



BOX ELDER COUNTY, UTAH COMMUNITY DEVELOPMENT DEPARTMENT

Phone: 435-734-2634 FAX 435-734-2728

APPLICATION

(Taken by appointment only 435-734-3316)

(Yellow)

(Revised 6-10-2010)

Conditional Use Permit Application #CUP _____		Filing Fee Received by _____
Date Filed _____	Planner's Initials _____	Current Zone _____
<i>(PLEASE call Tamara Wright 435-734-3316 for an appointment to turn in your application)</i>		

- Purpose of Conditional Use Permit _____

- Location where CUP will be used _____
- Parcel Description _____
- Present use of Property _____
- Name of Applicant _____
Daytime Phone # (applicant) _____ Property owner _____
- Mailing Address _____ City _____ State _____ Zip _____
If property has more than one owner, attach information on each additional owner on a separate sheet. Applications submitted without a notarized signature of each additional property owner will not be processed.
- E-Mail address _____
- Name of Property Owner if other than Applicant _____
- Mailing Address _____ Phone # _____
- Assessor's Parcel No(s) _____ # of Acres _____
- Acres _____
- Name of person authorized by owner(s) to represent the owner(s) in this approval process
_____ E-Mail _____
Mailing Address _____ City _____ State _____ Zip _____

NOTICE:

All documents and information listed in the attached checklist for the approval requested must be submitted with this application or the application is incomplete.

The Planning Commission normally meets on the third Thursday of each month. Applicants will be notified of changes in meetings and meeting times. The Planning Staff will not officially accept a submittal until the conditions and necessary parts of each application procedure are completed. The Planning Commission will not review any submittal that was made less than 20 business days (3rd Thursday of previous month) prior to the scheduled meeting. Submittals are placed on a tentative agenda until necessary staff review has been completed.

I affirm that I have read and understand this application and that all representations made and material submitted with this application are true and correct to the best of my knowledge. The signature given below is certification that the owners of record have knowledge of and consent to the filing of this application and supporting data.

Applicant's Signature _____ Date _____
(Owner's signature must be authorized if not submitting application in person)

Is this Conditional Use allowed in the current zone? _____
YES _____ NO _____ Planner's Signature _____

The following are the county requirements for Conditional Use Permit approval (2-2-100.):

- A. Purpose.** This section sets forth procedures for considering and approving conditional use permits.
- B. Definition.** Conditional use means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
- C. Authority.** The Planning Commission is authorized to issue conditional use permits as provided in this section.
- D. Initiation.** A property owner may request a conditional use permit as provided in this section. An agent of a property owner shall provide a notarized authorization.
- E. Procedure. (Ordinance 310)** An application for a conditional use permit shall be considered and processed as provided in this subsection.
1. Subdivisions and planned unit developments meet the requirements for conditional use permit approval upon receiving final approval by County Commissioners and the recording of the subdivision plat or planned unit development plat.
 2. A complete application shall be submitted to the office of 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 and the applicant's agent, if any;
 - b. The address and parcel identification of the subject property;
 - c. The zone, zone boundaries and present use of the subject property;
 - d. A description of the proposed conditional use;
 - e. A plot plan showing the following:
 - 1) Applicant's name;
 - 2) Site address;
 - 3) Property boundaries and dimensions;
 - 4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - 5) Adjoining property lines and uses within one hundred (100) feet of the subject property.
 - f. Traffic impact analysis, if required by the County Engineer, Zoning Administrator, or the Planning Commission;
 - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards of Subsection 2-2-100(e) of this section;
 - h. Such other and further information or documentation as the Zoning Administrator may reasonably deem necessary for proper consideration and disposition of a particular application.
 3. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in Section 2-2-050 of this Chapter.
 4. A staff report evaluating the application shall be prepared by the Zoning Administrator.
 5. The Planning Commission shall hold a public hearing regarding an application. After due consideration the Planning Commission shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Section 2-2-100(F) of this section.
 6. After the Planning Commission makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 7. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.
- F. Approval Standards.** The following standards shall apply to the issuance of a conditional use permit.
1. A conditional use permit may be issued only when the proposed conditional use is allowed by the zone where the conditional use will be located, or by another provision of this Code.
 2. Conditions may be imposed as necessary to prevent or minimize adverse effects upon the character of the site, adjacent properties, surrounding neighborhoods, and other existing development; improvements in the vicinity of a conditional use, upon the County as a whole, or upon public facilities and services. Such conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, traffic impacts, parking, hours of operation, emission of odors, light, and noise, and other matters relating to the purposes and objectives of this Code. Such conditions shall be expressly set forth in the approval authorizing a conditional use permit.
 3. No conditional use permit shall be authorized unless the evidence presented establishes:
 - a. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the community, or injurious to property or improvements in the community, existing surrounding uses, buildings and structures;
 - b. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
 - c. The proposed use at the particular location is compatible with the intent, function and policies established in the general plan, this Code and the particular zoning district in which the use is proposed.
 4. The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements of this subsection can be met.
 5. The following factors should be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied:
 - a. The proposed use will comply with the regulations and conditions specific in this Code for such use.
 - b. **Conditions relating to safety of persons and property**

