

BOX ELDER COUNTY PLANNING COMMISSION MINUTES May 15, 2014

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:

the following Staff was present:

Chad Munns	Chairman		
Desiray Larsen	Vice-Chair	Scott Lyons	Planner
Kevin McGaha	Member/Excused	Steve Hadfield	Attorney
Michael Udy	Member	Elizabeth Ryan	Ex. Secretary
Bonnie Robinson	Member	Blair Wardel	Assist Attorney
Jay Christensen	Member	Co. Com. Jeff Scott	
Laurie Munns	Member		

The following citizens were present:

Clint Munns/Garland	Ken Crandall/Snowville	Trudy Smith/Snowville
David Smith/Snowville	Russell Howe/Thatcher	Jeff Hadfield/Perry
Clinton Burt	Craig Garn/Fielding	Mike Malmborg/Ogden
Randy Moulding/Tremonton	Brett Mickelson	Alan Kunzler/Park Valley
Jim Holmgren/Tremonton	Jared Holmgren/Bear River	Garn Larkin/SV
Gavin Holmgren/BRC	Melanie Holmgren/Bear River	Althera Larkin/SV
Carol Thompson/Snowville	Keith Thompson/SV	Alan Terry/SV
Shanna Terry/SV	Fred Selman/Tremonton	Laura Selman/Tremonton
Jeff Kent/Tremonton	Cordell Thompson/Hansel Val	Bret Selman/Tremonton
Curtis Marble/Corinne	Jared Stephens/Tremonton	Cole Selman/Tremonton
David Earl/Beaver Dam	Ronda Menlove/Garland	Chubb Munns/Garland
Wayne Lansen/Tremonton	Randee Munns/Garland	Colette Holmgren/BRC
Shane Holmgren/BRC	Leon Webb/Snowville	Richard Grover/Brigham
Kris Udy/Corinne	Jeri Garn/Fielding	Kaylee Leak/Hansel Val
Jon Thompson/Deweyville	Shawn Hunsaker/Garland	Kathy Hunsaker/Garland
Ally Kunzler/Park Valley	Melissa Larsen/Park Valley	Guy Ballard/Fielding
Wayne Campbell/Providence	Thayne Hupp/Hansel Valley	Marilee Miller/SV
William Heyder/Snowville	Dennis Poulsen/Snowville	Ches Burmester/SV
James Hill/Snowville	Rodney Arbor/Snowville	Tyler Arbon/Deweyville
Keith Oman/Snowville	Brian Shaffer	Eli Anderson/Bothwell
Ellen Cook	Voneene Jorgensen/BRWCD	Walt Miller/SV
Ryan Poulsen	Tim Munns/Hansel Valley	Sonny Munns/Hansel Valley
Kallee Munns/Hansel Valley	Derek Oyler	Rich Stewart
Sue Stewart	Butch Mills	Marjory Mills
Craig Hawks/Howell	J. Golden Ward/Hansel Valley	Royce Larsen
Boyd Munns	Russ Boyer	

Chairman Chad Munns conducted a roll call of the Planning Commissioners and then welcomed those citizens present at this meeting. The **Chairman** then went on to explain to the citizens the process and purpose of the Planning Commission. This Commission is appointed by the County Commissioners and is charged in reviewing planning and zoning issues and applications and land use. The public will have an opportunity to speak, but this is a public meeting and when there are public hearings anyone may come forth, state their name and address [for the record] and briefly address the issue at hand. He asked that comments be brief and not repetitive. Once the public hearing is closed the Planning Commissioners will review the information and recommendations of **Staff** in order to make its decision. During this time the public/citizens will not be able to address the commissioners (unless asked to do so). There will be public comment time at the conclusion of the business of the meeting.

The Minutes of the April 17, 2014 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.

A Motion was made By **Commissioner Bonnie Robinson** to amend the meeting agenda by addressing the **Site Plan Review SP14-003 for Washakie Renewable Energy** and the **Amendment to the Loosle Subdivision, AMENDSS14-008**. The Public Hearings on these two items would be held and then the recommendation of the Planning Commission first, moving the two zoning map/ordinance-general plan amendments, Z14-001 and Z14-002 to follow. Motion was 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.

SP14-003, SITE PLAN REVIEW, WASHAKIE RENEWABLE ENERGY, WATER SYSTEM/INFRASTRUCTURE LOCATED AT 7950 W 24000 N IN THE PLYMOUTH AREA OF BOX ELDER COUNTY. (APPLIED 4-25-2014)

This applicant was requesting a site plan for a water design system for non-potable water that will be used in the processing plant and for fire hydrants. The system would have a 12” main line with nine fire hydrants. No comments were received and the public hearing was closed with a Motion by **Commissioner Bonnie Robinson**; seconded by **Commissioner Jay Christensen** and was unanimous.

AMENDSS14-008, LOOSLE SUBDIVISION AMENDMENT, AMENDMENT TO COMBINE TWO PARCELS (05-100-0048 AND 05-100-0004) INTO ONE PARCEL. (MARVIN HAWKINS APPLICANT 4-18-2014)

This applicant was requesting an amendment to the subdivision in order to join Lot 2 of the subdivision with a parcel outside of the subdivision boundary. The applicant was not proposing any new building for the property and the zoning for the area would not be affected. No comments were received and a

Motion was made by **Commissioner Desiray Larsen** to close the public hearing; seconded by **Commissioner Laurie Munns** and was unanimous.

