

BOX ELDER COUNTY PLANNING COMMISSION MINUTES MAY 20, 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	Excused	<i>the following Staff was present:</i>	
Chad Munns	vice Chairman		
Desiray Larsen	Member	Kevin Hamilton	Director
David Tea	Member	Elizabeth Ryan	Ex. Secretary
Jay Hardy	Member	Tamara Wright	Planner
Jay Christensen	Member	Steve Hadfield	Co. Attorney
Laurie Munns	Member		

Vice-Chairman Chad Munns called the Planning Commission meeting to order at 7:04 p.m. The Minutes of the April 15, 2010 meeting were made available to the Planning Commissioners prior to this meeting and upon review a Motion was made by **Commissioner David Tea** to accept the Minutes as written; seconded by **Commissioner Jay Christensen** and passed unanimously.

The following citizens were present:

Trent Reeder/Corinne	Jeri Reeder/Corinne
Ben crook/South Willard	Curtis L. Marble/Corinne
Vicky Lyon/Brigham City	Victor Thompson/Brigham City
Dennis Fox/Fruit Heights	Monica Clevenger/Tremonton
Jason Murray/Brigham City	Brandon Erickson/Beaver Dam
Philip Davis/South Willard	Brett Simpson/South Willard
Tanner Simpson/South Willard	Shannon & Jerry Cook/South Willard
Joe Chambers/Logan	Mike Munsee/Mt. Green
Joel Murray/South Willard	Dale Zito/South Willard
Bale Barnett/South Willard	Jay Aguilar/Willard
Cara Warren/South Willard	Chad Hardy

PUBLIC HEARINGS

Vice-Chairman Chad Munns called for the public hearings on the agenda by informing 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.

JERRY COOK, 5C'S MOBILE HOME PARK, CUP10-006, CONDITIONAL USE TO ALLOW FOR 10 RV LOTS IN EXISTING MOBILE HOME PARK LOCATED AT

APPROXIMATELY 7750 SOUTH HWY 89 IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.

Staff explained that this mobile home park has been in existence since 1960 and the petitioner is requesting a Conditional Use Permit to allow for recreational vehicles, which were allowed when the park was first established. In the 1980s the petitioner upgraded the power system to the park and did not add the soft plug connections that would continue to allow recreational vehicles. It was also noted that a Recreational Coach Park is defined as an area of land that is designated within a mobile home park where lots are rented to owners of recreational vehicles for a temporary time not to exceed thirty (30) consecutive days of use. During the public hearing the petitioner, **Jerry Cook**, talked with the Commissioners regarding his request and his plans to make the necessary changes to once again allow recreational vehicles in the 5C's Mobile Home Park. **Mr. Cook** further told the Commission that since approximately 1995 he has not allowed any new mobile homes to occupy space within his park and four of the currently existing home (and residents) will soon be vacating their lots. With this space coming available, **Mr. Cook** would like to start with ten sites for RVs. He said that there had been some concern with the parking and roads in the park and that there is one family currently residing in a mobile home that has several children and several vehicles and the passage through may be a little tight, but it has not hindered emergency vehicles from being able to pass through when necessary. He also said that he would like to not have to 'screen' between the mobile homes and the RVs that are using the space.

Philip Davis expressed some concerns regarding the length of time that the RV's would be allowed to occupy space within the park, noting that in many RV Parks there is a limitation of thirty (30) days of occupancy. He wondered how that would be adhered to by the petitioner and enforced. **Mr. Davis** was also concerned with the septic system in the park and if it was sufficient to handle the in/out traffic and occupancy of recreational vehicles.

Dale Barnett was concerned with 1) the traffic issue through the park and if there was adequate space for the larger RVs to turn around and 2) not obstruct traffic within the Park and also along Highway 89.

The hearing was closed with a Motion by **Commissioner David Tea** and seconded by **Commissioner Desiray Larsen**, passed unanimously.

