

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES AUGUST 19, 2010

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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	Vice Chairman		
Desiray Larsen	Member	Kevin Hamilton	Director
David Tea	Excused	Elizabeth Ryan	Ex. Secretary
Jay Hardy	Member	Tamara Wright	Planner/Excused
Jay Christensen	Member	Kirk Morgan	Asst. Co. Attorney
Laurie Munns	Excused		

**Chairman Richard Day** called the Planning Commission meeting to order at 7:08 p.m. The Minutes of the July 15, 2010 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Chad Munns** to accept the Minutes with one correction mentioned; seconded by **Commissioner Desiray Larsen** and passed unanimously.

#### The following citizens were present:

Scott Grover/Garland	Tom Gundlach/Salt Lake City
George Humbert/Ogden	Connely Baldwin/Salt Lake City
Claudia Conder/Salt Lake City	Brandon Erickson/Beaver Dam
Brent Nelson/Garland	Jeff & Loene Hill/Ogden
Stephen Adams/Garland	Todd Hallock/Logan
Craig Adams/River Heights	John Crofts/Salt Lake City
Joe Currie/Brigham City	Lenard Aleshire/Corinne
Eric Waite/Lake Point	Kevin Hall/Lake Point
Sue Stevenson/Roy	Jerry Stevenson/Roy

## PUBLIC HEARINGS

**Chairman Richard Day** called for the public hearings on the agenda and asked for a **Motion** to move one of the items – Flood Damage Prevention Ordinance – to the beginning of the Public Hearings as Mr. John Crofts, representing the National Flood Insurance Program for the State of Utah had another commitment and would need to leave this meeting. A **Motion** was then made by **Commissioner Jay Hardy** and seconded by **Commissioner Jay Christensen** to move this item to be heard first on the agenda. The **Motion** was passed unanimously. **Chairman Richard Day** then informed those in attendance 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.

**FLOOD DAMAGE PREVENTION ORDINANCE (UTAH'S LEGISLATURE HAS DELEGATED LOCAL GOVERNMENTAL UNITS TO ADOPT REGULATIONS TO MINIMIZE FLOOD LOSSES)**

**Kevin Hamilton** informed the Commission that when FEMA updates its flood maps it is necessary for the communities to also update their existing ordinances. The County's current ordinance has been in place since 1987. Time was then turned over to **Mr. John Crofts**, Department of Public Safety; Homeland Security representing the National Flood Insurance Program (NFIP) for the State of Utah approached the Commissioners to explain this flood damage prevention ordinance that was being presented at this meeting. **Mr. Crofts** reported that Box Elder County is in good standing with the National Flood Insurance Program with no violations or probations. Approximately three years ago there was a flood mapping program that updated the maps and now that those are completed FEMA requires that a new ordinance be adopted which would reference the effective date of September 29, 2010. This program is very beneficial to the community if it is a participant in that if a federal disaster should occur a Presidential Declaration could be given that would allot federal disaster assistance. **Mr. Crofts** mentioned the flooding and disaster that took place a few years back in Washington County/St. George area of the state. Under this insurance program, FEMA was able to reimburse the community up to 75% for damage to the public infrastructure, i.e. sewer, roads, etc. The communities do not have to pay for this coverage as it is a benefit of being a member of the Flood Insurance Program. Furthermore, when the community is a member of this Program, individuals within that community are able to purchase flood insurance through the NFIP. **Mr. Crofts** had some brochures and also mentioned the website of [www.floodsmart.gov](http://www.floodsmart.gov) and with the zip code it would be possible to find agents that offered flood insurance associated with this program. It was also mentioned that 40% of those that may have flood damage live outside of the designated flood hazard area. NFIP enables citizens to secure flood insurance which is (usually) not a part of a homeowner's insurance policy. It is also required by major mortgage companies that if a home is located within a flood designated area, flood insurance would be required to receive a loan.

No other comments were received and a **Motion** was then made by **Commissioner Desiray Larsen** to close the public hearing, seconded by **Commissioner Jay Christensen** and passed unanimously.

