

BOX ELDER COUNTY PLANNING COMMISSION MEETING

September 19, 1991

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 7:37 p.m. on September 19, 1991.

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

Richard Kimber	Chairman
Allen Jensen	Commissioner, Member
Lonnie Thorpe	Member
Denton Beecher	Ex-Officio Member
Jon Thompson	Member
Junior Okada	Member
Marie Korth	Ex-Officio Member

Absent:

Steve Grover	Member
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Others Present:

Gary L. Wetzel	Box Elder Heritage Council
Janice Wetzel	
Charles D. Paul	
Jane Nelson	
Ron Nelson	Willard/Box Elder Flood Control
Kimball Hemsley	
LaVee Hemsley	B. E. Heritage Council
Rod Mund	Willard City
Leland Jacobson	Willard City

Approval of Minutes: Chairman Kimber presented the Minutes of July 18, 1991, for approval. Mr. Thorpe made a motion to approve. Commissioner Jensen seconded. The motion carried.

Chairman Kimber presented the Minutes of August 15, 1991, for approval. It was pointed out by Mrs. Korth that on page 4, second line from the bottom, should read stockpile, rather than stock. Mr. Thorpe made a motion to approve the Minutes as corrected. Commissioner Jensen Seconded. The motion carried.

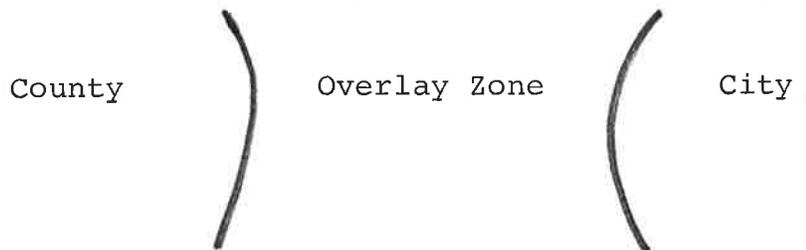
AGENDA (Attachment No. 1):

Chairman Kimber presented the Agenda, stating there are three items.

WILLARD CITY: Compatible Zoning Ordinance (Attachment No. 2)

Mayor Rodney Mund and Willard City Planning Administrator Leland Jacobson, appeared to present the Commission with a preliminary copy of the City's proposed Compatible Zoning Ordinance for their review and consideration. This sample Ordinance had been prepared by their attorneys.

Mr. Jacobson showed a simple visual aid and explained as follows:



If the county has a requirement "A" that is permitted, but the city does not permit "A", then "A" would not be permitted in the overlay zone adjacent to the city. The converse is also true. If "B" is not permitted in the county, but is permitted in the city, then it would be permitted in the overlay zone. If the city hasn't addressed it, and it is permitted in the county, it would be permitted in the overlay zone. It wouldn't mysteriously disappear in the overlay zone just because the city hadn't addressed it. The overlay zone provides for a graduation between the county and the city, essentially protecting the city, but allows the county zoning right up to the city border, if the city has been silent on the subject. The overlay zone proposed is a two mile area, but nothing is set in concrete. This is simply a starting point to begin discussion.

Mayor Mund said he has talked to a few communities, and they expressed interest.

Mr. Beecher suggested that the proposal be taken to the Council of Governments where every city and town could be informed and involved. Chairman Kimber concurred with the suggestion.

Mr. Thompson stated he thought it would be a very emotional issue, and so the Council of Governments should be involved.

Commissioner Jensen stated that the Council of Governments should be meeting soon, and since Mr. Thorpe and Mr. Breitenbeker are the task force to "pursue this thing", a member of the County Commission should also be a part of that study group because there will have to be public hearings. He also asked that Mayor Mund put some maps together to show how the plan would work.

Mayor Mund said he would like to ask Land Use Attorney Jody Burnett to make the presentation to the Council of Governments.

Chairman Kimber asked for a motion to have Commissioner Jensen or one of his fellow Commissioners serve on the Compatible Zoning Committee.

Mr. Thorpe made the motion to invite one of the County Commissioners to sit on the Committee for Compatible Zoning. Commissioner Jensen seconded. The motion carried.

