

**BOX ELDER COUNTY**  
**June 30, 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 June 30, 1994.

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

Richard Kimber	Chairman
Jon Thompson	Member
David Tea	Member
Louis Douglas	Member
Deanne Halling	Member
Allen Jensen	Commissioner, Member
Marie Korth	Ex-Officio Member, Recorder/Clerk

**Excused:**

Denton Beecher	Ex-Officio Member, Surveyor
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**Others in Attendance: (Attachment No. 1)**

**APPROVAL OF MINUTES:**

Chairman Kimber presented the Minutes of April 21, 1994, for approval. Mr. Thompson made a motion to approve the Minutes of April 21, 1994, as written. Commissioner Jensen seconded. None opposed. The motion carried.

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

**OLD BUSINESS:**

**Keith Jones RV Park:**

Chairman Kimber stated Mr. Jones has withdrawn his application for a conditional use permit to develop an RV park in South Willard. Mr. John Larkin has purchased the proposed property from Mr. Jones.

**Willard Flood District Lawsuit:**

County Attorney Jon Bunderson has submitted a copy of Judge Hadfield's decision dismissing the Willard Flood District's lawsuit against the county. This will no longer be a concern to the Planning Commission.

**CONDITIONAL USE PERMIT:**

**Request for Residential Private School: (Attachment No. 3)**

Mr. John Loosle met with the Commissioners to present a request from the Family Preservation Institute, a private for-profit corporation, for a residential private school at 11600 West and

10450 North in Thatcher to serve problem youth aged 12 through 17 in the county. The land on which the school would be built is already zoned RR-5. He said the residence and the school would be approximately 3,000 square feet on two floors.

Mr. Loosle stated they have a contract with the local Division of Alcohol and Drugs to serve youth who need more help than outpatient services can provide. The school could be licensed for up to 24 students, and the residence part could also be licensed for 24. After regular hours there would be one staff member for each four students. The day program would be for both boys and girls; however, only male students would be housed on site. Mr. Loosle explained their program, stating there are also similar facilities in Brigham City and Logan.

Chairman Kimber asked about recreational activities. Mr. Loosle stated there are plans for various programs. He stressed the importance of returning the youth to their homes.

Mr. Thompson made a motion to table the concept for further investigation. Commissioner Jensen seconded.

**Discussion:**

Mr. Douglas asked if a public hearing would need to be held before a conditional use permit is issued. Chairman Kimber replied that can be one of the recommendations the Planning Commission makes to the County Commission.

Ms. Halling asked if it isn't the job of the Planning Commission to say it does or does not meet the requirements of the zone as it is now. Chairman Kimber stated he felt additional information is needed before referring the matter to the County Commission or recommending a public hearing.

Chairman Kimber called for the vote. It was unanimous in the affirmative. The motion carried.

**REBUTTAL TO PRIVATE SCHOOL REQUEST:**

**Annette Petersen, Marvin Hawkins, and Roger Cannon: (Attachment No. 4)**

Ms. Petersen stated they all feel there is a need for such a facility, but Thatcher is not the proper place for the proposed facility. There are several subdivisions in the area. In the subdivision where she lives there are over 80 children, 56 of whom are elementary age or less. Ms. Petersen said she felt the children would be threatened by having something like this. In addition property values would go down. She stated there are several things in the conditional use permit she would like clarified.

Mr. Cannon, who is a member of the Thatcher-Penrose Service District Water Board, stated Mr. Loosle has never asked for a water hook up. He said there is a problem in the area which has existed ever since the system was installed. The residents south

and southwest of the proposed site have run out of water numerous times because there have been problems with the design. Mr. Cannon called attention to the second page of a letter from Hansen & Associates dated June 27, 1994, (attached) which stated in part:

"Until the additional pressure-reducing valve station can be installed and the delivery problem resolved between the upper and lower pressure zones during peak demand, we recommend that no additional large demand connections be permitted to connect to the system in order to protect the best interest and welfare of the existing residential users. This would include commercial, industrial and multiple use connections. Indoor use for the existing residential connections should be given preferred priority during periods when delivery pressures are marginal."

Mr. Cannon said another problem is in the Conditional Use Manual 7.1.5.1 which states that the proposed use would not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity. He said it has not been proven to them that the condition has been met.

Mr. Cannon stated there are some serious water problems in the area regarding flood dangers, and a lot of investigation needs to be done.

Mr. Hawkins stated he could recognize going into a more residential area rather than a more populated area with this type facility and asked about the safety of the location. He said there have been serious neighbor problems near the Logan facility operated by Mr. Loosle. Vehicles have been stolen, and numerous complaints have been made; the police are very aware of this. He asked what would happen if problems arise.

Mr. Hawkins stated the application must be null and void as the address on the application does not exist. There needs to be a hard look at the human effects, both good and bad. Mr. Hawkins said there is a need for these facilities, but this is not the right place.

Mr. Hawkins asked if building is permitted at this site before a conditional use permit is granted? If building has started on the site, is that a violation of the rights of the people within the community? He said a backhoe was brought to the facility; a trench was dug for a percolation test. Mr. Hawkins was informed the test was legal. Chairman Kimber assured the people the issues would be addressed.

**ZONE CHANGE REQUEST:  
Thatcher-Penrose Area:**

Ms. Attette Petersen stated the residents of Thatcher-Penrose requested the zone change in March of 1994, and they felt it should be considered before the conditional use permit is granted to Mr. Loosle. Chairman Kimber stated he felt a public

hearing should be held. Mr. Thompson informed the people the Planning Commission does not issue conditional use permits; they make recommendations to the County Commission. Chairman Kimber stated he would check with County Surveyor Denton Beecher regarding the status of the zoning request.

**WILLARD FLOOD DISTRICT:**

**Reply to Letter from Ron Nelson:**

Chairman Kimber stated a letter has been received from Mr. Ron Nelson, Chairman of the Willard/Box Elder Flood Control District. He said the Planning Commission has responded to his concerns many times. Mr. Thompson made a motion that Surveyor Denton Beecher be asked to write a letter to Mr. Nelson addressing the issues. Mr. Douglas seconded. The motion carried.

**REQUEST FOR BOND RELEASE:**

**Darrell Nielsen/Jack B. Parson Gravel Pit: (Attachment No 5)**

Commissioner Jensen presented a request from Mr. Darrell Nielsen regarding the \$20,000.00 surety bond that was put up for his gravel pit south of Willard. The Jack B. Parson Companies has now acquired the property and has advised the Planning Commission a one million dollar insurance certificate has been obtained. Commissioner Jensen said he assumes that covers the surety bond now in place. Mr. Nielsen is now asking that the bond be released so that it can be paid back to him.

