

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
October 7, 2009 - 5:00 p.m.**

In Attendance were:

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

Visitors:

Junior Jessen	Chapman-CUP
David Phillips	Chapman-CUP
Phillip Wilkerson	Larsen Gravel Pit-CUP
Elmo Wilkerson	Larsen Gravel Pit-CUP
Lane Larsen	Larsen Gravel Pit-CUP
Norval Glines	Chapman-CUP
Joe Fieldsted	Chapman-CUP
Andre Salvail	Uintah Basin Standard
Ryan Chapman	Chapman-CUP
Shane Long	Chapman Construction
Renn Smith	Bio Resources
Larry Skow	Bio Resources
Dale Rasmussen	RNI-Evaporation Ponds
Becky Rasmussen	RNI-Evaporation Ponds
Scott Hacking	DEQ-Tri County Health Department
Merrill Dalling	RNI-Evaporation Ponds
Gary Richens	RNI-Evaporation Ponds

Chairperson Mair opened the meeting at 5:00 PM.

Chairperson Mair asked if any of the Planning Commission had any ex-parte contacts associated with any item on the agenda. There were none, so the hearing proceeded.

PUBLIC HEARINGS:

A. Review of the Conditional Use Permit granted to R. N. Industries on August 6, 2008 to determine if prompt action to control and eliminate odors at their produced water disposal facility on the BLM Fence Road has been taken in accordance with permit conditions.

Mr. Hyde stated the first item on the agenda is a review of the RN Industries Conditional Use Permit to determine if they have taken prompt action to control and eliminate odors since they started receiving water earlier this year. Mr. Hyde referred the commissioners to the complaint log in their packets with entries from early June thru October 6th. Initially the odors were coming from ITL just east of the RNI site and at the September 2nd meeting the residents in Pleasant Valley and the Planning Commission cleared ITL from having an odor problem. Mr. Hyde stated that between field observations by staff and the residents in the area the conclusion is the odors are now coming from the RNI site.

Mr. Hyde stated after the hearing there are several recommendations in the staff report the Planning Commission can consider.

Commissioner Mair asked if there were any questions of the staff report. There were none. So the applicant was invited to speak.

Gary Richens, Environmental Manager for RN Industries, stated on September 22 the pump size and the misting area have been increased on the pond and that there was an observable decrease of the odors at the site. Mr. Hyde asked if there was more than one pump as was observed on September 22. Mr. Richens replied still one pump just a bigger one. Mr. Richens had several displays and referred the commissioners to the graphics and explained they were not at optimum conditions yet hoping with the increased pump size and misting the odors will subside.

In response to the early complaints from the residents in the Pleasant Valley area RNI has placed GPS monitors at different sites and through out many areas surrounding the pit locations. The handout Mr. Richens passed to the Planning Commission is information gathered being on a scale from 1 on the low side to 10 on the high side summarizing the data from each location. Mr. Richens stated if there was a strong odor at these locations the recorded data should have picked it up, three is the highest the RNI employees could estimate. Mr. Richens feels the further you get away from the odor the less offensive the odor should be. RNI is not disputing the complaints but feel that there are many different sources in the area that could be causing the offensive odors including condensing well sites, gas wells with reserve pits, feed lots, dairy farm, extensive marsh lands in the Pleasant Valley area and the three production water sites.

Mr. Richens stated together with the GPS data they also have installed a portable weather station device to record the wind directions. With the data from the GPS locations and the weather station information collected depending on which direction

the winds are blowing, RNI feels the odor levels are not strong enough from their site to warrant having the Conditional Use permit in jeopardy at this time.

Mr. Richens suggests when complaints are registered RNI go to the site, GPS the location and see what direction the winds are blowing and how strong the odor is. The residents and the Planning Commission are welcome to go with the RNI employees and conclude where and how strong the odors are and where they are coming from together.

