

BOX ELDER COUNTY

The Board of Planning Commissioners of Box Elder County met in public session at the regular meeting place at the Box Elder County Courthouse, 01 South Main Street, in Brigham City, Utah, at 7:00 p.m. on March 15, 1990.

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

Richard Kimber	Chairman
Junior Okada	Member
Steve Grover	Member
Robert Valentine	County Commissioner
Denton Beecher	Ex-Officio Member
Allen Jensen	Ex-Officio Member

Absent:

Jon Thompson	Member
DeVon Breitenbeker	Member
Don Christensen	Member

Mr. Kimber presented the Minutes of February 15, 1990 for approval. Commissioner Valentine noted two changes, Page 3, line 12, and 13, a change of the word "of" to "from" and adding "in writing" after the words "Planning Commission". The Chairman made the corrections. Mr. Grover made the motion to approve the Minutes as changed. Commissioner Valentine seconded. None opposed. The motion carried unanimously.

AGENDA (ATTACHMENT 1):

FIRST ANNUAL REVIEW OF PERMIT #38:

Mr. Beecher stated condition number 18 of the Conditional Use Permit requires "The Planning Commission shall review the issuance of the permit to determine if the applicant is in compliance with the terms and conditions thereof on each anniversary of the issuance of the permit. In addition, the Planning Commission may require review more frequently than annually as a term and condition of any plan or document contemplated herein. As a condition of continued operation under this permit, the applicant shall make such corrections

as are ordered by the Planning Commission". He added, the permit was issued on March 3, 1989. The review is on this Agenda to be as close to the annual date as possible. He reviewed each of the conditions stating his findings:

Condition 1, Dust Control, etc.: At present Mr. Nielsen is not working so there is no problem.

Condition 2, Air Quality Control: Mr. Nielsen has been meeting this condition during the time he has been operating.

Condition 3, Reclamation Plan: Mr. Nielsen is not to a point where he must start to reclaim any area.

Condition 4, Plans of the Area, etc.: Mr. Nielsen is staying within the scope of his plan, with the exception of his stock pile, and the Planning Commission has no jurisdiction over it since it is being placed in the corporate limits of Willard, and nothing was specified in the conditions regarding stock piling.

Condition 5, Written Permission from UDOT for Access onto Highway 89: Mr. Nielsen has complied.

Condition 6, Hard Surface of Access Road: The road has been surfaced to the pit area and is being maintained.

Condition 7, Flood District Approval: Mr. Beecher stated the basin must be enlarged, and Mr. Nielsen has stated in writing it will be done by March 15, 1990; and he has nearly completed the basin. It has been cleaned out, the slopes look good. He further stated his feeling is that the Flood District should be the ones to approve the flood basin, and the Planning Commission should receive from them approval of the basin since they are the ones who approved the plans for the basin.

Condition 8, Permission from the Ogden River Canal Company to cross their canal: Mr. Nielsen has that permit.

Condition 9, Adjacent Real Property: There has not been adjacent property affected.

Condition 10, State Engineer's Approval: The Planning Commission has that approval.

Condition 11, the basin is to be deeded to the Flood District: This can be done as soon as the Flood District accepts the retention basin.

Condition 12, Agency Letters: Not an issue at this time.

Condition 13, Blasting: None has been done.

Condition 14, Engineer's Estimate is not applicable at this time.

Condition 15, The Harmless Clause: This condition has been satisfied.

Condition 16, Noise Level: Unless you are right at the pit, you cannot hear his operation.

Condition 17, Time of Operation: No complaints have been filed.

Condition 18, Annual Review: Being accomplished.

Condition 19, Termination Clause: Not being considered at this time.

Condition 20, Changes to the Conditions: None being considered at this time.

Mr. Kimber requested Commissioner Valentine provide an update of the status of the Flood District. Commissioner Valentine stated the Flood District concerns (Re: Minutes, February 15, 1990, Attachment 2) have apparently been satisfied by the letter he sent to them (Attachment 2). He further stated the Flood District and Willard Mayor have met with the State Engineer and Mr. Nielsen and any necessary changes that cannot be resolved should come before the Planning Commission.

SUBMITTAL FROM BOX ELDER HERITAGE COUNCIL:

Commissioner Valentine addressed the letter (Re: Minutes, 15 February 1990, Attachment 3) that cited violations associated with the Conditional Use Permit Number 38. He stated, not knowing specifics, Mr. Nielsen is not violating the Box Elder County Flood Ordinance Number 163. He commented on Condition 7, requiring the developer not interfere with the Flood District's plans and goals. This accusation was resolved over a month ago with the Flood District. Conditions 1 and 2 requiring the regulations set forth by the Utah Air Conservation Committee (Air Quality) are not being met. He stated he was not aware of any intent to measure air quality. If there is a problem, the State should enforce Condition 1 and 2. Mr. Beecher stated if the County gets word that Mr. Nielsen is in

violation of Air Quality, the County can stop the operation. Condition 9, showing detailed information as to how adjacent real property will be protected from damage. Commissioner Valentine stated that Mr. Nielsen's plan was of sufficient detail, or the permit would not have been granted. Condition 4, regarding side slopes, Mr. Beecher stated Mr. Nielsen has a continuing operation and is not ready to prepare side slopes for reclamation. Until he leaves the area, he should not be cited for failure to comply with this condition.

