

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

November 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 S. Zollinger, K. McGaha, B. Robinson, M. Wilding, J. Holmgren, J. Pugsley, V. Smith, J. Jacobsen, and L. Jensen)

**2. INVOCATION**

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVAL of the October 20, 2022 Planning Commission Minutes.**

**5. UNFINISHED BUSINESS - NONE**

**6. PUBLIC HEARINGS**

- a. **GENERAL PLAN AMENDMENT, GP22-001, proposal to amend Appendix B, Moderate Income Housing Plan, of the Box Elder County General Plan to bring it into compliance with new state legislative requirements. ACTION**
- b. **ORDINANCE TEXT AMENDMENT, Z22-015, Request for a text amendment adding Section 5-1-360, Annexation Policy. ACTION**

**7. NEW BUSINESS**

- a. **BROOKSIDE RANCHES 2<sup>ND</sup> AMENDMENT, SS22-030, Request for approval for an amended subdivision located at approximately 13488 N Brookside Dr. in the Garland area of Unincorporated Box Elder County. ACTION**
- b. **CEDAR SPRINGS PUD 1<sup>ST</sup> AMENDMENT, SS22-031, Request for approval for an amended subdivision located at 4670 North 1100 West in the Harper Ward area of Unincorporated Box Elder County. ACTION**
- c. **SURPLUS PROPERTY DISPOSAL, SPD22-02, Request for an easement across county property located at approximately 70 South 100 East in Brigham City, to install an upgraded water line to an existing structure. ACTION**

**8. WORKING REPORTS**

- a. Residential Animals

**9. PUBLIC COMMENT**

**10. ADJOURN**\_\_\_\_\_

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES OCTOBER 20, 2022

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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:

*Roll Call*

Mellonee Wilding	Chairman
Jared Holmgren	Vice-Chair
Kevin McGaha	Member
Lonnie Jensen	Excused
Steven Zollinger	Member
Bonnie Robinson	Member
Jed Pugsley	Member
Jennifer Jacobsen	Alternate/Member
Vance Smith	Alternate/Member

*the following Staff was present:*

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

**Chairman Mellonee Wilding** called the meeting to order at 7:00 p.m.

The Invocation was offered by **Commissioner Jennifer Jacobsen**.

Pledge was led by **Commissioner Jed Pugsley**.

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

See Attachment No. 1 – Attendance Sheet.

The Minutes of the September 15, 2022 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jared Holmgren** to approve the minutes as written. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

**UNFINISHED BUSINESS –NONE**

**SUMMERLAND RANCHES SUBDIVISION PH 1, SS22-023, Request for final approval for a subdivision located at approximately 10800 West 13600 North in the Tremonton area of Unincorporated Box Elder County. ACTION.**

Staff explained this item was tabled in September's Planning Commission Meeting to allow time for the applicant's engineer to look into a flooding issue that was raised by the commission. The applicant is requesting final approval of the subdivision consisting of 12 new lots which will be

5.50 acres or larger. The existing parcel is 70.47 acres in size. The surrounding land uses are Rural Residential and Agriculture, the surrounding zone is RR-5. Access will be off 10800 West for the entire subdivision as well as a new additional road, 13400 North. Staff has received will-serve letters from the power, gas, and water companies and they are satisfactory for this subdivision. Staff has also received a feasibility letter from the Bear River Health Department along with a geotechnical report. The applicant has also included a secondary water plan into their improvement drawings. The county engineer has reviewed the Storm Drainage Report provided by the applicant's engineer and submitted his findings. Staff reviewed the findings with the Planning Commission.

*(See Attachment No. 2 – Storm Drainage Review-Brent Slater/Jones & Associates.)*

Jim Flint, Hansen & Associates said there are two drainage channels coming down from an area that encompasses a large region (White's Valley). There are three locations where flows proceed under the freeway to the west side of I-84. It is just a huge drainage basin; it is not a development problem, but an acreage problem. He explained the drainage pathways and culverts to the commissioners. He is proposing to put a two foot berm along the east side of the subdivision.

*(See Attachment No. 3 – Storm Drainage Report-Jim Flint/Hansen and Associates.)*

Staff recommends approval of the final plat.

**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to approve application SS22-023, a final plat for the Summerland Ranches Subdivision and adopting the exhibits, conditions, and findings of staff. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

**CONDITIONS:**

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

**PUBLIC HEARINGS**

**ORDINANCE TEXT AMENDMENT, Z22-014, Request for a text amendment to Section 1-3-040, Definitions, Chapter 3-2, Chapter 3-3, and Chapter 3-7 of the Box Elder County Land Use Management & Development Code. ACTION**

Staff stated the county is proposing a text amendment to amend Section 1-3-040, Definitions. Specifically the definition for "Animals and Fowl for Recreation and Family Food Production." Currently the numbers shown in the table below have led to some issues and complaints primarily in the ½-acre zones. The complaints range from the treatment of animals and their living conditions, to smells and rodents, to fire hazards due to feed storage.

