

MINUTES BOX ELDER COUNTY PLANNING COMMISSION JANUARY 18, 2006

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

Richard Kimber	Chair	
Jon Thompson	Member	<i>The following Staff was present:</i>
Richard Day	Member	
David Tea	Member	Garth Day, County Planner
Clark Davis	Member	Elizabeth Ryan Secretary
Theron Eberhard	Member	Amy Hugie County Attorney
Chad Munns	Member	

Chairman Richard Kimber called the session to order at 5:00 p.m.

The *Minutes* of the regular meeting held on December 15, 2005, 2005 were made available to the Planning Commissioners prior to their meeting (January 18, 2006). After a correction was pointed out by **Commissioner David Tea**, a motion was made by **Commissioner Jon Thompson** to accepted the Minutes with corrections made. Motion was seconded by **Commissioner David Tea**, passing unanimously.

Citizen Present for the Planning Commission Meeting and Public Hearing

Jerry Anderson	3056 North 3900 West; Ogden
Jeff Hales	5262 West 2150 North; Plain City
Cara Warren	7359 S HWY 89; Willard, UT
Lowell Peterson	3643 North Elk Ridge Trail; Eden, UT
Shannon Cook	7750 S HWY 89; Willard, UT
Leeann Bondy	7750 S HWY 89; Willard, UT
Jerry Cook	7750 S HWY 89; Willard, UT
Amy Hugie	Box Elder County Attorney

PUBLIC HEARINGS -- Continuation

ROSE SIX-LOT SUBDIVISION, LOCATED AT OR ABOUT 7175 SOUTH U.S. HIGHWAY 89 IN THE SOUTH WILLARD AREA.

THE ECHO ESTATES SUBDIVISION, LOCATED AT OR ABOUT 7175 SOUTH IN THE SOUTH WILLARD AREA.

MOTION: The Public Hearing was closed with a Motion made by **Commissioner Clark Davis** and seconded by **Commissioner David Tea** and passed unanimously.

After the Motion was made to close the Public Hearing on these two subdivision petitions, Staff explained the status of the two applications to the Planning Commissioners. Both of the applications are incomplete, as many of the required documents have not been received. Primarily on the Rose Subdivision, a plat map has not been submitted in conjunction with the application. Because of this Staff recommended that the Brian Rose Six-Lot Subdivision be denied at this time as well as the Echo Estates Subdivision. Both of these subdivisions were submitted in October 2005, giving ample time for the petitioners to secure the necessary documentation that are required with the application. Because of the status of the two applications, Staff recommended that the Planning Commission deny them at this time.

MOTION: A Motion was made by **Commissioner Jon Thompson** to deny the Brian Rose Six-Lot Subdivision and the Echo Estates Subdivision applications due to the incomplete application from both petitioners. Seconded by **Commissioner David Tea** and passed unanimously. Items missing from these two applications include:

- **Review, and approval, by both the South Willard Water Company and the Willard Flood Control Board**
- **Approval from Bear River Health Department**
- **Verification of all utilities (gas, electric, phone)**
- **UDOT approval**
- **Subdivision plat drawing for the Brian Rose Subdivision**

COMMON CONSENT – None

NEW BUSINESS

DEER RIDGE PHASE III, LOCATED AT OR ABOUT 7950 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA.

This is Phase III of the Deer Ridge Subdivision and contains eleven lots on property that is currently zone R-1-20. All of the lots meet the minimum requirement of 20,000 square feet. As the petition appears to meet the existing subdivision ordinances and zoning requirements, Staff recommended granting final approval for the subdivision. Curb and gutter is not required for this subdivision as the concept plan for this entire subdivision was submitted before the recommendation requiring curb and gutter in the South Willard area.

MOTION: A Motion was made by **Commissioner David Tea** to grant final approval for the Deer Ridge Phase III Subdivision. Motion was seconded by **Commissioner Richard Day** and passed unanimously.

ANDERSON LIVESTOCK AUCTION CO, CONDITIONAL USE PERMIT (SITE PLAN REVIEW), LOCATED IN THE SOUTH WILLARD AREA.

