

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

March 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 February 16, 2023 Planning Commission Minutes.

5. UNFINISHED BUSINESS

- a. **VALLEY VIEW ESTATES PH. 3, SS22-024**, Request for preliminary approval of an 8-lot subdivision located at approximately 550 West 7150 South in the South Willard area of Unincorporated Box Elder County. **ACTION**

6. PUBLIC HEARINGS

- a. **CONDITIONAL USE PERMIT, CUP23-001**, Request for a Conditional Use Permit for a Recreational Vehicle Park located at approximately 20755 North 6000 West in the Plymouth area of Unincorporated Box Elder County.
- b. **ZONING MAP AMENDMENT, Z23-002**, Request for a zone change of 391.91 acres from MU-40 (Multiple Use 40 acre) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone located at approximately 50375 W Highway 30 in the Park Valley area of Unincorporated Box Elder County.
- c. **ORDINANCE TEXT AMENDMENT, Z23-003** Request for a text amendment to Section 5-6-060 to change the height requirement for Accessory Dwelling Units in the Box Elder County Land Use Management & Development Code.
- d. **ORDINANCE TEXT AMENDMENT, Z23-004**, Request for a text amendment to create Chapter 5-8: Kennels, and to amend any affected chapters of the Box Elder County Land Use Management & Development Code.

7. NEW BUSINESS

- a. **SURPLUS PROPERTY DISPOSAL, SPD23-01**, Request for an exchange of property located at approximately 49 South and 950 West in Brigham City. **ACTION**

8. WORKING REPORTS

- a. S-3 Sign Overlay Zone

9. PUBLIC COMMENT

10. ADJOURN_____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES FEBRUARY 16, 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	Excused
Jared Holmgren	Vice-Chair
Lonnie Jensen	Member
Steven Zollinger	Excused
Bonnie Robinson	Excused
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

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

The Invocation was offered by **Commissioner Jed Pugsley**.
Pledge was led by **Commissioner Lonnie Jensen**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the January 19, 2023 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jed Pugsley** to approve the minutes as written. The motion was seconded by **Commissioner Lonnie Jensen** and passed unanimously.

UNFINISHED BUSINESS –NONE

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 explained 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. The facility takes industrial scrap waste from facilities such as

Procter and Gamble, 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 surrounding land uses are Rural Residential and Agriculture with I-15 to the west. The surrounding zones are Unzoned.

Staff updated the commissioners with what has taken place since this item was presented last month. All county departments have submitted their reviews, the feedback from those reviews was sent to the applicant's engineer who updated the site plan based on those reviews. The updated site plan was submitted to staff on February 9, 2023. The revised site plan was then sent back out to the various departments for review. Staff has not heard back from the County Engineer, Roads Supervisor, Fire Marshal and Building Official on the second revision. Some of the requirements will have been met with the revised site plan but sometimes even a third revision is necessary.

Staff concerns are with the utilities. There is an existing septic system on site for the existing home. There is a new septic system proposed for restrooms associated with the new structure but staff has not received a feasibility study from the Health Department acknowledging the new system. Staff is also concerned with water. A letter was received from the Garland City Mayor stating Garland will be providing fire suppression services but will not be providing culinary water services to projects outside Garland City limits. If the property owners are able to coordinate with adjacent property owners and complete an annexation into Garland, the site would be expected to meet Garland City development standards and connect to city utilities.

(See Attachment #2 – Garland City Letter.)

Staff said the property owner owns a well on the site classified as 1Equivalent Domestic Unit, 1 Equivalent Livestock Unit, and 0.2 acres irrigation. The applicant has been notified to speak with the Department of Water Rights to determine if the use of that water for the restrooms onsite for this project would be acceptable under the Equivalent Domestic Unit or if the water right would need to change classification.

Commissioner Lonnie Jensen asked how the facility cleans up after their everyday process. **Bo Peck**, applicant, said all the processes are conducted inside the building so clean up will all be inside. There is no wastewater generated from the cleanup process.

Commissioner Jed Pugsley asked if the applicant has spoken with Garland City about annexation. **Jim Flint**, Engineer, stated there have been extensive talks with Garland about annexing, however no definitive answer has been received from Garland. Mr. Flint said they also cannot convince the intervening owners to come on board with Garland for annexation.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to approve application SP22-003, a Site Plan for a recycling/manufacturing facility, and adopting the conditions and findings of the staff. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

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.

PUBLIC HEARINGS

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

Staff stated the Box Elder County Planning Commissioners have requested that consideration for 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. These amendments are decided upon by the County Commission with a recommendation from the Planning Commission.

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

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; The proposed amendment would likely have little effect 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.

The public hearing was then opened for comments. There were no comments.

Hearing no comments, a motion was made by **Commissioner Jed Pugsley** to close the public hearing on Ordinance Text Amendment Z23-001. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

ACTION

Staff explained their findings of the text amendment application as follows:

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.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to forward a recommendation of approval to the County Commission for application Z23-001 an ordinance text amendment to remove Chapter 3-8-1, Master Planned Community Zone from the Box Elder County LUM&DC and adopting the conditions and findings of staff . The motion was seconded by **Commissioner Lonnie Jensen** 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

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

Staff said 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 (Lot 10) consisting of .28 acres. The applicant owns the proposed Lot 10 and has been maintaining a portion

of Lot 1. The request is basically a lot line adjustment between the applicant and the owner of Lot 1. The surrounding land uses are Rural Residential to the north, Belmont Springs Park Subdivision to the South and West, and to the East is the Belmont Hot Springs. Access is via county road Wendell Way and all utilities are existing. All departments have reviewed and approved the plat and staff recommends approval.

MOTION: A Motion was made by **Commissioner Jennifer Jacobsen** to approve application SS23-001 amending the Belmont Springs Park Subdivision Phase 1 and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Jed Pugsley** and unanimously carried.

CONDITIONS:

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

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

The applicant is requesting Final Plat approval of the Little Bear Manor Subdivision plat, a 4-lot subdivision located at approximately 11200 North 3600 West in the Deweyville area. The subdivision is zoned RR-1 and is approximately 6.55 acres. The lots average 1.64 acres in size. The surrounding land uses are Rural Residential and Agriculture with the Bear River to the north and west. The surrounding zones are A-20. Access to the property is SR-102 and the applicant has preliminary approval from UDOT for access from the subdivision onto the state highway.

Staff has received will-serve letters from power and propane companies and a feasibility letter from the Bear River Health Department. Proof of water rights and well permits have been provided by the Division of Water Rights but a well has not yet been drilled so a water test has not been completed. The County Surveyor and Engineer have reviewed and approved the proposed plat. The County Fire Marshal has given some feedback but has not given approval as of yet. The County Building Official has reviewed the geotechnical report which states the structure should not be closer than 40 ft. to the embankment leading to the river. The County Attorney will need to review the plat against the title report prior to approval by the County Commission.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to approve to approve application SS23-003, a final plat for the Little Bear Manor Subdivision, and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Jennifer Jacobsen** and unanimously carried.

CONDITIONS:

1. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
3. Subject to review and approval by the 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.

WORKING REPORTS

Kennels

There was a discussion regarding the changes made by staff and the commissioners. It was concluded to add this item as a public hearing on next month's agenda.

Miscellaneous

Commissioner Jennifer Jacobsen requested staff to put together language to not allow multi-family housing in unincorporated Box Elder County due to not having the infrastructure to support multi-family housing. She requested the language be emailed to the Planning Commissioners to review.

