

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

November 21, 2024

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 B. Robinson, M. Wilding, J. Holmgren, J. Pugsley, V. Smith, J. Jacobsen, and L. Jensen)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL of the October 17, 2024 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
  - a. **HAWK WAY BENCH SUBDIVISION, SS24-025**, Request for preliminary approval of a 10-Lot subdivision located at approximately 4700 North 950 West in the Brigham City area of Unincorporated Box Elder County. **ACTION**
6. **PUBLIC HEARINGS**
  - a. **ORDINANCE TEXT AMENDMENT, Z24-014**, Request for a text amendment to amend/update the use tables to include “C1” (Administrative Conditional Use) to the Box Elder County Land Use Management & Development Code. **ACTION**
  - b. **ZONING TEXT AMENDMENT, Z24-015**, Request for a zone change of 10 acres from MU-160 (Multiple Use 160 acres) to the RR-10 (Rural Residential 10 acre) zone on parcel #01-059-0053 in the Lucin area of Unincorporated Box Elder County. **ACTION**
  - c. **ORDINANCE TEXT AMENDMENT, Z24-016**, Request for a text amendment adding Section 5-1-390, Determining Legal Parcels to the Box Elder County Land Use Management & Development Code. **ACTION**
  - d. **ORDINANCE TEXT AMENDMENT, Z24-017**, Request for a text amendment adding Section 2-2-220, Lot Line Adjustment to the Box Elder County Land Use Management & Development Code. **ACTION**
7. **NEW BUSINESS**
  - a. **BECKAM’S EDGE SOUTH SUBDIVISION, SS24-029**, Request for preliminary approval of a 29-Lot subdivision located at approximately 10900 N 8400 W in the Tremonton area of Unincorporated Box Elder County. **ACTION**
8. **WORKING REPORTS**
  - a. None
9. **PUBLIC COMMENT**
10. **ADJOURN**\_\_\_\_\_

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES OCTOBER 17, 2024

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

*Roll Call*

Mellonee Wilding  
Jed Pugsley  
Lonnie Jensen  
Bonnie Robinson  
Jared Holmgren  
Jennifer Jacobsen  
Vance Smith

Chairman  
Vice-Chair  
Member  
Member  
Member  
Excused  
Alternate/Member

*the following Staff was present:*

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

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

The Invocation was offered by **Commissioner Vance Smith**.  
Pledge was led by **Commissioner Lonnie Jensen**.

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

See Attachment No. 1 – Attendance Sheet.

The Minutes of the September 19, 2024 meeting were made available to the Planning Commissioners prior to this meeting and, upon review, a **Motion** was made by **Commissioner Jared Holmgren** to approve the minutes as written. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

**UNFINISHED BUSINESS - NONE**

**PUBLIC HEARINGS**

**ORDINANCE TEXT AMENDMENT, Z24-005, Request for a text amendment to Chapter 3-6, Mobile Home Parks, of the Box Elder County Land Use Management & Development Code. ACTION**

Staff stated the applicant has requested a text amendment to Chapter 3-6, Mobile Homes, Mobile Home Subdivisions, & Recreational Vehicle Parks. This section of land use code was adopted in 2006 as part of a major overhaul. Most of the code was copied from various cities throughout the state, and the code reflects that in the requirements. When this item was brought before the

Planning Commission as a working report there were concerns regarding the potential density of mobile home and RV parks along with other infrastructure concerns. What is being proposed is mostly a rewrite of the full chapter, eliminating RV and mobile home parks and focusing primarily on agritourism. The proposed language is what the applicant provided based on that feedback.

Staff explained the applicant has a honey operation in the Fielding area and is interested in locating a small number of people who would be interested in an agritourism experience. Those people would come and stay on the farm for a few days, participate in the honey business, and then move on with their travels. Staff said there is a variety of agritourism ideas popping up and are gaining popularity.

The public hearing was then opened for comments.

Hearing no comments, a motion was made by **Commissioner Jed Pugsley** to close the public hearing on Ordinance Text Amendment, Z24-005. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

### **ACTION**

**Commissioner Mellonee Wilding** thinks for agritourism purposes, sewer and water are not necessary. She likes the idea of agritourism but is adamantly opposed to having recreational vehicles connected to sewer and water because it would be too easy to have permanent density areas.

**Commissioner Jared Holmgren** asked if there is anything in the county code right now prohibiting agritourism. Staff explained agritourism is not addressed in county code so there is nothing prohibiting it and would be considered an allowed use.

**Commissioner Bonnie Robinson** feels a lot of things could be justified to fit into agritourism and would like a definition of agritourism.

The commission discussed wanting to provide for agritourism and helping the applicant get where he wants to be.

Staff said defining agritourism is a good foundation to start with, but there are still some concerns as far as infrastructure, permanent parking, limiting the number of days and/or defining permanent living etc. The Planning Commission can decide if they are interested in working with this foundation and table the item, then direct staff to work with the applicant on refining the proposal. Staff asked the commission to submit the parameters they are interested in adding.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to table Ordinance Text Amendment Z24-005 for up to 6 months for staff to work with the applicant and create more concise and refined wording. The motion was seconded by **Commissioner Lonnie Jensen** and passed unanimously.

## **NEW BUSINESS**

### **CONDITIONAL USE PERMIT, CUP24-004, Request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 23420 West 1200 North in the Promontory area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is seeking to build an approximate 640 square foot accessory dwelling unit. Their existing home is approximately 3460 square feet. No other accessory dwelling unit (internal or external) exists on the property. The property is located at 23420 West 1200 North in the Promontory area. The surrounding land use is Agriculture; surrounding zoning is Unzoned.

Staff said they found no issues in regards to the 12 standards for reviewing conditional uses. Staff recommends approval.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve Conditional Use Permit CUP24-004 for an Accessory Dwelling Unit and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

#### **CONDITIONS:**

1. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
2. Compliance with Chapter 2-2-100, Conditional Use Permit and Chapter 5-6, Accessory Dwelling Units, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.

### **HAWK WAY BENCH SUBDIVISION, SS24-025, Request for preliminary approval of a 10-Lot subdivision located at approximately 4700 North 950 West in the Brigham City area of Unincorporated Box Elder County. ACTION**

Staff said the applicants are requesting preliminary approval of the Hawk Way Bench Subdivision plat. The preliminary plat was submitted to the applicable county departments for review and received numerous comments. A revised plat map was received and submitted again for department review. Staff has notified the applicant there are still a lot of items to work through. The applicant has requested the item be tabled.

**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to table application SS24-025, a request for preliminary approval of a 10-lot subdivision in the Brigham City area of Unincorporated Box Elder County for up to 6 months to allow the applicant time to address the issues noted in the county department reviews. The motion was seconded by **Commissioner Bonnie Robinson** and unanimously carried.

**SMITH ONE LOT SUBDIVISION, SS24-026, Request for an amendment to the final plat of the Smith One Lot Subdivision located in the Elwood/Bear River City area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting an amendment to the final plat of the Smith One Lot Subdivision in the Elwood/Bear River City area of unincorporated Box Elder County. The proposed amendment adjusts the lot lines of lot 1 to better square up the lot – the acreages would remain the same for the lot and remainder parcel. The surrounding land uses are Rural Residential and Agriculture; surrounding zones are Unzoned. All applicable county departments have signed off on the review except for the County Engineer. Staff does not foresee any issues with that review as this is just adjusting lot lines. Staff recommends approval.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to approve application SS24-026, amending the final plat of the Smith One Lot Subdivision located in the Elwood/Bear River City area of Unincorporated Box Elder County and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Vance Smith** and unanimously carried.

**CONDITIONS:**

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

**WORKING REPORTS – NONE**

**PUBLIC COMMENTS**

Mary Bingham, Honeyville, addressed agricultural zoning and how to protect it in Box Elder County.

**ADJOURN**

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

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Mellonee Wilding, Chairman  
Box Elder County Planning Commission

**PLANNING COMMISSION  
 STAFF REPORT**

**Meeting Date: November 21, 2024  
 Agenda Item #: 5a**

**Application Type:**  
 Preliminary Subdivision

**APPLICANT(S):**  
 Kory Wayment

**PROJECT #:**  
 SS24-025

**ADDRESS:**  
 4700 N 950 W  
 Harper Ward area

**ZONE:**  
 RR-5

**PARCEL #:**  
 04-035-0021

**REPORT BY:**  
 Scott Lyons,  
 Comm. Dev. Director

**BACKGROUND**

The applicants are requesting preliminary approval of the Hawk Way Bench Subdivision plat. The proposed subdivision is for 10 new lots approximately 5.5 acres in size and is shown as two phases. The existing parcel is 67.97 acres in size, there will be no remainder parcel.

**UPDATE: The applicant has provided an updated plat and site plan on November 15<sup>th</sup>. It has been sent out to various departments for review to ensure it meets development requirements. Updates will be provided at the Planning Commission meeting.**

**ANALYSIS**

**Land Use Ordinance Standards Review:**

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

**Surrounding Land Use and Zoning:**

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Hillside/Grazing	RR-5
South	Hillside/Rural Residential	RR-5
East	Hillside/Rural Residential	MU-160
West	Rural Residential	RR-5

**Access:**

Access would be via County road 1100 West connecting to a proposed new road, 4700 North and 950 West. The two new roads are proposed to be private roads.

**Utilities:**

The County has received utility will-serve letters from Rocky Mountain Power and culinary water through the Bear River Water Conservancy District. We have also received a septic feasibility letter from the Bear River Health Department. This feasibility letter is for a single conventional wastewater system to be installed to service a single-family dwelling on each proposed lot.

**Setbacks:**

All setbacks for the RR-5 zone can be met. Setbacks will be reviewed and enforced during the building permit process.

**County Department Reviews:**

County Surveyor

- Has requested changes to street and lot addressing and various plat requirements for approval/recording purposes.

County Engineer

- 4700 North Street as proposed exceeds the County road standards for slope. County standards allow a maximum slope of 10% for up to 500 feet and a sustained slope of 7%. The applicant's proposal is approximately 14.5 % slope.

Fire Marshal

- Has reviewed the preliminary plat and requested that a note be added to the plat that states all homes will have individual fire sprinkler systems. He is also requiring a hammer head or cul-de-sac where the road stubs at the south end (this would be temporary until the road is extended further south).

Planning & Zoning

- Has requested changes to labeling of easements on the property to match corresponding records on the title report. Easements must be labeled with their recorded entry number as well as book and page if necessary.

Road Department

- The Road Superintendent reached out to me to clarify that private road standards don't differ from the public standard. He stated that the applicant could build up to two lots on a gravel road, but anything beyond that would need to be on the required asphalt road standard.

**Findings:**

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

1. The preliminary plat as currently proposed does not comply with County development standards.
2. Various County departments are currently reviewing updated plat/plans that have been provided based on their original reviews.
3. Modifications to the proposed preliminary plat may be made to bring it into conformance with the County Land Use Management & Development Code.

