

BOX ELDER COUNTY PLANNING COMMISSION MINUTES February 16, 2017

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:

<i>Roll Call</i>		<i>the following Staff was present:</i>	
Chad Munns	Chairman	Scott Lyons	Com Dev Dir.
Laurie Munns	Vice-Chairman	Marcus Wager	Planner
Kevin McGaha	Excused	Diane Fuhriman	Exec. Secretary
Michael Udy	Member	Steve Hadfield	Co. Attorney
Bonnie Robinson	Member	Jeff Scott	Co. Commissioner
Desiray Larsen	Member	Bill Gilson	Co. Road Dept.
Mellonee Wilding	Member		

Chairman Munns introduced and welcomed Diane Fuhriman as the new executive secretary for the Community Development Department.

Prayer was offered by **Commissioner Bonnie Robinson**
Pledge was led by **Commissioner Michael Udy**

The following citizens were present & signed attendance sheet ¹

Tim Brown/Murray	Brent Kenley/Ogden	Tim T. Munns/Hansel Valley
Brett Snelgrove/Layton	Jared Holmgren/BRC	Chad Reid/Honeyville
Blaine Rupp/Tremonton	Randy Moulding/Faust Valley	Brent Rupp/Tremonton
Robert Adams/Brigham	Jon Z. Thompson/Deweyville	Jeri Garn/Fielding
Gary Myers/Farmington	Caleb Moore/Diamond Bar CA	Bill Gilson/Co. Road Dept.

The Minutes of the January 19, 2017 meeting 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; seconded by **Commissioner Bonnie Robinson** and passed unanimously.

PUBLIC HEARINGS - NONE

NEW BUSINESS

VAC17-001, ROAD VACATE; VACATE ALLEYWAY BETWEEN PARCEL: 06-046-0083 AND 06-046-0143 AT APPROXIMATELY 15580 N 5300 W IN THE RIVERSIDE AREA OF UNINCORPORATED BOX ELDER COUNTY.

Staff informed the commissioners the applicant is requesting to vacate an alleyway at approximately 15580 N 5300 W in the Riverside area. In 1894 a plat of Riverside was made showing alleyways in-between the blocks. In 1992, an alleyway by B-Street was vacated. County policy 2003-01 outlines the standards when considering a road vacate.

- 1. Is there a prevailing public interest in keeping the road open; and*
- 2. Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County; and*
- 3. Is the proposed vacation in compliance with all Box Elder County Land Use and Development Code requirements, State, Federal or other local regulations; and*
- 4. Will the proposed road vacation financially harm any landowner or stakeholder who may have an interest in the road; and*
- 5. The County shall not vacate any other private interest within the right-of-way; and*
- 6. When considering the vacation of a deeded road as opposed to a right-of-use road, the provisions of the surplus property disposal policy shall be used; and*
- 7. The petitioner will provide descriptions in a deeded right-of-way for all abutting owners who may receive any ownership of the vacated road.*

Based on the analysis of the petition to vacate a Box Elder County Road, staff concludes the following:

1. Un-zoned areas allow for Road Vacations subject to approval by the Box Elder County Commission with a recommendation from the Planning Commission.
2. The petition is in compliance with the current Zoning provisions and County Road Vacate Policy.
3. Staff is waiting for the description of the road.

Commissioner Laurie Munns asked if the property to the south is owned by the same landowner. Staff replied the landowner only owns on the east and west sides of the alleyway.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to forward a recommendation of approval to the county commission for application VAC17-001 for the road vacate for said property. The motion was seconded by **Commissioner Laurie Munns** and passed unanimously.

Conditions for Approval:

1. The applicant will provide a description of the vacated area.

SPD 17-01 DISPOSAL OF SURPLUS PROPERTY, ALLEYWAY BETWEEN PARCEL NUMBERS: 06-046-0143 AT APPROXIMATELY 15580 NORTH 5300 WEST IN THE RIVERSIDE AREA OF UNINCORPORATED BOX ELDER COUNTY

Staff explained any time the county has property to dispose of, the surplus property process needs to be followed. Box Elder County Policy 2000-01 requires the planning commission to look at the highest, most economic, and best use for the land. The property has not been used as a road for years. It is the opinion of the staff that deeding the road back to the property owner is the highest and best use of the property.

