

MINUTES
BOX ELDER PLANNING COMMISSION
APRIL 15, 1999

The Board of Planning Commissioners of Box Elder County met in regular session in the Commission Chamber of Box Elder County Courthouse, 01 South Main in Brigham City, Utah, at 7:00 p.m. on April 15, 1999.

The following members were present constituting a quorum:

Richard Kimber	Chairman
Jon Thompson	Vice Chairman
David Tea	Member
Deanne Halling	Member
Royal Norman	Ex Officio Member / County Commissioner

Also Present:

Jim Marwedel	County Planner
Carol Christensen	Secretary

Excused Absence:

Stan Rees	Member
Theron Eberhard	Member

The meeting was called to order at 7:00 p.m. by Chairman Kimber.

APPROVE THE MINUTES OF MARCH 18, 1999

A motion was made to approve the corrected minutes of March 18, 1999, with changes offered by Deanne Halling and David Tea. The motion was seconded by Jon Thompson and carried unanimously.

WYNN ANDERSON MINOR SUBDIVISION

This is a subdivision located at 1500 North and Highway 38. Jim Marwedel indicated that the Health Department has signed it and the septic system would be okay on lot 1 and probably on lots 2 and 3 as well. Mr. Anderson failed to subdivide it. Mr. Hall now owns this and tried to get a building permit but was declined because it had not been properly subdivided. They have put in drain lines and it looks like they are ready to go (they have the water lined up). Richard Kimber suggested putting a condition on it before any building permit is allowed on lots 2 or 3, and they need to clear this with the Health Department. Mr. Marwedel said they have no way of proving that these are intended as building lots.

Mr. Kimber asked if there was any reason why they couldn't approve this subdivision with those stipulations and Mr. Marwedel didn't see any reason not to, but he would like a policy that they take a closer look at these from now on.

Jon Thompson expressed some concern about this being in a wetlands area, but both Mr. Marwedel and Mr. Kimber doubt it would be classified as wetlands. The road is there and is in a residential 5 acre zone. Mr. Marwedel said they could mark on their maps certain sensitive areas, and part of the restrictions are that you cannot build on the sensitive areas without a conditional use permit, and that they would have to show a non-buildable easement on the map as well. Chairman Kimber feels they have a right to know about this before they build.

Motion: A motion was made by David Tea to approve the Wynn Anderson Minor Subdivision with the stipulations that on Lots 2 and 3, a building permit will not be issued until they verify water and septic tank through the Health Department. The motion was seconded by Jon Thompson and carried unanimously.

ROBERT NELSON MINOR SUBDIVISION

This is a subdivision located in West Corinne on Highway 83 and about 8000 West. Mr. Nelson has two parcels and has existing access to Highway 83. Any new access has to be obtained from UDOT. David Tea is concerned about the railroad grade to access the highway, but Deanne Halling mentioned that the railroad is behind him.

David Tea said that this lot is 1400 feet wide, 100 feet deep (3 ½ acres). He thought that a building lot needs to be 250 feet deep. Royal Norman is familiar with the lot and indicated that there is room there to build. Mr. Marwedel pointed out that if Mr. Nelson doesn't subdivide, there is no way to prevent him from building since it is in an unzoned area. The access to parcel number 2 is currently owned by Olean Nelson. Jon Thompson asked how they would get access to the property behind it (parcel number two) with the railroad tracks. Chairman Kimber feels they need more information before they approve this due to the narrowness and the need to know more about the access and the canal.

Royal Norman pointed out that Mr. Nelson does have access to the property and that they don't have to cross the railroad tracks to access the property. They still need to know the canal right of way, the railroad right of way, and where the roads are so they can verify access to these pieces of property. Mr. Nelson is ready to start building. Mr. Norman asked if the access they are going to have to these two lots are the ones they have right now. Mr. Marwedel believes they are.

Motion: John Thompson made a motion to table this until it is clarified. The motion was seconded by David Tea and unanimously carried.

Royal Norman offered further clarification.

Motion: A motion was made by Jon Thompson to bring the item back to the table. The motion was seconded by Deanne Halling and unanimously carried.

Motion: A motion was made by Jon Thompson to approve the Robert Nelson Minor Subdivision and authorize the Chairman to sign it. The motion was seconded by Deanne Halling and unanimously carried.

JOEL JEPPSEN MINOR SUBDIVISION

This subdivision is located at 6800 West and 9600 North. There is an existing bridge across the canal. They have existing water and natural gas. There is a problem with the septic tank because it drains into the canal. The Health Department won't sign the plat until leach lines are put in. The original part of the house is 80 years old, and this is just a matter of making a legal division of their property. This is her family's property.

