

PLANNING COMMISSION MEETING

November 19, 1987

Meeting of the Box Elder County Planning Commission held on Thursday, November 19, 1987 at 7:00 p.m. in the County Commission Chambers. Present were DeVon Breitenbeker, Don Christensen, Bob Valentine, Jon Thompson, and Kent Newman. Chairman Richard Kimber and Steve Grover were excused. Ex-officio Denton Beecher was also present, with Jay R. Hirschi excused.

Kent Newman acted as Chairman of the meeting.

Minutes of October 15, 1987 previously mailed to the members were approved by a motion made by DeVon Breitenbeker. Motion was seconded by Jon Thompson, with all voting in favor.

Mr. Heil not being present at the meeting as of yet, Mr. Harlow was asked to come forward.

EARL HARLOW

Mr. Harlow had several questions that he wanted to ask the Commission regarding the Darrell Nielsen Conditional Use Permit. The Planning Commission told him that they felt most of his questions would be answered during item number three on the agenda. He agreed to listen to that discussion.

DARRELL NIELSEN CONDITIONAL USE PERMIT

Mr. Beecher explained the presentation of the conditions and that each member was sent a copy in the mail for their review. Also that the Planning Commission was to go through each item one by one and either ask questions of Mr. Nielsen or others that they might want to ask.

Mr. Jack Molgard made a very lengthy statement indicating why no one should have input to this part of the meeting, and that Mr. Nielsen nor himself should be allowed to place any information regarding this matter before the Commission. There was a lot of discussion on this matter.

Mr. Newman suggested that this was going to take considerable time and that we would table this for now and finish the agenda and return to this issue at the end of the meeting.

KEITH HEIL

Mr. Heil indicated he had talked to Mr. Beecher and that he was aware of any intentions here tonight. He then said he would appreciate it if the Commission would place name tags in front of them so he would know who they were. He handed each a name card and asked if they would put their name on it, which they did.

He then asked Mr. Beecher a question about the feasibility of his plan. Mr. Beecher told the Commission that he had told Mr. Heil that density would be a problem and that he would have a tough time with this issue of his plan--that he was asking us to approve something that is already done and not working out a plan; that sewer and water requirements would be an issue. All in all, that a PUD was about the only way that he could possibly meet these conditions. He asked DeVon Breitenbeker why he felt this plan could not be met. Mr. Breitenbeker explained his thoughts to him. The problem he saw in the plan is that he is asking for approval of an existing condition and asking for the Commission to approve what has been done to work out a plan to create a desirable end result.

Mr. Heil asked other questions and made other general statements.

Mr. Heil then read a six page prepared statement. (COPY #1)

He thanked the Commission for their consideration and requested that he be on the December agenda.

REFERRAL OF HARPER ZONING DISTRICT

Mr. Beecher reported that the County Commission wanted the Planning Commission recommendations regarding the request. He explained that at the hearing the majority of the people were in favor of a RR5 zone. He said Bob Fotheringham from the State Engineer's Office explained the water conditions in the area. He said there is sufficient water but that it has not been totally developed. Mr. Bob Wilson told the Commission about sewer situations in the area. He said that sewer systems on the mountain side will all have fast percolation rates and there are some problems of sewer surfacing in the district; and that there are some water systems with problems. Also that there are some bad wells in the area.

Mr. Beecher further explained that Commissioner Valentine had

asked him to survey the number of property owners in the district and in the RR-1 area. (COPY #2)

Mr. Breitenbeker made some comments relative to wells in the RR1 area that are not good. He pointed out that even the five acre lots are not sufficient to handle sewer problems in the area. He said the wells are not contaminated by sewers but just bad wells. He said that in the affected area there is not adequate water supply. He made additional comments about the issue and stated again that the majority of the people in the area now feel the one acre zone is not right and the five acre is best.

Jon Thompson made a comment about the fact that here is the will of the people in the area, which needs to be met. That we want to zone the area to fit the will of the majority of the people in the area. He stated that the density in the area is the problem.

There was a short discussion on the merits of one acre versus five acres.

Jon Thompson made a motion that the Planning Commission recommend to the County Commission that the RR-1 zone be changed to RR-5. The motion was seconded by DeVon Breitenbeker with all voting in favor of the issue.

#### DARRELL NIELSEN CONDITIONAL USE PERMIT

It started out again with Mr. Jack Molgard making his comments that no one shall make any comments toward the conditions because he was not aware that this was going to be on the agenda tonight.

There was again much argument on the issue.

The Chairman asked Mr. Beecher to read the conditions.

Mr. Beecher reminded the Commission that in the minutes of October, the Commission wanted these conditions ready for the November meeting, and all knew this was going to happen. Mr. Molgard again argued this comment stating they did not know of this discussion, and that it was not on the agenda. Mr. Beecher showed where it was on the agenda, and that the agenda was properly advertised and posted.

Mr. Beecher was then asked to read each condition one by one. The Commission agreed that all conditions shall be met before the

permit is granted and any work begins.

No. 1 was read - copy attached.

