

MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
NOVEMBER 19, 1998

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 November 19, 1998.

The following members were present constituting a quorum:

Richard Kimber	Chairman
Jon Thompson	Member
Deanne Halling	Member
David Tea	Member
Stan Reese	Member
Louis Douglas	Member
Royal K. Norman	Commissioner

ALSO PRESENT WERE:

Jim Marwedel	County Planner
LuAnn Adams	County Recorder/Clerk

APPROVAL OF MINUTES

The minutes of the regular meeting on October 20, 1998 were approved on a motion by Commissioner Norman, seconded by Louis Douglas and unanimously carried.

ZONE CHANGES IN COLLINSTON FROM RR-2 AND A-20 TO MD

Chairman Kimber said a joint public hearing with the County Commissioners was held November 17. He then asked for a brief report from those who attended.

Chairman Norman reported that the public hearing was a very interesting meeting. He thought several good points were brought out. One of the concerns was the 100 acre zone. It was suggested by some of the folks that if the acres were cut down, there may be more of a reason to allow the change. The other critical area was the environmental issue of sewer and water. He said there has not been any engineering done, and those issues would be hard to answer. If the zone change is approved, those issues will need to be addressed. He said at the meeting several folks from the Collinston area were against putting the bakery there. They thought it may inhibit the quality of life in Collinston, which is very valid. There were also folks in the audience that were for the zone change and the proposed industry to be put on the property. They felt the bakery would enhance the markets in agriculture in Box Elder County. There were several who voiced their opinion that it would be a good thing. The residents in Collinston voiced the strongest opposition. Their concerns were the 100 acre zone change, water, sewer and perhaps the highway. They voiced some concern about whether the highway would handle the traffic.

Jon Thompson was in attendance, and he echoed the thoughts of Commissioner Norman. He said most of the people in the vicinity of the property were strongly opposed to any zone change. The reasons they gave were environmental concerns, infrastructure and the fact that recently they petitioned to zone the property; and it was a consensus that it should be zoned RR-2 along Highway 38 and beyond that A-20. They felt that was the way the people in the area wanted it zoned to protect the agriculture land and rural open spaces and the quality of life for the people who live in the area. He said there were as many or more in attendance at the meeting that felt like there were benefits to the plant and pointed out that this type of plant would be environmentally friendly. It would provide a job for people's children so they could build homes in the area and raise their families in the same environment as they did. They thought this type of industry would provide a decent standard of living and the people could stay in the area; however, most of the people that were in favor of the zone change were not in the vicinity. Most of them were not in Collinston or had property in Collinston. Most were in some of the areas in Box Elder County where crops are raised that would be utilized by the bakery. Mr. Thompson is confused because the neighbors were in opposition. He said he has had people talk to him and call him on the phone from the vicinity who were concerned about the environmental issues but felt it would be a good thing for the County, and they would be in favor of that type of industry. They felt it would benefit farmers. It was pointed out that the crops grown in Box Elder County could be sold and utilized in this industry. They realized \$2.00 more for their organic wheat and that would help the depressed farmer continue in the farming operation. He is not so sure that the opposition represented all of the people in the area. It was obvious that the people in the area who were in attendance were opposed to this type of industry coming into their community. He said he has had people who have contacted him and voiced support.

Chairman Kimber, who was unable to attend the public hearing, asked if the opposition was for a particular industry or for the location and zone change in general.

Jon Thompson said most of those who opposed this industry in Collinston were for the bakery. They thought it was a good thing to come into the County but "not in my back yard". They said to put it some place else. They felt that there were other places that would be best suited for this kind of thing. The people representing the industry made it clear that if they couldn't utilize the property that they now own, it would not go in Box Elder County but somewhere else. There were some folks in the County who felt this was an opportunity to accommodate some industry growth. They talked about luring industries into Tremonton at the cost of many thousands of dollars, and the key to the City was given to some of these people in luring them. They wanted them in Tremonton for a tax base and for the opportunities of employment for the citizens. Mr. Thompson said we had people at the meeting representing an opportunity. All they want is a building permit and if that is approved, they are ready to go to work and spend 2-3 million dollars to build an environmentally safe plant and provide a good source of income for the citizens of the County.

Stan Reese was also in attendance at the meeting and he said "ditto" to Commissioner Norman and Jon Thompson's feelings. Mr. Reese said the people that were against rezoning the whole 100 acres thought they could live with the bakery. They wondered what was down the road in terms of manufacturing, slaughter houses, etc. They wondered what would be built on the remainder of the ground in the future.

Louis Douglas also attended the public hearing. He said "ditto" to Commissioner Norman, Jon Thompson and Stan Reese. They were not in favor of the 100 acres because of what might come along. He thought it sounded like quite a few were in favor of the bakery. It was mentioned that if the bakery was not built on the land in Collinston, it would not be built at all in Box Elder County.

Chairman Kimber said at the last Planning Commission meeting the environmental issues were a real concern. He asked if there were any further facts and figures brought out at the public hearing relative to the environmental issues.

Jon Thompson said most of the same concerns are still out. He said there is a lot of speculation, but should the facility actually be constructed, there would have to be some studies made and some engineering reports delivered before a permit could ever be issued. The opposition brought up some interesting figures about the quantity of water that was needed. The amount of water is different from the first meeting. The other night it was mentioned it would take 1,500 gallons of water a day. It was mentioned that there could be some problems with the sewer and discharge from such a plant. On the other hand there were statistics given about how environmentally friendly it would be and not impact the land as much as 25 homes would impact the area.

