

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
September 5, 2012 - 5:00 p.m.**

In Attendance were:

John Jorgensen, Planning Commission – Chairperson
Kent Olsen, Planning Commission
Ken Moon, Planning Commission
Kathy Giles, Planning Commission
Allen Lindsay, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Kelly Crozier Jr.	Crozier-CUP
James V Minard	IWM
John Swasey	
Sue Miller	
Ted and Melissa Rose	IWM
Joe Meeks	IWM
Debra Lindsay	
John Beck	
Debi Tracy-Uintah Basin Standard	
David Roth	IWM
Babe and Rebecca Christensen	IWM
Scott Hacking-Utah DEQ	
Jerry Jensen	Crozier-CUP
Don Tyler	
Leroy Shearwood	Crozier-CUP
Dick Timothy	IWM
Steve Iverson	Iverson-CUP
Gary Clark	
Edward Strycharz	IWM
Wes and Maria Sargent	IWM
Roy Casper	IWM
Ken and Jan Bundy	IWM
Kevin and Crystal Elliot	IWM
Don R Davies	
Jason McKenna	R. Chapman Const.-CUP
Henry Zander	
Allen Rydman	IWM
Ray and Shauna Munteer	IWM

Allen Knight
Chris Ryken
Robert and Kathy Meeks
Bruni Mason-visitor
Darren Brown-Tri County Health

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Chairperson Jorgensen opened the meeting at 5:00 PM.

Chairperson Jorgensen asked if any of the Planning Commission had any ex-parte contacts associated with any item on the agenda. Commissioner Lindsay stated he has been employed by Integrated Water Management at various times and will excuse himself from that hearing. There were no other contacts, so the hearings proceeded.

PUBLIC HEARINGS:

A. Request by Crozier Oilfield Services, Inc. for a Conditional Use Permit to operate a portable toilet business at 420 W 2500 South, in the Roosevelt area.

Mr. Hyde stated the applicant is proposing to operate a business that provides portable toilet services to the oilfield from this location. The business office would be located at the applicant's home in Roosevelt City; this site would be used for outdoor storage of the portable toilets and no clients would need to call at this location. Commercial uses such as this are a conditionally-permitted use in the agricultural-residential zones.

After reviewing the staff report, Mr. Hyde recommended the Planning Commission approve the Conditional Use Permit requested by Crozier Oilfield Services, Inc., subject to the following conditions:

1. Owner agrees to control dust along the access road (2500 South) so dust does not become a nuisance to residents in the vicinity. Options for dust control include paving, application of dust suppressants such as magnesium chloride or lignin sulfonate or frequent watering during dry periods.
2. Owner agrees that noise associated with business vehicles or operations shall not be generated to a level that is a nuisance to residents in the vicinity before 7:00 AM on weekdays, 8:00 AM on Saturdays and 9:00 AM on Sundays and holidays, with such noise ceasing by 9:30 PM in all cases.
3. Owner agrees that portable toilets shall not be cleaned at this location.
4. Owner agrees to provide and maintain sufficient base rock and gravel in parking and driveway areas to maintain an all-weather surface and avoid rutting and tracking of mud onto the roads.

5. Owner agrees to dedicate right of way for the access road within the subject property should the road be considered for improvement to county standards and county maintenance in the future.
6. Owner agrees to obtain approval of the existing wastewater system on the property from the TriCounty Health Department and provide evidence of such approval to the County.
7. Owner agrees to limit future business signage on the premises to one sign not to exceed 32 square feet in area. Any future off-premise signs shall comply with the same size limit and be located outside of a public right of way, by written agreement with the property owner.

Mr. Hyde referred the commission to their packets for some photos, a site plan and the applicant's future plans for the site. The planning office has received a letter from Mr. Joseph Harris and his concerns about the fence line, drainage and issues with trespassing and material removal.

Commissioner Jorgensen asked how large would the portable toilet storage location be. Mr. Hyde referred that question to the applicant.

There were no other questions or comments so the applicant was invited to speak.