It was noted that a copy of the regulation is not attached and will have to be done. Also that any and all addendums that have been added or are to be added since September 26, 1971 are a part of this regulation.

No. 2 was read and was approved as read.

No. 3 was read and was approved as read.

No. 4 was read and was approved as read.

No. 5 was read and was approved as read.

No. 6 was read, but raised a question on dust control. It was approved as read.

No. 7 was read and was approved as read.

No. 8 was read and was approved as read.

No. 9 was read and was approved as read.

No. 10 was read and was approved as read.

No. 11 was read with a question on the last sentence. It was approved as read.

No. 12 was read and was approved as read.

No. 13 was read, with a question on blasting. It was approved as read.

No. 14 was read and was approved as read.

No. 15 was read and was approved as read.

No. 16 was read and was approved as read.

No. 17 was read and there was a long discussion following on this item. Mr. Nielsen wanted to comply to a 6:00 a.m. to 10:00 p.m. limit. Much discussion followed this matter with each side putting forth their opinions. A motion was made by DeVon Breitenbeker that the time be left from 7:00 p.m. to 7:00 a.m. the following day, with the stipulation that it can be reviewed upon contractual problems, and upon approval of the governing body the time may be extended to that which the governing body approves. Don Christensen seconded the motion, with all voting in favor.

No. 18 was read and approved as written.

No. 19 was read with questions relative to the notification and

the number of days extended to more than five. A discussion continued with Attorney Thorne asking that the notice to be mailed to Mr. Nielsen by registered mail.

Mr. Breitenbeker made a motion that the Commission extend or change the days from five to read ten days, and that the notification be to Mr. Nielsen by certified return request mail. The Motion was seconded by Jon Thompson, with all voting in favor.

No. 20 was read, with a question on the word membership, which was brought up. A discussion followed. Jon Thompson made a motion that the word 'membership' be changed to read 'quorum'.

There was additional discussion on how to proceed from this point.

DeVon Breitenbeker made a motion that the Commission approve these conditions for Mr. Nielsen's Conditional Use Permit as reviewed, with the exceptions which have been made; also that a findings of fact be prepared by County Attorney Jon Bunderson, and made a part hereof. The motion was seconded by Jon Thompson, raising a question on the motion by Mr. Valentine. He asked Mr. Molgard if his client has been represented here tonight. Mr. Molgard stated that his client should have had the opportunity to be here. He stated that Mayor Thorpe is a much better spokesman than he, and he should have had the chance to speak.

The vote on this motion was as follows: DeVon Breitenbeker, Don Christensen, Jon Thompson all voted for; and Bob Valentine voted against. Chairman Newman did not vote.

Meeting adjourned at 10:00 p.m.

copy  
Et  
Heil

To the Box Elder Planning Commission concerning a proposal to create a Planned Unit Development in South Willard.

The purpose of this statement is to clarify for the Planning Commission, the situation existing on the site of the proposed PUD, mitigating circumstances surrounding the proposal, and, as I understand them, the concerns which have caused the commission to deny the proposal, and my response to those concerns.

When I began work on the proposal I had several lengthy conversations with the county surveyor, Mr. Denton Beecher. He indicated that rezoning to lots small enough to resolve the issues involved was unlikely to be approved. He also pointed out that my parents could not sell the service station and the lot it sets on without violating the zoning ordinances.

I then contacted County Commissioner Don Chase about our problem. Mr. Chase made two separate trips to physically look at the property and discuss the situation with us. Mr. Chase was of the opinion that there was no logical reason that we should not be able to build additional homes on the property in question, and suggested that we try to obtain approval for two additional lots. Mr. Chase said that he would look into the problem and see what he could do to help. At that time I gave Mr. Chase a sketch I had prepared of the property. I subsequently saw that sketch with a note asking Mr. Beecher to try to find a way that this could be accomplished. I later discussed the concept of a planned unit development with both Mr. Chase and Mr. Beecher. Those conversations left me with the distinct impression that it was felt that a PUD was a way that our goals could be accomplished. I must admit however that Mr. Beecher stressed that approval was dependant on the planning commission.

In conversations with Mr. Beecher and previously with Mr. Chase it was stressed that we should take into account anything that may be desired in the future so that this would be a final plan.

About this time Mr. Chase fell ill and I let the issue slide to await his recovery, as I felt that he was an ally to the proposal, having volunteered to present the proposal to the commission if I felt uncomfortable doing so. After some time, and fearing that Mr. Chase would not resume his duties I again began to pursue the proposal.

This is the approximate time that I first appeared before the Planning Commission which was on April 23 1987. Not being familiar with the procedures followed, I had not had myself placed on the agenda, however the commission heard the proposal at this time and it appeared to me that the overriding concern was that additional septic systems would not be feasible. I stated that, based on my

knowledge, they would be. The commission felt that they would like me to obtain a statement from the health department concerning additional septic systems. I wanted to discuss any additional concerns at this time but the commission felt they needed time to investigate the issues involved and the request was tabled.

