

**MINUTES  
BOX ELDER COUNTY  
PLANNING COMMISSION  
NOVEMBER 30, 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	Excuse
Clark Davis	Member
Theron Eberhard	Member
Chad Munns	Member

*The following Staff was present:*

Garth Day	County Planner
Elizabeth Ryan	Secretary
Amy Hugie	Co. Attorney

(Arrived 8:30 p.m.)

**Chairman Richard Kimber** called the session to order at 7:08 p.m.

The *Minutes* of the regular meeting held on November 30, 2006 were not made available to the Planning Commissioners prior to this meeting (November 30, 2006); therefore **Chairman Richard Kimber** stated that those Minutes would be acted upon at the December 21, 2006 meeting.

**Citizen Present for the Planning Commission Meeting and Public Hearings**

Bruce Carr/Mantua	Heidi Houghtalen/Mantua
Jeff Beckstead/Pleasant View	Dan Dimick/Brigham City
Sue Hansen/Eden	Tyler Heyman/Sandy
Jerry Preston/Farmington	Gordon Booth/Layton
Alton Veibell/Beaver Dam	Ron Johnson/Hyde Park

**COMMON CONSENT -- None**

**PUBLIC HEARINGS**

**HOUGHTALEN TWO-LOT SUBDIVISION, APPLICATION SS06-001, LOCATED AT OR ABOUT 1700 SOUTH WILLARD PEAK ROAD IN THE MANTUA AREA.**

This subdivision is located in the Mantua area [outside of the town limits] and it is purposed that Lot 3 (consisting of ten acres) of the existing Carr Subdivision be vacated and then re-subdivided into two lots each with the required five acres. There will also be 250 feet set aside [on lot-two] for future road dedication to the County. No comments were received during the Public Hearing portion of the meeting.

**MOTION:** A Motion was made by **Commissioner Clark Davis** to close the Public Hearing for the Houghtalen Two-Lot Subdivision and Lot Vacation; seconded by **Commissioner Jon Thompson** and passed unanimously.

**JOHN W. LOOSLE TWO-LOT SUBDIVISION, APPLICATION SS06-012, LOCATED AT OR ABOUT 10994 NORTH 11600 WEST IN THE THATCHER AREA.**

This two-lot subdivision is located in the Thatcher area with the current zone as R-1-20. Each of these lots consists of 2.031 acre and will be sold as building lots. The petitioner has provided verification of all utilities, except for water. The road will be dedicated in the front of the two lots to the County. No comments were received during the Public Hearing portion of the meeting.

**MOTION:** A Motion was made by **Commissioner Clark Davis** to close the Public Hearing to the Loosle Two-Lot Subdivision; seconded by **Commissioner Jon Thompson**.

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

This property, located in South Willard is currently zoned R-1-20 (20,000 square foot lots) and has 104 lots. The Health Department may require that the subdivision meet the ½ acre minimum in order to give approval for the septic systems in the subdivisions. There is a large area of approximately thirteen acres west of the railroad track that will not be developed. There is also a well protection area that will affect two or three of the lots on the south end. Access also needs to be received from UDOT for the subdivision. The lots along Highway 89 are double-fronted and that is not allowed in the current ordinance, therefore, a fence will need to be constructed along the backside of that property buffering Highway 89 and the homes. The subdivision is also located next to an ag-protection area (a dairy farm), but it is no longer in use. **Chairman Richard Kimber** voiced some concerns regarding the problems that may arise between the Health Department’s requirement of one-half acre and the County’s requirement of 20,000 square feet. The developer is currently working with the Health Department regarding this [acreage] requirement.

*Mr. Dan Dimick*, representing the Hot Springs Mobile Home Park discussed the well-protection area, where Zone 1 and Zone 2 are located within the south end of this proposed subdivision. There will be some restrictions on those lots as to where the septic systems can be located and that will be determined by the Health Department.

**MOTION:** A Motion was made by **Commissioner Theron Eberhard** to close the Public Hearing on the Ward Property Subdivision; seconded by **Commissioner Clark Davis**.

**UNFINISHED BUSINESS**

**HOUGHTALEN TWO-LOT SUBDIVISION, APPLICATION SS06-001, LOCATED AT OR ABOUT 1700 SOUTH WILLARD PEAK ROAD IN THE MANTUA AREA.**

Regarding this subdivision and lot vacation, Staff recommended that the Planning Commission recommend to the County Commission that Lot 3 of the Carr Subdivision be vacated and then approve the preliminary and final subdivision plat for the two-lot Houghtalen Subdivision, as it meets all of the requirements of the existing P-Zone and the RR-5 acre lot size, with the future road to be dedicated to the County at some later date [when a county road is built].

**MOTION:** A Motion was made by **Commissioner Theron Eberhard** to recommend to the County Commission that Lot-Three of the Carr Subdivision be vacated and Preliminary and Final approval be given to the Houghtalen Two-Lot Subdivision, with the section of road, creating frontage on Lot-Two, be dedicated to the County. Motion was seconded by **Commissioner Jon Thompson** and passed unanimously.

**JOHN W. LOOSLE TWO-LOT SUBDIVISION, APPLICATION SS06-012, LOCATED AT OR ABOUT 10994 NORTH 11600 WEST IN THE THATCHER AREA.**

This two-lot subdivision will have 33-foot section of road along 11600 dedicated to the County. Utilities have been verified except for the water source and will not be forwarded to the County Commission for approval until the Planning Office receives that verification.

