

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

December 21, 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 November 16, 2023 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
 - a. **ZONING MAP AMENDMENT, Z23-016**, Request for a zone change of 11.905 acres from MU-160 (Multiple Use – 160 acres) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and 158.945 acres from MU-160 (Multiple Use – 160 acres) to MU-80 (Multiple Use – 80 acres) located in Willard Canyon at approximately 370 North 700 East currently parcel 02-006-0020 in Willard area of Unincorporated Box Elder County. **ACTION**
 - b. **WILLARD CANYON SUBDIVISION, SS23-021** Request for approval for 1 new non-residential lot located on the north side of Willard Canyon in Unincorporated Box Elder County. **ACTION**
6. **PUBLIC HEARINGS**
 - a. **ORDINANCE TEXT AMENDMENT, Z23-018**, Request for a text amendment to Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code. **ACTION**
7. **NEW BUSINESS**
 - a. **CZ RANCH SUBDIVISION FIRST AMENDMENT, SS23-022**, Request for approval for an amended subdivision at approximately 5715 West 16800 North in the Riverside area of Unincorporated Box Elder County. **ACTION**
8. **WORKING REPORTS**
 - a. None
9. **PUBLIC COMMENT**
10. **ADJOURN** _____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES NOVEMBER 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	Chairman
Jared Holmgren	Vice-Chair
Lonnie Jensen	Member
Steven Zollinger	Member
Bonnie Robinson	Member
Jed Pugsley	Member
Jennifer Jacobsen	Member
Vance Smith	Alternate/Member

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	Excused
Stephen Hadfield	Excused
Boyd Bingham	Excused
Diane Fuhriman	Executive Secretary

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

The Invocation was offered by **Commissioner Steven Zollinger**.
Pledge was led by **Commissioner Vance Smith**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the October 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 Jared Holmgren** and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

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

ZONING MAP AMENDMENT, Z23-016, Request for a zone change of 11.905 acres from MU-160 (Multiple Use – 160 acres) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and 158.945 acres from MU-160 (Multiple Use – 160 acres) to MU-80 (Multiple Use – 80 acres) located in Willard Canyon at approximately 370 North 700 East currently parcel 02-006-0020 in Willard area of Unincorporated Box Elder County ACTION

Staff explained Willard City owns a 170.85-acre parcel zoned MU-160 (Multiple Use 160 acre). Willard City would like to negotiate an agreement with the adjacent property owners and mine operators, to lease the 11.09-acre portion of the parcel for gravel extraction purposes. Willard is requesting the 11.09 acres be rezoned to MG-EX (Mining, Quarry, Sand & Gravel Excavation). This would leave the remainder parcel less than 160 acres; Willard is proposing to change to zoning to MU-80 (Multiple Use – 80 acres) which is the next smallest zone. Willard would have annexed the parcels and existing operations into city boundaries if not for state code that would diminish their ability to regulate existing operations.

Staff explained rezone applications are a legislative procedure with the Planning Commission acting a recommending body. The Planning Commission reviews the application taking into account testimony presented at a public hearing, private property rights, economic considerations, and the four approval standards in the county land use code which are: (a) whether the proposed amendment is consistent with goals, objectives and policies of 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; (c) the extent to which the proposed amendment may adversely affect adjacent property; and (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 Planning Commission then makes a recommendation to the County Commission who acts as the decision making authority. The County Commission then makes a decision based on the reasonably debatable standard.

The public hearing was then opened for comments.

Staff read comments received from Mitch Zundel, Brad Knowles, Jason Thomas, John Knoblock, and Willard City Mayor Travis Mote to be included in the minutes.

(See Attachment No 2. – Emails/Letters.)

Brad Wells, property owner, asked the Planning Commission to please approve the rezone as it is a good deal for all parties. If Willard City is not able to sell their gravel, the city will have to pay to move their water line. This small corner of property will finish out the pit and the reclamation bond will help make the area a lot better. He said the gentleman who wrote the letter concerning the Bonneville Trail has never been to the site. If the mining is continued, a better trail than what the gentleman has envisioned could be sought.

Chris Davis, Willard City Manager, stated there is currently not a reclamation bond in place for the acreage operated by Staker Parson. There are 3 owners involved in the pit, the Wells family, Staker Parson, and Granite Construction. We are looking to put that particular area into beneficial

use to benefit the public long-term. Mr. Davis said 750 North is a private road owned by Granite Construction so no additional roads will be needed. He stated the majority of the city council is ready to approve an agreement on November 30th subject to a few changes and city attorney review. The city council is asking for this rezone to be approved.

Nikki Tubbs thinks this presents a tremendous opportunity for Willard. The million dollars in revenue the city will receive from the gravel, coupled with avoiding the one million dollar expense that ultimately the citizens will have to pay to relocate the water line, is a substantial benefit to the citizens. Additionally the city stands to gain sales tax from the gravel, and the significant increase in the reclamation bond to \$1.6 million insures responsible environmental practices Ms. Tubbs encouraged the Planning Commission to approve the rezone request so the agreement between the three parties can continue to move forward for the benefit of all involved.

Rod Mund, Willard City Councilmember, asked the Planning Commission to either give a yay or nay on the rezoning request. In the past Willard City has not embraced gravel pits, but fought against them. He was Willard City's mayor when gravel pits went through the courts and lost. Whether the citizens realize it or not there is a legal right-of-way for gravel established by the courts in the early 90's. The city denied a gravel pit because they did not have a zone in place. The owner of that property came to the county and had the property rezoned and established a gravel pit. Mr. Mund said let us have our destiny in our own hands and let the city make their own decisions.

Gordon Sleeman, Willard, has lived directly west of the gravel pit for the past 28 years. He has watched the mountainside change and the gravel be taken out. He is not opposed to Willard having the opportunity to extract the gravel and receive the revenue. The staff report the commissioners received does not adequately list the benefits the city receives as a result of the entire scope of what the city wants to do. He thinks it is unfortunate the commissioners have not been made aware of the other items that will come down the road as a result of this rezone request. He is in favor of the rezone.

Diana Baker, Willard, is against the rezone. She has been on the Willard City Planning Commission for the last three years and as a lifelong resident, she is against the rezone.

Bruce Sherrod, Granite Construction, said he is the overseer of the gravel pit. He said this has been a good year for relationship building in the community. He is hoping this will open up communication with the city and its residents. He is at his job every day, all day, if anyone wants to see him, or has complaints. He cannot fix problems if he is not aware of them. He is trying to make things better. He has added more sprinklers and is getting more water from Willard. He would like to resolve the issues to make this rezone happen.

Clyde Westley, Willard, asked the Planning Commission to deny the request for the zone change. He feels the request is not in line with what Willard citizens want and have not been properly represented. He said a survey of city residents was conducted in 2021. The results of the survey was the citizens wanted to keep Willard rural with a small town charm. The city council ignored those surveys and proceeded with the request of this rezone. He requested a new survey to determine who in Willard wants to sell the gravel and who wants it left undisturbed. He was told

by city officials his request would be considered, but he has never received a response since. He thinks tabling the item to give the city time to figure this out would be good. He thinks the gravel pit will have negative effects on the environment and quality of life. He urged the commissioners to deny the request.

Brody Wells, property owner, is in favor of the request. He said the property has been in his family's name for over 100 years. When the state came to his great-great-grandpa and told him he had to put a gravel pit there, he was not very happy. Mr. Wells wishes the gravel pit was done, but the only way it can be done is if the little chunk of land is mined out. If it is mined out it will help the environment, the citizens, and the old-timers will be able to see the mountain can be beautiful again.

John Seamons, Willard City Councilmember, resents the letter the mayor sent to the Planning Commission as the council did not receive a copy. He said the council has been negotiating with the Wells family since April 20, 2022. Granite Mining has presented the council with a plan that gives a final picture. There are four members of the council who believe in this. The plan has so much more depth than what has been presented to the commission. There is a significant dollar event benefitting Willard City with this zone change. It will cost the city 1 million dollars each time the pipeline is moved, it is part of the lease agreement with the Wells family. Granite Mining will pick up that fee. Mr. Seamons said there is a 1 million dollar grant to move pipeline from the north well to a new tank farm crossing the Wells property. He said the little piece of property is not good for much of anything and asked the Planning Commission not to table this decision.

Natalie Scovill, South Willard, agrees with comments made in Mitch Zundel's letter. She would like to see more specific things written out. She feels sad they have lost access to Willard Canyon. She thinks some of these things need to be spelled out so people do not lose access to more things county residents want.

Kristin Mote, Willard, thanked the Planning Commission for listening to the citizen's concerns on the matter of the gravel pit in the mouth of Willard Canyon. It is her opinion this issue should be rejected and sent back to the city. The city councilmembers should not be passing off this issue to the county, especially if it is so important, and they have worked so hard, to get an agreement in place. Why didn't they have the courage to do it themselves? Willard City likes to put things on to the county, then whine about how the county is handling those issues. This is a matter Willard City should take accountability for, as there is not a benefit for the county. She believes Willard City has the capacity to create a gravel ordinance in line with county and state regulations. The city council members need to find the courage to take this on instead of playing it safe and punting it to the county.

BJ Wells stated he is a property owner of the existing mine. It is important to know the Wells family owns the west and south sides of the property being discussed. There are no trails or anything out there, it is just desolate land. Granite Construction has put forth a 1.6 million dollar reclamation bond as a part of the conditional use permit. He knows of no other existing pit even coming close to that amount. Mr. Wells thinks this rezone meets all four of the standards from county code for reviewing zoning map amendments.

Mark Neff, Willard, said without this rezone the city will have some serious money deficits for future services and infrastructures. The city council is totally responsible in doing the right thing because they understand the issues; those who say the council is not responsible do not understand the fiscal issues. He does not agree with the comments made by Mitch Zundel and feels his comments were irresponsible. Mr. Neff said this request is consistent with the existing infrastructure and adequate facilities are already in place. This is a pit inside of an existing pit with the least negative impact of any pit he has ever seen.

Brad Sweet, Granite Construction, has been involved with Willard City and this project since 2017. He said Willard City is not being quick to judge, or throwing it back to the county. The council knows exactly what they are doing. The county has ordinances and controls in place, the city does not. There is a state law disallowing the city from implementing new ones, so they are required to come to the county. The council is following every letter of the law.

Peggy Barker, former resident of Willard, feels this issue is about money and the destruction of beautiful mountains. She likes to hike there but there is barbed wires across the trails now. She would like the Planning Commission to look at beauty and nature, as opposed to money in some people's pockets.

Quinn Bingham, Granite Construction, said he is here to support the residents of Willard City. He is not doing his job if he does not abide by the laws of the state and federal agencies that apply to this pit. There is a liability aspect of allowing access to the trail at this point. There are laws in place not allowing people access to active mining sites. In due time, the area will be reopened once the area is mined out.

Jeff Wells, Willard, said when the freeway was built the company mining the pit at the time, left the mountain scarred. When his family spoke with companies about mining the pit, they wanted to know how the companies planned on reclaiming it. Parsons had no answer for reclamation, Geneva didn't have an answer, but Granite Construction did. He said Granite Construction is here trying to do what is best for everyone. When it's done it will be a lot better.

Alex Perez, Willard, said she is aware of the money this will bring in for some, but it is not about money for those of us who live in Willard. She is unsure how this will make Willard prettier. She is opposed to the zone change.

Ken Braegger, Willard, has seen the mountain prior to any excavation up to the point it is at today. He thinks the little piece of ground is a stepping stone for Willard City to accomplish some major things for the future. There have been developers interested in bringing commercial development to Willard, but the city struggles to provide water infrastructure for their commercial zone and for future development. He said the benefits of this rezone outweigh any negative aspects. The piece of ground is already a gravel pit the federal government blasted rock from in order to build Willard Bay. He supports the rezone request.

Peggy Braegger, Willard 40-year resident. She knows citizens complain about dust from the gravel pit, but the farmers in the area create just as much dust as the pit. She thinks this is a great

opportunity for the citizens of Willard to move forward and plan for our future and the future of our children instead of going backwards into the dinosaur ages.

Heidi Erickson agrees with Mitch Zundel and Mayor Mote. She thinks this request needs to be tabled until we can truly see the long-term effect and the long-term agreement in writing on all sides. She sees the advantage of saving Willard the money to build the water system but noted the north side of Willard is also owned by the Wells family who will benefit greatly both ways. She feels the Wells should be willing to not put an ultimatum on things and hurry this through. When someone is trying to push something through, it is not a good choice.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Zoning Map Amendment, Z23-016. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

ACTION

Commissioner Mellonee Wilding is uncomfortable with the entity applying for annexation, denying their own annexation, and then bringing it before the county. She feels like it does not meet the requirement of applying for annexation. She agrees there are great benefits to Willard, but if it is so great for the city, the city should be taking this on and making it happen. She does not understand why this request is before the county. Willard can make this happen without this zoning, it can happen if Willard finds a way to work with the county and within state regulations.

Commissioner Bonnie Robinson agrees with Commissioner Wilding and does not see how the county benefits in any way.

Commissioner Mellonee Wilding stated the Planning Commission does not have the benefit of legal counsel here tonight. She would like to seek the County Attorney's interpretation of the state law.

Commissioner Jared Holmgren understands how difficult it can be to deal with state legislature year after year and changing laws.

Commissioner Steven Zollinger asked if staff was aware of the legislation denying the ability for Willard City to annex in the parcel. Staff is familiar with the House Bill but is unfamiliar with the interpretation of the bill and agrees it may be worth having County Attorney Hadfield's interpretation. Commissioner Zollinger is uncomfortable moving forward without legal counsel.

Staff stated from what Willard has said, there is a clear benefit to the city. Staff wants it to be clear regarding some of the comments made in the public hearing, it is not staff's job to pitch Willard City's benefits to the Planning Commission, which is why those comments were not included in the staff report. If Willard wanted that information included in the staff report, it should have been provided to staff. One of the concerns staff has if this is approved in the county, and as the county code enforcement department, our department would be the one enforcing the conditional use permit. This involves county time, county wages, and county manpower. Staff is concerned with being the department in charge of enforcing the CUP with no compensation.

Commissioner Vance Smith likes the idea of this being a benefit to the city and Granite Construction stepping up and not burdening the city. He also takes issue with enforcement being on the county with no benefit. Where the county has an existing ordinance and the city does not, something could possibly be worked out.

Commissioner Jared Holmgren agrees this is a pit within a pit and it is cleaning up something needing to be cleaned up. He said this is gravel done right and has no problem going forward as long as the county is covered.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to table Zoning Map Amendment Z23-016, a request for a zone change of 11.905 acres from MU-160 (Multiple Use – 160 acres) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and 158.945 acres from MU-160 (Multiple Use – 160 acres) to MU-80 (Multiple Use – 80 acres) located in Willard Canyon for up to 6 months allowing time for the Planning Commission to seek legal counsel. The motion failed for lack of a second.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to table the review of Zoning Map Amendment Z23-016 a request for a zone change from MU-160 to MG-EX and MU-80 for up to 6 months based on the Planning Commission’s desire for legal counsel and clarification on how a County and City agreement would look, how a permit would be correctly filed, and whether the ombudsman’s office needs to be included for final clarification. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

NEW BUSINESS

WILLARD CANYON SUBDIVISION, SS23-021 Request for approval for 1 new non-residential lot located on the north side of Willard Canyon in Unincorporated Box Elder County. ACTION

Staff said Willard City is requesting approval of the Willard Canyon Subdivision plat. The proposed subdivision is for 1 new non-residential lot. The applicant has a zoning map amendment application running concurrent with this application. If approved, that amendment would allow Willard City to subdivide the 170.85 acre parcel into an 11.09 acre parcel and a 159.76 acre parcel. Staff explained non-residential subdivisions are generally used for industrial parks and manufacturing zones. In this scenario, there are no new roads, no new utilities are being proposed, and no new infrastructure. The request would be for extracting gravel from the 11.09 acre parcel. Staff said the Planning Commission may approve the plat but one condition contingent upon approval would be the County Commission approving the zoning map amendment.

MOTION: A Motion was made by **Commissioner Steven Zollinger** to table application SS23-021 for the Willard Canyon Subdivision for up to 6 months based on the decision to table Zoning Map Amendment Z23-016. The motion was seconded by **Commissioner Jed Pugsley** and unanimously carried.

WORKING REPORTS

Training – Zoning Reform for Housing Attainability

Staff conducted the training in the pre-meeting.

