

PLANNING COMMISSION MEETING

April 21, 1988

Meeting of the Box Elder County Planning Commission held April 21, 1988 in the County Courthouse. Members present were:

Mr. Richard Kimber, Chairman

Mr. Kent Newman, Member

Mr. Steve Grover, Member

Commissioner Bob Valentine, Member

Mr. Don Christensen, Member

Mr. Jon Thompson, Member

Surveyor Denton Beecher, Ex-Officio Member

Clerk Allen Jensen, Ex-Officio Member

Chairman Richard Kimber called the meeting to order at 7:30 p.m. and asked for approval of the minutes of the March 17, 1988 meeting. Mr. Grover made a motion to approve the minutes as prepared. Commissioner Valentine seconded the motion. The motion carried on condition by the Chairman, that changes, if required, could be made.

AGENDA:

A copy of the Agenda is attached (Number 1)

CLYDE WESTLEY SLIDE PRESENTATION:

Mr. Westley provided photographs of the Willard Mountain showing gravel pit development of prior years, commenting on the reclamation of one particular pit. He commented further on the County Master Plan requirements for reclamation stating this developer of particular pit has not followed the requirements of the Master Plan. Mr. Beecher stated this developer has not left the pit site; and reclamation will not be completed until excavation is completed, partial re-seeding has been done and appears to be satisfactory.

BUTLER MINOR SUBDIVISION:

Mr. James L. Thomas met with the Commissioners to obtain approval of a minor subdivision. Subdivision plans were shown by Mr. Beecher and discussed by the Commission. The subdivision plan that was presented had a proposed road 33 feet wide. Mr. Beecher suggested the plan be modified to provide a 60 foot wide road and the proposed lot sizes be adjusted accordingly. The Commission gave tentative approval with curb and gutter requirements waived. Mr. Thompson made a motion to approve the subdivision contingent on a 60 foot wide road. Mr. Grover seconded the motion. The motion carried.

COUNTY ATTORNEY'S OPINION:

Mr. Beecher presented a letter from the County Attorney (Attachment No.2) regarding the Willard Gravel pit.

Mr. Kimber asked for a motion to adjourn at 9:00 p.m. Mr. Grover made the motion. Mr. Thompson seconded the motion. The motion carried.

AGENDA

BOX ELDER COUNTY PLANNING COMMISSION

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

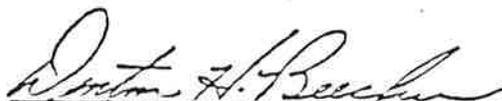
- I. Public agenda for Box Elder County Planning Commission  
Meeting scheduled for 21 April, 1988 at 7:00 p.m.
- II. Notice given to newspaper this 20th day of April 1988
- III. Approval of minutes of 17, March 19 88
- IV. Scheduled Delegations:
  1. Clyde Westley Slide Presentation
  2. Butler Minor Subdivision
  - 3.
  - 4.
  5. -
  - 6.
  - 7.
  - 8.
  - 9.
  - 10.

V. Old Business:

1. County Attorney's opinions.
- 2.
- 3.
- 4.
- 5.

BOX ELDER COUNTY  
PLANNING COMMISSION

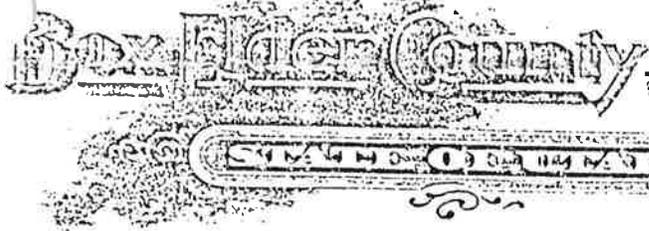
By:



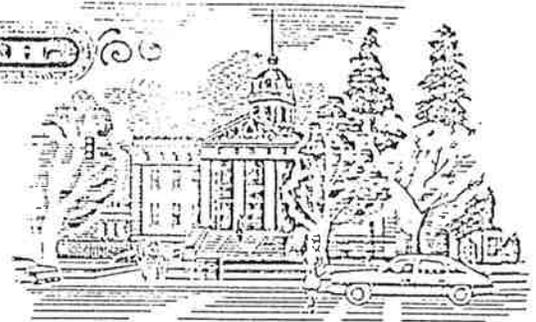
Denton H. Beecher  
Ex-Officio Member



CIRCA 1890'S



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



CIRCA 1980'S

OFFICERS

- AFTON R. DARNELL, COUNTY TREASURER
- JAY R. HIRSCH, COUNTY CLERK
- ROBERT E. LIMB, COUNTY SHERIFF
- MARIE G. KORTH, COUNTY RECORDER
- JON J. BUNDERSON, COUNTY ATTORNEY
- VON R. CURTIS, COUNTY ASSESSOR
- DENTON BEECHER, COUNTY SURVEYOR
- DORIS L. OLSEN, COUNTY AUDITOR

April 15, 1988

Denton Beecher  
 County Surveyor  
 Box Elder County Courthouse  
 Brigham City UT 84302

Re: Willard Gravel Pit

Dear Denny:

Concerning the documents you submitted dealing with the gravel pit issue, please note the following:

1. The proposed Hold Harmless Agreement submitted in an attempt to satisfy Condition No. 15 does not satisfy that condition.

The condition requires the applicant to hold Box Elder County harmless as a result of any claims made or filed arising from the existence, operation or approval of applicant's project.

The agreement proposed by Mr. Nielsen specifically excludes liability for any thing to do with the approval of the pit.

Using the form provided by Mr. Nielsen, I have redrafted his Paragraphs No. 1 and 3 and eliminated his Paragraph 2. I submit the redraft for review by the Planning Commission. I assume that the Planning Commission intended to specifically require that Box Elder County be held harmless for any lawsuits arising from the approval of applicant's gravel pit.

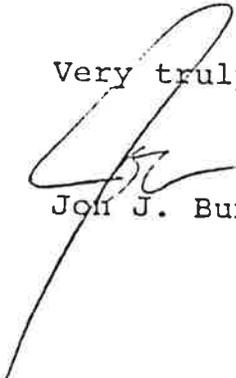
*Handwritten signature/initials*

Denton Beecher  
April 15, 1988  
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2. The letter from the Ogden River Water User's Association definitely does not satisfy the second sentence of requirement No. 8. A written agreement to hold harmless should be just that, and it should be an agreement prepared for the signature of Box Elder County and the Ogden River Water User's Association.

3. The agreement attached to the Ogden River Water User's letter of November 24 is indeed a document proving written permission from the U.S. Department of Interior allowing Mr. Nielsen to cross the canal at the place designated on the map which is attached to that agreement as Exhibit "A". I have no idea whether or not the crossing described in the document is in the agreed-upon and proper location. You can determine that much better than I.

Very truly yours,



Jon J. Bunderson

JJB:vll

Enc,

AGREEMENT

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_ 19\_\_, by and between BOX ELDER COUNTY, hereinafter referred to as "COUNTY" and DARRELL NIELSEN, hereinafter referred to as "APPLICANT".

WHEREAS, Applicant has applied to the County for a Conditional Use Permit as Conditional Use Permit Application No. 38, dated July 14, 1987; and

WHEREAS, the Box Elder County Planning Commission has considered the application and after public hearings and access, has granted said permit subject to certain conditions; and

WHEREAS, one of the conditions was the Applicant enter into an agreement with the County wherein the Applicant would agree to hold and save harmless the County from certain damages and claims; and

WHEREAS, the parties now desire to formalize that condition into a formal written agreement.

NOW THEREFORE, the parties agree one with the other as follows:

1. Darrell Nielsen hereby agrees to indemnify and hold harmless Box Elder County, its officers, agents, employees and insurers for any damages, claims, costs or attorney's fees to them that may result or be incurred arising from the existence, operation or approval of the gravel pit and related facilities proposed to be operated under the above-mentioned Conditional Use Permit No. 38.

2. Darrell Nielsen and Box Elder County agree that this Agreement specifically covers, but is not limited to, any lawsuits which may arise from the application process itself should any entity or individuals file a lawsuit contesting the issuance of any permit by the Box Elder County Planning Commission or by Box Elder County relating to the gravel pit and related facilities proposed to be operated under the above-mentioned Conditional Use Permit No. 38.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 1988.

\_\_\_\_\_  
DARRELL NIELSEN

BOX ELDER COUNTY

by: \_\_\_\_\_  
COUNTY CHAIRMAN