

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

December 15, 2022

Agenda review with Planning Commissioners at 6:00 p.m.

1. **CALL TO ORDER 7:00 p.m.** (County Commission Chamber Room, Main Floor)
 - a. Roll Call (Commissioners S. Zollinger, K. McGaha, B. Robinson, M. Wilding, J. Holmgren, J. Pugsley, V. Smith, J. Jacobsen, and L. Jensen)

2. **INVOCATION**

3. **PLEDGE OF ALLEGIANCE**

4. **APPROVAL of the November 17, 2022 Planning Commission Minutes.**

5. **UNFINISHED BUSINESS**

- a. **ALPINE SPRING ESTATE SUBDIVISION, SS22-020**, Request for preliminary approval for a 19 lot subdivision located at approximately 300 West 100 South in the Fielding area of Unincorporated Box Elder County. **ACTION**
- b. **ORDINANCE TEXT AMENDMENT, Z22-014**, Request for a text amendment to Section 1-3-040, Definitions, as well as the use tables in Chapter 3-2, Chapter 3-3, and Chapter 3-7 of the Box Elder County Land Use Management Development Code. **ACTION**
- c. **VALLEY VIEW ESTATES SUBDIVISION PH 3, SS22-024**, Request for preliminary approval for a subdivision located at approximately 550 West 7150 South in the Willard area of Unincorporated Box Elder County. **ACTION**

6. **PUBLIC HEARINGS**

- a. **NONE**

7. **NEW BUSINESS**

- a. **CONDITIONAL USE PERMIT, CUP22-07**, Request for a Conditional Use Permit for an Accessory Dwelling Unit, located at approximately 11660 North Rocky Point Road in the Bothwell area of Unincorporated Box Elder County. **ACTION**
- b. **BECKAM'S EDGE SUBDIVISION PH 3, SS22-034**, Request for final approval for a subdivision located at approximately 11050 North 8285 West in the Tremonton area of Unincorporated Box Elder County. **ACTION**

8. **WORKING REPORTS**

- a. Kennels

9. **PUBLIC COMMENT**

10. **ADJOURN**_____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES NOVEMBER 17, 2022

The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 7:00 p.m. The following members were present by a roll call, constituting a quorum:

Roll Call

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

the following Staff was present:

| | |
|---------------------|---------------------|
| Scott Lyons | Comm Dev Director |
| Marcus Wager | County Planner |
| Destin Christiansen | County Planner |
| Steve Hadfield | Excused |
| Jeff Scott | Excused |
| Diane Fuhriman | Executive Secretary |

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

The Invocation was offered by **Commissioner Steven Zollinger**.
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 October 20, 2022 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 Jed Pugsley** and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

GENERAL PLAN AMENDMENT, GP22-001, proposal to amend Appendix B, Moderate Income Housing Plan, of the Box Elder County General Plan to bring it into compliance with new state legislative requirements. ACTION

Staff stated HB462 passed in the 2022 legislative session. This new code requires the selection of three or more (out of 23) specific strategies to aid in the implementation of moderate income

housing. These strategies must be included in the County's Moderate Income Housing Plan, which must be a part of the County's General Plan. A few years ago a similar Senate Bill (SB34) was passed and three or more items were selected and added at that time. The wording has changed on some of the strategies to be selected from, so it is necessary to go back and say the same thing in different words. When the Moderate Income Housing report is filed with the state it has to show our plan has these strategies included. The five strategies being proposed from the 23 are already being done.

Staff read the approval standards for a General Plan Amendment as follows:

A. Written statement showing the desired language change;

(See Attachment No. 2 – Exhibit A.)

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

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

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

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

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

The proposed changes would have an effect countywide.

Staff read the five proposed strategies as follows:

- Demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing.
- Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.
- Create or allow for, and reduce regulations to, internal or detached accessory dwelling units in residential zones.
- Reduce, waive, or eliminate impact fees related to moderate income housing.
- Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 17-27a-526

The public hearing was then opened for comments.

Hearing no comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the General Plan Amendment, GP22-001. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

ACTION

Staff recommends forwarding a recommendation of approval to the County Commission.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission on General Plan Amendment GP22-001, and the language shown in Exhibit A is to be included in the Moderate Income Housing Plan within the County General Plan, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

(See Attachment No. 2 – Exhibit A.)

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 a section of code to apply to all areas of unincorporated Box Elder County.

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

- A. Whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan;** Multiple chapters of the General Plan highlight that development should happen within City’s/Towns. The proposed amendment is consistent with the County’s General Plan.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** This text amendment would apply to all areas of unincorporated Box Elder County. The proposed amendment should be harmonious with the overall character of existing development.
- C. The extent to which the proposed amendment may adversely affect adjacent property;** 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.

Staff stated the question going forward is should an official petition to the city or town be required for everyone if they meet one of the three criteria in the proposed text amendment.

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

If there is not going to be a petition, should a letter from the mayor or city council be required?

Staff explained the second to last paragraph of the proposed amendment states “if the municipality rejects the request for annexation, the developer shall obtain copies of the requirements, design standards, and criteria for development within the municipality and shall comply with these development standards and requirements or the development standards and requirements of the county, whichever is most restrictive.” Staff asked the Planning Commission to consider if this language is going to incentivize the smaller cities and towns to deny whatever requests are made to them because the county will require the developer to use that standard anyway.

The public hearing was then opened for comments.

Tom Kotter, Finance Director for Brigham City, stated Brigham City has met and discussed the proposed text amendment and is in favor of the ordinance. They are aware there may be some challenges and concerns, but is in favor of what the ordinance is attempting to accomplish.

Lyle Holmgren, Mayor of Tremonton, stated they are also in favor of this change. Tremonton feels like this will be a fair way to work with growth on the outskirts of Tremonton.