PUBLIC COMMENTS

Gordon Sleeman asked if the county enforces the conditional use permit on the existing gravel pit discussed in the meeting. If the county is already policing the CUP, he doesn't see where the additional 11 acres increases expenses.

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Vance Smith and meeting adjourned at 8:28 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION

STAFF REPORT

Meeting Date: Dec 21, 2023
Agenda Item #: 5a

Application Type:

Zoning Map Amendment

APPLICANT(S):

Willard City

PROJECT #:

Z23-016

ADDRESS:

North side of the mouth of
Willard Canyon

PARCEL #:

02-006-0020

CURRENT ZONE:

MU-160

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons
Comm. Dev. Director

UPDATE

At the November meeting some concerns and questions were raised by the Planning Commission. These were primarily legal and procedural in nature. They included the desire for legal counsel on how a county/city permit enforcement agreement would work, how a permit would be correctly filed, and legal counsel's interpretation of state code regarding "critical infrastructure materials". The County Attorney has been notified of the request and has been conducting research as well as reaching out to the applicant's legal counsel. The County Attorney will be present at the December meeting and will be able to provide an update there.

The item has been placed on the agenda as "Unfinished Business" which allows the Planning Commission the option to discuss without action as well as take action on the application if desired.

BACKGROUND

The applicant is requesting that 170.85 acres be rezoned from MU-160 (Multiple Use 160 acre) to the following:

- 11.09 acres to MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone
- 159.76 acres to MU-80 (Multiple Use 80 acre) zone

Willard City would like to negotiate an agreement with adjacent property owners and mine operators to lease the 11.09 acre portion of the parcel for gravel extraction purposes. Willard City would have annexed the parcels and existing operations into city boundaries if not for state code that would

diminish their ability to regulate existing operations.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner or authorized agent to apply for and request a re-zone for his/her property subject to 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	Mountain	MU-160
South	Willard Canyon/Mountain	MU-160
East	Mountain	MU-160
West	Gravel Mining	MU-160

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.” It also states “Soils and geotechnical considerations, such as fault lines, soil types, depth to bedrock...may also reveal factors to avoid when considering development.” Additionally in the Goals + Strategies section some of the goals that may apply are:

- *Preserve sensitive lands and avoid developing on lands with natural hazards.*
- *Improve access to public lands that provide hiking, biking, camping, hunting, fishing, and other recreational opportunities.*

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

development in the vicinity of the subject property;

The area is primarily mountainside and existing gravel extraction. There is some housing and orchards approximately 0.65 miles to the west of the property. The area has primarily been used for mining and recreation (hiking) for 30+ years. 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.

The applicant has stated that there will be no additional roads or utilities needed for this portion of property. All infrastructure related to the mining operation is already in place lower on the mountain and this request would only extend the mining area by 11.09 acres. Public roads receiving the majority of the impact in the vicinity of the gravel pit are owned/maintained by either Willard City or UDOT. Dust suppression has historically been a local complaint regarding the existing operation. A question for the applicant may be if there is sufficient water supply to better mitigate this negative impact.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the rezone of the subject parcel from MU-160 (Multiple Use 160 acre) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and MU-80 (Multiple Use 80 acre) and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the rezone of properties subject to zoning map amendment review procedures and approval.
2. The Planning Commission must base a recommendation on the four approval standards above as well as public input, resident preferences, private property rights, and economic considerations.

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 Article 5 of the Box Elder County Land Use Management & Development Code.

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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 Z23-016, a zoning map amendment from MU-160 (Multiple Use 160 acre) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and MU-80 (Multiple Use 80 acre) zones and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

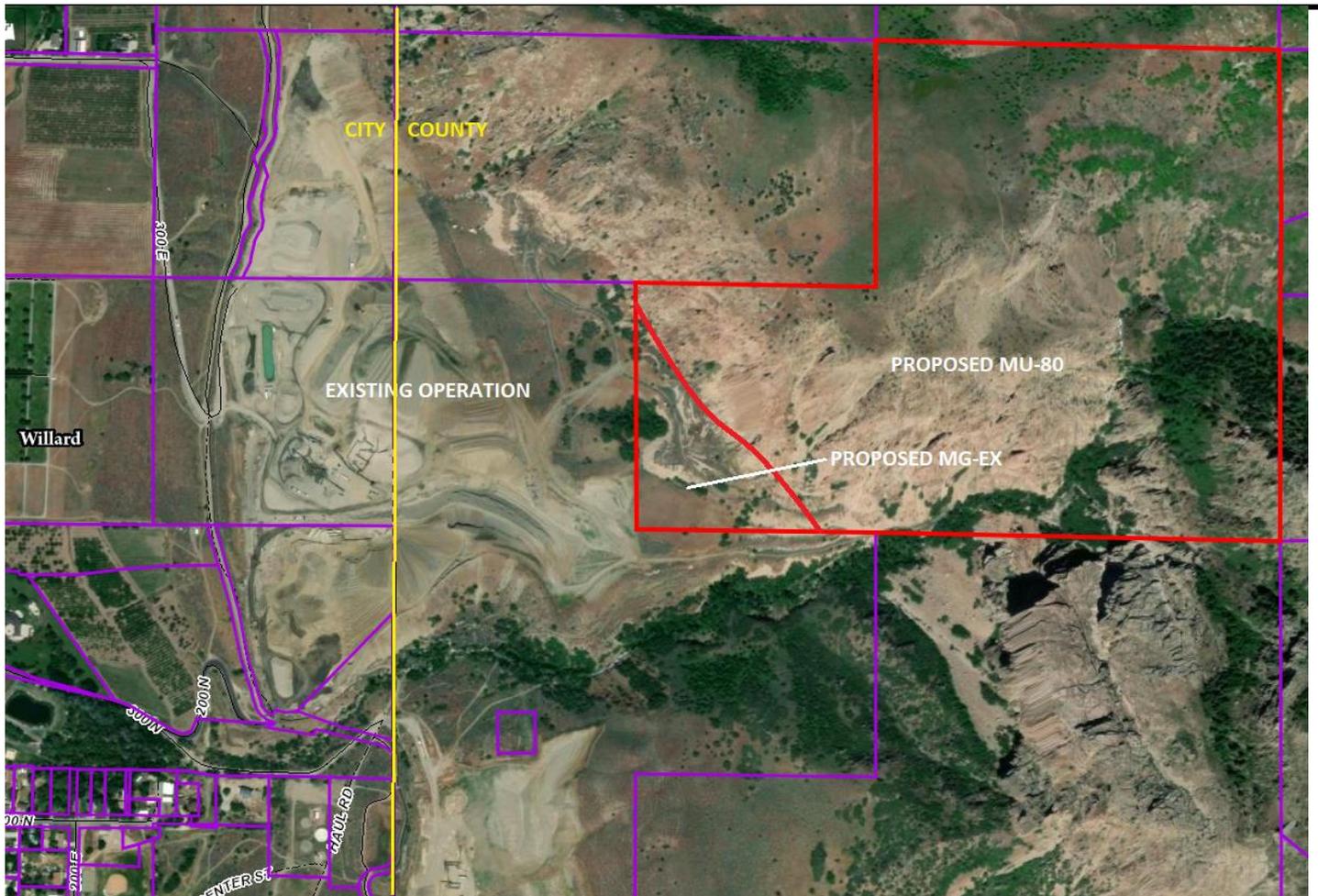
Table – “I move the Planning Commission table the review of application number Z23-016, a zoning map amendment from MU-160 (Multiple Use 160 acre) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and MU-80 (Multiple Use 80 acre) zones to (give date), based on the following findings:”

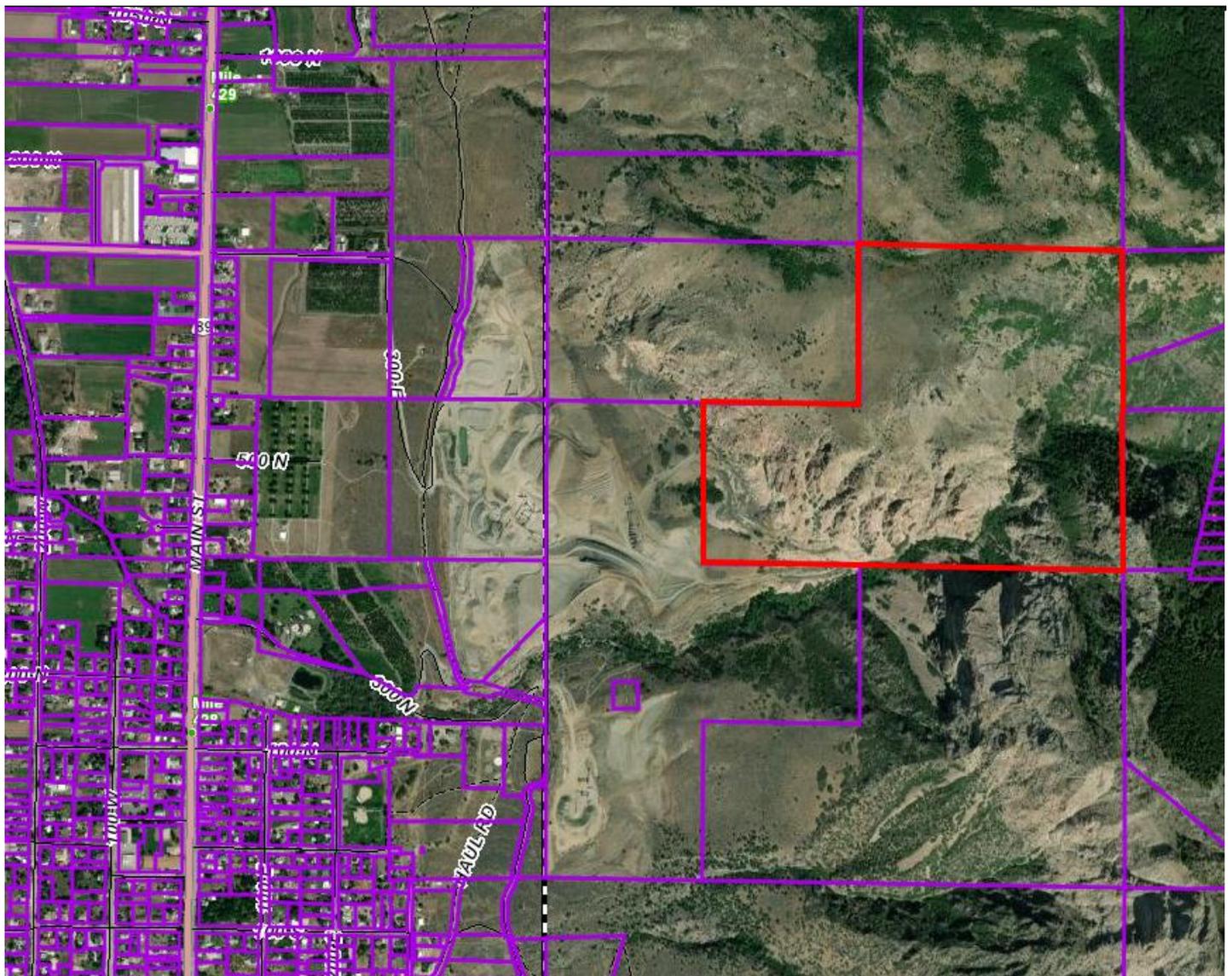
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z23-016, a zoning map amendment from MU-160 (Multiple Use 160 acre) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) and MU-80 (Multiple Use 80 acre) zones 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.





**PLANNING COMMISSION
 STAFF REPORT**

**Meeting Date: Dec 21, 2023
 Agenda Item #: 5b**

Application Type:
 Non-residential
 Subdivision

APPLICANT(S):
 Willard City

PROJECT #:
 SS23-021

ADDRESS:
 North side of Willard
 Canyon

ZONE:
 MU-160

PARCEL #:
 02-006-0020

REPORT BY:
 Scott Lyons,
 Community Development
 Director

BACKGROUND

Willard City is requesting approval of the Willard Canyon Subdivision plat. The proposed subdivision is for 1 new non-residential lot. The applicant has a zoning map amendment application running concurrent with this application. If approved that application would allow Willard City to subdivide the 170.85 acre parcel into an 11.09 acre parcel and a 159.76 acre parcel.

ANALYSIS

Land Use Ordinance Standards Review:

Land Use Management & Development Code 6-1-250 states “the subdivider shall demonstrate to the satisfaction of the Planning Commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity.”

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Mountain	MU-160
South	Willard Canyon/Mountain	MU-160
East	Mountain	MU-160
West	Gravel Mining	MU-160

Access:

Access would be via existing Willard City roads and through the existing gravel mining operation.

Utilities:

Willard City has stated that there will be no construction of buildings or development of lots on either of these parcels. No utilities are necessary for their intended mining lease.

Setbacks:

As no structures are proposed, setbacks do not apply.

County Department Reviews:

County Surveyor

- Has submitted a review with minor modifications needed to the plat.

County GIS

- Has submitted a review with minor modification needed to the plat.

Fire Marshal

- Has approved his review of the development.

An update will be provided at the Planning Commission meeting.

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. The applicant's surveyor/engineer is currently revising the plat based on County reviews.
3. Modifications to the proposed 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 APPROVE the plat application with the following conditions of approval as well as any others the Planning Commission finds:**

1. Approval by the County Commission of Zoning Map Amendment application Z23-016.
2. Compliance with review and approval by the County Surveyor, Engineer, Roads Department, and Building Official.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
5. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS23-021, a plat for the Willard Canyon Subdivision, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

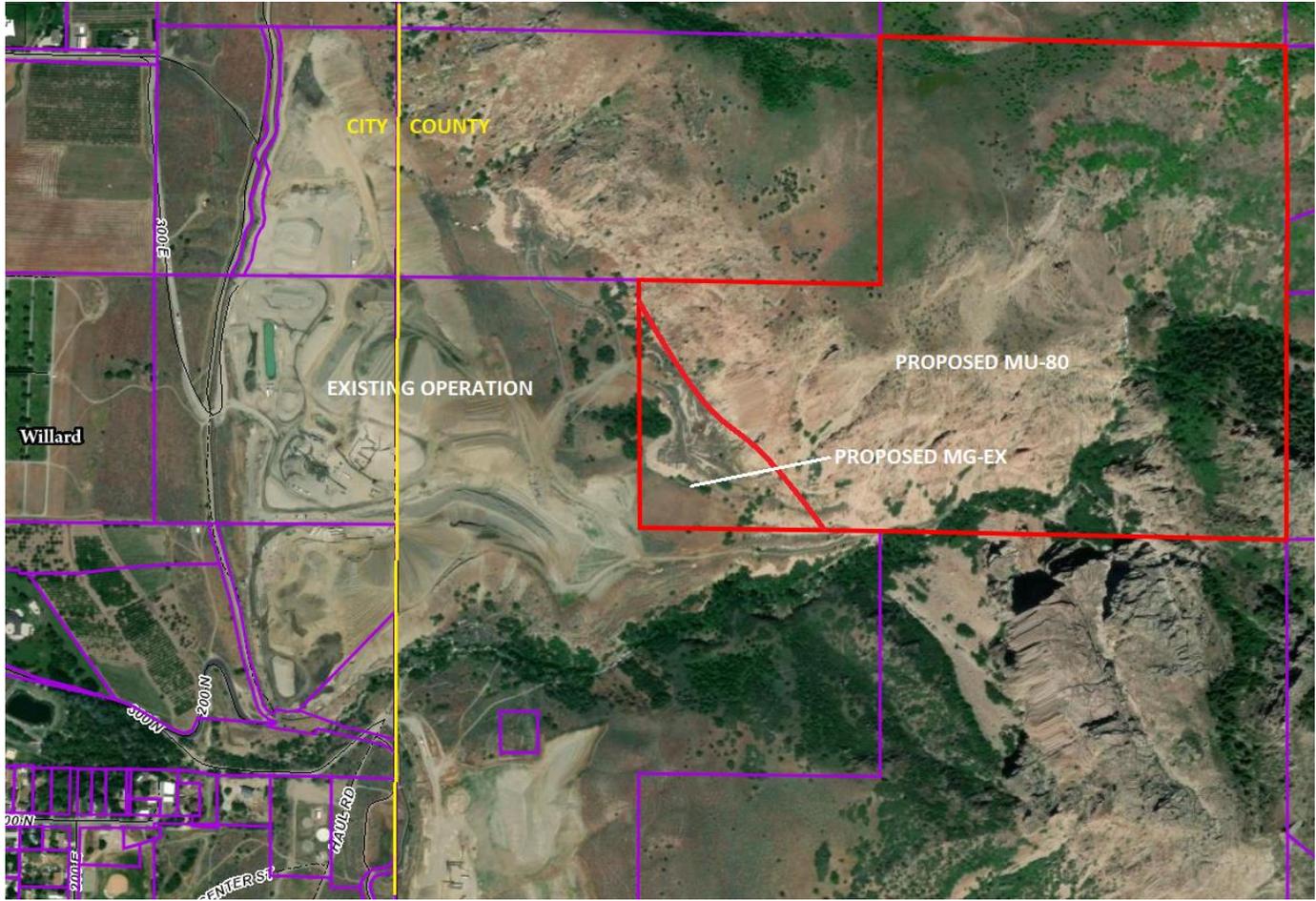
Table – “I move the Planning Commission table application number SS23-021, a plat for the Willard Canyon Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission deny application number SS23-021, a plat for the Willard Canyon 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 21, 2023

Agenda Item #: 6a

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z23-018

ORDINANCE:

Chapter 6-1

TYPE OF APPLICATION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The county is proposing a text amendment to amend Chapter 6-1, Subdivisions. Specifically this text amendment will update most of the Sections in this Chapter and align our Land Use Code with State Code. This amendment would apply to all areas of unincorporated Box Elder County. See proposed verbiage below.

