

**BOX ELDER COUNTY**  
**September 17, 1992**

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 7:50 p.m. on September 17, 1992.

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

Richard Kimber	Chairman
Allen Jensen	Commissioner, Member
Deanne Halling	Member
Marie Korth	Ex-Officio Member
Denton Beecher	EX-Officio Member
DeVon Breitenbeker	Member

**Absent/Excused:**

Steve Grover	Member
Junior Okada	Member
Jon Thompson	Member

**APPROVAL OF MINUTES:**

Chairman Kimber presented the Minutes of August 20, 1992, for approval. Mr. Breitenbeker made a motion to approve the Minutes of August 20, 1992, as prepared. Ms. Halling seconded. None opposed. The motion carried.

**AGENDA: (Attachment No. 1)**

**Parson Construction Co., Permit Transfer: (Attachments No. 2, 3, & 4)**

Mr. Fay Facer, Jack B. Parson Companies, presented a letter written to the Planning Commission from Parsons regarding the proposed conditional use permit transfer from the south White's pit. Mr. Facer explained they had worked with their legal counsel to make sure everything was in order for the transfer.

Mr. Beecher stated complaints had been received from residents in the area. Parsons was asked to submit records that the pit has been utilized on a regular basis. In addition County Attorney Bunderson was asked for a legal opinion (attached). Mr. Bunderson stated the extraction would be allowed throughout the entire parcel. Mr. Beecher also presented another letter written to the Jack B. Parson Companies from the Box Elder County Willard Flood Control District. The Flood District requested Parsons do certain things

to help alleviate flooding in the area. Mr. Facer agreed they will comply with the Flood District's recommendations.

Mr. Breitenbeker made a motion that in light of the attorney's recommendation and also the information received in regard to the actual pit that the permit be transferred from White's to Jack B. Parson Companies. Commissioner Jensen seconded. None opposed. The motion carried.

**WILLARD/BOX ELDER FLOOD DISTRICT:**

**Engineer's Report: (Attachment No. 5)**

Mr. Ron Nelson, Willard Flood District, presented a copy of a report prepared by LarWest Engineering regarding the plan submitted by the DN Land Development Company for a flood overflow. Mr. Nelson stated LarWest has also included background information in the review and recommendations. He said the report was a very independent observation of the project.

Mr. Gale H. Larsen, LarWest Engineering, discussed his report on the gravel excavation project below Cook's Canyon. He also presented a summary of the report (attached) giving some of the conclusions and recommendations that were made to the Flood District. Mr. Larson briefly discussed the recommendations.

Chairman Kimber commented that of all of the engineers who have looked at this, none have drilled the exploratory holes. He asked why this had not been done. Mr. Larsen stated in his business they always hire Geotech Firm and they drill down to bedrock or clay so they know what is down there. He said possibly one reason it has not been done is because the gravel pits in the past have been holes in the earth and there really has not been a dam. In this one there is a road and a canal. He wondered when the basin fills up, where is the water going to go? Mr. Larsen said this is such a steep slope that he worries about it.

Mr. Nelson stated the Flood District had a geologist make comment on the engineer's report. He brought that up because of the steepness of the slope, the materials' instability, and the advisability of the number of detention basins, he felt it was very dangerous to put the pit up there. He said the material is going to shift. If there were an earthquake, it would probably break; it is not a stable condition. Mr. Nelson said a basin cannot be built up there with those materials and expected to hold any flood waters. He stated the geologist said opening up channels increases the velocity and increases erosion. The less amount of channelling the better. He said the first thing that happens in a flood is the rocks and debris plug the channel and the water takes its own course. The alluvial fan that was there before digging was started took care of that situation. Mr. Nelson stated the geologist felt

the relocation of the stockpile was a bad decision by the developer, putting it in the main channel. The developer should clean this up, not the Flood Control District. Mr. Nelson said natural channels were there, and now they have been disturbed. He said drilling would have been beneficial to the developer to see what was there before he bought the property.

Mr. Kent Nebeker expressed his concern about what is under the gravel pit and the possibility of the canal being damaged by flood waters.

Mr. Nelson stated the Flood Control District has a Master Plan, even though it was never adopted. Mr. Beecher stated the Master Plan was adopted by the Flood Control District according to former County Commissioner Don Chase who was also a member of the Flood District.

Mr. Nelson stated he would like to make some concluding remarks: "In the Master Plan it said, 'leave the alluvial fan alone, it provides the best protection to the town that you have. There can be no digging or excavation or anything else that would improve that alluvial fan.' If it was adopted, they have gone against the Master Plan already. The geologist said there are 320 acres in that canyon and a three inch rain storm would generate 88 acre feet of water out of the canyon. This could happen, it probably will happen. They are not equipped with the retention basin below to handle any kind of flood like that. There is a ten to twelve acre basin to catch the water.

The majority of the people of Willard have been against this plan. They realize the hazard created by removing the alluvial fan. they are very concerned about it. This Commission assured us from the beginning that the conditions placed on this permit were very strict and any deviation would be closely monitored and adhered to. Our current flood control district has written several letters to you outlining the deviations, omissions, and infractions of the conditional use permit and have asked that you stop excavation until these concerns are corrected.

I will just briefly outline the infractions and concerns that at least in part are substantiated by our engineer's opinion. The stockpiles that were previously mentioned were placed in the main channel. This is a point that Mr. Nielsen disagrees with, I don't know if Mr. Beecher disagrees with it, but if we want to get into that I have some maps that will prove that the stockpiles are in the main channel. Here are the following infractions and concerns that we have immediately.

