

# MINUTES

## BOX ELDER COUNTY PLANNING COMMISSION

### MAY 21, 2009

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 Day	Chairman	<i>the following Staff was present:</i>	
Chad Munns	Vice Chairman		
David Tea	Member	Kevin Hamilton	Director
Jay Hardy	Excused	Elizabeth Ryan	Ex. Secretary
Jay Christensen	Member	Tamara Wright	Planner
Laurie Munns	Member	Steve Hadfield	Co. Attorney
Desiray Larsen	Member		

**Chairman Richard Day** called the Planning Commission meeting to order at 7:06 p.m. The Minutes of the April 16, 2009 meeting were made available to the Planning Commissioners prior to this meeting and upon review, **Commissioner David Tea** made a Motion to accept the Minutes as written; seconded by **Commissioner Chad Munns** and passed unanimously.

The following citizens were present:

Michele Green/Park Valley	Milton & Marsha Oman/Grouse Creek
Lane Schuman/Malto, ID	Connie Misket/Sandy
Wayne Downey/Wilder, ID	Jim Kelly/Irvine, CA
Richard Kimber/Brigham City	Jerry Shaw/No Ogden
Connie Ward/Spanish Fork	Jana Rae Shaw/No Ogden
Allen & Adele Coray/Kaysville	Dan Davidson/Beaver Dam
Con Roper/Corinne	Mike Timothy/Harper Ward
Bob & Ronda Davis/South Willard	Rob Stokes/Deweyville
Rod Herrick/Ogden	Dix B. Roberts/Penrose
Joe Currie/Brigham City	David Alexander/Collinston
Jerry Anderson/South Willard	JD Anderson/South Willard

### **PUBLIC HEARINGS**

**Chairman Richard Day** informed the citizens present at this meeting that the time for the Public Hearings was to be used for the public to voice any concerns that they had in regards to any of the items on the agenda that were scheduled for hearings. This was not a question/answer session and the actual ruling [or motions] on the individual petitions would be made during the business portion of the meeting. Those persons with comments were asked to come to the front of the Commission Chambers, state their name and address, and voice their concerns. The Public Hearings were then opened and introduced individually.

**RUBY PIPELINE, LLC; GENERAL PLAN AMENDMENT FOR THE CONSTRUCTION & MAINTENANCE OF A PIPELINE THROUGH THE STATE OF UTAH**

Ruby Pipeline, LLC has requested an amendment to the County's General Plan in order to establish a natural gas utility corridor that will begin at the Opal Hub in Wyoming and terminate near Malin, Oregon, traveling through approximately 128 miles in Box Elder County.

**Jerry Shaw** said that he had a lot of questions regarding this petition and was not sure if this corridor would actually be crossing the family property (LeGrande & Connie Ward along the Iowa String Road) or not. Felt that he needed more information and asked about the legality that Ruby Pipeline had to cross over an individual's property. Ask if someone could give them more information as it was difficult to give input on the subject when they did not have all of the facts regarding it.

**Mike Timothy** also said that they had not received a lot of information regarding the pipeline corridor until just recently. In looking at the map showing where the pipeline was proposed he could not tell for sure if it would be crossing the road and thought that it may have been changed since he received information from Ruby Pipeline. Mr. Timothy said that he also knew of others that were concerned and would like to meet with those from Ruby to get answers to their questions and concerns.

No other comments were received and a Motion was made by **Commissioner David Tea** to close the Public Hearing; seconded by **Commissioner Jay Christensen** and was unanimous.

**CUP09-008, VERIZON WIRELESS [TAIC] TO AMEND THEIR CURRENT CUP TO REPLACE A 100 FOOT MONOPOLE WITH A 190 FOOT LATTICE TOWER**

Verizon Wireless has submitted an application to amend their existing CUP with the intentions of replacing the 100 foot monopole with a 190 foot lattice tower to help improve voice and data coverage in the area. This property is located in an A-20 zone west of the Rocky Mountain Power Substation in the South Willard area of Box Elder County.

**Phillip Davis** was curious about how close this tower would be to the power transmission lines that are planned for that area of South Willard. He wondered if there might be some issues with conductants between the cell tower and the power lines.

**Connie Wisket**, representing the petitioner, stated that the new tower would be inside of the [same small fenced-in] portion on the property where the current tower is placed. The property owner is aware of this change and has consented to the use.

No other comments were received and a Motion was made by **Commissioner Chad Munns** to close the Public Hearing; seconded by **Commissioner David Tea** and was unanimous.

**SITE PLAN 09-002, DEE'S INC. FOR A FEED LOT TO BE LOCATED AT APPROXIMATELY 14950 NORTH KELTON ROAD IN THE PARK VALLEY AREA**

Mr. Wayne Downey has petitioned for a feed lot to be located off of Kelton Road near Park Valley; this feed lot will be a supplement to the existing Coldwater Ranch business already located in the area.

