

MINUTES BOX ELDER COUNTY PLANNING COMMISSION APRIL 20, 2006



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	Chair
Jon Thompson	Member
Richard Day	Member
David Tea	Member
Clark Davis	Member
Theron Eberhard	Member
Chad Munns	Member

The following Staff was present:

Garth Day	County Planner
Amy Hugie	County Attorney
Elizabeth Ryan	Secretary
Pat Comarell	Consultant

Chairman Richard Kimber called the session to order at 7:03 p.m.

The **Minutes** of the regular meeting held on March 16, 2006 were made available to the Planning Commissioners prior to their meeting (April 20, 2006). A motion was made by **Commissioner Theron Eberhard** to accept the Minutes with the addition of one word for clarification. **Commissioner Clark Davis** seconded the motion and it passed unanimously.

Citizen Present for the Planning Commission Meeting

Keith Heil/Willard
Paul Eastman/Willard
Janet Eastman/Willard
Jordan Meyer/Willard
Graham Shaw/Garland
Jackie Crook/Willard
John Stoughton/Willard
Jared Clark/Garland
Scott Giles/Willard
Michael Fairbanks/Willard
Joseph Barthow/Willard
Cecil Satterthwaite/Liberty
John Coones/Willard
Nathan Rose/Pleasant Grove

Brian Rose/Perry
Voneene Jorgenson/Brigham City
Dave Hawkes/Willard
Georgia Sullivan/Salt Lake City
Dale Barnett/Willard
Mellonee Wilding/Willard
Jan Nielsen/Willard
Cara Warren/Willard
Kent Davis/Willard
Brett Simpson/Willard
Ben Crook/Willard

PUBLIC HEARINGS

SOUTH WILLARD COMMUNITY PLAN

A PowerPoint presentation outlining the findings and recommendations of the South Willard Community Planning Committee was presented (attached) by co-chairman Georgia Sullivan, after which time the floor was opened for questions/comments from the citizens present.

- **Keith Heil:** *“Overall, from what I’ve heard, although it’s pretty limited, I think . . . I generally like what I think that I’ve heard. That’s a lot of the problem that I have . . . I’m not sure what I’ve heard. Not heard a lot details. There are a couple of things that I have concerns about. One is that when I look at what I think has been presented . . . at the previous meeting in Willard, it’s been presented, for instance, that their recommendation on sewer . . . we’re not really going to talk too much about that right now . . . you’re not going to have to hook onto it even if you’re within 300 feet . . . I guess my comment is that I’m a little concerned about those types of things being presented in that way because frankly I think that is a pipe dream. I’m sure that in some places that has occurred, but if you look at the newspapers it’s not likely to happen. They put in a sewer, everybody is going to hook onto it. I think that there is a cost involved that has not been presented accurately. For instance . . . it was mentioned \$300 in order to take care of your current septic tank, I don’t think that is correct. Another concern is what is happening with the water and secondary water. I’m not going to get into that, I’m going to give everybody a break. I think there’s been a lot of that recently. So those kinds of comments . . . I think that there’s a lot more discussion that can be done . . . although, again, I’d like to say that overall it’s a pretty good thing that we’re doing; but I’d like to express my personal opinion that I don’t think that anybody’s going to change it. What’s coming’s coming and the idea that we’re going to have a lot of impact kind of concerns me. I guess the final thing is I’m kind of wondering about the status of this committee . . . and I guess this is all recommendations, but I would think that the Planning Commission is already doing, or taking care of ninety percent of what’s been presented here. I wouldn’t mind that some of you would comment to that. All good recommendations, but it doesn’t take much to come up with those recommendations; they’re kind of self-evident in the planning process. I appreciate the opportunity to voice a couple of my opinions here. Thank you.”*
- **Garth Day:** *“The Planning Commission has postponed any development occurring in South Willard until this process is done, so that the committee, the impacts and the recommendations that were being made could be considered for future development. I actually disagree a little bit, you actually do have a lot of say in how it develops down there. Some of the stuff dealing with the recommendations we do have control of. For instance zoning, what future zoning looks like what that future development ordinance looks like, some of the more creative or different ways of subdividing and those type of designs, that’s something that we can have an impact on. If this weren’t in place it would be all chopped up like you see it now in half- acre squares. You have the opportunity to do something different. The water, for instance, is really not in our control. We control it by requiring people to have water connection and availability before they develop, but the County is not in the water business. The trail system and so forth, I think there is a long ways to go in that, we don’t have a parks department in this County, so to maintain some of that stuff, that would have to be the work of this committee or some future committees will have to figure out how to do that, so I guess in response to your question, I guess that’s all I can say. Some of it we can control, the majority of the development design, the way it looks, the improvements, whether it’s got curb and gutter in it, how the road standard works, all of that we can control and we do, you’re right we do to this point; we have some pretty . . . I wouldn’t say that they’re extreme strict development requirements, but they’re getting better all the time. . . and we’re learning a lot as we go.”*

