

The session was called to order by **Chairman Kimber** at 6:38 p.m.

The *Minutes* of the regular meeting held on February 20, 2003 were given to the Planning Commissioners prior to their meeting (March 20, 2003) for review. **Chairman Kimber** asked for a Motion as to whether or not the *Minutes* should be accepted as written. **Commissioner Eberhard** noted a couple of names that were misspelled, after which time **Commissioner Thompson** made a motion to approve the *Minutes* of the February 20, 2003 meeting with the corrections mentioned and submit to the Chairman for his signature. The motion was seconded by **Commissioner Holmgren** and passed unanimously.

CONSENT AGENDA ITEMS -- None

NEW BUSINESS

PUBLIC HEARING

LANDFILL AT PROMONTORY POINT, TWO THOUSAND ACRE; CONDITIONAL USE PERMIT

Mr. Day first addressed the Planning Commissioners and those present for the Public Hearing regarding this proposed landfill, which would be located on the peninsula at Promontory Point. The landfill would consist of approximately 2000 acres; 1000 acres for the landfill itself and the other 1000 acres for a buffer zone surrounding the landfill. This area of the County is currently un-zoned, but per the ordinance of the County it is necessary to secure a Conditional Use Permit for this petition. Mr. Day went on to explain that a Conditional Use Permit (CUP) is ultimately approved by the County Commission, based on the recommendation of the Planning Commission. The goal of the CUP is to try to provide as many protections to the public and the adjacent landowners through the CUP. In the ordinance four areas are outlined as areas of concern. Those topics are:

1. Conditions relating to safety for persons and property
 - a. Buildings
 - b. Ingress/regress
2. Conditions relating to health and sanitation
 - a. Sufficient water to service use
 - b. Waste water disposal system
 - c. Water /sewer/drainage facilities
3. Environmental concerns
 - a. Erosion
 - b. Water
 - c. Ground cover
4. Conditions relating to performance
 - a. Building of roads
 - b. Infra-structure improvements
 - c. Performance bonds

Mr. Day stated that no verification had yet been received from the Bear River Health Department regarding this petition. Verification has been received from the State Department of Environmental Quality, which was a requirement set forth in the February 20, 2003 meeting of the Planning Commission, assuring that this petition has been filed with them. Mr. Day's recommendation to the Planning Commission was that no decision be made at this meeting until the Commissioners received input from the public and are able to hold a work session in order to formulate the conditions or work through any issues regarding this proposed landfill.

Mr. Mark Easton representing the landfill stated that the geography of the proposed site for the landfill is safe environmentally as it falls between two ridges on the Promontory peninsula. A dialogue has started between Pacific West and Wildlife Resources regarding the landfill. **Mr. Easton** also provided samples of the materials, "*the most sophisticated geo-composite lining system that is used in this industry today.*" Those materials consist of a clay liner with a high-density polyethylene (HDP) liner with another clay liner on top. Instead of importing native materials they will be using a material called a "bentomat" which meets all of the qualifications. This "bentomat" helps to control the density of the clay, which will help to control any leakage that may occur from the landfill. On the top of the landfill will be another layer of bentonite (instead of the native clay) and another high-density polyethylene liner, then a filter fabric, concluding with eighteen inches of topsoil before reseeding. The samples of those materials were circulated to the Commissioners.

At the conclusion of **Mr. Easton's** remarks **Chairman Kimber** opened to public hearing to those in the audience that had comments concerning this proposed petition.

- **Phil Barkdull** of Ogden stated that the proposed eighteen inches of topsoil would not be sufficient, as it would wash off in a storm. He felt that closer to three feet would be needed. He was also concerned about the seal between the bentonite. **Mr. Chet Havey** of Aqua Engineering responded to that by saying that the bentonite comes in rolls and would overlap on the seams with bentonite and would not be a butt joint. This overlap meets with industry standards.
- **Steve Hick** of Brigham City asked about the bentonite on top of the HDP liner on top of a continuous slope and if it met with the industry standards. **Mr. Easton** stated that the slopes were not steep and the materials would not be moving. At this point **Chairman Kimber** interjected stating that in order for the petition to have moved forward to this point, the petition(ers) have had to meet the Federal and State requirements and asked that the comments be restricted to concerns the public may have regarding the landfill itself.
- **Pete Hansen** of Hooper asked who would enforce the guidelines from the State; making sure that the requirements were being followed, as he felt that they were not being met anywhere else in similar situations.
- **Bruce Anderson**, a former Weber County Commissioner, was concerned that this proposed landfill was right on the Great Salt Lake. He was not aware of any other landfills right on a lake. How would the trash be contained during wind? Also, it is difficult to contain waste while it is being dumped and while the fill being placed on top of it. What would be done in regards to the cleanup of the blowing debris, and materials ending up on the beaches?
- **Rhonda Boren** from Mineral Resources International (MRI) was concerned as to how it would affect their company, which produces approximately fifty food products from the lake. Much of their business comes from overseas companies and they often visit the MRI

