



Hansen and Associates, Inc.
Consulting Engineers & Land Surveyors

November 19, 2015

TO: Box Elder County Planning Commission

Subject: Application Z15-015

Dear Box Elder County Planning Commissioners,

My understanding is that tonight you will be considering removing Chapter 4.3 – Planned Unit Development (PUD) Overlay from the Code per Application Number Z15-015. I would urge you to table/continue this item. As will be shown below, there is no pending deluge of PUD subdivision applications that would precipitate a need to remove the section while further studying PUD benefits / consequences over the next few months. In reality, a more productive focus might be to consider adopting standards for un-zoned portions of the County.

Historical County Subdivisions

I did a quick review on the Box Elder County website for Planning Commission agendized subdivisions for the past four years. With the exception of various activities in South Willard, here is a tabulation of what I found:

2012

Fred Manning Subdivision: 3 lots, Tremonton area, zoning: RR-5
Annie's Landing: 9 lots, South Willard, zoning: not sure

2013

No subdivisions were approved that proceeded to recordation!
Nelson 2-lot subdivision in Tremonton and Roche Ranch subdivision in Riverside were withdrawn (not further pursued) for various reasons. Mitton Peak Estates 8-lot subdivision was approved but was not financially feasible.

2014

Burton Subdivision: 3 lots, Thatcher area, zoning: un-zoned
Kimber Subdivision: 3 lots, Grouse Creek area, zoning: un-zoned
Valley Investment CUP in South Willard

2015

Riverbend Estates: 16 lots, Riverside area, zoning: un-zoned
Cutler: 11 lots, Bear River City area, zoning: RR-20 – withdrawn
Mitton Peak Estates: 17 lots, Harper Ward area, zoning: R-5/PUD
Millar: 5 lots, Tremonton area, zoning: un-zoned

Brookside Estates: 4 lots, Fielding area, zoning: un-zoned

There are several observations:

- (1) There simply aren't many residential subdivisions that are submitted/approved in Box Elder County on an annual basis. Generally they can be counted on one hand.
- (2) There aren't a deluge of PUD's in the R-5/RR-5 zones submitted.
- (3) Un-zoned subdivisions appear to outnumber subdivisions in zoned areas.

Due to these facts, there isn't a factual basis for alarm/worry about a need for imminent action to remove the PUD Overlay section. The PUD fear is more perceived than real.

PUD Overlay vs. Un-Zoned

This year has seen a classic (perhaps ironic) situation of approved subdivisions in un-zoned areas having less stringent mandates than a PUD subdivision (Mitton Peak Estates). The Riverbend and Millar subdivisions had narrower and smaller lots than Mitton Peak Estates. Those two subdivisions certainly didn't have any Open Space dedications. **The ironic point is that a typical subdivision in an un-zoned area is in reality a PUD-like subdivision, only less stringent than a PUD!!!** The Planning Commission has less say/influence on these subdivisions. Again, ironic as it is, these un-zoned subdivisions at face value would have more potential for creating a negative flavor than a PUD that comes under close scrutiny. The norm for un-zoned subdivisions seems to be to encompass lots as small as ½ to ¾ acre. I mention this for perspective: un-zoned properties would have a much higher tendency for 'abusing' the spirit and intent of traditional rural zoning than a PUD.

PUD / Cluster morality

In most climes across the country PUD or cluster subdivisions are hailed as good planning. Vast unproductive, not-maintainable areas of lots are eliminated and farmland can be better grouped for a rural family without having to make divisions across cropland areas. Net density is not increased, but open space is. At the last meeting of Mitton Peak Estates there was a parting comment from a resident that implied that there was something morally wrong in approving a PUD-cluster-based subdivision. Ironically, in most climes I've worked in, it's been strongly advanced that the exact opposite is true. Productive farmland and open space are maintained/preserved. The PUD-cluster concept needs to be understood on it's true merits, not dismissed because of an emotional statement from an unfamiliar party as to the benefits.

My fear is that the basis of the action tonight is out of a philosophy that 'PUD's just aren't good.' There may be a very slow-moving appetite to restore them in Box Elder County. I suggest leaving the ordinance in place while vetting correctional and improving action, then improving the PUD Overlay section with an ordinance update. Done properly, PUD's can be a real benefit to the citizens of Box Elder County. Interestingly, farmers/ranchers would have better options for family members to 'live on the farm'; communities could better craft open space view matters, proximity buffering, maintainable lots, etc. Thank you for your time and consideration.

Respectfully,



Jim Flint

Box Elder County Land Use Management & Development Code

Article 6: Subdivisions

Chapter 6-1 – Subdivisions (Ordinance 340)

Sections.

6-1-120. ~~Concept Plan.~~ Administrative Review of Small Subdivisions.

6-1-030. Definitions.

~~Concept Plan: A concept drawing drawn to scale presented prior to the preliminary plat for subdivisions to enable the subdivider to reach general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations and to receive guidance as to the requirements for subdivisions within the County.~~

Small Subdivision: means a subdivision of not more than ~~two (2)~~ three (3) lots.

