

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JANUARY 17, 2019

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:

<i>Roll Call</i>	<i>the following Staff was present:</i>		
Laurie Munns	Chairman	Scott Lyons	Com Dev Dir.
Mellonee Wilding	Vice-Chair	Marcus Wager	County Planner
Kevin McGaha	Excused	Steve Hadfield	County Attorney
Michael Udy	Excused	Jeff Scott	Commissioner
Desiray Larsen	Member	Diane Fuhriman	Executive Secretary
Bonnie Robinson	Member		
Jared Holmgren	Member		

Chairman Laurie Munns called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Bonnie Robinson.
Pledge was led by Commissioner Desiray Larsen.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

MOTION: A Motion was made by Commissioner Bonnie Robinson to modify the January 17, 2019 agenda by moving item #7-New Business up to item #6, and switching the public hearings by having the Williams Rezone first and the South Willard Development Rezone second. The motion was seconded by Commissioner Jared Holmgren and passed as amended unanimously.

The Minutes of the December 20, 2018 meeting were made available to the Planning Commissioners prior to this meeting and upon review a Motion was made by Commissioner Jared Holmgren to approve the minutes as written. The motion was seconded by Commissioner Bonnie Robinson and passed unanimously.

UNFINISHED BUSINESS

ROCKET SOLAR LLC SITE PLAN, SP18-005, Request for a solar farm located at approximately Golden Spike Dr. and HWY 83 South of the Howell area of Unincorporated Box Elder County.

Staff explained this item was tabled at the December 20, 2018 meeting so the planning commission

could go on a site visit in addition to any comments by staff being resolved. There are no more comments to go through at this time and staff has all of the site plan and pictures.



Staff recommends approval subject to the conditions outlined in the staff report.

Commissioner Bonnie Robinson expressed her concern about the solar panels being abandoned in the future and becoming a sea of old, unused solar panels.

MOTION: A Motion was made by Commissioner Bonnie Robinson to approve the Rocket Solar LLC Application SP18-005 as written in the staff report and conditions from staff. The motion was seconded by Commissioner Desiray Larsen and passed unanimously.

Conditions:

1. Rocket Solar provide appropriate warning signage placed at the entrance and perimeter of the solar power plan project.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

LANDIS GRAVEL PIT REZONE, Z18-012, Request for a rezone from RR-5 to MG-EX at approximately 11740 West 12000 North in the Bothwell area of Unincorporated Box Elder County.

Staff said this item was tabled at the December 20, 2018 planning commission meeting so the commissioners could visit the site where the rezone is being proposed. One of the concerns was the size of the proposed rezone. The original request was for 625 acres to be rezoned, the applicant has scaled this back to 278.32 acres.

Commissioner Jared Holmgren appreciates the applicant's willingness to work with the commission by paring down the acreage to be rezoned and changing where the road comes in to help appease the traffic issue. He thinks they have done a good job and appreciates their efforts.

Commissioner Laurie Munns wants the public to know the commission has heard their concerns and have taken them into consideration.

Commissioner Mellonee Wilding is still concerned about how many acres are to be rezoned. She said even though the applicant has pared down to under 300 acres, it still seems like a lot of acreage.

Commissioner Laurie Munns stated everything that goes with the MG-EX zone will be allowed and she is also concerned about how large the area is to be rezoned. She invited Mr. Landis to the table for a discussion and told him she appreciates taking the acreage down by almost half.

Linford Landis said has received conflicting advice on what to do. There are a lot of pits in Box Elder County that are not zoned and have just been grandfathered in. When operators go for certain material, they go where it works best for them. He is concerned about putting himself in too much of a box not knowing which materials are where.

MOTION: A Motion was made by Commissioner Mellonee Wilding to forward a recommendation of approval to the county commission for the Landis Gravel Pit Rezone Z18-012 with the amended parcel request of 278.32 acres. The motion was seconded by Commissioner Bonnie Robinson and unanimously passed.

NEW BUSINESS

EAST AGRICULTURAL SUBDIVISION, AS18-010, at approximately 8185 West 10400 North in the Bothwell area of Unincorporated Box Elder County.

Staff said the agricultural subdivision would create a 1-acre parcel for the applicant's residential home and a 38.54-acre agricultural parcel. The subdivision meets all review standards in Subsection (1)(b) of state code. In Subsection (5)(a) there has been some discussion about getting a water letter and a letter from the health department. Staff has received both of those letters and recommends approval of this agricultural subdivision.

MOTION: A Motion was made by Commissioner Bonnie Robinson to approve the East Agricultural Subdivision AS18-010 and adopting any conditions and findings in the staff report. The motion was seconded by Commissioner Desiray Larsen and unanimously carried.

PUBLIC HEARINGS

Chairman Laurie Munns explained public hearings provide an opportunity for the public to voice their concerns or approval on an item. In the meeting there is also unfinished business, public hearings, and new business. The unfinished business and new business provides opportunity for the commissioners to take action on an item. It is not a time for public comment or input. Although the commissioners may ask questions of the applicant during these times.

WILLIAMS REZONE, Z19-001, Request for a rezone from RR-5 to R-1-8 at approximately 9805 West 11600 North in the Bothwell area of Unincorporated Box Elder County.

