

**MINUTES
BOX ELDER COUNTY PLANNING COMMISSION
MARCH 16, 1995**

The Board of Planning Commissioners of Box Elder County, Utah met in regular session in the Commission Chamber of the Box Elder County Courthouse, 01 South Main Street in Brigham City, Utah at 7:00 p.m. on **March 16, 1995.**

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

Richard Kimber	Chairman
Stan Reese	Member
David Tea	Member
Louis Douglas	Member
Royal Norman	Commissioner, Member
Denton Beecher	Ex-Officio Member, Surveyor
LuAnn Adams	Ex-Officio Member, Recorder/ Clerk

EXCUSED:

Jon Thompson	Member
Deanne Halling	Member

AGENDA: (Attachment No. 1)

APPROVAL OF MINUTES:

CHAIRMAN KIMBER PRESENTED THE MINUTES OF JANUARY 19, 1995 FOR APPROVAL. A MOTION WAS MADE BY MR. TEA TO ACCEPT THE MINUTES AS WRITTEN WITH THE FOLLOWING CHANGE: ON PAGE 5, AN ADDITION TO THE MOTION, "THE PLANNING COMMISSION RECOMMENDS THE ISSUANCE OF A CONDITIONAL USE PERMIT". THE MOTION WAS SECONDED BY MR. DOUGLAS AND UNANIMOUSLY CARRIED.

RE-EVALUATION OF THE ORDINANCE REGARDING MOBILE HOMES, SECTIONS 7.5.2 AND 8.1.3.3

Mr. Beecher informed the Commission that a group of people from the Raft River Rural Electric Company of Malta, Idaho came before the County Commissioners complaining about Box Elder County's Mobile Home Ordinance. The ordinance states that a mobile home must be in an approved mobile home park or approved mobile home subdivision, or as temporary living quarters by conditional use permit. This creates a problem for the Raft River Electric Company because they hook the people up who will pay the fee for a long period of time. They don't like the idea of a non-renewable two year conditional use permit. They also think Box Elder County is discriminating because of the 20-foot wide minimum width for

homes to be placed on a permanent structure. Any mobile home would have to be a double-wide mobile home. The County Commissioners referred this item to the Planning Commission for their review and recommendation.

MOTION: A motion was made by Mr. Tea to table this item until next month, and that the Planning commission be provided with a copy of the County Commission Meeting which was attended by the Raft River Electric Company so that the Planning Commission can fully understand their concerns. The motion was seconded by Mr. Reese and unanimously carried.

Mr. Beecher will get some information from the State on mobile homes and also talk to the planner who wrote the codes for Box Elder County. The Planning Commission members will do a little research on their own and come back next month with their recommendations.

RIVER VIEW SUBDIVISION AMENDMENT

Mr. Beecher explained that this is an existing subdivision which is located about two miles east of Bear River High School. He stated the owners would like to amend lot 9 in order to change the boundary configuration, and they are asking for conditional approval.

MOTION: A motion was made by Mr. Reese to give conditional approval for this subdivision amendment. The motion was seconded by Mr. Tea and unanimously carried.

ZONE CHANGE REQUEST - TRAVIS BURTON

Mr. Beecher showed the Planning Commission the area for the zone change request on the map. He explained that this area was annexed into Mantua; however, Dr. Dibble took the city to court, and the court ruled to take the area out of Mantua. The area then went through a court order de-annexation putting the property back into the county. This area is currently zoned an MU-160 which means you have to own 160 acres. Mr. Beecher explained that Travis and Karen Burton would like to rezone the area to allow for smaller parcels. They would like to build a summer home in this area.

MOTION: A motion was made by Mr. Tea to refer this request back to the Burtons and ask them to get a petition signed by a majority of the property owners in favor of the rezoning and also that the Burtons determine what zoning they want in order for the Planning Commission to take any further action. The motion was seconded by Mr. Douglas and unanimously carried.

SIDNEY NORMAN MINOR SUBDIVISION

Mr. Beecher stated that he has received a request from Mr. Sidney Norman for conditional approval to build a house. He explained the entrance coming onto the county road is bad, and that the county should also be consistent with all ingress and egress easements. The Health Department has not given their approval.

MOTION: A motion was made by Mr. Tea to give conditional approval for the Sidney Norman Minor Subdivision with the exception that Mr. Norman go with a 33 foot easement, and that he finds a way to improve the access road onto 6800 West. The motion was seconded by Mr. Reese and unanimously carried.

AL GERHARDT MINOR SUBDIVISION

Mr. Beecher stated that Al Gerhardt of West Corinne is creating three additional parcels on his farm. This subdivision has been approved by the Health Department.

MOTION: A motion was made by Mr. Douglas to approve the Al Gerhardt Minor Subdivision and to go ahead with his plans for the minor subdivision with the stipulation that he doesn't make any request to the county to further improve the road. The motion was seconded by Mr. Tea and unanimously carried.

