

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
July 10, 2012 - 5:00 p.m.**

In Attendance were:

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

Visitors:

Ron Winterton
Lane Larsen
Jason McKenna

Chairperson Jorgensen opened the meeting at 5:00 PM.

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

PUBLIC HEARINGS:

- A. Continuation of the public hearing to consider revocation of a Conditional Use Permit granted October 5, 2011 to Lane Larsen, Double L Enterprises LLC, for the extraction of earth products and rock crushing from lands owned by Nolan & Vicki Larsen near 10000 South and 4500 West in the Pleasant Valley area.**

Mr. Hyde stated on October 5, 2011, the Duchesne County Planning Commission approved a Conditional Use Permit requested by Lane, Nolan and Vicki Larsen for a gravel pit and rock crusher on their 80-acre parcel located southeast of the intersection of 10000 South and 4500 West in the Pleasant Valley area. On April 20, 2012, a Stop Work Order was issued for the gravel pit and rock crusher on the Larsen property for failure to comply with the conditions of approval of the Conditional Use permit approved on October 5, 2011. On June 6, 2012, the Planning Commission voted to rescind the Stop Work Order issued to RM Sand and Gravel on April 20, 2012 provided that the owners and operator implement their approved dust control plan, comply with their DEQ air quality permit and operate in accordance with all conditions of the Conditional Use permit issued October 5, 2011. After some discussion and a review of the terms and conditions to revoke the conditional use permit, we understand that the rock crusher has been relocated to Uintah County for a period of 2-3 months. If they relocate it to

this site, they will need another approval order from DEQ, they will need to complete the easterly access road and implement their dust control plan (including sufficient water or chemical treatments to the westerly access road.

Mr. Hyde recommends that the Planning Commission maintain the conditional use permit in effect provided that the owners and operator implement their approved dust control plan, comply with their DEQ air quality permit and operate in accordance with all conditions of the Conditional Use permit issued October 5, 2011. Failure to do so will result in another public hearing to consider permit revocation.

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

Mr. Larsen stated most of the crushed product has been hauled away other than the top soil pushed off to the side so controlling the dust should not be a problem. Mr. Miller has moved the crusher and water truck to Uintah County so there will only be an occasional load of pit run out of the location. In addition Mr. Larsen felt like Mr. Miller has made a good attempt to comply with the conditions and feels he will continue to do so.

Commissioner Jorgensen asked if there were any others wishing to testify. There were none, so the public hearing was closed.

Commissioner Mair motioned to maintain the permit provided they operate in accordance with all conditions of the Conditional Use permit issued October 5, 2011. Commissioner Moon seconded the motion and it passed unanimously.

B. Request by Duchesne County for a Conditional Use Permit to extract earth products for the Duchesne River Emergency Watershed Project from a 40-acre parcel located in the SW ¼ of the SW ¼ of Section 28, Township 2 South, Range 5 West, in the Utah area.

Mr. Hyde stated Duchesne County is applying for this permit to authorize a rock quarry on the southern half of a 40-acre parcel owned by the county in the Utah 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 to armor the banks of the Duchesne River in the Hanna, Tabiona, Utah and Duchesne areas to repair damage from the 2011 flooding and protect against future flooding. 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 and complying with the county's material finishing standards and with no objections from the Duchesne County Road department or DWR, Mr. Hyde referred the commission to their packets and an aerial photo and maps of the proposed location.

Mr. Hyde's recommendation is approval of the Conditional Use Permit requested by Duchesne County, 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 shall be implemented throughout the course of the operations by the owners or authorized agents. Dust control agents shall be applied at the quarry site and on the gravel access road between the quarry and Highway 35 during periods of hauling.
 - b. Owners and their authorized agents shall comply with the construction activity noise time limits of the Duchesne County Nuisance Ordinance. In that 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. Before mining operations begin, the successful bidder shall provide surety bonding to the County in the amount of \$5,000 for the first acre and \$3,000 for each additional acre of surface disturbance; said bonding to be refunded or released only after reclamation occurs in accordance with the Material Pit Finishing Standards. Such bonding requirements may only be waived, in writing, by the County Commissioners.
3. 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.
4. Before excavation begins, owner(s) or their authorized agents shall obtain an industrial storm water permit from the Utah Department of Environmental Quality, Water Quality Division, if required by that agency.
5. Owner(s) or their authorized agents shall contact UDOT to determine if warning signs are needed on Highway 35 during periods that rock is being transported.