Karen Nelson, Mantua Town Council, said two years ago Mayor Mike Johnson came before the County Commission and asked for verbiage to be added to an ordinance in Box Elder County that Cache County has which states “No development within the unincorporated county shall be permitted to utilize a roadway for direct access that is under the jurisdiction of a municipality without express written approval from the affected municipality.” She said Mantua is kind of a closed unit and not all of the land within the canyon area has been annexed. The worry is developers would develop land and Mantua’s roads would be the only roads they could use, but Mantua would have no say over that development. The ordinance Box Elder County is proposing seems to say Mantua would have the ability to annex but if not, the county would have the ability to go ahead and have them comply with whatever is adjacent to the development. Ms. Nelson feels like the request Mayor Johnson made has been dismissed. She is not sure Mantua is in favor of this, they may want more restrictive verbiage that matches some of the adjacent counties.

Shawn Warnke, Tremonton City Manager, stated the process for an annexation is the applicant needs to make a petition. a city cannot reject an annexation if there is no petition. Per state code the county has to provide notice to the affected entities and property owners within certain boundaries. After the public notice requirement has been met, the applicant can go to the city with a petition. The city council then decides if the petition will be accepted or rejected. The petition can be rejected immediately or if accepted, another process is required for the applicant to go through. Having the language that the city rejects the request for annexation does not follow state code. He feels it is problematic procedurally not to call out the correct process. Mr. Warnke asked if development standards are specific to infrastructure improvements or zoning.

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

ACTION

Staff explained 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. The Planning Commission needs to determine if this application meets the standards in Section 2-2-080.

There was discussion on the concern of using city roadways as the only access to developments building outside of city limits. Staff stated roadways have not been discussed in prior working reports but is a legitimate issue that warrants discussion.

Commissioner Mellonee Wilding is concerned with developers matching density in the smaller cities and towns. She feels developers should not increase density beyond what the city allows.

Commissioner Jed Pugsley stated due process should be made regarding applying for a proper petition and it should come only after an official application has been made to the city.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to table application Z22-015, an ordinance text amendment, for up to 60 days for additional comment and discussion including a public hearing and adopting the conditions and findings of staff . The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

NEW BUSINESS

BROOKSIDE RANCHES 2ND AMENDMENT, SS22-030, Request for approval for an amended subdivision located at approximately 13488 N Brookside Dr. in the Garland area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting a 2nd amendment to the final plat of the Brookside Ranches Subdivision Phase 1 in the East Garland area of unincorporated Box Elder County. The proposed amendment adjusts Lot 4 from 1.07 acres to 1.61 acres and reduces Lot 5 from 1.10 acres to .56 acres. The surrounding land uses are the Brookside Ranches Subdivision, Agriculture, and the Bear River. The surrounding zones are Unzoned and RR-2. Access to the lots is via Brookside Drive, a county road. All utilities are existing. This is essentially a lot line adjustment. The engineering and GIS departments have reviewed and approved the plat. The application needs to be reviewed by the County Attorney's Office.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve application SS22-030, amending the Brookside Ranches Subdivision Phase 1, located in unincorporated Box Elder County, and adopting the exhibits, conditions, and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** 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.

CEDAR SPRINGS PUD 1ST AMENDMENT, SS22-031, Request for approval for an amended subdivision located at 4670 North 1100 West in the Harper Ward area of Unincorporated Box Elder County. ACTION

Staff explained Cedar Springs PUD is a subdivision in the Harper Ward area of unincorporated Box Elder County. Access to the lots is via 1100 West which branches off Highway 38, goes through Harper Ward to the east, up the hillside, and then dead ends. The property owner to the east is proposing to exchange property for a 36 ft. access and utility easement. This is basically a lot line adjustment. The surrounding land uses are residential and undeveloped hillside; the surrounding zone is RR-5. The County Surveyor has reviewed and approved the proposed amendment. Staff has met with the County Attorney and reviewed the title report; one item needs to be addressed. Staff recommends approval subject to final approval by the County Attorney.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve application SS22-031, amending the Cedar Springs Planned Unit Development subdivision 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.

SURPLUS PROPERTY DISPOSAL, SPD22-02, Request for an easement across county property located at approximately 70 South 100 East in Brigham City, to install an upgraded water line to an existing structure. ACTION

Staff said it is the Planning Commission's job is to determine if this request is in compliance with the County General Plan, the Land Use Management and Development Code, and any other applicable ordinances. The applicant is requesting an easement across county property in order to install an upgraded water line to an existing structure. The county owned property is located at approximately 70 S and 100 E in Brigham City. Its current use is a parking lot. The County Surplus Property Disposal Policy #2000-01 requires any long term easements go through this process.

Staff's review of the proposed conveyance concludes that the County General Plan does not address county owned land within Brigham City; the Land Use Code does not address county owned land within Brigham City; Staff is not aware of any other applicable ordinances that should be reviewed by the Planning Commission regarding this proposal; and Staff can submit a recommendation to the County Commission on behalf of the Planning Commission within 15 days of the Planning Commission's action.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to forward 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. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

WORKING REPORTS

Residential Animals

Commissioner Mellonee Wilding stated she would like a one-year time limit on the FFA and 4-H permits. They will need to renew each year but there is no charge. Staff said the vast majority of people in the county responsibly own and take care of their animals. It is the couple of people who do not that this ordinance text amendment would affect. It gives us the teeth to keep them inline and is also designed to protect them. Discussion ensued on holding another public hearing. It was decided ample opportunity has been given for public input. Those who might have concerns would be mainly agricultural who think there are too many restrictions on animal units. However, this text amendment does not apply to agriculture, just residential. Staff will put this on the December agenda under Unfinished Business.

