

January 15, 1981

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday January 15, 1981. Members present: Jay MacFarlane, Glen Nelson, Dale Rhodes, Jerry Wilde; Don Chase, Charles Kimber and Boyd Nelson. Also present were ex-officio members Denton Beecher and K. B. Olsen. Also sitting in was Darrel Nielsen, Orvil Gray and Chairman Wilde presiding.

MINUTES

Minutes of the regular meeting of December 18, 1980 having been previously sent to the planning members and the secretary stated he had made some minor changes in the wording since the minutes had been sent out, he stated the changes did not change the meaning but were just a matter of clarification. Member MacFarlane reported there needs to be two corrections made saying the number of trailer spaces he has should be changed from two to five and if the place is cleaned out he has room for one more rather than two as shown in the minutes. Member MacFarlane made the motion that with these changes they approve the minutes as amended. This was seconded by member Rhodes with all voting in favor.

BLAIR SUMMERS-MINOR SUBDIVISION

Denton Beecher presented to the Commission a plat of the proposed Blair Summers Minor Subdivision which is to be located on the north side of Rocket Road and the east side of 9200 West Street. Mr. Beecher reported that Mr. Summers is asking for concept approval. He also reported they plan to have individual septic tanks and can get Thatcher water. He said there are 38 acres in the total parcel. Mr. Beecher reported he has all of the information necessary for concept approval; however, there were some things discussed that will have to be met before final approval is given. Member Rhodes made the motion that they grant concept approval. This was seconded by member Kimber with all voting in favor.

BLM LAND USE PLANNING

David Watson, representing the BLM, met with the Commission and presented to them some information on the BLM's proposed Land Use Planning for the public land in Box Elder County. He reported that the Land Use Planning won't be com-

pleted until the fall of 1985. He said they are now at the point where they are asking the public for information on what the problems are on this Land Use Planning. He reviewed with the Commission the six steps that will be followed before it is completed and the time table for each of the steps. He said his purpose in meeting with the Planning Commission is to let them know that they want to cooperate, as much as possible, with the county's plan. He said there may be a conflict occasionally when the county plan says one thing and the Federal Law requires them to do another thing but he said other than that they want to cooperate. He said they would like to know how they can best involve the Planning Commission. He said the Planning Commission may want to appoint someone to act as a contact person that they can work through and said this contact person can bring back important things to the Planning Commission when there needs to be a Commission decision. He said it is up to the Planning Commission if they want to appoint such a person or not. After some discussion member Boyd Nelson made the motion they designate Denton Beecher as their contact man. This was seconded by member MacFarlane. Commr. Chase said he thought Mr. Beecher would be a logical one to appoint as he said the County Commission uses him to make this kind of contact so it works right in. He also said the BLM has been good to cooperate with the County Commissioners. All voted in favor of the motion. Mr. Watson said they will develop all of the ideas they can collect and said we will send the Commission a copy of what is developed.

VAUGHN RHODES & STEVEN JOHNSON MINOR SUBDIVISION CONCEPT

Vaughn Rhodes and Steven Johnson met with the Commission in regards to getting Concept Approval for the proposed Vaughn Rhodes and Steven Johnson minor subdivision. They said the subdivision will be north of the old sugar factory on highway 13 on what was Hyrum Marble's property. These men showed the Commissioners a map of the area. They said there are 33 acres in the parcel and they are thinking of selling 8 parcels and the lots will be approximately 3/4 of an acre each. The Commission explained to these men that if the frontage is less than 120 ft.

they will have to have curb and gutter and said the lots can't be more than 3 times as long as their width. Mr. Beecher pointed out the lots have to be at a 90° angle to the street or if they are not they have to be approved by the Planning Commission and he showed them a drawing that he had made where the lots would be at a 90° angle with the street. He said his drawing is just his thoughts and said there may be other ways of doing it. They said they liked the drawings shown them by Mr. Beecher. These men said it not their intention to put a lot of homes in a small area. The Commission members asked where they would get culinary water. These men said they have approached two or three source regarding water and said they first contacted Riverside-North Garland water District. Member MacFarlane explained the status of the Riverside-North Garland Water and said right now it is questionable they will be able to furnish the water. After some further discussion the Commission explained they can't grant preliminary approval until they have a water source. Member MacFarlane made the motion they accept the plan as for Concept Approval with the corrections that the lots will have to be at a 90° angle to the streets. This was seconded by member Glen Nelson with all voting in favor.

VIOLATIONS OF THE COUNTY ZONING ORDINANCE

Mr. Beecher explained there are a couple of violations of our Ordinance that has come to the attention of the Commission. One is where there has been a lot of about $\frac{1}{2}$ acre created in an RR-5 zone at South Willard. He said another is where 8.44 acres was sold that is in an MU-160 zone. He explained that this piece has been sold three times and is now owned by Mr. Darrel Nielsen. He explained that there is a home on this 8.44 acre parcel but said a building permit was issued on this home when the property was all in one parcel. It was pointed out the 8.44 acres should never have been sold in the first place. In the discussion it was pointed out Mr. Nielsen now owns not only the 8.44 acres but also the entire original piece of 160 acres and Commission told Mr. Nielsen, who was present, they weren't too concerned if this 8.44 acres is deeded back into the whole. The Commission said to just leave that one for the time being and watch to see what is done. They said on the other one involving the $\frac{1}{2}$ acre they should have the Deputy County

Attorney, Jon Bunderson write a letter informing the people that they are in violation.

GREENHOUSE-AT HARPER

Mr. Beecher reported on the greenhouses at Harper and said a letter was sent to Winn Earl about cleaning up the east of his two greenhouses that were damaged by the wind. He reported that Mr. Earl answered and said he plans to dismantle and rebuild the greenhouse. It was also reported that Charles Anderson was given an extension of time on cleaning up his greenhouse and he said he would. Chairman Wilde said there is some of the mess that hasn't been cleaned up. The Commission said the Attorney should also send him a letter.

DISCUSSED APPLICATION FOR ZONE CHANGE AT EAST WILLARD

Roger Joisjolly met with the Commission and presented the following request for a zone change for above willard. (Copy # 1) He said he thought this area should be rezoned in such a way that it won't take away the owners right but also protect the rights of neighboring property owners and said it looks like an RR-5 zone might apply. It was pointed out this area is now zoned MU-160. The Commission members said the Planning Commission's responsibility is to see that the request is consistent with the County's Master Plan and to try and determine if that's what the people of the area want. They said they may have to re-evaluate the Master Plan. Chairman Wilde called to Mr. Joisjolly's attention the last question of the Application to Amend the Zoning Ordinance calls for the names of the property owners in the area and said that should be furnished with his application. Mr. Boisjolly said he would take the application and get the names of the property owners on it for the Commission. Mr. Beecher said he would be willing to help him get those names if Mr. Boisjolly wanted to stop in sometime. Mr. Boisjolly then asked the Commission some questions on procedures and what had been done in regards to Mr. Darrell Nielsen's application for a Conditional Use Permit for a gravel pit and asked if input is still acceptable. The Commission said they will always accept reasonable input and told him if he had input he should submit it in writing.

HEBER BUTLER MINOR SUBDIVISION

Heber Butler and Greg Hansen met with the Commission to see if they can get Concept and Preliminary Approval for the proposed Heber Butler Minor Subdivision. Mr. Butler said the proposed minor subdivision will be about one mile north of Garland on 13600 North St. After Mr. Butler showed them a plat of the area and the proposed subdivision the Commission told Mr. Butler they want the people, when planning a subdivision, to take a look at the entire property to see what they are going to do and consider what might happen in the distant future so they don't mess up their property for the future. In looking at the plat the Commission members said they would like to see if the proposed road going to the property in back of the subdivision is in the right place. Mr. Beecher said they have submitted all of the documentation needed. It was, however, pointed out they may run into problems with water and member MacFarlane explained what is taking place regarding the Riverside-North Garland water. Member Chase made the motion that they grant Concept Approval and they give Preliminary Approval on condition of getting final approval on water and the County Surveyor gives his approval and then the Chairman be authorized to sign the Plat. This was seconded by member Glen Nelson with all voting in favor.

POSSIBLE ZONING IN PARK VALLEY AREA AND ALSO PLYMOUTH-PORTAGE AREA

Member Chase reported that the committee in Park Valley is now to the point they are asking that we go ahead with zoning that area. He said he doesn't have anything to formally present at this time but said the Committee would like to know if it has Commission endorsement. The Commission members said it has their support, however, they suggested they have a spokesman for the area meet with the Planning Commission. Member Chase then said he would like to go ahead with zoning the Plymouth-Portage area and said he would like the Commission's blessings on that. The Commission members said he has their blessings on trying to get that done.

CONDITIONAL USE PERMIT-DARREL NIELSEN'S GRAVEL PIT

Chairman Wilde reported that Atty. Thorup called him and said he is aware the

Planning Commission said they would give their answer at this meeting today on Darrel Nielsen's application for a Conditional Use Permit. He said, however, Atty. Thorup said they want to collect some more information to present to the Planning Commission, therefor, asked if they'd postpone giving their answer until the February meeting. He said Atty. Thorup thought he could get the additional information to them by the 1st of February. Chairman Wilde then read the following letter that had just been received from Atty. Thorup. (Copy # 2)

REQUEST FOR ZONE CHANGE AT SOUTH WILLARD

Don Braithwaite, Dan K. Parkin and George & Carole Buchanan met with the Commission and presented the following Application and Petition for a Zone Change at South Willard. (Copy # 3) They showed the Commission a map of the area where they are requesting a zone change and Mr. Braithwaite said the proposal is to subdivide but before they can there has to be a zone change. It was pointed out the area they want to subdivide consists of 24 acres and then there is another 10 acres owned by the Board of Education to be included in the area for the zone change for a total of 34 acres. Mr. Beecher said in the request they are asking for an R-1 zone but he said, we haven't such a zone. He said he doesn't know just what they really want. He also said the application shows this is now zoned A-5 but it is actually zoned RR-5. Mr. Braithwaite said they want $\frac{1}{4}$ acre lots. Mr. Beecher said the zone we have that comes closest to that is an R-1-10 zone or he said do you want to write your own zone. There was a question if that would be spot zoning and how many acres would have to be considered to not be spot zoning. Mr. Beecher explained that there is no specific number of acres mentioned in the Ordinance but said when a certain area is taken out of context that is spot zoning. He said our Master Plan has this area basically as an agricultural setting and said this change would be changing it to an urbanized development and said maybe the Commission needs to look to see if this is consistent with our Master Plan and asked if it isn't, should the Master plan be changed, saying has the situation changed enough that now is the time to consider changing from an agricultural setting to an urban setting? Chairman Wilde said we have had a hearing in that

area not long ago and sentiment was overwhelming against a zone change. It was pointed out, however, that hearing was for land on the other side of the highway and there was one feeling there is a different situation here saying this land is not good agricultural land. There was considerable discussion regarding the handling of sewage in which it was expressed $\frac{1}{4}$ acre lots wouldn't be able to handle sewage by septic tanks and it was also pointed out there is no sewer system in the area to hook on to. After discussing sewage the Commission said they would have to find out first what can be done with sewage and the people of the area would have to decide if there is enough demand and growth to turn this area into an urban area and the question was asked if now is the time to make a change should we include more area? Member Boyd Nelson made the motion they table the matter until further information is furnished on sewage. This was seconded by member Glen Nelson with all voting in favor.

Meeting adjourned at 10:00 p.m.


K B. Olsen, Secretary

APPLICATION FOR AMENDING THE
ZONING ORDINANCE

Fee Paid _____

Date: 1/8/81

I (we), the undersigned property owners, respectfully request that the Zoning Ordinance be amended by THE BOY PLAZA PLANNING COMMISSION

TO ELIMINATE ANY CONDITIONAL USE PERMITS TO BE ISSUED

BY CHANGING THE ZONING ORDINANCE TO PROHIBIT ANY GRAVEL

PIT OPERATIONS ON COUNTY LAND LOCATED EAST OF WILLARD FROM

THE SOUTH CITY BORDER FROM ~~2.5 MILES~~ TO THE NORTH

LIMITS OF WILLARD CITY AND EXTEND ^{1 MILE} TO THE FACE OF THE MOUNTAINS

WHERE IT WOULD BE IMPOSSIBLE TO DIG FOR GRAVEL. PROPOSED
ZONE TO BE RR-5

** The Planning Commission must review the request from the standpoint that changes in the Zoning Ordinance cannot be made unless it is in the best interest of the public generally and in conformity with the policies of the general or specific Master Plan.

Please answer the following questions: (Attach additional sheet for statements, if necessary.)

1. How is this proposal consistent with the policies of the general or specific Master Plan? I WOULD ASSUME THAT SINCE MANY RESIDENTIAL HOMES

NOW EXIST ON THE CITY LAND ADJACENT ~~TO~~ THE LAND DESCRIBED ABOVE,

THAT THIS PROPOSAL WOULD BE MOST CONSISTENT WITH THE REQUIREMENTS
TO HAVE A QUIET AND PEACEFUL BEDROOM COMMUNITY.

2. How will this proposal promote the health, safety, morals, convenience, order, prosperity, or welfare of the general public? BY NOT RAISING UNWANTED PROBLEMS

SUCH AS DUST, NOISE, SAFETY FOR CHILDREN, DEVALUATION OF OUR HOMES

AND A POTENTIAL SLIDE HAZARD DUE TO ALTERING THE NATURAL TERRAIN.

3. Names of all owners of property in the proposed amendment area and signatures of property owners as available (Planning Commission may require signatures of all property owners showing approval of proposed change).

Name _____ Address _____ Phone _____ Approve _____ Disapprove _____

ROGER BOUSJOLY 5505 2ND E 723-6092

X

RAY, QUINNEY & NEBEKER
PROFESSIONAL CORPORATION

S. L. QUINNEY
A. F. NEBEKER
ALBERT R. BOWEN
W. J. O'CONNOR, JR.
ALEXANDER W. WATSON, JR.
STEPHEN E. NEBEKER
MITCHELL WELICH
C. RIDD LARSON
DONALD ALLEN
MIRIAM C. BAUER
STEPHEN H. ANDERSON
CLARE E. ALLEN
LARRY W. FRIED
THOMAS A. COLLINS
LANCE J. WILDE
MURDOCK KEATON
HERBERT C. ANDERSON
WILLIAM A. MARSHALL
PAUL S. FELT

GERALD T. SNOW
HERBERT BEESLEY
ALAN A. ENKE
NATHAN A. DIBBLE
SCOTT H. CLARK
JAMES W. GILSON
STEVEN H. GUNN
JAMES S. JARDINE
KENT H. MURDOCK
JANET H. LIDIE SMITH
JUDITH MITCHELL BILLINGS
DOUGLAS KATEL MOR
ALLEN L. DEER
BRAD C. HARDY
ERIAN E. KATZ
A. ROBERT THORP

ATTORNEYS AT LAW
SUITE 400 DESERET BUILDING
79 SOUTH MAIN
SALT LAKE CITY, UTAH 84111

TELEPHONE
(801) 532-1500

PAUL H. RAY 1895-1967
C. PRESTON ALLEN 1821-1871
MARVIN J. BERTSCH 1815-1878

January 12, 1981

Box Elder County Planning Commission
c/o Jerry Wilde, Chairman
Brigham City, Utah 84322

Re: Comments heard at the January 7, 1981 Public Meeting

Dear Chairman Wilde and Commissioners:

We appreciated the time and opportunity provided us at the January 7, 1981 meeting to introduce to both yourselves and the assembled public the members of our scientific and engineering team and to indicate the types of studies that we are undertaking to provide the necessary information upon which all political bodies can make the proper decision on our Application. For the record, I attach with this letter a copy of certain resume and introductory material setting forth the professional experience of Schick International. We will have available at your request, following the promised submission of our written evidentiary product, one or all of our experts from Schick International to answer questions. The Commission's desire to question or consult with one or all of our experts should be communicated to us sufficiently in advance of a Commission meeting so that we would be able to arrange the schedules of our experts to comply with your desires.

I take this opportunity to provide for your record our responses to the concerns raised at the January 7, 1981 public meeting.

1. Ecological Concerns. Concern was raised as to the displacement of certain animal life in our work area. Douglas

Chard, our biological and economic expert has done and will do further ecological studies which hopefully will show that no significant impact will be felt by the animal life in the area. In fact, while we do not recognize the necessity for an environmental impact statement as required for federal land projects, the study that is currently being undertaken by Schick International at our great expense will equal or exceed the requirements for an environmental impact assessment of this project. Thus the Box Elder County Planning Commission and Willard City Planning Commission will probably have before them the most detailed and comprehensive environmental evidentiary study that has ever been presented to a local government body in the State of Utah.

2. Noise and Dust. There is no question but that there will be an element of noise involved with our use of the property. There is noise every time an individual uses his voice, walks along the ground or drives his automobile down the street. The question is not whether there will or will not be noise, but whether the noise will be above prohibitive and dangerous levels. In the Willard City and Box Elder County zoning ordinances, performance standards for noise must be met. Our study through Schick International will show and we will promise to comply with or exceed those performance standards. The mere presence of an element of noise cannot, if it does not exceed the performance standards set by the political body, be grounds for denying a person his rightful use of his own property.

The same comment can apply to the concerns about dust. While the lay citizens of Willard City may feel that airborne dust would be created by any activity on our project, the experts for the State have developed standards which, when met by our project, will insure that the dust that is generated will not be harmful to the population. We have submitted to the Commission a letter from the Utah Department of Air Quality indicating, that based upon their experience with Gibbons and Reed operations, there is no cause for concern inasmuch as

(a) Gibbons and Reed usually complies with the very tight dust control requirements and

(b) the State will closely monitor the project and Gibbons and Reed is always quick to remedy any problem identified by the State.

Again, we cannot be stopped because we will generate dust. We can and should be stopped, however, if we decline to comply with

the safety requirements for dust emissions as set by the state and the county. We will comply with those emissions' requirements and expect that this ought to be a condition to our use.

3. Safety. As indicated by Michael Gibbons at the public meeting, the gravel extraction operation will be governed by the requirements of the State Mining Safety and Health Administration as to the safety for both workers and guests on the property. The Commission can rest assured that Darrell Nielson expects to comply fully with any condition that would be set on his use requiring adequate fencing, warning signs, and monitoring of the gravel extraction operation, the haul road and/or the conveyor belt transportation system. There is absolutely no question but that the health and safety of the people of Willard City are of prime importance to Darrell Nielsen and he will expend his own money to protect the children and adults who live, work, or may otherwise come near the project. It is important to note that no proponent of any alleged safety problem could cite any death or injury that has resulted from the gravel pit operations or the conveyor operation that have in the past been in use near Willard.

Finally, while Darrell Nielsen will take every reasonable precaution, and then some, to protect the children of Willard from any of these uses, it is imperative to remember that the primary responsibility for the safety of children is with parents, and Darrell Nielsen will work closely with but cannot assume the responsibility for the parental responsibility of Willard citizens.

4. Aesthetic Revegetation Concerns. It was embarrassing for us to listen to the comments of uninformed lay individuals to the effect that our experts are lying when they say that revegetation could completely restore the beauty and economic benefit of the mountainside. We are confident that the Commission will be able to judge between lay opinion and expert testimony. Dr. Alvin Hansen is a very well respected and noted agronomist teaching at Utah State University with many, many years of experience in this very area. It is his conclusion that through replacement of the topsoil, which is a known capability, and revegetation the mountainside can be restored to an extremely beautiful and pleasing condition. As part of the Schick International study, we will submit to the Commission photographs, not only of gravel pits which have been revegetated, but also of housing developments which are at the edge, and indeed, inside of gravel pit operations. These are new housing developments which have been built since the gravel pit was started. Our economic and environmental experts will show to the satisfaction of reasonable people that the proposed use by Darrell Nielsen will not permanently "scar"

the mountainside, and at Darrell Nielsen's own expense, the beauty and economic potential of Willard City land and property values will be protected.

5. Phasing the Project. There was some criticism of me for my various statements concerning the width of the sections which would be opened and then revegetated. This change in detail is primarily the result of the problems of foreseeing a project without actually getting onto the property and observing the necessary widths for machine operation. We are now convinced that 600-foot sections will be the width used as one by one they are opened up, the topsoil stored, the gravel removed, and then the section revegetated. We emphasize our willingness to accept as a condition that before the next section is completely opened up, the prior section's revegetation must be completed. The problem with assurances that Darrell Nielsen will revegetate is coupled closely as to the possibility of his bankruptcy. We are on record as indicating our willingness to post a bond payable to Box Elder and/or Willard City in advance which will guarantee that sufficient money will be available to revegetate the project should the project collapse at any stage. This bond requirement far exceeds any assurance that may be given by Darrell Nielsen and should assuage any reasonable doubt as to the performance of the revegetation conditions.

6. Water and Flood Control. As you know, we have engaged Schick International to provide a detailed percolation, ground water, geologic, soil and flood study of our particular piece of property which will tell you exactly what steps will be necessary to assure that no negative water impact will occur as a result of the Darrell Nielsen use. These necessary measures, including but not limited to, channeling the water, creating detention areas, controlled release, and sealing of percolation areas can and should be made conditions to the use by Darrell Nielsen by both this Commission and the Willard City Planning Commission. It is important to note that there is no organization in the State of Utah that is more widely respected or more competent to perform this study than Schick International. There is no fear that beneficial percolation will be harmed because of the quality and expertise of those individuals who are studying the situation.

7. General Considerations. This Commission, along with the Willard City Planning Commission and the citizens of the area must remember a very important fact. Darrell Nielsen is the owner of property which he purchased in reliance upon the zoning that existed at that time. The City and the County have both recently

permitted gravel pits to be in that same area. It would be an unconscionable depriving of Darrell Nielsen's property rights for the City or the County to deny him the use of his property. What can be done to Darrell Nielsen can also be done to each citizen of Willard. The indiscriminate, arbitrary and biased denial today of Darrell Nielsen's right to use his property can set the precedent for the denial on an arbitrary and capricious basis of the use by any of the citizens of Willard of their property in the future. Those who desire to maintain a farm may someday see their property taken from them in an arbitrary and capricious manner because of the improper enforcement of requirements of the Use Permit.

The people who seek so diligently to deprive Darrell Nielsen of the value of his property and who so glibly suggest that he should move someplace else and dig his gravel there must realize that there are millions of dollars involved in the ownership of this property. Only if the City (or the County) is willing to pay Darrell Nielsen the value of the property and set it up as a county park or a city park can they morally or legally stop him from attempting to use his property to the most beneficial use possible at this time.

We find it sad that certain individuals are utilizing the legal process to do to Darrell Nielsen exactly what the people of Willard are afraid Darrell Nielsen will do to them, to-wit: utilizing the letter of legal requirements to bludgeon individual property owners. There is no excuse for Darrell Nielsen to have had to go through the year and one-half of hell and financial expense that he has had to go through in an attempt to get a fair use of his property.

Very truly yours,

RAY, QUINNEY & NEBEKER



A. ROBERT THORUP

ART:JCD

cc: Darrell Nielsen
Willard City Planning Commission
Schick International

P.S. Jerry: Take with a grain of salt all you read in the Opinion Board Examiner. We do in the Box Elder papers.



APPLICATION FOR AMENDING THE
ZONING ORDINANCE

Fee Paid _____

Date: _____

I (we), the undersigned property owners, respectfully request that the Zoning Ordinance be amended by _____

Changing zone from A-5 to R-2 (See attached sheets)

for the purpose of _____ urbanized residential plan

** The Planning Commission must review the request from the standpoint that changes in the Zoning Ordinance cannot be made unless it is in the best interest of the public generally and in conformity with the policies of the general or specific Master Plan.

Please answer the following questions: (Attach additional sheet for statements, if necessary.)

1. How is this proposal consistent with the policies of the general or specific Master Plan? _____ Change from a rural residential to a urbanized residential area

2. How will this proposal promote the health, safety, morals, convenience, order, prosperity, or welfare of the general public? _____ It will improve existing culinary system and will be the first improved residential improvements and make a community sewer system reasonable. Provide access to and supplement Box Elder School board plans.

3. Names of all owners of property in the proposed amendment area and signatures of property owners as available (Planning Commission may require signatures of all property owners showing approval of proposed change).

Name	Address	Phone	Approve	Disapprove
Robert Wilson	7935 So. Hwy. 89	782-4280	BRW	
Walter K. P. [unclear]	7925 So. Hwy. 89	782-4695	SKP	

We the undersigned hereby petition the Box Elder County to change
the zoning on the property described below from R-5 to R-1 with approximately
8,000 to 10,000 square foot lots:

9 acres belonging to Elen Wilson

- | | |
|-----------------------------------|---|
| <u>John White 1/3/81</u> | <u>Annette Lockie 1-4-81</u> |
| <u>Richard White 1-3-81</u> | <u>Charles Gray 1-4-81</u> |
| <u>Richard Sloan 1-3-81</u> | <u>Eric Gray 1-4-81</u> |
| <u>Spencer Vicars 1-3-81</u> | <u>Walter Johnson 1-4-81</u> |
| <u>Jack Anderson 1-3-81</u> | <u>Catherine Johnson 1-4-81</u> |
| <u>Wenona Gordon 1-3-81</u> | <u>Jeff Strick 1-4-81</u> |
| <u>Bruce Farley 1-4-81</u> | <u>Annette M. Pattinson 1-4-81</u> |
| <u>Linda Karlinsky 1-4-81</u> | <u>Robert Cook 1-4-81</u> |
| <u>Jon O. Forsgren 1-4-81</u> | <u>Carol Cook 1-7-81</u> |
| <u>Jeannine Forsgren 1-4-81</u> | <u>James J. Cook 1-5-81</u> |
| <u>Mary Fitchell 1-4-81</u> | <u>Scott McCarl 1-5-81</u> |
| <u>Steve Fitchell 1-4-81</u> | <u>Thomas Moore 1-5-81</u> |
| <u>Conrad & Wetz 1-4-81</u> | <u>Maurine Moore 1-6-81</u> |
| <u>Thomas Wetz 1-4-81</u> | <u>Don W. Weyl 1-6-81</u> |
| <u>Donald Wetz 1-6-81</u> | <u>Frances Heil 1-6-81</u> |
| <u>Thomas Wetz 7/4/81</u> | <u>Byron A. Chadwick 1-6-81</u> |
| Frank Wetz 1-4-81 | <u>Willard H. Young 1-6-81</u> |
| <u>Ray W. Pattinson 1-4-81</u> | <u>W. H. W. H. 1-6-81</u> |
| <u>John W. Pattinson 1/4/81</u> | <u>Pat Lundberg 1-6-81</u> |
| <u>John W. Davis 1-4-81</u> | <u>Pat Lundberg 1-6-81</u> |
| <u>John S. Christensen 1-4-81</u> | <u>Ray S. Crasman 1/6/81</u> |
| <u>Dee Rae Christensen 1-4-81</u> | <u>Robert Larkin Hill (Cousin) 1/6/81</u> |
| <u>Lela H. Crasman 1/4/81</u> | <u>Red Larkin Hill 1/6/81</u> |
| <u>Tom Crasman 1-4-81</u> | <u>Don Fairbank 1/6/81</u> |
| <u>Mary J. Blackwell 1-4-81</u> | <u>Richard D. Young 1-6-81</u> |
| | <u>Lucretia Young 1-6-81</u> |

We the undersigned hereby petition the Box Elder County to change
the zoning on the property described below from A-5 to R-1 with approximately
8,000 to 10,000 square foot lots:

9 acres belonging to Glen Wilson

Orin N. Jackson 1-6-81

Lucas Jackson 1-6-81

Stanley R. Perkins 1-7-81

Louise J. Perkins SKP 1-7-81

A

No

FEBRUARY 19, 1981

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday Feb. 19, 1981. Chairman Jerry D. Wilde presiding. Members present: Dlae Rhodes, Charles Kimber, Jay MacFarlane, Don Chase, Jerry Wilde. Also present were Ex-officio members Denton Beecher and K B. Olsen.

MINUTES

Minutes of the last meeting of the Planning Commission having been previously mailed to each of the Commission Members member Chase made the motion they approve the minutes of January 15, 1981 as written. This was seconded by member Rhodes with all voting in favor.

