

PUBLIC HEARINGS

Chairman Richard Kimber informed the citizens in attendance that there were several items on the agenda and that the public hearings were to give the public an opportunity to make comments relative to a particular issue. The **Chairman** also reminded the public that this was not a time for debate on any of the issues and asked that they keep their comments brief and not be repetitive.

WESTERN METAL RECYCLING SITE PLAN, LOCATED AT APPROXIMATELY 7400 WEST CEMETERY ROAD IN THE PLYMOUTH AREA.

Staff explained that this petition was for the addition of a sorting and recovery system to reduce the amount of waste currently being sent to landfills. There would be two new buildings constructed and other site improvements to facilitate and refine the existing recycling operation on the approximate eight acres outside of the Plymouth area. No comments were received during the public hearing and **Commissioner Jon Thompson** made a motion to close the hearing, seconded by **Commissioner David Tea** and passed unanimous.

MATTHEW F. & SALLY B. BITNER RE-ZONE, LOCATED IN THE DEWEYVILLE AREA; PROPOSED CHANGED FROM THE CURRENT MU-160 TO RR-5

Staff explained that the petitioners were requesting a re-zone for their property from the current zone of MU-160 to RR-5 in order to build a home on a five acre parcel. The entire 98 acres were requested for re-zoning. Currently the Bear River Canal Company has a prescriptive right of way on both sides of the canal that runs through the Bitner property. Sally Bitner addressed the Planning Commissioners briefly and the public hearing was then closed with a motion by **Commissioner Chad Munns**, seconded by **Commissioner Jon Thompson** and passed unanimous.

THOMAS FURMAN CONDITIONAL USE PERMIT FOR A WIND TOWER TO BE LOCATED AT APPROXIMATELY 10885 NORTH WALLACE LANE IN THE THATCHER AREA.

Staff explained that the petitioner is interested in installing a wind tower for power generation in an effort to reduce power cost and as this usage is not allowed in the current zone, he is requesting a change to the Box Elder County Code to allow for such usages. No comments were made during the public hearing and a motion was made by **Commissioner Jon Thompson** to close the hearing, seconded by **Commissioner David Tea** and passed unanimous.

REGGIE PUGSLEY ROAD VACATE OF THE OLD COUNTY ROAD LOCATED AT APPROXIMATELY 25025 NORTH FRONTAGE ROAD IN THE PORTAGE AREA

Staff explained that the petitioner is requesting that a portion of the Old County Road in the Portage area be vacated at this time. The road has been replaced by a new Frontage Road and vacating the old road would not affect any of the adjoining landowners, nor has the area been developed. No comments were made during the public hearing and a motion was made by **Commissioner David Tea**, seconded by **Commissioner Chad Munns** and passed unanimous.

JEFF & KAREN MADSEN ROAD VACATE FOR ABANDONED STRETCH OF FRONTAGE ROAD LOCATED AT APPROXIMATELY 10500 NORTH 6800 WEST IN THE TREMONTON AREA.

Staff explained that the petitioners were requesting to vacate a portion of the frontage road that runs parallel to I-15 from the Iowa String Road to a dead end along the north portion of the freeway. The petitioners own the property to the west and would like to install a gate to eliminate travel on this portion of the dead-end road. It was unsure at this time who owns the road as the petitioners have paperwork/documents [from 1973] stating that it is owned by the County, but apparently those papers were never correctly filed and recorded. Staff has been in contact with UDOT, but had not heard back from them as to the status of ownership. **Commissioner Richard Kimber** said the ownership would be addressed later in the meeting. No comments were made during the hearing and a motion was made by **Commissioner Jon Thompson** to close the public hearing, seconded by **Commissioner David Tea** and passed unanimous.

HILLSIDE RECYCLING CONDITIONAL USE PERMIT LOCATED AT APPROXIMATELY 12090 NORTH HWY 38 IN THE DEWEYVILLE AREA.

Staff explained that the petitioner is requesting to expand his gravel pit located in the Deweyville area to include a recycling business with the intent to collect and sort recyclables, then bail and transport to other facilities. No comments were made during the public hearing and **Commissioner Chad Munns** made a motion to close the hearing, seconded by **Commissioner Richard Day** and passed unanimous.

