

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
November 1, 2017 - 5:00 p.m.**

In Attendance were:

Kathy Giles, Planning Commission, Chairman
Brad Wells, Planning Commission
Ken Moon, Planning Commission
Edward Roberts, Planning Commission
Allen Lindsay, Planning Commission
Bobby Drake, Planning Commission
Ken Richens, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Deb Lindsay	
Nate Robinson	Rezone
Mike Vorkink	Rezone
Forrest Bird	Rezone
Jeanne Henry	Rezone
Ed Henry	Rezone
Allen Rydman	Rezone
Kelsey Carter	Rezone
John Beck	Rezone

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

PUBLIC HEARINGS:

- A. Recommendation to the County Commissioners regarding a request to rezone approximately 1,101.41 acres of land owned by Integrated Water Management, EP Energy, the Duchesne/Wasatch Blue Bench Landfill SSD and Duchesne County, located near the Blue Bench Landfill, north of Duchesne, from Agricultural (A-5) to Industrial.**

Mr. Hyde referred the commission to a map on the wall showing the boundaries of the proposed rezone properties and explained that Integrated Water Management LLC (IWM) owns a 160.72-acre parcel located southwest of the Blue Bench landfill and a 20-acre parcel northwest of the landfill that they would like to rezone from agricultural to industrial. IWM owns 70 acres of land around their water processing and injection facility that are already zoned industrial. There are currently 87.33 acres of land zoned industrial at the Blue Bench landfill; however, the landfill property consists of 830.74 total acres, which

leaves about 743.41 acres that should also be rezoned industrial (since a landfill is permitted only in the Industrial zone). The county also owns 10-acre and 6.06-acre parcels in the area that are used for the extraction of earth products. EP Energy owns 161.22 acres of land just east of the large IWM tract and it may make sense to add this parcel to the rezone if the property owners agree. The total area of the rezone is thus approximately 1,101.41 acres, of which 743.41 acres is landfill-owned, 180.72 acres belong to IWM, 161.22 acres owned by EP Energy and 16.06 acres owned by Duchesne County.

In considering a proposed amendment to the zoning ordinance and map, the applicant shall identify, and the planning staff, planning commission and the county commission shall consider, the following factors.

1. The overall community benefit of the proposed amendment.

Mr. Hyde stated the overall community benefit of the proposed amendment would be the provision of 1,101.41 acres of additional industrial land, which helps protect the existing landfill operation from incompatible uses, helps protect the ability of the landfill to expand in the future and may lead to additional job creation from businesses that may locate in the area.

2. Consistency with the goals and policies of the general plan.

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 and County Commissioners 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. The proposed map amendment has been requested to address the preference of the property owner.

3. Compatibility with the neighborhood.

Mr. Hyde indicated the neighborhood land use is already dominated by the Duchesne/Wasatch Blue Bench Landfill, which receives solid waste from both Duchesne and Wasatch Counties. The oilfield is another dominant land use in the area, with scattered oil wells and the large Integrated Water Management facility that receives, processes and injects waste water generated by the energy industry. Residential uses in the area are sparse, with the nearest home located on a 20-acre parcel south of the rezone boundary. Aerial photos show this home (on the Henry property) being about 725 feet south of the proposed rezone boundary line; which provides a substantial buffer.

4. What changes have occurred in the neighborhood since the zoning ordinance and map or latest amendment was enacted.

Mr. Hyde stated the neighborhood has had an increasingly industrial character in the past few years, with continued landfill operations, increasing energy development, the establishment of the Blue Bench Industrial subdivision along Highway 87 (where the crane business and metal shop building are located) and the re-activation of the water management business just northwest of the landfill.

5. Whether a change in the use for the affected properties will unduly affect the uses of adjoining properties.

There would be no change of use of the Duchesne County and Duchesne/Wasatch Blue Bench Landfill properties, which would continue to be used for the extraction of earth products and for landfill operations. No immediate change of use is anticipated for the EP Energy parcel. Integrated Water Management is proposing to introduce additional business activity on their properties, which would change the vacant status of their 180.72 acres of land. No undue effects on adjoining parcels are anticipated due to the lack of residential development in the area (the nearest home is located about 725 feet south of the proposed rezone boundary).