Streets:

- J. Street, Cul-de-sac – Regulations found in Article 5, Exhibit A. ~~A minor terminal street provided with a turn-around where the maximum length is six hundred (600) feet from centerline of intersecting street to center of cul-de-sac.~~

6-1-050. General Responsibilities.

- A. The subdivider shall prepare ~~concept plans and~~ plats consistent with the standards contained herein and shall pay for the design, construction and inspection of the public improvements required. The County shall process said plans and plats in accordance with the regulations set forth herein. The subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until subdivider has obtained the necessary approvals as outlined herein.

6-1-060. Compliance Required.

- G. Exceptions to plat requirement. Public utility subdivision. The subdivision of land for the purpose of a public utility may be done by a meets and bounds description that is approved by the Zoning Administrator and recorded in the County Recorder's Office. The parcel designated for public utilities in a public utility subdivision may have less than the minimum lot area required by the applicable zone. Legal non-conforming parcels shall not lose their legal status if a public utility subdivision is necessary on said parcel.

Box Elder County Land Use Management & Development Code

Article 6: Subdivisions

6-1-070. Required Certificates, Permits, and Reviews.

- A. **Application:** Applications for each of the separate stages of subdivision approval (~~concept plan~~ **administrative review of small subdivisions**, preliminary plat, and final plat) shall be made to the County's Community Development Department. Applications shall be made on the respective forms provided and shall be accompanied by the proper fee and by the documents and information required by this Code.

6-1-100. Staff Authority.

For purposes of this Code, the Zoning Administrator and all other officers and employees of the County act in an advisory capacity to the County Commission and have no authority to make binding decisions or to make authoritative representations, approvals or determinations other than in a purely advisory and recommending capacity, **unless provided for otherwise in the Box Elder County Land Use Management & Development Code.**

6-1-120. ~~Concept Plan.~~ **Administrative Review of Small Subdivisions.**

- ~~A. **Concept Plan.** A concept plan shall be required of all sub-dividers except as otherwise noted in this section. Concept plan review provides the subdivider with an opportunity to consult with and receive assistance from the County regarding the regulations and design requirements applicable to the proposed subdivision of property. The applicant or applicant's duly authorized agent shall submit an application to the County Community Development Department for subdivision concept plan review in accordance with the provisions of this Chapter, together with the appropriate application fee as set forth in the County Fee Schedule.~~
- ~~B. **Submission.** A concept plan shall be drawn to scale not smaller than 100 feet to the inch, and shall show a north arrow. The subdivider shall submit three (3) copies 24" x 36", one (1) copy 11" x 17", and a 24" X 36" pdf file of the proposed subdivision concept plan drawn to scale to the County Community Development Department.~~
- ~~C. All required documentation shall be submitted at lease twenty (20) business days (i.e., the third Thursday of each calendar month) prior to the Planning Commission meeting.~~
- ~~D. The proposed concept plan shall include the following items:~~
- ~~1. The proposed name of the subdivision;~~
 - ~~2. A vicinity plan showing significant natural and manmade features on the site and within 500 feet of any portion of it; the property boundaries of the~~

Box Elder County Land Use Management & Development Code

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~~proposed subdivision and adjacent properties; the names of adjacent property owners, public facilities, location and size of public utilities, public and private easements, existing survey monuments;~~

- ~~3. An aerial map at a scale of 1"=100' or other competent base map showing the area within ¼ mile of the project boundaries topographic contours at no greater interval than five feet;~~
- ~~4. A proposed lot and street layout.~~
- ~~5. A description of the type of culinary and irrigation water system(s) proposed; also, documentation of water rights and secondary water shares.~~
- ~~6. A description of the size and location of sanitary sewer or septic tanks, and storm water drain lines and subsurface drainage.~~
- ~~7. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA.~~
- ~~8. The total acreage of the entire tract proposed for subdivision.~~
- ~~9. Verification from a qualified engineer or licensed surveyor that the contour elevations do not vary more than five (5) feet.~~
- ~~10. The subdivider shall submit a current title report, for the verification of all easements effecting the subdivision from a qualified engineer or licensed surveyor.~~
- ~~11. Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.~~

~~**E.—Distribution.** The Box Elder County Community Development Department, upon receipt of the complete submission, shall distribute copies of the plan to such government departments, County Engineer/Surveyor, and other agencies or advisors as in the opinion of the Department or the Planning Commission may contribute to a decision in the best interest of the public. Before scheduling of the concept plan for review by the Planning Commission, the Community Development Department must receive letters from the entities who will be providing water, sewer or septic tank, or fire suppression indicating there are no major problems with providing services to the development.~~

~~**F.—Review by the Planning Commission.**~~

- ~~1. At the time and place specified, the Planning Commission shall take public comment and review the submitted concept plan for compliance with the County's General Plan, Box Elder Land Use Development & Management Code, Subdivision Ordinance, and other appropriate regulations. The Planning Commission may accept or reject the proposed concept plan and may make findings and recommendations regarding the submitted concept plan, specifying any inadequacy in the information submitted, non-~~

