

MINUTES

BOX ELDER COUNTY PLANNING COMMISSION

AUGUST 20, 2009

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:

Richard Day	Chairman	<i>the following Staff was present:</i>	
Chad Munns	Vice-Chair		
Desiray Larsen	Excused	Kevin Hamilton	Director
David Tea	Member	Elizabeth Ryan	Secretary
Jay Hardy	Member	Tamara Wright	Planner
Jay Christensen	Member	Steve Hadfield	Excused
Laurie Munns	Member		

Chairman Richard Day called the Planning Commission meeting to order at 7:03 p.m. The Minutes of the July 16, 2009 meeting were made available to the Commissioners prior to this meeting and upon review a Motion was made by **Commissioner David Tea** to accept the Minutes as written; seconded by **Commissioner Jay Christensen** and passed unanimously.

The following citizens were present:

Matt & Sherry Gibbs/West Haven	Lynn & Jamie Staheli/Garland
Steve VanVleet/WVC	Jerry Stevenson/Layton
Scott Grover/Garland	Derek & Zjani Julander/Brigham City
S. Craig Adams/Logan	Dan Tuner/Logan

PUBLIC HEARINGS

Chairman Richard Day informed those present that this was the time set for the public hearings on the various petitions on the agenda. The Commissioners would listen to the comments and concerns, but this was not a questions/answer time. The **Chairman** then called for the hearing of the first petition.

TEXT AMENDMENT TO THE LAND USE MANAGEMENT & DEVELOPMENT CODE FOR BOX ELDER COUNTY.

- ARTICLE 3: 3-7-080-6.2; TO ELIMINATE LANGUAGE [~~EXCEPT AS MAY BE REDUCED BY CONDITIONAL USE PERMIT~~] IN REGARDS TO SIDE SETBACKS IN THE RR-20 AND R-1-20 ZONES.**

Tamara Wright, County Planner, informed the Commissioners that this text amendment to Article 3 Section 3-7-080-6.2 was to eliminate language in regards to the side setbacks in the RR-20 and R-1-20 zones of the Land Use Management Code, as the Code currently allows property owners to petition for a conditional use permit allowing the reduction in the setback requirements in those two

zones that are residential in use. Staff further stated that a CUP, by definition, is granted because the land has a unique characteristics or potential impact on the County, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required the mitigate or eliminate detrimental impacts; much of this [definition] does not necessarily apply in regards to the RR-20 and R-1-20 zones where residential or subdivision exist. No comments were received during the public hearing and a Motion was made by **Commissioner David Tea**, seconded by **Commissioner Jay Hardy** and passed unanimously.

2. ARTICLE 6: ♦SUBDIVISIONS♦ TO CLARIFY AND UPDATE THE ORDINANCE TO MEET CURRENT DEVELOPMENT REQUIREMENTS AND THE UTAH STATE CODE REQUIREMENTS. (Addition of Chapter 6.2)

Tamara Wright, County Planner, explained that during the 2009 session of the Utah State Legislature, HB 1001 was passed and, therefore, it is necessary to add a new chapter to the **Box Elder County Land Use Management & Development Code**, to cover those changes. Essentially this new bill modifies county land use provisions relating to subdivisions by authorizing a land owner with at least 100 contiguous acres of agricultural land to divide a single lot from that acreage without having to comply with the County’s subdivision plat requirements or County subdivision ordinances. It would also prohibit the County from denying a building permit to the owner of a minor subdivision lot (as outlined in HB 1001) if it meets the County’s reasonable health, safety, and access standards that have been established and published. No comments were received during the public hearing and a Motion was made by **Commissioner Jay Christensen**, seconded by **Commissioner David Tea** and passed unanimously.

STAHELI ONE-LOT SUBDIVISION, SS09-007, LOCATED AT APPROXIMATELY 14380 N 4400 W IN THE WEST GARLAND AREA OF BOX ELDER COUNTY, UT.

Staff explained that this one acre lot is located in an un-zoned area of the County. No comments were received during the public hearing and a Motion was made by **Commissioner Laurie Munns** to close the hearing, seconded by **Commissioner Jay Christensen** and pass unanimously.

DEREK JULANDER SS09-009, LOCATED AT APPROXIMATELY 3085 WEST 4600 NORTH IN THE EAST CORINNE AREA OF BOX ELDER COUNTY, UT.