Mr. Richens stated they want to solve the problem but are not convinced the odors are coming solely from the RNI site with the other potential sources in the area.

Commissioner Jorgensen asked Mr. Richens how they measure the odor levels of one, two and three.

Mr. Richens stated it was an observation of the employee. Commissioner Jorgensen concluded this data is very subjective.

Commissioner Fabrizio and Mr. Richens had some conversation about the data and the differences on the scale of odors between RNI, the residents and the Planning Commission.

Mr. Hyde stated on 9-23-09 the wind was blowing from east to west at the RNI W-1 location and the odor was strong and your table shows a 1. Mr. Richens replied the differences in the times and with the wind direction should be considered.

Commissioner Olsen asked why there were not any GPS sites running north and south. Mr. Richens replied at the time they did not know where the complaints were coming from, so RNI did GPS sites from existing roads. In the future RNI wants to align the GPS sites and the location of the odor in conjunction with the RNI pits. Commissioner Olsen stated the wind usually does not blow from the East. Mr. Richens stated the data is recorded from the instruments and not made up.

Mr. Hyde stated the residents typically call with a complaint the day after the odor is detected and what you are suggesting is there will need to be an employee ready to go at the time of the odor. Mr. Richens replied it will disrupt their employees and the residents schedule but in order to solve the problem and get some objective data this would be an option. The residents can call RNI central dispatch to get a employee to the location within a reasonable time.

Commissioner Jorgensen stated when the Planning Commission went to ITL and then to RNI you could tell where the odor is coming from. Mr. Richens stated again the odors were not necessarily coming from the RNI site if you factor the other pit locations in the area and the direction of the winds.

Commissioner Sweat asked Mr. Richens if the natural wetland odors he referred to at the beginning of the meeting have been assessed as far as odor severity and the

locations of the wetland areas and how long has RNI been in the Pleasant Valley area. Mr. Richens replied that was a general observation there was not any data to support his statement and RNI began operations in May or June of 2009.

Mr. Hyde explained the difference in the odors at the ITL ponds with a small amount of water vs the difference with larger amounts of water after circulation and aeration have begun.

Mr. Richens stated again they have enlarged the pumps and increased the misting area and are hoping this will eliminate the odors in the future.

Commissioner Sweat asked why the measurements stop at 1600 hours which is 4:00 p.m. and the complaints are in the later evening hours. Mr. Richens replied that is after their normal operating hours.

Commissioner Mair stated on July 30 the Commission visited the ITL and RNI locations and again the odor was strong (about an 8) and on your report it is a 1. Suggesting to Mr. Richens what they are doing is not working and there is still a problem. Mr. Richens invited anyone who wants to be present during the readings to see if some conclusions that can be agreed upon and that RNI is open for any suggestions.

Commissioner Mair also asked if there are any other measures RNI is taking to solve the problem. Mr. Richens did not believe so at this time. Ryan Chapman stated they were also adding microbes and have been since they took on water.

Commissioner Jorgensen suggested to Mr. Richens the data should continue all day and not just during RNI operating hours.

Commissioner Peatross and Mr. Richens had some conversation about RNI's efforts with what they have implemented at this time and in the future.

Mr. Hyde asked how long will the pumps be running. Mr. Glines replied with the increased pump size and the added water and the sprinklers on the bank, the pumps will run 24 hours a day seven days a week.

Commissioner Mair asked if there were any other questions.

Becky Rasmussen, a Pleasant Valley resident, stated her concerns about Mr. Richens comments of the severity on the odors at her home and she knows what the difference is between the natural odors in the area and the produced water order they smell almost on a daily basis. The Rasmussen's have drove to the different sites at various times during the day and night when the odors appear to make sure where they are coming from before they call in a complaint. Mrs. Rasmussen stated when it is cooler the odors follow the gulches and feels that RNI was put on notice in July and has had plenty of time to reduce or eliminate the odors. She stated ITL had 30 days and they reduced their odors and with an additional 30 day extension they eliminated their odors

and feels RNI should do the same. As a condition of their Conditional Use Permit the odors were not to be minimized they were to be eliminated.

