



62 All construction and development for energy production purposes on private lands in the County  
63 shall be carried out in accordance with the following standards and specifications. In the event of  
64 conflict between this section and the statutes, rules, orders and decisions of the Utah Division of  
65 Oil, Gas and Mining (DOG M) and Utah Board of Oil, Gas and Mining (BOGM), the statutes,  
66 rules, orders and decisions of DOGM/BOGM will control.

- 67
- 68 A. Compliance with Applicable Regulations: All oil and gas exploration and production  
69 activities shall comply with applicable Federal, State and local regulations.  
70
- 71 B. Surface Disturbance: Surface disturbance, including loss or damage to agricultural lands,  
72 irrigation systems, crops or surface improvements due to oil and gas drilling  
73 facilities/production, including roadways and pipelines, shall be limited to that which is  
74 reasonably necessary and practical to extract minerals. Operations shall be designed to  
75 allow the Drill Site Owner reasonable use of the surface. Nothing in this paragraph shall  
76 prohibit oil and gas drilling facilities/production, including roadways and pipelines, when  
77 the associated surface disturbance is addressed by the terms of a Surface Use Agreement  
78 or other authorization to proceed allowed by law.  
79
- 80 C. Road Encroachment permits: An encroachment permit is required from the County  
81 Public Works Department for new road approaches to a county road, for excavations  
82 within the County's road right of way associated with oil and gas drilling  
83 facilities/production or for the placement of pipelines (surface or buried) within the  
84 County road right of way.  
85
- 86 D. Painting Well Production Facilities: Well production facilities, such as pumps, tanks,  
87 separators and appurtenances, shall be painted to blend with the surroundings, with the  
88 color choice to be made from the standard BLM color palette with Drill Site Owner  
89 concurrence.  
90
- 91 E. Lighting: Well Site lighting shall be oriented and/or installed with shielded fixtures so  
92 that light is directed toward the work area in accordance with safety standards but reduces  
93 glare on nearby roads or on lands used for residential purposes.  
94
- 95 F. Dust Control: Operators of oil and gas drilling and production facilities shall control dust  
96 at each individual Well Site and along well access roads, in accordance with the Fugitive  
97 Dust Rule contained in R307-205 of the Utah Administrative Code.  
98
- 99 G. Sanitary Facilities: Well Sites, during the drilling and completion phases, shall be served  
100 by sanitary facilities for employees and/or contractors, as required by Utah  
101 Administrative Code R614-2.3.  
102
- 103 H. Staking: All surface owners shall be notified of Well Site, pipeline and access road  
104 survey staking operations affecting their property prior to such staking taking place.  
105
- 106 I. Noise: Well Site production facility engines shall be powered by electricity when located  
107 within six hundred sixty feet (660') of a primary or secondary dwelling, or building open  
108 to the public provided that the power company has adequate capacity and availability of  
109 easements to supply such power. Engines located at Well Sites (where the wellhead is  
110 within 660 feet of a primary or secondary dwelling or building open to the public) that  
111 are not served by electricity shall be muffled or situated to mitigate noise impacts.  
112
- 113 J. Minimum setback: In the interest of public health, safety and welfare, no wellhead shall  
114 be located closer than 300 feet to the exterior wall of a primary or secondary dwelling as  
115 defined in the county tax rolls or to the exterior wall of a building open to the public,  
116 unless such minimum setback is waived in writing by the Drill Site Owner or Off Site  
117 Owner.  
118
- 119 K. Location of Well Site Equipment: To the extent practical, Well Site production  
120 equipment, such as but not limited to, tank batteries, flares and heater treaters, shall be  
121 consolidated at centralized locations. If centralized equipment is not practical, such

122 equipment shall be located, when possible, on the opposite side of the Well Site from the  
123 nearest primary or secondary dwelling or building open to the public owned by a Drill  
124 Site Owner or Off Site Owner, unless such owners waive this requirement in writing.

125  
126 L. H<sup>2</sup>S Gas: Operators of Well Sites in areas where H<sup>2</sup>S gas is likely to be encountered shall  
127 provide the Drill Site Owner and Off Site Owner with H<sup>2</sup>S gas safety information before  
128 drilling commences or upon discovery of H<sup>2</sup>S gas afterward.

129  
130 M. If a Well Site (measured from the wellhead) will be located six hundred sixty (660) feet  
131 or closer to an existing primary or secondary dwelling (as designated in the county tax  
132 rolls) or from any building open to the public, the following shall apply:

133  
134 i) If the Drill Site Owner owns all dwellings or buildings open to the public  
135 within six hundred sixty (660) feet of the wellhead, the surface use  
136 agreement or other contractual agreement between the Drill Site Owner  
137 and the operator, together with the requirements of this ordinance or a  
138 conditional use permit granted under this ordinance, shall govern the  
139 location and development of the Well Site.

