

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

August 18, 2022

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, K. McGaha, 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 July 21, 2022 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
 - a. None.
6. **PUBLIC HEARINGS**
 - a. **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**
7. **NEW BUSINESS**
 - a. **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**
8. **WORKING REPORTS**
 - a. Animals in the R-1-20 zone.
 - b. Annexation policy discussion.
 - c. Training.
9. **PUBLIC COMMENT**
10. **ADJOURN**

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JULY 21, 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	Excused
Steven Zollinger	Excused
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	Excused
Diane Fuhriman	Executive Secretary

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

The Invocation was offered by **Commissioner Jared Holmgren**.
Pledge was led by **Commissioner Mellonee Wilding**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the June 16, 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 Kevin McGaha** and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

Chairman Mellonee Wilding explained public hearings provide an opportunity for the public to voice their concerns or approval on an item. In the meeting there is also unfinished business, public hearings, and new business. The unfinished business and new business provides opportunity for the commissioners to take action on an item. It is not a time for public comment or input. Although the commissioners may ask questions of the applicant during these times.

ZONING MAP AMENDMENT, Z22-012, Request for a zone change of 92.4 acres from RR-20 (Rural Residential 20,000 sq. ft.) to C-G (General Commercial), located at approximately 1650 North 2400 West in the West Corinne area of Unincorporated Box Elder County. ACTION

Staff stated the applicant is requesting that parcel 03-068-0020 be rezoned from RR-20 (Rural Residential - 20,000 sq. ft. lots) to the C-G (General Commercial) zone. The parcel is in the West Corinne/West Brigham City area and contains approximately 92.4 acres. The intent is to use a portion (appx. 2 acres) as a landscape and garden materials supply yard which the current zoning does not allow. The surrounding land uses are Agriculture and Commercial with Brigham City and I-15 to the east. The surrounding zones are RR-20/County and RR-20/Brigham City and C-G/Brigham City.

Staff explained zoning map amendments are a legislative proceeding and decisions regarding a legislative application shall be based on the “reasonably debatable” standard as follows:

- The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.
- In making such determination, the decision-making authority may consider the following: (1) Testimony presented at a public hearing or meeting; and (2) personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the County.
- The decision-making body should state on the record the basis for its decision.

Staff read the standards for reviewing zoning map amendments as they apply to this request.

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 the West Corinne area is primarily dairy farms and is generally a large lot, agricultural area. The vision for the area suggests continuing the agricultural heritage of the area, while allowing for some flexible, residential lot sizes through residential clustering and expanding the industrial/warehousing uses in the area (ex: Walmart and Proctor & Gamble).

Additional information: Brigham City’s Future Land Use Map for their proposed annexation area calls for “Highway Commercial” zoning defined as, “commercial uses that cater to the highway service and retail areas.”

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 and some highway commercial operations to the south of the property (both

unincorporated and within Brigham City limits). The Planning Commission needs to decide if a commercial zone could be considered harmonious.

C. The extent to which the proposed amendment may adversely affect adjacent property;

The proposed amendment shouldn't affect the values of adjacent property. Commercial zoning and properties exist to the south, I-15 to the east, and agricultural properties to the north and west; however, 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 likely that the facilities and services already exist. The developer would have to verify this and bring them into the project.

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

Hearing no comments, a motion was made by **Commissioner Jared Holmgren** to close the public hearing on Zoning Map Amendment Z22-012. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

ACTION

Staff gave an example of a potential, impactful use for the General Commercial zone could be paper product manufacturing (books and/or newspaper manufacturing (conditional use)) or food product manufacturing (baked goods, dairy, confectionery, etc. (conditional use))

Commissioner Bonnie Robinson is concerned with the whole parcel being changed to the commercial zone. She would be more in favor of having the petitioner split the parcel so the parcel on the west side of 2400 W. stays in the current zone of Agriculture. She said the parcel also borders Brigham City, so it makes sense to her to encourage them to annex into Brigham City.