MICHAEL K. MUNSEE, CUP10-007, REDUCE SETBACK ON THE SOUTH AND EAST SIDE OF PROPERTY. MICHAEL K. MUNSEE, CUP10-008, FOR ADDITIONAL STORAGE SHEDS LOCATED AT APPROXIMATELY 8823 S HWY 89 IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.

Staff explained that this request is for two conditional use permits, 1) to allow for storage units and 2) to reduce the setback requirements as outlined on his site plan. The storage facility has been in operation since 1986 and now has a new owner, Michael Munsee. Staff also noted that the County Engineer and Fire Marshall had some concerns with the storm water runoff and that the water drainage was not being contained on the property and was deteriorating the road access and right-of-way. There were also some questions regarding the scale of the site plan. It did not reflect what the surveyor staked on the ground at the site.

Michael Munsee told the Commissioners that he purchased this facility approximately five months ago and he has applied for a building permit, but since the new units are not able to meet the setback requirements, the petitioner has been working with Staff to correct the nonconforming use and allow these new units to be built on an existing foundation that does not meet the necessary standards.

Philip Davis questioned whether or not the existing foundation was still good enough to build the new units on as it [the foundation] was poured over two years ago. Also, if the setbacks were reduced the facility would only be about two feet from the existing fence and a neighboring home to the south. Mr. Davis was also concerned with the recent EPA clean-up that took place before Mr. Munsee had purchased it and if additional fire protection and other emergency services needed to be made available.

Dale Barnett was concerned that if the setbacks were reduced it would reduce the visibility for oncoming traffic and entering/exiting the facility. He noted that there is limited space to be able to turn a vehicle around within the facility. Also, expansion of the facility did not comply with the Master Plan of South Willard. This would continue to be an eye sore as it has been in the previous years and asked if some landscaping could be included to improve the site.

Dale Zito told the Commissioners that he lives very close to this storage facility and was concerned with the amount of time that the recent clean-up of the hazardous materials took. He also did not think that expansion would be a good idea at this time.

Philip Davis noted that the new owner had installed a fence and gate that is opened in the morning and closed at night, but wondered if better security could be done with carded access to the units as units have been broken into in the past.

The hearing was then closed with a Motion by **Commissioner Jay Christensen** and seconded by **Commissioner David Tea**, unanimous.

TRENT & JERI REEDER, CUP10-009, TO REPLACE A MOBILE HOME THAT WAS RECENTLY BURNED DOWN ON PROPERTY AT APPROXIMATELY 29270 W HWY 30 IN THE SNOWVILLE AREA OF BOX ELDER COUNTY.

Staff explained that this petitioner is requesting placement of a mobile home as temporary living quarters until a home can be built on the property. This mobile home would replace the one that burned down in the fall of 2009. Trent Reeder is employed by UDOT and a requirement of his job is that he must live within 30 minutes of the road shed [with no mountain pass] and this lot in the Snowville area meets that requirement. Mr. Reeder had been living in Idaho, but cannot continue to live there and work for UDOT in Utah.

Jeri Reeder [Trent's mother] said that this property had been purchased with the intention of building a permanent home in the near future and there were also ten (10) shares of water purchased with the land. They have done some clean-up of the property and noted that property owners need to take pride in their property whether it is a permanent home or a mobile home located there. They have purchased a mobile home that would be skirted and not placed on a permanent foundation.

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

VICTOR C. THOMPSON, Z10-003, RE-ZONE OF PROPERTY LOCATED AT APPROXIMATELY 2780 N 2400 W IN THE BRIGHAM CITY AREA OF BOX ELDER COUNTY TO ALLOW RV SALES, SERVICE & STORAGE AND A MOBILE HOME AND RV PARK.

