

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES August 20, 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	Steve Hadfield	Co. Attorney
Kevin McGaha	Member	Marcus Wager	Planner
Michael Udy	Member/Excused	Scott Lyons	Planner
Bonnie Robinson	Member	Elizabeth Ryan	Exec. Sec.
Jay Christensen	Member	County Commissioner Jeff Scott	
Laurie Munns	Member		

### The following citizens were present:

Wayne & Kristy Ballard/Collinston	Greg DuPuis/Collinston
Paul & Pat Garner/Collinston	Thomas Mark Furniss/Willard
Jared Holmgren/Bear River City	Burke Jensen/Collinston
John Potter/Collinston	Jennie Potter/Collinston
Kaden Potter/Collinston	Landon Potter/Collinston
Charlotte E. Nelson/Collinston	Tarhon McBride/Collinston
Suzanne McBride/Collinston	Sam McMurdie/Tremonton
Darin Lowe/Willard	ValRee Lowe/Willard
Tony Peterson/Deweyville	Hugo Gonzalez/Brigham City
Candice Monson/Willard	Jared Monson/Willard
Joseph Duran/Willard	Steven Sadler/Tremonton
Yvonne Manning/Garland	Brian Manning/Garland
Gary Manning/Garland	Thayne Hupp/Hansel Valley
Keith Oman/Snowville	Tim Munns/Hansel Valley
Marv Allen/Midvale	Voneene Jorgensen/Brigham City
Laura Selman/Tremonton	Fred Selman/Tremonton
Brett Miller/Willard	Reggie G. Petersen
Bill Gilson/Tremonton	Guy Ballard/Fielding
Ronda Mills/Willard	Kristi Hone/Willard
Cody Hone/Willard	Kyle Ellis/Willard
Hilda Gonzalez/Brigham City	Wayne Campbell/Provo

The Minutes of the June 18, 2015 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Bonnie Robinson** 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. After the public hearing on an item the Planning Commissioners would then discuss and take action on the item.

### ROAD VACATION, VAC15-001; PETITION FROM COUNTY ROAD SUPERVISOR, BILL GILSON TO VACATE COUNTY 14600 NORTH ROAD TO HWY 38

Staff explained that this petition was a request from the *County Road Supervisor, Bill Gilson*, to vacate 14600 North from SR-38 to a point just beyond the John Potter home in Collinston. The time was then given to *Mr. Gilson* to explain the reasons behind this proposal.

*Mr. Gilson* told the commissioners that the county does not usually petition to vacate a road; however this road has not been recorded on the county maps since 1997 and he was not sure why, as it does appear on the maps for the state (UDOT) and the railroad. About three years ago UDOT began inspecting the railroad crossing throughout the county. In the springtime, UDOT travels around with its railroad inspection crew to inspect for proper signage at these crossings, (with fresh paint and sight distance, etc.) and this past year *Mr. Gilson* said that he had noticed that some of the signs were substandard and discovered that there were two crossings that were not on the county road maps, as well as, three other roads that were located within municipalities of the county. Another issue with this road in the Collinston area was with the encroachment regarding the right-of-way. He said that he cannot approach a business about a private drive if it is not on a county roadway and require them to have a permit. The county needs to decide if this is a county road or if it needs to be vacated. He said that he thought most of the residents in this area (of Collinston) would like this to remain a county road and be maintained by the county. Also, he did not feel that it would take more than \$2500 to \$3000 from his budget to maintain this road, and it would probably be a benefit to the county to retain this road and have it put back on the county road map as a public right-of-way with an easement that the county then has a right to protect. **Chairman Chad Munns** asked if this road had been maintained in the past by the county and *Mr. Gilson* said that as far as he could tell it had not been (snowplowed) since approximately 1983. However, other employees with the road department had informed *Mr. Gilson* that about six to eight years ago asphalt had been laid at the Wheatland Seed Plant. As far as future maintenance of this road, *Mr. Gilson* said that it would probably be minimal as he did not plan on snowplowing it, as Mr. Potter does most of the snow plowing in the winter himself. As to whether or not this road meets the county standards as to the width, it is not a dedicated road, but more of a prescriptive use; that is either 66 feet or to the historic farm line, which may be around thirty feet. This roadway would be looked at in the historical use [agricultural and farming uses] and the easement would probably be kept at thirty-five feet, in his opinion. It could be narrower than that at the point of the railroad crossing. To bring this road up to necessary standards, *Mr. Gilson* said that for the amount of traffic that uses this road it wouldn't take a lot of work, however his main concern was with the silos that are being built by Wheatland Seed at the top of this road where it connects onto SR-38 as the sight distance to the stop sign is limited as with travel approaching the tracks heading eastbound. It would probably be a good idea to put in some early warning signs regarding the upcoming stop sign. It was also noted that all of the landowners living in this area of the proposed road vacating had been notified of this proposed action.