SOUTH WILLARD COMMUNITY PLAN: PROPOSAL TO ADD COMMERCIAL ENTERPRISE ZONE; PROPOSAL TO RE-ZONE PORTIONS OF PROPERTY BETWEEN NORTH/SOUTHBOUND LANES OF HWY 89; PROPOSED AMENDMENTS TO THE COMMUNITY PLAN FOR MORE INTENSE COMMERCIAL AND LIGHT INDUSTRIAL USE.

Kevin Hamilton explained that these three items include, 1) a proposal to add a Commercial Enterprise Zone to Chapter 3-4 of the box Elder County Land Use Management & Development Code; 2) a proposal to re-zone portions of the property located between the north/southbound lanes of Highway 89 in the South Willard area from the current Commercial-Highway and Commercial-General to Commercial-Enterprise, and 3) proposed amendments to the South Willard Community Plan to allow for more intense commercial and light industrial use in that zone. The public hearing was opened and the following comment(s) were made:

Ronna Bowcutt said that she was never aware of the (citizen's) meetings to re-zone this area and requested copies of notes from those meetings; also asked if the gravel pits were connected to this request for the change in the zone and what impact would the change have on the tax base for the homes in the area.

Staff responded that the gravel pits were already an existing permitted use and [they] were not involved in this petition. The public hearing regarding proposals 1, 2, and 3 for the South Willard area was then closed with a motion by **Commissioner Jon Thompson**, seconded by **Commissioner Richard Day** and passed unanimous.

ROCKY MOUNTAIN POWER: PROPOSED AMENDMENT TO COUNTY GENERAL PLAN ESTABLISHING A POWER LINE CORRIDOR; CONDITIONAL USE PERMIT FOR THE POPULUS TO BEN LOMOND SUBSTATION FOR THE 345kV TRANSMISSION LINE PROJECT.

PROPOSED AMENDMENT TO THE GENERAL PLAN:

Chairman Richard Kimber explained that the first of the two public hearings dealt with the proposed amendment to the County General Plan to establish a corridor, not only for Rocky Mountain Power but for any and all future utility line corridors. The **Chairman** further asked the audience to keep their comments to that concerning the amendment to the General Plan. Comments were made by several individuals including, [citizens] *Sharon McGilvery, Charles Smith, John Stokes, Nathan Warren, Natasha Tilley, Albie Lemme, Brett Simpson, Kara Warren* and *Michael Doyle* [from Rocky Mountain Power]. Many of the comments did not relate to the amendment and **Chairman Kimber** had to remind the public that during this public hearing the Commissioners were interested in whether or not they [the public] were in favor of having an amendment that would help to establish corridors. There was also some misconception regarding the width of the corridor proposed by Rocky Mountain Power. Several of the citizens from the South Willard area thought that the corridor was one mile wide, which would affect many of the already established homes in the area, when in fact the mile-wide showed the area where the line could be placed [within that mile section], but the actual distance on either side of the line would be 75 feet [or 150 feet total]. Many of the citizens agreed that they were not in favor of the proposed corridor established by Rocky Mountain Power, but would be in favor of having an amendment added that would help the County in establishing corridors for this project and others that may come along in the future. The public hearing regarding the proposed amendment to the General Plan was closed with a motion by **Commissioner Jon Thompson**, seconded by **Commissioner David Tea** and passed unanimous.

CONDITIONAL USE PERMIT- POPULUS TO BEN LOMOND 345Kv TRANSMISSION LINE:

Staff explained that RMP has petitioned for a conditional use permit to place a utility corridor in Box Elder County that would begin at the Idaho border and run south to the Ben Lomond Substation. The proposed corridor from RMP would be close to several homes, especially in the South Willard area as well as other areas where homes are currently located. **Chairman Kimber** said that many of the comments that were made during the previous public hearing related more to this topic, but if there were additional comments not yet received; the Commissioners would be interested in hearing them. The public hearing was opened and the following comments were made:

Sharon McGilvery lives on the east side of Brigham City and was concerned that the proposed utility line is 75 feet east of an existing fault line and in the event of an earthquake her home, along with others in her neighborhood would drop approximately 50 feet according to a study by CERT [with a 6.5 earthquake]. Because of the necessary installation of the utility lines into the bedrock of the land Ms. McGilvery felt that the constant pounding would disturb the area. While living in Washington State, Ms. McGilvery said that there was a lot of humming noise associated with the power lines in the area where she lived and there was also an increase in the cancer cases for those living in close proximity to the lines. She was apposed to this location for the utility line and could not understand why RMP would want to put a line in such close proximity to an existing fault line.

Charles Smith felt that a less expensive route for the power line could be found and with the help of legislation currently being worked on by Senator Pete Knudson, a partnership could be established between the County and RMP. Also, RMP could be held to a smaller profit margin on this project and wondered why this project had to be such an inconvenience to the public.

Albie Lemme asked that the Commissioners not grant the CUP for RMP at this time as this is a heated debate and affects many individuals from the Idaho border to the southern Box Elder County

line. There is a lot of work that still needs to be done by the citizens of the County before granting RMP their permit.

Marjorie Kidman from the Dove Creek community did not think that the government had the power to grant eminent domain to large companies/corporations over the citizen's rights. She quoted from the Constitution and a copy of her comments is included with these Minutes.

Nathan Warren of South Willard was opposed to the granting of the CUP for RMP at this time; however he could understand the need for additional power and lines to supply that power, and any corridor should cause the least amount of hardship and inconvenience for the public. Past fires and existing fault lines should be taken into consideration when determining where the corridor should be located. He mentioned the floods of 1983 and during that time the land [mountains] shifted and that could happen again.

Charles Smith asked for some clarification regarding the process of applying for a conditional use permit. Staff explained that even with an established corridor route, a petitioner would still need to follow that application process in applying for a CUP and additional conditions could be placed on that permit. Establishing a corridor would not be a blanket permit for any future corridors that would apply to come through Box Elder County. All petitions would have to follow the process in applying for a CUP.

Kristina Sorensen from Garland was concerned that the residents within 600 feet of the proposed corridor were not being notified of the meetings that were held by RMP. She did not know until June 2008 of this proposal and is still not being notified by RMP officials. She was also concerned about the loss of tax revenue from the encroachment of these utility companies.

Debbie Munns from Garland said that the proposed corridor [from RMP] would result in the destruction of an existing home and go through farm land, when on the west side of the proposed line there is nothing but sage brush. She felt that more time was needed before making a final decision regarding the location of the corridor.

John Stoughton of South Willard said that the proposed easement of RMP sits on the backs of many properties in the South Willard area and in the event of a major earthquake those poles would fall onto those homes.

Bobbie Tanner of Tremonton had attended a prior meeting of RMP and said that RMP indicated that the location close to a freeway was not a good location, but the proposed corridor would go over an irrigation ditch on her property and that too would cause problems.

Brett Simpson of South Willard said that this proposed corridor goes right through the populated area of South Willard and wonder how that could be in the best interest of the public.

Brandon Wells asked how RMP could ask for a permit that would go over property that they don't even own at this time.

Sharon McGilvery said that she could understand why this corridor was chosen as this location is away from the already existing lines on the west side of the freeway, but she felt that the Planning Commission could have them [RMP] readdress this corridor placement. RMP should take into consideration the fault line and possible earthquakes occurring along their proposed corridor route.

The public hearing was closed with a motion by **Commissioner Jon Thompson**, seconded by **Commissioner Richard Day** and passed unanimous.

PROPOSED AMENDMENT TO SEC. 5-1-60 OF BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE.

Staff explained that this proposed amendment to the Box Elder County Land Use Management & Development Code was to reduce the side yards requirements for dwellings on legally nonconforming lots in area of the County that are now zoned but did not have zoning (or were classified as un-zoned) at the time the lots/parcels were created.

Mellonee Christie owns a three acre lot in an area that currently has zoning restrictions but there was no zoning at the time the property was purchased by the petitioner. Ms. Christie has applied

for a building permit, which has been denied due to the current set-back requirements. This amendment will help to correct that for this petitioner and others affected by recent zoning to areas of the County that were previously un-zoned.

The public hearing was then closed with a motion made by **Commissioner Chad Munns**, seconded by **Commissioner Jon Thompson** and passed unanimous.

