

**BOX ELDER COUNTY**  
**March 17, 1994**

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 March 17, 1994.

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

**Excused:**

Steve Grover	Member
Deanne Halling	Member
Jon Thompson	Member

**Others in Attendance: (Attachment No. 1)**

**APPROVAL OF MINUTES:**

Chairman Kimber presented the Minutes of February 24, 1994, for approval. Commissioner Jensen made a motion to approve the Minutes of February 24, 1994, with the correction of a spelling error. Mr. Tea seconded. The motion carried.

**AGENDA: (Attachment No. 2)**

**SUBDIVISIONS:**

**Crillo Minor Subdivision:**

Mr. Beecher referred to the Crillo Minor Subdivision discussed in the February meeting, stating it had been conditionally approved pending Health Department approval. This has now been taken care of. Chairman Kimber signed the Subdivision.

**Bryce Haderlie Minor Subdivision:**

Mr. Beecher presented the conceptual plan for the Bryce Haderlie Minor Subdivision. It would be a single lot with a private access on to Highway 89 which Mr. Haderlie would be required to maintain. Mr. Haderlie has received approval for water from the South Willard Water Company. Mr. Tea made a motion to accept the conceptual plan for the Bryce Haderlie Minor Subdivision based upon the condition that he meet all of the necessary

requirements that have not been met. Mr. Douglas seconded. The motion carried.

**CONDITIONAL USE PERMIT:**

**Request for Mobile Home Conditional Use Permit: (Attachment No. 3)**

Mr. Beecher stated Mr. David Phippen has filed an application for a conditional use permit to place a mobile home on a lot in the Kotter Subdivision north of Brigham City while building a home on the lot. He said other property owners have called expressing their concern about the plan and the possibility of devaluing their property. Chairman Kimber expressed his concern about temporary mobile homes becoming permanent. Commissioner Jensen made a motion to deny the permit based on prior experience. Mr. Tea seconded. The motion carried.

**PARSONS GRAVEL PIT:**

**Concerns of South Willard Water Company: (Attachments No. (4 & 5)**

Mr. Robert Williams, President of the South Willard Water Company, met with the Planning Commission to express his concerns about water quality and the impact of the Parsons gravel pit. He presented a map showing the location of the Water Company's well with reference to the pit, stating the well and spring are deeded ground to the Water Company. He said that work done by Parsons is impacting their well and that Parsons will be excavating within 100 feet of their boundary and within 100 feet of the well site.

Mr. Williams stated for their own protection and at the urging of the State a chlorination system is being installed. He said their action is guided by the Federal Safe Drinking Water Act and State regulations on source protection. They are required by the State to develop a drinking water source protection plan which means they must survey the whole area and determine what sources of contaminants are present and those which might be present. There are three areas in the plan that apply: 1) Develop an inventory of those potential contaminants in the area, 2) Develop a management plan to control those contaminants, 3) Develop a management plan to control future contamination. Mr. Williams said if there were to be a lot of housing develop in the area with septic facilities, there would be a potential problem. This means any housing development must be controlled. He said housing development is one of the long term plans of Parsons. He further said it was determined by the State that Parsons is a potential contamination source for their well and spring.

Mr. Williams said the State has also identified a fault line that runs through the area of the Parsons pit.

Mr. Williams said he would like to have Parsons stop their excavation program until two things happen: 1) Completion of the

South Willard Water Company Source Protection Plan, 2) Obtain a comprehensive environmental impact statement from Parsons on each of the activities they have planned for the pit area.

Mr. Williams also recommended asking the State Engineer to hold on their decision for a well permit which Parsons has applied for pending the outcome of the source development plan of the South Willard Water Company and a comprehensive environmental impact statement by Parsons.

Chairman Kimber requested the Planning Commission be provided with a copy of the log for the levels of the well.

Chairman Kimber requested that the record show the receipt of a letter dated March 15, 1994, to Mr. Williams from Mark E. Jensen, Environmental Scientist, Division of Drinking Water, Department of Environmental Quality, State of Utah.

**Concerns of Reed & Steve Pettingill: (Attachment No. (6))**

Mr. Steve Pettingill presented a prepared statement which he read and discussed regarding water quality, air quality, noise and hours of operation, and zoning. Mr. Pettingill re-emphasized that the Master Plan should be updated as soon as possible because of problems that exist. He said he sees a reluctance by the county to enforce zoning laws.