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

Commissioner Jorgensen asked if the county or the bidder would be responsible for the bonding and required permits. Mr. Hyde stated either party could take care of that.

Commissioner Ron Winterton stated they have been working on this project since November trying to secure the property, find enough rock to do the project and comply with the funding conditions that exist. It is the county's intention to mine the rock and not crush it so they have large rock.

There was some discussion about the bonding, who will benefit from this project, working with DOGM and the NRCS and explaining where the repairs will be done from Strawberry River area to Myton City and the Tabiona-Hanna area. After this permit is approved the

Commissioners will discuss on how to proceed and make this project beneficial to all involved.

Commissioner Olsen asked where the mining will take place. Mr. Hyde referred the commission to the maps and aerial photo in the agenda.

Commissioner Jorgensen asked if there were any other questions. With no one to speak in opposition the public hearing was closed.

Commissioner Olsen motioned to approve the Conditional Use Permit requested by Duchesne County, for extraction of earth products, subject to the conditions stated in the staff report. Commissioner Mair seconded the motion and it passed unanimously.

C. Request by Nielson Construction for a Conditional Use Permit to extract earth products (gravel pit and rock crusher) from approximately 3 acres of a 498.82-acre parcel owned by Glenna Hanson Huff located at 13815 W 4000 North in the Altamont-Bluebell area.

Mr. Hyde stated Nielson Construction is applying for this permit to authorize a gravel pit on approximately three acres of a 498.82-acre parcel owned by Glenna Hanson Huff in the Altamont-Bluebell 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 in the upcoming Bluebell Road project and for other construction activities. Mr. Hyde referred the commission to their packets and the photos indicating some previous mining at this location. After highlighting sections of the staff report Mr. Hyde stated the criteria and conditions of approval including public safety and welfare, Utah DEQ permits, noise, dust free conditions, and complying with the county's material finishing standards. There are no objections from the Duchesne County Road department.

Mr. Hyde's recommendation is approval of the Conditional Use Permit requested by Nielson 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 shall be implemented throughout the course of the operations by the owners or authorized agents. Dust control agents shall be applied at the site and on the gravel access road between the site and the Bluebell Road during periods of hauling.
 - b. Owners and their authorized agents shall comply with the construction activity noise time limits of the Duchesne County Nuisance Ordinance. In that 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. Before mining operations begin, the successful bidder shall provide surety bonding to the County in the amount of \$5,000 for the first acre and \$3,000 for each additional acre of surface disturbance; said bonding to be refunded or released only after reclamation occurs in accordance with the Material Pit Finishing Standards.
3. 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.
4. Before excavation begins, owner(s) or their authorized agents shall obtain an industrial storm water permit from the Utah Department of Environmental Quality, Water Quality Division, if required by that agency.
5. Owner(s) or their authorized agents shall coordinate with the County Road Department to ensure that adequate warning signs are placed on the Bluebell Road during periods that rock is being transported.

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

There was some discussion with the commissioners about using this location for other projects and if there will be any. Since there is not a Nielson Construction representative present, Mr. Hyde suggested they would have the ability to use it for future projects in addition to the Bluebell Road project.

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

D. Request by R Chapman Construction for a Conditional Use Permit to extract earth products (gravel pit and rock crusher) from approximately 14 acres of a 320-acre parcel owned by Upper Sandwash Ranch LC located at 14032 W 4000 North ("The LC Ranch") in the Altamont-Bluebell area.

Mr. Hyde stated R Chapman Construction is applying for this permit to authorize a gravel pit on approximately 14 acres of a 320-acre parcel owned by Upper Sandwash Ranch LC in the Altamont-Bluebell 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 in the upcoming Bluebell Road project and for other construction activities. A conditional use permit for a gravel pit on four acres of land at this location was approved by the Planning Commission in 1991. However, this permit has expired due to inactivity. After highlighting sections of the staff report, including criteria and conditions for approval, Mr. Hyde referred the commission to their packets and photos of the proposed site.

Mr. Hyde's recommendation is 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 shall be implemented throughout the course of the operations by the owners or authorized agents. Dust control agents shall be applied at the site and on the gravel access road between the site and the Bluebell Road during periods of hauling.
 - b. Owners and their authorized agents shall comply with the following hours of crusher operation: Monday through Saturday from 7:00 AM to 7:00 PM.
2. Before mining operations begin, the successful bidder shall provide surety bonding to the County in the amount of \$5,000 for the first acre and \$3,000 for each additional acre of surface disturbance unless waived by the property owner in writing. Said bonding would be refunded or released only after reclamation occurs in accordance with the Material Pit Finishing Standards.
3. 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.
4. Before excavation begins, owner(s) or their authorized agents shall obtain an industrial storm water permit from the Utah Department of Environmental Quality, Water Quality Division, if required by that agency.
5. Owner(s) or their authorized agents shall coordinate with the County Road Department to ensure that adequate warning signs are placed on the Bluebell Road during periods that rock is being transported.

