

**MINUTES FOR REGULAR COMMISSION MEETING HELD JANUARY 24, 2011
BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE,
UTAH**

Present

Commission Chairman Kirk J. Wood; Commissioner Kent R. Peatross, Commissioner Ronald Winterton, Deputy County Attorney Jonathan Stearmer, Deputy Clerk/Auditor Judy Mutton, and Chief Deputy Clerk JoAnn Evans taking minutes of the meeting.

Absent

Commission Assistant BobbiJo Casper away on maternity leave.

Opening Comments

Commissioner Peatross said the prayer. There were no other comments.

Pledge of Allegiance

Any wishing to participate.

Tax Adjustments – Assessor

The commission reviewed the attached tax adjustments presented by Deputy Clerk/Auditor Mutton. *Commissioner Peatross motioned to approve the tax adjustments as recommended by the Assessor’s Office. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Payment Vouchers

The commission reviewed vouchers #116648 through #116668 dated January 12, 2011 in the amount of thirty four thousand, seven hundred sixty eight dollars and forty three cents (\$34,768.43). They reviewed vouchers #116669 through #116725 dated January 14, 2011 in the amount of two hundred fifty nine thousand five hundred fifty one dollars and thirty seven cents (\$259,551.37) They also reviewed vouchers #116726 through #116795 dated January 21, 2011 in the amount of one hundred eighty thousand eight hundred one dollars and forty cents (\$180,801.40). *Commissioner Winterton motioned to approve the vouchers as presented by Deputy Cler/Auditor Mutton. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of a Business License Application for Audrie’s Custom Cleaning

Deputy Clerk Auditor Connie Sweat joined the meeting at 1:07P.M...

Deputy Clerk Sweat stated that Audrie’s Custom Cleaning had been in business before; they closed their business and have now decided to open it back up. *Commissioner Winterton motioned to approve the application as presented by Deputy Clerk Sweat. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Country Flair

Deputy Sweat stated that Country Flair had a business license with Altamont Town, but then found out that they were never annexed into Altamont Town; so now they need a Duchesne County license. *Commissioner Winterton motioned to approve the application as presented by Deputy Clerk Sweat. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For KD Warehouse LLC

Deputy Sweat stated that this is a warehouse for big trucks. The owner also owns La Rue Lamb Trucking. *Commissioner Winterton motioned to approve the application as presented by Deputy Clerk Sweat. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For La Rue Lamb Trucking Inc.

Deputy Sweat stated that La Rue Lamb Trucking previously had a Myton City license and then moved out of the city’s boundaries into Duchesne County. *Commissioner Winterton motioned to approve the application as presented by Deputy Clerk Sweat. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Rental Fees at the Duchesne County Fairgrounds

Commissioner Peatross stated we had some issues come to our attention over the fees at the fairgrounds; at this time it is our intention to create an hourly rate.

DUCHESNE COUNTY FAIRGROUNDS 2011

\$15.00 Daily Stall Rental

\$80.00 Monthly Stall Rental

\$25.00 Restroom Usage (Non Profit May be negotiated*)

\$25.00 Concession Booth Usage (Non Profit May be negotiated*)

<u>Non Profit</u>	<u>Profit</u>
\$12.00 Per Hour	\$18.00 Per Hour
\$5.00 Per Hour For Lights	\$5.00 Per Hour For Lights
\$40.00 Workup Fee	\$50.00 Workup Fee
\$25.00 Additional Workup Fee	\$25.00 Additional Workup Fee
\$100.00 Arena A Day – Workup Included (8+ hours) (8+ hours)	\$200.00 Arena A Day-Workup Included (8+ hours)

*Entity must provide tax ID # or other non-profit verification

Commissioner Peatross motioned to approve the Rental Fees for the Duchesne County Fair Grounds as amended by Deputy Attorney Stearmer, Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Agreement Regarding Fire Bill

Commissioner Winterton stated that Duchesne County took this individual to small claims court; however we have worked out an agreement outside of court.

Commissioner Winterton motioned to approve the fire bill agreement, Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Agreement with Duchesne City for Law Enforcement Services

Deputy Attorney Stearmer stated Duchesne City and Duchesne County have had an agreement in recent years to help out with law enforcement services for Duchesne City above and beyond what is required by state statute. The parties in the agreement have worked out a new agreement with the term of the agreement ending in the year 2014.

