

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
March 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
Ken Moon, Planning Commission
Kathy Giles, Planning Commission
Allen Lindsay, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

All visitors-Zoning ordinance #12-308, unless otherwise noted

Doug Dennison	
Jim & Nancy Kimball	
Brad Mecham	High Desert Water-CUP
Ron Sweat	
Linda Blue	
Jerry & Jane Wilson	RNI-Zoning
Gary Richins	RNI-Zoning
Chris Chapman	RNI-Zoning
George Gurr	
Brent & Colleen Carter	
Jeff Henderson	
Heidi Gobbels	
Chris & Paul Paramore	
Bert & Suzanne Carter	
Reed Durfey	
Kim Cooke	
Todd Kleinfelder	
Lee Peacock	
Larena Carter	
Bill Walsh & Shirley Weathers	
Allen & Susan Rydman	
John Beck	
David Roth	
Ryan Brock	
Charlotte Carr	

Debra Lindsay	
Brad Lyle	
Lowell Braxton	
Allan Smith	
Clinton Moon	
Andrew & Donna King	
Matt & Maria Fabrizio	High Desert Water-CUP
Gordon Moon	
Lee Moon	High Desert Water-CUP
Scott Hacking, Utah DEQ	
Brad Hill, UDOGM	
Dusty Monks	
Meagher McConkie	
Jeff Schnars	
Rickey Townsend	
Irene Hansen, Duchesne County Chamber of Commerce	
Clark & Wanda Cordner	
JD Brisk	
Stan & Kathryn Larson	
Joe and Joan Steed	
Jake Woodland	
Dallas Murray	High Desert Water-CUP
Troy Ovard	High Desert Water-CUP
Jeff Crozier	
Shon McKinnon	
Herve O'Mara	High Desert Water-CUP

Chairman Mair opened the meeting at 5:00 PM.

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

PUBLIC HEARINGS:

- A. Request by RN Industries, Inc. and the Red Mountain Corporation for an amendment of the Duchesne County Zoning map from Agricultural-Residential (A-5) to Industrial. The subject property is approximately 213 acres of land, located on the north side of the Bluebell Road, at approximately 7000 West.**

Mr. Hyde stated the applicants currently operate a produced water evaporation facility on the Bluebell Road. The property is zoned A-5, Agricultural-Residential. A conditional use permit was issued in 1990 and renewed in 2001 to allow the existing use. The applicants are proposing to convert one or more of the evaporation ponds to solid waste disposal facilities for the receipt of oilfield exploration and production wastes, such as used drilling mud and used reserve pit liners. Solid waste disposal facilities are allowed only in the

industrial zone; thus a zoning map amendment has been requested.

After highlighting sections of the staff report including the overall community benefit of the proposed amendment, the consistency with the goals and policies of the general plan and compatibility with the neighborhood. Mr. Hyde referred the commission to some aerial photos and maps of the proposed application showing the area is predominately vacant land, with a few scattered home sites. Granting of the rezone request would allow the conversion of a portion of the facility to solid waste disposal, which would be more compatible with the neighborhood due to the anticipated reduction in odor.

Mr. Hyde stated there has been very little change in this neighborhood since the A-5 zone was established in this area. Some additional home sites have been established in the Cedar View Properties lots to the west and south. Very little housing has been constructed in the Cove Acres subdivision to the east. Development is limited by the lack of culinary water and improved roads. If the number of evaporation ponds at this facility is decreased, that could encourage others to invest in the residential development of the area.

As far as considering the interest of the applicant Mr. Hyde stated they are trying to meet a need for disposal sites for exploration and production wastes generated by the energy industry. The existing lined ponds can be converted from brine water evaporation to landfill cells under the regulation of the Utah DEQ Division of Solid Waste. The proposal seems to be of benefit to the applicant and the community.

Mr. Hyde recommendation is that the Planning Commission adopt the findings and conclusions and recommend the County Commissioners' approval of this rezone.

