

BOX ELDER COUNTY
July 15, 1993

The Board of Planning Commissioners of Box Elder County, Utah, met in regular session in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, in Brigham City, Utah, at 7:00 p.m. on July 15, 1993.

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

Richard Kimber	Chairman
Deanne Halling	Member
Jon Thompson	Member
Steve Grover	Member
Denton Beecher	Ex-Officio Member, Surveyor

Excused:

Allen Jensen	Member, County Commissioner
Marie Korth	Ex-Officio Member, Recorder/ Clerk
Junior Okada	Member
DeVon Breitenbeker	Member

APPROVAL OF MINUTES:

Chairman Kimber presented the Minutes of May 6, May 20, and June 17, 1993, for approval. Mr. Thompson made a motion to approve the Minutes of May 6, May 20, and June 17, 1993, as written. Ms. Halling seconded. None opposed. The motion carried.

AGENDA: (Attachment No. 1)

PARSONS CONDITIONAL USE PERMIT:

Mr. Beecher stated no formal action has been taken on the request for a conditional use permit by Jack B. Parson Companies. He said the County Attorney was concerned about a signature on the hold harmless clause. After checking with the Commerce Department it was found Mr. Fay Facer, who signed the document, was not a principal in the company. Mr. Beecher stated he had spoken with Mr. Facer today, and Mr. Facer faxed him a copy of the Corporate Resolution showing him as a principal; therefore, the document would bind the company.

Mr. Beecher stated the other issue is the changing of the plan and the berms; another set of plans has been submitted taking the berms off. This was a concern of the Flood District engineer. He was concerned that water might be impounded and cause problems. Mr. Beecher said Parsons would have to contain any water on their own property. Mr. Beecher said the set of plans

and the documents regarding signing authority now fulfills all of the requirements for the conditional use permit.

Mr. Beecher stated a letter from Parsons dated May 17, 1993, should be a part of the conditional use permit. It contains the conditions agreed upon by the Planning Commission and Parsons. This letter was made part of the Minutes of May 20, 1993.

Mr. Beecher stated Parsons is applying for five items in the conditional use permit: 1) gravel crushing, 2) gravel washing, 3) asphalt batch plant, 4) ready mix plant, 5) temporary offices and shops. The Planning Commission is only considering the first two items.

Mr. Thompson made a motion to accept the conditional use permit for a gravel crushing and washing operation for the Jack B. Parson Companies with the nineteen conditions and also the letter from Parsons in answer to the nineteen conditions imposed on the permit for gravel crushing and washing only. Ms. Halling seconded. None opposed. The motion carried.

MIKE FAIRBANKS MINOR SUBDIVISION, FINAL APPROVAL:

Mr. Mike Fairbanks met with the Planning Commission to request final approval for his minor subdivision in South Willard. Mr. Beecher stated the two items that were lacking, 1) the Health Department approval for a culinary water system and 2) a waste disposal system, have been obtained. Mr. Grover made a motion to accept the Mike Fairbanks Minor Subdivision and grant final approval to proceed and to authorize the Chairman to sign. Ms. Halling seconded. None opposed. The motion carried.

THE BEGINNING SUBDIVISION, FINAL APPROVAL:

Mr. Roy Lemon met with the Planning Commission to request final approval of The Beginning Subdivision in South Willard. Mr. Beecher presented a plat map showing the location of the subdivision. He expressed concern about the drainage water coming onto the highway and said Mr. Lemon would need to get a permit from UDOT. Mr. Beecher said when improvements are made on property, the runoff factor is increased. Subdivision regulations state a subdivision shall contain the runoff water on its property and allow it to run off equal to or less than the amount prior to construction. This refers to rainfall or snow melt water. Mr. Beecher said the plan must show that the catch basin is large enough to handle the additional quantity of water coming out of the subdivision.

