

**MINUTES
BOX ELDER COUNTY COMMISSION
AUGUST 10, 2010**

The Board of County Commissioners of Box Elder County, Utah met in an Administrative/Operational Session at the County Courthouse, 01 South Main Street in Brigham City, Utah at 7:30 a.m. on **AUGUST 10, 2010**. The following members were present:

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	Commissioner
LuAnn Adams	Recorder/Clerk

The following items were discussed:

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports
4. Correspondence
5. Assignment Review
6. Tax Commission – LaMar Sayer

The Administrative/Operational Session adjourned at 8:59 a.m.

The regular session was called to order by Chairman VanDyke at 9:00 a.m. with the following members present, constituting a quorum:

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	Commissioner
LuAnn Adams	Recorder/Clerk

The prayer was offered by Commissioner Shaffer.

Pledge of Allegiance: Boy Scout Troop 208, Trevor & Brice Reynolds
Boy Scout Troop 102, Trey Raymond

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF AUGUST 03, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER HARDY, SECONDED BY COMMISSIONER SHAFFER AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1**FOLLOW-UP BUSINESS – COMMISSIONERS****El Paso Gas – Commissioner Hardy**

Commissioner Hardy said the Cattlemen's Association will be meeting Thursday at 9:00 a.m. at the State Capitol to discuss the agreement El Paso Gas has with Western Watersheds. There will be 15 counties attending a meeting at 10:00 a.m. to discuss the agreement with Western Watersheds. The representation will be coming from five states. Commissioner Hardy said Gooding County has passed a resolution as well as two counties in Oregon indicating their opposition to the agreement between El Paso/Ruby Pipeline and Western Watersheds.

Chairman VanDyke read the following letter signed by seven senators addressed to El Paso:

(See Attachment No. 2 – Letter.)

PICTOMETRY CONTRACT APPROVAL – MONTE MUNNS

Assessor/Treasurer Monte Munns said last year's budget reflected a change in practice he wanted to implement by using aerial photos. Pictometry was the company chosen to do the work. He said they will do the flying as soon as the leaves are off of the trees, and the county can receive information in November. He asked the Commissioners to sign the contract.

MOTION: A motion was made by **Commissioner Shaffer** to authorize Chairman VanDyke to sign the Pictometry Contract not to exceed \$28,000 for two years. The motion was seconded by **Commissioner Hardy** and unanimously carried.

CANCELLATION OF COMMISSION MEETING – COMMISSIONERS

MOTION: A motion was made by **Commissioner Hardy** to cancel Commission Meeting on August 17. The motion died for lack of a second.

MOTION: A motion was made by **Commissioner Shaffer** to open Commission Meeting on August 17 at 8:30 a.m. The motion died for lack of a second.

VALLEY VIEW SUBDIVISION BID AWARD – BILL GILSON

Road Supervisor Bill Gilson said last Tuesday there was a bid opening on the Valley View Intersection at 7150 South Hwy 89 for a project the county has been working on regarding safety and realigning a roadway. He said Great Basin Development came in at \$120,422.32 and the next closest bid was Randy Marriott Construction at \$141,257.70. Mr. Gilson said a subcommittee was formed to review the bids and get references. He received raving reviews on Great Basin Development and recommended the Commissioners award the bid to them.

MOTION: A motion was made by **Commissioner Hardy** to accept the bid from Great Basin Development in the amount of \$120,422.32. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

2010 CIP SNOWPLOW REQUEST CHANGE – BILL GILSON

Road Supervisor Bill Gilson asked the Commissioners to change the Capital Improvement Request for the snowplow to retro fit an existing truck with a dump bed, sander, and plow from Holland Equipment. Mr. Gilson gave the Commissioners a letter from the CIP Committee with their recommendation.

MOTION: A motion was made by **Commissioner Hardy** to take the low bid from Holland Equipment in the amount of \$44,884. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

POCATELLO VALLEY/BLUE CREEK ROAD PROJECT PLAN & DESIGN VERIFICATION APPROVAL – BILL GILSON

Road Supervisor Bill Gilson said he, Brent Slater and Kent Jones with Jones and Associates have spent a great deal of time going over the road plans, profiles, drawings and specifications outlined for the EWP NRCS monies that is going to be spent on the county's right-of-ways out through the Pocatello Valley/Blue Creek Area. Mr. Gilson said he feels the logistics behind the planning of it is in the best interest of the county. They are allowing traffic to still move through. He said the project will make it much safer to travel down through there. They have redesigned some of the waterway dips to be more user friendly for larger vehicles, and there will be more signage to warn the people there are natural waterway crossings and to proceed with caution. He said there are 18-20 signs.