RE: DARRELL NIELSON'S APPLICATION FOR A CONDITIONAL USE PERMIT

The following were present:

Lester C. Wheatley, Tremonton	Glenn Crump, Tremonton
A. Wayne Priebe, Willard	Orville Gray, Willard
Roger Boisjoly, Willard	Reed T. Webster, Salt Lake City
Carol Wells, Willard	Carolyn Wells, Willard
Dean Wells, Willard	Warren W. Hyde, Brigham City
Darrell Nielson, Ogden	L. Ridd Larson, Salt Lake City
Robert Thouup, Salt Lake City	G. Robert Murdock, Salt Lake City
Glen Woodyatt, Willard	Seth Schick, Shick International

Chairman Wilde stated the first matter on the agenda is in regards to Mr. Darrell Nielson's application for a Conditional Use Permit. He said in going over the material submitted by Mr. Nielsen's attorney there are several questions in the Planning Commission's minds and said, No. 1 We are not asking anything different from what we have done in the past where a request involves an area next to a municipality. Before he started on No. 2 it was decided they should take the time to read the entire letter that had been prepared by the Assistant County Attorney at the request of the Planning Commission stating the intent of the Planning Commission to turn down Mr. Nielsen's application for a Conditional Use Permit at this time and listing the 14 reasons for doing so. Chairman Wilde then started reading from the following letter; (COPY #1) Atty Thouup asked if the things in this letter have been adopted or is it a draft and during when were these items generated?? Was a meeting held?? Chairman Wilde said there wasn't exactly a meeting held but said you only sent us

one copy of your proposal and we had to pass it to each of the Planning members so they would know what is in it and what we would have to answer and said nothing has been adopted at this time. Attorney Thorup stated these are reasonable questions that the Planning Commission has raised but said his concern is about the word "denied". He said if Mr. Nielson's application is here denied that means when all of the things called for in your letter have been met he would have to start all over again with a new application and where there has been a request filed for a zone change they could be ruled out, but said if it is the intent of the Commission to defer the application that makes a lot of difference. There was a lengthy discussion on the meaning of the word "denied" as to deferred. Chairman Wilde said he didn't think it was the intent of the Commission to require Mr. Nielson to start all over again with a new application and said another word other than denied had been mentioned by the Assistant County Attorney when they were discussing this but said he couldn't recall what the word was. Member Chase said he is prepared to deny the request tonight for the reasons listed in the letter. Atty. Thorup said if the application is deferred until these things are met that is not a denial and that makes a difference so Mr. Nielson is not preempted by the law. Mr. Schick of Schick International said on the flood study all of the people who have worked for them on the study are licensed engineers and asked if all of the people working on the flood study for the Flood District are licensed engineers. Members of the Planning Commission asked if they changed the word "denied" could that be construed to mean they have given approval. Attorney Thorup said you are not considered to have acted as meaning Aye until you have actually answered aye. Member MacFarlane said he has received letters from people from Willard and said these letters have affected his thinking as he said Mr. Nielson's application has been presented in three different plans saying it started out as retention basins and the gravel was being removed to create the retention basins. He said if the people have to live under the conditions of a gravel pit for 20 to 30 years he said it would effect his thinking. Attorney Thorup said the people of Willard have raised a good valid reason from looking at the other gravel pit operations in the area. He said its the only thing they have to compare with but said what

we are presenting doesn't even compare to these other operations and he asked if the Planning Commission has placed the requirements on the other operations for gravel pits in the county that they are placing on Mr. Nielson. Member Chase pointed out Mr. Nielson wanted an answer from the Planning Commission within 30 days and said at the request of his attorney that answer was asked to be delayed for another 20 days and said now are you telling us you don't want an answer. He said he is prepared to deny the application. After some more discussion, back and forth, member Rhodes made the motion they they change the word "denied" in the first paragraph of the letter to "deferred" and in the second paragraph they change "denial" to "deferral". This was seconded by member MacFarlane. Member Chase said he objects to that change stating making any change without your legal counsel he thinks is a mistake. He said he would make a substitute motion that the document (letter) that has been prepared be passed and given to Mr. Nielsen as it now is. There being no second to member Chase's substitute motion Chairman Wilde called for a vote on the original motion. All voted in favor except member Chase who voted as opposing the motion. Member Rhodes then made the motion that they give the Chairman the authority to sign the letter with the changes called for in the motion that was just passed. This was seconded by member Kimber with all voting in favor except member Chase who voted against the motion. At the end of the discussion with Mr. Neilson and his attorneys there were others present who wanted an opportunity to speak. Chairman Wilde said he hated to cut them off but said they were not on the agenda and said there are people on the agenda who are waiting. He said we will be happy to schedule them any time that they wanted to get on our agenda.

SPRING ACRES MASTER STREET PLAN

Tom Christensen and Marion Malnar met with the Commission and presented a plat showing the proposed Master Street Plan for Spring Acres Limited Subdivision and said they were there asking for Concept Master Street Plan Approval. These men said the streets could be changed a little one way or the other from where the plat shows the streets leaving the Spring Acres property. They said the main street that crosses the property generally from south to north which will give people

access to their property on the north has about 10% maximum grade so that will comply with the County's ordinance that requires a road not to exceed a 12% grade. After discussing the street plan member MacFarlane made the motion they grant preliminary approval of the plat showing the Master Street Plan of the Spring Acres Limited Partnership property. This was seconded by member Kimber with all voting in favor.

RIVERBANK MINOR SUBDIVISION

Vaughn Rhodes, Carla Bowen and Steve Johnson met with the Commission in regards to getting final O.K. on the Riverbank Minor Subdivision. Mr. Rhodes reported he has letters from each of the Utility companies that will supply services. Mr. Beecher reported that the plathas now been correctly prepared and he said he has complied with the Commission's request to have the lots perpendicular to the street. He said the plat shows that the land to the north can be developed. Mr. Rhodes said he only has three culinary water hookups but said he is dealing with Garland City about getting additional water. The Commission pointed out that no building permits can be issued without water. It was pointed out there is one place at the front of the proposed subdivision where the land is lower than the highway and this creates a water problem. Mr. Rhodes said he has talked to the State Department of Transportation but said he doesn't have a letter from them. He said the State Department of Transportation recommends curb and gutter so the people can't drive out of their lots just anyplace onto the highway. Member Rhodes made the motion they grant preliminary approval with the stipulation that he get the required statements from the State Department of Transportation and that only three building lots be issued a building permit until he can get additional water and when everything is done they authorize the Chairman to sign the plat. This was seconded by member MacFarlane with all voting in favor.

REQUEST FOR ZONE CHANGE AT HARPER

Rohland Munns met with the Commission regarding a zone change at Harper Mr. Munns said he is asking that the area east of Highway 69 and north of the Brigham City limits north to the township line between T9N and 10N be changed from an RR-5 to a RR-1 zone. Mr. Munns said he has a son that wants to build a home and

has applied to several agencies for a loan.. He said he has been approved for one acre but said if he has 5 acres he is no longer eligible for a loan. The Commissioners asked Mr. Munns if he knows how the people of the area feel about the requested zone change. He said he has talked to the Kotters and they are favorable as Herm has previously asked that his area be rezone. He said he has talked to Jack Webster and said he won't object but wants to keep the five acre zone. He also said he has talked to Helen Reeder. He Said if they change the area that he is asking for they will be staying out of good farmland where they stay east of the highway. Mr. Beecher said his only question is would this jeopardize any of the springs in the area by going to one acre parcels. Mr. Munns explained where the wells in that area are located and said he didn't thing the requested zone change would have any effect. Member MacFarlane made the motion that they accept the request for the zone change and turn it to the County Commissioners with the recommendation that they hold a public hearing to consider changing the area that is in RR-5 zone east of Highway 69 and north of the Brigham City limits to the north line of Section 1, from an RR-5 to an RR-1 zone. This was seconded by member Kimber with all voting in favor.

DONALD SIMMONS MINOR SUBDIVISION

Mr. Beecher reported that Donald Simmons is asking approval for a one lot minor subdivision in the Beaver Dam area. He said Mr. Simmons has sold one lot and there has been a home built on it. Now his son wants to build so that would actually be creating the third parcel so he has to subdivide. He said Mr. Simmons has a signed letter that he has access to a well. Commission members said with just one lot they can't see why they shouldn't grant Concept and Preliminary Approval at the same time. Member Chase made the motion they grant Concept and Preliminary Approval and they authorize the Chairman to sign the plat. This was seconded by member Kimber with all voting in favor.

HEBER BUTLER MINOR SUBDIVISION

Mr. Beecher asked the Commission if they felt he is wrong in what he is requesting in connection with the Heber Butler Minor Subdivision. He said he has told them they will have to describe the entire parcel and he read them a letter he has

received from Hansen & associates objecting to describing of the entire parcel. Mr. Beecher said we are requiring his of everone else. It was pointed out that Mr. Butler only has one hookup for water from the Riverside-North Garland Water Co.. The Commission said he will have to have something from the State Engineer that he has been approved for a well for the two lots inasmuch as he is not allowed to hookup with Riverside-North Garland Water Co.. The Commission gave Mr. Beecher a vote of confidence on what he is requiring. It was also pointed out if Mr. Butler goes with a well for the two lots he will have to have another approval from the State Health Dept..to see fif they will approve septic tanks and drain fields that close to a shallow well.

GARLAND SEWER SYSTEM REHABILITATION

Mr. Beecher reviewed with the Commission Garland City's Notification of Intent to Make Application for Federal Assistance to rehabilitate their sewer collection system. He said they are planning to run two new trunk lines as they are collection to much ground water. (For Commission action see entry at end of Mantua's applic.)

HONEYVILLE IMPROVE WATER SYSTEM

Mr. Beecher said that Honeyville Town is asking for the Planning Commission's approval of their intent to improve their water system. The Comm. said they thought that approval had already been given. (For Comm. action see entry for Mantua"S Appl.)

MANTUA'S APPLICATION TO CONSTRUCT SEWAGE COLLECTION AND INTERCEPTOR SYSTEM

Mr. Beecher reviewed with the Commn. Mantua's Notification to Make Application for Federal Asst. to construct a sewage Collection & Interceptor system. Commr. Chase made the motion they approve all three applications as they are each in accord with the County's Master Plan. This was seconded by member Rhodes. All voted in favor.

WILLARD FLOOD CONTROL STUDY

Member Chase reported the Willard-Box Elder County Flood Control District has Contracted with Rollins, Brown & Gunnel, Inc. to make the flood study in the Willard area. He said they have made their first report and said anyone who is interested can read the study.

Meeting adjourned at 9:50 p.m.


K B. Olsen, Secretary

Box Elder County

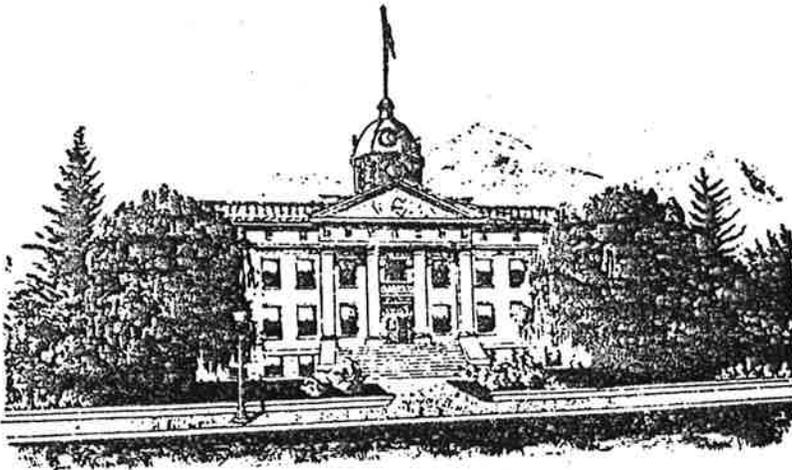
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WARREN W. HYDE

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DENTON BEECHER, County Surveyor
DORIS L. OLSEN, County Auditor



BRIGHAM CITY, UTAH

February 19, 1981

Mr. Darrell Nielsen

RE: Darrell Nielsen Application for Conditional Use Permit

Dear Mr. Nielsen:

Your application for a Conditional Use Permit is ~~denied~~ ^{deferred} at this time for the reasons listed in this letter. At such time as you have satisfied all the conditions set forth in this letter, you may apply to the Planning Commission for further consideration of your Conditional Use Permit.

The ~~denial~~ ^{deferral} is based upon the following reasons:

1. You will be required to obtain all necessary permits, zoning variations, and other forms of required permission, all in writing, for the construction and continued use of the conveyor belt, access road, and the stock pile which you propose in your plan. The conveyor belt, access road, and stock pile all will require permission from entities other than Box Elder County for their construction and continued use, including but not necessarily limited to permission to cross the state highway with the conveyor belt, permission to maintain and construct the conveyor belt within the Willard City limits, and permission to maintain the stock pile within the Willard City limits, as well as any easements required for the conveyor belt and roadway to cross private land.

2. Your plan makes several references to the location and depth of the bedrock in the area, and particularly in the area of your proposed drainage channels, but no actual evidence is presented as to the actual depth of the bedrock. Some tests need to be conducted, such as the drilling of test holes, so that the Commission has before it actual evidence of the depth of the bedrock throughout the entire proposed excavation area, and particularly in the area of the proposed water runoff channels.

3. Your proposed plan fails to address the possibility that the local top soil, even though preserved, might be inadequate to adequately recover the excavated areas. The Commission desires some definitive statement as to how much top soil you anticipate stripping from the excavation area, how much would be lost in the stripping, storage, and recovering process, whether or not any additional top soil would have to be brought in, and, if so, from where that top soil would be transferred.

4. The land ownership records of the county do not show that Darrell Nielsen has any recorded interest in any of the land which is proposed to be excavated. You have in the past stated that you have obtained an option from Mr. Woodyatt as to the bulk of the property, and that option would have to be shown to the Planning Commission for examination. In addition, you will be required to present to the Planning Commission proof of your ownership or control of other property in the proposed excavated area which is not owned by Mr. Woodyatt.

5. Your plan, as submitted, proposes the use of water on the property, but does not provide any details as to the ownership of that water, the amount of water which will be needed for spraying, the amount of water which will be available, and from where the water will come or be purchased. The Commission desires an estimate as to how much water will be used and a showing of where and from whom the water will be obtained.

6. In relation to the condition stated immediately above, the Commission will require that you show that your excavation will not disturb or interfere with any existing water rights owned or held by other persons. Such a showing will be required.

7. The access road and the roads which you plan to construct and use between the proposed gravel pit and the proposed storage area must all be paved to a width of 24 feet to minimize the amount of dust generated, and your plan does not provide for such paving.

8. Your plan does not address the possibility of noxious weeds and their seeds being spread by the removal of the gravel, and the Commission is particularly concerned with the weed known as Dyer's Woad, which grows in the area of the proposed pit. You will be required to provide some detail as to whether or not your excavation will promote the spread of noxious weeds in the area, and, if so, how you would propose to prevent such spreading.

9. Your plan does not propose an estimated dollar figure to be placed in escrow to assure that the reseeding and restoration of the surface is correctly and competently performed, and the Commission will require a detailed estimate as to the cost of reseeding and restoration, and will also require a detailed statement as to how, when, where, and under what conditions an escrow account would be set up to assure that such restoration occurs.

10. Your proposal alludes to the possibility that the drainage channels for water may require maintenance, but you submit no proposal as to the cost of such maintenance, and how such costs would be paid after you have completed your excavation. Details as to these facts will be required.

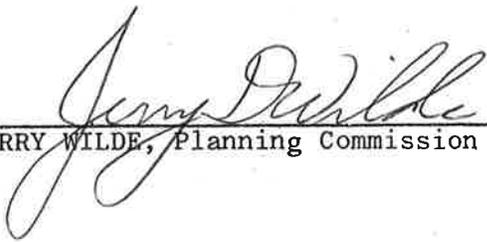
11. Your maps provided in your proposal do not include a complete contour map of the area. Such maps will be required, showing both the existing contours and the proposed contours upon completion of excavation.

12. Your report does not provide an estimate as to the actual velocity that the water will reach as it travels through your proposed channelling areas, nor do you provide an estimate or any evidence as to the final depth of those channels. These details will be required.

13. Your soils report is apparently based on two different samples, and no details are provided as to the area from which those samples were removed, nor was an opinion provided as to whether or not those test results are extensive enough to be considered an accurate representation of the soil in the entire area to be excavated. A more detailed soil report will be required, and perhaps could be done in conjunction with requirement number 2 stated herein.

14. The Commission is informed that the Willard-South Willard Flood Control District, an independent governmental entity with jurisdiction in the area of the proposed excavation, has engaged an engineering firm to perform a flood study of the area where the proposed excavation will occur.

The Commission is further informed that a preliminary report has already been completed, and that the final report should be completed by May, 1981. Since this study would be made available to the Box Elder County Planning Commission, the Commission desires to review that study prior to making any final decision on your conditional use permit. Accordingly, since it appears that such a study would be completed within a reasonable time, the Commission desires to obtain a copy of that report and compare it with your report prior to making any final decision.



JERRY WILDE, Planning Commission Chairman

Box Elder County

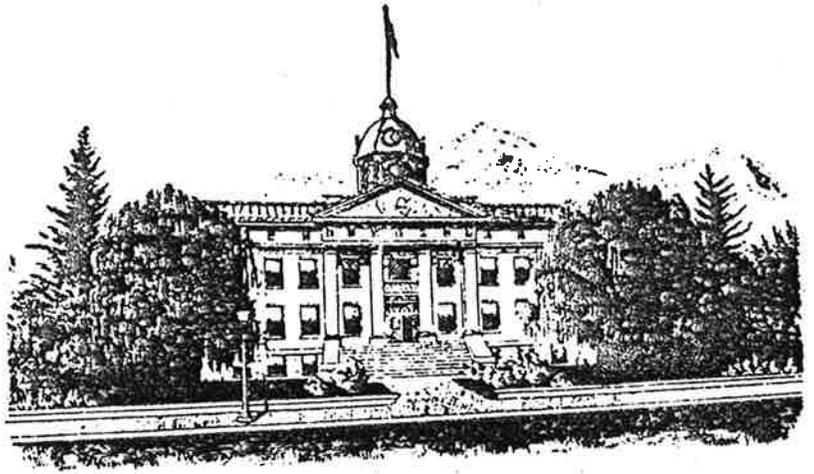
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WARREN W. HYDE

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DORIS L. OLSEN, County Auditor



BRIGHAM CITY, UTAH

February 23, 1981

James R. Pinkston, Town President
Mantua, Utah

Dear President Pinkston,

On February 19, 1981 the Box Elder County Planning Commission received and reviewed your Notification of Intent for federal assistance to construct a sewage collection and interceptor system.

The commission approved this action and agree that it is for the best interest for Mantua and Box Elder County.

Respectfully,

Jerry Wilde

Jerry Wilde, Chairman
Box Elder County Planning Commission

JW:j

Box Elder County

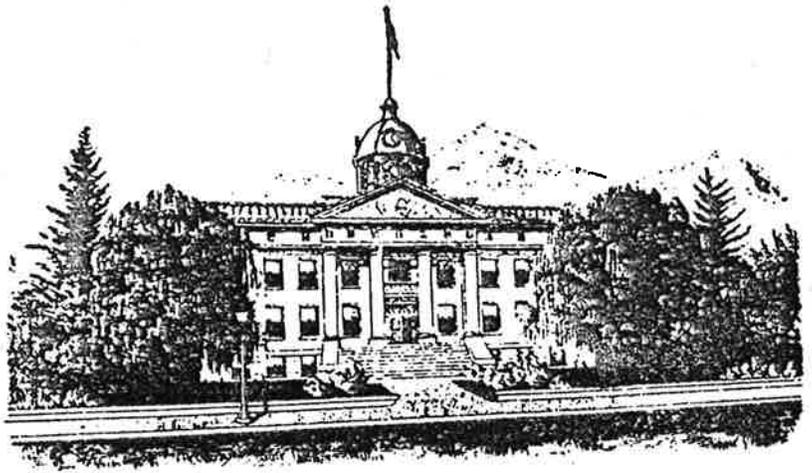
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BRIGHAM CITY, UTAH

February 23, 1981

Boyd Gardner, Town President
Honeyville, Utah 84314

Dear Boyd,

On February 19, 1981, your Notification of Intent to apply for federal assistance to improve Honeyville Town's water system was reviewed.

The Box Elder County Planning Commission approved this application and agree that this is in accord with their master plan.

Respectfully,

Jerry Wilde
Jerry Wilde, Chairman
Box Elder County Planning Commission

JW:j

Box Elder County

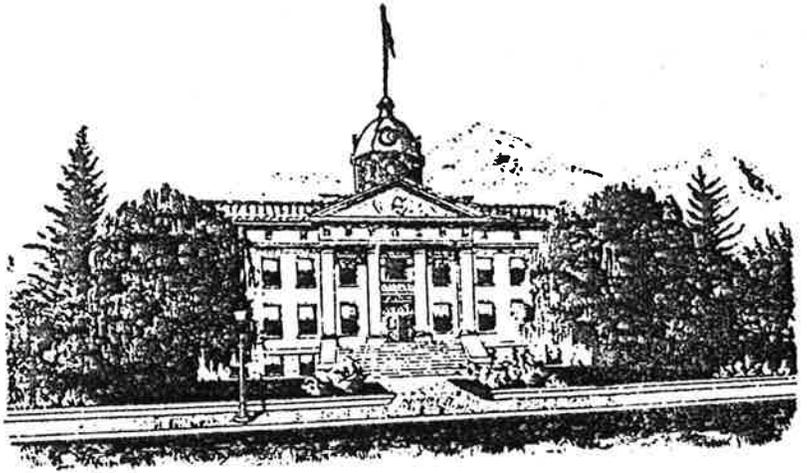
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BRIGHAM CITY, UTAH

February 23, 1981

Ray Evans, Mayor
Garland, Utah 84312

Dear Mayor Evans,

On February 19, 1981 at their regular meeting, the Box Elder County Planning Commission reviewed your Notification of Intent application for federal assistance for a sewer system rehabilitation.

It was the vote of the commission to approve this action and that it is in the best interest of the county.

Respectfully,

Jerry Wilde
Jerry Wilde, Chairman
Box Elder County Planning Commission

JW:j

Box Elder County

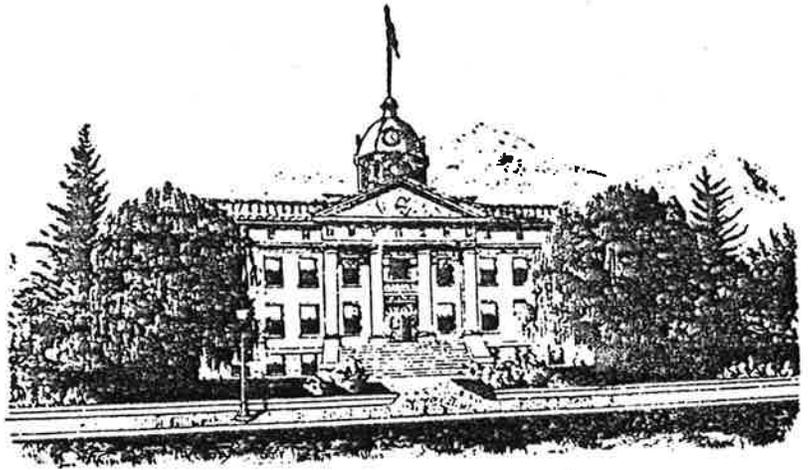
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BRIGHAM CITY, UTAH

February 23, 1981

Heber Butler
RFD Box 78
Garland, Utah 84317

Dear Mr. Butler,

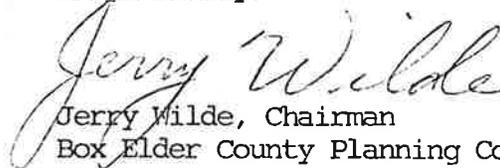
Your minor subdivision was presented to the Box Elder County Planning Commission at their regular meeting held on February 19, 1981 for approval.

It was pointed out to them that you only had one hook-up from the Riverside-North Garland Water Company. We were also given a copy of your report on a water sample taken from your personal well, along with a typical cross section of your well.

The Planning Commission ruled that we will need to have the plat show that you have four lots, one of which is the remanent parcel, three which are building parcels. Each of these lots described and the entire parcel described. We will need to have a letter from the State Engineer that a well permit will be issued for the two lots not allowed to hook up to a water system. The Bear River District Health Department will have to review the amended water solution and approve that the septic tanks and drainfields can be located that close to a shallow well.

When these items are received and acceptable, we can approve the plat.

Respectfully,



Jerry Wilde, Chairman
Box Elder County Planning Commission

JW:j

RAY, QUINNEY & NEBEKER
PROFESSIONAL CORPORATION

RECEIVED BY
MAR 3 1981
BOX ELDER COUNTY

S. J. QUINNEY
ALBERT R. BOWEN
W. J. O'CONNOR, JR.
ALONZO W. WATSON, JR.
STEPHEN B. NEBEKER
MITCHELL MELICH
L. RIDD LARSON
DON B. ALLEN
MERLIN O. BAKER
STEPHEN H. ANDERSON
CLARK F. GILES
JAMES W. FREED
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H. HAL VISICK
EUGENE H. BRAMHALL
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M. JOHN ASHTON
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JUDITH MITCHELL BILLINGS
DOUGLAS MATSUMORI
CAREY D. JONES (ARIZONA ONLY)
ALLEN L. ORR
BRAD D. HARDY
BRIAN E. KATZ
A. ROBERT THORUP
PATRICK B. NOLAN
ALAN B. FORD
TARA D. LUNDGRIN
LARRY G. MOORE
DALE C. HATCH

ATTORNEYS AT LAW
SUITE 400 DESERET BUILDING
79 SOUTH MAIN
SALT LAKE CITY, UTAH 84111
(801) 532-1500

92 NORTH UNIVERSITY AVENUE
PROVO, UTAH 84601
(801) 226-7210

PAUL H. RAY (1893-1967)
C. PRESTON ALLEN (1921-1971)
MARVIN J. BERTOCH (1915-1978)
A. H. NEBEKER (1895-1980)

February 23, 1981.

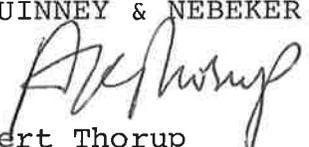
Jerry Wilde, Chairman
BOX ELDER COUNTY PLANNING
COMMISSION
Brigham City, UTAH 84322

Dear Chairman Wilde:

At our February 19th meeting, you requested additional copies of our evidentiary submission. You also provided us with a letter indicating additional questions that you would like answered. We are in the process of preparing a Supplement which will answer your questions no.'s 3, 4, 5, 8, 9, 10, 11, 12 and 13. I hope to have this Supplement, as well as copies of the original evidentiary submission in the mail by Friday, February 27th. Inasmuch as you have deferred your decision on our permit until at least May, 1981, to accommodate the flood study, I trust Friday will not be too late.

Very truly yours,

RAY, QUINNEY & NEBEKER


A. Robert Thorup

ART:ch
cc: Darrell Nielson

March 19, 1981

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday March 19, 1981. Members present: Charles Kimber, Jerry Wilde, Jay MacFarlane, J. Glen Nelsen, Dale Rhodes and Boyd Nelson. Also present were ex-officio members Denton Beecher and K B. Olsen.

MINUTES

Member MacFarlane made the motion they approve the minutes of the regular meeting of Feb. 19, 1981 with the corrections as made when the minutes were mailed out. This was seconded by member Rhodes with all voting in favor.

VEIBELL SUBDIVISION-PHASE I *

Alton Veibell met with the Commission and showed them a plat of his proposed subdivision in the Beaver Dam Area. He said, as was brought out before, when he met with the Planning Commission, he is going to have a private road to get to his subdivision and he said he is going to put in a few more lots to help pay for building the road. He said the sewer system will be septic tanks. For Culinary water he will have a well and resevoir. He said he is asking for conceot approval as he has changed the proposed subdivision from what had been previously presented. Mr. Beecher reported Mr. Veibell has all of the things he needs for concept approval. Member MacFarlane made the motion they give Mr. Veibell concept approval for Phase I of his proposed subdivision. This was seconded by member Glen Nelson with all voting in favor.

HEBER BUTLER MINOR SUBDIVISION

Mr. Beecher presented the following letter from Heber M. Butler (Copy No. 1) It was brought out that approval for one water hookup for the subdivision has been given. Member Rhodes made the motion they grant final approval for the subdivision and have a note put on the plat that only one permit may be given and as water is available they can then grant approval for the other lots as the water is obtained. This was seconded by member Kimber with all voting in favor.

ROCKET HEIGHTS SUBDIVISION No. 2

H. P. Christensen and Jim Gass met with the Commission asking for Final App-

roval for Rocket Heights Subdivision No. 2. Mr. Gass explained that Subdivision No. 2 encompasses Subdivision No. 1 and said 80% of the lots in Subdivision No. 1 have been built upon. Mr. Beecher pointed out a few things that need to be resolved or done before approval is given. There was some discussion regarding the Subdivision, after which member Rhodes made the motion that they grant Conditional Final Approval for Rocket Heights Subdivision No. 2 subject to Mr. Beecher's approval that all of the conditions have been met and providing they are done within the next couple of weeks they include in the motion the Chairman is authorized to sign the plat so these men don't have to wait until the next commission meeting to get the plat signed, however, if everything isn't completed within two or three weeks they may come back to the next Planning Meeting meeting for the Chairman's signature. This was seconded by member Glen Nelson with all voting in favor.

POWER LINE WESTERN PART OF THE COUNTY

Mr. Beecher reported Jeff Rostberg, Power Engineer, from Hailey, Idaho has contacted him in regards to the Raft River Rural Electric running a new power line from Cedar Springs substation to Kelton. This is to update their line so it will be able to handle the increased load. He said they want to also run another line from Grouse Creek to Lucin. Member Glen Nelson made the motion they give these projects our blessings as we cannot see they they will conflict with the County's Master Plan. This was seconded by member Kimber with all voting in favor.

BRIGHAM CITY AIRPORT

Mr. Beecher presented the following letter from the Federal Aviation Administration. (Copy No. 2) Mr. Beecher asked if any of the Commission Members had any comments. He went on to say he thinks we should support the city in this. The only comment made was in support of the City.

MARBLE HILLS SUBDIVISION

There was a brief report on what work has been done on the Marble Hills Subdivision.

MATTER OF CONCERN

Chairman Wilde said he was sorry Commissioner Chase was not here as he has

' presented to the Planning Commission he sent the following letters to the Willard City Planning Commission and to the Willard City Council: (Copies # 2, 3 & 4) He reported he has received the following replies from Willard City Planning Commission and Willard City: (Copies 5 & 6) to include the letter from Rollins, Brown and Gunnell, Inc..

BELMONT SPRINGS RECREATIONAL COACH PARK

Scott Holmgren and Wayne Larsen met with the Commission in response to the following letter: (copy # 7). They reported they have plans drawn up on the Belmont Springs Recreational Coach Park and said they want to find out what they have to do and what they don't have to do. They showed the Commissioners a drawing of the top deck of the park. It was pointed out the recent rains show they have a couple of low spots that have to be filled in. It was brought out that the street drains to the north to the borrow pit of the county road. These men said they have the ground stakes in on the lower level of the park. Commr. Chase told these men not to expect to dump their water into the borrow pit along the county road. He said the county is not in the drainage business. He said we are filling in borrow pits as fast as we can. In the discussion that followed these men were asked if they couldn't cut a ditch to keep the water on their own property and dump it into the river. Mr. Larsen said the water they generate would be very little and pointed out water from the area to the west is now in the borrow pit. There was some discussion on what the county would accept on the hard surfacing of the roads. These men said they understood the county is going to Dust Guard on some of their county roads and asked if that is acceptable. They asked about rolled, crushed rock and grass like they have in Pioneer Village Trailer Park in Davis County. They explained to the Commission what they have out there now. Chairman Wilde said this meeting is not to plan what you are going to do. He said we just don't have time for that and said you should have something to present to us and the Planning Commission should then either approve or disapprove. He said Mr. Beecher will work with them if they need some guidance.

