MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
JUNE 19, 1997

The Board of Planning Commissioners of Box Elder County met in regular session in the Commission Chamber of the Box Elder County Courthouse, 01 South Brigham City, Utah at 7:00 p.m. on June 19, 1997.

The following members were present constituting a quorum:

Richard Kimber	Chairman
Jon Thompson	Member
Stan Reese	Member
Deanne Halling	Member
David Tea	Member
Denton Beecher	Ex-Officio Member, Surveyor

EXCUSED:

Royal Norman	Commissioner
Lewis Douglas	Member
LuAnn Adams	Recorder/Clerk

AGENDA: (ATTACHMENT NO. 1)

CHAIRMAN RICHARD KIMBER PRESENTED THE MINUTES OF MAY 15, 1997 FOR APPROVAL. A MOTION WAS MADE BY DAVID TEA TO APPROVE THE MINUTES AS WRITTEN. THE MOTION WAS SECONDED BY LOUIS DOUGLAS AND UNANIMOUSLY CARRIED.

REQUEST FOR ZONE CHANGE (ATTACHMENT NO. 2)

Doug and Ellen Hunsaker met before the Commission to request a zone change on their property from MU40 to RR-2 in order to sell two acre lots to family members. (See attached application.) They indicated that they were unaware that a zone change had been made.

The property is located in Section 5, Township 11 North, Range 2 West and lies east of SR38. Jon Thompson indicated that he knew the property well and that this is a good location for residential development. He also indicated that there are wells and springs in the area that need to be protected. He said the present well protection ordinance would provide this protection. There was more discussion on a variety of issues.

MOTION: A motion was made by Deanne Halling that we recommend to the County Commission that they advertize and hold a public hearing for all of the property lying in Section 5 east of SR38 to be considered as an RR-2 zone and that the Planning Commission is in favor of such a change. The motion was seconded by Stan Reese and unanimously carried.

UTAH DEPARTMENT OF TRANSPORTATION LETTER (ATTACHMENT NO. 3)

The letter from UDOT was discussed.

MOTION: A motion was made by Jon Thompson that we are in favor of such an action and that we would like to see the items be more specific such as the minimum width required and that for single residences no change other than a gravel shoulder be required and that other specifics be more clearly spelled out. The motion was seconded by David Tea and unanimously carried.

RON ANDERSON MINOR SUBDIVISION

Denton Beecher presented a concept plan for the Ron Anderson Minor Subdivision located west of Tremonton and indicated there are some problems.

MOTION: A motion was made by Deanne Halling that the Commission approve this concept with the stipulation that lot Seven be shown with proper access or indicate what is its purpose. Also that the improvements along SR102 be shown and the proper permits be obtained. The motion was seconded by Jon Thompson and unanimously carried.

E. L. STENQUIST MINOR SUBDIVISION

Denton Beecher presented the E. L. Stenquist Minor Subdivision which is located in Section 22 Township 11 North, Range 3 West. They would like to create one lot for residential purposes and two agricultural lots.

MOTION: A motion was made by Jon Thompson to approve the E. L. Stenquuist Minor Subdivision and authorize the Chairman to sign. The motion was seconded by Stan Reese and unanimously carried.

BRAD BOURNE MINOR SUBDIVISION

Denton Beecher presented the Brad Bourne Minor Subdivision which is located west of Fielding between SR 13 and 6000 West on 16800 North. He explained the problem with the right-of-way and the lack of Health Department signature.

MOTION: A motion was made by Jon Thompson that we conceptually approve the Brad Bourne Minor Subdivision and recommend that they Quit Claim to the county the 33 feet of roadway before bringing back the subdivision, and that they rewrite the description to fit and obtain all proper signatures. The motion was seconded by Deanne Halling and unanimously carried.

TOLMAN SUBDIVISION

Denton Beecher presented the Tolman Subdivision and explained the situation .

MOTION: A motion was made by Jon Thompson to accept the conceptual plan of the Tolman Subdivision and that we require all improvements as set forth in the ordinance; also that they obtain all proper signatures and supporting documents before their return with the preliminary/final plan. The motion was seconded by Stan Reese and unanimously carried.

OLD BUSINESS

ROY LEMON TRAILER IN SOUTH WILLARD (ATTACHMENT NO. 4)

Steve Young, Galane Young, and Lewis Winward met with the Commissioners and presented a letter expressing their concerns about a proposed mobile home being placed west of their new homes. Mr. Young stated that when Mr. Roy Lemon sold them property there was a long list of restrictive covenants. Mr. Lemon now has proposed placing a mobile home immediately west of them. Mr. Young expressed concern with the possible devaluation of their property. Mr. Winward agreed and indicated that it might be acceptable if the mobile home could be screened with trees so as to block their view.

