

MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
REGULAR MEETING HELD JANUARY 21, 1999

The following members were present constituting a quorum:

Richard Kimber	Chairman
David Tea	Member
Stan Reese	Member
Royal Norman	Member
Jon Thompson	Member
Theron Eberhard	Member

Also present were:

Jim Marwedel	County Planner
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Approve December 17, 1998 Minutes

Chairman Richard Kimber presented the minutes of December 17, 1998, for approval. A motion was made by Jon Thompson to approve the minutes as written. The motion was seconded by David Tea and unanimously carried.

A. Appointment of New Planning Commission Member

Theron Eberhard, who has previously served on the Bothwell Zoning Committee, has been selected to serve as a member on the Planning Commission. Mr. Marwedel presented Mr. Eberhard with a copy of the Box Elder County Land Use and Development Code.

B. Planning and Zoning Education

Tabled.

C. High Country Estates Concept Plan for Property Located South of Highway 30

Alton Veibell and Bruce King presented a concept plan which is in the preliminary stage for the Planning Commission to review. Their concept plan is found in Attachment A. They have a few changes from the plan they submitted three years ago. They pointed out to the commission:

1. The access road has been realigned.
2. There is a parcel excluded which was previously included. It has been purchased and is presently under new ownership.

groundwater 250 days to travel to the well head. Mr. Veibell and Mr. King feel they have met the 250 day criteria. The well is 200 feet deep. Mr. Marwedel provided a map for the Planning Commissions' review. Jim Marwedel feels it is unadvisable to zone in an area that could never be built on. He also said that Mr. Beecher has looked over the first submission, but the second, with revisions, came in just hours before.

Chairman Kimber felt that they were trying to address issues that really need to come at a later time. Mr. Marwedel is concerned about the drinking water issue. Chairman Kimber suggested that they would need material from the State prior to doing this.

Mr. Norman asked what Mr. King and Mr. Veibell's purpose in bringing the plan to the Planning Commission was. They indicated it was so that the Planning Commission can approve it so that they may continue to move forward with the plan and seek a zone change for a Planned District. Some of the lots would require a conditional use permit. Mr. Marwedel provided a map to make the Commission members aware of a fault line (see Sensitive Areas Map). Mr. Norman also had another concern which was if this would dry other wells up. Mr. King indicated that the State Engineer has determined that they won't be dried up. Chairman Kimber said that there is a legal issue here and it will need to be investigated. He suggested that the planning commission look at the plan as a concept plan. If the concept is still reasonable, then they should vote on it.

Motion: Stan Rees made motion to accept the concept plan for the High Country Estates as presented by Alton Veibell and Bruce King. The motion was seconded by David Tea and unanimously carried. (Note: Attachment B has information pertinent to the Planned District and Attachment C has materials referred to during the discussion.)

D. Petition to Rezone 4 Sections in West Box Elder County from MU-160 to MU-40

Motion: Jon Thompson made a motion to table Item D upon the request of the petitioner. The motion was seconded by Theron Eberhard and carried unanimously.

E. Application for Conditional Use Permit for Operating Machine Shop at 2190 North 6400 West, West Corinne (See Attachment D)

Mr. Marwedel indicated that there is an individual, James D. Burton, interested in purchasing a home in Corinne with a building located next to it, which would ultimately be utilized as a machine shop. This building is in existence and has only been used for storage. It is not in working condition and would need to be brought up to code. This individual would use this shop for business, possibly employing several people.

Mr. Norman is familiar with this area, and is concerned about the possibility of the road needing repair due to the increased traffic to the shop. This is a very small road which would need to be enhanced to accommodate this increase. Chairman Kimber indicated that normally, as in the case

to get conditional use permits to build in these certain areas. The maps shows flood plains, fault lines, etc. If someone comes in for a building permit, they need to come to the Commission first to be approved. Mr. Norman said that he received a call regarding a proposal to build a warehouse, which is approximately 200,000 square feet (20 acres) with 20 acres of tar parking around it. There would be around 250 trucks a day into the warehouse, and 250 trucks a day leaving from it. He met with them on Tuesday, and feels they are serious about their desire to build. This warehouse could be under construction by April or May and would be located about a mile outside of Corinne. Mr. Norman anticipates this company will be ready next month. Mr. Marwedel will need to look at transportation and land use. The map specifies where a CUP is required.

I. Consider Recommendations of Wireless Telecommunications Ordinances

Jim provided the planning commission members with an ordinance to review regarding wireless telecommunications ordinances and more specifically, monopoles (see Attachment F).

J. Deliberate Action to be Taken on Possible Illegal Subdivisions

Mr. Marwedel will have more information to report on this at the next meeting. This issue was tabled.

K. Review and Approve Various Planning Department Application Forms

Mr. Marwedel said the ordinance says that the Planning Commission is required to approve any applications that the County Planner's Office prepares. He passed out a copy of a Conditional Use Permit Application for the members to review (Attachment G). Chairman Kimber feels the application looks good. He also handed out another application for Change of Zoning. Richard Kimber offered suggestions on the second application.

Motion: Jon Thompson made a motion to approve the Box Elder Conditional Use Permit Application as presented to the Planning Commission and to approve the Application for Completion of Zoning with changes offered by Chairman Kimber. The motion was seconded by Stan Rees and carried unanimously.

L. Minor Subdivisions

None to be discussed.

M. Agricultural Protection Area

Jim brought maps for the commission to review. There is an ordinance the County has had for a year, and it allows a land-owner to designate their land an "Agricultural Protection Area". It puts a designation on their deed. The problem that they face with Ron Smith's petition is that there are wetlands there and much of the land may not be suited for agricultural use. Also, it's zoned rural 5

HIGH COUNTRY ESTATES PLANNED DEVELOPMENT

CONCEPT PLAN

Submitted for approval of Box Elder County

January 11, 1999

The following information is submitted in conformance with Chapter 3 "Concept Plan" of the County's Land Use Management and Development Code. The relevant issues identified in Chapter 3 are addressed sequentially hereafter, with chapter and paragraph numbers referenced for convenience.

3.3.1.1 STATEMENT EXPLAINING PROJECT

High Country Estates is intended to be a private, rural residential development with country living amenities in a secluded, esthetic environment. It will feature lots small enough to be readily maintained (minimum half acre), but with abundant common open space exclusively held and maintained by residents themselves through a Special Services District. Roads and water system are also intended to be privately held by the District. No public dedications are proposed.

A "Planned District" (P) zoning designation is intended, and will be sought in accordance with Code Chapter 15 immediately following concept plan approval.

To avoid redundance, other accompanying documents will be referenced here whenever relevant information is located there. Particular reference is made to "Proposed Standards and Regulations Accompanying Concept Plan."

3.3.1.2 See Environmental Impact Assessment.

3.3.1.4 See Environmental Impact Assessment.

3.3.1.5 through 3.3.1.7.14 See site plan sheet; also, additional information as follows:

3.3.1.6.2 No buildings presently exist on site, except for well house and water cistern which are shown on plan. Locations and dimensions of future buildings will depend on decisions of individual lot owners.

3.3.1.6.5 Boundaries of proposed "P" zone will be same as boundaries of subdivision within Box Elder County.

3.3.1.6.6 Boundaries of proposed special services district (a taxing entity) will be same as boundaries of subdivision within Box Elder County.

3.3.1.6.8 Significant vegetative patterns are limited to typical riparian vegetation, including mature trees and brush, and heavy native grass growth along stream corridor adjacent to western boundary. Remainder of site is dominated by dry land native and planted grasses.

3.3.1.6.9 Regarding geologic hazards, available reports indicate that faults in the area do not extend onto subject property, but that the closest is located farther south nearer the town of Mendon. (see accompanying published article on the West Cache Fault by Bill D. Black; also August 26, 1998 letter from consulting geologist Glenn R. Maughan; also Bear River Health Department letter of January 18, 1996 reporting soil exploration pits and septic disposal conclusions.)

3.3.1.8 See market analysis report by Steve Baugh.

HIGH COUNTRY ESTATES PLANNED DEVELOPMENT

ENVIRONMENTAL IMPACT ASSESSMENT

Submitted for approval of Box Elder County

January 11, 1999

This document is submitted in conformance with Sections 3.3.1.2 and 1.43.5.2 of the County's Land Use Management and Development Code. Information is entered sequentially according to paragraph numbers for reader convenience. Relevant information contained in other accompanying documents is referenced rather than repeated here.

1.43.5.2.1.1 Slope within the development ranges from gently to moderately sloping, rising generally from northeast to southwest, with one short and somewhat steep face along one side of a prominent hill. Slopes are variable throughout the tract and generally range between approximately 2% and 23%, with aforementioned steep face approximating 35%. See accompanying photos.

1.43.5.2.1.2 Soils are dark and fine in the topsoil band which varies in depth generally between 6 and 24 inches. This is underlain by a deep clay layer. In a few locations a bed of sandstone intrudes within a few feet of the surface. See accompanying photos; also August 26, 1998 letter from consulting geologist Glenn R. Maughan and Bear River Health Department letter of January 18, 1996 reporting soil exploration pits and septic disposal conclusions.

1.43.5.2.1.3 A single water course, Willow Creek, runs south to north just inside the western boundary of the development. See site plan map and photos.

1.43.5.2.1.4 As indicated by the well log, water table occurs at 196 feet from surface. Numerous test pits were dug at scattered locations on the site in 1995 to depths of 8 - 12 feet. No ground water was encountered in any of these pits. See Glenn R. Maughan letter.

1.43.5.2.1.5 Flood hazard is non-existent throughout all but the western edge along Willow Creek. The creek bed is low and confined enough to preclude any possibility of flooding developable areas. This narrow, flood-prone band lies entirely within open space common area. Because the eastern boundary of the rather narrow parcel forms a watershed divide (and the county line), there is extremely limited watershed area to produce runoff. See photos.

1.43.5.2.1.6 No geologic hazards are known to exist. See paragraph 3.3.1.6.9 in accompanying Concept Plan narrative.

1.43.5.2.1.7 Vegetative types include dryland grasses and weeds with riparian vegetation, including brush and trees, along the creek, See photos.

1.43.5.2.1.8 Wildlife evident on and around the property include upland game birds, raptors, small native birds, reptiles, rodents and skunks, as well as deer and occasional visits from elk and moose.

1.43.5.2.1.9 The vegetation described above, along with the stream environment, topography and isolated location (see photos) provide inviting habitat to the wildlife mentioned above.

1.43.5.2.1.10 Urban services presently available along 400 West Street, just a quarter mile east of the parcel, include the public road, plowed and maintained by the County; mail delivery, school bus, electricity, telephone, garbage pick-up.

1.43.5.2.2 Twenty-seven single family homes are proposed on the 39.5 acres in the subdivision, yielding an average residential density of 1.46 acres per residence. Assuming an average household size of four, 108 persons would dwell on that acreage, for a population density of 2.7 persons per acre. When the perpetually reserved open space acreage to the east of the subdivision is taken into account, the density is further reduced. The clustering of lots into small groupings (not more than 12 in each) with expanses of common open space between will accentuate the sparsity of housing placement.

1.43.5.2.3 Impact of Proposed Development on Subject Areas:

1.43.5.2.3.1 Water courses and flood hazards will not be altered because stream channel and surrounding buffer zone are to remain undeveloped and preserved in vegetative cover. See plan map for streets drainage design which will prevent run-off from reaching stream channel.