Type	Maximum Per ½ Acre — any combination
<del>Horses</del>	<del>2</del>
<del>Goats, Sheep, Llamas, Alpacas and other small animals</del>	<del>2</del>
<del>Chickens, Ducks, Pigeons</del>	<del>10</del>
<del>Rabbits, Hares</del>	<del>5</del>
<del>Apiaries, Aviaries</del>	<del>5 Hives</del>

Staff has done some research and looked into how to address animals for personal use on smaller lots that are primarily residential. The proposal as written applies to ½-acre zones, 1-acre zones and 2-acre zones, and for small animals, the 8,000 sq. ft. zones. The ½-acre to 2-acre zones are the zones where there have been more conflicts with developments and new residents moving in from bigger cities.

Staff reviewed the proposed text amendment with the commission.

#### Large Animals

The allowed number of large animals in applicable zones is proposed to be based on an available fenced area per animal. This available fenced area does not include the front, rear, or side yard setback area required in the applicable zone. The landowner must have land in addition to the required setback area for large animals.

#### Smalls Animals

The allowed number of small animals in applicable zones is proposed to be based on lot size only as these animals can more easily exist in the setback area similar to a household pet.

#### 4-H Exemption

As Box Elder County takes pride in its agricultural heritage it is proposed that there be an exemption process specifically for youth participating in the 4-H program. This exemption process would allow 4-H participants that reside on parcels that may not accommodate animals per the proposed regulations to be exempt from the regulations during the time they would acquire and raise a 4-H animal through the time they would present and sell that animal at the county fair in August each year.

*(See Attachment No. 4 – Proposed Text.)*

The public hearing was then opened for comments.

Staff read comments received from Calee Garn and Therina Simmons who were unable to attend the meeting

*(See Attachment No. 5 – Comments.)*

Tyson Peterson, Beaver Dam, said this change doesn't affect him but he would like to express his opinion. He explained he has a 2-acre parcel and 39 chickens. He had a rooster he eliminated because the rooster was noisy. He needed to produce eggs, not noise. Mr. Peterson understands there needs to be rules and regulations in place but we also have freedoms. One of the freedoms he respects deeply is having his own property. What he does not appreciate is being told by someone who thinks they know better than him, what he can and cannot do with his property. Mr. Peterson is curious why dogs are not on the list of the proposed amendment. There are dog breeders in his area and some of his neighbors are disturbed by the noise the dogs create. He proposed dogs be added to the amendment.

**Commissioner Mellonee Wilding** asked if Mr. Peterson's chickens were for personal use; they are not. One of the caveats of this amendment is it regulates animals for personal, exclusive, non-commercial use. If the animals are used for agriculture, the amendment does not apply.

Staff addressed the issue of dogs by explaining there is a separate definition for household pets. Households are limited to four dogs. If there are five or more dogs, it is considered a kennel.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the request for a text amendment to Section 1-3-040, Definitions, Chapter 3-2, Chapter 3-3, and Chapter 3-7. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

## **ACTION**

**Commissioner Jed Pugsley** commented he appreciates the additional verbiage for the FFA (Future Farmers of America.). He would like the date extended from August to September because the Utah State Fair is held the second week of September.

**Commissioner Vance Smith** is concerned with the 2500 sq. ft. for cows and horses but there is a minimum on the small animals. Mathematically there can be more horses on a 2-acre lot than there can be geese which does not make sense.

**Commissioner Bonnie Robinson** asked if it is reasonable to have 40 chickens for personal use?

The commissioners continued to discuss calculating the number of animals.

Staff will take the input received and run some different scenarios to bring back to the commission and possibly hold another public hearing.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to table Ordinance Text Amendment Z22-014 a request for a text amendment to Section 1-3-040, Definitions, Chapter 3-2, Chapter 3-3, and Chapter 3-7 of the Box Elder County LUM&DC for up to 3 months for more clarification. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

## **NEW BUSINESS**

### **ROLON BURTON SUBDIVISION AMENDED, SS22-027, Request for approval for an amended subdivision located at approximately 10785 North 10800 West in the Thatcher area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting an amendment to the final plat of the Rolon Burton Subdivision in the Thatcher/Penrose area of unincorporated Box Elder County. The proposed amendment vacates approximately 0.25 acres from Lot 1 and shifts the property line between Lots 1 and 2 approximately eight feet north. All owners are aware of and involved in the changes. The surrounding land use is Agriculture and the surrounding zone is Unzoned. Access to the lots is existing via 10800 West (SR102), a state road. The amendment has been reviewed by the county engineer and surveyor and some minor modifications need to happen. Once the revisions have been completed and approved, staff will review the title report with the county attorney.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve application SS22-027 amending the Rolon Burton Subdivision and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Steven Zollinger** and unanimously carried.

