

# MINUTES

## BOX ELDER COUNTY PLANNING COMMISSION

### JANUARY 22, 2009

The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Courtroom at 7:00 p.m. The following members were present constituting a quorum:

Richard Kimber	Chairman	<i>the following Staff was present:</i>	
Jon Thompson	Vice Chairman		
Richard Day	Member	Kevin Hamilton	Planner
David Tea	Member	Elizabeth Ryan	Secretary
Jay Hardy	Member	Tamara Wright	Planner
Chad Munns	Member		
Theron Eberhard	Excused		

Chairman Richard Kimber called the Planning Commission meeting to order at 7:07 p.m. and welcomed Commissioner Jay Hardy as the member assigned to the Planning Commission by the County Commission.

The following citizens were present:

Cecil Satterthwaite/Liberty	William Bigelow/Midvale
Voneene Jorgensen/BRWCD	Judy Hartvigsen/BRWCD

The Minutes of the December 18, 2008 meeting were made available to the Commissioners prior to this meeting and upon review Commissioner David Tea made a Motion to accept the Minutes as written; seconded by Commissioner Richard Day and passed unanimously.

#### **PUBLIC HEARINGS**

Chairman Richard Kimber opened the Public Hearings for the two items on the agenda.

#### **BEAR RIVER WATER CONSERVANCY DISTRICT, CONDITIONAL USE PERMIT FOR THE SOUTH WILLARD CULINARY WATER SYSTEM PROJECT.**

No comments were made during the Public Hearing and a Motion was made by Commission Jon Thompson to close the hearing; seconded by Commissioner David Tea and was unanimous.

#### **LAND USE ORDINANCE AMENDMENT (WHITE'S PEAK PROPERTY LOCATED IN THE SOUTH WILLARD AREA) ALLOWING LARGE MIXED USE DEVELOPMENTS IN THE COUNTY.**

No comments were made during the Public Hearing and Motion was made by Commission Richard Day to close the hearing; seconded by Commissioner David Tea and was unanimous.

## **COMMON CONSENT-- NONE**

## **UNFINISHED BUSINESS**

### **BOX ELDER COUNTY FENCING ORDINANCE**

The Box Elder County Planning Commissioners met with the County Commissioners on January 20, 2009 to review their findings and recommendation made to the County Commissioners regarding repealing the current fencing ordinance. After the discussion, it was determined that the Planning Commission would again forward their original recommendation to the County Commissioners for their action at the February 3, 2009 meeting.

**MOTION:** A Motion was made by **Commissioner Jon Thompson** to forward the Planning Commissioner's recommendation regarding repealing the current Fencing Ordinance back to the County Commissioners for their action. Motion was seconded by **Commissioner David Tea** and was unanimous with **Commissioner Jay Hardy** abstaining from the vote.

## **NEW BUSINESS**

### **BEAR RIVER WATER CONSERVANCY DISTRICT, CONDITIONAL USE PERMIT, CUP09-002, FOR THE SOUTH WILLARD CULINARY WATER SYSTEM PROJECT.**

Staff explained that the Bear River Water Conservancy District had made this application requesting a CUP for the construction of a water storage reservoir, pump station and distribution lines for a culinary water system to service the South Willard area of Box Elder County. This is a permitted use in the MU-160 zone. BRWCD has acquired and recorded the necessary easements for the construction of the utility line on adjoining property. A well has been previously drilled at this location and will provide a valuable service to the residents of South Willard; and the use is compatible with the General Plan of the county as well as the Land Use Management and Development Code. When asked if there were any additional restrictions to be placed on the CUP, Staff listed, *1) reclamation of disturbed land; 2) compliance with Chapter 2-2-100F, Standards for Conditional Uses; and 3) compliance with the re-zoning district of the MU-160 zone; also requirements and conditions set forth by the county engineers of Jones and Associates.* **Commissioner David Tea** asked for some clarification regarding the storage tank and distribution lines. It was then noted that the distribution lines did not require a CUP but the well and storage tank does. It was also determined that **Commissioners Richard Day** and **Jay Hardy** had a conflict of interest regarding this petition as they both [currently] serve on the BRWCD Board. Staff then recommended approval of the CUP for this South Willard Water Project by the BRWCD.

**MOTION:** A Motion was made by **Commissioner Jon Thompson** to approve the Conditional Use Permit for the Bear River Water Conservancy District South Willard Project with the conditions as outlined by Staff. Motion seconded by **Commissioner Chad Munns** and passed with **Commissioners Richard Day** and **Jay Hardy** abstaining from the vote.  
**Conditions of Approval:**

1. Compliance with Standards and Specific Requirements from Chapter 2-2-100 of the Box Elder County Land Use Management & Development Code.
2. A final site plan shall be submitted to the Planning and Zoning office for review by County Engineer and shall conform to its associated conceptual site plan
3. The entire site shall be developed at one time unless a phased development plan is approved by the approving authority.
4. A site plan shall conform to applicable standards set forth in the Box Elder County Land Use Management & Development Code and other applicable provisions of the Box Elder County ordinances. Conditions may be imposed as necessary to achieve compliance with applicable code requirements.
5. In order to ensure that the development will be constructed to completion in an acceptable manner, the applicant shall enter into an agreement with the County and shall provide a satisfactory bond, letter of credit, or escrow deposit. The agreement and bond, letter of credit, or escrow deposit shall assure timely construction and installation of improvements required by an approved site plan. **If the improvements have been completed by the time a business license is issued, this requirement will not need to be met.**
6. Compliance with Specifications and requirements set forth the County Engineer.
7. Reclamation of Land plans approved by County Engineer.
8. Compliance with Specifications and requirements set forth the County Building and Fire Inspector.
  - a. As the site is located in the Wildland/Urban Interface area, a prevention plan must be submitted and approved before commencement of the operation. This plan will outline the measure that will be taken to minimize the threat of a wildfire.