The Public Hearings were concluded at 8:28 p.m.

COMMON CONSENT -- NONE

UNFINISHED BUSINESS

LDS STAKE CENTER, APPLICATION SS07-035, LOCATED AT APPROXIMATELY 8600 SOUTH HIGHWAY 89 IN THE SOUTH WILLARD AREA (FINAL APPROVAL)

This two-lot subdivision created an eight acre lot for the building of a new LDS Stake Center in the South Willard area. The road improvements have been approved by the County Engineer and the petitioner will be dedicating 16.5 feet to the County which will access the building and possible future development on the property. Construction has already begun and the petitioner had not received the Final approval from the County and **Commissioner Richard Day** stated that this project has also not received approval from the South Willard Flood Control District (SWFCD), fire protection, nor verification of water availability. The petitioner has been made aware of those items that will need to be addressed before the final approval from the County Commission and the recording of the plat.

MOTION: A Motion was made by **Commissioner Jon Thompson** to grant Final approval with the stipulation that the petitioner gain approval from the SWFCD, fire protection and verification of water to the site, along with the conditions as outlined by Staff below. Motion was seconded by **Commissioner Richard Day** 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. Conditions, requirements and recommendations for approval with South Willard Water and South Willard Flood Control must be met.

8. Letters of approval from gas, electric, and/or other utility providers.

9. Rural road improvement agreement.

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

11. Financial guarantee for all required improvements not installed prior to recording of the subdivision.

VALLEY VIEW ESTATES, PHASE II, APPLICATION SS08-012 (BRIAN ROSE) LOCATED AT APPROXIMATELY 7150 SOUTH HWY 89 IN THE SOUTH WILLARD AREA.

This seven-lot development for the Valley View Estates Subdivision Phase II is located in the South Willard area and the petitioner was seeking preliminary approval at this time. Some of the concerns regarding this development were that there is only a single access to the subdivision, which now has a total of thirteen lots. The County Engineer has recommended that a geotechnical study be provided to address the fault zone, debris flow and/or flood water that could possibly impact the area and also any snow avalanche [as a potential problem]. Also the petitioner needs to gain approval regarding the availability of water for the lots. The petitioner reported that they have contacted UDOT regarding the access and received approval for the single access without any acceleration or deceleration lanes. Staff was also asked to find out how many lots UDOT recommends for a single access development.

MOTION: A Motion was made by **Commissioner Richard Day** to grant Preliminary approval for the Valley View Estates, Phase II with the conditions set by Staff [below], seconded by **Commissioner Jon Thompson** and passed unanimously.

CONDITIONS OF APPROVAL

1. Approval letter from the South Willard Flood Control,

2. Final approval letter from South Willard Water District which specifies they will provide water to this location
3. Compliance with all the comments and conditions set forth by staff and other county agencies from their reviews.

A break was taken at this time from 8:37 – 8:50 p.m.

NEW BUSINESS

WESTERN METAL RECYCLING SITE PLAN, APPLICATION SS08-016 LOCATED AT APPROXIMATELY 7400 WEST CEMETERY ROAD IN THE PLYMOUTH AREA.

This is an existing recycling operation and the petitioner is seeking to expand the operation with a sorting and recovery system to reduce the amount of waste material that is currently being sent to the landfills. This addition will include the construction of two new buildings and other site improvements on the approximate eight acres located in the Plymouth area. The County Engineer has recommended that the [public] road accessing this site be upgraded to county standards. When asked about the expansion of the site, the petitioner (Mike Reed) stated that there is new technology that will allow for waste from the existing recycling plant to be further filtered to remove smaller objects/metal that have not been removed prior; thus cutting down on the amount of trash going to the landfills. The expansion is not to increase the amount of waste that is taken in at the site. **Chairman Richard Kimber** asked who should be responsible for the upgrade of the road as there are multiple users, i.e. NUCOR, a small gravel pit operation, the recycling facility and other frequent users. It was suggested that Staff work with the petitioner and the County Road Department toward an agreement regarding the upgrading and upkeep of the road.

