

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES OCTOBER 21, 2010

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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/Excused		
Desiray Larsen	Member	Kevin Hamilton	Director
David Tea	Member	Elizabeth Ryan	Exec. Secretary
Jay Hardy	Member		
Jay Christensen	Member	Steve Hadfield	Co. Attorney
Laurie Munns	Member		

**Chairman Richard Day** called the Planning Commission meeting to order at 7:04 p.m. The Minutes of the August 19, 2010 meeting were made available to the Planning Commissioners prior to this meeting and upon review a Motion was made by **Commissioner David Tea** to accept the Minutes as written; seconded by **Commissioner Desiray Larsen** and passed unanimously.

The Minutes of the September 23, 2010 meeting were made available to the Planning Commissioners prior to this meeting and upon review a Motion was made by **Commissioner David Tea** to accept Minutes as written; seconded by **Commissioner Jay Christensen** and passed unanimously.

### **The following citizens were present:**

Terry Lamb/Plymouth	Royce Nish/Plymouth
Justin Scheithauon/Plymouth	Jardee Steed/Plymouth
Miranda Menzies/Salt Lake City	Craig Miles/Morgan
Jon Thompson/Deweyville	Mike Munsee/Mt Green
Mike Rush/Draper	

## **PUBLIC HEARINGS**

**Chairman Richard Day** called for the public hearings on the agenda by informing those in attendance that each item would be handled separately, and that the time for the hearings was to allow the public the opportunity to voice any concerns and the Commissioners would listen to the comments and concerns, but this was not a questions/answer time.

### **EARTH'S ELEMENTS, INC. SP10-008, SITE PLAN FOR HOLDING/EVAPORATION PONDS LOCATED AT LITTLE VALLEY HARBOR, IN UNINCORPORATED BOX ELDER COUNTY; PARCEL 001-012-0024.**

*Kevin Hamilton* explained that this petitioner has submitted application for a site plan for holding/evaporation ponds at Little Valley Harbor located on the west side of Promontory Point. Property is being leased from the adjacent property owner and they have acquired all of the necessary permits for this operation from the State. The petitioner was then invited to come forward to address the Planning Commissioners. **Craig Miles**, owner of Earth Elements, told the Commissioners that over the

past couple of years they have been getting all of the proper permits and licenses from the State of Utah to extract water from the [Great Salt] Lake, and to also get the royalties and lease agreement from the adjacent property owner. At this location they are able to pump from the Little Valley Harbor to the holding ponds, with the largest pond being approximately one acre in size and about twelve (12) inches deep. From there the water is pumped into smaller ponds of about 40 X 100 (largest) feet to 30 X 11 feet (smallest). The pumping process is about a three to four week process to achieve the concentration needed from their products. The water is then taken back to their processing facility for manufacturing and then sold to companies that use it in their [mostly] health supplemental products. The water must go through a certification process to make sure that it is safe and meets all food-grade processes. No other comments were received and a Motion was made by **Commissioner David Tea** to close the hearing; seconded by **Commissioner Jay Hardy** and was unanimous.

**WESTERN METALS, SP10-006, INDUSTRIAL LANDFILL CLASS IIIB; LOCATED ON PARCEL 07-092-0004 & 07-092-0005 CONSISTING OF 107 ACRES.**

*Mr. Hamilton* explained that this petition is for an expansion of the existing Western Metals Recycling facility located outside of Plymouth in unincorporated Box Elder County. They are looking into opening a new area west of the existing site. The petitioner was then invited to come forward and address the Commissioners. **Miranda Menzies**, URS Corporation, and **Michael Rush**, Western Metals, both came forward and **Mr. Rush** stated that the main operation at this recycling facility is the shredding of automobile bodies and all of the non-metallic's; i.e. tires, dashboard, car seats, etc.; they are landfilled at the current site, which it reaching its capacity. This 107 acre parcel adjacent to the existing landfill is being acquired to provide additional space for these shredded materials. **Commissioner Jay Christensen** asked what the time-frame was for the new site and **Ms. Menzies** said that the landfill would only be on the southeastern fifty (50) acres and would be done in six phases, with the first phase being about an eight year life span with the rest depending on the rate of production of the materials. It would be quite a long lifetime for the entire acreage. The design of the landfill was done after discussions with the Department of Soil and Hazardous Waste and Utah DEQ, with applications being completed in coordination with State regulations. **Mr. Terry Lamb** approached the Commissioners with concerns that he had regarding the heavy traffic crossing the road and that he had heard that the road may be moved or closed. **Mr. Lamb** uses this road as he drives cattle along it frequently. *Mr. Hamilton* said that had been a concern, but the road was not going to be closed nor moved as Western Metals had realized the impact it would have on other property owners. No other comments were received and the hearing was closed with a Motion by **Commissioner Desiray Larsen** and seconded by **Commissioner Laurie Munns**, unanimous.

**BEEHIVE TELEPHONE, SP10-007, MICROWAVE TOWER TO BE LOCATED AT PROMONTORY POINT IN UNINCORPORATED BOX ELDER COUNTY; PARCEL 01-011-0016.**

**Eric Waite**, representing Beehive Telephone, told the Commissioners that they were requesting approval for a site plan to construct a 70' microwave radio tower adjacent to other existing Utah phone towers in unincorporated Box Elder County. Dishes from this tower will help service the Park Valley area. This site is adjacent to BLM land on private property. No comments were received and a Motion was made by **Commissioner Jay Christensen** to close the hearing, seconded by **Commissioner Desiray Larsen** and was unanimous.

**MICHAEL K. MUNSEE, CUP10-008, FOR ADDITIONAL STORAGE SHEDS LOCATED AT APPROXIMATELY 8823 S HWY 89 IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.**

*Mr. Hamilton* explained to the Commissioners that they had seen this petition in May of 2010 and had taken a site visit in July 2010. The petitioner had been working with UDOT to receive approval for the access to the site and Box Elder County/South Willard Flood District for any requirements or restrictions that they may have for the site and the additional buildings. The petitioner was asking for approval to build additional storage buildings and have a reduction in the setback requirements. **Mike Munsee** approached the Commissioners and said that a traffic survey had been completed and engineering for the driveway done. Approval had been received from UDOT. He had also received a letter from the South Willard Flood District. No other comments were received and the hearing was closed with a Motion from **Commissioner David Tea**, seconded by **Commissioner Laurie Munns**, unanimous.

**UNFINISHED BUSINESS -- NONE**

**NEW BUSINESS**

**EARTH'S ELEMENTS, INC. SP10-008, SITE PLAN FOR HOLDING/EVAPORATION PONDS LOCATE AT LITTLE VALLEY HARBOR, IN UNINCORPORATED BOX ELDER COUNTY; PARCEL 001-012-0024.**

*Mr. Hamilton* recommended approval of this site plan for Earth's Elements, INC. with conditions of, and compliance with, any recommendations and/or requirements of the County Engineer, County Fire Marshall and County Road Department. **Commissioner Laurie Munns** asked about the road to this site and if it was a County road and if this was how the water was to be transported on trucks. The petitioner responded saying that the water is transported in large totes and not in large [tanker] trucks. Also these totes are carried in smaller vehicles via the causeway and not along the roads to the ponds. Separate easements have been secured from the property owners (Young's) by the petitioner.

**MOTION:** A Motion was made by **Commissioner David Tea** to approve the site plan for Earth's Elements, Inc. with the conditions as set by Staff. Motion seconded by **Commissioner Jay Christensen** and passed unanimously.

**CONDITIONS OF APPROVAL:**

Compliance with the recommendations and requirements set forth by County Engineer, County Fire Marshall, and County Road Department.

