

MINUTES OF A REGULAR MEETING OF THE HYRUM CITY PLANNING COMMISSION HELD THURSDAY, JANUARY 8, 2015 AT THE HYRUM CIVIC CENTER, 83 WEST MAIN.

**CONVENED:** 6:30 P.M.

**CONDUCTING:** Vice-Chairman Wayne Olsen & Chairman Brian Carver.

**PRESENT:** Chairman Brian Carver, Commissioners Wayne Olsen, Angi Bair, Terry Mann, Jeff Nielsen and Alternate Kevin Anderson. Zoning Administrator Ron Salvesen. Secretary Michelle Jensen recorded the minutes.

**AMENDED**  
**02-12-15**

**EXCUSED:** N/A

**OTHERS PRESENT:** Doug Nielsen, Jay Rawlings, Sharri Miller, Rose Marie Swenson, Sharron & Milt Ireland, Grant Swenson, Ralph Haycock, Joan Haycock, Derrick Page, Jim Black, Carey Klingensmith, Tim Tuckett, Jared Flippence, Mike Tabbert, Perry Cartwright, Daylarie & Zak Kropf, Jared Clawson, Kelly Leishman, Amy & Stephen Adams, Carson Adams, Brodi Bethers, Chad Bethers, Ryan Leishman, and Kolter Leishman.

**PLEDGE OF ALLEGIANCE:** Commissioner Jeff Nielsen

**INVOCATION:** Commissioner Terry Mann

**APPROVAL OF MINUTES:**

**ACTION** Chairman Angi Bair pointed out that "maTerryal" should have read "material" on page 2 and "intestinally" should have read "intentionally" on page 7 of the minutes of December 11, 2014. Commissioner Terry Mann made a motion to approve the minutes of December 11, 2014 as amended. Commissioner Angi Bair seconded the motion and all commissioners present voted aye.

**AGENDA APPROVAL:**

A copy of the notice and agenda for this meeting was FAXED to The Herald Journal, and mailed to each member of the Planning Commission, and posted at the Civic Center more than forty-eight hours before meeting time.

**ACTION** Commissioner Jeff Nielsen made a motion to approve the Agenda for January 8, 2015 as written. Commissioner Terry Mann seconded the motion and all commissioners present voted aye.

**PUBLIC HEARING:**

**TO RECEIVE PUBLIC COMMENT CONCERNING A REQUEST BY JBS SWIFT USA LLC. TO REZONE PROPERTY AT APPROXIMATELY 200 WEST TO 80 WEST BETWEEN 320 NORTH AND 370 NORTH (SOUTH OF JBS SWIFT PLANT) TIN #03-061-0043, #03-061-0026, AND #03-061-0040 AND PROPERTY AT APPROXIMATELY 400 NORTH BETWEEN 230 WEST AND 280 WEST (NORTHWEST OF THE JBS SWIFT PLANT) TIN #03-060-0011.**

Vice-Chairman Wayne Olsen read the public hearing notice stating the Hyrum City Planning Commission will hold a public hearing on Thursday, January 8, 2015 at 6:30 p.m. in the Civic Center, 83 West Main, Hyrum. The purpose of this hearing is to receive public comment concerning a request by JBS Swift USA LLC. to rezone property at approximately 200 West to 80 West between 320 North and 370 North (south of JBS Swift Plant) TIN #03-061-0043, #03-061-0026, and #03-061-0040 and property at approximately 400 North between 230 West and 280 West (northwest of the JBS Swift Plant) TIN #03-060-0011. Copies of the proposed changes are available for public inspection at the Hyrum City Office, 83 West Main, Hyrum, weekdays between the hours of 8:00 a.m. and 5:00 p.m.

Commissioner Kevin Anderson arrived at 6:34PM.

Co-Chairman Wayne Olsen opened the Public Hearing at 6:35PM.