**Wayne Downey**, representing Dee's Inc. said that there had been some concern regarding the road to this site and as to whether or not the road would be able to accommodate the additional traffic of the semi-trucks. He said that he had spoken with Mr. Tommy Vigil with UDOT and that Mr. Vigil had spoken with the county planner [Tamara Wright] stating that [UDOT] did not have any issues with the access to the feed lot as it is over two miles from Kelton Road and Highway 30. Further, it was his understanding that Kelton Road was a county road and had been designed to county standards and should withstand the additional traffic generated by the semi-trucks going to the

feed lot. Historically, Coldwater Ranch has shipped its commodities on that road by semi-truck, and actually this should decrease the traffic on the road and not increase it as the plan is to use the commodities grown on the ranch to feed the livestock on the feed lot; reducing the traffic somewhere between 25-50%.

No other comments were received and a Motion was made by **Commissioner Desiray Larsen** to close the Public Hearing; seconded by **Commissioner Laurie Munns** and was unanimous.

**CUP09-009, AMERICAN TOWER TO AMEND THEIR CUP TO REPLACE A GUYED TOWER WITH A SELF SUPPORTING TOWER**

This petitioner has submitted an application to amend their existing CUP with the intention of replacing the guyed communication tower with a self support tower placed adjacent to the existing foundation located west of 6800 West and south of Highway 83. (The new tower will be on a fenced foundation.) No other comments were received and a Motion was made by **Commissioner Desiray Larsen** to close the Public Hearing; seconded by **Commissioner Laurie Munns** and was unanimous.

**OMAN 1-LOT SUBDIVISION, SS09-003 TO BE LOCATED AT APPROXIMATELY 9200 NORTH ETNA ROAD IN THE WESTERN PART OF BOX ELDER COUNTY**

This proposed lot is located in the un-zoned area of the County on Etna Road and will be a 5.5 acre lot. No comments were received and a Motion was made by **Commissioner David Tea** to close the Public Hearing; seconded by **Commissioner Chad Munns** and was unanimous.

**MICHELE GREEN 1-LOT SUBDIVISION, SS09-004 LOCATED AT APPROXIMATELY 17000 NORTH 54000 WEST IN THE PARK VALLEY AREA**

This 5.5 acre lot is located in the Park Valley area of the County which is currently zoned as RR-1. The current owner of the property is Mr. Darrell Carter and he has submitted a notarized letter stating that he is aware of, and in agreement with, this subdivision. No comments were received and a Motion was made by **Commissioner Desiray Larsen** to close the Public Hearing; seconded by **Commissioner David Tea** and was unanimous.

**TWIN LAKES SUBDIVISION #5, SS09-005 (DAVID ALEXANDER) TO BE LOCATED AT APPROXIMATELY 14130 NORTH HIGHWAY 38 IN THE COLLINSTON AREA**

The petitioner is requesting a one-lot [2.0 acre] in the Collinston area of the County that is currently zoned RR-2. The property fronts on 3100 West.

**Mr. David Alexander**, the petitioner, told the Commissioners that the property currently has water rights on it from Wild Cat Canyon, which is currently set up for one residence and thirty (30) head of livestock. He recently met with the water resources and has petitioned to have that changed to serve two residences and reduce the number of livestock to thirteen (13). The change will go through the necessary two week notice period for anyone to protest before becoming final. He then asked the Commissioners if he could be able to start with the construction before receiving that approval, but was told that he would not be issued a building permit until the water approval was received, along with other utility documentation and the final plat recorded.

No other comments were received and a Motion was made by **Commissioner Chad Munns** to close the Public Hearing; seconded by **Commissioner Jay Christensen** and was unanimous.

**MASTER PLANNED COMMUNITY ZONE ORDINANCE TO ALLOW DEVELOPERS OF LARGE PARCELS [100 ACRES OR MORE] TO MASTER PLAN THE PROPERTY FOR A VARIETY OF [MIXES] USES**

**Kevin Hamilton** addressed the Commissioners stating that this ordinance would allow larger developers (with 100 acres of land or more) “a regulatory tool which allows large properties to be developed in accordance with a specific plan and pursuant to a development agreement.” The developer would negotiate an agreement for a Master Planned Community with the County allowing a more diverse type of development than would be allowed by standard zoning. This would allow for a mixed use and a variety of housing types. It would also allow for affordable housing within the County [not low-income housing]. The contract would set up standards and guidelines for the building and development of the property that would be reviewed and approved of by the Planning Commission and County Commission. **Commissioner Chad Munns** asked if the proposed draft of the MPC had been made available for the public’s review and was told that it had. Regarding the cost of developing and reviewing a MPC, the following was added to the proposed ordinance, outlining the procedure regarding the payment of fees (additional language underlined).

“Upon payment of the initial application fees, the applicant shall schedule a meeting with the County Planner, including the County’s engineer, and County’s legal counsel, to prepare an initial cost estimate and/or requests for proposals for planning or other consultants the County determines are needed for review and consideration of the proposed plan, development agreement and re-zoning. County Planner, the County’s engineer, and County’s legal counsel and an appropriate time for the receipt of proposal from needed consultants, the County shall provide the applicant with an estimate of the extraordinary expenses that will be caused by the application including, but not limited to, outside planning consultants, outside engineering consultants, and outside legal counsel.”

**Phillip Davis** asked “as this has been proposed to be adopted by the County as a new zoning ordinance; in those areas where this may be employed, where the County doesn’t necessarily have all the rights to special services, where there may be a special service district established, how will this new ordinance allow that special service district to have input to any agreement made by the County with the developer as developments may develop and go forth? Could the Commission address that?”