MOTION: A motion was made by **Commissioner Shaffer** to approve the project design packet and authorize the chair to sign. The motion was seconded by **Commissioner Hardy** and unanimously carried.

GNUDSEN SUBDIVISION NO. 2/RURAL ROAD AGREEMENT – TAMARA WRIGHT

County Planner Tamara Wright said Knudsen Subdivision No. 2 is located at 4990 West 120 N. The Planning Commission and staff recommend approval.

MOTION: A motion was made by **Commissioner Hardy** to accept the Knudsen Subdivision No. 2, the rural road agreement and allow the chair to sign the plat and the rural road agreement. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

MURRAY GRAVEL RE-ZONE ORDINANCE #344 – TAMARA WRIGHT

County Planner Tamara Wright said Ordinance #344 is an ordinance to rezone part of the Murray property which was recently de-annexed from Willard City. She then reviewed the ordinance.

MOTION: A motion was made by **Commissioner Shaffer** to adopt Ordinance No. 344, an ordinance amending the Box Elder County Zoning Map by zoning a portion of a property in Township 8 North, Range 2 West, Section 35 containing approximately 37 acres which was recently de-annexed from Willard City from the R-1-20 Zone to the mining, quarry, sand and gravel excavation zone (MG-EX). The motion was seconded by **Commissioner Hardy** and unanimously carried.

(See Attachment No. 3 – Ordinance No. 344.)

SHERMAN L. RICHINS ESCROW RELEASE – TAMARA WRIGHT

County Planner Tamara Wright said Sherman Richins developed a subdivision in 2008-2009. The County Engineer and road supervisor have done a final inspection on the road improvements and recommends releasing the escrow funds.

MOTION: A motion was made by **Commissioner Hardy** to release the funds on the Sherman Richins Escrow. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

RECESS

The Commissioners took a recess at 9:55 a.m. and reconvened at 10:00 a.m.

PUBLIC HEARING – ARTICLE 5-1-150/ACCESSORY BUILDINGS – COMMISSIONERS

(See Attachment No. 4 – Attendance List.)

County Planner Tamara Wright said the county had two building permit applications come in over the last couple of months. They were two-story accessory buildings. Ms. Wright said our code allows for an accessory building to be built on property as long as it is 20 feet or two stories, whichever is lower. The code also states not to exceed the square footage of the actual home on the property. The two building permits that came in were higher than 20 feet, and had two stories; because of that, the staff decided to take it before the Planning Commission and see what the intent of the code is. The Planning Commission decided they could forward their approval to amend this code based on the following: (1) That the maximum height of an accessory building is set at 25 feet with no restriction on the number of stories for an accessory building. (2) The current setback requirements are still applied to accessory buildings. (3) The accessory buildings not exceed the height or square footage of the principle dwelling.

Chairman VanDyke opened the public hearing up for comments. There were no comments.

MOTION: A motion was made by **Commissioner Shaffer** to close the public hearing. The motion was seconded by **Commissioner Hardy** and the public hearing was closed at 10:04 a.m.

MOTION: A motion was made by **Commissioner Shaffer** to adopt Ordinance No. 345, an ordinance amending Article 5-1-150 of the Box Elder County Land Use Management and Development Code Entitled Maximum Height and Floor Area of Accessory Buildings to clarify our ordinance regarding height and floor area of accessory buildings. The motion was seconded by **Commissioner Hardy** and unanimously carried.

(See Attachment No. 5 – Ordinance No. 345.)

RE-AUTHORIZATION OF SECURE RURAL SCHOOLS CAMPAIGN 2010 – COMMISSIONERS

Box Elder County School Superintendent Ron Wolfe, Business Administrator Ron Frandsen and Board Chairwoman Nancy Kennedy came before the Commissioners to tell them they were in support of the Secure Rural Schools Campaign 2010; however they cannot use public money to campaign. They will look at some private funds.

The Commissioners thanked the School District representatives and said it is important to show that Box Elder County will support this effort.