**RECOMMENDATION**

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may TABLE or may APPROVE the proposed preliminary plat based on the findings above and any others the Planning Commission finds. Should the Planning Commission approve the plat staff recommends the approval include the conditions below:**

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

**MODEL MOTIONS**

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**Approval** – “I move the Planning Commission approve application number SS24-025, a preliminary plat for the Hawk Way Bench 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 SS24-025, a preliminary plat for the Hawk Way Bench Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

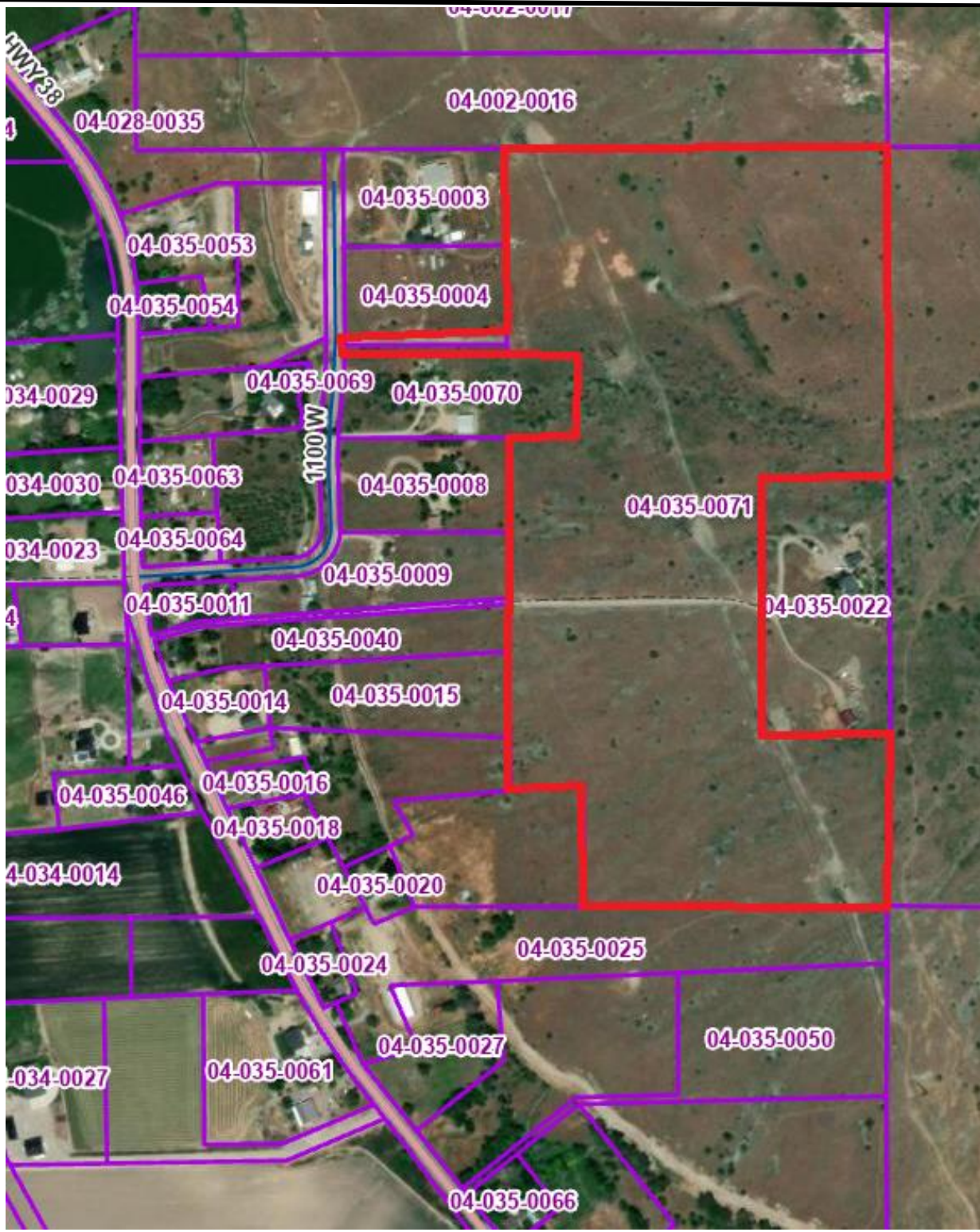
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

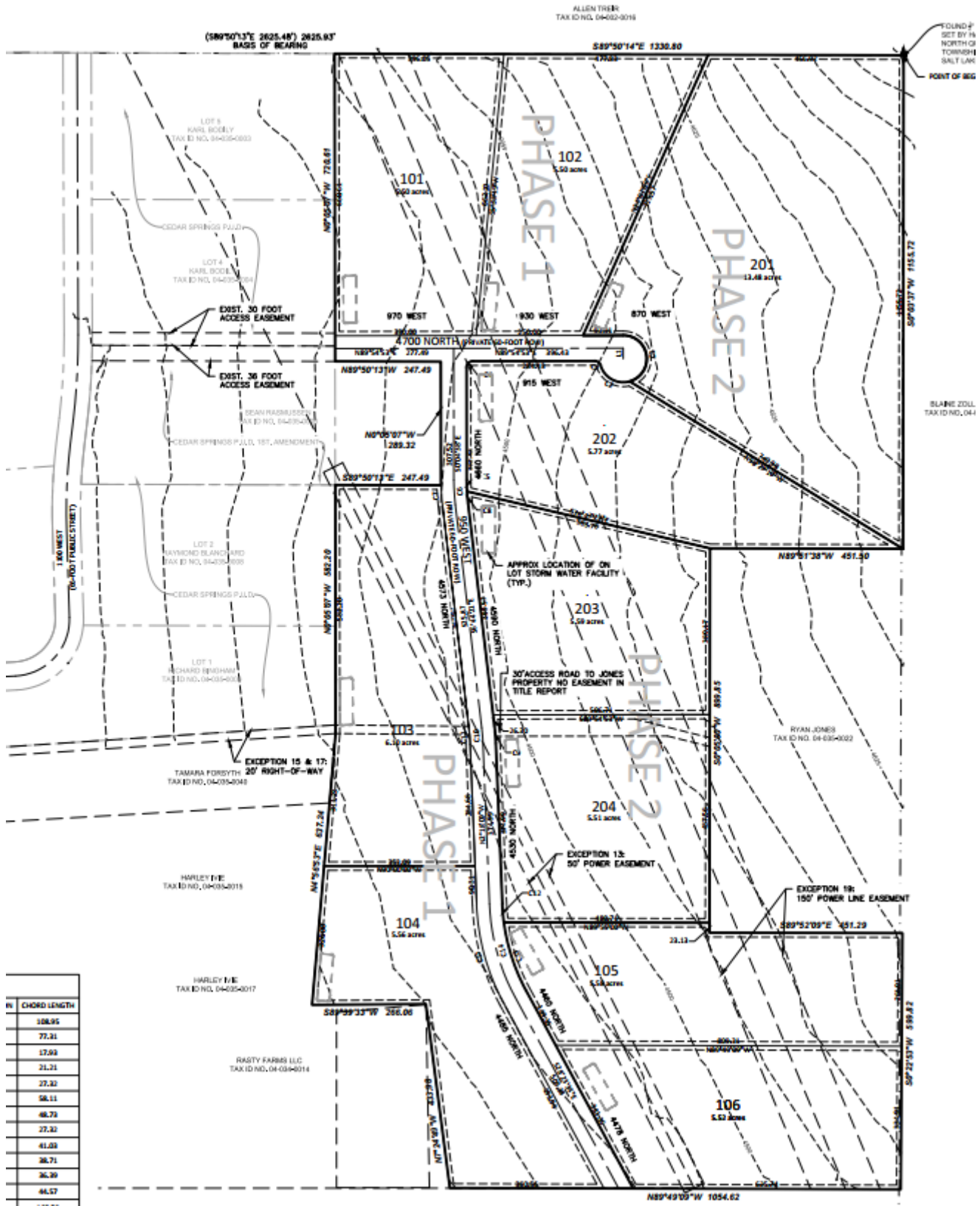
**Denial** – “I move the Planning Commission deny application number SS24-025, a preliminary plat for the Hawk Way Bench Subdivision, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

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







N	CHORD LENGTH
108.95	
77.21	
17.89	
21.21	
27.32	
58.11	
48.73	
27.32	
41.03	
38.71	
36.39	
46.57	

# PLANNING COMMISSION STAFF REPORT

Meeting Date: November 21, 2024

Agenda Item #: 6a

**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z24-014

**ORDINANCE:**

C1 Use Table and Sections  
update

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Destin Christiansen,  
County Planner

**BACKGROUND**

The applicant is requesting a text amendment to amend/update the use tables to include "C1" uses to the Box Elder County Land Use Management & Development Code. In addition, many code updates, corrections, etc. are proposed to clean up the current land use code. The proposed amendment would update uses within multiple zones of unincorporated Box Elder County to a "C1" use (an administrative conditional use reviewed and approved by the zoning administrator...i.e.staff) for those uses that are already (currently) being reviewed by staff.

**ANALYSIS**

**County Code:**

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

**Land Use Ordinance Standards Review:**

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

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

*The County's General Plan states that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.*

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

*This text amendment corrects uses within the use tables of the Box Elder County Land Use Code that staff currently review and approve. The Planning Commission needs to decide if this amendment would be harmonious.*

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

*The proposed text amendment should not have an adverse effect on adjacent property.*

**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 is county-wide and should not have an effect on the adequacy of facilities.*

### **FINDINGS:**

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

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

### **RECOMMENDATION**

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

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

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 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 Z24-014, an ordinance text amendment adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – “I move the Planning Commission table the review of application number Z24-014, an ordinance text amendment to (give date), based on the following findings:”

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

**Denial** – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z24-014, an ordinance text amendment based on the following findings:”

1. List findings for denial...

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

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## **Chapter 3-1 – Zones Established**

### **Sections.**

- 3-1-010. Zones Established.
- 3-1-020. Zone Purposes.
- 3-1-030. Definitions.
- 3-1-040. Official Zoning Map.
- 3-1-050. Rules of Locating Zone Boundaries.
- 3-1-060. Clarification of Zoning.

### **3-1-010. Zones Established.**

In order to accomplish the purposes of the Box Elder County General Plan and this Code, the following zones, along with their accompanying zoning map designations, are hereby established:

#### **A. Zoning Districts**

1. Agricultural Zones (A-20, ~~A-1, A-1/2~~)
2. Mixed Use Zones (MU-160, MU-80, MU-40)
3. Rural Residential Zones (RR-1, RR-2, RR-5, ~~RR-5 modified~~, RR-10, ~~RR-20~~)
4. Residential (R-1-~~820, R-1-12~~)
- ~~5.~~ ~~Multiple Residential District (RM-7, RM-15)~~
- ~~6.~~ ~~Mobile Home Parks (MH)~~
- ~~7.~~ ~~5.~~ Neighborhood Commercial District (C-N)
- ~~8.~~ ~~6.~~ Shopping Commercial District (C-S)
- ~~9.~~ ~~7.~~ Highway Commercial District (C-H)
- ~~10.~~ ~~8.~~ General Commercial District (C-G)
- ~~11.~~ ~~9.~~ South Willard Neighborhood Commercial (SW-NC)
- ~~12.~~ ~~10.~~ Manufacturing-Food Products District (M-FP)
- ~~13.~~ ~~11.~~ General Industrial District (M-G)

## B. Special Purpose and Overlay Zones

1. Airport Overlay
2. Sensitive Area Overlay (SA)
3. Landfill and Land Excavation Overlay
4. ~~Planned Community Overlay (P)~~
5. ~~Planned Residential Unit Development Overlay (PUD)~~

## 3-1-020. Zone Purposes.

In addition to the general purposes of this Code as set forth in Section 1-1-030, the various zones each serve more specific purposes as set forth below.

