

BOX ELDER COUNTY
June 25, 1992

The Board of Planning Commissioners of Box Elder County, Utah, met in special session in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, in Brigham City, Utah, at 8:30 p.m. on June 25, 1992.

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

Richard Kimber	Chairman
Deanne Halling	Member
Jon Thompson	Member
Junior Okada	Member
Denton Beecher	Ex-Officio Member
Allen Jensen	Commissioner, Member

Also Present:

Lee Allen	Commissioner
James White	Commission Chairman

Absent:

Steve Grover	Member
DeVon Breitenbeker	Member
Marie Korth	Ex-Officio Member

APPROVAL OF MINUTES:

Chairman Kimber presented the Minutes of June 18, 1992, for approval. Mr. Thompson made a motion to approve the Minutes as written. Commissioner Jensen seconded. None opposed. The motion carried.

AGENDA: (Attachment No. 1)

Chairman Kimber presented the Agenda:

1. Conditional use permit.
2. Work session on the new Land Use Codes.

CONDITIONAL USE PERMIT:

Proposed sale of land: White Orchards to Jack B. Parson Companies:

County Surveyor Denton Beecher stated there are two additional conditions to the ones in the original application: 1) The applicant will comply with the conditions set forth in a letter of 6 March 1986, 2) The Flood District's conditions that were shown in a letter dated March 14, 1986. Those were the conditions that were stipulated with the approval of the permit. The original conditions would still

be in force with the transfer as well as the conditions set by the Flood District.

Mr. Beecher stated he could find no bond being placed on the White permit but suggested having a performance bond posted guaranteeing they will perform to the required standards. He suggested the bond be \$10,000.00 to \$15,000.00.

Mr. Thompson asked if there are any provisions for reclamation in the conditions. Chairman Kimber stated one of the conditions specified that terracing be done. Commissioner Jensen asked if Parsons plan to change the condition concerning terracing. Mr. Beecher stated if they do, they would have to file an application for an amendment. He said they have to operate this permit under the same guidelines as the previous owner. If they do go beyond the scope of the area, they will have to come in for a new permit. Mr. Beecher suggested that if it is agreed to approve the permit, it be contingent upon proof that they have ownership along with the establishment of a bond.

Mr. Thompson stated he had two concerns about gravel pits: 1) The safety factor, they should be left in a manner that they do not present safety problems for people. 2) They should be rehabilitated when the work is complete. Mr. Beecher said an attorney stated no new conditions can be placed on a transfer. He read from a letter from Rollins, Brown and Gunnell dated March 6, 1986 regarding the White Conditional Use Permit which discussed revegetation. He then read another letter written by himself to J. J. Johnson and Associates stating the 13 conditions. Mr. Beecher also read a letter from J. J. Johnson responding to his letter dated March 13, 1986.

Mr. Beecher explained the work that has been done at the White operation. Mr. Thompson made a motion that based on the clarifications and Mr. Beecher's recommendation, the permit be transferred to Jack B. Parson Companies contingent upon evidence that the sale has been completed and that the performance bond involved be of a minimum of \$15,000.00. Mr. Okada seconded. None opposed. the motion carried.

LAND USE PLANNING:

The remainder of the meeting was spent in a work session on the new Land Use Planning Codes.

The meeting adjourned at 10:30 p.m.

Passed and adopted in regular session this 16th day
of July, 1992.

Richard D. Kimber
Richard D. Kimber, Chairman

ATTEST:

Marie G. Korth
Marie G. Korth
Recorder/Clerk



RELIANCE INSURANCE COMPANY
PHILADELPHIA, PENNSYLVANIA

UNITED PACIFIC INSURANCE COMPANY
FEDERAL WAY, WASHINGTON

PLANET INSURANCE COMPANY
FEDERAL WAY, WASHINGTON

BOND NO. B1922415

LICENSE OR PERMIT BOND

KNOW ALL BY THESE PRESENTS:

That we, JACK B. PARSON COMPANIES, P. O. BOX 3429, OGDEN, UTAH 84409
as Principal(s), and
RELIANCE INSURANCE COMPANY, a PENNSYLVANIA corporation authorized
to transact surety business in the State of UTAH, as Surety, are held and firmly bound unto
BOX ELDER COUNTY, COUNTY COURTHOUSE, BRIGHAM CITY, UTAH 84302
as Oblige, in the penal sum of
FIFTEEN THOUSAND AND NO/100*****
(\$ 15,000.00*****) DOLLARS, lawful money of the United States of America, for the payment of which,
well and truly to be made, we bind ourselves, our heirs, legal representatives, successors and assigns, jointly and severally,
firmly by these presents.

WHEREAS, Principal has applied to the Oblige for a license or permit to do business as REHABILITATE PARSON NORTH
WILLARD PIT (FORMERLY WHITE'S PIT), SW 1/4 SEC 1, TS 7 N R 2 W, SALT LAKE BASE AND MERIDIAN

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the said Principal(s) shall comply with all
applicable Ordinances, Rules and Regulations, and any Amendments thereto, then this obligation shall be void, otherwise
to remain in full force and effect.

PROVIDED, HOWEVER, That this bond shall continue in force until:

- 1. _____, 19 _____, or until the expiration date of any Continuation Certificate executed
by Surety, at its sole option.
- OR
- 2. Cancelled by Surety giving 30 days written notice to Oblige and Principal of its intention to termi-
nate its liability hereunder.