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

Chris Chapman, an RN Industries representative, thanked Mr. Hyde for preparing the staff report to explain their intentions and stated they want to change the zoning to allow RNI to change the classification to a landfill with a remediation process for non-contaminated materials; not a land fill for garbage. They are currently working with UDOGM and the Division of Solid and Hazardous waste and the options that each division offers or requires. The facility will include a land fill cell with a leach collection system and well monitors to insure there are no leaks. Mr. Chapman stated RN Industries feels they are a long term company with concerns about the environment and the community. This option will benefit everyone by reducing odors from the ponds and having a positive impact on the residents who already have homes in the area and future development.

Commissioner Moon asked Mr. Chapman if the cell will be capped when it is full. Mr. Chapman stated they would have a working surface with a daily cover that will mature with a textile membrane and ultimately will be reseeded back to the natural vegetation.

Commissioner Mair asked if there were any other questions. There were none and with no one either in favor or opposed to speak, the hearing was closed.

Commissioner Olsen motioned that the Planning Commission adopt the findings and conclusions and recommend the County Commissioners' approval of this rezone, requested by RN Industries, Inc. and the Red Mountain Corporation, from Agricultural-Residential (A-5) to Industrial. Commissioner Moon seconded the motion and it passed

unanimously.

B. Request by High Desert Water Service, LLC for a Conditional Use permit to locate a commercial water truck filling station on a parcel located at 8950 S 12000 West in the Bridgeland area.

Mr. Hyde stated the applicant is proposing to construct a new water truck filling station, primarily to serve the needs of the energy industry, which is drilling numerous oil and gas wells in the Arcadia area. Commercial uses such as this are a conditionally-permitted use in the agricultural-residential zones. Mr. Hyde referred the commission to their packets to view some photos of the site, a letter from the applicant outlining their intentions for this facility and a letter confirming the purchase of a water connection from East Duchesne Water.

The criteria 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 has the potential to be detrimental to public health, safety and general welfare and detrimental to owners of property and improvements in the vicinity if conditions are not imposed regarding noise and dust control, landscaping and signage. The Duchesne County Public Works Department regulates access to county roads to ensure that access points are placed at safe locations. An access permit was granted to the applicant by the department on February 12, 2013. The TriCounty Health Department regulates water and wastewater systems to protect public health. In this case, the facility will be un-manned, so there is no office that would require culinary water or a wastewater system. However, portable toilet facilities should be provided to meet the needs of those using the facility. Site excavation and grading raises the potential for stormwater and erosion issues. The Utah DEQ requires a Stormwater permit for excavations of this size. Evidence of compliance with Utah DEQ Stormwater requirements should be a condition of the granting of this permit.

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 stated the Duchesne County General Plan states 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.

The Duchesne County General Plan contains the following statements with respect to the construction and energy industries, which this facility 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 light of these plan policies, the Conditional Use request should be approved to

support the creation of a new business site, supporting the energy industry, knowing that conditions of approval will be imposed to protect rural residential and agricultural interests in the area.

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 subject property is 5.01 acres in size, which is of sufficient size to locate a water truck filling facility. However, locating such a facility close to residential uses raises the possibility of noise and dust concerns. Thus, conditions should be imposed to require dust and noise mitigation measures.

Some additional conditions may include:

Landscaping, Design: That the site will be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the area.

Mr. Hyde stated the applicant has no plans to fence the facility. Excavation and grading of the site is anticipated to result in earthen berms along the south and east sides of the truck loading area, which will provide some buffering. Since water is available at this location, it would be reasonable to require some landscaping along at least the north and east parcel boundaries [since most wind is from the south or west]. A row of trees would serve the dual purpose of beautification plus dust and noise mitigation.

Parking: Provisions of parking facilities, including vehicular ingress and egress, loading and unloading areas and the surfacing of parking areas and driveways to specified standards.

The applicant has indicated this facility will be un-manned there is no need or parking for employees or customers. The Duchesne County Public Works Department issued a road approach permit on February 12, 2013 for the access to 12000 West. The truck movement areas will need to be provided with adequate base rock and gravel top course to prevent rutting of the surface and steps will need to be taken to minimize the tracking of rock and mud onto the county road.

Streets, Water, Sewer, Fire Protection: The provision of required street and highway dedication and improvements, and adequate water supply, sewage disposal and fire protection.

