

BOX ELDER COUNTY

The Board of Planning Commissioners of Box Elder County, Utah, met in public session at the Box Elder County Courthouse, 01 South Main Street, in Brigham City, Utah, at 7:30 p.m. on July 19, 1990.

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

Richard Kimber	Chairman
Lonnie Thorpe	Member
Robert Valentine	County Commissioner
Junior Okada	Member
Allen Jensen	Ex-Officio Member

Absent:

DeVon Breitenbeker	Member
Jon Thompson	Member
Steve Grover	Member
Denton Beecher	Ex-Officio Member

Mr. Kimber presented the Minutes of June 21, 1990, stating the Agenda item "John Stevens Conditional Use Permit, Greenhouse", states he had made a motion and as Chairman, he cannot make the motion. The Minutes are hereby corrected to state Mr. Thorpe made the motion. Also, on page four, second paragraph, of the Crabtree Discussion, he requested the Minutes state: "There would be no further action until after the meeting on June 27, 1990".

Commissioner Valentine stated, that being absent, he would like "some discussion or explanation on the Breitenbeker report, that the Minutes leave that thing in somewhat of a different context than they were trying to create; they were trying to create a committee composed of two members of this body and two members of the Willard Planning Commission to determine non-compatible zoning". Mr. Thorpe stated the discussion is on tape, and the Minutes are nothing close to what was said. To clarify this, the entire discussion has been transcribed and included as Attachment Number 2 of these Minutes. Mr. Okada made a motion to table the approval of the Minutes until the Minute entry can be discussed with Mr. Breitenbeker. Mr. Thorpe seconded. None opposed. The motion carried unanimously.

AGENDA (ATTACHMENT NUMBER 1):

Northern Utah Broadcasting Company: No one was in attendance to discuss this Agenda item.

WILLARD BAY GUN CLUB:

Mr. Bob Weiss and Mr. Jim Luhn met to discuss the granting of a zoning variance that would allow them to re-locate a mobile trailer to an existing concrete slab to be used as a hunting club house. It was stated the concrete slab has withstood the ravages of the Great Salt Lake, and they now want to put a trailer on the slab. Their plans are to have Willard City water piped to the trailer. They have met with the Health Department and discussed the use of a septic tank or an enclosed tank that could be pumped. Current plans are for portable toilets that can be moved and pumped. Mr. Luhn stated the Health Department, Mr. Bob Wilson, indicated for the limited use, a tank could be a possibility.

Commissioner Valentine made a motion to grant the zoning variance subject to the Willard Gun Club obtaining the necessary building permit which would result in the required inspections and to defer to Mr. Okada verbiage that would establish some criteria that says we're not going to grant variances to everyone who wants to locate a mobile home somewhere. Mr. Okada added as part of the motion that this would be a special variance issued because the club was once flooded out. Mr. Weiss suggested that since they cannot get the building permit until the variance is granted, that the Commissioners grant the variance and issue the permit subject to the final inspection. Commissioner Valentine agreed in a re-stated motion to grant the variance that would permit the issuance of the building permit. Mr. Thorpe seconded. None opposed. The motion carried unanimously.

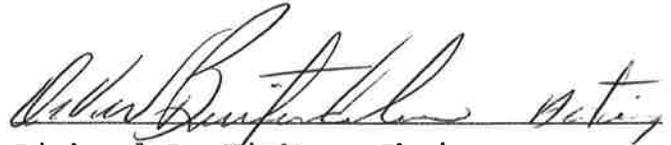
JOHN STEVENS CONDITIONAL USE PERMIT (Re: Minutes, June 21, 1990):

Mr. Stevens stated he was told it would not be necessary to attend the meeting on June 21, 1990 as the reason for not attending. He continued, that he lives on the extreme south end of the County and has a double-wide mobile home on the property for security of

their greenhouse business. Mr. Thorpe asked, since the mobile home is already in place, were the required permits obtained? Mr. Stevens stated he had talked to Mr. Beecher and was told there should be no problems, but it would require Planning Commission approval. He stated Health Department permits have been obtained, and water is being provided by Pleasant View City. Commissioner Valentine, in his motion, stated approval of a plat plan, a variance to zoning or approval of a Conditional Use Permit subject to discussion with Mr. Beecher and the Inspector; and if all the criteria and requirements are met, the request be approved. Mr. Okada seconded. None opposed. The motion carried unanimously.

