COUNTY COMMISSION MEETING
Commission Chambers, 01 South Main Street, Brigham City, Utah 84302
Wednesday, May 04, 2022 at 5:00 PM

AGENDA

NOTICE: Public notice is hereby given that the Box Elder County Board of County Commissioners will hold an Administrative/Operational Session commencing at 4:45 P.M. and a regular Commission Meeting commencing at 5:00 P.M. on Wednesday May 4, 2022 in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah.

1. ADMINISTRATIVE / OPERATIONAL SESSION
   A. Agenda Review / Supporting Documents
   B. Commissioners' Correspondence
   C. Staff Reports

2. CALL TO ORDER 5:00 p.m.
   A. Invocation Given by: Commissioner Summers
   B. Pledge of Allegiance Given by: Rodney Bennett
   C. Approval of Minutes 04-20-2022

3. ADMINISTRATIVE REVIEW / REPORTS / FUTURE AGENDA ITEMS

4. FORMER AGENDA ITEMS

5. EMERGENCY MANAGEMENT ISSUES

6. ARPA

7. PUBLIC INTERESTS / PRESENTATIONS / CONCERNS
   A. 5:08 Recognition of Skyler Yeates and Parents-Commissioner Summers

8. PUBLIC HEARINGS
   A. 5:15 Public Hearing on the Exchange of Parcels 03-105-0061 and 03-105-0063-Anne Hansen
   B. 5:23 Approve of Exchange of Parcels 03-105-0061 and 03-105-0063-Commissioners
   C. 5:25 Public Hearing For Ag Protections-Commissioners
   D. 5:30 Approve Resolution #22-04 West Brigham City Ag Protection-Commissioners
   E. 5:32 Approve Resolution #22-05 Rolfe, Burt, RP Wetlands Ag Protection-Commissioners

9. PUBLIC INTERESTS / PRESENTATIONS / CONCERNS (CONTINUED)
   A. 5:35 Fire Response/Building Permits on a Particular Road Near Cache County-Jeff Munk
   B. 5:40 Request Improvements to 5000 West in Grand Haven Subdivision-McInelly
   C. 5:45 Pilt Payment to be Presented to the Commission-Ben Nadolski

10. WEED DEPARTMENT
    A. 5:50 Utah Department of Agriculture and Food Grant Agreement #22-12-Wyatt Freeze
11. AUDITOR'S OFFICE
   A. 5:52 Tax Sale Extension-Nate Adams

12. COMMUNITY DEVELOPMENT
   A. 5:54 B & R Subdivision Phase 2-1 Lot- Scott Lyons
   B. 5:56 Zoning Map Amendment-R-1-20 to Master Planned Community- The Orchards, South Willard-Scott Lyons
   C. 6:06 Ordinance #558 Zoning Map Amendment-Scott Lyons
   D. 6:11 Ordinance #557 Land Use Code Text Amendment- Amendment of Home Occupations (5-1-290) – Scott Lyons
   E. 6:13 Ordinance #559-Rezone from RR-20 to C-N-Scott Lyons
   F. 6:15 Ordinance #560 Agriculture Subdivision-Scott Lyons

13. ROAD DEPARTMENT
   A. 6:17 2022 Road Maintenance Project-Darin Mcfarland

14. HUMAN RESOURCES
   A. 6:22 Policy 7 Change-Jenica Stander
   B. 6:24 Policy 9 Change-Jenica Stander

15. WARRANT REGISTER

16. PERSONNEL ACTIONS / VOLUNTEER ACTION FORMS / CELL PHONE ALLOWANCE

17. CLOSED SESSION

18. ADJOURNMENT

Prepared and posted this 29th day of April, 2022. Mailed to the Box Elder News Journal and the Leader on the 29th of April, 2022. These assigned times may vary depending on the length of discussion, cancellation of scheduled agenda times and agenda alteration. Therefore, the times are estimates of agenda items to be discussed. If you have any interest in any topic you need to be in attendance at 5:00 p.m.

Marla R. Young - County Clerk
Box Elder County

NOTE: Please turn off or silence cell phones and pagers during public meetings. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made three (3) working days prior to this meeting. Please contact the Commission Secretary's office at (435) 734-3347 or FAX (435) 734-2038 for information or assistance.
AGENDA ITEM REQUEST FORM

All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5:00 PM in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements, and a brief explanation of your item to: tgibson@boxeldercounty.org

<table>
<thead>
<tr>
<th>Meeting Date:</th>
<th>May 4, 2022</th>
<th>Submitted Date:</th>
<th>4/11/22</th>
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<td>Person and Org</td>
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<td>Time Requested:</td>
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<td>Submitting Item:</td>
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<td>Item to be Presented in:</td>
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<td>Subject to be Presented:</td>
<td>Recognition of Skyler Yeates and parents</td>
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Reason for Request:
Stan requested that Skyler and his parents were brought into Commission Mtg for recognition for his kindness at a recent wrestling tournament.

What action have you taken/who have you contacted prior to this:
Skyler & his family have been invited to attend.

Official Action Requested:
Recognition for kindness during a recent wrestling tournament.

Has the document been approved by the County Attorney?

Family Contact Information
Mom-Shari Yeates
435-279-6555
PUBLIC NOTICE
BOX ELDER COUNTY

A PUBLIC HEARING WILL BE HELD IN THE COUNTY COMMISSION CHAMBER AT 01 SOUTH MAIN IN BRIGHAM CITY MAY 4TH AT 5:15 P.M. FOR THE PURPOSE OF RECEIVING INPUT FROM THE PUBLIC ON THE EXCHANGE OF PARCELS 03-105-0061 & 03-105-0063. ANY CITIZEN WHO WOULD LIKE TO DISCUSS THE EXCHANGE IS INVITED TO ATTEND.

APPROXIMATE ADDRESS:
03-105-0061 - 893 W FOREST STREET, BRIGHAM CITY, UT
03-105-0063 - 975 W FOREST STREET, BRIGHAM CITY UT

LEGAL DESCRIPTION:
03-105-0061 - BEG 93 RDS W OF SE COR OF SEC 14 T9N R2W SLM, S 129.6 FT, N 86*42`W 266.8 FT, N 6*20`E 313.8 FT, N 89* 45`E 227.5 FT, S 214.5 FT TO BEG. LESS: BEG 1661.9 FT W OF SE COR SD SEC 14, S 37`W 107.3 FT, N 86*24`W 86.5 FT, N 3*13`E 318.5 FT, S 89* 13`E 71.9 FT, S 37`W 215.2 FT TO POB. LESS: TRACT DEEDED TO LLOYD FORSGREN.

03-105-0063 - NEW DESCRIPTION AS PER COUNTY SURVEYOR: 3-16-89: BEG AT A POINT LOCATED 1869.70 FT WEST & 257.41 FT NORTH OF THE SE CORNER OF SEC 14, T 09N, R 02W SLM, BASIS OF BEARING BEING THE SOUTH LINE OF SD SEC, AS N 88*54`28" W, ALSO POB BEING ON THE SOUTH LINE OF FOREST ST & ITS INTERSECTION OF THE JANET M WHITAKER PROPERTY. THENCE S 05*55`50" W 310.5 FT ALONG WEST LINE OF SD PROPERTY; S 01*45`49" W 115.16 FT TO NE CORNER OF BRYAN C MCDougALL PROPERTY; S 89*38`23" W 186.59 FT ALONG SD PROPERTY TO GRANTORS WEST LINE BEING AN EXIST FENCE; ALG SD WEST LINE BEING AN EXIST FENCE THE FOLLOWING THREE (3) COURSES: 1) N 01*17`42" E 131.64 FT; 2) N 87*30`02" W 47.96 FT; N 01*44`19" E 299.16 FT TO SOUTH LINE OF FOREST ST; S 88*18`44" E 258.19 FT TO POB. LESS: [03-113-0035] BEG AT A POINT LOCATED 166.54 FT SOUTH & 1905.32 FT WEST FROM NE CORNER OF SEC 23, T 09N, R 02W, SLM, BASIS OF BEARING BEING NORTH LINE OF SD SEC AS N 88*54`28" W, SD POINT OF BEG BEING THE NE CORNER OF THE PRESENT BRYAN C MCDougALL PROPERTY. THENCE N 01*45`49" E 115.16 FT; N 85*18`59" W 187.78 FT TO AN EXISTING FENCE CORNER; S 01*17`42" W 131.64 FT ALONG GRANTORS WEST PROPERTY LINE TO NW CORNER OF BRYAN C MCDougALL PROPERTY; N 89*38`23" E 186.59 FT TO POB. LESS: [03-105-0035] BEG AT A POINT LOCATED 257.4 FT NORTH & 1869.7 FT WEST OF SE CORNER OF SEC 14, T 09N, R 02W, SLM, SD POB BEING ON SOUTH LINE OF FOREST ST, BASIS OF BEARING BEING SOUTH LINE OF SD SEC 14 AS N 88*54`28" W. THENCE N 88*18`44" W 100.0 FT ALONG SOUTH LINE OF FOREST ST; S 05*55`50" W 108.90 FT; S 88*18`44" E 100.0 FT TO GRANTORS EAST PROP LINE; N 05*55`50" E 108.90 FT ALONG SD LINE TO POB. LESS: [03-105-0044] PART OF SEC 14 & 23, T 09N, R 02W, SLM. BEG AT POINT LOCATED
257.4 FT NORTH & 1869.7 FT WEST OF SE CORNER OF SEC 14, T 09N, R 02W, SLM, SD POB BEING ON THE SOUTH LINE OF FOREST ST, BASIS OF BEARING BEING SOUTH LINE OF SD SEC AS N 88°54'28" W. THENCE N 88°18'44" W 100.00 FT ALONG SD SOUTH LINE OF FOREST ST; S 05°55'50" W 305.27 FT TO NORTH LINE OF PARCEL 03-113-0035; S 85°18'59" E 99.75 FT ALONG SD LINE TO GRANTORS SE CORNER; N 05°55'50" E 310.5 FT ALONG GRANTORS EAST LINE TO POB. LESS: [03-105-0062] A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT GRANTORS NORTHEAST PROPERTY CORNER WHICH IS A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FOREST STREET LOCATED 282.40 FEET NORTH 00°04'01" WEST ALONG THE WEST LINE OF SAID SECTION 14 AND 3335.27 FEET SOUTH 88°50'49" EA FROM THE SOUTHWEST CORNER OF SAID SECTION 14; RUNNING THENCE SOUTH 04°59'06" WEST (SOUTH 05°55'50" WEST BY RECORD) 17.04 FEET ALONG GRANTORS EAST BOUNDARY LINE TO THE NEW SOUTH RIGHT-OF-WAY LINE OF FOREST STREET; THENCE NORTH 88°50'49" WEST 156.72 FEET ALONG SAID NEW SOUTH RIGHT-OF-WAY LINE TO GRANTORS WEST BOUNDARY LINE; THENCE NORTH 00°03'55" EAST (NORTH 01°44'19" EAST BY RECORD) 17.00 FEET ALONG SAID WEST BOUNDARY LINE TO GRANTORS NORTHWEST PROPERTY CORNER BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FOREST STREET; THENCE SOUTH 88°50'49" EAST (SOUTH 88°18'44" EAST BY RECORD) 158.19 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

**NATURE OF THE PROPOSED LAND TRANSATION:**

BOX ELDER COUNTY IS TRADING BRIGHAM CITY RDA THE TWO SURPLUS COUNTY PARCELS AS DESCRIBED IN EXCHANGE FOR BRIGHAM CITY RDA’S PARCEL #03-121-0151, WHICH IS APPROXIMATELY 0.26 ACRES IN SIZE, AND IS LOCATED AT 74 S 100 E (APPROX.), BRIGHAM CITY, UT
All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5:00 PM in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements, and a brief explanation of your item to: tgibson@boxeldercounty.org

Meeting Date: 05-04-2022
Submitted Date: 04-18-2022

Person and Org Submitting Item: Box Elder County Auditor
Time Requested: 10 min

Contact Information: 3388

Item to be Presented in: Commission Meeting

Subject to be Presented: Public Hearing on the Exchange of Parcels 03-105-0061 and 03-105-0063

Reason for Request:
To receive input from the public on the exchange of parcels.

What action have you taken/who have you contacted prior to this:
EnterTextHere

Official Action Requested:

Has the document been approved by the County Attorney?
AGENDA ITEM REQUEST FORM

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Meeting Date: 05-04-2022
Submitted Date: 04-22-2022
Person and Org Submitting Item: Ag Protection
Time Requested: 10min
Contact Information: 3393
Item to be Presented in: Commission Meeting
Subject to be Presented: Public Hearing For Ag Protections

Reason for Request:
Ag Protection Public hearing for the West Brigham City Ag protection and the Burt Rolfe and wetlands Ag protections

What action have you taken/who have you contacted prior to this:
Provided Notice and sent letters to residents within 1000 feet of parcels going into an Ag protection

Official Action Requested:

Has the document been approved by the County Attorney?
All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5 p.m. in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements and a brief explanation of your item to: tgi@boxeldercounty.org

Item to be presented in: Admin/Operational ☐ Commission Meeting ☑
MBA ☐ RDA ☐ Closed Session ☐ Other _______________________

Date of meeting requested: April 27th Date form submitted: April 18th

Time allotment requested: ☐ 2 min. ☑ 5 min. ☐ 10 min. Other ____________

Person & Organization submitting item: Jeff Munk

Contact Information: 801-710-0584

Subject to be presented:
Potential annexation of part of the road Valley View West.