ARTEL WHITAKER MINOR SUBDIVISION

Mr. Beecher told the Planning Commission that he has received a request from Artel Whitaker for a minor subdivision. Mr. Beecher stated they have approval by the Health Department and they also have water and sewer. They are requesting conditional approval by the Planning Commission.

MOTION: A motion was made by Mr. Reese to issue conditional approval for the Artel Whitaker Minor Subdivision based upon redrawing the plat and having the proper signatures, and to authorize the Planning Commission Chairman to sign the plat away from the table. The motion was seconded by Mr. Reese and unanimously carried.

LETTER FROM WILLARD-BOX ELDER FLOOD DISTRICT

Mr. Beecher distributed copies of a letter from Mr. Ron Nelson, Chairman of the Box Elder County/Willard City Flood Control Board, along with some attachments from the LarWest Engineering Company. The Planning Commission acknowledged this letter and attachments. (See Attachment No. 2)

DOG KENNEL PROBLEM IN HARPER AREA

Mr. Beecher explained that he has received a complaint from Mr. Charley Wilson regarding property owner Don Ashton raising a lot of dogs. (St. Bernard and hunting dogs) These dogs bark and keep Mr. Wilson awake at nights. He would like the Planning Commission to do something about this problem. Several months ago Mr. Beecher sent a letter to Mr. Ashton informing him he is in violation of the codes and recommended he come into his office for a conditional use permit application. Mr. Ashton came into Mr. Beecher's office and got a conditional use permit application but has not returned the completed application. Mr. Beecher explained that county ordinance limits the number of dogs that a property owner can have without a conditional use permit.

MOTION: A motion was made by Mr. Reese to direct Mr. Beecher to write Mr. Ashton a letter suggesting that if he has not followed through with the application for a conditional use permit within 60 days, the Planning Commission will take further action. The motion was seconded by Mr. Douglas and unanimously carried.

TRAILS

Mr. Beecher explained that Georgie Yardly Barker, representing a group from Weber County, would like to put horse, bike, peddle bike and walking trails coming out of North Ogden and on into Box Elder County. Mr. Beecher presented a brochure for the Planning Commission's information. Chairman Kimber made a recommendation that when this group gets back with us, we suggest they come to Planning Commission Meeting and make a presentation.

A motion was made by Mr. Douglas to adjourn. The motion was seconded by Mr. Reese. The meeting adjourned at 8:47 p.m.

Passed and adopted in regular session this 20th day of April, 1995.


Richard D. Kimber, Chairman

ATTEST:


LuAnn Adams
Recorder/Clerk

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 16 March 1995 at 7:00 P.M.
2. Notice given to the newspaper this 15 day of March 1995.
3. Approval of the minutes of 19 January 1995
4. Scheduled Delegations:
 - A. Re evaluate the Ordinance regarding Mobile Homes Sections 7.5.2 and 8.1.3.3
 - B. River View Subd. Ammendent
 - C. Zone change request - Travis Burton
 - D. Minor Subdivisons
 - E. Letter from Willard-Box Elder Flood District
 - F. Dog Kennell Problem In Harper Area
 - 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

RECEIVED

FEB 1 1995

COUNTY COMMRS

Box Elder County Commission
County Courthouse
Brigham City, Utah 84302

February 17, 1995

Commissioners:

Enclosed are letter-reports dated February 8, 1995 from LarWest Engineering regarding the January 27, 1995 inspection of the Parson gravel mining operations. They are an addendum to reports previously submitted to the County. These reports clearly indicate the lack of critical data requested and the numerous flood issues that have not been resolved.

Parson Companies letter dated January 10, 1995 (of which you were copied) indicated that they do not understand "several violations that have been documented regarding these operations". A serious error has been made if when transferring the permits Parson Companies was not made aware of the reports and documentation of violations previously submitted. As attorney, Jon Bunderson stated "the person to whom the permit is issued should understand that he or she then becomes responsible to meet the conditions imposed".

In our opinion, based on the results of testwork and review the conditions and requirements of these conditional use permits are not being met. This constitutes grounds for termination. To ensure the protection of properties and the public from flooding, we once again recommend that you terminate these Conditional Use Permits until such time that the conditions are met, violations corrected, and environmental issues are resolved.