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 General Plan does not specifically give guidance on subdivisions. It can be interpreted that the proposed amendment is consistent with the County's General Plan.

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

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

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

The 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 Z23-018, 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 Z23-018, 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 Z23-018, an ordinance text amendment based on the following findings:”

1. List findings for denial...

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

Proposed Text Amendment:

Chapter 6-1 – Subdivisions

Sections.

- 6-1-010. Purpose.
- 6-1-020. ~~Interpretation~~ Applicability.
- 6-1-030. Definitions. ~~(Ordinance 309; 2-17-09)~~
- 6-1-040. General Considerations.
- 6-1-050. General Responsibilities and Processing.
- 6-1-060. Compliance Required. ~~(Ordinance 389; 10-1-2014)~~
- 6-1-070. Exceptions to Plat Requirements.
- 6-1-0780. Required Certificates, Permits, and Reviews.
- 6-1-0890. Penalties.
- 6-1-1090. Variances.
- 6-1-1010. Staff Authority.
- ~~6-1-110. Public Hearings and Comments.~~
- 6-1-120. Administrative Review of Small Subdivisions.
- 6-1-130. Large Subdivision Preliminary Plat.
- 6-1-140. Large Subdivision Final Plat.
- 6-1-150. Construction Plan – Preparation and Required Information.
- 6-1-160. Review by the ~~County Engineer~~ Development Review Committee – Small Subdivisions.
- 6-1-170. Review by the Planning Commission ~~Action~~ – Preliminary Subdivisions.
- 6-1-180. Review by the County Attorney.
- 6-1-190. Review by the ~~County Commission~~ Development Review Committee – Final Subdivisions.
- 6-1-200. Security for ~~Public~~ Improvements.
- 6-1-210. Payment of Fees.
- 6-1-220. Recording of Final Plat.
- 6-1-230. Expiration of Final Approval.
- 6-1-240. General Requirements for All Subdivisions. ~~(Ordinance 249; 357)~~
- 6-1-250. Requirements for ~~PUD and~~ Non-Residential Subdivisions.

6-1-010. Purpose.

The purpose of this Code, and any rules, regulations, standards and specifications hereafter adopted pursuant hereto or in conjunction herewith are:

- A. To promote and protect the public health, safety and general welfare.

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- B. To regulate future growth and development within the County in accordance with the General Plan and to promote the efficient and orderly growth of the County.
 - C. To provide procedures and standards for the physical development of subdivisions of land ~~and construction of buildings and improvements thereon~~ within the County ~~including, but not limited to, the construction and installation of roads, streets, curbs, gutters, sidewalks, drainage systems, water and sewer systems, design standards for public facilities and utilities, access to public rights-of-way, dedication of land and streets, granting easements or rights-of-way and to establish fees and other charges for the authorizing of a subdivision and for the development of land and improvements thereon.~~
 - D. To provide for adequate light, air, and privacy, to secure safety from fire, flood and other dangers, ~~and to prevent overcrowding of the land and undue congestion of population.~~
 - E. To provide for harmonious and coordinated development of the County, and to ensure sites suitable for building purposes and human habitation.

6-1-020. Interpretation. Applicability.

~~In their interpretation and application, the provisions of this Code shall be considered as minimum requirements for the purposes set forth.~~ Where the provisions of this Code impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this Code shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this Code, the provisions of such statute, other regulation, ordinance or covenant shall prevail. If questions of interpretation occur, the County Zoning Administrator shall be responsible for such interpretations.

6-1-030. Definitions.

Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is mandatory and the term "may" is permissive. The following terms as used in this Code shall have the respective meanings hereinafter set forth.

Alley: A public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

Applicant: The owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have notarized written authorization from the owner.

Block: The land surrounded by streets and other rights-of-way other than an alley, or land which is designated or shown as a block on any recorded subdivision plat ~~or official map~~ or adopted plat ~~adopted by the County Commission.~~

Building: A structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

Capital Project: An organized undertaking which provides, or is intended to provide, the County with a capital asset. "Capital Asset" is defined according to generally accepted accounting principles.

County: Generally, the unincorporated area of Box Elder County, but may also refer to the County as a whole.

County Commission: The elected legislative body of Box Elder County.

~~Collector Street: See Streets.~~

Community Development Department: The County department authorized by the County Commission to oversee the Land Use Development & Management Code.

Community Development Director: The person appointed by the County Commission to perform the duties and responsibilities of Community Development Director and Zoning Administrator, as defined by County ordinances and resolutions.

Condominium: The ownership of a single unit in a multi-unit project together with an undivided interest in the common areas and facilities of the property created pursuant to the *Utah Condominium Ownership Act (UCA §57-8-1 et seq. as amended).*

~~Condominium Subdivision: See Subdivision.~~

The Code: The Box Elder County Land Use Development & Management Code as presently adopted and as amended hereafter by the County Commission.

~~Cul-de-sac: See Streets.~~

Developer: Any person, applicant, firm, partnership, corporation or association who causes improvements to be constructed, land use to be changed, or land to be subdivided for himself/herself or others.

Development Review Committee: A committee comprised of the Zoning Administrator, the County Engineer, the County Surveyor, the County GIS department, the County Fire Marshal, the County Building Official, and the County Roads Supervisor.

Easement: A present or future right of use under, on, or above the surface of property by a person or agency other than the legal owner of the property.

Family: One individual, or two or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household. A family may include four, but not more than four, non-related persons living with the residing family. The term "family" shall not be construed to mean a group of non-related individuals, a fraternity, club or institutional group.

Fee Schedule: The schedule of fees adopted periodically of the County Commission setting forth various fees charged by the County.

Final Plat: A map of a subdivision, required of all subdivisions, which is prepared for final approval and recordation, and which has been accurately surveyed, so that streets, alleys, blocks, lots and other divisions thereof can be identified; such plat being in conformity with the ordinances of the County and 17-27a Part 6 -601-607 of the *Utah Code Annotated*, ~~1953~~ 2005, as amended.

Financial Guarantee Agreement shall be the following as prescribed by the County a letter of credit and/or escrow or bond with a Utah Lending Financial Institution.

~~1. The Financial Guarantee requires:~~

- ~~a. The establishment of a letter of credit or institution escrow for 120% of the County Engineer approved Cost Estimate of materials and labor for installing the required improvements~~
- ~~b. Upon completion and inspection of the required improvements, Box Elder County Commissioners will release the escrow amount. However, 20% of the original escrow must be retained for the warranty period, one (1) year for the improvements. Upon the expiration of the financial guarantee warranty period, and after a satisfactory inspection of all improvements, the remaining amount will be released by the county Commission upon recommendation of the County Engineer.~~

Financial Guarantee Warranty: A promise that the materials and workmanship of improvements will comport with standards that the county has officially adopted; and will not fail in any material respect within a warranty period.

Flag Lot: A lot ~~that has been approved by the County where the staff has a minimum width of thirty (30) feet, and where the staff has a maximum length of two hundred and fifty (250) feet, and conforms to Ordinance 249 amending provisions of the Box Elder Land Use and Development Code passed 2001~~ accessed through a private driveway and located behind other properties or lot(s).

Flood, One Hundred Year: A flood having a one percent chance of being equaled or exceeded in any given year.

Flood, Ten Year: A flood having a 10 percent chance of being equaled or exceeded in any given year.

Flood Plain, One Hundred Year: That area adjacent to a drainage channel which may be inundated by a 100-year flood as designated on the most recent Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

~~**Freeway:** See Streets.~~

General Plan: The comprehensive, long-range General Plan for proposed future development of land in the County, as provided in 17-27a-401 of the

Utah Code Annotated, ~~1953~~ 2005, as amended.

~~Half Streets." See streets.~~

Land Use Authority: A body or person designated by the Box Elder County Code as the responsible party for the processing and decision-making concerning a land use application, the County General Plan, ordinance amendments, and/or variances.

Lot (Legal): A unit of land shown as a lot or parcel on a subdivision plat map, a condominium record survey map, or other record of survey map provided it is created pursuant to this Code.

Lot Area: The area contained within the property lines of the individual parcels of land shown on a subdivision plat or required by this Code, excluding any area within an existing street right-of-way, or any area required as open space under this Code, and including the area of any easements.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees.

Lot, Interior: A lot other than a corner lot.

Lot Access Easement or Private Right-of-way: An easement or privately owned access road, reserved by the lot owner as a private access to serve interior lots not otherwise located on a street.

~~Master Street Plan: See Official Map.~~

Natural Drainage Course: Any natural watercourse which is open continuously, but may have intermittent flows, ~~for flow of~~ that generally allows for the flow of water in a definite direction or course.

Official Map: A map drawn by Box Elder County and recorded in the County Recorder's Office that shows actual and proposed rights-of-way, ~~centerline alignments, and setback~~ for highways and other transportation facilities; Provides a basis for recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal and includes the possibility of acquiring the property through purchase, gift, voluntary dedication, or eminent domain and may require the dedication and improvement of a street if the dedication if the street is found necessary by the County because of a proposed development and if the dedication and improvement is consistent with exaction law.

- ~~A. — provides a basis for restricting development in designated rights of way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and~~
- ~~B. — has been adopted as an element of the Box Elder County General Plan.~~

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.

Parcel: A contiguous quantity of real property defined by metes and bounds which has a separate property identification number according to the records of the County Recorder and is not shown on a recorded final subdivision plat.

Park Strip: The area located between a street right-of-way line and the edge of asphalt or curb, but not including driveways, ditches, sidewalks, or trails.

Person: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, including a trustee, receiver, assignee or similar representative of any of the forgoing.

~~**Planned Unit Development (PUD):** An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements. Planned Unit Development regulations may govern the subdivision of land if it is proposed by the development to sell individual lots in the Planned Unit Development. Thus Planned Unit Development regulations can be subdivision regulations which may be chosen by the developer as an alternative to specifically designated subdivision regulations of this Code, to become effective only through the Planned Unit Development approval process.~~

Planning Commission: The Land Use Authority called the Box Elder County Planning Commission.

Preliminary Plat: The initial formal plat of a proposed land division or subdivision showing information and features required by the provisions of this Code.

Protection Strip: A strip of land between the boundary of a land development and a street within the land development, for the purpose of controlling the access to the street by property owners abutting the land development.

Public Improvements: Streets, curb, gutter, sidewalk, water and sewer lines, storm sewers, and other similar facilities which are required to be dedicated to the County in connection with subdivision, conditional use, or site plan approval.

Public Way: Any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right-of-way.

Restricted Lot: Any lot which requires restrictions from development.

Secondary Water System: Any system which is designed and intended to provide, transport and store water used for watering of crops, lawns, shrubberies, flowers and other non-culinary uses.

Sidewalk: Any strip or section of concrete, asphalt, or other hard surface that provide an appropriate surface a minimum of four feet in width, typically located adjacent to vehicle roadways, intended for use as a walkway for pedestrians. In cases where the sidewalk abuts a curb, then the minimum width of the sidewalk shall be six feet. Reference County Standards in Article 5 for details.

Small Subdivision: means a subdivision of not more than three (3) lots.

Streets:

- A. Street - A thoroughfare which has been dedicated to the County and accepted by the County Commission, which the County has acquired by prescriptive right, deed or by dedication, or a thoroughfare which has been abandoned or made public by use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.
- B. Street, Freeway - A street with a fully controlled access designed to link major destination points. A freeway is designed for high speed traffic with a minimum of four travel lanes.
- C. Street, Half Street - The portion of a street within a subdivision comprising one-half of the minimum required right-of-way.
- D. Street, Major Arterial - A street, existing or proposed, which serves or is intended to serve as a major traffic way and is **designed** ~~designated in the Official Map~~ as a controlled-access highway, major street parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan.
- E. Street, Minor Arterial - Similar to major arterial, but considered to be of slightly less significance because of lower anticipated volume, narrower width, or service to a smaller geographic area.
- F. Street, Major Collector - A street, existing or proposed, which is the main means of access for adjacent development to connect with the arterial street system ~~to the major street system~~.
- G. Street, Minor Collector - A street, existing or proposed, which is supplementary to a collector street and of limited **capacity** ~~continuity~~ which serves or is intended to serve the local needs of a neighborhood **and generally connect to a major collector street**.
- H. Street, Local - A minor street **with limited capacity** which provides access to abutting properties ~~and protection from through traffic~~.
- I. Street, Private - A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the County and maintained by the subdivider or other private agency.
- J. Street, Cul-de-sac – **A dead-end street with a turnaround of defined length and size as per** ~~R~~regulations found in ~~Article 5, Exhibit A~~ **this Code and the Public Works Standards**.

Subdivider: Any person **(s)**:

- A. Who have an interest in land, causes it, directly or indirectly, to be divided into a subdivision or
- B. Who directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or
- C. Who engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease, or development a subdivision, or

D. Who is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision: (~~Ordinance 309, 2-17-09~~) Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either **by phases** ~~on the installment plan~~ or upon any and all other plans, terms, and conditions.

A. "Subdivision" includes:

1. the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
2. except as provided in B. below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

B. "Subdivision" does not include:

1. A bona fide division or partition of agricultural land for agricultural purposes;
2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - a. no new lot is created; and
 - b. the adjustment does not violate applicable land use ordinances;
3. A recorded document, executed by the owner of record:
 - a. revising the legal description of more than one contiguous un-subdivided parcel of property into one legal description encompassing all such parcels of property; or
 - b. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate applicable land use ordinances;
4. A bona fide division or partition **or joining** of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:
 - a. an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or
 - b. an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility; or
5. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - a. no new dwelling lot or housing unit will result from the adjustment: and
 - b. the adjustment will not violate any applicable land use ordinance.
 - c. the joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision as to the un-subdivided parcel of property or subject the un-subdivided parcel to the county's subdivision ordinance.

Utilities: Includes culinary waterlines, pressure and gravity irrigation lines, sanitary and storm sewer lines, subdrains, electric power, natural gas, ~~cable television~~ broadband, and telephone transmission lines, underground conduits and junction boxes.

Water and Sewer Improvement Districts: Any water or sewer improvement districts existing or hereinafter organized which have jurisdiction over the land proposed for a subdivision.

Zoning Administrator: The person charged with the principal responsibility for interpreting and applying the provisions of the Land Use Development & Management Code and may also be the Community Development Director.

6-1-040. General Considerations.

- A. The ~~General Plan~~ Official Zoning Map as applied to a particular parcel shall guide the use and future development of all land within the corporate boundaries of the County. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses ~~shown as permitted in~~ and the standards established in the General Plan, the Box Elder Land Use Development & Management Code, and other applicable ordinances.
- B. Trees, native land cover, natural watercourses, and topography shall be addressed in the subdivision design and ~~be~~ preserved where possible. Trees to be removed shall be replaced within the subdivision on a one to one ratio. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the Box Elder Land Use Development & Management Code. To assure road connections are considered in the design of new subdivisions, the subdivision ~~The design of new subdivisions~~ shall consider, connect, and relate to, existing streets and their street widths, alignments and street names.
- C. Community facilities, such as parks, recreation areas, and transportation facilities shall be provided in the subdivision in accordance with the ~~General Plan standards~~, Box Elder Land Use Development & Management Code, and other applicable ordinances. This Code establishes procedures for the referral of information on proposed subdivisions to interested boards and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of this subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the subdivider shall coordinate with ~~may be required~~ the County to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements, and other public purposes.

