



comments were received during the Public Hearing and a Motion was made by **Commissioner Theron Eberhard** to close the hearing; seconded by **Commissioner Clark Davis**, and passed unanimously.

**MIKE UDY ONE-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 15435 N 4400 W IN THE TREMONTON AREA.**

This subdivision is located in an un-zoned area of the county. The Public Hearing was opened and no comments were received. Hearing was closed with a Motion by **Commissioner Clark Davis**; seconded by **Commissioner Jon Thompson**, passed unanimously.

**RIVERSIDE FARMS 35 LOT SUBDIVISION, LOCATED AT APPROXIMATELY 18460 N 5400 W IN THE RIVERSIDE AREA.**

This 35-lot subdivision is located in an un-zoned area of the county. The Public Hearing was opened and no comments were received. Hearing was closed with a Motion by **Commissioner Clark Davis**; seconded by **Commissioner Davis Tea** and passed unanimously.

**RICKY HANSEN ONE-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 11325 N 4400 W IN THE TREMONTON AREA.**

This one-lot subdivision is located in an un-zoned area of the county. The Public Hearing was opened and no comments were received. Hearing was closed with a Motion by **Commissioner Chad Munns**; seconded by **Commissioner Theron Eberhard**, passed unanimously.

**KERRY SCHNEIDER RE-ZONE, LOCATED BETWEEN THE HWY 89 SPLIT IN THE SOUTH WILLARD AREA.**

This property is located in the South Willard area and the petitioner is requesting a re-zone of the property from the current C-H to C-G Commercial General and to amend the C-G zone to include warehouses less than 50K square feet. The Public Hearing was opened and no comments were received. Hearing was closed with a Motion by **Commissioner Jon Thompson**; seconded by **Commissioner David Tea**, and passed unanimously.

**JEANNEE RUPP ONE-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 8970 W 10400 N IN THE TREMONTON AREA**

This one-lot subdivision is located in an un-zoned area of the county. The fire department has reviewed the flag lot status of this lot and made some recommendations regarding the conditions of the road and a turn-around on the property for emergency vehicles. The Public Hearing was opened and no comments were received. The hearing was closed with a Motion by **Commissioner Jon Thompson**; seconded by **Commissioner Richard Day** and passed unanimously.

**DARLENE CALDWELL ONE-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 2000 WILLARD PEAK ROAD IN THE MANTUA AREA.**

This one-lot subdivision is located in an area of the county that is currently zoned RR-5. The Public Hearing was opened and no comments were received. The hearing was closed with a Motion by **Commissioner David Tea**; seconded by **Commissioner Jon Thompson** and passed unanimously.

## **COMMON CONSENT**

1. **MIKE UDY ONE-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 15435 N 4400 W IN THE TREMONTON AREA (un-zoned).**
2. **RICKY HANSEN ONE-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 11325 N 4400 W IN THE TREMONTON AREA (un-zoned).**
3. **DARLENE CALDWELL ONE-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 2000 SOUTH WILLARD PEAK ROAD IN THE MANTUA AREA (RR-5 zone).**

Conditions for Approval include:

- ▶ Conditions, requirements and recommendations of culinary water provider. The petitioner/developer is required to comply with all the requirements and recommendations of the culinary water provider and/or state/local approving authority prior to recording of the subdivision.
- ▶ A letter verifying approval from the Health Department for the new wastewater treatment system.
- ▶ Approval from the County Fire Marshal and other emergency services responding to homes in the new subdivision. Letter needs to indicate that those services will be available in the area.
- ▶ Rural road/road improvement agreement.
- ▶ The developer is required to comply with all the requirements and recommendations of the county's engineer.
- ▶ Letters of approval verifying service from gas, electric, and/or other utility providers.
- ▶ Compliance with all state and county subdivision regulations for which a specific variance has not been granted.

**MOTION:** A Motion was made by **Commissioner Clark Davis** to grant approval for the Common Consent items listed above with the conditions for approval set by Staff. Motion seconded by **Commissioner Chad Munns** and passed unanimously.

## **UNFINISHED BUSINESS**

### **WILLARD STAKE SUBDIVISION, LOCATED AT APPROXIMATELY 8600 S HWY 89 IN THE SOUTH WILLARD AREA.**

The petition for the Conditional Use Permit for the LDS Church located in the South Willard area was granted in November 2007 along with the concept approval in December for the subdivision. The area is currently zoned R-1-20 and a church is a conditional use in that zone. The proposed lot will be 7.27 acre and will front on a new county road, constructed by the developer. Brian Bott, from Richard Bott Associates, addressed the Commissioners saying that the developer had been working with a proposed subdivision (Residence @ The Orchards) to the south [at the request of the Planning Commission] to work out the connection of the roads between the subdivision and the church property.

