

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
April 7, 2010 - 5:00 p.m.**

In Attendance were:

Randy Mair, Planning Commission – Chairperson
John Jorgensen, Planning Commission
Shelly Fabrizio, Planning Commission
Kent Olsen, Planning Commission
Edward Roberts, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Brandon Hartman	CUP-Gravel Pit
Shauna Bateman	CUP-Paintball Park
Richard Bateman	CUP-Paintball Park
Scott Hacking, DEQ-TriCounty Health	
Lee Hill, UBAOG	
Belinda Mitchell	Rezone
Jodie Kielbasa	Rezone
Edwin Hartman	CUP-Gravel Pit
J. Bruce Hartman	CUP-Gravel Pit
Glenna Huff	CUP-Gravel Pit
Randy Woods	CUP-Paintball Park
Leslie Woods	CUP-Paintball Park

Commissioner Mair opened the meeting at 5:00 P.M.

Commissioner Mair asked if any of the Planning Commissioner's had any ex-parte contacts or conflicts of interest associated with either item on the agenda. There were none so the hearing proceeded.

PUBLIC HEARINGS:

- A. Request by Randy and Leslie Woods for a Conditional Use permit to operate a commercial recreation facility (paint ball park) at 34620 West Old Highway 40, Section 35, Township 3 South, Range 7 West, in the Pinion Ridge area.**

Mr. Hyde showed some photos of the applicants' proposed site for the paint ball park next to the mini storage units in the Pinon Ridge area, stating this is unchartered territory for a conditional use permit of this nature.

Mr. Hyde stated the criteria for granting a conditional use permit are as follows.

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

Mr. Hyde stated there are several health, safety and welfare concerns associated with paintball parks:

Shooting can result in paintballs landing on nearby county roads, state highways or lands owned by others. Discharged paintballs left on the ground can raise concerns, such as ingestion by pets, birds or wildlife (see the article "Paintball toxicosis in dogs," December 2003 edition of Veterinary Medicine attached). For this reason, an approval must be conditioned upon there being adequate setbacks, netting or fencing installed on the perimeter of the park to prevent paintballs from leaving the owner's property. Some jurisdictions have required 12-foot tall netting in areas where setbacks were inadequate and regulated the color of the netting and posts to blend in with the environment. Some jurisdictions have also required warning signs on the perimeter; especially in areas where there is no fencing or netting to identify the perimeter. To address safety, paint balls must be limited to the non-toxic, biodegradable type.

Such facilities can generate crowds of people, which demands that adequate sanitation facilities be provided. Chemical toilet facilities are proposed. An approval must be conditioned upon TriCounty Health Department's written acceptance of the wastewater disposal facilities and the provision of adequate trash containers during the season of use. All trash must be disposed of at the Blue Bench landfill in accordance with the county solid waste ordinance.

Noise is a frequent complaint heard from residents living close to a paintball park. Pinion pines on the site will help reduce noise for residents in the vicinity, most of which are located south of Old Highway 40. There is competing noise from Highway 40 traffic to the north. An approval must be conditioned on hours of operation that will prevent noise from becoming a nuisance.

Adequate ingress, egress and parking facilities must be provided for anticipated crowd sizes. An approval must be conditioned upon there being at least a 24-foot wide access road, allowing for two-way traffic pursuant to Section 17.36.170 (C) of the zoning ordinance and a parking lot with a durable and dustless surface in accordance with Chapter 17.36 of the zoning ordinance.

- 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 the Duchesne County General Plan states that future growth and development decisions should be made with sensitivity to rural residential/agricultural interests. The plan indicates that the county wishes to encourage business activity and that the county will support efforts to recruit new 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 this proposed small business, provided that conditions of approval will be imposed to protect rural residential interests in the area. This business would provide an added benefit of giving young people (and the young at heart) more recreational activities to pursue.

- 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 subject property is 5.0 acres in size, which provides adequate space for the applicant's mini-storage facility and the proposed paint ball park. If conditions of approval are imposed, the proposed use can likely be conducted on this property with little detriment to surrounding properties. Comments received at the public hearing will help the Planning Commission to determine whether or not this use can be conducted in a manner non-detrimental to adjoining and surrounding properties.

In approving a conditional use permit, the planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of the Duchesne County General Plan and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses in the general vicinity.