Staff stated the applicant is requesting two parcels be rezoned from RR-5 (Rural Residential 5-acre lots) to R-1-8 (Residential-8,000 sq. ft.). The parcels are currently .47-acre and are considered illegal at this point due to them being split on January 28, 2011. The zoning was put in place in the Bothwell area September 14, 1978 at the 5-acre minimum. If the applicant is granted this rezone, they would need to take another step and go through the subdivision process as another parcel was created in 2011 illegally.

Staff has gone through the standards of review from Section 2-2-080.E from the LUM&DEC as follows:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; *The County's General Plan makes no reference as to how specific areas should be zoned. It does state that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests. There is a Bothwell Community Plan in place that shows this area to remain RR-5 in the future; No other zoning for the area has been proposed.*

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; *The area is a combination of mainly agricultural uses and some residential homes that are all in the RR-5 zone. Whether the proposed amendment is harmonious with the overall character of existing development is quite subjective. This point could be argued saying yes it is harmonious due to the existing homes being there for so long. It could also be said no, because the R-1-8 zone allows for a minimum of 8000 sq. ft. lots.*

C. The extent to which the proposed amendment may adversely affect adjacent property; and *This is subjective. Residential uses do tend to bring additional traffic. They also tend to bring higher property values. The public hearing process may shine additional light on this. The applicant is taking the first step in fixing an illegal parcel problem.*

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection. *The homes currently exist on these parcels and have been there for quite a while (9815 W – built in 1926; 9805 W – 1991)*

The public hearing was then opened for comments.

Janet Williams owns the property at 9805 West. The property adjacent to hers originally belonged to her grandmother and has stayed in the family this whole time. The property has changed hands twice since her grandmother died. She said her cousin wants to sell his property at 9815 West to her daughter. In order to get a loan to buy the home, the property must be split. The two homes will stay the same for now but eventually they would like to build on to and remodel the 9815 West home to accommodate her daughter's special needs child.

Buster Marble, Bothwell, is in favor of the rezone since the homes already exist. He knows in the future if somebody were to come in and want to build a home on 8000 sq. ft., then it would be an issue with him.

Brenda Sagers, Bothwell, asked why this was allowed in the first place. If the home at 9805 West was put in in 1991, why was this home allowed when it was grandfathered in back in 1978. She would like to see the planning commission stop letting things slip through and be done illegally.

Hearing no further comments a motion was made by Commissioner Bonnie Robinson to close the public hearing on the Williams Rezone, Z19-001. The motion was seconded by Commissioner Mellonee Wilding and passed unanimously.

ACTION

Commissioner Mellonee Wilding echoed Mr. Marble's comments. If this is granted to legalize this parcel, it does not mean someone can come in and request an 8000-sq.ft. Subdivision. The commission needs to take into account this has already happened and needs to be corrected.

Commissioner Bonnie Robinson said when a similar issue came before the commission a few months ago, staff did some research and found a dozen homes in this similar situation. She said this commission cannot be responsible for what has happened in the past but hopes they are doing their due diligence in making sure everyone is doing things legally now. Sometimes people do not ask, they just do and then these kind of issues come up.

MOTION: A Motion was made by Commissioner Jared Holmgren to forward a recommendation of approval to the county commission for Application Z19-001 and adopting any conditions and findings of staff. The motion was seconded by Commissioner Desiray Larsen and passed unanimously.

Conditions:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

SOUTH WILLARD DEVELOPMENT REZONE, Z17-019, Request for a re-zone from R-1-20 to Master Planned Community at approximately 6800 South HWY 89 in the South Willard area of Unincorporated Box Elder County.

Commissioner Laurie Munns stated a request has made by the applicant to do a short presentation prior to the opening of the public hearing. She asked the commissioners to discuss the request and make a decision as whether or not to allow the presentation.

Commissioner Jared Holmgren said the commission has never done so in the past and he is afraid it will make precedence if they do so now. He believes the commission should stick to what they have done before and not let a presentation be made before a public hearing. The time for a presentation is months before a public hearing.

Commissioner Bonnie Robinson stated she is also not in favor of setting a precedence of allowing a presentation. Her understanding is a public hearing is the time for the public to talk to the commissioners. It is not a time for presentations or for the applicant to talk to the public.

Commissioner Mellonee Wilding said she agrees with what Commissioners Holmgren and Robinson have said.

Commissioner Desiray Larsen also agrees with what has been said and added that the applicant is welcome to speak in the public hearing as well as concerned citizens but everyone needs to address the commission and not enter into a dialogue.

Commissioner Laurie Munns stated having heard from the commissioners she is denying the request from the applicant for a presentation.

Staff explained the applicant has requested a zone change from the R-1-20 zone to the Master Planned Community zone. One of the requirements for the MPC zone is the landowner must have a minimum of 100 contiguous acres; the applicant owns 144.35 acres. The landowner can request to create their own land use code for their 144.35 acres. They propose zones, uses, a lot layout, and phasing to be applied to the area which may or may not vary from the existing land use code for the area. In this case, it does vary. The current zoning is single family, half-acre lots. The applicant is proposing the Mining, Sand & Gravel Excavation zone (MG-EX) for a 15-year period of excavation to level out the land for future development. The other zones being proposed are R-1-12, R-1-8, RM-7, and RM-15 which are residential multi-family zones as well as some 8000 sq. ft. lots and one-third to half-acre lots so a variety of housing types are being proposed as part of this development. The development is being phased over several years. All phases for the first 15 years would include the gravel extraction on the east side of Highway 89. While that is taking place there would be some construction on the west side of Highway 89 for multi-family use as well as open space. The south side of the property, east of Highway 89, would then be the first to be developed and then reclaimed and developed. Once the excavation is done over the 15-year period, the north end of the property is being proposed to be developed.