HERITAGE COUNCIL: (Attachment No. 3)

Conditional Use Permit - Darrell Nielsen Gravel Pit:

Gary Wetzal representing the Board of Directors of the Box Elder County Heritage Council, read a prepared statement (attached). He referred to letters dated February 8, 1991, April 12, 1991, July 9 and 16, 1991, copies attached with Attachment No. 3.

Commissioner Jensen asked Mr. Beecher to respond to the letters mentioned as he was of the opinion that these questions were all answered in previous Planning Commission Meetings.

Mr. Beecher responded:

1) Excavation has proceeded into Phase II area before any of Phase I flood control measures have been completed.

Answer: He has not proceeded into Phase II. He is still in Phase I. He has not completed Phase I, and he will not proceed into Phase II until Phase I is completed. That's the agreement.

a) The lower containment basin spillway has not been rip-rapped.

Answer: It has been rip-rapped. It is completed.

b) Excavation and enlargement of the lower containment basin has not been inspected nor accepted by the flood control district.

Answer: That was an issue that the Flood District has to handle. We can't do it for them. That's an issue between him and the Flood Control. He has had the Flood Control up there. We met with them on various occasions and they all accepted it verbally. But as has been discussed on many occasions, there was nothing written down. It was a verbal agreement there in the field.

c) The upper containment basin has not been built.

Answer: That's true. It won't be built until he is through excavating. It's an ongoing cycle, the upper basin has to be finished when he is finished with Phase I. When he is through with Phase I, and has his slope completed and seeded and so forth, then the upper basin will be completed, and then he will go into the next phase, as to the plan.

d) A low level outlet in the upper containment basin has not been designed or installed.

Answer: The plan did not include a low level outlet. It was to be a retention basin to retain everything there. It was not to be a detention basin to detain it and let it out slowly. It was designed and accepted to be a total retention when he got through with it.

2) Flood channels leading to the lower containment basin have been obliterated or blocked.

a) The existing stockpiles are blocking the south (main) flood channel leading to the lower containment basin.

Answer: The stockpile he put in did go into the area that was formerly known as the south out-flow or the south channel. That's where the stock pile was originally planned to be. The plan was to move and to create it around the stockpile, and that he still is working on and is one of the issues discussed last time, so he has enlarged much bigger than what he originally shows, and he has gone into the Willard area, but he says they have no zoning to restrict him.

b) The drainage from the frontal canyon to the south of the project has not been piped under the haul road to allow it to

reach the lower channel, the lower basin.

Answer: That is not true, because it is. It's always been. It's a thirty-six inch concrete pipe; it's been there since day one when he built the road. The flood district was going on hearsay and did not find out the facts before they wrote the letter.

3) Flood water will not reach the lower containment basin because of non-compliance with Condition 4 and the developer's excavation plan.

Answer: The flood waters will reach the lower basin because he has always been instructed to build such that it will go around his stockpiles.

The rest of it) The current excavation has created a hazard that is interfering with the Flood District's master plan and the excavation will not enhance, improve, or complement the flood district's plans or goals as required in Condition 7 with the referenced permit.

Answer: He has got some things that he is working on there to enhance that and it has always been an on-going problem in trying to get him and the Flood District to agree on issues; and up until the last meeting that we had with the Flood District he hasn't been able to get that, but the Flood District and himself and the representatives that were there had a very good meeting and some good things came out of that. That was the comments that we made at the time. The comments in the letter of 9 July 1991 by the Flood District was that when Darrell had made the channel up above that no one knew about until we went up and inspected it. We made him go back and make a request for it because he made that diversion up above. Their response was they did not want it to be allowed. That is now in the process of being an amendment and he is making an amendment to the amendment, if you would. In the conditions he has a right to make changes, but he has to present them. He admits that this was one of the errors that he made that he should not have done that before he made application. And that's in the process of being made at the present time.