County Planner Jim Marwedel said he had a soil report from the conservation office and it was brought to his attention that a large manufacturing firm would need a sewer lagoon. He showed a diagram from the Soil Conservation maps. Mr. Marwedel met with the party making the petition to discuss the concerns that were heard, and they want to modify the zone to negate some of the concerns. They are willing to change the proposal to take care of some of the concerns that were heard at the public hearing. They would also accept 40 acres. The present petition was at 100 acres. The zoning code says if a parcel of land is split the more restricted zone would apply, and the other issue is whether the county would be spot zoning.

Chairman Kimber said there is a legitimate issue relative to the people who wanted the area zoned and them coming back and looking at rezoning. He wanted to point out to both this group or any other group that the Planning Commission members have been very forthright in saying zoning is not etched in granite and in order to work, it has to be flexible and pliable. On the other hand he can appreciate the concern of the citizens.

Jon Thompson asked questions concerning the zone change. He said realizing the area is zoned, and it was zoned by a petition from the citizens, he is sure that it was the will of the people in the area. The people expressed concerns about zoning in this particular area because of water source concerns. They thought there was too much development in the area. The people do not think there is enough water for many culinary uses. They also voiced concerns about protecting an open area and quality of area (open space and preservation of agriculture).

Kent Perry spoke and said he met with Kyle and John Potter yesterday. He said they are neighbors and don't want to be enemies. Mr. Perry explained that the property in which he purchased had been on the market 3-4 years. The Perrys bought the property in preparation of expanding their operations. The Perrys do not have a problem restricting things such as meat and dairy products and they could go with the 40 acres. The Perrys also have a concern about the pond because it is on their property. They share water rights with a couple of others. Requiring 1,500 feet between the pond and a septic

tank is no problem. They do not want to destroy the culinary water. He said if they sell the property for building lots it will be 700 feet from the pond. The pond would have more of a risk. The citizens are concerned about the water. He said if they drill a well and don't get water, they will have to pipe the water. They will have to bring in a gas line. The ground is farm dry land. This bakery would support 15,000 acres of farm ground. He felt like what little bit of grain that was not planted because of the bakery, the bakery would outweigh not planting. Mr. Perry felt that when he left the meeting with the Potters, they agreed to all restrictions and felt pretty good about things under the conditions.

Kyle Potter felt the bakery would be better than 20 homes. The point was that they originally intended to have it zoned A-20. He does not know what happened to the original map. The bakery would be better than the 20 homes and rezoning the whole 100 acres is a problem. Many residents would like a smaller number of acres zoned. He said he can't speak for everyone because he has not had time to talk to many people since the meeting with the Perrys.

Jeff Curry does not want to see the 100 acres rezoned. He said lets just zone enough land for the bakery.

Kyle Potter thinks what concerns the residents is losing the protection of knowing what is coming in next. It is not necessarily the bakery. He would like to have something in place that if this zone change does occur, the residents would have prior notification. They are afraid of opening the door wide open.

Jim Marwedel pointed out that the uses are conditional and the people in the neighborhood would be notified.

MOTION: A motion was made by Jon Thompson that the Planning Commission recommends to the County Commissioners that a ~~zone change~~ from a RR-2 to Food Products Manufacturing be made on the 40 acres in Collinston on the Perry Property and that the current M-D zone be altered to allow only agriculture and the retail trade of non-animal food products as permitted uses and only the manufacture of baker products, confectionary and related products, and grain mill products, and the wholesale trade and warehousing of non-animal food products as conditional uses, provided that the following conditions are met (in addition to those conditions or standards already listed for MD uses):

- Landscaping that adequately screens non-agricultural structures from any home, residential zoning district, or road that is within 500 feet of the structure
- A minimum setback distance of 150 feet between any manufacturing or distribution structure and a road
- A minimum setback distance of 800 feet between any manufacturing or distribution structure and surface water that is down-gradient of the structure
- A minimum setback distance of 500 feet between any manufacturing, distribution,

or commercial structure and any other surface water

-- A minimum setback distance of 200 feet between any manufacturing or distribution structure and a residential zone, and

-- A minimum setback distance of 150 feet between any commercial structure and a residential zone

The motion was seconded by David Tea and unanimously carried.

WETLANDS PLAN COMMUNITY INVOLVEMENT WORKSHOP

County Planning Jim Marwedel told the Commissioners about the wetland plan community involvement workshop Saturday, November 21 at 9:00 a.m. to 3:30 p.m.

WILLARD FLOOD CONTROL DISTRICT CONCERNS

Kent Nebeker, Art Thackery and Mike Flint came to the table representing the Willard Flood Control District. They have concerns about the subdivisions in South Willard. They specifically mentioned the Fairbanks Subdivision. They said there are also two more subdivisions coming up for consideration. They are concerned about how the surface water will be drained into the ground. The Fairbanks Subdivision is not designed for flood control and taking runoff water from the curb and street. They would like to be able to review future subdivisions.

Chairman Kimber said the Planning Commission will pledge their support to work with the Service District and work something out where a signature is required on the plat.

Arv Thackeral suggested that someone from the district be at the Planning Commission Meeting when a subdivision in their jurisdiction is under consideration by the Planning Commission.

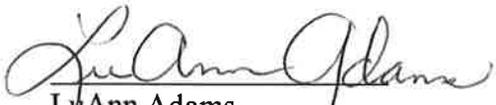
ADJOURNMENT

A motion was made by Jon Thompson to adjourn. The motion was seconded by Louis Douglas, and the meeting adjourned at 9:05 p.m.

Passed and adopted in regular session this 17th day of December, 1998.

ATTEST


Richard D. Kimber
Chairman


LuAnn Adams
Recorder/Clerk

