
MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
SEPTEMBER 21, 2000

The Board of Planning Commissioners of Box Elder County, Utah met in a Public Hearing and regularly scheduled meeting, at the County Courthouse, 01 South Main Street in Brigham City, Utah at 7:00 p.m., on **SEPTEMBER 21, 2000**.

The following members were present constituting a quorum:

Richard Kimber	Chairman
Jon Thompson	Vice-Chairman
David Tea	Member
Stan Reese	Member
Theron Eberhard	Member

The following members were excused:

Royal Norman	Member
Deanne Halling	Member

The following Staff were present:

Garth Day	County Planner
Susan Thackeray	Ec Dev Project Coordinator

The **regular session** was called to order by **Chairman Kimber** at 7:02 p.m.

APPROVAL OF MINUTES August 17, 2000 meeting

Commissioner Thompson asked that the minutes be amended as follows:

The motion made for the Conditional Use Permit for Sunrise Leadership Academy should read, "A motion was made by **Commissioner Thompson** to *recommend approval of* ~~approve~~ the conditional use permit conditionally upon the six items as set forth authorizing the Chairman to sign and refer to the County Commission for approval. The motion was seconded by **Commissioner Reese** and unanimously approved. Question is raised as to yes or no to public hearing. Chairman Kimber stated that the County Commission will decide that on August 29th at 9:00 a.m."

THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 17, 2000 WERE

APPROVED WITH THE AMENDMENT ADDED ON A MOTION BY COMMISSIONER TEA SECONDED BY COMMISSIONER REESE AND UNANIMOUSLY APPROVED.

OTHER CONSIDERATIONS

Conditional Use Permit - Sunrise Leadership Academy - Boy's School at or about 3585 W. Bigler Rd., Application No. C00-09

Chairman Kimber placed this item first due to the number of citizens attending for this item, but the Sunrise Leadership Academy had pulled their CUP earlier this same day; therefore, there would be no discussion on this item.

MOTION: A motion was made by Commissioner Reese to deny the Conditional Use Permit for the Sunrise Leadership Academy. The motion was seconded by Commissioner Eberhard and unanimously approved.

PUBLIC HEARING - PETITION TO RE-ZONE SOUTH WILLARD - Approximately 811 acres at or about Hwy 89 South Willard from RR-5 to R-1-20, Application No. Z00-03

Mr. Day presented the re-zone and discussed the changes from RR-5 To R-1-20. The property is located south of Willard City, east of I-15, west of Hwy. 89 and consists of about 811 acres currently zoned RR-5. There are two commercial zones located in the petitioned area. They will remain as CG.

Mr. Day outlined The Land Use Element of the General Plan for land use decisions:

- Maintaining the current quality of public services through balanced growth and development;
- Protecting rural, agricultural, mineral, wildlife and other traditional land uses;
- Promoting development patterns consistent with, and sensitive to resident preferences.

When re-zoning large areas the Planning Commission should consider the following:

- A definite edge should be established between types of uses to protect the integrity of each use.
- Zoning should reflect the existing use of the property to the largest extent possible, unless the area is in transition.
- Where possible, properties which face each other across a local street should be the same or similar zones. Collector and arterial roads may be sufficient buffers to warrant different zones.
- Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot into two separate zones). Illogical boundaries should be redrawn to follow along property or established geographical lines.
- The primary frontage and land uses should be considerations when establishing zoning boundaries on corner lots.
- To draw edges on types of uses (e.g., commercial), the Planning Commission may choose to use multiple family or professional office zoning as a buffer to the commercial, transitioning the neighborhood from commercial to apartments to single family developments.

Mr. Day's opinion is the transition of the area. East side of US 89 is now zoned for ½ acre lots.

West side 5 acre lots. Goal of county is to maintain current quality of public services through balanced growth and development. Two agriculture pieces are petitioning for non-conforming use. Any farm that wants to eventually develop would need to adapt to the zone. There are a good number of residents that have signed the re-zone petition.

Staff recommends re-zoning from RR-5 to R-1-20 and change boundaries of zone. County Commission would then hold a public hearing. County Commissioners will send out certified letter to residents within 300 feet for that Public Hearing. This public hearing tonight is not required by law, but law has been met in regard to noticing.

Chairman Kimber - Now is time set for public hearing. Opportunity for public to raise issues on the petition, pro or con.