DEVELOPMENT CONCEPT



Staff said a draft development agreement has been submitted by the applicant which contains additional details with regard to operation times for gravel extraction. The draft states operation times are 6 a.m. to 10 p.m. for crusher operation and 24-hour a day operations for loading and hauling of material. The draft also covers the different types of housing.

HOUSING TYPE(S)

Housing Type	Units	% of Total	Demographic
Apartments	60	21.66%	Single Parents/Adults or Students
Townhomes	78	28.16%	First Single Family Home
Cottages	38	13.72%	Seniors
8K - 10K S.F.	53	19.13%	First or Second Home
333 - .50 Acres S.F.	48	17.33%	Estate Lots
Total	277	100.00%	

Staff explained this type of development with a variety of housing types is referred to as lifecycle developments. It allows a person to remain within the same community throughout their lifecycle. A younger person may live in an apartment then transition to an 8000 sq. ft. lot single family home, then transition to a half-acre lot and as that person ages, down-size back to an apartment.

Staff said the total acreage is approximately 145 acres with 1 unit per half-acre. The undeveloped acreage is approximately 88 acres with open space due to the wetlands on the west side of the property as well as the mostly undevelopable hillside on the east side of the property. The developed acreage consumes about 39 of the 145 acres. The surrounding land use and zoning to the north is residential and mining, with some being zoned as MG-EX; the remainder is within Willard City limits. To the south of the property is residential which is zoned R-1-20, to the east is hillside zoned MU-160, to the west is a mix of agricultural, residential, and commercial zoned R-1-20 and highway commercial (C-H).

Staff reviewed the standards for reviewing a rezone as follows:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; *The South Willard Community Plan addresses approximately 110 acres of this area. Per that plan the area is recommended as being R-1-20 and does not recommend anything other than this zoning designation for the future. The MPC zone was created as part of the South Willard plan as residents were open to a variety of housing types and uses if the property qualifies. The County's General Plan does state that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.*

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; *The area is a combination of residential, agricultural, and mining. Whether the proposed amendment is harmonious with the overall character of existing development is subjective. The proposed MPC zone would include mining and various densities of residential development including apartments, townhomes, 8,000-10,000 square foot single family lots, and 1/3 to 1/2 acre single family lots.*

C. The extent to which the proposed amendment may adversely affect adjacent property; and *The proposed mining may have a negative effect on the values of adjacent property. It would likely adversely affect the existing residential uses with additional noise, dust, and truck traffic. The proposed residential would likely add some car traffic.*

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection. *There are services in the area, such as schools and police and fire protection. There are also water providers, but nothing has been submitted regarding water and sewer service, including verification of capacity. Storm water drainage systems would be required by the developer. Plans for this have not yet been submitted.*

In addition to the above requirements, Chapter 3-8-1, Master Planned Community Zone, requires the following:

1. A specific plan including maps, text, and supporting information as defined in the previous section. *Pieces of this have been submitted over time, but it is fairly scattered and no comprehensive submittal has been made. It is not complete and lacks maps showing proposed locations for storm water detention and system for collection and distribution as well as lotting patterns. It also lacks a comprehensive text. As a final point it lacks supporting information such as the method of providing water and sewer service, including verification of capacity.*

2. The text for the draft property-specific MPC zone, and any associated sub-districts, to be implemented, generally defined with the following elements:

a. Name of Zone/Purpose/Goals

b. Lot area, width, setbacks, building heights, lot coverage, and housing densities.

c. Streetscapes, parking, and circulation.

d. Fencing

e. Signs

f. Architectural standards *As stated above, pieces of this have been submitted over time, but no comprehensive submittal has been made.*

3. A development agreement that runs with the land. *A draft agreement has been submitted.*

Staff said over the last week they have received 39 emails/letters from the public stating their opinions on the project, most of them are opposed. One letter from an adjacent property owner does not mention the mining or excavation, but did state they are in favor of the master plan of the project. One is in favor on the master plan but not in favor of the proposed mining. The planning commission has received copies of these letters and the letters will be attached to this record.

The public hearing was then opened for comments.

Aaron Robertson, Blue Ox, Ogden, Utah, is excited to be here and excited to see the turnout. He said they have been working diligently in obtaining public input and have not modified or changed the plan from what was presented in concept earlier. This opportunity was requested so they could hear from the public and see what the key issues are and hope to be able to address, resolve, mediate and mitigate in whatever form they can so they can bring some of the benefits of the project to the community. This project represents the first of its kind in Box Elder County. It will be a learning curve for all parties involved as we negotiate through this process and they look forward to working with the commission. He appreciates the efforts put forth thus far in entertaining this and exploring the feasibility and the potential of this project. He thinks the opportunities this project offers to solve local and regional issues and promote a new standard of how development is done in the county is enormous.

Wynn Zundel, lifetime resident of Willard, said it has been stated for 30 to 50 years Willard is sick and tired of gravel extraction operations within and around the city. This project is nothing more than another gravel pit with an end result of people living in a gravel pit. Water travels through the hillside feeding other peoples' properties downhill from there. These people are going to extract the gravel which will change the waterways and how the water percolates through there making it unusable. He thinks to build high rise apartments in wetlands is absurd and hopes the commission turns this idea down.