Staff said if the applicant were to split off 2 to 5 acres of the east piece, they would need to go through the subdivision process. If the applicant chose to split the east piece from the west piece that is already divided by 2400 West, because they are separated by a road, it would be allowed just by the legal description.

Commissioner Mellonee Wilding thinks the proposal is not harmonious with the character of the existing development to have the possibility of that large of an industrial area. It also is not consistent with the goals, objectives and policies of the General Plan.

Commissioner Kevin McGaha summarized there are two ways this proposal can move forward. One being to subdivide and petition for a smaller zone change, the other is to annex into Brigham City.

Commissioner Jed Pugsley would be more comfortable if the parcels were split.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Z22-012, a zoning map amendment from RR-20 (Rural Residential-20,000 sq. ft. lots) to the C-G (General Commercial) zone and adopting the conditions and findings of staff and with the modification of the 2 acres planned for the landscape business be zoned commercial leaving the remainder to stay in the current zone, and encourage the petitioner to annex into Brigham. The motion was seconded by **Commissioner Jared Holmgren** 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.

ZONING MAP AMENDMENT, Z22-013, Request for a zone change of 639.61 acres from Unzoned to MG-EX (Mining, Quarry, Sand, & Gravel Excavation), located at approximately 14000 North 9700 West in the Bothwell/Tremonton area of Unincorporated Box Elder County. ACTION

Staff stated the applicant is requesting that parcel 06-003-0050 (639.61 acres) be rezoned from Unzoned to the MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone. The parcel is in the Bothwell/Tremonton area. The surrounding land use is Agriculture with a gravel pit to the south. The surrounding zones are Unzoned and Unzoned/RR-5.

Staff read the standards for reviewing zoning map amendments as they apply to this request.

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The County's General Plan states the following for the future land use in the Bothwell area: as part of the agricultural heritage area large lot zoning should remain, to encourage continued agricultural activity. A GIS lot size analysis should be performed to evaluate additional zoning options.

In the Natural Resources Section the General Plan it 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 and some gravel pit uses. 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; The proposed amendment shouldn't affect the values of adjacent property. 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 likely that the facilities and services do not exist on this side of the freeway, the developer would have to verify this and bring them into the project if they are not there.

The public hearing was then opened for comments.

Jay Harwood is involved in this project. He explained they could level out the area, starting at one end of the county gravel pit and working their way north, reclaiming the other areas behind it. He said they would be starting with 40 acres, not all of the 600 acres at one time. When they are done it would be leveled and re-seeded and probably easier for the sheep to graze. He said the reason they approached the 600 acres instead of breaking off a piece (the long term goal is 200 acres) is if in the future the Jensen's want to expand more than the 200 acres, they can up to the 600 acres.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Zoning Map Amendment, Z22-013. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

ACTION

Commissioner Mellonee Wilding asked once the zoning changes, who puts the conditions on the gravel pit? She would like to make sure it will be re-vegetated. Staff explained once the zoning is done, then it goes through staff as an administrative conditional use and staff places the conditions. Also all the newer pits have a 5-year plan and are required to submit a new plan every 5 years. At that time we address what portion of the pit is open and what portions are being reclaimed.

Commissioner Jared Holmgren said if they are going to go back to grazing after the pit is done, it is in their best interest to re-vegetate. He noted this gravel pit will probably improve the water shed in the area as well as making it less steep. There will be more water that will soak in rather than run across the freeway.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to forward a recommendation of approval to the County Commission for application Z22-013 a zoning map amendment from Unzoned to the MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone 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.

NEW BUSINESS

ALPINE SPRING ESTATE SUBDIVISION, SS22-020, Request for preliminary approval for a 19-lot subdivision located at approximately 300 West 100 South in the Fielding area of Unincorporated Box Elder County. ACTION

Staff said the applicants are requesting preliminary approval of the Alpine Spring Estates Subdivision plat. The proposed subdivision is for 19 new lots, between 0.5 and 0.73 acres in size. The existing parcel is 70.47 acres in size. The surrounding land uses are Rural Residential and Agriculture. The surrounding zones are Unzoned with the Town of Fielding to the north. Access would be via a proposed new road connecting to 300 West/100 South in Fielding Town.