A lengthy debate ensued relating to issues which have been discussed several times in previous meetings with Mr. Wetzel and Ron and

Jane Nelson making several derogatory and uncomplimentary accusations to Mr. Beecher. The debate included the following:

- 1) Continuous violations by Mr. Nielsen
- 2) Growing stockpile
- 3) Excavation
- 4) Use of taxpayer's money to benefit Mr. Nielsen
- 5) Channel digging
- 6) Work at the gravel pit after allowable hours
- 7) Deviation from plans
- 8) Non compliance
- 9) Dust
- 10) Stockpiles in the channel
- 11) Alluvial fan
- 12) Time table for Mr. Nielsen to prepare a plan and submit to the Planning Commission.
- 13) Meetings and failure to produce Minutes

The discussion then shifted to the matter of the new area Mr. Nielsen has opened without a conditional use permit. Mr. Beecher stated that Mr. Nielsen is calling it a quarry, but he has been stopped and is not to do any more until the issue is settled and he has a permit.

Mr. Nelson charged that he was still digging, and Mayor Mund and Mr. Wetzel stated he was also blasting.

Mr. Beecher said that he and Commissioner Jensen had been to the area, walked all around, and investigated but were unable to find any evidence of dynamite or blasting. He stated if someone could pinpoint an area he would take another look. He did say there were some rocks that had been split with a chisel.

CONDITIONAL USE PERMIT 40 - Attachment No. 4:

Chairman Kimber suggested that the Planning Commission receive the permit delivered by Darrell Nielsen. He stated it was very incomplete, and at this point there was nothing on which to act.

Mr. Thorpe made the motion to receive Conditional Use Permit 40 for a Rock Quarry by applicant Darrell Nielsen. It is very inadequate

and incomplete. Mr. Thompson seconded. The motion carried.

Mr. Beecher then asked if they should entertain a motion to contact the County Attorney in reference to Mr. Nielsen's violation of the Box Elder County Zoning Ordinance (specifically opening up a new area without a permit). It was felt Mr. Nielsen is fully aware of the Ordinance and the act was an intentional violation.

Chairman Kimber opined that it would be entirely appropriate and it would be well if the Planning Commission went on record as supporting the perusal of legal action against Mr. Nielsen on his excavation north of the berm.

Mr. Thompson made the motion that Box Elder County (Commissioner Jensen) pursue with the County Attorney a violation of the Zoning and Planning Ordinances of the County, pursuant to excavation, that is concerning excavation in another location without a permit. Mr. Thorpe seconded. The motion carried.

Mr. Okada stated, "As long as we are consulting with the County Attorney, I would like to see what he says on stockpiling on Willard City property, if we have any jurisdiction over that, which I don't think we have, but it would help to clarify it."

Chairman Kimber asked Commissioner Jensen if he would raise that issue also.

Commissioner Jensen responded, "I will".

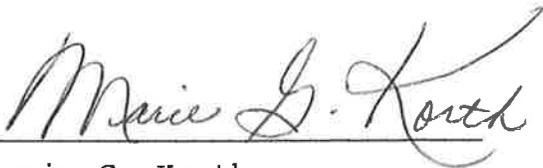
Mr. Thorpe made a motion to adjourn at 9:05 p.m. Mr. Okada seconded. The motion carried.

Passed and adopted in regular session this 20th day of Feb., 1992.

ATTEST:



Richard D. Kimber, Chairman



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 September ~~18~~<sup>19</sup>, 1991 at 7:30 P.M.
2. Notice given to the newspaper this 18 day of Sept. 1991 .
3. Approval of the minutes of August 15, 1991.
4. Scheduled Delegations:
  - A. Willard City Request for compatable zoning
  - B. Gary Wetzel , Presentation from Heritage Council
  - C. Darrell Nielsen Conditional Use Permit 40
  - D.
  - E.
  - F.
  - G.
  - H.
  - I.
  - J.
5. Old Business
  - A.
  - B.
  - C.
  - D.

*M. K. 1.*

## COMPATIBLE DISTRICT ZONING ORDINANCE

That the Zoning Ordinance of Box Elder County, State of Utah, adopted on the 27th day of June, 1974, is hereby amended to add thereto Chapter 22 Compatible Zoning District (CZ) Overlay Zone as follows:

22-1 PURPOSE. To provide areas surrounding the incorporated municipalities located within Box Elder County which promote and insure that there is a harmonious and compatible relationship between the unincorporated areas and the incorporated areas.

