

November 16, 1978

Minutes of the regular meeting of the Box Elder County Planning Commission held Thurs. Nov. 16, 1978 beginning at 7:30 P.M.. The following members were present: Jerry Wilde, Boyd Nelson, Neil Nelson, Dale Rhodes, Charles Kimber and Reed Nielsen. Also present, ex-officio members Denton Beecher and K. B. Olsen.

CONDITIONAL USE PERMIT, DAIRY FARM - Brent Frost met with the Commission in regards to getting a Conditional Use Permit. Mr. Frost reported he wants to have a small dairy farm in the island south of overpass at South Willard. He said that area is zoned RR-1, which he understands allows dairy farms, but it requires a Conditional Use Permit. He reported he wants to use this area to get started, then if he expands he said he will move to where there will be more room. Mr. Frost showed the Commission a letter he received from Allen Johnson, who is the closest neighbor to this property, stating he doesn't object to Mr. Frost putting a small dairy farm in the area. After a brief discussion the Commission said they felt no one would be adversely effected by the dair farm. They also pointed out to Mr. Frost that the property should be adequately fenced so the livestock doesn't get on the highway. Member Boyd Nelson made the motion they grant Mr. Frost a Conditional Use Permit and they authorize the chairman to sign the application for a Conditional Use Permit. This was seconded by member Nielsen. All voted in favor.

EAST GARLAND AREA SUBDIVISION - Mr. Beecher presented the following letter from C. N. Zundel regarding his proposed East Garland Area Subdivision. (copy attached) There was a brief discussion on what Mr. Zundel means by 'oil treatment only', in A. under 9-3. Does that mean just putting on enough oil to keep the dust down? The Commission said they would have to recommend a regular oiled road which has been required of other subdividers.

MEETING TIME - There was some discussion regarding changing the meeting time of the Planning Commission Meetings. It was pointed out before they can change meeting time it has to be advertised in the local newspapers and be posted. Member Nielsen made the motion that the meeting time be changed to conform with daylight savings time. With the meetings commencing at 7:00 p.m. during the time we are on

Mountain Standard Time and they start at 7:30 p.m. when we are on Daylight savings Time, commencing with the meeting in January 1979. This was seconded by member Rhodes with all voting in favor of the motion.

Meeting adjourned at 8:10 p.m..

K. B. Olsen
Secretary

December 21, 1978

Minutes of the regular meeting of the Box Elder County Planning Commission held Thurs. Dec. 21, 1978, commencing at 7:30 p.m.. Chairman Jerry Wilde presiding. Members present: Jerry Wilde, Neil Nelson, Jay MacFarlane, Dale Rhodes, Charles Kimber and Reed Nielsen. Also present were the following Ex-Officio members Denton Beecher and K B. Olsen.

A copy of the minutes of the previous meeting having been previously mailed to the board members, member neil Nelson moved they approve the minutes of November 16, 1978. This was seconded by member Rhodes, with all voting in favor.

RIVER VIEW ESTATES SUBDIVISION - Marion Malnar and David Allen met with the Commission in regards to getting Preliminary Plat approval for River View Estates Subdivision. Mr. Malnar acting as spokesman presented the plat and explained they are planning a 15 lot subdivision. He said they would deduct a full 33 feet right-of-way on the north side of the section line for the road in front of the Subdivision. It was explained that the existing road is narrow and is taken on the south side of the section line. There was quite a bit of discussion and recommendations of what needs to be done in order to get a Preliminary Plat Approval. After the discussion member Rhodes made the motion that they approve the Preliminary Plat and authorize the Chairman to sign the plat providing he makes the following corrections as brought out in the discussion: a storm sewer runoff, a private easement access to the lower land, altering 2 or 3 of the lot lines, get letters from the utilities and get a soil stability report. This was seconded by member Neil Nelson, with all voting in favor of the motion. These men said they are going to make a request to the County Commissioners for some variances.

SPRING ACRES MINOR SUBDIVISION- Tom and Fred Christensen met with the Commission

and asked about getting a Concept Plan approval for Spring Acres Minor Subdivision. Mr. Fred Christensen said they want to add 7 lots to their proposed subdivision. The Commission then told Mr. Christensen he would have to apply for approval as a full subdivision as by adding the additional lots it would bring the total to 16 lots which is over the maximum for a minor subdivision. Mr. Christensen then said he is now asking for Concept Plan approval for a full subdivision. It was pointed out the proposed subdivision is two and a half miles west of the Bear River High School. Mr. Christensen said the water system is being designed and all of the homes will be on septic tanks. Member MacFarlane moved they accept the Concept Plan for the proposed Spring Acres Subdivision. This was seconded by member Kimber. All voted in favor of the motion.

THATCHER HILLS SUBDIVISION - Jerry Tolman met with the Commission in regards to getting Concept Plan approval for Thatcher Hills Subdivision. He said the proposed subdivision is on the bench west of the road about a mile and a half south of the Thatcher Ward Church. He showed them on a map the location. He said he wants to put in about 25 homes. He said they have a well on the hillside west of the proposed subdivision. After studying the plat presented by Mr. Tolman, Mr. Beecher pointed out it would be a long street and with only one access going in, it could present some problems in the future without access to the property in back of the subdivision. The Commission recommended that he look at that. Mr. Tolman said he would. Mr. Beecher also said he should change the name of the subdivision from Thatcher Hills as we already have a subdivision with practically the same name and it would be easy to get the two mixed up. The Commission pointed out some of the things Mr. Tolman should be looking at which he will have to address when he gets to applying for a Preliminary Plat. Member Kimber made the motion they accept the Concept plan of the Tolman property subject to his providing access to the adjoining property as they had discussed. This was seconded by member Neil Nelson, with all voting in favor.

MANTUA TOWN'S GRANT APPLICATION - Mr. Beecher reported that Mantua Town is applying for a grant to improve their water system. He explained they want to put in a new

8 inch line to equalize their two reservoirs. He said they will tie into the existing line just south of the Mantua Ward meeting house. He pointed out before they can get the grant approved they will have to have a letter from the County Planning Commission that the proposed project conforms with Box Elder County's Master Plan. Member MacFarlane made the motion that they have the secretary send the town a letter advising them that the project does conform with our Master Plan. This was seconded by member Rhodes, with all voting in favor of the motion.

BA ZONE CHANGE FOR LACEY PROPERTY - Mr. Olsen and Mr. Beecher reported that inasmuch as there was an even split in those attending the public hearing on the requested zone change of the Lacey property, that is between Perry & Willard, the County Commissioners have referred the matter back to the Planning Commission for their recommendations. After considering and discussion the matter member Neil Nelson made the motion that a letter be sent to each one of the property owners in that area that is in the CH-Zone asking them to come to an information hearing at the next Planning Commission meeting which is to be held Jan. 18, 1979, to try and get each of their feelings on the requested zone change. This was seconded by member Rhodes, with all voting in favor of the motion.

Meeting adjourned at 9:35 P.M..


K B. Olsen, Secretary

January 18, 1979

Minutes of the regular meeting of the Box Elder County Planning Commission held Thurs. Jan. 18, 1979, commencing at 7:00 p.m.. Members present: Neil Nelson, Jerry Wilde, Dale Rhodes, Jay MacFarlane and Charles Kimber. Also present were Ex-officio members Denton Beecher, K B. Olsen and Planner Kenneth Millard.

Member Neil Nelson made the motion that they approve the minutes of December 20, 1978. This was seconded by member Rhodes. All voting in favor.

SELLING OF LAND IN THE NETHERLANDS - Mr. Beecher reminded the Commission in regards to the Delta Milling Subdivision of the McNab property is the only property that has been given an agriculture exemption in that area, however he reported Rondo Perkins has sold his land to Delta Milling Co. and that they are in violation

of the Subdivision Ordinance by selling 40 acre lots. He said the County Commissioners think the Planning Commission should send Delta Milling Co. a letter advising them they are in violation before the County takes steps to prosecute him. After a breid discussion member McFarlane made the motion that a letter be drafted by Mr. Beecher and Mr. Olsen, for the chairman's signature, advising Delta Milling that they are in violation of the law and give them a chance to make application for an exemption. This was seconded by member Rhodes, with all voting in favor.

INFORMAL HEARING ON ZONE CHANGE BETWEEN PERRY AND WILLARD - At 7:15 p.m.

Chairman Wilde welcomed those present to the informal hearing. Those present: Verden B. Chambers, Cloelia Chambers, Clifford Woodland, Carrol J. Woodland, George Morris, Ruby Morris Mary Lacey, J. J. Lacey, Richard M. Strange, Lila Evertson, Darlene Jensen, Horst Irgang, Maud Irgang, Catherine W. Olds, Barbara Howard and Bruce R. Howard. Chairman Wilde announced the reason for the hearing was strictly for information. He said the County Commissioners held a public hearing to consider a zone change ~~and~~ inasmuch as a request had been made to change a small area located between Perry and Willard, from an RR-10 Zone to Ch Zone. He said at that hearing there were only 4 who showed up and they were divided equally, for and against, so the Commissioners refered it back to the Planninc Commission. He said the Planning Commission wanted to get the thinking from as many of the people in the area as they could, so that is the reason for this meeting. The Chairman asked Mr. Beecher to show the people a map of the area and explain what is being requested. Chairman Wilde then said they would give each one there two minutes to express how they feel about the requested zone change.

Verdon Chambers said he if for the zone change as he has a small business in that area for several years and without the zone change he can't expand, if he should want to.

George Morris said he doesn't live on the property he owns in that area but he said he plans to and said the proposed change doesn't bother him or his wife.

Richard M. Strange said he and his wife are for the change.

Mr. & Mrs. Jay Lacey - for the change. (They are the ones that requested the zone change.)

Darlene Jensen expressed opposition to the change.

Mrs. Irgang - She and her husband are in favor of the change.

Lila Everton presented a petition with several signatures of those opposed. She said she is opposed as her property borders the land being considered for the CH - Zone. Mr. Wilde said they would consider the petition after everyone has had a chance to speak.

(I didn't get the name) - Against a commercial zone in a rural area.

Bruce and Barbara Howard said they moved to get away from City and commercialization. They said if a commercial zone could be properly policed it wouldn't be too bad. It was pointed out the undesirable situation created by Richard Harris's operation in that area.

Cliff Woodland - doesn't see why it can't be zoned as requested. He said he realizes the Harris property is a junkey mess.

Catherine W. Olds said she and her husband are of one mind on this but he couldn't be here for the hearing. She said they feel this is a minor change so they are in favor.

Mr. Beecher reported Mr. Ward called him and he reported he is not opposed. He also said George Nielsen Jr. is not opposed as he didn't feel it affects him at this time.

Mr. Wilde read the following petition that had been presented earlier. (copy) Mr. Wilde pointed out that a number of those that signed the petition are the same people that are here tonight. Cliff Woodland said his mother signed the petition and didn't really understand it and she is not opposed to the change.

Mr. Strange reported that Mr. Checketts is bringing in more junk on the Harris property and asked if there isn't something that can be done to stop it and get that mess cleaned up.

Mr. Beecher reported that Harris's is a legal non conforming use, however he said no one has made application to expand it.

No one else desiring to make further comment Chairman Wilde thanked the people

for coming and expressing how they felt and said they could now be excused. After the Commission handled the other appointments set up for this meeting they referred back to the hearing and made a count of the number for and against the change as had been expressed, in person or by petition. It was determined there were 13 favorable to the zone change and 8 against. Member Neil Nelson made the motion that based on the results of the hearing they recommend to the County Commissioners they approve the zone change as requested. This was seconded by member Kimber. All voted in favor.

AMMENDMENT TO DON HILL MINOR SUBDIVISION - LaMar Wamsley and Ken Thurston met with the Commission to request an ammendment to the Don Hill Minor Subdivision. Mr. Wamsley said he purchased the north one acre lot in the Don Hill Minor Subdivision from Mr. Hill and said he didn't know he couldnt make two half acre lots out of his acre and he said his daughter is building a mone on the north half acre and he sold the south half acre to Ken Thurston. He said Mr. Beecher has denied Mr. Thurston a building permit without ammending the Subdivision. It was pointed out dividing Mr. Wamsley's acre into 2 one half acre lots would make the 9th lot in the subdivision. There was considerable siscussion regarding what might be done to work out the problem. Mr. Beecher presented the following letter from the State Department of Health (copy attached). After the discussion member MacFarlane made the motion that they accept the drawing showing how Mr. Wamsley wants to divide his acre into two $\frac{1}{2}$ acre lots as his concept plat and he is to re-do the plat with a new description, describing his acre as two lots and they accept this as an ammendment to the Don Hill Minor Subdivision. This was seconded by member Neil Nelson. All voted in favor.

BELMONT SPRINGS SUBDIVISION - Scott Holmgren met with the Commission and presented the Final Plat for the Belmont Springs Subdivision. Mr. Beecher reviewed the check list on what is required for final approval. It was pointed out that the acknowledgement on the plat would have to be changed to have a partnership acknowledgement. He will have to furnish a bond for \$120,145.00. Mr. Holmgren said the only thing he is asking for right now is a Conditional Approval. Member MacFarlane made the motion they give him Conditional Approval conditioned on his meeting all of the requirements and when Mr. Beecher is satisfied all of the conditions are met the

Chairman be authorized to sign the final plat. This was seconded by member Kimber. All voted in favor.

ZONE CHANGE AT SOUTH WILLARD - Larry Collard and Ray Barning met with the Commission in regards to a zone change at South Willard. These men reported they are in the process of purchasing some property in the area of the Rockey Point Restaurant. They said the property is in Box Elder but right along the Weber-Box Elder County line. They said they think the area has good potential but not as an RR-5 Zone. They said they are proposing the area east of Highway 89 be a residential area of half acre lots with condominiums. They said they plan to restore the area around the Hot Springs as a recreational area and the area west of the highway as a commercial area. The Commission members asked how much of an area they are including. They answered there is to be about 70 acres in the residential area. Mr. Millard pointed out they are talking of urban usage in the County and asked if they are planning to incorporate. There was quite a bit of discussion in which the Planning Commission along with Mr. Millard pointed out some of the problems in developing this area that should be considered, such as, have they checked with the State to see if the water in the springs has a high mineral content and pointed out the problems Belmont Springs had getting State approval because of the cloudy water because of the mineral..It was also pointed out they should see if they can get municipal services.

VARIANCES, RIVER VIEW ESTATES SUBDIVISION - Mr. Beecher and Mr. Olsen reported the following letter, requesting variances for the River View Estates Subdivision, has been refered to the Planning Commission for the Planning Commission's recommendations. (copy attached) After considering the variances requested, member Neil Nelson made the motion they recommend the approval of the first three variances and on the fourth variance they recommend the subdivider be required to furnish an escrow for one half of the amount of the contract price for surfacing the street fronting the subdivision, which is about 1,100 feet long, more or less, and 24 feet wide. This was seconded by member MacFarlane. All voting in favor.

January 10, 1979

We, the undersigned, being property owners ~~on or adjacent~~ to the zoning district RR-10 do oppose all changes in the zoning thereof. It has been proposed to the Box Elder Planning Commission that the residential zone RR-10 be changed to the commercial zone C-H. We oppose this transaction for the following reasons.

- I. Most of us, the undersigned, changed our personal residence to the residential zone RR-10 or adjacent property thereof for the following purposes:
 1. Raise families in a commercial free residence, safe from commercial intranquility.
 2. To enjoy the natural undisturbed beauty of the country and country life opposed to the confusion and lack of space desired by residence.
 3. We oppose the large amount of traffic that commercialism brings, and
 4. We oppose restrictions that are placed on commercially affected zones.

The above reasons for opposing the change of RR-10 to C-H are shared by all undersigned.

Michelle Olsen

~~Doris L. Luedloff~~ - Area Resident

~~V. W. Luedloff~~ - Area Resident

May F Woodland

Judge B. Naylor -

Bruce R Howard +

Lila Evertsen +

Barbara Howard +

Daleen Jensen +

Maria J. Ingeborg. (OK)

copy
10/10/00
Man

BEAR RIVER DISTRICT HEALTH DEPARTMENT

170 NORTH MAIN STREET
LOGAN, UTAH 84321

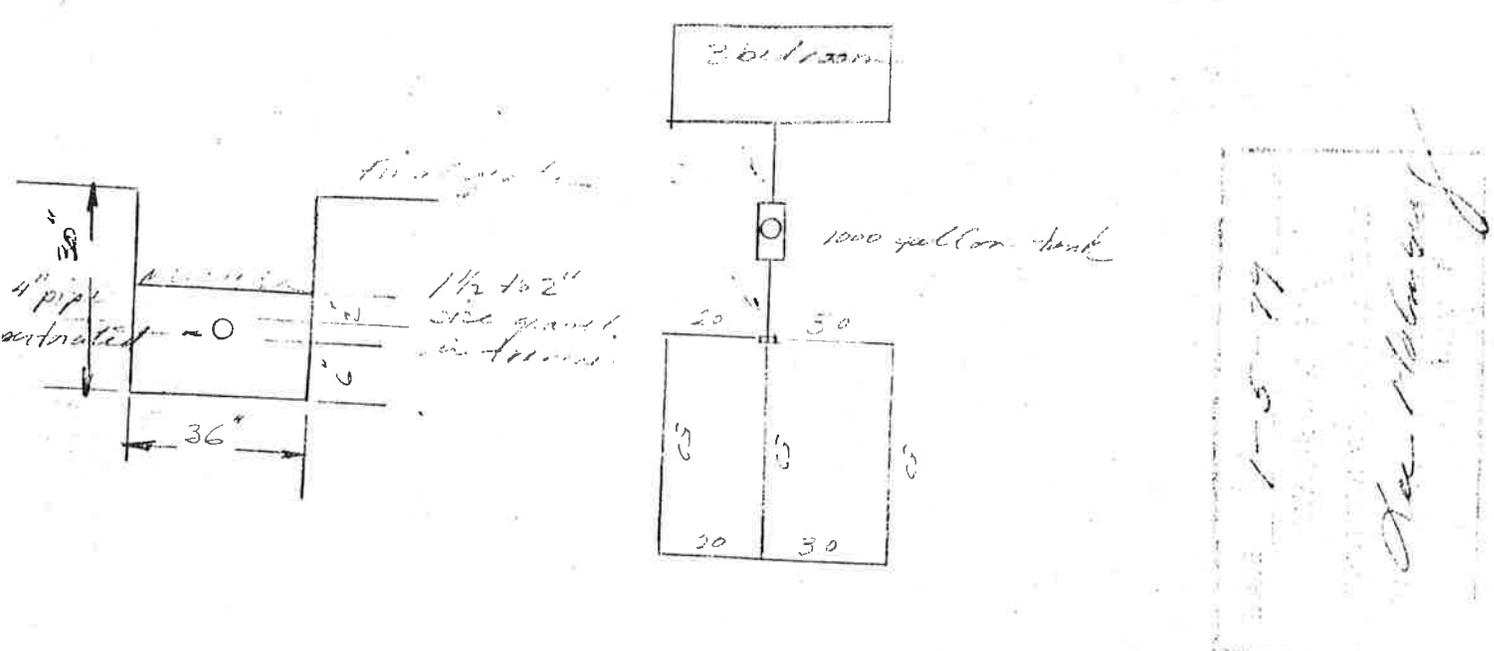
JOHN C. BAILEY, M. D.
DIRECTOR OF HEALTH

(801) 752-3730

APPLICATION FOR PERMIT TO CONSTRUCT SEWAGE DISPOSAL SYSTEM

- Name Building World Inc. Address Logan Phone 752-2660 1000
- Lot and block number, subdivision name and/or street address, and city of proposed construction: Don Hill subdivision #1 lot split
- No. of Bedrooms 3 4. Basement Yes no basement No facilities allowed
- Static water table level below ground surface 4'
- Percolation Rate 30 min inch
- Soil studies to a depth of 10 feet if system is to accommodate basement facilities. topsoil 12" white clay 5' 7" red clay 8 1/2" sand on rest
- Plot plan showing lot size, location and dimensions of house, septic tank, location of waterways or impounded water, well, spring, roads, driveway, etc.: (indicate north)

250 ft.



system limited to 30 inches in depth

Signature [Signature]

Note: System must be installed as shown on permit or approval may be denied.

2903

#2 Lamar Wamsley

BEAR RIVER DISTRICT HEALTH DEPARTMENT

170 NORTH MAIN STREET
LOGAN, UTAH 84321

JOHN C. BAILEY, M. D.
DIRECTOR OF HEALTH

(801) 752-3730

January 5, 1979

Mr. Denton Beecher
Box Elder County Court House
Brigham City, Utah 84302

Dear Mr. Beecher:

The Bear River District Health Department has reviewed the plans and supporting information submitted by Mr. LaMar Wamsley on the Don J. Hill subdivision (lot #1) and have determined that lot one if divided into two $\frac{1}{2}$ acre lots will support an adequate liquid waste disposal system for each lot. The systems are to be designed and inspected by the Bear River District Health Department.

Sincerely,



Willard K. Hill, R.S.
Supervisor
Environmental Health

WKH:sl

January 16, 1979

Board of County Commissioners
Box Elder County
Courthouse
Brigham City, Utah 84302

Re: River View Estates Subdivision (East of Garland)
Replaces letter dated November 14, 1978

Honorable Sirs:

Pursuant to the provisions of the Box Elder County Subdivision Ordinance we hereby respectfully request variances from the improvement standards and lot standards as hereafter described. The proposed subdivision is located east of Garland on the south side of the Bear River in an unrestricted zone. The area is rural and the purpose of the subdivision is to provide rural residential lots in this area. A copy of the preliminary plat is enclosed.

Variances Requested

1. Section 8-2-3 Lot widths. Applicant requests a variance for the four lots which are longer than three times their width. To require these lots to be shortened per the ordinance would serve no purpose and would create problem property along the river.
2. Section 8-10. Applicant requests a variance from the curb, gutter, and sidewalk requirements as there are no other improvements of this nature in the immediate area and also the applicant feels this would be creating a more city type lot rather than a rural type lot which is the intent of the development.
3. Section 8-22. The rural character of the area suggests that the present irrigation system not be altered, therefore, a variance from all underground system is requested.
4. Section 9-3. Applicant requests a variance on the requirement of asphalt surfacing on the existing gravel county road as he would be required to improve the existing street and yet only have the benefit for development of one side. Applicant acknowledges and agrees to asphalt the cul-de-sac as it is a new road that will be added to the County's System but feels he should not be required to improve the existing county road other than widening the right-of-way onto his property and providing the proper width gravel base. Applicant also requests a variance from street signs, street lighting, and street planting as listed under Section 9-3.

January 16, 1979

Page 2

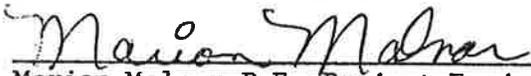
We would request and appreciate your consideration of our requests and if at all possible would also request that this be given to the Planning Commission for their recommendations at their January 18, 1979 meeting. In this way a public hearing on the variances could be held without waiting for another month. The planning commission is aware and has approved with certain conditions the preliminary plat and informally dicussed the variances.

If there are any other questions please let us know.

Sincerely yours,

SHIRE DEVELOPMENT COMPANY

By


Marion Malnar P.E.-Project Engineer

MM/mm

cc: Nish Zundel, President, Shire Development Co.