As no other comments were received, a Motion was made by **Commissioner Laurie Munns** to close the Public Hearing, seconded by **Commissioner David Tea** and was unanimous.

## **UNFINISHED BUSINESS**

### **CUP09-003, ANDERSON LIVESTOCK AUCTION BARN, LOCATED AT 1151 WEST 7800 SOUTH IN THE SOUTH WILLARD AREA.**

County Planner, Tamara Wright, reviewed the Conditional Use Permit application for Anderson Livestock Auction Barn located in the South Willard area for the benefit of the three new commissioners on the board.

- ▶ An auction is an allowed use in the A-20 zone
- ▶ The use is defined as an agricultural industry where the business involves products in sales of agricultural products, which includes cows, horses, chickens, pigs, etc.; there may also be tack sold under the CUP
- ▶ The South Willard Water Company has submitted a letter stating that it will provide fire coverage to the best of its ability
- ▶ A well has been acquired for the property which includes culinary and livestock water
  - ◀ the new water right [#29-4448] was approved May 5, 2009
- ▶ The buildings are to be built of noncombustible materials to reduce any threat of fire

- ▶ Terry Menlove with the Dept of Ag & Food has indicated that there are no state or federal requirements at this time for a remediation plan (for care of deceased or sick animals).
- ▶ The auction is current [March 2009] with all of its State and Federal inspections
- ▶ The Division of Water Quality has inspected the auction and made the following recommendations:
  - ◀ the auction needs to contact a certified planner to prepare a Nutrient Management Plan (NMP) to provide guidance on the proper application of manure runoff and containment; the petitioner has been given a copy of that request and will work with the County Planner to facilitate the NMP.
  - ◀ An improved berm needs to be constructed next to the ditch or a gate installed to regulate the runoff.
- ▶ The new licenses from the Dept of Ag & Food have been approved and received by the petitioner with copies in the file

The questions that still need to be addressed by the Planning Commission relate to 1) any restrictions on the hours of operation for this auction barn; and 2) also if there is adequate parking for the site. In contacting other similar auctions around the state the Planner said that there are usually about two (2) acres set aside for parking on a gravel surface. **Commissioner David Tea** then asked the petitioner [Jerry Anderson] about the hours of operation for the facility and what he anticipated would be needed to accommodate the auction. Mr. Anderson said that some of the livestock may be dropped off as early as 8:00 a.m. with the auction starting at 10:00 a.m. The auction usually ends around 5-6 p.m., but can go as long as ten at night in the fall. **Commissioner David Tea** then asked for some clarification from the County Planner regarding what would be considered as the [actual] hours of operation. The response was that the hours of operation would be the actual time that the auction was being conducted and did not include the drop-off/pick-up of the animals. **Commissioner Chad Munns** stated that as this [auction barn] is located in an agricultural zone there should not be any limitations on the hours of operation just as there are no limits on the time that a farmer is allowed to cut hay in his field. After some discussion between the commissioners the following motion was made.

**MOTION:** A Motion was made by **Commissioner Chad Munns** that there not be any restriction on the hours of operation as this facility is located in an agricultural zone; seconded by **Commissioner David Tea** and passed unanimously.

The second item for discussion dealt with the parking at the auction site. Mr. Anderson said that all of the gravel area at that site is available for parking at this time. Mr. Anderson had submitted a new site plan which indicated the parking areas and entrances to the parking, which the commissioners took a few minutes to review. The landscape buffer was also indicated on the new site plan. **Commissioner Laurie Munns** asked if any of the parking would be along the county road of 7800 south, and **Commissioner Chad Munns** asked Mr. Anderson what the capacity was for the auction building. Mr. Anderson answered that it would seat about 325 persons. After some discussion regarding that capacity number the question of how many parking ‘stalls’ would be necessary was addressed. Kevin Hamilton suggested that the Commission have a professional look into that issue, as far as the legality of the parking available, and then have that reviewed by the county engineer. **Commissioner Chad Munns** then asked the planner if while researching the other

auction facilities in the state, had they said what the seating capacity for their auction buildings or the number of available parking ‘stalls’. The planner said that question had not been asked, but she would be willing to get the information. Kevin Hamilton then said that as this was a new site plan, there were some in the audience that were not aware of the new site plan and indicated that they would like to review it and then possibly be able to address the commissioners regarding their concerns. As this was not a public hearing at this time, it would be at the discretion of the planning commission as to whether or not to receive any additional input from the public. A Motion was then made by **Commissioner Chad Munns** to take a short break at 7:58 p.m. allowing the public to review the new site plan for the Anderson Livestock Auction Barn. Seconded by **Commissioner David Tea** and was unanimous.

The meeting was reconvened at 8:06 p.m. and the Planning Commission **Chairman Richard Day** stated that they would receive additional public input as long as it pertained to the new Anderson Livestock Auction site plan.