Kelly Crozier, applicant and owner of Crozier Oilfield Services, Inc., stated he was okay with Mr. Hyde's staff report and conditions for approval. In response to Commissioner Jorgensen's question about the size of the site Mr. Crozier stated the property is 17 acres and about 1 acre will be used for business storage.

Mr. Hyde asked Mr. Crozier if the toilets were mostly kept in the oilfield. Mr. Crozier stated they were and along with the toilets there are a few flatbed trailers and the employees take their trucks home after work. Mr. Crozier has talked with Mr. Harris and will try to work with him on his issues but feels there were some previous problems he is not responsible for and has offered to split the cost of the fence. Mr. Harris stated in his letter there is a right of way; however according to Sunrise Title, there is not one recorded.

There was some discussion about where the access road starts and the condition it is in.

Commissioner Jorgensen asked if there were any other questions or comments.

LeRoy Shearwood, an adjoining property owner on both sides of Mr. Crozier's land stated his concerns about having a business in a residential area and suggests Mr. Crozier consider moving his business to a commercial location.

Mr. Hyde asked Mr. Crozier if the riding and roping arena would be used in the manner that it was when the Richard's owned the property because of the dust and traffic issues.

Mr. Crozier replied there would be no where near the people, trailer traffic or dust issues as when the previous owners were there.

Commissioner Moon asked Mr. Crozier how long is the access road. Mr. Crozier replied about ½ mile graveled private road.

Commissioner Jorgensen 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 Crozier Oilfield Services, Inc., subject to conditions 1-7 stated in the staff report.

Commissioner Olsen seconded the motion and it passed unanimously.

B. Request by R. Chapman Construction for a Conditional Use Permit to locate a construction shop and office on the Harmston Bench, in the Roosevelt area.

Mr. Hyde referred the commission to some photos and a site plan of the proposed location and stated there are 3 gravel pits in the area including Duchesne County, Burdick Paving along with the applicant. They are proposing to construct a new office and shop, with equipment storage yard, for a construction business at this location. The usual construction equipment such as dump trucks, flat beds, dozers, scrapers, backhoes and track hoes would be present. The office and shop building will be approximately 85 X 185 feet in size (15,725 square feet). The shop would have three service bays for vehicle repairs and maintenance. Commercial uses such as this are a conditionally-permitted use in the agricultural-residential zones. Mr. Hyde highlighted sections of the staff report including access, fire protection, water and sewage.

Mr. Hyde recommended that the Planning Commission approve the Conditional Use Permit requested by R. Chapman Construction, subject to the following conditions:

1. Applicants agree to install landscaped areas shown on the concept plan; however, the county does not expect these areas to contain water-consumptive features. Xeriscaping is permitted and encouraged.
2. Applicants agree to fence the facility and provided gated access points and stated; however, the county does not expect this fencing to be sight-obscuring. Fences over six feet tall may require a building permit.
3. Applicants agree to pave the employee and visitor parking area as shown on the concept plan and provide the required parking for persons with disabilities. Other areas for equipment storage and movement shall be provided with a surface that minimizes the potential for blowing dust.
4. Applicants agree to place rotomill, or other surfacing accepted by the Public Works Director, on County Road #18, a distance of about ¼ mile, between the top of the

hill and the proposed parking lot access, prior to opening the office and shop for business.

5. Applicants agree to avoid directing business traffic onto the section of County Road #181 lying south of this location.
6. Prior to the issuance of a building permit, the applicants shall submit to the county:
 - a. A wastewater permit from the TriCounty Health Department;
 - b. A verification of a water source, such as a well permit issued by the Utah Division of Water Rights;
 - c. A fire protection plan developed in coordination with the Fire Chief and Building Official.
7. Applicants agree to obtain any required permits for on-premise signage and refrain from erecting off-premise signage unless in a location permitted by the zoning ordinance.
8. Applicants agree to minimize dust, noise and other nuisance factors in accordance with the Duchesne County Nuisance Ordinance should complaints be received by the County.

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

Jason McKenna, representative of R. Chapman Construction stated the staff report is acceptable with the conditions stated but wants some clarification on condition # 4.

There was some discussion about what kind of road surfacing needs to be used, what will be acceptable for dust control and increased traffic and if the county will maintain the access road. Mr. McKenna was advised to contact Glen Murphy, Public Works Director to make plans.

