

# MINUTES

## BOX ELDER COUNTY PLANNING COMMISSION

### JUNE 18, 2009

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The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 7:00 p.m. The following members were present constituting a quorum:

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

**Chairman Richard Day** called the Planning Commission meeting to order at 7:04 p.m. The Minutes of the May 21, 2009 meeting were made available to the Commissioners prior to this meeting and upon review, **Commissioner David Tea** made a Motion to accept the Minutes as written; seconded by **Commissioner Jay Christensen** and passed unanimously.

The following citizens were present:

Richard Kimber/Brigham City & Grouse Creek	Scott Morel/Logan
Scott Grover/Garland	Bryan Low/Logan (Mt. Pisgah)
Jeremy Jensen/Smithfield	Richard Nimori/Corinne Mayor
Jeff S. Hansen/Wellsville	Jim Lundahl/Logan
Randy Auman/Logan (Mt. Pisgah)	Karen Rae Lundahl/Logan
Ryan Palazzo/Houston, TX	John Wilson/Littleton, CO
Joe Currie/Billings, MT	Norman Fukui/Elwood
Chris Sorsenen/Brigham City	Allen & Adele Coray/Kaysville
Jana Rae Shaw/No Ogden	Curtis Marble/Corinne
Brian Deeter/Kaysville	Rob Stokes/Tremonton
Ryan Trapp/Tremonton	Jerry Shaw/Ogden
Michele Green/Park Valley	Milt & Marsha Oman/Grouse Creek

### **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.

**SITE PLAN (SP09-003) EAST GROUSE CREEK WATER COMPANY FOR A NEW WELL HOUSE FOR EXISTING POTABLE WATER WELL LOCATED ON PARCEL 06-091-0001**

The East Grouse Creek Water company has submitted a Site Plan Application for the construction of a new well house for their existing potable water well as required by Division of Drinking Water. The site is in an un-zoned area of the County. **Richard Kimber** of Brigham City/Grouse Creek wanted to commend the East Grouse Creek Water Company for moving forward in developing its water system and encouraged the Planning Commission to act in the affirmative in approving the site plan, as this is necessary for East Grouse Creek to meet the State requirements. **Mr. Kimber** said that he was not officially representing the East Grouse Creek Water Company, but was concerned that the petition be approved. **Jeremy Jensen**, of Sunrise Engineering, was representing the East Grouse Creek Water Company and said that the project had funding and was ready to proceed upon approval. No other comments were made and the hearing was closed with a Motion by **Commissioner David Tea**; seconded by **Commissioner Jay Hardy** and was unanimous.

**SITE PLAN (SP09-004) ROB STOKES, PETITIONER, FOR A RUBBER MULCHING OPERATION TO BE LOCATED AT 10640 N 10800 W IN THE THATCHER AREA. (WESTERN TIRE RECYCLERS)**

This petitioner had requested approval for a rubber mulching site plan to be located on a 6.41 acre lot where he currently lives. The site is located in an un-zoned area of the County and the petitioner is purposing a 3,200 square foot shop behind his residence. No comments were received during the public hearing and a Motion was made by **Commissioner Chad Munns** to close the hearing; seconded by **Commissioner David Tea** and was unanimous.

**SITE PLAN (SP09-005) ROB STOKES, PETITIONER, FOR A LYNX CAT OPERATION, TO BE LOCATED AT 10640 N 10800 W IN THE THATCHER AREA.**

In 2000 this petitioner came before the Planning Commission to obtain a CUP for a lynx farm. He is now moving that operation to another location in the un-zoned area of the County and is requesting a site plan approval for his lynx farm. The current CUP would remain in effect. No comments were received and a Motion was made by **Commissioner David Tea** to close the hearing; seconded by **Commissioner Jay Hardy** and was unanimous.

**CUP09-010, U.S. PIPELINE, INC., LOCATED ON THE 4300 NORTH BLOCK OF HIGHWAY 13 AND 4800 W FOR A CONSTRUCTION/SPREAD OFFICE IN THE CORINNE AREA.**

U.S. Pipeline is proposing to use this site to house a construction office trailer, tool trailers, trucks, equipment and supplies that will be for the work relating to the pipeline traversing through the upper part of Box Elder County. The site will also be utilized by construction inspection personnel, surveyors, client staff, testing and other subcontractors involved in the Ruby Pipeline project. No comments were received and a Motion was made by **Commissioner Desiray Larsen**; seconded by **Commissioner David Tea** and was unanimous.

**CUP09-011, WEST CORINNE WATER COMPANY TO CONSTRUCT A ONE MILLION GALLON WATER TANK AT APPROXIMATELY 11844 WEST 11200 NORTH, IN THE BOTHWELL AREA.**

West Corinne Water Company is proposing to construct a one million gallon water tank located in the unincorporated area of the County on property that is currently an empty field and pasture,

(parcel #s 05-124-0003, 05-124-0008 and 05-124-0009). No comments were received and a Motion was made by **Commissioner Jay Hardy** to close the hearing; seconded by **Commissioner Jay Christensen** and was unanimous.

**CUP09-012, CORINNE CITY CORP., TO CONSTRUCT A 20 INCH LINE FROM THE WATER TANK TO CORINNE CITY ON PARCELS 04-037-0059, 04-037-0026, 04-037-0033 (APPROXIMATELY 18 ACRES).**

Corinne City has made an application to construct a one million gallon water tank with a 20 inch transmission line. The line will follow the current water line with one deviation at the request of the landowner. No comments were received and a Motion was made by **Commissioner Chad Munns**; seconded by **Commissioner Desiray Larsen** and was unanimous.

