

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
December 7, 2011 - 5:00 p.m.**

**In Attendance were:**

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

**Visitors:**

Darrin Brown-Tri County Health  
Kent Peatross

Peatross Ranch-CUP

Chairperson Jorgensen opened the meeting at 5:00 PM.

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

Duchesne County Commissioner Peatross presented a plaque to Commissioner Fabrizio and thanked her for her dedicated years of service on the Planning and Zoning Commission. Commissioner Peatross also thanked the Planning Commission for the services they provide to their communities and to Duchesne County.

**PUBLIC HEARINGS:**

**Request by the Peatross Ranch for a conditional use permit to extract earth products (shale) from approximately three (3) acres of a 104.04-acre parcel located just west of 30447 West Strawberry River Road in Section 9, Township 4 South, Range 6 West.**

Mr. Hyde referred the commission to the photos in their packets and explained there has been some road work started and that some shale has already been removed. The applicant is applying for this permit to authorize extraction of earth products (shale) from a deposit located on the south edge of the Strawberry River valley. Extraction of earth products is a conditionally permitted use in the A-5 zone. It is anticipated that shale from this location will be used to construct new oil well locations in the area and for other construction purposes.

Mr. Hyde highlighted sections of the staff report regarding the proposed use. The location will not be unduly detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or general welfare. The dust control plan must be presented by the applicant or operator to the TriCounty Health Department for review and approval. The plan must indicate what measures will be taken to control dust at the extraction location and document a source of water for dust suppression. A copy of the written Health Department approval of the dust control plan must be provided to the County. The extraction of earth products, haul roads between the mining area and the nearest paved County Road can generate dust and heavy truck traffic that can be a nuisance for nearby dwellings. In this case, hauling would occur on a new shale road between the Strawberry River Road and the pit location. Dust control efforts will be needed at the mining site and along this access road, when material is being hauled.

Mr. Hyde stated there is a bond requirement associated with the application but the applicant has waived the requirement for bonding. However, reclamation is still required and those guidelines known as the *Material Pit Finishing Standards* on file at the County Planning Department are suggested for use in reclamation planning.

The request has been submitted to the Duchesne County Road Department for review and comment.

Mr. Hyde recommended the Planning Commission approve the Conditional Use Permit requested by Kent Peatross, Peatross Ranch, for extraction of earth products (shale), subject to the following conditions:

1. Applicants and their agent(s) shall control dust and noise so neither becomes a nuisance.
  - a. A dust control plan must be presented by the applicant to the TriCounty Health Department for review and approval before additional operations occur on the property. The plan must indicate what measures will be taken to control dust at the pit and document a source of water for dust suppression. Evidence of written health department approval of the dust control plan must be provided to the County before additional work occurs at the site. 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 extraction site and on the access road between the site and the Strawberry River Road during periods of hauling.
  - b. The applicant shall comply with the construction activity noise time limits of the Duchesne County Nuisance Ordinance. Noise from mining 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.

2. Applicant shall reclaim the property in accordance with the county's "Material Pit Finishing Standards" and protect the public from any hazardous conditions on the site.

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

Kent Peatross, land owner and applicant explained the reasoning for the late application; realizing after he had allowed the oil company to remove some product to level off his field this was a use that needed a conditional use permit. Mr. Peatross stated this would not be a long term process. The oil company only needs enough shale for 2-3 locations and road repair because of the water table in Lake Canyon. Mr. Peatross feels the water and dust issues can either be taken care of with the wheel line or they will provide a water truck.

Commissioner Jorgensen asked if there were any questions. There were none and, with no one in opposition to speak, the hearing was closed.

Commissioner Mair motioned to approve the applicants request subject to the conditions stated in the staff report. Commissioner Olsen seconded the motion and it passed unanimously.

**NEW BUSINESS:**

None

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

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

**Commission Comments and Staff Information Items**

Mr. Hyde stated there would be a meeting on January 4<sup>th</sup>.

**Adjournment:**

Meeting adjourned at 5:30p.m.