Mr. Kimber adjourned the meet at 8:40 p.m.

Passed and adopted in regular session this 16th day of August, 1990.

  
Richard D. Kimber, Chairman

ATTEST:



Allen L. Jensen  
County 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 19 July 1990 at 7 :30 P.M.
2. Notice given to the newspaper this 18th day of July , 1990 .
3. Approval of the minutes of 21 June 1990.
4. Scheduled Delegations:
  - A. Northern Utah Broadcasting Company
  - B. Willard Bay Gun Club
  - C. John E. Stevens Cond. Permit
  - D.
  - E.
  - F.
  - G.
  - H.
  - I.
  - J.
5. Old Business
  - A.
  - B.
  - C.
  - D.

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ATTACHMENT No. 2 to PLANNING COMMISSION MINUTES, July 19, 1990:

KIMBER: Zoning Report of Area around Willard, Mr. Breitenbeker:

BREITENBEKER: I attended a meeting with Willard City. They also had a representative there from Perry. Basically, we discussed the concept of what to do along the hillside all the way from Brigham City to Hot Springs. They have been in contact with an attorney out of Salt Lake by the name of Jody Burnett. His recommendation, and he has already discussed (this is really just information, this isn't going to take any action or anything), this is just information; I just wanted to make sure I was on the Agenda so I could talk and represent the people of Willard. They have talked to him, and he has, in turn, talked to Jon Bunderson, as far as trying to establish this entire area to make it that gravel pits would be a non-conforming industry in this entire area. "New gravel pits." You can't do anything about what's already there. Evidently, there are cases where this has been done, and I had a question as to whether this would be discriminatory from one particular type of industry; but evidently it has been done in many different areas, and they were going to get us this information as to specifics, illustrations of where this has been done. Anyway, the basic thing that they wanted us to do at this time, because this is still going to take some time to get all of these legal opinions and to get - they want to try and get representation from South Willard, as well as Willard and Perry, and everyone along that area. Like I indicated to them, that we needed input as to this is, in fact, what the people along there want to happen. Their concern, at this meeting right now, is that they do have the wheels in motion. Like I say, they have contacted this attorney in Salt Lake and also the County Attorney. What they would like us to do, as the Planning Commission for the County, is to be aware of what's going on and also to establish some type of a moratorium that we will not issue any more permits that are newly initiated to us until this situation is resolved; either for or against it, or whatever happens. I indicated to them that as far as, and of course I couldn't speak for the body, but as far as me, personally, was concerned, now that action is being taken in this area, as far as a zoning change, per se, that I felt like that was only appropriate that we would not issue any more permits to someone. Because what they are concerned with, is if the word gets out that this is what they are trying to do, that we are going to be flooded with additional requests

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to hurry and get those in before this is changed. I don't know that that's a proper situation to happen. So I guess why I am throwing this out to all of you for information as much as anything.

THROPE: One thing, this Jody Burnett, his expertise is land use zoning for the State of Utah?

BREITENBEKER: Yes

THOMPSON: Now Willard is incorporated, is Perry incorporated?

BREITENBEKER: Yes.

THOMPSON: And that takes you clear to Davis County, I mean Weber County?

THORPE: No, it just takes you down to the Flying J.

BREITENBEKER: As far as Willard City is concerned --

THOMPSON: Then there is more County south of that, then, isn't there?

BREITENBEKER: Yes, all of South Willard really is County, not Willard City.

THOMPSON: Well, DeVon, how -- these two cities I can understand their concern here; what they are trying to do. Why don't they do us all a favor and just take and incorporate all of that property clear up to half way up that mountain and get it out of the County so we don't have to deal with it?

BREITENBEKER: All of those landowners down there don't want to be in Willard City, see?

THOMPSON: Then they have got a problem, haven't they?

BREITENBEKER: Well, not really.

THOMPSON: They do have a problem then, because how can the County come out there and say, "OK, we're going to put a moratorium on them from now on." That's not consistent.

BREITENBEKER: No, no, wait a minute, you're misunderstanding what I said. From now on has nothing to do with it. All I am asking, and all they are asking, as Willard City, is we don't issue any permits until the zoning change which they are going to request to us as Box Elder County Planning Commission that we change our zone to eliminate gravel pits from that area. That's their option to request that, whether we give it to them or not, that's something else.