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to adjourn commission meeting. The motion was seconded by **Commissioner Jared Holmgren** and meeting adjourned at 8:01p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission

**PLANNING COMMISSION
 STAFF REPORT**

**Meeting Date: December 15, 2022
 Agenda Item #: 5a**

Application Type:
 Preliminary Subdivision

APPLICANT(S):
 Mark Whitworth

PROJECT #:
 SS22-020

ADDRESS:
 300 West 100 South
 Fielding area

ZONE:
 Unzoned

PARCEL #:
 06-022-0115

REPORT BY:
 Scott Lyons,
 Community Development
 Director

BACKGROUND

The applicants are requesting preliminary approval of the Alpine Spring Estates Subdivision plat. The proposed subdivision is for 19 new lots, between 0.5 and 0.73 acres in size. The existing parcel is 70.47 acres in size.

The preliminary plat was first presented to the Planning Commission in July this year. Upon review it was tabled for up to six months due to issues with several lots not meeting development requirements based on FEMA floodplain issues. The applicant was notified of the floodplain issues in May, July, and September.

ANALYSIS

Land Use Ordinance Standards Review:

Land Use Management & Development Code 6-1-130 requires the subdivision of property receive preliminary approval from the Box Elder County Planning Commission.

Surrounding Land Use and Zoning:

| <u>Direction</u> | <u>Land Use</u> | <u>Zoning</u> |
|------------------|-------------------------------|---------------|
| North | Rural Residential | Fielding Town |
| South | Agriculture | Unzoned |
| East | Agriculture | Unzoned |
| West | Agriculture/Rural Residential | Unzoned |

Access:

Access would be via a proposed new road, 4200 West, connecting to 300 West/100 South in Fielding Town.

Utilities:

The County has received utility will-serve letters from the gas, power, and water companies. The letter from Ukon Water only states that 13 water connections are available for this development. This is enough to cover Phase 1, but six more will be needed to cover Phase 2. We have also received a feasibility letter from the Bear River Health Department. This feasibility letter is based on a concept plat dated 4/22/22. We need an updated feasibility letter based on the current plat. A geotechnical report has also been submitted. Secondary water shares and distribution has not been addressed at this point in the project.

Setbacks:

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

As this plat has some unique geography with the pond, floodplains, and septic County staff recommends the final plat show the buildable area of each lot. The BRHD states the final plat shall show primary and replacement drainfield areas as well as a restriction note on the plat identifying these lots and the drainfield areas to any and all potential buyers. This may necessitate limiting house size on these lots to accommodate the needed area for septic systems.

County Department Reviews:

This application is a preliminary subdivision plat application. All applicable County departments are currently reviewing this subdivision – Comments can be provided at the Planning Commission meeting. The main thing we are waiting for on this subdivision is a Letter Of Map Amendment from FEMA. This is a document that officially changes the location of the mapped floodplain. Per our subdivision ordinance:

No lot of one (1) acre or less in area shall be included within a 100-year flood plain. All lots more than one (1) acre shall contain not less than 40,000 square feet of land which is at an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood, or, where such data is not available, five (5) feet above the elevation of the maximum flood record.

The following message was provided to the applicant on May 26th:

Looking at the proposed plat it appears Lots 3-6 (phase 1) and 17-19 (phase 2) are all less than one acre and within the floodplain. Please be aware that if FEMA does not approve the LOMA you will need to make changes to the subdivision layout.

It is our understanding that the applicant is currently working with FEMA on the LOMA process.

Findings:

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

1. The plat as currently proposed does not comply with County development standards.
2. Modifications to the proposed preliminary plat may be made to bring it into conformance with the County Land Use Management & Development Code. Some of these modifications are known at this time, and some are not as they are dependent on the result of the applicant's outcome with FEMA.

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 directions as well as any others the Planning Commission finds:**

1. Submission of a water will-serve letter prior to Phase 2 final plat application.
2. Submission of an approved Letter of Map Amendment from FEMA for the removal of the floodplain burdening Lots 3-6 and 17-19.
3. Submission of an updated feasibility letter from the BRHD.
4. Compliance with all BRHD comments.
5. Submission of proposed secondary water ownership and distribution.
6. Compliance with all County Staff reviews and comments.
7. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
8. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development

Code.

9. 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 SS22-020, a preliminary plat for the Alpine Spring Estates 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....

