

RASMUSSEN ONE-LOT SUBDIVISIONS, SS08-022, LOCATED AT APPROXIMATELY 1949 NORTH 6400 WEST IN THE WEST CORINNE AREA.

The petitioner is requesting that this single lot development is proposed to create a two acre parcel where an existing home is located. The property is located in an area of the county that is currently zoned RR-20. The petitioner was present at the public hearing and said that it is his intent to have this home deeded to a family member and needs to have it broken off of the (total) 61.99 acre parcel. No comments were received during the public hearing and a motion was made by **Commissioner Clark Davis** to close the hearing; seconded by **Commissioner Jon Thompson** and passed unanimously.

WALKER GRAVEL PIT CONDITIONAL USE PERMIT, CUP08-013, LOCATED AT APPROXIMATELY 6400 WEST 25900 NORTH IN THE PORTAGE AREA

The petitioner had made an application to obtain a conditional use permit for a gravel pit to be located on the 260 acres owned by Max and Donna Ward. No comments were received during the public hearing and a Motion was made by **Commissioner Theron Eberhard** to close the public hearing, seconded by **Commissioner Chad Munns** and passed unanimously.

PRECISION ROCK QUARRY CONDITIONAL USE PERMIT CUP08-014, LOCATED AT APPROXIMATELY 4800 NORTH 10000 WEST IN THE WEST CORINNE AREA.

This rock quarry is located in the Little Mountain area and the operation had commenced without the issuing of the Conditional Use Permit, and was shut down by the County. Mr. Ben Ferry [is leasing this property to Mark Bingham] and said that there are other gravel pit operations in the area, i.e. Rupp and Nielsen. The petitioner was requesting the CUP to start up operation again and would also be applying for a business license from the County. No comments were received during the public hearing and a Motion was made by **Commissioner Clark Davis** to close the hearing, seconded by **Commissioner Richard Day** and passed unanimously.

BITNER HOMESTEAD ONE-LOT SUBDIVISION (WITH REMAINDER PARCEL) SS08-018, LOCATED AT APPROXIMATELY 10560 NORTH HIGHWAY 38 IN THE DEWEYVILLE AREA.

This project has gone through the re-zone process and the petitioners are now requesting approval for a single development proposed on a 5.5 acre parcel to be accessed from Highway 38 via a private road. No comments were made during the public hearing and a Motion was made by **Commissioner David Tea** to close the hearing, seconded by **Commissioner Chad Munns** and passed unanimously.

THOMAS FURMAN CONDITIONAL USE PERMIT, CUP08-005, FOR A WIND TURBINE LOCATED AT 10885 NORTH WALLACE LANE IN THE THATCHER AREA.

Mr. Furman has made application for a conditional use permit to allow for the construction of a residential wind tower on his property in the Thatcher area. 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 unanimously.

BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE CHANGES TO THE R-1-20 AND RR-20 ZONES.

Staff explained that changes in the R-1-20 and RR-20 zones included language changes that would not be dealt with at this meeting; however the size of the lots from the current 20,000 square feet to a

full half acre (21,780 square feet) was being requested at this time. This would bring the size in compliance with the Bear River Health Department's qualification for a septic system. Mr. Hamilton explained that another reason for the change in the zone(s) was the discovery that in the language of the two zones, agricultural use was not permitted. That change will be brought before the Commissioner at their November 2008 meeting along with other proposed changes. No comments were made during the public hearing and a Motion was made by **Commissioner Richard Day** to close the hearing, seconded by **Commissioner Jon Thompson** and passed unanimously.

The Public Hearings were closed at 7:17 p.m.

COMMON CONSENT-- NONE

UNFINISHED BUSINESS

ROCKY POINT STORAGE UNITS (BECKSTEAD CONSTRUCTION) CONDITIONAL USE PERMIT, CUP08-011, LOCATED ON PARCEL 01-047-0037 IN THE SOUTH WILLARD AREA.

The petitioner was requesting a conditional use permit for their proposed storage units that will be sold [as condominium units]. Staff had spoken with Mapleton City located in Utah County and learned that they require a subdivision before these types of units can be sold, but only this CUP is required in order to build the units. Staff further explained that the units would be used for RV, boat and other personal storage and would not include any commercial business or dwelling units. Mr. Hamilton said that before the individual units could be sold the petitioner would have to make application for a subdivision [under the condominium] requirements of the Code. **Commissioner Richard Kimber** asked what the recommendation of the Staff was regarding this petition and the response was to approve the CUP for the project. **Commissioner Clark Davis** asked if there was a possibility that if the petitioner were to proceed with the building of the storage units and then come in and apply for the subdivision, might that application be denied. Mr. Hamilton felt that as the use would be a permitted use and if all of the conditions were met that would not happen. **Commissioner Richard Kimber** then suggested that the petitioner be made fully aware of any forthcoming conditions that might be placed on the [future] subdivision application. The petitioner, along with Greg Hansen from Hansen and Associates were at the meeting and addressed the Commissioners.