MOTION: A motion was made by **Commissioner Hardy** that the county fund the amount necessary for the one-tenth of 1% so that we become a member in this lobbying effort. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

ASSURANCES RELATED TO REAL PROPERTY ACQUISITION/ROADS – LEE BEVERLEY

Lee Beverley told the Commissioners all of the road work is done on the right of ways relative to the Pocatello Valley/Blue Creek Roads Project. He said in this particular project all of the work is on county roads and right-of-ways, so we do not need to obtain easements. He is asking for the Commissioners' approval.

MOTION: A motion was made by **Commissioner Shaffer** to authorize the chair to sign the assurances relating to real property acquisition for the road portion of the project of the EWC. The motion was seconded by **Commissioner Hardy** and unanimously carried.

STATE OF UTAH BAILIFF SERVICES CONTRACT – TOM BENNETT

County Auditor Tom Bennett said the county provides bailiff and security services to the district court. He presented a contract for the Commissioners to sign. He said the contract is the same as it was last year. It has been approved by County Attorney Hadfield and Sheriff Yeates.

MOTION: A motion was made by **Commissioner Hardy** to accept the contract for bailiff services with the State of Utah in the amount of \$195,000 and allow the chair to sign. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

ADOPTING CERTIFIED TAX RATE FOR LOCAL ASSESSING & COLLECTING – TOM BENNETT

County Auditor Tom Bennett made a presentation on the certified tax rate for 2010. He gave some Box Elder County tax rate history, and said his presentation was without any redemption. (*See Attachment No. 6 – Power Point Presentation.*)

There was much discussion by the Commissioners. Commissioner Hardy feels the county should be cautious and accept the redemption.

Commissioner Shaffer said it appears we have a choice to make, to accept a redemption or not. He would rather not take the redemption and is willing to go to the public for the additional funds in the future.

MOTION: A motion was made by **Commissioner Shaffer** to adopt the certified tax rate for the county at .0002118 assessing and collecting at .000300 and county library at .000143 without taking the redemption and adding it into the certified tax rate and to authorize the chair to sign. The motion was seconded by **Chairman VanDyke**. The motion carried 2-1 with **Commissioner Hardy** voting no.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 71386 - 71531, 2010017 in the amount of \$597,763.24. Claims 71079, 70688, 65241 were voided.

PERSONNEL ACTIONS – COMMISSIONERS

FIRE DEPT:	Dustin Richard, compensation change, effective 08/01/2010
FIRE DEPT:	Bo Brady Burdick, new hire, effective 08/01/2010
FIRE DEPT:	Jerold Peterson, new hire, effective 08/01/2010
FIRE DEPT:	David Webster, new hire, effective 08/01/2010
FIRE DEPT:	Christopher Richards, new hire, effective 08/01/2010
FIRE DEPT:	Casey Harper, new hire, effective 08/01/2010
AUDITOR:	Janet Gustafson, compensation change, effective 07/18/2010

EXECUTIVE SESSION

DISCUSSION OF CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL

MOTION: At 11:30 a.m. a motion was made by **Commissioner Hardy** to move into an executive session to discuss personnel issues. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

MOTION: At 12:25 p.m. a motion was made by **Commissioner Shaffer** to reconvene into regular commission meeting. **Commissioner Hardy** seconded the motion, and regular commission meeting was reconvened.

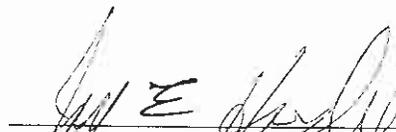
ADJOURNMENT

A motion was made by **Commissioner Shaffer** to adjourn. **Commissioner VanDyke** seconded the motion, and the meeting adjourned at 12:26 p.m.

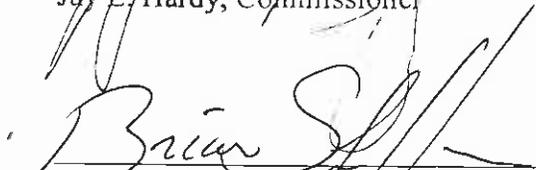
ADOPTED AND APPROVED in regular session this 17th day of August 2010.



Rich VanDyke, Chairman



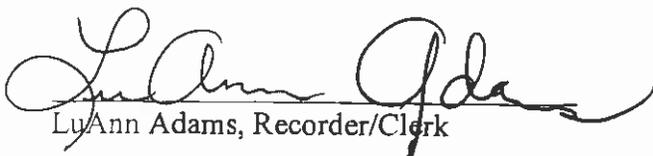
Jay E. Hardy, Commissioner



Brian K. Shaffer, Commissioner



ATTEST:



LuAnn Adams, Recorder/Clerk

BOX ELDER COUNTY RECORDER/CLERK
Box Elder County Courthouse
01 South Main Street
Brigham City, Utah 84302

NOTICE and AGENDA

Public Notice is hereby given that the Box Elder County Board of County Commissioners will hold an **Administrative/Operational Session** commencing at **7:30 a.m.** and a regular **Commission Meeting** commencing at **9:00 a.m. TUESDAY, AUGUST 10, 2010** in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah.