22-2 ZONE. There is hereby created a Compatible Zoning District (CZ) Overlay Zone.

22-3 DISTRICT AREA. That all areas located within two (2) statute miles of any incorporated municipality within Box Elder County is hereby included within the Compatible Zoning District (CZ) Overlay Zone.

22-3.5 DISTRICT AREA LIMITATION. That in any area where the municipal boundaries of two (2) municipalities are located closer than two (2) statute miles, the Compatible Zoning District (CZ) Overlay Zone shall be confined to the unincorporated areas between the municipal boundaries.

22-4 PERMITTED USE. The uses permitted in the Compatible Zoning District (CZ) Overlay Zone shall be the permitted uses allowed in the municipal zone immediately abutting the Compatible Zoning District (CZ) Overlay Zone and any permitted uses allowed in the zone provided for under the Box Elder County Zone which are not incompatible with the uses provided for in the municipal zone and, further, are not prohibited under the Nonpermitted Use Section 22-6 below.

*Att. No. 2*

22-5 CONDITIONAL USES. All conditional uses which are provided for under the municipal zone immediately abutting the Compatible Zoning District (CZ) Overlay Zone and all conditional uses provided for under the Box Elder County Zone which are not incompatible with the conditional uses provided for in the municipal zone and, further, are not prohibited under the Nonpermitted Uses Section 22-6 below.

22-6 NONPERMITTED USES. No use shall be allowed in the Compatible Zoning District (CZ) Overlay Zone which are not allowed, on the date of the passage of this Ordinance, in the municipal zone immediately abutting the Compatible Zoning District (CZ) Overlay Zone. Further, no use shall be allowed in the Compatible Zoning District (CZ) Overlay Zone which are after the date of this Ordinance made nonallowed, in the municipal zone immediately abutting the Compatible Zoning District (CZ) Overlay Zone, provided that at the date said use is prohibited by the municipality, Box Elder County amends the zone to prohibit said use.

22-7 PERMITS. That no permit shall be granted for any use within the Compatible Zoning District (CZ) Overlay Zone without first submitting the application therefore to the Planning Commission of the abutting municipality for comment. That said submission shall be made at least thirty (30) days prior to the granting of said permit.

22-8 DEFINITION OF DISTRICT BOUNDARIES. That in the event any two (2) municipalities' boundaries shall be closer than four (4) statute miles apart, the Compatible Zoning District (CZ) Overlay Zone boundary for purposes of abutting municipalities shall be equal distance between the two (2) municipalities.

Jim Gary Wetzel ON the Board of Directors  
of The Box Elder Heritage Council

It is Apparent to us that the  
Box Elder Commissioners & planning committee have Ignored  
numerous letters sent to them in regards  
to Conditional use permit "38," dated  
April 12 1991 & July 16 1991 from the  
Box Elder Flood Control District. They stated  
that conditions 4, 7, 11 & 14 were not being  
met. Excavation has proceeded into  
phase II before all of the conditions  
of phase I were completed. Flood  
District made County Commission aware of  
these violations dated back to February 8 1990  
and requested to have Conditional use permit  
"38" revoked. Nothing was done.

Another letter dated July 9 1991 from  
Flood District after on site inspection found  
that the original plan was not followed.

Then after a second on site inspection  
they found that changes had been made  
before approval was given. It is  
very apparent that the County is not  
willing to do their job to control this  
project. The Flood District has noted  
several deviations from the plan, "yet," "Mr.  
Denton Beecher," has consistently noted that  
the plan was being followed. Why then is the  
Flood district being asked to review amendments to  
the plan? The Big Question is who is working for  
who? Denton Beecher has down-played every deviation made

Now we hear Mr. Darrell Nielsen wants to apply for another conditional use permit for another gravel pit located just north of his present location.

And once again he has been excavating without a permit. And reports of blasting noise in that area. He has proved to us that he can't be trusted, he won't stick to plans, and he can't be controlled because of County Commissioners not following terms of the conditional use permit. We feel that conditional use permit 38 be revoked, and the County go in and clean up his mess. And not allow the permit be renewed until a firm plan have been made complete with all technical data from a certified engineer. And any deviations made by a certified engineer & approved by the planning commission & flood district before any deviations are made. All cost should be borne to the developer and NOT at cost to taxpayers for any private project.