Mr. Hyde stated the property survey reveals that the abutting road right of way is 180 feet wide, which exceeds the county road right of way standard of 66 feet. The county road [12000 West] is a paved road capable of handling truck traffic. Water trucks will be loaded at the facility; however, there will be no need for culinary water as the facility will be un-manned. There will be no need for a wastewater system as there will be no office building; however, since it does take time to fill a water truck, it would be advisable to locate a portable toilet on the site to serve driver's needs. There will be no combustible buildings or living quarters on the premises, so additional fire protection is not required.

Signs: Regulation of signs.

The applicant may place business signs on the premises, however a building permit would be required if such signage is mounted on a pole or with electrical components. On-premise advertising should be limited to 32 square feet in size to maintain the residential-agricultural character of the area.

Nuisances: The mitigation of nuisance factors, such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.

Mr. Hyde stated the location of the proposed use on the property will contribute to noise associated with water truck movements and idling while filling their tanks. However, excavation and grading on the site is anticipated to create earthen berms along the south and east sides of the site, which will help contain noise within the property. The planting of a row of trees along the east boundary would also help reduce noise for homes to the east. Aerial photos show the nearest homes to be located about 750 feet to the east and 1,080 feet to the southeast of the center of the proposed facility.

Mr. Hyde suggested the applicant follow the county nuisance ordinance standards for motor vehicles and stated the following acts are declared to be violations of this subsection, but such enumerations shall not be deemed to be exclusive:

- a. Parking a motor vehicle with the motor or auxiliary equipment in operation on a public right of way or on private property between the hours of nine thirty o'clock (9:30) P.M. and seven o'clock (7:00) A.M., if the noise so produced is plainly audible within a dwelling unit. This subsection shall not apply to: county or publicly owned vehicles or equipment; commercial construction equipment; the normal operation of commercial or private vehicles designed and used for transportation of passengers; or to other commercial or private vehicles being loaded or unloaded, including sanitation and waste disposal vehicles.*

- d. The use of any mechanical device, operated by compressed air, steam, gasoline or otherwise, unless the noise created is in connection with work being done by authorized agencies or an agricultural activity and/or is effectively muffled between the hours of nine thirty o'clock (9:30) P.M. and seven o'clock (7:00) A.M.*

Based on the standard above, if legitimate complaints are received by the county, the applicant may need to take additional steps to reduce noise, such as the provision of additional sound barriers such as berms or vegetation strips.

Mr. Hyde stated the dust and operating hours could be an issue since the truck maneuvering area is not anticipated to be paved. The applicant will need to make sufficient applications of water or other dust inhibitors during dry and windy periods to prevent dust from becoming a nuisance and the applicant has indicated this facility will need to operate on a 24/7 basis to serve the energy industry. Restricting operating hours would force water providers to travel longer distances to obtain water for use in this area. This would increase air pollution and degradation of roadway surfaces but do

little to reduce truck noise while drilling takes place in the Arcadia area.

Mr. Hyde's recommendation is the Planning Commission approve the Conditional Use Permit requested by High Desert Water Service LLC, subject to the following conditions:

1. The applicant shall provide the county with evidence of compliance with Utah DEQ Stormwater permit requirements associated with excavation and grading.
2. During the first planting season after site excavation and grading is completed, the applicant shall plant a row of trees along at least the north and east sides of the property (and provide them with a drip irrigation system).
3. Prior to opening for business, the applicant shall:
 - a. Construct the truck movement areas with adequate base rock and gravel top course to prevent rutting of the surface.
 - b. Locate at least one portable toilet on the site to serve driver's needs.
4. Applicant shall take steps, as approved by the Public Works Director, to minimize the tracking of rock and mud onto the county road.
5. On-premise advertising should be limited to 32 square feet in size. The applicant shall consult with the Building Official to determine if a building permit is required before erecting signage.
6. Should noise become a nuisance for residents in the vicinity, the applicant will be required to take further measures to reduce noise such as additional earthen berms or vegetation. If those measures are not successful, the applicant shall restrict operating hours to those permitted by the Noise Disturbance section of the Duchesne County Nuisance Ordinance.
7. The applicant shall make sufficient applications of water or other dust inhibitors during dry and windy periods to prevent dust from becoming a nuisance.
8. *The applicant shall encourage drivers using the facility to avoid the use of their compression brakes and work with the county Public Works Director to determine if signage prohibiting compression usage can be installed in the area. (this condition was added during the hearing)*