**WESTERN METALS, SP10-006, INDUSTRIAL LANDFILL CLASS IIIB; LOCATED ON PARCEL 07-092-0004 & 07-092-0005 CONSISTING OF 107 ACRES.**

*Kevin Hamilton* said that this site plan is located along a county road in an un-zoned area of Box Elder County and there has not been a request to close that road. However, there are concerns that the road be maintained properly and it was recommended that the petitioner work with the County Road Department to determine what was needed to insure that. This is a 24 hour a day operation and that may need to be readdressed in the future if some residential development were to occur in the area. **Commissioner Laurie Munns** asked if there is a fence surrounding this property and if there was a need for a fence. **Miranda Menzies** said that there would be a fence of five (5) barbed wire around the site of the landfill. **Commissioner Jay Hardy** asked if there was a need to have the fill covered daily, or if materials or trash would blow out of the area onto surrounding property. **Jardee Steed** informed the Commissioners that the materials that will be put at this site are from a damp fresh-shredding system and is already damp when it arrives at the landfill. A compactor is then run over the materials for about ten hours during the day and that seems to take care of the materials; there is some dirt cover applied depending on the conditions of the landfill at the time, but daily cover is not required. The landowners that were present

at this meeting did not have a problem with materials blowing out of the site causing problems on their properties. **Commissioner Desiray Larsen** asked about the traffic impact on the county road and if that had been addressed. **Mr. Steed** said that it would depend on if it were necessary for their trucks to use the county road and if so it would be for about a distance of one-quarter mile. If necessary they would work with the County Road Department to make whatever changes were needed. A water truck is run daily to help with the dust control and if sometime in the future that road needed to be paved that could be done and the petitioner would then water and sweep the road as necessary.

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to approve the site plan for Western Metals Recycling with the conditions as outlined by Staff. Motion seconded by **Commissioner Jay Christensen** and passed unanimously.

**CONDITIONS OF APPROVAL:**

1. Compliance with the recommendations and requirements set forth by County Engineer, County Fire Marshall, and County Road Department.
2. Compliance with recommendations and requirements of the Utah Department of Environmental Quality.
3. Compliance with Chapter 2-2-100 Site Plan Review of the Box Elder County Land Use Management & Development Code.
4. Reclamation of disturbed land.

**BEEHIVE TELEPHONE, SP10-007, MICROWAVE TOWER TO BE LOCATED AT PROMONTORY POINT IN UNINCORPORATED BOX ELDER COUNTY; PARCEL 01-011-0016.**

*Kevin Hamilton* reviewed this application with the Commissioners and said that he would like to have the County Road Department review it to see if there are any county roads that are being used to access this site. This 70 foot microwave radio tower will be located in an un-zoned area where there are other existing communication towers. Also FAA and FCC regulations will need to be followed.

**MOTION:** A Motion was made by **Commissioner David Tea** to approve the site plan application for Beehive Telephone for a 70 foot microwave tower to be located at Promontory Point (Section 8, T6N R5W) with the conditions as outlined by Staff. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

**CONDITIONAL OF APPROVAL:**

1. Compliance with the recommendations and requirements set forth by County Engineer, County Fire Marshall and County Road Department.
2. Compliance with Chapter 2-2-110, Site Plan Review of the Box Elder County Land Use Management & Development Code.
3. Verification of a site inspection for uniform building code compliance by an authorized licensed inspector.
4. Reclamation of disturbed land.
5. Compliance with FAA and FCC regulations.
6. A building permit is required for towers.

**MICHAEL K. MUNSEE, CUP10-008, FOR ADDITIONAL STORAGE SHEDS LOCATED AT APPROXIMATELY 8823 S HWY 89 IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.**

*Kevin Hamilton* informed the Commissioners that the site of these storage units is located in the South Willard area in a Commercial Enterprise zone that does allow for storage units as a conditional use. Letters have been received from UDOT and South Willard Flood District. At this time approval was being recommended for the site plan and the addition of the new storage buildings in compliance with the conditions that the Planning Commission deems appropriate. Approval was **not** being recommended for