1.43.5.2.3.2 Natural vegetation will be altered to the extent of homes and landscaping being installed by individual lot buyers, also by roads and water tank placement. Reserved open space areas along stream and elsewhere are intended to remain in native or near native vegetation as an amenity. These will be controlled and managed by the Special Services District in accordance with the protective covenants.

1.43.5.2.3.3 Wildlife will be displaced to the extent that habitat is replaced by homes, streets and yards. The extensive open spaces and scattered nature of the housing clusters will encourage a substantial extent of wildlife presence on the property. Additionally, vast acreages of immediately adjacent open lands, including the national forest, are available for wildlife habitat.

1.43.5.2.3.4 Erosion is discussed above. Grassy swales along road sides will impede erosion and retain fines. See drainage and erosion control plan on plan sheet.

1.43.5.2.3.5 Topsoil loss should be minimal due to absence of erosive run-off potential. Large lots and expansive open spaces will be absorbent. Street and driveway run-off should not affect topsoil, and this will be controlled as noted above.

1.43.5.2.3.6 Sedimentation of water courses is as discussed in 1, 4 and 5 above.

1.43.5.2.3.7 Existing slope stability will be preserved on individual lots by owners who will be motivated to preserve their properties. Road cuts will be stabilized by grading them to gradual slopes and planting them to grass.

1.43.5.2.3.8 Except for routine levels of fugitive dust during construction activity, there is no apparent reason to believe dust will be a problem.

1.43.5.2.3.9 Fire potential may be considered a moderate concern due to increased human activity on subject landscape which, in dry months, can produce considerable vegetative fuel.

1.43.5.2.3.10 Solid and liquid waste accumulation will be controlled by Special Service District protective covenants and Drinking Water Source Protection Plan, both of which become a matter of covenant to all owners.

1.43.5.2.3.11 The marketing appeal for this project will be to buyers who desire to avoid urban lifestyles. Essential services are already close at hand and will be extended to each lot by developer. Given ready availability of individually provided TV satellite receivers, urban services demand increases should be limited simply to existing service levels augmented to accommodate the added population.

1.43.5.2.4 Area-wide economic impact is expected to be neutral to positive because families moving to these lots will be families who would, in any case, be moving to, or already living in, the area. Any exception to this would be out-of-area move-ins drawn by the attractive living environment. Such persons would almost certainly import new wealth with them, and produce increased spending to benefit the local economy. Likewise positive will be the new construction spending produced by every home and infrastructure element built.

✓ 1.43.5.2.4 Mitigation measures are little needed by virtue of the location and topography of the site. Some are built into the developer's plan, as defined above. Others are part of the Special Services District responsibilities. Noteworthy adverse impacts are 1) slight displacement of wildlife, 2) modest loading increase on public roads and services such as school bussing, mail delivery and public safety. These are impacts which cannot be avoided and are routinely accepted by local society in general as the area grows.

Market Analysis

Pursuant to your request, I have examined the proposed Phase 1 (26 units) of High Country Estates, owned by Mr. J. Alton Veibell, for the purpose of determining the demand and absorption rate of the estate sites.

I have been a Real Estate Broker since 1974, and hold pin number 2000 as a C.C.I.M. and have completed a partial list of development. I have held an ownership interest in developing that may have helped me have a feel for this type of use.

The subject property located north west of Mendon, Utah; area in Beaver Dam serviced by Box Elder County.

The site plan is well conceived and engineered professionally to handle a high quality Equestrian development with common area for riding, stable and pasture facilities. It is unique and one of a kind to my knowledge in either of the Cache or Box Elder counties.

The property is serviced by a special service district for secondary water, electricity by Utah Power, propane as fuel, and US West on phone, as well as open space areas.

All of the lots are situated to maximize the views and adequate to accommodate a housing style from \$150,000 upwards. The lots will be self-contained, fee simple ownership, small enough to conserve water and allow for much open space and visual relief.

In conclusion, there is a strong but limited market for rural, well planned estate sites of this nature.

It is my belief the units will sell from \$30,000 to \$40,000 per lot based on size and location of each estate and will be sold conservatively over a 3 year period .

In this price range, it appears to the owner's experts, the engineers, that water and necessary information; structural items can be built and well maintained if the market remains as strong as it is projected to be in Cache County, Box Elder County and the rest of the Wasatch front.

As the world becomes welcomed in Utah, as the Olympic games approach this type of lifestyle will be extremely popular which would allow the owner-developer to hold a second phase available at a much more premium price.

Recent sales in Greystone Development in Hyde Park, Utah which are agriculturally zoned for horses have gone as high as \$55,000 for a one acre lot and Echo Hill Subdivision in Providence, Utah on a 1.05 acre lot with similar uses brought \$83,000.

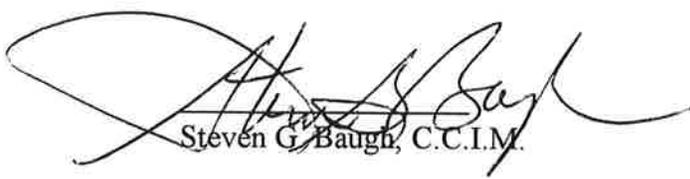
The subject property has the same spectacular view elements however, time will likely prove the distance to the subject property is less an obstacle as counties expand outward and demand grows.

It is my opinion the project is well advised to proceed in a phase by phase year 1, year 2, and year 3 basis with proper budget first to facilitate infra-structure and next any common area spaces that are so necessary to go in if planned, to keep the high integrity and buyer confidence of the project.

Common facilities should be few but very functional amenities such as stable, pastures with avoidance of pools and other high maintenance facilities on a project with this low of density (less than 1 unit per acre) requires.

I feel it will be an excellent project if professional management and engineering is continued.

Sincerely,



Steven G. Baugh, C.C.I.M.

SB/bj

List of Author's Projects

*Edgewood Hall Development - Providence

*Golf Course Subdivision - Logan

*Glennwood Hills - Logan

*Village Green - Logan

*Elkhorn Ranch - Nibley

*Quailbluff -PUD - Logan

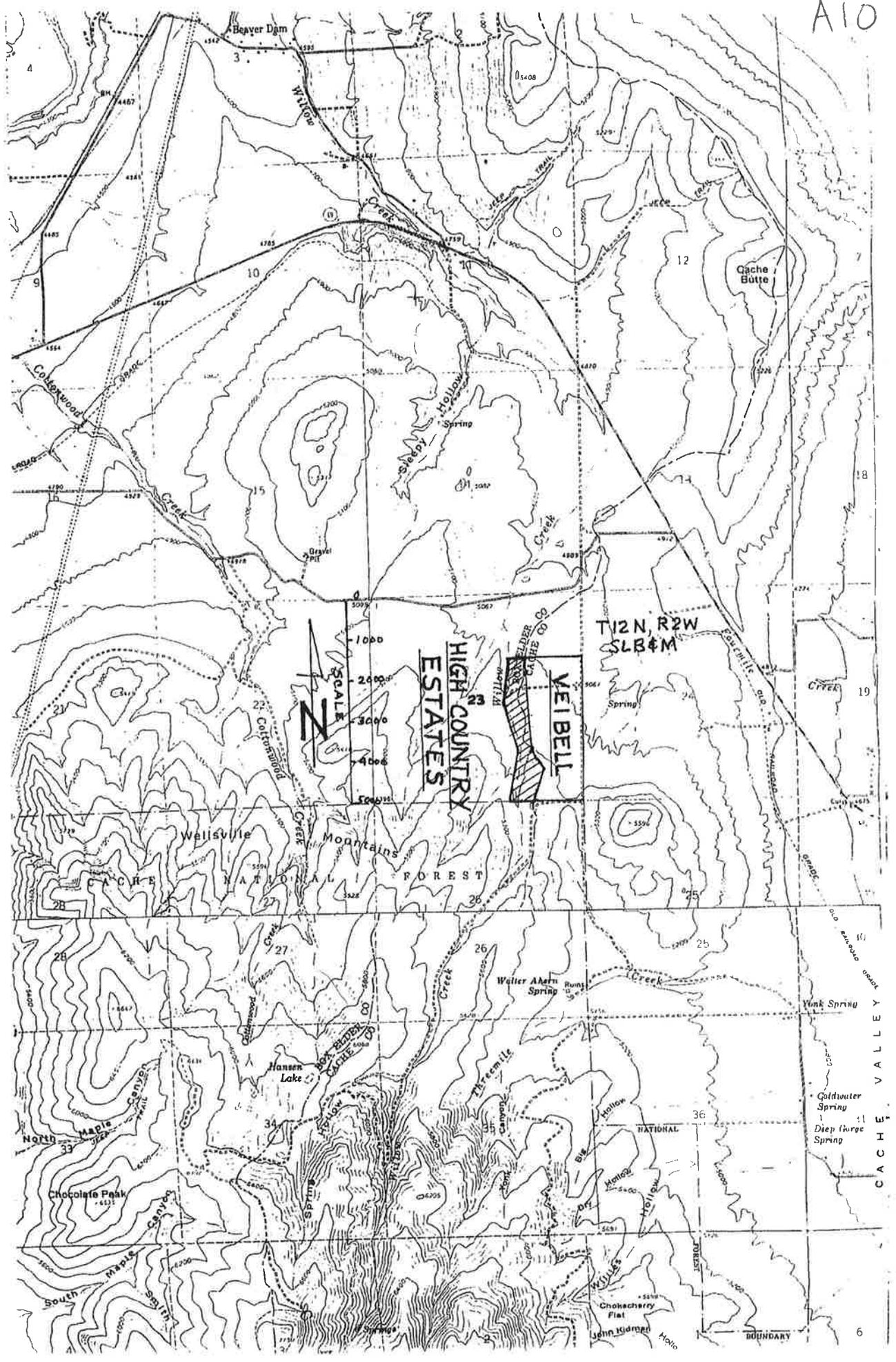
*Evergreen Shopping Center - Logan

*Eckhill Development - Providence

*Logan Nursing Home - Logan

*Allsop Development - Smithfield

*Baugh Motel Master Plan - Logan



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BEAR RIVER HEALTH DEPARTMENT

655 East 1300 North • Logan, Utah 84341

Phone: (435) 752-3730

Fax: (435) 750-0396



January 11, 1999

Bruce King
1265 East 300 North
North Logan, Utah 84341

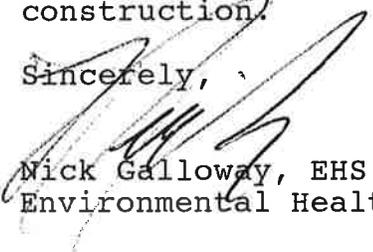
Dear Mr. King,

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

275 North Main
Randolph, Utah 84064
Phone: 793-2445
Fax: 793-2444

Paleoseismology is the study of prehistoric earthquakes. Paleoseismic studies are used to assess the probability and severity of future earthquakes by mapping and analyzing evidence from past earthquakes. Large earthquakes (greater than magnitude 6.0-6.5) which rupture the ground surface leave evidence of their occurrence in the geologic record within a fault zone. Mapping of faults and associated geologic deposits, analysis of fault-zone features, trenching across scarps, and dating of Quaternary (0-1.6 million years ago) sediments can provide information to estimate the size and timing of these earthquakes. Gathering data from paleoseismic studies is fundamental to evaluating earthquake hazards and risk. This issue of Survey Notes highlights recent Utah Geological Survey paleoseismic studies throughout the state.

