

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
February 6, 2013 - 5:00 p.m.**

**In Attendance were:**

Randy Mair, Planning Commission – Chairman  
Kent Olsen, Planning Commission  
John Jorgensen, Planning Commission  
Edward Roberts, Planning Commission  
Kathy Giles, Planning Commission  
Allen Lindsay, Planning Commission  
Mike Hyde, Community Development Administrator  
CoraLee Sanchez, Planning Secretary

**Visitors:**

Scott Hagman	Hagman-CUP
Debra Lindsay	
Donna Richens	Hagman-CUP
Dustin Hughes-Uintah Basin Standard	

Chairman Mair opened the meeting at 5:00 PM.

Chairman Mair read the rules of order and asked the Planning Commission if they had any ex-parte contacts associated with the agenda. There were none, so the hearing proceeded.

**PUBLIC HEARINGS:**

**A. Request by Scott and Vickie Hagman for a Conditional Use Permit to locate a labor camp on lands located on the south side of 6250 South at approximately 6000 West, northwest of Myton, in Section 21 Township 3 South, Range 2 West.**

Mr. Hyde stated in 2010, the applicant installed water, wastewater and electrical services on the subject lands to allow for occupancy as a labor camp and family RV spaces. The TriCounty Health Department approved the wastewater system for six RV spaces or 5 labor camp units. The Planning Director allowed the use since labor camps were not regulated by the county at that time and the proposal did not fall under the zoning ordinance definition of an RV Park. That decision was appealed to the Board of Adjustment. On July 15, 2010, the Board of Adjustment decided that the applicant could use the site as a labor camp until December 31, 2011. Thereafter, the facility was to be used only for family RV spaces. Since that time, the County amended its zoning ordinance

to regulate labor camps. They are a conditional use in the A-10, A-5 and A-2.5 zones and permitted outright in the Commercial and Industrial zones. The property is zoned A-5 and the applicant would like to obtain a permit to use the facility as a labor camp in the future. Mr. Hyde explained to the commission there are findings for approval and findings for denial in your packets for the hearing.

Some findings for approval are:

**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 for the facility. The Building Department permit process will ensure that the units are set up in accordance with building safety standards. Opposition heard by the county during the 2010 review process, especially from owners of a dwelling across the county road to the north, focused on their perceived detrimental effects of a labor camp on their residence. Occupancy limits in the camp should be considered to mitigate these detrimental effects associated with noise and increased traffic.

**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.**

Mr. Hyde explained 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.

**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 112.91 acres in size which is sufficient in size to accommodate a labor camp authorized for only five skid-mounted structures or six RVs. However, an occupancy limit should be considered to mitigate any detrimental effects on the surrounding properties.

Mr. Hyde explained that labor camps, in addition to complying with the sanitation requirements of Utah administrative rule, shall be permitted in accordance with the following standards:

**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.** This property is zoned A-5 therefore a conditional use permit is required.

**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.

Mr. Hyde stated the proposed labor camp is located on the site of a temporary labor camp that was constructed in 2010 and authorized by the Duchesne County Board of Adjustment for temporary use until December 2011. The site is approved by the health department for five skid-mounted labor camp buildings or six RVs. A plan for the typical unit has been provided and will be similar to those used before at this site. There is legal access to the labor camp from 6250 South. The labor camp is provided with culinary water by the Johnson Water District and the wastewater system has received health department approval. Solid waste disposal would be provided by K&K Sanitation.

Mr. Hyde indicated there are no paved surfaces that would generate the need for storm water control. Electrical service was installed in 2010 with a county electrical permit. Fire protection will need to be coordinated with Mike Lefler, Duchesne County Fire and Emergency Management Director. Mr. Lefler has stated that a fire hydrant must be installed at the entrance to this facility to provide adequate fire protection as this proposed use is in proximity to residences and a 12-inch water line is available. Medical facilities are available nearby in Roosevelt.