140  
141 ii) If the Drill Site Owner is not the owner of all dwellings or buildings open  
142 to the public within six hundred sixty (660) feet of the wellhead, the  
143 following process pertaining to Off Site Owners shall be followed:

144  
145 a) The operator shall notify, by certified mail, the Off Site Owner of the  
146 operator's intent to locate the Well Site a minimum of forty-five (45)  
147 days prior to submitting an application for permit to drill (APD) to  
148 DOGM and offer to discuss the Well Site location and mitigation  
149 measures with the Off Site Owner;

150  
151 b) The operator shall consult in good faith with the Off Site Owner  
152 regarding the location of the Well Site and reasonable actions to  
153 mitigate impacts to the Off Site Owner. Examples of impacts that may  
154 need to be mitigated include, but are not limited to, the following:

- 155 (1) Noise  
156 (2) Lighting  
157 (3) Dust  
158 (4) Site security  
159 (5) Emergency notification procedures  
160 (6) Location of roads, pipelines, and production equipment

161  
162 c) If the Off Site Owner does not respond to the operator within fifteen  
163 (15) days of the date when the notice above was mailed, the operator  
164 may proceed with filing an application for permit to drill (APD) for the  
165 proposed Well Site location.

166  
167 d) If the Off Site Owner does respond, the operator or designee shall  
168 notify the County of the results of the consultation and whether an  
169 agreement regarding mitigation has been reached. If an agreement is  
170 reached, the operator or designee may proceed to file the application  
171 for a permit for drill (APD). If an agreement is not reached, the  
172 operator or designee and Off Site Owner are encouraged to mediate  
173 their differences.

174  
175 iii) In the A-2.5, R-1, R ½ Zones, the following additional requirements shall  
176 apply:

177  
178 a) The operator shall apply for an administrative conditional use permit  
179 that addresses the standards and mitigation measures outlined above.

181 b) Notwithstanding the requirements of sections 8-13-2 and 8-13-3 of this  
182 title, the zoning administrator is given the authority to grant or deny  
183 conditional use permits for oil and gas drilling facilities/production in  
184 the A 2.5, R-1, and R ½ zones. If an operator’s conditional use permit  
185 application complies with the provisions of this chapter the  
186 administrator shall approve the conditional use permit. If an operator’s  
187 conditional use permit application does not comply with the provisions  
188 of this chapter, the administrator may deny the conditional use permit  
189 or approve the conditional use permit providing additional conditions  
190 to reasonably address the non-compliance. If the conditional use  
191 permit does not comply with the provisions of this chapter due to a  
192 conflict with the statutes, rules, orders and decisions of the  
193 DOGM/BOGM, the administrator shall approve the permit. Such  
194 administrative decisions may be made after seven (7) days mailed  
195 notice to property owners within three hundred feet (300’) of the  
196 boundaries of the Drill Site Owner’s property. Decisions of the zoning  
197 administrator made under this section may be appealed to the planning  
198 commission within ten (10) days of the date the decision is mailed.  
199 Decisions of the planning commission may be appealed to the county  
200 commissioners as set forth in Section 8-16-3 of this title.

201  
202 iv) In addition to the requirements of the conditional use permit, the surface  
203 use agreement or other contractual agreement entered into between the  
204 Drill Site Owner and the operator shall govern the Well Site location and  
205 mitigation measures to be implemented. The operator and the Drill Site  
206 Owner shall not be required to disclose the provisions of any surface use  
207 agreement or other contractual agreement to the administrator nor may the  
208 conditional use permit application require an operator or Drill Site Owner  
209 to include such agreement or the provisions of the same.

210  
211 v) The provisions of this Chapter shall not apply to any current or pending oil  
212 and gas drilling facilities/production [already subject to an existing  
213 contractual agreement (e.g., surface use agreement, lease) that specifies  
214 the location of well pads or associated with an application for a permit to  
215 drill filed with the Utah Division of Oil, Gas and Mining]. The provisions  
216 of this Chapter apply only to oil and gas drilling facilities/production  
217 which are applied for and contractual agreements entered into after the  
218 effective date herein.

219  
220 vi) Notwithstanding the foregoing, if future development of any primary or  
221 secondary dwelling (as designated in the county tax rolls) or any building  
222 open to the public, encroaches within six hundred sixty (660) feet of an  
223 existing well pad, the requirements of this section shall not apply.