Mr. Beecher said in reviewing the requirements there are two things that are needed: 1) A Certificate of Title Insurance; there is a problem with the signatures on the title which needs to be corrected. 2) A trust agreement in the amount of the engineer's estimate for the improvements. As the improvements are made, the amounts are released. In the event the improvements are not put in

within the two year period, the county can use the money to do the work. Mr. Beecher told Mr. Lemon if all of the necessary requirements are complied with, it could be put on the August Agenda.

WILLARD/BOX ELDER FLOOD CONTROL DISTRICT:

Drainage Along SR89:

Mr. Ron Nelson, Chairman, Mr. Bernell Wetzel, and Mr. Dale Zito Willard/Box Elder Flood Control District, met with the Commissioners to discuss concerns regarding drainage along SR89 in Willard. He said there have been flooding problems in the area for many years; and with more subdivisions coming in to the Wasatch Front area, problems will increase. Mr. Nelson said the Flood Control District would like to be involved in flood control planning. He stated improvements for local drainage and new development should be the responsibility of the land developer. Mr. Beecher informed Mr. Nelson one of the conditions of the County Ordinance is that the subdivision must contain its own water.

Mr. Nelson said he had received a letter from the Utah Department of Transportation identifying the problems on State Road 89 and said he would provide a copy to the Planning Commission. The letter expressed concern that balance between landowners and developers has been compromised.

Mr. Nelson stated Mr. Wetzel and Mr. Zito have done a lot of work with UDOT in identifying the drains, the size of the drains, and where they empty along the highway. Mr. Zito stated a lot more water is coming down the hill which is the developer's responsibility. Mr. Nelson stated the Flood District is concerned about Parson's south pit operation and said this creates a potential flood situation. Mr. Beecher said this is an existing gravel pit which was created before there were requirements for conditional use permits. The county can only control developments which fall under current regulations. He said the Flood District was created to organize and to prepare a master plan to dictate how funds generated by the District will be expended. Mr. Beecher said the Planning Commission will work with the Flood District when ever possible.

SIMMONS MINOR SUBDIVISION, PRELIMINARY AND FINAL APPROVAL:

Mr. Beecher stated the Simmons Minor Subdivision is located in Beaver Dam and presented a map showing its location. Several years ago Mrs. Audrey Simmons sold two parcels and would now like to sell a five acre piece. The Health Department has prepared a letter stating when the home is built, a percolation test will have to be done. The letter indicated, based on others in the area, it should be all right, but they would not issue a permit since the exact location was not provided. He said the Health Department would probably issue the permit after the request is submitted in its final form.

Mr. Thompson made a motion to approve the preliminary and final plan for the Audrey Simmons Minor Subdivision based on evidence and proof of a source of water, that Health Department approval be obtained before issuance of a building permit, and that the Chairman be authorized to sign. Mr. Grover seconded. None opposed. The motion carried.

HAWKER CONDITIONAL USE PERMIT:

Mr. Beecher stated he was informed by the Health Department that if Mr. Hawker is draining his yards into the streams, there is a problem. He said a conditional use permit needs to be prepared. A discussion was held regarding possible conditions to be included. Chairman Kimber asked that this be tabled for now.

LAWRENCE J. PIERCE MINOR SUBDIVISION:

Mr. Beecher stated several years ago a minor subdivision was approved for Mr. Lawrence J. Pierce. Mr. Pierce would now like to sell an additional one acre lot. Mr. Thompson made a motion to grant final approval for the Lawrence J. Pierce Amended Minor Subdivision with the provision that all utilities be established and proved before a building permit can be issued and authorize the Chairman of the Planning Commission to sign the approval. Ms. Halling seconded. None opposed. The motion carried.

**ROBINSON MINOR SUBDIVISION:
Concept Plan:**

Mr. Beecher presented the concept plan for the Robinson Minor Subdivision near Garland. Ms. Halling made a motion to accept the concept plan for the Robinson Minor Subdivision. Mr. Thompson seconded. None opposed. The motion carried.