Staff explained that this petitioner is requesting a change in the zoning of his property to allow for recreational vehicle sales, storage and service. This property falls within the annexation plan for Brigham City and the petitioner has approached the City about that possibility. **Mr. Thompson** said that he would prefer to stay in the County but was not really concerned about that issue right now, as he needs to be able to sell off his current inventory. He also said that he has adequate water and septic/sewage for this proposed use at the site. The hearing was then closed with a Motion by **Commissioner Jay Christensen**, seconded by **Commissioner Jay Hardy** and was unanimous.

BRANDON ERICKSON, Z10-004, RE-ZONE OF PROPERTY LOCATED AT APPROXIMATELY 825 W HWY 30 IN THE BEAVER DAM AREA OF BOX ELDER COUNTY FROM THE CURRENT MU-40 ZONE TO RR-2 TO ALLOW FOR THE CONSTRUCTION OF A SINGLE FAMILY DWELLING.

This petitioner's property is located in a current zone of MU-40 and he told the Commissioners that he is requesting that approximately 9 acres be rezoned to RR-2 to allow for a single family dwelling. The hearing was then closed with a Motion by **Commissioner Desiray Larsen**, seconded by **Commissioner David Tea** and was unanimous.

BOX ELDER COUNTY WIND ORDINANCE, RECOMMENDATION TO ADOPT ORDINANCE TO THE COUNTY COMMISSION.

Staff presented a draft of the Box Elder County Wind Ordinance for large and small wind turbines, noting that there have been several requests and applications regarding wind turbines in the County. Several work sessions have been held, as well as a site visit to Spanish Fork to view the large wind turbines there. *Thomas*

Furman has placed a small turbine on his property in Marble Hills, and Bingham Properties would like to place some turbines on their property in the Collinston area. Staff had received a couple of letters from 1) Pat and Paul Garnerⁱ of Collinston, UT, and 2) the U. S. Fish & Wildlife Serviceⁱⁱ, were read into the minutes and included with the Official Minutes of this meeting. Others then came forth with comments during the hearing.

Dennis Fox of Fruit Heights talked about some of the language within the drafted ordinance, specifically the difference between feet and meters. He also noted that the Federal Fish & Game usually handles issues regarding endangered species of wildlife and not the individual states. He did not think that wind studies needed to be reviewed by the State and that in the case of large wind turbine operations confidentiality agreements would probably need to be signed and that large turbines would mostly likely not be put on private small parcels of land.

Ben Crook of South Willard questioned why only UL approved turbines would be allowed and thought that some new designs may come available that may also prove to be useful and efficient.

Monica Clevenger said that she would like to be able to place a small turbine on their property and live off the energy of the land if possible.

Philip Davis said that he is currently working on a project that is installing wind turbines and had some points of clarification in the draft ordinance. 1) clarification of abandonment and discontinuation of operation of the turbine(s); 2) have the Fish and Game be more specific regarding waterfowl and birds issue with the tall towers; 3) the length of time for abandonment on small wind farms be reduced to twelve months instead of twenty-four months; 4) give applicant 30 days as opposed to 60 days to address the issue of abandonment and/or repairs; 5) the reclamation for a small operation be reduced to two years instead of five years; 6) questioned the maximum height of 600 feet and should that be less; 7) should the setback requirements be 200 percent instead of 120 percent; 8) wondered if a storm water prevention plan should be included within the ordinance; 9) temporary vs. permanent Met towers; and 10) notification of residences of a possible wind turbine operation being planned for an area; should the area be increased (especially for large operations) from a two mile radius to a 20 mile radius as the tall towers are visible for a long distance.

The hearing was then closed with a Motion by **Commissioner Laurie Munns**, seconded by **Commissioner Jay Christensen** and was unanimous.

CHANGES TO ARTICLE 6: SUBDIVISIONS, RECOMMENDATION TO ADOPT CHANGES TO THE COUNTY COMMISSION.

