

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
November 2, 2011 - 5:00 p.m.**

In Attendance were:

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

Visitors:

Donna Brotherson	Gravel Pit-CUP
Brent Brotherson	Gravel Pit-CUP
Junior Jessen	Gravel Pit-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.

PUBLIC HEARINGS:

Request by R. Chapman Construction and the Lake Fork Ranch, Inc., for a Conditional Use Permit to extract earth products and crush rock from approximately 19 acres of a 160-acre parcel of land located in the SE ¼ of Section 10, Township 2 South, Range 4 West.

Mr. Hyde stated the applicant is applying for this permit to authorize a gravel pit and rock crushing operation on about 19 acres of a 160-acre parcel. Extraction of earth products is a conditionally permitted use in the A-5 zone. It is anticipated that gravel products from this location will be used to construct new oil well locations in the area (El Paso) and for other construction purposes.

Mr. Hyde referred the commission to the photos in their packets showing the proposed crusher and gravel pit location and highlighted sections of the staff report regarding noise and dust issues, the impacts of increased heavy traffic on the county road system and the need to coordinate with the public works director to negotiate the necessary road repairs, the reconditioning requirements of Duchesne County and making sure the crusher site is at least ¼ mile from any residential area.

Mr. Hyde recommended that the Planning Commission approve the Conditional Use Permit requested by R Chapman Construction, Inc., agent for the Lake Fork Ranch, Inc., for extraction of earth products and rock crushing, subject to the following conditions:

1. Applicants and their agent(s) shall control dust and noise so neither becomes a nuisance.
 - a. The dust control plan approved by the TriCounty Health Department shall be implemented throughout the course of the operations by the applicant or authorized agents. Dust control agents shall be applied at the gravel pit and on the access roads between the pit and paved roads during periods of hauling.
 - b. Operations may be conducted 24 hours per day. However, if noise complaints are received by the county, the applicant shall comply with the construction activity noise time limits of the Duchesne County Nuisance Ordinance. In that 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 (with a copy of said permit provided to the County) or submit evidence that the crusher has been exempted from DEQ permit requirements.
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.
3. Applicant agrees to keep the crusher at least ¼ mile away from the nearest dwelling unit.
4. The applicants agree to obey any weight restrictions placed on county roads and participate in any necessary road repairs as negotiated with the Public Works Director.

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

There were none so the applicant was invited to speak.

Junior Jessen, a representative of R. Chapman Construction stated it is their intent to build new roads and oil well locations for EIPaso Oil and Gas, for the use of the property owner as needed and there will not be any private sales from this pit.

Commissioner Burton asked why the 24 hour shifts. Mr. Jessen replied Chapman Construction is busy right now but that could be adjusted if needed..

At this time Mr. Hyde explained that Commissioner Burton is an ElPaso employee and wondered if he needed to excuse himself from voting on the proposed permit for R Chapman Construction. Commissioner Burton explained he would not be directly involved in this process and feels it would not be a problem. Mr. Hyde asked if there were any objections to Mr. Burton voting. There were none so the hearing proceeded.

Commissioner Jorgensen asked if there were any other comments.

Mr. Brent Brotherson, a Lake Fork Ranch, Inc., representative feels this will be beneficial for all parties involved.

There were no other questions or comments so the hearing was closed.

Commissioner Mair motioned to approve the Conditional Use Permit requested by R Chapman Construction, Inc., agent for the Lake Fork Ranch, Inc., for extraction of earth products and rock crushing, subject to the conditions stated in the staff report. Commissioner Roberts seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of October 5, 2011

Commissioner Burton moved to approve the minutes of October 5, 2011. Commissioner Mair seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items

Mr. Hyde distributed a copy of the press release associated with the Hancock settlement.

Mr. Hyde stated the December meeting will be Commissioner Fabrizio's last meeting as she has served for eight years.

Adjournment:

Meeting adjourned at 5:25 p.m.