

**MINUTES**  
**BOX ELDER COUNTY PLANNING COMMISSION**  
**JANUARY 18, 1996**

The Board of Planning Commissioners of Box Elder County, Utah met in regular session in the Commission Chamber of the Box Elder County Courthouse, 01 South Main in Brigham City, Utah at 7:00 p.m. on **January 18, 1996.**

The meeting was called to order by Chairman Richard Kimber with the following members present, constituting of a quorum:

Richard Kimber	Chairman
Stan Reese	Member
Jon Thompson	Member
David Tea	Member
Royal Norman	Commissioner, Member
Denton Beecher	Ex-Officio Member, Surveyor
LuAnn Adams	Recorder/Clerk

**EXCUSED:**

Louis Douglas	Member
Deanne Halling	Member

**AGENDA: (ATTACHMENT NO. 1)**

**ACTING CHAIR JON THOMPSON PRESENTED THE MINUTES OF DECEMBER 14, 1995 FOR APPROVAL. A MOTION WAS MADE BY DAVID TEA TO APPROVE THE MINUTES AS WRITTEN. THE MOTION WAS SECONDED BY STAN REESE AND UNANIMOUSLY CARRIED.**

**ALTON VEIBELL - HIGH COUNTRY ESTATES CONCEPT SUBMITTAL**

County Surveyor Denton Beecher said Mr. Veibell has filled out an application for a conditional use permit and tonight he is presenting his concept plan for what he wants to do. Bruce King from LarWest Engineers presented a submittal letter which he reviewed. (See Attachment No. 2) Mr. King stated the development is approximately 100 acres in size and 47 acres are in Box Elder County. The rest of the acres are in Cache County. They have reviewed and are following the county's rules for processing of applications like this one. The development is a concept plan. Mr. King stated they have utilized a cluster concept in manageable building lots to avoid excessive weeds and give a sense of community and neighborliness. A lot of the area will be left in open spaces consistent with that area. He stated they have maximized the number of lots that will go into the Box Elder side. They would like to build a tax base in Box Elder County. They feel the project identifies more with Box Elder than Cache because the people who live in this area relate to Box Elder

County; their kids go to school, mail delivery, garbage pickup, responsibility for road maintenance, snowplowing and people's phone numbers are on Box Elder County's side. They feel the alliance of the community is in Box Elder County. They have configured the lots so the county boundary falls along the lot lines and doesn't divide any property ownership other than common area. The density for the overall development is 1.4 acres per unit. The lot sizes range from 1/3 -1/2 acre.

Water - The existing water system would be used and improved to accommodate the proposed expansion. According to the State Engineer's records there is adequate water available for over 70 homes. Since 1982 Mr. Veibell has held water rights that will serve 50 families plus 12 ½ acres for irrigation. Mr. King presented the Planning Commission with this approval from the state water engineer's office dated May 1982. (See Attachment No. 3) Chairman Kimber acknowledged receipt of this document.

Waste Disposal - The development will use individual septic tanks. On the high lots they will pipe all of the individual septic tanks into a common drain field on the down slope side away from Box Elder County, and this will be absorbed through drain fields and seepage systems into the soil. That will get it away from the well and any concern there might be with the affluent making its way westward into the other watershed and affecting the stream. They have reviewed the proposed concept with the Bear River Health Department and feel most of the area is suitable for septic systems. There are two or three areas that appear to be of concern. Mr. King also presented a letter dated January 18, 1996 which stated that the Bear River Health Department has determined it is feasible to install individual waste disposal systems on the lots specified. (Refer to Attachment No. 4)

Roads - Mr. King pointed to all the roads on the concept plan indicated in dark lines. He stated they want to form a special service district to service the roads. These roads would be self-contained within the development and remain in private ownership so the counties would not have any responsibility for maintaining or operating those roadways. They feel this will be an advantage to the counties, and it also gives local control.

Maintenance of common areas - This is the property improvements and open spaces that are held in common. They would be handled under the special service district. Mr. Veibell has a petition to form the special service district. He stated that the law requires 25% of the owners of the properties to sign this petition, and Mr. Veibell now has 43% of the owners signed. Mr. Beecher has concern how the special service district will work in the two counties.

Utilities - Mr. King said power is already to the site. The power and telephone companies will extend their services to the individual lots. Fire plugs will be installed in the water system as per code. Services like school buses, snow removal, postal delivery and solid waste pickup will continue as presently provided, acknowledging the fact that with more people using the services and paying for them it will be much more cost efficient. Mr. Veibell presented the Planning Commission with letters from property owners expressing their appreciation for the services provided in Box Elder County and would like to have their children continue to attend school in Box Elder County.

