

**MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
AUGUST 28, 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 Main in Brigham City, Utah at 7:00 p.m. on August 28, 1997.

The following members were present constituting a quorum:

Richard Kimber	Chairman
Louis Douglas	Member
David Tea	Member
Deanne Halling	Member
Jon Thompson	Member
Stan Reese	Member
Royal Norman	Commissioner
Denton Beecher	Ex-Officio Member, Surveyor
LuAnn Adams	Recorder/Clerk

AGENDA: (ATTACHMENT NO. 1)

CHAIRMAN RICHARD KIMBER PRESENTED THE MINUTES OF MAY 15, 1997 AND JUNE 19, 1997 FOR APPROVAL. A MOTION WAS MADE BY JON THOMPSON TO APPROVE THE MINUTES AS WRITTEN. THE MOTION WAS SECONDED BY STAN REESE AND UNANIMOUSLY CARRIED.

BEN BOYCE - REQUEST REFERRED FROM COUNTY COMMISSION TO DEED BRIGHAM CITY A SMALL PORTION OF LAND SOUTH OF THE ANIMAL SHELTER ON WEST FOREST

Bruce Leonard, Director of Public Works acting in behalf of Ben Boyce, stated that two weeks ago Brigham City came to the Box Elder Commission Meeting requesting Box Elder County deed a parcel of property to Brigham City located south of the Brigham City Animal Shelter and west of 1200 West. He stated that the purpose of Brigham City needing the property is to create a mitigation to satisfy a 404 permit from the Corps of Engineers. He said the master plan for the area includes a pedestrian bicycle corridor going east and west which will connect to a trail system; a portion of the sidewalk has been constructed. Mr. Leonard explained that once completed the sidewalk will go to the bird refuge headquarters and tie into the trail system. He said a portion of the sidewalk has been constructed. He said the area by the animal shelter is involved in wetlands. They are asking Box Elder County to relinquish by quit claim deed ½ acre more or less so they can show ownership of the mitigation site. County Surveyor Denton Beecher explained that the county tombs' building will not be used once the new public safety building is completed; the radio equipment will then be moved.

MOTION: A motion was made by Jon Thompson that the Planning Commission recommends the County Commission transfer the property to Brigham City Corporation and that the tombs be allowed to remain and the right-of-way be in place. The motion was seconded by Louis Douglas and unanimously carried.

JERRY WILDE - DISCUSSION WITH THE PLANNING COMMISSION

Gary Warren, Bill Astle, Glade Evans and Jerry Wilde came to the Commission Table. Jerry Wilde stated that Harper Ward has some unique problems. It was zoned five acres with frontage on Hwy 38 or an approved street. Mr. Wilde is wondering what happened to the improved street law. He said a couple of years ago a water line was put in and the citizens were concerned about the expense. He said it will really get expensive if they have to put in a sewer system. He again asked the question, "What happened to the frontage on Hwy 38 or an improved street?"

Glade Evans cited an incident. He said 20 years ago he developed a spring that went through his property. Four homes are now above him, and the spring is no longer good for culinary purposes.

Chairman Kimber suggested that the Planning Commission look at the zoning ordinance in the area.

Jon Thompson recommended that the citizens of Harper Ward form a committee for the people in the area to take a census and work to see how the people in the area want to change the zone. He also suggested that they sit down with County Surveyor Denton Beecher and review the existing zone. He then suggested that after they have their changes, come back to the Planning Commission for consideration.

Deanne Halling said the night that the improved street issue came up, the Planning Commission discussed it in detail. She stated, "We went with what the letter of the law stated." She said that we would like to work with Harper Ward. The Planning Commission would love to have some suggestions come back from the community and possibly make some suggestions.

CONDITIONAL USE PERMIT FOR GILBERT WESTERN CORP (Attachment No. 2)

County Surveyor Denton Beecher explained that Gilbert Western Corp is the contractor reconstructing I-84 east of the Howell exit over to the Blue Creek exit. They are requesting a conditional use permit for some gravel sources. Gilbert Western Corp also has a good plan on rehabilitating the areas after they are finished with the road project. They will cover with top soil so the land can be used for dry farming. The project will be completed in 1998. Gilbert Western has paid the fee. Mr. Beecher stated that because of the cancellation of the July meeting, he gave the company permission to go ahead and start.

MOTION: A motion was made by Louis Douglas to approve the conditional use permit for Gilbert Western Corp with the conditions that the pits be regraded with top soil and ready for the farmer to plant at the end of 1998. The motion was seconded by Stan Reese and unanimously carried. (See Attached Permit No 61)

LETTER FROM A MRS. HESS WITH A COMPLAINT ON ZONING (Attachments 3 & 4)

County Survey Denton Beecher stated that he received a letter from Susan Hess regarding the junk yard recently developed near West Fielding. Mr. Beecher responded to the letter. (See Attachments No. 3 and No. 4) The Planning Commission agrees with Denton Beecher's comments, and no further action was taken.

SUBDIVISIONS MAJOR AND MINOR

Nancy Burton is requesting two minor subdivision:

North Farm Minor Subdivision located on 10400 North just west of 10800 West. They would like to create a one lot subdivision that fronts the county road and Hwy 102. The Health Department has given their approval with the stipulation that there be a 200-foot separation from the irrigation gate and 200 feet from the drain field and well. The application is approved for drilling of wells.