February 2, 1979

71

Delta Milling, Inc.
710 E. 200 South
Salt Lake City, Utah 84111

Attention: Mr. Taylor

Dear Sir:

We would like to take this time to advise you that once again your company has violated the Box Elder County Subdivision Ordinance. As you will remember with the John McNab property, South of Snowville, Utah, was subdivided your company met with the County Planning Commission to ask for an agriculture exemption. This exemption was granted after all requests were met. It was further stated that each separate division shall be considered on its own merits and the approval of one does not give an automatic approval for all the farms you can purchase.

The division of the Rhondo Perkins property has been divided in violation of said ordinance. To avoid the problems of a legal battle in the courts we trust you will prepare and obtain an appointment with the Planning Commission during their February meeting to properly secure this exemption.

Yours truly,

COUNTY PLANNING COMMISSION

Jerry Wilde, Chairman

JW:gc

BA CEDAR RIDGE SUBDIVISION - The metter of the objections to the Cedar Ridge subdivision that was lodged with the County Commissioners was brought up to the Planning Commission for their recommendations. After due consideration member Rhodes made the motion they recoomed to the County Commissioners they check to see if Mr. Thompson, the Subdivider, will agree to put a 6 foot chain link fence along the property line where the subdivision abuts Mr. Jack Germer's property. With the understanding the fence is to be put up as the subdivision develops and they recommended they check with Atty Omer Call to see if this will satisfy Mr. Germer. This was seconded by member MacFarlane. All voting in favor.

Meeting adjourned at 9:45 P.M..


K B. Olsen, Secretary

FEBRUARY 15, 1979

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday Feb. 15, 1979. The following members were present: Dale Rhodes, Jay MacFarlane, Neil Nelson, Charles Kimber, Don E. Chase and after 8:00 O' clock Jerry Wilde. Also present were ex-officio members Denton Beecher, K B. Olsen and County Planner Kenneth Millard.

Member MacFarlane was appointed temporary chairman until the Chairman, Jerry Wilde, was able to be present.

Copies of the minutes of the previous meeting having been previously mailed to the board members, member Rhodes moved they approve the minutes of Jan. 18, 1979. This was seconded by member Neil Nelson. All voting in favor.

DON HILL MINOR SUBDIVISION - LaMar Wamsley met with the Commission as a follow up from last month's meeting in regards to his request for an ammendment to the Don Hill Minor Subdivision. Mr. Beecher reported the changes have been on the plat with a new description dividing Mr. Wamsley's lot into two $\frac{1}{2}$ acre lots. He reported this now makes nine lots in the subdivision which is the maximum they can have in a minor subdivision. After a very breif discussion member Rhodes made the motion they accept the Final Plat for the Don Hill Subdivision and they

authorize the Chairman to sign the plat. This was seconded by member Kimber. All voted in favor.

MARBLE HILL ESTATE SUBDIVISION - Kelvyn H. Cullimore, A. V. Moxley, Bob Panvsh, Gordon Sloan, Ren Richins and Greg Lawson met with the Commission in regards to Concept Plan approval and to look towards Preliminary Plat approval for the proposed Marble Hill Estate Subdivision. Mr. Cullimore acted as the spokesman for the group for the first part of the discussion and Mr. Lawson for the latter part. Mr. Cullimore gave a back ground and their philosophy for Having purchased the land from Mr. Boyd Marble forthe proposed subdivision. He said they plan to put in a very nice subdivision of one half acre lots. He said they are totally committed to half acre lots. The plat of the subdivision was shown to the Commission. Mr. Cullimore said they have run a lot of perc tests in all parts of the subdivision which he said checked out adequate. Later in the discussion it was reported that they haven't had a report back from the Health Department on the perc tests. He further reported the roads were 10- cated to follow the bench areas and he said they could have squared up the lots and got more lots but they wanted to give a rural feeling. He said they want a country atmosphere. He also reported they would fence around the area. He said they will have to put in a water system and reported they have applies to the County Commissioners for a Special Service District. He further reported they have purchased a well from Reese Anderson which is located north and east of the proposed subdivision and he said they would have to get a Change Of Use for the water, although he said the main source of their culinary water will come from the well they are going to drill. He said they have a permit for a well to supply 300 homes and that is what they plan on using as their primary water source. He also said there is a well on the property they purchased from Mr. Marble. However, he said they do not intend to use that water for culinary purposes as they don't know if that will qualify for culinary water. He said they will pump the water into a storage tank on the west side of the subdivision. They

said the homes would be set back from the stree 50 feet in keeping with the intended rural atmosphere. They said they would like to put the roads in without curg and gutter. They furthersaid they will have some very restrictive covenants. The roads are designed for 50 ft. roads, however he said he has heard the County wants 60 ft. roads. He said they will be on septic tanks. Commissioner Chase said he understands they have included in the Resolution For A Special Service District, that was presented to the County Commissioners last Tuesday also for a sewer district. Mr. Cullimore explained they did that in the event others develope the land around then and want to put in a sewer district, we could join tham at that time, but for now they are not planning on a sewer district. Member MacFarlane said with the slope of the land and with that many septic tanks, in that small of an area he wonders if they won't have sewage seeping up on the lots at the lower end. Further information regarding the plans for the subdivision was pointed out such as, the drainage that runs through the subdivision along the south side will be left as it is except on the east side they will have a retention pond. Also of the 207 lots platted, 95 are one half acre lots and the upper ones on the steeper knoll are the only ones with over half acre lots. Commissioner Chase asked if there is any plans for recreation areas? Answer, no. They said they don't see this as a planned use development. Member Kimber asked what their plans are for fire hydrants? They reported they are planning adequate storage for fire protection and there will be fire hydrants but they are not planning on any fire trucks. Mr. Millard said in looking at the size of the lots it looks like /anything but a rural atmosphere and he questioned doing away with the curb and gutters although it was pointed out if all of the lots have at least 120 ft. frontage curb and gutter is not required. Commissioner Chase asked if they are planning on dedicating the streets to the County? They said they are. Commissioner Chase said it has been theCounty's policy, for some time, they won't accept a road under a 66 foot right-ow-way. He said no way can the county push snow and adequately take care of roads without that much right-of-way. There was considerable discussion that followed in which Mr. Millard and^{the}Commission pointed out and

and talked to these people about things that will have to be done before final approval is given and what they might do to meet the requirements. There was discussion regarding such things as designation of roads, which are collector roads, not all of the lots having 120 foot frontage and the vicinity map not showing how their plans will tie in with the adjoining property. Mr. Millard also refered them to Section 7-4 of the Uniform Subdivision Code which deals with subdivisions containing more than 25 lots. Some of the Commission members said if the subdivider does everything they can to have all of the lots have 120 foot frontage and there are a few, because it is not pratical, do not have the 120 foot frontage they wouldn't hassle them about that. The Commission expressed concern, with that many septic tanks, in that small of an area. After the discussion member MacFarland made the motion they accept the Concept Plan subject to working out the size of some of the lots, the road plan including width and classification and the sewer. This was seconded by member Neil Nelson, with all voting in favor.

DIVISION OF AGRICULTURAL LAND SOUTH OF SNOWVILLE - Tony Stander and Bruce McFarland met with the Commission in regards to their plans for a division of land for agricultural purposes. They said the land is immeditely south of the freeway interchange at Snowville. These men presented the following to explain their proposal. (copy attached) These men showed the Commission a plat of the area showing the existing roads, and how the roads would give access to each of the 12 proposed parcels of land. They said they would have to cut an easement from the Locomotive Springs road to give access to the lot on the South west corner of the development. Mr. Beecher inquired about their proposed method of retaining a right-of-way down through the middle to make sure someone does not get cut off so they don't have access to their land. There was some discussion on two or three possible methods that could be used to accomplish this. Mr. Millard cautioned them by saying he'd hate to see them lock this land up, so later on, if they want to develop this land further they couldn't get at it and said he'd suggest it be kept under an owners association just in case

The parcel of ground under advisement consists of 510 acres of farm ground which was originally developed and put under irrigation in 1967. Approximately 100 acres was seeded to alfalfa in 1968 and 250 acres was planted into barley. This basically was the extent of the operation until 1974. The prime mode of irrigation, until this time, was two $\frac{1}{4}$ mile valley water drive pivots, which had proven totally inadequate in the sandy soil.

We purchased this ground in the Fall of 1974, sold the pivots and installed the present irrigation systems which consists of eleven wheel lines and three hand lines. In the Spring of 1975, we also broke out the remaining undeveloped ground which consisted of 160 acres and planted it into alfalfa.

As of 1978 there was, including new planting, a total of 350 acres of alfalfa. The balance was planted into Fall wheat and will be drilled into alfalfa in 1979. It has been our experience that this ground is very capable and suited to the production of alfalfa.

The irrigation well is located in the Northwest quarter of Section 11, which is in the extreme Northwest corner of the property. It is a 16" well, 416 ft. deep, with a lift of 100 ft. The well has a 250 horse power Pump and Motor with 4 stage Bowls.

We propose to divide this ground into thirteen parcels, 12 of which would be 40 acres each. The remaining parcel would be retained by the present owners, this is also the parcel which the well is located on.

We also propose to establish an owners association for the ownership of the well, each owner owning his proportional undivided share. Each land owner is thereby responsible for that share of operating and maintenance cost. Each parcel would have adequate irrigation equipment to continue a full scale farming operation. The parcels will be sold as agricultural parcels, only with no urban services provided. There will be a farm manager provided and each owner will be given the option to have their parcel run accumulatively as one farm. It is our opinion that this is probably the way it will be operated still as one operation each owner receiving his or her proportional share of the crop proceeds after expenses.

As for the specific information requested in chapter three entitled "Definitions"

ITEM #1 Average Slope:

The average slope is very gradual. The low point is the Northwest corner which is 4,520 ft. above sea level and reaches an elevation of approximately 4,640 ft. at the furthest Southeast corner of Section 11. There is not any portion of the farm that is not suitable for agricultural purposes. It is presently all being farmed.

ITEM #2 Block:

The subject property is bordered on three sides by county roads - north, east, and west and also to the north by I-15 Freeway systems. We are proposing a 20' wide graded dirt road which would enter the property at the $\frac{1}{2}$ Section point of Section 11 running south to the center of Section 14. We feel that these four roads will give us adequate access to all parcels of ground.

ITEM #3 Bonafide Division of Agricultural Land:

- a. There will be no urban services required by said Division of Agricultural Land.
- b. The purpose and use of each of the lots shall be for agricultural purpose; the crop program will not change from what it has been for the past five years.
- c. As indicated by the Preliminary Plot Plan that has been submitted to the Committee.
- d. It is our proposal that each unit being submitted is capable of producing an income from the sale of agricultural products sufficient to justify its existence as a separate agricultural entity now as well as in the future. The basic reason for this conclusion is that we are not proposing any changes be made in regards to how it has been used in the past. The water is a proven amenity production records have been established through years of operation. There is alfalfa presently planted on units #1, 2, 5, 6, 9, 10, 11 and 12. Units #3, 4, 7 and 8 are presently planted into Winter wheat. 1978 hay tested at between 17-18½% Protein. As previously mentioned, it is our intention to have all ground seeded into alfalfa by Fall of 1979.

Soils Information

Capability	Soil Symbol and Name	Description
IIIc3	HaA - Hansel silt loam, 0-1% slope	Capability III soils are those soils which have severe limitations that reduce the choice of plants and require very careful management, or both. The capability subclass indicator "c" shows that the main limitation is climate that is too cold or too dry. The number following the hyphen suggests the nature of the limitation - 3 - climate with 70 to 100 frost-free days.
	ThA - Thiokol silt loam, 0-1% slope	
		<p>This capability unit consists of well, and moderately well drained soils on lake terraces and alluvial fans. The surface layer is silt loam or loam and the underlying layers range from silty clay loam to silt loam. Intake rate is moderate and permeability is 0.20 to 0.60 inches per hour. The available water holding capacity of the soil is 0.17 to 0.20 inches of water per inch of soil. These soils are suited for sprinkler irrigation and are used for alfalfa, small grains and pasture.</p> <p>Good tilth can be maintained if the soils are fall plowed and organic matter is regularly replaced by manure or crop residue. Crops generally respond to nitrogen, phosphate or both, but the kind of response depends on the kind of crop and the way the soil has been managed in the past.</p>
IIIe3	ThB - Thiokol silt loam, 1-6% slope	Capability III soils are soils having severe limitations that reduce the choice of plants, require very careful management, or both. The letter "e" shows that the main limitation is risk of erosion unless close-growing plant cover is maintained. The number 3 following the hyphen indicated the climatic zone with 70 to 100 frost-free days.
	HaB - Hansel silt loam, 1-6% slope	
		<p>This capability unit consists of well drained soils. The surface layer is silt loam. The</p>

Capability	Soil Symbol and Name	Description
IIIe3 (cont'd)		<p>underlying layers, to a depth of 60 inches, are light brownish-gray to white silt loam. Intake is moderate and permeability is 0.60 to 2.00 inches per hour for the Thiokol soil and 0.20 to 0.60 inches per hour on the Hansel soil. The available water holding capacity of the Thiokol soil is 0.16 to 0.20 inches per inch of soil and for the Hansel soil 0.17 to 0.20 inches per inch of soil. Roots penetrate to a depth of 60 inches, but most roots are concentrated in the top 30 to 40 inches of soil.</p> <p>These soils are suited for alfalfa, small grains and pasture under irrigation.</p> <p>The main concern of management of these soils is the control of erosion. These soils are well suited to sprinkler irrigation methods. The surface soil needs to be protected from erosion during periods of non-use with either vegetative cover or crop residues.</p> <p>Crops on these soils respond well to fertilizers.</p>
IIIIs3	EcB - Eccles fine sandy loam, 1-6% slope	<p>This soil is also in Class III, but the main limitation is the coarse soil texture as indicated by the small letter "s". This area is also in climatic zone 3 with 70 to 100 frost-free days.</p> <p>The surface soil is fine sandy loam underlain by fine sandy loam to very fine sandy loam to a depth of 60 inches. These soils are moderately alkaline and strongly calcareous in the surface and subsoil. The substratum below a depth of 18 inches is strongly alkaline and strongly calcareous.</p> <p>The intake rate on these soils is rapid, and the permeability is 2.0 to 6.0 inches per hour. The moisture holding capacity is 0.12 to 0.15 inches per inch of soil.</p>

Richtron, Inc.
Soils Information
Page 3

Capability	Soil Symbol and Name	Description
III s3 (cont'd)		This soil is subject to wind erosion unless protected by close growing crops or adequate plant residue.

UTAH STATE UNIVERSITY · LOGAN, UTAH 84322

SOIL, PLANT and WATER
ANALYSIS LABORATORY
UMC 48

January 8, 1976

Bruce McFarland
2650 Washington Blvd, Suite 203
Ogden, Utah 84401

Dear Mr. McFarland:

The results of the tests on your soil samples were as follows:

Lab No.	Coll. No.	mmhos/cm EC _e	Hydrometer			Texture	
			% Sand	% Silt	% Clay		
75-5716	Top East	12"-24"	3.5	51	39	10	Loam
5717		24"-36"	3.8	53	40	7	Sandy Loam
5718		36"-48"	3.4	67	27	6	Sandy Loam
5719	Center	12"-24"	4.6	48	42	10	Loam
5720		24"-36"	8.8	38	54	8	Silt Loam
5721		36"-48"	8.9	39	55	6	Silt Loam
5722	Lower W	12"-24"	29.0	20	62	18	Silt Loam
5723		24"-36"	29.0	8	73	19	Silt Loam
5724		36"-48"	31.0	8	75	17	Silt Loam

REF



SOIL and CAPABILITY MAP

Prepared by SOIL CONSERVATION SERVICE * UNITED STATES DEPARTMENT of AGRICULTURE
cooperating with

Northern Utah

S. C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER Richtron, Inc.

OPERATOR

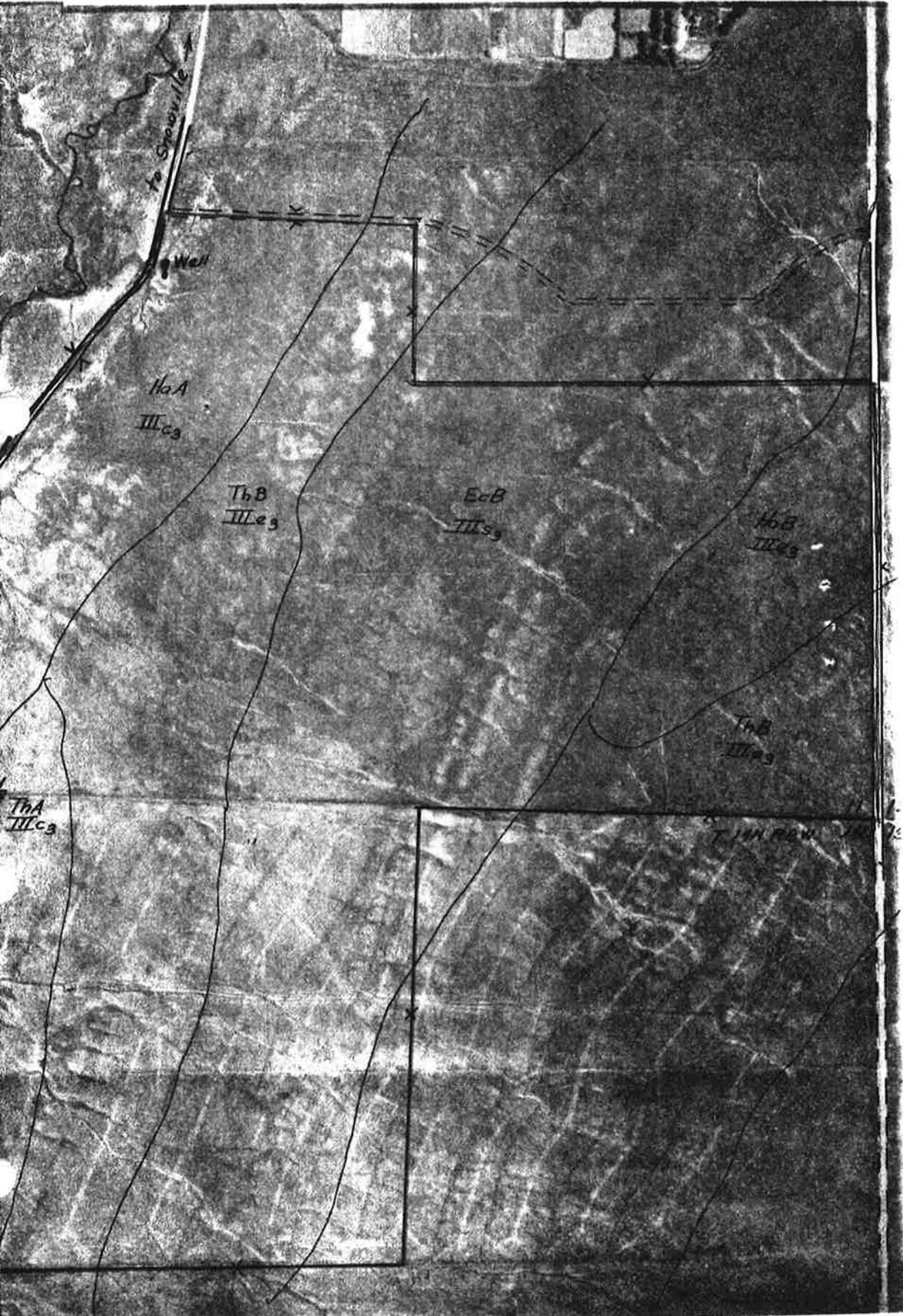
Box Elder
COUNTY

Utah
STATE

FARM NO. DATE 1974

SCALE 8" = 1 mi. ACRES 510

PHOTO NO. AAH-2GG-271



they should, at some future time, want to subdivide. Member Chase made the motion they approve the proposed division of agricultural land, subject to their meeting the things talked about which can be cleared through Mr. Beecher and when this is done it be brought back to the Planning Commission. This was seconded by member Rhodes. All voted in favor.

BA POSSIBLE ILLEGAL SUBDIVIDING - Mr. Beecher reported ~~on~~^{that} Section 9, twp 11 N, R 4 W is being created into 10 acre lots. Planner Kenneth millard is to check with Jim Barker of the Attorney General's Office on this problem.

Meeting adjourned at 10:20 P.M..

K. B. Olsen
Secretary

MARCH 15, 1979

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday March 15, 1979 commencing at 7:00 P.M., Members present: Jerry Wilde, Dale Rhodes, Neil Nelson, Boyd Nelson and Don Chase. Also present were ex-officio members Denton Beecher and K B. Olsen. Chairman Wilde presiding.

Minutes of the last Planning Commission Meeting having been previously mailed to the commission members, member Neil Nelson made the motion they approve the minutes of the Planning Commission meeting held Thursday, Feb. 15, 1979. This was seconded by member Rhodes. All voted in favor of the motion.

