

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

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

The following members were present constituting quorum:

Richard Kimber	Chairman
Jon Thompson	Member
Louis Douglas	Member
Deanne Halling	Member
David Tea	Member
Royal Norman	Commissioner/Member
Denton Beecher	Ex-Officio Member, Surveyor
Marie McKinnon	Deputy Recorder/Clerk

<b>EXCUSED:</b>	Stan Reese	Member
	LuAnn Adams	Recorder/Clerk

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

**CHAIRMAN RICHARD KIMBER PRESENTED THE MINUTES OF MARCH 21, 1996 FOR APPROVAL. A MOTION WAS MADE BY COMMISSIONER NORMAN TO APPROVE THE MINUTES AS WRITTEN. THE MOTION WAS SECONDED BY DEANNE HALLING AND UNANIMOUSLY CARRIED.**

**ZONE CHANGE REQUEST IN SOUTH WILLARD - GARY MECHAM (ATTACHMENT NO. 2)**

Mr. Gary Mecham met with the Planning Commission to request a zone change in the South Willard area. County Surveyor Denton Beecher presented a map and pointed out the area under consideration in the far south end of Box Elder county owned by Weldon B. and Sarah B. Cragun. He said it is approximately 30 acres of orchard land above Highway 89. At present it is zoned R1-20. Mr. Mecham would like to purchase the property for the purpose of extracting gravel to be used in home construction and is requesting that it be zoned MG (Manufacturing General) Mr. Beecher stated the area to the south is zoned Commerical, to the north is R-120; if this were to be allowed, it would create spot zoning.

A lengthy discussion was held regarding previous and current gravel mining in the area, ownership of adjacent and nearby property, and spot zoning.

**MOTION:** A motion was made by Jon Thompson in order to be consistent and avoid spot zoning that the original application by Mr. Mecham be denied because it does not meet with zoning regulations and planning in Box Elder County. The motion was seconded by Deanne Halling. The voting was as follows:

Jon Thompson	Aye
Royal Norman	Aye
Deanne Halling	Aye
David Tea	Aye
Louis Douglas	No

The motion carried.

**LETTER FROM JON BUNDERSON RE: RIGHT-OF-WAY TO AN UNAPPROVED LOT: (ATTACHMENT NO. 3)**

Mr. Beecher presented the letter from County Attorney Bunderson and requested that it be made a part of the Minutes, stating that a right-of-way cannot be granted to an illegal lot.

**MOTION:** David Tea made a motion to deny the request of Dale McComb to allow a private right-of-way to an unapproved lot based upon the County Attorney’s letter that approval cannot be made for a right-of-way to an illegal lot. The motion was seconded by Louis Douglas and unanimously carried.

**HERITAGE HILLS MINOR SUBDIVISION**

Mr. Beecher stated this subdivision is located north of Portage. The concept plan was accepted in the March Meeting. He said the Town of Portage will extend its water line; there will be individual septic tanks to be approved by the Health Department.

**MOTION:** Jon Thompson made a motion to accept the Preliminary plan for the Heritage Hills Minor Subdivision. The motion was seconded by Louis Douglas and unanimously carried.

**MELVIN DUMMAR MINOR SUBDIVISION**

Mr. Beecher presented the concept plan for the Melvin Dummar Minor Subdivision located in Section 35, Township 10 North Range 2 West . The Commissioners discussed problems with roads, frontages, and wetland problems. Mr. Gregg Hansen will report back to Mr. Dummar and make the necessary changes. No action was taken.

**DAWN REEDER MINOR SUBDIVISION**

Mr. Beecher stated this subdivision is located on 6800 West at about 1400 North. He said the Health Department has approved Lot No. 2 for a septic tank; they will be on West Corinne water.

MOTION: Louis Douglas made a motion to approve the Dawn Reeder Minor Subdivision subject to the Health Department's regulations. The motion was seconded by Jon Thompson and unanimously carried.

**MARVIN HANSEN MINOR SUBDIVISION**

Mr. Beecher stated the Marvin Hansen Minor Subdivision south of Fielding located on 4400 West at 15250 North is for two lots. The request is for re-approval; it was originally approved in 1992.