Shari Miller stated from the time that we as neighbors found out about the JBS purchase of the land behind our properties and the request to rezone those properties from R-2 to M-2 heavy manufacturing we have been concerned about protecting the integrity of our residential neighborhood and the value of their properties. Shari said they can understand their need to grow and modernize the plant and keep it profitable as they have explained their expansion plans they can also understand that development to the South would allow them to maximize the efficiency of their production process while utilizing existing buildings and operation flow but development and expansion to the south will also have a tremendous impact on the quality of their neighborhood and the value of their homes and properties. Shari said JBS had presented quite a bit to them and as she has gone through the presentation she can understand some of the things that they want to do and she feels that the neighbors that she has talked too would be willing to compromise and allow a zone change if certain guidelines and stipulates are required. 1- they would like a 40'-50' area from the north property line into their property and it remains zones R-2 from 200 West to approximately 70 West and that would include the piece right behind Rosalie garners and Candice's property were Rod Garners barns were. 2- That a decorative sound barrier wall be constructed dividing the R-2 and the M-2 zone to minimize noise and

light pollution. 3- That the access to JBS plant and packing continues off of 200 West and minimize impact on 300 North as far as the traffic is concerned. 4-small lane on 100 West off of 3<sup>rd</sup> North not be developed by JBS as an access road. 5- that the R-2 area between the sound wall and their properties be landscaped to prevent an eye sore and a tremendous amount of graffiti. A fabric wall, weed barrier or low zero scape rocks, grasses, and maybe some trees or something. 6- a continued dialog with the neighbors to negate contention on the design changes. Shari said if they were willing to do those things and work with them then they might be able to consider dividing that and having a partial zone, which she had spoken to Ron about and he said it would be ok.

Commissioner Jeff Nielsen asked Shari before she left to please restate what number 4 was.

Shari miller stated there is a small lane that comes off of 1<sup>st</sup> West right after you cross 3<sup>rd</sup> North and she asks that it wouldn't be developed as an access road into their property. Shari stated most of her neighbors that she has talked to agree to these stipulations, she did not get ahold of all of them and if they are here they may have some other things that they would suggest.

Milton Ireland stated his address is 290 West 400 North and their concerns are that JBS has bought the Hammond's property adjacent to them and have proposed a parking lot there. Milton is concerned about the extra traffic in that area, they have had some break-ins there, concerned about the extra traffic due to the employees at their plant, they are also concerned about the added noise. He stated that they have assured them that there would be no reefers parked in that parking lot, that is a big concern right there. Milton also does not want his property devalued with the rezoning of that property. Milton stated as a point of interested he would like that parking lot to remain an R-2 zone vs the manufacturing zone. He said talking with JBS people they have talked about putting a chain link fence down their property and the chain link fence in not going to divide them near enough. Milton is concerned about the lighting shining into their property. They would like a sound wall vs a chain link fence, there is property below them that has horses and he is concerned about the horses there and a chain link fence and all the additional traffic in the parking lot and the horses are not used to all that stuff.

Kelly Leishman stated he had grown up in the neighborhood and had built the home that the Ireland's live in now and is in agreement with their concerns. Kelly stated he has the horse property he would concur leaving it an R-2 zone and also a good fence put up there, a sound barrier and feels it needs to be looked at by an engineer to see if that would be an adequate sound wall.

Terry Miller stated that in regards to the wall that is proposed between the properties, they have stated it will be 8 feet and he does not feel that will be adequate, he feels it needs to be higher.

Amy Adams stated she lives at 328 North 200 West in Hyrum and she is concerned about the traffic that goes along 300 North with the access point moving closer to two residential homes and also the lights shining into more of the homes. She stated there are quite a few small children there along the road and yes they did know where they were moving when they built their house however they did not plan for as much traffic and for the traffic flow to be the way it is, she would like the traffic directed toward Nibley rather than come into Hyrum, as they watch vans and cars coming into Hyrum she understands they are coming into Hyrum and giving us business at the convenient store but also they come past their houses that have children and they have had to teach their children that they do not play in the front yard or ride their bikes up and down the road because of the traffic. She also said they have trucks that go past their house and that has decreased a bit in the past because they have tried to reroute but there are still quite a few of those large diesel trucks that go past and she would like that addressed as well.

Ralph Haycock has a concern with his Monterey Court and he thinks understands that the Hammond home will stay an R-2 zone and he appreciates that. Ralph said he does want to protect his investment and would like to put some kind of barrier in the road which could be trees. Ralph stated they hear noise all the time in there, fans blowing and it really decreases the value of the court he is trying to develop and he would like a way to break some of the sound down. He asked about an area to the South that the trucks go and he stated it is a hazard when they are there, he stated the parking is not being used now and it is really nice.

Kolter Leishman stated that he was with the Leishman horse property. He stated it doesn't really make a lot of sense that JBS has acquired some of the property closer to residential areas and residential zoning. He asked why they are rezoning to get closer to residential when there is plenty of agriculture area to expand to the east and north.

Ralph Haycock asked the JBS people how much greater the group of people that would be coming in would be.

