

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
February 6, 2019 - 5:00 p.m.**

In Attendance were:

Brad Wells, Planning Commission, Chairman
Kathy Giles, Planning Commission
Ken Richens, Planning Commission
Ryan Clark, Planning Commission
Gary Sorensen, Planning Commission
Connie Sweat, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Allen Lindsay	
Deb Lindsay	
Ken Moon	
Nancy Moon	
Tony Hickman	CKC Asphalt, CUP
Russell Grant	CKC Asphalt, CUP
Justin Robb	CKC Asphalt, CUP

Chairman Wells opened the meeting at 5:00 pm and read the rules of order. He asked if any of the Planning Commission Members had any ex-parte contacts or conflicts of interest associated with any item on the agenda. There were none, so the meeting proceeded.

PUBLIC HEARINGS:

- A. Request by Justin Robb, CKC Services, for a Conditional Use Permit to establish a gravel pit, rock crusher and asphalt plant on lands owned by Ken & Nancy Moon, located west of the Wells Draw Road, southeast of the Bridgeland area.**

Mr. Hyde stated CKC Asphalt is proposing to extract earth products (gravel pit, rock crushing and asphalt plant) from a 98.9-acre site located on the west side of the Wells Draw Road, southeast of Bridgeland. Extraction of earth products is a conditionally permitted use in the A-5 zone.

The criteria for approval include:

- 1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or general welfare.**

Mr. Hyde indicated with the extraction of earth products can be detrimental in terms of noise and dust during operations. Surface disturbance results in noise from operation

of equipment, windblown dust and dust from equipment movement. However, if the applicant and operators comply with dust and noise standards, the proposal is less likely to be injurious to public health, safety or welfare. Detrimental impacts can also occur if the extraction area is not reclaimed properly. The county has “material pit finishing” standards that; along with the lease agreement with the property owner, should prevent the applicant/operator from leaving eyesore or hazardous conditions when mining is completed. Detrimental impacts can also occur if excavation results in sedimentation of waterways. Such protections are afforded through the DEQ industrial storm water permit process. The applicant will need to check with the DEQ Water Quality Division to determine if a permit is required. According to maps prepared by the Utah Division of Drinking Water, the property does not lie within any drinking water source protection zones.

Rock extraction activity and the associated heavy hauling may be detrimental to public improvements in the vicinity; especially the county roads. In this case, the proposed access to the mining area is via an existing oil well access road that extends easterly to the Wells Draw Road. This county road has been upgraded to handle the frequent heavy truck traffic that uses it to access the oilfield.

Mr. Hyde stated the county Nuisance Ordinance sets forth time limits during which noise is permitted (7:00 AM to 9:30 PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays). Such time limits should be applied in this case to ensure that no noise impacts occur. The nearest homes are located over a mile to the north in the Bridgeland area.

2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.

The Duchesne County General Plan contains the following statements with respect to mining activities: *“Today, extractive-use industries: livestock, timber, mining, and oil; remain the backbone of the region’s economy. The County continues to encourage and support these industries, acknowledging that industry patterns, fluctuating markets, and changing political winds predict periodic good times followed by lean.”*

In this case, the applicants intend to use the rock products to support the construction industry. Rock products could also be used in the energy industry, which is active in this part of the County. Such projects are beneficial to the economy of the county and in compliance with the general plan.

3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.

The applicant has indicated the proposed mining would take place on approximately 98.9 acres of a 640 acre section of land, which is certainly large enough to accommodate the proposed use. Mr. Hyde stated the applicants are required to set the mining areas back at least 50 feet from the property lines to provide adequate space for

a transitional slope between natural grade and the finished pit level. The applicants are also required to set the mining area back 660 from existing homes and the crusher is to be set back at least 1,320 feet from existing homes. Aerial photos indicate that there are no homes within 1,320 feet of the boundaries of this site (the nearest home is over a mile to the north). The anticipated conditions of approval, if adhered to, will enable the use to be conducted in a manner that will not be materially detrimental to adjoining and surrounding properties.

The additional criteria for approval of gravel pits include:

- A. Dust Free Condition:** Must be maintained in a near dust free condition. A dust control plan shall be provided by the applicant to the county, the Tri-County health department and the state DEQ that contains an inventory of dust control equipment and procedures that will be utilized at the site and a documented source of adequate water. Rock crushers shall have a DEQ air quality permit in effect during operation, with a copy of such permit provided to the county, unless the crusher is considered exempt from permit requirements by the Utah DEQ. Watering or applying chemical treatments to active pit areas and driving surfaces during times of operation is considered maintaining a near dust free condition;

Mr. Hyde stated a dust control plan must be presented by the applicant or authorized agent to the TriCounty Health Department for approval prior to operations beginning. The applicant or authorized agent must follow this plan to control dust at active pit areas and driving surfaces. With the extraction of rock, haul roads between the quarry and the nearest paved road can generate dust and heavy truck traffic that can be a nuisance for nearby dwellings. In this case, there are no dwellings located along the gravel road connecting to the paved Wells Draw Road.