Commissioner Jorgensen asked if anyone either in favor or against the applicants request would like to speak. There were none so the public hearing was closed.

Commissioner Moon motioned to approve the Conditional Use Permit requested by R. Chapman Construction, subject to conditions 1-8 as stated in the staff report. Commissioner Lindsay seconded the motion and it passed unanimously.

C. Request by Steve Iverson for a Conditional Use Permit to allow the outdoor storage of materials and equipment associated with a crane service at 3434 South Highway 87, north of Duchesne.

Mr. Hyde stated the applicant is seeking authorization to continue the outdoor storage of cranes, crane parts and associated equipment at the subject location. The applicant currently has a business license in Duchesne County for Valley Crest Crane, at 42331

West Tabby Swale Road. That location is a residence where storage of cranes and associated equipment is not feasible. Commercial uses such as this are a conditionally-permitted use in the A-5, agricultural-residential zone.

After highlighting sections of the staff report and referring the commission to some photos and a site plan, Mr. Hyde stated there are criteria and conditions for approval including parking, access and approval from UDOT, landscaping, water and sewer, fire protection, and the county's noise ordinance.

During Mr. Hyde's staff report, Mr. John Crawford stated he could not hear anything, was not sure if he was at the right location for the Integrated Water Management hearing and decided to leave.

Mr. Hyde recommended that the Planning Commission approve the Conditional Use Permit requested by Steve Iverson, subject to the following conditions:

1. Owner(s) agree, within sixty (60) days, to define and improve the driving surfaces with adequate road base and gravel to minimize the tracking of mud onto Highway 87 and minimize blowing dust.
2. Owner(s) agree that no welding or repair of machinery, equipment or parts shall occur at this location until fire protection is provided in accordance with the building and fire codes.
3. Owner(s) agree that the existing agricultural building on the property shall not be used for business purposes unless a change of occupancy is approved by the Building Official and all building code requirements are met.
4. Owner(s) agree to limit business signs, if any, at this location to 32 square feet in size.
5. Owner(s) agree, if residential development occurs in the vicinity in the future, to limit hours of operation to those specified by the nuisance ordinance for engine noise (7:00 AM to 9:30 PM).
6. Owner(s) agree to promptly seek and obtain an encroachment permit from Region 3 UDOT for the Highway 87 access and construct such driveway to UDOT standards.

Mr. Hyde stated that the building on this site is being used as a riding arena and is permitted for agriculture use not a commercial business. He asked if there were any questions of the staff report. There were none so the applicant was invited to speak.

Steve Iverson, applicant and owner of Valley Crest Crane stated he was not aware he needed a conditional use permit but is storing some cranes and parts on the 2 lots consisting of 15 to 16 acres. The arena is 15000 square feet and was approved by the

county as an agriculture building. Mr. Iverson assumed there was an access permit off of highway 87 but he found out it was only a 6 month permit. Mr. Iverson stated he did put a culvert in and some road base for access to the property but will redo the approach and make the needed improvements.

Mr. Hyde told Mr. Iverson he needs a construction permit from UDOT. Mr. Iverson has sent pictures and requested that permit from Rux Roland the UDOT Region 3 representative but has not heard back from him at this time.

Commissioner Olsen asked if they have access off of Highway 35. Mr. Iverson stated they have access from Hwy 35 but use the Hwy 87 access because of some easements and agreements with El Paso and Chevron.

Commissioner Jorgensen asked if there were any other questions or comments either in favor or against the applicant's request. There were none so the hearing was closed.

Commissioner Lindsay motioned to approve the Conditional Use Permit requested by Steve Iverson, subject to conditions 1-6 as stated in the staff report. Commissioner Moon seconded the motion and it passed unanimously.

Commissioner Jorgensen asked the audience how many would like to speak at the IWM hearing with 10-12 showing by the raise of hand. He requested each speaker limit their testimony to 3 minutes each. Commissioner Lindsay excused himself from the hearing at this time.

D. Request by the TriCounty Health Department for a public hearing to determine if Integrated Water Management is complying with the odor control terms of their conditional use permit for their commercial produced water disposal facility located at 20250 W 2000 South near the Blue Bench landfill, north of Duchesne.