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

Brad Mecham, owner of High Desert Water Service thanked Mr. Hyde for his work on the staff report and explained to the commission how the facility would work, the economic need for this facility with the increased oil and gas needs of the basin and the benefits to the industry and the community by taking some pressure from the Myton and Duchesne pumping stations. Mr. Mecham stated they want to be a successful business and good neighbors. Mr. Mecham feels that with the set backs, earth berms

and the trees there will be ample protection for the neighboring homes. This location is more than adequate for the increased traffic and parking needed for this facility. Mr. Mecham is hoping with the measures High Desert is taking to insure the residents are taken care and the energy savings for the industry this will be a successful venture for everyone involved.

Mr. Mecham asked if the Planning Commission had any questions.

Commissioner Olsen asked where they would get their water. Mr. Mecham stated they have purchased a connection from East Duchesne Water and will tap into their 4 inch line.

Commissioner Lindsay asked if they were going to pour concrete for the trucks to load from and help keep the dust and mud down. Mr. Mecham replied not at this time. They have a good gravel base but if they need to, for those reasons they will.

Commissioner Mair asked if there were any other questions. There were none and with no one else to speak in favor. The opposition was invited to speak.

Herve O'Mara, an area resident, stated his concerns about the lights shining into his home at night from the plan provided, plus the jake brake noise and if that can be controlled. Mr. O'Mara wants to know if this will be a public facility or private venture and if there is enough water supply and if it will be protected from contamination.

Mr. Hyde suggested Lee Moon from East Duchesne Water District speak to the water concerns and Mr. Mecham to the light and brake issues. Mr. Moon stated they have purchased a connection and will be a private facility with a check valve system to prevent any contamination that will be checked every year. (There was some discussion on the concerns about where the water comes from and who will be doing the testing.) Commissioner Moon asked where Mr. O'Mara's home is located, he replied east of C & S Meat right in the path of the trucks loading. Mr. O'Mara would like some asphalt for dust control and the compression brake condition.

Dallas Murray, a Johnson Water District representative, is not opposed to this facility but is concerned about the amount of water the oilfield will need to sustain this facility and not impact the residents on either water line. East Duchesne Water owns 16% of the tank in question and Johnson Water the remainder. Mr. Murray feels there needs to be some additional lines and updated meters to control an estimated 40% loss of water they are experiencing.

There was some discussion between the commission, Mr. Murray, Mr. Troy Ovard about the metered water, both the Upalco well and each water district, the amount of water available and unaccounted for, the existing customers and the effect this facility will have on each customer and the water districts. Mr. Ovard stated their customers are not interested in using well water instead of water from the treatment plant.

Mr. Murray and Mr. Ovard explained to the commission the joint venture between Myton City and Johnson Water and the amount of water available. Mr. Ovard also feels the trucks crossing highway 40 at the Bridgeland intersection will be a safety issue.

There was some discussion about the services available and boundaries lines of each water district.

Matt Fabrizio, an area resident, stated his concerns about the increased truck traffic what will happen to the water pressure and the available water for the residents on the East Duchesne Water system and the compression brake noise.

Commissioner Mair asked Mr. Moon to clarify some concerns of the residents. Mr. Moon stated East Duchesne and Johnson Water are a cooperative each with different percents and the water exchanges are based on demand and availability. Mr. Moon also feels that if there is a meter problem it should not be a problem to change them but it would mean a 30-60 day delay.

Commissioner Roberts asked if East Duchesne would be the supplier at this time. Mr. Moon replied yes but not at the 4-5 gallon per minute it would be 3-4 gallon per minute. Commissioner Mair asked what would happen if the tank were to get low. Mr. Moon stated at this time High Desert Water would be last on and first off to ensure the residential customers would have water. Commissioner Lindsay asked Mr. Moon how long it would take to fill the tank if it were to run dry. Mr. Moon stated it could take up to a month.

Commissioner Jorgensen feels, with the issues each company has the commission should recess the request from High Desert Water for further study.