**Bob Davis**, 7700 South 1100 West, South Willard. *“The comment I’d like to make is I’d like to thank Jerry Anderson, J.D. Anderson and their brother for fixing the fence, cleaning up the garbage that was along the road that was their garbage...that’s really the only public comment I have not pertaining to the site plan. But my comment on the site plan, we got word of this in 2005/2006, me and my wife, Ronda Davis, she’s here tonight, we had some concerns about a livestock auction going in and a...so we wrote a letter with concerns to the planning commission and I believe Mr. Tea’s seen that, I don’t know if any of you other people seen the concerns. However the planning commission went to great lengths, extensive meetings and spelled out the criteria that pretty much met all of our concerns...and I liked to thank the planning commission for that as well. However, when we come down, the site plan seems like some of our concerns are washed a little bit away, primarily the bumper zone or the buffer zone for the property right across the street and the quality of life was mentioned earlier tonight and I don’t begrudge anybody making a living, trying to make a living, everybody, you know we all live on this planet, whether some of us want to live with others or not, that’s another story, but ...then I don’t feel that they’ve addressed the site plan, this is the first I’ve seen a site plan in four years, or three years or how many years it’s been. It’s not an engineered site plan; the building department requires engineering on their buildings...I don’t think this probably requires engineering per say, but I would really like to see some protection for my quality of life because it is at stake there and I just really appreciate your concern on this matter and I understand that you are just the planning commission and I appreciate your position, but being just a planning commission you can do quite a bit. Whatever you guys say goes a long long ways...and that’s why I’m here tonight pleading for...to just maintain a little bit of the quality of life I’m used to enjoy in the ag zone. And farming never bothered me, John Larkin’s cows don’t bother me, he don’t wean ‘em every week and that is why we need the bumper, the landscape bumper. A landscape bumper to me means a site sound wall... freeway does it for people...I guess I really... I really think there should be some strong consideration there, ‘cause it does affect the quality of our life and a little landscape bumper would maintain it to a reasonable point of view and adequately. Thank you.”*

At the conclusion of Mr. Davis’ comments, **Chairman Richard Day** asked if there were any other comments to be made. At that time, **Commissioner David Tea**, stated that based on Mr. Davis’ comment, and in looking at the new site plan, there appeared to be rows of trees in front of the auction building to help buffer the Davis’ rental property on the north side of 7800 South. However, regardless of the buffer, some part of the auction complex would still be visible from the rental

property. **Commissioner David Tea** also asked about the dirt pile on the auction property, and would it be possible to plant the trees on top of a three-four foot hump. However the Commissioner was told that soil did not belong to Mr. Anderson as he had traded the top soil for gravel and the owner of the soil has yet to come and haul it away. In discussing the type of trees that are to be planted it was mentioned that cotton-less cottonwoods were being considered as they are somewhat quick growing, and **Commissioner David Tea** asked if some other type of tree or hedge might be considered; possibly a row of junipers that are a year-round foliage. The Commissioner thought that maybe there could be a little better buffer than just a few trees planted; however he did struggle with having a sound wall, feeling that there could be some sort of compromise, since just a chain link fence with slats could be considered a buffer. **Commissioner Chad Munns** then asked about the engineering that Mr. Davis talked about, and the Commissioner asked Kevin Hamilton what the requirements were regarding the engineering on a site plan, understanding that the plan would be reviewed by the county's engineer, but was it required to have engineering done by the petitioner? Kevin Hamilton responded saying that it [the petitioner's site plan] did not have to be stamped by an engineer, but the building would be approved by the county's building department. However, if the Planning Commissioners thought that the site plan was not adequate, they could request a more detailed plan be submitted by the petitioner. **Commissioners David Tea** and **Chad Munns** said that they did not have a problem with the new site plan as the details were on it and it had been done by Landmark Surveying, Inc. and not by Mr. Anderson himself.

**Kent Davis:** asked if the capacity on the retention basin is sufficient for the site and what would happen with the run-off of manure and how would that be dealt with. The County Planner told him that was being handled through the recommendation of the Nutrient Management Plan (NMP) mentioned earlier in the meeting.

**Commissioner Chad Munns** then asked the County Planner to review what the stipulations and conditions for approving the Conditional Use Permit were.

- Conditions relating to safety for persons and property regulated by the State through issued permits.
- Conditions relating to health and sanitation, i.e. BRHD, BRWCD, etc.
- Conditions relating to environmental impacts – such as the Nutrient Management Plan, all regulated by permits through the Department of Environmental Quality.
- Compliance with all requirements and conditions set forth by the county engineer's office as they review the site plan; the county road department as the county road is paved.
- Compliance with all requirements set forth by the county's building and fire departments
- A performance escrow bond for the necessary improvements.
- A review from the Willard Flood Control; a letter from Mr. Mike Braegger
- Other conditions deemed necessary by the Planning Commission based on any public comment, such as the parking.
- Operating under the definition of Agriculture Industry, which limits the operation to the sale of livestock and related consignment tack (not other goods such as the embroidery items).

The Commissioners then concluded that most of the regulations for operation are set forth through permits from either state or federal governmental agencies, except for the parking issue and hours of operation [which the Commission made a Motion on earlier]. The Commissioners felt that the buffer and the drainage issues were covered on the new site plan.

**MOTION:** A Motion was made by **Commissioner Chad Munns** to approve the Conditional Use Permit and new site plan for the Anderson Livestock Auction Barn based on the recommendations by Staff, with one additional item regarding any necessary verbiage concerning the adequacy and safety surrounding the parking issue at the site. Motion seconded by **Commissioner Laurie Munns** and passed unanimously.

**Staff's Conditions of Approval:**

1. Conditions relating to safety for persons and property – regulated by the State through issued permits.
2. Conditions relating to health and sanitation, i.e. Water, waste water, etc. – regulated by permits
3. Conditions relating to environmental impacts – regulated by permits with Department of Environmental Quality, specifically the division of water quality to mitigate surface water issues.
4. Compliance with all requirements and conditions set forth by County Engineer's office, County Road Department, County Fire Department.
5. Performance bond/escrow for improvements.
6. Review comments from Flood Control's Engineer.
7. Operate under the definition of Agriculture Industry. This limits the operation to the sales of livestock and related consignment tack.
8. Other conditions deemed necessary by the Planning Commission based on public comment from the public hearing.
  - ▶ Submission of a Final Site Plan addressing parking as specified in the minutes of May 21, 2009.
  - ▶ Parking shall reflect concern and safety for the public and applicant will work with Staff.
  - ▶ The Landscape buffer meeting the requirements of the Planning Commission as specified in the minutes of May 21, 2009.
  - ▶ The buffer needs to be just in front of the rental home on the North side of 7800 South. Sound barrier wall is not necessary.

**NEW BUSINESS**

**LEASE OF COUNTY SURPLUS PROPERTY IN THE LOCATION OF THE COUNTY LANDFILL [9595 W 6800 N IN THE CORINNE AREA] FOR AGRICULTURAL PURPOSES**

**LEASE OF COUNTY SURPLUS PROPERTY FOR AGRICULTURAL PURPOSES LOCATED ON PARCEL 04-068-0016, SOUTH OF BEAR RIVER CITY**

Kevin Hamilton explained that in order for the County to sell or lease property, the proposal needs to come before the Planning Commission to determine that the sell/lease conforms to the County's General Plan. There are currently two pieces of property being considered for leasing; A) property located near the County Landfill at approximately 9595 West 6800 North; and B) property located just south of Bear River City and west of the Malad River on Parcel 04-68-0016. Both of the properties are currently in grass and the leases will be for agricultural purposes.

**MOTION:** A Motion was made by **Commissioner Chad Munns** to affirm that the lease of these two properties conform to the County's General Plan; Motion seconded by **Commissioner David Tea** and passed unanimously.

**RUBY PIPELINE, LLC; GENERAL PLAN AMENDMENT FOR THE CONSTRUCTION & MAINTENANCE OF A PIPELINE THROUGH THE STATE OF UTAH**

There had been a request that additional public comments be taken regarding this petition and the Commissioners were in agreement. A representative from Ruby Pipeline LLC, Joe Currie was available to answer questions. **Commissioner Chad Munns** asked legal rights the pipeline had regarding their right to cross over personal property. Mr. Currie said that the **FERC** certificate (*Federal Energy Regulatory Commission*) gives them the right to cross emanate domain properties. Further, Mr. Curry said that they try to work with the individual landowners, and for the most part they have been able to accomplish that goal. Starting last fall (2008) they have held meetings and have been able to take care of some of the problems with individuals and the crossing of their properties. When asked how deep the pipeline would be buried, Mr. Curry said that UDOT requires that it be thirty-six inches (36") from top of soil to top of pipe and if it is solid rock then it is eighteen inches (18"). Where the ground is irrigated it will be at least one to two feet (1 – 2) beyond the minimum depth required. The lines will be pressured to handle 1100 pounds, but may be capable of handling 2000 pounds of pressure.

**Janet Rae Shaw** representing property at approximately 5200 North 6800 West in the Corinne area, where her parents own the land, said that their concern was that they had not had any notification (that they were aware of) regarding any surveying being done on this property, as it appeared that the pipeline might be traveling through this area. Ms. Shaw felt that if her family had not been notified, then perhaps there could also be other landowners that had not been notified. This is not property that they live on, but is grazed land. Mr. Currie told Ms. Shaw and her family that he would check in to see whether or not proper notification had been sent out to them, as any notification should have been sent out almost a year ago. However, in the meantime, Ms. Shaw and her family asked that the Planning Commission table any further action on the petitioner's request for the General Plan Amendment.

The Commissioners continue to discuss this petition and it was suggested that any [of the Commissioners] that would be interested in taking a field trip to view where the pipeline will be crossing could be arranged by the County Planner. Any action on this general plan amendment could be acted upon in conjunction with Ruby Pipeline's petition for the Conditional Use Permit, which will probably come before the Planning Commission at its June 18 2009 meeting.

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to table any action on the General Plan Amendment for Ruby Pipeline for a one month period, during which time any members of the Planning Commission wishing to view the various properties via a field trip will have the opportunity to do so. Motion was seconded by **Commissioner Jay Christensen** and passed with **Commissioner David Tea** abstaining (as this pipeline will be crossing through his property).