(Please use specific language as to how you want the item noticed)

Reason for request:

My builder has been in contact with a number of people, it seems like Chad Montgomery would be tightly involved in this though.

Official Action Requested:
Annex part of Valley View West

Has the document been approved by the County Attorney? Yes ☐ No ☑
AGENDA ITEM REQUEST FORM

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You may email back-up: ordinances, resolutions, contracts, agreements, and a brief explanation of your item to: tgibson@boxeldercounty.org

Meeting Date: 05-04-2022
Submitted Date: 04-19-2022
Person and Org Submitting Item: Jeff Munk
Time Requested: 5 min
Contact Information: 801-710-0584 jeffmunk@gmail.com
Item to be Presented in: Commission Meeting
Subject to be Presented: Need Help With Figuring Out fire Response For Building Permits on This Road with Cache County.

Reason for Request:
Owns lot 06-185-0010 and have been given a building permit with a provision of figuring out addressing before move-in rights are granted. The road that provides access is a private road maintained by the HOA I am a member of. I am looking for an option to resolve this and my options appear to be this or get the land annexed into Cache County. Cache County has refused EMS service.

What action have you taken/who have you contacted prior to this:
My builder has been in contact with a number of people, it seems like Chad Montgomery would be tightly involved in this.

Official Action Requested:
Annex part of Valley View West

Has the document been approved by the County Attorney? no
Road 5000 West in Bear River City. The road in question is in Grand Haven Village subdivision. Is requesting that the road be improved and dedicated to access lot through the 5000 West St.

5000 West Rd. to be dedicated and improved to access lot from that street

Have called Bear River City Box Elder County.

That the road be dedicated and improved

Has the document been approved by the County Attorney?  Yes  No
AGENDA ITEM REQUEST FORM

All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5:00 PM in order to be on the following Wednesday’s Agenda.

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Meeting Date: 04-06-2022
Submitted Date: 03-25-2022
Person and Org Submitting Item: McInelly
Time Requested: 5
Contact Information: 801-502-8746
Item to be Presented in: Commission Meeting
Subject to be Presented: Requesting the Road in Bear River City on 5000 West in Grand Haven Subdivision be improved and Dedicated to Access.

Reason for Request:
To Access Lot from that street

What action have you taken/who have you contacted prior to this:
Called Bear River City and Box Elder County

Official Action Requested:
That the Road be dedicated and Improved.

Has the document been approved by the County Attorney?
All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5 p.m., in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements and a brief explanation of your item to: t.gibson@boxeldercounty.org

Item to be presented in:  Admin/Operational [ ] Commission Meeting [X]  
MBA [ ] RDA [ ] Closed Session [ ] Other [ ]

Date of meeting requested: May 4, 2022  Date form submitted: April 22, 2022

Time allotment requested: [ ] 2 min.  [X] 5 min.  [ ] 10 min.  Other [ ]

Person & Organization submitting item: Ben Nadolski Division of Wildlife

801-643-4953

Subject to be presented:

[ ] Payment of $11,049.89

(Please use specific language as to how you want the item noticed)

Reason for request:

Present check to the Commission

(Please use specific language as to how you want the item noticed)

What action have you taken/Who have you contacted prior to this?

NA

Official Action Requested:

NA

Has the document been approved by the County Attorney?  Yes [ ] No [ ]
AGENDA ITEM REQUEST FORM

Meeting Date: 05-04-2022
Person and Org Submitting Item: Ben Nadolski
Contact Information: 801-643-4953

Submitted Date: 04-22-2022
Time Requested: 5 min

Item to be Presented in: Commission Meeting

Subject to be Presented: Pilt Payment to be Presented to the Commission

Reason for Request:
Present check to the Commission of $11,049.89

What action have you taken/who have you contacted prior to this:

Official Action Requested:

Has the document been approved by the County Attorney?
AGENDA ITEM REQUEST FORM

All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5:00 PM in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements, and a brief explanation of your item to: tgibson@boxeldercounty.org

Meeting Date: 05-04-2022
Person and Org Submitting Item: Wyatt Freeze
Contact Information: wfreeze@boxeldercounty.org
Item to be Presented in: Commission Meeting
Subject to be Presented: Utah Department of Agriculture and Food Grant Agreement #22-12

Reason for Request:
Approval And Signatures

What action have you taken/who have you contacted prior to this:
EnterTextHere

Official Action Requested:
Signatures

Has the document been approved by the County Attorney? y
UTAH DEPARTMENT OF AGRICULTURE AND FOOD
GRANT AGREEMENT

1. CONTRACTING PARTIES: This Grant Agreement (Agreement), is between the Utah Department of Agriculture and Food ("UDAF"), Grantor, and the following Grantee:

Grantee Name: **Box Elder County**, Contact Person: **Wyatt Freeze**, Street Address: **01 South Main** City: **Brigham City** State: **Utah** Zip code: **84302**

A (please check one):

☐ Sole Proprietor  ☑ Governmental Agency  ☐ Other-Specify Type

2. GRANTEE IS AN INDEPENDENT CONTRACTOR: Grantee is an Independent Contractor, and has no authority, express or implied, to bind the State of Utah, UDAF, or any of their officers, agents, or employees.

3. CERTIFICATION OF NON-DEBARMENT: For Grantees receiving any Federal funds: Grantee certifies that neither it nor its principals, officers, agents, employees, contractors or sub-contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from entering into this Agreement by any governmental entity. If Grantee cannot so certify, it shall submit a written explanation and shall obtain prior written approval for this Agreement from the UDAF Commissioner, or his/her designee. Failure of Grantee to obtain such prior written approval shall be considered a material breach of this Agreement.

4. PURPOSE OF AGREEMENT: To pass funds to Grantee for the following purpose: Invasive Species Mitigation fund for the Identifying Effective Control and Revegetation Strategies for **Rush Skeletonweed** EDRR pursuant to § UCA 4-17-114 and UCA § 4-17-115.

5. AGREEMENT PERIOD: This Agreement is effective **07/01/2022** and expires **06/30/2023**, unless terminated early due to a breach or other reason stated in this Agreement or extended or amended, at Grantor’s discretion and with Grantor’s approval.

6. AGREEMENT AMOUNT: The total amount Grantee will receive pursuant to this Agreement is **$89,600.00**.

7. FUNDING: The funding provided to Grantee pursuant to this Agreement constitutes a grant of state money and/or federal pass-through money as defined in UCA § 63G-6a-103(36), § 63J-1-220, and § 51-2a-201.5. If Grantee is receiving any funding through any other source or is providing any amount of matching funds for this project, such funding must be disclosed and reported as set forth in paragraph 10 of this Agreement. As such, Grantee agrees to be bound by all applicable terms under those Utah Code sections, including, but not limited to, the auditing and reporting requirements set forth in UCA § 51-2a-101 et seq.
8. **EXPENDITURE OF FUNDS.** Grantee shall expend the funds provided pursuant to this Agreement only for the purpose(s) stated in this Agreement and as outlined in Grantee’s FY2023 application for Invasive Species Mitigation Application (Attachment B).

9. **COMPLIANCE WITH STATE AND FEDERAL LAW.** Grantee shall comply with all state and federal laws that apply to the subject matter and purpose of the Grant.

10. **GRANTEE REPORTING AND INSPECTION REQUIREMENTS:** Grantee shall comply with the following reporting and inspection requirements:

    A. Upon request by Grantor, Grantee shall prepare and provide Grantor with the reports below:

       (1) An annual written description and an itemized report detailing the expenditure of the state money, or the intended expenditure of any state money that has not been spent;

       (2) A final written itemized report when all the state money is spent;

       (3) Written certification that Grantee, as defined both in this Agreement and as defined in the Additional Terms and Conditions, agrees to, and is in compliance with, all stated terms and conditions set forth in Attachment A (“Additional Terms and Conditions”);

       (4) An annual written description and an itemized report detailing the expenditure of any other funding anticipated, received or actually expended, including any such funding that has not been spent; and

       (5) A final written itemized report regarding any funds received or expended pursuant to subsection (4).

    B. Upon request, Grantee will provide access to UDAF for inspection of the project during the planning, surveying, construction, testing and completion of the project.

11. **BILLING REQUIREMENTS:** Payments to Grantee shall be made as follows:

    A. Grantee shall submit payment requests no more often than once a month. Grantee will use the payment request process established by Grantor through the Amplifund platform and submission of a request shall be by Grantee and the contractor, sub-contractor, sub-grantee or assignee (if any) who either authorized, performed or oversaw the actual work completed, and has the legal authority to bind that specific entity.

       (1) Grantee will maintain all invoices, receipts and any other documentation associated with the project until all work undertaken pursuant to this Agreement is complete, and a final report detailing the work completed is filed with UDAF.

       (2) Grantee shall allow UDAF to examine any and all records under paragraph 11 within a reasonable time upon request by Grantor. For purposes of this Agreement, a reasonable time shall not exceed thirty (30) days after the date of the original request, unless otherwise specified in this Agreement.

    B. Grantor may delay or deny payment to Grantee for billings or claims for services that do not meet the billing deadlines outlined below.
(1) **Final Billings:** Grantee shall submit all billings for costs incurred on or before June 30th of a given fiscal year no later than July 10th of the following fiscal year, regardless of Grantee’s billing period or the expiration or termination date of this Agreement. Final billings not received by UDAF by July 10th of a given fiscal year may not be reimbursed in full or in part.

(2) **Billings Upon Termination of Agreement:** Grantee shall submit all final billings under this Agreement within 14 days of termination of the Agreement, regardless of the Grantee’s billing period. Billings not received by UDAF within that 14-day period after the termination date may not be reimbursed in full or in part.

C. Grantee and Grantor may negotiate a payment and billing budget to track payments and project progress. This budget shall not be effective or waive any provision in paragraph 11 unless it is in writing, signed and dated by both Grantee and Grantor, and unless the provision to be waived is specifically identified in that writing. In the absence of those requirements, all provisions in paragraph 11 remain in full force and effect and are legally binding.

D. In accordance with Attachment A, UDAF may withhold 10% of the total grant award of $89,600.00 until all work undertaken pursuant to this Agreement is complete, the project is approved by UDAF, GIS data of the treatment areas is completed, and a final report detailing the work completed is filed with UDAF.

12. **REDUCTION OF FUNDS:** If Grantor becomes subject to a legislative change, revocation of statutory authority, lack of appropriated funds or unavailability of funds, which would render Grantee’s delivery or performance under this Agreement impossible, or unnecessary, Grantor may terminate this Agreement in whole or in part. If the legislature does not appropriate funds for paying Grantor’s obligations on this Agreement, or if funding to Grantor is reduced due to an order by the Governor, or is required by state law, or if federal funding (when applicable) is not provided, or requires any return or “giveback” of funds required for Grantor to continue payments, or if the federal or state executive branch mandates any cuts or holdbacks in spending, or if UDAF decides to reduce the payments pursuant to this Agreement, Grantor may terminate this Agreement or proportionately reduce the requirements of this Agreement and the amounts to be paid by Grantor to Grantee for meeting such requirements.

13. **INDEMNIFICATION:** Grantee acknowledges that Grantor is a governmental entity as defined by the Utah Governmental Immunity Act, UCA § 63G-7-101, et. seq. Grantor does not waive any defenses otherwise available under the Governmental Immunity Act. Unless the Utah Governmental Immunity Act also applies as to Grantee, Grantee shall indemnify, hold harmless, and release the State of Utah, and all of its officers, agents, employees and volunteers from and against any and all loss, damages, injury, liability, suits, and proceedings relating to this Agreement which are caused in whole or in part by the acts, omissions, or negligence of Grantor or any of its officers, agents, employees and volunteers.

14. **COPYRIGHT:** INTENTIONALLY DELETED

15. **ASSIGNMENT:** Grantee shall not assign, sell, sub-grant, or sub-contract its rights or responsibilities under this Agreement unless approved in writing by Grantor. If Grantee elects to so do, Grantee does so with the express understanding that no provision under this Agreement is waived by Grantor, unless specifically acknowledged in writing, and Grantee is still bound and required to fulfill all obligations, terms and conditions set forth under this Agreement, whether performed by Grantee, its officers, agents, employees, contractors or sub-contractors.
16. **AMENDMENTS:** The parties may modify this Agreement only by written amendment signed by both parties. Any amendments shall be attached to the original signed copy of this Agreement.

