

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES June 18, 2015

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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 by a roll call, constituting a quorum:

Chad Munns	Chairman	<i>the following Staff was present:</i>	
Desiray Larsen	Vice-Chair/Excused		
Kevin McGaha	Member/Excused	Marcus Wager	Planner
Michael Udy	Member	Scott Lyons	Planner
Bonnie Robinson	Member	Commissioner Jeff Scott	
Jay Christensen	Member/Excused	Elizabeth Ryan	Exec. Sec.
Laurie Munns	Member		

### The following citizens were present:

Jim Flint/Brigham City	Jeff Staking/Elwood
Jerome & Angela Jenkins/Willard	Clay Earl/Collinston
Gavin Holmgren/Bear River City	Jared Holmgren/Bear River City
Matt Gustafson/Tremonton	Jared Stephens/Tremonton
Jennifer Stephens/Tremonton	Reggie G. Petersen/Penrose
John Young/Brigham City/Harper Ward	

The Minutes of the May 21, 2015 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Laurie Munns** to accept the Minutes as written; seconded by **Commissioner Michael Udy** 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. After the public hearing on an item the Planning Commissioners would then discuss and take action on the item.

### **SP15-001, SITE PLAN, WASHAKIE RENEWABLE ENERGY, CONTINUE ON THE BUILDING OF CRUSH PLANT, ADD OIL REFINERY AND MEAL STORAGE. LOCATED IN THE PLYMOUTH AREA OF BOX ELDER COUNTY.**

Staff explained that this is a site plan for an expansion to the commercial biodiesel production facility at Washakie Renewable Energy. No comments were given and the Hearing was closed with a Motion by **Commissioner Laurie Munns**; seconded by **Commissioner Michael Udy** and was unanimous.

Staff informed the Commissioners that this site plan has been reviewed by the fire marshal, the county road department and they have no issues with the proposed plan. The culinary water is now being handled through the state and staff has not received any information regarding the waste-water treatment that is usually referred to the Bear River Health Department; evidently the daily flow has exceeded the amount that they would address, thus it is now with the state's health department and no information has been received from them at this time. Additionally, the most updated plan that had been submitted is still with the county's engineer for review. Staff then said there were two options for action on this item; 1) tabled to the July meeting in order to receive feedback from reviewing departments, or 2) approve with conditions while waiting for recommendations from the county engineer and the state regarding the waste-water treatment.

**Commissioner Bonnie Robinson** was curious regarding the potable water at this facility and that issue is now with the state due to the increase of employee numbers. Washakie is currently working with the state division of drinking water with a July 31<sup>st</sup> deadline to submit the documentation that the state needs in order for them to be in compliance with the water system. The waste-water would be handled through a separate state division and it was unclear how that was being handled at this time. **Chairman Chad Munns** said that with the two choices offered by Staff the expansion at this site could probably not move forward until it receives approval from the state regarding the waste-water. Also, any approval should not be held up due to the drinking water issue as these three building and four silos are separate from that.

**Mr. Jared Stevens**, the general manager for the construction at this site told the commissioners that they had been contacted by the state regarding the drinking water and also the discharge and an engineer has been hired to work on these issues. None of these proposed building and/or structures will have potable water or waste-water and is not affected. Washakie now has 25 or more employees and that is the reason for the water issues having to be dealt with differently than in the past. The deadline is for the end of July to have a plan to the state regarding the water and then another deadline will be set for the plan to be put into place.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to approve this site plan for Washakie Renewable Energy with the conditions mentioned by Staff and also with the report from the State of Utah regarding the water and an update from the County Engineer on his review of the plan. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

**Mr. Jared Stevens** said that with this approval they would not be able to move forward with any construction if they were required to wait for the report from the state at the end of July. As these expansion/buildings will have no water in connection with them, he asked if they could get approval to move forward with building while waiting for the action from the state. Staff said they would be comfortable with that while waiting for the state's action regarding the potable water. Regarding the waste-water, Staff said the information had been sent to the applicant and has received nothing back from the state; they have received information regarding the potable water and that Washakie is working with the state regarding that, but would like to hear from the state regarding the waste-water and how that process is moving along.