- **Mike Fairbanks:** *“I do agree that a lot of things are happening with this committee . . . and I’m personally not in favor of all . . . I’m fine and dandy with half-acre lots, but as I’ve talked with other people there are those that are fine with this other . . . and I’m fine with that too. My question still comes with the maintaining of it, the cost of who puts it all together . . . how is it going to be maintained over the years. Parks take a lot of effort to maintain. Do we have answers to these things or are these things yet to be done?”*
- **Kent Davis:** *“Can I respond to that? What our perception was, is because the County does not have a parks department, because the County doesn’t build parks, or maintain parks, or support parks, we felt that the best way that we could get started was to start a committee who would then do, either through networking through discussions with the flood committee, through discussion with developers and landowners, that this committee put together the seed of a parks department. At a certain point in time that move into something like a special service district or an improvement district of some sort that then can take on that roll of maintaining and operating and obtaining the development of parks and trails. That’s down the road. If the community doesn’t want to participate on the committee level to do some of this legwork, then the community is probably not interested in making that next step. If the community is interested in that then there’s some support there, some grassroots support to create a district and then to move into that next step. Once that district becomes established, or whatever you want to call that agency, then they have the opportunity to either assess fees through the property tax or to obtain impact fees from the new developments that are coming in as part of that system. The new sewer district, if the community says that yes we want a sewer, we need a sewer, then that would morph into a district that would either be created or authorized by the County or it could be incorporated into the existing district that Willard City has and now we have a larger area that bears the burden of the cost and those that participate in the growth and they want the impact fees to hook onto the sewer then you can pay your sewer fees or whatever to do that. But the step has not been made at this point for this committee or this group of citizens to say this is what we want. We have not studied past the point of saying we need the community involvement; the community wants to be involved then we as a committee can see that that grows and develops; but as far as who pays for it and who maintains it . . . we haven’t done any of that . . . first of all because that wasn’t our charge from the Planning Commission and secondly we haven’t had the time to address all of it. Maybe the plan seems a bit limited in what it is, but it has taken a lot of work and taken a lot of education on our part to come up with this and I think that this group of people who participated in that are willing to allow these seeds to germinate and grow if the community wants them. If the community doesn’t want them, then that is their choice . . . it’s their community.”*
- **Dale Barnett:** *“We suggested a number of sub-committees that need to be developed, because as we explored these areas, like the sewer, like the road, . . . the topics themselves are so massive that within the timeframe that we had and the material that we had available we simply couldn’t cover. But we specifically think that there is a need to focus on five or six different needs . . . but we say that there is a need and we need to organize ourselves and follow-up on this .”*
- **Cara Warren:** The Bailey’s that are developing the South Cherrywood Estates are taking it upon themselves to look into having a designated area for the residents of that subdivision. They are looking at impact fees and addressing the issue. This is something that other developers could do, create parks in their own little communities. It will be the developments responsibility to maintain it.
- **Commissioner Clark Davis:** *“First of all, the County Commission soul purpose does not extend to municipal services; and most of what we’ve talk about in this recommendation are municipal services; municipal services will be provided by the community itself. If the community desires those, there are vehicle available. Special Service Districts, Municipal Service Districts, Sewer Districts, you can also move towards creating some type of*

incorporation process where you create your own city plan, your own city parks and recreation, but to answer your question, the cost, both the original cost and the ongoing maintenance cost are going to be paid by the residents of South Willard . . . there is not going to be any underwriting by the County or other residents of the County . . . there is no 'sugar daddy' here that is going to pay the cost. As a community you are going to figure out how to pay those costs, whether it's a special service district, whether it's incorporation, with impact fees, but those fees are going to come from current and future residents and stakeholders in South Willard."