(See Attachment No. 5)

County Surveyor Denton Beecher said he is concerned about the width of the roads drawn on the concept plan. He feels his biggest concern is working together with Cache County. He stated, "If Cache County says no, the whole thing is dead because all of the access is in Cache County and the biggest part of the property is in Cache County." He feels this development will be strongly contingent on how Cache County feels. He pointed out there will need to be several interlocal agreements in place.

Chairman Kimber stated he would like to see Denton Beecher contact Cache County's zoning administrator and see what is happening. He would like to table this concept plan at this time.

Mr. King pointed out that a request is sought to do something legitimate, and Mr. Veibell has the right to expect expeditious response from the county. Because some additional issues have been raised they would like them identified as clearly as possible through Mr. Beecher so they can respond in good faith.

**MOTION:** A motion was made by Jon Thompson to table this concept plan at this time until further investigations are made. This item will be placed on the February Planning Commission agenda. The motion was seconded by Stan Reese and unanimously carried.

### **REPORT ON ZONING HEARING FOR BEAVER DAM/COLLINSTON AREA**

County Surveyor Denton Beecher stated that the County held a public hearing on the Beaver Dam/Collinston area zoning change request and after the hearing they tabled the issue for further study. Commissioner Norman wanted another 30 days of study and review. He stated that last Commission Meeting he met with the Commissioners, and they suggested due to changes and recommendations this request be referred back to the Planning Commission for further consideration and recommendations before being presented to the County Commission. He stated he has checked with the County Attorney and because of the changes from the original advertisement, the County will need to advertise and hold another public hearing. In light of some comments at the public hearing and other comments that have come personally to Mr. Beecher, the proposed RR-5 zone was asked to be changed the same as the other zones adjacent to the roadway to be an RR-2 zone. He had a request today from a property owner that the area along Highway 38 north from Wheatland Seed on the east side of Highway 38 be included as an RR-2 up to the Dairy Valley Road. He said we may now want to consider properly zoning Mr. Veibell's area. Mr. Beecher said he has heard there is a letter being circulated from a citizen's committee that does not want zoning in the Beaver Dam/Collinston Area. A copy of this letter was presented to the Planning Commission. (See Attachment No. 6) Mr. Beecher pointed out that zoning the area will not affect the taxes of the property. Improvements on the property is what affects property taxes.

Gerrald Howard stated that the whole intent is to try to preserve the area and to have the right to

know what is going on in the community. He stated, "It is a difficult situation, but if you live in a community you want to know what is going on in the community." He said the zoning was applied for before Mr. Veibell's concept plan. He said they changed the RR-5 to an RR-2 because the committee wants to be flexible. He said they pursued zoning the area because it was the County Commission's recommendation for them to pursue this zoning. He said the committee has tried to meet all the zoning requirements.

Bruce King stated that he suggests the Planning Commission consider Mr. Veibell's property as a Planned Unit District zoning.

Alton Veibell said a point was brought out that they didn't see the concept plan until now and didn't have the opportunity. He showed this plan to Mr. Beecher. LarWest drew up the concept plan. He said later on he asked Mr. Howard if he could get together with the members of the zoning committee to show them the concept plan. It was not this plan, but it was the plan he showed Mr. Beecher. Mr. Veibell would like the minutes to show that he was free to show the concept plan, but they didn't want to see it.

Gerrald Howard said the Committee should have been called, and that did not happen.

MOTION: A motion was made by Jon Thompson that the Planning Commission recommends the changes that have been shown on the Beaver Dam/Collinston Zoning Plan which are the RR-2 addition in Collinston, the RR-5 be changed to an RR-2 and to include the Planned Unit District for the Alton Veibell Development, and the text of the RR-2 should be added to the zoning book. The motion was seconded by David Tea and unanimously carried.

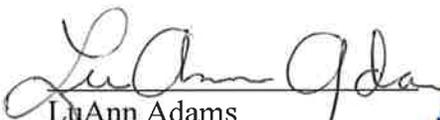
**MEETING ON JANUARY 25 AT 6:30 P.M.**

The Planning Commission agreed that they could meet at 6:30 p.m. on January 25.

**ADJOURNMENT**

A motion was made by Stan Reese to adjourn. The motion was seconded by David Tea. The meeting adjourned at 9:06 p.m

Passed and adopted in regular session this 21 day of March, 1996.