SIGNED AND SEALED this 31ST day of JULY, 19 92.

JACK B. PARSON COMPANIES

By [Signature] FINANCIAL VICE PRES.
Principal

RELIANCE INSURANCE COMPANY

By [Signature]
TINA DAVIS Attorney-in-Fact

RELIANCE INSURANCE COMPANY

HEAD OFFICE, PHILADELPHIA, PENNSYLVANIA

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That the RELIANCE INSURANCE COMPANY, a corporation duly organized under the laws of the State of Pennsylvania, does hereby make, constitute and appoint

TINA DAVIS of SALT LAKE CITY, UTAH-----

its true and lawful Attorney-in-Fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed

ANY AND ALL BONDS AND UNDERTAKINGS OF SURETYSHIP-----

and to bind the RELIANCE INSURANCE COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by an Executive Officer of the RELIANCE INSURANCE COMPANY and sealed and attested by one other of such officers, and hereby ratifies and confirms all that its said Attorney(s)-in-Fact may do in pursuance hereof.

This Power of Attorney is granted under and by authority of Article VII of the By-Laws of RELIANCE INSURANCE COMPANY which became effective September 7, 1978, which provisions are now in full force and effect, reading as follows:

ARTICLE VII — EXECUTION OF BONDS AND UNDERTAKINGS

1. The Board of Directors, the President, the Chairman of the Board, any Senior Vice President, any Vice President or Assistant Vice President or other officer designated by the Board of Directors shall have power and authority to (a) appoint Attorneys-in-Fact and to authorize them to execute on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and (b) to remove any such Attorney-in-Fact at any time and revoke the power and authority given to him.

2. Attorneys-in-Fact shall have power and authority, subject to the terms and limitations of the power of attorney issued to them, to execute and deliver on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof. The corporate seal is not necessary for the validity of any bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

3. Attorneys-in-Fact shall have power and authority to execute affidavits required to be attached to bonds, recognizances, contracts of indemnity or other conditional or obligatory undertakings and they shall also have power and authority to certify the financial statement of the Company and to copies of the By-Laws of the Company or any article or section thereof.

This power of attorney is signed and sealed by facsimile under and by authority of the following Resolution adopted by the Board of Directors of RELIANCE INSURANCE COMPANY at a meeting held on the 5th day of June, 1979, at which a quorum was present, and said Resolution has not been amended or repealed:

"Resolved, that the signatures of such directors and officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN WITNESS WHEREOF, the RELIANCE INSURANCE COMPANY has caused these presents to be signed by its Vice President, and its corporate seal to be hereto affixed, this 29 day of April 1992.

RELIANCE INSURANCE COMPANY



Lawrence W. Carlstrom
Vice President

STATE OF Washington }
COUNTY OF King } ss.

On this 29 day of April, 1992 personally appeared Lawrence W. Carlstrom

to me known to be the Vice-President of the RELIANCE INSURANCE COMPANY, and acknowledged that he executed and attested the foregoing instrument and affixed the seal of said corporation thereto, and that Article VII, Section 1, 2, and 3 of the By-Laws of said Company and the Resolution, set forth therein, are still in full force.

My Commission Expires:
March 5, 1996



Kimberly Greenwood
Notary Public in and for State of Washington
Residing at Puyallup

I, Marjorie S. Hansen, Assistant Secretary of the RELIANCE INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said RELIANCE INSURANCE COMPANY, which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company this 31ST day of JULY 1992.



Marjorie S. Hansen
Assistant Secretary
Marjorie S. Hansen

APPLICATION FOR CONDITIONAL USE PERMIT

* Permit transferred
9/17/92. Refer to
Planning Commission
Minutes of the above
date. (myk)

Applicant's Name WHITE ORCHARD CO. Application No. 35
Address P. O. Box 9176-Ogen, Utah 84409 Date Received by Building Inspector _____
Telephone 394-6621 Date of Hearing _____

Application is hereby made to the Planning Commission requesting that
Gravel extraction be permitted as a "conditional use"
on maximum 202 acres of 1350 acres located at Highway 89
(Sq. Ft. or Acres) Street Address
in a MU 160 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. Gravel will be extracted to a maximum depth of 35 feet below the existing ground surface in the alluvial deposits on the subject property. All edges of the extraction area or areas will be graded to provide smooth transitions to undisturbed areas.

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.

A valuable resource will become available in a manner that will allow the area to be further developed in the future. Flood protection facilities will also be developed.

(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.

The proposed project will result in the construction of flood protection facilities recommended in the "Master Plan for Box Elder County Willard City Special District for Flood Control and Drainage", dated July 1981.

- (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 use will be compatible with surrounding uses and will minimize impacts of a normal gravel extraction operation by controlling finished grades.

- (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.

The proposed project will provide desirable flood protection facilities and will proceed in a manner that allows future use of the area.

- 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)

Not applicable

- 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.

Prior to the completion of the gravel extraction operation and as a part of the proposed gravel extraction, storm water detention facilities will be constructed. These facilities will provide flood protection to lower properties.

- 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: White Orchard Company _____
(Applicant) (Address) (Phone)
W. Robert White - President P. O. Box 9176 394-6621
Ogden, Utah 84409

Zoning Administrators Action:

Date Approved: _____

Date Disapproved: _____

Date Referred to Planning Commission for Action _____

Planning Commission Action:

Date Approved: 4/17/86

Date Disapproved: _____

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:

APPLICANT TO COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE LETTER OF 6 MARCH 1986 AND THE FLOOD DISTRICTS CONDITIONS AS SHOW IN LETTER DATED MARCH 14, 1986.