- A. Agricultural Zones.** Agricultural zones promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. ~~These~~ **This** districts ~~are~~ **is** intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.
1. A-20. Minimum Lot Size: 20 acres
  2. ~~A-1. Minimum Lot Size: 1 acre~~
  3. ~~A-1/2. Minimum Lot Size: 1/2 acre~~
- B. Mixed Use.** Mixed Use zones provide a multiple use district to establish areas in mountain, hillside, canyon mountain valley, desert and other open and generally undeveloped lands where human habitation should be limited in order to protect land and other open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brushland fires, damage to grazing and livestock raising, and to wildlife values; to avoid the premature development of lands by discouraging intensive development until the ultimate best use of the land can be recommended by the Planning Commission to the County Commission; and to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the community.
1. MU-160. Minimum Lot Size: 160 acres or quarter section
  2. MU-80. Minimum Lot Size: 80 acres
  3. MU-40. Minimum Lot Size: 40 acres
- C. Rural Residential Zones.** The purposes of providing a rural residential district are to promote and preserve in appropriate areas conditions favorable to large-lot family life; to maintain a rural atmosphere, to provide for the keeping of limited numbers of animals and fowl and to reduce requirements for public utilities, services, and infrastructure.
1. RR-10. Minimum Lot Size: 10 acres
  2. RR-5. Minimum Lot Size: 5 acres
  3. ~~RR-5M. Minimum Lot Size: 5 acres (modified)~~
  4. **3.** RR-2. Minimum Lot Size: 2 acres

- ~~5.~~ **4.** RR-1. Minimum Lot Size: 1 acre
- ~~6.~~ **5.** RR-20. Minimum Lot Size: 20,000 square feet

**D. Residential zones.** Residential zones provide a wide range of residential land uses at various densities. ~~These~~ **This** zones are ~~is~~ intended to protect the stability of neighborhoods and encourage, collectively, different kinds of compatible residential development.

- 1. R-1-~~12~~**20**: Minimum Lot Size: ~~20~~**12**,000 sq. ft.
- ~~2.~~ ~~R-1-8:~~ ~~Minimum Lot Size: 8,000 sq. ft.~~
- ~~3.~~ ~~RM-7~~
- ~~4.~~ ~~RM-15~~

**E. Commercial Zones.** Commercial zones provide areas where a combination of business, commercial, entertainment, office, and related activities may be established, maintained and protected. Commercial zones are intended to provide a suitable environment for those commercial and service uses vital to the economic base of the County.

- 1. Neighborhood Commercial District (C-N)
- 2. Commercial Shopping District (C-S)
- 3. Highway Commercial District (C-H)
- 4. General Commercial District (C-G)
- 5. South Willard Neighborhood Commercial (SW-NC)**

**F. Manufacturing Zones.** Industrial zones provide areas for conducting business, manufacturing and industrial activities.

- 1. Manufacturing-Food Products District (M-FP)
- 2. General Industrial District (M-G)

**G. Special Purpose and Overlay Zones.** Special purpose zones are intended to accomplish objectives unique to the particular zone. Overlay zones implement supplemental regulations that apply geographically, regardless of the underlying base zone. Whenever the regulations of a district and an overlay zone conflict, overlay zone regulations shall apply.

- 1. Airport Overlay
- 2. Sensitive Area Overlay (SA)
- ~~3.~~ ~~Planned Residential Unit Development Overlay (PUD)~~
- ~~4.~~ ~~Planned Community Overlay (P)~~
- ~~5.~~ **3.** Landfill and Land Excavation

### 3-1-030. Definitions.

Certain words and phrases in this Chapter are defined in Chapter 1-3 of this Code.

### 3-1-040. Official Zoning Map.

- A. **Zones.** The location and boundaries of the zones described in this Chapter, including subsequent amendments, shall be shown on an official zoning map, entitled the Box Elder County ~~City~~ Official Zoning Map, as provided in this section.
1. The zones established by this Chapter are intended to further the goals and policies of the Box Elder County General Plan. ~~Accordingly, not every zone established by this Chapter need be included on the Official Zoning Map unless and until the Box Elder County Commission, in the exercise of its legislative discretion, determines that placing a particular property in a particular zone will further the goals and policies of the General Plan.~~
  2. Each lot or parcel within the ~~City~~ **unincorporated boundaries of Box Elder County** shall be subject to the requirements of the zone, or zones, in which the lot or parcel is located as shown on the Official Zoning Map.
  3. The Official Zoning Map, including all boundaries, notations, and other data shown thereon, is hereby adopted by this reference.
- B. **Amendments.** Amendments to the boundaries of a specific zone shown on the Official Zoning Map shall be accomplished in accordance with state law and the provisions set forth in Section 2-2-080 of this Code.
- C. **Map Updates.** The ~~Zoning Administrator~~ **Recorder's Office** shall update the Official Zoning Map as soon as possible after amendments are adopted by the County Commission. Upon entering any such amendment on the map, the ~~Zoning Administrator~~ **Recorder's Office** shall note on the map the **ordinance enacting** ~~date of~~ the revision.
- D. **Filing of Zoning Ordinance and Map.** The official copy of the Land Use Development and Management Code **shall be maintained in the Community Development Office** and the Official Zoning Map shall be ~~filed~~ **maintained** in the Office of the County Recorder and may be examined by the public in accordance with the *Utah Governmental Records Management Act* as set forth in *Utah Code Ann.*, §63**G**-2-10, et seq., as amended.

### 3-1-050. Rules for Locating Zone Boundaries.

- A. **Applicability.** Where uncertainty exists as to the boundary of any zone shown on the Official Zoning Map, the provisions of this section shall apply to determine the location of such boundary. This section shall apply only when uncertainty exists.
- B. **Center Lines and Property Lines.** When a zone boundary is indicated as being approximately upon the center line of a street, alley or block, or along a property line, the center line of such street, alley or block or such property line shall be construed to be the boundary of such zone.
- C. **Waterways and Public Lands.** When a zone boundary is indicated as being approximately at the line of any river, irrigation canal or other waterway or public land, then the center of the stream,



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canal or waterway, or the boundary line of the public land shall be deemed to be the boundary of the zone.

- D. Street Vacations.** When a public road, street, or alley is officially vacated, such property shall have the same zoning as the adjacent property. In the event vacated property is adjacent to two zones, each zone shall extend to the center line of the vacated right-of-way.
- E. Uncertainties.** When a physical or cultural feature existing on the ground is at variance with one shown on the Official Zoning Map, or in the event any other uncertainty exists with respect to a zone boundary, the Zoning Administrator shall determine the boundary location, subject to appeal to the Planning Commission as provided in this Code.
- F. Action by Zoning Administrator.** If application of the above rules does not clarify the location of a zone boundary, the Zoning Administrator shall determine the proper boundary subject to appeal to the Planning Commission as provided in this Code.

### **3-1-060. Clarification of Zoning.**

If ambiguity arises concerning the classification of a particular use within the meaning and intent of this Code, or with respect to matters of height, yard requirements, area requirements, or other property development standards, the Zoning Administrator shall determine the proper use or development standard, subject to appeal to the Planning Commission as provided in this Code.

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

### Sections.

- 3-2-010. Purpose.
- 3-2-020. Scope.
- 3-2-030. Definitions.
- 3-2-040. Uses Allowed.
- 3-2-050. Use Regulations.
- 3-2-060. Regulations of General Applicability.
- 3-2-070. Regulations for Specific Uses. (~~Ordinance 318; 376, 403~~)
- 3-2-080. Regulations for Uses. (~~Ordinance 353; 381, 403~~)

### 3-2-010. Purpose.

- A. Mixed Use.** Mixed Use zones provide a multiple use district to establish areas in mountain, hillside, canyon mountain valley, desert and other open and generally undeveloped lands where human habitation should be limited in order to protect land and other open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing and livestock raising, and to wildlife values; to avoid the premature development of lands by discouraging intensive development until the ultimate best use of the land can be recommended by the Planning Commission to the County Commission; and to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the community.
- B. Agricultural.** Agricultural zones promote and preserve in appropriate areas favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

The purpose of the A ½ zone in this Chapter is to outline regulations for existing A ½ parcels within Box Elder County. The A ½ zone is not an option for rezones due to this zone not being adequate for agricultural uses.

- C. Rural Residential.** The purposes of providing a rural residential district are to promote and preserve in appropriate areas conditions favorable to large-lot family life, to maintain a rural atmosphere, to provide for the keeping of limited numbers of animals and fowl, and to reduce requirements for public utilities, services, and infrastructure.

### 3-2-020. Scope.

The provisions of this Chapter shall apply to any real property located in a mixed use, agricultural, or rural residential zone as shown on the Official Zoning Map.

### 3-2-030. Definitions.

Certain words and phrases in this Chapter, including uses, are defined in Chapter 1-3 of this Code.

### 3-2-040. Uses Allowed.

- A. **Allowed, Permitted and Conditional Uses.** Allowed, Ppermitted and conditional uses allowed in mixed use, agricultural, and rural residential zones shall be as set forth ~~on the Table of Uses Allowed~~ pursuant to Section 3-2-070 in this Chapter. Allowed uses (any land use not requiring approval by a land use authority) are indicated by an "A" in the appropriate column. Uses that may be Ppermitted and conditional uses by a permitted use review issued by the zoning administrator are indicated by a "P" or "C," respectively in the appropriate column. Uses that may be permitted by a conditional use permit are indicated by a "C" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a "C1" in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-." ~~If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A."~~ If the regulation does not apply, it is indicated in the appropriate column by a dash, "-."
- B. **Accessory Uses.** Allowed, Ppermitted and conditional uses set forth pursuant to Section 3-2-070 in ~~on the Table of Uses Allowed~~ this Chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this Code.
  2. No accessory use, building, or structure shall be allowed on a lot or parcel unless a permitted or conditional use has been and is currently established.

### 3-2-050. Use Regulations.

No building, structure or real property shall be used and no building or structure shall hereafter be erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Code or other laws.

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**3-2-060. Regulations of General Applicability.**

The use and development of real property in agricultural, mixed use, or rural residential zones shall conform to regulations of general applicability as set forth in the following chapters of this Code.

- A. Regulations Applicable to All Zones. See Chapter 5-1 of this Code.
- B. Off-Street Parking and Loading. See Chapter 5-2 of this Code.
- C. Signs. See Chapter 5-3 of this Code.
- D. Sensitive Lands. See Chapter 4-2 of this Code.

**3-2-070. Regulations for Specific Uses.**

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this Code, such regulation shall apply in addition to the requirements of this Chapter and shall prevail over any conflicting provision of this Chapter.

Code Section	<p>“P” = Permitted Use          “C” = Conditional Use          “CI” = Administrative Conditional Use          “A” = Applies Allowed Use          “.” = Not Permitted</p>	MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1
<b>3-2-070-1</b>	<b>ACCESSORY USES</b>									
<b>3-2-070-1.1</b>	Accessory buildings and uses customarily incidental to permitted agricultural uses, provided, however, that such accessory buildings are a minimum of 20 feet from any dwelling	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>
<b>3-2-070-1.2</b>	Any pen, corral or pasture for the keeping of animals or fowl.	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>
<del>3-2-070-1.3</del>	<del>Accessory buildings and uses customarily incidental to permitted uses other than those listed above</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
<b>3-2-070-1.43</b>	Swimming Pool	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<del>3-2-070-2</del>	<del>Accessory buildings and uses customarily incidental to conditional uses</del>	<del>€</del>	<del>€</del>	<del>€</del>	<del>€</del>	<del>€</del>	<del>€</del>	<del>€</del>	<del>€</del>	<del>€</del>
<b>3-2-070-32</b>	Temporary buildings for uses incidental to construction work, including living quarters for guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>
<b>3-2-070-32.1</b>	Mobile homes for temporary living quarters (i.e. Agriculture uses, Ailing relatives).	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>
<b>3-2-070-43</b>	<b>AGRICULTURAL</b>									
<b>3-2-070-43.1</b>	<del>Agriculture, including grazing and pasturing of animals, the tilling of the soil,</del>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>	<b>PA</b>

