

**MINUTES**  
**BOX ELDER COUNTY COMMISSION**  
**JUNE 03, 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 11:15 a.m. on **June 03, 2015**. The following members were present:

Stan Summers	Commissioner
Jeff Scott	Commissioner
Jeff Hadfield	Commissioner
Marla R. Young	Clerk

The following items were discussed:

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports – Agenda Related
4. Correspondence
5. Approval of Settlement Agreement – Attorney Hadfield

The Administrative/Operational Session adjourned at 11:30 a.m.

The regular session was called to order by Chairman Summers at 11:30 a.m. with the following members present, constituting a quorum:

Stan Summers	Chairman
Jeff Scott	Commissioner
Jeff Hadfield	Commissioner
Marla Young	County Clerk

The prayer was offered by Commissioner Scott.

The Pledge of Allegiance was led by Assessor Rodney Bennett.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF MAY 20, 2015 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SCOTT, SECONDED BY COMMISSIONER HADFIELD. CHAIRMAN SUMMERS ABSTAINED AS HE WAS EXCUSED FROM THE MEETING. THE MOTION CARRIED.**

**AGENDA: ATTACHMENT NO. 1**

**ADMINISTRATIVE REVIEW/REPORTS/FUTURE AGENDA ITEMS – COMMISSION****Conservation District Meeting – Commissioner Hadfield**

Commissioner Hadfield said he attended a great conservation district meeting in Park Valley with nearly 80 people in attendance. He thanked the Selman family and Jeff Kent for providing a great lunch. The group was able to see the work done on the Junipers and the difference it is making on the soil. It is having a good impact on the farmers and ranchers.

**Wind Event – Chairman Summers**

Chairman Summers thanked the sheriff's office for keeping the commission informed of the damages sustained due to high winds and other events that have taken place in the county.

**FORMER AGENDA ITEMS FOLLOW-UP – COMMISSIONERS****Benefit Concert for Honor Flight – Chairman Summers**

Chairman Summers stated they have come to an agreement with NUCOR concerning the benefit concert to fund sending local veterans on an honor flight. NUCOR will fund the event and the county will donate the power and facility. The honor flight will take place in September with fifty spots available for local veterans.

**AWARD BID FOR BULLDOZER AT THE LANDFILL – GINA ALLEN**

Landfill Director Gina Allen stated she met with Road Supervisor Bill Gilson and staff to review the received bids for the landfill bulldozer. It was determined from the review that Wheeler Machinery would be the best bid due to the buyback price. Wheeler Machinery would also be able to offer a wide track for an additional \$11,000. Ms. Allen said even with the addition of a wide track the cost usage is still the least with Wheeler Machinery.

**MOTION:** Commissioner Hadfield made a motion to approve the Caterpillar bulldozer with a wide track from Wheeler Machinery. The motion was seconded by Commissioner Scott and unanimously carried.

*(See Attachment No. 2 – Bids.)*

**ORDINANCE #405/ADMINISTRATIVE CONDITIONAL USE PERMIT PROCESS – SCOTT LYONS**

County Planner Scott Lyons stated Ordinance #405 addresses the process of administrative conditional use permits. It authorizes staff to make decisions if a home business meets the criteria in a checklist, and allows for minor changes without having to go through the whole planning process. There has not been a written process in the past and this ordinance will make it a formally written process instead of assumptions being made. Mr. Scott said the planning commission held a public hearing and forwards their recommendation of approval.

MOTION: Commissioner Scott made a motion to adopt Ordinance #405 Administrative Conditional Use Permit Process. The motion was seconded by Commissioner Hadfield and unanimously carried.

*(See Attachment No. 3 – Ordinance.)*

**ORDINANCE #406/SETBACK EXCEPTIONS IN THE M-G ZONES – SCOTT LYONS**

County Planner Scott Lyons explained Ordinance #406 amends setback regulations in the M-G zones. It will eliminate interior setbacks in those industrial zones if the property is held in the same ownership. It will allow for an interior parcel to have a zero setback. Mr. Scott said a public hearing was held at the planning commission level and they recommend approval.

MOTION: Commissioner Hadfield made a motion to approve Ordinance #406 amending setback exceptions in the M-G zones. The motion was seconded by Commissioner Scott and unanimously carried.

*(See Attachment No. 4 – Ordinance.)*

**UPDATE/USU BRIGHAM BUILDING & REQUEST REDUCED TIPPING FEE – TOM LEE**

Dr. Tom Lee, Dean of USU Brigham City, said they originally wanted to request a reduced tipping fee for the disposal of materials at the landfill. They have found the items for disposal are all recyclable. Dr. Lee updated the commission on the progress on the construction of the new building. He stated there is a ribbon cutting scheduled for December 1, 2015. The building will be turned over to USU in mid-October to do an air flush for a month and install the internet and video conferencing materials. Classes will start in January.

**COMMISSION DECISION ON VOTE-BY-MAIL FOR THE COUNTY – DEANNA HARDY**

DeAnna Hardy of Brigham City asked the commission if they had come to a decision whether the county was going to move to voting entirely by mail.

Chairman Summers stated as long as there is useful life in the voting machines, the county will most likely continue to conduct elections in the current manner. They want the voters to have the best access and to keep the costs low.

Commissioner Scott stated things will change in the future. If voting by mail is the least expensive he wouldn't hesitate to move into that direction. He said he saw a demonstration of new equipment at the recent UAC conference. There will be options to look at in the future. The representation of vote-by-mail is significantly higher and the participation is greater.

Ms. Hardy stated by voting by mail they are not protecting the secret ballot. A lot of polling locations have been taken away. This takes away the citizens' freedom of choice. By mailing a ballot, the ballot is put in jeopardy of being lost or stolen. She has had citizens tell her about fraud and people taking other peoples ballots. She says she has talked to her representatives and the governor and no one is listening to her. Fraud is happening and is not being caught.

Clerk Marla Young said if a voter does not want to vote by mail they may go to any vote center or early voting location. She stated the precincts that are designated to vote by mail will always receive a ballot in the mail. There is not a way for them to opt out of having a ballot sent to them, but they have options to cast their ballot at a vote center or at an early voting location instead of mailing the ballot back. The system will not allow for more than one vote to be cast.