**CUP09-013, CITY OF LOGAN, MT. PISGAH TELECOMMUNICATIONS SITE IN SARDINE CANYON, FOR THE INSTALLATION OF A 150 FOOT PUBLIC SAFETY COMMUNICATIONS TOWER TO SERVE CACHE & BOX ELDER COUNTY PUBLIC SAFETY.**

The State of Utah has made an application for a 150 foot public safety communications tower to serve both Cache and Box Elder County to be located in Sardine Canyon near Mt. Pisgah. No comments were received and a Motion was made by **Commissioner Laurie Munns** to close the hearing; seconded by **Commissioner Jay Christensen** and was unanimous.

**CUP09-014, RUBY PIPELINE, LLC, FOR A NATURAL GAS TRANSMISSION PIPELINE THROUGH UPPER BOX ELDER COUNTY.**

This petitioner is requesting a CUP for the installation of a 43 inch natural gas transmission pipeline through approximately 128 linear miles of Box Elder County. **Allen Goring** (Connie Ward's son-in-law), representing the Connie and Le Grand Ward family addressed the Commissioners, first thanking Joe Currie for the information that he was able to provide to them regarding notification of this project. **Mr. Goring** then asked if any of the Commissioners had the opportunity to personally visit the proposed site(s)/corridor of this pipeline and asked that the field trip be noted in the Minutes. Furthermore, it seems that there was a lack of communication between Connie Ward and her attorney regarding the surveying of this property, as permission had been granted via her attorney, Mr. Steve Skabelund. Connie Ward has since submitted a letter to the Planning Commission requesting any help that they could give in having this [proposed] pipeline moved to follow the boundary of the property instead of the current proposed route. As the property between the proposed line and the property boundary is small in size, the landowner is concerned that leaving the pipeline where it is would reduce the value of the property remaining [between the easement and the boundary].

**Mr. Goring** then read from a letter received by Connie Ward:

*“These feelings abound more and more. As mother, grandmother and great-grandmother of this Ward family, and as manager and steward of Connie R. Ward Properties LLC, I am dedicated to continuously care for and the share all of this 409 acre family gift. All though it would benefit those in the northwest, this impacts us personally. Our special, inherited property gift will benefit and bless all 123 members of Le Grand and Connie Ward family. And then she wishes to thank you so very, very much for considering her 82 year old thoughts and desires regarding her property, that has been entrusted to her for the past eleven years, since her husband, Le Grand Ward, passed away. And she also wanted me to indicate that*

*the property had been in her family since 1886.”* (Copies of the two letters received from the Ward family members are attached to the official minutes of this meeting.)

No other comments were received and a Motion was made by **Commissioner Laure Munns** to close the hearing; seconded by **Commissioner Jay Christensen** and was unanimous.

**CLARIFICATION IN THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE, 2-2-170, ADMINISTRATIVE INTERPRETATION**

Staff explained that they had initiated the text amendment to Chapter 2-2-170/180 of the *Land Use Code* to update the phrase which refers to a “Board of Adjustment” to be changed to the “Planning Commission”. This change would bring consistency throughout the Administrative Interpretation procedure of the *Code*. This change will affect **Sections B, C1, C3, D, D2, D4, D5, E1, E2, E3, E4, and F of Chapter 2-2-180**. No comments were received and a Motion was made by **Commissioner Desiray Larsen** to close the hearing; seconded by **Commissioner David Tea** and was unanimous.

**CHAPTER 3-7 OF THE LAND USE CODE, RURAL RESIDENTIAL DISTRICT RR-20 AND RESIDENTIAL DISTRICT R-1-20 [CLARIFICATION & UPDATE OF USES]**

Staff explained that they had initiated the text amendment to Chapter 3-7 to update the following sections of the *Land Use Code*, changing **Section 3-7-070 Regulations for Specific Uses** and **Section 3-7-080 Regulations for Uses**. The affected Sections are **3-7-070: 2.2, 2.3, 3.5, and 5.10, and 3-7-080: 3.1, 5.1, 5.2, and 8.1**. The changes in these sections basically eliminated some uses that were deemed questionable in an R-1-20 and RR-20 zone, which is a half acre residential lot. No comments were received and a Motion was made by **Commissioner David Tea** to close the hearing; seconded by **Commissioner Chad Munns** and was unanimous.

**ORDINANCE CREATING ZONE TO REGULATE: “CONSTRUCTION DEBRIS & MUNICIPAL SOLID WASTE” TO BE ADDED TO THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE, RESULTING IN THE REMOVAL OF THESE USES AS ALLOWED IN ALL OTHER ZONES.**

Kevin Hamilton explained that this new ordinance would regulate these uses in the County in currently zoned areas. Any of [these] uses that are now allowed in any of the zoned areas would be eliminated and a petitioner would apply to re-zone their property in order to apply such uses for construction debris and municipal solid waste. No comments were received and a Motion was made by **Commissioner Jay Hardy** to close the hearing; seconded by **Commissioner Jay Christensen** and was unanimous.

**ORDINANCE CREATING ZONE TO REGULATE: “MINING, QUARRY, SAND, & GRAVEL EXCAVATION” TO BE ADDED TO THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE, RESULTING IN THE REMOVAL OF THESE USES AS ALLOWED IN ALL OTHER ZONES.**

Kevin Hamilton explained that this ordinance would create a new zone where commercial sand, gravel and mining operations could be located; it would not eliminate any existing operations that were legally developed and approved. It would also [only] be applicable to (A) have this zone in cases of commercial gravel operations. Gravel operations that would be (B) temporary (project specific) or for a specific use are also covered in this ordinance, such as the road department approaching a property owner about purchasing gravel or sand from that property owner property for

the purpose of building up a road. (This process would be reviewed and approved by the County Engineer and if the request met the ordinance it would be allowed.) The process of re-zoning property would not be required for temporary or project specific uses. The other category (C) regarding incidental excavations would still be regulated by Chapter 4-8 of the Code. No comments were received during the hearing and a Motion was made by **Commissioner Chad Munns** to close the hearing; seconded by **Commissioner David Tea** and was unanimous.