There was discussion on whether or not to recommend the county commission charge a dollar amount for the transfer of the property.

MOTION: A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval regarding application SPD 17-01 surplus property of an alleyway located at approximately 15580 N 5300 W with a recommendation that the adjoining property owner pay \$1 for the property. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

AS17-001, COLE SELMAN AGRICULTURAL SUBDIVISION, LOCATED AT APPROXIMATELY 11575 NORTH 4400 WEST IN THE TREMONTON AREA OF BOX ELDER COUNTY DIVIDING 2.15 ACRE WITH A SINGLE FAMILY DWELLING OFF 9.36 ACRES LEAVING A 7.21 ACRE AGRICULTURAL PARCEL

Staff told the commissioners the applicant has submitted an application for an agricultural subdivision. The location of the subdivision is in East Tremonton and is an un-zoned area. The applicant owns approximately 9.36 acres and would split off approximately 2.15 acres around a home, leaving 7.21 acres as agricultural land.

Staff explained agricultural subdivisions are considered plat exempt subdivisions. Utah State Code Section 12-27a-605(5) states no subdivision plat is required but there are requirements in the code that need to be met in order for the agricultural subdivision to be approved. When there is a single family dwelling being split off from the agricultural land, a certificate of approval is approved by the planning commission and then an ordinance is approved by the county commission. The approval standards from state code are as follows: *the proposed subdivision is not traversed by the map lines of a proposed street as shown in the general plan or does not require the dedication of any land for street or other public purposes.*

Staff said the subdivision has been approved by the culinary water authority and sanitary sewer authority. The portion of land with the home already has culinary water and the septic system in place so approval from those entities is not necessary. The following standards for review from Utah State Code 12-27a-605(5) have all been met. *The parcel contains an existing legal single family dwelling unit; The subdivision results in two parcels, one of which is agricultural land; The parcel of agricultural land: a. Qualifies as land in agricultural use under Section 59-2-502; and b .Is not used, and will not be used, for a nonagricultural purpose; Both the parcel with an existing legal single family dwelling unit and the parcel of agricultural land meet the minimum area, width,*

frontage, and setback requirements of the applicable zoning designation in the applicable land use ordinance.

Staff recommends the planning commission approve the agricultural subdivision and the certificate of approval be signed. An ordinance would then go before the county commission for final approval.

MOTION: A motion was made by **Commissioner Laurie Munns** to approve application AS17-001, the Cole Selman Agricultural Subdivision. The motion was seconded by **Commissioner Mellonee Wilding** and passed unanimously.

UNFINISHED BUSINESS – PROMONTORY POINT RESOURCES

Staff reported Promontory Point Resources is requesting a conditional use permit to construct and operate a non-hazardous landfill on Promontory Point. The proposed location is the southwest portion of the Promontory peninsula (T6N R6W Sections 13, 24, 25 and T6N R5W Sections 18, 19, 30).

Chairman Chad Munns invited Brett Snelgrove from Promontory Point Resources and Engineer Caleb Moore, from Tetra Tech to come to the commission table for a discussion. **Chairman Chad Munns** said the biggest issue is the road and asked them what their vision is for getting in and out of the landfill property. **Mr. Snelgrove** stated they have been working with **Bill Gilson** from the county road department and proposed a phased implementation. With a phased implementation the minimum safety requirements are met and allows operations and hauling to begin even though the road needs improvements. We tied that into if tonnages or if increased traffic occurs, then additional improvements need to be made. At any time, if it is found the road is degrading quickly, improvements would be made at that point as well.

Chairman Chad Munns asked about pilot cars and inquired if it would be like a convoy of trucks. **Brett Snelgrove** explained it would probably be a combination of both in order to be able to limit the time on the road. We could stage them so all the trucks come out at the same time. That way we could bring them together and use one pilot car. CRS proposed signage for some of the corners to help slow traffic down. **Chairman Chad Munns** asked if the drivers would be contracted out. Mr. Snelgrove replied the drivers would be contracted out. **Caleb Moore** stated there would be stipulations in the contracts for safety.

The commissioners and Mr. Snelgrove review the report from CRS. **Chairman Chad Munns** asked if there is anything in the report they do not like. Brett Snelgrove said he is not aware of what the cost is with the \$5M bond and feels if they comply with 3.4M in an escrow account, the \$5M is excessive.

