

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
May 7, 2014 - 5:00 p.m.**

**In Attendance were:**

Kent Olsen, Planning Commission, Chairman  
Ken Moon, Planning Commission  
John Jorgensen, Planning Commission  
Edward Roberts, Planning Commission  
Allen Lindsay, Planning Commission  
Brad Wells, Planning Commission  
Mike Hyde, Community Development Administrator  
CoraLee Sanchez, Planning Secretary

**Visitors:**

Shawn Welch	III Exploration II LP
Nicole Colby	III Exploration II LP
Paul Powell	III Exploration II LP
Joe Gifford	FUELogistics-CUP
Tali Haleua	FUELogistics-CUP
Mike Voorkink	FUELogistics-CUP
Bryce Haas	Bryce Haas-CUP
Carrie Haas	Bryce Haas-CUP
Jerry Turnbow	
Doyle Turnbow	
Joe Steed	III Exploration II LP
Jeff Schnars	III Exploration II LP
Steve Rowley	
RoJean Rowley-Duchesne City	
Nate Robinson	FUELogistics-CUP
Russell Sorenson	FUELogistics-CUP
Nicole Brinkerhoff	Bryce Haas-CUP
JT Martin	FUELogistics-CUP

Chairman Olsen opened the meeting at 5:00 PM and read the Rules of Order. He asked if any of the Planning Commission had any ex-parte contacts or conflicts of interest associated with any item on the agenda. There were none, so the meeting proceeded.

**PUBLIC HEARINGS:**

**A. Recommendation to the County Commissioners regarding a request by III Exploration II LP for an amendment of the Duchesne County Zoning map from Agricultural (A-2.5) to Agricultural (A-5). The subject property is 1,951.82 acres of land, located in Sections 7, 8, 17 and 18, Township 4 South, Range 4 West, in the Duchesne area.**

Mr. Hyde referred the commission to their packets and some aerial photos of the proposed rezone area and explained the rezone criteria to be considered. He stated that in January, 2014, the applicants purchased 1,951.82 acres of land from Duchesne Land LC (the developers of the Duchesne Mini Ranches and the Utah Mini Ranches). The applicant has leased the oil and gas mineral estate on the subject property (the mineral estate is held in trust by the federal government for the Ute Indian Tribe). In considering a rezone request, the commission must make findings associated with the following criteria:

**1. The overall community benefit of the proposed amendment.**

Mr. Hyde stated the overall community benefit of the proposed amendment would be the minimization of potential conflicts between energy development and recreational-residential development that could occur under the existing zone. The existing zone was established due to the plans of Duchesne Land LC to provide South Duchesne Culinary Water to the 2.5-acre lots in their “mini-ranch” development. In areas with such small lot sizes, there are certain conflicts that result when an oil well is placed in the vicinity. If the area were to develop under the existing zoning, owners of recreational-residential lots would certainly not be welcoming to oil wells. Changing the zoning to A-5 is appropriate as these lands will no longer be provided with culinary water no longer will be envisioned for subdivision.

**2. Consistency with the goals and policies of the general plan.**

Mr. Hyde read the following statement regarding private land use.

*“Duchesne County feels that residential, commercial, and industrial development on private land should be allowed to continue in a responsible manner and in locations that contribute to the economic and social well-being of County residents. The County will continually review and amend its existing ordinances as necessary to accurately and adequately reflect the land-use preferences of Duchesne County residents.”*

He stated the rezoning criteria of Section 8-1-7 of the zoning ordinance are established to aid the Planning Commission and County Commissioners in determining which land use districts are appropriate in specific areas of the county. If those criteria are met, it can be presumed that the proposal will be consistent with the general plan.

**3. Compatibility with the neighborhood.**

Mr. Hyde explained lands to the north, east and south of the existing mini-ranches development are zoned A-5, which is the default zone in much of the county where culinary water service is not available. Lands to the west are tribal lands that are not zoned by the county. Changing the zoning as requested would help increase the distance between recreational-residential development and oil wells needed to extract

the minerals and thus increase compatibility between residential uses and energy development activities.