## **UNFINISHED BUSINESS**

### **OMAN 1-LOT SUBDIVISION, SS09-003, LOCATED AT APPROXIMATELY 9200 NORTH ETNA RD. (PRELIMINARY & FINAL APPROVAL)**

This petition was before the Commissioner at the May 21, 2009 meeting and was given concept approval. All of the necessary letters have now been received in the planning office and Staff recommended granting preliminary and final approval at this time. **Commissioner Chad Munns** asked why the standards for the road accessing this property were to follow the recommendation of the petitioner's engineer rather than the County standards. After some discussion it was decided that the road standards should meet that of the County for consistency.

**MOTION:** A Motion was made by **Commissioner Chad Munns** to grant preliminary and final approval to the Oman 1-Lot Subdivision with the conditions of approval as outlined by Staff and that the road is to be built to meet County road standards. Motion seconded by **Commissioner Jay Hardy** and passed unanimously.

#### **Conditions for 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.

9. Financial Guarantee, if applicable.

**MICHELE GREEN 1-LOT SUBDIVISION, SS09-004, LOCATED ON PARCEL 07-058-0006 IN THE PARK VALLEY AREA. (PRELIMINARY & FINAL APPROVAL)**

Staff explained that this petition had received concept approval at the May 21, 2009 meeting and was now before them for preliminary and final approval. The Commissioners determined that the road access to this one-lot subdivision should also meet the standards of the County Road Dept. and not just that of the petitioner's engineer.

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to grant preliminary and final approval to the Michele Green 1-Lot Subdivision with the access road/driveway to be built to meet County standards and other conditions as outlined by Staff. Motion seconded by **Commissioner David Tea** and passed unanimously.

**Conditions for 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.**
  - a. **Bill Gilson has indicated an 18” culvert is required.**
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.
9. Financial Guarantee, if applicable.

**RIVERSIDE FARMS (35-LOT SUBDIVISION), SS08-005, LOCATED AT APPROXIMATELY 18460 NORTH 5200 WEST IN THE RIVERSIDE AREA. (PRELIMINARY APPROVAL)**

Staff explained that this petition for a 35-lot subdivision located at approximately 1843 North 5200 West in the un-zoned area of the County received concept approval in April 2008. It is now over one year since that approval, and the time has expired (per Article 6-1-120) for moving forward with preliminary approval.

**“Expiration of Concept Plan Acceptance.** Once a concept plan has been accepted by the Planning Commission or the County Commission if the concept plan was referred to the County Commission by the Planning Commission for review as provided herein, the subdivider may apply for preliminary plat approval consistent with the concept plan. If preliminary plat approval for any portion of an accepted concept plan has not been obtained within 12 months of the date on which concept plan was accepted, a re-submittal and reacceptance of the concept plan may be required by the Planning Commission of the County Commission prior to the filing of an application for preliminary plat approval.”

However, the Planning Commission has some discretion as to whether or not to require that the petitioner resubmit application for concept approval, and Staff was looking for direction regarding the action that the Commission wanted to take regarding the expiration of the concept approval. All of the letters regarding the availability of utilities have been received and the County Surveyor had completed a partial review of the subdivision drawings. The Planning Commission needed to address the following items (per Jones and Associates) regarding this subdivision:

- ◆ A decision regarding whether or not the petitioner would be required to install curb, gutter, and sidewalk with this subdivision.
- ◆ The applicant must provide a storm drain master plan to the Planning Commission for review by the County Engineer.
- ◆ The County Engineer has requested a meeting with the developer to address the concerns that they have regarding this subdivision.

**Commissioner David Tea** asked if there was any concern or recommendation regarding a fence along the canal that is in the vicinity of this subdivision, and it was determined that at one time that issue had been brought up regarding public safety, but it was unknown as to what the canal company would require as there is a right-of-way issue. **Commissioner Chad Munns** then suggested that each

of the items be addressed individually and asked Staff to re-read the item regarding the expiration of the concept approval (see above language). As Staff said there did not seem to be any changes in the concept plan since April 2008 it was decided to grant concept and preliminary approval [together] at this meeting. The second item was in regards to the requirement of curb, gutter, and sidewalk in this subdivision; and Staff explained that as per the **Land Use Code: 6-1-240 Section 3C:**

**“Streets and Related Improvements. C3.** Curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the subdivider. The County Commission may, for good cause, after receiving a recommendation from the Planning Commission, grant a deferral on the installation of curb, gutter and sidewalk for small subdivisions and subdivisions where the minimum lot size is five (5) acres or greater.”.

**Commissioner David Tea** felt that since not all of the lots in this subdivision met the minimum of five (5) acres, deferring that [curb, gutter, and sidewalk] requirement was not an option. At that time **Scott Grover** (the broker on the property) said that a similar subdivision had been completed in the Bothwell area and did not have the curb and gutter and it seemed to be doing well without that improvement; however, it was pointed out that all of those lots are the minimum five acres due to the zoning in that area. **Mr. Grover** also pointed out that this new proposed subdivision is at least ten miles or more from any area that has curb and gutter, this area is rural and will offer horse property. He also felt that requiring curb and gutter would be a deterrent to the project and requiring curb and gutter in this area would also create additional storm drain issues. There will be over a mile of road associated with this subdivision. The project engineer was also at this meeting and talked with the Commissioners regarding the storm water issue.

