

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

January 16, 2025

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 December 19, 2024 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
  - a. **ORDINANCE TEXT AMENDMENT, Z24-020**, Resident request for a text amendment to Section 5-1-360, Annexation Policy of the Box Elder County Land Use Management & Development Code. Proposal to modify the area where the annexation policy applies. **ACTION**
  - b. **ORDINANCE TEXT AMENDMENT, Z24-019**, County request for a text amendment to Section 5-1-360, Annexation Policy of the Box Elder County Land Use Management & Development Code. Proposal for exemptions to the policy. **ACTION**
6. **PUBLIC HEARINGS**
  - a. **ZONING MAP AMENDMENT, Z24-021, Request for a zone change of 72.18 acres from RR-5 (Rural Residential 5-acre) to RR-2 (Rural Residential 2-acre) located at approximately 10255 West 13600 North in the Bothwell area of unincorporated Box Elder County. ACTION**
  - b. **ORDINANCE TEXT AMENDMENT, Z25-001, Request for a text amendment to Chapter 6-3 Agricultural Subdivisions in the Box Elder County Land Use Management & Development Code. ACTION**
7. **NEW BUSINESS**
  - a. **AUTO SALES, SP24-006**, Request for site plan approval of an auto dealership located at approximately 15450 N 5250 W in the Riverside area of Unincorporated Box Elder County. **ACTION**
  - b. **SURPLUS PROPERTY, SPD24-001** Request for the sale of surplus property parcel 03-082-0067. **ACTION**
7. **WORKING REPORTS**
  - a. None
8. **PUBLIC COMMENT**
9. **ADJOURN**\_\_\_\_\_

## PLANNING COMMISSION

Meeting Date: January 16, 2025

### STAFF REPORT

Agenda Item #: 5a

**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

David Griffith

**PROJECT #:**

Z24-020

**ORDINANCE:**

Section 5-1-360, Annexation Policy

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

A group of residents from the Harper Ward area of the county are proposing a text amendment to Section 5-1-360, Annexation Policy, of the Box Elder County Land Use Management & Development Code. The residents have concerns regarding the existing policy and propose to modify the language with the intention of continuing city/county coordination for growth on jurisdictional borders and within utility service areas, but limit urban growth into rural areas.

**UPDATE:** This item was tabled following the public hearing and discussion among Planning Commission members. The language in this proposal still needs action taken on it. Updated language that balances this request, public and municipal input, as well as includes the county's request is proposed in the county's staff report for Agenda Item 5b.

**Applicant's Summary of Intent:**

"The intent of the proposed Box Elder County Annexation Ordinance change is to allow rural areas of unincorporated Box Elder County to remain rural, and for residents to retain their rural lifestyle, without municipalities annexing and consequently forcing city ordinances, services, and costs onto rural residents. Box Elder County's recent survey of residents revealed our citizens' strong desire to preserve the county's agricultural heritage and rural character. The proposed ordinance change supports this goal. The existing ordinance allows, if not encourages, municipalities to annex large tracts of land far from the cities' boundaries (within their annexation plans), even as remote island annexations. The municipalities have no obligation to provide timely utility infrastructure to the annexed properties. Under the current ordinance, county rural land owners who seek a Land Use Application or Legislative Application are forced to petition a municipality for that application. As island annexations are allowed, the result is that total annexation of all properties in a municipality's annexation plan will inevitably become part of a city. Those annexations may lead to high density residential developments. We understand that U.S. landowner rights are strong and cherished. No one wants to be told they cannot subdivide and develop their land to high density housing. Likewise, we do not want to be forced to live in a city, to live by city ordinances, and pay for city infrastructure against our wishes. In either case, a land owner is being forced against their wishes. One case is no more objectionable than the other. We who live in the rural areas do not want high density subdivisions next door to us. We want to continue to live by county ordinances and retain both our rural lifestyles and the current five acre minimum zoning where it now exists.

The proposed change is:

- Compatible with the county general plan
- Encourages retention of our agricultural heritage
- Harmonious with the character of the existing development and geographies (mountains, marshes, wetlands, agricultural fields)
- Does not adversely affect adjacent properties
- Maintains the existing rural character

Being forced to annex into a city does adversely affect our properties. The proposed ordinance change entails no facilities upgrades to service the existing areas, whereas the existing ordinance does entail eventual infrastructure costs - roads, utilities, police, fire, etc.

For these reasons, we request the Box Elder County Commission approve the proposed ordinance change. In the proposed language, Land Use Applications and Legislative Applications that border the city boundary are forced to petition the affected city, and so that city has input for that application. Cities can make island annexations with County Commission review and approval, and would require a city to provide utility infrastructure immediately, which they should be willing to do if the annexation makes financial sense. With the proposed ordinance change, any property that is not contiguous to the city limits will have Land Use Applications and Legislative Applications reviewed and approved by Box Elder County. Cities should not be allowed to annex properties that are not contiguous to the city limits and yet not provide immediate utility infrastructure and services to that property.”

