

BOX ELDER COUNTY PLANNING COMMISSION MINUTES SEPTEMBER 18, 2025

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
Jed Pugsley	Vice-Chair
Lonnie Jensen	Member
Bonnie Robinson	Member
Jared Holmgren	Excused
Jennifer Jacobsen	Excused
Brandon East	Member
Brian Bowen	Excused

the following Staff was present:

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

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

The Invocation was offered by Commissioner Lonnie Jensen.

The Pledge was led by Commissioner Brandon East.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the July 17, 2025 and August 14, 2025 meetings 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 Lonnie Jensen 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. She asked those in attendance to state their name for the record and although it is not required, place of residence. Please be concise so that everyone has a chance to speak. The Commissioners will not answer questions during the public hearing, but will take notes and address those things possibly in our discussion after.

ZONING MAP AMENDMENT, Z24-008, Request for a zone change of 48.70 acres from Unzoned to RR-1 (Rural Residential - 1 acre) located at approximately 7931 W 10400 N in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff explained this item originally came before the Planning Commission on June 20, 2024 for a public hearing. Public comments were made revolving around the desire not to have a subdivision due to water availability and farming operation concerns. The applicant also spoke and indicated he wanted to have the ability to divide off lots for his kids. He had no intention of creating a subdivision anytime soon. The Planning Commission reviewed those comments and determined the applicant was restricting the property to a greater extent than the current designation of unzoned. Unzoned acreage can be developed at a half-acre density and allows for commercial, industrial, and residential uses. The proposed RR-1 zoning has a 1-acre density and would limit uses to either agriculture or residential. The Planning Commission forwarded a recommendation of approval to the County Commission based on it being a step in the direction of limiting the number of uses.

Staff said the item went before the County Commission in July 2025, but in-between time, the applicant requested one acre be removed from the total area being requested. The County Commission recommended it come back to the Planning Commission for a renewed review. In August a public hearing was held at the Planning Commission level, public comment was taken, the item was discussed, and again, a recommendation of approval was forwarded to the County Commission. However, due to an incorrect meeting date in the notice sent to the adjacent property owners, the Planning Commission added that approval be contingent upon the County Attorney's review of the noticing requirements. Most of the noticing requirements were met but due to the error, not all the requirements were met. All noticing requirements for today's public hearing have been met.

The public hearing was then opened for comments.

Lloyd Wood is against the zoning change. The new Agricultural Heritage Zone meets all the criteria the applicant would need to do what he has stated he wants to do with his property. There is no place for a subdivision out in a farming community. He thinks the time to build subdivisions is when Tremonton City expands out to his area. When the city expands then water, sewer, and all that is necessary for subdivisions will be run out there. Mr. Wood urged the Commissioners to stick with the Agricultural Heritage Zoning and say no to this proposal; it is the Commission's responsibility to do that.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Zoning Map Amendment Z24-008. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

ACTION

Commissioner Jed Pugsley said his feelings remain the same as in the last meeting. He still views the RR-1 zone as better than the unzoned designation it currently is. As a Commissioner he would like to force zoning at some point but that is not the Commission's prerogative or

agenda. He stated as much as he agrees with Mr. Wood's need to campaign and champion the Agriculture Heritage Zone, we also have to take into consideration private property rights and what the applicant wishes to do with their property.

The Commissioners discussed the balance between private property rights and the need for zoning to protect agriculture.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to forward a recommendation of approval to the County Commission for application Z24-008, a zoning map amendment from Unzoned to the RR-1 (Rural Residential - 1 acre) zone and adopting the conditions and findings of the staff. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

CONDITIONS:

1. Approved for the whole parcel less the following tract of land:
*"The West half of the Northeast Quarter of Section 17, Township 11 North, Range 3 West, Salt Lake Base and Meridian.
Less: Harvest Point Subdivision
Less: Tanaka Subdivision
Less: A parcel of land described as follows: Beginning at the Northeast corner of Lot 1, Tanaka Subdivision, said point being on the South line of 10400 North Street; thence North 89°13'59" East along said South line of 10400 North Street 156.16 feet to the Northwest corner of Lot 6, Harvest Point Subdivision; thence South 00°53'59" East 230.73 feet along the West line of said Lot 6 to the Southwest corner of said Lot 6; thence more or less South 89°22'14" West 161.92 feet to the Southeast corner of Lot 1 Tanaka Subdivision; thence North 00°32'01" East along the East line of said Tanaka Subdivision 230.40 feet to the Northeast corner of said Lot 1 and point of beginning."*
2. Compliance with Section 2-2-080, Zoning Map and Text Amendments, 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, Z25-011, Request for a text amendment to regulate the treatment of existing water conveyance facilities (canals, ditches, and drain tiles).
ACTION

Staff explained this request specifically addresses water conveyance facilities and ensures the functionality of those facilities being protected as development occurs in unincorporated county. The amendment takes what is addressed in state code and places it within the county development code; it gives guidance to both the county and the developer as to how it is supposed to be handled through the development process. The hope is to streamline the process for both the county and the developer, and ideally give the owners of those water conveyance facilities the ability to protect themselves when development occurs adjacent to their properties.