**Mr. Kyle Potter**, farmer that uses this road and his family has been using it for 102 years and was against the road being vacated. He mentioned that in the recent past the railroad has put in a cement crossing at the cost of around \$30,000, and agreed that the road had been blacktopped in recent years. Back in the 1980's that railroad built up the grade at the tracks and the county road crews came and also built up the approach to the tracks. He has an eight foot snow blower on his tractor and uses that for the snow removal. There has been some encroachment on the road recently and this is something that would need to be addressed. He did not think that the proper permitting processes had been followed, and the ordinances and laws of the county are meant to protect the citizens, but did not feel that they had done so thus far. As far as the width being kept at thirty-five feet, he said he would like to see it kept as a sixty-six foot right-of-way. Those familiar with the area would remember the road just after the railroad tracks to the north [3200 West] and was vacated by the request of landowners in 1999. This was the road that connected the residents of Fielding in traveling to Collinston (when this was the center of commerce) and was a sixty-six foot right-of-way created by both deed and right-of-use. This road connected to 14600 north and he noted that the county requires a sixty-six foot road if land is ever to be developed along it. This road is the only road that crosses the railroad off of SR-38 and goes down to Beaton Lane (a distance of about five miles). He felt that it would just make sense to keep this road at sixty-six feet for any future development for traffic coming off of Highway 38.

**Ms. Charlotte Nelson**, representing the Leola Erickson family, has property on the south side of the Potter's (14600 North). She said that they were in agreement with the comments made by **Mr. Kyle Potter**. She was concerned with the access from SR-38 across the railroad as they often move large farm equipment through this area, and if the roadway is narrow it makes it difficult to do so, not only for the access but also for seeing any oncoming traffic. The concrete that has already been poured at this site of the project is already up to the area of the stop sign. She also commented on the road at the site of the railroad and that it is narrow and drops off to the side and often when they are moving equipment they are hanging over the side of the road. Another road that they had used in the past is now completely covered over by a Wheatland building. This was an access on their property that led to a subdivision of eleven lots, two of which have been sold and a family currently living there. When that crossing was taken away an easement had to be given to that family in order to access their home. Now that there is only one access it is very important to retain it.

**Mr. Carlton McBride** said that he has property on both sides of this, with two documents recorded with the county.<sup>1</sup> He noted that the railroad recognizes the county roadway at sixty-six feet and he would like to see it remain at that size. When 3200 West was vacated they were asked if 14600 north should also be vacated, but as it accesses three homes it was not. He noted that the Utah State Code, Section 17, states that a road cannot be vacated if it would be detrimental to the residents and as there are three homes that are accessed by this road it cannot be vacated or changed in its size.

**Mr. Greg DuPuis**, said that recently his wife broke her hip in an accident and he had to have the sheriff's personnel come and remove some of the construction equipment in order for the vehicles to get down to his property to offer assistance. He would like the road to remain as it is.