17. **REMEDIES:** If Grantor determines that Grantee, its officers, agents, employees, contractors or sub-contractors, have failed to comply with, or breached, any of the terms or conditions set forth in this Agreement (including the terms and conditions set forth in any attachments to this Agreement), Grantor may pursue any of the following remedies against Grantee, and/or its officers, agents, employees, contractors or sub-contractors, at its discretion; including but not limited to:

   a. **Disallow Costs.** Grantor may disallow any costs otherwise allowed under this Agreement to Grantee and adjust its payments to Grantee by deducting such disallowed costs.

   b. **Withhold Payment.** It may withhold funds from Grantee for non-compliance with any of the terms of this Agreement, misuse of public funds, or failure to comply with State and federal law.

      (1) If an audit finding or judicial determination is made that Grantee misused public funds, Grantor may also withhold funds otherwise allocated to Grantee to cover the costs of any audits, attorneys’ fees and other expenses. Grantor shall give Grantee prior written notice that the payment(s) will be withheld. The notice shall specify the reasons for such withholding. Grantor shall inform Grantee whether any amounts withheld may be released, and if so, the actions that Grantee must take to bring about the release of any amounts withheld.

      (2) If an independent CPA audit or Grantor review determines that the payments made by Grantor to Grantee were incorrectly paid or were based on incorrect information from the Grantee, Grantor may adjust or withhold Grantee’s payments for the remainder of the contract period or until Grantor fully recoups the funds.

   c. **Require Repayment.** Upon written request by Grantor, any overpayments, disallowed costs, excess payments or questioned costs are immediately due and payable by Grantee. In the alternative, Grantor shall have the right to withhold any or all subsequent payments pursuant to this Agreement until it fully recoups these funds. In such cases, Grantee shall not be relieved of meeting the requirements of this Agreement.

   d. **Require Corrective Action.** Grantee shall comply with the terms of any corrective action plan required by Grantor.

   e. **Pursue Any Legal Remedy.** Grantor and Grantee may avail themselves of all remedies allowed by state or federal law.

   f. **Terminate the Agreement.** Grantor may terminate this Agreement in accordance with the termination provisions outlined below.

18. **RIGHT TO TERMINATE UPON THIRTY DAYS NOTICE.** Grantor may terminate this Agreement, with or without cause, in advance of the Agreement’s expiration date, by giving the other party 30 days written notice.
19. **NO THIRD-PARTY BENEFICIARY RIGHTS.** No provision in this Agreement is intended or shall create any rights with respect to the subject matter of this Agreement in any third party.

20. **JURISDICTION:** The provisions of this Agreement shall be construed and governed by the laws of the State of Utah. The parties will submit to the jurisdiction of the courts of Utah for any dispute arising out of this Agreement or the breach thereof. Venue shall be in Salt Lake City, in the Third Judicial District Court for Salt Lake County, Utah.

21. **ENTIRE AGREEMENT:** This Agreement, including any attachments and/or documents referenced herein, constitutes the entire agreement between the parties and supersedes all prior and contemporaneous oral or written agreements.

22. **GRANTEE HAS NOT ALTERED THIS AGREEMENT:** By signing this Agreement, Grantee represents that neither it nor its employees or representatives have in any way altered the language or provisions in the Agreement, and that this Agreement contains exactly the same provisions that appeared in this document and its exhibits when Grantor originally sent it to Grantee.

23. **AUTHORITY OF PERSON SIGNING FOR THE GRANTEE:** Grantee represents that the person who has signed this Agreement on behalf of Grantee has full legal authority to bind Grantee and to execute this Agreement.

**IN WITNESS WHEREOF,** the parties executed this Agreement:

---

**GRANTEE**  
(*BOX ELDER COUNTY*)

By: ______________________________

Type/Print Name: ____________________

Title/Position: ______________________

Date: _____________________________

**GRANTOR**  
(*UTAH DEPARTMENT OF AGRICULTURE*)

By: ______________________________

Type/Print Name: ____________________

Title/Position: ______________________

Date: _____________________________

Required Approvals:

---

Program Manager  Date

UDAF Administrative Services  Date

---

Director Division of Purchasing  Date

Director of Finance  Date

UDAF Contact: Aaron Eagar  Phone: 801.602.1961  Email: aeagar@utah.gov
Attachment A

Additional Terms and Conditions

1. Grantee, on behalf of itself, its officers, agents, employees, contractors, sub-contractors or assigns (hereinafter Grantee), will be liable for compliance with all local, state, and federal laws, rules and ordinances pertaining to the work being done in this agreement.

2. Grantee will provide the Utah Department of Agriculture (UDAF) a report meeting the requirements set forth in UCA § 9-8-404(1)(a)(i) and (ii) to, “take into account the effect of the expenditure or undertaking on any historic property.” This report will be completed and signed by an archeologist holding a valid Principal Investigator Permit issued by Public Lands Policy and Coordinating Office.

3. Grantee will refrain from all ground disturbing activities until UDAF provides a written letter to the grantee authorizing work to proceed. This is to ensure that requirements of UCA § 9-8-404(1)(a) have been met.

4. If during ground disturbing activity, Grantee encounters any subsurface archaeological deposits including, but not limited to, prehistoric artifacts or features (pithouses, charcoal staining from hearths, etc.), historic building foundations or walls, outhouse/privies, or dense trash deposits, work must be halted within 50’ of the discovery and notification made to UDAF. If known historic properties are unintentionally affected, and not previously consulted on, in a manner that alters the characteristics of the properties that make it/Them eligible to the National Register, UDAF will halt work and contact the state historic preservation officer (SHPO). UDAF will continue to halt work until an assessment of the discovery is completed by the agency and communicated to the SHPO.

5. Human Remains Discovery: If human remains, potential human remains, associated or unassociated funerary objects, or objects of cultural patrimony are discovered, work within 100’ will stop immediately. Verbal notification of the discovery will be made immediately to local law enforcement authorities, the appropriate land management agency official, and the Antiquities Section of the Utah Division of State History. Human remains discovered on state or privately-owned land will be treated consistent with all requirements of applicable Utah state laws regarding the treatment of human remains including UCA § 76-9-704, UCA § 9-8-302, UCA § 9-8-309, and UCA § 9-9-401 et seq.

6. UDAF may, in its sole discretion, withhold 10% of the total grant award until all work undertaken pursuant to the grant agreement is complete and the final GIS data and final report detailing the work completed are filed with UDAF.

7. Upon request, Grantee will provide access to UDAF for inspection of the project during the planning, surveying, construction, testing, and completion of the project.

By: ___________________________ Type/Print Name: __________________________

Title/Position: _________________ Date: __________ # 2023-002

Rush Skeletonweed EDRR
Rush Skeletonweed EDRR

Prepared by Box Elder County
for Utah Department of Agriculture and Food FY 2023 Invasive Species Mitigation

Submitted by Wyatt Freeze

Submitted on 04/19/2022 10:43 AM Mountain Standard Time
Opportunity Details

Opportunity Information

Title
FY2023 Invasive Species Mitigation

Description
The Utah Department of Agriculture and Food (UDAF) is now accepting Invasive Species Mitigation Weed Control Grant Applications for the 2022-23 season. The goal of this program is to allocate funds to projects which have management strategies with a high degree of potential success in the State of Utah.

Eligible Activities:
- Early detection and rapid response
- Treating critical acres that protect larger land use areas
- Monitoring and preventing the spread of small populations and new introductions
- Monitoring and rehabilitating established infestations
- Research related to invasive species

Awarding Agency Name
Utah Department of Agriculture and Food

Agency Contact Name
Aaron Eagar

Agency Contact Phone
(801) 602-1961

Agency Contact Email
aeagar@utah.gov

Opportunity Manager
Aaron Eagar

Public Link
https://www.gotomygrants.com/Public/Opportunities/Details/b77fa83-0312-41cd-8483-d4451d939c48

Is Published
Yes

Funding Information

Total Program Funding
$1,800,000.00

Award Information

Award Range
$1,000.00 - $125,000.00

Award Period
07/01/2022 - 06/30/2023

Award Type
Competitive

Indirect Costs Allowed
Yes
Indirect Cost Description

Your administration / indirect costs cannot exceed a total of 10% of your total project budget. Any grant application with a higher administration cost of 10% will not be accepted.

Indirect Cost Rate

10.00 %

Matching Requirement

No

Submission Information

Submission Window

02/01/2022 12:00 AM - 04/13/2022 5:00 PM

Submission Timeline Type

One Time

Submission Timeline Additional Information

We will accept applications up the close of business day at 5:00PM

Allow Multiple Applications

Yes

Application Review Start Date / Pre-Qualification Deadline

03/18/2022 12:00 AM

Other Submission Requirements

Only complete applications will be moved to the ranking committee for project ranking. As part of UDAF’s dedication to excellence, each grant application will be reviewed for completeness. Any applications which are incomplete will not be considered for ranking and funding. All applications will require a Utah Spatial Invasive Infestation Project Analysis (SIIPA) included. If you are not familiar with the Utah SIIPA, please contact program manager.

Question Submission Information

Question Submission Open Date

Question Submission Close Date

Question Submission Email Address

aeagar@utah.gov

Question Submission Additional Information

Your project will require a Utah SIIPA geodatabase file, SIIPA project Map, and a SIIPA project report. If you are not familiar with the Utah SIIPA platform you can download the training guide below. Once you have gone through the guide if you need further assistance you can contact technical support for assistance.

Attachments

- SIIPA ISM training Guide

Technical Assistance Session

Session Date and Time

Conference Info / Registration Link

Email Aaron Eagar @ aeagar@utah.gov to make an appointment
Eligibility Information

Eligibility Type
- Public

Additional Eligibility Information
- Universities; Cooperative Weed Management Areas (CWMA's); County Weed Boards; Federal or State Agencies;
- Federal, State, Tribal or Private Landowners; Conservation Districts, nonprofits, and/or other Political Subdivisions.

Additional Information

Additional Information URL

Additional Information URL Description
- This is a link to the Utah SIIPA training guide.
Project Information

Application Information

Application Name
Rush Skeletonweed EDRR

Award Requested
$89,600.00

Total Award Budget
$89,600.00

Primary Contact Information

Name
Wyatt Freeze

Email Address
wfreeze@boxeldercounty.org

Address
5730 W 8800 N
Tremonton, Utah 84337

Phone Number
435-230-1556
Project Description

Utah SIIPa Modeling Tool

SIIPA Requirements for the UDAF Grant Application

In order to be considered for ISM funding you will be required to create a Utah SIIPA model of your project area.

If you have not created a SIIPA for your project, you should save at this point and do it before filling out the rest of the grant application.

The information from your SIIPA Project Report will be needed in order to complete your application.

Once you have built your project in the Utah SIIPA, you will be asked to save the following three files.

1- Print Map of your project and save as a PDF file.
2- Run report and save the report as a PDF file.
3- Download file (zipped Geodatabase file of your project).

Email the zipped Geodatabase file to bduncan@Utah.gov

Use the upload buttons below to provide the PDF map of your project and the PDF Project Report.

Upload SIIPA Project Report
SIIPA Project Report

Upload SIIPA Project Map
SIIPA Project Map

Additional Files
FY23 Expected In-Kind Contributions

Restoration Activities Information

UDAF Grant Applications with restoration activities that include seed

In order to be considered for ISM funding you are required to provide a seed mix profile along with a map of where the seeding will take place on your project.

Upload Seed Mix
Upload Map of Restoration area
Applicant Information

Organization Information

Please list the name of the Organization applying for these State funds

Box Elder County

Does your Organization have a Utah Vendor Number

What type of Organization are you (Please choose the list below)

- Political Subdivision

Project Manager Contact Information

(Project Manager) First Name

Wyatt

(Project Manager) Last Name

Freeze

Mailing Address

5730 W 8800 N

City

Tremonton

State

UT

Zip Code

84337

Telephone Number (XXX) XXX-XXXX

(435) 257-3411

Cell Phone Number (XXX) XXX-XXXX

(435) 230-1556

Email Address

wfreeze@boxeldercounty.org

Financial Agent Information

Please list the name of the Fiscal Organization responsible for holding the contract for this project

Box Elder County

(Fiscal Contact) First Name

Tom

(Fiscal Contact) Last Name

Kotter

Mailing Address

01 South Main

City

Brigham City

State

UT
Zip Code
84302

Telephone (XXX) XXX-XXXX
(435) 734-3388

Cell Phone (XXX) XXX-XXXX
(435) 734-3317

Email Address
tkotter@boxeldercounty.org

Project Evaluation—Internal to UDAF

Project Management - Infested Area (Reviewer Only)
Select an item...

EDRR - Weed List (Reviewer Only)
Select an item...

Economic Benefit - SGMA (Reviewer Only)
Select an item...