Jay Rawlings said the expansion and addition of a fab will add about 100 employees, he said that does not mean 100 additional cars. Jay stated a lot of them were not in the neighborhood meeting or first

planning and zoning and if they back up a couple steps they could answer a lot of the questions coming down.

Ralph Haycock said he would like to have an idea of what the increase was going to be and the large trucks also.

Co-Chairman Wayne Olsen closed the public hearing at 6:55PM.

**SCHEDULED DELIGATIONS:**

**DOUG NIELSEN - TO REQUEST APPROVAL OF A 2 LOT MINI-SUBDIVISION AT 160 SOUTH 600 EAST, HYRUM.**

Commissioner Jeff Nielsen recused himself as he did the surveying on the submission.

Doug Nielsen stated he is presently living on a lot that has 222' of frontage and he wants to divide that into two separate lots. He stated each lot would be 111' wide and 12 rods deep.

Co-Chairman Wayne Olsen stated that there are accessory buildings on there and was each one going to have certain accessory buildings.

Doug Nielsen stated yes the lot to the south will have the large shop and the buildings behind the house will go with the house.

Commissioner Angi Bair asked if the driveway would carry across both.

Doug Nielsen stated there is a driveway that goes across the back for the timing being but there is plenty of room on the side of the existing house to make a lane back to the property, close to 25'.

Co-Chairman Wayne Olsen asked if it was to be sold or was he going to hang onto it.

Doug Nielsen stated for the time being he was going to hang onto it, planning for future. He stated in two different lots he will have more value than in one.

**ACTION**                    **Commissioner Angi Bair made a motion to approve the request of a 2 lot mini-subdivision at 160 South 600 East, Hyrum. Commissioner Terry Mann seconded the motion and all commissioners present voted aye.**

**WEST TO 200 WEST BETWEEN 320 NORTH AND 370 NORTH (SOUTH AT JBS PLANT) AND PROPERTY AT APPROXIMATELY 260 WEST 400 NORTH FROM RESIDENTIAL R-2 TO MANUFACTURING M-2.**

Jay Rawlings asked if we had a site plan available to put up on the screen. Jay stated he is representing JBS and is the site manager. Jay stated that he disagrees with Shari. Jay said he is excited to be talking about phase II. Mr. Rawlings stated phase II is a new fabrication floor, new grind room, and new welfare which is locker rooms and cafeteria for the employees. Jay stated if you are familiar with the facility fab floor is down in the North West corner, they are pinned in by the railroad and the county road. Jay stated that if you are familiar with the JBS carrier parking the fabrication floor is just right across the street from there and there is just no way to expand that because they are pinned into the corner. Jay stated that it is an asset that is wore out, it is the same floor he walked into 30 years ago. Jay stated the best place to do the addition is on the South side of the building and the reason why is that is where the carcass storage coolers are, the current carcasses travel from one end of the building to the other in order to be fabricated so it is very convenient and the best place for them to come out. Jay pointed out the existing carcass floor on the screen and showed where they are planning to add buildings. Mr. Rawlings stated that he does not know if they were misled but the first P&Z meeting that they came too they were told they couldn't develop R-2 land. He said this expansion is all on their property and under manufacturing zoning and he was told they had to rezone this in order to be able to put parking lot there and if that is not the case he would like to go back because the biggest concern from the public is they do not want manufacturing zoning up to their property line and some guarantee that someone down the road doesn't come build something right up to their property line. Jay said after getting more educated on the code and what is set forth he thinks that is already taken care off, he stated Planning and Zoning are the guarantee. He stated they would have to have site plan approval and a conditional use permit before they can develop anything.

Commissioner Jeff Nielsen stated it has to be zoned commercial because the parking lot has to be zoned the same as the building that is services.

Jay Rawlings stated that is what he understood also, but after listening to the public meeting they have understood you can make sections and cut area out and call them R-2.

Commissioner Jeff Nielsen said that may have come from the discussion they had about that in the first planning and zoning meeting, he did not think that you could. Mr. Nielsen stated Ron

checked with the attorney and you can rezone just a portion of a property but all of the parking lot has to be zoned the same as the building it services.

Derrick Page asked what about the sound wall, does it have to be in a manufacturing zone.

Ron Salvesen stated that the sound wall as it sits would have to be zoned manufacturing but anything past the sound wall that wasn't being used could be R-2. Ron stated the other thing you can do is if you rezone you can have a stipulation put in the deed that it can only be used for certain purposes.

