

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

April 20, 2023

Agenda review with Planning Commissioners at 6:00 p.m.

1. **CALL TO ORDER 7:00 p.m.** (County Commission Chamber Room, Main Floor)
 - a. Roll Call (Commissioners S. Zollinger, B. Robinson, M. Wilding, J. Holmgren, J. Pugsley, V. Smith, J. Jacobsen, and L. Jensen)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL of the March 16, 2023 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS - NONE**
6. **PUBLIC HEARINGS**
 - a. **NONE**
7. **NEW BUSINESS**
 - a. **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**
 - b. **SURPLUS PROPERTY DISPOSAL, SPD23-02**, Request for a transfer of property located at approximately 200 South and 1300 West in Brigham City. **ACTION**
8. **WORKING REPORTS**
 - a. Multi-Family Housing Language
 - b. Agriculture Subdivisions
9. **PUBLIC COMMENT**
10. **ADJOURN**

BOX ELDER COUNTY PLANNING COMMISSION MINUTES March 16, 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

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

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Stephen Hadfield	County Attorney
Boyd Bingham	Excused
Diane Fuhriman	Excused

Vice-Chair Jared Holmgren called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Jed Pugsley.
Pledge was led by Commissioner Jared Holmgren.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the February 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 Jennifer Jacobsen and passed unanimously.

UNFINISHED BUSINESS

VALLEY VIEW ESTATES PH. 3, SS22-024, Request for preliminary approval of an 8-lot subdivision located at approximately 550 West 7150 South in the South Willard area of Unincorporated Box Elder County. ACTION

Staff said this application was tabled on September 15, 2022 for up to three (3) months to allow time for the applicant to come into compliance with the conditions set forth. On December 15, 2022 the item was tabled again for up to three (3) months due to the applicant not submitting an

updated plat. On March 1, 2023 staff met with, and received an email with updates the applicant has been working on with regards to this subdivision. The applicant is working on connecting to a road which leads to the highway. There are existing residents along the road that would be able to connect into the South Willard Water system if the road were to become a public road. Since it is a private road, South Willard Water will not allow them to connect. If the road is acquired, there would be a 50 ft. right-of-way. County standard is 60 ft. so they will need to apply for a variance. Staff explained the preliminary subdivision plat does not comply with the preliminary subdivision regulations of Box Elder County. Modifications to the proposed preliminary plat may be made to bring it into conformance with county code.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to table application SS22-024, a preliminary plan for the Valley View Estates Phase 3 Subdivision for up to 12 months to bring the application into compliance with Box Elder County LUM&DC subdivision regulations and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

CONDITIONS:

1. Compliance with all comments from County staff.
2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.
5. Drainage easements need to be dedicated to the South Willard Flood Control District and the frontage on Lot 1 addressed.

TRIPLE S STORAGE SITE PLAN & CUP, SP18-004, Request for an extension of approval for a Site Plan & CUP for a storage facility located at approximately 9200 South HWY 89 in Unincorporated Box Elder County. ACTION

Staff explained this item originated in 2018. The project is located in South Willard where Highway 89 converges on the south end, across from the Rocky Point gravel pit, and east of Smith & Edwards. A Site Plan and Conditional Use Permit have 2 years to become substantially completed or it expires. In March of 2021, the applicant had been working with UDOT and the South Willard Water Company to facilitate the construction of the facility and asked for an extension of 2 additional years. Per county code, the total extension can be up to 2 times as long as the original time frame, which was 2 years, so they are eligible for 2 more years until March 2025.

The request was submitted in writing and also clarified all the work that has been done.

- Completed negotiations and installation of water and electrical services to the project site.
- Secured UDOT agreement and have completed the construction of the facility entrance.
- Updated the geotechnical report outlining design criteria.
- Completed electrical design for gate and first building.
- Negotiated with point-of-sale transaction vendors to provide related infrastructure for facility operation.
- Compiled construction drawings for bidding purposes.

- Solicited bids for building procurement and construction services.
- Awarded contract to Cleary Building Corp.
- Issuance of down payment to Cleary Building Corp.
- Provided documentation and support for structural engineering.

Staff stated construction for the first building is scheduled for May 2023. The project is continuously making progress forward and is very near a major development threshold represented by the first building. The extension would allow the applicant until March of 2025 to have the project substantially completed as outlined in county code. Based on staff's review, staff recommends granting the extension.