Jeff Beckstead, the petitioner, said that from the onset of this petition it was with the purpose of selling the units and not renting them. He further explained that these facilities are for those that spend large amounts of money on RVs, boats and other recreational vehicles and like the idea of owning the facility where they store these items. This type of project has been done throughout the country and the state of Utah, but is new to Box Elder County. The finished facility would be under a homeowner's association (with 62 owners) that would be responsible for its upkeep and landscaping.

Greg Hansen said that this is the first project of its type that he has done in Box Elder County; however the concept is not new to him. The difference between a condominium and a regular subdivision is that instead of selling a lot for a home, "airspace" is being sold for the purpose of storage. The "airspace" is defined on the plat and the individual owners have a deed indicating ownership of a particular unit within the condominium. The process for approval would be much the same as for a subdivision; however the dedication is different as there are state regulations that

have to be met in defining the ownership of the [condominium] homeowner's association. Once the units are built and a subdivision application is made, approved and recorded, then the units could be sold, but not until the final Mylar plat had been recorded by the County.

After hearing from Mr. Beckstead and Mr. Hansen the following motion was made.

MOTION: A Motion was made by **Commissioner Jon Thompson** to grant approval of the Conditional Use Permit for the Rocky Point Storage Condominium facility located in the South Willard area of the County with the conditions as outlined by staff for the CUP. Motion was seconded by **Commissioner Chad Munns** and passed unanimously.

Conditions of Approval:

1. Comply with Chapter 4-3 Special Purpose & Overlay Zones, and Chapter 6-1-250 Requirements for Non-Residential Subdivisions.
2. The use of each storage unit will be only for RV storage, Boat Storage and other personal/business storage.
3. The use of each storage unit shall not include commercial business, or dwelling units.
4. Approvals from the following South Willard Organizations:
 - a. Flood Control – Mike Braegger
 - b. South Willard Water – Richard Day
 - c. JUB Engineer – Richard Day – for their approval
5. Owners must disclose a copy of the Conditional Use Permit with each unit leased/sold.
6. The selling of a unit will not be effective until the recording of the Condominium Mylar.
7. Financial Guarantee for all required improvements not installed prior to recording of the Condominium Mylar.

A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Code or any other Code of the Box Elder County Code and other applicable provisions of the Box Elder County Code.

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.

EAST CORINNE COMMUNITY ZONING PETITION

Staff reviewed this petition with the Commissioners as they had this item before them at the September 18, 2008 meeting. There are multiple land owners that have made application to have several parcels located in the area east of Corinne re-zoned from the current A-20 to RR-20 zoning. This would take the land from an agricultural zone to a rural residential zone with the minimum lot area being 20,000 square feet. Staff had supplied the Commissioner with the annexation plans from Brigham City, Honeyville City, Corinne City, and Bear River City for their information and determination if some of these parcels may be included in any of those cities future annexation plans. As background to the petition, staff further explained that in June 2004 The West Corinne Community Plan (WCCP) was adopted and included in the County General Plan and as these parcels are located east of Corinne City many of those landowners were not aware that their properties were

being included in that Plan. Mr. Dee Hardy, who was a member of that West Corinne Community Planning Committee when it was originally formed left before the process was completed to serve an LDS mission. Upon returning [from that mission] he learned that this area had been zoned, something that he said he was not in favor of while servicing as a member of that committee. Therefore, he, along with several other landowners, is petitioning to have the area re-zoned to RR-20 lots. (A map with the parcels identified and the names of the owners accompanies these official Minutes.) During the discussion, Mr. Hardy mentioned that “Map A” and “Map B” that were included in the WCCP and that “Map B” included the parcels that he was requesting be re-zoned. Mr. Hamilton informed the Commissioners that in the final draft of the WCCP it was stated that “Map B” had indicated areas north, east, and south of Corinne City that would be considered for half acre zoning as landowners petitioned and Mr. Hardy’s requests was within those guidelines of the adopted plan. **Commissioner David Tea** asked Mr. Hardy if Corinne City were to want to annex these properties into Corinne City would that proposition be in agreement with him and the other landowners. Mr. Hardy’s response was that it would probably be Brigham City that would be interested in annexing as Corinne does not have sufficient water to accommodate additional [lot] areas at this time. The question was asked about re-zoning all of the area included in “Map B” at this time; however, Mr. Hamilton stated that could not be done as adequate notification had not been given. **Commissioner Clark Davis** then suggested that the Commission act on this petition at this time and look into the possibility of re-zoning the other parcels at another meeting when there had been adequate notice given. **Commissioner Theron Eberhard** was concerned about one of the parcels (#15) that seemed to be quite a distance from the bulk of the other parcels. The question was also asked about any urgency regarding this re-zone and Mr. Hardy said that was really not an issue other than the forthcoming power and other utility lines that are currently coming through Box Elder County and that having property zoned as residential, instead of agricultural, might be more beneficial in determining where lines were placed. After the discussion the following motion was made.