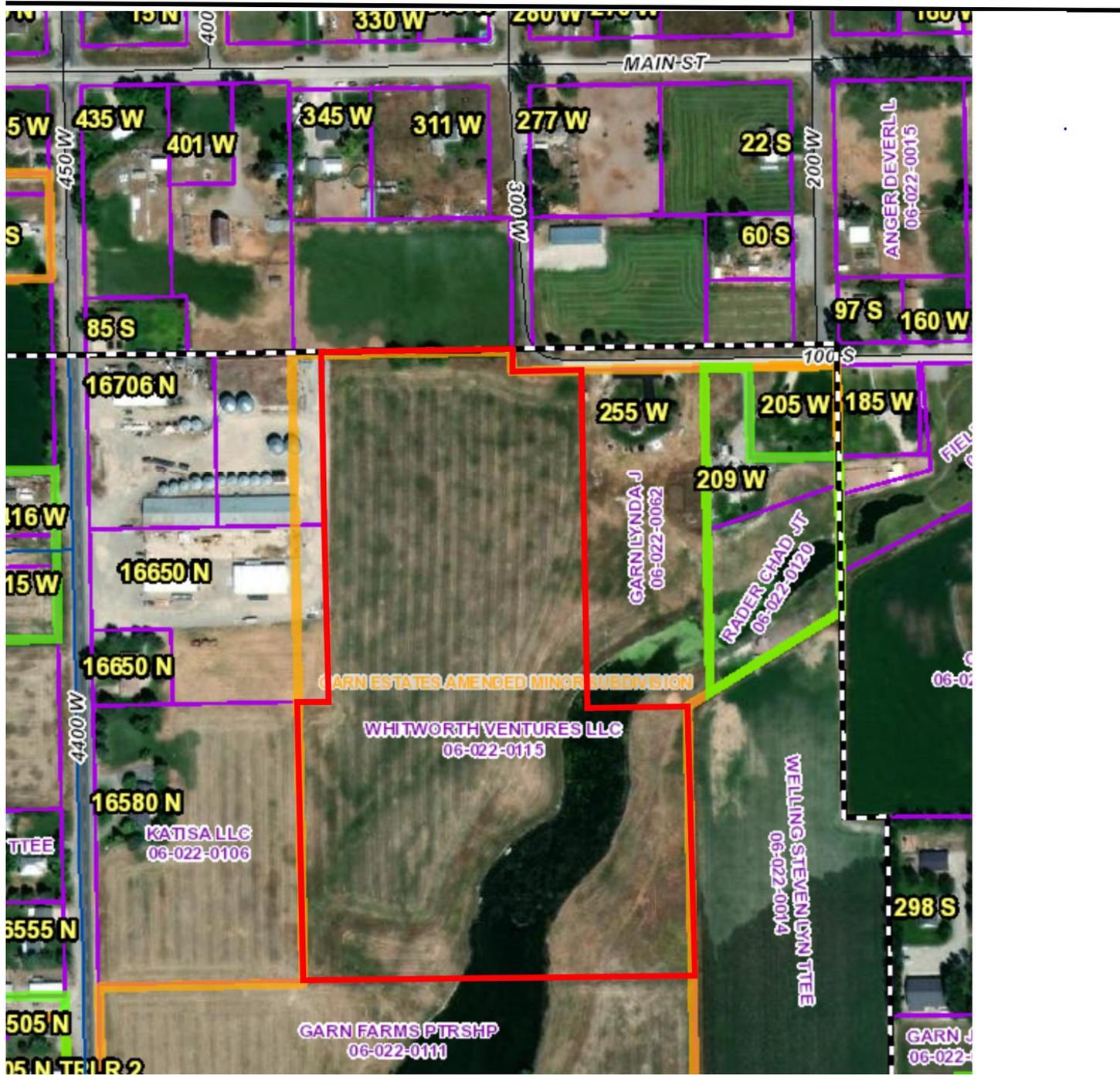
Table – “I move the Planning Commission table application number SS22-020, a preliminary plat for the Alpine Spring Estates Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

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 SS22-020, a preliminary plat for the Alpine Spring Estates 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.





PLANNING COMMISSION

STAFF REPORT

Meeting Date: December 15, 2022

Agenda Item #: 5b

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z22-014

ORDINANCE:

Section 1-3-040
Chapters 3-2, 3-3, 3-7

TYPE OF APPLICATION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The county is proposing a text amendment to amend Section 1-3-040, Definitions. Specifically the definition for “Animals and Fowl for Recreation and Family Food Production.” It is proposed that the associated numbers and requirements are amended as shown in the Proposed Text Amendment section below. This updated use would be added to Chapters 3-2, 3-3, and 3-7 as an allowed use in the A-1/2, R-1-20, RR-20, RR-1, and RR-2 zones. As well as the R-1-8 zone for small animals only. The goal of the text amendment is to allow reasonable use of one’s private property while mitigating adverse impacts on adjacent property owners in predominantly residential areas as well as better ensure the wellbeing of the animals.

Large Animals

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

Smalls Animals

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

Exemptions

As Box Elder County takes pride in its agricultural heritage it is proposed that there be an exemption process specifically for youth participating in the 4-H and FFA programs. This exemption process would allow 4-H and FFA participants that reside on parcels that may not accommodate animals per the proposed regulations to be exempt from the regulations during the time they would acquire and raise a 4-H or FFA animal through the time they would present and/or sell that animal at the county and/or state fair in the fall each year. These exemption permits would be available in the County Community Development Office and would be free of charge. These exemption permits would be issued on an annual basis and valid for one year.

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.

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 are in the A-1/2, R-1-20, RR-20, RR-1, and RR-2 zones. As well as the R-1-8 zone for small animals only. The goal of the proposed amendment is to create residential animal regulations that are more harmonious with the overall character of existing development.

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

The goal of the proposed amendment is to reduce adverse impacts 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 an effect on the adequacy of facilities and services.

FINDINGS:

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

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

RECOMMENDATION

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

preferences, private property rights, economic considerations, etc.

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

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

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z22-014, an ordinance text amendment adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table the review of application number Z22-014, an ordinance text amendment to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z22-014, 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:

Section 1-3-040

Animals and Fowl for Recreation and Family Food Production: The keeping of animals on a lot or parcel for exclusive personal, non-commercial, use by persons residing thereon.