	<del>the raising of crops, horticulture and gardening</del>									
3-2-070-43.2	Fruit/Vegetable Stand	C	C	C	C	C	C	C	C	C
		MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1
3-2-070-43.3	Farms devoted to raising and marketing chickens, turkeys, or other fowl or poultry, fish or frogs, mink, rabbits, including wholesale and retail sale.	P	P	P	P	C	P	C	C	C
3-2-070-43.4	Farms devoted to Apiary and Aviary	P	P	P	P	-	C	C	C	-
3-2-070-43.5	Forestry except forest industry	P	P	P	P	-	P	P	P	-
3-2-070-43.6	Forest Industry, such as a saw mill, wood products, plant, etc.	C	C	C	-	-	-	-	-	-
3-2-070-43.7	Agricultural Industry	C	C	C	C	-	C	C	C	-
3-2-070-43.8	Cannabis Production Establishment (must be state licensed and permitted)	-	-	-	P	-	-	-	-	-
3-2-070-43.9	Animals and Fowl for Recreation and Family Food Production	-	-	-	-	PA	-	-	PA	PA
3-2-070-54	Home-Based Kennel	€C1	€C1	€C1	€C1	-	€C1	€C1	€C1	€C1
3-2-070-65	Dude ranch, family vacation ranch	C	C	C	C	-	C	C	C	-
3-2-070-76	<b>DWELLINGS</b>									
3-2-070-76.1	Single-Family dwelling	PA	PA	PA	PA	PA	PA	PA	PA	PA
3-2-070-76.2	Residential facilities for elderly persons and persons with a disability	C	C	C	C	C	C	C	C	C
3-2-070-76.3	Accessory Dwelling Unit (Ord. 376, 11-6-13)	€C1	€C1	€C1	€C1	€C1	€C1	€C1	€C1	€C1
3-2-070-76.4	Internal Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P

		MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1
3-2-070- <del>87</del>	Home occupation	€C1	€C1	€C1	€C1	€C1	€C1	€C1	€C1	€C1
3-2-070- <del>98</del>	Household pets	PA	PA	PA	PA	PA	PA	PA	PA	PA
3-2-070- <del>109</del>	Small Power Generation	P	P	P	P	P	P	P	P	P
3-2-070- <del>1110</del>	Large Power Generation	C	C	C	C	-	C	-	-	-
3-2-070- <del>1211</del>	Private park or recreational grounds or private recreational camp or resort, including accessory or supporting dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory	C	C	C	C	-	C	C	C	-
3-2-070- <del>1312</del>	Public stable, riding academy or riding ring, horse show barn or other equestrian facilities under single management	P	P	P	P	-	P	P	P	-
3-2-070- <del>1413</del>	Public or quasi-public facilities, essential service facilities, airports, schools, churches, dams and reservoirs, cemeteries, railroad and substations	C	C	C	C	C	C	C	C	C
3-2-070- <del>1514</del>	Wireless telecommunication towers, radio and television transmitting stations or towers (including repeating towers)	C	C	C	C	C	C	C	C	C

### 3-2-080. Regulations for Uses.

3-2-080-1	<b>AREA REGULATIONS</b>
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3-2-080-1.1	The minimum lot area in acres for any main use in the districts regulated by this Chapter shall be	160	80	40	20	1/2	10	5	2	1
3-2-080-2	<b>WIDTH AND FRONTAGE REGULATIONS</b>									
3-2-080-2.1	The minimum width in feet for any lot in the districts regulated by this Chapter shall be	1320	1320	1320	500	100	330	250	175	120
3-2-080-2.2	The minimum width along the radius for cul-de-sac lots in feet shall be	-	-	-	-	-	165	125	87	60
3-2-080-3	<b>FRONT YARD REGULATIONS</b>									
3-2-080-3.1	The minimum depth in feet for the front yard for main buildings and accessory buildings in districts regulated by this chapter shall be	30	30	30	30	30	30	30	30	30
3-2-080-3.2	Where the existing minimum right-of-way on which the lot front is less than 66 feet, the setback shall be measured from the center line and in feet shall be no less than	63	63	63	63	63	63	63	63	63
3-2-080-3.3	<del>Where the proposed minimum right-of-way is more than 66 feet, the setback in feet shall be 1/2 proposed right-of-way plus 30 feet</del>	A	A	A	A	A	A	A	A	A
		MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1
		MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1
3-2-080-3.4 <sup>3</sup>	Accessory buildings may have the same minimum front yard depth as the main buildings if they have the same side yard required for main buildings; otherwise	8	8	8	8	8	8	8	8	8



	they shall be set the following distance in feet from the rear of the main building									
<b>3-2-080-4</b>	<b>REAR YARD REGULATIONS</b>									
<b>3-2-080-4.1</b>	The minimum depth in feet for the rear yard in the districts regulated by this Chapter shall be for main buildings	<b>60</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>30</b>	<b>50</b>	<b>50</b>	<b>30</b>	<b>30</b>
<b>3-2-080-4.2</b>	Accessory buildings ( <del>Ord-381</del> ) * Minimum setback reduced to 3 feet so long as they do not encroach on a public utility easement.	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>3*</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>3*</b>
<b>3-2-080-4.3</b>	The minimum side yard in feet for any main building in districts regulated by this Chapter shall be	<b>60</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>15</b>	<b>60</b>	<b>20</b>	<b>20</b>	<b>15</b>
<b>3-2-080-4.4</b>	Accessory buildings ( <del>Ord-381</del> ) * Minimum setback reduced to 3 feet so long as they do not encroach on a public utility easement.	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>3*</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>3*</b>
<b>3-2-080-5</b>	<b>HEIGHT REGULATIONS</b>									
<b>3-2-080-5.1</b>	<del>Except for agricultural related buildings, the maximum height for all buildings and structures in districts regulated by this chapter shall be 35 feet or 2 1/2 stories, except for agricultural related buildings.</del>	<b>A35 feet or 2 1/2 stories</b>	<b>A35 feet or 2 1/2 stories</b>	<b>A35 feet or 2 1/2 stories</b>	<b>A35 feet or 2 1/2 stories</b>	<b>A35 feet or 2 1/2 stories</b>	<b>A35 feet or 2 1/2 stories</b>	<b>A35 feet or 2 1/2 stories</b>	<b>A35 feet or 2 1/2 stories</b>	<b>A35 feet or 2 1/2 stories</b>
<b>3-2-080-6</b>	<b>COVERAGE REGULATIONS</b>									
	The maximum coverage in percent for any lot in the districts regulated by this Chapter shall be	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>40</b>	<b>5</b>	<b>10</b>	<b>25</b>	<b>20</b>
<del><b>3-2-080-7</b></del>	<del><b>IMPROVEMENTS REQUIRED TO BE COMPLETED OR IN PROGRESS BEFORE A BUILDING PERMIT MAY BE ISSUED</b></del>									
	<del>(Improvements are to be in compliance with the standards adopted by Box Elder County. Improvement prefaced with an [*] are applicable only to subdivisions or planned unit developments.)</del>									
		<b>MU 160</b>	<b>MU 80</b>	<b>MU 40</b>	<b>A 20</b>	<b>A 1/2</b>	<b>RR 10</b>	<b>RR 5</b>	<b>RR 2</b>	<b>RR 1</b>

3-2-080-7.1	Street Grading	A	A	A	A	A	A	A	A	A
3-2-080-7.2	Street Base	A	A	A	A	A	A	A	A	A
3-2-080-7.3	Street Dust Treatment (oil or similar treatment)	A	A	A	A	-	-	-	-	-
3-2-080-7.4	Street Paving	-	-	-	-	A	A	A	A	A
3-2-080-7.5	Surface Drainage Facilities	A	A	A	A	A	A	A	A	A
3-2-080-7.6	Wastewater Disposal Facilities	A	A	A	A	A	A	A	A	A
3-2-080-7.7	Culinary Water Facilities	A	A	A	A	A	A	A	A	A
3-2-080-7.8	Fire Fighting Facilities	A	A	A	A	A	A	A	A	A
3-2-080-7.9	Street Name Signs	A	A	A	A	A	A	A	A	A
3-2-080-7.10	Street Monuments	-	-	-	-	A	A	A	A	A
3-2-080-7.11	Survey Monuments Boxes	A	A	A	A	A	A	A	A	A
3-2-080-7.12	Address Numbers	A	A	A	A	A	A	A	A	A
3-2-080-7.13	Public Utilities (Power, gas, telephone, etc.)	A	A	A	A	A	A	A	A	A

## Chapter 3-3 – Residential District

### Sections.

- 3-3-010. Purpose.
- 3-3-020. Scope.
- 3-3-030. Definitions.
- 3-3-040. Uses Allowed.
- 3-3-050. Use Regulations.
- 3-3-060. Regulations of General Applicability.
- 3-3-070. Regulations for Specific Uses.
- 3-3-080. Regulations for Uses.

### 3-3-010. Purpose.

The purpose of this chapter is to outline regulations for existing R-1-8 parcels within Box Elder County. The R-1-8 zone is not an option for rezones due to Box Elder County lacking the adequacy of facilities and services to serve this type of development.

**R-1-8:** To provide areas of medium low-density, single-family residential neighborhoods where low and medium costs of development may occur.

### 3-3-020. Scope.

The provisions of this Chapter shall apply to any real property located in a residential zone and as shown on the Official Zoning Map.

### 3-3-030. Definitions.

Certain words and phrases in this Chapter, including uses, are defined in Chapter 1-3 of this Code.

### 3-3-040. Uses Allowed.

- A. **Allowed, Permitted and Conditional Uses.** Allowed, Ppermitted and conditional uses allowed in the residential zone shall be as set forth ~~on the Table of Uses Allowed~~ pursuant to Section 3-3-070 in this Chapter. Allowed uses (any land use not requiring approval by a land use authority) are indicated by an "A" in the appropriate column. Uses that may be Ppermitted ~~and conditional uses~~ by a permitted use review issued by the zoning administrator are indicated by a "P" or "C," respectively in the appropriate column. Uses that may be permitted by a conditional use permit are indicated by a "C" in

the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a "C1" in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-." ~~If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A." If the regulation does not apply, it is indicated in the appropriate column by a dash, "-."~~

- B. **Accessory Uses.** Permitted and conditional uses set forth pursuant to Section 3-2-070 in ~~on the Table of Uses Allowed~~ this Chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this Code.
  2. No accessory use, building, or structure shall be allowed on a lot or parcel unless a permitted or conditional use has been and is currently established

**3-3-050. Use Regulations.**

No building, structure or real property shall be used and no building or structure shall hereafter be erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Code or other laws.

**3-3-060. Regulations of General Applicability.**

The use and development of real property in the residential zone shall conform to regulations of general applicability as set forth in the following chapters of this Code.

- A. Regulations Applicable to All Zones. See Chapter 5-1 of this Code.
- B. Off-Street Parking and Loading. See Chapter 5-2 of this Code.
- C. Signs. See Chapter 5-3 of this Code.
- D. Sensitive Lands. See Chapter 4-2 of this Code.

**3-3-070. Regulations for Specific Uses.**

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this Code, such regulation shall apply in addition to the requirements of this Chapter and shall prevail over any conflicting provision of this Chapter.

BOX ELDER COUNTY ZONING RESTRICTIONS		
CODE	"P" = Permitted Uses "C" = Conditional Uses	CURRENT ESTABLISHED RESIDENTIAL ZONING DISTRICTS

SECTION	<p><b>"C1" = Administrative Conditional Use</b>  <b>"A" = Applies Allowed Use</b>  <b>"-A" = Not permitted</b></p>	R-1-8
<del>3-3-070-1.0</del>	<b>ACCESSORY USES</b>	
<del>3-3-070-1.1</del>	<del>Accessory Buildings and uses customarily incidental to permitted uses other than those listed below</del>	<b>P</b>
<del>3-3-070-1.2</del>	<del>Accessory buildings and uses customarily incidental to conditional uses</del>	<b>C</b>
3-3-070-1.3 <u>1</u>	Temporary buildings for uses incidental to construction work, including living quarters for guard or night watchman, which building must be removed upon completion or abandonment of the construction work. Mobile homes for temporary living quarters <del>and such other temporary uses found appropriate to the Planning Commission and approved by the County Commission.</del>	<b>C</b>
3-3-070-1.4 <u>2</u>	Swimming Pool	<b>P</b>
<del>3-3-070-2.0</del>	<b>SPECIAL USES</b>	
3-3-070-2.1	<b>Agriculture</b> <del>The tilling of the soil, the raising of crops, horticulture and gardening</del>	<b>PA</b>
3-3-070-2.2	Home Occupation	<b>C1</b>
3-3-070-2.3	Household pets	<b>PA</b>
3-3-070-2.4	Animals and Fowl for Recreation and Family Food Production <del>(Limited to Small Animals only)</del>	<b>PA</b>
<del>3-3-070-3.0</del>	<b>RESIDENTIAL</b>	
3-3-070-3.1	Single-family dwelling	<b>PA</b>
		<b>R-1-8</b>
3-3-070-3.2	Residential facilities (group homes) for the handicapped and elderly provided they are separated at least 3/4 mile from another similar facility	<b>C</b>
<del>3-3-070-8.04</del>	<b>PUBLIC AND QUASI-PUBLIC</b>	
3-3-070-8 <u>4</u> .1	Private <b>School</b> <del>Educational institution having a curriculum similar to that ordinarily given in public schools</del>	<b>C</b>

3-3-070- <del>84</del> .2	Public and quasi-public buildings and uses (cemeteries, churches, essential service facilities, golf courses, substations or transmission lines (50kv or greater capacity), recreation trails, schools, streets (public and private), and railroad and utility lines and rights-of-way)	C
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### 3-3-080. Regulations for Uses.