MOTION: A Motion was made by **Commissioner Chad Munns** approve the re-zone as on the current petition (dated Sept. 2008). Motion was seconded for **Commissioner Clark Davis**. **Commissioner Theron Eberhard** then asked for an amendment to the Motion to exclude “Parcel 15” from this re-zone approval and it would be included in the future re-zoning action of the other areas [of “Map B”]. The Amendment to the Motion was seconded by **Commissioner Richard Day** and both the Motion and Amendment passed unanimously.

JEFF & KAREN MADSEN ROAD VACATE

Staff explained that as the documents had not been [properly] recorded regarding the transfer of ownership of the property from the UDOT to the County, the petitioners would need to contact UDOT in their request to have this road vacated. No action from the Planning Commission would be necessary.

BOX ELDER COUNTY FENCING ORDINANCE

Mr. Hamilton said that as several public hearings had been held regarding the [possible] changes in the current Box Elder County Fencing Ordinance and as many work sessions had also been conducted, Staff had been directed by the Planning Commissioners to work with the County Attorney in drafting language that could be forwarded to the County Commissioners for their consideration and action. That language is as follows:

ALLOWING LIVESTOCK TO TRESPASS PROHIBITED.

“The owner or person in control of any livestock who, without obtaining consent, permits or allows such livestock to trespass or go upon the property of another, is guilty of a class C misdemeanor. As used herein, the term ‘livestock’ shall mean cattle, sheep, goats, swine, horses, mules, poultry or any other domestic animal or domestic furbearer raised or kept for profit. “

Commissioner Richard Kimber said that as this had been given to the Planning Commission four years ago by the County Commission it was now time to return it to them for their action. Commissioner Kimber expressed his opinion that there was still a lot of misunderstanding on both sides of the issue with assumptions of actions that may be taken [against offenders] that most likely will never happen. Furthermore, he felt that things regarding the fencing of animals will continue much as they have in the past and well into the future regardless of the direction taken in writing or rewriting a fencing ordinance for Box Elder County. Commissioner Theron Eberhard said that he was in favor of recommending this language to the County Commission and Commissioner Jon Thompson also gave his recommendation in favor. Jokingly, Commissioner Clark Davis said that he hoped that as this commission had held off in their recommendation this long that they would have waited another year.

MOTION: A Motion was made by Commissioner Theron Eberhard that the recommended proposed language is adopted and that the current Fencing Ordinance be rescinded and forwarded to the County Commission for their consideration and action. Motion seconded by Commissioner David Tea and passed unanimously with Commissioner Clark Davis abstaining from the vote.

NEW BUSINESS

RASMUSSEN ONE-LOT SUBDIVISIONS, SS08-022, LOCATED AT APPROXIMATELY 1949 NORTH 6400 WEST IN THE WEST CORINNE AREA.

This petition was to create as 2.0 acre parcel where there is an existing home. Staff recommended approval with the conditions as outlined. (Commissioner Clark Davis declared a possible conflict of interest as he does accounting work for the Rasmussen family; however he would still vote on any motion given.)

MOTION: A Motion was made by Commissioner Chad Munns to grant concept/preliminary and final approval to the Rasmussen One-Lot Subdivision with the conditions as set by Staff. Motion 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. Rural road improvement agreement.
8. Compliance with all state and county subdivision regulations for which a specific variance has not been granted.

WALKER GRAVEL PIT CONDITIONAL USE PERMIT, CUP08-013, LOCATED AT APPROXIMATELY 6400 WEST 25900 NORTH IN THE PORTAGE AREA

Mr. Walker's intentions were to begin mining gravel that could possibly benefit the County by having a gravel pit in the northern part of the County. This property is currently owned by Max and Donna Ward (Mr. Walker's in-laws) and will eventually be deeded to his wife. Mr. Walker now has a notarized letter from his in-laws stating that they are aware of this intended use and are in agreement with it. However, because of the current ownership of record, any business license would have to be in the name of the Ward's. Mr. Walker also felt that this site may be a feasible for a crushing device. (Mr. Walker is employed by Box Elder County, but any conflict of interest would be handled through the County Attorney's Office.) A letter had been received from the Nish Gravel Pit operation and that is included in these official Minutes. Because Mr. Walker is employed by Box Elder County, **Commissioner Clark Davis** said that it would be advisable to have any [potential] job/contract put out for bid and not just assume that it would be given to Mr. Walker. After discussing this issue further, Staff recommended accepting the concept plan for this gravel pit operation.

