

**MINUTES
BOX ELDER COUNTY
PLANNING COMMISSION
AUGUST 17, 2006**



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 constituting a quorum:

Richard Kimber	Chairman
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
Donnie Tarver	County Inspector

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

The *Minutes* of the regular meeting held on June 22, 2006 were made available to the Planning Commissioners prior to their meeting (August 17, 2006). A few items were pointed out for correction or clarification after which time a motion was made by **Commissioner Theron Eberhard** to accept the Minutes with corrections made. **Commissioner Jon Thompson** seconded the motion and it passed unanimously. Also, the work session notes from the July 11, 2006 meeting regarding the Box Elder Fencing Ordinance was reviewed and accepted with the same motion.

Citizen Present for the Planning Commission Meeting

Tyler Heyman/Sandy, UT
J. Alton Viebell/Beaver Dam, UT
Chris Cave(Reeve & Assoc)/Ogden, UT
Rod Herrick/Ogden, UT

Walt Heyman/American Fork, UT
Susan Hansen/Eden, UT
Jerry Preston/Farmington, UT
Jerry Anderson/Ogden, UT

UNFINISHED BUSINESS

ANDERSON LIVESTOCK AUCTION, APPLICATION CUP 006-001, LOCATED IN THE SOUTH WILLARD AREA

The facility for this proposed livestock auction consists of approximately twelve acres and is a Conditional Use in the A-20 zone. Staff reviewed the findings for this petition of a Conditional Use Permit. The purpose is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of the County, and the following items were outlined:

- Conditions relating to safety for persons and property
 - Regulated by the State through issued permits
- Conditions relating to health and sanitation
 - Also regulated by permits
- Environmental concerns
- Conditions relating to performance
 - Public improvements such as roads

Staff recommended that a Public Hearing be set to address the anticipated traffic impacts that may arise from this facility. The petitioner also needs to provide evidence of compliance with R58-7 (State of Utah Administrative Rules) and compliance with 9CFR Ch. 1 (1-01 Ed.) Animal and Plant Health Inspection Service, USDA. The petitioner also needs to provide evidence of compliance with the Bear River Health Department and proof of utilities.

MOTION: A Motion was made by **Commissioner Jon Thompson** to set a Public Hearing for September 21, 2006 regarding the traffic impacts of this proposed petition. The Motion was seconded by **Commissioner David Tea** and passed unanimously.

NEW BUSINESS

THE FARMS, PHASE VI, APPLICATION SS06-002, LOCATED AT OR ABOUT 7425 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA.

This nine-lot subdivision is part of The Farms Subdivision in the South Willard area, but was not part of the original concept plan, which consisted of five phases. The property is zoned R-1-20 and all lots meet the minimum area of 20,000 square feet. The petitioner has established proof of all utilities with water being provided by the South Willard Water Company. The petition appears to be in accordance with the existing subdivision ordinances and requirements. Since this phase was not part of the original concept plan, Staff recommended setting a Public Hearing for the next Planning Commission meeting.

MOTION: A Motion was made by **Commissioner Clark Davis** to accept the petition for the Farms Phase VI and set a Public Hearing for September 21, 2006. The Motion was seconded by **Commissioner Chad Munns** and passed unanimously.

WARD PROPERTY (JERRY PRESTON), CONCEPT PLAN, APPLICATION SS06-007, LOCATED AT OR ABOUT 8700 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA.

This proposal contains 145 lots and is located in an area of the county that is currently zoned R-1-20. The project contains lots that are less than the required 20,000 square feet; making the overall density 2.4 lots per acre or an average lot size of 18,000 square feet. Because of this, Staff explained that it was unclear as to whether or not this petition was in accordance with the existing subdivision ordinances and current zoning requirements for a concept plan. However, the plan could qualify for some type of alternative development provisions such as a PRUD or a P-zone. The major restriction to this subdivision is the ability to bring sewer into the area. Staff has had numerous meetings with