**CONDITIONS:**

1. Final approval by the County Surveyor & County Engineer.
2. Final approval by the County Attorney.
3. Compliance with Sections 17-27a-608 and 609 of the Utah State Code.

## **WORKING REPORTS**

### **Annexation Policy**

The annexation policy was discussed in last month's meeting. At that meeting staff said if the commissioners have more suggestions or changes they would like made, to contact them. No changes have been made to the first few paragraphs. **Commissioner Mellonee Wilding** had two suggestions. First, if the municipality rejects the request for annexation, the developer shall obtain copies of the requirements, design standards, and criteria for development within the municipality and shall comply with these development standards and requirements or, the development standards and requirements of the county, whichever is most constrictive. Second, any development using a municipality's utilities cannot have a higher density than that allowed by the municipality providing the utilities. Staff will check with the legality of the second suggestion.

**Commissioner Mellonee Wilding** feels strongly about not making it easier to develop in the county than the cities. The county is not set up to handle city services and issues. If the county doesn't have a density rule, then the density is left up to the developer outside of the city which is not good planning.

Staff will schedule a public hearing for the annexation policy on next month's agenda and invite the town mayors to attend.

## **PUBLIC COMMENTS**

Diana Baker, Willard City Planning Commission, stated the last annexation into Willard City created an island. The developer was after the city water. She doesn't like city services being used for annexed developments.

## **ADJOURN**

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Steven Zollinger and meeting adjourned at 8:23 p.m.

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Mellonee Wilding, Chairman  
Box Elder County Planning Commission



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## PLANNING COMMISSION STAFF REPORT

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Meeting Date: November 17, 2022

Agenda Item #: 6a

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**Application Type:**

General Plan Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

GP22-001

Moderate Income Housing  
Plan

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

HB462 passed in the 2022 legislative session. This new code requires the selection of three or more (out of 23) specific strategies to aid in the implementation of moderate income housing. These strategies must be included in the County's Moderate Income Housing Plan, which must be a part of the County's General Plan. Exhibit A below shows our goals and strategies for implementation. Highlighted in yellow are five newly proposed strategies from HB462 that match the exact phrasing as required by the State's new reporting procedures.

**ANALYSIS**

**County Code:**

Land Use Management & Development Code 2-2-070 outlines the procedure for a General Plan Amendment. 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 2-2-070(D)(2)(c) outlines the following procedural requirements for General Plan Amendments.

**A. Written statement showing the desired language change;**

See Exhibit A below.

**B. Written statement explaining why existing General Plan language is no longer appropriate or feasible;**

This text amendment to the General Plan is not to replace "no longer appropriate or feasible" language, but to add strategies to the plan as mandated by the Utah State Legislature.

**C. Analysis of the potential impacts of the proposed amendment; and**

Ideally the proposed strategies would aid in creating opportunities for more affordable housing in Box Elder County.

**D. Map showing the affected areas if text changes will affect specific geographic areas.**

The proposed changes would have an effect countywide.





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## **FINDINGS:**

Based on the analysis of the proposed General Plan text amendment, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for General Plan text amendments subject to review procedures and approval by the County Commission with a recommendation from the Planning Commission.
2. The procedural requirements as set forth in Section 2-2-070(D)(2)(c) have been met.

## **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.**

## **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission to amend the Box Elder County General Plan to include the proposed strategies as part of the Moderate Income Housing Plan, 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 the amendment of the Box Elder County General Plan to include the proposed strategies as part of the Moderate Income Housing Plan, 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 to amend the Box Elder County General Plan to include the proposed strategies as part of the Moderate Income Housing Plan, 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.

## EXHIBIT A

### **Goal 1: Continue to conduct biannual reviews of Box Elder County's Moderate-Income Housing Plan and its implementation; and update its five-year moderate income housing needs estimates.**

- Work with Bear River Association of Governments and the Housing and Community Development Division of the Utah Department of Workforce Service to provide the most up-to-date data and strategies for updating housing needs.
- Review and evaluate land use codes and regulations to ensure they are not imposing barriers to developing low- to moderate-income housing units.

### **Goal 2: Review and modify land use and zoning regulations and associated maps.**

- Routinely update zoning, land use ordinances and assessor data to ensure consistency between records.
- Continue to provide a diverse range of residential zones to encourage a range of housing options.

