

BOX ELDER COUNTY

The Board of Planning Commissioners of Box Elder County, Utah met in public session in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, in Brigham city, Utah, at 7:30 p.m. on May 16, 1991.

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

|                    |                   |
|--------------------|-------------------|
| Richard Kimber     | Chairman          |
| Denton Beecher     | Ex-Officio Member |
| Allen Jensen       | Ex-Officio Member |
| DeVon Breitenbeker | Member            |
| Lonnie Thorpe      | Member            |
| Steve Grover       | Member            |
| Jon Thompson       | Member            |

Absent:

|              |                   |
|--------------|-------------------|
| Junior Okada | Member            |
| Marie Korth  | Ex-Officio Member |

The Minutes of April 18, 1991, were presented for approval. Mr. Grover made a motion to approve the Minutes with one spelling correction. Mr. Thorpe seconded. None opposed. The motion carried.

AGENDA (ATTACHMENT No. 1):

A. PERMIT #38:

Mr. Beecher stated that during the April meeting this item was put on hold because the Planning Commission wanted the area of disturbed soil surveyed as to how much area Mr. Nielsen has actually disturbed. Mr. Beecher stated they went to the site and ran a survey on it. He displayed a map showing the area which is 4.3 acres of gravel pit as having been disturbed; this does not include the stock pile area. Mr. Beecher explained the map (Attachment No. 2) and described the area of operation. He stated the Planning Commission did not give an area restriction in their conditions; it was imposed by the Air Quality people in their permit and was for five acres. Mr. Beecher further explained where any flood waters would probably go.

The other conditons were reviewed in April; dust control has been

kept to practically zero because there has been enough moisture. Noise control: Mr. Beecher stated he felt the noise level was not a problem. He stated he and another man both listened; and at a level below the pit at approximately the same level as the homes in the subdivision, they could hear the highway and freeway traffic ten to twenty times louder than the crusher. Mr. Beecher stated that in his opinion there is not a noise level problem. Mr. Kimber stated a noise meter should be obtained and noise levels checked.

Todd Davis, Chairman of the Willard Flood Control District, requested an opportunity to address the Planning Commission. He stated they did a walk through to address some of the questions they had. Mr. Davis stated there had been an arrangement made with the county to meet at the site. They had their engineer, Russell Brown present; however, no one from the county was in attendance. Commissioner Jensen stated he had notified Mr. Davis he would not be able to be there, and that Mr. Beecher would not be there because of the Road School in St. George. Mr. Kimber stated there was an apparent lack of communication, and this should be taken care of.

Mr. Davis stated there are several conditions in the Conditional Use Permit that can pertain directly to the Flood Control District. Mr. Davis showed a map and discussed it stating their concern that flood waters would have to go through the stock pile. He stated their engineer, Russ Brown, stated they were more vulnerable now than they had ever been to a flood washing the stock pile out. He stated \$80,000.00 had been spent on consulting fees and \$500,000.00 for improvements. Mr. Grover asked whether Mr. Brown did any surveying while he was there. Mr. Davis replied that Mr. Brown had used a hand level and said there was only a six inch difference in elevation along the canal, the area in question. Mr. Beecher stated that he had made an accurate survey, and there was a six foot fall in one place and a three foot fall in another. He further described where any flood waters would go and that Mr. Nielsen would be responsible for any water that might come down.

Mr. Kimber stated the Planning Commission's concern was for the safety of the citizens of Willard and requested Mr. Davis schedule another meeting at the site and notify all those involved of the date and time. He also stated he felt the Planning Commission should be a

little more involved. Commissioner Jensen made a motion that one more member of the Planning Commission attend the on-site meetings and that the member should be the Chairman. Mr. Thompson seconded. None opposed. The motion carried. Mr. Davis will let Mr. Kimber know of the date and time of the meeting and notify all those involved. It was requested the map displayed by Mr. Beecher be made a part of the Minutes.

B. MOBILE HOME vs. FIFTH WHEEL REPORT:

Mr. Beecher stated there is an inconsistency in the Mobile Home Ordinance as it compares with the building codes and the mobile home and recreational vehicle codes. He referred to the meeting of April 18 and the discussion with Mrs. Charlotte Maguira. His recommendation was that the fifth wheel vehicle be allowed to stay there and Mrs. Maguira be required to comply with all regulations. He also stated he felt we should look into the ordinances and try to make them compatible and notify the mobile home court owners that in the future recreational vehicles not be allowed in mobile home courts. The difference between mobile homes and recreational vehicles should be defined so this situation will not arise again. Mr. Kimber stated he would suggest that this item be put on the Agenda to review the Ordinance and address it at the next meeting and update the mobile home ordinance.

