

BOX ELDER COUNTY PLANNING COMMISSION MINUTES APRIL 20, 2023

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

Roll Call

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| Mellonee Wilding | Chairman |
| Jared Holmgren | Vice-Chair |
| Lonnie Jensen | Member |
| Steven Zollinger | Excused |
| Bonnie Robinson | Member |
| Jed Pugsley | Member |
| Jennifer Jacobsen | Excused |
| Vance Smith | Alternate/Member |

the following Staff was present:

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

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

The Invocation was offered by Commissioner Bonnie Robinson.

Pledge was led by Commissioner Jed Pugsley.

The following citizens were present & signed the attendance sheet

There were no citizens in attendance.

The Minutes of the March 16, 2023 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by Commissioner Jed Pugsley to approve the minutes as written. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS - NONE

NEW BUSINESS

SITE PLAN REVIEW, SP23-001, Request for Site Plan approval for a flower and Christmas tree farm located at approximately 5695 West 6400 North in the Bear River City area of Unincorporated Box Elder County. ACTION

Staff explained the applicant is requesting site plan approval for an agritourism business. The proposed use includes professional photography opportunities, a U-Pick flower operation, and a

Christmas tree farm. The site would be available for scheduling for photographers year round. The main seasons would be summer (July through mid-September) for the U-Pick flower operation and winter (mid-November through December) for the Christmas tree operation. The U-Pick operation is planning to sell tickets in two-hour blocks with up to 50 tickets sold for each block. The Christmas tree operation would be open to the public for tree sales. The site is on approximately 18.76 acres and currently used for agriculture. The surrounding land use is Agriculture and Rural Residential; the surrounding zones are Unzoned. There is one home on the property, and one home to the west. The home has an existing septic system and water is provided by West Corinne Water Company. When the future barn/ADU is constructed, utilities for that use will be reviewed during the building permit process.

Staff stated Box Elder County Land Use Management & Development Code Section 2-2-20.D.2.c allows agritourism operations as a permitted use in unzoned areas subject to Site Plan approval.

Staff read Section 2-2-090 which outlines the standards for approval for permitted uses as they apply to this request:

- A. The proposed use shall be allowed as a permitted use in the applicable zone. *Yes*
- B. The proposed use shall conform to development standards of the applicable zone. *Whether the proposed use/design conforms to development standards is still being reviewed by the County Roads Supervisor and County Building Official.*
- C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. *This is still under review.*
- D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. *This is still under review.*
- E. If the proposed use is located on a lot or parcel which has been subdivided without County approval a subdivision plat shall be approved and recorded as a condition of approval. *N/A*

Staff is proposing all lighting must be directed downward and be hooded in order to prevent light pollution onto neighboring properties and all signage must be in conformance with Chapter 5-3 of county code. The County Engineer and Fire Marshal have reviewed and approved the proposed site plan. The County Roads Supervisor and County Building Official are currently reviewing the proposed site plan.

MOTION: A Motion was made by Commissioner Jared Holmgren to approve the application SP23-001, a Site Plan for an agritourism business and adopting the conditions and findings of staff, including approval of the Road and Building Departments and the Health Department regarding sanitation. The motion was seconded by Commissioner Jed Pugsley and unanimously carried.

CONDITIONS:

1. Compliance with Section 2-2-090, Permitted Use Review, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-120, Site Plan Review, of the Box Elder County Land Use Management & Development Code.

3. Compliance with input from the Road Supervisor regarding ingress/egress on the county road, the Bear River Health Department regarding restrooms/public health, as well as final review/approval by the County Building Official.
4. All lighting must be directed downward and be hooded in order to prevent light pollution onto neighboring properties.
5. All signage must be in conformance with Chapter 5-3, Sign Regulations, of the Box Elder County Land Use Management & Development Code. Signage as required by the state of Utah.
6. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
7. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

SURPLUS PROPERTY DISPOSAL, SPD23-02, Request for a transfer of property located at approximately 200 South and 1300 West in Brigham City. ACTION

Staff stated Brigham City has proposed a transfer of property with Box Elder County located at approximately 1300 West and 200 South for a regional storm detention basin. The surplus property would consider transferring ownership of the property south of the Walker parcel and allowing for a storm water easement across and along 1400 West. Brigham City is proposing a lot line adjustment of the parcels to accomplish the transfer of the property. The Redevelopment Agency Board has directed staff to start the request through the surplus property disposal process.