### ANALYSIS

#### **County Code:**

The Box Elder Land Use Management & Development Code 2-2-080.C allows property owners 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;**

*Multiple chapters of the General Plan highlight that development should happen within cities/towns. Additionally, one of the goals and strategies of the General Plan is regional cooperation between the county and cities/towns. The survey data gathered as part of the General Plan process did reveal residents’ desire to preserve the county’s agricultural heritage and rural character.*

#### **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 public hearing may shine additional light on this.*
- D. **The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**  
*The proposed text amendment should not have an effect on the adequacy of facilities and services.*

### **FINDINGS:**

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

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

### **RECOMMENDATION**

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

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

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

### **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z24-020, 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 Z24-020, 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 Z24-020, an ordinance text amendment based on the following findings:”

1. List findings for denial...

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

## Proposed Community Development Application

I propose that County Ordinance 5-1-360 Annexation Policy, be changed as follows:

~~Deleted text is red and struck through.~~ Added text is highlighted and underlined.

### 5-1-360 Annexation Policy

The Box Elder County Commission, Planning Commission, or Community Development Office shall not take action on any proposed Land Use Application or Legislative Application within unincorporated Box Elder County (except building permits that are not using municipal utilities) if the Land Use Application or Legislative Application is meets either of the two following criteria:

- ~~Located within any municipal annexation policy plan as defined in Utah Code 10-2-401.5, or~~ The property of the proposed application shares a property boundary with any municipality’s incorporated boundary, or
- ~~Located within ½ mile of any municipality incorporated boundary, if a municipality does not have an annexation policy plan boundary, or~~
- If a development, improvement, or building lot will be using any utility provided by a municipality.

If the proposed Land Use Application or Legislative Application meets any of the above criteria, the developer shall provide the applicable municipality(s) with a Notice of Intent to File a Petition (Utah Code 10-2-403 (2) (a) (i)) and thereafter work with the County Clerk to meet all the noticing requirements contained in Utah Code. Upon the County Clerk providing the applicable municipality with the certification of complying with the Notice of Intent to File a Petition, the developer shall petition the municipality for annexation. If the municipality(s) rejects the petition for annexation, the developer shall provide signed documentation to the Community Development office from the municipality(s) showing the municipality’s rejection of an annexation petition. After such documentation is received, the Land Use Application or Legislative Application may move forward.



**No municipality shall complete island annexations without providing utility infrastructure to the subject property upon annexation.**

Any Land Use Application or Legislative Application using a municipality's utilities cannot have a higher density than that allowed by the municipality providing the utilities.

All applications shall be subject to the time limits set forth in Section 2-2-040(K), Substantial Action Required and Section 2-2-040(L), Expiration of Application of the Box Elder County Land Use Management and Development Code.

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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: January 16, 2025

Agenda Item #: 5b

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**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z24-019

**ORDINANCE:**

Section 5-1-360, Annexation  
Policy

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

Box Elder County staff is proposing a text amendment to Section 5-1-360, Annexation Policy, of the Box Elder County Land Use Management & Development Code. The original policy was adopted in February 2023. It has been in place for almost two years. During that time we have found there are some items staff and cities within the county feel should be modified. As you can see in the proposed language attached to this report there are several uses that would currently trigger the policy that we have found are unnecessary and should be exempt.

**UPDATE:** Based on public hearing input, emails from various cities, and discussion by the Planning Commission it was requested that staff provide language that balances various perspectives. That language was emailed out on January 1 and is included below as well.

**ANALYSIS**

**County Code:**

The Box Elder Land Use Management & Development Code 2-2-080.C allows the County 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;**  
*Multiple chapters of the General Plan highlight that development should happen within cities/towns. Additionally, one of the goals and strategies of the General Plan is regional cooperation. This proposal is a coordinated effort between the County and cities/towns. The proposed amendment is consistent with the County's General Plan.*
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**  
*This text amendment would apply to all areas of unincorporated Box Elder County.*
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**

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*The goal of the proposed amendment is to enhance coordination and cooperation with cities/towns in the county. This should result in better development within planned annexation areas. The specific uses addressed in this amendment should pose no issue to a city/town's future plans and in zones where said uses are allowed, the uses have already been legislatively determined to have no adverse effect on adjacent properties.*

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**

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

**FINDINGS:**

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

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

**RECOMMENDATION**

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

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

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

**MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z24-019, 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 Z24-019, 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 Z24-019, an ordinance text amendment based on the following findings:”

