

BOX ELDER COUNTY PLANNING COMMISSION MINUTES MARCH 18, 2010

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

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

Chairman Richard Day called the Planning Commission meeting to order at 7:04 p.m. The Minutes of the February 18, 2010 meeting were made available to the Planning Commissioners prior to this meeting and upon review **Commissioner Chad Munns** made a Motion to approve the Minutes as written; seconded by **Commissioner Laurie Munns** and passed unanimously.

The following citizens were present:

Ryan Nish/Plymouth	Monte Green/Plymouth
Scott Sandall/Tremonton	Randy Moulding/So. Ogden
Robert Adams/Brigham City	Tom Wilkerson/Richmond
Jeff & Cindy Barr/Tremonton	Karla & Reed Beecher/Centerville
Joe Currie/Brigham City	Paul Roberts/Brigham City
Rock Hill/Bear River	Wendell & Sharon McCann/Garland

PUBLIC HEARINGS

Chairman Richard Day called for the public hearings on the agenda by informing the audience that each item would be handled separately, and that the time for the hearings was to allow the public the opportunity to voice any concerns and the Commissioners would listen to the comments and concerns, but this was not a questions/answer time.

ROCK HILL ONE-LOT SUBDIVISION, SS10-002, LOCATED AT APPROXIMATELY 13600 NORTH 4000 WEST IN THE COLLINSTON AREA. (ZONED RR-2)

This petitioner was requesting having a lot consisting of approximately 16 acres split into three lots; lot 1 of 5.91 acres; lot 2 of 6.5 acres; and lot 3 of 6.5 acres. No comments were received during the public hearing and a motion was made by **Commissioner David Tea** to close the hearing; seconded by **Commissioner Jay Christensen** and was unanimous.

JEFF BARR TRAILERS, SP10-001, LOCATED AT APPROXIMATELY 7511 WEST 10400 NORTH IN THE TREMONTON AREA. (UN-ZONED)

This petitioner had submitted a site plan to build custom utility trailers at the location of his home north of the Tremonton area. There is a separate utility building/shop located on the property that would house the business operation. One or two trailers would be placed on the drive of the property for show and/or sale. No comments were received during the public hearing and a motion was made by **Commissioner Desiray Larsen** to close the hearing; seconded by **Commissioner David Tea** and was unanimous.

NISH ROCK PRODUCTS, CUP10-002, LOCATED AT APPROXIMATELY 20025 NORTH 5200 WEST IN THE PLYMOUTH AREA.

This petitioner had submitted a site plan changing their current site plan in order to add an office and scale house at the site of the existing gravel pit operation located in the Plymouth area. No comments were received during the public hearing and a motion was made by **Commissioner David Tea** to close the hearing; seconded by **Commissioner Chad Munns** and was unanimous.

CHARLES EARL, CUP10-004, PARCEL 06-024-0044, .75 ACRE LOT FOR THE PLACEMENT OF A MOBILE HOME (TEMPORARY).

This petitioner had submitted an application to place a mobile home on his property in the Fielding area as a temporary residence for his son until a home can be built on the property. The mobile home will not be placed on a permanent foundation, but will be skirted. No comments were received during the public hearing and a motion was made by **Commissioner Laurie Munns** to close the hearing; seconded by **Commissioner Jay Christensen** and was unanimous.

RUBY PIPELINE LLC, CUP09-014, RENEWAL OF CONDITIONAL USE PERMIT FOR INSTALLATION OF A 42 INCH NATURAL GAS TRANSMISSION PIPELINE THROUGH UNINCORPORATED BOX ELDER COUNTY.

Staff explained that this application is before the Planning Commission for renewal of the CUP that was approved on June 18, 2009. Article 2-2-100 Subsection L states that a conditional use permit will expire and have no further force or effect if the building, activity, etc. had not commenced within one-hundred-eighty (180) days after the approval. As that deadline is approaching, this petitioner is seeking re-approval for their CUP. No comments were received during the public hearing and a motion to close the hearing was made by **Commissioner Desiray Larsen**; seconded by **Commissioner David Tea** and was unanimous.

SANDALL RANCHES, ROAD VACATE, NORTH PART OF ROAD OF ROADWAY LOCATED IN 11N 6W BETWEEN SECTION 28 & 29.

