

**BOX ELDER COUNTY
December 16, 1993**

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 7:00 p.m. on December 16, 1993.

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
Jon Thompson	Member
Louis Douglas	Member
Deanne Halling	Member
David Tea	Member
Denton Beecher	Ex-Officio Member/Surveyor
Marie Korth	Ex-Officio Member/Recorder/ Clerk

Excused:

Steve Grover	Member
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APPROVAL OF MINUTES:

Chairman Richard Kimber presented the Minutes of November 18, 1993, for approval. Mr. Thompson made a motion to approve the Minutes of November 18, 1993. Mr. Douglas seconded. None opposed. The motion carried.

AGENDA: (Attachment No. 1)

BAY VIEW SPORTSMAN'S RESORT:

Concept Plan: (Attachments No. 2 & 3)

Keith Jones, President of Sportsman's Resort Development Corporation of Shelly, Idaho, and his son Todd Jones, met with the Planning Commission regarding a concept plan for a recreational resort at Willard Bay. As an introduction, Mr. Beecher read a letter addressed to him from Mr. Jones that accompanied copies of an application for rezoning, a concept plan for the project, and a conceptual/environment assessment. Mr. Beecher said Mr. Jones is asking for a conceptual plan consideration for his recreational park plan as per Chapter 15 of the Ordinance, and if that is positively reacted upon, it can then be submitted to the County Commission for a zone change.

Referring to a draft of the proposed resort, Mr. Jones explained they have purchased 25 acres in South Willard near Willard Bay. The resort facility will be for private membership (or exchange resort member) only and will include public storage buildings, a boat/RV

storage compound, 125 RV parking stalls, baseball diamond, restroom/shower/bath facilities, and a resort center with swimming pool and hot tub. He pointed out the advantages of the location, access from the freeway to the site and sportsman's access from the resort to the bay, and an explanation of the architectural design. He said he would like it to be a beautiful sight from the freeway, and he anticipates revenue from "all over the country." The resort must be inspected and approved by the State before it becomes operational, hopefully by the Spring of 1995. Eventually they plan to be connected coast-to-coast with other resorts. The park will operate four months during the summer and close the rest of the year. Water, sewer, and fire control issues were also discussed. Mr. Jones explained that water was plentiful. They will have a septic type system with a drain field/lift system concept and a water storage tank which will provide 1/2 hour of fire truck pulling 600 gallons of water along with a sprinkler system and other fire control measures.

Mr. Thompson made a motion to accept and certify the concept plan of the Bay View Sportsman's Resort in Willard, Utah, and recommended that the County Commissioners hold a public hearing to change the zoning from agriculture to planned unit for 25 acres. Mr. Tea seconded. A vote was taken. Commissioner Jensen abstained because he will be voting with the Commission when they approve or disapprove the zoning change. The motion carried.

Surveyor Denton Beecher gave Marie Korth, Recorder/Clerk, a copy of the applications for a zone change. It will be placed on the Commission Meeting Agenda for December 21st.

PROTEST:

Mr. Beecher said he had informed Judy Taylor, who had submitted a minor subdivision, that her lots were too narrow to be used for building or pasturing. Consequently, she had asked to be placed on the agenda to make a formal protest. Since she was not in attendance at the meeting, Mr. Thompson made a motion to table the issue until a later date. Commissioner Jensen seconded. None opposed. The motion carried.

ROCK REMOVAL:

Commissioner Jensen said he had received a call from Frank Woodland of South Willard who reported that rocks were being removed from the face of the mountain across from his property. He is concerned about erosion and flood potential. Mr. Beecher said he had received a similar call from Dean Fowels. Both Commissioner Jensen and Mr. Beecher have looked over the area and determined if the contractor, John Marchant, would use a CAT to slope the road a little more into the mountain and then run it straight south into a "hole" the State owns, the problem might be solved. Mr. Beecher said they are taking surface rock rather than doing excavation, and he told the owner, Abe Dee, that if they get into excavation of over five feet, they will need a permit. Mr. Dee explained to Mr. Beecher that he was using the rock for landscaping at his home in Ogden. Commissioner Jensen

said that both Mr. Woodland and Mr. Fowels suspect that the rock is being sold commercially now. Mr. Thompson was of the opinion that Mr. Dee has a right to "harvest" the rocks as long as he does not cause damage or potential damage to his neighbor. But, he added that the owner should be made to take the consequences if he causes damage to someone else's property, and if he goes over five feet, he will need to get a conditional use permit. Commissioner Jensen stated that the area is not conducive to any more excavation than is being done right now.