Commissioner Valentine recommended Mr. Beecher prepare a letter advising the Heritage Council that without specific violations there is no basis to revoke the permit. This was stated as a motion. Mr. Grover seconded. None opposed. The motion carried.

Mr. Okada suggested, and it was agreed that Mr. Beecher's annual inspection include members of the Willard Flood and Planning Commission.

RICHARD BRAEGGER - REQUEST FOR A CONDITIONAL USE PERMIT FOR A LANDFILL:

Commissioner Valentine recommended the Agenda item be tabled stating he had talked to Mr. Braegger, and there are many questions that need to be addressed before Mr. Braegger is ready to pursue a permit. Mr. Kimber agreed.

SCOTT CRABTREE - ANSWER WHY HE HAS CREATED A LANDFILL AND IS ERECTING A HISTORIC BRIDGE NEXT TO THE SOUTH COUNTY LINE ON SR89, ALL IN A CG ZONE:

Mr. Crabtree met with the Planning Commission at the request of Mr. Beecher to answer questions concerning his construction activity. Mr. Crabtree discussed at length and in great detail as to what his plans and intentions are, (Attachment 3). When Mr. Beecher advised him that his work is being done without permits and in violation of the County Zoning Ordinance, Mr. Crabtree admitted not knowing of the requirement. Mr. Beecher also read from correspondence and provided photographs from Utah Department of Transportation (UDOT) that he is also in violation of UDOT requirements. Most of the State accusations were denied by Mr. Crabtree. In conclusion,

Mr. Crabtree was advised to stop construction, comply with County Ordinances and obtain the required permits. Commissioner Valentine made a motion for Mr. Beecher to obtain a letter from Mr. Bunderson, County Attorney, that notifies Mr. Crabtree to cease and desist work on his project. The letter should also provide him a list of step-by-step instructions and requirements that must be met. Mr. Okada requested the motion include a review of the letter by the Chairman. Commissioner Valentine accepted the amendment to the motion. Mr. Okada seconded. None opposed. The motion carried unanimously.

DISCUSSION OF POSSIBLE ACTIVITY IN THE FAR SOUTH WILLARD AREA:

Mr. Beecher discussed the area in South Willard where large rocks are being moved from the surface, pushed down the hill, and are being stock piled in one area. He stated he has previously contacted the owner and was given assurance there was not a gravel pit operation being contemplated. He also advised that a road is being constructed on the Gay Pettingill property, and has inspected the White gravel pit and advised the operators that inadequate dust control could shut down the operation.

FUTURE PLANNING FOR INDUSTRIAL DEVELOPMENT:

Mr. Beecher discussed zoning for future industrial development, stating locations considered for development are selected on current zoning rather than waiting for locations to be re-zoned. Commissioner Valentine questioned if re-zoning should be done now or when the present development task force completes their study and they have identified the areas to look at. Mr. Beecher pointed out that when zoning is changed as a result of industry's decision to locate in the area, it leaves other prospects with the opinion that preferential treatment is being given, and industry tends to avoid these situations. Commissioner Valentine stated he will get the current status of what the Economic Development Task Force is looking for. He will report back at the next meeting. Mr. Beecher will include this on the next Agenda.

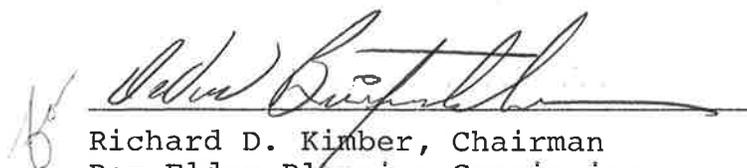
UNSCHEDULED BUSINESS:

Mr. Grover advised that Morton International has started construction of facilities for air bag manufacture and questioned why they are not required to obtain building permits and have building inspections. The facilities are on the Thiokol property but will be isolated from them once the facilities are completed. Discussion concluded this may be the time to change the situation.

Mr. Kimber adjourned the meeting at 9:00 p.m.

Passed and adopted in regular session this 19th day of April, 1990.

ATTEST:


Richard D. Kimber, Chairman
Box Elder Planning Commission


Allen L. Jensen
Box Elder County Clerk

AGENDA

BOX ELDER COUNTY PLANNING COMMISSION

MEETING PLACE: COUNTY COMMISSION CHAMBERS
BOX ELDER COUNTY COURTHOUSE
BRIGHAM CITY, UTAH

- I. Public agenda for Box Elder County Planning Commission meeting
scheduled for March 15, 1990 at 7:00 p.m.
- II. Notice given to newspaper this 14th day of March, 1990.
- III. Approval of minutes of February 15, 1990.
- IV. Scheduled Delegations:
 1. First Annual Review of Permit #38
 2. Submittal from Box Elder Heritage Council
 3. Richard Braegger - Request for a Conditional Permit for
a landfill.
 4. Scott Crabtree - Answer why he has created a landfill and
is erecting a historic bridge next to the
south County line on SR89, all in a CG Zone.
 5. Discussion of possible activity in the far South Willard Area.
 6. Future planning for industrial development.
 - 8.
 - 9.
 - 10.
- V. Old Business
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.



