

BOX ELDER COUNTY PLANNING COMMISSION MINUTES April 21, 2016

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:

the following Staff was present:

Chad Munns	Chairman		
Desiray Larsen	Vice-Chair	Scott Lyons	Planner
Kevin McGaha	Member/Excused	Marcus Wager	Planner
Michael Udy	Member		
Bonnie Robinson	Member	Elizabeth Ryan	Exec. Secretary
Laurie Munns	Member	Jeff Scott	Co. Commission
		Steve Hadfield	Co. Attorney

The following citizens were present:

Chad Reid/Ogden	Jason George/Ogden
Jess Cochran/Ogden	Brent Kenley/Ogden
Darren Eyre/Salt Lake City	Lisa Lesser/Perry
Beck Lesser/West Haven	Lacey Hoppe/West Haven
Donna Lesser/West Haven	

The Minutes of the March 17, 2016 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Bonnie Robinson** to accept the Minutes as written*; seconded by **Commissioner Laurie Munns** and passed unanimously.

PUBLIC HEARINGS

Chairman Chad Munns called for the public hearings on the agenda by informing those in attendance that each item would be handled separately, and that the time for the hearings was to allow the public the opportunity to voice any concerns and that the Commissioners would listen to the comments and concerns. After the public hearing on an item the Planning Commissioners would then discuss and take action on the item.

NORTHSHORE RAIL SERVICES, LLC; SP16-002, CONSTRUCT, OWN AND OPERATE A CLASS 1 PRIVATE HEAVY RAIL FACILITY WITH CONNECTION TO UNION PACIFIC FOR INBOUND AND OUTBOUND SERVICE, LOCATED ON SOUTH PROMONTORY. (PARCELS 01-011-0044, 0047, 0048, AND 0093) (ACTION)

Staff explained that this site plan petition is for rail services to be located at the south end of Promontory Point on East Promontory Road (traversing over four parcels; 01-011-0044, 0047, 0048, and 0093). The Petitioner is purposing to re-configure the existing county road and some

comments had been given to staff in that regard. No comments were received and the Public Hearing was closed with a Motion by **Commissioner Laurie Munns** and seconded by **Commissioner Desiray Larsen**, unanimously passed.

ACTION:

Staff noted that comments had been sent out to the applicant and nothing had been returned as of yet; these included comments and/or concerns from the road supervisor and the county engineer. The comments from the road supervisor were then outlined for the Commissioners, including:

- ◆ The proposed new location for the road would abruptly make a curve and the redesign of these curves would need to fit AASHTO design for a 50 mph curve on gravel surface.
- ◆ The road supervisor would like to see the design for the relocated road
- ◆ Who would this track system service? When was it proposed to begin construction? Depending on where the gravel would be coming from for the construction of this road, a bond may be required for any damage to the roads leading to the site.
- ◆ If the mineral products leaving this area were to be hauled out on East Promontory Road, a bond would be necessary.ⁱ

Two individuals representing this petition were **Mr. Chad Reid**, Consultant for North Shore Rail Services, and **Mr. Darren Eyre**, from CRS Engineers; the civil engineer that is designing the project and is licensed in Utah as a professional engineer. Regarding how the gravel would be moved, **Mr. Reid** stated that a deep cut would be needed at the top of the existing rail and all of that gravel that is taken out will then be used to reconstruct and reroute the county road and any other construction that may be necessary. He also informed the Commissioners that there is an existing gravel quarry in this area that the county takes, without any charge to maintain the county road; therefore, there should be no need for a bond.

Staff then reviewed the concerns of the county engineer noting that the design of the road had also been mentioned as one of his concerns. Other comments/concerns included:

- How would the storm drainage be taken care of; piping locations crossing the new road realignment and railroad tracks; size of pipes, headwall design, etc.?
- How would the section corner monuments be preserved?ⁱⁱ

As Staff reviewed this site plan there did not appear to be any building associated with it, but if there were, they would need to submit information regarding the elevation and with any utilities they would need to submit a utility plan and a tabulation table on the site plan for the gross acreage and square footage of any street right-of-way, as well as any footprint of any buildings that may be constructed along with this project. It had been mentioned that this was being done in agreement with Union Pacific and a copy of that agreement would need to be submitted to the county for its records. The petitioners said that they were aware of these concerns and additional requirements that had been outlined by Staff. The petitioners then reviewed how these concerns were being addressed and that they were in the process of taking care of them, noting that there were not any issues regarding the engineering that were out of the ordinary. They would be meeting with the county engineer in respect to the road and it would not be difficult to reconfigure it. They were also going to recommend that the road not be posted as 50 MPH.