Staff explained that these petitioners have filed a petition to vacate the north part of a roadway located in T11N, R6W between sections 28 and 29. In the 1960's there was a verbal agreement between the landowners to trade a section of road for another existing roadway that ran through section 29; however that was never formally petitioned for nor recorded. This action will vacate the road north of north of an existing gate along 22000 West. The property owners affected by this vacate had been notified of this action. No comments were received during the public hearing and a motion was made by **Commissioner Jay Christensen** to close the hearing; seconded by **Commissioner Chad Munns** and was unanimous.

BOX ELDER COUNTY ROAD VACATE, ALL OF THE OLD COUNTY ROAD LOCATED WITHIN THE SW/4 OF SW/4 OF SEC 10 TOWNSHIP 9 NORTH RANGE 1 WEST SLB&M. (ABUTTING NELSON, YOUNG & BAXTER PROPERTIES IN SARDINE CANYON, MANTUA AREA)

Staff explained that this road vacate application was generated by the Box Elder County Commission. Staff was directed to consult with the County GIS Department to research for any reasons why this section of the old Highway 89 located east of SR89-91 in the Mantua area could not be vacated. The landowners abutting this old road were notified of the proposed action. No comments were received during the public hearing and a motion was made by **Commissioner Chad Munns**; seconded by **Commissioner Jay Christensen** and was unanimous.

UNFINISHED BUSINESS

CHANGES TO ARTICLE 6, SUBDIVISIONS OF THE BEDLUM&DC. SECTIONS: 6-1-030, 050, 060, 120, 130, 140, 160, 170, 200, 220, 230, 240, AND 250.

RIVERSIDE FARMS 19-LOTS, SS10-001, LOCATED AT APPROXIMATELY 18460 NORTH 5200 WEST IN THE RIVERSIDE AREA

Staff recommended that both of these items be Tabled at this time as further information is needed before taking action.

MOTION: A Motion was made by **Commissioner Chad Munns** to Table action on the changes to Article 6, Subdivisions of the BEDLUM&DC and the Riverside Farms 19-Lot Subdivision at this time. Motion was seconded by **Commissioner Desiray Larsen** and passed unanimously.

NEW BUSINESS

ROCK HILL ONE-LOT SUBDIVISION, SS10-002, LOCATED AT APPROXIMATELY zc13600 NORTH 4000 WEST IN THE COLLINSTON AREA. (ZONED RR-2)

Staff reviewed the facts regarding this application which included the petitioner securing a permit from UDOT for access to the property; water rights need to be approved by the State Division of Water Rights as there is one well located 200 feet east of the applicant's property and BRHD requires that a well is located on each [individual] lot; when the petitioner purchased this property from *Mr. David Alexander* he was also given a right-of-way deed to access two lots, but during the research conducted by Staff, it was discovered that those two lots were never recorded by the petitioner even though a survey may have been done on the property, (more research may be needed). Staff further stated that if the two lot plat was never recorded, it would make this new application appear to be for a three-lot subdivision, which would require additional restrictions placed on the application. **Chairman Richard Day** then asked if the other Commissioners had any questions for Staff or the petitioner. The petitioner then approached the Commissioners to discuss his application.

Commissioner Chad Munns asked the petitioner if he was applying for a one-lot subdivision, and in discussing the well permits, why was another well permit needed. Staff asked if that question was being directed at staff or the petitioner.

Staff replied by stating, *“Rock has come in and submitted a one-lot subdivision; it’s my understanding, Rock, that you went and had the property surveyed and you just didn’t record that at that time; so you really need to record that before you can do a one-lot subdivision; otherwise it looks like a three-lot subdivision at this point, and the letter from Bear River Health Department was given when they did the conditional use permit and then he did a new letter, currently, and Bear River Health Department said that with this new . . . he gave a proposed . . . of how you’re going to have three lots down there, so BRHD says if there’s going to be three homes down here, three wells need to be down there too, and that was just the condition of BRHD. Does that answer your question enough or am I skirting it?”*

Commissioner Chad Munns: *“The reality of it is, there is a lot of difference between a one-lot subdivision and a three-lot subdivision.”*

Staff: *“So that would have to be addressed and done before we could actually move forward on a one-lot subdivision, Conceptually, if all things are in place, then a one-lot subdivision can go forward. But we need to have that one survey recorded first; otherwise it really does look like a three-lot subdivision.”*