MOTION: A motion was made by David Tea to approve North Farm Minor Subdivision and allow Chairman Kimber to sign the plat. The motion was seconded by Louis Douglas and unanimously carried.

South Farm Minor Subdivision is located on 10800 West between 9600 North and 10400 North. The subdivision is a one-lot subdivision. The Health Department has given their approval, and they have approval to drill a well.

MOTION: A motion was made by Stan Reese to approve the South Farm Minor Subdivision and allow Chairman Kimber to sign the plat. The motion was seconded by Commissioner Norman and unanimously carried.

TOLMAN SUBDIVISION

The Tolmans are requesting a concept/preliminary approval. County Surveyor Denton Beecher pointed out that years ago this subdivision was the Sunset Park Subdivision. The road was dedicated out to 11600 West (Hwy 102) south of the Thatcher LDS Church on the west bench to be used for a subdivision. Mr. Beecher also pointed out that this land is marginal farm land. They will get water from an existing well and the reservoir that serves the area. Mr. Beecher is also suggesting that they pave the portion of the road that is shaded on the plat.

MOTION: A motion was made by Commissioner Norman to accept the concept/preliminary submittal for the Tolman Subdivision. The motion was seconded by Deanne Halling and unanimously carried.

ROBINSON SUBDIVISION

The Robinson Subdivision is located north of the Garland Sugar Factory. They have title insurance and an escrow agreement for \$26,000 to do improvements on the subdivision road and to put in a water line. They also have a permit from UDOT. This is a five-lot subdivision. Lot one has already been built on.

MOTION: A motion was made by Stan Reese to accept the Robinson Subdivision providing the road improvements are done and a water line is put in and authorize Chairman Kimber to sign the plat. The motion was seconded by Jon Thompson and unanimously carried.

BRAD BOURNE MINOR SUBDIVISION

County Surveyor Denton Beecher explained that the Brad Bourne Minor Subdivision is located on 16800 North west of SR 13, also west of Fielding. This is a seven-lot subdivision. They have received approval from the Health Department with the stipulation that no basement plumbing be allowed.

MOTION: A motion was made by Jon Thompson to approve the Brad Bourne Minor Subdivision and authorize Chairman Kimber to sign the plat. The motion was seconded by Stan Reese and unanimously carried.

MANNING MINOR SUBDIVISION

County Surveyor Denton Beecher explained that the Manning Minor Subdivision is located west of the railroad tracks and east of the canal on 13600 North. They will receive their water from the Riverside/North Garland Water System.

MOTION: A motion was made by Stan Reese to approve the Manning Minor Subdivision and authorize Chairman Kimber to sign the plat with the stipulation that no building permits be issued until they show approval of a water system from the Riverside/North Garland Water Company. The motion was seconded by Jon Thompson and unanimously carried.

SHAFFER MINOR SUBDIVISION

County Surveyor Denton Beecher stated that the Shaffer Minor Subdivision is located south of SR 30 East on 4400 West. They want to create a one-lot minor subdivision. They have approval from the Health Department and they have water.

MOTION: A motion was made by Louis Douglas to accept the Shaffer Minor Subdivision and authorize Chairman Kimber to sign the plat. The motion was seconded by Stan Reese and unanimously carried.

STEPHEN MISRASI MINOR SUBDIVISION AMENDMENT

County Surveyor Denton Beecher explained that this minor subdivision is located on 5200 West, just south of Hwy 13. They are requesting amendment approval for the minor subdivision. The Health Department has given approval with the stipulation that two lots be combined into one to give a proper separation from well and services. Lots four and five will now be lot four; the remaining lots will remain the same.

MOTION: A motion was made by Jon Thompson to approve the Stephen Misrasi Minor Subdivision Amendment and allow Chairman Kimber to sign the plat. The motion was seconded by Stan Reese and unanimously carried.

SIGN OVER LAY DISTRICT-DISCUSSION

County Surveyor Denton Beecher pointed out that the county does not have a sign overlay ordinance in place. He said the ordinance refers to signs but Box Elder County has never adopted a sign overlay district. Chairman Kimber suggested that the Planning Commission review the existing ordinance and also check with other counties.

REQUEST FROM UTAH PROTECHNICS FOR A CONDITIONAL USE PERMIT

County Surveyor Denton Beecher noted that Utah Protechnics are requesting a conditional use permit southeast of Curlew Junction which is in an unzoned area. Mr. Beecher said because it is an unzoned area no building permit is needed but they do need to have water, sewer and access to the property. Chairman Kimber recommended that Mr. Beecher respond to Utah Protechnics.

EXCAVATION ON CRABTREE PROPERTY (Attachments 5&6)

County Surveyor Denton Beecher said Commissioner Hardy has been concerned about the excavation near the former Clay property in South Willard. They are actively hauling gravel. Mr. Beecher has tried to get him to get an excavation permit. He submitted a letter in May. He received a letter back indicating that the family has used the land for excavation for many years; therefore, it is grand fathered in and they can take gravel off of the land. (See attached letters)

ADJOURNMENT

A motion was made by Stan Reese. The motion was seconded by Commissioner Norman. The meeting adjourned at 9:13 p.m.