Mr. Pettingill said Parsons purchased a piece of property with the intent of using the dirt that was on the property. He stated buying a piece of property for the purpose of using the dirt does not constitute a prior use. Mr. Pettingill said he was told by the state this is a zoning matter and should be administered by the local government. He stated he agrees with Mr. Williams and the South Willard Water Company and would like to see Parsons go back to Ground "0" until an independent environmental impact study is produced.

**PARSONS CONDITIONAL USE PERMIT:**

Mr. Fay Facer, Real Estate Manager, Mr. Randy Anderson, Materials Manager, Jack B. Parson Companies; and Attorney Jeff Thorne met with the Planning Commission to discuss concerns relating to their conditional use permit.

Mr. Facer stated he would like to clarify some issues. He said an asphalt plant, a cement plant, etc., were requested in the original application, but after six months of discussion, all that was permitted was a crushing and washing operation; so there is no potential for an asphalt or cement plant without further action.

He next brought up storm water run off and said two different groups of engineers looked at the situation and agreed there was not a problem. Mr. Facer presented some drawings illustrating the

topography and the proposed excavation of the gravel explaining it is exactly the plan approved in 1986. He said everything they are doing has been permitted by the State, and they are functioning within the permit limits.

Chairman Kimber asked how often the air quality is tested. Mr. Facer replied it is done randomly; there is no schedule.

Mr. Facer stated putting the operation on hold for a period of a year would be a very difficult thing for them to do. They have only enough material in their stockpile to last into the middle of the summer.

Attorney Jeff Thorne stated there are some sections in the Code which may be interpreted differently: the County Commission can delegate the permit process to the Planning Commission. Parsons had no way of knowing that had not been done, and they felt they had complied with the law. Based upon that they have expended a sizeable amount of money in property acquisition, contracts, and cash flow.

Mr. Thorne said the issue of the well can be dealt with. With reference to ponding water, he said there is a potential that pollution above the earth could get in. However, this can be taken care of. There are Federal agencies that deal with this situation.

Mr. Thorne stated all of Parson's fuels must be accounted for. If there are spills, they must be reported and taken care of immediately. The only thing Parsons is doing is removing rock and gravel which does not pose any problem for contamination to the water supply. They feel the well is not a problem.

Commissioner Jensen stated there has been some concern about the well Parsons is going to drill and the effect it will have on existing wells in the area around them. Mr. Facer stated they made application for the water rights at least six months ago; a hearing was held. No decision has been made. It is not the only water right application under consideration in the area at the present time.

Mr. Facer stated he would be happy to provide any information requested at any time.

**Donna Lee Ball Concerns:**

Mrs. Donna Lee Ball met with the Planning Commission to discuss the Parsons Gravel pit issues.

Mrs. Ball began by asking for the sympathy of the Planning Commission for having to put up with the hardships over the past ten years.

She said in the original conditional use permit it says there are approximately two million tons of gravel which are expected to be removed without destroying the beauty of the area and still enhance the flood control efforts.

Mrs. Ball referred to Minutes of the Planning Commission of March, 1986, in which the original conditional use permit was discussed. The permit was applied for on March 20, 1986, and was approved on April 17, 1986. She said there was no public hearing. It was put in the paper the day before the April 17 meeting. Mrs. Ball stated Mr. White's original application for a conditional use permit was for hauling out gravel, or extraction, and at the same time prepare the ground for future housing development.

Mrs. Ball asked if there had been an environmental impact study. Commissioner Jensen replied "probably not." She asked if South Willard Water Company had been contacted at that time. Commissioner Jensen stated he had no idea what was done at that time. She said they had not been contacted. Mrs. Ball stated this is a sensitive area for flooding. There have been more floods there than in any area along the Wasatch Front. It is sensitive because of the aquifers; it is sensitive because of the flooding potential. The conditional use permit was issued for 202 acres east of the canal with a maximum depth of 35 feet. In the original conditional use permit it was indicated there would be a basin below Maguires Canyon; this has not been done.

Mrs. Ball said in July of 1993 a permit was approved for an area below the canal increasing the area from 202 acres to 490 acres and to a depth of 100 feet. She said again there was no notification to any of the property owners. Mrs. Ball quoted from the May 1993 Planning Commission Minutes, "Mr. Beecher stated a right of way must be obtained from each property owner to the west. Any water leaving that area must be taken care of in a controlled manner to be approved by the affected residents." That was never done. Mrs. Ball stated they do not know what kind of damage is being done to the aquifer. They are very concerned about oil being sprayed on the road where Parsons are working.