Robert Williams - land owner, farmer - Northern boundary is old Flying J to Rocky Point on south. Most of land is agriculture: cherries, some peaches grain corn, little hay, biggest is tart cherry. Wondering why are we still in this business. Mrs. Ward and Glen William are both growers and here tonight. Cheaper to get out of ag business and develop the land. Three major subdivisions under construction right now and will double population of So. Willard in next few years. Put \$500,000 in water system this year. All growers, farmers and major landowners have agreed to exceptions which are Cole and Lunday which will be put into ag protection. Mr. Williams has contacted Board of Health, Flood Control-Mike Braegger - no objection. Also contacted County Attorney, Jon Bunderson - no apparent reason zoning would not go through. Can't find anything that would negate the rezoning.

Gay Pettingill - Supports re-zone.

Tim Lunday - dairy farmer. Indicated he did not sign petition. 40 years old, has been in dairy business for 14 years. 25 years ago Planning Commission set this area aside for agriculture. Now re-zone will put him out of business. His neighbors hate him - they cannot barbeque in summer. Sabotage is a concern. Most people wanting this re-zone are retirement age. He has spent a lot of money on his dairy, he has put in hundred of thousands of dollars. Asked that petition not be approved.

Bernall Wetzel - representative of S. Willard Water Company. Water Company can handle the 3 major expansions - 350 homes - without problem. Now about have about 105 w/obligation of 150 by end of winter. Can't get any more water or expend their water system unless they have more population. Re-zoning would actually allow them to expand their water system farther south in years to come. Put in 300,000 water tank, 5 miles of 8" water line, 14 new fire hydrants. Fenced in reservoir and well house. Extended to White's Fruit Farm.

Commissioner Thompson - Projected 350 homes total? Mr. Day indicated 811 acres of half acre lot zoning, minus 20 percent for road system, would equal closer to 1,250 homes at build out, not taking into account county wetlands and sensitive areas.

Mr. Wetzel indicated a land owner south of Rocky Point on the hill wants to put in 22 lots and this landowner will help put in a reservoir and well which would furnish the south half of the proposed re-zone. If the re-zone is approved, Water Company will have footing to get more money.

Commissioner Thompson - Any studies concerning the impact of 1200 homes/septic tanks in that area? Chairman Kimber - Issue of connecting with sewer line is contingent with water system. Richard Day - Lines do not go as far as the re-zoning south.

Robert Gates - Water pressure poor now - will that change? Also, he state he had never been contacted and neither has his neighbor.

Richard Day - Pressure should be OK, Mr. Gates has 8" line in front of his house.

Dale Zito - Not notified of the additional extension.

Mr. Day - Notified in paper. Just added little piece on the south because of illogical boundary.

Dale Zito - His pond water for irrigation and drinking water comes from Maguire and W. R. White Springs. Will they tap into that?

Mr. Day - Understand that is long range plan to increase the service capacity to entire area.

Gay Pettingill - Spring water off from Maguire is used for irrigation. Concerned about getting his drains filled.

Mr. Day - Trunk line - probably a long way off. Study first, then talk to Central Weber District. Go to State Water Quality Board. Answer is 2 or 3 years away from getting it done. Farther for south end.

Tim Lunday - Shouldn't we figure out trunk line first? Is there enough water for everybody?

Mr. Day - Would like to explore option of sewer trunk line, but water district assures will work now with septic tanks.

Richard Day - Homes already there with septic.

Tim Lunday - Has a shallow well that waters cattle. Will the septic affect that?

Mr. Day - County has well protection in place. Health Dept. will not allow septic system within 200 feet for deep well. Shallow well is 100 feet.

Chairman Kimber - Any other comments? None heard.

MOTION: A motion was made by **Commissioner Thompson** to close the Public Hearing. The motion was seconded by **Commissioner Tea** and unanimously approved. Public Hearing closed at 7:35 pm.

Chairman Kimber asked for Planning Commission comments.

Commissioner Thompson - Mr. Lunday pointed out that Planning Commission and study done 25 years ago to preserve area the way it is now. Weigh that with the pressure and changes in 25 years, an area that is in changing state, going from agriculture to more residential. Ag is not profitable - area in transition stage. Zoning - can be changed and should be flexible to meet needs of people. By looks of people here people want change. Painful for those caught in the whirlwind-like dairyman. Appears majority of people are for changing zone.

Commissioner Reese - Septic tanks work fine, but how many should there be? Should be penalize those who want to preserve agriculture?

Commissioner Eberhard - Group here tonight mostly in favor; two gentlemen opposed. Not convinced majority in favor. Mr. Day indicated he had the Petition for Re-zone in his office, but had not brought with him. Assured **Commissioner Eberhard** the majority of the citizens were in favor of the re-zone.

