

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

February 16, 2023

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, 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 January 19, 2023 Planning Commission Minutes.

5. UNFINISHED BUSINESS

- a. **SOLIVIA OFFICE PARK, SP22-003**, Request for Site Plan approval of a recycling and manufacturing facility located at approximately 12425 N Canal Bank Road in the Garland area of Unincorporated Box Elder County. **ACTION**

6. PUBLIC HEARINGS

- a. **ORDINANCE TEXT AMENDMENT, Z23-001**, 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**

7. NEW BUSINESS

- a. **BELMONT SPRINGS PARK SUBDIVISION 1STAMENDMENT, SS23-001**, Request for approval for an amended subdivision at approximately 19020 North Wendell Way in the Garland area of Unincorporated Box Elder County. **ACTION**
- b. **LITTLE BEAR MANOR SUBDIVISION, SS23-003**, Request for final plat approval for a 4 lot subdivision, located at approximately 11200 North 3600 West in Unincorporated Box Elder County. **ACTION**

8. WORKING REPORTS

- a. Kennels

9. PUBLIC COMMENT

10. ADJOURN

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JANUARY 19, 2023

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
Lonnie Jensen	Excused
Steven Zollinger	Excused
Bonnie Robinson	Member
Jed Pugsley	Member
Jennifer Jacobsen	Alternate/Member
Vance Smith	Excused

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Stephen Hadfield	County Attorney
Boyd Bingham	Excused
Diane Fuhriman	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 Jared Holmgren**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the December 15, 2023 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Bonnie Robinson** to approve the minutes as written. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

ORDINANCE TEXT AMENDMENT, Z22-015, Request for a text amendment adding Section 5-1-360, Annexation Policy. ACTION

Staff stated 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.

Staff said the Planning Commission will need to determine if this application meets the standards in Section 2-2-080:

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; 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

Proposed Text Amendment:

5-1-360 Annexation Policy

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

- a. Located within any municipal annexation policy plan as defined in Utah Code 10-2-401.5, or
- b. Located within ½ mile of any municipality incorporated boundary, if a municipality does not have an annexation policy plan boundary, or
- c. If a development or building lot will be using any utility provided by a municipality.

If the proposed development meets any of the above criteria, the developer shall provide the applicable municipality(s) with a Notice of Intent to File a Petition (Utah Code 10-2-403 (2) (a) (i)) and thereafter work with the County Clerk to meet all the noticing requirements contained in Utah Code. Upon the County Clerk providing the applicable municipality with the certification of complying with the Notice of Intent to File a Petition the developer shall petition the municipality for annexation. If the municipality(s) rejects the petition for annexation, the developer shall provide signed documentation from the municipality(s) showing the municipality's rejection of an annexation petition. Any development using a municipality's utilities cannot have a higher density than that allowed by the municipality providing the utilities.

Staff said the first line may need to be reworded so the thought is more clear than using the word defer. Other suggested changes included in item c. add the word improvement after 'development', referencing the application denial section from county code where it refers to 6 months or 2 years, and clarifying when the application will be reviewed after it has been denied by the municipality.

The public hearing was then opened for comments.

Paul Larsen, Brigham City Community & Economic Development Director, expressed support for the ordinance text amendment. Brigham City supports the concept of harmonious and orderly development and believes this will accomplish that goal. City services are generally used by those residents of developments that occur close to the city's boundary and the county does not provide municipal services. Mr. Larsen encourages the adoption of the ordinance with the changes mentioned.

Travis Mote, Willard City Mayor, supports the concept and agrees with Brigham City regarding harmonious development and being able to provide services. He is concerned with the wording in the first paragraph of 'any proposed land use' and that the rest of the text discusses development. There are gravel pits adjacent to Willard City. Mayor Mote stated the city gets all of the problems of gravel pits but no taxation benefit from them. He would like to make sure the amendment covers all land uses.