1. List findings for denial...

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

## 5-1-360. Annexation Policy. (Ordinance 573)

### A. Requirements.

1. The Box Elder County Commission, Planning Commission, or Community Development Office shall not take action on any proposed Land Use Application or Legislative Application within unincorporated Box Elder County (except building permits that are not using municipal utilities) if the Land Use Application or Legislative Application is:
  - ~~a. Located within any municipal annexation policy plan as defined in Utah Code 10-2-401.5, or~~
  - ~~b. a.~~ Located within ½ mile of any municipality's largest (by area) incorporated boundary, ~~if a municipality does not have an annexation policy plan boundary,~~ or
  - ~~c. b.~~ If a development, improvement, or building lot will be using any utility provided by a municipality.
2. If the proposed Land Use Application or Legislative Application meets any of the above criteria, the developer shall provide the applicable municipality(ies) with a Notice of Intent to File a Petition (*Utah Code Ann. §10-2-403(2)(a (i))*) and thereafter work with the County Clerk to meet all the noticing requirements contained in Utah Code. Upon the County Clerk providing the applicable municipality(ies) with the certification of complying with the Notice of Intent to File a Petition, the developer shall petition the municipality(ies) for annexation. If the municipality(ies) rejects the petition for annexation, the developer shall provide signed documentation to the Community Development office from the municipality(ies) showing the municipality's rejection of an annexation petition. After such documentation is received, the Land Use Application or Legislative Application may move forward.

3. If a municipality accepts the petition for annexation, and it is an island annexation, the county and annexing municipality must agree to the annexation. This agreement shall come in the form of both entities approving the annexation. The annexation proposal must be presented to the County Commission through the County Community Development Department with input from affected county departments and stakeholders.
4. If the County Commission does not agree to the island annexation the petitioner may move forward with the Land Use Application or Legislative Application within unincorporated Box Elder County.
5. Any Land Use Application or Legislative Application using a municipality's utilities cannot have a higher density than that allowed by the municipality providing the utilities.
6. All applications shall be subject to the time limits set forth in Section 2-2-040(K), Substantial Action Required and Section 2-2-040(L), Expiration of Application of the Box Elder County Land Use Management & Development Code.

**B. Exemptions.**

1. The following Land Use Applications and Legislative Applications are exempt from the requirements listed in subsection "A" of this section and are NOT required to go through the annexation petition process with a municipality:
  - a. 1-Lot Subdivisions that are not adjacent to a municipal boundary and are not using municipal utilities.
  - b. Accessory Dwelling Units (internal and detached) in which there are no municipal utility services to the parcel or lot.
  - c. Home Occupations
  - d. Swimming Pools
  - e. Home-Based Kennels
  - f. Conditional Use Permits for temporary buildings and mobile homes for uses incidental to construction work or temporary living quarters in which there are no municipal utility services to the parcel or lot.



**PLANNING COMMISSION  
STAFF REPORT**

**Meeting Date: Jan. 16, 2025  
Agenda Item #: 6a**

**Application Type:**  
Zoning Map Amendment

**APPLICANT(S):**  
Shane Barthlome

**PROJECT #:**  
Z24-021

**ADDRESS:**  
Appx. 10255 W 13600 N

**PARCEL #:**  
06-118-0042

**CURRENT ZONE:**  
RR-5

**TYPE OF ACTION:**  
Legislative

**BACKGROUND**

The applicant is requesting that parcel 06-118-0042 (72.18 acres) be rezoned from RR-5 (Rural Residential - 5 acre min.) to the RR-2 (Rural Residential - 2 acre min.) zone. The parcel is located in the Bothwell area of unincorporated Box Elder County.

**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	RR-5
South	Agricultural	RR-5
East	Rural Residential/Ag	RR-5
West	Rural Residential/Ag	RR-5

**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: This plan suggests that "future land use decisions should enhance our towns and cities, focusing most of the growth there and that decisions should support our farmers and ranchers in their agricultural stewardship."*

*Bothwell Community Plan: Future Land Use indicates that "as part of the agricultural heritage area, large lot zoning should remain to encourage continued agricultural activity. A GIS lot size analysis should be performed to evaluate additional zoning options."*

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

*The area is mainly agricultural with some residential homes (west and east) along 13600 North. The Planning Commission needs to decide if an RR-2 zone could be considered harmonious.*

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

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

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**

*It is unknown what the extent of the adequacy of facilities is in this area but water may be a limiting factor.*

**FINDINGS:**

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from RR-5 (Rural Residential - 5 acre) to the RR-2 (Rural Residential - 2 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 RR-5 (Rural Residential - 5 acre) to the RR-2 (Rural Residential - 2 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 Z24-021, a zoning map amendment from RR-5 (Rural Residential - 5 acre) to the RR-2 (Rural Residential - 2 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 Z24-021, a zoning map amendment from RR-5 (Rural Residential - 5 acre) to the RR-2 (Rural Residential - 2 acre) zone to (give date), based on the following findings:”