Staff has received utility will-serve letters for the gas, power, and water. There are 13 water connections available which will cover Phase 1, but six more will be needed to cover Phase 2. Secondary water has not been addressed as of yet.

Staff is waiting for a Letter of Map Amendment from FEMA which will officially change the location of the mapped floodplain. The county subdivision ordinance states “No lot of one (1) acre or less in area shall be included within a 100-year flood plain. All lots more than one (1) acre shall contain not less than 40,000 square feet of land which is at an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood, or, where such data is not available, five (5) feet above the elevation of the maximum flood record”. The applicant has been advised that Lots 3-6 Phase 1, and Lots 17-19 Phase 2, are all less than one acre and are within the floodplain. The applicant is working with FEMA on the LOMA process.

Staff is concerned with what the FEMA letter is going to say. If FEMA says the flood plain has been modified, then the subdivision layout would work. If that is not the case and FEMA will not modify it, or does a partial modification, then the applicant would need to redraw the layout of the lots to adhere to the requirements of the land use code in regards to flood plains.

Commissioner Kevin McGaha asked if this subdivision creates a snow removal obligation for the county? Staff contacted the County Road Supervisor who said some years Fielding has contracted their snow removal with an outside contractor and some years they have used the county.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to table application SS22-020, a preliminary plat for the Alpine Spring Estates Subdivision located in unincorporated Box Elder County, for six (6) months based on needing the letter from FEMA and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Jed Pugsley** and unanimously carried.

CONDITIONS:

1. Submission of a water will-serve letter prior to Phase 2 final plat application.
2. Submission of an approved Letter Of Map Amendment from FEMA for the removal of the floodplain burdening Lots 3-6 and 17-19.
3. Compliance with all County Staff reviews and comments.
4. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.

5. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
6. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

SUMMER LAND RANCHES PHASE 1 SUBDIVISION, SS22-021, Request for preliminary approval for a 12 lot subdivision located at approximately 10800 West 13600 North in the Bothwell area of Unincorporated Box Elder County. ACTION

Staff said the applicants are requesting preliminary approval of the Summer Land Ranches Subdivision plat. The proposed subdivision is for 12 new lots, averaging 5.61 acres. The existing parcel is 70.47 acres. The surrounding land uses are Rural Residential and Agriculture and the surrounding zones are all RR-5. Access will be off 10800 West as well as a new road, 13400 North. All utility will-serve letters have been received as well as the feasibility letter from the Bear River Health Department. A geotechnical report has also been received.

Based on the information received and presented, staff recommends approval.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve the application SS22-021, a preliminary plat for the Summer Land Ranches Subdivision, Phase 1 and adopting the exhibits, conditions and findings of staff with emphasis on the county reviews and comments being completed. The motion was seconded by **Commissioner Kevin McGaha** and unanimously carried.

CONDITIONS:

1. Compliance with all County Staff reviews and comments.
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.

WORKING REPORTS - NONE

PUBLIC COMMENTS

Kirk Coombs, Town of Fielding Councilmember is concerned with the access to the Alpine subdivision. The access off 300 West and the access of 1st South are both half streets, only 12 ft. wide. There is no way to get an ambulance or fire trucks into the area.

Jeri Garn is representing the adjacent landowners to the Alpine Subdivision. She gave a handout to the Commissioners expressing their concerns.

(See attachment No.2 - Handout.)

Kevin Garn, Fielding, gave a history of the pond on the property. The pond was built by his family 30 years ago. The drain line runs through Fielding and goes to the canal. The Bear River Health Department tested the water and found it full of sewage. It was found some of the landowners had directly punctured the drain line and put in their sewage lines. This was all cleaned up and he has tried to maintain it since. The FEMA line is also concerning to him. It is hard to move a FEMA line. He is also worried about liability with the pond and snow removal.