MOTION: A motion was made by Deanne Halling that CUP 60 be forwarded to the County Commission and that it be placed on their July 1 meeting agenda for determination of their decision; also to forward to them the Planning Commission's recommendations along with the additional information that has surfaced after the Planning Commission action. The motion was seconded by David Tea and unanimously carried.

ADJOURNMENT

A motion to adjourn was made by David Tea. The motion was seconded by Deanne Halling, and the meeting adjourned at 8:20 p.m.

Passed and adopted in regular session this 28 day of August, 1997.

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 June 19, 1997 at 7:00 P.M.

2. Notice given to the newspaper this 18 Day of June 1997.

3. Approval of the minutes of May 15, 1997

4. Scheduled Delegations:

   A. Zone change request - Ellen Hunsaker.

   B. Utah Department of Transportation Letter.

   C. Misc. Minor Subdivisions.

   D.

   E.

   F.

   G.

   H.

   I.

   J.

5. Old Business:

   A. Roy Lemon

   B.

   C.

ATTACHMENT 1

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: 6/2/97
Fee Paid: $100.00
Name: Ellen P. Hunsaker
Address of Applicant: 35 So. 5th W., Brigham City, Utah 84302
Legal Description of Property to be Rezoned (Boundaries)
SE 1/4 Section 5 township 11 N Range 2W SLM
(See Attached Property Description) (parcel # 3 on Map)

Map(attached) yes
Proposed Change of Text in the Zoning Regulations One house For every two acres.

Signature of Petitioners(s) Ellen P. Hunsaker Date: 6/2/97

ATTACHMENT 2

UDOT GOING THE EXTRA MILE

State of Utah
DEPARTMENT OF TRANSPORTATION

Michael O. Leavitt
Governor
Thomas R. Warne
Executive Director
Dyke M. Lefevre, P.E.
Region One Director

REGION ONE
169 North Wall Avenue
P.O. Box 12580
Ogden, Utah 84412-2580
(801) 399-5921
Fax: (801) 399-5926

Commission
Glen R. Brown
Chairman
Todd G. Weston
James G. Larkin
Ted D. Lewis
Hal M. Clyde
Sheri L. Griffith
Dan R. Eastman

June 11, 1997

Mr. Denton H. Beecher
Box Elder County Planning Commission
01 South Main Street
Brigham City, UT 84302

Dear Denton:

This is in response to your letter dated May 15, 1997 concerning our policy for access to State Highways within your county.

The Utah Department of Transportation has concerns for the safety of the traveling public and also the safety of the adjacent owners along UDOT's highways. Our concerns are varied when weighing the public's needs with the needs of owners and developers. The growth trends for our area have been extensive and without additional expense to the owners and developers along our highways, the entire system suffers to some degree.

We know that our present highway dollars cannot adequately fund our entire highway needs and at the same time don't expect developers to provide everything.

The current safety standards for today's highways are much more stringent than the standards which were used when many of our two lane roadways were constructed.

Box Elder County has an abundance of these two lane facilities and if UDOT were to reconstruct these roadways to today's standards. The expense would be tremendous.

Our only means of providing for the public's future needs is to defer some expense to the adjacent owner as new development occurs. When a new city or county subdivision is constructed, the cost of all road improvements, including utilities, are borne by the developer and subsequently by the homeowner. Highway improvement to provide for safe ingress and egress should also be borne by the developer.

On single home access onto State Highways without existing shoulder, we would like as a minimum a gravel shoulder provided for about 100 feet before the approach to the driveway; and any drainage structure necessary to carry shoulder runoff. If the homeowners would like to pave the shoulder for their benefit, it is that much better. Drainage structures should be a minimum of 18 inches in diameter so it can be cleaned with the equipment we have.

When a subdivision is being developed that will have multiple homes using the same access, it should be developed more like a street; having adequate width for two travel lanes and necessary turning lanes on the State Highway, as well as the side street, to accommodate the traffic needs. Small developments that have the potential to turn into large developments need to have the potential usage addressed as part of the planning process so safeguards can be developed to assure the access will still function safely when the larger development occurs.

When multiple housing subdivision or businesses are developed along the State Highway, we would like Box Elder County to require the developer to donate additional right-of-way along their development for future highway widening. The right-of-way would be in addition to the necessary highway improvements required to obtain safe ingress and egress.