Some other Conditional Use Permit conditions may include:

- 1. That the site will be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all building and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the area.**

Mr. Hyde stated the Pinion pines dot the landscape in this area as shown on the aerial photos. Tree removal for paintball park development should be minimized. Trees will help buffer noise from crowds and paintball guns. If any temporary structures are placed on the property, their placement must be coordinated with the Building Department and their exterior color should be an earth tone, blending with the surrounding natural features. Fencing, netting or setbacks should be required to

prevent discharged paintballs from leaving the applicant's property, If netting or fencing is required, it should be constructed with materials that are earth-tone in color. The applicants proposed to use setbacks that exceed the firing distance of paint ball guns to protect other property from impacts. The applicants will restrict guns to those that shoot 200 feet or less. Setbacks to the north (edge of Highway 40) are 204 feet; setback to the east property line is 204 feet; and the setback to the south (Old Highway 40) is 294 feet. The applicants own 14.67 acres of land to the west, so a setback is not required on the west side. These design features will help maintain safety, appearance and character of the area.

2. Provisions of parking facilities, including vehicular ingress and egress, loading and unloading areas and the surfacing of parking areas and driveways to specified standards.

Mr. Hyde stated Chapter 17.36 of the zoning ordinance sets forth requirements for parking areas. There is no formula in the code for the number of parking spaces needed to serve a paintball park. Thus, it will be up to the applicant to improve a large enough area to support the anticipated number of vehicles and enlarge it if experience shows that additional space is required. Handicapped accessible parking spaces may be required by the building code. The parking lot surface is required to be durable (for all-weather use) and dustless (using asphalt, concrete or clean gravel over the base rock).

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

Mr. Hyde stated that no additional dedication of highway right of way is required at this location as Old Highway 40 has a right of way width of 100 feet and the new highway has a right of way of 400 feet. There is no water supply or wastewater system at this location. Should the use of the property expand to the point where on-site employees or an office are required, permanent drinking water and sewage disposal facilities must be provided. Interim facilities for water and wastewater disposal shall be reviewed and approved by the TriCounty Health Department. The nearest fire stations are about 12 miles to the east in Duchesne and about 11 miles to the west in Fruitland. The applicants will need to meet with the Fire Department before starting operations to ensure that adequate safeguards are in place to prevent or extinguish fire.

4. Regulation of signs.

Mr. Hyde stated that business signs in residential-agricultural areas should be limited in size to maintain rural character. The county zoning ordinance allows signs up to 32 square feet in size. Larger signs are treated as a billboard and would require Planning Commission approval. All business signs must be located on the same property as the business, unless appropriate permits are obtained from the Utah Department of

Transportation (if such signs are visible from Highway 40) and the underlying property owner has approved a lease.

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

Mr. Hyde stated that some jurisdictions do not allow outdoor lighting of paintball parks, to reduce light pollution in the area. No lighting has been proposed in this case. If as many existing trees as possible are left in place and reasonable hours of operation are observed, noise impacts should be mitigated. Some discharged paintballs can be considered noxious to pets and wildlife, so only biodegradable, non-toxic paintballs should be permitted. Outdoor sound devices should not be allowed to protect residents from noise impacts.

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

Mr. Hyde stated the applicants have proposed daylight hours of operation. However, in order to avoid noise impacts to residents in the vicinity, operating hours should fall within the times that construction activities are allowed: 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.

Mr. Hyde recommends the Planning Commission approve the Conditional Use Permit requested by Randy and Leslie Woods, subject to the following conditions:

1. Before opening the paintball park for business, applicants shall:
 - a. Identify the boundaries of the play area with setbacks on the north, east and south sides that equal or exceed the firing distance of paint ball guns allowed to be used at the park. In any areas where the setbacks from the play area to road rights of way or another person's property are less than the range of paint ball guns, applicant shall construct a twelve foot tall fence or barrier with sufficient design to keep paintballs from leaving the park area. A building permit may be required for this fence. Fence materials shall be of an earth tone that blends into the surroundings.
 - b. Construct an adequate parking area, consisting of a durable and dustless surface an accessed by a road at least 24 feet in width (if two-way traffic is allowed) or 14 feet for one-way traffic. The parking area shall not be lighted. Handicapped accessible parking spaces may be required by the Building Department. The applicant shall enlarge the improved parking area as demand warrants.
 - c. Obtain written approval of park plans for solid waste and human waste disposal facilities from the TriCounty Health Department. All trash shall be disposed of at the Blue Bench Landfill.