**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.**

The TriCounty Health Department serves as the county's culinary water and sanitary sewer authority. The health department approved the applicant's water and wastewater system by letter dated June 22, 2010. The maximum occupancy allowed on the site is 6 RV's or five skid-mounted labor camp units.

**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 stated the bonding requirement is to protect the property owner and applies to cases where a company is proposing to locate a labor camp on another's property. In this case, the entity proposing the labor camp also owns the property. Since the applicant is also the property owner, bonding is not required.

**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 explained 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.

**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. (Ord. 10-286, 1-31-2011).** Mr. Hyde indicated the services and facilities required above were constructed by the applicant in 2010.

Mr. Hyde's recommendation is for approval of the Conditional Use Permit requested by Scott and Vickie Hagman, subject to the following conditions:

1. Prior to locating any labor camp structures on the property, the applicant shall obtain building permits from the Duchesne County Building Department.
2. Prior to occupancy of any structures within this labor camp, the applicant shall:
  - a. Install a fire hydrant on the Johnson Water line at the labor camp entrance to provide adequate fire protection.
  - b. Obtain a Certificate of Occupancy from the Duchesne County Building Department.
  - c. Obtain a business license for the facility.

Mr. Hyde explained the differences in the findings to deny should the commission feel this option is appropriate. As to the public health, safety and general welfare, Mr. Hyde stated labor camps are historically known to cause disturbances associated with early-morning or late night vehicle noise and a transient occupancy with no ties to the neighborhood. For these reasons, labor camps should be located a sufficient distance away from existing residential uses. This proposal is directly across the county road from an existing residence; which is too close and potentially detrimental and injurious to that property. The second difference would be whether the applicants request would be in compliance with Duchesne County's general plan which contains a policy stating that future growth and development decisions should be made with sensitivity to rural residential and agricultural interests. The plan indicates that the county wishes to encourage business activity and support efforts to recruit new businesses, retain existing businesses and assist with the expansion of existing businesses. However, business sites must be carefully located taking into consideration existing residential

and agricultural uses. In this case, the proposed use is too close to these existing residential uses. The third difference would be 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 indicated the property on which the labor camp is proposed is 112.91 acres in size which is sufficient in size to accommodate a labor camp authorized for only five skid-mounted structures or six RVs. However, in spite of the large size of the property, the proposed labor camp would be located on the northeast corner of the property; directly south of an existing residential use.

Mr. Hyde stated in the Findings to Deny the request does not comply with the Conditional Use Permit requirements of the Duchesne County Zoning Code as follows:

- a. The proposed location will be unduly detrimental or injurious to property or improvements in the vicinity;
- b. The general plan requires that future growth and development decisions be made with sensitivity to rural residential and agricultural interests. In this case, the proposed use is too close to existing residential uses.
- c. Although the property on which the labor camp is proposed is 112.91 acres in size, the proposed labor camp would be located on the northeast corner of the property; directly south of an existing residential use.

In this case the applicants request is not valid.

Mr. Hyde stated that the Planning Commission could deny the Conditional Use Permit requested by Scott and Vickie Hagman, based on these alternate findings.

Mr. Hyde asked if there were any questions or comments on either staff report.

Commissioner Olsen asked Mr. Hyde if the Richens residence was there before the approval in 2010. Mr. Hyde replied the Richens home was built in 2007 according to the county tax rolls.

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

Scott Hagman, the applicant and representative for Hagman Enterprises, stated he is not interested in having a man camp but would like to have the flexibility to let people he works for or with and for family functions be able to move an RV trailer or a skid mounted unit and live or camp there on a temporary basis. Eventually the applicant would like to have a couple of the modular cabins to set up permanently. This location is centrally located for access to the oilfield, it is on the river and it is a nice level graveled area. Mr. Hagman feels since there weren't any problems in 2010 there should not be any issues this time around.

Hr. Hyde clarified that labor camps are still labor camps whether the people staying are laborers, executives, or family members.

Commissioner Jorgensen asked why this location was selected? Mr. Hagman stated it

is handy for access, on the river which has a nice scenic view and it is high and dry. Commissioner Mair asked if there were any other questions.