NEW BUSINESS

SP14-003, SITE PLAN REVIEW, WASHAKIE RENEWABLE ENERGY, WATER SYSTEM/INFRASTRUCTURE LOCATED AT 7950 W 24000 N IN THE PLYMOUTH AREA OF BOX ELDER COUNTY. (APPLIED 4-25-2014)

Staff's recommendation was that this item be tabled at this time as not all of the county departments have been able to review the water distribution system.

MOTION: A Motion was made by **Commissioner Jay Christensen** to table the Site Plan Review, SP14-003, of Washakie Renewable Energy Water System/Infrastructure at this time to allow the county department time to adequately review the project. Motion seconded by **Commissioner Bonnie Robinson** and passed unanimously.

AMENDSS14-008, LOOSLE SUBDIVISION AMENDMENT, AMENDMENT TO COMBINE TWO PARCELS (05-100-0048 AND 05-100-0004) INTO ONE PARCEL. (MARVIN HAWKINS APPLICANT 4-18-2014)

Staff recommended this amendment be approved; the plat has been revised and signed by county engineer.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval for the Loosle Subdivision Amendment to the County Commission. Motion seconded by **Commissioner Jay Christensen** and passed unanimously.

PUBLIC HEARINGS

Z14-001, ZONING MAP/ORDINANCE-GENERAL PLAN AMENDMENT, TIM MUNNS; INITIATE PROCESS TO CREATE A M.S.W. CORRIDOR WITHIN BOX ELDER COUNTY. (APPLIED 4-14-2014).

Commissioner Laurie Munns declared a conflict of interest with this petition and was excused from the public hearing and participation in the discussion. **Chairman Chad Munns** then asked for background information and **Staff** explained that this application is a petition for a zone map and general plan amendment. **Staff** read from the BECLU&DC [Ordinance No. 350¹].

3-8-030.2. Creation and Location

The Municipal Solid Waste (MSW) zone is a zoning district where industries that treat, store and dispose of municipal solid waste shall be located. MSW zoning districts shall be created under Chapter 3 of the Box Elder County Land Use Management & Development Code and shall only be located in the county designated **Municipal Solid Waste corridors**. No new Municipal Solid Waste (MSW) zone or lateral expansion of an existing facility shall be located within:

1. One mile of any existing residential dwelling or dwellings;
2. A ground water primary recharge area, groundwater classified as 1B;
3. Located over a sole source aquifer as determined by a hydro geologic study.

Staff also pointed out that this petitioner is requesting that the designated Municipal Solid Waste corridor (3-8-030.2.) be clarified. Currently there are not any MSW corridors within the county and as this code reads there is no criteria in place to establish such corridors; therefore this applicant is asking that the county clarify this Ordinance. The county has not designated any corridors and no criteria is in place at this time to establish a corridor. **Chairman Chad Munns** then opened the public hearing for any comments.

TIM MUNNS/Hansel Valleyⁱⁱ. Mr. Munns read from the Box Elder County Ordinance No. 350 noting that this Ordinance became effective by unanimous vote of the three county commissioners (Commissioners Shaffer, Adams, and Tingey) on July 6, 2011. He said that he did not want to change the law/ordinance but wanted to have it clarified as to who would designate the location of any corridors. 3-8-030.2 was then read again. He also noted that if the time comes when another landfill is needed in the county then a corridor needs to be identified as per this Ordinance. His suggestions were that if there was a need (in his opinion there is not a need currently), there are already two established and permitted in the county; one at Little Mountain, in operation, and another known as Promontory Point (not currently in use, but permitted). By default two corridors have already been created because of the location of these two existing landfill sites. Noting that there are 30-40 years for the location at Little Mountain and 100-150 years at the Promontory site, if another site is needed a criteria and process needs to be established to decide who and by what standards a corridor would be created. His main concern was in protecting water aquifers. *“The ground-water system in Hansel Valley and northern Rozel Flat is recharged by precipitation that infiltrates the adjacent mountains and their slopes. Most of the recharge in Hansel Valley is derived from precipitation on the drainage basin; but on the basis of the estimated recharge and discharge, it seems probable that a part of the recharge is derived from outside the drainage basin.”* [**Chairman Chad Munns** reminded Mr. Munns and the citizens that this petition is for a zoning change and clarification of the wording of the existing ordinance, but not about any specific issue that may or may not be in conjunction with this proposed change.]

BRIAN SHAFFER/Fielding, Utah. Mr. Shaffer was a county commissioner at the time Ordinance 350 was adopted. Mr. Shaffer said that on June 15, 2011 a public hearing was held in the Box Elder County Commission Chambers with 15 citizens present. There were no negative comments made concerning this ordinance. The Community Development Director at the time was **Kevin Hamilton** and he offered this regarding this Ordinance, *“it will update basic requirements and will not allow any municipal solid waste landfills to be placed over primary recharge zones for an aquifer.”* At this same public hearing **Richard Day**, a board member from the BRWCD, said, *“The amendment to the ordinance will help preserve the water systems and avoid contamination.”* Mr. Shaffer then said that as a county commissioner at the time and a member of a culinary water board he recognized the importance of protecting and preserving the limited water resources in Box Elder County from any possible contamination from municipal landfill wastes. With holding the public hearing and the understanding that Box Elder County has limited culinary water available for the existing and future needs of the County he felt that Ordinance 350 was important and would strengthen the code in promoting the public health, safety, general welfare as well as the social, physical, and economic development of the county. A motion was then made by the county commissioners to accept and adopt Ordinance 350 and amend the Code. It was passed with the affirmative of the three county commissioners and as the Chairman at that time Mr. Shaffer signed it on July 6, 2011.