- d. Obtain a business license for the park, to be issued after review and approval by the Community Development Director, Building Official and the Fire Chief.
2. Tree removal in the development of this facility shall be minimized
3. Park hours of operation shall be during daylight hours only and must also fall within the limits for construction noise set forth in the Nuisance Ordinance (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).
4. Business signs shall not exceed 32 square feet in size and must be located on the same property as the business, unless appropriate permits are obtained from the Utah Department of Transportation (if such signs are visible from Highway 40) and the underlying property owner has approved a lease.
5. Placement of temporary or permanent structures on the premises must be reviewed and approved by the Building Department. Exterior materials shall be earth tone colors that blend with the surroundings.
6. Should the use of the property expand to the point where on-site employees or an office are required, permanent drinking water and sewage disposal facilities must be provided.
7. There shall be no outdoor lighting or outdoor sound generation devices at the park.
8. Applicants shall meet with the Fire Department before starting operations to ensure that adequate safeguards are in place to prevent or extinguish fire.
9. Only non-toxic, biodegradable paintballs shall be used at this facility.

Mr. Hyde referred the commission to the additional information in their packets and asked if there are any questions of the staff report.

Scott Hacking DEQ Engineer and speaking for Darren Brown, TriCounty Health, stated the chemical toilet facilities would be ok for one year and at that time, if the business is successful, a permanent facility would need to be built.

Leslie Woods, applicant agreed with the staff report and feels they could follow the conditions without any problem.

Commissioner Olsen asked the applicant how noisy the guns are. Mrs. Woods stated it is a light popping noise.

Commissioner Jorgensen asked Mrs. Woods if the facility would be by appointment only, if the participants would buy the paint balls from her and if they will have insurance for the business. Mrs. Woods replied it would be by appointment only There will be adults on site at all times. Most paint balls are non toxic and bio- degradable so the participants could bring their own paint balls but they would test them before using them and yes there will be insurance for the business. Mrs. Woods is hoping to set up scenarios for the participants to make the games more fun and personable. The trees, netting and some hay or straw will mark the boundaries. There should not be a problem with Highway 40 or the neighbors. Mrs. Woods stated also the guns will be tested to make sure they do not shoot over 200 feet.

Commissioner Roberts is concerned about the clean up after a game. There are wildlife and pets in the area. Wondering if the play area should be fenced off? Mrs. Woods stated the deer and elk are not usually there in the summer months and thought it was the pet owner's responsibility to keep their pets on their property. Fencing is an option but that would require the removal of a lot of trees and I had hoped we wouldn't need to do that. After each game there would be a clean up.

Mr. Hyde asked Mrs. Woods how she wants to mark the boundaries. Mrs. Woods stated they will fence the neighbors to the east to protect their property. Along the highway the trees are so dense she feels the paintballs would not get thru that area but if need be they will add netting. The 14 acres to the west is ours.

Commissioner Mair asked if there were any other questions. There were none so any one in opposition was invited to speak.

Richard Bateman, who owns land to the east, is just concerned about the protection of his property and the fence that the applicants need to install.

Mrs. Woods stated there will be fencing erected along the east side.

Mr. Hyde read a letter in opposition from Mike and Linda Northington.

Commissioner Jorgensen is concerned about the setbacks. Mr. Hyde stated if the guns only shoot 200 feet there should not be a problem.

There was some discussion between the applicant, Mr. Bateman and the Commission about the staging area, fence issues, boundaries and the set backs.

Mr. Woods stated there have not been any problems with the storage units in referring to the letter from the Northington's.

Commissioner Jorgensen motioned to approve the conditional use permit as requested by Randy and Leslie Woods subject to the conditions 1-9 as stated in the staff report with the additional stipulation that, after 1 year, the rest rooms will need to be a permanent approved facility. Commissioner Olsen seconded the motion and it passed unanimously.

B. Recommendation to the County Commissioners regarding a request by Roger and Belinda Mitchell to rezone 2.25 acres of their 5-acre parcel at 21157 W 8225 South from Industrial to Residential (R-1). Located in Section 36, Township 3 South, Range 5 West in the Duchesne area.

Mr. Hyde referred the planning commission to some photos of the rezone area and stated the applicants' property is located in an industrial zone near the UDOT maintenance shop and Duchesne County jail, north of Duchesne City. The applicants would like to deed 2.25 acres of their 5-acre parcel to a daughter for a new home site. Since dwelling units are not a permitted use in the industrial zone, the applicants are requesting a rezone from industrial to residential to allow the new dwelling unit.