SUMMER HILLS SUBDIVISION-DALE SMEDLEY

Warren Reynolds and Mike lund met with the Commission and reported they were

there representing Dale Smedley and Ed Higley. Mr. Reynolds explained they were there in regards to the proposed Summer Hills Subdivision which is a proposed subdivision of 630 acres which is located next to Emerald Hills Subdivision, which they said has been approved and said Marble Hills Subdivision is just to the north. He showed the Commission a plat of the proposed subdivision. He said the subdivision lends to collecting water on the site. They showed the Commission a concept sheet of the basic layout and said the first phase is what they will be working with first and said the lots will have at least a 100 ft. front. He said the sewage system will be septic tanks. He also reported it is their intent to asphalt the roads and use grass waterways on the sides. He said the storm drainage system will be worked out later. The Commission asked how many lots there are in the subdivision. Mr. Reynolds said they haven't counted them but said there will be approximately 900 to 1,000. One of the Commission members said with that many septic tanks what is going to happen to the people below. Mr. Reynolds said septic tanks will serve only a temporary purpose just until they get sufficient units in to justify a sewer system. He said they were just presenting concept here tonight. The Commission members said they understand Mr. Smedley has gone ahead and done a lot of work on the property and said they asked how many of the roads are already in. Mr Reynolds said most of the roads are roughed in and he showed the Commission on the map the main roads that are basically already in. Mr. Reynolds said he has warned Mr. Smedley that the county might not accept the roads and Mr. Smedley understands that. Commissioner Chase said before the county will accept the roads we will want proof of what is under them. Mr. Beecher pointed out that there are some corrections needed on the notes on the plat. He said he thinks the errors are just in writing them up but said they should be corrected. Mr. Beecher also said the basic concept has been presented here. Member Rhodes made the motion they accept the concept plan with the corrections pointed out by Mr. Beecher. This was seconded by member MacFarlane with all voting in favor.

EVAN CHRISTENSEN MINOR SUBDIVISION

John Johnson and Bonnie Christensen met with the Commission and said Evan

a matter he wanted in the minutes and he would like to have had member Chase present. He then asked the Commission members when we discussed Darrell Nielson's proposal so we could give him an answer, was it the intent of this body to definitely deny Mr. Nielson's application for a Conditional Use Permit or to conditionally deny the application just for the time being? The Commission members said from the conversations they had they did not talk of a flat denial, but came up with the things they felt Mr. Nielson would have to comply with before they could approve his application. Chairman Wilde said he was very put out with the way Commissioner Chase, at our last meeting, made it appear we had all decided to deny Mr. Nielson's application and we then after buckeled under to Mr. Nielson's attorney. He said that is the way it came out in the paper also. He said he thinks Commissioner Chase owes all of us an apology. He went on to say he has contacted Attorney Bunderson about changing the word "denied" in our letter to Mr. Nielson to "deferred". He said attorney Bunderson said he could live with what was done. He stated if Commissioner Chase is going to make this Commission a political football he will withdraw from the Commission. Chairman Wilde said everyone is entitled to their own opinion and he respects his right to his opinion, but said when he tries to make it look like we buckeled under when we hadn't changed from our intent, that is too much. The others expressed that they concurred in that they did not change from what they had previously talked of.

The meeting was adjourned at 8:15 p.m.


K B. Olsen, Secretary

to approve them, seconded by Glen Nelson, motion passed

Mr. & MRS. HARLAN TAYLOR MOBILE HOME PARK

Discussion on plan - indicated that the utilities have not been submitted to date for the park. Their information was received and when they have the additional information submitted, the Planning Commission will consider it for approval.

DALE SMEDLEY

DeMont Judd, Ed Higley, Wayne Crow met with the Planning Commission. Mr. Judd explained what Mr. Smedley was doing in the Marble Hill area. He proposes to run the water line from the Marble Hill Subdivision to Reed Summer's lots. Mr. Higley will have 42 acres in one area and 22 acres in another area. Mr. Higley will submit to the Planning Commission a subdivision plat in the near future for these areas. There was a lengthy discussion regarding the history of the area. Mr. Judd further explained the issue of the area. Mr. Judd challenged the Commission's authority to order someone to subdivide property. A lengthy discussion followed.

NIELSEN - THORPE

They would like to amend their application (see attached letter dated April 16, 1981). They will delete the conveyor belt and the railroad loading site and only use the gravel pit location in the county portion. Asked if there were any questions they could answer in relation to the last proposal submitted by Schick. Dale Rhodes wanted it mentioned that Dyers Woad is a noxious weed. The access road was discussed and it was mentioned that Dustguard may be used. Mr. Thorpe quoted an article from the Standard Examiner quoting Mr. Chase. He asked if they type of article will hinder Mr. Chase making an unbiased decision???. Mr. Chase stated he will make his decision to the best of his ability. Mr. Thorpe asked if there was a time limit to when they could expect an answer for their planning schedule. They would like to make the request that they be made aware of when the Planning Commission was going to discuss this issue.

ALTON VEIBELL SUBDIVISION PRELIMINARY AMENDED

Alton Veibell and Terry Abplanalp met with the Commission to discuss Mr. Veibell's subdivision in Beaver Dam Area. They have now changed the division to

No. 1 In Planning Meeting of 3-17-81

RECEIVED BY

MAR 6 1981

BOX ELDER COUNTY,

Box 7 B RFD
4 March 1981
Garland, Utah
84312 Ph 2577837

Box Elder County Surveyor
and Box Elder County Planning Committee

SUBJECT: WATER HOOKUPS/SUBDIVISION APPROVAL

Dear Sirs:

Reference is made to Telephone conversation on 3/3/81 between Mr Denton Beecher County Surveyor, and Heber Butler regarding final approval of Minor Subdivision:

The main, problem of approval has been the avaiability of water hookups to a municipal water system. All other problems having been solved and cleared up. Regarding the water hookups to the Riverside-North Garland water system, the water board, at the January meeting initially approved four (4) hookups for the proposed lots in said subdivision. Then after a letter to that effect was submitted to the planning board, they withdrew all but one hook up, thus blocking approval of the subdivision. The city of Garland does not have *Water* capacity at this time, and Efforts to obtain approval for a surface well hookup has not been favorably considered by the planning board, in spite of the fact that the water from the surface well has been tested by the health department and found to have equal quality with the Riverside-North Garland water system water. Although this appears to be rediculous it is recognized that the planning board is bound by regulations, designed by higher authority to protect the public health regardless of the applicability to the locality where it is applied.

Therefor it was proposed in said telephone call, and verbally approved by Mr. Beecher that the subdivision be approved for the one hook up and that when additional hookups are made available that additional building permits will be issued on a permit/hookup basis. Your final approval of said verbal approval is hereby requested, and as time is of the essence at this time, expeditious notification is desired.

Sincerely
Heber M. Butler
HEBER M. BUTLER

LT. COL. USAF (RET)

160

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

No. 2 In Planning Meeting of 3-19-81



March 13, 1981

RECEIVED BY
MAR 18 1981
BOX ELDER COUNTY

ROCKY MOUNTAIN REGION
10435 EAST 25TH AVENUE
AURORA, COLORADO 80010
(303) 837-3937

In reply refer to:
81-ARM-43-NRA

TO ALL INTERESTED PERSONS:

SUBJECT: Revised Airport Layout Plan (ALP) Brigham City, Utah; Aeronautical Study 81-ARM-43-NRA

The Federal Aviation Administration (FAA) has received notice of the proposed alteration of the following described airport and is conducting a study to determine the effect of this proposed alteration on the safe and efficient use of airspace by aircraft.

NAME: Brigham City

PROPOSER: Brigham City, Utah
20 North Main
Brigham City, UT 84302

LOCATION: Brigham City, UT
Latitude 41°32'56"
Longitude 112°03'41"

DESCRIPTION:

1. 300' extension on north end of Runway 16/34 and associated taxiway.
2. Increase clear zone approach area from the present dimensions of 250'x450'x1,000' to 500'x800'x1,000' to accommodate runway extension.
3. Land acquisition to west of present parking facilities for future airport development.
4. Installation of runway end identification lights (REIL) and visual approach slope indicator lights (VASI) for Runway 34.

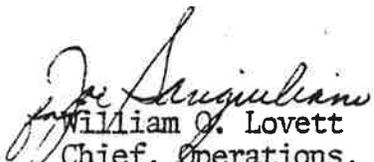
The FAA has no jurisdiction over zoning or land use. These matters are the responsibility of local government authorities.

Interested persons are invited to participate in the aeronautical study by submitting comments to the Chief, Operations, Procedures, and Airspace Branch (Attn: ARM-530), at the above address. Concurrence may be indicated through use of the endorsement shown below.

1/5

If you wish to interpose objections to the proposal, a separate letter setting forth valid aeronautical reasons should be provided. To be eligible for consideration, comments must be relevant to the effect the proposal will have upon the safe and efficient use of the navigable airspace by aircraft. Replies received no later than April 14, 1981, will be considered before final action is taken on this proposal. When replying, please refer to aeronautical study number printed in the upper right-hand corner.

This notice may be reproduced and recirculated to any interested persons or agencies.


William G. Lovett
Chief, Operations, Procedures,
and Airspace Branch

Enclosure

ENDORSEMENT:

I concur in the above proposal.

Signed: _____ Date _____

Representing: _____

Lines

Lighted Wind Cone and Segmented Circle

10+00

E1.4226.17

500' x 800' x 1000' Clear Zone (Future)

200'

WELLS

250' x 450' x 1000' Clear Zone (Exist)

475'

40' Access Taxiway

PARL (F)

300'

ASI-2

ASL (F)

8 7 5 5 5

4

3

2

1

6

Hangar (Future)

Relocated County Road

Future

Future

AVIATION CONCERN

40'

00+21-

BRIGHAM CITY AIRPORT LAYOUT PLAN

81-ARM-43-NRA

RUNWAY 34

RUNWAY 16 ON REVERSE SIDE

81 ARM 43 NP

NO

80'

800'

500' x 650' x 1000'
Clear Zone (Future)

200'

200'

68+00
El. 4226.17

250' x 450' x 1000'
Clear Zone (Exist)

75' x 300' Runway Extension

65+00
El. 4226.17

N 0° 32' W (True)

500'

200'

40' Parallel Taxiway

75' x 5500' R/W

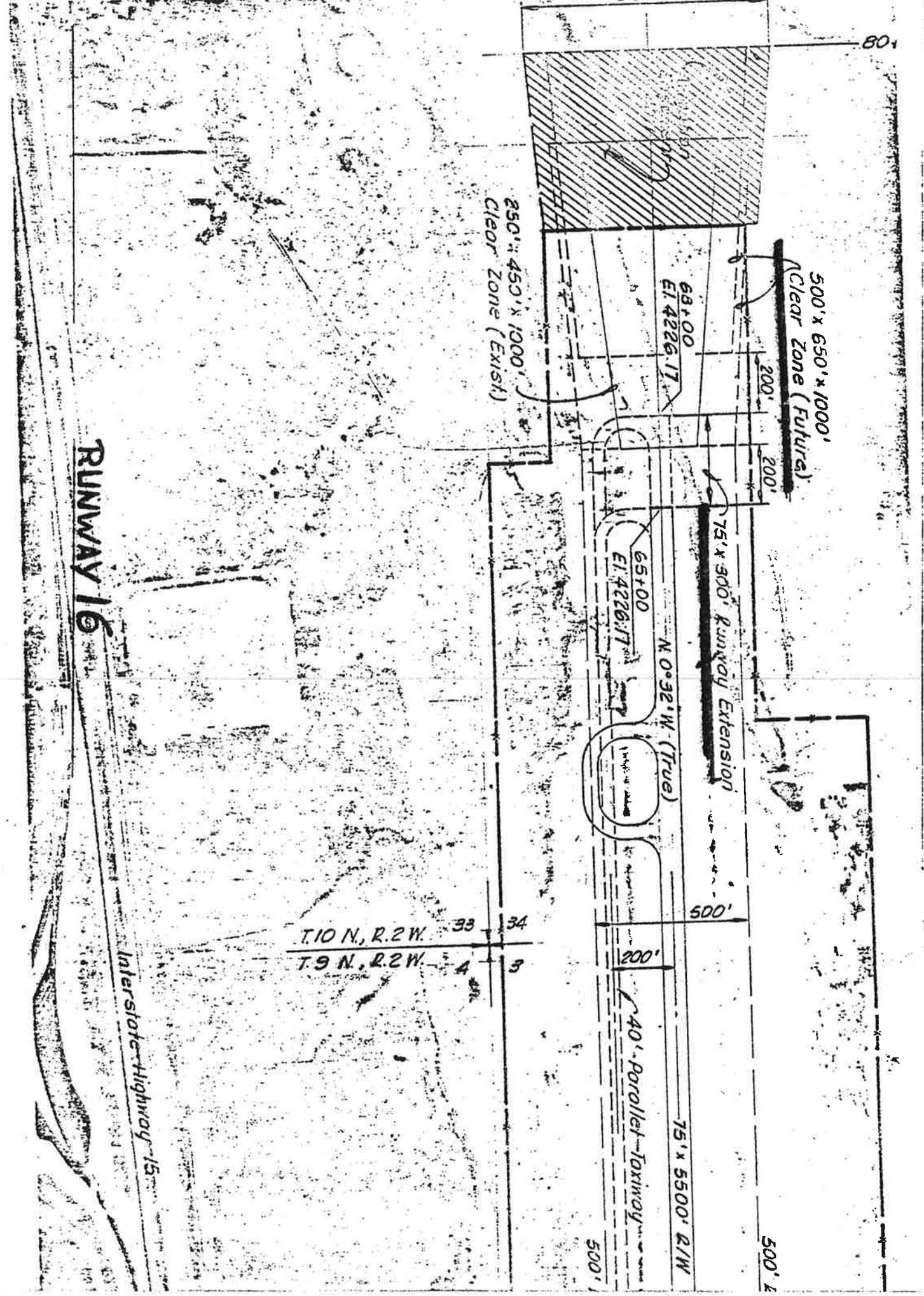
500'

500'

T.10 N., R.2 W. 33 34
T.9 N., R.2 W. 4 3

RUNWAY 16

Interstate Highway 15



April 16, 1981

Minutes of the regular Box Elder County Planning Commission meeting held April 16, 1981. Members present were Jerry Wilde, Don Chase, Dale Rhodes, Glen Nelson, Charles Kimber, Boyd Nelson. Also Present was ex-Officio member Denton Beecher.

MINUTES

The minutes were mailed to members and a motion was made by Dale Rhodes to approve them, seconded by Glen Nelson, motion passed

Mr. & MRS. HARLAN TAYLOR MOBILE HOME PARK

Discussion on plan - indicated that the utilities have not been submitted to date for the park. Their information was received and when they have the additional information submitted, the Planning Commission will consider it for approval.

DALE SMEDLEY

DeMont Judd, Ed Higley, Wayne Crow met with the Planning Commission. Mr. Judd explained what Mr. Smedley was doing in the Marble Hill area. He proposes to run the water line from the Marble Hill Subdivision to Reed Summer's lots. Mr. Higley will have 42 acres in one area and 22 acres in another area. Mr. Higley will submit to the Planning Commission a subdivision plat in the near future for these areas. There was a lengthy discussion regarding the history of the area. Mr. Judd further explained the issue of the area. Mr. Judd challenged the Commission's authority to order someone to subdivide property. A lengthy discussion followed.

NIELSEN - THORPE

They would like to amend their application (see attached letter dated April 16, 1981). They will delete the conveyor belt and the railroad loading site and only use the gravel pit location in the county portion. Asked if there were any questions they could answer in relation to the last proposal submitted by Schick. Dale Rhodes wanted it mentioned that Dyers Woad is a noxious weed. The access road was discussed and it was mentioned that Dustguard may be used. Mr. Thorpe quoted an article from the Standard Examiner quoting Mr. Chase. He asked if they type of article will hinder Mr. Chase making an unbiased decision???

Mr. Chase stated he will make his decision to the best of his ability. Mr.

Thorpe asked if there was a time limit to when they could expect an answer for their planning schedule. They would like to make the request that they be made aware of when the Planning Commission was going to discuss this issue.

ALTON VEIBELL SUBDIVISION PRELIMINARY AMENDED

Alton Veibell and Terry Abplanalp met with the Commission to discuss Mr.

Veibell's subdivision in Beaver Dam Area. They have now changed the division to show acre lots and on both sides of the road. They are expanding from 14 to 24 lots. It was moved by Don Chase, seconded by Charles Kimber to accept the amended Concept Plat, all in favor. Mr. Veibell requested to be on the agenda for the May Planning Commission meeting.

BUSINESS

ZONING

The zoning request from Mr. Roger Boisjoly, which was submitted several months ago, was discussed. It was mentioned that he was to obtain the signatures of all affected property owners that he could get and return the information to the Commission.

MISCELLANEOUS LETTERS

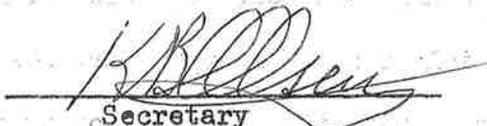
A letter from Mr. Darrell Ravenberg was read to the Commission for their information. (copy attached)

Also copies of letters sent to Mr. Fred Butler and Dale Smedley were read by Jon Bunderson. (copy attached)

ACTION ITEMS

The Planning Commission was made aware of two violations of the Mobile Home Ordinance. The Commission asked the secretary to send letters to Mr. Wayne Larsen and Mr. Grant Cook asking them to advise the Commission of their plans by the May meeting. If they do nothing by this time, it would be turned over to the County Attorney for legal action.

Meeting adjourned.


Secretary

May 21, 1981

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday, May 21, 1981. Members present: Jay MacFarlane, Dale Rhodes, Don Chase, Jerry Wilde and Charles Kimber. Also present were ex-officio members Denton Beecher, Jon Bunderson and K. B. Olsen. Presiding, Jerry Wilde.

MINUTES

Member Chase made the motion they approve the minutes of the Planning Commission meeting of April 16, 1981. This was seconded by member Rhodes with all voting in favor.

GRANT COOK MOBILE HOME PARK

Mr. Beecher reported his office has been getting complaints that Grant Cook is enlarging his mobile home park at South Willard without getting approval. He said Mr. Cook has sent the following letter: (Copy #.1) Mr. Beecher also said he went down and talked with Mr. Cook. He said Mr. Cook stated he has sent everything down to the State and said the State is all in favor of his expansion and said when he gets his plans back from the State Mr. Cook said he will submit it to the county. He said Mr. Cook is going right ahead with his expansion. Mr. Beecher said he would recommend the Planning Commission turn the matter over to Deputy County Attorney, Jon Bunderson, for prosecution for violation of a County Zoning Ordinance and Mobile Home Park Ordinance. Mr. Beecher explained some of the work being done by Mr. Cook. After some discussion and considering the matter member Rhodes made the motion they we have the County Attorney's office proceed with court action against Mr. Cook for being in violation of our Mobile Home Park Ordinance and zoning Ordinance. This was seconded by member MacFarlane with all voting in favor.

COLEMAN MOBILE HOME PARK

The decision to refer the Grant Cook expansion of his mobile home park brought up that Ray Coleman has more homes in his mobile home park than was approved in the County Commission Permit. In the brief discussion the Commission said it wouldn't be fair to prosecute Mr. Cook and ignore that Mr. Coleman is also in violation. Member Kimber made the motion that they ask member Chase to

get in touch with the County Attorney in relation to the status of the violations at the Coleman Mobile Home Park. This was seconded by member Rhodes with all voting in favor.

RECORDING OF DEEDS

The Commission members asked Deputy Attorney Jon Bunderson to research the law to see if the Recorder's office can refuse to record deeds that are in Violation of the County's Zoning or Subdivision Ordinance.

Box Elder County

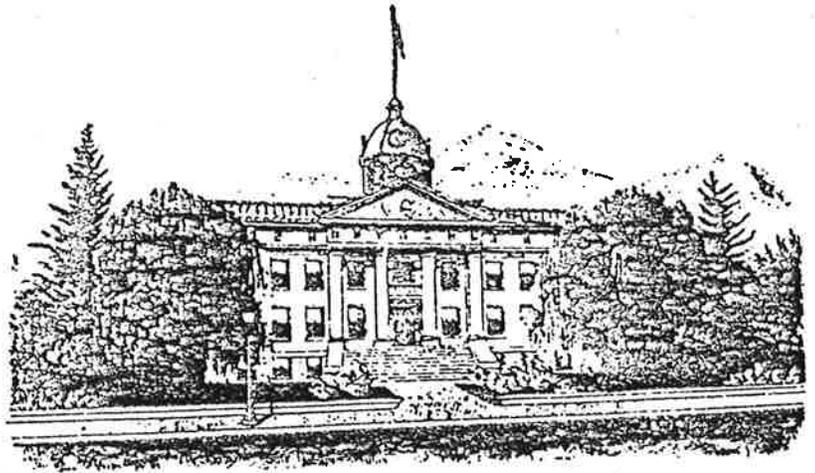
COUNTY COMMISSIONERS

DOÑ E. CHASE STEPHEN A. (AL) CAZIER

WARREN W. HYDE

OFFICERS

GLEN S. FIFE, County Treasurer
K. B. OLSEN, Clerk
ROBERT E. LIMB, County Sheriff
MARGARET R. EVANS, County Recorder
O. DEE LUND, County Attorney
VON R. CURTIS, County Assessor
DENTON BEECHER, County Surveyor
DORIS L. OLSEN, County Auditor



BRIGHAM CITY, UTAH

April 20, 1981

Grant Cook
7720 South Highway 89
RFD #2
Willard, Utah 84340

Dear Grant,

The Box Elder County Planning Commission has asked me to write you a letter regarding your activity south and west of your present mobile home park.

It appears to us that you are expanding the size of your development. We would like to remind you that any expansion will be in direct violation to the present zoning ordinances in that area. We would like to invite you to meet with us during our May meeting at which time you can explain to us your plans.

We trust that you will make an appointment with us by calling 734-2031 and set up a time on the agenda. If we do not hear from you at this time, we will be forced to turn this matter over to the county attorney's office for legal action.

May we have your cooperation.

Respectfully,

Denton H. Beecher
Zoning Administrator

DHB:j

118

RAY, QUINNEY & NEBEKER
PROFESSIONAL CORPORATION

S. J. QUINNEY
ALBERT R. BOWEN
W. J. O'CONNOR, JR.
ALONZO W. WATSON, JR.
STEPHEN B. NEBEKER
MITCHELL MELICH
L. RIDD LARSON
DON B. ALLEN
MERLIN C. BAKER
STEPHEN H. ANDERSON
CLARK P. GILES
JAMES W. FREED
THOMAS A. QUINN
H. HAL VISICK
EUGENE H. BRAMHALL
JAMES L. WILDE
M. JOHN ASHTON
HERBERT C. LIVSEY
WILLIAM A. MARSHALL
PAUL S. FELT
GERALD T. SNOW
H. BRENT BEESLEY

ALAN A. ENKE
JONATHAN A. DIBBLE
SCOTT H. CLARK
JAMES W. GILSON
STEVEN H. GUNN
JAMES S. JARDINE
KENT H. MURDOCK
JANET HUGIE SMITH
JUDITH MITCHELL BILLINGS
DOUGLAS MATSUMORI
CAREY D. JONES (ARIZONA ONLY)
ALLEN L. ORR
BRAD D. HARDY
BRIAN E. KATZ
A. ROBERT THORUP
PATRICK B. NOLAN
ALAN B. FORD
TARA D. LUNDGRIN
LARRY G. MOORE
DALE C. HATCH

ATTORNEYS AT LAW
SUITE 400 DESERET BUILDING
79 SOUTH MAIN
SALT LAKE CITY, UTAH 84111
(801) 532-1500

92 NORTH UNIVERSITY AVENUE
PROVO, UTAH 84601
(801) 226-7210

PAUL H. RAY (1893-1967)
C. PRESTON ALLEN (1921-1971)
MARVIN J. BERTOCH (1915-1978)
A. H. NEBEKER (1895-1980)

April 16, 1981

Box Elder County Planning Commission
Brigham City, Utah 84322

Re: Application of Darrell Nielsen

Honorable Commissioners:

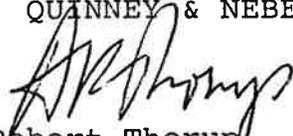
Decision is pending by this Commission on conditions to be imposed on Darrell Nielsen's use of his property as a gravel extraction facility. The Application, which has incorporated the Schick International Study is before the Commission as well as a Supplement prepared by Schick answering some 14 questions raised by this Commission after reviewing the original Schick Study. We feel that the evidence before the Commission overwhelmingly and substantially shows that the project will satisfactorily protect the health and welfare of neighboring property and persons.

Because the unwillingness of Willard City has so far prevented approval of the conveyor belt and railroad storage site portions of the project, Applicant Darrell Nielsen hereby notifies the Commission that he is by this reference amending his Application to delete the use of a conveyor belt and railroad storage site. Gravel will be trucked from Applicant's property to the state highway and then removed to destinations as yet undetermined not outside Box Elder County.

This Amendment, coupled with the various Schick evidentiary submissions, should open the way for a decision on conditions to be imposed on Applicant's use.

Very truly yours,

RAY, QUINNEY & NEBEKER


A. Robert Thorup

ART/vls

Geo

Box Elder County

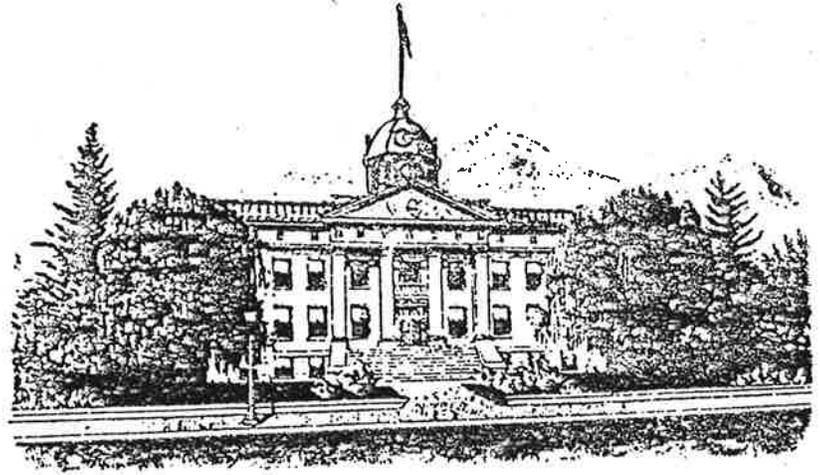
COUNTY COMMISSIONERS

DON E. CHASE STEPHEN A. (AL) CAZIER

WARREN W. HYDE

OFFICERS

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VON R. CURTIS, County Assessor
DENTON BEECHER, County Surveyor
DORIS L. OLSEN, County Auditor



BRIGHAM CITY, UTAH

April 20, 1981

Willard City Planning Commission
c/o Jarvis Facer
Willard, Utah 84340

Gentlemen:

Enclosed is a copy of a letter which Mr. Nielsen's attorney delivered to the Box Elder County Planning Commission at our regular meeting held on April 16, 1981.

The Planning Commission would like to obtain, from your agency, a written reply concerning this amended application to their application for a gravel pit adjacent to your city. We would like to obtain this reply by May 15, 1981 so it can be considered during our May meeting. If we do not receive this reply, we will accept this as your formal approval to this application.

Respectfully,

BOX ELDER COUNTY PLANNING COMMISSION

Denton H. Beecher
Acting Secretary

DHB:j

Yes

Box Elder County

COUNTY COMMISSIONERS

DON E. CHASE STEPHEN A. (AL) CAZIER

WARREN W. HYDE

OFFICERS

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DENTON BEECHER, County Surveyor
DORIS L. OLSEN, County Auditor



BRIGHAM CITY, UTAH

April 20, 1981

Willard City Council
c/o Robert Morgan, Mayor
Willard, Utah 84340

Gentlemen:

Enclosed is a copy of a letter which Mr. Nielsen's attorney delivered to the Box Elder County Planning Commission at our regular meeting held on April 16, 1981.

The Planning Commission would like to obtain, from your agency, a written reply concerning this amended application to their application for a gravel pit adjacent to your city. We would like to obtain this reply by May 15, 1981 so it can be considered during our May meeting. If we do not receive this reply, we will accept this as your formal approval to this application.

Respectfully,

BOX ELDER COUNTY PLANNING COMMISSION

Denton H. Beecher
Acting Secretary

Encl.

DHB:j

Yes

RECEIVED BY
MAY 20 1981
BOX ELDER COUNTY

Willard, Utah
May 19, 1981

Denton Beecher, Secretary
Box Elder Planning Commission
Brigham City, Utah 84302

Dear Mr. Beecher:

In response to your letter of April 20, 1981, the Willard City Planning Commission at this time is still opposed to the granting of the application of the Darrell Nielsen project on all of the grounds referred to in the various denials of the various applications submitted to the Willard City Planning Commission. In addition, it is the Planning Commission's opinion that the project, as originally proposed to the Box Elder County Planning Commission, does not establish as required by the ordinance "that such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity." That determination must be made based on the facts before the Planning Commission prior to issuing any Conditional Use Permits. The burden of proof is upon the applicant.