6-1-050. General Responsibilities and Processing.

- A. The subdivider shall prepare plats consistent with the standards contained herein and shall pay for the design, construction and inspection of the ~~public~~ improvements required. The County shall process said plans and plats in accordance with the regulations set forth herein. The subdivider shall

not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until subdivider has obtained the necessary approvals as outlined herein.

- B. The Zoning Administrator shall review the **information required**, plans and plats for design ~~and ; for~~ conformity ~~to the General Plan and~~ to the Box Elder Land Use Development & Management Code; for ~~the~~ **potential** environmental**ly quality detrimental effects** of the subdivision design; and shall process the subdivision plats and reports as provided for in this Code.
- C. Plats and/or plans of proposed subdivisions may be referred by the Zoning Administrator to any County departments and special districts, governmental boards, **UDOT**, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Zoning Administrator is responsible for coordinating any comments received from public and private entities and shall decide to which agencies to refer proposed subdivision plats and plans.
- D. The County Engineer shall review for compliance the engineering plans and specifications for the County required improvements for the subdivision and whether the proposed County required improvements are consistent with this Code and other applicable ordinances and shall be responsible for inspecting the County required improvements. Street layout and overall circulation shall be coordinated with ~~transportation planning by~~ the Zoning Administrator **or designee**.
- E. The Planning Commission ~~shall act as an advisory agency to the County Commission. It~~ is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the ~~General Plan~~, Box Elder Land Use Development & Management Code for **preliminary plats**, ~~and other pertinent documents. After reviewing the final plat and the applicable requirements, the Planning Commission may table the item or recommend approval, approval with conditions, or disapproval of the final plat to the County Commission.~~
- F. The County Attorney shall verify that the Financial Guarantee provided by the subdivider is acceptable, that the subdivider dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the subdivider, and may review matters of title such as easements and restrictive covenants.
- G. ~~The County Commission has final jurisdiction in the approval of subdivision plats, the establishment of requirements and design standards for public improvements, and the acceptance of lands and public improvements that may be proposed for dedication to the County.~~

6-1-060. Compliance Required.

- A. It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the County except in compliance with this Code. No plat of any subdivision shall be recorded until it has been submitted and approved as herein. A plat shall not be approved if such plat is in conflict with any provision or portion of the ~~General Plan, Official Map~~, Land Use Development & Management Code, or any other state law or County ordinance.
- B. An owner of land not subdivided in accordance with applicable State law and/or County ordinance shall not transfer, sell, or offer for sale such land, nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision shall have been recorded in accordance with this Code and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein. Building permits shall not be issued

without written approval of all public agencies involved. No building depending on public water, sewer, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational. ~~(Ordinance No. 389)~~

1. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed, **for safety purposes**, at each street intersection when construction of new roadways allows passage by vehicles.
- C. All lots, plots or tracts of land located within a subdivision shall be subject to this Code whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.
- ~~D. Except as otherwise provided, it shall be unlawful for any person to receive a building permit for a lot within a subdivision until water and storm drainage within the subdivision are installed, inspected and approved by the County, and all streets in the subdivision are rough graded.~~
- ~~E. It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed, basic improvements are adequate to render the subdivision habitable which improvements shall include paved streets, road base, or other acceptable hard surface and adequate water and water pressure for fire protection are available. It shall be unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy will not be permitted until all required improvements are completed.~~
- F. **D.** The county may bring an action against an owner to require the property to conform to this code as provided under state law. (Utah Code 17-27a-611) ~~(Ordinance No. 389)~~
- ~~G. Exceptions to plat requirement. Public utility subdivision. The subdivision of land for the purpose of a public utility may be done by a meets and bounds description that is approved by the Zoning Administrator and recorded in the County Recorder's Office. The parcel designated for public utilities in a public utility subdivision may have less than the minimum lot area required by the applicable zone. Legal non-conforming parcels shall not lose their legal status if a public utility subdivision is necessary on said parcel.~~

6-1-070. Exceptions to Plat Requirements.

- A. **Public Utility Subdivision: The subdivision of land for the purpose of a public utility may be done by a meets and bounds description that is approved by the Zoning Administrator and recorded in the County Recorder's Office. The parcel designated for public utilities in a public utility subdivision may have less than the minimum lot area required by the applicable zone. Legal non-conforming parcels shall not lose their legal status if a public utility subdivision is necessary on said parcel.**

6-1-0780. Required Certificates, Permits, and Reviews.

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- A. **Application:** Applications for each ~~of the separate stages~~ phase of subdivision approval (administrative review of small subdivisions, preliminary plat, and final plat) shall be made to the County's Community Development Department. Applications shall be made on the respective forms provided and shall be accompanied by the proper processing fee and by the documents and information required by this Code.

 - B. **Approval:** Action on that application for a ~~stage~~ phase of a subdivision approval shall be completed in a timely manner after ~~of~~ the date of submittal of all required information and items to the Community Development Department.

 - C. **Concept Plan Review:** If an applicant requests a pre-application meeting, the county shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
 - 1. At a pre-application meeting, the staff shall provide or make publicly available the following: (1) copies of applicable land use regulations; (2) a complete list of standards required for the project; (3) preliminary and final application checklists; and (4) feedback on the concept plan.

6-1-~~0890~~. Penalties.

It shall be a class "C" misdemeanor for any person to fail to comply with the provisions of this Code. In addition to any criminal prosecution, the County may pursue any other legal remedy to ensure compliance with this Code including, but not limited to, injunctive relief.

6-1-~~1090~~. Variances.

~~Where the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, strict compliance with the provisions of this Code would cause an unusual and unnecessary hardship on the subdivider, the Hearing Officer may vary such requirements and require such conditions as will secure, insofar as practicable, the objectives of the requirement varied. Any variance shall be based on a problem with the land. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.~~

A variance may be issued by the Appeal Authority if:

- 1. Literal enforcement of the ordinance would cause an unnecessary hardship and the applicant can demonstrate positive compliance with all of the following:
 - a. Something unique to the property, not commonly found in the neighborhood.
 - b. Not self-imposed.
 - c. Not primarily economic.
- 2. There are special circumstances attached to the property that do not generally apply to other properties in that zone – this means:
 - a. The circumstances must relate to the hardship complained about .
 - b. Generally deprives the owner of privileges granted to other properties in the zone.

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- c. Are not simply differences between this property and others in the area.
 - 3. The variance is needed to enjoy the same property rights as others in the zone.
 - 4. The variance will not substantially affect the General Plan and is not contrary to the public interest.
 - 5. The spirit of the ordinance is observed and substantial justice done.

6-1-1010. Staff Authority.

For purposes of this Code, the Planning Commission shall be the reviewing body for preliminary plat applications. The Development Review Committee the Zoning Administrator, shall be the reviewing body for small subdivisions, large final plat applications, and non-residential subdivisions ~~and all other officers and employees of the County act in an advisory capacity to the County Commission and have no authority to make binding decisions or to make authoritative representations, approvals or determinations other than in a purely advisory and recommending capacity, unless provided for otherwise in the Box Elder County Land Use Management & Development Code.~~ After approvals for subdivisions, the staff shall manage guarantees and unpaid fees (if any), prior to recording the subdivision.

6-1-110. — Public Hearings and Comments.

~~When a public hearing is required for any plan, plat, ordinance amendment or application under the terms of this Code or by state statute, the applicable hearing body shall provide reasonable notice of the public hearing at least ten (10) days before the date of the hearing. Reasonable notice shall include: (A) posting notice of the hearing in a newspaper of general circulation in the County, if one is available; or (B) giving actual notice of the hearing. Notice of any predevelopment activity within the County shall be given to nearby entities in accordance with the terms and provisions of Utah Code Ann. § 17-27a-205, as amended. If notice given under authority of this Section is not challenged in accordance with applicable appeal procedures within thirty (30) days from the date of the meeting for which the notice was given, the notice is considered adequate and proper. For purposes of this Code, the term “public hearing” is intended to refer to public hearings required by State law to be conducted by the County for the applicable application. The term “public comment” is intended to refer to public comment taken at a public meeting which is not required as a matter of State law to be taken on the applicable application, but which is provided and taken by the County as a courtesy.~~

6-1-120. Administrative Review of Small Subdivisions.

Proposed small subdivisions ~~may~~ shall be processed and approved by the ~~County Commission Development Review Committee~~ after compliance review ~~and a positive recommendation for approval by the Zoning Administrator, the County’s Engineer, County’s Surveyor, the County Roads Supervisor, the Bear River Health Department, the County Fire Marshall, the County Building Official, and the County Attorney~~ as outlined in this section.

- 1. Complete Application: An application for a land use approval is considered complete when:
 - a. The application is provided in a form that complies with the requirements of applicable ordinances;

- b. A survey plat is submitted
- c. All applicable fee have been paid;
- d. Will-serve letters from the power, gas, and water companies (the water will-serve letter shall contain the project name, address of project, and number of lots for the proposed project) have been submitted;
- e. A Bear River Health Department Letter of Feasibility is submitted; and
- f. A current title report has been submitted.

The County Community Development staff shall review the application and determine if it is a complete submittal and if determined to not be complete, provide communication that describes the missing information or inadequate nature of the information submitted.

- 2. The preliminary and final plats may be combined for concurrent processing if the subdivision is a small subdivision and the applicant has submitted a complete application in accordance with Section 6-1-080 of this Code.
- 3. A small subdivision is a subdivision where no more than three (3) new building lots will be created with no public improvements.
- 4. ~~Planning Commission preliminary and final review and a~~ Approval of the small subdivision is ~~waived~~ subject to all ~~other~~ conditions and requirements of the Box Elder County Land Use Management and Development Code, including plat and plan requirements, as per 6-1-130(c) and 6-1-140(c) for preliminary and final approval being met.
- 5. The ~~developer~~ subdivider shall comply with all recommendations and requirements of reviewing agencies and staff individuals.
- 6. The subdivision design shall not impede access to interior lands or hamper future road circulation. ~~The Zoning Administrator, the County's Engineer, County's Surveyor, the County Roads Supervisor shall conclude that:~~
 - ~~a. The subdivision does not require dedication of land for new streets or other public purposes;~~
 - ~~b. The subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the Official Map; and~~
 - ~~c. The subdivision will not impede access to interior lands or hamper future road circulation.~~
 - ~~d. The subdivision meets the minimum residential access road serving all lots as shown in the BOX ELDER COUNTY ROAD, STORM DRAIN, AND FENCING STANDARD DRAWINGS adopted March 25, 2010.~~
- 7. The subdivision shall meet the minimum residential access road requirements serving all lots as shown in the Box Elder County Public Works Standards. ~~Any reviewing agency or individual listed in this section may require Planning Commission review and approval.~~
- 8. ~~Each of the lots in a small subdivision must meet the frontage, width, and area requirements of the zone district in which it is located, or must have been granted a variance from such requirements by the Hearing Officer.~~

6-1-130. Large Subdivision Preliminary Plat.

- A. **Preliminary Plat – Purpose.** The purpose of the preliminary plat is to require formal preliminary approval of a subdivision as provided herein in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and

procedures relating thereto, shall in all respects, be in compliance with the provisions of this Code and any other applicable County Ordinances.

B. Application and Fees. The subdivider of a subdivision shall file an application for preliminary plat approval with the County Community Development Department on a form prescribed by the County, together with an electronic pdf of the preliminary plat and an electronic pdf of all other information submitted, along with the Bear River Health Department Feasibility Letter, and Will-Serve Letter for Power, Gas, and Water (water will-serve letter shall contain the project name, address of project, and number of lots of project) – this constitutes a complete application ~~with three copies of the preliminary plat.~~ After a complete application has been submitted ~~At the same time,~~ the subdivider shall pay an application fee as provided in the Fee Schedule.

- a. No later than 15 business days after the day on which an applicant submits a complete application and pays the required fees, the County shall complete a review of the applicant's preliminary subdivision land use application for a residential subdivision.
- b. In reviewing the preliminary subdivision land use application, the County may require:
 - a. Additional information relating to an applicant's plans to ensure compliance with the County's ordinances and approved standards and specifications for construction of improvements; and
 - b. Modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
- c. The County's request for additional information or modifications to plans under subsection (B)(2)(a) or (b) shall be specified and include citations to all County ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

C. Plat Preparation and Required Information. The applicant shall submit a preliminary plan to the Zoning Administrator. ~~Three (3) copies 24" x 36"; one (1) copy 11" x 17" and a 24" X 36" pdf~~ file shall be submitted along with a pdf of any other documents, forms, studies and supporting plans. All required fees shall be paid and all documentation shall be submitted at least twenty (20) business days (i.e., the third ~~Thursday~~ Friday of each calendar month) prior to the Planning Commission meeting and at any time for an administrative review for a small subdivision. The following information is required:

1. The proposed name of the subdivision.
2. The plat shall show the location of the subdivision as its forms part of a larger tract or parcel. The submittal shall include a sketch of the prospective future street system of the unplatted portion of the property, and the street system of the part submitted shall be considered in light of adjustments and connections with the future street system of the surrounding area and to maintain the current grid system ~~in accordance with the County's General Plan.~~
3. A vicinity map of the proposed subdivision, drawn at a scale of 500 feet to the inch, showing all lots and streets in the project, and all abutting streets, with names of the streets.
4. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.

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5. A contour map at intervals of **at least no more than 2 feet**, showing all unusual topographic features, **such as depressions, hills, wetlands, floodplain, drainages, springs, rock outcroppings, slopes over 30%, etc.**, with verification by a qualified engineer or land surveyor.
 6. Certification of the accuracy of the preliminary plat of the subdivision and any traverse to permanent survey monuments by a land surveyor, registered to practice in the State of Utah.
 7. The boundary lines of the tract to be subdivided, with all dimensions shown.
 8. Existing sanitary sewers, septic tanks, storm drains, subdrains, culinary and secondary water supply mains and culverts and other utilities within the tract or within 100 feet thereof.
 9. The location, widths, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots with the size of each lot in square footage and proper labeling of spaces to be dedicated to the public.
 10. The location, principal dimension, and names of all existing or recorded streets, alleys, and easements, both within the proposed subdivision and within 100 feet of the boundary thereof, showing whether recorded or claimed by usage; the location and dimensions to the nearest existing benchmark or monument, and section line; the location and principal dimensions of all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, power lines, and exceptional topography.
 11. The location of existing bridges, railroad crossings, culverts, surface or subsurface drainage ways, utilities, buildings or other structures, pumping stations, ~~or~~ appurtenances, **or wetlands** within the subdivision or within 200 feet thereof, and all known wells or springs (consult Utah State Engineer's Office), and location of the 100-year floodplain as determined by the Federal Emergency Management Agency (FEMA).
 12. Proposed off-site and on-site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants.
 13. A tentative plan by which the subdivider proposes to handle storm water drainage for **a ten (10) year storm event** ~~an event with a 10-year return interval~~, as determined by the County Engineer.
 14. Each sheet of the set shall contain the name of the project, scale (not less than 100 feet to the inch), sheet number, and north arrow.
 15. Boundary lines of adjacent tracts of unsubdivided land within 100 feet of the tract proposed for subdivision, showing ownership and property monuments. The ~~Planning Commission~~ **Community Development staff** may ask for a tentative plan for providing street lighting in the subdivision in districts where street lighting is required. Plans showing any required landscaping and/or park strip tree planting **shall also be submitted, subject to staff approval**.
 16. If the site requires substantial cutting, clearing, grading, or other earthmoving operations in the construction of improvements, the application shall include a soil erosion and sedimentation control plan prepared by a registered civil engineer. This is known as the Storm Water Pollution Prevention Plan
 17. Verification as to the accuracy of the plat by the owner. The subdivider shall provide with the application the following documents:

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- a. Copies of any agreements with adjacent property owners relevant to the proposed subdivision (i.e. quick claim deeds, ingress/egress deeds).
 - b. A comprehensive geotechnical and soils report prepared by a qualified engineer shall be submitted based upon ~~adequate test borings or excavations~~ the Box Elder County Public Works Standards shall be submitted in accordance with the County's Subdivision Standards.
 - i. In cases of small subdivisions, a letter from the design engineer, stamped and signed, certifying the road design against structural deficiencies may be substituted for the geotechnical report and submitted for review and acceptance by the County Engineer/Surveyor.
 - c. A copy of a preliminary title report evidencing satisfactory proof of ownership.
 - d. A letter(s) providing Satisfactory evidence that all utilities and services will be available for the subdivision and that the utilities and easements therefore have been reviewed by the utilities.
 - e. An adequate traffic report study prepared by a qualified traffic engineer when required by the Planning Commission County Engineer.
 - f. Adequate wWater pressure report which includes hydraulic calculations for fire hydrant systems and fire hydrants for fire suppression.
 - g. The subdivider shall comply with all other applicable federal, state and local laws and regulations and shall provide evidence of such compliance if requested by the County.
 - h. Copy of proposed protective covenants in all cases where sub-surface drains are to be located within the subdivision.
18. Subdivider shall work with the United States Postal Service for location and type of mailbox(s). The location(s) shall be shown on the preliminary plat and on the final plat.

