

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
May 3, 2006 - 5:00 p.m.**

**In Attendance were:**

Leon Sweat, Planning Commission Chairman  
Chris Peatross, Planning Commission  
Randy Mair, Planning Commission  
Shelly Fabrizio, Planning Commission  
Thomas Rather, Planning Commission  
Mike Hyde, Community Development Administrator  
Laraine Dickinson, Planning Secretary  
**Excused:** Dean Brough & Larain Mobley

**Visitors:**

Darrin Brown  
Dale & Becky Rasmussen  
Shane & Kevin Duncan  
Chris & Lori Nebeker  
Jim Nebeker  
Shane King  
Joe Steed  
Connie Sweat  
Vince Isbell  
Harold L. Grimaud  
Roger M. Grimaud

**Agenda**

All  
C.U.P. for Sand & Gravel Extraction  
C.U.P. for Mountain West Propane  
  
Amend Lot 34 Equestrian Estates  
Final Plat Duchesne Mini Ranches #2

Chairman Sweat called the meeting to order at 5:00 P.M. He welcomed two special guests Scott Hacking and Dave Peritelly (District Engineers from the Department of Environmental Quality for the State of Utah).

**PUBLIC HEARINGS:**

**A. Dale and Becky Rasmussen requesting a Conditional Use Permit for sand and gravel extraction, located in the NE ¼ of Section 23, Township 4 South, Range 2 West, in the Pleasant Valley area.**

Mr. Hyde stated the applicant is proposing to conduct mining operations on 128.58 acres about 5 miles south of Myton. The applicants will be screening rock with a conveyor system.

Mr. Hyde stated the criteria for a conditional use permit are:

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.

**The zoning code contains a ¼ mile separation distance from residential units to mitigate the impacts of mining operations. In this case the closest dwelling is about 2/3rds of a mile to the southwest.**

2. The proposed use will be located and conducted in compliance with the goals and policies of the Duchesne County General Plan and the purposes of this ordinance.

**Mr. Hyde stated that the County continues to encourage and support the mining industry along with other businesses. Mr. Hyde stated that the Rasmussen's might use some of the rock in their farming and ranching operation also they may use some in the concrete business of Paul and Dale Rasmussen.**

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.

**Mr. Hyde stated that the 128.58-acre parcel is large enough; the proposed mining site is located on the north boundary of the property. Mr. Hyde stated that notices were sent out to property owners within 300-feet of the proposed mining site and the only response was from Alan and Shirley Smith of Roosevelt. They indicated that they have no objections to the Rasmussen's conditional use permit.**

Mr. Hyde stated that there are some other special conditions for the extraction of earth products:

1. Must be maintained in a near dust-free condition;

**Mr. Hyde stated the applicants indicated that dust control will be provided by a tanker truck (owned by the applicant's brother), using Johnson water from their residence nearby.**

2. A bond shall be issued in the amount of one 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;

**Mr. Hyde stated if the conditional use permit is granted, such a bond shall be posted prior to the commencement of additional mining operations on the site.**

3. Reconditioning to assure the surrounding property is protected along with the beauty of the landscape;

**Reconditioning must occur after the conclusion of mining operations on the site. If the permit is approved, the applicant must submit a reclamation plan to the county for review and approval. The existing mined area will be reclaimed using topsoil from lands to the west of the existing pit. Once final grades are established, a seed mixture will be applied.**

4. Rock crushing operations must be a minimum of one thousand three hundred twenty feet from any city, town or residential use;

**No rock crushing is being proposed. Rock screening is being proposed, which does create some noise and dust; however, the 1,320-foot rule is met in this case.**

Chairman Sweat asked Mr. Rasmussen what would be the time frame or the longevity of the operation, would it be for years. Mr. Rasmussen stated however long it would take to mine it out.

Commissioner Rather asked what would be the times of operation and Mr. Rasmussen stated that screening would be during the day time hours and some possible loading after dark but that that wouldn't happen very often.