Mrs. Ball next discussed dust control and the problem the dust has on their crops.

Mrs. Ball stated in 1974 a zone change was made in South Willard "the purpose of zoning South Willard is to co-ordinate anticipated growth, and to protect the area from premature or any undesirable developments injurious to the present residents' land or occupation."

Mrs. Ball said she was asking for an immediate cease and desist for Parsons' operation until an in depth study can be done as to the impact on the aquifer, to the flood plan. They would like to

have an independent study done by a professional. She said possibly there needs to be a Grand Jury investigation into the facts of the case as to the questionable issues of the original permit, the flagrant violation by both the county and the Planning Commission of their own Master Plan and regulations.

Mr. Reed Pettingill asked how much canal water Parsons has for their property. The answer, 100 acre feet. It was stated during the months of August, September, and October the Water Company received the first bad water samples in years.

**SOUTH WILLARD ZONING:**

**Follow up:**

Mr. Beecher presented some ownership plats for the South Willard area. He discussed the area and the different zoning nomenclature. Commissioner Jensen made a motion to determine who is and who is not legal in the area from the South Willard City limits to the Weber County line and refer the matter to the County Attorney for action. Mr. Tea seconded. The motion carried.

**REFERRAL FROM COUNTY COMMISSION:**

**Letter from Jon Bunderson: (Attachment No. (7))**

Mr. Beecher stated he was told the County Commission took an action on a letter from Jon Bunderson relative to the Parsons pit and that they had referred it back to the Planning Commission. Commissioner Jensen stated he did not get a copy of the letter. Chairman Kimber stated he felt the only action the Planning Commission could take is to refer it back to the County Commission with a recommendation. Commissioner Jensen made a motion to table the issue until all members have a copy of the letter and all members are present. Mr. Douglas seconded. The motion carried.

**PLANNING COMMISSION MEMBERSHIP:**

**Resignation of Steve Grover:**

Mrs. Korth stated Mr. Grover had notified her he would like to resign from the Planning Commission due to his work situation, and he would like his resignation to take effect immediately. Commissioner Jensen made a motion to accept the resignation of Mr. Steve Grover and that a letter of thanks be forwarded to Mr. Grover for his contribution. Mr. Douglas seconded. The motion carried.

Chairman Kimber recommended pursuing replacing Mr. Grover on the Planning Commission. Mr. Tea made a motion to make formal request to the County Commission to replace Mr. Grover. Mr. Douglas seconded. The motion carried.

**ZONING:**

**Thatcher/Penrose Area:**

In the February 24, 1994, Planning Commission Meeting a request for zoning in the Thatcher/Penrose area was discussed. Chairman Kimber stated the people in that area would like to pursue the

zoning, and he said he felt there is a need for a work session of the Planning Commission and the citizens involved.

Commissioner Jensen made a motion to adjourn at 8:52 p.m. Mr. Douglas seconded. The motion carried.

Passed and adopted in regular session this 21<sup>th</sup> day of

April, 1994.

Richard D. Kimber  
Richard D. Kimber, Chairman

ATTEST:

Marie G. Korth  
Marie G. Korth  
Recorder/Clerk

PLANNING  
BOX ELDER COUNTY COMMISSION MEETING  
DATE MARCH 17 1994

NAME (Please Print)

TITLE and/or ADDRESS  
(or business card)

Gary W. Pettinagill	7765 So Hwy 89 Willard Utah
Helen Pettinagill	" " " "
Russ Pettinagill	" " " "
Sara Kuester	Box Elder News Journal
Elmer J. Wood	849 South Hwy 89 Willard
Steve Pettinagill	3125 S 1000 W Perry Utah
Clarice Williams	8070 So Hwy 89, Willard 782-3777
Norma Ball	7839 S 1500 W Willard Ut
Helen Paul	747 S Main Willard, Ut 84340
Norma Javitsky	7565 So. 500 W. Willard, Ut. 84340
Norma Javitsky	" " " "
Harry W. Colman	8615 So. Hwy. 89 #16 W. Willard Ut 84340
Alice Jo Kirk	845 W. 8700 S. #39 Willard, UT 84340
Randy Anderson	Parson Company's
Fay Facer	Parson Company's
JEFF THORNE	ATTORNEY FOR PARSON
ROBERT E. WILLIAMS	8070 So. Hwy 89, Willard, Utah 84340