Commissioner Hadfield said there is not a system that is perfect. There are flaws in any system. He knows the clerk's office has made efforts to get a ballot to someone who did not receive their ballot. He has not heard of proof that fraud and other things are a big problem with voting by mail. He said we should use the equipment we have until we no longer can.

#### **VICTIM SERVICES GRANTS – JULIE JACOBSEN/SHIRLENE LARSEN**

Victim Advocate Julie Jacobsen reported on the VOCA grant (Victims Of Crime Act) and VAWA grant (Violence Against Women Act). The VAWA grant pays for the investigator and the VOCA grant pays for victim services. She said their office has applied for a new grant which includes a request for a part-time victim advocate. The increase in crime and victims shows a need for additional services. Since July 2014 to March of 2015, there have been over 208 victims and 900 services and referrals.

Chairman Summers stated there is more crime and things are getting worse. The need for services is great.

#### **WAIVER OF PROPERTY TAX PENALTIES & INTEREST – CODY REEDER**

Cody Reeder of Scenic View Apartments stated he manages about 500 apartment units between Cache County and Box Elder County. He explained that a check for the property taxes on some property in Box Elder County was returned and he was not made aware of it until recently. He has paid the tax portion and is requesting relief of the penalties and interest.

Commissioner Scott said he sympathized with Mr. Reeder and knows it is hard to keep track of many parcels. He said he was concerned with the length of time it has been to clear up the problem and by waiving the penalties and interest, they would be disregarding policy.

Commissioner Hadfield was concerned with setting precedence and did not want to open the flood gates for those with banking issues.

**MOTION:** Commissioner Scott made a motion to deny the waiver of property tax penalties and interest. The motion was seconded by Commissioner Hadfield and unanimously carried.

**TAX SALE PARCEL #02-082-0038 – TOM KOTTER**

Auditor Tom Kotter said parcel # 02-082-0038 went to tax sale. No one purchased the property and the property owner requested the chance to buy it back, but has since changed his mind.

Auditor Kotter explained about another parcel that went to tax sale but did not sell and was struck back to the county. He stated the property owner contacted him questioning why it went to sale because he had made the tax payment. Mr. Kotter said it was a timing difference in the mail system as the owner of record is in Behring. The taxes were delinquent for five years. He asked the commission to review the request for a later decision.

Auditor Kotter stated the tax sale went well and was over in about one and a half hours. There were over 3,000 parcels in the sale.

**APPROVAL OF SETTLEMENT AGREEMENT #15-15 – ATTORNEY HADFIELD**

Attorney Stephen Hadfield explained there was a parcel sold at tax sale but the owner of record was not notified. An agreement was made to grant some parcels of equivalent value, which were donated to the county, to Scott MacKenzie and Kathleen MacKenzie.

MOTION: Commissioner Scott made a motion to approve the settlement agreement with Scott and Kathleen MacKenzie. The motion was seconded by Commissioner Hadfield and unanimously carried.

*(See Attachment No. 5 – Agreement.)*

**RESOLUTION #15-03/RAP TAX – CHAIRMAN SUMMERS**

Attorney Stephen Hadfield said he drafted a resolution stating the county is not implementing a RAP tax this year.

MOTION: Commissioner Hadfield made a motion to approve Resolution #15-03 regarding a RAP Tax. The motion was seconded by Commissioner Scott and unanimously carried.

*(See Attachment No.6 – Resolution.)*

**POLICY UPDATE/SECTION 3: JOB CLASSIFICATION AND WAGE SCALE – JENICA BAGGS**

Human Resource Manager Jenica Baggs stated there have been changes made to section three of the personnel handbook regarding the job classification and wages for a chief deputy position. It clarifies the position is an appointed position and the commission sets the wage.

Commissioner Scott recommended a disclosure be put in the personnel file signed by the employee acknowledging the position is appointed and can be removed at any time.

MOTION: Commissioner Scott made a motion to approve the policy updates for section three of the personnel handbook. The motion was seconded by Commissioner Hadfield and unanimously carried.

### **PUBLIC COMMENT PERIOD**

DeAnna Hardy of Brigham City gave the commissioners articles that showed problems with voting by mail and voting fraud. She thinks there is a lot of fraud but it is not being caught. She urged the commission to keep the traditional polling locations. Ms. Hardy feels the RAP tax is unconstitutional. She said the commissioners took an oath of office and they should abide by that oath.

### **WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 96246 through 96307 in the amount of \$166,003.99. Claims 96308 through 96344 in the amount of \$3,161,443.76.

### **PERSONNEL ACTIONS – COMMISSIONERS**

FIRE DEPT:	Todd Richards, New Hire, Effective 05/27/2015
FIRE DEPT:	Spencer Neman, New Hire, Effective 05/27/2015
ROAD DEPT:	Landon Potter, New Hire, Effective 06/02/2015
SHERIFF'S DEPT:	Lisa Naef, Compensation Change, Effective 06/02/2015
SHERIFF'S DEPT:	Stacy Younger, Compensation Change, Effective 06/02/2015
SHERIFF'S DEPT:	Brody Wells, Transfer/Position Change, Effective 05/18/2015
SHERIFF'S DEPT:	Carolyn Casteel, Compensation Change, Effective 06/05/2015
SHERIFF'S DEPT:	Sandra Barfuss, Compensation Change, Effective 06/18/2015
TREASURER:	Scott Singleton, Compensation Change, Effective 06/01/2015

### **CLOSED SESSION**

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

MOTION: At 12:37 p.m. a motion was made by Commissioner Scott 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 Hadfield and unanimously carried.

MOTION: At 1:13 p.m. a motion was made by Commissioner Scott to reconvene into regular commission meeting. Commissioner Hadfield seconded the motion. The motion carried unanimously and regular commission meeting was reconvened.

Chairman Summers stated personnel items were discussed.