**Scott Morel**, Engineering Specialties in Logan said that they had an infield meeting with many of the County’s public works people and walked the area of this project and *“the issue of curb and gutter was brought up and we explained to them that once you start to concentrate the water, collect the water, you are probably going to have treatment issues, and issues that you have to slow down the water so that it will drop the sediment and just all kinds of things, so we were hoping that we could treat the water, collect the water, dispose the water more naturally like it is today. There is a ravine, a natural waterway that winds its way through the property down to the river. If we have to collect it in curbs and gutter boxes and ... put it in pipes and things we are going to create ourselves a bigger problem and so the County officials said”* that there are asphalt erosion problems in South Willard because people have not installed culverts over the driveways or have filled in the barrow areas which in turn forces the water to eat away at the asphalt. **Mr. Morel** said that they felt they would be able to come up with a suitable alternative so that the asphalt would be protected and would also allow them [the developer] to treat the storm water where it falls and not have to collect it for treatment in larger volumes. At that time they were told that if they could come up with a suitable alternative then [the County officials] would take a look at the proposal for dealing with the storm water issue. Therefore, they were hoping that the Planning Commission would give them that opportunity to work with the County engineer toward that end. Thus, **Mr. Morel** felt that the Planning Commissioners had the authority to defer this requirement to the County Commission and allow the petitioner to work with the County Engineer. **Mr. Morel** continued by saying that they understood the issue in regards to this ordinance and that sometimes they are a “one size fits all” but this is a rural setting, with possible horse properties, with ranchettes and curb and gutter may not do well in that situation.

At that point, **Commissioner Laurie Munns** said that even though many people do keep a horse on a one or two acre parcel, it is really not humane to the animal. **Chairman Richard Day** said that regardless of what the developer does regarding the roads and culverts, once the developer is finished with the project the homeowner can do what they want. The Commission continued to

discuss this with the petitioner and Staff and in regards to granting a variance on the size of the lots required for deferring curb and gutter, **County Attorney Steve Hadfield** said that variances are very rare, and **Commissioner David Tea** did not feel that the Planning Commission had the ability to make that change in the minimum lot size requirement. However, the Commissioners were not opposed to having the petitioners return with an alternative plan for handling the storm water. In regards to granting a variance, **Kevin Hamilton** read the following from the *Land Use Code*.

**6-1-090. Variances.** “Where the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, strict compliance with the provisions of the Code would cause an unusual and unnecessary hardship on the subdivide, the County Commission, after receiving a recommendation from the Planning Commission, may vary such requirements and require such conditions as will secure, insofar as practicable, the objectives of the requirements varied. “

As a matter of record, a Motion was made by **Commissioner David Tea** to grant the concept and preliminary approval of the Riverside Farms 35-Lots Subdivision, requiring curb and gutter as stated in the County Ordinance and to not defer anything to the County Commissioners regarding a variance. Motion was seconded by **Commissioner Jay Christensen**; with **Commissioner Jay Hardy** abstaining from the vote; **Commissioners Desiray Larsen, Chad Munns, and Laurie Munns** against the Motion. With three against and two for the Motion, **Chairman Richard Day** stated that this Motion did not pass and another action would need to be taken.

**MOTION:** A Motion was made by **Commissioner Chad Munns** to Table action on the concept and preliminary approval for the Riverside Farms 35-Lot Subdivision and give direction to the petitioner to return with options regarding the storm water issue that would be acceptable to the County Engineer and a revised plat of the subdivision with changes. After reviewing the changes, the Planning Commission would consider a possible recommendation to the County Commission regarding a variance on the curb, gutter, and sidewalk requirement. Motion seconded by **Commissioner Desiray Larsen** and passed with **Commissioner Jay Hardy** abstaining from the vote.

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*The Planning Commissioners took a short break at 8:17 P.M. and reconvened their meeting at 8:26 P.M.*

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## **NEW BUSINESS CONTINUED**

### **RUBY PIPELINE, LLC; GENERAL PLAN AMENDMENT (CONSTRUCTION & MAINTENANCE OF PIPELINE THROUGH BOX ELDER COUNTY.**

Staff explained that at the May 21, 2009 meeting this item was tabled in order to allow members of the Planning Commission to tour the proposed pipeline corridor. It has been determined that this amendment is consistent with the goals, objectives and policies of the County's General Plan and is in accordance with the Land Use Code requirements. **Commissioner David Tea** asked if it would be appropriate for **Joe Currie**, representing Ruby Pipeline, to address the subject of moving the pipeline that had been suggested during the public hearing by representatives of the Connie Ward

family. **Mr. Currie** said that they had received this request and that it had been forwarded on to their engineers and they are sincerely looking at the possibility of moving the line; however, he also said that they couldn't just take the line and bend it that drastically. They are looking at all of the measure [ments] and should have decision in the next week or so. They are, however, willing to work with this landowner as much as possible, but as he is not an engineer himself, he was not able to give a final ruling/decision on the move. **Mr. Currie** also said that there is a canal that also needs to be crossed in the vicinity of this property. **Commissioner Chad Munns** asked about the roads in this area and the fence lines. To the west of this property is the P & G site on Iowa String. **Mr. Currie** again mentioned **FERC** (Federal Energy Regulatory Commission) that gives them the right to cross emanate domain properties. The members of the Commission continue to discuss this issue and it was ultimately determined that they could not require the pipeline to be moved, but could encourage Ruby Pipeline to work with the landowner(s) as much as possible in trying to move the line. **Commissioner Chad Munns** then said that they appreciated the thoughts expressed in the letter from Connie Ward, but also said that as a Planning Commission (or County Commission) if this family is not affected then another family may possibly be affected by the placement of the line and the Commissioner wasn't sure what could be done about that in the end, and apologized for that, reiterating that at least Ruby Pipeline is willing to look at the possibility of moving the line on this property. When the issue of compensation for the property was mentioned by **Jerry Shaw**, the Commissioners stated that they had no control over that issue whatsoever. The Commissioners can also not get involved with the issue of emanate domain.