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Lonnie Jensen to adjourn commission meeting. The motion was seconded by Commissioner Jennifer Jacobsen and meeting adjourned at 7:50p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION STAFF REPORT

Meeting Date: March 16, 2023

Agenda Item #: 5a

Application Type:

Preliminary Subdivision

APPLICANT(S):

Brian Rose

PROJECT #:

SS22-024

ADDRESS:

Approximately 550 West
7150 South

ZONE:

R-1-20

PARCELS #:

01-040-0037; 02-055-0094

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting Preliminary approval of the Valley View Estates Phase 3 Subdivision plat. The proposed subdivision is 8 new lots, all of the lots will be 0.46 acres or larger. The existing parcels are 27.46 acres in size.

UPDATE: This application was tabled by this commission on September 15th, 2022 and on December 15, 2022 for three (3) months to have the applicant(s) bring their project into compliance with the following conditions:

1. Compliance with all comments from County staff.
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.
5. Drainage easements need to be dedicated to the South Willard Flood Control District and the frontage on Lot 1 addressed.

On March 1, 2023 staff met with and received an email with the updates the applicant has been working on with regards to this subdivision (See new aerial shots attached).

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	Agriculture/Residential	R-1-20
South	Agriculture/Residential	R-1-20
East	Agriculture	MU-160
West	Residential	R-1-20

Access:

Access will come off of 600 West (tying into 7150 South) for the entire phase of the subdivision. A future access point is planned to the South and East for the rest of the parcel to be developed in the future and to connect to 7325 South.

Utilities:

The County has gotten utility will serve letters from the power, gas, and water companies and they are satisfactory for this subdivision. We have also received a feasibility letter from the Bear River Health Department and a geotechnical report.

Setbacks:

All setbacks can be met for this R-1-20 zone area, except for Lot #6 with the existing structure (that structure is now labeled as “to be removed”).

County Department Reviews:

All applicable County departments are currently reviewing this subdivision. At the time of writing this staff report, we have not received an updated plat since September 15, 2022.

Findings:

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

1. The preliminary subdivision plat does not comply with the preliminary subdivision regulations of Box Elder County.
2. Modifications to the proposed preliminary plat may be made to bring it into conformance with the County Land Use Management & Development Code.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may DENY the proposed preliminary plat based on the findings above and any others the Planning Commission finds, or TABLE the preliminary plat application with the following conditions as well as any others the Planning Commission finds:**

1. Compliance with all comments from County staff.
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.
5. Drainage easements need to be dedicated to the South Willard Flood Control District and the frontage on Lot 1 addressed.

MODEL MOTIONS

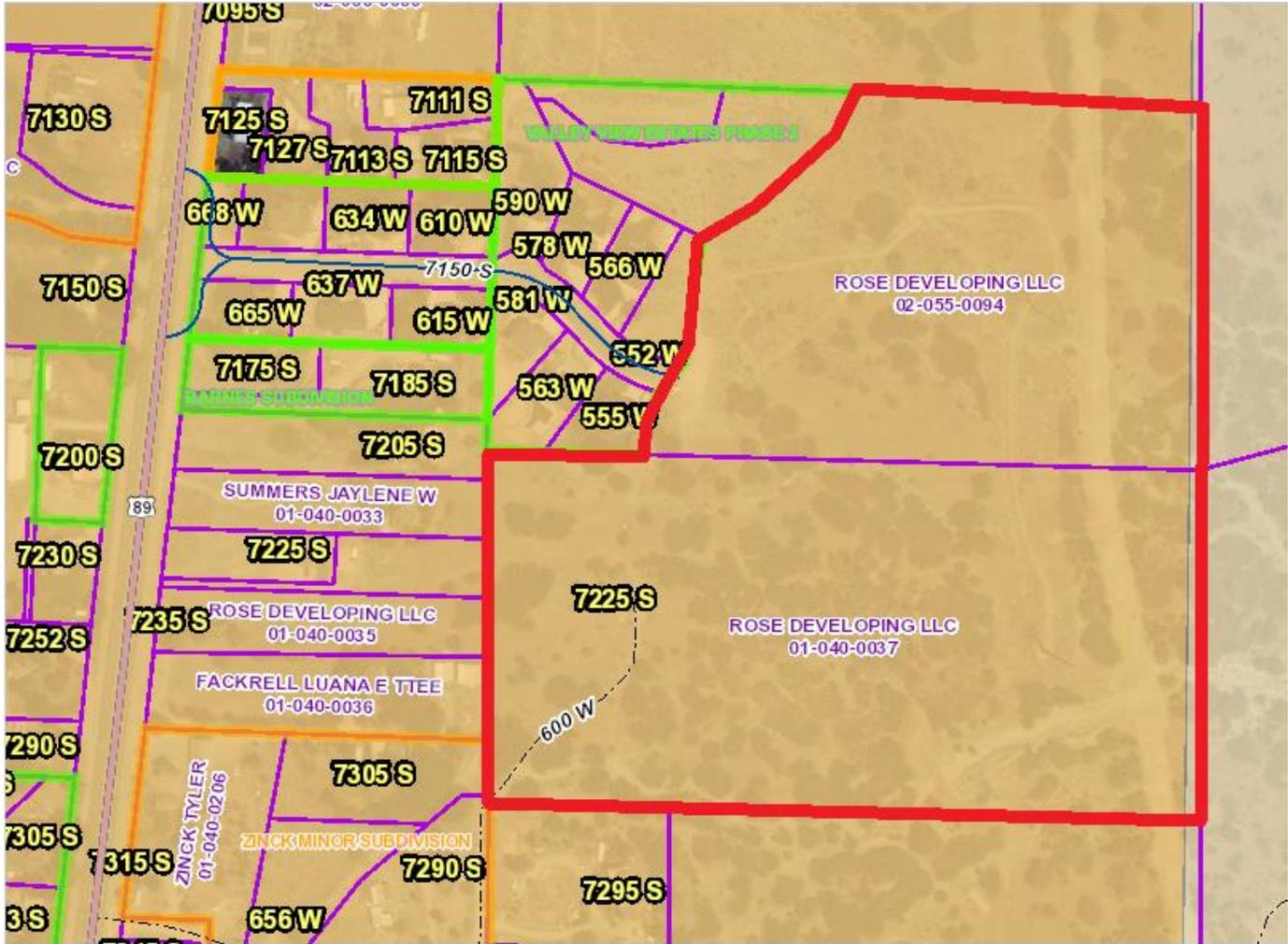
Approval – “I move the Planning Commission approve application number SS22-024, a preliminary plat for the Valley View Estates Phase 3 Subdivision, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