**Commissioner Laurie Munns** said that due to the "track record" of Washakie in the past with site plans and expansions, the commission wanted to make sure the rules and regulations were being followed. An amendment to the **Motion** was then made by **Commissioner Laurie Munns** to

grant approval for the site plan and expansion of buildings/silo with the approval and/or recommendations of the county engineer and also the report being submitted to Staff regarding the waste-water from the state. Motion was seconded by **Commissioner Bonnie Robinson** and was unanimous.

**Z15-008, JEROME JENKINS RE-ZONE OF PARCEL 02-049-0006 FROM MU-160 TO RURAL RESIDENTIAL LOCATED IN THE SOUTHEAST [WILLARD] AREA OF BOX ELDER COUNTY.**

This applicant was seeking a re-zone for property that is located outside of the Willard City limits (east) and is zoned as MU-160. The property is thirteen (13) acres in the MU-160 area and in order for the petitioner to build it is necessary to re-zone to RR-10 (Rural Residential 10 acre lots). **Mr. Jerome Jenkins** told the commissioners that it is his intent to construct a home on approximately ½ acre leaving the rest in green-belt with a small orchard and gardening. He also said that Willard City had recently approved a subdivision with one-quarter acre lots to the southwest of his property. There is a paved road to their lot and they are working with a gravel company to be able to use that road as an access. He is also working with a water company and other utilities for service availability to this property. With no other comments, a Motion was made by **Commissioner Laurie Munns** to close the Hearing, seconded by **Commissioner Michael Udy** and was unanimous.

Staff recommended approval for this request at which time **Commissioner Bonnie Robinson** (having arrived late to the meeting) asked why a re-zone was needed and was informed that as this property is located in the MU-160 zone the petitioner would not be able to proceed with any plans until the zoning was changed. This parcel is 13 acres located in the 160 acre zone and could not be built upon without the change.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission regarding the re-zone application of Jerome Jenkins; Motion was seconded by **Commissioner Michael Udy** and passed unanimously.

**Z15-009, CLAY EARL RE-ZONE PORTION OF PROPERTY LOCATED AT APPROXIMATELY 13700 N 3100 W IN THE COLLINSTON AREA OF BOX ELDER COUNTY. RE-ZONE FROM CURRENT MU-40 TO RR-2 [RURAL RESIDENTIAL].**

This petition for a re-zone of the Clay Earl property located in the Beaver Dam area is to bring the petitioner's parcel of two acres into the RR-2 zone. It is currently zoned as part RR-2 and the other MU-40. **Mr. Clay Earl** told the commissioner that he wants to extend the RR-2 zone approximately 100 feet and is surrounded by other family property. He has the water and other utilities available and approval for a septic system and wants to build a house. The Hearing was then closed with a Motion from **Commissioner Bonnie Robinson**; seconded by **Commissioner Laurie Munns** and was unanimous. Staff then recommended approval for this re-zone.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval to the County Commission on the Clay Earl Re-zone, Z15-009. Motion seconded by **Commissioner Bonnie Robinson** and passed unanimously.