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to recommend approval of the General Plan Amendment to the County Commission, noting that Ruby Pipeline is working with landowners in finding the best solution for all involved regarding the corridor location. Motion seconded by **Commissioner Jay Christensen** and passed with **Commissioner Jay Hardy** and **Commissioner David Tea** abstaining from the vote.

**CHRIS SORENSEN, SITE PLAN REVIEW SP09-001, SITE PLAN, FOR THE PURPOSE OF AN AGRICULTURAL MACHINE SHOP LOCATED AT APPROXIMATELY 13675 N 4400 W IN THE EAST GARLAND AREA.**

Staff explained that the site plan was reviewed by the Planning Commission at their April 16, 2009 meeting and was tabled at that time until an acceptable site plan (per Article 2-2-110 Section E) was received. That site plan was received in the planning office on June 10, 2009, and Staff has received comments back from the County Building Department and the County Fire Marshall, along with comments from the County Engineer and Road Department; the petitioner has also received copies of the comment [letters]. There are still some unresolved issues regarding the access to this property located off of 4400 West in an un-zoned area of the County. **Commissioner David Tea** asked how Mr. Sorensen was able to access this property off of a canal road as that did not appear to be a public road; and as this is a business venture, did the petitioner have permission from the canal company regarding such access.

**Chris Sorensen** told the Commissioners

*"that as far as the driveway situation, on that map...I can access that any other direction but this little sketch here that I've got, I just run that in off the canal road just for ease of not taking down a bunch of trees, because on the sale contract on the property there, I have on file here, File 117, 519...I have a right-of-way for ingress/egress on this property here. That is I can turn in here, but I*

*didn't want to take the trees out right away. I can still use the other road that I've been using for years...it's gravel and all, it doesn't matter to me, I can go either direction. And as far as the load factors on the road, I mean we had fire truck down in there when we did the burnout to burn off the buildings. There's been...let's see...a crane down in there to unload semis...it holds 20 tons."*

**Chairman Richard Day** then asked if it was a private road or a public road.

**Mr. Sorensen** replied: *"That existing dirt road it is a...13600 North, that is a county road that, even when I was that tall was not in use...that hasn't been in use for seventy years. And the only work that's been done on it is the work that we've done on it. And that was one thing that Mr. Gilson was concerned about was getting a snowplow down in there because that one pole is kind of in the road. I asked him if I...you mean if I take the pole out, you're going to plow the snow for me, like you haven't for the last seventy years. The road is just fine for what I need, there's no problem with it at all. And a like Mr. Gilson said, he said what if somebody wants to develop further west and use that road? I'd be real glad to sit right there on my lot in my easy chair and watch them take care of that road when they needed to develop it, but I don't need to. And as far as, let's see, anything else we've got...oh fire hydrant...there seems to be one there that the fire company, fire department is happy with and so is the insurance companies. That's not a traditional fire hydrant, but they've been shown how to hook up to it and they like it OK...a six inch water line...I think that's about 400 feet away or something like that. As far as the utilities, the power is in, just have to run the drop line over to the pole, it's been there, you know, for years. Natural gas, it was taken out when we did the burn on the houses that were there...the gas company says they just put them back in when we go to hook it back up. And other than that, unless you have any other questions, that's about all I've got."*

In further discussing the issue regarding the use of the canal road, Staff read a letter [dated June 11, 2009] from Bill Gilson, the County Road Supervisor (attached to these Minutes). **Kevin Hamilton** then informed the Commissioners that approximately eighteen months ago this property was subdivided and the plat that was created identified this road as a county road with frontage available. After some further discussion the following motion was made.

**MOTION:** A Motion was made by **Commissioner David Tea** to Table action on this petition for Chris Sorensen's Ag/Machine Shop until additional requests for letters from the Bear River Health Department and other utilities have been received and reviewed by Staff. Motion seconded by **Commissioner Jay Christensen** and passed with **Commissioner Chad Munns** abstaining from the vote.

## **NEW BUSINESS**

### **SITE PLAN (SP09-003) EAST GROUSE CREEK WATER COMPANY FOR A NEW WELL HOUSE FOR EXISTING POTABLE WATER WELL LOCATED ON PARCEL 06-091-0001**

This site plan is for the construction of a new well house for their existing potable water well located in the un-zoned area of the County. The Division of Drinking Water has required the EGCWC to rehabilitate their culinary well to meet current state standards. The proposed use is compatible with the County's General Plan and Article 2-2-110.

**MOTION:** A Motion was made by **Commissioner Chad Munns** to approve the site plan for the East Grouse Creek Water Company with conditions as outlined by Staff; seconded by **Commissioner David Tea** and passed unanimously.

