

BOX ELDER COUNTY PLANNING COMMISSION MINUTES May 21, 2015

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/Excused	Marcus Wager	Planner
Michael Udy	Member	Scott Lyons	Planner
Bonnie Robinson	Member	Comm. Jeff Scott	
Jay Christensen	Member	Elizabeth Ryan	Exec. Sec.
Laurie Munns	Member		

The following citizens were present:

Tyler Anderson/P&G	Connie Hetjens/P&G
Jim Flint/Brigham City	Mike Jensen/Brigham City
Mitch Zundel/Willard	John Young/Harper Ward
Dan Cutler/Brigham City	Nancy Cutler/Brigham City
Newel Cutler/Brigham City	Bill Gilson/Riverside
Jason Grover/Riverside	Clayton Grover/Tremonton
Kent Baker/Riverside	

The Minutes of the April 16, 2015 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Laurie Munns** to accept the Minutes as written; seconded by **Commissioner Desiray Larsen** and passed unanimously.

PUBLIC HEARINGS

Chairman Chad Munns called for the public hearings on the agenda by informing those in attendance that each item would be handled separately, and that the time for the hearings was to allow the public the opportunity to voice any concerns and that the Commissioners would listen to the comments and concerns. After the public hearing on an item the Planning Commissioners would then discuss and take action on the item.

Z15-007, TEXT AMENDMENT, IN THE M-G ZONE TO ALLOW PROPERTY OWNERS THE ABILITY TO SUBDIVIDE INTERNAL PARCELS WITHOUT HAVING TO MEET THE SETBACK REQUIREMENTS, ALLOWING BUILDINGS TO [POSSIBLY] SHARE A COMMON WALL.

Staff explained that this request is for a text amendment granting an exception to the setback requirements in the M-G (General Industrial) zone where two or more adjacent parcels are

owned by the same landowner. This would allow for no setback requirements on internal parcels in order to have building(s) share a common wall. No comments were received and the hearing was closed with a Motion by **Commissioner Bonnie Robinson** and seconded by **Commissioner Kevin McGaha**, unanimous.

Commission Chairman Chad Munns asked for any discussion from the Planning Commissioners on this item. Staff explained that this particular request is from one landowner, but a similar request could also apply to different landowners in other zones, i.e. commercial, but it was recommended that this item be acted on as requested. There was some discussion and Staff was directed to look into other zones and areas where similar reductions in setbacks and the sharing of a common wall between different parcel owners are handled. A motion was then made on this text amendment.

MOTION: A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval to the County Commission for Z15-007, Text Amendment in the M-G Zone as written. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

CUP15-003, CONDITIONAL USE PERMIT, PROCTER AND GAMBLE PAPER PRODUCTS CO., FOR EXPANSION OF MANUFACTURING CAPABILITIES AND ASSOCIATED PRODUCT LINES, LOCATED ON PARCEL #: 04-065-0008 OF 712 ACRES AT APPROXIMATELY 5000 NORTH 6800 WEST IN THE BEAR RIVER CITY AREA OF BOX ELDER COUNTY.

Staff explained that this CUP request is for the expansion of manufacturing capabilities and associated product lines for the Procter & Gamble Plantⁱ located on Iowa String Road. The proposed expansion would be to the east of the existing facility and would include the expansion of the manufacturing building/warehouse, additional parking, additional trailer parking for loading, on-site road access, several storage tanks and other miscellaneous work associated with the expansion. The expansion would be approximately the same size as the existing facility. No Comments were given and the Hearing was closed with a Motion by **Commissioner Laurie Munns**, seconded by **Commissioner Kevin McGaha** and was unanimous.

