

PLANNING COMMISSION MEETING

July 18, 1985

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday, July 18, 1985.

Members present: Jon Thompson, Don Petersen, Don Chase, Kent Newman, Richard Kimber.

Ex-officio: Denton Beecher

Chairman Kimber called the meeting to order at 7:30 p.m. and asked for approval of the minutes of June 20, 1985 meeting. Don Petersen made the motion that said minutes be approved as written, seconded by Don Chase, all members voting in favor.

HARPER ZONE CHANGE REQUEST

As there were several people present to hear the discussion for this item, Chairman Kimber asked if anyone had any objection to hearing this matter first and then going back to the agenda order. No one objected.

Chairman Kimber explained that this matter had been referred back to the Planning Commission to review the results of the public hearing held on June 26, 1985 and to certify to them your recommendations. He asked Mr. Beecher to review said hearing to the Commission. Mr. Beecher then presented a brief summary of the hearing stating that there were 35 people present that responded. Also 6 additional written responses which were handed to the Planning Commission by Von Curtis tonight. Of these 41 people, there were 16 people who live and/or own property within the requested area and of these 16, 10 were for it and 6 against it. There were additional 25 people who live in the Harper zone area but outside the requested area - of these 25 people, 9 are for it and 16 against the change. Of the total 41 responders, there were 19 people in favor of the change and there were 22 people against the change. Mr. Beecher further reported that the biggest objection to the change was the concern for the density increase and the threat it will have to their water supply as each residence is supplied by a well or spring in the area. Also a concern that the lack of a sewer system would present a problem with individual septic systems. There were several residents of the area present at the meeting. Von Curtis, Barbara Curtis, Max Baugh, Thomas Thorpe, Paul Hunsaker and Rohland Munns.

During the discussion of the Commission, these citizens would interject their comments. Chairman Kimber recognized Von Curtis and Mr. Curtis gave a lengthy discussion on why this area should be rezoned. He presented copies of responses by people who were unable to attend the public hearing. (copy #1). He also presented a letter which explains his position (copy #2). Others present all voiced their position as being in favor of changing the zone.

Also submitted was a letter from Vonda J. Thorpe (copy #3). This was received. There was additional discussion between the citizens and the Commission.

Chairman Kimber then indicated that this issue had been heard enough and that the Planning Commission should have all the information necessary to make a decision. Jon Thompson asked Mr. Beecher several questions as to whether this change would be in accordance with the Master Plan and he was told that it would do that. He also asked

if the area would develop at a fast rate. He was told that the lack of sewer and water facilities would tend to control this type of development.

Chairman Kimber again called for a motion. After some more discussion, Devon Breitenbeker made a motion that based on the position that all who live in the Harper area zone should have an opinion to voice toward this issue and based on that-he moved that the Planning Commission should recommend to the County Commission that the request be denied. Don Chase seconded, a vote was called for with Devon Breitenbeker and Don Chase voting aye, Jon Thompson - no, Don Petersen - no, Kent Newman - no, thus the motion was defeated.

Jon Thompson made a motion that because of the facts presented that a majority of the residents or owners of property within the effected area want the change, that the Planning Commission does recommend that the County Commission approve the zone change, seconded by Don Petersen with the voting as follows: Don Petersen, aye; Kent Newman, aye; Jon Thompson, aye, Don Chase, no; Devon Breitenbeker, no; motion carried.

MCI CONDITIONAL USE PERMIT

Mr. Beecher presented the applications and information for the Emigrant Pass site location. He indicated that we have a verbal approval from BLM that it will approve the permit for the tower. He also reported on the inspection of the powerline. A permit has been given to Raft River Electric to locate their line with no pole or guy down being located closer than 15 feet to the existing roadway.

Jon Thompson made a motion that/^{the} issue be tabled until all information is in, seconded by Don Petersen with all voting in favor.

LETTER FROM WILLARD CITY

A letter from Willard City (copy #4) was read to the Commission. The Commission received the said letter and asked that it be a part of the minutes. No other action was taken.

