

BOX ELDER COUNTY
January 21, 1993

The Board of Planning Commissioners of Box Elder County, Utah, met in regular session in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, in Brigham City, Utah, at 7:00 p.m. on January 21, 1993.

The meeting was called to order by Chairman Richard Kimber, with the following members present, constituting a quorum:

Richard Kimber	Chairman
Junior Okada	Member
Allen Jensen	Commissioner, Member
DeVon Breitenbeker	Member
Steve Grover	Member
Denton Beecher	Ex-Officio Member
Marie Korth	Ex-Officio Member

Excused:

Deanne Halling	Member
Jon Thompson	Member

APPROVAL OF MINUTES:

Chairman Kimber presented the Minutes of December 17, 1992, and pointed out a spelling error on page 4, third paragraph, sixth line, the word should be "pond". Mr. Breitenbeker made a motion to approve the Minutes of December 17, 1992, as corrected. Commissioner Jensen seconded. None opposed. The motion carried.

AGENDA: (Attachment No. 1)

WILLARD/BOX ELDER FLOOD DISTRICT:

Presentation by Ron Nelson: (Attachment no. 2)

Mr. Ron Nelson, Chairman, Willard/Box Elder Flood District, met with the Planning Commission to present some follow-up information to the Flood District's concerns of December 17, 1992.

Mr. Nelson presented two letters addressed to Commissioner Allen Jensen and Chairman Richard Kimber, Box Elder Planning Commission, along with some photographs taken at the mouth of Cook's Canyon near Willard. Mr. Nelson stated Mr. Darrell Nielsen has asked permission to remove some rocks from his property below the canyon to be sold for landscaping purposes. If this is allowed, the Flood District would like to look at his plans and make a comment. Also Mr. Nielsen had mentioned that Flood District personnel were possibly trespassing. Mr. Nelson said they need to go on the property but want to be within the law. Mr. Nelson stated in the second letter, the Flood District is referring

to the last meeting and asking the Planning Commission to review the Flood District's previous request to issue the cease and desist order. Chairman Kimber requested the records show the Planning Commission has received the two letters and the packet of pictures.

Mr. Nelson showed before and after aerial photographs illustrating the property before the Nielsen project started. Mr. Nelson described and explained the photograph pointing out the rocks at the mouth of the canyon showing where rocks have allegedly been moved. Mr. Nelson stated the District's number one priority is the diversion into the city. He stated the pictures will support the idea that there has been some blasting. He said if the water takes the wrong course, there could be some very serious problems.

Mr. Beecher stated Mr. Darrell Nielsen came to his office on January 20 and reported that he and Willard City are in the negotiating stage of settling a lawsuit. Willard City is probably going to allow Mr Nielsen to take everything east of the canal if he will design a berm between the canal and his operation to screen it from Willard City. Mr. Beecher said the stockpile is not a problem, it will be left as it is.

Chairman Kimber stated he had heard there has been blasting in Cook's Canyon and asked if there is any evidence. Mr. Beecher replied he has never seen any evidence of blasting in the area. He said when there is blasting there will be drill holes in the rock, and you can always see the drill marks through the rock after separation. Commissioner Jensen stated he did not think there had been any blasting. He said there has been a big piece of equipment trying to pull rocks off the cliffs. Mr. Beecher stated the area in the mouth of the canyon is not in the permit limits for the gravel pit. The removal of rocks is another issue. In the last Planning Commission meeting Mr. Nielsen was told he would need to submit a plan for any rock removal.

MICHAEL FAIRBANKS MINOR SUBDIVISION:

Michael, Holly, and Ned Fairbanks met with the Planning Commission to discuss the Michael Fairbanks Minor Subdivision.

Mr. Beecher stated Mr. Michael Fairbanks would like to create a one lot minor subdivision in South Willard. Mr. Fairbanks does not have access to the property and is proposing to put it on a private right-of-way. In order to do this he would have to go through property owned by Mr. Roy Lemon. Mr. Lemon started a subdivision in the area years ago, but it was never completed. The proposed road would be one of the roads that would have been platted in Mr. Lemon's subdivision. Mr. Lemon has deeded the right-of-way to Mr. Fairbanks, and it has been recorded. Mr. Ned Fairbanks, Michael's father, has deeded some property and a right-of-way in front of his home to Michael.