The stockpiles are large and were placed in the main channel leading to the lower basin, thus obstructing the flow into the lower basin; we have got to do something about that. The developer has dug, built a road, disturbed the main channel. He has placed crushed existing rocks and debris along the south side of the channel, which is in one of the pictures, in order to divert the water away from his gravel pit and away from the main channel and more towards Willard City. This was admitted by Mr. Nielsen in one of your Planning Commission Meetings. You just slapped his hand and he promised not to ever do it again. The situation was not corrected. He didn't go up there and remove that, so the main channel still exists. He has tried to talk us into diverting it north. We consider that a breach of the conditions. The developer, as mentioned, has extracted into Willard City, and they are currently in litigation with Mr. Nielsen. Even though Willard City is not in your jurisdiction, this would not have happened had he not been issued this conditional use permit. So at least, I feel, you should feel some responsibility to the citizens of Willard as we contemplate the consequences of this digging in Willard City. We don't know what the flooding aspects are because it is not part of the plan. Willard City apparently feels like it is illegal because they wouldn't be suing him if they didn't.

We feel, as our engineer has expressed, the stockpile of topsoil should be present and reclamation work should begin to cut the slope to a 2-1 grade. We have serious concern that this developer is too close to the mountain to allow this and we feel that this Phase 1 should be revegetated before moving any gravel from Phase 2. There is little if any topsoil on Phase 2, so we see no topsoil. We don't think he can cut a 2-1 slope because he has gone into the mountainside. It is not feasible to cut it 2-1.

The enlargement of the lower basin, we feel, is extremely inadequate and the developer should accommodate, if not for 80 acre feet of water, at least the middle point, 40 acre feet. We have a terribly inadequate basin down there, and we have homes right below it. We are setting up a man made flood right into those peoples' homes. The developer is up there pushing dirt to head it north towards the city for lack of a better plan.

It is called for in our Master Plan to cover a one hundred year event. That is where we would really like to see this go, but we have got so many different numbers that we would almost be content to go down the middle of the road ourselves.

In conclusion we feel this project is not in compliance with certain conditions, namely, 3, 4, 7, 10, 11, parts of each one. As Allen mentioned how long are we going to sit there with this danger-

ous situation? If we get some water down there right now, we are going to have terrible problems.

The conditional use permit is substantiated again by our engineer's report, Mr. Carl Beard of the Watershed Management and Dr. Fred Pashley, the geologist; they are all on file at the County Commission. We feel that the developer must be in compliance with the conditions now before any more excavation is allowed by this Commission.

Also before the conditional use permit can be transferred to another, we feel these conditions must be in compliance with the conditions that you people have set. The developer's conditional use permit is not issued strictly for land use as the county attorney has said. We will challenge that with our own legal advisor if we have to. This has basically proven Willard City's litigation. It is not against the land, it is not against the permit, it is not against the use, it is against the developer. The developer is an integral part of your issuing the permit. He has to be bondable; he has to be reliable and many other things. If he is not, we can't transfer use permits around to unreliable people. These permits should be upgraded to your standards at the time when they are moved to people. If you have certain conditions that have been upgraded like reseeding and other things, these permits should be upgraded along with the new developer and the responsibilities for those should pass to the new developer. We ask that you rely upon our engineer, our watershed manager, our geologist's expert opinion, and cease further excavation by the developer of this conditional use permit until the foregoing violations are resolved. Please give the people of Willard and this county the protection from flooding they deserve."

Chairman Kimber asked about the issue and the status of the litigation. Mr. Nelson replied the issue is Mr. Nielsen did not have a permit to excavate within the Willard City limits; he is somewhere around three hundred feet into Willard City and they haven't cited him. They have taken this issue to court.

Commissioner Jensen asked if Mr. Nielsen is doing anything up there. Mr. Nelson replied, very little. Mr. Beecher stated he talked with the Mayor of Willard concerning the litigation. They have cited Mr. Nielsen for excavating in Willard City. They have ticketed him for excavating in Willard City limits without a permit. Mr. Nielsen has gone before the Circuit Court, and it is now up to the District Court. They don't know what will happen or when. There are two issues before them, depending on which attorney you talk to. He said he did not know the status.

Commissioner Jensen referred to two of the pictures in the engineer's report and asked how the rocks were broken off. Mr. Nelson stated there is no proof, but they are of the opinion that it was dynamite; there is evidence of dynamiting up there. There is evidence of shale being broken off; they are not accusing anyone. Mr. Larsen stated he looked at the area and took the picture, the breaks looked fresh to him. He said he met with Mr. Nielsen who indicated he had nothing to do with it. Mr. Breitenbeker asked if there would be any particular advantage to him or anyone else for this to happen. Mr. Larsen said he could only speculate, the rock is of a different color and may be useful for fireplaces or retaining walls. He said there were no drill holes.

Chairman Kimber stated this is good information that needs to be reviewed. There are a couple of points that need to be considered. Commissioner Jensen raised the issue of the time frame with his pulling out and not doing anything. There is the bond to consider; at what point do we move in and address that issue. This will need to be reviewed by the Commission. Ms. Halling asked if there is any time limit in conjunction with the use permit. Mr. Breitenbeker stated the Planning Commission is to review it each year and extend it.

Mr. Beecher asked if the Flood District had rejected the Lew Wangsgard plan for the overflow structure. Mr. Nelson said in light of their engineer's report and comments made, the Flood District rejects the current proposal made by Mr. Lew Wangsgard. Mr. Breitenbeker stated he felt there needs to be a letter to that effect from the Flood District giving the specifics as to why it is not acceptable.

Chairman Kimber stated Mr. Larsen's report does not reject the idea; he makes some comments about it. He requested a letter from the Flood District. Mr. Nelson and the Planning Commission discussed Mr. Darrell Nielsen and his work at the gravel pit. Mr. Breitenbeker stated the engineer's report talks in generalities, but it does not recommend approving or denying the plan.