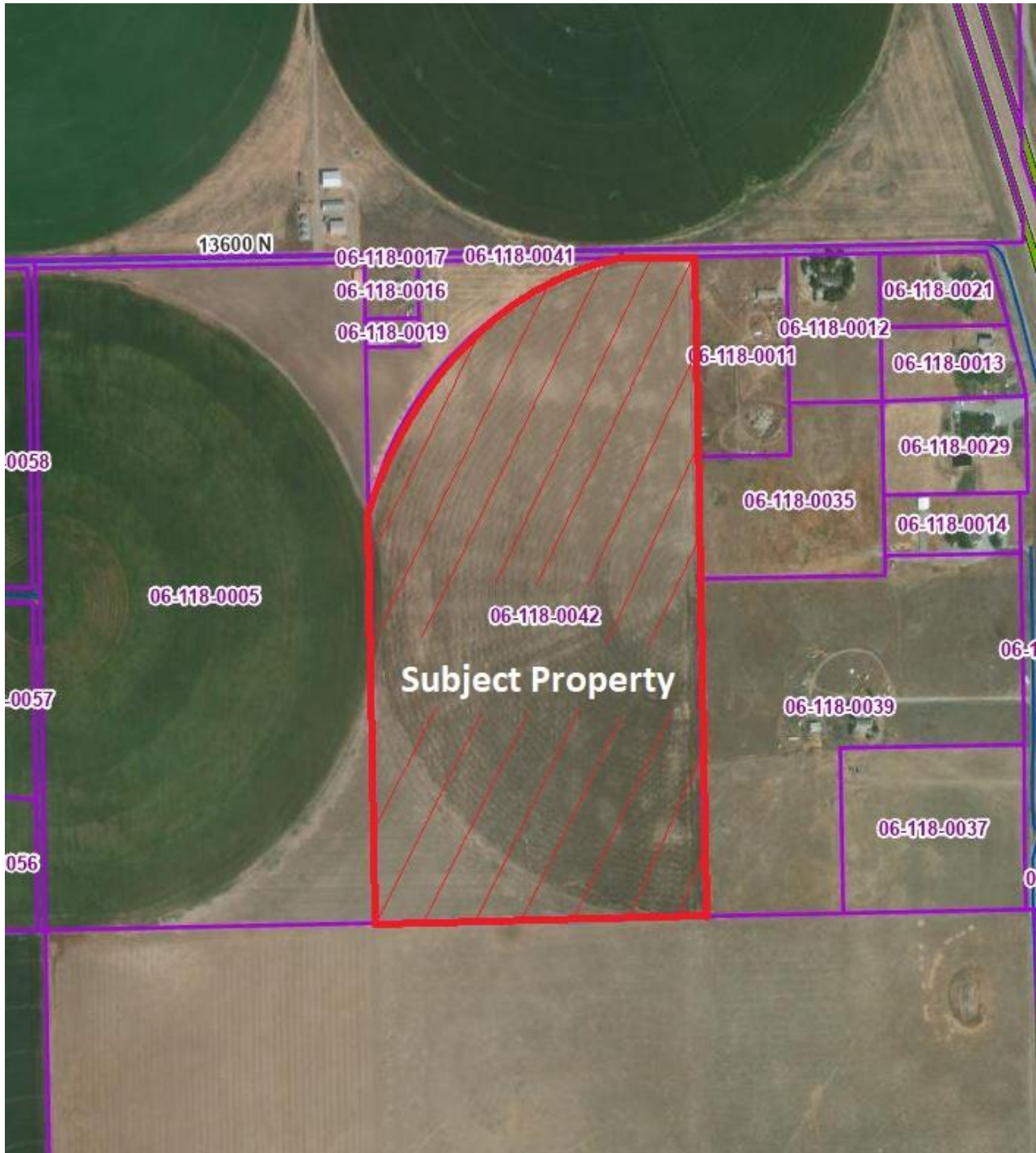
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z24-021, a zoning map amendment from RR-5 (Rural Residential - 5 acre) to the RR-2 (Rural Residential - 2 acre) zone based on the following findings:”

1. List findings for denial...

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







**PLANNING COMMISSION**  
**STAFF REPORT**

**Meeting Date: January 16, 2025**

**Agenda Item #: 6b**

**Application Type:**

Ordinance Text Amendment

**APPLICANT(S):**

Box Elder County

**PROJECT #:**

Z25-002

**ORDINANCE:**

Chapter 6-3; Section 1-3-040

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

A request has been made to amend Chapter 6-3, Agricultural Subdivisions, by amending the verbiage in multiple Sections. And Section 1-3-040 to move a definition. (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.*



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## **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 Z25-002, 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 Z25-002, 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 Z25-002, an ordinance text amendment based on the following findings:”

1. List findings for denial...

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

**Proposed Text Amendment:**  
**Chapter 6-3 – Agricultural Subdivisions**

**Sections.**

6-3-010	Purpose
6-3-020	Interpretation
6-3-030	Definitions
6-3-040	Authority
6-3-050	<del>Agricultural Subdivisions</del> <b>Plat Not Required</b>
6-3-060	Agricultural Subdivisions with a Single Family Dwelling
6-3-070	Additional Requirements

**6-3-010. Purpose.**

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

- A. To promote and protect the public health, safety and general welfare.
- B. To align the Box Elder County Land Use Management and Development Code with Utah Code and streamline the Agricultural Subdivision process for both landowners and the County.

