

PLANNING COMMISSION MEETING

December 17, 1987

Meeting of the Box Elder County Planning Commission held on Thursday, December 17, 1987 at 7:00 p.m. in the County Commission Chambers. Present were Chairman Richard Kimber, Steve Grover, Jon Thompson, Kent Newman, Robert Valentine, Don Christensen, and DeVon Breitenbeker. Ex-officio members, Denton Beecher and Jay R. Hirschi.

Chairman, Richard Kimber called the meeting to order at 7:00 p.m. and asked for the reading of the minutes of the November 19, 1987 meeting. Following the reading of the minutes, Jon Thompson made a motion that they be approved. The motion was seconded by Steve Grover and approved.

BRAD GROVER MINOR SUBDIVISION - Brad Grover was not present and Surveyor, Denton Beecher, presented his request for a minor subdivision and explained the circumstances involved. Beecher reported that the property is located in East Garland and for Mr. Grover to obtain a building loan, it is necessary for him to create a legal lot. His water and sewer are in place and there is no zoning restrictions in the area. The Commissioners were in agreement that the plat could be approved. DeVon Breitenber made a motion that the Minor Subdivision be approved on condition that no further building be allowed, but to use only the existing lot for loan purposes and no other permits be issued. The motion was seconded by Jon Thompson and approved.

KEITH HEIL

Mr. Heil again discussed his desire to construct additional facilities on his property. He was desirous of having the Planning Commission visit the area involved and reported that he only had the opportunity to view his desires with Commissioner Chase and Mr. Beecher and some members of the Planning Commission and did only what he was told to do. He invited the present Commission to take another look at his request to see what he could do to reach the

goals he desired. Chairman Kimber informed Mr. Heil that he thoroughly understands his situation and is sympathetic with his situation, but they are unable to approve any additional construction and be in violation of the zoning ordinance. Mr. Heil asked the commission to compromise with his problem. Robert Valentine informed Mr. Heil that they are sympathetic to his situation, but where the property is zoned acre lots, and with five residents on 2.3 acres, the situation makes it impossible to reverse their previous decision. Mr. Breitenbeker said it is a piece of non-conforming property which existed before the zoning, to alter now would make more non-conforming property which they are not allowed to do. Mr. Heil said, he disagrees, but understands their situation. He also requested a letter from the Commission listing the reasons for non approval. He was informed that Mr. Beecher would prepare something within the next ten days.

#### CAL THORPE HARPER ZONE CHANGE

Mr. Thorpe submitted a request to relocate the zone boundary on his property because the present zoning boundary separates his present lot where his house is located. Mr. Beecher informed the Commission that they cannot change a zone boundary without a public hearing, and only then can a boundary be changed. Mr. Thorpe read parts of an ordinance for city's and towns regarding the Board of Adjustments and their purpose. He said the city's and towns and ordinance is more clear than the Counties, but is basically the same. Chairman Kimber said there are some legal implications here:

1. Mr. Thorpe has been reading from the regulations of the Board of Adjustments who have not been addressed.
2. The Commission must reach a decision so Mr. Thorpe will know what he should do and must be presented before the Planning Commission before going to the Board of Adjustments.
3. The Commission can accept his presentation and make the necessary decision.

4. Must hold a hearing before any zone boundary can be changed. Following much discussion, Steve Grover made a motion that the request made by Mr. Thorpe to change the boundary of a zoning district be denied. The motion was seconded by Kent Newman. Chairman Kimber asked for a vote on the motion with the following results:

In favor of the motion - Steve Grover, Kent Newman, DeVon Breitenbeker, and Don Christensen. Those opposed to the motion were Jon Thompson and Robert Valentine. The motion was approved.

#### AT&T CONDITIONAL USE PERMIT

Denton Beecher explained the need for AT&T to construct a four fiber optic generator sites in Box Elder County about twenty miles apart. He said the buildings will be prefabricated with footings and foundations and each will need power. Following a discussion, a motion was made by Jon Thompson that the request by AT&T for a conditional use permit be granted. The motion was seconded by Don Christensen and approved.

#### WILLARD CITY LETTER REGARDING SENSITIVITY ZONE

Denton Beecher read a letter received from Willard City Corporation, dated November 17, 1987, regarding their feeling of the proposed gravel pit adjacent to their city limits. (Copy 1). The letter was received and accepted by the Commission to be taken under advisement. Robert Valentine made a motion that they should acknowledge receipt of the letter to be taken under advisement and request a copy of the Willard City Sensitivity Ordinance for distribution to the members of the Planning Commission for their review and study. The motion was seconded by Steve Grover and approved.

#### DARREL NIELSEN

Chairman Richard Kimber reported to the Commission that he has received a letter from the County Attorney with a copy of the re-drafted conditions to the Conditional Use Permit of Darrell Nielsen. (Copy 2).

A motion was made by Jon Thompson that the word 'membership' as was previously written in condition No. 20 be changed to 'quorum'. The motion was seconded by Don Christensen and approved.

Following a review of the redrafted conditions, a motion was made by DeVon Breitenber that the Commission accept the Conditions for Darrell Nielsen Conditional Use Permit as prepared by the County Attorney. The motion was seconded by Kent Newman and approved.

Denton Beecher read the findings of the Commission as prepared by the County Attorney with his letter to the Commission attached. A motion was made by Kent Newman that the findings of Box Elder County Planning Commission be adopted by the Commission and to authorize the Chairman to sign the report. The motion was seconded by DeVon Breitenber and approved. (Copy 3).

Jeff Thorne, attorney for Darrell Nielsen presented to the Commission the comments on Box Elder County conditions for Darrell Nielsen Conditional Use Permit. (Copy 4). Chairman Richard Kimber recommended that the material be accepted as submitted with the opportunity to review and ask any questions at a later date.

Attorney questioned condition No. 6, in that if the road is to be completed before a permit is issued, how is it possible to use gravel from the areas for roadfill. He also would want approval from the Commission to go onto the property to dig some test holes which would not be classified as excavating. There was some question if the Commission could give a partial approval or temporary approval, or must all conditions be done before any permit can be issued?

Attorney Molgard said that a permit from Willard City is necessary to excavate a road in Willard City, which they have not done. He also stated that test holes, as proposed, are part of preparation of the gravel permit itself and should not be allowed until the full permit is approved. Attorney Molgard said that this is a very important matter for Willard City and the residents and

feels everything submitted should be available so all interested persons who want to have any input can do so. Denton Beecher suggested that the matter does not go on the Commission agenda until everything is received and all has had a change to review. Mr. Darrel Nielsen felt they should be allowed to submit the information as the conditions are fulfilled so they can get a response from Mr. Beecher or the Planning Commission if what they have done is approved or if there is any additional requirements pertaining to each condition. Following further discussion, Kent Newman made a motion that any information regarding the Nielson Gravel Pit and conditions thereto be submitted at least ten days prior to any Commission meeting so they can have to review prior to being put on the agenda. The motion was seconded by Steve Grover and approved.

Chairman Richard Kimber read the minutes of the Board of Adjustments on their meeting held on December 1, 1987, regarding a variance pertaining to lot size in South Willard and the action taken. (Copy 5).

Proposed and approved by the Planning Commission that their annual dinner for members of the Commission be held at Maddox on January 21, 1988 at 6:00 p.m. with the regular Planning Commission meeting starting at 8:00 p.m.

Meeting adjourned at 9:30 p.m.

RECEIVED  
BOX ELDER COUNTY  
SURVEYOR

NOV 23 1987

# Willard City Corporation

Brigham City, Utah  
Willard, Utah 84340

80 West 50 South



Copy 1  
Minutes 12/17/87

November 17, 1987

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

Dear Sirs:

Section 1 - 12-100-2 of the Uniform Zoning Ordinance of Willard City and Box Elder County entitled "Purpose" states, "This ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Willard City and or Box Elder County, including among other things, the lessening of congestion in the streets, or roads, securing safety from fire and other dangers, providing adequate light and air classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the agricultural and other industries, and the protection of urban development."

As representatives of the citizens of Willard interested in the above purposes which make Planning and Zoning a must the Willard City Council urgently requests the Box Elder Planning Commission to review the properties immediately adjacent to the Willard City sensitivity zone and study the feasibility of identifying this area as a County sensitivity zone. In the meantime we request a moratorium on any development in this area until such time as review can be completed.

Willard City is unique in the fact that the land which most impacts our watersheds and flooding is not within its jurisdiction. We are currently at the mercy of Box Elder County to ensure all possible flooding zones and watershed storage and recharge areas are protected. The management of this sensitive area above our community to the East is of vital importance to the citizens health, safety, welfare, and prosperity, one mistake and the results of Mother Nature can be disastrous, as we have seen. Even with no mistakes, Mother Nature in this area can be unforgiving. As you are aware, there has been a continual battle for the past 6 years

between land owners, gravel pit developers, owners and Willard City. Public pressure to take a closer look at the impact of development in certain areas of our community and the areas prones to flooding and existing flood channels and plains, its uniqueness as a water shed and recharge area, its susceptability to erosion and toher hazards resulted in the establishment of sensitivity zones. Running through these zones however, is a line that ends the cities jurisdiction and begins Box Elder Counties. The County has a small strip running continual to the East of the city throughout its width. It therefore requires us if we are to have a true impact with our sensitivity zones to ask that the County study this area and designate its jurisdiction adjacent to our sensitivity zones as sensitivity areas also. This would result in the most impact and provide for the continuity to insure that these sensitivity areas in the city will not be compromised.

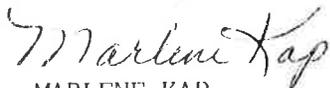
This finally must be the end result, to provide continuity and unity in the planning and zoning of the area in order to fulfill the purposes as outlined in Section 12-100-2 entitled "Purpose of the Uniform Code" as quoted at the beginning of this letter.

Certainly it would be a credit to the citizens we represent as government bodies if we could work together to resolve this problem, and provide for those purposes.

Sincerely,



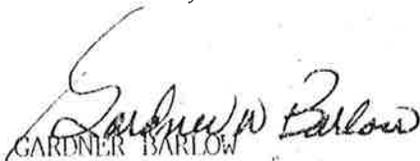
LONNIE THORPE  
Mayor, Willard City



MARLENE KAP  
Council member  
Willard City



STEPHEN BINGHAM  
Council member  
Willard City



GARDNER BARLOW  
Council member  
Willard City



ROD MUND  
Council member  
Willard City

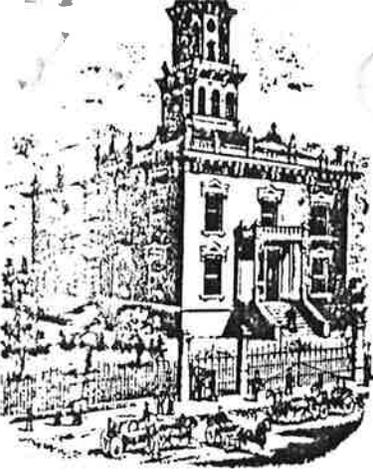


ALVIN WELLS  
Council member  
Willard City

COUNTY COMMISSIONERS  
FRANK O. NISHIGUCHI  
ROBERT G. VALENTINE  
JES J. WHITE

# Box Elder County,

STATE OF UTAH



CIRCA 1880'S



CIRCA 1980'S

### OFFICERS

- AFTON R. DARNELL, COUNTY TREASURER
- JAY R. HIRSCH, COUNTY CLERK
- ROBERT E. LIMB, COUNTY SHERIFF
- MARIE G. KOTH, COUNTY RECORDER
- JON J. BUNDERSON, COUNTY ATTORNEY
- VON R. GURTIS, COUNTY ASSESSOR
- DENTON BEECHER, COUNTY SURVEYOR
- DORIS L. OLSEN, COUNTY AUDITOR

December 2, 1987

*Copy 2  
Minutes 12/17/87*

Richard Kimber, Chairman  
Box Elder County Planning Commission  
Box Elder County Courthouse  
Brigham City UT 84302

Re: Darrell Nielsen Conditional Use Permit

Dear Dick:

Enclosed you will find the re-drafted conditions. Note the changes in Paragraphs 1, 17, 19 and 20, which I believe comply with your Minutes of November 19, 1987.

Your Minutes indicate that Condition No. 20 was read and a motion was made that word "membership" be changed to read "quorum". The Minutes do not indicate that this motion passed. Accordingly, I assumed that it did pass, but if I am wrong, No. 20 will have to re-drafted. Even if I am right, you should re-vote on that particular item, or at least change the minutes to reflect that the vote was held and the change was approved, if that indeed occurred.

Also, note that I have placed a date line and a signature line at the end of the conditions, where you should place your signature.

Very truly yours,

*JJB*  
Jon J. Bunderson

JJB:vll

Enc.

CONDITIONS FOR DARRELL NIELSEN

CONDITIONAL USE PERMIT

The conditions of approval for the Darrell Nielsen application for a Conditional Use Permit, Application No. 38, said application dated July 14, 1987, are as listed below. The said Conditional Use Permit shall be considered approved and shall be issued only after all of the following conditions have been met.