Box Elder County Land Use Management & Development Code

Article 6: Subdivisions

~~compliance with County regulations, or questionable or undesirable design and/or engineering. Alternatively, the Planning Commission may refer the Concept Plan to the County Commission for its review and acceptance or rejection.~~

- ~~2. The Planning Commission may require additional information, data or studies to be provided to the Planning Commission by the subdivider for the overall development before acceptance, rejection or referral is made by the Planning Commission regarding the proposed concept plan.~~
- ~~3. Acceptance of a proposed concept plan by the Planning Commission, or the County Commission, as applicable, shall not constitute an absolute approval or disapproval of the proposed subdivision, but is intended to give the subdivider general guidance as to the requirements and constraints for subdivider's proposed subdivision within the County.~~

~~**G. Expiration of Concept Plan Acceptance.** Once a concept plan has been accepted by the Planning Commission or the County Commission if the concept plan was referred to the County Commission by the Planning Commission for review as provided herein, the subdivider may apply for preliminary plat approval consistent with the concept plan. If preliminary plat approval for any portion of an accepted concept plan has not been obtained within 12 months of the date on which concept plan was accepted, a resubmittal and reacceptance of the concept plan may be required by the Planning Commission or the County Commission prior to the filing of an application for preliminary plat approval.~~

~~**H. Small Subdivision Waiver.**~~

- ~~1. Upon review and acceptance of a concept plan for a small subdivision, the Planning Commission can waive the requirements for preparation and approval of a preliminary and a final plat if it can be shown that:
 - ~~a. The small subdivision does not require dedication of land for street or other public purpose;~~
 - ~~b. The small subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the Official Map; and~~
 - ~~c. The lots are not part of a small subdivision approved less than three years earlier.~~~~
- ~~2. Each of the lots in a small subdivision must meet the frontage, width, and area requirements of the zone district in which it is located, or must have~~

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~~been granted a variance from such requirements by the Board of Adjustment.~~

- ~~3. The Planning Commission may require as part of the acceptance of the concept plan for a small subdivision any improvements or utility easements that are required of other subdivisions, as set forth in this Code.~~

~~I. Administrative Review of Single-Lot Subdivisions.~~

~~Proposed single lot subdivisions may be approved by the County Commission after review and a positive recommendation for approval by the Zoning Administrator, the County's Engineer, County's Surveyor, the County Roads Supervisor, the Bear River Health Department, the County Fire Marshall, and the County Attorney as outlined in this section.~~

- ~~1. A single lot subdivision is a subdivision where no more than one new building lot will be created.~~
- ~~2. Planning Commission concept, preliminary, and final review and approval of the subdivision is waived subject to all other conditions and requirement of the Box Elder County Land Use Management and Development Code, including requirements for concept, preliminary, and final approval being met.~~
- ~~3. The developer shall comply with all recommendations and requirements of reviewing agencies and individuals.~~
- ~~4. The Zoning Administrator, the County's Engineer, County's Surveyor, the County Roads Supervisor shall conclude that:
 - ~~a. The subdivision does not require dedication of land for new streets or other public purposes;~~
 - ~~b. The subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the Official Map; and~~
 - ~~c. The subdivision will not impede access to interior lands or hamper future road circulation.~~
 - ~~d. The subdivision meets the minimum residential access road serving 1 lot as shown in the BOX ELDER COUNTY ROAD, STORM DRAIN, AND FENCING STANDARD DRAWINGS adopted March 25, 2010.~~~~

Box Elder County Land Use Management & Development Code

Article 6: Subdivisions

~~5. Any reviewing agency or individual listed in this section may require Planning Commission review and approval.~~

Proposed small subdivisions may be approved by the County Commission after review and a positive recommendation for approval by the Zoning Administrator, the County's Engineer, County's Surveyor, the County Roads Supervisor, the Bear River Health Department, the County Fire Marshall, and the County Attorney as outlined in this section.

1. A small subdivision is a subdivision where no more than three new building lots will be created with no improvements.
2. Planning Commission preliminary and final review and approval of the subdivision is waived subject to all other conditions and requirement of the Box Elder County Land Use Management and Development Code, including requirements for preliminary and final approval being met.
3. The developer shall comply with all recommendations and requirements of reviewing agencies and individuals.
4. The Zoning Administrator, the County's Engineer, County's Surveyor, the County Roads Supervisor shall conclude that:
 - a. The subdivision does not require dedication of land for new streets or other public purposes;
 - b. The subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the Official Map; and
 - c. The subdivision will not impede access to interior lands or hamper future road circulation.
 - d. The subdivision meets the minimum residential access road serving all lots as shown in the BOX ELDER COUNTY ROAD, STORM DRAIN, AND FENCING STANDARD DRAWINGS adopted March 25, 2010.
5. Any reviewing agency or individual listed in this section may require Planning Commission review and approval.
6. Each of the lots in a small subdivision must meet the frontage, width, and area requirements of the zone district in which it is located, or must have been granted a variance from such requirements by the Hearing Officer.