### **Goal 3: Support cooperation between the cities and towns of Box Elder County in advancing affordable housing.**

- Guide and advocate for developing affordable housing in existing incorporated areas near existing infrastructure.
- Provide education to cities and towns on the benefits of affordable housing.
- Encourage development of affordable housing near transit sites, along significant transportation corridors, and commercial centers (~~\*Strategy G, SB 34~~).

### **Goal 4: Create and promote a countywide housing rehabilitation program.**

- Demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing.
- Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.
- Due to the amount of older homes on the market, assist low- to moderate-income households rehabilitate and maintain moderate-income housing through Bear River Association of Governments (~~\*Strategy L, SB 34~~).
- Encourage energy efficient housing that reduces resident's costs.
  - Continue to support and advertise low income homeowners to participate in Bear River Region Weatherization Program and BRAG's HEAT utility assistance program.
- Encourage low income residents to participate in Single Family Rehabilitation and Reconstruction Program and Emergency Home Repair Programs through Bear River Association of Governments.
- Promote residential educational workshops regarding restoring, rehabilitation, and maintenance of housing units.
- Support and provide information and referrals to local affordable housing resources, including (~~\*Strategies S, T & V, SB 34~~):
  - Bear River Housing Authority
  - Home Buyer Programs
    - BRAG's First Time Home Buyer Program

- Neighborhood Housing Solutions Programs
- Habitat for Humanity
- Rehabilitation Programs
  - Single Family Rehabilitation and Reconstruction Program
  - Emergency Home Repair Program
  - Weatherization Program
  - Neighborhood Housing Solutions Home Rehab and Repair Program
- Other Programs
  - Bear River Association of Governments Crown Homes and Crown Village Apartments

**Goal 5: Continue to support farm labor housing**

- ~~Provide assistance to farms in applying to Farm Labor Housing Direct Loans & Grants through the U.S. Department of Agriculture, Rural Development (\*Strategy E, SB 34).~~
- Create or allow for, and reduce regulations to, internal or detached accessory dwelling units in residential zones.

**Goal 6: Encourage lower cost development**

- Continue to sponsor the Bear River Regional Housing Authority (~~\*Strategy T, SB 34~~).
- Continue to work towards keeping property taxes lower for residents.
- Prohibit by accounting procedures the placement of any portion of the building permit fees into the general funds, cutting the permit fees to a level that meets just the costs of providing the permit and building inspections.
- Provision to not require curb, gutter and sidewalks, and use drainage swales in many situations.
- Maintain the county's participation in the national flood insurance program to reduce flood insurance costs to the homeowner.
- Continue to allow manufactured homes, accessory dwelling units (ADUs), and mobile homes as an alternative to site-built homes (~~\*Strategy E, SB 34~~).
- Create or allow for, and reduce regulations to, internal or detached accessory dwelling units in residential zones.
- Reduce, waive, or eliminate impact fees related to moderate income housing.
- Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 17-27a-526.

~~\*Complies with SB 34~~



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## PLANNING COMMISSION STAFF REPORT

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

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**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z22-015

**ORDINANCE:**

Section 5-1-360 (new)

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

The county is proposing a text amendment to amend Section 5-1-360, Annexation Policy. Specifically this text amendment would be adding in this section of code to apply to all areas of unincorporated Box Elder County.

**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;**

*Multiple chapters of the General Plan highlight that development should happen within City's/Towns. The proposed amendment is consistent with the County's General Plan.*

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

*This text amendment would apply to all areas of unincorporated Box Elder County. The proposed amendment should be harmonious with the overall character of existing development.*

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

*The goal of the proposed amendment is to have better development near City's/Towns (development that will fit in with the City/Town as it will be annexed in the future). 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 and services.*

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## **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 Z22-015, 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 Z22-015, 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 Z22-015, 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.

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**Proposed Text Amendment:**

The Box Elder County Commission, Planning Commission, or Community Development Office shall defer any proposed development within unincorporated Box Elder County (except building permits that are not using municipal utilities) if the development is:

- a. Located within any municipal annexation boundary, or
- b. Located within ½ mile of any municipality, if a municipality does not have an annexation boundary, or
- c. If a development will be using any utility provided by a municipality.

If the proposed development meets any of the above criteria, the developer must communicate with the appropriate municipality(s) to request annexation for the development. If the municipality(s) rejects the request for annexation, the developer shall provide signed documentation from the municipality(s) showing the municipality's rejection of an annexation request.

If the municipality rejects the request for annexation, the developer shall obtain copies of the requirements, design standards, and criteria for development within the municipality and shall comply with these development standards and requirements or the development standards and requirements of the county, whichever is most restrictive.

Any development using a municipality's utilities cannot have a higher density than that allowed by the municipality providing the utilities.



