

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
March 7, 2012 - 5:00 p.m.**

**In Attendance were:**

John Jorgensen, Planning Commission – Chairperson  
Kent Olsen, Planning Commission  
Edward Roberts, Planning Commission  
Kathy Giles, Planning Commission  
Mike Hyde, Community Development Administrator  
CoraLee Sanchez, Planning Secretary

**Visitors:**

Taylor Thayne	Farrer CUP
Ryan Harvey	Farrer CUP
Les Mounteer	Farrer CUP
Courtney and Tamera Arnold	Farrer 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 the Farrer Family Partnership for a Conditional Use Permit to extract earth products and crush rock from a portion of the SW ¼ of the SE ¼ of Section 6, Township 3 South, Range 1 West, in the North Myton Bench area.**

Mr. Hyde referred the planning commission to some site and aerial photos explaining the applicant is applying for this permit to authorize a gravel pit and rock crushing operation on about 11 acres of a 364.5-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.

The planning commission may grant a conditional use permit they find:

- 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 and operators comply 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/operator 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. However, the access road to the proposed gravel pit will be crossing Cobble Hollow, which is an intermittent stream-wetland area. Before construction of the access road, the applicants must obtain a permit from the US Army Corps of Engineers, if required by that agency.

Mr. Hyde suggested one additional finding would be due to the proximity of the site to Cobble Hollow, the applicant will need to contact the Utah DEQ to determine if a storm water permit is required, along with mitigation measures to ensure that sediment is not eroded into the creek as a result of the mining activity.

Gravel pits and the associated heavy hauling may be detrimental to public improvements in the vicinity; especially the county roads. The applicants must obey any weight restrictions placed on county roads and participate in any necessary road repairs due to heavy hauling, as negotiated with the Public Works Director. The new road approach to Cobble Hollow Drive will require an access permit from the Road Department. Mr. Murphy would like to limit heavy traffic on Cobble Hollow Drive and suggested the applicant use Mortensen Lane if possible.

**2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.**

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 applicants intend to use the rock products to support construction associated with oil drilling in the area, which is beneficial to the economy of the county and in compliance with the general plan.

**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 would take place on about 11 acres of this 364.5-

acre parcel. There are no dwelling units located within ¼ mile of the proposed gravel pit. 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.

Some additional criteria for extraction of earth products would include:

- A. Dust Free Condition: Must be maintained in a near dust free condition. A dust control plan shall be provided by the applicant to the county, the Tri-County health department and the state DEQ. Rock crushers shall have a DEQ air quality permit in effect during operation, with a copy of such permit provided to the County, unless the crusher is considered exempt from permit requirements by the Utah DEQ. Watering the site and street during times of operation is considered maintaining a near dust free condition.**

Mr. Hyde stated a dust control plan must be presented by the applicant to the TriCounty Health Department for approval prior to operations beginning. The applicant must follow this plan to control dust at the pit and along the haul roads. In addition, the applicant or operator must demonstrate that the crusher has a valid DEQ air quality permit to operate at this location, unless the crusher has been exempted by DEQ from permit requirements.

With gravel pits, haul roads between the pit and the nearest paved road generate dust and heavy truck traffic that can be a nuisance for nearby dwellings. In this case, there would be a gravel haul road between the proposed pit and the paved Cobble Hollow Drive that would be located just west of existing dwellings. Dust control efforts will be needed at the crusher site and along the gravel access road, when material is being hauled. Such control efforts will help mitigate dust impacts.

- B. Bond Required: A bond shall be issued in the amount of 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. This bonding requirement may be waived in writing by the property owner but such waiver does not waive the reconditioning requirements;**

Mr. Hyde stated the property owner will not waive the bonding requirement, therefore bonding will need to be submitted to the county based on the number of acres to be disturbed at any one time before reclamation.

- C. Reconditioning: 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. Guidelines known as the**

**Material Pit Finishing Standards on file at the County Planning Department are suggested for use in reclamation planning;**

Mr. Hyde stated the “Material Pit Finishing Standards” attached hereto are used by the County to determine how reconditioning is to be accomplished. The applicant shall be subject to these standards. During operations, the property shall be maintained in a condition that is not hazardous, with any hazardous areas being signed and fenced.

