

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
January 5, 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:**

Brad Lyle	Gravel Pit-CUP
Jason Danley	Gravel Pit-CUP
Rawl Crosby	Gravel Pit-CUP
Robert Muir	Gravel Pit-CUP

Chairman Jorgensen opened the meeting at 5:00 PM, and welcomed Ken Moon as the newest member the Planning Commission.

At this time Duchesne County Commissioner Ron Winterton also welcomed Ken Moon to the commission and thanked Chris Peatross for his many years of dedicated service on the Planning Commission, presenting him with a plaque.

Chairman Jorgensen asked if any of the Planning Commission had any ex-parte contacts or conflicts of interest associated with the request on the agenda. There were none, so the hearing proceeded.

**PUBLIC HEARINGS:**

- A. Request by Basin Land & Farm LLC for a Conditional Use Permit to establish a gravel pit, with rock crusher, on approximately ten acres of a 237.67-acre parcel located west of the “Hunky Dugway” in the NE ¼ of Section 1, Township 4 South, Range 2 West, in the Myton area.**

Mr. Hyde stated the applicants are applying for this permit to authorize a gravel pit and rock crushing operation on the property. It is anticipated that gravel products from this location will be used to construct new oil well locations in the area on lands owned by the applicants

or their subsidiaries. Extraction of earth products is 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 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 construction of roads and well pads serving the oil & gas industries in the county, which are 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 will take place on about ten acres of a 237.67-acre parcel. The nearest dwelling units are located just over 2,000 feet to the southeast of the site. 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.

There are some special minimum conditions for extraction of earth products:

- 1. Must be maintained in a near dust-free condition. A dust control plan shall be provided 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 applicant has provided a dust control plan and it 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. Health Department approval of the dust control plan must be provided to the County prior the start of operations. In addition, the applicant 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 dwellings are located on the hill about 2,000 feet southeast of the proposed pit site. The proposed access road intersects with the county road about 500 feet northwest of the nearest dwelling. The county road was paved last summer. Dust control efforts will be needed at the crusher site and along the private haul road. Such control efforts will mitigate dust impacts at the nearest residences.

- 2. A bond shall be issued in the amount of one five thousand dollars (\$5,000.00) for the first acre and three thousand dollars (\$3,000.00) for each additional acre from which such material is taken as a guarantee of reconditioning. 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 since the applicant will be using their own equipment on their own property, the bonding requirement may be waived. The property owner has a built-in incentive to reclaim their own property to avoid liability and a degrading of property value.

- 3. 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” 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.

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

Mr. Hyde stated the nearest homes are located about 2,000 feet away to the southeast. The ¼ mile setback requirement 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. Before a new driveway access is constructed, an access permit will be required by the Duchesne County Road Department.

Mr. Hyde referred the commission to the aerial photos, stating the proposed access road is located just north of an existing pond area. The dam failed recently and needs to be rebuilt. If the construction of this road will impact wetland areas, the applicants will need to contact the US Army Corps of Engineers to determine if any permits are required from that agency.

Mr. Hyde recommends the Planning Commission approve the Conditional Use Permit requested by Basin Land & Farm LLC, 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, 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. Dust control agents shall be applied at the gravel pit and on the access road between the county road and the pit.
  - b. Applicants and their agent(s) shall comply with the construction activity noise time limits of the Nuisance Ordinance.
  - c. Applicants and their agent(s) shall ensure that the crusher operates under a valid DEQ air quality permit or submit evidence that the crusher has been exempted from permit requirements.
2. Applicants and their agent(s) shall reclaim the property at the conclusion of each phase of mining operations in accordance with the county's "Material Pit Finishing Standards".
3. Before constructing any new driveway to the county road, the applicants shall obtain a road approach permit from the Duchesne County Road Department.
4. Applicants shall contact the US Army Corps of Engineers to determine if any permits are required for the construction of the access road to the gravel pit.

Mr. Hyde referred the commission to the applicant's letter of intent, their dust control plan and several aerial photos and asked the commission if there were any questions of

the staff report.

Commissioner Olsen asked Mr. Hyde if the applicant will get permission from the Army Corps of Engineers and how will the commission know. Mr. Hyde stated the applicant should document the results of their contact with the Corps and provide a copy to the county

Chairman Jorgensen asked if there were any other questions. There were none so the applicant was invited to speak.

Jason Danley, representative from Basin Land & Farm LLC., thanked Mr. Hyde for the preparation of the staff report, agrees with the contents and stated their intentions were to open a small pit to stockpile material for the dam repair, to build and repair their roads and any product that might be sold to various oil companies.

Commissioner Olsen asked where the road will be located. Mr. Danley replied it is their intention to build it across the dam.

Commissioner Mair asked if the Army Corps of engineers have been notified.

Brad Lyle, representative from Basin Land & Farm LLC., stated they bought the property in December of 2010 with the breached dam, but they have been in contact with Andrew Dutson with the state DNR and Matt Lindon, an engineer who will be helping in the process of rebuilding the dam. They are under the impression there are no wet lands and have filed their plans with the state for the permits to rebuild the dam that is approximately a 90 day process.

Commissioner Olsen asked what water rights they have. Mr. Lyle stated they have the first filing on the Leatham Draw, Indian and UBIC shares.

Chairman Jorgensen asked if there was any one in opposition that wanted to speak. There were none so the hearing was closed.

Commissioner Olsen motioned to approve Conditional Use Permit requested by Basin Land & Farm LLC, subject to the conditions stated in the staff report. Commissioner Moon seconded the motion and it passed unanimously.

**NEW BUSINESS:**

None

**Minutes: Approval of December 1, 2010**

Commissioner Fabrizio moved to approve the minutes of December 1, 2010. Commissioner Mair seconded the motion and it passed unanimously, with Commissioner Moon abstaining.

**Commission Comments and Staff Information Items**

Mr. Hyde stated the next meeting will be February 2<sup>nd</sup> there should be a request for a CUP for Harvest Holdings for another oil location in the Arcadia area. There was some discussion on the zoning ordinance amendments the planning commission sent to the county commissioners late last year and the status of the sexually oriented business amendment.

**Adjournment:**

Meeting adjourned at 5:30p.m.