Commissioner Peatross motioned to approve the agreement with Duchesne City for additional law enforcement and prosecution services, Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed

Consideration Of Standard Cooperative Agreement for Utah State University Extension Education Work – 2011

Chairman Wood stated that this is the same agreement we have had in the past.

Commissioner Winterton motioned to approve the standard cooperative agreement for Utah State University Extension Educational Work - 2011, Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed

Consideration Of Resolution No. 11-03, A Resolution to Make Adjustments to “School Board District #1” and “School Board District #2” Voting Precincts

Chief Deputy Evans stated that the school board requested a change in the school board boundaries because they had too many people in one district and not enough in another district. The clerk’s office made the adjustments to make the districts a little more even.

RESOLUTION NO. 11-03

A RESOLUTION TO MAKE ADJUSTMENTS TO “SCHOOL BOARD DISTRICT 1” AND “SCHOOL BOARD DISTRICT 2” VOTING PRECINCTS

WHEREAS, the Duchesne County School District has requested that the boundaries of the “School Board District 1” and “School Board District 2” precincts be adjusted; and

WHEREAS, certain school board district voting boundaries have grown to capacity and need to be adjusted; and

WHEREAS, it is in the best interest of the county to make these adjustments.

BE IT THEREFORE RESOLVED by the Board of Duchesne County Commissioners that:

1. The boundaries of the “School Board District 1” Precinct will be within the following Duchesne County voting precincts:

NEOLA, ROOSEVELT 1, AND ROOSEVELT 2: Ref. Resolution No. 09-17

2. The boundaries of the “School Board District 2” Precinct will be within the following Duchesne County voting precincts:

ROOSEVELT 3, ROOSEVELT 4, AND ROOSEVELT 6: Ref. Resolution No. 09-17

3. These boundary adjustments shall be effective immediately.

Dated this 24th day of January, 2011.

ATTEST:

THE BOARD OF DUCHESNE COUNTY
COMMISSIONERS:

Diane Freston
County Clerk/Auditor

Kirk J. Wood, Chairman

Kent R. Peatross, Member

Ronald Winterton, Member

Commissioner Peatross motioned to approve Resolution No. 11-03, A Resolution to make adjustments to “School Board District #1” and “School Board District #2” Voting Precincts, Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed

Consideration Of The Minutes For Working Commission Meeting Held January 10, 2011
Commissioner Peatross motioned to approve the minutes as corrected. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of The Minutes For Regular Commission Meeting Held January 10, 2011
Commissioner Peatross motioned to approve the minutes as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Entered Recess 1:27 P.M....

Entered Public Hearing 1:30P.M...

1:30 P.M. Public Hearing –

County/Community Planning Administrator Mike Hyde, Jeff Henderson with Newfield, Tim Eaton with Newfield, Dave Nelson with Millstream Properties, Jason Danley with Millstream Properties, Allan Smith who is a land and mineral holder, Cathy Hammock with El Paso, Lowell Braxton with Western Alliance, and Rawl Crosby from Millstream Properties joined the meeting at 1:30 P.M...

Consideration of Ordinance No. 10-286, An Ordinance Amending Title 8, The Duchesne County Zoning Ordinance (Continued from Regular Meeting Held December 6, 2010)