Chairman Kimber - Growth occurring, planning/zoning has to be flexible. Any other comments? None heard.

MOTION: A motion was made by **Commissioner Thompson** to recommend approval of zoning change from RR-5 to R-1-20 to County Commission. The motion was seconded by **Commissioner Tea** and unanimously approved. **Chairman Kimber** indicated this Petition for Re-zone will now go to County Commission and all landowners within 300 ft. will be notified of the date

and time of Public Hearing by certified letter.

SUBDIVISIONS FOR APPROVAL

Burt Subdivision at or about 2710 W. Hwy 13. (Just east of Corinne)

Mr. Day presented this 2 lot subdivision; Lot 1 contains .8 acres; Lot 2 contains 17.9 acres. The property is currently un-zoned. The petitioner has established proof of all utilities. There is an existing house on Lot 1 with all utilities.

The petition is in accordance with existing subdivision ordinances and Zoning Requirements. Mr. Day indicated the Mylar is not back with all signatures.

Based on the above findings and recommendations, Planning Staff recommends granting preliminary approval of the above mentioned subdivision.

MOTION: A motion was made by **Commissioner Thompson** to grant preliminary approval of the Burt Subdivision and authorizing the Chairman to sign Preliminary and bring back to Planning Commission for Final Approval. **Chairman Kimber** noted that he will sign, once all appropriate signatures have been obtained. The motion was seconded by **Commissioner Tea** and unanimously approved.

Clyde W. Nelson Subdivision located at or about 2900 N. 6400W. (Just west of Corinne).

Mr. Day presented this 2 lot subdivision; both lots contain 1 acre. The property is currently un-zoned. The petitioner has established proof of all utilities, including availability of water through the West Corrine Water company.

The petition is in accordance with existing subdivision ordinances and Zoning Requirements. Need County Attorney signature, Surveyor signature and Health Dept. signatures. Delay was because Health Dept. official has been out of town. All owner's dedications have been obtained.

Based on the above findings and recommendations, Planning Staff recommends granting Preliminary and Final approval of the above mentioned subdivision.

MOTION: A motion was made by **Commissioner Tea** to grant Preliminary and Final approval of the Clyde W. Nelson Subdivision and authorizing the Chairman to sign. **Chairman Kimber** noted that he will sign, once all appropriate signatures have been obtained. The motion was seconded by **Commissioner Reese** and unanimously approved.

Jeff Singh Subdivision located at or about 5645 W. 2400 N., West Corinne

Mr. Day presented this 2 lot subdivision; Lot 1 contains .9 acres; Lot 2 contains 2.7 acres. The property is currently un-zoned. The petitioner has established proof of all utilities, including availability of water through the West Corinne Water company.

The petition is in accordance with existing subdivision ordinances and Zoning Requirements. Need County Attorney signature, Surveyor signature and Health Dept. signatures. Delay was because Health Dept. official has been out of town. All owner's dedications have been obtained.

Based on the above findings and recommendations, Planning Staff recommends granting

Preliminary and Final approval of the above mentioned subdivision.

MOTION: A motion was made by **Commissioner Tea** to grant Preliminary and Final approval for the Jeff Singh Subdivision and authorizing the Chairman to sign and refer to the County Commission for approval. **Chairman Kimber** noted that he will sign, once all appropriate signatures have been obtained. The motion was seconded by **Commissioner Reese** and unanimously approved.

Grover Subdivision located at or about 17000 N. 6000 W. northwest of Riverside

Mr. Day presented this 6 lot subdivision; each lot 1/3 acre. The property is currently un-zoned. The petitioner has established proof of all utilities, including availability of water through the Riverside/North Garland water service district.

The petition is in accordance with existing subdivision ordinances and Zoning Requirements.

All County staff signatures, health department and owner's dedications have been obtained.????

Based on the above findings and recommendations, Planning Staff recommends granting Preliminary for the above mentioned subdivision.

MOTION: A motion was made by **Commissioner Reese** to approve the Grover Subdivision Preliminary phases. **Chairman Kimber** noted that he will sign, once all appropriate signatures have been obtained. The motion was seconded by **Commissioner Eberhard** and unanimously approved.

OTHER CONSIDERATIONS FOR APPROVAL

Conditional Use Permit - Gravel Pit and Excavation - Chournos and Young

Mr. Day presented this Application. This proposal is to excavate material from several locations on promontory. There are several existing pits in the area. The plan is to use the existing locations and to expand. The material is to be used for the reconstruction of the rail grade that is failing. The property is currently un-zoned.

Kerry Zundel applying for this CUP and was in attendance.