**CUP09-008, VERIZON WIRELESS [TAIC] TO AMEND THEIR CURRENT CUP TO REPLACE A 100 FOOT MONOPOLE WITH A 190 FOOT LATTICE TOWER**

This petitioner wanted to amend their current CUP in order to replace a 100 monopole (communication tower) with a 190 foot lattice tower in order to improve voice and data coverage in the area. The property is located west of the Rocky Mountain Power Substation located on the border of Farr West and the Box Elder County. It is an unmanned facility and will be fenced.

**MOTION:** A Motion was made by **Commissioner Chad Munns** to approve the amendment to the Verizon Wireless CUP; seconded by **Commissioner David Tea** and passed unanimously.

**Conditions of Approval:**

1. Equipment shelter must not exceed 35'.
2. Tower height not to exceed 190' as specified in the Site Plans submitted with the application dated 02-26-2009.
3. Compliance with all FAA and FCC regulations.
4. Reclamation of the land.
5. The entire site shall be developed at one time.
6. Any changes to the site plan submitted will require an amendment to the Conditional Use Permit.

**SITE PLAN 09-002, DEE'S INC. FOR A FEED LOT TO BE LOCATED AT APPROXIMATELY 14950 NORTH KELTON ROAD IN THE PARK VALLEY AREA**

Staff outlined the conditions of approval for this feed lot site to be located in the Park Valley area. Commissioner Chad Munns asked if there were any buildings on this site and was told that there will be a scale house, office and restrooms. The County Planner then said/read the following: "*As this is clearly an agricultural venture and the structures that are indicated on the site plan are for the protection of livestock, the State has exempted them from permitting requirements through the Building Standard Acts; therefore the inspection's department will not require a permit be obtained for the structures located in pens one through three. This does not, however, exempt the design of the buildings from complying with the requirements of the building code. An engineered set of plans for the structures is required for review.*" Approval was then recommended.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to approve the site plan for Dee's Inc. Feed Lot in the Park Valley area subject to conditions as outlined by Staff and other county agencies; motion seconded by **Commissioner Chad Munns** and passed unanimously.

**Staff's Conditions of Approval:**

1. The entire site shall be developed at one time.
2. Any changes to the site plan submitted will require an amendment to the Conditional Use Permit.
3. All storm water drainage be contained on site
4. All gravel parking areas be surface treated to control dust
5. A certificate of compliance from the State Veterinarian be obtained prior to occupancy
6. Conditions relating to health and sanitation
7. Utah Department of Natural Resources – by permit

8. Bear River Health Department Approval – by permit
9. Utah Department of Environmental Quality – by permit
10. Clearance from UDOT – specifying new requirements will be needed or not
11. Address the concerns of County Engineer’s letter date 5/12/2009.
12. Compliance with requirements from Building/Fire Inspector letter date 5/11/2009
13. Compliance with County Road Department.

**CUP09-009, AMERICAN TOWER TO AMAND THEIR CUP TO REPLACE A GUYED TOWER WITH A SELF SUPPORTING TOWER**

This petitioner was requesting an amendment to their existing CUP in order to replace the guyed communications tower with a self supporting tower to be placed directly adjacent to the existing tower foundation. The facility, unmanned and fenced, is located west of 6800 West and south of Highway 83 in the Corinne area where the current zoning is A-20. This is a conditional use for that zone. Approval was recommended by Staff.

**MOTION:** A Motion was made by **Commissioner David Tea** to grant approval for the amendment to the American Tower CUP; seconded by **Commissioner Jay Christensen** and passed unanimously.

**Staff’s Conditions of Approval:**

1. Maximum Height of tower shall not exceed 250’ and shall be built to the specifications on the Site Plan dated 04-01-2009 included with the application.
2. Shall Comply with FAA and FCC regulations.
3. Reclamation of the land after demolition and construction.
4. Comply with demolition regulations.
5. The entire site shall be developed at one time.
6. Any changes to the site plan submitted will require an amendment to the Conditional Use Permit.

**OMAN 1-LOT SUBDIVISION, SS09-003 TO BE LOCATED AT APPROXIMATELY 9200 NORTH ETNA ROAD IN THE WESTERN PART OF BOX ELDER COUNTY**

The petitioner has submitted application for a one-lot consisting of 5.5 acres in the western part of Box Elder County located about five (5) miles from the Nevada border. This area is currently un-zoned and the property fronts on Etna Road. Staff indicated that the petitioner could be given concept approval at this time with preliminary and final approval when the road design has been received and approved by the county engineer. This is not a flag lot, but will be accessed by a private road/drive. Mr. Oman addressed the Commissioners stating that he owns 400 acres in the area and in order to put a home on the property he needed to go through the subdivision process and that is why he was petitioning for the subdivision. Understanding that, **Commissioner David Tea** said that regardless of where the property is located within the County, whether in Grouse Creek or West Corinne, the process is still the same and certain issues need to be addressed, even though his property is currently un-zoned. Staff stated that preliminary and final approval from the Planning Commission may be considered at their June 18, 2009 meeting *“provided the wet-stamped letter, certifying his recommendation that 8” of granular material with the top 4” being road base gravel, from Don Johnston is received in our office by Monday, June 15, 2009.”*

**MOTION:** A Motion was made by **Commissioner Chad Munns** to grant concept approval to the Oman 1-Lot Subdivision; seconded by **Commissioner David Tea** and passed unanimously.