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**ADJOURNMENT**

A motion was made by Commissioner Hadfield to adjourn. Commissioner Scott seconded the motion, and the meeting adjourned at 1:13 p.m.

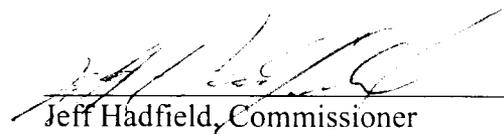
**ADOPTED AND APPROVED** in regular session this 17<sup>th</sup> day of June 2015.



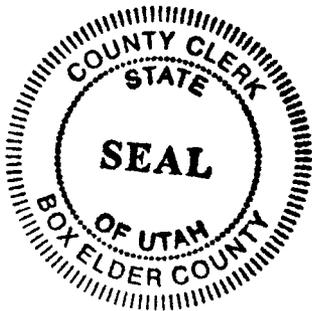
Stan Summers, Chairman



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 **11:15 a.m.** and a regular **Commission Meeting** commencing at **11:30 a.m. Wednesday June 3, 2015** in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah.

Administrative/Operational Session

\*11:15 a.m.

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

\*11:25 a.m.

5. Approval of Settlement Agreement – Attorney Hadfield

- \*11:30 – 11:35 Call to Order: Chairman Summers  
Invocation: Commissioner Scott  
Pledge: Assessor Rodney Bennett  
Approval of Minutes of May 20, 2015.
- \*11:35 – 11:38 Administrative Review/Reports/Future Agenda Items – Commissioners
- \*11:38 – 11:40 Former Agenda Items Follow-Up – Commissioners
- \*11:40 – 11:42 Award Bid for Bulldozer at the Landfill – Gina Allen
- \*11:42 – 11:44 Ordinance #405/Administrative Conditional Use Permit Process – Scott Lyons
- \*11:44 – 11:46 Ordinance #406/Setback Exceptions in the M-G Zones – Scott Lyons
- \*11:46 – 11:51 Update/USU Brigham Building & Request Reduced Tipping Fee – Tom Lee
- \*11:51– 11:56 Commission Decision on Vote-By-Mail for the County – DeAnna Hardy
- \*11:56 – 11:58 Victim Services Grants – Julie Jacobsen/Shirlene Larsen

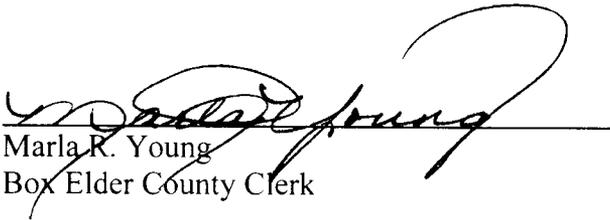
- \*11:58 – 12:03 Waiver of Property Tax Penalties & Interest – Cody Reeder
  - \*12:03 – 12:05 Tax Sale Parcel #02-082-0038 – Tom Kotter
  - \*12:05 – 12:10 Approval of Settlement Agreement – Attorney Hadfield
  - \*12:10 – 12:12 Resolution #15-03/RAP Tax – Chairman Summers
  - \*12:12 – 12:14 Policy Update/Section 3: Job Classification and Wage Scale – Jenica Baggs
  - \*12:14 – 12:24 Public Comment Period  
Rules: (1) Please Speak Only Once (Maximum of 3 Minutes)  
(2) Please Speak in a Courteous and Professional Manner
  - \*12:24 – 12:29 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 11:30 a.m.

Prepared and posted this 29<sup>th</sup> day of May 2015.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 29<sup>th</sup> 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.

# LANDFILL BULL DOZER BID RESULTS 2015

	HONNEN	KOMATSU	CENTURY	WHEELER
MAKE	JOHN DEERE	KOMATSU	CASE	CATERPILLAR
MODEL	750K	D65EX-17	2050M	D6NXL
ALL OF THE MODELS LISTED ABOVE ARE OF COMPARABLE SIZE AND WITHIN THE 44,000LB SIZE				
PRICE	\$271,466	\$331,849	\$314,325	\$288,750
LOWEST	X (\$17,284)			
GUARANTEED BUY BACK AFTER 3YRS/3,000 HOURS				
BUYBACK	\$165,000	\$155,000	\$138,000	\$230,000
BEST				X (\$65,000)
TOTAL COST OF OWNERSHIP UTILIZING BUY BACK OPTION				
COST	\$106,000	\$176,849	\$176,325	\$58,750
OVER 3YR				
LOWEST				X
OVERALL				

We have chosen the CATERPILLAR MODEL D6NXL AT A PURCHASE PRICE OF \$288,750

The landfill is a very harsh environment for equipment. Wear and tear is extreme.

We often have higher maintenance costs which only increase over time .

The generous buyback price given by Wheeler makes the CAT model the best value.

An additional option of a wider 32" LGP track shoe was also offered by Wheeler.

The cost for this option is an additional \$11,200.

The total cost for the D6NXL with the wide track option is \$299,950

The overall price including the wide track option is still the lowest cost.

Cost of ownership for this machine over three years is only \$69,950 .

*Att #2*

**ORDINANCE NO. 405**

**AN ORDINANCE OF BOX ELDER COUNTY AMENDING CHAPTER 2-2, ADMINISTRATIVE & DEVELOPMENT REVIEW PROCEDURES OF THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE ADDING SECTION 2-2-110, ADMINISTRATIVE CONDITIONAL USE PERMIT AND RENUMBERING SECTIONS THEREAFTER.**

**WHEREAS**, a recommendation has been made to amend the Box Elder County Land Use Management & Development Code, Chapter 2-2, Administrative & Development Review Procedures, adding Section 2-2-110, Administrative Conditional Use Permit and renumbering Sections thereafter; 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 May 21, 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 June 3, 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.** Chapter 2-2, of the Box Elder County Land Use Management & Development Code is hereby amended to include a new Section 2-2-110, Administrative Conditional Use Permit to read in its entirety as set forth in Exhibit A and renumbering former Section 2-2-110 and each section thereafter as further set forth in Exhibit A.

