

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES April 18, 2013

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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 constituting a quorum:

Chad Munns	Excused
Desiray Larsen	Vice Chairman
Kevin McGaha	Excused
Michael Udy	Excused
Bonnie Robinson	Member
Jay Christensen	Member
Laurie Munns	Member

*the following Staff was present:*

Scott Lyons	Planner
Steve Hadfield	Co. Attorney
Elizabeth Ryan	Ex. Secretary

### **The following citizens were present:**

Melissa Willie/Plymouth  
Kyle Price/Willard

Kent Call/Plymouth

The Minutes of the March 21, 2013 were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Laurie Munns** to accept the Minutes; seconded by **Commissioner Jay Christensen** and passed unanimously.

### **PUBLIC HEARINGS**

**Vice-Chairman Desiray Larsen** 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, but this was not a questions/answer time.

### **SITE PLAN, SP13-001, KYLE PRICE, WAREHOUSE DISTRIBUTION & RETAIL LOCATED AT APPROXIMATELY 8850 SOUTH HWY 89 IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.**

This petitioner had submitted a site plan for amending the original plan in order to expand the space of the existing warehouse by approximately 30,000 feet. No comments were received and a Motion was made by **Commissioner Laurie Munns** and seconded by **Commissioner Bonnie Robinson**. Passed.

### **SITE PLAN, SP13-002, WASHAKIE RENEWABLE ENERGY, FUEL CRUSH PLANT, LOCATED AT APPROXIMATELY 7950 WEST 2400 NORTH IN THE PLYMOUTH AREA OF BOX ELDER COUNTY.**

This petition was to construct a fuel (seed) crush plant as part of the biodiesel production facility located in the Plymouth area of Box Elder County. No comments were received and a Motion

was made by **Commissioner Laurie Munn**s and seconded by **Commissioner Jay Christensen**, passed.

**PENDING ORDINANCE, ACCESSORY DWELLING UNITS, NEW ORDINANCE (SECTION 5-6) TO ADDRESS THE ADDITION OF ACCESSORY DWELLING UNITS TO ARTICLE 5: REGULATIONS OF GENERAL APPLICABILITY OF THE BECLUM&DC.**

This new ordinance would be added to the BECLUM&DC as Section 5-6 and would allow for accessory dwelling units on lots that currently allowed single family dwellings. The new section would cover the regulations and constructions of accessory dwelling units for occupation. No comments were received and a Motion was made by **Commissioner Bonnie Robinson** and seconded by **Commissioner Jay Christensen**; passed.

**ACCESSORY DWELLING UNITS, ZONING TEXT AMENDMENT: AMEND SECTION 3-2-070-7; 3-3-070-3, AND 3-7-070-3 ALLOWING ACCESSORY DWELLING UNITS AS A CONDITIONAL USE IN ALL ZONES THAT ALLOW SINGLE FAMILY DWELLINGS.**

This text amendment is necessary in order to amend sections of the BECLUM&DC which also allows for single family dwellings. With the [proposed] addition of the new section covering accessory dwelling units (Section 5-6) other areas in the Code would need to be amended to also allow for this use [as a conditional use]. No comments were received and a Motion was made by **Commissioner Laurie Munn**s and seconded by **Commissioner Jay Christensen**; passed.

**UNFINISHED BUSINESS -- NONE**

**NEW BUSINESS**

**SITE PLAN, SP13-001, KYLE PRICE, WAREHOUSE DISTRIBUTION & RETAIL LOCATED AT APPROXIMATELY 8850 SOUTH HWY 89 IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.**

Staff informed the Commissioners that they had two options regarding this petition; 1) Table to allow applicant time to meet all of the requirements or, 2) approve with the conditions as outlined in the staff report. The applicant, **Kyle Price**, was asked where he was in regards to meeting the requirements. **Mr. Price** said that he had met with the county engineer at the site and was not aware of some of the items in questions at that time, but is now working to meet those requirements. He had not heard back from the fire marshal. Also the additional building has not been ordered at this time and may be reduced in size depending on the additional items that the county engineer wants to see on the site plan. Additionally, **Mr. Price** said that he would prefer to have the application approved with the conditions attached as he is working toward meeting all of those requirements presently.