Commissioner Jensen stated Frank Nishiguchi was the Commission Chairman at the time Mr. Nielsen's bond went into effect. The bank will not release the money without Mr. Nishiguchi's signature. Commissioner Jensen said he did not feel it appropriate for Mr. Nishiguchi to sign for release of the money.

Commissioner Jensen stated he discussed the matter with County Attorney Jon Bunderson who said not to be in a big hurry to release the money back to Darrell Nielsen and to make sure there are no conditions outstanding. Commissioner Jensen said it is our obligation to go through the 20 conditions and see which ones apply and ask Denton Beecher to advise in writing the status of the permit. Mr. Thompson said he feels there are some outstanding conditions that are not complete. He said Mr. Bunderson's concern is that since this property has changed ownership, will there be some liability from bonding lost in the transition or some overlap?

Commissioner Jensen made a motion that the Planning Commission go through the twenty conditions and see which ones apply to the situation and ask Denton Beecher to advise in writing that there are no conditions outstanding before the money is released. Mr. Thompson seconded.

**Discussion:**

Mr. Tea stated there is the question of interest on the money and also asked about a time frame. Commissioner Jensen stated the appropriate signatures will be obtained.

Chairman Kimber called for the vote. It was unanimous in the affirmative. Chairman Kimber suggested the item be put on the July 21 meeting agenda.

Mr. Reed Pettingill was present and asked a question about the transfer of a conditional use permit from Darrell Nielson to the Jack B. Parson Companies for the pit in Willard. He asked if there will be a public hearing. Commissioner Jensen stated a public hearing is not required. Mr. Pettingill stated he felt there should be some public input on the matter. Mr. Thompson stated all of the requirements that were a part of the Darrell Nielsen permit have been transferred to the new owner and they are under the same requirements. If any of the conditions are changed, it would be a violation. The danger of the numerous trucks going through Willard was emphasized by Mr. Pettingill. Commissioner Jensen stated this request will be considered.

**MINOR SUBDIVISIONS:**

**Michalis Minor:**

Mr. Lynn Michalis met with the Planning Commission to request approval of a minor subdivision two miles north of Garland. Mr. Thompson made a motion to accept the Michalis Minor Subdivision and authorize appropriate signatures. Mr. Douglas seconded. None opposed. The motion carried.

**Pettingill Minor - Concept Plan:**

Mr. Gay Pettingill and Mr. Kent Davis appeared to request approval of a concept plan for a subdivision at 8815 South Highway 89 in south Willard.

Mr. Pettingill stated he and Mr. Davis are trying to establish a rural road leading to two homes they would like to build at that address. Mr. Pettingill pointed out the location of the road and the proposed homes on a map. He stated his home is now in progress. Mr. Thompson stated there have been some allowances for this type of road in the past, but he was not sure if this would be compatible with present zoning and advised Mr. Pettingill to check with Surveyor Denton Beecher. Mr. Pettingill stated at present there is a road approximately 25 to 30 feet wide. They plan on building an improved road in about a year as finances allow. Mr. Pettingill said all utilities are to his home, and water will be obtained from a well presently in use. He stated the road situation needs to be settled before they can proceed with the second home. Mr. Pettingill was advised that it would be better to go with a concept for a minor subdivision which would not necessitate putting in a paved road. Commissioner Jensen made a motion to approve the concept plan for the Pettingill Minor Subdivision for two lots. Mr. Thompson seconded. None opposed. The motion carried.

**Shane Reed Minor:**

Chairman Kimber presented the Shane Reed Minor Subdivision at 4600 North and 2800 West. Mr. Thompson made a motion to approve the

Shane Reed Minor Subdivision and authorize signatures. Ms. Halling seconded. None opposed. The motion carried.

**James Bingham Minor:**

Chairman Kimber presented the James Bingham Minor Subdivision in Bothwell. Commissioner Jensen made a motion to approve the James Bingham Minor Subdivision. Mr. Thompson seconded. None opposed. The motion carried.

**Baker Minor - Concept Plan:**

Mr. Thompson made a motion to approve the concept only for the Baker Minor Subdivision. Ms. Halling seconded. None opposed. The motion carried.

**LaMar Wamsley Minor:**

Chairman Kimber presented the LaMar Wamsley Minor Subdivision at 5400 West and 13600 North. Mr. Thompson made a motion to approve the LaMar Wamsley Minor Subdivision subject to approval by the utility agencies and the County Surveyor, and authorize signatures. Mr. Douglas seconded.

**Discussion:**

Commissioner Jensen asked about the water source. Chairman Kimber stated the Bear River Health Department has approved the waste disposal and culinary water systems, and there would not be a problem. Chairman Kimber called for the vote. It was unanimous in the affirmative.

**THATCHER ZONE REQUEST:**

The Commissioners discussed the request for zoning in the Thatcher area. Commissioner Jensen made a motion to table the zoning request. Mr. Thompson seconded. None opposed. The motion carried.

Mr. Thompson made a motion to adjourn at 9:05 p.m.

Passed and adopted in regular session this 18th day of

August, 1994.

  
Richard D. Kimber, Chairman

ATTEST:

  
Marie G. Korth  
Recorder/Clerk

PLANNING  
 BOX ELDER COUNTY COMMISSION MEETING  
 DATE June 30 1994

NAME (Please Print)

TITLE and/or ADDRESS  
 (or business card)

ROGER S. CANNON	THATCHER ZONE Comm.
Jean B. Cannon	Thatcher/Penrose
Harold W. Seeley	Thatcher/Penrose
Dr. MARVIN C. HAWKINS	Thatcher/Penrose
MICHAEL MOSS	THATCHER, UTAH
Erica L. Hawkins	Thatcher, Utah
Jamie L. Hawkins	Thatcher, Utah
CASPER G. HAWKINS	Thatcher, Utah
Randy Anderson	Jack B. Parson Co.
Lee Alter	Family PRESERVATION INST.
John Looste	Family PRESERVATION INST.
Christine P. Higgins	homeowner/Thatcher
Karl Higley	homeowner Thatcher
Paula Higley	homeowner Thatcher
Annette Pettigill	Thatcher Zone/Home Owner
Ray W. Pettigill	Willard Utah
Thomas Pettigill	Willard, Ut.
Lynn Michalski	Corland Ut
Darrell Nielsen	Bountiful ut
Reed Pettigill	Willard Ut.
Kent Davis	Home owner Willard
Gizelle Pettigill	Willard, Utah
Cindy Heath	Home owner/Thatcher
Robert Heath	Home owner/Thatcher