I left this meeting satisfied in view of the fact that I had presented myself before the commission unannounced, although Mr. Beecher was familiar with the proposal. I also left with the distinct impression that the commission would look into the proposal and that it would be discussed at the next meeting.

Within the next two or three days I again visited with Mr. Beecher to get information on septic system approval, etc. During this meeting I was told that the commission had discussed the proposal after I had left. Mr. Beecher stated that the commissioners had agreed to come look at the property before the next meeting. I left Mr. Beecher a copy of my drawing at this time, and we discussed the general procedures followed at the meetings. This was in effect that he generally did the "legwork", presents proposals, and makes recommendations to the commission as to their action on the proposals. (This generally follows what I have observed at the meetings).

Following this I performed a perc. test and had Mr. Robert Wilson from the health department down to see if septic systems were feasible. At that time I was told that there was no problem and that I would be sent a letter of feasibility. The health dept. official apparently was subsequently told that there was a problem with sewage in the fields below the property and wanted to check that before issuing the letter and he performed dye tests on two occasions. In every case when I spoke to him he basically assured me that there would be no problem with two additional septic systems. I spoke with Mr. Wilson the day of the next commission meeting and he assured me that a positive letter was going to be sent. Feeling that I would be expected at that night's meeting, and that the commission would have investigated the proposal, I decided that I would still go to that night's meeting. At that time I was surprised to find that I was not on the agenda, the commission without my drawing which had been in Mr. Beecher's possession, Mr. Beecher not present, and, the commissioners unaware of my purpose there and unfamiliar with my proposal in any manner. Let me quote from the previous meeting minutes "Devon Breitenbeker made a motion that the request be tabled to allow time for further discussion and to determine if the request is the best thing to do and still protect those living within the area, and if a precedence is being established if

approval is given....It was suggested by the commission that Mr. Heil contact the health department to review their request and give their comments especially to the sewage condition in the area for discussion at the next commission meeting." This left me totally unprepared and looking very foolish before the commission. In spite of this I was determined to discuss the proposal with the commission and try to find out if there were any problems so that I could address them at the next meeting. At this time I repeatedly pressed the commission to give me some idea as to what they saw as being potential problems with the proposal so that I could try to make any changes that they felt appropriate. The commission responded by pointing out that I was not on the agenda, I had only a very poor sketch of the proposal, and that they could not respond to such an inadequate and incomplete presentation and plan.

Pressure on the commission brought a response that the access was not wide enough. This was shown on my drawing as a 10' wide access. The commission then voted to deny approval.

I again visited Mr. Beecher soon after the May meeting. He wanted me to make a larger drawing and we discussed what should be shown on the drawing such as contours slopes, dimensioning methods etc. Personal projects and dissatisfaction at what I felt was unfair treatment by the commission at the previous commission meeting caused me to delay further action for some time.

I prepared the second drawing and met with Mr. Beecher two times the week prior to the October 15 commission meeting. Again some changes were made to the drawing that Mr. Beecher felt appropriate and I felt were acceptable. This was the drawing that I presented to the commission on Oct. 15.

I would now like to list and address what I understand to be the commissions concerns and objections to the proposal.

1. Feasibility of additional septic systems.

A letter was obtained from the health dept. stating that septic tanks and seepage pits would be suitable for handling waste water generated by two additional homes.

2. Availability of culinary water.

Culinary water is available to all homes in the area thru the South Willard Water Company. A letter has also been obtained stating that they can and will supply water.

3. Access to the lots.

Objections due to the width of the private access have been raised. At the time of those objections a 10' access was proposed. I widened the access to 16' on the last drawing submitted to the commission. I recall no objections concerning access at that time. It is felt by those who would be affected that a 16' access is more than adequate for all future proposed access, parking, passing of vehicles, emergency access etc.

4. Precedence that approval would set.

The commission apparently fears that approval would require them to pass any other requests for a PUD allowing bldg. lots for the purpose of varying the zoning ordinance in the areas of lot size, density, etc. I would like to point out that apparently half the PUD's passed have been to vary the zoning in the area of lot size. I am of course speaking of Cedar Springs and must admit that I don't at this time fully understand the purpose served by it's creation. However, the point is that PUD's are not limited to industrial or commercial uses. There were apparently three areas addressed in creating Cedar Springs, 1. road width and upkeep. 2. Septic systems. 3. Water. Other requirements such as lighting, walks, common areas etc. etc. seem to have been waived in that case.

5. Density.

I understand the meaning of the word density, but in the context used by the commission it seems very subjective and needs to be qualified. We are proposing seven units on approximately 2.3 acres, which is an average density of one home per .328 acre. As you are aware this is less density than many new subdivisions provide for. I would also like to point out that we proposed to allow for the future removal of one rental unit when the present owners can, or choose, to no longer maintain it. This would in the future decrease the density still further.