6-1-130. Preliminary Plat.

- A. **Application and Fees.** The subdivider of a subdivision, ~~after completing the concept plan~~ shall file an application for preliminary plat approval with the County Community Development Department on a form prescribed by the County, together with three copies of the preliminary plat. At the same time, the subdivider shall pay an application fee as provided in the Fee Schedule.

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B. Plat Preparation and Required Information. ~~Following concept plan approval,~~ **The** applicant shall submit a preliminary plan to the Zoning Administrator. ~~The preliminary plan shall provide design solutions to problems identified in the approved concept plan.~~ Three (3) copies 24" x 36", one (1) copy 11" x 17 and a 24" X 36" pdf file shall be submitted. All required documentation shall be submitted at least twenty (20) business days (i.e., the third Thursday of each calendar month) prior to the Planning Commission meeting.

B-1. Flag Lots (Ordinance 249)

C. Streets and Related Improvements.

6. Minimum right-of-way widths for public streets **are found in** ~~shall be determined by resolution of the County Commission for various categories of streets, but shall in no case be less than the currently adopted road standards as per~~ Article 5, Exhibit A. (Ordinance 357)
7. Cul-de-sacs **regulations are found in Article 5, Exhibit A.** ~~shall be no longer than 600 feet, measured from the center point of the turn around to the center line of the intersecting street; and must be terminated with a turn-around of not less than 50 feet in diameter. Downhill cul-de-sacs are not permitted unless adequate drainage and 100-year overflow is provided and in addition such cul-de-sacs are approved by the County Commission after receiving a recommendation from the Planning Commission and County Engineer/Surveyor.~~

Craig Feller



2919 West 6075 South– Roy, Utah 84067– Phone: 801-791-6461 – E-Mail: cineglide@aol.com.

Date: Nov.13th, 2015

Scott L. Lyons

Planner

Box Elder County Community Development

1 South Main St.

Brigham City, Utah 84302

435-734-3316

Dear Mr. Lyons:

Thank you for the opportunity to speak in favor of not abandoning the County Road that connects 12,800 N. with my property located at 4050 West 12,800 North, Deweyville, Utah 84337. Please see attached legal descriptions.

This road was built by Glenn Mason and myself in 1977 to satisfy the Farmers Home Administration's code involving all housing loans. Before my mortgage could be approved I had to show my property connected to a publicly maintained road. I built the road according to County standards and Mr. Mason deeded it to the County, which in turn satisfied FHA and the Bear River Title Co.

Abandoning the road by the County would place many hardships on me including but not limited to legal and financial. My current mortgage holder, Wells Fargo, recently appraised the value, in part on the property being attached to a publicly maintained road, during a refinance to remodel my home. My insurance company, State Farm, also has based my rates on the same fact. Any abandonment would adversely affect the resale value of my home and property.

For the past several years I have been renting the property to the Snook family and have several liability concerns. Our rental agreement states he will clear snow from the property driveway not a road. Mr. Snook or myself do not own a snowplow. If the road were abandoned who would be liable if an ambulance or fire truck could not gain immediate access? There is also the question of propane and mail service. Both Mr. & Mrs. Snook work and their children are of school age, which presents many transportation issues if snow or other obstacles block the road.

Please consider these issues in your determination.

Sincerely,

Craig Feller

Property Owner

57865H

AUG 30 1977

Margaret R. Evans
Box Elder County Recorder
Brigham City, Utah

Recorded at Request of Box Elder Co. Surveyor

at 9:35 A. M. Fee Paid \$ No Fee

by *Margaret R. Evans* Dep. Book 295 Page 705 Ref.: *6 of Sec 30-12-2*

Mail tax notice to ----- Address -----

QUIT-CLAIM DEED

Glenn S. Mason and Marjorie M. Mason, husband and wife grantor
of Garland, County of Box Elder, State of Utah, hereby
QUIT-CLAIM to

BOX ELDER COUNTY

of No Consideration ----- for the sum of
Box Elder Co. ----- DOLLARS,

the following described tract of land in Box Elder County,
State of Utah:

Beginning at the S.E. corner of the S.W. 1/4 of Section 30, T. 12 N.,
R. 2 W., S.L.B. & M. and running North 33.0 feet; thence West
248.5 feet; thence South 58.0 feet; thence along the arc of a
50.0 foot radius curve to the left 126.14 feet (Note: Tangent
to said curve at its point of beginning bears South); thence
Easterly along the arc of a 50.0 foot radius curve to the right
47.60 feet; thence East 117.04 feet; thence North 33.0 feet to
the point of beginning, containing 0.45 acre, for a road.