- 1) The impact of the proposed facility or use on the health, safety, and welfare of the County, the area, and persons owning or leasing property in the area.
 - 2) The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area;
 - 3) Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
 - 4) Increased setback distances from lot lines where the Planning Commission determines it to be necessary to ensure the public safety.
 - 5) Appropriate design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault or other seismic hazard, which may exist on or near the property, and limitations and/or restrictions to use and/or location of use due to site conditions, including but not limited to wetlands, flood plains or landslide area.
- c. **Conditions relating to the compatibility of the use.**
- 1) The suitability of the specific property for the proposed use;
 - 2) The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
 - 3) Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;
 - 4) The number of other similar conditional uses in the area and the public need for the proposed conditional use.
- d. Conditions relating to health and safety
- e. Conditions relating to environmental concerns
- f. Conditions relating to compliance with intent of the General Plan and characteristics of the zone district
- g. The aesthetic impact of the proposed facility or use on the surrounding area;
- h. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;
- i. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
- j. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;
- G. Appeal.** Any person adversely affected by a final decision of the Planning Commission regarding the transfer, issuance or denial of a conditional use permit may appeal that decision to the Board of Adjustment as provided in Section 2-1-180 of this Code.
- H. Effect of Approval.** A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Code or any other Code of the Box Elder County Code and other applicable provisions of the Box Elder County Code.
1. A conditional use permit may be transferred so long as the use conducted there under conforms to the terms of the permit.
 2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land so long as the use continues.
- I. Amendment.** The procedure for amending a conditional use permit shall be the same as the original procedure set forth in this section.
- J. Revocation.** A conditional use permit may be revoked as provided in Section 2-4-070 of this Code.
1. In addition to the grounds set forth in Section 2-4-070 B of this Code, any of the following shall be grounds for revocation:
 - a. The use for which a permit was granted has ceased for one (1) year or more;
 - b. The holder or user of a permit has failed to comply with the conditions of approval or any County, State, or Federal law governing the conduct of the use;
 - c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan or map; or
 - d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a Court of competent jurisdiction in any civil or criminal proceeding.
 2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be amended or revoked. Revocation of a permit shall not limit the County's ability to initiate or complete other legal proceedings against the holder or user of the permit.
- A. Expiration.** A conditional use permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within one hundred eighty (180) days after approval, not substantially completed within two (2) years, or if abandoned.

The (2007) Box Elder Land Use Management & Development Code can be found on the County's Web Page at www.boxeldercounty.org

UTILITY CONTACTS

BEAR RIVER HEALTH DEPARTMENT		Mike Rhodes (northern)	435-257-3318 (Tremonton)
		Clayne Shakespear (southern)	435-734-0845 (Brigham City)
TELEPHONE COMPANIES	Frontier Communications	Bill Hull	435-257-8124
	Qwest	Bill Squires	800-526-3557 (developers)
ROCKY MOUNTAIN POWER		Robert Weyland	435-257-6703 (northern)
QUESTAR GAS			801-395-6734
WATER COMPANIES			
	Division of Water Rights	Logan Office	435-752-8755
	ACME Water	Curtis Christensen	435-279-8464
	UKON	Brian Shaffer	435-458-3379
	Thatcher-Penrose	Yale King	435-854-3626
	Bothwell Water Company	Doug Newman	435-854-3854
		Byron Nelson	435-854-9656
	West Corinne	Curtis Marble	435-744-2960
	Crouse Creek	Jay Turner	435-747-7488
	Bear River Water Conservancy	Voneene Jorgensen	435-723-7034
	Honeyville	Emily (Honeyville City)	435-279-8425
	Snowville	Gary Frandsen	435-872-8274
	Deweyville	Howard Healy	435-257-7778
	Perry City		435-723-6461
	Mantua City	Tracy Thompson	435-734-2339
	Plymouth	Kim Starr	435-458-2107
	Howell	Craig Hawkes	435-471-2219
	South Willard	Richard Day	435-734-2137
	Riverside/North Garland	Craig Anderson	435-257-3617
BOX ELDER COUNTY FIRE MARSHALL		Greg Martz	435-734-3833 or 734-2831

Box Elder County Planning Department Fees shall be as follows: (Adopted 9-18-2007)

- Site Plan Review Application Fee \$375.00 + costs
- Conditional Use Permit Application Fee \$375.00 + costs
- Application for Appeal to Board of Adjustment \$375.00
- Small Subdivision (2 lots) without Improvements
Application Fee \$375.00 + \$100.00 per lot/unit
- Subdivision: Concept Review Application Fee \$375.00 + \$10.00 per lot/unit
- Subdivision: Preliminary Approval Application Fee \$ 50.00 per lot/unit
- Subdivision: Final Approval Application Fee \$150.00 per lot/unit + costs
- General Plan Amendment \$450.00 + costs
- Zoning Map/Ordinance Amendment Application Fee \$450.00 + costs
- Minor Lot Line Adjustments \$175.00
- Administrative CUP (Home Occupation) \$ 25.00
- Land Use Development and Management Code \$ 0.25 per page
- General Plan \$ 0.25 per page
- 8 ½” x 11” Black and White Copies \$ 0.25 per page
- 8 ½” x 11” Color Copies \$ 2.00 per page

Costs = The (\$) amount beyond the application fee needed to cover the actual costs incurred by the County to review an application and inspect required improvements. The applicant will be notified of these costs in writing.