

**BOX ELDER COUNTY  
October 15, 1992**

The Board of Planning Commissioners of Box Elder County, Utah, met in regular 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 October 15, 1992.

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

Allen Jensen	Commissioner, Member
Marie Korth	Ex-Officio Member
Steve Grover	Member
Jon Thompson	Member
Junior Okada	Member
Deanne Halling	Member

**Excused:**

Richard Kimber	Chairman
DeVon Breitenbeker	Member
Denton Beecher	Ex-Officio Member

**APPROVAL OF MINUTES:**

Acting Chairman Thompson presented the Minutes of September 17, 1992, for approval. Mr. Grover made a motion to accept the Minutes as written. Commissioner Jensen seconded. None opposed. The motion carried.

**AGENDA: (Attachment No. 1)**

Commissioner Jensen requested the addition of a letter written to Mr. Willard D. Kidman concerning a service station in South Willard. Commissioner Jensen made a motion to adopt the Agenda as modified. Ms. Halling seconded. None opposed. The motion carried.

**PUBLIC HEARING:**

**General Plan:**

Acting Chairman Thompson opened the Public Hearing at 7:35 p.m. Commissioner Jensen stated several years ago Box Elder County adopted the General Plan. The last State Legislature passed a law requiring the county to update it. This has now been done by Millard Consultants. Recorder/Clerk Marie Korth stated she had received no written comments nor telephone calls. Commissioner Jensen made a motion to adopt the General Plan and send it on to the County Commission for their public hearing. Ms. Halling seconded. None opposed. The motion carried. Mr. Thompson closed the hearing at 7:40 p.m.

**Letter From Box Elder County/Willard City Flood Control**

**District and Response to Mr. Nielsen's Request: (Attachment No. 2)**

Acting Chairman Thompson presented a letter from the Box Elder County/Willard City Flood Control District. Ms. Halling made a motion to accept the letter from the Box Elder County/Willard City Flood Control District and make it a part of the Minutes and propose there be time to review it before any action is taken. Mr. Grover seconded. None opposed. The motion carried.

Acting Chairman Thompson asked if there were any comments on the letter.

Mr. Ron Nelson stated there are many violations in the canyon that have been identified that are apparently at this point unrefutable by anyone. He asked the Commissioners to be aware that the gravel that is sitting in the channel is blocking the path of the flood control basin below it. If there were to be a serious rainstorm, rocks and debris would come down on some homes below. Mr. Nelson said he had letters from some concerned people and presented a letter from Mrs. Ilene Tucker who lives below the channel. Mr. Nielsen stated in 1983 the water ran between Mrs. Tucker's home and the residence of Mr. Glen Woodyatt. He said at that time they only had to contend with water, but fears the next time there will be gravel and loose material resulting from the excavation. Mr. Nelson stated they have some concerns from an engineering standpoint.

**PUBLIC HEARING:**

**Land Use Management and Development Code:**

Acting Chairman Thompson opened the Public Hearing on the Land Use Management and Development Code at 7:45 p.m. He stated this has been brought up to date as required by the State Legislature to be effective in 1992. Provisions had to be made to include the law into the Master Plan. This was prepared by Millard Consultants. Mr. Thompson said the document has been reviewed by the Planning Commission and amended. It is now acceptable to present to the citizens of Box Elder County. Mr. Thompson asked for any comments from the public. There were none. Recorder/Clerk Marie Korth stated she had received no written nor verbal comments. Commissioner Jensen made a motion to approve the Land Use Management and Development code and that it be sent to the County Commission for their Public Hearing and adoption. Mr. Grover seconded. None opposed. The motion carried. Mr. Thompson closed the Hearing at 7:50 p.m.

**HEBER BUTLER MINOR SUBDIVISION:**

**Request to Do Away With the Original and Approve a New One:**

Commissioner Jensen presented the old plat plan that was previously submitted to the Planning Commission. Recorder/Clerk Marie Korth stated the proposal is to change the size of the lots within the subdivision; they are not changing the size of the subdivision,

just the configuration of the lots. Mr. Grover made a motion to accept the plan as prepared and make the necessary changes. Commissioner Jensen seconded. None opposed. The motion carried.

**LETTER TO WILLARD KIDMAN: (Attachments No. 3 & 4)**

Commissioner Jensen stated he had received several complaints from various residents in South Willard about the condition of an old service station in the area. He said he had looked at it and agreed it is not a good condition. Commissioner Jensen stated County Surveyor Denton Beecher had told him it is not zoned for the type of operation that is being conducted. Mr. Beecher wrote a letter to Mr. Kidman informing him of the problem and requesting him to meet with the Planning Commission.