Chairman Kimber stated the Planning Commission would accept the report and requested a letter from the Flood District stating the plan submitted did not answer the question submitted in April as to the position of the overflow structure and design and asked the Flood District to give a written letter of approval or disapproval of the design.

#### **MOBILE HOME REQUEST:**

Mr. Beecher stated Mr. Don Forsgren has requested he be allowed to place a mobile home on a two acre lot in an R-1-20 zone. Mr. Beecher stated Forsgrens live in South Willard; they own about two

acres in an R-1-20 zone which is for single family dwelling only. However, there is an exclusion in the Ordinance where there can be multiple dwellings under single ownership. The mobile home ordinance does state that mobile homes are allowed for members of an immediate family under a conditional use permit on a temporary basis. Mr. Beecher said the mobile home would be adjacent to the Forsgren residence. Commissioner Jensen made a motion to deny the request because this is in an R-1-20 zone which is not compatible with the mobile home ordinance. Mr. Breitenbeker seconded. None opposed. The motion carried.

**GENERAL PLAN:**

**Follow up from August Meeting:**

Chairman Kimber requested the General Plan be on the County Commission Agenda September 22 so that the public hearing can be scheduled. Mr. Beecher stated the Minutes of August 20 indicate the Planning Commission had approved the payment to Millard Consultants and asked if the bill had been paid. Commissioner Jensen will follow through with this and make sure it is paid.

**ZONING AND SUBDIVISION ORDINANCE:**

Mr. Beecher recommended the Planning Commission adopt the Box Elder County Land Use Management and Development Code which is the Zoning, subdivision, mobile home code ordinance to comply with the new statutes. Mr. Breitenbeker made a motion to adopt the Box Elder County Land Use Management and Development Code. Ms. Halling seconded. None opposed. The motion carried.

**HARDY SUBDIVISION:**

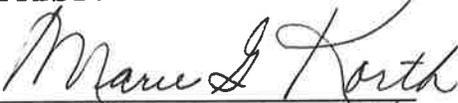
Commissioner Jensen stated the Hardy variance request was denied by the County Commission.

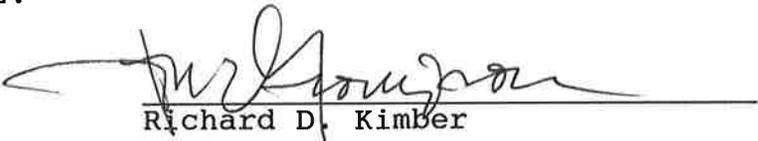
Commissioner Jensen made a motion to adjourn at 9:27 p.m. Ms. Halling seconded. None opposed. The motion carried.

Passed and adopted in regular session this 15th day of

October, 1992.

ATTEST:

  
Marie G. Korth  
Recorder/Clerk

  
Richard D. Kimber  
Chairman

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

1. Public agenda for the Box Elder County Planning Commission meeting scheduled for 17 September 1992 at 7:30 P.M.
2. Notice given to the newspaper this 16th day of Sept. , 1992.
3. Approval of the minutes of 20 August 1992.
4. Scheduled Delegations:
  - A. Parson Const. Co.; Fay Facer on Permit transfer
  - B. Willard Box Elder Flood District, Engineer Report
  - C. Request from Don Forsgren for a Mobile home on a 2 ac. lot in a R-1-20 zone.
  - D. General Plan follow up from August meeting
  - E. Zoning and Subd. Ordinance
  - F.
  - G.
  - H.
  - I.
  - J.
5. Old Business
  - A.
  - B.
  - C.
  - D.



Jack B Parson Companies

September 2, 1992

Chairman Richard D. Kimber  
Box Elder Planning Commission  
Box Elder County  
1 South Main Street  
Brigham City, UT 84302

Re: Conditional Use Permit Transfer - Whites Pit

Dear Mr. Kimber,

We learned today that you postponed final action in your August 20th meeting on the above referenced transfer. As I read the proposed minutes of this meeting it appears the transfer became clouded by our activity in the old "grandfather" south Whites Pit.

We see no relationship between the two items. The minutes of your June 25th meeting indicate the permit be transferred subject to our providing Box Elder County a \$15,000 performance bond and evidence that title to the property has passed to us. Both of these items was completed and sent to Mr. Denton Beecher on August 6th 1992. A copy of our cover letter is attached. This cover letter states we have completed the requirements and that our position is that the transfer is complete.

As to the South Whites Pit we also wrote Mr. Beecher on August 6th 1992 on this subject. A copy of this letter is also enclosed.

We have acquired title to a part of this south pit property and have been conducting extraction from it, as well as the remaining White property. As you know this area has been gravel mining property for several decades and has been mined under the "grandfather" rights that exist and have been maintained. We plan to continue to operate under these rights, which would not require any additional use permitting.

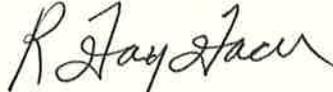
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We'd request you schedule us on your Sept. 17th meeting agenda and we'll have representation at the meeting to provide any further information needed to conclude this issue.

We appreciate your help in this transition. Please let us know the scheduled time on the Sept. 17th meeting.

Sincerely,

JACK B. PARSON COMPANIES

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

R. Fay Facer  
Real Estate Manager

cc: Jack B. Parson, Jr.  
Rob White



Jack B Parson Companies

August 6, 1992

Mr. Denton Beecher  
Box Elder County Surveyor  
Box Elder County  
1 South Main St.  
Brigham City, UT 84302

Re: Continuous Activity  
Whites South Willard Pit

Dear Denny,

We understand questions have been raised regarding continuing mining activity in the old South Willard Whites Pit.