**U.S. PIPELINE, CUP09-010, RENEWAL OF CONDITIONAL USE PERMIT FOR CONSTRUCTION OFFICE TRAILERS, TOOL TRAILERS, TRUCKS, EQUIPMENT & SUPPLIES LOCATED AT APPROXIMATELY 4300 NORTH 4800 WEST IN THE CORINNE AREA OF BOX ELDER COUNTY.**

U.S. Pipeline, Inc. had received a CUP on June 18, 2009 and as no work had commenced since that time they were coming before the Commission again to ask for approval of a CUP to house a pipeline construction spread that would consist of trailers for various equipment and other supplies that would be required for the Ruby Pipeline project. No comments were received during the public hearing and a **Motion** was made by **Commissioner Jay Hardy** to close the Hearing, seconded by **Commissioner Chad Munns** and was unanimous.

**BRENT NELSON, SITE PLAN SP10-003, FOR A SCRAP YARD TO BE LOCATED AT APPROXIMATELY 12955 NORTH 5400 WEST IN THE GARLAND AREA OF BOX ELDER COUNTY.**

This petitioner was asking for approval of his business, Nelson Metals of Garland, which would allow individuals a place to discard their unwanted steel, copper, iron, aluminum and brass, and not have it taken to the landfill in the County to be buried. No comments were received and a **Motion** was made by **Commissioner Desiray Larsen** to close the public hearing, seconded by **Commissioner Jay Christensen** and was unanimous.

**LOENE HILL, CUP10-012, TO ALLOW A PRIVATE DRIVE TO SERVE AS FRONTAGE REQUIREMENT AT APPROXIMATELY 27190 NORTH BLACK PINE ROAD.**

This petitioner was asking the Commission to approve a private drive in order to meet the requirement for having frontage on this property. No comments were received and a **Motion** was made by **Commissioner Chad Munns** to close the public hearing, seconded by **Commissioner Jay Christensen** and was unanimous.

**BEEHIVE TELEPHONE, CUP10-013, CENTRAL OFFICE LOCATION AT APPROXIMATELY 17475 NORTH 54000 WEST IN THE WEST PARK VALLEY AREA OF BOX ELDER COUNTY.**

This petitioner was requesting approval for a CUP in order to construct a 40' microwave radio tower in the Park Valley area of Box Elder County. No comments were received during the public hearing and a **Motion** was made by **Commissioner Jay Christensen**, seconded by **Commissioner Desiray Larsen** and was unanimous.

**FASTENAL COMPANY, CUP10-014, LOCATED WITHIN THE PRE-STANDING BUILDING OWNED BY PROCTER AND GAMBLE ON IOWA STRING ROAD IN THE CORINNE AREA OF BOX ELDER COUNTY.**

This petitioner was seeking approval to co-exist within the Procter & Gamble building located on Iowa String Road at 5000 North. Fastenal is a wholesaler of nuts, bolts, fasteners and other industrial supplies. A separate business license will also be necessary for Fastenal along with the CUP to locate within this building. No comments were received and a **Motion** was made by **Commissioner Jay Hardy** to close the public hearing, seconded by **Commissioner Jay Christensen** and was unanimous.

**ERICKSON SUBDIVISION, SS10-010, ONE-LOT WITH REMAINDER PARCEL, LOCATED AT APPROXIMATELY 15500 NORTH 400 WEST IN THE BEAVER DAM AREA OF BOX ELDER COUNTY.**

This petitioner was seeking concept/preliminary/final approval for this one-lot subdivision consisting of a 5.5 acre lot located in the Beaver Dam area. A re-zone for this property was given in the June 2010 meeting. **Mr. Erickson** said that he thought all of the necessary verification letters had been received and was waiting for this approval in order to move forward with building a home on this property. No other comments were received and a **Motion** was made by **Commissioner Chad Munns** to close the public hearing, seconded by **Commissioner Desiray Larsen** and was unanimous.