		R-1-8
3-3-080-13	<b>AREA REGULATIONS</b>	
3-3-080-13.1	The minimum lot area in square feet for a single-family dwelling structure in the district regulated by this chapter shall be	8,000
<del>3-3-080-13.1</del>	<del>The additional lot area in square feet for each additional dwelling unit in a dwelling structure shall be</del>	-
<del>3-3-080-13.2</del>	<del>Minimum lot area in square feet for all main uses or buildings other than dwelling shall be</del>	-
3-3-080- <del>214</del> .0	<b>WIDTH REGULATIONS</b>	
3-3-080- <del>142</del> .1	The minimum width in feet for any lot in the districts regulated by this chapter, except as modified by planned unit developments, shall be	70
3-3-080- <del>153</del> .0	<b>FRONTAGE REGULATIONS</b>	
3-3-080- <del>153</del> .1	The minimum width of any lot at the street right-of-way line in feet in the districts regulated by this Chapter, except as modified by conditional use permit, shall be	40
		R-1-8
3-3-080- <del>164</del>	<b>FRONT YARD REGULATIONS</b>	
3-3-080- <del>164</del> .1	The minimum depth in feet for the front yard for main buildings in districts regulated by this Chapter shall be	30
<del>3-3-080-16.2</del>	<del>Or the average of the existing buildings on the block where 50 percent or more of the frontage is developed; however, in no case —</del>	
<del>3-3-080-16.2a</del>	<del>Shall be less than</del>	25

<del>3-3-080-16.2b</del>	<del>Or be required to be more than</del>	<del>30</del>
3-3-080- <del>16.3</del> <u>4.2</u>	Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise they shall be set back the following number of feet from the rear of the main building	<b>8</b>
3-3-080- <del>16.4</del> <u>3</u>	On corner lots, main buildings shall have two front yards, and one rear yard, and one side yard	<b>A</b>
3-3-080- <del>17.0</del> <u>5</u>	<b>REAR YARD REGULATIONS</b>	
3-3-080- <del>17</del> <u>5.1</u>	The minimum depth in feet for the <del>front</del> <u>rear</u> yard in the districts regulated by this Chapter shall be	<b>25</b>
3-3-080- <del>17</del> <u>5.2</u>	Accessory buildings may have a minimum setback <u>in feet listed</u> <del>of 1 feet</del> provided that all drainage from them stays on the lot and there is at least 10 feet distance to another accessory building on an adjacent lot	<b>A<sup>1</sup></b>
		<b>R-1-8</b>
3-3-080- <del>17</del> <u>5.3</u>	Provided that on corner lots which rear on a side yard of another lot, accessory buildings in all such districts shall be located <u>in feet to such side yard</u> not closer than <del>10 feet to such side yard</del>	<b>A<sup>10</sup></b>
3-3-080- <del>18.0</del> <u>6</u>	<b>SIDE YARD REGULATIONS</b>	
3-3-080- <del>18</del> <u>6.1</u>	The <u>M</u> inimum side yard in feet for any dwelling in districts regulated by this Chapter shall be	<b>8</b>
3-3-080- <del>18</del> <u>6.2</u>	<del>And</del> <u>T</u> he total width of the two required side yards in feet shall be <u>no less than</u>	<b>18</b>
<del>3-3-080-18.3</del>	<del>Except that in no case shall the total width of the two side yards be less than the height of the building</del>	<b>A</b>
<del>3-3-080-18.4</del>	<del>Other main buildings shall have a minimum side yard in feet of</del>	<b>15</b>
<del>3-3-080-18.4.1</del>	<del>And the total width of the two required side yards in feet of no less than</del>	<b>35</b>

<p><b>3-3-080-18.5.6.3</b></p>	<p>The minimum side yard in feet for a <del>private garage</del> <b>accessory buildings</b> shall be</p> <p><b>Accessory buildings located 6 feet to the rear of the main buildings may have a minimum side yard of 1 foot if the walls of the building have a minimum tested fire resistance of 1 hour and are located at 10 feet from a residence on an adjoining lot.</b></p> <p><b>No accessory building shall be located within 10 feet of a dwelling on an adjacent lot.</b></p>	<p><b>6</b></p>
<p><del>3-3-080-18.5.1</del></p>	<p><del>(except that private garage and other accessory buildings located 6 feet to the rear of the main buildings may have a minimum side yard of 1 foot if the walls of the building have a minimum tested fire resistance of 1 hour and are located at least 10 feet from a residence on an adjoining lot)</del></p>	<p><del>A</del></p>
<p><del>3-3-080-18.5.2</del></p>	<p><del>Provided that no private garage or other accessory buildings shall be located in feet closer to a dwelling on an adjacent lot than 10 feet</del></p>	<p><del>A</del></p>
<p><b>R-1-8</b></p>		
<p><del>3-3-080-18.6</del></p>	<p><del>On corner lots, main buildings shall have two front yards and one rear yard, and one side yard</del></p>	<p><del>A</del></p>
<p><del>3-3-080-18.6.1</del></p>	<p><del>The side yard in feet shall be not less than</del></p>	<p><del>8</del></p>
<p><b>3-3-080-19.07 HEIGHT REGULATIONS</b></p>		
<p><del>3-3-080-19.7.1</del></p>	<p>The <b>M</b>inimum height for all buildings and structures in districts regulated by this Chapter shall be <del>35 feet or 2 ½ stories</del></p>	<p><del>A</del><b>35 feet or 2 ½ stories</b></p>
<p><b>3-3-080-20.08 COVERAGE REGULATIONS</b></p>		
<p><del>3-3-080-20.8.1</del></p>	<p>The <b>M</b>inimum coverage in percent for any lot in the districts regulated by this Chapter shall be</p>	<p><b>35</b></p>
<p><b>3-3-080-21.9 DEPTH REGULATIONS</b></p>		



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<b>3-3-080-<del>21</del>9.1</b>	The <b>M</b> inimum depth of a lot in feet in districts regulated by this Chapter, except as may be modified by conditional use permit, shall be	<b>100</b>
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## Chapter 3-5 – South Willard Neighborhood Commercial (SW-NC)

### Sections.

- 3-5-010. Purpose.
- 3-5-020. Scope.
- 3-5-030. Definitions.
- 3-5-040. Uses Allowed.
- 3-5-050. Use Regulations.
- 3-5-060. Maximum Zoning and Lot Size.
- 3-5-070. Regulations of General Applicability. (~~Ordinance #361~~)
- 3-5-080. Regulations for Specific Uses.
- 3-5-090. Regulations for Uses.

### 3-5-010. Purpose.

To provide areas in appropriate locations along Fruit Way (U.S. Highway 89) where individualized, small-scale convenience buying outlets may be established to serve and are compatible with surrounding residential neighborhoods. The regulations of this district are designed to allow the development of various types of uses necessary to meet day-to-day needs of area residents.

### 3-5-020. Scope.

The provisions of this Chapter shall apply to any real property located in a South Willard Neighborhood Commercial zone as shown on the Official Zoning Map.

### 3-5-030. Definitions.

Certain words and phrases in this Chapter, including uses, are defined in Chapter 1-3 of this Code.

### 3-5-040. Uses Allowed.

- A. Allowed, Permitted and Conditional Uses. Allowed, Permitted and conditional uses allowed in South Willard Neighborhood Commercial Zone shall be as set forth pursuant to Section 3-5-080 in ~~on the Table of Uses Allowed~~ this Chapter. Allowed uses (any land use not requiring approval by a land use authority) are indicated by an "A" in the appropriate column. Uses that may be Permitted and conditional uses by a permitted use review issued by the zoning administrator are indicated by a "P" or "C," respectively in the appropriate column. Uses that may be permitted by a conditional use permit are

indicated by a “C” in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a “C1” in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, “-.” ~~If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter “A.” If the regulation does not apply, it is indicated in the appropriate column by a dash, “-.”~~

- B. Accessory Uses.** Permitted and conditional uses set forth pursuant to Section 3-2-080 in ~~on the Table of Uses Allowed~~ **this Chapter** shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this Code.
  2. No accessory use, building, or structure shall be allowed on a lot or parcel unless a permitted or conditional use has been and is currently established.

### **3-5-050. Use Regulations.**

No building, structure or real property shall be used and no building or structure shall hereafter be erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Code or other laws.

### **3-5-060. Maximum Zoning and Lot Size.**

- A. Maximum zoning size.** The maximum size of a South Willard Neighborhood Commercial Zone is one (1) acre.
- B. Maximum lot size.** The maximum size of a South Willard Neighborhood Commercial lot is one (1) acre.

### **3-5-070. Regulations of General Applicability.**

The use and development of real property in the **South Willard Neighborhood Commercial** ~~agricultural, mixed-use, or rural residential~~ zones shall conform to regulations of general applicability as set forth in the following chapters of this Code.

- A. Regulations Applicable to All Zones.** See Chapter 5-1-~~4~~ of this Code.
- B. Off-Street Parking and Loading.** See Chapter 5-2-~~4~~ of this Code.

- C. Signs. See Chapter 5-3-1 of this Code.
- D. Sensitive Lands. See Chapter 4-2-1 of this Code.

