

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
November 5, 2008 - 5:00 p.m.**

In Attendance were:

Shelly Fabrizio, Planning Commission Chairperson
Leon Sweat, Planning Commission
Chris Peatross, Planning Commission
Randy Mair, Planning Commission
John Jorgensen, Planning Commission
Kent Olsen, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Abby Roberts	Deerfield Subdivision
Eddy Roberts	Deerfield Subdivision
Fred Goodrich	BBC
John Nielsen	Nielson Construction
James Davis	Nielson Construction
Don Bennett	Nielson Construction
Dale M. Rasmussen	
Becky T. Rasmussen	
Geoff Liesik	Uintah Basin Standard
Scott Hacking	DEQ
Nicole Harvey	
Ryan Harvey	
Clint Jorgensen	
Nate Robinson	
Sam Robinson	
Kody Tisdale	

Chairperson Fabrizio opened the meeting at 5:00 PM.

Chairperson Fabrizio asked if any of the Planning Commission had any involvement with either item on the agenda. Commissioner Sweat excused himself from the Deerfield Subdivision item as the applicants from Deerfield Subdivision are friends of his.

PUBLIC HEARINGS:

A. Request by Ryan Harvey for a Conditional Use Permit for a surface mine (shale pit) on lands in the North ½ of the NE ¼ of Section 13, Township 4 South, Range 2 West, in the Pleasant Valley area.

Mr. Hyde stated Ryan Harvey is proposing to conduct mining operations on lands located on the west side of the Pleasant Valley Road, about 4 miles south of Myton. It involves the corner of a farm field northwest of an irrigation pivot circle. This activity requires a Conditional Use Permit in the Agricultural-Residential zone. The applicant has previously removed rock from his father's property to the west without a permit; however, that operation is to be completed by the November 5, 2008 hearing date. The shale is being sold to Newfield as a secondary source of material for their roads.

Mr. Hyde states the planning commission may grant the conditional use permit if the commission finds:

1. That the proposed application will 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 stated the zoning code contains a ¼ mile separation distance from residential units to mitigate the impacts of rock crushing operations. In this case, there is no rock crushing proposed as the material being removed is shale. The operation is not anticipated to take long as the intent is to mine a small corner of the property outside the radius of an irrigation circle versus excavating a large area. The only hazard to the public would be the vertical cuts; they would need to be sloped to a safe grade to ensure public safety. Also, there is an existing road connection to the Pleasant Valley Road being utilized. The Road Department has requested that the shoulders along the road be widened at the driveway intersection to facilitate truck turning movements. The applicant stated that work has been done and will get in touch with Mr. Murphy to make sure it is satisfactory with the road department.

2. 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 proposed mining will occur on less than five acres of a parcel that is 74.61 acres in size. The applicant would excavate material from the corner of a farm field lying outside of an irrigation circle. This parcel is large enough and situated such that detrimental impacts will be minimized. If standard conditions are imposed regarding noise and dust control, the proposed use will be acceptable at this location.

3. Special minimum conditions for extraction of earth products:

1. Must be maintained in a near dust-free condition. Watering the site and street during times of operation is considered maintaining a near dust-free condition.

Mr. Hyde stated the applicants have indicated that there is a pivot irrigation system available that is used to control dust in this area. The applicant will utilize a water truck if necessary to control dust. The applicant has access to a water source to fill the truck (a pond from which they market water to the oilfield).

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. This requirement may be met by naming the County as an obligee on the required Division of Oil, Gas and Mining bond. 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 and the enlargement or modification is approved.

Mr. Hyde stated in this case, the applicant is using his own equipment on his own property and the applicant intends to slope the site once mining is completed so that it may be planted and farmed next spring. Under these circumstances, the bonding requirement may be waived.

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

Mr. Hyde stated that the applicant will level the property off to a gentle slope to protect the landscape.

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

Mr. Hyde stated there is no rock crushing or screening proposed in this case. However, equipment will be used to load shale rock. 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). The applicants have indicated that equipment usually is operated between 8 AM and 3 PM, Monday through Thursday and that about 10 loads will be hauled out on an average day. This meets the weekday noise standards of the nuisance ordinance. Since this is a secondary source of rock for Newfield, it is difficult to estimate how long the operation will last. Again, he wants the fields to be ready for planting in the spring.