**6-3-020. Interpretation.**

The interpretation of this Chapter shall be consistent with the provisions of Section **17-27a-103(73)(C)(i)&(vi)** and Section 17-27a-605 of the Utah Code, and as said provisions may be subsequently amended or revised by the State of Utah. Accordingly, any conflicts between this Chapter and **17-27a-103(73)(C)(i)&(vi) and** Section 17-27a-605 of the Utah Code, and as said provisions may be subsequently amended, shall be resolved in accordance with Section 17-27a-605 of the Utah Code.

**6-3-030. Definitions.**

~~As used in this Chapter, the following terms shall have the following meanings:~~ **Certain words and phrases in this Chapter are defined in Chapter 1-3 of this Code.**

~~“Land in agricultural use” means:~~

- ~~A. land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
  - 1. forages and sod crops;
  - 2. grains and feed crops;
  - 3. livestock defined as:
    - a. a domestic animal;~~

- ~~b. a fish;~~
- ~~c. a fur-bearing animal;~~
- ~~d. a honeybee; or~~
- ~~e. poultry;~~
- ~~4. trees and fruits; or~~
- ~~5. vegetables, nursery, floral, and ornamental stock; or~~
- ~~B. land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.~~

### **6-3-040. Authority.**

For purposes of this Chapter, the person(s) acting as the Land Use Authority is the Zoning Administrator as defined in Chapter 1-3 of this Code.

### **6-3-050. ~~Agricultural Subdivisions~~ Plat Not Required.**

~~Notwithstanding the provisions of Chapter 6-1 of this Code, a plat is not required to subdivide unincorporated land into 10 or fewer parcels of agricultural land if:~~

1. In accordance with State Code, Section 17-27a-103(73)(C)(i), a property owner may divide land if it is a bona fide division or partition of agricultural land for agricultural purposes. The deed must state in writing that the division or partition of land is for agricultural purposes.
2. In accordance with State Code, Section 17-27a-103(73)(C)(vi), a property owner may divide land if it is a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
  - a. is in anticipation of future land use approvals on the parcel or parcels;
  - b. does not confer any land use approval; and
  - c. has not been approved by the land use authority.
3. Any parcel created from the requirements in this Section shall comply with the underlying zoning regulations. In unzoned areas the minimum parcel size shall be ½ acre, unless the Bear River Health Department requires a larger size parcel.

~~A. The proposed agricultural subdivision:~~

- ~~a. Is not traversed by the mapped lines of a proposed street as shown in the general plan unless the county has approved the location and dedication of any public street, county utility easement, any other easement, or any other land for public purposes as the county's ordinance requires;~~
- ~~b. Has been approved by the culinary water authority and the sanitary sewer authority;~~
- ~~c. Is located in a zoned area; and~~
- ~~d. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.~~

~~B. The parcel(s):~~

- ~~a. Qualifies as land in agricultural use; and~~
- ~~b. Is not used and will not be used for any nonagricultural purpose; and~~

~~C. The new owner of record completes, signs, and records with the county recorder a notice:~~

- ~~a. Describing the parcel by legal description; and~~
- ~~b. Stating that the parcel is created for agricultural purposes and will remain so until a future zoning change permits other uses.~~

- ~~D. Following the review and approval of a complete application, the Zoning Administrator shall provide a certificate in writing that:~~
- ~~a. The county has provided notice as required by ordinance; and~~
  - ~~b. The proposed agricultural subdivision:
    - ~~i. Is not traversed by the mapped lines of a proposed street as shown in the general plan unless the county has approved the location and dedication of any public street, county utility easement, any other easement, or any other land for public purposes as the county's ordinance requires;~~
    - ~~ii. Has been approved by the culinary water authority and the sanitary sewer authority;~~
    - ~~iii. Is located in a zoned area; and~~
    - ~~iv. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.~~~~
- ~~E. The certificate of written approval outlined in Subsection 6-2-050(D) must be attached to the document recorded in the County Recorder's office that divides the property by a metes and bounds description in order to be considered a legal agricultural subdivision as allowed in this Chapter.~~

**4.** If a parcel created under Subsection 6-2-050 is used for a nonagricultural purpose, the county shall require the parcel to comply with the requirements of Section 17-27a-603 of the Utah Code and Chapter 6-1 of this Code.