We have had extraction every year in this pit and have attached copies of supervisor logs, weigh tickets and weigh logs for a part of 1991.

As you are aware we have acquired a portion of this gravel property and plan to continue to excavate and mine under the "Grandfather" rights on the property.

If we can provide any further information regarding our activity in this pit or you have additional questions please let us know.

Sincerely,

JACK B. PARSON COMPANIES

R. Fay Facer  
Real Estate Manager

RFF/ck



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



CIRCA 1890'S

# Box Elder County

STATE OF UTAH

## COUNTY COMMISSIONERS

ALLEN L. JENSEN  
FRANK O. NISHIGUCHI  
JAMES J. WHITE

### OFFICERS

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



CIRCA 1980'S

August 5, 1992

**Denton Beecher**

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

Re: Continuation of Non-Conforming Use - Gravel Pit

Dear Denny:

Concerning your recent question regarding the extension of an existing gravel pit beyond the boundaries of the existing excavation, I submit the following.

First, you must make a factual determination whether or not the pit or pits have been abandoned, or at least whether the non-conforming use has been abandoned. That is a factual determination which is subject to proof.

Assuming the non-conforming use has not been abandoned, the next question, which is appropriate for legal opinion, is whether or not the continued use of a gravel pit is an illegal or improper expansion or extension of a non-conforming use.

As we have discussed, by its very nature, a gravel pit is an extractive operation which gradually consumes all of the land in question. Most State courts considering the issue have held that extractive non-conforming uses of land may be expanded beyond the original excavation.

The law in Utah seems to be decided on this point, by the 1967 case of Gibbons and Reed vs. North Salt Lake City, 431 P2d 559. In this case, the Utah Supreme Court adopted the concept that since a gravel pit was extractive in nature, as a non-conforming use the pit could be expanded within the original parcel.

Denton Beecher  
August 5, 1992  
Page 2

The California court in McCasland vs. Monterey Park, 329 P2d 522, in considering the operation of a rock quarry which was a non-conforming use, held that the non-conforming use was not limited to the area excavated at the time of the enactment of the zoning ordinance, and that it was permissible to extend such use to the entire tract.

In Syracuse Aggregate Corporation vs. Weise, 424 NYS 2d 556, the New York court held that a mining company was not limited to the area under excavation at the time the ordinance was adopted.

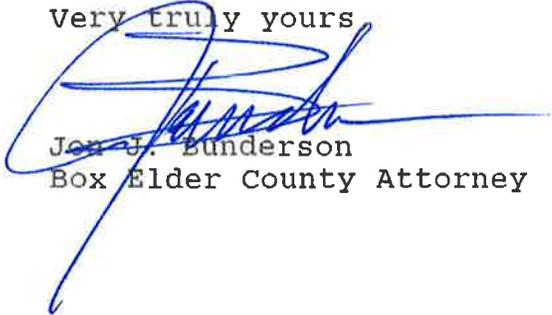
In these cases, the court focused upon the nature of the extractive operation itself, holding that mining, gravel extraction, sand pits, etc., by nature imply the gradual extension of excavation into surrounding areas, and therefore the continuance of the extractive use into or through the entire parcel is obviously contemplated.

Our Utah Supreme Court has been fairly liberal in construing zoning ordinances, as you will recall from the Dove Creek Ranches case and the so-called "vested rights" issue.

Therefore, it is my opinion that a gravel pit, existing as a valid, non-conforming use, which has not been abandoned, may expand within the original parcel.

I realize this seems contrary to Section 4-11 of our ordinance, but please keep in mind that our ordinance must comply with State law, which provides that non-conforming uses are protected and preserved, within reasonable limits. Regarding gravel pits and other extractive type operations, the excavation of the entire parcel is contemplated by the existence of the pit itself, so long as it is not abandoned, and therefore the extraction would be allowed throughout the entire parcel.

Very truly yours



Jon J. Bunderson  
Box Elder County Attorney

JJB:vll



Jack B Parson Companies

August 6, 1992

Mr. Denton Beecher  
Box Elder County Surveyor  
Box Elder County  
1 South Main St.  
Brigham City, UT 84302

Re: Continuous Activity  
Whites South Willard Pit

Dear Denny,

We understand questions have been raised regarding continuing mining activity in the old South Willard Whites Pit.

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As you are aware we have acquired a portion of this gravel property and plan to continue to excavate and mine under the "Grandfather" rights on the property.

If we can provide any further information regarding our activity in this pit or you have additional questions please let us know.

Sincerely,

JACK B. PARSON COMPANIES

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

R. Fay Facer  
Real Estate Manager

RFF/ck



# Jack B Parson Companies

## FOREMAN'S DAILY REPORT

JOB # 143

NAME CENTRAL WEBER SEWER

DATE 7-10-91

LABOR & EQUIPMENT HOURS: - ON BID:

8.0 BLADE

2.0 SCRAPER

2.0 ROLLER

5.0 LABOR

3.0 WATER TRUCK

LABOR & EQUIPMENT HOURS: - EXTRA: ATTACH EXTRA WORK ORDER

MATERIAL HAULED - ON BID:

PIT NAME & NUMBER

WHITES Jc.

TYPE	NO. OF LOADS		TONS OR CY
	B.D.	E.D.	
<u>8"</u>	<u>✓</u>	<u>Pups</u>	<u>1760.35</u>

MATERIAL HAULED - EXTRA: ATTACH EXTRA WORK ORDER

PIT NAME & NUMBER

TYPE	NO. OF LOADS		TONS OR CY
	B.D.	E.D.	