1. Dust emissions from the premises described in the application shall never exceed that which is allowed by the Utah Air Conservation Regulations as adopted by the Utah Air Conservation Committee and the Utah State Board of Health, dated September 26, 1971, with all subsequent amendments or addendums adopted thereafter. A copy of said regulations as they currently exist is attached and by this reference made a part hereof.
2. Approval of applicant's project, in writing, shall be obtained from the Utah Air Conservation Committee and Utah State Board of Health and submitted to the Box Elder County Planning Commission.
3. A written reclamation plan, prepared by a qualified expert, setting out specific steps and/or procedures as to how the premises described in the application shall be reclaimed following gravel excavation shall be prepared, submitted to the Box Elder County Planning Commission, and approved in writing by a majority of the said Planning Commission.

4. A written plan, with attached diagrams, drawings, and other exhibits, covering the entire premises and showing the areas of excavation and construction shall be prepared, submitted to the Box Elder County Planning Commission, and approved by the said Planning Commission. The plan shall include, but not be limited to, descriptions of side slopes to be left for reclamation, bottom-out elevation, detention basin locations, and shall describe and depict how the surrounding area will be protected from flood water through the construction periods and thereafter, and shall describe and depict all access routes, and shall provide appropriate vertical and horizontal data.

5. Written permission from the Utah Department of Transportation providing and describing any conditions upon access onto State Road 89 shall be obtained and submitted to the Box Elder County Planning Commission. Said written permission shall include and list any conditions concerning access, any restrictions on access or crossing, any particular safety requirements imposed, and any weight limits for loads.

6. The access road to the premises shall be constructed with an asphalt surface so as to be dust free at all times. The applicant shall submit to the Box Elder County Planning Commission a map showing the location of the proposed access road, and the said Planning Commission shall designate that portion or portions of the road which shall be constructed with an asphalt surface.

That portion of the access road designated as requiring an asphalt surface shall be maintained and repaired as necessary so it shall continue to be dust free at all times.

7. Applicant shall obtain written comment from the Box Elder County-Willard City Flood District stating that applicant's activities will not interfere with said Flood District's plans, and further stating that the applicant's activities will enhance, improve, or complement the Flood District's plans and goals. This document shall be submitted to the Planning Commission and its content approved by a majority of the Planning Commission.

8. Applicant shall produce and submit to the Box Elder County Planning Commission written permission from the Ogden River Water Users Association allowing applicant to cross their canal at specified locations. Applicant shall also produce and submit to the Box Elder County Planning Commission a written agreement from the Ogden River Water Users Association holding Box Elder County and all of its agents and employees harmless from any damages sustained by the Ogden River Water Users Association as a result of the activities of applicant or his agents or employees.

9. Applicant shall produce and submit to the Box Elder County Planning Commission a plan showing in detail how all adjacent real property will be protected from any damage. Said plan shall be reviewed by the Box Elder Planning Commission and approved.

10. Applicant shall obtain written approval from the Utah State Engineer of all proposed detention basins on the premises, and submit said approval to the Box Elder County Planning Commission.

11. Applicant shall agree, in writing, with the Box Elder County-Willard City Flood District to turn over to the said Flood District all detention basins, ditches, and other flood-related structures, works or excavations. A copy of said agreement shall be submitted to the Planning Commission. The applicant shall not require any compensation from the Flood District.

12. Applicant shall have the responsibility of arranging for and obtaining written comment from the following agencies regarding his proposed operation:

- 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.

13. Under no conditions shall any blasting ever occur upon the premises described in the application.

14. Applicant shall arrange for the preparation of a qualified engineer's estimate, in writing, for all costs of construction of flood control structures, devices, and ditches, and restoration of disturbed areas, consistent with the proposed plans submitted under conditions No. 3 and 4 hereof. These cost estimates shall be submitted to the Planning Commission for review and approval. The Planning Commission may require

further details and/or may revise the cost estimates, in its sole discretion. Upon approval by the Planning Commission of the cost estimates, the applicant shall prepare a proposed agreement providing for escrow of the funds necessary to pay said costs. Said agreement shall be reviewed by and be subject to the approval of the Planning Commission, and shall provide that Box Elder County have total control over the release of the funds, and shall provide a method of plan for the release of those funds as the improvements and restoration occur. Said agreement shall be reviewed by the Planning Commission and shall be subject to the approval of the Planning Commission and the Box Elder County Commission.

15. Applicant shall prepare and submit to the Planning Commission a proposed agreement wherein applicant holds Box Elder County harmless for any damages, claims, costs, and attorney's fees incurred by Box Elder County or its insurers as a result of any claims made or filed arising from the existence, operation, or approval of applicant's project.

16. Applicant shall prepare and submit to the Box Elder County Planning Commission documentation showing how noise levels at or emitting from the premises shall comply with Section 10-7 of the Box Elder County Zoning Ordinance. The Planning Commission shall approve such documentation. In any event, noise levels from the project shall at all times comply will Section 10-7 of the Box Elder County Zoning Ordinance.

17. No activity, construction, excavation, operation or work of any sort shall be conducted upon the premises between the hours of 7:00 p.m. and 7:00 a.m. the following day. In addition, no such activity, construction, excavation, operation or work shall be conducted between the hours of 7:00 p.m. on Saturdays and 7:00 a.m. on the following Monday. Upon application to the Box Elder County Commission, for good cause shown, the Box Elder County Commission may alter or modify these hours.

18. The Planning Commission shall review the issuance of the permit to determine if applicant is in compliance with all terms and conditions thereof on each anniversary of the issuance of the permit. As a condition of continued operation under this permit, applicant shall make such corrections as are ordered by the Planning Commission.

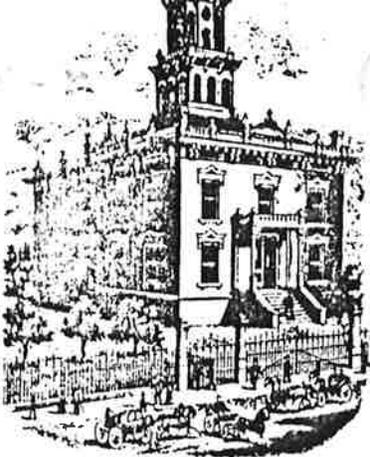
19. After the issuance of the Conditional Use Permit, the occurrence of a violation of any of the conditions specified herein shall be grounds for termination of the Conditional Use Permit. Box Elder County shall notify the applicant of any such violation, said notification to be in writing and specifying the violation and further specifying the requirement for correcting the violation, said notification to be sent to the applicant at his address shown on his Application for Conditional Use Permit, Application No. 38, or as such other address as applicant may direct, in writing. Said notification shall be sent certified mail with a return receipt

requested. If the violation is not corrected to the satisfaction of the Planning Commission within ten (10) working days of the written notification, the Conditional Use Permit shall be subject to revocation at the discretion of the Planning Commission. If the Planning Commission revokes the Permit, upon the occurrence of such a revocation, applicant shall forthwith cease any construction, excavation, or gravel pit operations of any sort upon the premises, and the County shall be entitled to withdraw such funds from the escrow account provided for herein as are necessary to restore the site, and shall commence restoration, using such of the escrowed funds as are necessary to complete restoration and the necessary and appropriate flood control structures.

20. Any reference in these conditions to the approval of the Planning Commission or anything requiring approval of the Planning Commission shall be defined to mean that the Box Elder County Planning Commission may require, in its sole discretion, changes, additions, or deletions, as it may desire, before any approval, and approval shall mean that a majority of a quorum present at a Planning Commission meeting affirmatively votes to approve the document, thing or item which is the subject of approval.

DATED this 17th day of December 1987.

  
RICHARD KIMBER, CHAIRMAN



CIRCA 1880'S

# Box Elder County,

## STATE OF UTAH

FRANK O. NISHIGUCHI  
ROBERT G. VALENTINE  
JES J. WHITE

### OFFICERS

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JON J. BUNDERSON, COUNTY ATTORNEY  
VON R. GURTIS, COUNTY ASSESSOR  
DENTON BEECHER, COUNTY SURVEYOR  
DORIS L. OLSEN, COUNTY AUDITOR



CIRCA 1880'S

December 2, 1987

*Copy 3  
Minutes 12/17/87*

Richard Kimber, Chairman  
Box Elder County Planning Commission  
Box Elder County Courthouse  
Brigham City UT 84302

Re: Darrell Nielsen Conditional Use Permit

Dear Dick:

Enclosed you will find some suggested brief Findings. If you find them appropriate and acceptable, I would suggest that you adopt these in the next meeting.

Also, it is very important to have someone make a motion to adopt the final draft of the conditions (which you will find enclosed), have someone second it, have a vote on it, and note who voted yes and who voted no. All that should appear specifically in your minutes, and those minutes should be read and approved at the following meeting.

Also, as I understand it, the Conditional Use Permit actually has a place on the back of the application for the signature of the Planning Commission Chairman, and a list of conditions imposed. A copy of the list of conditions should be attached to the permit itself, and in the place provided on the permit, reference should be made to the attached conditions being those conditions of approval. You should also be sure that the permit is filled out properly, signed, and the conditions attached and referred to appropriately.

Very truly yours,

Jon J. Bunderson

JJB:vll  
Encs.

FINDINGS OF BOX ELDER COUNTY PLANNING COMMISSION

The Box Elder County Planning Commission, having considered the Conditional Use Permit Application No. 38 sought by Darrell Nielsen, said Application dated July 14, 1987, hereby finds as follows concerning said Application.

1. The Commission has adopted various conditions which are listed in a separate document attached hereto, and the Commission finds that the said conditions and requirements are reasonably necessary for the protection of adjacent properties and the public welfare.

2. The Commission further finds that compliance with the attached conditions will protect adjacent properties and the public welfare.

3. The Commission further finds that, upon the said conditions being met, that the use of the Darrell Nielsen property as specified in Application No. 38 will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

4. The Commission further finds that upon said conditions being met, the proposed use, as specified in Application No. 38, will comply with those regulations and conditions specified in the Box Elder County Zoning Ordinance.

5. The Commission further finds that the said conditions shall constitute the itemization and description of those conditions imposed upon Darrell Nielsen, and that the said conditions imposed are justified and are reasonable under the circumstances.

DATED this 17th day of December 1987.

  
RICHARD KIMBER, CHAIRMAN

ATTEST:

  
SECRETARY

The above findings were adopted by the Box Elder County Planning Commission on the 17th day of December 1987, at a regularly scheduled meeting, upon Motion made by Kent Newman and seconded by DeVon Breitenbeker, with 7 members present and 7 members voting for and 0 members voting against said Motion.

Copy 4  
minutes 12/17/87

COMMENTS ON BOX ELDER COUNTY

"CONDITIONS FOR DARRELL NIELSEN CONDITIONAL USE PERMIT 12/16/87"

PARA 1- THE OPERATION WILL COMPLY WITH ALL DUST EMISSION STANDARDS

PARA 2- (SEE ATTACHED EXHIBIT B)

PARA 3- COMPLETE - (SEE ATTACHED EXHIBIT C)

PARA 4- COMPLETE - (SEE ATTACHED EXHIBITS D, E, & F,)

PARA 5- COMPLETE - (SEE ATTACHED EXHIBIT G)

PARA 6- COMPLETE - (SEE ATTACHED ACCESS ROAD PLAN EXHIBIT F)

PARA 7- COMPLETE - (REFER TO ATTACHED BOX ELDER - WILLARD CITY FLOOD DISTRICT LETTERS - EXHIBITS H-1, H-2, H-3, H-4 & H-5)

PARA 8- COMPLETE - (SEE ATTACHED EXHIBIT I)

PARA 9- COMPLETE - (SEE ATTACHED EXHIBIT D & F)

PARA 10- IT IS PROPOSED THAT THE EXISTING BOX ELDER COUNTY-WILLARD CITY FLOOD CONTROL DISTRICT FLOOD CONTROL DETENSION BASIN BE ENLARGED TO PROVIDE A MINIMUM OF DOUBLE ITS PRESENT CAPACITY. THIS WILL BE ACCOMPLISHED BY EXCAVATING "UPSTREAM" TO PROVIDE THIS EXPANDED CAPACITY AND NOT DISTURB OR MODIFY THE EXISTING DAM STRUCTURE. FINAL DRAWINGS WILL BE SUBMITTED TO THE FLOOD CONTROL DISTRICT AND THE UTAH STATE ENGINEER FOR APPROVAL PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION.

PARA 11- THE BOX ELDER COUNTY - WILLARD CITY FLOOD DISTRICT HAS NOT INDICATED TO THIS DATE WHETHER THE DISTRICT WANTS TO HAVE THE SPECIFIED FACILITIES "TURNED OVER" TO IT. NIELSEN AGREES HOWEVER TO FURNISH WITHOUT COMPENSATION EASEMENTS TO ACCOMMODATE THE SPECIFIED FACILITIES.

PARA 12- COMPLETE - (SEE ATTACHED EXHIBITS J, K, L & M)

J- UTAH GEOLOGICAL SURVEY

K- U. S. SOIL CONSERVATION SERVICE (TO BE SUBMITTED TO DENTON BEECHER)

L- U. S. FOREST SERVICE

M- UTAH DIVISION OF WILDLIFE RESOURCES (SENT TO COMMISSIONER VALENTINE)

PARA 13- AGREED BY NIELSEN UNLESS WRITTEN PERMISSION RECEIVED FROM COUNTY.