Jay Rawlings said they will work that out in the end, the way he looks at it is he still contests that the guarantee sits right here through site plan approval and conditional use permit, what is recommended today and what the city council approves cannot be changed.

Ron Salvesen said not unless you come back to this body.

Jay Rawlings said in regards to the conditional use permit it is stated that the traffic was discussed early on, in one of the first meetings, the purchase of the Hammond's home and that property will give them the 2<sup>nd</sup> west entrance so that will be preserved just moved up the road. Jay stated with the rezoning or the application to go west of the road and developing there horse pasture and make additional parking brings less traffic into the city because that traffic will stop there.

Commissioner Angi Bair asked Jay to point that out.

Jay Rawlings said they want to develop that piece and their understating is it has to be rezoned to make that a parking lot. Jay said the only intent is for a parking lot. Mr. Rawlings said in the meeting the other night with the neighbors they laid out a lot of this information. Jay presented what he called the plastic banana model, a 3-D layout of the site plan. Jay pointed out that the facility sits lower than the top of the hill, about 35 feet. Jay said he intended for a 15 foot buffer between the homes and the proposed sound wall, however they drew a 30 foot buffer and he will live with that. Mr. Rawlings said the ordinance says a 6 foot barrier wall and they drew in an 8 foot wall to go above and beyond what the stipulation where.

Commissioner Angi Bair clarified it was 30 feet from the edge of the home owners property line to the wall.

Jay Rawlings said yes. Jay wants to be a good neighbor so if a

neighbor already has a natural barriers such as trees etc., they have relaxed it back 30 feet. Jay stated with google earth and their best estimates if you were to stand at the wall and look across it you should see 5-8 feet of the top of the tallest building. Jay said the road is drawn in to be 15 feet from the other side, so basically 45 feet from property line. Jay said none of the buildings create odor, they do not intend to harvest any more than they have in the past this is all just to upgrade current areas. Mr. Rawlings said pollutions shouldn't be any different, lighting has better technology and they show candle light once you get past the parking lot, the brightest part of the building now is the cattle pens which needs a lot of light to bring them in at night which will no longer be visible with the new building. Jay said they are putting a better face on the residential side of the building. Jay stated landscaping, dry scape he would be willing to work with the neighbors on taking care of that.

Vice-Chairman Wayne Olsen asked if Jay had addressed the traffic coming out to the east on 3<sup>rd</sup> north.

Jay Rawlings clarified Center Street and 300 North, so they have spent a chunk of money to preserve and maintain the entrance and it shouldn't be any different.

Commissioner Angi Bair asked if they will leave the Hammond house zoned as R-2.

Jay Rawlings said the current plans are to leave the Hammond home standing where it is at with the garages, driveway, and lawn being the borders.

Commissioner Angi Bair asked if they would put a road across it. Jay Rawlings said just South off it.

Commissioner Terry Mann asked how tall the lights are, if you have the wall 8 feet tall will you even see the lights.

Jay Rawlings said he does not think so if you are standing in a backyard. Jay stated he thinks they are 28 foot poles, not 100% sure but he thinks that is close.

Commissioner Angi Bair asked if the fence will be on the top of the hill.

Jay Rawlings said yes it will be on the top of the hill.

Commissioner Jeff Nielsen stated the wall was not going to be a retaining wall but a sound barrier decorative wall, on the south side it will be 8 foot but it could be 12 feet on the north side if



you use it for a retaining wall right.

Jay Rawlings said his intentions are for an 8 feet wall all the way down through. Jay stated they have been out and looked at one on Valley View Highway, he said it is a cobblestone stamped and they are thinking something similar to that.

Commissioner Jeff Nielsen asked if they were going to cut down into the hill any for their parking lot, or where they going to use the existing grade.

Jay Rawlings said right, the road is on top and they will feed down into the parking lot.

Commissioner Terry Mann stated that the parking lot will actually be lower.

Commissioner Jeff Nielsen asked about the piece of property on 400 North he said a question was asked about what type of fence are they planning to put on the west boundary, are you thinking just a chain link fence.

Jay Rawlings said a security fence, probably just a chain link fence. Jay stated there is a neighbor there but it is not much different than what they currently have and they do not see a need for a sound barrier wall.

Commissioner Angi Bair asked if the parking lot will go to the edge on that property.

Jay Rawlings said there is some natural landscaping's and the part that goes up the hill is not developed.