Mr. Hyde stated the staff report includes a review and timeline of events associated with this location. In November 1983, Grant Bleazard received a permit from the Utah Department of Health to operate a produced water disposal facility just northwest of the Blue Bench Landfill, on what is now the Integrated Water Management site. A total of four evaporation ponds were approved in 1983-1985 by the state.

The regulatory authority for produced water disposal facilities was transferred to the Utah Division of Oil, Gas and Mining (DOG M) in 1987. In 1990, it was found that the ponds were leaking and the facility was closed in September, 1990. There was no bonding required for cleanup of the facility and Mr. Bleazard left behind tons of waste crude oil and contaminated soils at the site. Also left behind were several dilapidated buildings, trailers and junk vehicles (see site photos dated November 19, 2008).

When Triple R Water Disposal approached the county and state in 2008 with a proposal to clean up the site and re-open the facility under today's standards, DOGM

was supportive and the county granted a conditional use permit on December 3, 2008, subject to the following conditions:

1. Prior to start of construction, the applicants shall submit to the county a copy of their approved DOGM permit.
2. Prior to start of facility operation, the applicants shall construct the required fencing, post the required bonding, obtain a county business license for the facility and demonstrate compliance with Section 404 of the Clean Water Act and the Migratory Bird Treaty Act.
3. **After operations begin, applicants agree to take prompt action to control and eliminate odors if the county receives complaints. Applicants shall seek to establish an injection well and inject water most likely to cause odor problems.**

Integrated Water Management activated the conditional use permit for this location and remains subject to the conditions of approval. DOGM granted Integrated Water Management a permit to construct the new commercial produced water disposal facility on September 2, 2010. A DOGM permit was issued to operate two skim pits and evaporative pit #1 on November 10, 2010. Approval to operate evaporative pit #2 was issued on February 3, 2011. Approval to operate evaporative pit #3 was issued by DOGM on May 31, 2011.

The first odor complaint associated with this facility was received from Ted Rose on June 8, 2011. Mr. Rose has property located about two miles east of the landfill. As a result of this complaint, the County asked Integrated Water Management, by letter dated June 10, 2011, to do the following by June 20, 2011:

- Provide this office with a written odor control plan stating what measures are being taken presently to control and eliminate odor and what measures you plan to implement in the future.
- Provide this office with a plan and timeline for the drilling and operation of an injection well at the site.

Integrated Water Management submitted a letter on June 15, 2011 stating their odor control plans, which included injection of biocide to eliminate H₂S gases, ordering air injectors, and planning for an injection well.

An odor complaint was received from Allen Rydman, who has property in the Sundance West Subdivision, north of Integrated Water Management, on July 11, 2011. Integrated Water Management was advised of the complaint.

An odor complaint was received on August 8, 2011. Integrated Water Management was advised of the complaint. An inspection at the site at 4:00 PM on that date revealed no odors.

On August 10, 2011, Integrated Water Management updated the June 15, 2011 letter associated with odor control. Injection of biocide continued and no H₂S gas was present. Air jammers were in use and soap was being injected into the ponds to clean the water. The injection well drilling was completed on July 5, 2011.

DOGM issued approval of the injection well on October 26, 2011 and approved a one-year underground injection control permit for the well on March 15, 2012. DOGM approved a permit to construct a land farm at this location on April 9, 2012 and a permit to operate said land farm on May 31, 2012.

Mr. Hyde stated on April 23, 2012 the planning office received another complaint again on May 2, 2012 and another on July 6, 2012. Each time, Integrated Water Management was advised of the complaints.

On July 25, 2012, Jay Morris of the Utah DEQ Air Quality Division forwarded an odor complaint that they received from Darrell Christiansen, location unknown. Commissioner Winterton and I made a visit to the facility and found no odors except when immediately adjacent to the ponds. I recommended that more water circulation be initiated.

July 26, 2012: TriCounty Health Department inspected the facility and found no H₂S gas present. Their follow-up letter dated August 7, 2012 requested that a public hearing be held to address nuisance odors reported by residents in the area.

