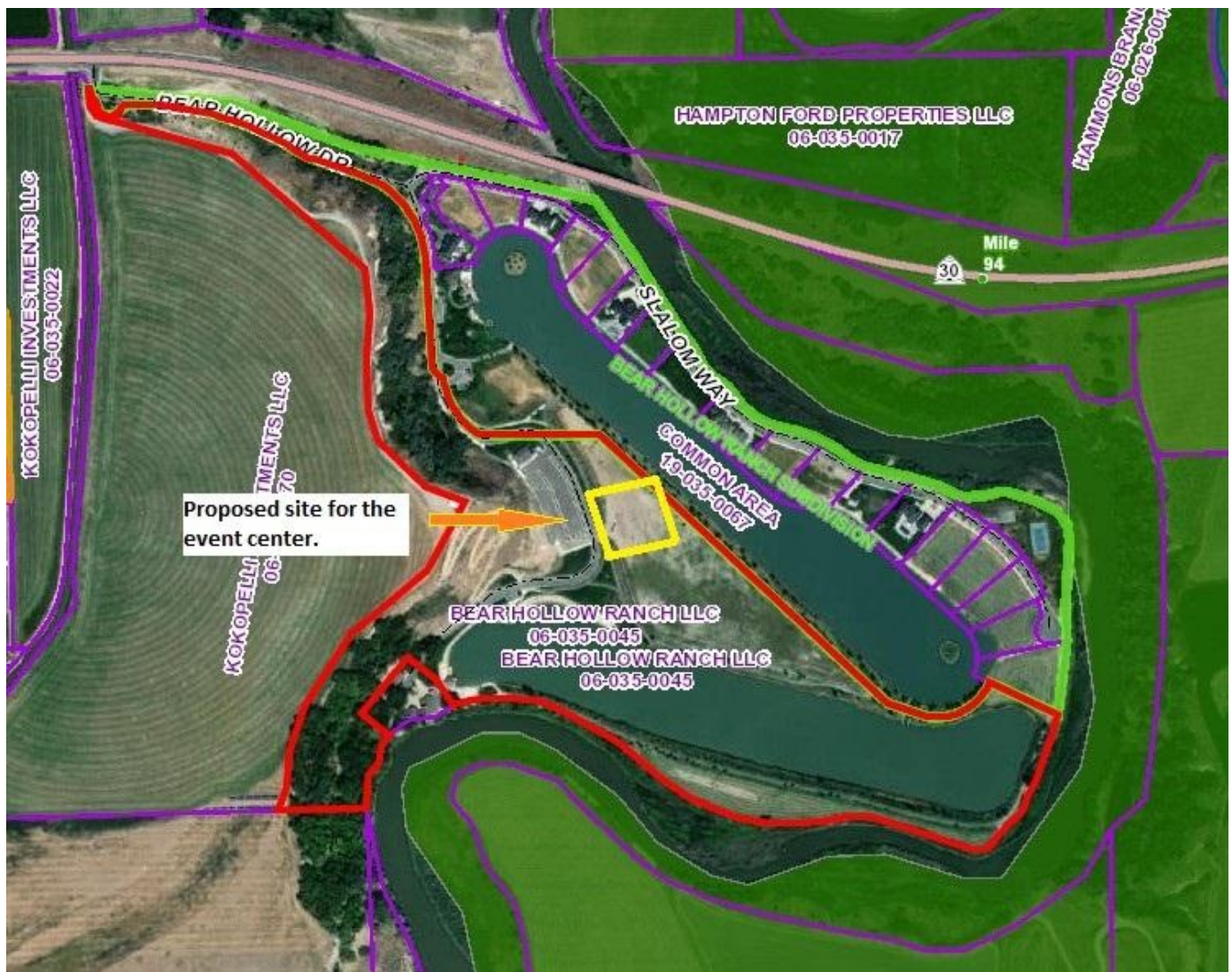
Table – “I move the Planning Commission table the review of application number SP21-010, a Site Plan for an event center, to (give date), based on the following findings:”