BOX ELDER COUNTY PLANNING COMMISSION  
Commission Chambers  
Box Elder County Courthouse  
Brigham City, Utah  
June 30, 1994

1. Public agenda for the Box Elder County Planning Commission meeting scheduled for 30 June 1994
2. Notice given to the newspaper this 29th day of June, 1994
3. Approval of the minutes of 21 April 1994
4. Scheduled delegations:
  - A. John Loosle CUP Residential Private School
  - B. Rebuttal to private school request  
Annette Petersen, Thatcher
  - C. Zone change request  
Annette Petersen, Thatcher
  - D. Letter from Ron Nelson
  - E. Darrell Nielsen, \$20,000 bond on gravel pit  
Commissioner Allen Jensen
  - F. Shane Reed Minor
  - G. James Bingham Minor
  - H. Michales Minor
  - H. Grant Thompson Subdivision Concept - Preliminary
  - I. Barker Minor
  - J. Pettingill Subdivision - Concept
  - K. Lamarr Wamsley Minor
5. Old Business
  - A.
  - B.
  - C.
  - D.

**BOX ELDER COUNTY, UTAH  
CONDITIONAL USE PERMIT APPLICATION**

Application No. \_\_\_\_\_  
Submitted for land located at 10450 N. 14,600 West, Thatcher  
The use category is Residential Private School, which is a conditional use in  
the RR-5 zoning district.  
Fee paid \$ \_\_\_\_\_  
Date 6-2-94 John Hooske

**SUMMARY**

The intended use is Residential Private School  
The site is described as follows:  
see attached site plan

**SITE PLAN**

The site plan shows the following public improvements: \_\_\_\_\_  
The site plan shows the following private improvements: \_\_\_\_\_  
The abutting properties are described as follows: (all) \_\_\_\_\_

**SPECIAL CONSIDERATIONS REQUIRING A CONDITIONAL USE PERMIT**

1. Off site improvements  
\_\_\_\_\_
2. Environment concerns - sensitive areas due to:  
No soils capabilities  
No wildlife and  
No plant life  
No neighboring development  
No flood potential  
No soil stability
3. What are the processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and the control of objectionable odors?  
\_\_\_\_\_
4. The planting of ground cover or other surfacing to prevent dust and erosion will be located  
around building

- \_\_\_ 7.3.5 A planting plan showing the proposed tree, shrubbery, and lawn plantings shall be prepared for the entire site to be developed, including especially the years which abut upon public streets. The plan will also indicate how the plantings will be irrigated and otherwise maintained.
- \_\_\_ 7.3.6 It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity of the conditional use development.
- \_\_\_ 7.3.7 All buildings used for human occupancy when completed shall be served by a central water system and central sewage disposal system which have been approved by the Building Official and which are in compliance with applicable local and State law.
- \_\_\_ 7.3.8 In order to insure that the development will be constructed to completion in accordance with approved plans, the Planning Commission shall require the developer to post a bond or mortgage or other valuable assurance acceptable to the County Commission in an amount equal to the estimated cost, plus 10%, of constructing all required landscaping, road improvements, pedestrian ways, bike paths, curbs and gutters, hard surfacing, culinary water and sewer lines (and domestic sewage disposal facilities if sewer is not available), as shown on the final site plan. Estimates of cost shall be furnished by the developer which will be checked for accuracy by the Planning Commission staff. Final determination of the amount of the bond or other assurance shall be made by the County Commission.
- \_\_\_ 7.3.9 In the event that the land contained within a development is traversed by a proposed major street, water line, sewer line, or drainage channel shown on the General Plan, or any other official Municipal map, said development shall be designed in accordance therewith. The right-of-way across the development for said major streets, or other right-of-way shall be dedicated to the public.
- \_\_\_ 7.3.10 Grouping and spacing of buildings and dwellings in residential areas shall provide for a restful and uncrowded environment. Landscaped areas shall be encouraged as the dominant features of the development. Areas not covered by buildings or by off-street parking space or driveways shall generally be planted into natural vegetation, lawn, trees and shrubs, and otherwise landscaped and maintained in accordance with good landscape practice as approved on the final plan. Permanent automatic irrigation systems shall be installed when required by the Planning Commission to provide for maintenance of planted areas.
- \_\_\_ 7.3.11 Details of plans, plats, and documents to be submitted showing the size of water lines, sewer lines and other domestic sewage disposal facilities, garbage and trash disposal, the quality of material and improvements, protection from adverse influences, lighting, landscaping, off-street parking, grading and other details of design and construction

## **3.2 DOCUMENT SUBMISSION AND REVIEW PROCEDURES**

**3.2.1 Pre-Submission Procedures.** To facilitate the handling of applications, the Planning Commission may adopt pre-submission procedures to allow for adequate investigations and staff review and may require compliance with such pre-submission review procedures as a prerequisite to formal receipt and action by the Planning Commission. Pre-submission review shall in no way be interpreted to mean review by the Planning Commission.

**3.2.2 Submission and Docketing for Review.** Upon receipt of all required fees and information for any specific step of the review procedure, the Zoning Administrator and other members of the Technical Review Committee, shall review the application for completeness and compliance with the provisions of this Code and other pertinent municipal regulations. When the Zoning Administrator determines that the application is ready for Planning Commission review, the Chairman of the Planning Commission will docket the application for review at the next regular public meeting of the Planning Commission. Incomplete applications shall not be docketed for Planning Commission review.

### **3.2.3 Applicability of Application and Document Requirements to Types of Uses.**

**3.2.3.1** Applications and concept plans are required for all land uses.

**3.2.3.2** Applications, preliminary design plans, and final plans may be required for all conditional uses (CU):

- \_\_\_\_\_ Panned Unit Developments (PUD)
- \_\_\_\_\_ Subdivisions
- \_\_\_\_\_ Mobile Home Parks (MHP)
- \_\_\_\_\_ Mobile Home Subdivisions (MH Sub)
- \_\_\_\_\_ Recreational Vehicle Parks (RVP)
- \_\_\_\_\_ Commercial (COM)
- \_\_\_\_\_ Industrial Sites(IND)

**See Chapter 3 for detailed requirements for information and processing steps.**

## **7.2.2 Conditions Relating to Health and Sanitation.**

- 7.2.2.1** A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the governing body.
- 7.2.2.2** A waste water disposal system and solid waste disposal system meeting standards adopted by the governing body.
- 7.2.2.3** Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for an orderly development of land in the Municipality.