**4. What changes have occurred in the neighborhood since the zoning ordinance and map or latest amendment was enacted.**

Mr. Hyde stated the major change that occurred in the neighborhood was the recent acquisition of the subject lands by the applicant; thus removing them from consideration of subdivision to retention in large tracts to provide a buffer between energy development and residential uses. With energy development on federal lands becoming more restricted by red tape, energy development has been moving onto private lands in the county. This change of land ownership will help prevent inevitable conflicts when oil and gas wells encroach onto private lands with split estate (commonly private surface with federal or tribal minerals).

**5. Whether a change in the use for the affected properties will unduly affect the uses of adjoining properties.**

Changing the zoning or the described area will change its use from a future recreational-residential subdivision with 2.5-acre lots to lands that will be maintained in large tracts, with more open space and a spaced pattern of oil wells. Changing the zone will enable the applicant to maintain the greatest spacing possible between oil wells and residential lots. Fewer “adjoining properties” would be impacted by energy development as a result.

**6. Consider the interest of the applicant.**

Mr. Hyde stated the applicant indicated they acquired the subject lands to reduce the conflicts associated with energy development on lands containing 2.5-acre residential lots. Changing the zoning will reduce the number of affected lots and give the applicant more flexibility in accessing the minerals in this area.

Mr. Hyde recommended that the Planning Commission adopt the findings and conclusions and recommend the County Commissioners’ approval of this rezone, requested by III Exploration II LP, changing 1,951.82 acres of land from Agricultural (A2.5) to Agricultural (A-5).

Mr. Hyde asked if there were any questions of the staff report.

Commissioner Olsen asked what the advantages of the rezone would be. Mr. Hyde explained the applicant would not have to get Conditional Use permits for any oil and gas wells if the 2.5 acre zone change is granted.

Commissioner Lindsay asked about the greenbelt status. Mr. Hyde stated the greenbelt status is not criteria for the rezone process and was not sure of the taxing status at this time.

With no other questions of staff, Commissioner Olsen invited the applicant to speak.

Paul Powell, applicant and President of III Exploration II LP, explained they have leased the minerals in this area and are trying to minimize the conflict between the 2.5 acre

residential zone and their need to expand their oil and gas leases. Mr. Powell stated it was easier to purchase the land and change the zoning than to encroach on the residential areas. He thanked Mr. Hyde for his efforts in preparing the staff report and asked the commission if there were any questions. There were none.

Commissioner Olsen asked if there was anyone in the audience to speak either in favor or opposed to the applicant's request.

Joe Steed, an adjoining land owner, stated Duchesne Land LLC sold the property to Petroglyph and are hoping this venture will be good for both the property owners and the oil companies.

With no other speakers, the public hearing was closed.

Commissioner Moon motioned to adopt the findings and conclusions and recommend the County Commissioners' approval of this rezone, requested by III Exploration II LP, changing 1,951.82 acres of land from Agricultural (A2.5) to Agricultural (A-5). Commissioner Lindsay seconded the motion and it passed unanimously.

**B. Request by Bryce Haas for a Conditional Use Permit to locate a welding and fabrication shop at 5053 South Highway 87, (Lot 18-1, Uintah View Ranches Subdivision, owned by Christopher & Krystal Margis) in the Blue Bench area north of Duchesne.**

Mr. Hyde referred the planning commission to their packets and some site photos noting the residential lots nearby and stated the applicant is proposing to construct a welding & fabrication shop on the Blue Bench north of Duchesne. The site would also offer open storage space for pipe and trailers used at drilling sites. Central Utah Welding & Fabrication currently is based in the Mayfield, Utah area in Sanpete County and would like to establish a Duchesne County location serving the basin energy industry. Commercial uses such as this are a conditionally-permitted use in the agricultural-residential zones.

The conditional use criteria to be considered include the following.