MIKE MALMBORG, (Weber County) attorney for Randy Moulding. Mr. Malmborg stated that the law that was in effect at the time of Randy Moulding's application should be the law that governs his application and review. He also noted that there is another application/petition that has been submitted to the County and the county needs to act upon that and make any changes to the law as it deems appropriate. Mr. Malmborg, then said that this other applicant has requested that the language be modified/clarified and indicated that in his opinion a corridor should not be placed above a well, and there was also testimony for the reason for the original written law of Ordinance 350, but he wanted to again note that the law that was in place at the time of Mr. Moulding's filing of his application should be the one that governs his application.

Mr. Tim Munns then made note for the record that his application was submitted four days prior to that of Mr. Moulding.

VONEENE JORGENSON, General Manager of the Bear River Water Conservancy District. Ms. Jorgensen read a prepared letter from the Conservancy District.ⁱⁱⁱ

Chairman Chad Munns again reminded those present that this public hearing was for the discussion of the amendment to the existing code and the [clarification] of the language.

Mr. Wayne Campbell asked if written comments could be submitted to the Planning Commission after the conclusion of this meeting; as with other meetings there is usually a time limit for comments to be submitted. **Staff** stated that written comments were always welcomed and **Chairman Munns** said that as long as the application is still open and a final decision has not been made comments would be taken in. No further comments were made.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to close the Public Hearing on Z14-001, Zoning Map/Ordinance – General Plan Amendment. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

Z14-002, ZONING MAP/ORDINANCE-GENERAL PLAN AMENDMENT, RANDY MOULDING, RE-ZONE 2200 ACRES OF PROPERTY LOCATED APPROXIMATELY 8 MILES SOUTHEAST OF SNOWVILLE, TO MSW ZONE TO CREATE A CLASS I LANDFILL OPERATION. (APPLIED 4-18-2014).

Commissioner Laurie Munns rejoined the meeting. **Staff** then explained that this application was for a zoning map and a general plan amendment to create a Municipal Solid Waste Corridor and to re-zone a portion of parcels 08-005-0067 and 08-005-0069 from an un-zoned area to that of Municipal Solid Waste Zone. The area is currently un-zoned which usually does not have any restriction placed on it; however, in some cases un-zoned areas need to be re-zoned to permit a particular use, i.e. gravel pits and landfills for example. This land is located approximately $\frac{3}{4}$ mile northwest of the Hansel Valley exit off I-84. The total land owned by the applicant is approximately 2200 acres with a total of 225 acres designated for the re-zone of a Class 1 landfill within the proposed amendment creating a Municipal Solid Waste zone (corridor). Also, an application for the Class 1 landfill has been submitted to the State by the applicant for its review and processing. **Chairman Chad Munns** then opened the Public Hearing for any comments. A member of the audience then asked for any information regarding this property being zoned as greenbelt, but was told that greenbelt was not a "zone" but more of a

classification for tax purposes.

THAYNE HUPP, Hansel Valley. Mr. Hupp read a prepared statement^{iv}

GUY BALLARD, Fielding and Hansel Valley farmer. Mr. Ballard said that he is serving as the Board Chairman of the Hansel Valley Watershed. In this designated area there are public funded watershed diversions that are there for the purpose of controlling the water. The drainage area above this proposed area has 9000 acres that will drain down and through this landfill area. About four years ago there was a very heavy rainstorm on the other side of Rattlesnake Pass that drove water down the road with water levels reaching up to the bumpers of the semi-trucks traveling through the area. This area is very active with flash flooding and there is a lot of soil erosion. The area is also full of a lot of porous/volcanic rock. He then read from a letter written by the Hansel Valley Watershed Board. *“The sub soil at the proposed site sits close to porous lava rock outcrops and a historical earthquake fault. Both of these conditions will facilitate water movement into the underground aquifer, according to the Northern Utah Conservation District. The site of the landfill is within close proximity to the Hansel Valley fault, one of the most active earthquake faults in the State of Utah. Any engineered attempt to maintain the landfill’s integrity against water seepage into the valley’s aquifer may rupture and fail in the event of a major earthquake.”*^v There are a lot of public funds that help to maintain the soil erosion in this area. These things are in jeopardy due to one landowner and as a Board they were opposed to the proposed landfill in this area because no one can control a potential 880 acre feet of water due to a flash flood or if there are frozen soil conditions with an early thaw and rain it could double the amount of water. This existing water has been in place for over a 100 years and he would like to see it remain there.

KEITH OMAN, Snowville; roadway operation manager for UDOT in the area of this proposed landfill. Mr. Oman talked about the Jersey barriers weighing about 3000 pounds each with one inch pins and cables and how they were carried about 100 feet down with the flash flood that occurred about five years ago [2009]. He said that during the time of the flood there was water running though the cab of his truck. A week later there was another flood in the same area. He was opposed to this landfill and especially one that would be located in a flash flood area.