Motion: A motion was made by David Tea to approve the Joel Jeppsen Minor Subdivision contingent upon the Health Department signing it. The motion was seconded by Jon Thompson and carried unanimously.

KEITH H. ANDERSON MINOR SUBDIVISION

These are five, ½ acre lots (and a remainder) which are located at 11600 West and 11200 North. Mr. Anderson is going to use wells and they've shown deep wells on the plan. Mr. Norman asked if he has a permit to drill. Mr. Marwedel indicated he did, but just for one well. The protection radius is 100 feet on a deep well. He put a legal description on it that covers his well protection. Mr. Marwedel doesn't like the fact that he only has water for two lots. He doesn't have the wells or permits for them, and if it's approved, it's on the assumption that he will get well permits for them. Mr. Norman asked if the wells could be used for all five lots. Mr. Marwedel said that it is a possibility. Jon Thompson does not think that there is not enough water for five lots. Jim Marwedel said since there isn't anything stated as policy, he asks people that if there isn't water, not to subdivide yet. Jim feels Mr. Anderson might limit his options if he subdivides right now. Jon Thompson put a stipulation on lots 3, 4, and 5 for water before a building permit is issued. Chairman Kimber said it appears that Mr. Anderson is aware of what needs to be done, and feels there is no reason not to proceed.

Motion: Jon Thompson made a motion to approve the Keith H. Anderson Minor Subdivision and authorize the Chairman to sign it. The motion was seconded by David Tea and carried unanimously.

CONSIDER CONDITIONAL USE PERMIT FOR CONCRETE BATCH PLANT

Tabled per phone request of applicant.

GROUSE CREEK ZONING PROPOSAL

Jim Marwedel reported to the Commission about the last meeting with Grouse. He recently went to Grouse Creek and in the survey they were asked what they thought should be permitted in different areas. Grouse Creek decided to call another meeting to come up with a proposal for zoning. They didn't want to divide up special areas. There is only one area: Highway 30 up to the State line and the area west of the Grouse Creek Mountains. Nothing is absolutely prohibited. They wanted a conditional use permit for several things. Setbacks should be 45 feet from the center of the road. Agriculture was permitted as well as single family, two-dwellings or three dwellings, on each lot, permitting such things as a duplex, or a home with a mother-in-law cottage or hired man cottage, or three houses on a lot. There is no minimum lot size. They want to see some more subdivision regulations, such as lot width. Chairman Kimber indicated it has been a worthwhile exercise.

Royal Norman mentioned that it would require a public hearing to change the zoning. Mr. Marwedel suggested having a public hearing in Grouse Creek with a quorum. He anticipates that seven people are ardently against zoning in Grouse Creek. A tentative date was set for May 21, 1999, in Grouse Creek for a hearing (only four members would need to be present) at the Grouse Creek School.

Some other interesting things are that most of the retail, alcohol, and food sales would be permitted. Buildings any bigger than 500 square feet would require a conditional use permit. Warehousing would be permitted without a conditional use permit with a building which is 3000 sq. feet or under. If the building is larger than 3000 sq. feet, they would require a conditional use permit, and the same with wood or metallic products. Chairman Kimber suggested setting this up as a joint hearing.

REPORT ON FRUITWAY PLANNING PROJECT

This item was tabled.

CONSIDER CONCEPT PLAN FOR CUP FOR DISTRIBUTION CENTER

This is an 875,000 sq. ft. distribution center on Highway 83, just west of Corinne located on the north side of Highway 83. Scott Ferdita from Carter and Burgess was present and is a designer for this project. What is being proposed is a food distribution center for perishable and non-perishable food products.

They have a no-ammonia discharge refrigeration system in which to keep the food products as well as office and administration areas. There will be a separate entrance off of Highway 83 for employee parking. The second access is a truck entrance with a guard station in a secured area, moving into the facility and proceeding to the shipping or receiving docks. Additionally, there is a truck maintenance area. They are proposing to have a waste water treatment plant, a xenon system (biological and filtration process, clear and odorless) discharged into an evaporation pond which is lined with clay. The

purpose of the discharge is to dispose of domestic waste water. Before you enter the guard house, there is a fire pump house which is to serve the sprinkler system for the building. They are getting their water from West Corinne. There is an existing 8-inch water line from Corinne, and 6-inch that goes across the property. They plan to install a ten-inch line, which will provide a superior system. Royal Norman believes this is West Corinne's main line. There is one water tank where originally there were going to be two. The demand of the waste water will be 5000 gallons (designed 10,000 – 15,000). Wal-Mart anticipates employing approximately 200 people initially.