Mr. Mecham stated there would not be any new water it is just a transfer from either Myton or Duchesne to the Bridgeland location if the request is approved.

There was further discussion about the Myton pipeline, Upalco well, meter issues and the existing customers.

Commissioner Roberts asked Mr. Mecham if they can operate on 200 gallons per minute. Mr. Mecham stated yes and they will be on a pressure valve system so the tank will shut off when the level gets too low.

Matt Fabrizio stated most water trucking companies haul out of Duchesne already because Myton is backed up most of the time.

Jeff Crozier, a Berry Petroleum representative stated, from an economic perspective anything on the west side hauls from the Duchesne location, and trucks serving Nutters, Brundage, and the forest hauls out of Myton. Mr. Crozier explained the safety issue in Myton should be considered should the commission decide not to approve this request.

There was further discussion by the Planning Commission regarding how much water is available, who will supply it, issues of being last on and first off the system and the risk involved and needing more information from both water companies before a decision is made on the applicant's request.

Commissioner Olsen asked Mr. Mecham what is the timeline on being ready for business. Mr. Mecham replied they want to be ready within 30 days. Mr. Mecham stated he cannot start work until they get approval and feels the issues before the commission can be resolved.

There was some discussion between the Planning Commission and Mr. Mecham about the safety concerns, headlight issues and driveway placement with Mr. O'Mara, the tree placement and berms or even do some fencing if need be. Mr. Mecham stated they will work with the residents and feels this venture can and will benefit Duchesne County.

Commissioner Roberts stated his concerns about the water district issues and being their problem and not the commissions. Commissioner Jorgensen feels the commission should table this hearing until further information is available and the water issues are resolved.

Commissioner Moon motioned to approve the Conditional Use Permit requested by High Desert Water Service LLC, subject to the conditions stated in the staff report with the 8th condition added during the public hearing. Commissioner Giles seconded the motion and it passed with a 6-1 vote with Commissioner Jorgensen voting against approval of the request.

C. Continuation of public hearing regarding Ordinance #12-308, containing proposed amendments of the text of the Duchesne County Zoning Ordinance, Section 8-13-5-4, regulating oil and gas drilling and production facilities.

Mr. Hyde referred the commission to their packets including some maps and a comment packet with various statements from oil companies and surface owners. Mr. Hyde explained Duchesne County proposes to amend its zoning ordinance, Section 8-13-5-4, regulating oil and gas drilling and production facilities. After highlighting sections of the ordinance and the changes herein relating to the rights of Duchesne County, the oil companies and the surface owners Mr. Hyde stated this request complies with the text amendment criteria in Section 8-1-7 of the Zoning Ordinance and is necessary to provide more consistency in the regulation of oil and gas well development on private property in the County.

Mr. Hyde recommended that the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Zoning Ordinance as set forth in proposed Ordinance #12-308.

Mr. Hyde asked if there were any questions. There were none so the hearing was opened to the public.

Lee Peacock, President of The Utah Petroleum Association, stated their appreciation to

the State of Utah and Duchesne County for allowing the oil and gas industry to operate in a community that is allowing us to develop our natural resources. Mr. Peacock indicated they have a short presentation that will be given by Doug Dennison, with Bill Barrett Corporation, dealing with the steady changes in the industry and the impact the proposed setback requirements this amendment will impose. Mr. Dennison has a series of slides to show the impact and stated some concerns about the surface and mineral owners, directional/horizontal drilling, environmental considerations and the oil companies being allowed to successfully carry out their lease agreements. After the presentation, Mr. Dennison stated the petroleum industry is committed to work with Duchesne County and hope the presentation helped with some understanding of the benefits of a smaller setback and would hope the commission recess this hearing until some more information can be gathered and all parties that are concerned can be heard.

Commissioner Mair asked if there were any questions. Mr. Hyde suggested that a representative of the surface owners be given the same opportunity to present their case to the commission.