Shawn Warnke, Tremonton City Manager, thanked the Planning Commissioners and staff for reviewing this text amendment. He acknowledges the County General Plan aspires to have development occur within the cities so having an ordinance enacting that is the way to implement that policy. As development occurs, it is critical to the city for development to be annexed in so development occurs under city standards. Issues such as curb and gutter, sidewalks, storm drains, and road standards are important to the sustainability of Tremonton City. Mr. Warnke appreciates the Planning Commission supporting and recommending approval to the County Commission.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Ordinance Text Amendment Z22-015. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

ACTION

Staff responded to Mayor Motes concern regarding the wording of any proposed land use application stating the language covers any application received.

Commissioner Jed Pugsley thanked staff for the work they have done and thinks it is good for all involved.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to forward a recommendation of approval to the County Commission for application Z22-015, an ordinance text amendment adding Section 5-1-360, Annexation Policy with the following conditions: 1) in item C add the word improvement following the word development 2) the time limits of 6 months and 2 years be added to the deferring of the application 3) following documentation of a rejected annexation petition, the Box Elder County Community Development Department receives the documentation and moves forward with the application out of deference 4) the County Attorney reviews and approves the amendment prior to forwarding it to the County Commission, and adopting the conditions and findings of the staff report. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

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.

NEW BUSINESS

SOLIVIA OFFICE PARK, SP22-003, Request for Site Plan approval of a recycling and manufacturing facility located at approximately 12425 N Canal Bank Road in the Garland area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting site plan approval for a recycling and manufacturing facility. The parcel is 10.5 acre in size and located north of Tremonton and south of Garland in an unzoned area of Box Elder County. The surrounding land uses are Rural Residential, Agriculture, and I-15 is to the west. The facility would use some existing buildings on the site and some existing buildings would be demolished. A new 20,000 square foot building is proposed. Per the application the facility takes industrial scrap waste (P&G is a local customer) recycles it and manufactures spill absorbent products to service the oil and chemical industries. Products manufactured include spill socks, spill booms, and other absorbent products. The manufacturing operations will consist of three small manufacturing lines.

Staff read Section 2-2-090 which outlines the standards for approval for permitted uses as they apply to this application:

- 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. *Whether the proposed use/design conforms to development standards is still being reviewed by the County Fire Marshal, County Engineer, and County Roads Supervisor.*
- C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. *This is still under review.*
- D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. *This is still under review.*
- 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*

Staff explained there is one new 20,000 square foot building proposed as part of the site plan. It appears the building is approximately 10-12 feet from the north property line where the required minimum setback is 15 feet. The property is currently two parcels. The proposed new building would infringe on the existing property lines. The applicant needs to combine the two parcels into one to avoid this setback issue. The applicant has been notified of these issues.

Applicants Smokey and Bo Peck, showed a video of the processes and production of the absorbent products at the recycling and manufacturing plant.

Smokey Peck stated the two parcels were combined back in September. They are in their 45th year of business and provided recycling equipment and key recycling services to approximately 650 customers in 7 western states. One of the largest customers is Procter & Gamble who they keep at a zero landfill status and have done so for 4 years. There are currently twenty people staffed at the P&G site. He stated recycling is not easy, there have been some local failures. We concentrate on industrial recycling as opposed to residential waste. They are excited to grow in Box Elder County and provide more jobs and resources in the county.

The commissioners asked several questions of the applicants and were answered as follows:

Is there any use of chemicals to breakdown the materials? No, the materials are shredded and blown into the socks. There is no melting or fumes generated.

What kind of noise is generated by the facility? It is pretty quiet, although one of the operators running the shredder will have to wear ear protection. The shredders are located inside the facility so no noticeable noise is outside the building.

What kind of traffic is expected to be on the road? The shifts will have 7-10 employees and truck traffic will be 1-2 trucks per day.

Will there be outdoor lighting? Yes, but the light will be directed down as to not disturb the neighbors.