PARA 14- SEE ATTACHED EXHIBIT N. NIELSEN WILL PREPARE AN AGREEMENT AS SPECIFIED IN THIS PARAGRAPH.

PARA 15- COMPLETE (SEE ATTACHED EXHIBIT O)

PARA 16- NIELSEN AGREES TO COMPLY WITH THE NOISE LEVEL REQUIREMENTS AS NOTED IN BOX ELDER COUNTY ZONING ORDINANCE, CHAPTER 10 - PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES AS PERTAINS TO 10-7 (1) NOISE. (SEE ATTACHED EXHIBIT P)

PARA 17- AGREED BY NIELSEN (UNLESS SPECIFIC AUTHORIZATION OTHERWISE IS RECEIVED FROM BOX ELDER COUNTY).

PARA 18- NOTED

PARA 19- NOTED

PARA 20- NOTED

  
DARRELL NIELSEN



*American Environmental  
Testing Company, Inc.*

*565 South Birch Drive  
Spanish Fork, Utah 84660  
801-266-7111*

December 8, 1987

Utah Air Conservation Committee  
Executive Secretary, Mr. Burnell Cordner  
P. O. Box 16700  
Salt Lake City, Utah 84116-0700

Re: "Notice of Intent" to  
locate DN Land Develop-  
ments ELJay Cone Crusher  
Plant.

Dear Mr. Cordner:

For and in behalf of DN Land Development's Mr. Darrell Nielsen, American Environmental Testing, Inc. (AET) respectfully submits this "Notice of Intent" to locate a crushing plant in Willard, Utah as per Section 3.1 of the Utah Air Conservation Regulations (UACR).

I. Process Parameters

A. Description

Natural occurring gravel and rock deposits are crushed and screened to produce marketable products for the construction and building trades.

Table I lists all of the equipment that will be used at the proposed portable plant that will be initially located in Willard, Utah.

**EXHIBIT B**

Table I

Item	Description	Serial No.
1	Control Trailer	C68A575
2	300 KW Diesel Generator	Cat. D 343
3	El Jay 1145 Cone Crusher C/W 125 hp elec. 30' X 30" recycle belt 25' X 36" + 10 hp elec. Outfeed W/20 hp elec - 9' wide T/A Ch. 5' X 16' 3 deck screen w/25 hp	WR5STP759
4	Universal Jaw Crusher	UN24-1278
5	Dozer	NA*
6	Loader	NA*

\*These items will change with production requirements.

A dozer strips and pushes virgin gravel and rock into a pile. These materials are then dumped into a grizzly by a front end loader where the over-flow is routed directly into the jaw crusher to be reduced in size and rerouted to the screen. The grizzly under-flow goes directly onto the screen deck where various size fractions are separated according to sales requirements. Oversized material from the screen are cycled back into the cone crusher to be reduced in size again until the desired size is obtained.

Typically the plant will produce 1½" rock and 1" road base. Occasionally some ½" to ¼" rock chips will be produced.

Photographs I and II show the physical aspects of the crushing plant and the finished product belts and piles.

Diagram I shows a typical plot plan for this portable crushing plant with process flow indicator arrows.

II. Raw Materials and Process Data:

Production rate from virgin materials will be less than  $5.0 \times 10^5$  tons per year (@1250 hrs at 400 TPH). Fuel consumption rates will be as follows: (#2 Dielse)

1. Jaw Crusher = 3 to 4 gal/hr or a total of less than 5000 gal/yr.

PHOTOGRAPHS

I



II

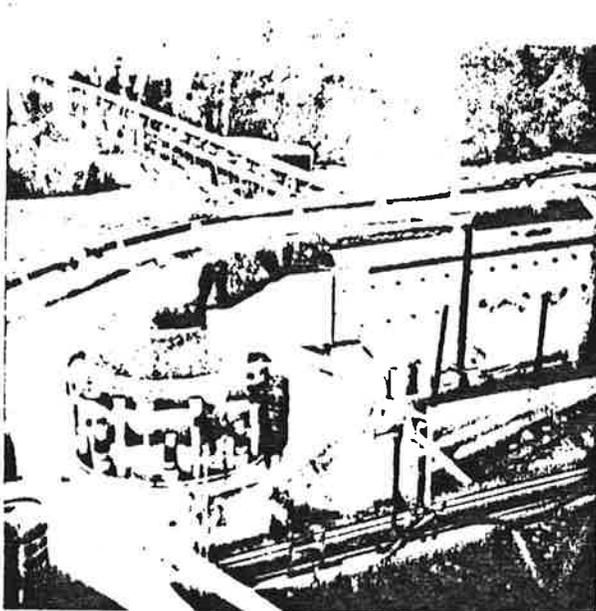
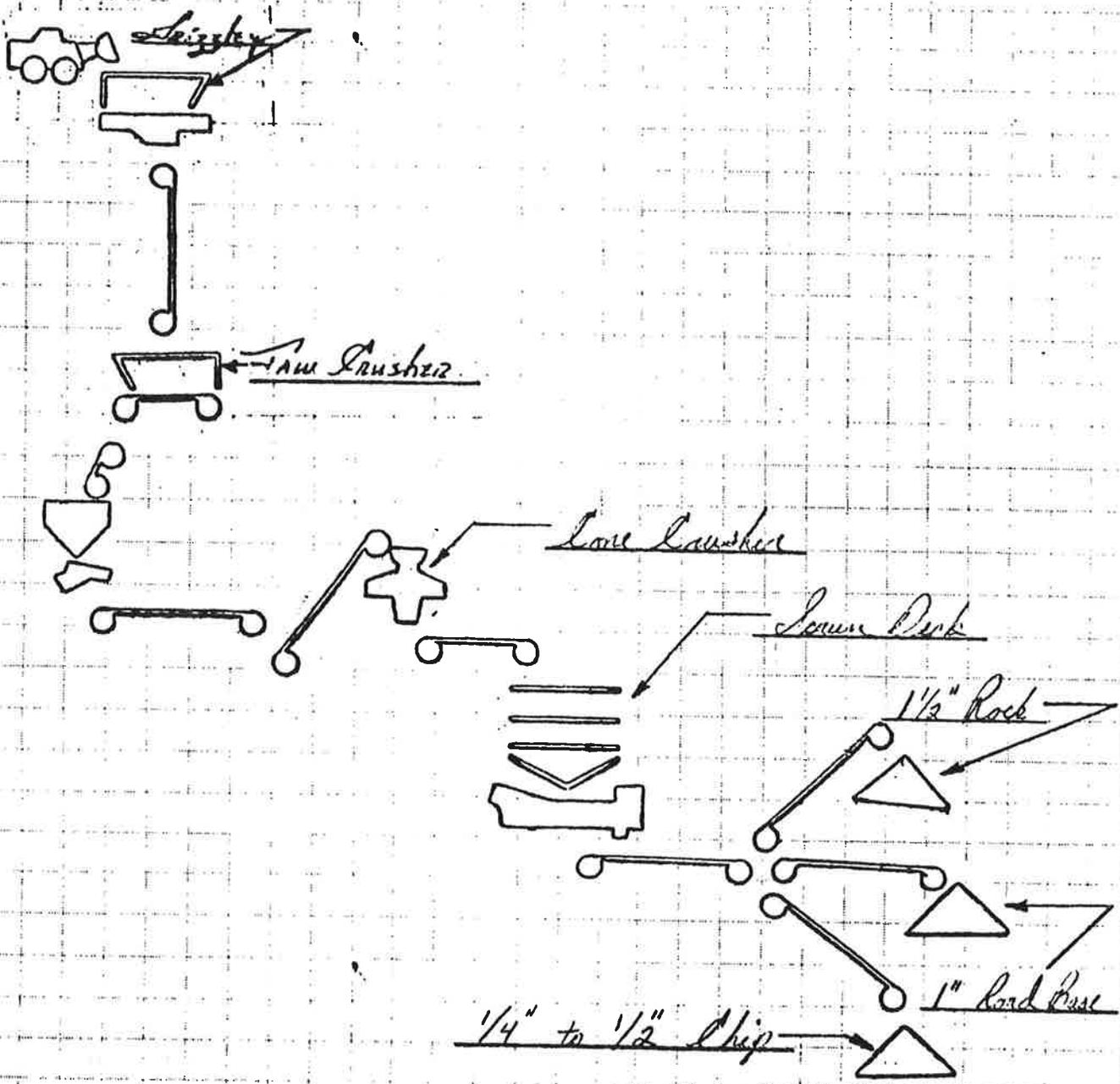
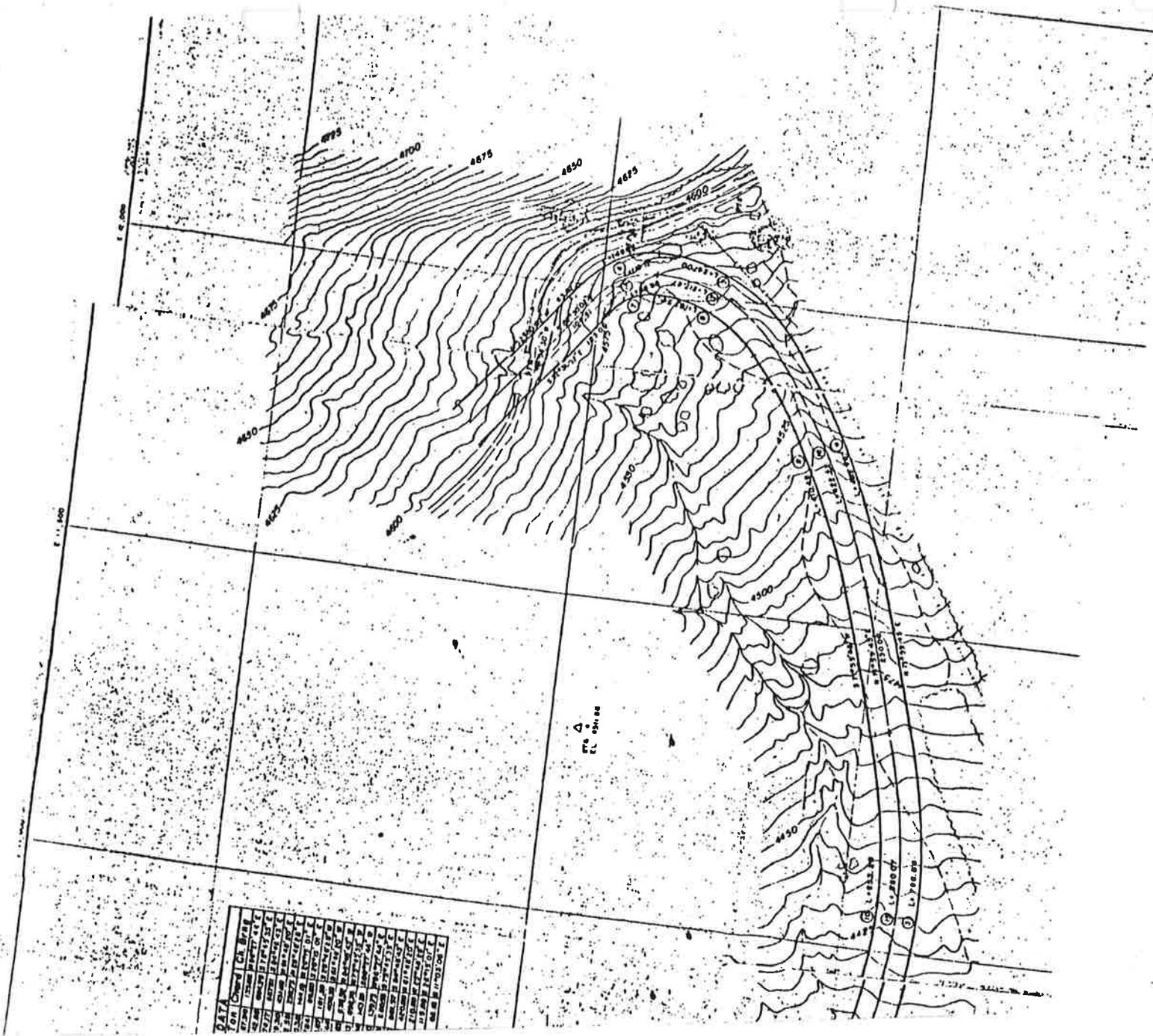


Diagram I.





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2. Generator = 5 to 6 gal/hr for a total of less than 7500 gal/yr
3. Dozer and Loader = 3 to 4 gal/hr for 400 hours each or less than 3200 gal/year.

The virgin materials at the proposed Willard site are approximately 50:50 carbonaceous and siliceous. Moisture content of the product piles will be approximately 3.5 to 6.0% (Wt. basis). Product sizes are given on the plot plan. The -100 mesh fraction for the road base and -1½" rock is @6.0% and 1.3% respectively. Table II, shows typical product size fractions.

Table II

(% Passing)

Road Base (-1")		Rock (-1½")		Chips ½" to ¼")	
1	100%	1½	100%		100%
1/2	95%	1	85%	1/4	90%
5/8	85%	1/2	65%	4m	5%
#4m	60%	4m	50%	8m	2%
#8m	40%	8m	30%	16m	1%
#16m	30%	16m	20%	50m	1%
#50m	20%	50m	10%	-200m	0-2%
-200m	6%	-200m	6%		

	Tons	Tons	Tons
Stockpile size =	@50,000	@50,000	@10,000
Moisture %	@6.0	@6.0	@6.0
Mined	Nov. - Apr.	Nov. - Apr.	Nov. - Apr.
Used	Apr. - Nov.	Apr. - Nov.	Apr. - Nov.