MOTION: A Motion was made by **Commissioner David Tea** to approve the site plan for the expansion of the Western Metal Recycling facility with the stipulation that the petitioner work with the County Road Department regarding the upgrade of the road to the site and also that the conditions outlined by Staff be met. The Motion was seconded by **Commissioner Richard Day** and passed unanimously.

CONDITIONS OF APPROVAL

1. A final site plan shall conform to its associated conceptual site plan.
2. The entire site shall be developed at one time unless a phased development plan is approved by the approving authority.
3. A site plan shall conform to applicable standards set forth in the Box Elder County Land Use Management & Development Code and other applicable provisions of the Box Elder County ordinances. Conditions may be imposed as necessary to achieve compliance with applicable code requirements.
4. In order to ensure that the development will be constructed to completion in an acceptable manner, the applicant shall enter into an agreement with the County and shall provide a satisfactory bond, letter of credit, or escrow deposit. The agreement and bond, letter of credit, or escrow deposit shall assure timely construction and installation of improvements required by an approved site plan. **If the improvements have been completed by the time a business license is issued, this requirement will be not need to be met.**
5. County Engineer recommends that the County road that exists between the road into the NUCOR facility and the access road into Western Metals (~900') be upgraded to carry the additional truck traffic.
 - a. The Planning Commission has specified this requirement can be met upon an agreement between Western Metal Recycling, the Road Department and County Engineer's office to determine the best upgrade process.

MATTHEW F. & SALLY B. BITNER RE-ZONE APPLICATION SS08-018, LOCATED IN THE DEWEYVILLS AREA.

The petitioners were requesting that their property be re-zoned from the current MU-160 to RR-5 for the purpose of building a home on the property. The Bear River Canal Company has prescriptive right-of-way use for the canal that runs through the Bitner property and the petitioners are in agreement with that. The final building permit will need to be reviewed by Dan Davidson of the Canal Company. The entire 98 acres are being re-zoned to five acre lots and if any further development occurs on the property the County would require annexation into the City of Deweyville.

MOTION: A Motion was made by **Commissioner David Tea** to approve the re-zone application of Matthew & Sally Bitner from MU-160 to RR-5; seconded by **Commissioner Chad Munns** and passed unanimously.

CONDITIONS OF APPROVAL

1. If future development occurred, annexation into the city would be required.

THOMAS FURMAN, CUP 08-015 FOR A WIND TOWER TO BE LOCATED AT APPROXIMATELY 10885 NORTH WALLACE LANE IN THE THATCHER AREA.

The petitioner is requesting for a change in the language in the Box Elder Land Use Management & Development Code in order to construct a 70' wind tower on his two-acre lot located in the Thatcher area of the County where it is currently zoned R-1-20. As this request is not a permitted or allowed use in the current zone, Mr. Furman submitted [possible] updated language to be considered for the Code. The petitioner also felt that the County Code did not adequately reflect the changing energy environment and that alternate energy (power) sources should be permitted for those wishing to choose an alternative power sources. Kevin Hamilton expressed concern that this proposal could have great impact on the County and that this petition needed to be looked at more closely before granting any approval. The petitioner felt that he had met the requirements regarding this petition, i.e. the size/height of the wind tower; that this was nothing more than a 'flag pole' and that it was within the ability of the Planning Commissioners to act on his petition at this time. However, Mr. Hamilton recommended that this petition be Tabled at this time, until further study could be done concerning the issue and that it could be noticed correctly as an amendment to the zoning code. Several of the Planning Commissioners agreed that this issue needed further study.

MOTION: A Motion to Table the Thomas Furman petition for a change in the Code to allow for the construction of a wind tower as an alternative energy source was made by **Commissioner Jon Thompson** seconded by **Commissioner Richard Day** and passed unanimously.

REGGIE PUGSLEY ROAD VACATE APPLICATION FOR PORTION OF OLD COUNTY ROAD LOCATED AT APPROXIMATELY 25025 NORTH FRONTAGE ROAD IN THE PORTAGE AREA.

Mr. Pugsley had made application to vacate a portion of the Old County Road located in the Portage area. Vacating this road will not impact any of the adjoining property owner's access to their property and the property is not developed. This Old County Road has been replaced by the new Frontage Road in the area and Staff stated that it would be in the County/Property Owner's best interest to clear up this situation by vacating the road. With further discussion by the Planning Commissioners it was suggested that the entire "Old County Road" be vacated and not just that portion through the petitioner's property.