**BEAR HOLLOW RANCH, SS10-008, PROPOSED NINETEEN (19) LOT SUBDIVISION AT PRIVATE WATER PARK LOCATED AT APPROXIMATELY 15000 NORTH 4000 WEST NORTHEAST OF GARLAND IN BOX ELDER COUNTY. (PRELIMINARY)**

This petitioner was seeking preliminary approval for this development that had received its concept approval August 20, 2009. In order to receive the preliminary approval the petitioner had been instructed to proceed with obtaining approvals from UDOT, BRHD and other water approvals as necessary. This subdivision consists of approximately ninety (90) acres to be divided into nineteen (19) parcels surrounding a private water park.

The Public Hearing was opened and **Mr. George Humbert**, Community Manager assigned to Box Elder County from Rocky Mountain Power, approached the Commissioners introducing two other representatives from Rocky Mountain Power (PacifiCorp); **Mr. Connely Baldwin**, hydrologist, and **Ms. Claudia Conder**, the Water Rights Administrator, that would be able to answer any questions that the Commissioners might have regarding this development. The main purpose for these three individuals to be at tonight's meeting was to discuss this development and how it relates to Cutler Dam and potential flooding at the proposed site of Bear Hollow Ranch and [possibly] other areas of the County

**Mr. Connely Baldwin** was then asked to present some information, with accompanying slides, to the Commissioners. (See comments and slides by **Connely Baldwin**)

**Mr. Todd Hallock**, attorney for the petitioner(s) Craig and Steve Adams, then approached the Commissioners referring to the slides that were shown of the property (in 2005) and that the ground has been raised significantly and the Commissioners had been able to view the property at a recent site visit. If this development was being built at the original level that was shown in the slides, **Mr. Hallock** said that he [and the petitioners] would be able to understand the concerns of Rocky Mountain Power. However the elevation has been raised to four and five feet above the highest recorded [flood] events and the petitioners believe that this is no longer an issue of being within the one-hundred year flood plain. **Mr. Hallock** further stated that he and the petitioners felt that they had taken all of the necessary steps [required] to remove the concerns of Rocky Mt. Power and the Planning Office. **Mr. Hallock** also referenced the existing home located at this site and it is significantly lower than the area where the new homes are proposed to be built; it has never been flooded, emphasizing that the concerns have been dealt with regarding this development.

The public hearing was closed with a **Motion** by **Commissioner Desiray Larsen**, seconded by **Commissioner Chad Munns** and was unanimous.

#### **AMEND ARTICLE 6-1-030 TO CHANGE DEFINITION OF “SUBDIVISION” TO CONFORM WITH THAT OF THE UTAH STATE CODE DEFINITION.**

The County Planner had proposed this item to amend Article 6 entitled “Subdivisions” in the *Box Elder County Land Use Management & Development Code*. This amendment would clarify what a subdivision **includes** and **does not include** as per the definitions included in those of the State of Utah. No comments were received and a **Motion** was made by **Commissioner Chad Munns** to close the public hearing, seconded by **Commissioner Jay Hardy** and was unanimous.

### **UNFINISHED BUSINESS**

#### **RIVERSIDE FARMS, SS10-001, (FINAL) 18460 NORTH 5200 WEST IN THE RIVERSIDE AREA OF BOX ELDER COUNTY**

This petitioner had been working closely with the County Planner, Fire Marshal, Engineer, and Road Supervisor to meet the deadline for receiving final approval for this 35 lot subdivision in the Riverside area of the County. Approval was then recommended that final approval be given based on the petitioner meeting the recommendations of the County Engineer, along with any other conditions as outlined.

**MOTION:** A **Motion** was made by **Commissioner Chad Munns** to grant Final approval to the Riverside Farms Subdivision with the conditions as outlined by the County Planner along with any other county agencies recommendations. **Motion** was seconded by **Commissioner Jay Christensen** and passed with **Commissioner Jay Hardy** abstaining from the vote.

#### **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. Compliance with all state and county subdivision regulations for which a specific variance has not been granted.
9. Rural Road/Improvement Agreement
10. Financial guarantee for all required improvements not installed prior to recording of the subdivision.

## **NEW BUSINESS**

*Kevin Hamilton* asked **Chairman Richard Day** if the discussion and action on the Bear Hollow Ranch could be moved to the beginning of the New Business as the Assistant County Attorney, *Kirk Morgan*, needed to leave to attend another meeting and wanted to be present during the discussion on this item. A **Motion** was then made by **Commissioner Chad Munns** to move this item to be discussed first on the New Business portion of the Agenda; seconded by **Commissioner Desiray Larsen** and was unanimous.