ROD ARBON, lifetime resident of Snowville. As a fifth generation citizen of the valley he is very proud in saying that his great-grandfather was the third resident of the area arriving in 1851. He said that he has probably spent about 97% of his daily time passing through this area (Hansel Valley) and that it is very unique. There have been numerous floods, sometimes two in a year, and not only here but also within a quarter mile of the Franklin underpass. There is probably documentation in the state archives that could prove that. Said that he has tried to rationalize this issue, but it is not just a Hansel Valley issue, but also a Box Elder County issue. Would like for the Planning Commissioners to uphold the code [Ordinance 350] as it was written. Said that there is a need for everything, but a need for a private, regional Wasatch front landfill does not belong or incur the needs of Box Elder County. If the residents of the county want to be in the landfill business then they should be in the landfill business. They (the residents of Box Elder) don’t need to ascertain Weber, Cache and possibly as far as Dixie County with a landfill. In his opinion there is already an established corridor with the two existing landfills in the county. He said that he did not hold any ill feelings toward Mr. Moulding, but didn’t think that he was being a very good neighbor or steward of the land in proposing this landfill and he could recall eleven major floods in this area [Franklin Hill], with two in one summer. Not a good idea for Box Elder County. He then submitted a petition with signatures of those against the proposed

landfill.^{vi}

LEON WEBB, Snowville. Has only lived in the area for a few (5-7) years, and is all for fair play and private business, but has been in the excavating business for 25 years. Starting out as a laborer and has worked for four of the major [excavating] companies in Utah as well for seven years working with wildlife resources, which happens to own the Salt Lake County landfill property. Said that he understand landfills and excavating work and how the land is prepared and liners are installed will determine how well it performs. It is the laborers that will be doing the work of installing these liners and often their thoughts are not completely on the job at hand. He went on to state that often times these workers at any landfill are not always the most careful and tears and cuts in the liners occur and that is when the problems start. Cannot guarantee it (the liners) will work. There is no real oversight to this work. All it takes is one dozer operator creating a tear and then just covering up the mistake.

WAYNE CAMPBELL, Providence, Utah with farm in Hansel Valley.^{vii} Relatively new, but has a farm and well in the valley and interested in preserving its water quality and the way of life there. His prepared document/comments contained a Hydrological Study of Hansel Valley that was prepared by J. W. Hood, Hydrologist, U.S. Geological Survey and written in 1971. He referred to the map included in this study that showed the lava fields, the fault line, and the proposed landfill. The dotted lines on the map represent the fault lines that go through the proposed landfill. The fault lines also extent to the boundaries of the Valley. There is also a well owned by Jim Holmgren located about 2-3 miles south of this proposed site. Based on the barometric pressure at any given time, when the cover on the well is removed, there is a great amount of airflow coming from the well that could be from a large underground cavity, indicating that the well probably intersects with a lava field underground and he thought once the ground was disturbed it would open up cavities for flood water or leached material from the landfill and could easily enter the aquifer. (Mr. Campbell submitted a summary to accompany his comments.) He was against the landfill because of the uncertainties of the area and it is over the top of a culinary grade water aquifers.

WILLIAM HEYDER, representing Town of Snowville. He read a prepared letter^{viii} for the Mayor of Snowville (attached). He made mention that the Town of Snowville is taking over the water company that has existed for many years.

LAURA SELMAN stated that it hasn't been that many years ago that this same issue was addressed. The citizens of Box Elder County said at that time they did not want another landfill in the County. She continued by saying that her father had told her that in 1934/35 an earthquake occurred in this valley that dried up Locomotive Springs for four days. Their well in Blue Creek changed. They don't know how one area affects another; perhaps Howell, Blue Creek, Bothwell, and Tremonton need to be concerned. Don't know what is under the ground and needs to be taken into consideration.

JEREMY WEBB, Snowville. Need to consider the number of trucks that will be coming into this area and the pollution that they will create. This will contaminate the air and water all throughout the county. Very much opposed to a landfill in this area.

DENNIS POULSEN, county resident west of Snowville. His father-in-law and his father-in-law's father drilled one of the first wells in the area and over time (last 25 years) he has been able to put video cameras into the wells and they show that there is lava flow on the Snowville Flat. Do not know where

the source of water comes from. Opposed to this because does not want his water to become contaminated with not knowing what the water recharge system is. Some think that the water recharge may come from American Falls which is 85-90 miles away, and if that is the case, then recharge into the irrigation system could easily come from 9-10 miles east.

CRAIG HAWKES, mayor of Howell Town. Read a letter^{ix} (attached) from town opposing this landfill. Reaffirmed the comments regarding not knowing where the water comes from and that it could be contaminated. Also there are already two landfills. Also talked about the traffic in the area and how it needs to be cleaned up constantly. Notes that there are already more trucks than cars on the road in this area and is strongly opposed to this landfill.

JEFF KENT, North Box Elder Farm Bureau. He referred to the language already in County Ordinance No. 350 and the designation of a corridor for landfills. He further noted that there are already the two existing landfills (that were in place before this ordinance), and wonder if by issuing another permit without having the designated corridor, would the county be violating its own rule.

MARILEE MILLER, Snowville. She was concerned that this site has not been visited and that it sits high above the Hansel Valley. Thought that it needs to be visited before any decision was made. When it rains a lot of water comes down into this valley with flooding. Don't know where the underground aquifer goes and needs to be visited and looked at closely.

JENNIFER WEBB, Snowville Town Council Member over Economic Development. She has been working with Box Elder County in applying for grants to improve Snowville. She wondered if by allowing a landfill in this area, any improvements would be useless. All the area has to offer is tourism and history and that would be ruined by this landfill.

BRETT SELMAN, lifetime resident of Box Elder County. His family has raised sheep in this area taking them through this area in the spring and fall. One of the concerns that he had was with the wildlife in the area. The sage grouse and the sharp tail grouse. The County has worked hard to keep these birds from being listed on the endangered list. This is just the type of thing that could work against these being listed. Noted that it could still happen with the federal government, but the county and citizens need to do whatever they can to prevent it. Landfills attract ravens and ravens cause harm to the grouse brooding areas, thus the population of the grouse.