We also understand the need and desire to maintain the existing rural character of the area. It is felt that the current proposal is a viable method which would obtain the desired goals and at the same time better maintain the existing atmosphere of the area than would rezoning. Also, conversations with Mr. Beecher lead us to believe rezoning to be the least feasible or desirable option. Additionally we must point out that the current situation does not, and cannot be made to comply with the existing zoning in relation to density and that the proposal would not significantly alter the existing density or character of the area.

6. The idea that the proposal already exists, therefore there is no planning and a PUD cannot be passed.

This one I must admit that I do not understand. Granted, much of what we are proposing does already exist, but that is a major point of our position. It existed prior to any zoning. That prior development went about in such a manner that two areas (in essence lots) were created. One of which was provided with a water stand pipe prior to zoning, (actually both were) which indicates the prior intention of improving it, and that those improvements began before the area was zoned.

7. Proximity of the bar and greenhouse

I would like to point out that I was raised in the apartment above the bar, where I am now living. I have also lived with my family in the trailer house nearest to the bar while it has been operating and I am familiar with the situation and conditions as they could exist. I feel the situation is more than acceptable and cannot convince myself that the commission is in a better position than I am to judge the suitability of the proposed lots in this regard.

From my first meeting with this commission I have said that if septic systems were not feasible I would no longer pursue the proposal. I would do the same thing if I were offered any solid objective reasons for denial.

I have met with Mr. Beecher on many occasions to discuss this proposal, as well as alternatives to it. From those discussions it was felt that a PUD offered the best of all possible alternatives. At my first two appearances before this commission I tried to explain that I wanted to discuss the proposal and receive the commissioners comments and feelings so that I could better make the proposal conform to their ideas and requirements, and would not be working on a proposal that was doomed to be denied from the start. The commission effectively evaded the issue and refused to discuss the proposal, and most comments have been vague and subjective.

Arguments for approval have been quickly passed over, while any single argument for denial has been highlighted and appeared to be sufficient cause for denial, (no matter how vague and subjective it might be).

When pressed, the commission has suggested alternatives which, as I have explained, and the commission should realize, appear unlikely to succeed, and which I feel the commission would oppose if I were able to bring them half way to fruition.

In closing I would like to say that from the beginning this commission has appeared to have a "Can't Do" attitude concerning my proposal. I would like the commission to adopt a "Can Do" attitude and reconsider the proposal. If the commission still refuses to approve the proposal I would request that at that time they prepare a written statement outlining and explaining the reasons for denial.





		5AC	1AC	3/
2	JEK. DEE WILDE	✓		
2	CLARK A. SIDDOWNAY	✓✓		
2	CLYDE L. PRICE	✓✓		
2	CHARLES J. WILSON		✓✓	
1	HELEN S. PEIRCE			✓
4	SIDNEY D. BADCON ETAL			✓✓✓
2	DWANE R. SIMMONS		✓	✓
2	MORRIS L. ALLEN	✓		✓
2	BRENT E. BEECHER ETAL	✓✓		✓
1	STATE OF UTAH			✓
1	MARION MC BRIDE			✓
2	JOSEPH L. YATES		✓✓	
2	DEVON BRITENBEKER	✓✓		
2	LOREN J. PETERSON	✓✓		
2	DALE R. LEONC	✓✓		
3	GLEN E. FULLER ETAL			✓✓✓
2	CARL E. BECKSTEAD	✓✓		
2	ROCKY K. NIELSEN			✓✓
1	M.E. GIBBS FAMILY ENTER.			✓
2	ARLAND E. DAVALL		✓	✓
2	DANIEL W. HUNSAKER	✓		✓
1	FRED A. BRAITHWAITE			✓✓
1	CORINNE CITY			✓
2	STEPHEN W. REEDER			✓
2	DAVID H. YATES			✓✓
2	LELAND G. YATES	✓		✓
2	HAROLD GLADE EVANS			✓✓
2	WARREN HYDE	✓✓		
		22	5	26

1	STATE OF UTAH WATER BOARD				✓
1	U.S.A				✓
6	LORRAINE B. LAW ETAL				✓✓
1	BATY BROTHERS INC.				✓
2	DAVID G. BATY				✓✓
2	HARVEY R. MORGAN				✓✓
2	MAX L. BATY				✓✓
2	WILLIAM R. CANNON				✓
1	* THOMAS J. BATY				✓
2	* KENNETH M. BAUGH				✓✓
2	* MICHAEL L. DANIELS				✓✓
2	* LEONARD C. BRIGGS				✓✓
2	* DAN K. BATY				✓✓
2	* J. MAX BAUGH				✓✓
1	* EDITH BATY				✓
2	* THOMAS M. BURTON				✓✓
2	* RICHARD L. PARTRIDGE ETAL				✓✓
2	* KEITH WARREN				✓✓
2	* THOMAS C. THORPE				✓✓
2	* ROBERT E. LIMB				✓✓
1	* ANDREW A. HANSEN				✓
2	* GARY W. WARREN				✓✓
1	* OGDEN FIRST FED. SAV.				✓
2	* GRANT A. WRIGHT				✓✓
2	* VON R. CURTIS				✓✓
2	* DAVID LAWRENCE WHEATLEY				✓✓
2	* MICHAEL L. TIMOTHY				✓✓
1	COOK & SONS SOLAR SYSTEMS INC.				✓
2	LADD H. WALKER				✓✓
	* 35				25
					8
					21