the reduction in the setback requirements for this facility however. **Mr. Michael Munsee** again spoke with the Commissioners regarding his request, saying that when he acquired the property, the former owners had already poured a foundation for the additional storage units and they were not in compliance with the setback requirements per BECLUM&DC. **Mr. Munsee's** intention was to be able to use that foundation and continue where the former owner left off; not that he was trying to get around the setbacks, just that the foundation was already there. **Commissioner Laurie Munns** asked if there would be a fence surrounding the units for total enclosure. **Mr. Munsee** said that there is a fence around the units with a gate on the southeast end and he is getting an automatic security gate installed. However, there is not a fence at the front of the property where the units face west as there is not sufficient space for a fence because of the proximity of the road (Highway 89). Those units are larger and are being used to store boats and small RV trailers. When UDOT did its study they determined that there was not enough of a turn-around radius if a fence were placed at the front of these units. There is an existing home to the south of this property and orchards to the north. **Commissioner Desiray Larsen** stated that currently the petitioner is requesting that the setback requirements be reduced to allow the petitioner to use the existing foundation. However to be consistent with the policy of the Land Use Code, realizing that the foundation had been poured and it would be inconvenient, but not impossible to remove, it would probably be best to have a new one poured that would comply with the setbacks. After some further discussion with **Mr. Munsee** and his agreeing that it would be more convenient and less expensive if he were able to use the existing foundation, but if the Planning Commission required that a new foundation be poured that would meet the setback requirements, he would be willing to comply with that stipulation.

**MOTION:** A Motion was by **Commissioner Desiray Larsen** to approve the site plan for the additional storage units (on Parcel 01-047-0006) at the **Michael K. Munsee** storage facilities upon conditions as outlined by Staff, including the setback requirements as per the Land Use Ordinances. Motion seconded by **Commissioner David Tea** and passed unanimously.

**CONDITIONS OF APPROVAL:**

1. Box Elder/South Willard Flood District approval of the building plans to verify that roof drainage will be contained on site.
2. UDOT specifying that this new proposed building does not change the use or the intensity of the land use in regards to the current UDOT access to the site.
3. Comply with hours of operation as set forth by Planning Commission.
4. Comply with parking area requirements set forth by Planning Commission.
5. Compliance with Articles In the BECLUM&DC as follows:
  - a. Compliance with Article 2-2-100, entitled Conditional Use Permit
  - b. Compliance with Article 3, entitled Zoning Districts, Chapter 3-4 for the Commercial Enterprise Zoning District.
    - i. Personal storage facilities are a Conditional Use in the Commercial Enterprise Zone (3-4-070-8.39.5)
  - c. Compliance with Article 5, entitled Regulations of General Applicability.
  - d. Compliance with Article 2-2-130, Building Permit.
  - e. Compliance with Article 3-4-080
    - i. 3-4-080-1.1, maximum height for all buildings is 35feet.
    - ii. 3-4-080-2.1, minimum side yard requirement is 10 feet

**WORKING REPORTS**

*Kevin Hamilton* did not have anything to report other than [hopefully] there would be a new planner to introduce to the Commissioners at the November meeting.

## **PUBLIC COMMENTS – NONE**

**Jon Z. Thompson** approached the Commissioners with some questions regarding the Conditional Use Permit that was granted for the Western Metals Recycling [new facility]. **Mr. Thompson** asked for some clarification on the conditions that were set with the CUP as follows:

1. **What were the conditions?** *Mr. Hamilton* said that probably the main condition that concerned the public was that Western Metals work with the County Road Dept. to insure that the road was left opened and maintained properly.
2. **Were there any conditions concerning the actual landfill itself?** It would have to meet all of the safety requirements associated with landfills.
3. **Were there any conditions concerning the safety, public safety of the road and the use of the road?** That was part of the conditions of them working with the County Road Department, and also the County Engineer and County Fire Marshal.
4. **Would there be crossing going from the existing facility over the county road to this new 107 acre site?** Western Metals will again work with the County Road Department to determine what will be the least impact on the road.
5. **What size of truck will be used?** Large, probably six wheel trucks; material being hauled in not necessarily heavy.
6. **Will the material coming to this landfill be removed from another site and taken to this new 107 acre site, or is it new material?** Probably both. Western Metals is currently going through the existing landfill and recycling more materials. They have built a new facility that allows them to be more efficient in what they collect.
7. **Would there be any materials being transported to this site, coming via rail?** Not at this site by rail.

A **Motion** was made to adjourn at 7:50 p.m., unanimous.

Passed and adopted in regular session this  18th  day of  November 2010 .

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Richard Day, Chairman  
Box Elder County  
Planning Commission