Economic Benefit - Grazing Allotment (Reviewer Only)
Select an item...

Wildlife Impact - Elk (Reviewer Only)
Select an item...

Wildlife Impact - Mule Deer (Reviewer Only)
Select an item...

Water Ranking - Water Quality (Reviewer Only)
Select an item...

Water Ranking - Water Assessment Index (Reviewer Only)
Select an item...

Wildfire Section - Wildfire Risk (Reviewer Only)
Select an item...

Economic Benefit - Wildland Area Index (Reviewer Only)
Select an item...

Economic Benefit - Wildfire Effect (Reviewer Only)
Select an item...

Project Management - Priority Focus Area (Reviewer Only)
Select an item...

Quality Throughput - VS- Operational Expense
What is the QT/OE score for the project (Reviewer Only)
In evaluating the cost per acre, there is a wide range of possibilities for each species. Please keep in mind the following items when giving a score.

1- An aerial applican is always cheaper than boom spraying. Boom spraying is always cheaper then Hand spraying. Hand spraying is always cheaper then backpack spraying. Backpack spraying is always cheaper than hand pulling.

- Some projects might require a specific type of chemical treatment due to slope, trees, powerlines, population, federal restrictions, or other factors. Your ranking should take this in account and be reflected in how your score.

2- Some species cost more to treat. Russian Olive, Tamarisk, Aurundo, Phragmites, Purple Loosstrife, and Garlic Mustard will naturally have a higher cost per acre for treatment.

3- Restoration activities add as much as 40% more to a project which will dramatically impact the cost per acre. Make sure you are aware if the cost per acre includes a restoration component.

Taking all of these factors into consideration, you should give the project a cost per acre score between 0-10 with 10 being the best cost per acre for this type of project.

In evaluating the dynamics of the project there are multiple ways a project manager could apporach treatment and restoration. Please keep in mind the following items when giving a score.

1- Are they using the right chemical for the species they have outlined as their target species and will be utilizing public money to treat.

2- Are they applying the chemical at the best time for the species they have identified as their target.

3- Are they applying a chemical which reduces / eliminates germintion prior to a restoration activity scheduled?

Taking all of these factors into account. Was you able to find the necessary information in their project description and activities to give the project a ranking in this category. Give the project a score between 0-10 with 10 being the highest score for this category.
Partnership and Matching Funds (Reviewer Only)

Select an item...

(Reviewer Only)

In evaluating a score for partnership and matching funds, keep in mind that matching funds is not a requirement for funding. Please keep in mind the following items when give a score.

1- Do you believe the partners listed are a list of name only partners?

2- Did the Project Manager list how the partners would be involved in the project? Are you convinced of these as true partnerships?

3- Does the inkind and monitory contributions listed add true value to the Project? (cost per acre, management, long term monitoring)

Taking all of these factors into account, do you believe the project manager gathered enough partners to make the cost to the public beneficial. Give the project a score between 0-10 with 10 being the highest score for this category.

(Reviewer Only)
Project Information

Project Name / Project Description / Project Location

For the project name, please provide a descriptive name which incorporates the organization, the location, and the species in the name is preferred.

*Some examples of project names would be:*

- Cache County Goatsrule mitigation west
- Tooele County Yellow Starthistle Vernon treatment
- Park City Corporation Vipers bugloss Virginia Mine restoration
- Virgin City Scotch thistle Peterson property treatment

Please list the name of your Project
Box Elder County Rush Skeletonweed mitigation

For the project location, it should include a general location of your project at a more detailed level than which County your project is in.

*Example:*

Project is located in Utah County at the Boy Scout camp in Payson Canyon. The Boy Scout camp is located about 8 miles up the canyon and is called Camp Maple Dell. The project incorporates the main scout camp along with known trails which lead up to the Payson lakes campground.

Please give a description of your project location
Our project is located in the Eastern half of Box Elder County, from the tip of Promontory Peninsula north to the Idaho Border. While Promontory Peninsula has the largest concentration of Rush Skeletonweed, other sizeable infestations are found in Howell Valley, Whites Valley, Pocatello Valley, Bear River Valley, and Mantua.

*Project is located in which County. If your project covers multiple Counties hold down CTRL and make multiple selections Box Elder*

Primary and Secondary Treatment Species

The Primary and Secondary Treatment Species should be the species with the highest frequency of treatment within your project.

*Please pay attention to the following details:*

- Your Primary and Secondary Treatment species should be relational to your *budget* and your *treatments*.

- The Utah SIIPA will evaluate all species within your project area and define a ranking score from your overall project.

- Defining your Primary and Secondary Treatment species helps to outline your treatment timing, chemical profile, and treatment methods.

- You can review your project species specifics from your Utah SIIPA Project Report. Look under
the heading "Species" to see the breakout of your project.

Please select which Species is the Primary Target for treatment in your Project area.

Rush Skeletonweed

Please select which Species is the Secondary Target for treatment in your Project area.

Dyers Woad

Primary / Secondary Treatment Species Acres

The Primary and Secondary Treatment Acres should be reflective in your total acres listed in your Utah SIIPA Report.

Please pay attention to the following details:

Your Primary and Secondary Treatment Acres should be relational to your budget and your treatments.

Your Primary and Secondary Treatment Acres should be calculated from your Project SIIPA Report.

If the Project SIIPA Report Acres is not a good representation of your project, you will need to explain why in the project description.

You can review your project species specifics from your Utah SIIPA Project Report. Look under the heading "Species" to see the breakout of your project.

Please list the Primary Treatment Species Acres From SIIPA Report. You can find this under the section called "Species" and find your species in the table.

3899

Please list the Secondary Target Species Acres From SIIPA Report. You can find this under the section called "Species" and find your species in the table.

35

Please list all other Species of concern within your Project area.

Russian Knapweed, Diffuse Knapweed, Scotch Thistle, Canada Thistle, Leafy Spurge, Hoary Cress, Perennial Pepperweed, and Houndstongue

Project Description

Please provide a detailed description of your proposed Project.

Please pay attention to the following details:

Your description should include any history of the project area if necessary.

If your budget does not match (Acres, Species) listed in your SIIPA project report, you will need to explain why in your description.

If your project includes a restoration activity that will disturb soil, identify it in your description and how many acres.

If your project is not being monitored by UDAF explain how you will measure your performance on this project.
Section 10, Item A.
Box Elder County

Project Description

Box Elder County Weed Department continues at the highest level of commitment in FY23 to locate, map, spray, monitor, re-treat and control Rush Skeletonweed (RS). We desire to keep RS from spreading to the rest of our county or surrounding Utah counties. A crew lead, along with 3-4 Box Elder County Weed Department seasonal employees, will cover from the Promontory Mountain range to the Idaho border, as well as other infested areas of the county. They will use UTV’s and backpack sprayers. We treat infestations with max rates of Pictoram, 2,4-D Dicamba, and a high-quality surfactant. Milestone is used to replace Pictoram in areas close to water, and 2,4-D Amine replaces 2,4-D Dicamba when the average temperature exceeds 80 degrees.

RS infestations from previous years (2012-2021) will continue to be monitored and treated as needed. Public education and landowner awareness continues; engaging the public to identify, spray and control this noxious weed and other secondary weeds is very important to our long-term plan; as more landowners with Rush Skeletonweed are educated on the weed and take over the treatments of said weed, we can decrease our financial input. To encourage landowner participation, we hand out relatively small amounts of herbicide to landowners that are willing to spray their own infestations. Landowners are also encouraged to spray with the RS crew when we are working on their properties to aid in this education and support.

As time goes on, there have been small populations found in neighboring counties. We put a large amount of effort into offering our expertise to the weed supervisors and agency’s of those counties. The past two years we have coordinated a cooperative spray day to treat the Rush Skeletonweed infestation on Fremont Island, and will continue to be of service in future treatments in whatever capacity is needed.

Aerial spraying takes place on large infestations that occur on rough, steep and remote terrain where the weed is inaccessible to the ground crew. Infestations are mapped with GPS polygons to guide the pilot and later for monitoring spray effectiveness. Aerial spraying will continue to increase the control of spread of new infestations, especially in recent major burn areas in the county.

EDDMaps is used extensively to map new infestations and update current infestations. Our own county ArcGIS system is also used to track what work is done to treat each infestation e.g., equipment hours, employee hours, acres treated, and how much herbicide was used. This helps in evaluating how infestations are changing over time. SLEPA shows the shows the locations we will monitor, retreat and search for new infestations in FY23. UDAP’s employee, Brittney Duncan, has also supplied us with monitoring data to help us measure the performance of our project.

The long range plan is evaluated and revised each year as the Weed Department works with landowners and extension agencies to treat and control this target weed. Old infestations are slowly disappearing as their seed beds are exhausted, namely satellite populations and the Southern Point of Promontory peninsula population. New RS infestations are being found in many unanticipated areas due to carriers such as wind currents, animals, machinery, and humans.

No restoration activities are planned due to the terrain Rush Skeletonweed is most often found in, as well as Rush Skeletonweed’s ability to spread through root fragments. However, we do strongly encourage landowners to re-seed properties that contain Rush Skeletonweed and have burned.

It is important to note that we realize we will not be able to treat the total infested acres in FY2023. Consequently, our resulting budget reflects the amount of acres that can be treated with the requested ISM funds of 112,000 dollars.
Project Land Ownership and Partners

Land Ownership

Please list all land ownership acres.

You will find the acres broken out into land ownership in the SIIPA report under the section called "Acreage Report".

Please list all Federal Land (Acres) From SIIPA Report.
794

Please list all Private Land (Acres) From SIIPA Report.
25145

Please list all State Land (Acres) From SIIPA Report.
5

Primary Treatment Species Acres

Please list the acres for each land ownership for your Primary Treatment Species.

You will find the acres broken out into land ownership in the SIIPA report under the section called "Species".

Primary Treatment Species Acres (Federal Land) From SIIPA Report.
183

Primary Treatment Species Acres (Private Land) From SIIPA Report.
3716

Primary Treatment Species Acres (State Land) From SIIPA Report.
0

Secondary Treatment Species Acres

Please list the acres for each land ownership for your Secondary Treatment Species.

You will find the acres broken out into land ownership in the SIIPA report under the section called "Species"

Secondary Treatment Species Acres (Federal Land) From SIIPA Report.
1

Secondary Treatment Species Acres (Private Land) From SIIPA Report.
34

Secondary Treatment Species Acres (State Land) from SIIPA Report.
0

Project Partner Contributions

Please list the Total In-Kind Contributions.

Total dollar amount for Private Contributions of In-Kind
$25,000.00

Total dollar amount for State and local Government Contributions of In-Kind
$36,100.00

Please list the Total Monetary Contributions

Total dollar amount for Private Monetary Contributions
$0.00

Total dollar amount for State and local Government Monetary Contributions
$0.00

Total dollar amount for Federal Monetary Contributions
$0.00

Please list the dollar amount of the Total In-Kind Contributions
$61,100.00

Please list the dollar amount of the Total Monetary Contributions
$0.00

Please provide a complete list of Partners who are providing either In-kind value or Monetary value to your Project. Do not list partners who are not adding value to the project. You can upload a list of partners who support your project as additional information. If you list a partner here, you should have accounted for either In-Kind or Monetary contribution above.

Private Contributors

Ben Adams, Don Adams, Jared Anderson, ATK Ranch, Arthur Douglas, David Earl, Landen Hall, Brad Hawkes, Kristen Henrie, Thayne Hupp, Burke Jensen, Dan Keetch, Kevin Kotter, Jeff Madsen, Randy Moulding, Tim Munns, Doug Nelson, Krys Oyler, Bart Pali, Steve Peterson, Kyle Potter, Mike Reese, Travis Spencer, Todd Summers, Charlie Young, Steve Welling, Rex Larsen

State/Local Government Contributors

Box Elder County Weed Board, Box Elder County, National Park Service, Northern Utah Cooperative Weed Management Area, Northern Utah Conservation District, Weber River Cooperative Weed Management Area, Utah State University, Utah & Idaho Cooperative Weed Management Area, Utah Department of Transportation (Riverside, Bothwell, and Brigham City Sheds)
## Budget

### Proposed Budget Summary

#### Expense Budget

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<th>Category</th>
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#### Revenue Budget

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<td><strong>Total Proposed Revenue</strong></td>
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<td>$89,600.00</td>
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</tbody>
</table>

### Proposed Budget Detail

See attached spreadsheet.
Proposed Budget Narrative

Personnel

Please list the total dollar amount of labor you are asking from the ISM program. Your labor can include: Private Land Owner County Employee Seasonal labor with County, Federal, Municipalities, and University.

Seasonal Labor

This amount is the cost to pay 4 seasonal employees to complete the project.