Book # 36

Book # PAGE 35

(54)

2  
2  
1  
2  
2  
2  
1  
2  
2  
2  
2  
1  
2  
2  
2  
2  
2  
2  
2  
2  
2

BK 4 Pg 35

BK 4 Pg 34

BK 4 Pg 28

BK 4 Pg 2

- ROBERT L. BURKHOLDER
- KIM H. HAWKER
- \* AUDREY P. JENSEN
- \* ROBERT O. JENSEN
- GILBERT JENSEN
- MYRON J. WORTHINGTON
- \* BURT BATY
- \* MERRILL STONE
- \* MARLIN K. LOOSLE
- \* ROY L. WISE
- \* MALCOLM C. YOUNG
- OWEN G. WHEATLEY
- \* WORTH H. JENSEN
- \* LARUE YATES
- J. CALVIN WHEATLEY
- VICTOR C. THOMPSON
- CHARLES D. ANDERSON

✓✓			
✓✓			
✓✓			
✓✓			✓✓
			✓✓
			✓✓
			✓✓
		✓	✓✓
			✓✓
✓✓			✓✓
		✓	✓✓
			✓✓

\* Inside RR 1 AREA

\* 5      \* 2      \* 10

9      1      20

## SUMMARY

THERE ARE 225 PROPERTY OWNERS WITHIN THE HARPER WARD ZONE DISTRICT

---

THERE ARE 51 PROPERTY OWNERS WITHIN THE RR 1 ZONE

---

THERE ARE 70 PROPERTY OWNERS THAT HAVE SIGNED THE PETITION THAT WAS HANDED INTO THE P.C. THAT ARE IN FAVOR OF THE FIVE ACRE ZONE

THERE ARE 3 PROPERTY OWNERS THAT ARE FOR ONE ACRE ON THAT PETITION.

---

### USING BOTH HEARINGS FOR TOTALS

70 OWNERS FOR	5 ACRE	31%
31 " "	1 ACRE	14%
124 " "	NO RESPONSE	55%

---

225 TOTAL OWNERS

---

### IN THE RR-1 AREA

20 OWNERS FOR	5 ACRES	39%
10 " "	1 ACRES	20%
21 " "	NO RESPONSE	41%
51		

CONDITIONS FOR DARRELL NIELSEN

CONDITIONAL USE PERMIT

The conditions of approval for the Darrell Nielsen application for a Conditional Use Permit, Application No. 38, said application dated July 14, 1987, are as listed below. The said Conditional Use Permit shall be considered approved and shall be issued only after all of the following conditions have been met.

1. Dust emissions from the premises described in the application shall never exceed that which is allowed by the Utah Air Conservation Regulations as adopted by the Utah Air Conservation Committee and the Utah State Board of Health, dated September 26, 1971, with all subsequent amendments or addendums adopted thereafter. A copy of said regulations as they currently exist is attached and by this reference made a part hereof.

2. Approval of applicant's project, in writing, shall be obtained from the Utah Air Conservation Committee and Utah State Board of Health and submitted to the Box Elder County Planning Commission.

3. A written reclamation plan, prepared by a qualified expert, setting out specific steps and/or procedures as to how the premises described in the application shall be reclaimed following gravel excavation shall be prepared, submitted to the Box Elder County Planning Commission, and approved in writing by a majority of the said Planning Commission.

4. A written plan, with attached diagrams, drawings, and other exhibits, covering the entire premises and showing the areas of excavation and construction shall be prepared, submitted to the Box Elder County Planning Commission, and approved by the said Planning Commission. The plan shall include, but not be limited to, descriptions of side slopes to be left for reclamation, bottom-out elevation, detention basin locations, and shall describe and depict how the surrounding area will be protected from flood water through the construction periods and thereafter, and shall describe and depict all access routes, and shall provide appropriate vertical and horizontal data.

5. Written permission from the Utah Department of Transportation providing and describing any conditions upon access onto State Road 89 shall be obtained and submitted to the Box Elder County Planning Commission. Said written permission shall include and list any conditions concerning access, any restrictions on access or crossing, any particular safety requirements imposed, and any weight limits for loads.

6. The access road to the premises shall be constructed with an asphalt surface so as to be dust free at all times. The applicant shall submit to the Box Elder County Planning Commission a map showing the location of the proposed access road, and the said Planning Commission shall designate that portion or portions of the road which shall be constructed with an asphalt surface.

That portion of the access road designated as requiring an asphalt surface shall be maintained and repaired as necessary so it shall continue to be dust free at all times.

7. Applicant shall obtain written comment from the Box Elder County-Willard City Flood District stating that applicant's activities will not interfere with said Flood District's plans, and further stating that the applicant's activities will enhance, improve, or complement the Flood District's plans and goals. This document shall be submitted to the Planning Commission and its content approved by a majority of the Planning Commission.