  
LuAnn Adams  
Recorder/Clerk

  
Richard D. Kimber, Chairman



**AGENDA**  
**BOX ELDER COUNTY PLANNING COMMISSION**  
**MEETING PLACE; COUNTY COMMISSION CHAMBERS**  
**BOX ELDER COUNTY COURTHOUSE**  
**BRIGHAM CITY, UTAH**

1. Public agenda for the Box Elder County Planning Commission meeting schedule for January 18, 1996 at 7:00 P.M.
2. Notice given to the newspaper this 16th Day of January, 1996.
3. Approval of the minutes of December 14, 1995.
4. Scheduled Delegations:
  - A. Alton Veibell- High Country Estates concept submittal.
  - B. Report on Zoning Hearing for Beaver Dam/Collinston area.
  - C Meeting on the 25th at 6:30 P.M.
  - D.
  - E.
  - F.
  - G.
  - H.
  - I.
  - J.
5. Old Business:
  - A.
  - B.
  - C.

**LarWEST International Engineering**  
1770 N. Research Park Way, #130  
North Logan, Utah 84341  
(801) 753-0153 Fax (801) 753-0619

January 11, 1996

Box Elder County  
01 South Main  
Brigham City, UT 84302

ATTN: Mr. Denton Beecher

RE: **LETTER REPORT - HIGH COUNTY ESTATES DEVELOPMENT - ALTON VEIBELL**

Dear Mr. Beecher,

It is recognized that an Environmental Impact Assessment is subject to the zoning administrator/P&Z/other interested parties, but please be aware of the following information:

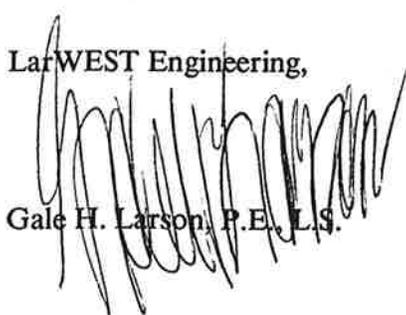
- 1) The proposed development is approximately 100 acres in size.
- 2) The seventy (70) lots are clustered to provide substantial open space.
- 3) The area is proposed to remain private within a special services district.
- 4) The existing water system is considered a public one because it currently serves more than 25 people year round. This system would be improved to accommodate the proposed expansion.
- 5) According to records in the State Engineers' office in Logan, the amount of water right is 0.25 cfs (112.25 gpm) year round use along with 12½ acres to be irrigated. This amount of water would be sufficient to accommodate approximately 70 homes, recognizing the right of 50 homes of record and a filing to change the use of the irrigated rights to home domestic use. All Division of Drinking Water (DDW) of the Department of Environmental Quality (DEQ) standards will be adhered to in developing and extending the water system.
- 6) Upwards of 30 test holes were dug on the property with a backhoe in recent weeks to determine the suitability of soil to accommodate septic drain fields. Only two defined areas appear to be of great concern to Mr. Galloway of the Bear River Health Department, rendering them unsuitable for these drain field without further investigation. The majority of the project area appears to be suitable. A community type septic system could be installed in these two areas if necessary since there will be a district to own and operate the system. (Refer to the attached letter). All DDW of DEQ standards will be adhered to in the handling of domestic wastewater as the project progresses.

- 7) The ground is currently being used as farm land with marginal success. The soil does not produce good crops and is full of weeds.
- 8) The property straddles the county line between Box Elder County and Cache County. Willow Creek may swell with occasional flood flows, but the proposed lots are situated far enough away from the creek to avoid any effect.
- 9) School, bus, postal, snow removal, and other essential services currently serve the area. An expansion of what is already there would make such services more viable, meaningful and less expensive. These services are currently being provided by Box Elder County.
- 10) There is a deliberate attempt to keep open areas in sensitive wildlife habitats so as to promote the nesting of pheasants and other birds, enhance the habitat of deer and other native wild animals, and to mitigate any adverse aspects of this concept plan.
- 11) Horse stables will be located in the open areas as the need arises.
- 12) Conventional curb and gutter will be eliminated, subject to a drainage plan showing the storm runoff.
- 13) The irrigation and culinary storage reservoirs will be fenced with chain link fencing to prevent people from entering.

Sincerely yours,

LarWEST Engineering,

Gale H. Larson, P.E., L.S.



# Application for Permanent Change of Point of Diversion Place and Nature of Use of Water STATE OF UTAH

Please clearly and correctly complete the information requested below which defines the right or rights being changed. (Type or clearly print.)