MOTION: A Motion was made by **Commissioner Theron Eberhard** to accept the concept plan for the Walker Gravel Pit Conditional Use Permit located in the Portage area with the conditions as set forth by Staff. Motion seconded by **Commissioner David Tea** and passed unanimously.

Conditions of Approval:

1. Compliance with the following Chapters of the Box Elder County Land Use Management & Development Code. :
 - a. Chapter 4-8 Landfill & Land Excavation Overlay of
 - b. Compliance with Chapter 2-2-100 –Conditional Use Permit
2. Compliance with recommendations from the County Engineer's Office.
3. Compliance with recommendations from the County Road Department.
4. Compliance with recommendations from the Building/Fire Inspector.
5. Engineered plans to show environmental compatibility and reclamation plans.
6. A letter from UDOT indicating they are aware of the project abutting their right-of-way.
7. Compliance with Specifications and requirements set forth the County Building and Fire Inspector.
8. As the site is located in the Wildland/Urban Interface area, a prevention plan must be submitted and approved before commencement of the operation. This plan will outline the measure that will be taken to minimize the threat of a wildfire.

PRECISION ROCK QUARRY CONDITIONAL USE PERMIT CUP08-014, LOCATED AT APPROXIMATELY 4800 NORTH 10000 WEST IN THE WEST CORINNE AREA.

The petitioners had requested that the hours of operation be extended from 6 a.m. to 9 p.m. **Commissioner Chad Munns** asked how near any residents were to this quarry operation and the petitioners thought it was probably about three miles or so. Kevin Hamilton asked about the possibility of limiting the 6-9 hours of operation to daylight savings time, but the petitioners felt that this might be too restrictive when there was a job to be completed. **Commissioner Clark Davis** suggested that the hours be granted until any complaints were received and then limiting the hours of operation could be justified. **Commissioner Richard Day** asked about any reclamation plan for the site and currently there is none. The Commissioners felt that a plan to reclaim the land would be needed that would limit the maximum area to be opened for excavation before the former was reclaimed. Staff said that the county engineer (Brent Slater) would work with the petitioners

regarding that part of the plan and would be included in the conditions of approval. (Commissioner Clark Davis said that he needed to declare a possible conflict of interest as his firm does work for the Ferry family, owners of this property that is being leased to Mark Bingham for the quarry operation; however he would still vote on any motion.)

MOTION: A Motion was made by Commissioner Richard Day to approve the Conditional Use Permit for the Precision Rock Quarry with the extended hours of operation, and that a reclamation plan is included in the conditions. Motion seconded by Commissioner Chad Munns and passed unanimously.

Conditions of Approval:

1. Compliance with Standards and Specific Requirements from Chapter 4-8-060 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Standards and Specific Requirements from Chapter 2-2-100 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Standards and Specific Requirements from Chapter 4-2 of the Box Elder County Land Use Management & Development Code.
4. A final site plan shall conform to its associated conceptual site plan, dated October 2008 from Reeves and Associates.
5. The entire site shall be developed at one time unless a phased development plan is approved by the approving authority.
6. 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.
7. 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 not need to be met.**
8. Compliance with Specifications and requirements set forth the County Engineer.
9. Reclamation of Land plans approved by County Engineer.
10. Compliance with Specifications and requirements set forth the County Road Department.
11. Compliance with Specifications and requirements set forth the County Building and Fire Inspector.
12. As the site is located in the Wildland/Urban Interface area, a prevention plan must be submitted and approved before commencement of the operation. This plan will outline the measure that will be taken to minimize the threat of a wildfire.

A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Code or any other Code of the Box Elder County Code and other applicable provisions of the Box Elder County Code.

BITNER HOMESTEAD ONE-LOT SUBDIVISION (WITH REMAINDER PARCEL) SS08-

018, LOCATED AT APPROXIMATELY 10560 NORTH HIGHWAY 38 IN THE DEWEYVILLE AREA.

This petition was to create a 5.5 acre lot for the purpose of building a home on the property. Mr. & Mrs. Bitner recently petitioned to have the property re-zoned to allow this use and the area was re-zoned to RR-5. The home will be located on the 5.5 acre lot with access via a private road. Staff recommended approval with conditions as outlined.