- 1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or general welfare.**

Mr. Hyde stated the proposed use 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 Utah Department of Transportation regulates access to state highways to ensure that access points are placed at safe locations. In this case, UDOT has refused direct access to Highway 87 as the property has frontage on a county road [5000 South] on its north side. Thus, the applicant will need to obtain an access permit from the County Road Department prior to the issuance of a building permit for the project and prior to any driveway work being commenced.

The TriCounty Health Department regulates water and wastewater systems to protect public health. In this case, the facility will receive water from the East Duchesne Water District. Prior to the issuance of a building permit for the shop, the applicant will need to receive a wastewater permit from the health department. Site excavation and grading raises the potential for stormwater and erosion issues. The Utah DEQ requires a Construction Stormwater permit for excavations of this size. Evidence of compliance with Utah DEQ Construction Stormwater requirements should be a condition of the granting of this permit.

The property is located near the flight path into the Duchesne Municipal Airport. The applicant should design the proposed shop to avoid rooftop glare or other conflicts with the Duchesne Airport Master Plan.

**2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.**

Mr. Hyde indicated 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.

**3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.**

Mr. Hyde stated the subject property is 4.88 acres in size, which is of sufficient size to locate the proposed welding shop. 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.

**A. 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 indicated that a security fence will be erected around the facility, with a gate at the 5000 South access(es) and will need to set the gate back from the county road to the distance required by the Road Department. There is no irrigation water at this location; however, xeriscape (non-water consumptive) landscaping using decorative rock and boulders should be considered to enhance the appearance of the property. The series of power lines on the west side of the parcel ensure that the building will have an adequate setback from Highway 87. If noise and/or dust from the facility become a nuisance for residents nearby, the applicant must mitigate such impacts by the installation of earthen berms, vegetative buffers or other mitigation measures.

**B. 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.**

Mr. Hyde stated the vehicle movement and parking 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 5000 South, which is scheduled to be paved soon. The Road Department must issue an access permit for the new driveway(s) before installation and will ensure that the westerly driveway is set back an adequate distance from Highway 87. Handicap-accessible parking may be required by the Building Code. Parking shall be provided at the rate of at least one space per 600 square feet of floor area in the building.

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

A property survey reveals that the abutting highway right of way is 100 feet wide and no additional right of way has been requested by UDOT. Water will be provided to the shop by the East Duchesne Water District. Sewage disposal would be handled by a private wastewater system operated by permit from the TriCounty Health Department. Fire protection will be provided from the Duchesne City fire station, with water hauled from the station supplemented by water from an existing fire hydrant located on the south side of 5000 South along this property frontage.

**D. Signs: Regulation of signs.**

Mr. Hyde stated business signs may be placed on the premises. 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.

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

The location of the proposed use on the property will contribute to noise associated with truck and equipment movement. Aerial photos show the nearest homes to be located about 900 feet to the east of the proposed shop building, on the Margis and Bird

properties.

The county nuisance ordinance sets forth the following noise standards for motor vehicles:

**G. Noise Disturbances:**

1. *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.*

Mr. Hyde explained 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 sound barriers such as berms or vegetation strips. Dust could be an issue since the parking areas are 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.

Mr. Hyde recommended that the Planning Commission approve the Conditional Use Permit requested by Bryce Haas, Central Utah Welding & Fabrication, subject to the following conditions:

1. Before beginning site excavation and grading, the applicant shall provide the county with evidence of compliance with Utah DEQ Construction Stormwater permit requirements.
2. Prior to starting construction, the applicant shall:
  - a. Obtain a wastewater permit from the TriCounty Health Department.
  - b. Obtain a building permit and a culinary water connection.
  - c. Obtain an assurance from Duchesne City that the building plans do not conflict with the provisions of the Duchesne Municipal Airport Master Plan.