For the purpose of obtaining permission to permanently change: the point of diversion , place , or nature of use , of water rights acquired by A-46596... (29-2081) & 33675... (29-1334)  
(Give Number of Application, certificate of appropriation, title and date of Decree or other identification of right.)

If the right described has been amended by a previous approved change application, give the number of such change application. No. ....

- The name of the applicant is James Alton Veibell
- The post-office address of the applicant is Collinston, UT 84306
- The flow of water which has been or was to have been used in second-feet is 0.25 *(112.25 gpm)*
- The quantity of water which has been or was to have been used in acre-feet is .....
- The water has been or was to have been used for and during periods as follows:  

<u>Irrigation (29-2081 irr. only)</u> (purpose)	from <u>April 1</u> (month) (day)	to <u>October 31</u> (month) (day)	incl.
<u>Domestic and stockwatering</u> (purpose)	from <u>January 1</u> (month) (day)	to <u>December 31</u> (month) (day)	incl.
and stored each year (if stored)	from <u>January 1</u> (month) (day)	to <u>December 31</u> (month) (day)	incl.
- The direct source of supply is UGW-Well in Box Elder County.  
(well, spring, stream, drain, river; if other explain)
- The point or points of diversion S. 1287 ft., W. 1320 ft. from E. Cor. Sec. 23, T12N, R2W, SLB&M (above Petersboro)

(Must be the same as that of right being changed unless a previous change has been filed and approved. Then use the point or points approved in the previous change.)

- Diversion works:  
 If a well give diameter and depth 12-inch casing 226 feet deep  
 If a dam and reservoir give height, capacity, and area inundated .....
- If other give type of diversion facility .....
- The water involved has been or was to have been used for the following purposes in the following described legal subdivisions: (If used for irrigation, state sole or supplemental supply, and describe other supplemental rights.)  
 Irrigation Part of NW 1/4, SE 1/4, Sec. 23, T12N, R2W, SLB&M  
 Total acres to be irrigated 97.4  
 Stockwatering (number and kind) 150 cattle  
 Domestic (number of families and/or persons, etc.) one  
 Other .....
- The point at which water has been or was to have been returned to the stream channel is situated as follows: (Please describe method of return.) N/A

Note: Paragraph 10 is to be completed only when all or part of the water is returned to the natural stream or channel.

### The Following Changes Are Proposed

- The flow of water to be changed in cubic feet per second is 0.25
- The quantity of water to be changed in acre-feet is .....

*1334*

13. The water will be used each year for:

Same as heretofore from to incl.  
(purpose) (month) (day) (month) (day)  
Same as heretofore from to incl.  
(purpose) (month) (day) (month) (day)

and stored each year (if stored) from Same as heretofore to incl.  
(month) (day) (month) (day)

14. It is now proposed to divert the water from Same as heretofore  
(i.e., spring, spring area, stream, river, drain, well, etc.)  
at a point(s) as follows: Same as heretofore

NOTE: The "point of diversion," or "point of return," must be located by course and distance or by rectangular distances with reference to some regularly established United States land corner or United States mineral monument if within a distance of six miles of either, or if a greater distance to some prominent and permanent natural object. A spring area must also be described by metes and bounds.

15. The proposed diverting and conveying works will consist of: (if a well, state diameter and depth thereof)  
Same as heretofore

16. If water is to be stored, give capacity of reservoir in acre-feet height of dam  
area inundated in acres legal subdivisions of area inundated

17. The water is to be used for the following purposes in the following described legal subdivisions: (if used for irrigation, state sole or supplemental supply, and describe other supplemental rights.)

Irrigation Part of E<sub>1</sub>, Sec. 23, T12N, R2W, S1B&M

Total acres to be irrigated 12.5

but limited to the sole irrigation supply of acres.

Stockwatering (number and kind) Same as heretofore

Domestic (number of families and/or persons, etc.) 50 families

Other

18. If paragraphs 11 and 12 designate that only part of the right described in paragraphs 1 to 10 inclusive is to be changed, designate the status of the water so affected by this change as to its being abandoned or used as heretofore.

Both rights are being changed in their entirety.

### EXPLANATORY

The following additional facts are set forth in order to define more clearly and completely the full purpose of the proposed change:

29-1334 was drilled and perfected at 0.25 cfs for summertime pumping, and is being changed to culinary use for 50 families and lots.

29-2081 was filed and perfected at the same flow to pump through the winter and fill an earth reservoir and use it on the same acreage. It also is being changed to culinary use.