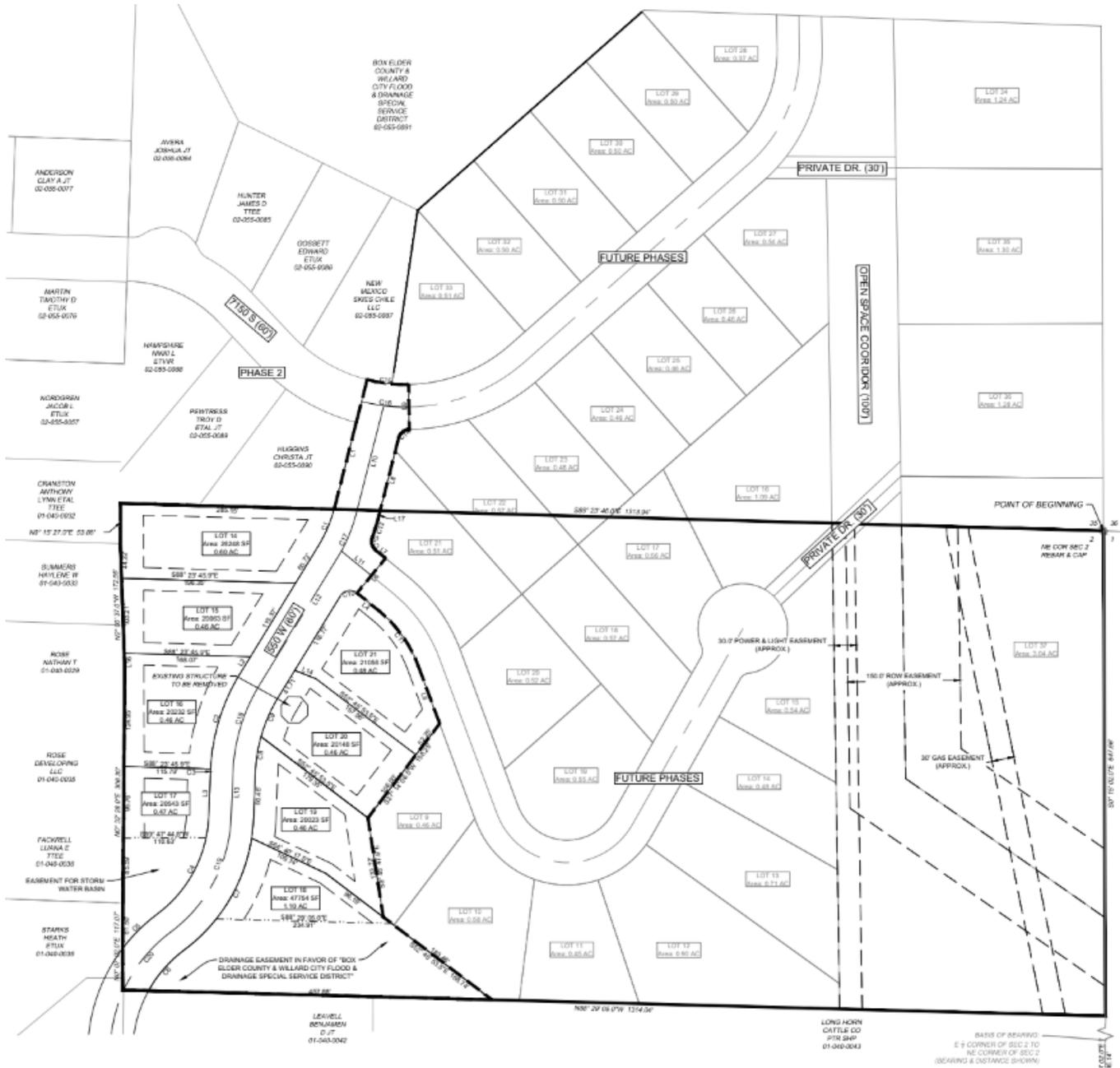
1. List any additional conditions....



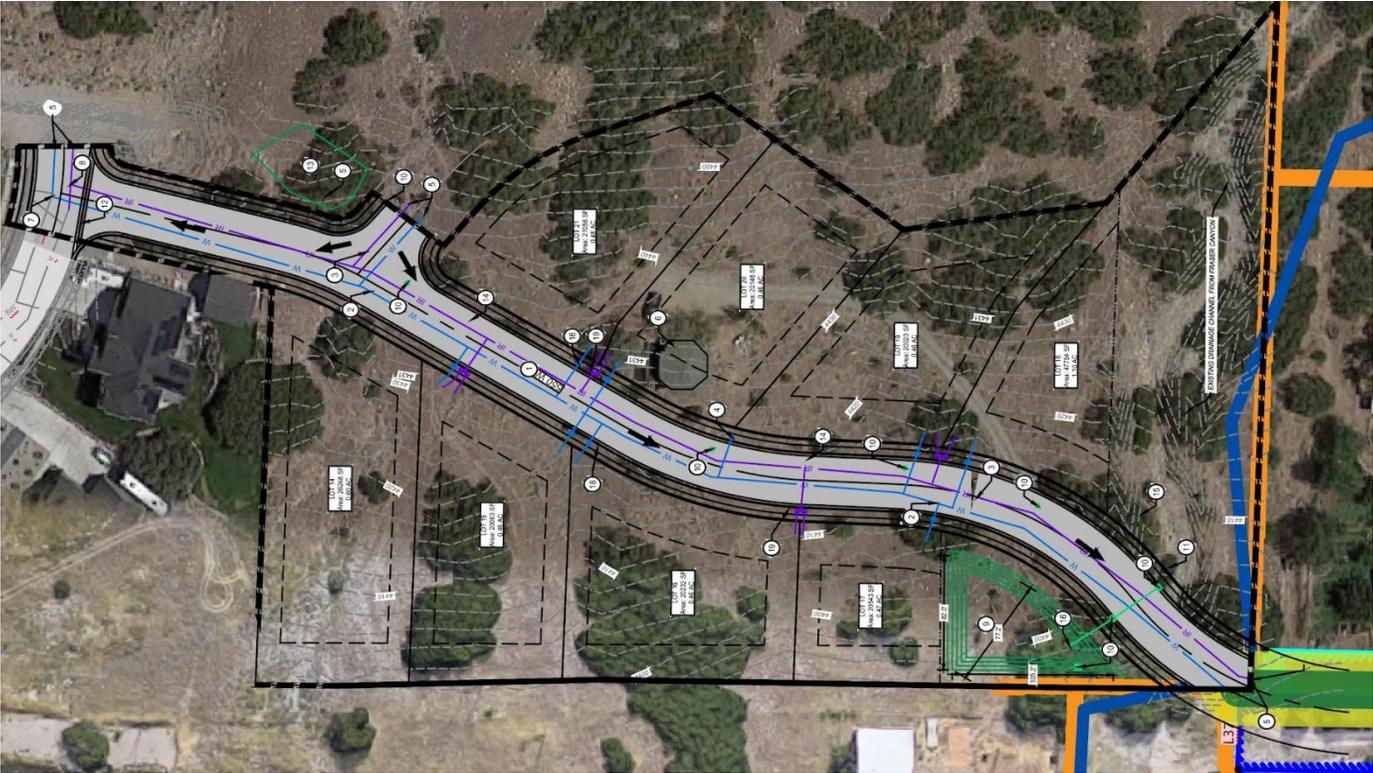
- **Table** – “I move the Planning Commission table application number SS22-024, a preliminary plat for the Valley View Estates Phase 3 Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”
 1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...
- **Denial** – “I move the Planning Commission deny application number SS22-024, a preliminary plat for the Valley View Estates Phase 3 Subdivision 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: March 16, 2023

Agenda Item #: 6a

Application Type:

Conditional Use Permit

APPLICANT(S):

Travis Poulson

PROJECT #:

CUP23-001

ZONE:

Un-Zoned

PARCEL #:

07-036-0029

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting a Conditional Use Permit for an RV park and residential dwellings (future phase) on property located at 20755 North 6000 West in the Plymouth area. The site would consist of 21 RV spots and 13 future single family dwellings with a proposed laundry and shower facility in the middle. See attached site plan below.

ANALYSIS

County Code:

Land Use Management & Development Code Chapter 3-6 allows RV parks as a conditional use in an un-zoned area. Conditional Use Permits are decided upon by the Planning Commission according to Section 2-2-100.

