

individual owner rights. The property is approximately 2.68 acres located in the new commercial enterprise zone area in South Willard. No comments were received during the Public Hearing and a motion was made by **Commissioner David Tea** to close the hearing, seconded by **Commissioner Richard Day** and was unanimous.

EAST CORINNE COMMUNITY ZONING PETITION

Staff explained that Mr. Dee Hardy, along with several other landowners in the East Corinne area, have petitioned for a re-zone from the current A-20 (agricultural twenty acre lots) to RR-20 (rural residential 20,000 square foot lots). *Bear River City Mayor Neil Nelson* addressed the Commissioners stating that he would like to see the lot size at a full half acre as some of the properties included in the re-zone petition are in Bear River City's annexation plan. It was pointed out that the difference between a 20,000 sq. ft. lot and a half acre is approximately 200 feet and often that (200 feet) is taken up with streets/roads in newly developed areas. Even so, *Mayor Nelson* felt that it would be better if the lots were the same size as those approved by Bear River City in case of future annexation of this area. Bear River City currently has a sewer system and the property located east of the Bear River would probably have septic tanks if developed, and the smaller lots may not be able to accommodate them. A motion was made by **Commissioner Chad Munns** to close the public hearing, seconded by **Commissioner Richard Day** and was unanimous.

MODERATE INCOME HOUSING ELEMENT FOR THE BOX ELDER COUNTY GENERAL PLAN

Mr. Kevin Hamilton explained to the Commissioners that in 1996 the Utah State Legislature passed a law that all cities and counties in the State were to adopt a Moderate Income Housing Element for their General Plan by December 31st, 1998. Currently only about 20% have done so. However, Box Elder County does not currently have a Moderate Income Housing Element in its General Plan. With the economic development project associated with the Procter and Gamble plant coming into the County it is necessary to have such a plan in order to apply for a waiver from the Olene Walker Housing Program. If there isn't a plan adopted then approximately twenty percent (20%) of the money received for the economic development project would go to the state for its housing program. This proposed Moderate Income Housing Element is not for low-income housing but for those households that earn \$47,000 annually. The Bear River Association of Government was asked to help put together a plan and in researching for this information it was found that there is currently no need for additional moderate housing in Box Elder County at this time. Many of those that have higher incomes in Box Elder County are living in homes that would qualify as moderate income houses. No comments were received during the public hearing and a motion was made by **Commissioner David Tea** to close the hearing, seconded by **Commissioner Richard Day** and passed unanimous.

The Public Hearings were closed at 7:20 p.m.

COMMON CONSENT-- NONE

UNFINISHED BUSINESS

SCHNEIDER/PRICE COMMERCIAL DEVELOPMENT CONDITIONAL USE PERMIT, CUP08-009, LOCATED AT APPROXIMATELY 8900 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA.

After hearing no comments during the Public Hearing, Staff recommended to the Commissioners that they grant approval of this Conditional Use Permit with the conditions that had been outlined pertaining to the County requirements and other state agencies.

MOTION: A Motion was made by **Commissioner Richard Day** to grant approval of the Conditional Use Permit for the Price Container and Packaging located in the South Willard area of the County with the conditions as outlined. Motion was seconded by **Commissioner David Tea** and passed unanimously.

Conditions of Approval:

1. Letter from UDOT addressing access area adjoining the State roads.
2. Curb, Gutter, and Sidewalk Deferral Agreement recommended by UDOT Region 1 to ensure the funds are available when UDOT starts their Highway 89 project.
3. Compliance with all recommendations from the Building Department, Fire Marshall, County Engineer, and Road Department
4. Compliance with requirements and uses set forth in Article 3-4-070 of the Commercial Enterprise District of the Box Elder Land Use Management & Development Code.
5. Compliance with requirements and uses set forth in 2-2-100F for Standards for Conditional Uses of the Box Elder land Use Management & Development Code.
6. Compliance with Chapter 5-11; Regulations of General Applicability of the Box Elder Land Use Management & Development Code.
7. Compliance with Chapter 5-2; Off-Street Parking Requirements of the Box Elder Land Use Management & Development Code.
8. Engineering for both culinary and fire (water) need to be approved by JUB Engineering Firm – engineer firm for the South Willard area.

ROCKY POINT STORAGE UNITS CONDITIONAL USE PERMIT, CUP08-011, LOCATED ON PARCEL 01-047-0037 IN THE SOUTH WILLARD AREA.

As the petitioners were not present at this meeting and could not answer any questions that the Commissioners may have in regards to this petition, Staff recommended that this item be Tabled until the October 16, 2008 meeting.