Respectfully,



Ronald R. Nelson, Chairman

copy: Jack B. Parson Companies
Box Elder Planning Commission ✓
Willard City Corporation
LarWest Engineering

February 8, 1995

Box Elder/Willard City Flood Control District
P.O. Box 95
Willard, UT 84340

ATTN: **Mr. Ron Nelson**

RE: **Cook Canyon - Parson Gravel Pit (formerly Nielson Pit)**

Dear Mr. Nelson,

At the request of the Flood Control District (FCD), on Friday the 27th of January, 1995, I met with you, Kent Nebeker, Robert Froerer (attorney for FCD), John Parson, Fay Facer, Randy Anderson (Parson's), Royal Norman, Jay Hardy and Denton Beecher (Box Elder County), and later with Chuck Paul, a local concerned citizen, regarding the referenced gravel mining operation. The following comments are reflective of observations made on this day and constitute an update of my earlier report of September, 1992:

1. It should become the responsibility of the Parson Construction Company to assure the FCD that an adequate bond beyond a performance bond is in place. This is to provide protection to those who might be flood damaged by mining gravel and disturbing the natural alluvial fan which reportedly assimilates up to 60% of the flood water in a 100 year event. The FCD should help determine the amount thought necessary.
2. A completed set of plans and specifications showing mining operation of the gravel, the extent of it, and the final disposition when complete should also be provided by Parsons. It should clearly show any completed debris, detention/retention basis that will become the property and responsibility of the FCD. Adequate impoundment sizing, spillway, sloping, piping, structurally sound determination evidence should be submitted so that verification can be completed by the FCD. It appears that the gravel pit being created at the present time using the canal alignment as an axis of dam would be considered as a small to an intermediate dam. If this is the case, then the "State of Utah Statutes and Administrative Rules for Dam Safety" should be adhered to.

3. At all times during the continued operation and excavation of gravel and rocks, adequate flood protective measures should be in place. Periodic topographic surveys placed on maps and submitted to the FCD for review and concurrence should be accomplished by Parsons. In addition, changes in approved construction plans should also receive approval from the FCD prior to construction. A plan for assuring the FCD that adequate flood control measures will be continuously taken during the time it takes to mine the gravel should be submitted to the FCD for prior approval.

In summary, if the excavation is allowed to continue under the present conditions the FCD is buying a "pig in a poke", that is, not knowing the final disposition of the site nor knowing the soundness of any flood control facilities which the District may inherit.

Sincerely,

Lawrence WEST Engineering,

Gale H. Larson, P.E.

LarWEST International Engineering

1770 N. Research Park Way, #130
North Logan, Utah 84341
(801) 753-0153 Fax (801) 753-0619

February 8, 1995

Box Elder/Willard City Flood Control District
P.O. Box 95
Willard, UT 84340

ATTN: **Mr. Ron Nelson**

RE: **McGuire Canyon - Parson/Willard Pit**

Dear Mr. Nelson,

At the request of the Flood Control District (FCD) on Friday the 27th of January, 1995, I met with you, Kent Nebeker, Robert Froerer (attorney for FCD), John Parson, Fay Facer, Randy Anderson (Parson's), Royal Norman, Jay Hardy and Denton Beecher (Box Elder County), and later with Chuck Paul, a local concerned citizen, regarding the referenced gravel mining operation. The following comments are reflective of observations made on this day and constitute an update of my earlier letter report of April 7, 1993 and subsequent communique on April 22, 1994.

1. The initially mined gravel area contains gravel piles that appear to interfere with the ability to properly contain a 100-year event if it were to happen today. A topographical map should be generated to verify existing adequacy of this basin, compliance with plans, and the path storm water would take in order to enter the basin.
2. Again, a satisfactory explanation is needed of the eventual disposition of the land and related flood control structures to be in place to assure against flooding, during and after the various phases of the gravel mining operation are complete. A letter dated May 3, 1994 and received February 1, 1995 from Jack B. Parson Companies essentially states that Parson's plan is to wait until that time comes (20-30 years) and deal with flood control works under whatever circumstances then prevail.

I would recommend to the FCD that agreements be reached now with Parsons that would assure the District adequate flood control measures will always be part of the plan, with bonding of a sufficient amount to protect those who may

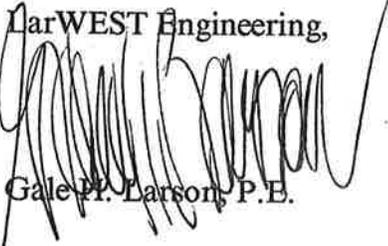
be damaged as a result of flooding due to the disturbance of the alluvial fan. These agreements should remain with the land in perpetuity, recorded as such in the Box Elder County Courthouse to go with the deed of the property, making the owners of such land solely responsible for building, operating and maintaining such flood control structures with the plans, specifications and final inspection of the structures acceptable to the FCD. Such facilities may be at sometime dedicated to the FCD subject to their receiving them.

3. The FCD or this office has yet to receive information on a "limited number of bore holes that would be drilled in the finished level 1 site to determine subsurface conditions" as earlier mentioned in the April 22, 1994 communique. I am still concerned about the ability to have a controlled release flow from the level 1 site detention basin (so-called) through an underground pipe to a pre-determined discharge location, west beyond the area that could be damaged by flooding.

In the event you have questions or comments, please call or write.

Sincerely yours,

LarWEST Engineering,



Gale P. Larson, P.E.