MARBLE HILL SUBDIVISION - Greg Lawson representing Kaiserman Associates, Kelvyn A. Cullimore prospective developer, J. Craig Valentine, Bob Panush representing S & D Construction, Harvey E. McCoy attorney for the developers and Ren L. Richins representing Kaiserman Associates met with the Commission in regards to getting Preliminary Plat Approval for the proposed Marble Hill Subdivision. Kelvyn A. Cullimore acting as spokesman for the group showed the Commission a plat of the proposed subdivision showing the changes they have made in their plans since their last meeting with the Planning Commission. He said they have gone to 60 foot right-of-ways on the collector roads plus an 8 foot easement on each side of the roads and on the other roads they have 50 foot right-of-ways with 8 food easements on each side, which they said would make 66 feet, the amount of right-of-way required by the county. He said all of the lots, with the exception

of 5 or 6 lots now have 120 foot frontage as per the code. He said the top of the knoll on the west side of the subdivision as well as the proposed road coming into the subdivision from the west is no longer a part of this development, as well as a small part on the south side of the waterway which is also no longer a part of the development. He said the subdivision now has 186 lots instead of the 207 lots as was first proposed. He said they would like to get preliminary approval of this plat and get Conditional approval on water and conditional approval on the sewer, which will be septic tanks. Member Rhodes said he understands one of the poles for the powerling down by the existing well, which is on this land, had to be blasted in order to get through the hard pan. Mr. Cullimore said that is right for just the one pole and he said the area is quite spotty. He said in their tests if they would hit a rock they would just have to move a few feet to one side and they would get a good test hole. The Secretary K B. Olsen, reported that member MacFarlane had called him earlier in the day, to be excused, as he was not going to be able to be to the meeting but Member MacFarlane had expressed his feelings. The Secretary gave the chairman a note stating that member MacFarlane had expressed to him. Chairman Wilde then read the following to the group. "Jay MacFarlane called to be excused from the Planning Commission meeting as he will be out of the county. He said he has given a lot of thought to the proposed Marble Hill Subdivision and said he would like it to go in the minutes that he objects to that many septic tanks on that slope in that small of an area. He said just think how many gallons of water each home will use each day and with that many homes, that amounts to a lot of water and it's got to come out someplace. He further said he thinks they should develop the upper part first rather than starting at the bottom, what way it would give them a chance to see if the water will surface on the lower end of the subdivision before they get the homes built at the lower end. He also said he'd have to vote against an agricultural exemption for the Rhondo Perkins property south of Snowville." Member Chase said he shares member MacFarlane's concern, however he said

if the perc tests prove out and they meet or ordinance, we can't turn them down just because of a concern. Mr. Cullimore said they have been doing a lot of research in the area. Mr. Beecher said in studying the plat some of the lots are questionable on the amount of frontage and he feels some are a bad shaped lot but he said he thinks that can be worked out with them. He said one question that comes in his mind is the long blocks without a break. He said blocks shouldn't be over 1,000 feet without providing walk ways through the block. He said our ordinance says we may require a walk way but doesn't say we shall require, so he wondered if the Commission shouldn't address that as he said the Commission may want to require it. The Commission asked if there is a possibility of a walkway so the people won't have to go clear around such a large block. Mr. Cullimore that is no big deal to make a walkway. Mr. Beecher also said he wondered if maybe they couldn't make another access on to the Faust Valley road since they are doing away with the road coming in from the west. He also said he has some questions on the drainage saying he is concerned with an open ditch on a 10% grade. In the discussion it was brought out these matters are matters of design that can be taken care of when they get into that part of the development. It was however pointed out that there is a question on putting in walkways through the blocks as they are afraid they would just become a waterway where it is as steep as it is. They also said they believed it should be a homeowner thing for the detention ponds. The Commission expressed reluctance to have another road entering on to the Faust Valley road but said it may be good to have an entrance for emergency use only and be a gravel type road. There was also some discussion on drainage problems with another catch pond. The Commission said they want it shown in the minutes they are concerned about having in septic tanks in this case. Member Chase said as a County Commissioner he is concerned about the street width where they have to include the easement area to get the necessary width. He said one concern is the precedent they would be setting and he said the other County Commissioners, he's sure share his concern. The

Representatives of Marble Hill Subdivision said there will be nothing built on the easement so the County would have that area for pushing snow. They also said they understand his concern about the precedent but asked if a street in a subdivision isn't different from a county road? Member Chase said he hasn't made up his mind as just how he feels about the street width which includes the easement in order to get the width the county requires and said he'd have to think about that. The representatives of the subdivision also said they hoped the Commission would accept their application as one subdivision rather than having to have it approved in stages as the lots are built on. They said they would be willing to give the county a letter committing themselves to agree to maintaining the streets until say half of the lots are built on before turning the streets to the county. They said they hoped such a commitment would satisfy the county and they would approve it as on subdivision. Member Chase said one fear he has, in an area like this, being cut up in small peices and left that way. These men said they are confident the lots will sell and be built on. They said it doesn't make financial sence to only put in 25 lots at a time as they said most of their costs will be there before they get ready for even one home. They showed the C showed the Commission a drawing of what each entrance will be like, saying they intend to have a very high class subdivision. They said ^{with} the entrances and the other expenses they have a great deal of front money in it. Mr. Beecher said he didn't see why something couldn't be worked out so that the home owners take over the maintenance of the roads, water, sewer etc until a certain percent of the lots are built on. These men gave the Commission a copy of a market study they put together, showing why they are convinced that the market is there. They asked that the market study be confidential as they said they have gone to a lot of effort getting it put together. The Commission said they would respect this request. Member Boyd Nelson made the motion they give them Preliminary Plat approval conditioned on the sewer report and the County Commissioners granting approval of the requested Special Service District and they have it understood there may be a little problem on the streets and they they put in an

emergency type of an exit on the Faust Valley Road. It is also understood there is a question on the drainage problem for another catch pond. This seconded by the member Neil Nelson with all voting in favor of the motion.

CONDITIONAL USE PERMIT - USU TELEVISION TRANSMITER - Boyd Humphreys representing USU Television and Radio Communications Department with the Commission and explained the University desires to increase their T.V. coverage and said they have looked at a number of possible sites for a remote control transmitter that would be suitable for providing the desired additional coverage. He pointed out some of the things they need to look at are such as elevation, availability of electricity and a road to the site. He said they have picked a site with these things in mind which is right on the Cache-BoxElder County line that is 3,700 feet from the Western Union transmitter site that is east of Beaver Dam. He showed the commissioners the proposed site on an aerial photo of the area. He said the transmitter will be a remote control unit. He said the tower will be 100 feet high and they will have a 16' x 24' building. He reported they will have to build a security fence around the tower. He also said they have submitted their application to the Cache County Planning Commission and have been given a Conditional Use Permit. Member Boyd Nelson, made the motion they grant then a Conditional Use Permit from our County and inasmuch as most of the construction will be in the Cache County they should get their building permit from Cache County and we do not require them to get another permit from our county. This was seconded by member Chase, with all voting in favor of the motion. Mr. Humphreys said he would like to get a letter of approval from us. The Commission said they would have a letter sent to him.

SALE OF RHONDO PERKINS LAND - Inasmuch as Sherwin Kirby did not keep the appointment he had made to come in and reply to the letter that was sent to Delta Milling on Feb 2, 1972, by the Planning Commission, calling to their attention they have not been given an agricultural exemption to sell of the land they purchased from Rhondo Perkins and since no reply has been received, member Rhodes made the motion that the County Attorney be notified that the commission intends

to Proceed to prosecute Delta Mining Inc. for selling land in 40 acre tracts without complying with the County's Subdivision Ordinance. This was seconded by member Chase with all voting in favor of the motion.

BA CONDITIONAL USE PERMIT - S. P. RELAY STATION - Mr. Beecher reported that the Southern Pacific Railroad Communications Department has asked for a conditional Use Permit to put in two relay station for their line between Sacramento and Salt Lake City. He said they want to put one on the mountain by Lucin and another one at Lake Side. He said these two locations are in an M.U.-160 Zone which allows for relay stations by a Conditional Use Permit. Member Boyd Nelson made the motion they grant the S.P. Railrod a Conditional Use Permit for both of the proposed relay station and they authorize the Chairman to sign the permit. This was seconded by member Chase, with all voting in favor of the motion.

Meeting adjourned at 9:05 p.m.

Boyd Nelson
Secretary

APRIL 19, 1979

Minutes of the regular meeting of the Box Elder Planning Commission held Thursday, April 19, 1979. The following members were presnt: Dale Rhodes, Jay McFarlane, Don Chase, and Jerry Wilde. Chairman Wilde presiding. Also present were ex-officio members Denton Beecher, K.B. Olsen, and County Planner Kenneth Millard. The minutes of the previous meeting held Thursday, March 15, 1979 having been previously mailed to the Planning Commission members, Member Chase made the motion that they approve the minutes. This was seconded by member Rhodes with all voting in favor.

CURLEW RANCHETTES

Mr. Beecher reminded the Commission that during their Feb 15th, 1979 meeting, Mr. Tony Stander met with the Commision and talked about getting an agricultural exemption on some land he wanted to devide just south of the Freeway on and off ramp at Snowville. At that time he said the Commission made some suggestions of thins to be done and when he meets the things they talked of it should be brought back for the Commission's approval. Mr. Beecher reported Mr. Stander has filed his declaration of restrictive covenants and he is asking for an agricultural exemption if has has complied with the requirements. The name of the division of land is to be known as Curlew

Ranchettes. Mr. Beecher said he had received two sets of restrictive covenants and reviewed with the Commission the things that were in the last set of covenants that he had reviewed with Mr. Stander. Member Rhodes made the motion they approve Mr. Stander's Curlew Ranchette application with the stipulation, in the declaration that he must meet the requirements of the reassessment declaration act and include in the letter, when he is notified his application has been approved, a statement of which one if the copy of the covenants approved by the Planning Commission so he understands that the other set of restrictive covenants, which has things in that the Planning Commission does not agree with, are not the ones approved. This was seconded by the member MCFarlane with all voting in favor of the motion.

COLONIAL PARK PLANNED UNIT DEVELOPMENT

Eugene Stephens and Mr. Nielsen met with the Commission and explained they are planning on putting in an air recreational development between Park Valley and Rosette. Mr. Stephens said there are two landing strips in that area; however, he said right not the one in in poor condition. He said he intends to lease the airstrip from the BLM and the plan is to break 880 acres up into five acre parcels, or if the people want one acre parcels and allow the people to fly in and taxi to their own property. Mr. Stephens showed the Commission the following vicinity map of the area where the planned unit development would go and also showed the general plan of development, (COPY) He also said Sawtooth National Forest is nearby which is a good recreational area. He said the airstrip would be available to the public which will be a good thing for the permanent residents of that area. Member Rhodes asked if the lots would be built on. Mr. Stephens said yes, if they owners want to, although he said they have not worked up any restrictive covenants. He said they plan on getting their water from wells. He further said they are here asking for some kind of a concept approval. Member Chase asked how the people of Park Valley and Rosette feel about it. Mr. Stephens reported there are mixed feelings. The Commission members said this would have a great impact on the area and they said the representative on the Planning Commission that represents that area was not there tonight and they said it is tough to come up with anything until we get input from the people of the area. The

Commission members also asked these men if they know there is no public access to the National Forest land from the Park Valley side of the mountain. These men were not aware of that. Commr. Chase made the motion they take the matter under advisement to give them time to study it, then get back with these people as soon as they can , at least by the next Planning Commission meeting. This was seconded by member McFarlane with all voting in favor.

APPLICATION FOR AMENDING ZONING ORDINANCE IN THE BOTHWELL AREA

Von Erickson and Herm Nevenner met with the Commission in regards to the following application for zone change: (COPY) It was pointed out that the area requested for a zone change is right on the southwest corner of the area now zoned RR% and involves approximately 11 acres now within the RR% zone; however, there are approximately 65 acres in the parcel these men intend to develop. It was explained that the Planning Commission can only make a favorable or unfavorable recommendation to the County Commission for the County Commissioners to consider holding a public hearing on the requested zone change. When the Commission studied the map of the area now zoned RR5 member Wilde said he would like to know why, in requesting the boundaries of the zone, did they put the jog in on the west side of the zone as he and other Commission members having also expressed the same thing and wondered if it had anything to do with Bothwell's water supply. Mr Beecher said it would look to him like the Commission, if they consider a zone change, would probably want to consider changing all of the south area of the Faust Valley Road. Commr. Chase made the motion that the Commission certify to the County Commissioners that the Planning Commission is favorable to having the County Commissioners consider a zone change of the Von Erickson property to change it from an RR% to an RR1 zone. This was seconded by member Rhodes with all voting in favor of the motion.

APPLICATION FOR AMENDING THE ZONING ORDINANCE
IN THE AREA SOUTH OF LUCIN

Michael L. Call, DeEtta Lisk and E. Leonard Lisk met with the Commission in regards to the following application for Amending Zoning Ordinance: (COPY APPLICATION) These people elaborated on why they think there should be a zone change in this area.

These people said they think this particular area is unique from the rest of the area out there and said they think it will be a good orchard country. They think the area will develop if they are allowed to sell 40 acres where it is too expensive to develop 160 acres. Mr. Beecher said the BLM is apposed to any zone change on BLM section, but are not apposed to allowing 40 acre parcels. Member Wilde said for one thing we would be setting a precedence and said let's face it no way can a person make it on 40 acres in the area out there, Commr. Chase said in most of the areas it just isn't feasible and said it is not in the best interest of the county to cut it up in small parcels. He said we want to be familiar with this particular section and said it may be unique. He said we want to be sure it is a good solid development. He further said with the costs of roads, schools, etc. the county just can't come out on it on small parcels. He said what you pay in taxes for roads won't pay for anything so what is spent out there we are spending other people's money. After some general discussion, member Chase made the motion they table the application until the next meeting to give the Commission a chance to go out on the site for investigation. This was seconded by member McFarlane with all voting in favor.

RIVERVIEW ESTATES SUBDIVISION
Final Approval

Marion Malnar and D ve Allen met with the Commission in regards to getting final approval of the Riverview Estates subdivision. Mr. Malnar said in regards to the variance requested they asked not to have to cover the irrigation ditch and said there really isn't a ditch there as they just flodd irrigation the land and he said if the irrigation is used it will be piped. There was some discussion in which Commr. Chase expressed concern over the variances of sidewalks the Commission previously granted. There was some discussion regarding the access road that would give the property owners access to the lower parts of the lots that extend down to the river. It was finally decided that the maintenance and access of the private access road is the sole responsibility of those who want to use the easement and the Commission said a statement on the sub-division plat, or in the protective covenants, should spell this out.

It was pointed out there needs to be an escrow set up. Mr Beecher said they have also agreed to a 45 ft. radius to the back of curb and gutter in the cul-de-sac rather than a 40 ft as shown. Member McFarlane made the motion they approve the Riverside Estates sub-division subject to these things being done to the satisfaction of the County Surveyor and when the Surveyor feels it's completed they authorize the Chairman to sign the plat. This was seconded by member Rhodes with all voting in favor of the motion.

WEST HILLS #1 SUBDIVISION

J. Dell Petersen and Wayne Reed met with the Commission in regards to getting concept plan approval for the proposed West Hill #1 Sub-division. These men explained this sub-division will be west of Thatcher Height Sub-division and the lot will be 125 ft x 150 ft. He said they will get the water from Thatcher-Penrose Water System. Member Rhodes made the motion they give the concept plan approval for the West Hills #1 Sub-division. This was seconded by member McFarlane with all voting in favor.

ELM TREE PARK MINOR SUB-DIVISION

Bruce Jeppson met with the Commission and asked for concept plan approval for the proposed Elm Tree Minor Sub-division. Mr. Jeppson said the minor sub-division will be a three lot sub-division and will be on the north end of 7600 West Street. He said they will use a private water system they are developing and will have septic tanks. Commr. Chase made the motion they give the concept plan approval for the Elm Tree Park Minor Sub-division. This was seconded by member Rhodes with all voting in favor.

SPRING ACRES SUB-DIVISION

Mr Jay Christensen, met with the Commission and reported the Commission has given preliminary approval for a minor sub-division, however, he said they have added seven lots as they ran into a hard-pan problem; therefore, a few of the lots can't have septic tanks. He said the subdivision therefore would no longer be a minor sub-division. He then asked if there is anyway he can get only those lots that are favorable to septic tanks approved. He was told the Commission can approve them if he puts on restriction stating the restricted lots can't be built on until they get a ~~sewer~~ sewer

system. Mr Christensen said he needed to talk to the Planning Commission about this matter so he will know what way to go.

WEST STREET MINOR-SUBDIVISION

Mr. Beecher presented Lee Allen's application for concept plan approval for a three Lot minor subdivision. He said the proposed minor sub-division is two miles north and $\frac{1}{2}$ mile east of the Garland Sugar factory. He said the lots would be about one acre each. After a brief discussion member Chase made the Motion that they approve the concept plan of the West Street Minor Sub-division. This was seconded by member McFarlane with all voting in favor.

POTENTIAL RECREATIONAL LOTS
SOUTH OF THE BOX ELDER CAMP GROUNDS

Wayne Call met with the Commission and said he has approximately 50 to 60 acres in Mantua and said he also has some canyon area that he feels is potential recreational lots. The surrounding area is in general now a recreational area. He said that area is now zoned MU160 so he would need a zone change in order to put in the recreational lots. He said he is here mainly for information to try to find out what might be done. He said he is asking for a zone change in the southwest quarter of section 27. Mr. Beecher said he wondered if they should consider looking at the whole area to be re-evaluated. It was pointed out to Mr. Call one problem is when the area is developed there are state requirements that will have to be met such as fire water system, water supply for fire fighting, waste water and water pollution, etc. Mr Beecher and Mr. Millard wondered if Mr. Call couldn't accomplish what he wants by a planned unit development. Member Chase said that area is largely cut up in small lot developments now and we would just be expanding on what's already there so he said he can't see anything against it. Mr Beecher told Mr. Call inasmuch as he doesn't know what zone he wants the area changed to there really isn't any action the Planning Commission can take as he hasn't made a formal application for the Planning Commission to act on. The Commission expressed they are not particularly opposed to a zone change if Mr. Call

can come up with the kind of zone he wants. They also explained that before a zone change can be made they County Commissioner have to hold a Public Hearing, but said if the other property owners would come in enmass and oppose the zone change his development would be dead. They said his next step would be to pick the zone he wants and said he could work with Mr Beecher to see if he can't help Mr. Call come up tith the kind of a zone he would like to have and then he can make an application for the zone change.

MARVIN ASHBY MINOR SUB-DIVISION

Marvin Ashby met with the Commission and said he had been in before and received concept plan approval for his proposed minor sub-divsion and said he is now asking for Preliminary Plan Approval and present the plat to the Commission. The Commission pointed out that he has one too many lots for a minor sub-division. Mr Ashby said he would dro one lot. Mr Beecher reported he has all of the necessary information except relative to any improvements. Mr Beecher said in regards to improvement there are some minor sub-divsions that the Planning Commission haven't required any improvement so he doesn't know hat route Mr Ashby wants to go. Commr, Chase said he wonders if we are not making a mistake in not requiring improvements. There was some discussion in regards to that. Mr Ashby said he will get water for his sub-division from Garland City. It was pointed out where his proposed sub-division is outside of Garland City all the city can give him is surplus water and siad if the city should run short they would have to sut him off and even though that isn't likely they said with the growth coming to the area, or if we have a drought, it could happen. The Commission members said the people who buy from him should be appraised that he has only surplus water. Mr. Ashby said he wasn't aware that they could cut him off after he purchased the water. The Commission said Mr. Ashby should look into it for his own protection. The Commission also suggested Mr. Ashby check to see if his land couldn't be annexed into Garland City.

VICINITY MAP
COLONIAL PARK
a Planned Unit Development

Airport Area (BLM)

Area to be developed



We have obtained permits for two small wells and two large test wells. We intend to supply water to this subdivision via wells, storage tanks, and distribution lines which will be installed on a cost share basis.

Sewage will be handled by individual systems until there is adequate participation for a community system.

Our intent is to create an air-recreational community, to encourage individual development on "executive ranchettes" ranging in size from one to 10 acres.

T 13 N
T 12 N

(Preferred)

Alternate Plan
Scale 1" = 660'

1 acre pieces, minus footage for easements
112 Acres included

Dimensions

- Lots 1-10 → 127' x 310'
- 14-20 → 127' x 290'
- 21-50 → 126.6 x 310'
- 51-80 → 126.6 x 290'
- 81-96 → 127 x 310'
- 97-112 → 127 x 290'

N ↑

Section 6

T 12 N R 13 W

Section 5

Final approvals would be requested
at the rate of 20 acres at a time
to meet the demand

1	2	3	4	5	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	81	82	83	84	85	86	87	88
6	7	8	9	10	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	89	90	91	92	93	94	95	96
11	12	13	14	15	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	97	98	99	100	101	102	103	104
16	17	18	19	20	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	105	106	107	108	109	110	111	112

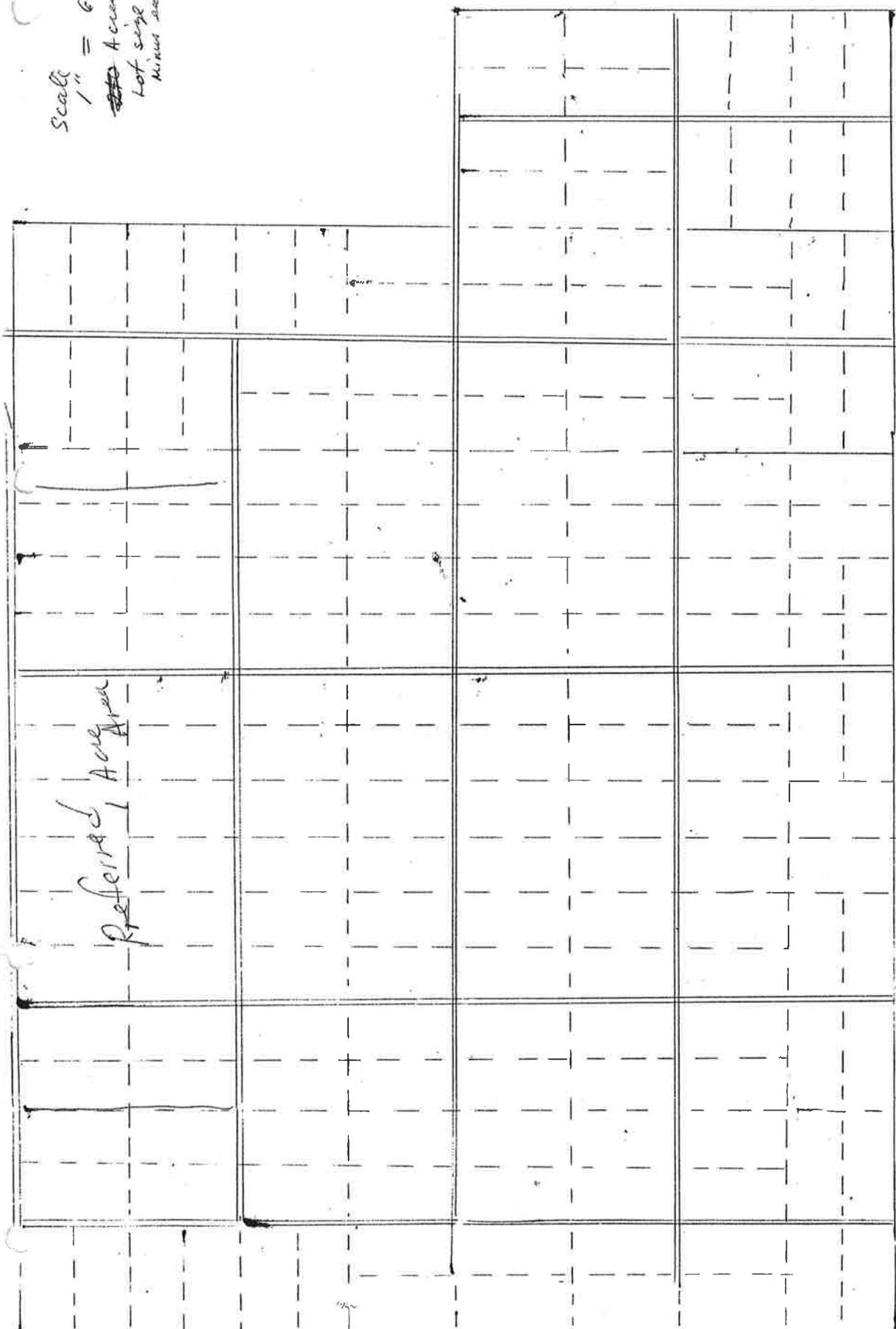
Scale

1" = 660'