What are the hours of operation? At first, 7 a.m. - 5 p.m. The hours may extend to a night shift ending at 8-9 p.m.

Will there be designated parking? We have adequate parking on the west side of the building and in the front of the building. The parking area is gravel and there are over 15 stalls we could allocate, well above the amount of employees we will have on site.

What is the estimated water usage for the area? Water would be used for employee restrooms and breakrooms.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to table SP 22-003 for up to 90 days to receive additional reviews from the applicant's engineer, County Road Supervisor, Fire Marshal and Building Official. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

MACEDO IMPOUND YARD, SP22-004, Request for Site Plan approval of an automotive impound yard located at approximately 10315 N 8400 W in Unincorporated Box Elder County.

Staff said the applicant is requesting site plan approval for a fenced automotive impound yard. The proposed use is on approximately ½-acre of a 1-acre parcel located at 10315 North 8400 West in an unzoned area of Box Elder County 1.5 miles southwest of Tremonton. The surrounding land use is agriculture and the surrounding zones are Unzoned.

Staff stated county code allows automotive impound yards as a permitted use in unzoned areas subject to site plan approval as they are considered a commercial use. This site plan has been through two revisions and the County Engineer has signed off and approved the new design. Staff has not heard back from the County Road Supervisor or the County Fire Marshal. Access is via 8400 West, an existing county road. Access within the site should be maintained, kept open, and free from storage as required by the Fire Marshal to provide adequate access for fire protection.

The proposed conditions are:

The applicant is proposing the following:

- Screened fencing to be provided on all four sides where vehicles will be parked.
- Security lights to provide adequate lighting for the property. Proposed are security lights at the four corners of the fenced impound area.
- Signage as required by the state of Utah.
- Fluid receptacles on site to catch any leaking fluid from vehicles.
- No dismantling or salvaging of vehicles.
- Maintained road base surface.
- No new buildings will be constructed as part of this project.
- Customer parking spaces will be provided outside of the impound yard area with signage.
- Once a state license is obtained, a copy will be provided to the County Community Development office.

Staff proposed conditions:

- No stacking or racking vehicles, only one vehicle height permitted in the impound area.
- Lighting must be directed downward and be hooded in order to prevent light pollution onto neighboring properties.
- All grounds shall be maintained in accordance with Section 5-1-300, Conservation of Values, of the Land Use Code. The site shall be maintained free of inappropriately stored flammable materials. Materials that are customary to the business shall be stored in accordance with applicable laws.
- The remainder of the property must be brought into conformance with Section 5-1-300, Conservation of Values, of the Land Use Code.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to approve SP22-004, a request for Site Plan approval for an automotive impound yard and adopting the conditions and findings of staff report. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

CONDITIONS:

1. Compliance with Section 2-2-090, Permitted Use Review, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-120, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
3. Compliance with reviews from the County Engineer, Road Supervisor, Fire Marshal, and Building Official.
4. Screened fencing to be provided on all four sides of impound area where vehicles will be parked.
5. Security lights to provide adequate lighting for the property. Lighting must be directed downward and be hooded in order to prevent light pollution onto neighboring properties.
6. Signage as required by the state of Utah.
7. Fluid receptacles on site to catch any leaking fluid from vehicles.
8. No dismantling or salvaging of vehicles.
9. All weather road base surface to be maintained.
10. No new buildings approved/constructed as part of this project.

11. Customer parking spaces will be provided outside of the impound yard area with signage.
12. Once a state license is obtained, a copy will be provided to the County Community Development office.
13. No stacking or racking vehicles, only one vehicle height permitted in the impound area.
14. Access within the site should be maintained and kept open and free from storage as required by the Fire Marshal to provide adequate access for fire protection.
15. All grounds shall be maintained in accordance with Section 5-1-300, Conservation of Values, of the Land Use Code. The site shall be maintained free of inappropriately stored flammable materials. Materials that are customary to the business shall be stored in accordance with applicable laws.
16. The remainder of the property must be brought into conformance with Section 5-1-300, Conservation of Values, of the Land Use Code.
17. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
18. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

WORKING REPORTS

Water Presentation – BRWCD/BRCC

Carl Mackley, General Manager of the Bear River Water Conservancy District, and Trevor Nielson, General Manager of the Bear River Canal Company gave a presentation regarding developments occurring adjacent to municipalities and the water suppliers to the unincorporated areas of Box Elder County.