Passed and adopted in regular session this 18 day of September, 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 August 28, 1997 at 7:00 P.M.
2. Notice given to the newspaper this 27th Day of August 1997
3. Approval of the minutes of June 20, 1997
4. Scheduled Delegations:
 - A. Ben Boyce - Request referred from County Commission to deed Brigham City a small portion of land So. Of the Animal Shelter on West Forest.
 - B. Jerry Wilde - Discussion with the Planning Commission.
 - C. Conditional Use Permit for Gilbert-Western, *184*
 - D. Letter from a Mrs. Hess with a complaint on zoning.
 - E. Subdivisions Major and Minor.
 - D. Sign over lay district-discussion.
 - E. *REQUEST FROM UTAH PYROTECHNICS FOR A C.U.P.*
 - F.
 - G.
5. Old Business:
 - A.
 - B.
 - C.

BOX ELDER COUNTY, UTAH
CONDITIONAL USE PERMIT APPLICATION

Application No. 61
Applicant Name Gilbert Western Corp.
Applicant Address P.O. Box 307 Tremonton, UT, 84337
Bldg. Address City State Zip Code

Submitted for land located at T.13 N., R.6 W., S.2, T.13 N., R.5 W., S.7, T.13 N., R4 W., S.31
The use category is Gravel Extraction, which is a conditional use in
the UNZONED Zoning district.
Fee paid \$ 100.00
Date June 18, 1997

APPLICANT SIGNATURE *Ruth L. Hann* DATE 6-19 19 97

SUMMARY

The intended use is Common Borrow to be excavated and used for I-84 reconstruction.
The site is described as follows:
See attached map.

SITE PLAN

The site plan shows the following public improvements: N/A

The site plan shows the following private improvements: N/A

The abutting properties are described as follows: (all) See attached map.

SPECIAL CONSIDERATIONS REQUIRING A CONDITIONAL USE PERMIT

1. Off site improvements
N/A

2. Environment concerns-sensitive areas due to:

- soils capabilities
- wildlife and
- plant life
- flood potential
- soil stability

3. What are the processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and the control of objectionable odors?

Sediment dam with settling basin, Dust control, Drainage control

4. The planting of ground cover or other surfacing to prevent dust and erosion will be located.
Topsoil will be replaced after utilization. Seeding will be completed by
owner.

7.1.2.2 For all types of conditional uses, final plan approval, or a specific conditional use permit will be issued for the particular use as appropriate or as provided for in the LAND USE MANAGEMENT AND DEVELOPMENT CODE.

7.1.6 **Issuance of Conditional Use Permit to be dependent on affirmative Findings.** Conditional uses may be approved by the County Commission upon recommendation of the Planning Commission, in locations permitting such uses in this Code. Before approval is granted, a report to the governing body by the Planning Commission shall find that the proposed development will meet the requirements of this Code. The staff may issue a conditional use permit for conditional uses that have been pre-authorized by the Planning Commission and County Commission subject to a final 15-day review of the record by those bodies. The Planning Commission may issue a conditional use permit for a use preauthorize by the County Commission subject to a 10-day review of the record by the County Commission.

7.1.8 **Inspection, General.** Following the issuance of a conditional use permit, the Zoning Administrator shall inspect such use to insure that development is undertaken and completed in compliance with the conditional use permit.

7.1.12 **Commencement of Construction.** Site improvement or grading of any proposed development site prior to Preliminary Design Plan approval by the Planning Commission and County Commission is prohibited.

7.3 GENERAL STANDARDS FOR CONDITIONAL USE DEVELOPMENTS.

When applicable, the following general standards shall apply to all conditional use developments within the County, unless waived for good and sufficient reasons by the Planning Commission:

____ **7.3.1** The development shall be in single or corporated ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

____ **7.3.2** Landscaping, fencing and screening within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Planning Commission for approval, together with other required plans for the development.

____ **7.3.3** The size, location design and nature of signs, if any, and the intensity and direction of area lighting or flood-lighting shall be detailed in the application.

____ **7.3.4** A grading and drainage plan shall be submitted to the Planning Commission with the application.

____ **7.3.5** A planting plan showing the proposed tree, shrubbery, and lawn plantings shall be prepared for the entire site to be developed, including especially the years which abut upon public streets. The plan will also indicate how the plantings will be irrigated and otherwise maintained.

- _____7.3.6 It shall be shown that under the circumstances of the particular case, the proposed use will be detrimental to the health, safety, or general welfare of persons residing in the vicinity of the conditional use development.
- _____7.3.7 All buildings used for human occupancy when completed shall be served by a central water system and central sewage disposal system which have been approved by the Building Official and which are in compliance with applicable local and State law.
- _____7.3.8 In order to insure that the development will be constructed to completion in accordance with approved plans, the Planning Commission shall require the developer to post a bond or mortgage or other valuable assurance acceptable to the County Commission in an amount equal to the estimated cost, plus 10% of constructing all required landscaping, road improvements, pedestrian ways, bike paths, curbs and gutters, hard surfacing, culinary water and sewer lines (and domestic sewage disposal facilities if sewer is not available), as shown on the final site plan. Estimates of cost shall be furnished by the developer which will be checked for accuracy by the Planning Commission staff. Final determination of the amount of the bond or other assurance shall be made by the County Commission.
- _____7.3.9 In the event that the land contained within a development is traversed by a proposed major street, water line, sewer line, or drainage channel shown on the General Plan, or any other official Municipal map, said development shall be designed in accordance therewith. The right-of-way across the development for said major streets, or other right-of-way shall be dedicated to the public.
- _____7.3.10 Grouping and spacing of buildings and dwellings in residential areas shall provide for a restful and uncrowded environment. Landscaped areas shall be encouraged as the dominant features of the development. Areas not covered by buildings or by off-street parking space or driveways shall generally be planted into natural vegetation, lawn, trees and shrubs, and otherwise landscaped and maintained in accordance with good landscape practice as approved on the final plan. Permanent automatic irrigation systems shall be installed when required by the Planning Commission to provide for maintenance of planted areas.
- _____7.3.11 Details of plans, Plats, and documents to be submitted showing the size of water lines, sewer lines and other domestic sewage disposal facilities, garbage and trash disposal, the quality of material and improvements, protection from adverse influences, lighting, landscaping, off-street parking, grading and other details of design and construction shall conform to standards as set forth in such resolutions pertaining to such standards as may be adopted by the Planning Commission.

