

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
April 2, 2014 - 5:00 p.m.**

In Attendance were:

Kent Olsen, Planning Commission, Chairman
Ken Moon, Planning Commission
John Jorgensen, Planning Commission
Edward Roberts, Planning Commission
Kathy Giles, Planning Commission
Allen Lindsay, Planning Commission
Brad Wells, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Frank and Carolyn Roberts	Burdick-CUP
Brett Anderson	Burdick-CUP
Ryan Snow	Burdick-CUP
Jim Hogan	Burdick-CUP
Kenny Gill	Burdick-CUP
Debra Lindsay	

Chairman Olsen opened the meeting at 5:00 PM, read the rules of order and asked if any of the Planning Commission had any ex-parte contacts or conflicts of interest associated with the agenda. There were none, so the meeting proceeded.

PUBLIC HEARINGS:

- A. Request by Burdick Materials for a conditional use permit to allow the extraction of earth products (gravel pit and rock crusher) on an 81.31-acre parcel owned by Kerry Mathews located on the north side of Cobble Hollow Drive in Section 6, Township 3 South, Range 1 West in the Roosevelt area.**

Mr. Hyde referred the commission to their packets and some aerial photos. 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 a variety of construction activities, including oil well pads and roads.

The Conditional Use criteria to be considered include the following:

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. Surface disturbance results in 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 is less likely to be injurious to public health, safety or welfare.

Detrimental impacts can also occur if the extraction area is not reclaimed properly. The county has bonding and “material pit finishing” standards that should prevent the applicant/operator from leaving eyesore or hazardous conditions when mining is completed.

Detrimental impacts can occur if excavation results in sedimentation of waterways. Such protections are afforded through the DEQ industrial storm water permit process. According to maps prepared by the Utah Division of Drinking Water, the property does not lie within any drinking water source protection zones.

Rock extraction activity and the associated heavy hauling may be detrimental to public improvements in the vicinity; especially the county roads. In this case, access from the gravel pit to Cobble Hollow Drive would be from a private road that currently serves two oil wells and is built for heavy truck traffic. The applicants will need to obtain an access easement from the underlying property owner(s) to utilize this road to access the pit.

Mr. Hyde stated the County Public Works Director has commented that Cobble Hollow Drive was overlaid about five years ago; but with only 3 ½ inches of pavement. This is not sufficient for it to serve as a truck route. When a gravel pit was approved on Farrer property to the south in March 2012, a condition was imposed to require that operator to obey any weight restrictions placed on the county road and participate in any necessary road repairs as negotiated with the Public Works Director. Such a condition should be considered in this case as well.

The applicant’s will need to follow the county Nuisance Ordinance which 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). Such time limits should be applied in this case.

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.

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 the construction and energy industries, 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 applicant has indicated the proposed mining would take place on an 81.31-acre parcel, which is certainly large enough to accommodate the proposed use. The applicants are required to set the mining areas back at least 50 feet from the property lines to provide adequate space for a transitional slope between natural grade and the finished pit level, they are also required to set the mining area back 660 from existing homes and the crusher is to be set back at least 1,320 feet from existing homes. These setbacks do not apply to homes on the applicant's property. The anticipated conditions of approval, if adhered to, will enable the use to be conducted in a manner that will not be materially detrimental to adjoining and surrounding properties.

The specific criteria associated with extraction of earth products include the following:

- 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 that contains an inventory of dust control equipment and procedures that will be utilized at the site and a documented source of adequate water. 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 or applying chemical treatments to active pit areas and driving surfaces during times of operation is considered maintaining a near dust free condition.**

Mr. Hyde stated the dust control plan must be presented by the applicant or authorized agent to the TriCounty Health Department for approval prior to operations beginning. The applicant or authorized agent must follow this plan to control dust at active pit areas and driving surfaces. With the extraction of rock, haul roads between the quarry and the nearest paved road can generate dust and heavy truck traffic that can be a nuisance for nearby dwellings. The dust control plan must demonstrate that dust at the pit and along the haul road can be controlled.

- 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.

At this time the bonding requirement has not been waived by the property owner. If the property owner feels that he has sufficient private reclamation requirements in place with the operator, the owner can waive the bonding requirement at any time prior to the commencement of excavation. The applicants understand that reclamation must occur in accordance with the county standards regardless of the bonding.

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;

The “Material Pit Finishing Standards” are used by the County to determine how reconditioning is to be accomplished. The applicant and authorized agents 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 Gravel Pits and 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, measured from the center of the crusher location. In addition, the gravel pit boundary shall be set back 660 feet from the edge of the proposed disturbed area to the closest city or town boundary line, the closest point of a residential, educational, public, religious or commercial structure or the closest point on the boundary of an enclosed area of a concentrated livestock facility. In addition, the proposed disturbed area or gravel pit boundary shall be set back at least 50 feet from a property line. The setback requirements may be waived in writing by the owner(s) of land within the setback area if such owner(s) consent to a lesser distance. These setback requirements do not apply to land uses owned and occupied by the owner(s) of the same parcel on which the extraction of earth products would occur.