### **BEAR HOLLOW RANCH, SS10-008, PROPOSED NINETEEN (19) LOTS SUBDIVISION AT PRIVATE WATER PARK LOCATED AT APPROXIMATELY 15000 NORTH 4000 WEST, NORTHEAST OF GARLAND IN BOX ELDER COUNTY. (PRELIMINARY APPROVAL)**

*Kevin Hamilton* addressed the Commissioners regarding this petition by stating that this property falls within the FEMA flood plain and the County's ordinance does not allow for lots in a FEMA flood plain. It was also noted that in dealing with that issue [FEMA] and/or any federal bureaucracies, the process can be time consuming. This project may also be in violation of the Stream Alteration Permit requirements, according to the State, and that process should also be completed and verification received. It was mentioned that the petitioners had probably made some efforts toward the Stream Alteration Permit, but nothing had been received in the Planning Office to that effect. It was then recommended that the concept approval for this Bear Hollow Ranch project be extended for up to one year in order for the petitioners to move forward with working with FEMA to have the flood plain maps changed/corrected, as the flood plain elevation has to be determined by FEMA. Until that time the County would not be able to move toward granting preliminary approval. This area is currently designated as **Flood Plain Zone A** and only FEMA has the ability to change that flood elevation. There are also other issues that this petitioner will need to have resolved; however the flood issue is the major one that needs to be dealt with prior to any further approvals. Again, *Mr. Hamilton* recommended extending the concept approval for up to one year to allow the petitioner(s) time to address these concerns and secure the required permits and changes to any FEMA maps. **Commissioner Chad Munns** then said that he would like to hear from the

petitioners regarding these issues that **Mr. Hamilton** had talked about. In response to that request, **Todd Hallock, Dan Turner, and Craig Adams** approached the Commissioners.

**Todd Hallock** said that they had received a list of concerns from the County Engineer and were working to get those items taken care of and the petitioners (Craig and Steve Adams) would be glad to talk with the Commissioners about it. The two major issues that needed to be resolved, according to **Mr. Hallock**, were that of the FEMA issue and the other issue concerned that of dealing with the culinary (drinking) water for this development and could also be discussed, if necessary, at this meeting. **Mr. Hallock** said that he felt that the intent of the ordinance regarding the FEMA map and the 100 year flood plain was for the development to be at a higher level than was on the FEMA flood maps. *“It’s my opinion, and I know the definition of a flood plain, a 100 year flood plain is . . . what’s designated as a 100 year flood plain on a FEMA map; I think the intent of that ordinance is that we be at an elevation that is higher than what the FEMA flood plain map would say is in the 100 year flood plain. The purpose of that map. . . is not to prevent construction, the purpose of the FEMA flood plain map is to actually provide that, if there is going to be federally insured mortgages on a property, that if they are in that flood plain, that they receive flood hazard insurance. So it doesn’t stop you from getting flood hazard insurance, it actually has the opposite affect; it requires you to get that flood hazard insurance. That’s the purpose behind the map. The intent, I would assume of the ordinance is (I wasn’t here when it was done, I imagine some of you were and some of you weren’t) the intent of that is, I’m sure is not to say that we’re going to follow a map, but to keep homes out of the special hazard area. It would make no sense to say that if we built a mountain 700 feet high in that valley that you’re still in the flood plain. To simply sit on the idea of a map . . . so it’s our opinion that we’ve met the intent of the ordinance, which is that we have shown that we have lifted the elevation above what the 100 flood plain is; and, again the purpose of that was not to prevent building, but to require flood hazard insurance if you were building in that area. So we feel that we have met the intent of that ordinance so that we met the requirements that these lots be completely out of the 100 year flood plain. Beyond that, there are actually three ways this map can be amended” . . . the LOMR is actually a lengthy process, the two others, more abbreviated, are the LOMA and LOMRf. (These three processes were discussed for some time.)* Again, **Mr. Hallock** said that he felt they had met the intent of this ordinance.