Kathryn Willis has 540 ft. on the southwestern side of the proposed subdivision and thinks this is going to be a difficult situation. She questioned if the developer is to reach out to the surrounding landowners of their intentions of a subdivision. Staff explained the property in question is Unzoned and a subdivision is a permitted use. Neighbors are notified regarding zone changes but are not notified regarding permitted uses. It was however, published on the Box Elder County Website and the state's public noticing website.

ADJOURN

MOTION: A Motion was made by **Commissioner Jed Pugsley** to adjourn commission meeting. The motion was seconded by **Commissioner Kevin McGaha** and meeting adjourned at 8:03 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION
STAFF REPORT

Meeting Date: August 18, 2022
Agenda Item #: 6a

BACKGROUND

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 ag 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.

Surrounding Land Use and Zoning:

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

Application Type:

Conditional Use Permit for an Accessory Dwelling Unit

APPLICANT(S):

Lacey Hansen

PROJECT #:

CUP22-002

ZONE:

Unzoned

PARCEL #:

07-050-0093

TYPE OF ACTION:

Administrative

REPORT BY:

Destin Christiansen,
County Planner

ANALYSIS

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 5-6-060(D) allows one (1) ADU per lot or property in zones that allow single-family dwellings subject to Conditional Use Permit approval. Section 2-2-100 outlines the following standards for review for conditional uses.

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 Marshall.
 11. Reduction in usable open space.
 12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.

Setbacks:

All built structures can adhere to unzoned building setbacks.

Access:

Access to the property is obtained by 4400 West, an existing county road.

County Department Review:

All applicable County departments have reviewed this.

FINDINGS:

Based on the analysis of the Conditional Use Permit application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for Conditional Use Permits for accessory dwelling units that are approved by the Planning Commission.
2. Subject to the applicant's compliance with the conditions set forth by the Planning Commission they should be eligible for a Conditional Use Permit.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission APPROVE the requested Conditional Use Permit with the following conditions:**

Conditions of Approval:

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.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number CUP22-002, a Conditional Use Permit for an Accessory Dwelling Unit, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