WITNESS the hand of said grantor, this _____ day of
_____, A. D. one thousand nine hundred and _____

Signed in the presence of

[Signature] } *[Signature]* Marjorie M. Mason
[Signature] } *[Signature]* Glenn S. Mason

STATE OF UTAH,
County of *Box Elder* } ss.

On the *22* day of *August* A. D. one
thousand nine hundred and *77* personally appeared before me

Margaret R. Mason & Glenn S. Mason
the signer of the foregoing instrument, who duly acknowledge to me that they executed the
same.

My commission expires *11-14-1981* Address: *Sumner, Utah*
Notary Public.

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
Tremonton, Utah 84337

Craig Feller
P. O. Box 145
Tremonton, Utah 84337

August 18, 1977

Dear Mr. Feller:

We are in receipt of a letter from the county surveyor dated August 17, 1977 in which he stipulates the conditions on which the county will receive the road to your building site. When these conditions are met, please furnish us a letter of acceptance and we can then approve your housing loan.

Sincerely,



Ronald W. Robins
County Supervisor

Enc.

Box Elder County

COUNTY COMMISSIONERS

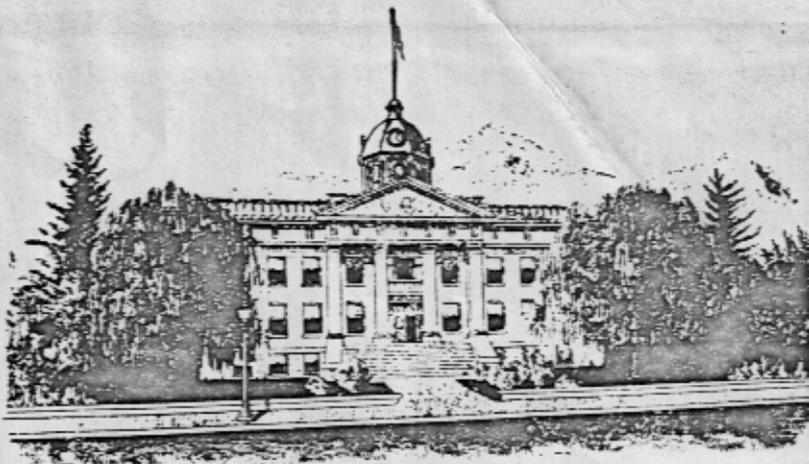
ON E. CHASE

J. REED NIELSEN

TED W. BURT

OFFICERS

GLEN S. FIFE, County Treasurer
K. B. OLSEN, Clerk-Auditor
ARTHUR F. REDDING, County Sheriff
MARGARET R. EVANS, County Recorder
O. DEE LUND, County Attorney
CLIFTON G. M. KERR, County Assessor
DENTON BEECHER, County Surveyor



BRIGHAM CITY, UTAH

August 17, 1977

Ron Robbins
Farmers Home Administration
85 South First East
Tremonton, Utah 84337

Re: 12800 North

Dear Ron,

This is to inform you that Box Elder County will accept a Quit Claim deed for a county road extension on the west end of 12800 North. The Commission have set the following conditions before receiving this extension: the width shall be 66 feet with a 100 foot diameter turnaround at the west end. It shall be graveled equal to the existing road to the east. When these conditions are met, the Commission will approve and take over the maintenance of said road.

We trust this will be satisfactory for your needs.