Land Use Ordinance Standards Review:

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

1. Conditions may be imposed as necessary to prevent or minimize the anticipated detrimental effects of the use on adjacent properties and within the zoning district, or upon public facilities and services. Such conditions shall be expressly set forth in the approval authorizing a conditional use permit.
2. The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements prescribed by this Code and other applicable Codes, can be met or need mitigation.
3. The following standards should be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied:
 - a) Compliance with Development Standards found in specific chapters of this Code
 - b) Mitigation of reasonably anticipated detrimental effects arising from the conditional use including, but not limited to:
 1. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards.
Should not have an impact.

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2. Negative impacts on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems.
Should not have an impact.
 3. Negative impacts on connectivity and safety for pedestrians and bicyclists.
Should not have an impact.
 4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable within the district including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, glare, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.
Should not have an impact.
 5. Environmental impacts that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as fault lines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
Should not have an impact.
 6. Modifications to signs and exterior lighting to assure proper integration of the use.
Should not have an impact.
 7. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.
Should not have an impact.
 8. Reduction in the tax base and property values.
Should not have an impact.
 9. Reduction in the current level of economy in governmental expenditures.
Should not have an impact.
 10. Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall.
Should not have an impact. However, I am still waiting to hear from the County Fire Marshall.
 11. Reduction in usable open space
Should not have an impact.
 12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
Should not have an impact.
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Box Elder County Land Use Management & Development Code section 3-6-040 outlines the following development standards for Recreational Vehicle Parks:

- A. The Planning Commission shall review the proposed development plan to determine its compliance with all portions of the County General Plan and, among other things, shall attempt to make sure that such development will constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding area. Standards higher than the minimum standards contained in this Code may be required if necessary for local conditions of health, safety, and protection of property, and to ensure that the development will mix harmoniously with contiguous and nearby existing and planned uses.
- B. The Planning Commission shall not approve any application for mobile home park, recreational vehicle park, or mobile home subdivision conditional use permit if the developer cannot provide required water supplies and facilities, waste disposal systems, storm drainage facilities, access or improvements, or if the developer cannot ensure that the development will be completed within twelve (12) months, or if the Planning Commission or County Commission determines there would be unusual danger of flood, fire or other hazard, or if the proposed development would be of such character or in such a location that it would:
 - 1. Create excessive costs for public services and facilities.
 - 2. Endanger the health or safety of the public.
 - 3. Unreasonably hurt or destroy the environment.
 - 4. Cause excessive air or water pollution, or soil erosion, or
 - 5. Be inconsistent with any adopted general or specific plan of the area in which it is to be placed.
- C. The development shall conform to the following standards and requirements, unless modified by an approved planned unit development plan:
 - 1. The area shall be in one ownership, or if in several, the application for approval of the development shall be filed jointly by all owners of the property included in the plan.
 - 2. A strip of land at least fifteen (15) feet wide surrounding the entire park shall be left unoccupied by mobile homes, recreational vehicles, storage buildings, service buildings, garages or any add-ons, and shall be planted and maintained in lawn, shrubs, trees, with an approved durable permanent wall or fence designed to afford privacy to the development.
 - 3. All storage and solid waste receptacles outside the confines of any mobile home or recreational vehicle shall be housed in a closed structure compatible in design and construction to the mobile homes, and to any service buildings within the development; all patios, carports, garages, and other add-ons shall be compatible in design and construction with the mobile home. The service buildings shall be constructed in accordance with standard commercial practice and kept in good repair as determined by the Zoning Administrator. In mobile home developments where units will be situated with long axis perpendicular to the street, streets will run in a North-South direction to the greatest extent possible. This is to promote solar orientation of the units.

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4. In addition to meeting the above requirements and conditions, and conforming to the other laws of the County, all mobile home parks, recreational vehicle parks, and mobile home subdivisions shall also conform to all applicable state regulations. In the event of any conflict between said regulations and this Chapter, this Chapter shall take precedence where such regulations are more strict, and the provisions of the state regulations shall take precedence where such regulations are more strict.
 - D. Every mobile home park, recreational vehicle park, and mobile home subdivision shall provide underground utility service to every mobile home stand or lot as required by the Planning Commission, including but not limited to water, sewer, power, natural gas, telephone, and TV.

Box Elder County Land Use Management & Development Code Section 3-6-090 outlines additional requirements for Recreational Vehicle Parks:

- A. Recreational vehicle parks shall generally be located:
 1. Adjacent to or in close proximity to a major traffic artery or highway.
 2. Near adequate shopping facilities.
 3. Within or adjacent to a mobile home park.
- B. Not less than ten percent (10%) of the gross land area shall be set aside for the joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks, and off-street parking **shall not** be construed as part of the ten percent (10%) common area required for parks and playgrounds for occupants; provided, however, that in initial stages of development or in special smaller developments the minimum area shall not be less than two (2) acre or ten percent (10%), whichever is greater.
- C. Yard lighting with a minimum of 0.2 foot candles of light shall be required for protective yard lighting the full length of all driveways and walkways.
- D. All areas not covered by recreational vehicles, hard surfacing, or buildings shall be landscaped and permanently maintained pursuant to a plan approved by the Planning Commission.
- E. All off-street parking spaces and driveways shall be hard surfaced before the adjacent recreational vehicle spaces may be occupied.
- F. The roadways shall be designed to accommodate anticipated traffic, including the following standards, unless modified by an approved planned unit development plan:
 1. ONE-WAY TRAFFIC. A minimum of fifteen (15) feet in width plus extra width as necessary for maneuvering recreational vehicles.
 2. TWO-WAY TRAFFIC. A minimum of thirty (30) feet in width.
 3. ENTRANCE ROADWAYS: Minimum of thirty-six (36) feet in width.
 4. ROADWAYS: All roadways shall be hard surfaced and bordered by twenty four (24) inch rolled gutters or an approved equivalent.
 5. SIDEWALKS: Thirty-six (36) inch minimum width sidewalks shall be installed on all main roadways within the development, if required by the Planning Commission.
 6. ACCESS: Each recreational vehicle park shall have at least two (2) accesses to public streets, unless more than one (1) is prohibited by a responsible public agency.

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- G. No individual space in a recreational vehicle park shall be used by one individual recreational vehicle for more than ninety (90) days consecutively, nor shall such space be rented or leased to any one individual for a period longer than ninety (90) days in any one calendar year.
 - H. Recreational vehicles may be stored where permitted, but not used for permanent living quarters.
 - I. Recreational vehicles may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot in an appropriate zoning district when such use is a permitted or a conditional use.
 - J. Ten (10) recreational vehicles may be accommodated in an approved and licensed mobile home park, provided that:
 - 1. The recreational vehicle park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes.
 - 2. The recreational vehicle use area shall have direct access to a collector or arterial street.
 - 3. Separate ingress and egress shall be provided for recreational vehicles when required by the Planning Commission.
 - K. Recreational vehicle parks may be approved by the County Commission in locations permitting such use in this Code. Before such approval is given, a report to the County Commission by the Planning Commission shall find that the proposed development will:
 - 1. Be placed on a parcel of land of not less than five (5) acres, or within a mobile home park, unless modified by a planned unit development plan.
 - 2. Before first occupancy, have at least twenty-five (25) spaces completed (10 if in a mobile home park), or an approved schedule of financing, construction and phase completion, and approved security, to assure compliance.

FINDINGS:

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

1. The Box Elder Land Use Management and Development Code allows for Recreational Vehicle Parks in un-zoned areas subject to Conditional Use Permit approval by the Planning Commission.
2. The Planning Commission will need to determine if the proposed Recreational Vehicle Park can and will meet the requirements of Box Elder Land Use Management and Development Code Sections 2-2-100, 3-6-040 and 3-6-090.
3. At the time of this report (3/10/2023), the County is currently waiting on updated drawings and responses to the first round of comments.

