

**MINUTES
PUBLIC HEARING
BOX ELDER COUNTY PLANNING COMMISSION
SEPTEMBER 16, 1999
BOX ELDER COUNTY COURTHOUSE
BRIGHAM CITY, UTAH**

Attendance:

Jon Thompson	Vice-Chairman
Stan Reese	Member
Jim Marwedel	County Planner
Malinda Hansen	Planning Secretary

Excused:

Richard Kimber	Excused
David Tea	Member
Theron Eberhard	Member
Deanne Halling	Member
Royal Norman	County Commissioner

Public Attendance:

Aleta Thompson	Fielding
Jeri Garn	Fielding
Kim Garn	Fielding
Daniel Garn	Fielding
Clive Garn	Fielding
Craig Garn	Fielding
Vaughn Hess	Fielding
Vonda Hess	Fielding
Quinton R. Hess	Fielding
Milt Williams	Fielding
Emiko Williams	Fielding
Jamy Corbett	The Leader Newspaper

PUBLIC HEARING ON COUNTRY ESCAPES, PROPOSED SUBDIVISION

The meeting was called to order at 6:00 p.m. by Jon Thompson. Mr. Thompson made an opening statement and asked that all involved keep their remarks to a limit of three minutes and asked for no repetitive remarks. Mr. Thompson also reviewed the issues that were pertinent at this meeting. The only major issue pertinent to this meeting is the fact that Mr. Williams wants to build a private road. Mr. Thompson also told those in attendance that without following the subdivision procedures, Mr. Williams has the right to build as many structures on his lots as he

prefers without subdividing, but would have to maintain all these buildings under single ownership, according to the code established for unzoned areas. He then opened the floor to Mr. Williams.

Mr. Williams presented his plat that was amended since the previous Planning Commission meeting. He explained that he had moved the road from the South side where there had been a conflict with Mr. Quinton Hess and placed it on the North Side. Darvell Garn questioned the location of the corner of the trailer to the beginning of the private road. Mr. Jim Marwedel stated that the corner of the trailer sat 8' West and 6' North from the Northwest corner of lot 1, or 6' from the road right of way. Milt Williams stated that the only issue he felt was valid at this meeting was the road concerns which he addressed the issues in his plat of the previous meetings which have been altered to address Mr. Hess' concerns from that meeting.

Mr. Jim Marwedel said that in the beginning Mr. Williams wanted to just place these homes on his lots and rent them out, utilizing the procedures of building permits. He stated that Mr. Williams can have as many homes on one lot as possible under single ownership, under current zoning regulations. Mr. Marwedel suggested to Mr. Williams at that time that he subdivide so that in the future, in case of his passing or needing to sell the homes, that there would be no problems in the event that they wished to sell homes separately. If Mr. Williams does not subdivide, all the homes will have to be sold as one entity.

Mr. Jim Marwedel said that the County has been working on changing the County Zoning Ordinance on private roads as the current ordinance states that private and public roads have to be 60' wide. Mr. Marwedel has met with Denton Beecher discussing the possibility of changing the ordinance on private roads from 60' to 33' wide minimum width and 50' for public road. Currently the County has no policy on flag lots, stating that on these access be larger than 30' wide, like unto Weber County. Weber County recommends that on flag lots they have a turn around large enough for a fire truck or other emergency vehicles to turn around if the access exceeds a certain length. In the past it has been the norm to approve private roads for subdivisions with approximately 2 lots. Mr. Jon Thompson stated that if those in attendance would like to restrict the building on properties in this area they need to apply for zoning.

Mr. Quinton Hess questioned the Zoning Book and questioned whether or not the Planning Commission intended to carry out all the laws laid out within it. Mr. Hess quoted from 7.5.3.2., 7.5.2.1., and 7.5.3.1. all referring to mobile homes and that they shall be located in a mobile home park. Which should not be allowed in this zone.

Mr. Hess also stated that if this subdivision is allowed to be entered into this area that it will destroy that area in which it is now located and will devalue the property and that the County will be opening a Pandora's Box.

Mr. Darvell Garn presented pictures of Mr. Williams property where the road will be located and stated that Milt took down a fence that was on Mr. Garn's sons property. He also presented pictures of various lots in the area, he showed pictures of Mr. Hess' home and Milt's first trailer that is already in place.

Mr. Clive Garn stated that he has lived there for 25 years and has no questions whatsoever of the devaluation of his property if Mr. Williams is allowed to proceed. The one issue that no one has considered is snow removal and where they will place the snow and how tractors will be able to get in and out of there if the needs arises.

Mr. Craig Garn stated that he is a current member of the Fielding fire department and from the emergency services stand point he felt that the County is going to find difficulty in servicing these homes in case of emergency. He is also concerned that the current renters are parking a semi truck on the County road and blocking the view of drivers and the safety of others.

Mr. Vaughn Hess asked about the issues his father brought up and felt like these issues had not yet been addressed. In response Mr. Jim Marwedel stated a definition of a mobile home is that it does not have a permanent foundation it is not considered a mobile home and is not required to be in a mobile home park.

Mr. Jon Thompson once again reiterated that in the beginning he stated that those present were looking to the Planning Commission to handle all of their legitimate concerns, but the only concern right now with the Planning Commission, as this subdivision falls in an unzoned area, is the road.

Mr. Thompson restated that if they are concerned about devaluation and other issues that are valid concerns, that they should consider their growth and realize that it is demanding some planning and zoning changes. Mr. Thompson referred to Grouse Creek as a recent case where they petitioned for zoning so as to have more control over their area. He also stated that in unzoned areas it is allowed for one to do with their property what they want to do unless you change zoning and ordinances for that area. Mr. Jon Thompson stated that they could civilly sue Mr. Williams if they so desired in their other valid areas of concern. The County can only deal with what the law states.

Mr. Williams put an offer on the floor to all those in attendance, that he would be more than happy to sell if they wanted to buy him out.

Mr. Quinton Hess, once again brought up the subject of 7.5.3.1 and Jim once again stated that this is not a mobile home development.

Mr. Marwedel stated that the choice of this commission is simple, either let him go on building with a subdivision or without a subdivision. If we force him to the letter of the law then he will turn around and just be allowed to build as many possible homes as he wishes under the provision of single ownership as allowed in unzoned areas.

Mr. Thompson stated that they will consider all things that pertained to the zoning laws that were addressed this evening and thanked those for their input and assured all that the Planning Commission will do all that the law will allow, no more and no less. Mr. Thompson also mentioned that the Planning Commission would take not action tonight.

The meeting was adjourned.

Passed and adopted in regular session this _____ day of _____,
1999.

Richard D. Kimber
Box Elder County Planning Commission Chair