Mr. Hyde stated his recommendation for the Planning Commission is to approve the Conditional Use Permit requested by Ryan Harvey, subject to the following conditions:

1. Applicant shall control dust and noise so neither becomes a nuisance. This includes watering the mining area and truck haul route with an irrigation pivot or a water truck. Equipment use shall comply with the time limits of the nuisance ordinance. No rock crushing is allowed.

2. Applicant shall eliminate the vertical cuts on the lands to the west to provide safe slopes within thirty (30) days and protect the public and wildlife from the vertical drop until the work is completed. Similar reclamation and protective measures shall occur on the subject site within thirty (30) days of the completion of mining.
3. Applicant shall improve and maintain the driveway-county road intersection as directed by the Duchesne County Road Department.

Mr. Hyde referred the Planning Commission to their packets and the aerial photos showing the location along the Pleasant Valley road, south of the pheasant farm in that area.

Mr. Hyde asked if there were any questions.

Commissioner Sweat asked if the applicant opens the site up to farming, does that void the conditional use permit for removing rock product.

Mr. Hyde stated that conditional use permits are good for as long as the applicants need them, and if the applicant were to expand his operation he would need to come before the planning commission again. The applicant will be preparing this area for farming in the future.

Chairperson Fabrizio asked if there were any other questions for Mr. Hyde, there were none. Chairperson Fabrizio asked the applicant Ryan Harvey to make any comments.

Mr. Harvey stated that his father's land will be sloped off in the next 30 days and would be ready for planting in the spring. Mr. Harvey stated his parcel will be leveled off when they get finished, but will not be ready for planting in the spring.

Commissioner Olsen asked about dust control and where the product was being used. Mr. Harvey stated the road access is in the middle of the pivot and will get watered in the summer and he has a water truck that will do it in the winter, also the product is used for Newfield's roads.

Chairperson Fabrizio asked if there were any questions there were none.

Commissioner Sweat recommended the planning commission approve the conditional use permit subject to the three conditions as stated by Mr. Hyde. Commissioner Mair seconded the motion and it passed unanimously.

- B. Request by Nielson Construction and Bill Barrett Corporation for a Conditional Use permit for a gravel pit and rock crusher on lands located in Section 36, Township 11 South, Range 14 East, at the mouth of Currant Canyon on the Nine Mile Canyon Road.

Mr. Hyde stated the planning commission may grant a conditional use permit in compliance with this ordinance if, from the application and the facts presented at the public hearing.

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 (1,320 foot) separation distance from residential units to mitigate the impacts of rock crushing operations. In this case, the closest dwelling units are about one mile away to the east and west from the proposed gravel pit. On this property there is a labor camp for Bill Barrett Corp. employees which is not considered a residence. The majority of the land in this area is BLM or State Institutional Trust Lands. The applicants will need to coordinate with the Duchesne County Road Department to ensure that the road access point from the operation to the Nine Mile Canyon Road is in a safe location for public safety.

2. That the property on which the use, building or other structure is proposed off adequate size and dimensions to permit the conduct of the use in such a manner that will nor be materially detrimental to adjoining and surrounding properties.

Mr. Hyde stated the proposed mining will occur on a 4-acre section of a 160-acre parcel. Bill Barrett Corporation owns an adjoining parcel to the west that is 200 acres in size. These parcels are large enough and situated such that detrimental impacts on other properties will be minimized. If standard conditions are imposed regarding noise and dust control, the proposed use will be acceptable at this location.

3. Must be maintained in a near dust free condition. Watering the site and street during times of operation is considered maintaining a near dust free condition.

Mr. Hyde stated in terms of dust control the applicants have in order to operate in accordance with Utah DEQ air and quality standards, a copy of their 180 day temporary permit that was issued on September 8, 2008. The applicants have indicated they will supply a tanker to provide dust control with water from Nine Mile Creek, using water rights approved by the Utah Division of Water Rights.