Mr. Thompson made a motion to adjourn at 8:40 p.m. Mr. Grover seconded. None opposed. The motion carried.

Passed and adopted in regular session this 19th day of

August, 1993.


Richard D. Kimber, Chairman

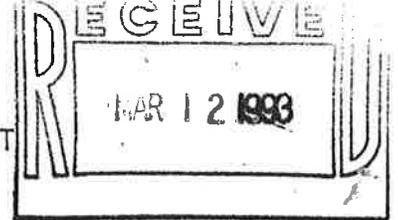
ATTEST:


Marie G. Korth
Recorder/Clerk

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

1. Public agenda for the Box Elder County Planning Commission meeting scheduled for 15 July 1993 at 7:00 P.M.
2. Notice given to the newspaper this 14 day of July , 1993 .
3. Approval of the minutes of last meeting held.
4. Scheduled Delegations:
 - A. Parson Conditional Permit
 - B. Mike Fairbanks Minor Subd. Final
 - C. Final For The Beginning Subd.
 - D. Hawker Conditional Use Permit
 - E. Simmons Minor Subd. Preliminary and Final
 - F. Willard Box Elder Flood District- Drainage along SR 89
 - G. Any other unfinished business
 - H.
 - I.
 - J.
5. Old Business
 - A.
 - B.
 - C.
 - D.

APPLICATION FOR CONDITIONAL USE PERMIT



Applicant's Name JACK B. PARSON COMPANIES Application No. 43
Address P.O. Box 3429 / Ogden, UT 84409 Date Received by Building Inspector _____
Telephone (801) 479-9400 Date of Hearing _____

Application is hereby made to the Planning Commission requesting that the existing Gravel Extraction Operation be amended. be permitted as a "conditional use" on 490 Acres ± located at 8100± South Highway 89, Willard, UT (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 Crushing
- Gravel Washing
- Asphalt Batch Plant
- Ready Mix Plant.
- Temporary Office and Shops

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.

The Proposal is to expand the existing gravel extraction operation that will supply a needed resource for the construction of roads and other developments with a need for granular material.

(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 Proposal will meet or exceed State and County Air Quality and Safety Requirements.

(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.

Will meet the same requirements.

(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.

See previous submittal and review for Gravel Extraction Permit.

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)

See previous submittal and existing Rehabilitation Bond

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.

To provide a needed resource used by both the public and private sectors.

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: JACK B. PARSON COMPANIES P.O. Box 3429 / Ogden, UT 84409 (801) 479-9400
(Applicant) (Address) (Phone)
R. Fay Facer
By R. Fay Facer

Zoning Administrators Action:

Date Approved: NO ACTION

Date Disapproved: _____

Date Referred to Planning Commission for Action 18 MAR. 1993

Planning Commission Action:

Date Approved: 15 JULY 1993

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

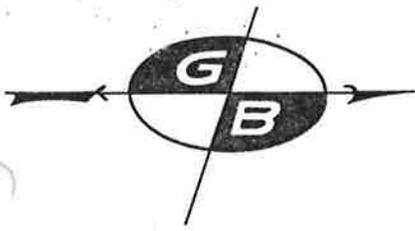
List:
19 ITEMS LIST & LETTER OF ANSWERS FROM
JBP Co. DATED MAY 17, 1993
GRAVEL CRUSHING AND GRAVEL WASHING ONLY.

Signature: Richard D. Kember
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 _____

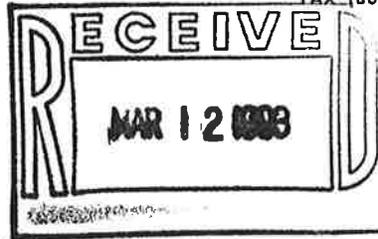


GREAT BASIN ENGINEERING, INC.