D. Review and Approval by the Planning Commission.

1. The Planning Commission shall review the submitted preliminary plat in an advertised public meeting and determine compliance with the standards and criteria set forth in this Subdivision Ordinance and all other ordinances of Box Elder County, including, but not limited to, the Box Elder Land Use Development & Management Code, General Plan, Official Map, and applicable building codes. The Planning Commission may recommend: approve, approve subject to modification, terminate for processing until such time that the application can meet the written standards, or disapprove, if the application cannot meet the written standards of the County ordinances the submitted preliminary plat, and shall make findings specifying any inadequacy in the application, non-compliance with County standards and regulations, questionable or undesirable design and/or engineering, and the need for any additional information which may assist the Planning Commission to evaluate the preliminary plat. The Planning Commission may review all relevant information pertaining to the proposed development including but not limited to the following: fire protection; sufficient supply of culinary and secondary water to the proposed subdivision; sewer service or septic tanks; traffic considerations; winter maintenance (snow removal); potential for flooding; burden on coordination issues with the school district, etc. The subdivider shall be notified in writing of

the action taken by and the findings of the Planning Commission regarding the submitted preliminary plat.

2. If the Planning Commission denies preliminary plat approval **due to the inability of the application to meet County standards**, no further review of the proposed subdivision shall be made by the Planning Commission, and a new **complete preliminary application and plat, including all fees**, shall be required to re-initiate the subdivision process.
3. Granting of a preliminary plat approval by the Planning Commission shall not constitute a final acceptance of the subdivision by the **County Planning Commission**. ~~N~~or shall approval of the preliminary plat relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all County standards and requirements. **A preliminary plat approval allows the applicant, after any necessary revisions, to move toward a final plat with the Development Review Committee.**

E. Expiration of Preliminary Plan Approval.

1. Once preliminary plat approval has been granted, the subdivider may apply for final plat approval. If the final plat has not been recorded within **two (2) ~~one~~ years** of the date of the preliminary plat approval by the Planning Commission, the preliminary plat must again be submitted to the Planning Commission for review and approval.
2. In those cases where a subdivision is proposed to be developed in phases, preliminary plat approval for the remaining portions of the subdivision shall not be voided if **a** final plat for the first phase is approved and recorded within **one two (2) years** of the date of preliminary plat approval.

6-1-140. Large Subdivision Final Plat.

- A. **Plat – Purpose.** The purpose of the final plat is to require formal approval by the **Planning Commission and County Commission Development Review Committee** before a subdivision plat is recorded in the Office of the Box Elder County Recorder. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Code. The final plat and construction plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure.
- B. **Filing Deadline, Application, and Fees.** ~~Application for final plat approval shall be made within twelve (12) months after approval or conditional approval of the preliminary plat by the Planning Commission. This time period may be extended for up to twelve (12) months for good cause shown if subdivider petitions the Planning Commission for an extension prior to the expiration date, however only one extension may be granted.~~ The subdivider shall file an application for final plat approval with the County Community Development Department on a form prescribed by the

County, together with ~~three (3)~~ one (1) pdf copies of the proposed final plat, ~~and three (3)~~ one (1) pdf copies of the construction drawings, and a current title report. At the same time, the subdivider shall pay to the County the application fee for the subdivision as set forth in the Fee Schedule. This constitutes a complete application.

C. Final Plat – Preparation and Required Information. The following items shall be submitted to the Zoning Administrator for Final Plan review. Once all comments from staff have been satisfied and the subdivision is ready for recording, it will be taken to the Development Review Committee for final approval. ~~All required documents are due twenty (20) business days (or the third Thursday of each calendar month) and by appointment with the Zoning Administrator, prior to Planning Commission meeting.~~

1. Drawings shall be prepared and certification made as to plan accuracy by a registered, professional, and licensed surveyor or engineer to do such work in the State of Utah. A workmanlike execution of the plan shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for Final Plan rejection. pending document revisions.
2. The plan shall be a permanent photo-copy on 3 to 5 mil Mylar ~~or equivalent~~ approved by the County. Submittal of ~~three (3) copies 24" x 36"~~, One (1) copy 11" x 17 and a 24" X 36" pdf file, and all other pdf documents that are a part of the submittal shall be provided.
3. Plats will show accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions, and tied to two or more existing land monuments (and state plane coordinates when required by the County). When the plan is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plan includes all land to the water's edge or otherwise.
4. The plat shall be drawn to a scale not less than 1"-100' and shall indicate the basis of bearings, true North point, name of project and quarter section, block and lot number of property under consideration.
5. The plat shall be signed by all required and authorized parties with appropriate notarial acknowledgments and the final plat shall contain all information set forth in this section.
6. An accurate and complete survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground shall close within a tolerance of 1 foot to 10,000 feet. Survey tie into two or more corners or other permanent markers established by the County Surveyor/Engineer is required.
7. The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius, arc length of curves, and chord bearings and lengths, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and

monuments within the subdivision shall show the calculated Box Elder County coordinates. Lot and boundary closure shall be calculated to the nearest 100th of a foot.

8. All lots, blocks, and parcels offered for dedication for any purpose should be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. Parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.
9. Profiles of all streets, water, sewer, and drainage lines. These profiles should be shown on separate sheets but to a scale no smaller than 1"=20' vertical and 1"=40' horizontal.
10. The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within 50 feet of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.
11. All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted **County** street numbering system ~~adopted by the County~~. Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing methods approved by the County. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.
12. The side lines of all easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.
13. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider under the direction of the County Engineer/Surveyor. The following required monuments shall be shown on the final plat:
 - a. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;
 - b. All right-of-way monuments at angle points and intersections as approved by the County Engineer.
14. The final plat shall contain the name of the surveyor **and/or engineer**, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
 - a. Registered land surveyor's "Certificate of Survey";
 - b. Owners dedication certificate;
 - c. Notary public's acknowledgment for each **owners dedication** signature on the plat;
 - d. A correct metes and bounds description of all property included within the subdivision;

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- e. Plats shall contain blocks for signature of the ~~Planning Commission~~ Health Department, County Engineer (if improvement plans are a part thereof), County Surveyor, County Attorney, and County Commission. A block for the Box Elder County Recorder shall be provided in the lower right corner of the final plat.
 - f. Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this Code, or by the County Attorney;
 - g. Prior to recordation of the plat, the subdivider shall submit a current title report to be reviewed by the County Attorney. A "**current title report**" is considered to be one which correctly discloses all recorded matters of title regarding the property at the time of review ~~and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.~~
 - h. The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the County's Subdivision Standards and Specifications.
 - i. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit, with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas.
 - j. A narrative shall be included on the plat which states the purpose of the survey, the basis on which the lines were established, and the found monuments and deed elements that controlled the established or re-established lines, any evidence on the ground that helps determine boundaries such as parole evidence, and/or fence lines, etc.

15. The following notes need to be on every plat:

- 1. Property owner shall obtain an excavation permit from the Box Elder County Roads Department prior to installing a mailbox and driveway approach.
- 2. Any existing swale shall not to be piped or filled in except for the Reinforced Concrete Pipe where the driveway is.
- 3. Any concrete driveway shall terminate at the property line and not extend into the right-of-way or to the asphalt.

6-1-150. Construction Plan – Preparation and Required Information

Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance to the design standards of the County. They shall be submitted to the County Engineer for review at the same time the final plat is being reviewed. Final approval of the project shall not be granted until the plans have been reviewed and recommended for approval by the County Engineer. No construction shall be started until the final plat has been recorded, the construction plans have been approved by the County, and there has been a preconstruction meeting with the County, developer, and the developer's contractor. Plans for all the street utilities shall be drawn on the same plans.

6-1-160. Review by the County Engineer/Surveyor Development Review Committee – Small Subdivisions.

The ~~County Engineer/Surveyor~~ **Development Review Committee** shall review the ~~final plat and construction plans~~ **small subdivision** and determine compliance with the ~~engineering and surveying~~ standards and criteria set forth in ~~this ordinance~~ **Section 6-1-120** and all other applicable ordinances of the County and the State of Utah. ~~There shall be up to 4 review cycles for small subdivisions. The initial review shall be completed within 15 business days of receiving a complete application as outlined in Section 6-1-080. All subsequent reviews shall be done within 20 business days of receiving an updated plat. A review cycle shall not be considered complete until the applicant has complied with all review comments.~~ ~~The County Engineer/Surveyor shall sign the final plat if the County Engineer/Surveyor finds that the subdivision and the construction plans fully comply with the improvement standards required by this ordinance. The County Engineer/Surveyor shall review the final plat and determine if the survey description is correct, that all easements are correctly described and located and that there is no interference with adjacent property owners. The County Engineer/Surveyor shall complete review of the plat and improvement drawings within thirty (30) days after the plat is submitted for review to the Engineer. If the final plat complies, the County Engineer/Surveyor shall sign the plat in the appropriate signature block and forward the plat to the Planning Commission. If the final plat or the construction plans do not comply the County Engineer shall return the plat and the improvement drawings to the subdivider with comment.~~

6-1-170. Review by the Planning Commission ~~Action~~ – Preliminary Subdivisions.

~~The Planning Commission shall review the preliminary plat and determine compliance with the standards and criteria set forth in Section 6-1-130 and all other applicable ordinances of the County and the State of Utah. There shall be one (1) review cycle for the preliminary plat; the review shall be completed within 15 business days of receiving a complete application as outlined in Section 6-1-130. A review cycle shall not be considered complete until the applicant has complied with all review comments. The preliminary plat shall be presented to the Planning Commission in accordance with Section 6-1-130-C. Upon receipt of the final plat signed by the County Engineer/Surveyor, the Planning Commission shall review the plat to determine whether the plat conforms to the preliminary plat, with all changes requested, and with all requirements imposed as conditions of acceptance. As part of the Planning Commission's review, the Zoning Administrator shall check the final plat for completeness and compliance with the requirements of this Code. If the submitted final plat is not acceptable, the Planning Commission shall notify the subdivider and specify the respects in which it is deficient. If the Planning Commission determines that the final plat is in conformity with all requirements and the ordinances of the County it shall recommend approval of the final plat and the Chair of the Planning Commission shall sign the plat in the appropriate block and forward the plat to the County Attorney.~~

6-1-180. Review by the County Attorney.

~~During the final review cycle,~~ **the County Attorney shall review the final plat, the signed subdivision improvements agreement (if applicable), the current title report and the financial guarantee (if applicable) for ensuring completion of the improvements to verify compliance with the County's dedication and financial guarantee requirements. The County Attorney also may review public easements, protective covenants and other documents where applicable. Upon approval of the items specified in this section, the**

~~County Attorney shall sign the plat in the appropriate signature block and forward the plat to the County Zoning Administrator for presentation to the County Commission.~~

6-1-190. Review by the ~~County Commission~~ Development Review Committee – Final Subdivisions.

Within ~~a reasonable time~~ eighteen (18) months following the ~~signing~~ approval of the ~~final~~ preliminary plat by the Planning Commission ~~and the County staff~~, the final plat shall be submitted to the ~~County Commission~~ Development Review Committee for its review and consideration. There shall be up to three (3) review cycles for the final plat; All rounds of reviews shall be completed within 20 business days of receiving the complete application (as outlined in Section 6-1-140) or an updated plat. A review cycle shall not be considered complete until the applicant has complied with all review comments. ~~The County Commission shall not be bound by the recommendations of the County staff, or the Planning Commission and may set its own conditions and requirements consistent with this Code.~~ If the ~~County Commission~~ Development Review Committee determines that the final plat is in conformity with the requirements of this Code, other applicable ordinances, ~~and any reasonable conditions as recommended by the County's staff and Planning Commission or on the County Commission's own initiative, and~~ that all fees have been paid as required, ~~and that the County Commission is satisfied with the final plat of the subdivision,~~ it may approve the final plat. If the ~~County Commission~~ Development Review Committee determines that the final plat is not in conformity with this Code or other applicable ordinances, ~~or any reasonable conditions imposed,~~ it may discontinue processing until the plat is brought into compliance or disapprove the final plat specifying the reasons that the plat does not and cannot meet County standards for an approval for such disapproval. Within one year after the ~~County Commission~~ Development Review Committee has terminated processing or disapproved ~~denied~~ any plat, the subdivider may file with the County's Community Development Department a plat altered to meet the ~~requirements~~ deficiencies identified by ~~of~~ the ~~County Commission~~ Development Review Committee. No final plat shall have any force or effect unless the same has been approved by the ~~County Commission~~ Development Review Committee ~~and signed by the County Commission Chair~~ and recorded by the County Recorder.

6-1-200. Security for ~~Public~~ Improvements.

- A. Prior to approval by the ~~County Commission~~ Development Review Committee and recordation of a final plat, the subdivider shall be required at the subdivider's cost to provide a cost estimate prepared by a licensed engineer with the affixed engineer's engineering stamp to the ~~Planning Commission~~ Community Development Department office to forward to the County Engineer/Surveyor for review and approval.
- B. The County Commission shall review and execute a ~~developer's~~ subdivision improvement agreement and establish the kind and amount of financial security necessary to guarantee completion of the required ~~public~~ improvements.
- C. The developer shall enter into an agreement with the County which establishes the kind and amount of financial security necessary to guarantee completion of the required ~~public~~ improvements. A

Financial Guarantee acceptable to the County as security to ensure completion of all improvements required to be installed in connection with the subdivision. The Financial Guarantee shall be in a form approved by the County Commission and may contain specific provisions approved by the County Attorney. The Financial Guarantee shall include but not be limited to the following provisions:

1. The improvements shall be completed within a period of time not to exceed eighteen (18) months from the date the Agreement is executed.
2. The improvements shall be completed to the satisfaction of the County and in accordance with the County's Subdivision Standards and Specifications as established by the County Engineer and adopted by the County Commission, and the approved plans and specifications for the project.
3. The Financial Guarantee shall be equal to ~~11~~20% of the County Engineer's approved cost estimate of the improvements to be installed.
4. The County shall have immediate access to the Financial Guarantee proceeds in the event of default.
5. The Financial Guarantee proceeds may be reduced at intervals determined by the County ~~Commission~~ Engineer upon the request of the developer as improvements are installed and completed. The amount of the reduction shall be determined from inspections by the County ~~Zoning Administrator~~ Engineer or Roads Department. Such requests may be made only once every thirty (30) days and no reduction shall be authorized until such time as the County Staff has inspected the improvements and found them to be in compliance with the County's Standards and Specifications and approved plans. All reductions shall be by written authorization of the ~~County Commission with the approval of the~~ County Engineer. No Financial Guarantee shall be reduced below ~~ten~~ twenty percent (~~21~~0%) of the estimated cost of the improvements plus the estimated cost of slurry seal until final acceptance of the improvements by the County ~~Commission~~ Engineer or Roads Department following the warranty period.
6. If the Financial Guarantee proceeds are inadequate to pay the cost of the completion of the improvements according to the County's Standards and Specifications and approved plans, for whatever reason, including previous reductions, the developer shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed or, with County Commission approval, a new, satisfactory Financial Guarantee has been executed and delivered to the County or other satisfactory arrangements have been made to ensure completion of the remaining improvements.
7. In the event of default by the developer, the County's costs of administration, cost of obtaining the Financial Guarantee proceeds, and/or costs of completing the improvements, including, but not limited to administrative, engineering, legal, labor and materials costs, shall be deducted from any Financial Guarantee proceeds. The developer shall be required to reimburse the County any deficiencies in the Financial Guarantee funds to pay for such costs incurred by the County.
8. The developer shall hold the County harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the County certifies the

improvements are complete and accepts the improvements, subject to the developer's warranty obligations.