## PLANNING COMMISSION

Meeting Date: November 17, 2022

### STAFF REPORT

Agenda Item #: 7a

#### **Application Type:**

Subdivision - Amendment

#### **APPLICANT(S):**

Bret & Marianne Craynor

#### **PROJECT #:**

SS22-030

#### **ADDRESS:**

13488 N Brookside Dr.  
Garland, UT 84312

#### **ZONE:**

Unzoned

#### **PARCEL #:**

06-189-0004, 06-189-0005

#### **REPORT BY:**

Destin Christiansen,  
County Planner

#### **BACKGROUND**

The applicant is requesting a 2nd amendment to the final plat of the Brookside Ranches Subdivision Phase 1 in the East Garland area of unincorporated Box Elder County. The proposed amendment adjusts Lot 4 from 1.07 acres to 1.61 acres and reduces Lot 5 from 1.10 acres to .56 acres. Applicants own both lots.

#### **ANALYSIS**

##### **State Code:**

State Code sections 17-27a-608 and 609 allow a subdivision to be amended by recording an amended plat following approval by the Land Use Authority.

##### **Surrounding Land Use and Zoning:**

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Brookside Ranches Sub.	Unzoned
South	Brookside Ranches Sub.	Unzoned
East	Agriculture, Bear River	Unzoned/RR-2
West	Brookside Ranches Sub.	Unzoned

##### **Access:**

Access to the lots is existing via Brookside Drive, a county road.

##### **Utilities:**

All utilities are existing. They were installed as part of the original subdivision development. This is essentially a lot line adjustment.

##### **Setbacks:**

All setbacks can be met for the unzoned area. Setbacks will be reviewed and enforced during the building permit process.

##### **Land Use Ordinance Standards Review:**

Per State Code sections 17-27a-608 and 609, a subdivision can be amended by the Land Use Authority via approval and recording of an amended plat. The Planning Commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the County. The Planning Commission acts as an advisory body to the County Commission and shall make investigations, reports and recommendation on proposed subdivisions as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the Planning Commission's review and approval of a subdivision amendment application, it will be recorded in the office of the Box Elder County Recorder.

### County Department Reviews:

- Both Engineering and GIS departments have reviewed and have approved the plat. The application just needs to be reviewed by the County Attorney's Office.

### Findings:

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

1. The proposed subdivision amendment complies with the subdivision regulations of Box Elder County and the State of Utah.
2. Subject to review and approval by the County Surveyor and County Attorney, the subdivision amendment should be approved.

### RECOMMENDATION

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

1. Final approval by the County Attorney.
2. Compliance with Sections 17-27a-608 and 609 of the Utah State Code.

### MODEL MOTIONS

**Approval** – “I move the Planning Commission approve application number SS22-030, amending the Brookside Ranches Subdivision Phase 1, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – “I move the Planning Commission table application number SS22-030, amending the Brookside Ranches Subdivision Phase 1, located in unincorporated Box Elder County, to (give date), based on the following findings:”