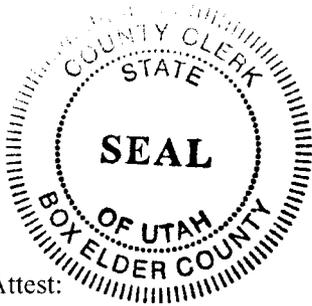
A77#3

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

**PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED** this 3<sup>rd</sup> day of June, 2015, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner Summers  
Commissioner Scott  
Commissioner Hadfield

Voting Aye  
Voting Aye  
Voting Aye



Attest:

Marla Young  
Marla Young  
Box Elder County Clerk

Stan Summers  
Stan Summers, Chair  
Box Elder County Commission

**Box Elder County Land Use Management & Development Code**  
**Article 2 – Administration and Enforcement**

**Chapter 2-2 – Administrative and Development Review Procedures**

**Sections.**

- 2-2-110. Administrative Conditional Use Permit.
- 2-2-120. Site Plan Review. (Updated Ordinance 308)
- 2-2-130. Variances.
- 2-2-140. Building Permit.
- 2-2-150. Nonconformities.

**2-2-110. Administrative Conditional Use Permit.**

- A. **Purpose.** This section sets forth procedures for considering and approving Administrative Conditional Use Permits.
- B. **Authority.** The Zoning Administrator or a designee is authorized to issue Administrative Conditional Use Permits as provided in this section.
- C. **Initiation.** A property owner may request an Administrative Conditional Use Permit as provided in this section. An Agent of a property owner shall provide a notarized authorization.
- D. **Procedure.** An application for an Administrative Conditional Use Permit shall be considered and processed as provided in this subsection.
  - 1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the Administrator along with any fee established by the County's schedule of fees. The application shall include at the least the following information:
    - a. The name, address and telephone number of the applicant and the applicant's agent, if any;
    - b. The address and parcel identification of the subject property.
    - c. The Zone, Zone boundaries and present use of the subject property;
    - d. A description of the proposed Administrative Conditional Use;
    - e. A plot plan showing the following:
      - 1) Applicant's name;
      - 2) Site address;

# Box Elder County Land Use Management & Development Code

## Article 2 – Administration and Enforcement

- 3) Property boundaries and dimensions;
  - 4) Layout of existing and proposed buildings, parking, and utilities; and
  - 5) Adjoining property lines and uses within one hundred (100) feet of the subject property.
  - f. Traffic impact analysis, if required by the County Engineer, Zoning Administrator, or the Planning Commission;
  - g. A statement by the applicant demonstrating how the Administrative Conditional Use Permit request meets the approval standards of Subsection 2-2-110 D of this Section;
  - h. Such other and further information or documentation as the Zoning Administrator may reasonably deem necessary for proper consideration and disposition of a particular application.
2. After the application is determined to be complete, the Zoning Administrator shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Section 2-2-110 E of this Section.
  3. A record of all Administrative Conditional Use Permits shall be maintained in the office of the Zoning Administrator.
- E. **Approval Standards.** The following standards shall apply to the issuance of an Administrative Conditional Use Permit.
1. An Administrative Conditional Use Permit may be issued only when it is allowed for by a provision of the Box Elder County Land Use Management & Development Code.
  2. Conditions may be imposed as necessary to prevent or minimize adverse effects upon the character of the site, adjacent properties, surrounding neighborhoods, and other existing development; improvements in the vicinity of a conditional use, upon the County as a whole, or upon public facilities and services. Such conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, traffic impacts, parking, hours of operation, emission of odors, light, and noise, and other matters relating to the purposes and objectives of this Code. Such conditions shall be expressly set forth in the approval authorizing an Administrative Conditional Use Permit.
  3. No Administrative Conditional Use Permit shall be authorized unless the evidence presented establishes:

# Box Elder County Land Use Management & Development Code

## Article 2 – Administration and Enforcement

- a. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the community, or injurious to property or improvements in the community, existing surrounding uses, buildings and structures;
  - b. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
  - c. The proposed use at the particular location is compatible with the intent, function and policies established in the general plan, this Code and the particular zoning district in which the use is proposed.
4. The Zoning Administrator may request additional information as may be reasonably needed to determine whether the requirements of this subsection can be met.
5. The following factors should be reviewed and considered in determining whether an Administrative Conditional Use Permit application should be approved, approved with conditions, or denied:
- a. The proposed use will comply with the regulations and conditions specific in this code for such use.
  - b. Conditions relating to safety of persons and property:
    - 1) The impact of the proposed facility or use on the health, safety, and welfare of the County, the area, and persons owning or leasing property in the area;
    - 2) The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area;
    - 3) Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding;
    - 4) Increased setback distances from lot lines where the Zoning Administrator determines it to be necessary to ensure the public safety;
    - 5) Appropriate design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault or other seismic hazard, which may exist on or near the property, and limitations and/or restrictions to use and/or location of use due to site conditions, including but not limited to wetlands, flood plains or landslide area.
  - c. Conditions relating to the compatibility of the use:
    - 1) The suitability of the specific property for the proposed use;
    - 2) The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
    - 3) Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;

# Box Elder County Land Use Management & Development Code

## Article 2 – Administration and Enforcement

- 4) The number of other similar conditional uses in the area and the public need for the proposed conditional use.
  - d. Conditions relating to health and safety
  - e. Conditions relating to environmental concerns
  - f. Conditions relating to compliance with intent of the General Plan and characteristics of the zone district
  - g. The aesthetic impact of the proposed facility or use on the surrounding area;
  - h. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;
  - i. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
  - j. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;
- F. Appeal.** Any person adversely affected by a final decision of the Zoning Administrator regarding the transfer, issuance or denial of an Administrative Conditional Use Permit, may appeal that decision to the Hearing Officer as provided in Section 2-1-180 of this Code.
- G. Effect of Approval.** An Administrative Conditional Use Permit shall not relieve an applicant from obtaining any other authorization or permit required under this Code or any other Code of the Box Elder County Code and other applicable provisions of the Box Elder County Code.
1. An Administrative Conditional Use Permit may be transferred so long as the use conducted there under conforms to the terms of the permit.
  2. Unless otherwise specified by the Zoning Administrator and subject to the provisions relating to amendment, revocation or expiration of an Administrative Conditional Use Permit, an Administrative Conditional Use Permit shall be of indefinite duration and shall run with the land so long as the use continues.
- H. Amendment.** The procedure for amending an Administrative Conditional Use Permit shall be the same as the original procedure set forth in this section.
- I. Revocation.** An Administrative Conditional Use Permit may be revoked as provided in Section 2-4-070 of this Code.
1. In addition to the grounds set forth in Section 2-4-070 B of this Code, any of the following shall be grounds for revocation:

# Box Elder County Land Use Management & Development Code

## Article 2 – Administration and Enforcement

- a. The use for which a permit was granted has ceased for one (1) year or more;
  - b. The holder or user of a permit has failed to comply with the conditions of approval or any County, State, or Federal law governing the conduct of the use;
  - c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan or map; or
  - d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a Court of competent jurisdiction in any civil or criminal proceeding.
2. No Administrative Conditional Use Permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Zoning Administrator and show cause as to why the permit should not be amended or revoked. Revocation of a permit shall not limit the County's ability to initiate or complete other legal proceedings against the holder or user of the permit.
- J. Expiration. A conditional use permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within one hundred eighty (180) days after approval, not substantially completed within two (2) years, or if abandoned.

**2-2-1420. Site Plan Review. (Ordinance 308)**

**2-2-1230. Variances.**

**2-2-1340. Building Permit.**

**2-2-1450. Nonconformities.**

**ORDINANCE NO. 406**

**AN ORDINANCE OF BOX ELDER COUNTY AMENDING SECTION 3-4-080, REGULATIONS FOR USES OF THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE AMENDING SETBACKS REGULATED IN SECTION 3-4-080-2.**

**WHEREAS**, a recommendation has been made to amend the Box Elder County Land Use Management & Development Code, Section 3-4-080, Regulations for Uses, amending Section 3-4-080-2, Area, Width, Frontage, Yard & Coverage Regulations and renumbering Sections thereafter; 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 May 21, 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 June 3, 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:

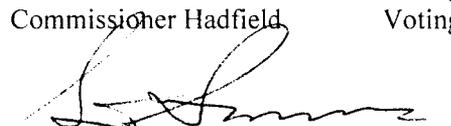
**SECTION 1: Ordinance Text Amendment**, Section 3-4-080, of the Box Elder County Land Use Management & Development Code is hereby amended to change Section 3-4-080-2, Area, Width, Frontage, Yard & Coverage Regulations to read in its entirety as set forth in EXHIBIT A

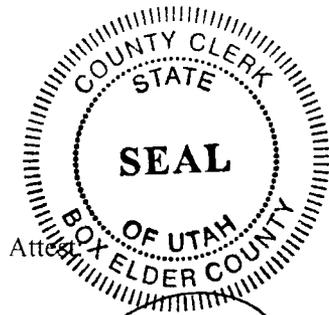
A11 #4

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

**PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED** this 3 day of June, 2015, by the Board of County Commissioners of Box Elder County, Utah,

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

  
\_\_\_\_\_  
Stan Summers, Chair  
Box Elder County Commission



Attest

  
\_\_\_\_\_  
Marla Young  
Box Elder County Clerk

EXHIBIT A

**Box Elder County Land Use Management & Development Code**

**Article 3: Zoning Districts**

<b>3-4-070-38</b>	<b>UTILITIES (Ordinance 301)</b>							
<b>3-4-070-39</b>	<b>COMMUNICATION (Ordinance 301)</b>							
<b>3-4-070-39.1</b>	Radio & Television Facilities	C	C	C	C	C	C	C
<b>3-4-070-39.2</b>	Telephone & Telegraph	C	C	C	C	C	C	C
<b>3-4-070-39.3</b>	Cable Television	C	C	C	C	C	C	C
<b>3-4-070-40</b>	<b>UTILITIES LINES &amp; RIGHTS-OF-WAY (Ordinance 301)</b>							
<b>3-4-070-40.1</b>	Culinary Water	C	C	C	C	P	P	C
<b>3-4-070-40.2</b>	Electricity (substations of facilities for)	C	C	C	C	C	C	C
<b>3-4-070-40.3</b>	Irrigation Water	C	C	C	C	C	C	C
<b>3-4-070-40.4</b>	Natural Gas	C	C	C	C	C	C	C
<b>3-4-070-40.5</b>	Pipelines (oil & gas transmission)	C	C	C	C	C	C	C
<b>3-4-070-41</b>	<b>OTHER FACILITIES (Ordinance 301)</b>							
<b>3-4-070-41.1</b>	Sewage Disposal	-	-	-	-	-	C	-
<b>3-4-070-41.2</b>	Solid Waste	-	-	-	-	-	C	-

**3-4-080. Regulations for Uses.**

		C-N	C-S	C-H	C-G	M-FP	M-G	C-E
<b>3-4-080-1</b>	<b>HEIGHT REGULATIONS</b>							
<b>3-4-080-1.1</b>	The Maximum Height for all buildings & Structures in districts regulated by this Chapter shall Be:							
	In Feet	35	35	35	35	75	75	35
	In Number of Stories	2 ½	3	3	3	7	7	3
<b>3-4-080-1.2</b>	In Structures with more than 2 ½ stories Fire Protection Design, Evacuation Facilities, and Automatic Fire Sprinkling Systems will be Required to mitigate the additional potential Of Loss of Life and/or Property.							
<b>3-4-080-2</b>	<b>AREA, WIDTH, FRONTAGE, YARD &amp; COVERAGE REGULATIONS</b>							
<b>3-4-080-2.1</b>	The Minimum depth and/or length for yards in the Districts regulated by this Chapter shall Be:							
<b>Ordinance 354</b>	Front yard for Manufacturing Distribution Structures	25	25	25	25	150	25	25
	Front Yard	25	25	25	25	25	25	25