- D. The Financial Guarantee Agreement shall be the following as prescribed by the County: A bond, letter of credit, ~~and~~/or escrow with a Utah Lending Financial Institution or Title Company.
1. The Financial Guarantee requires:
 - a. The establishment of a bond, letter of credit, or institution escrow for ~~11~~20% of the County Engineer approved Cost Estimate of materials and labor for installing the required improvements.
 - b. Upon completion and inspection of the required improvements, ~~Box Elder County Commissioners~~ the County Engineer will release the ~~escrow approved~~ amount. ~~However, 210% of the original escrow must be retained for the warranty period, one (1) year for the improvements. Upon the expiration of the financial guarantee warranty period, and after a satisfactory inspection of all improvements, the remaining amount will be released by the county Commission upon recommendation of the County Engineer.~~ No Financial Guarantee shall be reduced below ten percent (10%) of the estimated cost of the improvements plus the estimated cost of slurry seal until final acceptance of the improvements by the County Engineer following the warranty period.

6-1-210. Payment of Fees.

All required and unpaid fees shall be paid by the subdivider to the County ~~by cashier's check~~ prior to ~~approval~~ recording of the final plat by the County ~~Commission~~ Recorder.

6-1-220. Recording of Final Plat.

After ~~County Commission~~ Development Review Committee approval, ~~filing~~ execution of the ~~Financial Guarantee Subdivision Improvement~~ Agreement described in ~~Section 6-1-200~~ this Chapter, and signing of the plat by the County Commission Chair ~~and County Recorder~~, the final plat shall be presented ~~by the County Recorder~~ to the Box Elder County Recorder for recordation.

6-1-230. Expiration of Final Approval.

If the final plat is not recorded within six (6) months from the date of ~~County Commission~~ Development Review Committee approval, such approval shall be null and void. This time period may be extended by the County ~~Commission~~ Zoning Administrator for up to an additional six (6) month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original six (6) months. No extension will be granted if it is determined that it will be detrimental to the County. If any of the fees charged as a condition of subdivision approval have increased, the County may require that the Financial Guarantee estimate be recalculated and that the subdivider pay any ~~applicable fee~~ Financial Guarantee increases as a condition of granting an extension.

6-1-240. General Requirements for All Subdivisions.

A. Subdivision Layout.

1. The subdivision layout shall conform to the requirements found in the Box Elder County Land Use Management & Development Code ~~General Plan~~.
2. Where trees, groves, ~~waterways~~ natural drainage course, scenic points, historic spots or other County assets and landmarks, as determined by staff and/or the Planning Commission, are located within a proposed subdivision, after identification (location, extent, type) and assessment of potential preservation options through alternative subdivision designs, ~~reasonable steps should be taken to preserve these features~~ final subdivision design shall reflect the alternative determined to have the least impact on the features suggested for preservation and the subdivision design.
3. The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this Code, unless the general layout of the vicinity, line of ownership, topographical conditions or locations of arterial streets or freeways justify or make necessary a variation from this requirement. The minimum width of a block shall not be less than 250 feet measured from center line of street to center line of street.
4. The maximum length of blocks shall be reasonable as approved by the ~~Planning Commission~~ County Engineer, and shall be limited to a distance not more than 1320 feet and not less than 330 feet and ~~in total design~~ shall be designed to provide for convenient access and circulation for pedestrians, motor vehicles, and emergency vehicles.
5. Where blocks exceed ~~1,000~~ 660 feet in length, pedestrian right-of-way of not less than 10 feet in width may be required by the ~~Planning Commission~~ County Engineer or Zoning Administrator through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five (5) feet in width shall be placed within the right-of-way, when required by the ~~Planning Commission~~ County Engineer or Zoning Administrator.
6. Subdivisions shall consider the future alignment of adjacent streets and the potential for street connections to assure walkability, major road continuity and vehicular circulation.
7. Subdivisions with more than thirty (30) lots shall have two full and complete accesses meeting County (if it is a County road) or UDOT roads standards (if it is a UDOT road).
8. Lot access shall be along any new internal roads (if feasible). In no case shall any new lot access onto an arterial or collector road unless that is the only option.
9. Any restricted lot(s) within a subdivision shall have a note clarifying the restriction on the subdivision plat.

B. Lots.

1. All lots shall conform to area requirements of any existing zoning regulations. Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the ~~Planning Commission~~ Bear River Health Department for septic or well considerations.
2. All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots which would make improvement impractical

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- due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, driveway grades, or other physical conditions.
3. All lots or parcels created by the subdivision shall have frontage on a private or dedicated street, improved to standards hereinafter required, equal to at least 50% of ~~it's~~ the streets' minimum required width except for a flag lot which shall have a minimum frontage as specified in the Box Elder Land Use Development & Management Code. Land designated as public right-of-way shall be separate and distinct from lots adjoining such right-of-way and not be included in the area of such lots.
 4. ~~The minimum area and dimensions of all lots shall conform to the requirements of the Box Elder Land Use Development & Management Code for the district in which the subdivision is located.~~ Any proposed drainage basin for a subdivision shall be on its own parcel within the subdivision and dedicated to Box Elder County, unless the land being subdivided is within a special service district established to manage storm water, then the parcel shall be dedicated to the special service district. The parcel for the drainage basin does not need to meet zoning regulations.
 5. The side lot lines of all lots, so far as possible, shall be at right angles to the street which the lots face, or approximately radial to the center of curves, if such street is curved. Side lines of lots shall be approximately radial to the center of a cul-de-sac on which the lots face. The ~~Planning Commission~~ County Engineer may recommend to the ~~County Commission~~ Development Review Committee ~~exceptions~~ alternatives due to geologic or geographic issues of the land to this requirement. Upon a showing of good cause, the ~~County Commission~~ Development Review Committee may allow ~~exceptions~~ reasonable alternatives to this requirement.
 6. A lot should not be divided by a County limit line. Each such boundary line should be made a lot line.
 7. Remnants of property shall not be left in the subdivision which do not conform to lot requirements or are not required or suitable for common open space, private utility, public purpose, or other purpose approved by the County Commission or staff.

B-1C. Flag Lots (Ordinance 249)

1. All flag lots shall be reviewed, and if needed, modified to meet the provisions of this Code and approved as a special provision to the Land Use and Development Code by the ~~Planning Commission~~ Zoning Administrator or through the subdivision process. The ~~Planning Commission~~ flag lot may shall be granted approval only if: ~~1) The applicant makes written application for a flag lot on a form approved by the Planning Commission and pays the required fees at the time the application is submitted, 2) there are special circumstances attached to the property that do not generally apply to other properties in the same area and, 3) the Planning Commission specifically finds that all of the following conditions are met as to the proposed flag lot.~~
 - a. ~~It is necessary, reasonable and feasible to allow the flag lot in the area;~~
 - b. ~~Approval of a flag lot in the area will not substantially affect the general plan;~~
 - c. ~~Approval of a flag lot in the area will not be contrary to the public interest;~~

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- a. The staff of the flag lot has a minimum width of thirty (30) feet.
 - b. The staff of the flag lot has a maximum length of two hundred fifty (250) feet;
 - c. The flag lot, exclusive of the staff portion meets all the zoning requirements of a lot in the area in which it is located; or be a minimum of ½ acre in lot size, whichever is greater.
 - d. The applicant for a flag lot has prepared a plan showing the location of fire hydrants to serve the flag lot and that plan has been approved by the Fire Marshall.
2. Flag lots shall be approved only in subdivisions containing four (4) lots or fewer.
 3. The staff portion of a flag lot shall be used only for ingress/egress **and utilities**. The staff portion ~~shall be landscaped to be in harmony with other adjacent property and~~ shall be improved **to a private road standard as found in the Box Elder County Public Works Standards by the installation of an improved hard surface such as concrete, asphalt or compacted road base with a dust prevention treatment.** **The stem shall not be used for any lot area calculations.**
 4. All improvements to the flag lot, including installation of the hard surface and fire hydrants, shall be performed at the applicant's expense. No certificate of occupancy shall be issued for the proposed flag lot until the improvements are fully installed.
 - ~~5. The Planning Commission may impose such additional requirements of conditions on the proposed flag lot as it deems necessary.~~
 - ~~6. The Planning Commission may hold a public hearing on each flag lot application it receives. Notice of such hearings shall be given to property owners within a three hundred (300) foot radius of the proposed flag lot. The costs of such notices shall be paid by the applicant.~~

CD. Streets and Related Improvements.

1. Subdividers shall locate streets within the subdivision so that the streets connect with existing streets. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided **such that streets provide connections that reduce driving and walking distances throughout the County.**
2. All streets ~~should~~ **shall** conform to the width **and general alignment as** designated by the **County Engineer in consultation with the County Roads Supervisor and the Community Development Department** ~~County's Official Map wherever a subdivision is in an area for which an Official Map has been adopted. For territory where the Official Map does not designate a street, streets shall be provided as required by the Planning Commission and County Commission.~~
3. **When required by the County Engineer in consultation with the County Roads Supervisor,** ~~C~~urbs, gutters, and sidewalks shall be installed on existing and proposed streets by the subdivider and shall meet **the** American's with Disability Act (ADA) requirements for wheelchair accessibility. **Any sidewalk installed shall be a minimum 5 ft. in width.**

- ~~a. The County Commission may, for good cause, after receiving a recommendation from the Planning Commission, grant a deferral on the installation of curb, gutter and sidewalk for small subdivisions and subdivisions where the minimum lot size is five (5) acres or greater.~~
4. Dedication of half streets is prohibited **without the associated improvements.**
 5. Local streets shall approach an arterial or collector street at an angle of at least 85 degrees.
 6. Minimum right-of-way widths for **public** streets are found in **the Box Elder County Public Works Standards Article 5, Exhibit A. (Ordinance 357)**
 7. **Maximum cul-de-sac length shall be 660 ft. Other C**cul-de-sac regulations are found in **the Box Elder County Public Works Standards Article 5, Exhibit A.**
 8. Where a street is designed to remain only temporarily as a dead-end street, a satisfactory temporary turn-around area and recordable easement shall be provided at the end thereof to remain and be available for public use so long as the dead end exists. The County **staff** may require improvements to be installed in temporary turn-around areas.
 9. To ensure conformity, the developer shall furnish and install all required County street signs which meet the County sign specifications and State street standards.
 10. Permanent monuments shall be furnished, accurately established, and set by the subdivider's surveyor at such points as are necessary to definitely establish all lines of the plat except those defining individual lots.
 - ~~11. County approved street lights shall be installed at all street intersections, school or pedestrian crossings, or at bends or curves in the street by the subdivider.~~

DE. Street Grades. The street grades shall be designed as follows:

1. For ~~major, minor, and collector~~ **all** streets, a maximum grade of 10%, sustained grade shall be limited to 7%. Sustained grades are defined as more than 500 feet in length. Approaching street intersections shall have a vertical alignment such that the grade does not exceed 3% for a minimum distance of 100 feet each way from the right-of-way line of the intersecting streets. For cul-de-sacs progressing toward turnaround shall be limited to a maximum grade of 6% and have adequate easement for drainage. All cul-de-sacs shall terminate with a grade not to exceed 3% for the last 100 feet of traveled surface.
2. Minimum grades for all ~~major, collector and minor~~ streets shall be 0.5%.
3. All horizontal and vertical curves shall be designed following AASHTO Standards using roadway classifications and design speeds.
4. Intersection with ADT's of above 1000 shall have a vertical alignment such that the grade does not exceed 3% for a minimum distance of 175 feet.

E. ~~Sidewalks, curbs and gutters.~~ Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public, unless approved otherwise by the Planning Commission and County Commission. Sidewalks, curbs and gutters may be required by the County Commission on existing streets bordering the development.

- ~~1. In cases for Small Subdivisions, this may be deferred by use of a Rural Road/Improvement Agreement.~~

F. Utilities.

1. All utilities, ~~including cable TV conduits,~~ shall be provided through underground service, except where existing utilities are already in place. All underground utilities specified in this section shall be installed prior to the installation of road base, surfacing, curbs, gutters and sidewalks. Underground utilities shall be installed only after streets have been rough graded to a line and grade approved by the County Engineer. If underground utilities are not installed prior to street surfacing sleeves shall be required.
2. An approved culinary water supply, shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of the County and requirements of the County Engineer. Where an approved public water supply is available, the County shall cause to be installed, at the subdivider's expense, water mains, valves, pressure reducing valves, and service laterals to each lot within the subdivision.
3. Fire hydrants shall be installed, tested and flushed, at the subdivider's expense, with all documentation submitted to the County Fire Marshall for review, at locations determined by the County Engineer and the County Fire Marshall. Hydrants located within the subdivision shall be charged with water and must be operable before a building permit may be issued.
4. Where a public sanitary sewer is available, the subdivider shall connect with a public sanitary sewer and provide sewer mains and extend laterals from the sewer main to each lot in the subdivision, ~~unless waived by the County Commission.~~
5. ~~County approved street lights shall be installed, in those zoning districts which require them, at all street intersections, school or pedestrian crossings, and at bends or curves in the street at intervals specified in the County's Subdivision Standards.~~
6. **5.** Utility easements shall be provided within the subdivision as required for public utility purposes.
 - a. A ten-foot (10 ft.) public utility easement shall traverse the front of each lot.
 - b. Where rear and side yard easements are required, a minimum of 10 feet shall be allocated as a public utility easement. Perimeter easements shall be not less than 10 feet in width.
 - c. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required if any utilities are to be overhead. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

- G. Landscaping.** ~~Whenever, in the opinion of the Planning Commission, and/or the County Commission, the cuts and fills in a hillside subdivision are of sufficient size or visibility to demand special treatment, the subdivider may be required to landscape such areas with suitable permanent plant materials and to provide for their maintenance. The subdivider shall submit a landscaping plan for review and approval by the County. The landscaping plan shall indicate how maintenance of the landscaping will be performed and by whom.~~

HG. Sanitary Sewer Disposal – General Requirements.

1. Any development of any size is required to get a septic feasibility letter from the Bear River Health Department, unless the development is serviced by a sanitary sewer system; if served by a sanitary sewer system, a will-serve letter will need to be submitted from the sanitary sewer provider. ~~Except as otherwise provided below, the developer shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the development. The sewerage system shall meet the minimum standards and requirements of the County and Bear River Health Department.~~
2. Packed Bed Media System type septic system can only be used for a (PC to pick one of the options) one (1) lot subdivisions or for a three (3) lots or less subdivision. If a packed bed media septic system is to be used as part of a proposed subdivision, a note shall be added to the plat stating which lots will be restricted to a packed bed media system. ~~Septic tanks and/or sealed vaults may be approved only if approved in writing by the Bear River Health Department. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, the County or the Health Department may require the digging of test holes to verify soil types and depth to water table. Percolation tests may also be required. The results and data collected from these tests will be reviewed by the Health Department, in addition to any other information available to them, for recommendations to the Planning Commission. The following requirements shall be met:~~
 - a. ~~Land made, altered, or filled with non earth materials within the last 10 years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.~~
 - b. ~~Each developed lot to be served by an on-site soil absorption sewerage disposal system shall contain an adequate site for such system. An adequate site requires:~~
 - 1) ~~A minimum depth of 4 feet from bottom of absorption system to impermeable bedrock;~~
 - 2) ~~A minimum depth of 2 feet from bottom of absorption system to groundwater surface (based on annual high water level);~~
 - 3) ~~The site must be 100 feet from any stream, water course or body of water;~~
 - 4) ~~The site must be 10 feet from any dwelling or property line for new septic systems;~~
 - 5) ~~The site must be at least 200 feet from shallow wells located on the same lot.~~
 - c. ~~Soils having a percolation rate slower than or faster than standards allowed by the Bear River Health Department shall not be divided into building sites to be served by soil absorption sewage disposal systems.~~
 - d. ~~Other standards adopted by the County Commission or State Division of Health shall also apply in the permitting of soil absorption sewage disposal systems and lots that will be served by them.~~

II. Sanitary Sewer Mains, Laterals, and House Connections – Future.

1. No building permit shall be issued without a septic permit issued by the Bear River Health Department. ~~Where local, county and regional master plans indicate that construction or extension of sanitary sewers may serve the development area within a reasonable time, the~~

~~Planning Commission may require the installation and capping of sanitary sewer mains and house connections by the developer, in addition to the installation of temporary individual on-lot sanitary disposal systems by the developer or lot purchaser. Whenever individual on-lot sanitary sewage disposal systems are proposed, the developer shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such development that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed, and no building permit shall be issued until such installation is assured. In all other cases, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a complete community or public sanitary system. All sewer mains shall be a minimum of 8 inches in diameter.~~

2. Any development of any size which will be on a sewer system is required to enter into a development agreement with Box Elder County. Where a current public sewer system exists, a connection is required for the development if it falls within 300' distance of said sewer system, if there is capacity.
3. ~~Test of sanitary sewer mains, laterals, and house connections shall be conducted in accordance with Local and State Health requirements. New sewer mains shall be inspected by a camera before acceptance. If new main construction is not in ground water, an air test shall be required to hold 5 psi for two (2) minutes.~~

J. **Water in Sufficient Quantity to be the obligation of the developer.**

1. The procurement of water, whether by purchase of water rights, water shares, exchange, or service agreement, shall be the responsibility of the developer; and the water shall be provided for the use of the development in an amount sufficient as per the Fire Code, the Utah Division of Water Rights, and/or the Utah Division of Drinking Water ~~to meet minimum flows of 250 gallons per person per day plus outside irrigation and minimum static pressures of 50 pounds per square inch (psi), unless it can be proved to the Planning Commission that a lesser amount is adequate.~~
2. Any subdivision using a well for culinary water must have the well water tested and meet the requirements of this Code before the subdivision can be recorded ~~However, in no event shall the quantity of water provided by the developer be less than that required to meet fire flow standards as established by the County Fire Marshall and the County Commission, and the County Commission shall be given first right of refusal to purchase any excess water formerly used on the land.~~
3. Private well(s) for personal use will only be allowed for a (PC needs to choose 1) one (1) lot subdivision or for a three (3) lots or less subdivision.

