



**Notice is hereby given that  
the Eastern Summit County Planning Commission  
will meet in regular session  
Wednesday, August 18, 2010**

### **AGENDA**

Summit County Courthouse, 60 N. Main Street, Coalville, Utah, 84017, Council Chambers

**REGULAR MEETING 7:00 p.m.** *\*Public comment will be taken\**  
*Agenda items may or may not be discussed in the order they are listed.*

1. Pledge of Allegiance
2. General public input for items not on the agenda.
3. Public Hearing and Possible Approval of an amendment to Mountain Valley Stone Conditional Use Permit on Parcels SS-72-6, SS-72-7 and S-564. – Sean Lewis, County Planner
4. Public Hearing and possible Approval of a Long Term Temporary Use Permit for Chamtech Enterprises, northeast of the Town of Echo; Anthony Sutera, applicant. – Kimber Gabryszak, County Planner III

**WORK SESSION** *\*Public Comment may or may not be taken.\**

1. Discussion of Highway Corridor and Ag Protection Zones. – Adryan Slaght, Principal Planner

**Commission Items**  
**Staff Items**  
**Adjourn**

Individuals with questions, comments, or needing special accommodations pursuant to the Americans with Disabilities Act regarding this meeting may contact the Community Development Department at (435) 336-3124

Posted: August 10, 2010  
Published: August 13, 2010, *Summit County News*  
Next Regular Meeting: Wednesday, September 1, 2010, in Kamas



## STAFF REPORT

**To:** Eastern Summit County Planning Commission (ESCPC)  
**Report Date:** August 12, 2010  
**Meeting Date:** Wednesday, August 18, 2010  
**Author:** Sean Lewis, County Planner  
**Project Name & Type:** Mountain Valley Stone, Conditional Use Permit (CUP) Amendment  
**Type of Item:** Public Hearing  
**Future Routing:** N/A

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**EXECUTIVE SUMMARY:** Wright/Garff Resources has recently purchased the old American Stone parcel in Brown's Canyon. Mountain Valley Stone, the mine operator for Wright/Garff Resources, has applied to amend their current Conditional Use Permit to expand their current operation onto the newly acquired parcel, which is adjacent to their current operation.

### Staff is recommending approval of the Conditional Use Permit Amendment

#### A. Project Description

- **Project Name:** Mountain Valley Stone Conditional Use Permit Amendment
- **Applicant(s):** Brad Young, representing Mountain Valley Stone
- **Property Owner(s):** SS-72-6 Surface: John B Hut Trust  
SS-72-6 Mineral: Wright/Garff Resources  
SS-72-7 Surface + Mineral: Wright/Garff Resources  
(S-564 is a State Parcel ID for SS-72-7)
- **Location:** 6702 West Browns Canyon Road, Peoa, 84061
- **Zone District:** Agriculture Grazing 100 (AG-100)
- **Adjacent Land Uses:** Vacant, Rock Quarry
- **Existing Uses:** Rock Quarry
- **Parcel Number and Size:** SS-72-6, 40.0 Acres; SS-72-7, 30.0 acres; S-564, 10.0 acres

#### B. Community Review

This item appears on the agenda as a public hearing and has been noticed as such. Due to publicity surrounding the recent rezone proposal for this area, public notices were published in both the August 6, 2010 issue of *The Summit County News*, and the August 7, 2010 issue of *The Park Record*. Postcard notices were also mailed to land owners within 1,000 feet of the subject parcels. Staff has also emailed a copy of the public notice to several property owners who were interested in the proposed rezone as a courtesy.

At the time of this report, Staff has received one (1) Government Records Access and Management Act (GRAMA) request requesting copies of the application materials. Staff has also received a phone call from Mr. Gary Silvi who owns parcel SS-72-10. Mr. Silvi wished to express his opposition to the proposed expansion due to noise issues. Mr. Silvi has provided written comment that has been included in this report as Exhibit E.

C. **Background**

On July 16, 2003, the ESCPC approved a CUP for Mountain Valley Stone, located in Brown's Canyon, for a rock quarry. The operation includes rock removal, rock shaping/sizing, rock crushing, and rock storage.

At the time of approval, the applicant indicated that although the total area to be mined was approximately 26 acres over a 5 year period, the specific area proposed as part of the CUP approval was only 9.04 acres. As such, the ESCPC approved the CUP with the following conditions:

- 2) *"The applicant shall follow the reclamation plan as approved by the County Engineer and Summit County Ordinance No. 381. Reclamation shall take place when a particular area being mined has been exhausted.*
- 8) *"Expansion outside the approved site plan shall require an amendment to this Conditional Use Permit and can only be requested when all areas on the approved site plan are exhausted of material".*

On July 6, 2006, Mountain Valley Stone applied for an amendment to their previously approved CUP in order to expand their operation westward onto parcel SS-72-1, a contiguous piece of property owned by the Hut Family Trust. The applicant indicated that an expansion is necessary so they can continue their mining operation, while beginning the reclamation process on the disturbed areas that are exhausted of material. There was a dispute between the owners of the mineral and surface rights regarding storage of materials on the site. This dispute is the basis of a pending lawsuit, and as such, that application has not and will not be heard as a public hearing until such time as the lawsuit is resolved.

The application before the ESCPC seeks to amend the existing CUP to amend the condition above (in italics) to allow for expansion prior to exhaustion of materials. The nature of the type of mining performed by Mountain Valley Stone, or any of the other operators in the area, is not conducive to reclamation prior to expansion as required in the existing conditions. According to Mr. Brad Young, as the pit digs further vertically into the ground, they must also expand horizontally. In this case, because the expansion is using the same hole, Mountain Valley Stone is unable to effectively reclaim the hole. Likewise, all of the available materials are not exhausted as required by the condition. Staff recommends that the condition be amended to allow expansion when the application can prove to the ESCPC that their request to expand is reasonable.

D. **Identification and Analysis of Issues**

*American Stone Parcel*

The ESCPC may recall that Staff revoked the CUP on the American Stone parcel (SS-72-7) in February 2008 due to failure of the operator to abide by the conditions of approval. One of the major issues on this parcel was access to Brown's Canyon Road. Mountain Valley Stone is proposing to continue to access Brown's Canyon Road from their current location. If approved, Mountain Valley Stone would move equipment onto the American Stone Parcel (SS-72-7), but uses such as sales and storage of material would remain on the Mountain Valley Stone parcel (SS-72-6)

E. **Consistency with the General Plan**

Rock Quarries are not specifically addressed in the General Plan (Plan). The Plan is generally geared towards subdivisions and housing units. Most concerns about quarries revolve around visual, traffic, and noise impacts.

Staff will address each of the goals addressed in the Plan.

- 1. Protect the rural, agricultural, and small town character of Eastern Summit County by establishing agricultural operations as the highest priority use of the land and permit only those land use patterns and undertake those programs that support and protect existing and future agricultural operations and encourage farmers and ranchers to stay on the land.**

The land that would be used in the proposed expansion was previously used as a quarry. Mountain Valley Stone would simply be taking over the operation. As the land is not currently suitable for agriculture, current or future agricultural operations would not be harmed by approving this application.

- 2. Support the logical growth of each municipality in Eastern Summit County and help each municipality maintain its unique identity, while promoting the vision for Eastern Summit County.**

The closest municipalities to this parcel are Peoa and Oakley. This parcel is not included in an Annexation Declaration Area.

- 3. Protect the rural and open environment of Eastern Summit County.**

There has been much debate in recent ESCPC meetings regarding the status of the quarries. Many citizens feel that the quarries should be shut down. Staff does not believe that this application changes the rural or open environment of Eastern Summit County any more than other mines that are currently operating under a CUP. As this application is taking over an area that was previously mined, no "new" mine is being created by this application.

**4. Promote an adequate and affordable mix of house types and prices to continue the County's history of a diverse mix of residents.**

The proposed quarry should not affect density or affordability of housing in the Eastern Summit County area.

**5. Establish level of service expectations that are compatible with the County's ability to serve different areas of the County, especially the more remote areas.**

As this expansion is merely "shifting" much of the current Mountain Valley Stone operation, no increase in services will be required as a result of this application. Mountain Valley Stone has been operating in Brown's Canyon for a number of years and is familiar with the services that are available in that particular area of Summit County.

**6. Protect the natural resources of the County.**

Mountain Valley Stone is required by the State of Utah and Summit County to reclaim the site once mining operations are concluded. Mountain Valley Stone has bonded with the State of Utah to ensure that reclamation occurs in a timely manner once operations have stopped.

**7. Develop an economy which augments and supports the desired lifestyle of Eastern Summit County residents, the characteristics of which are mountains, open space, recreation, rural, agriculture and small towns.**

Mountain Valley Stone expects to have 30 employees on site any time that the mine is working at full production. The blonde stone quarried at this location can be found used as decorative stones on many properties throughout Summit County. Staff is not recommending changing any of the conditions of approval, such as hours of operation which were instituted as a protection to the immediate neighbors of Mountain Valley Stone.

**8. Ensure that the Eastern Summit County General Plan is adaptable and responsive to the values of its residents.**

Approval of this application will not change the applicability or adaptability of the Plan.

**F. Findings/ Code Criteria and Discussion**

Section 11-4-6 of the Eastern Summit County Development Code (Code) allows for amendments to Conditional Use Permits. This application is treated as a major amendment.

As this is an amendment to an existing CUP, it is important to note that the applicant has already met these standards. The review by the ESCPC is to determine whether the applicant warrants amending the conditions of approval of the CUP for expansion onto parcel SS-72-7.

- 1. The proposed use shall be appropriate in the particular location, taking into account the nature of the use, its relationship to surrounding land uses and its impact on the natural environment.**

Parcel SS-72-7 is bounded on both the East and West sides by parcels that are currently used in mining operations. This parcel has also been used historically for mining operations.

- 2. The proposed use shall be in general compliance with the Development Evaluations Standards in Chapter 2 of this Title.**

Mountain Valley Stone is not changing any uses from their previous approval.

- 3. The proposed use will not be in violation of any county, state, and federal laws.**

Mountain Valley Stone is properly permitted and bonded by the State of Utah.

- 4. The applicant shall present evidence to show approval of the landowner for the particular use, unless the land is owned by the applicant and, in such case, the applicant shall submit proof of ownership.**

The applicant submitted deeds showing that Wright/Garff Resources owns parcel SS-72-7, and Edward Rodgers signed the CUP application.

- 5. The applicant shall demonstrate that it possesses the requisite skills and experience to ensure that the particular use will be conducted in a safe and orderly manner.**

Mountain Valley Stone has complied with all of the conditions of approval listed on their CUP. Staff is unaware of any safety or permitting violations with any other agency.

- 6. The use will not adversely affect, in a significant manner, the public health, safety, and welfare.**

Mountain Valley Stone is proposing to shift some of their operations onto parcel SS-72-7. This proposal only increases the footprint of the operation, not the number of employees, equipment, or hours of operation.

- 7. The length and size of the proposed structure(s) must be compatible with the residential uses in the area and must also meet the setback requirements for the zone in which it is located.**

The “new” portion of the min will be limited to five (5) acres of land on the American Stone parcel. No structures are proposed to be erected on the new portion. Access to the new portion will come from the current parcel (SS-72-6).

G. **Recommendation(s)/Alternatives**

Staff recommends that the ESCPC conduct a public hearing to allow the public the opportunity to speak for or against this proposal. Staff further recommends that the ESCPC choose alternative A of the following alternatives.