MOTION: Jon Thompson made a motion to approve the Marvin Hansen Minor Subdivision and authorize the Chairman to sign. The motion was seconded by Louis Douglas and unanimously carried.

**RICHARDS MINOR SUBDIVISION**

Mr. Beecher stated the Health Department has now signed the Richards Minor Subdivision which is south of Fielding.

**OTHER BUSINESS:**

Chairman Kimber advised the Planning Commission the Economic Development Office has indicated the need for a Planner which could be shared by that office, the County and possibly some of the municipalities. He said a considerable savings could be realized through joint secretarial staff and offices. The Economic Development will be moving into the Old Mountain Fuel building and there would be enough room for a Planner.

**ADJOURNMENT**

MOTION: A motion was made by Jon Thompson to adjourn. The motion was seconded by Deanne Halling. The meeting adjourned at 8:50 p.m.

Passed and adopted in regular session this 6th day of June, 1996.

  
Richard D. Kimber, Chairman

ATTEST:

  
LuAnn Adams  
Recorder/Clerk

**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 April 18, 1996 at 7:00 P.M.
2. Notice given to the newspaper this 17th Day of April, 1996.
3. Approval of the minutes of March 21, 1996.
4. Scheduled Delegations:
  - A. Zone change request in South Willard-Gary Mecham.
  - B. Letter from Jon Bunderson RE: Right-of-way to an unapproved lot.
  - C. Minor Subdivisions.
  - D.
  - E.
  - F.
  - G.
  - H.
  - I.
  - J.
5. Old Business:
  - A.
  - B.

# BOX ELDER COUNTY, UTAH

A zoning amendment to change a district boundary or the text in the regulations requires a public hearing and action by the Board of County Commissioners.

Step 1. Submit Application and required fee to Planning Commission. The Planning Commission may:

- a. Approve the application and recommend the amendment to the Board of County Commissioners.
- b. Hold a public hearing or other fact finding hearings then either recommend approval or denial of the proposed amendment, or recommend another amendment.
- c. Deny the application.

Step 2. The applicant may appeal the decision of the Planning Commission or accept it. If the applicant appeals a negative recommendation or denial, it goes to the Board of County Commissioners just like a positive recommendation.

Step 3. The Board of County Commissioners may:

- a. Agree with the negative recommendation of the Planning commission and that is final.
- b. Agree with a positive recommendation of the Planning Commission or accept an appeal.
  1. The Board of County Commissioners must hold a public hearing and give legal notice.
  2. Act on the application after due consideration of the findings of the public hearing.

NOTE: Before there can be a change of a district boundary or change in the text of the regulations a public hearing must be held and legal notice given.

An applicant has the right to appeal the ruling of the Board of County Commissioners when appropriate to the Court System.

## APPLICATION FOR A ZONING AMENDMENT

Date: 4/17/96

Fee Paid: \$100.00

Name: Mecham Brothers, Inc.

Address of Applicant: 181 West Lomond View Drive, Ogden, Utah 84414

Legal Description of Property to be Rezoned (Boundaries)

ATTACHED

Map(attached) ATTACHED

Proposed Change of Text in the Zoning Regulations

Changed to MG

Signature of Petitioners(s)

Geary S. Mecham  
Geary S. Mecham

Date: 4/17/96

SUPPORTING DOCUMENTS TO ACCOMPANY A PETITION  
FOR A ZONE CHANGE PETITION

3.1.3.3 A Vicinity Plan

ATTACHED

3.1.3.4 Names of all owners of subject property

Weldon B. Cragun and Sarah B. Cragun

3.1.3.4.1 Names of all owners within 400 feet of subject property boundary when an identified property is the specific beneficiary.

Barbara J. Christensen Utah Dep. of Transportation

Jack B. Parson Co.

Abde Sharifan

Gay W. Pettingill

Allen W. Johnson

Justin J. Westmoreland

3.1.3.5 A sufficient number of plain white legal size envelopes, addressed to required recipients and with proper postage affixed.

ATTACHED

3.1.3.6 Place posters provided by the County at all corners of the property, and every 400 feet of frontage on any road.

Noted