CIRCA 1890'S

Box Elder County

STATE OF UTAH

COUNTY COMMISSIONERS
FRANK O. NISHIGUCHI
ROBERT G. VALENTINE
JAMES J. WHITE

OFFICERS

AFTON R. DARNELL, COUNTY TREASURER
ALLEN L. JENSEN, COUNTY CLERK
ROBERT E. LIMB, COUNTY SHERIFF
MARIE G. KORTH, COUNTY RECORDER
JON J. BUNDERSON, COUNTY ATTORNEY
MONTE R. MUNNS, COUNTY ASSESSOR
DENTON BEECHER, COUNTY SURVEYOR
CARLLA J. SECRIST, COUNTY AUDITOR



CIRCA 1980'S

February 23, 1990

Willard Flood District
c/o Mr. Kent Nebeker, Chairman
1200 North Main Street
Willard, Utah 84340

Dear Kent:

I wish to advise you of the action taken at the most recent Box Elder County Planning Commission Meeting held on 15 February at the Courthouse. In response to your letter of 8 February regarding the permit issued to Mr. Darrell Nielsen dba D&N Land Development, the action taken at the meeting was as follows:

First, a motion was made to advise Mr. Nielsen of the concerns of the Flood District and request a written plan be submitted to correct those deficiencies noted in the letter. That written plan was to be submitted within one week's time, which means it would be due to the Planning Commission by 22 February. As a follow-up to that, this plan would also include a schedule with which those activities and corrections should be accomplished.

In addition, the motion was further expanded to include the requirement that a checklist be prepared by Mr. Denton Beecher, the County Surveyor, to address the 20 restrictions upon this permit. He would then conduct a monthly inspection (as a minimum) of those concerns and record the conditions as noted during the inspection. This action will then create a permanent file of those inspections, the action taken, and those that require attention.

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Kent Nebeker
February 23, 1990
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Also as part of the requirements, Mr. Neilsen, who was present, was advised that prior to any deviation from the imposed restrictions a request must be submitted to the Planning Commission in writing which would permit the Planning Commission to review and consider any changes to those restrictions. It is our belief that through this course of action all concerns regarding this permit as identified in your letter will be addressed and corrected in the most expedient manner. Should you have any question or desire any discussion of this matter please feel free to contact me.

Thank you very much.

Sincerely,

BOX ELDER COUNTY COMMISSION

Robert G. Valentine
Commission Chairman

RGV:spd

cc: Planning Commission Members
Darrell Nielsen
Rod Mund
Willard City

ROCKY POINT

Rocky Point is the creation of Scott Crabtree, a long time resident of Ogden. He has spent over twelve years building or rebuilding it. The facility, constructed primarily by hand, has been built using salvaged materials and native rock. Together with hand-crafted art work for decor and lighting, it constitutes one of the most unique, yet beautiful buildings in Utah.

To those who know its history it is a story of unbelievable dedication and persistence in pursuit of a dream. The building was originally started in 1962 and opened as a restaurant in 1965. It was then Utah's largest and most luxurious dining facility, seating nearly 300 people.

Due to a major fire in 1968, it was forced to close and remained closed and unattended for eleven years. In 1979, Mr. Crabtree returned to restore and enlarge it. Despite tremendous personal sacrifice, he has continued to work almost singlehandedly, from early morning until late at night. Now finally after more than eight years of rebuilding, his dream is about to become a reality. His building is almost complete.

While most people do not realize what the building is, few people of Northern Utah are not aware of its existence. Situated on the point of a rocky precipice, from which it derives its name, it is majestically displayed to all of Weber Valley. But to truly appreciate its grandeur, one must experience it up close. Those who have had the opportunity to tour the facility are universally awed by the creative genius of its designer. Because of this unique character the structure has the ability to promote itself. Everyone who sees it wants to return again with friends or family to share their discovery.

Because this structure reflects the panoramic heritage of this area we feel it can and should become the core of an extensive heritage theme park. In this light Rocky Point has already taken steps to move forward with this theme.

To the west at a lower elevation they are re-erecting a historical bridge known as the Benson Marina Bridge--which they hope will be utilized as a unique cafe or deli. They have also acquired the trusses from the famed White City Ballroom of Ogden--one of America's largest ballrooms of the colorful big band era. They hope to use these to erect a unique building for the purpose of a complete health spa and mineral bath complex.

Also on track is their effort to acquire rolling railroad stock of the late 1800 period, which includes the famous #223 Locomotive, one of the last relics of the narrow gauge rail system.

Their effort to gain the facade of the decorative Egyptian Theater in Ogden is far from dead. It is felt when the final bell is sounded this will be the only alternative left for the famous old lady.

As a business location Rocky Point is unmatched--neither the physical characteristics of its location nor the aesthetics of its design could feasibly be reproduced, it is an historic landmark, a focal point of the area and a magnetic attraction for all who travel past it. The dream is that it will someday become the center of cultural activity in the Weber Valley.