

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
April 1, 2020 - 5:00 p.m.**

In Attendance were:

Brad Wells, Planning Commission, Chairman
Ken Richens, Planning Commission
Ryan Clark, Planning Commission
Connie Sweat, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Dana Shepard

Fabrizio, CUP

Chairman Wells 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. Request by Lex Fabrizio for a Conditional Use Permit to operate a Labor Camp at 6161 S Highway 87 on the Blue Bench north of Duchesne.

Mr. Hyde stated on October 2, 2018, the TriCounty Health Department mailed a letter to the applicant regarding the installation of temporary wastewater holding tanks on the subject property without a permit. On October 29, 2018, the health department confirmed that the holding tanks and some temporary offices had been removed from the property.

On November 13, 2018, the TriCounty Health Department mailed a letter to the applicant regarding an incomplete application for a labor camp. By letter dated November 19, 2018, the County notified the applicant of the Labor Camp regulations in the county zoning ordinance.

On May 1, 2019, the TriCounty Health Department mailed a letter to the applicant regarding an incomplete application for a labor camp. The plans were then approved on May 6, 2019 and an operating permit for the temporary labor camp was issued on that date, with an expiration date of August 31, 2019. On September 12, 2019, the health department granted an extension of this permit to May 6, 2020.

Labor camps are permitted in the A-5 zone with a conditional use permit. If granted, the applicant will need to request another extension from the health department beyond May 6, 2020.

The planning commission may grant a conditional use permit in compliance with this title if, from the application and the facts presented at the public hearing, it finds:

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 proposed use would not be detrimental to public health as the TriCounty Health Department has approved the water and wastewater system and granted an operating permit for the labor camp. The building permit process will ensure that the units are located in accordance with building safety standards (with a minimum fifteen-foot separation between units required). Occupancy limits in the camp (100 square feet of living space per occupant) will limit the impacts of the use on public health, safety and general welfare.

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 the construction and energy industries, which this labor camp would support: "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 provide this labor camp to support the construction and energy industries, which is beneficial to the economy of the county and in compliance with the general plan.

Some Conditional Use permit criteria includes:

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 property on which the labor camp is proposed is 10 acres in size which is sufficient in size to accommodate a labor camp authorized for six skid-mounted structures and two RVs.

A. Requirements: Labor camps, in addition to complying with the sanitation requirements of Utah administrative rule, shall be permitted in accordance with the following standards:

1. Labor camps are a permitted conditional use in the A-10, A-5 and A-2.5 zones and are permitted outright in the commercial and industrial zones. Labor camps are not permitted in the R-1 and R-1/2 zones.

Mr. Hyde stated the property is zoned A-5; thus, a conditional use permit is required.

2. Applicants for a labor camp shall provide the zoning administrator with a site development plan containing the following:
 - a. Dimensions, orientation and vicinity of the parcel.
 - b. Location, size, number and types of proposed housing units. At least one hundred (100) square feet of floor area shall be provided for each occupant.
 - c. Legal access to the camp.
 - d. Location, size, number and types of proposed dining, office, recreation or other nonresidential facilities.
 - e. Location of water, sewage and solid waste disposal facilities.
 - f. Stormwater control facilities.
 - g. Fire protection, power and medical facilities.

The proposed labor camp is located on the site of a temporary labor camp that was authorized by the health department on May 6, 2019. The site is approved by the health department for six skid-mounted labor camp buildings and two RV sites, for a total of 40 employees. A floor plan for the typical unit has been provided.

There is legal access to the labor camp from State Highway 87. UDOT Region 3 has submitted comments indicating that the driveway approach will need to be upgraded to accommodate the proposal by paving to UDOT standards between the existing edge of highway pavement to the property line.

The labor camp is provided with culinary water by the East Duchesne Water District and the wastewater system has received health department approval. Solid waste disposal will need to be arranged for the facility.

There are no paved surfaces that would generate the need for storm water control. Fire protection will need to be coordinated with Mike Lefler, Duchesne County Fire and Emergency Management Director. Mr. Lefler has inspected the facility and required that the four 4200-gallon water storage tanks on the property be retrofitted with fire truck connections. This will provide supplemental water to that from an existing fire hydrant along Highway 87 about 500 feet to the south. In addition, fire extinguishers must be provided in each labor camp structure. Medical facilities are available nearby in Duchesne City.