Commissioner Chad Munns asked about the number of homes and lots that are currently approved in the South Willard area. The South Willard Water Company is presently servicing approximately 250 lots. There are probably around another 70 –100 that have been allocated to approved subdivisions. There are some that are on wells. Mr. Garth Day stated that in South Willard between the existing homes, trailer parks, the current building lots available for building, there is roughly 425 water hookups. That includes all the homes that have been built, all the mobile homes in the community and also all the lots that have been approved for building.

- **David Hawkes:** *"I am a land surveyor and I live in South Willard, and from my experience and for what I see going on, it's pretty cheap to develop in Box Elder County. I do work in a lot of parts of the state and I actually work statewide. My experience and what I see is that a developer can make a boatload of money in Box Elder County because you guys don't charge any impact fees . . . you can get away with no curb and gutter, none, it's cheap here. Being cheap to develop you draw a certain type of developer . . . I don't think that that is good for the area. A lot of the problems that we have can be addressed with impact fees. I think that as a resident of South Willard, I think that it is fair that if I have a park and I use the park that I need to pay for that use, but if I have two thousand families moving in and we have to develop new parks for two thousand families, I am already here, why do I have to pay for that. I think that the County needs to address that and the way to address that is with impact fees. Instead of recreating the will talk to other communities that have been through this and find out what they've done and then have that sort of stuff here. A good example is Draper. Ten years ago Draper was South Willard. You look at it today and it's completely different and it's gone through its growing pains. I was down there when it started like it started here and it was rough on some people . . . the city council changed regularly; they changed mayors regularly, but they got through the humps and now they have a system that works, but it's not cheap to develop there and it doesn't need to be cheap to develop here, and it shouldn't be cheap to develop here. I'm pro developer. I make my living helping developers and as far as these detention basins that are popping up in every little subdivision, I have a suggestion there. Right now we don't have a large area to retain that water; until that happens I would suggest that one lot is set aside inside these subdivisions to be held as a detention basin . . . that lot, at some point, some place down the road can be deeded back to the developer once a large community area is come up with to take care of that storm water. But that lot gets deeded back to them at a price, at whatever cost, part of the portion, to purchase the land to make the large basin work. It is money in the bank for the developer. Lots aren't getting cheaper; just in the short time that I've been in South Willard lot prices have almost doubled and I see a lot of people that are getting fat at nobody's expense and that needs to change. And that's my opinion."*

Jordan Michael asked how to get involved in the committees dealing with issues in South Willard and being able to voice opinions. There are various sign-up sheets for the various committees.

- **Ben Crook** Parts of the minority/dissenting report were agreed upon by members of the committee regarding different aspects of the plan. (a copy accompanies the official minutes). *“First thing we want to emphasize is that this was a very intensive process and we all worked very hard on it. Everybody; there was give and take on stormy issues that came up and were discussed and the majority of those issues were taken care of and we all came to a consensus . . . and there are a couple of them here that there were some differences on. The food production and the commercial areas down in the southwest corner of the area. . . we’re putting it down there because we don’t want it with us, but we’ve got neighbors down there that are willing to deal with the traffic. Recently I got a map from Utah Power and they own a majority of the area . . . sometime down the road Utah Power is probably going to want to move to a power generation plant there. Neighborhood commercial zoning up and down 89, there were a few of us that had the opinion that there’s adequate commercial within reasonable driving range from South Willard . . . we really didn’t feel that we needed that commercial development along there. We didn’t think that we should really be encouraging any type of commercial development there. There were those that just wanted to keep everything at half-acre development . . . as opposed to going to cluster housing and the open space. It would tend to create, but it doesn’t have to, but would tend to create a buffer community within South Willard, and not knowing how that planned zoned development and that community would be set up, if it’s set up with lot owners and homeowner’s association, sometimes the homeowner’s association dues are paid for by the lot owners, whether they’re residents or whether they’re not residents. I’ve seen locations where people were out actively trying to campaign and get other people into the subdivision so that they could out vote the developer who has the majority of the lots. The other issue that I brought up was, I do have a couple of mobile home communities within a stone’s throw of my house and so I hear every time a siren goes into those and siren comes out . . . ten to fifteen times the police enforcement issues are going on within these denser communities than there is in the more rural areas; so that’s a concern I have with cluster housing, are we going to see more of this type of action.”*
- **Cecil Satterthwaite** *“I would like to just thank the committee, a lot of time has been spend and I know there are a lot of questions and not all of the answers. I think as the community goes there is a need for parks, a place for families to go, soccer fields, that type of thing. It’s not free, but as you mentioned there are many different options that you can put those things into place. I also have some comments on the impact fees. As new homes come on line, they should be able to help pay for these things; a lot of places around that’s the standard way . . . they know that when they built that home, they know what the costs are, whether it came to parks or for the sewer, they know that before they buy that lot, and so there are several ways that you can fund those things. I think that it’s important the people know that you have those types of amenities, parks and trails, it does make a nicer community out of it.”*