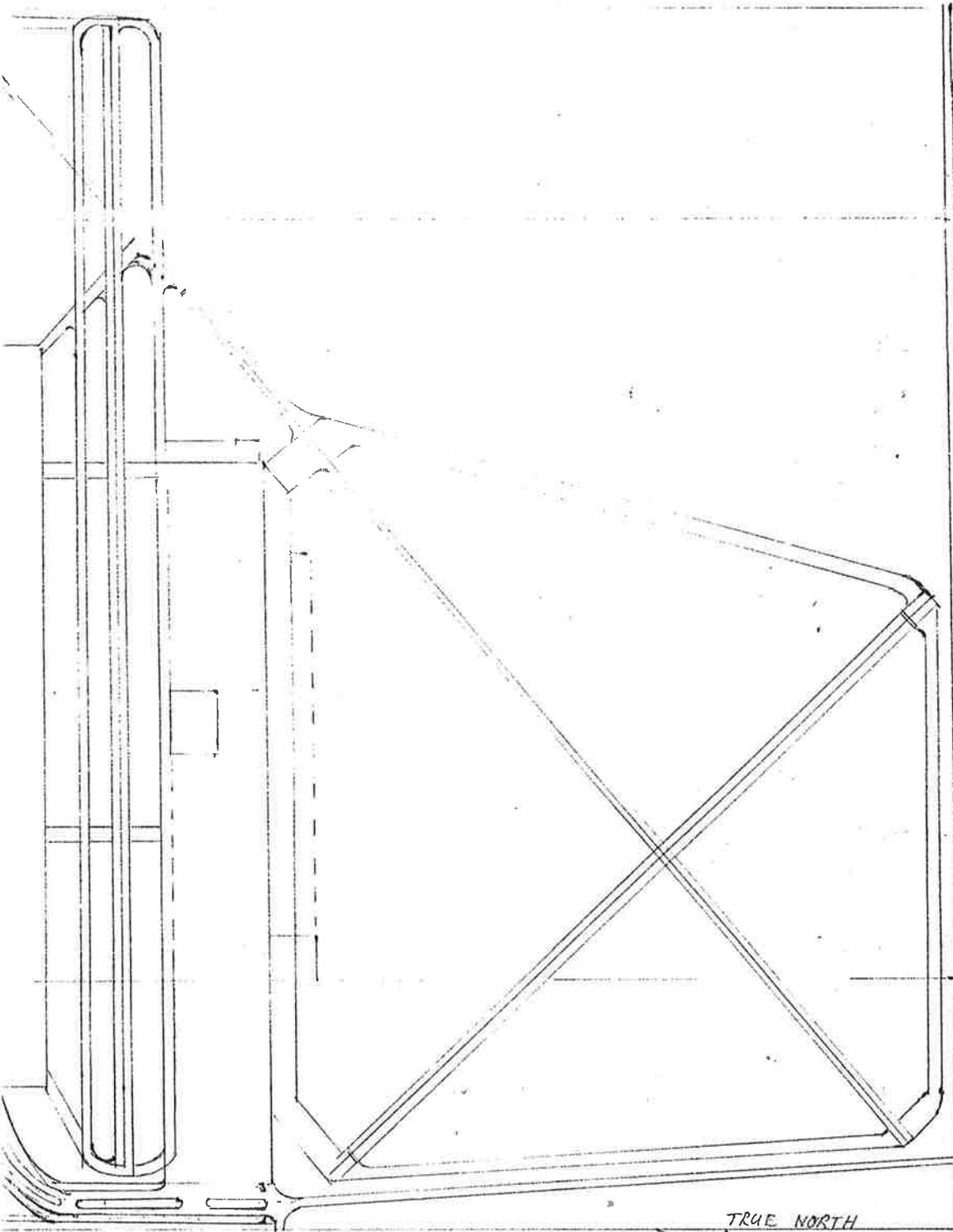
~~Area~~ Area 880

Lot size 5 Acres

minus easements N



Preferred Area



Utah Highway 30

TRUE NORTH
MAGNETIC NORTH

Scale
1" = 660'

DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION		<input checked="" type="checkbox"/> ESTABLISHMENT OR ACTIVATION <input checked="" type="checkbox"/> ALTERATION <input checked="" type="checkbox"/> DEACTIVATION OR ABANDONMENT <input checked="" type="checkbox"/> CHANGE OF STATUS		<input checked="" type="checkbox"/> AIRPORT <input type="checkbox"/> HELIPORT <input type="checkbox"/> SEAPLANE BASE	
NOTICE OF LANDING AREA PROPOSAL					
NAME OF PROPONENT, INDIVIDUAL OR ORGANIZATION <i>Ronald Eugene Stephan</i>			ADDRESS (No., Street, City, State, Zip Code) <i>P.O. Box 587 Ogden, Utah 84402</i>		
A. LOCATION OF LANDING AREA					
1. NEAREST CITY OR TOWN <i>Park Valley</i>		2. COUNTY <i>Box Elder</i>		3. STATE <i>Utah</i>	
4. DISTANCE & DIRECTION FROM NEAREST CITY OR TOWN		5. NAME OF LANDING AREA <i>Colonial Park</i>		6. LATITUDE <i>41° 48' 30"</i>	
		7. LONGITUDE <i>113° 22'</i>		8. ELEVATION <i>5473' MSL</i>	
MILES <i>2.3</i>		DIRECTION <i>235° 90'</i>			
B. PURPOSE					
TYPE USE <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PERSONAL		TYPE OWNERSHIP <input type="checkbox"/> PUBLIC <input checked="" type="checkbox"/> PRIVATE		LOCALITIES SERVED <i>Park Valley Rosette</i>	
		REF. AS ABOVE		IF CHANGE OF STATUS OR ALTERATION, DESCRIBE CHANGE: <i>Reorientation (See Attached sheet) Build New runway, taxiways, Hangars, tiedown, etc.</i>	
				CONSTRUCTION DATES TO BEGIN: <i>Apr 1979</i> EST. COMPLETION: <i>Ongoing 1990</i>	
C. OTHER LANDING AREAS					
		DRCT. FROM LANDING AREA	DIST. FROM LANDING AREA	D. LANDING AREA DATA	
<i>Lucin (Restricted)</i>		<i>203°</i>	<i>34.5</i>	1. EXISTING (If any) PROPOSED	
<i>Tremonton (Muni.)</i>		<i>82°</i>	<i>52.7</i>	MAGNETIC BEARING OF RUNWAY(S) OR SEALANE(S) <i>310° 130°</i> <i>42° 76° 222° 256°</i>	
<i>Ogden (Muni.)</i>		<i>106°</i>	<i>71.3</i>	LENGTH OF RUNWAY(S) OR SEALANE(S) IN FEET <i>2500'</i> <i>6500' 6000'</i>	
				WIDTH OF RUNWAY(S) OR SEALANE(S) IN FEET <i>30'</i> <i>50' 60'</i>	
				MAGNETIC BEARING OF PRIMARY LANDING DIRECTION <i>310°</i> <i>42° 256°</i>	
				TYPE OF RUNWAY SURFACE (Concrete, Asphalt, Grass, Etc.) <i>Grass</i> <i>Graded Asphalt</i>	
				2. DIMENSIONS OF LANDING AND TAKEOFF AREA IN FEET	
				DIMENSIONS OF TOUCHDOWN AREA IN FEET	
				MAGNETIC DIRECTION OF INGRESS/EGRESS ROUTES	
				TYPE OF SURFACE (Turf, rooftop, etc.)	
				3. DESCRIPTION OF LIGHTING (If any)	
				DIRECTION OF PREVAILING WIND	
				F. OPERATIONAL DATA	
				PRESENT (If est. indicate by letter "E") ANTICIPATED 5 YRS. HENCE	
				1. EST. OR ACTUAL NO. BASED ACFT.	
				AIRPORTS	
				MULTIENGINE <i>0</i> <i>5</i>	
				SINGLE-ENGINE <i>0</i> <i>50</i>	
				HELIPORTS	
				UNDER 3500 LBS. MGW <i>0</i> <i>0</i>	
				OVER 3500 LBS. MGW <i>0</i> <i>0</i>	
				2. AVERAGE NO. MONTHLY LANDINGS	
				AIR CARRIER <i>0</i> <i>0</i>	
				GENERAL AVIATION <i>2</i> <i>500</i>	
				OTHER (Military, glider, etc.) <i>0</i> <i>0</i>	
				3. ARE IFR OPERATIONS ANTICIPATED	
				TYPE NAVID: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES WITHIN _____ YEARS	
				H. APPLICATION FOR AIRPORT LICENSING	
				<input checked="" type="checkbox"/> HAS BEEN MADE <input type="checkbox"/> NOT REQUIRED <input type="checkbox"/> COUNTY	
				<input checked="" type="checkbox"/> WILL BE MADE <input type="checkbox"/> STATE <input type="checkbox"/> MUNICIPAL AUTHORITY	
I. CERTIFICATION: I hereby certify that all of the above statements made by me are true and complete to the best of my knowledge.					
NAME AND TITLE OF PERSON FILING THIS NOTICE (Type or print) <i>Ronald Eugene Stephan - Developer</i>			SIGNATURE (In ink) <i>R. Eugene Stephan</i>		
			DATE OF SIGNATURE <i>2 Mar 1979</i>		TELEPHONE NO. (Precede with area code) <i>801 - 773 - 7727</i>

FAA FORM 7480-1 (1-77)

A. At this time, runway 13/31 is the most usable. I propose to continue using it with some minor improvements, such as threshold markings, maintenance, erosion control, addition of a wind sock.

Anticipating community needs, I will install taxiways, tie-down areas, hangars, to fit the general proposed lay out.

B. Runway 4/22 was apparently constructed by a former applicant. Present condition is poor. I intend to maintain it in usable condition until other phases of construction are completed.

C. Preliminary studies of terrain and wind factors would indicate the installation of runway 8/26. More data will be gathered and submitted later.

As it becomes feasible runway 8/26 will be constructed. Upon completion, a determination will be made as to whether to maintain 4/22 as a runway or a taxi way.

APPLICATION FOR AMENDING THE
ZONING ORDINANCE

Fee Paid _____

Date: _____

I (we), the undersigned property owners, respectfully request that the
Zoning Ordinance be amended by Changing the existing zoning from RR-5
to RR-1

for the purpose of building a subdivision with all lots at least one acre each

** The Planning Commission must review the request from the standpoint that
changes in the Zoning Ordinance cannot be made unless it is in the best interest
of the public generally and in conformity with the policies of the general or
specific Master Plan.

Please answer the following questions: (Attach additional sheet for statements,
if necessary.)

1. How is this proposal consistent with the policies of the general or specific
Master Plan? This property has been used for dry land farming. It appears
from observing the property it has not been worked for the last 2-3 years
at least

2. How will this proposal promote the health, safety, morals, convenience, order,
prosperity, or welfare of the general public? With a well planned subdivision
to provide for year round residential living. Each lot will be a minimum of
1 acre with ample off-street parking for the safety of the neighborhood and
the traveling public. A subdivision that each lot owner can build on to meet
his own needs and satisfaction.

3. Names of all owners of property in the proposed amendment area and signatures
of property owners as available (Planning Commission may require signatures of all
property owners showing approval of proposed change).

Name	Address	Phone	Approve	Disapprove
<u>Daugh M. Erickson</u>				

APPLICATION FOR AMENDING THE
ZONING ORDINANCE

Fee Paid NONE

Date: March 19, 1979

I (we), the undersigned property owners, respectfully request that the Zoning Ordinance be amended by changing the requirement that parcels of land in township 6 N. range 18 W. (the township is a square 6 miles long by 6 miles wide that lies between 5 and 11 miles directly south of Lucin) can not be sold in parcels smaller than 160 acres (or a quarter-section) to a new relaxed requirement that parcels as small as 40 acres be allowed to be sold.

for the purpose of allowing greater flexibility in farming. (This land is now undergoing a change in use from grazing land to farming land. Wells drilled to date indicate that plenty of water is available for farming, and soil tests indicate that the soil can grow almost anything. Some of the land is already being farmed. Others of us are contemplating farming, and some would like to try some orchards. A minimum land requirement of 40 acres would allow us to farm with a smaller initial investment.

** The Planning Commission must review the request from the standpoint that changes in the Zoning Ordinance cannot be made unless it is in the best interest of the public generally and in conformity with the policies of the general or specific Master Plan.

Please answer the following questions: (Attach additional sheet for statements, if necessary.)

1. How is this proposal consistent with the policies of the general or specific Master Plan? We are aware of no conflicts. In fact, we understand that a few miles north and also a few miles south (across the county line) land can be sold in parcels of 40 acres or less. It is rumored that the reason for the ordinance in the first place is that some promotion scheme out of Arizona many years ago was selling square foot!! parcels of land and giving deeds to them. A 40 acre requirement would not open up any problems of any kind, so far as we can determine.

2. How will this proposal promote the health, safety, morals, convenience, order, prosperity, or welfare of the general public? At a time when farm and orchard land is being gobbled up along the Wasatch Front by developers, we think that putting land that was formerly almost useless into productive farming will be good for everyone.

3. Names of all owners of property in the proposed amendment area and signatures of property owners as available (Planning Commission may require signatures of all property owners showing approval of proposed change).

Name	Address	Phone	Approve	Disapprove
Michel L. Call	1044 E. 965 N., Orem, Utah	224-2662	X	
Margaret Ann Call	1044 E. 965 N. Orem, Utah	224-2662	✓	

Names and Signatures of Property Owners, continued:

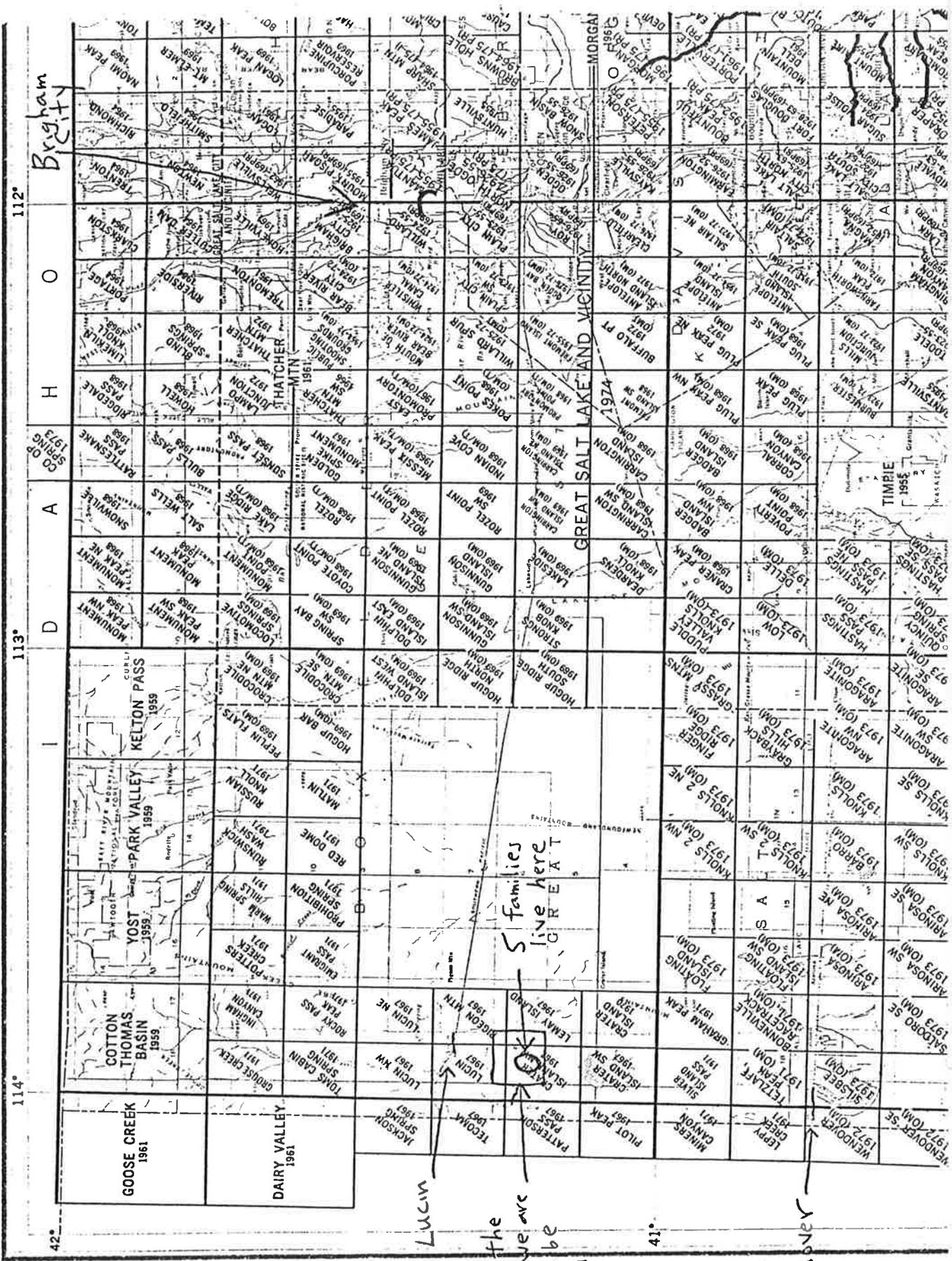
<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Approve</u>	<u>Disapprove</u>
Ronald J. Green	Star Rt. Lucin, Park Valley, Utah	None	X	
John L. Green	Star Rt. Lucin, Park Valley, U.		X	
Engene L. Lisk	Star Rt. Lucin, Park Valley, Utah		X	
Al. Etta M. Lisk	Star Pte. Lucin Village, Park Valley, Utah	84329	X	
Diana Lymes	Star Pte. Lucin Village, Park Valley, UT		X	
Ronald K. Lymes	Star Route Lucin Village		X	
Larry J. Lisk	Star Route Lucin Village		X	
Layara A. Lisk	Star Pt Lucin Village, Park Valley		X	
Thomas E. Morgan	P.O. Box 412 Wendover Utah	84083		
Jane J. Morgan	P.O. Box 412 Wendover Utah	84083	X	

Note: The above signatures represent every adult living in the area at the present time. All are in favor of a 40 acre acreage requirement instead of 160.

Michel L. Call

INDEX TO TOPOGR
 ORDER MAPS BY NAMES PRINTED
 ALL MAPS SHOW
 ARE DISTRIBUTED BY

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 GEOLOGICAL SURVEY



This is the township we are asking to be re-zoned

S families live here GREAT

Lucin

Wendy

BA

SAGE BRUSH CIRCLE SUB-DIVISION

Albert Smith and his son Terry Smith met with the Commission and presented a plat of their proposed Sage Brush Circle Sub-division. Mr. Albert Smith pointed out the sub-division will be around the Thatcher store and is unique in that it has one flag lot and a telephone company building would also be inside the sub-division. Mr. Smith said he is asking for concept approval. The Commission pointed out there is a 33 ft. strip of land adjoining the proposed sub-division on the west side of the sub-division and said the ownership of this 33 ft. should be cleared up. They said he should find out if it belongs to the county as a right-of-way. The commission went on to say that maybe the county never did acquire this strip. They said possibly this strip could be added to the proposed sub-division. They said the land on the west of this strip goes right to the section line. Therefore, member Chase told Mr. Smith his property is likely to go to the section line also so that 33 ft strip would probably go with his property. The Commission questioned the advisability of a flag lot and said they wondered if the sub-division shouldn't be redesigned so eliminate the flag lot. Mr. Millard pointed out this type of lot can be hazardous for such things as police and fire protection. Mr. Smith said the flag lot was his daughter's first choice. Member Rhodes made the motion they accept concept plan on the proposed Sage Brush Sub-division. This was seconded by member McFarlane with all voting in favor.



Secretary

Meeting adjourned at 11:05 p.m.

May 17, 1979

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday, May 17, 1979. Present: Charles Kimber, Dale Rhodes, Don Chase, Boyd Nelson, Jay MacFarlane and Jerry Wilde. Also present were ex-officio members Denton Beecher and K B. Olsen. Chairman Jerry Wilde presiding.

The minutes of the meeting of April 19, 1979, having been previously mailed to the Commission members, Member Chase made the motion that they approve the minutes of April 19, 1979. This was seconded by member Rhodes with all voting in favor.

CONDITIONAL USE PERMIT
DOUGLAS NEWMAN

Denton Beecher reported he had received an application from Douglas Newman applying for a Conditional Use Permit to replace an old barn with a milk parlor and holding pen in the Bothwell area. He said the area is zoned RR5 and this is permitted but it requires a Conditional Use Permit. He said the building is on the canal bank road north of Boyd Marble's. After a brief discussion member Chase made the motion they grant the requested Conditional Use Permit. This was seconded by member Rhodes with all voting in favor of the motion.

CONDITIONAL USE PERMIT
SCOTT CRABTREE ART CENTER

Mr. Beecher reported he has received an application from Scott Crabtree who is applying for a Conditional Use Permit for an art center in the old Rocky Point Cafe building at South Willard. He said they will get the water from Pleasant View and the building is on their sewer system. Mr. Beecher said this type of operation is permitted in the zone but requires a Conditional Use Permit. He said Mr. Crabtree anticipates spending about \$10,000, remodeling and fixing the building. Member Boyd Nelson made the motion they approve the application. Member Chase said he would like to know what they are going to do as he said there are a lot of things done under the guise of art and said that if we aren't careful this could get out of hand. He said if there isn't anything lewd he would approve, but he said he needs a little more information. Member Chase further said if Mr. Crabtree understands and agrees that this Commission finds anything offensive in his operation his permit can be cancelled he would second member Nelson's motion. All voted in favor of the motion subject to member Chase's condition.

SEWER PERMIT # 2 - MANTUA

Mr. Beecher reported he had received two applications from Hansen and Associates, Inc. for a Sewer Permit # 2 for Mantua Town. He said one has on it "Resubmitted Application" that is dated about a week later than the first application, although he said he received both of them at the same time. He said he hasn't had time to go completely through the applications. After some consideration member Chase made the motion that they approve the application that is shown as the re-submitted application as he said it is consistent with Box Elder County's Master Plan and they direct the secretary to so notify Hansen and Associates. This was seconded by member Rhodes with all voting in favor.

COLONIAL PARK PLANNED UNIT DEVELOPMENT
PARK VALLEY

Member Chase reported that while he was at Park Valley on other business he talked to some of the people out there about Eugene Stephens' proposed air recreational development unit between Park Valley and Rosette. He said he had received a telephone call from Gary Rose and he asked the Commission members to meet with the people from the Park Valley area. He reported that the three Commissioners went out there and he said he had a good turnout to the meeting and the majority of those at that meeting definitely wanted some kind of zoning in the area. He said at the meeting they appointed a committee to follow up on the matter. He said the committee appointed consists of Chester and Max Kunzler, Reggie Teeter, Lynn Palmer and Roxanna Broadus. He said when they decide the type of zone they want we will proceed to do what is needed. He said we are not putting any pressure on those people but we will work with them.

APPLICATION FOR AMENDING THE COUNTY ZONING ORDINANCE
ONE SECTION OF LAND SOUTH OF LUCIN

Member Chase reported that he and Mr. Beecher went out to Lucin to look at the land that had been requested for a change at the last Planning meeting. He said at this time he would make the motion that they do not change the zone in that area until we have proof that anything smaller than 160 acres is self sustaining and won't become a burden on the rest of the county. This was seconded by member Nelson with all voting

in favor. Mr. Beecher said he would put that on the application and return it.

ELM TREE MINOR SUB-DIVISION

Bruce Jeppesen met with the Commission in regards to getting preliminary approval on Elm Tree Minor Sub-division of three lots. Mr. Jeppesen said the Elm Tree Minor Sub-division will use the same water system and same septic tanks as the Jamestown sub-division. It was reported that one building permit has already been used on Lot # 1 of the proposed sub-division. Mr. Beecher reported we are lacking a sewer report. Mr. Beecher asked the Commission on improvements on the streets that you are going to require. He said the street is paved and the question is are you going to require sidewalk, curb, and gutter. He said there is a borrow ditch in front of the sub-division but said that can be filled in. Member Wilde said he thinks there is more of a need for sidewalk than curb and gutter as he said they need someplace for the children to walk other than out in the street. Commr. Chase said he is going to start bucking granting variances on sidewalks and curb and gutters. He said maybe this isn't the one to start on but said he will let these three go but said this is a warning and said if they expand we are going to require it. Mr. Beecher said the shoulder should be gravel. Mr. Jeppesen said they would be happy to fill in the shoulder with gravel. Member Rhodes said with that understanding he would move they grant the preliminary approval on condition the Health Dept. approves it and they authorize Mr. Wilde, as Chairman, to sign the plat. Member MacFarlane seconded the motion with all voting in favor.

ACCEPTABLE CONDITION OF FINAL PLATS

Member Chase reported he has received a complaint from the County Recorder on the condition of some of the final plats that are accepted and filed in her office and she said some are not of sufficient quality to be recorded. He said she showed him some examples. He reported he thinks we should adopt the policy if the plats are not of sufficient quality we turn the plat down. Member Rhodes said he moves we adopt such a policy. This was seconded by Member MacFarlane with all voting in favor.