3. Culinary water, wastewater disposal and solid waste disposal facilities shall be approved in writing by the culinary water authority and the sanitary sewer authority prior to receipt of county approval.

Mr. Hyde stated The East Duchesne Water District has verified, by letter dated February 5, 2020, that culinary water is available to serve the labor camp. The site plan shows the location of the water meter. The TriCounty Health Department serves as the county's culinary water and sanitary sewer authority. The health department approved an operating permit for the applicant's wastewater system by letter dated February 27, 2020. The maximum occupancy allowed on the site is 40 employees (six in each of the six skid mounted buildings and two in each of the two RV sites).

4. Labor camp applicants shall provide the county with financial surety that the camp will be dismantled and the area reclaimed to natural condition. The amount of surety shall be at least one hundred twenty five percent (125%) of a contractor's estimate to restore the site to a condition approved by the property owner.

Mr. Hyde indicated bonding requirements are to protect the property owner and apply to cases where a company (EP Energy in this case) is proposing to locate a labor camp on another's property. If bonding is not submitted in advance of the public hearing, a condition of approval will be needed to ensure that bonding is provided before any more labor camp structures are added to the property.

5. Labor camp applicants shall obtain building permits for structures and obtain a certificate of occupancy from the county building official prior to occupancy.

Mr. Hyde stated if this permit is approved, the applicant must coordinate with the Duchesne County Building Official and obtain building permits and a certificate of occupancy before siting and occupying labor camp units on the property.

6. In the event the applicant fails to provide the services and facilities required above, the labor camp may be closed and ordered to vacate. These remedies are in addition to the remedies provided in this title for failure to comply with this section.

Mr. Hyde's recommendation is for approval of the Conditional Use Permit requested by Lex Fabrizio, subject to the following conditions:

1. Prior to locating any additional labor camp structures on the property, the applicant shall:
 - a. Obtain a building permit for the existing and proposed structures from the Duchesne County Building Department.
 - b. Construct a driveway access to UDOT Region 3 standards; including pavement between the existing edge of highway pavement to the property line.
2. Prior to occupancy of any structures within this labor camp, the applicant shall:
 - a. Retrofit fire department connections to the four water storage tanks at the site.
 - b. Provide a fire extinguisher in each labor camp structure.
 - c. Arrange for solid waste collection at the labor camp.
 - d. Obtain a Certificate of Occupancy from the Duchesne County Building Department.
 - e. Obtain a business license for the facility, if required by the County Clerk's office.
3. Occupancy in the labor camp shall be limited to forty (40) employees as follows:

- a. The six modular, skid-mounted units are limited to six occupants each.
- b. The two RV spaces are limited to two occupants each.

Mr. Hyde referred the commission to their packets and some site plans and aerial photos of the site location and asked the commission if they had any questions of the staff report.

Commissioner Clark asked how wide the state right of way is. Mr. Hyde stated it's about 100 feet wide. The applicant will need to work with UDOT Region 3 for the approach permit and the specifics. Mr. Hyde suggested the applicant work with Roland Ivie with UDOT and get some bids for the driveway paving project.

With no other questions or comments the applicant was invited to speak.

Dana Shepherd, a representative from Fabrizio Transport, stated they have been in contact with Mr. Hyde and are ok with the conditions for approval. They are a little surprised about the need to pave the current approach since they have been using it since they built the shop. Mrs. Shepherd stated they will get in contact with UDOT and see what they need to do. There is a dumpster at this location they will use for their solid waste. Mr. Hyde suggested if there are 40 people at the location there should be convenient solid waste containers thru out the man camp. Mrs. Shepherd stated she didn't think there will be 40 people there at one time but if there is we will put other dumpsters in place.

Commissioner Clark asked if Mr. Lefler did an onsite inspection. Mr. Hyde stated he had been at the location a couple of weeks before this hearing and requested they install four existing 4200 gallon storage tanks be retrofitted with fire truck connections.

With no one in the audience to speak either in favor or against the applicants request, the public hearing was closed.

Commissioner Richens motioned to approve the Conditional Use Permit requested by Lex Fabrizio, subject to the conditions stated in the staff report. Commissioner Clark seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of January 8, 2020 minutes:

Commissioner Sweat moved to approve the minutes of January 8, 2020. Commissioner Clark seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

None

Adjournment:

Meeting adjourned at 5:20 p.m.