Commissioner Jensen stated he assumed Mr. Kidman is in violation of the County Zoning Ordinances, and it was his opinion that the operation needs to cease and move. Mr. Kidman asked what the area is zoned. He was told it is in a CH zone; however, Mr. Beecher, the Zoning Administrator, was not in attendance and the definition could not be provided at the time.

Mr. Willard Kidman stated there are other problems in the area. He said there is a large hole on the south end of his property filled with junk, and there is water running in. Also there are peacocks running loose where people are trying to raise a garden.

Mr. Allen Kidman stated he was not aware he was not in compliance with zoning, and he will clean things up. Mr. Thompson recommended that Mr. Kidman contact Denton Beecher who will explain the zoning requirements.

Commissioner Jensen recommended that Mr. Beecher send a letter to Mr. Scott Crabtree notifying him he is in violation of County Zoning Ordinances and to clean up his area also. He brought up an area farther south on the turn of the highway that he said is an eyesore.

Several residents in the area voiced their concerns regarding various problems.

Mr. Gay Pettingill stated he thought part of the property referred to by Commissioner Jensen where there are vehicles parked is State land. Commissioner Jensen stated he would check with the State Road Department. Mr. Pettingill also said across the street from Mr. Kidman there is a problem with too many cars being parked on the property. Commissioner Jensen stated he would ask Mr. Beecher to look into the situation and see what can be done.

Mr. Frank Woodland stated he is not opposed to Mr. Kidman doing automobile repair as a living; he is opposed to the junk cars being

brought in and creating a wrecking yard. He said it is an eyesore and tends to depreciate the surrounding property.

Mr. Dewain Loveland asked if Mr. Kidman knew how many automobiles he has sitting on Highway land. Mr. Loveland said he saw about seven. Mr. Thompson stated if there are cars parked on the highway property, this will be taken care of by the Highway Department. He further said any piece of property that was used as a wrecking yard prior to 1974 and is still in existence will be allowed to continue. It is a pre-existing condition, and the county can do nothing about it. Mr. Thompson said if a wrecking yard has been started after 1974 without a license or out of the correct zone, they will be dealt with immediately.

Ms. Annabelle Jensen expressed her concerns about some old tanks. Mr. Willard Kidman stated they were removed right after he purchased the property.

Mr. Pettingill stated he was opposed to so many cars that are not operable being stored at the service station; however, he stated he appreciates the man being there as a mechanic.

Mr. Nelson said his father was a mechanic in Willard for a number of years and fixed a lot of equipment. He stated his father never had a complaint from a neighbor about junk cars. People can learn to co-operate.

Mr. Grover made a motion to adjourn at 8:20 p.m. Ms. Halling seconded. None opposed. The motion carried.

Passed and adopted in regular session this 17th day of December, 1992.

  
Acting Chairman  
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 15 October 1992 at 7:30 p.m.
2. Notice given to the newspaper this 14th day of October 1992.
3. Approval of the minutes of 17 September 1992.
4. Scheduled Delegations:
  - A. Public Hearing on General Plan
  - B. Public Hearing on Land Use Management and Development Code
  - C. Receive Letter From Flood District and Response to Mr. Nielsen's request for ammendment to plan.
  - D. Heber Butler Minor Subdivision. Request to do away with the original and approve a new one.
  - E.
  - F.

RECEIVED

SEP 28 1992

BOX ELDER COUNTY/WILLARD CITY  
FLOOD CONTROL DISTRICT  
P.O. BOX 286  
WILLARD, UTAH 84340

COUNTY COMMRS

September 25, 1992

Commissioner Allen Jensen  
Chairman Richard Kimber  
Box Elder Co. Planning Comm.  
Box Elder County Court House  
Brigham City, Utah 84302

Dear Sirs:

As requested in your Planning Commission meeting September 17, 1992, we hereby present written comment with regard to the plan submitted by D.N. Land Development for a flood flow structure.

We engaged Mr. Gale Larson, P.E., L.S., of LarWest Engineering to analyze this plan (along with other aspects of the D.N. project). We have outlined some of the concerns express by them.

1) The spillway as shown on the drawing for construction has the appearance of a concrete apron in a stream channel more than a spillway. The concrete structure as shown is insufficient to avoid erosion of the embankment. A more detailed analysis needs to be made and presented by the developer's engineer.