Lou Hubbard, Willard, assured the commission she is not the neighbor who thought it would be great to have a gravel pit. She lives on Tams Road below the Murray Gravel Pit. She has watched the gravel trucks come down the mountain and is aghast at how many close calls she has seen. She is totally against another gravel pit. The mountain is beautiful and she does not understand why they have to dig it out. She asked why they cannot put beautiful view lots without having to dig out the mountain and feels it is just a way for them to get their gravel pit.

Jess Patterson, adjacent property owner, strongly opposes this rezone for several reasons. His property includes a road also adjacent to this property and includes a flood containment area owned by Box Elder County. He has been told he has to keep the road available for the flood containment area. The road also leads to the property in question and he is concerned there is nothing to stop gravel trucks from coming up that road and down in front of his home. He agrees with the previous comments and feels like this is a smoke screen to extract gravel and nothing else. He has heard details have been lacking in other portions of the plan. He thinks those details are lacking because the main point and goal is to extract gravel. Mr. Patterson believes this adversely affects him by way of the comfortable living he has the right to enjoy. He does not agree with the verbiage stating they can create their own zone and basically make their own rules and laws. The draft agreement states 15 years, what is to say that once this door is opened there will not be an additional 15 years. He questioned if the adjacent property owners who approve this are in Willard City or South Willard.

Ted Mayo, South Willard, opposes this operation. He received a copy of the draft agreement and read the entire agreement. He sees no real benefit to the community. The two main things he objects to is a 15-year gravel pit. There is also 4 blocks of 5 years they can add which would mean 35 years. His second objection is all the high density homes. If he wanted to live next to high density he would move to Ogden.

Peggy Barker, North Ogden, co-owns property in South Willard and objects to this rezone because it would affect property values. She and her son bought the property three years ago and expected half-acre lots around them. Now there is the idea of having apartments of 60 units directly north in the wetland area. She said they will build now and have structural problems later. Quality of life will change being across the street from a gravel pit, especially if they are running 24-hours as stated. It is a beautiful area and mountain and she agrees with the idea of putting some view lots there. She would like to keep the larger half-acre lots and try to protect the beauty of the area.

Mindy Rogers is building a home in Valley View Estates which is adjacent to this property on the south side. They are building their dream home on their dream lot and have invested everything they had into this home. If the gravel pit goes in, the home value will completely drop. She has a son with asthma so they decided to get out of the city and get better air quality for him. Now to have a gravel pit with the dust it will affect her son and with property values dropping they will be stuck. She also agrees this is a smoke screen.

Keith Heil, South Willard, stated trying to tell someone what they can and cannot do with their property is distasteful to him, but in this case, he has to echo all of the comments already made. He is particularly concerned with the effect on health and property values this would have. He wondered who would be responsible for those issues. If the developer says it is not going to affect health and property values, he would like to be confident the developer would be willing to indemnify the county. From what he has heard this seems to him to be way disingenuous and is really an attempt to mine the property. Based on these things, he cannot support this rezone.

Matt Rogers, Valley View Estates, South Willard, echoes everyone's comments and does not agree with what is going on. This is a smoke screen. It does not take 15 years to cut a road in and put homes on a property. He does not understand putting apartments there. If people want to live in

apartments, go to Layton. If people like traffic, lots of people, garbage, crime, and graffiti, apartments work out great. He has heard a contract had been signed with Geneva two years ago for this gravel. He questioned if the landowners care about the contract, the money involved in the contract, or about putting in homes and making the area a great place. It seems to him this is 100% about the money.

Brad Sweet, Granite Construction, has worked with the folks from Blue Ox. When this was put together, the idea was not a smoke screen but full transparency. At the time, there was a portion of the agreement allowing Granite Construction to run a hot plant on the property. Since then with a lot of public outcry, that has been withdrawn. The timeline is a hard 15 years and the deal put together with Blue Ox was specific to providing value back to the community. As a gravel producer we understand the very sensitive nature to the business we need as a community, but it is tough to deal with as a community. What Blue Ox is working on with the development agreement is to create an arrangement with the county and the gravel production to be a start and stop process with controls in the agreement managed and maintained by the county. Those controls are negotiable and yet to be determined through the draft. They are to be discussed and developed with input from the community and built into the financial model that is open to discussion and puts infrastructure back into the community. While this piece of property is a beautiful piece of property, it needs to be developed as such with a focus on infrastructure. As Granite Construction has worked with Blue Ox and the county, it was realized this is a linchpin piece of property between Willard City, South Willard and unincorporated Box Elder County. The timeline of 15 years is not a smoke screen and is not going to go longer. Our plan is for Granite Construction Company to raise the bar and set new expectations for what can be done.

Brianna Sederholm, South Willard, is not in full favor of the plan but does support the concept of lifecycle planning. She thinks the planning commission should help and encourage developers to start planning for their communities. The state of Utah is in a major crisis with a housing shortage due to a majority of children leaving families and wanting to start their own families. She would like the opportunity for her children to grow up in South Willard and hopefully be able to come back to South Willard. It is a real concern of hers to be told what she can and cannot do with her property but she is not in love with the gravel pit. If the MPC moves forward and the gravel extraction becomes a component, she hopes the commission will put in place very strict guidelines especially with regard to hours of operation as well as sound, dust and debris mitigation. She would also like to see a bond to guarantee development happens the way it has been presented.