- d. Obtain an access permit from the Duchesne County Road Department for access to 5000 South. The entrance gate shall be set back from the county road to at least the minimum distance required by the Road Department.
3. Prior to opening for business, the applicant shall:
  - a. Construct the parking and vehicle movement areas with adequate base rock and gravel top course to prevent rutting of the surface.
  - b. Obtain a Duchesne County business license.
  - c. Provide xeriscape landscaping on the site to enhance the appearance of the facility.
4. Applicant shall take steps, as approved by the Road Department, to minimize the tracking of rock and mud onto 5000 South.
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. The applicant shall restrict operating hours to those permitted by the Noise Disturbance section of the Duchesne County Nuisance Ordinance (7 AM to 9:30 PM). Should noise complaints be received, the applicant shall construct earthen berms, plant vegetative buffers or enact other mitigation measures to reduce noise.
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.

Mr. Hyde asked if there were any questions of the staff report.

Commissioner Olsen asked Mr. Hyde about the pavement on 5000 South and any airport issues. Mr. Hyde noted that 5000 South is scheduled to be paved this year. The main issue with the airport at this location would be roofing that does not create glare.

With no other questions Commissioner Olsen invited the applicant to speak.

Bryce Haas, applicant and owner of Central Utah Welding and Fabrication, stated they have been working here about a year and are ready to have a shop and office in the basin. They are hoping to minimize the traffic impact to the residents and the locations they serve by operating and storing their supplies in the area instead of transporting everything. Mr. Haas stated they will comply with the conditions for approval and are ready to move on with this project.

With no other questions of Mr. Haas and no one else to speak in favor of the application, Commissioner Olsen asked if there was anyone in the audience opposed to the application.

Nicole Brinkerhoff, a resident on 5000 South, stated she is representing 5 or 6 families including herself and husband. Their concerns are the increased traffic with the commercial activity in the area, the safety of the children with the trucks driving faster than need be, and the decreased property values due to the oil and gas industry. Mrs.



Brinkerhoff is opposed to this location for a shop and yard because it is a residential area and not an industrial area.

Mr. Haas in rebuttal explained by shuttling the crews, pipe and other supplies in smaller trucks vs semi's there will be a much less impact in 5000 south and the residents in the area. They want to be good neighbors and will do all they can to minimize the impact to those families.

There was some conversation about the power lines and the amount traffic from highway 87 that would use 5000 South going east of this site.

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

Commissioner Lindsay motioned to approve the Conditional Use Permit requested by Bryce Haas, Central Utah Welding & Fabrication, subject to the conditions stated in the staff report. Commissioner Jorgensen seconded the motion and it passed unanimously.

**C. Request by FUELogistics for a Conditional Use Permit to locate a black and yellow wax crude oil upgrade facility at 21193 W 2500 South, in the NE ¼ of Section 36, Township 2 South, Range 5 West in the Blue Bench area north of Duchesne.**

Mr. Hyde stated the applicants are proposing to construct a "low profile fluid catalytic cracker" known as a petroleum upgrading facility to process waxy crude produced in the basin; making it easier to transport and refine. Commercial uses such as this are a conditionally-permitted use in the agricultural-residential zones. The applicants expect a three to six-month pilot and testing phase. If successful, the facility could expand to process 36,000 barrels of crude oil per day and employ up to 100 people. The envisioned facility is estimated to have a value of about \$50 million.

The Conditional Use criteria to be considered include the following:

- 1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or general welfare.**

Mr. Hyde explained 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 safe access, wastewater disposal, stormwater control, air quality, dust control and noise.

The Utah Department of Transportation regulates access to state highways to ensure that access points are placed at safe locations. In this case, the facility would receive access to State Highway 87 from an existing Class D road that serves energy development in the area. The applicant will need to obtain an access permit from UDOT prior to the issuance of a building permit for the project and prior to changing the use of the existing approach to the highway. Depending on the level of traffic, UDOT may require the construction of acceleration, deceleration and/or turn lanes to serve the

facility.

The TriCounty Health Department regulates water and wastewater systems to protect public health. In this case, during the pilot and testing phase, it would be reasonable to dispose of wastewater using portable toilets. However, if the facility expands to the envisioned size, the applicants will need to obtain a wastewater permit from the health department and install the associated septic system and toilet facilities. Site excavation and grading raises the potential for stormwater and erosion issues. The Utah DEQ may require a Construction Stormwater permit. Evidence of compliance with Utah DEQ Construction Stormwater requirements should be a condition of the granting of this permit. The applicants are working with the Utah DEQ Division of Air Quality (UDAQ) to assure that the facility receives any required air quality permits. Once the final design of the facility is completed, the applicants plan to submit an air emissions summary to UDAQ for their review and determination whether an approval order is required for the facility or if it will receive a small source exemption.