Staff explained that this lot of 1.1 acre has an existing home on it and is located in an area of the County that is currently zoned as RR-2. A rezone for this area is currently being completed which would change the zone to RR-20 thus making this a legal lot. No comments were received during the hearing and a Motion was made by **Commissioner Chad Munns** to close the hearing, seconded by **Commissioner Laurie Munns** and passed unanimously.

CRICKET COMMUNICATIONS TOWER CUP09-018, AT LOCATION OF MT. PISGAH COMMUNICATIONS SITE FOR ADDITIONAL ANTENNAS.

This petitioner was requesting permission to co-locate on the Mt. Pisgah Tower [located in Sardine Canyon] with additional antennas and equipment. No comments were received during the public hearing and a Motion was made by **Commissioner Jay Christensen** to close the hearing, seconded by **Commissioner David Tea** and passed unanimously.

BEAR HOLLOW RANCH SS09-008, 19-LOT SUBDIVISION LOCATED AT APPROXIMATELY 15100 N 4000 W IN THE EAST GARLAND AREA OF BOX ELDER COUNTY.

This petition is for a water ski park located in an un-zoned area of the County with 19 lots proposed on 90 acres. No comments were received during the public hearing and a Motion was made by Commissioner David Tea to close the hearing, seconded by Commissioner Chad Munns and was unanimous.

ROAD VACATE, TO VACATE THE ONE HALF (1/2) ALLEYWAY RUNNING NORTH TO SOUTH IN THE CENTER OF BLOCK 2 IN RIVERSIDE, UTAH. (PARCEL # 06-046-0085, 0009, 0010, AND 0011).

This road vacation of an 18 foot wide alley on Block 2 [of the Riverside Plat] runs in a north/south direction. The four lots are all owned by one family and this property will still have access by two other main roads. No comments were received during the public hearing and a Motion was made by Commissioner Laurie Munns to close the hearing, seconded by Commissioner Jay Christensen and was unanimous.

UNFINISHED BUSINESS

AMENDMENTS TO THE LAND USE MANAGEMENT & DEVELOPMENT CODE FOR BOX ELDER COUNTY. ARTICLE 1 & ARTICLE 2:

Staff informed the Commissioners that these two items were being tabled at this time as more work is needed before the final draft will be available for adoption by the Planning Commissioners.

MOTION: A Motion was made by Commissioner Chad Munns to table action on Article 1 and Article 2 amendments; seconded by Commissioner Jay Christensen and passed unanimously.

RIVERSIDE FARMS, SS08-005, LOCATED AT APPROXIMATELY 18460 N 5200 W IN THE RIVERSIDE AREA OF BOX ELDER COUNTY, UT. (CONCEPT & PRELIMINARY)

Staff informed the Commissioners that at their June 2009 meeting this item was tabled (for concept and preliminary approval) until the petitioner(s) were able to meet with the County Engineer and re-submit the plans for curb/gutter/and sidewalk in this subdivision. Also the utility letters for this subdivision are over a year old and new letters should be submitted. The petitioner(s) have met with the County Engineer and are now proposing a roadway design with a 30 foot wide paved roadway and rolled concrete curb on both sides. Additionally, they have proposed having no sidewalk, rather they would like to have a roadway [graveled] section that would be used for walking/equestrian trail on at least one side of the roadway. At the meeting held in June 2009 by the Planning Commission, these petitioners had asked for re-approval of the concept plan which had expired in April of 2009. Commissioner Chad Munns asked that the petitioners come forward and discuss their proposed changes with the Commissioners before granting concept and preliminary approval of this subdivision. Jerry Stevenson and Scott Grover were present and discussed this subdivision with the Commissioners. The Commissioners had some concerns regarding the proposed roadway section for walking/equestrian purposes and asked the petitioners to talk about what their plan was. *Jerry*