7.3.12 The development shall meet all standards and requirements of the Land Use Management and Development Code and all requirements of applicable ordinances.

7.3.13 The development shall be in keeping with the general character of the district within which it is to be located.

7.3.14 Depending upon the complexity of the project, the Planning Commission may require that plans for the development be prepared by a qualified professional team. In all cases, it is recommended that professional design and other assistance be obtained early in the program. It is the intent of the County that the developer solve his problems before approval is given and construction begins.

7.3.15 Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.

7.3.16 All structures required by the Land Use Management and Development Code to have building permits and all uses required to have use permits shall be inspected by the Building Official in accordance with procedures established by the Uniform Building Code.

3.2 DOCUMENT SUBMISSION AND REVIEW PROCEDURES

3.2.1 **Pare-Submission Procedures.** To facilitate the handling of applications, the Planning Commission may adopt pare-submission procedures to allow for adequate investigations and staff review and may require compliance with such pare-submission review procedures as a prerequisite to formal receipt and action by the Planning Commission. Pare-submission review shall in no way be interpreted to mean review by the Planning Commission.

3.2.2 **Submission and Docketing for Review.** Upon receipt of all required fees and information for any specific step of the review procedure, the Zoning Administrator and other members of the Technical Review Committee, shall review the application for completeness and compliance with the provisions of this Code and other pertinent municipal regulations. When the Zoning Administrator determines that the application is ready for Planning Commission review, the Chairman of the Planning Commission will docket the application for review at the next regular public meeting of the Planning Commission. Incomplete applications shall not be docketed for Planning commission review.

3.2.3 **Applicability of Application and Document Requirements t Types of Uses.**

3.2.3.1 Application and concept plans are required for all land uses.

3.2.3.2 Applications, preliminary design plans, and final plans may be required for all conditional uses (CU):

_____ Panned Unit Developments (PUD)
_____ Subdivisions
_____ Mobile Home Parks (MHP)
_____ Mobile Home Subdivisions (MH Sub)
_____ Recreational Vehicle Parks (RAP)
_____ Commercial (COM)
_____ Industrial Sites (IN)

See chapter 3 for detailed requirements for information and processing steps.

7.2 PERFORMANCE STANDARDS FOR CONDITIONAL USES

7.2.1 Applicants for conditional use permit shall meet all specific requirements made in this land Use Management and Development Code. Also, the Planning Commission may establish additional requirements as outlined herein to meet the concerns of safety for persons and property, health and sanitation, environment, General Plan proposals and neighborhood needs, performance, and administration. More specifically, the Planning Commission may require:

- _____ **7.2.1.1** Special conditions relating to safety for persons and property.
- _____ **7.2.1.2** Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
- _____ **7.2.1.3** The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.
- _____ **7.2.1.4** Increased setback distances from lot lines where the Planning Commission determines it to be necessary to insure the public safety and to insure compatibility with the intended characteristics of the district as outlined in this Code.
- _____ **7.2.1.5** Appropriate design, construction and location of structures, buildings and facilities in relation to any earthquake fault which may exist on the property, and limitations and/or restrictions on the use and/or location of uses due to special site conditions, including but not limited to geologically hazardous areas; flood plains; fault zones; landslide areas.
- _____ **7.2.1.6** Limitations and control of the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.
- _____ **7.2.1.7** Plans for the location, arrangement and dimensions of truck loading and unloading facilities.
- _____ **7.2.1.8** Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.
- _____ **7.2.1.9** Reduction of permitted street grades for winter and storm conditions or exposure.

7.2.1.10 Fences shall not create visual nor other safety hazards. Backing movements, passing vehicles, sidewalk traffic, small children, etc., shall be considered in the location of fences.

7.2.2 Conditions Relating to Health and Sanitation.

7.2.2.1 A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the governing body.

7.2.2.2 A waste water disposal system and solid waste disposal system meeting standards adopted by the governing body.

7.2.2.3 Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for an orderly development of land in the Municipality.

7.2.3 Environmental Concern

7.2.3.1 Limitation's and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife and plant life.

7.2.3.2 Processes for the control, elimination or prevention of land, water or air pollution: the prevention of soil erosion and the control of objectionable odors.

7.2.3.3 The planting of ground cover or other surfacing to prevent dust and erosion.

7.2.3.4 Restructuring of the land and planting of the same as directed by the Planning Commission when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.