Commissioner Laurie Munns inquired if double trailers are being proposed. She also asked if the trash will be bailed or loose, and if loose will it be covered under tarp or contained.

Brett Snelgrove answered no double trailers will be used. The trash will not be bailed but will be tarped, covered and secured. In the fugitive waste plan there will be mobile and stationary fences around to help keep fugitive waste from blowing. There are trucks already traveling the roads and these practices of tarps and fencing are currently being used.

Commissioner Laurie Munns asked about a contingency plan. If there is an event that destroys the road and it will take 4-5 days to repair the road, do you have a plan of where the trash is going to go because the trash is not going to stop. She is also concerned with the time of day the trucks will be transporting trash; night time is a dangerous time to transport.

Brett Snelgrove said there are other solutions and options should something happen to the road. We also have agreements and work with other landfills if needed.

Caleb Moore stated 90% of the waste will come in before noon. The rest of the waste that trickles in will be done by mid-to-late afternoon. The landfill will stop accepting waste about an hour before dark. The landfill will be secured every night with soil and/or tarps on top of the waste.

Chairman Chad Munns asked if Mr. Snelgrove could explain more about each of the fences for those who were not in attendance at the site visit. **Brett Snelgrove** started with the interior fence stating the fence will range anywhere from a 15 ft. mobile waste fence that can be moved, up to a 40 ft. semi-permanent fence. That fence would go on the high-impact areas. After the semi-permanent fence there is 1000 acre buffer, there will be pickers and others to maintain the area daily. Around the perimeter there will be a 5 ft. fence marking the boundary line which will also help stop any other trash that goes out.

Chairman Chad Munns invited Road Supervisor Bill Gilson and CRS Engineer Gary Myers to the commission table for discussion.

Bill Gilson informed the commissioners an independent engineering firm was contracted to specifically look at the safety of the road and go over the recommendations made for minimum improvements. **CRS Engineer Gary Myers** said he has driven the road with Bill Gilson and took into account the existing conditions and the posted speed of the road. Those conditions were compared against what the American Association of State Highway and Transportation (AASHTO) requires and recommends for safe roadway travel. He directed the commission to review the report which shows ten (10) different locations that look to be a real concern. We have made recommendations for what we feel would be good improvements. He feels pilot cars are also a good idea. Mr. Myers recommends some horizontal curve signs with reduced speed plaques. The best and foremost thing to do is to increase the radius of those curves to get them to the recommended radius for what the posted speed is. With the allotted time frame, this is not feasible, so we are recommending the signage and speed reductions.

Bill Gilson said they also looked at core samples of what the pavement would hold up to when looking at the minimum of twenty-five (25) trucks per day. Originally the estimate to do a 3-inch overlay on approximately 20 miles of pavement came to about \$2.7M. For just the *minimum* needed improvements of recommendations from CRS Engineering, the new signage and installation, that number increased to approximately \$3.4M. These costs only reflect Phase 1. Mr. Gilson said the applicant would be required to wet and grade the road every year. Mr. Gilson said when they start using 35 trucks instead of the 25 used during Phase 1; they will look at implementing Phase 2 and doing more improvements to the road.

Chairman Chad Munns asked if Promontory Point LLC has met with North Shore Rail as discussed at the site visit. **Brett Snelgrove** said they have not met with them as of yet.

Commissioner Laurie Munns asked about the impact on the wildlife. She is concerned the wildlife will not be able to cross the chain link fences and will not be able to migrate the way they have always migrated.

Commissioner Desiray Larsen would like a work session to discuss this issue further. **Chairman Chad Munns** directed staff to find a day and time the commissioners can meet for a work session.

MOTION: A motion was made by **Commissioner Mellonee Wilding** to table the review for the CUP16-002 until the next commission meeting. **Commissioner Laurie Munns** seconded the motion and passed unanimously.

WORKING REPORTS -NONE

PUBLIC COMMENTS -- NONE

MOTION: A motion was made by **Commissioner Laurie Munns** to adjourn the February meeting at 8:08 p.m. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously. Passed and adopted in regular session this 16th day of March 2017.

Chad Munns, Chairman
Box Elder County Planning Commission

ⁱ Attendance List.