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**MINUTES**  
**BOX ELDER COUNTY PLANNING COMMISSION**  
**DECEMBER 21, 2000**

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The Board of Planning Commissioners of Box Elder County, Utah met in a Public Meeting at their regularly scheduled meeting, at the County Courthouse, 01 South Main Street in Brigham City, Utah at 7:00 p.m. on **DECEMBER 21, 2000**.

The following members were present constituting a quorum:

Richard Kimber	Chairman (arrived at 7:22 p.m.)
Jon Thompson	Vice-Chairman
Stan Reese	Member
Deanne Halling	Member
David Tea	Member
Theron Eberhard	Member
Royal Norman	Member

The following Staff was present:

Garth Day	County Planner
Elizabeth Ryan-Jeppsen	Department Secretary

The **regular session** was called to order by **Vice-Chairman Thompson** at 7:00 p.m.

**APPROVAL OF MINUTES**

The minutes of the regular meeting held on November 16, 2000 were reviewed by the members present.

**Commissioner Tea** asked if meeting should be called a *Public Hearing* or a *Public Meeting*. Part of format; should be worded as a public meeting. **Commissioner Thompson** has question concerning natural gas being available to a lot. Can approval be granted without all of the utilities in place? **Commissioner Norman** also noted having seen reference in minutes. **Mr. Day** stated that for subdivision approval there must be documentation from all of the utilities, i.e., power, telephone, and gas. If not, natural gas then propane. Have to show evidence of one or the other. Interstate Rock Products did not have final approval from Bear River Health Department for the waste water system and approval was given at the November 16, 2000 meeting contingent on their securing letter from Health Department. Motion to approve the minutes with clarifications made by **Commissioner Tea** and seconded by **Commissioner Eberhard**. Chairman will sign originals with corrections. Motion unanimously approved.

## SUBDIVISIONS FOR APPROVAL

Mr. Day stated that the Gene Hardy Subdivision had been taken off of the night's agenda until further notice. There are some items that need to be dealt with before they will come back to the Commission.

### RUPP SUBDIVISION – COLBY & LORI ROBERTS; LOCATED AT OR ABOUT 8130 W 10400 N (WEST OF TREMONTON ON ROCKET ROAD).

Mr. Day stated that the Commission had granted approval at the October meeting. There is a provision in the Land Use Code that states that if the petition does not go to the County Commission within forty-five days then it must go back to the Planning Commission. At the time of approval in October there was some question as to where the lot would be obtaining its water – whether to tap onto the West Corinne Water System or dig a new well on the lot (not an existing well). If there was a well, then a well protection area would also have to be put into place. It is now ready for final approval; Mylar is ready and signed with a 100-foot well protection radius. (Has gone through the State Board Water Quality). No further discussion.

**MOTION:** A motion was made by **Commissioner Eberhard** for the Chairman to sign the petition and seconded by **Commissioner Reese**. Unanimously approved.

### JUANITA B. JENSEN SUBDIVISION; LOCATED AT OR ABOUT 2222 WEST HWY 13 (EAST OF CORINNE)

Mr. Day stated that this subdivision is just west of the Interstate. This subdivision was given preliminary approval, but has been changed considerably. The original design consisted of three lots; one lot being a flag lot which did not have all utilities available, i.e., water. It was suggested that the subdivision be revised to contain only two lots, both with necessary utilities; now the subdivision has one regular lot with a two-acre flag lot of unusual shape, thus eliminating the original concerns regarding the flag lot. The ordinance for the flag lot has not been approved by the County Commission so this subdivision is not subject by the proposed ordinance. The stem for the flag lot is twenty feet wide and two hundred sixty feet deep – a bit narrower and longer than in the proposed ordinance. **Commissioner Norman** asked about the houses on the lot. There is an existing home on the lot and a new home will be placed on the flag lot. **Commissioner Halling** asked about the water which the petitioners will be obtaining from West Corinne Water Company. There will be two taps. Have documentation for all the utilities. Health Department has approved and signed the plat. **Commission Tea** questioned whether UDOT had approved since the proposed flag lot would be going to an existing highway. Mr. Day assured **Commissioner Thompson** that this was a better arrangement with the two lots than prior plan with the two flag lots. Under the new ordinance the plan would need to show the placement of fire hydrants, but in this case there are no hydrants. Mr. Day had some concern with the length of the stem and location of it, but with only one flag lot probably will not be a big concern and adding a fire hydrant to the stem would be unreasonable. **Commissioner Norman** asked about the improvements that were being suggested. Mr. Day stated that he would recommend that an all-weather surface be done on the stem of the flag lot, i.e., asphalt, concrete, or compacted road base with dust control. **Commissioner Halling** asked about the landscaping. New ordinance states that landscaping must be in harmony with surrounding area, and at this time there is no other landscaping. **Commissioner Thompson** asked what changes would have to be made