The undersigned hereby acknowledges that even though he may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the State Engineer's Office, all responsibility for the accuracy of the information contained therein, at the time of filing, rests with the applicant.

*J. Alton Heibel*  
Signature of Applicant



# BEAR RIVER HEALTH DEPARTMENT

655 East 1300 North • Logan, Utah 84341

Phone: (801) 752-3730

Fax: (801) 750-0396



January 18, 1996

Bruce King  
LarWest Engineering  
1770 North Research Park  
North Logan, Utah 84341

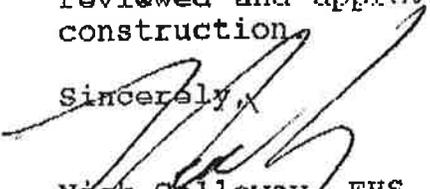
Dear Mr. King,

We have reviewed the revised concept plan for Alt Veibell's High Country Estates and have determined that it is feasible to install individual waste disposal systems on the lots specified. We agree that the present proposal avoids most of the soil problems that were found in the test holes, however, additional test holes must be dug on lots 20, 21, and 22 on the Box Elder side to be sure that there is adequate drainage for septic systems. Additional test holes may be required on other lots before actual septic permits are issued.

We are also concerned that the Source Protection Plan which will be required for the culinary well may exclude the use of septic systems in the Zone Two area around the well. We cannot make this determination until the source protection plan is completed.

As far as the water system is concerned, the 118 GPM produced by the well should be sufficient for about 110 homes using average requirements of 1.1 GPM per connection. The reservoir should be sized for 800 gallons per connection plus fire protection of 500 GPM for a 2 hour period, or 60,000 gallons. Fifty homes would therefore require 60,000 gallons plus 40,000 gallons, or 100,000 gallons. Plans and specifications for the water system must be reviewed and approved by the Division of Drinking Water prior to construction.

Sincerely,

  
Nick Galloway, EHS  
Environmental Health

817 West 950 South  
Brigham City, Utah 84302  
Phone: 734-0845  
Fax: 734-0848

125 South First West  
Tremonton, Utah 84337  
Phone: 257-3318  
Fax: 257-1628

Courthouse  
Randolph, Utah 84064  
Phone: 793-2415  
Fax: 793-2444

TOT

ATTACHMENT 4

County Commissioners  
Cache and Box Elder Counties  
January 15, 1996

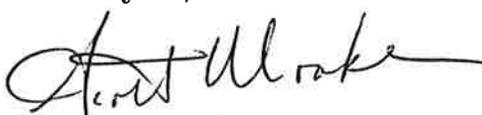
Dear Sirs,

We purchased ten acres from Mr. Alton Veibell in 1993 and built our home in 1994. As you are aware, Mr. Veibell's farm straddles the Box Elder and Cache County line and our property is located in the Cache County portion. In part, our decision to purchase the property and make our home in this area was based on Box Elder and Cache County's willingness to cooperate and provide the best possible service in the most economical manner. Although there are some inconveniences associated with this area, we have been happy with the current arrangement for water, schools, school buses, mail delivery, snow removal and garbage collection.

Our family has made a great personal commitment to this area and we are very concerned that its natural beauty and our quality of life are not compromised. However, we are willing and happy to share this area with others so far as growth is accomplished in a well thought out and responsible manner. In that light, we believe that Mr. Veibell has a strong commitment to be a good steward of his property and we are inclined to support him in his effort for development.

Having lived in Cache and Box Elder counties, we are confident that both county governments are committed to serving the best interests of their citizens. We ask that both counties cooperate with each other and base their decisions concerning our area on fairness and on complete and accurate information.

Thank you,

 Sharon Moake  
ME e A N Kenny Moake

The Scott Moake Family

Tyler Moake

January 13, 1996

Dear Property Owner:

In the Collinston, Beaver Dam area there is a citizens committee in process of requesting this area to be zoned. It is our concern that all property owners were not aware of this. We have the right to voice our opinion in any decision concerning our property and property rights. This zoning will greatly affect the future of this area. We don't know at this time if it will affect our taxes.

We suggest that you contact the Box Elder County Planners Office (Denton Beecher) to see how it will effect you. Also write the Box Elder County Commissioners, Lee Allen Chairman, and voice your opinion in writing. This must be done before the end of Jan, 1996, as the County commissioners will act on a petition from this committee at that time in their meeting in February. It is important that all voices be heard.