4. 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. This requirement may be met by naming the County as an obligee on the required Division of Oil, Gas and Mining bond. 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 and the enlargement or modification is approved.

Hr. Hyde stated bonding for 4 acres of disturbance will be \$14,000.00 and that was received by the County on October 14, 2008.

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

Mr. Hyde stated the applicants have agreed to reclaim the site and make safe cuts, fill the slopes and reseed the area when the mining is completed.

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

Mr. Hyde stated the 1320 foot rule is met in this case the nearest residences are one mile to the east and west of the proposed site. Also the nuisance ordinance will be enforced.

Mr. Hyde recommended that the Planning Commission approve the conditional Use Permit requested by Nielson Construction and Bill Barrett Corporation, subject to the following conditions:

1. Applicant shall control dust and noise so neither becomes a nuisance. A dust control plan shall be implemented throughout the course of the operations.
2. Applicant shall maintain a reclamation bond in effect during the course of the mining operations. The bond shall name the County as a beneficiary to the level of at least \$5,000.00 for the first acre and \$3,000.00 per additional acre to be disturbed at any one time.
3. Applicant agrees to reclaim (re-contour and re-seed) the site at the conclusion of mining operations in a manner acceptable to Duchesne County and the property owner.
4. Applicant agrees to obtain a road approach permit from the Duchesne County Road Department for the access to the site from the Nine Mile Canyon Road, if constructing a new access or modifying an existing access.

Mr. Hyde also prepared Findings for Denial should the Commission find that appropriate. He explained the difference of those findings and had some comments about the site being located within the Nine Mile Historical District and could be visible from the county road. Locating a gravel pit would change the character of the historical site. The National Historic Registry is not going forward with their plans at this time as the boundaries for the district were too large so they are focusing on individual sites. Also in these findings the rock quarry in the Strawberry River canyon is an example how mining in a scenic area generates concerns about mining along a scenic area, due to tourism in the Nine Mile Canyon area gravel extraction is contrary to that. Mr. Hyde also stated some reasons for denial would be dust control, noise and the traffic thru the area.

Mr. Hyde asked if there were any questions.

Commissioner Sweat asked about the letter from the DEQ, it states the property is in Carbon County, Mr. Hyde stated that was a mistake on DEQ's part, the property is in Duchesne County. Commissioner Sweat also asked about the six month temporary permit? Mr. Hyde thought that was how long the applicants would need the permit.

Chairperson Fabrizio asked if there was any one from the Bill Barrett Corp or from Nielson Construction that would like to speak.

Fred Goodrich from Bill Barrett Corporation requested the Conditional Use Permit be approved to have the crusher and gravel pit in the Nine Mile area. BBC uses all the product they crush on Duchesne County roads in that area. When they have the product hauled from Duchesne or Roosevelt it costs approximately \$1500.00 a load. Mr. Goodrich also states they operate the pit as a non-commercial facility to fill in pot holes, maintain the roads and for personal use on our location sites.

John Nielson from Nielson Construction wants the commission to understand this is a small operation two or three loads a day and also Nielson Construction is sensitive to the area and the Historical value in the area. Mr. Nielson also stated that Nielson Construction was awarded the Earth Day award by DOGM and feels they take pride in their work.

Mr. Goodrich also stated BBC does have a letter from Air Quality stating the crusher passed the inspection and they did get the other permits needed for this operation. He stated he was unaware we needed a conditional use permit to crush gravel on our own property. Mr. Goodrich stated the goal of BBC is to keep the integrity of the roads in the Nine Mile area intact and useable for everybody's benefit. The crusher is in a draw up the canyon approximately 1300 feet so it is not visible from the road along the historical route.

Commissioner Sweat asked what the production rate is on the crusher. Mr. Nielson stated it was rated at 350 ton per hour and the construction company is running at 280 ton per hour.

Commissioner Sweat was concerned about the DEQ not renewing the temporary permit for the 180 days. Mr. Nielson stated they would be finished with their operation by that time.

Commissioner Olsen asked about the water right, Mr. Goodrich stated it comes from a Nine Mile Creek filing.