COMMENTS: SOFT AREA OVER EXED FABRIC + FILLED WITH 8" MATERIAL

8 LOADS WITH PIPE

9 LOADS SINGLE

WERE THERE ANY ACCIDENTS OR PROPERTY DAMAGE DONE TODAY? YES  NO

EXPLANATION: \_\_\_\_\_

Grant Knight

SIGNATURE OF PERSON FILLING OUT REPORT

**FOREMAN'S DAILY REPORT**

JOB # 143

NAME CENTRAL WEAVER SEWER

DATE 7-11-91

LABOR & EQUIPMENT HOURS: - ON BID:

<u>75</u>	<u>BLADE</u>
<u>30</u>	<u>ROLLER</u>
<u>7.0</u>	<u>LABOR</u>
<u>20</u>	<u>WATER TRUCK</u>

LABOR & EQUIPMENT HOURS: - EXTRA: ATTACH EXTRA WORK ORDER


MATERIAL HAULED - ON BID:

PIT NAME & NUMBER

<u>WHITES</u>	<u>So</u>
<u>WHITES</u>	<u>No</u>

TYPE	NO. OF LOADS		TONS OR CY
	B.D.	E.D.	
<u>8"</u>	<input checked="" type="checkbox"/>	<u>Pups</u>	<u>865.1</u>
<u>ROAD BASE</u>	<input checked="" type="checkbox"/>	<u>Pups</u>	<u>1328.25</u>

MATERIAL HAULED - EXTRA: ATTACH EXTRA WORK ORDER

PIT NAME & NUMBER


TYPE	NO. OF LOADS		TONS OR CY
	B.D.	E.D.	

COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

WERE THERE ANY ACCIDENTS OR PROPERTY DAMAGE DONE TODAY? YES  NO

EXPLANATION: \_\_\_\_\_  
 \_\_\_\_\_

*Scott Knight*  
 SIGNATURE OF PERSON FILLING OUT REPORT



# Jack B Parson Companies

PIT/PLANT Water Small PitJOB NO. 143PROJECT NAME CENTRAL WEBER SEWER DISTRICTDATE 7-10-91

TIME	TRUCK NUMBER	TYPE OF MATERIAL	NO. OF LOADS GROSS WEIGHT	VEHICLE WEIGHT	NET WEIGHT	TONS	ACCUMULATIVE TOTAL
1	8-153	8" minus P.R.	50,200	23,000	27,200	13.6	
2	8-160	"	50,400	23,900	26,500	13.25	
3	8-32	"	84,500	34,700	49,800	24.9	
4	8-31	"	89,000	36,000	53,000	26.5	
5	8-159	"	87,000	34,800	52,200	26.1	
6	8-155	"	85,400	33,700	51,700	25.85	
7	8-153	"	51,000	23,000	28,000	14.0	
8	8-012	"	93,700	37,600	56,100	28.05	
9	3-081	"	77,400	34,200	43,200	21.6	
10	8-160	"	54,000	23,900	30,100	15.05	
	8-32	"	87,900	34,700	53,200	26.6	
12	8-159	"	87,100	34,800	52,300	26.15	
13	8-155	"	89,800	33,700	56,100	26.1	
14	8-012	"	92,400	37,600	54,800	27.4	
15	8-160	"	53,300	23,900	29,400	14.7	
16	3-081	"	74,300	34,200	40,100	20.05	
17	8-31	"	90,000	36,000	54,000	27.0	
18	8-159	"	87,200	34,800	52,400	26.2	
19	8-32	"	88,600	34,700	53,900	26.95	
20	8-153	"	50,900	23,000	27,900	13.95	
21	8-155	"	85,600	33,700	51,900	25.95	
22	8-012	"	91,200	37,600	53,600	26.80	
23	8-160	"	51,600	23,700	27,900	13.95	
	3-081	"	75,000	34,200	40,800	20.40	
25	8-31	"	87,000	36,000	51,000	25.5	

TOTAL

556.60



# Jack B Parson Companies

PIT/PLANT Wetlands P.T South

JOB NO. 1143

PROJECT NAME Central wetland Sewer

DATE 7-10-91

TIME	TRUCK NUMBER	TYPE OF MATERIAL	NO. OF LOADS	VEHICLE WEIGHT	NET WEIGHT	TONS	ACCUMULATIVE TOTAL
			GROSS WEIGHT				
1	832	8" Minus PR	8300	39000	4820	24.10	
2	8159	"	81800	34700	52.1	26.05	
3	3082	"	74900	33000	41.900	20.75	
4	8153	"	52200	23100	29100	14.55	
5	8155	"	84000	33000	51200	25.60	
6	8012	"	61,900	37600	24300	12.15	
7	3081	"	75700	34200	41500	20.75	
8	8160	"	53,100	23,900	29.80	14.90	
9	3083	"	76,200	33400	42800	21.40	
10	831	"	90000	36000	54000	27.00	
	852	"	98,000	34,700	63300	31.65	
12	8159	"	86,800	34800	49000	24.50	
13	3082	"	76,500	33,000	43500	21.75	
14	8153	"	51300	23100	28200	14.100	
15	3086	"	74200	32100	42100	21.05	
16	8155	"	84000	33100	50400	25.20	
17	8012	"	91600	37,600	54.00	27.00	
18	3081	"	46,000	34,200	41000	20.90	
19	8160	"	52100	22900	29200	14.40	
20	831	"	92000	36000	56000	28.00	
21	832	"	87,200	37700	53700	26.75	
22	8159	"	85100	34800	50300	25.15	
23	3083	"	74800	34400	41400	20.70	
	8153	"	52500	23,100	29400	14.7	
25	3082	"	73,600	33,000	410600	20.30	