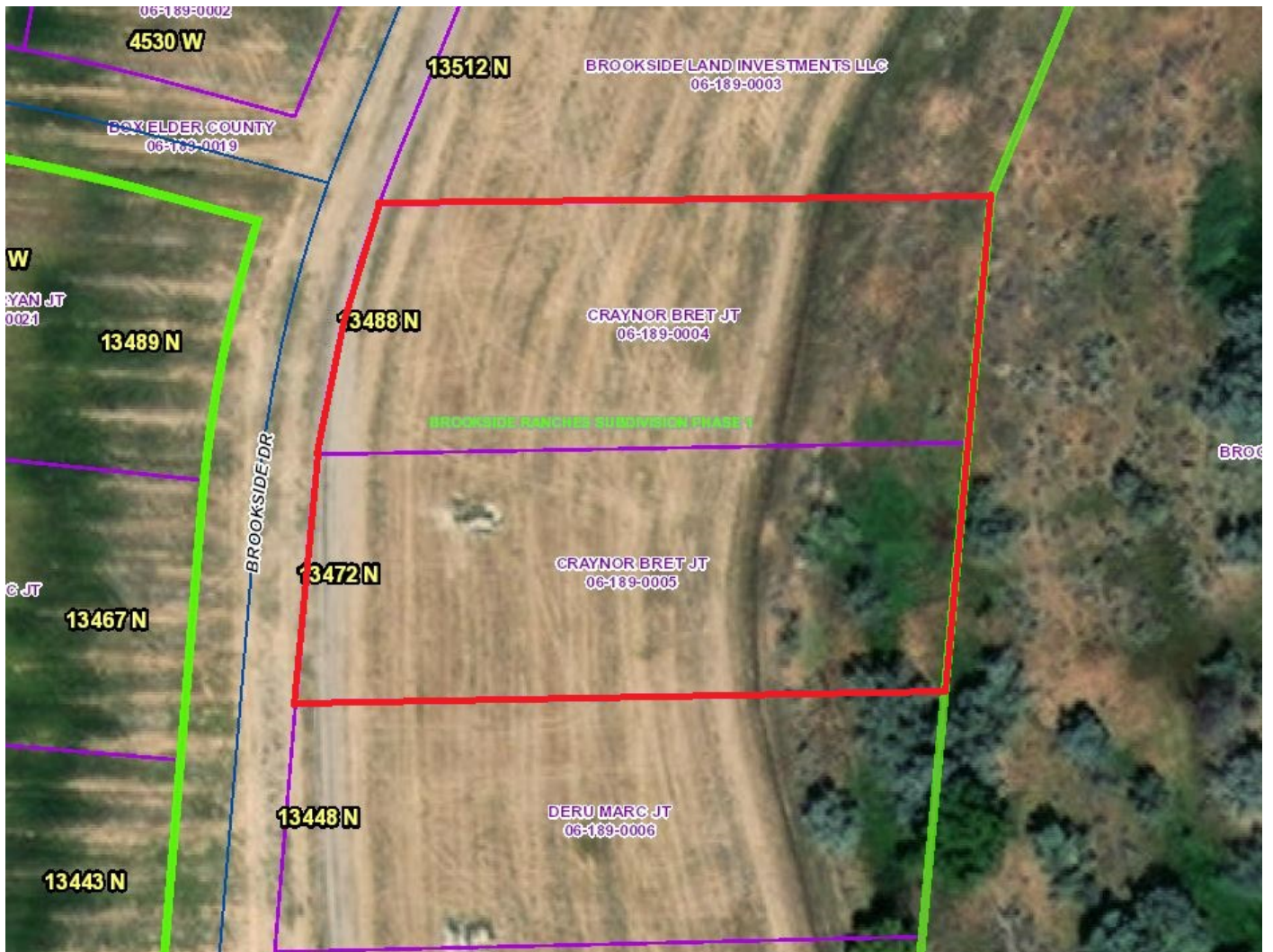
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

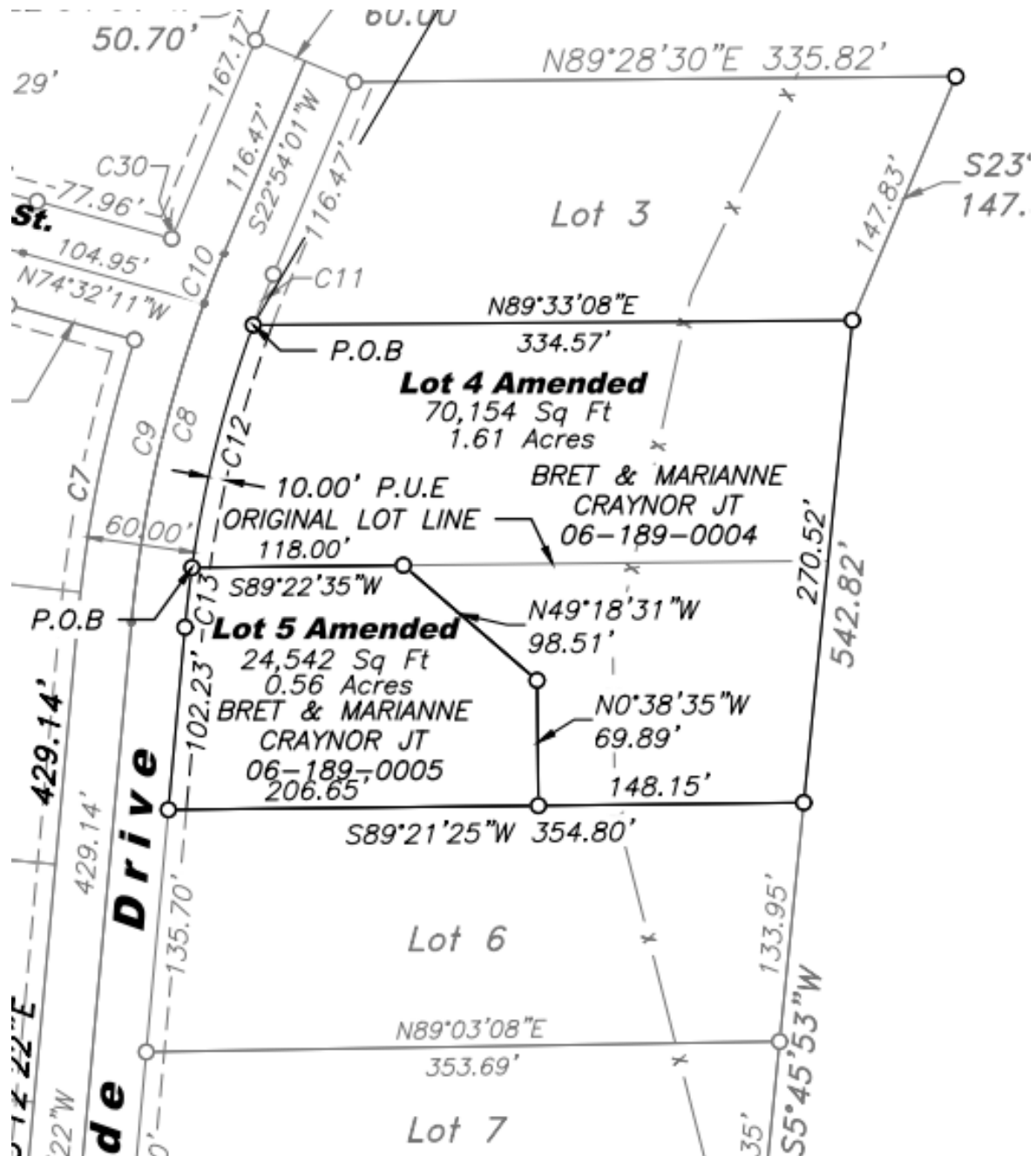
**Denial** – “I move the Planning Commission deny application number SS22-030, amending the Brookside Ranches Subdivision Phase 1, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