There was some discussion about the permit the commission approved two months ago, where it was from this operation.

Commissioner Olsen asked Mr. Hyde about the Findings for Denial, he explained what the purpose of that was for.

Chairperson Fabrizio asked if there were any questions and there were none.

Commissioner Mair moved to approve the Conditional Use Permit requested by Bill Barrett Corporation and Nielson Construction subject to the four conditions stated in Mr. Hyde's staff report.

Commissioner Olsen seconded the motion and it passed unanimously.

NEW BUSINESS

A. Request for extension of time to submit final plat of the Deerfield Subdivision.

Commissioner Sweat excused himself from the room.

Mr. Hyde stated in your agenda there is a letter from Eddy and Abby Roberts and Alan and Katie Beach. They received the Planning Commission approval for preliminary plat of the Deerfield Subdivision. As of today they have not been able to meet all the requirements needed for final plat approval. They are requesting an extension at this time to finish the road inspection and the approval from the health department on the water system.

Mr. Hyde stated the planning commission should grant the extension so the applicants can complete the requirements needed for final plat approval.

Chairperson Fabrizio asked the applicants to give the commission a progress report.

Mrs. Roberts stated the water system is in and they are working with their engineer and the state so they can get their operating permit from the health department. The road to the subdivision is finished and Mr. Murphy, the County road supervisor needs to do the inspection to make sure it is at county specifications.

Commissioner Olsen asked what the address of this subdivision was. Mrs. Roberts replied it is on 46000 West.

Chairperson Fabrizio asked if there were any questions there were none.
Chairperson Fabrizio moved to grant the extension for Deerfield Subdivision.
Commissioner Mair seconded the motion and it passed unanimously.

Commissioner Sweat returned to the meeting.

B. Discuss potential amendments to the zoning ordinance regarding wastewater evaporation ponds, parking requirements, surface mining and definitions.

Mr. Hyde stated at the last planning meeting we looked at some proposed amendments to the zoning ordinance that were brought to our attention due to the waste water pond hearings. During this process we found a couple of other items that need the planning commission's attention. In your packet there is a proposed amendment to refer to. In Section 2, Mr. Hyde stated the commission needs to correct the definition of:

1. Concentrated Animal feeding operations (refers to a wrong Administrative Rule.)
2. The definition of open range refers to all land not privately owned, and includes all roads, outside of private enclosures, used by the public, whether the same have formally dedicated to the public or not. Mr. Hyde stated that is not even close to the definition of open range and proposes it be changed to "Only those lands specifically designated as "open range" under state or federal law or regulations", as recommended by the County Attorney.

Mr. Hyde stated most of the county open range is on Forest Service or BLM lands. This is an issue because of situations where cattlemen do not have their fences maintained so the cattle get on public roads and the County attorney has asked to clarify this issue.

Mr. Hyde stated in Section 3, that Duchesne County does not have any regulation on their parking requirements, as to the spacing or design. The building department has asked the Planning Commission to look at this issue, I have looked at Uintah County's zoning ordinance and thought both counties should be consistent with each other, There are several pages on how a parking lot should be designed.

Also, in Section 4, (page 6):

States where the Produced Water disposal facilities are listed. The County is proposing the change to include submittal of the DOGM application and DOGM approval to the County prior to the receipt of the water. The proposed changes will insure they are in compliance with the Division of Oil, Gas and Mining General Rules.

The ordinance states the minimum setback currently requires a one mile setback from any state, federal highway or city, town or primary residence and the new proposal would increase the setbacks to two miles and clarify the setbacks will only be for primary residences and not secondary residences.

States the number of ponds on each conditional use permit, is a concern and this proposal would limit the number of ponds built in the first phase of the development, will not allow any expansion or modifications without coming before the planning commission, applying for and getting approval for a new conditional use permit.

The bonding requirement is \$25,000.00 per acre bond, the industry states this is a duplication of the state bond requirements. The proposed amendment would require 125% of the contractors estimate to reclaim roads, driving surfaces, remove tanks, fences and to re-vegetate the site as agreed by the property owner and the county. This bond will ensure reclamation of the site beyond that required by DOGM.