Commissioner Thompson asked Mr. Day if he had looked at pits? Mr. Day indicated he had and that although there had previously been a landfill, the person granted the CUP would have to re-vegetate and regrade only where and what they have excavated.

Mr. Zundel - They will need to use County road to get to rail. Want to put signs up on County roads for "Truck Crossing". Selling rock to railroad for use in lake - hope to be doing it for up to 15 years. 1800 pound minimum.. Lake has been sinking 4 feet a day. Railroad dumping ½ million ton of rock now.

Mr. Day - Roads asked if roads adequate?

Mr. Zundel - Shirmpers and railroad taking care of it.

Commissioner Tea - Opening brand new pit?

Mr. Zundel - One pit mined a few years ago, so not new, it is on the point. Division of Oil, Gas and Mining has approved, they use GPS.

Mr. Day - GSL pit and Last Chance are classified as small mining operation. All privately

owned.

Having reviewed the petition for a conditional use permit, staff finds the proposal is in accordance with existing zoning as a conditional use; the proposal meets current ordinance requirements relating to safety of persons and property, health and sanitation and environmental concerns; the operation shall meet all Federal, State and local environmental regulations.

Staff recommends Planning Commission grant approval of the CUP, with the following condition:

A re-vegetation and regrading plan be submitted prior to any excavation being done and pit operator follow recommendations of the Division of Oil, Gas and Mining.

MOTION: A motion was made by **Commissioner Thompson** to approve the CUP as recommended with conditions discussed and follow recommendations of Division of Oil, Gas and Mining and refer to the County Commission for approval. The motion was seconded by **Commissioner Reese** and unanimously approved.

Petition for Agricultural Protection Area - Timothy Lunday property in So. Willard

Mr. Day presented the Petition. 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 6.01 acres located in the County are viable for agriculture production and meets all requirements.

The proposed farm and any future improvements will remain in the current nature of use. We do not see any 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.

This property meets the requirements as set forth in Section 17-41-303(2)(a) of the Utah Code. Staff recommends Planning Commission recommend the establishment to the County Commission that they proceed with the process to create an agriculture protection area for the property described above, 6.01 acres that are located within Box Elder County, for the Timothy Lunday petition for an Agricultural Protection Area. All property not covered by buildings is agricultural use.

Commissioner Thompson asked what conditions would exist to deny Petition. Mr. Day indicated if property had non-ag uses, was in a municipality, and was under the minimum of 5 acres. Any homes going in within 300 feet will have an indication on the title that ag is the highest use. This property meets all requirements.

MOTION: A motion was made by **Commissioner Eberhard** to recommend to the County Commission the establishment of an agricultural protection area and authorizing **Chairman Kimber** to sign Petition. The motion was seconded by **Commissioner Tea** and unanimously approved.

Mr. Day indicated this will now go to County Commission for a Public Hearing.

Petition for Agricultural Protection Area for the Delond Cole property in So. Willard

Mr. Day presented the Petition. 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 106.91 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. We do not see any 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. Property meets all requirements

The property meets the requirements as set forth in Section 17-41-303(2)(a) of the Utah Code. Staff recommends Planning Commission recommend to County Commission that they proceed with the process to create an agriculture protection area for the property described above, 106.91 acres that are located within Box Elder County, for the Delond Cole petition for an Agricultural Protection Area.

MOTION: A motion was made by **Commissioner Eberhard** to recommend to the County Commission the establishment of an agricultural protection area and authorizing **Chairman Kimber** to sign Petition. The motion was seconded by **Commissioner Reese** and unanimously approved.

Mr. Day indicated this will now go to County Commission for a Public Hearing.

Resolution #00-01 - Ratification of the County Commissions adoption of Ord. 232 with certain modifications

Came before Planning Commission previously with certain conditions set, and sent to County Commission. County Commission modified two of the conditions. Modifications were with water protection, well head; County modified, and in between the well protection area was moved. County Commission could have sent back to Planning Commission, but followed State requirements.

Staff and County Attorney recommends ratification of Ord. 232

MOTION: A motion was made by **Commissioner Thompson** to ratify and adopt Ordinance 232 with certain modifications and authorized Chairman to sign. The motion was seconded by **Commissioner Tea** and unanimously approved.

ADJOURNMENT

A motion was made by **Commissioner Reese** and seconded by **Commissioner Tea** to adjourn the meeting at 8:15 p.m. and unanimously approved.

Passed and adopted in regular session this 16th day of November, 2000.



Richard Kimber
Box Elder County
Planning Commission, Chair