MOTION: A Motion was made by **Commissioner David Tea** to Table any further action on this item until the October 16, 2008 meeting. **Commissioner Richard Day** suggested that the item be Table until more information had been received from the petitioner regarding the ownership of the storage units, not limiting the time frame to the October 16, 2008 meeting. The Motion was so amended and then seconded by **Commissioner Richard Day** and passed unanimously.

BOX ELDER COUNTY FENCING ORDINANCE

As the language had not been prepared regarding the Fencing Ordinance, and the County Attorney and three of the Planning Commissioners were not present at this meeting, Mr. Hamilton suggested that action on this item be postponed until the October 16, 2008 meeting.

MOTION: A Motion was made by **Commissioner Richard Day** to postpone any action on this item at this time and have it placed on the October 16, 2008 agenda. Motion seconded by **Commissioner David Tea** and passed unanimously.

NEW BUSINESS

EAST CORINNE COMMUNITY ZONING PETITION

Staff pointed out that in the RR-20 zone agricultural uses such as tilling of soil, grazing and raising of stock animals, raising crops and other farm uses are classified as a conditional uses; however any existing uses such as those mentioned would be legal until the use of the land changed. If at that time, land was taken out of agricultural use it would then be necessary for a petitioner to apply for a conditional use permit if they were interested in farming practices. It was also pointed out that when another petitioner filed an application to re-zone his property from the A-20 to RR-20 (Julander) the residents in the area were not in favor of the smaller lots and settled on five acre parcels for the Julander property. When Mayor Nelson was asked if any landowners outside of the Bear River City limits had petitioned for annexation into the city, his response was “not at this time.” It was also pointed out that as property for annexation needs to be contiguous, a landowner further out of the city boundary limits would not be able to ask for annexation without having the other landowners between his property and the city boundaries also agree to be annexed. **Commissioner David Tea** brought up the issue of ‘spot zoning’ and asked if this would not be considered as such. Mr. Hamilton stated that spot zoning is now allowed in the State of Utah [with justification], but this was not spot zoning. The Commissioners also felt that it would be good idea for them to have the annexation plans for the Cities of Honeyville, Bear River City, Corinne, and Brigham City to review before moving forward with this petition. **Commissioner Jon Thompson** asked about the culinary water for this area where the re-zone was requested. There was discussion regarding the new water line that is being put in to service the new P & G plant (by Brigham City), but it was also pointed out that Brigham City was not willing to provide water for properties (home sites) that were outside of its city limits. Currently, it was believed by Mayor Nelson, that the West Corinne Water District is providing water for this area, or individual wells on the property are the water source. In regards to the sewer system in Bear River City, those property owners on the west side of the Bear River [in the City of Bear River] are connected to the system and those on the east side would probably have septic systems, therefore another reason that the full half acre lots might be necessary. It was also pointed out that some of the property that is included in this petition would be considered wetlands and difficult to develop. **Commissioner Chad Munns** asked how many petitioners were included in this application and it was determined that there were about 20 to 25 actual landowners for the approximate 35 parcels included, (an accurate list is included with these Minutes with fourteen landowners and fifty parcels). It was then suggested that a map with the individual parcels identified be created by the County GIS Department for the Commissioners. It was then suggested that this petition be Tabled until the annexation plans from the various cities was available and also the GIS map with the parcels identified.

MOTION: A Motion was made by **Commissioner David Tea** to Table any action on this re-zone petition until the annexation plans and GIS map of the parcel was available. Motion seconded by **Commissioner Chad Munns** and passed unanimously.

MODERATE INCOME HOUSING ELEMENT FOR THE BOX ELDER COUNTY GENERAL PLAN.

Having reviewed and discussed the purpose of the Moderate Income Housing Element for Box Elder County, Mr. Hamilton recommended that the Planning Commission approve the Housing Ordinance and forward to the County Commissioners for their review and approval.

MOTION: A Motion was made by **Commissioner Chad Munns** to approve the Moderate Income Housing Element for the Box Elder County General Plan and have it forwarded to the County Commission for a Public Hearing and their consideration and approval. Motion seconded by **Commissioner David Tea** and passed unanimously.

WORKING REPORTS

PUBLIC COMMENTS -- NONE

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Commissioner Chad Munns made a motion to adjourn the Planning Commission meeting at 7:56 p.m.

Passed and adopted in regular session this 16th day of October 2008

Richard Kimber, Chairman
Box Elder County
Planning Commission