MOTION: A motion was made by **Commissioner Jed Pugsley** to grant the request for extension for application SP18-004 a Site Plan & CUP for a storage facility and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

PUBLIC HEARINGS

Vice-Chair Jared Holmgren explained public hearings provide an opportunity for the public to voice their concerns or approval on an item.

CONDITIONAL USE PERMIT, CUP23-001, Request for a Conditional Use Permit for a Recreational Vehicle Park located at approximately 20755 North 6000 West in the Plymouth area of Unincorporated Box Elder County.

Staff stated the applicant is requesting a Conditional Use Permit for an RV park and a future phase of residential dwellings on property located at 20755 North 6000 West in the Plymouth area. The site would consist of 21 RV spots and 13 future single family dwellings with a laundry and shower facility in the middle.

Staff explained there are 12 standards for reviewing Conditional Use Permits in Section 2-2-100 of county code, none of which should really have an impact. However staff is still waiting to hear from the County Fire Marshal regarding #10 -“Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall.”

Staff said Section 3-6-040 outlines the development standards for Recreational Vehicle Parks. This development conforms to those standards. In Section 3-6-090, F5 states Sidewalks: Thirty-six (36) inch minimum width sidewalks shall be installed on all main roadways within the development, if required by the Planning Commission. The Planning Commission will need to decide if they want sidewalks to be required.

The public hearing was then opened for comments. There were no comments.

Hearing no comments, a motion was made by **Commissioner Jed Pugsley** to close the public hearing on Conditional Use Permit, CUP23-001. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

ACTION

Staff said they are still waiting on utility letters for power, gas, water and the health department. The commissioners discussed the requirement for sidewalks.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to table application CUP23-001, a Conditional Use Permit for a Recreational Vehicle Park for up to 6 months based on needing a rendering of the area that includes a 36” minimum sidewalk installed on all main roadways within the development as well as obtaining the utility will-serve letters. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

ZONING MAP AMENDMENT, Z23-002, Request for a zone change of 391.91 acres from MU-40 (Multiple Use 40 acre) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone located at approximately 50375 W Highway 30 in the Park Valley area of Unincorporated Box Elder County.

Staff stated the applicant is requesting parcel 07-011-0049 (391.41 acres) be rezoned from MU-40 (Multiple Use 40 acres) to the MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone. The parcel is in the Park Valley area. The surrounding land use is Agricultural and the surrounding zoning is MU-40.

Staff read Section 2-2-080-E which outlines the standards for reviewing zoning map amendments as they apply to this application:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan; In the Natural Resources Section the General Plan states: We conserve our natural resources, which have inherent value and contribute to our quality of life in Box Elder County.

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 mainly agricultural uses with some residential scattered. The Planning Commission needs to decide if an MG-EX zone could be considered harmonious.

C. The extent to which the proposed amendment may adversely affect adjacent property; This is unknown. The public hearing process may bring forth additional information.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection. It is unknown what the adequacy of facilities is in this area for the MG-EX zone.

The public hearing was then opened for comments.

Carisa Hipwell, applicant, said she and her husband bought the gravel pit in Park Valley and would like to re-open it. However, she found out the property was not zoned correctly from the beginning. She is trying to get it zoned correctly.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Zoning Map Amendment Z23-002. The motion was seconded by **Commissioner Lonnie Jensen** and passed unanimously.

ACTION

Commissioner Bonnie Robinson asked about water for dust suppression and about a reclamation plan. Rich Hipwell, applicant, stated there are two springs and they have a detention pond for reclaiming that same water. Carisa Hipwell said there has been so much gravel in that spot, nothing grows there. The Hereford association grazes on the land, once they are finished with the gravel, they will revert to a feedlot.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to forward a recommendation of approval to the County Commission for application Z23-002 a request for a zone change from MU-40 to MG-EX and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

CONDITIONS:

1. Compliance with Section 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Chapter 3-9, Mining, Quarry, Sand, & Gravel Excavation Zone, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

ORDINANCE TEXT AMENDMENT, Z23-003 Request for a text amendment to Section 5-6-060 to change the height requirement for Accessory Dwelling Units in the Box Elder County Land Use Management & Development Code.

Commissioner Vance Smith recused himself from this agenda item due to a conflict of interest.