Alberta Lammert, Willard, agrees with most of what has been said tonight. She said within a 4-mile corridor starting with Rocky Point going to Murray's Gravel pit there would be four gravel pits with their trucks coming onto Highway 89 which is already more than it can handle. Rocky Point was originally a development situation to remove gravel and put in houses also but that was years ago and has never happened. She can see all of South Willard looking like Rocky Point and does not want that for her community. She asked the commission not to agree to the rezone.

Keith Davis, South Willard, said we heard during staff's presentation that not many specifics as far as engineering or infrastructure has been provided by the developer. Last summer the developers had an open house, Granite Construction was there and presented some of their proposals regarding extraction of materials. They indicated 9 million tons of material is to be

removed out of the gravel pit and the average truckload would amount to 30 tons of material which would represent 300,000 truckloads. Over a 15-year period that would be 20,000 truckloads of material per year, 400 trucks per week, 80 trucks per day and every truck leaving represents another truck coming in. In his opinion this comes down to traffic, traffic and traffic. There is just too much traffic activity involved even if they do everything else exactly as proposed.

David Bezzant, is from Herriman Utah and is a traffic engineer. He was hired by the developer to look at some of the traffic issues. He has looked into the historic truck percentages on U.S. Highway 89 over the last ten years and it has stayed at 10%. He has looked at the crash data to see if there were a lot of truck crashes along the corridor. From 2013 to today there have been 7 truck crashes out of a total of 172 crashes; of those 3 were the fault of the trucks. He has done quite a bit of research and came prepared to answer any questions the commission may have.

Kevin Heil, South Willard, said quality of life is going to go away. If he walks out his back door the pit is right there. If he wants to hang his clothes on a clothes line, the pit is right there. A gravel pit running until 10 p.m. is all he will hear and all he will breathe. He thinks this is nothing more than a big smoke screen. He adamantly does not want another gravel pit. As far as traffic, he has lived there for 60 years and he used to be able to get across the road anytime of the day or night and now he has to wait all the time to get on the road. He wants to go on record opposing this 100%. If another gravel pit is put in, no one's children will want to live there.

Leslie Meyer, Willard, pointed out the homes and businesses in the area that have been there for a long time. She thinks people have the right to do what they can with their property within the rights of others and those who were there first. If this gravel pit was done 20-40 years ago people would not have built home there and it would have been okay, but it is not okay now. This is an environmental issue. The beautiful mountain will be destroyed. She is against the gravel pit.

Crystal Kearn, South Willard is okay with the master plan without the gravel extraction. She agrees there is a need for affordable housing in the community but she would prefer the high density units be spread throughout the master plan rather than clustered. Safety is a concern with mining. Even if there are only a few crashes with trucks on the highway, even one crash is very scary. Health is a concern from the dust and air particulates. She feels the hours of operation would decrease the standard of living in the community. Property values would be decreased and 15 years is too long for a quarry to be there and does not serve the citizens of the community.

June Summers, Willard, said a couple of years ago when this started she heard Mr. Jensen make a comment at the end of one the meetings about not really wanting to build homes but just wanting to have a gravel pit. She did a GRAMA request for the recording of that meeting, and even though she does not remember the exact words, that is what he said. She fails to see what improvements they are doing there or why it will be a good thing for the community or what it will do for her to make her life better. With operating a gravel pit from 6 a.m. to 10 p.m. and the trucks being able to perform 24 hours a day, she fails to see what good is going to come for her and all that excavation is still tied up with her water.

Terry Ross recently acquired Willard Bay Gardens and has concerns with this project. He said from his observation if he had a mountain to move, he would probably hire Granite Construction.

But in this particular project he votes against the gravel pit idea although he is not against the housing idea. The place is going to be developed anyway. He thinks there was an aquifer study done years ago and has big concerns about disrupting the aquifer and trying to revitalize a well on the Willard Bay Gardens property. He does not want the aquifer study discounted and encouraged the commission to look into the study. Mr. Ross stated the dust can play havoc on fragile plants. The rock crushing, the noise, the trucks, conveyors and hours of operation can all play a big role and have a big effect on the type of atmosphere he wants to create at the gardens.

Gordon Sleeman, Willard, said the first points he would like to make are in favor of the developer. He developed a small subdivision in South Willard about 12 years ago directly west of the McGuire Gravel Pit. As people came to him to purchase lots, he does not recall anyone who indicated they would not purchase property because of the proximity to a gravel pit. Growth in South Willard has not slowed down because of the gravel pits and is literally busting at the seams. People want to live in a rural area. The petitioner has stated they do not need the mining portion of the development in order to proceed with the development of the housing. If that is the case it is an easier, nicer process and makes for a better neighbor. Blue Ox has approached Willard City asking about purchasing water for culinary use. Willard City started to create an ordinance allowing the city to sell water to developers or property owners who were not inside the city limits. The easier way to do that is to annex into Willard City. He thinks Blue Ox would like to develop under less stringent county ordinances allowing them to annex into Willard City with a subdivision that is less stringent in meeting the requirements of Willard City. He is not against the development portion of the project but is against the mining and mineral extraction.

Norris Hubbard, Willard, stated the prior owner of the property was going to divert water out of Holmes Canyon. He and other farmers told the owner he could not divert the water because it feeds all of their springs and wells and they went to court over the issue. Mr. Hubbard is against any gravel pits or buildings going in there if they mess with the water that comes out of Holmes Canyon. It would disrupt the water that irrigates his property.