### **6-3-060. Agricultural Subdivision with a Single Family Dwelling.**

Notwithstanding Chapter 6-1 of this Code, as well as Sections 17-27a-603 and 17-27a-604 of Utah Code and subject to 17-27a-605(1) of Utah Code, a plat is not required to subdivide an unincorporated parcel of land if:

- A. The parcel contains an existing legal single family dwelling unit;
- B. The subdivision results in two parcels, one of which is agricultural land;
- C. The parcel of agricultural land:
  - a. Qualifies as land in agricultural use; and
  - b. Is not used, and will not be used, for a nonagricultural purpose;
- D. Both the parcel with an existing legal single family dwelling unit and the parcel of agricultural land meet the minimum area, width, frontage, and setback requirements of the applicable zoning designation in the applicable land use ordinance; and
- E. The owner of record completes, signs, and records with the county recorder a notice:
  - a. Describing the parcel of agricultural land by legal description; and
  - b. Stating that the parcel of agricultural land is created as land in agricultural use and will remain as land in agricultural use until a future zoning change permits another use.
- F. Following the review and approval of a complete application, the Zoning Administrator shall provide a certificate in writing that:
  - a. The county has provided notice as required by ordinance; and
  - b. The proposed agricultural subdivision:
    - i. Is not traversed by the mapped lines of a proposed street as shown in the general plan unless the county has approved the location and dedication of any public street, county utility easement, any other easement, or any other land for public purposes as the county's ordinance requires;
    - ii. Has been approved by the culinary water authority and the sanitary sewer authority;
    - iii. Is located in a zoned area; and

- iv. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.
- G. The certificate of written approval outlined in Subsection 6-23-060(F) must be attached to the document recorded in the County Recorder's office that divides the property by a metes and bounds description in order to be considered a legal agricultural subdivision as allowed in this Chapter.

If a parcel of agricultural land divided from another parcel under Subsection 6-23-060 is later used for a nonagricultural purpose, the plat exemption provided in Subsection 6-23-060 no longer applies, and the county shall require the owner of the parcel to:

- A. Retroactively comply with the subdivision plat requirements of Section 17-27a-603 of Utah Code and Chapter 6-1 of this Code; and
- B. Comply with all applicable land use ordinance requirements.

### 6-3-070. Additional Requirements.

#### Minimum Acreage

- A. A parcel must be a minimum of five (5) acres in size to qualify as an agricultural parcel.

#### Access Required

- A. Proof of access to each agricultural parcel created under this Chapter must be provided to the Zoning Administrator prior to the issuance of a certificate of approval. Access must be a minimum of 30 feet in width, in accordance with a private road section in the public works standards. Proof of access can be an existing or newly created easement. Access is not required to be improved.

#### Section 1-3-040. Definitions:

##### Land in agricultural use:

- A. land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
  - 1. forages and sod crops;
  - 2. grains and feed crops;
  - 3. livestock defined as:
    - a. a domestic animal;
    - b. a fish;
    - c. a fur-bearing animal;
    - d. a honeybee; or
    - e. poultry;
  - 4. trees and fruits; or
  - 5. vegetables, nursery, floral, and ornamental stock; or
- B. land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.



# PLANNING COMMISSION STAFF REPORT

Meeting Date: January 16, 2025

Agenda Item #: 7a

**Application Type:**

Site Plan - Auto Sales

**APPLICANT(S):**

Steven Nielsen

**PROJECT #:**

SP24-006

**ZONE:**

Un-Zoned

**PARCEL #:**

06-046-0035

**TYPE OF ACTION:**

Administrative

**REPORT BY:**

Marcus Wager,  
Sr. County Planner

**BACKGROUND**

The applicant is requesting approval for a Site Plan for an auto sales lot on 0.63 acres located in the Riverside area.

*Surrounding Land Use and Zoning:*

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	Un-Zoned
South	Agriculture	Un-Zoned
East	Agriculture	Un-Zoned
West	Agriculture	Un-Zoned

**ANALYSIS**

**County Code:**

**Land Use Ordinance Standards Review:**

Box Elder County Land Use Management & Development Code Section 2-2-120.D.2.c allows auto sales as a commercial use in un-zoned areas as a permitted use subject to Site Plan approval. Section 2-2-090 outlines the following standards for approval for permitted uses.

