

PLANNING COMMISSION MEETING

July 19, 1984

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday, July 19, 1984, at 7:30 p.m.

Members present were: Richard Kimber, Kent Newman, J. Glen Nelson and Don Chase.

Ex-officio: Jay Hirschi

The minutes of June 21, 1984, were presented for approval.

J. Glen Nelson made a motion that the minutes be approved as written.

Motion was seconded by Kent Newman with all voting in favor.

ROY KEITH AND KOA CAMPGROUND

Roy Keith met with the Commission to get final approval for his campground and authorization to issue building permits. Roy said he had previously checked with all neighbors in the area and they were in favor of the development and improvement. He said that the only way to control the usage would be to have mobile homes which would be located on lots ranging from the smallest of 50' X 100' and the largest of 65' X 100'. Motion was made by Don Chase to approve the final plat for the Mobile Village and approve issuing building permits on condition that Mr. Beecher has confirmed that all requirements have been fulfilled. Motion was seconded by Glen Nelson with all voting in favor.

SHERMAN EARL CONCEPT PLAN - 5 LOTS

Sherman Earl presented a concept plan for the development of 5 lots located along the highway at the top of the hill just before entering Beaver Dam from the West. The Comm. informed Mr. Earl that the UDOT would have to approve access to the lots from the highway. Mr. EARL said he contacted the State Road and received a verbal approval with the payment of \$5.00 for each access. It was suggested that Mr. EARL contact the road department in Ogden for a definite commitment before he starts any development. He said he would, but first wanted an approval from the Commission on the concept only, with the obligation of working out utilities, access, water, etc. later. Motion was made by Don Chase to give concept approval providing all requirements are met as he proceeds. Motion was seconded by Kent Newman with all voting in favor.

MINOR CHANGE TO SUB-DIVISION ORDINANCE

Chairman Richard Kimber presented a letter he received from County Recorder Marie Korth in which she requested a revision be made to the Sub-division Ordinances. (Copy 1). Don Chase suggested that if the Planning Commission approves, he would present the request in their next County Commissioners meeting, and report back at the next meeting. Approval was given that the matter be discussed in the Commissioners meeting.

BOARD OF ADJUSTMENTS

Mr. Don Chase presented a letter received from the County Attorney which further explained the action taken by the Board of Adjustments regarding the Von Curtis case. (Copy 2). After the letter was read, it was suggested and approved that Mr. Clifton Kerr and other members of the board be invited to the next Planning Commission meeting to explain the decision of the Board of Adjustments and review the problems that could arise if the Board of Adjustments and Planning Commission are not in unison on most issues. Confirmed that Mr. Kerr be invited and given the first 15 minutes of the next meeting.

Meeting adjourned at 8:30 p.m.



CIRCA 1890's

Box Elder County,

STATE OF UTAH

BRIGHAM CITY, UTAH 84302

OFFICERS

GLEN S. FIFE, COUNTY TREASURER
JAY R. HIRSCH, COUNTY CLERK
ROBERT E. LIMB, COUNTY SHERIFF
MARIE G. KORTH, COUNTY RECORDER
JON J. BUNDERSON, COUNTY ATTORNEY
VON R. CURTIS, COUNTY ASSESSOR
DENTON BEEGHER, COUNTY SURVEYOR
DORIS L. OLSEN, COUNTY AUDITOR

COUNTY COMMISSIONERS
DON E. CHASE
GLEN R. CURTIS
JAMES J. WHITE



CIRCA 1980's

June 29, 1984

Richard Kimber, Chairman
County Planning Commission
803 Edgehill Drive
Brigham City, Utah 84302

Dear Richard,

Our office has frequent requests from title companies, lending institutions and individuals to clarify the present lot and block number system we use on our subdivisions. In reviewing the ordinance, 7-4(5), I would like to submit the following revision for your consideration and possible adoption:

7-4(5) All blocks-and-all lots within-each-block shall be consecutively numbered.

By eliminating the blocks and numbering all lots consecutively it would certainly eliminate possible errors on descriptions and confusion in this area.

Warmest regards,

Marie G. Korth
Box Elder County Recorder



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CIRCA 1980'S

July 13, 1984

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

RE: Planning Commission Matters

Dear Sirs:

On May 24, 1984, the County Attorney's Office, by letter, submitted an opinion to the Box Elder County Commission, at their request, concerning the respective powers and duties of the Board of Adjustment.

It has come to my attention that the Planning Commission has some question about that particular opinion. I have spoken with Don Chase, Chairman of the County Commission, concerning that question, and he has requested that I put the substance of what I have told him in writing.

In our opinion, as stated in paragraph three (3) of our letter of May 24th, the Board of Adjustment does exist to grant variances from the terms of the zoning ordinance. That makes them a body to which decisions of the Planning Commission may be appealed, and they have full legal authority to not only grant variances but, in the course of granting variances, to overturn Planning Commission decisions.

Page two of our previous letter, paragraph two, explains that, based on the information provided to us at the time, the Board of Adjustment did not technically support their decision as required by the statutes and ordinances, because they did not make specific findings which became part of the official record.

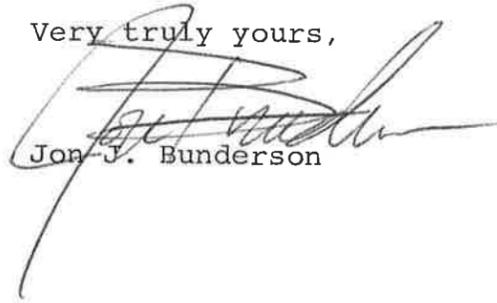
Our letter of May 24th further stated that Box Elder County could sue in the District Court to overturn the decision of the Board of Adjustment, within a certain time frame. Our opinion was, and still is, that had the County decided to appeal the decision, the District Court would not necessarily overturn the decision, but would probably simply tell the Board of Adjustment to support their decision by making findings in the official record.

However, I think the point of appeal at this time is moot, since the allowed time has expired.

In short, the decisions of the Planning Commission are subject to review by the Board of Adjustment, and are subject to being overturned by the Board of Adjustment, since the Board of Adjustment does possess the power to grant variances. That is why the Board of Adjustment exists, and it is part of the zoning ordinances adopted by the County and the statutes adopted by the State Legislature.

I trust this will answer your questions.

Very truly yours,



Jon J. Bunderson

JJB:jh