

BOX ELDER COUNTY PLANNING COMMISSION

18 August 1988

Meeting of the Box Elder County Planning Commission held
18 August 1988 in the County Courthouse. Members present were:

Mr. Richard Kimber, Chairman
Commissioner Bob Valentine, Member
Mr. Steve Grover, Member
Mr. Don Christensen, Member
Mr. DeVon Breitenbeker, Member
Mr. Jon Thompson, 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 16 June 1988.
Mr. DeVon Breitenbeker made a motion to adopt the Minutes as
recorded. Mr. Steve Grover seconded. None opposed. The motion
carried.

AGENDA (ATTACHMENT 1):

Mr. Kimber announced that Agenda items One (1) and Two
(2), Darrell Nielsen and Jack Molgard, had been cancelled at
the request of Mr. Jeff Thorne.

Mr. John Fenn (Agenda Item 6) was the first to appear,
requesting approval of a sketch plan and a waiver from the
required 120 foot minimum for curb and gutter. He has a house
on adjoining property that has 112 foot frontage with a
permanent wall dividing this property. After discussing the
zone requirements, it was pointed out this area would not be
affected by the zoning.

Commissioner Valentine cautioned about setting a precedent
by approving the request, but conceded it would be a long time

before curb and gutter would appear in that area. Mr. Breitenbeker made a motion to approve the sketch and allow the variance. Mr. Thompson seconded. None opposed. The motion carried. Mr. Fenn was advised to contact Mr. Beecher for instructions on how to proceed.

Mr. Roy Lemon appeared with his Attorney, Mr. Jeff Thorne, to discuss the letter he received from residents of Willard City opposing any new fruit stands opening on South Highway 89 in Willard. The letter stated Mr. Lemon opened a fruit stand in violation of the County Zoning Ordinance. The letter stated that the fruit stand in question was not operated for several years and should not be allowed to re-open. After much discussion, it was concluded the Planning Commission should not be the body to rule on this closure. The decision should come from the County Attorney. Mr. Beecher was tasked by the Commission to refer this problem to the County Attorney.

Mr. Gay Pettingill, another fruit stand operator, commented on what the County required of him when he moved his stand to a new location; requiring him to install rest room facilities, provide plans, etc., in order to get a Building Permit. Mr. Chris White, from White's Fruit Orchard, advised the Commission of their plan to re-open their fruit stand by stating they intend to request their property be excluded from the R-20 Zone now in effect. Mr. Thorne asked a letter be written to the County Attorney to define the ordinance wherein it refers to non-conforming buildings and non-conforming use of land and a different standard for each. Mr. DeVon Breitenbeker made a motion that the County Surveyor, Mr. Beecher, write a letter to the County Attorney for a ruling. Mr. Jon Thompson seconded. None opposed. The motion carried.

Mr. Don Johnston appeared with two sets of plans for minor subdivisions; one in Thatcher, the other in the Tremonton area. Mr. Kimber advised they could only rule on the concept.

After reviewing Mr. Johnston's plans, Mr. Thompson made a motion to approve both sets of plans as preliminary concept subject to final drafting. Mr. Grover seconded. None opposed. The motion carried.

FRED AND MARJORIE MINOR SUBDIVISION;

Mr. Kimber provided the final plan for this minor subdivision. Mr. Beecher had previously examined and accepted the plan as correct and in compliance with County zoning and building requirements. Mr. Grover made a motion to accept the final plan. Mr. Breitenbeker seconded. None opposed. The motion carried.

BLACK PINE MINE:

Mr. Kimber read a news release as a matter of information (Attachment 3) about the proposed gold mine to be opened in the Black Pine Mountain north of Snowville, Utah, in Cassia County, Idaho. He stated this could impact the Town of Snowville and Box Elder County.

LETTER FROM WILLARD CITY (ATTACHMENT 4);

Mr. Kimber read a letter from Willard City requesting that County lands directly abutting Willard City Corporate limits be zoned compatible with the Willard City land use already established, and further requested that Box Elder County set a time limit for Nielsen Land Development to comply with the conditions set forth in the conditional use. The letter was addressed to the County Commissioners. Mr. Kimber requested the letter be acknowledged as received and noted in the Minutes.

Mr. Kimber read a letter from Mr. G. Raymond Jones, property owner, concerning the operation of a gravel pit in South Box Elder County. The letter stated in part, "no intention to operate a gravel pit in the area at this time". The area is being cleared of rocks so grass planting can be done to enhance the feed on the range for cattle grazing.

BOYD HOSKINS (CLEAR CREEK) RESPONSE:

Mr. Kimber read the letter prepared by Mr. Beecher to Mr. Hoskins in response to Mr. Hoskins' meeting with the Planning Commission on 16 June 1988.

Commissioner Valentine presented a letter from the Willard City Flood District regarding Mr. Darrell Nielsen's application for a gravel pit. Commissioner Valentine made a motion that Mr. Kimber be empowered on behalf of this body to direct Mr. Beecher to prepare the eight sets of documents identified in their letter (Attachment 4) and forward those documents to the Willard Flood District, Attention Mr. Wayne Braegger, Chairman, at the earliest possible time. Mr. Christensen seconded. None opposed. The motion carried.

