

BOX ELDER COUNTY

May 20, 1993

The Board of Planning Commissioners of Box Elder County, Utah, met in regular session in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, in Brigham City, Utah, at 7:20 p.m. on May 20, 1993.

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

Richard Kimber	Chairman
Jon Thompson	Member
Allen Jensen	Member, County Commissioner
Denton Beecher	Ex-Officio Member, Surveyor
Marie Korth	Ex-Officio Member, Recorder/ Clerk

Excused:

Deanne Halling	Member
Junior Okada	Member

Absent:

Steve Grover	Member
DeVon Breitenbeker	Member

AGENDA: (Attachment No. 1)

A full quorum was not in attendance; no action was taken on any items.

PARSON CONDITIONAL USE PERMIT UPDATE:

Required Documentation Letters: (Attachment No. 2)

Mr. Fay Facer, Real Estate Manger, Mr. Randy Anderson, Materials Manger, Jack B. Parson Companies; and Mr. Ron Nelson, Chairman, Box Elder County/Willard City Flood Control District, met with the Planning Commission to present an update on the requested conditional use permit.

Mr. Facer stated the letter from the Flood Control District and the one from the Division of Water Rights addressed the conditions discussed at Planning Commission Meeting on May 6, 1993. He said both the letter from the Flood Control District and Mr. Robert M. Fotheringham of the Division of Water Rights talk about artificial damming. Mr. Fotheringham stated they would have no problem with natural control. If there are impoundments or artificial dams, this would come under their jurisdiction. Mr. Facer stated Parsons will have no problem adhering to their concerns. He said the Flood District engineer had the same concerns.

Mr. Facer stated Parsons have proposed a berm along the west end of the site. The State Engineer felt there should be some way for the water to escape if there is an accumulation of water. The State Engineer suggested instead of a berm a series of mounds be used for flood control. Mr. Facer stated the berm would also be used for a sight and sound barrier.

Mr. Beecher said the State Engineer becomes involved when a man made structure which holds back water is constructed. He said he was concerned about the berm on the west end and the leaving of the mounds and holes which could direct the flow of water to certain specific areas if flooding occurs. 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.

Mr. Facer stated Parsons would revegetate any time there was five acres of slope exposed.

Chairman Kimber stated no action can be taken at this time, however, all of the conditions were approved May 6 except those modified by motion at that meeting. Mr. Facer will meet with the Planning Commission on June 17.

SUBDIVISIONS:

Mike Fairbanks One Lot Subdivision and Roy Lemon Beginning Subdivision:

Mr. Mike Fairbanks and Mr. Roy Lemon met with the Planning Commission to discuss their proposed subdivisions in South Willard. Mr. Beecher stated Mr. Fairbanks is requesting preliminary approval on a one lot minor subdivision. Mr. Lemon is asking for preliminary approval on phase one of a six lot subdivision at 7400 South. He said both Mr. Lemon and Mr. Fairbanks have met all of the requirements.

Mr. Beecher suggested allowing Mr. Lemon and Mr. Fairbanks to proceed and present the preliminary and final submittal to the Planning Commission simultaneously on June 17 so they will not lose any time. A discussion was held on the roads and drainage in the area and what will be necessary.

ZONE CHANGE REQUEST:

Mr. and Mrs. Jerry Cook met with the Planning Commission to request a zone change on their property in South Willard. Mr. Cook stated he would like a zone change from Agricultural to Commercial. He explained the area involved and said he would like to construct some storage units. He is asking for approval to build up to 110 storage bays but does not want to start with any more than two at the present. Mr. Cook said the bays would be large enough for RV parking. He said he has talked to most of the nearby property owners and they have no problem.

Mr. Beecher stated to zone only this parcel Commercial would be spot zoning. This could be done with a P (Planned) District. A Planned District must be no less than five acres of contiguous land. This could be done using both of Mr. Cook's parcels and one in the middle. Mr. Beecher said one of the requirements is that signatures of everyone in the district be obtained. After this is done, the Planning Commission would recommend to the County Commission that a public hearing be held. The conditions would be determined for the P District and proceed from there. Mr. Beecher recommended that Mr. Cook list the conditions he felt he could work with and present at the next Planning Commission meeting June 17.

HAWKER CONDITIONAL USE PERMIT:

In the May 6, 1993, Planning Commission Meeting, a request for a conditional use permit by Mr. Kim Hawker for a feed lot in the Harper area was discussed. At that time the matter was tabled until each member of the Planning Commission could inspect the property.