Commission Chairman Chad Munns asked for any discussion on this CUP and Staff stated that a bond in the amount of \$500,000 was asked for by the Road's Department to help with any damage that may occur to and county road(s) during the construction time. **Commissioner Bonnie Robinson** asked about the current condition of the road as during the first construction phase the road was damaged. **Road Supervisor Bill Gilson** told the Commission that at that time the road was not built to withstand the traffic that occurred during the construction, but since that time it has been improved with a better sub-base and money received from a grant helped with the cost. It was also noted that if the contractors that works on this new expansion adheres to not hauling during the hottest part [afternoon to early evening] of the day that would help with cutting down on the damage. The County has also applied for some additional grants to help with improving the road to the south and the county is currently trying to keep up with maintenance of the road.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to grant approval to the CUP15-003 for the expansion of Procter & Gamble with the conditions as outlined by staff. Motion seconded by **Commissioner Kevin McGaha** and passed unanimously.

Conditions of Approval:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-100, Conditional Use Permit, of the BECLUM&DC.
3. Compliance with requirements and recommendations of County Engineer, Fire Marshall, and Road Supervisor.
4. The applicant provides a \$500,000 bond to cover any potential damage to County roads during the expansion process.
5. Consent from Bear River City as this project is within their expansion boundary.

SS15-010, CUTLER 12 LOT SUBDIVISION LOCATED AT APPROXIMATELY 4100 W 5500 N IN UNINCORPORATED BOX ELDER COUNTY.

This request was for preliminary approval of the Cutler Subdivision Phase 1 with 12 lots proposed. Staff explained that not all of the utility letters have been received, as well as other necessary reviews. **Commissioner Laurie Munns** referred to the comments given at the April meeting and noted that those comments needed to be included. (Those comments from Mr. Shane Jenkins are in the April 16, 2015 approved Minutes). No other comments were received and the Hearing was closed with a Motion by **Commissioner Desiray Larsen**; seconded by **Commissioner Bonnie Robinson**, unanimous.

Chairman Chad Munns asked for any discussion on this item and was informed by Staff that there are still a number of required items missing from the file in order to complete the review for preliminary approval.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to table approval of the preliminary plat of the Cutler 12-Lot Subdivision. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

SS15-011, BIG G ENTERPRISES, RIVER BEND SUBDIVISION, FINAL APPROVAL. A 16-LOT SUBDIVISION LOCATED AT APPROXIMATELY 15600 NORTH 4350 WEST IN THE RIVERSIDE AREA OF UNINCORPORATED BOX ELDER COUNTY.

This item for Final approval of the Riverbend Estates Subdivision required a public hearing. Staff noted that there were some comments from the County Engineer and Road Supervisor; however, they were still waiting for drawings regarding the retention basin and also for the access road from 15600 North. The Public Hearing was then opened and the following comments were given.

Mr. Bill Gilson, County Road Supervisor said that there were some issues with the site distance along 15600 North into the access into the subdivision and as this is a 45MPH road it is necessary to have the visibility at least for 350/400 feet to the north. They would like to have the project engineer include that on the final plat and state what is a “safe” distance along that road as the hill will need to be cut-back in order to accomplish that [safe] visibility. The developer had said they were willing to accommodate that request. **Mr. Gilson** also said that the subdivision right-of-way needed to be defined on 15600 North, and also any potential for a slope

easement on lot 11 (eleven), the furthest northeast lot of this development, allowing the County to widen the road at sometime in the future if it is necessary. The county would not own the property, but would be granted an easement from the landowner. Because of the number of lots in this subdivision the road department was asking for a 35 foot wide paved section which would also include a two and one-half cement rolled curb that would help with getting the moisture/rain off of the roadway. He noted that a detention basin had been mentioned, but the use of a rolled curb that would help take the water out of the subdivision to the Malad Basin. In working with the developer, they said that they would be willing to work with their engineer in designing the best possible solutions to the requests/suggestions made by the road department.

Mr. Kent Baker, living in Riverside and owns adjoining property to the subdivision. He had the following information to offer regarding other homes in the Riverside area.