Mr. Hyde stated two new proposed requirements would be as follows:

Prior to receiving water the applicants must provide Duchesne County with evidence of compliance with the Section 404 permit process administered by the U.S. Corps of Engineers and the Migratory Bird treaty Act administered by the U.S. Fish and Wildlife Service

Notwithstanding the notification requirements of Section 17.52.030 mailed notice of the public hearing shall be given to all property owners within one mile of the parcel proposed for the use. (The setback currently is 300 feet.)

Mr. Hyde stated the last proposed amendment in Section 5: The Extraction of Earth Products would be amended as follows:

1. 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 Utah DEQ.
2. Would need to clarify that a new Conditional Use Permit would need to be applied for and approved for any enlargements or modifications to the disposal ponds.

Mr. Hyde stated these are some recommendations for the planning commission. This is not a public hearing; however we will open the matter for comments or questions at this time.

Chairperson Fabrizio asked if there were any questions at this time.

Commissioner Sweat stated his concerns on the two mile notices on # 4 and mailing notices for one mile in #8 and suggested we change #8 to two miles also.

Commissioner Mair asked Mr. Hyde about adding some verbiage to the ordinance #4 such as, if the property owners agree to and give consent to having the applicant within an area of less than two miles. Also, Commissioner Mair asked where Duchesne County stands on ordinances with Uintah County, referring to the disposal site on Highway 40 which is not one mile off a state highway. Mr. Hyde stated he could not find any rules on their website. I did find on Grand County's website they are proposing a one mile setback.

There was some discussion between Commissioner Peatross, and Mr. Hyde whether it would be better to have many small ponds spread over a larger area that meets the setbacks requirements or to have one larger facility in one central location?

Commissioner Peatross also asked about having a large first phase and not using all of the ponds for a number of years whether to specifically say they need to be operational within a number of months, or you would need to re-apply for a new permit. That may keep the applicants from getting approval for all ponds and phases and only using what they need.

Commissioner Mair proposed that permitted evaporation ponds would need to be under construction within 18 months and completed within 3 years. Commissioner Peatross stated if you are not operational within three years, the applicant will need to re-apply with a new phase and a new conditional use permit.

Chairperson Fabrizio stated some concerns about making it too difficult to dispose of their waste water; the applicants could take their business elsewhere. Commissioner Jorgensen stated if the applicants were not in operation within three years they should not have requested the site be that large.

Mr. Hyde states in terms of spacing and the area of the setbacks we would need to regulate whether to spread them out or have the sites concentrated. Commissioner Mair stated that would depend where the sites are being built for example building south of Pariette where there is nothing in that area you could have a larger site rather than a populated area. Chairperson Fabrizio stated that again depends on each applicant and their needs.

Commissioner Sweat asked if there were any DEQ regulations. Mr. Hyde responded as long as they meet the standards of each site by keeping the liners from leaking and breaching over the sides the applicant can keep their permit.

Scott Hacking from the DEQ stated the primary Regulatory agency for evaporation ponds is DOGM, they do consult with the Division of Water Quality on some facilities as their consultant, but DOGM does issue the permit. Commissioner Sweat asked Mr. Hacking if DOGM and the DEQ get involved with culinary wells and their protection zones. Mr. Hacking stated that was part of the DOGM regulations.

Mr. Hyde stated the requirements for Grand County sites will be 40 acres, one half mile away any perennial or intermittent stream, one mile from any residence or irrigated farm lands, and not within sight of any scenic byway, also at least one mile away from certain zone boundaries.

Commissioner Jorgensen asked if there was a maximum or minimum size requirement for these sites, Mr. Hacking replied he thought Grand County had a minimum size of 40 acres. Mr. Hacking stated Mr. Darrin Brown of Tri County Health Department was pleased with the setbacks that we have proposed.