Commissioner Peatross moved that the Planning Commission approve the conditional Use Permit requested by Dale and Becky Rasmussen, subject to the following conditions:

1. Applicant shall take action as deemed necessary by the County, if complaints are received, to prevent dust from becoming a nuisance.
2. Applicant shall maintain a reclamation bond in effect during the course of the operations. The bond shall name the County as a beneficiary to the level of at least \$5,000.00 for the first acre disturbed and \$3,000.00 for each additional acre.
3. Applicant agrees to reclaim the site at the conclusion of mining operations in a manner acceptable to Duchesne County.

Commissioner Mair seconded the motion and it passed unanimously.

**B. Shane Duncan and Mountain West Propane requesting a Conditional Use Permit to construct and operate a commercial shop and office for a propane business, located on the north side of 4000 North, east of 3000 West, in the SW ¼ of the SW ¼ of Section 30, Township 1 South, Range 1 West, northwest of Roosevelt.**

Mr. Hyde stated as you recall Mr. Duncan was in last month for a rezone request. The Planning Commission recommended approval to the County Commission. However, the County Commissioners denied the rezone request, so Mr. Duncan is proceeding with a request for a conditional use permit for a commercial use in an AR-5 zone.

Mr. Hyde stated that knowing there is opposition to this I have provided findings for both approval and denial of this request. In looking at the findings for approval we need to look at the criteria for a conditional use permit which are:

1. The 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.

**The proposed use will consist of a metal maintenance shop building with an attached office building, parking and driveway areas, landscaping and a 500-gallon propane dispenser. Propane storage facilities require a permit and inspections from the State Fire Marshall's office. Such regulatory oversight will help protect the public from danger. The Tri-County Health Department will require plans for the wastewater disposal system on the property to further ensure public health standards are met.**

2. The proposed use will be located and conducted in compliance with the goals and policies of the Duchesne County General Plan and the purposes of this ordinance.

**The plan indicates that the county wishes to encourage business activity and that the county will support efforts to recruit news businesses, retain existing businesses and assist with the expansion of existing businesses. In light of these plan policies, the Conditional Use request should be approved to support the expansion of an existing business, knowing that conditions of approval will be imposed to protect rural residential and**

**agricultural interested in the area.**

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.

**Mr. Hyde stated the two-acre site under consideration is of sufficient size to conduct the business. The site is separated from agricultural lands to the east by an oil well access road. The nearest home site is on the south side of 4000 North, about 375 feet south and 450 feet east of the driveway to the proposed business site.**

Mr. Hyde stated that other special conditions might apply when a conditional use permit is approved.

1. That the site be suitably landscaped and maintained.

**Mr. Hyde stated there is a row of vegetation along the south side of the project site, along the north side of 4000 North. More vegetation needs to be installed along the west side of the business driveway and in the island on the east side of the parking area.**

2. Provisions of parking facilities, including vehicular ingress and egress.

**Mr. Hyde stated the applicants intend to use an existing oil well access road off of 4000 North. The business driveway and parking areas would be graveled but conditions should be imposed to require the applicant to mitigate dust if reports of blowing dust are received.**

3. The provision of required street and highway dedication and improvements and adequate water supply, sewage disposal and fire protection.

**Mr. Hyde stated no additional road right of way is needed at this location. Water will be obtained by a well permit, as there is no culinary water service at this location. Sewage disposal will need to be designed to Tri-County Health Department standards. Fire protection would come from Roosevelt and Neola as the site is about half way between the two stations. State Fire Marshal oversight of the propane storage facilities will reduce fire danger.**

4. Regulation of signs.

**Mr. Hyde stated that due the residential-agricultural nature of the site, sign size should be limited to 16 square feet and eight feet of height.**