the developer and the BRHD, but no significant plans have been submitted to date. The project still needs to be reviewed by the South Willard Water Company, The Willard Flood Control Board and UDOT prior to any preliminary approval. Documentation is also needed from UDOT allowing access from US 89 and from all necessary utilities. This property has come before the Planning Commission previously, but has never been approved due to the sewer availability issue. This property contains land that would be left as open space and also an area that would be used as a community septic area until the time that sewer would be available. The property is also adjacent to Ag-Protection area. Staff recommended that this concept proposal be accepted and the comprehensive review begin on the project and set a Public Hearing for September 21, 2006, or it could be Tabled and brought back by the developer at the next Planning Commission meeting. **Commissioner Clark Davis** felt that because the plan was not in compliance with the existing zoning requirements that the petition should be tabled at this time. **Chairman Richard Kimber** was reluctant to take any action until the South Willard Community Plan was accepted and adopted by the Box Elder County Commission. The South Willard Community Plan will be presented for approval at the September 5, 2006 meeting of the County Commissioners. This concept plan was discussed by the Planning Commissioners and the petitioners, after which time it was decided to table the petition.

MOTION: A Motion was made by **Commissioner David Tea** to table the discussion of this petition for the Ward Property Development until the South Willard Community Plan has been reviewed and adopted by the County Commission. The Motion was seconded by **Commissioner Richard Day** and passed unanimously.

HIGH COUNTY ESTATES REZONE AND SUBDIVISION, APPLICATION SS06-008, LOCATED AT OR ABOUT 13000 NORTH IN THE BEAVER DAM AREA.

This petition has been before the Planning Commissioners before when it was originally submitted by Mr. Alton Viebell. The property is currently zoned RR-2 and this request is for a P-Zone overlay. The P-Zone is exclusive of the development itself. There are twenty-seven proposed lots in this P-Zone area with various areas of open space included. Along with this P-Zone request the preliminary subdivision plat is being submitted for approval. Mr. Viebell now has some other developers that are interested in going forth with this development. Staff recommended setting a Public Hearing for September 21, 2006 regarding this petition. The petition was discussed by the Planning Commissioners, after which time the following motion was made.

MOTION: A Motion was made by **Commissioner Clark Davis** to accept the petition for the High County Estates Subdivision and P-Zone overlay and set a Public Hearing for September 21, 2006. The Motion was seconded by **Commissioner Richard Day** and passed unanimously.

RIVERVIEW ESTATES THIRTEEN-LOT SUBDIVISION (CONCEPT PLAN), APPLICATION SS06-009, LOCATED AT OR ABOUT 4740 WEST 15600 NORTH IN THE EAST GARLAND AREA.

This proposed subdivision is in an area of the county that is currently un-zoned and contains thirteen lots. As the petition appears to be in accordance with the existing subdivision ordinances and zoning requirements, Staff recommended setting a Public Hearing for September 21, 2006 at the next

meeting of the Planning Commission.

MOTION: A Motion was made by **Commissioner Chad Munns** to accept the concept plan for the Riverview Estates 13-Lot Subdivision and set a Public Hearing for September 21, 2006. The Motion was seconded by **Commissioner Theron Eberhard** and passed unanimously.

WORKING REPORTS

Box Elder County Fencing Ordinance Update

It was decided that before the Public Hearing is set for the southern part of the County regarding the Box Elder County Fencing Ordinance the Planning Commissioners would meet on the first Tuesday of October (October 3rd at 6:00 p.m.) to discuss the outcome of the Public Hearing held in Tremonton in June. A **Motion** was then made by **Commissioner David Tea** and seconded by **Commissioner Clark Davis** to set the Public Hearing for the Southern part of the County regarding the Fencing Ordinance on October 19, 2006 at the time of the regularly scheduled meeting. The Public Hearing will be held in the County Commission Chambers.

South Willard Community Plan

The South Willard Community plan will be presented to the Box Elder County Commissioners on Tuesday, September 05, 2006 for their review and adoption.

PUBLIC COMMENTS

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The Planning Commission meeting was adjourned at 8:56 with a Motion by **Commission Theron Eberhard**.

Passed and adopted in regular session this 21st day of September 2006.

Richard Kimber, Chairman
Box Elder County
Planning Commission