Supplies

Please list the total dollar amount of Supplies you are asking from the ISM program. An Example of Approved Items would include: Safety gloves, eye protection, hearing protection, first aid. Backpack and hand sprayers for remote locations. Various hand tools including shovels, rakes, and hammers. Tools needed for Monitoring. Tools needed for Mapping including gps units and tablets. Tools needed for documentation including camera, GoPro, etc. GIS cost associated with mapping. Printing, layout. Archaeological clearance, PLSS clearance with Project County. Purchase of Biological agents, material for collection. Education material such as signs, field guides, and other educational material.

Misc. Supplies

This is the cost of PPE, first aid kits, backpack sprayers, hand radios, fire extinguishers, monitoring tools, and education materials.

Biocontrol Insectary

This is the cost to purchase a new insectary and the supplies associated with it. This insectary will be used to rear Rush Skeletonweed Root-feeder moths, of which are shown to be very effective long-term.

Consultants/Contracts

Please list the total dollar amount for Consultants / Contracts you are asking from the ISM program. Items can include: Private companies who offer spraying services. Aerial spraying / seeding / fertilizer. Tree removal / other invasive species removal. Use of animal grazing treatments (cows, goats), Long term monitoring contract with private or Federal. Rental / Contract for equipment to complete the project Use of Range drill, agricultural drill, chain harrow. Contracted Restoration Activities Contract for either on the ground or aerial documentation.

Aerial Spraying

This is the cost to pay for aerial spraying of ~1,100 acres (based on a mix of 2,4-D, Picloram/Milestone, and a surfactant)

Chemicals

Please list the total dollar amount of Herbicide, Surfactant, and Fertilizer you are asking from the ISM program.

Herbicides

This is the cost to purchase herbicide and surfactant for the completion of the project.

Indirect

Please list the total dollar amount you will be requesting from the ISM program for administration of your project. (Your administration cost cannot exceed a total of 10% of your total project budget) Any grant application with a higher administration cost of 10% will not be accepted.
Administration

This is the cost to administer the project.
Performance Plan

Proposed Performance Plan

Chemical Treatment

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Invasive Species Mapping

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**Proposed Performance Narrative**

**Chemical Treatment**

Please define your treatment plan. You should include the following information:
- Acres treated under this activity (Type this in "Number to be Achieved")
- Projected timing of this activity (which month will this activity happen)
- What application type will be used (Aerial, boom, spot etc.)

**UTV Treatment**

We plan to treat 250 acres using a UTV-mounted 55 gallon sprayer. This will take place in the months May through November of FY23.

**Backpack Treatment**

We will treat approximately 25 acres using backpack sprayers. This will take place on small infestations that are found on rough, steep terrain between the months of May through November in FY23.

**Aerial Treatment**

We plan to treat approximately 1100 acres in Fall 2022 aerially. This treatment is for infestations that are inaccessible to UTVs and too large to be treated efficiently with backpack sprayers.

**Mechanical Treatment**

Please define your treatment plan. You should include the following information:
- Acres treated under this activity (Type this in "Number to be Achieved")
- Projected timing of this activity (which month will this activity happen)

**Hand-pulling**

Throughout the months of May to November, small populations of Rush Skeletonweed will be dug/pulled and bagged.

**Bio Control**

Please define your release plan. You should include the following information:
- Number of Insects being released under this activity (Type this in "Number to be Achieved")
- Projected timing of this activity (which month will this activity happen)
- List the species of Insects you will be releasing

** Pest feeding moth **
We hope to again be able to collect and release 500 root-feeding moths on large infestations. This will most likely happen in early July. An insectary will also be established in order to be able to collect the moths for dispersal to other infestations.

Invasive Species Mapping

Please define your Mapping plan. You should include the following information: -Number of Acres you will Mapping under this activity (Type this in "Number to be Achieved") -Projected timing of this activity (which month will this activity happen) -List the target species you will be mapping for this activity

Mapping

We plan to map about 1500 combined acres of old and new Rush Skeletonweed infestations during the months of April through November.

Monitoring / Documentation

Please define your Monitoring plan. You should include the following information: -Number of Transects you will place under this activity (Type this in "Number to be Achieved") -Projected timing of this activity (which month will this activity happen) -List the target species you will be Monitoring for this activity

Monitoring

In cooperation with Brittany Duncan and Amber Mendenhall, we will monitor the 5 existing transects using 1-m quadrats measuring percent cover of alive plants. We will add 1 new transect using the same method. This will take place in the months April through November.

Education / Outreach

Please define your Education / Outreach plan. You should include the following information: -Total people impacted from this activity (Type this in "Number to be Achieved") -Projected timing of this activity (which month will this activity happen) -How this will be accomplished (meeting, brochures, flyers, webinar, etc)

Town Hall Meetings

We plan on presenting at 2 town hall meetings in the first half of FY23: Howell and Snowville. While general noxious weed control will be covered, we will focus on the treatment of Rush Skeletonweed.

High School Presentations

We will plan to present at the two local high schools in the spring of 2023. The presentations will take place in their plant science/horticulture classes. While general noxious weed control will be covered, focus will be given to Rush Skeletonweed.

Fair Booth

We plan to hold a booth at the Box Elder County Fair (third week of August) educating the public on noxious weed control, specifically Rush Skeletonweed.

Herbicide Hand-out

We hope to strategically supply at least 45 landowners with small amounts of herbicide to aid in treatment of their Rush Skeletonweed infestations. This creates opportunities for us to build relationships with landowners and educate them about noxious weeds. We have found great success through this program.
SIIPA Model Results

February 6, 2022
- Project
  - Priority Areas for Treatment
  - * Priority for Treatment-1
  - Priority for Treatment-2
  - Priority for Treatment-3
  - Priority for Treatment-4
  - Priority for Treatment-5
  - Priority for Treatment-6
  - Priority for Treatment-7
  - Priority for Treatment-8
  - Priority for Treatment-9

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0 12 24 36

1/5
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Habitat
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<td>Intermountain Singleleaf Pinyon - Utah Juniper - Western Juniper Woodland</td>
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<td>North American Andi West Emergent Marsh</td>
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<td>Great Basin Saltbush Scrub</td>
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<td>Great Basin Saltbush Scrub</td>
<td>Inter-Mountain Basins Mixed Salt Desert Scrub</td>
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<td>Inter-Mountain Basins Semi-Desert Grassland</td>
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<td>Great Basin-Intermountain Dry Shrubland &amp; Grassland</td>
<td>Inter-Mountain Basins Semi-Desert Shrub Steppe</td>
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<td>Intermountain Basins Cliff, Scree &amp; Badlands Sparse Vegetation</td>
<td>Inter-Mountain Basins Cliff and Canyon</td>
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<td>Herbaceous Agricultural Vegetation</td>
<td>Cultivated Cropland</td>
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<td>Pasture &amp; Hay Field Crop</td>
<td>Pasture/Hay</td>
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<tr>
<td>Introduced &amp; Semi Natural Vegetation</td>
<td>Introduced Upland Vegetation - Annual Grassland</td>
<td>2</td>
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<tr>
<td>Introduced &amp; Semi Natural Vegetation</td>
<td>Introduced Upland Vegetation - Perennial Grassland and Forbland</td>
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<tr>
<td>Introduced &amp; Semi Natural Vegetation</td>
<td>Introduced Upland Vegetation - Shrub</td>
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<td>Recently Disturbed or Modified</td>
<td>Disturbed/Successional - Grass/Forb Regeneration</td>
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<tr>
<td>Recently Disturbed or Modified</td>
<td>Disturbed/Successional - Shrub Regeneration</td>
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<td>Developed &amp; Urban</td>
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Biocontrol

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<th>HOST COMMON</th>
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<th>HOST SPECIES</th>
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<td>Bradyrrhoa gilvostella</td>
<td>rush skeletonweed</td>
<td>Chondrilla</td>
<td>juncea</td>
<td>Wyatt Freeze</td>
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SIMP

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<tr>
<th>YEAR</th>
<th>SITE</th>
<th>TARGET WEED</th>
<th>AGENT</th>
</tr>
</thead>
</table>

55
DECLARATION OF
CONFLICT OF INTEREST

FOR CONTRACTED OR GRANTED OBLIGATIONS WITH
THE
UTAH DEPARTMENT OF AGRICULTURE AND FOOD

Because contracted /grant obligations with the Utah Department of Agriculture and Food (UDAF) can be construed as “being employed” by the State of Utah you are required by state law (UCA § 67-16-101 et seq.) to disclose any conflict of interest you may have relating to your contract or grant with Utah Department of Agriculture and Food. Please list below and explain any involvement you may have with: State Government, Local Government including committees, districts, or boards, irrigation boards, Colorado River Salinity Control Program, United States Department of Agriculture, Bureau of Reclamation, Bureau of Land Management, U. S. Fish and Wildlife Service, or other party that has influence or participates with UDAF’s Invasive Species Mitigation program.

1).
2).
3).
4).

I understand that the filing of this Declaration of Conflict of Interest with Utah Department of Agriculture and Food satisfies the requirements of Utah’s Public Officers’ and Employees’ Ethics Act.

I hereby declare under criminal penalty under the law of Utah that everything stated in this document is true.

______________________________
Signature

______________________________
Date

______________________________
Printed Name

______________________________
Location

Witnessed before me__________________________________ on__________.

______________________________
Printed Name (Witness)
All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5:00 PM in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements, and a brief explanation of your item to: tgibson@boxeldercounty.org

<table>
<thead>
<tr>
<th>Meeting Date:</th>
<th>05-04-2022</th>
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<tbody>
<tr>
<td>Submitted Date:</td>
<td>04-28-2022</td>
</tr>
<tr>
<td>Person and Org Submitting Item:</td>
<td>Nate Adams</td>
</tr>
<tr>
<td>Time Requested:</td>
<td>2</td>
</tr>
<tr>
<td>Contact Information:</td>
<td>3320</td>
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<td>Item to be Presented in:</td>
<td>Commission Meeting</td>
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<tr>
<td>Subject to be Presented:</td>
<td>Tax Sale Extension.-Nate Adams</td>
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</table>

Reason for Request:

What action have you taken/who have you contacted prior to this:

Official Action Requested:

Has the document been approved by the County Attorney?
AGENDA ITEM REQUEST FORM

All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5:00 PM in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements, and a brief explanation of your item to: tgibson@boxeldercounty.org

| Meeting Date: | 05-04-2022 | Submitted Date: | 04-27-2022 |
| Person and Org Submitting Item: | Scott Lyons Community Development | Time Requested: | 2 min |
| Contact Information: | 435-734-3316 |
| Item to be Presented in: | Commission Meeting |
| Subject to be Presented: | B & R Subdivision Phase 2-1 Lot- Scott Lyons |

Reason for Request:
Final Approval for the Subdivision

What action have you taken/who have you contacted prior to this:
Administratively approved

Official Action Requested:
Final Approval

Has the document been approved by the County Attorney?
April 26, 2022

Re: Application Z22-007
Zoning Map Amendment
Mike Bastian, Castle Creek Homes

To whom it may concern,

At their meeting on April 21, 2022 the Planning Commission forwarded a recommendation of denial to the County Commission for the request of a zone change of 75.2 acres from R-1-20 (Residential 20,000 sq. ft.) to MPC (Master Planned Community) based on not meeting the criteria per Chapter 3-8-1 of the Box Elder County Land Use Management & Development Code, particularly Items #2 and #4.

2. Demonstrate in textual, visual, and oral form to the Planning Commission and the County Commission that the property in question is unique due to size, slope, natural features, sensitive lands, natural hazards, current land uses, other relevant features or that difficult hardship related conditions exist.

4. Offer unique advantages over traditional forms of development as determined by the Planning Commission and County Commission.

The County Commission will hold a public meeting regarding the proposed Zoning Map Amendment on May 4, 2022 at 5:00 PM in the Commission Chambers at the Historic Courthouse (room 23).

If you have any questions regarding this application, please contact this office at 435-734-3316.

Sincerely,

Scott Lyons
PLANNING COMMISSION

STAFF REPORT

Meeting Date: April 21, 2022
Agenda Item #: 6d

APPLICANT(S):
Mike Bastian

PROJECT #:
Z22-007

ADDRESS:
8300 South to 8900 South
HWY 89 in the South
Willard area

PARCEL #:
01-045-0016, -0015, -0132,
-0118

CURRENT ZONE:
R-1-20

TYPE OF ACTION:
Legislative

REPORT BY:
Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting that approximately 78.55 acres be rezoned from R-1-20 (Residential Single Family 20,000 square feet) to the MPC (Master Planned Community) zone. The proposed MPC zone would include only residential uses. The two proposed zones are a R-1-13 Zone (Residential Single Family 13,000 square feet) and a MF-1 Zone (Multifamily Townhome). The Concept Plan does not show a phased build-out, but does show a layout as well as number of lots, units, and open space.

