MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
November 16, 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 **NOVEMBER 16, 2000.**

The following members were present constituting a quorum:

Richard Kimber	Chairman
Jon Thompson	Vice-Chairman
David Tea	Member
Deanne Halling	Member
Theron Eberhard	Member

The following members were excused:

Royal Norman	Member
Stan Reese	Member

The following Staff was present:

Garth Day	County Planner
Elizabeth Ryan-Jeppsen	Department Secretary

The **regular session** was called to order by Chairman Kimber at 7:00 p.m.

APPROVAL OF MINUTES

The minutes of the regular meeting held on September 21, 2000 and the minutes of the regular meeting held on October 19, 2000 were reviewed by the members present.

Commissioner Kimber asked that the Minutes be corrected for the misspelling of three names as necessary in the September and October minutes. Those included Stan Reese [Sept. Minutes] Mr. Richins and Veibell lawsuit [Oct. Minutes]. A Motion to accept the Minutes with above corrections was made by Commissioner Eberhard and seconded by Commissioner Thompson. Once corrections are made, Chairman will sign originals. Motion unanimously approved.

SUBDIVISIONS FOR APPROVAL

Mr. Day stated that the Washakie Subdivision was taken off of the night's agenda until further notice as there is no signature from the Health Department for water issue. Because of the change in weather, it may be a few months before Randy Wilde is able to do the necessary inspection for the water table.

OTHER CONSIDERATIONS

Conditional Use Permit – Interstate Rock Products, Inc. - located in the Park Valley area – CUP 00-14

Mr. Day presented the site plan review for Interstate Rock Products, Inc. operated by Michael Cates. The MU 40 mining and quarries are Conditional Use. Michael Cates [petitioner] and Dick Riordan [SLC geological office] were in attendance to address any questions/concerned of the Commission. This facility will not be mining, but processing the rock. They will split the rock; the site is located south and east of Park Valley [1.1 miles]. They are planning on having a place where labor workers will be housed on location; an existing well is located on the property. Commission Thompson asked what type of rock is in location Mr. Cates stated. Green quartz rock -- will be processing and not actually mined. Commission Eberhard asked about the two 10,000 gallon storage tanks for water. Mr. Cates stated that one tank would be for human consumption and the other for the rock processing. They would palletize the rock. The water could be recycled for use. Commissioner Halling asked about the number of employees that will be working/living at the site. Initially around 25 and in five to ten years approximately 100. They would be housed on location in 16 x 60 foot trailers – same type trailers as used in Alaska for housing workers]. The quarry is about 24 miles from housing location.

Staff has not received documentation from Health or Water Department yet. The CUP does not address the housing issue, but all will be under single ownership. Forty acres, but only five will be used initially. In future 35 more acres will be added; there is an existing road. Staff to determine if road is private or public. A Plat Map identified road as county that runs through private property and has been gated by the County; staff stated that if it runs through any private property it could cause problems. Mr. Cates would like to install cattle guard, but doesn't know who to contact for placement. If County road cattle guard could be installed by road commissioner. If this is not a county road then will need to secure documentation regarding such.

Chairman Kimber stated that the approval of the CUP as presented conditional upon receiving the letter(s) from the Health and Water Departments.

MOTION: A motion to recommend approval of the CUP was made by Commissioner Thompson and seconded by Commissioner Tea – with stipulation of securing a letter from County Health Department for the waste disposal system and Water Department; also road ownership documentation. The motion passed unanimously.

ENTERPRISE ZONE

Ms. Susan Thackeray from the Office of Economic Development addressed the Commission members present regarding the Enterprise Zone. The County Commission had asked her to go before the Planning Commission to get a recommend.

An Enterprise Zone is an incentive that has been developed by the State and is available for Counties less than 50,000 population and cities less than 10,000. Because of this definition, it cannot include Brigham City. Currently an enterprise zone is being designated in the South Willard, Willard City [Box Elder County line] and through the Perry City area. The program will give state income tax credits to value-added agriculture. It is really meant for the by-products of a crop, i.e., jams from the fruit, apple ciders, etc. The fruit stands themselves do not qualify [as they are a retail business], but state income tax credits are possible for the employer in connection with hiring of new employees would be eligible for one year. If program is in effect by the end of this calendar year, then any new employees hired during 2000 would make the employer eligible for the tax credit(s). Available funding/credit for the replacement of fruit trees, as fruit trees are considered a depreciable asset. If a different variety are being planted than was previously in the orchard. The zoning encompassed in the Enterprise Zone and could then possibly include Willard Bay Gardens as it manufactures and produces for wholesale/retail. The packets that were presented to the Commissioner included a Draft of information regarding the Enterprise Zone, i.e., background, public hearings, community assessments, identification, zoning ordinances, rationale and targeting, evaluation, use and benefits of the proposed zone, local contributions, planning coordination, along with the available state tax credits. *(A copy of the Draft and accompanying proposals for the Utah Fruitway is attached to these Minutes.)* There is also funding available along with matching grant monies to promote the Heritage Highway program along HWY 89. The State feels that tourism in Utah is drawing people to area and signs could be placed along the freeway and advertise the Fruitway [as in the past].