Administrative/Operational Session

*7:30 a.m.

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports – Agenda Related
4. Correspondence
5. Assignment Review

*8:20 a.m.

6. Tax Commission – LaMar Sayer

- *9:00 – 9:05 Call to Order: Chairman VanDyke
Invocation: Commissioner Shaffer
Approval of Minutes of August 3, 2010
- *9:05 – 9:10 Follow-Up Business
- *9:10 – 9:15 Pictrometry Contract Approval – Monte Munns
- *9:15 – 9:20 Cancellation of Commission Meeting – Commissioners
- *9:20 – 9:25 Valley View Subdivision Bid Award – Bill Gilson
- *9:25 – 9:35 2010 CIP Snowplow Request Change – Bill Gilson
- *9:35 – 9:45 Pocatello Valley/Blue Creek Road Project Plan & Design Verification
Approval – Bill Gilson
- *9:45 – 9:50 Knudsen Subdivision No. 2/Rural Road Agreement – Tamara Wright
- *9:50 – 9:55 Murray Gravel Re-Zone Ordinance #344 – Tamara Wright
- *9:55 – 10:00 Sherman L. Richins Escrow Release – Tamara Wright

- *10:00 – 10:05 Public Hearing Article 5-1-150/Accessory Buildings - Commissioners
- *10:05 – 10:15 Re-Authorization of Secure Rural Schools Campaign 2010 – Commissioners
- *10:15 – 10:20 Assurances Related to Real Property Acquisition/Roads – Lee Beverley
- *10:20 – 10:25 State of Utah Bailiff Services Contract – Tom Bennett
- *10:25 – 10:30 Adopting Certified Tax Rate for Local Assessing & Collecting – Tom Bennett
- *10:30 – 10:35 Adopting Certified Tax Rate for County General Operations – Tom Bennett
- *10:35 – 10:40 Adopting Certified Tax Rate for County Library (Bookmobile) – Tom Bennett
- *10:40 – 10:45 Warrant Register & Personnel Actions – Commissioners
- *10:45 – 11:00 Assignment Review - Commissioners

Executive Session

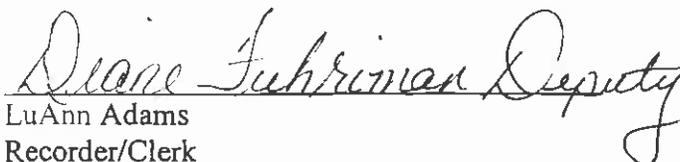
1. Discussion of character, professional competence or physical or mental health of an individual.

Adjournment

These assigned times may vary depending on length of discussion, cancellation of scheduled agenda items or agenda alteration. Therefore, the times are estimates of the agenda items to be discussed. If you have any interest in any topic, you need to be in attendance at 9:00 a.m.

Prepared and posted this 5th day of August 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 5th day of August 2010.


LuAnn Adams
Recorder/Clerk

NOTE: Please turn off or silence cell phones and pagers during public meetings

This facility is wheel chair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made three (3) working days prior to this meeting. Please contact the Commission Secretary's office at 734-3347 or FAX 734-2038 for information or assistance.

United States Senate

WASHINGTON, DC 20510

August 2, 2010

Douglas L. Foshee
Chairman, President, and CEO
El Paso Corporation
PO Box 2511
Houston, TX 77252-2511

Dear Mr. Foshee,

We write to request information on recent news reports that the El Paso Corporation reached a substantial settlement agreement with two environmental organizations in relation to the Ruby Pipeline Project. As supporters of the Ruby Pipeline Project, who supported a responsible, but timely federal approval process, we were surprised to learn of this agreement through news reports and hope you can shed light on the matter.

A July 16 article in the *Elko Daily Free Press* noted, "El Paso will set up a \$15 million conservation fund for Idaho-based Western Watersheds and a \$5 million fund with an Oregon organization." Although we are familiar with agreements at this magnitude that have been set up through federal and state agencies, we are unaware of agreements between corporations and similar environmental organizations with a history of using the legal process to delay these types of projects.