**D. Distance Requirement For Rock Crushing Operations: Rock crushing operations must be a minimum of one thousand three hundred twenty feet (1,320') from any city, town or residential use.**

Mr. Hyde stated the nearest homes are located well over ¼ mile away from this location. The closest homes are on the Keller property (about ¼ mile NW of the “optional” mining area shown on the aerial photo and about 2,000 feet NW of the primary mining area). A home on the Ivan Murray parcel is about 1,700 feet to the NE of the “optional” mining area and 2,400 feet NE of the primary area. A home on the Clyde Murray parcel is about 2,000 feet NE of the “optional” mining area and about 2,900 feet from the primary mining area. A home on the Mounteer parcel is about 3,200 feet NE of the “optional” mining site and over 4,000 feet NE of the primary site. A home on the Dean Murray parcel is about 2,380 feet NE of the “optional mining area and 3,150 feet NE of the primary mining area. All other homes in the vicinity are a greater distance away.

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). These time limits will be enforced during mining and crushing activity at the site.

The request has been submitted to the Duchesne County Road Department for review and comment, as stated previously the road department has requested the applicant use Mortensen Lane instead of Cobble Hollow Drive if possible.

Mr. Hyde recommends the Planning Commission approve the Conditional Use Permit requested by the Farrer Family Partnership for extraction of earth products and rock crushing, subject to the following conditions:

1. Owners 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 owners 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. The owners and authorized agents 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 owners and authorized agents 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. Before mining operations begin, owners or authorized agents 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 and any private agreement between the pit operator and the property owners.
3. Owners or 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. Owners and authorized agents agree to keep the crusher at least ¼ mile away from the nearest dwelling unit.
5. Owners and authorized agents agree to obey any weight restrictions placed on county roads and participate in any necessary road repairs as negotiated with the Public Works Director. A road approach permit from the Road Department must be obtained for the access road intersection with Cobble Hollow Drive.
6. Owners or their authorized agents shall contact the US Army Corps of Engineers regarding the need for a permit to build the gravel pit access road over the Cobble Hollow intermittent stream/wetlands area. Written authorization to proceed from the Corps shall be provided to the county before construction of the road begins.
7. Owners or their authorized agents shall contact the Utah DEQ to determine if a storm water permit is required, prior to starting excavation work, and utilize any required mitigation measures to prevent sediment from eroding into Cobble Hollow Creek.

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

Commissioner Olsen asked how the planning office determines the distances.

Mr. Hyde replied there are measuring tools on the gis mapping program.

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

Taylor Thayne, applicant and lease holder of the proposed site, stated Mr. Harvey approached him for the location and availability of rock product which will be closer to the oil well location that is being built by Newfield and will lessen the travel time and hauling

expense. Mr. Thayne stated he rents the property from Mr. Farrer and both had hoped, after capping the hills, they could level and fence the extended farming area.

Mr. Thayne asked if there were any questions. There were none so the hearing was opened to anyone in opposition to speak.

Les Mounter, nearby property owner, stated his concerns about digging too deep with the water table, the winds and dust that already blow without the elevated dust from a crusher and gravel pit.

Mr. Thayne rebutted stating only the small hills will be leveled so the ground water should not be an issue and the crusher sprinkles water while it is operating. Mr. Harvey stated if the dust gets out of control he will run water trucks to keep the dust at a minimum.

Tamera Arnold representing Ivan, Dean and Clyde Murray lives on the property and is concerned with the dust issues, there are small children in the area and is concerned for their safety with the heavy truck traffic. Mrs. Arnold is wondering about the time frame, whether it will be months or years that the excavation will occur. Mr. Harvey replied only for a few months and if it is longer they will need to get a new DEQ permit and again they will control the dust.

Mr. Hyde told the applicant due to the location and the dust issues already on the bench they will have to water the haul road and mist the crusher. If there are problems, the neighbors can call the planning office or Tri County Health and their concerns will be addressed.

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

Commissioner Olsen motioned to approve the applicant's request, subject to the conditions stated in the staff report. Commissioner Roberts seconded the motion and it passed unanimously.

**NEW BUSINESS:**

None

**Minutes: Approval of February 1, 2012 minutes**

Commissioner Roberts moved to approve the minutes of the February 1, 2012 meeting. Commissioner Olsen seconded the motion and it passed unanimously.

**Commission Comments and Staff Information Items**

Mr. Hyde reminded the commission of the Open Meeting training on Monday March 19<sup>th</sup> and encouraged them to attend if possible. We have received a couple applications for the April meeting, 1- vacating Eagle Estates phase 4 and a sandblasting and paint shop

on the Blue Bench. There will be a public hearing regarding a general plan amendment to incorporate the policies of the Uintah Basin energy zone into our plan to be consistent with action taken by the 2012 legislature.

**Adjournment:**

Meeting adjourned at 5:50 p.m.