**Alternative A**

Vote to approve:

- 1) Amending the Conditional Use Permit issued July 17, 2003;
- 2) Amending the approved site plan to include five (5) acres from parcel SS-72-7 as shown in Exhibit C

These approvals are based upon the following findings:

- 1) Mountain Valley Stone has complied with the conditions of approval as listed in Exhibit F
- 2) Under current conditions, requiring reclamation prior to expansion may not be a reasonable condition
- 3) Mountain Valley Stone has shown a need to expand to meet current demands for product.
- 4) The proposed expansion onto parcel SS-72-7 meets the criteria of approval as detailed in section F of this report.

And keeping all conditions as listed in the previous approval with the following exceptions:

- 1) Amend Condition #8 to read: Expansion outside the approved site plan shall require an amendment to this Conditional Use Permit ~~and can only be requested when all areas on the approved site plan are exhausted of material.~~

**Alternative B**

Vote to deny the proposed amendment and expansion. The ESCPC must articulate findings that would support this course of action. Should the application for amendment and expansion be denied, the original CUP would remain in effect.

**Attachment(s)**

Exhibit A – Zoning Map

Exhibit B – Vicinity Map

Exhibit C – Site Plan

Exhibit D – Site Photo(s)

Exhibit E – Mountain Valley Stone CUP Issued July 17, 2003

Exhibit F – Emails

S:\SHARED\Sean Lewis\Conditional Use\Mountain Valley Stone\Mountain Valley Stone ESCPC 8-18-10 Staff Report.doc

# Eastern Summit County Zoning

- Highway Corridor
- AG Protection
- AG/Grazing - 100
- AG/Grazing - 160
- Commercial
- Industrial
- Parcels
- Rivers

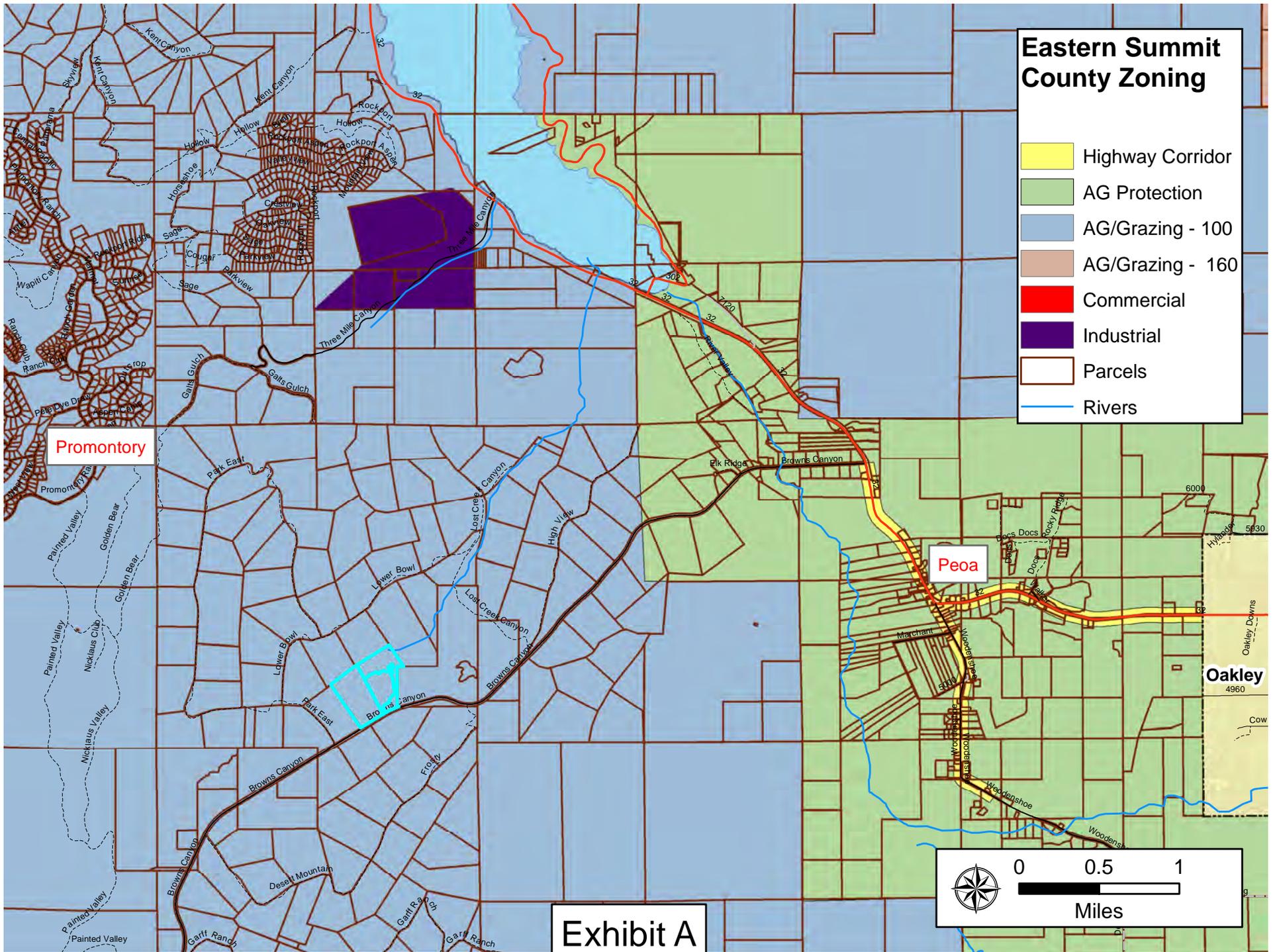


Exhibit A



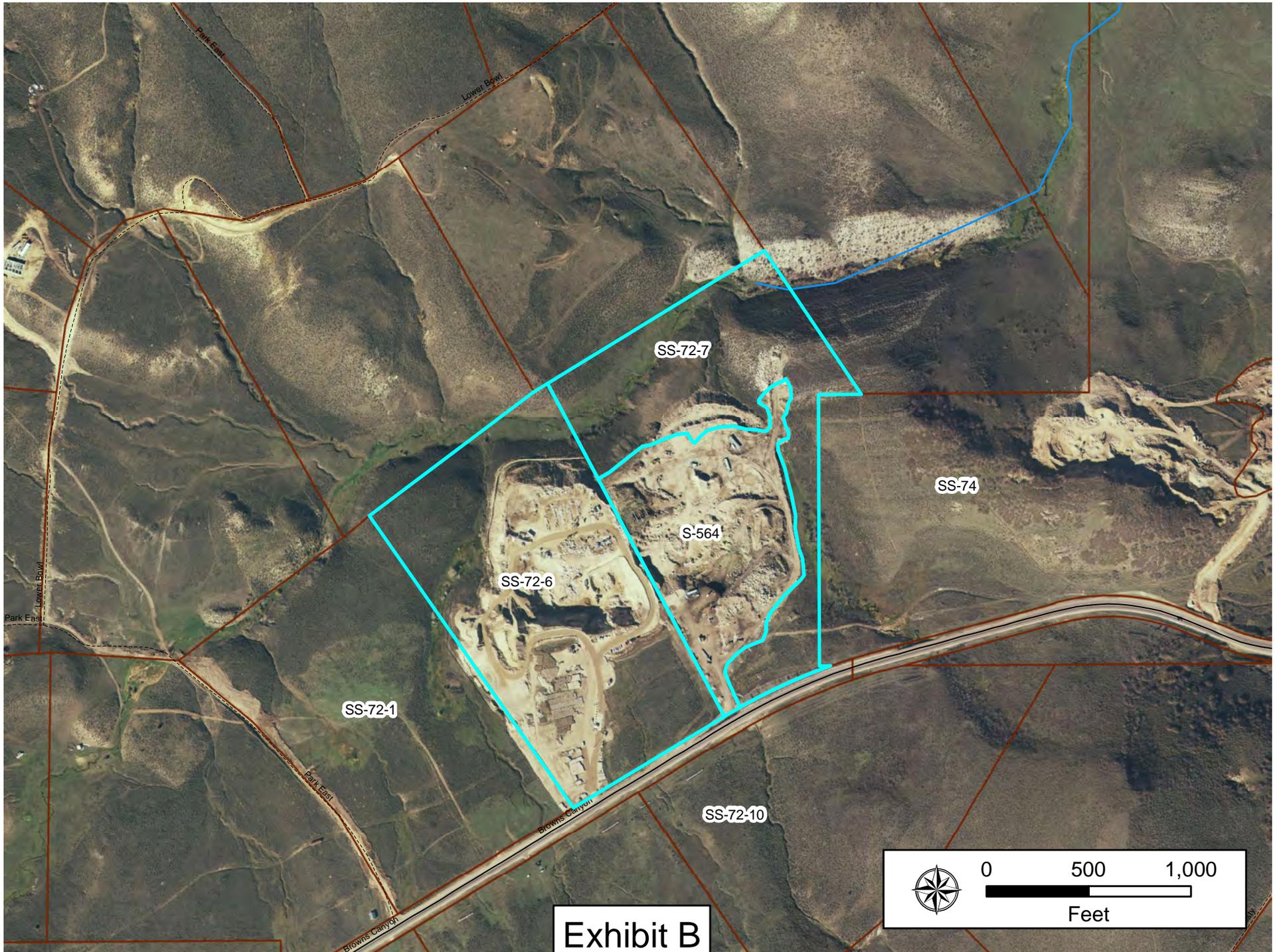
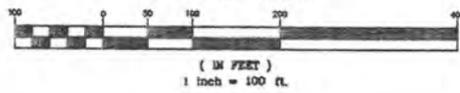