Respectfully,

Denton Beecher
Denton Beecher
County Surveyor

cc: Roger Mason
Deweyville, Utah

DB:j

AUG 18 1977

Win
257-5904

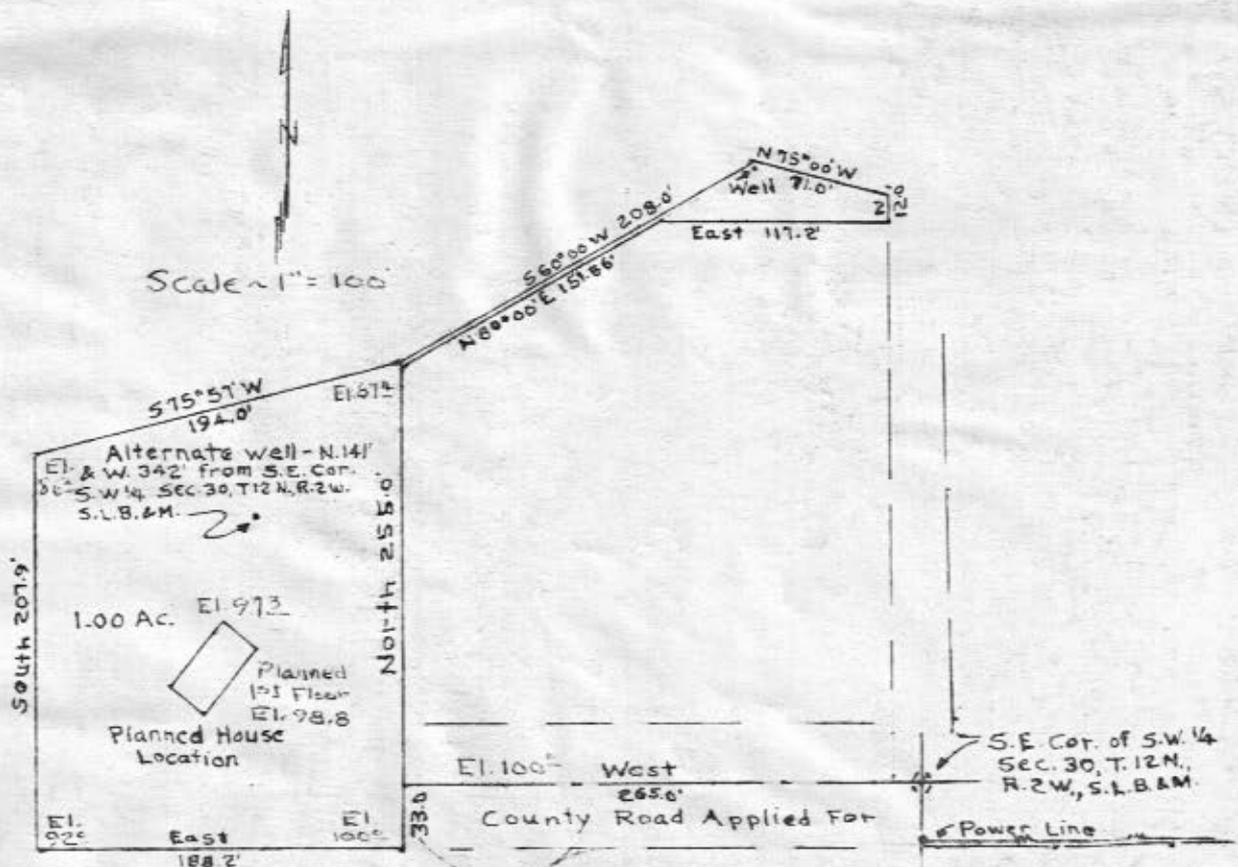
WINFORD M. BARRUS
CONSULTING CIVIL ENGINEER & LAND SURVEYOR
547 N. 3RD EAST
TREMONTON, UTAH 84337
PHONE 257-5151
March 10, 1977

I, Winford M. Barrus, a registered engineer and land surveyor in the State of Utah, hereby certify that I have made a survey of the following tract of land at the request of Craig Feller:

Bldg
Lot { Beginning at a point 33.0 feet South and 265.0 feet West from the S. E. corner of the S. W. Quarter of Section 30, T.12 N., R. 2 W., S.L.B.&M and running North 255.0 feet; thence S 75°57' W 194.0 feet; thence South 207.9 feet; thence East 188.2 feet to the point of beginning, containing 1.00 acre.

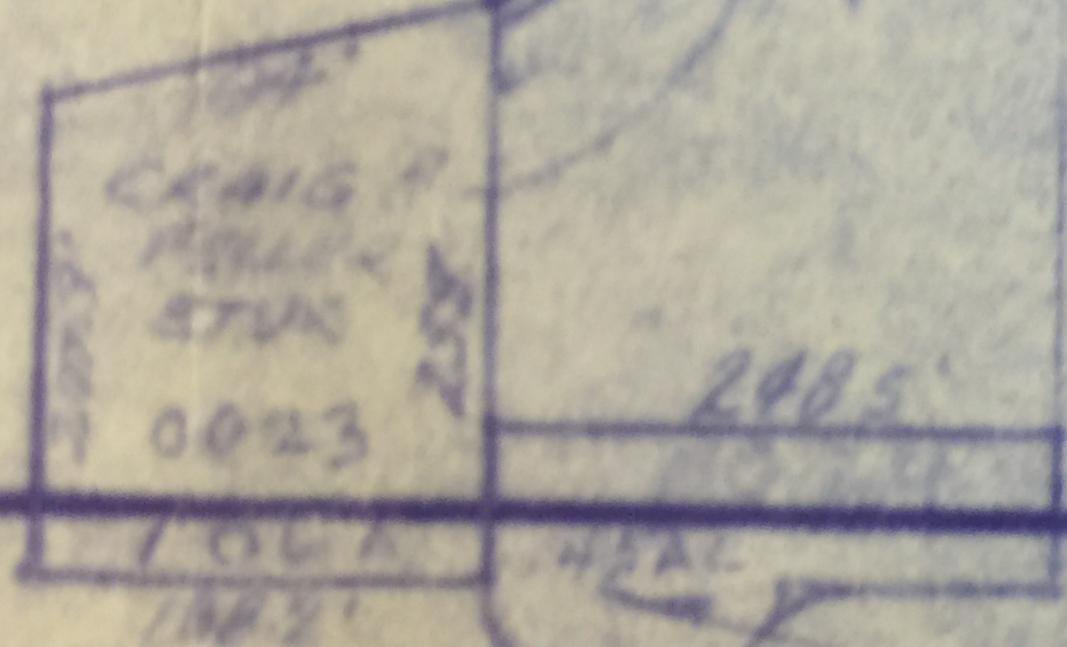
Well
Site { ALSO: Beginning at a point 265.0 feet West and 219.69 feet North from the S. E. corner of the S. W. Quarter of Section 30, T. 12 N., R. 2 W., S.L.B.& M. and running N 60°00' E. 151.86 feet; thence East 117.20 feet; thence North 12.0 feet; thence N 75°00' W. 71.0 feet; thence S 60°00' W 208.0 feet; thence South 2.31 feet to the point of beginning, containing 0.06 acre.

