

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
August 6, 2014 - 5:00 p.m.**

In Attendance were:

Kent Olsen, Planning Commission, Chairman
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:

Dale M Rasmussen	Gravel Pit-CUP
Becky Rasmussen	Gravel Pit-CUP
Glen Wall	Gravel Pit-CUP
Tracy Livingston	Bandanna Amendment
Alicia Rasmussen	Gravel Pit-CUP
Jason Rasmussen	Gravel Pit-CUP
Chris Thomsen-Roosevelt City	
Doug Radunich-Uintah Basin Standard	

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

PUBLIC HEARINGS:

- A. Recommendation to the County Commissioners regarding a request by Thunder Ridge Airpark LLC to amend the plat of the Bandanna Ranch Subdivision, Chuckwagon Phase, to consolidate 18 lots into 4 new lots and vacate the road easements (Bonanza Trail and Trails End Drive) within said parcels.**

Mr. Hyde referred the commission to their packets, including site photos and the survey of the proposed amendment and stated the applicants are seeking to combine 18 lots in the Chuckwagon Phase of the Bandanna Ranch subdivision into 4 new lots. The plat amendment request also includes the vacation of the 50-foot wide road easements traversing said lots.

The legislative body, the County Commission, has scheduled a public hearing for August 18, 2014. Notice of the Planning Commission and County Commission hearings was mailed on July 10, 2014 to all property owners within the plat amendment area and to all owners of property who receive access from the subject roads. Notice was mailed to the following affected entities on July 10, 2014: Moon Lake Electric, Fruitland Water District, Strata Networks, and Wasatch County. Notice was posted at two locations in the project area on July 25, 2014. Notice was published in the Uintah Basin Standard on July 22 and 29, 2014. Notice also appeared in the Utah Public Notice Website and the Duchesne County website.

Mr. Hyde stated the consolidation of the 18 lots into 4 lots does not require a public hearing. Such consolidation is acceptable given that the new lots are greater than the 5-acre minimum lot size in this area and no new lots less than 20 acres in size would be bisected by a road or stream. If the road easement vacation request is granted, the new parcels would obtain access from the new easements shown on the amended plat map.

Mr. Hyde referred to the aerial map which show the roads being requested for closure extend outside of the Bandanna Ranch subdivision to serve properties owned by Coleman (TKGE Circle Bar Ranch), Sherwood Holdings and others in Wasatch County. However, the roads on the Coleman property to the south and west of this area were vacated by the Duchesne County Commissioners by Ordinance #04-227 on November 1, 2004. There are existing gates on these roads here and on the Coleman property to prevent public access. Those property owners who are entitled to continued access have the combination to open the locks on the gates, according to the applicant.

Mr. Hyde stated the request to consolidate the subject lots as shown on the amended plat is compliant with the Duchesne County land use ordinances and good cause exists for the granting of the road easement vacation request. The subject roads accessed by the roads in Bandanna Ranch have been officially closed to public access since November 2004 due to ranching operations and gates have been in place since then.

Mr. Hyde's recommendation is that the Planning Commission recommend to the County Commissioners the approval of the request to consolidate lots in the Bandanna Ranch and vacate the road easements within said lots.

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

Tracy Livingston, applicant and Manager of Thunder Ridge Airpark LLC, stated due to the economy in the past, these lots were unsellable and the only activity with the property would be a few ATV riders over the years. The access to the neighbors and the Fruitland Special Service District will be thru the south gate and with no owners to the north there should not be any problems.

Mr. Livingston asked if there were any questions. There were none.

Mr. Hyde stated the Bandanna Ranch Home Owners Association had sent an e-mail stating their support for the plat amendment.

Commissioner Olsen asked if there was any one in the audience to speak either in favor or opposed to the proposal. There were none so the public hearing was closed.

Commissioner Jorgensen motioned that the Planning Commission recommend to the County Commissioners approval of the request to consolidate lots in the Bandanna Ranch and vacate the road easements within said lots. Commissioner Lindsay seconded the motion and it passed unanimously.

B. Request by Dale & Becky Rasmussen for a conditional use permit to extract earth products (pit run, clay, fill dirt and gravel pit-rock crusher) from a 58.23-acre site located on the west side of the Pariette Road, just south of the Newfield Production Co. offices and compressor station, in the Pleasant Valley area.

Mr. Hyde referred the commission to their packets and some aerial photos of the proposed location and stated Dale and Becky Rasmussen are proposing to extract earth products (pit run, clay, fill dirt and gravel pit-rock crushing) from a 58.23-acre site located on the west side of the Pariette Road, just south of the Newfield office in the Pleasant Valley area. Extraction of earth products is a conditionally permitted use in the A-5 zone. It is anticipated that these products will be used for a variety of construction activities, including oil well pads and roads.