Kent Davis asked how impact fees are generated and collected. Mr. Garth Day stated, *“Impact fees are traditionally a city thing, because most of the development happens in the city. Impact fees have been around for a very long time, but in Utah we didn’t know how to do them very well. In the early 90’s there were lots and lots of abuses. Cities were just coming up with an impact fee. They’d call the city next door and say what do you charge and they’d say we charge \$600.00 per home and that became our impact fee, and then they’d get out of hand. They’d started to use impact fees to control and regulate growth; make it more expensive . . . make it more difficult. In about ’93-94 the Utah State Legislature stepped in and said cities have to change the way that they are doing impact fees, so they put some pretty stringent rules on impact fees. The most important thing about impact fees, I think, and the whole philosophy behind it, is that they have to be justifiable. For instance a city has to go out, or a community, or a county, they first have to offer the service that you are collecting the fee for. Right now we don’t have a park’s department, so we couldn’t collect a park impact fee, because we don’t do parks. We don’t do water in the County so we can’t collect a water impact fee. Now the Water Conservancy District, I believe . . . they do impact fees for water. Most of*

the water in the County is done by private water companies and I don't know the rules for impact fees with stockholders. What you first have to have is you have to have, the service that you're going to have the fee for. Then you have to go through this comprehensive Capital Facilities Plan, that is different than the plan you saw here today . . . you have to articulate what the service is going to be. For instance it would go through . . . if we did it on parks . . . they would say, in South Willard for instance, we need 100 acres of parks . . . and the current price of land based on the next few years . . . we are going to need to raise a million dollars to acquire land for parks. Now you just multiply that number by the amount of growth that you're going to experience and that gives you an equivalent residential unit cost. Say a thousand dollars per home. Now impact fees are good, but they can only be used for capital development. They can't be used for ongoing operations and maintenance. Impact fees can only go to pay for the impact of the service that the new home has on that service. So you just can't collect money into the general fund to pay for the parks forever. Now, my property tax would pay for the ongoing maintenance and operation. Now there are rules; the money has to be set-aside in a separate account. Impact fees cannot be commingled with any other source of funds. They have to be used specifically for what they were collected for. And the Legislature required that all those funds from the date they're receipted have to be spent within six years. It is forcing the community to do what they say they're going to do and go forward with implementing the plan. Now the problem with that . . . the theory behind it is that it is making the communities do what they are suppose to do . . . so you can't just built up a huge fund and have lots of money. You have to pay for the service you're going to provide."

- **Chairman Richard Kimber:** *"I think that it is quite evident that we have a lot of work to do. This commission with this committee and with the people of South Willard, we're quite a ways from where we want to be. We'll assist you in that.*
- **Scott Giles:** *"What we're trying to get at is how do we manage ourselves in the meantime (before incorporation). A comment was made that we're too small to incorporate, in the meantime what happens . . . will South Willard get completely developed, until it's big enough to deal with this parks and sewer and all the other things.*

The Planning Commission and the County Commission are available to help with the process, but the citizens need to take the initiative to move forward. There are communities within the County that are smaller than South Willard and are incorporated at this time.