Bill Walsh, a concerned citizen and proponent of the ordinance amendment stated the oil industry is economically a way of life now and for the future but as a surface owner he feels this ordinance should be voted on tonight and passed without any further delay to protect the surface owners from any future projects. Mr. Walsh feels there are many issues including well placement, directional drilling, safety of property owners, traffic issues, noise, dust and many environmental problems as well as the mineral interest holders. Speaking for the majority of the property owners, they would like at least 1000 feet from any residential property but they will settle for the 660 feet as long as it does not get any closer. Mr. Welch thanked Mr. Hyde for his willingness to work with all parties involved and get the various opinions needed for this amendment to work for everybody.

Todd Kleinfelder, a Fruiltland area resident, has 15 acres and a well location currently within ¼ mile of his property. Mr. Kleinfelder feels the ordinance should pass on a vote tonight and is in favor of at least the 660 feet setback.

Brad Lyle, Business and surface owner, comprising of 6000+ acres and many companies, has dealt with the oil companies in the past and feels with the technology of the industry there are many options for the oil companies to utilize, including horizontal and directional drilling to lessen the impact on the property owners. Mr. Lyle would like a setback of at least 1000 feet but, if the amendment is passed with the current verbage, at least there will be some protection for future development.

Stan Larsen, Bridgeland resident, is concerned about H2S gas and the quality of air that goes with the increased encroachment on to area residents.

Allan Smith, a mineral and surface owner thanked the commission and Mr. Hyde for their efforts to ensure equality to all involved. Mr. Smith feels the 660 foot setback is acceptable, feeling that the oil industry does benefit Duchesne County and its residents including the county roads and the area schools. As to the sanitary facilities, Mr. Smith would like to see that verbage changed to apply only to new locations, not all production locations.

Allan Rydman, a surface owner, stated he supports the efforts by everybody involved in pursuing an ordinance that will protect the property owners. Mr. Rydman feels that the 1000 foot setback would be ideal but 660 feet will be acceptable. Being concerned

about the increased noise, traffic, air pollution and the danger to wildlife in the area, Mr. Rydman feels the oil industry should be as concerned about the surface owners as much as they are about the mineral owners.

Joe Steed, a Real Estate Developer in Duchesne County, feels the Oil Industry does need some rules and regulations, stating they have had many issues with current and abandoned locations associated with the Ute Tribe and various oil companies. Mr. Steed has developed 18 miles of roads, a water system and built 180 homes and would like to see their investment protected by supporting the amendment as written.

Shirley Weathers, concerned property owner, urges the Planning Commission to move forward by voting and adopting ordinance # 12-308 to make the residents and taxpayers safe at their property and in their dwellings. Ms. Weathers and Mr. Walsh both are willing to comply with the public process and appreciate Mr. Hyde's efforts in making the amendment beneficial for all involved.

Commissioner Mair asked if there were any other comments in support of the ordinance. There were none so anyone in opposition was invited to speak.

Irene Hansen, Economic Development Director for Duchesne County, believes we live in a beautiful diverse county with many opportunities available to our residents. Twenty years ago there was 70% loss in assessed values, 35% poverty level, 15% unemployment and 70-80% of our children left the basin for work. Today Duchesne County is thriving, there is employment for our children, values in the county are up, our residents can afford insurance because of the oil industry and its many opportunities. Mrs. Hansen is concerned about both the mineral and surface owners and urges the commission to be wise and be careful about making decisions for the county's future growth.

Lowell Braxton, Western Energy Alliance representative, stated his concerns about the logistics of this ordinance, and the economic considerations of the setbacks that will effect the county and the oil industry. Mr. Braxton feels there needs to be flexibility and compromise between both the mineral and surface owners as well as Duchesne County.

Reed Durfey, Newfield employee, stated the costs that are associated with horizontal drilling which is fairly new to Utah. Until we get some rules and regulations from DOGM as to spacing, it is not a viable option by today's standards. The setbacks that are being proposed makes many locations uneconomical to drill.

Jake Woodland, an Industry Landman and property owner, stated there should be some clarification in the definition of a public building. Mr. Hyde feels the ordinance clarifies those issues with any building open to the public being at a 660 foot setback.

Scott Hacking, DEQ, speaking for TriCounty Health Department also, stated they are comfortable with dust control plans on a large scale and not wanting a separate plan for each well pad. Regarding the wastewater issues, TriCounty Health will enforce the current rules and they do not want to decide which location will need a sanitary facility except for during the drilling process. Both DEQ and Tri County Health will work with the county either way they decide to go.