(See Attachment No. 2 – PowerPoint .)

An audio recording of the presentation may be obtained by submitting a GRAMA Request to the Planning and Zoning Office.

Kennels

Staff presented the revised version to the commissioners prior to this meeting in hopes of receiving further input. After some discussion regarding inputting a waste management plan, and/or a sound management plan, the allowable number of dogs, the need for agricultural dogs, and how detailed the regulations need to be, it was decided to keep as a working report until all the commissioners can review it.

MPC Zone

The commissioners directed staff to put the MPC zone on the February agenda.

PUBLIC COMMENTS – NONE

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Jed Pugsley and meeting adjourned at 9:10 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION

STAFF REPORT

Meeting Date: February 16, 2023
Agenda Item #: 5a

Application Type:

Site Plan
Recycling/Manufacturing

APPLICANT(S):

Troy Ferran

PROJECT #:

SP22-003

ZONE:

Unzoned

PARCEL #:

06-060-0118, -0130

TYPE OF ACTION:

Administrative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting site plan approval for a recycling and manufacturing facility. The proposed use is on a 10.5 acre parcel located at 12425 North Canal Bank Road in an unzoned area of Box Elder County between Tremonton and Garland. The facility would use some existing buildings on the site, some existing buildings would be demolished, and a new 20,000 square foot building is proposed. Per the application the facility takes industrial scrap waste (P&G is a local customer) recycles it and manufactures spill absorbent products to service the oil and chemical industries. Products manufactured include spill socks, spill booms, and other absorbent products. The manufacturing operations will consist of three small manufacturing lines.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Rural Residential	Unzoned
South	Rural Residential	Unzoned
East	Agriculture	Unzoned
West	I-15	Unzoned

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code Section 2-2-120.D.2.c allows manufacturing uses as a permitted use in unzoned areas 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.
Whether the proposed use/design conforms to development standards is still being reviewed by the County Fire Marshal, County Engineer, and County Roads Supervisor.
- C. The proposed use shall conform to all applicable regulations of general applicability and regulations

for specific uses set forth in this Code.

This is still under review.

- D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances.

This is still under review.

- 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

Utilities:

- There is an existing septic system on site associated with the house. Per the Land Use Code we have requested the applicant provide information from the Bear River Health Department addressing the sufficiency or need regarding septic for the property/project.
- Water from Garland City is proposed to be used. If this is the case we will need a letter from them stating they are willing and able to serve the property/project. This is still up in the air and Garland may require annexation. There is a well on the property that services the house and is designated for 1 EDU, 1 ELU, and 0.2 acres irrigation for the yard.

Setbacks:

- There is an existing building to be demolished.
- There is an existing building to remain that meets setback requirements.
- There is a proposed new 20,000 square foot building that meets setback requirements.

Access:

- Access to the property is via Canal Bank Road an existing county road.
- There is a proposed access that is not showing on the site plan. It is a turn-around and back in access for the south side of the existing building.
- No employee parking is shown on the site plan.

Items being reviewed and questions posed to applicant (*applicant's response in italics*):

- Are there any odors associated with the proposed use?
No
- Is the sound/noise associated with the proposed use?
No
- What traffic will the proposed use generate? Type and frequency?
Two types of traffic. Employee traffic from 6-15 employees. Truck traffic, 1-2 trucks per day on average depending on shipping/receiving needs.
- Will there be any outdoor storage associated with the proposed use? Chemicals, pre/post recycled materials or waste, anything?