K. **Culinary Water System.**

1. Culinary water shall be provided by a public culinary water company if a water company has water lines within 1000 feet of the lot and the water company is willing to provide water.
 - a. Proof of contacting the closest water company shall be provided that shall indicate the water company will provide water to the proposed development lots, OR

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- b. the water company will not provide water to the proposed development lots and the reason why.
 2. If a culinary water company will not provide water to the building site(s), then private wells **in accordance with 6-1-240(I)(3)** may be utilized to provide drinking water according to the following provisions:
 - a. **The proposed well shall have a bacteriological and nitrate test done by the Bear River Health Department. Both of the tests will need to show that the water meets the Utah Division of Drinking Water's standards for dinking water. All costs for testing shall be covered by the developer** ~~Lots to be served by private deep wells (confined aquifers)- For lots receiving water from a private confined aquifer (a deep well in which water is tapped from an aquifer that has a 30 foot layer of confining clay above it), the well water must meet the U.S. Environmental Protection Agency standards for non-community water systems for coliform bacteria, nitrates and sulfates.~~
 - b. ~~Lots to be served by private shallow wells (unconfined aquifers) - Shallow wells which receive water from an unconfined aquifer (one that does not have a 30 foot layer of confining clay above it) must be placed at least 200 feet from any property line, any on-site soil absorption sewerage disposal system, or any other point source of contamination such as a feed yard, manure pile, or salt pile. In addition, the well water from these wells must either:

 - 1) meet the standards for coliform bacteria, nitrates and sulfates, inorganics, organics, and pesticides that the U.S. Environmental Protection Agency has established for non-community water systems, — OR
 - 2) be treated with a reverse osmosis unit or its equivalent and a chlorinator with a retention time of 30 minutes.~~
 - c. ~~Determination of whether well water meets the standards mentioned above must be done through tests conducted by a certified lab in accordance with procedures established by the Health Department. All costs of testing must be covered by the developer.~~
 3. The culinary water delivery system shall extend to the property line of every lot and shall be capable of delivering the flows and pressures as required. ~~All water mains shall be a minimum of 6 inches in diameter.~~

LK. Irrigation systems (including drainage facilities).

1. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within 100 feet of a proposed development, complete plans for relocation, piping, covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.
2. In all developments in which the smallest lot is less than one acre, all irrigation systems shall be underground.
3. All pressure irrigation systems in or within 100 feet of a proposed development shall be identified and otherwise color coded as to pipe and valve color to meet State standards and regulations.
4. **Secondary water (irrigation/stock water) shall remain with the land.**

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5. If the land or developer does not have secondary water, they shall provide secondary water in coordination with the canal company or Division of Water Rights or they cannot develop the land.
 6. The developer shall coordinate with the canal company (for surface water) or the state (for well water) to establish and design a secondary system.
 7. Ongoing management and maintenance of system(s) is the responsibility of secondary water owners. If individualized to wells on each property, the property owner shall manage and maintain their system. If the secondary system services the full development, the developer shall enact a management and maintenance agreement for all lot owners. A plan shall be submitted to the County for review and approval.

ML. Storm Drainage and Flood Plains.

1. Complete drainage systems for the entire development area shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in sections phases, a general drainage plan for the entire area shall be presented with the first section phase, and appropriate development stages milestones for the drainage system for each section phase indicated. All drainage plans shall meet the adopted Box Elder County Public Works Standards (appendix A) ~~flood control standards and limit run-off to a maximum of .2 second feet per acre. There may be cases where we may want to reduce the discharge to .1 second feet per acre, upon approval by the County Engineer/Surveyor.~~
2. The drainage and flood plain systems shall be designed to:
 - a. Permit the unimpeded flow of natural water courses.
 - b. Ensure adequate drainage of all low points.
 - c. Ensure applications of the following regulations regarding development in designated flood plains:
 - 1) Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a 100-year storm.
 - 2) Building construction may occur in that portion of the designated flood plain where the return frequency is between a 100-year and a maximum probable storm provided all usable floor space is constructed above the designated maximum probable flood level.
 - 3) Where flow velocities in a flood plain are generally determined to be under 5 feet per second and maximum flood depth will not exceed 3 feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
 - 4) Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, uncased deep wells, sanitary landfills, septic tank and on-lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation.

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- 5) Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and filling operations in a designated floodway constitute an encroachment and must be approved by the **Flood Plain Administrator Planning Commission** before accomplishment.
 - 6) No lot of one (1) acre or less in area shall be included within a 100- year flood plain. All lots more than 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.
3. The drainage basin as a whole shall accommodate not only runoff from the development area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the development itself, as well as its effects on lands downstream.
 4. All proposed surface drainage structures shall be indicated on the plans.
 5. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.
 6. All necessary permits shall be obtained from applicable local, state, and federal agencies (i.e. State Engineer, US Army Corps of Engineers, **EPA**, State Division of Health, **Flood Plain Development Permit**, etc.)

NM. Orderly Development Required. Whenever the subdivider shall develop a subdivision, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and available as necessary during construction activities within the subdivision and that all of the improvements will be made available for the full, effective, and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferee, or lessee of any of the lands subdivided within the time herein provided or in phases specified.

EN. Building Permits Required. It shall be unlawful for any person to receive a building permit for a lot within a subdivision until water, sewer, storm drainage and all other required underground utilities located under the street surfaces within the subdivision are installed, inspected and approved by the County **(or private utility with approval letter)** for the entire subdivision, and all streets in the subdivision are rough graded **and have had compacted road base put down.**

It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed and basic improvements are adequate to render the subdivision habitable which improvements shall include paved streets, road base or other acceptable hard surface approved by the County Engineer. It shall be unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy will not be permitted until all required improvements **and building code requirements** are completed.

A model home may be considered, by the Zoning Administrator, if it is located adjacent to an existing improved roadway. All buildings will be subject to the International Building Code and require inspections as per that Code.

O. Preconstruction Meetings. Prior to excavating or starting of the work, the subdivider shall call the County to meet together for a preconstruction meeting. The developer shall have their contractor present at this meeting. This meeting will be in conformance with Section 4.02 of the Box Elder County Public Works Standards.

P. **Acceptance of Off-site Improvements.**

1. **Conditional Acceptance.** After the completion of all ~~off-site~~ improvements and upon receiving a written statement from the County Engineer/~~Surveyor~~ that all required improvements have been satisfactorily completed, the County ~~Commission~~ shall conditionally accept the improvements for a one (1) year guarantee period. Such approval shall not be given until the applicant's engineer has certified to the County, through submission of a detailed set of "as built" construction plans of the subdivision, indicating location, dimensions, materials and other information required by the County, that the layout of the line and grade of all ~~public~~ improvements is in accordance with the construction plans filed with the final plat. One electronic copy of Said "as built" plans shall be submitted in ink on reproducible plat map. A minimum of ~~twenty ten~~ percent (210%) of the total principal amount plus the seal coat of the ~~bond, escrow funds, or performance Financial Guarantee or~~ letter of credit ~~commitment~~, will be held during a one (1) year warranty period.
2. **Guarantee Period.** The developer shall warrant and guarantee all the improvements within the subdivision will remain in good condition for a period of one (1) year after the date of conditional acceptance by the County, and agrees to make all repairs to maintain the improvements during the guarantee period at no cost to the County. The guarantee shall extend to and include, but shall not be limited to, the entire street, sub-grade base and surface, all pipes, curbs, gutters, approaches, sidewalks, fences, and other accessories that are or may be affected by the construction operations. Whenever in the judgment of the County Engineer/~~Surveyor~~, said work shall be in need of repair, maintenance, or rebuilding, he/she shall cause a written notice to be served upon the developer and thereupon the developer shall undertake and complete such repairs, maintenance or rebuilding. The determination of the necessity for repairs and maintenance of the work rests with the County Engineer/~~Surveyor~~ whose decision upon the matter shall be final and binding upon the developer. Upon the developer's failure to perform the required repair work within sixty (60) days from the date of service of such written notice, the County shall have such repairs made, and the cost of such repairs shall be paid for by use of the ten ~~2~~(10%) guarantee funds.

Q. Review Cycle Process for Small Subdivision, Large Preliminary Subdivision, and Large Final Subdivision Applications.

1. A “Review Cycle” of a small, preliminary, or a final application shall consist of the applicant’s submission of a complete subdivision land use application, the county’s review of that subdivision land use application, the county’s response to that subdivision land use application in accordance with Section 6-1-130-C and 6-1-140-C, and the applicant’s reply to the county’s response that addresses each of the county’s required modifications or requests for additional information.
2. A Review Cycle shall be completed as outlined in Section 6-1-160, Section 6-1-170, and Section 6-1-190. If an applicant does not submit a revised plan within twenty (20) business days after the county requires a modification or requests additional information then the county shall have an additional twenty (20) business days to respond to the plans.
3. There shall be no more than a total of four (4) Review Cycles for any applicant whether such Review Cycles occur in the Small Subdivision Application, Large Preliminary Subdivision Application or Large Final Subdivision Application Process.
4. Subject to Subsection (4)(a), unless the change or correction is necessitated by the applicant’s adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the county’s plan review is waived.
 - a. A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
5. If an applicant makes a material change to a plan set, the County has the discretion to start the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantially effects.
6. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the County’s previous Review Cycle, the County may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
7. In addition to revised plans, an applicant shall provide a written explanation in response to the County’s review comments, identifying and explaining the applicant’s revisions and reasons for declining to make revisions, if any.
8. The applicant’s written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
9. If an applicant fails to address a review comment in the response, the Review Cycle is not complete and the subsequent Review Cycle by the County may not begin until all comments are addressed.

R. Appeals After Final Review Cycle

1. If on the fourth or final review, the County fails to respond within twenty (20) business days, the County shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
 - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code 17-27a-507(5)(d) to review and approve or deny the final

-
- revised set of plans. Unless otherwise agreed by the applicant and the County, the panel shall consist of the following three experts: (i) one licensed engineer, designated by the County; (ii) one licensed engineer, designated by the land use applicant; and, (iii) one licensed engineer agreed upon and designated by the two designated engineers as appointed in subsections (i) and (ii) above.
- b. A member of the panel assembled by the County under Subsection (a) may not have an interest in the application that is the subject of the appeal.
- c. The land use applicant shall pay: (i) 50% of the cost of the panel; and (ii) the County's published appeal fee.
2. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

S. Approval of the Final Subdivision Application

1. Approval shall not require planning commission or county commission approval. If a final subdivision application complies with the requirements of this section and applicable county ordinances, the County shall approve the final subdivision application.

6-1-250. Requirements for Non-Residential Subdivisions.

- A. The Development Review Committee shall be the reviewing body for non-residential subdivisions. The street and lot layout of a non-residential subdivision shall be appropriate to the land for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the ~~Box Elder County General Plan and the~~ Box Elder County Land Use ~~Development~~ Management & Management Development Codes of the County.
- B. In addition to the principles and standards in this Code which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate ~~to the satisfaction of the Planning Commission~~ that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated, and to the requirements of the Box Elder County Land Use ~~Development~~ Management & Management Development Code.
 2. Street rights-of-way and pavements shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
 3. Special requirements may be imposed by the County with respect to street, curb, gutter and sidewalk design and construction.
 4. Special requirements may be imposed by the County with respect to the installation of public utilities, including water, sewer and storm water drainage.

5. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries or adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.

C. **Public Improvements.** Standards for design, construction specifications, inspection of the street improvements, curbs, gutters, sidewalks and standards for design, construction specifications and inspection of water distribution systems, sewage disposal facilities, storm drainage and flood control facilities shall be prepared by the County Engineer. Standards for fire hydrants shall meet the requirements of any federal, state and local governmental entities having jurisdiction over the same. All subdivision standards and specifications and amendments thereto which are under the control of the County shall be approved by the County Commission before becoming effective. The County Commission may by **resolution ordinance** adopt subdivision standards and specifications for the County which may be amended from time to time. All subdividers shall comply with any subdivision standards and specifications adopted by the County Commission. All **public** improvements shall be installed in accordance with the County's Subdivisions Standards and Specifications, the requirements of the County Engineer, the subdivision improvements agreement between the subdivider and the County and all other applicable County Ordinances and regulations.

D. **Construction Plans.** Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance to the design standards of the County. They shall be submitted to the County Engineer for review at the same time the final plat is being reviewed. Final approval of the project shall not be granted until the plans have been reviewed and recommended for approval by the County Engineer. No construction shall be started until the final plat has been recorded and the construction plans have been approved by the County. Plans for all the street utilities shall be drawn on the same plans.

E. **Standards for Construction Plans.** Standards are set for the purpose of standardizing the drawings and to obtain uniformity in appearance, clarity, size and reproduction. Three (3) copies of construction plans shall be submitted with one (1) set to be retained by the County Engineer, one (1) set to be furnished to the County, and one (1) set returned to the subdivider for corrections and revisions. After corrections and revisions by the subdivider, three (3) sets shall be submitted for final review by the County Engineer. All drawings and/or prints shall be clear and legible and conform to good engineering and drafting practice. Size of drawings shall be 24" x 36" (trim line) with ½" border on top, bottom, and right sides, left side 1 ½". The plans shall include the following information:

- a. North arrow (plan)
- b. Elevations referenced to U.S.G.S. datum
- c. Stationing and elevations for profiles
- d. Title block located in lower right corner of sheet to include:
- e. Project title (subdivision, etc.)
- f. Specific type and location of work

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- g. Name of engineer or firm preparing drawings with license number. Utah Engineers stamp shall be required on all construction plans.
 - h. Scale 1" = 20' or 1" = 40' horizontally; 1" = 2' or 4' vertical.
 - i. Both plan view and profiles for curb and gutter plans shall be shown for each side of the street; street center line profile may be eliminated. Top of curb elevations with curve data must be shown for all curb returns.
 - j. Size and location of culinary water lateral mains, meters, valves and hydrants (these plans to be finalized by the County Engineer).
 - k. Type of pipe.
 - l. Size and location of irrigation lateral mains, valves, fittings and etc.
 - m. Size and location of sewer, storm drains and subdrains and their manhole cleanouts.
 - n. As needed, each set of plans shall be accompanied by a separate sheet of details for structures which are to be constructed. All structures shall be designed in accordance with minimum requirements established by the Subdivision Standards of the County.
- F. Preconstruction Meetings.** Prior to excavating or starting of the work, the subdivider shall call the County Engineer to meet together for a preconstruction meeting. The developer shall have their contractor present at this meeting. This meeting will be in conformance with Section 4.02 of the Box Elder County Public Works Standards.
- G. Inspection.** Construction work involving the installation of **public** improvements in subdivisions shall be subject to inspection by the County Engineer. Daily inspection shall be required on the following types of work:
- 1. Laying of street surfacing.
 - 2. Placing of concrete for curb and gutter, sidewalks, and other structures.
 - 3. Laying of drainage pipe, water pipe, valves, hydrants and testing. Periodic inspections shall be required on the following:
 - a. Street grading and gravel base.
 - b. Excavations for curb and gutter and sidewalks.
 - c. Excavations for structures.
- H. Requests for Inspection.** Requests for inspections shall be made to the County Engineer by the person responsible for the construction. Requests for inspection on work shall be made one (1) working day prior to the commencement of the work.
- I. Correcting Defective Work.** Inspections shall be made by the County Engineer after various phases of the construction work is completed. Any faulty or defective work shall be corrected by the subdivider or subdivider's contractor within a period of ~~thirty~~ **sixty** (~~30~~ **60**) days from the date of County Engineer's inspection wherein the faulty or defective work is noted and written notice is given to the subdivider and/or contractor.



