

BOX ELDER COUNTY PLANNING COMMISSION MINUTES AUGUST 14, 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	Member
Jennifer Jacobsen	Member
Brandon East	Member
Brian Bowen	Alternate/Member

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Stephen Hadfield	County Attorney
Boyd Bingham	Co. Commissioner
Diane Fuhrman	Executive Secretary

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

The Invocation was offered by Commissioner Jed Pugsley.

Pledge was led by Commissioner Bonnie Robinson.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The approval of the July 17, 2025 minutes was tabled until a hard copy could be made available to the Planning Commission.

UNFINISHED BUSINESS - NONE

PUBLIC HEARINGS

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 the current zoning allows for agriculture, residential, commercial, and industrial uses with a minimum parcel size of half an acre. The RR-1 zone the applicant is requesting allows residential and agricultural uses with a minimum parcel size of one acre.

The public hearing was then opened for comments.

Lloyd Wood stated he would like it noted on public record that the date on his public hearing notification is June 20th, not August 14th. Mr. Wood feels the public was not listened to at the June meeting where the rezone was unanimously approved. Now at this meeting staff says there is a building already built on one acre which they want to use as a commercial building. Mr. Wood thinks the rezoning should not be approved, especially with this new Agriculture Heritage Zone. He said these guys come in and say they want to leave their children a piece of land, but of the 12 lots they have sold on that piece of property, not one of them has gone to their children, or has even been dedicated for their children. They have all been sold and that is exactly what will be done with the rest of the property, and a subdivision will be created out in the middle of our farms. Mr. Wood urged the Planning Commission to look at the Agriculture Heritage Zoning where it applies, which in his opinion, should be in all of Unincorporated Box Elder County.

Jeff John, applicant, noted the date on the public hearing notice was probably the original meeting date in June. Mr. John said the building on the lot has been under construction for a few years now. He first thought was it would fall underneath a residential, home-based business. After speaking with staff, he found it would not qualify as a home-based business, so he decided to exclude that portion of land with the building on it. He said this commission has done a good job with the development of the Agriculture Heritage Zone and thinks it is going to be a great tool for the county in the future. However, he still chose to stick with the RR-1 zone because he is not changing anything other than excluding the one-acre portion. Mr. John likes the idea of a rural residential setting, and it should not have that much of an effect on farming or anything else. It is already an agricultural area with houses in it.

Mr. John said he found out in the last year the property across the street on the north side is supposed to be turned into the inland port project, which will be a heavy industrial area. He thinks the rural residential distinction should remain in the area. The zoning he currently has allows for a house every half acre but with the zoning change it is pumped up to a one acre minimum. He currently has no plans to develop the area; he would just like to set up looking into the future.

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 Jared Holmgren and passed unanimously.

ACTION

Commissioner Jared Holmgren verified the current zoning allows for the building to be on property.

The Commissioners discussed the current zoning restrictions and the potential impact of the proposed rezoning on the property. They discussed the merits of the Agriculture Heritage Zone and the need for consistent zoning across the county.

Commissioner Jed Pugsley asked with the recent cyber incident and lack of computer use, is there a way to verify the correct public hearing notice was sent out? Staff replied the notice mailed to the adjacent property owners was taken from the original public hearing in June and is the reason for the incorrect date. All other posted notices have the appropriate date. Staff thinks that is a fair question for our legal council.

MOTION: A Motion was made by Commissioner Jed Pugsley to forward a recommendation of approval to the County Commission for application Z24-008, a request for a zone change 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 Jennifer Jacobsen and passed unanimously.

CONDITIONS:

1. Contingent upon review from the County Attorney.
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.

ZONING MAP AMENDMENT, Z25-010, Request for a zone change of 573.48 acres from Unzoned to AHZ (Agricultural Heritage Zone) in the Thatcher area of Unincorporated Box Elder County. ACTION

Staff explained the 573.48 acres covers four separate parcels in an unzoned area of Box Elder County. The property owner is requesting the parcels be zoned to the Agricultural Heritage Zone. The applicant also has another item on the agenda under new business requesting these parcels be added to an existing Agricultural Protection Area. State code states the County Commission in reviewing APA applications should review whether the property is zoned for agricultural use. The County Commission has taken the position that if property is unzoned, it is not zoned for agricultural use.