# Box Elder County Land Use Management & Development Code

## Article 3: Zoning Districts

	Side Yards	10	10	10	10	10	10	10
	Rear Yard	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
	<u>Internal Setbacks on parcels under same ownership</u>	=	=	=	=	=	<u>0</u>	=
<b>3-4-080-2.2</b>	The Minimum Depth and/or length for Yards in the Districts Regulated by this Chapter shall be:							
<b>Ordinance 354</b>	Front Yard for Manufacturing & Distributing Structures	-	-	-	-	150	-	-
	Front Yard	25	25	25	25	25	25	25
	Rear Yard	20	20	20	20	20	20	20
	Side Yard	10	10	10	10	10	10	10
		<b>C-N</b>	<b>C-S</b>	<b>C-H</b>	<b>C-G</b>	<b>M-FP</b>	<b>M-G</b>	<b>C-E</b>
	Except as Determined by Conditional Use Permit	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
<b>3-4-080-2.32</b>	Minimum Setback Distance Between Structures and:							
	Surface Water that is Down Gradient From Proposed Structure Site	-	-	-	-	800	-	-
	Any Other Surface Water	-	-	-	-	500	-	-
	Residential Zoning Districts	-	-	-	-	150	-	-
<b>3-4-080-3</b>	<b>IMPROVEMENTS REQUIRED TO BE COMPLETED OR IN PROGRESS BEFORE A BUILDING PERMIT MAY BE ISSUES.</b>							
	(Improvements are to be in compliance with the standards adopted by Box Elder County. Improvement prefaced with an [*] are applicable only to subdivisions or planned unit developments.)							
<b>3-4-080-3.1</b>	Street Grading	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
<b>3-4-080-3.2</b>	Street Base	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
<b>3-4-080-3.3</b>	Street Paving	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
<b>3-4-080-3.4</b>	Curb & Gutter	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
<b>3-4-080-3.5</b>	Sidewalk	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
<b>3-4-080-3.6</b>	Fire Fighting Facilities	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
<b>3-4-080-3.7</b>	Street Name & Traffic Signs	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
<b>3-4-080-3.8</b>	Street Monuments	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>

**SETTLEMENT AGREEMENT**

*#15-15*

This Settlement Agreement (“Agreement”) is entered into by and between the following parties (“Parties”): SCOTT MACKENZIE and KATHLEEN MACKENZIE, husband and wife, of 1445 Kirston Street, Reno, Nevada (“MacKenzies”); and BOX ELDER COUNTY, a political subdivision of the State of Utah (“County”).

**Recitals**

- A. On May 24, 2012, a tax sale was held by County with respect to certain real property located in Box Elder County and identified as Tax Parcel No. 01-009-0145 (the “Property”), after which a Tax Deed was provided by the County to Babylon Holdings, LLC.
- B. At the time of the tax sale, MacKenzies were the record owners of the Property. As a result of a mistaken change of address on its computer system, County did not provide proper notice of the tax sale to MacKenzies prior to the tax sale, and the Property was sold and conveyed without MacKenzies knowledge or consent. Upon learning that the Property had been sold at tax sale, MacKenzies notified County.
- C. In an effort to compensate MacKenzies for the loss of the Property, and in settlement of MacKenzies’ claims against the County, County is willing to convey to MacKenzies five (5) separate parcels of real property currently owned by County.
- D. As compensation for the Property and in settlement of their claims against County, MacKenzies are willing to accept from County the conveyance of five (5) separate parcels of real property from County to MacKenzies.
- E. MacKenzies and County have agreed to enter into this Settlement Agreement to set forth the specific terms of their agreement and to resolve all of MacKenzies’ claims against County.

### Terms

For good and valuable consideration, the sufficiency of which is hereby acknowledged by the Parties, and intending to be legally bound hereby, the Parties agree to the foregoing Recitals and to the following terms:

1. Conveyance of Parcels from County to MacKenzies. County shall, by Quitclaim Deed as set forth in Exhibit "A", convey and transfer to MacKenzies the five parcels of real property currently identified as Tax Parcel Nos. 02-060-001, 02-060-0012, 02-060-0013, 02-060-0014 and 02-060-0008 and more specifically described in Exhibit "A". As these parcels were donated to County, County cannot and does not make any representations or warranties as to the nature of the properties, access to the properties, resources available to and/or on the properties, water rights, mineral rights, encumbrances and/or any claims upon the properties, or anything else relating to the properties. MacKenzies shall take the properties "as is", and shall assume full responsibility for any defects or deficiencies in the properties.

2. MacKenzies' Release of Claims against County. In exchange for the conveyance of the parcels set forth in Exhibit "A" from County to MacKenzies, MacKenzies, on behalf of themselves, and their respective heirs, agents, and assigns, do hereby fully and irrevocably release and forever discharge County and its respective agents, employees, attorneys, insurers, trustees, and assigns, from any and all claims, duties, rights, obligations, and causes of action of any and every kind, known or unknown, at law or in equity, which the undersigned now has or which may hereafter accrue on account of or in any way growing out of any and all known and unknown, foreseen and unforeseen bodily and personal injuries and property damage and the consequences thereof resulting or to result from the County's sale of the Property at the May 24, 2012 tax sale.

MacKenzies represent and warrant that they have not transferred or assigned any of their rights in connection with this release of claims.

3. Execution and Delivery of Quitclaim Deed by MacKenzies. For the purpose of removing any cloud on the Property associated with the May 24, 2012 tax sale which was not properly noticed, and the subsequent conveyance of the Property by Tax Deed, MacKenzies shall, by Quitclaim Deed as set forth in Exhibit "B", convey and transfer to the current record owner the Property as more specifically described in Exhibit "B". The executed Quitclaim Deed shall be delivered to County for recording at the Box Elder County Recorder's Office.

4. No Admissions of Liability. The Parties hereby agree that the releases contained herein, and any and all of the terms of this Agreement (including the recitals), have been agreed to for the purpose of resolving the MacKenzies' claims against County, and are not intended, nor shall they be construed, as an admission of fault, liability, or responsibility by any party, or representative, agent or affiliate of any party, on any claim or potential claim whatsoever. By entering into this Agreement, neither MacKenzie nor County admit to any liability or wrongdoing.