They will be generating their own power with generators at the site and no buildings would be built. Once the [new] rail spur is completed the gravel coming out of this area would be taken to the newly proposed site of the Utah State Prison and they would like to be able to move that material via rail rather than by truck as the savings would be significant. It was also noted that this is currently an approved gravel pit. At the end of the discussion the following motion was made.

MOTION: A Motion was made by **Commissioner Laurie Munns** to approve the site plan of **NORTHSHORE RAIL SERVICES, LLC, SP16-002** with the conditions and findings of Staff along with the concerns of the other county department officials. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

CONDITIONS AS OUTLINED BY STAFF:

1. A design for the relocated County road, complete with a road dedication description, road grades, width, Geotechnical Report that will show thickness of granular sub base, road base, etc.
2. A design of how the storm drainage will be taken care of including the piping locations where they will cross the new County Road re-alignment and the proposed railroad tracks. Show size of pipes, headwall design, etc.
3. How will the section corner monuments be preserved? (The southeast corner and the south quarter corner of Section 30 may be affected the most. The southeast corner is an original BLM marked stone and the south quarter corner is a 1969 brass cap.)
4. The Proposed new location for the County Road makes an abrupt curve where the new alignment will take place, and these curves will need to be redesigned to fit the AASHTO design for a 50 mph curve on a gravel road. Also a design for the relocated County road, complete with a road dedication, description, road grades, width, and geotechnical report that will show thickness of granular sub base, road base, etc.
5. When is the proposed Rail Service project planned for construction and who will this track system serve? A bond may be necessary depending on where the gravel is being hauled from for the construction of the rail lines. If (for any reason) any mineral products leaving this site are hauled out on the East Promontory Road then a bond will be needed.
6. Provide a Grading and Drainage Plan. Provide a Utility Plan. (only if there will be utilities)
7. Provide a tabulation table showing total gross acreage, square footage of street rights of way.
8. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
9. Compliance with Section 2-2-120, Site Plan Review.
10. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all licenses, permits, etc.

SILVERIO & TERESA CHAIREZ, SS16-006, AMEND THE ROBINSON SUBDIVISION BY SUBDIVIDING LOT 1 INTO LOT 6 (.50 ACRE) AND LOT 7 (1.260 ACRE), LOCATED AT APPROXIMATELY 13265 NORTH 5400 WEST IN THE GARLAND AREA OF BOX ELDER COUNTY. (ACTION)

This petitioner was requesting an amendment to the Robinson Subdivision plat in order to create a new one-half acre building lot with access being via 13250 North. This subdivision is located in an un-zoned area of the county, meeting the setback requirements and the application had been reviewed by the necessary county departments. No comments were made and the Public

Hearing was closed with a Motion by **Commissioner Desiray Larsen**, seconded by **Commissioner Bonnie Robinson** and was unanimous.

ACTION:

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve the subdivision amendment for **Silverio & Teresa Chairez, SS16-006** as recommended by Staff with conditions as outlined. Motion seconded by **Commissioner Michael Udy** and passed unanimously.

CONDITIONS OUTLINED BY STAFF:

1. Compliance with Article 5, Regulations of General Applicability, of the BECLUM&DC.
2. Compliance with Chapter 6-1, Subdivisions, of the BECLUM&DC.
3. Compliance with all applicable County, State and Federal Laws regulating the proposed use, including all current licenses, permits, etc.

VALLEY VIEW ESTATES, PHASE 3; SS16-007, ADDITION OF 8 NEW BUILDING LOTS IN THE VALLEY VIEW ESTATES SUBDIVISION, LOCATED AT APPROXIMATELY 7220 SOUTH 5500 WEST IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY. (ACTION)

Staff explained that this subdivision is located in the South Willard area of the county and Phase 1 and 2 have already been developed. This phase [3] is the upper portion of the development. The county surveyor/engineer is currently reviewing the plat and has met with the developer at the site, discussing the main concerns. The county fire marshal has reviewed it and has no concerns. The county road supervisor had issue with the steep grades (12%) on a couple of the roads as the county has set maximum grades at 10%. Staff, the county engineer and road supervisor have met at the site with the petitioner to discuss this concern. They will either be submitting a new design or ask for a variance to keep the current grade at 12%. There also needs to be a temporary turnaround at the end of 7250 South in the subdivision and a retaining wall to stabilize the hillside along 550 West when excavation for the road has begun. All pavements would need a chip seal and fog seal in order for the county to accept the roads. No comments were received and the Public Hearing was closed with a Motion by **Commissioner Michael Udy** and seconded by **Commissioner Bonnie Robinson**, and was unanimous.