6. Consider the interest of the applicant.

Mr. Hyde stated the interest of the applicants is to rezone the property and create more land suitable for businesses associated with the energy industry.

Mr. Hyde's recommendation is that the Planning Commission adopt the findings and conclusions herein and recommend the County Commissioners' approval of this rezone, requested by Integrated Water Management, changing approximately 1,101.41 acres of land from Agricultural (A-5) to Industrial.

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

Commissioner Drake asked about the white properties on the map. Mr. Hyde stated they were private parcels southeast of the landfill.

With no other questions from the Planning Commission the applicant was invited to speak.

Nate Robinson, applicant and manager at Integrated Water Management. Mr. Robinson stated IWM already employs about 250 to 300 workers throughout the basin. The expansion of this Industrial zone will not only help IWM but hopefully many other businesses will either move to the county or to the Duchesne area.

Commissioner Giles asked if there were any questions for the applicant. There were none. With no one in the audience to speak in favor of the applicant's request the people in opposition were invited to speak.

Jeanne Henry, a nearby property owner stated her concerns about the kinds of business that might move here and the damage they will impose on the residents already in the area. Mrs. Henry asked if the landfill will be able to expand to their south property line? Along with that there is more dust, smell, trash and the gases from the oil well locations at night.

Mr. Hyde stated the possible businesses mentioned in the application include frac sand storage and a crude oil transportation company trucking terminal. The landfill already owns the property around the landfill and will be able to expand if they need to. Mr. Hyde also explained they do own property in an active oilfield area which includes some dust, odors and heavy truck traffic.

Edward Henry, an adjoining property owner, stated his concerns which included the impact on the property values, what kinds of business will be allowed and he commented on the odors in the area and effects he feels on the public and animals.

John Beck, a concerned citizen, stated when he moved here in 2009 this was a beautiful area. Now it is filled with oil locations, lighting problems and it stinks. He is concerned Industrial properties are taking over.

Allen Rydman, a concerned citizen, stated this is a residential area being taken over by county zoning and Industrial ordinances.

Kelcey Carter, an independent landman for EP, remained neutral and is not opposed to the rezone.

With no other comments in opposition to the applicant's proposal Mr. Robinson was invited to speak in rebuttal.

Mr. Robinson stated some of the business interest might include multiple crude hauler facilities, Peak Well Service from the Roosevelt area and a couple of frac sand companies. IWM has no intentions of developing any new evaporation ponds at this location.

Commissioner Wells asked if these business were interested to save travel time and for storage closer to the locations on the west side of the county. Mr. Robinson replied yes.

Commissioner Lindsay asked if this was the property that was approved for a sand pit for EP a few months ago. Mr. Hyde stated it is.

There was some discussion with Mr. Hyde, Mrs. Henry and the Commission about Knights Ranches and how they are environmentally affecting the area and the need to work with the TriCounty Health to address the environmental issues and the Utah DEQ.

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

Commissioner Moon moved that the Planning Commission adopt the findings and conclusions herein and recommend the County Commissioners' approval of this rezone, requested by Integrated Water Management, changing approximately 1,101.41 acres of land from Agricultural (A-5) to Industrial. Commissioner Roberts seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of September 6 2017 minutes:

Commissioner Lindsay moved to approve the minutes of September 6, 2017.
Commissioner Drake seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

Mr. Hyde handed out the proposed 2018 meeting schedule for the Commissioners to review just in case the December meeting is cancelled and asked them to let him know if there are any conflicts with any of the dates.

There has been some conversation about a gravel pit in the Tabiona area for Crossroads Concrete to use but no application yet. Mr. Hyde also wanted to thank Commissioner Roberts for his 8 years of service as the December meeting will be his last one.

Adjournment:

Meeting adjourned at 6:00 p.m.