In regard to the proposed amendment, there would have to be adequate detail provided regarding the exact location of the road and the nature thereof as well as the storage area prior to the Commission making a factual determination. The Willard City Planning Commission would request that when said detail is provided that it be allowed to examine the same and be heard in regard to this specific amendment.

If you have further questions regarding our position in this matter, would you please call our attorney, Jack H. Molgard.

Sincerely,



Jarvis B. Facer
Chairman
Willard City Planning Commission

yes

Willard City Corporation

49 North Main



Willard, Utah 84340

April 25, 1981

Box Elder County Planning Commission
Denton H. Beecher, Acting Secretary
County Court House
Brigham City, Utah 84302

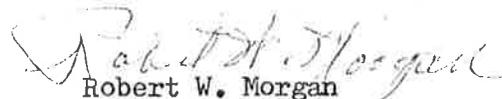
Dear Mr. Beecher,

The Willard City Council has received your letter of April 20, 1981 concerning requested changes in an application dated April 16, 1981 for a gravel pit east of Willard.

The Willard City Council position on gravel pits has always been pending on the flood study that the Box Elder County Willard City Flood and Drainage Special Service District has initiated under the direction of Rollins, Brown and Gunnel, professional engineers. In reviewing their preliminary report, our present position, based on that report, is that any future gravel pit is unacceptable in the flood study area east of Willard.

Enclosed, please find copy of letter and map from Engineers Rollins, Brown and Gunnel, Inc. dated April 9, 1981.

Sincerely Yours,


Robert W. Morgan
Mayor - Willard City

CC:

J. Wilde
D. Chase

Enc: 1

yes



ROLLINS, BROWN AND GUNNELL, INC.

PROFESSIONAL ENGINEERS

April 9, 1981

Box Elder County - Willard City
Special District for Flood
Control and Drainage
Willard, Utah 84340

Gentlemen:

We have reviewed Gravel Excavation Plan for the Darrell Neilson Property - Box Elder County, dated January 1981 prepared by Schick International, Inc., as it relates to storm drainage and flood control.

A copy of Map IV-3 from the report is attached. This map shows the proposed final grading and drainage plan.

The plan is designed to maintain the existing drainage from Cook Canyon and the two drainages to the north much as they are now.

Cooks Canyon would be diked on both sides down the 2:1 slope and then allowed to spread over a flatter area with a 1% slope prior to discharge.

The two drainages to the north are channelized by dikes through both the 2:1 slope and a flatter 1% slope area to the existing chutes over the canal.

The water from the area in-between the two major drainages is collected in a ditch along the canal and discharged through the existing pipes and chutes.

The geology of the report states that the upper material being mined is previous material, while the underlying material is only slightly previous. If this is true, less water would be lost at the completion of the excavation in the channel section between the mouth of the canyon than is currently lost in the alluvial fan in the same area. The peak flows at the canal for a given

4/9

Page 2
April 9, 1981

storm will be somewhat greater.

It is our opinion that the excavation as proposed on Map IV-3 will not provide any particular benefit as far as flood control is concerned.

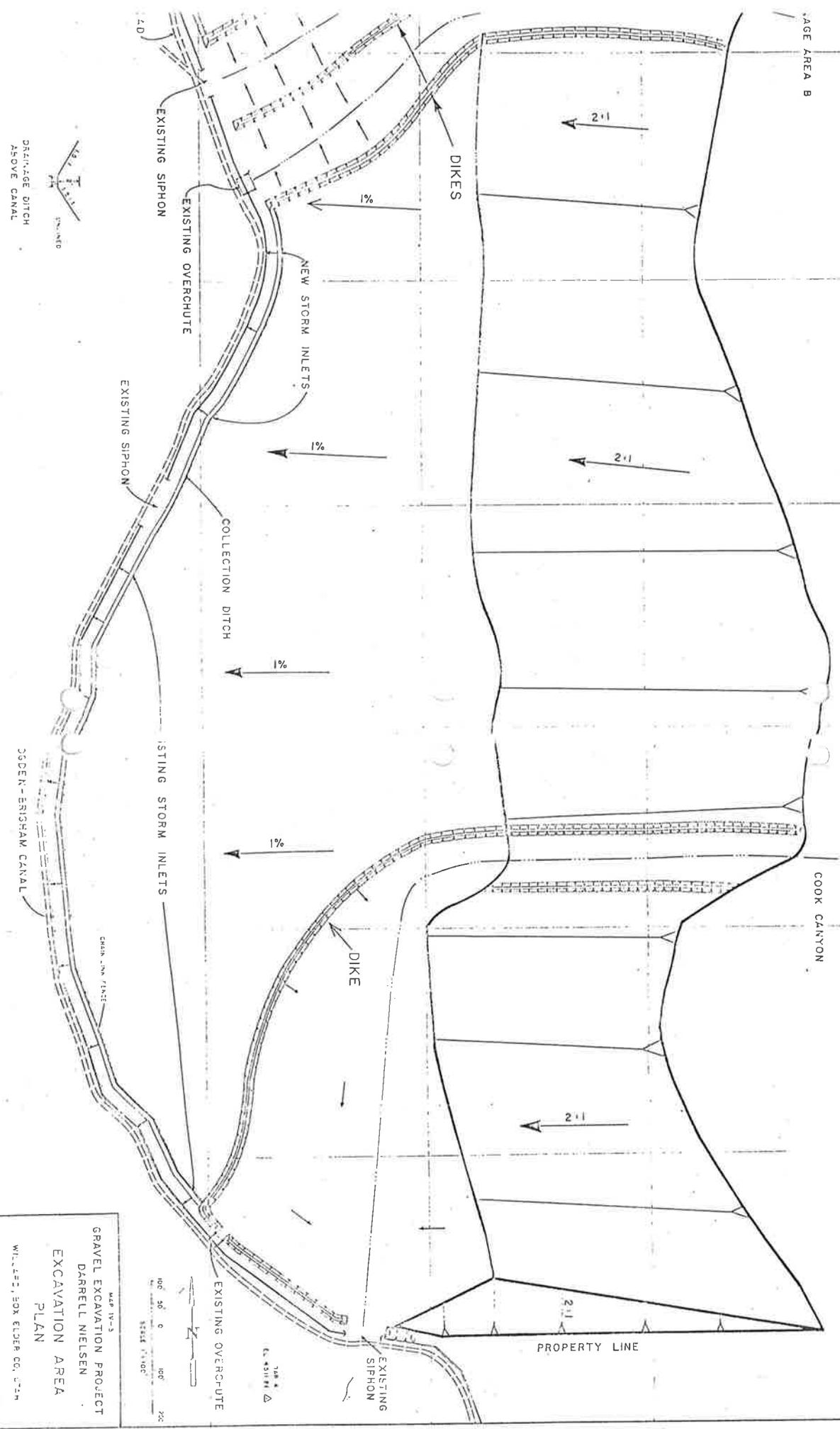
Sincerely,

ROLLINS, BROWN AND GUNNELL, INC.



Russell O. Brown

dlh



DRAINAGE DITCH
ABOVE CANAL

MAP IV-3
GRAVEL EXCAVATION PROJECT
DARRELL NIELSEN
EXCAVATION AREA
PLAN
WILLIAMS, SOX ELDER CO., CTN

100' 50' 0' 100' 200'
SCALE 1" = 100'

11/22

RECEIVED BY
APR 14 1981
BOX ELDER COUNTY

Brigham City, Utah
April 14, 1981

Box Elder County Planning Commission;

Since I had a neck injury, I find it very difficult to express my thoughts verbally while standing before an audience. Please accept this information while making decisions on land use in Harper Ward.

The distance between Lovelock, Nevada and the Wasatch Front, Ogden is 438.8 miles by rail, and is considerably shorter than by highway because of the Lucin Cutoff. The Cutoff crosses the Great Salt Lake while the highways go around it.

Although Lovelock enjoys a similar climate, unseasonal frosts occur more frequently than here, east of the Lake. The soil out there is much more alkaline, and there is poor drainage.

Because elimination of farm land along the Wasatch Front will help my employer, who can ship food in from California, I can expect an additional increment of dollars too.

Rail tariffs are being deregulated.

Fight inflation, ship by rail.

D. Ravenberg
Darrell Ravenberg
Rt. #1 Box 8
Brigham City, Utah

*Submitted
Luther
Apr 16*

Box Elder County

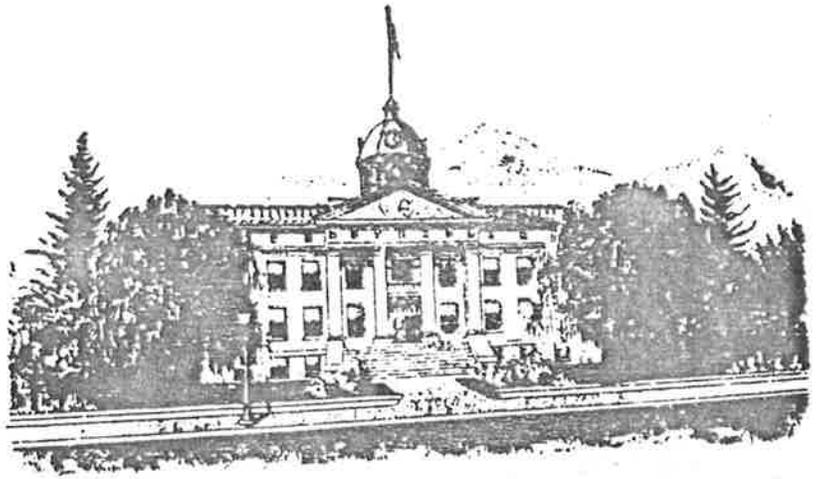
COUNTY COMMISSIONERS

DON E. CHASE STEPHEN A. (AL) CAZIER

WARREN W. HYDE

OFFICERS

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VON R. CURTIS, County Assessor
DENTON BEECHER, County Surveyor
DORIS L. OLSEN, County Auditor



BRIGHAM CITY, UTAH

April 9, 1981

Mr. Dale Smedley
5525 West Mountain View Drive
Mountain Green, Utah

Re: Box Elder County Planning Matters

Dear Mr. Smedley,

The Box Elder County Surveyor has requested that I contact you concerning the recent sale of certain land in Box Elder County to one Edwin M. Higley. Enclosed you will find a copy of the Warranty Deed from the Smedley Family Investment Company, signed by yourself, conveying certain property in Section 9, Township 11 North, Range 4 West, to Mr. Higley.

According to the County Surveyor, the Smedley Family Investment Company owned two separate parcels of land in Section 9, and you recently applied for and received permission to sub-divide part of those two parcels creating a minor sub-division with nine lots.

Since it would appear from the map that you have now created three or more separate parcels from each of those original parcels of land, any further division of either parcel beyond those nine (9) lots in the minor sub-division would be in violation of the Box Elder County sub-division ordinance.

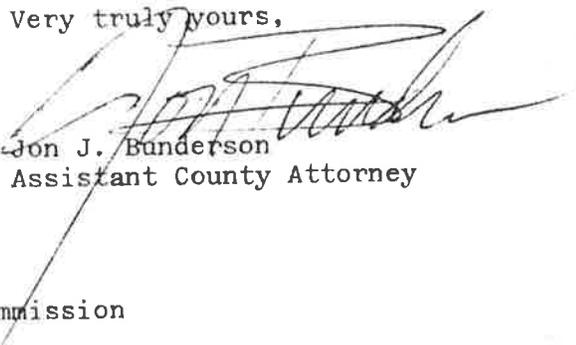
Accordingly, it would appear that the sale to Mr. Higley is in violation of our ordinance.

The ordinance provides that any person, firm, or corporation, whether as a principle, agent, or employee, who violates any provisions of the ordinance, shall be guilty of a misdemeanor. In addition, the

ordinance provides that Box Elder County may institute appropriate civil action, which may include seeking an injunction or abatement, or other appropriate civil remedies.

If you have any evidence to offer in mitigation of the apparent legal problems created by the sale to Mr. Higley, you may discuss them with the planning commission. As you may be aware, the Box Elder County Planning Commission meets the third Thursday of each month, and you may make an appointment to appear before them by contacting Betty Jensen at the Box Elder County Commissioners Office located at the Box Elder County Court House.

Very truly yours,



Jon J. Bunderson
Assistant County Attorney

JJB:ebf
cc: Box Elder County Planning Commission
Denny Beecher
enclosure

Box Elder County

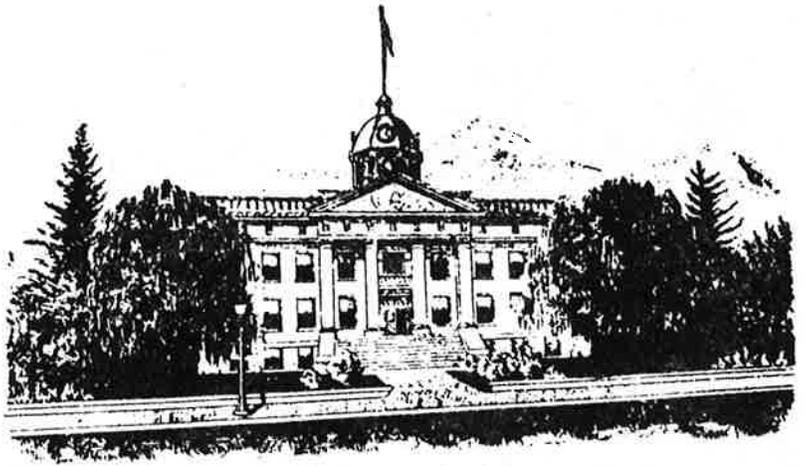
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DORIS L. OLSEN, County Auditor



BRIGHAM CITY, UTAH

April 7, 1981

Fred J. Butler
1113 South Main Street
Garland, Utah 84312

RE: Box Elder County Planning Commission Matters

Dear Mr. Butler:

The County Surveyor has brought to my attention the fact that you and your wife, Camylla, deeded certain property on the 30th of March, 1981, to a Mr. & Mrs. Williams. Enclosed is a copy of that deed for your reference.

As far as we can tell, that land is part of a larger parcel which you have owned for sometime.

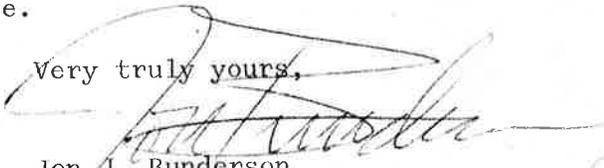
It would appear that you may be in violation of the county's sub-division ordinance, in that you have divided your original parcel of land into three or more parts without following the provisions of our sub-division ordinance.

You did obtain approval for a minor sub-division on September 23, 1980, but since that date you have apparently deeded to one Michael Bowcutt, and then you have deeded the property shown on the attached deed.

Please be advised that a violation of the county's sub-division ordinance is a criminal offense, and upon conviction, a person may be punished by a fine not to exceed \$299.00 or imprisonment in the Box Elder County Jail for six months, or by both such fine and imprisonment.

If you have any evidence to offer in mitigation, or any explanation of your actions, I would invite you to present those to the planning commission. I believe they meet the third Thursday of each month, and you can make an appointment to meet with them by contacting Mrs. Betty Jensen at the Box Elder County Commissioners Office.

Very truly yours,


Jon J. Bunderson

JJB:jh
Enclosure

CC: ✓ Box Elder County Planning Commission
Denton Beecher, Surveyor

*See file
Walter 87
4/10*

BEFORE THE BOX ELDER COUNTY PLANNING COMMISSION

In Re:

APPLICATION OF
DARRELL NIELSON

:
:
:
:
:
:

Order Granting Condi-
tional Use Permit

Permit No. _____

The Application of Darrell Nielson for a Conditional Use Permit under Chapter Six of the Box Elder County Zoning Ordinance having come before the Planning Commission on November 14, 1980;

Full opportunity for public input having been provided and much input received;

The Nielson Application being supported by supplemental information and guarantees concerning the location, operation and design of the facilities proposed;

The Applicant and his legal and engineering experts having appeared and testified before the Commission on numerous occasions concerning the intentions and plans for the property;

The Commission having received and reviewed the Rollins, Brown and Gunnell "Master Plan for Flood Control"; and

This Commission having independently examined the plans and the legal requirements for the Application;

NOW THEREFORE the Planning Commission finds:

(1) that the proposed Use is permitted under the Box Elder County Zoning Ordinance as a Conditional Use;

(2) that one of the purposes of the Multiple Use district here involved is to encourage use of the land for mining, when appropriate, and to promote the prosperity and general welfare of the county;

(3) that sufficient care must be taken in engineering and operating the proposed use so as to minimize the impact of the use on necessary flood control measures;

(4) that, in judging whether a proposed conditional use will meet the criteria of Section 6-6 of the Zoning Commission Ordinance, the willingness of the Applicant to abide by conditions to be imposed by this Commission must be taken into consideration;

(5) that the interests of a property owner to develop property freely must be balanced against the harm to existing uses of other property;

(6) that if the conditions set forth below are followed, the issuance of the requested Conditional Use Permit is in the public interest, and will satisfy Section 6-6 of the Zoning Ordinances.

A CONDITIONAL USE PERMIT TO APPLICANT IS HEREBY GRANTED, SUBJECT TO AND INCORPORATING THE FOLLOWING CONDITIONS:

CONDITIONS ON THE USE

1. The Permit will become effective 30 days from the date hereof if all other Conditions are met;

2. A detailed location map and engineering specification drawings must be submitted showing the location of the haul road and its connecting point with the State highway.

3. Applicant will file with the County Surveyor an undertaking in writing that the work site and transportation methods will comply with Federal and Utah State Air Quality standards as they currently exist or are later amended. Applicant will further undertake in writing to utilize, in consultation with the County Surveyor, the best available technology, including but not limited to a water "spraying technique," as needed to control dust emissions from the work site.

4. Applicant will file with the County Surveyor an undertaking in writing that upon completion of each of the three vertical excavation areas, specified in the Schick International study, and within a reasonable time dictated only by natural conditions, he will cause the resloping to a 2:1 slope of that portion of the just-completed vertical excavation area specified in the Schick report.

5. Applicant will file with the County Surveyor an undertaking in writing that prior to commencing the next vertical section, Applicant will begin reforestation with native vegetation

under the direction of a competent reforestation engineer equal to the quality and stature of Native Plants in Salt Lake City, Utah. The County Surveyor will be consulted on each phase of such resloping and reforestation, and Applicant must use where possible local Box Elder County labor, preferably teenage labor, to perform such revegetation.

4. Applicant will file with the County Treasurer a performance bond in the amount of \$68,784 to guarantee that the resloping and reforestation of the first vertical excavation area will be completed. Prior to commencing the second section, a similar bond of \$77,382 must be filed; and, prior to commencing the third and last vertical section a bond of \$38,681 must be filed. These amounts are in 1981 dollars and shall be adjusted for inflation through use of the Consumer Price Index published by the United States Department of Labor and Commerce determined on the first day of the month preceding the beginning of excavation on the new vertical section.

7. A plan for flood control must be submitted for approval to the County Surveyor which is complementary to the Rollins, Brown and Gunnell, Inc., Master Plan for Flood Control for the Willard/Box Elder Flood Control District.

8. All designs of equipment location, flood control structures, road crossings, canal crossings and dust control

methods shall be available to the County Surveyor or Engineer and are to be approved by him prior to any execution of such designs.

9. Applicant must operate in such a way as to protect the private property rights of neighboring property owners, taking steps to protect water supply and structural integrity.

10. Applicant must take all legal steps, in consultation with the County Attorney, to assure that sales and other tax revenues possible for the Project accrue to the benefit of Box Elder County.

11. In all other respects, the project must proceed as described in the Schick International Gravel Excavation Plan as submitted to this Commission. Any modifications must first be approved by the County Surveyor before implementation.

Dated this _____ day of _____, 1981.

BOX ELDER PLANNING COMMISSION

ATTEST:

Secretary

Chairman

Agreed:

Darrell Nielson

Box Elder County

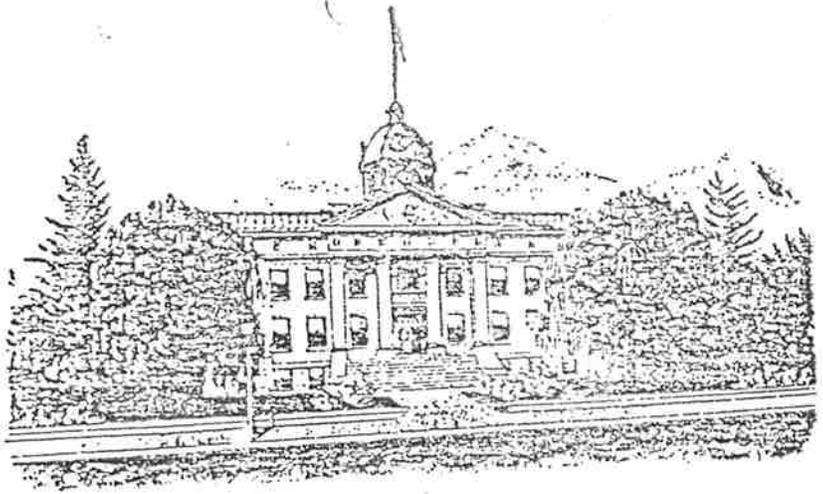
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WARREN W. HYDE

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VON R. CURTIS, County Assessor
DENTON BEECHER, County Surveyor
DORIS OLSEN, County Auditor



BRIGHAM CITY, UTAH

March 24, 1980

Jarvis Facer, Chairman
Willard City Planning Commission
Willard, Utah 84340

Dear Jarvis,

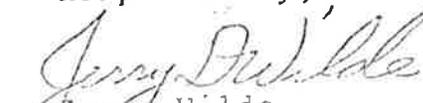
On March 20, 1980, Mr. Darrell Nielsen, Mr. Glen Woodyatt, Mr. Jeff Thorne and Mr. Neil Smith met with the Box Elder County Planning Commission regarding an application for a Conditional Use Permit for construction of a gravel crushing operation and flood control plan in Section 25, T8N, R2W. Their permit was again discussed and also the members of the commission had previously made a field inspection of the said site. After much consideration and discussion on this application, it was moved and seconded that this permit be approved with the stipulation that we give the Willard City Planning Commission until April 1, 1980 to make any reply to the county giving us definite objections as to why this project will not give the protection of the adjacent property owners and be in the best interest of the general public.

The Planning Commission feels that this application does not violate any of the items of Chapter 6 of their zoning ordinance and can find no reason to reject this project. Upon no written objection from your Planning Commission this permit will be considered approved. If written objection is received, the County Planning Commission will hold a special meeting to consider your comments, then make further action.

Enclosed is the copy of said application and also copies of correspondence received regarding this matter.

We trust you will give us your prompt action on this matter. We look forward to working with you.

Respectfully,


Jerry Wilde
Chairman

Box Elder County

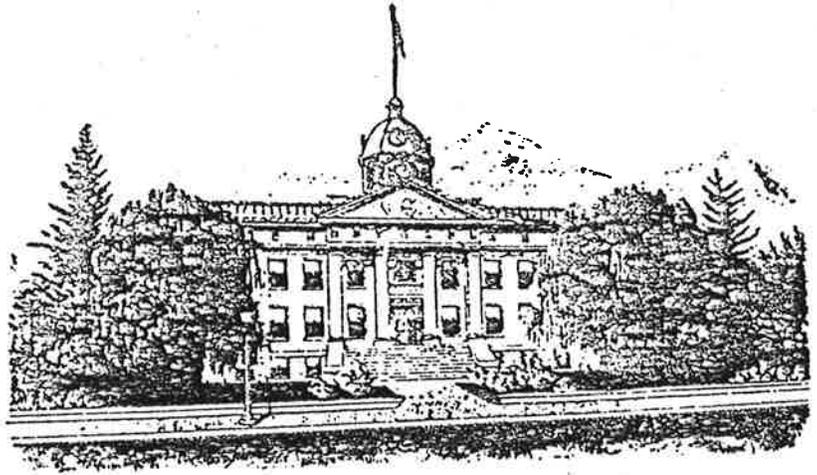
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DORIS L. OLSEN, County Auditor



BRIGHAM CITY, UTAH

April 20, 1981

Wayne Larsen
Plymouth, Utah 84330

Re: Recreation Mobile Home Park

Dear Wayne,

The Box Elder County Planning Commission has asked me to write you a letter regarding the present activity at the Belmont Springs area.

It is very apparent that you are going ahead with this construction of said park. May we remind you that, as of this date, you have never been given a permit for such an operation by the county. Our ordinance requires you to obtain such a permit.

We would like to invite you to bring your plans for said park in and meet with us during our May 21st Planning Commission meeting. You may make an appointment to get on the agenda by calling 257-5810.

We trust you will take this opportunity to complete this process. If we have not heard from you by this time, we will be forced to turn the matter over to the county attorney's office for legal steps to stop the construction and occupation of said park.

Respectfully,

Denton H. Beecher
Zoning Administrator

DHB:j

RAY, QUINNEY & NEBEKER
PROFESSIONAL CORPORATION

S. J. QUINNEY
ALBERT R. BOWEN
W. J. O'CONNOR, JR.
ALONZO W. WATSON, JR.
STEPHEN B. NEBEKER
MITCHELL MELICH
L. RIDD LARSON
DON B. ALLEN
MERLIN O. BAKER
STEPHEN H. ANDERSON
CLARK P. GILES
JAMES W. FREED
THOMAS A. QUINN
H. HAL VISICK
EUGENE H. BRAMHALL
JAMES L. WILDE
M. JOHN ASHTON
HERBERT C. LIVSEY
WILLIAM A. MARSHALL
PAUL S. FELT
GERALD T. SNOW
H. BRENT BEESLEY

ALAN A. ENKE
JONATHAN A. DIBBLE
SCOTT H. CLARK
JAMES W. GILSON
STEVEN H. GUNN
JAMES S. JARDINE
KENT H. MURDOCK
JANET HUGIE SMITH
JUDITH MITCHELL BILLINGS
DOUGLAS MATSUMORI
CAREY D. JONES (ARIZONA ONLY)
ALLEN L. ORR
BRAD D. HARDY
BRIAN E. KATZ
A. ROBERT THORUP
PATRICK B. NOLAN
ALAN B. FORD
TARA D. LUNDGRIN
LARRY G. MOORE
DALE C. HATCH

ATTORNEYS AT LAW
SUITE 400 DESERET BUILDING
79 SOUTH MAIN
SALT LAKE CITY, UTAH 84111
(801) 532-1500

92 NORTH UNIVERSITY AVENUE
PROVO, UTAH 84601
(801) 226-7210

PAUL H. RAY (1893-1967)
C. PRESTON ALLEN (1921-1971)
MARVIN J. BERTOCH (1915-1978)
A. H. NEBEKER (1895-1980)

April 16, 1981

Box Elder County Planning Commission
Brigham City, Utah 84322

Re: Application of Darrell Nielsen

Honorable Commissioners:

Decision is pending by this Commission on conditions to be imposed on Darrell Nielsen's use of his property as a gravel extraction facility. The Application, which has incorporated the Schick International Study is before the Commission as well as a Supplement prepared by Schick answering some 14 questions raised by this Commission after reviewing the original Schick Study. We feel that the evidence before the Commission overwhelmingly and substantially shows that the project will satisfactorily protect the health and welfare of neighboring property and persons.

Because the unwillingness of Willard City has so far prevented approval of the conveyor belt and railroad storage site portions of the project, Applicant Darrell Nielsen hereby notifies the Commission that he is by this reference amending his Application to delete the use of a conveyor belt and railroad storage site. Gravel will be trucked from Applicant's property to the state highway and then removed to destinations as yet undetermined not outside Box Elder County.

This Amendment, coupled with the various Schick evidentiary submissions, should open the way for a decision on conditions to be imposed on Applicant's use.

Very truly yours,

RAY, QUINNEY & NEBEKER


A. Robert Thorup

ART/vls

yes

Christensen has a 40 acre peice of land and they neet to get approval for a one lot minor subdivision. It was explained this land has been created into two parcels and they are now creating a third parcel for Mr. Johnson to build on. It was pointed our to Mr. Johnson and Mrs. Christensen that the proposed subdivision does not front onto a dedicated road so they can't approve the subdivision unless they get an approved private right-of-way. Mr. Beecher explained he had denied Mr. Johnson a building permit because the road into the lot where Mr. Johnson wants to build doesn't have a wide enough right-of-way. The Commission suggested they take a look at what the Christensens might want to do with this property sometime in the future and said that there would need to be a 66 ft. right-of-way. The Commission pointed out to Mr. Johnson that just because they have a 66 ft. right-of-way that doesn't mean they have to build a road on that much right now. These people said there is plenty of room for a 66 ft. right-of-way. These people also said the only thing they can do is approach Evan Christensen and the other two sisters and see what they want to do. The Commission said they need to have a drawing prepared in proper form showing the right-of-way, but pointed out the County Commissioners are the ones that have to approve the road. Member Chase made the motion they grant Concept Approval subject to their gringing in an approved plat and getting the County Commissioners to accept the road as an approved private right-of-way and that they recommend to the County Commissioners that they approve the private right-of-way providing they get a 66 ft. right-of-way. This was seconded by member Kimber with all voting in favor.

PENROSE PLACE MINOR SUBDIVISION

Albert L. Smith and his son Terry Smith met with the Commission and presented a plat for the proposed Penrose Place Minor Subdivision. Albert Smith said he had Concept Approval for the said subdivision once before but because of the length of time that has gone by without getting Preliminary Approval the Concept Approval has expired. He said he has Health Dept. signature on the plat. Member Rhodes made the motion they grant both Concept and Preliminary Approval on conditions that everything is on the plat that is needed for Preliminary Approval and they authorize the Chairman to sign the plat. This was seconded by member MacFarlane with all voting in favor.

MACFARLANE MOBILE HOME PARK

Jay MacFarlane met with the Commission and said he is going to make two more spaces in his mobile home park at Riverside and two overnights and asked for information on what has to be done. Member MacFarlane/^{was}told if he adds on to his mobile home park the entire trailer park must be brought up to standard. Mr. Beecher referred him to specific sections in our ordinance that must be complied with.