- ▶ Conditions, requirements and recommendations of culinary water provider. The petitioner/developer is required to comply with all the requirements and recommendations of the culinary water provider and/or state/local approving authority prior to recording of the subdivision.
- ▶ A letter verifying approval from the Health Department for the new wastewater treatment

system.

- ▶ Approval from the County Fire Marshal and other emergency services responding to homes in the new subdivision. Letter needs to indicate that those services will be available in the area.
- ▶ The developer is required to comply with all the requirements and recommendations of the county's engineer.
- ▶ Letters of approval verifying service from gas, electric, and/or other utility providers.
- ▶ Compliance with all state and county subdivision regulations for which a specific variance has not been granted.

**MOTION:** A Motion was made by **Commissioner Theron Eberhard** to grant preliminary approval for Willard Stake Subdivision located in South Willard based on the Conditions outlined by Staff (above). Motion was seconded by **Commissioner Jon Thompson**.

## **NEW BUSINESS**

### **CONDITIONAL USE PERMIT FOR THE ROCKY MOUNTAIN POWER EXPANSION OF THE EXISTING SUBSTATION WEST OF I-15 IN THE SOUTHERN PART OF BOX ELDER COUNTY.**

This expansion of the current Ben Lomond Substation will result in an approximate 25% increase in size. Steve Rush, representing Rocky Mountain Power (RMP) was at the meeting to address the Planning Commissioners regarding the expansion of this substation.

**Steve Rush** explained that Rocky Mountain Power owns the property where the substation is located with the intention that someday it would be expanded. There will be no properties disturbed on the north side of the substation. At this point it was decided to divide the two issues regarding this CUP request, 1) the expansion of the existing substation, and 2) the construction and addition of seven new power lines from this substation west and south to the Weber County line.

**MOTION:** A Motion was made by **Commissioner Clark Davis** to grant approval for the expansion of the Ben Lomond Substation [owned by Rocky Mountain Power]; seconded by **Commissioner Theron Eberhard** and passed unanimously.

**Steve Rush** explained that these additional lines are located along an already existing corridor and, therefore, are separate from the proposed lines that will be coming into Box Elder County from Downey Idaho. **Mr. Rush** understands that the pending ordinance that is being worked on will address future utility corridors and not existing ones such as this. This property, with its existing corridor, has been owned by Rocky Mountain Power for many years, dating back to the 1970's, making it a clear distinction between the two projects. (This petition is not asking for approval of the lines coming into the County from Idaho.) **Commissioner Clark Davis** stated that the Planning Commissioners were trying to make the distinction between the pending ordinance issue verses existing power-line corridors, established ownership and easements, as apposed to a new route and new improvements and a new corridor. The Planning Commission was looking for a way to provide approval without running into conflict with the pending ordinance. **Mr. Rush** again stated that RMP currently owns this property with an existing corridor where much of the construction will be completed, making it a clear separate issue from that of establishing a new corridor coming into (and through) the county from the Idaho border. Steve Hadfield, Box Elder County Attorney, said that this petition does not fall within the boundaries of the pending ordinance as there are already existing lines in the area on property owned by RMP. Also,

the additional seven lines will be similar to those already in the area. **Commissioner David Tea** asked what impact(s) would be placed on RMP if they were asked to delay approval of this request until the next meeting of the Planning Commission on May 15, 2008. **Mr. Rush** replied that any delay would cause impacts and RMP would like to be able to move forward as this particular section of line is tied to a different project and is being bid separately from the upcoming petition for the CUP establishing a new corridor for RMP coming into Box Elder County from the Idaho State line. RMP would like to be able to move forward with this project regardless of the outcome of that upcoming petition establishing a new corridor.

**MOTION:** A Motion was made by **Commissioner Clark Davis** to grant approval of the request by Rocky Mountain Power for the seven new additional structures with the conditions for the approval include: *1) RMP owns the property; 2) it is in an existing utility corridor, 3) it has similar KV line delivery capacity, and 4) it is a separate project from the major corridor coming into Box Elder County (that is being addressed by the pending ordinance and therefore does not fall within the scope of this pending ordinance).* Motion was seconded by **Commissioner Theron Eberhard** and passed unanimously.