MOTION: A motion was made by **Commissioner Clark Davis** to close the Public Hearing at 8:31 p.m. Motion seconded by **Commissioner Jon Thompson** and passed unanimously

MOTION: A motion was made by **Commissioner Clark Davis** to accept the South Willard Community Report and Minority comments and take them into advisement and continue working towards addressing the changes that have been recommended and recommend a plan of action and that we refer that plan of action to the County Commission with the steps that have been taken and not release the Community Planning Committee at this time, but retain their involvement in the development of its ordinances. Motion seconded by **Commissioner Theron Eberhard** and passed unanimously.

PUBLIC HEARING FOR ROSE 6-LOT SUBDIVISION

The Rose Subdivision is now being referred to as the Valley View Estates Subdivision on the east side of Highway 89 at approximately 7175 South. It was first reviewed at the November 17, 2005 meeting of the Planning Commission for the concept plan. There was a Public Hearing set for December 15, 2005 and then cancelled as the application was still incomplete at that time. Initially

Staff had recommended that this application be tabled at this meeting because there were still a number of verification letters that had not been received. The petitioner has supplied those letters, with only the approval from UDOT for the access from the highway still missing. There are no changes in the design of the subdivision and the property is currently zoned as R-1-20. Curb and guttering will be required in the subdivision. A comment was made regarding the curb and gutter as a report that had been received from the South Willard Flood District [by the South Willard Planning Committee] did not recommend curb and gutter. Staff stated that this is a recommendation of the County inspector to begin to require curb and gutter in all subdivisions within the County. The curb and gutter is being used more as a tool to help save the roads and the asphalt and not necessarily for flood issues. All of the water that is generated from the subdivision would still be directed into the detention/retention basins on the individual subdivisions. Also for all subdivisions that are accessed from Highway 89 there will be an acceleration and deceleration lane outside of the property boundaries. Other issues that were discussed during the hearing included connection of streets with other streets from other subdivisions; whether or not a sidewalk, path, or asphalt should also be required. The ten feet that is being set-aside for a future pathway could not be developed, landscaped, or built upon. This is the first phase of this development and the second will continue up the hillside to as far as water goes. There are utility and power lines already in the area, but it is not the intent of the petitioner to develop all of the land right now. It is now recommended by Staff to grant preliminary approval.

MOTION: A Motion was made by **Commissioner David Tea** to close the Public Hearing and seconded by **Commissioner Jon Thompson**. Passed unanimously. A Motion was then made by **Commissioner David Tea** to grant preliminary approval to the Valley View Estates Subdivision subject to approval from UDOT for the access to the subdivision. The Motion was seconded by **Commissioner Richard Day** and passed unanimously.

COMMON CONSENT – Public Hearings

No comments were made concerning either of these subdivisions during the public hearing time. The Public Hearing was closed with a motion by **Commissioner Clark Davis** and seconded by **Commissioner Jon Thompson**, unanimous.

THE LISH ONE-LOT SUBDIVISION LOCATED AT OR ABOUT 5440 WEST 6500 NORTH IN THE BEAR RIVER CITY AREA.

This one-lot subdivision has been created as a building lot and consists of one acre. All of the utilities have been established. As the petition is in accordance with the existing zoning and subdivision ordinances, Staff recommended granting preliminary and final approval at this time.

MOTION: A Motion was made by **Commissioner David Tea** to grant preliminary and final approval to the Lish One-Lot Subdivision and submit to the chairman for his signature. Motion was seconded by **Commissioner Richard Day** and passed unanimously.

THE STAN CLARK 3-LOT SUBDIVISION LOCATED AT OR ABOUT 14900 NORTH 6000 WEST IN THE NORTHWEST AREA OF GARLAND.

This subdivision consists of three lots each meeting the minimum lot size of one half acre in an un-zoned area of the County. The petitioner has established verification of all utilities with water being provided by the Riverside/North Garland water company. Lot one is an odd shape and on the final plat there will be an indication as to where a home would best be located on the property. There is a canal along the back boundary line of the subdivision and the Commission may want to recommend a fence along the property lines. As the petition appears to be in accordance with the existing subdivision ordinances and zoning requirements, Staff recommended granting preliminary and final approval at this time.