**MICHELE GREEN 1-LOT SUBDIVISION, SS09-004 TO BE LOCATED ON PARCEL 07-058-0006 IN THE PARK VALLEY AREA**

This petitioner has submitted application for a one-lot consisting of 5.5 acres in the Park Valley area of Box Elder County. The current zone is RR-1 (one acre lot). Staff indicated that the petitioner could be given concept approval at this time with preliminary and final approval when the road design has been received and approved by the county engineer. This property is being divided off of Darrell Carter's property and he has given a notarized letter indicating he is aware of this project. Michele Green then addressed the Commissioners stating that this was the first she had heard about anything regarding the road design and asked about the 150 feet of road verses the current 190 feet of road accessing the property. Staff then clarified that the length of the road is determined by the county fire marshal and if a road is greater than 150 feet any fire cannot be taken care of from the county road, therefore a fire truck needs to be able to access the property and the road would need to be designed to withstand the weight of a 20 ton fire truck. The county engineer would then need to approve the road design submitted by the petitioner's surveyor, Don Johnston of Tremonton. Ms. Green then asked if the property were extended, shortening the access road, would the road improvement design still be necessary. She was told that would take care of that issue. **Commissioner David Tea** then told Ms. Green that the road was not necessarily a problem, but the Commission had to be sure that they were following the code; just laying down twelve inches of gravel on the road was not necessarily improving the road as there are standards that need to be met and those are determined by the county engineer and fire department. This is a safety issue of the fire marshal which protects the petitioner and citizens of the County. Staff stated that preliminary and final approval from the Planning Commission may be considered at their June 18, 2009 meeting, *"provided the wet-stamped letter, certifying his recommendation that 12" of granular material with the top 4" being road base gravel, from Don Johnston is received in our office by Monday, June 15, 2009."*

**MOTION:** A Motion was made by **Commissioner David Tea** to grant concept approval for the Michele Green 1-Lot Subdivision; seconded by **Commissioner Desiray Larsen** and passed unanimously.

**TWIN LAKES SUBDIVISION #5, SS09-005 (DAVID ALEXANDER) TO BE LOCATED AT APPROXIMATELY 14130 NORTH HIGHWAY 38 IN THE COLLINSTON AREA**

Mr. Alexander was requesting a one-lot consisting of 2.0 acres located in the Collinston area of Box Elder County. As was stated during the public hearing, Mr. Alexander is waiting for approval from the water company to allow for two residences on the existing water line (#29-958). All of the other utilities have been provided and approval was recommended.

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to approve the Twin Lakes Subdivision #5; seconded by **Commissioner Chad Munns** with conditions as outlined by Staff. Motion was approved unanimously.

**Conditions of Approval:**

1. Conditions, requirements and recommendations of culinary water provider: Where no culinary water system is available the letter shall come from the state or local agency having jurisdiction to approve the new well or water system. The developer is required to comply with all the requirements and recommendations of the culinary water provider and/or state/local approving authority prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved by the County Commission.
2. Conditions, requirements and recommendations of wastewater treatment provider: Where no wastewater treatment system is available the letter shall come from the state or local agency having jurisdiction to approve the new wastewater treatment system. The developer is required to comply with all the requirements and recommendations of the wastewater treatment provider and/or state/local approving authority prior to the recording of the subdivision, unless a financial guarantee to cover the costs of the required and recommended improvements has been approved by the County Commission.
3. Conditions, requirements and recommendations of Box Elder County Fire Marshal: The developer is required to comply with all the requirements and recommendations of the county fire marshal prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved by the County Commission. **The developer must have the fire department send the County Planner a letter specifying their recommendations and requirements have been met.**
4. Conditions, requirements and recommendations of the County's Engineer: The developer is required to comply with all the requirements and recommendations of the county's engineer prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved by the County Commission. **The developer must have the County Engineer send the County Planner a letter specifying their recommendations and requirements have been met.**
5. Conditions, requirements and recommendations of the County Building Department: The developer is required to comply with all the requirements and recommendations of the county building department prior to the recording of the subdivision. **The developer must have the building department send the County Planner a letter specifying their recommendations and requirements have been met.**
6. Conditions, requirements and recommendations of the County Road Department: The developer is required to comply with all the requirements and recommendations of the county road department prior to the recording of the subdivision. **The developer must have the road department send the County Planner a letter specifying their recommendations and requirements have been met.**
7. Rural road improvement agreement.
8. Compliance with all state and county subdivision regulations for which a

specific variance has not been granted.

