

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
April 6, 2011 - 5:00 p.m.**

**In Attendance were:**

John Jorgensen, Planning Commission – Chairman  
Dean Burton, Planning Commission  
Randy Mair, Planning Commission  
Shelly Fabrizio, Planning Commission  
Kent Olsen, Planning Commission  
Edward Roberts, Planning Commission  
Ken Moon, Planning Commission  
Mike Hyde, Community Development Administrator  
CoraLee Sanchez, Planning Secretary

**Visitors:**

Ryan and Nicole Harvey Harvey CUP-Gravel and Storage

Chairperson Jorgensen opened the meeting at 5:00 PM.

Chairperson Jorgensen asked if any of the Planning Commission had any ex-parte contacts or conflicts of interest associated with either item on the agenda. Commissioner Moon will abstain from voting on the gravel pit, as he has business dealings with Mr. Harvey.

**PUBLIC HEARINGS:**

**A. Request by Ryan Harvey for a Conditional Use Permit to extract earth products and crush rock from approximately 80 acres of a 287.35-acre parcel located south of the intersection of 10000 South and 4500 West in the Pleasant Valley area.**

Mr. Hyde stated the applicant is applying for this permit to authorize a gravel pit and rock crushing operation on the property. While the parcel is 287.35 acres in size, the applicant plans to operate in phases, with the first phase being on the NW quadrant of the existing pivot-irrigated area. About 80 acres of the property would be used in total for gravel mining, but it could be less if rock deposits are not found. It is anticipated that gravel products from this location will be used to construct new oil well locations in the area (Newfield) and for other construction purposes. Extraction of earth products is a conditionally permitted use in the A-5 zone.

Some conditions for approval include the following.

**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 and operators comply 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/operator 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.

The proposed use may be detrimental to public improvements in the vicinity; especially county roads that can be damaged by an increase in heavy truck traffic. The Public Works Director is concerned about damage to 10000 South (the Pleasant Valley Road), but the county does not have an impact fee mechanism in place to make gravel pit developers pay into a fund for road repairs. Mr. Murphy has requested that any northbound gravel trucks use 4500 West as it has been improved as a truck route. The Road Department is considering adding 10000 South, between 4500 West and the Pariette Road, to its short term project list.

**2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.**

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 proposed gravel pit will support the oil & gas and construction industry in the county, which is an important part of the local economy.

**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 proposed mining would take place on about 80 acres of a 287.35-acre parcel. The nearest dwelling unit is located just over ¼ mile to the northeast on the Tanner property. The size of the property and location away from dwelling units, together with anticipated conditions of approval, enables the use to be conducted in a manner that will not be materially detrimental to adjoining and surrounding properties.

Some additional conditions for approval are as follows:

- A. **Dust Free Condition:** 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 state DEQ. Rock crushers shall have a DEQ air quality permit in effect during operation, with a copy of such permit provided to the County, unless the crusher is considered exempt from permit requirements by 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 by the applicant or operator to the TriCounty Health Department for review and approval prior to the start of operations. The plan must indicate what equipment will be available to control dust at the pit 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. In addition, the applicant or operator must demonstrate that the crusher has a valid DEQ air quality permit, unless the crusher has been exempted by DEQ from permit requirements.

With gravel pits, haul roads between the pit and the nearest paved County Road generate dust and heavy truck traffic that can be a nuisance for nearby dwellings. In this case, the nearest dwelling (Tanner) is located about 2900 feet east of the intersection of the pit access road (which is the road that goes south to the Johnson Water District tank) and 10000 South. If a pit access road were constructed along the east property line in the future, it would still be 800 feet west of the Tanner residence. Dust control efforts will be needed at the crusher site and along the gravel access road. Such control efforts will mitigate dust impacts at the nearest residences.

- B. **Bond Required:** A bond shall be issued in the amount of 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. This bonding requirement may be waived in writing by the property owner but such waiver does not waive the reconditioning requirements.

Mr. Hyde stated the applicant will be mining gravel on his own property using his own equipment and has waived the requirement for bonding. However, reclamation is still required.

C. **Reconditioning:** 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. Guidelines known as the *Material Pit Finishing Standards* on file at the County Planning Department are suggested for use in reclamation planning.

Mr. Hyde stated the “Material Pit Finishing Standards” are used by the County to determine how reconditioning is to be accomplished. The applicant shall be subject to these standards for each phase of the operation before a new phase is opened and at the time of completion of extraction and crushing operations on the property.

D. **Distance Requirement For Rock Crushing Operations:** Rock crushing operations must be a minimum of one thousand three hundred twenty feet (1,320') from any city, town or residential use.