The petition consists of approximately twelve acres west of I-15. The area is currently zone as A-20 with this use as a conditional use/agricultural industry permitted. Commissioner Clark Davis suggested that the Planning Commission move forward to the Staff recommendations regarding this application which included the following:

- Based on the information submitted by the applicant, there is insufficient information to make a reasonable recommendation to the Commission
- The petition should either be tabled for more information related to the findings, or it should be deemed incomplete and denied.
- Any re-application or further consideration should be accompanied with the issues addressed as well as information from DEQ, Dept. of Agriculture and BRHD. Issues needing to be addressed included:
 - Conditions relating to safety for persons and property
 - Conditions relating to health and sanitation
 - Environmental concerns
 - Conditions relating to performance
 - Holding a Public Hearing

After the Motion was made and passed the Planning Commissioners discussed the petition. Commissioner Richard Day asked if the Community Plan for South Willard was addressing property on the west side of the freeway in their discussions. Staff stated that the committee was including the area from the Willard City line south and west encompassing all of the area comprising South Willard in the County. Commissioner Chad Munns also stated that he would like to have more discussion on this issue with more input regarding the issues relating to the petition. The petitioners need to submit a comprehensive site plan for review. The site plan that was initially submitted did not address a lot of the issues that are typically required in a site plan, i.e. lighting plan, parking plan, utility plan, etc. Commissioner Clark Davis had some concerns regarding this petition with respect to the Community Plan for South Willard. *“Our foremost consideration is for the adoption of the Community Plan and then trying to puzzle everything else into place and so to act on this is, I think, premature. I think that a lot of these are coming in because there is a Community Plan out there that hasn’t been presented yet and we need to get them off dead center. That’s why we adopted the action last time to say you [the Community Planning Committee] need to report back within ninety days. If we tabled this, I would want to table it until after that ninety days, until after that presentation; I want to see the Community Plan.”* Staff responded by saying, *“if you were to table it, you need to make some language that you say that it comes in after the Community Plan; is subject to the guidelines and requirements of the community wide plan.”* After some additional discussion a Motion was made as follows.

MOTION: A Motion was made by Commissioner Clark Davis and seconded by Commissioner Jon Thompson to deny the application for a Conditional Use Permit for the Anderson Livestock Auction Co. Commissioner Richard Day abstained from voting on this motion due to conflict of interest. The Motion passed with four Commissioners in favor of denying the application and two against. Commissioners Clark Davis, Jon Thompson, David Tea and Richard Kimber voting to deny application; and Commissioners Chad Munns and Theron Eberhard against.

THE FARMS PHASE V, 14-LOTS, LOCATED AT OR ABOUT 7300 SOUTH US 89 IN THE SOUTH WILLARD AREA.

These fourteen lots are located on property that is currently zoned R-1-20 and all lots meet the minimum area requirements. The petitioner has established proof of all utilities with water being provided by the South Willard Water Company. As the petition appeared to be in accordance with the existing subdivision ordinances and zoning requirements, Staff recommended granting Final approval at this time. The subdivision will have no curb and gutter and is adjacent to the railroad. The lots with back to the railroad/I-15 have one and a half acre. A fence will also be required as a buffer along the property and the railroad as has been required throughout the subdivisions in this area on lots along the railroad tracks.

MOTION: A Motion was made by **Commissioner Jon Thompson** to grant Final approval to the Farms Phase V Subdivision. The motion was seconded by **Commissioner Theron Eberhard** and passed unanimously.

UNFINISHED BUSINESS

BRIGHAM CITY AIRPORT OVERLAY ZONE

County Attorney Amy Hugie had completed the draft for the Planning Commission and added some language that would make the ordinance more in line with Box Elder County’s Ordinances. Specifically *Section 10, Regulations “D” and “F” – “2”*. Other than these changes the ordinance was left with much of the wording submitted by Mark Teuscher.

MOTION: A Motion was made by **Commissioner Clark Davis** and seconded by **Commissioner David Tea**, to recommend to the County Commission their adoption of the Brigham City Airport Overlay Ordinance. Motion passed unanimously.

WORKING REPORTS

The South Willard Planning Committee is working on their plan and hope to be able to present it at an open meeting/public hearing, which is tentatively scheduled for Thursday, February 23, 2006. The date and time will be confirmed and the Planning Commissioner will be invited to attend.

PUBLIC COMMENTS

Jerry Cook, a resident from the South Willard area, and also a member of the South Willard Planning Committee, expressed concerns regarding the proposed livestock auction that was addressed earlier in the meeting. He expressed his appreciation to the Planning Commission for the time that the Committee has been allowed to consider the zoning and planning issues in South Willard. Mr. Cook thought that the Committee may be making some recommendations regarding re-zoning on the west side of the freeway, but that did not necessarily mean that the area would be re-zoned with the proposed plan.

Cara Warren, also a member of the South Willard Planning Committee. Stated that she had heard comments, both pro and con, concerning the proposed livestock auction business. Some thought that it would help with keeping the area rural and slow the high density housing on the west side of the freeway, while others were concerned with the traffic and other hazards that would accompany a livestock auction. Ms. Warren also expressed appreciation to the Planning Commission for being able to learn from the Commissioners during this meeting.



The Planning Commission meeting was adjourned at approximately 6:07 p.m.

Passed and adopted in regular session this 16th day of February 2006.

Richard Kimber, Chairman
Box Elder County
Planning Commission