Sherry Zundel, Willard, lives west of a gravel pit and has worked and lived for 40 years in the community. She has watched the growth happen in the area and has battled against gravel pits and wants to be on record that she is definitely against the rezoning.

Casey Beesley, South Willard, wants to go on record as being opposed to this rezoning. She sees no reason to change the zoning if the developer wants to build houses.

Mark Greenwood, Environmental Manager for Granite Construction, understands gravel pits are destructive. He spends every minute of every day trying to reduce the impact of gravel pits. Two years ago a professional geologist studied what affect a gravel pit would have on the area. The study states Holmes Canyon is a water provider for that area. Holmes Canyon is north of the property and drains to the north so this will not affect Holmes Canyon drainage. He believes the water issue has been studied quite extensively. As far as areas around the pits, the Willard City pit works with fruit farmers in the area, and have planted trees which will produce fruit next year. He keeps bees on the pit and they have leased out property to commercial bee keepers in the Ogden area. He said we do our best to try and reduce our impact and try to be conscious neighbors.

Lacey Shupe, South Willard, is against this project and would like to keep the current zoning. She moved here from the Ogden area over 11 years ago because acreage was half-acre or more. She does not like high density building. She is concerned if high density does come in it would force everyone on sewer and she has already paid for her septic system. She is also concerned about the water situation, the past few years she has been getting notices in her water bill stating to conserve water because the aquifer is low and there is not enough water. She said we have had to buy water from Bear River because there is not enough water in South Willard. The McGuire pit is across the highway from her property and now that she lives by one she does not any more pits around her because she finds the traffic dangerous. There is gravel all over the highway and constant rock chips on our windshields.

Darren Meiser, South Willard agrees with Lacey Shupe. He moved to the area 14 years ago from an area of high density housing because of the sunsets and beauty of the area. It is an amazing place to live and he wants to keep it an amazing place. The growth happening in South Willard and the number of new houses has been explosive. If 10% of the traffic is those heavy trucks and they have increased at the same rate as the population that equals a lot of trucks. He hears the rock crushers at night and is surrounded by gravel pits within a 4-mile radius which is overwhelming. He does not begrudge the opportunity to make something of their property or develop and make money but the area is zoned for half-acre lots and this is a chance to keep Willard beautiful and keep it half-acre lots. He is opposed to the rezone.

Matt Barker, South Willard, said this gravel pit would be directly out his front door and the apartments would be on a drained pond. He has dug holes to the south and have had them fill up overnight with water. He agrees with everyone else's comments and finds this ridiculous.

Diane Baker, Willard, stated she is here for the mountainside. The mountains in Willard are all cliffs above us and there have been numerous rock slides. Parts of Pine View canal are covered because the rocks come down and dam it up. It takes time to shut off the water and in the meantime, Willard floods. North Willard had a mud slide blocking Highway 89. She is concerned there is no buffer zone for these canyons. On the Box Elder/Weber County property line there was an avalanche which came within a couple of miles of wiping out some houses. These areas are rocks and cliffs and she questions if the county is going to be able to support South Willard if some natural disaster happens.

Jim Flint, Willard, has heard the word smoke screen several times. He stated he is not associated with the developers in any way but he can say from a water and sewer perspective, the developer is very actively and diligently seeking solutions in that regard. The topography drop from the highway down to the pond is approximately 50 ft. The housing units the developer is proposing are well removed from that so the units would not be involved in the wetlands area. He wants to go on record saying the plan seems self-incentivizing. To do a gravel pit and then not do the housing plan would be crazy.

Jared Monson, South Willard, wants to go on record stating his opposition to this plan in the same ways other have spoken. He is concerned with air quality. There is a big dust cloud over the McGuire pit any time of the year. His wife and son both have asthma. Mr. Monson is on the water board and said Blue Ox has not come to South Willard Water in over a year asking for any kind

of water. When Blue Ox did ask for water they were asked to provide more information but apparently the demands were too much and they went to Willard City asking for water. He said he has worked hard most of his life to be able to afford a beautiful half-acre house. It would be nice to have his kids with him if they can also buy a half-acre lot next to him. He is not a fan of high density.

Bryce Shupe, South Willard, said fifteen years ago the commission gave approval for a subdivision of half-acre lots in South Willard and that is what drew him to the area. He hopes the commission rules for the beauty, the surroundings and the acreage, leaving it the same and not changing it to a gravel pit. He is not against housing in the area as long as it stays the half-acre lots.

Jim Johnson, South Willard, said he has lost a lot of night's sleep over this project and if this plan is approved he is going to lose a lot more. He said the gravel pit could run 24-hours a day, 7 days a week and played a recording of the sounds made by a gravel pit. If this gravel pit is anywhere near as busy as the gravel pits down the street from him, he could have as many as 200 trucks a day slowing down in front of his house. As the trucks slow down, there are cars going 65 mph passing the trucks and he has to negotiate getting out onto the street. He stated it is going to be really exciting trying to get in and out of his driveway without getting killed when there are two different directions of traffic and two different speeds of traffic. Mr. Johnson said this is a bad deal and the citizens do not want a gravel pit.

LaDawn Hubbard, South Willard, will be directly across the street from the gravel pit. She said Blue Ox thinks they will not affect the springs, but when the shoulder was put in in front of her house, the slope was changed enough that her driveway got washed away and she had a mudslide on her front lawn. There is always unintended consequences and she has already been impacted by this before they have even started. She wants to be on record stating her opposition.