Commissioner Jeff Nielsen noticed there is not anything for a retention pond and said there is a lot of water there to the west.

Jay Rawlings said that is all regulated and they will have to do it. Jay said currently there is a drain field that pulls what goes through there, but they will comply with all EPA guidelines for storm water retention.

Commissioner Jeff Nielsen asked if the new addition will employ about 100 people.

Jay Rawlings shook his head yes.

Commissioner Terry Mann asked if they would be coming in on shifts.

Jay Rawlings said this is all single shift. Jay said the

fabrication is single shift, DC is 24 hours and 3 shifts run through there, maintenance is 24 hours, and the harvest floor is a single shift.

Commissioner Jeff Nielsen said Shari said she would be happy with a 40-50 foot wide landscaped barrier to the wall. Jeff stated that looking at the site plan there is a little dog leg in the road and asked if it would be possible to move that over or are you using that open area for retention basins or something like that.

Jay Rawlings said not for retention basins but it is his understanding it is best to keep the road high and just feed it down into the parking lot. Jay said he does understand the concerns of the neighbors and he wants to be a good neighbor but he has already moved ~~309~~ 30 feet off the property line and put up an 8 foot wall so he thinks that is adequate.

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Commissioner Jeff Nelsen said looking at 200 West by putting a wall up there it looks they are not going to use 200 West at all.

Jay Rawlings clarified it to be 100 West, and stated they have no intentions of developing 100 West. Jay said the city might have intention but he does not, that is a city street.

Commissioner Jeff Nielsen asked if their intentions would be to leave in the R-2 zone that 30 foot wide strip up to the wall or do you want that manufacturing.

Jay Rawlings said if that is permissible he would be more than happy to. Jay stated what he has understood and what he is hearing tonight are two different things but if that is permissible he would be more than happy too.

Commissioner Terry Mann asked if they can deed the property so it is only used for those roadways and a parking lot so someone in the future won't come in and put a building there.

Chairman Brain Carver arrived at 7:29PM.

Jay Rawlings said he thinks you can but he doesn't think it's necessary, you are the guarantee. Jay said 20 years down the road if he is not at that facility and some of the neighbors are not there either he does not know what is to become of that and he hates to handicap anybody. Jay stated that with his time to investigate and look at some areas around the county at some point and time M-2 touches R-2, manufacturing touches residential somewhere at some point. Jay said his recommendation is for the piece of land that starts from 200 West with the 28 feet and run it all the way to 100 West remain R-2, he believes you start picking

up light manufacturing right after that.

Derrick Page said what Jay is saying is to allow the area west of 100 West and south of the fence to be residential R-2 and other than that when you get east of the fence where it backs up to light manufacturing there is not as much of a concern.

Commissioner Jeff Nielsen said they show the sound wall going all the way across, so they are saying everything south of the wall being R-2.

Derrick Page asked if the site plan and conditional use would be reviewed tonight.

Ron Salvesen said no, the rezone has to be approved by the city council before you can approve a site plan. Ron stated you cannot approve a site plan on a piece of property that is zoned R-2 and the rezone will not be final until the city council approves it.

Commissioner Angi Bair said she is in favor of restricting it to parking lot, 30 years down the road they can always apply for something else and that would protect it for what they had intended.

Commissioner Jeff Nielsen asked if they were going to adjust the boundaries of the Hammond home to fit the fences.

Jay Rawlings said that is correct.

**ACTION**

Commissioner Jeff Nielsen made a motion to recommend for approval the JBS Swift rezone of parcel 03-061-0043, a portion of 03-061-0040 which is the Hammond home, 03-061-0026, 03-060-0011 which lies west of 200 West street with the following conditions that a minimum of a 30 foot buffer zone be left in the R-2 zone and everything south of the wall which is shown on C.102 on the site plan that was present tonight as R-2, additionally a deed restriction on the parking lot area to only allow parking and parking lot as shown on the plat, and both sides of the 8 foot decorative wall will be decorative, and require a minimum of a 6 foot privacy fence on the west property line of parcel 03-061-0011. Commissioner Angi Bair seconded the motion and all commissioners present voted aye.

***OTHER BUSINESS:***

**DISCUSSION AND REVIEW OF GENERAL PLAN.**

There was no discussion.

**ADJOURNMENT:**

**ACTION**           **There being no further business before the Planning Commission, the meeting adjourned at 8:35 p.m.**

Approved: FEBRUARY 12, 2015  
As Amended