Staff said the applicant is proposing a text amendment to amend Section 5-6-060(M), Development Standards for Accessory Dwelling Units. Specifically regarding maximum height regulations for both internal and detached ADUs. Currently ADUs are limited to “one story”. It is proposed that “the maximum height of ADUs or IADUs shall be no taller, in elevation, than the roof of the primary structure.” This would potentially allow for two-story ADUs. The applicant suggests the increased flexibility in height will allow for different building configurations and allow for more affordable housing opportunities.

Staff read Section 2-2-080 of county code which outlines the standards for reviewing zoning text amendments as they apply to this request as follows:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The proposed amendment is consistent with the County's General Plan. The county has a Moderate Income Housing Plan adopted as part of the General Plan. The MIH Plan encourages the allowance of ADUs and IADUs as an affordable housing tool. The proposed amendment may increase the affordability and use of ADUs in the county.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; This text amendment would apply to all areas of unincorporated Box Elder County that allow single family residential dwellings.

C. The extent to which the proposed amendment may adversely affect adjacent property; The goal of the proposed amendment is to allow for greater flexibility regarding the height of ADUs. Staff cannot think of adverse effects on adjacent properties. The public hearing process may shed additional light on this subject.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection. The proposed text amendment should not have a greater effect on the adequacy of facilities and services from the height standard.

The public hearing was then opened for comments. There were no comments.

Hearing no comments, a motion was made by **Commissioner Jed Pugsley** to close the public hearing on the Ordinance Text Amendment, Z23-003. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

ACTION

Staff explained the most common ADUs are barndominiums. It has been 9 years since the original language was created and passed. Barndominiums have become significantly more popular so a change for more flexibility makes sense.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Z23-003, for a text amendment to Section 5-6-060 to change the height requirement for ADU's and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.

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

(See Attachment No. 2 – Proposed Text ADUs.)

ORDINANCE TEXT AMENDMENT, Z23-004, Request for a text amendment to create Chapter 5-8: Kennels, and to amend any affected chapters of the Box Elder County Land Use Management & Development Code.

Staff said the applicant is requesting a text amendment to create Chapter 5-8: Kennels, and to amend any affected chapters of the Box Elder County Land Use Management & Development Code. This chapter creation is to provide application requirements for kennels for unincorporated Box Elder County.

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

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan; The County’s General Plan states that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; This text amendment would apply to all areas of unincorporated Box Elder County that would allow for the creation and operation of kennels. The Planning Commission needs to decide if this amendment would be harmonious.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.

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

The public hearing was then opened for comments. There were no comments.

Hearing no comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Ordinance Text Amendment, Z23-004. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

ACTION

Commissioner Bonnie Robinson asked for clarification if noise, smells, and flies etc. constitute a nuisance as stated in 5-8-020.E “All kennels must be located and operated in a manner that does not create a nuisance to neighboring properties.” Staff noted a definition of nuisance needs to be added to the text amendment.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Z23-004, an ordinance text amendment to create Chapter 5-8: Kennels, and to amend any affected chapters of the Box Elder County Land Use Management & Development Code, and to include the definition of a nuisance. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

CONDITIONS:

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

(See Attachment No. 3 – Proposed Text Kennels.)

NEW BUSINESS

SURPLUS PROPERTY DISPOSAL, SPD23-01, Request for an exchange of property located at approximately 49 South and 950 West in Brigham City. ACTION

Staff said Brigham City has proposed an exchange of property with Box Elder County located at approximately 49 South and 950 West to facilitate the Forest Street overpass project and maintain a north/south roadway connection on the west side of the railroad tracks along 950 West and American Way (900 West). The County Commission has directed staff to start the request through the surplus property disposal process.

Staff explained the Planning Commission’s responsibility on surplus property disposal requests is to see if the request is in-line with, or in opposition to, the General Plan, Land Use Code, or other ordinances the Planning Commission administers. This property is within Brigham City limits so the county has no jurisdiction. The recommendation made to the County Commission would not be whether or not the Planning Commission supports the project but rather if any plans, codes, or ordinances apply.

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 this proposal. The motion was seconded by **Commissioner Lonnie Jensen** and unanimously carried.

WORKING REPORTS

S-3 Sign Overlay Zone

Staff read an email received in December 2022 from Tom Stephens, an advisor to Scenic Utah.

“We very much recommend that your S-3 Sign Overlay Zone be amended to prohibit billboards – and we suggest that this be an urgent issue, as billboard companies continually search for willing property owners to do business with, especially along our interstates, and they find them.

”Realities in dealing with billboards:

“1. Municipalities earn very little or no direct tax revenue from billboards, as they are taxed as business personal property and are fully depreciated down to zero value at the end of 20 years.