- a. There are 79 homes in the Riverside area that have no basements in them.
- b. There are nine homes with half basements; or bi-level design.
- c. There are seven homes with full basements and those have basically been built above ground. Of those seven homes, four are entirely above ground. Three have full basement, one belonging to Mr. Bill Gilson and two others to the north.
- d. The one neighbor furthest north is constantly pumping water (out of the basement).
- e. Out of the approximately 90 total homes in Riverside there are only three with full basements.
- f. The Washakie Estates [on the north side] in this vicinity has seven homes currently on the eight lots, and there are no basements in those homes.
- g. From where the canal crosses the highway by Plymouth it is necessary to go eight and a half miles to 12500 North to the American Acres Estate before there is a home that sits on the Malad River between an irrigated field and the river.
- h. In 120 years since the canal has been in existence there are two homes [basically] between an irrigated field and a river.
- i. Both of those homes are in American Acres and one has a basement and the other does not.
- j. The field that is irrigated between them is only a two acre field.
- k. The geo-tech report that had been requested recommended monitoring the test pits during excavation to verify the ground water.
- l. He started irrigating on May 15, 2015 and there are six turns on those fields taking about 60 hours total. After the first turn he checked the pit and it was full of water. Did not think it would be a good idea to have secondary water available.
- m. The field that is to the south of this subdivision is still in Ag production and he wanted to know if it would be able to remain as such during the development and excavation of the site.
- n. He finally noted that his recommendation would be that no basement be allowed in this subdivision.

He wanted to make the road as safe as possible (for possible future development) and thanked Mr. Gilson for his comments and recommendations.

Mr. Clayton Grover said that this subdivision is not in Riverside and there are other subdivisions east of this area that do have basements. He wants a nice subdivision and is willing to work with the County Road Department and the road will be 35 feet with the curb. He is willing to do whatever is the best solution for taking care of the excess water. He also mentioned

that the geo-tech report did not find any permanent water tables in this area. His biggest concern was in dealing with the storm water, but was willing to take over the hill or have a detention pond, whatever would be best for the development and the area.

The public hearing was then closed with a Motion by **Commissioner Laurie Munns**, seconded by **Commissioner Kevin McGaha** and passed unanimously.

Chairman Chad Munns then called for any discussion regarding this item. **Commissioner Laurie Munns** asked about who would be liable for any damage done to homes by water (from irrigation) if basements were allowed. Could the farmer(s) be required to stop the irrigation and would they be liable? Is that an issue for the homeowner? **County Attorney Steve Hadfield** said that all of those involved could be held accountable in any litigation. However, it would probably be the engineer that did the geo-tech report. **Chairman Chad Munns** said that unless some stipulations were included in the covenants of the subdivision by the developer, the homeowner could build any type of house they wanted, with or without basements, but didn't think that the County could dictate those things. **Commissioner Laurie Munns** said that she just wanted to look out for the rights of the farmer also.

Mr. Clayton Grover said that he would be willing to do some further monitoring of the test holes and also said that a lot of precautions are taken in the construction of homes now that were not in place in the past, with additional backfill brought in to place around the footers of a home as well as other precautions taken to help alleviate any problems.

Commissioner Bonnie Robinson asked about the secondary water and assumed that there were water rights with this property. **Mr. Clayton Grover** said that they do have water rights, but have not yet determined what they are going to do with them in regards to any secondary water.

At the conclusion of the discussion the following motion was made.

MOTION: A Motion was made by **Commissioner Kevin McGaha** to grant approval for the Final Plat of the Riverbend Estates and forward to the County Commission for their action with the conditions as outlined by Staff. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

Conditions of Approval:

1. Compliance with Article 5, Regulations of General Applicability, of the BECLUM&DC.
2. Compliance with Chapter 5-1, Subdivisions, of the BECLUM&DC.
3. Compliance with all the comments from County Staff.
4. Compliance with all applicable County, State and Federal laws regulating the proposed use, including all current licenses, permits, etc.

UNFINISHED BUSINESS

ORDINANCE TEXT AMENDMENT, Z15-006: PROPOSAL TO PROVIDE REGULATIONS FOR THE ADMINISTRATIVE CONDITIONAL USE PERMIT PROCESS.