**MOTION:** A Motion was made by **Commissioner Theron Eberhard** to grant Preliminary and Final approval of the Loosle Two-Lot Subdivision with the stipulation that the petition will not be forwarded to the County Commission for approval until verification of the water source is received. Seconded by **Commissioner Jon Thompson** and passed unanimously.

**WARD PROPERTY, CONCEPT PLAN, APPLICATION SS06-007, LOCATED AT OR ABOUT 8700 SOUTH HWY 89 IN THE SOUTH WILLARD AREA.**

This petition was before the Planning Commission for conceptual approval. The petitioners are still working with UDOT concerning the traffic impact and access to the subdivision. Because of the well protection of the Hot Springs Mobile Home Park, the plan could return to the Planning Commission with a few less lots and the lots [also] meeting the actual requirement of one-half acre [if required by the regulations of the Health Department]. UDOT will determine whether or not to have acceleration and deceleration lanes to the subdivision. **Chairman Richard Kimber** was concerned that there was no open space included in this subdivision with the number of proposed houses; however the conceptual plan was well thought out by the petitioners. Once the concept plan is accepted and approved, the next step is for the petitioners to return with the various phases of the subdivision. There were some concerns by the Planning Commissioners regarding the Health Department and the well protection area, granting conceptual approval, as three of the Planning Commissioners were not present at this meeting. However, the petitioner stated that they started this discussion with the Planning Commission in August and felt that they have done what the Commission had requested up to this point; any rules that they are required to conform to from the Health Department and UDOT will be adhered to by the developers. Staff suggested that if the

Planning Commission was not comfortable accepting the concept plan, they could suggest to the petitioners that at the December meeting they return with a new conceptual plan, which would address the Health Department's requirements and UDOT access. At that time, they could also present the plan for Phase I of the subdivision for approval.

**MOTION:** A Motion was made by **Commissioner Theron Eberhard** to accept the concept plan of the Ward Property Subdivision with the stipulation that when the petitioner returns for preliminary approval the issues regarding, 1) the well protection area be addressed; 2) the lot size be resolved with the Health Department; and 3) access from UDOT be approved. Motion seconded by **Commissioner Jon Thompson**. **Commissioner Clark Davis** stated that when this petition comes back to the Planning Commission, that it not return with the same issues that are present at this time. (Staff stated that it will not be placed on the agenda until those issues have been dealt with by the petitioners and the necessary changes reflected on the plat.) Motion passed unanimously.

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

The County Commission has accepted the P-Zone application and the petition has now returned to the Planning Commission for approval of the subdivision. The subdivision contains 27 lots and is located along the border of Box Elder and Cache County. Access to the subdivision is from the Cache County side, but the road will be maintained by Box Elder County with an Interlocal agreement. Lots 11 and 20 will have restrictions regarding the placement of the septic systems due to a well protection area on those two lots. There will be a homeowners association created and it will be responsible for the maintenance of the open space, the well for the subdivision and any other improvements that are made. Escrow documents and engineer drawings will then be required before construction can begin on the development. The P-Zone will go into affect when the subdivision is approved by the County Commission and recorded.

**MOTION:** A Motion was made by **Commissioner Theron Eberhard** to grant Final approval of the High County Estates Subdivision, with the well protection restriction on Lots 11 and 20 being noted on the final Plat and that Cache County approve the access to the Subdivision from the Cache County side. Motion seconded by **Commissioner Clark Davis** and passed unanimously.

**NEW BUSINESS**

**BECKSTEAD CONSTRUCTION RE-ZONE PETITION, APPLICATION SS06-013, LOCATED AT OR ABOUT 9500 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA.**

This area is located in South Willard and it is purposed by the petitioner that it be re-zoned from the current RR-1 to commercial. There are currently three residents in the area and this particular piece in where Highway 89 splits and then rejoins after it circumvents those three homes. The area surrounding these homes is already zoned as commercial. The petitioner is hoping to construct storage units and an office on the site. Staff explained with the continued growth in the South

Willard area, residents are starting to ask about what commercial activities may be coming into the area. Staff suggested that perhaps a larger area could be included in this petition for re-zone.

**MOTION:** A Motion was made by **Commissioner Jon Thompson** to set a Public Hearing for December 21, 2006; seconded by **Commissioner Theron Eberhard** and passed unanimously.

The Planning Commission took a short break from 8:23 p.m. to 8:32 p.m.

**WORKING REPORTS**

**BOX ELDER COUNTY FENCING ORDINANCE**

Staff presented a map outlining the possible changes in the existing fencing ordinance for the County. After some discussion with the Planning Commissioners it was recommended that Mr. Garth Day would present the findings and an update thus far regarding this issue to the County Commissioners on December 19, 2006. This would just be a conceptual report without any final recommendations presented for adoption. After the report is given to the County Commission, another public hearing would be scheduled for January 2007 with the Planning Commission to receive any final input from the citizens before a final ordinance is written and presented for adoption to the County Commission. At this meeting the newly elected County Commissioners and the newly elected County Attorney, along with those from the past fencing ordinance committee would be invited to attend. Representatives from the Box Elder News Journal and the Tremonton Leader would also be invited.

**MOTION:** A Motion was made by **Commissioner Theron Eberhard** to have Garth Day present an update of the findings and the recommendations of the Planning Commission regarding the County Fencing Ordinance to the County Commissioners on December 19, 2006. The Motion was seconded by **Commissioner Jon Thompson**, and passed with **Commissioner Clark Davis** abstaining.

**PUBLIC COMMENTS**



The Planning Commission meeting was adjourned at with a Motion by **Commissioner Jon Thompson**. Passed and adopted in regular session this 21st day of December 2006.

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Richard Kimber, Chairman  
Box Elder County  
Planning Commission