

Recommend the request for rezone of the two lots be denied. The requested change is to M-G – General Industrial District.

Industrial land is for bona fide commercial purposes or projected commercial use by the General Plan or the Land Use, Development & Management Code. Industrial operations are not compatible with residential zoning.

Compatibility is measured by whether or not there are adverse impacts on the quality of life in the area. Property values must be sustained or enhanced as opposed to diminishing values.

Mr McBride's property as well as the surrounding property values would be lowered dramatically with heavy industrial processes allowed in the neighborhood. There are over 37 homes in a three mile area along highway 38 and 3100 west. More homes are north on highway 30 (all within 2 miles).

All property on the east side of Highway 38 is zoned RR-2 with property directly behind RR-2 zoned MU-40.

Property on the west side of Highway 38 directly across from the lots in question is zoned A-20. Wheatland Mill is zoned MFP. All remaining property west of the railroad tracks and south to 12800 N (about 3 miles) is RR-2.

New homes continue to be built because this area is favorable to large-lot family life, the rural atmosphere, the RR-2 designation reduces requirements for public utilities because

we have our own wells and septic systems and pay for our services as individual families if they are needed. This is prime residential property.

The quality of life would be impacted by the lighting requirements for an impound lot, the razor wire along the top of the six-foot fence, access 24-hours a day for peace officers as well as tow truck drivers, and the impact of mashed vehicles where a death may have occurred, especially if the accident involved someone local. Everyone knows everyone else in this rural area and may even be related. That is one of the draws to this type of family living. *Then there are environmental concerns.*

M-G (general industrial) is for areas in APPROPRIATE locations where heavy industrial processes necessary to the economy of the county may be conducted. The general industrial district is managed by regulations designed to protect the environmental quality of the district and adjacent areas.

The rural growth of Collinston does not support the growth of an industrial district and; therefore; does not support an economic district.

An industrial zoning change for a state impound lot for no more than 10 cars is very extreme.

In researching the requirements for an impound lot, the industrial zone code and the property itself the following ~~has an impact for the buyer, the county, and the neighborhood.~~

has been found

First, in the 1980s UDOT owned the property and had the Collinston Shed. They stored salt and sand for the roads in the winter. They stored snow plows and performed some maintenance on the trucks. They stored equipment for summer road repairs. They also fueled the vehicles at this location and installed an underground storage tank. When the property was sold the underground storage tanks were not removed. This was confirmed through UDOT, Northern 1 Region office just this past Tuesday. Essee in the Region 1 UDOT office. (Randy Smith Property Management 801-633-6250)

The tank condition is unknown, the amount of fuel in the tank is unknown, the size of the tank is unknown. The exact location of the tank is unknown. The properties of the tank manufactured that many years ago almost guarantees that there is an impact to the soil and also a potential for water contamination. The cost for removal is unknown. The cost for environmental clean up, if any, is unknown. Whether or not UDOT is responsible is unknown.

Second, There is no water to these two parcels. No well permit is in place. There is no water available from a spring. It is unknown if a well permit could be obtained from the State.

Next, There is an outhouse located on the south side of the shop. The Box Elder County Health Department (Teresa and

Mike Rhodes) confirmed there is no septic system on the property.

Next, The use of the Industrial zoning code for a ten, or less car, lot would allow DD Auto and Salvage and Mr Huber (DD Auto and Salvage are on the application with Mr Huber) to expand their impound lot into a salvage yard, which is in line with their operations in Cache County, ~~and this could be done without another approval from the planning/zoning committee because M-G supports salvage yards as a permitted use.~~ *This also rubber stamp approves the junkyard that is out of compliance of the county, state and federal regulations*
~~Bring this up because we have 7 impound lots in Tremonton, Six impound lots in Brigham City, One in Riverside, One in Snowville and One in Willard. The competition is in place.~~ *(16 total)*

The start of a salvage yard is in place

An expansion from an impound lot to a salvage yard would be a definite losing situation for the residents in the Collinston community and have an impact on the environmental health as well.

The application for rezone to M-G for an impound lot for a quantity of no more than 10 cars is in good faith at this time and would require fair dealing in the future with Mr Huber and DD Auto and Salvage. For the Committee's information Mr Huber was found guilty of breaching the covenant of good faith and fair dealing in a real estate transaction in 1997, Case Nos 950752-CA, 960617-CA. *involving unground storage tanks*

BE has
roadside note

An auto salvage yard comes with its own hazards. There is the potential for ground water and surface water contamination from gasoline, diesel, transmission fluid, power steering and brake fluids, gear oil and mineral spirits. There is mercury from light switch assemblies, HID head lamps, display screen back lighting and ABS brake sensors. Lead from batteries, wheel weights and battery cable ends. Chloroflorocarbons and other refrigerants from AC units. The federal clean air act states it is illegal to vent any ozone depleting substance or its substitute. The removal of refrigerants must be recovered into a registered recovery device. Sodium azide from air bags. Asbestos from brake shoes and clutches. There are heavy metals – lead, cadmium, chromium, zinc, copper, nickel, aluminum, arsenic and mercury.

I would like to cite Colorado, Idaho and our own Sanpete County as maintaining separate zones for impound lots and auto salvage yards. Sanpete zones impound lots in a BC (Business Commercial zone) and their auto salvage in an industrial zone to ensure environmental standards are met for air, water, soil, and wildlife. The State of Utah has auto salvage yards in Group 4 of their multi-sector general permit for storm water discharges associated with industrial activities. These permits must be renewed yearly.

There is a culvert directly across from the structure on the property. It goes under highway 38 and the railroad. There is a dike built west of the railroad tracks to divert the runoff away from the Potter's property and taking it north along the Jensen,

McBride property and from there it runs across the Nelson property.

Any water that is not taken into the culvert runs across the road and south onto Wheatland Seed property on the west of the highway or stays on the west of highway 38 and runs into the residential yards of the McBrides and Allens.

The aerial photos show the topography pushing the above ground and below ground water to the southwest, directly across and under the 2.7 acres. The draw located behind the property flows directly into the north one acre lot which will allow the movement of any environmentally hazardous material to be picked up and moved further downstream

We request the rezone request ^{JOM-G} be denied. *and that the property remain zoned as RR-2.*

We ask the committees help in resolving the environmental and economic impact of the illegal junkyard that is now in place on the property.

We also ask the committees help with the safe removal of the underground storage tank to make sure our water and soil are no longer in danger.

Thank you