**LAND USE ORDINANCE AMENDMENT (WHITE'S PEAK PROPERTY LOCATED IN THE SOUTH WILLARD AREA) ALLOWING LARGE MIXED USE DEVELOPMENTS IN THE COUNTY.**

Kevin Hamilton explained to the Commissioners that this proposed zone amendment would allow for the creation of a new zone and for the County to enter into a development agreement with a developer of a large area. This would in essence allow the developer to do some things that are not usually allowed in a development area, i.e., a corner service station with condominiums and single family homes. The developer that has petitioned for this is hoping to have the new amendment to the Code within the next few months, and Mr. Hamilton suggested that perhaps a member of the Planning Commission could sit on a steering committee with some other organizations that would be affected to possibly meet weekly to discuss this new amendment and to work toward the development agreement. Adding this new amendment to the Code would allow any developer within the County to enter into a development agreement with the County in developing similar projects on larger acreages. The concept behind this type of development would be similar to that of the DayBreak project south of Salt Lake. Mr. Hamilton was not recommending adoption of this amendment at this meeting, but suggested that a work session be scheduled with the stakeholders to begin the necessary work. **Chairman Kimber** felt that it would be a good idea to have all of the Planning Commissioners at the work session as this new code amendment would apply to the entire County and directed Staff to schedule the work session. **Commissioner Jay Hardy** also mentioned that the larger landowners in the South Willard area had entered into an agreement with the County in upsizing the sewer line [in the Willard/Perry project] in hopes that these types of developments

would be allowed in the future (in the South Willard area) and the sewer would then be available for the smaller lots and other projects within these development agreements. **Chairman Kimber** noted that the developer is probably anxious to get this zone ordinance amendment and agreement going, and that the Planning Commission should do all that it could in moving forward with its actions, hopefully being able to have the agreement with the developer by March/April 2009.

**MOTION:** A Motion was made by **Commissioner David Tea** directing Staff to set a date for a work session with the Planning Commission, the developer, members of the Special Assessment Area and other stakeholders to begin the process of developing an amendment to the Code allowing for larger developments and a Master Development Agreement; seconded by **Commissioner Chad Munns** and passed unanimously.

## **WORKING REPORTS**

**Commissioner Theron Eberhard** indicated that he would like to resign as a member of the Planning Commission effective March 2009, thus leaving three vacancies on the Planning Commission to be filled. Elections for the new chairman and vice chairman were then held. **Commissioner Theron Eberhard** nominated **Commissioner Richard Day** for the position of Chairman; nomination seconded by **Commissioner David Tea**. Nominations were closed by Commissioners Munns and Tea. A vote was taken unanimously electing **Commissioner Richard Day** as Chairman of the Box Elder County Planning Commission. **Commissioner David Tea** nominated **Commissioner Chad Munns** for the position of Vice Chairman; seconded by **Commissioner Theron Eberhard**. **Commissioner Chad Munns** nominated **Commissioner David Tea** for the position of Vice Chairman, seconded by **Commissioner Richard Day**. Nominations were closed by Commissioners Eberhard and Thompson and the two nominated Commissioners were asked to leave the room in order for a vote to be taken to choose the Vice Chairman. The vote was taken and **Commissioner Chad Munns** was elected as the Vice Chairman of the Box Elder County Planning Commission.

**Commissioner Jay Hardy** reported on the EPA recommendation to include Box Elder County as a non-attainment area regarding air quality and how that would affect the County. Utah, Salt Lake, Weber, Davis and Cache Counties are already non-attainment and the EPA feels that Box Elder contributes to the air quality there. The non-attainment area will take in Brigham City, Tremonton and the ATK area. With this classification the County could lose federal funding for highway projects and it would be more difficult for other [new] industries to locate within the County. **Commissioner Hardy** also said that the State has some jurisdiction on the various restrictions and that the County may not have to meet the emission regulations on vehicles and some other restrictions could be waived. It may also be possible for funding [for various projects] through other grant programs.

The Commissioners then discussed the process for selecting the new members for the Planning Commission and it was decided to place an announcement in the *B E News Journal* and *Tremonton Leader*, and combine any names of persons that respond with those given by the current Commissioners to be narrowed down and submitted to the County Commissioners for appointments.

## **PUBLIC COMMENTS – NONE**

Commissioner Richard Day made a motion to adjourn the Planning Commission meeting at 8:34 p.m.

Passed and adopted in regular session this 19th day of February 2009.

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Richard Kimber, Chairman  
Box Elder County  
Planning Commission