5. Fees and Expenses. The Parties shall bear their own respective costs and expenses, including attorneys' fees, incurred in connection with the matters set forth in this Agreement.

6. Entire Agreement. The Parties agree and acknowledge that this Agreement constitutes the entire agreement between the Parties relative to the subject matter hereof. Any prior or contemporaneous negotiations, correspondence, or understandings relative to the subject matter hereof shall be deemed to be integrated into this Agreement and shall be of no further force or effect. Each party affirmatively represents to the other that they have not relied on any

representations of any nature made by the other. This Agreement may not be amended or modified except in a subsequent writing executed by the Parties.

7. Interpretation. The section headings contained in this Agreement are for purposes of reference only and shall not limit, expand, or otherwise affect the construction of any provisions of this Agreement. This Agreement shall bind and inure to the benefit of the Parties hereto and their respective agents, successors, and assigns. The wording of this Agreement represents the wording selected by the Parties, each having had the benefit of independent legal counsel, to define their mutual agreement and shall not be strictly construed against any Party, but according to the fair and generally accepted meaning of all terms and words.

8. Valid and Enforceable Contract. The Parties agree that this Agreement is a valid and enforceable contract. No Party shall challenge or contest the validity or enforceability of this Agreement or any of its provisions.

9. Execution. The persons signing below represent that they are duly authorized to execute this Agreement for and on behalf of the Party for whom they are signing. A facsimile or PDF copy of the signature shall be as valid as an original.

10. Counterparts. This Agreement may be executed in one or more counterparts, all of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

**AGREED TO AND ACCEPTED BY:**

By:   
Scott MacKenzie

Date: April 24, 2015

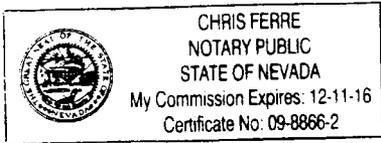
STATE OF Nevada )

SS

COUNTY OF Washoe )

BEFORE ME THE UNDERSIGNED, a Notary Public, within and for said State and County, on this 24 day of April, 2015, personally appeared Scott MacKenzie, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the instrument as a free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



Chris Ferre  
Notary Public

By: Kathleen MacKenzie  
Kathleen MacKenzie

Date: 24 April, 2015

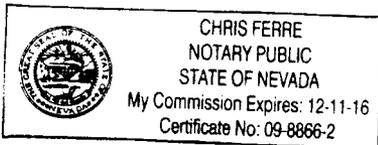
STATE OF Nevada )

SS

COUNTY OF Washoe )

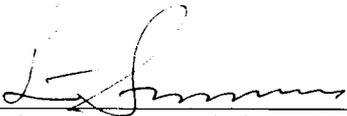
BEFORE ME THE UNDERSIGNED, a Notary Public, within and for said State and County, on this 24 day of April, 2015, personally appeared Kathleen MacKenzie, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the instrument as a free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



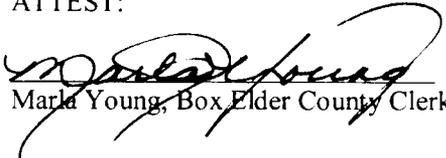
Chris Ferre  
Notary Public

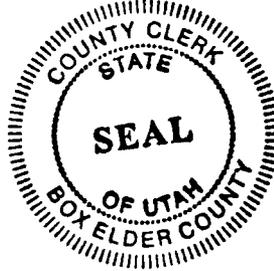
BOX ELDER COUNTY

By:   
Stan Summers, Commissioner Chair

Date: June 3, 2015

ATTEST:

  
Marla Young, Box Elder County Clerk



**EXHIBIT "A"**

WHEN RECORDED MAIL TO:  
**SCOTT AND KATHLEEN MACKENZIE**  
**1445 KIRSTON STREET**  
**RENO, NEVADA 89503**

**QUIT CLAIM DEED**

**BOX ELDER COUNTY, GRANTOR, OF 01 SOUTH MAIN STREET, BRIGHAM CITY, STATE OF UTAH, HEREBY GRANTS, CONVEYS AND FOREVER QUIT CALIMS TO:**

**SCOTT MACKENZIE AND KATHLEEN MACKENZIE, HUSBAND AND WIFE, AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP, GRANTEEES , OF 1445 KIRSTON STREET, RENO, NEVADA 89503**

THE FOLLOWING DESCRIBED TRACTS OF LAND IN BOX ELDER COUNTY, STATE OF UTAH:

02-060-0001

Northwest Quarter of the Northeast Quarter of Section 19 Township 8 North Range 18 West Salt Lake Base and Meridian.

02-060-0012

Northeast Quarter of the Northeast Quarter of Section 19 Township 8 North Range 18 West Salt Lake Base and Meridian.

02-060-0013

Southeast Quarter of the Northeast Quarter of Section 19 Township 8 North Range 18 West Salt Lake Base and Meridian.

02-060-0014

Northeast Quarter of the Southeast Quarter of Section 19 Township 8 North Range 18 West Salt Lake Base and Meridian.

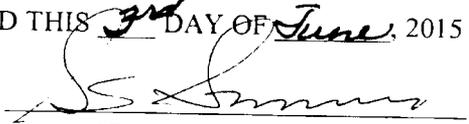
02-060-0008

Northwest Quarter of the Southeast Quarter of Section 19 Township 8 North Range 18 West Salt Lake Base and Meridian.