Mr. Beecher reported the Health Department had inspected the property and said if the sewage co-mingles with waters of the state or creates a health hazard, their Department can become involved. He said he had looked at the property and found it to be very wet. Mr. Beecher stated he was concerned that Mr. Hawker was needs to make provisions to keep the cow manure out of the stream flow. It was agreed Mr. Hawker would need to control the water and do what he could about the odor.

Mr. Beecher said another concern was a very narrow right of way to a mobile home. If Mr. Hawker gets stuck with one of his trucks, the people in the mobile home would not be able to go past.

Mr. Beecher said another condition that could be imposed would be to limit the number of animals allowed.

MOBILE HOMES REQUIRING A CONDITIONAL USE PERMIT:

Mr. Beecher said the County Ordinance states no mobile homes shall be located anywhere within the corporate boundaries of the county except in a licensed mobile home park or an approved mobile home subdivision or as temporary living quarters by conditional use permit. He said mobile homes are allowed on farms and ranches with a permit. The question is, do we need to bring every mobile home permit application before the Planning Commission? If this is done it would necessitate a public hearing which would extend the time to receive the conditional use permit. Previously the Building Department issued a conditional use permit. Mr. Beecher stated a mobile home can be put on a permanent foundation if it is newer than 1976 and meets the current UBC codes.

Chairman Kimber stated he would prefer applications not come before the Planning Commission.

The meeting adjourned at 8:30 p.m.

Passed and adopted in regular session this 15th day of

July, 1993.

Richard D. Kimber
Richard D. Kimber, Chairman

ATTEST:

Marie G. Korth
Recorder/Clerk

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

1. Public agenda for the Box Elder County Planning Commission meeting scheduled for 20 May 1993. at 7:00 P.M.
2. Notice given to the newspaper this 19 day of May , 1993 .
3. Approval of the minutes of 15 April 1993.
4. Scheduled Delegations:
 - A. Parson Conditional Use Permit update
 - B. Mike Fairbanks One Lot Subdvision
 - C. Preliminary approval Beginning Subdivision
 - D. Hawker Conditional Use Permit
 - E. Zone Change Request So. Willard - Cook
 - F. Mobile Homes requiring a conditional Use Permit
 - G.
 - H.
 - I.
 - J.
5. Old Business
 - A.
 - B.
 - C.
 - D.



Jack B Parson Companies

May 17, 1993

Box Elder County Planning Commission
Box Elder County Court House
1 South Main Street
Brigham City, Utah 84302

Re: Parson Willard North Pit
Conditional Use Permit Amendment Conditions

Dear Sirs:

As agreed in the planning commission meeting May 6, 1993, we are listing below the conditions agreed upon with the approval of the above C.U.P. amendment. The numbers in parenthesis at the end of each paragraph refer to the numbers in the possible conditions presented in the May 6th meeting.

1. All dust emissions limitations from this operation are regulated by the state Division of Air Quality by way of the air quality permits on the mining equipment at this location. We will comply with these regulations and abide by the emissions limitations within our D.A.Q. permits. (1, 3)
2. As the plans indicate, our mining operation shall begin in level 1. The mining sequence will be as the levels are numbered. Mining in each level will be done south to north on each level. As each permanent slope is created they will be contoured and re-vegetated. The proposed seeding types, rates and application will be as outlined in our original application, unless we find other grass types that adapt better to the conditions of this pit. The planting of the permanent slopes will occur as soon after the slopes are created and it is economically feasible to do so, but in any event no more than 5 acres of slopes at any one time shall be exposed and not reseeded.

The floor of each level shall be rehabilitated and planted as soon as practical after all excavation, extraction, and stockpiling is concluded in that level. We will notify the planning commission in writing when we plan to progress into the next level of excavation so that our mining and rehabilitation can be evaluated by the county. Attached are cost estimates from Great Basin Engineering on rehabilitation costs. A rehabilitation bond in the amount of \$20,000 is in place with Box Elder County. (2, 12, 13)

3. U.D.O.T. approval for access onto SR89 was included in the original conditional use permit. The haul road is restricted to private use only. The drawings detail a truck run-a-way lane which shall be constructed during 1993. Dust shall be controlled on all haul roads as per state Division of Air Quality Limitations. (5)
4. A letter from the Ogden River Water Users Association is attached. Our license to cross the canal was included in the original C.U.P. (7)
5. Attached is letter from Box Elder - Willard Flood Control District along with a copy of their engineers review. (6)
6. Our mining and rehabilitation plan does provide for buffering and minimal impact to the surrounding neighbors. A letter from White Orchards, the major adjacent land owner, is attached which indicates no objection. Our plan was reviewed with another major adjacent landowner, Gay Pettingill, and he had no particular problem with our plans. We feel the berming, plantings and flood control enhancement does give the neighboring properties protection. (8)
7. A letter from the State Water Engineers office is attached. (9)
8. The condition covering blasting is covered in our original request. (11)
9. Jack B. Parson Companies hereby agree to indemnify and hold harmless Box Elder County for any and all liabilities, claims or demands arising out of or based upon activities conducted by Jack B. Parson Companies upon or in connection with our pit property identified in this conditional use permit amendment as Parsons North Willard Pit. (14)
10. Section 7.1.3 of the Box Elder County ordinances covers the condition and procedure under which a conditional use permit may be revoked or suspended. (17)
11. If it is determined at any time that the Utah Power and Light power lines need to be relocated, Jack B. Parson Companies will be responsible to see that they are relocated. (18)
12. The enclosed letter from Mountain Fuel Supply Company indicates their review and approval of our mining plan. (19)

We believe this submittal covers all of the issues and conditions discussed at the May 6th 1993 meeting and answers the question raised. Items 10,15, and 16 required no action.

We appreciate your cooperation in accommodating our amendment request.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Fay Facer".

R. Fay Facer
Vice President

RFF/ck
Enclosure

OGDEN RIVER WATER USERS ASSOCIATION

471 WEST 2ND STREET • OGDEN, UTAH 84404



PHONE (801) 621-6555
FAX (801) 621-6558

OFFICERS

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1ST VICE PRESIDENT

MARK G. HODSON
2ND VICE PRESIDENT

TEREL H. GRIMLEY
GENERAL MANAGER

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ROCKY FULHART

JIMMIE PAPAGEORGE

ROB WHITE

April 2, 1993

Box Elder County Planning Commission
County Court House
Brigham City, Utah 84302

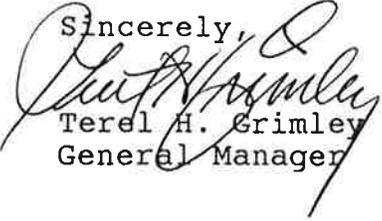
Subject: PARSON WILLARD NORTH PIT

After reviewing the plans submitted for the PARSON WILLARD NORTH PIT. We have no objections at this time to their planned work. Our facilities are not encumbered by their operation and the distances and proposed grading plan are adequate.

As Parsons begins to move up the property above the canal we do have some concerns about the revegetation and control of water runoff. I have discussed these with Mr. Fay Facer and feel confident that they can be resolved as the project progresses.

If you have any questions or concerns please feel free to call at any time.

Sincerely,


Terel H. Grimley
General Manager



DESIGN ENGINEERING 1078 WEST 100 SOUTH P.O. BOX 11368 SALT LAKE CITY, UTAH 84123 PHONE (801) 539-3417

MARK G. WARNER
SUPERVISOR
DESIGN ENGINEERING

April 28, 1993

Box Elder County Planning Commission
Box Elder County Courthouse
1 South Main Street
Brigham City, Utah 84302

Dear Sirs:

Mountain Fuel Supply Co. has reviewed the plans for a sand/gravel operation and pit on the Jack B Parson Co. property located approx. 2 miles north of the Hot Springs area east of Hwy. 89 in Box Elder County. In a meeting with Mr. R. Fay Facer of Parson, he reviewed with us the scope of the project and its proximity to the existing 12" HP pipeline and MFSCo. right-of-way.

If Parson proceeds as planned, Mountain Fuel has no objections to the proposed sand/gravel operation. As explained to us on site, Parson plans to place a 5-6 ft. berm approximately 100 ft. east of their west property line (approximately 85 feet east of the pipeline) and will not excavate anything between the berm and the pipeline.

We appreciate Box Elder Co. keeping our interests in mind when reviewing these types of projects. Our intent will always be to work with developers and property owners while maintaining the integrity of our critical facilities and rights-of-way. The pipeline which traverses the Parson property on this project is very critical to the gas supplies in Box Elder and Cache counties and must remain free of encumbrance.

Again, we have no objections to their project as planned and we appreciate your cooperation and that of Mr Facer of Parson.

Sincerely,

Mark G. Warner

cc: D.D. Moore
G.D. Kofford
J.E. Robinson
R.F. Facer (JB Parson Co.)



P.O. Box 9176
Ogden, Utah 84409
Farm (801) 782-8164
Ogden (801) 394-6621

Rob White
President

Direct dial: (801) 626-1330
FAX: (801) 626-1340

March 1, 1993

To: The Box Elder County Planning Commission

Re: Jack B. Parson Companies' request to modify conditional use permit in South Willard

Dear Commissioners:

White Orchards has reviewed Jack B. Parson Companies' request to modify the existing conditional use permit on land bordering our property. We have no objection to their request.

Sincerely,

Rob White
President, White Orchards



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Robert L. Morgan
State Engineer

Northern Area
55 East 100 North, Suite D
Logan, Utah 84321-4624
801-752-8755

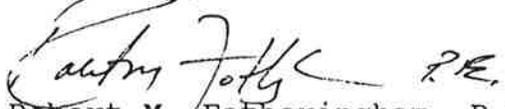
May 19, 1993

R. Fay Facer
Jack B. Parson Companies
PO Box 3429
Ogden, UT 84409

Dear Mr. Facer:

The State Engineer's office has reviewed the plans you submitted with a letter dated May 10, 1993. The section views show that some water may be impounded by rejected material and undisturbed soils. The State Engineer would not have jurisdiction over the impoundments where no material is placed to cause impoundment of water. However, several sections show that rejected material would be placed in a manner to impound water in the terraces. This placement is artificial and, therefore, before the impoundments are made, approval of plans and specifications for the placement of this material is required by the Division of Water Rights, Dam Safety Section.

Sincerely,


Robert M. Fotheringham, P.E.
Northern Regional Engineer

RMF:gf

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

May 18, 1993

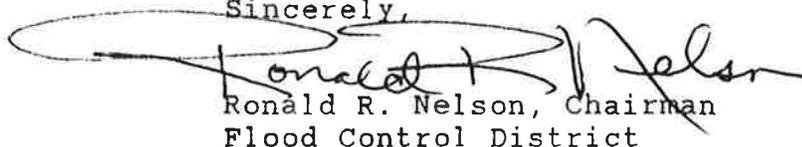
Comm. Allen Jensen
Chairman Richard Kimber
Box Elder Co. Planning Comm.
Box Elder Co. Court House
Brigham City, Ut 84302

Dear Comm. Jensen and Members:

Mr. Gale Larson, P.E., LarWest Int'l. Engineering reviewed the plans for Parson Willard North Pit for the Flood Control District. His report, dated April 7, 1993, details his findings and concerns. He states that only layout and cross-section plans have been submitted at this time. Construction documents should be prepared binding the contractor to construct proper dikes and assurance given that facilities will be constructed to properly prepared plans so they will be safe, secure and provide the flood protection needed.

Compliance with approved plans, revegetation, inspections, coordination, bonding and responsibilities for dikes and basins, is necessary as detailed in the April Report. Any changes or deviations must be approved prior to implementation. If this gravel operation is maintained in compliance with the approved plans and Flood Control District **engineering** report, it appears that the project will not be detrimental to flood control in that area.

Sincerely,



Ronald R. Nelson, Chairman
Flood Control District

RRN:lch

cc: Parson Companies



GREAT BASIN ENGINEERING, INC.

Consulting Engineers and Land Surveyors
P.O. Box 9307
Ogden, Utah 84409
Ogden (801) 394-4515
Salt Lake (801) 521-8529
FAX (801) 392-7544



May 20, 1993

BOX ELDER PLANNING COMMISSION
ATTENTION: DENTON BEECHER
Box Elder Court House
21 South Main
Brigham City, Utah 84302

Gentlemen:

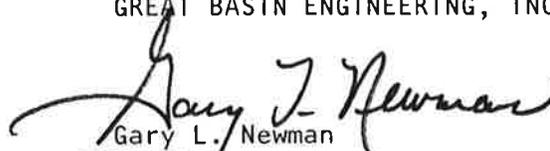
As requested, we hereby submit the following costs on an acreage basis for the Rehabilitation of the Parson Willard North Pit:

1. Fine Grading of Slopes	\$ 875.00/Acre
2. Top Soil (Purchase, Hauling and Spreading)	2,690.00/Acre
3. Re-seeding	<u>150.00/Acre</u>
	\$3,715.00/Acre

If you have questions or need additional information, please contact me.

Sincerely,

GREAT BASIN ENGINEERING, INC.


Gary L. Newman
Registered Land Surveyor, Utah No. 4778

GLN/ss

cc: Parson Companies (Fay Facer)