Administrator Hyde stated the county adopted an ordinance in 2005 that regulated the placement of oil and gas facilities in the county; this ordinance would amend those 2005 provisions. As a result of the oil wells encroaching in the Pleasant Valley area off of the BLM land, we received some concerns from property owners. We are taking a second look at this standard and hopefully make it more workable. At the last public hearing we considered some changes, as a result of testimony that would speed things up. Oil and Gas facilities that would go into R1, A2.5, or R.5 zones with smaller lot sizes and higher residential densities are the ones that will have to comply with this code. There was some concern at the last hearing about the amount of time it was taking to process; as the planning commission only meets once a month. As a result of that comment, the ordinance has been changed to allow for this conditional use permit to be processed by the zoning administrator after seven (7) days' notice to the surrounding property owners within three hundred (300) feet of the property boundaries on which the well will be located. That is how we handle minor subdivisions. It provides a way for the surrounding property owner to know about it, yet speeds up the process for the oil company. Any decisions made by staff can be appealed to the planning commission. Another comment we received is regarding minimizing damage on the property; we amended the code proposal to let the surface use agreement between the oil company and the property owner address those types of issues on how damage is going to be minimized on agricultural land or irrigation systems and the like. That will be a negotiation between the oil company and the property owner. The third thing we talked about in the last meeting was the encroachment permits from the county road department. Those are when you put a new driveway onto a county road; you will need the road supervisors' approval. Another part is a road use permit that the county road department has not yet implemented. We know in Carbon County and perhaps other counties they do require a road use permit. It would help repair the road if they were ever damaged. Here in Duchesne County, the Public Works Department has more of an informal relationship with the oilfield companies. Director Glen Murphy gets the companies to help with the roads without a formal agreement or contracts. It would be up to the commission to change the road ordinance to use the road use permits. We eliminated the provisions on surface drainage, because oil wells are exempt from the clean water act. In terms of hazardous materials, we are putting in the ordinance that they put in H2S warning signs. Also we are trying to stimulate some cooperation between the oil companies and the fire department, so the fire department knows where these facilities are going in. We quite often hear complaints about engine noise, the new provisions would require electric engines be put in when located within six hundred sixty feet (660) of a dwelling; if the electric company has adequate power to supply the oil company. If not it would then have to be muffled. With the current ordinance we already have the six hundred and sixty feet (660) set back from a dwelling; with the new ordinance there is some flexibility built in. The owner can consent in writing to a lesser distance from the well head to the dwelling. We also added in some language that was recommend by El Paso recently in case the distance requirement would not work for the existing oil well locations. The property owners already have lease agreements in place with the oil companies and we will not try to overturn those lease agreements. Deputy Attorney Stearmer has suggested that if the distance setbacks create a hardship to where it is unreasonably prohibitive to access the minerals, the county can consider a variance to that setback standard. Elsewhere in the ordinance we have clarified that we want a copy of the state permits, reclamation plan, and the bond given to DOGM before drilling. We will be leaving any sanitary issues up

to the health department. El Paso has pointed out that our term “oil and gas drilling facilities and production” is a little different than what we have in the definition.

Tim Eaton with Newfield asked the question; do we need to only wait the seven (7) day period or do we need to wait the fifteen day period as well? Administrator Hyde responded; we would mail out a public notice to the property owners within three hundred feet (300) of the property on which the well is located. The letter would tell them that we intend to approve this after the seven (7) day period has elapsed unless they contact him within that time and ask for the planning commission to review it.

PUBLIC COMMENTS-

Lowell Braxton with Western Energy Alliance stated that he appreciated that you looked at the comments from the last hearing and were willing to make some changes because of those comments. He would like to go on record as stating that the decision to site and drill oil and gas well is exclusively the right of the board of the Division of Oil and Gas Mining. He would want you to satisfy yourself that the county does not have more authority than the state does. Between lines one hundred and fifty (150) and one hundred fifty eight (158) of the ordinance, you are mostly concerned about the ordinance not the board’s rules. In section D, lines one hundred eighty (180) to one hundred eighty six (186), who determines if there is adequate power there? There is one word in there that could create a lot of confusion. He thinks that muffling is a good idea. It is already being done in a lot of areas. He thinks in the next few years there will be an increase of wells and they will move to the electric engines in the interest of Air Quality Control. The Division of Air Quality might stipulate the use of electric engines in the near future. He is concerned about who will or will not say it is adequate. In section F; that slid in under our radar. If you look at six hundred and sixty (660) foot spacing or three hundred (300) foot spacing from a building, the state’s basic requirements which is where the Board of Gas and Mining decides to put a well; they don’t deal with buildings, they deal with section, township, and range. Setbacks from buildings are not contemplated in that. We ought to take a hard look at this ordinance and he would offer to bring an attorney to talk to the county attorney in a friendly manner. He can see a lot of room for conflict with both of those terms in the ordinance if you try to compare them to the state’s basic requirements. Thank you for your conciliatory approach to this, it will help the process.

Administrator Hyde stated that he failed to mention in his initial presentation that he has added some language in the beginning of section 6 around line one forty six (146). It states, in the event of a conflict between our rules and the rules of DOGM, DOGM will control. We realize the state has control; we cannot be inconsistent with that. In terms of the electrical pumps, he thinks the oil companies can establish contact with Moon Lake Electric. Moon Lake Electric could send an email to us stating whether or not they have enough capacity to fire an engine at any given location. That would be sufficient for the county. In the matter of spacing; we do realize how DOGM sets the spacing for oil well, which is why we built the flexibility into the ordinance. He notes that Brad Hill from DOGM has reviewed the ordinance and he thought it was fine and that we had the ability to do what we were doing. He even suggested that we consider being consistent with Uintah County and have one thousand (1000) foot setbacks.