Mr. Ferdita is not asking for final approval, he is just asking for approval of the concept plan. Next month they will get the final plan. He indicated as far as landscaping, everything will be seeded, but no plantings of trees. It will be turfed and there will be open ponds. Royal Norman wants to be sure there is an attractive roadside and suggested that something be written in the permit stating that this will be seeded or landscaped. Mr. Marwedel has given them a document with a list of conditions, with suggestions from Denton Beecher. There is no grading and drainage plan yet but it will be forthcoming. They are presently working on UDOT's requirements. Mr. Norman feels that Corinne City would accept this proposal. Corinne City has a sewer line with $\frac{3}{4}$ of a mile which appears to be adequate. They are asking for concept approval for a conditional use permit. His intent is to get a conditional use permit in May. They have to petition Corinne to do this. It has never been presented to the County Commission.

Mr. Norman said that they are desirous that Corinne City annex them, because the impact will be on Corinne City. UDOT has talked to them about acceleration and deceleration lines. It is estimated that 20 trucks will pass through Corinne every hour. Chairman Kimber said it will also provide some employment opportunities and there are some positives connected with this. Mr. Norman also mentioned that there are underground drains, it is every 400 feet across this piece of property which can be mitigated. They will be shutting the drains off. This is not in prime ag-land. East and west of it is prime ag land. There will be a fence around the area. Chairman Kimber feels the issues have been addressed on the Plat and he personally thinks it is a good thing for the County.

Motion: Jon Thompson made a motion to approve the Concept Plan for the Wal-Mart distribution center. The motion was seconded by David Tea and carried unanimously.

CUP FOR ASSEMBLY AND MIXING OF RED PHOSPHORUS AND OIL ON BOX ELDER / WEBER COUNTY LINE

This is an assembly area between I-15 and U.S. in South Willard. Ray Beus is the applicant and was present to explain. This is a building formerly known as Insultile and is leasing the property from Froerer. They asked for a letter from the Division of Air Quality. Jim Marwedel read a letter that Mr. Beus received from the Division of Air Quality (see attached). He does not plan on doing any testing and is not doing research and development. Eventually he may turn it into a research and development plan. Once Mr. Beus is done mixing the phosphorous and oil, the manufacturer turns it into a smoke

flare, such as what law enforcement uses. The phosphorous comes to him in bulk (35 gallon barrels) which will be stored in bunkers. It is not an explosive material that he is mixing, but it is flammable. He has chosen this spot because of the earthen bunkers.

Jon Thompson asked if there are any residential neighbors nearby. Mr. Beus informed him that no one has lived in a house across the street for several years. Mr. Thompson also asked if this property needed utilities. Mr. Beus stated that he does have existing utilities such as gas, electric, and water. Mr. Tea asked if this produced any kind of odor. Mr. Beus said it doesn't, and that he does not plan on burning this material. Mr. Marwedel suggests that a condition is that they do not burn the material. The building will have office space.

"How will you determine the difference between packaging and manufacturing," asked David Tea. Mr. Beus said it may be added upon 3-4 more times before it is a final product, so he doesn't feel it is manufacturing. Mr. Tea feels he may need a permit for him to "manufacture" and would just like to protect Mr. Beus. Jim said that this is not a commercial area, anyway. If he wants to do something more in the future, they may need to rezone that whole area. Mr. Beus only wanted the duration to be twelve months, so he does not want to see things rezoned. Jim would like to put that as part of the permit, that it can be renewable. With the specifics in the permit (and what is listed in the letter), Chairman Kimber feels comfortable with this.

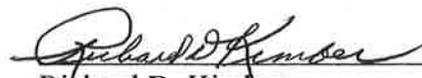
Motion: Jon Thompson made a motion to approve a CUP for mixing raw red phosphorus indoors with oil which will be stored in locked earthen bunkers, and to permit the continual permitted uses for the particular zone and that this permit is to renew each twelve months and there would be no burning of any product on the site. Deanne Halling seconded the motion and it was carried unanimously.

CONSIDER SUBDIVISION PROCEDURES AND REGULATIONS

Jim Marwedel provided Deanne Halling and Royal Norman (who were not present at last month's meeting) a copy of a new proposed ordinance which shows what would be required for new minor subdivisions. Chairman Kimber said to look at Item 3 on the drawings, and double check the dictionary for "workmanlike". Future applications will have phone members of UP & L, two telephone companies and Questar Gas. The only change may be asking for five copies instead of two copies.

Jon Thompson made a motion to adjourn the meeting at 9:35 p.m.

Passed and adopted in regular session this 20th day of May, 1999.


Richard D. Kimber
Chairman