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant's Name Darrell Nielsen Application No. 40  
 Address 944 East 800 South Date Received by Building  
Bountiful, UT 84010 Inspector \_\_\_\_\_  
 Telephone 292-0360 Date of Hearing \_\_\_\_\_

Application is hereby made to the Planning Commission requesting that  
Rock Quarry be permitted as a "conditional use"  
 on 542 acres located at Range 2 West Sections 25, 24, Township 8 N.  
 (Sq. Ft. or Acres) Street Address  
 in a MU-160 zone (see attached location map).

Please complete the following:

I. State in detail what is intended to be done on or with the property. Include Site Plan as required in the Conditional Use Chapter of the Zoning Ordinance. Applicant desires to remove rock from surface, ledges, and outcroppings on property owned by applicant. A site map is attached.

II. Explain fully how your application will satisfy each of the following conditions:

(a) The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.

Applicant has a market for rock to be used for building and decorative purposes. The operation will provide income to employees and be an economic boost to the County.

(b) The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons nor injurious to property or improvements in the vicinity.

The applicant has various types of rock which lie on or near the surface which can be removed without any adverse effect to any persons or property.

*Att. no 4*

- (c) The proposed use will be compatible with and complimentary to the existing surrounding uses, buildings, and structures when considering traffic generation, parking, building design and location, landscaping, noise, or other pollution.

The area is all zoned to permit a rock quarry operation and is adjacent to property being used for gravel pits.

- (d) The proposed use conforms to the goals, policies, governing principles and emerging land use patterns of the Master Plan. Please list specific goals and policies as adopted in the Master Plan which would be pertinent.

The application is consistent with the zoning and masterplan in the area.

- III. Attach a copy of market analysis and economic study which justifies the proposed use, and any assurance of financial ability or program to complete and conduct the use (if required by Planning Commission)

The applicant has a market and is selling rock from his existing gravel business.

- IV. If proposed use is providing a public service, rather than a private personal use, explain how it will benefit the public or render a service to the community.

The use is for a private business purpose.

- V. List the names and addresses of all property owners within 300' of the subject property. (Use additional sheet if necessary)  
(see attached sheet)

- VI. Fee paid \_\_\_\_\_

Signed: Carroll Nielsen (Applicant)      9448 80000 (Address)      1 292 0368 (Phone)  
\_\_\_\_\_  
\_\_\_\_\_  
Beautiful view  
84010

Zoning Administrators Action:

Date Approved: \_\_\_\_\_

Date Disapproved: \_\_\_\_\_

Date Referred to Planning Commission for Action \_\_\_\_\_

Planning Commission Action:

Date Approved: \_\_\_\_\_

Date Disapproved: \_\_\_\_\_

Governing Body Action if Appealed From Decision of Planning Commission:

Date Approved: \_\_\_\_\_

Date Disapproved: \_\_\_\_\_

Public Hearing Date if Deemed Necessary \_\_\_\_\_

Conditions of Approval

, or Reasons for Disapproval

List:

Signature: \_\_\_\_\_  
Chairman, Planning Commission or, Zoning Administrator

The Building Inspector shall place the Conditional Use Application No. as well as any conditions of approval on the Building Permit.

Appealed to the Planning Commission from Decision or Zoning Administrator \_\_\_\_\_

Appealed to the Governing Body from Decision of Planning Commission \_\_\_\_\_

*RECEIVED AT THE OFFICE OF THE ZONING ADMINISTRATOR*

Parcel 2-49-002	Carl E. Jensen etal	c/o David Call 1352 North Main Willard, UT 84340
Parcel 2-49-008	Darrell Nielsen	944 East 800 South Bountiful, UT 84010
Parcel 2-49-006	James E. Green	Box 1154 Petersburg, AL 99833
Parcel 2-6-0033	USA	
Parcel 2-6-0021	Arthur J. Wells, Trustee	1224 North Main Willard, UT 84340
Parcel 2-49-0007	Darrell Nielsen etal	944 East 800 South Bountiful, UT 84010



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

October 11, 1991

Dear Planning Commission Member:

The regularly scheduled meeting of the Box Elder County Planning Commission will be held Thursday, October 17, 1991, at 7:30 p.m.

