

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES SEPTEMBER 15, 2011

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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:

Chad Munns	Vice Chairman
Desiray Larsen	Member
Kevin McGaha	Member
Michael Udy	Member
Bonnie Robinson	Member
Jay Christensen	Excused
Laurie Munns	Member

*the following Staff was present:*

Kevin Hamilton	Director
Elizabeth Ryan	Ex. Secretary
Scott Lyons	Planner
Steve Hadfield	Co. Attorney

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

Val Stokes/Tremonton	Ken Adams/Tremonton
Gina Rae Marble/Garland	Steve Woerner/Elwood
John Bjerreguard/Roy	Jared Stephens/Tremonton
Arin Zerkle/Brigham City	Mark Reynolds
Miles Stephens/West Valley City	Brent Slater/Ogden

Vice Chairman Chad Munns called the Planning Commission meeting to order at 7:09 p.m. Bonnie Robinson was welcomed as the newest member of the Planning Commission. The Minutes of the August 18, 2011 meeting were made available to the Planning Commissioners prior to this meeting and upon review a Motion was made by Commissioner Desiray Larsen to accept the Minutes as written; seconded by Commissioner Michael Udy and passed unanimously.

## **PUBLIC HEARINGS**

Vice Chairman Chad Munns 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 that the Commissioners would listen to the comments and concerns, but this was not a questions/answer time.

## **WASHAKIE RENEWABLE ENERGY, LLC. SITE PLAN REVIEW FOR A COMMERCIAL BIODIESEL PLANT LOCATED AT APPROXIMATELY 7950 WEST 24000 NORTH IN THE PLYMOUTH AREA OF BOX ELDER COUNTY.**

County Planner, Scott Lyons informed the Commissioners that this Site Plan is for a biodiesel production facility that will bring this operation into compliance with the County Code.

Improvements to the site and construction will and have taken place at this facility that is located in an un-zoned area of the County. No Comments were received and the Hearing was closed with a Motion by **Commissioner Laurie Munns**, seconded by **Commissioner Kevin McGaha** and passed unanimously.

**STOKES TRUCKING AT CENTRAL MILLING/WHEATLAND SEED, CONDITIONAL USE PERMIT FOR A PARKING LOT LOCATED AT APPROXIMATELY 14475 NORTH HIGHWAY 38 IN THE COLLINSTON AREA OF BOX ELDER COUNTY.**

The *County Planner* informed the Commissioners that this applicant is requesting this CUP in order to build a parking lot for their trucking company. This property is zoned as M-G. The applicant is currently parking their vehicles south of the Central Milling Plant and this 1.6 acre parcel will expand their parking capability. There is currently an older home on the property that will be removed. A letter was read that had been submitted by **Ken and Bonnie Love** as they were unable to attend this meeting.<sup>1</sup> **Mr. Val Stokes, Vice President of Stokes Trucking** told the Commissioners that additional parking is needed and they are currently parking some of their refrigerated trucks in this area and will continue to do so with or without the approved CUP for the parking lot. There will not be any additional egress or driveway to the lot as they currently have an agreement with the property owners (Wiggins) to access this property for the parking. They do not foresee an increase in the truck traffic, but he did not know if traffic would increase if Central Milling were to expand its production at this site and this proposed parking lot did not have anything to do with Central Milling. At the conclusion of the comments a Motion was made by **Commissioner Desiray Larsen** to close the Hearing, seconded by **Commissioner Kevin McGaha** and passed unanimously.

**ELWOOD TOWN WASTEWATER TREATMENT PLANT, SITE PLAN SP11-008, REVIEW AT APPROXIMATELY 8000 NORTH 4400 WEST (I-15 FRONTAGE).**

This site plan review is for the construction of a wastewater treatment facility that will serve Elwood Town. The facility is on property just outside of the town limits, but is owned by Elwood. The rest of the infrastructure is within the town limits. There will be some small buildings but this is mainly a location for the evaporation ponds for the treatment plant. No comments were received and a Motion was made by **Commissioner Laurie Munns** to close the Hearing, seconded by **Commissioner Kevin McGaha** and passed unanimously.