Some rezone criteria are as follows:

- 1. The overall community benefit of the proposed amendment.**

Mr. Hyde stated that changing 2.25 acres from industrial to R-1 zoning, by itself, has very little impact on the community other than to provide one additional housing site at the expense of one potential business site. Rather than for public benefit, the benefit of this amendment is intended for a daughter of the applicants' for a new home.

2. Compatibility with the neighborhood.

Mr. Hyde stated the aerial photos show that the neighborhood consists of a mixture of public, commercial and residential uses, together with vacant land. In addition to the county jail and the UDOT maintenance shop, other uses located nearby are the Allred Surveying office, Reinhardt Refrigeration shop and three dwelling units. The 4-lot Prairie View Estates Subdivision contains one home so far and the LDS Stake Center is located to the south. The Blue Bench Estates subdivision located to the east is within Duchesne City. One additional dwelling unit will be compatible with the surrounding uses.

3. What changes have occurred in the neighborhood since the zoning ordinance & map or latest amendment was enacted.

Mr. Hyde stated some of the recent changes in this neighborhood include the approval of the Prairie View Subdivision (one new home constructed on Lot 1 for R.J. Stansfield so far), the installation of a new home for Matt and Amanda Mitchell and the construction of a new office for Allred Surveying. There have been no new industrial uses.

4. Whether a change in the use for the affected properties will unduly affect the uses for adjoining properties.

Mr. Hyde stated the proposed rezone is from industrial zoning to residential. Properties to the south, toward the Prairie View Estates Subdivision and the LDS Stake Center, are more residential in character. Properties to the north are more industrial in character, with the UDOT shop and a nearby gravel pit. Placing one home on the rezoned area will not adversely affect uses on adjoining parcels.

5. Consider the interest of the applicant.

The applicants would like to rezone the property to enable them to divide a parcel for a daughter's new home. The industrial zone is the only zone in the county that does not allow for residential uses. Duchesne City water and sewer services are available, according to a letter from the city. In such cases, the minimum lot size is ½ acre. However, if sewer lines are more than 300 feet away, a septic system may be used making the minimum lot size one acre.

Mr. Hyde recommended that the Planning Commission adopt the findings and conclusions herein and recommend the County Commissioners' approval of this rezone, requested by Roger and Belinda Mitchell, from Industrial to Residential (R-1) for

flexibility on sewage disposal).

Mr. Hyde asked if there were any questions of staff at this time. There were none so Commissioner Mair invited the applicant to speak.

Belinda Mitchell stated the area in question used to be residential but has been changed to industrial in the past. The rezone to residential would be for her daughter to build a home so we could help her.

Commissioner Olsen asked if the applicant's were west of Jerry Allreds shop. Mrs. Mitchell replied they were.

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

Commissioner Jorgensen motioned that the Planning Commission adopt the findings and conclusions herein and recommend the County Commissioners' approval of this rezone, requested by Roger and Belinda Mitchell, from Industrial to Residential (R- 1) Commissioner Olsen seconded the motion and it passed unanimously.

C. Request by J. Bruce and Brandon Hartman for a Conditional Use permit to extract earth products and crush rock on about seven acres of a 160.29-acre parcel located in the Northeast ¼ of Section 31, Township 1 South, Range 3 West, on the south side of the Bluebell Road (4000 North) about 1.5 miles east of Altamont.

Mr. Hyde presented the commission with some photos of the proposed site explaining where the residents and pasture areas are in location to the crusher site. The applicants are proposing to extract earth products and crush rock on property owned by the applicants for use on oil well sites and for other construction purposes. It is estimated that about seven acres of the 160.29-acre parcel could be excavated. This activity requires a Conditional Use Permit in the Agricultural-Residential (A-5) zone.

Mr. Hyde stated the county conditional use permit requirements are as follows:

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

Mr. Hyde stated the extraction of earth products can be detrimental in terms of noise and dust during operations. Rock crushing and 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. Detrimental impacts can also occur if the pit is not reclaimed properly. The county has "material pit finishing" standards that should prevent the applicant from leaving eyesore or hazardous conditions when mining is completed. According to maps prepared by the Utah Division of Drinking Water the property does not lie within any drinking water source protection zones.

