

**MINUTES FOR REGULAR COMMISSION MEETING HELD JULY 23, 2012
BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE,
UTAH**

Present

Commission Chairman Kirk J. Wood; Commissioner Kent R. Peatross, Commissioner Ronald Winterton, Deputy County Attorney Marea Doherty, Deputy Clerk Auditor Connie Sweat, Uintah Basin Standard Reporter Steve Puro, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Opening Comments

Attorney Doherty offered the prayer. There were no other comments.

Pledge Of Allegiance

Any wishing to participate.

Public Comment

None.

Consideration Of Payment Vouchers

Clerk Auditor Diane Freston joined the meeting at 1:10 P.M...

The commission reviewed vouchers # 122069 through 122167 dated July 16, 2012, in the amount of one hundred nine thousand forty one dollars and ninety eight cents (\$109,041.98) as presented by Auditor Freston. The commission also reviewed vouchers # 122168 through 122228 dated July 23, 2012, in the amount of three hundred nineteen thousand three hundred seventy dollars and forty four cents (\$319,370.44) as presented by Auditor Freston. *Commissioner Peatross motioned to approve the vouchers as presented by the Clerk Auditor's Office. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Aronco, Inc.

Deputy Clerk Sweat stated that this is a gravel pit business. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For BMW Hot Oil Inc.

Deputy Clerk Sweat stated that this business previously had a business license in Roosevelt City, but they are now in the county. This is an oilfield service business. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Bywater's Taxidermy

Deputy Clerk Sweat stated that this business is a taxidermy that is on their home, in Upalco. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Sidewinders Roustabouting

Deputy Clerk Sweat stated that this is a roustabout business and the office is based in their home. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For TDW Services, Inc.

Deputy Clerk Sweat stated that this business does pipeline inspection and maintenance. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Yeates Construction, LLC

Deputy Clerk Sweat stated that this is a general contractor in Fruitland. *Commissioner Winterton motioned to approve the business license application as presented.*

Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of The 2012 Duchesne County Fair Volunteer List

Commissioner Peatross motioned to approve the volunteer list as presented.

Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of A Board Appointments On The Planning And Zoning Commission Filling One Vacant Unexpired Seat

County Community Planning Administrator Mike Hyde joined the meeting at 1:20 P.M...

Administrator Hyde stated that we received an application from Allen Lindsay who has expressed interest in the Planning and Zoning Board representing the Upper Country area. Mr. Lindsay has an excavation business and he feels that Mr. Lindsay would make a fine addition to the board. *Commissioner Peatross motioned to appoint Mr. Allen Lindsay to the Planning and Zoning Board filling the vacant unexpired seat representing the Upper Country area. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Draft Letters To Utah DEQ Air Quality Division Regarding Notices Of Intent

R. Chapman Construction Owner Ryan Chapman joined the meeting at 1:27 P.M...

Administrator Hyde stated that there are three (3) letters. The first letter is in regards to El Paso who modified this air quality permit in 2011, but DEQ found errors and is asking them to reprocess to correct those errors. The second letter is for Newfield who has applied to construct and operate the Ashley Water Injection Facility located west of the Wells Draw Road on BLM land. The facility has been designed to meet the requirements of the federal air quality regulations. Water injection at this facility is preferable to disposal of production water in open pits. The third letter is a proposed asphalt plant for R. Chapman Construction on the Harmston Bench, northwest of Roosevelt. In June of 2010, Duchesne County approved a gravel pit on the Harmston Bench for R. Chapman Construction and will allow the proposed asphalt plant as an accessory use to the main use. Commissioner Peatross asked Mr. Ryan Chapman about the inversions and the air quality study regulations in the winter. Mr. Ryan Chapman stated that we can't typically lay asphalt in the winter unless the temperature is fifty degrees and rising. *Commissioner Peatross motioned to approve the three letters of support addressed to DEQ as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Minutes For Combined Commission Meeting Held July 09, 2012

Commissioner Winterton motioned to approve the minutes as corrected. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Public Hearing- 1:30 P.M...

Consideration Of Ordinance No. 12-302, An Ordinance Amending Title 8, The Duchesne County Zoning Ordinance

Chris Chapman with RNI & Ryan Snow & Mike Dalley with Burdick Materials joined the meeting at 1:30 P.M...