C. LETTER, ROCKY POINT - CRABTREE ISSUES (ATTACHMENT No. 3):

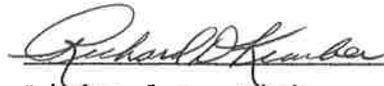
Mr. Beecher stated Mr. Jon Bunderson, County Attorney, addressed a letter to the Chairman of the County Commission and it was read into their Minutes and they moved that it be brought to the Planning Commission and be made a part of those Minutes. Mr. Beecher read the letter. Mr. Beecher stated he had met with the Weber County Surveyor and he agreed with the survey totally.

Mrs. LaVee Hemsley came to Planning Commission Meeting and asked who would be paying the bill for Russ Brown's services and stated she felt the developer should be the one to take care of any such obligations. She further stated in the Minutes of the Willard Flood District it spelled out this would be the case. Commissioner Jensen stated he felt that before Mr. Brown is consulted, the decision should

be made as to who will be responsible, and the party requesting him should be responsible for paying his fee. Mr. Kimber stated he felt that since the Flood District is raising the concern that they should be the ones to pay his billing.

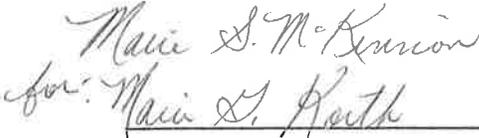
Mr. Grover made a motion to adjourn at 9:00 p.m. Mr. Thompson seconded. None opposed. The motion carried.

Passed and adopted in regular session this 20 day of June, 1991.



Richard D. Kimber, 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 16 May 1991 at 7:30 P.M.
2. Notice given to the newspaper this 15 day of May , 1991 .
3. Approval of the minutes of April 18, 1991
4. Scheduled Delegations:
  - A. Review of Permit No. 38
  - B. Mobile Home vs 5th Wheel report
  - C. *Jon Sunderson Letter re: Rocky Point*
  - D.
  - E.
  - F.
  - G.
  - H.
  - I.
  - J.
5. Old Business
  - A.
  - B.
  - C.
  - D.

*Att no. 1*



CIRCA 1890's

# Box Elder County

STATE OF UTAH

## COUNTY COMMISSIONERS

ALLEN L. JENSEN  
FRANK O. NISHIGUCHI  
JAMES J. WHITE

### OFFICERS

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



CIRCA 1980's

May 10, 1991

Chairman, Box Elder County Commission  
Box Elder County Courthouse  
Brigham City, Utah 84302

RE: Box Elder County Misc. '91  
(Rocky Point - Crabtree Issues)

Dear Jim:

On May 7th I had the opportunity to speak with the Weber County Attorney and Weber County Surveyor, and immediately thereafter talked with Denny about our discussions.

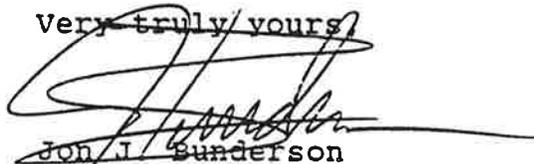
First, you should be aware that in my opinion the line has been set, and the line places the entire Rocky Point Restaurant Building in Weber County. Even if the surveyors were to change and move the line, which I understand is not at all likely, the maximum movement would be twenty-two feet South, and the majority of the building would still be in Weber County. Therefore, all the possibilities still leave Mr. Crabtree in Weber County, to deal with Weber County officials.

Secondly, Mr. Crabtree mentioned a problem with a fire hydrant, which we cannot resolve for him. As I understood Mr. Crabtree, he told us that he's going to be required to put in a fire hydrant because of some Weber County Ordinances, and he can't do anything with his building until that fire hydrant is installed. His understanding is basically accurate, and he will have to deal with Weber County concerning the fire hydrant issue. I'm not optimistic about him obtaining a waiver of the fire hydrant requirement in Weber County.

Mr. Crabtree is under the mistaken impression that being in Box Elder County would be an advantage. While it's true that we have no fire hydrant requirements, such as he faces in Weber County, our building department has previously taken the position that Mr. Crabtree is not entitled to an occupancy permit for the Rocky Point Restaurant Building, on the basis of numerous Building Code violations. That's also true in Weber County, and so far as I know, the Building Codes are very similar. Thus, absent correction of the Building Code violations, Mr. Crabtree would most likely be unable to obtain occupancy permits in either county. According to our Building Inspector, the Building Code violations are substantial. Some of the major problems were noted in a letter dated July 30th, 1990, which was mailed to Mr. Crabtree, a copy of which was delivered to the County Commission at the time.

In all fairness to Mr. Crabtree, I feel that it's important he be apprised of the situation at the earliest opportunity, so I am delivering a copy of this letter to his address. My suggestion to the Commission remains unchanged from what it's always been since this problem first arose, to wit, the building is in Weber County and this County has no jurisdiction to deal with any of his problems.

~~Very truly yours,~~



Jon J. Sunderson

JJB:me

cc. Denton Beecher, Box Elder County Surveyor  
Andre Pommier, Box Elder County Building Inspector  
Rocky Point Development Corporation, C/O Scott Crabtree