CORDELL THOMPSON, resident of Hansel Valley, 15 years. Mr. Thompson said that he was very opposed to this landfill. He has lived off of wells in three different homes and noted that wells are very sensitive. One well in Garland was destroyed when the freeway came through; the state paid to have a new one put in. When he first moved to Hansel Valley it was with/for the sheriff's department and has seen many rain storms and floods in the area. Noting that just because you live in a desert doesn't mean that it doesn't flood. He bought his property out in this area under a program during Governor Levitt's administration that helped to get law enforcement out in areas where there was none. He and others in this area are trying to protect and preserve this land and area. No one knows where this water goes. And no one can say that this thing (landfill) won't leak. Everyone is worried about the big one (earthquake), and when it does happen, leakage from the landfill will have consequences on it. He also noted that is not going to be those present at this meeting that will probably have to deal with the ramifications of a landfill, but grandkids of those present and future generations would be taking care of

the results and harm done to the area. He said that he was 120% against this landfill in the Hansel Valley area.

JARED HOLMGREN, Bear River City and has farm in Hansel Valley that is leased out. His farm is located right by the underpass where this landfill will be located. He has had to clean up the mess when water has run through there at four to six feet deep. If this landfill is approved he will end up with a landfill on his property to clean up. Has spent a lot of years eating his lunch out of a lunchbox and said that it is not a good thing when the baggie that the food is in breaks its seal. In using this as an example it is the same thing that would happen in a landfill. Many in the valley looked at this property when it was for sale and as farm land that is what it needs to remain.

ALAN TERRY, President of Snowville Water Works, Inc. Mr. Terry read a prepared letter which is attached to these Minutes.^x Strongly opposes the landfill.

RUSS BOYER, Stone, Oneida County, Idaho. Mr. Boyer was also concerned with the effect this landfill would have on the wildlife in the area. In the Curlew Valley there is the Curlew National Grasslands and currently they are working on a raven project to reduce the population and a landfill will bring more ravens into the area. His ranch is on the base of the west side of the Hansel Mountains and there are 21 springs on their ranch and don't want to jeopardize them. In the mid-80s when the Great Salt Lake flooded and there were some earthquakes there was a [new] spring that came up above the town of Holbrook called the Mary Hubbard Springs and it flowed for a couple of years with quite a source of water. No one knew its origin, but the best speculation was that when the [Great] Salt Lake flooded this water was forced up in Holbrook. With the unstable lave rock in this area it is hard to tell where the water goes or comes from. Concluded by saying that whatever decision is made regarding this landfill project in Box Elder County will also affect the residents of Oneida County in Idaho too.

BRIAN SHAFFER, Fielding. Talked about how putting garbage in a hole in the ground is such an antiquated way of handling waste. He wished that this group would look at other possible ways of handling waste with processing for renewable energy. Said that he had had the opportunity to visit a site that is working and functioning in handling waste and convert it to a diesel fuel or alcohol or generate electricity with it. There are other ways and he wished that Box Elder County and others in the country could look at alternative ways of dealing with waste and tap it as a source of energy and not a source of contamination.

JIM HOLMGREN, Hansel Valley landowner. Owns a well in the valley and said that in the last few years things have changed in this valley; they lost a pump in the well and had to replace it. He was unable to get the existing pump out of the well because something had shifted down inside of it. That pump was broken off and moved to one side and a new pump was installed. However, prior to the problem with this well, air always blew out of the top, but now the air sucks down; and this didn't happen in the 30's but very, very recently, showing that there is some real movement in this ground in the valley. He thought that this should be a real issue in this project.

VONENNE JORGENSEN, General Manager of the BRWCD. She said that the District adamantly opposed the Franklin Hill Landfill project on the basis of the location and the high probability of the contamination of the culinary ground water in the northern end of Hansel Valley. The proposed regional landfill on the north side of I-84 sits on a primary recharge area for the water supply for the

farmers/residents of Hansel Valley. According to a hydrological study (publication 33 by J. W. Wood) that was done, the water flows from the north to the south to salt wells and then the Great Salt Lake. There is a little pocket on the southern side of I-84 that is very unique as it is high quality culinary water. The TDS in some wells is 450 parts per million and that is culinary quality water. However as the water travels south to the salt wells and the lake the TDS levels can be about 96000 ppm according to this study. Thus this water in this pocket is the source of culinary water for this area. It is used for culinary, irrigation and stock watering. If this water becomes contaminated they have no other place to go to get the necessary water they need. There are no public water systems available; Bothwell and Snowville are too far away to connect to their water systems. Why would this water source be put at risk of contamination unnecessarily as there are other areas more suitable that can be utilized for a landfill? There is no way to plan and engineer and design a landfill under the strictest regulations with liners that can be guaranteed not to leak over time and contaminate the water beneath. The residents and landowners of Hansel Valley have the right to protect their investment in their land, livestock and quality of life, now and for future generations to come. The responsibility of the county's government leaders is to protect the water resources of the county and to use them to benefit the residents.^{xi}

CHUBB MUNNS, resident of Box Elder County. Runs cattle in Hansel Valley and 1) wanted to know how the residents of this county would benefit from this landfill. Invited everyone to visit Las Vegas, and drive up I-15 to Mesquite and you don't have to see the sign that indicates a landfill. Has been told that there won't be any trash that blows off of the trucks, and the people of Clark County were told the same thing. He noted that a seven man crew cannot gather up all of the trash that blows off these trucks. In Hansel Valley there is a concern for water and in Box Elder County there is a concern for trash/waste; the roads in this area will never look the same from the Weber/Box Elder County line to the exit of this landfill if it is permitted. 2) Also asked what would be done to control the birds. When these birds need a drink of water, they won't be drinking water at the landfill but will be flying to other locations for water, i.e. Stone Reservoir (where many residents like to recreate), and take with them whatever they may have picked up at the landfill and could also contaminate stock water. 3) There will also be a lot of truck traffic on the interstate with an additional 40 semi-truck per day going to the landfill. Said that he was recently out in Hansel Valley and turned a well on to get a drink of water without any worries, but if the landfill goes in would anyone dare to do the same? He then used a water bottle to demonstrate how the water will leak with just a small 16 gauge needle pinhole in the bottle the water escapes, but with pressure from compactors (squeezing the bottle with his hand) the water rushes out of the hole. He was strongly opposed to this landfill project/application.