**MASTER PLANNED COMMUNITY ZONE ORDINANCE TO ALLOW DEVELOPERS OF LARGE PARCELS [100 ACRES OR MORE] TO MASTER PLAN THE PROPERTY FOR A VARIETY OF [MIXES] USES**

Kevin Hamilton referred to the public hearing and the comment that was made regarding how this new Master Planned Community Zoning Ordinance would address the needs of any special service districts that may be an area where a MPC could be granted. As an example, Mr. Hamilton mentioned the Bear River Water Conservancy District which provides water for many areas of the County. South Willard has a special service district which gives them the ability to provide or enhance municipal services such as, garbage, parks & recreation, transportation, sewerage & drainage, snow removal, etc. Under a MPC the developer would have to apply for those services, but Mr. Hamilton suggested that the Commissioners may want to include in the motion notifying any service districts within a MPC so that they would be aware of the potential development and have the opportunity to participate in the planning process. **Kent Davis** served as the chairman on the South Willard Community Planning Committee and was concerned that any MPC would also adhere to the adopted community plan, not only of South Willard, but any other area of the County where such planning has taken place over the past several years. **Mr. Davis** felt that it was important that the citizens of a possible MPC area have a voice and input into any master plan to make sure that the development met the needs and wishes of a community where a community plan may be in place. (The following is taken from the South Willard Community Plan in regards to large developments.

- **Development of a “Planned Zone” for large subdivisions.**
  - The South Willard Community Plan Advisory Committee recommends a new ordinance be developed (similar to the Daybreak ordinance in South Jordan) as it implements many of the elements that appear in this Community Plan. The Committee requests that they be allowed to have representatives on a committee to develop the ordinance, and the Committee as a whole be allowed to review the draft and comment.
  - This zone would be developed to ensure good design, cluster housing options to provide for greater open space, a road system which complies with the Plan’s “Hierarchy of Road,” and possibly a community center, neighborhood commercial (limited to US 89 – see Neighborhood Commercial above), and other uses as defined by the ordinance.
  - The ordinance also is envisioned to have multiple reviews by the County Planning Commission as the various layers of the development are designed. These layers might include:
    - **Level One – Planning Community Zone and Plan**

A series of plans are prepared and submitted for approval. The purpose of this process is to clearly establish the development plans for property within the zone while recognizing the large-scale nature of the development and the need for integrated planning. Notices should be sent to the South Willard Community so they may attend and comment on the proposed plan.
    - **Level Two - Community Structure Plan**

Establishes the major infrastructure systems, the unifying systems for the development such as open space and transportation corridors, and provides locations of the more specific land uses. It also include major systems for the larger development such as major roadways, open space networks, general location of villages, towns, neighborhoods, parkways. Notices should be sent to the South Willard Community so they may attend and comment on the proposed plan.

- **Level Three – Master Subdivision Plan**  
Provides more detailed information regarding the proposed development of a multi-phased portion of the property and, when recorded, subdivides portions of the property into logical development units. These plans are similar to requirements of preliminary plat, but with less detail. Show major development parcel locations, open space system, major infrastructure associated with roadways.
- **Level Four – Project Plan/Preliminary Subdivision Plat**  
All requirements of preliminary plat and many requirements of site-plan review and condominium map reviews processes, if applicable.
- **Level Five – Final Plat Approval**  
Final plat and site plan

The Commissioners continue to discuss how the citizens in the County could have a voice in these proposed MPC areas, especially where there were Community Plans in place. At the conclusion of their discussion the following motion was made.

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to go forth with the Master Planned Community Zoning Ordinance (MPC) with the stipulation(s) that any (MPC) plan conforms to the County’s General Plan and any community plan that may be in place for the proposed MPC area. Also any special service districts that may fall within a proposed MPC are also to be notified of the new ordinance. Motion seconded by **Commissioner Laurie Munns** and passed unanimously.

[Notification of the adoption of the MPC Ordinance by the County Commissioners will be noticed for a public hearing and once adopted has a fifteen (15) day waiting period before it officially go into effect.]

## **WORKING REPORTS**

Kevin Hamilton discussed the new ordinances dealing with “**Construction Debris & Municipal Solid Waste**” and “**Mining, Quarry, Sand & Gravel Excavation**” to be added to the *Box Elder County Land Use Management & Development Code*, resulting in the removal of these uses as allowed in all other zones. The ordinances will be ready for the Planning Commissioners to take action on at the June 18, 2009 meeting.

Tamara Wright has been reviewing and updating the language in the *Box Elder County Land Use Management & Development Code*, **Article 3: Zoning Districts (R-1-20 & RR-20)** and **2-2-170 the Administrative Interpretation** section and a Public Hearing will be set for the June 18, 2009 meeting of the Planning Commission for their consideration and approval.

Tamara Wright reported on the trip to Spanish Fork to tour the wind turbines at the mouth of Spanish Fork Canyon on May 15, 2009. Ms. Wright reported that there are nine of the large turbines at the site and that there are no residential dwellings in the area. There are only a couple of industrial type businesses and nothing could be heard inside of the buildings relating to the turbines. As Utah County did not have any ordinance in place when they received the petition for these turbines, Spanish Fork annexed the property into its city and has received financial income from them of approximately \$450,000 each year, plus a percentage for the lease on the land parcels where each of the turbines are located. Representatives from Spanish Fork felt that this had been a very positive impact for them. The planning commissioners felt that it might be beneficial to tour a site where there were residential dwellings in order to fully understand and determine the impact to the public.

**PUBLIC COMMENTS – NONE**

The Planning Commission meeting was adjourned at 10:00 p.m.

Passed and adopted in regular session this 18th day of June, 2009.

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Richard Day, Chairman  
Box Elder County  
Planning Commission