Ed Meyer, from the State, visited with various fruit growers and town council meetings to discuss the program. They also met with about twelve of the fruit growers along the area being considered. The money/tax credits from the Enterprise Zone Program can be used as incentive to stimulate growth and viability, but cannot be used for retail business or construction. Willard City was concerned that this program [incentives] would promote unwanted growth for businesses within the city's limits, but is unlikely to have that effect. Willard's City Council approved the request. **Commissioner Thompson** wondered about the expansion of the Zone to include other areas within the County. Enterprise Zone Program could be used for various businesses within unincorporated areas of County if desired, but is being pushed more toward the areas of South Willard, Willard and Perry.

Ms. Thackeray stated that the State would balk at that idea as the County is perhaps pushing the limit a bit to include such a long/wide area between South Willard and Perry City. The area that is included will have to do some improvements and will not be able to just go with the status quo. Again, added value was mentioned regarding the fruit stands and products available. The added retail sales would add to the County tax revenue base. Mr. Day stated that from the planning point, this area is a major entryway into the County – what people see when entering Box Elder County. **Commissioner Thompson** brought up the recent re-zone of 811 acres in South Willard to .5 acre lot and how would that enhance that particular area of the County? Mr. Day responded by saying that the significance of re-zoning that area will make it possible to use many of the tools that

are in place in the Planning Commission, i.e., cluster housing. Sometimes the only way to save an area is to change the zoning in place and allow development to take place. If a land owner wants to sell his land and subdivide it, there is really not much that the Planning Commission can do other than place certain conditions/restriction, i.e., access, roads, etc. If left at 5-20 acre lots then some product/fruit will still fall off trees and not be used. By allowing planned development then more people will come into the County and hopefully enhance the overall area and Fruitway.
Susan Thackeray stated that as she and others from the State have talked with farmers/growers along this area, they [the farmers/fruit growers] have pulled together in support of the Enterprise Zone program [and many are very independent in their own fruit stands]. Hopefully will be a very good thing for the area. As this proposal has been accepted by Willard City, she was mainly asking that the Commission approve with a signed letter that will be presented to the County Commissioners.

MOTION: A motion was made by **Commissioner- Thompson** for the Planning Commission Chair to sign the letter for the Utah Fruitway Enterprise Zone prepared by Susan Thackeray and proceed to the County Commission. Motion seconded by **Commissioner Halling** and passed unanimously.

STAFF REPORTS

LAND USE DEVELOPMENT CODE – FLAG LOT

Mr. Day presented a draft ordinance for the Flag Lot restriction. A discussion ensued concerning some of the language in the document and the mention of fire hydrants – could this possibly give too much credence to the Fire Marshall. The Commissioner was concerned there would be a block that would need to be signed off by the Fire Marshall? Fire hydrants are usually necessary in subdivisions where full-improvements are deemed. In most cases, hydrants will not be required, but in some subdivisions they would be, depending on the placement of the flag lot. **Commissioner Thompson** asked what would be the regress for the Commission if the Fire Marshall said a hydrant was necessary (arbitrary to the discretion of the Fire Marshall). Mr. Day stated that the Commission has the final approval for the subdivision and if it came to the issue that the Fire Marshall would not sign the Plat, then that would lead to another issue; however Mr. Day stated that the signature of the FM would not be on the Plat just as the UDOT signature is not required on the Plat. Recommendation would be more in the form of a letter to be placed in the subdivision file.

Mr. Day noted that the 30' ingress/egress width and no more than 250' long. Because of access for emergency vehicles, the 30' would be necessary. The size of the lot would have to be ***at least*** .5 acre [not including the staff]. **Commissioner Eberhard** questioned the minimum size of the lot that would be permitted. The size of the lot would be governed by the zoning in the area where flag is being placed, but ***could not be less*** than .5 acres. (If in no zoning area or 10,000' lot area, the flag lot would still have to be .5 acre). Commissioner Tea asked for clarification on the number of lots in a subdivision and when a flag lot would be allowed. Would only be allowed in subdivisions with four (4) or fewer lots. It would not allow engineers to squeeze in an additional lot in an area where odd shape was present. Could be redesigned (entire subdivision) to exclude a flag lot. *(A copy of the Land Use Code to Restrict Flag Lots is attached to these Minutes)*

MOTION: A motion to recommend to the County Commission the Land Use Code to Restrict Flag Lots [with minor changes discussed] was made by **Commissioner Eberhard**. Seconded by **Commissioner Tea** and passed unanimously.

There was no other business for the Planning Commissioners to consider and no public was present for comments on any issues presented to the Commission.

MOTION: A motion to adjourn by **Commissioner Halling** and seconded by **Commissioner Thompson** at 8:16 p.m. [Noted that adjournment motion really not necessary – **Commissioner Richard Kimber** can dismiss meeting just as he calls it to order].

Passed and adopted in regular session this 21st day of December, 2000.

Richard Kimber
Box Elder County
Planning Commission, Chair