## **7.2.3 Environmental Concerns**

- 7.2.3.1** Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife and plant life.
- 7.2.3.2** Processes for the control, elimination or prevention of land, water or air pollution; the prevention of soil erosion and the control of objectionable odors.
- 7.2.3.3** The planting of ground cover or other surfacing to prevent dust and erosion.
- 7.2.3.4** Restructuring of the land and planting of the same as directed by the Planning Commission when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.

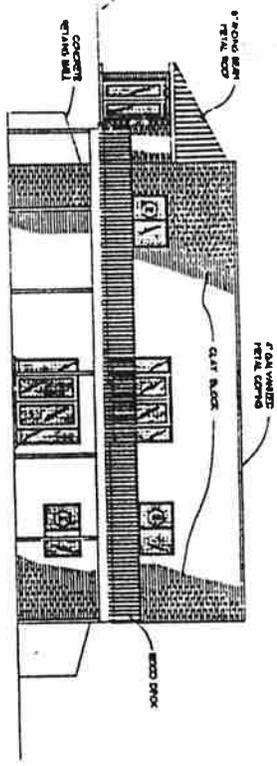
## **7.2.4 Conditions Relating to Compliance With Intent of General Plan and Characteristics of Vicinity (or Neighborhood)**

- 7.2.4.1** The removal of structures, debris or plant materials, incompatible with the intended characteristics of the district outlined in this Code.
- 7.2.4.2** The screening of yards or other areas as protection from obnoxious land uses and activities.
- 7.2.4.3** Landscaping to insure compatibility with the intended characteristics of the district as outlined in this Code.
- 7.2.4.4** Limitations or controls on the location, height and materials of walls, fences, hedges and screen plantings to insure harmony with adjacent development, or to conceal storage areas, utility installations or other unsightly development.

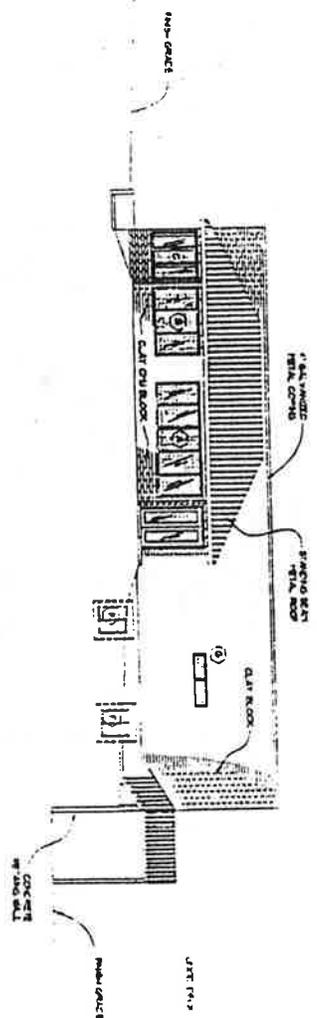
## **7.2.6 Energy Conservation Concerns**

- 7.2.6.1** Solar orientation of buildings and uses.
- 7.2.6.2** Use of renewable energy sources.
- 7.2.6.3** Efficiency of exterior lighting.
- 7.2.6.4** Shading and protection of important buildings and pavings (parking lots etc.), landscaping and trees, location of buildings and screens.
- 7.2.6.5** Effective use of vestibules.
- 7.2.6.6** Wind screening.
- 7.2.6.7** Circulation (travel) efficiency.
- 7.2.6.8** Efficiency of storm water removal and erosion control.
- 7.2.6.9** Maintenance efficiency for off-site improvements to be maintained by the public.
- 7.2.6.10** Maintenance efficiency for on-site improvements to be maintained by users, occupants and owners, etc.

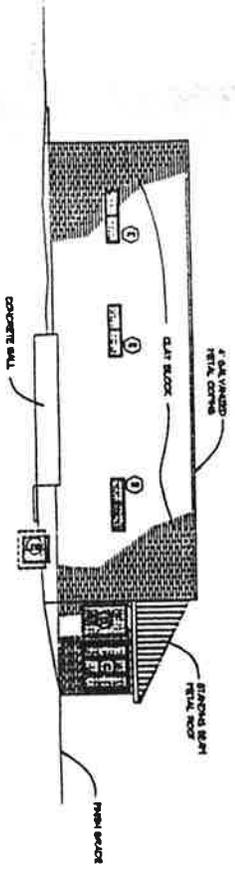




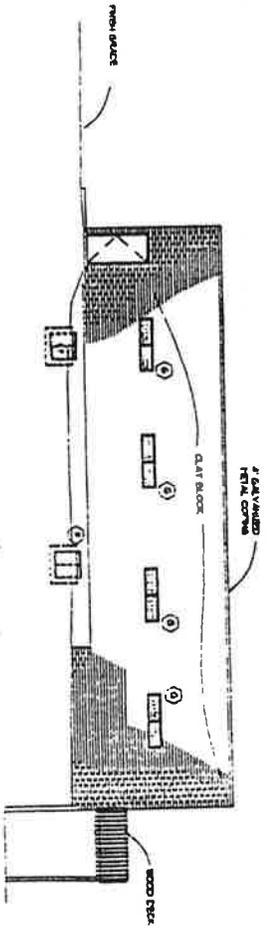
EAST ELEVATION  
1/2" = 1'-0"



NORTH ELEVATION  
1/2" = 1'-0"



WEST ELEVATION  
1/2" = 1'-0"



SOUTH ELEVATION  
1/2" = 1'-0"

**HANSEN AND ASSOCIATES, INC.****538 North Main Brigham City, Utah 84302**

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**M E M O R A N D U M**

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Date: June 27, 1994

To: Thatcher-Penrose Service District

From: Hansen & Associates, Inc.

Re: Solution For Limited Delivery Pressures During Peak Demand And Recommendation To Temporarily Restrict Large Demand Connections

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It has been brought to our attention that during peak Summer demand the culinary water system has been experiencing difficulty delivering water to the lower tank and the area served by the lower tank.