Additionally, we are concerned that the article suggests this funding will be used to permanently retire grazing permits. We would oppose such an effort because it undermines the intent of the Taylor Grazing Act. Grazing is essential to Western agriculture and recognized in law as an important management tool for our public lands. We are disappointed that reports suggest that this money could be used to change the grazing practices that support our agricultural communities and state economies.

The announcement of this agreement has raised many questions, and we have heard from many constituents who are troubled by the agreement. To gain a better understanding of the matter, we respectfully request the following information:

- We request information on the details of the settlement agreement, including the amount of the settlement, the uses of the settlement money, and the plans for how that money will be administered.
- Did El Paso receive commitments from these organizations that they would not seek legal recourse that could delay the Ruby Pipeline Project before approving the settlement agreement?
- Did El Paso agree to support efforts to lobby Congress or any federal agency to change laws, rules, or regulations pertaining to the management of grazing on public lands?

All#2

- Has El Paso been involved in similar agreements with other "environmental," non-profit organizations in the past? If so, please provide a list of those agreements.
- Were federal agencies involved in the negotiating process for this matter? Did the Federal Energy Regulatory Commission (FERC) consider this matter as they approved the project?
- Did the El Paso Corporation consider creating a similar fund that could be administered by a federal or state agency in conjunction with interested outside groups?

Such an agreement will very likely create new and important precedents for future projects, and as such, we seek more information so that we can determine whether such agreements are appropriate or whether further legislative action is necessary.

Thank you for your attention to this important matter. We look forward to your prompt response to our letter.

Sincerely,

Mike Enji

John Barrasso

Jan E. Reed

Mike Croy

John G. Hatch

Bob F. Bennett

John Erisman

ORDINANCE NO. 344

AN ORDINANCE OF BOX ELDER COUNTY AMENDING THE BOX ELDER COUNTY ZONING MAP BY ZONING A PORTION OF A PROPERTY IN TOWNSHIP 8 NORTH, RANGE 2 WEST OF SECTION 35 CONTAINING APPROXIMATELY 37 ACRES WHICH WAS RECENTLY DE-ANNEXED FROM WILLARD CITY, FROM THE R-1-20 ZONE TO THE MINING, QUARRY, SAND AND GRAVEL EXCAVATION ZONE (MG-EX).

WHEREAS, the property owner is requesting that the property described herein be zoned from the R-1-20 Zone to the Mining, Quarry, Sand and Gravel Excavation Zone (MG-EX); and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing on the petition to amend the Box Elder County zoning map and provided notice of the hearing by mailing it to each affected entity at least 10 calendar days before the public hearing, and by posting it on the county's official website; and by publishing it in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on April 15, 2010, to allow the general public to comment on this proposed zoning map amendment; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined the following with respect to the proposed amendment to the zoning map:

1. Rather than rezoning all of the portions of the property requested by the property owners to the MG-EX Zone, only those portions of the property on the east of the canal should be rezoned to the MG-EX Zone for the purpose of a conducting a gravel operation; and
2. Rezoning the property west of the canal to the MG-EX Zone at this time, would be incompatible with the surrounding zoning which is currently zoned as the R-1-20 Zone; and
3. The County Commission may consider rezoning a portion of the property west of the canal to the MG-EX Zone for the purpose of allowing the property owners some area for stockpiling of materials, which parcel would be defined by beginning at a point along the canal that is furthest to the west, at the southern boundary of the parcel, and drawing a straight line to the north boundary of the property; and
4. Such zoning changes are in conformity with the General Plan of Box Elder County, and the uses allowed by the proposed changes are harmonious with the overall character of the existing development in the vicinity of the property, and will provide for the health, safety, and general welfare of the public and protect the environment

; and

WHEREAS, based upon these findings, the Box Elder County Planning Commission has recommended that the Box Elder County Commission amend the zoning map in accordance with the findings of the Box Elder County Planning Commission; and

WHEREAS, the Box Elder County Commission scheduled a public meeting and provided for an additional public hearing on the petition to amend the Box Elder County zoning map, and provided notice of the public meeting by posting the notice, at least 24 hours prior to the meeting and hearing, in at least three public locations within the county and by posting it on the county's official website; and

Att # 3

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public meeting and provided for an additional public hearing on July 27, 2010, to allow the general public to comment on this proposed rezone; and