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 17 March 1994, at 7:00 P.M.
2. Notice given to the newspaper this 16th day of March , 1994 .
3. Approval of the minutes of 24 February 1994.
4. Scheduled Delegations:
  - A. Concept Plan for Haderlie one lot Subd.
  - B. Conditional Use Permit for Mobile home-David Phippen no. of Brigham.
  - C. Robert Williams- Request for representation from South Willard on Planning Commission.
  - D. Steve and Reed Pettingill-follow up on last meetings discussion items as per request.
  - E. Fay Facer representing Parson Co., regarding permit.
  - F. Referral From County Commission- Allen Jensen
  - G. Follow up report on South Willard Zoning from last meeting.
  - H. Parson Gravel Pit Issue - Donnalee Ball
  - I. Resignation of member Steve Grover
  - J.
5. Old Business
  - A. Discussions
  - B.
  - C.
  - D.

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant's Name David A. Phippen Application No. 247  
Address 3265 Child's ave. Date Received by Building Inspector \_\_\_\_\_  
Telephone 621-6936 Date of Hearing \_\_\_\_\_

Application is hereby made to the Planning Commission requesting that

David A. Phippen be permitted as a "conditional use"

on 5.83 acres located at 1570 N. 170E Street  
(Sq. Ft. or Acres) Street Address

in a R.R. 5 zone (see attached location map).

Please complete the following:

- I. State in detail what is intended to be done on or with the property. Include Site Plan as required in the Conditional Use Chapter of the Zoning Ordinance.

I plan to live in a trailer while I build my home.

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

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

As is the land is undeveloped, and needs grooming, tree's, fence etc.

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

Septic systems are approved in this area, fire hazzard's will be minimized, water collection system will be undisturbed.

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

the proposed will upgrade the the area with out taking away from the natural beauty.

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

My house , fenced area for a horse , Tack house , watering area and room for possible expansion later.

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

I'm 36 years old , I've been paying on this Property for 5 years I am financially stable and will soon be able to begin construction. I also have excellent credit.

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

N/A

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

VI. Fee paid

Signed:

*(Signature)*  
\_\_\_\_\_  
(Applicant)

3265 Child's ave  
Ogden, UT 84401  
\_\_\_\_\_  
\_\_\_\_\_  
(Address)

621-6936  
\_\_\_\_\_  
(Phone)

Zoning Administrators Action:

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

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

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

Planning Commission Action:

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

Date Disapproved: 3/17/94

Governing Body Action if Appealed From Decision of Planning Commission:

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

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

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

Conditions of Approval  , or Reasons for Disapproval

List: *Due to the nature of the area and it being in a subdivision and difficult to be removed after it is in place.*

Signature: *Richard K. Kembo*  
Chairman, Planning Commission or, Zoning Administrator

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

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

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



# State of Utah

## DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF DRINKING WATER

Michael O. Leavitt

Governor

Dianne R. Nielson, Ph.D.

Executive Director

Kevin W. Brown

Director

150 North 1950 West

P.O. Box 144830

Salt Lake City, Utah 84114-4830

(801) 536-4200

(801) 536-4211 Fax

15 March 1994

Mr. Bob Williams, President  
South Willard Water Company  
P.O. Box 82  
Willard, Utah 84340

Dear Mr. Williams:

It was good to meet with you, Arv Fackrell, Fay Facer, and the operations manager for the gravel pit on Tuesday, 8 March 1994. It was also very good to see your new well and other parts of your water system. I came to South Willard at the request of Arv Fackrell to make a preliminary assessment of your Drinking Water Source Protection zones and the potential for ground-water contamination from a gravel pit near your new well near the storage tanks.

Based on this preliminary assessment, the gravel pit located south and southeast of the new well does not appear to be a cause of contamination to the new well at the present time. However, as the gravel pit expands closer to and more uphill from your well, the potential to impact the well and surrounding ground water will increase. This preliminary assessment only addresses the ground-water in the area of your new well, and no attempt was made to address other environmental concerns near the gravel pit. Mr. Fackrell stated that some residents had complained about the drinking water during the last few months, but he was not aware of any laboratory data to support the complaints. The South Willard Water Company was in violation of State Drinking Water rules in February for bacteriologic samples; however, Mr. Fackrell believes this may be due to sampling errors.

Although there does not appear to be an impact from the gravel pit on your new well at the present time, I recommend that The South Willard Water Company and Jack B Parsons Companies continue to work together to protect the ground water serving your wells. With this letter I have enclosed a list of potential contamination sources and guidelines for conducting a source inventory. Some activities in gravel pit operations which could cause ground-water contamination include washing gravel, oil changing or spilling from machinery, using oil or diesel fuel to control dust on roadways, asphalt chemicals leaching into the ground water,

Bob Williams  
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15 March 1994

location of the pit in the ground-water recharge area and in the potential recharge area for your wells, and the possibility of faults running beneath the gravel pit and near the well. Many of these activities can be controlled or eliminated in order to reduce the potential for ground-water contamination.

Please call me at 536-4199 if you have any questions about this letter or about the Drinking Water Source Protection Program.

Sincerely,



Mark E. Jensen  
Environmental Scientist  
Division of Drinking Water

MEJ

Enclosure

cc: R. Fay Facer, Jack B Parson Companies

## CHAPTER IV. POTENTIAL CONTAMINATION SOURCE INVENTORY

Each PWS shall list all potential contamination sources within each DWSP zone or management area in priority order and state the basis for this order. This priority ranking shall be according to relative risk to the drinking water source. DDW recommends that PWSs use the methods outlined in Managing Ground Water Contamination Sources in Wellhead Protection Areas - A Priority Setting Approach, (EPA 570/9-91-023) for priority ranking of potential contamination sources. Additionally, each PWS shall identify each potential contamination source as to its location in zone one, two, three, or in a management area and plot it on the map required in Chapter III/Section D.1.f or Section D.2.a.

The following list may be used as a guide by PWSs to inventory potential contamination sources within their DWSP zones or management areas.

### A. Master List of Potential Contamination Sources

The following facilities and sites usually involve activities that have a potential to contaminate ground water:

- |   |   |
|---|---|
| 1. Auto service stations and truck terminals  | 13. Government vehicular maintenance shops                            |
| 2. Fuel and oil distributors and storers      | 14. Pesticide and herbicide storers and retailers                     |
| 3. Oil pipelines                              | 15. Small engine repair shops   |
| 4. Auto repair, body shops, and rust proofers | 16. Dry cleaners  |
| 5. Auto chemical supply storers and retailers | 17. Furniture strippers, painters, finishers, and appliance repairers |
| 6. Tire shops                                 | 18. Photo processors  |
| 7. Quick lubes                                | 19. Print shops   |
| 8. Car rental shops                           | 20. Auto washes   |
| 9. Muffler shops                              | 21. Laundromats   |
| 10. Automotive dealerships                    | 22. Beauty salons   |
| 11. School bus maintenance barns              | 23. Medical, dental, and veterinarian offices                         |
| 12. Taxi cab maintenance garages              | 24. Research laboratories   |

25. Food processors, meat packers, and slaughter houses
26. Concrete, asphalt, tar, and coal companies
27. Salt and sand-salt piles
28. Stormwater impoundment sites and snow dumps
29. Railroad yards
30. Airport maintenance and fueling sites
31. Industrial manufacturers: chemicals, pesticides, herbicides, paper and leather products, textiles, rubber, plastic, fiberglass, silicone, glass, pharmaceutical, and electrical equipment, etc.
32. Machine shops, metal platers, heat treaters, smelters, annealers, and descalers
33. Wood preservers
34. Chemical reclamation facilities
35. Boat builders and refinishers
36. Industrial waste disposal/ impoundment areas and municipal wastewater treatment plants, landfills, dumps, and transfer stations
37. Junk and salvage yards
38. Subdivisions using subsurface wastewater disposal systems (Large and individual septic tank/drain-field systems)
39. Single-family septic tank/drain-field systems
40. Heating oil storers
41. Grave yards, golf courses, parks, and nurseries
42. Sand and gravel mining operations
43. Radiological mining operations
44. Other mining operations
45. Active and abandoned wells
46. Submersible pumps used to pump wells
47. Chemigation wells
48. Manure piles
49. Feed lots
50. Animal feeding operations with more than ten animal units
51. Agricultural pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas
52. Farm maintenance garages
53. Farm dump sites
54. Residential pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas
55. Residential underground storage tanks

## B. Guidelines for Inventorying Potential Contamination Sources

Following are resources PWSs may use to develop inventories of potential contamination sources for their DWSP zones and management areas:

1. Land use data, assessors' maps and records, master plans, zoning maps, aerial photographs, and phone books.
2. Door-to-door or "windshield" surveys.
3. Mail surveys.
4. Any other approach or combination of approaches to ensure inventories are complete and accurate. There are many potential contamination sources that are difficult to classify and are associated with land uses that are a threat to drinking water wells and springs. Also, there are industries that produce "waste streams" below certain threshold limits that are not regulated by state or federal agencies that create difficult waste disposal problems.

Point sources of pollution are usually easy to inventory because they are visible and discrete; nonpoint sources are diffuse and often hard to trace to their sources. Additionally, nonpoint sources are likely to be "not adequately controlled" sources of contamination. PWSs should focus their effort in locating and inventorying these nonpoint sources. Following are examples of both point and nonpoint potential contamination sources that are usually "not adequately controlled" and difficult to locate and inventory:

- \* Petroleum and other toxic chemicals that are stored underground for certain uses or below certain threshold quantities.
- \* Petroleum and other toxic chemicals that are stored above ground.
- \* Light industry processes that store and use toxic chemicals, but do not produce a "waste stream." The storage and use of these chemicals by light industry also increases the potential for accidental spills involving transfers from one container to another or leaks caused by rupture or corrosion of containers. Small spills or leaks in the same area over a long period of time have been linked to major contamination problems.
- \* On-site wastewater disposal systems (septic tanks/drain-fields) have controls on their construction and site locations, but very few controls on their maintenance or what is actually disposed in them. Improper disposal of toxic chemicals in septic systems have been sources of major contamination incidents. Despite efforts to regulate their placement and use, septic systems represent the largest reported cause of ground-water contamination resulting in disease outbreaks in the United States.
- \* Water and other wells that have been improperly constructed, maintained, repaired, or abandoned may provide a conduit which can contaminate aquifers used for drinking water sources.
- \* Under certain geologic conditions, some pesticides applied to the land can leach to ground water even from normal application procedures.
- \* Pesticides may enter ground water through irrigation wells connected to chemigation systems unequipped with check valves to prevent back-siphonage of chemicals into the wells. When

check valves are used at the wellhead to protect aquifers, they should be routinely tested and adequately maintained to ensure their integrity.

- \* Small but repeated pesticide spills over long periods of time in the same location by bulk handlers have been identified as significant sources of contamination.
- \* Fertilizers leaching into the ground water and increasing nitrate to high levels have been associated with methemoglobinemia ("blue-baby syndrome") in infants.

Please refer to the Guide For Conducting Contaminant Source Inventories For Public Drinking Water Supplies, (EPA 570/9-91-014) and A Review of Sources of Ground-Water Contamination From Light Industry, (EPA 440/6-90-005) for more information.

In developing "Inventories of Potential Contamination Sources" for DWSP areas, PWSs should consider obtaining additional information that may be useful in managing potential contamination sources. This information should include each chemical, biological, and radiological substance stored, used, disposed, or discharged at each facility or site within the DWSP area by name and amount. For example - 40,000 gallons of gasoline stored and sold per month; 400 gallons of household wastewater discharged underground into a septic tank/drain-field system per day; or 10 pounds of ammonium sulphate applied per acre per year. Other pertinent information includes the location of the source, distance to the public supply well or spring, existing regulations controlling the facility, and so forth.

#### C. Refining, Expanding, Updating, and Verifying Potential Contamination Sources

By its very nature, inventorying potential contamination sources is a continuous effort. Each PWS shall update its list of potential contamination sources to show current conditions within DWSP zones or management areas. This includes adding potential contamination sources which have moved into DWSP zones or management areas, deleting potential contamination sources which have moved out, improving available data about potential contamination sources, and all other appropriate refinements.

**SOUTH WILLARD WATER CO.  
P.O. BOX 82  
WILLARD, UTAH 84340**

PRESENTATION SUMMARY  
PLANNING COMMISSION, BOX ELDER COUNTY  
MARCH 17, 1994

BACKGROUND:

SOUTH WILLARD WATER CO. (SWWC) IS A NON-PROFIT UTAH CORPORATION ORGANIZED FOR THE PROTECTION AND DISTRIBUTION OF CULINARY WATER TO THE RESIDENCES AND BUSINESS OPERATIONS LOCATED IN BOX ELDER COUNTY SOUTH OF WILLARD CITY IN AN AREA REFERRED TO AS SOUTH WILLARD.

SWWC OWNS AND OPERATES A CULINARY WELL AND SPRING LOCATED WITHIN THE CONFINES OF THE PARSON WILLARD NORTH PIT, WHICH IS OWNED AND OPERATED BY JACK B. PARSONS COMPANIES.

PARSON'S PLANS FOR THE EXCAVATION OF MATERIALS FROM THE PARSON NORTH PIT SHOW EXCAVATION WITHIN 100 FEET OF THE SWWS CULINARY WELL SITE TO A DEPTH OF SOME 30 FEET AT THE CONTOUR OF THE WELL AND TO A DEPTH OF SOME 75 FEET AT A DISTANCE OF APPROXIMATELY 600 FEET FROM THE WELL SITE. THE STATIC WATER LEVEL OF THE WELL RANGES FROM 60 TO 90 FEET. AT THE MAPLE GROVE SPRING THE EXCAVATION IS PROJECTED TO BE AT A DEPTH OF SOME 55 FEET AT A DISTANCE OF APPROXIMATELY 100 FEET FROM THE SPRING SITE.

IN ACCORDANCE WITH THE DRINKING WATER SOURCE PROTECTION ACT (UTAH REGULATION R309-113) ALL PUBLIC WATER SYSTEMS MUST DEVELOP A DRINKING WATER SOURCE PROTECTION PLAN (DWSP). THREE OF THE SEVEN SECTIONS REQUIRED IN THIS PLAN INVOLVE:

- 1) AN INVENTORY OF POTENTIAL CONTAMINATION SOURCES.
- 2) A MANAGEMENT PROGRAM TO CONTROL EACH PREEXISTING CONTAMINATION SOURCE.
- 3) A MANAGEMENT PROGRAM TO PROHIBIT FUTURE CONTAMINATION SOURCES.

ON MARCH 7, 1994, MARK JENSEN, STATE GEOLOGIST WITH THE DIVISION OF DRINKING WATER CLASSIFIED THE PARSON WILLARD NORTH PIT AS A POTENTIAL SOURCE OF CONTAMINATION. THE STATE GEOLOGICAL MAP SHOWS A "MINI-FAULT" WHICH EXTENDS FROM THE WILLARD FAULT SOUTH PARALLEL TO THE MOUNTAIN TO MCGUIRE CANYON. ACCORDING TO JENSEN. THIS WILL REQUIE ADDITIONAL STUDY TO DETERMINE THE EFFECT OF ANY EXCAVATION ON THE AQUIFER.

RECOMMENDATIONS:

STOP ALL EXCAVATION OF MATERIALS FROM THE PARSON WILLARD NORTH PIT UNTIL THE FOLLOWING CONDITIONS HAVE BEEN SATISFIED:

- 1) COMPLETION OF THE SWWC DRINKING WATER SOURCE PROTECTION PLAN
- 2) COMPLETION OF A COMPREHENSIVE ENVIORNMENTAL IMPACT STATEMENT COVERING ALL PHASES OF DEVELOPMENT PLANNED FOR THE PARSON WILLARD NORTH PIT SITE.

ADVISE THE STATE ENGINEER'S OFFICE OF THE ABOVE ACTIONS AND REQUEST THEY DELAY THEIR DECISION ON THE PARSON WELL APPLICATION UNTIL THESE ACTIONS ARE COMPLETED AND ACCEPTED.

March 17, 1994

Planning Commission Members:

Concerns relating to Parson Pit located in South Willard, Utah are as follows:

1. Water Quality

It is our concern that with the proposed mining method now employed by Parson Company that:

Mining on level one adjacent to the existing well of South Willard Water Company will increase the potential for contamination of that well.

Mining of the upper levels 2, 3, and 4 indicate that between 50 to 100 feet of material to be removed from that area. We believe this will enhance the possibility of contamination to the present aquifer by exposing it closer to the surface.

No provisions were indicated as to how the upper levels would be drained. Upon flooding from Maguires Canyon or rain water ponding in these levels, we believe this would also be a possible source of contamination.

The upper portion of Maguires Canyon contains four abandoned mines. One, at present, discharges water in the canyon stream continuously with evidence of staining from the mine. The possibility of heavy metal contamination could be present. With the removal of levels 2, 3, and 4, natural filtration would be greatly reduced thereby creating a greater possibility of contamination.

2. Air Quality

We feel as adjacent land owners and residents in the area, this issue has not been addressed. In the best interests of all concerned, the Planning Commission should identify permanent water sources to eliminate any dust from crusher operation, stock piles, and disturbed soils. We feel this should have been addressed before issuance of a Conditional Use Permit. The intent should be to solve the solution before creating a problem.

We also feel that to minimize the size and impact of this operation that surety should be assessed on all disturbed soils on a per acre basis. Therefore, the greater amount of acres disturbed, the greater the amount of surety.

Air Quality continued:

At present time, approximately 75 to 125 exposed acres exist. Time tables and assurances for reclamation need to be in place to help minimize blowing dust, so these problems of exposed areas do not become prolonged.

3. Noise and Hours of Operation

Due to the nature of the adoption of the Conditional Use Permit by Parson Company, no opportunity was given to local residences to voice any concerns about noise or hours of operation. We believe a public hearing to gain citizen input would be helpful in determining this and other concerns of local citizens.

4. Zoning

The issues of zoning seems to always raise a question about the proper use of property in Box Elder County. With an updated Master Plan and Land Use Guide nearly all questions would be answered before a use is enacted. We encourage the Planning Commission to initiate the update to the Master Plan and Land Use Guide as soon as possible.

The requirement of business licenses for old and new businesses would give the Planning Commission an opportunity to perform a design review and address any negative impact on surrounding property owners. Nevertheless, this will accomplish nothing if the County Commission members will not enforce these laws.

The South Willard area is degrading rapidly due to the lack of enforcement of zoning matters. We solicit your help to make this a better place to live and thank you for hearing our concerns.

Sincerely,

Pettingill Fruit Farms



CIRCA 1890'S

# Box Elder County,

STATE OF UTAH

## COUNTY COMMISSIONERS

R. LEE ALLEN  
ALLEN L. JENSEN  
JAMES J. WHITE

### OFFICERS

CARLA J. SECRIST, COUNTY AUDITOR-TREASURER  
MARIE G. KORTH, COUNTY RECORDER-CLERK  
ROBERT E. LIMB, COUNTY SHERIFF  
JON J. BUNDERSON, COUNTY ATTORNEY  
MONTE R. MUNNS, COUNTY ASSESSOR  
DENTON BEECHER, COUNTY SURVEYOR



CIRCA 1980'S

March 10, 1994

Box Elder County Commission  
Box Elder County Courthouse  
Brigham City UT 84302

Re: Parson Gravel Pit, South Willard

Gentlemen:

I have reviewed the County Land Use Management and Development Code, including discussions with its writer, Ken Millard. I have also discussed the situation with Denny Beecher, and reviewed portions of his file.

The answer to this whole matter is found in Section 7.1.6 of our Land Use Management and Development Code.

This particular section, although not drafted as precisely as might be desired, provides that the Planning Commission is to make recommendations regarding conditional use permits and the County Commission is to decide whether or not the permit will be issued.

In the Parson Gravel Pit case, the Planning Commission actually issued the permit, which is something they have no authority to do under our new code.

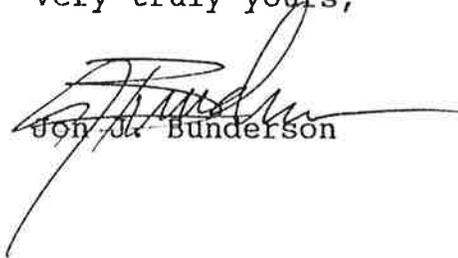
It should be noted that for some eighteen or nineteen years, under our old code, the Planning Commission did have the authority to issue conditional use permits, with an appeal to the County Commission. The new code was just adopted in February, and so far as I know, this may be the first conditional use permit issue decided under the new provisions.

Box Elder County Commission  
March 10, 1994  
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At this point, the permitting process is not yet complete, and won't be until the County Commission makes its decision regarding this particular permit.

You could either return this matter to the Planning Commission for a formal recommendation, or accept what they have already done as a favorable recommendation and proceed yourselves.

Very truly yours,



Jon O. Bunderson

JJB:vll

cc: Richard Kimber  
Jeff Thorne  
Richard W. Jones