TOTAL

543<sup>60</sup>



# Jack B Parson Companies

PIT/PLANT Williams South Pt

JOB NO. 143

PROJECT NAME CENTRAL WEAVER SEWER

DATE 7-10-91

TIME	TRUCK NUMBER	TYPE OF MATERIAL	NO. OF LOADS	VEHICLE WEIGHT	NET WEIGHT	TONS	ACCUMULATIVE TOTAL
			GROSS WEIGHT				
1	8012	8" Pit Run	95,300	37600	57700	28.85	
2	3084	"	75300	22100	43200	21.6	
3	8160	"	54200	23900	30300	15.15	
4	8153	"	56700	23100	33700	16.85	
5	8155	"	89500	23,200	55800	27.90	
6	8159	"	92000	34800	57200	28.6	
7	8153	"	50300	23,100	27,200	13.6	
8	8160	"	22000	23,900	26,100	14.05	
9	8-159	"	84600	31800	4980	29.9	
10	8155	"	87500	33700	53800	26.90	
	8-159	"	90,400	31,800	55600	27.80	
12	8160	"	51500	23900	27600	13.8	
13	8.012	"	91600	33700	57900	28.85	
14	831	"	89300	34700	54600	27.3	
15	8032	"	90,000	34700	55300	27.65	
16	8153	"	50600	23,000	27600	13.70	
17	8160	"	51900	23,900	27800	13.9	
18	8159	"	86800	39800	50000	26.00	
19	8155	"	85900	33,700	52,200	26.10	
20	8153	"	54100	23,000	31100	15.55	
21	8154	"	84200	31700	49500	24.75	
22	8160	"	54600	23900	30200	15.35	
23	831	"	90000	36,000	34000	27.00	
	8139	"	93300	34800	58,500	29.25	
25	8155	"	88000	33,700	54500	27.25	

TOTAL

567.75



# Jack B Parson Companies

PIT/PLANT Whites South Pit

JOB NO. 143

PROJECT NAME Central Water Sewer

DATE 7-10-91

TIME	TRUCK NUMBER	TYPE OF MATERIAL	NO. OF LOADS GROSS WEIGHT	VEHICLE WEIGHT	NET WEIGHT	TONS	ACCUMULATIVE TOTAL
1	8012	8" Minus P.R.	47800	37600	60200	30.1	
2	3081	"	76,00	34200	41800	20.9	
3	6160	"	54500	23,900	30600	15.3	
4	8155	"	87000	33700	53300	26.65	
5							
6							
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20							
21							
22							
23							
25							
<b>TOTAL</b>							<b>1760.35 TON</b>
<b>TOTAL</b>							<b>92.40</b>

Jack B. Parson Companies  
P.O. Box 3429  
Ogden, Utah 84409

September 8, 1992

Mr. Fay Facer:

In regard to our meeting with yourself and Jess Udy representing Parson Companies, Kent Nebeker and Ron Nelson representing the Box Elder County / Willard Flood Control District, Frank Woodland and Dewain Loveland residents of South Willard on September 1, 1992 concerning potential flooding created by your recent road construction and excavation above the trailer court in south Willard.

This meeting accomplished some constructive decisions toward finding a suitable solution to help curb future flooding in this area. It is our understanding that you will build an embankment near the top of the road (where it was originally before your work began) with the intent of channelling the water run off into the existing debris basin.

We also understand that you will build another embankment at a lower location and if necessary, excavate some material to direct this lower flow from the west side of your construction in a manner that will allow the run off to also be directed into the existing debris basin.

We would hope, in order to avoid risk, that this work could be completed immediately as rainfall this time of year is very unpredictable. We would ask however that the work be completed within six weeks of the date of our meeting and before frost sets in the ground.

We appreciate your cooperation in this matter. If you have any questions or comment on the foregoing please feel free to contact us.

Box Elder County/Willard Flood Control District

Members: Kent Nebeker  
Ron Nelson

Copy: Frank Woodland  
Dewain Loveland  
✓ Box Elder County Planning Commission



*Att. no. 4*

**BOX ELDER COUNTY/WILLARD CITY FLOOD CONTROL DISTRICT (FCD)**

**September 17, 1992**

**RECOMMENDATIONS  
for  
GRAVEL EXCAVATION PROJECT  
Below  
COOK CANYON**

1. Primary Detention/Debris Basin will be beneficial to flood protection.
2. The south channel should currently be considered the major channel.
3. Plans and specifications for the finished primary basin should be completed.
4. Construction didn't always follow the plans - example: gravel stockpile in lower part of south channel.
5. Exploratory drill holes needed for engineering analysis.
6. Temporary channels needed for flood protection during construction.
7. Adopt a master flood control plan.
8. A topsoil stockpile is needed for anticipated revegetation.
9. Property and Willard City limit lines need to be established.
10. An estimated completion date on the primary basin would be helpful.
11. Need to know the details of the escrow account.
12. Review and approve plans and specifications as well as inspect the construction.
13. The acceptance of reasonable design flow rates and quantities would be considered prudent.
14. Open, widen and enhance the southern channel at critical juncture points.
15. Get proper flood control features in place during and following the various phases.