Staff had requested an amendment be made regarding the Administrative Approval Standards. This would outline the procedures for staff to review and approve Administrative Conditional Use Permits. This basically sets up the procedures to be followed in the approval process.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission regarding the text amendment by adding Section 2-2-110ⁱⁱ to the BECLUM&DC. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

CUP15-001, CONDITIONAL USE PERMIT, MITTON PEAK ESTATES, PRIVATE CAPITAL GROUP FOR A 16/17 LOT PUD OVERLAY DEVELOPMENT AT APPROXIMATELY 4980 NORTH HIGHWAY 38 IN THE HARPER WARD AREA OF BOX ELDER COUNTY.

Staff informed the Planning Commissioners that this petitioner had taken into consideration the comments and requested that had been voiced at the April 16, 2015 meeting and they had also met with the County Commissioner regarding its interest in taking ownership of the open space associated with this development. The County Commission did state that they were not interested in taking ownership of that open space. Staff then showed the Commissioners the revised plat of the subdivision with the new design showing lots 7, 8, 9, 10, and 11 having the canal run through them. There was also a trail in the open space with a couple of access points along lots 12 and 16. The frontage on the lower lots is 200 feet with the upper lots being 250 feet. Staff further stated that there are still some areas that the Planning Commissioner may want to address with this PUD. **Commissioner Bonnie Robinson** asked about the lots with the canal running through them and would it be necessary to build bridges [possibly five] over the canal on each of those lots. How would the homeowner access their property across the canal and about the canal company being able to clean and maintain upkeep on the canal? **Commissioner Bonnie Robinson** also asked about public access to the open space and would there be any parking accommodations for them. **Mr. Jim Flint**, representing the petitioner said that with the county not taking ownership of the open space it would only be for the residence of the Mitton Peak Estates and not for the general public. He also said that he liked the original layout better because it did not split lots with the canal, but they were trying to meet the requests of the planning commissioners with the larger frontage requests. All of the lots are now over one acre and are more in compliance with the frontage requirements in the RR-5 zone. The control of the noxious weeds on the upper portion of the open space was also discussed as well as if any funds would be put aside for that problem. **Commissioner Desiray Larsen** said that she did not have a preference toward one or the other of the designs. There was a concern with the canal cutting lots in two and both plans had pros and cons. If this item were to be tabled again, what would be the advantage? Staff stated that unless the Planning Commissioners were to be able to give some direction and recommendations to the petitioner nothing would be accomplished.

MOTION: A Motion was made by **Commissioner Laurie Munns** to Table the Mitton Peak Estates Subdivision application and give the petitioner direction to return with another design, allowing for the possibility of 180 or 175 foot frontage on the upper lots and no lots being divided by the canal. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

NEW BUSINESS-- NONE

WORKING REPORTS

Staff reported that a second work session needed to be planned to again review the Landfill Corridor Study. Several dates were talked about with June 2, 2015 at 7:00 p.m. being agreed upon. (Laurie said that she may not have her “cheerleader” available on that date)

PUBLIC COMMENTS

Mr. Kent Baker commented that the subdivision to the east of the Riverbend Subdivision mentioned by Mr. Clayton Grover did not have any irrigation fields in its area. There are also some problems with the survey of this property between Mr. Baker and Mr. Grover of approximately sixteen feet. He was also concerned with the statement made regarding the geo-tech report and if the county accepted it then how could they also hold that engineer liable for any water issues. **Chairman Chad Munns** said that there is more than just the developer’s engineer that review things. The county also has its road department, county engineer and others that review and give their approvals. **Mr. Baker** was concerned that the suggestions in the geo-tech report were not going to be followed, such as monitoring the test holes; he then asked when this item would be placed on the agenda for the County Commission, probably be two or three weeks out and the agenda would be noticed in the newspaper.

A **Motion** was made to adjourn at 8:33 p.m., unanimous.

Passed and adopted in regular session this 18th day of June 2015.

Chad Munns, Chairman
Box Elder County
Planning Commission

ⁱ PROCTER & GAMBLE; Box Elder County Expansion & Site Plan Narratives

ⁱⁱ Article 2- Administration and Enforcement 2-2-110