RECOMMENDATION

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

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number CUP23-001, a Conditional Use Permit for a Recreational Vehicle Park, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

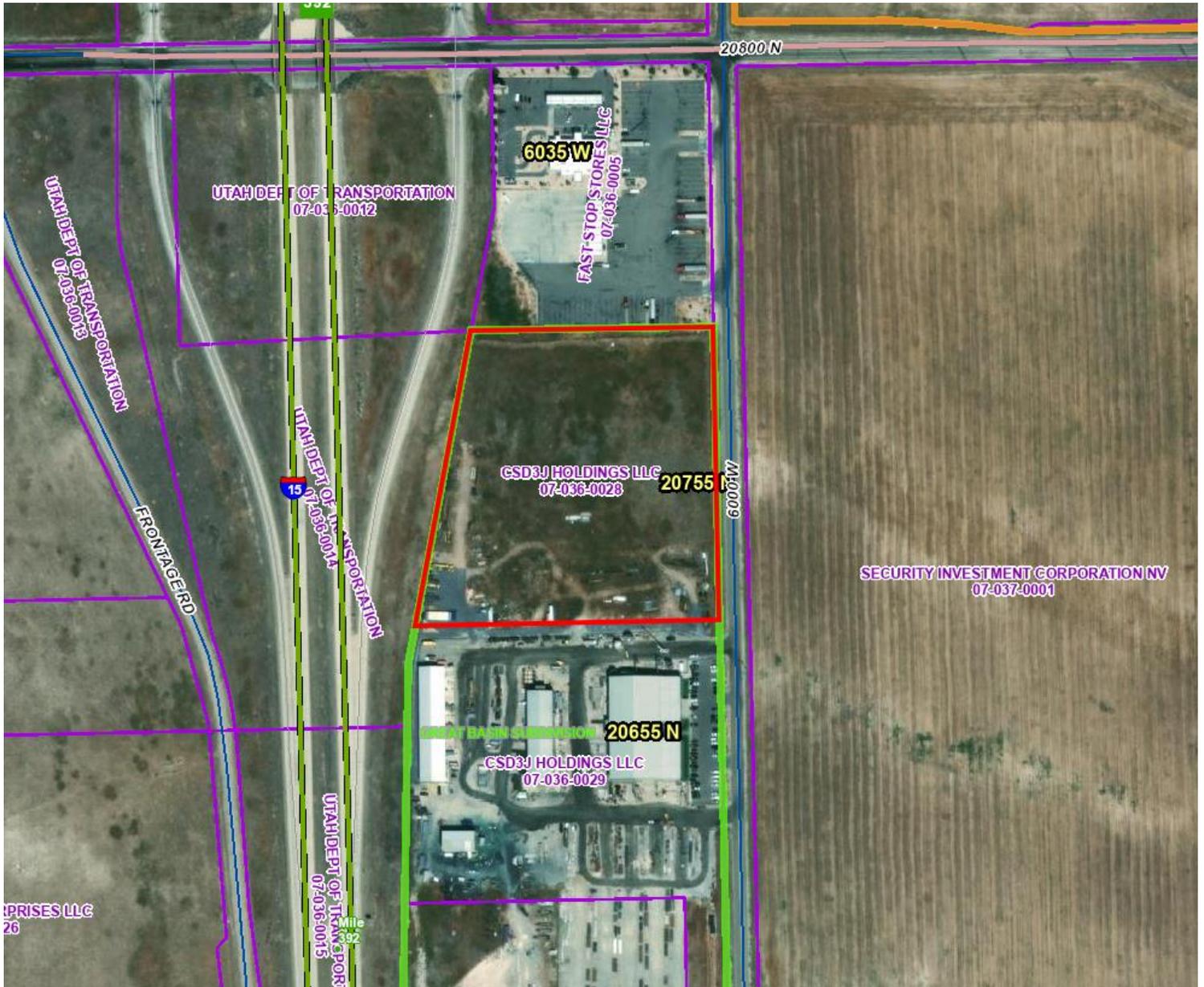
Table – “I move the Planning Commission table the review of application number CUP23-001, a Conditional Use Permit for a Recreational Vehicle Park, to (give date), based on the following findings:”

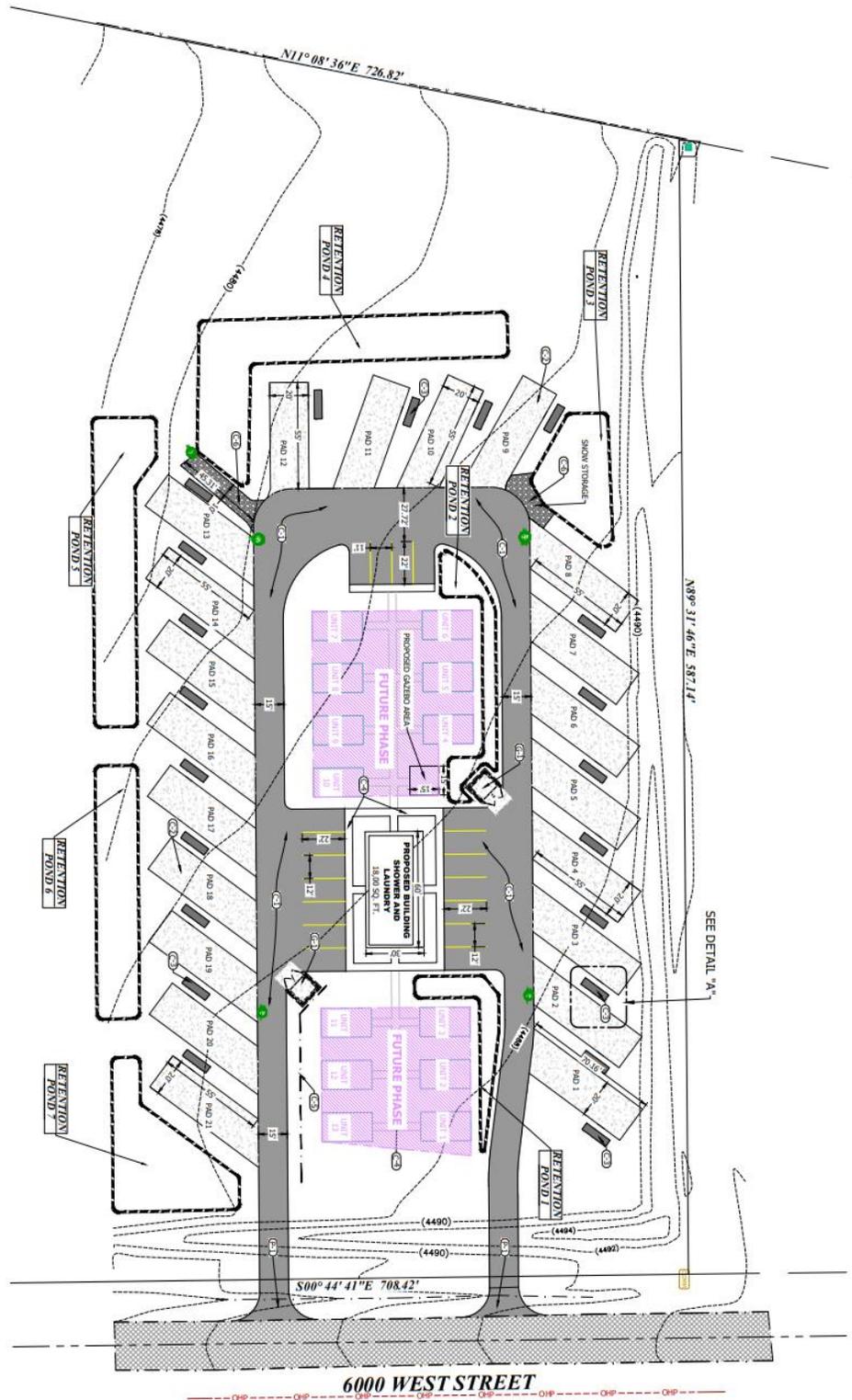
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number CUP23-001, a Conditional Use Permit for a Recreational Vehicle Park, based on the following findings:”