**Mr. Tony Petersen**, was representing Wheatland Milling and sensed that there was some hostility at this meeting, but wanted to assure them that they liked all of their neighbors and

noted that there are always some obstacles to overcome when a big business moves into a rural area. He said that they are not looking to have this road vacated, but would like to see it maintained by the county; however they were not looking to have it at sixty-six feet. Historically there had been a fence on the border of the property and they had considered that and reviewed that with **Mr. Bill Gilson** and their property line is on the edge of that boundary. Seventeen years ago when the original bins were built they provisioned, and have the blueprints [stamped and dated], stating that there were future bins to be built at a size of twenty-four feet in diameter on the north end of the buildings. He apologized that they had not followed the proper permitting, but they had just recently built similar bins at another site in Richmond (Cache County) and were told that they did not need a building permit as it was for agricultural use. The contractor that is heading this project up has built at other sites where building permits were not required. Here, they have been informed that as they are a manufacturing facility they do need a building permit from the [Box Elder] County. They have now suspended further construction and are following the proper channels in obtaining a building permit. They are large enough that they bring in products from other areas but also service farmers in this area and there could be some unhappy farmers when the crops are harvested and Wheatland has nowhere to put them. Again he said that they would like to see the road maintained by the county but need to have their original property line.

**Ms. Suzanne McBride**, said that she has lived in this area for nineteen years and has seen a number of near accidents due to these trucks turning into this facility because the speed limit is not being adhered to. There have also been several times when these trucks will be stuck on the road because of icy conditions in the winter months and often have to have assistance in getting out of the roadway. The bins have made it difficult to see to the south and any oncoming traffic.

**Mr. Burt Jensen**, was against vacating this road as he uses it to move farm equipment and has a right-of-way; he would also like to see the sixty-six foot kept. These trucks coming out of this area often take both lanes when making the turn. It is very hard to see the stop sign as it is. He wondered if UDOT had been informed of this possible vacate and if not should they be.

**Mr. Landon Potter**, son and grandson, said that he felt he represented future generations and that by eliminating this road or shortening it would prohibit him and his siblings from being able to build on this road (their farmland) in the future. This road is the only access to the area for quite some distance.

**Mr. Bill Gilson**, County Road Supervisor, told the commissioners and those present, that if this road is kept as a county road and as a prescriptive road it would be a sixty-six foot right-of-way road. However, if more houses are built on this road, it would need to be improved and someone would have to fund those improvements.

No other comments were given and the public hearing was closed with a Motion by **Commissioner Bonnie Robinson**, seconded by **Commissioner Kevin McGaha** and was unanimous.

**(ACTION)**

Staff then addressed the commissioners stating that there are a few standards that need to be followed in regards to this possible road vacate. From the comments made during the public hearing it appeared that the public did not want to have this road vacated, but remain a county

road. The one question of concern was regarding the historical width of this road. In referring to Utah Case Law and speaking with the Utah State Ombudsman's Office, "*the recommendation was that a prescriptive right-of-way the width of the road, plus whatever is necessary for safe travel.*" The current width of the road is twenty-four feet and many had said that the farm equipment is thirty feet across, so thirty may be needed with additional width that would accommodate any other vehicles on the road that needed to pass or travel in the opposite direction, or for an emergency vehicle. **Mr. Bill Gilson**, said that it may require sixty-six feet for safe wintertime travel and snow removal if hard winters return.

**Mr. Steve Hadfield**, County Attorney, said that a road cannot be obtained by prescription any wider than it has historically been used as unless the county was to take more for a road or a landowner was to dedicate more to it. If the use of the road were to change due to development, then the county could require that it be widened, but with the one house on it currently and agricultural uses it appears the historical use has been different than the sixty-six foot width; it was difficult to tell from the pictures available. Staff said that the current standards for the county are that two homes can be built on a road of twenty feet and this is currently twenty-four feet. However, if more development were to occur (as stated by **Mr. Landon Potter**) then the road would have to be widened and that would be for the new homeowners to fund. It would require a sixty-six foot wide roadway with thirty feet of asphalt travel surface. The landowners want to see it as a sixty-six foot right-of-way road, but Wheatland Milling does not; if it had to be that width, then thirty-three feet from the center [of the road] might meet with the edge of the silos that are already there on the property. Therefore, Staff recommended that this be tabled in order to review the area and look at the site more closely in determining if this was feasible and also what was the historic use of the road as the width may vary off of SR38.

