

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
December 5, 2012 - 5:00 p.m.**

In Attendance were:

Randy Mair, Planning Commission-Co-Chairman
Kent Olsen, Planning Commission
Ken Moon, Planning Commission
Kathy Giles, Planning Commission
Allen Lindsay, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Debra Lindsay	All
Debi Tracy-Uintah Basin Standard	
Ryan Snow	Morris-Rezone
Junior Jessen	R Chapman Gravel Pit
Jim Hogan	
Allen and Susan Rydman	IWM-Chapman
John Beck	IWM
Jason McKenna	R Chapman Gravel Pit
Joe Meeks	IWM
LeRoy and Beth Morris	Morris-Rezone
James Elliott	IWM
Scott Hacking-Utah DEQ	
Brad Hill-DOGM	IWM
Bernice and Bert Pulley	IWM
Bill Walsh	
Shirley Weathers	
Stan and Kathryn Larson	

Chairman Mair opened the meeting at 5:00 PM.

Chairman Mair asked if any of the Planning Commission had any ex-parte contacts associated with any item on the agenda. The Planning Commission received a letter in favor of the item C, the zoning ordinance text amendment, from Mr. Thomas Farrell. Commissioner Mair stated he has had some contact with IWM thru his employment but does not feel that will affect his ability to be fair and impartial during the hearing. Mr. Hyde asked if anyone in the audience had any objections to Commissioner Mair participating during the IWM hearing, there were none. Commissioner Lindsay will excuse himself from the IWM hearing because of his business dealings with IWM. There were no other contacts, so the hearing proceeded.

PUBLIC HEARINGS:

A. Continuation of public hearing to determine if Integrated Water Management is complying with the odor control terms of the their conditional use permit for their commercial produced water disposal facility located at 20250 W 2000 South near the Blue Bench landfill, north of Duchesne.

Mr. Hyde reviewed the timeline for Integrated Water Management stating on October 3, 2012 Duchesne County was not in compliance with HB 267 so that hearing was recessed until December 5, 2012. During that time the Planning Commission reviewed an ordinance at the November 7th meeting and recommended it for adoption. The County Commissioners, on November 19, 2012, adopted the ordinance and it was published in the Uintah Basin Standard November 27th. By law, the ordinance becomes effective 15 days after publication which is December 12, 2012. Upon counsel from our attorneys and to insure all parties their due process, this hearing will need to be recessed until such time that the ordinance becomes effective.

Mr. Hyde suggested to the Planning Commission recess the hearing tonight until the January or February meeting so Duchesne County is in compliance with HB 267.

Commissioner Olsen motioned to recess the hearing until January 2, 2013. Commissioner Moon seconded the motion and it passed unanimously.

B. Request by R Chapman Construction for a conditional use permit to establish a gravel pit and rock crusher on a 160-acre parcel of land owned by A and R Development on the Blue Bench about six miles northeast of Duchesne.

Mr. Hyde stated R Chapman Construction is applying for this permit to authorize a gravel pit, with rock crushing, on a 160-acre parcel located in the Blue Bench area. Extraction of earth products is a conditionally permitted use in the A-5 zone. It is anticipated that rock from this location will be used for El Paso oil well pads and access roads in the vicinity and for other construction activities.

After highlighting sections of the staff report Mr. Hyde stated some criteria and conditions of approval including public safety and welfare, Utah DEQ permits, noise, dust free conditions, complying with the county's material pit finishing standards, bonding and reclamation. Referring the commission to their packets and some site photos and maps of the proposed location, Mr. Hyde stated the distance requirements of the code are met. The proposed gravel pit boundaries will be set back at least 50 feet from the property line to meet the minimum standard of the ordinance. The gravel pit boundary is about one mile from the nearest home located in the Uintah View Ranches subdivision to the south; exceeding the 660-foot minimum. The rock crusher location also meets the ¼ mile setback with no dwelling units on any parcel within 1,320 feet of the subject property boundaries so this should be a good location.