MOTION: A Motion was made by **Commissioner David Tea** to recommend to the County Commission that the "Old County Road" be vacated on parcels 08-044-0007, 08-044-0011, 08044-0013, 08-045-0002 and 08-044-0009 and the property revert back to the

landowner; and also that the conditions of approval set by Staff be met in vacating this road. The Motion was seconded by **Commissioner Jon Thompson** and passed unanimously.

CONDITIONS OF APPROVAL

1. The petition is in accordance with section **17-27-808** of the Utah State Code and the Box Elder County Land Use Management and Development Code.
2. The petition is in accordance with Box Elder County Commission Policy regarding road vacations (#2003-01).
3. It is in the County/Property Owner's best interest to vacate said road.
4. This road vacation will not financially harm any land owner.
5. This road vacation will not prevent any land owner from accessing property or established easements.

JEFF& KAREN MADSEN ROAD VACATE APPLICATION FOR ABANDONED STRETCH OF FRONTAGE ROAD LOCATED AT APPROXIMATELY 10500 NORTH 6800 WEST IN THE TREMONTON AREA.

Jeff and Karen Madsen have petitioned to vacate the frontage road that runs parallel to I-15 from the Iowa String to a dead end along the North freeway. The petitioners own all of the property to the west of this area and they have stated that the County has not maintained this road and they would like to be able to place a gate across it to eliminate the trespassing and animal crossing on the Iowa String. There is some discrepancy as to who owns this road as the County shows that UDOT has ownership, but in 1973 the Madsen's have documentation that the road was turned back to the County. With further research Staff found that the documentation did not have a recorded stamp, therefore no official recording of this road being turned back to the County was found. Research is still being done to clear this ownership discrepancy up; because of this, Staff recommended that this petition be Tabled until the verification of ownership can be determined.

MOTION: A Motion was made by **Commissioner Richard Day** to vacate this portion of the frontage road once ownership has been determined and the conditions of approval met; seconded by **Commissioner Chad Munns** and passed unanimously.

CONDITIONS OF APPROVAL

After determination of ownership from Utah Department of Transportation (UDOT).

It has been determined:

1. The petition is in accordance with section **17-27-808** of the Utah State Code and the Box Elder County Land Use Management and Development Code.
2. The petition is in accordance with Box Elder County Commission Policy regarding road vacations (#2003-01).
3. It is in the County/Property Owner's best interest to vacate said road.
4. This road vacation will not financially harm any land owner.
5. This road vacation will not prevent any land owner from accessing property or established easements.

HILLSIDE RECYCLING CUP-08-007, LOCATED AT APPROXIMATELY 12090 NORTH HIGHWAY 38 IN THE DEWEYVILLE AREA (RUPP GRAVEL PIT LOCATION)

Blaine Rupp has made an application to expand his gravel pit operation located in the Deweyville area to include a recycling operation with the intent to collect, sort and recycle materials to be bailed and transported to other facilities. **Chairman Richard Kimber** asked the petitioner what types of materials would be brought to the site for recycling. Mr. Rupp replied that it would be cardboard and plastics that would be condensed into bales and sent out to other facilities for reuse. Containers for the materials would be placed at various business locations such as the Malt-O-Meal plant. There will be no rubber or

combustible materials and there should be no offensive smells associated with the recycling operation. There will be an enclosed structure for the recycling facility and it is surrounded by the existing gravel pit operation.

MOTION: A Motion was made by **Commissioner Jon Thompson** to approve the Conditional Use Permit for the Hillside Recycling site to be located at the Rupp Gravel Pit location, with the conditions of approval as outlined by Staff being met. Motion seconded by **Commissioner Chad Munns** and passed unanimously.

CONDITIONS OF APPROVAL

1. Compliance with Box Elder County Land Use Management & Development Code Article 2-2-100.
2. The materials allowed for this use are paper, cardboard, and plastics.
3. Traffic will be entering and exiting onto State Hwy 38.

In accordance with Article 2-2-100 H,

1. A conditional use permit may be transferred so long as the use conducted there under conforms to the terms of the permit.
2. Unless otherwise specified by the Planning Commission and subject to the provision relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land so long as the use continues.