7.2.4 Conditionals Relating to Compliance With Intent of General Plan and Characteristics of Vicinity (or Neighborhood)

7.2.4.1 The removal of structures, debris or plant materials, incompatible with the intended characteristics of the district outlined in this Code.

7.2.4.2 The screening of yards or other areas as protection from obnoxious land uses and activities.

7.2.4.3 Landscaping to insure compatibility with the intended characteristics of the district as outlined in this Code.

7.2.4.4 Limitations or controls on the location, height and materials of walls, fences, hedges and screen planting to insure harmony with adjacent development, or to conceal storage areas, utility installations or other unsightly development.

7.2.4.5 The relocation of proposed or existing structures as necessary to provide for future streets on the major street plan of the Municipality; adequate sight distances for general safety, groundwater control or similar problems.

7.2.4.6 Provision for or construction of recreational facilities necessary to satisfy needs of the conditional use.

- ____ 7.2.4.7 Population density and intensity of land use limitations where land capacity and/or vicinity relationships make it appropriate to do so to protect health, safety and welfare or conservation of values.
- ____ 7.2.4.8 Other improvements which serve the property in question and which may compensate in part or in whole for possible adverse impacts to the district from the proposed conditional use.
- ____ 7.2.4.9 Conservation of values--community, neighborhood and property values.
- ____ 7.2.4.10 The character of the neighborhood, and aesthetics of the street scape shall be considered in the location of fences and in determining the reduction of any front yard for fencing purposes.

7.2.5 Conditions Relating to Performance

- ____ 7.2.5.1 Time limits on the validity of the conditionals use permit. Such time limits shall be determined by the following guidelines:
 - ____ 7.2.5.1.1 A conditional use permit for uses which are of a temporary nature only may be used for the intended duration of the temporary use or for 2 years, whichever period of time is shorter.
 - ____ 7.2.5.1.2 Unless there is substantial and positive development action under a conditional use permit within a period of 1 year of its issuance, said permit shall expire. The Planning Commission and governing body may grant a maximum extension for 1 year when deemed in the public interest.
- ____ 7.2.5.2 A bond or other valuable assurance in favor of the County in an amount to be determined by the governing body. The amount of said bond or other valuable assurance shall not exceed the amount calculated by the developer's engineer and reviewed by the County as necessary to assure compliance with all conditions.
- ____ 7.2.5.3 Specific short and long-range plans of development may be required to demonstrate timeliness, feasibility and impact on the public.

7.2.6 Energy Conservation Concerns

- ____ 7.2.6.1 Solar orientation of buildings and uses.
- ____ 7.2.6.2 Use of renewable energy sources.
- ____ 7.3.6.3 Efficiency of exterior lighting.
- ____ 7.2.6.4 Shading and protection of important buildings and pavings (parking lots etc.), landscaping and trees, location of buildings and screens.
- ____ 7.2.6.5 Effective use of vestibules.
- ____ 7.2.6.6 Wind screening.
- ____ 7.2.6.7 Circulation (travel) efficiency.

- 7.2.6.8 Efficiency or storm water removal and erosion control
- 7.2.6.9 Maintenance efficiency for off-site improvements to be maintained by the public.
- 7.2.6.10 Maintenance efficiency for on-site improvements to be maintained by users, occupants and owners, etc.

Zoning Administrators Action:

Date Approved: 19 June 1997
 Date Disapproved: _____
 Date Referred to Planning Commission for Action: _____

Planning Commission Action:

Date Approved: 28 Aug 1997
 Date Disapproved: _____
 Date Referred to County Commission: _____

County Commission Action:

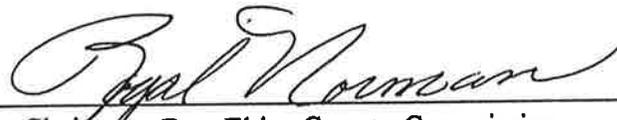
Date Approved: 2 SEPT 1997
 Date Disapproved: _____