MOTION: A Motion was made by **Commissioner Chad Munns** to grant concept/preliminary and final approval to the Bitner Homestead Subdivision with the conditions as set by Staff. Motion seconded by **Commissioner Jon Thompson** and passed unanimously. (**Commissioner David Tea** had stepped out of the courtroom and was not available when the vote was taken on this petition.)

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. Letters of approval from gas, electric, and/or other utility providers.
8. Rural road/road improvement agreement.
9. Compliance with all state and county subdivision regulations for which a specific variance has not been granted.
10. Financial guarantee for all required improvements not installed prior to recording of the subdivision

THOMAS FURMAN CONDITIONAL USE PERMIT, CUP08-005, FOR A WIND TURBINE LOCATED AT 10885 NORTH WALLACE LANE IN THE THATCHER AREA.

Staff briefly reviewed this petition stating that the purposed use will not be detrimental to the health, safety, or general welfare of any person in the community, and the use is desirable to provide a service which will contribute to the general well-being of the community and the intended function is compatible with the policies established by the Box Elder County General Plan and the Box Elder County Land Use Management & Development Code. Approval of the CUP was recommended by Staff.

MOTION: A Motion was made by **Commissioner Theron Eberhard** to approve the Conditional Use Permit to Thomas Furman for the purpose of installing a wind turbine on property located at 10885 North Wallace Lane in the Thatcher area. Motion seconded by **Commissioner Clark Davis** and passed unanimously. (**Commissioner David Tea** had stepped out of the courtroom and was not present when the vote was taken on this petition.)

Conditions of Approval:

1. Compliance with Standards and Specific Requirements from Chapter 2-2-100 of the Box Elder County Land Use Management & Development Code.
2. Compliance with building code
3. Compliance with Federal Aviation Administration regulations
4. Compliance with National Electric Code
5. Tower height shall not exceed the distance measured from the base of the tower to the nearest property line.
6. Clearance of blades shall not extend within 20' of ground
7. Must be a certified Residential Wind Turbine

A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Code or any other Code of the Box Elder County Code and other applicable provisions of the Box Elder County Code.

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.

BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE CHANGES TO THE R-1-20 AND RR-20 ZONES.

Staff explained that this action was for a proposed change to the Box Elder County Land Use Management & Development Code amending the R-1-20 and RR-20 zone from 20,000 square feet to a full half acre size of 21,780 square feet. Other changes within those two codes would be reviewed and brought back to the Planning Commission at another time; this was only changing the size of the lot to be more in line with the Bear River Health Department and their half acre size minimum. (A work session will be scheduled to review other changes within the Code.)

MOTION: A Motion was made by **Commissioner Clark Davis** to approve the change in the R-1-20 and RR-20 zones of the Box Elder County Land Use Management & Development Code and forward to the County Commission for a Public Hearing and their consideration and approval. Motion seconded by **Commissioner Jon Thompson** and passed unanimously. (**Commissioner David Tea** had stepped out of the courtroom and was not present when the vote was taken on this item.)

TRANSFER OF SURPLUS PROPERTY LOCATED AT 140 NORTH 2000 WEST IN TREMONTON.

Mr. Kevin Hamilton explained that this property is located in the Tremonton area and is a transfer/surplus to the Bear River Health Department. In order for this action to occur, the Planning Commission needed to make a finding that this action conforms to the Box Elder General Plan, the Land Use Management & Development Code (which it does). Mr. Hamilton further explained that this property is not located within the unincorporated area of Box Elder County and does not fall under the jurisdiction of the Planning Department. The recommendation was to find that this surplus/transfer did conform to both of the above mentioned Plan and Code.

MOTION: A Motion was made by **Commissioner Jon Thompson** to follow the recommendation of Mr. Hamilton and approve the transfer of this property to the Bear River Health Department per the General Plan and the LUM&D Code; seconded by **Commissioner Richard Day**. **Commissioner Clark Davis** informed the citizens that this property is already owned by the three counties [Cache, Rich and Box Elder] through the health board, but it had been improperly titled in the ownership and that this action is a correction to the title. In order to comply with the County’s surplus ordinance it is necessary that this item come before the Planning Commission. The Motion then received a unanimous vote by the Planning Commissioners.

WORKING REPORTS

PUBLIC COMMENTS -- NONE

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Commissioner Chad Munns made a motion to adjourn the Planning Commission meeting at 8:20 p.m.

Passed and adopted in regular session this 20th day of November 2008

Richard Kimber, Chairman
Box Elder County
Planning Commission