III - Emission Calculations:

A. Mining (Bulldozing - AP42 Table 8.24-2).

$$EM (F) = \frac{5.7(5)^{1.2}}{(3)^{1.3}} = 9.4271 \text{ lbs./hr.} \quad \text{where } 3\% \text{ H}_2\text{O} \\ \text{+ silt } 5.0\%$$

Rate of prod. = 700 TPH = 714.3 hrs. of use.

$$(714.3 \text{ hrs.})(9.4271 \text{ lbs./hr.})(1 \text{ ton}/2000 \text{ lbs.}) = 3.37 \text{ TPY}$$

$$\begin{aligned} \text{TSP} &= (3.37 \text{ TPY} \times 52\%) = \underline{1.752 \text{ TPY}} \\ \text{PM}_{10} &= (3.37 \text{ TPY} \times 48\%) = \underline{1.618 \text{ TPY}} \end{aligned}$$

B. Crushing (Taw + Konz - AP42 Table 8.19.1-1).

$$EM (F) = 0.018 \text{ lbs./ton if } 3.0\% \text{ H}_2\text{O}.$$

$$2(0.018 \text{ lbs./ton})(5 \times 10^5 \text{ TPY})(1 \text{ ton}/2000 \text{ lbs.}) = 9.0 \text{ TPY.}$$

$$\begin{aligned} \text{TSP} &= (4.5 \text{ TPY} \times 52\%) = \underline{2.34 \text{ TPY.}} \\ \text{PM}_{10} &= (4.5 \text{ TPY} \times 48\%) = \underline{2.16 \text{ TPY.}} \end{aligned}$$

C. Screening (AP42 Table 8.19.1-1)

$$(0.16)(5 \times 10^5 \text{ TPY})(1 \text{ ton}/2000 \text{ lbs.}) = 40 \text{ TPY}$$

$$\begin{aligned} \text{TSP} &= (40 \text{ TPY} \times 51\%) = \underline{20.4 \text{ TPY.}} \\ \text{PM}_{10} &= (40 \text{ TPY} \times 49\%) = \underline{19.6 \text{ TPY.}} \end{aligned}$$

D. Batch Drop (Loader into grizzly - AP42 Table 8.19.2-2)

$$(0.06 \text{ lbs./ton})(5 \times 10^5 \text{ TPY})(1 \text{ ton}/2000 \text{ lbs.}) = \underline{15.0 \text{ TPY.}}$$

E. Continuous Drop (Conveyor into storage + product piles).  
AP42. Table 11.2.3-3 Equ. (2).

$$EM(G) = 0.37(0.0018) \left[ \frac{(5/5)(10/5)(5/5)}{(3/2)^2} \right] = 5.92 \times 10^{-4} \text{ lb./ton.}$$

$$(5.92 \times 10^{-4} \text{ lb./ton})(5 \times 10^7 \text{ TPY})(1 \text{ ton}/2000 \text{ lbs.}) = \underline{0.148 \text{ TPY.}}$$

F. Wind Erosion - Active Piles. (AP42 Sect. 11.2.3-3 Equ. (3))

$$EM(G) = 1.7(5/1.5)(365-85/235)(15/15) = 6.754 \text{ lb./day/acre.}$$

$$(6.754 \text{ lb./day/acre})(2.0 \text{ acres})(365 \text{ days/yr.})(1 \text{ ton}/2000 \text{ lbs.}) =$$
$$= \underline{2.465 \text{ TPY.}}$$

G. Vehicle Traffic.

These products will be sold on site.  $MgCl_2$  will be used on part of the roads and working area to hold down most of the fugitive emissions from customers hauling and part of the haul road will be paved (See attached maps).

\*\*

Of the total 69,983 TPY emissions in A thru G above, a 70% reduction can be effected by water spraying. This will reduce total emissions to this point to 20,995 tons per year fugitive emissions.

4. Fuel Emissions. (AP42 Table II-7-1).

	gallons/yr.
1. Diesel Consumption.	
Generator	7500
Tow Crusher	5000
Dozer + loader	1600
	<u>14,100 TOTAL.</u>

a) CO = 173 lbs./10<sup>3</sup> gal. ave em (F).  
(173 x 14.1 x 1/2000) = 1.22 TPY.

b) HC = 46.1 lbs./10<sup>3</sup> gal. ave em (F).  
(46.1 x 14.1 x 1/2000) = 0.33 TPY.

c) NO<sub>x</sub> = 360 lbs./10<sup>3</sup> gal. ave em (F).  
(360 x 14.1 x 1/2000) = 2.538 TPY.

d) SO<sub>x</sub> = 31.1 lbs./10<sup>3</sup> gal. ave em (F).  
(31.1 x 14.1 x 1/2000) = 0.22 TPY.

e) Particulate = 35.9 lbs./10<sup>3</sup> gal. ave em (F).  
(35.9 x 14.1 x 1/2000) = 0.25 TPY.

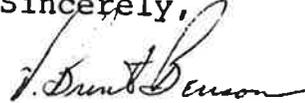
IV. Proposed Location:

Work would start in the Spring of 1988 as soon as weather and contracts permit. The location of the proposed site is shown on the attached "Excavation Permit" sketch. (Parts of Section 25 and 26, T8N, R2W, SLB and M.)

The approximate length of road to be paved, if required by Willard City, is shown on Map I. All of the road will be MgCL<sub>2</sub> treated to eliminate fugitive dust from customer use of haul roads.

Please give me a call if you have any questions concerning this application.

Sincerely,



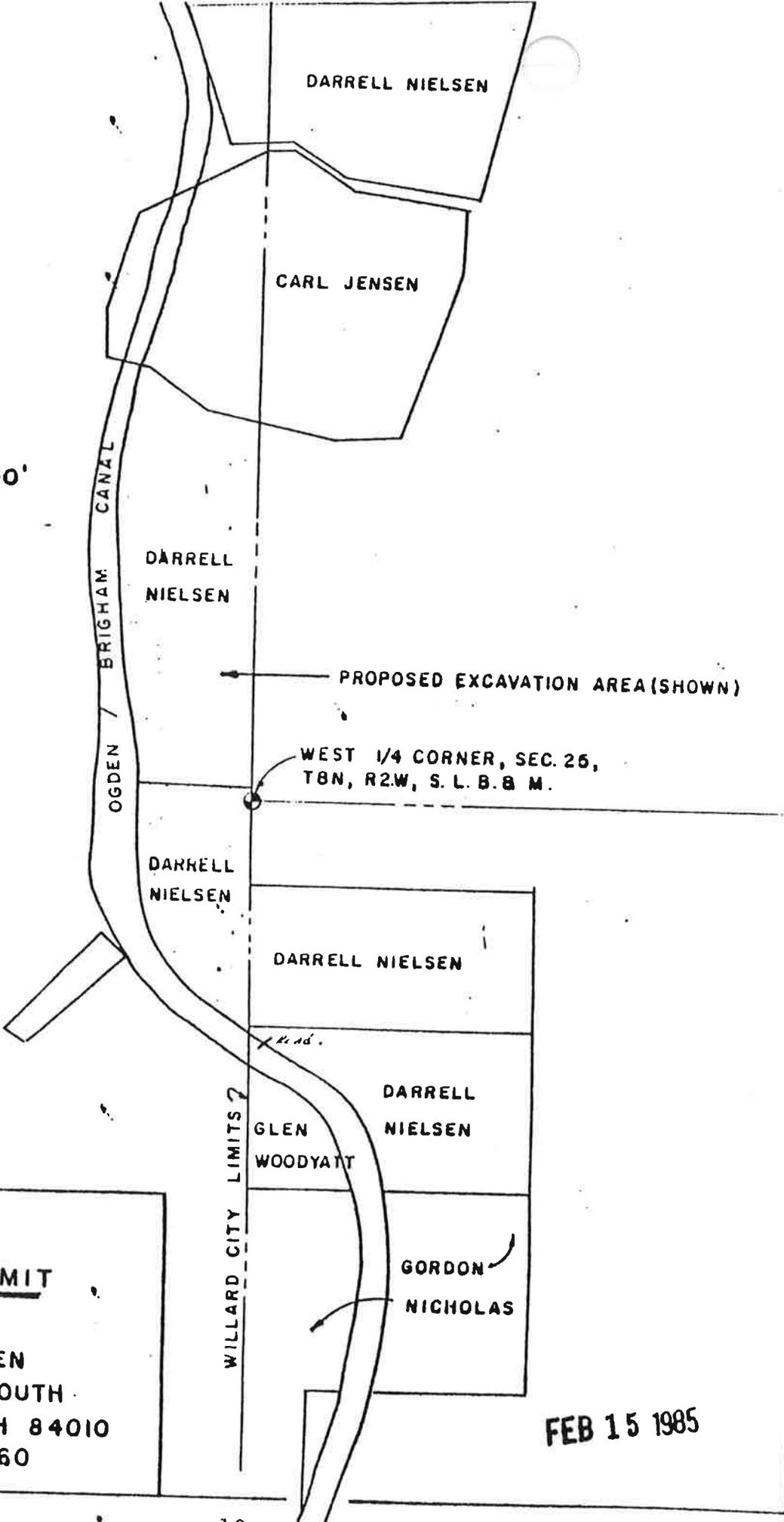
V. Brent Benson  
Technical Director

VBB/cs

cc: DN Land Development  
Mr. Darrell Nielson  
944 East 800 South  
Bountiful, Utah 84010



SCALE 1" = 400'



SKETCH FOR  
EXCAVATION PERMIT  
FOR

DARRELL NIELSEN  
944 EAST 800 SOUTH  
BOUNTIFUL, UTAH 84010  
TEL. 292-0360

FEB 15 1985



*American Environmental  
Testing Company, Inc.*

*505 South Birch Drive  
Spanish Fork, Utah 84660*

*801-266-7111*

December 8, 1987

DN Land Development  
Mr. Darrell Nielsen  
944 East 800 South  
Bountiful, Utah 84010

Dear Mr Nielsen:

Please find attached hereto the permit application we filed in your behalf, with the Utah Air Conservation Committee for your proposed operations in Willard, Utah.

If you have any questions concerning the application or anything else we can help you with please give me a call.

Thanks - we appreciate your partonage.

Sincerely,

V. Brent Benson  
Technical Director

VBB/cs

# PROFESSIONAL SUMMARY

American Environmental & Analytical Laboratories, AE&A a Utah Corporation, was founded in December of 1971 as an independent research laboratory providing the following services to industry, government and private organizations:

## 1. Analytical Chemistry:

Complete spectrum of analysis for the agricultural, energy, environmental, metal/alloy, water and occupational health fields.

## 2. Environmental:

EPA approved stack analysis for gaseous and particulate emissions, atmospheric diffusion modeling and impact studies.

## 3. Occupational Health:

Compliance surveys and impact assessments.

## 4. Process Research:

Problem Solving, analysis and consultation.

## 5. Hazardous Waste:

Sampling and Analysis

## 6. Asbestos:

Sampling and Analysis



*American Environmental &  
Analytical Laboratory, Inc.*

6178 South Stratler Avenue • Murray, Utah 84107 • (801) 266-7111

The following is a partial list of  
companies that have used AE&A  
technical services:

AMAX M.  
American Coal Company  
American Gilsonite  
Anaconda Copper Company  
Baker Industries  
Brigham Young University  
Bucyrus-Erie Corporation  
Bureau of Land Management  
Church & Dwight Corporation  
Continental Lime  
Crysen Refining  
Energy Research and Development  
Administration  
Exxon  
Eyring Research Institute  
Farmer's Insurance  
Fife Rock  
Filtrol Corporation  
Flat Iron Paving  
G.P. Construction Company  
General Electric  
Geneva Rock Products  
Gibbons & Reed Construction  
Great Salt Lake Minerals & Chemical  
Corporation  
H-K Construction  
Hercules  
Hilde Construction  
Husky Oil  
Insul Chemical  
Interstate Brick  
J.B. Parsons  
J.F. Shea Company  
Jelco  
Johnson-Mathey  
Kaiser Steel  
Kennecott Copper Division  
Levelor-Lorentzen  
Martin Marietta  
Metropolitan Insurance  
Monroc  
Morton Salt  
Mountain Fuel  
NL Industries  
National Forest Service  
National Rubber Products, Inc.  
National Semiconductor  
Newspaper Agency Corporation  
Ostler Rocky Mountain Refractories  
Phillips Petroleum  
Portland Cement  
Salt Lake Chemical  
Sierra Pacific Power  
Signetics  
Sperry-Univac  
Staker Asphalt  
Stokermatic Corporation  
Sunrise Construction  
Suro Steel Corporation  
Terra-Tek  
United States Steel - Geneva Works  
University of Utah  
U.S. Gypsum  
U.S. Lime Corporation  
Utah Biomedical Test  
Utah & Idaho Sugar Corporation  
Utah Power & Light Company  
Utah Transit Authority  
Valley Asphalt  
W.W. Clyde & Sons  
W.W. & W.B. Gardner Construction  
Western Refining Company  
Western Zirconium  
Westinghouse Nuclear  
Wheeler Machinery