WHEREAS, after providing for public comment from the general public, the Board of County Commissioners of Box Elder County, Utah has found and determined the following with respect to the proposed amendment to the zoning map:

1. With respect to the property east of the canal, specifically identified in Exhibit "A", it should be rezoned from the R-1-20 to the MG-EX zone; and
2. With respect to property west of the canal, specifically identified in Exhibit "B", it should be rezoned from R-1-20 to the MG-EX zone for the sole purpose of providing the developer extra acreage for stockpiling and locating a scale house with the condition that the property to the west of the Canal is not to be mined for gravel; and
3. The rezoning of the parcel west of the canal (Exhibit "B") covers a slightly larger area than was recommended by the Planning Commission and is based upon a request from the developer to increase the size of the zone to accommodate stockpiling and the location of a scale house, and it is expressly based upon the developer's agreement that conditions be placed upon this parcel which would prohibit any mining on the parcel; and
4. Such zoning changes are in conformity with the General Plan of Box Elder County, and the uses allowed by the proposed changes are harmonious with the overall character of the existing development in the vicinity of the property, and will provide for the health, safety, and general welfare of the public and protect the environment.; and

NOW THEREFORE, the County Legislative Body of Box Elder County, State of Utah, hereby ordains as follows:

SECTION 1: Zoning Map Amendment. The Zoning Map of Unincorporated Box Elder County is hereby amended by reclassifying that certain portion of real property located in unincorporated Box Elder County and specifically described in Exhibit "A" attached hereto, from the R-1-20 Zone to the Mining, Quarry, Sand and Gravel Excavation Zone (MG-EX).

SECTION 2: Zoning Map Amendment. At such time as the developer and Box Elder County enter into and record a zoning development agreement which provides that no mining will be conducted on the parcel of real property described in Exhibit "B", the Zoning Map of Unincorporated Box Elder County shall be amended by reclassifying that certain portion of real property located in unincorporated Box Elder County and specifically described in Exhibit "B" attached hereto, from the R-1-20 Zone to the Mining, Quarry, Sand and Gravel Excavation Zone (MG-EX).

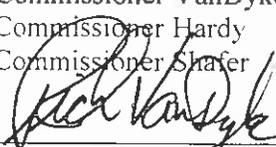
SECTION 3: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 10th day of August, 2010, by the Board of County Commissioners of Box Elder County, Utah.



Commissioner VanDyke
Commissioner Hardy
Commissioner Shafer

Voting yea
Voting yea
Voting yes


Richard VanDyke, Chair
Box Elder County Commission

Attest:


LuAnn Adams
Box Elder County Recorder/Clerk

PUBLIC HEARING
BOX ELDER COUNTY

Date: 8-10-10
Article 5-1-50 / Accessory Bldgs.

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
Ellen Cook	Leader	
LEE BEVERLEY	BECCO - Auditor	
RON FRANDSEN	Box Elder School District	
RON WOLFF	" "	
Bill Gilson	Box Elder Co. Road	257-5450
Nancy Kennedy	Box Elder School District	734-2568
Rebecca Dily	BE County	734-3347
Kerr-Ross	BESU	734 3814
TAMARA KRIGHT	BECCO	734-3316

ORDINANCE NO. 345

AN ORDINANCE OF BOX ELDER COUNTY AMENDING SECTION 5-1-150 OF THE BOX ELDER COUNTY LAND USE MANAGEMENT AND DEVELOPMENT CODE ENTITLED "MAXIMUM HEIGHT AND FLOOR AREA OF ACCESSORY BUILDINGS" TO CLARIFY THE MAXIMUM ALLOWABLE HEIGHT OF ACCESSORY BUILDINGS.

WHEREAS, the Box Elder County Planning Commission finds it appropriate to clarify the language in Section 5-1-150 of the Box Elder County Land Use Management and Development Code as it related to the maximum allowable height of accessory buildings; and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing and provided notice of such hearing by mailing such notice to each Affected Entity at least ten (10) calendar days prior to the hearing, posting notice of such hearing in at least three (3) public locations within the county or on the county's official website, and publishing notice of such hearing in a newspaper of general circulation in the area at least ten (10) days before the hearing; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on June 17, 2010, to allow the general public to comment on these proposed definition additions, and modifications; and

WHEREAS, after providing an opportunity for public input and carefully considering the matter, the Box Elder County Planning Commission is recommending to the Box Elder County Commission as follows:

1. that the maximum height of an accessory building be set at twenty-five (25) feet with no restriction on the number of stories for an accessory building; and
2. that the current setback requirements be applied to accessory buildings; and
3. that the accessory building not exceed the height or square footage of the principal dwelling.