SOUTH WILLARD ZONE CHANGE REQUEST

Mr. Beecher was asked to give a summary of the public hearing which was held on June 26, 1985. Mr. Beecher reported that there were 6 people present. Mr. Ned Fairbanks, Michael Fairbanks, Sharala Lemon, Dean Young and Doris C. Young. There were no objections from anyone to change this zone. Mrs. Young had a question regarding storm runoff. She was told that this was to be handled through the subdivision ordinance. Also it was requested that the Flood District submit a letter stating their position. Said letter was read to the Commission (copy #5). Don Chase made a motion that the Planning Commission recommend the County Commission approve this zone change, seconded by Devon Breitenbeker, all voting in favor.

IOWA STRING MINOR SUBDIVISION

Joyce Tucker presented a change in the plan for said subdivision. She indicated that the health department would not approval all 9 lots for a septic system, that they would only approve the north lots for sewer systems. Don Petersen made a motion that the Planning Commission would approve this change in the subdivision and consider this plan when all approvals have been given and the submittal be resubmitted, seconded by Jon Thompson, all voting in favor.

DON ANDERSON - DESCRIPTION

Don Southwick made a presentation of the property owned by Don Anderson's father and explained that Mr. Anderson had created 3 - 72 feet x 120 feet lots before the zone change was adopted. Also they have created a 5 acre parcel and in so doing, they have landlocked the remainder of the property. They would like to request permission

to create one large lot of the 72 foot frontage lots and leave a 66 foot width access to the remainder property and as the descriptions are all in error that a new survey be performed and straighten out the errors which exist. Thus they would correct all the wrong descriptions and erase the 72 foot lots with a 150 by 120 foot lot.

Devon Breitenbeker moved to approve this approach, seconded by Jon Thompson, all voting in favor.

Meeting adjourned at 9:50 p.m.

I'm in favor of the
petition as described but
would hope to include
my property within the
boundaries set forth. I
would further say I would
prefer no zoning at all
Joseph E. Yates
Christina E. Yates

Earl G. Wise

Earl G. Wise

I am for Vaughn R. Curtis' petition
changing the zoning on Highway 69 from
Honeyville South, to the South side of
Max Baugh's property from RR 5 to RRL.

Sunset, Utah
April 17, 1985

#1

June 22, 1985

TO THE CITIZENS OF HARPER:

Your Zoning Committee is taking this opportunity to alert you to the threat to our present zoning ordinance. There are those who are petitioning to change the approximate north one third of the community from R.R.5 to R.R.1. (From 5/8 acres per new house to one acre per new house.)

We find that a substantial majority of the residents are fully committed to maintain the present ordinance. We also feel there is a formidable force behind the move to rezone this area that would circumvent the desires of the majority. We therefore strongly feel that those who want this petition defeated must attend the hearing in overwhelming numbers to force the County Commissioners to respect the wishes of the citizens of Harper.

The hearing is set for Wednesday, June 26th, at 11:30 AM.

#1

July 18, 1983

I wish to vote in favor of one acre zoning. I have a son who has spent his life on my farm. He and his wife have worked and saved to build a home. There is no way I can get 5 acres released from Federal Land Bank for him to build on.

I resent very much after all the work and sweat we have both put into this farm, that neighbors that have already built and sold lots to others, can tell me my son can't build.

We were lied to when this zoning went through by being told that if a son wanted to build we would only have to apply for a variance to the zoning board and we would be able to build.

J. Max Baugh

Gentlemen,

In the interest of understanding, I would like to answer some of the statements, feelings, and accusations made at the hearing (Harper rezone) Wed. June 26, 1985. I believe much was said that was without understanding of the extent of the petition.

First, the fact that only frontage property is involved erases much substance from most of the judgements expressed. There was not one possible instance where a building lot could be made east or above another piece of property which then negates pollution of water supplies.

Second, that water must be available and approved by the State water engineer before building is permitted.

Third, that sewer or septic tank problems must be accounted for and approved by the County Health before building permits are given. Again, no protester is endangered by a building lot above them. Mr. Beecher explained very well all that a builder do^e before he is allowed to build.

Fourth, building is limited to a very few in number as I will outline. Limitations, such as no water, such as a frontage of less than 200 feet, and such as those who do not wish to participate, really limits to four (4) the number of lots way into the foreseeable future. According to the hearing there was a general feeling that hundreds of homes were expected. Scare tactics and innuendoes were used, causing maybe a real fear in the minds of a few. I believe some of this fear was built up by the unsigned flyer (inclosed) which was a personal attack and consisted of untruths. No one has accepted responsibility for this libelous sheet even by the leaders of the opposition.