**Dan Turner**, design engineer for the project, talked with the Commissioners about the FEMA issue and the possibility of having a LOMR, LOMRf or LOMA assigned to this property. Only a LOMRf would be necessary to bring the property out of the flood plain designation. **Mr. Turner** had also talked with the County Engineers, Brent Slater and Kent Jones, and they were in agreement that many times FEMA is over conservative in its designation of flood plains. **Kent Jones** (County Engineer) had told the petitioners that he probably knew enough about FEMA and its regulations that he could act on its behalf in reclassifying this area. Again, **Mr. Turner** discussed this at some length with the Commissioners; the different classifications and what was necessary to have them changed and also the amount of time that was necessary to have it changed; along with a slide showing how the area and elevation had been changed during the process of creating this development.

**Commissioner Chad Munns** mentioned that the concern voiced by Rocky Mt. Power was that in February there was the possibility of ice forming in the river upstream, and because of the way that the river flow had been changed there was the chance of ice jamming up the river and thus causing flooding as a result. None of that data had been reflected in what the petitioner(s) had shown. The **Commissioner** also questioned how the Health Department would view the increased level of three feet in regards to culinary water, septic systems, etc. **Commissioner Chad Munns** also mentioned the stream alternation issue and didn’t they need to get that approved by the State.

**Kirk Morgan**, Assistant County Attorney, in response to these comments made during this discussion [from all sides] said, *“even if the county engineer stated he’s OK with the elevation level, I still believe because of the statute, that you would have to amend your statute for that to apply. It clearly defines what a flood plain is, and it clearly defines that FEMA is in charge of the flood plain maps, not the county engineer, and reading that word for word . . . clearly you have to get FEMA to tell us that they [Bear Hollow Ranch] are no longer in the flood plain; or*

you're going to have to amend the ordinance to state that the county engineer or someone else can make that determination, but that's not what our ordinance states. It states that they're in a flood plain at this point, and even though the elevation level has risen to some degree, we're not in the flood plain business, that's FEMA and that's the way that the County has written the ordinance, that FEMA decides what is in the flood plain and we just go by their maps and their decisions. This isn't a new concept . . . they received this from the engineers back in August of 2009, and it stated that they needed to get a LOMA and they needed to get this through FEMA approval. So this isn't something that has just risen at this point. Back in August 20<sup>th</sup> of last year was that recommendation and they said that they were going to go forward and get the LOMR or LOMA, so this isn't anything new."

**Commissioner Jay Hardy** then asked if this project were to be approved as it currently is, would that put the County in non-compliance for all of FEMA. **Kevin Hamilton** replied that it could; that is if the County did not comply with the FEMA and enforce what is designated as a flood plain FEMA could retaliate. However, that was not the biggest issue in this case, but that the current ordinance is clear in what it states as who can alter and sign off on what is and is not included in a flood plain map. The County not only needs to comply with the flood plain ordinance, but also with its subdivision ordinance. This is not an effort to stop this subdivision as they are not the first to have to deal with this issue. As soon as FEMA comes and says that they are no longer in this flood plain then the additional issues will be less cumbersome. **Chairman Richard Day** said that it would be up to FEMA as to the direction of the "paperwork," whether with LOMR, LOMRf, or LOMA, and the results received by the Planning Office and Commission. Following some additional discussion, the following Motion was made.

**MOTION:** A **Motion** was made by **Commissioner Chad Munns** to extend the concept approval for the Bear Hollow Ranch for up to one year in order to allow the petitioner(s) to work with FEMA in changing the Flood Map for this area and also receive a permit for the stream alteration. **Motion** seconded by **Commissioner Jay Christensen** and passed unanimously. (By extending the concept approval the petitioner(s) will still be under the rules and regulations of the existing BECLUM&DC [as adopted] and will not have to begin the subdivision application process again and be required to pay the application fees.)

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A **Motion** was made by **Commissioner Desiray Larsen** and seconded by **Commissioner Jay Christensen** for a short break to be taken by the Commissioners at 8:40 p.m.  
Meeting was called back to order by **Chairman Richard Day** at 8:46 p.m.