Applicable to the **A-1/2, R-1-20, RR-20, RR-1, and RR-2 zoning districts. The Small Animals portion of the regulations apply to the R-1-8 zoning district.**

Large Animals

| | 0.5 acre | 1 acre | 1.5 acre | 2 acre | Each Additional 0.5 acre | Available Fenced Area Per Animal |
|---------------------------|----------|--------|----------|--------|--------------------------|----------------------------------|
| Sheep, Goat, Ostrich, Emu | 2 | 4 | 6 | 8 | +2 | 500 sq/ft |
| Hog, Pig | 0 | 4 | 6 | 8 | +2 | 500 sq/ft |
| Cow, Horse, Llama, Alpaca | 0 | 4 | 6 | 8 | +2 | 2500 sq/ft |
| Total Per Parcel | 2 | 4 | 6 | 8 | +2 | |

Small Animals

| | 0.25 acre | 0.5 acre | 1 acre | 1.5 acre | 2 acre | Each Additional 0.5 Acre |
|---|-----------|----------|--------|----------|--------|--------------------------|
| Duck, Chicken, Pheasant, Pigeon, Quail | 5 | 10 | 20 | 30 | 40 | +10 |
| Apiary, Goose, Guinea Hen, Rabbit, Turkey | 2 | 5 | 10 | 15 | 20 | +5 |

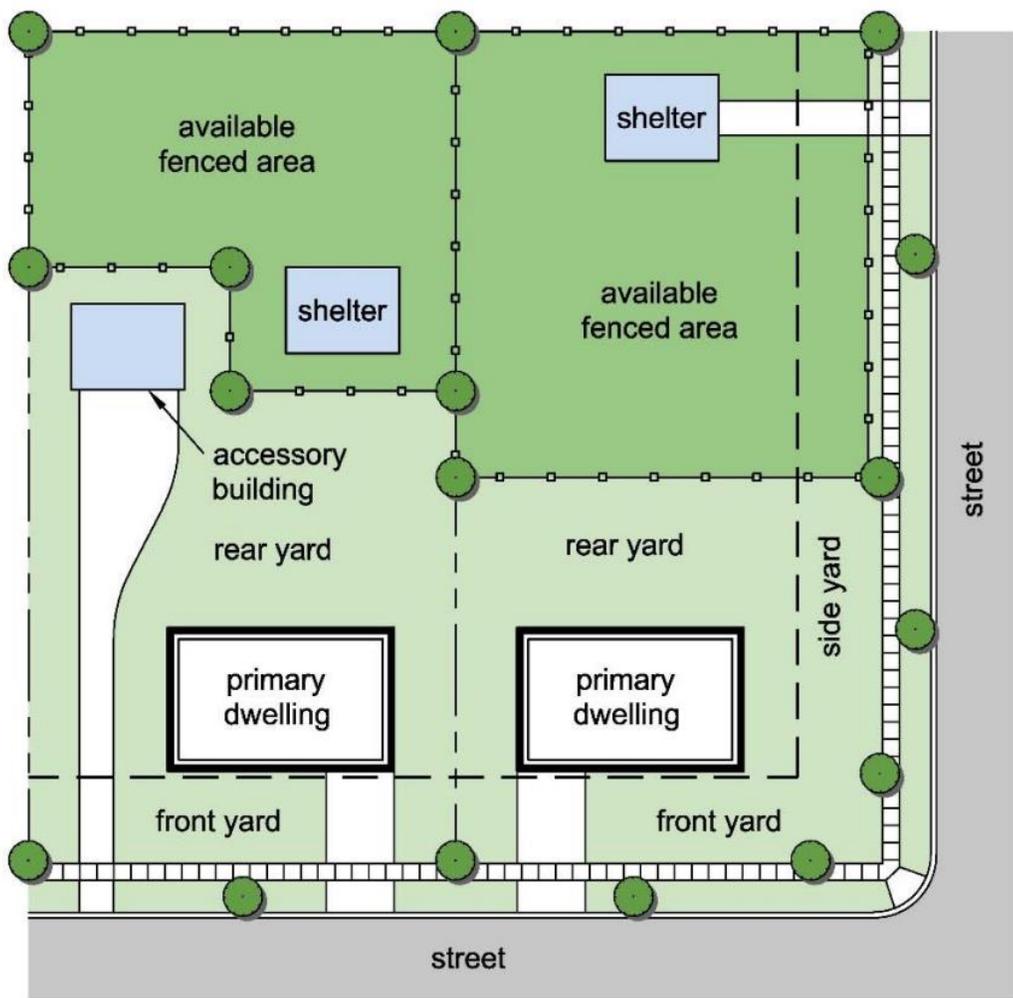
| | | | | | | |
|------------------|---|----|----|----|----|-----|
| Total Per Parcel | 7 | 10 | 20 | 30 | 40 | +10 |
|------------------|---|----|----|----|----|-----|

Exemptions for 4-H and FFA are available. If a property is not eligible for animals based on the regulations above, exemption permits can be acquired through the County Community Development office. These permits are required annually and are valid for one year.

All animals shall have a minimum of two of the same type for animal wellbeing.

Small animals have no available fenced area as these animals can more easily exist in the rear yard setback similar to a household pet.

“Available fenced area” for large animals does not include the front, rear, or side yard setback area requirements. (see image below)



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

Chapter 3-2

| 3-2-070-4 | AGRICULTURAL | | | | | | | | | |
|-------------|--|-----------|----------|----------|---------|----------|----------|---------|---------|---------|
| 3-2-070-4.1 | Agriculture, including grazing and pasturing of animals, the tilling of the soil, the raising of crops, horticulture and gardening | P | P | P | P | P | P | P | P | P |
| 3-2-070-4.2 | Fruit/Vegetable Stand | C | C | C | C | C | C | C | C | C |
| | | MU 160 | MU 80 | MU 40 | A 20 | A 1/2 | RR 10 | RR 5 | RR 2 | RR 1 |
| 3-2-070-4.3 | Farms devoted to raising and marketing chickens, turkeys, or other fowl or poultry, fish or frogs, mink, rabbits, including wholesale and retail sale. | P | P | P | P | C | P | C | C | C |
| 3-2-070-4.4 | Farms devoted to Apiary and Aviary | P | P | P | P | - | C | C | C | - |
| 3-2-070-4.5 | Forestry except forest industry | P | P | P | P | - | P | P | P | - |
| 3-2-070-4.6 | Forest Industry, such as a saw mill, wood products, plant, etc. | C | C | C | - | - | - | - | - | - |
| 3-2-070-4.7 | Agricultural Industry | C | C | C | C | - | C | C | C | - |
| 3-2-070-4.8 | Cannabis Production Establishment (must be state licensed and permitted) | - | - | - | P | - | - | - | - | - |
| 3-2-070-4.9 | Animals and Fowl for Recreation and Family Food Production | ! | ! | ! | ! | P | ! | ! | P | P |
| 3-2-070-5 | Kennel | C | C | C | C | C | C | C | C | C |
| 3-2-070-6 | Dude ranch, family vacation ranch | C | C | C | C | - | C | C | C | - |