2) The existing Ogden River Water Users Canal pipe might provide a dam axis on this steep gradient. In order to analyze this potentially hazardous aspect, more engineering data provided by exploratory drill holes, and existing and finished grade topographical information is required to rule on this possibility. This information should be provided by the developer.

3) This plan is lacking in detail such that it is impossible to determine the location, structural adequacy, depth and ultimate size of the basin that this spillway must facilitate. This information should be furnished by the developer for analysis by the Flood Control District's engineer.

Based on the foregoing facts and the lack of critical information needed, we find the present flood flow structure plan inadequate and recommend that you reject it. The Flood Control District board discussed the gravel project in detail with Mr. Gale Larson. There are many other problems which must be addressed, so the concept we discussed last fall will not be sufficient. Please refer to the attached copies of Mr. Larson's report, and page two of our last Flood Control District meeting minutes, Sept. 3, 1992.

Sincerely,

*Todd Davis*

Todd Davis, Chairman

cc: Darrell Nielsen

*Att. no. 2*

RECEIVED

SEP 28 1992

B.E.Co/Willard Flood Control  
Minutes of Sept. 3, 1992  
Page 2

COUNTY COMMRS

Mr. Gale Larson from LarWest Engineering has completed his review of the flood area below Cook's Canyon. He presented the board with a written report of his findings and recommendations. (Report attached) Discussion revealed the following problems:

1. Developer's plans and specifications are not complete and do not have sufficient detail.
2. Construction did not always follow the plans - Example: gravel stockpiles in major south channel.
3. The Ogden River Water Users Canal is basically being used as a dam and there may not be enough bulk below the canal to keep the canal from washing out. Exploratory drill holes are needed for engineering analysis.
4. Excavation has greatly exceeded the plans.
5. No topsoil has been stockpiled for revegetation.
6. Slopes are steeper than 2 to 1.
7. The diversion ditch, which has been excavated on the north of the pit, will probably be breached by a storm of any size.
8. Recent plans for a "spillway" over the Ogden River Water Users Canal appear to be a small "apron". Water going over this structure in the designated area would probably erode the stockpiles that are located in the south channel, filling the lower debris basin and drainage pipes with gravel, which would cause them to fail.
9. In the location proposed for the "spillway", the freeboard ranges from less than one foot to about 18 inches, which is not adequate.
10. There are no stable temporary channels to provide flood protection for the city of Willard while basin is being constructed.

The board complemented Mr. Larson for the work he has done. It was felt that the review was very thoroughly and competently conducted in an independent and impartial manner.

Mr. Larson emphasized that the Flood District should insist on completed plans that show how things will be completed so they will know what they will have at the final stage. It is possible that the Flood District could be left with something that would cost \$100,000 to \$200,000 to clean up. Also, it is very important that time frames be established for correction and completion.

*Todd Davis*

**RECEIVED**

SEP 16 1992

COUNTY COMMRS

**Report**

**for**

**BOX ELDER COUNTY/WILLARD CITY  
FLOOD CONTROL DISTRICT**

**on**

**REVIEW AND RECOMMENDATIONS**

**of**

**Gravel Excavation Project  
below  
Cook Canyon**

**September 1992**

**LarWest Engineering**

# LarWest International Engineering

168 North First East  
Logan, Utah 84321  
Phone (801) 753-0169  
FAX (801) 753-0619

September 3, 1992

BOX ELDER COUNTY/WILLARD CITY  
FLOOD CONTROL DISTRICT  
Box 286  
Willard, Utah 84340

ATTN: **Todd Davis, Chairman**

Dear Mr. Davis,

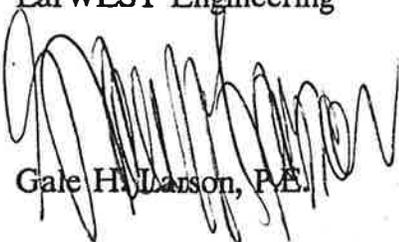
At your request and as approved to do so by the District (FCD) on August 6, 1992, I have completed a review of the Gravel Excavation Project underway below Cook Canyon. The extent of this review was limited to existing information in the field as well as written/verbal information as it was given to me by various parties. Based on this information, experience, and judgment of what needs to be done I am also submitting to you my recommendations of actions that could be taken by the FCD to help fulfill their "...obligation to preserve the health, safety and welfare from the standpoint of flooding danger for those persons that live within the boundaries of the District."

Please keep in mind, that my involvement in this rather emotional situation is one of a technical review. Your desire of me was that I would be able to analyze the project in an objective way, because I was emotionally uninvolved and had not been a party to the project in any way prior to being retained by the FCD. This fact has been uppermost in my mind as I have pursued the review and arrived at my recommendations.