1. List findings for denial...

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







PLANNING COMMISSION STAFF REPORT

Meeting Date: March 16, 2023

Agenda Item #: 6b

Application Type:

Zoning Map Amendment

APPLICANT(S):

Carisa Hipwell

PROJECT #:

Z23-002

ADDRESS:

50375 W HWY 30

PARCEL #:

07-011-0049

CURRENT ZONE:

MU-40

TYPE OF ACTION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting that parcel 07-011-0049 (691.41 acres) be rezoned from MU-40 (Multiple Use 40 acres) to the MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone. The parcel is in the Park Valley area.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone subject to zoning map amendment approval by the County Commission with a recommendation from the Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agricultural	MU-40
South	Agricultural	MU-40
East	Agricultural	MU-40
West	Agricultural	MU-40

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 2-2-060-A states that zoning map amendments are a legislative proceeding. Per said section:

Decisions regarding a legislative application shall be based on the "reasonably debatable" standard, as follows:

- The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.
- In making such determination, the decision-making authority may consider the following: (1) Testimony presented at a public hearing or meeting; and (2) personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of

businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the County.

- The decision-making body should state on the record the basis for its decision.

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

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

In the Natural Resources Section the General Plan states: We conserve our natural resources, which have inherent value and contribute to our quality of life in Box Elder County.

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

The area is a combination of mainly agricultural uses with some residential scattered. The Planning Commission needs to decide if an MG-EX zone could be considered harmonious.

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

This is unknown. The public hearing process may bring forth additional information.

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.

It is unknown what the adequacy of facilities is in this area for the MG-EX zone.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from MU-40 to the MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the re-zone of properties subject to zoning map amendment review procedures and approval.
2. The Planning Commission will need to determine if the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.
3. This application is for a rezone from MU-40 (Multiple Use 40 acres) to the MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone.



RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission has three options to forward as 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 legislative body staff recommends it be subject to the following conditions:

1. Compliance with Section 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Chapter 3-9, Mining, Quarry, Sand, & Gravel Excavation Zone, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z23-003, a zoning map amendment from MU-40 to the MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

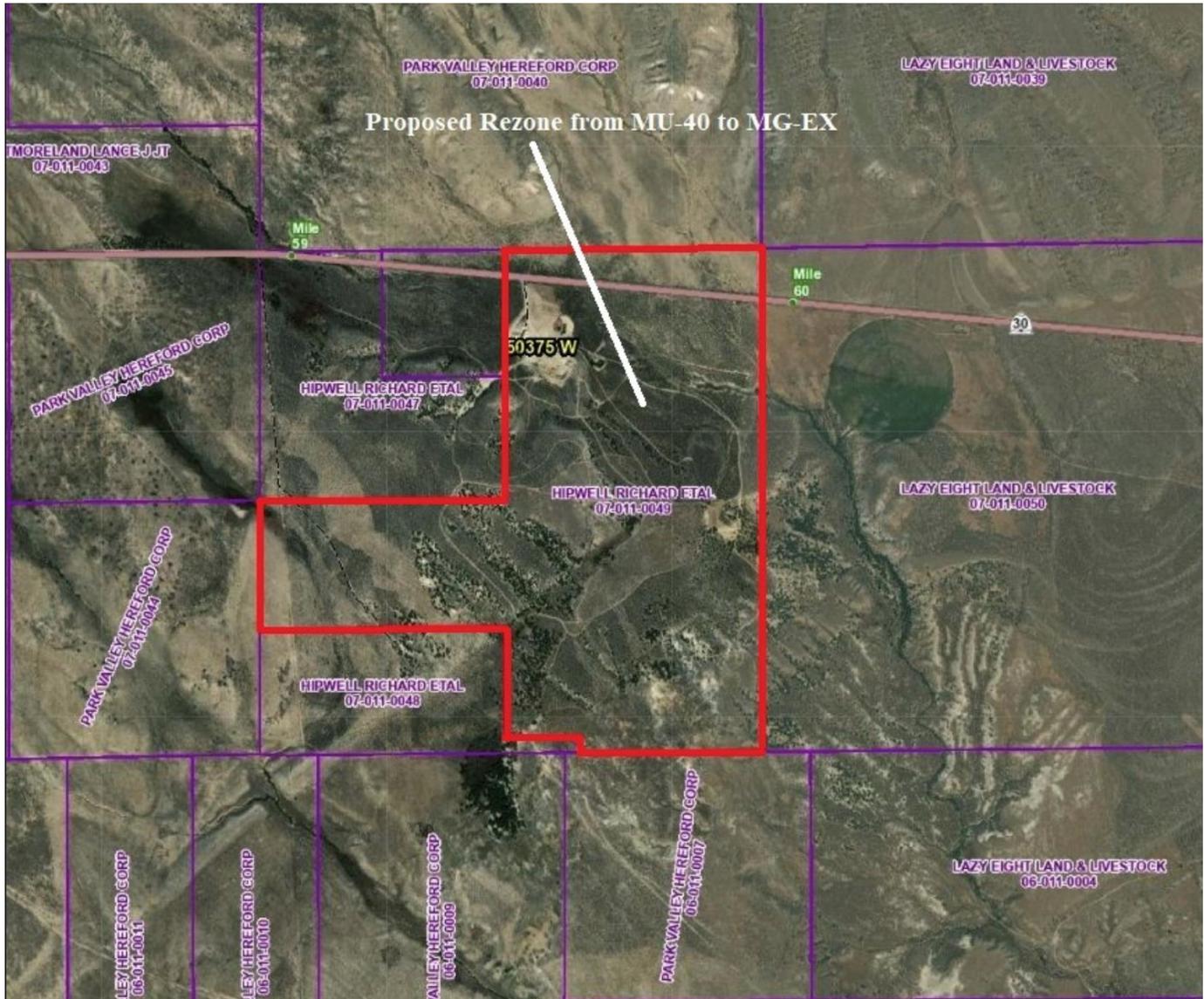
Table – “I move the Planning Commission table the review of application number Z23-003, a zoning map amendment from MU-40 to the MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone to (give date), based on the following findings:”