“2. Billboards here in Utah are essentially permanent structures, as state code governing outdoor advertising grants numerous super rights to billboard companies that preempt local decision-making, making it next to impossible to get rid of a billboard once a sign permit application has been received by your office.

“3. Due to state code eminent domain language favoring billboards, neither the County nor the owner/lessor of the land will ever be able to remove a billboard without paying hundreds of thousands of tax or private dollars to the billboard owner. I can offer a recent, documented experience of one Utah municipality as to the exorbitant cost of a billboard removal, if you would like.

“4. billboard land lease provisions makes terminating a lease very difficult – if not impossible. Even when the lease is successfully terminated, the billboard owner has the right to move the billboard to any commercial or industrial zone (regardless of whether billboards are prohibited in that zone), within a mile of its original location.

“5. The County’s conditional use permit requirement offers zero protection. State code conditional use language effectively makes it impossible to deny a billboard conditional use permit.

“6. Perhaps most important, large billboards detract from the scenic beauty Box Elder County residents and visitors would otherwise enjoy.”

Staff explained Mr. Stephens recommends Box Elder County eliminate billboards from county code altogether. Staff has not had problems with billboards but that can change quickly. Currently billboards are only allowed in the S-3 zone only along the two Interstates north of Brigham.

The commissioners discussed the need for billboards in the county. Commissioner Jennifer Jacobsen would like to see them eliminated completely. Commissioner Jed Pugsley stated he sees a need for them to support local businesses. Staff was directed to send the commissioners the email and a map of what is currently in place to review for further discussion.

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Jed Pugsley and the meeting adjourned at 8:30 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION

STAFF REPORT

Meeting Date: April 20, 2023

Agenda Item #: 7a

Application Type:

Site Plan
Agritourism

APPLICANT(S):

Bryan Brandon

PROJECT #:

SP23-001

ZONE:

Unzoned

PARCEL #:

04-058-0033

TYPE OF ACTION:

Administrative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

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 for the operation would be summer (July through mid-September) for the U-Pick flower operation and winter (mid-November through December) for the Christmas tree operation. For the U-Pick operation the applicant is planning to sell tickets in two-hour blocks with up to 50 tickets sold for each block. For the Christmas tree operation it would just be open to the public for tree sales. The site is on approximately 18.76 acres located at 5695 West 6400 North in an unzoned area of Box Elder County west of Bear River City.

Surrounding Land Use and Zoning:

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

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code Section 2-2-120.D.2.c allows agritourism operations as a permitted use in unzoned areas subject to Site Plan approval.

Section 2-2-090 outlines the following standards for approval for permitted uses:

- A. The proposed use shall be allowed as a permitted use in the applicable zone.
Yes
- B. The proposed use shall conform to development standards of the applicable zone.
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

Utilities:

At this point the only structure is an existing home. This home has an existing septic system. Water to the home is provided by West Corinne Water Company. If/when the proposed future barn/ADU is constructed utilities for that use would be reviewed during the building permit process.

Setbacks:

There are future buildings proposed as part of the proposed site plan. As shown, these buildings meet setback requirements for unzoned areas. Setbacks will be enforced during the building permit process.

Access:

Access to the property is via 6400 North, an existing county road.

Proposed Conditions:

Staff proposed conditions:

- All lighting must be directed downward and be hooded in order to prevent light pollution onto neighboring properties.
- All signage must be in conformance with Chapter 5-3, Sign Regulations, of the Box Elder County Land Use Management & Development Code.

County Department Reviews:

- The County Engineer has reviewed and approved the proposed site plan.
- The County Roads Supervisor is currently reviewing the proposed site plan.
- The County Fire Marshal has reviewed and approved the proposed site plan.
- The County Building Official is currently reviewing the proposed site plan.

FINDINGS:

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

1. The Box Elder Land Use Management and Development Code does allow for commercial agritourism uses in the unzoned areas subject to Site Plan review and approval by the Planning Commission.
2. The proposed Site Plan is still under review by some departments.



RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may APPROVE or TABLE the request** subject to the following 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 reviews from the Road Supervisor and 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.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SP23-001, a Site Plan for an agritourism business, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

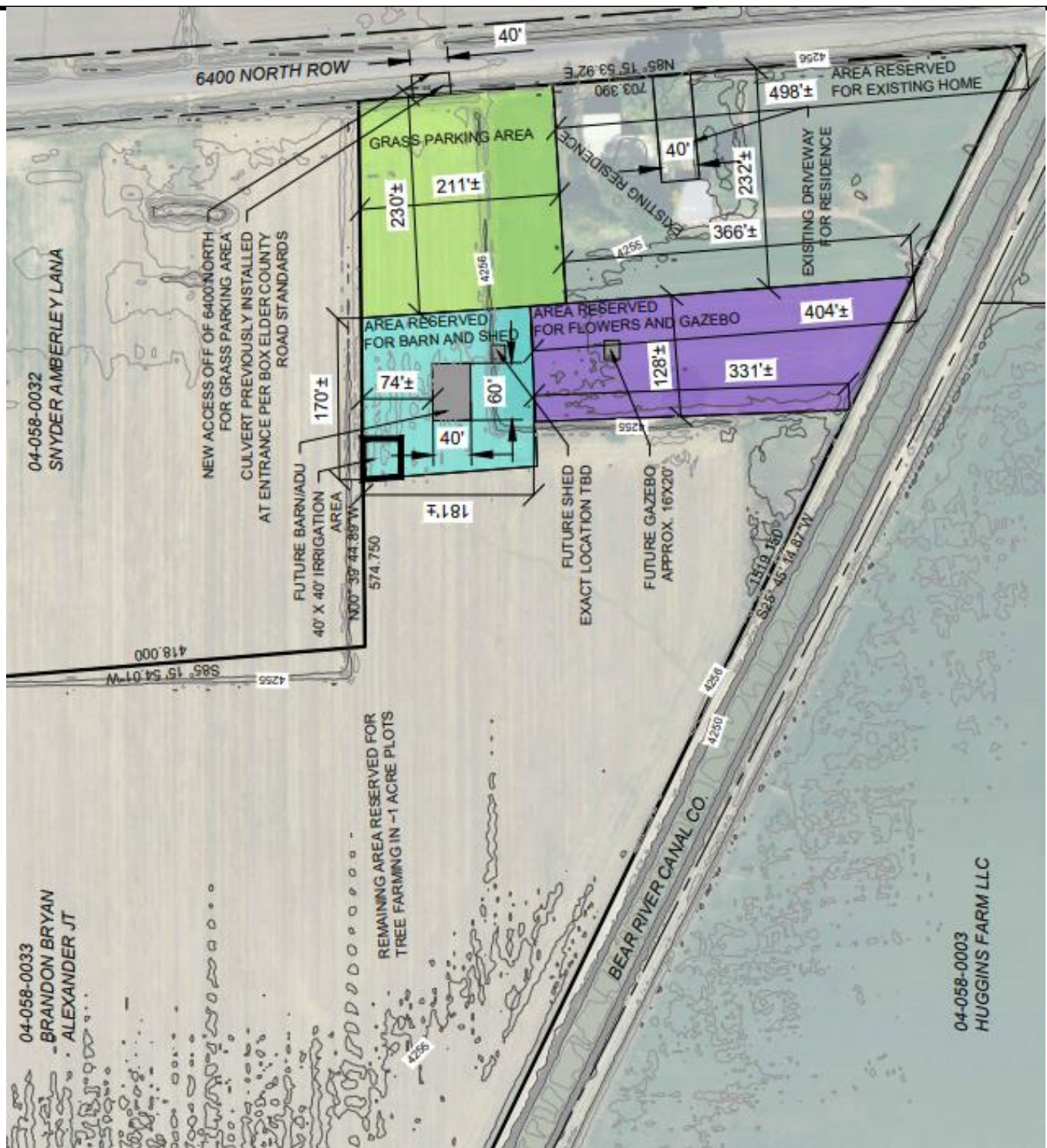
1. List any additional conditions....

Table – “I move the Planning Commission table the review of application number SP23-001, a Site Plan for an agritourism business, 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...

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







PLANNING COMMISSION STAFF REPORT

Meeting Date: April 20, 2023

Agenda Item #: 7b

Application Type:

Surplus Property Disposal

APPLICANT(S):

Brigham City

PROJECT #:

SPD23-02

ORDINANCE:

County Policy #2000-01

TYPE OF APPLICATION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

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 the 1400 W. The 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.