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**U.S. PIPELINE, CUP09-010, RENEWAL OF CONDITIONAL USE PERMIT FOR CONSTRUCTION OFFICE TRAILERS, TOOL TRAILERS, TRUCKS, EQUIPMENT & SUPPLIES LOCATED AT APPROXIMATELY 4300 NORTH 4800 WEST IN THE CORINNE AREA OF BOX ELDER COUNTY.**

U.S. Pipeline was requesting a renewal to the CUP that was granted in June of 2009. As work had not begun within the 180 days requirement, it was necessary for this action to take place. This site will be used as a construction spread in conjunction with the Ruby Pipeline Project. Approval was recommended with conditions as outlined.

**MOTION:** A **Motion** was made by **Commissioner Chad Munns** to grant the renewal of the Conditional Use Permit for U.S. Pipeline with conditions of the County Planner. **Motion** seconded by **Commissioner Jay Hardy** and passed unanimously.

**Conditions of Approval:**

1. Compliance with Article 2-2-100 of the Box Elder County Land Use Management & Development Code
2. Compliance with Article 3-7 Zoning District of the Box Elder County Land Use Management & Development Code

3. Reclamation of the property to its prior condition suitable for the current zone.
4. Compliance with recommendations and requirements from County Engineer, Road Supervisor, and Fire Marshall.

**BRENT NELSON, SITE PLAN SP10-003, FOR A SCRAP YARD TO BE LOCATED AT APPROXIMATELY 12955 NORTH 5400 WEST IN THE GARLAND AREA OF BOX ELDER COUNTY.**

**Mr. Nelson** was asking for approval for a scrap yard that is currently in operation, in an un-zoned area of the County, that had not been previously approved by the Planning Commission. The business would be named *Nelson Metals of Garland*. **Mr. Nelson** was hoping to provide a place where individuals could drop off scrap metals of steel, copper, iron, aluminum and brass and not have it taken to the landfill. UDOT approval has been received by the applicant for access and the petitioner was also proposing to install a six foot chain link fence with privacy slats to help conceal this site. Approval of this site plan was recommended with conditions as outlined.

**MOTION:** A **Motion** was made by **Commissioner Jay Christensen** to approve the Site Plan for *Nelson Metals of Garland* with the conditions as outlined by the County Planner. **Motion** seconded by **Commissioner Jay Hardy** and passed unanimously.

**Conditions of Approval:**

1. Compliance with all federal, state and local regulations.
2. Compliance with recommendations from Bear River Health Department as follows:
  - o All liquids are removed from a vehicle including but not limited to gasoline, oil, coolant, transmission fluids, and battery acid, and be properly contained and disposed of.
  - o No accumulation of waste tires, but that they are removed by a licensed waste tire contractor.
  - o The building/scalehouse must have an employee restroom which required a permitted septic system unless the operator has written confirmation that the building will be connected to the Garland City sanitary sewer.
3. Compliance with Box Elder County Building Code and Inspections
4. Compliance with Article 2-2-110, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
5. Compliance with recommendations and requirements of the Planning Commission.
6. Compliance with requirements and recommendations of County Engineer, and Fire Marshall.

**LOENE HILL, CUP10-012, TO ALLOW A PRIVATE DRIVE TO SERVE AS FRONTAGE REQUIREMENT AT APPROXIMATELY 27190 NORTH BLACK PINE ROAD.**

This petitioner was requesting approval for a private drive to meet the requirements for frontage on this property. Two trailers were located on this property; one of the trailers has been removed with the intention of the second trailer to be removed also. The petitioner has applied for a building permit to construct a bunk house on this site. As this property is located outside of the Snowville area and is un-zoned it is necessary for the petitioner to secure a Conditional Use Permit for the bunk house and also approval for the private drive to meet the requirements for frontage. Approval was recommended with conditions as mentioned.

**MOTION:** A **Motion** was made by **Commissioner Desiray Larsen** to approve the Conditional Use Permit to allow for this private drive to serve as the frontage requirement for this property located at approximately 27190 North Black Pine Road in the Snowville area of Box Elder County and for the construction of a bunk house on the property once the trailer(s) are removed. **Motion** was seconded by **Commissioner Jay Christensen** and passed unanimously.