<table>
<thead>
<tr>
<th>TYPE</th>
<th>AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL AREA</td>
<td>3,262,708 sq. ft.</td>
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<tr>
<td>TOTAL LOTS/UNITS</td>
<td>250</td>
</tr>
<tr>
<td>UNITS PER GROSS ACRE</td>
<td>3.31 LOTS-UNITS / ACRE</td>
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RESIDENTIAL LOTS

<table>
<thead>
<tr>
<th>TYPE</th>
<th>TOTAL UNITS</th>
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<tbody>
<tr>
<td>NET TOTAL AREA</td>
<td>1,599,477 sq. ft.</td>
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<tr>
<td>TOTAL RESIDENTIAL LOTS</td>
<td>106</td>
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<tr>
<td>AVERAGE LOT SIZE</td>
<td>15,089 sq. ft.</td>
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TOWNHOMES

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<tr>
<th>TYPE</th>
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<tr>
<td>6-PLEX UNITS</td>
<td>48</td>
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<td>5-PLEX UNITS</td>
<td>50</td>
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<tr>
<td>4-PLEX UNITS</td>
<td>28</td>
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<tr>
<td>3-PLEX UNITS</td>
<td>12</td>
</tr>
<tr>
<td>DUPLEX UNITS</td>
<td>6</td>
</tr>
<tr>
<td>TOTAL UNITS</td>
<td>144</td>
</tr>
</tbody>
</table>

ANALYSIS

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

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>Church/Agricultural (school district property)</td>
<td>R-1-20</td>
</tr>
<tr>
<td>South</td>
<td>Hot Springs Mobile Home Park</td>
<td>R-1-20</td>
</tr>
<tr>
<td>East</td>
<td>Elk Farm/Coleman Mobile Home Park</td>
<td>R-1-20</td>
</tr>
<tr>
<td>West</td>
<td>I-15/Agriculture (west of interstate)</td>
<td>A-20</td>
</tr>
</tbody>
</table>

Land Use Ordinance Standards Review:
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 MPC zone was created as part of the South Willard plan as residents were open to a variety of housing types and uses if the property qualifies. The County’s General Plan addresses the goal of preserving orchards in the area. None of this property is used as orchard.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
   The area is a combination of residential, agricultural, and mining. Whether the proposed amendment is harmonious with the overall character of existing development is subjective. The proposed MPC zone would consist of approximately 49% single-family residential, 23% multifamily townhomes, and 28% open space.

C. The extent to which the proposed amendment may adversely affect adjacent property; and
   The proposed residential would likely add some car traffic to Hwy 89. This standard is somewhat subjective as well. 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.
   There are services in the area, such as schools, police, and fire protection. The applicant has a water agreement in place with Bear River Water Conservancy District. The applicant also has a sewer agreement in place with Willard City. Stormwater drainage systems would be required of the developer and would be dedicated to, and maintained by, the Flood Control District. Detailed plans for this would be submitted as part of the subdivision process.

Per Chapter 3-8-1 of the Box Elder County Land Use Management & Development Code, to be considered for a MPC zone, all applications shall meet the following criteria (applicant’s response in italics):

1. Encompass a minimum of one hundred (100) acres to assure reasonable internal and external land use compatibility. If the property/development is to be serviced by sewer, the minimum
The acreage requirement for the MPC zone shall be reduced to fifty (50) acres. The property in question shall be solely owned by an individual, partnership, or corporate entity, or under option to purchase by an individual, partnership, or corporate entity, at the time an MPC application is submitted; otherwise, the MPC application shall be filed jointly by all owners of the property.

The project exceeds the 50-acre minimum size and is to be serviced by sewer. Attached is a surveyed boundary of the project site.

2. **Demonstrate in textual, visual, and oral form to the Planning Commission and the County Commission that the property in question is unique due to size, slope, natural features, sensitive lands, natural hazards, current land uses, other relevant features or that difficult hardship related conditions exist.**

   *Our property is located on the far South end of the County. It is bordered by the trailer park on the south boundary, I-15 on the west, future school ground on the north, and Highway 89 on the east with the elk farm east of that.*

   *We would like to transition zone from the trailer park with our townhomes and transition into single-family lots. Our single-family lots will be a minimum of 13,000 square feet.*

3. **All areas of the proposed MPC zone shall be included in the specific plan.**

   *The boundary survey shows the entire area to be included in the MPC zone.*

4. **Offer unique advantages over traditional forms of development as determined by the Planning Commission and County Commission.**

   *We have a unique opportunity to bring sewer from the lift station in Willard City all the way to the south of our property. It is proposed to be an 18-inch line, that will have capacity to service all of the ground on the south end of the county that is yet to be developed. Right now, it is a pretty clean shot and we have had the engineering done, and know we can make it gravity flow from A to B with the path we have now. We have negotiated with Willard City and they are willing to service our property with sewer, even though we aren’t in the city. This isn’t common with most cities and is a great opportunity to get sewer all the way to the south of the county. It is my understanding that a lot of ground in the South Willard area west of Hwy 89 does not pass a percolation test. Having this sewer line installed helps EVERY landowner at some point in time.*

   *With a MPC like this, we will be able to bring more affordable housing types to the community vs traditional ½-acre lots. We will also be able to bring amenities and trail systems that will serve the neighborhood. Our trail systems could potentially give access to the future Master Planned Trail system that will run along the UTA ROW and connect with Weber County’s trail.*

5. **A portion of the housing units shall be income-targeted housing for persons of medium and low income. The number of income targeted housing units must be commensurate with the size and scope of the proposed development and is subject to the approval by the County Commission.**

   *We have a variety of housing types in this community. First, the townhomes will bring the possibility of home ownership to so many people trying to get into their first home and start...*
building equity. The townhomes have become the “starter house” and to be able to offer this in
a neighborhood is a great opportunity. It will help meet the needs of so many persons of
medium to low income.
We would like to propose some type of a deed restriction or guarantee that on a portion of our
single-family lots, the houses have to be built with some type of an ADU built into the property.
This will help multiple people.
   1. It will help the person buying the house be able to afford the single family home,
because they will have an ADU that they could potentially rent out to help offset the
cost of their mortgage.
   2. The ADU will help people that might not be in a position to purchase a home, but would
like to live in a nice neighborhood vs living in an apartment. It will provide a form of
affordable housing in the county.
We would like to discuss with the Planning Commission, the County Commissioners what that
number of guaranteed ADUs looks like, and what the county would like to see.

In addition to the above requirements, Chapter 3-8-1, Master Planned Community Zone, requires the
following:

   1. **A specific plan including maps, text, and supporting information as defined in the previous
section.**
The applicant has submitted a Concept plan and text showing and describing the lot layout and
sizes, where stormwater would be detained, road width and layout, height and setback
requirements. He has also addressed the method of providing water and sewer, but has not
provided specific verification of capacity, just an agreements that the BRWCD and Willard City
will provide those services. A basic list of permitted and conditional uses has been submitted. A
title report has been submitted. Application fees have been paid.

   2. **The text for the draft property-specific MPC zone, and any associated sub-districts, to be
implemented, generally defined with the following elements:**
   a. **Name of Zone/Purpose/Goals** – R-1-13 and MF-1
   b. **Lot area, width, setbacks, building heights, lot coverage, and housing densities.**

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<tr>
<th></th>
<th>R-1-13</th>
<th>MF-1</th>
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<td><strong>Width/Frontage</strong></td>
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<td>?</td>
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<tr>
<td><strong>Setbacks</strong></td>
<td>F:25, R:30, S:8,10</td>
<td>F:20, R:30*, S:10*</td>
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<tr>
<td><strong>Height</strong></td>
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<td>2 stories</td>
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<tr>
<td><strong>Coverage</strong></td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td><strong>Density</strong></td>
<td>13,000 square feet</td>
<td>?</td>
</tr>
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</table>

c. **Streetscapes, parking, and circulation.** – County #5 Road Section?
d. **Fencing** – Existing County standards?
e. **Signs** – Existing County standards?
f. **Architectural standards** – ?
3. A development agreement that runs with the land.

A draft agreement is currently under review.

ADDITIONAL CONSIDERATIONS:

- Infrastructure cost per unit – Is it sustainable or subsidized?
- Open space – Is it limited to community or available to the public?
- Greater mix of uses?
- Greater mix of densities?
- Does adding density this distance from groceries, school, etc. make sense?
- “Open space” strips between townhomes and on property boundaries maintained by HOA?
- Do townhomes have a small yard or patio?
- Add landscaping plan/requirements to the development agreement. Trees, bushes, etc. in various open spaces.
- Landscaping (bushes/trees) or sound barrier? along Hwy 89 frontage.
- Additional trail along Hwy 89 frontage from 8300 S. to 8900 S.
- Additional pedestrian connections (shown in red, Historic Orchard Pathway (UTA property) shown in yellow).
- North/south pedestrian access between single-family lots. Provides easier pedestrian access to pickleball, playground, church, and future school.
- Pedestrian access between all center townhomes to increase accessibility to pickleball and playground as well as enhanced north/south access.
- Architectural standards in development agreement.
- Uses
  - ADUs
    - Short-term rentals (air bnb)?
    - Will ADUs work here considering distance to employment and retail?
  - Home Occupations?
  - Animals?
  - Will there be CCRs that have further control?
  - Zone should be broader and CCRs more detailed if this is the case.

FINDINGS:

Based on the analysis of the zoning map amendment application request from R-1-20 (Residential Single Family 20,000 square feet) to the MPC (Master Planned Community) zone and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for applying zoning designations on properties subject to zoning map amendment review procedures and approval.
2. The proposed zoning map amendment may meet the Approval Standards found in Sections 2-
2-080(E) and 3-8-1 of the Box Elder County Land Use Management and Development Code subject to Planning Commission determination of eligibility and an approved development agreement.

3. Staff has compiled a preliminary list of additional items to be considered if the Planning Commission feels the application meets the eligibility requirements.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, the Planning Commission may make any of the following motions. 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.

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z22-007, a zoning map amendment from R-1-20 (Residential Single Family 20,000 square feet) to the MPC (Master Planned Community) zone based on the following findings:”
1. List findings and conditions for approval...

Table – “I move the Planning Commission table the review of application number Z22-007, a zoning map amendment from R-1-20 (Residential Single Family 20,000 square feet) to the MPC (Master Planned Community) 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 Z22-007, a zoning map amendment from R-1-20 (Residential Single Family 20,000 square feet) to the MPC (Master Planned Community) zone based on the following findings:”
2. List findings for denial...

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

UDOT
- Traffic study is required, but can be waived if developer provides center turn lane and right turn lane on Hwy 89 into development as well as onto 8700 South.
- If developer plans on starting construction within next two years he should get in touch with UDOT right now.

School District
- Estimated base price/range for SFD and for townhome?
- Estimated phasing and buildout?

Consultant
- Transportation
  - Are two access roads sufficient for 250 units? UDOT will allow another access to Hwy 89 a minimum of 660 feet from the 8300 South access.
  - The 8700 South intersection with the Hwy 89 split is awkward. How many cars can stack there waiting for a left turn? Will this intersection become problematic with increased traffic?
  - Several streetscape comments
- Trails
  - Convert lots 105 and 106 to a trailhead for Historic Orchard Pathway (regional trail) as well as trail in open space across tracks.
  - Cross section for proposed trails?
  - Trail along 8700 South should continue north along Hwy 89.
  - Create a loop system within the townhouse area and in the project area as well – no dead ends.
- Townhouse Design
  - Not all the same color, materials, and exterior design. The different streets could have different design themes and include materials to be used. End units should have windows. What sort of patios are they contemplating? Are the outdoor patios fenced – if so how? Sidewalks need to be included here. A conceptual landscape plan for the leftovers between drives should be provided that is a low water use design and includes trees. Suggest grading to accomplish low impact development design.
- Single Family Home Areas
  - ADU potential is a good idea (20%), but again not sure how much demand there will be here. Maybe stagger setbacks and do low impact design – reduce the need for stormwater infrastructure. Some commitment to materials would be helpful.
- Open Space
  - What is the landscape design concept for these areas? Xeriscape design need to be considered for areas that won’t be active sports play turf areas. Picnic tables/seating areas, barbeques may be useful next to the tot lot and some sort of shade. Some shade
and seating would be good next to the pickle ball courts also.

- Connect the two recreation areas via a trail. Add a tot lot next to the pickle ball courts – not many amenities for the SFD area.
- What does playground mean? Is that a larger play structure? If so, size for the intended population.
- Parcel 1 appears to be the storm water area – what will be the ultimate use of the open space, how will landscaping be designed, could it still be farmed?
- Secondary water for landscaping?

- Development Agreement
  - #1 – The purpose should also include something about developer requesting a rezone and a DA is a requirement of that zone.
  - Phasing of should be defined.
  - Suggest more detail as per open space discussed above in my comments – renderings of some of these proposed amenities would be helpful. There is no discussion of the landscape concepts! Trail connections are not well thought out. No amenities for the SFD area. Consider a trailhead, etc.
  - Clarify when vesting occurs and at that time it would be to whatever standards are in place, like for roads. The agreement could establish the streetscapes and road structure.
  - Require LID throughout the development.