ANALYSIS

County Policy:

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

FINDINGS:

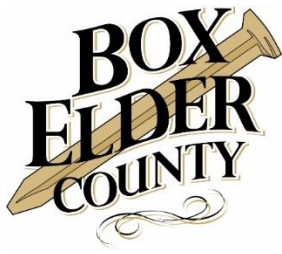
Based on the analysis and review of the proposed conveyance of County property staff concludes the following:

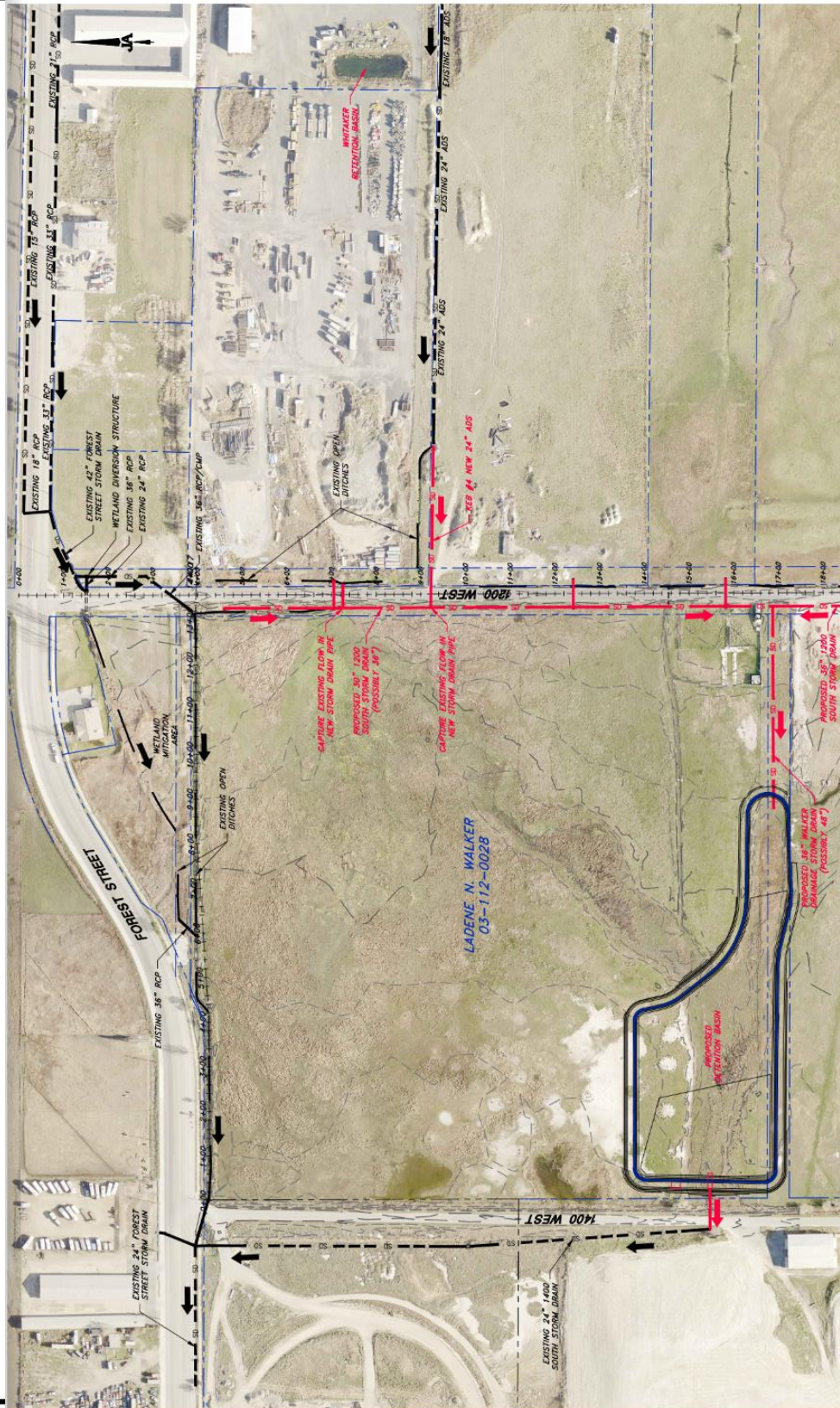
1. The County General Plan does not address county owned property within other jurisdictions.
2. The Land Use Code does not address county owned property within other jurisdictions.
3. Staff can submit a recommendation to the County Commission on behalf of the Planning Commission within 15 days of the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

RECOMMENDATION

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

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





WORKING REPORTS

5-1-370. 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
- 5-1-070

Chapter 6-3. Agricultural Subdivisions.

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.