RIVERVIEW ESTATES SUB-DIVISION FINAL APPROVAL

Mr. Beecher reported at the last meeting the Commission granted final approval for the Riverview Estates sub-division subject to certain conditions being met. He said that he just wanted to report that these conditions have now been met.

POTENTIAL RECREATION LOTS SOUTH OF BOX ELDER COUNTY PARK CAMPGROUNDS

Mr. Beecher reported he has been in touch with Mr. Wayne Call who met with the Commission last month to discuss potential recreation lots he has south of the Box Elder County Park. He said Mr. Call has a relatively small area on the east side of the creek that might be potential recreational lots. He said on the west side of the creek the land he owns is practically on a 45^o angle. He reported he suggested to Mr. Call that he work up a topog map and plat. He said when he gets that done we can recommend a planned unit district.

MRS. THORPE RE. SALE OF LAND AT HARPER

Mr. Beecher reported that a Mrs. Thorpe came into his office this afternoon and said that she owns seven acres of land north of the Old Harper Ward church house that is in a "L" shape and fronts the highway. He said she wanted to sell a part of this land, she wanted to sell 5 acres and keep 2. The Commission said if she wants to sell a part of this land she would either have to get 3 more acres to go with it so that there would be two 5 acre parcels or get Harper to change their zoning.

RIVER HEIGHTS SUB-DIVISION

Mr. Beecher reported that the Planning Commission has granted a final approval for the River Heights Sub-division providing he could get the required signatures to get the road vacated. However, he said, there is one person who wouldn't sign the plat so they are changing the boundary of the sub-division to go around this one person's property, but in so doing it leaves one weird shape lot so with this change he thought it should go back to the Planning Commission. Member MacFarlane made the motion that

the owner of the sub-division go ahead and work up the plat for final approval. This was seconded by member Rhodes with all voting in favor.

MARVIN ASHBY SUB-DIVISION

Mr. Marvin Ashby met with the Commission and reported that as recommended by the Planning Commission he met with Garland City to see if the city wouldn't annex his proposed sub-division to assure water for the sub-division. He said the city didn't want to annex the land as they are afraid they will be stuck with street lights and the canal bridge. He said they wrote him a letter that they would furnish him water. The Commission again told Mr. Ashby they understand the city can't furnish water to property outside of the city limit other than surplus water. They said that is by state statute and the city can't change that. The Commission said he should, for his own information, investigate that. They said we don't object but they thought he should know. They suggested that he put on the plat that the water right is surplus water as they said if he assures the buyers they have a water right and the city should run short and cut them off he could be required to get water to them. Mr. Beecher asked what he is going to do for improvements as he said there is a canal on the east side of the street. It was pointed out the street is oiled. Mr. Ashby said when the freeway goes through the street will be a closed road. It was pointed that preliminary approval becomes final approval on a minor sub-division. Member Boyd Nelson made the motion they grant preliminary approval with the understanding he will put in sidewalks, and they authorized Chairman Wilde to sign the plat when it has been O.K.'d by the Health Dept. and Mr. Beecher is satisfied everything has been met. This was seconded by Member Chase with all voting in favor of the motion. Member Chase said he will check with our County Atty. O. Dee Lund to see what the state law says about a city selling water outside of the city limits.

PARSON GRAVEL PIT IN VIOLATION

Mr. Nelson alled the Commrs. attention to the fact that Parson's is still taking gravel out of the pit just west of the highway between Perry and Willard and does not have a Conditional Use Permit. The Commrs. said this should be brought to the attention of the County Attorney.

Meeting adjourned at 9:20 P.M.


Secretary

June 21, 1979

Minutes of the regular meeting of the Box Elder County Planning Commission held Thurs., June 21, 1979. Members present: Don E. Chase, Dale Rhodes, Charles Kimber, Boyd Nelson, Jerry Wilde and Jay MacFarlane. Also present was ex-officio members Denton Beecher and K B. Olsen. Chairman Wilde presiding.

ZONE CHANGE SOUTH WILLARD

Mrs. Fairbanks met with the Commission and reported they are buying the William Beeton property at South Willard, under contract, and she is there to ask for a zone change in 5 acres on the northeast corner of this property. She said they are requesting the 5 acres be changed from an RR5 to an RR1 zone. She stated they are not trying to subdivide but they just want a place for their children to build. She said there is no irrigation water for this property so it isn't farmed. Mr. Beecher showed the Commission a map of the area showing the property she is asking be rezoned. Inasmuch as they have to go east and north to get to this property from the highway the Commission inquired about the right-of-way to get to the property. Mrs. Fairbanks said they have a 20 ft. right-of-way. Commr. Chase said somewhere along the line you or someone else will come to the county and want the county to take over the road and he said you don't even have half enough right-of-way for a road. Mrs. Fairbanks again said they will not be subdividing and no one else will be building up there to be asking the county to take the road over. The question was asked about such things as fire protection, and said if they don't have the right-of-way to get up there there could be a real problem. The Commission members pointed out this could be considered spot zoning, to only go in and zone 5 acres in the middle of a zone and wondered if they shouldn't consider changing the entire area, however, they said they don't know how the people in the area feel about it. It was pointed out this would be a good place to build if there was adequate roads. There was some discussion of what might be done to get the necessary right-of-way. It was pointed out what she is proposing would actually be creating three parcels and to do that they would have to subdivide, and in order to get a minor subdivision approved the subdivision

has to front onto an approved right-of-way and they said that is a requirement by law and not just a county requirement. Mr. Beecher suggested the Commission have him study it to see what the possibilities are and then report back. The Commission said there wasn't much else they could do.

DAN HICKMAN MINOR SUBDIVISION

Mr. Beecher reported Mr. Dan Hickman is asking for preliminary plat approval for a minor subdivision just north of the Snowville city limits on the road to Stone, Idaho. He said the plat has been signed by the Health Department and said he feels the subdivision has met the qualifications. Member Boyd Nelson made the motion that they grant preliminary approval and authorize the Chairman to sign the plat. This was seconded by member Rhodes with all voting in favor.

REQUESTED ZONE CHANGE AT HARPER

Cal & Vonda Thorpe met with the Commission in regards to the following Application for amending the Zoning Ordinance: (copy of application attached)

Mr. & Mrs. Thorpe explained the land in question is an L shaped 7 acre parcel of land located just north of the old Harper church house. They said the two acres they are asking be taken out is the 2 acres next to the highway. They said they have dug a well so will have plenty of water and utilities are already available. The Commission said they would like to get the pulse of the people who served on the committee to get this area zoned before they make a recommendation to the County Commissioners. They said they would have something for the next Planning Meeting on the 19th of July.

BELMONT SPRINGS SUBDIVISION

Scott Holmgren met with the Commission and reported he wants to change the number of lots for the Belmont Springs Subdivision from what was originally requested. He said they were given final approval by the Planning Commission on the full subdivision subject to escrow, but he said they couldn't get a bond for the required amount because it is a Limited Partnership and only two people liable. He said they would like to cut the number of lots, for the subdivision, in half to include only the east two rows. Mr. Beecher said he can see one problem to that and that is it makes a long cul-de-sac of 1800 feet, which is not legal.

Mr. Holmgren explained that there is a road now that comes up from the east between the homes that are already there that comes along the bench just below the proposed subdivision. He said it a gravel road that has been there 4 years and is in good shape. It was pointed out they could go with an approved private access, but the Commission said it would have to be shown on the subdivision plat that way. After some other breif discussion and consideration regarding this private road member MacFarland made the motion they approve the smaller subdivision as requested but subject to this road being shown on the new plat as a private right-of-way not to be deeded to the public and that they authorize the Chairman to sign the new plat.. This was seconded by member Kimber with all voting in favor. The Commission members brought out this could become a road for ever if the rest of the subdivision isn't ever developed. They also told Mr. Holmgren they will still have to submit something to cover the improvement costs.

RONDO PERKINS PROPERTY

Mr. Beecher submitted the following letter from Franklin D. Johnson with attachments: (Copy of letter and attachments attached) After the Commission briefly discussed the matter, member Boyd Nelson made the motion that they deny the request for an agricultural exemption on the Rondo Perkin land and they have Mr. Beecher send Atty. Johnson a letter notifying him of the Commission's Decision and give him the Commission's thinking in reaching this decision. He said they have not lived up to the first agreement se we are not willing to make a second one. This was seconded by member MacFarland, with all voting in favor.

CRABTREE ART CENTER

Member Chase reported that Mr. Scott Crabtree met with the County Commission on May 29th in regards to getting a Conditional Use Permit for an art center in the old Rocky Point Cafe building at South Willard. He reported that Mr. Crabtree satisfied the Commissioners that the proposed art center will be of high standards and be legitimate and he said the Commission approved the Conditional Use Permit with the understanding that the County will not tolerate

anything of a pornographic nature.

PROPOSED ZONING AT PARK VALLEY

Member Chase reported that the County Commissioners, the Assessor and Surveyor, at the invitation of the people from the Park Valley area, met in a public meeting with the people from that area in regards to the possibility of zoning the area in and around Park Valley. He reported that the people at Park Valley are very concerned and interested in some type of zoning for Park Valley. He said they appointed a committee to study their situation and to work out just what they want for that area. He reported they are considering different zones for different parts of the area.

COLEMAN TRAILOR PARK

Member Chase also reported to the Commission on the status of the pending court case regarding the illegal expansion of Ray Coleman's trailer park at South Willard. He reported that Mr. Coleman now has a new Attorney and the Attorney has contacted him and is asking we give him a little time to see if there is any way Mr. Coleman can comply with the County Ordinance for expanding his trailer park and said the Attorney said if he finds Mr. Coleman can't comply with our regulations he will have Mr. Coleman back off on any expansion.

MINUTES

Minutes of the previous meeting held Thursday, May 17, 1979 having been previously mailed to the Planning Commission Members, Commissioner Chase made the motion they approve the minutes of May 17, 1979. This was seconded by Member Rhodes with all voting in favor.

WEST STREET SUBDIVISION

Bob Allen, representing Lee Allen Realty, met with the Commission in regards to getting preliminary approval on the proposed West Street Minor Subdivision. Mr. Allen said he doesn't have the written approval from the Health Department. He reported that the man who checked the sewer is on vacation and he was told that this person is the one who should actually give the written approval. He also reported that the Planning Commission gave concept approval about two months ago. Mr. Beecher reported that they now have everything in

with the exception of the sewer approval although he said there is quite a deep drain in front of the proposed subdivision. The Planning Commission members expressed that something should be done with the borrow pit and drain. They suggested Mr. Allen have their engineer recommend what can be done with the borrow pit and then check to see if the Planning Commission approves. Member Boyd Nelson made the motion they grant preliminary approval on condition they pipe and cover the borrow pit, put in sidewalk and get the written approval of the Health Department, then when these things are done they authorize the Chairman to sign the plat. This was seconded by member Rhodes, with all voting in favor.

WAYNE CALL RECREATIONAL LOTS SOUTH OF MANTUA

Wayne Call met with the Commission in regards to his proposed recreation lots development along the creek south of Mantua. Mr. Call said his right-of-way to the area comes in off from the road by the old Mantua dump south of Mantua. It was pointed out the proposed recreational lots are now in an MU-160 zone so will need a zone change. The Planning Commission's recommendation was that he go with a Planned Unit Development. Mr. Call said he would like to proceed with a Planned Unit Development which he said, he thinks, lends itself to this kind of development and he said he wants to have 8 or 9 lots of approximately $\frac{1}{2}$ acre each, although it can't be divided equally for each lot. He said he doesn't want to get involved in a detailed survey until he gets concept approval. After some discussion it was evident the Commission couldn't see any objections as long as it was understood there would be no buildings. There was some discussion on the boundaries of the proposed lots and Mr. Call showed them on a map, generally, where he thought each lot would be. There was some discussion on right-of-way to each lot. The Commission said he would need to prepare the necessary documents showing just what he is going to do so that would be available when the public hearing is held on the proposed zone change. Member Kimber made the motion they recommend to the County Commission they hold a public hearing providing Mr. Call shows on the map the access road to each of the lots, that he shows no lot will be smaller than one half acre and there will be no building on any of the lots. When these things are done, they authorize Mr. Beecher to sign the map. This was seconded

by member Boyd Nelson with all voting in favor.

WINFORD BARRUS MINOR SUBDIVISION

Mr. & Mrs. Winford Barrus met with the Commission in regards to amending the boundaries of some of the lots of the proposed Winfor Barrus minor Subdivision. Mr. Barrus said he had proposed that there would be three lots on the west side of the highway and he wants to change those three lots to two lots and change the other lots so he will end up with the same number of lots, but they will be arranged a little differently. Member Boyd Nelson made the motion they approve the proposed amendment this was seconded by member Rhodes with all voting in favor.

JOHN BOURNE MINOR SUBDIVISION

Mr. & Mrs. John Bourne mit with the Commission. Mr. Bourne said they were there to ask for concept approval for a 4 lot minor subdivision. He said the proposed subdivision was across the street and a little south of the new East Garland-Fielding church house. He presented a vicinity map showing the location of the subdivision. He said he wants to create 4 lots on the front of his property and said he has 4 ^uYkon water connections. He also said the lots would be 110 ft. x 160 ft.. Member MacFarlane made the motion they grant the requested concept approval. This was seconded by member Chase with all voting in favor.

SAGE BRUSH CIRCLE SUBDIVISION

Albert L. Smith and Son met with the Commission in regards to getting preliminary approval for the proposed Sage Brush Circle Subdivision. Mr. Smith reported there is a boundary problem that hadn't been anticipated in that the Continental Telephone Co. building isn't entirely on the land owned by the telephone Company and he said this has created a problem in getting it cleared up at it takes so long to get anything through the Telephone Company's red tape. He said the attorney is askthat that particular lot be excluded from the plat so as not to hold everything up. Mr. Beecher explained one mentod that could be used to clear this matter up. He said the owners of the subdivision land could quit claim all of the subdivision to Mr. Smith. He could then deed to the Tel-

ephone all of the lot where their building actually is. Mr. Beecher reviewed the checklist of that is needed for preliminary approval and he reported it looks like everything that needs to be has been done. Member Boyd Nelson made the motion that they grant preliminary approval for the Sage Brush Circle Subdivision. This was seconded by member Rhodes with all voting in favor.

WELLING MINOR SUBDIVISION

Mr. Gale Welling met with the Commission in regards to getting concept approval for an 8 lot minor subdivision north of Garland. After hearing Mr. Welling's proposal of the subdivision member Boyd Nelson made the motion they grant concept approval for the proposed subdivision. This was seconded by member Kimber with all voting in favor.

PA FINAL APPROVAL SPRING ACRES SUBDIVISION

Gary and Ricky Christensen met with the Commission in regards to getting final approval for Spring Acres Minor Subdivision. (This subdivision started out as a minor subdivision then a couple of months ago was changed to to to a full subdivision and is now back to a minor subdivision.) These men said when they get a sewer system in they want to finish the development as a full subdivision. The Commission said the improvements cost will have to be in before the County Commissioners will sign the plat for final approval. Member Rhodes made the motion that they grant final approval for this minor subdivision. This was seconded by member Boyd Nelson with all voting in favor.

Meeting adjourned at 10:25 p.m.



K B. Olsen, Secretary

8:00 p.m.

No. 1 in Planning Minutes of 6-21-79

APPLICATION FOR AMENDING THE
ZONING ORDINANCE

Fee Paid _____

Date: 8 JUNE 1979

I (we), the undersigned property owners, respectfully request that the Zoning Ordinance be amended by GRANTING US PERMISSION TO SELL TWO ACRES OF A SEVEN ACRE PIECE, LEAVING US 5 ACRES AS REQUIRED BY ZONING ORDINANCE. THE TWO ACRE PARCEL HAS ADDITIONAL DEEDED LAND FOR USE AS A LEACH LINE.

for the purpose of ESTABLISHING A 5 ACRE PARCEL FOR BUILDING, THUS GIVING BETTER LAND USE. BOTH PARCELS WOULD HAVE HIGHWAY FRONTAGE.

** The Planning Commission must review the request from the standpoint that changes in the Zoning Ordinance cannot be made unless it is in the best interest of the public generally and in conformity with the policies of the general or specific Master Plan.

Please answer the following questions: (Attach additional sheet for statements, if necessary.)

1. How is this proposal consistent with the policies of the general or specific Master Plan? THE MASTER PLAN REQUIRES 5 ACRES TO BUILD ON.

WE WOULD HAVE 5 ACRES REMAINING. THE 2 ACRE PIECE ALREADY HAS A HOME ON IT, WITH ADDITIONAL DEEDED LAND FOR USE AS LEACH LINE. BOTH PIECES WOULD HAVE HIGHWAY FRONTAGE.

2. How will this proposal promote the health, safety, morals, convenience, order, prosperity, or welfare of the general public? THE PROPOSED 2 ACRE PIECE FOR SALE

HAS HIGHWAY FRONTAGE, HAS ITS OWN LEACH LINE ADDITIONAL AND ADEQUATE WATER FOR BOTH IS AVAILABLE. WE REQUIRE THIS SALE TO BUILD A NEW HOME ON REMAINING 5 ACRES, WHICH WOULD CERTAINLY IMPROVE THE AREA, BOTH ESTHETIC WISE AND PROSPERITY WISE, AND SAFETY WISE, ETC.

3. Names of all owners of property in the proposed amendment area and signatures of property owners as available (Planning Commission may require signatures of all property owners showing approval of proposed change).

Name Address Phone Approve Disapprove

Cal & Vonda Thoype

723-2351

ARE ON LESS THAN 5 ACRE PARCELS

No. 2 In Planning Meeting of 6-21-79

LAW OFFICES
FRANKLIN D. JOHNSON

135 SOUTH MAIN, P. O. BOX 11485

SALT LAKE CITY, UTAH 84147

(801) 355-7584

June 4, 1979

Mr. Denton Beecher
County Surveyor
Box Elder County Courthouse
Brigham City, Utah 84302

Dear Mr. Beecher:

Since our meeting on May 25, 1979, I have gone over the problems involved with the division of the Perkins land in Box Elder County.

I am enclosing a copy of the description of the Perkins land and a copy of the divided parcels which shows exactly how the land has been divided up. We feel that this division of the land is not subdividing and that it is a bonafide division of agricultural land for agricultural purposes.

I am also enclosing a copy of a letter that was sent to the Box Elder County Planning and Zoning Commission on February 22, 1978. This letter is completely accurate in regard to the present division of land and the land that is under consideration is the Perkins land, which is located adjacent to the McNabb land. All of the points raised in the letter are equally applicable to the Perkins land, and I think amply show that there is no subdividing of the property. Delta Milling and Farming, Inc. has no intent to purchase any further land in Box Elder County or to divide any more of the land than it has previously done.

Also enclosed for your information is a copy of the lease between Delta Milling and Farming, Inc. and Rondo Perkins, whereby Mr. Perkins leases back the land for agricultural purposes.

I would appreciate it very much if you would consider this a formal petition on the part of Delta Milling and Farming, Inc. for designation by the County Commission that this division of the land is exempt from the subdivision requirements because it is agricultural land. Thank you very much for your cooperation.

If there is anything further that you need from me prior to your meeting this month, please advise me and I will promptly give it to you.

Yours truly,



Franklin D. Johnson

FDJ/lw

Enclosures

Parcel No. 1: North 713 feet of Section 4 Township 12 North, Range 8 West, Salt Lake Meridian.

Parcel No. 2: All that part of Section 10 Township 12 North, Range 8 West, Salt Lake Meridian, lying North of the North line of existing wash.

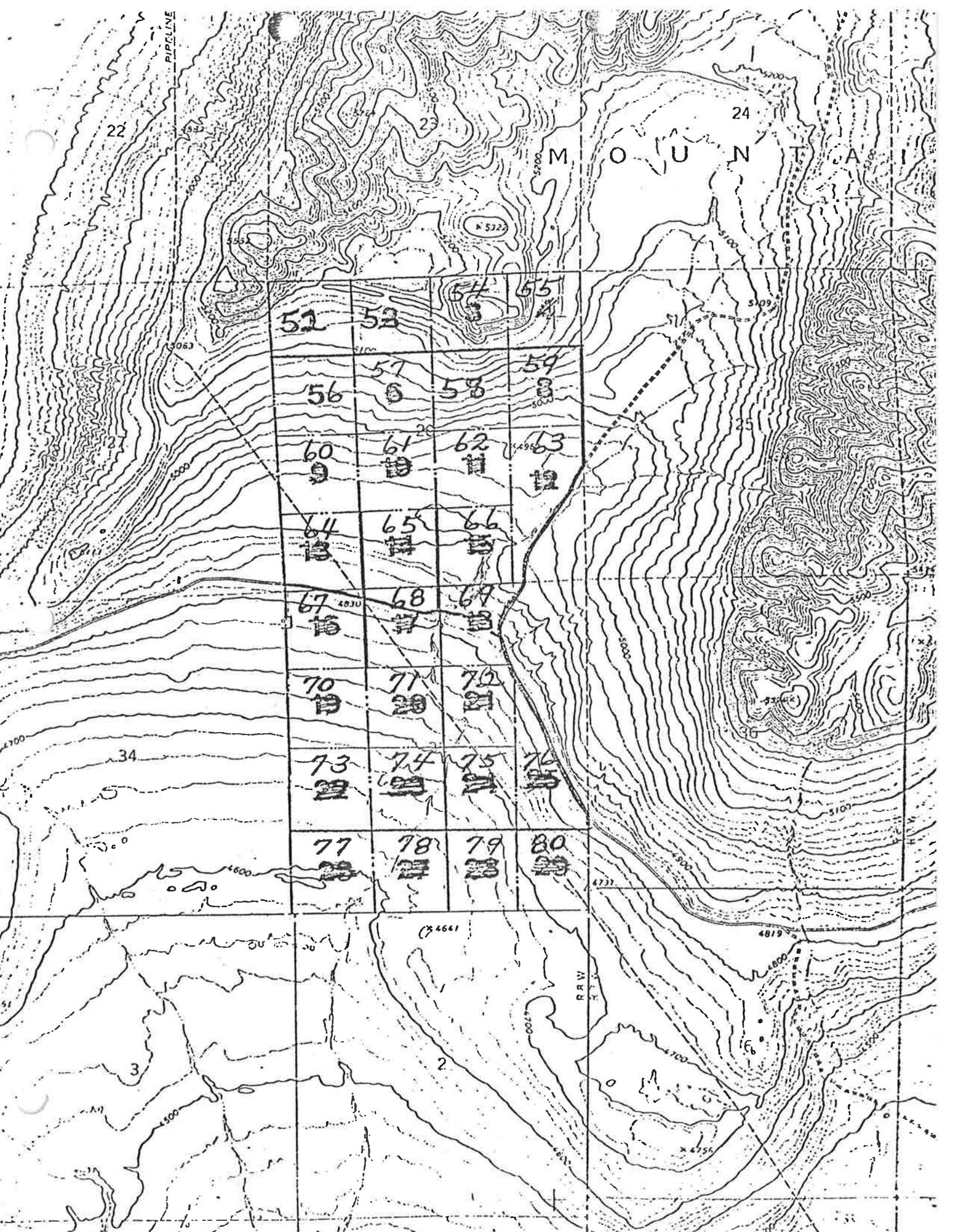
Parcel No. 3: All of Section 2 Township 12 North, Range 8 West, Salt Lake Meridian.

Parcel No. 4: All of Section 3 Township 12 North, Range 8 West, Salt Lake Meridian.