Commissioner Jorgensen asked Mrs. Rasmussen how long have they lived in the area and when did the odors start. Mrs. Rasmussen stated they have lived there for 11 years around the oil wells and this odor is not the oil wells, the dairy or marshes.

Merrill Dalling, a Pleasant Valley resident, stated his concerns about Mr. Richens comments and RNI's lack of responsibility to clean up the problem. RNI has had time to eliminate their odors and instead of blaming the odors on the direction of the wind, the other pits in the area, he feels RNI can eliminate their odors or quit receiving production water at this site. Mr. Dalling also stated Mr. Bro from ITL set the standards and the odors can be eliminated and thanked him for his efforts.

Norvel Glines, employee for RNI, stated that RNI is at a disadvantage at this time because their ponds have a low water level and the circulation process is limited until they are full. Commissioner Sweat asked how much water is coming in each day and when will they have the ponds full. Mr. Glines stated he was not sure at this time.

Commissioner Jorgensen stated to Mr. Glines the Conditional Use Permit states the odors will be eliminated and if that can not be done the ponds may be closed down. Mr. Glines replied they are limited with the small amount of water they are receiving at this time and are trying to increase the growth of the bacteria to reduce the odor problem.

Commissioner Fabrizio asked if RNI is in full operations. Mr. Glines explained they only have 8-10 trucks a day at this time. Commissioner Sweat asked if this is the only pond RNI is using. Mr. Glines stated yes.

Commissioner Olsen asked if they had any evaporation. Mr. Glines stated in the summer it was evaporating almost as fast as it was coming in.

Dale Rasmussen, a Pleasant Valley resident stated the pumps were not operating last Sunday when they were at that location as Mr. Glines stated. Clarifying that even with a small amount of water the odors can be eliminated. The Rasmussen's also have some concerns about the differences in the odor levels from the residents and the RNI employee that is doing the log and feel the production water should cease until RNI is motivated enough to eliminate their odors.

Mr. Rasmussen stated option A in #2 of the staff report would be a recommendation the residents in the area would like to see the commission take in this matter and hopes RNI will do what needs to be done as ITL did when they were faced with the same issues.

Commissioner Mair asked if there were any other questions.

Ryan Chapman, RNI just wanted to clarify they are using small pumps all along and went to the larger pumps when they had enough water to utilize the larger pumps. Ryan noted there is a problem at the site and they are using bio chemicals along with the pumps and aeration to eliminate the odors.

Commissioner Peatross asked Mr. Chapman if with the added water and bigger pumps to get the circulation needed if they feel that will be enough to solve the problem. Mr. Chapman replied with the pumps, water and the biological treatments it is their hope the odors will be eliminated.

Mr. Hyde asked about the pump that was not running. Mr. Chapman stated they had a breakdown but the pump was running the next day.

Commissioner Jorgensen asked how long it will take to increase the water level and will 30 days be sufficient to significantly reduce the odors.

Mr. Chapman stated without the warm weather to evaporate the water, levels will rise which makes it easier to circulate and treat. Hoping 30 days will give RNI the time needed to make the necessary improvements.

Mr. Rasmussen asked if RNI was using an air jammer. Ryan stated not at this time but it is an option for the future.

There was some discussion between Mr. Chapman, Commissioner Peatross and Mr. Hyde about the different treatments and what RNI could do to implement those plans to help eliminate the odors at their facility.

Commissioner Mair asked if there were any other questions or comments. There were not so the hearing was closed.

There was some discussion between the Planning Commission about the concerns of the property owners, the testimony of RNI and the small amounts of water in the ponds and how long it will take to eliminate the odors.