(EXHIBIT C)

RECLAMATION PLAN  
FOR GRAVEL EXTRACTION AREA

- 1- INITIAL EXCAVATION WILL COMMENCE AT THE SOUTHWEST CORNER OF PHASE I OF THE PROJECT. THE INITIAL EXTRACTED PRODUCT WILL BE UTILIZED TO UPGRADE THE ACCESS ROAD AND BUILD THE SAND RUNAWAY TRUCK FACILITY. A TEMPORARY STOCKPILE FOR THE INITIAL PRODUCT WILL BE LOCATED AS SHOWN ON THE ACCESS ROAD PLAN (SEE EXHIBIT \_\_\_\_\_ F \_\_\_\_\_) UNTIL ADEQUATE SPACE BECOMES AVAILABLE WITHIN THE PROJECT LIMITS WHERE THE PRODUCT WILL THEREAFTER BE STOCKPILED. EXCAVATION SHALL PROGRESS FROM THE SOUTH TO THE NORTH IN PHASE 1 (SEE EXHIBIT \_\_\_\_\_ E \_\_\_\_\_).
- 2- AT THE TIME THE EXTRACTION IN PHASE I IS ESTIMATED TO BE 80% COMPLETE, NIELSEN SHALL FINISH GRADE THE EXCAVATED SLOPES AND APPLY SEEDING. EXCAVATION WILL THEN BE COMPLETED IN PHASE I AND THEN EXCAVATION WILL PROCEED NORTH INTO PHASE 2.
- 3- AS THE EXCAVATION APPROACHES THE EXISTING NATURAL FLOW ALIGNMENT OF COOK CANYON, THE FLOW WILL BE TEMPORARY DIVERTED THRU PHASE I AND THENCE WEST TO THE EXISTING DETENTION BASIN. (SEE EXHIBITS E & F)
- 4- AT THE TIME THE EXCAVATION HAS PROGRESSED SUFFICIENTLY NORTH PAST THE EXISTING NATURAL FLOW ALIGNMENT OF COOK CANYON, A DISCHARGE FLOW LINE WILL BE CUT THROUGH THE WEST BANK TO ALLOW THE COOK CANYON RUNOFF TO RETURN TO ITS ORIGINAL HORIZONTAL ALIGNMENT. AT THE TIME THIS HAS BEEN ACCOMPLISHED, NIELSEN SHALL FINISH GRADE THE EXCAVATED SLOPES AND APPLY SEEDING TO THE ADDITIONAL AREA EXCAVATED.

(1)

**EXHIBIT C**

- 5- EXCAVATION WILL THEN PROCEED NORTH IN PHASE 2. AT THE TIME THE EXTRACTION IN PHASE 2 IS ESTIMATED TO BE 80% COMPLETE, NIELSEN SHALL FINISH GRADE THE ADDITIONAL EXCAVATED SLOPES AND APPLY SEEDING. EXCAVATION WILL THEN PROCEED NORTH INTO PHASE 3.
- 6- AT THE TIME THE EXCAVATION IN PHASE 3 IS ESTIMATED TO BE 80% COMPLETE, NIELSEN SHALL FINISH GRADE THE ADDITIONAL EXCAVATED SLOPES AND APPLY SEEDING TO THE ADDITIONAL AREA EXCAVATED.
- 7- AT THE TIME THE EXCAVATION IS COMPLETED IN PHASE 3, NIELSEN SHALL FINISH GRADE THE ADDITIONAL EXCAVATED SLOPES AND APPLY SEEDING TO THE BALANCE OF PHASE 3.
- 8- REFER TO NOTE CONCERNING PHASE 4 ON EXHIBIT E.



O. NEIL SMITH, P.E.  
UTAH NO. 2336

TRANSPORTATION COMMISSION



SAMUEL J. TAYLOR  
CHAIRMAN  
WAYNE S. WINTERS  
VICE CHAIRMAN  
CLEM H. CHURCH  
R. LAVAUN COX  
TODD G. WESTON

ELVA H. ANDERSON  
SECRETARY

WILLIAM D. HURLEY, P.E.  
Director

GENE STURZENEGGER, P.E.  
Assistant Director

H. H. RICHARDSON  
District Director

UTAH DEPARTMENT OF TRANSPORTATION

169 North Wall Avenue  
Box 2747  
Ogden, Utah 84404

NOVEMBER 24 1987

TO BOX ELDER PLANNING COMMISSION  
BRIGHAM CITY, UTAH  
84302

To Whom it May Concern:

The Utah Department of Transportation on Aug 18, 1987 issued permit number 01991 to Darrell Nielsen for access to SR 89.

The permittee agrees to install "Trucks Entering Highway" signs north and south of the new approach as per U.D.O.T. Standards.

Upon talking with Sgt. Hymes of the Highway Patrol in the Salt Lake Office, his instruction pertaining to the weight limits are as follow:

1. 34000 lbs on tandem
2. 20000 lbs on Single
3. 80000 Legal Gross.

If there is any further question please contact Mr. Dallan Franks, Permits Officer at the UDOT office.

Sincerely,

Connie Simmons,  
Permits Secretary

Attachment

EXHIBIT G

# PERMIT

991

## HIGHWAY RIGHT-OF-WAY ENCROACHMENT

District No. ONE Date AUG 18 1987 Application of DARRELL NIELSEN  
By SAME Title OWNER

Address 944 East 800 So Bountiful 84010 Phone 292 0360 in Box Elder County

is hereby granted, subject to the Regulations for the Control and Protection of State Highway Rights-of-Way, Standard Specifications for Road and Bridge Construction, Specifications for Excavation on State Highways, General Safety Orders of the Industrial Commission, Safety Manual for Road and Bridge Construction, Instructions to Flagmen, the approved plans, and any special limitations set forth herein, permission for the purpose of Construct a 50' Paul road approach on Sr 39

within right-of-way limits of Highway No. SR 89, State Maintenance Section No. 003 1 123, Milepost No. \_\_\_\_\_, in the following location:  
South of Glen Woodratt Fruit Stand and Barn

Receipt of \$5.00 permit fee is hereby acknowledged (delete where not applicable). The work permitted herewith shall commence 8 15, 1987 and shall diligently be prosecuted to completion. The work shall be completed and all disturbed surfaces or objects restored on or before 9 15 1987. In the event work is commenced under this permit, the applicant agrees to prosecute the same to completion by the date herein above specified. In the event the applicant fails or refuses to complete the work the Utah Department of Transportation may, at its election, fill in or otherwise correct any existing impediments at the expense of and subject to immediate payment by the applicant.

Applicant shall execute a bond in the minimum amount of \$1000, increased by multiples thereof as determined by the District Director, to insure faithful performance of the permittee's obligation. The bond shall remain in force for three years after completion of the work.

Before work permitted herewith is commenced, the applicant shall notify: David Cottle 723 5704 and Frankie 399-5921 and commencement of said work is understood to indicate that the applicant will comply with all instructions and regulations of the Utah Department of Transportation with respect to performance of said work, and that he will properly safeguard said work to prevent accident and shall indemnify and hold harmless the Utah Department of Transportation from all damages arising out of any and all operations performed under this Permit.

Permittee shall not perform any work on State highway right-of-way beyond those areas or operations stipulated on the permit.

If applicant fails to comply with Utah Department of Transportation regulations, specifications, or instructions pertinent to this permit, the District Director or his duly authorized representative may by verbal order suspend the work until the violation is corrected. If the applicant fails or refuses to comply promptly, the District Director or his authorized representative may issue a written order stopping all or any part of the work. When satisfactory corrective action is taken, an order permitting resumption of work may be issued.

Special Limitations: THE PERMITTEE AGREES TO INSTALL 'TRUCKS ENTERING HIGHWAY' SIGNS  
WEST AND SOUTH OF THE PAUL APPROACH AS PER U.D.O.T. STANDARDS

Darrell Nielsen  
(Signature of Applicant)

Approved by: [Signature] OFFICER  
FOR District Director

November 17, 1987

Box Elder County Planning Commission  
Brigham City, Utah

Gentlemen:

We understand that you will be reviewing and establishing conditions on the use permit for a gravel extraction operation for Mr. Darrell Nelson in the Cooks Canyon area East of Willard.

We understand that the preliminary listing of conditions as they relate to flood control include the following:

1. That the Flood Control District have a opportunity to review detailed plans for flood control as they are developed and comment to the planning commission.
2. That an Escrow Account based on detailed plans and realistic cost estimates be established under county control to insure that required flood control restoration and mitigation measures be completed in accordance with a fixed time schedule.
3. Approval of the Utah State Engineer as required by law for Detention Basins be obtained by the permittee.
4. Details of ownership of, easements for, and the maintenance of flood control facilities be negotiated with the flood district prior to approval for their construction.

The alluvial fan in Cooks Canyon at present time provides a significant flood control benefit. As it is removed as proposed, it must be replaced by the construction of flood control works that will provide at least the current level of protection. The Flood District Board supports the imposition of conditions that will accomplish this goal.

Sincerely

Wayne Braegger, Chairman

EXHIBIT H-1

September 17, 1987

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

Dear Members:

It has been brought to our attention that a letter of recommendation written by Russell Brown to our Flood Control District has been construed to express the Flood Districts approval of gravel excavation on the property of Darrell Nielsen.

First I am quite surprised that someone did not take the time to notice the heading of the letter which clearly states that the recommendation is for flood control aspects "only".

We understand the question had been asked of Don Christensen, if the District had approved the plan. Don stated it had not, which is correct. We did, however, approve the letter, itself, a copy of which was sent to Darrell Nielsen and the Planning Commission in relation to what the District would expect in the way of flood control measures IF the Planning Commission and Willard City gave permission for the excavation project.

Once again we feel it necessary to state that this flood control group has no authority to recommend for or against the gravel proposal. Neither do we make any proposals other than flood control aspects. We would, however, highly recommend that the Planning Commission consider flooding and its proper control in any decision which you may make.

Letter by consent of the entire Flood Control group -  
9/3/87.

Sincerely,

*Wayne H. Braegger*  
WAYNE H. BRAEGGER  
Chairman,  
Box Elder County  
Willard City Flood  
Control District

cc: Willard City  
Darrell Nielsen

EXHIBIT H-2



**ROLLINS,  
BROWN and  
GUNNELL,  
INC.** professional  
engineers

August 6, 1987

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

Gentlemen:

I have reviewed a series of drawings prepared for Darrell Nelson. The drawings prepared by Onesco Engineering Company consist of 5 sheets numbered 1 through 5 and a sheet numbered add A", all dated August 3, 1987. These plans are for a gravel extraction project in the Cook Canyon area East of Willard City in Box Elder County. The review covers only the flood control aspects of the project. Specifically, the flood control portion of the plan proposes the following:

1. Expand the existing Cooks Canyon Derbis Basin from its current capacity of about 8 acre feet to about 16 acre feet.
2. Grade and shape the access roadway such that runoff above the existing Cooks Canyon basin would be directed into this basin.
3. Begin excavation in the south-east corner of the property in an area not currently subject to flooding.
4. Construct a rock dike along the south-east side of the existing flood channel above the canal. The purpose of this dike is to insure that the flood waters would stay in the existing channel where it crosses the canal.
5. Rip rap the area just below the canal in the existing channel to protect the canal pipe against erosion.

1435 WEST 820 NORTH  
POST OFFICE BOX 711  
PROVO, UTAH 84603

PROVO 374-5771  
SALT LAKE CITY 521-5771  
AREA CODE 801

EXHIBIT H-3

6. A long term proposal, when space is available, is to construct a second detention basin above the canal to contain the extra water generated because of a loss of seepage area.
7. Ultimately, the entire area of the excavation would drain south through the basin described in 6 and then to the existing Cooks Canyon System.

The system as described in the plans meets the District's goals for flood control as outlined in my letter of July 8, 1987 and when constructed should provide at least the current level of flood protection for property in the area.

If a conditional use permit is issued for this gravel removal operation by the County, I would recommend that a bond or some other guarantee be required to insure that the flood control facilities proposed in the plan will be constructed.

Easements covering any facilities to be turned over to the district should be required and the proposed new detention basin design must be approved by the Utah State Engineer.

Sincerely,

*Russell O. Brown*

Russell O. Brown

ROB:jy

*Flood Control District Wayne H. Brugger, Chairman*  
*8-28-87*



July 8, 1987



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

Gentlemen:

I have reviewed the drawings submitted by Mr. Darrell Neilson for a permit to remove gravel from his property in the Cooks Canyon area east of Willard.

The proposed excavation is a long range plan that would eventually remove the major part of the Cooks Canyon alluvial fan. I have located the south part of the proposed excavation on the attached Sheet 12 which also shows the flood control improvements constructed in the Cooks Canyon area. The proposed excavation is outlined in yellow. The excavation covers part of the exiting flood channels out of Cook Canyon so there is an impact on flooding in the area.

As a background for the Box Elder County Commission and the Box Elder County Planning Commission, the following information is presented.