Chapter 3-3

| 3-3-070-2.0 | SPECIAL USES | R-1-8 |
|---------------------------|--|-----------------|
| 3-3-070-2.1 | The tilling of the soil, the raising of crops, horticulture and gardening | P |
| 3-3-070-2.2 | Home Occupation | C |
| 3-3-070-2.3 | Household pets | P |
| <u>3-3-070-2.4</u> | <u>Animals and Fowl for Recreation and Family Food Production (Limited to Small Animals only)</u> | <u>P</u> |

Chapter 3-7

| 3-7-070-4.0 | AGRICULTURE | RR-20 | R-1-20 |
|---------------------------|--|-----------------|-----------------|
| 3-7-070-4.1 | Agriculture, including grazing and pasturing of animals, the tilling of soil, the raising of crops, horticulture and gardening | P | P |
| 3-7-070-4.2 | Family food production | P | P |
| 3-7-070-4.3 | Fruit/vegetable stand | C | C |
| <u>3-7-070-4.4</u> | <u>Animals and Fowl for Recreation and Family Food Production</u> | <u>P</u> | <u>P</u> |



PLANNING COMMISSION
STAFF REPORT

Meeting Date: December 15, 2022

Agenda Item #: 5c

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 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.

Staff sent reminder emails on November 22, 2022 and December 7, 2022. At the time of this report, staff has not received any response nor any updated plats addressing the necessary revisions.

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.

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....

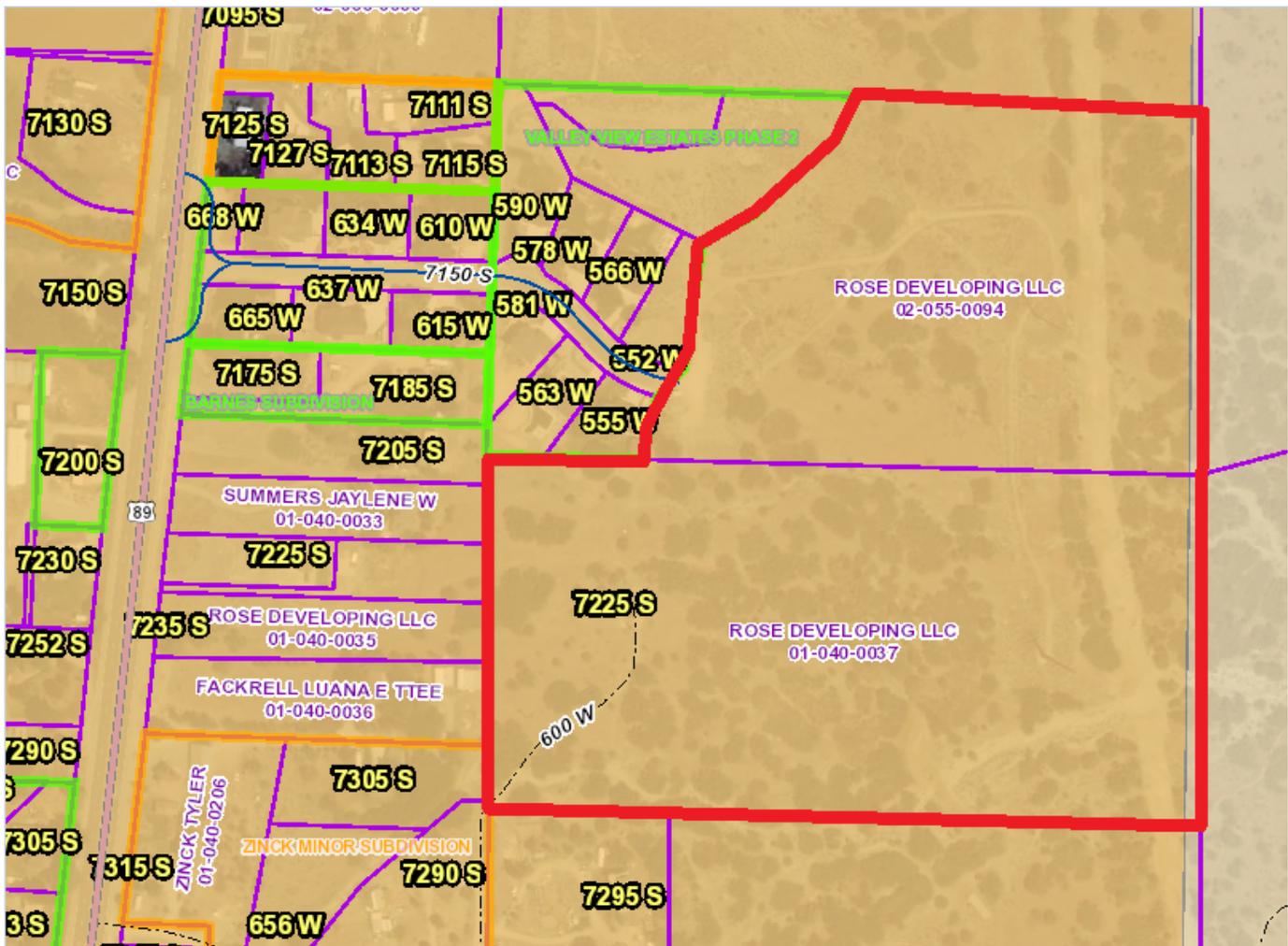
Table – “I move the Planning Commission table application number SS22-024, a preliminary plat for the Valley View Estates Phase 3 Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

