

Theron Eberhard again asked why it was necessary for Mr. Manning to expand the boundaries of his property to have frontage on the road where the home is located as is a legal nonconforming parcel. Staff's answer was that the mobile home was a conditional use for the area and Mr. Manning does have a legal nonconforming parcel and in issuing the CUP the parcel should be brought into conformance with the current zone of the area. The petitioner was not present at the public hearing to address the Commissioners. The Public Hearing was closed with a Motion by Commissioner Clark Davis and seconded by Commissioner Jon Thompson, passed unanimously.

COMMON CONSENT

FRED MANNING CONDITIONAL USE PERMIT FOR MOBILE HOME TO BE LOCATED AT APPROXIMATELY 13325 NORTH 10000 WEST IN THE BOTHWELL AREA.

Staff's recommendation was that the CUP be approved by the Planning Commissioners with the conditions outlined, and if the petitioners was not comfortable with the conditions he could return to the Planning Commission at their next meeting to discuss the requirements. Conditions included:

1. Conditions, requirements and recommendations of culinary water provider; the petitioner is required to comply with all the requirements and recommendations of the culinary water provider and/or state/local approving authority prior to receiving an occupancy permit.
2. Conditions, requirements and recommendations of wastewater treatment provider; the petitioner is required to comply with all the requirements and recommendations of the wastewater treatment provider and/or state/local approving authority prior to receiving an occupancy permit.
3. Conditions, requirements and recommendation of the fire department and emergency services department (ambulance, paramedics) responsible for responding to homes.
4. A property boundary adjustment providing frontage of 150 feet along the road or road access to the one acre parcel.

Commissioner Clark Davis suggested that the CUP be approved and that Mr. Manning work with the County Planner to bring the parcel into conformance, thus being able to look at the various options available to the petitioner in bringing his parcel into compliance with the five acre zone. Chairman Richard Kimber also suggested that a requirement of having a review of the CUP take place after a five year period if it is still necessary for the mobile home to be on the property.

MOTION: A Motion was made by Commissioner Theron Eberhard to approve the Conditional Use Permit for Fred Manning and that Mr. Manning work with the County Planner in regards to bringing the parcel into compliance with the current zone of the area. Also when the use of the mobile home is no longer needed it is to be removed from the property by the petitioner. Also included in the Motion were the conditions set forth by Staff (listed above); Motion seconded by Commissioner Clark Davis and passed unanimously.

UNFINISHED BUSINESS

ROSS RUDD 8-LOT SUBDIVISION LOCATED AT APPROXIMATELY 16600 NORTH 5200 WEST IN THE GARLAND AREA

The petition was before the Commissioner for Preliminary approval at this time. Staff recommended

approval based on the following conditions:

1. 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. 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. 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.
4. Fire department and emergency services department (ambulance, paramedics) responsible for responding to homes in the new subdivision must indicate in a letter that the department has the ability to provide services to the new subdivision.
5. 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.
6. Letters of approval from gas, electric, and/or other utility providers.
7. Rural road/road improvement agreement if improvements are deferred on Hwy 13. Curb, gutter and sidewalk are required within the subdivision.
8. Compliance with all state and county subdivision regulations for which a specific variance has not been granted.
9. Financial guarantee for all required improvements not installed prior to recording of the subdivision.

MOTION: A Motion was made by **Commissioner Chad Munns** to grant Preliminary approval for the Ross Rudd Subdivision based on the Conditions outlined by Staff (above). Motion was seconded by **Commissioner Richard Day** and passed unanimously.

NEW BUSINESS

TRANSFER OF PROPERTY BETWEEN THE BEAR RIVER HEALTH DEPARTMENT AND TREMONTON CITY OFFICES LOCATED AT 125 SOUTH 100 WEST IN TREMONTON, APPROXIMATELY .27 ACRES.

Commissioner Clark Davis explained that this property is currently titled in Box Elder County's name and in order to comply with the County's surplus property ordinance, it is necessary for the Planning Commission to review the proposed transfer and then refer it back to the County Commission with their recommendation to approve the transfer. A Public Hearing has been scheduled at the County

Commission level on January 29, 2008. The following Motion was made.

MOTION: A Motion was made by **Commissioner Richard Day** to recommend to the County Commission that they approve the transfer of the property to Tremonton City. Motion seconded by **Commissioner Chad Munns** and passed with **Commissioner Clark Davis** abstaining from the vote.

WORKING REPORTS

A work session will be scheduled for February 12, 2008 in order to move forward with the discussion on the County Fencing Ordinance. It was suggested that Kevin Hamilton and Steve Hadfield (County Attorney) try and meet with Ken Bradshaw to discuss the work that has been done thus far in regards to the ordinance.

The County Road Supervisor will be invited to attend and address the Planning Commissioners at the February 21, 2008 meeting in regards to the new subdivision and various roads throughout the County.

PUBLIC COMMENTS - NONE

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Commissioner Jon Thompson made a motion to adjourn the Planning Commission meeting at 7:32 p.m.

Passed and adopted in regular session this 21st day of February, 2008

Richard Kimber, Chairman
Box Elder County
Planning Commission