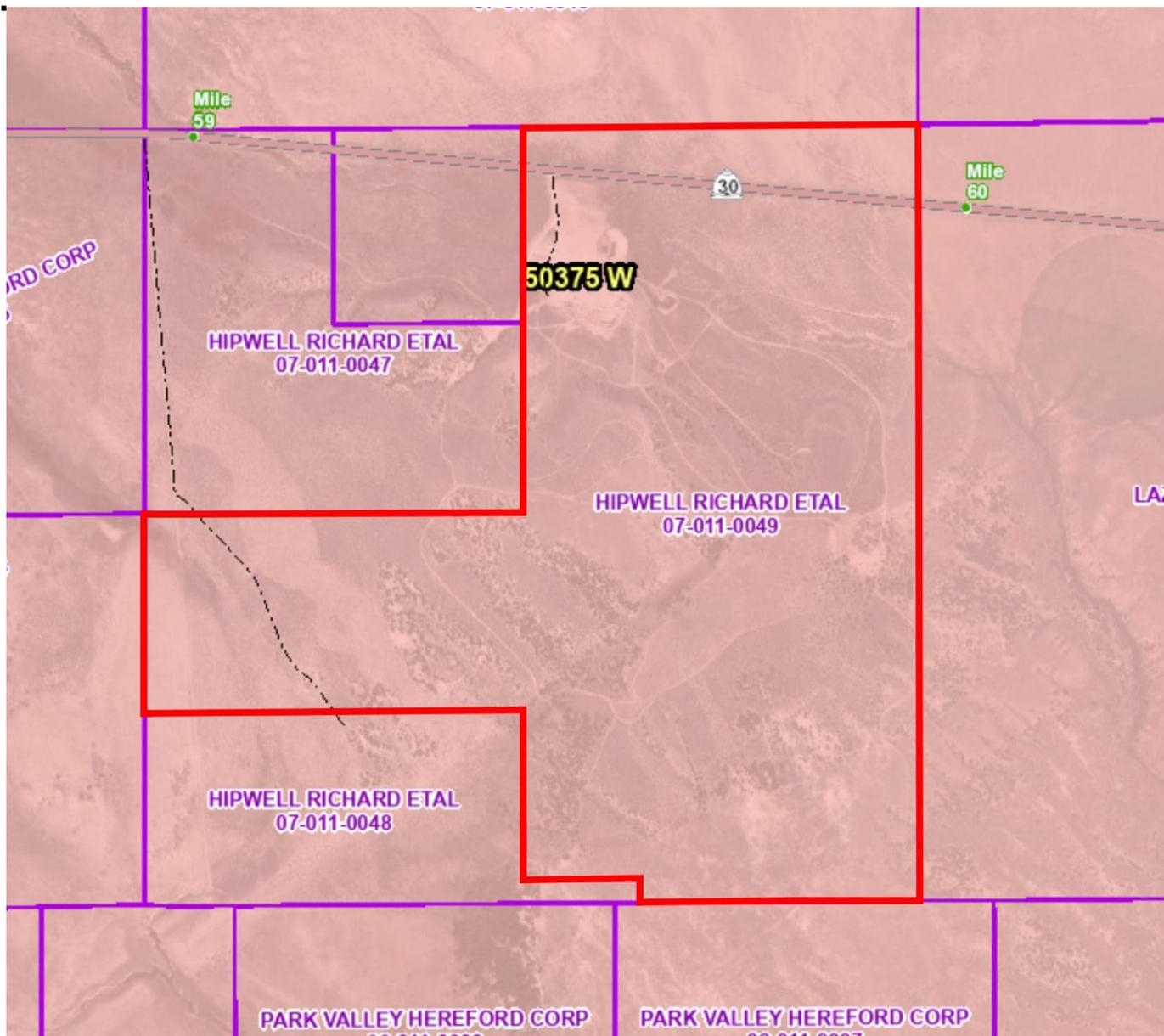
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z23-003, a zoning map amendment from MU-40 to the MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone based on the following findings:”

1. List findings for denial...

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







**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: March 16, 2023

Agenda Item #: 6c

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Vance Smith

PROJECT #:

Z23-003

ORDINANCE:

Chapter 5-6 ADUs
Section 5-6-060(M)

TYPE OF APPLICATION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is proposing a text amendment to amend Section 5-6-060(M), Development Standards for Accessory Dwelling Units. Specifically regarding maximum height regulations for both internal and detached ADUs. Currently ADUs are limited to “one story”. It is proposed that “the maximum height of ADUs or IADUs shall be no taller, in elevation, than the roof of the primary structure.” The applicant suggests the increased flexibility in height will allow for different building configurations and allow for more affordable housing opportunities.

ANALYSIS

County Code:

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

Land Use Ordinance Standards Review:

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

- A. Whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan;**
The proposed amendment is consistent with the County’s General Plan. The county has a Moderate Income Housing Plan adopted as part of the General Plan. The MIH Plan encourages the allowance of ADUs and IADUs as an affordable housing tool. The proposed amendment may increase the affordability and use of ADUs in the county.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**
This text amendment would apply to all areas of unincorporated Box Elder County that allow single family residential dwellings.
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**
The goal of the proposed amendment is to allow for greater flexibility regarding the height of ADUs. Staff cannot think of adverse effects on adjacent properties. 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 a greater effect on the adequacy of facilities and services from the height standard.

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. Staff finds it can be interpreted that this application meets the standards in Section 2-2-080.
3. The public hearing may shed additional light on the proposed text amendment.

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 Z23-003, 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 Z23-003, 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 Z23-003, 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

5-6-060. Development Standards.

- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit, the ADU, or IADU as their permanent residence. Applications for an ADU or IADU shall include evidence of owner occupancy as defined in section 5-6-040 of this chapter.
- B. ADUs or IADUs shall not be sold separately from the main unit.
- C. ADUs or IADUs shall not be rented on a transient basis (periods less than 30 days).
- D. Only one (1) ADU or IADU may be created per lot or property in zones that allow single-family dwellings.
- E. The design and size of the ADU or IADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- F. Installing separate utility meters and separate addresses for the ADU or IADU is prohibited.
- G. The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence.
- H. The occupants of the ADU or IADU shall be related to each other by blood, marriage, or adoption; or up to two (2) unrelated individuals who are living as a single housekeeping unit. The Occupants of the ADU or IADU shall not sublease any portion of the ADU or IADU to other individuals.
- I. The minimum lot size required for construction of an ADU or IADU in all zones that allow single-family dwellings shall be twenty thousand (20,000) square feet.
- J. ADUs or IADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
- K. ADUs or IADUs and the main dwelling must be on the same parcel and may not be subdivided.
- L. ADUs shall be compatible with the exterior color and materials of the surrounding area. IADUs shall be designed in a manner that does not change the appearance of the primary dwelling as a single family dwelling.
- M. The maximum height for ADUs or IADUs ~~is limited to one story.~~ shall be no taller, in elevation, than the roof of the primary structure.
- N. A minimum of one (1) off street parking space must be provided for the ADU or IADU.
- O. Where an existing subdivision has CC&Rs in place that govern ADUs the more restrictive regulation shall govern the use and development of that subdivision.
- P. The planning commission may place other appropriate or more stringent conditions deemed necessary in approving ADUs as per the standards found in Section 2-2-100, Conditional Use Permit.
- Q. Multi-family homes, mobile homes, RV's, trailers, campers, tents, and/or any other temporary structure and/or vehicle shall not qualify as an ADU or IADU.

PLANNING COMMISSION

Meeting Date: March 16, 2023

STAFF REPORT

Agenda Item #: 6d

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z23-004

ORDINANCE:

Chapter 5-8

TYPE OF APPLICATION:

Legislative

REPORT BY:

Destin Christiansen,
County Planner

BACKGROUND

The applicant is requesting a text amendment to create Chapter 5-8: Kennels and to amend any affected chapters of the Box Elder County Land Use Management & Development Code. This chapter creation is to provide application requirements for kennels for 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;**
The County's General Plan states that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.
- 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 that would allow for the creation and operation of kennels. 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 should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water**

drainage systems, water supplies, and waste water and refuse collection.

