

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES MARCH 29, 2012

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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:

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

### The following citizens were present:

Peter & Patricia Clawson/Brigham City	Robert Thorsted/Willard
Miles Stephens/Plymouth	Jared Stephens/Plymouth
Kenneth Davis/Corinne	Arin Zerkle/Plymouth

**Chairman Chad Munns** called the Planning Commission meeting to order at 7:01 p.m. The Minutes of the February 16, 2012 were made available to the Planning Commissioners prior to this meeting and upon review, and one correction noted on those that were present at the meeting, a **Motion** was made by **Commissioner Bonnie Robinson** to accept the Minutes with correction; seconded by **Commissioner Desiray Larsen** 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.

### DOUBLE R PROPERTIES, SITE PLAN SP12-001, TIRE RECYCLING LOCATED AT APPROXIMATELY 5780 WEST 6400 NORTH IN THE TREMONTON AREA OF UNINCORPORATED BOX ELDER COUNTY. (ROB STOKES)

This applicant is requesting a site plan to move an existing tire recycling facility to this new site. There are existing buildings at this site that will be used for his business and will also allow for expansion in the future. There were no comments received during the public hearing and a **Motion** was made by **Commissioner Jay Christensen** to close the hearing; seconded by **Commissioner Michael Udy** and passed unanimously.

**NERVA LANE SUBDIVISION AMENDMENT, SS12-001, ROBERT & JENNIFER THORSTED, LOCATED AT APPROXIMATELY 7824 SOUTH 875 WEST IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.**

This petitioner is requesting an amendment to the Nerva Lane Subdivision in order to combine lots three (3) and four (4) which he owns, into one lot. The property is currently zoned as R-1-20. There were no comments received during the public hearing and a Motion was made by Commissioner Laurie Munns to close the hearing; seconded by Commissioner Jay Christensen and passed unanimously.

**BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE AMENDMENT TO REMOVE SECTION 2-2-150 SIGN PERMIT FROM ARTICLE 2-ADMINISTRATION & ENFORCEMENT. (PERMIT PROCESS INCLUDED IN NEW SIGN ORDINANCE OF BECLUM&DC)**

The Box Elder County Community Development Staff is requesting a text amendment to Chapter 2-2 of the BECLUM&DC to remove Section 2-2-150 of the Sign Permit Ordinance as this process is now included in the new Sign Ordinance, Chapter 5-3 of the BECLUM&DC. There were no comments received during the public hearing and a Motion was made by Commissioner Desiray Larsen to close the hearing; seconded by Commissioner Michael Udy and passed unanimously.

**PENDING ORDINANCE, ACCESSORY DWELLING UNITS, NEW ORDINANCE (SECTION 5-6) TO ADDRESS ADDITION OF ACCESSORY DWELLING UNITS TO ARTICLE 5: REGULATIONS OF GENERAL APPLICABILITY OF THE BECLUM&DC.**

Staff was requesting a (pending) ordinance for Section 5-6 of the BECLUM&DC that would allow single family dwellings to have accessory dwelling units (attached or unattached) on the property. There were no comments received during the public hearing and a Motion was made by Commissioner Michael Udy to close the hearing; seconded by Commissioner Laurie Munns and passed unanimously.

**CRESLEY WALKER, CUP11-010, LARGE WIND ENERGY SYSTEM, LOCATED IN T13N, R4W, SECTION 14 IN BOX ELDER COUNTY.**

This petitioner was requesting a Conditional Use Permit to install and operate a large wind energy system of approximately 109-120 wind turbines. This area is located between I-15 and I-84 northwest of the Tremonton area. Each wind turbine would be approximately 400' (feet) and the area is currently un-zoned. There were no comments received during the public hearing and a Motion was made by Commissioner Laurie Munns to close the hearing; seconded by Commissioner Jay Christensen and passed unanimously.

**ROAD VACATE, 12-001, PETER CLAWSON/BILL GILSON; 3200 NORTH, WHERE COUNTY ROAD FALLS ON WEST SIDE OF PARCEL 04-045-001, & NW SIDE OF PARCEL 04-045-002, & NORTH SIDE OF PARCEL 04-045-003. EXCLUDES 20 FEET OF THE FAR WEST SIDE OF SAID ROAD WHERE IT JOINS 3400 WEST.**

This petition was to vacate a county road of 3200 North where the road is on the west side of tax parcel 04-045-0001 and on the northwest side of parcel 04-045-0002 and on the north side of parcel 04-045-0003. This would vacate approximately twenty (20) feet of the far west side of this road where it joins 3400 West. The County Commission and County Road Department will

build a new farm access road at 3400 West to access the area. This current section of road has proven to be unsafe in the past. There were no comments received during the public hearing and a Motion was made by Commissioner Desiray Larsen to close the hearing; seconded by Commissioner Michael Udy and passed unanimously.