5. The mitigation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electro-magnetic disturbances and radiation.

**Business operations will generate noise and vibration from truck movement, dust from vehicle movement on dirt-gravel surfaces, odors from propane tank painting. Duchesne County Nuisance Ordinance prohibits noise that would be annoying to residents between 9:30 PM and 7:00 AM. Dust control conditions are needed to prevent dust from becoming a nuisance. Painting of propane tanks needs to comply with International Mechanical Code.**

6. The regulation of operating hours for activities affecting normal schedules and functions.

**Mr. Hyde stated that operating hours should not exceed 9:30 PM or start earlier than 7:00 AM to prevent noise problems.**

Mr. Hyde stated that these would be findings to approve this conditional use permit but the findings to deny this application are different. Where it talks about health, safety and welfare, the findings are that in spite of the fire Marshal's Office review and the

health department's review of wastewater that the introduction of a propane business into a residential-agricultural area subjects the area to undue risks of fire and explosion that would normally not be present in such areas. This is of heightened concern due to the location of the proposed facility abutting an oil well with storage tanks.

Mr. Hyde stated in regards to the Duchesne County General Plan, in light of these plan policies, the Conditional Use request should be denied due to the adverse affects (traffic, noise, dust, risk of fire and explosion) it would have on present and future residential-agricultural interests. Mr. Hyde stated that the third issue is the adequate size of the property so that it would not be materially detrimental to adjoining and surrounding properties. The nearest home site is on the south side of 4000 North, about 375 feet south and 450 feet east of the driveway to the proposed site, which is close enough to experience a loss of the residential-agricultural character of the area.

Mr. Hyde stated that whatever decision the Planning Commission makes tonight can be appealed to the County Commissioner within ten days after it is put in writing and mailed out to all parties involved.

Chairman Sweat asked if there was a specific reason for the County Commission to deny the rezone request. Mr. Hyde stated that the County Commission didn't feel it was good planning to rezone such a small area in a residential-agricultural area.

Chairman Sweat called for those in favor to testify.

Mr. Duncan stated that the State Fire Marshal does yearly inspections, the underwriters do 1 or 2 inspections yearly, and trucks require visual leakage tests yearly with hydrostatic testing every 5 years. Mr. Duncan stated that one thing our insurance inspector suggested that we meet with the fire departments to show them our facilities. In the shop we plan to put in radiant floor heat with a boiler and have the boiler in a separate area in the shop so there would be a lesser chance of extinction in the shop. Trucks would be parked there for maintenance and minor repair only and would not be there permanently.

Commissioner Peatross asked if anything on the plans had changed or would they remain the same as they were for the rezone. Mr. Duncan stated that the only thing they were changing was from a rezone to a conditional use.

Commissioner Rather asked what was the reasoning for the location here rather than in an industrial area. Mr. Duncan stated that the location was selected mainly because the bluebell gas plant is only about 2 miles away and we have a lot of customers within a 5 to 10 mile radius.

Commissioner Fabrizio asked what is the purpose of the landscaping plan where there is only going to be one tank. Mr. Hyde stated to screen the view of the business from the road and the residence on the south side and besides the tank there will also be a metal building and parking area.

Chairman Sweat indicated to the audience the difference between rezone which if approved would be like that until someone comes to have it rezoned and a conditional use is effective has long as the person or company complies with the conditions listed when the permit was approved. Mr. Hyde stated that with a rezone any type of business could be there and with a conditional use only the business that is being applied for can be there.

Chairman Sweat called for those in opposition to testify.

Chris Nebeker stated that he is the closest home the proposed site and he feels that if the County Commissioners denied this site for a rezone I think this type of business should not be in this area. Mr. Nebeker stated that he thought this type business should either be in an industrial or commercial zone because when they put in the culinary water system there would be more residential growth to the area and it should be kept residential-agricultural. Mr. Nebeker stated that his main concern with this

propane business in the area would be safety issues.

As there was no additional testimony Chairman Sweat closed the public hearing.