David Nelson representing Millstream Properties and various other entities stated he appreciated the comments made about DOGM concerning six hundred sixty (660) foot setbacks. Our interest is not to conflict with what is being done. Our experience with some of the oil companies has been nothing but good; but at the same time now that they are moving into residential areas some of these requirements are necessary. It bothers me when someone states that the county has no right to regulate above and beyond DOGM. A county cannot set ordinances that are less restrictive than the state; they surely have the right to make ordinances that are more restrictive to protect the individuals and the environment. I don’t see there being a problem with the electricity; either they can provide the electricity or they can’t. If they can, you have already provided provisions for that. Our interests are to work in conjunction with, not to prohibit them from gaining access to the minerals. We represent people who are more recreation minded, and we are concerned if you put a well in the middle of every forty (40) acres, that does create a burden on our enterprises. Our current involvement with Newfield is nothing but cooperative. We just want to make sure the ordinances are set

so that others have to comply. Newfield has taken a very positive approach; if you do not have the restrictions in there, others may not take that approach.

Allen Smith stated he wanted to thank administrator Hyde. He printed up the changes to the ordinance and got it back to everyone in a very timely manner. He also wants to thank the planning and zoning board and the county commission for listening to the comments in the last hearing. This is a wonderful example of how the process should work. He fully supports what you are doing here at the hearing.

There was discussion between Deputy Attorney Stearmer the commissioners, and the audience pertaining to what the word "pending" could mean in the context of subsection F lines one eighty nine (189) to one ninety seven (197). It was decided that the setback standards should not apply to existing leases or in cases where an application for a permit to drill had already been filed with COGM.

ORDINANCE #10-286

AN ORDINANCE AMENDING TITLE 8, THE DUCHESNE COUNTY ZONING ORDINANCE

WHEREAS, Duchesne County has determined that it is in the public interest to amend the zoning ordinance to address issues that have arisen associated with accessory and caretaker dwellings, labor camps, oil & gas wells, campgrounds and other matters; and,

WHEREAS, the Duchesne County Planning Commission has conducted a public hearing regarding these proposed amendments and has recommended approval.

BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS that:

SECTION 1. The definitions of the following terms in Section 8-2-1 of Title 8 are added or amended as follows:

Accessory Dwelling: A dwelling unit ~~for use as an independent living or dwelling unit~~ located on the same parcel as a permitted principal use which is ~~determined through conditional use review to be~~ secondary to the permitted principal use.

Caretaker Dwelling: An accessory dwelling unit located on the same parcel as a permitted principal commercial or industrial use.

Labor Camp: Labor Camp shall mean one or more buildings, structures, recreational vehicles, modular units or related facilities together with surrounding grounds set aside for use as living quarters for groups of migrant laborers or temporary housing facilities intended to accommodate construction, mining, energy, utility or demolition workers. This definition shall not include facilities located on individual oil and gas well pads.

SECTION 2. The Table of Uses in Section 8-6-1 of Title 8 is amended as follows:

	A-5, A-10	A-2.5	R-1	R-½	C	I
Accessory Dwelling	CU <u>P</u>	CU <u>P</u>	CU <u>P</u>	X <u>CU</u>	X	X
Building Material or Garden Store	P <u>CU</u>	CU	CU	CU <u>X</u>	P	X <u>CU</u>
Campground	CU	X <u>CU</u>	X <u>CU</u>	X	P	X
<u>Caretaker Dwelling</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>X</u>	<u>P</u>	<u>P</u>
<u>Labor Camp</u>	<u>CU</u>	<u>CU</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>

SECTION 3. Title 8 is amended to include a new Section 8-9-12 as follows:

8-9-12: LABOR CAMPS

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-2½ zones and are permitted outright in the Commercial and Industrial zones. Labor Camps are not permitted in the R-1 and R-½ zones.**
- 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 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 non-residential facilities.**
 - e. Location of water, sewage and solid waste disposal facilities.**
 - f. Storm water control facilities.**
 - g. Fire protection, power and medical facilities.**
- 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.**
- 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 125% of a contractor's estimate to restore the site to a condition approved by the property owner.**
- 5. Labor Camp applicants shall obtain building permits for structures and obtain a Certificate of Occupancy from the county Building Official prior to occupancy.**
- 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 Ordinance.**