Mr. Michael Fairbanks is requesting approval of a conceptual plan. It would be stipulated that this is a private road, and the county would have no jurisdiction or responsibility for maintenance. Mr. Breitenbeker made a motion to approve the conceptual plan for the Michael Fairbanks Minor Subdivision with the changes and stipulations. Mr. Grover seconded. None opposed. The motion carried.

OLD BUSINESS:

Ordinance Designating a County Officer to Approve Subdivision Plats:

1) Mr. Beecher stated he now has the Ordinance from the County Attorney designating the Box Elder County Commissioner, who is the Ex-Officio Member of the Planning Commission, authority to sign County Subdivisions. This means a subdivision can be completed in Planning Commission and will not have to be taken to the County Commission. Mr. Beecher said Commissioner Jensen is that member at the present time. The law allows this to be done. This Ordinance will be on the Agenda for Commission Meeting February 2.

2) The date for the Planning Commissions's annual dinner was set for February 18, 1993, at 6:00 p.m. at Maddox. Any Agenda items will be taken care of after dinner.

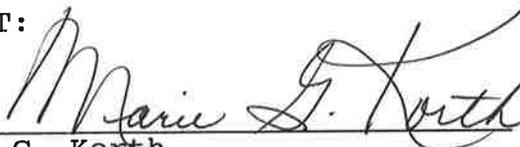
Mr. Grover made a motion to adjourn at 7:40 p.m. Mr. Breitenbeker seconded. None opposed. The motion carried.

Passed and adopted in regular session this 18th day of

March, 1993.


Richard D. Kimber, Chairman
acting Chairman

ATTEST:


Marie G. Korth
Recorder/Clerk

AGENDA
BOX ELDER COUNTY PLANNING COMMISSION
MEETING PLACE; COUNTY COMMISSION CHAMBERS
BOX ELDER COUNTY COURTHOUSE
BRIGHAM CITY, UTAH

1. Public agenda for the Box Elder County Planning Commission meeting scheduled for 21 January 1993 at 7:00 P.M.
2. Notice given to the newspaper this 20 day of Jan. 1993 .
3. Approval of the minutes of 17 December 1992.
4. Scheduled Delegations:
 - ~~A. 7:05 to 7:15 Michaelis Minor final approval~~
 - B. 7:15 to 7:30 Michael Fairbanks Minor Concept
 - C. 7:30 to 7:40 Ron Nelson submit photo of Willard Flood District
 - D. Unfinished Business
 - E.
 - F.
 - G.
 - H.
 - I.
 - J.
5. Old Business
 - A.
 - B.
 - C.
 - D.

BOX ELDER COUNTY/WILLARD CITY
FLOOD CONTROL DISTRICT
P.O. BOX 286
WILLARD, UTAH 84340

COMMISSIONER ALLEN JENSEN
CHAIRMAN RICHARD KIMBER
BOX ELDER PLANNING COMMISSION
BOX ELDER COUNTY COURT HOUSE
BRIGHAM CITY, UTAH 84302

JANUARY 21, 1993

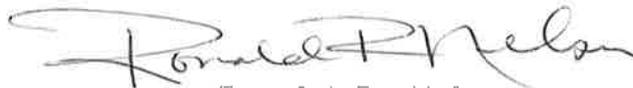
Dear Planning Commission Members:

As you know, our Flood District presented a letter to you on December 17, 1992 which outlined several concerns that we consider violations of the conditional use permit for D.N. Development.

We have taken photographs at the mouth of Cook Canyon to substantiate our position that an attempt has been made (possibly by blasting) to divert potential flood waters down the northern most side the alluvial fan in to Willard City.

We here by submit these pictures to you, and recommend that you employ a ballistic expert to investigate the alleged blasting. We again ask that you enact our previous request to issue a Cease and Desist Order at this time.

Sincerely,



Ronald R. Nelson
Flood Control Chairman
P.O. Box 95
Willard, Utah 84340

(801-723-8049)

Copy: Mike Hayes
Attorney at Law

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FLOOD CONTROL DISTRICT
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COMMISSIONER ALLEN JENSEN
CHAIRMAN RICHARD KIMBER
BOX ELDER PLANNING COMMISSION
BOX ELDER COUNTY COURT HOUSE
BRIGHAM CITY, UTAH 84302

JANUARY 21, 1993

Dear Planning Commission Members:

In your meeting on December 17, 1992, Mr. Darrell Nielsen asked you to permit him to remove some of the large rocks from the Cook Canyon Alluvial Fan. We have inspected this fan on several occasions and have not evidences any rocks sitting on the surface (above ground). The large rocks in the many channels should not be removed as they act as barriers against erosion and to slow down the water and mud that runs down them. The large rocks that are partially buried in the alluvial fan should not be disturbed. They should remain in tack as they act as shock absorbers to prevent erosion and block smaller rocks and gravel from being carried further down the fan in event of flooding.