A copy of the Minutes of the September 19, 1991 meeting are enclosed for your review and approval.

Respectfully,

Denton H. Beecher  
Box Elder County Surveyor

Enclosure

One of YOUR County Commissioners will be  
elected this Tuesday  
VOTE Sept. 11

The County Commissioners voted earlier this year - did they  
represent you?

Vote NOW or accept this "representation" for  
another 4 years!

Economic Development -- More Gravel Pits for B.E. County?

Wildlife -- Destruction of Critical Winter Range

Air Quality -- The County has no air quality monitoring  
equipment to control the developments it permits.

Flooding -- The Flood District should answer concerns

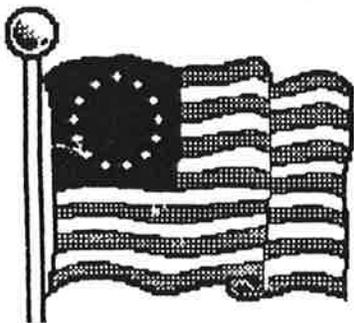
Promote Tourism -- Fruitway or Gravel Pit Alley?

Master Plan -- Shouldn't it be followed for our protection?

County Planning Commission Members --

-Appointed by County Commissioners

-Are you pleased with Planning Commissioners?



**WASTED TAX MONEY - CLOSED MEETINGS - SECRET DEALS ?**

If your County Commissioner isn't listening to the people at public meeting, who is he listening to behind closed doors ?  
**AMERICAN PEOPLE MUST STAND UP OR BE RUN OVER BY HEAVY INDUSTRIAL DEVELOPMENT AND TAX INCREASES ! !**

B. E. Planning Commission minutes, October 15, 1987, Page 8:  
Valentine: I make a motion to approve the permit for the Willard gravel pit... Motion seconded by Steve Grover, employee of large gravel company

**THE SCENIC FRUITWAY BETWEEN WEBER COUNTY AND IDAHO IS FAST BECOMING THE "ARMPIT OF UTAH",** while Tourism and the recreation industry is #1 in Utah as a whole.

**TRAFFIC COUNT REVEALS OVER 600 GRAVEL LOADS DAILY ON HIGHWAY 89** - most of it being sold in Weber County - NO Sales Tax to B.E. County!  
Our mountains are disappearing under Washington Blvd. Our Highway 89 is being "beat up" while we TAXPAYERS spend millions for I-15.

**WHY IS IRRIGATION WATER BEING PUMPED DIRECTLY OUT OF THE CANAL TO HUGE SPRINKLERS IN THE GRAVEL PITS** when there is not enough water for our farmers, city cemeteries, and home gardens?

**NO OTHER COUNTY NORTH OF SALT LAKE COUNTY WILL ALLOW DESTRUCTION OF THEIR LAND AND SCENIC FRUITWAYS.** THEY are building Beautiful HOMES above THEIR orchards.

**ALL REGISTERED VOTERS OF EITHER PARTY CAN AND SHOULD VOTE IN THE PRIMARY ELECTION, SEPTEMBER 11, 7AM TO 8PM.** One of YOUR Commissioners will be decided THEN ! ! November elections will be TOO LATE!!

Voice of the people is being ignored. Elected officials are ERODING THE DEMOCRATIC PROCESS! YOUR NEIGHBORHOOD COULD BE NEXT!

**VOTE THE RASCALS OUT ! TUESDAY, SEPTEMBER 11**



CIRCA 1890's  
November 26, 1991

# Box Elder County

STATE OF UTAH

## OFFICERS

CARLA 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

## COUNTY COMMISSIONERS

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



CIRCA 1980's

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

Re: Willard Gravel Pit

Dear Denny:

For your file, enclosed you will find a copy of Detective Mike Johnson's three-page report, a copy of the statement by Mr. O'Driscoll, and a copy of the photographs which Mr. Johnson showed to me.

