

**MINUTES
BOX ELDER COUNTY
PLANNING COMMISSION
DECEMBER 21, 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
Elizabeth Ryan	Secretary
Amy Hugie	Co. Attorney
Pat Comarell	Consultant

Chairman Richard Kimber called the session to order at 7:04 p.m.

The *Minutes* of the regular meeting held on October 26, 2006 and November 30, 2006 were made available to the Planning Commissioners prior to this meeting (December 21, 2006). A few corrections were noted in the Minutes of October 26, 2006. A Motion to accept the Minutes of October 26, 2006 (with corrections) was made by **Commissioner Theron Eberhard**; seconded by **Commissioner Clark Davis**. A Motion was made by **Commissioner Jon Thompson** to accept the Minutes of November 30, 2006 as written; seconded by **Commissioner Richard Day** and both Motions passed unanimously.

Citizen Present for the Planning Commission Meeting and Public Hearings

Jeff Beckstead

Mitch Zundel

COMMON CONSENT -- None

PUBLIC HEARINGS

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. Staff explained with the continued growth in the South Willard area, more commercial activities might be coming into the area. The petition has been enlarged to include the property that the three homes in the area are on, but it will not affect the status of those homes until the use of the property changes. Comments were welcomed from the public and receiving none **Commissioner Clark Davis** made a Motion to close the Public Hearing; seconded by **Commissioner Chad Munns**; passed unanimously.

UNFINISHED BUSINESS

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

Chairman Richard Kimber asked if the residents in the area had been notified of the re-zone petition and it was suggested that the petitioner contact them to let them know of the Public Hearing at the County Commission level. Traditionally the notices have only been put in the local newspapers of upcoming Public Hearings at the Planning Commission level and the County Commission level. It was suggested that the petitioner (Jeff Beckstead) get a copy of the notice in the newspaper and send to those three residents whose property is located within the re-zone petition area.

MOTION: A Motion was made by **Commissioner Theron Eberhard** to recommend to the County Commission that the rezone petition of Beckstead Construction be granted and that the County Commission hold a Public Hearing. The petitioner would inform the three residents in the area (via the Planning and Zoning Office) of the petition for the change in zoning. Seconded by **Commissioner Jon Thompson** and passed unanimously.

NEW BUSINESS

Mitch Zundel of Willard City asked for some time to speak with the Planning Commissioners concerning the feasibility study for a sewer in Willard, South Willard and Perry. Mr. Zundel had previously spoken at the County Commission level and was advised to talk with the Planning Commission. Willard City is trying to update the study for the sewer and possibly connect the three areas of South Willard, Willard and Perry City together. This would put the sewer plant in the Willard City area with the three areas participating in the funding and use of the plant. Mr. Zundel was trying to get a feel from the Planning Commissioners as to whether or not South Willard would be in favor of participating. With the growth in South Willard, Willard has added Perry into their study and hopes that South Willard would want to join in also. However, this is more of the financial obligation and the Planning Commission does not have the authority to commit funds to the study. It would be in the area of around \$25,000.00 for South Willard to join. There was discussion of the potential growth in the South Willard area, especially with the Ward property and White's Orchard property, and Mr. Zundel felt that it would be a benefit to the residents of South Willard to join into this project rather than connecting with the Central Weber Sewer District that has been discussed by some developers. Mr. Zundel also felt that there would be support from the existing residents of South Willard. There was some discussion of establishing a Special Service District for

the area and Mr. Zundel had a handout (included in these Minutes) for the Commissioners outlining the pros and cons of this plan. **Commissioner Clark Davis** had some concern with letting the developers establish the sewers for their individual developments, as the developers don't have the well being of all the residents [of South Willard] in mind. After much discussion regarding this plan and whether or not to have South Willard join into this study the following Motion was made.

MOTION: A Motion was made by **Commissioner David Tea** to recommend to the County Commission that they pursue the formation of a **Special Service District** be formed for a sewer in South Willard [the size of the area not being determined]; **Commissioner Jon Thompson** seconded the Motion. **Commissioner Richard Day** suggested that the District needed to include more than just a sewer, also including other municipal services, i.e. parks, water and other services (utilities together and other services together) that might be needed for the area in the near future. **Commissioner Jon Thompson** seconded the addition to the Motion, passing with **Commissioner Clark Davis** abstaining.

Mr. Garth Day suggested that Eric Johnson be contacted to come and talk with the County Commission regarding the establishment of the Special Service District for the South Willard area.

WORKING REPORTS

Commissioner Richard Kimber reported on the meeting with Pleasant View City regarding the development of the Skyline Drive connecting Weber County through Box Elder County. The meeting was to receive support from the two counties along with Pleasant View City and North Ogden and to go ahead in applying for federal funds to go forth in building this road. There is another meeting scheduled for January 3, 2007 where state legislators and UDOT have been invited to come and talk about this project.

Pat Comarell gave a report on the updating of the Land Use Development Code (handout included). It is being updated to more fully comply with the state requirements. Some of the language in the existing code is out-of-date and contains language that is not pertinent to Box Elder County's government. The state law was changed three years ago and those changes will be incorporated in the update of the County Code. None of the current regulations are being changed, but it will be made more user friendly. The first seven chapters will be available for the Commissioners to review at the January 2007 meeting. It was suggested that those first chapters be sent to the Commissioners before the meeting in order to allow time for studying and review.

BOX ELDER COUNTY FENCING ORDINANCE

Mr. Garth Day presented an update on the Fencing Ordinance to the County Commission and it appeared to be received favorably at that time. There were a few in the audience that were not in favor of the proposed changes. Mr. Art Douglass felt that the existing ordinance was fine as it currently stands as "fence-out." **Commissioner Clark Davis** noted that there would never be 100% acceptance for any ordinance, whether fence-in or fence-out. **Commissioner Chad Munns** felt that any ordinance would be enforceable, but the public needs to be made aware of the process for

enforcement through astray, nuisance and trespass laws. Staff explained that with the size of Box Elder County, perhaps one ordinance didn't fit all of the area, much the same as zoning in one area would not be appropriate for the entire county. Commissioner Richard Kimber stated that there is still some fine-tuning that needs to be done before the final recommendation is given to the County Commission. An additional Public Hearing will be held at the Planning Commission level to receive input on the proposed change(s) to the fencing ordinance. This hearing will be scheduled for the February 2007 meeting.

MOTION: A Motion was made by Commissioner Clark Davis to schedule a Public Hearing regarding the proposed changes to the County Fencing Ordinance on February 22, 2007. The Motion was seconded by Commissioner Theron Eberhard and passed unanimously.

PUBLIC COMMENTS

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Commissioner Jon Thompson adjourned the Planning Commission meeting at 8:55 p.m. with a Motion.

Passed and adopted in regular session this 25th day of January 2007.

Richard Kimber, Chairman
Box Elder County
Planning Commission