Nikki Hampshire, is moving to South Willard and finalizing construction on her dream home. She chose to move to Willard because she is in love with the area. She did her research and saw the area was zoned for residential and was frustrated to hear of the proposal of a gravel pit. She said she has some long-term health effects related to Rocky Mountain Fever which impacts her lungs and moved here also for better air quality. She does not want a gravel pit in the area with the lights, dust, and noise and the concerns for health and wellness. She is also concerned with the value of her home and the ability to re-sell. Ms. Hampshire asked for those making this decision to consider if they would like having a gravel pit in their back yard.

Aaron Jensen, applicant, said every time we meet with the commission, we hear more and learn more. He appreciates hearing the public input and would like to find some common ground and address the key concerns. He said the development agreement is pretty complete and nails some specific key points. Blue Ox came here tonight hoping to talk about the development agreement and what we heard is a lot of things needing to be changed. Two years ago he applied for an MG-EX zone and the concern was the broad land uses allowed. At that time he said if there is a smaller box to put this in, put it in the box. After that meeting he found Box Elder County has the MPC Zone and that is the smaller box. Unlike the other quarries that have said they are going to build homes and never did, they are zoned to allow that use forever. The MPC zone is not that way, zoning is going to be tied to the development agreement and land use will effectively change based

on those phasing requirements. If the extraction operation is for ten or fifteen years, once that time is reached there is no more extraction. He hopes the community understands that and they are not trying to throw up a smoke screen, it is the law. He hopes there will be an opportunity to continue this discussion and take what was learned tonight and implement it into their plan.

Hearing no further comments a motion was made by Commissioner Desiray Larsen to close the public hearing on the South Willard Development Rezone, Z17-019. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

ACTION

Commissioner Jared Holmgren said he has heard overwhelmingly no gravel pit, no excavation, housing is great but gravel is out of the question. The only people who spoke in favor of the project do not live here and have an opportunity to financially windfall off the property, which is great but all the neighbors do not want excavation.

Commissioner Mellonee Wilding said by her count more than one-third of the attendees are also not interested in any higher density, which is a significant number.

Commissioner Desiray Larsen concurs with Commissioner Holmgren about the gravel. She is curious about the definition of high density. The average acre per unit is still half-acre so they are not increasing the density of what is allowed in the area. They are just diversifying the amount with a large portion of it being open space.

Commissioner Mellonee Wilding stated we hear a lot about the South Willard plan. The MPC zone was developed as part of the South Willard Plan. At one point the housing issue had the support of the citizens in South Willard.

Commissioner Bonnie Robinson stated a concern she has with master planned communities is when we take ground that is wetlands and mountainsides too steep for housing and therefore not buildable, that ground is already open space. She thinks it should not be included with the idea that a half-acre can be spread out and it all fits except that it really does not because wetlands and mountainsides cannot be built on. In her opinion those two things are already going to be open space because they could not be built upon in the first place.

Commissioner Laurie Munns questioned if the area is designated wetlands.

Staff said some of the land has been designated wetlands based on where the county's GIS mapping department gets their wetland maps. There are two ponds on the east side of the west property and the larger pond on the west side toward the interstate.

Commissioner Mellonee Wilding expressed concern of why this is actually before the commission. In the development code for the master planned community certain requirements have to be met before this application can even be submitted. Mr. Jensen addressed those requirements as being further down the road however, code states there has to be a method of providing water, sewer service including verification of capacity, a list of permitted uses, conditional standards for height,

placement and size of buildings. There are missing pieces and this application should not even be before the commission. It has been two years since this was before the commission and we are still missing required key pieces. She is uncomfortable the commission is considering an application with these kind of holes.

Commissioner Laurie Munns agrees with Commissioner Wilding. She understands Blue Ox needed the public input but the position of the planning commission is to make a decision one way or another. She feels the commission does not have the information to make a sound decision and because the application is not complete the application cannot be approved. At this point the commissioners have two options. One option is to table the item with conditions setting a time frame and parameters, or the commission can move forward with a recommendation of denial to county commission.

Staff clarified what Commissioner Wilding said is correct and the application should not be here. The reason it is here is following a work session in October some feedback was received from the public but it was very little. The little feedback received from the public came through the applicant. The planning commission wanted to hear feedback from the public through the public, not through the applicant. Hence, the public hearing. The two options before the commission is to table the item or recommend denial to the county commission.

Commissioner Mellonee Wilding stated her concern with tabling is the public has seen very little of what the project entails. Even though there was a public hearing, if this is tabled, this hearing is all the public gets and this plan should come back markedly different than what it is today. The public will not have a say when this is a different picture.

Commissioner Desiray Larsen asked legal counsel if a new or continued public hearing would be allowed if a revised plan is proposed.

County Attorney Stephen Hadfield stated there is nothing to prevent having another public hearing. It is not required but the commission could call for another public hearing if it is wanted.

Commissioner Laurie Munns stated the Master Planned Community is a part of county code and the commission needs to give it an opportunity to work. There was a Planned Unit Development (PUD) in the Harper Ward area and when it was challenged, the commission found it was not what was wanted in Box Elder County was removed from county code. She thinks the commission needs to look and see if this zone is wanted in the community. If so, it needs to be allowed to happen.

Commissioner Mellonee Wilding stated the South Willard residents want their plan honored but we have been reminded multiple times it is to be revisited every five years and it has not been.