**Commissioner Laurie Munns** asked about any setback requirements that were in place and needed to be met when the original construction at this facility took place. Staff said that there was a meeting with Wheatland Milling where that would be discussed regarding the past and future requirements for obtaining a building permit at this site as that permitting process had not been followed and needed to be corrected. This area is currently zoned as Industrial/Manufacturing.

**MOTION:** A Motion was made by **Commissioner Jay Christensen** to Table action on this petition for a road vacation, VAC15-001; seconded by **Commissioner Kevin McGaha** and passed unanimously. Staff was directed to look into any historical records regarding this road, the subdivision(s), what is the agricultural use of the road, and any safety issues.

**ROAD VACATION, VAC15-002; PETITION FROM COUNTY ROAD SUPERVISOR, BILL GILSON TO VACATE COUNTY 13750 NORTH ROAD FROM 6000 WEST TO GARY E MANNING PROPERTY.**

Staff explained that this request to vacate 13750 North from 6000 West to the Manning home in the Riverside area had also been submitted by County Road Supervisor, **Bill Gilson**. The purpose was, "*To clearly state the public has no responsibility to the road and the railroad crossing.*" The public hearing was opened and **Mr. Gary Manning** addressed the commissioners regarding this request. **Mr. Manning** said that he thought that this was already (and had always been) a private road; it has never been maintained by the county and is narrow. They have put road base on it and also plowed it in the wintertime. He also said that he would like to be able to remove "the shiny new railroad sign" that has been put on the road as he is unable to get

equipment past it and can't maintain his ditch that is there. This road is for access to the home and farm there. The road does go through the farmyard as it is used to gain access to the fields. He noted that Don Harris used this road at one time to gain access to the canal there for maintenance, but is no longer doing so. He would prefer that the public did not have access on this road.

**Mr. Bill Gilson** agreed with the comments of the landowner and suggested that he look into posting a private road sign on the property, with no trespassing due to the railroad crossing on this road. A Motion was then made by **Commissioner Desiray Larsen** to close the public hearing, seconded by **Commissioner Kevin McGaha** and was unanimous.

#### **ACTION**

**Mr. Bill Gilson** said that he would look into what was necessary for this landowner to move the railroad sign and report back. **Commissioner Bonnie Robinson** cautioned that the landowner also make sure that by vacating this road they did not lose the railroad crossing rights on this road. **Mr. Bill Gilson** stated that is writing the new ordinance in vacating this road they would include language ensuring that crossing remain accessible, along with any easement for power lines, etc.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval for vacating 13750 North from 6000 West to the Gary Manning property and include the recommendation from **Mr. Bill Gilson** regarding the wording of the new ordinance to protect the landowner and the crossing of the railroad track and also any easements that might need to be included. Motion was seconded by **Commissioner Jay Christensen** and pass unanimously.

#### **JARED MONSON; Z15-010, ZONE CHANGE TO ALLOW 6 (SIX) FOOT FENCING, WALL, OR HEDGE ALONG THE "OTHER" FRONT YARD PROPERTY LINE WHILE STILL MAINTAINING "CLEAR VIEW OF INTERSECTING STREETS." AMENDMENT TO SECTION 5-1-200 OF THE BECLUM&DC.**

Staff explained that this applicant was requesting a change to the text of the BECLUM&DC that would allow for six (6) foot fencing, wall, or a hedge along the side yard that has frontage on a street (a corner lot that is considered as having two front yards) while still be able to maintain the safety required for a clear view of an intersecting street. Currently the Code requires that a corner lot, 5-1-200 (d) *"Notwithstanding any other provisions herein, no view obscuring fence, wall or hedge exceeding three (3) feet in height shall be erected or allowed closer to any street line than the required building setback line. Non view obscuring fences or walls may be erected to a maximum height of four (4) feet within the front yard."* The public hearing was then opened.