Parcel No. 5: All of Section 33 Township 13 North, Range 8 West, Salt Lake Meridian, less well and one acre in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section.

Parcel No. 6: Section 26 Township 13 North, Range 8 West, Salt Lake Meridian, EXCEPT a tract in the Southeast Quarter lying East of the County Road, containing approximately 50 acres.

Parcel No. 8: Section 35 Township 13 North, Range 8 West, Salt Lake Meridian, EXCEPT a tract within the East half lying East of County Road containing approximately 50 acres. Also less well and one acre in the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of said Section 35. Also excepting the following: Beginning at a point 1580 feet North of the Southeast corner of said Section 35, said point being on the South side of County Road, running thence North 3700 feet, more or less, to the Northeast Corner of Section, thence West 1380 feet, more or less, to the West side of an existing road, thence Southwesterly and Southeasterly along said road and County Road to the point of beginning.



LAW OFFICES OF

JOHNSON, DURHAM, MOXLEY* & MCGULLOUGH

CONTINENTAL BANK BUILDING
SALT LAKE CITY, UTAH 84101

TELEPHONE 382-5613
AREA CODE 801

CABLE ADDRESS
LAWWEST

NORMAN E. JOHNSON
CHRISTINE M. DURHAM
PAUL T. MOXLEY
B. MCGULLOUGH, JR.
J. BRENT GARFIELD
RAND M. ELISON
TENA CAMPBELL

February 22, 1978

Box Elder County Planning
and Zoning Commission
c/o Chairman Paul Holmgren
Bear River City, Utah 84301

Gentlemen:

We very much appreciated the opportunity we had last Thursday (February 16, 1978) to appear before the Commission and present our views and recommendations in regard to the sale and division of the Delta Milling property in Curlew Valley. We also understand the dilemma facing the Commission in attempting to rule on this issue. We would like to address some additional comments at this time with the hope of easing the dilemma somewhat.

First of all, we are not dealing with whether or not the division of the Delta Milling property should be allowed. This issue is simply whether we must comply with the subdivision ordinance or whether we are exempt from the ordinance. Under either circumstance the division can take place. Compliance with the ordinance is simply time consuming, complicated, expensive and in our view, without benefit to the public, the county, or the parties involved. The definition of "subdivision" and the exemptions contained in the ordinance are specifically designed to cover this type of situation where no practical benefit can be derived from the procedures contained in the subdivision steps. The ordinance specifies that a "Bona Fide Division of Agricultural Land for Agricultural Purposes" is not within the definition of "subdivision" and that such divisions are exempt from the requirements of the ordinance.

State law also recognizes that agricultural divisions are not to be included within the subdivision ordinances of

counties. Section 17-27-27, Utah Code Annotated (1953) provides that:

'Subdivision' means the division of a tract, or lot or parcel of land into three or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future of sale or of building, development; provided, that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes.
. . . [emphasis supplied].

It is clear that state statutes empowering counties to plan and zone did not authorize agricultural divisions for agricultural purposes to be included in the subdivision requirements.

The fundamental purpose of the subdivision ordinance is to ensure insofar as possible that "land is subdivided in a manner that will promote the public health, safety, convenience, and general welfare and the physical, social and economic development of the area in conformance with the master plan." According to the ordinance and state law, it is not necessary to the accomplishment of these purposes for agricultural land divisions for agricultural purposes to be put through the formal steps required of some other types of subdivisions. This is so because the use of the land involved will not change, no significant new traffic will be created, no urban services will be required, no new dwellings or structures are contemplated, access has been provided, no resources will be altered nor will the use of any resources be changed, the tax base will be significantly increased, lots created will be in contiguous use with all other lots in the division, no variation from the master plan will result, and the agricultural use, capability, and production will not be reduced or limited in any way.

It is our understanding that the primary problem in granting the exemption we have requested is in the interpretation of Chapter 3-1(3)d of the subdivision ordinance which provides that "each of the lots created shall be found by the Planning Commission to be capable of producing an income from the sale of agricultural products sufficient to justify its existence as a separate agricultural-lot entity now or in the future." [emphasis supplied]. The problem as

we see it is in establishing a standard by which such a determination can be made. What is necessary to justify the existence of a lot as a separate agricultural-lot entity?

There was much talk at the hearing that forty acre lots could not be justified because no one could purchase equipment necessary to run a farm and operate forty acres profitably. This, of course, is true and is also true of the best irrigated land in Box Elder County. However, if this argument prevails the Commission will be setting a standard which indicates that no agricultural-lot entity can be justified unless it is self-sufficient. Self-sufficiency is not mentioned in the ordinance and we feel that such a standard would render the exemption meaningless in that by the time a lot became large enough to be self-sufficient it would be within the 160 acre exemption. Self-sufficiency as a standard would also be at odds with the tradition of the area, out of keeping with existing economic reality, and imposing a standard not provided in the ordinance.

Many farm units in the County are not self-sufficient, but nevertheless they are farmed year in and year out. Someone is finding it profitable to operate these units and thus their existence is justified. The marketplace can best determine whether a farm lot's existence is justified. The conditions under which such units are operated vary greatly, but where a way is possible, someone will find it. This is convincing evidence that the existence of the agricultural lot entities is justified. It is not the roll of the Planning Commission to put a lid on such enterprises.

It is our view that any standard arbitrarily imposed by the Commission as a measure by which the existence of agricultural-lot entities can be justified will be fraught with inconsistency and will soon begin to spin-off so many exceptions that the standard will be rendered meaningless. The only reliable indicator of whether the existence of a separate agricultural-lot entity can be justified is the marketplace. If someone can make a profit by farming the separate lot entity, it will be farmed and its existence as a separate agricultural-lot entity is justified, at least in the marketplace. This is the essence of the free enterprise system and if money can be made the lot entity will be farmed by someone regardless of whether the Commission finds it can be justified or not.

In this instance the land has been leased for agricultural purposes for at least the next ten years. John McNabb has purchased the right to farm each forty acre lot

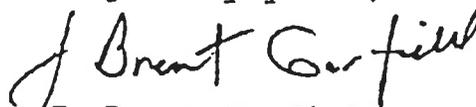
and within the confines of his operation their existence is justified. It is simply not enough to say that each forty acre lot is not self-sufficient. If the forty acre lots were each isolated and there were twenty miles between each one, Mr. McNabb might not want to lease them, but the fact is they are contiguous and although none might be self-sufficient independently, they are located and used in such a manner that a farmer is leasing them and operating them for agricultural purposes with the intent of making a profit in his operation. The economic reality and facts of this case are such as to justify the existence of the separate agricultural-lot entities. Mr. McNabb is, as a matter of fact, better able to farm the property under the economic system proposed here than he was under the previous condition of the property.

Finally, the need for food in the world is ever increasing and the technology of food production is constantly improving. Things that are not economically feasible today will undoubtedly be not only feasible, but necessary in ten to fifteen years. Small areas are capable of producing large amounts of food using recycled water and other techniques. The United States is accepting an increasingly prominent position in supplying the world with food. As the demand for food continues to increase the capital will become available to improve the land and supply it with water and other chemicals to increase its productivity. If its capability is in doubt now, time will cure the doubt.

We would recommend that the Commission take a flexible approach to the standard set forth in the ordinance and review each application for exemption in light of its own unique economic realities rather than to fix a rigid standard, such as self-sufficiency, which cannot be supported by traditional practices in the area nor by economic reality.

As a final note it was unclear at the hearing whether the Commission would require the purchasers of the forty acre parcels to sign a statement to the effect that they understood the county had no obligation to supply any services, improvements or roads to the area. We stand ready to comply with such a request if such is your desire.

Very truly yours,


J. Brent Garfield

And the said part V of the second part hereby covenant and agree with the said part V of the first part specifically as follows, to wit:

SECOND. That at the expiration of the time of this lease mentioned they will yield and deliver up the said demised premises to the said part V of the first part in as good order and condition as when the same were entered upon by the said party of the second part, reasonable use and wear thereof and damage by the elements excepted.

THIRD. That neither they nor their legal representatives, will let or underlet said premises or any part thereof or assign this lease without written assent of the said part V of the first part had and obtained thereto.

FOURTH. That if the rent above reserved, or any part thereof, shall be unpaid on the day whereon the same is due and payable, and for 30 days thereafter, or if any default shall be made in any of the covenants therein contained to be kept by the said part of the second part, his executors, administrators or assigns, it shall and may be lawful for the said party of the first part, it's heirs, executors, administrators, agent, attorneys or assigns, to take possession of the said demised premises and every and any part thereof, either with or without legal process, and without giving notice to quit, to re-enter, and the same again to repossess and enjoy, as in its first and former state.

FIFTH. The said party of the second part accepts this Lease and the premises described therein in the condition and state of repair they are now in, and agrees to occupy the same in a lawful manner and will keep the water pipes and their connections, sewage pipes and their connections, upon said premises, at all times, in good condition and state of repair, and will replace all broken glass with glass of the same size and quality as that broken, at their own expense.

SIXTH. That the part V of the first part shall not be liable for any damage occasioned by failure to keep said premises in repair And shall not be liable for any damage done or occasioned by or from plumbing, gas, water, steam or other pipes or sewage, or the bursting, leaking, or running of any washstand, tank, water closet or waste pipe in above, upon, or about said building or premises, nor from damage occasioned by water arising from leak or neglect of co-tenants or other occupants of the same building.

SEVENTH. To pay in addition to the rents above specified: all charges for gas, electric current and all water rates taxed, levied or charged on said demised premises; for and during the time for which this lease is granted.

EIGHTH. If said party of the second part shall abandon or vacate said premises, the same shall be relet by the party of the first part for such rent and upon such terms as said first part may see fit, and if a sufficient sum shall not be thus realized, after paying the expenses of such reletting and collecting to satisfy the rent hereby reserved, the party of the second part agrees to satisfy and pay all deficiency.

NINTH. To pay and discharge all costs, attorney's fees and expenses that shall arise from enforcing the covenants of this Indenture by the said party of the first part.

1. The Owners shall pay the property taxes, one-third of the cost of fertilizer, and other chemicals as required, and the land payment to the Seller.
2. The Parties of the second part shall pay two thirds (2/3) of the cost of fertilizer, and other chemicals as required, all seed costs, all labor, furnish all machinery for preparing, planting, and harvesting.
3. The Seller shall have the First Right of refusal for Additional Leasing after the first Ten Year Lease.
4. Water improvement costs will be negotiated and agreed on, before being installed.
5. The 1979 Crop now planted shall be the Sellers.

In Witness Whereof, the said parties have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the presence of

Louis W. Perkins [Seal]
John A. ... [Seal]
_____[Seal]
_____[Seal]

July 19, 1979

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday, July 19, 1979. Members present: Dale Rhodes, Jay Macfarlane, Jerry Wilde, Boyd Nelson and ex-officio member Denton Beecher.

Minutes of the regular meeting held Thurs. June 21, 1979 having been previously mailed to the members, member Jay Macfarlane made the motion to accept the minutes as presented. Seconded by member Rhodes with all voting in favor.

MARBLE HILLS SUBDIVISION

Gordon Sloan, Ren L. Richins, Harry McCoy Eac. and Kelvyn A. Cullimore, representing Marble Hills Subdivision met with the Commission to receive final approval for subdivision. Denton Beecher reported everything is now in order except for final approval from the Health Dept., but it has been determined that the culinary water and sewage disposal is feasible despite problems they have run into with hard pan and shale rock. Twenty-five lots will be on a community septic tank drain system which has a capacity for 30 giving a leeway of 7. Mr. Cullimore reported that they had drilled a well to 800 ft. producing 575 gal. per minute with only 250 part per million of salt. He said this is a very low salt content and indicates they had hit an underground stream. Gravity will feed the water to the lots. Denton Beecher said there are still a few problems to work out before they can sign a conditional approval such as storm sewer, having the County Attorney review title, protective covenants and final approval from the Health Dept., but that's all holding up approval from the Commission. Member Nelson made the motion that they give a conditional approval and authorize the Chairman to sign when the conditions are met. Seconded by Member Dale Rhodes with all voting in favor. There was further discussion regarding the need for sidewalks during which Denton Beecher read the Ordinance: 8-10, Curbs & Gutters. Member Boyd Nelson made a motion to abide by the ordinance. No second. Mr. Beecher further reviewed the sanitary system and read the report from the State Department of Health. Mr. Cullimore reviewed the background of the subdivision and pointed out the strong financial backing they have from a bank. 44 lots already

sold with deposits of \$500.00. He requested that the entire plat (104 Initial lots plus the 82 later ones) be approved on the basis of the bank's willingness to finance them 100%.

Mr. Cullimore asked the Commission to agree to the following: 104 lots to be improved first with second section not beginning until 83 of the 104 lots are sold. Developers to maintain roads until 93 lots of entire subdivision are built on. Roads will be brought up to county standards before county takes over. All concurred with this agreement.

ZONE CHANGE -HARPER WARD

Max Baty, LaRue Yates, Mr. & Mrs. Thorpe met with the Commission. Mr. Baty as Chairman of the Harper Property Owner's and Mr. Yates as a member of the owners. Chairman Wilde explained Mrs. Thorpe wants to sell a portion of their 7 acres in Harper and build another house. Chairman Wilde pointed out a zone change was necessary. Max Baty, Chairman of Harper Zone Committee, reported he had talked to other members and they voted against rezoning. (Out of 7 votes, 6 were against and one didn't care) He requested that the Commission uphold the zoning as it stands. Mrs. Thorpe explained there is an easement adjacent to her property and Chairman Wilde explained the usability of an easement. At the present time the zoning requires a five acre minimum of ground to build on. Mrs. Thorpe argued there is enough water and utilities for three homes. Denton Beecher explained that an entire zone change would be necessary taking into consideration frontage and not acres only as now. RR-5 requires 150 ft. onto a dedicated road. Other residents have to decide on residential instead of rural for farming. Some have water and sewage problems now. Mrs. Thorpe said their land can't be farmed because of the rocky nature of it. Chairman Wilde said a saturation of homes on the east side causes pollution on the west side. Denton Beecher cautioned against "spot zoning". People at Harper are the ones to decide the issue. Mr. Baty said one exception leads to more. Mr. Yates said 90% of the people are in favor of 5 acres at the public hearing held to decide the matter. Mr. & Mrs. Thorpe were advised they can still request another hearing. Jay Macfarlane stated there is no way this board can change the ordinance without the request of the majority.

Chairman Wilde, at the request of Mr. & Mrs. Thorpe, outlined what steps to take for a new public hearing. He also advised them they have the right to over ride the Planning Commission and go directly to the County Commissioners. Mr. Thorpe asked how to go directly to the County Commission. Denton Beecher explained the need to get on the agenda 24 hours in advance of the County Commission meeting. Member Macfarlane made the motion to disapprove the Thorpe's request to put 2 homes on 7 acres. Seconded by Member Rhodes. All voted in favor.

SAGE BRUSH CIRCLE SUBDIVISION

Albert Smith met with the Commission and presented a plat for final approval of Sage Brush Circle Subdivision. Denton Beecher reported everything but escrow for improvements is in order and recommended the Commrs. approve the plat. Member Rhodes made the motion they approve the subdivision and authorize Jerry Wilde as Chairman to sign the plat. Seconded by member Macfarlane with all voting in favor.

PENROSE PLACE

Albert Smith presented a plan for concept approval for Penrose Place Minor Subdivision. Member Rhodes made the motion they approve for concept only. Seconded by member Macfarlane with all voting in favor.

GEM MINOR SUBDIVISION

Concept Plan of Gem Minor Subdivision was presented to the commission which is located about one mile north of the strip light in Garland. A discussion involving the availability of water followed. Denton Beecher said the preliminary concept plan placed the lots on North Garland-Riverside water line. Jay MacFarlane reported there is no water problem now, but individual property owners must apply; therefore, Mr. Manning could purchase enough shares for his lots to make the water available when needed. The lots would be $\frac{1}{2}$ acre each or 140' x 150'. Member Nelson made the motion to approve concept plan which was seconded by member Macfarlane. All voted in favor.

SUN SET SUBDIVISION

Denton Beecher reviewed background of this project. Gerald Tolman, Jr. requested a preliminary approval. Wants to dedicate access road to county.. Mr. Beecher said the road is O.K., approximately $\frac{1}{2}$ - $\frac{3}{4}$ miles long but very curving road leading to a bench. They have a hard pan problem. Will receive culinary water by well ro resevoir. Denton Beecher commented he would rather see homes on the hills than on the valley farmland. Member Nelson made the motion that they grant preliminary approval which was seconded by member Rhodes. All voting in favor.

DONALD PETERSON MINOR SUBDIVISION

Mr. Peterson presented a concept plan for a minor subdivision of 5 lots. Denton Beecher questioned if there was enough room for a road past lots to gain access to the rest of the property. Mr. Peterson pointed out there was plenty of room and Mr. Beecher concurred. Mr. Peterson asked about a well. A discussion of sewage and culinary water followed and Mr. Peterson was advised he would have to have water before people can build. Chairman Wilde said he could run into problems with a well and septic tank on one acre lots. Denton Beecher recommended annexing to fielding. Fielding is studying Ukon water and will sink a well if Ukon doesn't. Member Macfarlane suggested Mr. Peterson buy hares and hold for futur buyers of lots. Mr. Peterson asked what steps to take next to receive approval for a minor subdivision.. Denton Beecher explained requirements and need for them. Member Dale Rhodes made a motion to accept the concept plan. Member Macfarlane seconded with all voting in favor.

GUY HIGLEY ZONE CHANGE

Mr. Guy Higley and his son, Ben Higley appeared before the Commission and presented a map for zone change from MU-160. Mr. Higley wants to sell two lots. Plenty of water available and essentially he was askeing to break up the large lots into smaller lots. A discussion of what to present to the County Commission followed. This land was originally zoned as a "holding" zone, but Mr. Beecher again cautioned against spot zoning. Chairman Wilde suggested they table the matter for now. Mr. Beecher suggested they hold a work session to study Mantua'

zoning problems. Chairman Wilde suggested starting the meeting about two hours early to look at the land involved. They agreed to set up the meeting August 9th so Mr. Beecher can attend. The time was set for 5:30 with K B. Olsen advised to run a legal notice in newspaper.

Meeting adjourned at 10:05 p.m.


K B. Olsen, Secretary

AUGUST 30, 1979

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday, August 30, 1979 commencing at 7:30 p.m. with Chairman Jerry Wilde presiding. Present: Dale Rhodes, Don E. Chase, Jerry Wilde, Jay MacFarlane and Boyd Nelson. Also present were ex-officio members Denton Beecher, K B. Olsen and County Planner Kenneth Millard.

DOVE CREEK FARMS & RANCHES UNIT # 5

Grayden Lambert, representing Lincoln Hanks, met with the Commission to see about getting preliminary approval for Mr. Hank's Dove Creek Farms & Ranches # 5. The following having been previously sent to the Commission members for their Study. (Copy # 1a & 1b) Mr. Beecher said the area under consideration at this time is the area outlined in a heavy line just east of the shaded area that Mr. Hanks has already subdivided. Mr. Millard said as a staff report there isn't sufficient information given nor does it meet the subdivision requirements. He and Mr. Beecher then pointed out to Mr. Lambert some of the reasons why there isn't sufficient information and why it doesn't meet the requirements with some of the reasons given is: The street layout is not exact. It has been done by dimensions assuming all lots are the same size, which they are not. The only water available would be wells by separate applications. They said we can only assume you want the roads dedicated to the county but they told Mr. Lambert they think it would be better if the roads were held in private ownership. The roads are consummated in dead-end. On the sides he shows the roads having 33 ft. on each side but he cannot do that on the north side as he doesn't own that land. He needs to show that he won't be land locking land that borders the sub-division and not creating a problem for anyone else. There was a question on utilities and they said he needs to

show how he will handle the drainage where it slopes to the one corner. After some discussion member MacFarlane made the motion they table the application until the sub-divider comes back with sufficient information. This was seconded by member Rhodes with all voting in favor of the motion. Mr. Lambert asked if there is someone he can work with to help him so he will know what is required. It was pointed out he can work with Mr. Beecher. Member Chase told Mr. Lambert as long as the developer meets all of the requirements they have no option but to approve it but he said if he is going to expect any exceptions he could have problems.

WEST HILLS SUBDIVISION

J. Dell Petersen met with the Commission to see about getting preliminary approval for West Hills 16 lot subdivision. Mr. Beecher reported that Mr. Petersen has submitted most of the information needed for preliminary approval. He said he is going to have to put in a temporary turn around. Mr. Beecher said there is a question on easements as they don't show some and they have to get some Clearances from the power company. He said he feels the easements can be worked out without any problems. It was pointed out there is a question for the water pressure for lot # 1 but the Commission said it would probably be all right. Member MacFarlane said he would move they grant preliminary approval subject to Mr. Petersen clearing the easement to Mr. Beecher's satisfaction. This was seconded by member Chase with all voting in favor.

ORDINANCE CHANGE TO REQUIRE SIDEWALKS

Member Chase said at the present time the Subdivision Ordinance does not require sidewalk, curb and gutter on subdivisions where the lots have over 120 ft. frontage and he said he thinks that should be changed so that sidewalks are required for all subdivisions and asked what it would take to change the ordinance. He was told all it would take is a word change and would have to be advertised for 30 days. Later on in the meeting this matter was further discussed after which member Rhodes made the motion they have Planner Ken Millard prepare the necessary word change to amend Section 1-2 so as not to put any waiver on sidewalks and curb

and gutters and delete the wording from Section 8-10 that lots with over 120 ft. frontage are exempt from having to put in sidewalks and Mr. Millard should have this word change set up so that the matter could be considered at the next Planning Commission meeting. This was seconded by member Chase with all members except member Boyd Nelson voting in favor of the motion with member Nelson voting against.

CARL RHODES MINOR SUBDIVISION CONCEPT APPROVAL & FINAL APPROVAL

Carl Rhodes met with the Commission and asked for concept plan approval for a minor subdivision of 2 lots on 80 acres of land he owns. He said he has two requests to build homes on his property and he said he has been told he has to get approval for a minor subdivision. He reported he has letters from the telephone and power companies and he said he is going to have to have two wells for water. Mr. Beecher showed the Commission a map of Mr. Rhodes's land and where the homes will be located. After a brief discussion, member Chase said he would move to grant Mr. Rhodes concept approval for his minor subdivision and said he could include in his motion they grant Mr. Rhodes preliminary approval, which is final approval for a minor subdivision, subject to his getting Health Department approval and when this is done they authorize Chairman Wilde to sign the plat. This was seconded by member Nelson with all voting in favor.

GLEN MANNING MINOR SUBDIVISION PRELIMINARY APPROVAL

Mr. Beecher showed the Commission a map of the proposed Glen Manning Minor Subdivision and reported that Mr. Manning would like to get preliminary approval for the proposed minor subdivision and after a brief discussion member Nelson made the motion they grant preliminary approval for the Glen Manning minor subdivision and they authorize the Chairman to sign the plat subject Mr. Manning getting Health Dept. approval and they instruct Mr. Beecher not to issue a building permit until he has received written approval for water for each of the lots. This was seconded by member Rhodes with all voting in favor.

RULON DAN BURTON MINOR SUBDIVISION CONCEPT PLAN APPROVAL

Mr. Beecher reported that he has an application for concept plan approval

from Rulon Den Burton for a 5 lot minor subdivision at 10,400 north 10,800 west, each lot being approximately $\frac{1}{2}$ acre in size. After a brief discussion member Nelson made the motion they grant concept plan approval for the proposed Rulon Dan Burton minor subdivision. This was seconded by member Chase with all voting in favor.