A memo that describes the September 1982 Flood in the area is attached. Flooding of a greater magnitude occurred in September of 1983 and has occurred several times since 1983. The estimated flood flows at the mouth of the canyon are as follows:

	<u>10 year</u>	<u>25 year</u>	<u>50 year</u>	<u>100 year</u>
Cooks Canyon	72 cfs	134 cfs	170 cfs	208 cfs

The Flood Districts system in the Cooks Canyon area is designed for the 50 year storm which is a standard used in most areas of Utah for major flood channels. It is assumed that the 50 year flow of 170 cfs at the canyon mouth is reduced to 85 cfs by the time it reaches the canal and that flow through the channel below the canal through the detention basin reduces the flow to 70 cfs which is the capacity of the storm drain leading from the detention basin. These assumptions are supported by the observations of flooding described in the attached memo.

1435 WEST 820 NORTH  
POST OFFICE BOX 711  
PROVO, UTAH 84603

PROVO 374-5771  
SALT LAKE CITY 521-5771  
AREA CODE 801

It appears from Sheet 3 of the excavation plans that the flow from Cooks Canyon will have an equal chance of going north or south when the entire excavation is complete. There are no facilities to handle the water at the north end of the proposed excavation so the flow of water in that direction should not be permitted. Since access is on the south end and excavation would proceed to the north, water from Cooks Canyon and the pit area will all be directed south until the excavation is complete.

The major concern is that at present about 60% of the storm flow from Cooks is lost to seepage over the alluvial fan. The removal of the material from the fan area has the potential to decrease the seepage and thus increase the storm flow perhaps beyond the capacity of the existing system.

It would appear that the initial excavation would not disturb the existing flood channels but at some future time the excavation would intercept the existing Cooks Canyon flood channels. It would be desirable to have a plan that shows flood control mitigating measures to be taken at various stages as the excavation proceeds. The goal of any mitigating measures to be taken as a part of the excavation should be to contain the runoff to existing channels and to reduce peak storm runoff from the area at each stage to not more than the 70 cfs capacity of the storm drain from the debris basin.

I would be happy to review any comment on any additional information that becomes available on the project.

Sincerely,

ROLLINS, BROWN AND GUNNELL, INC.

*Russell O. Brown*

Russell O. Brown

ROB/slv

RB  
G

OFFICERS

JAMES N. RANDALL  
PRESIDENT

E. A. REED  
1ST VICE PRESIDENT

W. ROBERT WHITE  
2ND VICE PRESIDENT

RALPH W. BIRD  
GENERAL MANAGER

LEE ANN M. FULLER  
SECRETARY-TREASURER

SAMUEL H. BARKER  
LEGAL COUNSEL

# OGDEN RIVER WATER USERS' ASSOCIATION

471 WEST 2ND STREET • OGDEN, UTAH 84404



PHONE (801) 621-6555

DIRECTORS

JAMES N. RANDALL

LESLIE E. RANDALL

SHERMAN V. WALKER

E. A. REED

EDWARD E. KAMMEYER

MARK G. HODSON

ROCKY FLUHART

W. ROBERT WHITE

JIMMIE PAPAGEORGE

November 24, 1987

Box Elder County  
Planning Commission  
Brigham City, Utah 84302  
Attention: Richard Kimber

Gentlemen:

Enclosed you will find a copy of the License Agreement between Darren Nielsen, United States and the Ogden River Water Users' Association allowing him access across the Ogden Brigham Canal right-of-way as designated in Exhibit "A".

This License is a binding agreement between the above mentioned parties and only pertains to activities on or across the described right of way, therefore, Box Elder County in no way is a part of any action that might be taken in regards to the useage of this-right-of way.

If you have any further questions about this License Agreement feel free to contact our office. Phone 621-6555.

Very truly yours,

Ralph W. Bird  
General Manager

RWB/11

enclosure

EXHIBIT I



STATE OF UTAH  
NATURAL RESOURCES  
Utah Geological & Mineral Survey

Norman H. Bangerter, Governor  
Dee C. Hansen, Executive Director  
Genevieve Atwood, State Geologist

606 Black Hawk Way · Salt Lake City, UT 84108-1280 · 801-581-6831

December 8, 1987

Box Elder County Planning Commission  
20 N. Main  
Brigham City, UT 84302

Dear Sirs:

We have performed a brief review of Darrell Nielsen's proposed excavation at T.8 N., R.2 W., Sec. 25 in response to a request by Mr. Nielsen. As long as adequate measures are taken to protect the nearby canal, we foresee no adverse conditions created by this excavation.

Sincerely,

A handwritten signature in cursive script that reads "Bryce T. Tripp".

Bryce T. Tripp  
Staff Geologist

cc. Darrell Nielsen

EXHIBIT J

Reply to: 2800

Date: 12/9/87

Darrell Nielson  
944 East 800 South  
Bountiful, UT 84010

Dear Mr. Nielson:

We have reviewed your proposal for developing a gravel pit east of Willard, UT. The gravel pit will not be located on National Forest Land, therefore, our only direct concern is the potential encroachment onto National Forest Land. The pit will have to be designed such that it will not erode or slough back to the National Forest Land boundary. We have that problem now with a gravel pit just north of Willard Creek.

Indirectly we have other concerns with a gravel pit in that area:

1. The area is subject to flash flooding from high intensity storms that hit the area frequently. We recommend the pit be designed to act as a debris basin or to retain storm water to insure material does not erode onto the lands below the pit.

2. The other indirect concern we have is the impact to the scenic quality of the area. The Wasatch Mountains are spectacular, especially in that area. The existing gravel pits tend to dominate the view from the Interstate and Highway 89 thus ruining the view. Therefore, we recommend that the pit be designed such that it is screened from view from the major highways. This can be done through leaving any tall vegetation in front of the pit or by developing the pit so that the landform screens the pit from view.

3. We also recommend that a revegetation plan be developed to prevent soil erosion and to eliminate impacts on the view when the pit is complete.

We appreciate the opportunity to comment on the proposal and hope this will be of value.

Sincerely



*for* KENNETH BRONSON  
District Ranger

EXHIBIT L

( EXHIBIT  N  )

DARRELL NIELSEN GRAVEL EXCAVATION

PROJECT COST ESTIMATE

12/16/87

<u>ITEM 1-</u>	UPGRADING ACCESS ROAD TO A CONDITION TO RECEIVE BASE GRAVEL AND DUST PALLIATIVE.	\$ <u>500.00</u> *
<u>ITEM 2-</u>	INSTALLING BASE GRAVEL, PLUS 3" THICK X 24' WIDE ASPHALT PAVING ON WEST 1250 LIN. FT. OF ACCESS ROAD. (NIELSEN TO FURNISH ALL GRAVEL PRODUCTS).	\$ <u>15,000.00</u> *
<u>ITEM 3-</u>	APPLYING DUST PALLIATIVE TO EAST SECTION OF ACCESS ROAD.	\$ <u>1,000.00/YEAR</u> #*
<u>ITEM 4-</u>	MODIFYING EXISTING BOX ELDER COUNTY-WILLARD CITY FLOOD CONTROL DISTRICT DEBRIS-DETENTION BASIN TO A MINIMUM OF DOUBLE ITS PRESENT STORAGE CAPACITY.	\$ <u>1,500.00</u> *
<u>ITEM 5-</u>	CONSTRUCTION OF SAND RUNAWAY TRUCK FACILITY.	\$ <u>750.00</u> *
<u>ITEM 6-</u>	INSTALLING 250 L.F. TEMPORARY RIP-RAP DIVERSION DIKE AND SURFACE FLOW INTERCEPTOR DIKE	\$ <u>1,500.00</u> *
<u>ITEM 7-</u>	DUST CONTROL WATERING IN EXCAVATION AREA.	\$ <u>500.00/YEAR</u> #*
<u>ITEM 8-</u>	CONSTRUCTION DISCHARGE EXCAVATION FOR ORIGINAL COOK CANYON FLOW LINE ALIGNMENT.	\$ <u>1,000.00</u> +
<u>ITEM 9-</u>	FINISH GRADING AND SEEDING OF EXCAVATED SLOPES. (BASED ON 30 ACRES OF SURFACE IN PHASE 1, 2 AND 3, AND COST ESTIMATE ACQUIRED FROM UTAH DEPT. OF TRANSPORTATION "AVERAGE UNIT COST & BID ITEM LIST-1986)	\$ <u>9,000.00</u> +

(1)

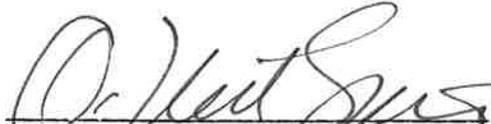
**EXHIBIT N**

\* INITIAL "START UP" COSTS

# ANNUAL COSTS

+ DEFERRED COSTS AS DETERMINED BY PROGRESS OF PROJECT

- NOTES:
- 1- ALL GRANULAR PRODUCTS TO BE MANUFACTURED ON SITE AND FURNISHED BY NIELSEN.
  - 2- ALL EXCAVATION EFFORT TO BE PERFORMED BY NIELSEN.
  - 3- ALL APPLICATION OF DUST PALLIATIVE AND DUST CONTROL WATERING TO BE PERFORMED BY NIELSEN FORCES.
  - 4- PAVING TO BE BY CONTRACT.
  - 5- FINAL GRADING OF EXCAVATED SLOPES TO BE PERFORMED BY NIELSEN FORCES. SEEDING OF EXCAVATED SLOPES TO BE PERFORMED BY NIELSEN FORCES OR BY CONTRACT.



O. NEIL SMITH, P.E.  
UTAH NO. 2336

AGREEMENT

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_\_\_ by and between BOX ELDER COUNTY, hereinafter referred to as "COUNTY" and DARRELL NIELSEN, hereinafter referred to as "NIELSEN".

WHEREAS, Nielsen has applied to the County for a Conditional Use Permit as Conditional Use Permit Application No. 38 dated July 14, 1987; and

WHEREAS, the Box Elder County Planning Commission has considered the application and after public hearings and access, has granted said permit subject to certain conditions; and

WHEREAS, one of the conditions was that Nielsen enter into an agreement with the County wherein Nielsen would agree to hold and save harmless the County from certain damages and claims; and

WHEREAS, the parties now desire to formalize that condition into a formal written agreement.

NOW THEREFORE, the parties agree one with the other as follows:

1. Nielsen agrees that he shall hold and save harmless Box Elder County from any damages, claims, costs and

**EXHIBIT O**

attorney's fees incurred by Box Elder County or its insurers as the result of any claims made or filed arising from the existence and continued operation of the gravel pit and related facilities proposed to be operated under Conditional Use Permit No. 38.

2. Nielsen and the County further agree that this Hold and Save Harmless Agreement shall not cover any negligent or intentional acts or omissions of the County or its employees themselves, but only for the acts or omissions whether negligent or intentional of Nielsen or his employees and agents in the operation, existence, design or construction of the gravel pit operation.

3. Nielsen and the County agree that this Hold and Save Harmless Agreement does not cover or apply to any potential lawsuits which may arise from the application process itself should any entity or individuals file a lawsuit contesting the issuance of the permit by the Planning Commission or by Box Elder County. This agreement shall relate to all acts after the final approval and issuance of the permit or after final review by the courts of the permit.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_\_\_\_.

\_\_\_\_\_  
DARRELL NIELSEN

BOX ELDER COUNTY

By \_\_\_\_\_  
COUNTY CHAIRMAN

## Chapter 10.

### Performance Standards For Industrial and Other Uses

#### 10 - 1 Purpose.

To permit potential nuisances from industrial or other uses to be measured factually and objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past.

#### 10 - 2 General Provisions.

No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical or other disturbance; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements". No use shall be undertaken or maintained unless it conforms to the regulations of this Section in addition to the regulations set forth for the district in which such use is situated.

#### 10 - 3 Performance Standards Procedure.

The zoning administrator may require performance standards review for any use in any district when he has reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards of this Chapter.

#### 10 - 4 Enforcement Provisions Applicable to All Uses.

Initial and continued compliance with performance standards is required of every use; and provisions for enforcement of continued compliance with said standards shall be invoked by the zoning administrator against any use if there are reasonable grounds to believe that performance standards are being violated by such use.

#### 10 - 5 Nonconforming Uses.

For purposes of this Ordinance, any use established before the effective date of this Ordinance and nonconforming as to performance standards shall have five (5) years in which to conform therewith.

**EXHIBIT P**

10 - 6 Locations Where Determinations are to be made for Enforcement of Performance Standards.

The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be most apparent; provided, however, that the measurements having to do with noise, odors, vibration, or glare shall be taken at the following points of measurement:

- (1) In any district, except an M-District, at the lot line of the establishment or use.
- (2) In an M-District at one or more points five hundred (500) feet from the establishment or use, or at the boundary or boundaries of the District, if closer to the establishment or use, or at the closest point within an adjacent district other than an M-District.

10 - 7 Dangerous and Objectionable Elements.

- (1) Noise. At points of measurement stated in 10 - 6 above, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I, after applying the corrections shown in Table II. The sound pressure level shall be measured with a sound level meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association. (American Standards Sound Level Meters for Measurement of Noise and Other Sounds, 224.3 -1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, or latest approved revision thereof, American Standards Association, Inc., N.Y., N.Y., shall be used.)