Winford M. Barrus
Winford M. Barrus
Utah License 1616



coll
E340

-241



ROGER N. MASON
 1711X
 3.45A
 E 324 0001

MEL
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Box Elder
 COUNTY

Box Elder County

COUNTY COMMISSIONERS

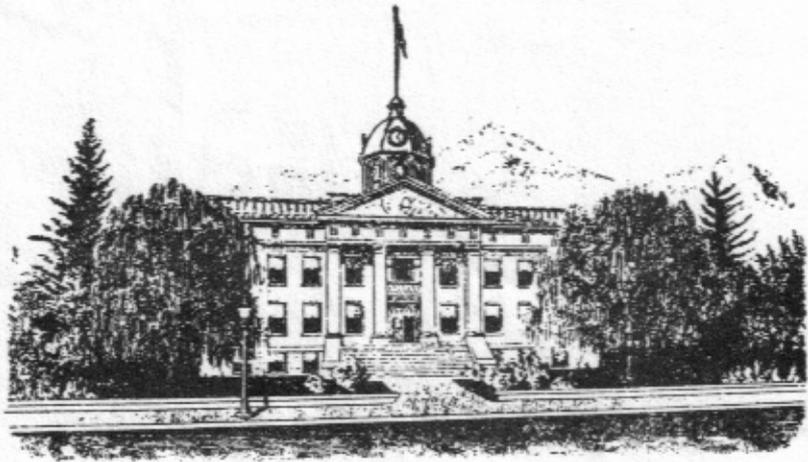
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CLIFTON G. M. KERR, County Assessor
DENTON BEECHER, County Surveyor



BRIGHAM CITY, UTAH

October 11, 1977

Craig Feller
925 South Tremont
Tremonton, Utah 84337

Dear Craig,

Transmitted herewith is a copy of the recorded deed and ownership map for the land deeded to Box Elder County.

We have accepted this deed and will take over the continuous maintenance of this road as we do the portion to the east.

We trust this will satisfy your request.

Respectfully,

Denton Beecher
County Surveyor

Enclosures

DB:j

Craig Feller

Box Elder County

COUNTY COMMISSIONERS

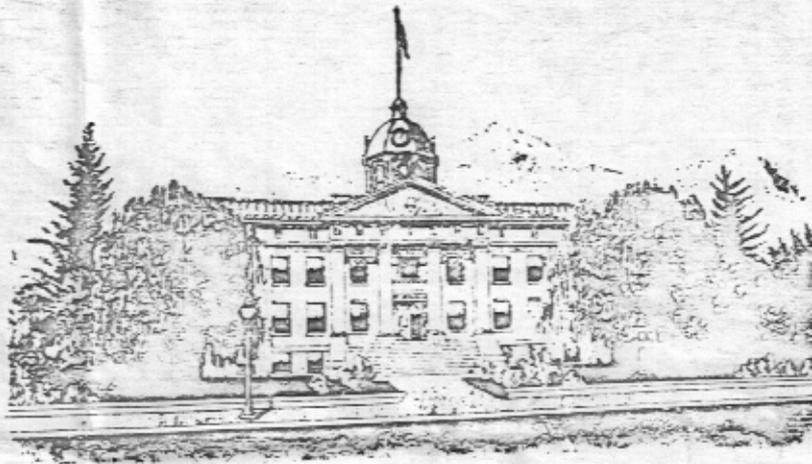
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CLIFTON G. M. KERR, County Assessor
DENTON BEECHER, County Surveyor



BRIGHAM CITY, UTAH

May 17, 1977

Roger Mason
Deweyville, Utah 84309

Dear Mr. Mason,

Today we submitted your request to the Commissioners for a decision.

Their ruling was that a minimum width of 66 feet shall be deeded to the County with a 100 foot diameter turnaround at the west end of said road. It was also determined that the extension shall be graveled equal to the existing road to the east. When these items are completed the County will take over this road and its maintenance.

The description, which was submitted to us, is in error as it does not close. Enclosed is a proposed alignment that might be submitted.

We trust this answers your request.