Rock Hill (petitioner): *“Basically, this was never a subdivision before, there were two existing lots . . . when this was approved there were two existing lots, there was no subdivision. There was one lot that did not comply to zoning and I never actually had a subdivision so this is the first time that I have ever divided this ground under application. I think that is probably why it raises the questions . . . what I’m looking at is taking two existing lots, and taking one of those two and splitting it into two 6.5 acre pieces. [Chairman Richard Day noted that there are eighteen acres all together.]*

Commissioner Chad Munns asked: *“Rock, how many acres to you have?”*

Rock Hill: *“I believe there is 18.91 acres”. (A map was then reviewed showing the location and size of Mr. Hill’s property, which included a small portion on the west side of the canal, but the petitioner was not aware of that portion.)*

Commissioner David Tea also asked about the width of the road being sixteen feet wide and if it needed to be 30 feet wide instead.

Rock Hill: *“From what I understand, from what it’s been explained to me by the county road superintendent and also the county planner, is what’s happened is when I had required an easement through Mr. David Alexander’s property for ingress/egress to this property, he gave me a sixteen foot easement. At this time I am looking at trying to get additional easement here, or at least the width that is required and also any necessary upgrade to the road as far as the thickness or just to improve the road to a standard that meet the safety, health and welfare for these three lots.*

Commissioner Jay Hardy: *“Now let me clarify . . . what is the width of the road that you have going through there now? Sixteen feet?”*

Rock Hill: *“Sixteen feet, yes sir.”*

Chairman Richard Day: *“So was there some lot adjustments done that were never recorded on this parcel here then?”*

Rock Hill: *“Actually there was no lot adjustments done as of right now, but the reason being is there was no recorded survey on those two existing lots; the reason being is because I didn’t know exactly where I was going to put the boundary between the two lots and the reason for that also was the fact that I was planning to sell one of these lots and it’s just worked out at this point that I need to take one of those lots and divide it into a single lot subdivision. I don’t know if that’s answered your question.*

Staff: *“So in order to do that single lot subdivision, would you be OK with recording your survey that you wanted to do for those two lots that you show now . . . bringing in another*

concept now to show how that was done, showing the division . . . do you understand? So the survey that you had done prior to when you were doing your conditional use permit and all that back in 2007, you have a survey that you did, correct, on those two lots down there . . . and where there was going to be an adjustment, boundary line adjustment . . . you had that surveyed so that you can go in and have that recorded, so it will show those two lots, how they are existing . .

Rock Hill: *"I do. . . it hasn't been recorded. . ."*

Staff: *"Can you record those . . . if you record those first, then we'll be able to see that this is a one-lot subdivision and go forward."*

Commissioner Chad Munns: *"I guess where we're struggling, Rock, is if it's one-lot . . . you have eighteen acres, eighteen plus acres. . . you have one lot, we can allow certain things; when you divide that lot. . . you have more criteria. . . does he understand, have you explained both of those to him. . . and that's where we're struggling right now. If you divide that you can go and build your house; but if once you divide that, we have to put it in a whole different criteria of stuff [for this third one] . . . and so that's what we're looking at, and so it's hard to say this is what we can do when you're applying for a one-lot subdivision, but you're already saying we need more wells and health department and stuff like this because you're going to have the road right-of-way to get in there. . . you understand that. . . and I don't know if we probably need to go through that step, Rock, to make sure this is what he needs to build his own house and if you sell lots, this is what you're going to have to do to be a subdivider."*

Rock Hill: *"I was understanding, prior to this idea of making a single lot subdivision that I had two lots approved; one for my own home and one that I could sell or do whatever I needed to and that was recorded by the County last year."*

Staff: *"In recording that then you . . . I guess in my research, I'm seeing that you have 18.91 acres and then you have another .75 acre. Those are the two lots that you have. This 18.91 has never been . . . so you don't have two lots today. So what you're proposing is a three-lot subdivision here . . . is when I came across the fact that this has never been recorded . . . do you see what I'm saying? And I didn't . . . when I went and did all of my research, when I went to verify the one-lot subdivision . . . in going through all the recordation and looking to see how it was drawn up on the map is when I came across the fact that this still hadn't been recorded . . . your understanding of having two lots . . . that boundary line adjustment."*

Rock Hill: *"I was under the understanding that originally there was a division of two separate parcels there."*

Staff: *". . . .75 which made it legal non-conforming correct? So you did that adjustment to make it legal . . . so that hasn't been recorded."*