**A. The proposed use shall be allowed as a permitted use in the applicable zone. Yes**

**B. The proposed use shall conform to development standards of the**

**applicable zone. The review process is currently underway, once finished the development will conform**

**C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. The review process is currently underway, once finished the development will conform**

**D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. The review process is currently underway, once finished the development will conform**

**E. If the proposed use is located on a lot or parcel which has been subdivided without County approval a subdivision plat shall be approved and recorded as a condition of approval. N/A**

**Setbacks:**

*All buildings are existing and meet setbacks for Un-Zoned areas.*

**Access:**

*Access to the property is obtained via 5250 West, an existing County Road.*



**County Department Review:**

*The review process is currently underway; only one department is currently still reviewing the application. If an update is available before the meeting I will give an update at the meeting.*

**FINDINGS:**

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

1. The Box Elder Land Use Management and Development Code does allow for commercial uses in the un-zoned areas which are approved by the Planning Commission through a Site Plan review.
2. The Site Plan will conform to all requirements within the Box Elder Land Use Management and Development Code after all comments from staff have been satisfied.

**RECOMMENDATION**

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

1. Compliance with all comments from Staff
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, 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 SP24-006, a Site Plan for auto sales, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

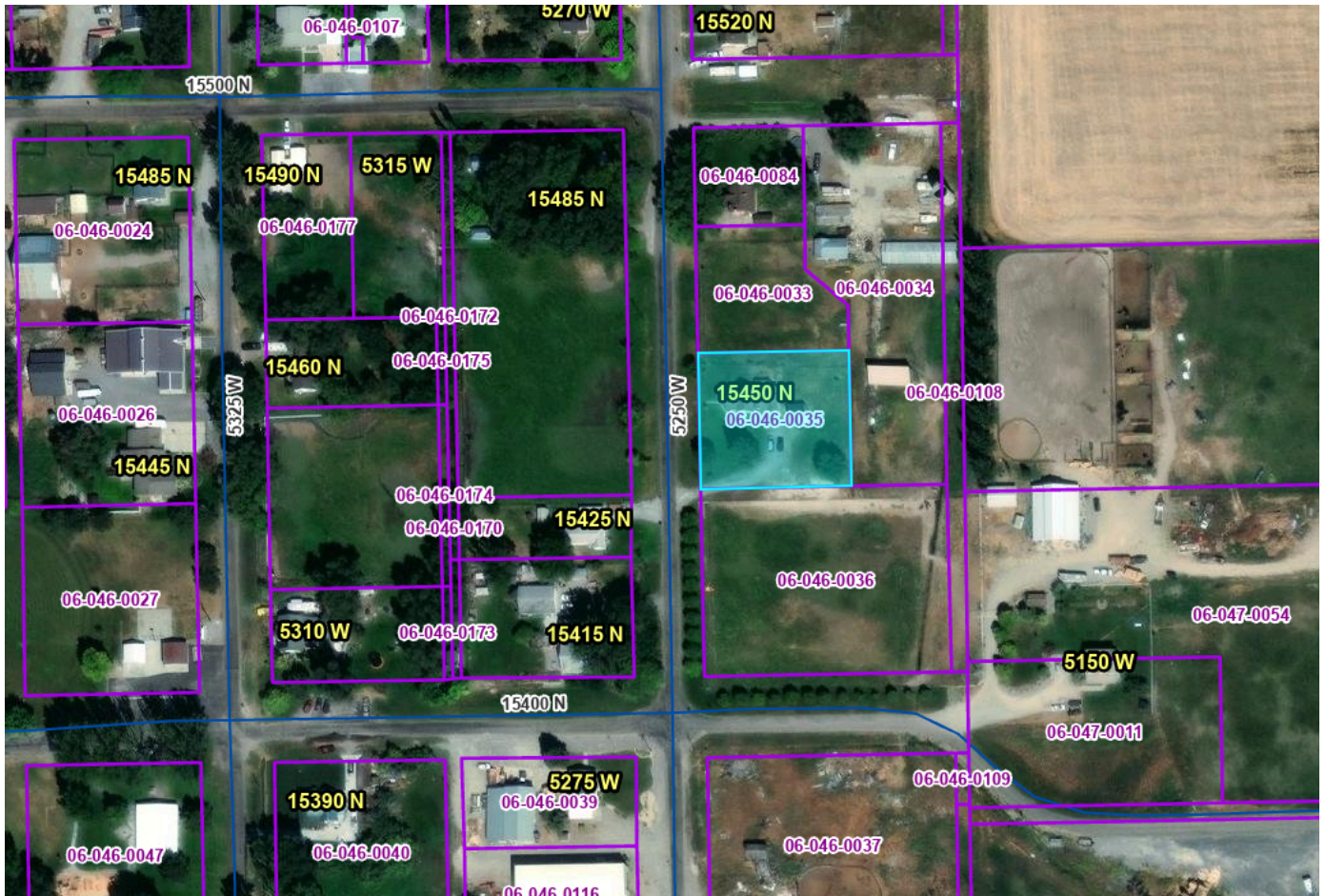
**Table** – “I move the Planning Commission table the review of application number SP24-006, a Site Plan for auto sales, to (give date), based on the following findings:”

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 SP24-006, a Site Plan for auto sales, based on the following findings:”