No outdoor storage. Only a front load trash container. No chemicals, all materials inside are made from post industrial waste plastic and we will have bales/pallets of material inside the building. Material must be kept dry and cannot be stored outside unless actively loading/unloading trucks.

- Is there any outdoor lighting proposed? All lighting must be directed downwards and hooded in order to not pollute adjacent properties.

There will be two lights on dock area and one over each man door. Lights will be pointed downward.

- Is there any other signage proposed beyond what is shown in the project overview?

No

- Are there any hazardous chemicals stored/used onsite?

No hazardous chemicals on site.

- Are there any flammable materials stored/used onsite?

No flammable liquids on site other than a propane tank 25 feet away from building. Products inside do not contain anything marked as flammable or hazardous.

- What are the proposed hours of operation?

Monday through Friday operations. Initially just 7am to 5pm. Possibly a night shift in the future until 8 or 10pm. Closed weekends.

- Parking - none shown on site plan

- Customers – *No customers, we are wholesale only.*

- Employees – *minimum required is max shift – Adequate parking will be provided on the West side of the building and in the front of the building. Parking area is gravel and there are over 15 stalls that we could allocate, well above the amount of employees that we will have on site.*

County Department Reviews:

- The County Engineer received a revised site plan on 2/9 and is currently reviewing it.
- The County Roads Supervisor received a revised site plan on 2/9 and is currently reviewing it.
- The County Fire Marshal received a revised site plan on 2/9 and is currently reviewing it.
- The County Building Official received a revised site plan on 2/9 and is currently reviewing it.

FINDINGS:

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

1. The Box Elder Land Use Management and Development Code does allow for manufacturing/industrial uses in the unzoned areas subject to Site Plan review and approval by the Planning Commission.
2. The proposed Site Plan is still under review by several departments.
3. The source of water for the project/property is still in negotiations with Garland City.

RECOMMENDATION

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



Planning Commission may APPROVE or TABLE the request subject to the following conditions:

1. Compliance with Section 2-2-090, Permitted Use Review, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-120, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
3. Compliance with reviews from the Zoning Administrator, County Engineer, Road Supervisor, Fire Marshal, and Building Official.
4. Submit will-serve letter or other proof of utilities from water provider, septic, power, and gas/propane.
5. All grounds shall be maintained in accordance with Section 5-1-300, Conservation of Values, of the Box Elder County Land Use Management & Development Code.
6. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
7. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