facilities **Ms. Boren** was concerned about the perception of this landfill being so close to them and the damage that it could cause their company. **Ms. Boren** presented the Planning Commissioners with a packet on the *Northshore Limited Partnership and Mineral Resources International*, which are included in the official copy of these Minutes.

- **Linda DeFradis** was representing the **Friends of the Great Salt Lake**. She read a statement outlining their concerns regarding the one-of-a-kind eco-system in the lake that could ultimately be damaged.
- **Don Leonard** had concerns regarding the brine shrimp industry of the lake. He pointed out that there is a delicate balance in the lake and the impact that it has on the brine shrimp.
- **Farley Anderson** was also concerned with the blowing of the trash. He stated that there have been times when he and his family have been on the Promontory Peninsula and the wind has been blowing with dust as high as one hundred feet in the air. He felt that the trash would do the same.
- **Al Troun** of the **Bear River Bird Refuge** questioned the design and the balance in relation to its effect on the Bird Refuge. The Refuge is currently working on an \$11 million wildlife education center and when it is completed there are expected to be a half million visitors annually. There are approximately 209 species of birds that use the refuge and **Mr. Troun** wanted to be able to get with his experts to be able to have additional details to be presented to the Commission in the form of some [written] comments in another week or so.

At the conclusion of the comments from those present, **Chairman Kimber** asked for a motion to close the Public Hearing portion of the meeting.

MOTION: A motion was made by **Commissioner Thompson** to close the Public Hearing and was seconded by **Commissioner Williams**; all concurred.

It was determined that no action would be taken [by the Planning Commission] at this meeting allowing a period of two weeks to receive other written comments from the public regarding the proposed landfill.

There was a brief fifteen recess in the meeting at this time. (7:24 p.m. – 7:39 p.m.)

RUPP/DEWEYVILLE SIX-LOT SUBDIVISION, LOCATED AT OR ABOUT 13400 NORTH 3100 WEST IN THE COLINSTON AREA

This six-lot subdivision is located in the Collinston area of the County which is currently zoned RR-2 (two acre minimum lot size). Each of the six lots meets the two-acre requirement. The petitioner has established proof of utilities except for verification from the Bear River Health Department. Water for the subdivision will be provided by individual wells on each lot and will require a well protection area around the well (100 feet for a deep well and 200 feet for a shallow well) and those issues are being discussed with the *State Division of Water Quality*. The Bear River Health Department needs to review both the septic system feasibility and the culinary water systems. The six lots will be situated along a fully improved twenty-four foot wide asphalt road with a temporary

turn-around on the east end. Due to the size of each lot, no detention pond is required for storm water. The Twin Lakes Subdivision, which is similar to this proposed subdivision, is also located in this area. As the petition is generally in accordance with the existing subdivision ordinances and Zoning requirements, Mr. Day recommended that the Planning Commission grant preliminary approval for this petition, allowing the petitioners to get the necessary approval from the State once they are assured that the project has been approved at the preliminary stage.

MOTION: A motion was made by **Commissioner Thompson** to grant preliminary approval for the Rupp/Deweyville six-lot subdivision. The Motion was seconded by **Commissioner Eberhard** and passed unanimously.

AG-PROTECTION ZONE IN BOTHWELL AREA

Mr. Day presented a map showing the proposed area for the ag-protection zone in the Bothwell/Thatcher area. There are approximately 5500 acres in the proposed area. He referred to sections 17-41-303(2)(a) and 17-41-305 of the *Utah Code* regarding this petition for an Agricultural Protection Area and those findings included:

1. The land petitioned for Agriculture Protection is being used for agriculture production except for areas where structures exist.
2. Upon quick review of the property, it appears that the approximate 5500 acres located in the Bothwell/Thatcher area of the County are viable for agriculture production.
3. The proposed farm and any future improvements will remain in the current nature of use. We do not see any foreseeable changes until the ownership changes.
4. The anticipated trends in agricultural and technological conditions would be for better usage of the lands to produce a higher crop yield.

Mr. Day stated that the request needs to be reviewed by the Soil Conservation District also, and the County Commission would be required to hold a Public Hearing to consider the same factors as reviewed by the Planning Commission.