Stevenson said that as this subdivision has larger lots and is geared more toward individuals that will want a rural atmosphere with the possibility of having horses and this pathway would provide a riding path that will be six and a half feet wide. A road base will be used and will be situated back from the roadway, but they do not want to create a situation where there is a park strip between the road and the pathway that would result in weeds. They are purposing a home owners association that will have covenants to govern maintaining this strip to help with the weed control. **Commissioner Chad Munns** stated that weed control was a major concern of the Planning Commission as quite often these [park] strips are not maintained by the homeowner. **Commissioner Laurie Munns** also felt that [excess] weeds along a park strip could create additional problems during the winter months with snow removal. **Mr. Stevenson** said that the pathway could be placed adjacent to the rolled curb to help, but ultimately the best way to control the issue would be with covenants assigned to the subdivision through the HOA. Furthermore, **Mr. Stevenson** said that they would be willing to draft the covenants and have them reviewed by the County to insure that these concerns were dealt with sufficiently. Hopefully the HOA would be strong enough to enforce the covenants and **Mr. Stevenson** said that he would be a principal owner in this subdivision until the lots were sold and realized that a clean lot is more appealing than one cluttered with weeds. **Commissioner Chad Munns** then asked if the petitioners had seen the recommendations from Jones & Associates and if they had any problems with any of the suggestions. The petitioners did have a copy of those recommendations and did not see any problems at this time. **Commissioner Chad Munns** then asked that the County's definition of a "sidewalk" be read into the Minutes.

"6-1-030 Definitions: Sidewalk: A passageway for pedestrians, excluding motor vehicles."

A concern that **Commissioner David Tea** expressed was that of the possibility of a owner of one of the lots within this subdivision being re-subdivided into smaller lots; as he pointed out that lots number three (3) and number nine (9) could be easily divided into one-half or one acre lots. **Commissioner Chad Munns** asked if covenants could be included in the HOA that would address this concern. **Mr. Stevenson** suggested that within the covenants it could be written that no lot could be divided more than one time, thus helping to control the re-subdividing issue. Also, any lot owner would have to petition the Planning Commission for approval before being able to subdivide. But, as **Commissioner David Tea** pointed out, this area is currently un-zoned and therefore does not prevent the Commission from approving a petition if all of the conditions were met. **Mr. Stevenson** said that he could understand the Commissioners concern with the possible re-subdividing, but did not want to eliminate it completely; however he did not want this project to turn into a half-acre lot subdivision in the future. **Commissioner David Tea** said that he did not have a problem with the idea of a [horse] pathway with the larger lots, but if they were divided further could the County then require that a (traditional) sidewalk be installed? **Director Kevin Hamilton** replied saying that a petitioner would have to meet the requirements of the code at the time when any re-subdividing took place, but currently as this area is un-zoned the County would have little control unless certain criteria were outlined in the covenants. In regards to the water system that is being put in, **Mr. Stevenson** said that it is designed for the 38 lots of this subdivision and not for numerous additional lots by re-subdividing. The final issue that was addressed was that of the utility letters previously received by this petitioner. Staff said that they were received in March 2008 and that the concept approval for this subdivision expired in April 2009. The Commissioners felt that new letters needed to be secured by the petitioners and that concept and preliminary approval could be given at this time contingent of the planning office receiving those [new] letters. **Kevin Hamilton** said that in making

its recommendation, the Planning Commission needed to determine if the petitioner(s) had met the requirements of the current ordinance, subject to any conditions set forth by the planning staff and any recommendations outlined in the County Engineer's letters. If so, then concept and preliminary approval could be given, directing the petitioners to move forward with the final plan for the subdivision.

MOTION: A Motion was made by **Commissioner Chad Munns** to grant Concept and Preliminary approval to the Riverside Farms Subdivision, subject to the petitioners securing new letters verifying the availability of [all] utilities and any other conditions as outlined by Staff. (Petitioners need to also work on the language to be included in the HOA and submit final plans for the 'sidewalk' or walking/equestrian path and any possible re-subdividing of the larger lots within the Riverside Farms Subdivision by new owners.) The Motion was seconded by **Commissioner David Tea** and passed unanimously.

Conditions of approval by Staff: meet conditions of the County Engineer outlined in letter and new utility letters with current date from the Bear River Health Department, water company, power company, gas company and telephone company

VALLEY VIEW ESTATES, PHASE II (FINAL) SS08-012, LOCATED AT APPROXIMATELY 7150 SOUTH HWY 89 IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY, UT. (FINAL)

Staff asked for clarification regarding the utility letters for this subdivision, as the petition had some questions as not all of the letters that are in the file are more than a year old. **Chairman Richard Day** stated that it was his understanding that this petitioner was to get [all] new letters verifying the availability of utilities before final review/action would be taken on this subdivision. Therefore, Staff recommended tabling any action on this petition until those letters have been received.

MOTION: A Motion was made by **Commissioner Jay Christensen** Table action at this time and seconded by **Commissioners Jay Hardy** and passed unanimously.

NEW BUSINESS

TEXT AMENDMENT TO THE LAND USE MANAGEMENT & DEVELOPMENT CODE FOR BOX ELDER COUNTY.