Commissioner Mair stated that Mr. Nebeker mentioned the size of the lot so I just want to know the dimensions of the property were the proposed business is. Mr. Duncan stated that it is 295 feet by 295 feet but where the road goes at an angle it would be about 150 feet.

Commissioner Fabrizio moved that the Planning Commission approve the Conditional Use Permit requested by Shane Duncan, Mountain West Propane, subject to the following conditions:

1. Prior to opening for business at this location, the applicant shall:
  - a. Obtain approval of a site landscaping plan and plant the required landscaping to screen the view of the business from 4000 North. A bond may be posted to guarantee installation of landscaping if the season of the year does not allow planting before occupancy is desired.
  - b. Submit evidence of compliance with all requirements of the State Fire Marshal for propane storage.
  - c. Receive a well permit and health department approval.
  - d. Provide a driveway and parking area surface that is durable and dust free.
  - e. Provide propane tank painting facilities that comply with the Mechanical Code and prevent the release of paint fumes to the atmosphere in a manner that impacts other properties.
2. Applicant agrees to not allow business operations before 7:00 AM or later than 9:30 PM.
3. Applicant agrees that the principal business sign shall be limited to 16 square feet in size and eight feet in height and shall be placed in a manner to not create a traffic hazard at the driveway entrance to 4000 North.
4. Applicant agrees to promptly mitigate dust if blowing dust is observed from the access road and parking-driveway areas.

Commissioner Peatross seconded the motion with 4 in favor and Commissioner Rather voted against.

**C. Shane King requesting an amendment of Lot 34, Equestrian Estates Subdivision to divide the 12.17-acre lot into two parcels (5.09 and 7.08 acres), located in Section 16, Township 2 South, Range 3 West, northwest of Upalco.**

Mr. Hyde stated that the 12-acre parcel in Equestrian Estates is where Mr. King desires to divide it into a 5.09-acre parcel and a 7.08-acre parcel, the Big Sand Wash Reservoir is to the south and Highway 87 is to the west. The Equestrian Estates Subdivision, was approved by the county in 1982 the original plat had 34 lots ranging from 5 to 12.17 acres in size. Over the years there has been several plat amendments resulting in 42 lots. The applicant currently has a cabin in Crescent Lake Estates. That lot is being taken for the reservoir expansion project. Mr. Hyde passed around photos of the lot and surrounding views of the area. There are no new roads required for this amended plat. Tri-County Health Department has issued a letter dated April 18, 2006 giving approval for this lot split. Also, a letter from Upper Country Water District dated March 9, 2006 has been received indicating that the applicant has one water connection for the westerly lot. There are only 4-inch waterlines so a fire hydrant can not be placed, however there is a fire hydrant located at the entrance to the subdivision on Highway 87. The County Fire Official has indicated that this would be fine because they would also be able to refill the tanker truck from the reservoir or nearby canals.

Mr. King stated the estimates that have been received from the agencies that are taking our property have ranged from \$47,000.00 at which we won't be able to do everything

that we want to and buy the property, up to \$250,000.00 and so we don't have any idea what we will be getting. So it would be good for us to have all this taken care of in advance because we will only have 90-days to move the cabin.

Commissioner Mair moved that the Planning Commission recommend to the County Commission the approval of the amended plat as requested.

Commissioner Fabrizio seconded the motion and it passed unanimously.