Rock Hill: *"It just hasn't been recorded?"*

Staff: *"Once that is recorded then I would be able to see that. Well, you'll still have two lots there, but when you're proposing to bring in one more lot, three lots, then that brings in additional criteria at that point for a subdivider, such as curb, gutter, and sidewalk, sixty foot wide standards; those things that I discussed the first day that you were here. And I know you did a rural road agreement for those two lots, but those things would be addressed when you bring in that third home or third lot. So really, we do need you to record that if that's . . . OK."*

Commissioner Chad Munns: *"Should we table it until he records that?"*

Staff: *"You can approve it conceptually and have him meet those requirements before I bring it back . . . whatever you're comfortable with doing. Obviously my recommendation was to table it because I thought . . ."*

Chairman Richard Day: “. . . given the conditions that he understands what has to take place and then you can move forward; that’s his decision whether or not he wants to move forward . . . goes back and works with Tamara and they decide it’s good. . .”

Staff: “I want to make clear at this point that what we discussed about recording, that boundary adjustment is not the only thing that I am requiring that is met before we go further. My staff report has all my conditions listed. Those are the things that would need to be addressed, with my conditions of approval.”

Commissioner Chad Munns: “Rock, have you seen that staff report? You have it so you’ve seen it.”

Chairman Richard Day: “So either way Commissioners, whatever you’re comfortable with . . .”

Commissioner Chad Munns: “Rock, you’ve been here a lot of times; let’s get you a house built.”

MOTION: A Motion was made by **Commissioner Chad Munns** to grant Concept approval to the Rock Hill One-Lot Subdivision, based on Staff’s recommendations and conditions. Motion seconded by **Commissioner Jay Christensen** and passed unanimously.

Conditions of Approval:

1. The survey required for the Conditional Use Permit, needs to be recorded.
2. UDOT permit is required for access off of Hwy 38.
3. Verification that the private road will not encroach upon the Bear River Canal Company easement or property.
4. Current letter from Union Pacific Railroad Company is required verifying that access to an additional lot does not breach the Private Road Crossing Agreement.
5. Culinary water will be provided by well – BRHD requires a well for each lot.
 - a. Concept approval would require an additional water right per Wil Atkins with State of Utah Department of Natural Resources Division of Water Rights.
6. A new Right of Way deed from Mr. Alexander will need to be received for the new proposed lot.
7. The County Road Department letter (attached) states the current roadway from State road to the canal is lacking in width and aggregate. In addition, they are concerned with the slope approaches to the railroad crossing. Road design will need to address adequate drainage concerns.
8. Items in the County Engineer’s letter (attached) need to be addressed.
9. Items outlined by the County Fire Inspector’s letter (attached) need to be addressed.

JEFF BARR TRAILERS, SP10-001, LOCATED AT APPROXIMATELY 7511 WEST 10400 NORTH IN THE TREMONTON AREA. (UN-ZONED)

Staff explained that this petitioner has proposed a plan to build custom utility trailers at the location of his home. The trailers would be hand-built utility trailers to carry recreations vehicles -- four-wheelers, snowmobiles, and motorcycles, etc. The trailers would be powder-coated off site before completion and there would possibly be one or two trailers on the property for customers to look at and inspect. The overall business would be to make custom-ordered trailers as needed and ordered. There is a large utility shop/building located on the east side of Mr. Barr’s property that he would use for this purpose. **Commissioner David Tea** expressed some concern regarding the neighbors in the area and if they knew about this plan. Mr. Barr said that they did and as he is located in an un-zoned area of the County, and there were none present at this meeting objecting to the plan, Staff recommended approval based on conditions as outlined, noting that a Site Plan is inclusive of a Conditional Use Permit in this case.

MOTION: A Motion was made by **Commissioner Chad Munns** to grant approval to the Jeff Barr’s Custom Trailers Site Plan for the purpose of custom utility construction [as a

home-based business], with the recommendations and conditions as outlined by Staff; seconded by **Commissioner Laurie Munns** and passed unanimously.

Conditions of Approval:

1. Compliance with the recommendations and requirements set forth by County Engineer, County Fire Marshall, and County Road Department.
2. Compliance with the Chapter 2-2-110, Site Plan Review, of the Box Elder County Land Use Management & Development Code
3. Comply with State and Federal requirements
4. Verification of a site inspection for uniform building code compliance by an authorized licensed inspector.

In accordance with Article 2-2-110 H. Effect of Approval.