Brad Hill, DOGM Permitting Manager, stated they do not have any objection to the ordinance as proposed and offered to answer any questions.

There was some general discussion with the Planning Commission, Mr. Hill and the audience on jurisdiction, setbacks, spacing requirements, H2S gas education and monitor requirements, directional/horizontal drilling costs vs economic risks, and DOGM's rules for contingency plans and ground water protection.

Allan Smith, surface owner and President of the Utah Royalty Owners Association, not only representing the interests of the mineral owners but also the surface owners, wondered about the flexible threshold. Mr. Peacock referred this question to Mr. Dennison, who stated the industry has more stringent efforts to minimize the impact to individual dwellings. Doug Dennison stated BBC understands the county's intent and goals for the future but want them to communicate and be flexible.

Gordon Moon, property and mineral owner, stated he hopes the oil companies and the land owners can respect each party and encourages each to work together.

Commissioner Mair asked if there were any other comments.

Commissioner Jorgensen asked about the mineral owners. Mr. Hyde stated the ordinance attempts to find some middle ground to benefit both the land and mineral owners.

Commissioner Mair stated we should recognize the efforts of the oil companies and their efforts to work with the land owners for the benefit of the mineral owners.

Commissioner Olsen asked if there could be negotiations to move a location closer to a dwelling. Mr. Hyde related certain cases in the county where that has happened.

There was some discussion with Mr. Hyde and the Planning Commission about the 660 foot setbacks and the need for balance for all parties involved.

Commissioner Jorgensen asked about prior agreements. Mr. Hyde replied this ordinance would only apply to new well sites.

Commissioner Giles is worried about the economic impact and wonders if these decisions would be hard to reverse. Mr. Hyde stated the County's intent is not to hurt our economy or to have too many restrictions to abide by. The ordinance can be amended again if need be.

Jeff Crozier, land owner and industry employee, stated there should be some consideration for the different needs for each party and feels DOGM already addresses most issues and the impacts companies deal with on a daily basis.

There was some discussion with the commission about recessing this hearing to allow time for additional review.

Debra Lindsay, area land owner, suggested the commission vote on the ordinance with the stipulation to revisit and make changes as needed.

Brad Lyle, suggested the commission take a vote and move forward.

Lowell Braxton feels the discussion has been excellent but does not feel the Planning Commission fully understands the ramifications and complications of voting for approval of this ordinance.

Commissioner Mair closed the public hearing.
Commissioner Jorgensen motioned to recess the hearing until the first Wednesday in June. Commissioner Lindsay seconded the motion. The motion failed 4-3.

Commissioner Moon motioned that the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Zoning Ordinance as set forth in proposed Ordinance #12-308. Commissioner Roberts seconded the motion and it passed with a 5-2 vote with Commissioners Jorgensen and Lindsay voting against the motion.

NEW BUSINESS:

A. Status report on Hagman conditional use permit.

After receiving a letter and many e-mails from Mrs. Richens, Mr. Hyde reviewed the time line on Mr. Hagman's conditions for approval and stated Mrs. Richens is wondering why he has received approval to proceed with the Conditional Use Permit without a fire hydrant, a building permit, a certificate of occupancy or a business license. Mr. Hyde stated Mr. Hagman did apply for the building permit, has reached an agreement with the fire Marshall to have the hydrant installed within 90 days and has received the certificate of occupancy, Mr. Hagman also applied for his business license and it is approved. Mr. Hagman does have the conditions taken care of but the time line of events was not as we envisioned. After some discussion the Planning Commission decided they will monitor the 90 day period for the fire hydrant installation and Mr. Hyde will keep the commission informed of his progress and possibly schedule Mr. Hagman for the June 5th planning meeting if the hydrant is not installed.

There was some discussion on the Paul Wells/Neil Wilkerson minor subdivision that could possibly come before the commission next month.

Minutes: Approval of February 6, 2013 minutes:

Commissioner Olsen moved to approve the minutes of February 6, 2013.
Commissioner Lindsay seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

None

Adjournment:

The meeting adjourned at 9:00p.m.