Commissioner Mair stated some concerns he has if a landowner has his residence on the front part of his farm, should the two mile setback include all the farm or just from the residence? Commissioner Peatross feels that would decrease the value of the rest of the farm. Mr. Hyde stated the setbacks should be based on the property line associated with the existing home. Commissioner Jorgensen stated maybe it should be associated with irrigated lands. Commissioner Peatross stated you could have a distance for residences and one for property lines, and that would give the property owner some protection. Mr. Hyde stated maybe two miles to a home and one mile to a property line. Future homes may be placed on lands that are not irrigated.

Chairperson Fabrizio asked if there were any questions or comments from the public.

Nathan Robinson with DNL Trucking stated with the two mile setbacks, that limits areas for disposal ponds and leaves you looking closer to big drainages or nine mile canyon. Also, he is concerned with the fencing if you have 160 acres would you need to fence all 160 acres or just the acres you would use for your permit. Commissioner Peatross stated it would only be the lands approved for the permit, which are state requirements. Mr. Hyde explained the two mile setback would be from a primary dwelling, and maybe one mile from property line of a parcel that has a primary residence within the setback. Mr. Hyde stated you could get consent from the property owner to come closer. Also, one of our goals is to relocate these facilities into remote areas away from residences, so they can be a productive facility.

Mr. Robinson states there are measures a company can take to control the odor in these ponds and it is cost effective to do that thru the evaporation process, Commissioner Jorgensen asked if there were not other ways to dispose of the waste water? Mr. Hyde asked if Mr. Robinson if he is operating a waste water facility now and what kind of chemicals does he use? He replied, he had just purchased a facility in Uintah County and is using the aeration and chemicals and a centrifuge system to break the hydrocarbons down. Commissioner Peatross states there are many ways to operate these facilities, Commissioner Mair replied it also depends on what kind of water you are disposing of.

Mr. Hyde stated Grand County is looking at having these facilities be manned full time. It seems like if they are not manned that could increase your liability and increase the chances of odor problems or safety concerns. Mr. Robinson stated at the facility in Uintah County he does have personnel there 24 hours a day 7 days a week, just for his protection. Chairperson Fabrizio asked how many companies do have their operations manned? Mr. Robinson replied about fifty percent, some have locked gates also it lessens the chances for spills and accidents as the employee is trained to take care of the facility.

Chairperson Fabrizio asked if there were any other questions or comments.

Dale Rasmussen stated he and Becky agree with the planning commission proposals and recommendations and feel like you have made some valuable changes to help

Duchesne County and their citizens. They would like to work together with the oil and gas industry as well as with the residential and agricultural uses. Mr. Rasmussen also stated he has looked at the DOGM website regarding the proposed water disposal ponds in Duchesne County by acreage. We have doubled in size over the last nine months. Mr. Rasmussen also stated they would like to channel these facilities into less populated areas. He stated the two mile setback is reasonable to residential use, the suggestions as to the property lines will help also.

Chairperson Fabrizio asked Mr. Rasmussen what about manning the facilities? Mr. Rasmussen replied it would help to have someone there when there is a spill, to watch for vandalism or complaints. Also, Mr. Rasmussen stated if the pits are closed they lock the gates and therefore can watch for who is dumping and what they are dumping. Commissioner Peatross stated maybe the commission should not only pursue where the facilities are located, but how they are operated.

Mr. Hyde stated the Grand County ordinance requires an onsite operator will be at the site during all hours of operation to monitor the receiving and operations of the facility.

Chairperson Fabrizio asked if there were any other comments.

Cody Tisdale made some comments about odor control and regulations.

There was some discussion among the planning commission. They feel like they have covered the issues and concerns on the proposed amendments. Mr. Hyde asked if they were comfortable about scheduling a public hearing on December 3, 2008. The Planning commission is ready for Public Hearing. But could recess the hearing if need be, if new concerns or information arise.

Commissioner Olsen stated some concerns about the open range definition and what the Federal regulations are and what constitutes open range also is there any protection for the cattleman.

Minutes: Approval of September 3, 2008

Commissioner Olsen moved to approve the minutes of September 3, 2008
Commissioner Jorgensen seconded the motion and passed unanimously.

Commission Comments and Staff Information Items

None.

Adjournment:

Meeting adjourned at 6:25 p.m.