SECTION 4. Title 8, Section 8-13-1, is amended as follows:

8-13-1: SCOPE AND PURPOSE:

- A. Issuance: Conditional use permits may be issued as provided by this title for any of the uses for which a conditional use permit is required as identified in the table of uses and the table of site development standards, as set forth in Chapter 6 of this title.
- B. Purpose: The purpose of the issuance of a conditional use permit is to allow the proper integration into the county of uses which may be suitable only in specific locations in a zoning district, or only if such uses are designed, arranged or conducted on the site in a particular manner.
- C. Conditions: A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed land use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use permit may be denied.
- D. Notwithstanding the requirements of Chapter 15 of this title, the Planning Commission is authorized to review and take action on requests for Variances from any of the conditional use permit standards in this Chapter, during the**

conditional use permit hearing, using the variance criteria in Section 8-15-3 of this title, unless such variance requests are processed administratively under the routine and uncontested provisions of Section 8-15-8 of this title.

SECTION 5. Title 8, Section 8-13-5-2, is amended as follows:

8-13-5-2: EXTRACTION OF EARTH PRODUCTS:

- 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;
- 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. ~~This requirement may be met by naming the county as an obligee on the required division of oil, gas and mining bond.~~ 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;**
- 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;**
- 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.

SECTION 6. Title 8, Section 8-13-5-4, is amended as follows:

8-13-5-4: OIL AND GAS DRILLING AND PRODUCTION FACILITIES/PRODUCTION:

All construction and development for energy production purposes in the A-2.5, R-1 and R-¹/₂ zones shall be carried out in accordance with the following standards and specifications.

In the event of conflict between this ordinance and the rules of the Utah Division of Oil, Gas and Mining, the rules of the Utah Division of Oil, Gas and Mining will control.

Notwithstanding the requirements of Sections 8-13-2 and 8-13-3 of this title, the Zoning Administrator is given the authority to grant or deny conditional use permits for Oil and Gas Drilling Facilities/Production, after determining compliance or noncompliance with the provisions of Chapter 13 of this title. Such administrative decisions may be made after seven (7) days mailed notice to property owners within 300 feet of the boundaries of the subject property. Decisions of the Zoning Administrator made under this section may be appealed to the Planning Commission within ten (10) days of the date the decision is mailed. Decisions of the Planning Commission may be appealed as set forth in Section 8-16-3 of this title.

- A. Damage Minimized: Drilling and production facilities, including roadways, shall be constructed in a manner that minimizes damage to **agricultural lands, irrigation systems,** watersheds, vegetation and natural resources. **However, nothing in this subsection shall prohibit Oil and Gas Drilling Facilities/Production, including roadways on such lands, provided that damages will be minimized by the terms of a surface use agreement to the satisfaction of the property owner. If a surface use agreement is not able to be reached or obtained from the property owner, the matter may be heard by the Utah Division of Oil, Gas and Mining on appeal.**
- B. Encroachment, Road Use Permit: For use of county roads, an encroachment permit or road use permit shall **may** be required **if it is determined by the Public Works Director that energy production traffic will place an undue burden on the county road system. If an encroachment or road use permit is required,** a letter or copy of

the permit with conditions for use, signed by the ~~road supervisor or his designee~~ **Public Works Director**, must accompany any application for a conditional use permit.

~~C. Drainage of Surface Water: All facilities shall be constructed in a manner so as to properly drain surface water to an approved location.~~

~~D. C.~~ Facilities for **Hazardous** Materials: Location of any facilities for liquids, chemicals, explosives, flammable, hazardous or toxic materials shall be in compliance with all applicable federal and state laws and building codes (**including the Fire Code**). **When oil and gas wells are located in an H₂S area, H₂S warning signs shall be located on the site at all times.**

~~E. D.~~ Well Site **PumpsEngines**: All well site pumps shall be located in a structure approved by the planning commission, and fenced with a six foot (6') high, locked chainlink fence. **Well site engines shall be powered by electricity when located within 660 feet of a dwelling, provided that the power company has adequate capacity to supply such power. Engines located at well sites not served by electricity shall be muffled to mitigate noise impacts.**

~~F. E.~~ Painting Well Production Facilities: Well production facilities, such as pumps, **tanks**, separators and appurtenances, shall be painted to blend with the surroundings.