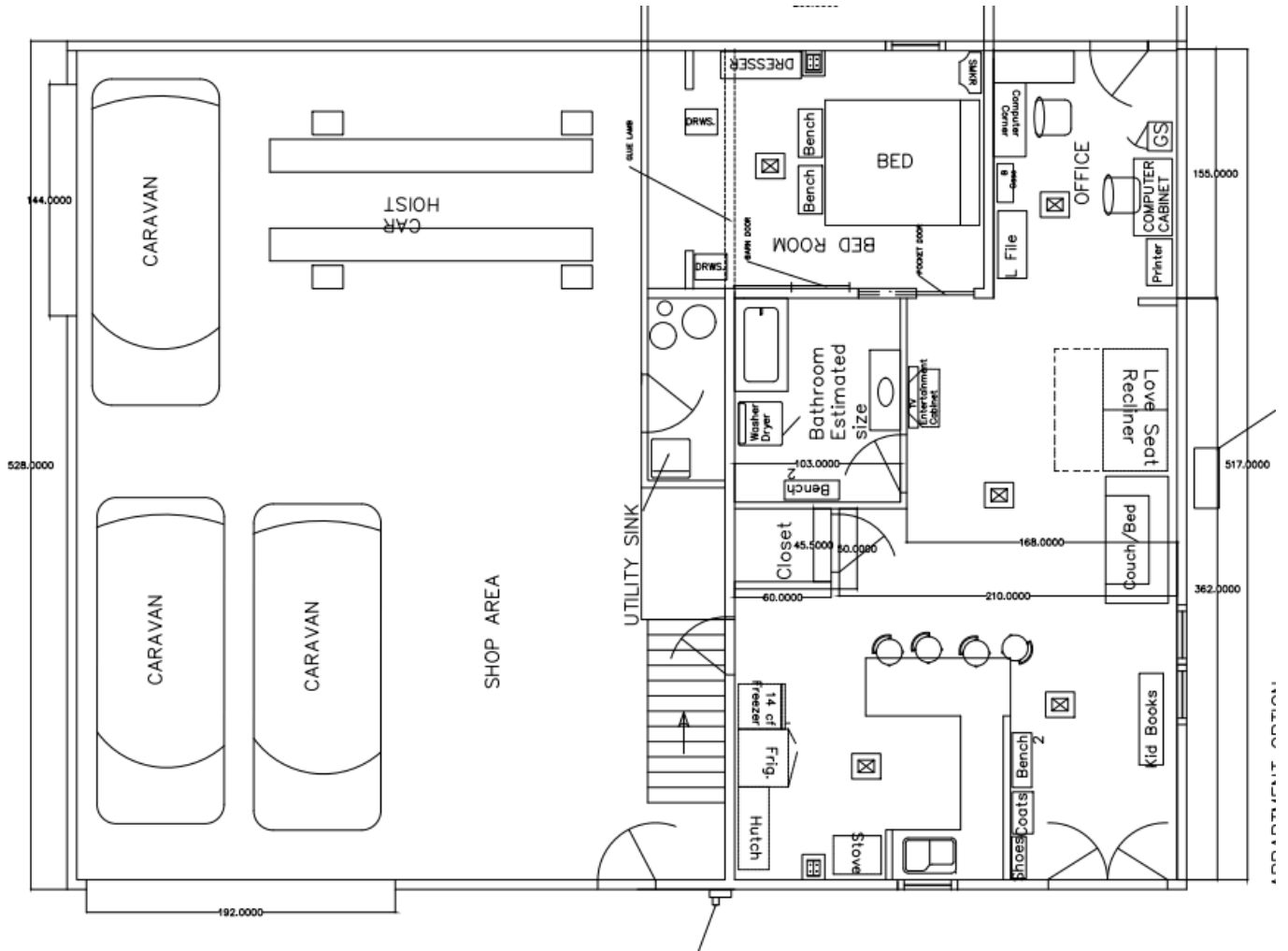
1. List findings for denial...

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











# PLANNING COMMISSION STAFF REPORT

Meeting Date: January 16, 2025

Agenda Item #: 7b

**Application Type:**

Surplus Property Disposal

**APPLICANT(S):**

Carrie Anderson

**PROJECT #:**

SPD24-01

**ORDINANCE:**

County Policy #2000-01

**TYPE OF APPLICATION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

A Brigham City resident has approached the county regarding the surplus sale of a small 0.05 acre parcel adjacent to her property located at 1006 N Willow Creek Dr. (approximately 450 W Hwy 13). The property defaulted to the county via tax deed. The County Commission has directed staff to take the request through the surplus property disposal process.

**ANALYSIS**

**County Policy:**

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

**FINDINGS:**

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

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

**RECOMMENDATION**

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission make a recommendation to the County Commission that the County General Plan, the County Land Use Code, and any other applicable ordinances they are aware of are not applicable to this proposal.**

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