- 1. ARTICLE 3: 3-7-080-6.2; TO ELIMINATE LANGUAGE [~~EXCEPT AS MAY BE REDUCED BY CONDITIONAL USE PERMIT~~], IN REGARDS TO SIDE SETBACKS IN THE RR-20 AND R-1-20 ZONES.**

MOTION: A Motion was made by **Commissioner Chad Munns** to accept this change and forward its recommendation to the County Commission for its approval. Seconded by **Commissioner Jay Christensen** and passed with **Commissioner Jay Hardy** abstaining from the vote.

- 2. ARTICLE 6: ♦SUBDIVISIONS♦ a new chapter, 6-2, is to be added to the Box Elder Code to implement the House Bill 1001 legislature changes. This bill modifies county land use**

provisions relating to subdivisions authorizing a land owner of a least 100 contiguous acres of agricultural land to divide a single lot without having to comply with the subdivision plat requirements of county subdivision ordinances and prohibits a county from denying a building permit to a landowner of a minor subdivision lot if the lot meets the county's reasonable health, safety, and access standards that have been established and made public.

MOTION: A Motion was made by **Commissioner Chad Munns** to recommend adoption and approval of this new chapter, 6.2, and forward to the County Commission for their approval. Seconded by **Commissioner Laurie Munns** and passed with **Commissioner Jay Hardy** abstaining from the vote.

STAHELI ONE-LOT SUBDIVISION, SS09-007, LOCATED AT APPROXIMATELY 14380 N 4400 W IN THE WEST GARLAND AREA OF BOX ELDER COUNTY, UT.

Staff reported that Lynn Staheli had submitted a new map for their subdivision. The previous survey had some title concerns, where the ownership left a strip of ground 17 feet wide between the 33 foot right of way line and the 50 foot west line of the ownership. This was supposed to be used as a water easement; however it was executed as a Warranty Deed to ten water users. This water strip of land would lock-out the previous subdivision parcel from access to the County Road. The petitioners then decided to move the (original) .85 one acre lot parcel south of 14400 North. Staff was recommending concept/prelim/final approval for this newly located single one acre [increased] lot (size) located at approximately at 14380 North 4400 West in the Riverside area of unincorporated Box Elder County. All letters verifying utilities have been received and concept/preliminary/final approval was recommended at this time.

MOTION: A Motion was made by **Commissioner Jay Christensen** to grant Concept/Preliminary/Final approval to the Staheli One-Lot Subdivision with conditions of approval by Staff. Seconded by **Commissioner Chad Munns** and passed unanimously.

Conditions of Approval:

1. Conditions, requirements and recommendations of culinary water provider: Where no culinary water system is available the letter shall come from the state or local agency having jurisdiction to approve the new well or water system. The developer is required to comply with all the requirements and recommendations of the culinary water provider and/or state/local approving authority prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved by the County Commission.
2. Conditions, requirements and recommendations of wastewater treatment provider: Where no wastewater treatment system is available the letter shall come from the state or local agency having jurisdiction to approve the new wastewater treatment system. The developer is required to comply with all the requirements and recommendations of the wastewater treatment provider and/or state/local approving authority prior to the recording of the subdivision, unless a financial guarantee to cover the costs of the required and recommended improvements has been approved by the County Commission.
3. Conditions, requirements and recommendations of Box Elder County Fire Marshal: The developer is required to comply with all the requirements and recommendations of the county fire marshal prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved

by the County Commission. **The developer must have the fire department send the County Planner a letter specifying their recommendations and requirements have been met.**

4. Conditions, requirements and recommendations of the County's Engineer: The developer is required to comply with all the requirements and recommendations of the county's engineer prior to the recording of the subdivision, unless a financial guarantee to cover the costs of installing the required and recommended improvements has been approved by the County Commission. **The developer must have the County Engineer send the County Planner a letter specifying their recommendations and requirements have been met.**

5. Conditions, requirements and recommendations of the County Building Department: The developer is required to comply with all the requirements and recommendations of the county building department prior to the recording of the subdivision. **The developer must have the building department send the County Planner a letter specifying their recommendations and requirements have been met.**

6. Conditions, requirements and recommendations of the County Road Department: The developer is required to comply with all the requirements and recommendations of the county road department prior to the recording of the subdivision. **The developer must have the road department send the County Planner a letter specifying their recommendations and requirements have been met.**

7. Rural road improvement agreement.

8. Compliance with all state and county subdivision regulations for which a specific variance has not been granted.

DEREK JULANDER SS09-009, LOCATED AT APPROXIMATELY 3085 WEST 4600 NORTH IN THE EAST CORINNE AREA OF BOX ELDER COUNTY, UT.