- Several other more detailed suggestions regarding these topics that would be ironed out by staff, counsel, and the Development Agreement.

**Planning & Zoning**

- Need to work on zoning code. Currently in very rough draft form. Need to format as well as clarify densities, setbacks (for outbuildings as well), coverage, uses (unless uses are fully covered in CCRs?), etc.
AGENDA ITEM REQUEST FORM

All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5:00 PM in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements, and a brief explanation of your item to: tgibson@boxeldercounty.org

Meeting Date: 05-04-2022  Submitted Date: 04-28-2022
Person and Org Submitting Item: Scott Lyons Community Development
Contact Information: 3316
Item to be Presented in: Commission Meeting
Subject to be Presented: Zoning Map Amendment-R-1-20 to Master Planned Community - The Orchards, South Willard

Reason for Request:
Legislative actions to be made by legislative body.

What action have you taken/who have you contacted prior to this:
Concept review by staff. Public hearing and review by Planning Commission. Recommendation of denial by Planning Commission

Official Action Requested:
Determination of whether the application meets the eligibility requirements.

Has the document been approved by the County Attorney?
ORDINANCE NO. 558

AN ORDINANCE OF BOX ELDER COUNTY AMENDING THE BOX ELDER COUNTY ZONING MAP BY REZONING 10 ACRES LOCATED AT APPROXIMATELY 1950 NORTH 2800 WEST FROM RR-20 (RURAL RESIDENTIAL 20,000 SQ. FT.) TO C-H (HIGHWAY COMMERCIAL) ZONE.

WHEREAS, the applicant is requesting that the property described herein be zoned from RR-20 (Rural Residential 20,000 sq. ft.) to C-H (Highway Commercial) zone; and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing on the petition to rezone the property and amend the Box Elder County zoning map and provided notice of the public hearing by mailing notice to each affected property owner and each adjacent property owner, and each affected entity at least 10 calendar days before the public hearing, and by posting it on the county’s official website; and by publishing it on the Utah Public Notice Website at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on April 21, 2022, to allow the general public to comment on this proposed rezone and amendment of the zoning map; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that the proposed rezone and amendment to the zoning map is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve the property to be rezoned are adequate, and will provide for the health, safety, and general welfare of the public and protect the environment and adopted the conditions and findings of the staff report; and

WHEREAS, based upon these findings, the Box Elder County Planning Commission has recommended that the Box Elder County Commission amend the zoning map as has been requested; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public meeting on May 4, 2022 to review and discuss this proposed amendment; and

WHEREAS, after reviewing and discussing, the Board of County Commissioners of Box Elder County, Utah finds that the amendment to the zoning map as set forth below is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve the property to be rezoned are adequate, and that it will be in the best interest of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the County Legislative Body of Box Elder County, ordains as follows:

SECTION 1: Zoning Map Amendment. The Zoning Map of Unincorporated Box Elder County is hereby amended by classifying the following described parcels in unincorporated Box Elder County from RR-20 (Rural Residential 20,000 sq. ft.) to C-H (Highway Commercial) zone:
PARCEL 03-069-0038

A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 13 AND THE WEST RIGHT-OF-WAY LINE OF 2800 WEST STREET LOCATED 4611.13 FEET SOUTH 00°00'43" WEST ALONG THE EAST LINE OF SAID SECTION AND 49.50 FEET NORTH 89°59'17" WEST FROM THE NORTHEAST CORNER OF SAID SECTION 5; RUNNING THENCE NORTH 59°28'35" WEST 1379.57 FEET ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE; THENCE NORTH 30°11'03" EAST 137.40 FEET; THENCE NORTH 69°12'14" EAST 128.55 FEET; THENCE NORTH 77°50'35" EAST 370.76 FEET; THENCE SOUTH 30°18'38" EAST 404.28 FEET; THENCE SOUTH 65°10'32" EAST 476.79 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE SOUTH 00°00'43" WEST 393.97 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this ______ day of ______________________, 2022, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner Summers Voting ______
Commissioner Scott Voting ______
Commissioner Hadfield Voting ______

Box Elder County Commission - Chair

Attest:

______________________________
Marla Young
Box Elder County Clerk

State of Utah

County of Box Elder )

On this ______ day of ______________________, 2022, personally appeared before me, the undersigned notary public, ______________________, whose identity is personally known to me (or proved on the basis of satisfactory evidence) and who by me duly sworn (or affirm), did say he is the Commissioner for Box Elder County and said document was signed by him in behalf of said Corporation and acknowledged to me that said Corporation executed the same.

My Commission Expires:______________

______________________________
Notary Public
AGENDA ITEM REQUEST FORM

All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5:00 PM in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements, and a brief explanation of your item to: tgibson@boxeldercounty.org

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<td>Subject to be Presented:</td>
<td>Ordinance 558 Zoning Map amendment-Scott Lyons</td>
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Reason for Request:
Final Vote

What action have you taken/who have you contacted prior to this:
Planning Commission Recommends Approval

Official Action Requested:
Final Vote

Has the document been approved by the County Attorney?
ORDINANCE NO. 557

AN ORDINANCE OF BOX ELDER COUNTY AMENDING CHAPTER 5-1, REGULATION APPLICABLE TO ALL ZONES, SECTION 5-1-290, HOME OCCUPATIONS, OF THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE.

WHEREAS, a recommendation has been made to amend the Box Elder County Land Use Management & Development Code, Chapter 5-1, Regulation Applicable to All Zones, Section 5-1-290, Home Occupations; and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing on the recommendation to amend the text of the Box Elder County Land Use Management & Development code and provided notice of the public hearing by mailing notice to each affected entity at least 10 calendar days before the public hearing, and by posting it in at least 3 public locations within the County and on the County’s official website; and by publishing it in a newspaper of general circulation in the area and on the Utah Public Notice Website at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on April 21, 2022 to allow the general public to comment on this proposed text amendment; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that the proposed text amendment is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, and will provide for the health, safety, and general welfare of the public and protect the environment; and

WHEREAS, based upon these findings, the Box Elder County Planning Commission has recommended that the Box Elder County Commission amend the text as has been requested; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public meeting on May 4, 2022, to review and discuss this proposed amendment; and

WHEREAS, after reviewing and discussing, the Board of County Commissioners of Box Elder County, Utah finds that the amendment to the text as set forth in Exhibit A is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, and that it will be in the best interest of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the Box Elder County Commission, acting as the legislative body of Box Elder County, State of Utah, hereby ordains as follows:

SECTION 1: Ordinance Text Amendment. Chapter 5-1, Regulation Applicable to All Zones, Section 5-1-290, Home Occupations, of the Box Elder County Land Use Management & Development Code is hereby amended to read in its entirety as set forth in Exhibit A.
SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this _____ day of __________________, 2022, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner Hadfield Voting ________
Commissioner Summers Voting ________
Commissioner Scott Voting ________

______________________________
Box Elder County Commission Chair

Attest:

______________________________
Marla Young
Box Elder County Clerk

State of Utah )
    ss )
County of Box Elder )

On this __________ day of __________________, 2022, personally appeared before me, the undersigned notary public, _____________________, whose identity is personally known to me (or proved on the basis of satisfactory evidence) and who by me duly sworn (or affirm), did say he is the Commission Chairman for Box Elder County and said document was signed by him in behalf of said Corporation and acknowledged to me that said Corporation executed the same.

My Commission Expires: ______________

______________________________
Notary Public
EXHIBIT A

5-1-290. Home Occupation.

A. An Administrative Conditional Use Permit may be approved by the Zoning Administrator for a home occupation, i.e., an occupation of a person or family where they reside and which occupation is clearly incidental and secondary to the use of the structure for dwelling and residential purposes, and does not change the residential character of the dwelling or the neighborhood, and in connection with which there is no display and/or stock of merchandise.

B. Definitions.

1. “Home Occupation” shall mean any business activity, other than those listed below, which is conducted entirely within a dwelling or attached garage and is clearly incidental, secondary and in addition to the use of the structure for dwelling purposes. The purpose of the home occupation section is to allow the use of a portion of a home by one of its residents for business purposes, while establishing standards to ensure that the business use of the home will not adversely impact the residential character of the neighborhood in which the home occupation is located.

Unless otherwise prohibited herein, a home occupation is allowed as specified in respective zones provided it maintains compliance with the requirements and standards listed in this section.

C. Prohibited uses. The following uses are prohibited as home occupations:

1. Ambulance service;
2. Animal and veterinary clinic;
3. Any use involving the storage or sale of inflammable, explosive, or hazardous materials;
4. Body piercing, body art, or tattoo parlor;
5. Clinic or hospital;
6. Junkyards;
7. Lawn mower or small engine repair;
8. Major appliance repair or sales (washer, dryers, refrigerators, etc.);
9. Mortuaries or crematoriums;
10. Motor vehicle, boat, or recreational vehicle repair or sales (to include auto body repair);
11. Personal or commercial storage;
12. Restaurant;
14. Towing operations;
15. Trucking or heavy equipment operations; or
16. Welding, iron works, foundries.

D. Exemptions. The following activities are exempted from regulation under this section:

1. Garage or yard sales; provided the sale is held for not more than three (3) consecutive days, and no more than two (2) times per year at the same location, and no consignment goods are offered for sale;
2. Temporary social gathering sales that do not exceed one (1) day, such as candle parties, book parties, etc. not to exceed four (4) occurrences per year.

E. Requirements. A home occupation shall comply with the following requirements:

1. An application for a land use permit with a site plan depicting the site boundaries and relevant buildings or facilities on-site shall be required in order to verify zoning requirements.
2. The property owner’s written authorization shall be submitted as part of the application for the home occupation.
3. The home occupation shall obtain an annual business license.

F. Standards. A home occupation shall comply with the following standards:

1. The primary use of the dwelling must be residential. The extent of a home occupation shall be incidental and secondary to the use of the property for residential purposes.
2. The person(s) operating the business must reside in the dwelling on a full-time basis (at least nine months per year). Up to two additional persons may be employed by the home occupation provided the residence is on a lot with a minimum of one (1) acre in area.
3. The home occupation shall retain the general character and appearance of a residential dwelling and not change the general character of the neighborhood except for approved signage and parking. No exterior remodeling shall take place that would change the residential appearance of the home.
4. Interior structural alterations made to the home are allowed only if they are consistent with its primary use as a dwelling.
5. Except as specified herein, the home occupation shall only be allowed inside a dwelling unit or in an on-site accessory building. The home occupation shall not use any space in a yard or any space on the premises outside of the dwelling or accessory building. This does not apply to the following:
   a. A child day care or preschool, or an adult day care may use outdoor facilities for outdoor recreation or leisure.
   b. Instructional activities may be conducted outdoors provided that the instruction is limited to lessons and lesson-related equipment, materials, or objects in such a manner that maintains compliance with subsection F(3) of this section. Instructional activities shall not include recitals, competitions, tournaments, shows, or performances that may draw
spectators. Instructional activities conducted outdoors or in an accessory building shall not involve any of the following:

1) Manufacturing, industrial processes, or the use of heavy equipment or machinery;
2) Commercial scale assembly or creation of goods or materials;
3) Commercial scale construction or contractor activities; or
4) Outdoor storage.

6. Customers shall be allowed at the residence only if scheduled on an appointment basis, and are only allowed between the hours of seven a.m. (7 AM) and nine p.m. (9 PM). The hours of operation for day-care and preschool centers shall not begin any earlier than six a.m. (6 AM), or operate later than ten p.m. (10 PM) seven days a week. Group lessons or sessions shall not exceed six people at a time.

7. When day-care and preschool centers for 4 or more children under the age of 14 for more than 4 hours a day are approved as a home occupation, the following conditions will also be required:
   a. A license shall be issued by the Utah Department of Workforce Services for the same, and all regulations and conditions imposed by that agency observed.
   b. Copies of all required State licenses will be attached to the application.
   c. Outside yard space will be fenced for the protection of the children (contain them safely).

8. Home occupations with visiting clientele will be subject to the following standards:
   a. No more than one home occupation with visiting clientele shall be permitted on any property.
   b. No home occupation with visiting clientele shall be allowed in multifamily dwelling units.

9. The storage or display of supplies, inventory, equipment, or materials in any portion of the yard is prohibited.

10. The home occupation shall not substantially increase the demand for public services in excess of those usually and customarily provided for residential uses. It shall not substantially increase foot and vehicular traffic, parking, noises, lighting, glare, vibration, odors, smoke, dust or airborne particulate matter, heat, fumes, refuse, interference with radio and/or television reception, or anything else that is uncommon to the established character of the neighborhood to such a degree as to constitute a nuisance to the residents of the immediate area.