Adjourned at approximately 10:20 p.m.


Secretary

June 18, 1981

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday June 18, 1981. Members Present: Don E. Chase, Boyd Nelson, Dale Rhodes, Jay MacFarlane and Charles Kimber. Also present were ex-officio members Denton Beecher and K. B. Olsen. Vice-chairman Boyd Nelson presiding.

MINUTES

Member MacFarlane made the motion they approve the minutes of the last Planning Commission held May 21, 1981 with one correction and that is to cross out one line near the bottom of page 3 which had been copied twice. This was seconded by member Rhodes, with all voting in favor.

HARLAN TAYLOR MOBILE HOME PARK

Mr. & Mrs. Harlan Taylor met with the Commission to get Final Approval for the Harlan Taylor Mobile Home Park. Mr. Taylor said the last time he met with the Commission he didn't have Health Department approval or letters from the utility company that utilities are available. He said he now has the letters from the utility companies but said he had received the following letter from Sanitarian Willard Hill. (Copy # 1) He said they do have approval for the sewer system but the Sanitarian can't approve the water until the wells have been drilled and tested and he doesn't want to drill the wells if he can't get approval for the mobile home park. He said he does have a permit and will drill a well

that will be under 100 ft.. The Commission told Mr. Taylor for a public water system the well will have to be deeper than 100 ft.. The Commission also said they could approve everything except the water and it will be up to them to prove they can get good water. After some discussion member Chase made the motion they authorize a permit for the mobile home park with the stipulation we deny any occupancy until water is approved. This was seconded by member Rhodes with all voting in favor.

AMENDED SPRING ACRES MASTER STREET PLAN

Mr. Wheatley met with the Commission and said the Commission has previously approved the preliminary street plan for the Spring Acres Subdivision which is on the hill west of the Bear River high School. He said they found that the one main street comes out where Tremonton's spring is so they have no place to go with it; therefore, they had to make a street change. He showed the Commission where they now propose to make the street change and said he is there asking for a revised approval on the Master Street plan. Member MacFarlane made the motion they approve the Revised Plan. This was seconded by member Kimber with all voting in favor.

REPORT ON FLOOD STUDY OF WILLARD AREA

Robert North, representing the Box Elder County and Willard City Flood Control and Drainage Special Service District met with the Commission and brought with him Mr. Russell Brown, representing the engineering firm that had done the flood study for the Special service District. Mr. North said they wanted to bring the Planning Commission up to date on what has been done on the Flood Control Study. He said there are a lot of things they found and came up with and said they would like to take a few minutes to show the Commission some slides of the Special Service District. He said a similar report was given in a public meeting recently. These men then gave a slide presentation to the Planning Commission. Mr. Brown said they have a problem in the area with the Ogden-Brigham canal and said in case of a small flood coming in the right area it can fill up the canal and that will cause additional flooding. He pointed out as people build in the area there is a greater flood potential created. He said he tried

to look at several solutions. He said land planning in the area has to be a cooperation of the city and the county. He said there could be a series of detention basins put in. He said these detention basins can't all be constructed at once. He pointed out these basins wouldn't pose a danger to children as he said the water would never stand in them. He said the storms would run right through, and there would have to be more detailed investigation before they could build the detention basins. It was brought out there should be an ordinance change to help accomplish this control.

BELMONT SPRINGS RECREATION AREA

Mr. Beecher reported that the plans have been redrawn on the Belmont Springs Recreational Park. He said the top segment of the park will now drain to the south rather than to the north and the county road borrow pit so it stays on their property and will be dumped into the river. He said the lower level still has to drain to the north and they will rip rap the borrow pit on the county road. He said there will be very little water generated in this area and said most of the run off comes from the area to the west. He pointed out they will have to put in a yard light and a garbage receptical on each level. He said they haven't addressed public rest rooms which he feels they must have as he said there will be some vehicles come in that won't have self contained facilities. He said he couldn't find in the ordinance where that is required. He said the ordinance does require asphalt surfaced roads or an approved equal. He said it will have to be determined what an approved equal is. He said these men propose to put in Dust Guard rather than asphalt. The Commission said Dust Guard is not equal but there was considerable discussion about allowing temporary use of DustGuard because of the tremendous cost for asphaltting the roads saying Dust Guard could be monitored to see how it developed. Commissioner Chase asked if they grant an exemption for things like this who is going to police them. Member Chase made the motion they stay with the requirements of the ordinance and require hard surfaced roads. This died for a lack of a Second. Member MacFarlane made the motion they be allowed to try Dust Guard. To try it out for two or three years. This was seconded by member Rhodes with all voting "aye" except member Chase who voted "nay". Member Kimber then made the

motion they require at least one public rest room at the Belmont Springs Recreation Area. This was seconded by member MacFarlane with all voting in favor. Member MacFarlane then made the motion they approve the recreation park and that a license be developed and issued for the recreational home park. This was seconded by member Rhodes with all voting in favor.

ZONE CHANGE FOR LOUISE HAVEN SUBDIVISION AT SOUTH WILLARD

Stanley Parkin and Blynn Wilson met with the Commission. Mr. Parkin said he has 15.15 acres of land at South Willard that he would like to have zoned for a residential area and presented the following application for amending the zoning ordinance. (copy # 2) Mr. Parkin said four years ago a well was drilled in the area and since then the water company has drilled a well so there is plenty of water. Then he said also they have Pineview water that can be used as irrigation supply. He said everyone he has talked to in the area, except one, is in favor of the zone change. He said they have gone to that size of a lot because of the economy as they feel the lots shouldn't be too large. He said rather than try to develop it himself he would rather try to sell to some company and let them go in and do it all up in a hurry. The following letter from Sanitarian Lee Malmberg was presented to the Commission: (Copy # 3) The Commission said these men ought to get together with their neighbors to determine the area to be rezoned as they said we can't make a zone change for just one piece of property that size. They said he should look at the whole area. The Commission said the last hearing we held in that area there were people who asked how often they have to come into a hearing to say we don't want a zone change; however, the Commission said maybe the needs are now changing and it may be the people will approve a zone change as you said some of the people who objected to continually having hearings have said we don't object. The Commission also said the county would have to amend the County Master Plan as that size of lots are in violation of the Master Plan. The Commission said when the Health Department determines what size of lots are large enough to support a sewer system they will consider a new Master Plan study for that whole community and they will restudy the area. They also pointed out they are going to have to consider how this all fits into

the flood study. Member MacFarlane made the motion they table the matter until our next meeting. This was seconded by member Rhodes with all voting in favor.

GRANT COOK TRAILER PARK

Mr. Grant Cook met with the Commission and said he would like to complete his trailer park. He said he has had fifty units in his park and would like to complete the full four acres which he has. Mr. Beecher pointed out to allow the expansion he would have to ask for a zone change. Member Chase said that area is not zoned for trailer parks so any expansion would require a zone change. Mr. Cook said he wondered how much time would be involved to make this study for the zone change. The Commission members said this would have to be part of their study when they are looking at the entire area, therefore, they decided to table Mr. Cook's request and incorporate it into Mr. Parkin's plan and look at the whole area for a possible zone change.

The meeting was adjourned at about 10:10 p.m.


Secretary

BEAR RIVER DISTRICT HEALTH DEPARTMENT

170 North Main Street • Logan, Utah 84321

Phone: 752-3730

SERVING the HEALTH NEEDS of BOX ELDER, CACHE and RICH COUNTIES



John C. Bailey, MD
HEALTH DIRECTOR

Willard K. Hill, RS
ENVIRONMENTAL HEALTH
SUPERVISOR

LaVern Lindsay, RN
NURSING SUPERVISOR

Paul Parkinson, DMD
DENTAL DIRECTOR

Nita Weber, MS
HEALTH EDUCATION

June 17, 1981

Harlan Taylor Mobile Home Park
Fielding
Utah 84311

Dear Mr. Taylor,

We have reviewed the plot plan and supporting information for the Harlan Taylor Mobile Home Park. From the information submitted it appears that the liquid waste disposal is feasible.

We cannot state feasibility for the culinary water for this park because State regulations require review of all community water supplies before installation. A community water supply is defined as a water system supplying 25 or more people for a minimum of 60 days.

At this time no well has been drilled or water source established for testings as to chemical or bacteriological quality for this mobile home park.

Sincerely,

Willard K. Hill, RS
ENVIRONMENTAL HEALTH SUPERVISOR

WKH:ckb

BOARD of HEALTH

Noble L. Chambers
CHAIRMAN

Russell Borchert
David Carlquist, MD

Stephen Al Cazier

C. Bryce Draper

David Findlay

ReNae McKinnon

Cl Louise Satterthwaite

Dean Smith

Roger Stephens

Morrell Weston

APPLICATION FOR AMENDING THE
ZONING ORDINANCE

Fee Paid _____

Date: June 15, 1981

I (we), the undersigned property owners, respectfully request that the Zoning Ordinance be amended by a change in the zoning to accomodate approximately
forty (40) 12,000 sq. ft. building lots

for the purpose of single family residences.

** The Planning Commission must review the request from the standpoint that changes in the Zoning Ordinance cannot be made unless it is in the best interest of the public generally and in conformity with the policies of the general or specific Master Plan.

Please answer the following questions: (Attach additional sheet for statements, if necessary.)

1. How is this proposal consistent with the policies of the general or specific Master Plan? This proposal amends the Master Plan by allowing for future needed
growth in the southern boundaries of Box Elder County.

2. How will this proposal promote the health, safety, morals, convenience, order, prosperity, or welfare of the general public? This proposal has been tentatively
approved for septic. Also there is ample water available. Subdivision is planned with
a paved road to be approved by the county. There is evidence housing is needed in this
part of the county.

3. Names of all owners of property in the proposed amendment area and signatures of property owners as available (Planning Commission may require signatures of all property owners showing approval of proposed change).

Name	Address	Phone	Approve	Disapprove
Stanley K. Parkin	7985 S. Hwy #89., Willard	782-4695		

BEAR RIVER DISTRICT HEALTH DEPARTMENT

170 North Main Street • Logan, Utah 84321

Phone: 752-3730

SERVING the HEALTH NEEDS of BOX ELDER, CACHE and RICH COUNTIES



June 18, 1981

John C. Bailey, MD
HEALTH DIRECTOR

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ENVIRONMENTAL HEALTH
SUPERVISOR

LaVern Lindsay, RN
NURSING SUPERVISOR

Paul Parkinson, DMD
DENTAL DIRECTOR

Nita Weber, MS
HEALTH EDUCATION

Mr Jerry Wilde, Chairman
Box Elder County Planning Commission
County Courthouse
Brigham City, Utah 84302

Dear Chairman Wilde,

From the supporting information supplied by Mr Dan Parkin and the soil tests performed on the Parkin property in South Willard, it appears that individual waste disposal systems are feasible. However, our department is presently reviewing the proposed 39 lot Parkin Subdivision to determine if the planned lot sizes are large enough to support a sewage waste disposal system and any needed system expansion if the drainfields were to fail.

The Logan office will notify Mr Parkin of the decided lot sizes.

Sincerely yours,

Lee Malmberg, R.S.
Staff Sanitarian

LM/mg

BOARD of HEALTH

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CHAIRMAN

Russell Borchert

David Carlquist, MD

Stephen Al Cazier

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Louise Satterthwaite

Dean Smith

Roger Stephens

Morrell Weston

JULY 16, 1981

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday July 16, 1981. Members present: Don E. Chase, Jay MacFarlane, Jerry Wilde, Boyd Nelson, J. Glen Nelson, Dale Rhodes and Charles Kimber. Ex-officio members Denton Beecher and K B. Olsen excused.

MINUTES

Member Jay MacFarlane made the motion they approve the minutes of the last Planning Commission held June 18, 1981. This motion seconded by member Charles Kimber with all voting in favor.

LEROY CRANER MINOR SUBDIVISION

A concept plan for LeRoy Craner minor Subdivision was presented for consideration with a request for approval of one lot shown as Parcel #2 on map submitted. Motion made by member Glen Nelson, seconded by Dale Rhodes to approve and authorize chairman to sign after contact with County Engineer assuring all requirements have been met.

BRANSON NEFF MINOR SUBDIVISION

Branson Neff Minor Concept Plan submitted for consideration. Consists of four lots plus balance of original property. Dale Rhodes made the motion and Glen Nelson seconded the motion that concept approval be given, passed unanimously. Chairman to sign on engineer's approval.

WILLOW CREEK SUBDIVISION

Willow Creek Subdivision presented for Concept Approval consisting of twenty five lots located in Beaver Dam area close to Cache County line. Copy of letter from State Department of Health, Division of Environmental Health on water supply submitted to Commission. Member Boyd Nelson made the motion and member Jay MacFarlane seconded the motion that concept approval be given, passed unanimously. Chairman authorized to sign on approval of engineer.

JAY MACFARLANE PLANNED UNIT EXPANSION

Jay MacFarlane discussed a planned unit expansion in Riverside with Planning Commission and was asked to have a proper drawing made and returned to the Commission for concept approval.

WILLARD FLOOD CONTROL STUDY

Final plan of Willard Flood Control Study was presented to Commission by Commissioner Chase who promised to obtain additional copies for Commission members to study.

RESIGNATION OF MEMBER

Dale Rhodes tendered his resignation as of July 16, 1981 to the Commission and turned in all ordinances and materials he had. The Commission thanked Mr. Rhodes for his faithful attendance and his dedication to the Planning Commission work.

Meeting adjourned at 8:45 p.m.

K B. Olsen, Secretary

PLANNING COMMISSION
August 20, 1981

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday August 20, 1981 commencing at 7:30 p.m.. Chairman Jerry Wilde presiding. Members present: J. Glen Nelson, Don E. Chase, Jerry D. Wilde and Boyd Nelson. Also present were ex-officio members Denton Beecher and K B. Olsen.

MINUTES

Minutes having been previously mailed to the commission members, member Chase made the motion they accept the minutes of the regular meeting of Thursday, July 16, 1981. This was seconded by member Boyd Nelson with all voting in favor.

NIELSEN CONDITIONAL USE PERMIT

Darrell Nielsen and Attorney A. Robert Thorup met with the Commission with the following setting in: Roberta Boisjoly, Rober Boisjoly, Wallace E. Johnson, Jack Molgard, Harvey Woodyatt and Glen Woodyatt. Member Chase reported he had contacted the County Attorney's office and neither Deputy County Attorney Jon Bunderson nor County Attorney O. Dee Lund could be to this meeting as both were going to be out of town. A copy of the following letter from Atty. Bunderson was presented to each of the Commission members, Mr. Darrell Nielsen and Atty. Thorup. After reading the letter Atty. Thorup said he'd like to comment on the letter. He said

yes

something to the effect that he agreed with paragraph three but said what Attorney Bunderson didn't mention is whether the project will be detrimental to the health, safety and welfare of the people residing in the area or injurious to property or improvements in the vicinity, which can't be determined until the Commission determines the conditions Mr. Nielsen is going to have to meet and said if he doesn't meet your conditions the project can't be done. He also said paragraph three surely doesn't mean this body can't decide otherwise than against the project. He also commented on his, Mr. Bunderson's, comments on the flood study and said they are willing to meet the requirements ~~of~~ the flood study made for the special Service District by Rollins, Brown & Gunnell. Member Chase commented to the effect as Atty. Bunderson pointed out in his letter a permit should not be issued unless we are satisfied that the proposed gravel pit wouldn't be injurious to the people of the area or the land and in his opinion it would be. He also said he is satisfied with the flood study as written. He said he has been on the Flood Study Control group and said by removing the gravel he believes it would increase the flood danger as the water wouldn't soak in but would run right off. He also mentioned Mr. Nielsen has changed from a conveyor belt to a road and he sees nothing on approval from Willard City for the road. Also he said there is no endorsement from Willard City, therefore, he'd be opposed to issuing a conditional use permit.

Atty. Thorup pointed out Mr. Nielsen's application has been amended doing away with the conveyor belt and storage area.

Chairman Wilde brought out there are two different reports, one by Shick International and one by Rollins, Brown & Gunnell and said it's hard for him to decide between the two where he is not knowledgeable in engineering. There was some discussion about the reports and it was pointed out the study by Shick International doesn't address the flood study.

Atty. Thorup said in the report by Rollins, Brown and Gunnell on page 46 they allude that the gravel pit is a threat but states it could be designed so it wouldn't be in conflict with the flood study.

Chairman Wilde pointed out Mr. Nielsen's first plan was to have flood control basins and the people from Willard objected because they were afraid it would

increase the seepage and now the flood study says there should be flood control basins. He said the Shick study states there would be no more run off water with the gravel pit. It was brought out that the flood control basins, as proposed by Mr. Nielsen and what the flood study calls for are two different types of basins. Mr. Beecher said the flood control district hired an engineer to make the flood study and he thinks they should take their advice. There was additional discussion mostly along these same lines and it was pointed out the two studies by Rollins, Brown and Gunnell and the one by Schick International just do not address the same things. In the discussion Atty Thorup said he'd like to make a suggestion and said Mr. Nielsen has spent a lot of time and thousands of dollars trying to work this out with the Planning Commission and said if a decision is made he felt it should be made with the benefit of having all of the Planning members present who have been on the Commission during the time this has been under consideration and not made while one is ill, one on vacation and one who has just resigned, these can't be helped. He said if the Commission should deny the permit Mr. Nielsen would have to start all over again and he just can't stand the expense all over again. Member Chase said the Rollins, Brown and Gunnell report is what we've been waiting for on the flood control and he thinks they should make the decision now. Mr. Thorup said why not grant a permit on condition that within 30 days Mr. Nielsen meet the recommendations of this group. He said we'd submit to this group that we will follow the recommendations of the flood study and said they are willing to cope with what is required in this study and said they are willing to put up a bond that they will meet the requirements. Member Chase said he thinks this matter should go across the table tonight. He then made the motion that in view of what has been done he would move that Mr. Nielsen's request for a Conditional Use permit be denied. This was seconded by member Boyd Nelson with members Chase and Boyd Nelson voting in favor and Members Wilde and Glen Nelson voting against the motion. Attorney Jack Molgard said he realizes this isn't a public hearing but said he had requested he be put on the agenda but guessed he spoke to the wrong person and asked that he be permitted to speak. He said there are a couple

of things that need to be clarified. He said there is nothing shown where the haul road will go and said how can you men say there will be no damage to the people when you don't know where the road will go. He said there is no idea where the storage area will be and questioned not having a feasibility study. He also asked if the gravel is stored and sold out of Weber County would there be any sales tax come to Box Elder County? Atty. Thorup said they will use the existing road running down on the property owned by Glen woodyatt and said now there is no need for storage. He said tax revenues are determined by where something is sold not by where it is trucked too. He said Box Elder County would get the revenue. He said they are willing to put up a bond that there will be sufficient money available for the project. He said now the gravel isn't going to be sold to the railroad as it has taken over two years to get the permit as the railroad had to have the ballist so they have gone to someone else to bet it but he said if they get a permit there is no reason the agreement could not be re-negotiated. Atty. Thorup asked Mr. Chase if he would be willing to have Rollins, Brown & Gunnell describe, in some detail, what they had in mind where their report indicates the gravel pit could be so designed so it wouldn't conflict with the flood study? Commissioner Chase said he would be glad to.

CHRISTENSEN'S SPRING ACRES SUBDIVISION

Neil Smith met with the Commission in regards to the Spring Acres Subdivision which is two miles west of the Bear River High School. He said the Commission has approved the Master Street Plan and now he is here after Phase One Preliminary Approval. He reported they have a 10,000 gallon reservoir that is now serving the existing homes within the Phase 1 area and said they also will be filing on and developing a spring to be putting water in the reservoir. He said in Phase 1 there are 19 proposed lots and said they can handle 25 homes for culinary water only on what water they have. He said they didn't have enough water for the yards nor fire protection for that many lots but said they are going to have to go to work on that. He then presented the following letter. (No. 2 Copy) He said they are asking that the road extending north from Phase I become a dedicated street and said he was suggesting when the street is dedicated there be a one foot holding strip that is

in the name of the county so there will be some control on the lots to keep people from building on the lots until they are approved. There was some discussion whether the one foot holding strip should be in the name of the County. After the discussion Mr. Smith said there should be procedure to follow but just what it is will have to be worked out later. Mr. Beecher said the necessary documents for preliminary approval has been submitted. Member Chase made the motion they grant Preliminary Approval. This was seconded by member Glen Nelson, with all voting in favor. Member Chase then made the motion they approve the dedication street plat for 7825 west St. from Spring Acres Subdivision Plat one north to the Glen Crump property and they Authorize the Chairman to sign the plat subject to the County Attorney's approval of a satisfactory arrangement for a holding strip along the side of the road so as to assure that Box Elder County has control so no one can build along the road without proper approval and the street plat is not to be recorded until Phase 1 of the Spring Acres Subdivision has been recorded. This was seconded by member Boyd Nelson, with all voting in favor.

BELMONT SPRINGS SUBDIVISION AND RECREATIONAL COACH PARK

Scott Holmgren representing Belmont Sprongs Subdivision and Recreational Coach Park and Subdivision met with the Commission and submitted the following letter or statement to each of the Planning Commission members. (No. 3 Copy) Mr. Beecher said he agrees that the improvements listed as being completed have been completed but said he hasn't made a personal inspection of all of them and said he would like to check on completed improvements. He said he agrees with the list of unfinished improvements within the subdivision. The Commission members agreed that just as soon as Mr. Beecher makes the final inspection of the completed improvements they recommedn that County Commissioners release the \$41,215 held in escrow. Mr. Holmgren then said as for the Recreational CoachPark he realizes this is a little different than is called for in the Ordinance and asked if they will allow the dust guar or are they setting a precedence. The Commission members said yes, they would be setting a precedence and there was some discussion regarding allowing the use of Dust Guard as they said they would have to change the ordinance to allow Dust Guard and were reluctant to make that change and said they can't change the ordinance to meet peoples

Box Elder County

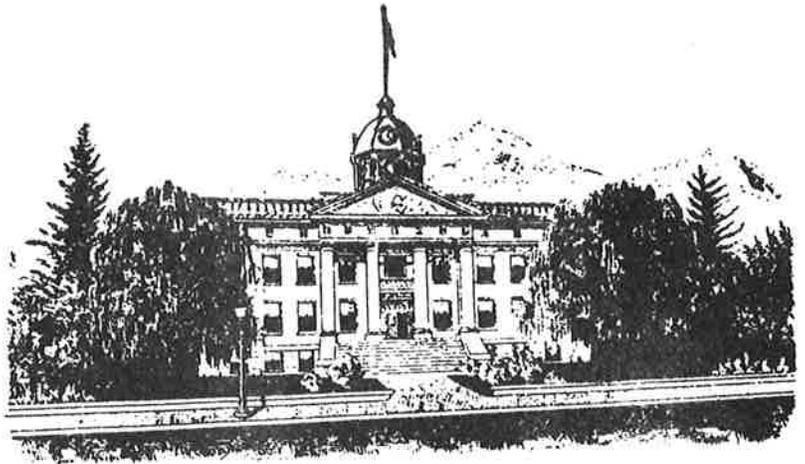
COUNTY COMMISSIONERS

DON E. CHASE STEPHEN A. (AL) CAZIER

WARREN W. HYDE

OFFICERS

GLEN S. FIFE, County Treasurer
K. B. OLSEN, Clerk
ROBERT E. LIMB, County Sheriff
MARGARET R. EVANS, County Recorder
O. DEE LUND, County Attorney
VON R. CURTIS, County Assessor
DENTON BEECHER, County Surveyor
DORIS L. OLSEN, County Auditor



BRIGHAM CITY, UTAH

August 19, 1981

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

Gentlemen:

I am unable to attend your meeting on the 20th so I have prepared this letter pursuant to your request that I render an opinion on Mr. Nielsen's application with its recent amendment.

I can properly comment only on the legal issues. The factual questions of whether or not Mr. Nielsen has met each of your previously imposed conditions must be determined by yourselves and the county surveyor. Whatever your decision, it must be based on competent, tangible evidence and your decision should be supported by written findings of fact.

Please refer to my previous letter of December 2, 1980 which, in turn, refers you to Section 6-6 of the Box Elder County Zoning Ordinance. Your legal duty, under that ordinance, is to not grant a conditional use permit unless evidence is presented to the effect that the use will not, under all circumstances, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. You are required by the applicable law to judge the evidence presented to you by this standard using your ability, as reasonable persons, to perceive the facts. You should carefully review the evidence presented as to each of your previously imposed requirements, then, using the above standard decide, whether the evidence shows that the gravel pit, as proposed, would not be detrimental to the health, safety or general welfare of the populace and also decide, whether the proposed use would not be detrimental or injurious to property or improvements. If the evidence fails to meet this standard in any respect, you should not grant the permit. Conversely, if the evidence does meet this standard, in all respects, you should grant the permit.

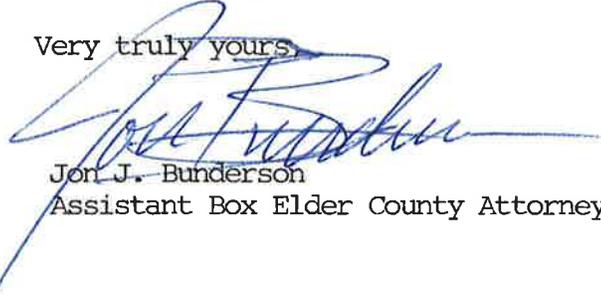
I think it imperative that I comment on one aspect of the evidence, to wit, the evidence concerning flooding problems. The Rollins, Brown and Gunnell report,

Yen

pages 42 - 46, states flatly that Nielsen's proposed plan does not provide any positive flood control benefits and may actually increase the damage potential to lands below the canal for several reasons listed therein. It would be difficult to find, as a fact, in the face of such a statement, that the evidence before you establishes the proposed use would not be detrimental or injurious to persons or property. Without such a finding, you could not grant the permit.

Also, I am informed that Mr. Nielsen has abandoned his conveyor belt concept and submitted no detailed alternative plan. You should definitely require detailed evidence on that point and be given adequate time to review it.

Very truly yours,



Jon J. Bunderson
Assistant Box Elder County Attorney

JJB:j

ger

RAY, QUINNEY & NEBEKER

PROFESSIONAL CORPORATION

S. J. QUINNEY
ALBERT R. BOWEN
W. J. O'CONNOR, JR.
ALONZO W. WATSON, JR.
STEPHEN B. NEBEKER
MITCHELL MELICH
L. RIDD LARSON
DON B. ALLEN
MERLIN O. BAKER
STEPHEN H. ANDERSON
CLARK P. GILES
JAMES W. FREED
THOMAS A. QUINN
H. HAL VISICK
EUGENE H. BRAMHALL
NARRVEL E. HALL
JAMES L. WILDE
M. JOHN ASHTON
HERBERT C. LIVSEY
WILLIAM A. MARSHALL
PAUL S. FELT
GERALD T. SNOW
H. BRENT BEESLEY

ALAN A. ENKE
JONATHAN A. DIBBLE
SCOTT H. CLARK
JAMES W. GILSON
STEVEN H. GUNN
JAMES S. JARDINE
KENT H. MURDOCK
JANET HUGIE SMITH
JUDITH MITCHELL BILLINGS
DOUGLAS MATSUMORI
CARY D. JONES
ALLEN L. ORR
BRAD D. HARDY
BRIAN E. KATZ
A. ROBERT THORUP
ALAN B. FORD
TARA D. LUNDGRIN
LARRY G. MOORE
DALE C. HATCH

ATTORNEYS AT LAW
SUITE 400 DESERET BUILDING
79 SOUTH MAIN
SALT LAKE CITY, UTAH 84111
(801) 532-1500

92 NORTH UNIVERSITY AVENUE
PROVO, UTAH 84601
(801) 226-7210

PAUL H. RAY (1893-1967)
C. PRESTON ALLEN (1921-1971)
MARVIN J. BERTOCH (1915-1978)
A. H. NEBEKER (1895-1980)

August 25, 1981

Rollins, Brown & Gunnell, Inc.
Professional Engineers
1435 West 820 North
P.O. Box 711
Provo, Utah 84601

Re: Master Plan for Box Elder County/Willard City
Special District for Flood Control and Drainage--
Darrell Nielsen project Application and flood
control requirements

Dear Sirs:

Although the discussion in the Master Plan itself does not reflect such an understanding, the Schick International study did not intend nor undertake to create positive flood control benefits to the County or Willard City. Rather the Schick International study undertook to provide a water control plan whereby no significant increase in flood danger resulted from the Darrell Nielsen use of the particular property in question.

With the adoption by the Special Flood Control District of the Master Plan prepared by you, the flood control measures and requirements of Box Elder County have changed. At the August 20, 1981 meeting of the Box Elder Planning Commission, it was noted by the Commission that any use of property for any purpose must generally comply with the flood control programs of the Special Flood Control District. In your Master Plan, after briefly reviewing the Darrell Nielsen Application, you make the following statement:

Rollins, Brown & Gunnell, Inc.
August 25, 1981
Page 2

A drainage plan could be developed for the area that would accomplish the same objectives as those shown on the recommended plan in this report. Channels that are not subject to erosion would be required down the two to one slope with detention basins constructed to reduce the peak flows. The improvement should be designed to have low annual maintenance requirements, the cost of such improvements may adversely affect the economic viability of the proposed project.

Darrell Nielsen has been instructed by the Box Elder County Planning Commission, to request from you a formal statement as to what particular type of "drainage plan" you had in mind in making the previously quoted statement.