**Mr. Jared Monson** addressed the commissioners thanking them for considering this request and said that this change would help homeowners on corner lots in maintaining their property and also provide security and privacy. He also noted that this change was in line with other cities and communities. He also thanked the county planners for their help in drafting this change to the text; and he had been able to read it.

Others from the South Willard area were in agreement with the comments made by **Mr. Jared Monson**, including, **Ms. Ronda Mills**, and **Mr. Brett Miller**.

**Mr. Joseph Duran** also agreed but said that if this change did occur that it needed to also cover the many other new subdivisions being built and noted that there are many existing homeowners that are currently noncompliant with the existing fences on their property.

**Ms. Candice Monson** agreed and thought that this change would not infringe on the public safety and would help to beautify the neighborhoods and increase the safety to individual homes.

**Mr. Cody Hone** was in favor of the amendment and said that if the corner lots are required to have a 30 foot setback it takes away from the safe distance to the corner of the property. Therefore, for corner lots that are long he thought that it made sense to have the distance from the intersection and also allows for the six foot fence.

**Mr. Mark Furnace** agreed and said that he has one of the longer lots and intends to build a shed within thirty feet of the road and would like to have a six foot fence around it.

**Road Supervisor, Mr. Bill Gilson** said that from the road department's point of view he would not oppose someone building a six foot fence, however he suggested that any fence or hedge that was over three feet, [must] obtained an excavation or permit from the road department, at no cost, to make sure that someone from the road department could visit the area and make sure that the site triangle allows for the necessary site distance. He noted that so many of the subdivision vary as do the houses within the subdivision. Subdivisions in the South Willard area have a much lower speed limit, but others such as one further north in the county [12000 North, east of Tremonton] traffic travels sometimes at 60 MPH.

**Mr. Kyle Ellis** has a corner lot and was in favor of this change, noting that if they are required to push the property line back thirty feet, especially in areas where there is no curb and gutter, this area can turn into a parking lot and they also lose part of the backyard.

**Mr. Darrin Lowe** was also in support of this amendment.

**Mr. Joseph Duran** asked about **Mr. Gilson's** comments and how would approval be granted for the construction of a fence?

**Mr. Jared Monson** referred to Section 5-1-180 which addressed the clear view of intersecting street and asked if this would not cover the concerns of the road department.

**Ms. Candice Monson** agreed that the safety needed to be kept and noted that there is a new homeowner in the area that recently had a fence company come out and they are in violation of this currently.

No other comments were given and a Motion was made by **Commissioner Laurie Munns** to close the public hearing; seconded by **Commissioner Kevin McGaha** and was unanimous.

#### **ACTION**

**Mr. Bill Gilson** told the commissioners that the biggest problem that the county has is in code enforcement as there is no one individual to look for and enforce these codes. Nine times out of ten there will not be any problems with people building fences, but there are always those that try and stretch the limits and by the time they are caught, the job is near completion. He talked about the formula that is used in the site triangle. He gave an example of an intersection on a 45MPH road there needs to be a distance of 400 feet to see traffic that is approaching [from the right or left] and if a fence or hedge is there and allows for viewing of only 200 feet then the site distance has been obstructed. Also snow removal in the winter is more difficult.