Large Earthquakes on the West Cache Fault Zone, Cache County, Utah

by Bill D. Black

Three major active fault zones are in and adjacent to Cache Valley that pose a seismic (earthquake) risk to citizens living in Cache Valley and northern Utah. These are the Wasatch, East Cache, and West Cache fault zones. All of these faults displace the surface and show evidence of large earthquakes in recent geologic time. Paleoseismic studies to identify the size and timing of prehistoric earthquakes have been conducted for both the Wasatch and East Cache fault zones, but not for the West Cache fault zone. The Utah Geological Survey (UGS), with partial funding from the U.S. Geological Survey National Earthquake Hazards Reduction Program (NEHRP), is conducting a paleoseismic study to establish the size and timing of prehistoric earthquakes on the West Cache fault zone. This study will improve estimates of seismic hazard and risk in Cache Valley and northern Utah.

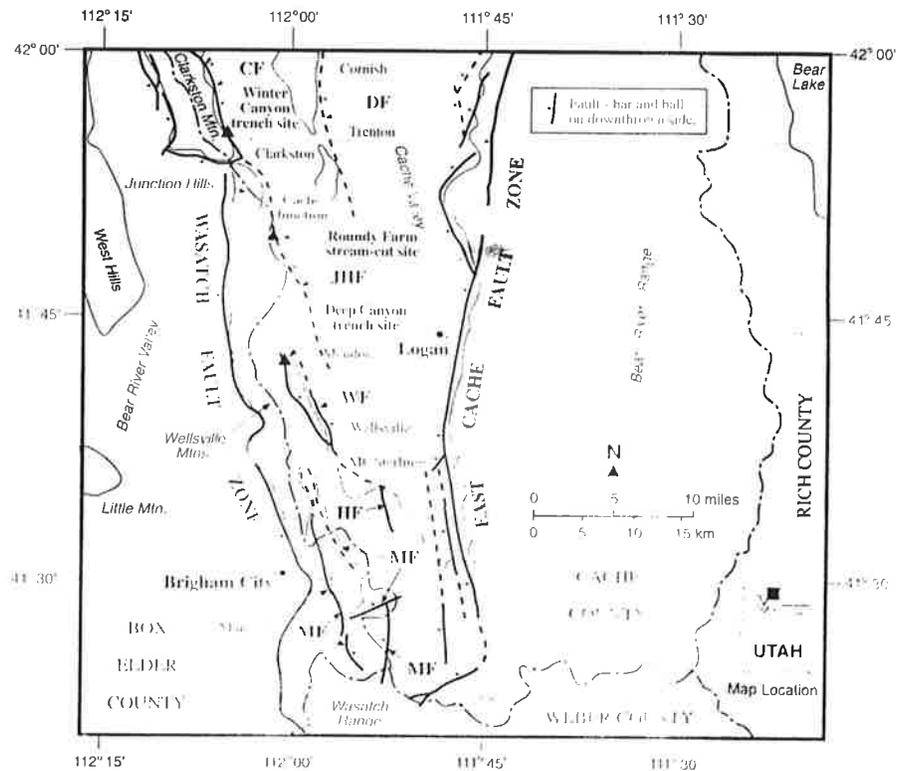
West Cache Fault Zone Investigations and Results

The West Cache fault zone (WCFZ) was mapped in 1996 in a project (also partially funded by NEHRP) conducted by UGS geologist Barry J. Solomon. He showed that the fault zone in Utah extends for about 35 miles along the west side of Cache Valley from the Utah-Idaho border to about 4 miles south of Wellsville, and consists of three faults dipping eastward beneath Cache Valley. These are the Clarkston, Junction Hills, and Wellsville

faults (from north to south). Faults in three nearby areas may also be associated with the WCFZ, but are not generally included in it. These nearby faults are, from north to south, the Dayton and Hyrum faults and faults in the Mantua area. We conducted no investigations on these nearby faults due to their apparent lack of late Quaternary activity.

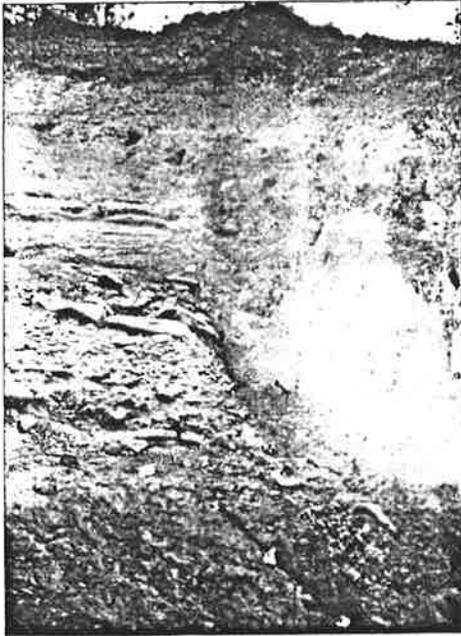
The Clarkston fault is about 22 miles long (7 miles in Utah, 15 miles in

Idaho) and generally consists of a discontinuous fault that displaces Quaternary deposits and bedrock. Two areas on the Clarkston fault have evidence of possible surface faulting in the past 10,000 years. The first area is at the mouth of Winter Canyon, roughly 2 miles west of Clarkston, Utah, and the second is 0.5 miles north of Winter Canyon at the mouth of Raglanite Canyon. We excavated one trench across the fault north of



Index map of Cache Valley showing locations of nearby active faults and investigation sites on the West Cache fault zone. CF - Clarkston fault, JHF - Junction Hills fault, WF - Wellsville fault, DF - Dayton fault, HF - Hyrum fault, MF - faults in the Mantua area. CF, JHF, and WF comprise the West Cache fault zone; DF, HF, and MF are associated faults.

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◀ South view of fault in the Winter Canyon trench exposure, Clarkston fault, Cache County, Utah.



▶ North view of fault in the Roundy Farm stream-cut exposure, Junction Hills fault, Cache County, Utah.

the mouth of Winter Canyon. The trench exposed the fault and evidence for one surface-faulting earthquake. The earthquake caused 11.5 feet of displacement down to the east. Radiocarbon results indicate the earthquake occurred around 4,500 years ago. Topographic profiling of the scarps at Winter and Raglanite Canyons show 11.5-12.8 feet of displacement, which is similar to what we observed in the trench. Thus, all this displacement is probably the result of one earthquake.

The Junction Hills fault is 16 miles long and consists of a discontinuous fault that is generally concealed. The only conclusive evidence of Quaternary surface faulting on this fault is associated with three short fault scarps. The fault is exposed near the southern end of one of these scarps in a stream cut at Roundy Farm near Cache Junction, Utah. We mapped the north wall of the stream cut, which exposed direct evidence for one surface-faulting earthquake and indirect evidence for at least one older earthquake. The younger earthquake caused 9.5 feet of displacement down to the east. Radiocarbon results indicate the younger earthquake occurred around 8,450 years ago; we could not determine an age for the older earthquake. We performed no topographic profiling at Roundy Farm because the

scarp has been mostly removed.

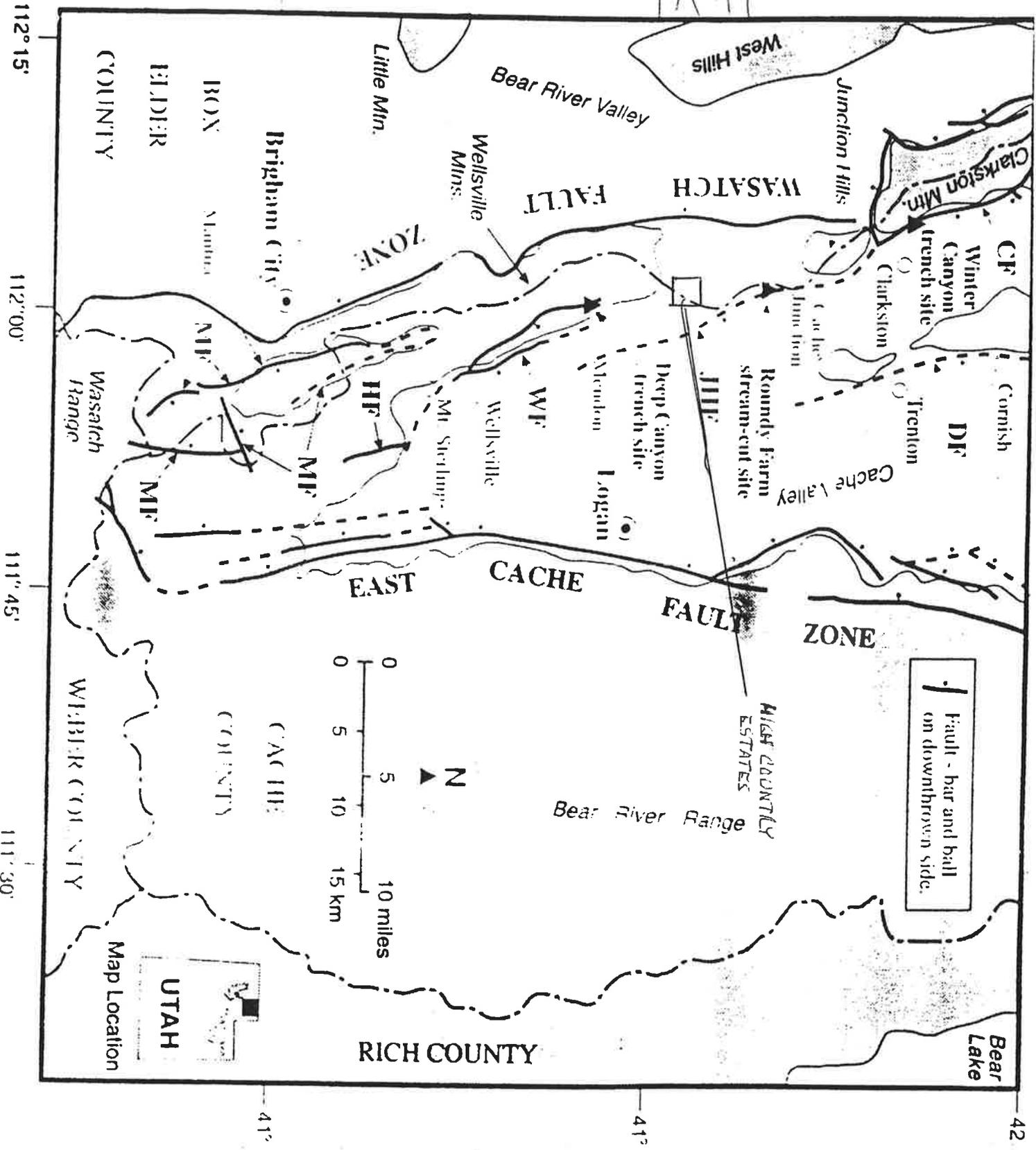
The Wellsville fault is 12 miles long and consists of a branched (Y-shaped) fault that generally marks the boundary between bedrock and Quaternary deposits of Cache Valley to the east. At the north end of the Wellsville fault, the western branch of the fault displaces Quaternary deposits near Deep Canyon, about 2 miles west of Mendon, Utah; the eastern branch is covered by Quaternary deposits. We excavated one trench across the western branch north of the mouth of Deep Canyon. The trench exposed evidence for two surface-faulting earthquakes. Both earthquakes displaced sediments down to the east, but we could not determine the amount of displacement in the trench. Radiocarbon results indicate the younger earthquake occurred around 3,700 years ago; the older earthquake likely occurred some time after 25,000 years ago (how long after is uncertain). Topographic profiling of the scarp north of Deep Canyon, near the trench site, shows 21.0-22.3 feet of displacement. If all this displacement resulted from two earthquakes, the average displacement per earthquake would be about 10.8 feet.