to the subdivision if the new ordinance were in place. Mr. Day stated that the stem of the lot would have to be shorted and wider (30 feet by 250 feet); landscaping is subjective and the issue of the fire hydrant. The water line that services this area is not capable of having a hydrant. There needs to be at least a six-inch line for a fire hydrant and the line going to this particular lot is probably a three-inch pipeline and therefore cannot accommodate the necessary volume. **Commissioner Thompson** asked Mr. Day what his recommendation would be and Mr. Day stated that he would approve the subdivision with the all-weather improvement of the stem – petitioners are OK with the surfacing of the stem.

**MOTION:** A motion was made by **Commissioner Norman** to grant preliminary and final approval of this subdivision with 2.56 acres; improvement to the stem with a hard surface/dust control. The motion was seconded by **Commissioner Reese**. Motion was unanimously approved and authorized the Chairman to sign.

**D. GARY ANDERSEN SUBDIVISION AND SITE PLAN; LOCATED AT OR ABOUT 15184 N 5400 W (IN THE RIVERSIDE AREA)**

**Commissioner Thompson** asked if anyone was present to represent this subdivision. Mr. Scott Morrill was present on behalf of Gary Andersen. Mr. Morrill did the site plan for this subdivision.

Mr. Day indicated that in the packets there was a copy of the site plan, with two items – the subdivision and the site plan. Area is un-zoned at present. There are two items that needed to be addressed:

1. Site Plan – Planning Commission has final approval for this issue (commercial use)
2. Subdivision – approval from the County Commissioner

There is a petition from the neighbors of this subdivision/site plan that was presented at a previous meeting and each of them were sent a letter with comments and notification of this meeting. Several issues were addressed and Mr. Day stated that was the reason Mr. Morrill was present at this meeting. There was also some concern regarding UDOT approval, but **Mr. Day** noted that there is a letter dated September 6, 2000 from UDOT for approval of access in the petitioner's file. Also, a letter in packet/file from Mr. Morrill addressing some of the issues/concern of citizens. (**Commissioner Kimber** arrived at this point).

Mr. Day stated that the subdivision consisted of a little more than two acres; the proposed site plan is for a convenience store and gas station. The petitioner has submitted plans indicating the building structure along with landscaping plans. Several citizens from the community were present at the meeting. From the previous meeting the Planning Commission left much up to the petitioner to address the concerns of the citizens. Mr. Day indicated (on the map) the proposed landscaping that is to act as a buffer between the adjacent properties. The proposal includes an island and a set of diesel pumps and regular car pumps (on two sides). The building needs to be in proposed location so that it provides a line of vision for the employees inside to the pumps. One of the recommendations of the Staff was that privacy fences are put in place. Mr. Andersen has offered to purchase trees to be planted as a buffer if the adjacent owner would be willing to plant them on east [their] property (Mr. Richins). Because of the truck traffic the trees could not have a lot of overhang and planting on another's property would help to alleviate this issue. **Commissioner Thompson** asked about the south side of the property and Mr. Day stated that there would be parking stalls along that side. Mr. Andersen owns the property to the south. The developed part will be just more than two acres.

Light proposed will be a shoe-box style the points downward. UDOT and the health department have Oked. Health Department has submitted a letter stating that they understand that this is a commercial use site and are willing to supply the necessary water. Have approved the septic system also. **Commissioner Reese** asked to see the letter from the water and health department and Mr. Day indicated that it was a standard letter which is often supplied to the petitioners. Mr. Morrill addressed the issue of the drain field to accommodate the landscaping and diesel containment. Measures have been taken for the underground storage of the oil/gas and will have to comply with all EPA guidelines. (Double containment, sound alarms, daily product control, etc.)