Signature: *Richard D. Chamber*
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 _____

March 14, 1986

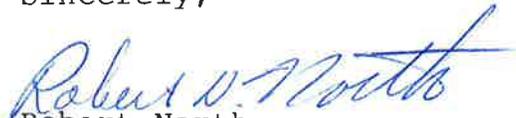
Box Elder Planning Commission
Brigham City, UT 84302

Gentlemen:

The Box Elder County-Willard City Flood Control District Board has reviewed the proposal from White Orchard Company for a gravel extraction operation in Magurie Canyon. We requested some plan modifications and additional information.

At a meeting held March 11, 1986, the District Board approved the flood control and drainage features of the revised proposal consisting of a revised plan containing 4 sheets dated March 11, 1986, and a letter of response from Johnson and Associates to Rollins, Brown and Gunnell.

Sincerely,


Robert North
Chairman

/jbt

ROLLINS, BROWN AND GUNNELL, INC.
PROFESSIONAL ENGINEERS



March 11, 1986

Box Elder County - Willard City
Special District for Flood Control
Willard, UT 84340

Gentlemen:

I have received some additional information from the White Orchard Company in response to my review of their proposal for a gravel operation in Magurie Canyon.

They have discussed the proposed detention basin with the Dam Safety Division of the State Engineer's office and have obtained their requirements and regulations. The detention basin, when completed in accordance with these requirements, will eliminate Magurie Canyon as a source of flooding.

The amended plan provides for seeding of the disturbed areas to reduce runoff and control erosion.

Each excavation area will be graded to contain the runoff in a small detention swale in the disturbed area.

Roadways will be constructed with water bars to distribute the runoff over undisturbed areas next to the roadway.

These modifications to the plan address the concerns in my letter. The plan has no adverse impacts on drainage in the area, and when completed will contribute significantly to the reduction and control of flooding in the area.

I would recommend that the plan be approved as it relates to flood control.

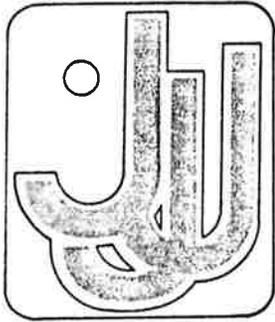
Sincerely,

ROLLINS, BROWN AND GUNNELL, INC.

A handwritten signature in blue ink that reads "Russell O. Brown". The signature is written in a cursive style and is located below the typed name.

Russell O. Brown

ROB/jbt



J.J. Johnson & Associates

Park Meadows Plaza

Park City, Utah 84060 (801) 649-9811

March 11, 1986

Mr. Russell O. Brown, P.E.
Rollins, Brown and Gunnell, Inc.
P. O. Box 711
Provo, Utah 84603

RE: White Orchard Co. Gravel Extraction
Our Project No. 2-687-86

Dear Russ:

In response to your review letter to the "Box Elder County-Willard City Special District for Flood Control", I have modified the submitted plans. A note has been added stating that all disturbed areas are to be seeded and mulched as soon as possible after finished grades are established in each area. We also show the slope as being reversed at the bottom of each pocket during initial operations until it can be demonstrated that increased runoff will not occur and the detention basin has been constructed. The last change I have made on the plans is to call the detention basin a detention basin or percolation basin based on my discussions with the dam safety section of the State Engineers Office. Depending on the regulations in use at the time we apply to the State Engineer for a permit, we might make the facility even larger and not provide a low flow outlet. This will involve determining the percolation rate from a large facility at this location. With respect to the problem of access roads becoming flood channels, we will construct water bars where required along the access roads to distribute water in a sheet flow pattern and install culverts or piping where necessary.

I hope this answers any concerns you might have. If you have any further questions, please call. I look forward to working with both you and the Flood Control District to arrive at a completed project that will benefit all concerned.

Sincerely,

David H. Akola, P.E.

DHA/clt

ROLLINS, BROWN AND GUNNELL, INC.
PROFESSIONAL ENGINEERS



March 6, 1986

Box Elder County - Willard City
Special District for Flood Control
Willard, UT 84340

Gentlemen:

I have reviewed the material submitted to Box Elder County by White Orchard Company as a part of their request for a special use permit for gravel extraction on their property. The review was concerned with the project's impact on storm drainage.

The project proposes to remove gravel from selected areas east of the Ogden-Brigham Canal in the Magurie Canyon alluvial fan. It includes the construction of a detention basin on the Magurie Canyon flood channel about 3,200 feet east of the Ogden-Brigham Canal. This location is about 2,000 feet west of the mouth of the canyon. At this point the canyon has two separate channels about 400 feet apart. The basin includes both channels.

Gravel is to be removed from 10 areas to a depth of 20 feet. Slopes of banks in the excavated areas would be a minimum of 6:1 and a maximum of 3:1.

The plan has very few details about drainage and appears to be a conceptual plan, and as such, does not conflict with the District's master plan. The following concerns about drainage and flood control should be addressed in any final plan for a conditional permit to remove gravel in the area.

1. The detention basin location and size is such that it would accomplish the intent of the master plan and control flooding from Magurie Canyon. Detention basins require the approval of the State Engineer prior to construction. The detailed plans required should be submitted to the District for conceptual review prior to submittal to the State Engineer.

Box Elder County - Willard City

Page 2

March 6, 1986

2. The District's master plan requires that developments should either dispose of water from their development on their own land, or direct it to an approved public channel. Since vegetation is being removed from the excavated area, the amount of runoff generated will be greater than at present. Details of how this water is to be handled need to be provided.

3. It would be desirable to have the areas revegetated after completion of excavation.

4. Access roads to the excavation areas should be designed such that they do not become flood channels.

Sincerely,

ROLLINS, BROWN AND GUNNELL, INC.

Russell O. Brown

Russell O. Brown

ROB/jbt



ROLLINS, BROWN AND GUNNELL, INC.
PROFESSIONAL ENGINEERS



March 6, 1986

Box Elder County - Willard City
Special District for Flood Control
Willard, UT 84340

Gentlemen:

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Box Elder County - Willard City

Page 2

March 6, 1986

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Sincerely,

ROLLINS, BROWN AND GUNNELL, INC.



Russell O. Brown

ROB/jbt





CIRCA 1890'S

Box Elder County,

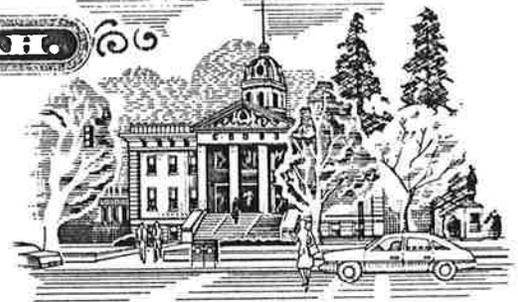
STATE OF UTAH

COUNTY COMMISSIONERS
DON E. CHASE
GLEN R. CURTIS
JAMES J. WHITE

BRIGHAM CITY, UTAH 84302

OFFICERS

GLEN S. FIPE, COUNTY TREASURER
JAY R. HIRSCHI, COUNTY CLERK
ROBERT E. LIMB, COUNTY SHERIFF
MARIE G. KORTH, COUNTY RECORDER
JON J. BUNDERSON, COUNTY ATTORNEY
VON R. CURTIS, COUNTY ASSESSOR
DENTON BEECHER, COUNTY SURVEYOR
DORIS L. OLSEN, COUNTY AUDITOR



CIRCA 1980'S

6 March 1986

David H. Akola, PE
J.J. Johnson & Associates
Park Meadows Plaza
Park City, Utah 84060

Re: Proposed Gravel Extraction for White Orchard Co.

Dear Dave,

Upon reviewing the plans for said proposal, we would like to have the following items addressed.

1. The access road enters SR 89 directly east of residences. How are you going to prevent runaway trucks at SR 89?
2. Grades of the access road.
3. Canal crossing at Brigham-Ogden canal. We will need to have a signed permit from the canal company.
4. Ownership needs to be cleared up on parcel shown in name of C.P. Marshall.
5. Two parcels owned by Utah Board of Water Resources, which we believe is South Willard's water source, if so, this must be looked into and solved if a problem exists.
6. We will need a statement stating that this operation will comply with EPA requirements for air quality etc.
7. Will the access road be paved?
8. Permit from UDOT for access onto SR 89.
9. Submit a revegetation plan for the areas.
10. We will need more information on design of detention basin.
11. How will drainage from one area into another be controlled to prevent erosion ultimately filling the canal?
12. There will need to be a bond sufficient to guarantee completion of each area.

13. Have a written approval of the plan from the Willard-Box Elder County Flood District.

We feel that these items need to be addressed before we present said plan to the planning commission for their consideration.

We trust that you will be able to obtain the answers before the next March 20th meeting. If for some reason you are not able to obtain these answers and can't be prepared, let us know and we will withdraw you from the agenda.

Respectfully,



Denton H. Beecher
Box Elder County Surveyor

DHB:j



J.J. Johnson & Associates

Park Meadows Plaza

Park City, Utah 84060

(801) 649-9811

March 13, 1986

Mr. Denton H. Beecher
Box Elder County Surveyor
Box Elder County Courthouse
01 South Main
Brigham City, Utah 84302

RE: Proposed Gravel Extraction for White Orchard Co.
Project No. 2-687-86

Dear Mr. Beecher:

In response to your letter of 6 March 1986 requesting additional information concerning a Conditional Use Permit, the following is provided.

1. To prevent runaway trucks from entering SR 89, we plan on constructing a gravel bog area below the steeper grades of the access road where trucks can pull off the road and will sink into the gravel and bog down. We will also locate the access road where it is not directly opposite any residences.
2. The access road will vary in grade from about 4% near SR 89 to a maximum of about 9-1/2% near the Brigham-Ogden Canal.
3. Authorization to cross the Brigham-Ogden Canal will be obtained.
4. Quiet title action has been started to clear up ownership of the C. P. Marshall property. Until this action is completed, we will not enter this property with the gravel extraction operation.
5. The proposed project is located some distance away from the Utah Board of Water Resources parcels and will not impact them.

Mr. Denton H. Beecher

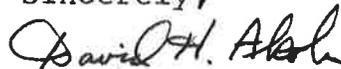
March 13, 1986

Page 2

6. The gravel extraction operation will comply with all applicable laws and regulations.
7. The access road will be oiled the first year of operation to allow all areas to stabilize and then paved the second year.
8. I have discussed obtaining an encroachment permit or access permit for entering SR 89 with UDOT and have been told that they see no reason for its denial since SR 89 in that area is not a limited access highway. On issuance of the Conditional Use Permit from Box Elder County, we will apply for the highway access permit and meet all conditions of that permit such as signing or other traffic control.
9. I have revised the plan submitted to reflect that each disturbed area will be seeded and mulched as soon as possible after final grades are established in each area.
10. We have reviewed the design of the detention basin or percolation basin with the "Box Elder County-Willard City Special District for Flood Control" and with the State Engineer's Office. Since this structure might not be built for several years, they concur that it is not practical to do detailed plans now. Existing regulations might change prior to when the facility is actually built which would necessitate that everything be redesigned.
11. We have modified the existing plans to show a reverse slope at the bottom of each pocket to provide a small detention area until the large detention facility is built or until we can demonstrate that increased runoff and erosion will not occur. Existing basic drainage patterns will not be changed.
12. We will not object to a performance bond for revegetating or grading, however, we question its necessity since the work we will be doing is planned to improve the areas.
13. The Willard-Box Elder County Flood District has reviewed the plans and we have made minor changes in accordance with their concerns. They will be sending a letter directly to you indicating approval and stating that the completed project will greatly improve flood protection from Maguire Canyon flood flows.

I am enclosing three sets of revised plans with this letter that reflect the changes requested by the Flood Control District. I hope this information answers your questions and concerns. If you have any further questions or need additional information, please call.

Sincerely,



David H. Akola, P.E.

DH/clt

White ORCHARD COMPANY

Growers and Shippers of Peaches, Cherries, and Purple Plums

P. O. BOX 9176 OGDEN, UTAH 84409 PHONE 394-6621

March 18, 1986

Mr. Denton H. Beecher
Box Elder County Surveyor
Box Elder County Courthouse
01 South Main
Brigham City, Utah 84302

RE: Proposed gravel Extraction for White Orchard Co.
Project No. 2-687-86

Dear Mr. Beecher

In response to your letter of 6 March, 1986, requesting additional information concerning a Conditional Use Permit, the following is provided.

Item 3. Enclosed please find a letter from Edward Southwick, general manager of Ogden River Water User's Association stating that our plan can meet their requirements. We are proceeding with the permitting required by the United States.

Sincerely



Wesley R. White
White Orchard Co.

OFFICERS

JAMES N. RANDALL
PRESIDENT
ARLIE S. CAMPBELL
1ST VICE PRESIDENT
E. A. REED
2ND VICE PRESIDENT
EDWARD H. SOUTHWICK
SEC.-TREAS.
GEN. MANAGER
LEGAL COUNSEL:
SAMUEL H. BARKER

OGDEN RIVER WATER USERS'
ASSOCIATION

1483 WALL AVENUE :: PHONE 621-6555
OGDEN, UTAH 84404

DIRECTORS

GEORGE A. NIELSON
JAMES N. RANDALL
ARLIE S. CAMPBELL
LESLIE E. RANDALL
SHERMAN V. WALKER
E. A. REED
EDWARD E. KAMMEYER
FRED FROERER JR.
MARK G. HODSON

March 14, 1986

Mr. Denton H. Beecher
Box Elder County Surveyor
Brigham City, Utah 84302

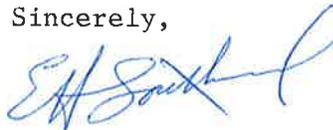
Dear Mr. Beecher,

The Ogden River Water Users' Association has received a request from White Orchard Company to cross the Ogden-Brigham Canal with gravel hauling machines and equipment and a conveyor belt in Willard. They plan on developing lands East of the canal and removing gravel. We have received their general plan and program and have been assured that our facilities would receive the necessary consideration and protection. We believe that their plan can meet our requirements.

Inasmuch, as title to the canal right-of-way is owned by the United States it is necessary that a license agreement be prepared allowing them to cross the Ogden-Brigham Canal. This agreement will spell out the conditions required to protect the canal. This agreement will be presented to the Board of Directors of the Association for their approval at a later date.

At this point we are proceeding with the license and White Orchard Company will submit the necessary information.

Sincerely,

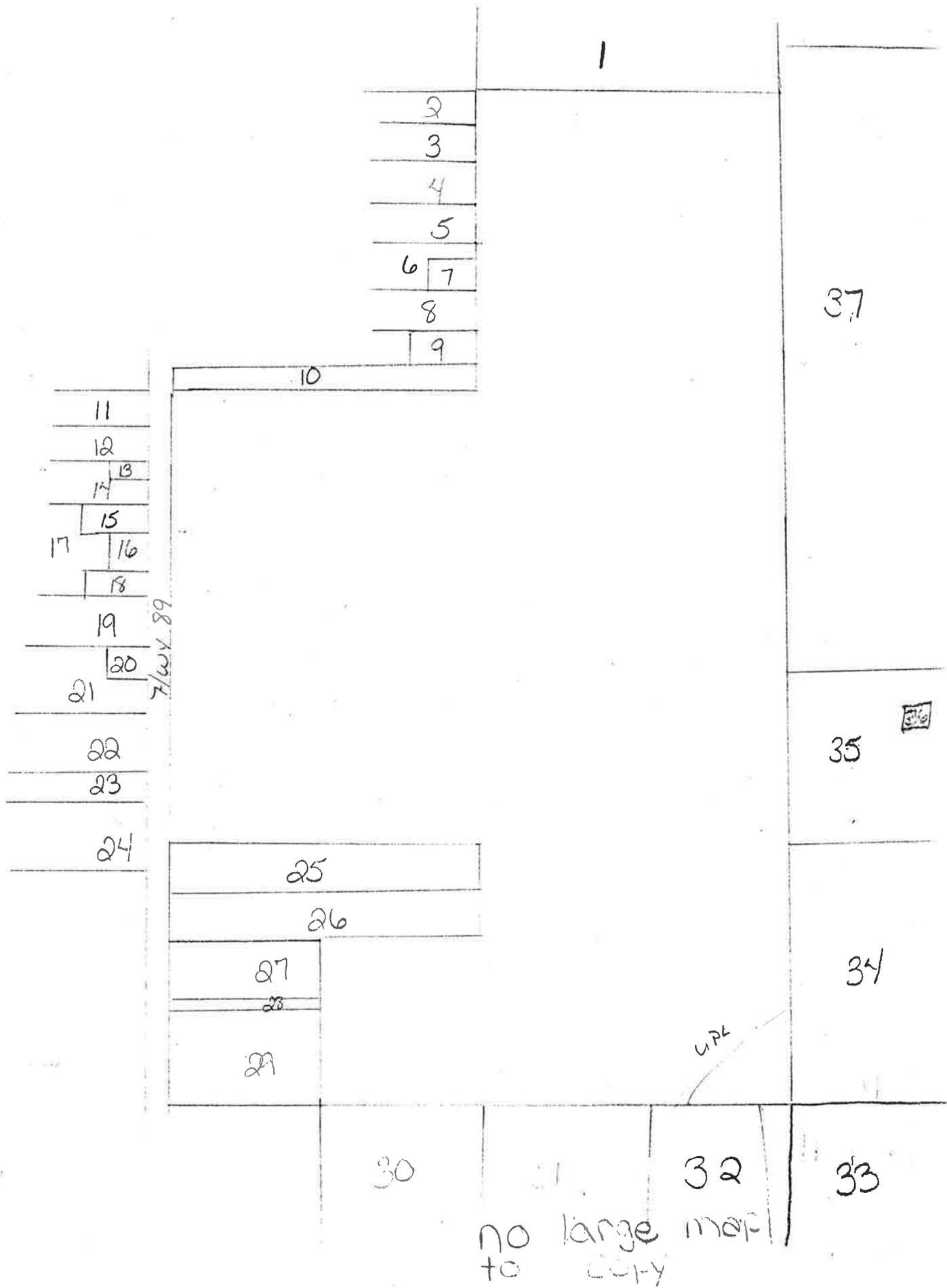


Edward H. Southwick
General Manager

EHS/nf

NAMES & ADDRESSES

1-	State of Utah	350 N. Redwood ku.	SLC, Ut 84021
2-	Ned Fairbanks	1975 S. Main	Willard, Ut 84340
3-	Ilene L. Tucker	679 S. Main	Willard, Ut 84340
4&21-	Corp of Presiding Bishops of the Church of Jesus Christ of LDS	%LDS Church Real Estate Div. Floor 12 300 E. North Temple SLC, Ut. 84150 or 12	
5&6&7-	Gay W. Pettingill	7765 S. Hwy 89	Willard, Ut 84340
8-	Roy G. Lemon	Box 89	Willard, Ut 84340
9-	Box Elder Co. Sch. Dist.	230 W. 200 S. Brigham, City,	Ut 84302
10-	Stanley K. Parkin	7985 S Hwy 89	Willard, Ut 84340
11-	John B. White	8002 S. Hwy 89	Willard, Ut 84340
12&13&14-	Robert E. Williams	807 S. Hwy 89	Box 188-A Willard, Ut 84340
15-	Thomas Robert Paul	8120 S Hwy 89	Willard, Ut 84340
16&17-	Don L. Christensen	7587 S. Hwy 89	Willard, Ut 84340
18-	Richard J. Vicars	8160 S. Hwy 89	Willard, Ut 84340
19-	Orvis Alfred Ward	498 E. 3050 N.	No. Ogden, Ut 84404
20-	Patsy P. Tremelling	8230 S. Hwy 89	Willard, Ut 84340
22&23-	Elmer H. Ward	8490 S. Hwy 89	Willard, Ut 84340
24-	Raymond H. Ward	8490 S. Hwy 89	Willard, Ut 84340
25-	R. W. Colman Co.	Coleman Mobile Court 8615 S. Hwy 89 #16	Willard, Ut 84340
26-	Thomas M. Mower	8635 S. Hwy 89	Willard, Ut 84340
27&28-	Neal S. Hansen	3265 N. 250 E.	N. Ogden, Ut 84404
29-	Phillip R. Barber	3265 N. @50 E.	N. Ogden, Ut 84404
30-	John L. Parcell	%E.L. Von Wagoner. 1176 W. 4000 N.	Ogden, Ut 84404
31-	Weldon B. Cragun	1049 W. Pleasant View Dr.	Ogden, Ut 84404
32-	G. Raymond Jones	3243 N. 400 W.	Ogden, Ut 84404
33-	One Hundred Eleven Bar Ranch Ltd.	%Raymond Jones 3243 N, 400 W.	No Ogden, Ut 84404
34-	Jospeh Jensen	Box 73	Clearfield, Ut 84015
35-	Alvarado Mining & Milling Co.	%Capitolo & L	143 S 8th E. SLC, Ut 84102
36-	Commercial Security Bank	PO Box 9160	2491 Washington Ogden, Ut 84401
37-	USA US Dept of Agri.	75 S. 1st E.	Tremonton, Ut 84337





Jack B Parson Companies

August 6, 1992

Mr. Denton Beecher
Box Elder County Surveyor
Box Elder County
1 South Main Street
Brigham City, Utah 84302

Re: Bond - Parson North Willard Pit

Dear Mr. Beecher,

In accordance with the June 25th 1992 planning commission meeting requirements for the transfer of the conditional use permit from White Orchards to Jack B. Parson Companies, enclosed is a bond in favor of Box Elder County in the amount of \$15,000. This bond is to insure the county that the pit will be re-habitated.

Also enclosed is a copy of the deed conveying title from Whites to Jack B. Parson Companies.

We believe this completes the requirements and that the conditional use permit is now transferred to us. We would appreciate written confirmation that the transfer is complete.

We appreciate your assistance in helping us complete this transfer.

Sincerely,

JACK B. PARSON COMPANIES

R. Fay Facer
Real Estate Manager

RFF/ck
Enclosure

WHEN RECORDED RETURN TO:

Cary D. Jones, Esq.
SNELL & WILMER
60 East South Temple
Suite 800 Eagle Gate Plaza
Salt Lake City, Utah 84111-1004

MARIE G. KORTH
BOX ELDER COUNTY RECORDER

4,6737 ✓

BOOK 525 PAGE 652
Mgk FEE 13.00
1992 JUL 31 PM 2:17

10bem

William Agency
H 47314
H 47315

SPECIAL WARRANTY DEED

[Parcel 4]

GRAN "D" LIMITED PARTNERSHIP, a Utah limited partnership ("Grantor"), having a mailing address at 1625 Wall Avenue, Ogden, Utah, 84044, hereby CONVEYS AND WARRANTS against all claiming by, through or under Grantor, to JACK B. PARSON COMPANIES, a Utah corporation, as Grantee, having a mailing address at 5100 South Washington Boulevard, Ogden, Utah, 84409, for the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land located in Box Elder County, Utah:

See Exhibit "1" attached hereto and made a part hereof.

TOGETHER WITH all buildings, fixtures, and improvements thereon and all water rights, rights-of-way, easements, rents, issues, profits, income, tenements, hereditaments, privileges and appurtenances thereunto belonging, and now or hereafter used or employed with said property or any part thereof.

SUBJECT TO, as of public record, all easements, rights-of-way, restrictions, reservations and general property taxes for the year 1992 and thereafter, and all matters that would be disclosed by an accurate survey of said property.

IN WITNESS WHEREOF, Grantor has executed and delivered this SPECIAL WARRANTY DEED as of July 30, 1992.

GRAN "D" LIMITED PARTNERSHIP,
a Utah Limited Partnership

By: White Homestead Corporation,
a Utah corporation

Its: General Partner

By: Wally R. White
Its: President

STATE OF UTAH)
) : ss.
COUNTY OF)

BOOK 525 PAGE 653

The foregoing instrument was acknowledged before me this 30th day of July, 1992, by WESLEY R. WHITE, the PRESIDENT of White Homestead Corporation, a Utah corporation, the general partner of **GRAN D LIMITED PARTNERSHIP**, a Utah limited partnership.

Carolh. Matsumori
NOTARY PUBLIC
Residing at: Salt Lake Co., UT

My Commission Expires:



BOX ELDER COUNTY
493 ACRE PARCEL DESCRIPTION

Beginning at the Southwest corner of Section 1, Township 7 North, Range 2 West, Salt Lake Base and Meridian, and running thence North along the section line 2,640.65 feet to the West Quarter Corner of said Section 1; thence North $0^{\circ}02'56''$ West along the Section line 1,243.37 feet to the North line of the South $\frac{3}{4}$ (three fourths) of said Section 1, (by acreage); thence South $89^{\circ}32'54''$ East along said North line 4,905.94 feet to the East line of said Section 1; thence South $5^{\circ}04'36''$ East along said East line 3,902.04 feet to the Southeast corner of said Section 1; thence North $89^{\circ}32'54''$ West along the South line of said Section 1. 1,312.54 feet to the Northwest Corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 12, Township 7 North, Range 2 West, Salt Lake Base and Meridian; thence South $0^{\circ}18'$ West along the West line of said Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 12, 757.69 feet; thence North $89^{\circ}32'54''$ West 1,143.58 feet; thence North $62^{\circ}19'34''$ West 1,469.96 feet; thence North $89^{\circ}32'54''$ West 123.42 feet to the West right-of-way line of the Ogden Brigham Canal; thence South $5^{\circ}47'$ West along said West right-of-way line 20.12 feet to a point of a 230.00 foot radius curve to the left; thence Southerly along the arc of said curve and West right-of-way line 11.88 feet to a point of Tangency; thence South $2^{\circ}49'30''$ West along said West right-of-way line 231.70 feet to a point of a 130.00 foot radius curve to the left; thence Southeasterly along the arc of said curve and West right-of-way line 48.99 feet to a point of Tangency; thence South $18^{\circ}46'$ East along said West right-of-way line 49.23 feet; thence North $89^{\circ}32'54''$ West 1374.70 feet to the West line of Section 12, of said Township and Range; thence North $0^{\circ}12'39''$ East along said West line 443.31 feet to the point of beginning.

Less and excepting that certain property as defined as the right-of-way for the Ogden-Brigham Canal, and as shown on the plats of the Department of the Interior, Bureau of Reclamation, Ogden River Project-Utah, Plats No. 4.1-D-164, 165 & 166, and dated Dec. 14, 1934, Jan. 19, 1934 & Jan. 21, 1935.

Also less and excepting those certain Parcels as deeded to the Utah State Board of Water Resources, recorded November 27, 1974, as Entry No. 43209H, in Book 268, at Page 429 in the Office of the Box Elder County Recorder.

Together with a right-of-way granted on the terms and subject to the conditions set forth in that certain Easement Agreement dated July 30, 1992 between Grantor and Grantee, along the property described as follows:

Beginning at a point on the East side of U.S. Highway 89 - 91, said point being West 2,701.12 feet and South 784.13 feet from the Northeast Corner of Section 11, Township 7 North, Range 2 West, Salt Lake Base and Meridian, and running thence North $89^{\circ}07'17''$ East 165.38 feet; thence North $80^{\circ}19'25''$ East 219.71 feet; thence South $89^{\circ}01'30''$ East 889.19 feet; thence South $89^{\circ}09'55''$ East 593.75 feet; thence North $0^{\circ}50'05''$ East 20.0 feet; thence South $89^{\circ}09'55''$

East 300.0 feet to a point of a 77.50 foot radius curve to the left; thence Northeasterly along the arc of said curve 51.93 feet to a point of Tangency; thence North $52^{\circ}26'30''$ East 100.0 feet; thence South $37^{\circ}33'30''$ East 20.0 feet; thence North $52^{\circ}26'30''$ East 91.16 feet; thence North $42^{\circ}59'05''$ East 125.57 feet; thence North $54^{\circ}34'54''$ East 290.90 feet to the East line of said Section 11 at a point which is South $0^{\circ}12'39''$ West along said East line 375.64 feet from the Northeast Corner of said Section 11; thence South $0^{\circ}12'39''$ West along said East line 67.67 feet; thence South $54^{\circ}34'54''$ West 245.89 feet; thence South $42^{\circ}59'05''$ West 124.54 feet; thence South $52^{\circ}26'30''$ West 195.71 feet to a point of a 152.50 foot radius curve to the right; thence Southwesterly along the arc of said curve 102.19 feet to a point of Tangency; thence North $89^{\circ}09'55''$ West 893.82 feet; thence North $89^{\circ}01'30''$ West 884.13 feet; thence South $80^{\circ}19'25''$ West 218.81 feet; thence South $89^{\circ}07'17''$ West 170.46 feet to the East side of said U.S. Highway 89 - 91; thence North along said East side 55.01 feet to the point of beginning.

MILLARD CONSULTANTS
2200 South 900 East
Salt Lake City, Utah 84106
(801) 466-4211

STATEMENT for PROFESSIONAL SERVICES

Box Elder County
Court House
Brigham City, UT 84302

Attn Denton Beecher,
County Surveyor

31 July 1992

PROJECT:

Land Use and Management Code Services for updating Zoning and Subdivision
Regulations in Box Elder County.

PERIOD:

1992 To Date

Copies of the copyrighted "Model Land Use Management and Development Code
for Utah Counties -- 1992"

Corrections and Modifications furnished in final draft form.

Basic services as authorized.

BALANCE DUE

\$1,295.00

TERMS:

All accounts are due and payable upon receipt. Interest and service charges will
be charged on all accounts 30 days old and past due at the rate of 2% per month.

Att. no 4

MILLARD CONSULTANTS
2200 SO. 900 EAST
SALT LAKE CITY, UTAH 84106
(801) 466-4211

292-5474

27 March 1992
Box Elder County
Planning Commission
Denton Beecher
County Surveyor
Box Elder County Courthouse
Brigham City, Utah 84302

RE: 1992 CITY PLANNING COMPLIANCE
MANDATED BY THE LEGISLATURE

Dear Denny:

The new comprehensive 1992 Edition of the "Land Use Management and Development Code for Utah Counties" is ready for review and adoption by Box Elder County, "as is", or with modifications. The "Code" contains both zoning and subdivision regulations and this edition satisfies the Utah Legislature's new requirements for planning and zoning to take effect 1 July 1992. It is the 20th edition of the "Model Land Development Code for Utah Counties and Municipalities", which has been used by many local jurisdictions in Utah. The Planning Commission can get started immediately to review the adoption of the "Code" in Box Elder County and determine what modifications may be desired.

We recommend the "Code" be customized expressly for Box Elder County and further modified to include your unique circumstances and requirements. A special package cost of \$1,295.00 covers expenses and includes:

1. A license to use the copyrighted "Code";
2. The customization of the "Code" for Box Elder County;
3. A one time modification from the redline copy that you provide us;
4. Typesetting of your code containing the modifications;
5. A camera ready copy for making the copies you need; and
6. Six months of telephone support to answer your questions.

To further help you plan, we would like to help you update your "General Plan" and perform any or all other functions of city and regional planning you may require. We can negotiate any of services you may need.

To initiate the process, please send us a purchase order. We will then forward to you two copies of the "Code" for you to redline. As soon as we receive one of the copies with your requested modifications, the changes will be made and returned to you within a few days. Please feel free to discuss any questions you may have by calling (801)466-4211. If you feel that a personal meeting is desirable let's discuss it and make the arrangements.

Sincerely,



Kenneth R. Millard, AIA, AICP
City & Regional Planning Consultant