Correlation of earthquakes on the various faults in the WCFZ can be used to help assess how the faults are related to each other. Our radiocarbon age estimates indicate timing for the most recent surface-faulting earthquake on the Junction Hills fault is older than that for the Clarkston fault to the

north and Wellsville fault to the south. This evidence suggests that the faults move independently. A difference in Bonneville shoreline elevations across the Junction Hills and Clarkston faults also suggests independent surface faulting on these two faults.

Several questions regarding the WCFZ remain unanswered. Although individual fault lengths vary between 12 to 22 miles, average displacement per earthquake is similar for all three faults and ranges from 9.5 to 12.8 feet. Worldwide observations of historical surface faulting indicate a correlation exists between maximum displacement and fault length. Mathematical relations based on these observations indicate the average displacement per earthquake on the Wellsville fault, which is the shortest of the three faults, is abnormally high. Is the scarp at Deep Canyon on the Wellsville fault the result of more than two earthquakes (which would reduce the average)? Does surface rupture on the Wellsville fault continue on the Junction Hills fault (which would make the Wellsville fault longer)? Could evidence of a younger earthquake on the Junction Hills fault be obscured at the Roundy Farm stream-cut site? Does the older earthquake on the Wellsville fault correlate with timing for the earthquake on the Junction Hills fault? With additional work we hope to answer some of these questions and refine our understanding of prehistoric earthquakes on the WCFZ.

1A-14



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**CACHE COUNTY
CORPORATION**

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

120 NORTH 100 WEST
LOGAN, UTAH 84321
Tel 435-752-5935
Fax 752-9169

COUNTY COUNCIL

DARREL L. GIBBONS
CHAIRMAN
CORY YEATES
V. CHAIRMAN
SARAH ANN SKANCHY
C. LARRY ANHDER
GUY RAY PULSIPHER
H. CRAIG PETERSEN
LAYNE M. BECK
STEPHEN M. ERICKSON
CLERK

January 4, 1999

Box Elder County Planning Commission
c/o Jim Marwedel
1 South Main
Brigham City, Utah 84302

Dear Planning Commission:

We understand from conversation with Alton Veibell that your office requires a letter indicating our position concerning his High Country Estates subdivision plans in the Petersborough area.

We last corresponded with you on this matter by Mark Teuscher's letter dated February 13, 1996 (enclosed). At that time, there was some discussion of the development possibly extending into Cache County.

We understand that the proposal does not include any development in Cache County, except for a private road accessing this subdivision from 400 West, and possible a subsurface septic waste disposal drain field which may be placed just east of our County boundary. This being the case, Cache County takes no position either to oppose or favor the development because all permitted construction would lie within your jurisdiction.

It is important the land areas within the project boundaries which lie in Cache County be preserved perpetually as prescribed in the development plan, for open space and amenities of the development. We request a deed restriction be filed on those acres to preclude any future subdividing or construction of homes within Cache County.

It is important that the road be perpetually secured in private custody to assure that our County will not be pressed to take over maintenance responsibilities at some future time.

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If the drain field does materialize, we will defer its regulation to the Bear River Health Department officers, backed up if appropriate by State Environmental Health Officials; this is consistent with their statutory responsibilities.

Thank you for the courtesy of a response. We always welcome and encourage cross-country coordination on issues of common concern.

Sincerely,


M. Lynn Lemon
Cache County Executive

MLL:pwj

encs. February 13, 1996 Letter from Mark Teuscher

cc: Mark Teuscher
Lorene Greenhalgh



COUNTYWIDE PLANNING AND DEVELOPMENT OFFICE

160 N. Main, Suite 203
Logan, Utah 84321
801/753-3631
FAX 801/753-3426

February 13, 1996

Box Elder Planning Commission
% Denton H. Beecher
1 South Main
Brigham City, UT 84302

Dear Planning Commissioners:

The following letter is to clarify Cache County's position concerning the proposed development on Alton Veibell property located in Box Elder and Cache County. Any approval by Box Elder County Planning Commission for this proposed project should not be construed as preliminary approval for Cache County approving any future phases of this development in Cache County.

Cache County will evaluate this project based on the merits of this development and the goals and policies developed in the Land Use Element of Cache County Comprehensive Plan. As stated in a previous letter many public meetings and open houses have been held to learn the public desire concerning land use in Cache County. One of the most repeated public concerns was the locating of urban development into existing urban areas to prevent urban sprawl. This proposed development in Cache County would not be consistent with the public input that we have received to date.

Should you have any questions please feel free to contact me at the Countywide Planning & Development Office.

Sincerely,

Mark S. Teuscher, AICP
Countywide Planner

- cc: M. Lynn Lemon
- Gerald Howard
- J. Alton Veibell
- Lorene Greenhalgh
- Box Elder County Commissioners:
 - R. Lee Allen
 - Jay Hardy
 - Royal K. Norman

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

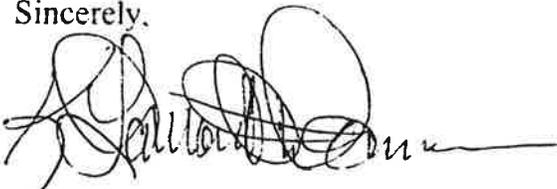
To Whom it May Concern:

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.

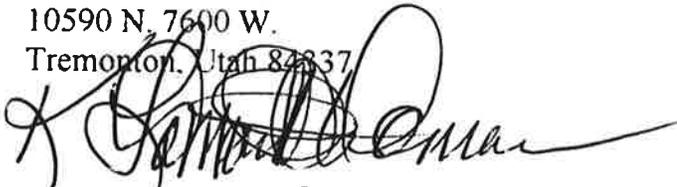
If residence request automated service then cans will be purchased by the residence from Quality Recycling & Disposal. To keep costs down it is more effective to service a whole area.

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,



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


1-7-99

A-19

01-23-96

This letter will confirm that the Brigham City Post Office will deliver mail to homes that are within 1/2 mile of each other on paved roads that have street signs in place. The roads need to be maintained and have adequate snow removal capabilities. The area in question involves the homes off of 400 W. in Cache and Box Elder Counties constructed in High Country Estates. It is recommended that Neighborhood Collection and Delivery Box Units (NCDBU) be the method of mail delivery in this area.



Sherrin Larson

Postmaster

Brigham City UT 84302-9998

801-723-5234

SPO- Christine Stetson
Brigham City UT 84302-9998
435-723-5234
approved 1-7-99



A-20
BOX ELDER SCHOOL DISTRICT

230 West Second South • Brigham City, UT 84302
(801) 734-4800 • FAX 734-4833
• Dr. Steven O. Laing, Superintendent

Dwight P. Clark, Board President
Ron Frandsen, Vice President
Gary J. Feldman, Member
Shirlene G. Peck, Member
Clark A. Siddoway, Member

January 25, 1996

Mr. Alt Veibell
14015 North 400 West
Beaver Dam UT 84306

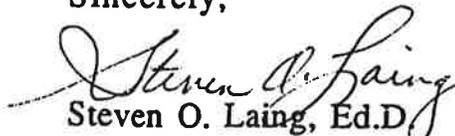
Re: High Country Estates

Dear Mr. Veibell:

As per our meeting on January 25, 1996, Box Elder School District will provide educational services to students living on the Box Elder County side of the proposed development of High Country Estates. Pending an appropriate agreement with Cache County School District, as permitted by state statute (53A-2-210) and appropriate administrative rules, Box Elder School District will provide educational services for those students who live on the Cache County side of High Country Estates.

Thank you for alerting us of the potential development of this area.

Sincerely,


Steven O. Laing, Ed.D.
Superintendent

SOL:mhg

MEMORANDUM OF UNDERSTANDING

This AGREEMENT, made and entered into by and between Box Elder County, hereinafter referred to as BOX ELDER and Cache County, hereinafter referred to as CACHE.

WITNESSETH

WHEREAS, CACHE desires BOX ELDER to do certain snow removal and/or road grading work for CAHCE and BOX ELDER is willing to perform said work for the consideration hereinafter set forth,

NOW THEREFORE, in consideration of the mutual covenants and agreement hereinafter contained, the parties hereto agree with each other as follows:

1. That BOX ELDER will perform for CACHE snow removal and/or road grading work within the CACHE municipal limits described as follows:

A PORTION OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 13 TOWNSHIP 12 NORTH RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN USED FOR A ROAD KNOWN AS 2400 NORTH STREET RUNNING FROM STATE HIGHWAY 30 AT APPROXIMATELY 7600 WEST WESTERLY TO APPROXIMATELY 8000 WEST. TOTAL LENGTH BEING 2500 FEET MORE OR LESS.

ALSO A PORTION OF LAND LOCATED IN SECTIONS 23 AND 24 TOWNSHIP 12 NORTH RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN USED FOR A ROAD KNOWN AS 8000 WEST STREET. BEGINNING AT A POINT APPROXIMATELY 200 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 24 AND RUNNING THENCE SOUTHERLY BETWEEN SECTIONS 23 AND 24. TOTAL LENGTH BEING 5200 FEET MORE OR LESS.

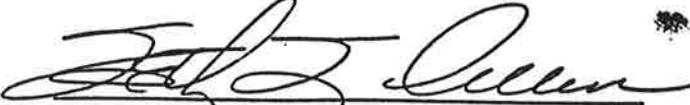
2. That the snow removal and road grading work to be done will be mutually agreed upon by the BOX ELDER Road Department Superintendent and the CACHE Road Department Superintendent.

3. That CACHE agrees to pay BOX ELDER promptly upon receipt of a billing for the cost of said work including the costs to BOX ELDER for labor, equipment costs and materials involved.

IN WITNESS THEREOF, the parties have caused this agreement to be executed and signed this 30th day of December, 1993.

...of an original document on the
...certify that this is a true and
...in my hand and official seal this
...day of Dec
1993
M. Erickson, Cache County Clerk

 11/25/94
Chairman, Box Elder County Commission


Cache County Executive

TO: Box Elder County Commission

FROM: Affected Property Owners

DATE: January 4, 1998

SUBJECT: Consent and Agreement for "P" Zone
High Country Estates Development

I/we own land which lies within the following legal description:

Part of the East half of Section 23, T12N, R2W, SLB&M; and more particularly described as follows:

BEGINNING at a Point on an old fence line located 1839.75 feet S 0° 10' 27" E; 1630.27 feet West and 220.70 feet S 81° 34' 15" W from the NE Corner of Section 23, T12N, R2W, SLB&M; and running thence N 81° 34' 15" E 220.70 feet along said fence line; thence East 189.06 feet to a point on the Cache/Box Elder County Line which is located 27.81 feet S 3° 34' 48" E from a County Line marker; thence S 3° 34' 48" E 2131.88 feet along said County Line; thence S 36° 20' 54" E 622.14 feet along said County Line; thence S 21° 44' 06" W 915.85 feet along said County Line to the South Line of said Section 23, said point is located 4.95 feet S 21° 44' 06" W of a County Line marker and 1289.08 feet S 89° 46' 53" W of the SE Corner of said Section 23; thence leaving said Cache/Box Elder County Line and bearing S 89° 46' 53" W 534.17 feet along said South Line of Section 23 to the SW Corner of the Veibell property; thence N 7° 07' 00" E 1324.60 feet, (1332' Record); thence N 15° 59' 00" W 1089.33 feet; thence N 5° 15' 00" E 347.77 feet; thence East 362.90 feet; thence North 351.66 feet; thence West 330.59 feet; thence N 5° 15' 00" E 391.29 feet to Point of Beginning.