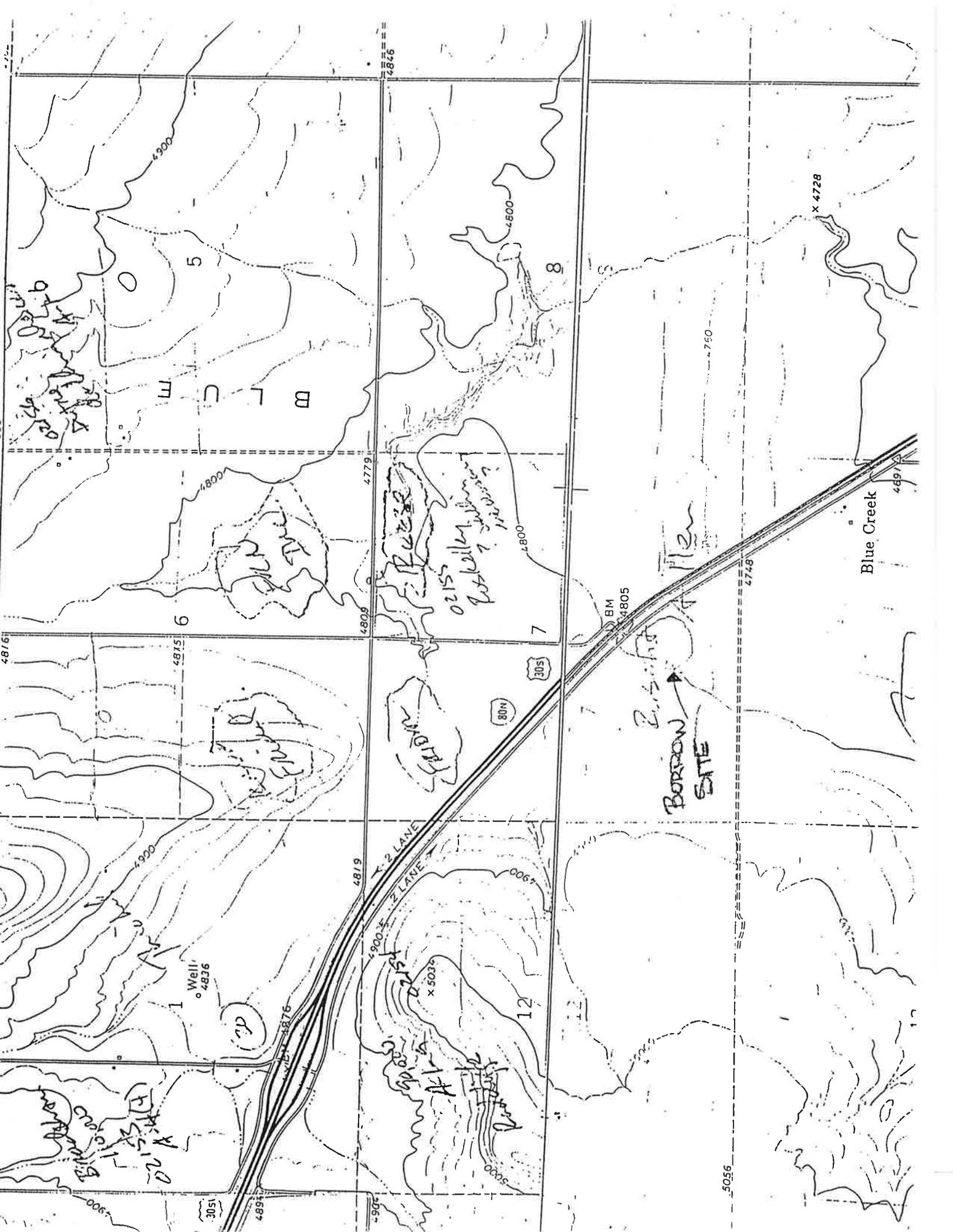
Public Hearing Date if Deemed Necessary:

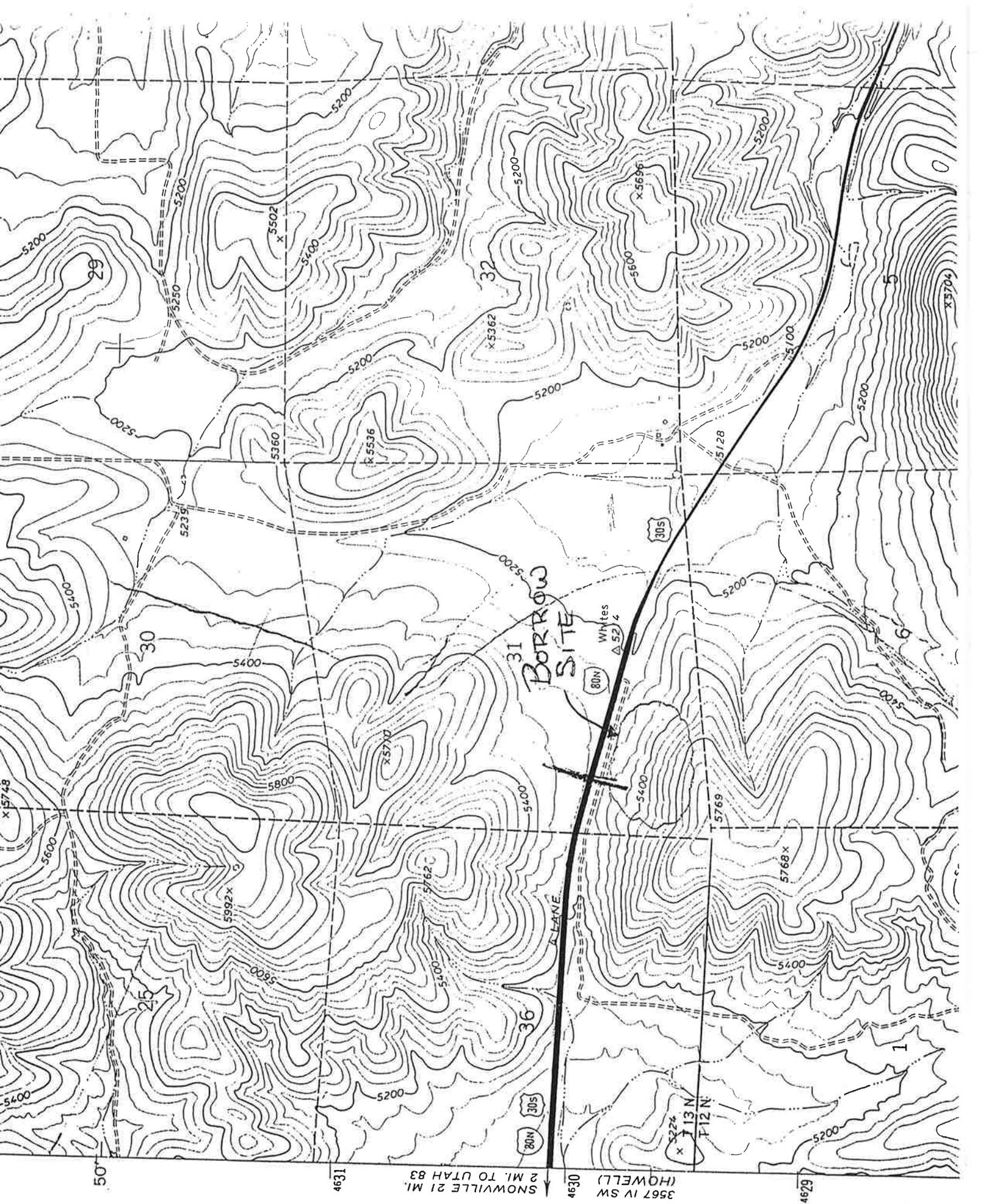
Conditions of Approval
or

Reasons for Disapproval

List: ALL APPROVED BACKFILL (TOPSOIL) SHALL BE COMPLETED BY DEC 31, 1998

Signature:  Date 2 SEPT 1997
 Chairman, Box Elder County Commission





BORROW SITE

2 LANE

80N 30S

3567 IV SW (HOWELL)
2 MI. TO UTAH 83
SNOWVILLE 21 MI.

4630

4631

4632

4633

4634

4635

4636

4637

4638

4639

4640

4641

4642

4643

4644

4645

4646

4647

4648

4649

4650

4651

4652

4653

4654

4655

4656

4657

4658

4659

4660

4661

4662

4663

4664

4665

4666

4667

4668

4669

4670

4671

4672

4673

4674

4675

4676

4677

4678

4679

4680

4681

4682

4683

4684

4685

4686

4687

4688

4689

4690

4691

4692

4693

4694

4695

4696

4697

4698

4699

4700

4701

4702

4703

4704

4705

4706

4707

4708

4709

4710

4711

4712

4713

4714

4715

4716

4717

4718

4719

4720

4721

4722

4723

4724

4725

4726

4727

4728

4729

4730

4731

4732

4733

4734

4735

4736

4737

4738

4739

4740

4741

4742

4743

4744

4745

4746

4747

4748

4749

4750

4751

4752

4753

4754

4755

4756

4757

4758

4759

4760

4761

4762

4763

4764

4765

4766

4767

4768

4769

4770

4771

4772

4773

4774

4775

4776

4777

4778

4779

4780

4781

4782

4783

4784

4785

4786

4787

4788

4789

4790

4791

4792

4793

4794

4795

4796

4797

4798

4799

4800

4801

4802

4803

4804

4805

4806

4807

4808

4809

4810

4811

4812

4813

4814

4815

4816

4817

4818

4819

4820

4821

4822

4823

4824

4825

4826

4827

4828

4829

4830

4831

4832

4833

4834

4835

4836

4837

4838

4839

4840

4841

4842

4843

4844

4845

4846

4847

4848

4849

4850

4851

4852

4853

4854

4855

4856

4857

4858

4859

4860

4861

4862

4863

4864

4865

4866

4867

4868

4869

4870

4871

4872

4873

4874

4875

4876

4877

4878

4879

4880

4881

4882

4883

4884

4885

4886

4887

4888

4889

4890

4891

4892

4893

4894

4895

4896

4897

4898

4899

4900

4901

4902

4903

4904

4905

4906

4907

4908

4909

4910

4911

4912

4913

4914

4915

4916

4917

4918

4919

4920

4921

4922

4923

4924

4925

4926

4927

4928

4929

4930

4931

4932

4933

4934

</

July 1, 1997

Denton Beecher
Box Elder County
01 South Main
Brigham City, Utah 84302

Dear Mr. Beecher;

After several attempts to reach you by telephone at your office I am writing this letter.

My husband and I have recently built a beautiful new home at 18795 North 6000 West, Garland, or West Fielding which the area is considered. Each day on my way to work I pass a newly developed "JUNK YARD" at approximately 16700 North 6000 West. As a property owner in Box Elder County, this situation distresses me greatly. First, that the people that are suppose to be working on our behalf to see that our County is kept clean, fresh, and appealing, are allowing this kind of garbage to infest our beautiful landscape. Second, there are two single wide mobile homes on the property and one double wide mobile home and also a fifth wheel travel trailer. Can one septic system support that many residences? If there even is a septic system! I believe that the raw sewage from the fifth wheel camp trailer that is being occupied is being dumped directly into the ground, to contaminate our ground water supply and environment. The ground slopes to the east of the property, toward neighbors and the canal. It appears to me that the occupants of this property are preparing to place the double wide mobile home on a gravel base at this time, which I thought was illegal, according to our building code.