**3-5-080. Regulations for Specific Uses.**

BOX ELDER COUNTY ZONING RESTRICTIONS		
CODE SECTION	“P” = Permitted Uses “C” = Conditional Uses “C1” = Administrative Conditional Use “A” = Applies Allowed Use “-“ = Not permitted	SW-NC
<del>3-5-0780-1</del>	<b>AGRICULTURAL</b>	
<del>3-5-0780-1.1</del>	Fruit Stands	<b>P</b>
<del>3-5-0780-1.2</del>	The tilling of the soil, raising of crops, horticulture and gardening	<b>PA</b>
<del>3-5-0780-2</del>	<b>RESIDENTIAL</b>	
<del>3-5-0780-2.1</del>	Retirement homes, assisted care facilities, nursing homes	<b>C</b>
<del>3-5-0780-2.2</del>	Religious quarters	<b>C</b>
<del>3-5-0780-3</del>	<b>RETAIL</b>	
<del>3-5-07803.1</del>	Eating places (food consumed on premises)	<b>C</b>
<del>3-5-0780-3.2</del>	Garden Supplies	<b>C</b>
<del>3-5-0780-3.3</del>	Grocery stores (not to exceed 20,000 sq. ft of retail space)	<b>C</b>
<del>3-5-0780-3.4</del>	Mail services (store with services, not processing center)	<b>P</b>
<del>3-5-0780-4</del>	<b>SERVICES (Ordinance 361)</b>	
<del>3-5-0780-4.1</del>	Animal Clinic/veterinary hospital (Ordinance 361)	<b>C</b>
<del>3-5-0780-4.2</del>	Apparel repair, alteration and cleaning pick-up services, shoe repair services, tailor	<b>P</b>
<del>3-5-0780-4.3</del>	Art/cultural uses (e.g., Art studios, Dance studios)	<b>C</b>
<del>3-5-0780-4.4</del>	Beauty and barber shops	<b>P</b>
<del>3-5-070-4.5</del>	<del>Day Care</del>	<del>C</del>
<del>3-5-0780-4.65</del>	Home occupations	<b>PC1</b>
<del>3-5-0780-4.76</del>	Medical/dental offices	<b>C</b>
<del>3-5-0780-4.87</del>	Photographic studio	<b>C</b>
<del>3-5-0780-4.98</del>	Professional health care offices	<b>C</b>
<del>3-5-0780-4.109</del>	Schools (commercial)	<b>C</b>

3-5-0780-4.110	Small Butcher shop (meat processing) ( <del>Ordinance #361</del> )	C
3-5-0780-4.121	Small Taxidermy ( <del>Ordinance #361</del> )	C
3-5-0780-4.132	Professional Offices	C
3-5-0780-5	<b>PUBLIC AND QUASI-PUBLIC</b>	
3-5-0780-5.1	Libraries	P
3-5-0780-5.2	Public buildings and facilities	P
3-5-0780-6	<b>RECREATION AND OPEN SPACE</b>	
3-5-0780-6.1	Parks, <del>both general recreation, and leisure and ornamental</del>	P
3-5-0780-6.2	Recreation center	C
3-5-0780-7	<b>RELIGIOUS &amp; WELFARE SERVICES</b>	
3-5-0780-7.1	Churches, synagogues and temples, welfare and charitable services	C

### 3-5-0890. Regulations for Specific Uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this Code, such regulation shall apply in addition to the requirements of this Chapter and shall prevail over any conflicting provision of this Chapter.

3-5-0890-1	<b>HEIGHT REGULATIONS</b>
	The Maximum Height for all buildings & Structures in districts regulated by this Chapter shall Be:
	In Feet <span style="float: right;"><b>35</b></span>
	In Number of Stories <span style="float: right;"><b>2 ½</b></span>
	In Structures with more than 2 ½ stories Fire Protection Design, Evacuation Facilities, and Automatic Fire Sprinkling Systems will be Required to mitigate the additional potential Of Loss of Life and/or Property.
3-5-0890-2	<b>AREA, WIDTH, FRONTAGE, YARD &amp; COVERAGE REGULATIONS</b>
<del>3-5-080-2.1</del>	<del>The Minimum depth and/or length for yards in the Districts regulated by this Chapter shall Be:</del>
	<del>Front yard for Manufacturing Distribution Structures <span style="float: right;"><b>25</b></span></del>
	<del>Front Yard <span style="float: right;"><b>25</b></span></del>
	<del>Side Yards <span style="float: right;"><b>10</b></span></del>

	Except as determined by Conditional Use Permit	A
3-5-0890-2.12	The Minimum Depth and/or length for Yards in the Districts Regulated by this Chapter shall be:	
	Front Yard for Manufacturing & Distributing Structures	-
	Front Yard	25
	Rear Yard	20
	Side Yard	10
	Except as Determined by Conditional Use Permit	A
3-5-080-2.3	Minimum Setback Distance Between Structures and:	
	Surface Water that is Down Gradient From Proposed Structure Site	-
	Any Other Surface Water	-
	Residential Zoning Districts	-

3-5-080-3	<b>IMPROVEMENTS REQUIRED TO BE COMPLETED OR IN PROGRESS BEFORE A BUILDING PERMIT MAY BE ISSUED.</b> (Improvements are to be in compliance with the standards adopted by Box Elder County. Improvement prefaced with an [*] are applicable only to subdivisions or planned unit developments.)	
3-5-080-3.1	Street Grading	A
3-5-080-3.2	Street Base	A
3-5-080-3.3	Street Paving	A
3-5-080-3.4	Curb & Gutter	A
3-5-080-3.5	Sidewalk	A
3-5-080-3.6	Fire Fighting Facilities	A
3-5-080-3.7	Street Name & Traffic Signs	A
3-5-080-3.8	Street Monuments	A
3-5-080-3.9	Survey Monument Boxes	A
3-5-080-3.10	Street Lights	A
3-5-080-3.11	Address Numbers	A
3-5-080-3.12	Public Utilities—Power, Gas, Telephone, Cable TV, etc.	A

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## CHAPTER 3-7 Rural Residential District RR-20 and Residential District R-1-20

### Sections.

- 3-7-010. Purpose.
- 3-7-020. Scope.
- 3-7-030. Definitions.
- 3-7-040. Uses Allowed. (~~Ord. 305~~)
- 3-7-050. Use Regulations.
- 3-7-060. Regulations of General Applicability.
- 3-7-070. Regulations for Specific Uses. (~~Ord. 305; 325; 376~~)
- 3-7-080. Regulations for Uses. (~~Ord. 320; 325; 355~~)

### 3-7-010. Purpose.

Residential zones provide a wide range of residential land uses at various densities. These zones are intended to protect the stability of neighborhoods and encourage, collectively, different kinds of compatible residential development. These zones also are intended to promote and preserve in appropriate areas conditions favorable to large-lot family life, maintaining a rural atmosphere, the keeping of limited numbers of animals and fowl; and reducing requirements for public utilities, services and infrastructure.

### 3-7-020. Scope.

The provisions of this Chapter shall apply to any real property located in a ~~mixed-use, agricultural,~~ residential (R-1-20) or rural residential (RR-20) zone as shown on the Official Zoning Map.

### 3-7-030. Definitions.

Certain words and phrases in this Chapter, including uses, are defined in Chapter 1-3 of this Code.

### 3-7-040. Uses Allowed.

- A. **Allowed, Permitted and Conditional Uses.** Allowed, Ppermitted and conditional uses allowed in the residential zone shall be as set forth ~~on the Table of Uses Allowed~~ pursuant to Section 3-3-070 in this Chapter. Allowed uses (any land use not requiring approval by a land use authority) are indicated by an "A" in the appropriate column. Uses that may be Ppermitted ~~and conditional uses~~ by a permitted use review issued by the

zoning administrator are indicated by a "P" or "C," respectively in the appropriate column. Uses that may be permitted by a conditional use permit are indicated by a "C" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a "C1" in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-." ~~If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A." If the regulation does not apply, it is indicated in the appropriate column by a dash, "-."~~

- B. Accessory Uses.** Permitted and conditional uses set forth pursuant to Section 3-2-070 in ~~on the Table of Uses Allowed~~ this Chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this Code.
  2. No accessory use, building, or structure shall be allowed on a lot or parcel unless a permitted or conditional use has been and is currently established.

### **3-7-050. Use Regulations.**

No building, structure or real property shall be used and no building or structure shall hereafter be erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Code or other laws.

### **3-7-060. Regulations of General Applicability.**

The use and development of real property in ~~agricultural, mixed use,~~ residential (R-1-20) or rural residential (RR-20) zones shall conform to regulations of general applicability as set forth in the following chapters of this Code.

- A. Regulations Applicable to All Zones. See Chapter 5-1 of this Code.
- B. Off-Street Parking and Loading. See Chapter 5-2 of this Code.
- C. Signs. See Chapter 5-3 of this Code.
- D. Sensitive Lands. See Chapter 4-2 of this Code.

### **3-7-070. Regulations for Specific Uses. (Ordinance 325 / 2-17-2010)**



CODE SECTION	"P" = Permitted Uses "C" = Conditional Uses "CI" = Administrative Conditional Use "A" = Applies Allowed Use "-" = Not permitted	CURRENT ESTABLISHED RESIDENTIAL ZONING DISTRICTS	
		RR 20	R1 20
<b>3-7-070-1.0</b>	<b>ACCESSORY USES</b>		
<b>3-7-070-1.1</b>	Accessory buildings and uses customarily incidental to agricultural uses, provided, however, that such accessory buildings are a minimum of 20 feet from any dwelling.	<b>PA</b>	<b>PA</b>
<del>3-7-070-1.2</del>	<del>Accessory buildings and uses customarily incidental to permitted uses other than those listed above.</del>	<del>P</del>	<del>P</del>
<del>3-7-070-1.3</del>	<del>Accessory buildings and uses customarily incidental to conditional uses.</del>	<del>C</del>	<del>C</del>
<b>3-7-070-1.42</b>	Swimming Pool	<b>P</b>	<b>P</b>
		<b>RR-20</b>	<b>R-1-20</b>
<b>3-7-070-1.53</b>	Temporary buildings for uses incidental to construction work, including living quarters for guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work. Mobile homes for temporary living quarters <del>and such other temporary uses found appropriate to the Planning Commission and approved by the County Commission.</del>	<b>C</b>	<b>C</b>
<del>3-7-070-2.0</del>	<del>SPECIAL USES</del>		
<del>3-7-070-2.1</del>	<del>Child day care or nursery</del>	<del>C</del>	<del>C</del>
<del>3-7-070-2.3.0</del>	<del>RESIDENTIAL</del>	<del>RR-20</del>	<del>R-1-20</del>
<del>3-7-070-32.1</del>	Single-family dwelling	<b>PA</b>	<b>PA</b>
<del>3-7-070-32.2</del>	Home Occupation	<b>CI</b>	<b>CI</b>
<del>3-7-070-32.3</del>	Residential facilities for the elderly and persons with disabilities	<b>C</b>	<b>C</b>
<del>3-7-070-32.4</del>	Household pets	<b>PA</b>	<b>PA</b>
<del>3-7-070-32.5</del>	Subdivisions	<b>P</b>	<b>P</b>
<del>3-7-070-3.6</del>			
<del>3-7-070-32.67</del>	Accessory Dwelling Unit ( <del>Ordinance 376</del> )	<b>CI</b>	<b>CI</b>
<del>3-7-070-32.78</del>	Internal Accessory Dwelling Unit	<b>P</b>	<b>P</b>
		<b>RR-20</b>	<b>R-1-20</b>

3-7-070- <del>32.87</del>	Residential Wind Tower ( <del>Ordinance 305</del> ) Approval Standards are as follows: <ol style="list-style-type: none"> <li>1. 1.5 acre lot.</li> <li>2. Tower height - including any vertical projection above the tower - shall not exceed the distance measured from the base of the tower to the nearest property line.</li> <li>3. Clearance of Blades – shall not extend within 20’ of ground.</li> <li>4. Automatic Over Speed Controls – must meet design limits of residential wind energy system.</li> <li>5. Sound shall not exceed 60 dBA.</li> <li>6. Must be a certified Residential Wind Turbine (or submit a description of the safety features of the turbine prepared by a registered mechanical engineer).</li> <li>7. Applicant must show proof they have notified utility company.</li> <li>8. Compliance with building code, <del>and</del> Federal Aviation Administration regulations, and National Electric Code.</li> </ol>	-	C
3-7-070- <del>43.0</del>	AGRICULTURE <del>RR-20</del> R-1-20		
3-7-070- <del>43.1</del>	Agriculture, <del>including grazing and pasturing of animals, the tilling of soil, the raising of crops, horticulture and gardening</del>	PA	PA
3-7-070- <del>43.2</del>	Animals and Fowl for Recreation and Family Food Production	PA	PA
3-7-070- <del>43.3</del>	Fruit/vegetable stand	C	C
3-7-070- <del>43.4</del>	Animals and Fowl for Recreation and Family Food Production	PA	PA
3-7-070- <del>54.0</del>	PUBLIC USES		
3-7-070- <del>54.1</del>	Public or quasi-public facilities	C	C
3-7-070- <del>54.2</del>	Essential service facilities	C	C
3-7-070- <del>54.3</del>	Private schools ( <del>with a curriculum corresponding to public schools</del> ),	C	C
3-7-070- <del>54.4</del>	Cemeteries	C	C
3-7-070- <del>54.5</del>	Churches	C	C
3-7-070- <del>54.6</del>	Dams and reservoirs/Retention ponds	C	C