Currently, water is primarily delivered to the lower area and tank through a solenoid-controlled main valve between the upper and lower pressure zones. The valve is controlled by a liquid level control system in the lower tank so that when the tank level drops to half full the valve between the upper and lower pressure zones opens to fill the tank. However, so that the pressure in the upper zone does not drop too low when the valve opens to fill the tank, a pressure-sustaining feature is included on the solenoid-controlled valve to maintain a minimum upstream pressure. The pressure setting is adjustable, however, during peak demand it has been difficult to maintain an acceptable balance between allowing sufficient water to flow through the valve to meet the lower demand and yet maintaining a minimum service pressure in the upper area.

Delivery of water to the lower area is supplemented through a pressure-reducing valve station between the upper and lower pressure zones situated near Robert Zollinger's home. So that the lower tank does not unnecessarily overflow, the pressure setting at which the valve(s) at the station begin opening is usually set 5 psi below the normal working pressure in the lower area. If a severe demand or excessive low pressure condition occurs, the

**Consulting Engineers & Land Surveyors**

Brigham City  
723-3491

Logan  
752-8272

Ogden  
366-4905

ATT 4

pressure-reducing station valves open to allow water to flow into the lower zone until the pressures begin to rise.

The ability of the pressure-reducing valve station to deliver water to the lower zone is limited by the long length of 6 inch water line that the water has to pass through to reach the main service area. The ability to deliver water to the majority of the water users in the lower area would be considerably enhanced if another line and pressure reducing station was available to deliver water directly to the main service area of the lower zone. One suggestion was to install an additional line southerly along the canal from Robert Zollinger's house to the corner by the LDS meetinghouse. The length of this line would measure approximately one mile and would have to be a minimum 6 inch line. The estimated cost to construct this line and another pressure reducing station would be approximately \$ 38,000.

However, the same delivery enhancement can be obtained by simply installing a pressure-reducing station between the upper and lower zone pipe systems at the intersection of 11,600 West and 10,400 North. Currently an existing gate valve connecting the two pressure zones is maintained in a closed position to control flow of the water between the two zones. In lieu of the closed valve, a pressure-reducing station could be installed at this intersection to allow water to automatically flow from the upper and lower zones when the demand increases. This will provide two separate lines and pressure-reducing stations to deliver water to the main service area in the lower zone in addition to the solenoid-controlled valve which fills the lower tank. The solenoid-controlled valve would be maintained as is to allow some water to continue to flow into the tank to keep it fresh during the Summer months. During the low demand months, the solenoid-controlled valve would act as the main delivery device to pass water from the upper zone to the lower zone with the pressure-reducing valves serving as back-up if needed.

The estimated cost to construct the one additional pressure-reducing station is approximately \$ 9,500 - a much cheaper alternative.

Until the additional pressure-reducing valve station can be installed and the delivery problem resolved between the upper and lower pressure zones during peak demand, we recommend that no additional large demand connections be permitted to connect to the system in order to protect the best interest and welfare of the existing residential users. This would include commercial, industrial and multiple use connections. Indoor use for the existing residential connections should be given preferred priority during periods when delivery pressures are marginal.

We are confident that the delivery capabilities and pressures will be sufficiently enhanced during peak demand and restrictions on connections to the system can be relaxed once the new pressure-

reducing station is in place.

In the meantime, the pressure in the upper zone could be increased to better stabilize conditions by increasing the downstream pressure in the most northerly pressure-reducing station by 5 to 10 psi and still be within the safe working pressure of the pipelines.

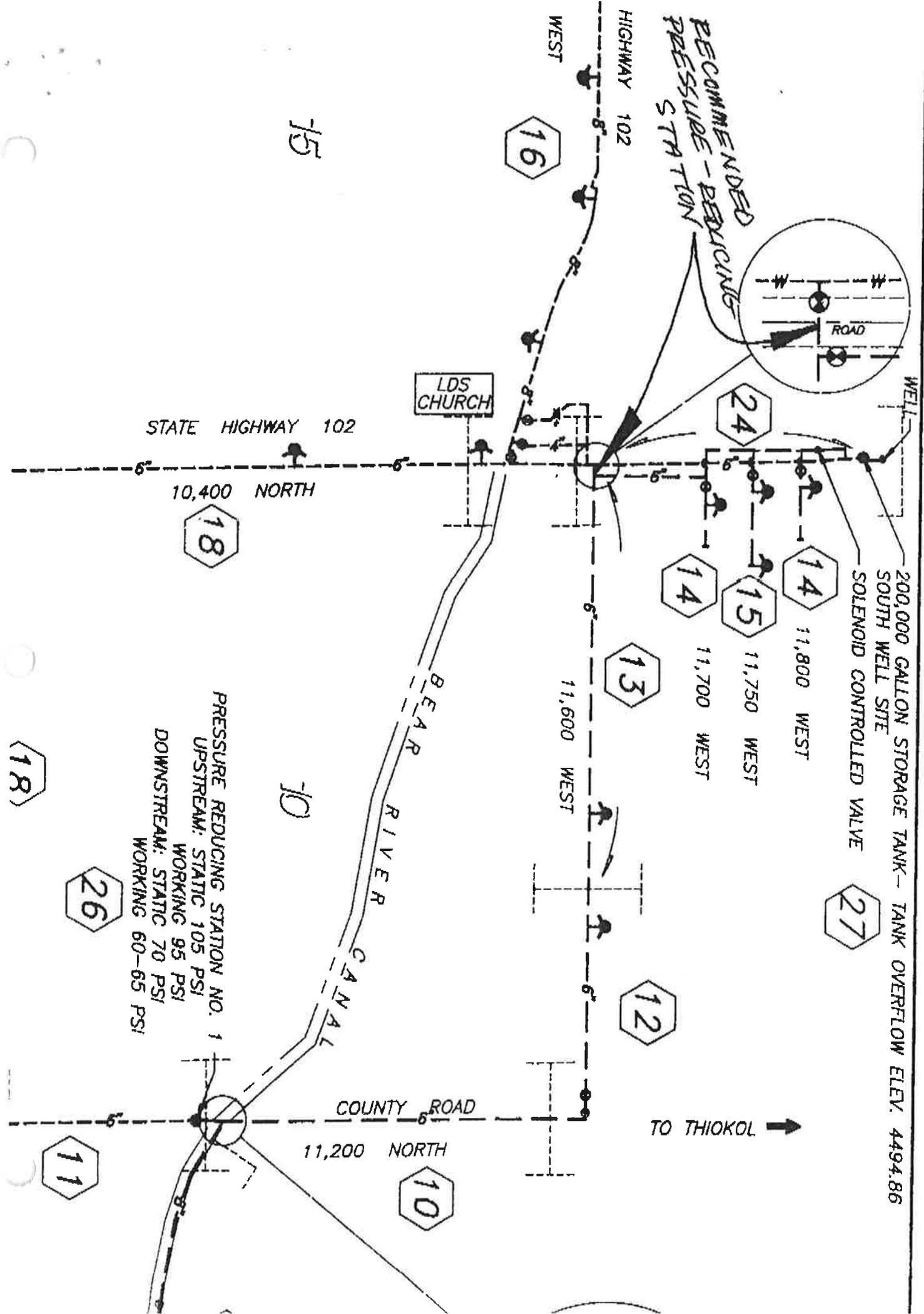
Please advise if we can be of further assistance.