Staff explained that this subdivision is located in the area east of Corinne [commonly known as East Bear River] that is currently being re-zoned to RR-20 from the current A-20. There is an existing home on the lot that will be removed and a new home built. Letters verifying utilities have not been received at this time. Staff was recommending concept approval for the Julander Subdivision with preliminary and final to follow once the rezoning is completed and the adoption of the Ordinance rezoning East Bear River City to half (1/2) acre lots. At the adoption of the Ordinance, there is a period of fifteen (15) days before the Ordinance becomes effective. After this fifteen (15) day period, the planning office could place the petition for preliminary/final approval on the Planning Commission for their review.

MOTION: A Motion was made by **Commissioner Jay Hardy** to grant concept approval to the Julander One-Lot Subdivision at which time **Commissioner David Tea** asked if this lot would qualify as a flag-lot, but Staff had not considered that possibility. (Staff said that currently the road to the lot is only twenty-two feet and would need to be widened to thirty feet in order to meet the flag-lot requirements, but concept approval could be given at this time. Before preliminary and final approval could be given a new plat drawing would need to be submitted to the Planning Office showing that the stem of the flag lot met the ordinance. Also, the new Ordinance changing the zoning in the area from A-20 to RR-20 must be adopted by the County Commission and met the publication requirements.) The Motion was seconded by **Commissioner Laurie Munns** and passed unanimously.

CRICKET COMMUNICATIONS TOWER CUP09-018, AT LOCATION OF MT. PISGAH COMMUNICATIONS SITE FOR ADDITIONAL ANTENNAS

Staff presented the background and findings regarding this petition indicating that the proposed use is not detrimental to the health, safety or general welfare of persons residing or working in the community, or injurious to any property. The proposed use is necessary at this location and will collocate on an existing tower to improve the communications capabilities for public safety and is compatible with the General Plan of Box Elder County and Article 2-2-100 for a CUP. The property owners, Leo and Annette Beus, William and Susan Horsely will need to provide a notarized letter authorizing access to this location before the CUP is given for this project.

MOTION: A Motion was made by **Commissioner Chad Munns** to grant approval for the Conditional Use Permit for Cricket Communications to co-locate on an existing tower located on Mt. Pisgah in Sardine Canyon, with conditions as outlined by Staff. Motion seconded by **Commissioner Jay Christensen** and passed unanimously.

Conditions of Approval:

1. Compliance with State regulations.
2. Compliance with Article 2-2-100F- Standards of approval of the Box Elder Land Use Management & Development Code
3. Compliance with Article 2-2-100I – Amendment of the Box Elder Land Use Management & Development Code.
4. Reclamation of disturbed land.
5. Compliance with FAA and FCC regulations.
6. Receipt of notarized letters from the property owners: Leo and Annette Beus, and William and Susan Horsely.

BEAR HOLLOW RANCH SS09-008, 19-LOT SUBDIVISION LOCATED AT APPROXIMATELY 15100 N 4000 W IN THE EAST GARLAND AREA OF BOX ELDER COUNTY. (CONCEPT)

Staff explained that this petition was for concept approval on a proposed 19 lot subdivision on 90 acres of land that will be accessed by a private road and house a private water ski part in an unincorporated part of the County. This is a basic conceptual plan and the petitioners are looking for approval (on the concept) before working with UDOT and the BRHD for actual final approval to move forward with this plan. **Commissioner David Tea** asked if the petitioners could come forth and address the Commission on their plan for this project. Craig Adams and Dan Turner were present at this meeting and answered questions regarding this proposal. They informed the Commissioners that their plan was to have a water ski community with two water ponds; the nineteen homes would be around the northern-most lake. It will have its own water and sewer (septic) system abutting on a county road Highway 30 and have been working with UDOT regarding that issue. They have applied with the Division of Water Rights to have seven individual wells to provide water to three houses each; with the number at three there is no need to form a private water company. **Commissioner Chad Munns** asked if they were located in a flood zone area, but was told no. **Commissioner David Tea** asked why the road around the northern lake did not continue completely around the lake connecting both sides together. This concern was based on safety issue, since each of the roads end as a cul-de-sac. The petitioners said that access was still available (around both of the lakes) even though the road(s) were not paved. **Commissioner David Tea** then said that in other