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 the Duchesne County General Plan contains the following statements with respect to mining activities: "Today, extractive-use industries: livestock, timber, mining, and oil; remain the backbone of the region's economy. The County continues to encourage and support these industries, acknowledging that industry patterns, fluctuating markets, and changing political winds predict periodic good times followed by lean." In this case, the excavation of earth products and rock crushing will support the oil and gas industry, which is becoming more active in the Altamont-Bluebell area and is a very important component of the local economy.

Mr. Hyde stated there are some special minimum conditions for extraction of earth Products which may include:

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. The plan will need to indicate what equipment will be available to control dust at the pit and along the haul road and document a source of water for dust suppression. Health Department approval of the dust control plan must be provided to the County prior the start of 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 in this case, the applicant (Brandon Hartman, Vertical Edge Construction, Inc.) is using his own loading equipment on his grandfather's property. The proposal would bring the location down to a grade existing on the west side of the parcel to enable the applicants to expand the size of the pasture area. In this case, a bond or other financial surety is not required to ensure that the material pit finishing standards are met. The applicants/property owners have a financial incentive to ensure that the site is adequately reclaimed in a way that enhances the farming operation and does not create liability or reduce their property value.

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 “Material Pit Finishing Standards” included in the agenda are used by the County to determine how reconditioning is to be accomplished. The applicant shall be subject to these standards.

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 applicant plans to use a portable crusher, which could be located, at times, slightly less than a ¼ mile from the two nearest homes to the west. These homes are up-wind of the crusher site and the owner of at least one of these homes has expressed a preference to have the crusher at this location rather than a location to the south that would require gravel trucks to travel past their homes. County records show homes to the west being owned by Linda Brown, William Christensen, Gregory Remington and Leland Miles. A home to the east, owned by Dale Hanson, lies just outside of the ¼ mile radius.

The operation is intended to be sporadic. Crushing in 2010 is estimated to take about two weeks to produce enough material to last through the construction season. Once the material has been depleted, the crusher would be brought back for another short period of operation.

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 applicant indicates 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 will be used at new El Paso well pads and that the number of loads leaving the site per average day will fluctuate.

Mr. Hyde stated although DOGM does not regulate gravel operations, however, since this is an old location, Vertical Edge would be required to clean up any contaminated soils found during the crushing.

There is also an e-mail on the table from Scott Hacking with a letter from Glenna Hansen Huff indicating some concerns about residual contaminants from the old location and the water source she has as a resident located next to the proposed crusher site.

Mr. Hyde recommends that the Planning Commission approve the Conditional Use Permit requested by J. Bruce and Brandon Hartman, 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 before crushing begins and shall be implemented throughout the course of the operations.
 - b. Applicant shall comply with the construction activity noise time limits of the Nuisance Ordinance.
2. Vertical Edge Construction will need to obtain a Duchesne County Business License before conducting business in the county.
3. Applicant shall reclaim the property at the conclusion of mining operations in accordance with the county's "Material Pit Finishing Standards."

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

Commissioner Olsen was concerned if there are power lines that run over the site and who will be responsible if contamination is found. Mr. Hyde stated the power lines do run along the side of the site. Vertical Edge will have to report to DOGM and take necessary action to dispose of any contaminated soil.

There was some discussion about who would be responsible for the contaminated soil clean up.

Commissioner Jorgensen asked Mr. Hacking if the applicant needed to berm or put a fabric filter around the area to protect the water source. Mr. Hacking replied they would need to do some kind of protection.

There was some discussion about who will be responsible party and what kind of well was at this location.

Mr. Hacking visited the site and told the applicant would he need a storm water permit and that might take up to a week. That process can be started on line.

Commissioner Mair asked if there are any other questions or comments. There were none so the applicant was invited to speak.

Brandon Hartman, owner of Vertical Edge Construction stated they have complied with Duchesne County, Tri County Health, DEQ. Preliminary construction has begun to clean and level the site, stating there is a berm about 5 feet high around the site at this time. Mr. Hartman explained the time line of the crushing process and how they want the land to be at the end of this process.

Commissioner Jorgensen is concerned about business beginning before the permits were granted and the DEQ issues. Mr. Hartman stated even if the permit was denied the leveling of the ground for pasture was going to proceed. Mr. Hacking is ok with Mr. Hartman's plans for the berm and silt fence to protect the water sources at the site.