Sincerely,

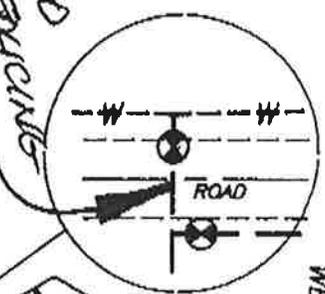
HANSEN & ASSOCIATES, INC.



D. Chris Wight



RECOMMENDED  
PRESSURE REDUCING  
STATION



200,000 GALLON STORAGE TANK - TANK OVERFLOW ELEV. 4494.86  
SOUTH WELL SITE

SOLENOID CONTROLLED VALVE

STATE HIGHWAY 102

10,400 NORTH

HIGHWAY 102  
WEST

PRESSURE REDUCING STATION NO. 1  
UPSTREAM: STATIC 105 PSI  
WORKING 95 PSI  
DOWNSTREAM: STATIC 70 PSI  
WORKING 60-65 PSI

COUNTY ROAD

11,200 NORTH

TO THIKOL →

LDS CHURCH

BEAR RIVER CANAL

10

15

18

18

26

11

10

13

11,600 WEST

14

11,700 WEST

15

11,750 WEST

14

11,800 WEST

24

27

16



Jack B Parson Companies

RECEIVED

JUN 20 1994

COUNTY COMMISSIONER

June 15, 1994

Box Elder County  
Box Elder County Courthouse  
Brigham City, Utah 84302

Re: Conditional Use Permit  
Parson Cook Canyon Pit  
Formerly Known as the D.N. Pit

Dear Sirs:

As you are aware, Jack B. Parson Companies has acquired the above referenced pit. We acknowledge the conditional use permit presently applying to this property and its conditions.

In accordance with item #14 of this C.U.P., enclosed is our surety bond in the amount of \$20,000.00, which was the agreed amount required to be bonded.

Our anticipation is that this bond would replace the cash bond presently held by Box Elder County and that this cash bond will be released back to Mr. Darrell Nielsen.

Item 8, Page 3 of the C.U.P. also requires a one million dollar policy in favor of Box Elder County. Enclosed is an insurance certificate in favor of Box Elder County to satisfy this condition.

If anything further is needed please let us know.

Sincerely,

R. Fay Facer  
Vice President

RFF/ck  
Enclosure

cc: Darrell Nielsen

STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

On this 14TH day of JUNE, 19 94, before me a Notary Public personally appeared TINA DAVIS, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this Instrument as the Attorney-In-Fact of RELIANCE INSURANCE COMPANY and acknowledge to me that he (she) subscribed the name of RELIANCE INSURANCE COMPANY thereto as surety, and his (her) own name as Attorney-In-Fact.

  
Notary Public



RELIANCE INSURANCE COMPANY  
PHILADELPHIA, PENNSYLVANIA

UNITED PACIFIC INSURANCE COMPANY  
FEDERAL WAY, WASHINGTON

PLANET INSURANCE COMPANY  
FEDERAL WAY, WASHINGTON

BOND NO. B2417010

**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 Obligee, in the penal sum of  
TWENTY THOUSAND AND NO/100 \* \* \* \* \*

(\$ 20,000.00 \* \* \* \* \*) 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 Obligee for a license or permit to ~~do business as~~ REHABILITATE PARSON/COOK  
CANYON PIT, FORMERLY DN PIT, W 1/2 SEC 25 AND E 1/2 SEC 26, BOTH TS 8N, R 2W, SLB & M

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 Obligee and Principal of its intention to termi-  
nate its liability hereunder.

SIGNED AND SEALED this 14TH day of JUNE, 1994.

JACK B. PARSON COMPANIES

By Rafay Jaku, Vice President Principal

RELIANCE INSURANCE COMPANY

By Tina Davis Attorney-in-Fact

**PRODUCER**  
  
Sedgwick James of Idaho, Inc.  
P.O. Box 8688  
Boise, ID 83707

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**COMPANIES AFFORDING COVERAGE**

- COMPANY  
**A** Aetna Casualty & Surety Co.
- COMPANY  
**B** TIG Insurance Company
- COMPANY  
**C**
- COMPANY  
**D**

**INSURED**  
  
Jack B. Parson Companies  
P.O. Box 3429  
Ogden UT 84409

**COVERAGES**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE(MM/DD/YY)	POLICY EXPIRATION DATE(MM/DD/YY)	LIMITS
A	<b>GENERAL LIABILITY</b>	19GL5665719	3/01/94	3/01/95	GENERAL AGGREGATE \$ 2000000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG \$ 2000000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV INJURY \$ 1000000
	OWNER'S & CONT PROT				EACH OCCURRENCE \$ 1000000
					FIRE DAMAGE (Any one fire) \$ 100000
					MED EXP (Any one person) \$ 10000
A	<b>AUTOMOBILE LIABILITY</b>	19FJ1075944	3/01/94	3/01/95	COMBINED SINGLE LIMIT \$ 1000000
	<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accidnet) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE \$
	<input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTO				
	<b>GARAGE LIABILITY</b>				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY: \$
					EACH ACCIDENT \$
					AGGREGATE \$
	<b>EXCESS LIABILITY</b>				EACH OCCURRENCE \$
	<input type="checkbox"/> UMBRELLA FORM				AGGREGATE \$
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				
B	<b>WORKMAN'S COMPENSATION AND EMPLOYER'S LIABILITY</b>	WC80266569	3/01/94	3/01/95	<input checked="" type="checkbox"/> STATUTORY LIMITS \$
	THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				EACH ACCIDENT \$ 100000
					DISEASE - POLICY LIMIT \$ 500000
					DISEASE - EACH EMPLOYEE \$ 100000
	<b>OTHER</b>				