Contains 39.553 Acres, more or less.

In the event that Box Elder County elects to zone this land under a "P" District zoning designation, in conjunction with the High Country Estates subdivision development plan, we the undersigned consent and agree to 1) be bound by the conditions and regulations proposed and which will be effective within that zoning district, and 2) to record this written agreement with the Box Elder County Recorder.

HIGH COUNTRY ESTATES PLANNED DEVELOPMENT
PROPOSED STANDARDS AND REGULATIONS ACCOMPANYING CONCEPT PLAN

Submitted for approval of Box Elder County

January 11, 1999

These proposed standards and regulations are presented in conformance with Chapter 15 "PLANNED DISTRICT, P" of the County's Land Use Management and Development Code, in anticipation of "P" zone designation by the County on the affected lands. Much of the information is also applicable to concept plan review.

The relevant issues presented in chapter 15 are addressed sequentially hereafter, with chapter and paragraph numbers referenced for convenience.

15.2.2 A written "Consent and Agreement for 'P' Zone," signed by every owner of property within the proposed "P" Zone area, is submitted herewith for recordation.

15.2.4 It is proposed that use regulations be the same as indicated in Chapter 20 "Residential District R 1-20," acknowledging that this zone is most similar in nature and function to most of the uses intended, except that certain variations are proposed as follows:

1. That uses described in items 10.3.13 (private park, recreational grounds, etc.) and 10.3.14 (public stable, equestrian facilities, etc.) be allowed as conditional uses because such uses will be important elements of the country living amenities intended for this development.

2. That the minimum 100 foot lot width requirement indicated in item 20.6.1 be modified if necessary for cul-de-sac lots as shown on the concept plan.

15.4 FINDINGS OF FACT

15.4.1 The developer commits to substantially complete the development within two years. He is motivated to do so as quickly as possible in order to generate early lot sale revenues. As indicated on the concept plan map, developer proposes the project in two phases to allow flexibility in financing, development and sale of the lots.

15.4.2 The concept plan map presents all essential elements and displays their functional interrelationships as evidence that the development will operate with sustained stability and desirability without being detrimental to its surroundings.

Facts pertaining to essential elements are as follows:

Water Rights: Memorandum Decision of State Engineer dated May 26, 1982 (CA No. a-12000 (29-1334) ordered that developer's well be used for no more than 33 homes, with lawn and garden irrigation, and no more than 150 cattle. Additionally, Memorandum Decision of State Engineer dated April 10, 1997 extended time period for proof of use until August 31, 2003. That decision was challenged in First District Court by neighboring opponents, only to have the decision upheld by the Court.

Water Supply: Existing well, reservoir and distribution system will be engineered and modified for the development in strict conformance with State of Utah's Rules for Public Drinking Water Systems and Rules for Drinking Water Source Protection. Mr. L.D. Baker, PE has been retained for engineering services.

Sewer: Individual septic systems on all lots are intended. Bear River Health Department (see Nick Galloway's letter of January 18, 1996) has determined, after evaluating numerous test holes on the property, that such systems are possible under waste disposal regulations. He cautions that additional test holes may be needed to verify acceptable soils on certain lots; also that the Water Source Protection Plan be complied with. That plan has now been prepared and submitted for State Division of Drinking Water approval. A copy is included herewith. The contents were reviewed in informal meeting with the developer, and consistent with the plan's hydrogeologic findings, Bob Lowe of the State Division indicated acceptability of individual septic disposal systems in the subdivision except for zone 1, a 200 foot circumference around the well.

If local soil conditions preclude functional septic systems on lots up-slope from the well, all septic effluent from such lots will be conveyed in a closed pipe to a shared drain field on east-facing slopes below the well. This contingency is depicted on the concept plan map drawing.

Drinking Water Source Protection Plan: The status of this plan and its provisions are discussed above under sewer.

Roads: All roads inside the development will be private; owned and maintained by the special Services District (SSD). They will be constructed to County standards with 24 feet of chip sealed asphalt paving centered in a 66 foot right-of-way which will be dedicated to the SSD. Extensions of Willow Creek Drive at both north and south ends will be constructed by the developer, connecting the boundary at the County line with Cache County's public road at 400 West. These extensions, though lying outside the development's boundary, will be conveyed to the SSD for operation and maintenance.

Drainage: Because the subdivision is located atop a watershed boundary (the County line), there is virtually zero watershed feeding onto it. Precipitation falling on the individual lots will be absorbed on site. Roadsides will be contoured into planted swales capable of absorbing the limited runoff from paved road surface. See plan map.

Common Area Maintenance: All facilities, infrastructures, improvements and open spaces designed for use and benefit of the individual lot owners will be transferred to the ownership of the SSD for perpetual operation and maintenance. The SSD will be formed as provided in Utah Code Annotated 11-23. Petitions for District formation are already prepared and will be submitted to the County Commission following approval of the development plan.

To assure continued use as intended, the open pasture space lying between the three 10 acre parcels owned by Moake, Fowkes and Carlson and the SSD's eastern boundary, along with the two road extensions connecting to 400 West, will be conveyed to the SSD, even though they are outside the District's own boundaries.

Utilities: Water and sewer are discussed above. Electric power and telephone services are already available within or immediately adjacent to the development. Their systems will be expanded in accordance with plans and specifications to be developed for final plat approval, and consistent with policies of the utility company providers.

Services: Solid waste pick-up services will be provided as at present throughout the neighborhood by Quality Recycling and Disposal of Tremonton. Their accompanying letter of January 13, 1996, updated January 7, 1999, affirms their commitment to furnish services according to residents' desires.

Mail delivery to the development by the U. S. Postal Service is assured by January 23, 1996 letter from Sherm Larson, Postmaster at Brigham City. This assurance was renewed by updated signature of January 7, 1999.

Public school services including busing will also be provided, as at present, by the Box Elder County School District. The accompanying letter of January 25, 1996 from Superintendent Steven O. Laing confirms this commitment. The District's renewed commitment is in process as of this writing.

Maintenance of the County road (400 West) which lies in Cache County is provided by Box Elder County Road Department under provisions of a cooperation agreement between the two Counties dated December 30, 1993.

Natural gas and cable TV services are not available in the area.

Development Standards: All improvements will be designed and constructed in conformance with the governing regulations of the Utah Divisions of Water Rights, Drinking Water and Environmental Quality; the Bear River Health Department and Box Elder County. such conformance will be reflected in design specifications to be submitted for approval in conjunction with preliminary and final plat approval.

Covenants, Conditions and Restrictions: These important provisions will be presented for County approval prior to final plat approval. They have already been prepared but require some adjustments for consistency with this updated plan.

Cache County: This proposed development and the jurisdictional area of the SSD lie entirely within Box Elder County. The road extensions connecting to 400 West and the open space pasture lie entirely on private property. Accordingly, authority for all authorizations and permits resides with Box Elder County. The development has been reviewed with Cache County Executive Lynn Lemon and county-wide planner Mark Teuscher. The extent of their concerns is indicated in Mark Teushcher's letter of February 13, 1996 and Lynn Lemon's letter of January 4, 1999 (both submitted herewith).

15.4.3 The concept plan presents streets with 66 foot rights-of-way and 24 foot chip sealed pavement, as directed by the County.

With only 27 new residences, maximum additional projected traffic at peak hours, assuming 1.5 exit and entrance trips per peak hour per household, will be only 41 one-way trips during the busiest hour. Given sparsity of home locations and normal variations in departure/arrival times, the capacity of county and state roads will not be challenged.

15.4.4 No commercial uses are proposed.

15.4.5 The low density (1.46 acres per dwelling overall) plus aggregations of open spaces and pasture acreage are designed intentionally to be compatible with the surrounding rural environment. Either Agriculture (A) or Multiple Use (MU) zoning of adjacent lands will harmonize well with this country living plan.

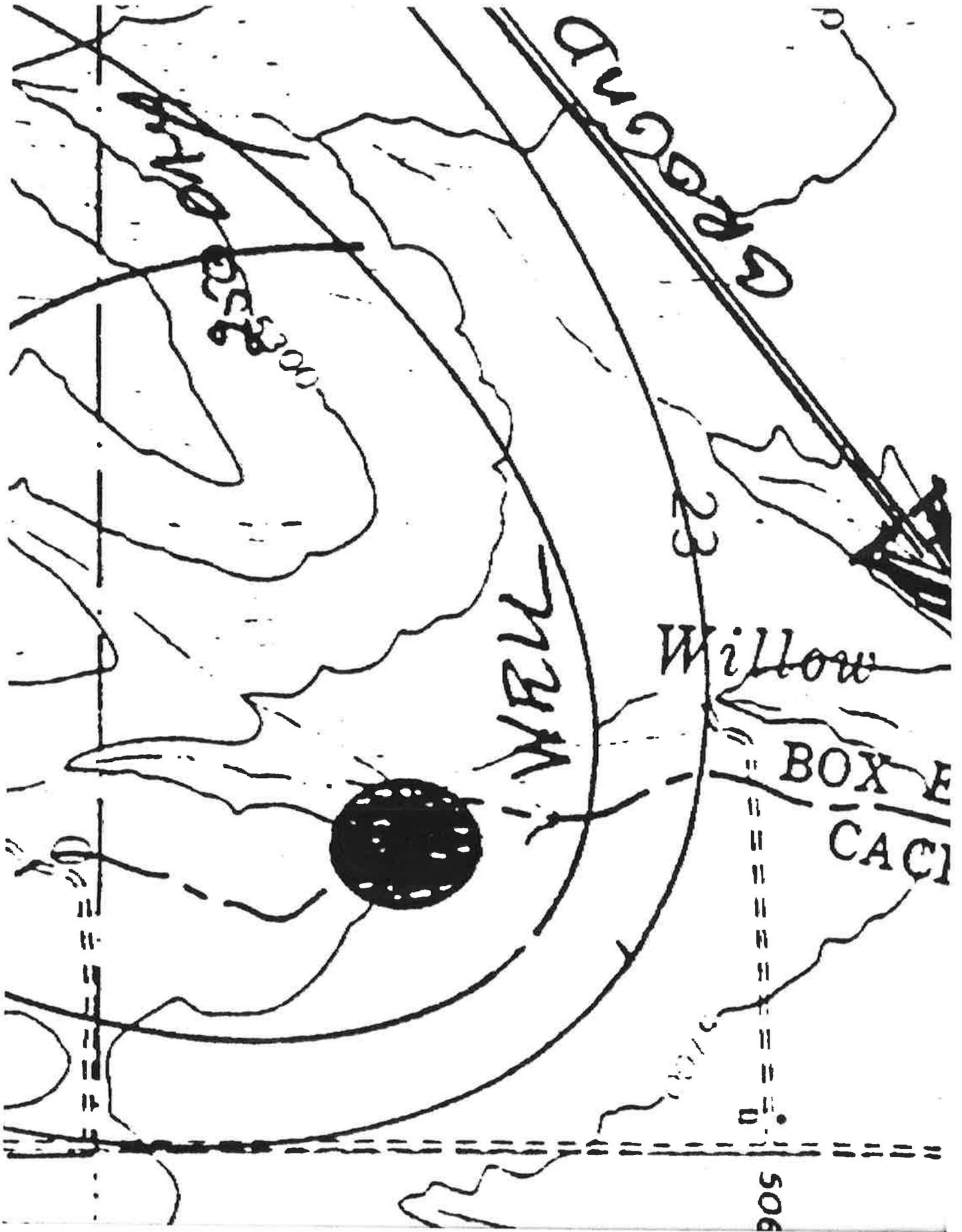
15.4.6 Those few exceptions from standard ordinance requirements proposed herewith are discussed above under 15.2.4.