3-7-070- <del>54.7</del>	Radio and television transmitting stations or towers (including repeating towers)	C	C
3-7-070- <del>54.8</del>	Recreation trails	C	C
3-7-070- <del>54.9</del>	Railroad and utility lines rights-of-way and substations, etc.	C	C

**3-7-080. Regulations for Uses. (~~Ordinance 325 / 2-17-2010~~)**

		RR-20 & R-1-20
3-7-080-1	<b>AREA REGULATIONS (<del>Ordinance 325</del>)</b>	
3-7-080-1.1	The minimum lot area in square feet for any Main use shall be.	<b>20,000 sq. ft.</b>
3-7-080- <del>2.0</del>	<b>WIDTH REGULATIONS</b>	
3-7-080-2.1	The minimum width in feet for any lot in the districts regulated by this chapter shall be	<b>100 feet</b>
3-7-080- <del>3.0</del>	<b>FRONTAGE REGULATIONS (<del>Ordinance 325; 355</del>)</b>	
3-7-080-3.1	The minimum width of any lot at the street right-of-way line in feet in the districts regulated by this Chapter shall be	<b>100 feet</b>
3-7-080-3.2	The minimum width along the radius for cul-de-sac lots in feet shall be	<b>50 feet</b>
3-7-080- <del>4.0</del>	<b>FRONT YARD REGULATIONS</b>	
3-7-080-4.1	The minimum depth in feet for the front yard for main buildings and accessory buildings shall be	<b>30 feet</b>
3-7-080-4.2	Where the existing minimum right-of-way on which the lot front is less than 66 feet, the setback shall be measured from the center line and in feet shall be no less than	<b>66 feet</b>
<del>3-7-080-4.3</del>	<del>Where the proposed minimum right-of-way is more than 66 feet,</del>	<del>the setback in feet shall be ½ proposed right-of-way, plus 30 feet</del>
3-7-080- <del>5.0</del>	<b>REAR YARD REGULATIONS</b>	<del>RR-20 &amp; R-1-20</del>
3-7-080-5.1	The minimum depth in feet for the rear yard for main buildings shall be	<b>30 feet</b>

3-7-080-5.2	Accessory buildings, <del>(Ordinance 381)</del> *Minimum setback reduced to 3 feet so long as they do not encroach on a public utility easement.	3* feet
3-7-080-6.0	<b>SIDE YARD REGULATIONS</b> <del>(Ordinance 320; 9-22-09)</del>	
3-7-080-6.1	The minimum side yard in feet for any main building shall be	15 feet
3-7-080-6.2	Accessory buildings, <del>(Ordinance 381)</del> *Minimum setback reduced to 3 feet so long as they do not encroach on a public utility easement.	3* feet
3-7-080-7.0	<b>HEIGHT REGULATIONS</b>	
3-7-080-7.1	The maximum height for all buildings and structures shall be	35 feet or 2 ½ stories
3-7-080-8.0	<b>COVERAGE REGULATIONS</b>	
3-7-080-8.1	The maximum coverage in percent for any lot shall be	40%
3-7-080-9.0	<b>IMPROVEMENTS REQUIRED TO BE COMPLETED OR IN PROGRESS BEFORE A BUILDING PERMIT MAY BE ISSUED</b>	
	<del>(Improvements are to be in compliance with the standards adopted by Box Elder County. Improvement prefaced with an [*] are applicable only to subdivisions or planned unit developments.)</del>	
3-7-080-9.1	Street Grading	A
3-7-080-9.2A	Street Base	A
3-7-080-9.2B	Street Dust Treatment (oil or similar treatment)	A
3-7-080-9.3	Street Paving	A
3-7-080-9.4	Curb and Gutter	A
3-7-080-9.5	Sidewalk	A
3-7-080-9.6	Surface Drainage Facilities	A
3-7-080-9.7	Wastewater Disposal Facilities	A
3-7-080-9.8	Culinary Water facilities	A
3-7-080-9.9	Firefighting facilities	A
3-7-080-9.10	Street Name Signs	A
3-7-080-9.11	Street Monuments	A

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<del>3-7-080-9.12</del>	<del>Survey Monuments Boxes</del>	<del>A</del>
<del>3-7-080-9.13</del>	<del>Shade Trees (along public streets)</del>	<del>A</del>
<del>3-7-080-9.14</del>	<del>Sidewalks</del>	<del>A</del>
<del>3-7-080-9.15</del>	<del>Street Lights</del>	<del>A</del>
<del>3-7-080-9.16</del>	<del>Address Numbers</del>	<del>A</del>
<del>3-7-080-9.17</del>	<del>Public Utilities (Power, gas, telephone, cable TV, etc.)</del>	<del>A</del>



# PLANNING COMMISSION STAFF REPORT

Meeting Date: November 21, 2024

Agenda Item #:6b

**Application Type:**

Zoning Map Amendment

**APPLICANT(S):**

Fabrice Bouchet

**PROJECT #:**

Z24-015

**ADDRESS:**

Way out West

**PARCEL #:**

01-059-0053

**CURRENT ZONE:**

MU-160

**TYPE OF ACTION:**

Legislative

**REPORT BY:**

Marcus Wager,  
Senior Planner

**BACKGROUND**

The applicant is requesting that parcel 01-059-0053 (10 acres) be rezoned from MU-160 (Multiple Use 160 acres) to the RR-10 (Rural Residential 10 acre) zone. The parcel is located way out West in the Lucin area and it appears it was split off in 2003 making it an illegal parcel.

**ANALYSIS**

**County Code:**

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

**Surrounding Land Use and Zoning:**

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agricultural	MU-160
South	Agricultural	MU-160
East	Agricultural	MU-160
West	Agricultural	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;**

*The County's General Plan does not address areas this far West. The zoning that is in this area is original zoning the County established in 1974. The purpose of the MU zone is stated as: "Mixed Use zones provide a multiple use district to establish areas in mountain, hillside, canyon mountain valley, desert and other open and generally undeveloped lands where human habitation should be limited in order to protect land and other open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing and livestock raising, and to wildlife values; to avoid the premature development of lands by discouraging intensive development until the ultimate best use of the land can be recommended by the Planning Commission to the County Commission; and to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the community." This verbiage was also established in the original 1974 zoning ordinance and remains the same today.*

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

*The area is all open/grazing/agricultural uses. The Planning Commission needs to decide if an RR-10 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 adequacy of facilities is non existent in this area.*

**FINDINGS:**

Based on the analysis of the zoning map amendment application request for the re-zone of the subject

parcel from MU-160 to the RR-10 (Rural Residential 10 acre) zone and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the re-zone of properties subject to zoning map amendment review procedures and approval.
2. The Planning Commission will need to determine if the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.
3. This application is for a rezone from MU-160 to the RR-10 (Rural Residential 10 acre) zone.

### **RECOMMENDATION**

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

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

1. Compliance with Section 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 5 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 Z24-015, a zoning map amendment from MU-160 to the RR-10 (Rural Residential 10 acre) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – “I move the Planning Commission table the review of application number Z24-015, a zoning map amendment from MU-160 to the RR-10 (Rural Residential 10 acre) zone to (give date), based on the following findings:”

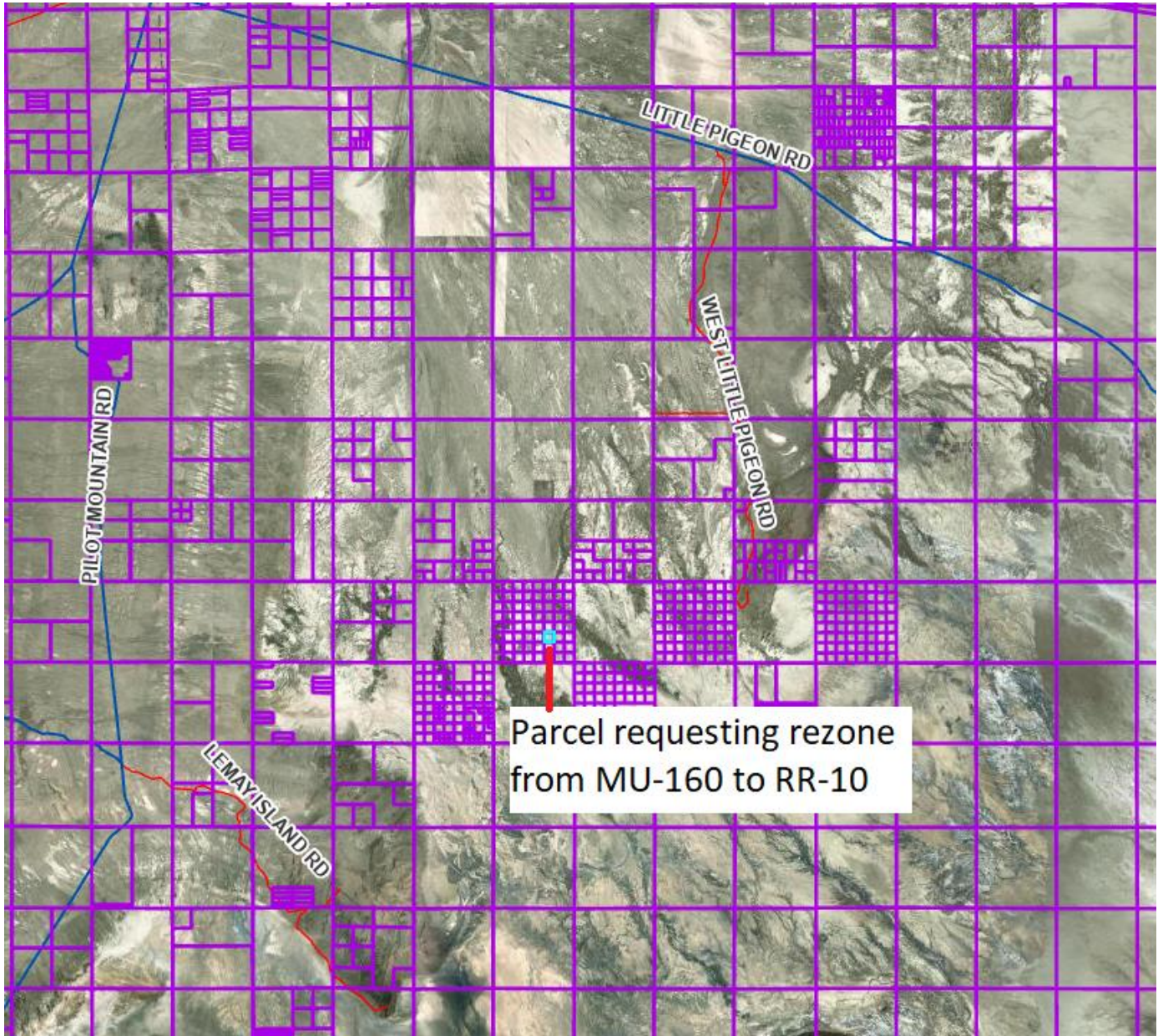
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z24-015, a zoning map amendment from MU-160 to the RR-10 (Rural Residential 10 acre) zone based on the following findings:”