There was some discussion about a letter the planning office received from Travis Mitchell an adjoining property owner and the noise associated with a crusher. Mr. Hyde has adjusted the hours of operation in the conditions for approval. Also a phone call was received from Kent Dastrup (a property owner to the west) and he has some issues with a fence line dispute. Mr. Hyde suggested a boundry line adjustment, moving the pit to the east or trying to resolve the issues as property and business owners.

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

Jason McKenna, an R Chapman Construction representative stated the conditions are acceptable. They could do a fence line survey but will not need one for the fourteen acres or the 20 feet involved. They will move the crusher to the east and stay away from the property line to avoid the disputed strip.

Commissioner Jorgensen asked if Chapman's will use this pit for just the Bluebell Road or other projects. Mr. McKenna stated they will use it for other projects.

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

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

E. Continuation of the public hearing to consider a recommendation to the County Commissioners regarding a zoning ordinance text amendment that would establish revised setback standards for gravel pits and rock crushers, regulate land farms and restrict the numbers of livestock kept in residential areas.

There was some discussion and review of the concerns the commission had from the June 6th meeting referring to the livestock setbacks and what an animal unit consists of, the examples of the existing residences that now have too many animals and not enough land and whether they are or should be grandfathered in, the concerns of the dust free condition and the extra steps needed to control those issues. There was a couple of changes in section 4d as to the distance requirements for gravel pits and rock crushers.

Mr. Hyde stated in drafting the amendment he used Uintah County animal rules as a guideline so both counties could be uniform and have the same rules across county lines.

Mr. Hyde recommends the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Zoning Ordinance as set forth in proposed Ordinance #12-302.

Jason McKenna had some comments on the footage and setback requirements as of now would make all of their current pits and crusher sites noncompliant and they are concerned with the verbiage of the new ordinance. Mr. McKenna also stated if the companies are complying with their dust control plans there should not be any problems.

Mr. Hyde asked if there were any other comments or questions. There were none so the hearing was closed.

Commissioner Moon motioned to accept the Zoning Ordinance 12-032 with the changes in sections 1 thru 5 as discussed. Commissioner Mair seconded the motion and it passed unanimously.

NEW BUSINESS:

Request by R Chapman Construction for an extension of time to file the final plat of the August Meadows subdivision.

Mr. Hyde stated in a letter dated August 5, 2010, the Duchesne County Planning Commission approved the preliminary plat of the August Meadows Subdivision, Phase 1 on August 4, 2010, subject to 8 conditions stated in the letter, including the water system, roads either finished or bonded for. Final plat approval has not been completed and A & R Development has requested a one year extension. Mr. Hyde stated they have asked the Planning Commission, in writing, for a one year extension of time; giving them until August 5, 2012 to obtain final plat approval. If the extension is granted, that would give them approximately one month to either complete the required subdivision improvements (streets and water lines) or submit the required improvement guarantees necessary to receive final plat approval at the August 1, 2012 Planning Commission meeting.

Jason McKenna, a representative for A&R Construction they are working on the water system, the roads are paved they are bonded for the irrigation system, the protective covenants are being drawn up. Mr. Hyde reminded Mr. McKenna they need to get their access permit from Glen Murphy from Duchesne County Road Supervisor and we will need a copy of the operating permit from the Utah Division of Drinking water.

Commissioner Jorgensen asked if there were any questions or comments. There were none.

Commissioner Mair motioned to grant the request by R Chapman Construction for an extension of time (until August 5, 2012) to file the final plat of the August Meadows subdivision. Commissioner Giles seconded the motion and it passed unanimously.

Minutes: Approval of June 6, 2012 minutes

Commissioner Olsen moved to approve the minutes of June 6, 2012. Commissioner Mair seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items

There was some discussion, initiated by Commissioner Mair, regarding the allowance of duplexes in the county. Mr. Hyde stated the commission would receive an appeal from an administrative hearing that was held on July 10th. Mr. Hyde explained about the drain fields, water connections and set back requirements.

Adjournment:

Meeting adjourned at 6:30p.m.