MOTION: A Motion was made by **Commissioner Chad Munns** to grant preliminary and final approval of the Stan Clark 3-Lot Subdivision with the stipulation that if the canal company requires a fence to be installed now or sometime in the future, that the petitioner adheres to that requirement. The Motion was seconded by **Commissioner Clark Davis** and passed unanimously.

NEW BUSINESS

AGRICULTURE PROTECTION AREA FOR THE HAROLD SELMAN PROPERTY LOCATED IN THE AREA EAST OF MANTUA.

This petition included 947.2 acres to be included in the Ag-protection area. The petition meets all requirements necessary to be considered for protection. The land is currently being used to graze cattle and there are no foreseeable changes in the use until the ownership changes. The area is not really suited for development at this time. **Commissioner David Tea** made the comment that since the usual reason that an Ag-Protection area is created is to protect the land from encroaching development, and since this land is not where development is taking place, is the petition somewhat redundant? No reason was given other than the petitioner for Ag-protection had requested it. A Public Hearing is not necessary at the Planning Commission level but will be required by the County Commission before approval.

MOTION: A Motion was made by **Commissioner Theron Eberhard** to recommend to the County Commission that an Ag-Protection area be approved for the Harold Selman Property east of Mantua. The Motion was seconded by **Commissioner Chad Munns** and passed unanimously.

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A short break was taken at 9:20 p.m. before continuing with the South Willard Community Plan.

Meeting was reconvened at 9:30 p.m.

Chairman Richard Kimber asked Garth Day (Staff) for his recommendation as to the procedure that the Planning Commission should take regarding the South Willard Community Plan. Staff's response was that *"it (the plan) could be taken in and accepted for review . . . if you feel like there was any information brought forward that you need to address tonight, that we could modify or take into account before you adopt it or before you make a recommendation, then you should probably not take action on it. We have been at this for a long time now, I think that the committee has been at this for a year . . . I wouldn't have a problem either way from my perspective. Some of the issues that you've raised . . . centered around paying for services, incorporation, or municipal service fees, or however we'd structured it, really aren't going to be addressed by your next meeting. And they're probably not going to be addressed, we can go to work on them, but . . . I don't know that they are really even relevant to the plan."*

Chairman Richard Kimber stated that he didn't know how they were to separated out of the plan those issues relative to paying for services and the plan itself . . .he didn't feel comfortable at this point of recommending to the County things that says the community wants certain services and how would they be paying for them. Planning Consultant Pat Comarell stated that the South Willard Committee was aware from the first meetings that the County did not provide for services that they are seeking and that it would be the responsibility of the community. The committee realized that it is the County that can help with the planning and zoning in the South Willard area during this time that it is still part of the unincorporated area. The Commissioners discussed the possibility of incorporation of South Willard and any tools that may be at their disposal in helping with this process. *Nathan Lee*, from UDOT, was at a meeting attended by **Commissioner Clark Davis** and Mr. Lee talked about some federal programs that are available; one is designed for bicycle paths, and the County could apply for this grant for specific areas within the County, but before you can apply for the grant there has to be a transportation master plan in place for the area. UDOT has a planning department that has personnel available to help with this master plan. Also *Mr. Tim Houser* from the State can help with master plans for communities interested in beginning the process to incorporate. These issues were discussed for some time and it was also felt by one of the Planning Commissioner that the plan had really not made any specific recommendations as to re-zoning in any of the area. Some additional neighbor commercial zones were requested along Highway 89, but other than that, the zoning was to remain as currently zoned. (A copy of the proposed Plan, the Dissenting Opinion and the South Willard Community Plan Implementation are attached to the Official Minutes of this meeting.) Some of the additional questions/concerns from the members of the South Willard Committee included:

- * What happens to property taxes if South Willard were to become incorporated? Does a portion of that come back to the individual towns/cities within the County?
 - o Right now none of those taxes are being earmarked for a future city tax.
- * In regards to impact fees, if the area were incorporated then fees could be assessed to new [building] units to help in covering the cost of necessary services. Taxes are not going to be able to cover the cost for developing various services that have been talked about.
- * The community residents of South Willard need to be educated about the process of incorporating into a city; there is high emotion at this time regarding that action.