~~G. F.~~ Distance from Dwellings: The well site (**measured from the well head**) shall be located ~~more than~~ **at least** six hundred sixty feet (660') from any existing dwelling, **unless the owner(s) of said dwelling consent in writing (in a surface use agreement or otherwise) to a lesser distance. Notwithstanding the foregoing and for the avoidance of doubt, said distance shall not apply to any current or pending Oil and Gas Drilling Facilities/Production (already subject to an existing oil and gas lease or associated with an Application for a Permit to Drill filed with the Utah Division of Oil, Gas and Mining). The provisions of this subsection apply only to Oil and Gas Drilling Facilities/Production which are applied for and oil and gas leases granted after the Effective Date of this Ordinance. In cases where the setback to an existing dwelling is less than 300 feet, such well pads shall be fenced with a six-foot tall fence and signed to discourage entry, unless the property owner consents in writing to waive the fencing requirement. In cases where surface uses consist of commercial or industrial businesses, recreation facilities, public uses or educational facilities, fencing requirements for well sites shall be addressed in a surface use agreement with the property owner.**

~~H. G.~~ State, Federal Permit: **Before drilling**, the applicant shall ~~have been issued~~ **receive** ~~an~~ **a verbal** approval or **written** permit to drill from the **Utah Division of Oil, Gas and Mining** ~~state division of oil, gas and mining~~, or other state or federal agency. **Such authorization shall be provided to the County before drilling commences.**

~~I. H.~~ Plan for Reclamation: A reclamation plan shall be submitted **to the Utah Division of Oil, Gas and Mining, when required by that agency**, for each proposed mine, well site, pipeline, excavation, roadway, and area of disturbance. Roadways may remain in place upon capping the wells. ~~with approval of the county commission. Particular attention will be given to stream crossings.~~

~~J. Access Road: Each mine, exploratory or production well shall be accessed by a designated county road or a private road, which road has been approved by the county as to the quality of construction, and for which there is adequate documentation guaranteeing the operators of the well and county staff, emergency providers, and law enforcement officers a perpetual right of access until such road is abandoned and reclaimed.~~

~~K. I.~~ Sanitary Facilities: All production or exploratory **Well sites** shall be served by sanitary facilities for employees, as approved by the sanitary sewer authority.

~~L. Reclamation: All roadway improvements, mines, well sites, and other areas of disturbance shall be reclaimed in conformance with plans submitted;~~

~~M. J.~~ Guarantee: A **copy of the performance bond or other good and sufficient surety guarantee** shall be submitted **to the county**, in an amount required by the **Utah** Division of Oil, Gas and Mining, **pursuant to Utah Administrative Rules** ~~with the county named as an additional obligee.~~

~~N. Mitigation Plans: Nothing in these regulations shall prohibit a landowner from requiring the developer of an energy extraction or transmission project to complete inventories of the site for forage, timber, wildlife, objects of historic or scientific interest, or substantial unanticipated detrimental affects to the value of the property, and providing for a plan to mitigate for these effects.~~

SECTION 7. Severability.

If any court of competent jurisdiction declares any Section of this Ordinance invalid, such decision shall be deemed to apply to that Section only, and shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.

SECTION 8. Effective Date. This ordinance shall become effective fifteen (15) days after publication.

DATED this _____ day of _____, 2011.

ATTEST:

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

Diane Freston
County Clerk/Auditor

Kirk J. Wood, Chairman

Ronald Winterton, Member

Kent R. Peatross, Member

Commissioner Winterton motioned to adopt Ordinance No. 10-286, An Ordinance Amending Title 8, The Duchesne County Zoning Ordinance (Continued from Regular Meeting Held December 6, 2010) with the minor changes as discussed today; seconded Commissioner Peatross. All commissioners voted aye and the motion passed.

Entered Back Into Regular Commission Meeting At 2:10 P.M...

Adjournment

Chairman Wood adjourned the meeting at 2:14 P.M.

Read and approved this 31st day of January 2011.

Kirk J. Wood
Commission Chairman

Diane Freston
Clerk/Auditor

*Minutes of meeting prepared by JoAnn Evans*_____