I appreciate the opportunity of contributing to solutions the FCD has to find in order to fulfill its role in preserving and enhancing flood control measures within its geographical area.

Sincerely,

LarWEST Engineering



Gale H. Larson, P.E.



## REVIEW

My independent review of the Gravel Excavation Project for the FCD began in conversations with Ron Nelson, Carl Baird, and LaVee Hemsley. Many of the concerns of the FCD were expressed to me by them, after which I was given material that had been generated over a long period of time - ranging from a Master Plan Report prepared by Rollins, Brown and Gunnell, Inc. in July of 1981 to a letter dated May 11, 1992 from the FCD's Attorney, Michael Z. Hayes of the firm of Mazuran, Verhaaren & Hayes, answering many questions the FCD had posed to him. Other material has come to me from the FCD by way of mail, conversations, meetings and telephone inquiries. This has all been very helpful in understanding the circumstances surrounding the Project. On the 17th of August, 1992 Todd Davis and I spent several hours on site reviewing the Project. This included a long hike up Cook Canyon, nearly to the end of it. Many observations were made, which will be mentioned later in this report. On the 25th of August, I met with Darrell Nielsen and Lou Wangsgard (Mr. Nielsen's Engineer) on the Project site. Again, questions were answered and comments were made concerning the Project. Other input came from - 1) other FCD board members, 2) Denton Beecher, 3) Russ Brown, 4) Rick Hall (State Engineer's Office), and 5) misc. sources.

In all, I have made three site visits, visited with several people, reviewed all the material that has been available to me, presented the rough draft to the FCD on the 3rd of September, received their comments, and checked selected engineering assumptions and calculations. Based on this background and effort, the following seem to be important items to understand:

- ◆ Attorney's comments - especially the responsibility and the authority the FCD has to perform its function. Some of this was mentioned in the Cover Letter of this report.
- ◆ Conditional Use Permit - Items 3, 4, 7, 10, 11 and 14 seem to have application to the FCD. Respectively, #3-A reclamation plan, #4-A written plan describing how Mr. Nielsen will leave the area for the FCD to be concerned about with regard to flood water protection, #7- Written

comment from the FCD approving, in essence, Mr. Nielsen's plans/activities, #10-Detention basin approvals from the State Engineer, #11-A written document that Mr. Nielsen will turn over all flood related facilities to the FCD without cost, #14- Mr. Nielsen will set up an escrow account to provide for proper flood control measures to insure that this will happen.

- ◆ Plans - these have been prepared by Mr. Nielsen's engineer and became the basis on which approvals were given. Changes to these plans are procedural and, therefore, become subject to review/approval of those groups affected. The Plans were reviewed and seem to be lacking in detail, such as the finished detention basin dimensions, structural/detail designs for flood protection, and temporary measures for flood mitigation during the gravel removal time period. Also, the plans haven't been followed closely as the construction progressed.
- ◆ Hydrology/Hydraulic calculations - These figures seem to vary considerably depending on the type of method used and the assumptions made by the various engineers. For instance, the amount of water in terms of cubic feet per second varied from less than 100 cfs to more than 1200 cfs for design purposes. Figures of about 250 cfs and 35 ac. ft. maximum storm discharge and storm hydrograph volume, respectively seem to be the most verified figures. These figures are based on the SCS method for 6-hr. 100 yr. rainfall amounts, with assumptions. There has been several engineers working with the different approaches, so a lot of information has been generated as a result of this fact. It has been mentioned by Mr. Baird that "The approximate 320 acre Cook Canyon watershed could produce 80 acre feet of water at the fan apex in a storm producing three inches of rain in 24 hours. (&)....reduced 60% to seepage over the fan. Thus, the FCD must contend with only 32 acre feet of water instead of 80 IF the fan is functioning." Knowledge of the extent of the fan disturbance is important to the design of the flood control facilities that will be left to the FCD.