**SS15-012, MILLAR SUBDIVISION. ONE LOT WITH REMAINING ACREAGE LOCATED AT APPROXIMATELY 11200 N 8400 W IN UNINCORPORATED BOX ELDER COUNTY.**

Staff explained that this five lots subdivision is located in an unincorporated portion of the county that is currently un-zoned. There are seven other lots that were approved previously as a Minor subdivision. The letters for utilities have been received and the county building official had recommended that basements not be allowed due to the high water table in the area. This public hearing was for the final approval of the subdivision. No comments were given and a Motion was made by **Commissioner Michael Udy** to close the Hearing and seconded by **Commissioner Bonnie Robinson**, passed unanimously. Staff recommended approval for this petition.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval to the County Commissioners for Final approval of the Millar Subdivision, SS15-012. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

**UNFINISHED BUSINESS**

**CUP15-001, CONDITIONAL USE PERMIT, MITTON PEAK ESTATES, PRIVATE CAPITAL GROUP FOR A 17 LOT PUD OVERLAY DEVELOPMENT AT APPROXIMATELY 4980 NORTH HIGHWAY 38 IN THE HARPER WARD AREA OF BOX ELDER COUNTY.**

This petitioner had submitted a new design layout for the lots of the Mitton Peak Estates as per the request of the planning commissioners. This layout has lot 9 on the west side of the canal and lot 10 on the east side; lot 8 is a flag lot with access via the road through the subdivision development. There is one more lot on the upper portion of the subdivision with the trail system still in place. **Commissioner Laurie Munns** asked if there was a deeded right-of-way for the canal company to access the canal for cleaning and servicing. The applicant informed the commissioners that they would be attending a meeting later this evening to discuss the easement that was needed to access the canal. Staff said that as this is a concept plan the next [preliminary] plat would be submitted with the access needed by the canal company. **Mr. Jim Flint** said that the water line would be moved to get to John Young's property. **Commissioner Laurie Munns** said that it might be a good idea to have the canal fenced, but that would probably be up to the landowners. It was also asked who would own the land (easement) at the canal. Staff noted that the easement issue with the canal should not be a point that would hold up any approval of this CUP. There was some further discussion regarding the easements on the canal, the re-routed water line and any ditches in the area and if they would be covered or piped. **Mr. Jim Flint** said that the county road supervisor, **Bill Gilson** prefers curb and gutter and the existing ditch [head gate] where the road makes a turn and he was not sure how active it was. At the conclusion of the discussion the following motion was made. Chairman Chad Munns said that the commission is still struggling with this PUD as they do not want to see a lot of these throughout the county and it is currently a pending ordinance while the commissioners have an opportunity to review it and make any changes, but currently it is an approved use throughout the county.

**MOTION:** A Motion was made by Commissioner Laurie Munns to accept/approve the concept plan for the Mitton Peak Estates Subdivision, CUP15-001 with conditions as outlined by Staff, including 1) the canal easement be sorted out and shown on the final plat along with the issues regarding the ditches; 2) the setbacks for the lots as they are smaller than the 5 acre minimum in this area; and 3) the water line to Mr. Young's' property. Motion was seconded by Commissioner Michael Udy and passed unanimously.

**Conditions of Approval:**

1. Compliance with Chapter 5-1, Regulations Applicable to All Zones, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-100 and Chapter 4-3 of the Box Elder County Land Use Management & Development Code.
3. Any conditions the Planning Commission sees necessary as part of the Planned Unit Development.
4. Compliance with all applicable county, state and federal laws regulating the proposed use, including all current licenses, permits, etc.

**NEW BUSINESS-- NONE**

**WORKING REPORTS**

**LANDFILL CORRIDOR REPORT**

Staff reported that the final revisions on the Corridor report had been received and were being formatted to that of the current Code. It will be placed on the county web site for the public to view as there are several landowners that want to be able to review it before it comes to a public hearing and if there are things that need to be changed they will be addressed at that time. This is a text amendment to that portion of the Code. The Planning Commission can take any suggestions and/or recommendations into consideration that may be given by the public at the public hearing. The document would then be sent to the County Commission where they may or may not hold a public hearing before taking action. It will be on the web page for 60 days (at least).

**PUBLIC COMMENTS**

A **Motion** was made to adjourn at 7:58 p.m., unanimous.

Passed and adopted in regular session this 20th day of August 2015.

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Chad Munns, Chairman  
Box Elder County  
Planning Commission