**UNFINISHED BUSINESS**

**BEAR HOLLOW RANCH, SS10-008, PROPOSED NINETEEN (19) LOT SUBDIVISION AT PRIVATE WATER PARK LOCATED AT APPROXIMATELY 15000 NORTH 4000 WEST, NORTHEAST OF GARLAND IN BOX ELDER COUNTY. (PRELIMINARY APPROVAL)**

Kevin Hamilton informed the Commissioners that this petitioner had requested that this item be Table at this time.

**MOTION:** A Motion was made by **Commissioner Kevin McGaha** to Table action on this petition for the Bear Hollow Ranch. Motion seconded by **Commissioner Laurie Munns** and passed unanimously.

## NEW BUSINESS

### WASHAKIE RENEWABLE ENERGY, LLC. SITE PLAN REVIEW FOR A COMMERCIAL BIODIESEL PLANT LOCATED AT APPROXIMATELY 7950 WEST 24000 NORTH IN THE PLYMOUTH AREA OF BOX ELDER COUNTY.

The *County Planner* recommended that the Planning Commission Table action on this application as there were still several conditions that needed to be met by the petitioner(s). Those conditions were as follows:

- ◆ Compliance with Article 5-1 of the BECLUM&DC.
- ◆ Compliance with Article 2-2-100, Site Plan Review, of the BECLUM&DC.
- ◆ compliance with the requirements and recommendations of the County Engineer, County Fire Marshal, Zoning Administrator, Health Department, and Roads Supervisor.
- ◆ compliance with all applicable county, state and federal laws regulating the proposed use, including all current licenses, permits, etc.

One of the other concerns of the *County Planner* was that this petitioner complies with Article 2-2-100.D3 of the BECLUM&DC, which states that *no further site improvements shall be undertaken prior to a site plan approval.*

At that time **Mr. Mark Reynolds**, the professional engineer for this project came forward to address the Commissioners. Mr. Reynolds said that he had received the requirements/conditions and that he had the storm water prevention/run-off plan and that the potential run-off for the various ponds had been calculated. **Mr. Reynolds** asked if it would be possible to get a conditional approval upon completing the steps that are required by the state, many of which would also address and cover those concerns of the County. **Commissioner Chad Munns** then said that one of the concerns of the Planning Commission was that when this project was initially approved three years ago, the petitioner has since that time gone further with building at the facility site than was approved at that time. Therefore, **Commissioner Chad Munns** felt that this petitioner had overstepped the bounds of that approval and that could bring about the Commission's hesitancy to grant further approval without all of the conditions being met beforehand. The *County Planner* also said that there have been many unclear site plans submitted for this project where things are included and then not included in the site plan. A detailed, final site plan needs to be submitted in order for it to be fully reviewed by the County's various agencies. **Mr. Reynolds** agreed that no further site improvements should be done prior to County approval, but the *County Planner* said that there is a month until the next meeting and that the County Engineers need time to be able to review the plan and he did not want to have the project rushed through. By allowing for the month time frame it would allow adequate time for everyone.

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to Table action on this petition for the Washakie Renewable Energy, LLC for one month in order to give the petitioner time to address the items that had been outlined by Staff. Motion seconded by **Commissioner Kevin McGaha** and passed unanimously.

**STOKES TRUCKING AT CENTRAL MILLING/WHEATLAND SEED, CONDITIONAL USE PERMIT FOR A PARKING LOT LOCATED AT APPROXIMATELY 14475 NORTH HIGHWAY 38 IN THE COLLINSTON AREA OF BOX ELDER COUNTY.**

As there were still some items missing for this petition, it was recommended that it be Tabled in order to allow the petitioner time to submit a water storm drainage plan, a letter from UDOT acknowledging the access to the area, details of the road base that will be used on the parking lot and any additional lighting that may be installed at the site. Johnston Engineering of Tremonton had been working on a site plan but it had not yet been received in the County Planner's office.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to Table action on this petition for the Stokes Trucking at Central Milling/Wheatland Seed, CUP for a parking lot until the additional information was received. Motion seconded by **Commissioner Desiray Larsen** and passed unanimously.