MOTION: A motion was made by **Commissioner Thompson** to recommend to the County Commission that they hold a public hearing in regards to the adoption of the Bothwell/Thatcher Agricultural Protection Zone Area. The Motion was seconded by **Commissioner Holmgren** and passed unanimously.

UNFINISHED BUSINESS

SCENIC DEVELOPMENT, INC. (COUNTRY CLASSIC SUBDIVISION PHASE D) FOUR-LOT SUBDIVISION, LOCATED AT OR ABOUT 10880 WEST 12800 NORTH IN THE BOTHWELL AREA

(Citizens present in regards to the County Classic Subdivision)

Kim Rindlisbacher/Bothwell
Lynn Rindlisbacher/Bothwell
Brandon Rindlisbacher/Bothwell
Katie Bodily/Bothwell
Chris & Arlene Thurgood/Bothwell
Shawn & Tracy Hoskins/Bothwell
Douglas Call/Bothwell
Lee Summers/Bothwell
Brady Firth/Bothwell
Norma Jean Firth/Bothwell
Alan Firth/Bothwell
Barbara Nelson/Bothwell
Douglas Newman/Bothwell
Tamera Newman/Bothwell
Judy Newman/Bothwell

Stan Zollinger/Bothwell
Shane Newman/Bothwell
Richard Nicholas/Bothwell
Greg Martz/Brigham City
Scott Newman/Tremonton
Janiece Newman/Bothwell
Don Anderson/Bothwell
Arianne Cope/Tremonton news coverage
Krys Oyler/Bothwell-Tremonton
Blain Rupp/Tremonton
Darren Peterson/Bothwell
Douglas Payne/Bothwell
Richard Wells/Tremonton
Roger Newman/Bothwell
Lori Nicholas/Bothwell

Mr. Day presented this petition to the Commission by stating that it was tabled at their last meeting on February 20, 2003 in order to receive the necessary information from the utility companies. Those verifications have now been received, however there is another issue of concern that has come up since the February meeting; that issue being that of adequate fire protection for the subdivision. The Bear River Water Conservancy District has stated that they will provide culinary water for the four proposed lots [only], but not enough water for the requirement amounts necessary for fire protection. The requirements of the State for fire flow protection are 1200 gallons per minute and maintained for a period of two hours. It had been the assumption that a fire hydrant would be located in the vicinity of these four lots and that is not the case at this time as the BRWCD will not allow a fire hydrant to be connected to their system in this area. Mr. Day stated that this was probably an issue that the Planning Commission would need to discuss. He further stated that there are other areas in the County that **do not** have the fire flow requirements and there are other ways of getting the adequate water other than through a fire hydrant; i.e. fire sprinkling system installed in the houses, although not a recommended process and an expensive process. As this issue regarding fire protection had come up at the last minute, Mr. Day had not been able to discuss any possible solutions with the petitioner before this meeting. The Commissioners went on to discuss the other concerns regarding this subdivision. Those were:

- The dedication of the road and how it would affect the other residents in the area.
- The paving of the road and when it would take place; during the first or second phase of the development.
- Who is responsible for the cost in relation to the road pavement, either through
 - Performance bond,
 - Escrow account, or
 - Line of credit option
- Maintenance of the road once it is paved.

Commissioner Eberhard read from the County Code Chapter 7 regarding road improvements

7.7.21.6.2 **ROAD IMPROVEMENTS.** All roads in a subdivision onto which new lots front shall be paved to meet the minimum width standards as stated in Table 7.7.21.5.1, or as approved by the County Road Committee. All construction shall comply to County construction standards.

7.7.31.6.2.1 Where an existing road is the designated road and is a gravel road, the subdivider shall be required to improve the existing road to meet the design standards. The pavement shall be extended beyond the subdivision boundary in each direction a minimum of 200 feet or greater as determined by the Planning Commission to minimize the dust emissions.

In order to protect the subdivider's investment for the improved county road, the county shall impose an improvement fee to any owner or subdivider of land that is opposite this section of improved roadway. This fee shall be one half of the total improvement cost and shall be paid to the first subdivider if any additional subdivisions are created within a five (5) year period of when the original subdivision was approved.

The Commissioners discussed the improvement of the road and the maintenance thereof. **Chairman Kimber** was concerned with the water issue in relation to this proposed development and that if there were no fire protection for these initial four lots what would be the impact of more lots developed and no fire protection.

Commissioner Eberhard again read from the Code book regarding the flow of water

7.7.36.2 The drainage and flood plain systems shall be designed to:

7.7.36.2.1 Permit the unimpeded flow of natural water courses.

Commissioner Eberhard stated that if the road was built up it would interfere with the natural flow of water in the area.