Consulting Engineers and Land Surveyors

P.O. Box 9307
Ogden, Utah 84409

Ogden (801) 394-4515
Salt Lake (801) 521-8529
FAX (801) 392-7544



March 12, 1993

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

**RE: PARSON WILLARD NORTH GRAVEL EXTRACTION OPERATION
(PREVIOUS WHITE ORCHARD CO. EXTRACTION OPERATION)**

Dear Denny:

Enclosed find an Application for Conditional Use Permit for the Parson Willard North Pit along with eight copies of the Operation Plan, Rehabilitation Plan, Cross-Sections, Storm Water Calculation and Narrative relating to information about the operation, re-vegetation and handling of storm water.

OPERATIONS

It is the intention of Parson Companies to comply with all requirements placed on the White Orchard Co. for the extraction of gravel from this site. Most, if not all, requirements placed on that operation have been completed and are being adhered to by Parson.

As a part of the proposed operation, Parson Companies would use the existing entry to Highway 89 and 91, paved haul road and canal crossing that exists.

The mining of material would be done from South to North on each level and would be extracted from the lowest level and proceeding up the hill to the highest level. The lowest two levels would be mined and trucked out with haul routes improved as required to minimize dust and safety problems. The upper levels would be mined and conveyed to a crusher on level 2 of the operation.

A well will be installed for use related to dust control and washing product.

As a part of the operation, Parson Companies is requesting the Permit allow the following:

- Crushing and Washing of Gravel Product
- Installation of an Asphalt Batch Plant
- Installation of a Ready Mix Plant
- Installation of a Temporary Office and Shops

No blasting is anticipated but if required the County will be notified and blasting parameters will be jointly agreed upon.

The proposed operation will meet or exceed all requirements established by State Air Quality. Noise limitations will meet OSHA and EMSHAW Standards.

Permanent haul roads shall be paved and temporary haul roads shall be water sprayed for dust control as needed.

REHABILITATION

Parson Companies realizes that with an operation of this type they have responsibility both to the existing neighbors and the general public to minimize dust and control the appearance of the operation. It is their intent to mine the material as per the plan and re-vegetate as areas of mining are completed.

In areas of minimal operation the planting of an annual growing grass or small grain early in the spring or late in the fall will be done utilizing nature's moisture. This would facilitate quick germination and growth. The growing plant or remaining stubble will aid in soil stabilization. This planting can be accomplished by broadcasting the seed on to the soil and then dragging a chain across the area or by driving across it with a caterpillar or by drilling the seeds with a grain drill.

Proposed Seed Types and Seeding Rates

Annual Rye Grass	10-12 lbs/Acre
Small Grains (Oats, Wheat)	20-25 lbs/Acre

Long term vegetation can be accomplished by broadcasting the seed onto the areas and dragging a chain or driving a caterpillar across the area or by grain drill. This should also be done in the spring or the fall of the year.

Proposed Seed Types and Seeding Rates

Crested Wheat Grass	10-12 lbs/acre
Russian Wildrye	12-14 lbs/acre
Siberian Wheatgrass	10-12 lbs/acre
Yellow Sweet Clover	3-4 lbs/acre
Prostrate Kochia	3-4 lbs/acre
Brome Grass	8-10 lbs/acre

All of the seeding rates are from the U.S. Department of Agriculture and are based on a non-irrigated site. Some combination of the above will be used in the re-vegetation of the mined slopes.

CROSS-SECTIONS

Each level has been designed for maximum resource extraction and to create a future site for residential development. (See enclosed cross-sections.)