THOMPSON: OK, I understand.

BREITENBEKER: I mean that has nothing to do with whether we are going to permit it or whether we are not. All we are going to do is not issue any permits until this problem is resolved, positive or negative, whichever way it is.

KIMBER: I don't have a problem with that kind of a deal.

THORPE: It's not fair just to have this a gravel pit issue. It's not a gravel pit issue, it's a compatible zoning issue, is what it is. It's just not a "gravel pit issue", it's a compatible zoning issue, with the County and the City. It's not just a gravel pit issue.

KIMBER: If they approach it on the basis of a "gravel pit only" issue, it will never fly.

THORPE: Right, and that's not what it is. It's not just a "gravel pit", it's a compatible zoning issue for the entire thing.

KIMBER: And I can understand that, but at least, we've got it off the dime and got something --

BREITENBEKER: Right, in other words, they are making strides in a direction to try and resolve the problem that they have, and the problem they have is, yes, they can control Willard City, that isn't a problem for them. What they want us to do is try and make something compatible so that whole area, County and Cities, is all compatible, that it is all the same; and that's what they are asking clear to the Weber County line.

JENSEN: Well, why do they want to just restrict it to that area? Why don't they go clear to the Idaho line with it?

KIMBER: Well, you know, before it is over, you may be -- it may occur.

GROVER: You are going to run into a lot of opposition down there, though, a real lot of opposition.

THOMPSON: And you are going to run into it up that direction, too. You will have the same problem. You got so many non-conforming pits right now, up along there, that you wouldn't want to even touch that.

KIMBER: Well, if the zoning is changed, you're not going to change -- If you make it a gravel pit issue only, you're right, it's not going to fly. I think it has to be approached from a total compatibility study and zoned.

BREITENBEKER: However, back to refute a little bit of what you said: according to the information that I was told at this meeting here, yet I haven't seen any documentation, that they can specifically now eliminate a specific industry. In other words, they can say "gravel pits only". We are going to eliminate them. We are not going to give -- and according to the information, this has been done in other areas.

THOMPSON: Who is they? You mean like Willard City is going to eliminate them, or you mean the County can eliminate them?

BREITENBEKER: This particular zone that we are talking about, they can actually say, "that is a non-conforming industry to that area", and eliminate it, per se, not anything else, just "gravel pits".

THOMPSON: Well, I hope that's a County Commission decision, and not mine.

BREITENBEKER: It will be a legal decision. It will be a legal decision.

THOMPSON: You ain't a kidding, it will be a legal decision.

KIMBER: You are right, that has been done, where a community develops around a certain industry, a pig farm, and they can close them down, or --

GROVER: A feed operation like they did in Tremonton.

KIMBER: Yes, or a facility where they are producing hazardous materials or something, a community kind of envelopes, and they can wipe them out.

BREITENBEKER: But anyway, nothing like that is being asked to be done at the present time. All Willard City asked of me, and I guess I am just merely throwing this back to you as a proposal, that we do not issue any additional permits until this issue is resolved, for or against. In other words we put a moratorium on issuing any additional permits for additional gravel pits that are not already in operation, until something is done.

THORPE: Could we say something besides Willard City, this group?

BREITENBEKER: That's right, and I apologize, because -- this is South Willard, it's Willard, and it's Perry. It's all of the residents, really, from Brigham City to the County line. I shouldn't really differentiate any city. It's all of the people that are involved all the way from Brigham City to the County line.

OKADA: I think that's a good idea, providing we put a time limit on it.

THOMPSON: That's right, exactly right there.

THORPE: That's what this group's doing right now, --

BREITENBEKER: Yes, in other words, the only reason why I am really bringing it up is to point out that something right now is being done. Now if that breaks down and nothing happens, then we have certainly no obligation whatsoever. And I'm not even -- I don't even think that we need to put it into the form of a motion of any sort, I just wanted you people to be aware that wheels are starting to turn in that direction.

KIMBER: And I appreciate that information, in fact I think it would be very unwise to put in the form of a motion.

BREITENBEKER: No, I really just wanted to discuss what was happening so that you other members were aware of what is transpiring.