Exhibit B

GRAPHIC SCALE



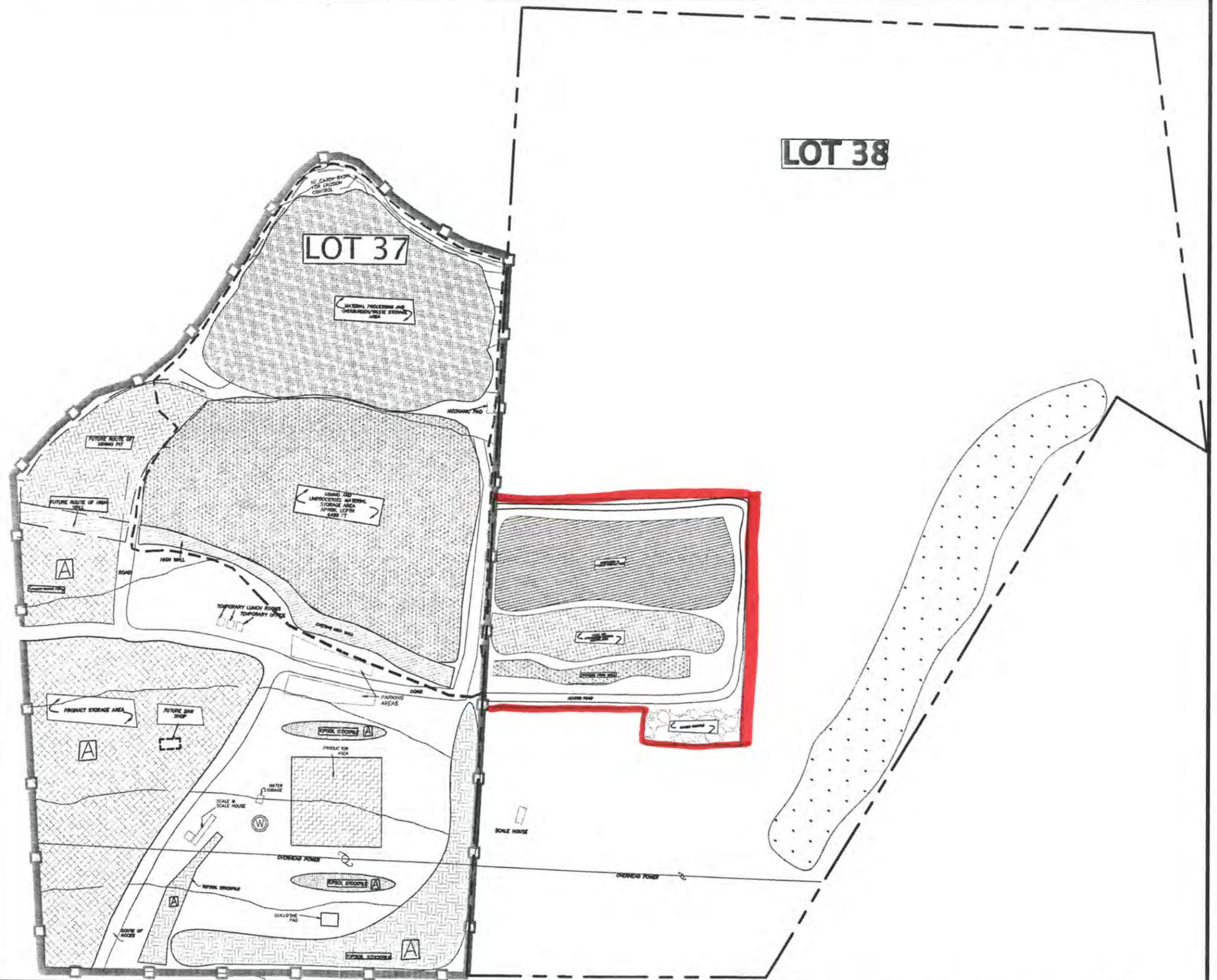
LEGEND

- 5745.00 50 FOOT CONTOUR
- INTERMITTENT DRAINAGE (7272 LF)
- PERENNIAL DRAINAGE (2394 LF)
- EXISTING MINING AREA (25.5 ACRES)
- CURRENT MINING OPERATIONS
- PROPERTY LINE
- AREA OF EXPANSION (5.00 ACRES)
- WELL LOCATION
- SPRING

LOT 37 LEGEND KEY NOTES AND HATCH PATTERNS		
HATCH	DESCRIPTION	ACRES (APPROX.)
	MINING & UNPROCESSED MATERIAL STORAGE	5.6
	MATERIAL PROCESSING & OVERBURDEN/WASTE STORAGE AREA	4.48
	PRODUCT STORAGE AREAS A,B,&C	4.81
	TOPSOIL STOCKPILE	2.5
	PRODUCTION AREA	1
	WETLAND AREA	1.8
	EXISTING HIGH WALL	750 LF
	FUTURE ROUTE OF HIGH WALL	0.9
	FUTURE ROUTE OF MINING PIT	0.2

LOT 38 LEGEND KEY NOTES AND HATCH PATTERNS		
HATCH	DESCRIPTION	ACRES (APPROX.)
	OVERBURDEN & PRODUCT STORAGE PILES	1.90
	MINING & UNPROCESSED MATERIAL STORAGE AREA	1.41
	EXISTING HIGH WALL	
	BOULDER STOCKPILE	
	WETLAND AREA	

NOTE: ALL ACREAGES ARE APPROXIMATIONS



DRAWN BY: ANTHONY PEDERSEN  
 REVIEWED BY: BRAD YOUNG  
 APPROVED BY:  
 COMPLETION DATE: 8/18/10

LOCATED IN THE  
 SE 1/4 CORNER OF SECTION 19 AND THE SW 1/4  
 CORNER OF SECTION 20, T1S, R5E SL&M

MOUNTAIN VALLEY STONE  
 BROWN CANYON QUARRY  
 SUMMIT COUNTY, UTAH

LOT 37 & LOT 38

SHEET  
 1



Exhibit D-1



Exhibit D-2



Exhibit D-3



July 17, 2003

Robert Hicken  
2276 S Daniels Road  
Heber City, Utah 84032

**Re: Conditional Use Permit for Mountain Valley Stone, Located in Brown's Canyon, Summit County, Utah**

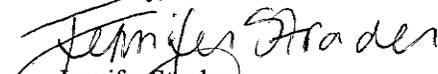
Dear Mr. Hicken,

This letter is to inform you that on July 16, 2003, the Eastern Summit County Planning Commission approved your request for a Conditional Use Permit for Mountain Valley Stone, located in Brown's Canyon, Summit County, Utah. The granting of this permit is based upon compliance with Section 4.60 of the Eastern Summit County Development Code and requires that the following conditions of approval be satisfied:

1. The applicant shall follow the Operating Plan submitted with the application.
2. The applicant shall follow the reclamation plan as approved by the County Engineer and Summit County Ordinance No. 381. Reclamation shall take place when a particular area being mined has been exhausted.
3. All State, Federal, and County permits shall remain current.
4. The applicant shall maintain the access road from Brown's Canyon Road and provide for dust and mud suppression as needed.
5. Summit County shall be allowed to inspect the site as needed to check for compliance with conditions.
6. The hours of operation shall be as follows: Trucking shall occur between the hours of 7 a.m. – 7 p.m., Monday thru Friday and 7 a.m. – 12:00 noon, Saturday. Mining shall occur between 7 a.m. – 7 p.m., Monday thru Saturday.
7. The Community Development Director may grant an extension to the hours and days of operation for specific projects on a limited basis. Requests must be made in advance by the applicant.
8. Expansion outside the approved site plan shall require an amendment to this Conditional Use Permit and can only be requested when all areas on the approved site plan are exhausted of material.
9. Trash, scrap and debris generated during operations shall be hauled to the Summit County Landfill.
10. Proper care should be taken to avoid dumping fuel on the property during fueling of the equipment.
11. The applicant shall obtain a Summit County Business License.
12. Upon Business License renewal each year, the applicant must show that he has valid permits from all applicable State agencies.
13. Noxious weeds must be dealt with in a timely manner.

Failure to comply with the above conditions may result in revocation of this Conditional Use Permit. If you should have any questions, please contact me at (435) 615-3152.

Sincerely,

  
Jennifer Strader  
County Planner

**From:** [Gary Silvi](#)  
**To:** [slewis@co.summit.ut.us](mailto:slewis@co.summit.ut.us)  
**Cc:** "[Monique Silvi](#)"  
**Subject:** mining permit Browns Canyon  
**Date:** Monday, August 09, 2010 12:24:22 PM

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Sean,

It was a pleasure speaking with you today regarding the application for the expansion of the mining operation at Browns Canyon.

Although we are landowners at Browns Canyon we expect to build a home and to retire there someday .My background was in mining where I had worked for my fathers mining company for many years and I have a keen appreciation for the business and its challenges. I oppose the expansion of the mine for the reason that the noise from the crushing and conveyors is offensive and detracts from the quality of life that could prevail in a more controlled environment. The traffic and dust are less offensive to me but do not lend to any sense of serenity. Also I do recognize that the quarry existed prior to my purchasing land there but unless permitted the useful life of most quarries is limited .

Thank you for hearing my opinion in this matter and please keep me posted with any future plans for the community.

Gary Silvi  
President | Vesper Property Group, LTD  
1619 Walnut St. Suite 520  
Philadelphia, PA 19103  
Main 215.575.0677  
Cell 215.519.5376  
Fax 215.564.1824  
[gsilvi@vesperpg.com](mailto:gsilvi@vesperpg.com)



## STAFF REPORT

**To:** Eastern Summit County Planning Commission (ESCPC)  
**Report Date:** Thursday, August 12, 2010  
**Meeting Date:** Wednesday, August 18, 2010  
**Author:** Kimber Gabryszak *KG*  
**Project Name & Type:** Chamtech Long Term Temporary Use Permit  
**Type of Item:** Public Hearing  
**Future Routing:** None

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**EXECUTIVE SUMMARY:** The applicant, Anthony Sutera on behalf of Chamtech Enterprises, is requesting approval of a long-term Temporary Use Permit (TUP), to allow the operation of a military and law enforcement training area in Echo (Sawmill) Canyon in Eastern Summit County.

**Staff recommends that the ESCPC hold a public hearing, take public comment, discuss the proposal, and vote to approve, deny, or continue the application.**

### A. Project Description

- **Project Name:** Chamtech Enterprises long-term TUP
- **Applicant(s):** Anthony Sutera
- **Property Owner(s):** Tyland Inc.
- **Location:** Portions of Sections 28, 27, 26, 23, 22, and 21, Township 4 North, Range 5 East
- **Zone District & Setbacks:** AG-160, N/A
- **Adjacent Land Uses:** Vacant, grazing
- **Existing Uses:** Vacant, grazing
- **Parcel Number and Size:** NS-1268, 640.00 acres  
NS-1269, 640.00 acres  
NS-1270, 340.00 acres  
NS-1277, 276.54 acres  
NS-1276, 316.46 acres  
NS-1275, 316.46 acres

### B. Community Review

This item has been noticed as a public hearing in the Summit County News, and a mailed notice sent to all property owners within 1000'. As of the date of this report, verbal comment has been received from nearby property owners expressing concern over the potential impacts of shooting noise on livestock, traffic impacts, water usage, waste management, and increased fire danger.

C. **Background**

The applicants are requesting approval of a military and law-enforcement training operation on just over 2500 acres in Eastern Summit County, located in Echo Canyon off of Interstate 80 and up Sawmill Canyon.

The applicants propose training of various law enforcement / military groups, which groups are to remain unidentified due to security and privacy concerns. The types of activities will include ATV training, sniper training, use of specialized communications equipment, surveillance, and counter surveillance techniques. The applicants will not utilize explosives, chemicals, drones, or other aircraft, and will not conduct high-volume shooting or have shooting ranges. Machine guns, tanks, and other high impact and high noise equipment will not be utilized. Activities will be low intensity and will focus on survival and wilderness activities for small groups.

As currently proposed, the operation will not build any new buildings on the property, utilizing only the existing cabin on parcel NS-1277. This cabin will not have space to house all of the instructors and participants (an average of 8-12 each week, up to a maximum of 30 in any one week period), so the applicants intend to use the cabin for housing of several instructors, with most of the students camping outdoors. Some of the students will stay in area hotels, such as those in Coalville. Smaller structures such as sniper targets and restrooms will be constructed.

As proposed, the operation will be year round, daily from 8am-5pm, with one night a week available for "night fire training" until 10:00pm. The area will also be closed one week a month for maintenance.

D. **Identification and Analysis of Issues**

Staff has sent the application out for review to many service providers:

- Utah Division of Wildlife
- Utah Division of Water Quality
- Utah Department of Environmental Quality
- Wasatch / Cache National Forest
- US Army Corps of Engineers
- County Sheriff
- County Engineer
- County Weed Department
- Eastern Summit County Fire and emergency districts
- Wildland Fire District
- All Eastern Summit County municipalities (Coalville, Kamas, Oakley, Henefer, Francis)
- North Summit School District
- Utilities (Questar, Rocky Mountain Power)

Of these providers, the majority returned no comment. Of those that did return comment, the County Engineer, County Sheriff, and various utility providers did not see impacts to their areas of concern. The remaining Service Provider concerns as well as public concerns are included below.

**Water Quality**

The Utah Division of Water Quality (DWQ) expressed concerns with the potential for lead to build up and then contaminate the area water systems. Staff requested information from

DWQ on methods to minimize or completely avoid this contamination and build up, but has not yet received this information.

The applicants have responded with the following information concerning lead mitigation:

- Shooting will be very low volume for sniper training, and there will not be high volume shooting for any other reasons at any time.
- Targets will be constructed of material backed by thick concrete for the bullets to sink into, so that bullets will be caught rather than scattered.
- Target bases will be lined with concrete to catch any shrapnel, which will be cleaned regularly.
- Shooting will only occur at these designated targets and all casings and discharge material will be cleaned regularly.
- They will be utilizing drinking water from springs on the property, and have a personal interest in ensuring a clean water system.