RIVER HEIGHTS SUBDIVISION REQUESTED VARIANCES

Roger Mason met with the Planning Commission regarding the River Heights Subdivision. He said the Planning Commission had previously given final approval for the proposed subdivision but said they have waited so long and are making some changes and said, therefore, they are asking for some variances and presented the following letter: (PHOTOCOPY # 2) Member Chase said almost every week the County Commrs. are getting requests to hard surface a road from people who have built along the road and now they can't stand the dust. He said it isn't always the increase in traffic due to the subdivision that causes the dust problem but the home owners can't stand the dust so they want the county to surface the road. He said he is opposed to all of the tax payers of the county paying for a road that should be part of the cost of the subdivision. He said he realizes that this increases the cost they have to get for a lot but said who should stand the cost? He said the county is going to have to take that road over after the subdivision is completed. He said the county has to take their roads on a priority basis for improvement and said this will raise their priority for this road but he can't say for sure when the county will be able to get to this road. He said you can, if you like, take your request for the variances to the County Commission and maybe the other two Commission members will feel differently about it as the Planning Commission can only recommend to the County Commissioners. Member Wilde said where we have required others to take care of the road in front of their subdivision he'd have a hard time recommending the variance. Member MacFarlane expressed the hatred to see the price of lots get so high our young people can't afford them. Member Chase made the motion that the request that the Planning Commission recommend to the County Commrs is the variance be denied. This

was seconded by member Nelson with all voting in favor of the motion except member MacFarlane who voted against the motion.

JOHN BOURNE MINOR SUBDIVISION PRELIMINARY PLAT APPROVAL

Mr. & Mrs. John Bourne met with the Commission and requested preliminary plat approval for the John Bourne Minor Subdivision. Mr. Bourne reported he hasn't received a letter of approval yet from the Health Department. He said he thought the letter would be in today but it didn't come. Mr. Beecher reported everything is complete except this letter from the Health Department. There was a brief discussion regarding the ditch in front of the proposed subdivision. Mr. Bourne said the ditch will be tiled. Member Rhodes made the motion they grant preliminary approval subject to his receiving Health Department approval and they authorize the Chairman to sign the plat when the approval has been received and they approve the improvement escrow. This was seconded by member Chase. It was pointed out sidewalk is required. All voted in favor of the motion.

CONDITIONAL USE PERMIT-BRIGHAM CITY SOUTH STAKE DENIED

Mr. Beecher reported that the Brigham City, Utah South L.D.S. Stake is requesting a Conditional Use Permit for a modern Dairy facility at South Willard. Mr. Beecher showed the Commission on a map the proposed location for the dairy facility and said it is in an RR-5 zone which allows for dairies but it has to be with a Conditional Use Permit. There was some discussion regarding the requested Conditional Use Permit with the Commission asking some questions. Mr. Beecher said he has just he has just received the request from the State and he said he hasn't had a chance to study it. It was pointed out there seems to be a conflict in that general area such as one wants to put in a dairy, one a subdivision and one a fruit farm and the question was asked what is the best use of the land? After some discussion member Rhodes make the motion they table the matter until the next meeting to give Mr. Beecher a chance to review it and look at the conditions they would be approving. This was seconded by member Nelson with all voting in favor.

INSPECTION FEE - ?

Mr. Beecher reported he has a question he would like to throw before the Planning Commission and said with the number of subdivisions coming before the Commission he would like to ask what they think about an inspection fee. He reported that a large share of his time is being taken up with inspection the forms and plans that are required for these subdivisions. He said we are one of the very few counties that do not now require an inspection fee. He said he thought it should be a fee that is self sufficient. Planner Kenneth Millard said he would recommend such an inspection fee. After a brief discussion the Commission members said they would give it some thought and consideration and Mr. Beecher said he would try to have something to present at the next meeting regarding what the fees would run.

POSSIBLE ZONE AROUND NUCOR STEEL PLANT

Member Chase informed the Commission members that Nucor Steel Plant would like to have some zoning around their proposed plant and he said if we are to lose the steel plant now it would be because of the lack of zoning in the area. Member Chase asked the Commission how they thought the people would feel about zoning that area and said to give it some thought and said we can discuss it at the next meeting. Meeting adjourned 10:15 p.m.


K B. Olsen, Secretary

August 20, 1979

This property was purchased with the idea that it be marketable to those people who feel that a time may come when families would have to be self sufficient as possible and sustain themselves by raising their own food, with little or no machinery. As people in your position know however, it is impossible to know which people want what things.

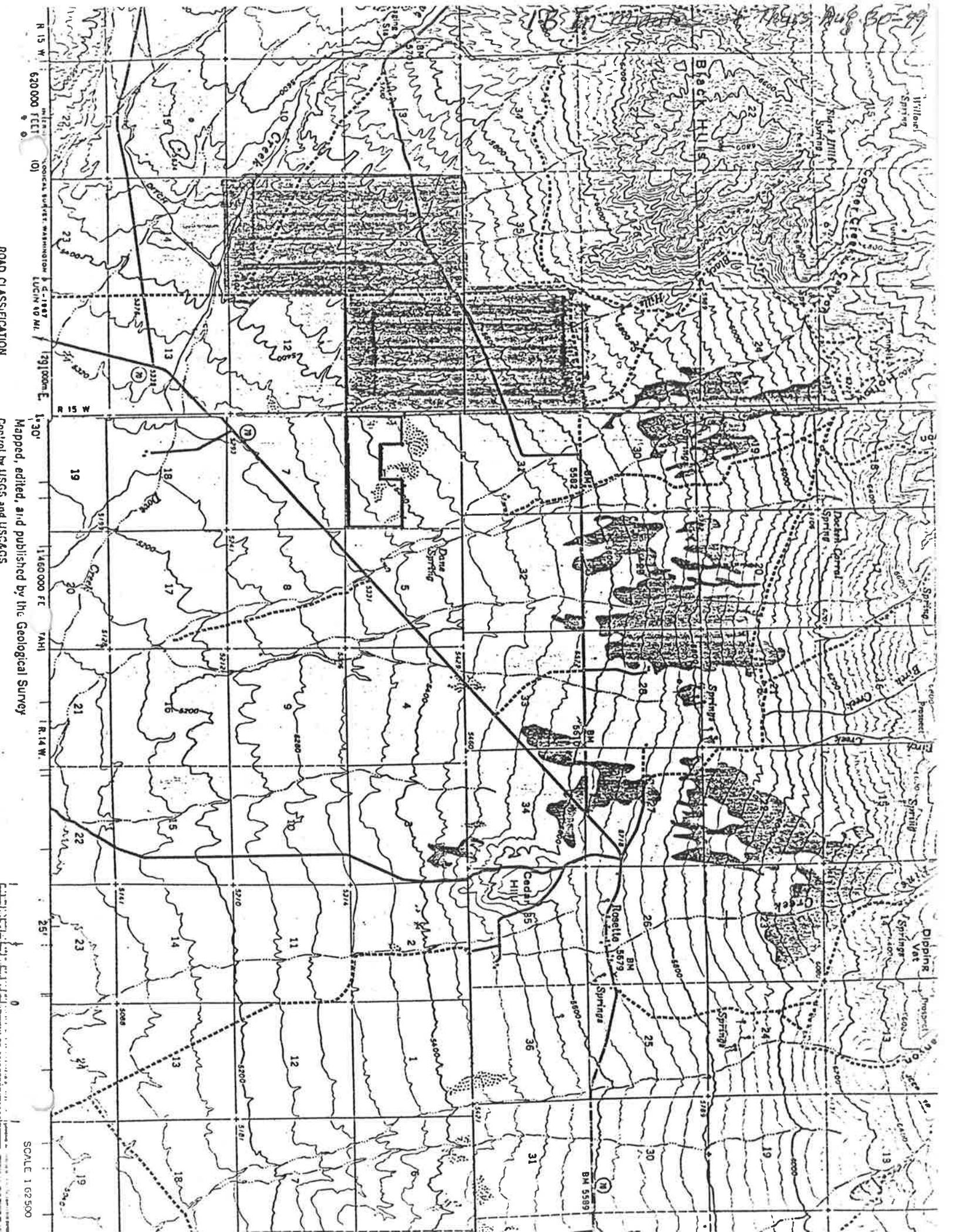
One hundred, ten acre lots have been sold over the past eighteen months and the people who have purchased property have a number of different things in mind for its use. There are some who could be termed "earth people" desiring to be "back to basics" and there are those who are definitely interested in things which the subdivisions use was intended, well water, solar heat, electrical generation by wind and other methods, natural fertilization, crop and pasture rotation etc., those who just want a spot of their own to "camp out"; those who would like to live rurally away from the 12,000 Sq. ft. lot subdivision and those who would just buy for investment alone. Among these are lawyers, engineers, developers, retirees, office workers, laborers, almost every type of people.

Mr. Hanks, the developer, who is self-sufficiency oriented, has spent considerable time and money investigating a number of programs related to this idea. Soil tests have been made and fertilizers recommended by Utah State University, a hydrological Abstract has been prepared by J. W. Hood. Hydroponic growing and other year round greenhouse systems have been investigated extensively by Mr. Hanks. A house built partly in the ground to utilize ground temperatures for both heating and cooling in connection with solar heating and collection for hot water have been studied. He has investigated methods to generate electricity with wind power as well as wind currents. He has investigated a number of crop rotation research methods as well as pasture rotation in animal feeding and beef production.

It is also his desire to organize those people who would desire to live year round, that they may be more socialized in farming efforts. When considering the 100 plus lots which have been sold, compared to the activity taking place at the existing development, it becomes clear that the change will have little, if any impact on the existing families in that area with negligible burden upon the county for services.

In the event of a National calamity, this would change and we would all, most likely, desire to have a similar holding of our own.

18 in. map No. 18 Aug 30-99



R 15 W 620 000 FEET (10)

ROAD CLASSIFICATION
LUCIN 10 MI. 1:29 1000m E

1:30' 1:460 000 FEET FAH I. R. 14 W.

SCALE 1:62 500

Maped, edited, and published by the Geological Survey
Control by USGS and USGACS

August 27, 1979

Box Elder County Commissioners
% Denton Beecher, County Surveyor
Box Elder County Court House
Brigham City, Utah

Gentlemen:

This letter is to request that I be granted a variance for River Heights Subdivision from the County Subdivision Ordinance that requires paving of subdivision streets.

I feel this variance should be granted for the following reasons:

1. The subdivision is served by an existing county gravel road that is over 4000 feet long.
2. The lots are large, approximately 2 acres in size, with approximately 275 feet of road frontage and our intention is to create a country type atmosphere with a minimum amount of traffic.
3. There are only four lots and therefore the traffic flow will be light.
4. The surrounding area is still being farmed and road use by heavy farm machinery is anticipated. A paved road would be inconvenient for this type of use.
5. We plan to construct a well graded gravel road that will adequately serve the area.

I believe that if you seriously consider these points you will agree that the gravel road shown on the construction drawings will adequately serve the needs of the subdivision and also the surrounding farm fields.

Sincerely,



Roger Mason

SEPTEMBER 20, 1979

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday, September 20, 1979. Members Present: Boyd Nelson, Dale Rhodes, Don Chase, Jerry Wilde, and Charles Kimber. Also present were ex-officio members Denton Beecher, K B. Olsen and County Planner Kenneth Millard.

DON C. ANDERSON MINOR SUBDIVISION FINAL APPROVAL

Bob Allen, representing Lee Allen, met with the Commission in regards to getting approval for a one lot subdivision to be known as the Don C. Anderson Subdivision. Mr. Allen said the proposed subdivision is two miles north of Garland on the east side of the road. He said Mr. Anderson wants to give his son a lot on the corner of his property and said he doesn't plan any further division of his property. He reported there are already two lots and this would make the third one and that is why he needed to subdivide. Mr. Allen reported they have Health Department approval. They will get water from Riverside-North Garland Water Co.. He said they do not have a letter from the power company but said the power is right in front of the lot. Mr. Allen said if a culvert is needed to maintain the drain in front of the lot they will do that. Member Chase made the motion they grant both concept and preliminary plat approval and they authorize the Chairman to sign the plat. This was seconded by member Rhodes with all voting in favor.

MINUTES APPROVED

Member Nelson made the motion that they approve the minutes of July and August 1979 meetings. This was seconded by member Rhodes with all voting in favor.

SUNSET PARK SUBDIVISION

Mr. Beecher reported that the proposed Sunset Park Subdivision had to cut back to less than 10 lots as they have had a problem with the water because of quality. He said with less than 10 lots they don't have to have an approved water system. The Commission pointed out they are going to have to hard surface the road to the end of the subdivision. It was also pointed out that inasmuch as this subdivision was started before the county changed the ordinance to require sidewalks and inasmuch as the lots are more than 120 foot frontage they questioned that we

could require sidewalks. It was pointed out if they get Health Department approval the proposed subdivision will qualify for concept approval. Member Chase made the motion they grant concept approval. This was seconded by member Nelson with all voting in favor.

REQUEST FOR ZONE CHANGE AT BOTHWELL

LuAnn Payne and Mark Cobert met with the Commission and made application for a zone change at Bothwell. Ms. Payne reported that Mr. Cobert wants to put a trailer house on the south half of her acre lot. Mr. Beecher reported that he had denied them a building permit because it is located in a five acre zone. Ms. Payne already has a home on this acre but the Commission pointed out that the home is allowed as the home was there before the area was zoned for five acres. Ms. Payne said her lot is one-half mile south of Zollinger's corner on the east side of the road and said if the trailer is put in he would have to tie in to her well and she said they would have to get reapproval on the septic tank. Members of the Commission also pointed out the area was zoned that way as that was the request of the majority of the people and said a hearing had been recently held to consider taking a small parcel out of the five acre zone and at that time the vsat majority chose not to make the change. Mr. Millard pointed out if they were able to get a zone change he still couldn't put a mobile home on this lot unless it would meet the building code and be put on a permanant foundation. Ms. Payne and Mr. Cobert said they were not aware that a mobile home wouldn't be allowed. They dropped their request for a zone change.

BRIGHAM CITY, UTAH SOUTH STAKE CONDITIONAL USE PERMIT

Kenneth Glauser met with the Commission in regards to the L.D.S. Stake getting a Conditional Use Permit for a modern dairy operation at South Willard. Mr. Glauser showed the Commission a plot plan of the area and explained their proposed operation. He reported the road from the highway into the dairy will be hard surfaced. After some discussion regarding the project member Nelson made the motion they grant the Conditional Use permit. This was seconded by member Rhodes with all voting in favor.

ALTON VEIBELL REGARDING SUBDIVISION

Alton Veibell met with the Commission and reported he is considering a subdivision along the county line by Beaver Dam and he has some questions because of the dispute over the county line. It was explained that Mr. Veibell's home is actually in Cache County but it is assessed in Box Elder County. Member Chase explained the present problem if the actual county line and the line established by the County assessors years ago for assessment purposes. Mr. Veibell said the subdivision will all be in Box Elder County even if he has to make some minor changes on the location to make sure it is in Box Elder County. However, his question is the access road to the property as the access property will be in Cache County. The Commission said he would just have to take his chances with the road as they don't know what Cache County will do. The Commission said he should first get the road dedicated to Cache. It was also brought out the actual county line will have to be physically established as it follows the drainage line.

CONCEPT APPROVAL FOR RUPP MINOR SUBDIVISION

DeLoy & Judy Rupp met with the Commission in regards to getting concept approval for a minor subdivision to be located on the Rocket Road west of the Iowa String Road about one mile. He said it will be about a 3 lot subdivision and there is already one lot there and the subdivision will be known as the Rupp Minor Subdivision. Mr. Rupp said he has signed up for west side water when it comes. He said they are now on shallow wells. He said he hasn't anything back from the Health Department but he said the utilities are already there. After a brief discussion member Rhodes made the motion they grant concept approval. This was seconded by member Nelson with all voting in favor.

GOLDEN ACRES SUBDIVISION

Golden Adams & June Balaich met with the Commission in regards to getting preliminary approval for a 28 lot subdivision which will be located on the south side of the highway going to Logan on the East Garland road. Mr. Adams showed the Commission a drawing showing the location of the proposed subdivision and said they already have some shares of Yukon water and said they are talking to people

for other shares. He said people from Fielding are talking of developing their own water system which will free some mor Yukon water. He said three phase electricity and gas lines are right in front of the property so they are assured of plenty gas and electricity and said the only problem os water but said they have enough water now for the exterior lots which could be Phase 1. He also said they could look to drilling for water if necessary. It was pointed out the lots will basically be just under one acre each. It was pointed out to these men they don't have a vininity plan to show how their plan will affect the adjoining property. After some discussion these men were told the concept has to many questions, at this time, for approval.

INSPECTION FEE--APPROVED

After a brief discussion regarding an inspection fee as discussed at the August meeting member Nelson made the motion that an Inspection Fee be set up. The amount of the fee to be set in accordance to the time the inspection takes so as to defray the actual cost. This was seconded by member Rhodes with all voting in favor.

Meeting adjourned at 10:15 p.m.


K B. Olsen, Secretary

OCTOBER 18, 1979

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday, Oct. 18, 1979. Chairman Jerry Wilde presiding. Members present: Dale Rhodes, Don Chase, Charles Kimber, Jerry Wilde and Jay MacFarlane. The following ex-officio members were also present: Denton Beecher, K B. Olsen and Planner Kenneth Millard.

MINUTES

Minutes of the meeting of Sept. 20th having been previously mailed to the Planning Members, member Chase made the motion to accept the minutes of Sept. 20, 1979 as presented. This was seconded by member Rhodes with all voting in favor.

POSSIBLE ZONING AROUNT PROPOSED NUCOR STEEL PLANT

Member Chase said he would like to seen them move ahead with zoning around the proposed Nucor Steel Pland and said he would like to see it done right away, but said he is a little bit at a loss of what is the right way to proceed and

asked the other Commission members for any suggestions. He said he thought they should be prepared to suggest a type of zone and wondered about what area should be included. He said he is not sure what that area should be other than they shouldn't get residential in close around the plant. Mr. Millard said a multiple use zone was set in the Ordinance to be a kind of a holding zone until the right thing comes along. Member Wilde suggested they hold an informal hearing on the one mile around the plant that Nurcor has asked for and at that hearing we could inquire what the people want to do with the rest of the area in view of the possible future development in that area. He said a letter could be sent to the People who own property in the area inviting them to attend this hearing. Member MacFarlane said he would so move and they set the informal hearing for Tuesday, October 30, 1979 at 7:00 p.m. at the Plymouth Town Hall. This was seconded by Member Chase with all voting in favor.

COLEMAN MOBILE HOME PARK

Ray Coleman met with the Commission and made application for a zone change in the area of his mobile home park in South Willard so he would be able to extend his present mobile home park to 32 units and put in two underground homes to be placed at the top of his lot. Said homes would have only the front exposed. Member Chase said he would excuse himself from participating in this matter because of the differences of opinions he and Mr. Coleman have had in the past. Chairman Wilde said it has been the policy of this group that we don't recommend, to the County Commissioners, a zone change until we get a pulse of the people in the area and he said it was just a short time ago we held a public hearing on a proposed zone change just north of this area and he said the people definitely didn't want it changed and said he won't recommend a zone change until the people of the area ask for it. Mr. Coleman said this is now in a five acre zone and he said he and Mr. Barber are the only ones sitting on five acres. It was pointed out Mr. Ward, across the street has more than five acres. Mr. Coleman said his property is the only one he is interested in asking for a zone change. The Commission pointed out it can't zone just his land as that would be considered spot

zoning, which the law doesn't allow. Mr. Coleman said he has discussed what he wants to do with the people in the area and no one opposes him unless it would be Frank Woodland. Mr. Coleman said he would like to expand to 32 units, then later he would like to put in a road on the top where the haul road was cut by Gibbons & Reed Construction Co. Chairman Wilde said he couldn't ask, as chairman, to have the hearing in view of what has happened. "I'd have to be shown that the people are interested in the change". Chairman Wilde also said they would have to know the boundaries of the area to be considered for a zone change. Mr. Coleman said it would be the area next to the highway and south of this property to the Weber County line. Mr. Beecher pointed out where we over intensify we are creating sewer problems and said that was one of the problems the people objected to at the hearing that was held a short time ago. It was also pointed out the objections that were raised at the hearing is the orchards are effected because they can't spray or the spray may drift over onto the residential property and they can't keep youngsters out of their orchards and they throw cans and bottles onto their farm ground. Mr. Wilde asked if that need has been changed to justify calling for another hearing. It was also pointed out another concern is the possible pollution of the springs across the road. The discussion rebolved to Mr. Coleman having put in more trailer units than the court decree allowed. Mr. Coleman said his engineer made over 100 ft. error and said I actually had 26 units in at the time of the court ruling. Chairman Wilde said neberthe less the court limited him to 23 units. Mr. Coleman said in his thinking he is only one over the court ruling as he had 26 units in at the time of the ruling. Chairman Wilde told Mr. Coleman before he could give his request any consideration Mr. Coleman would have to bring in those people from the area that are concerned to the next Planning meeting so that we would all have the same understanding.

FINAL APPROVAL WEST HILLS SUBDIVISION

J. Dell Petersen met with the Commission in regards to getting final approval on his proposed West Hills Subdivision. Mr. Beecher reported the has primarily everything submitted that is needed and reported the estimated cost for the im-

provements is \$35,400.00 broken down as follows: \$27,000. for the road, \$3,400. for the drainage water and \$5,000. for culinary water. Member Rhodes made the motion they accept the final plat and authorize the Chairman to sign it. This was seconded by member Mac Farlane with all voting in favor. The Commission talked to Mr. Petersen about putting in sidewalks in his subdivision and said he doesn't have to put them in as he is in ahead of our possible change of our ordinance to require sidewalks.

CONCEPT-GOLDEN ACRES SUBDIVISION

Golden V. Adams and June Valiach met with the Commission and presented the following letter and map of the proposed subdivision. (PHOTOCOPY # 1) Mr. Valisch pointed out the lots are almost full acre lots and said the plan doesn't show any grade lines and said the reason for that is there is only about one foot drop from one end of the subdivision to the other. He also pointed out the map shows the overall effect of the subdivision on the neighbors. Member Wilde said the only question he has is if this develops and fills up don't you need another way out in case something happens. Mr. Valiach said with the street as wide as it will be there isn't much likelihood of anything happening to completely block the road. It was also pointed out they plan to develop this in three phases. Mr. Valiach said they have enough water for the first phase. These men then showed the Commission a copy of a possible second plan for the subdivision and said the overall concept is the same except for the double access roads and some variances in the lots and said the subdivision could be done either way. Mr. Millard said he thinks the first plan is the better as there are not as many roads to be maintained. These men said they are asking the Planning Commission to approve the first plan subject to their being able to obtain the land to the west. If unable to obtain the land to the west that would be the reason to approve the plan No. 2. They said they would like to have the Commission actually approve both plans just in case. The Commission said if you don't obtain the land to the west, but could get a right-of-way, that would still be O.K.. The Commission also said their plan is not complete enough for a

preliminary approval but said it is O.K. for concept. These men said because of the size of these lots they want, in this particular subdivision, to eliminate sidewalks. They said sidewalks wouldn't be too bad on the cul-de-sacs but they didn't want them on the main streets. Member Chase said looking to the future he thinks they should have sidewalks so you are not forcing the kids on roller skates, tricycles, bikes, etc out into the streets. He said we are getting more joggers, walkers, etc. He said he realizes this would push up the cost of the lots but in the overall spector he said sidewalks are worth it, but said that at this time we can't force sidewalks. These men said they plan to put in the protective covenants for animals. Member Rhodes made the motion they grant concept approval for both plans. This was seconded by member Kimber with all voting in favor.