OKADA: DeVon, when is your next meeting with them?

BREITENBEKER: They are supposed to let me know. It is supposed to be within the next couple of weeks. In other words, this was on the 12th when we met and they were going to formulate, they were trying to get together with South Willard who was not represented at this meeting; like I say, Perry and Willard both were. They had fifteen people there, I guess. Like I say, they -- I also indicated to them that, you know, nothing is going to fly unless you show the Planning Commission that there is a great deal of interest along there. You know, fifteen people isn't going to mean anything to us; you know, and I realize here again, that if they get out and do it, I know they are going to show a lot more support for that. Lonnie, you know that already from the people that we have seen here just from Willard City. But it is going to take some effort for them to get all of this, so that we feel it's important that this change of zone or whatever actually is brought forth before a hearing. Like I indicated to them, then there has got to be public hearings, all of this sort, there has got to be a formal request to have the zoning changed. We have got to check out the legality of whether that's going to be done properly or not. It's going to be a long drawn out affair even if they get right after it and get working on it which I think they are going to do. Like I say, their concern just was the fact that we should be aware of wheels are in motion to try and get this problem resolved.

OKADA: Who is paying their attorney:

THORPE: Willard City.

BREITENBEKER: I guess Willard, they are the ones who said they had talked to this attorney.

JENSEN: Are the people of South Willard, out of the corporate limits down there, are they in favor of something like this?

THORPE: Some are, some aren't.

GROVER: I want to give you a whereas there, my boss is one of them. Jack Parsons has got one of the biggest gravel pits you would never find down there on that hill, but it's not a gravel pit. It come before this Planning Commission as a Subdivision. And that's what he's digging out of the mountain down there. How you going to stop it?

BREITENBEKER: Well, no, now wait - -

GROVER: Yes it is, because he come with the plans down there, W. R. White did.

BREITENBEKER: Yes, but W. R. White, the subdivision is an after effect of the gravel pit.

GROVER: Yes, but he got the approval.

BREITENBEKER: That's right, but the gravel pit was approved first as a gravel pit.

GROVER: Yes, but it ain't a gravel pit anymore.

THORPE: Then it should have had a time frame put on it.

GROVER: It is, since when? How many terraces has he built down in there?

BREITENBEKER: That's what we approved of, the fact that this was a pit, and he actually had it approved as a gravel pit. The subdivision was what White says he was going to do when the pit doesn't operate any more.

THORPE: In whose lifetime?

BREITENBEKER: I don't know.

GROVER: That's all that's down there for, is a gravel pit.

BREITENBEKER: That's right.

GROVER: They're going to say no more gravel pits, OK, White's got a subdivision going, I can do the same thing.

JENSEN: And Gibbons and Reed would like to open another one down there, too.

BREITENBEKER: But White was not approved as a subdivision. Dick and I was both here when that was brought through, and it was brought through as a gravel pit. The subdivision is an after effect of the gravel pit. But the gravel pit was number one. That was what it was approved as first.

GROVER: Cause that's how we was plowing all that gravel out of there last fall. We've got a dozen terraces down in there right now already built for a subdivision.

BREITENBEKER: That's fine, I hope I live long enough to see it, but I don't think I will.

GROVER: Well, I am not going to hold my breath either, but the thing that's got me going; we stopped one guy on a gravel pit for eleven years.

BREITENBEKER: That's true, but the reason ---

JENSEN: He wasn't going to subdivide it though.

GROVER: It's getting pretty touchy down there.

BREITENBEKER: The whole difference here, is; when White came to us and asked us to put a gravel pit, no one objected. No one. Am I wrong? Am I right? There was not one person who objected to us issuing a permit for a gravel pit.

GROVER: That's where you goofed.

THORPE: I couldn't have objected to it any way, I live in Willard City.

BREITENBEKER: He was like five, six miles away, you know; three or four anyway. But, there is a difference of why the one of White's, and it had nothing to do with the subdivision; that was an after effect.

GROVER: It might be the after effect, but you are going to have a lot more of them that's going to do the same thing down there.

BREITENBEKER: But they still got to get the gravel pit permit first.

GROVER: No, they will come in and say, we are going to put in a subdivision and then we got to take out this much "X" in order to build the subdivision, and that's how they are going to get around it.