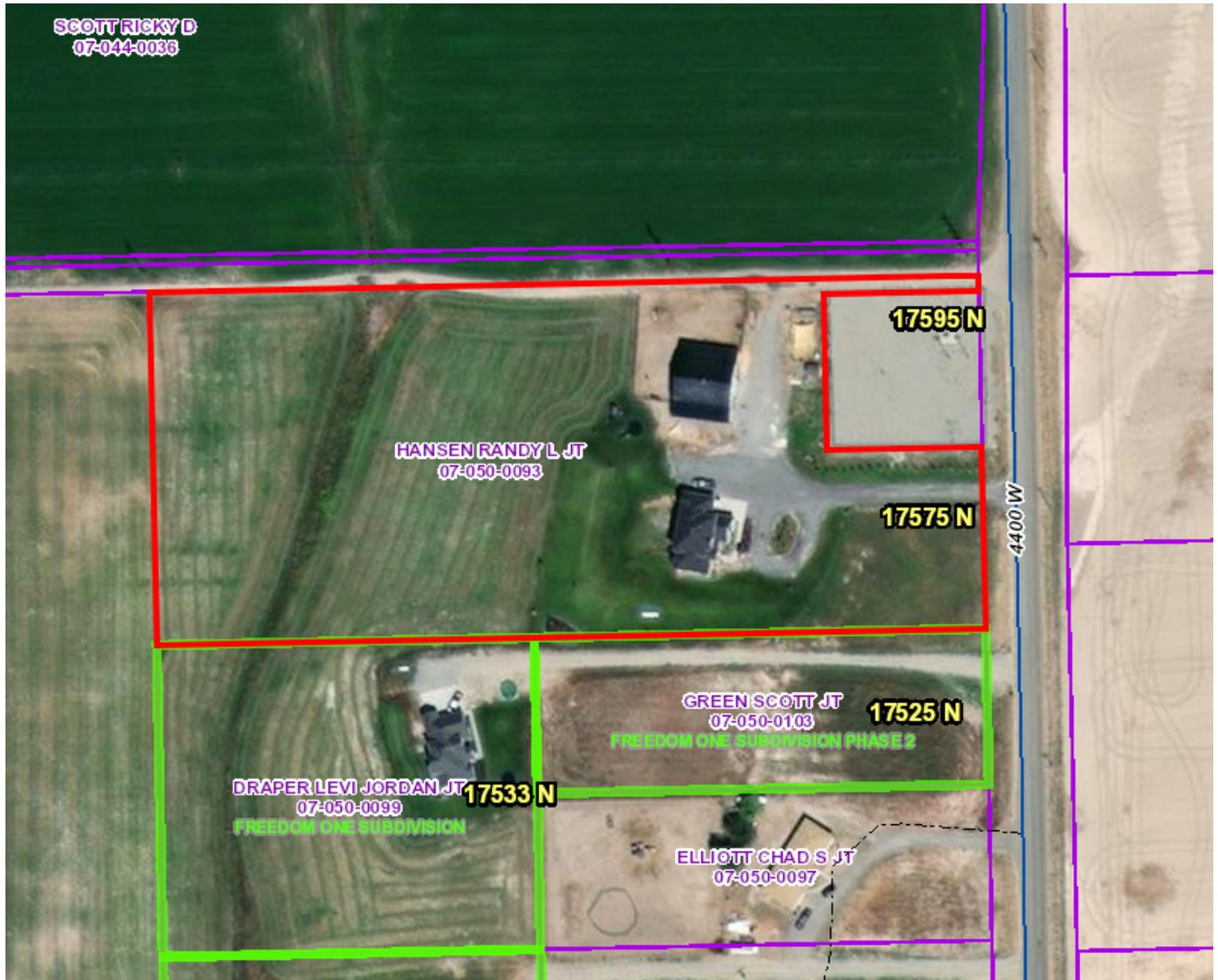
Table – “I move the Planning Commission table the review of application number CUP22-002, a Conditional Use Permit for an Accessory Dwelling Unit, to (give date), based on the following findings:”

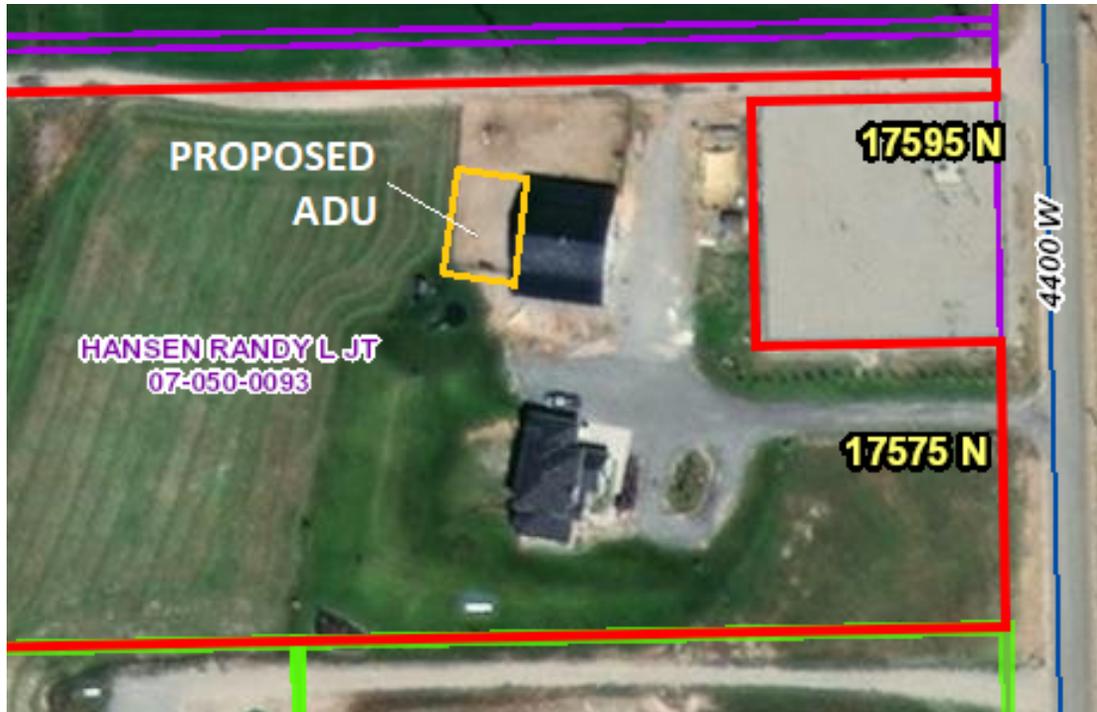
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number CUP22-002, a Conditional Use Permit for an Accessory Dwelling Unit, based on the following findings:”