Chairman Don Chase of the Box Elder County Commission, a member of the Special Flood Control District Board, indicated at the August 20, 1981 meeting that he would authorize your giving such a report and opinion elaborating on your statement, previously quoted from the Master Plan. Inasmuch as the Box Elder County Planning Commission appears desirous of reaching a final conclusion on the Application of Darrell Nielsen, and given the fact that Darrell Nielsen actively seeks to comply with the reasonable general flood control requirements as designated by your office and adopted by the Special District, we would very much appreciate a response from you elaborating on the above quoted statement, if possible, within the next two to three weeks. Please address your report to the undersigned at the above listed Salt Lake City address. We hereby authorize you to provide a copy of your report to the Box Elder County Planning Commission. We have every confidence that your report will be based upon objective professional criteria and not political pressure from members of the Board.

Very truly yours,

RAY, QUINNEY & NEBEKER


A. Robert Thorp

CC: Box Elder County
Planning Commission
Attn: Chairman Jerry Wilde
ART/vls.

RAY, QUINNEY & NEBEKER
PROFESSIONAL CORPORATION

S. J. QUINNEY
ALBERT R. BOWEN
W. J. O'CONNOR, JR.
ALONZO W. WATSON, JR.
STEPHEN B. NEBEKER
MITCHELL MELICH
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JUDITH MITCHELL BILLINGS
DOUGLAS MATSUMORI
CAREY D. JONES (ARIZONA ONLY)
ALLEN L. ORR
BRAD D. HARDY
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PAUL H. RAY (1893-1967)
C. PRESTON ALLEN (1921-1971)
MARVIN J. BERTOCH (1915-1978)
A. H. NEBEKER (1895-1980)

RECEIVED BY
AUG 27 1981
BOX ELDER COUNTY

August 25, 1981.

THE BOX ELDER COUNTY PLANNING
COMMISSION
Brigham City, UTAH 841302
Attention: Chairman Jerry Wilde

Dear Chairman Wilde and Members of the Commission:

I.

At the August 20, 1981 meeting of Box Elder County Planning Commission, Darrell Nielsen was advised to proceed to obtain some clarification from Rollins, Brown and Gunnell as to the type of drainage plan they might have been thinking about in making the statement in the Master Plan which was referred to at the Commission meeting. This letter will advise you that such a request to Rollins, Brown and Gunnell has been made this day, a copy of which request is enclosed herewith for your information.

II.

You might recall that in January of this year I provided a draft Conditional Use Permit for the consideration of the County Planning Commission. With the passage of time, and the adoption of the flood control Master Plan, some changes in that draft Conditional Use Permit Order have been necessitated. I also am enclosing, therefore, a revised draft Order granting Conditional Use Permit which might be of assistance to the County Planning Commission in discussing and eventually ruling on the conditions to be imposed upon Darrell Nielsen's proposed use of his property.

We trust that should the Application be up for discussion at any specially scheduled meeting of the Planning Commission or on the agenda for discussion and vote during the September

Chairman Jerry Wilde
The Box Elder County Planning Commission
August 25, 1981

Page 2/

Planning Commission meeting, that we will be advised either by letter or by telephone communication from Mr. Beecher to that effect.

Very truly yours,

RAY, QUINNEY & NEBEKER


A. Robert Thorup

ART:ch
enclosures

Onesco Engineering, Inc.

105 Skyline Drive - Brigham City, Utah 84302
(801) 723-7498
(801) 399-1224

20 August 1981

Mr. Denton Beecher
Box Elder County Surveyor
County Court House
20 North Main
Brigham City, Utah 84302

Re: Spring Acres Subdivision-Phase 1 & Road Dedication Plat

Dear Mr. Beecher:

Attached are three (3) prints each of the proposed Spring Acres Subdivision - Phase 1 and a Road Dedication Plat extending North from Phase 1 to the developer's North property line for your review and further handling.

Our client has also directed us to request that the requirements for sidewalks be waived for this subdivision.

We would also suggest that building permits be issued on this subdivision on individual lots based on:

- a - Proof of adequate culinary water available to the lot.
- b - Satisfactory percolation tests performed on each lot and approved by the County Health Department.

Sincerely,



O. Neil Smith, P.E.

ONS:ss

To: Box Elder County Planning Commission

Re: Belmont Springs Subdivision and Recreational Coach Park

At the present time we are completing improvements on a subdivision started Sept. 4th, 1979 and a recreational coach park started about 1974 but prior to our management.

<u>Completed Improvements- Subdivision</u>	<u># of Units</u>	<u>Value as per Bond</u>
1. 6" DIA Class 200 PVC Water Pipe	1650 L.F.	\$ 7,525
2. 6" Gate Valves	2	500
3. 4"x4"x6" Tee	1	130
4. 6"x6"x6" Tee	4	400
5. 6" Plug	1	50
6. Connect to Existing Main	1	500
7. Water Service Laterals	22	3,520
8. 22"x13"x16" GA CSP ARCH	80 L.F.	740
9. 18"x11"x16" GA CSP ARCH	68 L.F.	578
10. Pit Run Gravel (8" Thick)	54,416 S.F.	3,781
11. Crushed Gravel (3" Thick)	64,284 S.F.	12,213
12. Roadway Excavation	1,504 C.Y.	1,278
Total		<u>\$31,215</u>

Unfinished Improvements- Subdivision

1. 22"x13"x16" and 18"x11"x16" GA ENDS and CONE APRON		250
2. 5" V.O. Fire Hydrants	3	3,000
3. Asphalt (2½ " Thick)	43,859	12,719
Total		<u>\$15,969</u>

We are requesting release of the funds (\$31,215) held in escrow to cover the improvements we have completed.

The recreational coach park was constructed before we took over management and we started to complete improvements starting last fall.

Completed Improvements- Recreational Coach Park

1. 72 Trailer Stands complete with sewer, power, and water hook-ups.
2. Leveling and grading of trailer decks and areas to be landscaped.
3. Gravel road base- 8" to 12" deep.
4. Crushed rock road base- 4" to 6" deep.
5. Grading of gutters.
6. Planting of one tree by each coach space.
7. Installation of underground drain line from the top deck.
8. Planting of grass areas between decks.

Unfinished Improvements- Recreational Coach Park

1. Surfacing of roads.
2. Planting of 15 ft. grass border.
3. Asphaltting or piping of gutter on county road.

4. Installation of sprinkler system for grass border area.
5. Lighting

In 1979 we committed to start improvements on our subdivision and we have substantially completed that project. In the fall of 1980 we also started improvements on our recreational coach park by county order. Since we are now trying to complete two projects instead of one we would like to ask the county to let us proceed in the following manner in order that we may make these improvements with the time, labor, and captial we have available or that will become available.

<u>Improvement</u>	<u>Completion Date</u>
Subdivision Road	Dust-Guard- graded, and rolled. 1981. Asphalt- 1982 season or upon sale of 4 lots.
Coach Deck Roads	Dust-Guard- graded, and rolled. 1981. Inspection of Dust-Guard by county in 1982- if unsatisfactory - apply Armor-Coat.
Hydrants	July 1982
Culverts and Drainage	1981
15 foot grass border	1981
Lighting	June 1982
Sprinklers for grass area	June 1982

As protection for county we would leave in escrow the balance of the funds allocated to unimproved subdivision improvements. As protection for recrearional coach improvements we will simply state that it is in our own self interest to complete the project and that it will be completed.

Other Factors-

1. We have not sold any the 22 lots in the subdivision. One lot was given to Don Laub because he bought a lot before Wendell Welling died.
2. There are 4 lots that exist separately and prior to our management, 3 of these have homes on them, a 4th lot is vacant but owned by a man from Syracuse. These are adjacent to the subdivision road but are not part of the approved subdivision.

RAY, QUINNEY & NEBEKER
PROFESSIONAL CORPORATION

S. J. QUINNEY
ALBERT R. BOWEN
W. J. O'CONNOR, JR.
ALONZO W. WATSON, JR.
STEPHEN B. NEBEKER
MITCHELL MELICH
L. RIDD LARSON
DON B. ALLEN
MERLIN O. BAKER
STEPHEN H. ANDERSON
CLARK P. GILES
JAMES W. FREED
THOMAS A. QUINN
H. HAL VISICK
EUGENE H. BRAMHALL
NARRVEL E. HALL
JAMES L. WILDE
M. JOHN ASHTON
HERBERT C. LIVSEY
WILLIAM A. MARSHALL
PAUL S. FELT
GERALD T. SNOW
H. BRENT BEESLEY

ALAN A. ENKE
JONATHAN A. DIBBLE
SCOTT H. CLARK
JAMES W. GILSON
STEVEN H. GUNN
JAMES S. JARDINE
KENT H. MURDOCK
JANET HUGIE SMITH
JUDITH MITCHELL BILLINGS
DOUGLAS MATSUMORI
CARY D. JONES
ALLEN L. ORR
BRAD D. HARDY
BRIAN E. KATZ
A. ROBERT THORUP
ALAN B. FORD
TARA D. LUNDGRIN
LARRY G. MOORE
DALE C. HATCH

RECEIVED BY
SEP 2 1981
BOX ELDER COUNTY

ATTORNEYS AT LAW
SUITE 400 DESERET BUILDING
79 SOUTH MAIN
SALT LAKE CITY, UTAH 84111
(801) 532-1500

92 NORTH UNIVERSITY AVENUE
PROVO, UTAH 84601
(801) 226-7210

PAUL H. RAY (1893-1967)
C. PRESTON ALLEN (1921-1971)
MARVIN J. BERTOCH (1915-1978)
A. H. NEBEKER (1895-1980)

September 1, 1981

Box Elder County Planning Commission
Brigham City, Utah 84302

ATTENTION: Jerry Wilde, Chairman

Dear Chairman Wilde and Members of the Commission:

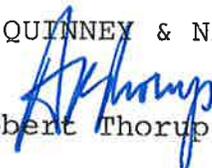
As you know by my last letter, we proceeded, along the lines indicated by the Planning Commission, to inquire of Rollins, Brown and Gunnell as to satisfactory flood control for the Darrell Nielsen project. In fact, Darrell Nielsen intended to approach Rollins, Brown and Gunnell to inquire if Rollins, Brown and Gunnell would be willing to design the appropriate flood control measures for the project.

It is our information, relayed through Rollins, Brown and Gunnell, that Don Chase indicated to Rollins, Brown and Gunnell that he would oppose their doing any work for Darrell Nielsen as far as designing the satisfactory flood control systems.

This aside, we anticipate receiving some type of communication from Rollins, Brown and Gunnell in the near future as to some level of elaboration on their master plan statements. It is our current understanding from Rollins, Brown and Gunnell, however, that satisfactory flood control measures will most probably be within the economic feasibility of the project.

Very truly yours,

RAY, QUINNEY & NEBEKER


A. Robert Thorup

GRAVEL PIT STATUS REPORT

!!! ATTENTION CITIZENS OF WILLARD !!!

The gravel pit issue although denied by our city of Willard Officials is very much alive in the County jurisdiction.

The Box Elder County Planning Commission has refused to follow the advice of their own county counsel which was to deny the application for a conditional use permit for the gravel pit.

The latest meeting of the County Planning Commission was held on August 20th and resulted in a tie vote (2 for and 2 against). The members of the Commission voting for the gravel pit did so with total disregard for our health, safety and general well being here in the city of Willard.

320 citizens of Willard signed a petition to the city to rezone and to effectively remove gravel pits from our City Planning Ordinance. The City Officials responded to our plea.

Now it is time to make our strength in numbers heard by the County Officials. If you agree with the statement on the attached petition, then please give me your support and sign it, so I can submit at the next meeting.

I am also informing all citizens of Willard that the County Planning Commission meets on the 3rd Thursday each month at the county offices in the basement at 7:30 p.m. The next meeting will be on Sept. 17.

Citizens save our peace and quiet and residential community life by attending the next meeting where the decision will be made by OUTSIDERS on what type of community we will have.

Remember, attendance will indicate community support against the pit and non-attendance will indicate community support for the pit.

Let's show the Commission that the citizens of Willard are united against the pit by filling the commissioners room to overflowing at the next meeting on Sept. 17th at 7:30 p.m.

Signing the petition and attendance at the meeting is critical since some members of the County Planning Commission have chosen to ignore our input at the public meeting at the Willard school held on Jan. 7, 1981, plus ignored 32 type written pages of report rebuttal information submitted by me representing the citizens of Willard, plus ignored the fact that our city has denied the application for a conditional use permit for a gravel pit on July 16, 1981.

Save our community life.

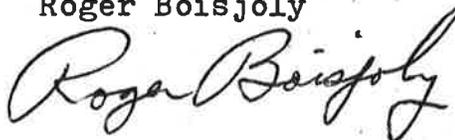
Sign the petition

Attend the meeting

On behalf of all our concerns.

Yours truly,

Roger Boisjoly



September 14, 1981

Box Elder County Planning Commission
Box Elder County Court House
Brigham City, Utah 84340

Dear Sirs:

I urge you to give serious consideration to the devastating effects of the proposed gravel pit, in Willard. A simple vote, casted in favor of this gravel pit, would take only seconds to record, but in so doing, you would be sentencing our five year old son, to years of severe health problems and denying him the chance to play in his own yard, because his asthma could not tolerate the dust caused by the gravel pit. If you have compassion for children, elderly residents or health problems, can you even consider the gravel pit. We are in a well-known flood area. Removing the foliage and increasing the slope of the mountainside would be disasterous, in itself. Not to mention the noise pollution.

Our home is directly below the proposed site. One of Mr. Nielsen's represenatives, admitted that this pit would decrease our property values for the duration of the project. (20 years, possibly longer.) These comments were made at the open meeting at Willard School.

If we should be forced to sell-out, at a reduced value, and during a critically-slow real-estate market, to protect the health of our child, do you think justice and fairness have been served? Not to mention, the fact that this is where we want to live, the changing of schools and the severe finacial loss to us personally, as we tried to buy equal property and home. All this, because of the greed of one or two men. Mr. Nielsen's lawyer stated, at a meeting in the Court House, this summer, that he personally would not want to live near a gravel pit. Neither do we, or we would have located in a dirty mining town.

Our family is not unique, in the health problems, this gravel pit would certainly cause. In just our block, there is an elderly gentleman on oxygen, (24 hours), four people with serious heart problems, a lady with lung problems, and three with asthma. People with heart trouble are effected adversely by air pollution, as it increases the strain on the heart. The older residents in our neighborhood, couldn't move if they wanted too. They have their hands full, trying to afford their food and utilities.

In a democracy, the majority of the population is supposed to be served. Is that going to be the case in your decision or does the person with wealth get his "way" through intimidation and threat of lawsuit? Please consider each of the families, as you make up your mind.

Jerry Wilde's lack of concern and disregard for our ligitimate statements, bothers me greatly, after attending several of the meetings.

Sincerely,

Sharon Prescott
Sharon Prescott
228 South 1st East
Willard, Utah 84340

Please attend the meeting (17th) & support our families!

No. 3 In Planning Meeting of 17 Sept. 81
(Just Copy Petition one but Copy names
of signers on each page)

GRAVEL PIT PETITION

We the undersigned citizens of Willard do demand that the members of the Box Elder County Planning Commission abide by the County Counsels' recommendations which state, in essence, that the request for a conditional use permit must be denied if the project cannot be shown to protect the health, safety and general well being of the neighboring residents.

We submit that the sampling of medical problems and knowledge of water problems that was provided by residents of Willard and given to you during Feb. 1981 is more than ample evidence on which to base your denial.

We also submit that all the oral statements against the project at the Willard school meeting held in Jan. 1981 plus all the written attal data submitted to you by Roger Boisjoly on behalf of all the citizens of Willard is more than ample evidence of the deficiencies contained in the proposed gravel pit project.

We strongly object to people (you commissioners) outside our local jurisdiction approving a project that will affect our community quality of life in all respects for many years to come.

We further object to you (commissioners) making decisions against us that will not affect your quality of life one little bit.

We therefore demand that you stop delaying your decision and deny the request of Darrell Nielsen for a conditional use permit for a gravel pit at your meeting on Sept. 17, 1981

Example of requested signature:

<u>Name</u>	<u>Address</u>
J n Doe	00 North 000East Willard

<u>NAME</u>	<u>ADDRESS</u>
1. Madeline G Haun	55 South Main Willard Utah
2. Steve ...	171 No. 100 West

NAME

ADDRESS

- 3. Ethel Zepfidel 171 No 100 West
- 4. Mrs Ida Wood Box 124 Willard, Utah
- 5. Pat Williams 45 So Main, Willard Ut.
- 6. Gerene Burbank 7 St 200 East Willard, UT
- 7. Ethel Zepfidel 59 N Main Willard
- 8. Doug Younger 175 So. 1st E. Willard
- 9. Phil Younger 145 E 2nd S. Willard
- 10. Jimmy 485 S 2nd E Willard
- 11. Paul D. Martindale 95 S 1st E Willard
- 12. Alvin F. Wells 195 E Center Willard, VT.
- 13. Nedra Stallen 61 N 1st W Willard Ut.
- 14. Pauline D. Woodyatt 61 N 1st W Willard, Ut.
- 15. John F. Mounts 195 S 200 W Willard
- Mary Herrera 59 North Main Willard

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Example of requested signature:

<u>Name</u>	<u>Address</u>
J n Doe	00 North 000East Willard

<u>NAME</u>	<u>ADDRESS</u>
1. Kelly Sauls	747 S Main Willard
2. Matt A. Adams	712 Box 166B, WILLARD

NAME

ADDRESS

- | NAME | ADDRESS |
|------------------------------|----------------------------------|
| 3. Helen Tucker | R.D.#2 Brigham |
| 4. Arleen Egan | Rt 2 Box 161 Brigham |
| 5. Sabawn Wells | Rt #2 Box 162 Brigham |
| 6. Beverly J. Kunkel | RFD #2: Box 165 Brigham |
| 7. Lucy J. Kunkel | " " " " " " |
| 8. Lorette Kunkel | " " " " " " |
| 9. Ryan Nottz | R#2 Box 165 Brigham |
| 10. Bert Lammert | R#2 Box 165A Brigham |
| 11. Wallace Lammert | Rt 2 Box 164 " " |
| 12. Robert Lynn Zundel | " " " " " " |
| 13. Mary B. Wells | 450 S. Main, Willard |
| 14. Clive Wells | 202 So Main Willard Utah |
| 15. Gem B. Shandrew | 202 So Main Willard |
| 16. J. C. Shandrew | 658 So Main Willard Ut |
| 17. Joe Green | " " " " " " |
| 18. Roger Wells | RFD #2 BRIGHAM CITY UT |
| 19. June K. Summers | RFD 2 BOX 182 Brigham city ut. |
| 20. F. Lums Ball | RFD #2 Box 166 Brigham City, ut. |
| 21. Norma Ball | RFD #2 Box 166 Brigham City ut |
| 22. Coy Ball | Rt #2 Brigham Utah |
| 23. J. J. Jepsen | Box 244 Willard Utah |
| 24. Patrick G. Kous | P.O. BOX 7. Willard, ut |
| 25. Webster Tucker | Rt. 2 Box 163 Brigham, Utah |
| 26. LaRae Tucker | " " " " |
| 27. Nelda A. Hoodgatt | " " " " |
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Example of requested signature:

Name	Address
Jr Doe	00 North 000East Willard

NAME	ADDRESS
1. Evelyn Falbot	231 S. 1st E. Willard
2. R. B. ...	205 90 1st East Willard

NAME

ADDRESS

- | <u>NAME</u> | <u>ADDRESS</u> |
|------------------------|--------------------------------|
| 3. Elva L. Bobiteo | 225 South 1 st East |
| 4. Dorothy J. Barry | 265 South 2 nd East |
| 5. Harry H. Stevens | 250 South 2 nd East |
| 6. Rachel Williams | 250 South 2 nd East |
| 7. John A. C. Law | 234 S. 1 st East |
| 8. Edith. Chubb | 114 E. 2 nd St. |
| 9. J. C. C. Gibson | 114 E. 2 nd St. |
| 10. Carl H. Allen S. | 255 So. Main |
| 11. Mrs. G. M. O'Brien | 255 So. Main |
| 12. Billy H. Prescott | 228 South First East |
| 13. Dale Holmes | 55 east 2 nd south |
| 14. Chris Perry | 385 South main |
| 15. Roger C. Beck | 75 EAST 300 SOUTH |
| Kim Younger | 45 east 200 south |
| 17. Merri Ann Simmons | 195 So Main |
| 18. Fred Wood | 195 S. 100 E |
| 19. John Small | 141 E 200 S |
| 20. Emily Stephenson | 11 |
| 21. John Stephensen | 235 E. 300 S. |
| 22. Kayla Koh | 235 E 300 S |
| 23. Susan Koh | 190 S 2 nd E |
| 24. Rex Reed | |
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Example of requested signature:

Name	Address
John Doe	00 North 000East Willard

NAME	ADDRESS
1. Connie R. Mitchell	185 S 1st West, Centerville, Utah
2. Ph. J. Mitchell	185 S 1st West Willard Utah

NAME

ADDRESS

3. Randy Braegger

175 So. 1st W. Willard

4. Cheryl Braegger

" "

5. Paul T Braegger

155 So. 1st W. Willard

6. Dorothy R. Braegger

" "

7. Beverly King

2 So 200 W Willard, Ut.

8. Larry R. King

2 So 200 W. Willard, Ut

9. Glenn W. Allison

345 West Center Willard Utah

10. Anita M. Wedderson

6900 South Hwy 89 Willard Utah

11. Marjorie Wedderson

" " " " " "

12. John Spencer

Willard, Ut

13. Patty R. Hooper

Willard, Utah

14. Steven P. Dokos

Willard Utah

15. Christine P. Dokos

" "

16. Pamela S. Kuzler

49 W. 200 S. Willard, Ut.

17. William A. Jain

575 So. 200 E. Willard, UT.

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<u>Name</u>	<u>Address</u>
J n Doe	00 North 000East Willard

<u>NAME</u>	<u>ADDRESS</u>
1. Marie Braeggen	141 W Center Willard
2. Carl H Olson Jr.	125 S. MAIN Willard

NAME

ADDRESS

NAME	ADDRESS
3. Charles D Ford	184 W 2nd South
4. Steve Hansen	395 So. Main Willard, UT
5. Barbara J Atencio	" " " " " "
6. Jim S. Hansen	65 W 2nd So.
7. Auline J. Kungler	72 W. 2nd So. " "
8. Vernice Braegger	1808. 100 W.
9. Charles Braegger	180 S, 100 W.
10. Gordon Kay	150 So 100 West " "
11. Ethel Hancey	185 So 100 West
12. Conrad Hancey	" "
13. Gladys Schroeder	55 So. 2nd West
14. John Edwards	55 So. " "
15. Lucille Watkins	16 So 2nd West
Orlan Watkins	" " " "
16. Clinic Lowe	9 N. " "
Jack Lowe	" " " "
17. Judy Nelson	
18. Clifford and Charlene Brumby	236 W Center
19. Noble Wells	200 W 245
20. Rhea Dokos	245 S. 2nd West
21. Roy Lemon	260 S 2nd West
22. Helen Jane Lemon	13089 - Willard, West
23. Myrtle Elpser	195 S. 300 West Willard, UT
24. Helen Priebe	399 S. main " "
25. Dennis Feyler	437 S. main " "
26. Fred Deal	2nd So 1st East " "
27. Lany Weaver	175 E. 200 S. Willard
28. Linda Weaver	175 E 200 S. Willard UT. 843
29. Chester Meyer	197 E 100 S Willard
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<u>Name</u>	<u>Address</u>
Jr Doe	00 North 000East Willard

<u>NAME</u>	<u>ADDRESS</u>
1. <i>Jan Beckwith</i>	<i>Willard</i>
<i>Wallace C. Johnson</i>	<i>Brigham UT RFD # 2</i>

NAME

ADDRESS

NAME	ADDRESS
3. Monique Keyes	399 S. Main Willard, UT 843
4. Violet K. Albed	170 E 200 So. Willard, ut. 84340
5. Martin D. Albed	170 E. 200 So. Willard ut 84340
6. Alvin Dalby	355 E 200 S. Willard ut. 84
7. Karlene Tengyel	42 So. 200 E " "
8. Marie M. Kinnon	250 E. Center " "
9. Douglas L. McKinnon	250 E. Center " "
10. Ronald F. Larsen	110 S. 2nd W. " "
11. Helen F. Larsen	" " " "
12. Jens R. Simonsen	151 S. 1st E " " "
13. Irene Simonsen	151 S. 1st E " " "
14. Marcia Mueller	125 W 200 S Willard, ut 843
15. David Mueller	" " " "
16. Gene Checketts	85 W 200 S " "
17. Maurine Widdison	145 W Center " "
18. Pearl Kay	60 S. 2nd W Willard Utah
19. Cheryl Kuzler	155 W. 200 So. Willard, Uta
20. Wynn Kuzler	" " " "
21. Franz Reed	200 E, 120 So, Willard, Utah
22. Meredith Olson	125 So Main Willard, Utah
23. Joan Goodwin	270 S. 200 W. Willard, Utah
24. Peggy Casper	50 S. Main Willard, Uta
25. Tom Wright	230 S. 3rd E Willard, Uta
26. Patricia B. Watkins	194 S. 100 W. Willard, Utah S
27. Kate Skuter	254 S 200 W Willard
28. LaRene Hunsaker	151 So 2nd West Willard
29. Phyllis Morgan	196 S 2nd West, Willard, Uta S
30. Isabelle A McReely	355 So Main, Willard
31. Dean Youngheit	171 So Main, Willard
32. Joe Youngheit	" " " "

GRAVEL PIT PETITION

We the undersigned citizens of Willard do demand that the members of the Box Elder County Planning Commission abide by the County Counsels' commendations which state, in essence, that the request for a conditional use permit must be denied if the project cannot be shown to protect the health, safety and general well being of the neighboring residents.