Staff has also learned of lead-free bullets which, while more expensive, could be an option to help with this issue.

### **Sanitation and Water**

The existing home has a home with a septic tank, in addition to which the applicants propose the use of outdoor restrooms with an additional septic tank for waste management. Staff has contacted the Health Department concerning this topic; the Health Department would require several separate restroom/shower combinations, similar to those constructed at KOA campgrounds and scout camps, hooked into a septic tank. The applicants are arranging a meeting with the Health Department to finalize details.

There are several springs on the property, and water rights for livestock. The applicants will not be cooking on the property, as participants will be carrying rations and water, and any cooked food will be purchased from local restaurants or hotels following training activities.

### **Fire and Emergency Access**

The North Summit Fire District (NSFD) has expressed concern over both the limited emergency access available to the property, and the increased danger of wildfires from human causes. That area is known to have a higher wildland fire danger from natural causes such as lightning strikes, and the proposed shooting, vehicular, and camping activities in a dry area with limited water availability will increase the risk of wildfires.

The applicant has scheduled a meeting with the NSFD prior to the ESCPC hearing, however the determination will not be available in time for this report. Regardless, any approval should include conditions to ensure that any fire risk is mitigated and that the conditions of the NSFD are met.

Ahead of that meeting, comments have also been provided from the applicants:

- No cooking will be done on the site, to minimize fire danger
- Participants and instructors are aware of fire danger from ammunition and will take steps to minimize the danger when utilizing firearms.
- They have identified two potential landing sites for the AirMed helicopter which is based in the Snyderville Basin, for more serious medical emergencies.

### **Access and Traffic**

The area is accessed by one dirt road that usually requires the use of an AWD vehicle. The applicants have provided information concerning the easement, and the County Attorney's office is reviewing the documentation to verify legal access. The access is shared by multiple

property owners, and the applicants do not propose road improvements, but are willing to do road improvements when needed.

The participants of each training session will assemble in Salt Lake City upon arrival, and will be transported to the site, which will mean additional traffic on the access road at the beginning and end of each session. Additionally, as some of the students will stay in area hotels, traffic on the road will likely be increased. Public comment has expressed concern with this increased traffic and impacts both to the road and to nearby grazing flocks and herds.

The applicants have stated that the preferred training group size is 8-12 individuals, which would only mean one (1) additional vehicle on the road each day. For the larger groups, that would be approximately three (3) vehicles.

Staff requests ESCPC discussion on this topic.

### **Shooting**

Public comment has been received expressing concern over the impacts of the proposed shooting activities. These concerns include:

- Impacts to sheep and cattle that graze nearby properties
- Lead buildup in the water supply of Echo Town
- Impacts to wildlife that may negatively impact the ability of nearby properties to lease hunting rights

The applicants have responded with the following information:

- Shooting activities are very low volume, with only a few shots fired each day.
- All firearms will be equipped with sound mufflers / silencers. As part of the sniper training, the students must attempt to hide the source of the shot and so gunshot noise will be muffled.
- The methods described previously will be utilized to prevent lead contamination.
- The muffling and minimal shooting levels will minimize wildlife disturbance.
- Cattle and sheep will still range the training area, so impacts to livestock are not anticipated.
- A goal of the training is to have participants learn to move in the wilderness without disturbing wildlife, since disturbed wildlife can negatively identify a participants hidden location.

### **Wildlife**

Staff has submitted the proposal to the Utah Division of Wildlife for review, and also sent a public notice to them since they own adjacent property. As of the date of this report, no comment has been received, except for notification that DWR is reviewing the proposal. Any comments received from DWR prior to the meeting will be brought to the meeting by Staff.

In the review of the proposal as currently outlined, Staff does not anticipate that wildlife impacts from the proposed use will be much increased from current hunting and camping activities.

### **Explosives, chemicals, and aircraft**

Public concerns and Service Provider concerns has been received concerning the potential for use of explosives, chemicals, heavy artillery, tanks and similar vehicles, and aircraft. The applicant has stated that none of these items will be utilized in their training.

E. **Consistency with the General Plan**

The Eastern Summit County General Plan has the goal of protecting the rural agricultural culture. While a military / law enforcement training area may initially seem contrary, this particular application may be able to conform to this goal through:

- Minimal disturbance of the property with very few improvements
- Continued use of the property for ranching / grazing
- Noise reduction and environmental protections to be put in place

The continued use of the property for ranching also supports another General Plan goal: "ways must be found to help the farmer stay on the land."

With appropriate conditions to guarantee the applicant promises, the General Plan goals of natural resource protection, economic development, and protection of the rural and open environment may also be met by this application.

F. **Findings/ Code Criteria and Discussion**

Section 11-4-7 of the Eastern Summit County Development Code delineates between short term TUPS as those that shall occur for sixteen (16) days or less, and long term TUPs as those that occur for longer durations, without specifying a maximum time period. The applicants are requesting a two (2) year TUP, with the potential for extension in the future. Section 11-4-7(B) also outlines the criteria for a TUP:

1. The proposed use shall be appropriate, on a temporary basis in the particular location, taking into account the nature of the use, its relationship to surrounding land uses and its impact on the natural environment.  
*Staff would prefer that, if approved, this type of use be processed as temporary to ensure the ability to remove the activity if impacts are too great. The use does not propose large permanent structures which will make it easier if the use must cease. Also, with conditions sufficient to guarantee the restoration and clean up of any damage such as lead buildup and erosion, this use would be appropriate on a temporary basis.*
2. The proposed use shall be in general compliance with the Development Evaluations Standards in Chapter 2 of this Title.  
*The proposal does not include any development, such as roadway installation or the building of structures. The proposed shooting targets and restrooms will be required to meet Planning and Health Department requirements, and any improvements beyond these would be required to both a) obtain at a minimum an amendment to this TUP, and b) comply with the Development Evaluation Standards.*
3. The proposed use will not be in violation of any county, state, and federal laws.  
*To Staff's knowledge, the proposed use will not be in violation of any laws. Various State agencies were contacted about the proposal, and no negative comment was received concerning legality of the proposal.*
4. The applicant shall present evidence to show approval of the landowner for the particular use, unless the land is owned by the applicant and, in such case, the applicant shall submit proof of ownership.  
*The applicants propose utilizing property owned by Tyland, Inc., and approval has been provided. The proposed use entirely surrounds the 40 acre parcel NS-1277-B,*

*however, and approval has not been given by this property owner. Conditions should be placed on any approval to ensure that activities do not take place on NS-1277-B.*

5. The applicant shall demonstrate that he possesses the requisite skills and experience to ensure that the particular activity will be conducted in a safe and orderly manner. *The applicants have submitted written summaries outlining their backgrounds, however this is a relatively new organization, and is the first area of this type that they are proposing. Staff requests ESCPC discussion on this criterion.*
6. The site shall be returned to its original condition, or, when significant disturbance has occurred, to a condition approved by the Planning Commission. *The applicants do not propose the construction of any roads or structures; however, a bond should be considered to ensure that any access road damage shall be repaired, any areas damaged by ATV use or other activities shall be reclaimed, and all lead from shooting shall be collected to avoid lead buildup and water contamination. Staff requests ESCPC discussion on this criterion.*
7. The use shall not adversely affect, in a significant manner, the public health, safety, and welfare. *The mitigation proposed by the applicant appear capable of preventing adverse effects, however Staff requests further ESCPC discussion on this criterion, to determine if there are adequate conditions that can mitigate potential impacts to surrounding ranch operations and increased fire risk.*

#### **G. Recommendation(s)/Alternatives**

Staff recommends that the ESCPC conduct a public hearing, take public comment on the application, and discuss the proposal. Staff further recommends that the ESCPC choose from one of the following options:

##### **OPTION A**

Vote to **approve** the Temporary Use Permit with the findings and conditions below:

##### **Findings**

1. The application complies with the criteria in Section 11-4-7 of the Eastern Summit County Development Code, as articulated by the ESCPC.
2. The application complies with the Eastern Summit County General Plan.

##### **Conditions**

1. The approval is good for two (2) years from the date of this hearing, or for an alternative length of time as determined by the ESCPC.
2. Any modification to the use shall require a public hearing and amendment to this TUP.
3. No use of explosives, heavy artillery, tanks and other heavy vehicles, or high-volume gunfire is permitted by this approval.
4. No automatic extension is built into this TUP; any additional time shall require a public hearing, an amendment to this TUP, and additional conditions as determined by the ESCPC. Approval of any extensions are not guaranteed and shall be subject to the Development Code in effect at the date of TUP amendment.
5. The applicants shall submit cost estimates for cleanup, and shall post a bond sufficient to ensure that clean-up occurs in a thorough and timely manner.

6. The applicants shall comply with all requirements of the North Summit Fire District and Fire Marshall concerning emergency access and fire management.
7. All other Service Provider requirements shall be met.
8. Signage shall be placed at regular intervals around the boundary of the property sufficient to notify hunters and other potential trespassers of the use of the property.
9. Signage shall be placed around the boundary of parcel NS-1277-B to ensure that activities do not take place on that property.
10. Mitigation methods for lead collection shall be implemented prior to shooting activities.
11. All gunfire shall be muffled.
12. The hours and timeframe of operation shall be as determined by the ESCPC.
13. Any other conditions as required by the ESCPC.

**OPTION B**

Vote to **deny** the Temporary Use Permit with the findings below:

**Findings**

1. The application does not comply with the criteria in Section 11-4-7 of the Eastern Summit County Development Code, as articulated by the ESCPC; and / or,
2. The application does not comply with the Eastern Summit County General Plan, as articulated by the ESCPC.

**OPTION C**

Vote to **continue** the Temporary Use Permit to another meeting, with specific guidance to Staff and the applicant on information necessary to help render a decision.

**Attachment(s)**

Exhibit A – Location Map	(page 8)
Exhibit B – Zoning Map	(page 9)
Exhibit C – Aerial	(page 10)
Exhibit D – Proposed site plan	(page 11)
Exhibit E – Topographic Information	(page 12)
Exhibit F – Existing vegetation	(page 13)
Exhibit G – Hydric Soils	(page 14)
Exhibit H – Applicant summaries	(pages 15-18)
Exhibit I – Applicant letter to the community	(page 19)
Exhibit J – Service Provider comments	(pages 20-22)
Exhibit K – Written Public comments	(pages 23-26)