Please feel free to contact Destin Christiansen at 435-695-2547 with any questions.









## PLANNING COMMISSION STAFF REPORT

Meeting Date: November 17, 2022

Agenda Item #: 7b

### **Application Type:**

Subdivision - Amendment

### **APPLICANT(S):**

Kory Wayment

### **PROJECT #:**

SS22-031

### **ADDRESS:**

4670 N 1100 W  
Harper Ward

### **ZONE:**

RR-5

### **PARCEL #:**

04-035-0006

### **REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

### **BACKGROUND**

The applicant is requesting an amendment to the final plat of the Cedar Spring PUD subdivision in the Harper Ward area of unincorporated Box Elder County. The proposed amendment modifies property lines between Lot 6 and the parcel outside of the subdivision to the east. All owners are aware of and involved in the changes.

### **ANALYSIS**

#### **State Code:**

State Code sections 17-27a-608 and 609 allow a subdivision to be amended by recording an amended plat following approval by the Land Use Authority.

#### **Surrounding Land Use and Zoning:**

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Residential	RR-5
South	Residential	RR-5
East	Hillside	RR-5
West	Residential	RR-5

#### **Access:**

Access to the lots is existing via 1100 West, a county road.

#### **Utilities:**

All utilities are existing. They were installed as part of the original subdivision development. This is just a lot line adjustment.

#### **Setbacks:**

Setbacks are reviewed during any proposed building permit approval process. The proposed lot line adjustment does not violate the setbacks of the existing structures.

#### **Land Use Ordinance Standards Review:**

Per State Code sections 17-27a-608 and 609 a subdivision can be amended by the Land Use Authority via approval and recording of an amended plat. The Planning Commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the County. The Planning Commission acts as an advisory body to the County Commission and shall make investigations, reports and recommendation on proposed subdivisions as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the Planning Commission's review and approval of a subdivision amendment application, it will be recorded in the office of the Box Elder County Recorder.



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### County Department Reviews:

- The County Surveyor has reviewed and approved the proposed amendment. Staff is meeting with the County Attorney prior to the Planning Commission meeting to review the title report. An update of that will be given at the Planning Commission meeting.

### Findings:

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

1. The proposed subdivision amendment complies with the subdivision regulations of Box Elder County and the State of Utah.
2. Subject to review and approval by the County Attorney the subdivision amendment should be approved.

### RECOMMENDATION

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

1. Final approval by the County Attorney.
2. Compliance with Sections 17-27a-608 and 609 of the Utah State Code.

### MODEL MOTIONS

**Approval** – “I move the Planning Commission approve application number SS22-031, amending the Cedar Springs Planned Unit Development subdivision, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – “I move the Planning Commission table application number SS22-031, amending the Cedar Springs Planned Unit Development subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