The proposed text amendment should not have an effect on the adequacy of facilities.

FINDINGS:

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

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

RECOMMENDATION

Based on the information presented in this report, application materials submitted and a review of areas, the Planning Commission should forward a recommendation to the County Commission. As this is a legislative decision, additional information may be taken into account such as public input, resident preferences, private property rights, economic considerations, etc.

If a recommendation of approval is forwarded to the County Commission staff recommends it be subject to the following conditions:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z23-004, 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 Z23-004, 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 Z23-004, an ordinance text amendment based on the following findings:”

1. List findings for denial...

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

Proposed Text Amendments:

Chapter 5-8 – Kennels

- 5-8-010. Purpose.**
- 5-8-020. General Regulations.**
- 5-8-030. Definitions.**
- 5-8-040. Conditional Use Permit Required.**
- 5-8-050. Development Standards.**
- 5-8-060. Inspections and Enforcement.**

5-8-010. Purpose.

The purpose of this chapter is to establish and set forth rules and regulations pertaining to the keeping of dogs and cats within the county. It is in the best interest of the county and its residents to establish certain rules and regulations concerning the rights and responsibilities of persons within the county having dogs and cats. The purposes of the kennel standards of this code are to:

- A. Allow opportunities for property owners to board, keep, breed, buy, groom, let for hire, train for profit, or sell dogs or cats to provide social, mental, or personal support for county residents.
- B. Preserve the character of the county, in accordance with the General Plan, by providing standards governing kennels and their establishment.
- C. To establish clear standards for the humane keeping of dogs and cats in Box Elder County.
- D. To promote and protect the public health, safety and general welfare of Box Elder County residents.

5-8-020. General Regulations.

- A. Except as provided in this Code, no kennel shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified.
- B. All kennels hereafter erected in Box Elder County shall comply with the current standards of this chapter, and all other codes and ordinances adopted by Box Elder County.
- C. All kennels shall be maintained in good condition.
- D. No owner may engage in the operation of any kennel for profit without a valid County business license.
- E. All kennels must be located and operated in a manner that does not create a nuisance to neighboring properties.

5-8-030. Definitions.

Adult Cat: Any cat six (6) months of age or older.

Adult Dog: Any dog six (6) months of age or older.

Commercial Kennel: An establishment having eleven (11) or more adult dogs or adult cats for the purpose of boarding, breeding, buying, grooming, letting for hire, selling, or training for profit.

Dog Run: Any enclosed area (by fencing or solid structure) designed for the secure containment and exercise of any off-leash dog(s).

Home-Based Kennel: An establishment having five (5) but not more than ten (10) adult dogs or adult cats for the purpose of boarding, breeding, buying, grooming, keeping, letting for hire, selling, or training for profit.

Owner: Any person who alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, executor or trustee) has legal or equitable title to any property.

5-8-040. Conditional Use Permit and/or Site Plan Required.

A kennel meeting the regulations and standards, as specified in this chapter, may be allowed in any unzoned areas and zoned areas as set forth in the use tables after approval of a conditional use permit (§2-2-100) and/or site plan (§2-2-120).

5-8-050. Development Standards.

A. **Kennel Location.** Before a permit can be issued, the following location standards must be met:

1. The location where the dogs or cats are kept, raised, housed or boarded must be at least two hundred feet (200') away from any neighboring house; and
2. Must be at least one hundred fifty feet (150') from any road right-of-way line.

B. **Minimum Standards.** The following minimum standards shall be met to obtain and maintain a kennel permit:

1. Adequate ventilation shall be maintained and an appropriate temperature provided as required by the specific breed of animal housed therein.
2. Each animal enclosure shall have sufficient space for the animal to stand up, lie down and turn around without touching the sides or tops.
3. Dog runs shall provide an adequate exercise area and protection from the weather. A securely fenced backyard is acceptable as a dog run.
4. All animal kennels and dog runs are to be kept clean, dry and in a sanitary condition. Animal waste is to be disposed of properly.
5. Food shall be free of contamination, palatable and of sufficient nutritive value as to meet the normal daily requirements for the condition and size of the animal.
6. Fresh water is to be available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.
7. Animals will be kept in an insulated, enclosed building between the hours of 10 PM and 6 AM.
8. Only one (1) kennel may be created per lot or parcel.

9. The minimum lot size required for construction of a kennel in all zones where permitted shall be 1 acre.
10. The design and size of the kennel shall conform to all standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
11. All kennels shall have a posted sign which will include the kennel name and operating contact number. Signs shall be no larger than six (6) square feet in size.
12. The Land Use Authority may place other appropriate or more stringent conditions deemed necessary in approving kennels as per the standards found in Section 2-2-100, Conditional Use Permit and/or Section 2-2-120, Site Plan Review.

5-8-060. Inspections and Enforcement.

Inspections. Prior to the issuance of a conditional use permit and/or site plan, the Zoning Administrator of Box Elder County shall meet with the proposed kennel owner and inspect the proposed kennel to ensure that all required improvements meet the provisions of this chapter, the conditions of the conditional use permit, and/or site plan.

Enforcement. Upon receipt of a complaint or to ensure compliance with this chapter, the Zoning Administrator may investigate reported violations of this chapter and regulations, including failure to obtain a conditional use permit and/or site plan as a kennel operator, as required under this chapter and impose any enforcement action pursuant to Chapter 2-4 (Enforcement) of the Box Elder County Land Use Management and Development Code.

Chapter 3-2 – Multiple Use, Agricultural, and Rural Residential District

		MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1
3-2-070-5	<u>Home-Based</u> Kennel	C	C	C	C	!	C	C	C	C

Chapter 3-4 – Commercial & Manufacturing

3-4-070-8	SERVICES								
		C-N	C-S	C-H	C-G	M-FP	M-G	C-E	
3-4-070-8.41	<u>Commercial Kennel</u>	!	!	C	C	!	!	C	

1-3-040. Definitions.

Adult Cat: Any cat six (6) months of age or older.

Adult Dog: Any dog six (6) months of age or older.

Commercial Kennel: An establishment having eleven (11) or more adult dogs or adult cats for the purpose of boarding, breeding, buying, grooming, letting for hire, selling, or training for profit.

Dog Run: Any enclosed area (by fencing or solid structure) designed for the secure containment and exercise of any off-leash dog(s).

Home-Based Kennel: An establishment having five (5) but not ~~or~~ more than ten (10) adult dogs or adult cats for the purpose of boarding, breeding, buying, grooming, keeping, letting for hire, selling, or training for profit.



PLANNING COMMISSION STAFF REPORT

Meeting Date: March 16, 2023

Agenda Item #:7a

Application Type:

Surplus Property Disposal

APPLICANT(S):

Brigham City

PROJECT #:

SPD23-01

ORDINANCE:

County Policy #2000-01

TYPE OF APPLICATION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

Brigham City has proposed an exchange of property with Box Elder County located at approximately 49 South and 950 West to facilitate the Forest Street overpass project and maintain a north/south roadway connection on the west side of the railroad tracks along 950 West and American Way (900 West). The County Commission have directed staff to start the request through the surplus property disposal process.

ANALYSIS

County Policy:

Box Elder County Policy #2000-01 requires all surplus property disposal of real estate to be reviewed by the Planning Commission to ensure they comply with the General Plan, Land Use Management and Development Code and any other applicable ordinances. The Planning Commission shall submit their recommendation within 15 days of the date of decision.

FINDINGS:

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

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

RECOMMENDATION

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission 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.



Alan T. Leckman ETAL
03-105-0007