## **UNFINISHED BUSINESS**

### **WASHAKIE RENEWABLE ENERGY, SP11-004, SITE PLAN FOR LARGE STORAGE TANK FARM AND TRUCK LOADING FACILITY LOCATED AT APPROXIMATELY 7950 WEST 24000 NORTH IN THE PLYMOUTH AREA OF BOX ELDER COUNTY.**

This petitioner was requesting a site plan review for Phase 2 of the construction and use of a commercial biodiesel production facility located in the Plymouth area of the county that is currently un-zoned. The petitioner has completed Phase 1 of the project and completed all of the necessary permits for occupancy and the road design plan. Phase 2 of this operation will be for large storage tanks to contain the biodiesel fuel. The plan for Phase 2 has been reviewed by all of the necessary County Departments and all have given their recommendation for approval; however the County Engineer is asking that a final site plan be submitted indicating fencing, setback from property line, etc. The petitioner has been informed of the items that are missing from the currently submitted site plan. Approval was then recommended.

**MOTION:** A Motion was made by Commissioner Michael Udy to grant approval to the Phase 2 site plan of the Washakie Renewable Energy facility of a large storage tank farm and loading site. Motion was seconded Commissioner Bonnie Robinson and passed unanimously.

#### **Conditions of Approval:**

1. Compliance with Article 5-1 of the BECLUM&DC.
2. Compliance with Article 2-2-110, Site Plan Review of the BECLUM&DC.
3. Compliance with the requirements and recommendations of the County Engineer, County Fire Marshal, Zoning Administrator, Health Department and Road Supervisor including:
  - a. Provide a final site plan showing what the County Engineer has requested (i.e. fencing, setbacks, etc.).
4. Compliance with all applicable county, state and federal laws regulating the proposed use, including all current licenses, permits, etc.

### **DAVIS DAIRY SUBDIVISION, SS11-008, SIX LOT SUBDIVISION LOCATED AT APPROXIMATELY 4000 NORTH 6964 WEST, IN THE CORINNE AREA OF BOX ELDER COUNTY.**

This petitioner was requesting final approval for a six-lot subdivision located in the RR-20 zone of the West Corinne area. Each lot will be approximately .90 acre in size. The petitioner has been working with the West Corinne Water Company and they have reviewed the proposed waterline design and they have given their verbal approval with written approval to be submitted soon. The Corinne Fire Dept has also reviewed the proposed waterline/fire hydrant design and has recommended its approval.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to grant Final approval to the Davis Dairy Subdivision with conditions as outlined by Staff. Motion was seconded by **Commissioner Jay Christensen** and passed unanimously.

**Conditions of Approval:**

1. Compliance with Article 5-1 of the BECLUM&DC
2. Compliance with Article 6-1, Subdivisions, of the BECLUM&DC
3. Compliance with the requirements and recommendations of the County Engineer, Zoning Administrator, Road Supervisor, and Health Dept.
4. Compliance with all applicable county, state and federal laws, including all current licenses, permits, etc.

## **NEW BUSINESS**

### **DOUBLE R PROPERTIES, SITE PLAN SP12-001, TIRE RECYCLING LOCATED AT APPROXIMATELY 5780 WEST 6400 NORTH IN THE TREMONTON AREA OF UNINCORPORATED BOX ELDER COUNTY. (ROB STOKES)**

Staff recommended approval for this site plan to allow the petitioner to move from his current location in the Bothwell area to this site for a tire recycling facility.

**MOTION:** A Motion was made by **Commissioner Jay Christensen** to grant approval to the Double R Properties Site Plan with the conditions as outlined by Staff. Motion was seconded by **Commissioner Laurie Munns** and passed unanimously.

**Conditions of Approval:**

1. Compliance with Article 5-1 of the BECLUN&DC
2. Compliance with Article 2-2-110, Site Plan Review, of the BECLUM&DC.
3. Compliance with all applicable county, state and federal laws regulating the proposed use, including all current licenses, permits, etc.