Commissioner Sweat motioned that the public hearing for RN Industries be recessed to November 4, 2009 at 5:00 PM. The applicant shall immediately provide the county with a detailed odor treatment plan outlining the treatment methods and steps that will be taken to control and eliminate odors. When the public hearing is re-opened, if the applicant has not provided a detailed odor treatment plan, no new produced water may be received at the facility. When the public hearing is re-opened, progress shall be evaluated based on the complaint log and any test results available. If progress is being made toward odor elimination, the Planning Commission may grant an additional 30-day period for odor control measures to fully take effect, in lieu of an order to cease receipt of water. Also, RNI will provide a contact person for complaints to establish which location the odors are coming from. Commissioner Jorgensen seconded the motion and it passed unanimously with Commissioner Fabrizio abstaining from the vote.

B. Request for a Conditional Use Permit by Nile Chapman Construction to extract earth products (gravel pit and rock crusher) on 40 acres of land owned by W. C. Wilson, located north of Highway 35, between Highway 87 and the River Road, in the Utahn area.

Mr. Hyde stated the applicants are proposing to conduct gravel mining and rock crushing operations on 40 acres of land located in the Utahn area, north of Highway 35 between Highway 87 and the River Road. This activity requires a Conditional Use Permit in the Agricultural-Residential (A-5) zone. In the past, Ned Mitchell Construction conducted similar activities on a portion of this site. This site is just west of a location approved for a gravel pit by the Planning Commission on August 5, 2009. The applicant was not able to finalize an agreement with the property owner of that location, so is proposing to move the operation to an abutting owner's property to the west owned by W.C. Wilson of Duchesne.

Mr. Hyde stated there are general use criteria for granting the conditional use permit for gravel pits as follows.

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 stated the zoning code contains a ¼ mile (1,320 foot) separation distance from rock crushers to residential units to help mitigate the public health, safety and welfare impacts of such operations (predominately noise and dust). In this case, the closest secondary residence is located on the George Taylor property, about 1,900 feet to the southwest of the crusher site, as shown on the aerial photos. The nearest primary residence appears to be on the Leo Brady property, about 2,600 feet to the southwest of the site on the River Road. Because of the distance and if the use complies with dust and noise standards, it will not be injurious to public health, safety or welfare.

If the applicant meets the Conditional Use permit criteria, the purposes of the Zoning Ordinance will be met.

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 take place on a 40-acre parcel, with the first phase taking place on five acres on the southeast side of the parcel. This parcel is large enough and situated remote from developed areas so 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.

Mr. Hyde stated there are Special minimum conditions for extraction of earth products:

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. Watering the site and street during times of operation is considered maintaining a near dust-free condition.

Mr. Hyde stated the applicants indicate that the pit and crusher will operate in accordance with Utah DEQ air quality standards, under a valid DEQ permit. Dust will be controlled using water sprays on the crusher and water trucks, with water hauled from an approved source. The detailed dust control plan must be presented to the TriCounty Health Department for review and approval prior to starting operations.

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. 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.

Mr. Hyde stated the bonding for 5 acres of disturbance would be \$17,000.00. The applicant plans to consecutively disturb and reclaim five acre sections of the 40-acre parcel, reducing overall bonding costs. A bond in the appropriate amount will need to be received by the County prior to the start of mining operations and maintained during the course of operations.

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.

Mr. Hyde stated the reconditioning must occur after the conclusion of mining operations on the site in accordance with the "Material Pit Finishing" standards and in accordance with any property owner requirements.

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 1,320-foot rule is met in this case, with the nearest residential uses found being over ¼ mile to the southwest of the site. The county Nuisance Ordinance sets forth time limits during which construction 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 applicant proposes operating hours of 6:00 AM to 10:00 PM. If noise complaints are received, the applicant will be required to comply with the time limits for construction set forth in the Nuisance Ordinance.