## RECOMMENDATIONS

1. The idea of a primary detention/debris basin prior to the existing detention basin from which a delivery pipe exits seems to be in the best interests of the FCD. This is especially the case when the intent is to deliver all the flood water coming out of Cook Canyon into it, at least that which doesn't enter the alluvial fan in a natural way. Depending on the severity of the storm, this primary basin would only detain the water, not totally contain it.
2. The major channel from the mouth of Cook Canyon upon visual and recent photographic identification would seem to be the one leading into the gravel pit recently excavated by Mr. Nielsen. An early USGS map seems to dispute this observation and places the most major channel on the north side of the alluvial fan. I suppose this major channel moves over the years depending upon the intensity of the storm and the fact that large rocks, mud, debris and so on, are deposited in the pathway, thus creating another channel when the next storm comes. This is how an alluvial fan is created over periods of 100's of years. The fact that the current most prominent channel leads to the proposed primary detention/debris basin is fortunate in that this channel can be opened up at critical junctures to help insure that the main flow of flood water be directed into this primary basin.
3. The Plans are so incomplete that it is impossible to tell what kind of a basin the FCD will be given to operate and maintain. The FCD should insist on a completed set of Plans and Specifications depicting the improvements that will be constructed in phase 1 prior to Mr. Nielsen moving on to phase 2. These completed Plans and Specifications should show the finished detention/debris basin and be reviewed by the FCD's engineer and approved by the FCD.
4. Since the construction didn't always follow the plans, and the stockpile was placed in the major channel below the gravel pit, it now becomes necessary to relocate

the lower part of this channel. This is no small task since a new channel will need to be excavated and lined with large rock to avoid erosion sending mud and debris to the lower existing basin. This should be done with minimum effect on the existing vegetation/trees. The spillway as shown on a recently submitted drawing for construction has the appearance of a concrete apron in a stream channel more than a spillway. For instance, it would appear that concrete should be extended further out on either side (into the basin and down-stream) to help avoid erosion of the embankment. An alternative would be to build an inlet structure for the water to enter and then place a pipe under the canal pipe to handle the release of flood water. It would have to be rather large in diameter to accommodate the flow. Both ways may be necessary to properly handle the flood water. More analysis needs to be made by the developer's engineer.

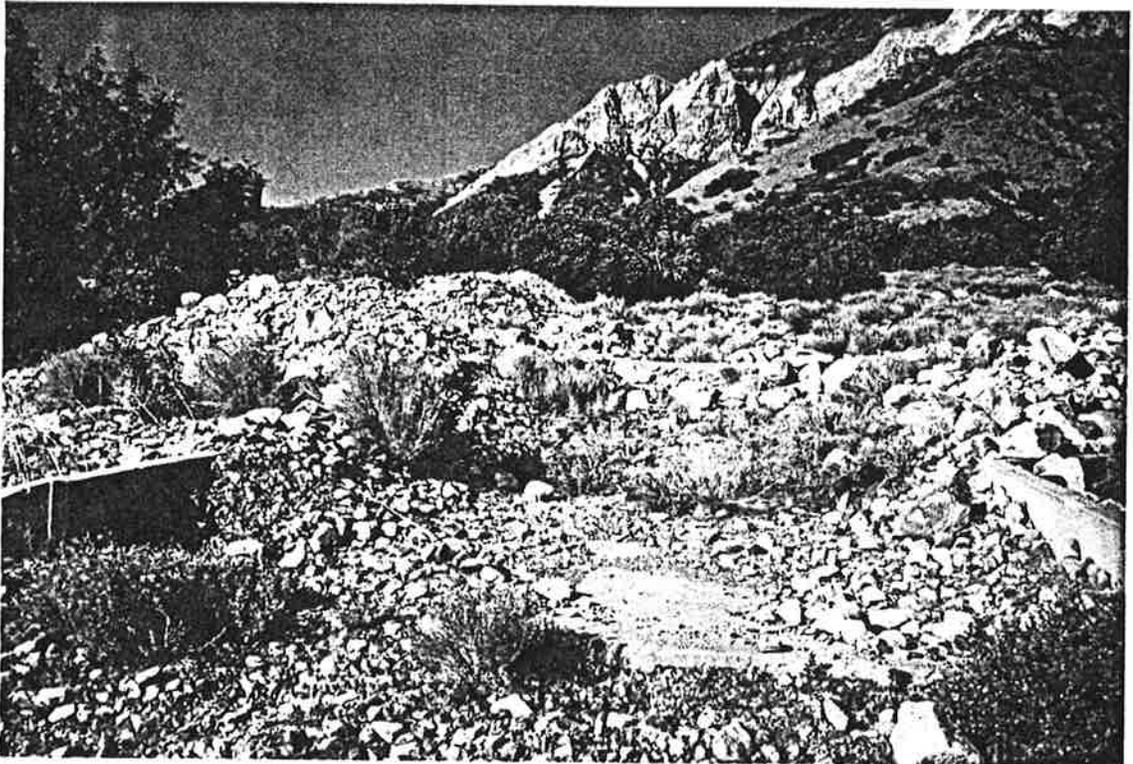
5. A series of exploratory drill holes throughout the region to determine the extent/quality of the gravel deposit as well as the depth to clay or bedrock would seem advisable. This would be most valuable to the designer of the facilities. It would seem that the existing canal water in a pipe is providing the dam axis, at least it might act this way on such a steep gradient. In addition, more existing and finished grade topographical information is needed to help analyze this aspect. Just the mass of gravel may be enough to provide stability - more engineering data is necessary to rule this possibility in or out. The need for this geotechnical information grows as more of the gravel is removed and the basin becomes larger. All of this information should be provided by the developer to the FCD for review.
6. A safe and sane method of keeping open temporary channels for flood protection during construction is recommended. This should be part of the construction plan - submitted, approved, and monitored for compliance during construction.
7. The FCD should consider and adopt a Master Flood Control Plan for its area of jurisdiction. This way future development would need to comply with this plan in all aspects or obtain permission to modify it.