subdivisions that have been approved by this Commission there has (usually) been two ways in and out of the project, and felt that it would be a good idea to have the County safety departments (fire, ambulance, etc.) review this project and give approval. **Commissioner Jay Hardy** asked for assurance that once this project was completed, would the road remain private and not revert to the County for maintenance. He was assured that this would be a gated community with private roads. **Commissioner Chad Munns** also asked about lots 1, 3 and 13 that were not a full half acre and hadn't the County determined that all lots were to be at least a half acre in size. Staff said that as this project is in an un-zoned area, the size of the lot would ultimately be mandated by the health department. After continuing with the discussion on this proposal and determining that this was the initial concept of this plan, Staff recommended granting approval and instructing the petitioners to move forward with securing approval from the various utilities, UDOT and BRHD; returning to the Commission for preliminary and final approval.

MOTION: A Motion was made by **Commissioner Laurie Munns** to grant approval to the concept plan of the Bear Hollow Ranch Subdivision, instructing the petitioners to proceed with Bear River Health Department, UDOT, and water approvals for this development, as well as any other conditions set by Staff and the County Engineer, after which time application for preliminary approval could be submitted. Motion was seconded by **Commissioner Chad Munns** and passed unanimously.

Staff's findings & conditions:

1. The acceptance of a proposed concept plan by the Planning Commission shall not constitute an absolute approval.
2. The Concept approval shall expire if a preliminary plat approval has not been obtained within twelve (12) months of the date which concept was approved. If the Concept Plan expires, a re-submittal and reacceptance of the concept plan may be required by the Planning Commission.

ROAD VACATE, TO VACATE THE ALLEYWAY RUNNING NORTH TO SOUTH IN THE CENTER OF BLOCK 2 IN RIVERSIDE, UTAH. (PARCEL # 06-046-0085, 0009, 0010, AND 0011).

Staff reported that this petition to vacate an alley located within the Riverside Plat, is 18 feet wide, running through the middle of Block 2 of Riverside Plan in a north-south direction. The property owners feel that this alley is unusual and they do not have plans to ever use it. Vacating the alley will assist the property owners in cultivating the lots. The four lots abutting the alley have two (2) additional roads accessible to each lot. In determining whether this alley could be vacated, Staff said that this is a legislative matter and discussed the following with the Planning Commissioners.

There is not a prevailing public interest in keeping the road open as alley has never been opened for public use. The proposed vacation would not affect the County General Plan or the transportation plan of the county, as the four lots have two (2) roads accessible to each lot. The proposed vacation is in compliance with all Box Elder County Land Use Management & Development Code requirements, state, federal or other local regulations and is in compliance regarding Road Vacations and is in compliance with section 72-3-108 County road – Vacation and narrowing. Vacating this alley would not financially harm any landowner or stakeholder who

may have an interest in the road. Upon reviewing the county tax rolls, it was determined that vacating the alley would not impact any other private interest within the right-of-way and that this alley is not a deeded road or a right-of-use road. In addition, the petitioner is in the process of obtaining descriptions in a deeded right-of-way for all abutting owners who may receive any ownership of the vacated road. Staff also has notarized letters in the file from all of the current landowners stating they are aware of this action.

MOTION: A Motion was made by Commissioner David Tea to grant approval in vacating this alleyway in the Riverside area; seconded by Commissioner Jay Christensen and passed with Commissioner Jay Hardy abstaining from the vote.

WORKING REPORTS

Kevin Hamilton informed the Commissioners that BRAG has put together a natural hazards emergency plan that will be presented at the September 17, 2009 meeting that needs to be adopted by the County as soon as possible. Commissioner Chad Munns asked about the status of wind turbines in the County and if any additional work was being done toward that end. Staff stated that there is additional information, but time has not been conducive to drafting an ordinance on this issue. Commissioner David Tea said that there needed to be some work done regarding the definition of a 'sidewalk' and also expressed some concern in vacating roads and alleyways in the county and what possible impact they may have of the [future road] transportation flow and thought that these issues should be looked at more closely in the future.

PUBLIC COMMENTS – NONE

A Motion was made by Commissioner Chad Munns and seconded by Commissioner Jay Christensen to adjourn at 8:37 p.m., unanimous.

Passed and adopted in regular session this 17th day of September 2009.

Richard Day, Chairman
Box Elder County
Planning Commission