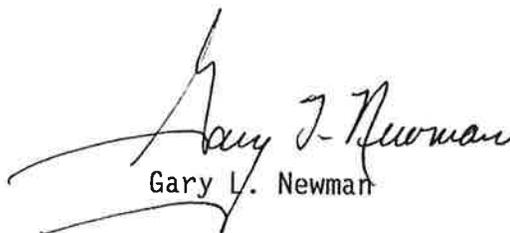
STORM WATER AND RUNOFF

As extraction takes place on each of the levels an area of detention will be created along the Westerly portion to control runoff. A combination of percolation, piping and metering structures will be constructed to handle runoff from one level to the next. This design will be reviewed by the State Engineer's Office and the County Surveyor. Also a dialogue with Willard-Box Elder County Flood District related to flood control from the proposed pit and required protection for the Maguire Canyon Flows has been established.

We appreciate your help in this submittal and look forward to the opportunity of meeting with the Planning Commission to create a working relationship and to satisfy any concerns they have.

Sincerely,

GREAT BASIN ENGINEERING, INC.



Gary L. Newman

GLN/th

1. Dust emissions from the premises described shall never exceed that which is allowed by the State DEQ (or appropriate agencies).
2. A written reclamation plan shall be submitted for each phase. Each phase shall be completed before beginning a new phase.
3. A written approval from the State DEQ or appropriate State agency for gravel pits.
4. A complete set of plans showing plan view of each phase with horizontal dimensions of each phase. Cross sections of each phase to show before and after conditions. Plans shall show all other details as requested by the P.C.
5. Written permission from UDOT for access onto SR89 via haul road. Haul road to be restricted to ^{Private} company use only. Access road to have truck run-a-way lane for protection. Access shall be dust free at all times.
6. Written comment from the Box Elder-Willard Flood Control District stating that this plan will not adversely affect their master plan, ~~and that it will be a benefit.~~
7. Written permission from the Ogden River Water Uses Association for crossing of their property and that the excavation will not create a problem for them.
8. Applicant shall show a plan, or other type of submittal, that the proposal will not adversely affect the neighboring properties or show that all real property adjacent to the proposal will be protected from damage.
9. Applicant shall submit written approval or comment from the State Engineer that this proposal does comply or that it is exempt from their regulations.

~~10.~~ Applicant shall have the responsibility to obtain written comment from the following agencies regarding this proposal:

- A. The Utah Geological Survey
- B. The U. S. Soil Conservation Service
- C. The U. S. Forest Service
- D. The Utah Division of Wildlife Resources

WITHDRAWN

11. Under no condition shall blasting ever occur upon the premises as shown on the plans for the permit.

12. The applicant shall arrange for and submit an engineers estimate for ~~all flood control works and all~~ restoration cost of each phase. Thus allowing for a fund to be set aside for a guarantee of work.

Performance
Basis

13. An escrow account shall be established in the amount agreed upon by the Planning Commission and deposited in an approved bank with the stipulation that only the County may release.

14. Applicant shall prepare and submit to the P.C. an agreement wherein the applicant holds Box Elder County harmless for any damages, claims, costs, attorney fees incurred by Box Elder County or its insurers as a result of any claims made or filed arising from the existence and operation.

15. Applicant shall comply with the noise level as approved by County or State ordinances or codes.

~~16. Limit of time of operation?~~

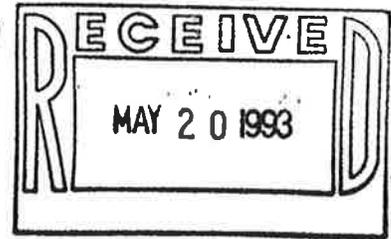
17. After the issuance of the Conditional Use Permit, the occurrence of a violation of any of the conditions specified herein shall be grounds for termination of the permit.

18. Approvals from Utah Power and Light Company regarding power line location.

19. Approval from Mountain Fuel Supply Company regarding their pipeline location.



Jack B Parson Companies



May 17, 1993

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

Re: Parson Willard North Pit
Conditional Use Permit Amendment Conditions

Dear Sirs:

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

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

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

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

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

We appreciate your cooperation in accommodating our amendment request.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Fay Facer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

R. Fay Facer
Vice President

RFF/ck
Enclosure