There was more discussion regarding the process to incorporate and it was mentioned by **Commissioner Clark Davis** that *Mr. David Church* (legal council in Salt Lake) can help with the incorporation process and during that time the County would cover the front-end costs associated with the process. At the conclusion of their discussion **Chairman Richard Kimber** called for a motion on the South Willard Community Plan.

MOTION: A Motion was made by **Commissioner Chad Munns** to table the acceptance of the South Willard Community Plan until the next meeting, or at a special work session of the Planning Commissioners. Motion was seconded by **Commissioner Theron Eberhard** and passed unanimously.

UNFINISHED BUSINESS

PUBLIC COMMENTS

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The Planning Commission meeting was adjourned with a motion by **Commissioner Theron Eberhard** at 10:20 p.m.

Passed and adopted in regular session this 18th day of May 2006.

Richard Kimber, Chairman
Box Elder County
Planning Commission

**SPECIAL WORK SESSION OF THE
BOX ELDER COUNTY
PLANNING COMMISSION
MAY 2, 2006 6:30 P.M.**

The meeting was called to order by **Chairman Richard Kimber**, with those present being, **Commissioners Richard Day, Theron Eberhard, Jon Thompson,** and **Clark Davis**. Planning Consultant Pat Comarell, Staff Garth Day, Secretary Elizabeth Ryan and County Attorney Amy Hugie.

Garth Day (Staff) addressed the Commissioners for a short time regarding the process for adopting the South Willard Community Plan and then turned the time over to Ms. Comarell for any discussion. Before Ms. Comarell began, **Chairman Kimber** stated the following.

“It was probably my fault that we didn’t do that at the last meeting (adoption of the Plan), but I just felt that at that time, and no reflection on the committee or what they’ve done, they’ve done an excellent job, but I, my suggestion that we were maybe not ready to adopt it . . . we hadn’t had an opportunity to look at the Implementation Plan . . . that may not even be a part of the Community Plan, but it certainly will impact it and I still have difficulty with the wording ‘dissenting opinion’ . . . I guess I would have preferred they said here are some other suggestions, but we (the committee) adopt the plan unanimously. A dissenting opinion makes me a little uncomfortable. I’m certainly ready for the adoption of the plan . . . I’ve had a little bit more time to review it and I feel very comfortable with it, but those are the things that were of concern to me and it was a late meeting and I didn’t want to get into those issues that late at night, so, Pat, if it created problems for you, I apologize . . . no reflection on the committee or what you did.”

Ms. Comarell stated that a few of the committee members wondered if the Planning Commissioners had read over the Plan. Ms. Comarell also stated that Ben Crook had written the dissenting opinion, but she had formatted it and didn’t want it to appear that she had changed any of his manuscript in the process. During the meeting process of the Committee, different items were discussed and then a vote was taken on that item, but as the plan was presented it was a unanimous effort of the Committee. The dissenting opinion is already as part of the public record, but it is not a part of the Plan itself . . . but just basically expressing a point of view. **Commissioner Theron Eberhard** asked if the Implementation was part of the Plan or just something to help with understanding of it. Ms. Comarell stated that she had compiled the Implementation and presented it to the Committee members more for their understanding. It is the actual Plan that is being considered for adoption.

MOTION: A Motion was made by **Commissioner Theron Eberhard** to recommend to the County Commission that the South Willard Community Plan be adopted with the South Willard Community Implementation Plan included as an attachment to the Plan. Seconded by **Commissioner Clark Davis** and passed unanimously.

Ms. Comarell stated that she would draft a letter thanking the members of the South Willard Committee for their work and efforts put forth in meeting and putting together this Plan over the past several months. **Commissioner Clark Davis** asked about how the Plan would be presented to the County Commissioners. It was decided that *Garth Day* would present the Plan to the Commissioners at their meeting on Tuesday, May 9, 2006, but the PowerPoint presentation would not be part of that presentation.

Passed and adopted in regular session this 18th day of May 2006.

Richard Kimber, Chairman
Box Elder County
Planning Commission