Mr. Beecher remarked that Mr. Nielsen has objected to the fact that Abe Dee can take rock, but he (Mr. Nielsen) cannot. Deanne Halling asked if this was going to come back to "haunt us" with Mr. Nielsen? Mr. Beecher said the Planning Commission told Mr. Nielsen the same thing - that the Planning Commission does not have any jurisdiction to prevent him from taking rocks off the surface, but if he starts into excavation, he will need a permit; that he is in a sensitive area, and it would be in his best interest not to do it if he didn't want to get into all the problems involved. He stressed that the decision was left up to him.

Ms. Halling said her concern was that the Commission was setting up a precedence with Mr. Dee over the rock, and a discussion ensued over whether or not a precedence was being set. Commissioner Jensen responded that the difference is that this has not been declared a sensitive area. Mr. Kimber said he did not think they were setting any precedence that was not already set, and he did not think it was a precedence that could not be handled.

Mr. Thompson made a recommendation that Mr. Dee be informed by the Planning Commission that if he begins to excavate below five feet, he will need a conditional use permit. Mr. Tea seconded. None opposed. It was unanimous.

FEEDLOT REQUIREMENTS:

Denton Beecher said he had received a response from the Extension Service concerning feedlot requirements. He met with Stephen Poe, Assistant Professor of the Extension Agricultural Engineer with Agricultural Systems Technology and Education, who said they have information available. Mr. Poe said the best way to handle situations with feedlots is to ask the applicant to prepare and submit a management plan showing how he plans to manage his feedlot and the number of animals.

There may also be a requirement with the Department of Environmental Quality (Water Section) to make sure the affluent that is taken off does not co-mingle with the ground water. The DQ could be called in on that. On January 30th, the Extension Service is conducting an all-day seminar on feedlot and management requirements, environmental quality and water quality issues, feedlot design, etc. He encourages the Planning Commission to attend and said that Tom

Reeve, the local extension agent, will forward the information to the Planning Commission.

Commissioner Jensen said Mr. Reeve suggested to him that the Planning Commission try to get Mr. Kim Hawker to resolve it on his own before involving the State in the matter because it could prove to be very costly. Mr. Thompson commented that there is federal money available to help people with feedlots.

Mr. Thompson made a motion that Denton Beecher formulate a letter to Mr. Hawker requesting him to submit a management plan to be reviewed before considering a request for permit. Mr. Tea seconded. None opposed. It was unanimous.

LITIGATION FOR WILLARD FLOOD CONTROL SPECIAL SERVICE DISTRICT:

Commissioner Jensen read a letter from Attorney Jon Bunderson wherein he stated, "After reviewing the resolutions that created those two districts, we find that the County Commission is not to be a member of either of those boards." Commissioner Jensen said after Attorney Bunderson reviewed the resolution, he wrote a letter to the flood district attorney suggesting that the case be dismissed because there are no grounds. In his letter, Attorney Bunderson explained that if there is to be taxpayers money spent in defending the issue, there would be no alternative but for the Planning Commission to expend all legal avenues to re-coup the attorney fees and other fees from the Willard Flood District itself (which would include members of the flood district and from the professionals advising and representing the flood district). He asked Attorney Romney to extend the 20-day deadline, which she took off completely, and now it has an unlimited extension on it with the anticipation that it will be settled.

Commissioner Jensen indicated that there is a paragraph in the County resolution that states that the County Commission can rescind any issue that the Flood District makes. He is therefore sending a letter to the Attorney Romney from the County Commission that they rescind the suit action.

Mr. Kimber said he thought the Planning Commission should formulate a letter to the Flood Board and review with them the issues, with a copy sent to Attorney Romney. Mr. Beecher said he has compiled some written response to each one of the summons claims, and therefore, Attorney Bunderson would prefer to not do anything at the present time. However, if anyone has an opinion they would like to express, they should write it down and give it to Mr. Beecher until such time a formal letter is written to the Willard Flood District. Mr. Thompson said he felt the Flood District should be aware of those issues, and how the Planning Commission has resolved them.

Mr. Beecher said it was stated in the Willard paper that Willard City and Darrell Nielsen have resolved their differences. "Basically they have agreed that everything that Mr. Nielsen has done in Willard

City is fine and okey. This is the overflow to be built over the existing canal to protect the canal. He will keep a berm on the east side of the canal to a certain elevation, and the phases will be congruent with the phases in our permit with him. Willard City did approve the overflow structure that was designed by Lou Wangsguard. This is the same overflow structure that the Flood District disapproved. In the original plans that we approved, the overflow structure was in the southwest corner of the permit area, right on the county/city line. All he has done is moved it to the west, and it is still going in the same direction, but just moved to the west." He said that the agreement is not signed by everyone yet, but the attorney for Willard City will send Mr. Nielsen a signed copy by next month. Mr. Kimber said he felt it would be well to respond and react on the issue.

Commissioner Jensen stated that the Willard Flood District is applying for a Community Development Block Grant to do some flood control work across from Flying J in South Willard. In order to do this, they need a sponsor, and they have asked if the County would sponsor. Commissioner Jensen told them he would be happy to.

Marie Korth was asked to report on the membership of the Flood Control District. She said the law provides that they have to hold an election, which they did not do. This means the County Commission must appoint two members to the Flood Control Cistrict. As of the 31st of December, Ron Nielsen and Bernell Wetzel will no longer be members of that district. She posted and sent notice to the newspaper advising that anyone who wants to apply for those positions can do so through her office. The Commissioners can choose someone from those applications.

The annual dinner for the Planning Commission members was scheduled for January 6th at 6:00 p.m. at Maddox. Commissioner Jensen suggested that January's regular planning commission meeting be cancelled.

Mr. Thompson made a motion to adjourn the meeting at 8:20 p.m.

Passed and adopted in regular session this 24th day of

February, 1993.


Richard D. Kimber, Chairman

ATTEST:


Marie G. Korth
Recorder/Clerk

AGENDA
BOX ELDER COUNTY PLANNING COMMISSION
MEETING PLACE; COUNTY COMMISSION CHAMBERS
BOX ELDER COUNTY COURTHOUSE
BRIGHAM CITY, UTAH

1. Public agenda for the Box Elder County Planning Commission meeting scheduled for 16 December 1993 at 7:00 P.M.
2. Notice given to the newspaper this 15 day of Dec. , 1993.
3. Approval of the minutes of 18 November 1993
4. Scheduled Delegations:
 - A. Judy Taylor, Protest decision on Minor Subd.
 - B. Keith Jones, Concept Plan for Bay View Sportsman PUD
 - C. Commissioner Jensen , rock removal
 - D. Report on feedlot requirements
 - E.
 - F.
 - G.
 - H.
 - I.
 - J.
5. Old Business
 - A. Annual Dinner
 - B.
 - C.
 - D.

Keith W Jones
Sportsman's Resort
Development Corp.
990 East 800 North
Shelley, Idaho 83274

December 6, 1993

Denton N. Beecher
County Surveyor
and Zoning Board
Box Elder County
01 South Main Street
Brigham City, Utah 84302

Subject: P-District Rezoning Application for Bay View Sportsman's Resort located
in part of Sections 2 and 3, T7N, R2W, SLB&M.

Dear Mr. Beecher:

Enclosed are 9 copies of the following as you requested:

- 1) My application for rezoning the subject property from A-20 to a P-District for a membership only Recreational Vehicle (RV) Park, public Garage Storage Buildings, and a RV and Boat Storage Compound.
- 2) Concept Plan for the project, and
- 3) Conceptual - Environmental Impact Assessment.

Please let me know what, if anything, I need to do to proceed with this project. I will be at the next planning meeting, December 16, 1993 as you said.

Thank you for all your help through this planning and zone activities. It is very much appreciated.

Sincerely,



Keith W Jones