Mr. Hyde stated the nearest home is located over ¼ mile northeast of the northeast corner of the proposed mining area, on the Tanner property. This standard is met.

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 must comply with these time limits.

The request has been submitted to the Duchesne County Road Department for review and comment. The Road Department has responded with concerns about additional heavy truck traffic on the Pleasant Valley Road (10000 South); however, the county does not have an impact fee mechanism in place to make gravel pit developers pay into a fund for road repairs. Mr. Murphy has requested that any northbound gravel trucks use 4500 West as it has been improved as a truck route. The Road Department will require a Road Approach Permit for any alteration of existing driveways or construction of new driveways.

Mrs. Tanner has called the planning office and is concerned about the dust. Mr. Harvey has been in contact with her and has assured her they will control the dust, noise and will not work late at night.

Mr. Hyde recommends the Planning Commission approve the Conditional Use Permit requested by Ryan Harvey, for a gravel pit, subject to the following conditions:

1. Applicants and their agent(s) shall control dust and noise so neither becomes a nuisance.
  - a. Prior to the start of operations, a dust control plan must be presented by the applicant to the TriCounty Health Department for review and approval. The plan must indicate what equipment will be available to control dust at the pit and document a source of water for dust suppression. Evidence of health department approval of the dust control plan must be provided to the County prior the start of operations. Said dust control plan shall be implemented throughout the course of the operations by the applicant or his authorized

agents. Dust control agents shall be applied at the gravel pit and on the access road(s) between the pit and 10000 South.

- b. The applicant shall comply with the construction activity noise time limits of the Duchesne County Nuisance Ordinance. Noise from mining and crushing is allowed only between 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.
  - c. The applicant shall ensure that the crusher operates under a valid DEQ air quality permit or submit evidence that the crusher has been exempted from DEQ permit requirements.
2. Applicant shall reclaim the property at the conclusion of each phase of mining operations in accordance with the county's "Material Pit Finishing Standards".
  3. Applicant agrees to keep the crusher at least ¼ mile away from the nearest dwelling unit.
  4. Applicant agrees that northbound gravel trucks shall use 4500 West as it has been improved as a truck route.
  5. The Road Department requires a Road Approach Permit for any alteration of existing driveways or construction of new driveways from 10000 South serving the property.

Mr. Hyde asked if there were any questions of the staff report. There were none so the applicant was invited to speak.

Mr. Ryan Harvey stated the trucks will run East by the bird lodge and they do have water trucks to keep the dust under control and water the roads.

Mr. Hyde stated he has received an email from Questar and they are concerned about the gas line. Mr. Harvey stated it will be marked and should not be a problem.

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

Commissioner Fabrizio motioned to approve the conditional use permit subject to the conditions stated in the staff report. Commissioner Mair seconded the motion and it passed unanimously, with Commissioner Moon abstaining from the vote.

**B. Request by Ryan Harvey for a Conditional Use Permit to establish a storage yard for construction equipment, pipe and oilfield equipment on the northerly 30 (+/-) acres of a 287.35-acre parcel located south of the intersection of 10000 South and 4500 West in the Pleasant Valley area.**

Mr. Hyde stated the applicant is applying for this permit to authorize the establishment of a Storage Yard for Construction Equipment, Pipe and Oilfield Equipment on the northerly 40 acres of the property (between an irrigation ditch and 10000 South). The proposed use is anticipated to be needed to serve the oil industry, which is very active in the Pleasant Valley area during this time of high oil prices; however no specific user has been identified at this point. Mr. Harvey will have 18 months to market the facility. Commercial uses such as this are a conditionally permitted use in the A-5 zone.

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 the proposed use would involve the outdoor storage of construction equipment, pipe and oilfield equipment. It is anticipated to be an un-manned facility. Such uses are common around the county and are needed to serve the construction and energy industries. The proposed use is located just south of the Chevron pump station and a dog kennel facility and just northeast of the Newfield and Gasco offices and the Flying J fueling facility, which brings some commercial-industrial character to the area, which otherwise is agricultural-residential in nature. If conditions are imposed regarding hours of operation and dust control, the proposed use should be able to function without harming public health, safety and general welfare.

**2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.**

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. The general plan also calls for support of the oil and gas industry, which this proposed use would serve. In light of these plan policies, the Conditional Use request should be approved to support the creation of a new business site, knowing that conditions of approval will be imposed to protect rural residential and agricultural interests in the area.