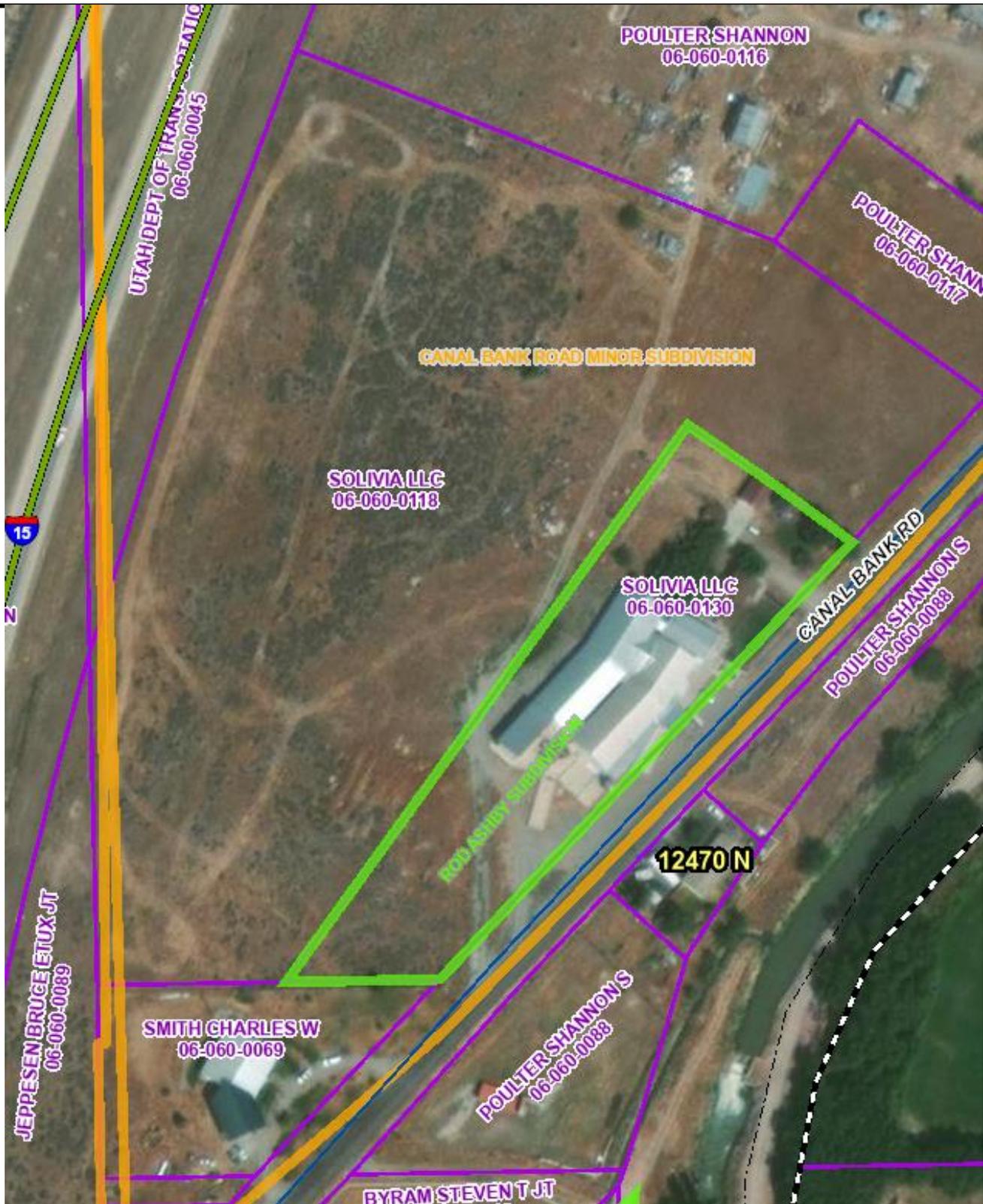
Approval – “I move the Planning Commission approve application number SP22-003, a Site Plan for a recycling/manufacturing facility, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table the review of application number SP22-003, a Site Plan for a recycling/manufacturing facility, 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...

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





PLANNING COMMISSION

STAFF REPORT

Meeting Date: February 16, 2023
Agenda Item #: 6a

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z23-001

ORDINANCE:

Chapter 3-8-1, Master
Planned Community Zone

TYPE OF APPLICATION:

Legislative

REPORT BY:

Marcus Wager,
Sr. County Planner

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 where a Master Planned Community would be considered, 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 has historically concluded that the Master Planned Community Zone fits better within Cities/Towns that has the services to support that type of development.
3. The Box Elder County General Plan is harmonious with this proposal, as it supports growth and development taking place within existing communities or in unincorporated areas within which adequate services are or may be made available.
4. 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 Z23-001, 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 Z23-001, 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 Z23-001, 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 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.~~
 - ~~e. 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 16, 2023
Agenda Item #: 7a**

Application Type:
Subdivision - Amendment

APPLICANT(S):
Lisa Larson

PROJECT #:
SS23-001

ADDRESS:
19020 N Wendell Way
Garland, UT 84312

ZONE:
Unzoned

PARCEL #:
07-042-0022, 07-085-0021

REPORT BY:
Destin Christiansen,
County Planner

BACKGROUND

The applicant is requesting an amendment to the final plat of the Belmont Springs Park Phase 1 Subdivision in the Plymouth area of unincorporated Box Elder County. The proposed amendment adjusts Lot 1 of Block 3 from .36 acres to .34 acres and adds an additional Lot 10 that consists of .28 acres. Applicant owns proposed Lot 10 and has been maintaining a portion of Lot 1 whose owner is transferring to the applicant.