**Commission Desiray Larsen** asked what the road department would like to see in the text amendment's language change that would help to cover this potential problem. **Mr. Bill Gilson** said that it would be permissible to build a fence at the three foot height, but have the homeowner come into the county to get some kind of a permit to make sure that the area was reviewed to make sure that the line of site was covered. **Commissioner Kevin McGaha** understood the request for asking that the homeowner obtain a permit, however if this item was

going to be tabled at this meeting he thought it was important since 5-1-180 describe the clear view triangle then it was just a matter of harmonizing 5-5-200 with that, but if there is a better way to describe this triangle then perhaps it should be considered. Staff then said the 5-1-180 has been part of the Code for a number of years, and it essentially describes the triangle as 40 feet from the edge of one right-of-way to the edge of the other right-of-way. From what “Bill describes, that doesn’t take into consideration, speeds of travel.” So instead of having the standard 40 feet would it be better to be based on an excavation permit from the road department after it was reviewed by the road supervisor based on the speed traveled. **Commissioner Bonnie Robinson** then asked if it were to be in an area where the speed limit was 20 MPH would the homeowner be allowed to have a distance greater than the 40 feet. **Mr. Bill Gilson** said that they possibly could, depending on the location within a subdivision. **Chairman Chad Munns** said that his biggest concern was the safety issue and that a child on a bicycle not be hidden from view due to the fence.

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to Table action on this item in order to look more closely at the current code in referencing the safety [distance] issue and for any concerns regarding private property rights. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

**BECLUM&DC, TEXT AND NUMBERING CHANGE; CHAPTER 5-1, REGULATIONS APPLICABLE TO ALL ZONES**

This text amendment had been requested in order to re-align the numbering in Chapter 5-1, to better fit within the code. In un-zoned areas of the county the lot frontage would be 100 feet where currently there are no regulations. Also currently the Code states that any lots with frontage on a private street would be allowed by a conditional use permit, meaning that along with the subdivision process they would also have to receive a CUP for that private frontage; this change would eliminate the necessity of the CUP is the lot was “*being created through the subdivision process.*”(5-1-090) The change to 5-1-070 had been suggested by the county building official and read as “*No accessory building shall be erected on a lot or parcel without a main dwelling except that the accessory building is for agricultural purposes only. This shall apply to the Residential, Rural Residential, and Agricultural districts.*” The last change dealt with lots or parcels that are located within two different zones and the Code currently states that the more restrictive zone be used. This change would eliminate the “*more restrictive zone*” and read as “*the zone that has the majority of the property shall govern the use.*”

No comments were made and a Motion was made by **Commissioner Bonnie Robinson** to close the public hearing, seconded by **Commissioner Jay Christensen** and was unanimous.

**ACTION**

**Commissioner Laurie Munns** objected to the change proposed for 5-1-070 regarding the accessory building as there are many property owners that will first build the accessory building before they are able to construct the home on the property. This change would not allow them to do that. It was suggested that the definition of an “accessory building” be looked at more closely to determine just what that would cover. Also, it was noted that the location of the property should be considered as subdivisions in South Willard (with accessory buildings) are much different that property located out in Grouse Creek with the same type of building. **Commissioner Jay Christensen** pointed out that the permit for the building would still have to be granted and perhaps at that time of issuing the permit the purpose of the building could be

determined. **Commissioner Bonnie Robinson** also had some concerns regarding the 100 foot frontage requirement.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to Table action on this text amendment, Z15-011, regarding various Sections and renumbering in Chapter 5-1. Motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

The Planning Commission took at break at 8:21 P.M.  
The meeting was called back into session at 8:29 P.M.

### **BOX ELDER COUNTY SOLID WASTE CORRIDOR REPORT; AMENDMENT TO CHAPTER 3-8 OF THE BECLUM&DC.**

**Chairman Chad Munns** noted that this report had been posted on the county WEB page for the past sixty days for public review. Staff said that this is a proposed text amendment to Chapter 3-8, listed as Construction and Municipal Waste Zones. An outside firm had been contracted with the county to look at the county and designate a corridor for placement of solid waste landfills. It was noted that a couple of letters<sup>ii</sup> had been received in the planning office in relation to this proposed corridor report.

