

# MINUTES BOX ELDER COUNTY PLANNING COMMISSION FEBRUARY 16, 2006

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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
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

Chairman Richard Kimber called the session to order at 7:00 p.m.

The *Minutes* of the regular meeting held on January 18, 2006 were made available to the Planning Commissioners prior to their meeting (February 16, 2006). A motion was made by Commissioner Theron Eberhard to accept the Minutes as written. Commissioner Richard Day seconded the motion and it passed unanimously.

## **Citizen Present for the Planning Commission Meeting**

Jon Bunderson/I-Care	45 North 100 East; Brigham City
Scott Ferin/I-Care	PO Box 902, Welton, AZ
O Ray Williams/I-Care	PO Box 1000, Yuma, AZ
Paul Hickman/I-Care	781 North 650 East; American Fork, UT
Larry W. Dyer/I-Care	929 North 200 East; American Fork, UT
Kevin & Jeri Garn	Fielding, UT
Rex & Veda Gufrey	17215 North 4400 West; Fielding, UT
Richard Holmgren	6206 North 4600 West; Bear river City, UT
Kirk Coombs	3655 Center St; Fielding UT
Shane Holmgren	4785 West 5500 North; Bear River City, UT
Fred Manning	13316 North 10000 West; Tremonton, UT
Jay Dun	17515 North 4400 West; Fielding, UT
Robert John	25715 North 8800 West; Portage, UT

## COMMON CONSENT – None

### NEW BUSINESS

#### I-CARE CONDITIONAL USE PERMIT AND SITE PLAN REVIEW LOCATED IN THE LUCIN VALLEY

Staff explained that this conditional use permit falls under the quasi-public institutional use in the current zoning. The facility would be located in the Lucin Valley about six miles southwest of Lucin. There would be two water sources; one for irrigation and one for culinary uses. Access would be from the Lucin road via a private road to the site. Verification from the Bear River Health Department for the culinary system and septic system has not yet been approved. Staff concluded that this proposal meets all of the current ordinance requirements relating to safety of persons and property, health, sanitation and environmental concerns. Staff further recommends approval of the petition with the following conditions. 1) Bear River Health Department approval; 2) Box Elder County Building Inspection Department approval; 3) Box Elder County Fire Marshal approval; 4) that the Petitioners meet all state requirements and secure all required licenses within one-hundred eighty days of approval along with a business license within that time-frame; 5) total number at the facility should be limited to three hundred, including staff and residents when fully operational. Two representatives from I-CARE were present at the meeting along with their attorney, Mr. Jon Bunderson. Mr. Ray Williams and Scott Ferris are both from Yuma County, Arizona; Mr. Ferris is the Director of the I-CARE Centers Yuma County. Richard Green is the Chaplin of the Utah County Correctional System, but was not at this meeting. Larry Dyer and Paul Hickman from the realty company that had helped I-CARE in locating appropriate property for this facility. Mr. Williams made the following comment:

*“Chaplin Green was approached probably a year ago by a couple of judges and a county attorney in Utah County and they had become very concerned with the prisoners in that county and realized that seven out of ten of the prisoners in their local jails were coming back for the same kinds of charges every year, . . . It was not being properly addressed and so a couple of those judges and the county attorney went to Richard and said ‘can you help us create a program for the county and for Utah that would address and begin to create some behavioral changes, some work ethics, some moral input.’ We began to discover that most of the counties of Utah, as are most of the counties of Arizona where I live, are essentially the same. Traditional incarceration really is not doing. . . it is serving the purpose of getting people off of the street, but it is not creating much rehabilitation and that is our desire and that’s our project to change the way people live and change the way that they think. We have an educational component, a spiritual component and to train them in vocational skills and make a difference that when they come out of the center to be able to reunite them with their families and make a difference in family integrity.*

*“Right now the cost of keeping most prisoners in county jails is in excess of sixty dollars a day, the cost of building a new jail cell is \$65,000 and so for everyone we can turn around there is at least a \$100,000 a year turn-around in the*

*local economy. That's our intention; basically it does not cost the states or county any more than they are paying now to help rehabilitate these individuals. So that intention; it is our intention to be a good neighbor; what we are proposing to do in your county will receive clients from other counties as well and perhaps even other states as well on a contract basis. It is our intention to be good residents and good neighbors and if there is anything that we can answer, any questions that we might be able to answer we like to do that."*

**Chairman Richard Kimber** asked what kinds of projects were being planned for the residents.

*"Most of the clients that will come, by and large the people that are repetitive jail residents, are not very well educated. It is our hope to send all of them out with at least a high school degree or GED and some of them with an Associate's Degree. The things that we are looking at are perhaps light manufacturing, certainly mechanical skills, farm skills, ranching skills, we expect to have some animals on the property and teach them to farm and teach them some animal husbandry, automotive repair and perhaps some transmission rebuild shop. Other industries we have talked about are perhaps putting in a fish pond . . . a number of small industries that would create not only a work ethic and certainly build constructive skills."*

