

BOX ELDER COUNTY PLANNING COMMISSION MINUTES FEBRUARY 16, 2012

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:

<i>the following Staff was present:</i>			
Chad Munns	Chairman		
Desiray Larsen	Vice Chairman	Kevin Hamilton	Director
Kevin McGaha	Member		
Michael Udy	Member	Elizabeth Ryan	Ex. Secretary
Bonnie Robinson	Member	Scott Lyons	Planner
Jay Christensen	Member	Steve Hadfield	Co. Attorney
Laurie Munns	Excused		

The following citizens were present:

Richard Thurgood/Syracuse	Lyle Perry/Box Elder County
Kent Perry/Tremonton	David Misrasi/Garland

Chairman Chad Munns called the Planning Commission meeting to order at 6:59 p.m. The Minutes of the January 19, 2012 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 Jay Christensen** and passed unanimously.

PUBLIC HEARINGS

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.

CENTRAL MILLING CO. LLC, CUP12-001 FOR A DRY STORAGE WAREHOUSE FACILITY LOCATED AT APPROXIMATELY 14400 NORTH HIGHWAY 38 IN THE COLLINSTON AREA OF BOX ELDER COUNTY, UTAH.

This application is for a CUP to expand their existing warehouse facility by adding 32,000 square foot of warehouse space. The zoning in the area is M-G General Industrial and the use is allowed with a CUP. No comments were received and the hearing was closed with a Motion by **Commissioner Michael Udy**, seconded by **Commissioner Kevin McGaha** and was unanimous.

UNFINISHED BUSINESS

WILLARD GRAVEL PIT, LOCATED AT APPROXIMATELY 600 EAST 300 NORTH IN WILLARD, UTAH. FINAL GRADING PLAN APPROVAL. (THURGOOD EXCAVATION)

This gravel pit is located in the Willard area, but is outside of the city limits and falls under Box Elder County jurisdiction. They have submitted a plan for closing the pit along with their proposed reclamation for the site. They are asking to have the final inspection and acceptance of the pit closure to take place in 2014 as they are hoping to sell off any remaining product within the next year to year and a half. The closure of the pit would take place before the selling off of the product. **Commissioner Chad Munns** asked the petitioner if this time period would allow them enough time to close the pit as it would be in spring. The petitioner said that it would be enough as it is the floor of the pit and the wall would have already been taken care of with the reclamation. Staff recommended approval.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to accept the reclamation plan for the Willard Gravel Pit with the conditions as outlined by Staff; seconded by **Commissioner Desiray Larsen** and passed unanimously.

CRAIG GARN MINOR SUBDIVISION AMENDMENT, (BOX ELDER COUNTY) SS11-009, LOCATED AT APPROXIMATELY 16800 NORTH 4400 WEST IN THE FIELDING AREA OF BOX ELDER COUNTY. (FINAL)

MOTION: **Chairman Chad Munns** asked that it be put on record that this item was being Tabled.

PENDING ORDINANCE/SIGN 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)

MOTION: A Motion was made by **Commissioner Jay Christensen** to move action on this item until the conclusion of the New Business. Motion was seconded by **Commissioner Bonnie Robinson** and was unanimous.

NEW BUSINESS

CENTRAL MILLING CO. LLC, CUP12-001 FOR A DRY STORAGE WAREHOUSE FACILITY LOCATED AT APPROXIMATELY 14400 NORTH HIGHWAY 38 IN THE COLLINSTON AREA OF BOX ELDER COUNTY, UTAH.

Staff explained that based on information presented during the public hearing, site visits, and other information it was recommended that this petition be granted approval. The main concern regarding this facility was the current and future access with the expansion. The petitioners approached the Commissioners to discuss the project. *David Misrasi*, the cement contractor for the project said years ago they had drawn up a plan for the water diversion [where the water goes and where the culverts would be located] and they have it on file with the State. This current