*County Attorney, Steve Hadfield* said that there were a couple of items missing in the report that he felt needed to be included; 1) the actual definition of what is a “solid waste landfill;” if someone were to start dumping material somewhere in the county they wouldn’t necessarily be in violation since there is not a firm definition in place. Along with a definition it should also include what a property owner can do on their own property, i.e. a farmer wanting to bury dead farm animals on his property, or a private citizen burying waste on their property. These would probably not want to be considered as a landfill. 2) There is not a definition as to what is a solid waste facility, and what the county would say is a place where someone other than the owner brings waste materials. He also had some concerns with the language that stated that a landfill could not be granted until the property was re-zoned; however there should also be some other requirements, such as obtaining a conditional use permit for the facility and all other requirements of the chapter.

The public hearing was then opened and the following comments were made.

*Ms. Voneene Jorgensen*, general manager of the *Bear River Water Conservancy District* and *Mr. Marvin Allen*, with engineering consulting firm of *Hansen, Allen & Luce* and service as the district engineer and specializes in water resources. *Ms. Voneene Jorgensen* thanked the commissioners for the opportunity to address some of the issues and concerns of the BRWCD and hoped that they would be taken into consideration. The proposed draft had been studied by the conservancy district and there were some items that were suggested to be added to insure the protection of the water quality in the county. She noted that it is important for all of the water in the county to be protected and not just that of the conservancy district. The proposed changes and additions were then reviewed.<sup>iii</sup> Some of those changes regarded the definition of Class 1A and Class 1B water. Also changes in the “comparable source,” “sole source aquifer”, private culinary water system” and any inspections to be sent to the county planning department and the county planning commission. It was also felt that Mantua Reservoir (as an attraction) needed to be protected as well. Changes were also recommended to 3-8-12.

**Mr. Marvin Allen** commended the county and the commission for considering modifications to the ordinance in order to better protect the county and its residents. Water in Utah is classified as to its quality and Class 1 has total dissolved solids of zero to 500 milligrams per liter and there are sufficient areas in Box Elder County that meets those criteria. However there are also other areas in the county that fall within the Class 2 designations. There are a number of public water suppliers that have wells or springs that may be slightly above the 500 mark. There are many within the 500-1000 mark and a lot depend upon that water, in some cases as their sole source of supply. A recent research study with the Utah Division of Drinking Water was completed and some of those water sources with Class 2 water included the Acme Water Company, the BRWCD, Beaver Dam, Bothwell Town Water System, Coleville Mobile Home Court, Deweyville Town, East Grouse Creek Pipeline Company, Elwood Town, Hot Springs Trailer Court, Howell Town Water System, Portage Town Water System, Snowville Town Water System, Sunset Park Water Company, Thatcher/Penrose Service District, Tremonton City, The UKON Water Company, and the West Corinne Water Company; noting that this was a significant part of the county that rely on the Class 2 water. In addition there are many private landowners that have wells or springs that are located within a Class 2 area. The way that the ordinance is currently written the Class 1 is totally protected and Class 2 would only be protected if the depth to ground water were less than 500 feet. Their recommendation was that the Class 2 water be lumped in with the Class 1A and 1B protection and that a landfill would not be permitted above a Class 2 water source because Box Elder County has so many areas that rely on the Class 2 water. It was also suggested that the 15 years travel time distance be added as a further protection of the water sources.

**Ms. Voneene Jorgensen** then suggested that the word “districts” be changed throughout the document as districts have a special meaning [definition] such as a conservancy district, cemetery district, improvement districts, etc. Perhaps it should be defined as an “area” or some other word. She also noted that they had met with some concerned residents and an attorney that help with the language changes that had been suggested.

**Mr. Wayne Campbell** is a land owner in the county and said that he has a well that does not meet the criteria of Class 1A as defined by the state, but it is still excellent drinking water. Because the much of the county relies on Class 2 water for the culinary use he was in support of the recommendations made by the BRWCD.