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<u>Name</u>	<u>Address</u>
John Doe	100 North 1000 East Willard

<u>NAME</u>	<u>ADDRESS</u>
<i>Harry Cash</i>	106 1/2 North Willard
<i>John Christensen</i>	Willard, UT

name
 33 Samuel W Kuntzler
 4 Theodor Graser
 5 Sallon Graser
 Alfred Park
 Phyllis Park
 Hyman H Perry
 Pearly Perry
 Coral W Johnson
 11 Dean O. Wells
 12 Carolyn O. Wells
 13 David Buck
 14 Nerene Such
 15 John H. Rees
 16 Charlene H. Rees
 17 Martin H. Kulton
 18 Jack Butler
 19 Craig Weaver
 20 Rose Ann Woodport
 21 Jesse Reed
 22 Eunice D. Knight
 23 Joe Hyde
 24 Craig L. Hyde
 25 Thomas Hyde
 26 Frances Dowdle
 27 Evelyn B. Thompson
 28 Eldon Thompson
 29 Wynn Friedde
 30 Del Friedde

address
 Rt 2 Brigham
 Rt 2 Brigham
 Rt 2 Brigham City UT
 Rt 2. Brigham city, Utah
 Rt 2. Brigham city, Utah
 Rt 2. Brigham City Utah
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 Rt 2 Brigham city Utah
 Rt 2 Brigham City, UT
 Box 98 Willard, Utah
 Box 98 Willard, Utah
 Brigham City R # 2 B 270
 225 So 1st East Willard
 255 So. 2nd E Willard
 169 So 2nd E Willard.
 120 So 200 E Willard
 PO. BOX 91 Willard
 Box 284 Willard
 305 E. 1st So Willard
 Box 61 Willard
 10 So 2nd East Willard
 10 20 2nd East Willard
 160 E. Center Willard
 160 E. Center Willard ✓

GRAVEL PIT PETITION

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<u>Name</u>	<u>Address</u>
J. Doe	00 North 000East Willard

<u>NAME</u>	<u>ADDRESS</u>
1. <i>Carol Hooper</i>	75 S. 2nd E. Willard P.O. Box 216

NAME

ADDRESS

- 3. Ruthless Paddleton RT 2 Box 216 - #6
- 4. Diane Zindel 95 50 2 E - Willard
- 5. Mary Grimes 175 W 2nd No Willard
- 6. Judy Stevens 250 E. 2nd So. Willard
- 7. Shari Dallas 355 E. 2nd S. Willard
- 8. Laura Fike 10 N. Main - Willard
- 9. Lynda Larkin Rt #2 Brigham, Utah
- 10. Jay Smith 295 North 2 West Willard
- 11. Jan Smith 295 North 2 West W. Willard
- 12. Dave Braegger willard
- 13. Grace Braegger willard
- 14. Dawn Mason 66 N. 100 W. Willard
- 15. Gardner W Barlow 156 No. 200 W. Willard Utah
- 16. Philip B. Barlow 156 N. 200 W. Willard, Utah
- 17. Gene L. Tucker 201 N 2nd W Willard
- 18. Sheryl Crossley 225 N 200 W Willard
- 19. Maxine Hammon 235 N. 200 W. Willard
- 20. Carol J. Wells 395 North 2nd West Willard
- 21. Laura H. Morgan 485 South 200 East
- 22. Maura Jeanne Pedersen Rt. 2, Box 265-C, Brigham City
(185 E. 600 So. Willard)
- 23. Jerry Dean PO Box 295 Willard
- 24. Blair Dean P1 Box 295 Willard
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GRAVEL PIT PETITION

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<u>Name</u>	<u>Address</u>
Jc Doe	00 North 000East Willard

<u>NAME</u>	<u>ADDRESS</u>
1. Sabayn Green Wells	790 South main willard
2. W. B. Redfield	813 So - Main Willard

NAME

ADDRESS

- 3. Paula M. Parsons
- 4. Norma North
- 5. Maria Woodruff
- 6. Susan Bell
- 7. Fred Wendel
- 8. Irene Tucker
- 9. Bernice McDonald

- Rt 2 - Box 260 - Brigham
- Rt 2 Box 194 #31 Brigham ^(Willard)
- Rt 2 Box 194 #33 Willard
- Rt 2 Box 260A Brigham City
- R.D. #2 Brigham, City -
- P.O. Box 142 Willard

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<u>Name</u>	<u>Address</u>
John Doe	00 North 000East Willard

<u>NAME</u>	<u>ADDRESS</u>
1. Stanton Swartley	200 E 565 S.
2. Sam E. ...	306 E. Carter

NAME

ADDRESS

- 3. Herbert N Beckman 185 E 600 S. Willard
- 4. William A. Sprutto 235 So. 300 East
- 5. David W. Braubury 45E Center St., Willard
- 6. Janice Harding 187 E. 2nd North
- 7. Sarah L. Lapham 1078 N. Main Willard
- 8. R. Agueres 1129 N. MAIN
- 9. D. Hardy 190 E 2nd So. Willard
- 10. Rosa M. Baisjoly 5505 2NDE WILLARD
- 11. Wayne A. Remmeyer 275 East 2nd South
- 12. Roberta M. Baisjoly 550 S. 2nd E. Willard
- 13. Donna L. Lunday 60 N. Main Willard

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<u>Name</u>	<u>Address</u>
Jc Doe	00 North 000East Willard

<u>NAME</u>	<u>ADDRESS</u>
1. Pot Anderson	1059 7th Main Willard
2. Rubin Jacobson	Rt 2 Box 241

NAME

ADDRESS

3. Norma Bousjoly 550 S 200 E. Willard
4. Lori Z. Braegger 140 W. 1st N. Willard
5. Duane Braegger 140 W. 1st N. Willard
6. Connie Brimberry 125 N 100 W. Willard Ut. 8434
7. Marlene Kapf 150 So 100 W Willard ut.
8. Ruth Harding 106 So. Main Willard, Ut.
9. Joan Christensen 412 S. 1st
10. ~~Walter~~ Summers 265 E 300 So. Main Willard, Ut
11. Shirley L. Summers 265 E 300 So Willard, Utah
12. Glad HARRIS 127 N. 1st East Willard Utah
13. Thyllis Harris 127 N. 1st East Willard, Utah
14. Cindy Rushton 1st S 3rd East, Willard, UT
15. Ennis Rushton 1st S 3rd East, Willard UT
16. Toni Quintana 127 S 2nd E. Willard. UT
17. Frank Quintana " " " " " "
18. Stegal Bingham 105 N 1st W Willard
19. Debbie Bowen 23 N. 200 W. Willard
20. Kay Bingham 105 N 100 W Willard
21. ~~Flora~~ 324 S 5 Willard
22. Tonya Fowles 69 N. 1st E Willard
23. Terry Joubert " " "
24. Donna Weaver 255 So 2nd E Willard
25. Art Harrop 178 So 2 W. "
26. Karen Holmes 55 E. 2nd So "
27. Dale Holmes P.O. Box 72 "
28. Rachel Williams P.O. 123 "
29. Apton Freed P.O. 42 "
30. Harry Stevens P.O. 123 "
31. Leroy Wells "
32. Bull Wells "

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<u>Name</u>	<u>Address</u>
n Doe	00 North 000East Willard

<u>NAME</u>	<u>ADDRESS</u>
1. Audrey W. Briche	399 So Main Willard UT
2. Inna Jackson	273 E. 1st Willard, Utah

NAMEADDRESS

- | <u>NAME</u> | <u>ADDRESS</u> |
|-----------------------|-------------------------------------|
| 3. Korand Linchek | 7700 Se Hwy 87 # 91 Willard |
| 4. Bonnie Bissegger | 298 No Main Willard |
| 5. Debbi Bowen | 23 No 200W Willard |
| 6. Lin Bauer | 23 No 200 W Willard |
| 7. Mark Gallogos | |
| 8. Julie Toone | 301 No. 100 Main Willard |
| 9. Marie Gordon | 275 E. 100 S. Willard |
| 10. Joan Christensen | 412 S. Main Willard |
| 11. Ann Badbury | 45 E. Center Willard |
| 12. Sheila Hoppie | 195 N. Main, Willard |
| 13. Wendy Wheat | 15th S 1st E Willard |
| 14. Pam Braegger | 120 E Center St Willard |
| 15. Turnout Peckue | 201 N 2 ND W - Willard |
| Jeanette A. Huntsman | 52 E. 100 S. Willard, |
| 17. Robert A. Stubble | 180 E 100 N Willard |
| 18. Kim H. Richards | 85 W. 1st S. Willard |
| 19. Ira W. Wood | 490 S MAIN WILLARD. |
| 20. Leroy Dawdle | 834 East 1 South Willard |
| 21. Rhylle Spencer | 20 So. 200 E. Willard, ut 8434 |
| 22. Earlene Walker | 222 S 2nd S. Willard ut |
| 23. Harold High | 490 200 S Willard |
| 24. Charles D. Gaul | 747 So. main Willard |
| 25. Marilyn Bodily | 248 E. Center St. |
| 26. Carl Braegger | 172 S - 1st East. |
| 27. Helen Braegger | |
| 28. Chester Kyles | |
| Grace Kyles | |
| 30. Alton Davis | 190 W est 2 nd north |
| 31. Dianne Casper | 50 S. main |
| 32. Penny Casper | 50 So main |

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<u>Name</u>	<u>Address</u>
In Doe	00 North 000East Willard

<u>NAME</u>	<u>ADDRESS</u>
1. Adrian E. Strubbe	1305. 1st NO Willard
2. Ernest Ellsworth	

NAME

ADDRESS

- 3. Rhea Butley
- 4. Klia Nebeker
- 5. Kurt Nebeker
- 6. Pat Bisseger
- 7. Alice Hill
- 8. Rick Loveland
- 9. Douglas Jones
- 10. Roy Nelson
- 11. Melda Mund
- 12. Sharon Talbot
- 13. Kevin & Roberta Moss
- 14. Sharon L. Prescott
- 15. Dorothy Butler
- Vere Butler
- 17. Karm Reed
- 18. Ronald J. Reed
- 19. David L. Underwood
- 20. Sandy Lugey
- 21. Jack F. Zund
- 22. Shelley A. Merritts
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- 25 80 East Willard
- 86 N 2 West Willard
- 43 N. 100 E. Willard.
- 785 So Main Willard
- 228 S 1 E Willard
- 255 So 1st E Willard
- 255 So 1st E "
- 1405 200 E Willard Ut.
- 1405 200 E Willard Ut
- 1059 N. Main, Willard, Ut.
- Rt # 2 Brigham 1054 N Main
Willard
- 286 E. Center Willard, Ut.
- P.O. Box 209, Willard, Ut.

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Example of requested signature:

Jr Name Address
Doe 00 North 000East Willard

NAME

ADDRESS

1.

2.

NAME

ADDRESS

Marion Holmes

Kent Nebeker

Richard Nebeker

Rhea Loveland

Cleo Braegger

Francis H Braithwaite by law

Kenneth M. Barker

R L Brown

Darwin Harding

Charlotte Harding

Don R. Woodgett

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<u>Name</u>	<u>Address</u>
John Doe	00 North 000East Willard

<u>NAME</u>
1. <i>Karla Parsons</i>
2. <i>Doug Parsons</i>

<u>ADDRESS</u>
<i>Willard, Utah</i>
<i>Willard, Utah</i>

would be willing to have them contact the engineering firm that prepared the flood study to have then describe in detail what they meant in the one paragraph that indicated that Mr. Nielsen's project could be designed so it wouldn't conflict with the flood study and Mr. Chase said he would be happy to have them make that contact. He said contact has been made with the engineers of the flood study and they have refused to give them any report in writing on what they meant in the report. He said Mr. Nielsen contacted the engineering firm and talked to one of their people but he wouldn't give him anything in writing but said instead of a 1% slope it it was made to slope toward the mountain it would eliminate any flood danger. He said another request was we get State approval for entry onto the State Highway. He said we have a copy of a letter approving the entry onto the highway. Mr. Thorup then said he would like to briefly comment on the five major points Mr. Boisjoly raised. One, he said we live in this world and it is a revolving society. He said Mr. Boisjoly bought a home that is in a gravel pit excavated area. He went on to say Mr. Nielsen would like to have in 20 years a gravel pit excavation area for people to live in. He said Mr. Boisjoly has generalized regarding people with health problems. He said this commission has extensive hearings before zoning the area. He said the commission has responded by setting standards regarding dust and noise and he said we intend to meet those standards and he said if you feel those standards are not strict enough you can act to have them changed. He said now is not the time to object to one particular project and further said there is no evidence of what we intend to do will cause the problems Mr. Boisjoly has said. He said we intend to comply with all of the County, EPA and State dust standards. Two, in regards to the greed of a few people he said we are not asking anything Mr. Boisjoly hasn't already done. He said Mr. Nielsen bought this land knowing pits are permitted in this area. He said we will leave the area for someone else to use the land the way they want to. Three, he said you people could have petitioned this body and the city to remove gravel pits from this area but was not done until Mr. Nielsen's application came in and said that Willard City granted an access

road for another gravel pit in the Willard area. He said this body can't now change to deny Mr. Nielsen the use of his land. Chairman Wilde interrupted Mr. Thorup briefly at this point and chastised some of the people for their disrespect in the threatment they were giving Atty. Thorup and said even though we do not agree with what he is saying they should be courteous enough to let him speak. Four, Atty Thorup said an important point is there are two kinds of tyranny, one is the kind like Adolph Hitler and the other kind is the kind our founding fathers warned against and that is the tyranny of the majority trying to prevent the minority from doing what the minority has the right to do. He said we don't dispute you have 366 signatures on the petition. He said the reasons we have laws, statutes, plans, etc.c are to protect everyone's rights. Mr. Boisjoly said he wants to make a statement in rebuttal. He said one statement Mr. Thorup makes over and over is that this area is zoned for gravel pits. He said it is not zoned for gravel pits, that is why Mr. Nielsen has to have a conditional use permit. Mr. Boisjoly asked to be called personally when the time is set when the Planning Commission will act on the conditional use permit. Chairman Wilde stated what bothers him is when statements are made of no concern to the matter at hand and he told the people that he and the Planning Commission are not indifferent. Member MacFarlane stated that when they put the flood control work in operation there will be a lot of road work and bulldozing and that will cause dust and noise. He said this area has been subject to some ver detrimental flooding and there has even been some loss of live. He said it looks to him it's probably a matter of flood over dust and said he would take the dust over floods. He said why can't you work together and both accomplish what you want? He said when the project was first proposed it was proposed as a flood measure and he felt it was a good solution as the people would get some flood protection and Mr. Nielsen his gravel, but that proposal was turned down by the people so Mr. Nielsen changed to just a gravel pit. He said before he is ready to make a decision there is a lot of details he would like to get first. He than made an appeal to quit fighting each other and

financial problems. Mr. Holmgren pointed out that in Sept. the time limit is up for completing the improvements in the subdivision and said they haven't sold any lots they got money for. Mr. Beecher asked if we would be out of line to extend the time limit for one year that way they could give Mr. Holmgren more time for completing the improvements without changing our ordinance. Member Boyd Nelson made the motion they extend the completion date for the improvements on the Belmont Springs Subdivision for one year which would give him until Sept. 4, 1982 to get all of the improvements completed. This was seconded by Member Glen Nelson, with all voting in favor. Mr. Holmgren then stated this is the only recreational coach park in the County and said as near as he has been able to find out all of the other recreational Vehicle parks in the state don't have to have anything except crushed rock, therefore he is asking for reconsideration to allow him to put down Dust Guard and said after a year you can look at the road and if you are not satisfied we will have to put in the armor coat. Member Boyd Nelson made the motion they allow him to try Dust Guard. This was seconded by member Glen Nelson. Member Chase said he is opposed and said to allow Dust Guard they would have to first change the ordinance and said if the ordinance is wrong on this improvement he said lets change the ordinance. No vot on the motion was taken.

Meeting adjourned.

PLANNING COMMISSION
Sept. 17, 1981

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday, Sept. 17, 1981. Members present: Jerry Wilde, Kent Newman, Jay MacFarlane, Glen Nelson and Charles Kimber with ex-Officia members Denton Beecher and K. B. Olsen also present. Also present were the following: Don R. Woodyatt, Nelda S. Woodyatt, Sharon L. Prescott, Herbert N. Pederson, Audrey W. Preibe, Judy Beams, Charlene W. Rees, Dorothy Butler, Rhea Butler, Martha W. Dalton, Evelyn T. Talbot, Boyce Carlson, Tom Ball, Darwin Harding, Charlotte Harding, Jack E. Wright, Wallace E. Johnson, Roger ,/ Boisjoly, Roberta M. Boisjoly, Darrell

Sept 17-1981

Nielsen, A. R. Thorup, Elen Jean Lemon, Ken R. Moss, Roberta Moss, David L. Underwood and Judy D. Stevens. Chairman Jerry Wilde Presiding.

MINUTES

Member Glen Nelson made the motion they approve the minutes of the meeting held August 20, 1981. This was seconded by member Jay MacFarlane with all voting in favor. The new member of the Planning Commission, Kent Newman, was introduced to the other Commission members.

DARRELL NIELSEN'S CONDITIONAL USE PERMIT

The time was turned to Mr. Boisjoly who read the following "Gravel Pit Status Report", which he said he had posted in the post office in Willard. (Copy) Mr. Boisjoly said he was disappointed there wasn't more people there but said one of the wards in Willard is having their opening social tonight and that is why there aren't more here. Mr. Boisjoly then read the following letter: (Copy # 2) After reading the letter he said he had no knowledge of that letter until today and had no input in it. He then submitted the following petition and said Willard City, according to the 1980 census report, has a total population of 1,241 people including men, women, children and babies and said they had 366 signatures on the petition and said that certainly is a majority of the adults. He then said one person was able to get 60 signatures which shows how people in Willard feel about this matter. (Copy # 3) He then read the following statement regarding his family: (Copy # 4) Mr. Joisjoly said with Commissioner Chase being absent he understands no decision on this matter will be made tonight and he said he would like a firm date when a decision will be made. He said if a special meeting is held to make a decision he would like a few days advance notice of where and when the meeting will be held. Chairman Wilde said if a special meeting is held notice of the meeting must be published in advance to give the people notice and said people who are interested should watch the local newspaper for a notice. Mr. Beecher said Mr. Joisjoly would be personally notified. Mr. Beecher reported that Atty. Thorup asked to be on the agenda to respond to the presentation by Mr. Boisjoly. Attorney Thorup said at the last meeting he asked if Commr. Chase

ye

work together. He said Mr. Nielsen could help with the flood control and still get his gravel. He said this would take cooperation and working together. Member Glen Nelson said the Planning Commission toured the site a year ago last Feb. or March and said he could see something had to be done with the water and Mr. Woodyatt's first proposal sounded like it could do nothing but help. He said it looks like something has to be done. He said from Mr. Nielsen's proposal it looks like the dust and noise could be kept under control. Member Charles Kimber said the ordinance was passed before the application was made and said this group has never never done anything without notifying the people. In the discussion that took place the Commission Members pointed out on the previous application when they approved the Conditional Use Permit it was mainly because they had written to Willard City stating that if we didn't hear from them we would assume they approved and the City did not reply until after we approved the Conditional Use Permit and then they went to the County Commissioners who overrode the Conditional Use Permit. The Commission said they would try to set up a date to work for a special meeting to consider reaching a decision but said they would like to set it for a time when every one of the Planning Commission members could be there. Later in the evening when the Commission tried to come up with a satisfactory date when everyone could be there they couldn't seem to find a date that was agreeable with everyone until just a week before their next regular meeting. Therefor they decided to just set it up for their next regular meeting.

DOVE CREEK FARMS AND RANCHES

Gary Newman from Great Basin Emgomeeromg re½resemtoing Lincoln Hanks met with the Commission. Mr. Newman explained he was here asking for preliminary approval on 61 units of five acres each in connection with Mr. Hank's Dove Creek Farm and ranches, Unit 5.. He said the design is the same as on the phase that has already been approved except these lots are 5 acres instead of the 10 acre lots. He said the streets will be private right-of-ways. It was pointed out that the hangup before was the lack of water. Mr. Newman said the State has granted permission for a well on each of the 61 lots if necessary. However, there is no guarantee of water. Mr. Newman was told they have to have water to get a building permit. Mr. Newman said

this development will have a private water system with a maximum of 61 wells. He said the sewer system will be a private system consisting of septic tanks and drain fields. He said storm water would be diverted down the side of the roads and at a maximum of 300 foot intervals the water will be turned onto the lots. The Commission told Mr. Newman one thing that concerns them is the dead end traffic.- Mr. Newman said Mr. Hanks is working on trying to get access onto Highway 30. He reported the people are willing to sell the property to give them access to the Highway and said when Mr. Hanks gets out of the Hospital that will be completed. He said they have a letter from the Raft River Rural Electric and they will bring them power at a cost of \$10,000.00 per mile to extend the line to them. There was some discussion on development that has taken place on the other portion of the Dove Creek Farms and Ranches that has been previously approved. Mr. Beecher said that they have completed the necessary requirements for preliminary approval. Member Glen Nelson made the motion they grant preliminary approval. This was seconded by member MacFarlane with all voting in favor.

RIVER FARMS MINOR SUBDIVISION

Mr. Beecher reported that there are two matter that have come to him in just the last day for the Commission to look at if they want. The Commission asked what they were. Mr. Vaughn Rhodes and Steven W. Johnson then met with the Commission. Mr. Beecher said he had an application for a building permit on the River Farms Minor subdivision but had to deny it as they did not have access onto the Highway. Mr. Rhodes said they are going to eliminate lots 1, 7, 8, and 9 from the subdivision and make those four lots part of lot 2, leaving it a 5 lot Subdivision. He said for now they only have access to the Highway for those lots and that the road which gives access to the Highway goes between Lots 5 and 6. He said if it is necessary they will eliminate lot 4 also. The Commission members said a permit will not be issued for Lot 4 until they have a permit showing access by the State Department of Transportation onto the Highway. They said they would stipulate Lot 5 and 6 use the same access. Member MacFarlane made the motion they they grant final approval on the River Farms Minor Subdivision on the condition spelled out

NAME

ADDRESS

- 3. Nonna Mae Rose
- 4. Laura Wells
- 5. Mr & Mrs. Harmon Bingham
- 6. Mr. & Mrs. Edward Benson
- 7. Jan Nielsen
- 8. Stan Nielson
- 9. Linda W. Zito
- 10. Dale L. Zito

- 135 East Center Willard, Utah
- 195 East Center Willard, Utah
- 46 W 1st E.
- Box 97 - Willard
- Rt. 2 Box 187B Brigham
- Rt# 2 Box 187B Brigham
- Hwy 2 Box 305 Brigham
- Rt# 2 Box 305 Brigham City

- 11.
- 12.
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③ READ AND SUBMIT PETITION FOR MINUTES

- POINT OUT ENTHUSIASM OF RESIDENT WHO GOT 60 NAMES

① READ AND SUBMIT SUMMARY FOR MINUTES

- READ SHARON'S LETTER ^{OF SHARON PRESCOTT'S LETTER}
- ② • POINT OUT UNSOLICITED SIMILARITY TO WHAT I HAVE SUBMITTED.

④ MY PERSONAL FAMILY PROBLEMS RESULTING FROM THIS ISSUE.

THIS ISSUE HAS TAKEN A PERSONAL TOLL ON MY WELL BEING CONCERNING MY ATTITUDE, MY SLEEP, MY WORK AND MY DISPOSITION WITH MY FAMILY MEMBERS. APPARENTLY I DIDN'T MAKE MY FAMILIES POSITION CLEAR IN MY REPORTS SO I'LL STATE IT HERE. DUE TO MY WIFE'S HIGH SUSCEPTIBILITY TO DUST AND NOISE, WHICH HAVE IN FACT DIRECTLY RESULTED IN SEVERE MIGRAINE HEADACHES WHICH EACH LAST FROM 8 TO AS LONG AS 36 HOURS, WE WILL MORE THAN LIKELY BE FORCED TO MOVE IF THIS PROJECT IS APPROVED. I MIGHT POINT OUT THAT WE LOOKED VERY CAREFULLY FOR OUR PRESENT LOCATION AND ALL THE PROCEEDS FROM OUR HOME SALE IN CALIF. ARE IN OUR RESIDENCE. WE LOVE THE COMMUNITY LIFESTYLE THAT WILLARD OFFERS IN ITS PRESENT FORM. YES GENTLEMEN, OUR FAMILY HAS IN FACT OBTAINED THE AMERICAN DREAM BY OWNING OUR OWN HOME IN A BEAUTIFUL ENVIRONMENT TO RAISE OUR FAMILY. NOW WE MAY BE FORCED TO MOVE TO PROTECT OUR HEALTH AND WELL BEING. THIS PROJECT, IF APPROVED, WILL AT BEST DESTROY OUR PEACEFUL WILLARD COMMUNITY AND FILL THE BANK ACCOUNTS OF A FEW OUTSIDERS.

I MUST POINT OUT THAT WE WERE FORCED TO MOVE AS A RESULT OF SIMILAR CIRCUMSTANCES IN CALIF RESULTING FROM OUR CLOSE LOCATION TO A BUSY FREEWAY BUT NO ACTION WAS EVER CONTEMPLATED ON OUR PART

BECAUSE THE FREEWAY WAS LOCATED PRIOR TO OUR HOME AND I FELT MORALLY THAT I HAD NO COMPLAINT. BUT IN THIS INSTANCE WE RESIDENTS OF WILLARD ARE ALL LOCATED FIRST AND I FEEL THE SAME SENSE OF MORALLITY APPLIES. PLEASE REVIEW THE PREVIOUS REPORTS THAT I SUBMITTED FOR THE STATEMENTS OF OTHERS,

- THE LAST PLANNING COMMISSION MEETING ESSENTIALLY REGRESSED TOWARDS ONLY THE FLOOD CONTROL ISSUE. YOU MUST BE REMINDED THAT NIELSEN'S LAWYER QUITE STRONGLY HAS STATED IN THE PAST THAT IT IS NOT A FLOOD CONTROL PROJECT AND IT SHOULD NOT BE CONSIDERED AS SUCH. THEIR OWN DISCLAIMER IN THEIR OWN REPORT SUPPORTS THEIR POSITION.

WHY THEN ARE SOME OF YOU COMMISSIONERS TRYING TO BASE YOUR DECISION SOLELY UPON THE FLOOD ISSUE. NOT ONE WORD WAS MENTIONED AT THE LAST MEETING ABOUT OUR HEALTH, SAFETY AND GENERAL WELL BEING RESULTING FROM ALL THE OTHER NEGATIVE ASPECTS OF THE PROJECT SUCH AS BUT NOT LIMITED TO DUST, NOISE, SAFETY HAZARD TO CHILDREN AND THE DESTRUCTION OF OUR PEACEFUL COMMUNITY WAY OF LIFE. ALL THIS WAS NOT DISCUSSED JUST AFTER A LETTER FROM THE COUNTY ATTORNEY WAS PRESENTED WHICH ESSENTIALLY SAID THAT YOU MUST PROTECT US FROM THE VERY THINGS WHICH YOU IGNORED.

I MUST REMIND YOU COMMISSIONERS THAT YOUR CHARTER IS FOR THE PROTECTION OF THE CITIZENS. YOUR DUTY IS TO REVIEW PROJECTS AND APPROVE ONLY THOSE THAT DO NOT ADVERSELY INTERFERE

WITH THE CITIZENS LIVES IN ANY WAY. YOU ARE CHARGE WITH OUR PROTECTION AND NOT FOR BUSINESS INTERESTS. THE VERY WORDING AND EXPLICIT DIRECTIONS IN YOUR OWN ORDINANCE AND THE LETTERS FROM YOUR COUNTY ATTORNEY MAKE THIS FACT PERFECTLY CLEAR. THERE IS ABSOLUTELY NO ROOM FOR INTERPETATION AS NIELSEN'S ATTORNEY, MR THORPE, HAS SO OFTEN ATTEMPTED TO DO AT ALL THE PAST MEETINGS. THE BURDEN HAS BEEN REMOVED FROM YOUR SHOULDEES CONCERNING THE LEGAL ASPECTS BY YOUR OWN COUNTY ATTORNEY.

SO LETS GET OFF THE DIME AND STOP THE DELAYS AND PERFORM YOUR DUTY TO PROTECT OUR LIFESTYLE. AFTER ALL THIS IS A DEMOCRACY BASED UPON GOVERNMENT BY THE PEOPLE AND FOR THE PEOPLE NOT INSPITE OF THE PEOPLE AS MR NIELSEN WOULD HAVE IT.

WE HERE PRESENT REPRESENT ALL THE PEOPLE WHO SIGNED THE PETITION THAT I HAVE JUST SUBMITTED TO YOU AND DEMAND A VOTE TONIGHT ON THIS ISSUE TO SETTLE IT SO WE CAN GET ON WITH THE PROCESS OF LIVING WITHOUT ISSUES LIKE THIS INTERFERING WITH OUR LIVES.

I FOUND OUT TODAY THAT DON CHASE IS OUT OF TOWN SO WE WOULD LIKE TO GET ^{FIRM} ~~ADVICE~~ FROM YOU FOR A VOTE.

RESPECTFULLY SUBMITTED BY

I NOTICED THAT YOUR NEW MEMBER MR NEWMAN HAS COPIES OF NIELSENS REPORTS. HAS HE ALSO BEEN GIVEN COPIES OF MY REPORTS TO READ GIVING OUR SIDE OF THE ISSUE?

ROGER M. BOISJOLY
550S 2NDE
WILLARD UTAH

above and they authorize the Chairman to sign the Plats subject to those conditions. This was seconded by member Kimber with all voting in favor.

NEFF'S MINOR SUBDIVISION

Mr. Beecher then reported on the Neff Minor Subdivision they have been waiting Health Department approval and he said he thinks the Commission granted preliminary approval subject to this but said it's been so long that he is not sure of that so he suggested they take action it just to make sure. He said they now have Health Departmental approval. Member MacFarlane made the motion they give final approval to Mr. Neff's Minor Subdivision and they authorize the Chairman to sign the Plat. This was seconded by Member Glen Nelson with all voting in favor. There was then some discussion regarding current matters coming before the Planning Commission for the benefit of the new planning member, Kent Newman.

Meeting was adjourned at 10:00 p.m..

PLANNING COMMISSION
October 15, 1981

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday October 15, 1981. Members present, Charles Kimber, Don E. Chase Jerry Wilde, Kent Newman, Glen Nelson, Jay MacFarlane and Boyd Nelson, Ex-officio members present, Denton Beecher, Jon Bunderson and K B. Olsen. Chairman Wilde presiding. The following met with the Commission:

Violet K. Allred, Willard, Utah
Martin D. Allred, Willard, Utah
Ronnie Thorpe, Willard, Utah
Marlene Kap, Willard, Utah
Phyllis Morgan, Willard, Utah
Atty. Jack Molgard, Brigham City, Utah
Wayne Braegger, Willard, Utah
Darrell Stucki, Willard, Utah
Carol Wells, Willard, Utah
Roger Wells, Willard, Utah
A. Wayne Priebe, Willard, Utah
Atty. A. R. Thorup, Salt Lake City, Utah
Darrell Nielsen, Ogden, Utah
Glen Woodyatt, Willard, Utah
Harvey Woodyatt, Willard, Utah

Cindy Yurth, Brigham City, Utah

Robert W. Morgan, Willard, Utah

Roger Boisjoly, Willard, Utah

Norma Boisjoly, Willard, Utah

Wesley Perry, Willard, Utah

Kevin and Robert Moss, Willard, Utah

Minutes of the last Planning Meeting having been previously sent to each of the Planning Members, member MacFarlane made the motion they approve the Planning Commission Minutes of September 17, 1981, as written. This was seconded by member Kimber, with all voting in favor.

WHEN DOES CHAIRMAN VOTE?

Chairman Wilde said he has something that has never been brought up before but said people have been asking him the question. He asked if the Chairman only votes in case of a tie? Attorney Bunderson said that is up to the Planning Commission. The Commission members pointed out that the Chairman has always voted in the past. The Commission members said why change? Chairman Wilde said maybe now is a good time to formulate some policies on conducting meetings. However, he said not right now, but that is one of the things that should be considered.

DARRELL NIELSEN'S CONDITIONAL USE PERMIT

Chairman Wilde presented the following notes and letters regarding allergies of people in the Willard area. (Copy No. 1 through 6) Chairman Wilde then said Mr. Nielsen is on the agenda and asked if he or his attorney had anything to say at this time. He said they asked to be on the agenda to see what happens to Mr. Nielsen's application for a Conditional Use Permit. The Chairman then asked attorney Molgard if he had anything as he was also on the agenda. Attorney Molgard said the Mayor and City Council of Willard has asked him to speak against the issuance of a Conditional Use Permit. He said the Mayor and the City Council are the only official body of Willard and they want to make it perfectly clear they are opposed to issuing the permit. He went on to say the County's Ordinance doesn't support the issuance of the permit unless it is not detrimental to the health, safety and general welfare of the persons in the area and not injurious to property or improvements in the vicinity. He went on to list the reasons why he felt the burden of proof for this has not been met. Chairman Wilde said he doesn't think the Commission members are prepared to issue a permit unless all the conditions that have been outlined to them have been met. He said he didn't think they were prepared to issue the permit tonight because he said we can't issue a permit for something down the road. He went on to say he feels the bottom line is if we deny the permit and Mr. Nielsen meets all of the requirements and we still won't issue a permit that wouldn't be fair either and said we have to be fair to all concerned. The Chairman asked attorney Molgard if Willard City would issue a permit if all of the

conditions are met. Mr. Molgard said he honestly doesn't know. He went on to say the conditions have not been met and again named some of things he thought had not been met such as determining the depth of the bedrock, location of the haul road and said the Planning Commission has to some time say yes or no. He also said we don't know if it is compatible to the Flood Study. He said Mr. Thorup states the Flood Study requirements haven't been met but he said they will. Chairman Wilde asked what requirements were made by Willard City on the Kingston Pit. There apparently wasn't any. Attorney Thorup asked if he could talk to a couple of things that had been raised. He said regulatory laws can be used in one of two ways. (1) To see that people of an area aren't adversely affected and (2) The other can be used as a club. He said tell us what you want and we will meet them. He went on to say Schick International's Report says that we have met 13 of the 14 requirements the County outlined in their letter to Mr. Nielsen of February 19th of this year and said since then we have amended Mr. Nielsen's application. He said we stand completely ready to furnish any information the County Commission requires. He suggested the possibility of the Planning Commission issuing a permit on certain conditions and listing each of the conditions and said Mr. Nielsen will have to do these things to your satisfaction then and only then have we the right to proceed. He said we don't want to play regulatory hide and seek. He said if you won't issue the permit under any conditions you should say so. Member MacFarlane asked about the depth of the bedrock. Attorney Thorup said that is so expensive to determine we don't want to go to all that expense if you are not going to issue a permit anyway. Member MacFarlane said he thinks that is important and we should have an answer to that. Member Chase said there are things that bother him out of the 14 things we gave to Mr. Nielsen that should be done. He said Mr. Thorup would like to put the burden of proof back on us but the burden of proof belongs on you. He said we don't have the concurrence of Willard City. He said it isn't in harmony with the flood study and the large majority of the people of Willard are opposed to it and it hasn't been shown that it will not be detrimental to the people and surrounding property. He said to bring the matter to a head he would make the motion that the application be denied. This was seconded by member, Boyd Nelson and the motion carried by a 5 to 2 vote.

WES HANSEN MINOR SUBDIVISION

Denton Beecher showed the Commission a Plat of Wes Hansen's property that is located on the north side of 2600 north and 2800 west street showing Mr. Hansen's proposed Minor Subdivision. He said there is a home already on one lot of this property and he has someone who wants to buy a lot to build a home on. He pointed out he is leaving a strip between the two lots to give access to the rest of his land and he said he may sometime in the future want to develop the rest of his

property and this would give him access to the property so he could build a cul-de-sac. He said Mr. Hansen is asking conceptual approval. He also asked if the Commission would allow him to issue a building permit on condition that the sewer and water conditions are met before the next planning meeting. The Commission members said that would depend on where he would place the home saying he should build far enough back so the road can be widened to the full 66 foot right of way in the future. It was also pointed out if the time comes Mr. Hansen develops the rest of the land these two lots should become part of the development. Member Chase made the motion that they give conceptual approval. This was seconded by member Glen Nelson with all voting in favor of the motion. Member, Boyd Nelson made the motion they give Mr. Beecher permission to issue a building permit for this one lot if they get approval for water and sewer before the next planning meeting providing the home is set back far enough to give them plenty of room to widen the road to a full 66 foot right-of-way in the future. This was seconded by member MacFarlane with all voting in favor. The meeting was adjourned about 8:40 p.m..

No. 1 In Planning Minutes of 10-15-81 Oct. 15, 1981

Dr. Brent Burdett lives in SLC. He is an allergy specialist and has done various tests on our son's back to determine his most serious allergies. He has many--when Tommy has an attack that we can not control with his prescription medicine (from Dr. Burdett) is treated by Dr. Keller of Brigham. He has been treated in the Brigham Community Hospital emergency room, several times. Dr. Carlquist has treated him in the emergency room. Now that he has started kindergarten, he has to take medicine almost daily, just from changing his environment that much. I also leave a bottle and a release signed, at the school so that they may treat him with his prescription, and have our permission to take him to a doctor if they need to, at any time. He takes Asbron G. Sharon Prescott

No. 2 In Planning Minutes of 10-15-81

INTERMOUNTAIN ALLERGY & IMMUNOLOGY CLINIC

5801 HILLSIDE DRIVE
MURRAY, UTAH 84107
PHONE: 266-4115

150 SOUTH 10TH EAST
SALT LAKE CITY, UTAH 84102
PHONE: 363-4071

3905 HARRISON BLVD.
OGDEN, UTAH 84403
PHONE: 399-5643

J. A. BRONSKY, M.D.

DAVID P. BURKLEY, M.D.

BRENT R. BURDETT, M.D.
Stc. residence

CHARLES M. RODGERS, M.D.

LORIMER T. CHRISTENSEN, M.D.

10-15-81

To whom it may concern,
I have been asked
by the parents of Tommy
Prescott to write a
letter explaining his
allergies and what
effect exposure to dust
might have.

I last saw Tommy
in December 1979 so
I do not have much
information on his
present condition. He
does ~~not~~ have asthma.
Mother is concerned
about a detrimental

INTERMOUNTAIN ALLERGY & IMMUNOLOGY CLINIC

5801 HILLSIDE DRIVE
MURRAY, UTAH 84107
PHONE: 266-4115

150 SOUTH 10TH EAST
SALT LAKE CITY, UTAH 84102
PHONE: 363-4071

3905 HARRISON BLVD.
OGDEN, UTAH 84403
PHONE: 399-5643

I. A. BRONSKY, M.D.

DAVID P. BURKLEY, M.D.

BRENT R. BURDETT, M.D.

CHARLES M. RODGERS, M.D.

LORIMER T. CHRISTENSEN, M.D.

effect from gravel dust
on his asthma. Any
such effect would be
impossible to measure.
However, irritants such
as mineral dust are
known to aggravate
asthma. Whether or
not such exposure
would make Tommy
worse would be speculative
- but is a definite
possibility.

Sincerely,

Brent Burdett, M.D.

Oct 15, 1981

To whom it may concern

Dr. Lynn Robinson is dictating a letter to state that the dust from a gravel pit would be detrimental to my health, but it was not ready when I attempted to pick it up. I will get it to Don Chase as soon as it is available.

Judith D. Beames
480 So. 200 E.
Utah

JOHN K. REIS, M.D.

Internal Medicine

GARY K. GOUCHER, M.D.

Pulmonary Disease and
Internal Medicine

St. Benedicts Professional Building

Suite 335

425 E. 5350 S.

Ogden, Utah 84403

October 14, 1981

Mr. Jack H. Butler
275 South 1st East
Willard, Utah 84340

Dear Mr. Butler:

This letter is to confirm that you are my patient and I have been following you over the past year for severe chronic lung disease and cancer of the bladder. You are currently required to use oxygen continuously, and do have severe physical limitations because of the extreme nature of your lung problems.

I look with great alarm at the possibility a gravel pit with the ensuing dust exposure will be built near your home. I hope this doesn't come to pass, as this can only be extremely detrimental to your health.

If the gravel pit is built, I see little alternative than to move to a different part of the area to avoid that kind of exposure.

I hope the above is sufficient to clarify your current status.

Sincerely yours,



John K. Reis, M.D.

JKR/adi

James E. McEntire M.D.
Gordon R. Kimball M.D.

Orthopedic Surgeons

JEMCO PROFESSIONAL CORPORATION

1434 East 9400 South
Sandy, Utah 84070

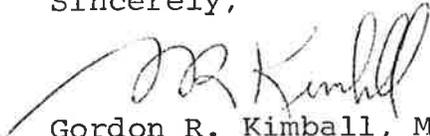
571-7061

September 29, 1981

To Whom It May Concern
Re: Howard Pedersen

Thank you for the opportunity of providing this report on Mr. Howard Pedersen. This individual has a severe dust allergy and it would be extremely detrimental to his health to be located near an industrial operation which would produce any type of dust or air particles. This would cause him to have eustachian tube swelling with repeated bouts of ear infections along with repeated bouts of bronchitis and pneumonia. This dust allergy condition that he has is quite severe and it would certainly be injurious to his health to be located by any type of industrial operation as such.

Sincerely,



Gordon R. Kimball, M.D.

GRK/mm

James E. McEntire M.D.
Gordon R. Kimball M.D.

Orthopedic Surgeons

JEMCO PROFESSIONAL CORPORATION

1434 East 9400 South
Sandy, Utah 84070

571-7061

September 29, 1981

To Whom It May Concern
Re: Marva Jeanne Pedersen

Please be advised that Marva Jeanne Pedersen is in very delicate health and has a serious case of rheumatoid arthritis. She also has very sensitive lungs and it would be absolutely detrimental to her health to be near any type of an industrial operation which would produce excessive dust or air particles. She would have a great deal of difficulty breathing in a normal fashion if this were the case. She would also be very susceptible to repeated bouts of bronchitis and pneumonia. Furthermore, the very presence of any type of industrial operation producing dust particles would make it difficult for her to breath on a day to day basis, not only because of her lung function, but because of the severe arthritic condition which she has which effects not only her regular joints, but the joints of her ribs, spine, and sternum. These are the joints involved in normal breathing operation. This could produce a disasterous health situation for Mrs. Pedersen.

Sincerely,



Gordon R. Kimball, M.D.

GRK/mm

PLANNING COMMISSION MEETING
November 19, 1981

Minutes of the regular meeting of the Box Elder County Planning Commission held Thursday November 19, 1981. Chairman Jerry Wilde presiding.
Members Present: Jerry Wilde, Glen Nelson, Kent Newman, and Don Chase. Also present - ex-officia members Denton Beecher and K.B. Olsen.

MINUTES

Minutes of the last Planning Meeting having been previously mailed to the planning commission members, member Chase made the motion they approve the minutes of the meeting of Oct. 15, 1981 as written. This was seconded by member Nelson, with all voting in favor.

REQUEST FOR ZONE CHANGE EAST OF WILLARD

The following letter which had been referred to the County Planning Commission by the County Commissioners was read. (no. 1 copy) Chairman Wilde said he thinks the people who own the land in the area should be included in the request and stated people don't like the city, nor anyone else telling them what to do with their land. He said it has been the policy of this board, in the past, to have the property owners make the request for a zone change. The Commission members expressed that is what we told Mr. Boisjoly when he requested a zone change in that same approximate area. Some of the planning commission members asked how close does this request follow the flow study that has been made. They said they guess it follows the flood study but they would like to know and that would take some checking. After some discussion member Nelson made the motion they notify the City that inasmuch as the requested rezoning is for an area outside of the City the Planning Commission thinks the property owners should be involved in the request and if this is done the Commission will consider the request. This was seconded by member Newman, with all voting in favor.

LETTER FROM THE STATE DEPT. OF NATURAL RESOURCES AND ENERGY

Mr. Beecher presented the following letter from the State Dept. of Natural Resources and Energy. (No. 2 copy) The Commission members said we do not have a subdivision and / or Hillside Ordinance.

AMENDMENTS TO RESTRICTIVE COVENANTS - MARBLE HILLS SUBDIVISION

Mr. Beecher reported he thought Mr. Vaughn Cook was coming into the meeting but said Mr. Cook filed some restrictive covenants for the Marble Hill Subdivision that were very restrictive, more restrictive than we would have asked. However, since then he has recorded the following amendment which was never brought before the Planning Commission as it should have been. (No. 3 copy) After reviewing the amendments the Commission said they couldn't argue with what they have in the amendments, but said it should have been done in the proper way. There was a brief discussion of what they should do, after which member Nelson made the motion that we accept the Amendments to the Marble Hill Estates Subdivision. Seconded by member Newman with all in favor.

WES HANSEN SUBDIVISION - APPROVAL

Mr. Beecher reported, as the Commission is aware a Conditional Approval was given last month for a Wes Hansen minor subdivision. He said since then Mr. Hansen has had requests to sell lots to the back of his property which would require building a road into these lots so he can open up all of this property which means he'd have to go from a minor subdivision to a full subdivision. Therefor Mr. Hansen is asking for Concept Approval for the proposed subdivision. Member Chase made the motion they give concept approval. This was seconded by Member Nelson with all voting in favor.

SMEDLEY PROPERTY

Mike Lund representing Dale Smedley met with the Commission regarding Mr. Smedley's proposed subdivision out in the Thatcher area. A plat of the proposed subdivision had been left with the Commissioner's Secretary a couple of days earlier. It was pointed out the proposed subdivision runs from the County road on the east to the Marble Hills Subdivision on the west and consists of 437 lots. The Commission members said they have known the Mr. Smedley has been making roads on his property but have not known just what is going on. They said they can't stop anyone from making roads on their own property but said their fear is Mr. Smedley will do all of this work then come and say I've spent all of this money and expect us to approve it. Mr. Lund said they are proposing minimum lots of 20,000 square feet and said they would like to get preliminary plat approval but he said he knows they don't have all thingneeded for this approval. Commissioner Chase said if you expect the County to take over the roads we are going to make you prove what is under them and said Mr. Smedley has just gone ahead and built the roads without saying a thing to us so we could check them as they were being built. He said people who buy lots should have the understanding we'll do no work on these roads. He said we don't know that the grades or anything that's under them. The Chairman pointed out their plans should have been submitted to Mr. Beecher at least 10 days before this meeting to give him a chance to study it and said we can't take the time here in this meeting to study what you have got. He also said for anything over 25 lots you need to give us an economic and feasibility study. The Commission pointed out Marble Hills Subdivision has been in existance about two years now and from the records we find there has only been one lot sold and you are proposing another 437 lots in that same area. The Commission asked what they plan to do with the sewage. Mr. Lund said they plan septic tanks. The Commission members said they think they should be looking to a sewer system with that many lots. They said there has been no soil exploration. The Commission also told Mr. Lund there wasn't anything they could do for him at this time and said they would have to submit a Preliminary Plat with documentation of what they want to do in order to meet preliminary requirements.

Meeting adjourned.

November 23, 1981

Atty. Jack H. Molgard
P.O. Box 461
Brigham City, Utah 84302

Dear Jack:

In your letter under date of October 13, 1981 you stated Willard City Council requested that you petition Box Elder County to amend our Zoning Ordinance and Map for the area east of Willard City. In reply to this letter I am enclosing an excerpt from the unapproved Planning Commission minutes of November 19, 1981.

If you desire further information we will be happy to have you get back with us.

Sincerely,
B. #. County Planning Commn.

by
K B. Olsen, Sec.

Encl.

C
O
P
Y

Jack H. Molgard

ATTORNEY AT LAW

102 SOUTH 100 WEST - P.O. BOX 461 - BRIGHAM CITY, UTAH 84302

October 12, 1981

To Planning Commission

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

Re: MU Zone East of Willard City Limits/
Flood Hazard Area East of Willard City
Limits

Gentlemen:

The Willard City Council has requested that I petition the Box Elder County Commission on behalf of Willard City to amend the Box Elder County Zoning Ordinance and the Box Elder County Zoning Map as follows:

1. Amend the Zoning Map to place all areas east of the Willard City limits which are presently in an MU Zone in an RR-5 Zone.

2. Amend Chapter 13, Section 1 of the Box Elder County Zoning Ordinance by creating a flood sensitive zone, (F-S), and amend the Box Elder County Zoning Ordinance by creating Chapter 22, Flood Sensitive Zone, F-S as follows:

22-1 Purpose. Provide areas that are particularly sensitive to flooding and drainage problems special protection and consideration to insure that flooding and drainage problems are not adversely affected by development and to insure compliance with any master plans dealing with flooding and drainage problems in the area which have been developed and adopted by any county, city or combined county and city special service district.

22-2 Nature of Zone. The zone shall be a secondary zone created within other principal zoning districts.

22-3 Permitted Uses. All uses permitted within the principal zoning district.

22-4 Conditional Uses. All conditional uses permitted within the principal zoning district.

22-5 Special Provisions.

(1) Drainage plans must be submitted for each new development and/or subdivision. Drainage from the development and/or subdivision shall not exceed that leaving the property in its undeveloped state. The drainage plans shall be consistent and not conflict or adversely affect any master plans dealing with flooding and drainage problems in the area which have been developed and adopted by any county, city or joint county and city special service districts.

(2) Drainage plans shall be submitted to any county, city or joint county and city special service district which have developed and adopted a master plan dealing with flooding and drainage problems in the area for review, and said drainage plans shall be approved by the Special Service District prior to the Planning Commission issuing a permit for the project.

3. Amend the Zoning Map to place in the newly created Flood Sensitive Zone all areas east of the Willard City limits which are presently in an MU Zone.

The above request to amend the Zoning Ordinance and Zoning Map are based on the following grounds:

The master plan for Box Elder County/Willard City Special District for Flood Control and Drainage has recommended the following:

At Page 7:

"5. Future residential development in the steeper areas of the county east of U.S. 89 should be limited to one unit per five acres. This land is currently zoned MU-160 and RR-S."

At Page 7:

"6. The lands east of the Ogden-Brigham City Canal are generally steeper and include the apex of the canyon alluvial fans. Special consideration of the drainage problems needs to be given prior to the approval of any project in this area."

At Page 65 under Procedure:

"City and county ordinances should be amended to require drainage plans to be submitted for each new development or subdivision. The ordinance should require that drainage from the development not exceed that leaving the property in its undeveloped state."

Box Elder County Commission
Page Three
October 12, 1981

And further, at Page 65 under Procedure:

"Review of and approval of drainage plans prepared by the developers should be assigned to the drainage district to insure compliance with the plan."

Also, as I am sure you are aware, there is widespread concern throughout the residents of Willard City and the surrounding areas that further industrial type development in the narrow area between Willard City and the mountains east of Willard will have an adverse impact upon flooding and drainage in the area, upon the residential nature of Willard City and further, will have an adverse impact upon the mountains east of Willard. As you are aware, there is wide popular support within Willard City to change this ordinance to prevent any further development of gravel pits, quarries, rock crushers, batching plants and other heavy industrial developments in the area east of Willard.

We would appreciate a consideration of this request and if the Commission deems it appropriate, we would be happy to make an oral presentation or provide any other information in support of the request.

Sincerely,



Jack H. Molgard

JHM/cs

NO. 2 In Planning Minutes of 11-19-81



STATE OF UTAH
NATURAL RESOURCES & ENERGY
Utah Geological & Mineral Survey

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Genevieve Atwood, State Geologist

Black Hawk Way • Salt Lake City, UT 84108 • 801-581-6831

November 10, 1981

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

TO WHOM IT MAY CONCERN:

The Utah Geological and Mineral Survey is in the process of compiling a complete file of subdivision and/or hillside ordinances for all counties and major cities within the State of Utah. We would appreciate it if you could take a moment and send us copies of any such ordinances in effect within your jurisdiction. If the ordinance is in the process of being formulated or redrafted, would you please enclose a note to that effect stating when the final draft is expected.

Thank you very much for your consideration in this matter.

Sincerely,

HAROLD E. GILL

Utah Geological and Mineral Survey

Board/Kenneth R. Poulson, Chairman
Laurence H. Lattman
Peter E. Matthies



Robert W. Bernick • Benton Boyd
Natalie A. Mallinckrodt
Elliot Rich

AMENDMENT TO:

Recorded : Aug. 14, 1979

Book 322 Page 762

BOOK 342 PAGE 451

DECLARATION OF RESTRICTIVE COVENANTS,
AGREEMENTS AND CONDITIONS AFFECTING THE
REAL PROPERTY KNOWN AS MARBLE HILL ESTATES,
BOX ELDER COUNTY, UTAH

Item #3 changed to read as follows:

3. LAND USE AND BUILDING TYPE: No lot shall be used except for residential and related purposes. No building shall be erected, altered, or permitted to remain on any lot other than one detached single-family dwelling not to exceed two (2) stories (or thirty (30) feet in height if a one-story building) and a private carport for not less than two (2) vehicles. The Architectural and Structural Control Committee ("Committee") shall have power to further limit the number of stories and the height of structures as to all lots in its sole and exclusive discretion. Every detached single-family dwelling, exclusive of garages and open porches, erected on any one of the above described residential lots shall have a minimum area above final grade of 1,000 square feet on the main level. All construction shall be of new materials except for approved "used brick". Such accessory buildings as are approved by the committee may also be permitted.

Item #7 paragraph "B" changed to read as follows:

b. No barn, coop, shed, sty or building of any type shall be constructed for the purpose of housing pigs, cows, sheep, goats, poultry, or any other livestock, and none of the foregoing shall be kept, maintained or permitted at any place within the limits of said subdivision, excepting only a reasonable number of common household pets, and one horse per lot. A barn to house a horse may be built only upon the approval of the architectural committee as to design, height and setback requirements. Corral fencing for said horse shall not extend further than 60' feet from the rear property line.

Item #7 paragraph "C" changed to read as follows:

C. No storage of any articles, materials, equipment or vehicles, including boats, of any nature is permitted in the yard or side yard portion of any lot, except that regularly used passenger cars and light pick-up trucks may be parked upon driveway areas. Trailers, trucks, campers, boats, and all types of accessory equipment are permitted to be stored or repaired only in garages, or rear yards.

Item #7 paragraph "G" changed to read as follows:

G. No external radio, citizen's band, ham radio or any other transmitting and/or receiving antennas or equipment shall be placed upon any structure or lot, without prior written approval of committee; provided, however, a television antenna may be placed on a structure at a height to be specifically approved by the Committee.

Item #12 changed to read as follows:

13. ARCHITECTURAL AND STRUCTURAL CONTROL COMMITTEE MEMBERS:

The Committee members shall be composed of :

No. 83727H
Date: FEB 26 1981
Time: 2:00PM Fee \$8.50
Book 342 Page 451

Margaret R. Evans, Recorder
Box Elder County, Utah
By: Margaret R. Evans

Kelvyn Cullimore
2463 Barcelona Drive
Sandy, Utah 84070
Vaughn R. Cook
6074 South 2075 East
Salt Lake City, Utah 84121
Larry Gordon
787 West 4050 South
Bountiful, Utah 84010

FIRST JUDICIAL DISTRICT
Law and Motion Calendar
BOX ELDER COUNTY

JUDGE: Omer J. Call DATE: January 25, 1982 10:00 A. M. Cont.

14634 Suzanne K. Beasley VS Thomas E. Beasley
Plaintiff Defendant
PS Ann Parker Judd Attorney Attorney
* ORDER TO SHOW CAUSE

16932 Rosalie Calchera & State of Idaho VS Michael T. Calchera
Plaintiff Defendant
PS David B. Dryden Attorney Attorney
*ORDER TO SHOW CAUSE

15724 Ruth M. Velasquez (Post) VS Vernon Robert Velasquez
Plaintiff Defendant
PS Ann Parker Judd Attorney Attorney
* ORDER TO SHOW CAUSE

16422 Yoshio Aoki VS Hosking Helicopters Inc. and
Plaintiff Defendant
James R. Hasenyager Attorney Amoco Production Co.
Attorney Robert W. Miller Attorney
* NOTICE OF HEARING ON MOTION Donald J. Purser
Stuart L. Poelman

Plaintiff VS Jack B. Ammons Defenda
Attorney Attorney

PLANNING COMMISSION MEETING

December 17, 1981

Minutes of the regular Box Elder County Planning Commission meeting held Thursday, December 17, 1981. Chairman Jerry Wilde presiding.

Members Present: Jerry Wilde, Don Chase, Jay MacFarlane, Glen Nelson, Kent Newman, Charles Kimber

Ex-officio: Denton Beecher

MINUTES

Minutes of the November Planning Commission meeting were reviewed, member Don Chase made the motion to adopt them as written, seconded by Glen Nelson, all voting in favor.

SPRING ACRES SUBDIVISION AMENDMENT TO CONCEPT PLAN

O. Neil Smith and Mrs. Jerry Hoopes, representing the Christensen family, met with the Commission. They are asking to amend their concept plan in the southwest part of the subdivision. They will do this by having an area for storage sheds east of the radio station property, then east of the storage shed they propose to have the church site. By doing this, they have made a minor change to the street alignment. There followed a short discussion on the matter. Mr. Smith agreed to change the large plan and submit a revised copy to the surveyor's office. Member Don Chase made the motion that the Planning Commission accept this amendment as presented, seconded by Kent Newman, all voting in favor.

Meeting adjourned at 7:30 p.m.

Respectfully submitted by Denton H. Beecher

Box Elder County

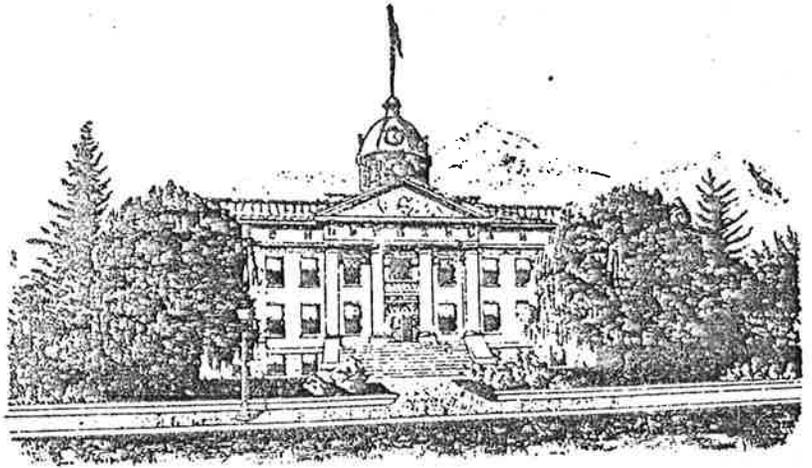
COUNTY COMMISSIONERS

DON E. CHASE STEPHEN A. (AL) CAZIER

WARREN W. HYDE

OFFICERS

GLEN S. FIFE, County Treasurer
K. B. OLSEN, Clerk
ROBERT E. LIMB, County Sheriff
MARGARET R. EVANS, County Recorder
O. DEE LUND, County Attorney
VON R. CURTIS, County Assessor
DENTON BEECHER, County Surveyor
DORIS OLSEN, County Auditor



BRIGHAM CITY, UTAH

December 19, 1980

Wynn C. Earl
3425 Oak Ridge Drive
Ogden, Utah 84403

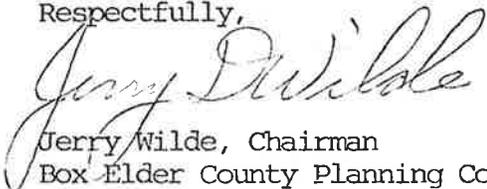
Dear Mr. Earl,

In November of 1977 at our regular Box Elder County Planning Commission meeting, your conditional permit for a greenhouse operation was approved. One of the requests was to keep a clean and neat operation.

Sometime back, a high wind destroyed your operation and you have re-built one of the greenhouses. The Planning Commission would like to know what your intentions are with the east greenhouse. We feel you have had sufficient time to repair or remove this unsightly damage.

We would like to hear from you by January 15, 1981 to know what your plans are for your operation in the Harper Ward area.

Respectfully,


Jerry Wilde, Chairman
Box Elder County Planning Commission

JW:j

BEFORE THE BOX ELDER COUNTY PLANNING COMMISSION

<u>In Re:</u>	:	Conditional Use Permit
APPLICATION OF	:	
DARRELL NIELSON	:	Permit No. _____

The Application of Darrell Nielson for a Conditional Use Permit under Chapter Six of the Box Elder County Zoning Ordinance having come before the Planning Commission on November 14, 1980;

The Application being supported by supplemental information and guarantees concerning the location, operation and design of the facilities proposed;

The Applicant having appeared and testified before the Commission concerning his intentions and plans for the property; and

This Commission having independently examined the plans and the legal requirements of the Darrell Nielson Application for Conditional Use Permit;

NOW THEREFORE the Commission finds:

(1) that the proposed Use is permitted under the Box Elder County Zoning Ordinance as a Conditional Use;

(2) that the issuance of the requested Conditional Use Permit is in the public interest; and

(3) if the attached conditions are complied with, the Permit should be forthwith issued and the described Use be permitted.

CONDITIONS ON THE USE

As conditions to the effectiveness of this Permit, the following Conditions must be met by Applicant. Applicant may rely, however, on the validity and permanence of this Permit in ordering Equipment and performing those studies and other duties here imposed as conditions (assuming compliance with conditions) to the Permit:

1. Prior to commencement of the Use, permission must exist in writing from the Ogden River Water User's Association and the United States Water & Power Resources Service for the traversing of the Brigham Canal.

2. Prior to commencement of the Use, permission must exist in writing from the Utah Department of Transportation for the traversing of any state highway.

3. The Commission recommends the use of a conveyor system as opposed to trucks for transporting rock material from the work site. The Commission recognizes, however, that the final approval of a conveyor system lies with the Willard City Planning

Commission. If a conveyor system is used to transport rock product from the work site, the necessary easements and county or municipal approvals must be obtained.

4. The work site, transportation method and storage area must comply with Federal and Utah State Air Quality standards as they currently exist or are later amended. Applicant will utilize a water "spraying technique" as needed to control dust emissions from the work site.

5. Upon completion of any vertical excavation area with a width in excess of 250 yards and within a reasonable time dictated by natural conditions, that just-completed 250 yard vertical area must be commenced to be resloped at a 2:1 slope and reforested with native vegetation under the direction of a competent reforestation engineer equal to or superior in quality and stature to Native Plants in Salt Lake City, Utah. The County Engineer or Surveyor will be consulted on each phase of such reforestation.

6. After a detailed flood control study of the effect of the work site on current flood conditions, plans for flood control must be submitted for approval to the County Surveyor or Engineer and the State Dam Safety Engineer. Applicant specifically guarantees and must insure that the necessary steps will be taken, including but not limited to detention ponds and controlled water release, to assure that no deterioration of current flood conditions will occur as a result of Applicant's Use.

7. All designs of equipment location, flood control structures, road crossings, canal crossings and dust control methods shall be available to the County Surveyor or Engineer and are to be approved by him prior to any execution of such designs.

8. Applicant must operate in such a way as to protect the private property rights of neighboring property owners, taking steps to protect water supply and structural integrity.

9. To insure compliance with Condition Number Five, Applicant will post a bond in favor of Box Elder County in an amount determined in advance by a competent reforestation engineer equal to that necessary to reforest each 250 yard vertical phase prior to commencement of that phase. If Applicant fails to commence reforestation on any 250 yard vertical section within 60 days of the reasonable starting time for such reforestation, this Conditional Use Permit will be voidable at the Commission's discretion. Should this Permit be thus voided, Applicant or his Assignee will be liable to Box Elder County for the reasonable cost of resloping and reforesting the site.

Dated this 15th day of January, 1981.

BOX ELDER PLANNING COMMISSION

ATTEST:

Secretary

Chairman