**PLANNING COMMISSION
STAFF REPORT**

**Meeting Date: December 21, 2023
Agenda Item #: 7a**

Application Type:

Subdivision - Amendment

APPLICANT(S):

Trevor Christensen

PROJECT #:

SS23-022

ADDRESS:

5715 West 16800 North
Garland, UT 84312

ZONE:

Unzoned

PARCEL #:

06-044-0100; 0101

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting an amendment to the final plat of the CZ Ranch Subdivision in the Riverside area of unincorporated Box Elder County. The proposed amendment adjusts Lot 1 from .50 acres and the remainder from 2.99 acres to Lot 2 with 2.00 acres and the remainder with 1.49 acres.

ANALYSIS

State Code:

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

Surrounding Land Use and Zoning:

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

Access:

Access to the lot and remainder is existing via 16800 North, a county road.

Utilities:

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

Setbacks:

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

Land Use Ordinance Standards Review:

Per State Code sections 17-27a-608 and 609, a subdivision can be amended by the Land Use Authority via approval and recording of an amended plat. Following the Planning Commission’s review and approval of a subdivision amendment application, it will be recorded in the office of the Box Elder County Recorder.

County Department Reviews:

- All reviewing County departments have approved this subdivision amendment.



▪ **Findings:**

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

1. The proposed subdivision amendment complies with the subdivision regulations of Box Elder County and the State of Utah.

RECOMMENDATION

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

1. Compliance with Sections 17-27a-608 and 609 of the Utah State Code.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS23-022, amending the CZ Ranch Subdivision First Amendment, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

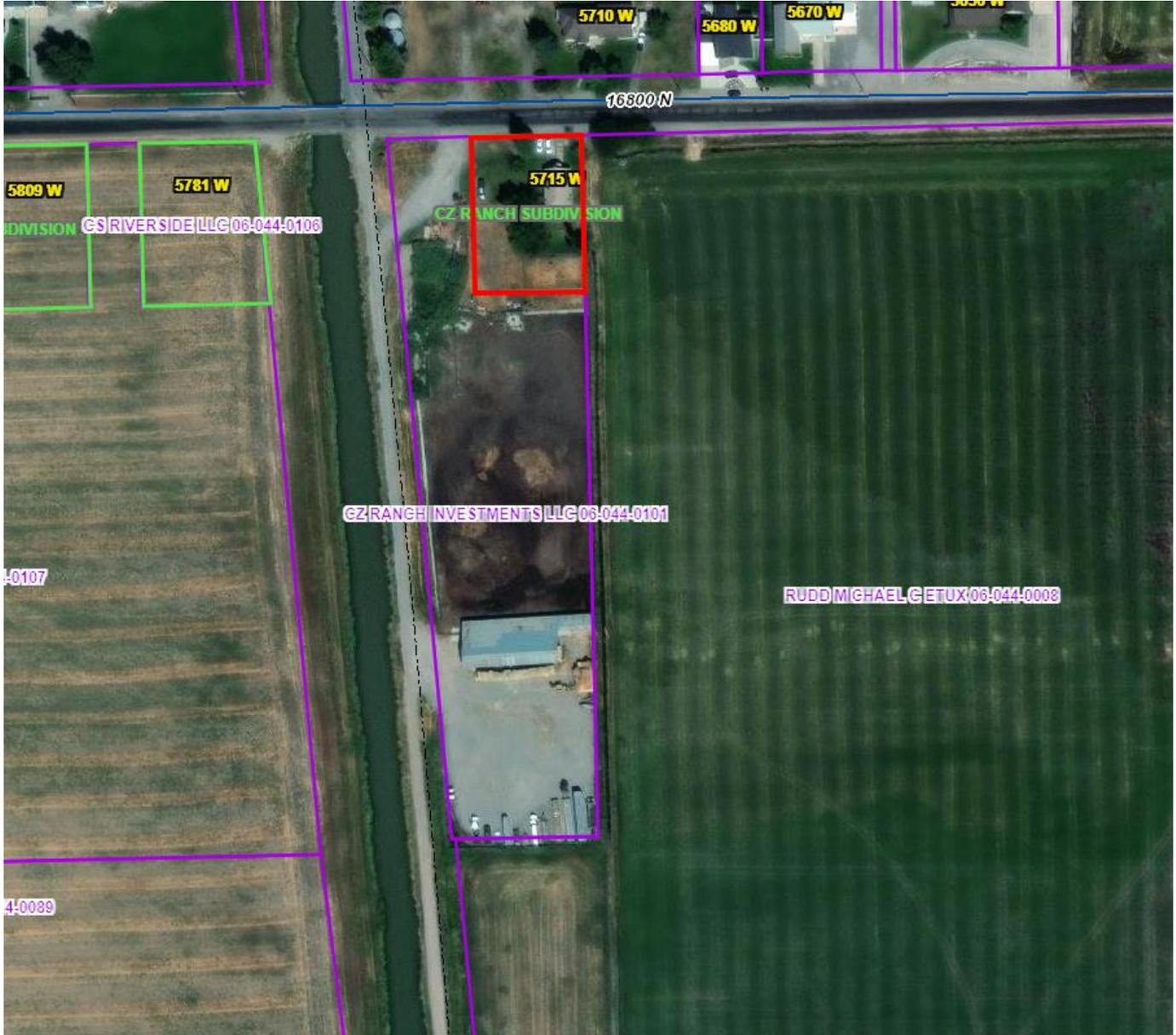
Table – “I move the Planning Commission table application number SS23-022, amending the CZ Ranch Subdivision First Amendment, located in unincorporated Box Elder County, to (give date), based on the following findings:”

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

Denial – “I move the Planning Commission deny application number SS23-022, amending the CZ Ranch Subdivision First Amendment, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

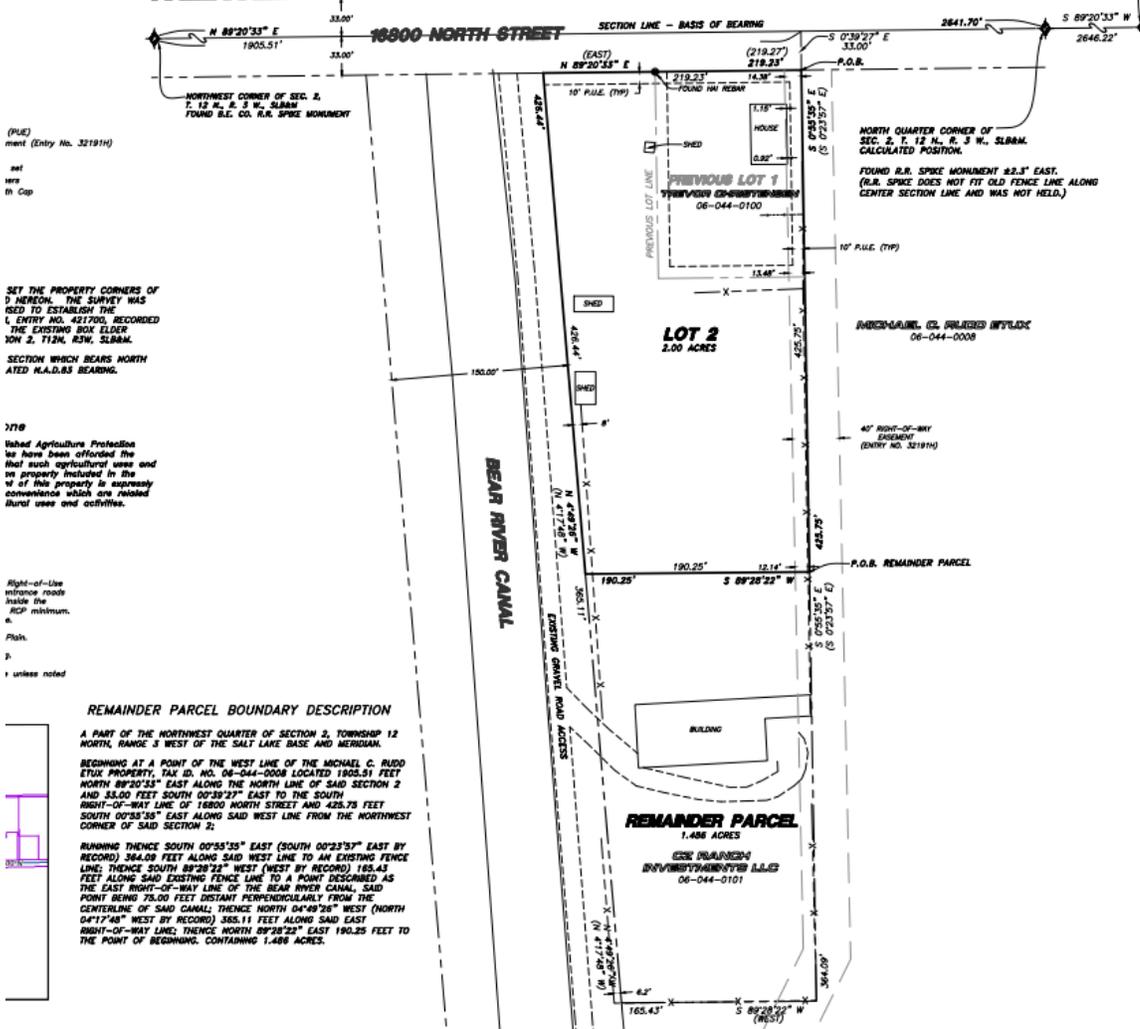
Please feel free to contact Marcus Wager at 435-734-3308 with any questions.



CZ Ranch Subdivision First Amendment

AMENDING LOT 1, CZ RANCH SUBDIVISION

BOX ELDER COUNTY, UTAH
 A PART OF THE NORTHWEST QUARTER OF SECTION 2,
 TOWNSHIP 12 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN



(PUE)
 ment (Entry No. 32191H)
 set
 here
 in Cap

SET THE PROPERTY CORNERS OF SECTION 2, T. 12 N., R. 3 W., SLB&M. THE SURVEY WAS USED TO ESTABLISH THE EXISTING BOX ELDER TOWN 2, T12N, R3W, SLB&M. SECTION WHICH BEARS NORTH ATED N.A.D.83 BEARING.

1718
 United Agriculture Protection
 we have been afforded the
 that such agricultural uses and
 to property included in the
 of this property is expressly
 conventions which are related
 rural uses and activities.

Right-of-Way
 entrance roads
 within the
 R.P. minimum.
 a.
 b.
 c.
 unless noted

REMAINDER PARCEL BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 12 NORTH, RANGE 3 WEST OF THE SALT LAKE BASE AND MERIDIAN.
 BEGINNING AT A POINT OF THE WEST LINE OF THE MICHAEL C. RUDD ETUX PROPERTY, TAX ID. NO. 06-044-0008 LOCATED 1905.51 FEET NORTH 89°20'33" EAST ALONG THE NORTH LINE OF SAID SECTION 2 AND 33.00 FEET SOUTH 00°30'27" EAST TO THE SOUTH RIGHT-OF-WAY LINE OF 16900 NORTH STREET AND 425.73 FEET SOUTH 00°55'55" EAST ALONG SAID WEST LINE FROM THE NORTHWEST CORNER OF SAID SECTION 2;
 RUNNING THENCE SOUTH 00°55'55" EAST (SOUTH 00°23'57" EAST BY RECORD) 364.09 FEET ALONG SAID WEST LINE TO AN EXISTING FENCE LINE; THENCE SOUTH 89°28'22" WEST (WEST BY RECORD) 165.43 FEET ALONG SAID EXISTING FENCE LINE TO A POINT DESCRIBED AS THE EAST RIGHT-OF-WAY LINE OF THE BEAR RIVER CANAL, SAID POINT BEING 75.00 FEET DISTANT PERPENDICULARLY FROM THE CENTERLINE OF SAID CANAL; THENCE NORTH 04°49'26" WEST (NORTH 04°17'48" WEST BY RECORD) 365.11 FEET ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 00°28'22" EAST 190.25 FEET TO THE POINT OF BEGINNING, CONTAINING 1.488 ACRES.

ASSOCIATES, INC.
 and Land Surveyors

COUNTY SURVEYOR'S CERTIFICATE
 I Herby Certify that the Box Elder County Surveyor's Office has reviewed this plat for mathematical correctness, section corner data, and for harmony with lines and monuments on record in County

APPROVAL AS TO FORM
 Approved as to Form this ___ day of ___ A.D. 2025.

PLANNING COMMISSION APPROVAL
 Approved this ___ day of ___ A.D., 2025, by the Box Elder County Planning

BEAR RIVER DISTRICT HEAL DEPT. APPROVAL
 Waste Disposal System & Culinary Water

SURVEYOR

I, MATT PRETEL, DO HEREBY CERTIFY STATE OF UTAH IN ACCORDANCE WITH PROFESSIONAL LAND SURVEYORS ACT SURVEY OF THE PROPERTY DESCRIBED 17-23-17 AND HAVE VERIFIED ALL TRACT INTO ONE (1) LOT, KNOWN AS THE SAME HAS BEEN SURVEYED AND AS REPRESENTED ON THE PLAT HER
 SIGNED THIS ___ DAY OF ___
 MATT PRETEL, P.L.S.
 UTAH LAND SURVEYOR LICENSE NO. _____

BOUNDARY

A PART OF THE NORTHWEST QUARTER LAKE BASE AND MERIDIAN
 BEGINNING AT A POINT ON THE SOL THE NORTHWEST CORNER OF THE IN 1905.51 FEET NORTH 89°20'33" EAST 00°39'27" EAST FROM THE NORTH
 RUNNING THENCE SOUTH 00°55'55" WEST LINE OF SAID MICHAEL C. RUDD POINT DESCRIBED AS THE EAST 190 FEET DISTANT PERPENDICULARLY FROM (NORTH 04°17'48" WEST BY RECORD RIGHT-OF-WAY LINE; THENCE NORTH SAID SOUTH RIGHT-OF-WAY LINE TO

OWNER

KNOW ALL MEN BY THESE PRESENTS TRACT OF LAND HAVING CAUSED TO AND NAME SAID TRACT CZ RANCH; CONVEY TO BOX ELDER COUNTY, UTI DESIGNATED AS EASEMENTS FOR PU SAME TO BE USED FOR THE INSTALL LINES AND DRAINAGE AS MAY BE A
 THIS ___ DAY OF ___

TREVOR CHRISTENSEN

TREVOR E. WORKMAN, REGISTERED OF CZ RANCH INVESTMENTS, LLC

ACKNOWLEDGMENT

STATE OF UTAH)
 COUNTY OF BOX ELDER)

ON THIS ___ DAY OF ___ BEFORE ME, THE UNDERSIGNED NOTARY, THE SIGNER OF THE ATTACHED ME HE SIGNED IT FREELY AND VOL

STATE OF UTAH NOTARY PUBLIC _____

NOTARY PRINTED NAME _____

LIMITED LIABILITY

STATE OF UTAH)
 COUNTY OF BOX ELDER)

ON THIS ___ DAY OF ___ WORKMAN, WHO BEING BY ME DUL AGENT OF CZ RANCH INVESTMENTS OWNER OF THE REAL PROPERTY LE AUTHORIZED AGENT OF THE LLC, A PURSUANT TO A RESOLUTION OF T OPERATING AGREEMENT OF THE LLC

STATE OF UTAH NOTARY PUBLIC _____

NOTARY PRINTED NAME _____