1. A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provision of this section has been met. No structures or improvements may be constructed unless shown on an approved site plan or required by law.
2. Approval of a site plan shall not be deemed an approval of any conditional use permit or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this Code and other applicable provisions of the Box Elder County Code.

NISH ROCK PRODUCTS, CUP10-002, LOCATED AT APPROXIMATELY 20025 NORTH 5200 WEST IN THE PLYMOUTH AREA.

Staff explained that this operation has an existing CUP for the use as a gravel pit and at this time is proposing to add an office and scale house at the location in Plymouth. Staff then reviewed the background and findings of fact regarding this operation. Noting that there were several items that needed to be reviewed with this CUP, Staff said that they had contacted the Department of Environmental Quality regarding the air quality and the water quality. The issue of the air quality had been addressed earlier, as the nature of the operation was that of a gravel pit. As there is dust created from the trucks coming in, loading, and leaving the area during the day, the operators of the pit needed to *“prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site.”* Staff said that Mr. Paul Harding, DEQ, said no permit was necessary for this, however, the DEQ could require a Dust Control Plan for the operation, and it was recommended that the petitioners contact DEQ. Regarding the water quality, the county engineer had informed Staff that Nish Rock has settlement pond(s) located on site to retain storm water without discharge off site. They also have a NPDES permit for this. The petitioner had been notified of Staff’s recommendations and conditions and had been given a copy of the letter from the county engineer addressing the concerns of the storm water prior to this meeting and Staff wanted those to be added to the conditions of the permit. Staff was recommending that there be approval from the Bear River Health Department for the office as there would be employees there and that culinary water also be made available for use. *Mr. Ryan Nish* told the Commissioners that the purpose of adding on the office and scale house is in order to upgrade the current operation.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to grant approval to the Nish Rock Products Site Plan and Conditional Use Permit with conditions and recommendations as outlined by Staff. Motion was seconded by **Commissioner Jay Christensen** and passed unanimously.

Conditions of Approval:

1. Bear River Health Department Approval.
2. Proof and verification of culinary water.
3. Compliance with Federal, State and local requirements.

4. Submit a review letter from Department of Environmental Quality, stating whether or not a Dust Control Plan is required, to the Planning and Zoning Office.
5. Submit a copy of the NPDSE Permit, and a letter from the permitting agency stating Nish Rock is in compliance to the Planning and Zoning Office.
6. Compliance with Article 2-2-100 of the Box Elder Land Use Management & Development Code
7. Verification of a site inspection for uniform building code compliance by an authorized licensed inspector.
8. Compliance with requirements and recommendations set forth by County Engineer, County Fire Marshall, and County Road Department
9. Arrange a pre-construction meeting before a building permit is issued.

CHARLES EARL, CUP10-004, PARCEL 06-024-0044, .75 ACRE LOT FOR THE PLACEMENT OF A MOBILE HOME (TEMPORARY).

Staff explained that this petitioner had made an application to place a mobile home on his property located in the Fielding (unincorporated) area of the County. This mobile home would not be placed on a permanent foundation, but skirted. This use is allowed under a conditional use permit in the unzoned area; it would be placed twelve (12) feet from the property line. The mobile home was manufactured in 1978 and is for the purpose of temporary living until a home is built on the lot. The mobile home is already on the lot, but does not have utilities currently connected. *Mr. Charles Earl* then addressed the Commissioners stating that this is for temporary living arrangements for his son and that hopefully a home will be built within the two year time period allotment. *Mr. Earl* also noted that many of the conditions that Staff had outlined had already been met when this property was made a one-lot subdivision three years prior, as far as proof of all the utilities being provided. *Mr. Earl* also noted that the two-year time frame could pose a problem and that in today's economy several people have to live in similar arrangements. Staff noted that a permanent CUP could not be granted for this mobile home as the Code only allows for mobile homes on a permanent basis if located in a mobile home park. Staff concluded that as the mobile home is already on the property, a building permit would still need to be obtained and a certificate of occupancy process followed.

MOTION: A Motion was made by **Commissioner Chad Munns** to grant approval for the Charles Earl CUP for the purpose of a temporary mobile home located in the Fielding area with conditions and recommendations as outlined by Staff. Motion was seconded by **Commissioner Jay Christensen** and passed unanimously.