Administer Hyde stated that there have been recent issues that have led to a proposal to amend the zoning ordinance to establish revised setback standards for gravel pits and rock crushers, regulate land farms, and restrict the numbers of livestock kept in residential areas. The whereas clauses in the proposed ordinance talk about the issues. Right now, land farms are solely regulated by the Department of Environmental Quality (DEQ), so we haven't had a say in where they go; we would like to regulate them. The Planning Commission held public hearings regarding this proposal in June and July where they recommended the proposed changes as a result of that process. With this ordinance, it would give us more tools to deal with certain types of situations such as issues regarding too many horses on small lots (see attached documents). If we do decide to go this direction, he feels it's important to be consistent with what Uintah County does, so people on both sides of the county line will be handled the same way. We received comments from Mr. Ryan Snow who suggested changing the proposed setback of six hundred sixty feet from the property line of a gravel pit down to fifty feet. As proposed, it

would make it hard to develop a gravel pit on a forty acre parcel in the county and Administrator Hyde agrees with that.

Mr. Snow stated that in Uintah County, they don't have any setbacks. A gravel pit can't be opened without a conditional use permit. All that is addressed is based on the conditional use permit item by item. Every time the permit comes up for renewal, you can add or remove stipulations or change the conditions. To reduce the dust, they require a dust control plan as needed. He doesn't feel it's necessary to put a lot of the dust control in the ordinance itself. Different sites are going to be different. Tri County Health is already taking care of this and they keep it consistent between Duchesne County and Uintah County. The six hundred sixty foot setback would affect a few different existing gravel pits including Duchesne County's. If this was already the case, the county wouldn't be able to crush where they currently are. There is more to the setback than the nearest person and having a blanket over everyone doesn't necessarily achieve a dust free condition. He feels that things can be addressed on a permit level other than it being on an ordinance level.

Commissioner Peatross stated that the only thing that concerns him about doing things case by case is making sure you have continuity. You tend to respond to emotion rather than a set of rules. Sometimes you don't know about the dust issues until you are actually in business.

Mr. Snow asked that the ordinance be amended to the fifty foot setback. This way we will stay away from the neighbor's boundary so that the water doesn't seep off and there won't be a sloping problem. He feels that six hundred sixty feet is an excessive amount.

Mr. Ryan Chapman stated that we have seen a lot more gravel pits in the county, but the gravel veins aren't very deep, so we continuously have to move which restricts us greatly on the property. The check and balance system that is in place has worked and feels that his operators shouldn't be held responsible for someone else's poor work. There are a lot of operators out there that are doing everything that they can. The current rules that are in place are good and working. When we have to move our gravel pits to the middle of nowhere, the costs go up substantially.

Administrator Hyde stated that there is always the variance option, but what he would like to do is to modify the ordinance so that you don't have the variance requests and take the proposed six hundred sixty foot setback down to the fifty foot that has been recommended. He thinks that is a good valid point. The one thousand three hundred twenty foot setback from crusher and gravel pit boundary is going to apply regardless.

Mr. Chris Chapman stated that with land farms, he is concerned with grandfathering. When the current land farms were put in, they met all of the criteria. Now, there may be several land farms that don't meet the new criteria. We are asking that we be grandfathered in. We operate a current disposal that we have been operating for years. They were out of town and extremely remote and since that time additional people have moved in knowing that we are there. He is talking about the one in Bluebell road and we began the land farm in 1996. As far as odor control and bonding, DOGM regulations won't allow stock piling of contaminated soils. The process is to bring it in, treat it, and test it. It can then be hauled offsite and used as top soil. We have requested that the soil be kept onsite to be used as secondary containment and for site landscaping. We deal with a lot of large oil companies and they don't want the liability, so we assume it. The biggest affect for us is the setbacks and the bonding criteria. The odor is not a concern of his.

Administrator Hyde stated that if this is adopted, it only applies to new permits. Existing facilities are grand fathered in and can continue to operate as they have been unless they stop operation for one year, they would then have to reapply.

Chairman Wood stated that he would like to postpone this with a re-write of the ordinance and have the suggestions put into it. He would like for the proposals that have been mentioned today be brought to the Planning Commission for their information.

Commissioner Peatross stated that he would like to do some research and make some adjustments to the ordinance.

Commissioner Winterton stated that he likes the suggestions made and would like to continue this at a later date.

-Entered back into Regular Commission Meeting at 2:37 P.M...

Commissioner Winterton motioned to continue this public hearing in regards to Ordinance No. 12-302 on August 6, 2012 at 1:30 P.M. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Adjournment

Chairman Wood adjourned the meeting at 2:58 P.M.

Read and approved this 6th day of August 2012.

Kirk J. Wood
Commission Chairman

Diane Freston
Clerk/Auditor

Minutes of meeting prepared by BobbiJo Casper