**Mr. Tim Munns**, resident of Hansel Valley thanked the commission for their time and effort in the work toward this ordinance and corridor designation. He also was in support of the BRWCD recommendations and all of the culinary water in the county needs to be protected and not just the Class 1 water. He noted that Utah is the second driest state and 82% of the water is used for agricultural purposes. A recent poll was taken by Envision Utah and 98% approved of the agriculture and supported it. In the future it is predicted that Utah will add 2.5 million people as it is the fastest growing state in the country with a growth rate of 16.5%; therefore, it is important that these Class 2 water sources be protected as well as the recharge areas for that water. Landfills need to be where they are compatible with other uses, and in his opinion they were not compatible where there is Class 1 or Class 2 water, or near homes or farms or interstate highways.

**Mr. Reggie Peterson**, from Penrose and served on the Thatcher/Penrose Service District for eight years as its president, said that during that time they drilled three wells. The first well could not sustain quality; the second at about 600-700 feet and there was no water. The third in the Bothwell pocket and with a pipeline has served the community with good water. A half million storage facility was constructed and then a landfill was proposed for the area at White's Valley. They then did a well protection area and through that it was discovered that the recharge area was in the Bothwell pocket at White's Valley. He appreciated what had been shared by the engineer [Marvin Allen], the reason being that their Class 2 water in Thatcher/Penrose as well as four other wells that he owns fall within that category. From what the state has available, he did not feel that he was very well protected at all. He noted that the difference between potential and readily available [water] is that he lives twelve miles from Tremonton and water from Tremonton is a potential, but it isn't readily available. The cost to get that water from Tremonton to his place in Penrose would be very expensive. If a landfill is built in an area where water is available and it then becomes unavailable, then a great expense is added to those that rely on that water source. He was in support of and appreciated the work that had been done by the BRWCD and urged those to remember that much of the water was Class 2.

**Mr. Jared Holmgren** appreciated the efforts of the planning commission members and said that they had a difficult job as they get to tell people what they can and cannot do with their property. He said that the last thing he would like to see as people come into the county (Utah) from the north was to see a landfill. Landfills are needed but they need to be careful in where they are allowed.

A Motion was made by **Commissioner Desiray Larsen** to close the public hearing, seconded by **Commissioner Kevin McGaha** and was unanimous.

**(ACTION)**

**Chairman Chad Munns** noted that some good things had been brought up during the public hearing and felt that all of the information regarding the Class 2 water needed to be considered. He suggested that another working report with a consultant from the firm hired to do this report be included and additional recommendations would then be given to them. **Commissioner Laurie Munns** then asked if once changes were made and any of these suggestions included would there be another public hearing held. That decision would be left up to the planning commission if they felt another hearing was needed. She was concerned that there were not more people at this public hearing as this issue (of water) should concerns many of the county residents as this is a county wide ordinance and not just a particular area of the county. Another work session was needed and any changes that were made would then be put on the county WEB site for an additional sixty days. Better definitions needed to be included, such as what is a major road and get rid of any vagueness that may be in the Code currently, along with the suggestions that were made by the county attorney earlier.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to Table action on the Code Text Amendment, Chapter 3-8, Solid Waste Corridors and that a work session be scheduled to discuss this and other issues from this meeting that were tabled. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

A work session was scheduled for Thursday, September 17, 2015 prior to the next planning commission meeting. The work session would begin at 5:00 p.m.

**UNFINISHED BUSINESS -- NONE**

**NEW BUSINESS-- NONE**

**WORKING REPORTS -- NONE**

**PUBLIC COMMENTS**

A **Motion** was made to adjourn at 9:19 p.m., unanimous.

Passed and adopted in regular session this 17<sup>th</sup> day of September 2015.

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Chad Munns, Chairman  
Box Elder County  
Planning Commission

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- i Box Elder County 14600 North Road Vacation Plan
- ii Letter and proposed changes from Scott H. Clark; Barnett Intermountain Water Consulting
- iii Letter from BRWCD and proposed changes to the BECLUM&DC, Article: Zoning Districts