Conditions of Approval:

1. Bear River Health Department Approval
2. Proof of culinary water
3. Proof of utilities
4. The single family dwelling unit must be constructed within 2 years of approval of this application.
5. Compliance with Article 2-2-100
6. Compliance with Article 3-6-050 – Inspection and Special Regulation of Mobile Homes.
7. Compliance with Article 3-6-060 – Compliance with Other Regulations.
8. Compliance with the requirements and recommendations from Building/Fire Inspector.
9. Continued construction of the permanent residence shall not be suspended or abandoned for a period of 180 days.
10. Building permit must be obtained to place a mobile home on parcel #06-024-0044.
11. Verification the resident of the mobile home is the owner who is building the home.
12. Thirty (30) days after occupancy is granted for the permanent dwelling, proof of all services are disconnected shall be submitted to the Planning and Zoning Office.

COUNTY SURPLUS PROPERTY, PARCEL 06-058-0039. BEG AT SE CORNER OF LOT 4 BLOCK 1 PLAT C GARLAND TOWNSITE SURVEY. N 5.60 FEET, WEST 120 FEET, SOUTH 5.60 FEET, EAST 120 FEET TO POINT OF BEGINNING. CONTAINING 0.02 ACRE.

Kevin Hamilton reviewed the process for disposal of real property through the county surplus property action. This property is a 5.6 feet wide by 120 feet in length located on parcel 06-058-0039 in Garland. The Planning Commission needed to find that the disposal of this property was not in conflict with the County's General Plan as all of the property is located within the city limits of Garland.

MOTION: A Motion was made by **Commissioner Laurie Munns** that as this property is located entirely within the limits of Garland it is not in conflict with the County's General Plan, therefore the Planning Commission would forward their findings to the County Commission for disposal of the property. Motion seconded by **Commissioner Desiray Larsen** and passed unanimously with **Commissioner Jay Hardy** abstaining from the vote.

RUBY PIPELINE LLC, CUP09-014, RENEWAL OF CONDITIONAL USE PERMIT FOR INSTALLATION OF A 42 INCH NATURAL GAS TRANSMISSION PIPELINE THROUGH UNINCORPORATED BOX ELDER COUNTY.

Again, Staff explained that this application is before the Planning Commission for renewal of the CUP that was approved on June 18, 2009. As that deadline is approaching, this petitioner is seeking re-approval for their CUP. **Commissioner David Tea** said that he had a conflict of interest concerning this item and excused himself from any action taken on it. Staff reviewed the background and findings of fact, stating that Ruby Pipeline is currently in compliance with their existing CUP and recommended approval for this renewal application.

MOTION: A Motion was made by **Commissioner Jay Christensen** to grant approval for the renewal of the Ruby Pipeline, LLC Conditional Use Permit and forward the recommendation to the County Commission for approval. Motion seconded by **Commissioner Laurie Munns** and passed, with **Commissioners Jay Hardy** and **David Tea** abstaining from the vote.

Conditions of Approval:

1. Compliance with Federal and State regulations.
2. Compliance with Article 2-2-100F- Standards of approval of the Box Elder Land Use Management & Development Code
3. Compliance with Article 2-2-100I – Amendment of the Box Elder Land Use Management & Development Code.
4. Compliance with Chapter 4-2 (Sensitive Area Overlay) of the Box Elder Land Use Management & Development Code.
5. Compliance with Chapter 4-8 (Landfill & Land Excavation Overlay) of the Box Elder Land Use Management & Development Code.
6. Coordination with the County's Engineer in identifying areas along the route which are subject to conditions 4 and 5.
7. Reclamation of land.
8. Right-of-way access agreements obtained – these are permitted through the county Road Department, through the Excavation Permit Application.
9. For Ruby Pipeline, LLC to work with individual property owners reasonable requests in regards to the installation of this pipe.

SANDALL RANCHES, ROAD VACATE, NORTH PART OF ROAD OF ROADWAY IN 11N 6W BETWEEN SECTION 28 & 29.

Staff explained that this item falls within the legislative authority of the Planning Commission. In determining if the road could be vacated, the Commissioners were to consider:

- ◆ Is there prevailing public interest in keeping the road open?
- ◆ Does vacating the road substantially affect the County General Plan or transportation plan?
- ◆ Is the road vacation in compliance with all of the BECLUM&DC requirements, as well as state, federal or other local regulations?
- ◆ Will the road vacate financially harm any landowner or stakeholder that may have interest in the road?
- ◆ Would the vacate affect any other private interest within the right-of-way?
- ◆ Is this road a deeded road or a right-of-use?