Where does our building commission get involved in this sort of activity and put a stop to activities that should not be allowed? You may say, what concern do I have living two miles north of this property? For one thing there has been placed a double wide mobile home just North of our property that sits on one-half acre of ground, in horrible condition. If you allow what is taking place to continue South of our home, what is to stop the owner of the double wide mobile home North of us to also place his trailer on ground that was subdivided a three-quarter acre building lot, but sold as a half acre lot because of a right of way that was over looked when the land was plated. There are several **new homes** along 6000 West, and we as property owners are very proud of our properties and take pride in how they appear to others. We want to keep Box Elder County, as a whole, beautiful and free of junk and garbage. We have and enjoy a beautiful farming community atmosphere with green hillsides, waving fields of crops, and peaceful surroundings.

The Box Elder County Commission was presented with a list of better than two hundred names of property owners in the area, over a year ago, to stop this junk yard from advancing to this shameful point. They were told there was nothing the county could do to enforce the law. Why I ask? This situation makes me stop and ponder why thousands of dollars in tax money was spent to do studies on an appropriate land area for a new dump site in Box Elder County, when really

COUNTY COMMISSIONERS
R. LEE ALLEN
JAY HARDY
ROYAL K. NORMAN



OFFICERS
CARLA, J. SECRIST, COUNTY AUDITOR
LUANN ADAMS, COUNTY RECORDER-CLERK
LEON JENSEN, COUNTY SHERIFF
JON J. BUNDERSON, COUNTY ATTORNEY
MONTE R. MUNNS, COUNTY ASSESSOR-TREASURER
DENTON BEECHER, COUNTY SURVEYOR
KEVIN R. CHRISTENSEN, COUNTY JUDGE

July 7, 1997

Susan A. Hess
P. O. Box 357
Garland, Utah 84312

Dear Mrs. Hess:

We thank you for your letter of July 1, 1997 where in you indicate our deficiencies. Let us remind you of some of the issues and we will try to respond to each of your concerns.

As for the junk yard, as your people have been told before this area is un-zoned which if it were we would be able to regulate land uses. If there are health hazards we can and will have the Bear River Health Department inspect the situation again.

As for the mobile homes let us inform you that the single wide has been given a temporary conditional use permit for a 5 year period. The owner has not called as to date to do a hook up inspection. However we have instructed our inspectors to preform a field check during the week of July 7.

The double wide have been rejected and the owner is to remove them. If they are living in the fifth wheel we will send them notice to stop living in said. The fifth wheel may be parked on the property.

As for the zoning of this area it has been the desire of the people to not zone. Thus a property owner may use his land for what ever use he likes as long as a health hazard does not exist.

Your indication of 200 names to stop the junk, from people in the area has not changed the zoning. We tried to organize a group of your neighbors to help sell zoning in the area however they were defeated by your neighbors and land owners and thus the area was left un-zoned.

We are sending the building inspection department to check for compliance with the mobile home ordinance and the building code violations if any. We are also asking the Health Department to double check for any violation in the health codes. When we receive back their reports we will send you a copy so that you will have their findings.

Please understand that the County is just as upset as you are with this situation and we will do what we can, under the law, to provide a safe situation.

We trust this will answer your complaints.

Respectfully,

A handwritten signature in cursive script that reads "Denton H. Beecher".

Denton H. Beecher
Box Elder County Zoning Administrator

CC: County Commission
Box Elder Co Planning Commission

DAVID E. WEST
ATTORNEY AT LAW
3441 SOUTH DECKER LAKE DRIVE
SALT LAKE CITY, UTAH 84119
TELEPHONE: (801) 978-2444
FAX: (801) 978-0833

May 19, 1997

Mr. Gary Orton
Orton Ranch & Development, Inc.
4225 West 1700 North
Ogden, Utah 84404

Re: Rocky Point Property

Dear Mr. Orton:

In May of 1995, Orton Ranch & Development, Inc. purchased approximately 52 acres of land (known as Rocky Point area) from the Clay family.

I am married to one of the Clay daughters (Dixie) and have now been a part of the family for over 45 years. During this time, I have handled all legal matters for the family; I have been on the property on a regular basis; and have been aware of all business transactions involving the family property.

For as long as I can remember the Rocky Point property has been used as a gravel and rock pit. This goes back far beyond the year 1972 when apparently Box Elder County enacted its zoning ordinance. The removal of gravel and rock has been sporadic, but I do not recall any year in which some gravel and rocks were not removed and sold. It has always been the intent of the family to preserve its rights for nonconforming use.

Hopefully this letter will be of help to you in resolving any problems with Box Elder County. So far as I am aware, the Clay family has always had a good relationship with the County, and our use of the property has never been challenged.

Very truly yours,


David E. West

DEW:bh

ORTON RANCH & DEVELOPMENT, INC.
4225 W. 1700 N.
Ogden Utah 84404

Denton H. Beecher
Box Elder County
01 South Main Street
Brigham City, Utah 84302

May 22, 1997

Dear Mr. Beecher,

As you requested, the Clay family Lawyer has provided us with the information contained in the attached letter.

We purchased the property with the intent of continuing to remove the rock and gravel as necessary to provide the community these materials as we and many other contractors in the area have done for several years.

We've spent thousands of dollars and man hours cleaning up garbage and debris from the property that was dumped illegally through the years. We have also now developed the Pineview water provided to this property and have installed sprinklers and irrigation ditches in an attempt to keep this area more green and less vulnerable to fire.

With out a doubt, our mangement of this property and the sales tax revenue will be of great benefit to the ever expanding community and Box Elder County.



Sincerely
Gary Orton