**ELWOOD TOWN WASTEWATER TREATMENT PLANT, SITE PLAN AT APPROXIMATELY 8000 NORTH 4400 WEST (I-15 FRONTAGE).**

Based on the information given, the *County Planner* recommended approval for this site plan application. The project has been reviewed by the various county agencies. **John Bjerreguard** from Wasatch Civil Engineering addressed the Commissioners regarding the access to this site that will be from 4400 West. The location is adjacent to I-15 but only the ponds will be visible to the public as the area is slightly elevated. They are aerated (the lagoons) and a chain-link fence will surround the area. This project is being funded by the Division of Water Quality and The Army Core of Engineers and has been through an environmental study and is one of the most studied projects that he has worked on.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to grant approval to the Elwood Town Wastewater Treatment Plant Site Plan with the conditions as outlined by Staff. Motion seconded by **Commissioner Desiray Larsen** and passed unanimously.

**Conditions of Approval:**

1. Compliance with Article 5-1 of the BECLUM&DC
2. Compliance with Article 2-2-100, Site Plan Review, of the BECLUM&DC
3. Compliance with the requirements and recommendations of the County Engineer, Health Dept. and Road Supervisor.
4. Submittal and review of the SWPPP by applicant/contractor.
5. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all current licenses, permits, etc.

**WORKING REPORTS**

**PENDING ORDINANCE, ORDINANCE TO RE-WRITE AND UPDATE EXISTING SIGN ORDINANCE OF THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE, ARTICLE 5, CHAPTER 5.3 (CHAPTER 4 OF 1992 LUM&DC)**

The County Planner, Scott Lyons gave an overview of the work that he had completed on the Sign Ordinance and suggested that the Commissioners review Article 5 and e-mail him with any suggestions that they might have regarding getting this completed and included in the BECLUM&DC. The need for the sign code to allow usage in various parts of the County was

discussed and also a comparison with some other counties within the state. Hopefully this Article will be completed by the October 2011 meeting and then a public hearing will be set for the citizens to review and comment before it is finalized and presented to the County Commissioners for their action and approval. As currently there is no sign code that is usable, it is difficult when a petitioner comes to the County with an application for such use. Staff will continue to work on the article and return it to the Planning Commissioners.

### **ELECTION OF NEW CHAIRMAN AND VICE-CHAIR**

Commissioner Laurie Munns nominated Chad Munns as Chairman of the Planning Commission; seconded by Commissioner Desiray Larsen and the vote was unanimous. A nomination of Desiray Larsen was made by Commissioner Kevin McGaha to serve as the Vice Chairman of the Planning Commission; seconded by Commissioner Laurie Munns and vote was unanimous.

Training has been scheduled for Tuesday, September 27, 2011 at 7:00 p.m. with the location yet to be determined depending on the interest for other municipalities within the county. An e-mail will be sent out with the final location. Mr. Craig Call will be conducting the training with updates that are important for planning commissioners and councils.

### **PUBLIC COMMENTS – NONE**

A **Motion** was made to adjourn at 8:19 p.m., unanimous.

Passed and adopted in regular session this 20th day of October 2011 .

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Chad Munns, Vice Chairman  
Box Elder County  
Planning Commission

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<sup>i</sup> Ken & Bonnie Love letter

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**Scott L. Lyons**

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**From:** Ken Love [krlove1@gmail.com]  
**Sent:** Tuesday, September 13, 2011 7:52 PM  
**To:** Scott L. Lyons  
**Subject:** Parking lot expansion

Scott,

Thanks for the opportunity to meet with you today!

I will not be able to attend the planning commission meeting on Thursday. I will be in the Midwest. Please convey my concerns in the meeting.

I moved to Collinston in 1999. The truck traffic at Wheatland Seed has increased greatly over the past 12 years. Here are my concerns about making a "parking lot":

1. This will be a truck terminal with trucks moving in and out at all times, day or night.
2. Currently refrigeration trailers run day and night. The number of trailers will only increase and the "parking lot" will be closer to my house and the noise will be greater.
3. Increased truck traffic will increase the noise produced by the truck's "Jake Brake" every time a truck comes in.
4. If approved, the parking lot will decrease my home value because I live directly across the highway.

Please delay approval of permit until our concerns can be addressed.

Thank you!

Ken and Bonnie Love  
14425 N 3100 W  
Collinston UT 84306  
cl 801 391 5449

- Lighting was another concern