One of the petitioners, *Scott Sandall*, then approached the Planning Commissioner to discuss and answer any questions regarding this vacate request. *Mr. Sandall* said that a portion of road had been exchanged for another in order to eliminate the two 90% turns in the road. This was a verbal agreement between the land owners and the County some years ago (in the 1960's); however, **Commissioner Jay Hardy** thought that he remembered there being some sort of letter written when **Denny Beecher** was the County Surveyor. Some of the Planning Commissioners were concerned that vacating this road would result in creating a dead-end, and wondered if it would be better to vacate the entire road leading back into Howell. *Mr. Sandall* said that could be considered; however, more landowners would need to be notified in vacating a larger portion and the main objective at this time was to clean up this agreement [formally] that had been made in the 1960's. After discussing this issue and determining that vacating this portion of the road would not adversely affect [public] travel in the area, the following motion was made.

MOTION: A Motion was made by **Commissioner Laurie Munns** to forward a recommendation to the County Commissioners to vacate the north part (north of the existing gate) of roadway in T11N, R6W between Sections 28 and 29. This section of road is approximately one half mile in length. Motion was seconded by **Commissioner Chad Munns** and passed with **Commissioner Jay Hardy** abstaining from the vote.

Conditions of Approval:

1. The petition is in accordance with section 72-3-108 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.

BOX ELDER COUNTY, ALL OF THE OLD COUNTY ROAD LOCATED WITHIN THE SW/4 OF SW/4 OF SEC 10 TOWNSHIP 9 NORTH RANGE 1 WEST SLB&M.

Staff explained that the County Commissioners had approached the Planning & Zoning Dept asking them to work with the County GIS Department and the County Road Dept in determining if there was any reason that would prohibit the County from vacating a section of the Old County Road east

of SR-91 in the Mantua area of Sardine Canyon. The landowners abutting this old section of road are Young Resources, June Baxter, and Michael Nelson, all of which had been notified of this proposed action. Again in considering vacating this road the following needed to be considered:

- ◆ Is there prevailing public interest in keeping the road open?
- ◆ Does vacating the road substantially affect the County General Plan or transportation plan?
- ◆ Is the road vacation in compliance with all of the BECLUM&DC requirements, as well as state, federal or other local regulations?
- ◆ Will the road vacate financially harm any landowner or stakeholder that may have interest in the road?
- ◆ Would the vacate affect any other private interest within the right-of-way?
- ◆ Is this road a deeded road or a right-of-use?

MOTION: A Motion was made by **Commissioner Jay Christensen** to forward a recommendation to the County Commissioners to approve the vacating of this section of the Old County Road east of SR-91 in Sardine Canyon. Motion was seconded by **Commissioner David Tea** and passed with **Commissioner Jay Hardy** abstaining from the vote.

WORKING REPORTS

PLANNING COMMISSIONER TERM EXPIRES: Jay Christensen – term expires April 2010; reappointment for three year term to April 2013.

Commissioner Jay Christensen said that he would serve for a three year term on the Box Elder County Planning Commission, term to expire April 2013.

WIND TURBINE PRESENTATION

Ms. Karla Beecher, from the Grouse Creek area had contacted the County Planner in regards to presenting some findings regarding possible wind turbines being located in the western part of the County. A map showing the annual average wind speed at 80 m was given to each of the Commissioners. *Dr. Tom Wilkerson*, from Utah State University, accompanied *Ms. Beecher* with a PowerPoint presentation **“ValidWind; Remote Sensing of Low Altitude Wind Profiles.”** *Dr. Wilkerson* is a research professor in the College of Sciences at USU and the Center for Atmospheric and Space Sciences. *Ms. Beecher* was interested in the information that *Dr. Wilkerson* had been able to gather through this new method as interest in wind farms in growing throughout the County and in the Grouse Creek area where she lives. (However, it was made clear that *Dr. Wilkerson* was NOT advocating the location of any wind turbines anywhere in the County with his presentation.) *Dr. Wilkerson’s* presentation [ValidWind] showed the new technology that enabled wind patterns and speeds to be tracked with balloon technology that has greatly improved over the years. Most of the data had been gathered during various times in 2009 at different locations in Utah. (A copy of the PowerPoint is attached to these official Minutes).

PUBLIC COMMENTS – NONE

A **Motion** was made to adjourn at 9:20 p.m., unanimous.

Passed and adopted in regular session this 15th day of April 2010.

Richard Day, Chairman
Box Elder County
Planning Commission