#### **RIVERSIDE FARMS 35 LOT SUBDIVISION LOCATED AT APPROXIMATELY 18460 N 5200 W IN THE RIVERSIDE AREA**

This 35-lot subdivision is located in the Riverside area of the county that is currently un-zoned. The total area of the subdivision is 140 acres and the proposed lot size is over two acres each. The lots will front on new roads within the subdivision. **Commissioner Theron Eberhard** asked about the roads, curb, gutter and sidewalk throughout the subdivision. Scott Grover, the developer said that the engineers for this project said that barrow pits would be better due to the size of the lots, he had talked with the planning staff regarding that issue and if curb, gutter, and sidewalk was required it would be included in the development. Riverside/North Garland will be providing the water taps for the subdivision. Mr. Grover also said that he would prefer to do the 35 lots in one phase as it would help with the water systems and other infrastructures required in the subdivision. Because of the size of the lots in the proposed subdivision, the possibility of sidewalks being placed on one side of the street was also discussed. The engineers are also addressing the possible spillover from the canal and other questions were raised regarding the fence along the canal in the vicinity of this subdivision. Mr. Grover said that when he had approached the canal companies about fencing along the canal, they were opposed to it, but he would continue working with them regarding this issue.

**MOTION:** A Motion was made by **Commissioner Theron Eberhard** to accept the Concept plan for the Riverside Farms Subdivision; seconded by **Commissioner Chad Munns** and passed unanimously.

#### **JEANNEE RUPP ONE-LOT SUBDIVISION, LOCATED AT APPROXIMATELY 8970 W 10400 N IN THE TREMONTON AREA.**

This property is located in an area of the county that is currently un-zoned and will consist of one acre. The lot will be accessed via a private road off of 10400 North. Blair Rupp stated that the road leading to the lot was recently redone with reinforced pipe under the road and was approved by an inspector. Staff suggested that Andy Pommier (Building Inspector/Fire Dept) also inspect the road for compliance with the County road standards. It was also suggested that the plat be amended to show a turn-around on the property for the purpose of emergency vehicles. Staff recommended approval with the following

Conditions for Approval:

- ▶ Conditions, requirements and recommendations of culinary water provider. The petitioner/developer is required to comply with all the requirements and recommendations of the culinary water provider and/or state/local approving authority prior to recording of the subdivision.
- ▶ A letter verifying approval from the Health Department for the new wastewater treatment system.
- ▶ Approval from the County Fire Marshal and other emergency services responding to homes in the new subdivision. Letter needs to indicate that those services will be available in the area.
- ▶ The developer is required to comply with all the requirements and recommendations of the county's engineer.
- ▶ Rural Road/Road Improvement agreement
- ▶ Letters of approval verifying service from gas, electric, and/or other utility providers.
- ▶ Compliance with all state and county subdivision regulations for which a specific variance has not been granted.

**MOTION:** A Motion was made by **Commissioner Clark Davis** to grant Concept, Preliminary and Final approval for the Jeannee Rupp One-Lot Subdivision, with the amendment of the plat indicating the turn-around, and in addition to the conditions set (above) by Staff, that Andy Pommier from the Inspection Department, verify compliance of the road standards as outlined in the recommendations by Staff. Motion was seconded by **Commissioner Jon Thompson**, passed unanimously.

**KERRY SCHNEIDER RE-ZONE, LOCATED BETWEEN THE HIGHWAY 89 SPLIT IN THE SOUTH WILLARD AREA.**

The petitioner has recently purchased this property and is in the process of cleaning it up and is seeking a re-zone of the area from the current C-H (Commercial Highway) to C-G (Commercial General) and to amend the C-G zone to include warehouses less than 50K square feet. Currently the C-H zoning does not allow for warehouses and the current C-G zone does not allow for warehouses less than 50,000 square feet. Staff outlined the approval standards pertinent to this petition.

- ➔ Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;
- ➔ Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
- ➔ The extent to which the proposed amendment may adversely affect adjacent property; and
- ➔ The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.

The petitioner was proposing a retail storefront on the property with a small warehouse in the rear of the property for Price Containers. The petitioner has been granted access to this property by UDOT. Because of the work that was done by the South Willard Planning Committee, **Commissioner Clark Davis** suggested that the plan be revisited, along with the members of that committee to see if this petition follows that design and plan that they created for the South Willard area. It was noted that there have been some sufficient changes in the South Willard area since the adoption of this Plan and after some further discussion with the petitioner it was decided to Table this petition at this time.

**MOTION:** A Motion was made by **Commissioner Chad Munns** to Table the Kerry Schneider Rezone Petition in the South Willard area (and to redefine what uses are permitted in this zone as defined by the South Willard Community Planning Committee). Motion was seconded by **Commissioner Theron Eberhard** and passed unanimously.