Mr. Hyde stated The Utah Department of Transportation notes that the proposed operation is accessed by a private road connecting to Utah Highway 35 through property owned by

UDOT. Fess Scott, Region 3 UDOT, has been contacted by the applicant and has granted written approval of the applicant's use of the access road. He will specify that the applicants clean up any mud or rock that is tracked onto the highway and that they not excavate on UDOT's property.

Mr. Hyde recommended that the Planning Commission approve the Conditional Use Permit requested by Nile Chapman Construction, Inc., subject to the following conditions:

1. Applicant shall control dust and noise so neither becomes a nuisance.
 - a. A dust control plan, approved by the TriCounty Health Department, shall be implemented throughout the course of the operations.
 - b. Applicant shall comply with the construction activity noise time limits of the Nuisance Ordinance if complaints are received about the 6:00 AM to 10:00 PM operating hours proposed.
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 the site at the conclusion of mining operations in a manner acceptable to Duchesne County and the property owner pursuant to the "Material Pit Finishing" standards.
4. Applicant shall provide the county with a copy of the DEQ air quality permit for the crusher prior to operations at this site. The requirements of the DEQ air quality permit shall also be requirements of the Conditional Use permit.
5. Applicant shall comply with UDOT requirements to not excavate on UDOT property and promptly remove any dirt, rock or mud tracked on to Highway 35.

Mr. Hyde referred the Planning Commission to some aerial photos in their packets of the proposed location and asked if there were any questions of the staff report.

Commissioner Jorgensen is concerned with the applicants operating hours. Mr. Hyde explained if there are any complaints the applicant will need to change their hours to meet the county noise ordinances.

Commissioner Mair invited a representative from Nile Chapman Construction to speak.

Ryan Chapman, Nile Chapman Construction stated this operation will be the same as the other application we had requested as they could not come to an agreement with the previous land owner. As far as the operating hours it is not for the crusher but for the employees to get the machinery ready to operate in the colder months and we can adjust the hours of operation if need be.

Commissioner Sweat asked Mr. Chapman if this product will be for sale or personal use. Mr. Chapman replied it will be for sale to oil companies and any private sales.

Commissioner Mair asked if there were any other questions. There were none so the hearing was closed.

Commissioner Fabrizio motioned that the Planning Commission approve the Conditional Use Permit requested by Nile Chapman Construction subject to the 5 conditions as stated in the staff report. Commissioner Sweat seconded the motion and it passed unanimously.

C. Request by Lane Larsen, Double L Enterprises, for a Conditional Use Permit to extract earth products (no rock crushing) from property owned by Nolan and Vicki Larsen, located on the south side of 10000 South near 4500 West in the Pleasant Valley area.

Mr. Hyde referred the planning commission to the aerial photos in their packets and stated the applicant is proposing to extract and sell earth products (“pit run” rock and dirt) from property owned by Nolan and Vicki Larsen for the ultimate purpose of leveling agricultural land. This activity requires a Conditional Use Permit in the Agricultural-Residential (A-5) zone.

Mr. Hyde stated there are criteria and conditions for the extraction of earth products as follows.

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 stated the extraction of earth products can be detrimental in terms of noise and dust. There is a residence in close proximity on the Marlene Tanner property. Even though no rock crushing is proposed, surface disturbance creates noise from operation of equipment, windblown dust and dust from equipment movement. However, if the applicant complies with dust and noise standards, the proposal will not be injurious to public health, safety or welfare. According to maps prepared by the Utah Division of Drinking Water, the property does not lie within any drinking water source protection zones.

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 take place on the northeast side of a 74.87-acre parcel, just southeast of a dwelling unit owned by Marlene Tanner. If standard conditions are imposed and followed regarding noise and dust control, the proposed use should be acceptable at this location.

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. Watering the site and street during times of operation is considered maintaining a near dust-free condition.

Mr. Hyde stated a dust control plan must be presented to the TriCounty Health Department for review and approval. Health Department approval must be provided to the County prior to starting or continuing operations. The applicant indicates that a water truck will be utilized to control dust.

