

MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
FEBRUARY 15, 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 **February 15, 1996**.

The following members were present constituting a quorum:

Stan Reese	Member
David Tea	Member
Deanne Halling	Member
Jay Hardy	Commissioner, Acting Member
Denton Beecher	Ex-Officio Member, Surveyor
LuAnn Adams	Recorder/Clerk

EXCUSED:

Richard Kimber	Chairman
Jon Thompson	Member
Louis Douglas	Member
Royal Norman	Commissioner/Member

Because Chairman Richard Kimber and Chairman Pro Tem Jon Thompson were absent, a motion was made by Stan Reese and seconded by David Tea to appoint Deanne Halling as Acting Chairperson. The meeting was then called to order by Acting Chair Deanne Halling.

AGENDA: (ATTACHMENT NO. 1)

HIGH COUNTRY ESTATES CONCEPT PLAN - ALTON VEIBELL ETAL - P DISTRICT REQUEST

Alton Veibell, developer/owner, and Bruce King, representing Mr. Veibell as an engineering consultant, presented their revised concept plan along with their proposed standards and regulations. Mr. King explained they have substantially scaled back the proposal and deleted any proposal in Cache County. He stated the development will now consist of 27 lots approximately 1.3 acres each. Because of the P District they are tied to R-1-20 zoning regulations and all of the lots are at least ½ acre. Mr. King mentioned that if the zoning in the Beaver Dam/Collinston area does not pass, they will still recommend the same proposal. A verification from the state said there is water for 33 lots plus water for livestock. Mr. King said they would like to form a special service district labeled High Country Estates Special Service District. He stated they will then have the responsibility of managing the roads. The lots will have individual septic tanks which will be piped into a subsurface drain field.

Mr. King then reviewed the "P" District conditions. (See Attachment #2)

County Surveyor Denton Beecher told the Commissioners he feels everything is basically covered for an R1-20 zone.

MOTION: A motion was made by Stan Reese to accept the concept plan. The motion was seconded by David Tea. The motion carried with one abstention by Commissioner Hardy.

MOTION: A motion was made by Stan Reese to accept the conditions of the "P" District (See attachment 2) and recommend to the county commission for their approval. The motion was seconded by David Tea and unanimously carried.

GERALD HOWARD ETAL INPUT ON ZONING ISSUES

Gerald Howard and Charlotte Nelson came to the table to express their concerns. Mr. Howard stated that on the original concept plan 467 acres were going to be developed in the county. He said that in looking at the title it shows Mr. Veibell only owns 35 acres in the "P" District. Mr. Howard said there is also a conflict on who owns the property. Mr. Howard was also concerned about septic tanks and adequate water. Mr. Beecher stated that these items will be handled through the design plan. A packet was presented to the Planning Commission containing water findings from the state engineer, legal descriptions and two letters from the Cache County Planner. The items were received and no action taken.

JOE D. VERHALL MINOR SUBDIVISION

County Surveyor Denton Beecher stated Mr. Verhall wants to create a lot for his son and daughter-in-law located on 17600 North west of SR 13. He has submitted a signature from the Health Department and a certificate from the water company stating they will provide water.

MOTION: A motion was made by Commissioner Hardy to approve the Joe D. Verhall Minor Subdivision. The motion was seconded by Stan Reese and unanimously carried.

ATKINSON AMENDED MINOR SUBDIVISION

County Surveyor Denton Beecher stated this subdivision is located on 14400 North west of 4400 West. Mr. Atkinson is asking to amend the plat for the purpose of reconfiguring the lots. A discussion followed explaining the differences.

MOTION: A motion was made by Stan Reese to accept the Atkinson Amended Minor Subdivision. The motion was seconded by David Tea and unanimously carried.

LETTER FROM CACHE COUNTY PLANNER

County Surveyor Denton Beecher presented a letter from the Cache County-wide planner Mark Teuscher dated February 13, 1996. (See letter Attachment No. 3)

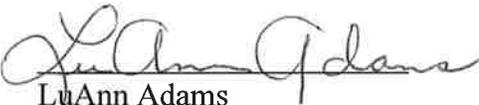
ADJOURNMENT

A motion was made by Stan Reese to adjourn. The motion seconded by David Tea. The meeting adjourned at 8:59 p.m.

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


Richard D. Kimber, Chairman

ATTEST:


LuAnn Adams
Recorder/Clerk



HIGH COUNTRY ESTATES SPECIAL SERVICES DISTRICT

PROPOSED STANDARDS AND REGULATIONS ACCOMPANYING CONCEPT PLAN

Submitted for approval of Box Elder County

February 14, 1996

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 possible "P" zone designation by the County upon the affected lands. The owner/developer proposes that these standards and regulations apply in any case, whether or not such zoning action occurs.

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 potential "P" Zone area, is submitted herewith, or will be submitted at an appropriate time for recordation.

15.2.4 It is proposed that use regulations be the same as indicated in Chapter 20 "Residential District R1-20," 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 ft. 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.

15.4.2 Though not in ultimate detail, the concept plan drawing 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.

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. LarWEST Engineering 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, especially in one area affecting possibly three lots near the well; also that the Water Source Protection Plan to be required may preclude septic systems around the well.

If septic systems should not be permissible on lots up-slope from the well for either of the above reasons, all septic effluent from those lots will be conveyed in a closed pipe to a shared drain field on east-facing slopes below the well.

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.

Should this development create the need for paving applicable portions of 400 West, property owners shall, either through the SSD or otherwise, pay their pro-rata shares of the paving cost.

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 easily be absorbed on site. Roadsides will be contoured into planted swales capable of absorbing the limited runoffs from paved road surface.

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.

To assure continued use as intended, the open pasture space lying between the three 10 acre parcels owned by Moake, Fowkes and Tremayne 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. Electrical 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 letter of January 13, 1996 to the County Commission affirms their commitment to furnish services according to residents' desires.

Mail delivery to the development by the Postal Service is assured by letter of January 23, 1996 from Sherm Larson, Postmaster at Brigham City.

Public school services including busing will also be provided, as at present, by the Box Elder County School District. See letter of January 25, 1996 from Superintendent Steven O. Laing for confirmation.

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 the 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 revised 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 Teuscher's letter of February 13, 1996 (attached).

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

With only 27 new residences, maximum additional projected traffic at peak hours, assuming 1.5 exit or 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 (1.33 acres per dwelling overall) and aggregations of open pasture land acreage are designed intentionally to be compatible with the surrounding rural environment. Either Agriculture (A) or Multiple Use (MU) zoning of adjacent lands would coordinate 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 in 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.

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 February 15, 1996 at 7:00 P.M.
2. Notice given to the newspaper this 14th Day of February, 1996.
3. Approval of the minutes of January 18, 1996.
4. Scheduled Delegations:
 - A. High Country Estates Concept Plan - Alton Veibell etal. P District request.
 - B. Gerald Howard etal. Input on zoning issues.
 - C. Letter from Cache County Planner.
 - D. Misc. Minor Subdivisions.
 - E.
 - F.
 - G.
 - H.
 - I.
 - J.
5. Old Business:
 - A.
 - B.



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