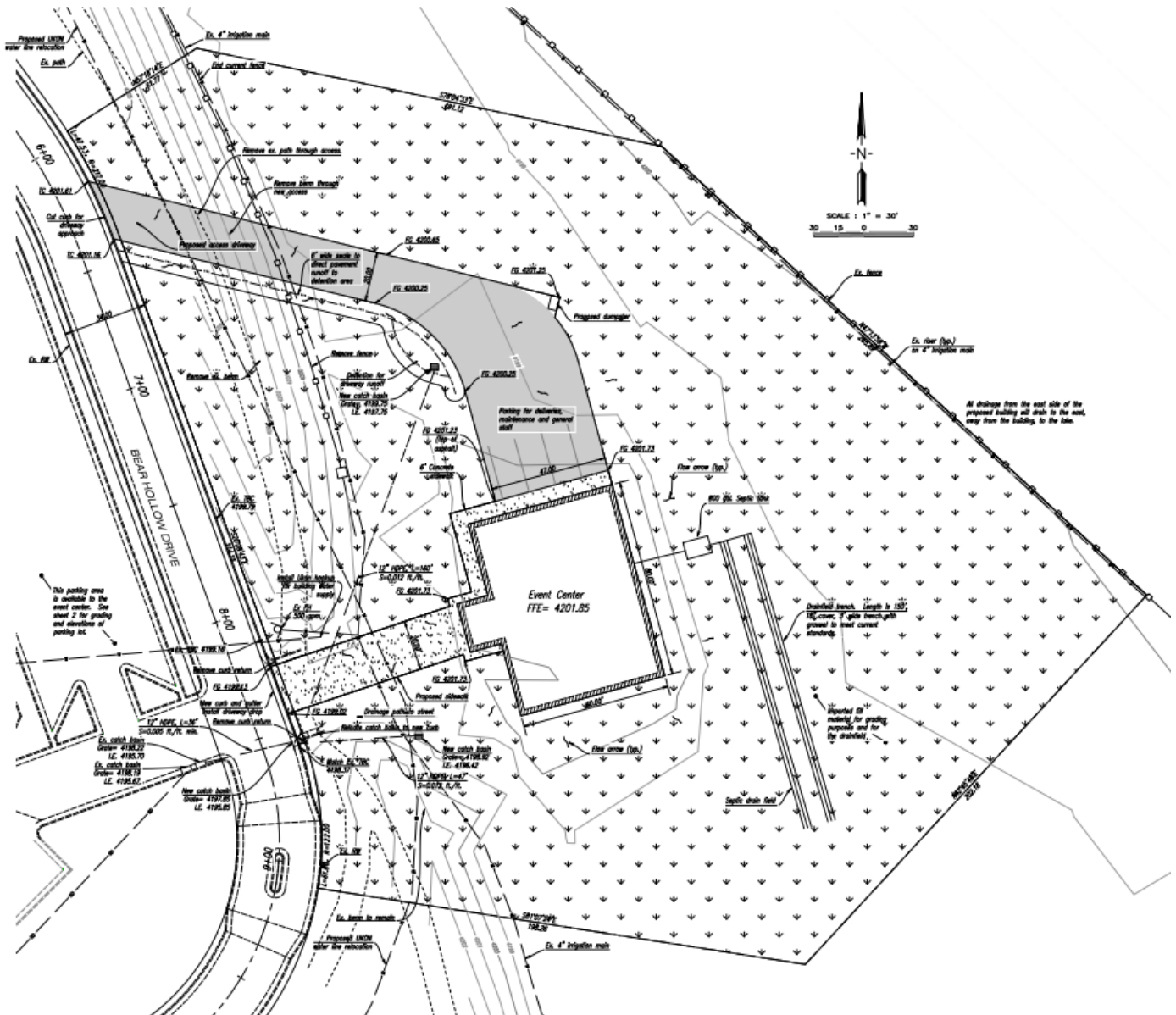
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

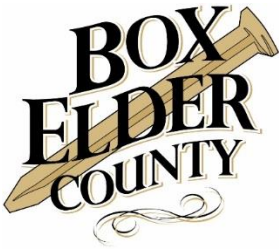
Denial – “I move the Planning Commission deny application number SP21-010, a Site Plan for an event center, based on the following findings:”

1. List findings for denial...

Please feel free to contact Destin Christiansen at 435-695-2547 if you have any questions.







PLANNING COMMISSION STAFF REPORT

Meeting Date: February 17, 2022

Agenda Item #: 7c

Application Type:

Surplus Property Disposal

APPLICANT(S):

Box Elder County and
Brigham City

PROJECT #:

SPD22-01

ORDINANCE:

County Policy #2000-01

TYPE OF APPLICATION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The Box Elder County Commission and Brigham City have proposed an exchange of property. Box Elder County has acquired the building at 100 S. and 100 E. (previously AFCU) and will be using it as the new DMV. North of the building is some parking on the same parcel. There is another 0.26 acre parcel to the north that is paved and improved as a parking lot and is owned by Brigham City RDA. Box Elder County owns a 0.41 acre and 0.66 acre unimproved parcels on Forest Street at 975 West and 893 West. Estimates show that the exchange is fair economically, in addition to the benefit based on public policy to provide a benefit to the County and its residents. The County Commission has directed staff to begin the surplus property disposal process.

ANALYSIS

County Policy:

Box Elder County Policy #2000-01 requires all surplus property disposal of real estate to be reviewed by the Planning Commission to ensure they comply with the General Plan, Land Use Management and Development

Code and any other applicable ordinances. The Planning Commission shall submit their recommendation within 15 days of the date of decision.

FINDINGS:

Based on the analysis and review of the proposed conveyance of County property staff concludes the following:

1. The County General Plan does not address county owned land within other jurisdictions.
2. The Land Use Code does not address county owned land within other jurisdictions.
3. Staff can submit a recommendation to the County Commission on behalf of the Planning Commission within 15 days of the Planning Commission's action.

RECOMMENDATION

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



MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval regarding application number SPD22-01, surplus property disposal exchange of county owned parcels 03-105-0061 and 03-105-0063 for Brigham City owned parcel 03-121-0151, 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 application number SPD22-01, surplus property disposal exchange of county owned parcels 03-105-0061 and 03-105-0063 for Brigham City owned parcel 03-121-0151, 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 regarding application number SPD22-01, surplus property disposal exchange of county owned parcels 03-105-0061 and 03-105-0063 for Brigham City owned parcel 03-121-0151, 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.