Mr. Hyde explained with the extraction of earth products there can be detrimental effects with 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. 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 to the mining area is via the Pariette Road, which was upgraded in 2013 to heavy truck route standards.

Mr. Hyde explained the county Nuisance Ordinance has set 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.

Mr. Hyde explained the distance requirements of the proposed gravel pit boundaries stating they must be set back at least 50 feet from the property line to meet the minimum standard of the ordinance. The gravel pit boundary must be set back 660 feet from the nearest homes as shown on the aerial photo attached. The rock crusher location must meet the ¼ mile setback requirement (from a dwelling or city limit line). The aerial photo attached shows that only a small area along the south boundary line will be off limits to a crusher location due to the ¼ mile setback from the Dalling home to the south.

Mr. Hyde's recommendation is for approval of the Conditional Use Permit requested by Dale & Becky Rasmussen, for extraction of earth products on the west side of the Pariette Road, just south of the Newfield office, subject to the following conditions:

1. The Owners and 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 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 Pariette Road during periods of hauling.
 - b. 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. The Owners 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, berming and/or fencing.
3. 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.
4. Before starting excavation at the site, the Owners or their authorized agents shall obtain an industrial stormwater permit, if required, from the Utah Department of Environmental Quality.
5. The Owners and their 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 and a 1,320-foot buffer between the crusher location and existing homes.

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

Dale Rasmussen, applicant and land owner stated there is a small amount of rock they want to remove but basically mining fill dirt and pit run. They have good access from the Pariette road and have no issues with the conditions for approval. Mr. Rasmussen stated they will work with Tri-County Health Department and the Utah DEQ for the permits needed to move forward. The Rasmussen's want to be good neighbors and will be respectful of the noise and dust issues that can arise from these kinds of operations.

Mr. Hyde explained to Mr. Rasmussen the importance of dust control and the consequences if they are not followed. Commissioner Jorgensen asked what their water source will be. Mr. Rasmussen stated he has talked with Johnson Water but has not purchased a hook up yet.

Commissioner Olsen asked if there was anyone in the audience to speak in favor of the applicant's request.

Glen Wall, an adjoining property owner, stated they have been friends and neighbors for thirty years, he trusts what Mr. Rasmussen has stated he will do and has no problems with their request.

Commissioner Olsen asked if there was anyone else to speak either in favor or opposed to the applicant's request. There were none so the hearing was closed.

Commissioner Giles motioned to approve the Conditional Use Permit requested by Dale & Becky Rasmussen, for extraction of earth products on the west side of the Pariette Road, just south of the Newfield office, subject to the conditions stated in the staff report. Commissioner Jorgensen seconded the motion and it passed unanimously.

C. Request by Dale & Becky Rasmussen for a conditional use permit to extract earth products (pit run, clay, fill dirt and gravel pit-rock crusher) from a 152.8-acre site located on the east side of the Wells Road, west of the former Rasmussen dairy, in the Pleasant Valley area.

Mr. Hyde stated that Dale and Becky Rasmussen are proposing to extract earth products (pit run, clay, fill dirt and gravel pit-rock crushing) from a 152.8-acre site located on the east side of the Wells Draw Road, just west of the former Rasmussen dairy in the Pleasant Valley area. Extraction of earth products is a conditionally permitted use in the A-5 zone. It is anticipated that these products will be used for a variety of construction activities, including oil well pads and roads.

Mr. Hyde referred the commission to their packets and some aerial photos of the proposed location and reviewed the staff report stating the same conditions and concerns as the previous staff report.

Mr. Hyde recommends approval of the Conditional Use Permit requested by Dale & Becky Rasmussen, for extraction of earth products on the east side of the Wells Draw Road, west of the former Rasmussen dairy, subject to the following conditions:

1. The Owners and 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 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 Wells Draw Road during periods of hauling.
 - b. 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. The Owners 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, berming and/or fencing.
3. 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.
4. Before starting excavation at the site, the Owners or their authorized agents shall obtain an industrial stormwater permit, if required, from the Utah Department of Environmental Quality.
5. The Owners and their 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 and a 1,320-foot buffer between the crusher location and existing homes and animal feedlots.

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

Mr. Dale Rasmussen, applicant and property owner, stated this location is just west of the previous application which is north of the dairy. There is a lot of scattered rock and their plan is to harvest the rock and leave the location.

Commissioner Olsen asked if there was anyone else to speak either in favor or opposed to the request. There were none so the public hearing was closed.