- B. Bond Required:** A bond shall be issued in the amount of five thousand dollars (\$5,000.00) for the first acre, and three thousand dollars (\$3,000.00) for each additional acre from which such material is taken as a guarantee of reconditioning. The number of acres must be specified on the conditional use permit and cannot be enlarged or modified until the issue is re-presented to the planning commission for a new conditional use permit and the enlargement or modification is approved. *This bonding requirement may be waived in writing by the property owner but such waiver does not waive the reconditioning requirements;*

Mr. Hyde stated the bonding requirement has been waived by the property owner, Ken Moon, on January 2, 2019. The applicants and property owners understand that reclamation must occur in accordance with the county material pit finishing standards regardless of this waiver.

- C. Reconditioning:** Reconditioning, in a manner agreed to by the county, the property owner and the applicant, to assure the surrounding property is protected along with the beauty of the landscape. Guidelines known as the *Material Pit Finishing Standards* on file at the County Planning Department are suggested for use in reclamation planning;

The “Material Pit Finishing Standards” are used by the County to determine how reconditioning is to be accomplished. The applicant and authorized agents are subject to these standards. During operations, the property shall be maintained in a condition that is not hazardous, with any hazardous areas being signed and fenced.

D. Distance Requirement for Gravel Pits and Rock Crushing Operations: Rock crushing operations must be a minimum of one thousand three hundred twenty feet (1,320') from any city, town or residential use, measured from the center of the crusher location. In addition, the gravel pit boundary shall be set back 660 feet from the edge of the proposed disturbed area to the closest city or town boundary line, the closest point of a residential, educational, public, religious or commercial structure or the closest point on the boundary of an enclosed area of a concentrated livestock facility. In addition, the proposed disturbed area or gravel pit boundary shall be set back at least 50 feet from a property line. The setback requirements may be waived in writing by the owner(s) of land within the setback area if such owner(s) consent to a lesser distance. These setback requirements do not apply to land uses owned and occupied by the owner(s) of the same parcel on which the extraction of earth products would occur.

Mr. Hyde stated the distance requirements of this section will be met. The proposed gravel pit boundaries must be set back at least 50 feet from the property line to meet the minimum standard of the ordinance. The gravel pit boundary will be set back over 660 feet from the nearest homes as shown on the aerial photo attached. The rock crusher location must meet the ¼ mile setback requirement (from a dwelling or city limit line). The aerial photo attached shows that the nearest home is located over one mile to the north, in the Bridgeland area.

Mr. Hyde’s recommendation is approval of the Conditional Use Permit requested by CKC Asphalt, for extraction of earth products from the Moon property located on the west side of the Wells Draw Road, southeast of Bridgeland, subject to the following conditions:

1. The Owners and their authorized agent(s) shall control dust and noise so neither becomes a nuisance.
 - a. A dust control plan approved by the TriCounty Health Department shall be obtained prior to starting excavation and implemented throughout the course of the operations by the owners or authorized agents. Dust control agents shall be applied at active portions of the site and on gravel access roads between the site and the Wells Draw Road during periods of hauling.
 - b. Owners and their authorized agents shall comply with the following hours of crusher operation: (7:00 AM to 9:30 PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays).
2. The Owners or their authorized agents shall reclaim the property in accordance with the county’s “Material Pit Finishing Standards” and protect the public from any hazardous conditions on the site by signage, berming and/or fencing.

3. A DEQ Air Quality permit shall be obtained for the crusher to operate at this location and a copy provided to the County prior to the start of crushing operations.
4. Before starting excavation at the site, the Owners or their authorized agents shall obtain an industrial stormwater permit, if required, from the Utah Department of Environmental Quality, Water Quality Division, and provide a copy to the County.
5. The Owners and their authorized agents agree to maintain a 50-foot wide buffer between the excavation areas and the property lines, a 660-foot buffer between excavation areas and existing homes and a 1,320-foot buffer between the crusher location and existing homes. If the parties are unsure of property line locations, they shall be determined by a surveyor.

Mr. Hyde referred the commission to their packets and some site photos of the proposed location and asked if there were any questions of the staff report.

There were none, so Chairman Wells invited the applicant to speak.

Justin Robb, applicant, thanked Mr. Hyde for his efforts and stated they are ok with the conditions for approval but wondered if it was possible to work 24 hours a day. Mr. Hyde stated there is a bill in the Utah legislature this year that would allow the county to grant a permit for night time operations; excluding crushing. The operator should contact the county for permission in advance of any operations exceeding the normal hours. Mr. Robb has indicated his permits are either approved or in the process but they are ready to start operating as soon as possible.

Chairman Wells asked if there were any questions from the commission.

Commissioner Clark asked Mr. Robb what his water source would be. He replied Johnson Water for both the dust control and the hot plant.

With no other questions from the Commission or any party in the audience the public hearing was closed.

Commissioner Giles motioned to approve the Conditional Use Permit requested by CKC Asphalt, for extraction of earth products from the Moon property located on the west side of the Wells Draw Road, southeast of Bridgeland, subject to the conditions stated in the staff report. Commissioner Clark seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of January 9, 2019 minutes:

Commissioner Giles moved to approve the minutes of January 9, 2019.
Commissioner Sweat seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

Mr. Hyde stated there will be a March 6th meeting with one application so far and there is still one week before the deadline.

Adjournment:

Meeting adjourned at 5:30 p.m.