RONDA RUDD MENLOVE, Representative from District 1. Rep. Menlove complemented the citizens and the comments that had been made at this meeting as they had been based on research and studying that has been done by engaging legislators and the department of environmental quality. Recently the head of the Solid and Hazardous Waste Division of the Department of Environmental Quality spent the day in this area and in the evening talking with the residents. This kind of background work is an intelligent approach to a challenging and difficult problem. As a representative the most important thing that she does is to listen to the people that she represents and asked that the planning and zoning commissioners do the same. She also mentioned that the disposal of garbage and trash is a statewide issue, as this is not about the trash generated by Box Elder County residents, but to also consider trash/waste coming from other parts of the state. As a representative, she felt that it was important that the residents of this county ask the state officials why Box Elder County is being placed in a position to have to worry about waste from other parts of the state. Why considering the northern

parts of the state? Said that she has also been working with the mayors of Clarkston/Newton and other areas north in Cache Valley and how they are dealing with this same issue. In conclusion she again admonished the planning commissioners to listen to the information and the residents and that this might be a broader issue than just with this county. In closing she mentioned that her father, Ross Rudd, could only shake his head at such a proposal in this valley, and he was against it.

JAY GOLDEN WARD, Hansel Valley farmer for 35 years. This site is only about 50 feet away from his property fenceline. Everything said about the floods is true as he has lost crops in past years because of them. He is a part owner of the Dilly Springs and said that it has never gone dry except for the time of the earthquake when the water increased in the spring. If an earthquake can affect the flow of water in this spring (about four miles west on the south side of the freeway) then it can probably affect water in other springs in the area. He was also concerned about how a landfill would change the value of the land/farm with the increase of insects and possible increase of rainfall due to the contamination. The commissioners need to consider everything that has been said tonight and he was opposed to this landfill.

MIKE MALMBORG, attorney from Weber County, representing Randy Moulding. The commissioners have seen the application that has been submitted, and the application that has been submitted to the state is several inches thick. He respected the comments that had been made at this meeting and agreed that this is a complicated issue. At the meeting that was held on Tuesday night (mentioned by Rep. Menlove) the representative from the state said that the state's application would be available on-line soon if not already there. That petition contains engineering and answers to a lot of the questions that had been brought up at this meeting. Therefore, Mr. Malmberg asked that this matter be considered fully as it is a complicated issue; and asked that this application be Tabled in order for it to receive the full consideration that it needs. In talking about the need of a landfill in Box Elder County, he said that is not the issue right now but would be considered further along in the process of obtaining a conditional use permit as mentioned in the Code. This will only be an issue if the zoning is approved. The zoning requirements and the petition to amend the zoning have been discussed, but the zoning ordinance that was in place when this application was submitted indicates that a zone [or corridor] needs to be created for a landfill and the three [listed] conditions needed to form such a corridor. They believe that a zoning request is appropriate and if the application is reviewed along with the application given to the state and with the project engineer, Brent Mickelson, that by tabling it, the commissioners will have adequate time to review it fully.

LEON WEBB, Snowville. As a third generation contractor, he holds two of the three licenses necessary in Utah to do excavation work. He can build buildings and to do excavation work. Regardless of how good a supervisor is on any given job, when a hole is dug it is only as good as the workers doing it under the supervisor. He said that this petition is basically for a variance for a corridor that doesn't exist for a private enterprise. It is up to the planning commissioners to vote their conscience, and do we need to be the caretakers for poor management across the Wasatch front for overbuilding and not dealing with their land waste? Do we have to be the caretakers for other counties that have had poor management? Box Elder County needs can be met for another 150 years because of good management. If Salt Lake City is concerned about a truck that tipped over recently and could possibly contaminate the entire Little Dell watershed, then shouldn't we be concerned about the tons of waste (hazardous and household chemicals) that come from other areas into our county? He is against the landfill.