DATED THIS 3rd DAY OF June, 2015

ATTEST:

  
MARLA YOUNG  
BOX ELDER COUNTY CLERK

  
STAN SUMMERS, CHAIRMAN  
BOX ELDER COUNTY COMMISSION

State of Utah            )  
                                  : SS.  
County of Box Elder )

BEFORE ME, THE UNDERSIGNED, a Notary Public, within and for said State and County, on this 3rd day of June, 2015, personally appeared Stan Summers, the Chairman of the Box Elder County Commission, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the entity upon behalf of which the person acted, executed the instrument as a free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



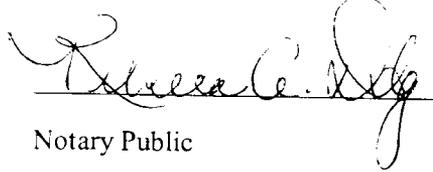
  
Notary Public

EXHIBIT "B"

WHEN RECORDED MAIL TO:  
**RANDY SIDHU**  
**2571 STRATHMORE CRESCENT**  
**MISSISSAUGA ONTARIO L5M 5L1 CANADA**

**QUIT CLAIM DEED**

**SCOTT MACKENZIE AND KATHLEEN MACKENZIE, HUSBAND AND WIFE,**  
GRANTORS, OF 1445 KIRSTON STREET, RENO, NEVADA 89503, HEREBY GRANT,  
CONVEY AND FOREVER QUIT CALIM TO:

**6946267 CANADA CORPORATION, GRANTEE ,** OF C/O RANDY SIDHU 2571  
STRATHMORE CRESCENT  
MISSISSAUGA ONTARIO L5M 5L1 CANADA

THE FOLLOWING DESCRIBED TRACT OF LAND IN BOX ELDER COUNTY, STATE OF  
UTAH:

01-009-0145

Southeast Quarter of the Southeast Quarter of Section 27 Township 5 North Range 18 West Salt  
Lake Base and Meridian.

*This Quitclaim Deed is being recorded by Grantors in Connection with the Grantors' settlement  
of a claim that this parcel was improperly sold at a tax sale when the Grantors were the record  
owners of the parcel. It is intended to remove any cloud on the title or claim that Grantors have  
any interest in this parcel and convey any and all interest of the Grantors to the current owners  
of record of this parcel.*

DATED THIS 24 DAY OF April, 2015

  
SCOTT MACKENZIE

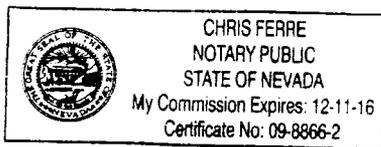
  
KATHLEEN MACKENZIE

State of Nevada )

County of Washoe ) : SS.

BEFORE ME THE UNDERSIGNED, a Notary Public, within and for said State and County, on this 24 day of April, 2015, personally appeared Scott Mackenzie and Kathleen Mackenzie, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same as a free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



Chris Ferre  
Notary Public

**RESOLUTION NO. 15-03**

**A RESOLUTION OF THE BOX ELDER COUNTY COMMISSION DECLARING THAT BOX ELDER COUNTY WILL NOT PURSUE THE IMPLEMENTATION PROCESS OF IMPOSING A 1/10<sup>TH</sup> OF 1% SALES AND USE TAX FOR THE PURPOSE OF FUNDING RECREATIONAL AND CULTURAL FACILITIES AND ORGANIZATIONS (ALSO KNOWN AS THE "RAP TAX") THIS YEAR AND WILL NOT SUBMIT AN OPINION QUESTION TO THE RESIDENTS OF BOX ELDER COUNTY ON THE ISSUE THIS YEAR.**

WHEREAS, §59-12-701 thru §59-12-709 of the Utah Code known as "County Option Funding for Botanical, Recreational and Zoological Organizations or Facilities" authorizes Box Elder County to impose a 1/10<sup>th</sup> of 1% sales and use tax for the purpose of funding recreational and cultural facilities and organizations (also known as the "RAP tax"); and

WHEREAS, in order to implement said tax, Box Elder County would be required to submit an opinion question to the residents of Box Elder County during an election process; and

WHEREAS, the Box Elder County Commission has reviewed and discussed the possibility of pursuing implementation of a RAP tax in Box Elder County this year and has found and determined that there is no appropriate reason to pursue the implementation of a RAP tax in Box Elder County this year; and

WHEREAS, the Box Elder County Commission has further determined that the municipalities located within Box Elder County should be made aware that Box Elder County will not be seeking to implement a RAP tax in Box Elder County this year so that these municipalities have a fair and reasonable opportunity to determine whether or not they want to pursue the implementation of a RAP tax within their respective municipal jurisdictions;

**NOW THEREFORE, BE IT RESOLVED** by the County Legislative Body of Box Elder County, State of Utah, with 3 members present and 3 members voting in favor thereof, as follows:

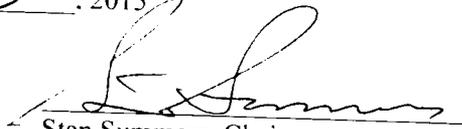
1. Box Elder County will not pursue the implementation of a 1/10<sup>th</sup> of 1% sales and use tax for the purpose of funding recreational and cultural facilities and organizations (also known as the "RAP tax") this year, as authorized by §59-12-

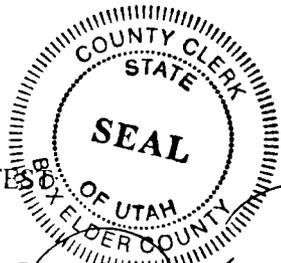
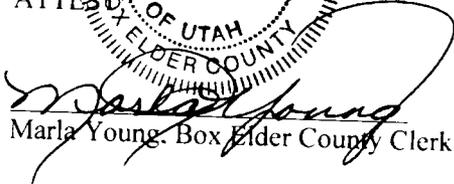
A77 #6

701 thru §59-12-709 of the Utah Code known as "County Option Funding for Botanical, Recreational and Zoological Organizations or Facilities".

2. Box Elder County will not submit an opinion question to the residents of Box Elder County this year on the issue of implementing a 1/10<sup>th</sup> of 1% sales and use tax for the purpose of funding recreational and cultural facilities and organizations (also known as the "RAP tax") this year, as authorized by §59-12-701 thru §59-12-709 of the Utah Code known as "County Option Funding for Botanical, Recreational and Zoological Organizations or Facilities"

**ADOPTED AND APPROVED** in regular session of the Box Elder County Commission this 3<sup>rd</sup> day of June, 2015

  
Stan Summers, Chairman  
Box Elder County Commission

  
ATTEST  
  
Marla Young, Box Elder County Clerk