Mr. Hyde stated the distance requirements of this section will be met. The proposed gravel pit boundaries must be set back at least 50 feet from the property line to meet the minimum standard of the ordinance. The gravel pit boundary will be set back 660 feet from the nearest homes as shown on the aerial photo attached. The rock crusher location will meet the ¼ mile setback requirement (from a dwelling or city limit line) as demonstrated by the aerial photo attached.

Mr. Hyde recommended approval of the Conditional Use Permit requested by Burdick Materials and Kerry Mathews, for extraction of earth products, subject to the following conditions:

1. The Owner and his 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 obtained prior to starting excavation and 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. Owner and his 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. Unless waived in writing by the property owner, the operators shall provide the County with bonding in the amount of \$5,000.00 for the first acre disturbed and \$3,000.00 for each additional acre disturbed, prior to the commencement of excavation.
3. The Owner or his 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, berming and/or fencing.
4. A DEQ Air Quality permit shall be obtained for the crusher to operate at this location and a copy provided to the County prior to the start of crushing operations.
5. Before starting excavation at the site, the Owner or his authorized agents shall obtain an industrial stormwater permit, if required, from the Utah Department of Environmental Quality.
6. The Owner and his 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.
7. The Owner and his authorized agents shall obtain an easement from the property owner(s) along the proposed pit access road before using the existing road for activities associated with the gravel pit.
8. The Owner and his authorized agents agree to maintain a 50-foot wide buffer between the excavation areas and the property lines, a 660-foot buffer between excavation areas and existing homes (except for the home of the Owner) and a 1,320-foot buffer between the crusher location and existing homes (except for the home of the Owner).

Mr. Hyde asked if there were any questions of the staff report. Commissioner Olsen asked about the access to the proposed location. Mr. Hyde referred the commission to

their packets and the aerial photos showing the location and roads. With no other questions the applicant was invited to speak.

Ryan Snow, representative for Burdick Materials, thanked Mr. Hyde for his efforts in preparing the staff report and stated they are a local company that has been in business for 35 years. He feels they have a good track record in making good product, building good roads and have good relationships with both the land owners and adjoining property owners. Mr. Snow reviewed the conditions for approval and their plans for the future on this project and stated they have already applied for permits needed for this project. If any problems arise with this location, he assured the commission they will be taken care of. Mr. Snow asked if there were any questions from the Planning Commission. There were none.

Commissioner Olsen asked if there was anyone in favor of this application wishing to speak. There were none so any opposed were invited to speak.

Frank Roberts, an adjoining property owner, stated he is not against the gravel pit and crusher he is concerned about the dust and lack of a dust control plan or the measures needed to control the dust. The second issue he has is the increased heavy truck traffic on an already narrow road with blind corners and a lot of families with small children playing and getting on and off the school busses that service that area. Mr. Roberts is wondering about right of way issues and thinks Burdick Materials should find a new route to service this location.

Brett Anderson, an adjoining neighbor and business owner who fully supports the needs of the oil and gas industry stated he is not opposed to the gravel pit and crusher either. He has the same concerns as Mr. Roberts with the dust control and elderly people with breathing problems and small children. Mr. Anderson thinks there needs to be a traffic study because of the issues with Highway 40. He stated during busy times from 7-8 am and 5-7 pm, it is almost impossible for a tanker to even get on highway 40 in a safe manner.

Commissioner Olsen asked if there was any one else to speak either for or against the proposal. There were none so the applicant was invited to speak in rebuttal.

Mr. Snow understands their concerns and stated safety is first with his company, they want to be good neighbors but he does not feel this will be a high volume pit so the traffic should not be a problem. They are not opposed to looking for another route from this location.

Commissioner Olsen asked how many trucks they expect to be running. Mr. Snow stated they were not sure at this time but they would like to crush and stock pile enough product to last for a year to diminish the impact on the residents in the area. Commissioner Moon asked about their dust control plan. Mr. Snow stated they do have a plan that includes water trucks with connections for the crusher and to water the piles.

Commissioner Lindsay asked if they were willing to look at other routes and possibly take part in a traffic study. Mr. Snow replied they would.

Commissioner Jorgensen stated UDOT was in the process of widening Highway 40 and hoped that would relieve some pressure.

Commissioner Wells asked if this would be a reserve pit or if other vendors would be using it. Mr. Snow replied that in order to preserve the weight restrictions and make sure other concerns are addressed Burdick Materials controls each load that is either sold or transported.

There was some discussion between the Planning Commission, Mr. Roberts, Mr. Anderson and Mr. Snow about the wind and dust control in the basin, a feasibility study and traffic issues on Cobble Hollow Drive and Highway 40, alternative routes from the pit and the need for all parties to work together.

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

Commissioner Giles motioned to approve the Conditional Use Permit requested by Burdick Materials and Kerry Mathews, for extraction of earth products, subject to the conditions stated in the staff report. Commissioner Moon seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of February 5, 2014 minutes

Commissioner Roberts moved to approve the minutes of February 5, 2014. Commissioner Lindsay seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items

Mr. Hyde reviewed the possible hearings for the May 7th meeting including the rezone request for Petroglyph.

Adjournment:

Meeting adjourned at 6:00 p.m.