TIM MUNNS, Hansel Valley. Mr. Munns thanked everyone that came to the meeting tonight and said that he had nothing personally against Randy Moulding, but when Randy came to his home and shared his plans with him it left him in a state of shock. Said that he should have bid more on that farm when it was for sale recently and would have if he had any idea as to what was about to happen. Was very proud of Thayne Hupp and what he had said at this meeting tonight. Said that if, by some chance this thing is permitted, he (and others) has standing as his application was submitted four days prior to Mr. Moulding's. Creating a corridor is needed; and he will stand with the Ordinance 350 and the law that was in place when Mr. Moulding's application was given. This is a very emotional issue for the people that live in Hansel Valley. In his opinion the county government should control the solid waste within the county and not a private individual. He would be against anyone that wanted to come into the county with a proposed landfill, not just Mr. Moulding. He didn't know what a tipping fee would be, but whatever it is the county should reap the benefit of all of it and not just a small portion (of perhaps \$1.50 per ton). Everything is connected together under this ground and it is unpredictable. You cannot engineer around things that cannot be predicted and everyone along the Wasatch front lives on some type of systemic fault and over the last 100 years this area has been listed twice with active occurrences, as opposed to only one time in other areas. A magnitude earthquake of 6.0 registered in 1909 and a 6.6 in 1934, the highest of anywhere in the State; (these were registered on a University of Utah Seismograph Station located in the area). Private property rights have been discussed and he would defend them 100%, but not when they infringe upon someone else. If this is permitted, will it set precedence for other landfills in the county? He also mentioned that once it was in operation it would probably be sold to Davis County and did not know what other kinds of agreements Mr. Moulding may have made with others that were not present at this meeting. Thirty landowners from Hansel Valley have signed a petition against this landfill with over 100,000 acres being represented by those signatures. Why would we even want to take the chance of contaminating the culinary water as was said by the Manager of the BRWCD? Would welcome Mr. Moulding to Box Elder County, but do not want a landfill.

BOYD MUNNS, Garland. Said that he was probably the oldest person at this meeting. Mr. Munns talked about the fracture in the land that was caused by the earthquake when he was a child. Said that everyone needs to be good stewards of the land and leave it better than we found it. Don't want to turn the county into a cesspool and ruin the water.

ROYCE LARSEN, Park Valley. He definitely agreed with others that were against this landfill. Where he lives there is a lot of open country and feared something similar coming out there if this is permitted in Hansel Valley.

DELWIN MILLS, Grew up following his dad around and the land has been in his family for a long time. It is special to those people out there and they have done their best to take care of it. They have done what they could to take care of the water, and it just was unreal to him that someone could come in (noting that it is private property) and damage the rest of those in the area. There are earthquakes in the area and as shown in the hydrogeology study, it could occur further down. Also asked why Box Elder County seems to be the dumping ground for everyone. There is already sewage sludge coming in and the county officials need to have some kind of policy in place that would address these issues. There are other locations that can be used; Promontory being one such place. Urged the planning commission to take that into consideration and put them where they need to be, where it won't impact so many people.

At this point the public hearing was brought to a close.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to close the Public Hearing on Z14-002; Zoning Map/General Plan Amendment for the Franklin Hill Landfill. Motion was seconded by **Commissioner Jay Christensen** and passed unanimously.

An additional Motion was made by **Commissioner Desiray Larsen** for the Commissioners to take a ten minute break at 9:07 p.m. from this meeting. Seconded by **Commissioner Laurie Munns**; unanimous.

The meeting was called to order at 9:17 p.m. by **Chairman Chad Munns** and the rest of the New Business was covered.

NEW BUSINESS

Z14-001, ZONING MAP/ORDINANCE-GENERAL PLAN AMENDMENT, TIM MUNNS; INITIATE PROCESS TO CREATE A M.S.W. CORRIDOR WITHIN BOX ELDER COUNTY. (APPLIED 4-14-2014).

Staff reviewed the approval standards [2-2-080] that were applicable for both zoning text amendments and zoning map amendments.

1. *Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;*
2. *Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
3. *The extent to which the proposed amendment may adversely affect adjacent property; and*
4. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.*

The first standard would apply to this application and the other three would be more applicable to a specific site than a text amendment; however text amendments will affect sites also and those would need to be taken into account. The action that the planning commissioners had at this meeting in acting on the proposal of Z14-001 were to Table the text amendment, therefore allowing the commissioners more time to review the information that had been submitted; direct **Staff** to investigate further and begin the process for the text amendment; forward a recommendation of denial to the county commissioners; or forward a recommendation for approval to the county commissioners. At this point **Staff** felt that it would be difficult to deny or approve with the amount of information that had been given; therefore it would probably be better to table or direct **Staff** to do some further investigation into the necessity and into the clarification of the text and the proposed amendment. **Commissioner Desiray Larsen** then asked if it were tabled, and a possible work session for the planning commissioners, would there then be another public hearing to review the changes and proposed new text. **Staff** said that some suggestions have been submitted by the applicant and the planning commissioner can review those, add to them, and/or bring in some experts to review the ground water issue in relation to landfill(s). As far as holding another public hearing, that would be up to the planning commission. It would probably be a good idea as new text would be proposed and the public could repress any comments regarding that

language. **Chairman Chad Munns** asked the commissioners for their comments/suggestions on this application and how to better clarify Chapter 3-8-030.2. **Commissioner Bonnie Robinson** said that by being able to get more technical or expert information to have a better understanding regarding the issue of the water would be helpful. Also the use of the word “corridor” to her was like a hallway and perhaps another word could be used to designate the location of landfills. **Commissioner Jay Christensen** said that the information that had been given at this meeting would be useful in the decision making process. A lot of people have already done a lot of research and that would be helpful also. It was also noted that at this point in the decision making, it is difficult to deny or approve and would probably be a good idea to direct **Staff** to perhaps meet with county residents and possibly look at other counties [and even states] to see how they are handling these types of issues. This needs to be looked at very seriously as it has the potential of affecting many people. **Commissioner Laurie Munns** again stated that she was not taking any participation in the discussion or motion regarding this application due to a conflict of interest.

MOTION: A Motion was made by **Commissioner Michael Udy** to Table any action on Z14-001 and ask that **Staff** supply further information by visiting other counties and states and experts to help clarify the ordinance and bring back to the commission in order to help with the decision on this application. Motion was seconded by **Commissioner Desiray Larsen**, with **Commissioner Bonnie Robinson** saying that the comments and concerns expressed at this meeting by those in attendance also be taken into consideration. Motion passed with **Commissioner Laurie Munns** abstaining.