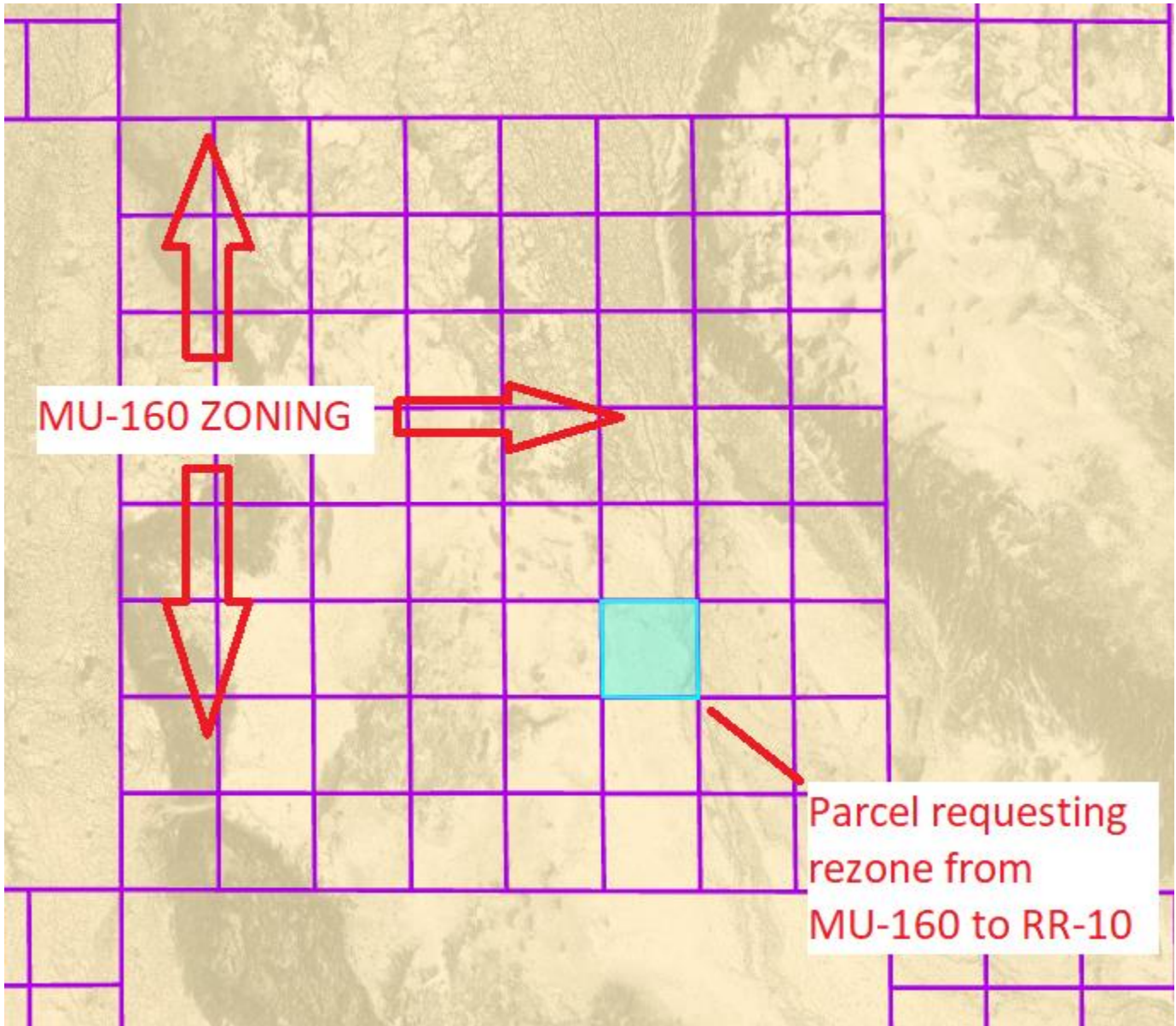
1. List findings for denial...



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









**PLANNING COMMISSION  
STAFF REPORT**

**Meeting Date: November 21, 2024**

**Agenda Item #: 6c**

**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z24-016

**ORDINANCE:**

Section 5-1-390 (NEW)

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

A request has been made to amend Chapter 5-1, Regulations Applicable to All Zones by adding Section 5-1-390, Determining Legal Parcels. The amendment is for clearly stating the process for determining legal parcels in Box Elder County. (See attached for proposed verbiage).

**ANALYSIS**

**County Code:**

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

**Land Use Ordinance Standards Review:**

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

- A. Whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan;**  
*The proposed amendment is consistent with the 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;**  
*This text amendment would apply to all areas of unincorporated Box Elder County.*
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**  
*The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.*
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**  
*The proposed text amendment should not have an effect on the adequacy of facilities.*

**FINDINGS:**

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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 Section 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 Z24-016, 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 Z24-016, 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 Z24-016, 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.



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**Proposed Text Amendment:**

***Chapter 5-1 - Regulations Applicable To All Zones***

Box Elder Zoning Ordinance as Adopted October 2007

**Sections.**

**5-1-390. Determining Legal Parcels.**

**5-1-390. Determining Legal Parcels.**

November 24, 1992 is the date when subdivision regulations were first adopted in Box Elder County. Due to this fact, if a parcel was created prior to this date and conforms to the underlying zoning (if in a zoned area), the parcel is considered legal. If a parcel was created after this date and did not go through the subdivision process to be created, then it is considered illegal. If a parcel is considered illegal, it will need to go through the subdivision process and meet all zoning requirements for the zoned or unzoned areas to be considered legal.



**PLANNING COMMISSION  
STAFF REPORT**

**Meeting Date: November 21, 2024**

**Agenda Item #: 6d**

**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z24-017

**ORDINANCE:**

Section 2-2-220 (NEW)

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

A request has been made to amend Chapter 2-2, Administrative & Development Review Procedures by adding Section 2-2-220, Lot Line Adjustment. The amendment is for creating a process for lot line adjustments to comply with State Code. (See attached for proposed verbiage).

**ANALYSIS**

**County Code:**

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

**Land Use Ordinance Standards Review:**

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

- A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;**  
*The proposed amendment is consistent with the 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;**  
*This text amendment would apply to all areas of unincorporated Box Elder County.*
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**  
*The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.*
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**  
*The proposed text amendment should not have an effect on the adequacy of facilities.*

**FINDINGS:**

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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 Section 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 Z24-017, 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 Z24-017, 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 Z24-017, 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.



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**Proposed Text Amendment:**

**Chapter 2-2 - Administrative and Development Review Procedures**

**Sections.**

**2-2-220. Lot Line Adjustment.**

**2-2-220. Lot Line Adjustment.**

- A. **Purpose.** This section sets forth procedures for reviewing lot line adjustments to determine compliance with applicable requirements of this Code and State Code.
- B. **Authority.** The Zoning Administrator is authorized to review and approve applications for lot line adjustments as set forth in this section.
- C. **Initiation.** A property owner or a lessee may request a lot line adjustment review as provided in this section. An agent or lessee of a property owner shall provide an affidavit of authorization.
- D. **Procedure.** Lot line adjustment applications shall be considered and processed as provided in this subsection.
1. A complete application shall be submitted to the Zoning Administrator in a form established by the Administrator along with any fee established by the County's schedule of fees. The application shall include at least the following information:
    - a. The name, address and telephone number of the applicant or the applicant's agent, if any;
    - b. The address and parcel identification number of the subject property;
    - c. The zone of the subject property;
    - d. All legal descriptions for the lot line adjustment;
    - e. Other information needed to demonstrate the lot line adjustment conforms to applicable provisions of this Code and State Code.
  2. After an application is determined to be complete, the Zoning Administrator shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Section 2-2-090(E) below. Any conditions of approval shall be limited to conditions needed to conform the lot line adjustment to approval standards.
  3. After making a decision, the Zoning Administrator shall give the applicant written notice of the decision.
  4. A record of all lot line adjustments shall be maintained in the office of the Zoning Administrator.



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- E. Approval Standards.** The owner(s) of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those properties if the exchange of title is approved by the land use authority as a lot line adjustment in accordance with this Code.
1. The land use authority shall approve a lot line adjustment if the exchange of title will not result in a violation of any land use ordinance.
  2. If a lot line adjustment is approved, a notice of approval shall be recorded in the office of the county recorder which is approved by the land use authority and recites the legal descriptions of both the properties and the properties resulting from the exchange of title. A document of conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.
  3. A notice of approval that is recorded does not act as a conveyance of title to real property and is not required to record a document conveying title to real property.
- F. Appeal.** Any person adversely affected by a final decision of the Zoning Administrator regarding a lot line adjustment may appeal that decision to the Hearing Officer as provided in Section 2-2-190 of this Code.
- G. Effect of Approval.** Approval of a lot line adjustment shall authorize an applicant to engage in adjusting lot lines subject to any conditions of approval. Approval of a lot line adjustment shall not be deemed an approval of any conditional use permit, site plan or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this Code and to any other applicable requirements of Box Elder County Ordinances.
- H. Amendment.** The procedure for amending a lot line adjustment shall be the same as the original procedure set forth in this section.
- I. Expiration.** Except as otherwise provided in this Code, a lot line adjustment approval shall expire and have no further force or effect if the notice of approval and the document of conveyance are not recorded within thirty (30) days after approval.

**PLANNING COMMISSION  
 STAFF REPORT**

**Meeting Date: November 21, 2024  
 Agenda Item #: 7a**

**Application Type:**  
 Preliminary Subdivision

**APPLICANT(S):**  
 Marc Allred

**PROJECT #:**  
 SS24-029

**ADDRESS:**  
 10900 N 8300 W

**ZONE:**  
 Unzoned

**PARCEL #:**  
 05-058-0074, -0104

**REPORT BY:**  
 Scott Lyons,  
 Comm. Dev. Director

**BACKGROUND**

The applicant is requesting approval of the Beckam’s Edge south subdivision preliminary plat. The proposed subdivision is for 29 new lots approximately 0.5 to 0.77 acres in size and is proposed in multiple phases. The existing parcels total approximately 23 acres in size, there will be no remainder parcel.

**ANALYSIS**

**Land Use Ordinance Standards Review:**

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

**Surrounding Land Use and Zoning:**

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

**Access:**

Access would be via County road 8400 West with the construction of a new road at 10900 North.

**Utilities:**

The County has received utility will-serve letters from Rocky Mountain Power, Enbridge Gas, and culinary water through the West Corinne Water Company. We have also received a septic feasibility letter from the Bear River Health Department. This feasibility letter is for a single conventional wastewater system to be installed to service a single-family dwelling on each proposed lot.

**Setbacks:**

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

**County Department Reviews:**

County Surveyor

- Has requested changes to lot addressing and various other plat notes.
- Is requiring that the retention pond be designed and constructed as part of Phase 5 (the first phase of this south portion of the development).

County Engineer

- 
- Has requested an updated plat with elevation contours.
  - Has requested a tentative plan for storm water drainage for a 10 year storm.

Fire Marshal

- Has not submitted a review yet. Per state and county code he has until November 18<sup>th</sup>.

Road Department

- The Road Superintendent reached out regarding the storm drainage for this proposal as well. He agrees with both the engineer and surveyor that it must be designed and constructed as part of Phase 5.

Any additional updates will be provided at the Planning Commission meeting.

### **Findings:**

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

1. The preliminary plat as currently proposed does not comply with County development standards.
2. Some County departments are currently reviewing plat/plans that have been provided and will submit a review by November 18<sup>th</sup>.
3. Modifications to the proposed preliminary plat may be made to bring it into conformance with the County Land Use Management & Development Code.

### **RECOMMENDATION**

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may TABLE or may APPROVE the proposed preliminary plat based on the findings above and any others the Planning Commission finds. Should the Planning Commission approve the plat staff recommends the approval include the conditions below:**

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

### **MODEL MOTIONS**

**Approval** – “I move the Planning Commission approve application number SS24-029, a preliminary plat for the Beckam’s Edge South 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 SS24-029, a preliminary plat for the Beckam’s Edge South 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...

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**Denial** – “I move the Planning Commission deny application number SS24-029, a preliminary plat for the Beckam’s Edge South 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.





# BECKAM'S EDGE PHASE 5 SUBDIVISION

BOX ELDER COUNTY, UTAH

A PART OF THE NORTHWEST & SOUTHWEST QUARTERS OF SECTION 8,  
 TOWNSHIP 11 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN