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS**

Certificateholder is named Additional Insured as respects liability arising out of operations performed by Named Insured in connection with: Cook Canyon Pit, formerly the D. N. Pit, Willard, UT

**CERTIFICATE HOLDER**

BOX ELDER COUNTY  
Attn: Box Elder Co.Planning Comm.  
County Court House  
Brigham City, UT 84302

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

*Dolores A. Barden*

**RELIANCE SURETY COMPANY  
 RELIANCE INSURANCE COMPANY  
 UNITED PACIFIC INSURANCE COMPANY  
 RELIANCE NATIONAL INDEMNITY COMPANY**

ADMINISTRATIVE OFFICE, PHILADELPHIA, PENNSYLVANIA

**POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS, that RELIANCE SURETY COMPANY is a corporation duly organized under the laws of the State of Delaware, and that RELIANCE INSURANCE COMPANY and UNITED PACIFIC INSURANCE COMPANY, are corporations duly organized under the laws of the Commonwealth of Pennsylvania and that RELIANCE NATIONAL INDEMNITY COMPANY is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called "the Companies") and that the Companies by virtue of signature and seals do hereby make, constitute and appoint **Tina Davis, Jace Pearson, Vicki Sorensen, Linda L. Nipper, of Salt Lake City, Utah** their true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver for and on their behalf, and as their act and deed **any and all bonds and undertakings of suretyship** and to bind the Companies thereby as full 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 Companies and sealed and attested by one other of such officers, and hereby ratifies and confirms all that their said Attorney(s)-in-Fact may do in pursuance hereof.

This Power of Attorney is granted under and by the authority of Article VII of the By-Laws of RELIANCE SURETY COMPANY, RELIANCE INSURANCE COMPANY, UNITED PACIFIC INSURANCE COMPANY, and RELIANCE NATIONAL INDEMNITY COMPANY which provisions are 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 Attorney(s)-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(s)-in-Fact at any time and revoke the power and authority given to them.
2. Attorney(s)-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. Attorney(s)-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 Executive and Finance Committees of the Boards of Directors of Reliance Insurance Company, United Pacific Insurance Company and Reliance National Indemnity Company by Unanimous Consent dated as of February 28, 1994 and by the Executive and Financial Committee of the Board of Directors of Reliance Surety Company by Unanimous Consent dated as of March 31, 1994.

"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 certificates 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 Companies have caused these presents to be signed and by their corporate seals to be hereto affixed, May 2, 1994.



RELIANCE SURETY COMPANY  
 RELIANCE INSURANCE COMPANY  
 UNITED PACIFIC INSURANCE COMPANY  
 RELIANCE NATIONAL INDEMNITY COMPANY

*[Signature]*

STATE OF Washington }  
 COUNTY OF King } ss.

this, May 2, 1994, before me Janet D. Blankley, personally appeared Lawrence W. Carlstrom, who acknowledged himself to be the Senior Vice President of the Reliance Surety Company, and the Vice President of Reliance Insurance Company, United Pacific Insurance Company, and Reliance National Indemnity Company and that as such, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as its duly authorized officer.

In witness whereof, I hereunto set my hand and official seal.



*[Signature]*  
 Janet D. Blankley  
 Notary Public in and for the State of Washington  
 Residing at Puyallup

by/n Layng, Assistant Secretary of RELIANCE SURETY COMPANY, RELIANCE INSURANCE COMPANY, UNITED PACIFIC INSURANCE COMPANY, and RELIANCE NATIONAL INDEMNITY COMPANY do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 14<sup>th</sup> day of JUNE 19 94.



*[Signature]*  
 Assistant Secretary

RECEIVED

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

MAY 13 1994

COUNTY COMMRS

Box Elder County Commission  
Box Elder County Court House  
Brigham City, UT 84302

May 13, 1994

Commissioners:

This letter is a follow-up to our discussions in your regular scheduled meeting on April 12, 1994 and to clarify some of the Flood Control District's (FCD) concerns and position with regard to the Parsons gravel operation in South Willard and the D.N. Development gravel operation below Cook Canyon above Willard City.

As you requested our (FCD) brought these matters before the Box Elder Planning Commission in their regular scheduled meeting on April 21, 1994. Our letter dated May 13, 1994 to the Planning Commission is hereby attached and submitted for your cognizance.

Respectfully,

B.E.County/Willard City  
Flood Control District

copy:

Box Elder County Planning Commission

  
B. J. A. Nelson  
Virgil Hunsaker  
Dale Zito

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

RECEIVED

MAY 18 1994

PLANNING COMMISSIONERS

May 13, 1994

Box Elder County  
Planning Commission Members  
Box Elder County Court House  
Brigham City, UT 84302

Planning Commission Members:

This letter is a follow-up to our discussions in your regular scheduled meeting on April 21, 1994. This may clarify some of our Flood Control Districts concerns and position with regard to the Parsons gravel operation in South Willard and the D.N. Development gravel operation below Cook Canyon above Willard City.

**FIRST:** We will reiterate some of our concerns discussed with you regarding the Parson operation in South Willard.

1) Inadequate Plans In our letter to you dated May 18, 1993 we stated that only layout and cross-section plans had been submitted and that detailed construction documents should be prepared. This is substantiated by the LarWEST Engineering report dated April 11, 1994 as presented to you. We must have these plans before we can express an opinion with regard to flooding. To our knowledge this request is not accomplished.

2) Bonding Bonding amounts for flood protection are inadequate. Bonding amounts and personal guarantees should be equal to the risks involved through potential flood damage by changed conditions. This was also suggested in the Engineering Report of April 11, 1994. It seems prudent that the amount of the bond should be several million dollars. To our knowledge this has not been accomplished and must not be ignored.

3) Transfer of Use Permits In our opinion a "New" Conditional Use Permit should be issued in accordance with the law, circumstances and conditions present at the time of issuance of the permit and must be by necessity include review and comment of the Flood Control District having jurisdiction.

Attached is a letter dated May 12, 1994 from our FCD to Parson Companies. This letter is hereby submitted to you to help clarify our FCD concerns and position with regard to the Parson gravel operation in South Willard.

RECEIVED

SECONDLY: We will reiterate some of our concern discussed with you regarding the D.N. Development gravel operation below Cook Canyon above Willard City.