# EXHIBIT A

## Legend

- Parcels
- Rivers

0 0.45 0.9 1.8 Miles

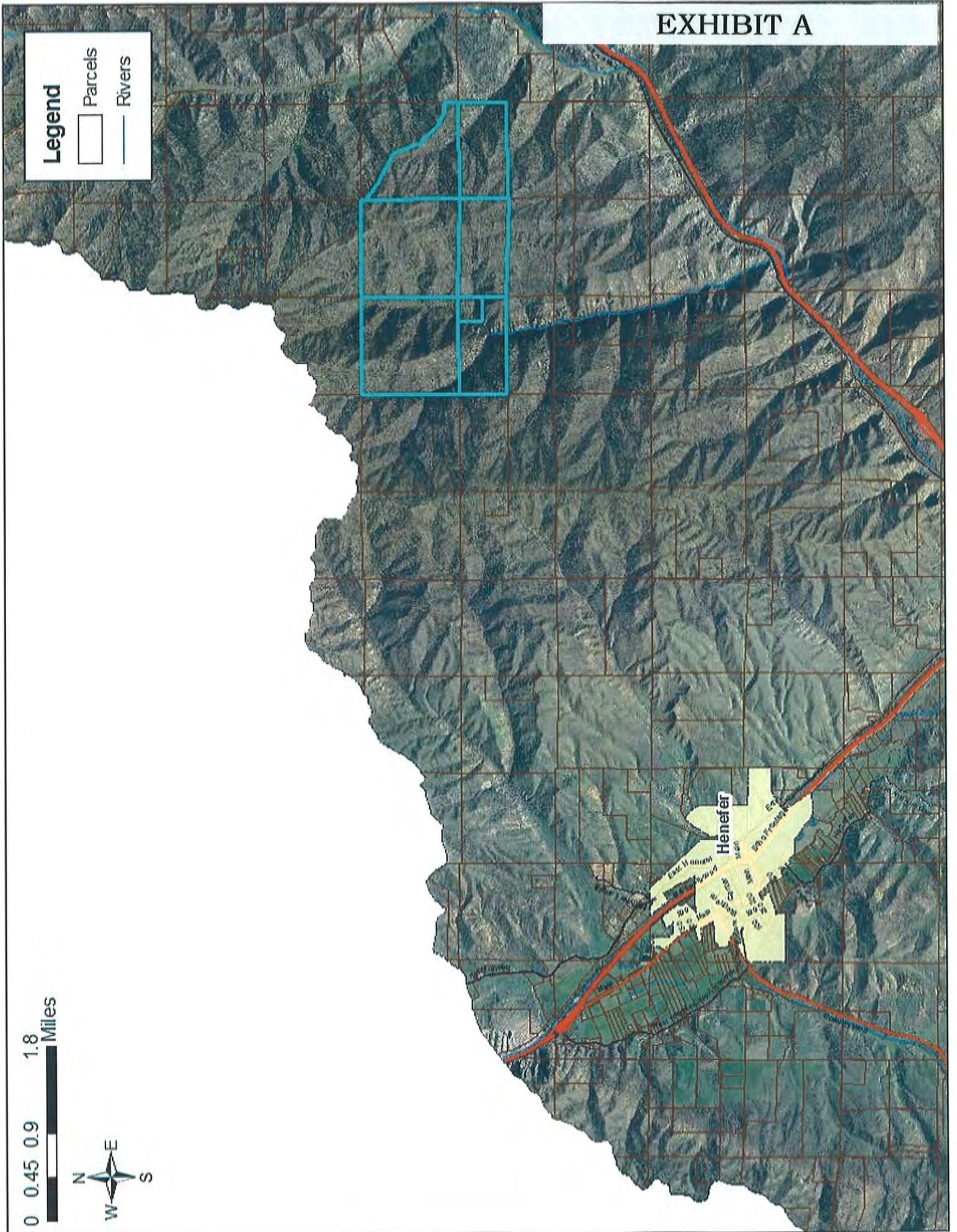
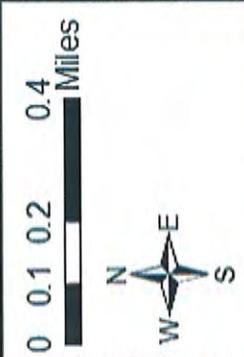
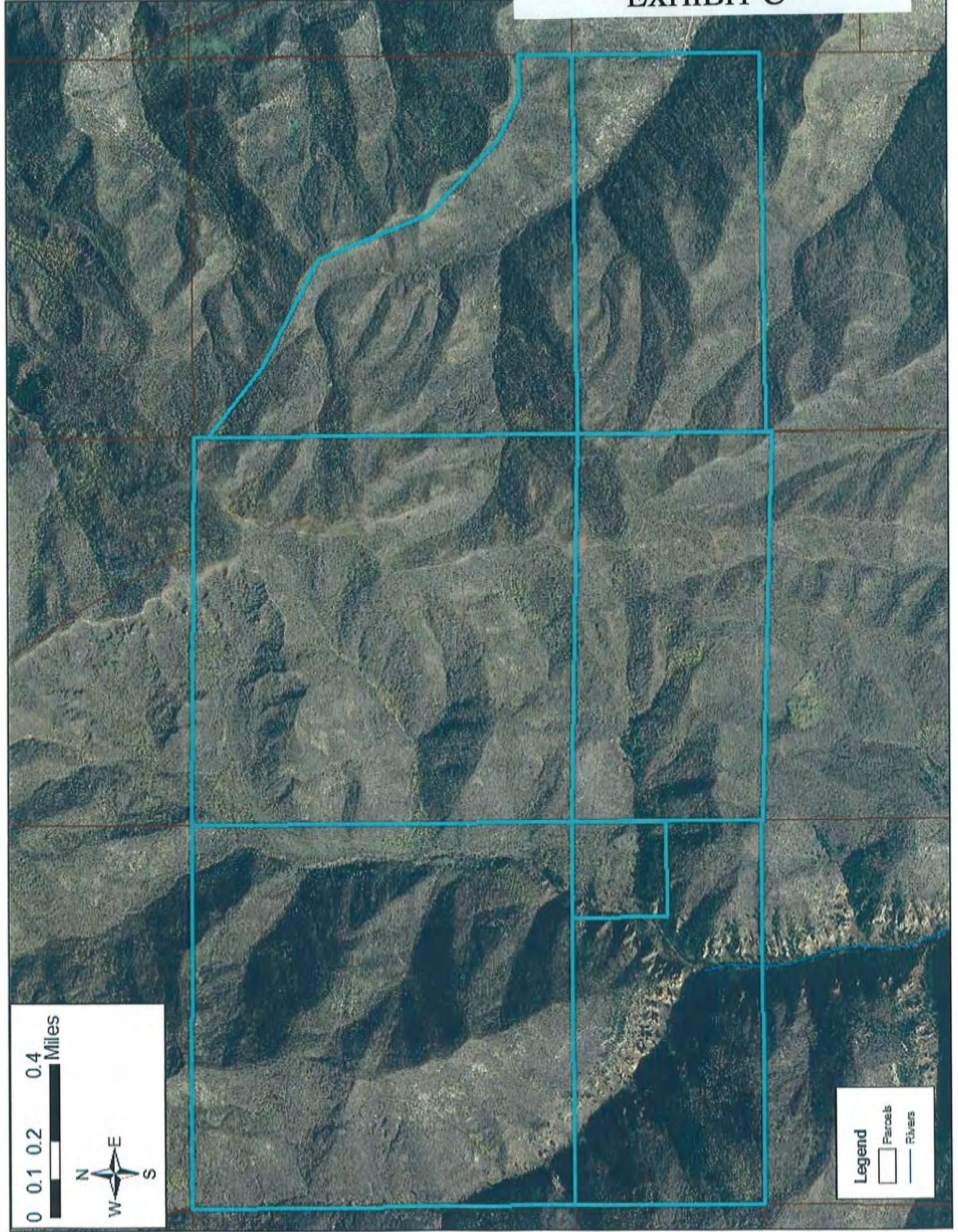