**Chairman Richard Kimber** also asked about the wells on the property and if any test wells had been drilled.

*"We have not done any test wells, we have talked to well drillers and have gotten water reports from the area. There appears to be adequate water and certainly the quality of the water will determine what we can do agriculturally and the culinary well as well. If the culinary well is not very tasty we'll put whatever water purification is necessary."*

Regarding the level of offence for the clients at the facility: *"What we are doing now, generally the people that we will have on site are people that the judges have recommended or suggested participation in the program. Most of them will be either drug offences, minor drug offences – we have no plan for violent offenders. The recommendation will come from the judge. And we will insist on an interview with the potential client and determine whether or not we can help this person. A person could ask to come to the program, but that request would have to come through the judge."*

There would be a maximum of a two-year sentence and would be a non-coed facility housing non-violent individuals. There would be trained counselors on-site to work with the clients with a ratio of 8-12 clients per each counselor. Commissioner Clark Davis felt that it would be a good idea for the planning commissioners to outline what would deem a non-violent offender that would be eligible for placement in this facility.

*"The stipulations for becoming a part, being enrolled in the program is that they are going to, with the advice of their attorneys, will have agreed that any attempt to leave . . . the reason that they are there is to be rehabilitated, and any*

*leaving, any disrespect of personnel or traditional security breeches would be met with, and part of their sentence and part of the conditions of their sentences that they would go to big people's prisons as a result of it. They have two years there that they will be able to be trained and taught, work the tar out of them, and trained in various levels of skills that they are needing and then . . . but if they choose to leave or any of those issues that might come up they understand that they will be carted off to big people's prison without any existing time; it's all going to start at that moment and go on . . . that's part of our hope and our intention with the judges to send them our way. A lot of the security things of traditional jails or prisons . . . are not issues. The four components of the program are the seclusions, extremely hard work/physical labor, training and thinking, to training in job skills. They're not going to leave and go to Brigham City. They are going to go to places where they are going to be able to have jobs. This is all part of the program that they will be put into jobs into cities that we will have connections with; there will be accountability, there's going to be jobs and find a place to live and financially supporting themselves. They're not going back to the crack house that they came out of. They will be put into situations where they will be able to succeed and not fail. Similar programs have proven that over 80% will be clean and free and productive at the end of the program. The first twenty-six weeks of the program is initially breaking old habits and getting free from the life-controlling substances. The second twenty-six weeks is changing thinking and thoughts; the third phase of twenty-six weeks starts in on educational issues and starts thinking about where you're going to spend the rest of your life, the job skills that you are going to reach for and then the last twenty-six weeks is putting those job skills. . . practical work. . . just as an example, the CEO of Big O Tires would like to see a tire bay. . . all aspects of tires there on the premises. . . that we would hire to teach that industry. . . that is just one small thing."*

**Chairman Richard Kimber** stated that he had seen this type of facility work and felt that it was more effective and more cost effective than an urban setting and less risk to the community and the security should not be an issue, but agreed with **Commissioner Clark Davis** that the planning commission needed to address some of the conditions and one that was suggested was coming up with a definition of a non-violent offender.

**MOTION:** A motion was made by **Commissioner Clark Davis** to set a Public Hearing regarding this petition for the next regularly scheduled meeting of the planning commission on March 16, 2006 at 7:00 p.m. The motion was seconded by **Commissioner Jon Thompson** and passed unanimously.

## **Fencing Ordinance Assignments from County Commission**

The County Commissioners have forwarded this assignment to the Planning Commission in an effort to be responsive to the citizens of Box Elder County. They have requested that the Planning Commission provide a plan of action to the County Commission within sixty days regarding the following issues:

- recommend an ordinance or policy that provides for practical enforcement
- design a process that will allow for appeals, amendments and public input
- be consistent with the Land Use Development and Management Act
- be consistent with other State codes, statues and rules
- articulate a defensible philosophy position
- educate the public on the policy and enforcement issues

**MOTION:** A motion was made by **Commissioner David Tea** set a work session to begin on this assignment for the first Tuesday of each month, beginning with March 7, 2006 at 7:00 p.m. The motion was seconded by **Commissioner Jon Thompson** and passed unanimously.

## **UNFINISHED BUSINESS**

## **WORKING REPORTS**

The members of the South Willard Community Planning Committee are working on a presentation of their findings to be presented to the citizens of South Willard on Wednesday, March 1, 2006 at the Willard Elementary School. The Planning Commissioners are invited to attend that meeting.

## **PUBLIC COMMENTS**

Several comments were made by those present regarding the fencing issue. Robert Johns, J. D. Scott, and Rickie Holmgren had served on the committee dealing with the fencing issue prior to it being turned over to the Planning Commissioners. The Planning Commission will take their comments and findings into consideration during their meetings beginning March 7, 2006.

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The Planning Commission meeting was adjourned with a motion by **Commissioner Chad Munns** and seconded by **Commissioner David Tea** at approximately 8:35 p.m.

Passed and adopted in regular session this 16<sup>th</sup> day of March 2006.

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Richard Kimber, Chairman  
Box Elder County  
Planning Commission