**Conditions of Approval:**

1. Recorded Easement from the adjoining property owner that allows ingress/egress for the applicant, and emergency county vehicles.
2. The private drive must meet the County Road Standards for a private drive serving one residence.
3. Compliance with Article 5 of the Box Elder County Land Use Management and Development Code.
4. Compliance with Article 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code.
5. Rural Road Agreement
6. Compliance with requirements and recommendations of County Engineer, Fire Marshall, and Road Supervisor.

**BEEHIVE TELEPHONE, CUP10-013, CENTRAL OFFICE LOCATION AT APPROXIMATELY 17475 NORTH 5400 WEST IN THE WEST PARK VALLEY AREA OF BOX ELDER COUNTY.**

This petitioner was requesting approval for a Conditional Use Permit in order to construct a forty (40) foot microwave radio tower located at 17475 North 5400 West in the Park Valley area of Box Elder County. This tower will provide an alternate back-up route for Toll, E911 and UEN to both the Park Valley and Grouse Creek exchanges. Approval was recommended with conditions as outlined.

**MOTION:** A **Motion** was made by **Commissioner Chad Munns** to approve the Conditional Use Permit for Beehive Telephone to construct a forty (40) foot microwave radio tower in the Park Valley area with any conditions as outlined by the County Planner and other agencies. **Motion** was seconded by **Commissioner Desiray Larsen** and passed unanimously.

**Conditions of Approval:**

1. Compliance with State, Federal and local regulations.
2. Compliance with Article 2-2-100 – Conditional Use Permits of the BE County Land Use Management & Development Code.
3. Reclamation of disturbed land.
4. Compliance with FAA and FCC regulations.
5. Compliance with recommendations and requirements from the County Engineer, Fire Marshall, and Road Supervisor.
6. A building permit is required for towers.
7. Any amendment to the tower or site plan submitted with this application is subject to Article 2-2-100I – Amendment.

**FASTENAL COMPANY, CUP10-014, LOCATED WITHIN THE PRE-STANDING BUILDING OWNED BY PROCTER AND GAMBLE ON IOWA STRING ROAD IN THE CORINNE AREA OF BOX ELDER COUNTY.**

This petitioner was requesting approval for a Conditional Use Permit to allow them to lease space and co-exist within the Procter & Gamble building located at 5000 North 6800 West (Iowa String Road). Fastenal is a wholesaler of nuts, bolts, fasteners and other industrial supplies to Procter & Gamble. It is necessary for Fastenal to secure a business license for their operation in addition to the CUP approval by the Planning Commission. Approval was recommended with conditions as outlined.

**MOTION:** A **Motion** was made by **Commissioner Jay Hardy** to approve the Conditional Use Permit for the Fastenal Company to co-exist within the Procter & Gamble building with conditions as outlined by the County Planner. **Motion** was seconded by **Commissioner Jay Christensen** and passed unanimously.

**Conditions of Approval:**

1. Compliance with all state, federal and local regulations
2. Compliance with Article 2-2-100, Conditional Use Permit, of the Box Elder County Land Use Management & Development Code.

**ERICKSON SUBDIVISION, ONE-LOT WITH REMAINDER PARCEL, SS10-010, LOCATED AT APPROXIMATELY 15500 NORTH 400 WEST IN THE BEAVER DAM AREA OF BOX ELDER COUNTY.**

This petitioner was seeking concept/preliminary/final approval for a one-lot subdivision to be located at approximately 15500 North 400 West in the Beaver Dam area of the County. The current zoning is RR-2 and this lot will consist of 5.5 acres. All utility letters have been received and the property will be accessed by a private drive (creating a flag lot). Water for the site will be provided by a culinary well, and the results of the perc test will need to be submitted to the Planning Office. Approval was recommended with the conditions as outlined.

**MOTION:** A **Motion** was made by **Commissioner Chad Munns** to grant Concept/Preliminary/Final approval to the Erickson Subdivision with the conditions as outlined. **Motion** was seconded by **Commissioner Desiray Larsen** and passed with **Commission Jay Hardy** abstaining from the vote.