On August 6, 2012, Integrated Water Management reported that they have installed more air jammers to circulate the water. This has stirred up the ponds and generated more odors in the short term but may resolve odor problems in the long term.

On August 9, 2012, Mr. and Mrs. Allen Rydman submitted a list of times on August 6 through August 9 when odors were observed from Integrated Water Management. The list of odor observations was updated on August 15th and again on August 23rd.

August 13, 2012: a notice of public hearing was prepared and provided to the news media and the matter placed on the September 5, 2012 Planning Commission agenda to determine if Integrated Water Management is complying with Condition #3 of the conditional use permit.

August 28, 2012: A site visit was conducted at Integrated Water Management by the Planning Commission and other interested parties.

September 5, 2012: Public Hearing

Mr. Hyde referred the planning commission to their packets with photos of the site, letters from DOGM, Tri County Health Department, planning office and an updated list of complaints from Allen Rydman. There are some additional letters on the table we received for the hearing.

Mr. Hyde asked if there were any questions of the staff report. There were none so a representative from Integrated Water Management was invited to speak.

JT Martin, Project Manager for Integrated Water Disposal Facility along with Nate Robinson and Robert Meeks thanked the commission for their time and requested about 12 minutes of their time for a power point presentation about the company in the beginning, where are now and where they want to be in the future.

In conclusion, Mr. Martin expressed their concerns for the community and hope they can balance industry, economy, environment and business. IWM is doing everything they can to control and eliminate odors and are hopeful in time the problems will be eliminated and the citizens of the community can enjoy their lifestyle and their surroundings once again. IWM does have an open door policy and respect their employees and the residents of the area and hope everyone can come together.

Ted Rose, property owner stated his concerns for the community, health issues and quality of life. Mr. Rose stated there is a fog barrier that stays in the air you can't breathe it makes you nauseous you can't enjoy the fresh air in the evening. His family is not able to stay here because of the smell so he leaves town to spend time with them. Having to be on oxygen, carry a breather and always being sick is not good for anyone and these problems need to be addressed. Mr. Rose feels that no one is concerned about the health issues and that nothing will come of tonight's hearing.

Melissa Rose, property owner, stated they own 100 acres near the landfill and the smell comes and goes. It is a beautiful area and they never had any problems until IWM began operations. As a result their family can't breathe she has migraines and is always nauseated.

Robert Fitzmorris, a property owner near IWM, stated his concerns about the odor. They have been in the area for 3 years. They came here to retire and until spring of 2011 everything was good. The odors started during the day and early morning if the misters are on or not. Mr. Fitzmorris feels until the ponds are empty the odors will continue and does not feel the injection wells are the answer.

Kevin Elliot, a property owner stated this year has been really bad. He works in the oilfield and recognizes all these pits have odor problems but they are not located in residential areas. They have lived here for 4 years and are not able to enjoy their property anymore. Mr. Elliot stated his wife and daughter both have headaches they can't breathe and have been in and out of the hospital all summer. Mr. Elliot feels this problem needs to be taken care of.

Ray Munteer, a resident on Caravan Lane stated he has 15 acres on top of the hill and used to have a good quality life. Now they are experiencing smells, sickness and headaches. Mr. Munteer has a 13 year old daughter and wonders what her quality of

life will be. He or his wife do not have any energy left and feels IWM has taken their quality life from them and something needs to be done about it.

Jessica Walters lives directly east of the RNI ponds on the Bluebell road and has for 6 years. She stated the smells equal financial growth, employment and a growing economy. After delivering to Water Recovery, DNR, RNI, and IWM she has no health issues nor do her children, grandchildren or her dogs. Mrs. Walters feels some of the problems this year are because of the dust, wind, smoke from the wildfires and lack of rain and is offended the residents are making this a health issue.

Edward Strycharz, a property owner stated he moved here 5 ½ years ago about 4 miles northeast of the plant. He feels, during the tour, there were no operations running therefore no smells. The planning commission does not get out much and of course the wind does not blow to the south. He feels IWM is not in compliance with condition number 3 and something should be done about it.