Mr. Hyde recommends the approval of the Conditional Use Permit requested by R Chapman Construction, for extraction of earth products, subject to the following conditions:

1. Owners or their authorized agent(s) shall control dust and noise so neither becomes a nuisance.
 - a. A dust control plan approved by the TriCounty Health Department and Utah DEQ shall be implemented throughout the course of the operations by the owners or authorized agents. Dust control agents shall be applied at active portions of the site and on gravel access roads between the site and the nearest paved road during periods of hauling.
 - b. If noise complaints are received by the county, owners and their authorized agents shall comply with the following hours of crusher operation: (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. Owner(s) or their authorized agents 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 by signage and/or fencing. Mining areas shall be set back at least 50 feet from the property lines.
3. A DEQ Air Quality permit shall be obtained for the crusher and a copy provided to the County prior to the start of crushing operations.

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

Jason McKenna, applicant and R Chapman representative stated he has no issues with the conditions for approval. This is a good location and they hope to continue to do business for a long time from this location. They will have to make some investments to improve the roads and are okay with that.

Commissioner Mair asked if there were any questions.

Allan Rydman, lives 2 miles north on Caravan Lane and is concerned about the dust, what a dust control plan is and who enforces the rules. He noted that the dust frequently blows from a gravel pit on the west side of the Highway 87 near the Duchesne Airport. Mr. Hyde stated they have to have a dust control plan filed and approved with the Tri County Health Department and, if there are issues, call the Planning Office or Tri County health and the issues will be addressed. He explained that a dust control plan must state how dust will be controlled and identify a water source. As far as the pit west of the airport, it predates any of the current ordinances and standards so we have no control over that location. The permits that have been issued recently have a pretty good track record and if conditions of approval are not followed, their permits can be revoked.

John Beck, resident on Caravan Lane, concerned about the dust control and wanted to know what the process is to report any complaints. Mr. Hyde stated just call our office or Tri County Health and the operators will be notified should dust become a problem.

Jason McKenna responded to Mr. Rydman and Mr. Beck's concerns by stating they are a company that serves the public and if they do not take care of their problems Chapman Construction would be out of business. Mr. McKenna told Mr. Rydman and Mr. Beck to call him personally if they notice dust problems and gave them his business card.

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

Commissioner Moon motioned to approve of the Conditional Use Permit requested by R Chapman Construction, for extraction of earth products, subject to the conditions stated in the staff report. Commissioner Lindsay seconded the motion and it passed unanimously.

C. Recommendation to the County Commissioners regarding a zoning ordinance text amendment that would apply the existing oil and gas well standards to all private lands in the county, regardless of zone.

Mr. Hyde stated since this amendment has been advertised the county has been contacted by several different parties. Some think the county should be stricter with their rules and some think the county is being too strict. Since oil and gas issues are a prominent topic of conversation in the county right now and with the expansion of oil and gas locations in Arcadia, North and West of Duchesne and Pleasant Valley, Mr. Hyde suggested recessing this hearing until March 3, 2013 to allow time for the further discussion by interested parties.

Commissioner Mair reminded Mr. Hyde that Mr. Farrell sent a letter in favor of the amendment. Mr. Hyde noted the letter from Bill Walsh and Shirley Weathers and stated some of the issues such as lighting and setbacks need to be addressed.

Commissioner Lindsay motioned to recess this hearing until March 3, 2013. Commissioner Olsen seconded the motion and it passed unanimously.

D. Recommendation to the County Commissioners regarding a request by Burdick Materials and Beth & LeRoy Morris to rezone 160 acres of land on the Harmston Bench, northwest of Roosevelt, from A-2.5 to A-5.

Mr. Hyde referred the commission to their packets, an aerial photo and some site photos of the proposed location and stated the applicants own 160 acres of land on the Harmston Bench, north of Roosevelt, which are within the A-2.5 zone. The property is near sand and gravel operations owned by Duchesne County, R Chapman

Construction and Burdick Paving (now Staker-Parsons). The current zoning of the subject property (A2.5) does not allow for sand and gravel operations. If the rezone is approved, the applicant intends to apply for a Conditional Use Permit to establish a gravel pit on the subject property.

Some criteria for approval are as follows:

The overall community benefit of the proposed amendment.