**Report**

**for**

**BOX ELDER COUNTY/WILLARD CITY  
FLOOD CONTROL DISTRICT**

**on**

**REVIEW AND RECOMMENDATIONS**

**of**

**Gravel Excavation Project  
below  
Cook Canyon**

**September 1992**

**LarWest Engineering**

# LarWest International Engineering

168 North First East  
Logan, Utah 84321  
Phone (801) 753-0169  
FAX (801) 753-0619

September 3, 1992

## BOX ELDER COUNTY/WILLARD CITY FLOOD CONTROL DISTRICT

Box 286  
Willard, Utah 84340

ATTN: **Todd Davis, Chairman**

Dear Mr. Davis,

At your request and as approved to do so by the District (FCD) on August 6, 1992, I have completed a review of the Gravel Excavation Project underway below Cook Canyon. The extent of this review was limited to existing information in the field as well as written/verbal information as it was given to me by various parties. Based on this information, experience, and judgment of what needs to be done I am also submitting to you my recommendations of actions that could to be taken by the FCD to help fulfill their "...obligation to preserve the health, safety and welfare from the standpoint of flooding danger for those persons that live within the boundaries of the District."

Please keep in mind, that my involvement in this rather emotional situation is one of a technical review. Your desire of me was that I would be able to analyze the project in an objective way, because I was emotionally uninvolved and had not been a party to the project in any way prior to being retained by the FCD. This fact has been uppermost in my mind as I have pursued the review and arrived at my recommendations.

I appreciate the opportunity of contributing to solutions the FCD has to find in order to fulfill its role in preserving and enhancing flood control measures within its geographical area.

Sincerely,

LarWEST Engineering



Gale H. Larson, P.E.



9/3/92

## **REVIEW**

My independent review of the Gravel Excavation Project for the FCD began in conversations with Ron Nelson, Carl Baird, and LaVee Hemsley. Many of the concerns of the FCD were expressed to me by them, after which I was given material that had been generated over a long period of time - ranging from a Master Plan Report prepared by Rollins, Brown and Gunnell, Inc. in July of 1981 to a letter dated May 11, 1992 from the FCD's Attorney, Michael Z. Hayes of the firm of Mazuran, Verhaaren & Hayes, answering many questions the FCD had posed to him. Other material has come to me from the FCD by way of mail, conversations, meetings and telephone inquiries. This has all been very helpful in understanding the circumstances surrounding the Project. On the 17th of August, 1992 Todd Davis and I spent several hours on site reviewing the Project. This included a long hike up Cook Canyon, nearly to the end of it. Many observations were made, which will be mentioned later in this report. On the 25th of August, I met with Darrell Nielsen and Lou Wangsgard (Mr. Nielsen's Engineer) on the Project site. Again, questions were answered and comments were made concerning the Project. Other input came from - 1) other FCD board members, 2) Denton Beecher, 3) Russ Brown, 4) Rick Hall (State Engineer's Office), and 5) misc. sources.

In all, I have made three site visits, visited with several people, reviewed all the material that has been available to me, presented the rough draft to the FCD on the 3rd of September, received their comments, and checked selected engineering assumptions and calculations. Based on this background and effort, the following seem to be important items to understand:

- ◆ Attorney's comments - especially the responsibility and the authority the FCD has to perform its function. Some of this was mentioned in the Cover Letter of this report.
- ◆ Conditional Use Permit - Items 3, 4, 7, 10, 11 and 14 seem to have application to the FCD. Respectively, #3-A reclamation plan, #4-A written plan describing how Mr. Nielsen will leave the area for the FCD to be concerned about with regard to flood water protection, #7- Written

comment from the FCD approving, in essence, Mr. Nielsen's plans/activities, #10-Detention basin approvals from the State Engineer, #11-A written document that Mr. Nielsen will turn over all flood related facilities to the FCD without cost, #14- Mr. Nielsen will set up an escrow account to provide for proper flood control measures to insure that this will happen.

- ◆ Plans - these have been prepared by Mr. Nielsen's engineer and became the basis on which approvals were given. Changes to these plans are procedural and, therefore, become subject to review/approval of those groups affected. The Plans were reviewed and seem to be lacking in detail, such as the finished detention basin dimensions, structural/detail designs for flood protection, and temporary measures for flood mitigation during the gravel removal time period. Also, the plans haven't been followed closely as the construction progressed.
- ◆ Hydrology/Hydraulic calculations - These figures seem to vary considerably depending on the type of method used and the assumptions made by the various engineers. For instance, the amount of water in terms of cubic feet per second varied from less than 100 cfs to more than 1200 cfs for design purposes. Figures of about 250 cfs and 35 ac. ft. maximum storm discharge and storm hydrograph volume, respectively seem to be the most verified figures. These figures are based on the SCS method for 6-hr. 100 yr. rainfall amounts, with assumptions. There has been several engineers working with the different approaches, so a lot of information has been generated as a result of this fact. It has been mentioned by Mr. Baird that "The approximate 320 acre Cook Canyon watershed could produce 80 acre feet of water at the fan apex in a storm producing three inches of rain in 24 hours. (&)....reduced 60% to seepage over the fan. Thus, the FCD must contend with only 32 acre feet of water instead of 80 IF the fan is functioning." Knowledge of the extent of the fan disturbance is important to the design of the flood control facilities that will be left to the FCD.