Donna Richens, an adjoining property owner, opposed the applicant's request and stated her concerns about the noise, late nights, early mornings and the increased traffic. Her children get on the bus at 7 a.m. with limited sight lines she feels her concerns are valid. They have a farm and the children play and work outside all the time and might not pay attention as much as they should. Her major concern was, in 2010, Mr. Hagman stated he was not compensated by Harvest Oil, she feels Mr. Hagman was compensated they (Harvest) paid for all the drainfield and water installation and to set up the modular units. Mrs. Richens stated there have been and still are at least 2-3 trailers there since the last permit expired with no family reunions, just workers leaving early in the morning and returning late in the evening. Mrs. Richens told the commission about some conversations she had with Mr. Mark Murray from the board of adjustments. Mrs. Richens feels Mr. Hagman has been less than honest about his intentions in the past and does not feel he will be concerned or comply with any of the conditions placed on him if this permit is approved.

Commissioner Roberts asked Mrs. Richens about the traffic issues. She stated when Harvest Oil was there they had their safety meetings and 10-12 trucks were present.

Commissioner Olsen asked about the safety meetings. Mrs. Richens replied she assumed with every employee showing up once a week that is what they were doing. In my limited knowledge of what happens in the oilfield they were having some kind of meeting.

There was some discussion with the commission about the board of adjustment decision, the public use, getting building permits for safety concerns and the increased traffic.

There were no other questions or comments so Mr. Hagman was invited to speak in rebuttal.

Mr. Hagman stated everything Mrs. Richens said was true. The people staying here are good people and he too is concerned about the children and the increased traffic. Due to the increased oil production in this area there is already increased traffic issues. This area is only about 80 feet to the river, not big enough for many people or trailers and personally he does not want too many staying there.

Commissioner Roberts asked Mr. Hagman how many units does he anticipate using. Mr. Hagman replied only 2 skid mounted units for now and no rv trailers.

There was some discussion with the commission about the floor plans and the number of occupants for each unit and the approval of TriCounty Health.

Commissioner Lindsay is concerned about the water lines for the fire hydrant and if Mr.

Hagman is willing to install it. Mr. Hyde stated there is a Johnson water 12 inch line along the road and Mr. Hagman will be required to install one.

Commissioner Roberts asked Mr. Hyde if they can limit the number of occupants. Mr. Hyde replied there can be reasonable limitations and conditions to mitigate impacts on the neighborhood.

The Planning Commission and Mr. Hagman discussed the conditions for approval, the expansion of more units and increasing the area and if there could be any changes in the conditional use permit if approved.

Mr. Hagman stated he does not want a traditional man camp and there will not be any expansion.

Mrs. Richens stated Mr. Hagmans intentions have not been clear in the past and she does not want to live next to a trailer park and wants the commission to clarify that condition.

Commissioner Mair asked Mr. Hagman if his intentions in the future are to have a public trailer park. Mr. Hagman stated no.

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

Commissioner Olsen motioned to approve the Conditional Use Permit requested by Scott and Vickie Hagman, subject to the conditions stated in the staff report with an additional condition # 3 *stating modular, skid-mounted units are limited to two bedrooms with no more than two occupants per bedroom and RV units are limited to one family or two unrelated occupants per unit.* Commissioner Giles seconded the motion and it passed unanimously.

#### **NEW BUSINESS:**

None

#### **Minutes: Approval of January 2, 2013**

Commissioner Lindsay moved to approve the minutes of January 2, 2013.

Commissioner Olsen seconded the motion and it passed unanimously. Commissioner Mair abstained from voting as he did not attend the January meeting.

#### **Commission Comments and Staff Information Items**

Mr. Hyde informed the commission about the March 6<sup>th</sup> meeting. The oil well ordinance amendment, an RNI rezone, a proposed conditional use permit for an RV Park in Myton and a dance studio on the Starvation Lake Road that could possibly be on the agenda.

#### **Adjournment:**

The meeting adjourned at 6:00 p.m.