8. An adequate stockpile of topsoil should be established to be spread across the finished phase 1 over the 2:1 slopes, reseeded and revegetated as proposed.
9. It appears that some of the construction from the Box Elder Co. permitted plan was actually partially built in Willard City instead of in the County. Property lines and City limit lines need to be identified so that the boundaries may be established for jurisdictional purposes.
10. An estimated completion date based on a projected schedule would be helpful to the FCD in anticipating a point in time that phase 1 would be complete and the FCD would acquire, operate and maintain this new detention/debris basin as part of their system for flood control.
11. Is there an escrow account? Is it adequate? Has there been a cost estimate submitted based on the cost of the proposed flood control improvements? This should be checked into by the FCD.
12. The FCD should be given permission to not only review/approve the plans and specifications but inspect the construction of any flood control features that the FCD will eventually own.
13. The acceptance of reasonable design flow rates and amount is probably the most prudent way of dealing with this issue. It would be unreasonable to accept the extremely high values and demand that facilities be constructed to meet these figures, especially in light of the fact that the FCD has in the past used much lower figures in the design of their own improvements. Total containment of 100 yr. floods doesn't seem to be the stated objective of the FCD, but rather detention for the purpose of settling out of mud, debris and sediment, in addition to controlled flow, prior to directing the flood water down a channel or pipe conveyance system to a point beyond and/or around the area the FCD is trying to protect.