SOUTH WILLARD COMMUNITY PLAN

Kevin Hamilton reviewed the proposed changes to the South Willard Community Plan which included, *1) a proposal to add a Commercial Enterprise zone to Chapter 3-4 of the Box Elder County Land Use Management & Development Code; 2) a proposal to re-zone portions of property located between the northbound/southbound lanes of Highway 89 in the South Willard area [from the current Commercial Highway and Commercial General to Commercial Enterprise]; and 3) proposed amendments to the South Willard Community Plan to allow for more intense commercial and light industrial use in the zone.* With the addition of the Commercial Enterprise Zone small warehouses having less than a 50,000 square foot footprint, in conjunction with other permitted conditional uses, would be considered through the Conditional Use Permit process. In addition, *Regulations for Uses (3-4-080)* would be added regarding the height, area, width, frontage, yard & coverage regulations would also be covered by the addition of the Commercial Enterprise Zone. Two proposed developments (conditional use permits) are currently being considered that will be affected by the addition of these changes. Schneider/Price is proposing to construct a small warehouse with other businesses and Beckstead Construction has petitioned to build storage units in this South Willard area. It was noted by **Chairman Richard Kimber** that the South Willard Community Planning Committee has worked intensively in formulating their plan which included the possibly for more commercial highway businesses, and recent meetings with members of that committee reaffirmed that plan.

MOTION: A Motion was made by **Commissioner David Tea** to recommend to the County Commissioners that they add a Commercial Enterprise Zone to Chapter 3-4 of the Box Elder County Land Use Management & Development Code; seconded by **Commissioner Richard Day** and passed unanimously.

A Motion was made by **Commissioner David Tea** to recommend to the County Commissioners that they re-zone portions of the property located between the northbound/southbound lanes of Highway 89 in the South Willard area from the current C-H and C-G to C-E. Motion seconded by **Commissioner Chad Munns** and passed unanimously.

A Motion was made by **Commissioner David Tea** that the proposed amendments to the South Willard Community Plan to allow for more intense commercial and light industrial use in the zone (the C-E zone). Seconded by **Commissioner Chad Munns** and passed unanimously. **Commissioner David Tea** added clarification that only those portions as

petitioned by the two pending developers be re-zoned at this time and not all portions of the South Willard Highway 89 area.

ROCKY MOUNTAIN POWER, PROPOSED GENERAL PLAN AMENDMENTS AND CONDITIONAL USE PERMIT, APPLICATION CUP08-006 FOR THE POPULUS TO BEN LOMOND SUBSTATION

Mr. Hamilton explained that Rocky Mountain Power has requested that the County amend its General Plan to establish a power utility line and they have also applied for a Conditional Use Permit for that utility corridor. The proposed 345kV lines will travel from the Utah/Idaho border to the Ben Lomond Substation and will be located in both zoned and un-zoned areas of the County. Construction of the new right-of-way access and improvements to the existing access will be needed and single steel poles, approximately 125-150 feet in height, will be used and placed 600-900 feet apart. Chairman Richard Kimber recommended that this item be Tabled at this time due to the comments received during the Public Hearing portion of the meeting and Staff was in agreement. Mr. Hamilton further explained that this project will cover 54 miles [of power lines] through Box Elder County and there are many things that still need to be considered. Also, representatives from Rocky Mountain Power had talked with the Planning Commission about taking them on a tour of the proposed corridor in order for them to be better informed as to the exact location through the county. Mr. George Humbert, Rocky Mountain Power Community Manager for Box Elder County asked that they receive a copy of the minutes containing the public's comments as he felt that many of those topics discussed tonight had been asked and answered at previous meetings/open houses. Previously a question and answer sheet had been given to the Council of Governments which addressed many of the questions raised at this meeting and those are available to the public. Mr. Humbert had a few copies available for the public at this meeting. That information should also be available on the Rocky Mountain Power website www.pacificorp.com/transmission (however Mr. Humbert was not sure if the information was available on the website at this time) or by email: ConstructionProjects@pacificorp.com. A phone number was also made available 801-220-4221 for more information. Two dates for the tour were suggested, either July 23 or 25.