## RECOMMENDATIONS

1. The idea of a primary detention/debris basin prior to the existing detention basin from which a delivery pipe exits seems to be in the best interests of the FCD. This is especially the case when the intent is to deliver all the flood water coming out of Cook Canyon into it, at least that which doesn't enter the alluvial fan in a natural way. Depending on the severity of the storm, this primary basin would only detain the water, not totally contain it.
2. The major channel from the mouth of Cook Canyon upon visual and recent photographic identification would seem to be the one leading into the gravel pit recently excavated by Mr. Nielsen. An early USGS map seems to dispute this observation and places the most major channel on the north side of the alluvial fan. I suppose this major channel moves over the years depending upon the intensity of the storm and the fact that large rocks, mud, debris and so on, are deposited in the pathway, thus creating another channel when the next storm comes. This is how an alluvial fan is created over periods of 100's of years. The fact that the current most prominent channel leads to the proposed primary detention/debris basin is fortunate in that this channel can be opened up at critical junctures to help insure that the main flow of flood water be directed into this primary basin.
3. The Plans are so incomplete that it is impossible to tell what kind of a basin the FCD will be given to operate and maintain. The FCD should insist on a completed set of Plans and Specifications depicting the improvements that will be constructed in phase 1 prior to Mr. Nielsen moving on to phase 2. These completed Plans and Specifications should show the finished detention/debris basin and be reviewed by the FCD's engineer and approved by the FCD.
4. Since the construction didn't always follow the plans, and the stockpile was placed in the major channel below the gravel pit, it now becomes necessary to relocate

the lower part of this channel. This is no small task since a new channel will need to be excavated and lined with large rock to avoid erosion sending mud and debris to the lower existing basin. This should be done with minimum effect on the existing vegetation/trees. The spillway as shown on a recently submitted drawing for construction has the appearance of a concrete apron in a stream channel more than a spillway. For instance, it would appear that concrete should be extended further out on either side (into the basin and down-stream) to help avoid erosion of the embankment. An alternative would be to build an inlet structure for the water to enter and then place a pipe under the canal pipe to handle the release of flood water. It would have to be rather large in diameter to accommodate the flow. Both ways may be necessary to properly handle the flood water. More analysis needs to be made by the developer's engineer.

5. A series of exploratory drill holes throughout the region to determine the extent/quality of the gravel deposit as well as the depth to clay or bedrock would seem advisable. This would be most valuable to the designer of the facilities. It would seem that the existing canal water in a pipe is providing the dam axis, at least it might act this way on such a steep gradient. In addition, more existing and finished grade topographical information is needed to help analyze this aspect. Just the mass of gravel may be enough to provide stability - more engineering data is necessary to rule this possibility in or out. The need for this geotechnical information grows as more of the gravel is removed and the basin becomes larger. All of this information should be provided by the developer to the FCD for review.
6. A safe and sane method of keeping open temporary channels for flood protection during construction is recommended. This should be part of the construction plan - submitted, approved, and monitored for compliance during construction.
7. The FCD should consider and adopt a Master Flood Control Plan for its area of jurisdiction. This way future development would need to comply with this plan in all aspects or obtain permission to modify it.

8. An adequate stockpile of topsoil should be established to be spread across the finished phase 1 over the 2:1 slopes, reseeded and revegetated as proposed.
9. It appears that some of the construction from the Box Elder Co. permitted plan was actually partially built in Willard City instead of in the County. Property lines and City limit lines need to be identified so that the boundaries may be established for jurisdictional purposes.
10. An estimated completion date based on a projected schedule would be helpful to the FCD in anticipating a point in time that phase 1 would be complete and the FCD would acquire, operate and maintain this new detention/debris basin as part of their system for flood control.
11. Is there an escrow account? Is it adequate? Has there been a cost estimate submitted based on the cost of the proposed flood control improvements? This should be checked into by the FCD.
12. The FCD should be given permission to not only review/approve the plans and specifications but inspect the construction of any flood control features that the FCD will eventually own.
13. The acceptance of reasonable design flow rates and amount is probably the most prudent way of dealing with this issue. It would be unreasonable to accept the extremely high values and demand that facilities be constructed to meet these figures, especially in light of the fact that the FCD has in the past used much lower figures in the design of their own improvements. Total containment of 100 yr. floods doesn't seem to be the stated objective of the FCD, but rather detention for the purpose of settling out of mud, debris and sediment, in addition to controlled flow, prior to directing the flood water down a channel or pipe conveyance system to a point beyond and/or around the area the FCD is trying to protect.

14. One of the most urgent responsibilities of the FCD is to work in cooperation with Mr. Nielsen and/or the Box Elder Co. Planning and Zoning Board (BEP&Z) on delineating the existing channel or the one that the FCD would like to have carry the flood water out of Cook Canyon at the present time. This appears to be the most southern one - the one leading into the gravel pit. Action should be taken to open, widen and enhance this channel to carry future flood water, directing such water away from newly built homes and Willard City toward the primary and secondary detention basins mentioned earlier. Temporary measures by Mr. Nielsen need to be taken while phase 1 of the project is being completed to avoid premature use of the proposed primary detention basin. This channel may need to be opened-up periodically to encourage the main flooding water to flow down it.
  
15. The final recommendation is that an effort should be made to work with Mr. Nielsen/BEP&Z on getting proper flood control features in place during and following the completions of the various phases, since the decision to allow gravel excavation in this area has already been made by the BEP&Z and the County Commission. An alternative includes litigation and court action which may or may not produce favorable results for the FCD.

As mentioned early on, even during the retention stage, I would render an independent look at the Gravel Excavation Project and provide the FCD with my recommendations in a report form. The contents of this report may or may not be accepted in part or in whole by the FCD or anyone else, but the Project is underway and the FCD is facing some important decisions. I am an Engineer, not an attorney or an excavator of gravel or a member of the FCD so my concerns were focused on sound engineering/construction principals for flood control purposes. The FCD has the responsibility of sorting out all the advice given to it and making wise decisions for the benefit of the people paying for flood protection.

## **APPENDIX**



**DIVERSION DITCH ABOVE GRAVEL PIT OPERATION**



**CONCRETE APRON CROSSING CANAL - MIDDLE CHANNEL**



**NEAR THE MOUTH OF THE CANYON  
TWO ROADS MEET AT THIS POINT**



**ROAD CROSSING THE MAIN CHANNEL**



**ROCK BROKEN OFF NORTH POINT OF THE MOUTH OF COOK CANYON**