### **DOVE CREEK SUBDIVISION, EXISTING AND FUTURE ROAD CONSTRUCTION**

Kevin Hamilton reported to the Planning Commissioners that over the past few months some of the property owners in the Dove Creek Subdivision had applied for building permits for their property and were referred to the Planning Office because of some questions concerning the roads in the area that had not been built to county standards. Staff felt that because it is a recorded subdivision, the issue of whether or not the existing roads could handle emergency vehicles should be directed to the agencies that would be handling any emergency situations in the area. As this is a recorded subdivision, Staff did not think that the County could now require the residents to build those roads to county standards after twenty-six years; none of the roads in the area are to county standards and many of the lots are being accessed by a dirt tract. When this subdivision was originally approved there was a Homeowner's Association in place and since that time it has been dissolved. The money that was in that Association was supposed to be used toward improving the roads, but instead was used in getting the electrical power to the area. Kevin Angus is over the Dove Creek Road Improvement Inc. and talked about the equipment that has been purchased to help meet that end. The money that was left over when the Association was dissolved was donated to the Dove Creek Road Improvement Inc. and was used to purchase a grader, compactor, cement mixers, etc. The biggest problem with the subdivision is surveying, drainage, and then the roads. Mr. Angus said that the roads could be easily fixed by grading and properly draining. There are now getting to be more people in the area and those lots are not accessible by a county road and those residents want to have access year round. The Road Improvement group is now trying to get the necessary gravel to build up the road base and make them more accessible. About \$6000.00 in funds has gone toward surveying the roads in the area, and the equipment that has been purchased by the group can be used by residents of the area to improve their own access roads after they have donated 40 hours to the community as a whole to improvements. After more discussion regarding what is taking place at the Dove Creek Subdivision and the improvements that are trying to be accomplished, Staff suggested that the applications for building permits should be looked at on an individual basis and the county fire department give their approval for the road conditions and access to the property in the case of emergency vehicles, thus allowing for the residents to develop their property, while at the same time following guidelines set by the County.

### **TRANSFER OF COUNTY PROPERTY IN GROUSE CREEK AREA TO THE BLM.**

The BLM has a well located on the property at the location of the County Road Sheds in Grouse Creek (of approximately 1/3 acre) and in order for BLM to maintain the well they have to have ownership of the property. Kevin Hamilton explained that the County has a policy that the Planning Commission reviews the transfer of any property. County Attorney Steve Hadfield explained that in order for the BLM to maintain the well they have to have ownership of the property. Mr. Hamilton stated that the County's General Plan does not address the transfer of property in this area of the County; however the policy is that it first be presented to the Planning Commission for their recommendation. **Commissioner Clark Davis** stated that this would fall under the County's Surplus Property Ordinance, as a house-keeping procedure. The water will continue to be shared with the County Road Shed and BLM will continue to maintain it, once it is transferred to them from the County.

**MOTION:** Commissioner Jon Thompson made a motion to recommend to the County Commissioners the transfer of the well site property in the Grouse Creek area to the BLM; seconded by Commissioner Chad Munns and passed unanimously.

### **WORKING REPORTS**

The proposed changes to the County Fencing Ordinance will be placed on the May agenda for a Public Hearing. Kevin Hamilton was directed by the Commissioners to submit a press release to the newspaper(s) informing the public of those changes and the hearing. Basically the changes would state the recommendation of the Planning Commission to repeal the existing fencing ordinance, revert back to the State Ordinance and make it a misdemeanor offense and give the sheriff's department the authority to issue tickets for offenses. County Attorney Steve Hadfield and Kevin Hamilton will work to finalize the wording of the ordinance. Commissioner Richard Kimber asked to review the press release before it is published.

**MOTION:** A Motion was made by Commissioner David Tea to move forward with the changes to the County Fencing Ordinance. Seconded by Commissioner Theron Eberhard and passed unanimously.

Commissioner Chad Munns asked about the possibility of forming a community committee to look into establishing some zones in the county from the north Garland to the Riverside area (and maybe to the Plymouth City area). Some of the residents of that area have approached him regarding the possibility of getting some zoning in place in those areas.

### **PUBLIC COMMENTS -- NONE**

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Commissioner Chad Munns made a motion to adjourn the Planning Commission meeting at 9:09 p.m.

Passed and adopted in regular session this 15th day of May, 2008

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Richard Kimber, Chairman  
Box Elder County  
Planning Commission