WHEREAS, the Box Elder County Planning Commission finds that the proposed amendment set forth below will be in the best interests of and promote the health, safety and general welfare of the residents of Box Elder County; and

WHEREAS, the Box Elder County Commission scheduled a public meeting and provided for an additional public hearing on the petition to amend Article 5-1-150, and provided notice of the public meeting by posting the notice, at least 24 hours prior to the meeting and hearing, in at least three public locations within the county and by posting it on the county's official website; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public hearing on August 10, 2010, to allow the general public to comment on the proposed additions, and modifications; and

A11#5

WHEREAS, the Box Elder County Commission, after providing an opportunity for public input and after becoming familiar with the recommendations of the Planning Commission, and the proposed amendment, finds that adoption of the proposed amendment will be in the best interests of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the Box Elder County Commission, acting as the legislative body of Box Elder County, State of Utah, ordains as follows:

SECTION 1: Ordinance Amendment. Section 5-1-150 of the Box Elder County Land Use Management and Development Code entitled "Maximum Height and Floor Area of Accessory Buildings," is hereby amended to read in its entirety as follows:

5-1-150. Maximum Height and Floor Area of Accessory Buildings.

No building which is accessory to a one-family, two-family, three-family, or four-family dwelling shall be erected to a height greater than twenty-five (25) feet, nor be higher, nor contain greater square foot floor area than the principal building to which it is accessory. The accessory building shall comply with the setback distances required by this Code for the district in which such lot is located.

SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

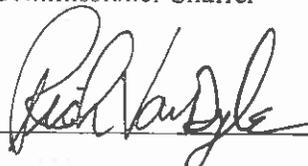
PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 10 day of August, 2010, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner VanDyke Voting yea

Commissioner Hardy Voting yea

Commissioner Shaffer Voting yea

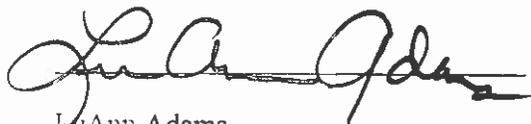




Rich VanDyke, Chair

Box Elder County Commission

Attest:



LuAnn Adams

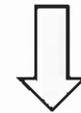
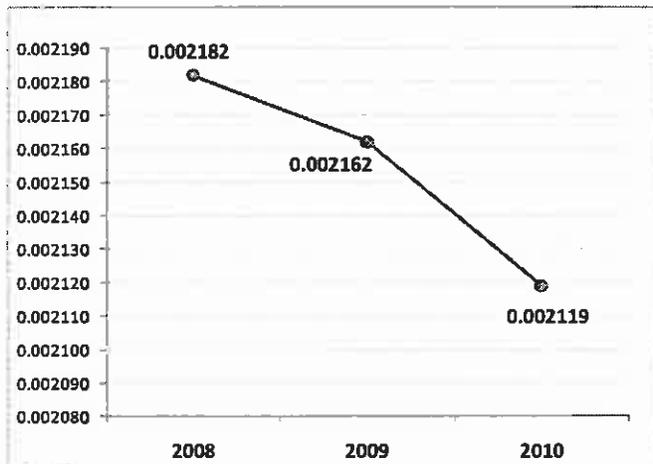
Box Elder County Recorder/Clerk