11. The home occupation shall not create noise in excess of 60 decibels as measured from the property line.

12. Outdoor lighting used for the home occupation shall be downward directional and one hundred percent (100%) shielded from view from adjacent properties.
13. In addition to the parking spaces required for the residents of the dwelling, parking for customers and for any employee(s), if allowed under subsection F(6) above, must be provided in the driveway or garage.

14. No vehicle larger than a passenger car, van, or one-ton pickup truck is allowed to be brought to, parked on, or stored on the property in conjunction with a home occupation.

15. The storage or parking on the premises of tractor trailers, semi-trucks, or other heavy equipment used for an off-premises business shall not exceed more than two 80,000 pound or less semi-trucks with trailers (Class 8 GVWR or less) and requires a minimum acreage size of 2 acres. All trucks and trailers used as part of the home occupation shall be licensed and registered, and parked in accordance with this land use code.

16. Only those tools, equipment, or electric apparatus that are commonly used as accessories to or in conjunction with residential uses are allowed to be used as part of the home occupation.

17. Barber or beautician services shall be limited to two stations per residence.

18. Tanning salons shall be limited to two tanning beds per residence.

19. The condition of the dwelling and landscaped areas shall be well maintained.

20. The home occupation shall maintain compliance with all applicable local, state, and federal regulations.

G. **Home occupation sign.** Any sign must comply with Chapter 5-3 of the Box Elder County Land Use Management and Development Code.

H. **Inspections.** Inspection during reasonable hours by county officials may occur as necessary to assure compliance with these regulations.

I. **Regulations and Enforcement.**

1. An application for a home occupation shall be submitted to the Planning and Zoning Department of Box Elder County for review and shall be accompanied by the application fee. Upon finding that the applicant understands and agrees to comply with the standards set forth in Section 5-1-290(F), the application shall be approved.

2. All home occupations are required to obtain a Box Elder County business license. The business license shall be renewed each year that the business is in operation.

3. Violations of the standards set forth in Section 5-1-290(F) shall be subject to the penalties outlined in Chapter 2-4 of this code. In addition, a business license revocation hearing may be scheduled at the discretion of the Box Elder County zoning administrator for any home occupation found to be in violation of the home occupation standards or of any other county ordinance.

4. The business owner is responsible for complying with all applicable health, fire, building and safety codes.

5. All home occupations shall be reviewed for compliance with the provisions of this section.
6. A change of business ownership and/or relocation to a new address is considered a new business and requires separate approval.
AGENDA ITEM REQUEST FORM

All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5:00 PM in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements, and a brief explanation of your item to: tgibson@boxeldercounty.org

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<td>Land Use Code Text Amendment- Amendment of Home Occupations (5-1-290) – Scott Lyons</td>
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Reason for Request:
Final approval to be made by the county commission

What action have you taken/who have you contacted prior to this:
Staff review, Planning Commission public hearing and recommendation to approve amendment

Official Action Requested:
Motion

Has the document been approved by the County Attorney?
ORDINANCE NO. 559

AN ORDINANCE OF BOX ELDER COUNTY AMENDING THE BOX ELDER COUNTY ZONING MAP BY REZONING 10 ACRES LOCATED AT APPROXIMATELY 8074 WEST HWY 83 FROM RR-20 (RURAL RESIDENTIAL 20,000 SQ. FT.) TO C-N (NEIGHBORHOOD COMMERCIAL) ZONE.

WHEREAS, the applicant is requesting that the property described herein be zoned from RR-20 (Rural Residential 20,000 sq. ft.) to C-N (Neighborhood Commercial) zone; and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing on the petition to rezone the property and amend the Box Elder County zoning map and provided notice of the public hearing by mailing notice to each affected property owner and each adjacent property owner, and each affected entity at least 10 calendar days before the public hearing, and by posting it on the county’s official website; and by publishing it on the Utah Public Notice Website at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on April 21, 2022, to allow the general public to comment on this proposed rezone and amendment of the zoning map; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that the proposed rezone and amendment to the zoning map is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve the property to be rezone are adequate, and will provide for the health, safety, and general welfare of the public and protect the environment and modified the recommendation for the rezone request to be at least 2 acres in size; and

WHEREAS, based upon these findings, the Box Elder County Planning Commission has recommended that the Box Elder County Commission amend the zoning map as has been requested; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public meeting on May 4, 2022 to review and discuss this proposed amendment; and

WHEREAS, after reviewing and discussing, the Board of County Commissioners of Box Elder County, Utah finds that the amendment to the zoning map as set forth below is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve the property to be rezoned are adequate, and that it will be in the best interest of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the County Legislative Body of Box Elder County, ordains as follows:

SECTION 1: Zoning Map Amendment. The Zoning Map of Unincorporated Box Elder County is hereby amended by classifying the following described parcels in unincorporated Box Elder County from RR-20 (Rural Residential 20,000 sq. ft.) to C- N (Neighborhood Commercial) zone:
PART OF PARCEL 04-073-0019

Part of the East ½ of Section 29, Township 10 North, Range 3 West SLB&M. Beginning at a point on the north right of way line of State Route 83, said point being N 01D07’14” E 2,067.27 feet and N 88D52’46” W 1,328.21 feet and N 74D28’56” W 514.14 feet from the Southeast corner of said Section 29. Running thence N 74D28’56” W 478.75 feet; thence N 00D52’20” E 128.95 feet; thence S 00D52’20” E 463.20 feet; thence S 00D52’20” W 250 feet more or less to the point of beginning.

SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this ______ day of __________________, 2022, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner Summers  Voting ______
Commissioner Scott  Voting ______
Commissioner Hadfield  Voting ______

Attest:

________________________________
Marla Young
Box Elder County Clerk

State of Utah )
    ss
County of Box Elder )

On this ______ day of __________________, 2022, personally appeared before me, the undersigned notary public, ____________________________, whose identity is personally known to me (or proved on the basis of satisfactory evidence) and who by me duly sworn (or affirm), did say he is the Commissioner for Box Elder County and said document was signed by him in behalf of said Corporation and acknowledged to me that said Corporation executed the same.

My Commission Expires:_______________

________________________________
Notary Public
AGENDA ITEM REQUEST FORM

All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5:00 PM in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements, and a brief explanation of your item to: tgibson@boxeldercounty.org

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Reason for Request:
Final Vote on this Ordinance

What action have you taken/who have you contacted prior to this:
Planning Commission recommends approval

Official Action Requested:
Final vote

Has the document been approved by the County Attorney?
AGENDA ITEM REQUEST FORM

All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5:00 PM in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements, and a brief explanation of your item to: tginson@boxeldercounty.org

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<td>Subject to be Presented:</td>
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Reason for Request:
Final approval for legislative actions by County Commission

What action have you taken/who have you contacted prior to this:
Review by staff. Public hearing and recommendation of approval by Planning Commission

Official Action Requested:
Motion

Has the document been approved by the County Attorney?
ORDINANCE NO. 560

AN ORDINANCE OF BOX ELDER COUNTY ADDING CHAPTER 6-3, AGRICULTURAL SUBDIVISIONS, TO THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE.

WHEREAS, a recommendation has been made to add Chapter 6-3, Agricultural Subdivisions, to the Box Elder County Land Use Management & Development Code; and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing on the recommendation to amend the text of the Box Elder County Land Use Management & Development code and provided notice of the public hearing by mailing notice to each affected entity at least 10 calendar days before the public hearing, and by posting it on the County’s official website; and by publishing it on the Utah Public Notice Website at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on April 21, 2022 to allow the general public to comment on this proposed text amendment; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that the proposed text amendment is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, and will provide for the health, safety, and general welfare of the public and protect the environment; and

WHEREAS, based upon these findings, the Box Elder County Planning Commission has recommended that the Box Elder County Commission amend the text as has been requested; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public meeting on May 4, 2022, to review and discuss this proposed amendment; and

WHEREAS, after reviewing and discussing, the Board of County Commissioners of Box Elder County, Utah finds that the amendment to the text as set forth in Exhibit A is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, and that it will be in the best interest of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the County legislative body of Box Elder County ordains as follows:

SECTION 1: Ordinance Text Amendment. Chapter 6-3, Agricultural Subdivisions, of the Box Elder County Land Use Management & Development Code is hereby added to read in its entirety as set forth in Exhibit A.

SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.
PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this ______ day of ____________________, 2022, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner Hadfield  Voting ______
Commissioner Summers  Voting ______
Commissioner Scott  Voting _______

________________________________________
Box Elder County Commission Chair

Attest:

__________________________
Marla Young
Box Elder County Clerk

State of Utah )
   ss )
County of Box Elder )

On this ________ day of ____________________, 2022, personally appeared before me, the undersigned notary public, _______________________, whose identity is personally known to me (or proved on the basis of satisfactory evidence) and who by me duly sworn (or affirm), did say he is the Commission Chairman for Box Elder County and said document was signed by him in behalf of said Corporation and acknowledged to me that said Corporation executed the same.

My Commission Expires:______________

________________________________________
Notary Public
Chapter 6-3 – Agricultural Subdivisions

Sections.
6-2-010 Purpose
6-2-020 Interpretation
6-2-030 Definitions
6-2-040 Authority
6-2-050 Agricultural Subdivisions
6-2-060 Agricultural Subdivisions with a Single Family Dwelling
6-2-070 Additional Requirements

6-2-010. 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.

6-2-020. Interpretation.

The interpretation of this Chapter shall be consistent with the provisions of 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 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.

6-2-030. Definitions.

As used in this Chapter, the following terms shall have the following meanings:

“Land in agricultural use” means land that:

A. land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
B. forages and sod crops;
C. grains and feed crops;
D. livestock as defined as:
   a. a domestic animal;
   b. a fish;
   c. a fur-bearing animal;
d. a honeybee; or
e. poultry;
E. trees and fruits; or
F. vegetables, nursery, floral, and ornamental stock; or
G. 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.

6-2-040. 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.

6-2-050. Agricultural Subdivisions.

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:

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.

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.

6-2-060. 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 6-2-060(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 6-2-060 is later used for a nonagricultural purpose, the plat exemption provided in Subsection 6-2-060 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.

6-2-070. 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. Proof of access can be an existing or newly created easement. Access is not required to be improved.
All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5:00 PM in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements, and a brief explanation of your item to: tgibson@boxeldercounty.org

<table>
<thead>
<tr>
<th>Meeting Date:</th>
<th>05-04-2022</th>
<th>Submitted Date:</th>
<th>04-27-2022</th>
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<tr>
<td>Person and Org Submitting Item:</td>
<td>Darin Mcfarland</td>
<td>Time Requested:</td>
<td>5 min</td>
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<tr>
<td>Contact Information:</td>
<td>2581</td>
<td>Item to be Presented in:</td>
<td>Commission Meeting</td>
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<tr>
<td>Subject to be Presented:</td>
<td>Discuss the 2022 Maintenance Projects.-Darin Mcfarland</td>
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Reason for Request:

What action have you taken/who have you contacted prior to this:
EnterTextHere

Official Action Requested:

Has the document been approved by the County Attorney?
AGENDA ITEM REQUEST FORM

All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5:00 PM in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements, and a brief explanation of your item to: tgibson@boxeldercounty.org

Meeting Date: 05/04/2022
Submitted Date: 04/26/2022
Person and Org Submitting Item: Jenica Stander, HR
Time Requested: 2 min
Contact Information: jstander@boxeldercounty.org; 435-734-3364
Item to be Presented in: Commission Meeting
Subject to be Presented: Policy 7 Change

Reason for Request:
Review and approve change to Policy 7 to add required bereavement for miscarriage or stillbirths per HB 449, effective May 4, 2022. We would also like to discuss Juneteenth and have a decision made regarding that. We will include it in the draft of the policy change.

What action have you taken/who have you contacted prior to this:
Attorney’s Office

Official Action Requested:
Approve policy change.

Has the document been approved by the County Attorney? Yes
AGENDA ITEM REQUEST FORM

All agenda items and any back-up material needs to be submitted to the Clerk’s Office by Thursday at 5:00 PM in order to be on the following Wednesday’s Agenda.

You may email back-up: ordinances, resolutions, contracts, agreements, and a brief explanation of your item to: tgibson@boxeldercounty.org

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<td>Person and Org Submitting Item:</td>
<td>Jenica Stander, HR</td>
<td>Time Requested:</td>
<td>2 min</td>
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<tr>
<td>Contact Information:</td>
<td><a href="mailto:jstander@boxeldercounty.org">jstander@boxeldercounty.org</a>; 435-734-3364</td>
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<td>Commission Meeting</td>
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<td></td>
</tr>
<tr>
<td>Subject to be Presented:</td>
<td>Policy 9 Change</td>
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Reason for Request:
Review and approve change to Policy 9 to change the requirements for membership and management of the Employee Committee.

What action have you taken/who have you contacted prior to this:
Attorney’s Office

Official Action Requested:
Approve policy change.

Has the document been approved by the County Attorney? Yes