ACTION:

Due to the concerns of the county officials, it was recommended by staff that this item be tabled allowing the petitioner more time to submit a new plan or apply for a variance, at which time the item would then come before the planning commission again.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to table the **Valley View Estates Phase 3, SS16-007** in order to give the petitioner sufficient time to submit a revised plan and configuration of the road grades (a 10%) or to apply for a variance to allow the 12% grade. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

NEW BUSINESS

LISA LESSER, AGRICULTURAL SUBDIVISION (BLUEHAVEN ESTATES), REQUEST TO SUBDIVIDE 13.68 ACRES FOR AGRICULTURAL PURPOSES. LOCATED AT 5200 WEST 7200 NORTH JUST SOUTH OF ELWOOD IN BOX ELDER COUNTY. (ACTION)

Staff explained that this agricultural subdivision is located in unincorporated Box Elder County south of Elwood and it is requested that the current Bluehaven Estates Subdivision would be redrawn creating three buildable lots (Parcel 1, 2, and 3) with a remainder parcel "A" with no residential building lots, but agricultural building could be built on the property. Once approved a deed would be recorded with a description of Parcel "A". If, in the future, they wanted to have residential building on Parcel "A" an application to re-zone the property would need to be submitted and approved.

MOTION: A Motion was made by **Commissioner Laurie Munns** to approval the Agricultural Subdivision for Lisa Lesser, seconded by **Commissioner Bonnie Robinson** and was unanimous.

VANCE SMITH, AGRICULTURAL SUBDIVISION (BROOKSIDE ESTATES), REQUEST TO SUBDIVIDE FOR AGRICULTURAL PURPOSES. LOCATED AT 15930 NORTH 4000 WEST JUST SOUTH OF FIELDING IN BOX ELDER COUNTY. (ACTION)

This agricultural subdivision was requested by Vance Smith and located in unincorporated Box Elder County in order to create Remainder Parcel "D" with a 30 foot access from 16000 North. There are currently some agricultural buildings on the parcel but no residential dwellings.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to approve the Vance Smith Agricultural Subdivision; seconded by **Commissioner Desiray Larsen** and passed unanimously.

UNFINISHED BUSINESS--NONE

WORKING REPORTS

PLANNED UNIT DEVELOPMENT (PUD) FOLLOW-UP AND DISCUSSION

Staff informed the commissioners that **Chairman Chad Munns** had spoken earlier with them and noted some items, proposing changes or elimination of some words/phrases. **County Attorney, Steve Hadfield**, also had some items that he felt needed to be revisited. The commissioners also discussed the grade of land that could be considered for development that is currently set at 30%. **Chairman Chad Munns** also asked what surrounding landowners were notified when a proposed development, re-zone, or PUD was under consideration. Staff stated that currently the code requires that only the adjacent landowners receive individual notices. However, if the commissioner felt that was not adequate they could write something different into the PUD section. After discussing some possible changes, i.e. 300 or 500 feet or more, **County Commissioner Jeff Scott** said that they also needed to take into account the cost and staff-hours

that would be required for mailing out more notices if the area for notification was increased. Any notification would probably need to be uniform throughout the county and **Chairman Chad Munns** said that, although not ideal in some situations, notifying adjacent landowners should be sufficient at this time. It was then decided that this PUD would undergo another revision and presented to the planning commission at the May 12, 2016 meeting for a final review and consideration. It would then be scheduled for a public hearing during the June 17, 2016 meeting.

Staff informed the commissioners that Chad Munns and Laurie Munns had been reappointed by the County Commissioners to serve another three year term on the Box Elder County Planning Commission.

PUBLIC COMMENTS -- NONE

Commissioner Laurie Munns said that she had attended other public/council meetings and they had started those meeting with either a prayer or the “*Pledge of Allegiance*” and asked about the possibility of doing the same at these meetings. **County Attorney, Steve Hadfield**, said that as this is “their” meeting they could do whatever they wanted to regarding that suggestion. After some discussion the commissioners agreed that they would like to include both a prayer and the “Pledge” at the beginning of their future meetings.

A **Motion** was made to adjourn at 8:38 p.m., unanimous.

Passed and adopted in regular session this 12th day of May 2016.

Chad Munns, Chairman
Box Elder County
Planning Commission

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- i Letter from Bill Gilson, BEC Road Department
 - ii Memo from Brent Slater, County Engineer