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 General Plan: States that future land use decisions should enhance our towns and cities, focusing most of the growth there and that decisions should support our farmers and ranchers in their agricultural stewardship.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** The subject properties are located in the Thatcher area of unincorporated Box Elder County. The subject parcels and most of those parcels adjacent to them are currently used for agricultural purposes and would be harmonious with existing development.
- C. The extent to which the proposed amendment may adversely affect adjacent property; and** the proposed zoning should not affect adjacent properties; 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 wastewater and refuse collection.** Staff is unaware of the adequacy of facilities and services in the area; however, if these facilities and services are needed, the applicant would have to verify and bring them into any future project(s).

The public hearing was then opened for comments.

Lee Summers, applicant, said he had no intention of rezoning but after staff explained the Agriculture Heritage Zone, he liked the idea and wishes the whole county was agriculturally minded. Mr. Summers said his father and grandfather all farmed here and this is what we want. We want the protection and need the protection of an APA. He said he has never had any problems in his area, but other areas are having some troubles in trying to run their farms and to keep going for another generation.

Hearing no further comments, a motion was made by Commissioner Bonnie Robinson to close the public hearing on Zoning Map Amendment Z25-010. The motion was seconded by Commissioner Jed Pugsley and passed unanimously.

The Commissioners expressed their appreciation of the Agriculture Heritage Zone stating it serves a great purpose in the county. The Commission encouraged all in attendance to spread the word about Agriculture Protection Areas and the flexibility and control they provide.

MOTION: A Motion was made by Commissioner Bonnie Robinson to forward a recommendation of approval to the County Commission for application Z25-010, a request for a zone change of 573.48 acres from unzoned to the Agricultural Heritage Zone in the Thatcher of unincorporated Box Elder County and adopting the conditions and findings of staff. The motion was seconded by Commissioner Brandon East 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.

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 one of the Planning Commissioners reached out to staff expressing concern about the lack of regulation and/or protection with water conveyance facilities. This Commissioner has immediate knowledge of how he has been affected, as well as discussions with adjacent farmers and their experiences, and he started working on some language. The Commissioner ran the language by county staff, met multiple times with the general manager of the Bear River Canal Company and brought back a rough draft ensuring the language aligns with state code requirements. Staff said the purpose of this public hearing is to take in any public input or public comment regarding this text amendment.

Planning Commissioner Brandon East stated the objective of this ordinance is to protect water conveyance facility owners. A lot of us have ditches running through adjacent properties. If those adjacent property owners decide to build a development, they would be required to pipe those facilities in accordance with Utah State Code 73-1-15.5, which protects both the property owner and the water conveyance facility owner. It requires the property owner to have the pipeline engineered and also leaves opportunities for the facility owner to review the engineering and make reasonable suggestions. Commissioner East said if a developer comes in and decides not to pipe your ditch and leaves you no way to maintain it, to burn it, or to ditch it, he has raised your liability. The main facility owner, the ditch owner, is now liable and more so now that he cannot do his maintenance. In addition to liability, it is also the functionality, the ditch operator's ability to go about their regular operations without being hampered by sheds, gates and fences.

The public hearing was then opened for comments.

Lee Summers said this is a problem he deals with. Even wonderful neighbors could put a fence right on the bank, and you cannot pitch it, burn it, or maintain it.

Loyd Wood agrees but would also like to go a step further to prevent all the weeds and debris coming from subdivisions blowing into the ditches and plugging them up.

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

The Commissioners discussed the language and feel they are close to a final draft and thanked those in attendance for their input. It was suggested more input could be received from citizens attending the County Fair.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to extend the public hearing on Ordinance Text Amendment Z25-011, regulating the treatment of existing water conveyance facilities, for up to 60 days to increase public comment and awareness at the County Fair. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

NEW BUSINESS

SUMMERS AG PROTECTION AREA, APA25-15, Request for an Agricultural Protection Area on multiple parcels located in the Thatcher area of Unincorporated Box Elder County. ACTION.

Commissioner Jed Pugsley said he understands approval of this Agriculture Protection Area is contingent upon the County Commissioners approving Zoning Map Amendment Z25-010.

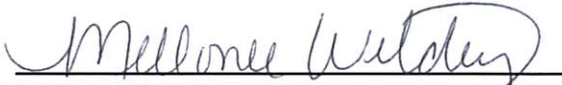
MOTION: A Motion was made by **Commissioner Jed Pugsley** to forward a recommendation of approval to the County Commission for application APA25-15, a request for an Agriculture Protection Area in the Thatcher area of unincorporated Box Elder County contingent upon County Commission approval of the zoning request of 573.38 acres. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

WORKING REPORTS - NONE

PUBLIC COMMENT - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Jed Pugsley and meeting adjourned at 7:48 p.m.



Mellonee Wilding, Chairman
Box Elder County Planning Commission

PLANNING COMMISSION MEETING
Thursday August 14, 2025

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