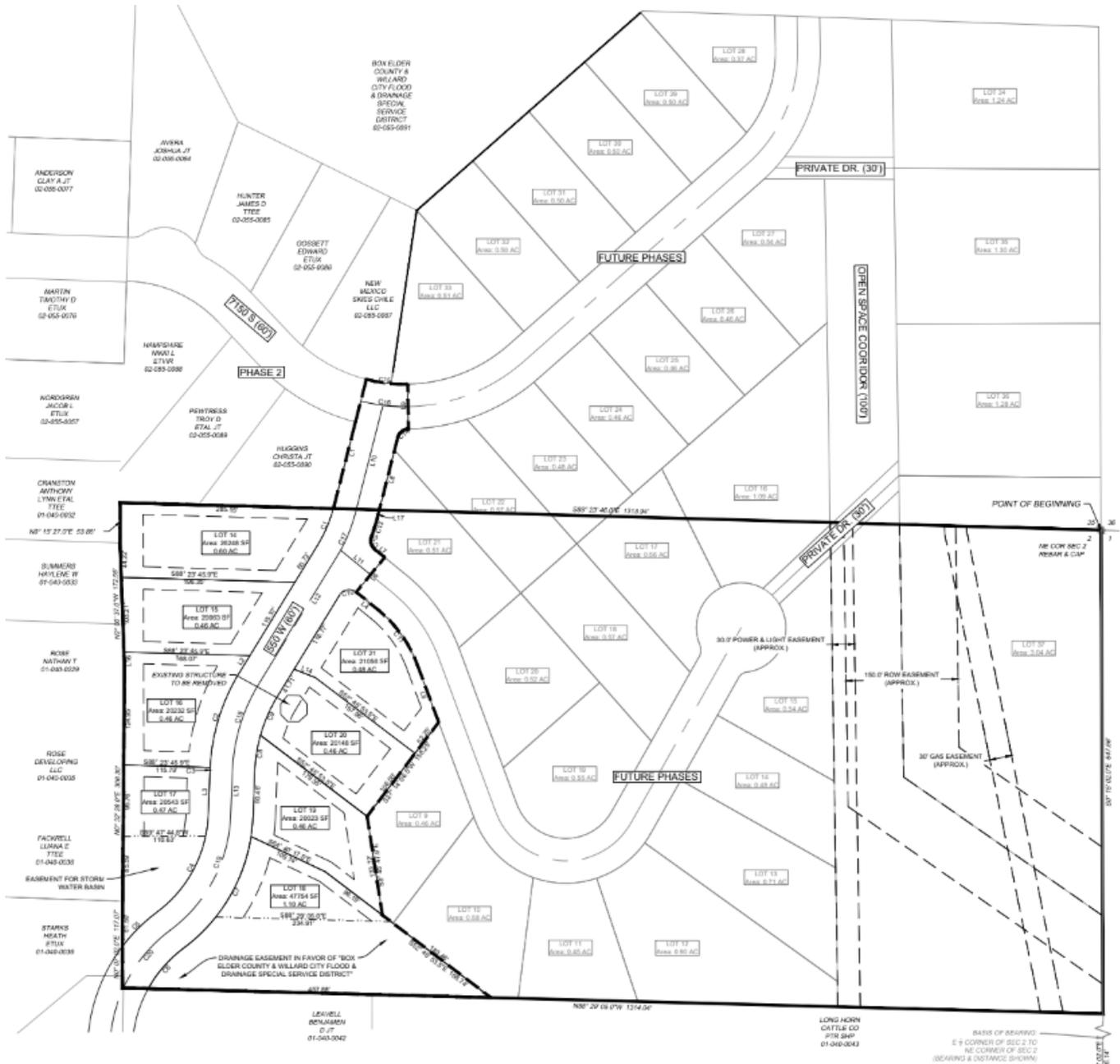
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

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: December 15, 2022
Agenda Item #: 7a

Application Type:

Conditional Use Permit for an Accessory Dwelling Unit

APPLICANT(S):

Jeffrey & Karen Madsen

PROJECT #:

CUP22-007

ZONE:

RR-5

PARCEL #:

05-175-0007

TYPE OF ACTION:

Administrative

REPORT BY:

Destin Christiansen,
County Planner

BACKGROUND

The applicant is requesting a Conditional Use Permit for an Accessory Dwelling Unit. They seek to convert an existing 1375 sq. foot home into an external accessory dwelling unit to allow for the construction of a new 4054 sq. foot main home. No other accessory dwelling unit (internal or external) exists on the property. The property is located at 11660 North Rocky Point Road in the Bothwell area.

Surrounding Land Use and Zoning:

| <u>Direction</u> | <u>Land Use</u> | <u>Zoning</u> |
|------------------|----------------------|-------------------|
| North | I-84/Agriculture | Unzoned/Tremonton |
| South | Rural Residential/Ag | RR-5 |
| East | I-84./Agriculture | Unzoned/Tremonton |
| West | Agriculture | C-H/RR-5 |

ANALYSIS

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 5-6-060(D) allows one (1) ADU per lot or property in zones that allow single-family dwellings subject to Conditional Use Permit approval. Section 2-2-100 outlines the following standards for review for conditional uses.

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.
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.
3. Negative impacts on connectivity and safety for pedestrians and bicyclists.
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.