Table I

<u>Frequency Ranges Containing Standard Octave Band in Cycles Per Second</u>	<u>Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/cm<sup>2</sup></u>
0 to 74	69
75 to 149	54
150 to 299	47
300 to 599	41
600 to 1,199	37
1,200 to 2,399	34
4,800 and above	28

Table II

<u>Type or Location of Operation or Character of Noise</u>		<u>Correction in Decibels</u>
1. Emission only between 7:00 A.M., and 7:00 P.M. . . . .	+5 <sup>a</sup>	a. Apply one plus correction only.
2. Noise source operated less than 5 per cent of any one-hour period. . . . .	+5 <sup>a</sup>	
3. Property is not located in one of the R-districts and is not within 500 feet of any R-district. . . . .	+5 <sup>a</sup>	
4. Noise of impulsive character (hammering, etc.) . . . . .	-5 <sup>b</sup>	b. Apply one minus correction only.
5. Noise of periodic character (hum, screech, etc.) . . . . .	-5 <sup>b</sup>	

(2) Vibration. No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the points of measurement specified in 10 - 6 herein.

(3) Odors. No emission of odorous gases or other matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four of clean air at points of measurement specified in 10 - 6 herein, or at point of greatest concentration. Any process involving creation or emission of any odors shall be provided with a secondary safeguard system, so control will be maintained if primary safeguard system should fail. (There is hereby established as a guide in determining such quantities of offensive odors Table III, "Odor Thresholds," in Chap. 5, Air Pollution Abatement Manual, Copyright 1951, Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual and/or table as subsequently amended.)

(4) Glare. No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the points of measurement specified in 10 - 6 herein. This restriction shall not apply to signs or lighting of buildings or grounds for protection as otherwise permitted by the provisions of this Ordinance.

- (5) Fire and Explosion Hazards. All activities involving, and all storage of flammable and explosive materials, shall be provided at any point with adequate safety devices against the hazard of fire and explosion.
- (6) Radioactivity or Electric Disturbances. No activities shall be permitted which emit dangerous radio-activity at any point, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- (7) Smoke. No emission shall be permitted from any chimney or other source, of smoke or gases except in accordance with air pollution provisions of the Utah State Board of Health.
- (8) Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution. No emission shall be permitted except in accordance with air pollution provisions of the Utah State Board of Health.
- (9) Liquid or Solid Wastes. No discharge at any point into public sewer, private sewage system, or stream, or into the ground shall be permitted, except in accordance with the standards approved by the State Department of Health or standards equivalent to those approved by such Department. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces, and any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.

MINUTES OF THE BOARD OF ADJUSTMENTS

December 1, 1987

Copy 5  
Minutes 12/17/87

Meeting of the Board of Adjustments of Box Elder County was held Tuesday, December 1, 1987 at 7:00 p.m. at the County Courthouse Commission Office. Board members present were Chairman Lee Johnsen, Richard Kimber, and Glen Nelson. Others present at the meeting were Dave Scothern, Dawn Scothern and John Hansen, a realtor.

Chairman Johnsen declared the meeting open at 7:10 p.m.

Mr. Hansen made a proposal on the Jack and Donna Gordon property in South Willard to sell the house and lot the size of 89x216 feet. Mr. Hansen stated that Mr. Gordon has been a farmer all of his life and would now like to sell some of his property. He assured the Board that Mr. Gordon will not request another variance; this would be the final variance granted. He would like to sell the least amount of property he can and still farm.

Mr. Nelson questioned whether or not the Board would be acting on something the Planning Commission hasn't even turned down.

Mr. Johnson read a letter from Denton H. Beecher (photocopy 1) wherein he states his denial to the Gordons to divide one parcel of land into two small parcels, creating a lot of less than five acres.

Mr. Kimber asked about the original proposal, and Mr. Johnsen read the appeal to the Board of Adjustments from the Gordons asking for permission to sell the house and a lot about the size of 89x216 feet.

Mr. Hansen stated the Scotherns would like to have their loan approved and continue to live in Box Elder County.

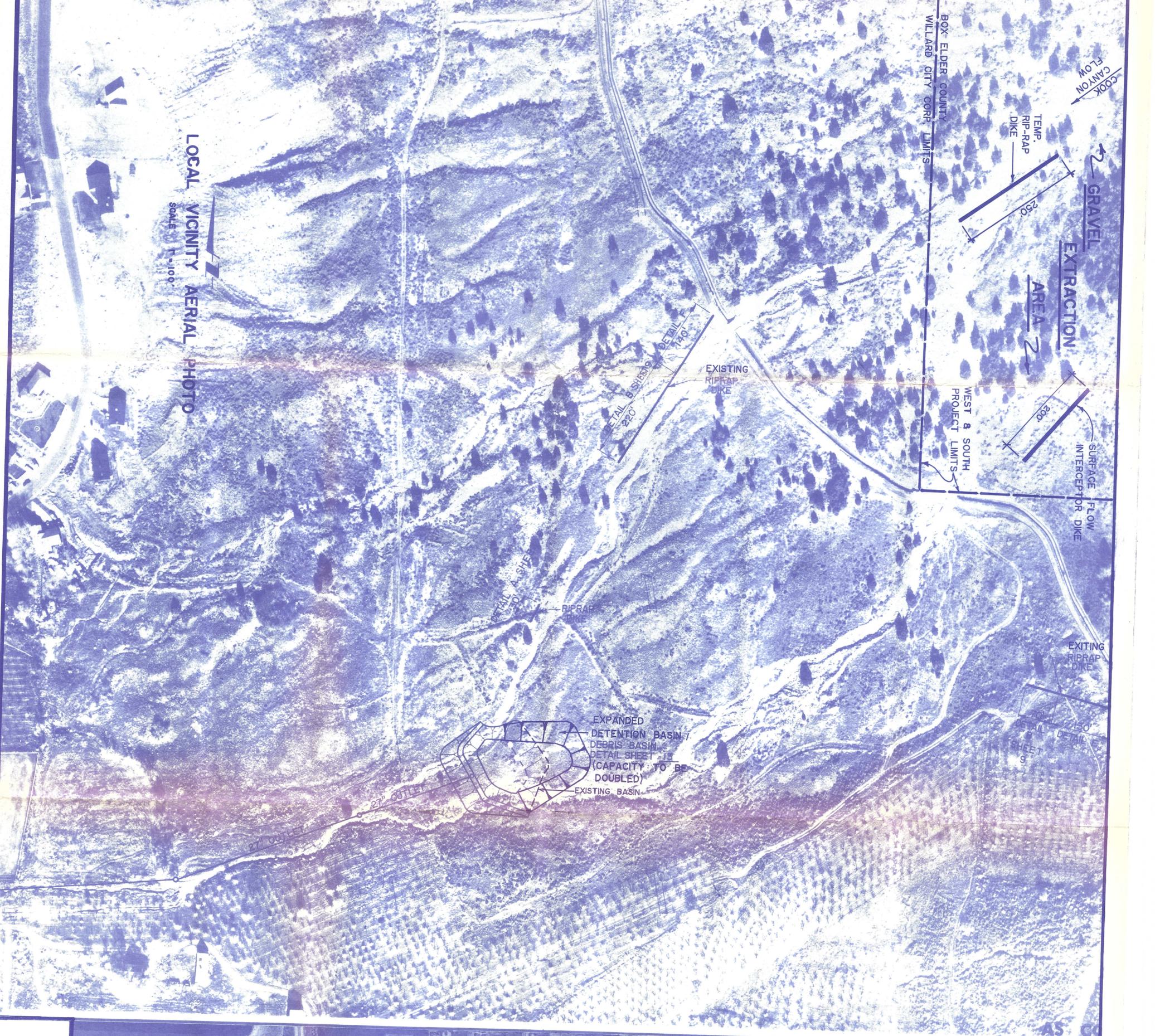
After some discussion on the possible frontages and depths Mrs. Scothern said they would prefer to have 100 feet than a little shorter.

Mr. Hansen said that an RE-20 zone is considered a standard one-half acre and is 20,000 square feet. He said he would like to call Mr. Gordon's son so that someone in the family is aware of the changes.

Mr. Johnsen said Don Christensen had told him he would vote for the variance if he were there.

Mr. Kimber made a motion that they grant the variance on the conditions that the frontage be no less than 100 feet and the depth no less than 200 feet. The motion was seconded by Glen Nelson, with all voting in favor of those conditions.

Meeting adjourned at 8:00 p.m.



LOCAL VICINITY AERIAL PHOTO  
SCALE 1" = 100'



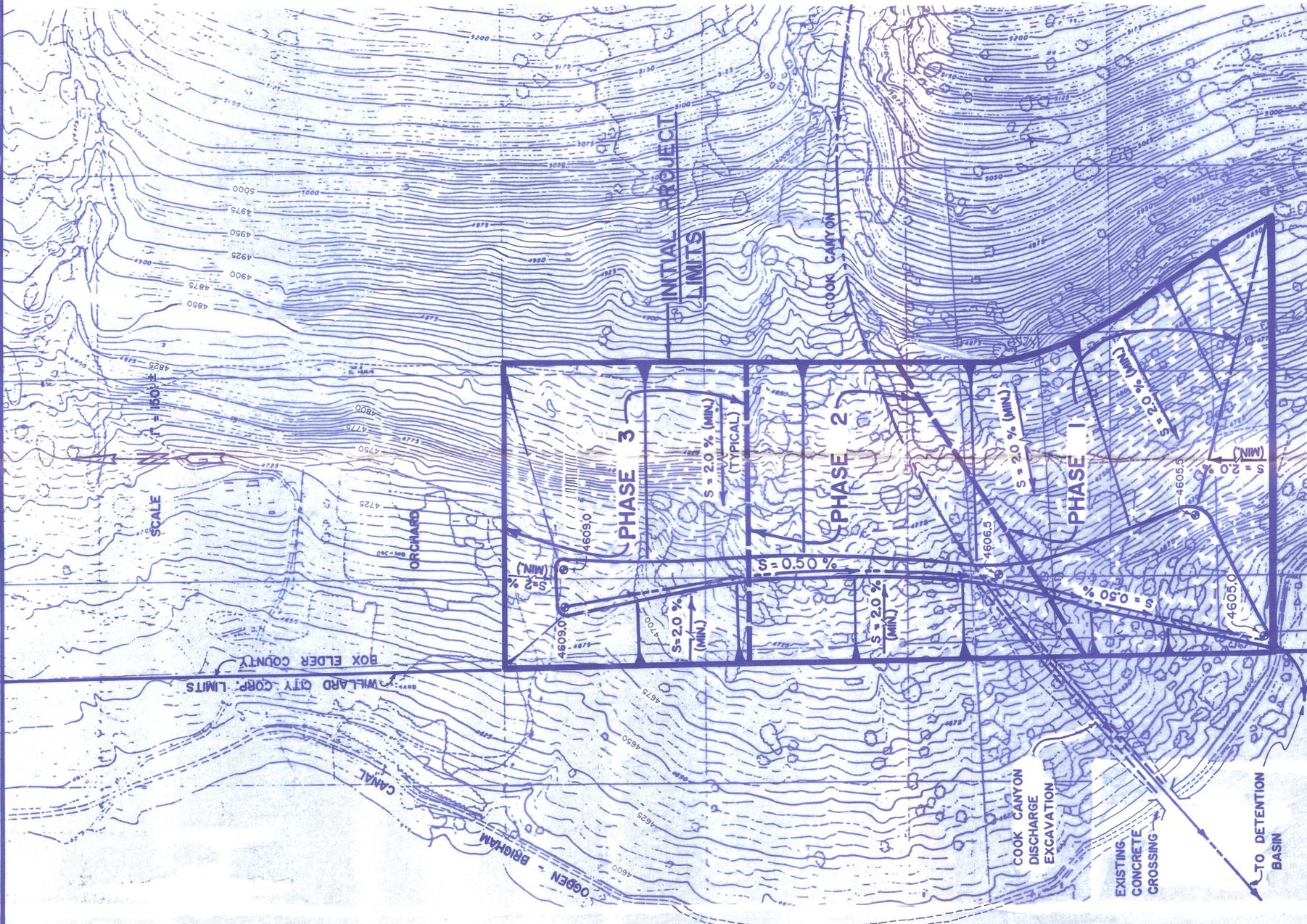
GENERAL VICINITY AERIAL PHOTO  
SCALE 1" = 800'

DARRELL NIELSEN  
GRAVEL EXCAVATION PROJECT  
EXHIBIT D

Oneca Engineering, Inc.  
105 Skyline Drive • Brigham City, Utah 84302  
(801) 723-7498