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. 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.

Mr. Hyde stated in this case, the applicant is using his own loading equipment on his parent's property and the applicant intends to level the site so that it may be planted and farmed. Under these circumstances, the bonding requirement may be waived.

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.

The intent of the applicant is to level the mining site for planting and farming, which will protect the beauty of the landscape. This complies with the "Material Pit Finishing Standards" used by the County to determine how reconditioning is to be accomplished.

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 the dirt and 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 indicate that loading equipment will usually be operated between 7:00 AM and 5:00 PM, Monday through Friday. This meets the weekday noise standards of the nuisance ordinance. The applicant indicates that the earth products are being used by Newfield for oilfield construction purposes and that about 10-15 loads will be hauled out on an average day.

Mr. Hyde stated the County Road Department requires a permit for a new or modified access to a county road. Prior to commencing operations, the applicant must coordinate with the Road Department and obtain the required road approach permit for converting the

existing agricultural access to 10000 South to a “gravel pit” access.

Mr. Hyde recommended that the Planning Commission approve the Conditional Use Permit requested by Lane Larsen, Double L Enterprises, subject to the following conditions:

1. Applicant shall control dust and noise so neither becomes a nuisance.
 - a. A dust control plan, approved by the TriCounty Health Department, shall be submitted to the County and implemented throughout the course of the operations.
 - b. Applicant shall comply with the construction activity noise time limits of the Nuisance Ordinance.
2. Applicant shall obtain a road approach permit from the Duchesne County Road Department for the driveway approach to 10000 South.
3. Applicant shall reclaim the property in accordance with the county “Material Pit Finishing Standards” or to a condition that will allow the owners to irrigate and farm the site.

Mr. Hyde asked if there were any questions of the staff report.

Commissioner Olsen asked if they are already in business. Mr. Hyde stated they were turned in, so they were asked to apply for a Conditional Use Permit and they did comply.

Commissioner Peatross asked if they only needed a permit just because they are selling the product. Mr. Hyde stated if they were excavating for their personal use they would not need a permit because they are selling the gravel product they do need a permit.

Commissioner Mair asked the applicant if they would like to speak.

Lane Larsen, Double L Enterprises agreed with the staff report and asked if there were any questions.

Commissioner Jorgensen asked Mr. Larsen how long would they be excavating. Mr. Larsen stated as long as there is construction on his property.

Commissioner Sweat asked if they were intending to level down the farmable area. Mr. Larsen stated that was the intent.

Commissioner Mair asked if there were any other questions.

Len Wilkerson, a Myton resident stated he is in favor of removing the rock from the area.

Phillip Wilkerson, a Myton resident, stated he is in favor also of removing the rocks and hillside.

Commissioner Jorgensen asked if the applicant moved to another area would he need another permit. Mr. Hyde stated to Mr. Larsen he would need to apply for another permit.

Commissioner Mair asked if there was any one opposed. There were none so the hearing was closed.

Commissioner Sweat motioned to approve the Conditional Use Permit requested by Lane Larsen, Double L Enterprises, subject to the conditions outlined in the staff report. Commissioner Jorgensen seconded the motion and it passed unanimously.

NEW BUSINESS:

Mr. Hyde had some comments on the appeal of the Conditional Use Permit applied for by KW Robinson that was denied by the planning and zoning commission but was approved by the County Commissioners. The size and duration of the operation was limited.

There was also some discussion on the Tabby Swale rezone hearing that was appealed by Alan White but was upheld by the County Commissioners. Chapman Construction will be requesting another rezone in November.

Minutes: Approval of September 2, 2009

Commissioner Olsen moved to approve the minutes of September 2, 2009. Commissioner Jorgensen seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items

Mr. Hyde informed the commission about the training on land use decision making in Roosevelt on October 21 in Roosevelt.

Adjournment:

Meeting adjourned at 7:04 p.m.