

PLANNING COMMISSION MEETING

March 17, 1988

Meeting of the Box Elder County Planning Commission held March 17, 1988, at 7:00 p.m. in the County Commission Chambers. Members present were:

Mr. Richard Kimber, Chairman

Mr. Kent Newman, Member

Mr. Steve Grover, Member

Commissioner Bob Valentine, Member

DeVon Breitenbeker, Member

Surveyor Denton Beecher, ex-officio member

Clerk Allen Jensen, ex-officio member

Chairman Richard Kimber called the meeting to order at 7:00 p.m. and asked for approval of the minutes of the February 18, 1988 meeting. Mr. Steve Grover made a motion to approve the minutes as prepared. Mr. Kent Newman seconded the motion. The motion passed.

CLYDE WESTLY, PRESENTATION ON GRAVEL PIT PROBLEMS:

Mr. Westly submitted a report to the Commission Chairman from the Box Elder Heritage Council detailing the health, safety, and general welfare of the citizens of Willard, Utah, if the proposed gravel pit in Cooks' Canyon were allowed to operate. He requested the report be made a permanent public record. The report will be filed in the County Surveyor's Office.

WILLARD CITY COMMENTS ON GRAVEL PIT:

Mr. Jack Molgard and Mr. Rod Mund, representing Willard City, discussed in length the conditions for approval of the Darrell Nielsen application for a Conditional Use Permit. He read from the Box Elder County Zoning Ordinance to emphasize that Chapter 6 states: "The Planning Commission

shall not authorize a Conditional Use Permit unless evidence presented is such as to establish that such use will not under the circumstances of a particular case be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity; or injurious to property improvements in the vicinity and that the proposed use will comply with the regulations and conditions specified in this ordinance for said use." etc. He re-emphasized the part that the Planning Commission must have evidence to support the conditions. He discussed each condition that must be met and supported by evidence as stated in the ordinance.

CONDITION 1. DUST EMISSIONS:

No factual evidence to show how Mr. Nielsen will comply.

CONDITION 2. APPROVAL OF APPLICANT'S PROJECT.

Approved by Utah Air Conservation Committee: To be discussed at the next meeting.

CONDITION 3. RECLAMATION PLAN:

The plan was not prepared by a qualified expert.

CONDITION 4. A WRITTEN PLAN WITH ATTACHED DIAGRAMS, DRAWINGS, AND OTHER EXHIBITS, ETC.

Does not know if the condition has been met or not.

CONDITION 5. WRITTEN PERMISSION FROM DEPARTMENT OF TRANSPORTATION, ETC.

No evidence to show trucks will enter highway safely, grade, runaway truck lane, etc.

CONDITION 6. ACCESS ROAD CONSTRUCTION.

No evidence to show the road will be dust free.

CONDITION 7. FLOOD DISTRICT:

Contingent on Flood District review.

CONDITION 8. AGREEMENT FROM OGDEN RIVER WATER USERS ASSOCIATION.

Box Elder County's responsibility. Discuss with County Attorney.

CONDITION 9. PLAN TO PROTECT ADJACENT REAL PROPERTY.

No evidence of a plan to show how to protect adjacent property.

CONDITION 10. STATE ENGINEER APPROVAL OF ALL
DETENTION BASINS.

No evidence to show the State Engineer made a decision.

CONDITION 11. FLOOD DISTRICT DETENTION BASINS.

Contingent on Flood District Review.

CONDITION 12. APPLICANT'S RESPONSIBILITIES.

All comments that were received were negative responses
except the geological survey.

CONDITION 13. BLASTING.

Agree.

CONDITION 14. QUALIFIED ENGINEERS ESTIMATE OF COSTS, ETC.

No evidence to sustain any of the estimates.

CONDITION 15. APPLICANT SHALL PREPARE AND SUBMIT A
PROPOSED AGREEMENT FOR ANY DAMAGE, ETC.

Refer to County Attorney.

CONDITION 16. DOCUMENTATION CONCERNING NOISE LEVEL.

No documentation has been submitted.

Mr. Molgard stated the remaining conditions do not need
to be discussed.

Mr. Mund reminded the Commission that they are part
of Box Elder County and hopes the Commission does not lose
sight of this objectivity.

DARRELL NIELSEN, DISCUSSION OF EACH CONDITION FOR
PERMIT:

Mr. Nielsen stated he did not feel each condition
should continually be discussed once the Commission had
approved it.

Mr. Beecher stated that since a majority of the
Commission was not present at the last meeting, Mr. Nielsen
wanted to know where he stands on those conditions he
feels are complete.

Mr. Nielsen stated concern that he is expending time
and money; and according to Mr. Molgard, none of the
conditions have been met. He stated he was getting irritated
by the way this is being handled.

After much discussion on how the information had been obtained by Mr. Nielsen to satisfy the conditions, he requested each condition be discussed so he would know exactly what part of the condition was or was not satisfied.

Mr. Kimber asked Mr. Beecher to start the discussion of each condition.

Mr. Breitenbeker commented that after each condition is discussed and the Commission agrees the condition has been met, no further discussion should be necessary.

Commissioner Valentine responded by saying each condition should not be considered individually but included in a total condition package; concluding that until the entire package is complete, none of them are.