Sincerely concerned citizens  
Lynne and Mary Jane Bowen

*Lynne Bowen*  
*Mary Jane Bowen*

Box Elder County Court House  
c/o Lee Allen  
1 South Main  
Brigham City, Utah 84302  
801-257-5810  
801-734-2031

17 January 1996

County Commissions  
Box Elder & Cache Counties

Dear Sirs

My name is Craig Veibell, Alton Veibell's son. My family and I live just north of Alton on a half acre lot on the family farm. We built our home in the spring of 1979 and have enjoyed the peacefulness and the beauty of our home on the hill for the last 17 yrs. When we applied for our building permit in 1979, we found it a bit difficult, because part of the farm was in Box Elder county and part in Cache. Our lot is located on the Cache county side, yet Alton's farm was always taxed in Box Elder county, because of an agreement between the two counties, prior to the building of our home. When we built our home the two counties continued to honor that agreement and we were taxed in Box Elder county until the last couple of years. At the present time we pay our taxes to Cache county, then they pay Box Elder School District for our children to attend school in Box Elder county.

We have eight children in our family. Three of them attend Fielding Elementary, one in the Alice Harris Intermediate, one in the Bear River Middle, and two in the Bear River High School. We have been very satisfied with the quality of education our children have recieved and the busing service has been excellant.

We have always been very satisfied with the services offered by Box Elder county. The road crews have always kept our road maintained and the snow removed. Our garbage is always collected and the emergency services of Box Elder county have always responded to our needs in a timely manner.

We know Alton is planning on developing his property into a housing subdivision. The development he has planned is well thought out and very appealing to us. We welcome new neighbors to share the beautiful area we live in and we look forward to having an oiled road.

With all of our social activities for the last 17 years taking place in the Box Elder county, we would prefer to have Box Elder County to continue offering their services in years to come.

Thank You



The Craig Veibell Family

JANUARY 16, 1996

ROBERT & JUDY TREMAYNE  
13815 N. 400 WEST  
BEAVER DAM, UTAH 84306

Box Elder COUNTY COMMISSION  
Brigham City, UTAH

TO WHOM IT MAY CONCERN;

ALTHOUGH OUR HOME IS ACTUALLY LOCATED IN CACHE COUNTY, WE HAVE BEEN OBLIGED TO ACCEPT OUR SERVICES ( i.e. post office, garbage, and road maintenance) FROM BOX ELDER COUNTY. CACHE COUNTY WANTS TO COLLECT THE TAXES FROM OUR PROPERTY TAX, BUT CANNOT OR WILL NOT SUPPLY US WITH THE SAME SERVICES THAT BOX ELDER COUNTY IS WILLING TO GIVE. WE HAVE CHOSEN TO HAVE OUR CHILDREN ATTEND SCHOOL IN THE BOX ELDER SCHOOL DISTRICT. OUR OPINION IS THAT THIS CHOICE IS IN THE BEST INTEREST OF OUR CHILDREN.

THANK YOU FOR YOUR TIME,

*Judy Tremayne*  
JUDY TREMAYNE

January 13, 1996  
Box Elder County Commissioners  
#1 South Main  
Brigham City, Utah 84302-2599

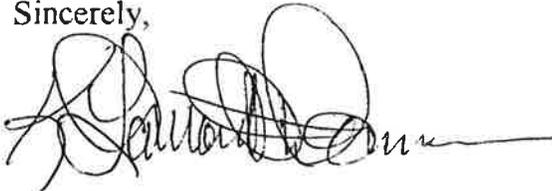
To Whom it May Concern:

We have been requested by Mr. Alton Veibell, developer of High Country Estates to assure the commission that we Quality Recycling and Disposal will furnish house hold trash removal for said 70 homes being developed by Mr. Veibell. Quality Recycling and Disposal already serves the homes in the area. It would be more cost effective to service all the homes in the area when completed. Quality Recycling & Disposal will furnish this service in whatever manner the people in the area request. We are capable of automation or curb service. The Billing can be done by Quality Recycling & Disposal or by the firm handling the water.

If residence request automated service then cans will be purchased by the residence from Quality Recycling & Disposal. To keep costs down it is more effective to service a whole area.

If there are any questions on this matter, please contact our office at 801-257-5588 or contact K. LaMont Doman at Quality Recycling.

Sincerely,

A handwritten signature in black ink, appearing to read "K. LaMont Doman", with a horizontal line extending to the right.

Quality Recycling & Disposal  
K. LaMont Doman D.B.A.  
10590 N. 7600 W.  
Tremonton, Utah 84337