**Commissioner Thompson** asked if a traffic study had been done on this site. What would be the impact on this four-way intersection? UDOT would conduct study if they deemed it necessary, but the road is already capable of high volume and is not being used at capacity. Mr. Morrill said that he would follow up with UDOT regarding their guidelines. Currently the UDOT has required some widening of the road and lane deceleration and additional lefthand turn lanes. On the north side there will be an additional twelve feet of pavement up to property line and also on the west side a right turn lane. UDOT gave the distances that were required. The developer of the property is to hire a state licenced and bonded contractor to do the road work. The acceleration and deceleration would be on state property but at the cost of the developer.

Another issue was the storm water detention. Two swells on the east side that will be dovetailed into the landscaping. The line-of-sight cannot be curtailed by the landscaping or the sign for the business. There will still be a four-way stop. The Commission could make a recommendation for the size of the sign. Since this area is un-zoned there are no regulations that guide this issue, thus the desire is to make it visible for the people without obstructing the driver's visibility. The line-of-sight is a 40-foot triangle in each direction with a straight thru line not more than four feet wide.

**Commissioner Kimber** indicated that they wanted to hear from the citizens present, but did not want to rehash issues that had been addressed previously. Following are the concerns that were mentioned – attached (Mr. Day read the issues that the citizens had noted on the petition presented at the previous meeting).

- A. Concerns of the citizens regarding the diesel bay. Mr. Andersen wants to be able to offer a business that will be a service to a variety of clientele. Teresa Forsberg had the understanding from Mr. Andersen that he was willing to NOT put in the diesel pumps because there would not be substantial traffic of such vehicles. It had always been the intention of Mr. Andersen to install diesel for semi-truck, but not a full service convenience for truck drivers, i.e., showers, etc.
- B. Concerns for water usage. Norma Forsberg stated that last summer the water was rationed out due to the shortage for watering lawns, gardens, etc. There will be a 3/4 - 1 inch meter for water and will not use much more than a residential home. There will be no car wash or showers that would be large water users. There will be two small restrooms and small sink in the convenience store.
- C. Mr. Richins stated that he was not interested in planting the proposed trees on his property and asked if Mr. Andersen had sufficient room on his property for all that was necessary for the plan – burm, water containment, and diesel pumps. Also how would the water be handled through the proposed ponds – could be between back of store and property line.
- D. Irrigation line is on Mr. Andersen's property and he is willing to do whatever is necessary for access.
- E. **Commissioner Norman** asked if the only real concerns were the diesel pumps. Other

homeowners were concerned with the lights and noise from the vehicles. Teresa Forsberg asked if the hours of operation could be limited. Mr. Andersen does not have plans for any overnight parking facilities. UDOT has placed the restrictions as to where the lighting has to be placed. Pumps will not be placed in such a manner that should have their lights shining into the surrounding homes. Mr. Andersen does not want to restrict operation of business any more than is necessary, but will abide by the findings/recommendations of the Commission. Ms. Forsberg stated that the citizens are not opposed Mr. Andersen being able to have his business, but is this eventually going to grow into a truck stop. **Commissioner Tea** pointed out that the area is NOT currently zoned and Mr. Andersen can really do about anything that they want. The citizens have to show that the business is causing them harm, lowering their property value. Once it was documented then would be an issue for the courts to decide. **Commissioner Kimber** told the citizens that they are not the first to have such an issue. Because of this it is becoming more and more evident that areas become more aggressive for zoning. The Commission tries to protect the citizens of the county, individual as well as developers.

- F. There will be a lot of noise caused by the diesel truck using brakes while approaching station. If the area was zoned then this Commission could deal with it. Citizens are the ones that have to propose zoning. Once they decide the type of zoning that is wanted then would come back to the Planning Commission and then to the County Commission. All the citizens of the area would need to be fully informed of the issues and proposed zoning to be put into place.
- G. Elder Mr. Richards (lives on the corner intersection) concerns regarding the width of the road and will it be wide enough to accommodate the heavier trucks (not sure that the engineers from UDOT know what they are doing). Have asked to have a stop light put in, but have to document accidents with five deaths [per year] before will be done. Also the lights from the station and vehicles (even dimmed) shining onto his property in the middle of the night.
- H. Mr. Morrill stated that there is a standard type of light that will be used (similar to that used in K-Mart or Walmart parking lots with lights shining down.