Commissioner Laurie Munns asked if this application is denied, the applicant is not prohibited from coming back with a different plan or proposal. Staff said the applicant can come back with a new proposal for a MPC after a six-month waiting period. Commissioner Munns said there is a lot of loose ends and a lot of questions to be answered. She reminded the commissioner they are a recommending body to the county commission who will make the final decision.

MOTION: A Motion was made by Commissioner Mellonee Wilding to forward a recommendation of denial to the county commission for the South Willard Development Z17-019 a request for a rezone from R-1-20 to a Master Planned Community. The motion died for lack of a second.

MOTION: Commissioner Jared Holmgren made a motion for the planning commission to table the review of Application Z17-019 a zoning map amendment from RR-1-20 to the Master Planned Community for a period of six months. In that time a completed application is needed. The motion died for lack of a second.

Commissioner Desiray Larsen said she is leaning towards tabling the item. She did not second the motion because she wants to make sure the motion incorporates what she agrees with, specifically addressing some of the key points mentioned.

Commissioner Laurie Munns suggested tabling the item and the applicant coming back with no gravel pit. She said that is what the commission has heard tonight. She believes the high density issued can be worked around. A tabling will not have another public hearing, a denial and a new plan would give a second public hearing.

There was a discussion regarding setting a precedence of requesting a public hearing if the motion is tabled.

Commissioner Mellonee Wilding reminded the commission the applicant has had two years to complete the application. Denying the application gives the applicant six months to revamp the plan and line out the sewer and water issues.

MOTION: A motion was made by Commissioner Mellonee Wilding to forward a recommendation of denial to the county commission on the South Willard Development Rezone Z17-019, a request for a rezone from R-1-20 to MCP in South Willard so there can be another public hearing when there is a revised plan and completed application in six months. The motion was seconded by Commissioner Jared Holmgren. The motion passed 3 to 1 with Commissioner Desiray Larsen voting nay.

WORKING REPORTS - NONE

PUBLIC COMMENTS - NONE

Kent Davis, South Willard, stated he was one of the chairmen when the South Willard Community Plan was developed. We spent eighteen months developing the plan and spent hours in public hearings and presentations. We saw the need for some kind a planned community or zone allowing larger landowners to develop their ground and make it harmonious with the citizens and the intent of the community. A major portion of the plan was to allow for a higher density in areas of the development in exchange for more open space. The plan Blue Ox has presented is only using 40% of the area they have and their density is still half-acre density. That matches what the committee

intended and what the plan was designed to do. It was said we never figured there would be a need for mining in supporting that multi-zone. He would like to know from Blue Ox how much of the material they are extracting is going to be left on the site to make it buildable and how they are going to convince people they are more in the mood to develop than to extract gravel. The development of the Master Planned Community was a part of the South Willard Community Plan. He agrees with Commissioner Wilding the South Willard Community Plan needs to be updated.

Jess Patterson, South Willard, said he is disappointed this was so difficult to deny the application and that the vote was not unanimous. The citizens have made it very clear they do not want a gravel pit. To even consider tabling the item is very disappointing, the only solution should be for the applicant to come back without a gravel pit.

Brad Sweet, Granite Construction, thinks one of the reasons why the planning commission is having a difficult time with this decision is due to the nature of what is truly strategic about what can be done with the piece of property. He truly appreciates the community's comments about gravel but so much has not been said about what the piece of property can do. The purpose of the gravel is important to understand; it has a funding mechanism that can create water infrastructure. For two years we have researched what the flaw is with the development process of this particular piece of property and it is water. He sees the real problem for the community, even though he does not live here, is as development progresses we are going to struggle with water. This piece of property and the gravel reserves on it have the most interesting funding mechanism created with Blue Ox, but has not been talked about tonight. He was pushing the gravel issue because he wants to set the precedence of Granite Construction Company working with a developer inside of a community to create an infrastructure bank or model funded by gravel.

Gary Hart, Willard, is totally against planned unit developments. The people living around this do not want another gravel pit. We have heard this for years over and over and over again. There are other ways to develop. There are plenty of places for them to get gravel, it does not all have to come from Willard. They have the equipment and capability to go other places.

Ted Mayo, South Willard, echoed what Commissioner Robinson said about open ground. He said he does not want to be told by the developer he is a good guy because he is leaving open ground. If it is open ground, he could not build on it anyway.

Aaron Jensen, Blue Ox, said the comment about the open ground that is unbuildable baffles him. We are also being told it is unbuildable and that is why it is open ground. Everyone in the community is telling him to build on his property but to build on the hill instead of using the extraction process to grade the hill down to make it buildable. The property is unique and challenging and we do need the extraction to make it buildable, otherwise it is open space we cannot build on. We want to find a way to make this work and developable so we can build something nice where we cannot right now.

Commissioner Laurie Munns commented for the developers to have their ducks in a row before coming to the planning commission again. It is not the commission's forum to hold a public hearing for them. She suggested to those in attendance if they know there is a public hearing and they want input, to get together with these gentlemen. The planning commission does not need to

keep bringing it here to have these meetings.

ADJOURN

MOTION: A Motion was made by Commissioner Mellonee Wilding to adjourn commission meeting. The motion was seconded by Commissioner Desiray Larsen second and the meeting adjourned at 10:05 p.m.

Laurie L. Munns

Laurie Munns, Chairman
Box Elder County Planning Commission