An honest and investigative outline of possible additional homes is as follows. Every property in the petition area is included.

- 0 La Rue Yates-----none
- 0 Kent Yates-----none all property in Honeyville
- 2 Mack Young-----ONE additional home
- 2 Vic Thompson-----possibly one because of frontage, but no water
- 0 Audrie Jensen-----none
- 0 Robert Jensen-----none
- 2 Von Curtis-----ONE
- 2 Wise-----none no frontage or water
- 2 Cal Thorpe-----ONE
- 2 Partridge-----one possible because of frontage but no water
- 0 Kieth Warren-----one possible because of frontage but no water
- 2 Merrill Stone-----none no water

- 2 L Petersen-----none , no water or land
- 2 Garry Warren-----none no frontage or water
- 2 Max Baugh-----ONE
- 1 Edith Baty-----none
- 0 L Briggs-----none
- 0 Susan Daniels -----none
- 2 Thomas Baty-----none frontage for 2 or 3 but no water
- Dan Baty-----none

I believe only four (4) homes will be built in the next ten (10)

years or more.

All others of so called involved residents do not live within the area petitioned. Hawker, Worthington, Wright are all east of the area and are in a RR5 zone not in the petition. Their water supply is above even their homes.

Even those who live in the proposed change area have no possibility of pollution because of the possible growth. No one can build above them

For all, who live south of the zone being petitioned, are not endangered in any way and should not have judgement or control over properties out of their area. The question of many different zones was brought up. Our area is more involved with Honeyville than that which is still called Harper.

Our plan or petition coincides with the Honeyville Highway property restrictions. It does not change rural atmosphere from either end. Church, school and sports associations are with Honeyville

The accusation that rezoning is only for greedy motives("they are only pushing it for the money") is a little silly coming from a businessman. Of course I'd like to use my land for my benefit. Is that wrong? If so by what principle does the businessman retail his products? In the last 25 years I've raised my family and enjoyed my land. My goals have now changed, the weeds are winning again, and it simply makes more sense to divide it into more manageable plots.

As there was a possible conflict of interest, Commissioner Curtis withdrew from discussion and judgement which he and I agreed upon a long time ago. I believe that Mr. Breitenbeker should exclude himself from discussion and judgement in the planning committee because of his personal involvement in the issue.

We were told when the zone was first established that the people could change the zone as the needs and desires of the community changed. The majority of the residents within the area have petitioned for a change to RR1. I request your positive vote. Thanks

Von R Curtis

Brigham City, Utah
12 July 1985

Box Elder Planning Commission
Gentlemen:

Perhaps you will allow me to express some of my feelings regarding the planning meeting held 26 June 1985. Mr. Denton Beecher started the proceedings by outlining, very clearly and precisely, the terms that would have to be met before any home could be built in the approximately one and one-half mile strip along Hiway 69 between the Honeyville line and the Max Baty property to the south...

- ...1. Water must be available and approved by the State Water Engineer.
- ...2. Sewer or septic tank problems must be controlled as per Box Elder County Health Department requirements before a home could be built.
- ...3. There would be a required minimum frontage of ~~150~~²⁰⁰ feet and 1 acre area.
- ...4. Property could only be divided once unless the owner applied and was granted clearance for a sub-division which would be a separate hearing in itself.

Several people at the meeting who spoke entirely ignored these stated requirements. Had they really listened to Mr. Beecher's instructions there would have been no need for the scare tactics some used to intimidate others - for instance, that hundreds of homes could be built when actually, very very few could be.

No stipulations were made at the meeting as to who had a right to voice their opinion, with the result that several who cannot possibly be affected by 'contamination of their water supplies and/or sewage pollution' were allowed to speak. Mr. Baty said he had 46 signatures against a zone change. How many of those who signed actually live in the area in question? On the other hand, Mr. Von Curtis has the signatures of 75% of those in the subject area stating their desire to have a zone change.

Glen Curtis, one of the County Commissioners, agreed to step aside on this issue because of the father-son relationship to Mr. Von Curtis, one of those seeking a zone change. Mr. DeVon Breitenbeker is a member of the Planning Committee and as such should also have stepped aside. Like Mr. Baty, he does not live in the area of requested zone change, and will not be affected by the outcome. I felt that his remark that 'they are only doing it for the money' was offensive and certainly a biased remark coming from a member of the Box Elder Planning Committee.