15.4.7 Not applicable.

15.4.8 Adequacy of utility services is addressed under Services above.

15.5 Applicant will be pleased to make appropriate arrangements with the County to assure accomplishment, at scheduled times, of improvements. However, those dedications and grants of easement usually made to the public will, instead, be made to the SSD.

15.6 This section of the Code provides protective leverage for the County to assure fulfillment of the approved development plan within two years by enabling dissolution of the "P" zone and its development plan.



Glenn R. Maughan

Consulting Geologist

P.O. Box 3345 Gorder Sta.

Ogden, Utah 84403

Office (801) 451-5922

Pager (801) 546-574

Since 1964

August 26, 1998

Willow Creek Water Co. Inc.

14005 North 400 West

Beaver Dam, Utah 84306

ATTENTION: Mr. L. D. Baker, Engineer

Dear Mr. Baker:

Re: Alton Veibell Well . (PER) Drinking Water Source Protection (DWSP)

GEOLOGY: The area south of Beaver Dam, Utah, between the Wellsville Mountain, slopes north with the sediments sloping to the north along the old base formations (Pennsylvanian Age). The surface formations are of the Salt Lake Group which are late Tertiary Age which are made up of light colored fanglomerates, conglomerates, and tuffaceous sandstones and limestones, clays and volcanic ashes. The water in the area of the Veibell Well . is found in trapped aquifers which have their origin in the National Forest to the south and have traveled several miles flowing north into the fanglomerates which are buried from 100 to 250 feet beneath the surface. The surface material is impervious to downward migration of water as the weathered clays in the first 150 feet have water migration of 150 years per foot and are extremely tight due to the presence of bentonite weathered clays. The Salt Lake Formation is an excellent protector of underground water as the formation seals the aquifers from any surface contamination.

The area of the Veibell Well . has a 100 foot section of surface clays to protect the water bearing aquifer, but care should be taken to seal the surface 100 foot section with a bentonite cement grout so as to preclude any surface contamination from contaminating the aquifer. The drilling mud should be a food grade bentonite with chlorinated culinary water used in the drilling mud to protect the aquifer from surface contamination and to exclude bacteria and coliforms from entering this protected source. This Salt Lake Formation is an excellent confining unit and will protect this well if the above conditions are met.

The Veibell Well . is separated from the Beaver Dam area by faults located in previous reports. It is our opinion that none of the water which will be removed from Veibell Well will affect any of the Beaver Dam wells or springs as they are on the north side of the Veibell Fault which is located just south of the Veibell property. This fault runs east and west across the Wellsville Mountains.

The ground water aquifers are located below 100 feet which meets the criteria of a protected aquifer as there is 100 feet of impervious clays and ashes of the Salt Lake Formation which extend from the Wellsville Mountains to the south to the fault on the north beyond the Veibell Property. This clay layer of the Salt Lake Formation extends for at least a mile in each direction from the well site. The drilling of the water

well must protect these unique aquifers which have been protected by their unique geology and protective clay layers. We feel that the added expense of using food grade bentonite, sterilized drilling equipment and use of culinary water to protect this aquifer from any surface contamination is mandatory.

The source of the water is located in the Wellsville Mountains and has been protected from pesticides and VOC parameter groups as none of them have been used in the National Forest which feeds the aquifers in the area of the Veibell Well. There are no potential contamination sources upstream from this well from its precipitation through the aquifer system. There are no contamination zones in zone one through four or in the management area.

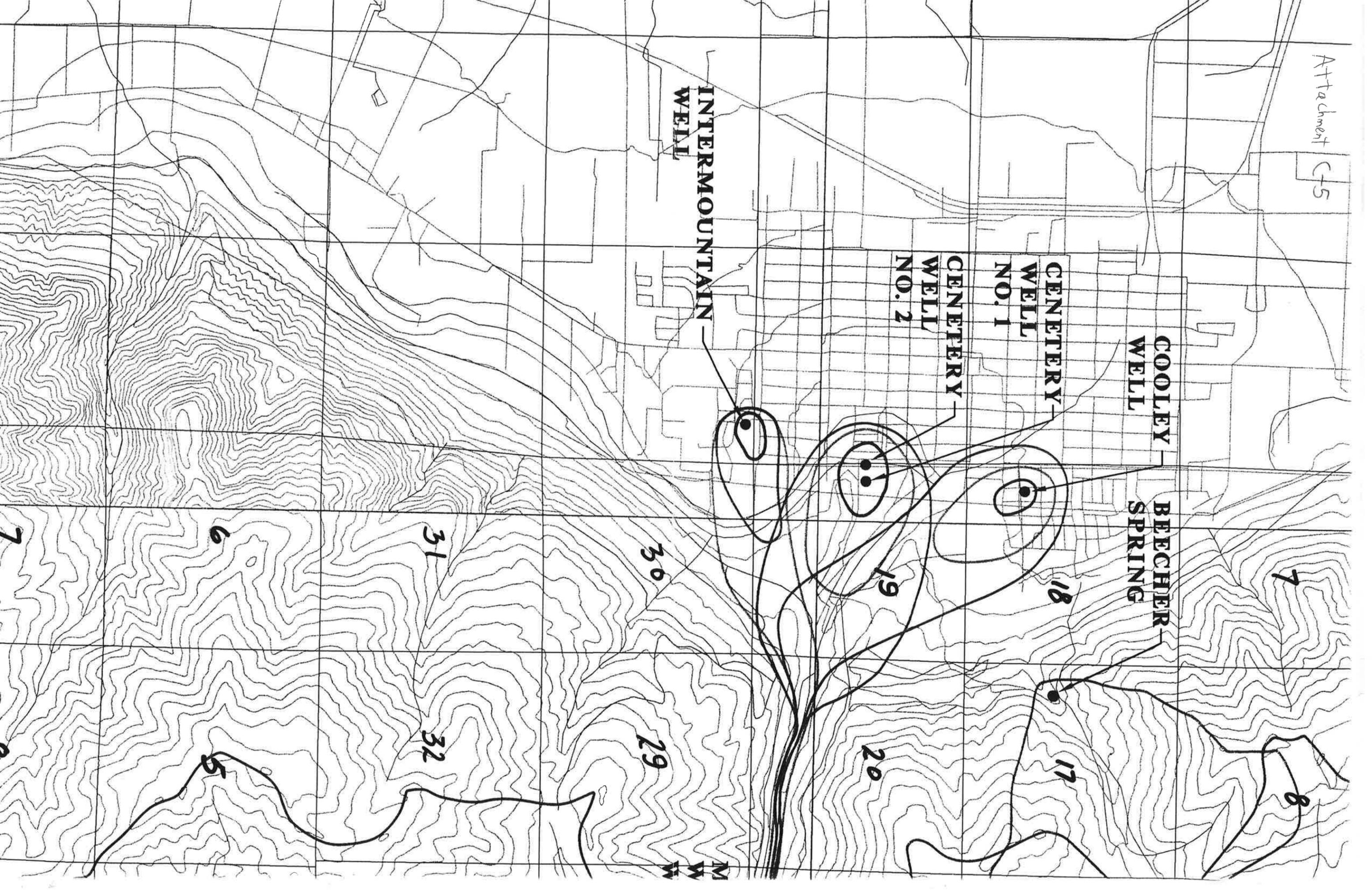
If you have any questions, please contact me.

Sincerely yours,



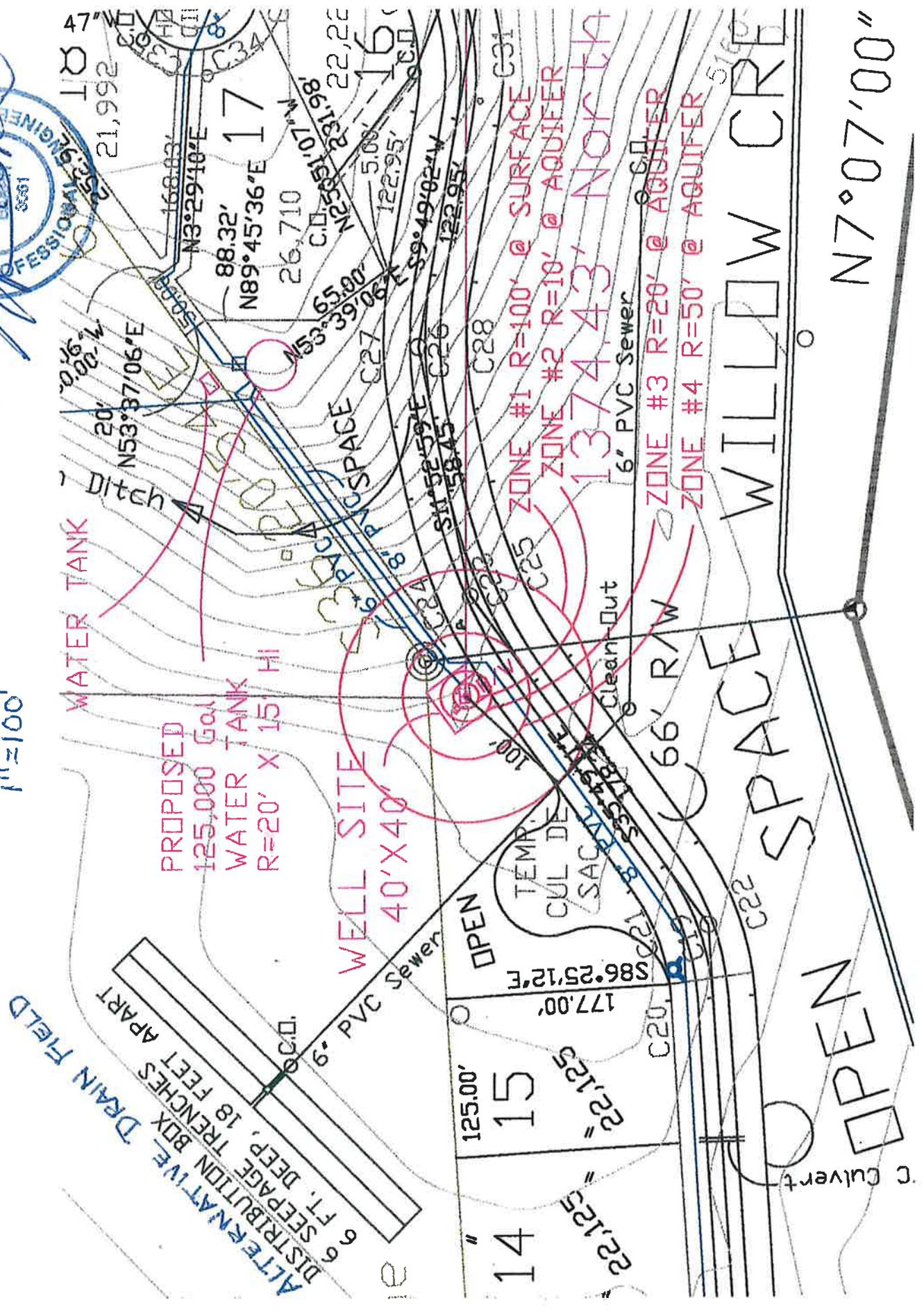
**GLENN R. MAUGHAN,
Consultant Geologist**

GRM/sb



Attachment C-4

HIGH COUNTRY ESTATES
ZONE #1 R=100' ZONE #2 R=10'
ZONE #3 R=20' ZONE #4 R=50'
1"=100'



N7°07'00"

BOX ELDER COUNTY CONDITIONAL USE PERMIT APPLICATION

Application #: C99-1
Date Received: 1/13/11
Fee Paid:

Applicant Name: JAMES D BURTON Phone Number: 723-1795
Applicant Address: 628 SO. 600W City: Brigham State: UT Zip Code: 84302

Submitted for land located at (attach vicinity map): 2190 N 6400W CORINNE
Owner of site: PATRICK INGRAM Phone Number:
Owner Address: 2190 N 6400W City: CORINNE State: UT Zip Code:

The intended use is: MACHINE SHOP

A conditional use permit is required for this use for the following reasons (mark all that apply):
[Note: Numbers in parentheses are section references in the County Land Use and Development Code.]