**MOTION:** A Motion was made by **Commissioner Laurie Munn**s to approve the Site Plan application for the Warehouse Distribution & Retail facility noting that the conditions as outlined by Staff must be met before proceeding with the building of the addition. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

**Conditions of Approval:**

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-110, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code.
4. Compliance with the requirements of the County Engineer in submitting the items listed in his review dated April 11, 2013. (This review has been provided to the applicant)
5. Compliance with requirements and recommendations of County Engineer, Fire Marshal, Building Official, Road Supervisor, and Health Department.
6. Compliance with all applicable county, state and federal laws regulating the proposed use, including all current licenses, permits, etc.

**SITE PLAN, SP13-002, WASHAKIE RENEWABLE ENERGY, FUEL CRUSH PLANT, LOCATED AT APPROXIMATELY 7950 WEST 2400 NORTH IN THE PLYMOUTH AREA OF BOX ELDER COUNTY.**

Staff told the Commissioners that tabling this application was recommended in order to allow the Health Department time to submit a wastewater feasibility permit; or approve with the conditions outlined. Most of the reviews have been received except for the official review from the road department regarding the turn-out from the county road to the facility. **Kent Call**, construction manager for the project said that they are working with the health department regarding the needed perk test at the site and it could be completed within the next few days. **Commissioner Bonnie Robinson** asked what was done with the waste from the bio-diesel fuel and was told that everything that is extracted in the process of making the bio-diesel fuel is useable in another way, i.e. pharmaceuticals. The Commissioners were assured that Phase II would be completed before Phase III was completed as the Commissioners had some concerns regarding past work that had been done at this site.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to grant approval for the Site Plan (Phase II) of the Washakie Renewable Energy Fuel Crush Plant, with the conditions as outlined and approval of the feasibility study from the Health Department and written approval/agreement from the County Road Department. Motion seconded by **Commissioner Bonnie Robinson** and passed unanimously.

**Conditions of Approval:**

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-110, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
3. Submittal of the wastewater feasibility permit from the Bear River Health Department.
4. Compliance with requirements and recommendations of County Engineer, Fire Marshal, Building Official, Road Supervisor, and Health Department.
5. Compliance with all applicable county, state and federal laws regulating the proposed use, including all current licenses, permits, etc.

**PENDING ORDINANCE, ACCESSORY DWELLING UNITS, NEW ORDINANCE (SECTION 5-6) TO ADDRESS THE ADDITION OF ACCESSORY DWELLING UNITS TO ARTICLE 5: REGULATIONS OF GENERAL APPLICABILITY OF THE BECLUM&DC.**

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to Table any action on the Pending Ordinance for Accessory Dwelling Units until there were more members of the Planning Commission present. Motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

**ACCESSORY DWELLING UNITS, ZONING TEXT AMENDMENT: AMEND SECTION 3-2-070-7; 3-3-070-3, AND 3-7-070-3 ALLOWING ACCESSORY DWELLING UNITS AS A CONDITIONAL USE IN ALL ZONES THAT ALLOW SINGLE FAMILY DWELLINGS.**

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to Table any action on the Text Amendment regarding Accessory Dwelling Units until there were more members of the Planning Commission present. Motion was seconded by **Commissioner Jay Christensen** and passed unanimously.

**SURPLUS PROPERTY -- CONVEYANCE OF COUNTY SURPLUS PROPERTY; TO TREMONTON CITY IN EXCHANGE FOR CITY OWNED PROPERTY LOCATED AT 415 W 1000 N IN TREMONTON FOR THE PURPOSE OF FAIRGROUNDS ENHANCEMENTS.**

Staff informed the Commissioners that due to work being done at the County Fairgrounds and the construction of two new buildings there was surplus property that was being conveyed to Tremonton City.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation to the County Commission approving the conveyance of this surplus property at the County Fairgrounds to Tremonton City. Motion seconded by **Commissioner Jay Christensen** and passed unanimously.

**WORKING REPORTS**

As three members of the Planning Commission were not present at this meeting a Motion was made by **Commissioner Laurie Munns** to postpone the presentation by County Attorney Steve Hadfield concerning “code of conduct, conflict of interest and ethics for planning commission members” until the May 16, 2013 meeting. Seconded by **Commissioner Bonnie Robinson** and was unanimous.

**PUBLIC COMMENTS -- NONE**

A **Motion** was made to adjourn at 7:36 p.m., unanimous.

Passed and adopted in regular session this 16th day of May 2013.

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Chad Munns, Chairman  
Box Elder County  
Planning Commission

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