### **NERVA LANE SUBDIVISION AMENDMENT, SS12-001, ROBERT & JENNIFER THORSTED, LOCATED AT APPROXIMATELY 7824 SOUTH 875 WEST IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.**

Staff recommended approval for the combining of lots 3 and 4 of the Nerva Lane Subdivision that would create a one acre parcel instead of two half acre parcels. The petitioner owns both of the lots.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation to the County Commission to amend the Nerva Lane Subdivision to combine Lots 3 and 4 into one lot owned by the petitioner, Robert Thorsted. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

**BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE  
AMENDMENT TO REMOVE SECTION 2-2-150 SIGN PERMIT FROM ARTICLE 2-  
ADMINISTRATION & ENFORCEMENT. (PERMIT PROCESS INCLUDED IN NEW  
SIGN ORDINANCE OF BECLUM&DC)**

As this permit process information is now included in the new Sign Ordinance, Staff recommended that *Section 2-2-150* be removed from Article 2 of the BECLUM&DC. The new Sign Ordinance, *Chapter 5-3*, is being approved by the County Commission.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to forward a recommendation to the County Commission to remove *Section 2-2-150 Sign Permit* from *Article 2 Administration & Enforcement* of the BECLUM&DC as the permit process is included in the new Sign Ordinance 5-3. Motion seconded by **Commissioner Bonnie Robinson** and passed unanimously.

**PENDING ORDINANCE, ACCESSORY DWELLING UNITS, NEW ORDINANCE  
(SECTION 5-6) TO ADDRESS ADDITION OF ACCESSORY DWELLING UNITS TO  
ARTICLE 5: REGULATIONS OF GENERAL APPLICABILITY OF THE BECLUM&DC.**

Staff had no recommendation to make on this pending ordinance regarding accessory dwelling units.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to Table action on *Chapter 5-6: Regulations of General Applicability – Accessory Dwelling Units* and direct Staff to continue working on the language and regulations for this pending ordinance that would allow accessory dwelling units in neighborhoods of single-family units. Motion seconded by **Commissioner Jay Christensen** and passed unanimously.

**CRESLEY WALKER, CUP11-010, LARGE WIND ENERGY SYSTEM, LOCATED IN  
T13N, R4W, SECTION 14 IN BOX ELDER COUNTY.**

Staff informed the Planning Commissioners that Mr. Walker is applying for this CUP in order to move forward in applying for the other [state, federal] permits and/or licenses that are necessary in developing a large wind energy system. Because of the time frame that is necessary in applying for these permits, Mr. Walker will need to return to the Planning Commission in the future to reapply for a CUP once all other permits and licenses have been granted. It was recommended to Table action on this application at this time.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to Table action on this CUP application to allow the petitioner sufficient time to meet the recommendation outlined by Staff. Motion seconded by **Commissioner Desiray Larsen** and passed unanimously.

**Recommendation of Staff:**

1. Compliance with Article 5-1 of the BECLUM&DC
2. Compliance with Article 2-2-100, CUP, of the BECLUM&DC
3. Compliance with Article 5-4, Large Wind Energy Systems, of the BECLUM&DC
4. Compliance with all applicable county, state and federal laws regulating the proposed use, including all current licenses, permits, etc.

**ROAD VACATE, 12-001, PETER CLAWSON/BILL GILSON; 3200 NORTH, WHERE COUNTY ROAD FALLS ON WEST SIDE OF PARCEL 04-045-001, & NW SIDE OF PARCEL 04-045-002, & NORTH SIDE OF PARCEL 04-045-003. EXCLUDES 20 FEET OF THE FAR WEST SIDE OF SAID ROAD WHERE IT JOINS 3400 WEST.**

Based on the information provide during the Public Hearing, Staff recommended that the Planning Commission forward their recommendation of approval to the County Commission for final action.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation to the County Commissioners that this county road 3200 North be vacated. A new road at 3400 West will be dedicated to the county that will access this farm area. Motion was seconded by **Commissioner Jay Christensen** and passed unanimously.

**WORKING REPORTS**

**MOTION:** A Motion was made by **Commissioner Laurie Munns** for the Planning Commission to move into a Closed Session at 7:32 p.m.; seconded by **Commissioner Bonnie Robinson**; unanimous.

**CLOSED SESSION:** Discussion regarding illegal division of property/lots in western part of County led by County Attorney Steve Hadfield

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to return to the regular session of the Planning Commission meeting at 8:13 p.m.; seconded by **Commissioner Jay Christensen**, unanimous.

It was recommended by the Planning Commission members that any work sessions be held either before the regular meeting or after the meeting had concluded to help alleviate any difficulties or hardships to the members due to work and/or travel time to these work session meetings.

**PUBLIC COMMENTS – NONE**

A **Motion** was made to adjourn at 8:16 p.m., unanimous.

Passed and adopted in regular session this 19<sup>th</sup> day of April 2012.

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Chad Munns, Chairman  
Box Elder County  
Planning Commission