**3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.**

Mr. Hyde stated the storage area would be located on a portion of the 287.35-acre parcel located between the Pleasant Valley Road (10000 South) and an irrigation ditch that runs easterly across the property. The size of the area is estimated to be 24 acres, which provides plenty of space for a reasonably sized storage yard. The easterly side of the storage yard would be at least 800 feet west of the nearest dwelling unit, owned

by Marlene Tanner. If conditions are imposed regarding hours of operation and dust control, the proposed use could operate on the site in such a manner that will not be materially detrimental to adjoining and surrounding properties.

Mr. Hyde stated the conditions are much the same as gravel pits with some additional conditions that may include:

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

Mr. Hyde stated there are no buildings are anticipated at an outdoor storage yard such as this. It is anticipated that if a user is found for this property, that they would construct a security fence around the storage yard. Such fencing is needed to keep unauthorized persons or children from entering the site and being injured. Areas not used for the yard would remain in natural vegetation.

**B. Parking:** 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 if a user is found for this property, the owner would remove the grass and topsoil and bring in pit run and road base to create a useable driving surface. The primary access to the storage yard would be the proposed gravel pit access road on the west side of the property. A second means of ingress/egress could be established farther east in the future if needed.

**C. Streets, Water, Sewer, Fire Protection.** The provision of required street and highway dedication and improvements, and adequate water supply, sewage disposal and fire protection.

Mr. Hyde stated since no structures are being proposed on the property, water supply, sewage disposal and fire protection is not a concern. The county road (10000 South) has adequate width but is in need of an overlay between 4500 West and the Pariette Road. The Road Department is considering adding such a project to their list in the near future.

**D. Signs: Regulation of signs.**

Mr. Hyde stated if a user is found for the subject property, the user would select signage. Any signage would need to be on-premise and not exceed 32 square feet in area per sign. Off premise signage requires review and approval by the county before installation.

**E. Nuisances:** The mitigation of nuisance factors, such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.

Mr. Hyde stated the noise from early morning or late night equipment operation can create a nuisance and hours of operation should thus be limited. Dust can also be a nuisance if surface disturbance creates areas of soil exposed to the sun and wind.

Surface disturbance should be minimized and dust inhibitors applied as needed to control dust. Other nuisance factors are not anticipated with this type of commercial use.

**F. Operating Hours:** The regulation of operating hours for activities affecting normal schedules and functions.

Mr. Hyde stated since the property is within a residential-agricultural zone, operating hours during which equipment noise is generated should be limited to those hours set forth in the Nuisance Ordinance for construction activities (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 Ryan Harvey, for a storage yard, subject to the following conditions:

1. Operating hours during which equipment noise is generated shall be limited to those hours set forth in the Nuisance Ordinance for construction activities (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).
2. Prior to the removal of vegetation and topsoil on this site, a dust control plan must be presented by the applicant to the TriCounty Health Department for review and approval. The plan must indicate what equipment will be available to control dust at the storage yard and document a source of water for dust suppression. Evidence of health department approval of the dust control plan must be provided to the County prior the start of excavation. Said dust control plan shall be implemented throughout the course of the operation of the storage yard by the applicant or authorized agent(s). Dust control agents shall be applied as needed within the storage yard and along access roads to prevent dust from becoming a nuisance.
3. On premise signage shall be limited to 32 square feet per sign. Off premise signage, if proposed, shall require further review and approval by the county.
4. Applicant or an authorized agent shall install fencing around the storage yard, prior to the receipt of pipe or equipment, to secure the site against entry.
5. The Road Department requires a Road Approach Permit for any alteration of existing driveways or construction of new driveways.

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

Commissioner Jorgensen asked what kind of fence would be required. Mr. Hyde suggested 6 foot chain link would be appropriate.

There were no other questions so the applicant was invited to speak.

Mr. Harvey stated the plans are on hold for now but wishes to finish the permit process for the future.



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

Commissioner Burton motioned the Planning Commission approve the Conditional Use Permit requested by Ryan Harvey, for a storage yard, subject to the conditions stated in the staff report. Commissioner Mair seconded the motion and it passed unanimously.

**NEW BUSINESS:**

None

**Minutes: Approval of March 2, 2011**

Commissioner Mair moved to approve the minutes of March 2, 2011. Commissioner Olsen seconded the motion and it passed unanimously.

**Commission Comments and Staff Information Items**

Mr. Hyde reminded the commission of the planning and zoning conference in Provo on April 26<sup>th</sup> and 27<sup>th</sup> and encouraged the members to attend if possible. There was some discussion on scheduling a site visit to the RNI and Iowa ponds to review the odors and procedures. Mr. Harvey suggested the odors might be coming from the Pleasant Valley Wash instead of the ponds. It was decided the commission would meet at The Patch at 3:00 p.m. on May 4<sup>th</sup> before the next Planning Meeting.

**Adjournment:**

Meeting adjourned at 5:30 p.m.