America is built on the free enterprise system - yes, a profit system. Isn't that why he operates his store? I don't feel a total desire for 'money' is the reason for this requested zone change to 1-acre. Something more basic is involved here. Its the 'right' of people to do with their property as they see fit, or perhaps, simply, as needed.

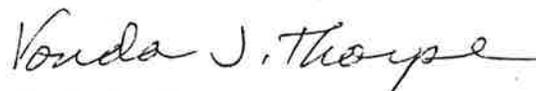
Many of the people living between Brigham City and Honeyville are old time residents. Are they to be denied their right to provide for their retirement years? Some will have to meet large medical bills, others may face an immediate need for cash. If they could sell part of their ground, or if they could give an acre or so to their children, they could pay their expenses and remain independent. Without the right to dispose of their own property as they see fit they have really become wards of the state.

One of the reasons Box Elder County voted so overwhelmingly for President Reagan was that he stood for the rights of the people as presented in our Constitution. All citizens and, in particular, all elected officials, should strive to uphold those rights.

You commissioners have a hard decision to make. It will be impossible to make a decision that pleases all. I hope you will give serious consideration to the feelings of that 75% who actually live in the subject area and not be swayed by scare tactics or opinions of those not affected one way or the other by your decision. The people living in the requested zone change area should be the ones to have a voice in bringing about a zone change, not those who do not live here and who, therefore, would not be directly affected by the outcome. Those in the area have indicated a desire to align themselves with Honeyville and the one-acre zone petition fits right in with the Honeyville Highway property restrictions.

Thank you for taking the time to read my letter. I remain -

Yours Truly,



Vonda J. Thorpe

1220 West 4575 North
Brigham City, Utah

#1
6 July 85

To Whom it May Concern!

We're sorry we weren't able
to attend the last meeting
concerning the re-zoning.

We are in favor of the
action that V. Curtis is
taking. We will attend
the next meeting.

W. Smith.

Wilson Smith

Kate Smith

M E M O

TO: File - Box Elder County - Willard City
Special District for Flood Control & Drainage

FROM: Russell O. Brown

DATE: October 12, 1982

SUBJECT: Field survey of flood of September 26 from Cooks
Canyon and Holmes Canyon

An intense storm centered over northern Utah on the week of September 26th, 1982, causing substantial flooding. Bob Kunz, Russell O. Brown and Robert North made a field survey of the area of Cooks Canyon and Holmes Canyon east of Willard, Utah, on Tuesday, October 5th. This memo records the finding of the inspection trip.

The news media reported a 24 hour rainfall of 2.95 inches at the Brigham City weather station. This actually fell in less than 24 hours and would represent between the 50-year and 100-year rainfall. Robert North reports that the flooding from Holmes Canyon began about 10:00 a.m. on Sunday, September 26th and lasted for about 3 hours. Flood waters crossed U.S. 91 in an area from Glenn Woodyatts at about 680 South in Willard City to the Box Elder County line. The storm seemed to be centered south of Wilard Creek. A substantial flow came from Willard Creek but caused little damage.

Cooks Canyon. The erosion channel at the canyon mouth labled (A) on the attached drawing is about 50 feet wide and it appears that the water was about 3 feet deep. A stream of this size at the channel slope would be about the estimated 100-year flow of 200 cfs. A log about 2 feet in diameter and 40 feet long that was across the channel at point prior to the flood was still in place and had not moved. Rocks about 2 foot in diameter located downstream of (A) that we had painted prior to the flood were still intact. We examined the channel and its banks and it would be quite difficult for a flood at even a larger magnitude to leave the existing channel above point (B). It appears that in the area of point (B) the flow was spread out and substantial amounts of gravel and rock were deposited. This can cause the flood flow to shift.

A small amount of water did leave the channel as shown by the arrows on the map. The entire channel could shift to the east. The limit of possible channel movement is shown by the arrows. At point (C) the channel did shift during the storm. Apparently the initial flow was down

channel labeled ① with some water going down channel ② and the final flows were down channel ③. The natural contour of the land would make it difficult for the channel to move to the north beyond channel ③. Point ④ is the pineview canal and erosion channels across the road indicate that the flow was less than 100 cfs.

The channel from ① to ④ is about 2000 feet long and it appears that the peak flow was reduced about 50% in this area. The same affect was observed in our measurements of the May 26, 1981 flow.