MOTION: A Motion was made by Commissioner Jon Thompson to Table any action on the two applications from Rocky Mountain Power 1) the proposed amendment to the County General Plan to establish a power line corridor from the Idaho border near Portage Utah to the Ben Lomond Substation in the South Willard area; and 2) the Conditional use Permit [CUP08-006] for the Populus to Ben Lomond 345kV Transmission Line Project, until the August 28, 2008 meeting of the Planning Commission. Motion seconded by Commissioner David Tea and passed unanimously.

PROPOSED AMENDMENT TO SECTION 5-1-60 OF THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE

Mr. Hamilton informed the planning commissioners that this amendment would affect lots in the county that were previously located in un-zoned areas that are now zoned due to the various community plans adopted by the County. Many of these lots are now located in areas that are zoned for low density such as the A-20 and are unbuildable due to the building setback requirements for the new zones. Therefore, even additions to existing homes are not allowed because of the new zones. Mr. Hamilton gave an example of a formula that would be used in considering future applications on existing lots in areas such as the A-20 zone.

EXAMPLE: *The A-20 zone required a lot width of 500 feet which required a side yard of 60 feet. The proposed conversion would be $60/500 = 0.12$ or 12%; therefore on a lot that is 140 feet wide the conversion would be 140×0.12 equaling a side yard of 16.8 feet instead of the 60 feet required for the A-20 zone.*

MOTION: A Motion was made by Commissioner Richard Day to recommend to the County Commission the adoption of the proposed amendment to Section 5-1-60 of the Box Elder

County Land Use Management & Development Code. Motion seconded by Commissioner David Tea and passed unanimously.

WORKING REPORTS

A work session was scheduled for Tuesday, August 12, 2008 at 6:00 p.m. to further discuss the Box Elder County Fencing Ordinance and other items.

PUBLIC COMMENTS

Several more comments were made by those citizens still in attendance, many reiterating comments that had been made previously.

Sharon McGilvery suggested that a member from the local committees also be included in the upcoming tour with Rocky Mountain Power as they would be knowledgeable of their individual areas and could see first-hand the proposed corridor.

Nathan Warren of South Willard said that RMP has not been too polite about asking for permission to come onto private property and if they (RMP) are planning a tour perhaps they should think about asking for permission beforehand.

Kristina Sorensen asked if the tour would cover the entire line or just the southern part of the County. (That detail had not yet been worked out with RMP and the Commissioners.) She asked that the property owners be notified so that they could be available at each of the site locations.

Brian Rose was confused about the different companies that are involved in this project and asked that they be clarified.

Charles Smith asked that there be input from Senator Knudsen and that there be coordination with the technicians on the Idaho side of this project.

Debbie Munns asked if the corridor between Utah and Idaho (Oneida County) will match up. Also felt that it was important for the Commissioners to see the corridor in the northern part of the County.

Brett Simpson stated that he has been to several of these meetings with RMP and the questions that have been asked have still not been answered. In attending these meetings he felt that the answers to the questions had changed from one meeting to the next. He felt that it would be a good idea to have someone like Denton John go on the tour as he has attended all of the meetings and is familiar with the questions and answers that have been given in the past at other meetings/open houses. He was also concerned that RMP was applying for a CUP when they still didn't have ownership of the property they are proposing for the corridor.

Mr. Hamilton answered this last inquiry by answering that the State of Utah gives certain rights to RMP and that they can apply for the CUP before some of these other factors are resolved. When RMP makes application there is a time period of 120 days for the County to do something in regards to the approval of their application. If at the end of the 120 days the County has made no action, then RMP can go to the **Utility Control Board** (that does not necessarily represent Box Elder County) and that Board can determine whether or not the County is being unreasonable in their process. Mr. Hamilton further stated that any approval that the County grants to RMP would include the stipulation that RMP gain approval from the various private landowners whether by agreement or purchase of the land. However the County has no control over the condemnation of property in order for RMP to accomplish its goal in establishing their corridor.

A Motion was made to adjourn the Planning Commission meeting at 10:31 p.m.

Passed and adopted in regular session this 28th day of August, 2008

Richard Kimber, Chairman
Box Elder County
Planning Commission