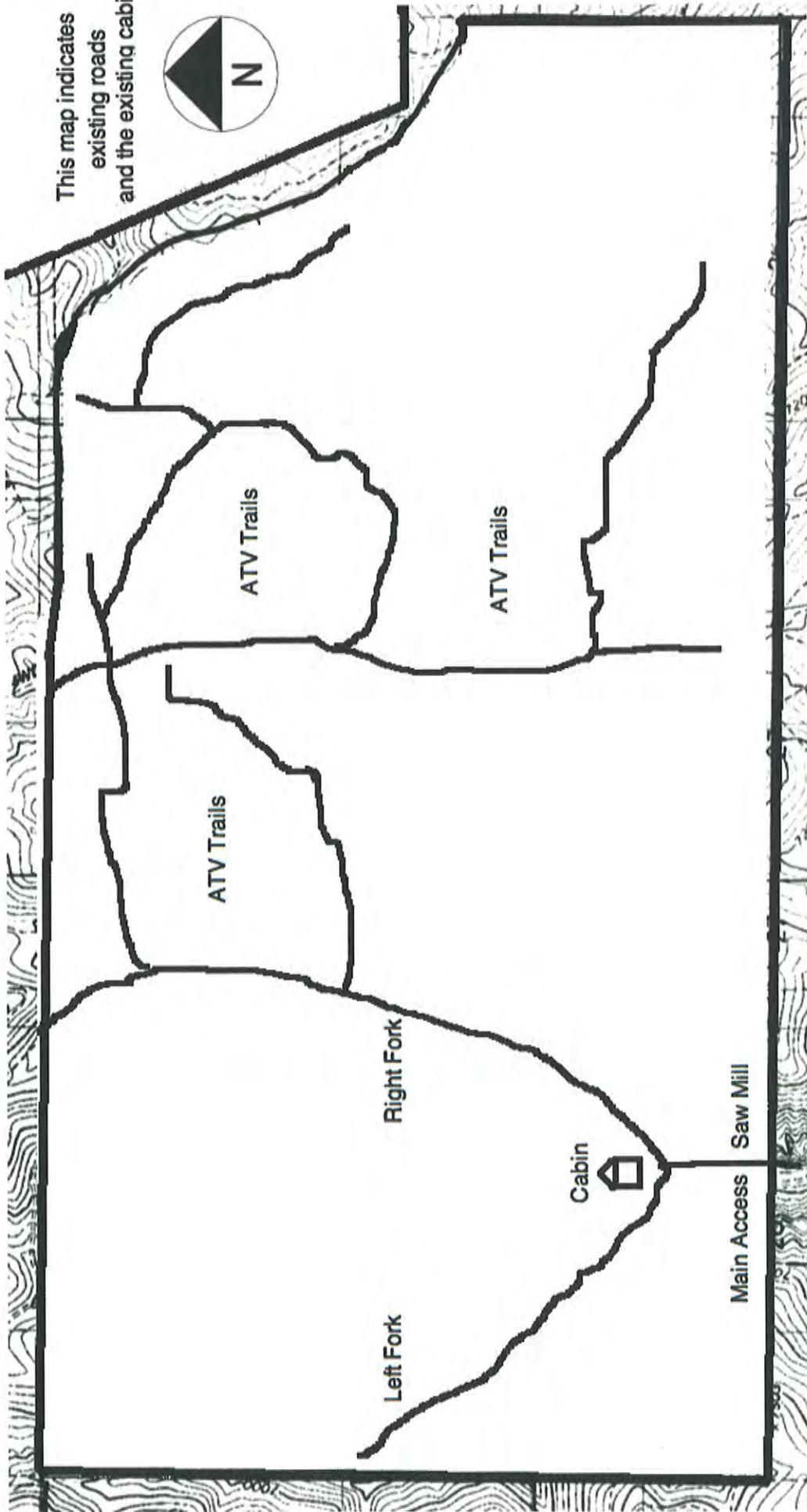


EXHIBIT C

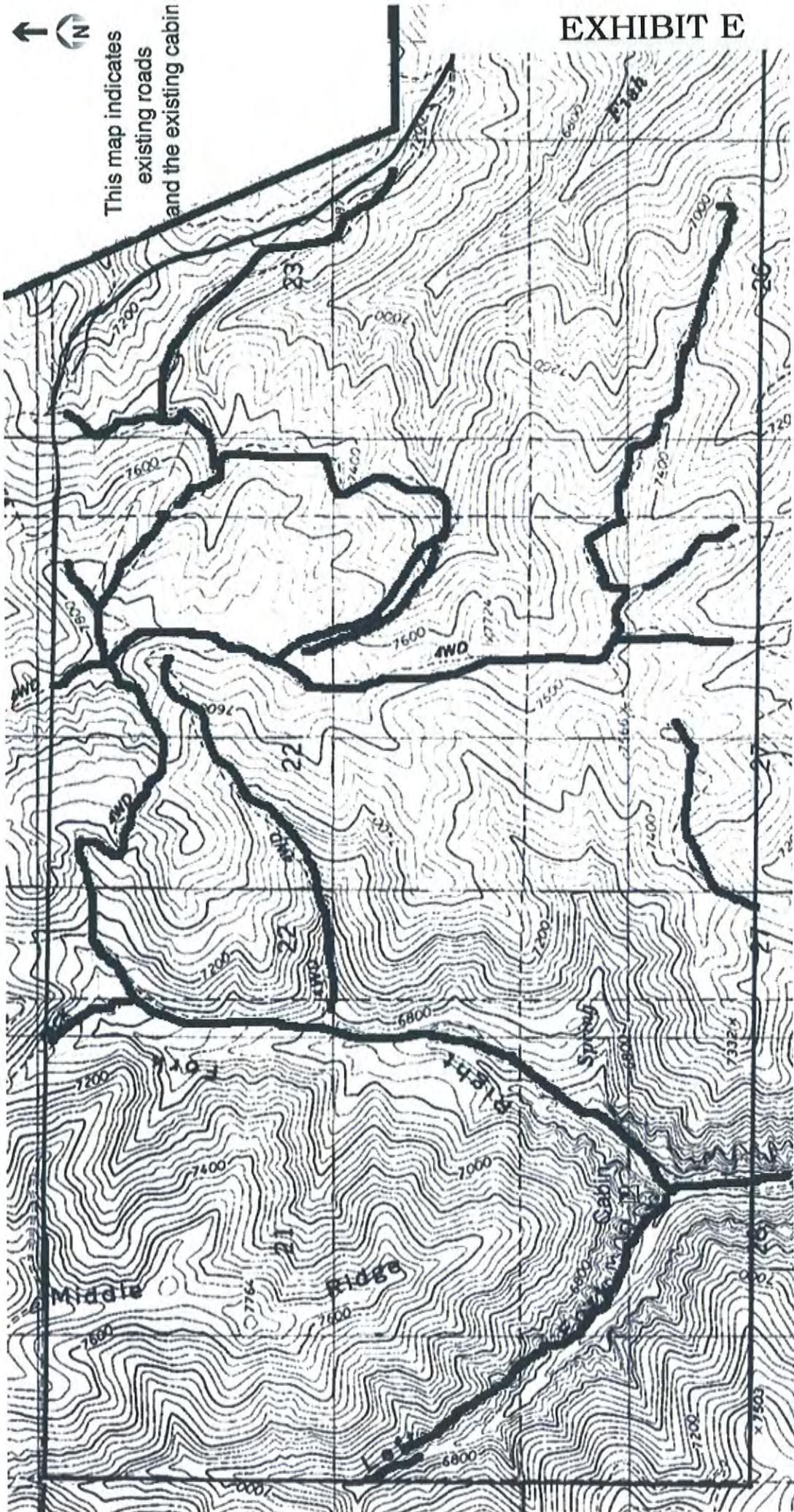


# EXHIBIT D

This map indicates  
existing roads  
and the existing cabin



# EXHIBIT E

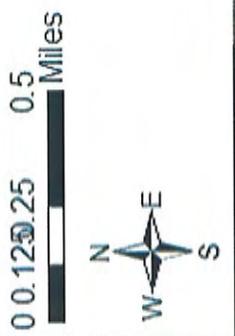


# EXHIBIT F

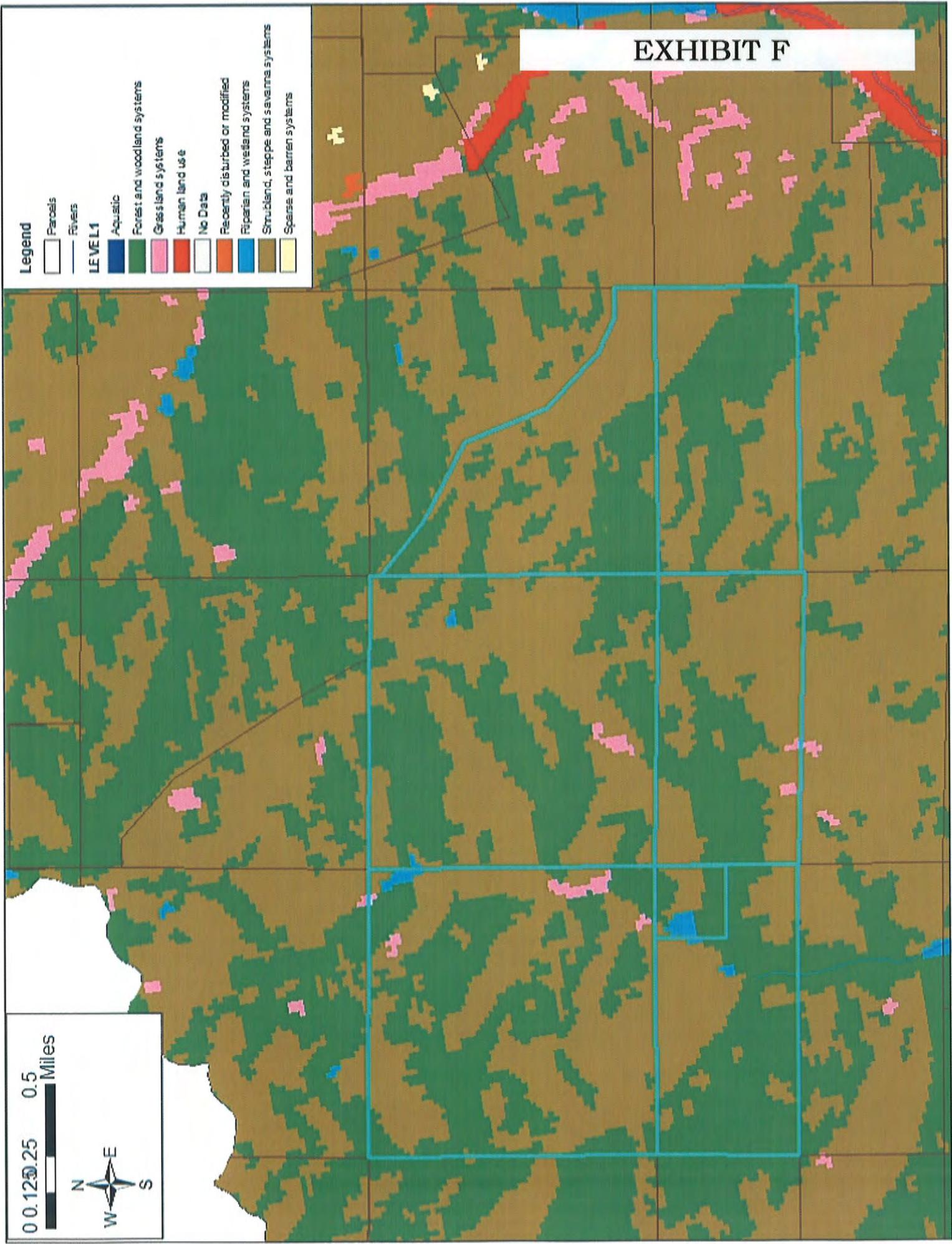
## Legend

- Parcels
- Rivers
- LEVEL 1
  - Aquatic
  - Forest and woodland systems
  - Grassland systems
  - Human land use
  - No Data
  - Recently disturbed or modified
  - Riparian and wetland systems
  - Shrubland, steppe and savanna systems
  - Sparse and barren systems

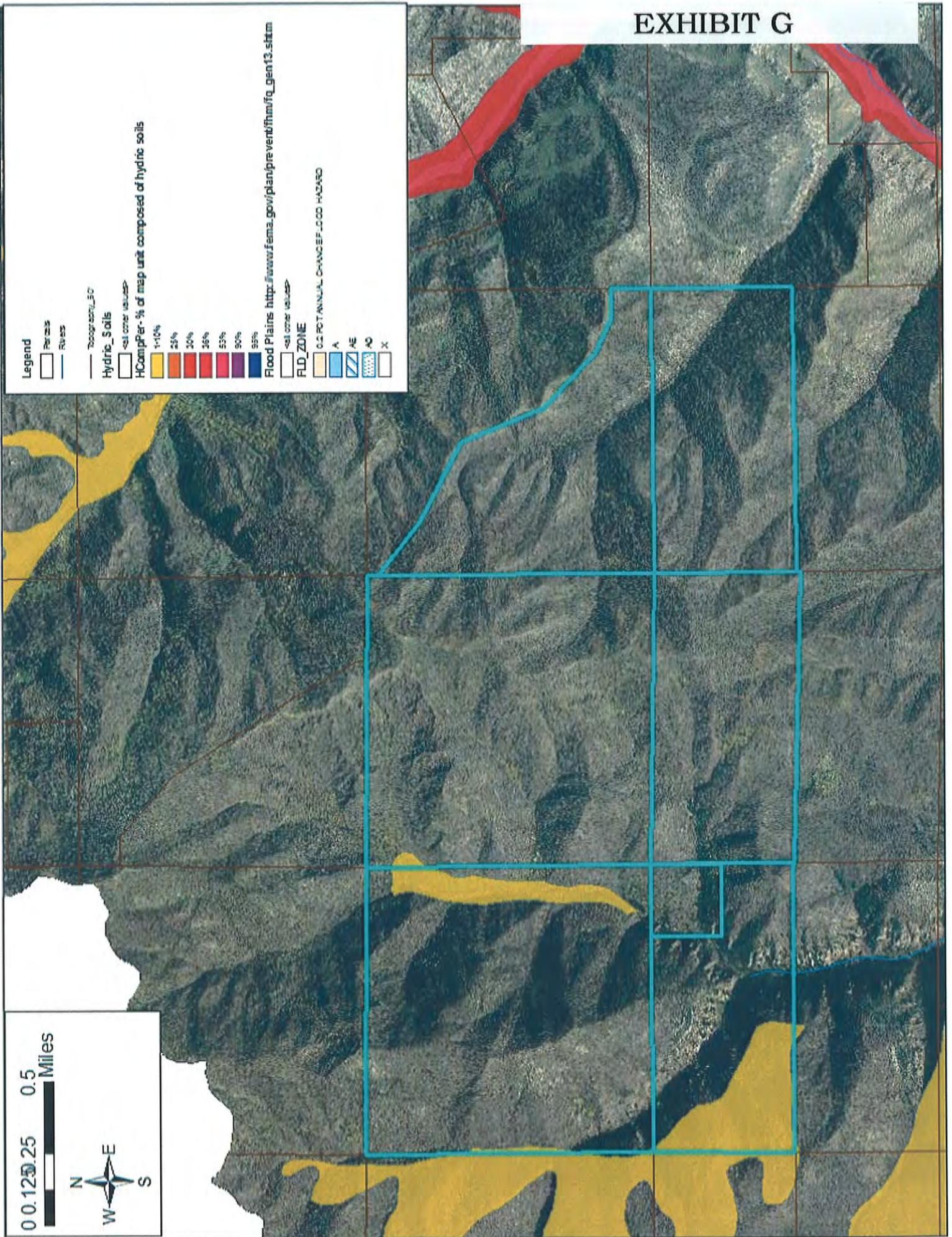
0.0 0.125 0.25 0.5 Miles



A scale bar showing distances of 0.0, 0.125, 0.25, and 0.5 miles. Below it is a compass rose with cardinal directions N, S, E, and W.



# EXHIBIT G





ChamTech Enterprises Inc.  
13243 South Aintree Ave  
Draper, UT 84020  
801-410-3245 West  
801-206-0171 Fax

July 20, 2010

Kimber Gabryszak  
Summit County Planning Department

ChamTech Enterprises is in the business of training small teams of law enforcement and military personnel on equipment that they use for their continuing education including ATV training, sniper training, use of specialized communications equipment, surveillance, and counter surveillance techniques.

The hours of operation will be from 8 am until 5 pm, 5 days per week, 3 weeks per month and will be closed one week per month for maintenance. Shooting will take place generally during the daytime hours of operation, with one night fire activity from dusk until 10 pm per week. We will be training no more than 30 personnel per class per week.

Below is a brief description of our management team:

**Eric Hernandez** is a co-founder and President of ChamTech Enterprises.

During Mr. Hernandez's tenure he was responsible for consulting the DIA personnel on there required mission support communications, Research and Development, and implementation of all new and already acquired communications systems, whether it be by Satellite, or ground communications up to the levels of Top Secret SCI/SSBI/ and OTS (Off the Shelf) systems.

Mr. Hernandez with also responsible for Overt/Covert HUMINT Intelligence equipment for use worldwide to integrate with the CINC (Commander in Chief) and DCINC (Deputy Commander in Chief) Communicator for the United States Central Command Commander (Four Star General John P. Abizaid) and the Deputy Commander (Vice Admiral David C. Nichols JR.)

Mr. Hernandez's additional responsibilities included facilitating all forms of communications between the commander and deputy commander of the United States Central Command and the President of the United States, Secretary of Defense, and all Combatant Commander's (SOCCOM, JFCOM, PACOM, NorthCom, SouthCom, SOCCENT) throughout their Area Of Responsibility.

He successfully managed a team of 15 personnel for continuous customer support throughout their travels.

Mr. Hernandez's training experience covered the following areas of responsibility including Diver's Intensified Urban Combat Training Course, (ITI), VIP- Hand to Hand Combat intense Course, Weapons training course including more than 60 different types of weapons, ammunition and explosives. Additional Combat Certificates and Courses include Combat Survival Skills Trainer. Mr. Hernandez holds a Top Secret US security clearance.

**Anthony Joseph Sutera** is a co-founder of and Chief Executive Officer at ChamTech Enterprises. Prior to joining ChamTech Enterprises, Mr. Sutera had successfully built and managed three multi-million dollar businesses. Mr. Sutera has worked for the last five years inventing and implementing specialized communications equipment for almost every branch of the United States Special Operations Forces. Mr. Sutera's business acumen combined with his inventive-mindedness brings ChamTech Enterprises passion and vision to drive the Company to success.

**Kristin Raffone Vazquez** is outside counsel for ChamTech Enterprises. Kristin is a dynamic, goal-driven attorney with significant corporate experience. In 2009, she was recipient of the Utah Legal Elite award for Mergers & Acquisitions. Prior to her work in Utah, Ms. Vazquez worked for an international firm headquartered in New York City. There she facilitated multimillion dollar national and international transactions. Ms. Vazquez's diverse legal background includes expertise in mergers and acquisitions, international business, intellectual property, corporate structuring and regulation. Ms. Vazquez is licensed to practice law in Utah, New York, and Connecticut.

As you can see the Company has obtained significant experience to safely manage the operation and the business skills to run it effectively. The Company will of course have liability insurance, post the property carefully and follow all applicable state and local laws.

I also believe that this training will greatly impact the Summit County Sheriff and other state and local agency's by bringing them the best training available.

Let know if you have any questions or require any additional information.

Best Regards,



Anthony J. Sutera  
CEO

**Kimber Gabryszak**

---

**From:** Anthony Sutera [tsutera@chamtechops.com]  
**Sent:** Tuesday, July 20, 2010 9:35 PM  
**To:** kgabryszak@co.summit.ut.us  
**Subject:** Additional Info for the Conditional Use Permit

Kimber,

It was a pleasure to meet you. Below is the additional information that you requested:

ChamTech Enterprises is in the business of training small teams (typically 12 man teams) of law enforcement and military personnel on equipment that they use for their continuing education including ATV training, sniper training, use of specialized communications equipment, surveillance, and counter surveillance techniques.

The typical training is for small teams for 5-7 days and will rotate between the items that I just mentioned.

**Anthony Joseph Sutera** is a co-founder and Chief Executive Officer at ChamTech Enterprises. Prior to joining ChamTech Enterprises, Mr. Sutera had successfully built and managed three multi-million dollar businesses. Mr. Sutera has worked for the last five years inventing and implementing specialized communications equipment for almost every branch of the United States Special Operations Forces. Mr. Sutera's business acumen combined with his inventive-mindedness brings ChamTech Enterprises passion and vision to drive the Company to success.

**Eric Hernandez** is a co-founder and President of ChamTech Enterprises.

During Eric's tenure he had the following responsibilities and skill sets:

- Responsible for consulting the DIA personnel on there required mission support communications, Research and development, and implementation of all new and already acquired communications systems, whether it be by Satellite, or ground communications up to the levels of Top Secret SCI/SSBI/ and OTS (Off the Shelf) systems.

O/Covert HUMINT Intelligence equipment for use worldwide.

CINC (Commander in Chief) and DCINC (Deputy Commander in Chief) Communicator for the United States Central Command Commander (Four Star General John P. Abizaid) and the Deputy Commander (Vice Admiral David C. Nichols JR.) Responsibilities are as follows:

Facilitate all forms of communications between the commander and deputy commander of the United States Central Command and the President of the United States, Secretary of Defense, and all Combatant Commander's (SOCCOM, JFCOM, PACOM, NorthCom, SouthCom, SOCCENT) throughout their Area Of Responsibility.

Managed a team of 15 personnel for continuous customer support throughout their travels.

Diver's Intensified Urban Combat Training Course, (ITI)

VIP- Hand to Hand Combat intense Course

Weapons training course, of more than 60 different types of weapons, ammunition and explosives.

Additional Combat Certificates and Courses

Combat Survival Skills Trainer

**Kristin Raffone Vazquez** is outside counsel for ChamTech Enterprises. Kristin is a dynamic, goal-driven attorney with significant corporate experience. In 2009, she was recipient of the Utah Legal Elite award for Mergers & Acquisitions. Prior to her work in Utah, Ms. Vazquez worked for an international firm headquartered in New York City. There she facilitated multimillion dollar national and international transactions. Ms. Vazquez's diverse legal background includes expertise in mergers and acquisitions, international business, intellectual property, corporate structuring and regulation. Ms. Vazquez is licensed to practice law in Utah, New York, and Connecticut.

As you can see we have significant experience to manage the business aspects and safely run this operation.

The company will of course have liability insurance , post the property

carefully and follow all applicable state and local laws.

Let know if you have any questions or require any additional information.

Please note the information contained in the email is extremely confidential.

Thank you!

Anthony J. Sutera, CEO

ChamTech Enterprises Inc.

801-285-9770

801-410-3245 Direct

801-206-0171 Fax

DISCLAIMER:

This email may contain ITAR controlled technical data as defined by 22 CFR 120.10 and may not be forwarded or disclosed to any Foreign Person, as defined by 22 CFR 120.16, without prior written consent of ChamTech Enterprises Inc. and the United States Department of State.

# EXHIBIT I



13243 South Aintree Ave  
Draper, UT. 84020

M-1571-354-1965  
O-1801-410-3245  
F- 1801-206-0171

[WWW.ChamTechOps.COM](http://WWW.ChamTechOps.COM)

August 1, 2010

ChamTech Ops Enterprise Inc.  
13423 South Aintree Ave.  
Draper, UT. 84020

To the Community of the Local Area

I would like to express a sincere and grateful gratitude for allowing us to take this opportunity to explain to you about our exciting and well needed training facility and to also address the questions and concerns within the community on the activities that we will be conducting with in the confines of this training facility.

1. Due to the concerns of "National Security" and respect to the personnel and their family/s that will be training at this facility, we will not ever divulge the identity of the Agency/ies, students, number of students, or certain types curriculum that will be conducted on this facility.
2. There will be rules and regulations that will and must be abided by to meet training standards and safety requirements of local, State and Federal regulations. Inspections will be conducted at random by the local, State and Federal representatives.

Why this training is needed and extremely important to the students.

The biggest reason this location was sought out for was due to the likely features and resemblance of the tactical areas of the world that our fellow brothers, sisters, fathers, mothers, grandsons, granddaughters, husbands, wives, friends and love ones are conducting critical operations in. Being from a military background, I know the importance of the quote, "Train as you fight and you will fight as you have trained." The training that will be conducted on this facility is imperative to the survivability of our troops and agency personnel. They deserve the best when it comes to doing their jobs and we deserve to give it to them without reservations. These personnel are extremely special and not at all selfish. They will sacrifice time, money, and (most importantly) their own lives, if need be, for others without ever wanting or asking for anything in return. These personnel deserve to be prepared for whatever may come to them. This is why this training facility was established.

We will prepare these personnel to complete their missions and be successful as well. So that they may come home safely to their families, friends and loved ones. These personnel are not just of the average caliber, they are and will be the best of the best selected for special missions. If these guys miss they miss by inches not yards, but more importantly if they miss there lives are at stake.

This facility will have live fire weapons ranges and fast, tough maneuverable driving terrain to challenge the students, so that they may be semi-prepared for the unexpected, while they are conducting real live missions around the world. This facility is where they need to be challenged not on the real mission. It is important that they train here and expect the best training that is available as well as the terrain so they will and can be prepared for their mission. With that said I do hope all you embrace this facility and it's importance and assist us in bring our own back home safely.

Sincerely yours,

Eric Hernandez, President, ChamTech Operations Enterprise Inc.

**Kimber Gabryszak**

**From:** Harry Campbell [hcampbell@utah.gov]  
**Sent:** Tuesday, August 03, 2010 11:45 AM  
**To:** Kimber Gabryszak  
**Subject:** Re: FW: Chamtech Conditional Use Permit application

Kimber,

This kind of training will cause lead to be a constituent of concern in the runoff. It will build with time.

Harry Campbell, P.E., CPESC  
 Division of Water Quality  
 PO Box 144870  
 Salt Lake City, Utah 84114-4870  
 801-536-4391 hcampbell@utah.gov

>>> "Kimber Gabryszak" <kgabryszak@co.summit.ut.us> 8/2/2010 11:35 AM >>>  
 Harry,

Sorry, I missed the "b" in your email address the first time.

Thanks!

Kimber Gabryszak  
 Summit County Planner III  
 435.336.3132

**From:** Kimber Gabryszak [mailto:kgabryszak@co.summit.ut.us]  
**Sent:** Monday, August 02, 2010 11:23 AM  
**To:** 'Coalville City - Cindy Gooch'; 'Francis City - Alison Weyher'; 'Henefer City - Bob Richins'; 'Kamas City - Jackie Blazzard'; 'Oakley City - Tami Stevenson'; North Summit Fire District; South Summit EMS; South Summit Fire District; 'Andy Armstrong'; 'Bryce Boyer'; 'dave edmunds'; 'derrick radke'; 'leslie freeman'; 'scott adams'; 'Tom Eddington'; hollis.g.jencks@usace.army.mil; rkesterson@fs.fed.us; cindy.christoffersen@pacificorp.com; 'Grant Piercy'; weeddepartment@co.summit.ut.us; scarlsen@nsummit.k12.ut.us; markfarmer@utah.gov; pharding@utah.gov; hcampell@utah.gov; rosshansen@utah.gov; kellybeck@utah.gov; bferebee@fs.fed.us  
**Subject:** Chamtech Conditional Use Permit application

Dear Service Provider,

Attached are several maps indicating the location for the proposed Chamtech Conditional Use Permit, as well as letters from the applicant outlining the proposal. The application requests approval of a military and law enforcement training area, on parcels NS-1268, NS-1269, NS-1270, NS-1275, NS-1276, NS-1277, and NS-1277-B, a total of over 2500 acres. The training area will not include any structures, and will focus on in-the-field military training, including vehicle and sniper training, use of communications equipment, surveillance and counter surveillance techniques for small groups.

Please review the location maps and proposed use, and return your comments, concerns, and requirements to me by **Monday, August 9, 2010**.

Thanks again for all the help on these projects.

Kimber Gabryszak  
 Summit County Planner III  
 435.336.3132

If you are not the intended recipient, please contact the sender and ignore the content of this email.

If you are not the intended recipient, please contact the sender and ignore the content of this email.

8/3/2010

## Kimber Gabryszak

---

**From:** Derrick Radke [dradke@co.summit.ut.us]  
**Sent:** Wednesday, August 04, 2010 7:51 AM  
**To:** 'Kimber Gabryszak'  
**Subject:** RE: Chamtech Conditional Use Permit application

Kimber,

If there are no structures and no grading involved in the project, we do not have any comments. Let me know if you need anything else.

Derrick

---

**From:** Kimber Gabryszak [mailto:kgabryszak@co.summit.ut.us]  
**Sent:** Monday, August 02, 2010 11:23 AM  
**To:** 'Coalville City - Cindy Gooch'; 'Francis City - Alison Weyher'; 'Henefer City - Bob Richins'; 'Kamas City - Jackie Blazzard'; 'Oakley City - Tami Stevenson'; North Summit Fire District; South Summit EMS; South Summit Fire District; 'Andy Armstrong'; 'Bryce Boyer'; 'dave edmunds'; 'derrick radke'; 'leslie freeman'; 'scott adams'; 'Tom Eddington'; hollis.g.jencks@usace.army.mil; rkesterson@fs.fed.us; cindy.christoffersen@pacificorp.com; 'Grant Piercy'; weeddepartment@co.summit.ut.us; scarlsen@nsummit.k12.ut.us; markfarmer@utah.gov; pharding@utah.gov; hcampell@utah.gov; rosshansen@utah.gov; kellybeck@utah.gov; bferebee@fs.fed.us  
**Subject:** Chamtech Conditional Use Permit application

Dear Service Provider,

Attached are several maps indicating the location for the proposed Chamtech Conditional Use Permit, as well as letters from the applicant outlining the proposal. The application requests approval of a military and law enforcement training area, on parcels NS-1268, NS-1269, NS-1270, NS-1275, NS-1276, NS-1277, and NS-1277-B, a total of over 2500 acres. The training area will not include any structures, and will focus on in-the-field military training, including vehicle and sniper training, use of communications equipment, surveillance and counter surveillance techniques for small groups.

Please review the location maps and proposed use, and return your comments, concerns, and requirements to me by **Monday, August 9, 2010**.

Thanks again for all the help on these projects.

Kimber Gabryszak  
Summit County Planner III  
435.336.3132

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If you are not the intended recipient, please contact the sender and ignore the content of this email.

**Kimber Gabryszak**

---

**From:** brettjones@allwest.net  
**Sent:** Monday, August 02, 2010 12:19 PM  
**To:** Kimber Gabryszak  
**Subject:** Re: Chamtech Conditional Use Permit application

Kimber,

The North Summit Fire District has a few concerns with this conditional use application.

This is in a fairly remote area, and as I read the useage there will be vehicle and sniper training. We are concerned that a vehicle or a bullet may start a brush fire. Is the applicant going to put in an fire protection measures, like a fire brake around the entire property, and fire suppression equipment or water supply on site. I would also like for the fire district to have access to this property with a key to any and all gates so we do not have to cut locks or chains. What type of emergency response are they going to have should something happen on site. Are they going to provide their own EMT's or is that going to be a local responsibility? We have had a number of brush fires in this area in the past caused mostly by lightning, with the increase in people is that going to increase the fire risk? I have sent this out to some of my other people to see if they may have some concerns that I may have missed. This is just what I came up with right now.

Brett A.

Jones

North Summit Fire

District

> Dear Service Provider,

>  
>  
>

> Attached are several maps indicating the location for the proposed  
> Chamtech Conditional Use Permit, as well as letters from the applicant  
> outlining the proposal. The application requests approval of a  
> military and law enforcement training area, on parcels NS-1268,  
> NS-1269, NS-1270, NS-1275, NS-1276, NS-1277, and NS-1277-B, a total of  
> over 2500 acres. The training area will not include any structures,  
> and will focus on in-the-field military training, including vehicle  
> and sniper training, use of communications equipment, surveillance and  
> counter surveillance techniques for small groups.

>  
>  
>

> Please review the location maps and proposed use, and return your  
> comments, concerns, and requirements to me by Monday, August 9, 2010.

>  
>  
>

> Thanks again for all the help on these projects.

>  
>  
>

> Kimber Gabryszak

> Summit County Planner III

> 435.336.3132

>  
>  
>

> If you are not the intended recipient, please contact the sender and  
> ignore the content of this email.

>

**Kimber Gabryszak**

**From:** Elizabeth [efollette@uswest.net]  
**Sent:** Tuesday, August 10, 2010 2:39 PM  
**To:** Kimber Gabryszak  
**Subject:** Re: Upcoming agenda

Hi Kimber,

Thank you for the map and the Chamtech letters. I appreciate that you are working together with the fire department and with DWR.

Since your department is in the process of preparing a packet, I wondered if the following questions would be addressed:

1. **CLIENTS.** The Park Record implied that non-military personnel may be trained at this facility. Is there anything preventing a non-national mercenary to be trained at this facility? It appears from the Park Record article that ANY person can train, if they have the money. (They mentioned "presidents" of corporations in the Park Record, or anyone who travels internationally.) This threatens our peaceful rural lifestyle to have these types of people coming through town.
2. **LIVE CONTRACTS vs. SPECULATION:**  
 In the letter from CHAMTECH, they state that they cannot disclose their clients for security reasons. However, can CHAMTECH prove that they already have an award contract with the feds to train military personnel? Or is this simply speculation in hopes to obtain a land use agreement from Summit County, and then turn around start selling stock to capitalize on a training facility? Recall Energy Solutions, who pushed through a favorable change in laws concerning hazardous waste/land fill with skilled lobbyists, and once that was done, THEN they raised money to build a dump and haul hazardous waste in from all over the country. Has it occurred to anyone that CHEMTECH may have similar motives?
3. **FINANCIAL BACKING/BONDING.** Does CHAMTECH have financial data and solid investors to support their business plan? Hypothetically, suppose a company wants to flatten 2,500 acres for a solar facility. I would hope that before the County approves such a proposal that they would demand to see a viable business plan and financial back-up to ensure that the company won't disturb the environment and then abandon it due to lack of funds. Similarly, I would hope that the County could demand proof that CHAMTECH has the financial means to clean up their mess before they start ruining the property with toxic waste. What bonds will they provide to guarantee that when the facility is decommissioned, they clean up their mess so the County doesn't have to pick up the tab?
4. **TRANSFERABILITY.** If the conditional use permit is transferable, nothing would prevent CHAMTECH from selling, or sharing, or leasing the permit to another

para-military training operation like Blackwater, who may operate under an entirely different set of rules. What kind of protection does the County have once we've granted them a permit? Does the County really want to negotiate with mercenary trainers and snipers?

5. WEAPON SAFETY: What type of safety perimeter will be installed around the facility that will ensure containment of weapons, hazardous driving maneuvers, fires, and so forth? What are the maximum size and type of weapons being used on the site? They may not be using explosives, but they may be using flame throwers and incendiaries, which present a fire threat.

Furthermore, some types of high-end artillery use depleted uranium ammunition, so in effect, after firing on the "battlefield," the ground would be covered with stray bullets that contain uranium that can be eaten by animals \*(either wildlife or cattle)\*, and permanently contaminate the landscape. Also, tracer bullets are coated in phosphorous so every 10th bullet burns as they fly, which is a fire risk. None of this is safe or desirable for the environment or wildlife.

6. STRUCTURES and SANITATION: The Park Record article states that "no structures" will be built. Clearly, there must be some structures for shelter, rest rooms, equipment storage, fuel storage for vehicles/ATVs, classroom training, first aid station, and possibly overnight lodging. Also, is a shooting range considered a structure?

7. FIRE: This is obviously a huge concern. What kind of fire suppression/tanks/apparatus will be in place in the event of a fire? How will emergency personnel access the site on unmaintained dirt roads? Will there be water storage on site and a way to pump the water with a generator in case of fire? Will open fires be banned or permitted?

8. NOISE: Will live gunfire be heard from residential areas, churches, and schools? If so, does this violate citizen property rights? What about citizens who retire at 9pm and rise at 5am? The information packet contains a letter stating that there will be night classes and shooting until 10pm.

9. HISTORIC PRESERVATION and IMPACT STUDIES: I know there is a lot of Utah history in that area, and so it may be legally required that the Utah Historic Preservation Society be contacted to do an archeological evaluation of the area. It may also be desirable to do an environmental impact statement, since they will be using weapons and live fire.

10. WATER RESOURCES. There is a river that flows through the parcel, which is where local wildlife get their water. How will this be impacted?

11. LIABILITY. What is the extent of CHAMTECH's liability coverage in the event of fire, accidental death, environmental degradation, or bankruptcy? What is their liability coverage while operating this facility? What bonds are they going to provide to assure that when the facility is decommissioned, it cleans up their mess so the County doesn't have to pick up the tab?

12. ZONING LAWS. How is para-military weapon training compatible with Summit County's land use, wildlife and conservation objectives, and the health and safety of the community? There have been communities in the USA that have already revised their zoning laws to prohibit para-military training facilities to close the "loophole" that allows these facilities to operate as "educational institutions." See link below:  
[http://www.kayhill-greenhill.org/ogara\\_files/zoning\\_words\\_21may09.pdf](http://www.kayhill-greenhill.org/ogara_files/zoning_words_21may09.pdf)

13. OVERSIGHT. In recent past, similar Blackwater-type operations were criticized for conducting operations in a morally corrupt and illegal manner, mostly because they were exempt from oversight. What kind of oversight does Law Enforcement have over this type of facility, without being turned away because the operation is deemed "top-secret?"

I appreciate that you took the time to review my concerns, and I look forward to receiving your next information package on Friday.

Sincerely,  
 Elizabeth

----- Original Message -----

**From:** Kimber Gabryszak  
**To:** [efollette@qwest.net](mailto:efollette@qwest.net)  
**Cc:** 'Susan Ovard'  
**Sent:** Tuesday, August 10, 2010 10:37 AM  
**Subject:** FW: Upcoming agenda

Elizabeth,

Thanks for your email and call. I've attached a location map, as well as the application summary. The full report will be available on Friday this week – we are still waiting for some comment from the State Division of Wildlife, the North Summit Fire District, and a couple other service providers about various issues. The public hearing will be held on Wednesday August 18, 2010, sometime after 7pm, at the Courthouse in Coalville, upstairs in the Council Chambers.

Please let me know if you have any further questions in the meantime.

Thanks,

Kimber Gabryszak  
 Summit County Planner III  
 435.336.3132

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**From:** Susan Ovard [<mailto:sovard@co.summit.ut.us>]  
**Sent:** Tuesday, August 10, 2010 10:12 AM  
**To:** 'Kimber Gabryszak'  
**Subject:** FW: Upcoming agenda

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**From:** Elizabeth [<mailto:efollette@uswest.net>]

**Sent:** Tuesday, August 10, 2010 7:41 AM  
**To:** Susan Ovard  
**Subject:** Upcoming agenda

Hi,

I noticed in the recent Park Record issue that Summit County is considering a Military Training Camp in Menefer/Echo. There is supposed to be a public hearing, but no one has any information about it (except what was in the Park Record).

Can you please send details pertinent to this proposal such as who is handling the proposal in Summit County, where the location of the land is, what kind of activities are planned (gunfire, etc), hours of operation, etc?

I appreciate your help!

Thanks,  
Elizabeth

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