It would also be a great help to us if Box Elder County would look at their future highway infrastructure needs. As growth occurs, some of the highways will require widening and in many cases, additional highway right-of-way will be required. On these highways where the County is anticipating that sufficient growth will occur, it would be helpful if you would require additional set back and/or additional right-of-way donated for future highway needs. Much of the growth will most likely occur off of the State Highways, since they are your major collectors and/or arterial streets system within your county. On the State Highways, we need your help in establishing the set back requirements and the additional right-of-way needs since we do not have any zoning authority to establish these requirements. The County should have a better feel on how they are going to allow the growth to occur and what the County needs are going to be as to highway infrastructure improvements. Traffic increases are affected by both a result of the local growth and the overall increases in traffic volumes. UDOT would be more than willing to provide estimated future traffic volumes.

Sincerely,

Dyke M. LeFevre, P.E.
Region One Director

DML/cs

cc: Rodney A. Terry
John D. Gunderson
Bruce W. Swenson
Tommy H. Vigil

June 17, 1997

Box Elder County Planning Commission
County Courthouse
Brigham City, UT 84302

RE: Roy Lemon's Proposed Trailer Siting in South Willard

Dear Sirs,

We understand that Mr. Roy Lemon is in the process of obtaining permission to locate a trailer house by his South Willard fruit stand to house migrant workers for his orchards. We would like to request that the Planning Commission not allow a trailer house to be located on this site.

Our primary concern is the effect that this trailer house will have on the property values and quality of life of the residents of The Beginning Subdivision. This subdivision was created by Mr. Lemon several years ago from his orchard land in South Willard. The proposed trailer site will be on this same orchard land just west of The Beginning Subdivision.

While selling the lots in the subdivision, Mr. Lemon was very forthcoming about the restrictive covenants he had established. He insisted that all parties sign and agree to abide by the covenants as a condition of sale for the lots. The covenants were established "for the purpose of keeping the said subdivision desirable, uniform, and suitable in architecture and use as herein specified." The covenants require each house to contain a minimum of 1200 square feet of living space, have a minimum two car garage, and have a minimum $70,000 construction cost for the structure. The covenants also specifically prohibit trailers and other temporary structures from being used as a residence on the lot at any time. Although we understand that the restrictive covenants were placed on lots within the subdivision, we feel that by locating a trailer house on the adjacent land, Mr. Lemon would be degrading the quality of life that he was selling to us along with each lot.

We are also upset about the decrease in property values that would be caused by this trailer. An appraiser, Mr. Brad Turner, has estimated that the value of the three houses that will directly overlook the trailer site will be decreased by 5% to 10%. And we would like to note that Mr. Lemon waited until after he had sold all the lots in this part of the subdivision before pursuing a course of action that will decrease property values.

There are several related issues which concern us. We understand that the trailer house has been sited as "a use incidental to the primary use of the land", but in fact, the trailer house is still a residence. This part of the county has been zoned R1-20 which would lead prospective land owners to believe that any new housing in the area would be kept to minimum standards in lot size and type of residence.

ATTACHMENT 4

Apparently, the South Willard Water District plans to allow Mr. Lemon to run a water line from the existing fruit stand to the trailer house. We feel that this new residence should be required to pay the same tapping fee that any other new residence would. We plan to take this issue up directly with the water board, but wanted the Planning Commission to be aware of this problem.

We have also contacted Mr. Bob Wilson with the Bear River Health Department. Mr. Wilson said that a permit has been issued for a septic system for the trailer house, but that Mr. Lemon did not inform him that the trailer house would be for migrant workers. Although this would not change the validity of the permit, Mr. Wilson did express concerns that the septic system might be undersized since he has noted a tendency throughout the county for large groups of migrant workers to occupy a single residence.

The Utah Department of Commerce has told us that in some areas of the state, it is prohibited to set up a non-HUD approved trailer house. Mr. Lemon's trailer house certainly looks older than 1976, which is the year that HUD began approving trailers. But, presently, we are unsure of the actual year of the trailer, and whether Box Elder County has adopted this law.

The trailer house would have a detrimental effect on property values and is not in keeping with the quality of life that Mr. Lemon established for this area. We would appreciate it if the Planning Commission would consider our concerns and not allow a trailer house to be placed on this land.

Sincerely yours,
Residents of The Beginning Subdivision

Steven D. Young + Galane S. Young 734-2925
John L. Harames & Sheryl Harames 773-5263
Jervis Winward & Coreen S Winward 723-2528

Unfortunately, Jayson and Kimberly Harames were leaving town on vacation before we had a finished copy of this letter for signatures. We have thoroughly discussed the contents of this letter with them, and they would like it known that they also strongly object to a trailer being placed on this land.