Commissioner Lindsay 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.

D. Request by Dale & Becky Rasmussen for a conditional use permit to extract earth products (pit run, screened shale and fill dirt) from an 80-acre site located on the east side of the Wells Draw Road, about a mile north of the BLM fence, in the Pleasant Valley area.

Mr. Hyde referred the commission to their packets and some aerial photos of the proposed location stating Dale and Becky Rasmussen are proposing to extract earth products (pit run, screened shale and fill dirt) from an 80-acre site located on the east side of the Wells Draw Road, about a mile north of the BLM fence, in the Pleasant Valley area. Extraction of earth products is a conditionally permitted use in the A-5 zone. It is anticipated that these products will be used for a variety of construction activities, including oil well pads and roads.

Mr. Hyde explained this location is just south of the last location and consists mostly of pit run, shale and fill dirt. As in the last 2 staff reports the conditions and concerns are the same adding this location will need a 50 foot buffer between the excavation area and the property lines.

Mr. Hyde's recommendation is approval of the Conditional Use Permit requested by Dale & Becky Rasmussen, for extraction of earth products on the east side of the Wells Draw Road, about one mile north of the BLM fence, subject to the following conditions:

1. The Owners and 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 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 Wells Draw Road during periods of hauling.
 - b. 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. The Owners 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, berming and/or fencing.
3. Before starting excavation at the site, the Owners or their authorized agents shall obtain an industrial stormwater permit, if required, from the Utah Department of Environmental Quality.

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

Mr. Rasmussen stated with this location they will just screen and sell the product as pit run. They have acquired an access from Mr. Clinton Moon and will use that road for the entrance to the location. Mr. Rasmussen asked if there were any questions or concerns. Their intent is to be good neighbors and comply with the conditions for approval.

Commissioner Lindsay asked if they would haul water from the same source servicing the other locations. Mr. Rasmussen stated yes, they will do each location one at a time. This is a small operation and there is only one truck to haul water for dust control.

Commissioner Olsen asked if there was anyone else to speak either in favor or against Mr. Rasmussen's request. There were none so the public hearing was closed.

Commissioner Roberts motioned to approve Mr. Rasmussen's request subject to the conditions stated in the staff report. Commissioner Giles seconded the motion and it passed unanimously.

E. Request by John & Barbara Swasey and Brad & Shauna Peterson to amend the plat of the John Swasey Subdivision, Lots 1-4 to vacate an existing power line easement within said parcels.

Mr. Hyde stated the applicants are seeking to amend the plat of the John Swasey Subdivision to remove a 20-foot wide power line easement from Lots 1-4 of the subdivision. The power line has been relocated to the south side of the East River Road right of way and the easement is making it difficult to locate homes on the vacant lots.

The legislative body, the County Commission, has scheduled a public hearing for August 18, 2014. Notice of the Planning Commission and County Commission hearings was mailed on July 16, 2014 to all property owners within the plat amendment area. Notice was mailed to the following affected entities on July 16, 2014: Moon Lake Electric, East Duchesne Water District and Strata Networks. Notice was posted on nearby utility poles on July 16, 2014. Notice was published in the Uintah Basin Standard on July 22 and 29, 2014. Notice also appeared in the Utah Public Notice Website and the Duchesne County website.

Mr. Hyde stated good cause exists for the granting of the plat amendment and utility easement vacation request as Moon Lake Electric has moved the power line out of the easement area. No other utilities have expressed a desire to retain the easement.

Mr. Hyde's recommendation is that the Planning Commission recommend to the County Commissioners the approval of the request to amend the plat of the John Swasey Subdivision to eliminate a power line easement crossing east-west through Lots 1-4.

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

Commissioner Olsen asked Mr. Hyde if any of the utility companies responded. Mr. Hyde stated he received e-mails from Strata Networks and Moon Lake Electric stating

they were ok with the vacation of the easement.

Commissioner Olsen asked if there was anyone to speak either in favor or opposed to the proposed plat amendment. There were none so the public hearing was closed.

Commissioner Wells motioned that the Planning Commission recommend to the County Commissioners the approval of the request to amend the plat of the John Swasey Subdivision to eliminate a power line easement crossing east-west through Lots 1-4. Commissioner Giles seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of July 2, 2014 Minutes:

Commissioner Roberts moved to approve the minutes of July 2, 2014.

Commissioner Jorgensen seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

Mr. Hyde stated there was nothing on the agenda for the September meeting but there was still a week or so to apply. He advised the commission that the Anderson Wood appeal would be before the County Commission on Monday September 11th.

Adjournment:

Meeting adjourned at 5:45 p.m.