

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

In Attendance were:

John Jorgensen, Planning Commission – Chairperson
Dean Burton, Planning Commission
Randy Mair, Planning Commission
Shelly Fabrizio, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Keith Hicken	Larsen CUP
Phil Hicken	Larsen CUP
Lane Larsen	Larsen CUP
Phillip Wilkerson	Larsen CUP

Chairperson Jorgensen opened the meeting at 5:20 PM after a quorum of commissioner's arrived.

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

PUBLIC HEARINGS:

A. Request for a Conditional Use Permit by Lane Larsen, Double L Enterprises, LLC, for a Conditional Use Permit to extract earth products and crush rock from a portion of 80 acres of land, owned by Nolan and Vicki Larsen, located southeast 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 a portion of this 80-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 (Newfield) and for other construction purposes.

Mr. Hyde referred the commission to the photos in their packets showing the location of the proposed crusher and gravel pit site and highlighted sections of the staff report regarding potential noise and dust issues, the impacts of the increased heavy traffic on the county

roads, the need to coordinate with Questar to protect the gas line that is close to that location, the reconditioning requirements of Duchesne County and making sure the crusher site is at least ¼ mile from any residents in the area.

Mr. Hyde recommended that the Planning Commission approve the Conditional Use Permit requested by Lane Larson, Double L Enterprises LLC, 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. 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 measures will be taken 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 between the pit and paved roads during periods of hauling. The haul road shall be constructed to the east of the Tanner residence to reduce dust impacts at that residence.
 - 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 (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. Applicant shall receive clearance from Questar Pipeline before excavating near their pipelines or driving heavy loads over their pipelines. A copy of such clearance shall be provided to the County.

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

Commissioner Mair stated the findings should refer to Questar Pipeline and not Questar Gas.

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

Lane Larsen, applicant and owner of Double L Enterprises agrees with the conditions in the staff report, has talked with Questar and will coordinate with them. Mr. Larsen also requested that the entrance to the west be included in the permit as there are two permitted oil well locations that will be using that access and he will keep the dust down by using magnesium chloride, lignin sulfonate or sufficient water applications to eliminate the dust issues.

There was some discussion between Mr. Hyde and the planning commission to modify condition 1a in the staff report to include the dust inhibitor language if the westerly access road is utilized. Mr. Larsen stated there would be water trucks on site to control the dust.

Commissioner Jorgensen asked if there were any other questions or comments.

Keith Hicken, neighbor and property owner stated the Balingit home was not notified of Mr. Larsen's request and there should not be any travel on the road serving that home as it is a private lane.

Mr. Hyde replied that the Balingit property is more than a ¼ mile away to the northeast.

There were no other comments so the hearing was closed.

Commissioner Fabrizio motioned to approve the Conditional Use Permit requested by Lane Larson, Double L Enterprises LLC, for extraction of earth products and rock crushing, subject to the conditions stated in the staff report with condition 1a modified to read:

- 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 measures will be taken 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 between the pit and paved roads during periods of hauling. The haul road shall be constructed to the east of the Tanner residence to reduce dust impacts at that residence. *If another haul road is constructed west of the Tanner residence, applicant shall apply a dust inhibitor (such as magnesium chloride or lignin sulfonate) or sufficient water applications to such road to eliminate dust.*

Commissioner Mair seconded the motion and it passed unanimously.

B. Request for a Conditional Use Permit by Lane Larsen, Double L Enterprises, LLC, for a Conditional Use Permit to extract earth products (pit run) from about 20 acres of a 40 acre parcel, owned by Philip and Frena Wilkerson, located southeast 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 extraction of earth products (pit run rock) on a portion of this 40-acre parcel. Extraction of earth products is a conditionally permitted use in the A-5 zone. It is anticipated that rock products from this location will be used to construct new oil well locations in the area (Newfield) and for other construction purposes. After highlighting sections of the staff report Mr. Hyde stated the conditions are the same as the last hearing except there will not be crusher at this location so the 1320 foot boundary notification is not required. However the potential noise and dust issues, using dust inhibitor on the haul road east of the Tanner property to control dust, approval from TriCounty health and reclaiming the location to county standards apply in this case.

Mr. Hyde recommended that the Planning Commission approve the Conditional Use Permit requested by Lane Larson, Double L Enterprises LLC, for extraction of earth products, 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 measures will be taken 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 mining site and on the access road between the mining site and paved roads during periods of hauling. The haul road shall be constructed to the east of the Tanner residence to reduce dust impacts at that residence.
 - 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 and/or owners 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.

Lane Larsen stated at this location they would like to get in, move and pile the product and reclaim the property so Mr. Wilkerson can farm his property.

Phillip Wilkerson, the property owner is in favor of Mr. Larsen's request. Anything to get rid of the cobble rocks is a good thing.

Commissioner Jorgensen asked if there were any other questions or comments. There were none and no one present to oppose the request so the hearing was closed.

Commissioner Burton motioned that the Planning Commission approve the Conditional Use Permit requested by Lane Larson, Double L Enterprises LLC, for extraction of earth products, subject to the conditions stated in the staff report. Commissioner Fabrizio seconded the motion and it passed unanimously.

C. Request for a Conditional Use Permit by Lane Larsen, Double L Enterprises, LLC, for a Conditional Use Permit to extract earth products (shale) from scattered locations within 460 acres of land owned by Nolan and Vicki Larsen located in the Pleasant Valley area generally between the Pleasant Valley Road and County Road #41

Mr. Hyde referred the planning commission to the aerial photos in their packets showing the expanded locations and stated the applicant is applying for this permit to authorize extraction of earth products (shale) from scattered sites within 460 acres of land owned by Nolan and Vicki Larsen. 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 (Newfield) and for other construction purposes.

Mr. Hyde highlighted sections of the staff report and stated there will not be a crusher, no Questar pipelines or nearby homes except the land owner's. Dust and noise impacts should be minimal however they will still need approval from TriCounty Health for a dust control plan and reclamation back to county standards.

Mr. Hyde recommended that the Planning Commission approve the Conditional Use Permit requested by Lane Larson, Double L Enterprises LLC, 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. 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 measures will be taken 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 extraction sites and on the access road between the site and paved roads 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.

Lane Larsen had no comments but stated there are a number of nearby oil well locations they are building the access roads for.

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

Commissioner Mair motioned that the Planning Commission approve the Conditional Use Permit requested by Lane Larson, Double L Enterprises LLC, for extraction of earth products (shale), subject to the conditions stated in the staff report. Commissioner Burton seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of September 7, 2011

Commissioner Jorgensen moved to approve the minutes of September 7, 2011. Commissioner Mair seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items

None

Adjournment:

Meeting adjourned at 5:45 p.m.