The pineview canal was empty during this storm. The flow down channel ③ went on both sides of the flood bridge and filled the canal with gravel. The flow from channel ② got under the canal lining and caused it to float up about 2 feet and moved it about 2 feet to the west. Sand was deposited under the lining.

A small flow left channel ③ just below the canal. This is labeled ④ on the drawing. There is minimum erosion and or debris deposition between the canal at ④ and point ⑤ in either channel ① or channel ③. The estimated flow at point ⑤ from channel dimensions and slope is about 50 cfs. The peak flow at ① was reduced by 2/3 due to channel loss and spreading by the time it got to ⑤. Below ⑤ the land levels out somewhat and the materials are finer grained. Substantial erosion occurred with the materials being deposited on the State Highway.

Holmes Canyon. It is more difficult to estimate the flow at the mouth of Holmes Canyon at point ⑥ but it was probably larger than the 200 cfs estimated for Cook's Canyon. There is an existing rock gabion between point ⑥ and point ⑦ that keeps the flood from going to the north. A small amount of water overtopped the bank at ⑦ just below the gabion. The flow could leave the channel at this point. If it did it would take the channel labeled ⑧. The flow from the September 26th flood split at the point labeled ⑨. Substantial rock and debris was deposited in the area between ⑨ and ⑩. ⑩ is located on the canal. The flood covered the entire area between flow channel ⑤ and ⑥. The south part of the flow was deflected by an existing gabion just below the road and channel ⑤ and ⑥ combined and crossed an existing gabion at ⑪. This long gabion was constructed level with the intent being to spread the flood waters.

October 12, 1982

The water crossed it in one place with the bulk of the flow going down channel ⑤ which is the channel made by the last few storms. A small stream went directly west to the highway. The major stream left the existing channel at ① and flooded over a wide area going west to the highway.

Most of the channel erosion occurred between ② and ③ with the material being deposited between ④ and ⑤. Erosion then occurred in the finer materials below ⑥ with the material being deposited in the vicinity of the State Highway.

It appeared that the size of stream was reduced substantially as it traveled down the fan to the west.

Conclusions. Several conclusions can be made from our observations that will aid in the design of storm drainage facilities in the area. They are as follows:

1. The existing channels and alluvial fans reduce the peak flows substantially. They should remain undisturbed with some minor gabion dikes constructed to protect developed areas. The detention basins at the mouth of the canyons are not necessary if the areas shown on Figure 2 remain as they are at present. These areas should be zoned or otherwise designated as floodways and no changes be permitted.

2. The canal should be piped through the potential flooding area. This will require about 700 feet on Cook's Canyon and about 350 feet on Holmes Canyon.

Willard City Corporation

49 North Main



Willard, Utah 84340

June 14, 1985

RECEIVED BY
JUN 21 1985
BOX ELDER COUNTY

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

ATTN: Chairman Richard Kimber

We acknowledge your request for Willard City Council to make known to you their position on the gravel pit issue. Our position is as follows:

We request that Box Elder County Planning Commission issue no new gravel pit permits. We further request that no extensions be given on present gravel pit permits.

We ask that you acknowledge this position and make it a part of your stand on gravel pits in and around the Willard area.

We will take necessary steps to strengthen our position in this matter and hope you see fit to give the citizens of Willard their protection through your planning also.

Thanking you in advance,

WAYNE H. BRAEGGER
Mayor, Willard City



**ROLLINS,
BROWN AND
GUNNELL,
INC.**

1435 WEST 820 NORTH
PROVO, UTAH 84601
(801) 374-5771

July 16, 1985

Box Elder County-Willard City
Special District for Flood Control
and Drainage
Willard, UT 84340

Gentlemen:

I have reviewed the property included in the zone change being requested by Fairbanks, Christensen, Lemmon et al. This property is not located in one of the major flood channels of the District. Flood control and drainage involves only the runoff from the property itself, primarily from streets that might be constructed. Development plans should be reviewed when they are available to insure that adequate local drainage is provided. I do not see any problems in the development of an adequate drainage system. The approval of zoning that will permit one-half acre lots will not have a significant impact on flood control or drainage in the area.

Sincerely,

ROLLINS, BROWN AND GUNNELL, INC.

Russell O. Brown

ROB/jbt

*Professional
Engineers*