The public hearing was then opened for comments.

Trevor Nielson, General Manager, Bear River Canal Company expressed his appreciation to the Commission for taking up this issue. Many times the canal company is the first point of contact with adjacent land owners who utilize the water to water crops, yards, lawns and gardens, and it has been a problem in the past. The canal company appreciates the proactive approach and would ask for a favorable recommendation.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Ordinance Text Amendment, Z25-011. The motion was seconded by **Commissioner Lonnie Jensen** and passed unanimously.

ACTION

Staff read the approval standards for reviewing zoning text 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; Multiple chapters of the General Plan highlight the county's and its resident's desire to protect and preserve agriculture. This proposal is an effort to provide clear guidance regarding water conveyance facilities to ensure their function into the future. 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.

C. The extent to which the proposed amendment may adversely affect adjacent property; and The proposed amendment should have no adverse effect on adjacent properties.

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. It should ensure the continued function of both surface and subsurface water conveyance facilities.

Staff feels the request meets the standards of approval and recommends the proposal be approved.

Commissioner Bonnie Robinson likes there is a section covering things above the ground, and a section covering things below the ground. It is so easy to forget things below the ground. She said at one time there was discussion on having some kind of time limit for the developers to get things fixed. If I'm a farmer and I've got a ditch running through wherever, I want it to be fixed so I'm not in the middle of all the construction.

Commissioner Mellonee Wilding commented that timelines would be difficult to do because timelines vary so much in construction. Saying to a developer from day one, he has six months, it could be the project hasn't even started by then.

Trevor Nielson stated his recollection of state code 73-1-15.5 is the facility has to function as well or better than it did before. If a developer interrupts water service, they are not in compliance with state code. The facility would then have a claim under code the way it is written. The developer would need to make sure the system is operational during the irrigation season. If their project is not going to start until August, they are going to have to make the necessary preparations to either modify or run the system through the end of the irrigation season.

Staff explained in the development stage the improvements to the ditches would be included in the infrastructure drawings. The developer will fall under escrow for the cost of the roads and water line improvements. The county will hold a pre-construction meeting with the developer, and as those improvements are installed, the County Engineer or the inspector from the Roads Department would go out inspect the improvements. The escrow money would then be released as the improvements are taken care of. The developer has 18 months to put in those improvements so the developer could also work with the landowner within that timeline.

The Commissioners discussed the importance of clear communication and coordination between developers and landowners

MOTION: A Motion was made by Commissioner Bonnie Robinson to forward a recommendation of approval to the County Commission for application Z25-011, an ordinance text amendment regulating the treatment of existing water conveyance facilities 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 - Water Conveyance Facilities.)

NEW BUSINESS - NONE

WORKING REPORTS - NONE

Commissioner Mellonee Wilding brought about a discussion regarding changing restrictions in the unzoned areas.

Staff has been in contact with the Ombudsman's Office. Their response was the state has delegated zoning authority to the counties. There could be a holding zone as an example, stating the applicant cannot do anything until a zone is applied. The better option would be to place an actual zone like the Agriculture Heritage Zone in the unzoned areas.

Following the discussion with the Ombudsman's Office, Staff and Commissioner Bingham had a phone conversation with the Department of Agriculture regarding Agriculture Protection Areas and whether they are eligible for protection if they are in an unzoned area. Jay Olson from the Department of Agriculture said you are just making things hard on yourselves by not having some sort of zoning in place. Based on that comment, Staff sent an email to the County Commissioners outlining the desires of the Planning Commission and why it makes sense to put some zoning in place.

Staff will facilitate a meeting with the County Commissioners to discuss zoning.

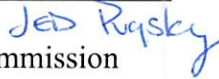
PUBLIC COMMENTS

Jeff John told the Commissioners there are a lot of guys like himself who run small businesses who enjoy being out in the county. There are probably 8 to 10 small businesses within a half-mile from his house, whether it's a mechanic shop, a general contractor, a concrete contractor, or a hose repair company. He hopes the Commission will take these small businesses into consideration when discussing blanket zoning and asked them to leave room for the small business owners. Mr. John said how nice it is to live an agricultural lifestyle and still be able to make a living.

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Brandon East and the meeting adjourned at 7:57 p.m.