**Commissioner Kimber** asked if there were any other questions or concerns or if ready to make of motion of this subdivision. None.

**MOTION:** A motion was made by **Commissioner Thompson** to recommend the approval of the Gary Andersen subdivision and approve the Riverside Corner Site Plan with one stipulation that a barrier fence placed on the east side along with the proposed shrubbery and along the south side if the property is developed. Motion was seconded by **Commissioner Eberhard** and unanimously approved. (Mr. Day stated that a Mylar map would be produced with the inclusion of the fence with a signature block for the Chairman to sign and this will approve the site plan. When developer comes in to make alterations such as increasing the base, they would have to amend the site plan. The approved site plan goes with the land if it should be sold in the future.)

**BINGHAM FAMILY PROPERTIES – CUP AT OR ABOUT 13400 NORTH HWY 38 (IN THE COLLINSTON AREA)**

Mr. Day stated that this CUP is to operate a gravel pit in the Collinston area and they have presented a good plan as to what they plan to do. The property would be regraded to the existing agricultural level and a reclamation plan will be proposed for the future land use. Those representing this CUP WAS: Loren Bingham (owner of property); Tony Hudson (contractor from Logan); and Bred Christensen (from Logan). Mr. Christensen is the person interested in crushing the rock that will be use to make cement. Possibly 200,000 tons per year and would probably take approximately five years (on each nob) to complete. Mr. Day suggested that a letter be obtained from UDOT to have on file regarding access to the road and also a permit from Department of Environmental Quality. A business license will be required, but they need to have the approval of the CUP first. The trucks hauling the gravel will meet EPA standards. **Commissioner Thompson** asked how the dust from the crushing and the trucks would be handled. Possibly with asphalt tailing or watering down the road. The road has the same type of rock on it that is going to be crushed and there is very little dust in it according to Mr. Hudson. Mr. Christensen already has approval for crushed at location in Cove and will have this new location added to that approval. The road dust is minimal, but a water truck can be used in if necessary.

**MOTION:** A motion was made by **Commissioner Thompson** to recommend approval of the Conditional Use Permit for the Bingham Family Properties Gravel Pit with the stipulation to maintain the private road for emergency service vehicles and comply with the EPA air standards regarding the dust control. Also a reclamation plan to be submitted, and approved for the area once the gravel rock excavation is completed. The motion was seconded by **Commissioner Reese** and unanimously passed by the Commission.

**AGRICULTURE PROTECTION AREA FOR THE KUNZ AND PETTINGILL PROPERTY IN SOUTH WILLARD**

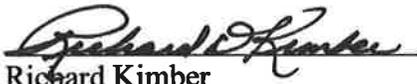
Mr. Day stated that this ag protection area included two areas in South Willard; 1) Gay Pettingill and 2) Dennis Kunz property with a total of 28.9 acres. A site inspection has been completed and the area meets the statutes. **Commissioner Tea** asked why there were only the 28 acres in the ag protection. Mr. Day stated that he believed Mr. Pettingill has some developments plans for the other parts of his property. Mr. Pettingill's property is north of the gravel pit but south of development that is taking place in the area.

**MOTION:** A motion to approve the Ag Protection Area was made by **Commissioner Norman** and seconded by **Commissioner Eberhard** and was passed unanimously.

There was no further business for the Planning Commissioners to consider. No regular Planning Meeting will be scheduled for January 2001. The annual dinner social for the Commission is scheduled for January 11, 2001 at Maddox Ranch House. Also, an invitation extended to the Commissioners, Denton Beecher, and Planning Staff.

**MOTION:** **Commissioner Kimber** declared the meeting adjourned at 9:02 p.m.

Passed and adopted in regular session this 15<sup>th</sup> day of February, 2000.



Richard Kimber  
Box Elder County  
Planning Commission, Chair