Mr. Nielsen responded by saying "we're back to square one again; and we'll continue to do this, and do this, and do this because I don't know what's completed and what hasn't been completed." Commissioner Valentine made it clear it was not his intent to harass him or subject him to repeated and additional requirements; but if they are germane to the issue, they must be considered before approval.

Mr. Kimber asked if Mr. Nielsen thought those items he has submitted for approval satisfy the conditions of the issue. His reply was there were only two not completed: the flood control issue and the EPA issue. Mr. Kimber then requested Mr. Beecher to review each condition item-by-item

The following comments from the Planning Commission are:

CONDITION 1. DUST EMISSIONS. Approval from the State has not been received; only a letter of intent, but not approval. Mr. Nielsen produced a document from the State that identifies what he must do to control dust emissions. When received from the State, this will be the only standard by which to evaluate dust emissions.

CONDITION 2. APPROVAL OF APPLICANT'S PLAN. This condition is tied to Condition 1. No written approval of the project has been obtained.

CONDITION 3. RECLAMATION PLAN. A written plan has not been provided by a qualified expert in that particular field. A plan defining how much top soil will be replaced, type of seed used, etc., has not been received, or what is contemplated if the seed fails to germinate.

CONDITION 4. WRITTEN PLAN, DRAWINGS, DIAGRAMS, ETC.

Commission concerned about how water from Cook Canyon will be handled during operation of pit. The channel is not large enough to handle the water. Need a flood engineer to review the drawings, The Willard Flood District will address this issue. Mr. Beecher will submit to the Willard Flood District copies of the latest drawings and define what needs to be done. In conclusion, the opinion of the flood engineer will resolve this issue. However, core samples are recommended.

CONDITION 5. UDOT WRITTEN PERMISSION TO HAVE ACCESS TO SR 89.

Mr. Nielsen has submitted an acceptance letter and permit from UDOT. Acceptance by the Planning Commission is contingent upon completion and approval of all conditions.

CONDITION 6. ACCESS ROAD CONSTRUCTION.

Defer until the results of the hearing with the EPA can be obtained.

CONDITION 7. WRITTEN COMMENT FROM BOX ELDER COUNTY, WILLARD FLOOD DISTRICT.

Defer.

CONDITION 8. WRITTEN PERMISSION FROM THE OGDEN RIVER WATER USERS ASSOCIATION. Submitted. Planning Commission to provide submittals to the County Attorney for review.

CONDITION 9. PROTECTION OF ADJACENT PROPERTY. Planning Commission to obtain opinion from the County Attorney.

CONDITION 10. WRITTEN APPROVAL FROM THE UTAH STATE ENGINEER ON DETENTION BASINS, ETC. Planning Commission has not received.

CONDITION 11. APPLICANT SHALL AGREE IN WRITING TO TURN OVER DETENTION BASINS, ETC. Defer until Flood District reviews and comments.

CONDITION 12. WRITTEN APPROVAL FROM GEOLOGICAL SURVEY, ETC.
Documents from these agencies have been received. These were considered in the final decision.

CONDITION 13. BLASTING. No question. There will be no blasting.

CONDITION 14. ENGINEERS' ESTIMATE OF FLOOD CONTROL, ETC.
Has been submitted. Planning Commission has not reviewed or critiqued the submittal.

CONDITION 15. AGREEMENT CONCERNING DAMAGES. Refer to County Attorney.

CONDITION 16. NOISE LEVELS. Mr. Nielsen submitted a letter and report on noise level of the equipment to be used.

CONDITION 17. NO OPERATION DURING 7:00 p.m. to 7:00 a.m.
No Comments.

CONDITION 18. PERMIT TO DETERMINE COMPLIANCE.
No Comment.

CONDITION 19. ISSUANCE OF A CONDITIONAL USE PERMIT.
No Comment.

CONDITION 20. PLANNING COMMISSION CONDITION, ETC.
No Comment.

Mr. Nielsen questioned as to why he must truck gravel to the pit site instead of using the gravel at the site to accomplish some of the conditions. Mr. Breitenbeker responded by stating the permit would not be issued until all the conditions are met, and he would be operating without a permit. Mr. Nielsen also discussed the conditions other gravel pit operators were subjected to and questioned the equality in these matters.

SURPLUS PROPERTY IN EAST GARLAND (Sorenson)

The planning Commission received a request to sell a parcel of county owned land in East Garland that is isolated from use by land owned by Mr. Sorenson. Commissioner Valentine made a motion to refer the matter to the County Commissioners for resolution as to how the property should be disposed of. Mr. Grover seconded the motion. The motion carried.

PROPOSAL FROM BRIGHAM CITY FOR A FULL-TIME PLANNER.

Chairman Kimber addressed a letter from Mr. Bruce Leonard, Brigham City Public Works Director, to join them in hiring a full-time planner. Chairman Kimber voiced support for this position and asked for a vote of confidence in the form of a motion. Mr. Grover made a motion to support a community planner. Mr. Newman seconded the motion. The motion carried.

Mr. Keith Heil, Willard, Utah, appeared to ask the Planning Commission the procedure to request re-zoning of family property in the Willard area. Mr. Beecher explained in great detail exactly what he must do in order to have the property re-zoned. This resulted in a verbal request from Mr. Heil contingent on a proper written request. The Commission acted upon the verbal request. Mr. Newman made a motion to approve the re-zoning. Mr. Grover seconded the motion. The motion carried. The matter goes to the County Commission for approval.

The meeting adjourned at 11:00 p.m.