Mr. Kimber made a motion to adjourn the meeting at 8:30 p.m. Mr. Grover seconded. None opposed. 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 August 18 at 7:30 p.m.
- II. Notice given to newspaper this 17th day of August 1988
- III. Approval of minutes of June 16 1988

IV. Scheduled Delegations:

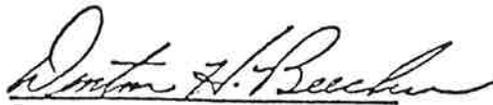
1. Darrell Nielsen
2. Jack Molgard/Willard City
3. Roy Lemon (Fruit Stand)
4. Black Pine Mine
5. Fred & Marjorie 40 Acre Minor Final
6. John Fenn - Sketch Plan for Minor Subdivision
7. Don Johnston - 2 Minor Subdivisions
8. Letter from Willard City
- 9.
- 10.

V. Old Business:

1. Letter regarding gravel pit on South County Line
2. Boyd Hoskins, (Clear Creek) Response
- 3.
- 4.
- 5.

BOX ELDER COUNTY
PLANNING COMMISSION

By:


Denton H. Beecher
Ex-Officio Member

atcb m. 1

7400 So. Hwy 89
Willard, Utah 84340
April 26, 1988

To Whom It May Concern:

In regards to the letter sent by Denton Beecher on April 22, 1988, to Roy Lemon concerning the fruit stand originally owned by Lowell and Lenora Lemon, this building has been used as a fruit stand since it was built. It had a cooler storage unit, baskets, ladders, picking baskets and other things pertaining to fruit harvest and selling. Produce has been sold from it since it was built.

There was a sign which read "LOWELL LEMON, BUSHEL OR TRUCK LOAD" And was changed to read "GRAMMY'S" in 1987 when Roy Lemon purchased the property.

Respectfully,



Lowell Lemon

Recd in July 1988

atoh m. 2 (1)

August 3, 1988

Box Elder County Commissioners
Planning Commission
Att. Denton Beecher,

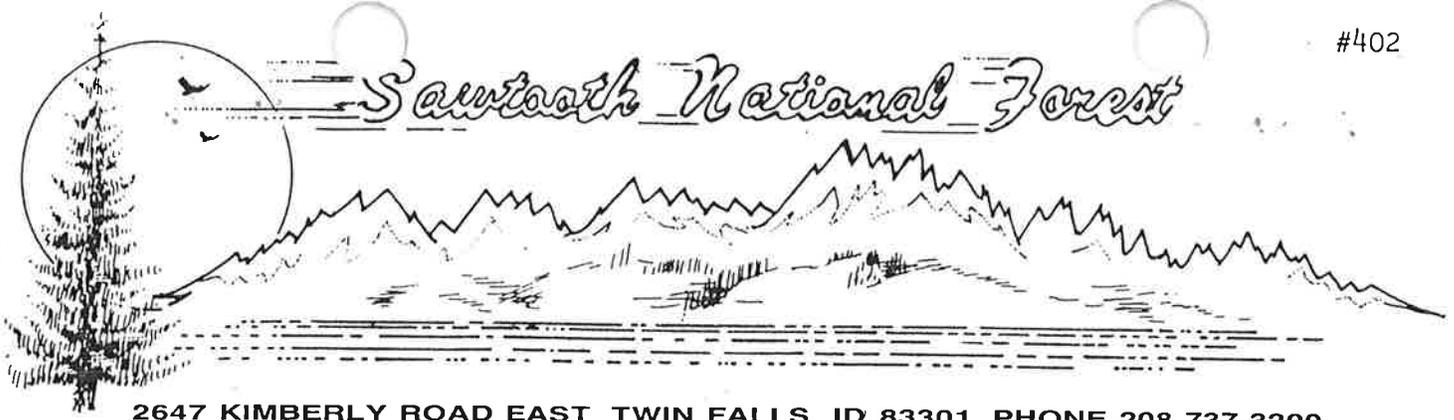
We the following are against any new fruit stands opening on South Highway 89 in Willard. R 1-20 went into effect March 14, 1986. "Grammy's" opened last summer in violation of this ordinance. We feel it should be closed. In regard to a letter by Lowell Lemon, this has not been operated as a fruit stand for a number of years prior to this. It was used as a farm shop and equipment shed. Mr Lemon removed the cooler from this building approximately 6 or 7 years ago to his property on the west side of the highway. He has sold peaches on the west side of the highway from a trailer.

Please take immediate action against this violation of our zoning ordinance.

Sincerely,

Glenn Krumler
Glenn Woodruff
Leroy & Ball
Gay W. Pettungill
Don Christensen

Atch. encl. 2(2)



2647 KIMBERLY ROAD EAST TWIN FALLS, ID 83301 PHONE 208 737-3200

News Release

DECISION NOTICE ISSUED ON PROPOSED GOLD MINE PROJECT IN BLACK PINE AREA OF SAWTOOTH NATIONAL FOREST: PROJECT TO GO FORWARD WITH SPECIFIED MITIGATION MEASURES

DATE: AUGUST 8, 1988
RELEASE: IMMEDIATE

BURLEY, IDAHO.....The Sawtooth National Forest and Burley District of the Bureau of Land Management have issued a Decision Notice and a Finding Of No Significant Impact for a proposed gold mine project in the Black Pine Mountains in southeastern Cassia County.