Commissioner Olsen asked if they have any traffic concerns after operations begin. Mr. Hartman stated it is a small operation for now and depending on the economy they will see if their operation will be able to expand. The applicant will use signs so the public knows there are trucks entering and exiting the site. Mr. Hartman had some comments on the residents and their concerns for the future and the expansion of the gravel pit.

Commissioner Jorgensen asked Mr. Hartman approximately how long will it take to level off the pasture land. Mr. Hartman replied it could be up to seven years depending on how much product can be used or sold.

Mr. Hartman stated if there is a reclamation clause in our lease with EIPaso any contaminated material from any location or well site would be their responsibility to clean up. The phone lines will outline the crushing area and should not be affected.

Mr. Hartman also stated there is a salt water disposal line is about 50 feet from the phone lines and runs along Bluebell Highway back to the west then turns south east then directly south in the bottom of the ravine. When they get to that point, EIPaso will relocate that line.

Mr. Hyde asked Mr. Hartman if based on the hearing tonight if conditions 4 and 5 were added stating the applicant would apply for a storm water permit form the UDEQ and notify DOGM if there were any contaminated soils unearthed. Mr. Hartman is not opposed he just does not want this process delayed any longer.

Commissioner Jorgensen is concerned with the potential contamination issues and whether Mr. Hartman will notify the proper agencies. Mr. Hartman stated it is to his advantage to take care of the problem.

Commissioner Olsen asked if there is an agency that inspects these locations after they have been shut in. Mr. Hacking answered when they are shut in they are inspected by DOGM, but there are not any reinspections unless there is a problem.

Commissioner Mair asked if there were any other questions.

J. Bruce Hartman, land owner had some comments on the gravel pit. It first started when the Bluebell Road was being built. He thinks starting it up again will be progress needed for the future.

Commissioner Mair asked if there were any other question or comments.

Glenna Hansen Huff, area resident, has some serious concerns and comments about the water source next to the proposed location. The stream they use to water their fields runs downhill into the ponds on their land andshe wants to know if the applicant has received approval from DEQ for the location. Mr. Hacking from the DEQ stated Mr. Hartman is in the process of getting his storm water permit. Mrs. Huff is concerned that the dust control water will reach the contaminated area or the berms will not hold the contaminated water to the site and run into the stream. The Huff's are very conscious about wildlife preservation

and do use their farm for their livelihood. Mrs. Huff feels they can move further away from the stream and the turn off the highway for the residents safety.

Commissioner Jorgensen asked if the Huff's owns the water she is concerned about or is it free flowing. Mrs. Huff stated it is from the water users association and they do own it.

Commissioner Jorgensen asked Mr. Hacking about the sufficiency of the berm. Mr. Hacking replied it is a 10 year/ 24 hour storm berm.

There was some discussion between Commissioner Fabrizio, Mrs. Huff and Mr. Hacking about the hazards of contaminated water and soil.

Commissioner Mair asked if there will be any random inspections. Mr. Hacking stated they do inspections on newer facilities but on older locations only if there are complaints or requests.

Mr. Hartman stated Vertical Edge is concerned about the same public safety and the water issues that Mrs. Hansen is. It is the applicants intent to be a good neighbor to the residents in the area and have a successful partnership with all concerned.

Commissioner Roberts asked Mr. Hartman if there will be any employees on site to identify any contamination. Mr. Hartman stated it could be hard to identify with the naked eye but they will watch for any signs.

Commissioner Fabrizio motioned to approve the Conditional Use Permit requested by J. Bruce and Brandon Hartman, subject to conditions 1 thru 3 as stated in the staff report and add conditions 4 and 5 stating the applicant would apply for a storm water permit form the UDEQ and notify DOGM if there were any contaminated soils unearthed. Commissioner Jorgensen seconded the motion and it passed unanimously.

Mr. Hyde stated the Mitchell rezone agenda item 4 was withdrawn on April 7th .

NEW BUSINESS:

None

Minutes: Approval of March 3, 2010

Commissioner Jorgensen moved to approve the minutes of March 3, 2010.

Commissioner Olsen seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items

Mr. Hyde informed the commission about the possible agenda items for the May 5th meeting and reminded the commission members of the conference in Provo on April 29th, also we will be meeting at Hollow Moon on April 27th for travel to the RNI and Iowa Tank line ponds to determine if odors are being controlled.

Adjournment:

Meeting adjourned at 6:55 p.m.