1. List findings for denial...

Please feel free to contact Destin Christiansen at 435-695-2547 if you have any questions.





PLANNING COMMISSION

Meeting Date: August 18, 2022

STAFF REPORT

Agenda Item #: 7a

Application Type:

Agricultural Protection Area

APPLICANT(S):

Earl L Bingham Ranch LLC,
 Mike Ravenberg, Roy &
 Lorraine Andreasen,

PROJECT #:

AP22-05

ADDRESS:

Multiple parcels in the area
 just north of Corinne

PARCEL #:

04-069-0016, -0039
 04-041-0017, -0018, -0025
 04-069-0040

CURRENT ZONE:

A-20 and RR-1

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons,
 Comm. Dev. Director

BACKGROUND

The applicants are requesting to establish an Agriculture Protection Area on approximately 239.71 acres located on multiple parcels in an are just north of Corinne.

ANALYSIS

State Code:

Utah State Code 17-41 regulates the establishment of Agriculture Protection Areas. According to this code, the Planning Commission shall submit a written report to the County Commission regarding the proposal.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	A-20
South	Agriculture	Corinne
East	Agriculture	A-20
West	Agriculture	A-20

Approval Standards Review:

Utah State Code 17-41-303 outlines the following standards for review for the creation of Agriculture Protection Areas.

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; and

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; and

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.

FINDINGS:

Based on the analysis of the Agricultural Protection Area application request for the creation of an Agricultural Protection Area and a survey of the surrounding area, staff concludes the following:

1. The Utah State Code allows for the creation of an Agriculture Protection Area subject to the above review and approval by the County Commission with a recommendation from the Planning Commission.
2. Any future zoning or zoning regulation changes affecting this land would require written approval from the landowners.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff gives the Planning Commission the following three options in the model motions section below:**

MODEL MOTIONS

Approval – “I move the Planning Commission 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 in unincorporated Box Elder County.

Modify – “I move the Planning Commission forward a recommendation to the County Commission to accept and modify the proposal to create Agriculture Protection Area AP22-05 on multiple parcels in the Corinne area in unincorporated Box Elder County, with the following modifications...

Denial – “I move the Planning Commission forward recommendation to the County Commission to reject the proposal to create Agriculture Protection Area AP22-05 on multiple parcels in the Corinne area in unincorporated Box Elder County, based on the following findings:”

1. List findings for rejection...

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



COMMUNITY DEVELOPMENT DEPARTMENT
01 South Main Street
Brigham City, Utah 84302
(435) 734-2634 Fax: (435) 734-2728
HYPERLINK
"http://www.boxeldercounty.org/planning-and-zoning.htm"
www.boxeldercounty.org