-
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.
 6. Modifications to signs and exterior lighting to assure proper integration of the use.
 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.
 8. Reduction in the tax base and property values.
 9. Reduction in the current level of economy in governmental expenditures.
 10. Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall.
 11. Reduction in usable open space.
 12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.

Setbacks:

All built structures currently or can adhere to RR-5 building setbacks.

Access:

Access to the property is obtained by Rocky Point Road, an existing county road.

County Department Review:

All applicable County departments have reviewed this.

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 does allow for Conditional Use Permits for accessory dwelling units that are approved by the Planning Commission.
2. Subject to the applicant's compliance with the conditions set forth by the Planning Commission they should be eligible for a Conditional Use Permit.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission APPROVE the requested Conditional Use Permit with the following conditions:**

Conditions of Approval:

1. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
2. Compliance with Article 2-2-100, Conditional Use Permit, 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 licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number CUP22-007, a Conditional Use Permit for an Accessory Dwelling Unit, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

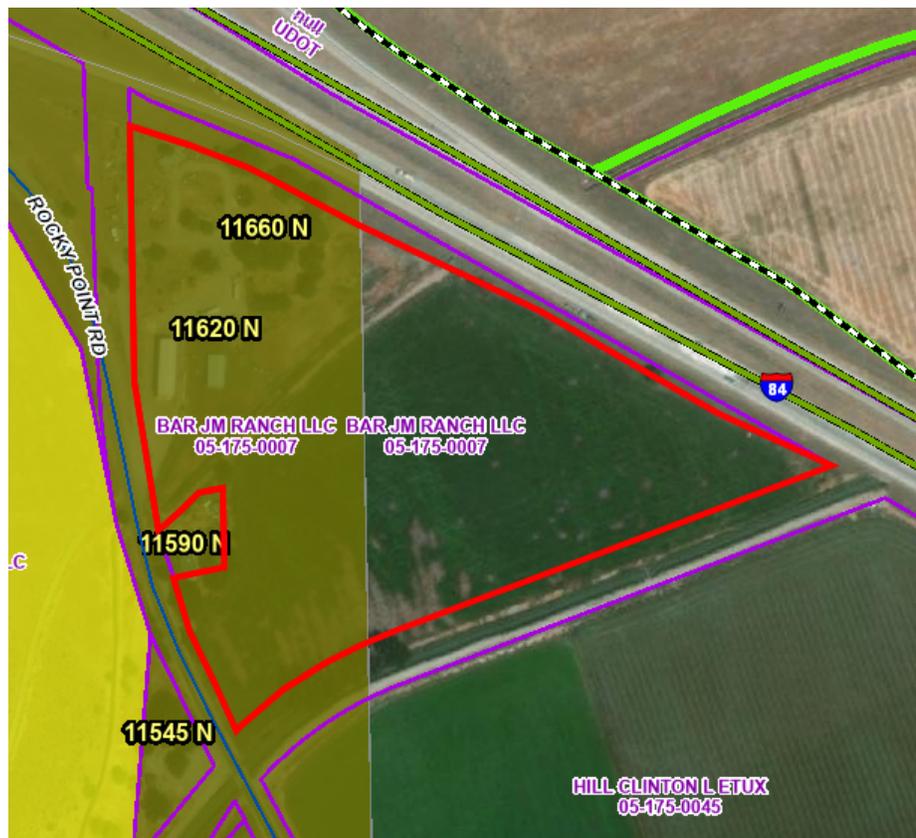
Table – “I move the Planning Commission table the review of application number CUP22-007, a Conditional Use Permit for an Accessory Dwelling Unit, to (give date), based on the following findings:”

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 CUP22-007, a Conditional Use Permit for an Accessory Dwelling Unit, based on the following findings:”

1. List findings for denial...

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







PLANNING COMMISSION

STAFF REPORT

Meeting Date: December 15, 2022
Agenda Item #: 7b

Application Type:

Final Subdivision

APPLICANT(S):

Marc Allred

PROJECT #:

SS22-034

ADDRESS:

Approximately 11050
North 8285 West

ZONE:

Unzoned

PARCELS #:

05-058-0057

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting Final approval of the Beckam's Edge Phase 3 Subdivision plat. The proposed subdivision phase is six lots totaling 12.85 acres. The lots range in size from 1.75 acres to 2.88 acres.

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 | Rural Residential | Unzoned |
| South | Rural Residential/Agriculture | Unzoned |
| East | Agriculture | Unzoned |
| West | Rural Residential | Unzoned |

Access:

Access is via 8400 West an existing county road. New roads 11050 North and 8300 West have been constructed as part of the first two phases of development.

Utilities:

The County has received utility will-serve letters from the power and gas companies. We have also received a feasibility letter from the Bear River Health Department as well as a geotechnical report.

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. Well water from Lot 11 was tested in the Tremonton City lab and meets drinking water standards.

Setbacks:

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

County Department Reviews:

The County Surveyor and Engineer submitted initial reviews of the Phase 3 plat to the developer. At the time of writing this report we are waiting on a revised plat to being the second review.

The County Fire Marshal has reviewed and approved the proposed fire infrastructure and access to the development.

The County Attorney will review the plat against a title report once the County Surveyor and Engineer approve it.

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 can meet the regulations set forth in Chapter 6-1 of the Land Use Management & Development Code following review and approval by the County Engineer, Surveyor, Roads, Planning, Building departments, and County Attorney.
3. A revised plat as well as construction drawings are still under review by various county departments.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may TABLE the Phase 3 final plat, or APPROVE the Phase 3 final 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 County Engineer, Surveyor, Roads, Planning, and Building departments, and County Attorney.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS22-034, a final plat for the Beckham’s Edge 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 SS22-034, a final plat for the Beckham’s Edge 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 SS22-034, a final plat for the Beckham’s Edge Phase 3 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.