- Indicated as a conditional use for the zone in which the site is located
- Slope is greater than 15 percent (1.17 & 1.43.12.23)
- Lot does not contain at least 75 feet by 100 feet (1.17 & 1.43.12.23)
- Planned unit developments
- Site is in area of wetlands, high water table, perched water, drainage way, or has swampy conditions or is subject to flooding (1.17.1.35 and 14.4.3)
- Building on lot that fronts private street (1.22)
- Mobile home park (7.1.2)
- Site is subject to geologic hazards due to, for instance, proximity to fault lines or high liquefaction potential (1.17, 1.35, 14.4.3)
- Excavation, back-filling or paving done by utility *(1.39)
- Excavation, fill or combination thereof exceeding 1000 cubic yards or 5 feet in depth *(7.6.2.3)
- Excavation, fill or combination thereof, or vegetation removal from an area in excess of 1 acre *(7.6.2.3.5)

- * A conditional use permit is not required for these items if:
- 1) The excavation or vegetation removal is authorized by an approved building permit
 - 2) The excavation or removal of vegetation is within property owned by a public utility or within public utility easements by public utility companies
 - 3) Tilling of soil or cutting of vegetation is for agricultural or fire protection purposes
 - 4) The use is considered a legal non-conforming use

SITE PLAN (please attach)
The site plan shows the following public improvements: 6400 WEST

The site plan shows the following private improvements: Horse Shop Barn

The abutting properties are described as follow (all):

APPLICANT SIGNATURE: J. D. BURTON

- REQUIRED ATTACHMENTS:
1. Concept Plan with all required material listed in Section 3.3
 2. Other plans or documents that illustrate how the proposed use will meet the applicable general standards outlined in Section 7.3 of the Code.
 3. Plans or documents that illustrate how the proposed use will meet any performance standards (as listed in section 7.2) the Planning Commission deems necessary to address concerns of safety, health and sanitation, environment, General Plan proposals and neighborhood needs, performance, or administration.
 4. IF DESIRED:
 - a) Petition for exception from a CUP requirement or regulation, if such an exception is desired. Petition should state the grounds for requesting exception(s) as outlined in Section 7.1.6.1 of the Code.
 - b) Application for a variance from the literal enforcement of design and improvement standards required, if such a variance is desired. Application shall include items outlined in Section 7.1.7.1 of the Code.

6400 West

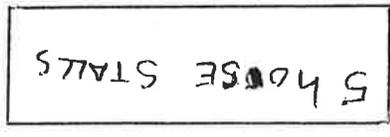
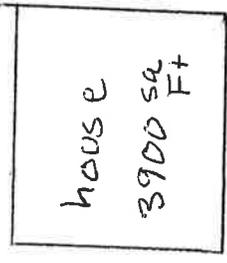
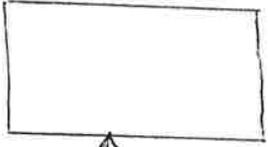
2190 North

open fields
1/4 mile
th sides
Street

→ open fields to 1/4 mile
Both sides of Street

This is all existing
Now, I AM proposing
NO additional construction,

PARKING



40x60
Shop

416 Ft

208 Ft
Approx 2 Acres

SENSITIVE AREA OVERLAY ZONE, SA

- 14.2.3** Horticulture and gardening, excluding agricultural industries.

14.3 CONDITIONAL USES

The SA District is an overlay district whose sole effect is to require additional review of proposed uses in the underlying districts. To this end, any

permitted use in a district overlaid by an SA District, with the exception of those uses permitted in Section 14.2 above, is a conditional use. Conditional uses authorized in districts overlaid by the SA District remain conditional uses.

14.4 GENERAL

The "Sensitive Area District, SA" zoning district if not marked on the zoning map per se, shall nonetheless include areas of Box Elder County designated as:

- 14.4.1** 100 year flood plain;
 - 14.4.2** Geological hazards including earthquake areas, unstable soil conditions, slopes in excess of 15%, and areas subject to flooding;
 - 14.4.3** Areas of high water table and ground water including wetlands, high water table, perched water, drainage ways and swampy conditions.
 - 14.4.4** Other environmentally sensitive areas may be described by metes and bounds and included in this district.
-

**AN ORDINANCE TO ENCOURAGE THE PROVISION OF EFFICIENT AND SECURE
WIRELESS COMMUNICATION**

WHEREAS, the Box Elder County Commission finds that wireless communication plays an increasingly important role in the provision of 911 and other emergency and other public safety services by the City/County; and

WHEREAS, the Box Elder County Commission finds that the need for an established and secure wireless communications services is especially critical for maintaining adequate capabilities for disaster response; and

WHEREAS, the Box Elder County Commission finds that wireless communication helps public employees respond quickly and efficiently to the non-emergency needs of the citizens, provides heightened levels of personal security, and makes communication more convenient to growing numbers of individuals; and

WHEREAS, the Box Elder County Commission finds that wireless communication services are a necessary part of the urban infrastructure, and represent the new generation of necessary telecommunications services for citizens and businesses; and

WHEREAS, the Box Elder County Commission recognizes that wireless uses are federally licensed, that the Federal Telecommunications Act of 1996 promotes and guarantees the provision of wireless communications in the United States, that federal law preempts local law in some respects relating to siting, and therefore that the proper role of local regulation is to determine the manner in which such wireless facilities should be sited, not whether they should be sited; and

WHEREAS, for the foregoing reasons, the Box Elder County Commission finds it in the public interest to provide the citizens of the County with a seamless wireless communications network and wireless services providers with a consistent and comprehensive process for approval of wireless facilities; now therefore,

BE IT ORDAINED, that the following ordinance regulating the siting of wireless communication facilities is hereby adopted by the Box Elder County Commission:

Section 1. Definitions.

For the purposes of this ordinance, the following words shall have the following meanings:

ANTENNA. A transmitting or receiving device used in telecommunications that radiates or captures radio signals.

COLLOCATION. The location of a wireless communications facility on an existing structure, tower or building in a manner than precludes the need for that wireless communications facility to be located on a free-standing structure of its own.

LATTICE TOWER. A self-supporting multiple sided, open steel frame structure used to support telecommunications equipment.

LOW POWER RADIO SERVICES FACILITY. An unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

MONOPOLE WITH ANTENNAS AND ANTENNA SUPPORT STRUCTURE GREATER THAN TWO (2) FEET IN WIDTH. A self-supporting monopole tower on which antennas or antenna structures exceeding two (2) feet in width are placed; the antennas and antenna support structures do not exceed fifteen (15) feet in width or eight (8) feet in height.

MONOPOLE WITH ANTENNAS AND ANTENNA SUPPORT STRUCTURE LESS THAN TWO (2) FEET IN WIDTH. A monopole with antennas and antenna support structures not exceeding to two (2) feet in width; antennas and antenna support structures do not exceed ten (10) feet in height.

MONOPOLE. A single, self-supporting, cylindrical pole that acts as the support structure for antennas.

ROOF MOUNTED ANTENNA. An antenna or series of individual antennas mounted on a roof, mechanical room or penthouse of a building.

WALL MOUNTED ANTENNA. An antenna or series of individual antennas mounted against the vertical face of a building or chimney. A wall or face of a building is defined as the entire area of all

exposed vertical surfaces of a building that are above ground and facing approximately the same direction.

WHIP ANTENNA. An antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending upon the frequency and gain for which they are designed.

Section 2. Scope.

This chapter applies to both commercial and private low power radio services and facilities, such as “cellular” or “PCS” (personal communications system) communications and paging systems.

Section 3. Site Location Priorities.

Providers of wireless telecommunications services will first seek to locate facilities on existing city/county structures, such as buildings, communication towers, water tanks and smokestacks; provided, however, that if existing structures owned by the city/county are not available, or do not meet the system design needs of the provider, as determined by the provider, or would impose excessive costs in comparison to other alternatives, providers will then attempt to locate their facilities on privately-owned structures, such as buildings, communication towers, water tanks or smokestacks.

If providers are unable to locate on existing structures, and a monopole is necessary, providers will first seek to locate their monopoles on city/county-owned property; provided, however, that if city/county property is unavailable, or does not meet the system design needs of the provider, as determined by the provider, or would impose excessive costs in comparison to other alternatives, providers will then seek to lease property for the monopole from a private property owner.

To encourage the location of wireless facilities on city/county-owned existing structures and property and privately-owned existing structures, wireless telecommunication facilities are permitted uses in all zones of the city/county if the land or existing structures are owned or leased by the city/county. Facilities located on any existing structure are also a permitted use.

Wireless providers will agree to locate their facilities on city/county-owned or leased property only when the provider and government entity agree on the terms and conditions of the site lease, including fair and reasonable compensation for the use of the property. If no agreement can be reached, the provider will locate its facilities on privately-owned property.

Section 4. Regulations.

A. In addition to the regulations provided in this chapter, all low power radio services facilities shall comply with all other ordinances of the City/County, and with all applicable regulations of the Federal Communications Commission and the Federal Aviation Administration.

B. Low power radio services facilities are characterized by the type or location of the antenna structure. There are five general types of such antenna structure: Wall mounted antennas; roof mounted antennas; monopoles with antennas and antenna support structure greater than two (2) feet in width; monopoles with antennas and antenna support structure greater than (2) feet in width; and lattice towers. If an antenna structure is allowed under this Title either as a permitted or as a conditional use, the minimum standards for the installation of each type of antenna are as follows:

1. Wall Mounted Antenna.

(a) Wall mounted antennas may not extend above the wall line of the building or extend more than four (4) feet horizontally from the face of the building.

(b) Antennas, equipment and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structure on building shall be architecturally compatible with the building. Whip antennas are not allowed on a wall mounted antenna structure.

(c) Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall mounted antenna if no portion of the antenna extends above the roofline of those building structure.

2. Roof Mounted Antenna.

(a) Roof mounted antennas shall be constructed, painted or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.

(b) Roof mounted antennas may be mounted on the top of existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view. The screening structures may not extend more than eight (8) feet above the existing roofline of the penthouse or mechanical equipment room.

(c) Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five (5) feet back from the exterior wall of the building. The maximum height of an antenna mounted between five (5) and ten (10) feet back from the exterior wall shall be directly proportional to the setback distance, and may not exceed ten (10) feet above the roofline of the building. Antennas shall be mounted at least five (5) feet behind any parapet wall. The maximum height of an antenna mounted between five (5) and ten (10) feet behind a parapet wall shall be directly proportional to the setback distance, and may not exceed a height of ten (10) feet above the top of the parapet wall. An antenna may not extend more than fifteen (15) feet above the roofline of the building itself except as allowed as a conditional use. Similarly, a roof mounted antenna may not extend above the roofline of a penthouse or mechanical equipment room except as allowed as a conditional use.