plan shows the same as that on file. However, *Mr. Misrasi* said that the State moves rather slowly in regards to access. Currently they have encroachment permits on the existing parcels and encroachment permits on the new parcels. They want to have the permits for the new parcels moved to the current location and are hoping to be able to work with the State toward that end. The encroachment on the far (north) end will not change, however they would like to move the other one a bit further south (from the old location of a home on the property). *“We are hoping to get an additional encroachment permit on the far south end so that when the trucks come in to the warehouse they can turn south and then back into the warehouse and then when they leave they can go out that far end without having to make a hairpin turn to get back into traffic. When we addressed the drainage issue, we have a roll-type curb and cutter that runs the full length of the existing building, which peaks in the middle and takes half of it that way to the north and we have a plan that shows the drainage ditch going north and underneath the railroad tracks on the railroad drainage to the Bear River past the John Potter property. We are going to have to revamp that a little bit on our property ‘cause it starts to drop to the south now, so we’re going to continue like he shows the ditch, which will be a cement ditch cause we’re going to have a rolled type gutter to carry the water all the way down to a retention pond. And then any greenery that you guys want we can address that along the front of the building to dress it up, but for rodents we want to keep it mostly concrete . . . they are a real stickler on that in the flour business now . . .”* **Chairman Munns** asked staff if this plan that is currently on file with the State has been given to the Planning Office. It is included in the site plan that has been submitted by the applicant. Two of the recommendations of the County Engineer are that (1) the two parcels be combined into one parcel to help met the setback requirements, and (2) the access be moved further south as the petitioners had stated was the intent. The petitioners said that they did not have any problems with meeting the conditions that Staff had given to them; one of the conditions being that they needed to provide proof of ownership for the new parcel. The petitioners also said that they would continue to work with the state regarding the type of curb and gutter that would be best for this site. Following the discussion the following motion was made.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to grant approval for the Conditional Use Permit for Central Milling Co., LLC to expand the existing warehouse facility by adding approximately 32,000 square feet of additional warehouse space, parking and relocating a loading pad. Motion to include combining the two parcels into one; proof of ownership on the new parcel; and state approval for the access to the facility; and any other conditions as outlined by Staff. Motion was seconded by **Commissioner Michael Udy** and passed unanimously.

Conditions of Approval:

1. Compliance with Article 5-1 of the BECLUM&DC
2. Compliance with Article 2-2-100, Conditional Use Permit, of the BECLUM&DC
3. Compliance with the recommendations of the County Engineer and Zoning Administrator, including:
 - a. Provide proof of ownership for the new parcel or notarized authorization from the current land owner.
 - b. It is recommended to merge the two parcels where the current facility and proposed addition would take place.

- c. It is recommended to move the existing, or acquire a new access out of the proposed loading dock area.
- 4. Meet Planning Commission recommendations regarding curb, gutter, access, and landscaping.
- 5. Compliance with all applicable county, state and federal laws regulating the proposed use, including all current licenses, permits, etc.

DOUG BASSETT, SALE OF ONE FOOT STRIP ON THE NORTH SIDE OF 7587 SOUTH HIGHWAY 89 IN WILLARD, UTAH. (KEVIN HAMILTON)

MOTION: A Motion was made by **Commissioner Desiray Larsen** to Tabled action on this petition. Seconded by **Commissioner Kevin McGaha** and passed unanimously.

WORKING REPORTS

PENDING ORDINANCE/SIGN 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)

County Attorney, Steve Hadfield joined *Scott Lyons, County Planner* in discussing the Sign Ordinance with the Planning Commissioners. *Mr. Hadfield* told the Commissioners that there are two things that need to be kept in mind while reviewing this pending ordinance.

- 1. “Freedom of Speech”, can’t regulate freedom of speech. The way to do that is to have the content neutral and not regulate the type of sign, i.e. yard sale, for sale, etc. Can’t completely prohibit a certain category of sign. Can’t be too vague but needs to be set forth in the ordinance.
- 2. “Equal Protection”, need to have some type of justification for regulating.

A discussion then took place regarding the various sections of the ordinance and some possible scenarios. (copy attached)

MOTION: A Motion was made by **Commissioner Jay Christensen** to approve the Sign Ordinance with the suggested changes and forward to the County Commission for approval and adoption. Motion seconded by **Commissioner Bonnie Robinson** and passed unanimously.

Changes proposed:

- 1. Section 5-3-060 *General Regulation*, B: change in language from “or” to “**and if applicable to the Utah Department of Transportation.**”
- 2. Section 5-3-070 *Signs Not Regulated By This Chapter*, C: change in the size limitation from nine (9) square feet to **twelve (12) square feet.**
- 3. Section 5-3-130 *Maintenance and Repair*, “**all signs shall be maintained in good condition**”. Removing the language as to how a sign is to be kept in good condition.

PUBLIC COMMENTS – NONE

A **Motion** was made to adjourn at 8:24 p.m., unanimous.

Passed and adopted in regular session this 29th day of March 2012.

Chad Munns, Chairman
Box Elder County
Planning Commission