Z14-002, ZONING MAP/ORDINANCE-GENERAL PLAN AMENDMENT, RANDY MOULDING, RE-ZONE 2200 ACRES OF PROPERTY LOCATED APPROXIMATELY 8 MILES SOUTHEAST OF SNOWVILLE, TO MSW ZONE TO CREATE A CLASS I LANDFILL OPERATION. (APPLIED 4-18-2014).

Chairman Chad Munns read the approval standards associated with this application reminding those present that this is what the planning commissioners have to take into account in the review and approval/denial process of any general plan amendment application.

- A. *Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;*
 1. *The County's General Plan states that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.*

Chairman Chad Munns stressed that this first standard is what the planning commission has to take into account in making a decision as to what the public wants and what can be allowed without restricting the rights of private property owners. That concern had been brought up by many at this meeting.

- B. *Whether the proposed amendment (zone) is harmonious with the overall character of existing development in the vicinity of the subject property;*
- C. *The extent to which the proposed amendment may adversely affect adjacent property; and*
- D. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water refuse collection.*

1. *An approval through UDOT would be recommended and an access road would need to be constructed for any operations to take place. All other utilities would need to be approved through the proper providers.*
- E. *The MSW Zone has additional requirements regarding facility location.*

Staff reminded the commissioners that the petitioner of this application was present at this meeting if they had any questions that they wanted to address to him. Also the petitioner had requested that his request be tabled in order to give the commissioners adequate time to review all of the information and the application that had been filed with the State. **Chairman Chad Munns** noted that the question regarding the need for a landfill would be dealt with at the time of an application for a conditional use permit and not at this time of the zoning change. There were 16 questions included in the packet that should probably be considered also. The petitioner had asked that the application to the state be reviewed. **Commissioner Laurie Munns** said that it had been mentioned that a visit to this site would be helpful. Also regarding this application for a re-zone, it was pointed out that a corridor needs to be established before any re-zone could be considered. **Steve Hadfield, County Attorney**, was asked for clarification regarding that issue. **Mr. Hadfield** said that as the ordinance reads currently it is a two-part process. A corridor needs to be established before a re-zone could be granted and then a conditional use permit can be applied for. A public hearing for the re-zone and the general plan amendment would also be held. Further, the application for the text amendment was made and appeared on the same agenda as the application for the zoning change, and the county has a Pending Ordinance [ordinance] that gives a six month time period from the time an application is filed to when the ordinance is changed [or a new one adopted] and those changes would affect the application. With both of these applications on the same agenda it is unclear as to how that would all work out. That issue would need to be addressed and was also raised by Mr. Malmborg, Mr. Moulding's attorney.

Commissioner Desiray Larsen asked about the other agencies that this application would need to go through, i.e. state agencies and wouldn't it be a good idea to take those opinions and/or recommendations into consideration. **Chairman Chad Munns** said that according to information provided by **Staff** the decisions made by the state regarding an application is independent of that of the County. The State cannot trump an ordinance of the County. It was again mentioned that the comments made by the public at this meeting needs to be taken into consideration, but **Chairman Chad Munns** said that this commission is governed by the approval standards that were outlined and how it relates to the county General Plan.

MOTION: A Motion was made by **Commissioner Laurie Munns** that this application be Tabled as per the request of the petitioner and his attorney and that a site visit be arranged for the planning commissioners. Also to allow adequate time for the application and information submitted to be reviewed and a work session with the planning commissioners to be held to review the material. Motion was seconded by **Commissioner Michael Udy** and passed unanimously.

UNFINISHED BUSINESS-- NONE

WORKING REPORTS-- NONE

PUBLIC COMMENTS

Mr. Tim Munns added some comments in closing saying that he felt it was important that a task force be formed to get working on establishing the corridors as in Ordinance 350 and to work on the text amendment changes. Also need to look at the need for landfills in the county. Regarding the faults in the Hansel Valley area, it is difficult to understand the activity in that area (as mentioned by Mr. Moulding's engineer on page 13 of the application).

Mr. Chubb Munns said that his and Tim's father addressed this commission (as the oldest person in attendance) and that his son had been able to learn to ride a horse with his grandfather. Something that needs to be looked at by everyone, the commissioners and citizens present is that it won't be those here that need to worry about what happens in the valley, but the prosperity. This is a lifestyle that needs to be considered by the residents and by the commissioners as to what counts as a lifestyle in the county; what people have grown up with and what you enjoy. *"Would you enjoy it if it was in your backyard?"*

A **Motion** was made by **Commissioner Laurie Munns** to adjourn at 9:47 p.m., seconded by **Commissioner Jay Christensen** and was unanimous.

Passed and adopted in regular session this 19th of June 2014.

Chad Munns, Chairman
Box Elder County
Planning Commission

ⁱ Box Elder County Ordinance No. 350

ⁱⁱ Tim Munns Handout

ⁱⁱⁱ Voneene Jorgensen, BRWCD letter #1

^{iv} Thayne Hupp letter

^v Hansel Valley Watershed Board letter

^{vi} Signed Petitions against Landfill

^{vii} Comments on Proposed Landfill in Hansel Valley, Wayne Campbell Summary

^{viii} Letter from Mayor Timothy Heyder

^{ix} Letter from Howell Town Corporation

^x Snowville Water Works, Inc. letter

^{xi} Voneene Jorgensen, BRWCD letter #2