Copies of the Decision Notice and Finding of No Significant Impact are available by contacting the Forest Service office in Burley and Twin Falls. Copies of the Environmental Assessment are available for review at the Forest Service office in Burley at 2621 S. Overland and in Twin Falls at 2647 Kimberly Road East, or the BLM Deep Creek Resource Area office in Malad.

Several agencies and individuals were involved in providing information and input during the development of the Environmental Assessment. Included were the Soil Conservation Service, U.S. Fish and Wildlife Service, several state of Idaho Departments - Fish and Game, Lands, Air Quality, Water

(MORE)

attn: m. 3 (1)



Resources, Commerce, Health and Welfare - Commissioners from Cassia, Oneida and Box Elder Counties and the Burley Area Chamber of Commerce. In addition, several Forest Service and Bureau of Land Management specialists in the areas of visual resources, wildlife, cultural resources, engineering, mining and so on were also involved. More than 130 people participated in a public meeting during the initial phase of the scoping process. Additionally, more than 70 letters were also received.

The selected alternative, one of three alternatives addressed, was modified to include additional mitigation measures in response to issues identified during the public involvement phase of the environmental assessment.

The project proposes to mine 7.5 million tons of ore, with a potential of up to 10.5 million tons. Involved in this operation will be three open pit mines, 2 leach pads, 2 waste dumps, approximately 6 miles of ore haul roads, and 2 miles of upgraded and 1 mile of new Forest Service and BLM access roads. According to Noranda, the project will employ 200 people during the initial construction phase and 90-105 people during the life of the mine.

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NEWS CONTACT: Jim Wickel, Minerals Specialist
Burley Ranger District
2621 S. Overland Ave.
Burley, ID 83318
208-678-0430

John Christensen, Area Manager
Deep Creek Resource Area
Malad, ID
208-766-4766

atch no. 3 (2)

Willard City Corporation

80 West 50 South



Willard, Utah 84340

July 19, 1988

County Commissioners
Box Elder County courthouse
Brigham City, Ut 84302

Dear Sirs:

Willard City has requested in the past that County lands directly abutting Willard City corporate limits be zoned compatible with the Willard City land use already established. In other words, that the County land which abuts the Willard City Sensitivity Zone be zoned by the County as such in order to protect Willard City's future and the welfare of its citizens. Once again we are requesting that Box Elder County act on the above stated request.

As elected officials of Willard City, we feel that we best represent the interest of the people by further requesting that Box Elder County set a time limit for Nielsen Land Development to comply with the conditions set forth in the conditional use permit which was voted on October 15, 1987, to issue. Mr. Nielsen has tried for the last approximate nine (9) months to comply with the conditions as stated in the permit, and is still trying. We feel that if a time limit is not established that Willard City will continue to be threatened by this issue for many more months and possible years.

Attached are copies of a letter and minutes which request no further issuance of new gravel pit permits nor disturbance of Willard Canyon. We would appreciate a response from in regards to the requests made as well as to the letter and minutes attached.

Sincerely

WILLARD CITY CORPORATION

Lonnie Thorpe

LONNIE THORPE
Mayor, Willard City

cc: CO. Planning Commission
Jack Milgard

atc m. 4

The Box Elder County Planning Commission adopted a list of 20 conditions for the approval of Application No. 38 for a gravel pit for Mr. Darrell Nielsen. Three of these conditions, No. 7, No. 10 and No. 11, require action by the Box Elder County-Willard City Flood District.

In order for the Flood District to make an adequate review, we will require the following:

- (1) The Reclamation Plan required by Condition 3.
- (2) The Excavation Plan required by Condition 4.
- (3) The plan for protection of property required by Condition 9.
- (4) The comments from government agencies required by Condition 12.
- (5) The cost estimates required by Condition 14 along with the proposed escrow agreement.

We would request that the above information be submitted to the Flood District in a single package by the Planning Commission. The Planning Commission should indicate that they have reviewed the applicants submission and that it is acceptable to the planning commission.

Until the Flood District has received the information on the project and had a reasonable time to review the information, no action can be taken on the project.

Although the Flood District has in the past reviewed preliminary plans and made comments on these preliminary plans to the planning commission, these comments should not be considered as Flood District approval of the project. The previous comments are not the Flood Districts response as required by Condition 7 imposed by the Planning Commission.

Action on Condition 7, 10 and 11 by the Flood District can only be made after a review of the complete, final and detailed plans for the project.

Wayne H. Briggs
Rod Mund
Neil Fairbank
Don L. Christensen
A. Jack Gordon

RECEIVED
BOX ELDER COUNTY
SURVEYOR

FEB 16 1989

Filed _____
Brigham City, Utah

step no. 5