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	Rural Residential	Unzoned
South	Belmont Springs Park Sub.	Unzoned
East	Hot Springs	Unzoned
West	Belmont Springs Park Sub.	Unzoned

Access:

Access to the lots is existing via Wendell Way, 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 that would also add the applicant's parcel into the Belmont Springs Park Subdivision.

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 SS23-001, amending the Belmont Springs Park 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 SS23-001, amending the Belmont Springs Park 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...

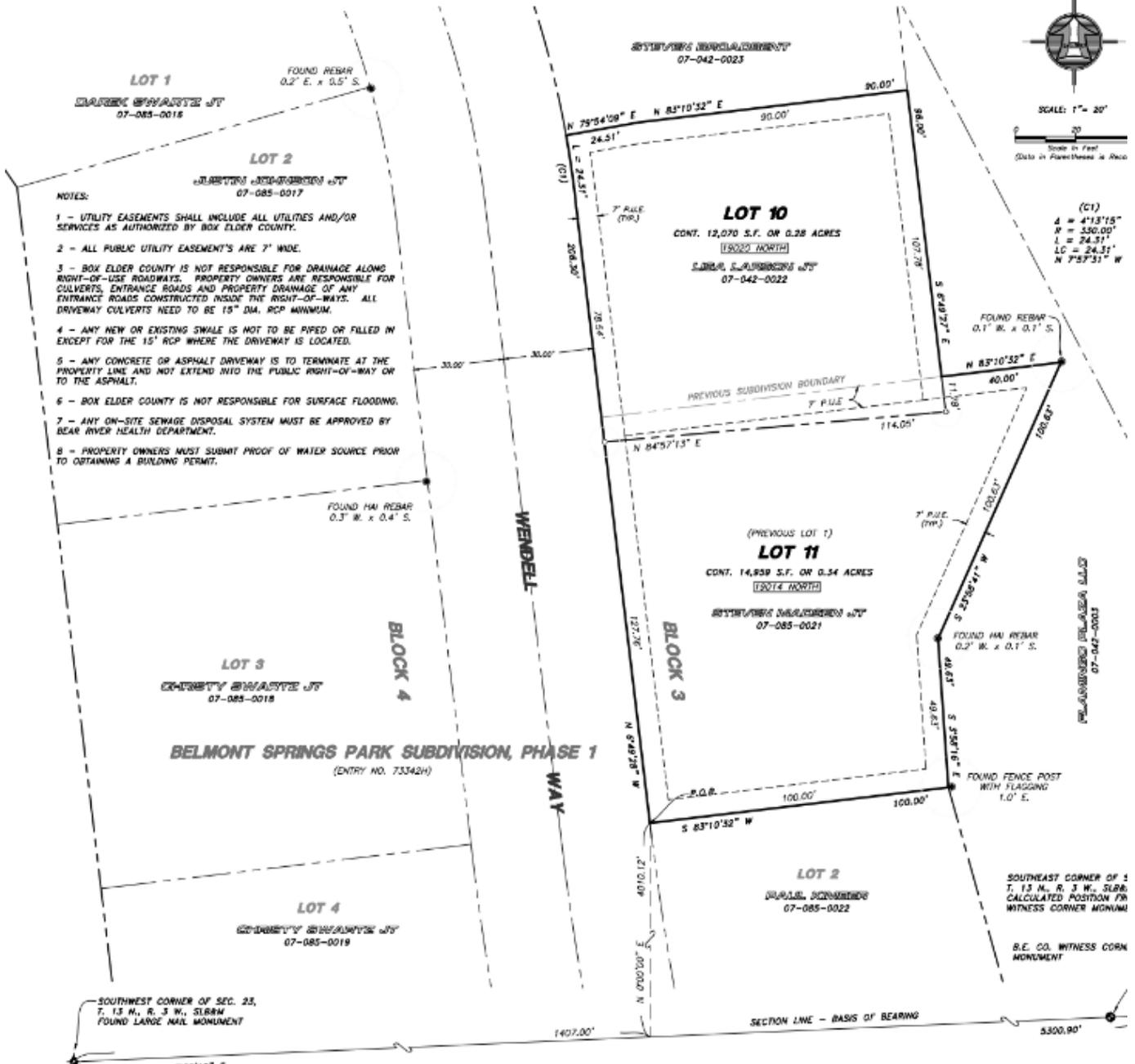
Denial – “I move the Planning Commission deny application number SS23-001, amending the Belmont Springs Park Subdivision Phase 1, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

