

BOX ELDER COUNTY PLANNING COMMISSION MINUTES NOVEMBER 17, 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	Excused
Lonnie Jensen	Member
Steven Zollinger	Member
Bonnie Robinson	Member
Jed Pugsley	Member
Jennifer Jacobsen	Alternate/Member
Vance Smith	Alternate/Member

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Steve Hadfield	Excused
Jeff Scott	Excused
Diane Fuhriman	Executive Secretary

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

The Invocation was offered by **Commissioner Steven Zollinger**.
Pledge was led by **Commissioner Lonnie Jensen**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the October 20, 2022 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Bonnie Robinson** to approve the minutes as written. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

GENERAL PLAN AMENDMENT, GP22-001, proposal to amend Appendix B, Moderate Income Housing Plan, of the Box Elder County General Plan to bring it into compliance with new state legislative requirements. ACTION

Staff stated HB462 passed in the 2022 legislative session. This new code requires the selection of three or more (out of 23) specific strategies to aid in the implementation of moderate income

housing. These strategies must be included in the County's Moderate Income Housing Plan, which must be a part of the County's General Plan. A few years ago a similar Senate Bill (SB34) was passed and three or more items were selected and added at that time. The wording has changed on some of the strategies to be selected from, so it is necessary to go back and say the same thing in different words. When the Moderate Income Housing report is filed with the state it has to show our plan has these strategies included. The five strategies being proposed from the 23 are already being done.

Staff read the approval standards for a General Plan Amendment as follows:

A. Written statement showing the desired language change;

(See Attachment No. 2 – Exhibit A.)

B. Written statement explaining why existing General Plan language is no longer appropriate or feasible;

This text amendment to the General Plan is not to replace “no longer appropriate or feasible” language, but to add strategies to the plan as mandated by the Utah State Legislature.

C. Analysis of the potential impacts of the proposed amendment;

Ideally the proposed strategies would aid in creating opportunities for more affordable housing in Box Elder County.

D. Map showing the affected areas if text changes will affect specific geographic areas.

The proposed changes would have an effect countywide.

Staff read the five proposed strategies as follows:

- Demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing.
- Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.
- Create or allow for, and reduce regulations to, internal or detached accessory dwelling units in residential zones.
- Reduce, waive, or eliminate impact fees related to moderate income housing.
- Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 17-27a-526

The public hearing was then opened for comments.

Hearing no comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the General Plan Amendment, GP22-001. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

ACTION

Staff recommends forwarding a recommendation of approval to the County Commission.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission on General Plan Amendment GP22-001, and the language shown in Exhibit A is to be included in the Moderate Income Housing Plan within the County General Plan, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

(See Attachment No. 2 – Exhibit A.)

ORDINANCE TEXT AMENDMENT, Z22-015, Request for a text amendment adding Section 5-1-360, Annexation Policy. ACTION

Staff stated the county is proposing a text amendment to amend Section 5-1-360, Annexation Policy. Specifically this text amendment would be adding in a section of code to apply to all areas of 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;** Multiple chapters of the General Plan highlight that development should happen within City's/Towns. The proposed amendment is consistent with the County's General Plan.
- 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. The proposed amendment should be harmonious with the overall character of existing development.
- C. The extent to which the proposed amendment may adversely affect adjacent property;** The goal of the proposed amendment is to have better development near City's/Towns development that will fit in with the City/Town as it will be annexed in the future). 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 and services.

Staff stated the question going forward is should an official petition to the city or town be required for everyone if they meet one of the three criteria in the proposed text amendment.

1. Located within any municipal annexation boundary, or
2. Located within ½ mile of any municipality, if a municipality does not have an annexation boundary, or
3. If a development will be using any utility provided by a municipality.

If there is not going to be a petition, should a letter from the mayor or city council be required?

Staff explained the second to last paragraph of the proposed amendment states “if the municipality rejects the request for annexation, the developer shall obtain copies of the requirements, design standards, and criteria for development within the municipality and shall comply with these development standards and requirements or the development standards and requirements of the county, whichever is most restrictive.” Staff asked the Planning Commission to consider if this language is going to incentivize the smaller cities and towns to deny whatever requests are made to them because the county will require the developer to use that standard anyway.

The public hearing was then opened for comments.

Tom Kotter, Finance Director for Brigham City, stated Brigham City has met and discussed the proposed text amendment and is in favor of the ordinance. They are aware there may be some challenges and concerns, but is in favor of what the ordinance is attempting to accomplish.

Lyle Holmgren, Mayor of Tremonton, stated they are also in favor of this change. Tremonton feels like this will be a fair way to work with growth on the outskirts of Tremonton.

Karen Nelson, Mantua Town Council, said two years ago Mayor Mike Johnson came before the County Commission and asked for verbiage to be added to an ordinance in Box Elder County that Cache County has which states “No development within the unincorporated county shall be permitted to utilize a roadway for direct access that is under the jurisdiction of a municipality without express written approval from the affected municipality.” She said Mantua is kind of a closed unit and not all of the land within the canyon area has been annexed. The worry is developers would develop land and Mantua’s roads would be the only roads they could use, but Mantua would have no say over that development. The ordinance Box Elder County is proposing seems to say Mantua would have the ability to annex but if not, the county would have the ability to go ahead and have them comply with whatever is adjacent to the development. Ms. Nelson feels like the request Mayor Johnson made has been dismissed. She is not sure Mantua is in favor of this, they may want more restrictive verbiage that matches some of the adjacent counties.