Mellonee Wilding, Chairman
Box Elder County Planning Commission

 Jed Ragsley, Vice Chairman

PLANNING COMMISSION MEETING
Thursday September 18, 2025

[illegible]

K. Water Conveyance Facilities

1. Ditches, Canals, and similar features.
 - a. Purpose. The purpose of this section is to regulate the treatment of existing water conveyance facilities— including ditches, canals, and similar features—within subdivision developments in Box Elder County. These regulations aim to protect property, promote public safety, and ensure coordination between developers and owners of such facilities.
 - b. Applicability. This ordinance applies to all subdivision developments within the unincorporated areas of Box Elder County that intersect with or are adjacent to any open or piped water conveyance facility, including, ditches, canals, and similar features, regardless of ownership.
 - c. Piping Requirement. All open ditches, canals, or other water conveyance facilities located within the boundaries of a proposed subdivision or adjacent within 30 feet of the centerline of the ditch to the subdivision boundary shall be piped by the developer in accordance with 73-1-15.5 of the Utah State Code. The pipeline shall include features to continue serving its intended use (example: Pipe & Risers, Drainage Inlets, Control Structures, etc.)
6-1-240(K)(3) shall not apply to ditches with a capacity that exceeds 25 cfs so long as:
 - 1) The applicant does not install fences, structures, deep-rooted vegetation, or permanent infrastructure within the easement of the canal.
 - 2) If the easement is prescriptive in nature, the applicant records that easement in conformity with 57-13a of the Utah State Code or grants an easement of the same size to the conveyance facility owner.
 - 3) Complies with the remaining provisions outlined in 73-1-15.5 of the Utah State Code
 - d. Owner Declination Provision for Water Conveyance Facilities. If the owner of a water conveyance facility does not consent to the facility being piped and the applicant does not wish to utilize their rights under 73-1-15.5 of the Utah Code, the requirement in Section 3 shall not apply, provided that:
 - 1) The facility owner and the applicant submit a letter to the Box Elder County Community Development department.
 - 2) The letter explicitly declines the piping of the facility adjacent to the proposed subdivision boundaries; and
 - 3) The letter is received prior to, or concurrent with the submission of the preliminary plat.
 - 4) The applicant does not install fences, structures, deep-rooted vegetation, or permanent infrastructure within the easement of the conveyance facility.
 - 5) If the easement is prescriptive in nature, the applicant records that easement in conformity with 57-13a of the Utah State Code or grants an easement of the same size to the conveyance facility owner.
 - e. Easements and Access. Easements for all existing or relocated water conveyance facilities shall be shown in compliance with Utah State Code 17-27a.603 or 10-9a-603. Landowner shall provide for unobstructed access across the entire width of the easement for the conveyance facility owner. Fences, structures, deep-rooted vegetation, or permanent infrastructure within the easement of the conveyance facility shall not be permitted.

- f. Enforcement. This section shall be administered and enforced by the Box Elder County Community Development Department. Noncompliance may result in withholding or revocation of subdivision approvals, permits, or certificates of occupancy.
 - g. Severability. If any provision of this section is held invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.
- 2. Subsurface Drainage Facilities - Location, Mapping, Preservation, and Easements.
 - a. Purpose. This subsection ensures that existing subsurface drainage facilities - such as agricultural tile drains, historical drainage systems, and other underground conveyance infrastructure - are identified, preserved, and properly documented during the subdivision process. These facilities are critical to land drainage, flood prevention, and agricultural sustainability.
 - b. Applicability. This section applies to all subdivision developments within unincorporated areas of Box Elder County. Developers, engineers, contractors, and builders must comply with the provisions herein throughout the planning, approval, and construction phases.
 - c. Requirements.
 - 1) Inventory and Investigation. Developers must conduct a thorough investigation to identify existing subsurface drainage facilities within or adjacent to the proposed subdivision. Investigation methods shall include:
 - a. Historical research (e.g., NRCS, Drainage Districts, Irrigation Companies, Landowners).
 - b. Physical inspection, field surveys, or soil probing where necessary.
 - 2) Mapping. A Subsurface Drainage Facilities Map shall be submitted with the preliminary plat and include:
 - a. Exact locations, dimensions, pipe materials, flow direction, and depth.
 - b. Ownership or operating responsibility of each facility.
 - c. Documentation by a licensed Utah Professional Engineer or Land Surveyor.
 - 3) Preservation and Accommodation. Identified drainage facilities shall be preserved in place or rerouted in accordance with Utah State Code 73-1-15.5
 - d. Protection During Construction. Drainage facilities must be flagged, marked, and protected during site development. Any damage caused must be repaired or replaced at the developer's expense.
 - e. Easements and Access. Easements for all existing or relocated water conveyance facilities shall be shown in compliance with Utah State Code 17-27a.603 or 10-9a-603 on the final plat and granted in favor of the facility owner. Landowners shall provide for unobstructed access across the entire width of the easement for the conveyance facility owner. Fences, structures, deep-rooted vegetation, or permanent infrastructure within the easement of the conveyance facility shall not be permitted. If the easement is prescriptive in nature, the applicant records that

easement in conformity with 57-13a of the Utah State Code or grants an easement of the same size to the conveyance facility owner.

- f. Enforcement. This section shall be administered and enforced by the Box Elder County Community Development Department. Noncompliance may result in withholding or revocation of subdivision approvals, permits, or certificates of occupancy.
- g. Severability. If any provision of this section is held invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.