**2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.**

The Duchesne County General Plan 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.

**3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.**

Mr. Hyde stated the subject property is 6.06 acres in size, which is of sufficient size to locate at least the initial phases of the proposed upgrader facility. Locating such a facility in an agricultural- residential zone raises the possibility of safety, noise and dust concerns in the future, in spite of the fact that the closest homes are now located over 4,000 feet to the northwest and 5,500 feet to the southwest. Conditions should be imposed to require dust and noise mitigation measures if such issues arise in the future. Fire safety concerns will be addressed below.

Some additional conditions for approval include:

**A. 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 there is no irrigation water at this location; however, xeriscape (non-water consumptive) landscaping using decorative rock and boulders should be considered to enhance the appearance of the property. Such landscaping should not be required during the testing phase, but should be installed if the facility moves beyond that phase. The applicant has indicated that fencing will be installed initially to enclose the area immediately around the plant pad (about 55 x 70 feet in size). If the facility moves beyond the testing phase, the applicant plans to fence the property boundaries.

If noise and/or dust from the facility become a nuisance for residents in the future, the applicant must mitigate such impacts by the installation of earthen berms, vegetative buffers or other mitigation measures.

**B. 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.**

Vehicular ingress and egress would initially be via an existing oil well access road extending west from Highway 87. The applicants are coordinating with UDOT Region 3 regarding the need for access permits or highway improvements associated with the test phase and full development of this facility. The applicants have stated a willingness to improve this access road with pavement if the test phase proves successful. Parking areas will have a gravel surface to begin; however, pavement is anticipated in the future. The site plan showing the crude oil unloading and loading areas depict truck turn-around movements extending north onto property owned by EP Energy. The county understands that the applicants traded easements with EP Energy to allow truck movements across their adjoining parcels by each party.

**C. 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 explained the road access would be via Highway 87 to an existing oil well access road extending west of the highway. During the testing phase, traffic would be relatively low, with 5 to 10 crude trucks per day and about ten passenger vehicle trips for employees and contractors. The applicants will need to meet UDOT Region 3 standards and obtain an access permit to change the use of the existing highway access. If the facility successfully moves beyond the testing phase, the amount of traffic would substantially increase. It is anticipated that UDOT will then require intersection improvements at this location to provide safe ingress and egress.

Sewage disposal would be handled during the testing phase by portable toilets or holding tanks as approved by the health department. In the full development phase, a private wastewater system operated by permit from the TriCounty Health Department will be necessary.

Fire protection will be provided from the Duchesne City and other local fire stations, with water hauled from the stations supplemented by water stored at the site. The applicant has expressed a willingness to provide fire prevention measures in accordance with Fire Department standards and maintain four, 21,000 gallon, water tanks at the site. The Fire Department will also require posting of information near the facility entrance regarding the types of fluids, materials and chemicals being used at the site.

**D. Signs: Regulation of signs.**

Mr. Hyde stated business signs may be placed on the premises. 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. Signage placed off the premises and visible from Highway 87 may require a permit from UDOT Region 3. If such signage exceeds 32 square feet in area, it will require a conditional use permit from the county.

**E. 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 this location and proposed use on the property will contribute to noise associated with truck and equipment movement. Aerial photos show the nearest home to be located about 4,000 feet to the northwest.

The county nuisance ordinance sets forth the following noise standards for motor vehicles:

*G. Noise Disturbances:*

- 1. 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 and noting that 24-hour per day operations are anticipated, if legitimate complaints are received by the county, the applicant may need to take additional steps to reduce noise, such as the provision of sound barriers such as

berms or vegetation strips. Dust could be an issue since the parking areas are not anticipated to be paved during the testing phase. 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. The applicant has expressed a willingness to pave the access road after successful completion of the testing phase.