Shawn Warnke, Tremonton City Manager, stated the process for an annexation is the applicant needs to make a petition. a city cannot reject an annexation if there is no petition. Per state code the county has to provide notice to the affected entities and property owners within certain boundaries. After the public notice requirement has been met, the applicant can go to the city with a petition. The city council then decides if the petition will be accepted or rejected. The petition can be rejected immediately or if accepted, another process is required for the applicant to go through. Having the language that the city rejects the request for annexation does not follow state code. He feels it is problematic procedurally not to call out the correct process. Mr. Warnke asked if development standards are specific to infrastructure improvements or zoning.

Hearing no further comments, a motion was made by **Commissioner Jared Holmgren** to close the public hearing on the Ordinance Text Amendment, Z22-015. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

ACTION

Staff explained the Box Elder Land Use Management and Development Code does allow for ordinance text amendments subject to review procedures and approval by the County Commission with a recommendation from the Planning Commission. The Planning Commission needs to determine if this application meets the standards in Section 2-2-080.

There was discussion on the concern of using city roadways as the only access to developments building outside of city limits. Staff stated roadways have not been discussed in prior working reports but is a legitimate issue that warrants discussion.

Commissioner Mellonee Wilding is concerned with developers matching density in the smaller cities and towns. She feels developers should not increase density beyond what the city allows.

Commissioner Jed Pugsley stated due process should be made regarding applying for a proper petition and it should come only after an official application has been made to the city.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to table application Z22-015, an ordinance text amendment, for up to 60 days for additional comment and discussion including a public hearing and adopting the conditions and findings of staff . The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

NEW BUSINESS

BROOKSIDE RANCHES 2ND AMENDMENT, SS22-030, Request for approval for an amended subdivision located at approximately 13488 N Brookside Dr. in the Garland area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting a 2nd amendment to the final plat of the Brookside Ranches Subdivision Phase 1 in the East Garland area of unincorporated Box Elder County. The proposed amendment adjusts Lot 4 from 1.07 acres to 1.61 acres and reduces Lot 5 from 1.10 acres to .56 acres. The surrounding land uses are the Brookside Ranches Subdivision, Agriculture, and the Bear River. The surrounding zones are Unzoned and RR-2. Access to the lots is via Brookside Drive, a county road. All utilities are existing. This is essentially a lot line adjustment. The engineering and GIS departments have reviewed and approved the plat. The application needs to be reviewed by the County Attorney's Office.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve application SS22-030, amending the Brookside Ranches Subdivision Phase 1, located in unincorporated Box Elder County, and adopting the exhibits, conditions, and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

CONDITIONS:

1. Final approval by the County Attorney.
2. Compliance with Sections 17-27a-608 and 609 of the Utah State Code.

CEDAR SPRINGS PUD 1ST AMENDMENT, SS22-031, Request for approval for an amended subdivision located at 4670 North 1100 West in the Harper Ward area of Unincorporated Box Elder County. ACTION

Staff explained Cedar Springs PUD is a subdivision in the Harper Ward area of unincorporated Box Elder County. Access to the lots is via 1100 West which branches off Highway 38, goes through Harper Ward to the east, up the hillside, and then dead ends. The property owner to the east is proposing to exchange property for a 36 ft. access and utility easement. This is basically a lot line adjustment. The surrounding land uses are residential and undeveloped hillside; the surrounding zone is RR-5. The County Surveyor has reviewed and approved the proposed amendment. Staff has met with the County Attorney and reviewed the title report; one item needs to be addressed. Staff recommends approval subject to final approval by the County Attorney.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve application SS22-031, amending the Cedar Springs Planned Unit Development subdivision and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Jed Pugsley** and unanimously carried.

CONDITIONS:

1. Final approval by the County Attorney.
2. Compliance with Sections 17-27a-608 and 609 of the Utah State Code.

SURPLUS PROPERTY DISPOSAL, SPD22-02, Request for an easement across county property located at approximately 70 South 100 East in Brigham City, to install an upgraded water line to an existing structure. ACTION

Staff said it is the Planning Commission's job is to determine if this request is in compliance with the County General Plan, the Land Use Management and Development Code, and any other applicable ordinances. The applicant is requesting an easement across county property in order to install an upgraded water line to an existing structure. The county owned property is located at approximately 70 S and 100 E in Brigham City. Its current use is a parking lot. The County Surplus Property Disposal Policy #2000-01 requires any long term easements go through this process.

Staff's review of the proposed conveyance concludes that the County General Plan does not address county owned land within Brigham City; the Land Use Code does not address county owned land within Brigham City; Staff is not aware of any other applicable ordinances that should be reviewed by the Planning Commission regarding this proposal; and Staff can submit a recommendation to the County Commission on behalf of the Planning Commission within 15 days of the Planning Commission's action.

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 Jared Holmgren** and unanimously carried.

WORKING REPORTS

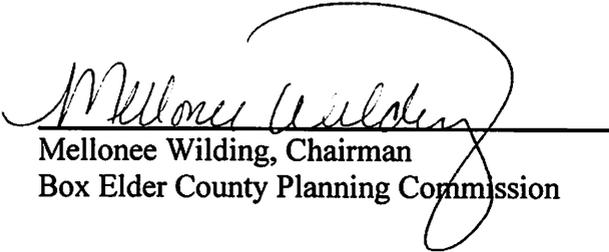
Residential Animals

Commissioner Mellonee Wilding stated she would like a one-year time limit on the FFA and 4-H permits. They will need to renew each year but there is no charge. Staff said the vast majority of people in the county responsibly own and take care of their animals. It is the couple of people who do not that this ordinance text amendment would affect. It gives us the teeth to keep them inline and is also designed to protect them. Discussion ensued on holding another public hearing. It was decided ample opportunity has been given for public input. Those who might have concerns would be mainly agricultural who think there are too many restrictions on animal units. However, this text amendment does not apply to agriculture, just residential. Staff will put this on the December agenda under Unfinished Business.

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Jared Holmgren and meeting adjourned at 8:01p.m.



Mellonee Wilding, Chairman
Box Elder County Planning Commission

EXHIBIT A

Goal 1: Continue to conduct biannual reviews of Box Elder County's Moderate-Income Housing Plan and its implementation; and update its five-year moderate income housing needs estimates.

- Work with Bear River Association of Governments and the Housing and Community Development Division of the Utah Department of Workforce Service to provide the most up-to-date data and strategies for updating housing needs.
- Review and evaluate land use codes and regulations to ensure they are not imposing barriers to developing low- to moderate-income housing units.

Goal 2: Review and modify land use and zoning regulations and associated maps.

- Routinely update zoning, land use ordinances and assessor data to ensure consistency between records.
- Continue to provide a diverse range of residential zones to encourage a range of housing options.

Goal 3: Support cooperation between the cities and towns of Box Elder County in advancing affordable housing.

- Guide and advocate for developing affordable housing in existing incorporated areas near existing infrastructure.
- Provide education to cities and towns on the benefits of affordable housing.
- Encourage development of affordable housing near transit sites, along significant transportation corridors, and commercial centers (~~*Strategy G, SB 34~~).

Goal 4: Create and promote a countywide housing rehabilitation program.

- Demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing.
- Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.
- Due to the amount of older homes on the market, assist low- to moderate-income households rehabilitate and maintain moderate-income housing through Bear River Association of Governments (~~*Strategy L, SB 34~~).
- Encourage energy efficient housing that reduces resident's costs.
 - Continue to support and advertise low income homeowners to participate in Bear River Region Weatherization Program and BRAG's HEAT utility assistance program.
- Encourage low income residents to participate in Single Family Rehabilitation and Reconstruction Program and Emergency Home Repair Programs through Bear River Association of Governments.
- Promote residential educational workshops regarding restoring, rehabilitation, and maintenance of housing units.
- Support and provide information and referrals to local affordable housing resources, including (~~*Strategies S, T & V, SB 34~~):
 - Bear River Housing Authority
 - Home Buyer Programs
 - BRAG's First Time Home Buyer Program

- Neighborhood Housing Solutions Programs
 - Habitat for Humanity
- Rehabilitation Programs
 - Single Family Rehabilitation and Reconstruction Program
 - Emergency Home Repair Program
 - Weatherization Program
 - Neighborhood Housing Solutions Home Rehab and Repair Program
- Other Programs
 - Bear River Association of Governments Crown Homes and Crown Village Apartments

Goal 5: Continue to support farm labor housing

- ~~Provide assistance to farms in applying to Farm Labor Housing Direct Loans & Grants through the U.S. Department of Agriculture, Rural Development (*Strategy E, SB 34).~~
- Create or allow for, and reduce regulations to, internal or detached accessory dwelling units in residential zones.

Goal 6: Encourage lower cost development

- Continue to sponsor the Bear River Regional Housing Authority (~~*Strategy T, SB 34~~).
- Continue to work towards keeping property taxes lower for residents.
- Prohibit by accounting procedures the placement of any portion of the building permit fees into the general funds, cutting the permit fees to a level that meets just the costs of providing the permit and building inspections.
- Provision to not require curb, gutter and sidewalks, and use drainage swales in many situations.
- Maintain the county's participation in the national flood insurance program to reduce flood insurance costs to the homeowner.
- Continue to allow manufactured homes, accessory dwelling units (ADUs), and mobile homes as an alternative to site-built homes (~~*Strategy E, SB 34~~).
- Create or allow for, and reduce regulations to, internal or detached accessory dwelling units in residential zones.
- Reduce, waive, or eliminate impact fees related to moderate income housing.
- Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 17-27a-526.

~~*Complies with SB 34~~