KIMBER: We are not quite that naieve. We have, I hope --

GROVER: We're not? Ha ha.

BREITENBEKER: Well, any way, you guys have been officially informed as to what's going on.

KIMBER: I appreciate that, and I don't think this group needs to take any formal action on it, nor should they at this point, unless there is a formal request to do that. But I think, in good faith, I support that idea.

BREITENBEKER: Basically, all I told them, at the meeting, they asked me if we would do this, and I said, "well, all I can tell you is that I am only one member of that body, and I will tell them what's happening, then I guess whoever will make application, at that time, we'll make a decision as to whether we have a moratorium or not." But, I said, "I feel confident that we as a Commission will feel if action is being taken, we are not going to let somebody jump in and maliciously get ahead of the gun, so to speak." Unless we feel like it's warranted.

OKADA: But I think at the next meeting you will have to inform them that we will put a time limit on it.

BREITENBEKER: Yes. Well, I think they are as anxious to get going, Junior, as anybody else is. They understand the urgency of the problem. I don't think they are just going to sit on it and not do anything. There is too much animosity down there for them not to jump up and do whatever they can, legally, to try and stop it.

KIMBER: I understand that, but I am glad we have got something going.

OKADA: I can see what's going to happen -- those guys down on the County side are going to be in here lined up protesting.

THOMPSON: I am glad all we got to do is recommend.

OKADA: And they are going to say, "hey I bought that property on the assumption I was going to get a gravel pit, or I wouldn't have paid nothing for it.

THOMPSON: Some of those people down there that's holding that land, they are all alive.

OKADA: It's got the best gravel pits this side of the Mississippi.

THORPE: Well, you get out there on Willard Bay and look up there at those gravel pits.

BREITENBEKER: Its' a situation ---

JENSEN: It's that way all the way out along that ---

THOMPSON: It's that way all the way to Collinston, Beaver Dam, to the State line.

THOMPSON: And some of them are really atrocious. That Germer one is one of the worst ones in the whole flippin County. You noticed that? Boy, that thing was really chopped up. Now the one to the side of it, this J. D. Norr, where Rupps are operating out of, you will notice now that -- and that's a direct response to planning and just environmental impact. You will notice that it's not straight off. Here a couple years ago, old J. D. was up there dry farming and he stopped to get a drink, kids brought up a drink; he jumped off his tractor to get a drink; and while he was drinking, his tractor took off, remember that? 4020 was it? No it was an International, that thing. And he run as hard as he could and couldn't catch up to that sucker, and it went over there and went off the top - that's got to be at least 50 feet off of that or maybe 60 feet. And when it hit the bottom, everything - the way they took that stuff out of there, that's right straight down. If the kids or anybody would have fallen off of that, it would have been deadly. Now you will notice them pits they are sloping them all, a gradual slope right down to the highway; and when that gets all done, and if that gets revegetated, that's going to look just as good as when it was there. There's not a problem that I am concerned about, because I live right next to it. I know exactly what's going on. They are going to cut that all down and then they will drag some top soil back over that again and what it does, it widens it away from the road. It really doesn't hurt anything, if it is done that way. But if you leave it like that Germer pit, that is a hazard; it's an eyesore, and a deadly one. That's a bad situation, but see there was no regulation. Those people go in there and do what they wanted to do.

THORPE: The state of Utah is the worst one there is.

THOMPSON: And they have got another one up there just as bad, just north of that. But you won't see that anymore. That's coming to a screeching halt. You're going to see that change.

BREITENBEKER: You won't see any bigger hole either, than Fife's got right in the middle of Brigham City. If you turn up 1100 South, and you look at that hole that Fife's got up there, you know, boy, he has taken a big mountain out of there.

KIMBER: You look at all those foundations and all those ribbons of concrete across the State; what's the alternative?

GROVER: All those jobs out at Thiokol.

BREITENBEKER: You have got to have the concrete. You have got to have the gravel to make it.

THORPE: I can't believe those two down in the mouth of Weber Canyon have gone as deep as they have without hitting water down there.

BREITENBEKER: Isn't that unbelievable?

GROVER: Hey, there is a lot of water down in there.

BREITENBEKER: They got some big holes there - - - -

The discussion continued on the gravel pits located in Weber County.