Staff was presenting an [amended] draft ordinance to update the Box Elder County Subdivision Ordinance. Work has been done over the past year to bring the County Subdivision Ordinance up to date with that of the State Ordinance. Staff has worked closely with the County Road Department and County Fire Marshall, as well as the County Surveyor and Engineer, in reviewing the current ordinance and making any necessary changes in regards to the clarification of the Code regarding definitions and other areas where blanket statements were ambiguous. The review of a single lot subdivision would be handled as an administrative review, with the option of presenting it to the Planning Commission. A single lot subdivision would no longer be subject to public hearings; however, all of the other requirements for concept/preliminary/final approval would still have to be met. New standards for street grades were also discussed changing the maximum 12% grade for minor streets to sustained grades of 9% and 7% for major and collector streets. Copies of the drafted ordinance had been made available for the public to review. No comments were received and a Motion was made by **Commissioner Jay Hardy** to close the public hearing, seconded by **Commissioner David Tea** and was unanimous.

UNFINISHED BUSINESS

JOEL MURRAY, Z10-002; REZONE TO GRAVEL EXCAVATION OPERATION LOCATED AT APPROXIMATELY 1025 SOUTH 105 EAST IN THE WILLARD AREA OF BOX ELDER COUNTY.

Staff informed the Commissioners and others present that this petitioner had recently been granted de-annexation from Willard City into County jurisdiction. This petition was before the Planning Commission at the April 15, 2010 meeting; however the necessary paperwork work amending the boundaries of Willard had

not been filed with the State and the County. Those documents have now been filed; however, there were some errors on the application that was submitted to the State. With that, no motion or decision could be made at this meeting. There were some issues that were brought up at the April meeting, 1) whether or not the proposed new gravel operation would have any bearing on the 2.5 non-containment classification recently assigned to Box Elder County. A letter had been received from Timothy R. Andrus regarding this issue.ⁱⁱⁱ 2) Whether or not there were any new findings of artifacts on the property.^{iv} 3) During the site visit on May 4, 2010 there were some concerns regarding the road from the excavation site to Highway 89 and its close proximity to a home on the north side. There were also some questions regarding mining and stock-piling of materials, as it was felt by **Commissioner David Tea** that these are two separate operations. As the necessary paperwork and certificate had not been received from the State the following motion was made.

MOTION: A Motion was made by **Commissioner David Tea** to Table any action on this petition until the certificate amending the boundaries of Willard City had been received from the Lieutenant Governors Office. Motion seconded by **Commissioner Desiray Larsen** and passed unanimously.

NEW BUSINESS

JERRY COOK, 5C'S MOBIL HOME PARK, CUP10-006, CONDITIONAL USE TO ALLOW FOR 10 RV LOTS IN EXISTING MOBILE HOME PARK LOCATED AT APPROXIMATELY 7750 SOUTH HWY 89 IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.

Staff read a letter that had been received by the County Engineer regarding the road into this mobile home park^v and recommended that the Commissioners schedule a site visit to this park. The Commissioners did discuss some of the issues that had been brought up during the Public Hearing; 1) traffic in and out of the area via Highway 89; 2) overnight vs. longer stay occupants in the RV area of the park; 3) the time limit of thirty (30) days limitation; 4) the change in the use of the land and UDOT approval for access; 5) the number of RV units that are currently allowed in the BECLUM&DC. It was then recommended that this petition be Tabled until the site visit was done. Staff added the following:

1. A Planning Commission site visit was requested for June 8, 2010 at approximately 5:15 p.m.
2. Contact UDOT and supply our office a letter from UDOT. This applicant should contact UDOT to determine if the current access permit off of Hwy 89 is or is not affected by the proposed recreational vehicles accessing the park and residing at the east end of the park. The concern is recreational vehicles parked at the approach to Hwy 89 may hinder visibility onto Hwy 89.

MOTION: A Motion was made by **Commissioner Jay Hardy** to Table any action on this petition until the site visit was conducted and that the petitioner contact UDOT to determine if the current access permit might be affected by the addition of recreational vehicles entering and exiting the Park. Motion seconded by **Commissioner Jay Christensen** and passed unanimously.

MICHAEL K. MUNSEE, CUP10-007, REDUCE SETBACK ON THE SOUTH AND EAST SIDE OF PROPERTY.

MICHAEL K. MUNSEE, CUP10-008, FOR ADDITIONAL STORAGE SHEDS LOCATED AT APPROXIMATELY 8823 S HWY 89 IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.

Staff outlined the approval standards for this petition of a conditional use permit. There was also a letter from the County Engineer.^{vi} Staff addressed a couple of the items that were mentioned in the letter, 1) the storm water drainage, and 2) UDOT approval for the access to the facility, if the additional units would add significantly to the traffic. The letter from the County Engineer had also recommended that a site visit be

scheduled for the Commissioners in order for them to better determine the changes at this site and other concerns that had been mentioned during the Public Hearing. The petitioner, *Michael Munsee*, then approached the Planning Commissioners and told them that when he purchased the storage units he was told that a traffic study was needed and one was done [at a cost of approximately \$2000], resulting in finding that the additional units would increase the traffic from 0-2 vehicles per day. All of that information has been forwarded to UDOT, along with possible changes to the access to the facility, but that information has not been received back as of yet. There were also some issues regarding the survey of the property and **Commissioner David Tea** asked about the existing fence and what appeared to be the retaining wall and if this was accurate with the survey of the property lines. *Dale Barnett* asked the Commissioners if the issue regarding the storm water containment and drainage would need to be forwarded to the South Willard Flood Control District for its review and approval, as the drainage that is currently on the property is there for the highway drainage and not for private drainage. Due to the issues that had been raised in the Engineer's letter it was recommended that any action on this petition be Tabled until the site visit was conducted. Staff also added the following:

1. Provide a letter from UDOT that states whether or not the new structure will increase the traffic flow and require a new access permit.
2. Provide the requested information outlined on the attached County Surveyor's memo dated May 13, 2010.
3. A Planning Commission site visit was requested for June 8, 2010 at approximately 5:45 p.m. It was suggested by a member of the Planning Commission to have an updated Site Plan available by this date.

MOTION: A Motion was made by **Commissioner Jay Hardy** to Table action on the Michael Munsee petition for additional storage units until a site visit was conducted. Motion seconded by **Commissioner David Tea** and passed unanimously.

TRENT & JERI REEDER, CUP10-009, TO REPLACE A MOBILE HOME THAT WAS RECENTLY BURNED DOWN ON PROPERTY AT APPROXIMATELY 29270 W HWY 30 IN THE SNOWVILLE AREA OF BOX ELDER COUNTY.

Staff reviewed the approval standards for this conditional use permit. It was recommended that the Bear River Health Department visit the site to see if any damage had occurred to the septic system as a result of the trailer burning last fall. The petitioners were then asked to come forward to answer any additional questions of the Planning Commissioners. **Commissioner David Tea** asked where Mr. Reeder planned to place the mobile home for temporary living quarters. *Trent Reeder* stated that he was going to place his mobile home back from the location where the other one had burned down and that his permanent home would be built upon the site of the burned trailer, once that area was cleaned up. The new home would then block the view of the mobile home. It was also asked what the petitioner considered to be 'temporary'. *Trent Reeder* said that he hoped to be able to have a home built within four to five years. This was a concern of the Planning Commissioners as the enforcement of 'temporary use' creates some problems for the County if the mobile homes are not removed. Staff said that one way to regulate that would be to withhold the occupancy permit for the home until the services to the mobile home had been disconnected. *Trent Reeder* assured the Commission that he did not want his property to be another junk yard. If Mr. Reeder were unable to build his permanent home within the five year time limit, it would be necessary for him to re-apply to the Planning Department for an extension or another conditional use permit.

MOTION: A Motion was made by **Commissioner Jay Christensen** to grant approval for the Conditional Use Permit for the Trent & Jeri Reeder application with the conditions as outlined by Staff and other stipulations attached, including the temporary use of the mobile home be limited to a five-year limit and that the mobile home be removed from the property within one-year after the completion of the new home. Motion seconded by **Commissioner David Tea** and passed unanimously.

Conditions of Approval:

1. Septic Permit from Bear River Health Department
2. Provide proof of culinary water to the Planning and Zoning office
3. Rural Road Improvement Agreement
4. Comply with Article 5, Regulations of General Applicability
5. Comply with recommendations and requirements of the Box Elder County Road Department, and Fire Marshall
6. A building permit is required for the placement of the mobile home on parcel 08-007-0089
7. This permit is valid for 5 years, at which a time a single family dwelling should be completed upon this property.
8. Final occupancy will be subject to our office obtaining proof that all services are disconnected from the mobile home.
9. The mobile home cannot be used as a rental property on this lot.
10. The mobile home will be removed from the property after 1 year.

VICTOR C. THOMPSON, Z10-003, RE-ZONE OF PROPERTY LOCATED AT APPROXIMATELY 2780 N 2400 W IN THE BRIGHAM CITY AREA OF BOX ELDER COUNTY TO ALLOW RV SALES, SERVICE & STORAGE AND A MOBILE HOME AND RV PARK.

Staff outlined the re-zone standards for this application including the recommendation that the petitioner approach Brigham City with the request that this property be annexed into the City limit as it is currently included in the City’s annexation plan for the future. It was then recommended that this item be Tabled until the request for annexation had been either denied or approved by Brigham City. The Commissioners were concerned that the use the petitioners were seeking was not in compliance with the General Plan, nor the current zoning of the BECLUM&DC. The petitioners asked the Commissioners if it would be possible to receive a ‘temporary’ business license in order to allow them to sell the inventory that is on hand at this time. However, due to the zoning issues Staff said that was not a possibility. Until a decision is received from Brigham City, it was recommended that this petition be Tabled.

MOTION: A Motion was made by **Commissioner Desiray Larsen** to Table action of the Thompson Re-Zone application until a response had been received by Brigham City regarding the request to annex into the City limits. Motion seconded by **Commissioner Jay Christensen** and passed with **Commissioner Jay Hardy** abstaining from the vote. Staff’s conditions included:

1. The annexation process to Brigham City is completed and a denial is granted.

BRANDON ERICKSON, Z10-004, RE-ZONE OF PROPERTY LOCATED AT APPROXIMATELY 825 W HWY 30 IN THE BEAVER DAM AREA OF BOX ELDER COUNTY FROM THE CURRENT MU-40 ZONE TO RR-2 TO ALLOW FOR THE CONSTRUCTION OF A SINGLE FAMILY DWELLING.

Staff reviewed the approval standards for a re-zone petition, including that this is a matter within the legislative discretion of the Commission. Developments are encouraged to take place within or adjacent to existing communities and this property is located in the Beaver Dam area close to some existing RR-2 zoning. The property will be serviced by private water well and letters have been received from the various utility companies. Staff is still waiting for comments from the Box Elder County Fire Marshall. Access to the property will be from 400 West via Highway 30.

MOTION: A Motion was made by **Commissioner David Tea** to forward a recommendation to the County Commission that the Brandon Erickson re-zone application be approved changing the zone from MU-40 to RR-2. Motion seconded by **Commissioner Jay Christensen** and passed with **Commissioner Jay Hardy** abstaining from the vote.

A short break was taken at 9:27 p.m. and reconvened at 9:37p.m.

BOX ELDER COUNTY WIND ORDINANCE, RECOMMENDATION TO ADOPT ORDINANCE TO THE COUNTY COMMISSION.

Staff outlined the approval standards for this proposed Wind Ordinance for Box Elder County. As there were many issues that were discussed during the Public Hearing portion of this meeting, Staff recommended that action regarding adoption of this ordinance be Tabled until Staff was able to review those items and suggestions and return with the Ordinance at the July 2010 meeting. However, Vice-Chairman Chad Munns suggested that those items be discussed at this meeting and that the changes be made by Staff, enabling the Ordinance to be placed on the County Commission agenda and not have it returned to the Planning Commission. The items were then reviewed as follows:

1. The height of the towers was based on regulations set forth by the State at 300 meters maximum [or not to exceed 600 feet]. Commissioner Laurie Munns stated that for a tower to meet the 600 feet limitation it would require more wind than is [probably] in most of Box Elder County.
2. The issue of the turbines being abandoned for a twenty-four month period vs. a twelve month period. Commissioner Chad Munns did not feel that this was an issue that needed to be re-addressed in the proposed Ordinance.
3. The time limit of thirty days vs. sixty days to repair a turbine. Again, Commissioner Chad Munns did not feel that this was an issue that needed re-addressing.
4. The distance of notifying residents regarding an application for a wind farm from the suggested two mile radius to a twenty miles radius would depend on whether the use were permitted or conditional.
5. Are wind turbines going to be accepted in the County and if so, then having them will either be a permitted use or a conditional use. In a residential area it is unlikely that a turbine could be place on a half-acre parcel and generate much, if any, energy.
6. Are they going to be a permitted use or a conditional use and will a feasibility study be required; Commissioner Chad Munns did not feel that the results of the study needed to be given to the County; however Kevin Hamilton thought that legitimate companies [applicants] would not have a problem with submitting data to the County.
7. Additional input from the Fish & Game Department. Commissioner David Tea noted that they had been apprised of this proposed Ordinance and given the opportunity to respond, therefore was it necessary for them to further review each application. (Staff read from the letter during the public hearing portion of this meeting; see Attachment II). Staff had reviewed this issue with the County Attorney, Steve Hadfield. It was noted that there has never been a documented report of birds or waterfowl being harmed or killed by wind towers.
8. The issue of having only UL approved towers permitted. Staff stated that a petitioner could request that other than UL approved towers could be presented for consideration. Commissioner Chad Munns suggested that additional language is included that would allow for other (electrical) licensed and approved towers to be considered.
9. Was the issue of having a storm water plan necessary for wind turbine use?

MOTION: A Motion was made by Commissioner David Tea to forward the Box Elder County Wind Ordinance, once the changes and concerns addressed were made by Staff, to the County Commission for its consideration and adoption. Motion was seconded by Commissioner Jay Christensen and passed with Commissioner Jay Hardy abstaining from the vote.

CHANGES TO ARTICLE 6: SUBDIVISIONS, RECOMMENDATION TO ADOPT CHANGES TO THE COUNTY COMMISSION

Staff informed the Planning Commissioners that the changes and recommendations that had been suggested at various work sessions had now been included in the proposed amendment to the Box Elder County Subdivision Ordinance. Staff was asking for a recommendation to place this item on the agenda of the County Commission.

MOTION: A Motion was made by **Commissioner David Tea** to forward the Planning Commission recommendation to the County Commission that the Amendment to the Box Elder County Subdivision Ordinance be approved and adopted. Motion was seconded by **Commissioner Desiray Larsen** and passed with **Commissioner Jay Hardy** abstaining from the vote.

WORKING REPORTS

Staff recommended that a site visit be scheduled for Tuesday, June 8, 2010 at 5:00 p.m. for the members of the Planning Commission to visit the 5C's Mobile Home Park and the Michael Munsee storage facility, both located in the South Willard area of the County.

PUBLIC COMMENTS – NONE

A **Motion** was made to adjourn at 10:10 p.m., unanimous.

Passed and adopted in regular session this 17th day of June 2010.

Richard Day, Chairman
Box Elder County
Planning Commission

See Attachments I, II, III, IV, V, & VI