Respectfully,

Denton Beecher

Denton Beecher
County Surveyor

Enclosure

DB:j

Craig Feller

Box Elder County

COUNTY COMMISSIONERS

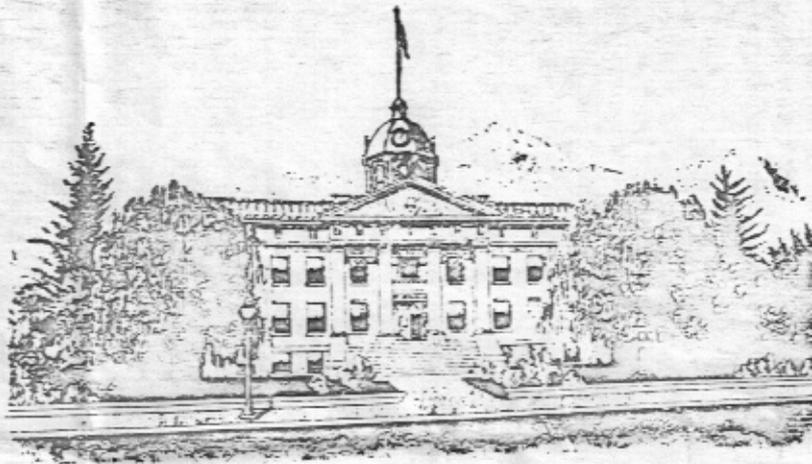
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BRIGHAM CITY, UTAH

May 17, 1977

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Deweyville, Utah 84309

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Respectfully,

Denton Beecher

Denton Beecher
County Surveyor

Enclosure

DB:j

Attachment iv

Land Use Ordinance Standards Review:

Box Elder County Commission Policy #2003-01 outlines the following standards when considering a road vacation:

1. Is there a prevailing public interest in keeping the road open; and
 - a. *There is one residence that uses the right of way. The homeowner has expressed that he wants to keep the road public for maintenance and snow removal reasons. However, the road does not provide the general public access to any public lands or amenities.*
2. Does the proposed vacation substantially affect the County General Plan or the Transportation Plan of the County; and
 - a. *The proposed vacation does not affect the County's General Plan or Transportation Plan.*
3. Is the proposed vacation in compliance with all Box Elder County Land Use and Development Code requirements, State, Federal or other local regulations; and
 - a. *The proposed vacation is in compliance with all requirements and regulations.*
4. Will the proposed road vacation financially harm any landowner or stakeholder who may have an interest in the road; and
 - a. *The Public Hearing process is in place to help bring any evidence of harm to light.*
5. The County shall not vacate any other private interest within the right-of-way; and
 - a. *No other interests within the right-of-way are to be vacated.*
6. When considering the vacation of a deeded road as opposed to a right-of-use road, the provisions of the surplus property disposal policy shall be used; and
 - a. *The proposed road is a deeded road and must conform to the surplus property disposal policy.*
7. The petitioner will provide descriptions in a deeded right-of-way for all abutting owners who may receive any ownership of the vacated road.
 - a. *The petitioner has supplied the descriptions.*

Attachment v

Scott L. Lyons

From: Bill Gilson
Sent: Thursday, November 19, 2015 6:24 PM
To: Scott L. Lyons
Cc: Stan Summers
Subject: Fwd: County Road issue north of Deweyville

Scott, I would not support vacating this section of road. In our discussion you had said the home owner at the end would not be in support of the vacate. When the home was built FHA required the section of road be dedicated to the County. We issued the permit to build the house with the understanding that the road would be plowed and emergency vehicles would have access.

Bill Gilson
Box Elder County Road Department

Sent from my iPhone

Begin forwarded message:

From: "Bill Gilson" <BGilson@boxeldercounty.org>
To: "Stan Summers" <ssummers@boxeldercounty.org>
Subject: FW: County Road issue north of Deweyville

What's your take on this Stan?

From: Scott L. Lyons
Sent: Wednesday, November 18, 2015 10:25 AM
To: Bill Gilson
Subject: RE: County Road

We received an application from Erik Johnson to vacate it. He doesn't like that it cuts into his farmyard. Craig Feller wants it to remain public so he doesn't have to clear the snow or maintain it to get to his house. Erik Johnson said if it is vacated he will record an easement for Craig Feller, but that doesn't cover the maintenance aspect. Do you have any input?

Scott Lyons
Planning Manager
Office: 435-734-3316
slyons@boxeldercounty.org<<mailto:slyons@boxeldercounty.org>>

From: Bill Gilson
Sent: Wednesday, November 18, 2015 8:41 AM
To: Scott L. Lyons <slyons@boxeldercounty.org<<mailto:slyons@boxeldercounty.org>>>
Subject: RE: County Road

Yes Scott we do remove snow on this section. Why? What brought this up

From: Scott L. Lyons

Sent: Friday, November 13, 2015 4:08 PM

To: Bill Gilson

Subject: County Road

Bill,

Does your department maintain/remove snow from this section of roadway? It doesn't show up on our map as a county road, but it was deeded to the county as a road in 1977.

[cid:image001.png@01D121EA.FE582B30]

Scott Lyons

Planning Manager

Office: 435-734-3316

slyons@boxeldercounty.org<<mailto:slyons@boxeldercounty.org>>