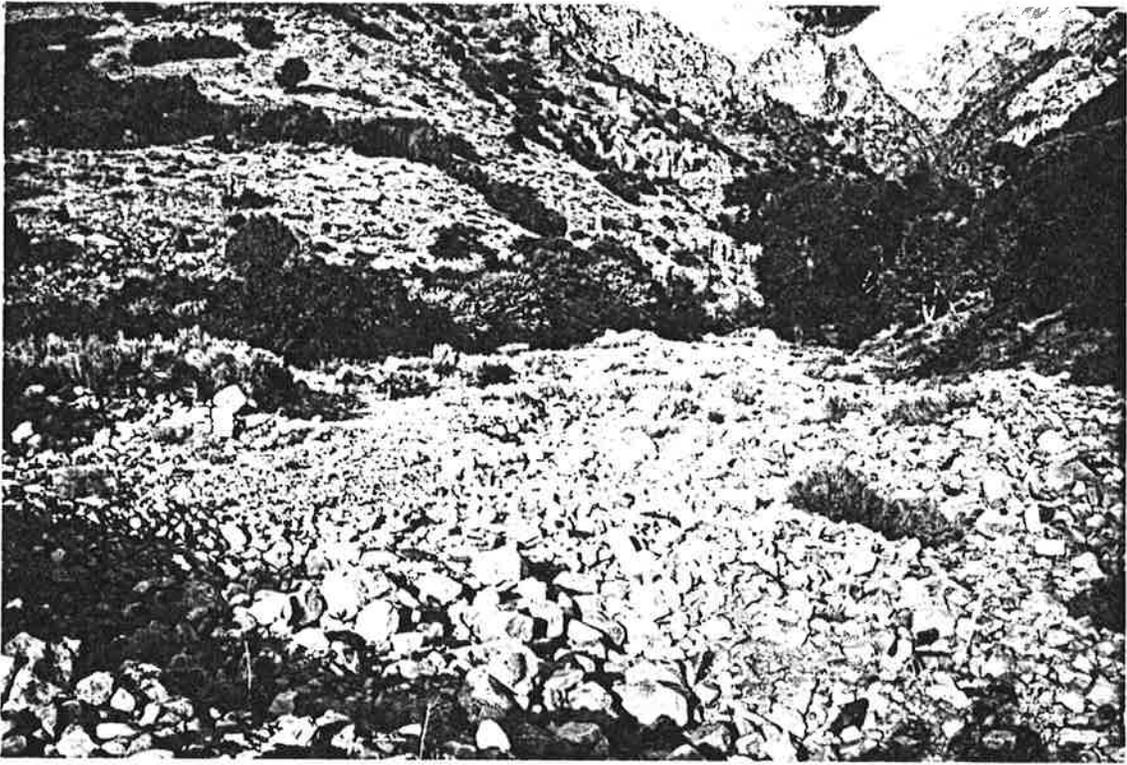
## **APPENDIX**



**DIVERSION DITCH ABOVE GRAVEL PIT OPERATION**



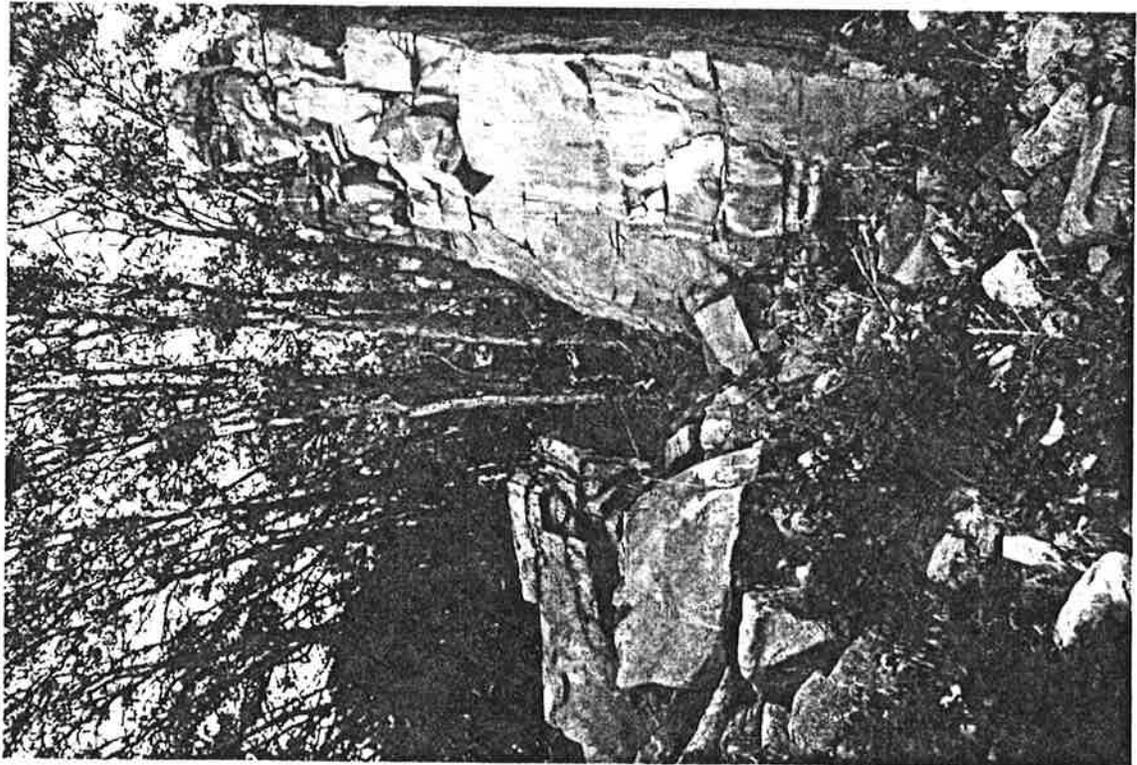
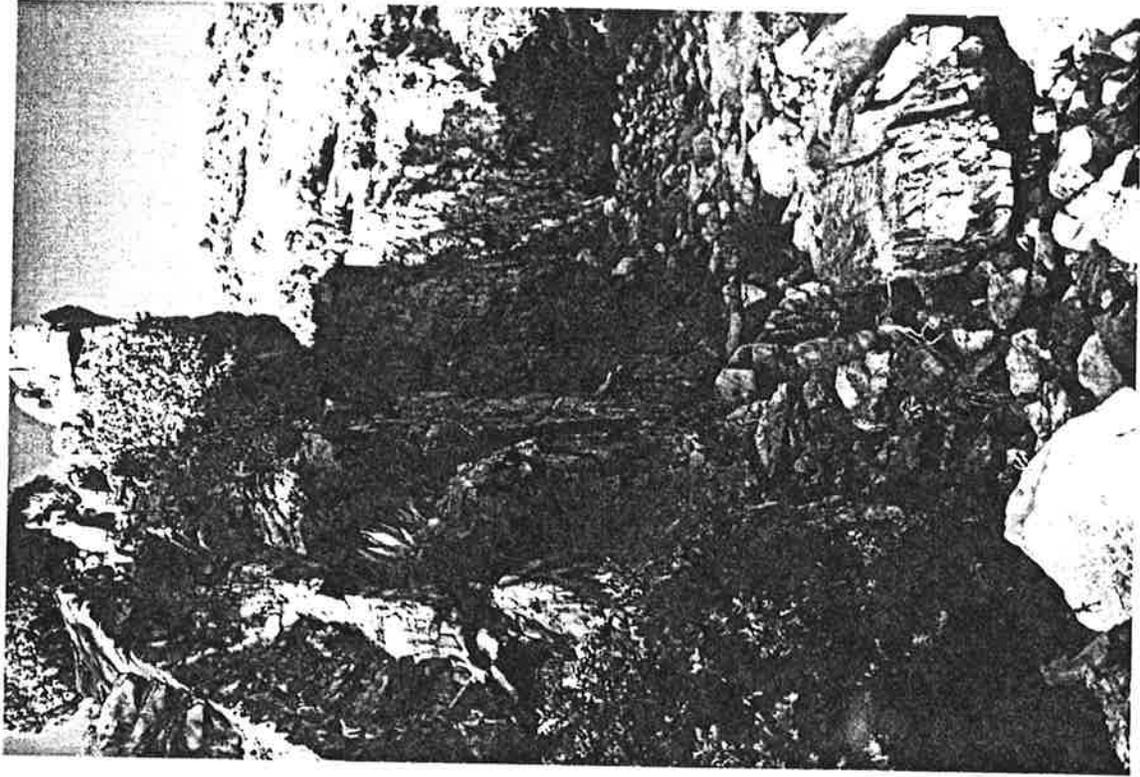
**CONCRETE APRON CROSSING CANAL - MIDDLE CHANNEL**



NEAR THE MOUTH OF THE CANYON  
TWO ROADS MEET AT THIS POINT



ROAD CROSSING THE MAIN CHANNEL



ROCK BROKEN OFF NORTH POINT OF THE MOUTH OF COOK CANYON

# Box Elder County

COUNTY COMMISSIONERS

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



CIRCA 1890's

September 29, 1992  
LT-92-099

Willard D. Kidman  
4295 West 1400 North  
Plain City, Utah 84404

Dear Mr. Kidman:

As per the records in the Box Elder County Recorder's office, you are the recorded owner of a parcel of ground in Section 14, T7N, R2W, SLB&M parcel No. 01-047-0009. (See enclosed ownership map.) This property is a former service station and it is now being used as a salvage yard of sorts for old automobiles.

This area is zoned CH and has been since 1974. This zone does not allow this type of automobile sales and service in this area. The records show that this property was deeded to you on March 31, 1989, so therefore you did not operate it prior to 1974.

We have had several complaints of the operation and of mice and rats visible in the area. As this operation is in violation of the Box Elder Zoning Ordinance, we are very desirous to know what your intentions are. A previous owner told us he was going to clean it up. We would request that you meet with the Box Elder County Planning Commission on October 15, 1992, at 7:30 P.M. to explain your position with regard to this property.

If we do not hear from you at this time, we will turn the matter over to the County Attorney's Office and the Bear River Health Department for action.

Respectfully,

Denton H. Beecher  
Zoning Administrator

DHB/nk

cc: Jon Bunderson  
Robert Wilson

801-734-2031

01 SOUTH MAIN BRIGHAM CITY, UTAH

84302

*Att. no. 23*



CIRCA 1980's

PLEASE PRINT

NAME

ADDRESS

Duke Lito	8960 So. Hwy 89 Willard
Frank Woodland	8920 So. Hwy 89 Willard
Dennin V Loveland	8950 So. Hwy 89 Willard
Ron Nelson	So. Main Willard
LaVee Kemsley	325 No. Main Willard
Way V. Wettingill	7765 So. Hwy 89 So. Willard Utah 84340
JEFFERY L. JENSEN	8810 So. Hwy. 89 Willard UTAH 84340
ANNABEL B. JENSEN	8810 So. Hwy 89 WILHARD, UTAH 84340
Willard D Kidmax	4295W 1400N Plain City Utah 84404
de K... 1	8850 S Hwy 89 Willard Utah 84304