7.7.36.2.3.1 Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a 100-year storm.

7.7.36.2.3.5 Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and filling operations in a designated floodway constitute an encroachment and must be approved by the Planning Commission before accomplishment.

7.7.36.2.3.6 No lot 1 acre or less in area shall be included within a 100 year flood plain. All lots more than 1 acre shall contain not less than 40,000 square feet of land which is at an elevation at least 2 feet above the elevation of the 100 year recurrence interval flood, or, where such data is not available, 5 feet above the elevation of the maximum flood record.

7.7.36.2.4 The drainage basin as a whole shall accommodate not only runoff from the development area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the development itself, as well as its effects on lands downstream.

Chairman Kimber asked Mr. Day who designates a flood plain area. **FEMA-- Federal Emergency Management Agency** Mr. Day told the Commission that there are maps located in the surveyor's office showing the waterways and flood plains, but he did not think that this area is in a designated flood area, but would need to check it out to be sure.

MOTION: A motion was made by **Commissioner Eberhard** to table the preliminary and final approval of the County Classic "A" Subdivision Phase I (four-lots) until the issues regarding the fire safety and further clarification regarding the flood plain [drainage water] in the vicinity of this proposed development. The motion was seconded by **Commissioner Thompson**. **Commissioner Tea** then asked about the other subdivisions that had been approved in the past without this fire hydrants requirement; as this is only four lots that are being petitioned at this first phase. Mr. Day said that even though it is only four lots at this time, there is the potential for more (as the conceptual approval was for the fifty-seven lots proposed) and when do they (the Commission) decide that hydrants are necessary? After this discussion the motion passed unanimously.

There were two items that had come to Mr. Day's attention since the posting of the agenda for this meeting that needed to be discussed with the Planning Commissioners. Those items were:

THE DAWN REEDER ONE-LOT SUBDIVISION (#3) IN THE WEST CORINNE AREA

The lot was changed to have frontage on two streets which affected the remainder parcel of the property. Although it was a minor change, Mr. Day wanted to have the approval of the Planning Commission.

All of the necessary utilities have been secured for this lot and the change has been reviewed by the surveyor.

MOTION: **Commissioner Tea** made a motion to approve the Dawn Reeder Subdivision #3 and seconded by **Commissioner Thompson**. Passed unanimously.

The second issue was a request that Mr. Day had received from the Flinders' family to create a family cemetery in the Snowville area. Mr. & Mrs. Tom Flinders recently died in a car accident and the family would like to bury them on the family ranch in Snowville. The funeral and burial are scheduled for Saturday, March 2s, 2003 and the family wanted to get some sort of approval from the County before taking this action. The area has been surveyed, but it will not be filed before the time of the burial. The burial plots would be recorded on Monday, March 24, 2003 (there are no requirements in the State law stating that they are to be recorded prior to the burial, only that they be filed at some point). Mr. Day will be sending a letter to the family stating that Box Elder County will approve their request for the family cemetery on the Flinders' property conditional on 1) that the property is not in a flood plain; 2) it is not under a planned street or interstate; and 3) that it be filed with the office of the County Recorder within thirty days. No motion is required, only that the Commission be apprised of the issue.

PUBLIC COMMENTS

Members from the Bothwell community were interested in going forth with a community plan for their area. **Scott Newman** acted as the spokesman for the group. **Chairman Kimber** told **Mr. Newman** that the first step would be to go through Mr. Day's office to get the process outlined and then it would come before the Planning Commission. The process would be long as it involves everyone in the community [regarding all sides of the issue] and not just a select few. Currently the Planning Commission is looking at the Community Plan in the West Corinne area and then will move on to the Community Plan in the South Willard area. Once these two areas are finished then other areas in the County can be considered for community planning. However, there are factors that come into play regarding [community] planning issues; those being the time involved, the budget of the Community Development office, etc.

The County Fire Marshall was present to speak on the issue regarding the development in Bothwell, along with other fire issues in the County, but since those other individuals involved in this petition had left the meeting, Mr. Day advised the Commissioners that it would be best to postpone any comments at this time. **Chairman Kimber** stated that he would not receive any comments at this time and any other comments regarding fire issues were not pertinent to this meeting.

A motion was made to adjourn the meeting at 8:47 p.m. by **Commissioner Holmgren** and seconded by **Commissioner Williams**; all concurred.

Passed and adopted in regular session this 24th day of April 2003.



Richard Kimber, Chairman
Box Elder County
Planning Commission