3. Monopole with Antenna Support Structure Less Than Two (2) Feet in Width.

(a) The entire antenna structure mounted on a monopole may not exceed two (2) feet in width. The maximum height of this antenna may not exceed ten (10) feet in height.

(b) A monopole described in this subsection may not be located in a R1 or RR zone or within 400 feet of a RR or R1 zone district, or existing residence except as allowed under a conditional use permit.

4. Monopole With Antenna Support Structure Greater Than Two (2) Feet in Width.

(a) The maximum visible width of antennas and antenna mounting structures on a monopole may not exceed eight (8) feet in height or fifteen (15) feet in width as viewed looking directly at the monopole at same elevation as the antennas and antenna mounting structure.

(b) A monopole classified under this subsection may not be located in a R1 or RR zone, or within 400 feet of a RR or R1 zone district, except as allowed under a conditional use permit.

5. Lattice Towers

(a) Except as provided in (b) and (c), lattice towers may not be located within 500 feet of a RR or R1 zone district or residence.

(b) A lattice tower may be located closer than 500 feet from a residence, RR or R1 zone district if the Planning Commission finds that the tower's apparent height would not exceed the apparent height of

any public utility poles, wires, cables, or similar structures located in the same vicinity as the proposed tower, when viewed from six feet above the nearest adjacent residential zone district boundary.

(c) Lattice towers may not exceed a height equal to 90% of the tower's distance from nearest residential dwelling, and in any case the height may not exceed 150 feet.

Section 5. Location on Parcel.

Generally, monopoles and lattice towers should be located only in the rear yards area of the affected lot or parcel, though a different location may be approved by the Planning Commission to carry out the intent and purpose of these regulations. These structures may not be located in a required landscaped area, buffer area or required parking area.

Section 6. Area Limitations for Wall and Roof Mounted Antennas.

A combination of both roof and wall mounted antennas are allowed on a building. Except as allowed under a conditional use permit, the total area for all wall and roof mounted antennas and supporting structures combined shall not exceed the lesser of sixty (60) square feet or 5 percent of each exterior wall of the building. The total area is the sum of the area of each individual antenna face and the visible portion of the supporting structure as viewed when looking directly at the face of the building. The total area for a roof mounted antenna shall apply to the closest exterior wall.

Section 7. Height Regulation – Monopoles with Antennas.

The height of monopoles with antennas and antenna support structures is restricted or regulated according to Table 1.

Section 8. Wall and Roof Mounted Antennas on Noncomplying Buildings that Exceed the Maximum Height Limit of the Zoning District.

Wall mounted antennas which otherwise are permitted or approved under this chapter may be mounted on noncomplying buildings that exceed the maximum height limit of the zoning district in which they are located. Roof mounted antennas which are mounted on a noncomplying building above building above the maximum height limit of the zoning district require conditional approval.

Section 9. Additional Conditional Use Requirements.

A. In addition to the existing conditional use standards, the following factors shall be considered by the Planning Commission:

1. Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures.

2. Whether collocation of the antenna on other existing structures in the same vicinity with such uses as other towers, buildings, utility poles and similar structures is possible, and practical, as demonstrated by the applicant, without significantly affecting the antenna transmission or reception.

3. The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening.

4. Whether the spacing between monopoles creates detrimental impact on adjacent properties.

5. The willingness of the applicant to allow collocation on its facility in the future for a reasonable compensation, as provided in paragraph B.

B. The Planning Commission may, as a condition for approval, impose a requirement that the structure be designed and engineered to reasonably allow collocation by a subsequent provider of low power radio communication services, if collocation is feasible and consistent with sound engineering principles. Nothing herein shall be construed to deny the owner of such a structure from the right to receive a reasonable compensation from that subsequent collocating provider for the use of the structure.

Section 10. Accessory Buildings for Antenna Structures.

Accessory buildings to antenna structures must comply with the required setback, height and landscaping requirements of the zoning district in which they are located. Monopoles shall be fenced with a 6-foot chain-link fence and the climbing pegs removed from the lower 20 feet of the monopole.

Section 11. Abandoned Facilities.

The Building Official is empowered to require an abandoned low power radio services antenna be removed from the building or premise when that antenna has not been put into use by the owner, the person having

control, or the person receiving the benefit of the structure within 30 calendar days after notice is given to the owner, the person having control, or the person receiving the benefit of the structure. Notices required by this section may be given by personal service, or by certified mail addressed to the person's last known address.

Section 12. Where Allowed.

A. A low power radio service facility which is not otherwise classified in this Title shall be considered as a conditional use as outlined in Section 9.

B. A conditional use permit for a monopole may be granted in a RR or R1 zone district only if the planning commission finds that:

1. The monopole antenna otherwise meets the requirements of Section 4 and does not exceed 60 feet in height;

2. The antenna tower will be placed on a parcel occupied by non-residential uses, such as a school, church, or other non-residential use which is otherwise legally located in that residential zone;

3. The antenna tower will be located no closer than 400 feet from the nearest residential structure, and

4. The antenna and supporting structure will be disguised as, or otherwise integrated with, a light pole, billboard, utility structure or similarly compatible and useful structure located on the parcel in a way that minimizes and mitigates the visual impact of the antenna.

Section 13. Controlling Chapter.

Notwithstanding the various descriptions of land uses listed in the Standard Land Use Code relative to communication facilities, and the manner in which those various uses are listed as permitted or conditional uses in the respective chapters of this title, the provisions of this chapter and the accompanying chart summary shall exclusively govern the placement of low power radio services facilities and appurtenant facilities in the City/County, including the designation of permitted and conditional uses in the various zone districts.

Zone District	Wall Mounted Antenna	Roof Mounted Antenna	Monopoles/ <2 ft structure, <60 ft. tall or exceeding max height for district	Monopoles/ <2 ft structure, >60 ft. tall or exceeding max height for district	Monopoles/ >2 ft structure, <60 ft. tall or exceeding max height for district, if less	Monopoles/ >2 ft structure, >60 ft. tall or exceeding max height for district	Lattice Tower Antenna
MU or Agricultural	C	C	C	C	C	C	C
RR or R1 Residential	C	C	C	N	C	N	N
Commercial	P	P	C	C	C	C	N
Industrial/ Manufacturing	P	P	P	C	P	C	C
Unzoned	C	C	C	C	C	C	C

KEY: N = Not Permitted P = Permitted C = Conditional Use

* This Table does not reflect that some uses may be permitted uses pursuant to Section 3.

TABLE 1

BOX ELDER COUNTY CONDITIONAL USE PERMIT APPLICATION

Application #: _____
Date Received: _____
Fee Paid: _____

Applicant Name: _____ Phone Number: _____
Applicant Address: _____ City: _____ State: _____ Zip Code: _____

Submitted for land located at (attach vicinity map): _____
Owner of site: _____ Phone Number: _____
Owner Address: _____ City: _____ State: _____ Zip Code: _____

The intended use is: _____

A conditional use permit is required for this use for the following reasons (mark all that apply):
[Note: Numbers in parentheses are section references in the County Land Use and Development Code.]

- _____ Indicated as a conditional use for the zone in which the site is located
- _____ Slope is greater than 15 percent (1.17 & 1.43.12.23)
- _____ Lot does not contain at least 75 feet by 100 feet (1.17 & 1.43.12.23)
- _____ Planned unit developments
- _____ Site is in area of wetlands, high water table, perched water, drainage way, or has swampy conditions or is subject to flooding (1.17.1.35 and 14.4.3)
- _____ Building on lot that fronts private street (1.22)
- _____ Mobile home park (7.1.2)
- _____ Site is subject to geologic hazards due to, for instance, proximity to fault lines or high liquefaction potential (1.17, 1.35, 14.4.3)
- _____ Excavation, back-filling or paving done by utility *(1.39)
- _____ Excavation, fill or combination thereof exceeding 1000 cubic yards or 5 feet in depth *(7.6.2.3)
- _____ Excavation, fill or combination thereof, or vegetation removal from an area in excess of 1 acre *(7.6.2.3.5)

* A conditional use permit is not required for these items if:

- 1) The excavation or vegetation removal is authorized by an approved building permit
- 2) The excavation or removal of vegetation is within property owned by a public utility or within public utility easements by public utility companies
- 3) Tilling of soil or cutting of vegetation is for agricultural or fire protection purposes
- 4) The use is considered a legal non-conforming use

SITE PLAN (please attach)

The site plan shows the following public improvements: _____

The site plan shows the following private improvements: _____

The abutting properties are described as follow (all): _____

APPLICANT SIGNATURE: _____

REQUIRED ATTACHMENTS:

1. Concept Plan with all required material listed in Section 3.3
2. Other plans or documents that illustrate how the proposed use will meet the applicable general standards outlined in Section 7.3 of the Code.
3. Plans or documents that illustrate how the proposed use will meet any performance standards (as listed in section 7.2) the Planning Commission deems necessary to address concerns of safety, health and sanitation, environment, General Plan proposals and neighborhood needs, performance, or administration.
4. IF DESIRED:
 - a) Petition for exception from a CUP requirement or regulation, if such an exception is desired. Petition should state the grounds for requesting exception(s) as outlined in Section 7.1.6.1 of the Code.
 - b) Application for a variance from the literal enforcement of design and improvement standards required, if such a variance is desired. Application shall include items outlined in Section 7.1.7.1 of the Code.

APPLICATION FOR ZONING AMENDMENT

BOX ELDER COUNTY, UTAH

Date: / / Phone: ()

Name:

Address:

City:

State:

Zip:

Proposed Change of Text in the Zoning Regulation:

Original Wording of Text in the Zoning Regulation:

Names of all owners of subject property

Checklist of Attachments

- Legal description of property to be rezoned (Boundaries)
- Map (Attached)
- A vicinity plan
- Plain white envelopes, addressed to all owners within 400 feet of subject area, affixed with proper postage

Checklist of Things to Do

- Return this application and proper attachments for zoning amendment to the Box Elder County Planning Department or the Box Elder County Surveyor's Office
- Pay the required \$100.⁰⁰ fee.
- Place posters (provided by the county) at all corners of the property, and every 400 feet of frontage on any road

Signature(s) of petitioner(s) and date(s)

H

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 scheduled for January 21, 1999 at 6:00 p.m.
2. Notice given to the newspaper this 20th day of January, 1999
3. Approval of the minutes of December 17, 1999
4. Scheduled Delegations:
 - A. Appointment of New Planning Commission Member
 - B. Planning and Zoning Education Topics: The Planning Commission and By-Laws
 - C. High Country Estates Concept Plan for Property Located South of Highway 30 Along the Box Elder - Cache County Line
 - D. Petition to Re-zone 4 Sections in West Box Elder County from MU-160 to MU-40
 - E. Application for Conditional Use Permit for Operating a Machine Shop at 2190 North 6400 West, West Corinne
 - F. Excavation Without Permit in South Willard
 - H. Review Sensitive Areas Overlay Zone and Map
 - I. Consider Recommendations of Wireless Telecommunications Ordinances
 - J. Deliberate Action to be Taken on Possible Illegal Subdivisions
 - K. Review and Approve Various Planning Department Application Forms
 - L. Minor Subdivisions
 - M. Agricultural Protection Area
5. Old Business:
 - A.
 - B.