8. Applicant shall produce and submit to the Box Elder County Planning Commission written permission from the Ogden River Water Users Association allowing applicant to cross their canal at specified locations. Applicant shall also produce and submit to the Box Elder County Planning Commission a written agreement from the Ogden River Water Users Association holding Box Elder County and all of its agents and employees harmless from any damages sustained by the Ogden River Water Users Association as a result of the activities of applicant or his agents or employees.

9. Applicant shall produce and submit to the Box Elder County Planning Commission a plan showing in detail how all adjacent real property will be protected from any damage. Said plan shall be reviewed by the Box Elder Planning Commission and approved.

10. Applicant shall obtain written approval from the Utah State Engineer of all proposed detention basins on the premises, and submit said approval to the Box Elder County Planning Commission.
11. Applicant shall agree, in writing, with the Box Elder County-Willard City Flood District to turn over to the said Flood District all detention basins, ditches, and other flood-related structures, works or excavations. A copy of said agreement shall be submitted to the Planning Commission. The applicant shall not require any compensation from the Flood District.
12. Applicant shall have the responsibility of arranging for and obtaining written comment from the following agencies regarding his proposed operation:
  - A. the Utah Geological Survey;
  - B. the U.S. Soil Conservation Service;
  - C. the U.S. Forest Service;
  - D. the Utah Division of Wildlife Resources.
13. Under no conditions shall any blasting ever occur upon the premises described in the application.
14. Applicant shall arrange for the preparation of a qualified engineer's estimate, in writing, for all costs of construction of flood control structures, devices, and ditches, and restoration of disturbed areas, consistent with the proposed plans submitted under conditions No. 3 and 4 hereof. These cost estimates shall be submitted to the Planning Commission for review and approval. The Planning Commission may require

further details and/or may revise the cost estimates, in its sole discretion. Upon approval by the Planning Commission of the cost estimates, the applicant shall prepare a proposed agreement providing for escrow of the funds necessary to pay said costs. Said agreement shall be reviewed by and be subject to the approval of the Planning Commission, and shall provide that Box Elder County have total control over the release of the funds, and shall provide a method of plan for the release of those funds as the improvements and restoration occur. Said agreement shall be reviewed by the Planning Commission and shall be subject to the approval of the Planning Commission and the Box Elder County Commission.

15. Applicant shall prepare and submit to the Planning Commission a proposed agreement wherein applicant holds Box Elder County harmless for any damages, claims, costs, and attorney's fees incurred by Box Elder County or its insurers as a result of any claims made or filed arising from the existence, operation, or approval of applicant's project.

16. Applicant shall prepare and submit to the Box Elder County Planning Commission documentation showing how noise levels at or emitting from the premises shall comply with Section 10-7 of the Box Elder County Zoning Ordinance. The Planning Commission shall approve such documentation. In any event, noise levels from the project shall at all times comply will Section 10-7 of the Box Elder County Zoning Ordinance.

17. No activity, construction, excavation, operation or work of any sort shall be conducted upon the premises between the hours of 7:00 p.m. and 7:00 a.m. the following day. In addition, no such activity, construction, excavation, operation or work shall be conducted between the hours of 7:00 p.m. on Saturdays and 7:00 a.m. on the following Monday. Upon application to the Box Elder County Commission, for good cause shown, the Box Elder County Commission may alter or modify these hours.

18. The Planning Commission shall review the issuance of the permit to determine if applicant is in compliance with all terms and conditions thereof on each anniversary of the issuance of the permit. As a condition of continued operation under this permit, applicant shall make such corrections as are ordered by the Planning Commission.

19. After the issuance of the Conditional Use Permit, the occurrence of a violation of any of the conditions specified herein shall be grounds for termination of the Conditional Use Permit. Box Elder County shall notify the applicant of any such violation, said notification to be in writing and specifying the violation and further specifying the requirement for correcting the violation, said notification to be sent to the applicant at his address shown on his Application for Conditional Use Permit, Application No. 38, or as such other address as applicant may direct, in writing. Said notification shall be sent certified mail with a return receipt

requested. If the violation is not corrected to the satisfaction of the Planning Commission within ten (10) working days of the written notification, the Conditional Use Permit shall be subject to revocation at the discretion of the Planning Commission. If the Planning Commission revokes the Permit, upon the occurrence of such a revocation, applicant shall forthwith cease any construction, excavation, or gravel pit operations of any sort upon the premises, and the County shall be entitled to withdraw such funds from the escrow account provided for herein as are necessary to restore the site, and shall commence restoration, using such of the escrowed funds as are necessary to complete restoration and the necessary and appropriate flood control structures.

20. Any reference in these conditions to the approval of the Planning Commission or anything requiring approval of the Planning Commission shall be defined to mean that the Box Elder County Planning Commission may require, in its sole discretion, changes, additions, or deletions, as it may desire, before any approval, and approval shall mean that a majority of a quorum present at a Planning Commission meeting affirmatively votes to approve the document, thing or item which is the subject of approval.