**Conditions of Approval:**

1. Compliance with State regulations set forth by DDW.
2. Compliance with Article 2-2-110F- Standards of approval of the Box Elder Land Use Management & Development Code
3. Compliance with Article 2-2-110I – Amendment of the Box Elder Land Use Management & Development Code.
4. Reclamation of land

**SITE PLAN (SP09-004) ROB STOKES, PETITIONER, FOR A RUBBER MULCHING OPERATION TO BE LOCATED AT 10640 N 10800 W IN THE THATCHER AREA.**

This application is for approval of Rob Stokes site plan for a rubber mulching operation (Western Tire Recyclers) to be located on his 6.41 acre lot located in an un-zoned area of the County. Staff outlined the conditions for approving this petition, after which time **Rob Stokes** [the petitioner] addressed the Commissioners responding to a couple of concerns from **Commissioner David Tea**. **Mr. Stokes** said that the tires he will be processing are very large with a great deal of rubber on them, and it doesn't take a large number of these tires to generate large amounts of rubber. With a stack of 1500 square feet of tires he estimated that it would be three weeks worth of work. **Commissioner Jay Hardy** asked about the remaining carcass of the tire once the rubber has been removed and what would happen with it. **Mr. Stokes** informed the Commission that the carcasses would be sent to Salt Lake for further recycling, for separating and grinding the metal down for additional usage. **Mr. Stokes** also said that the smallest size tire that his machinery will process is a 26 inch rim size, which is construction, ag, and mining only. (Attached to these official Minutes is a letter written by Mr. Stokes concerning this operation.)

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to grant approval to the Rob Stokes (Western Tire Recyclers) Rubber Mulching Site Plan Operation with the conditions as outlined by Staff; seconded by **Commissioner Jay Christensen** and passed unanimously.

**Conditions of Approval:**

1. A final site plan must be submitted to the Planning Office before a building permit is issued.
2. The site plan approval is subject to requirements and recommendations of UDOT.
3. The site plan is contingent upon State requirements and approvals.
  - A. Waste Tire Recycler Requirements Rule 315-320 – a written form of compliance with this Rule should be submitted to the County Planning Office.
4. Compliance with Article 2-2-110F- Standards of approval of the Box Elder Land Use Management & Development Code
5. Compliance with Article 2-2-110I – Amendment of the Box Elder Land Use Management & Development Code.
6. Verification of a site inspection for uniform building code compliance by an authorized licensed inspector.

**SITE PLAN (SP09-005) ROB STOKES, PETITIONER, FOR A LYNX CAT OPERATION, TO BE LOCATED AT 10640 N 10800 W IN THE THATCHER AREA.**

**Rob Stokes** submitted an application for a site plan lynx farm operation. **Mr. Stokes** received a CUP for this operation in 2000 and is now moving the operation to a new un-zoned area of the County. This operation is federally and state mandated and there are copies of the state and federal permits in his file; however, as there are only two/three animals **Mr. Stokes** does not have to meet the federal requirements at this time. **Commissioner David Tea** asked about any fence requirement and **Mr. Stokes** informed the Commissioners that the Department of Natural Resources sends an inspector out, and there is also a local conservation officer that visits the site and this use is highly regulated by DNR. (A copy of Mr. Stokes' CUP C00-05, is attached to these Minutes.)

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to approve the Site Plan for Rob Stokes Canada Lynx operation with conditions as outlined by Staff; seconded by **Commissioner Jay Christensen** and passed unanimously.

**Conditions of Approval:**

- 1) As this operation is federally and State mandated, copies of state and federal permits are required for the file.
- 2) The site plan is contingent upon State requirements and approvals.
  - a. Utah Division of Wildlife Resource requirements are met and written verification is received by the County Planning Office.
- 3) The site plan is contingent upon Federal requirements and approvals.
  - a. Federal requirements are met and written verification is received by the County Planning Office.
- 4) Compliance with Article 2-2-110F- Standards of approval of the Box Elder Land Use Management & Development Code
- 5) Compliance with Article 2-2-110I – Amendment of the Box Elder Land Use Management & Development Code.
- 6) Adequate safety features (such as fencing, etc.) on the property.
- 7) Verification of a site inspection for uniform building code compliance by an authorized licensed inspector.

**CUP09-010, U.S. PIPELINE, INC., LOCATED ON THE 4300 NORTH BLOCK OF HIGHWAY 13 AND 4800 WEST FOR A CONSTRUCTION/SPREAD OFFICE IN THE CORINNE AREA.**

This site will be used by U.S. Pipeline for the purpose of housing a pipeline construction area. A construction office, trailers, tool trailers, trucks, equipment and supplies that are required for the pipeline work will be located centrally on this site located south of Bear River City. Staff noted that has this site may not actually be in use until the spring of 2010, and the CUP that is being considered at this meeting may expire [in 180 days from today's date, or two years from substantial completion] before that time. Therefore, it was decided that if that were to happen, U.S. Pipeline would need to amend this CUP and any additional fees could be waived.

**MOTION:** A Motion was made by **Commissioner David Tea** to approve the Conditional Use Permit for U.S. Pipeline, and if necessary U.S. Pipeline may return to amend the CUP and request waiving any additional application fees. Motion seconded by

Commissioner Chad Munns and passed with Commissioner Jay Hardy abstaining from the vote.

**Conditions for Approval:**

1. Compliance with Article 2-2-100F- Standards of approval of the Box Elder Land Use Management & Development Code
2. Compliance with Article 2-2-100I – Amendment of the Box Elder Land Use Management & Development Code.
  - a. The amendment of time to this CUP will require the item to go before County Commission, at which time they will request the fee to be waived.
  - b. In addition, the item will go before the Planning Commission if the CUP will expire before the one hundred eighty (180) days after June 18, 2009.
3. Temporary use of the land, once the project is complete US Pipeline will reclaim the yard returning it to its prior condition or better suitable for the current zone.

**CUP09-011, WEST CORINNE WATER COMPANY TO CONSTRUCT A ONE MILLION GALLON WATER TANK AT APPROXIMATELY 11844 WEST 11200 NORTH, IN THE BOTHWELL AREA.**

The West Corinne Water Company has applied to construct a one-million gallon water tank on property that is currently zoned RR-5 and RR-5 (modified), in order to better serve the citizens in the West Corinne Water service area. This use is compatible with the General Plan and Article 2-2-100 of the *Land Use Code*. The Water Company owns Parcel 05-124-003 and 05-124-0008 with ownership of Parcel 05-124-0009 needing to be established before a building permit will be issued. Commissioner Laurie Munns asked if this would be an above-ground water tank and was told that it would be partially buried with only a portion of the top visible.