**D. Duchesne Land LC requesting final plat approval of the Duchesne Mini Ranches, Phase 2, located in Sections 17 and 20, Township 4 South, Range 4 West, southeast of Duchesne.**

Mr. Hyde stated the preliminary plat for Duchesne Mini Ranches, Phase 2 was approved by the Planning Commission on April 5, 2006, subject to the following conditions:

1. Developers post bond for \$11,825.00 future acceleration and deceleration lanes on Highway 40.  
**The developer and the County have agreed that \$220.00 should be collected at the time of building permit issuance. A line item has been established to receive and hold these funds until the project needs to be constructed.**
2. Prior to final plat approval, developer shall consolidate the unbuildable Lot 11 into adjoining lot or lots or provide an easement for wastewater disposal on another lot.  
**The final plat has been drawn to provide for wastewater disposal from Lot 11 onto Lot 10 via an easement and plat notation. This condition has been met.**
3. Prior to final plat approval, developer shall install street signs or post a bond for the installation of street signs of a design approved by the county road department.  
**The developer has already purchased street signs and they will be installed soon.**
4. All water lines shall be installed and approved for use by the Utah Division of Drinking Water.  
**Not all of the water lines have been completed at this time so the developer has opened an account at Zion's Bank for \$40,000.00. That amount is over the amount needed to finish the water lines.**
5. Prior to final plat approval fire protection is needed in this area.  
**The applicants met with the County Fire Official on April 14, 2006. An agreement was reached to provide "flush hydrants" at the end of each cul de sac in the development, including previous phases.**

Mr. Hyde stated that the County Road Department has already approved the roads in this phase and so all of the conditions have been met for final plat approval.

Mr. Steed stated this is the 10<sup>th</sup> phase that has completed and they plan on several others this year. He indicated that this was the first opportunity Duchesne Land LC had working with the Georg Adams (County Fire Official) since they began their development. When we first began the fire issue was waived but since then we have better water capacity and more water storage in the area. We have just received State approval on a 300,000-gallon concrete tank with addition to a 30,000-gallon tank and a 6,000-gallon tank

Mr. Hacking stated if there is a 300,000-gallon tank on an 8-inch water line the Division of Drinking Water would not say that you could not use that water to fight a fire. Chairman Sweat agreed with Mr. Hacking and stated that in this case the developers have spoken with Mr. Adams on this and have agreed that this is adequate especially in

this area some water is better than none at all.

Harold Grimaud asked being a property owner near this development what would be the possibilities of getting water, power etc. Chairman Sweat indicated to him that he would need to take this matter up with the developers because there was nothing the planning commission could do about this. Also Mr. Grimaud was concern with all the development in the area that they could land lock them so that they wouldn't be able to access their property. Mr. Hyde stated if the roads were pre-existing then this development shouldn't have anything to do with those roads.

Chairman Sweat asked about Lot 11 and the wastewater system being on Lot 10 does Tri-County Health have a problem with this. Mr. Brown stated that he hasn't seen how big the easement is. The easement needs to be big enough to have two systems on it and has to have complete accessibility to take care of both systems.

Commissioner Mair asked with the availability of the 8-inch water line why don't you hook up a fire hydrant to that. Connie Sweat stated that the lines are high-pressure transmission lines only and will not hold a fire hydrant it would blow it right off the ground.

Commissioner Peatross moved that the Planning Commission recommend to the County Commission the adoption of the Findings of Fact and Conclusions set forth in this report and approval of the final plat of the Duchesne Mini Ranches, Phase 2, subject to the following condition:

1. When the final plat is submitted for recording, the subdivider shall provide the county with a disk containing the final plat drawing in an AutoCAD compatible format, such as dxf, dwg or shp.

Commissioner Mair seconded the motion and it passed unanimously.

#### **Minutes: Approval of the April 5, 2006 minutes**

Chairman Sweat moved to approve the minutes as written.  
Commissioner Mair seconded the motion and it passed unanimously.

#### **Commission Comments and Staff Reports:**

Mr. Hyde stated that there is a Certified Community Planner Seminar coming on June 8<sup>th</sup> and 9<sup>th</sup> in North Salt Lake and asked if anyone was interested. Chairman Sweat indicated that he was.

#### **Adjournment:**

Commissioner Fabrizio moved to adjourn the meeting at 6:16 P.M.  
Commissioner Rather seconded the motion and it passed unanimously.