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

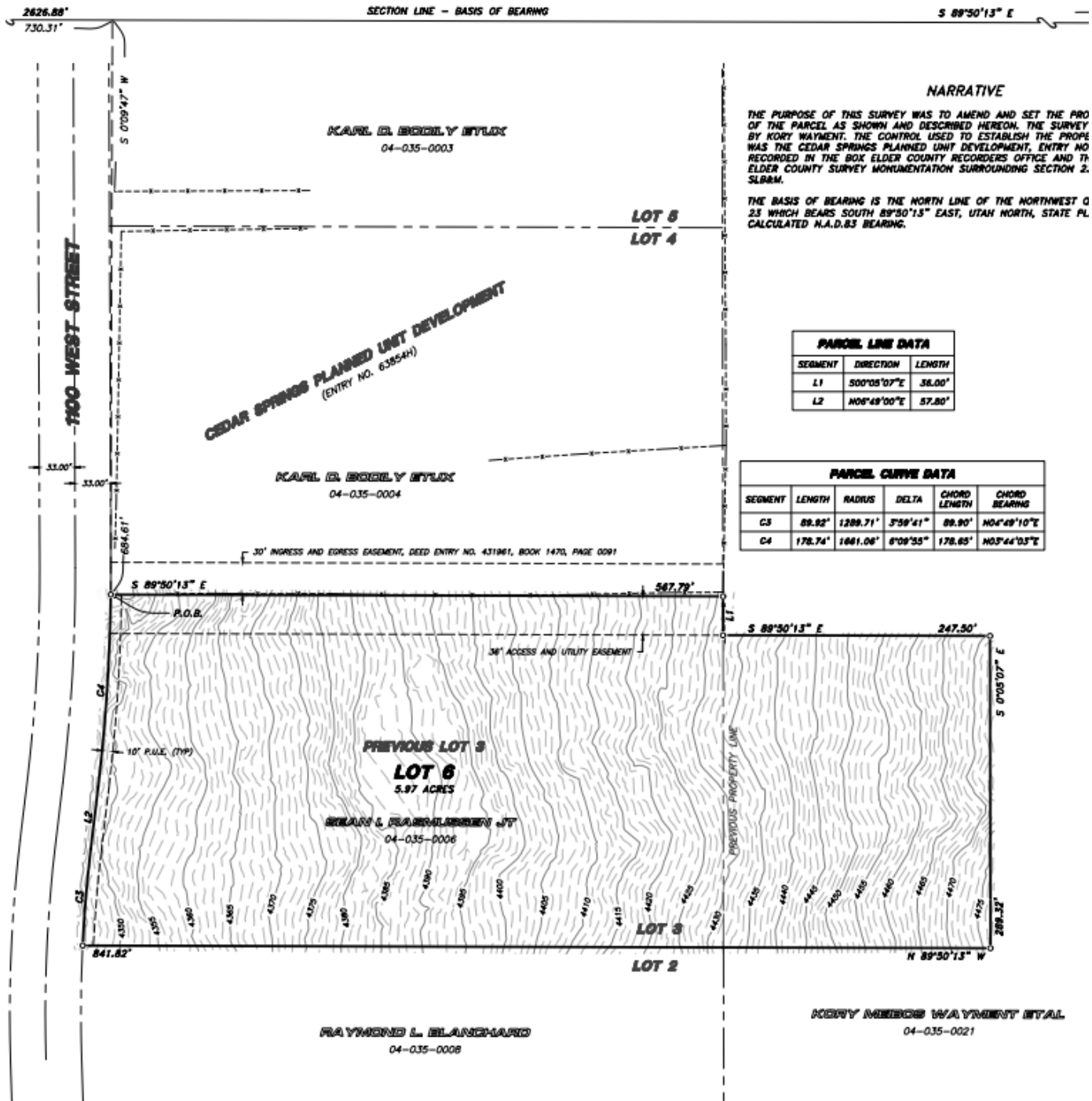
**Denial** – “I move the Planning Commission deny application number SS22-031, amending the Cedar Springs Planned Unit Development subdivision, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

Please feel free to contact Scott Lyons at 435-734-3316 with any questions.









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## PLANNING COMMISSION STAFF REPORT

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Meeting Date: November 17, 2022

Agenda Item #: 7c

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**Application Type:**

Surplus Property Disposal

**APPLICANT(S):**

David Walker  
Union Block LLC

**PROJECT #:**

SPD22-02

**ORDINANCE:**

County Policy #2000-01

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

The applicant is requesting an easement across county property in order to install an upgraded water line to an existing structure. The County Commission motioned to send the request through the surplus property process. The county owned property is located at approximately 70 S. and 100 E in Brigham City. Its current use is a parking lot.

**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 Brigham City.
2. The Land Use Code does not address county owned land within Brigham City.
3. Staff is not aware of any other applicable ordinances that should be reviewed by the Planning Commission regarding this proposal.
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 make a recommendation to the County Commission that the County General Plan, the County Land Use Code, and any other applicable ordinances they are aware of are not applicable to this proposal.**

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