**Box Elder County
Tax Rates
2010**

Box Elder County Tax Rate History

- 2008 = .002182
- 2009 = .002162
- 2010 = .002119

Box Elder County Tax Rate History



3 %
Decrease

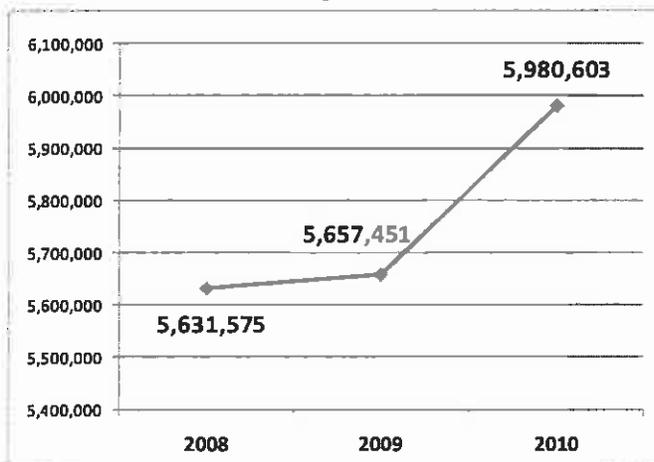
Box Elder County Tax Rates 2010

Box Elder County Tax Rate Revenue

- 2008 = \$5,631,575
- 2009 = \$5,657,451
- 2010 = \$5,980,603

Box Elder County Tax Rates 2010

Box Elder County Tax Rate Revenue



6 %
Increase



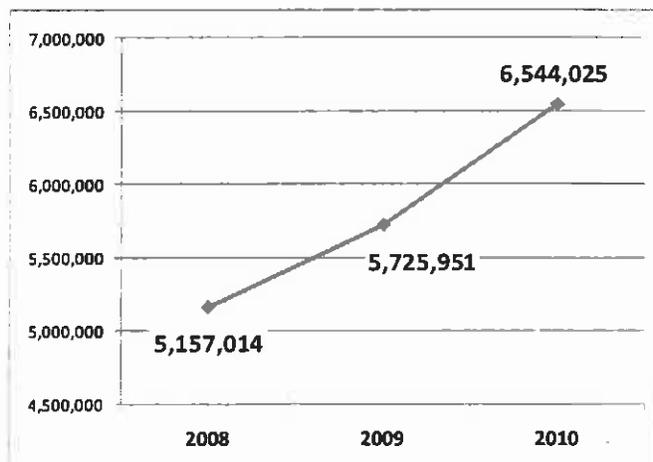
Box Elder County Tax Rates 2010

Box Elder County General Fund Balance

- 2008 = \$5,157,014
- 2009 = \$5,725,951
- 2010 = \$6,544,025

Box Elder County Tax Rates 2010

Box Elder County General Fund Balance

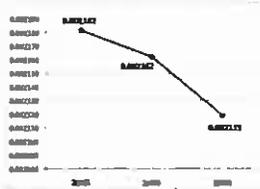


27 %
Increase

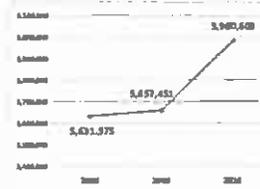


Box Elder County Tax Rates 2010

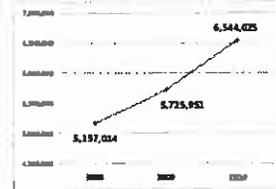
Box Elder County History



3 %
Decrease
in Rate



6 %
Increase
in Revenue



27 %
Increase
in General
Fund

Box Elder County Tax Rates 2010

Box Elder County Tax Rate 2010

- Proposed .002119
- Revenue \$5,980,603
- Budget \$5,813,903

- Surplus \$ 166,700

Box Elder County Tax Rates 2010

Local Assessing & Collecting Rate 2010

• Proposed	.000300
• Revenue	\$846,711
• Budget	\$822,980
<hr/>	
• Surplus	\$ 23,731

Box Elder County Tax Rates 2010

Box Elder County Library Rate 2010

• Proposed	.000143
• Revenue	\$256,923
• Budget	\$239,062
<hr/>	
• Surplus	\$ 17,861

Box Elder County Tax Rates 2010

Box Elder / Perry Flood Control Rate 2010

- Proposed .000271
 - Revenue \$59,464
 - Budget \$61,227

 - Under \$ -1,763
- \$286,000 in bank (almost 5 years)

Box Elder County Tax Rates 2010

Box Elder County Tax Rate Summary

- County .002119 (2%) \$166,700 over
- A&C .000300 (2%) \$ 23,000 over
- Library .000143 (1%) \$ 17,861 over
- BE/PF .000271 .7% \$ 1,763 under

Budget Trends

- Overall 2009 Tax Rate Lower than 2008
2008 = .002182
2009 = .002162
- Proposed 2010 budget follows this same trend

Future plans

- Continue to work within a balanced budget
- Continue to maintain or lower tax rates
without reduction in services
- Use current resources for capital projects
without going into more debt

Box Elder County Tax Rate Summary

- County .002119 (2%) \$166,700 over
- A&C .000300 (2%) \$ 23,000 over
- Library .000143 (1%) \$ 17,861 over
- BE/PF .000271 .7% \$ 1,763 under