Mr. Hyde stated the proposed amendment rezones the property from A-2.5 to A-5. The A-5 zone would allow the property owners to apply for a conditional use permit to site a gravel pit on the property. Gravel pits provide needed products to support the construction and oil/gas industries, which are very important to the community and local economy. Similar facilities already exist in this area.

Consistency with the goals and policies of the general plan;

Mr. Hyde stated the General Plan contains the following statements regarding private land use: *“Duchesne County feels that residential, commercial, and industrial development on private land should be allowed to continue in a responsible manner and in locations that contribute to the economic and social well-being of County residents. The County will continually review and amend its existing ordinances as necessary to accurately and adequately reflect the land-use preferences of Duchesne County residents.”* The rezoning criteria of Section 8-1-7 of the zoning ordinance are established to aid the Planning Commission in determining which land use districts are appropriate in specific areas of the county. If those criteria are met, it can be presumed that the proposal will be consistent with the general plan.

Compatibility with the neighborhood.

As stated in the introduction the aerial and site photos show that the neighborhood consists of existing gravel pits and vacant land on the Harmston Bench, with the nearest homes located below the bench to the west, in the vicinity of the Neola Highway. In 2010, R Chapman Construction requested and received approval of a similar zone change on their 80-acres of land to the east. They now operate a gravel pit and asphalt plant on the property and have received a conditional use permit to build their construction headquarters at this location in the future. Duchesne County operates a gravel pit to the south and Burdick Materials (Staker-Parsons) also has a gravel pit on the bench.

Mr. Hyde stated that land uses on the Harmston Bench have been limited to communication facilities, oil and gas development and gravel pits. This proposal would enable the subject property to be used in a similar fashion. The proposed rezone would potentially lead to an increase the acreage of the Harmston Bench being utilized for the extraction of earth products. Much of the adjoining lands are vacant due to lack of access and utility services and would be largely unaffected by this change. There are some platted residential lots to the west along the Neola Highway. Gravel pits are required to be set back at least 50 feet from a property line, 660 feet from a dwelling city limit line and the rock crusher must be set back at least 1,320 feet from a dwelling

or city limit line. These setbacks, along with dust and noise control requirements help mitigate possible adverse effects on adjoining properties.

Mr. Hyde recommends the Planning Commission adopt the findings and conclusions herein and recommend to the County Commissioners the approval of this rezone, requested by LeRoy and Beth Morris, from A-2.5 to A-5.

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

Ryan Snow, a representative of Burdick Paving, stated A & R, Duchesne County and Burdick Paving all have gravel pits surrounding this property. That is what this property should be used for.

Commissioner Mair asked if there were any questions.

There was some discussion with Mr. Snow and the Planning Commission about the residential lots and existing homes in Cottonwood Creek Subdivision and the condition of the road they will be using for access which is the same one the county uses to get to their pit. Mr. Hyde stated there is a triple protection setback for those existing homes.

Stan Larson, a Bridgeland resident, stated his concerns about the reclamation process and material pit finishing standards. Mr. Hyde replied to Mr. Larson this is a rezone hearing and those issues will be addressed at the hearing for the conditional use permit when it is applied for.

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

Commissioner Olsen motioned that the Planning Commission adopt the findings and conclusions herein and recommend to the County Commissioners the approval of this rezone, requested by LeRoy and Beth Morris, from A-2.5 to A-5. Commissioner Giles seconded the motion and it passed unanimously.

NEW BUSINESS:

Planning Commission meeting schedule for 2013. Commissioner Moon motioned to adopt the schedule for 2013. Commissioner Lindsay seconded the motion and it passed unanimously.

Minutes: Approval of November 7, 2012

Commissioner Olsen moved to approve the minutes of November 7, 2012. Commissioner Lindsay seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items

Mr. Hyde stated there are no commission terms that expire in 2012. During the January meeting, the commission will need to vote for a new chair and vice-chair. The IWM hearing will be reopened January 2, 2013 and there will likely be a conditional use permit application for the Morris property if rezoned by the County Commissioners.

Adjournment:

Meeting adjourned at 6:45p.m.