Allen Rydman, a nearby resident has compiled a list of odor incidents at the request of Commissioner Winterton. This is their permanent residence not a secondary home. This location was an eyesore before but there were not any odor problems. He feels the public is being misguided. This is a money making proposition for IWM and the royalty owners are the ones being taken advantage of. Mr. Rydman maintains the ponds are for skimming and not evaporation they are not a clean up agency therefore they make a profit on the side. Mr. Rydman also feels that the University of Utah are not involved with or a consultant of IWM and does not feel that IWM or their weather stations can control any odor problems.

Harry Zander, resident on Caravan Lane for about 4 years, stated there have been minor odors from time to time from the IWM site but most are from the other oil well locations around Sundance West. He drives along Caravan Lane every day, lives in the area. He and his family are not sick, he has never seen a fog or cloud settling and does not feel IWM is the sole owner of these issues. Mr. Zander reminded the residents we do live in the middle of an oilfield with most of us profiting from that. Sometimes you have to take the good with the bad.

David Roth, a property owner on Caravan Lane, visits his cabin weekly and is not sure the odor problems are the cause of the health issues but there is an odor problem. Mr. Roth stated there is a Conditional Use Permit with a condition to control odor. IWM has an odor problem and their permit should be in jeopardy.

Mr. Martin, in rebuttal, stated the H₂S gases (rotten egg smell) is a source from many different sources including hot springs, treatment plants, oil locations, even volcanos. It was suggested IWM uses their facility to skim the ponds and sell the oil there is very little oil storage at this location. DOGM regulates all oil on the ponds and IWM is a regulator for that. As far as it costing more to pump water in the ground that is not the case it is our intention to empty all the ponds but for now one is empty at the suggestion of the county we turned over the other ponds and this escalated the odors. Mr. Martin

reminded the residents they are in the middle of an oilfield there are many new wells being applied for and subsequently many other sources of odor. IWM is working on the problem and feels they are making great strides in controlling the odor and staying in compliance with their Conditional Use Permit.

Dick Timothy, a Duchesne City resident, stated the smells are noticed in town and IWM should stop thinking about making money and start thinking about our water sources and the public's health.

There was some discussion between the commission about the chemicals being used, the time frame for progress, the commission's options about recessing the hearing and suggestions for solving the issues and monitoring their progress or revoking the permit.

Commissioner Jorgensen suggested to the residents if they want to help IWM solve the problem to be honest with their complaints. Mr. Hyde asked about having the landfill employees monitoring the odors. Darrin Brown, TriCounty Health Department stated they have some monitors and would help with the set up and monitoring process.

Both Commissioner Olsen and Commissioner Giles stated there is an odor problem and it is our intention to work together and solve the problem or the commission will revoke their permit.

Mr. Rydman stated they are not against the petroleum industry just the odor that accompanies it and suggested they stop receiving water to see if the odor goes away.

Mr. Martin stated this is a family business, the public has our attention and we are working on the solving the problem and pledge to the residents that they will find a solution.

There was some discussion between Mr. Martin and the Planning Commission about the monitoring process, IWM's options and the planning commission's options.

Commissioner Olsen motioned that the public hearing be recessed to October 3, 2012 at 5:00 PM. The applicant shall immediately provide the county with an updated odor treatment plan outlining the treatment methods and steps that will be taken to control and eliminate odors. When the public hearing is re-opened, if the applicant has not provided an updated odor treatment plan, no new produced water may be received at the facility. When the public hearing is re-opened, progress shall be evaluated based on the complaint log and any test results available. If progress is being made toward odor elimination, the Planning Commission may grant an additional 30-day period for odor control measures to fully take effect, in lieu of an order to cease receipt of water. Commissioner Moon seconded the motion and it passed unanimously.

Commissioner Moon commented to the audience the commission does take these issues seriously and are not afraid to make tough decisions but he feels that IWM deserves a chance to solve their problems and keep their permit.

Commissioner Lindsay returned to the meeting.

NEW BUSINESS:

None

Minutes: Approval of August 1, 2012

Commissioner Olsen moved to approve the minutes of August 1, 2012.
Commissioner Moon seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items

None

Adjournment:

Meeting adjourned at 7:35p.m.