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



TOWNSHIP 13 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN





PLANNING COMMISSION

STAFF REPORT

Meeting Date: February 16, 2023

Agenda Item #: 7b

Application Type:

Final Subdivision

APPLICANT(S):

Jonathan Roberts

PROJECT #:

SS23-003

ADDRESS:

Approximately 11200
North 3600 West

ZONE:

RR-1

PARCELS #:

05-023-0011

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting Final Plat approval of the Little Bear Manor Subdivision plat. The proposed subdivision is four lots totaling 6.55 acres. The lots average 1.64 acres in size.

ANALYSIS

Land Use Ordinance Standards Review:

Land Use Management & Development Code 6-1-190 requires the subdivision of property receive final approval from the Box Elder County Commission with prior approval from the Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Bear River/Agriculture	A-20
South	Rural Residential/Agriculture	A-20
East	Agriculture	A-20
West	Bear River/Agriculture	A-20

Access:

- Access is via SR-102 an existing state road. The applicant has preliminary approval from UDOT for his access on the highway.

Utilities:

- The County has received utility will-serve letters from the power and propane companies. We have also received a feasibility letter for the four lots from the Bear River Health Department.
- Water is to be provided through individual wells. Proof of water rights and well permits have been provided by the Utah Division of Water Rights. A well has not been drilled yet, so the water test has not been completed. This would need to be a condition of approval.

Setbacks:

- All setbacks can be met for this area and will be enforced during the building permit process.

County Department Reviews:

- The County Surveyor has reviewed and approved the proposed plat.
- The County Engineer is currently reviewing the geotechnical and soils report for the property. He has reviewed and approved the proposed plat.
- The County Fire Marshal is reviewing the proposed fire infrastructure and access to the development.
- The County Attorney will review the plat against a title report prior to approval by the County Commission.

Findings:

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

1. The final subdivision plat does not currently comply with the subdivision final plat regulations of Box Elder County as set forth in Chapter 6-1 of the Land Use Management & Development Code.
2. The proposed final subdivision plat may meet the regulations set forth in Chapter 6-1 of the Land Use Management & Development Code following review and approval by the Fire Marshal, Planning and Building departments, as well as the County Attorney.
3. The proposed development is still under review by various county departments.
4. The applicant must have at least one well drilled and the water tested. This water must meet drinking water standards. A copy of the water test must be submitted prior to final approval.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may TABLE the proposed plat, or APPROVE the proposed plat with the following 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 Fire Marshal, Planning and Building departments, and County Attorney.
4. The applicant must have at least one well drilled and the water tested. This water must meet drinking water standards. A copy of the water test must be submitted to the Community Development department.
5. 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 SS23-003, a final plat for the Little Bear Manor 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 SS23-003, a final plat for the Little Bear Manor 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 SS23-003, a final plat for the Little Bear Manor 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.



OF THE SOUTHEAST QUARTER OF SECTION 6,
 10TH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN

