

**MINUTES
BOX ELDER COUNTY
PLANNING COMMISSION
DECEMBER 15, 2005**

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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	Excused	Amy Hugie	County Attorney
Chad Munns	Excused		

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

The *Minutes* of the regular meeting held on November 17, 2005 were made available to the Planning Commissioners prior to their meeting (December 15, 2005). After a few corrections were pointed out by **Chairman Kimber** and **Commissioner Tea**, a motion was made by **Commissioner David Tea** to accepted the Minutes with corrections made. Motion was seconded by **Commissioner Jon Thompson**, passing unanimously.

Citizen Present for the Planning Commission Meeting and Public Hearing

Mark Teuscher	Brigham City Corp
Danny Hulse	Deer Run & Deer Ridge Subdivisions
David Hawkes	Willard

PUBLIC HEARINGS

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 opened at 7:06 p.m. and a Motion was made by **Commissioner Clark Davis** to continue the Public Hearing of the Rose Six-Lot Subdivision and the Echo Estates Subdivision to the Planning Commission meeting on Wednesday, January 18, 2006 as there were a number of items missing from each of the applications and the petitioners were not present at the Planning Commission

meeting. The Motion was seconded by **Commissioners Jon Thompson and Richard Day** and passed unanimously.

COMMON CONSENT

DEER RUN SUBDIVISION; LOCATED AT OR ABOUT 8000 SOUTH 925 WEST IN THE SOUTH WILLARD AREA (MINOR LOT LINE ADJUSTMENTS).

Staff explained that this subdivision was recorded with some very minor errors in distances, bearings and boundary lines and those adjustments needed approval from the Planning Commission. There were no new lots or other changes to the original layout as a result of these adjustments.

MOTION: A Motion was made by **Commissioner Jon Thompson** to approve the minor adjustments for the Deer Run Subdivision. The Motion was seconded by **Commissioner David Tea** and passed unanimously.

NEW BUSINESS

AG-PROTECTION AREA, BLUE CREEK RANCH, LLC, LOCATED IN THE PORTAGE AREA.

This petition for the creation of an agricultural protection area was received on November 4, 2005 and includes approximately 1913.59 acres. The petition appears to meet all requirements for an ag-protection zone as outlined in State Law.

- ◆ The land petitioned for Agriculture Protection is being used for agriculture production except for areas where structures exist.
- ◆ Upon quick review of the property it appears that the 1913.59 acres located in the County are viable for agriculture production.
- ◆ The proposed farm and any future improvements will remain in the current nature of use with no foreseeable changes until the ownership changes.
- ◆ The anticipated trends in agricultural and technological conditions would be for better usage of the lands to produce a higher crop yield.

Therefore, Staff recommended that the Planning Commission recommend approval to the County Commission.

MOTION: A Motion was made by **Commissioner Jon Thompson** to recommend the creation of an Ag-Protection area for the Blue Creek Ranch property located in the Portage area and a letter with the Planning Commission's recommendation/approval be forwarded to the County Commission for their approval. The Motion was seconded by **Commissioner Clark Davis** and passed unanimously.

UNFINISHED BUSINESS

BRIGHAM CITY AIRPORT OVERLAY ZONE

Mr. Mark Teuscher from the Brigham City office was at the planning meeting. County Attorney Amy Hugie is currently working on the draft (wording) for the Planning Commission to review for its approval; therefore a Motion was made by **Commissioner Clark Davis** and seconded by **Commissioner David Tea**, to table any further discussion or approval until the January 18, 2006 meeting of the Planning Commission. Motion passed unanimously.

NERVA LANE TWENTY-TWO LOT SUBDIVISION, LOCATED AT OR ABOUT 7800 SOUTH IN THE SOUTH WILLARD AREA.

Commissioner Richard Day asked to be excused from the discussion regarding this subdivision due to a conflict of interest. This subdivision is located in the South Willard area and has nineteen lots. This property is currently zoned R-1-20 and each lot meets the minimum requirements. A Public Hearing was held on September 22, 2005. As the petition appears to be in accordance with the existing subdivision ordinances and zoning requirements, Staff recommended granting preliminary and final approval of this subdivision. (It was also noted that all necessary utility, water/flood and approval from the Bear River Health Department would need to be submitted to the Planning office prior to the petition being forwarded to the County Commission for its review and approval.)

MOTION: A Motion was made by **Commissioner David Tea** to grant **preliminary** and **final** approval for the Nerva Lane Subdivision and submit to the Chairman for his signature and forward to the County Commission for their approval, subject to receiving utility, BRHD and water/flood approval. The Motion was seconded by **Commissioner Clark Davis** and passed unanimously.

SOUTH WILLARD AREA COMMUNITY PLAN

Staff led a discussion regarding the South Willard Community Plan and made a recommendation that the Planning Commission not accept any new subdivision applications from the South Willard area until this Committee has presented their plan (or petition) to the Planning Commission. This would NOT include any of the current subdivisions that have been approved in their concept stage, i.e. Deer Run, Deer Ridge, Nerva Lane, etc. This could possibly last for 180 days from the time that the Planning Commission made its recommendation not to accept any new applications. **Commissioner Richard Day** was concerned that this Committee from South Willard had not reported to the citizens of South Willard nor the Planning Commissioners regarding any of their discussions for the plan that they are trying to put together for the area. (A Town Meeting held February 10, 2005 put this committee together.) Staff thought that the South Willard Committee would probably try and hold another Town Meeting sometime in January/February 2006. After the Commissioners and Staff discussed this recommendation it was decided to set the time frame in the following manner.

- * The South Willard Community Plan Committee (SWCPC) would have ninety-days (90) in which to present a plan/petition to the Planning Commission for its review. During that time, the Planning Commission would not accept any new subdivision applications

until that plan is submitted. After the plan has been submitted by the SWCPC the Planning Commission would then have up to 180 days to act upon and accept the plan. The deadline for the SWCPC to submit their plan to the Planning Commission was set for **March 23, 2006** [when the Planning Commission holds its March meeting].

- * The plan, or petition, from the SWCPC would be first in line with any new subdivision applications to follow behind, if it meets the deadline set by the Planning Commission for ninety-days (90) to submit its plan.

MOTION: A Motion was made by **Commissioner Clark Davis** to not accept any new subdivision applications for the South Willard area and set a ninety-day (90) timeframe for the SWCPC to submit its Community Plan for review [the deadline is set for **March 23, 2006**]. The Motion was seconded by **Commissioner Jon Thompson** and passed unanimously. (**Commissioner Richard Day** excused himself from voting on this issue.)

WORKING REPORTS

Mr. Garth Day reviewed the 2006 Planning Commission meeting schedule with the Commissioners that were present at this meeting. It was decided that the January meeting would be rescheduled for **Wednesday, January 18, 2006** (to accommodate a conflict with one of the Commissioners) beginning at 5:00 p.m., with the Public Hearings for the Brian Rose Six-Lot Subdivision and the Echo Estates Subdivision followed by any other items on the January agenda.

PUBLIC COMMENTS -- NONE

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The Planning Commission meeting was adjourned at approximately 8:05 p.m.

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

Richard Kimber, Chairman
Box Elder County
Planning Commission