I concur in Officer Johnson's factual conclusions. Since we cannot establish evidence of any activity other than road building or grading, there is therefore no evidence upon which I could prosecute the individuals or corporations involved for any criminal violation of the County's zoning ordinance.

Very truly yours,

Jon J. Bunderson

JJB:vll  
Enclosures



1. Incident Description:

The incident involves the report of the violation of a Box Elder County zoning Ordinance by Darrell Nielson. Mr. Nielson has a gravel pit on the hillside east of Willard Utah with permits for that gravel pit with conditions and restrictions. The complaint involves the digging in an area east and north of the permitted gravel pit. The New digging is on Mr. Nielson's property but he does not have any permits to extent his pit or make a rock quarry.

2. Premises location and description:

The hillside east of Willard City, Utah.

3. Other information:

Elements of the Investigation, Officer's Narratiave

September 23, 1991, 0910 Hrs. The RO was assigned the case.

September 23, 1991, 0920 Hrs. The RO went to the county attorney's office and pickup copies of paper work related to the case.

September 23, 1991, 1000 Hrs. The RO talked with Denton Beecher the County Surveyor. He briefed the RO on the property and the status of permits.

Arrangments were for Mr. Beecher to show the RO where the property is and explain the property lines.

September 23, 1991, 1430 Hrs. The RO and Mr. Beecher went to the hillside east of Willard, Utah. Without going up to the site Mr. Beecher showed the RO the new are of digging and where the gravel pit was located.

He also explained the property lines Etc. to the RO.

September 25, 1991, 1500 Hrs. The RO called Jack Molgard concerning the incident. He referred the RO to Rod Munds who may have some information on the incident.

September 25, 1991, 1220 Hrs. The RO called Mr. Mund's Residence but there was no-one at home.

October 10, 1991, 0900 Hrs. The RO contacted Rod Mund. He did not know who the driver of the equipment was. He told the RO He had talked with the man but did not know him or his name.

October 10, 1991, The RI contacted the Willard City Hall. They did not know who the driver or owner of the equipment was.

November 20, 1991, 0930 Hrs. The RO called Mr. Nielsen. Mr. Nielsen told the RO He was not digging a pit but only moving rocks from an old road to get to a ledge to check on some rock. He told the RO who the man digging was Jeff O'Driscoll. The RO was then invited to ride to the are a 1:30 P.M..

November 20, 1991, 1320 Hrs. The RO met with Mr. O'Driscoll at the . He told the RO he was the man driving the equipment but He was not digging a pit but only cleaning a road to get to some rocks. Mr. O'Driscoll they gave the RO a written statment concerning the matter.

November 20, 1991, 1340 Hrs. Mr. Nielsen arrived at the pit. He then took the RO and Mr. O'Driscoll to the area where the pit was supposed to be. The RO found no pit ~~and~~<sup>the</sup> digging not consistent with cleaning a old road to get to an area by some rock. The RO on the hill which appeared to be dug out was only the side hill of a road which they had dug to level.

The RO took photographs of the area and reported scene.

Based on the statements, investigation to the point the RO is closing the investigation and referring it to the County Attorneys Office.

4. Date, time, reporting officer:

STATEMENT OF:

JEFF O'DRISCOLL 484-9828  
2385<sup>e</sup> 2815<sup>so</sup>  
SALT LAKE CITY  
UTAH 84109

TO WHOM IT MAY CONCERN  
SOMETIME DURING THE MONTH OF SEPTEMBER, I  
WAS SCRAPING CLEAR AN EXISTING ROAD AND REMOVING  
A LIMITED AMOUNT OF BULDERS THAT FLOAT ON  
THE SURFACE OF D&K SAND AND GRAVEL.  
THERE IS A ROAD THRU SOME TREES THAT WAS  
MADE 60-70 YEARS AGO THAT I CLEARED OFF  
WITH A TRAC HOE  
~~THE~~ I WAS TOLD BY D&K TO STOP WORK  
UNTIL A COMPLAINT THAT WAS FILED CLEARED.

Jeff O'Driscoll