**MOTION:** A Motion was made by Commissioner Chad Munns to approve the Conditional Use Permit for the construction of a one-million gallon water tank by the West Corinne Water Company; seconded by Commissioner David Tea and passed unanimously.

**CUP09-012, CORINNE CITY CORP., TO CONSTRUCT A 20 INCH LINE FROM THE WATER TANK TO CORINNE CITY ON PARCELS 04-037-0059, 04-037-0026, 04-037-0033 (APPROXIMATELY 18 ACRES).**

Corinne City has applied to construct a one-million gallon water tank located at 1600 East of 3562 North Highway 38, with twenty inch transmission line to run parallel with the current water line. Mayor Richard Nimori informed the Commissioners that this new line is being constructed with stimulus money through the State and with a loan. The transmission line will follow the existing line with the exception of circumventing one landowner's property at their request. Verification of easements for the property the line will follow needs to be recorded. This new tank will replace the current tank and water line and the upgrade will help Corinne City to meet the 20/30/40 State Rule.

**MOTION:** A Motion was made by Commissioner Chad Munns to approve the Conditional Use Permit for Corinne City to construct a one-million water tank to Corinne City on

Parcels 04-037-0059, 04-037-0026, and 04-037-0033, with a twenty inch line to service Motion seconded by **Commissioner Jay Hardy** 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 Land
5. Verification that all easements for the transmission line have been established
  - a. A map of the transmission line showing the landowners being affected.

**CUP09-013, CITY OF LOGAN, MT. PISGAH TELECOMMUNICATIONS SITE IN SARDINE CANYON, FOR THE INSTALLATION OF A 150 FOOT PUBLIC SAFETY COMMUNICATIONS TOWER TO SERVE CACHE & BOX ELDER COUNTY PUBLIC SAFETY.**

The State of Utah has made an application for the installation of a 150’ public safety communications tower located near Mt. Pisgah in Sardine Canyon to upgrade service for Cache and Box Elder Counties. The landowners where the tower is to be located are Leo and Annette Beus, and William and Susan Horsely. **Commissioner David Tea** asked about the owners of property along the road that leads to this tower location, and Staff said that they would research that request and obtain easement rights (if necessary) from them.

**MOTION:** A Motion was made by **Commissioner David Tea** to approval the Conditional Use Permit for the City of Logan, Mt. Pisgah Public Safety Communications Tower. It was also recommended that any landowners along the road leading to the tower site be notified and easements be obtained if necessary. Motion was 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.

**CUP09-014, RUBY PIPELINE, LLC, FOR A NATURAL GAS TRANSMISSION PIPELINE THROUGH BOX ELDER COUNTY.**

Ruby Pipeline, LLC has made this application to install a 43 inch natural gas transmission pipeline covering approximately 128 [linear] miles in Box Elder County, with a new compressor station south of Curlew Junction. Ruby Pipeline will need to obtain right-of-way grants or perpetual easements for new and existing access roads, temporary easements for staging areas and water source locations and a permanent easement for the new compressor station. **Commissioner David**

Tea suggested that the pipeline company also work with landowners to resolve any issues relating to the placement of the line on property to best resolve any issues that may arise.

**MOTION:** A Motion was made by **Commissioner Chad Munns** to approval the Conditional Use Permit for Ruby Pipeline, LLC, for the construction of a natural gas transmission pipeline with new compressor station south of Curlew Junction; seconded by **Commissioner Laurie Munns** and passed with **Commissioners Jay Hardy** and **David Tea** abstaining from the vote.

**Conditions of Approval:**

1. Compliance with Federal and 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. Compliance with Chapter 4-2 (Sensitive Area Overlay) of the Box Elder Land Use Management & Development Code.
5. Compliance with Chapter 4-8 (Landfill & Land Excavation Overlay) of the Box Elder Land Use Management & Development Code.
6. Coordination with the County’s Engineer in identifying areas along the route which are subject to conditions 4 and 5.
7. Reclamation of land.
8. Right-of-way access agreements obtained – these are permitted through the county Road Department, through the Excavation Permit Application.
9. For Ruby Pipeline, LLC to work with individual property owners reasonable requests in regards to the installation of this pipe.

**CLARIFICATION IN THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE, 2-2-170, ADMINISTRATIVE INTERPRETATION -- TAMARA WRIGHT**

Staff explained that motion on clarification is a legislative action and the Planning Commission could submit its recommendation for approval, approval with modifications, or denial to the County Commission for final action.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to forward a recommendation from the Planning Commission for approval of the clarification of 2-2-170/180 Administrative Interpretation, as presented by Staff, to the County Commissioners for their approval and implementation. Motion seconded by **Commissioner Jay Christensen** and passed with **Commissioner Jay Hardy** abstaining from the vote.

**CHAPTER 3-7 OF THE LAND USE CODE, RURAL RESIDENTIAL DISTRICT RR-20 AND RESIDENTIAL DISTRICT R-1-20 [CLARIFICATION & UPDATE OF USES] -- TAMARA WRIGHT**

Staff explained that motion on clarification and update of uses in Chapter 3-7 (RR-20 and R-1-20 zones) is a legislative action and the Planning Commission could submit its recommendation for approval, approval with modifications, or denial to the County Commission for final action.