DATED this 17th day of December 1987.

  
RICHARD KIMBER, CHAIRMAN

APPLICATION FOR AMENDING  
THE BOX ELDER COUNTY ZONING ORDINANCE

We, the undersigned property owners, owning property in the approximate location of the South Honeyville Town limits to the Harper Ward Church, hereby respectfully request and petition Box Elder County to Amend the Zoning Ordinance to change the zoning from its current designation of RR-1 to the original zoning designation of RR-5 for a strip of land 500 feet east and 500 feet West of Highway 69 from the South Honeyville limits to the South Boundary of the Tom Baty property. This zone change would include the entire frontage of 4575 North Street. The purpose of this request to rezone the property back to the original zoning designation is to make this zone compatible with the master plan in keeping the area designated for large rural residential lots; preserving the quality of the rural life in the area; maintain and conserve present and existing water resources; and relieve further congestion and possible dangerous situations for the highway running through the area; as well as to place an emphasis on the agricultural commerce of the community.

It is submitted that the change from RR-1 to the original RR-5 zone is more consistent in keeping with the intent of the master plan and the property owners within the area, and will still allow for orderly development and growth, however not in a size of lot that will restrict and place undue pressure upon existing water resources, and other natural resources.

In submitting this application, we answer the following questions:

1. How is this proposal consistent with the policies of the general or specific master plan?

The master plan for Box Elder County states as follows in

regards to the Harper Ward area:

"North of Brigham City along the base of the mountains the Harper Area has been agricultural with a little spill over of rural residential from Brigham City. It is proposed to protect the prime agriculture developments and allow some large lot rural residential uses in the marginal benchlands along the mountain slopes."

The general master plan of this area is designed to place emphasis on the prime agricultural developments while still allowing some large lot rural residential uses.

Emphasis must be placed on the intent of the master plan to allow some large lot rural residential uses, not for the commercial exploitation and uncontrolled development of the area.

The continued growth in the Harper Ward area along Highway 69 indicates that further homes to be built would produce further strains upon water and sewage removal as well as increasing the risk of danger from vehicle accidents along Highway 69. To causally allow further development would mean that the zoning is ignoring the master plan to promote the agricultural developments in Harper Ward. It further means that the Harper Ward area will no longer be a rural county area, but will, within the near future, require essentially a localized government authority.

2. How will this proposal promote the health, safety, morals, convenience, order, prosperity, or welfare of the general public?

The change of the zoning to the original designation of RR-5 will mean that the property owners can realize their original intent to have agricultural uses in the area, rather than commercial development or increases in residences. Further, the possible influx of demands upon sewage, water, and traffic along Highway 69 would be avoided to the benefit to all living within the Harper Ward area.

This change of zoning back to the original RR-5 designation would mean that land owners would once again benefit from the

original purposes of conducting agriculture enterprises within this area, rather than moving into residential development.

Harper Ward is a unique community, one that is situated between two committees that are expanding their geographic boundaries by having residential overflow spill into the Harper Ward area. The actual residential size of Harper Ward is strictly related to Highway 69, which runs through the entire area. This change back to RR-5 means that true residential commercial development would remain in Honeyville and Brigham City, and would not over burden the fragile water and other services in the area.

Additionally, this proposal would mean that a new public hearing on the issue of zoning would be held. That means that all persons truly interested and concerned would be able to voice their opinion, whether it was for RR-1 lots or RR-5 lots for the County officials to hear.

3. Names of all owners of property in the proposed amendment areas and signatures of property owners as available.

Name Address Phone Approve Disprove

Name	Address	Phone	Approve	Disprove
<i>Lois Jates</i>	5090 N Hwy 69	723-7560	Approve	
<i>Fredrick B. Jates</i>	"	"	"	
<i>Keith W. Warren</i>	4525 N. Hwy 69	723-6690	Approve	
<i>Lujan Warren</i>	4525 N Hwy 69	723-6690	Approve	
<i>Dan K. Baly</i>	4345 No. Hwy 69	723-6690	Approve	
<i>Officer D. Baly</i>	"	"	"	"
<i>Madan D. Baly</i>	4190 No. Hwy 69	734-9893	APPROVE	
<i>Rabun E. Lamb</i>	4530 No. " "	723-6698	"	"
<i>Explara M. Wright</i>	4570 N. 1100 W.	723-5654		approved
<i>Grant Wright</i>	"	"	"	"
<i>Leah Yates</i>	3900 N. Hwy	approve	723-3935	
<i>Robert D. Jensen</i>	4720 N. Hwy 69	approve	723-7910	
<i>Reva U. Jensen</i>	"	"	"	"
<i>Loren Peterson</i>	3340 N Hwy 69	"	"	723-3571
<i>Marie Peterson</i>	3340 N Hwy 69	"	"	"
<i>Suzanne Daniels</i>	4190 N. Hwy 69	"	"	734-9893
<i>Edward Briggs</i>	4240 N. Hwy 69	"	"	
<i>Margie Briggs</i>	"	"	"	"
<i>John White</i>	4670 N 1100 W	723-2579	"	"
<i>Beth Hawker</i>	4770 N. 1100 W	"	"	723-3666
<i>John</i>	"	"	"	723-3666
<i>Sam Jones</i>	1975 N. Hwy 69	"	"	723-8683
<i>Julen B. Reeder</i>	1787 N. Hwy 69	"	"	723-3745