Staff explained all surplus property disposal of real estate is to be reviewed by the Planning Commission to ensure the request complies with the General Plan, the Land Use Management & Development Code and any other applicable ordinances. The Planning Commission needs to submit their recommendation to the County Commission within 15 days of the date of decision.

MOTION: A Motion was made by Commissioner Jed Pugsley to forward a recommendation to the County Commission that the County General Plan, the County Land Use Code, and any other applicable ordinances they are aware of are not applicable to the proposal. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

WORKING REPORTS

Multiple Family Dwellings

Multiple family dwellings as defined in Chapter 1-3 are not allowed in unincorporated Box Elder County. This affects the following sections of code as well: 5-1-080, 3-2-070-7, and 5-1-070.

Staff said there was good discussion in the pre-meeting regarding multiple family dwellings. Commissioner Jennifer Jacobsen, who was unable to attend tonight's meeting, would like to have any necessary changes made to the code to reflect that Mutli-Family housing not be allowed in unincorporated areas of Box Elder County. She feels they should be kept in the surrounding cities that can support those types of housing requirements.

Commissioner Vance Smith would like to see if there could be some options with separate utilities for duplexes. Commissioner Mellonee Wilding would like to require the property owner to live in one of the units.

Agricultural Subdivisions

Staff report: Discussion and proposal to amend Chapter 6-3. Currently agricultural subdivisions are being taken advantage of and creating short-term problems and long-term costs to county taxpayers. The only agricultural subdivisions we see that aren't problematic are those splitting the home off the ag land. This is usually done after a parent passes. The main problem we are seeing is developers dividing a larger ag parcel into several smaller ag parcels. They go this route because they only have to provide a legal description. They do not have to provide any improvements, utilities, etc. Based on state code these parcels cannot be used for a "nonagricultural purpose", but the new buyer of the land then goes through a 1-lot subdivision process in order to make their parcel buildable. For example, this turns what should have been a 17-lot subdivision with road improvements, utilities, etc. into 17 1-lot subdivisions (or more) with none of the necessary improvements.

Some options staff has considered are:

Eliminate agricultural subdivisions except for those splitting a home off the ag parcel.

Create a specific agriculture zone that doesn't allow for any development. Require the applicant to zone the property as such as part of the ag sub approval. State code and our code then require the property "will remain as land in agricultural use until a future zoning change permits another use." This makes the transition from ag use to development a legislative decision.

Staff explained they are trying to keep a tax burden from being placed on the general residents of Box Elder County. We don't want to abandon agriculture subdivisions altogether because they serve a purpose.

Commissioner Jed Pugsley asked about placing deed restrictions on the remainder parcel to keep it agricultural. Staff stated that is what is happening now. If they go through the buildable subdivision process as opposed to the subdivision process, we allow them to convert it. We could say once the agriculture subdivision is done, we could put a deed restriction on it for a certain amount of time. That alone could discourage someone from buying it with the intent of converting and building on it within 2 years.

Commissioner Vance Smith thinks we need to focus more on burdening the subdivision and building process rather than burdening the agriculture subdivision process. A twenty foot all surface emergency road is required regardless of how far down the road they are. We still have to require that an ambulance and a fire truck can get to them.


Staff said the difficulty is the rational nexus says we can only require them to improve the frontage in front of them to one of the county road standards, depending on what the County Road Supervisor requires. So when the other parcels develop, the road could turn into a zebra of asphalt and road base. The road supervisor is very opposed to this because it will crumble, and running a snow plow down the road would not be good for the asphalt or the snow plow.

Staff said one option would be the deed restriction with a time frame on it. Staff is unsure how the county commission would react, but staff will look into it and bring this item back to the next meeting on how the county used to do rural road agreements. The county would basically do a restriction along with the approval of the subdivision that would say whenever the owners or the county deemed the road needs to be improved to this standard, then the owners are responsible to pay for their portion.

PUBLIC COMMENTS – NONE

ADJOURN

MOTION: A Motion was made by Commissioner Jared Holmgren to adjourn commission meeting. The motion was seconded by Commissioner Bonnie Robinson and meeting adjourned at 7:52 p.m.



Mellonee Wilding, Chairman
Box Elder County Planning Commission