**MOTION:** A Motion was made by **Commissioner Chad Munns** to forward a recommendation from the Planning Commission for approval of the clarification and update of uses in Chapter 3-7 (RR-20 and R-1-20 zones), as presented by Staff, to the County Commissioners for their approval and implementation. Motion seconded by **Commissioner Jay Christensen** and passed with **Commissioner Jay Hardy** abstaining from the vote.

**ORDINANCE CREATING ZONE TO REGULATE: “CONSTRUCTION DEBRIS & MUNICIPAL SOLID WASTE” TO BE ADDED TO THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE, RESULTING IN THE REMOVAL OF THESE USES AS ALLOWED IN ALL OTHER ZONES**

**ORDINANCE CREATING ZONE TO REGULATE: “MINING, QUARRY, SAND, & GRAVEL EXCAVATION” TO BE ADDED TO THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE, RESULTING IN THE REMOVAL OF THESE USES AS ALLOWED IN ALL OTHER ZONE**

Staff suggested that these two proposed ordinances be reviewed further at a work session before any action was taken on their adoption and addition to the *Box Elder County Land Use Management and Development Code*.

**MOTION:** A Motion was made by **Commissioner Laurie Munns** to table any action on these two new proposed ordinances until a work session is held to further discuss their impact on the County as to the uses covered. Motion seconded by **Commissioner Jay Christensen** and passed unanimously. (A work session will be scheduled for July 2009 if possible, and then these two ordinances will be placed on a future agenda for action.)

**LEASE OF COUNTY SURPLUS PROPERTY IN THE LOCATION OF THE COUNTY LANDFILL (9595 W 6800 N IN THE CORINNE AREA) FOR THE TEMPORARY STORAGE OF CONSTRUCTION MATERIALS AND AS A STAGING AREA FOR U.S. PIPELINE**

The lease of this surplus property will be used as a storage area for pipes, construction materials and a staging area for U.S. Pipeline/Ruby Pipeline. **Commissioner Jay Hardy** explained that due to the size of the pipes there are few locations where they will be able to be stored. It was further determined that this lease of county property is in accordance with the County General Plan.

**MOTION:** A Motion was made by **Commissioner Chad Munns** to forward the Planning Commission’s recommendation to the County Commission for the lease of county surplus property to U.S. Pipeline for a temporary storage area, as this appears to be in accordance with the County General Plan. Motion seconded by **Commissioner Desiray Larsen** and passed with **Commissioner Jay Hardy** abstaining from the vote.

**EAST TREMONTON AG-PROTECTION PROPERTY, REMAINING [ACREAGE] FROM THE RECENT ANNEXATION OF THE BROUGH PROPERTY INTO TREMONTON CITY BOUNDARIES**

**County Attorney Stephen Hadfield** addressed the Planning Commissioners regarding this item and informed them that,

*“State Statute requires that when you have an annexation by a city within the county that annexes land that is in an agricultural protection area, that you review the agricultural protection area to see if it is still viable after that land has been annexed out of it. So that’s why it is on the agenda here...the County Commission has to have a recommendation from you as to what to do with it, whether it should stay in ag-protection or not. Now there’s one catch there...in the course of reviewing whether the annexation... it was discovered that there was a prior, back in 2007...there was a request to move the property out of the ag-protection zone. It was voted upon by the Commission and moved out of the ag- protection zone; but a revised boundary of the ag-protection zone was never recorded as required by the Statute. So it was taken out but never finished. Last County Commission meeting it was determined that they should finish it now, so they authorized the recording of the revised boundary, and so it appears that when the annexation occurred in 2009, it was already taken out back in 2007. We are just currently verifying whether there’s any property in the annexation that wasn’t taken out by the prior petition. So I don’t think we are ready to act on that yet.”*

**Chairman Richard Day** asked for clarification, *“So they came back and requested that it be taken out, in 2007, out of ag-protection, but it was never recorded?”*

**C. A. Stephen Hadfield** said *“It was taken out by the Commission, the last step in the process is to record the new boundary and it never got done.”*

**Chairman Richard Day** then asked, *“We don’t know what property was...how much of it or all of it was...”*

**C. A. Stephen Hadfield** answered, *“We just need to verify that all of it that was annexed was that same property that was taken out. I’m assuming that it was; that’s why they asked for it to be taken out, but we’ve got to verify that there were no parcels that were missed, ‘cause if there is any one parcel that was annexed then we have to review it at this time. So it may be that we don’t have to review it at all if it’s determined that all of the property was taken out back in 2007.”*

**Chairman Richard Day** then asked, *“And then we wouldn’t have to make a recommendation to...it would have just ended up...”*

**C.A. Stephen Hadfield** answered, *“But if there was any property that was left that was in the ag-protection zone, you’d have to review it make recommendation, do we keep the ag-protection zone, do we decrease it; what do we do with it?”*

**Chairman Richard Day** said, *“OK, so for right now then, we need to probably table that until we find out exactly whether this was all inclusive or partial?”*

**C.A. Stephen Hadfield** said, *“What you need to do is to table it and direct Staff to verify that; whether it needs to come back in front of you, or whether it doesn’t need to come back in front of you.”*

Following this conversation a **MOTION** was made by **Commissioner Laurie Munns** to table any action on the remaining property in ag-protection resulting in the recent annexation of the Brough property into Tremonton City, directing Staff to research further the property included in the ag-

protection and affected by the annexation. Motion seconded by Commissioner David Tea and passed with Commissioner Jay Hardy abstaining from the vote.

**WORKING REPORTS--NONE**

**PUBLIC COMMENTS – NONE**

A **Motion** was made by Commissioner Chad Munns and seconded by Commissioner David Tea to adjourn at 9:44 p.m., unanimous.

Passed and adopted in regular session this 16th day of July 2009.

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Richard Day, Chairman  
Box Elder County  
Planning Commission