POSSIBLE WATER TREATMENT PLANT AT WILLARD BAY

The following letter from the Weber Basin Water Conservancy District along with the accompanying letter was presented to the Commission (PHOTOCOPY #2 & 3) The Commission accepted the letters and directed that the letters be filed for information purposes.

Meeting adjourned about 9:45 p.m.


K B. Olsen, Secretary

Willard City Corporation

19 North Main

Willard, Utah 84340



September 26, 1979

RE: Glenn Woodyatt project.

Darrell Nielsen
P. O. Box 1623
Ogden, Utah 84402

Dear Mr. Nielsen:

In regards to the Planning Commission meeting on September 26, 1979 in which was presented your plan for flood control, that the Planning Commission will start to evaluate.

Your plan basically reflects flood control by excavating via of conveyor belt dirt/rock from the mountain side east of the Pine View canal on the Glenn Woodyatt property.

The Planning Commission requested additional information as follows;

1. A letter of intent with the Union Pacific for the purchase of materials removed from the site.
2. A letter from the State Highway Department of their position.
3. A letter from Pine View Canal Co. of their position.
4. A written scope of the project. This is to include a detail plan.
5. Proof of ownership of the property involved.
6. Affected/or adjacent property owners position in said project.

Any additional information required by the Planning Commission in the future will be requested at a later date if needed.

Sincerely yours,

Jarvis Facer

Chairman Planning Commission

Photo Copy: Planning Commission
Glenn Woodyatt

Golden V. Adams
2080 W. 5850 So.
Roy, Utah 84067

Box Elder Planning Commission
Box Elder County Coury House
Brigham City, Utah.

RE: Land Use

October 10, 1979

Dear Sirs:

I respectfull ask you to act on a motion by me that my property be considered for single family homes.

All major utilities are bordering my property, with the exception of sewer trunk lines. The land is well suited for septic tanks and the oversize lots are more than adequate for percolation.

With the rising costs of farming, it is no longer feasable to farm the land. New indusy is now moving into the area and will require more housing to support the ever increasing population. Please accept this letter as written request for formal action on the general overall concept and preliminary plan design. The preliminary design shows that 27 lots are to be developed in three phases. A market analysis by phone to 3 independent Realtors would show the need for more housing at the North end of the county due to new industry moving into the area.

The soil on my property is of a sandy loam nature and the water table has been tested on the North East end of the property and at that point is 10 feet below the surface drainage. I have checked in Salt Lake City at the University of Utah and could find no evidence of geological faults running thru or adjacent to the property. (ref: Williams J. S. (1958), Geologic atlas of Utah. Geological and Mineralogical Survey.

Thank You for your consideration,
Respectfully Submitted


Golden V. Adams



WEBER BASIN WATER CONSERVANCY DISTRICT

2837 EAST HIGHWAY 193 • LAYTON, UTAH 84041 • PHONE (801) 825-1677

President
KEITH G. JENSEN
Huntsville

Sec.-Manager
WAYNE M. WINEGAR
Riverdale

Directors
FRANK W. BOHMAN
Morgan
CHARLES D. CARVER
Pleasant View

EZRA T. CLARK
Bountiful

BLAINE D. FISHER
Clearfield

T. BRUCE JENKINS
Ogden

J. CLIFTON LINFORD
Kaysville

RALPH A. RICHARDS
Oakley

W. ROBERT WHITE
Ogden

October 1, 1979

Box Elder County Planning Commission
Brigham City, Utah
84302

Gentlemen:

We are aware that you or your organization may or may not be directly concerned with the enclosed letter, however, we hope the information the letter contains may be of some importance.

Best regards!

Respectfully,


Wayne M. Winegar
Secretary-Manager



WEBER BASIN WATER CONSERVANCY DISTRICT

2837 EAST HIGHWAY 193 • LAYTON, UTAH 84041 • PHONE (801) 825-1677

President
KEITH G. JENSEN
Huntsville

Sec.-Manager
WAYNE M. WINEGAR
Riverdale

Directors

FRANK W. BOHMAN
Morgan

CHARLES D. CARVER
Pleasant View

EZRA T. CLARK
Bountiful

BLAINE D. FISHER
Clearfield

T. BRUCE JENKINS
Ogden

J. CLIFTON LINFORD
Kaysville

RALPH A. RICHARDS
Oakley

W. ROBERT WHITE
Ogden

Please accept this note of appreciation for your past support of the Weber Basin Water District. It is our continuing desire to maintain a cordial relationship with you in matters of mutual interest and concern, and particularly as water supplies are involved.

During the period since the District became operative over twenty years ago, there has been a continuing need on the part of the District to increase its water sales in order to amortize the \$81,000,000(+) that it was and is obligated to repay the United States, and to service its bonded debt of some \$5,400,000 incurred to provide treatment plants and distribution systems for the delivery of municipal and industrial water.

The completed project as determined by the Definite Planned Report of the Bureau of Reclamation and as exemplified in the District's repayment contract with the United States, provided that there be a total of 50,000 acre-feet of project water available for municipal and industrial use, and the balance allocated to irrigation uses. Times have changed, and residential and recreational development in upstream areas has resulted in a demand for replacement water to an extent not earlier foreseen. As a result, the 50,000 acre-feet of project water allocated to municipal and industrial uses has now been largely contracted for, and the District is left with continuing capacities in its major municipal and irrigation facilities along the Wasatch Front, which are available for the service of municipal and industrial uses.

In anticipation of this approaching problem, the District several years ago embarked upon a program of seeking to purchase or otherwise acquire water and

October 1, 1979

Page 2.

water rights owned by individual and other entities along the front. As a result, the District has been able to obtain non-project water and water rights, both direct flow, and storage water in Echo and East Canyon reservoirs. Through these acquisitions, the District has been able to sustain its commitments for irrigation water, and make available additional allocations of project water for municipal and industrial use. However, there is still a shortage which can be alleviated only by purchase by the District of additional supplies of non-project water. To this end, we ask your cooperation. If you have direct flow rights or rights evidenced by shares in Davis and Weber Counties Canal Company, we are now asking that you consider transferring these rights to the District, - either for cash, or if a cash sale is not permissible, by exchange of water to be delivered by the District. You will find us more than fair in our agreements.

The District's only other source of additional water for municipal and industrial use is Willard Bay, and for your information the District is now exploring the feasibility of building a water treatment plant at a location suitable for treating such water. This would provide a source for serving many of the communities in the westerly part of Weber and Davis Counties, thereby increasing materially upstream water available to communities along the Wasatch Front. An initial problem to the consummation of this plan, other than its financing which I will comment on presently, is that we do not really know what your future requirements may be, and it will be exceedingly helpful to us if we could receive some indication from you as to what you presently estimate your future requirements may be.

As to the new treatment plant to treat Willard Bay water, engineering studies are now underway and we hope to have it operational within the next three years. Financing the project presents a major problem. Each year the District attempts to set aside a fractional part of its revenues for future expansion and modernization. It recently completed the enlargement and modernization of its Layton treatment plant at a cost of approximately \$1,000,000. The Ogden plant requires similar enlargement and modernization, but we have postponed moving ahead on that program pending completion of the studies relating to the proposed Willard Bay plant. This by reason of the fact that a new Willard Bay plant would remove the existing pressures on the Ogden plant, and eliminate the necessity for its present enlargement.

The funds the District has been accumulating for additional plant capacity, and the present total thereof which is far short of the five to six million dollars estimated to defray the cost of a new Willard Bay plant, has been and is being invested, and the income therefrom allocated each year to the District's operation and maintenance budget. This supplemental income has enabled the District to

October 1, 1979

Page 3.

minimize increases in the operation and maintenance component of its water sales contracts, the cost of which increases each year as a result of inflationary pressures. Thus, when these income producing funds are used for plant enlargement or other new construction, the obvious result will be the necessity for a substantial increase in the charges in our water sales contracts allocated to operation and maintenance of the District and its facilities.

We want you to know and fully understand the inevitable effect inherent in any program embarked upon by the District for increasing its capacity for production of municipal water. We are firmly convinced that utilization of existent surface water, as contrasted with development of deep wells, is much the better way, although the District has several valid well applications on the Wasatch Front. Willard Bay water is at hand and available for use without detriment to others. On the other hand, continuous pumping of the District's present eight wells, which were developed only for emergency use in event of a plant failure or other plant interruption, would materially reduce underground supplies to the detriment of the many who rely on this source. In other words, it is our belief that surface supplies should be the source for increased development, and underground water continue to be husbanded for emergency use only.

Upon this basis, the District proposes to proceed with its studies on the treatment of Willard Bay water, and with construction of the required facilities. We seek your cooperation in the interim until treated Willard Bay water is thus available. Any community or other entity which is willing to transfer to the District an existing water right will have a priority in receiving from the District in exchange therefor District water comparable in quantity and quality. (This wording corresponds with the law, which indicates a city cannot dispose of a water right unless it is as stated. This is no problem in our estimation.) However, if there is to be any such purchase or exchange agreements between the District and the communities and other entities it serves, the same should be processed as rapidly as possible.

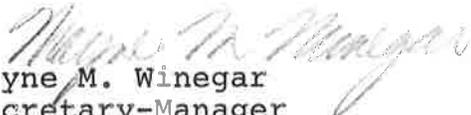
We cannot over-emphasize the fact that the District now has pending applications for its upstream water far in excess of the limited amounts now available, but has been withholding and will continue to withhold action on such applications pending final resolution of factors referred to herein. For the time being, the only exception to this policy will be pending or future applications by municipalities and applications for water for industrial purposes for their actual and immediate needs.

October 1, 1979
Page 4.

We look forward to continuing to serve your water needs.

Very truly yours,

WEBER BASIN WATER
CONSERVANCY DISTRICT


Wayne M. Winegar
Secretary-Manager

November 15, 1979

Minutes of the regular meeting of the Box Elder County Planning Commission meeting held Thursday, November 15, 1979 commencing at 7:00 p.m.. Members present: Jerry Wilde, Don Chase, Dale Rhodes and Charles Kimber. Excused Jay MacFarlane and Boyd Nelson. Also present were ex-Officio members K B. Olsen and Dento Beecher. Chairman Wilde presiding.

MINUTES

Minutes of the previous meeting having been mailed to the members member Chase moved they approve the minutes of October 18, 1979 as presented. This was seconded by member Rhodes with all voting in favor.

PRELIMINARY APPROVAL, SUNSET PARK SUBDIVISION

Gerald Tolman met with the Commission in regards to getting preliminary approval for the proposed Sunset Park Subdivision. It was reported the state has approved the well for the first 9 lots and if Mr. Tolman expands from those 9 lots something will have to be done at that time about additional water. Mr. Tolman reported he has letters of approval from the utility companies and a letter of feasibility from the Health Department. Member Rhodes made the motion they grant the preliminary approval. This was seconded by member Kinber with all voting in favor.

ZONING AROUND NUCOR

There was considerable discussion about what should be done about zoning around the proposed Nucor Steel Plant, particularly dealing with the type of a zone and they also discussed what they felt should be done about zoning the entire area, say from Garland north to the Idaho line in view of other commercial developments being considered in the area. The Commissioners said they usually want the people in the area to tell them what they want in their area but said in this case they felt the Planning Commission would have to make a recommendation as they didn't feel the people are hardly in a position to make such a recommendation at this time. It was pointed out both Plymouth and Portage are giving consideration to zoning. It was felt that any zoning of the area should conform with Portage and Plymouth. Mr. Beecher reported Nucor Steel is in the process of getting some information re-

garding the noise level outside of the steel plant. Member Chase said he felt all they need is a statement from Nucor that the noise level won't exceed so many decibels as that seems to be the concern that was expressed at the informal hearing that was recently held at Plymouth. Members of the Commission seemed to think there would be more noise from trucks and trains and the noise of metal being loaded and unloaded than from the outside noise of the plant itself. At the end of the discussion member Kimber recommended they contact Planner Kenneth Millard and have him get with Mr. Beecher and they work out a tentative type of plan for zoning the area from Fielding Road north to the Idaho State line and they come back to the December Planning Meeting with their recommendation. This was seconded by member Rhodes with all voting in favor.'

COLEMAN MOBILE HOME PARK

As a follow-up on Ray Coleman's request for a zone change and a follow-up from last month's Planning Commission meeting Mr. Coleman left a number of petitions with the Planning Commission Secretary. One group Mr. Coleman said was signed by mobile home owners, those in his park and the park across the highway. Another group he said was signed by property owners and a few signed by people he said want to move into his trailer park. Then, at 8:00 O'clock Mr. Coleman and the following people met with the Planning Commission:

Ray S. Hansen
Vonda Chaffin
Debbie Helquist
Leslie _____

George Wall
Harry Zitting
Darril Helquist
Mary Witt

H. P. Chaffin
Eliz. Zitting
Wm. Davis
Gay W. Pettingale

The Planning Commission told the group that they couldn't give any answer tonight on Mr. Coleman's request for a zoning change. They said the only thing they can do is recommend to the County Commissioners whether or not they feel the Commission should hold a public hearing to consider the change. If they did that they said the public hearing would have to be advertised for 30 days before they hold the public hearing. They said that is outlined by State Statutes. They said before they could recommend to the Commission they would have to come up with an area to be considered to be rezoned as they said they can't just rezone Mr. Coleman's pro-

perty. That would be spot zoning. There was some discussion on the area to be considered for rezoning. The Commission also said it would have to be determined what kind of a zone they would want it to be rezoned as. Mr. Beecher pointed out about the only zones that provide for mobile home parks are the RM zones and said do you want RM-30, RM-7, RM-15 or just what? It was also pointed out it they are going to increase the density in that area they are going to be needing a sewer system. It was also pointed out when a public hearing is held it is important for the people to come to the hearing to express what they want as that is about the only thing the Commissioners have to base their decision on in determining what the people of the area really want. The group was told that the people in the area could form a sewer district and levy a tax to pay for the sewer system. It was also pointed out if they form a sewer district they could apply for federal assistance providing there are funds available. Chairman Wilde explained that he pays little or no attention to petitions and said you can get people to sign almost anything just to get rid of the one circulating the petition. He said as far as the petition submitted by Mr. Coleman is concerned, we'd have to know if those that have signed it actually own land within the area to be considered. To show what he meant he took the name of each person who signed a petition one at a time, and asked those present if that person owns property within the area that is under consideration for the zone change and it was determined that about $\frac{1}{2}$ of those that had signed as property owners don't own property within the area. He said we can't consider a petition from someone who doesn't own land in the area to be changed or would be effected by the change. After some discussion member Kimber made the motion they recommend to the County Commissioners that the Commrs. hold a public hearing to consider a zone change for the area within the following boundaries. From the north boundary of Mr. Coleman's Mobile Home Park west to the highway then north a short distance to the ditch and boundary line between Raymond & Elmer Ward's properties, then west to the interstate, then south along the east side of the interstate to the Weber-Box Elder County line then east along the Weber-Box Elder County line to the section line above Mr. Coleman's property, then north to the point of beginning

and that this area be considered for an RM-7 zone except for that zone within the said boundary lines that has been previously designated as commercial zone. This was seconded by member Rhodes with all voting in favor of the motion. Member Chase asked Mr. Coleman what the status of his mobile home park is? He said the District Court authorized him to have 23 units and asked how many homes Mr. Coleman has there now. Mr. Coleman said there are 27 units. Member Chase said that's four more than the court authorized.

POLICY

The question was asked if the Planner, Kenneth Millard is paid a set amount or is he paid each time he comes up. County Commissioner and member Don Chase explained he is paid for what he does. The Commission unanimously agreed that they should adopt the policy, now that they have been operating for a number of years as a Commission, that Mr. Millard should only come when we have something on the agenda that requires his help and he is notified of the need.

MISCELLANEOUS

Mr. Beecher reported that a representative of Delta Milling has been going to come to the last four Planning Commission meetings and just before each of the meetings they have cancelled out and said he was wondering if they just aren't stalling.

GREENHOUSE AT HARPER

The Planning Commission asked Mr. Beecher to send a letter to Charles Anderson regarding the conditional use permit on his greenhouse at Harper.

Meeting adjourned at 9:40 p.m.


K. B. Olsen, Secretary

DECEMBER 20, 1979

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday December, 20, 1979. The following members were present: Don E. Chase, Dale Rhodes, Jay MacFarlane, Boyd Nelson and Charles Kimber. Also present were ex-officio members Denton Beecher and K. B. Olsen. Chairman Wilde Presiding.

ROSS RUDD MINOR SUBDIVISION

Ross Rudd met with the Commission in regards to getting concept plan approval for a 7 lot minor subdivision which will be in Section 25, T13 N R3W SLM. Mr. Rudd said the lots will be approximately 1 acre each. The Commission pointed out the highway cuts below the proposed subdivision that creates a problem of exiting onto the highway. Mr. Beecher suggested one solution would be to put a frontage road across the front of the lots and exit at one place where it wouldn't be too steep, preferably at the present intersection. Mr. Rudd said he may ask for a turnaround on the north end of the property. He also said he has a permit from the state to access onto the highway for the north two lots. Member Rhodes made the motion they grant concept approval. This was seconded by member Chase with all voting in favor. While Mr. Rudd was at the meeting he told the Commission they have been given the green light on a canal water project to run to the north. He asked the Commission if they had any input on where and how it should be. There was some discussion and the Commission said they want to cooperate in any way they can but said Mr. Rudd was more knowledgeable on that than they are. Mr. Rudd told them if they have any ideas or suggestions they need it.

BELMONT SPRINGS SUBDIVISION

Scott Holmgren and Wayne Larsen met with the Commission and said they would like to give the Commission an idea of what they are planning with Belmont Springs Subdivision and what they are doing and said there are a couple of problems that scare them. These men gave the Commission a map which had an outline of their property and gave them the following Belmont Springs Development Plan. (Copy) Mr. Holmgren said sometime in the future the county dump just to the north of their property is going to be a problem, but said at the present time it doesn't create a problem. He said the 28 owners of Belmont Springs have put about a million dollars

in this development and said they are concerned that there will be satellite industries that will follow Nucor Steel and said they are interested in having their area zoned so there will be about a one mile buffer zone between their development and any heavy industry. They said they are also concerned about the road changing from an access road to a heavy industry road. They said they were willing to do whatever is necessary to solve the problems. Member Chase said this might be an opportune time to solve their problems as well as the County's. The Commission asked these men if they would spearhead a drive to zone the whole area. Member Chase said we are going to zone around Nucor and said maybe we can get a trend going. Mr. Larsen said if we can, he thinks we should keep heavy industry on the west side of the proposed freeway through that area. Member Chase said to just look at your property as a beginning but said we need to look at the entire area and determine which area would be best suited for what. He said we would like to have the input from the people of the area to see what are their wishes. He also said we need someone, who are landowners, to kind of spearhead some kind of a plan of what they want. He said it would be helpful to sit down with say one half dozen people of the area and have them express what they want in the area and then we can present it to the people. He said we need someone who is a landowner to kind of spearhead some kind of a plan as he felt it would be better received by having property owners suggest it rather than having the County Commissioners, who own no property in the area, try to sell it to the people. Mr. Holmgren said that there is a kind of a natural barrier dividing the area, which is the bench area. Both Mr. Holmgren and Mr. Larsen said they would do something and then get back with the Commission.

SURVEY OF PORTAGE TOWN

At the request of the Commission Leslie MacIntire who was at the meeting reported they have completed a preliminary survey in Portage. She said the general consensus is that people want the quality of town to stay about the same as it now is, but said they will accept quality growth. She reported it will take some

time to analyze the survey.

CHARLES ANDERSON CONDITIONAL USE PERMIT

Charles Anderson met with the Commission and said he would like to get his Conditional Use Permit for his greenhouse at Harper extended. He reported he has experienced windstorms which has damaged the greenhouse and said the property has not worked out and it is not now in operation but said his intent is to fix it back up and if he can get it working he wants to buy someplace else to put it. After a brief discussion member Nelson made the motion they give him until May to get it back in operation and the Commission review his request for a renewal at that time. This was seconded by member Kimber with all voting in favor. It was pointed out that Max Baty's and Winn Earl's Conditional Use permits at Harper have also expired and they need to be reminded of this. Member Nelson made the motion these people be notified that their Conditional Use Permits are up and if they are interested they should make application to have their permits renewed. This was seconded by Member Kimber with all voting in favor.

GUY HIGLEY'S REQUEST FOR ZONE CHANGE

Mr. Beecher reported that Guy Higley wants to know what has been done about his request for a zone change for South of Mantua. He said, as you will recall, the Planning Commission told Mr. Higley when he met with them in July they could not zone his two acres so they would take a look at the entire area and the Commission was going to meet early on the day of their Planning Meeting to go look at the area. However, he said the meeting date was changed and we just forgot about going and looking at it and now Mr. Higley has called to see what has been done. The Commission decided they would go look at the area Thursday, December 27, 1979 at 10:00 a. m. so they can get Mr. Higley an answer.

MINUTES

Minutes of the last meeting having been previously mailed to the Commission members, member Rhodes made the motion they approve the minutes of Nov. 15, 1979 as presented. This was seconded by member Nelson with all voting in favor.

Meeting adjourned at 9:15 p.m.


K. B. Olsen, Secretary

5

BELMONT SPRINGS DEVELOPMENT PLAN

Recreational & Residential

The development will be accomplished in four or more phases as follows:
(Phases #1 & #2 are essentially completed or the items will just be further expanded.)

PHASE #1

- culinary water system
- topographical survey
- alter river courses
- earth moving - south half
- septic tanks and drain fields
- power lines to complex
- roads and parking areas
- irrigation water holding reservoirs - south half
- 9 hole golf course
- golf course watering systems
- dredge out hot springs and rock line
- hot spring central piping system
- swimming pool and related facilities
- 74 recreational vehicle hookups

PHASE #2

- picnic bowery
- pool filter and chlorination system
- exploratory test wells
- well development
- additional outdoor restrooms
- subdivision of building lots
- trees and shrubbery
- sprinkler irrigation system on south 50 acres

PHASE # 3

- health spa with indoor and outdoor pools, private baths, steam rooms, paddleball courts, saunas, exercise area, etc.
- hard surface internal road areas
- condominiums
- tennis courts
- driving range
- geothermal space heating system to be used in conjunction with condominiums and housing
- equipment storage & repair facilities
- 4500' airstrip
- restaurant
- golf clubhouse

PHASE #4

- additional development of culinary water system
- petition to close down County Dump
- buy County Dump
- equestrian park
- irrigation water holding reservoirs - north half
- additional 9 hole golf course - north half
- recreational fishing and boating facilities
- convention center
- additional housing or condominiums
- additional recreational facilities
- additional landscape improvement
- and anything else that is reasonable & prudent

BELMONT SPRINGS DEVELOPMENT PLAN

Commercial & Agricultural

The following commercial & agricultural development is contemplated because we feel they can be integrated well with the residential and recreational development planned without detracting from their desirability.

- shopping areas
 - groceries
 - gifts
 - clothing
- gas stations
- airport facilities
- greenhouses
- irrigated and dryland farming
- nitrogen extraction
- theater and movie facilities
- geothermal uses
 - space heating
 - powergeneration - 10 megawatts
 - aquatic farming
 - fermentation and distillation (washed)
 - mineral extraction
- and anything else that is reasonable & prudent