NOV 18 1984

COUNTY COMMISSIONERS

1) Inadequate Plans In September of 1991, RGB Engineering, informed Box Elder County that plans for this development were not adequate. LarWEST Engineering also provided a study to Box Elder County in September of 1992 and repeated that the plans were inadequate. This report also outlined some of the problems and violations of the Conditions of the Conditional Use Permit. To date we have not been presented with adequate or approved plans. This has prohibited us from doing our job of providing review and comment on flooding as a FCD in order to provide the protection paid for by the taxpayers within our jurisdiction.

2) Bonding Bonding amounts for flood protection are inadequate. Bonding amounts and personal guarantees should be equal to the risks involved through potential flood damage by changed conditions. It seems appropriate that the amount of the bond should be several million dollars. To our knowledge this has not been accomplished and must not be ignored.

3) Transfer of Use Permit We do not believe that this Conditional Use Permit can legally be transferred. We believe that this Permit relates as much to the person to whom the permit was issued as to the ground or land use. An example of this is the law suit filed alleging violations of the permit by the developer. Who would be accepting the responsibility for these violations and/or of the liability if this law suit is successful? In our opinion a "New" Conditional Use Permit must be issued in accordance with the laws, circumstances and conditions present at the time of issuance and must by necessity include review and comment of the Flood Control District having jurisdiction.

4) Phase One vs Phase Two As Mr. Jon Bunderson's letter dated May 8, 1992 explains to Mr. Richard Kimber, Chairman, Box Elder Planning Commission " We have posed a condition or requirement that Phase One, as shown on the map, must be completed before Phase Two can begin ". It is our opinion that the size of the excavation area be accurately measured by a competent Engineering Firm and compared to the size of the Phase One area as shown on the map to determine if this condition has been violated as flooding impact exists here.

We are attaching a letter dated May 11, 1994 from our FCD to Parson Companies. This letter is hereby submitted to you to clarify our FCD concerns and position with regard to the D.N. gravel operation. The violations identified with respect to this operation are well defined in previous letters and in the Writ file against Box Elder County with regard to this operation.

The Box Elder County Commission requested in their regular Commission meeting of April 12, 1994 that our FCD bring these matters before you (Box Elder Planning Commission). We have accomplished this task and now request your response to the foregoing issues. An immediate reply to these extremely important matters is anticipated.

Respectfully,

B.E. County/Willard City  
Flood Control District

*Ronald R. Nelson*

copy:

Box Elder County Commission

*B. Kent Nelson*  
*Virgil Hunsaker*  
*Jack L. To*

RECEIVED

MAY 18 1994

COUNTY CLERK

BOX ELDER COUNTY/WILLARD CITY  
FLOOD CONTROL DISTRICT  
P.O. BOX 95  
WILLARD . UTAH 84340

RECEIVED

MAY 18 1994

COUNTY COMMISSIONERS

Mr. Fay Facer, Vice President  
Jack B. Parson Companies  
5100 South Washington Blvd.  
Ogden, Utah 84409

May 11, 1994

RE: D.N. Development/Cook Canyon

Dear Mr. Facer:

In response to your letters of April 28, and May 2, 1994, concerning the channel at the mouth of Cook Canyon. Our Box Elder County/ Willard City Flood Control District Board (FCD) met in it's regular meeting on May 4, 1994. Following is an outline of our discussion and concerns regarding Cook Canyon.

The previous and present FCD Boards have repeatedly warned against disturbance of the alluvial fan below Cook Canyon. It is our opinion that a Conditional Use Permit for excavation on this alluvial fan allowed by Box Elder County increases exponentially the threat of a flooding disaster. Disturbance of the alluvial system will in all probability cause the flood structures placed in service by the Government and FCD to fail. When this happens it will be largely attributed to what we consider a man made flood hazard and this FCD assumes no responsibility.

The FCD Engineer's Communique dated May 3, 1994 (of which you have a copy) comments on an on-site observation of the mouth of Cook Canyon. His comments are for your edification and benefit you must determine whether to use any of the suggestions. Our FCD will continue to watch this operation. It is our duty to review and comment (as our engineer has done) on how the county and/or the developer expects to mitigate these problems. However the responsibility for this private project must be assumed and financed by the instigators, not the FCD.

We are currently involved in a law suit with Box Elder County regarding alleged violations related to this project. It is deemed prudent that we make no other comment at this time.

Respectfully,  
B.E. County/Willard City  
Flood Control District

Copy: ✓ Box Elder County Commission  
Box Elder Planning Commission  
LarWEST Engineering  
Michael Z. Hayes, Attorney at Law

*Ronald Nelson*  
*B. H. Nelson*  
*Vincent Hunsaker*  
*Dale Zito*

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

RECEIVED

MAY 18 1994

COUNTY COMMISSION

Mr. Fay Facer, Vice President  
Jack B. Parson Companies  
5100 South Washington Blvd.  
Ogden, Utah 84409

May 12, 1994

RE: Gravel Mining Operation - South Willard

Dear Mr. Facer:

As you know our Box Elder County/ Willard City Flood Control District Board (FCD) met in it's regular meeting on May 4, 1994. Following is an outline of our discussion and concerns regarding the Parson Gravel Mining Operation in South Willard.

The FCD engineer, LarWEST Engineering has forwarded to us his comments in a communique dated April 22, 1994 from an on-site tour of the area on April 19, 1994. (of which you have a copy). The comments by our FCD Engineer were for your edification and benefit you must determine whether to use any of the suggestions.

Our major concern is the overall impact that your mining operation will have regarding flood control and protection for affected property and people in South Willard. Some of these concerns were outlined in the LarWEST Engineering letter of April 7, 1993 (of which you have a copy). We are also concerned as to how potential flood waters entering the excavation area will affect the underground water and recharge areas.

Our FCD will continue to watch this operation. It is our duty to review and comment (as our engineer has done) on how the county and/or the developer expects to mitigate problems. Again, however; the responsibility of this private project must be assumed and financed by the instigators, not the FCD.

We understand that several Federal and State Agencies are involved at this time in some other areas of concern. We wish to reserve further comment until we have had an opportunity to review opinions from these organizations.

Respectfully,  
B.E.County/Willard City  
Flood Control District

Copy: Box Elder County Commission  
Box Elder Planning Commission  
LarWEST Engineering

*Ronald R Nelson*  
*B. John Nelson*  
*Virgil Hunsaker*  
*Dale Zito*