You asked Mr. Nielsen to submit a plan to you for this endeavor. We ask for the opportunity to look at these plans and make comment before any removal or excavation of rocks takes place.

Mr Nielsen also stated in the meeting, that we were trespassing on his property at the time of our inspections. We certainly do not want to trespass on any property, however it is necessary to go on properties to do our job in evaluating flooding concerns. We ask for your comment on this matter and would appreciate an opinion by the County Attorney.

Sincerely,



Ronald R. Nelson
Flood Control Chairman
P.O. Box 95
Willard, Utah 84340

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1.

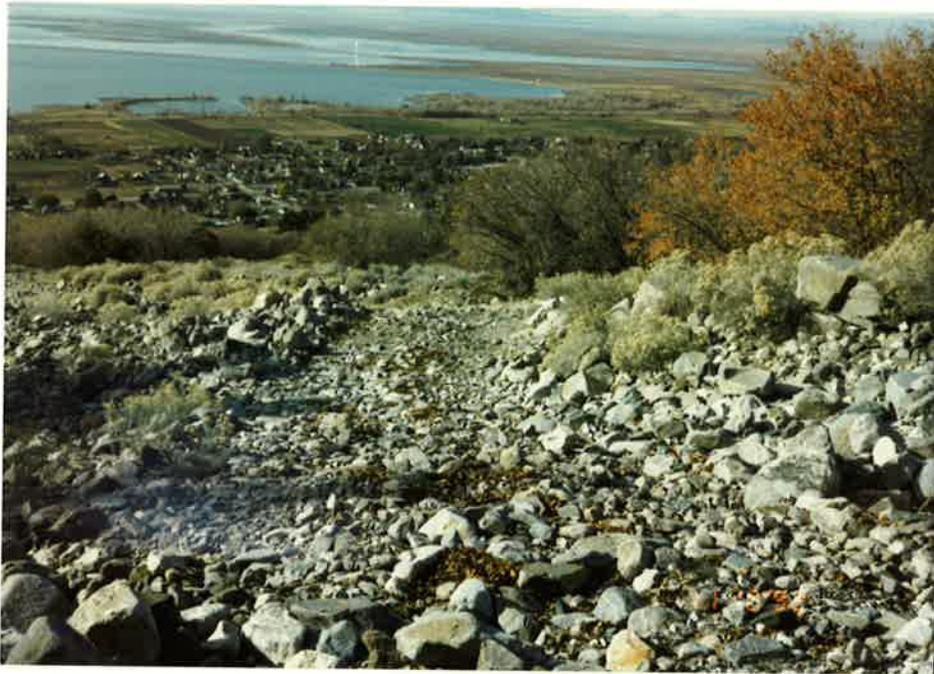
ROAD ACROSS CHANNEL

THE PICTURES ABOVE TAKEN AT THE MOUTH OF COOK CANYON SHOW THAT:

There has been a road way carved across the main channel, and evidence of heavy equipment moving up the channel above the excavation site into the mouth of Cook's Canyon. Large rocks have been dislodged (possibly by blasting) and moved from the north side of the channel to the south side. This was an apparent attempt to divert the flow of water north, and away from the excavation site, and down the northern most side of the alluvial fan (into Willard City). If this diversion was successful, and undetected it might appear that it was an act of nature for flood waters to go north. This could be interpreted at a later date to relieve responsibility from the existing gravel pit operation on the south side of the fan, where flood waters could pick up loose gravel and rocks from excavation and damage property below.

This main channel was not to be disturbed (and especially not diverted) by the permit conditions imposed on the developer.

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2-

EQUIPMENT TRACKS IN CHANNEL

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3. LARGE ROCK ON RIGHT - (NORTH)

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4. ROCKS DISLOGED FROM NORTH SIDE

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5. Rocks Dislodged From North Side

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6. ROCKS MOVED TO SOUTH SIDE

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8. EQUIPMENT MARKS ON ROCKS MOVED

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9. EVIDENCE OF BLASTING NORTH SIDE

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10. VIEW OF GRAVEL PIT STOCKPILE
BLOCKING SOUTH SIDE OF
ALUVIAL FAN SO WATER + MUD
CANNOT REACH LOWER DEBRIS BASIN.

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