**F. Operating Hours: The regulation of operating hours for activities affecting normal schedules and functions.**

The applicant has indicated that operating hours will be 24 hours per day, seven days a week, with three shifts, to provide for safety and security at the facility. Given the distance between the proposed facility and the nearest residences, this should not adversely affect normal household schedules and functions of any property owner. These operating hours could become an issue if homes are located nearby in the future.

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

1. Before beginning any site excavation and grading, the applicant shall provide the county with evidence of compliance with Utah DEQ Construction Stormwater permit requirements.
2. Prior to starting construction, the applicant shall:
  - a. Obtain a wastewater permit, or approval of temporary wastewater facilities (holding tanks or portable toilets), from the TriCounty Health Department. Upon successful completion of the testing phase, any temporary wastewater disposal facilities shall be replaced with a permanent system.
  - b. Obtain a building permit for temporary and permanent structures.
  - c. Obtain an access permit from UDOT Region 3.
3. Prior to opening for business, the applicant shall:
  - a. Construct the parking and vehicle movement areas with adequate base rock and gravel top course to prevent rutting of the surface. Upon successful completion of the testing phase, pavement shall be provided from Highway 87 to and within the facility.
  - b. Obtain a Duchesne County business license.
  - c. Meet all requirements of the Utah DEQ, Division of Air Quality.
  - d. Meet all requirements of Duchesne County Fire & Emergency Management Director, including provision of water storage.
  - e. Fence the perimeter of the facility for safety and security. Upon successful completion of the testing phase, the applicant shall fence the perimeter of the property.

4. Applicant shall take steps, as approved by UDOT Region 3, to minimize the tracking of rock and mud onto State Highway 87.
5. Applicant shall comply with UDOT Region 3 requirements for improvements to Highway 87 (such as turn lanes and deceleration or acceleration lanes) when traffic generated by the facility warrants such improvements, according to UDOT standards.
6. On-premise or off-premise advertising is 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. The applicant shall also obtain any permit required by UDOT Region 3 for off-premise advertising visible from Highway 87.
7. Should noise complaints be received in the future, the applicant shall construct earthen berms, plant vegetative buffers or enact other mitigation measures to reduce noise.
8. The applicant shall make sufficient applications of water or other dust inhibitors during dry and windy periods to prevent dust from becoming a nuisance.
9. Upon successful completion of the testing phase, the applicant shall provide xeriscape landscaping on the site to enhance the appearance of the facility.

Mr. Hyde referred the commission to their packets and some site photos and a letter from the applicant explaining the future of FUELogistics and asked if there were any questions of the staff report. There were none.

Commissioner Olsen invited the applicant to speak.

Mike Voorkink, a FUELogistics representative, thanked Mr. Hyde and the Planning Commission for their time, efforts and willingness to work with them and stated they are willing to comply with the rules and conditions for approval. Mr. Voorkink read a statement about their company values, work ethic and what they hope to accomplish for the future both for their company and Duchesne County. They are excited and ready to move forward and asked if there were any questions.

There was some discussion about where they will get the product, how they will treat it and the state regulation and permits involved in the upgrader process.

With no other questions and no one else in the audience to speak for or against the proposal the public hearing was closed.

Commissioner Jorgensen motioned that the Planning Commission approve the Conditional Use Permit requested by FUELogistics, Inc., subject to the conditions stated in the staff report. Commissioner Moon seconded the motion and it passed unanimously.

**NEW BUSINESS:**

None

**Minutes: Approval of April 2, 2014 minutes**

Commissioner Jorgensen moved to approve the minutes of April 2, 2014.  
Commissioner Lindsay seconded the motion and it passed unanimously.

**Commission Comments and Staff Information Items**

Mr. Hyde stated there should be 2 or 3 hearings next month; a scrap yard in the Vista Valley area and a Nielson Construction gravel pit and crusher site on North Myton Bench.

**Adjournment:**

Meeting adjourned at 6:02 p.m.