Dec 17, 1987

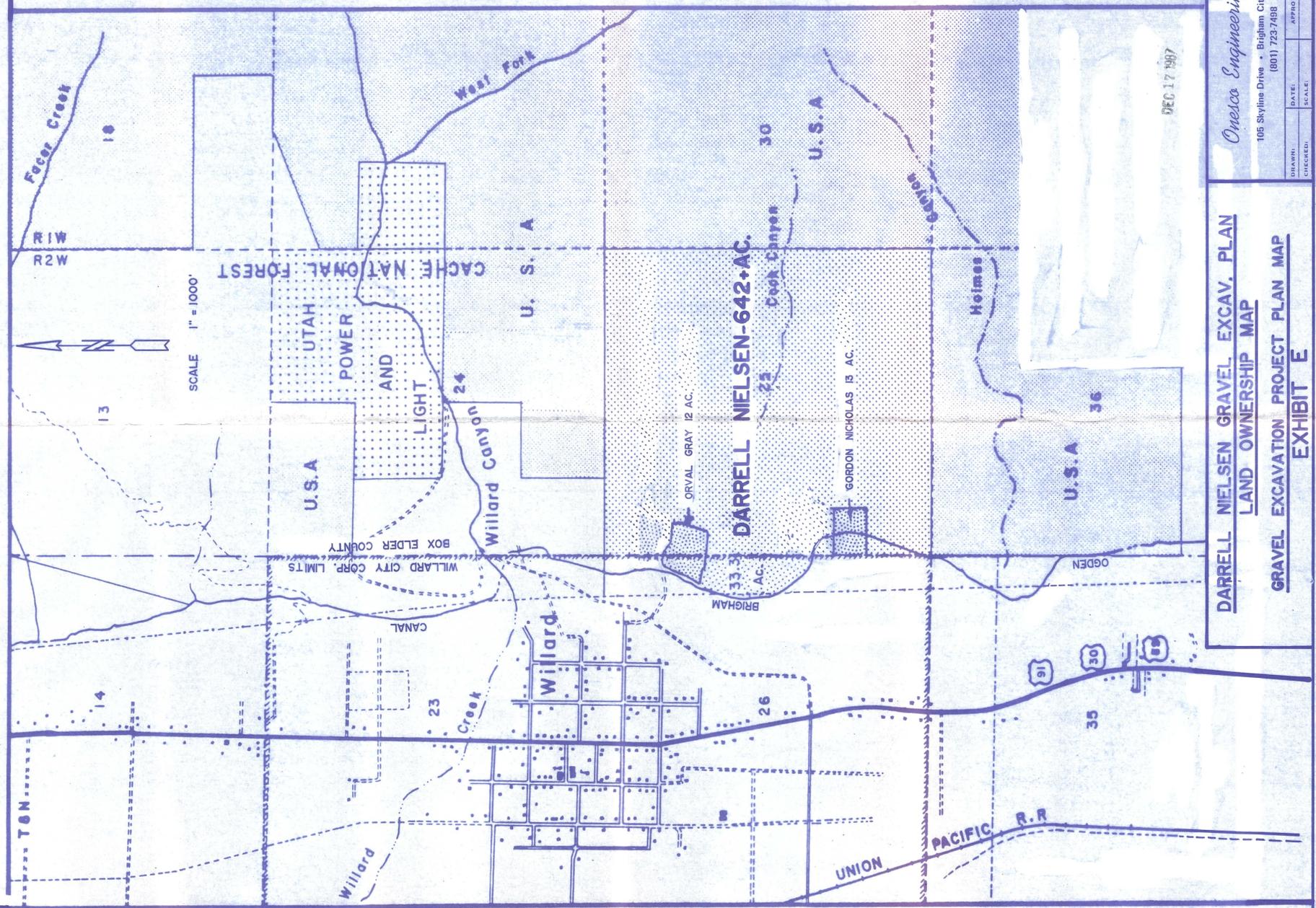
# DARRELL NIELSEN GRAVEL EXCAVATION PROJECT PLAN MAP



**PHASE 4**  
 IT IS UNKNOWN AT THIS TIME SPECIFICALLY HOW THE BOX ELDER COUNTY, WILLARD CITY FLOOD CONTROL DISTRICT PLANS TO ACCOMMODATE THE SURFACE FLOW OCCURRING NORTH OF THE ORVAL GRAY PROPERTY. IN THAT IT IS ANTICIPATED THAT PHASES 1, 2 AND 3 WILL REQUIRE SEVERAL YEARS FOR COMPLETION, NIELSEN PROPOSES THAT THE RECLAMATION PLAN FOR PHASE 4 BE DEFERRED UNTIL SUCH TIME AS THE FLOOD DISTRICT'S PLANS ARE FIRM AND THE PHASE 4 RECLAMATION PLAN CAN BE MADE TO BE COMPATIBLE WITH THE FLOOD DISTRICT'S FINAL PLANS.

● 0000.0 - FINISHED ELEVATIONS

# LAND OWNERSHIP MAP

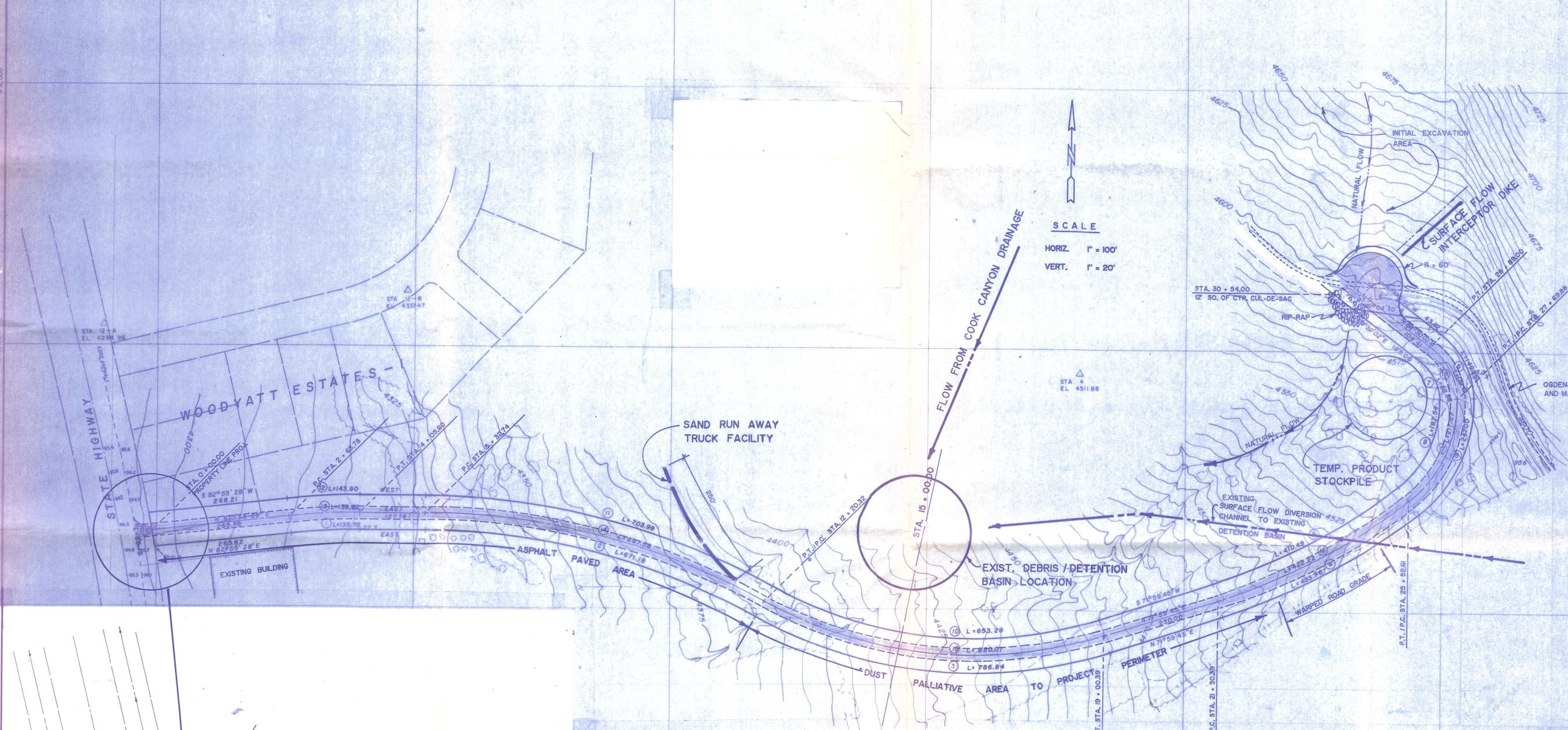


**DARRELL NIELSEN GRAVEL EXCAV. PLAN  
 LAND OWNERSHIP MAP**  
**GRAVEL EXCAVATION PROJECT PLAN MAP  
 EXHIBIT E**

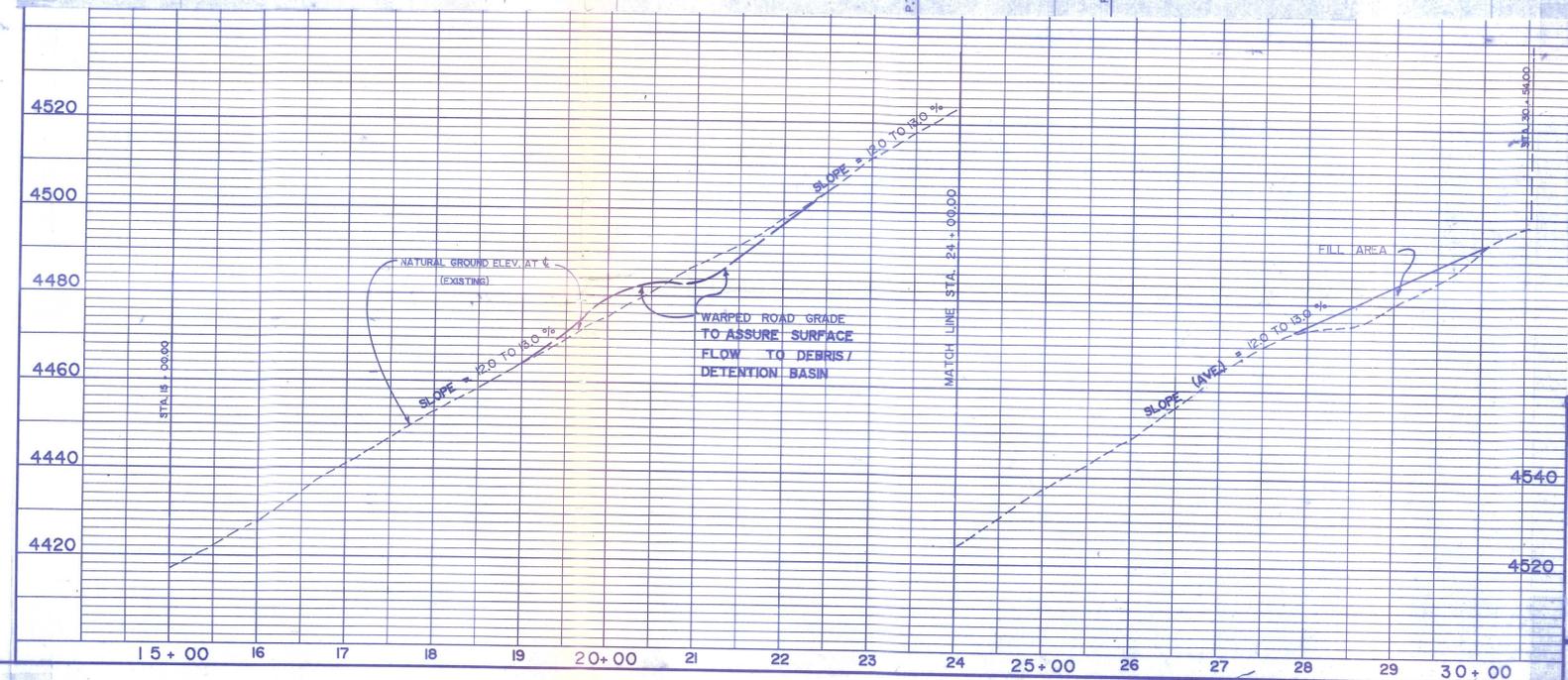
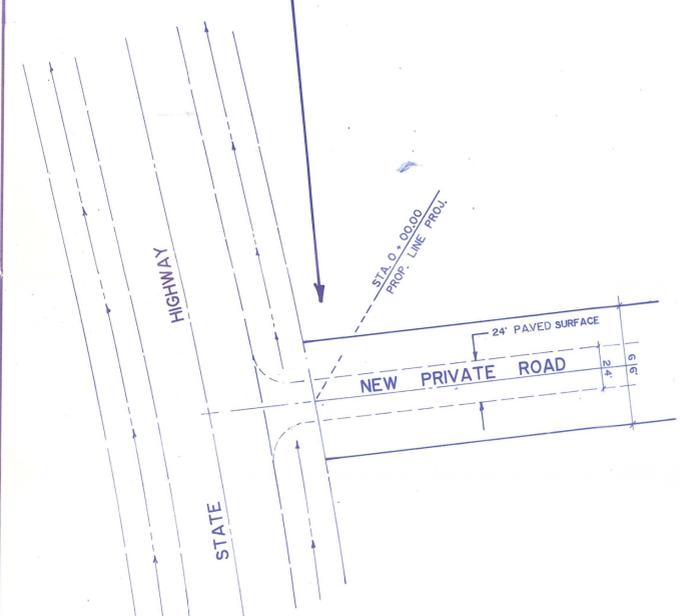
*Oneca Engineering*  
 105 Skyline Drive - Brigham City, Utah  
 (801) 723-7498  
 DRAWN: \_\_\_\_\_ CHECKED: \_\_\_\_\_ SCALE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DEC 17 1987

**PLAN**  
**HIGHWAY/PRIVATE ROAD INTER-SECTION**

SCALE 1" = 50'



SCALE  
 HORIZ. 1" = 100'  
 VERT. 1" = 20'



DEC 17 1987  
**GRAVEL EXCAVATION PROJECT**  
 FOR  
 DARRELL NIELSEN

**ACCESS ROAD PLAN**  
**AND RELATED FACILITIES**  
**EXHIBIT F**