**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. Compliance with all state and county subdivision regulations for which a specific variance has

- not been granted.
9. Rural Road/Improvement Agreement
  10. Financial guarantee for all required improvements not installed prior to recording of the subdivision.

**FLOOD DAMAGE PREVENTION ORDINANCE (UTAH'S LEGISLATURE HAS DELEGATED LOCAL GOVERNMENTAL UNITS TO ADOPT REGULATIONS TO MINIMIZE FLOOD LOSSES)**

**Kevin Hamilton** referred to the information that was received during the Public Hearing from **John Crofts** regarding this Flood Damage Prevention Ordinance and recommended that *“the Planning Commission recommend to the County Commission approval of this ordinance and that it be assigned a chapter in the Land Use Ordinance and subject to the recommendations and changes of the County Attorney.”* The County Attorney has had the opportunity to read and review this proposed ordinance and worked through it to make sure that the language was correct in referring to the ‘County Commission’ instead of a mayor. (A copy of the proposed Ordinance<sup>i</sup> is attached to the official Minutes and is to become effective on September 29, 2010.)

**MOTION:** A **Motion** was made by **Commissioner Chad Munns** to forward the recommendation of the Planning Commission to the County Commission to have **Flood Damage Prevention Ordinance** adopted by the County and a (separate) chapter be created within the *Box Elder County Land Use Management & Development Code* for this adopted Ordinance. **Motion** was seconded by **Commissioner Jay Christensen** and passed with **Commissioner Jay Hardy** abstaining from the vote.

**AMEND ARTICLE 6-1-030 TO CHANGE DEFINITION OF “SUBDIVISION” TO CONFORM WITH THAT OF THE UTAH STATE CODE DEFINITION.**

As per Ordinance 309 (dated 2-17-09) this text amendment would clarify “a Subdivision” as follows.

*Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.*

- A. *“Subdivision” includes:*
  1. *the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and*
  2. *except as provided in B. below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.*
- B. *“Subdivision” does not include:*
  1. *A bona fide division or partition of agricultural land for agricultural purposes;*
  2. *A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:*
    - a. *no new lot is created; and*
    - b. *the adjustment does not violate applicable land use ordinances;*
  3. *A recorded document, executed by the owner of record:*
    - a. *revising the legal description of more than one contiguous un-subdivided parcel of property into one legal description encompassing all such parcels of property; or*
    - b. *joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate applicable land use ordinances;*
  4. *A bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:*
    - a. *an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or*
    - b. *an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility; or*

5. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
- a. no new dwelling lot or housing unit will result from the adjustment: and
  - b. the adjustment will not violate any applicable land use ordinance.
  - c. the joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision as to the un-subdivided parcel of property or subject the un-subdivided parcel to the county's subdivision ordinance.

**MOTION:** A Motion was made by **Commissioner Desiray Larsen** to forward a recommendation from the Planning Commission to the County Commission for approval of the text amendment to clarify the definition of “Subdivision” as per Ordinance 309 and have it included in the revised BECLUM&DC. Motion seconded by **Commissioner Chad Munns** and passed with **Commissioner Jay Hardy** abstaining from the vote.

### **WORKING REPORTS**

No follow-up was given on the four items listed under working reports, other than they are still being worked on and will be presented to the Planning Commissioners at a later date, yet to be determined.

*MU-40; MU-80; MU-160 zone use from conditional use to permitted use for single dwelling; Site plan definitions, Article 1-3-040; Flag Lot Ordinance 249; corrections and updating, Article 5-1-311; Accessory buildings, Article 5-1-150*

### **PUBLIC COMMENTS – NONE**

A **Motion** was made by **Commissioner Jay Hardy** to adjourn at 9:08 p.m., unanimous.

Passed and adopted in regular session this  21st  day of  October  2010 .

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Richard Day, Chairman  
Box Elder County  
Planning Commission

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<sup>i</sup> Comments and Slides: Connely Baldwin  
<sup>ii</sup> (proposed) Flood Damage Prevention Ordinance