

BOX ELDER COUNTY PLANNING COMMISSION MINUTES AUGUST 18, 2022

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

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Steve Hadfield	County Attorney
Jeff Scott	Co. Commissioner
Diane Fuhriman	Executive Secretary

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

The Invocation was offered by **Commissioner Jennifer Jacobsen**.
Pledge was led by **Commissioner Bonnie Robinson**.

The following citizens were present & signed the attendance sheet

No citizens were in attendance

The Minutes of the July 21, 2022 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 Bonnie Robinson** and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

CONDITIONAL USE PERMIT, CUP22-002, Request for a Conditional Use Permit for an Accessory Dwelling Unit, located at approximately 17575 North 4400 West in the Fielding area of Unincorporated Box Elder County. ACTION

Staff stated the applicant is requesting a conditional use permit for an accessory dwelling unit. They intend to build an approximate 1,200 sq. foot dwelling unit attached to the west side of an

existing agricultural building. No other accessory dwelling unit (internal or external) exists on the property. The main home is currently used as their primary residence and is approximately 4,319 sq. feet in size. The property is located at 17575 North 4400 West in the Fielding area. The surrounding land use is Rural Residential/Ag and Agriculture. The surrounding zoning is Unzoned.

Staff explained county code allows one ADU per lot or property in zones that allow single family dwellings subject to conditional use permit approval. The standards for reviewing conditional uses are as follows.

1. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards.
2. Negative impacts on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems.
3. Negative impacts on connectivity and safety for pedestrians and bicyclists.
4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable within the district including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, glare, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.
5. Environmental impacts that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as fault lines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
6. Modifications to signs and exterior lighting to assure proper integration of the use.
7. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.
8. Reduction in the tax base and property values.
9. Reduction in the current level of economy in governmental expenditures.
10. Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshal.
11. Reduction in usable open space.
12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.

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

Hearing no comments, a motion was made by **Commissioner Steven Zollinger** to close the public hearing on the GSL Conditional Use Permit, CUP22-002. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

ACTION

Commissioner Mellonee Wilding questioned if the applicant needs a separate septic system from the house for the ADU. Staff explained the applicant would contact the Bear River Health Department who would determine if their current septic system is adequate.

Commissioner Bonnie Robinson asked about water taps. She gave an example of with West Corinne Water, it is one house on one tap. She is concerned with citizens being able to put two houses on one tap and asked if water letters are required for ADUs. She said most water companies would consider the home and ADU as two houses. Staff explained when the applicant applies for the building permit for the ADU, proof of water and septic are both required.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve application CUP22-002, a Conditional Use Permit for an Accessory Dwelling Unit and adopting the conditions and findings of staff . The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
2. Compliance with Article 2-2-100, Conditional Use Permit, 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 licenses, permits, etc.

NEW BUSINESS

AGRICULTURAL PROTECTION AREA, AP22-005, Request to create a new agricultural protection area on multiple parcels in the area north of Corinne in Unincorporated Box Elder County. ACTION

Staff stated the applicants are requesting to establish an agriculture protection area on approximately 239.71 acres located on multiple parcels in an area just north of Corinne. The surrounding land uses are Agriculture and the surrounding zoning is A-20 and the town of Corinne is to the south.

Utah State Code set the standards for reviewing the creation of an agricultural protection area. Staff read the review standards as they apply to this application as follows:

A. The effect of the creation of the proposed area on the planning policies and objectives of the county; At this time, the County has nothing in place promoting or restricting the creation of Agriculture Protection Areas. The one aspect of Agriculture Protection Areas that affects county planning is that the county cannot change the zoning of or a zoning regulation affecting land within a protection area without written approval from all landowners within the protection area that is affected by the change.

B. Analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305;

a. Whether or not the land is currently being used for agriculture production;

State code defines agricultural production as: Agricultural production means production for commercial purposes of crops, livestock, and livestock products. Agricultural production includes the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.

Per the application submitted:

Parcel 04-069-0016 is 2.24 acres in size and is currently used for home and shop, corrals, storage buildings that belong to farm operation.

Parcel 04-069-0039 is 225.62 acres in size and is currently used for crops, hay sheds, corrals.

Parcel 04-069-0040 is 7.36 acres in size and is currently used for small dairy, horse breeding, general livestock.

Parcel 04-041-0017 is 1.24 acres in size and is currently used for feeding of cattle.

Parcel 04-041-0018 is 0.77 acres in size and is currently used for USDA meat processing.

Parcel 04-041-0025 is 2.48 acres in size and is currently used for feedlot cattle.

b. Whether or not the land is zoned for agricultural use;

All parcels are zoned A-20 except one. Parcel 04-069-0040 is zoned RR-1.

c. Whether or not the land is viable for agricultural production;

Four of the parcels are less than five acres in size. Historically this has been the cutoff used for agricultural protection areas as well as agricultural subdivisions.

d. The extent and nature of existing or proposed farm improvements;

All parcels, except 04-041-0018, have some sort of feed area, outbuilding, or crop on the property.

e. In the case of an agriculture protection area, anticipated trends in agricultural and technological conditions applicable to the use of the land in question.

This is something with which Planning Commissioners familiar with agricultural production may be more familiar.

C. Recommends any modifications to the land to be included in the proposed agricultural protection area; The Planning Commission must determine if all parcels should be included in the proposed agriculture protection area.

D. Analyzes and evaluates any objections to the proposal; No objections to the proposal have been submitted.

E. Includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal. This recommendation must come from the Planning Commission to the County Commission.

Following the Planning Commission motion, staff will prepare a recommendation to the County Commission.

Commissioner Bonnie Robinson asked if the size of the smaller lots are 5 acres. Staff said historically the cutoff for agricultural protections as well as agricultural subdivisions has been 5 acres. For agricultural subdivisions staff has codified the requirement of a 5-acre minimum. For agricultural protection areas, 5 acres has been used because 5 acres is the requirement to qualify for greenbelt. One of the smaller parcels stated on the application that it is currently being used for their home, shop, corrals, and storage building belonging to the farm operation.

Commissioner Mellonee Wilding asked if all the properties listed would be considered one agricultural protection area and who has to sign the application. If everyone has to sign before a property owner can make a change to their property, have they tied themselves to each other? Staff stated all applicants sign the same application and application begins in the clerk's office. It would make sense to have each person submit their own application for their own property. An example would be if an owner passes and the children take inheritance of the property and want to sell or develop it, the neighbors can now hold them hostage because they all went in together on the same agricultural protection area application.

Commissioner Bonnie Robinson explained when she and her neighbors did their agricultural protection area, each property owner signed their own legal description of their property. The legal descriptions were then put together in one application. Commissioner Robinson asked at that time if one property owner could pull their little spot out and was told the property owner could sign papers to have their parcel removed. Staff said state code says the legislative body shall remove someone from the agricultural protection area if they want their parcel removed.

Commissioner Mellonee Wilding would like a clear definition on the required lot size as well as agriculture production.

Discussion continued regarding parcel size and zoning of parcels in agricultural protection.

County Attorney Stephen Hadfield stated within the last six months the County Commission adopted an ordinance or a resolution on agricultural protection areas regarding the minimum acreage size required. Staff clarified if a landowner has a 20-acre lot and three 2-acre lots tagged on as part of the agricultural protection area the smaller parcels would be okay, but if the smaller lots were applied for by themselves, they would not go through. If one parcel has the required acreage the rest of the little ones count and they do not have to be owned by the same person.

Commissioner Jared Holmgren stated the reason they are doing this is a neighbor is wanting to develop their property and build houses. Agriculture protection areas protect the farmers and ranchers from nuisance lawsuits.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation to the County Commission to accept the proposal to create Agriculture Protection Area AP22-05 on multiple parcels in the Corinne area of unincorporated Box Elder County and to check this against the county ordinance or resolution to make sure it qualifies. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

WORKING REPORTS

Animals in the R-1-20 Zone

The Planning Commissioners will take the information presented by staff in the pre-meeting, review it and have it put it back on next month's Planning Commission meeting agenda.

Annexation Policy Discussion

Based on the recently adopted general plan and based on growth happening around cities, staff has been looking at the annexation policy. Six out of the eleven chapters in the general plan directly talk about this. We would rather see growth in cities and towns where they are better able to provide infrastructure. The feedback received from the public was 81% said the growth focus should be in cities and towns and to preserve open space in the county.

The MPC zone applied for in South Willard area was referred to Willard City by the Planning Commission. Willard City is coming to end with the annexation and will be provided a park, infrastructure for water storage and road sizes will be what Willard City wants and needs. Staff would like the Planning Commissioners to decide if they would like the proposed verbiage sent to them now and have a public hearing next month or have the verbiage “prettied up” and send the information to the Planning Commission for feedback and have the public hearing the next month. The Commissioners chose the latter.

Commissioner Jed Pugsley would like to see the mayors and council members of the towns involved in the annexations invited to the public hearings.

Commissioner Mellonee Wilding would like to know what cities and towns are without an annexation plan.

Training

Staff asked if there is anything the Planning Commission would like on training. Commissioner Steven Zollinger would like to review the general plan. Commissioner Mellonee Wilding would like more information on the tools available for managing growth. Commissioner Bonnie Robinson would like a review of the last training. Staff asked if the Commissioners preferred an end of meeting training, pre-meeting or virtual training. Staff also suggested finding some land use videos on YouTube they could use for training. Commissioner Jed Pugsley said it would be helpful to him to know the process of what staff does and/or the process involved in bringing items to the Planning Commission.

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Steve Zollinger and meeting adjourned at 8:00 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission