

**MINUTES
BOX ELDER COUNTY COMMISSION
MAY 20, 2015**

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 4:45 p.m. on **May 20, 2015**. The following members were present:

Jeff Scott	Commissioner
Jeff Hadfield	Commissioner
Marla R. Young	Clerk

Excused: Stan Summers Commissioner

The following items were discussed:

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports – Agenda Related
4. Correspondence
5. Renew Court Security/ Bailiff Services Agreement – Sheriff Potter

The Administrative/Operational Session adjourned at 4:55 p.m.

The regular session was called to order by Commissioner Scott at 5:00 p.m. with the following members present, constituting a quorum:

Jeff Scott	Commissioner
Jeff Hadfield	Commissioner
Marla Young	County Clerk

Excused: Stan Summers Chairman

The prayer was offered by Commissioner Hadfield.
The Pledge of Allegiance was led by Clerk Marla Young.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF APRIL 23, 2015 AND MAY 6, 2015 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER HADFIELD, SECONDED BY COMMISSIONER SCOTT AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

ADMINISTRATIVE REVIEW/REPORTS/FUTURE AGENDA ITEMS – COMMISSION**Juniper and Sage Grouse – Commissioner Hadfield**

Commissioner Hadfield reported Steve Ellis of the Bureau of Land Management and he visited with some of the ranchers in western Box Elder County. They looked at the work being done for juniper and sage grouse. He stated Fire Marshal Corey Barton completed a fire assessment, and grazing efforts are being done to help with fire suppression.

PUBLIC HEARING/ORDINANCE #401/RR-20 TO C-G REZONE – SCOTT LYONS

(See Attachment No. 2 – Attendance List.)

Commissioner Scott opened the public hearing at 5:10 p.m.

County Planner Scott Lyons explained the ordinance addresses zoning in the area west of the interstate on Hwy 13. The zoning would change from an RR-20 to a C-G. The rezone makes sense for this area. He said a public hearing was held at the planning commission level and they recommend approval.

Commissioner Scott asked for comments from those in attendance.

DeAnna Hardy of Brigham City said she has concerns because the government should not be intruding on private property rights. They should not be zoning property the way they want it to be; it infringes on other peoples' freedom.

There were no further comments.

MOTION: Commissioner Hadfield made a motion to close the public hearing. The motion was seconded by Commissioner Scott and the hearing was closed.

MOTION: Commissioner Hadfield made a motion to approve Ordinance #401 concerning the RR-20 to C-G rezone. The motion was seconded by Commissioner Scott and unanimously carried.

(See Attachment No. 3 – Ordinance.)

PUBLIC HEARING/ORDINANCE #402/RR-5 MODIFIED TO RR-5 REZONE – SCOTT LYONS

(See Attachment No. 4 – Attendance List.)

Commissioner Scott opened the public hearing at 5:12 p.m.

County Planner Scott Lyons stated Ordinance #402 concerns the Bothwell area. The ordinance eliminates the RR-5 Modified Zone. Several public hearings have been held with the planning commission and they recommend approval.

Commissioner Scott asked for comments from those in attendance.

DeAnna Hardy of Brigham City stated the government should not be telling property owners what they can and cannot do on their own property.

There were no further comments.

MOTION: Commissioner Hadfield made a motion to close the public hearing. The motion was seconded by Commissioner Scott and the hearing was closed.

MOTION: Commissioner Hadfield made a motion to adopt Ordinance # 402 concerning the RR-5 rezone in Bothwell. The motion was seconded by Commissioner Scott and unanimously carried.

(See Attachment No. 5 – Ordinance.)

PUBLIC HEARING/ORDINANCE #403/LAND USE TEXT AMENDMENT – SCOTT LYONS

(See Attachment No. 6 – Attendance List.)

Commissioner Scott opened the public hearing at 5:17 p.m.

County Planner Scott Lyons stated the ordinance addresses specific language in the chapter that regulates the RR-5, agricultural, and multiple use zones.

Commissioner Scott asked for comments from those in attendance.

DeAnna Hardy Brigham City stated the public is being regulated to death. She feels they have to ask permission to do anything on their own property. Tax dollars should not be used to pay employees to make rules and regulations that tell people what they can do with their property.

There were no further comments.

MOTION: Commissioner Hadfield made a motion to close the public hearing. The motion was seconded by Commissioner Scott and the hearing was closed.

MOTION: Commissioner Hadfield made a motion to approve Ordinance #403 regarding land use text amendments. The motion was seconded by Commissioner Scott and unanimously carried.

(See Attachment No. 7 – Ordinance.)

ORDINANCE #400/TELECOMMUNICATION FACILITIES – SCOTT LYONS

County Planner Scott Lyons explained Ordinance #400 is amending Article 5 of the Box Elder County Land Use Management & Development Code by adding Section 5-7 regarding telecommunication facilities. It establishes processes for new towers and buildings. He said public hearings have been held and it has been through the planning commission with a recommendation for approval.

MOTION: Commissioner Hadfield made a motion to approve Ordinance #400. The motion was seconded by Commissioner Scott and unanimously carried.

(See Attachment No. 8 – Ordinance.)

LEAVITT SUBDIVISION – SCOTT LYONS

County Planner Scott Lyons stated the Leavitt Subdivision is a one-lot subdivision located at 15921 North 4400 West in the Riverside-Fielding area. The plat has been through all necessary department reviews.

MOTION: Commissioner Hadfield made a motion to approve the Leavitt Subdivision. The motion was seconded by Commissioner Scott and unanimously carried.

BID OPENING/LANDFILL BULLDOZER – GINA ALLEN

Landfill Manager Gina Allen and Road Supervisor Bill Gilson opened six bids for a bulldozer for the landfill.

MOTION: Commissioner Hadfield made a motion to have staff review the bids for the needed specifications and come back next commission meeting with their recommendation. The motion was seconded by Commissioner Scott and unanimously carried.

UTAH HONOR FLIGHT BENEFIT CONCERT – NUCOR STEEL WARRIORS/ JOHN PIERCE, LUKE JOHNSON, ED ALLER

Nucor Steel Warriors John Pierce, Luke Johnson, and Ed Aller stated they are planning to hold a benefit concert to kick off the county fair. The benefit concert will raise funds for the Utah Honor Flight which will send local veterans to Washington, D.C. Nucor is willing to sponsor the event and they asked the commission for sponsorship of part of the concert. Some of the ways the county could participate would be the use of county fairground property and buildings and some incidentals like food and hotel for the band.

Commissioner Scott stated it is a worthy cause and asked them to provide some hard costs of the items of which the county would be responsible.

TRY A TRAIL-BEAR RIVER HEALTH DEPARTMENT – KARLIE MITCHELL

Karlie Mitchell of Bear River Health Department told the commissioners of an upcoming walking event on June 15, 2015 at 6:00. She encouraged all citizens to come walk with their commissioners. The event encourages families to get active. There will be booths and prizes and a movie in the park.

GENERAL DISCUSSION OF THE COUNTY SEAT TV PROGRAM – CHAD BOOTH

Chad Booth of The County Seat gave a brief history of the broadcasted television show. He shared some statistics of the ratings and demographics reached by the program. The show talks about county related issues.

AWARD BID FOR RESTROOM CONSTRUCTION AT THE FAIRGROUNDS – TOM PETERSON

Chief Building Official Tom Peterson stated they have advertised for bids for the finishing of the restrooms and concession stand in the livestock barn. The best bid was from Dean Stokes Construction. He stated they need to adjust the way funding is apportioned for projects at the fairgrounds in the budget. The buildings and grounds budget has been helping with the costs for the fairgrounds and it should be its own budget item.

MOTION: Commissioner Hadfield made a motion to award the bid for the restroom and concession stand construction to Dean Stokes Construction. The motion was seconded by Commissioner Scott and unanimously carried.

TAX SALE PROPERTIES – TOM KOTTER

Auditor Tom Kotter stated the parcel owner of 02-047-0115 and 02-047-0110 has requested an extension to pay property taxes. The parcels are set to go to tax sale tomorrow. They have received payment for the 2014 taxes. The owner is trying to refinance and felt he could pay off the balance within a year.

MOTION: Commissioner Hadfield made a motion to allow an extension to pay property taxes on parcels 02-047-0115 and 02-047-0110 and remove the parcels from the tax sale list. The motion was seconded by Commissioner Scott and unanimously carried.

Auditor Tom Kotter stated the next property extension request is from Blaine Richards. He introduced Mr. Richards.

Blaine Richards said the property in Willard is owned by his belated father and uncles. All owners of record are deceased and it is past the time to file for probate. There will need to be a determination of heirs made by the courts to know who the property will go to. He said he is willing to pay a portion of the tax to avoid the tax sale. The property is currently vacant and dilapidated. The home will most likely need to be torn down.

Auditor Kotter stated there is no precedent set to allow extensions on property taxes unless the requestor is the owner of record.

MOTION: Commissioner Hadfield made a motion to deny the request for extension of property taxes on parcel #02-047-0099. The motion was seconded by Commissioner Scott and unanimously carried.

Auditor Kotter stated they have several non-conforming parcels in west Box Elder County fitting the criteria to group together into larger parcels to go to the tax sale. He stated County Recorder Chad Montgomery has helped them in figuring out the contiguous parcels. They have taken 2,403 parcels and grouped them into 82 different blocks.

MOTION: Commissioner Hadfield made a motion to group the recommended parcels as submitted. The motion was seconded by Commissioner Scott and unanimously carried.

Auditor Kotter stated there are 3,242 parcels going to tax sale which is roughly 6% of the total number of parcels in the county. They have spent roughly \$40,000 between mailings and newspaper notices to conduct the sale.

RENEW COURT SECURITY/BAILIFF SERVICES CONTRACT #15-14 – SHERIFF POTTER

Chief Deputy Dale Ward stated the contract for court security and bailiff services at First District Court is a renewal. There have not been any changes made and it has been reviewed by the county attorney.

MOTION: Commissioner Hadfield made a motion to approve Contract #15-14. The motion was seconded by Commissioner Scott and unanimously carried.

CLARIFICATION OF SPRINKLER ORDINANCE #384 – COREY BARTON

Fire Marshal Corey Barton explained Ordinance #404 is an amendment to Ordinance #384 which cleans up language regarding the requirement of sprinkler systems. The ordinance will take effect in fifteen days.

MOTION: Commissioner Hadfield made a motion to adopt Ordinance #404 clarifying requirements for sprinkler systems in residential homes. The motion was seconded by Commissioner Scott and unanimously carried.

(See Attachment No. 9 – Ordinance.)

CLARIFICATION ON WILDLAND URBAN INTERFACE ORDINANCE – COREY BARTON

This item was cancelled.

POLICY 20 TIME CLOCK GUIDELINES UPDATE – JENICA BAGGS

Human Resource Manager Jenica Baggs stated the changes to Policy 20 are updates of language regarding the KRONOS time clock system.

MOTION: Commissioner Hadfield made a motion to approve the Policy 20 Time Clock Guidelines Updates. The motion was seconded by Commissioner Scott and unanimously carried.

PUBLIC COMMENT PERIOD

DeAnna Hardy of Brigham City said it is not the role of government to choose who gets tax incentives and who does not. She said she does not want them to participate in The County Seat Television program. She thinks it is promoting a partnership which is socialism. Ms. Hardy asked if the commission has made a decision on voting by mail. She feels people aren't heard. Ms. Hardy said people have difficulty paying their property taxes while the fair and fairgrounds are losing money.

Recess**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 96087 through 96202 in the amount of \$319,881.88. Claims 96204 through 96244 in the amount of \$188,687.84. Claim 96193 was voided.

PERSONNEL ACTIONS – COMMISSIONERS

AUDITOR:	Nathan Adams, compensation change, effective 04/30/2015
AUDITOR:	Shirlene Larsen, compensation change, effective 05/21/2015
FIRE DEPT:	TJ Reeder, separation, effective 02/12/2015
HUMAN RESOURCE:	Diane Olson, compensation change, effective 04/20/2015
LIBRARY:	Joanna Yardley, compensation change, effective 03/16/2015
SHERIFF'S DEPT:	Marsha Andersen, cell phone allowance, effective 04/01/2015
SHERIFF'S DEPT:	Brian Millaway, compensation change, effective 04/04/2015
TREASURER:	Tammy Berry, position change, effective 05/18/2015

CLOSED SESSION**Strategy session to discuss the character, professional competence, or physical or mental health of an individual**

MOTION: At 6:55 p.m. a motion was made by Commissioner Hadfield to move into a closed session to discuss the character, professional competence, or physical or mental

health of an individual. The motion was seconded by Commissioner Scott and unanimously carried.

MOTION: At 7:38 p.m. a motion was made by Commissioner Hadfield to reconvene into regular commission meeting. Commissioner Scott seconded the motion. The motion carried unanimously and regular commission meeting was reconvened.

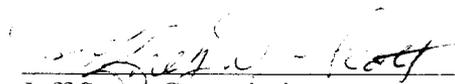
Commissioner Scott stated personnel items were discussed in the closed session.

ADJOURNMENT

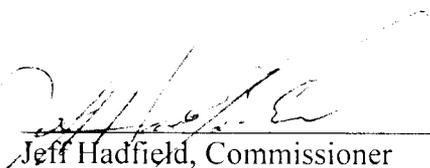
A motion was made by Commissioner Hadfield to adjourn. Commissioner Scott seconded the motion, and the meeting adjourned at 7:44 p.m.

ADOPTED AND APPROVED in regular session this 3rd day of June 2015.

Stan Summers, Chairman



Jeff Scott, Commissioner



Jeff Hadfield, Commissioner



ATTEST:



Marla R. Young, Clerk

BOX ELDER COUNTY 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 **4:45 p.m.** and a regular **Commission Meeting** commencing at **5:00 p.m. Wednesday May 20, 2015** in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah.

Administrative/Operational Session

*4:45 p.m.

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

*4:59 p.m.

5. Renew Court Security/Bailiff Services Agreement – Sheriff Potter

- *5:00 – 5:05 Call to Order: Chairman Summers
Invocation: Commissioner Hadfield
Pledge: Clerk Marla Young
Approval of Minutes of April 23, 2015 and May 6, 2015
- *5:05 – 5:08 Administrative Review/Reports/Future Agenda Items – Commissioners
- *5:08 – 5:10 Former Agenda Items Follow-Up – Commissioners
- *5:10 – 5:12 Public Hearing/Ordinance #401/RR-20 to C-G Rezone – Scott Lyons
- *5:12 – 5:17 Public Hearing/Ordinance #402/RR-5 Modified to RR-5 Rezone - Scott Lyons
- *5:17 – 5:18 Public Hearing/Ordinance #403/Land Use Text Amendment – Scott Lyons
- *5:18 – 5:19 Ordinance #400/Telecommunication Facilities – Scott Lyons
- *5:19 – 5:20 Leavitt Subdivision – Scott Lyons
- *5:20 – 5:30 Bid Opening/Landfill Bulldozer – Gina Allen
- *5:30 – 5:40 Utah Honor Flight Benefit Concert – Nucor Steel Warriors/John Pierce, Luke Johnson, Ed Aller

- *5:40 – 5:45 Try a Trail-Bear River Health Department – Karlie Mitchell
- *5:45 – 5:55 General Discussion of The County Seat TV Program – Chad Booth
- *5:55 – 6:00 Award Bid for Restroom Construction at the Fairgrounds – Tom Peterson
- *6:00 – 6:05 Tax Sale Properties – Tom Kotter
- *6:05 – 6:10 Renew Court Security/Bailiff Services Contract #15-14 – Sheriff Potter
- *6:10 – 6:20 Clarification of Sprinkler Ordinance #384 – Corey Barton
- *6:20 – 6:30 Clarification on Wildland Urban Interface Ordinance – Corey Barton
- *6:30 – 6:32 Policy 20 Time Clock Guidelines Update – Jenica Baggs
- *6:32 – 6:42 Public Comment Period
Rules: (1) Please Speak Only Once (Maximum of 3 Minutes)
(2) Please Speak in a Courteous and Professional Manner
- *6:42 – 6:47 Warrant Register, Personnel Actions & Cell Phone Allowances – Commission

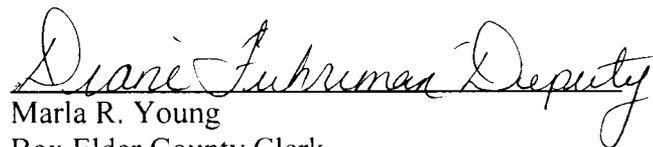
Closed Session

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 5:00 p.m.

Prepared and posted this 15th day of May 2015.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 15th day of May 2015.


Marla R. Young
Box Elder County 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.

PUBLIC HEARING

Title: Ordinance # 401/RR-20 to C-G Rezone

Date: May 20, 2015

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Dale F. Wood	Brigham	735-952-8895
Ellen Cook	Leader	
Rebecca Dalg	Box Elder County	734-3347
William Nandy	BEC	744-2456
Karlie Mitchell	BPHD	792-6532
Cory Breyer	Bx Fire	
Bill Wilson	Road Dept	
Thina Allen	LANDFILL	
JENICA BAGGS	HR	
Nelson Phillips	News Journal	
Mich Zunder	B.E. County	734-3331
J. Bury	FARMINGTON	
George E. Richards	Brigham	
Tom Peterson	Ol Spic	3332
Scott Lyons	BEC	3316

Attendance Sheet

ORDINANCE NO. 401

AN ORDINANCE OF BOX ELDER COUNTY AMENDING THE BOX ELDER COUNTY ZONING MAP BY REZONING A PARCEL IN SECTION 9 TOWNSHIP 9 NORTH RANGE 2 WEST FROM THE RR-20 (RURAL RESIDENTIAL 20,000 SQ. FT.) ZONE TO THE C-G (GENERAL COMMERCIAL) ZONE.

WHEREAS, the property owners are requesting that the property described herein be rezoned from RR-20 (Rural Residential 20,000 sq. ft.) to C-G (General Commercial); and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing on the petition to rezone the property and amend the Box Elder County zoning map and provided notice of the public hearing by mailing notice to each affected property owner and each affected entity at least 10 calendar days before the public hearing, and by posting it in at least 3 public locations within the county or on the county's official website; and by publishing it in a newspaper of general circulation in the area and on the Utah Public Notice Website 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 16, 2015, to allow the general public to comment on this proposed rezone and amendment of the zoning map; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that the proposed rezone and amendment to the zoning map is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve the property to be rezoned are adequate, 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 as has been requested; and

WHEREAS, the Box Elder County Commission scheduled a public hearing on the petition to rezone the property and amend the Box Elder County zoning map and provided notice of the public hearing by mailing notice to each affected entity at least 10 calendar days before the public hearing, and by posting it in at least 3 public locations within the county or on the county's official website; and by publishing it in a newspaper of general circulation in the area and on the Utah Public Notice Website at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public hearing on May 20, 2015, to allow the general public to comment on this proposed amendment; and

WHEREAS, after providing for public comment from the general public, the Board of County Commissioners of Box Elder County, Utah finds that the amendment to the zoning map as set forth below is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve the property to be rezoned are adequate, and that it will be in the best interest of and promote the health, safety and general welfare of the residents of Box Elder County;

All #3

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 the following described parcels in unincorporated Box Elder County from RR-20 (Rural Residential 20,000 sq. ft.) to C-G (General Commercial):

Parcel #: 03-074-0017
BEG AT A PT LOCATED S 88°15'40"W 1940.12 FT ALG SEC LINE FROM NE COR OF SEC 9 T9N R2W SLM. S 00°00'00"E 190.46 FT, S 4°00'00"E 606.30 FT TO N R/W LINE OF HWY SR 13, N 74°50'17"W 440.54 FT ALG SD N R/W LINE, N 0°37'00"W 451.54 FT, N 74°50'17"W 300.00 FT TO E R/W LINE OF 2400 W ST, N 0°37'00"W 129.49 FT ALG SD E R/W LINE TO N/L OF NE/4 OF SD SEC 9 N 88°15'40"E 679.04 FT TO POB.
SUBJECT TO EASEMENTS & R/W'S OF RECORD. BASIS OF BEARING IS N/L OF NE/4 OF SEC 9 AS S 88°15'40"W.
LESS: BEG AT A PT LOC S 88°15'40"W 1897.81 FT ALG SEC LINE & S 00°00'00"E 796.56 FT FROM NE COR OF SEC 9 POB BEING THE SELY COR OF VEGA PTRSHP PROP & ON NLY R/W LINE OF ST HWY 13, N 74°50'17"W 31.76 FT ALG SD NLY R/W LINE, N 4°00'00"W 500.38 FT, N 86°00'00"E 30.0 FT TO E/L OF SD VEGA PROP, S 4°00'00"E 510.80 FT TO POB.
CONT 7.52 ACRES M/L

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

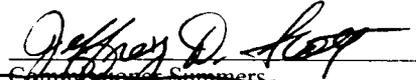
PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 20th day of May, 2015, by the Board of County Commissioners of Box Elder County, Utah,



Attest:


Marla Young
Box Elder County Clerk

Commissioner Summers	Voting	<u>Absent</u>
Commissioner Scott	Voting	<u>Aye</u>
Commissioner Hadfield	Voting	<u>Aye</u>


~~Commissioner Summers~~
Box Elder County Commission

ORDINANCE NO. 402

AN ORDINANCE OF BOX ELDER COUNTY AMENDING THE BOX ELDER COUNTY ZONING MAP BY REZONING VARIOUS PARCELS IN THE BOTHWELL AREA FROM RR-5* MODIFIED (RURAL RESIDENTIAL 5 ACRES MODIFIED) TO RR-5 (RURAL RESIDENTIAL 5 ACRES).

WHEREAS, Box Elder County is requesting that the properties described herein be rezoned from RR-5* Modified (Rural Residential 5 Acres Modified) to RR-5 (Rural Residential 5 Acres); and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing on the request to rezone the property and amend the Box Elder County zoning map and provided notice of the public hearing by mailing notice to each affected property owner and each affected entity at least 10 calendar days before the public hearing, and by posting it in at least 3 public locations within the county or on the county's official website; and by publishing it in a newspaper of general circulation in the area and on the Utah Public Notice Website at least 10 calendar days before the public hearing; and

WHEREAS, in addition to the notice set forth above and in accordance with the requirements of §17-27a-205(4) of the Utah Code, the Box Elder County Planning Commission sent a courtesy notice to each owner of private real property whose property is located entirely or partially within the proposed area; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on November 20, 2014, to allow the general public to comment on this proposed rezone and amendment of the zoning map; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that the proposed rezone and amendment to the zoning map is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve the property to be rezoned are adequate, 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 as has been requested; and

WHEREAS, the Box Elder County Commission scheduled a public hearing on the petition to rezone the property and amend the Box Elder County zoning map and provided notice of the public hearing by mailing notice to each affected entity at least 10 calendar days before the public hearing, and by posting it in at least 3 public locations within the county or on the county's official website; and by publishing it in a newspaper of general circulation in the area and on the Utah Public Notice Website at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public hearing on May 20, 2015, to allow the general public to comment on this proposed amendment; and

WHEREAS, after providing for public comment from the general public, the Board of County Commissioners of Box Elder County, Utah finds that the amendment to the zoning map as set forth below

All #5

is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve the property to be rezoned are adequate, and that it will be in the best interest of and promote the health, safety and general welfare of the residents of Box Elder County;

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 the following described area in unincorporated Box Elder County from RR-5* Modified (Rural Residential 5 Acres Modified) to RR-5 (Rural Residential 5 Acres):

All of Sections 34, 35, and 36, Township 12 North, Range 4 West, Salt Lake Base & Meridian, less the NE/4 of Section 36.

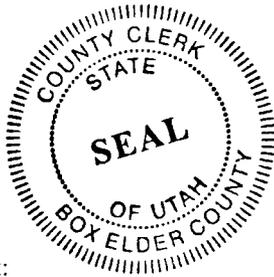
Also, all of Sections 1, 2, and 3, the SE/4 of Section 4, the N/2 of Section 12, the NE/4 and the N/2 of the NW/4 of Section 11, and the N/2 of the NW/4 of Section 10, Township 11 North, Range 4 West, Salt Lake Base & Meridian.

Also, all of Section 6, the NW/4 and the W/2 of the NE/4 of Section 7, Township 11 North, Range 3 West, Salt Lake Base & Meridian, less any portion lying inside Tremonton Corporate Limits. Less any portion dedicated to UDOT or State Road Commission. Less parcel numbers 05-175-0038 and 05-175-0039 zoned as Commercial Highway.

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

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 20th day of May, 2015, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner Summers	Voting	<u>Absent</u>
Commissioner Scott	Voting	<u>Aye</u>
Commissioner Hadfield	Voting	<u>Aye</u>



Attest:

Jeffrey D. Scott
~~Commissioner Summers~~
Box Elder County Commission

Marla Young
Marla Young
Box Elder County Clerk

PUBLIC HEARING

Title: Ordinance #403/Land use Text Amendment

Date: May 20, 2015

Attendance sheet

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Dele F. Ward	Brigham	435-952-8075
Gillen Cook	Leader	
Rebecca Dila	Box Elder County	724-3347
DeAnna Marley	BEC	744-2452
Karlie Mitchell	BRHO	792-6532
Bob Lockhart	Cache Valley	435-752-1533
Corey Buxton	Bx Fin	435-234-3345
Bill Adams	Road Dept	
GINA ALLEN	LANDFILL	
JENICA BAGGS	HR	
Nelson Phillips	News Journal	
Mitch Zundel	Box Elder County	734-3331
J. Billy	FARMINGTON	
George E. Richards	Brigham	
Tom Peterson	01 S main	332
Chad Booth	Helladay, UT	
Scott Lyons	BEC	3316

ORDINANCE NO. 403

AN ORDINANCE OF BOX ELDER COUNTY AMENDING CHAPTER 3-2, MULTIPLE USE, AGRICULTURAL, & RURAL RESIDENTIAL, AND CHAPTER 1-3, DEFINITIONS OF THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE, AMENDING REGULATIONS FOR SPECIFIC USES, REGULATIONS FOR USES, AND DEFINITIONS.

WHEREAS, a recommendation has been made to amend the Box Elder County Land Use Management & Development Code, Chapter 3-2, Multiple Use, Agricultural, & Rural Residential Regulations for specific uses and regulations for uses; and Chapter 1-3, Definitions; and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing on the recommendation to amend the text of the Box Elder County Land Use Management & Development code and provided notice of the public hearing by mailing notice to each affected entity at least 10 calendar days before the public hearing, and by posting it in at least 3 public locations within the county and on the county's official website; and by publishing it in a newspaper of general circulation in the area and on the Utah Public Notice Website 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 16, 2015, to allow the general public to comment on this proposed text amendment; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that the proposed text amendment is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, 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 text as has been requested; and

WHEREAS, the Box Elder County Commission scheduled a public hearing on the recommendation to amend the text of the Box Elder County Land Use Management & Development code and provided notice of the public hearing by mailing notice to each affected entity at least 10 calendar days before the public hearing, and by posting it in at least 3 public locations within the county or on the county's official website; and by publishing it in a newspaper of general circulation in the area and on the Utah Public Notice Website at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public hearing on May 20, 2015, to allow the general public to comment on this proposed amendment; and

WHEREAS, after reviewing and discussing, the Board of County Commissioners of Box Elder County, Utah finds that the amendment to the text as set forth in EXHIBIT A is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, and that it will be in the best interest of and promote the health, safety and general welfare of the residents of Box Elder County;

A11#7

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

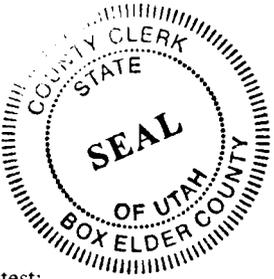
SECTION 1: Ordinance Text Amendment, Chapter 3-2, Multiple Use, Agricultural, & Rural Residential and Chapter 1-3, Definitions, of the Land Use Management & Development Code of Unincorporated Box Elder County is hereby amended as follows: See EXHIBIT A

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

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 20th day of May, 2015, by the Board of County Commissioners of Box Elder County, Utah.

Commissioner Summers
Commissioner Scott
Commissioner Hadfield

Voting Absent
Voting Aye
Voting Aye



Jeffrey D. Scott
~~State~~ Chairman
Box Elder County Commission

Attest:

Marla Young
Marla Young
Box Elder County Clerk

EXHIBIT A

Box Elder County Land Development & Management Code

Article 3: Zoning Districts

BOX ELDER COUNTY RESTRICTIONS													
Code Section	"P" = Permitted Use "C" = Conditional Use "A" = Applies "_" = Not Permitted	CURRENT ESTABLISHED RESIDENTIAL ZONING DISTRICTS											
		MU 160	MU 80	MU 40	A 20	A 1	A 1/2	RR 10	RR 5	RR 5 Mod.	RR 2	RR 1	
3-2-070-1	ACCESSORY USES												
3-2-070-1.1	Accessory buildings and uses customarily incidental to permitted agricultural uses, provided, however, that such accessory buildings are a minimum of 20 feet from any dwelling	P	P	P	P	P	P	P	P	P	P	P	P
3-2-070-1.2	Any pen, corral or pasture for the keeping of animals or fowl.	P	P	P	P	P	P	P	P	P	P	P	P
3-2-070-1.3	Accessory buildings and uses customarily incidental to permitted uses other than those listed above	P	P	P	P	P	P	P	P	P	P	P	P
3-2-070-2	Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C	C	C	C	C	C	C	C

Box Elder County Land Development & Management Code

Article 3: Zoning Districts

		MU 160	MU 80	MU 40	A 20	A 1	A 1/2	RR 10	RR 5	RR 6 Mod.	RR 2	RR 1
3-2-070-3	Temporary buildings for uses incidental to construction work, including living quarters for guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work. Mobile homes for temporary living quarters and such other temporary uses found appropriate to the Planning Commission and approved by the County Commission.	C	C	C	C	C	C	C	C	P	C	C
3-2-070-3.1	Mobile homes for temporary living quarters (i.e. Agriculture uses, Ailing relatives).	C	C	C	C		C	C	C		C	C
3-2-070-4	AGRICULTURAL											
3-2-070-4.1	Agriculture, including grazing and pasturing of animals, the tilling of the soil, the raising of crops, horticulture and gardening	P	P	P	P	P	P	P	C-P	C	C-P	C-P
3-2-070-4.2	Fruit/Vegetable Stand	C	C	C	C	C	C	C	C	C	C	C

Box Elder County Land Development & Management Code

Article 3: Zoning Districts

		MU 160	MU 80	MU 40	A 20	A 1	A 1/2	RR 10	RR 5	RR 6 Mod.	RR 2	RR 1
3-2-070-4.3	Farms devoted to raising and marketing chickens, turkeys, or other fowl or poultry, fish or frogs, mink, rabbits, including wholesale and retail sale.	P	P	P	P	€	C	P	C	P	C	C
3-2-070-4.4	Farms devoted to Apiary and Aviary	P	P	P	P	-	-	C	C	P	C	-
3-2-070-4.5	Forestry except forest industry	P	P	P	P	-	-	P	P	-	P	-
3-2-070-4.6	Forest Industry, such as a saw mill, wood products, plant, etc.	C	C	C	-	-	-	-	-	-	-	-
3-2-070-4.7	Agricultural Industry	C	C	C	C	-	-	C	C	P	C	-
3-2-070-4.8	Family Food Production	P	P	P	P	P	P	P	P	P	P	P
3-2-070-5	Kennel	C	C	C	C	€	C	C	C	€	C	C
3-2-070-6	Dude ranch, family vacation ranch	C	C	C	C	-	-	C	C	€	C	-
3-2-070-7	DWELLINGS											
3-2-070-7.1	Single-Family dwelling	C	C	C	P	P	P	P	P	P	P	P
3-2-070-7.2	Two-Family dwelling	C	C	C	P	-	-	-	P	-	P	-
3-2-070-7.3	Three-Family dwelling	C	C	C	C	-	-	-	-	-	-	-
3-2-070-7.4	Four-Family dwelling	-	-	-	-	-	-	-	-	-	-	-
3-2-070-7.5.1	Residential facilities for handicapped or elderly persons and persons with a disability	C	C	C	C	€	C	C	C	€	C	C
3-2-070-7.6.5	Accessory Dwelling Unit (Ord. 376, 11-6-13)	C	C	C	C	€	C	C	C	€	C	C

Box Elder County Land Development & Management Code

Article 3: Zoning Districts

	MU 160	MU 80	MU 40	A 20	A 4	A 1/2	RR 10	RR 5	RR 6 Med.	RR 2	RR 1
3-2-070-8	C	C	C	C	C	C	C	C	C	C	C
3-2-070-9	C										
3-2-070-10	P	P	P	P	P	P	P	P	P	P	P
3-2-070-11	P	P	P	P	P	P	P	P	P	P	P
3-2-070-12	C	C	C	C	C	C	C	-	-	-	-
3-2-070-13	C	C	C	C	C	C	C	C	C	C	C
3-2-070-14	C										
3-2-070-15	C	C	C	C	C	C	C	C	C	C	C

ORDINANCE NO. 400

AN ORDINANCE OF BOX ELDER COUNTY AMENDING ARTICLE 5-REGULATIONS OF GENERAL APPLICABILITY, OF THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE, ADDING SECTION 5-7, TELECOMMUNICATION FACILITIES

WHEREAS, a recommendation has been made to amend the Box Elder County Land Use Management & Development Code, Article 5 – Regulations of General Applicability, adding Section 5-7, Telecommunication Facilities; and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing on the recommendation to amend the text of the Box Elder County Land Use Management & Development code and provided notice of the public hearing by mailing notice to each affected entity at least 10 calendar days before the public hearing, and by posting it in at least 3 public locations within the county and on the county's official website; and by publishing it in a newspaper of general circulation in the area and on the Utah Public Notice Website 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 16, 2015, to allow the general public to comment on this proposed text amendment; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that the proposed text amendment is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, 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 text as has been requested; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public meeting on May 20, 2015, to review and discuss this proposed amendment; and

WHEREAS, after reviewing and discussing, the Board of County Commissioners of Box Elder County, Utah finds that the amendment to the text as set forth in EXHIBIT A is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, and that it will be in the best interest of and promote the health, safety and general welfare of the residents of Box Elder County;

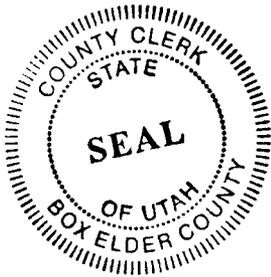
NOW THEREFORE, the Box Elder County Commission, acting as the legislative body of Box Elder County, State of Utah, hereby ordains as follows:

SECTION 1: Ordinance Text Amendment, Article 5, of the Box Elder County Land Use Management & Development Code is hereby amended to include a new section, Section 5-7 entitled Telecommunication Facilities as EXHIBIT A

AZ #8

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

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 20th day of May, 2015, by the Board of County Commissioners of Box Elder County, Utah,



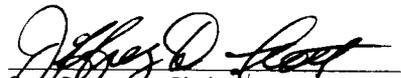
Attest:


Marla Young
Box Elder County Clerk

Commissioner Summers
Commissioner Scott
Commissioner Hadfield

Voting
Voting
Voting

Absent
Aye
Aye


~~John Summers~~, Chair
Box Elder County Commission

Box Elder County Land Use Management & Development Code
Article 5: Regulations of General Applicability

Chapter 5-7. Telecommunication Facilities

Box Elder Zoning Ordinance

Sections

5-7-010	Purpose.
5-7-020	Scope.
5-7-030	Definitions.
5-7-040	General Regulations.

5-7-010: Purpose.

The purpose of this Chapter is to provide policies, standards, requirements, and procedures to regulate and control the placement, construction, and modification of all telecommunication facilities, but particularly wireless telecommunication towers and facilities as defined herein and ensure that all such facilities are consistent with the General Plan and are constructed and operated in a manner that will promote public health, safety, general welfare and the physical, social and economic development of the area.

5-7-020: Scope.

The provisions of this chapter shall apply to all zoned and un-zoned areas of unincorporated Box Elder County.

5-7-030: Definitions.

As used in this chapter:

- A. **Abandoned:** A tower or project shall be considered abandoned when, once installed fails to operate for 24 months.
- B. **Collocation:** A telecommunications facility includes a single antenna support structure, but more than one telecommunications provider's antennas and telecommunication equipment.

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

- C. **Equipment Enclosure:** A structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communication signals and other telecommunication equipment.
- D. **Height:** The height of a tower measured from natural grade to the tip of the tower or any attached antenna at its highest point.
- E. **Lattice Tower:** A self-supporting multiple-sided, open steel frame structure used to support communication equipment.
- F. **Monopole Facility:** An antenna or series of individual antennas mounted on a single cylindrical pole, including associated equipment.
- G. **Radio/Telecommunications Tower:** A structure intended for transmitting or receiving television, radio or telephone communications that is primarily supported by its own foundation.
- H. **Roof Antenna:** An antenna or series of individual antennas mounted on a flat or pitched roof, mechanical room or penthouse of a building or structure. This facility includes associated equipment.
- I. **Telecommunications Equipment:** Equipment used in a telecommunications facility other than the antenna, antenna support structure or equipment enclosures. Telecommunications equipment may include, but is not limited to, electronic equipment necessary for processing wireless communication signals, air conditioning, backup power supplies and emergency generators.
- J. **Telecommunications Facility:** An unmanned structure which consists of "antennas", "antennas support structures", "telecommunications equipment", and "equipment enclosures", as defined herein, that transmit and/or receive voice and/or data communications through radio signals such as, but not limited to, "cellular" or "PCS" (personal communications system) communications and paging systems, whether commercially or privately operated.
- K. **Utility Structure and Related Facilities:** May include a building/structure that is constructed so as to provide assistance, benefit and aid, directly or indirectly, to a service such as electrical power, light, and forms of communication including telephone, telegraph, fiber optic signals, cellular service for both analog and digital signals, and radio and television signals to name a few. This is not intended to be all inclusive.

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

- L. **Utility Tower:** A structure typically higher relative to surrounding structures that provides a service in the form of electrical power, light, or forms of communication, limited to telephone, telegraph and fiber optic signals. Utility towers do not include towers used exclusively for wireless communications.

5-7-040: General Regulations.

- A. All telecommunications facilities shall comply with federal, state and county regulations.
- B. Collocation is strongly encouraged to minimize the number of antenna support structures by collocation of multiple antennas on a single structure, and by encouraging the location of antennas on preexisting structures.
- C. Comply with the Telecommunications Act of 1996 by establishing regulations that:
1. Do not unreasonably discriminate among providers of functionally equivalent services;
 2. Do not prohibit or have the effect of prohibiting the provision of telecommunications services;
 3. Are not based on any claimed environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions;
 4. Ensure that all utility facilities and structures are located, installed, buffered, screened and maintained in a manner that will minimize the impact of such facilities and structures on nearby landowners and will not adversely affect the rural, agricultural, small town character and scenic beauty of Box Elder County.
- D. Types of Permits:
1. New telecommunications facilities require a Conditional Use Permit;
 2. Collocation on existing structures require an Administrative Conditional Use Permit;
 3. Telecommunications site adjustment requires a Building Permit.
- E. Setbacks: All telecommunication facilities shall be setback at a distance equal to 110% of the total height of the tower from all property lines, inhabited structures, overhead utility lines, and public roads or public right-of-ways.

Box Elder County Land Use Management & Development Code
Article 5: Regulations of General Applicability

- F. Signage: No commercial messages or signage shall be allowed on antenna supports (towers) or equipment, beyond safety warnings and one identification sign which are not greater than four (4) square feet in size.
- G. Fencing: A six (6) foot fence shall be erected around the perimeter of the telecommunication facility site.

ORDINANCE NO. 404

AN ORDINANCE OF BOX ELDER COUNTY AMENDING ORDINANCE NO. 384 RELATING TO THE APPLICABILITY OF THE REQUIREMENTS FOR AUTOMATIC FIRE SPRINKLER SYSTEMS IN RESIDENTIAL DWELLING STRUCTURES BUILT OR MOVED WITHIN BOX ELDER COUNTY.

WHEREAS, Box Elder County adopted Ordinance No. 384 on April 23, 2014 to provide requirements for automatic fire sprinkler systems in the construction of residences to be located within Box Elder County; and

WHEREAS, it has been determined that the current requirements for automatic fire sprinkler systems as set forth in Ordinance No. 384 do not equally apply to the construction and location of all types of similarly situated residential dwelling structures; and

WHEREAS, the Box Elder County Fire Marshall and the Box Elder County Building Inspector have recommended that Ordinance No. 384 be amended to apply the automatic fire sprinkler system requirements to one or two family dwellings and townhomes built or moved within or into Box Elder County, as more fully set forth below; and

WHEREAS, the Box Elder County Commission, after having consulted with the Box Elder County Fire Marshall, the Box Elder County Building Inspector and the Box Elder County Attorney has determined that the amendment to Ordinance No. 384 recommended by the Box Elder County Fire Marshall and the Box Elder County Building Inspector would remedy the existing inequality in the application of the automatic fire sprinkler system requirements; and

WHEREAS, the Box Elder County Commission has further determined that the recommended 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;

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

SECTION 1: Amendment of Ordinance No. 384. Box Elder County Ordinance No. 384 is hereby amended to read in its entirety as follows:

REQUIREMENTS FOR AUTOMATIC FIRE SPRINKLER SYSTEMS IN THE CONSTRUCTION AND LOCATION OF CERTAIN RESIDENTIAL STRUCTURES. The County of Box Elder hereby finds and determines that under certain conditions, an automatic fire sprinkler system shall be installed in one and two family dwellings and townhomes built or moved within or into Box Elder County when any of the following sections apply.

- A. The structure is located in an urban-wildland interface area as provided in the Utah Wildland Urban Interface Code adopted as a construction code under the State Construction Code; and does not meet the requirements described in Utah Code,

Subsection 65A-8-203(3)(a) and Utah Administrative Code, R652-122-200, Minimum Standards for Wildland Fire Ordinance.

- B. The structure is in an area where a public water distribution system with fire hydrants does not exist as required in Utah Administrative Code, R309-550-5, Water Main Design.
- C. The only fire apparatus access road has a grade greater than 10% for more than 500 continual feet.
- D. The water supply to the structure does not provide at least 500 gallons fire flow per minute for a minimum of 30 minutes, if the total square foot living space of the structure is equal to or less than 5,000 square feet.
- E. The water supply to the structure does not provide at least 750 gallons per minute fire flow for a minimum of 30 minutes, if the total square foot living space exceeds 5,000 square feet, but is equal to or less than 10,000 square feet.
- F. The water supply to the structure does not provide at least 1,000 gallons per minute fire flow for a minimum of 30 minutes, if the total square foot living space exceeds 10,000 square feet.

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

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 20th day of May, 2015, by the Board of County Commissioners of Box Elder County, Utah.



Attest:
Maria Young
Maria Young
Box Elder County Clerk

Stan Summers
~~Stan Summers, Chairman~~
Box Elder County Commission