3. Names of all owners of property in the proposed amendment areas and signatures of property owners as available.

Name	Address	Phone	Approve	Disprove
Sally Warren	4544 No Hwy 69	723-7164	Approve	
Mary Warren	4544 No Hwy 69	723-2164	Approve	
Marion W. Hyde	3976 N. Hwy 69	723-6083	Approve	
H. Gwen Hyde	3976 N. Hwy 69	723-6083	Approve	
Claine Leticia	3380 N. Hwy 69	723-7546	Approve	
Klea Allen	2947 N Hwy 69	723-7654	Approve	
Ginda Seddaway	2935 N Hwy 69	723-7688	Approve	
Clay Seddaway	2935 N Hwy 69	723-7688	Approve	
Virginia H. Wheeler	2725 N. Hwy 69	723-5806	Approve	
Lydia F. Moore	206 W 1 N	723-7130	Approve	
Suzanne Ross	1790 N. Hwy 69	723-5040	Approve	
Frank L. Ross	1790 N. Hwy 69	723-5040	Approve	
Milton Bywater	1725 N. Hwy 69	723-6814	"	
Lessa Bywater	1725 N " "	" "	"	
Gary F. Hinck	209 W 1400 N	723-3053	Approved	
Marlene Hinck	" "	" "	"	
Marilyn Walker	6200 N. Hwy 69	274-8649	Approved	
Jack L. Luby	3380 No Hwy 69	723-7546	Approve	
Jerry D. White	3102 N Hwy 69	723-6680	"	
Ray C. White	3102 N. Hwy 69	723-6680	"	
Deloise Symmons	3015 N. Hwy 69	(723-9106)	Approve	
Delone D. Slones	1915 No Hwy 69	(723-7130)	Approve	
Audrey Jensen	4740 N Hwy 69	Approve (723-6641)		

3. Names of all owners of property in the proposed amendment areas and signatures of property owners as available.

Name	Address	Phone	Approve	Disprove
Elbert R. Beecher	3410 N. Hwy 69	723-2664	1/1	
Nina H. Beecher	3410 N. Hwy 69	723-2664	1/1	
Jonna H. Kettley	1480 N. Hwy 69	723-6704	approve	"
Jerry Wilde	3150 N. Hwy 69	734-2487	approve	
Carl Wilde	3150 N Hwy 69	734-2487	"	
Karen S. Yates	5220 No Hwy 69	727-8572	approve	
Kent J. Yates	5220 No Hwy 69	727-8572	approve	
Walter Peterson	4560 N Hwy 69		approve	
Leonard J. Peterson	4560 N. Hwy 69		approve	
But H. Reeder	1815 N Hwy 69	723-2877	approve	
Carona Reeder	1815 N Hwy 69	723-2857	approve	
Cindy K. Walker	4670 No. 1100 W.	723-2579	approve	
Donna Zamb	4530 No Hwy 69	723-6698	"	
J. Calvin Wheatley	5400 N Hwy #69	279-4474	approved	
Beverly Wheatley	5400 N Hwy #69	279-8424	approved	
Kathleen Beckstead	3428 N. Hwy #69	723-7007	approve.	
Andrew A. Hansen	18 East 6 north	723-2848	Approve	
Robert L. Burkholder	865 Sunset Dr	723-6197	Approve	
Martha C. Burkholder	865 Sunset Dr	723-6197	Approve	
Paul J. Burkholder	3428 N. Hwy #69		approved	
Winn W. Duvall	99 E 1300 So. Grand	(257-3145)	Approved.	

3. Names of all owners of property in the proposed amendment areas and signatures of property owners as available.

Name	Address	Phone	Approve	Disprove
Mat & Betty	4146 N. Hwy 69	723-5541	X	Approve 2 <sup>nd</sup> time Back to R.R. 5
Emmette M. Barty	4050 N. HWY 69	723-2123	X	
Paul G. Barty	" "	" "	X	
Jerry Barty	4146 N. Hwy 69	723-5541	X	Approved
Clayton W. Bryan	4020 N. Hwy 69	723-7075		APPROVED
Bonnie K. Dorgan	4020 N. HWY 69	723-7075		APPROVED
Mr. & Mrs. William R. Cannon	4075 N. Hwy 69	723-6137		Approved
Richard B. Burtch	3220 N. Hwy 69	723-5258		Approved
Virginia B. Burtch	3220 N. Hwy 69	723-5771		Approved
John	2930 N. Hwy 69	734-9794		APPROVED
Norma Price	" "	" "		APPROVED
J. Phillip Adams	P.O. Box 678 Brigham City, Utah 84302	734-9110	X	