224  
225 vii) Nothing in this Chapter shall require an operator to compensate a Drill  
226 Site Owner or Off Site Owner for any mitigation pursuant to this chapter.  
227 However, all Surface Use Agreements or other contractual agreements  
228 between the Drill Site Owner or Off Site Owner and the operator shall  
229 clearly state which party shall cover the costs of implementing the  
230 mitigation measures agreed to by the parties.

231  
232 **SECTION 4.** Section 8-6-1 of Title 8, Zoning Regulations, is amended as follows:

233  
234 **8-6-1: TABLE OF USES:**

235 A. Scope: The table of uses identifies the uses allowed within each zoning district of the  
236 county.

237 B. Purpose: The purpose of the table of uses is to implement the goals and policies of the  
238 county general plan. The table of uses identifies uses allowed as a permitted use

239 (identified as "P" in the table of uses) and uses allowed as a conditional use (identified as  
 240 "CU" in the table of uses). Uses not identified as either a permitted or conditional use are  
 241 deemed to be a prohibited use (identified as "X" in the table of uses).

242 C. Zoning Districts Described:

243  
 244 A-10 Agricultural 10 acres minimum  
 245

246 A-5 Agricultural 5 acres minimum  
 247

248 A-2.5 Agricultural 2.5 acres minimum  
 249

250 R-1 Residential 1 acre minimum  
 251

252 R-<sup>1</sup>/<sub>2</sub> Residential <sup>1</sup>/<sub>2</sub> acre minimum  
 253

254 C Commercial  
 255

256 I Industrial  
 257

258 TABLE OF USES

	A-5, A-10	A-2.5	R-1	R- <sup>1</sup> / <sub>2</sub>	C	I
Accessory dwelling	P	P	P	CU	X	X
Agricultural experiment station/field station	P	P	P	X	P	X
Agricultural retail sales/products processing and storage	P	P	CU	X	P	X
Airport	X	X	X	X	CU	P
Airstrip	CU	X	X	X	CU	P
Assisted care center	CU	CU	CU	CU	P	X
Bakery	X	X	X	X	P	X
Bank	X	X	X	X	P	X
Bed and breakfast	CU	CU	CU	CU	P	X
Billboard	CU	X	X	X	P	P
Boarding house	CU	CU	CU	CU	P	X
Building material or garden store	CU	CU	CU	X	P	CU
Cabinet shop	X	CU	CU	X	P	P
Campground	CU	CU	CU	X	P	X
Car wash	X	CU	CU	X	P	P

Cemetery	P	X	X	X	P	P
Child daycare facility	P	P	P	P	P	X
Commercial uses	CU	CU	CU	CU	P	P
Composting facility	P	CU	X	X	P	P
Concentrated animal feeding operations (CAFO), provided they are a minimum of 10,000 feet from incorporated towns, platted subdivisions, public or private water wells, public springs, and public water intakes and 1,000 feet from property lines	CU	X	X	X	X	X
Contractor shop/office	CU	CU	CU	CU	P	P
Convenience store	X	CU	CU	CU	P	P
Distribution center	CU	CU	CU	X	P	P
Dwelling, multiple-family	CU	CU	CU	CU	CU	X
Dwelling unit: one-, two-, three- or four-family	P	P	P	P	P	X
Emergency care facilities	CU	CU	CU	X	P	P
Exotic animals	X	X	X	X	X	X
Farm	P	P	P	X	P	P
Fish farm	P	CU	X	X	P	X
Golf course	CU	CU	CU	X	P	X
Guest ranch	CU	CU	X	X	P	X
Home occupations (*see definition of "home occupation" in section <a href="#">8-2-1</a> of this title for a list of home occupations permitted outright or conditionally in these zones)	P	P/CU*	P/CU*	P/CU*	P	P
Indoor recreation	CU	CU	CU	CU	P	CU
Junkyard	CU	X	X	X	CU	P
Kennel	P	CU	X	X	P	P
Labor camp	CU	CU	X	X	P	P
Landfill	X	X	X	X	X	P
Laundry, self-service	X	CU	CU	CU	P	P
Livestock auction facility	P	X	X	X	P	X
Major facility of a public utility/utility service facility	P	P	P	CU	P	P
Manufactured or mobile home park	CU	CU	CU	CU	CU	X

Meat or poultry processing facility	P	CU	X	X	P	P
Membership club	P	CU	CU	CU	P	P
Motel/hotel	X	CU	CU	CU	P	X
Nursery	P	P	P	X	P	P
Nursing home	X	CU	CU	CU	P	X
Oil and gas drilling facilities/production *See standards in Section 8-13-5-4	P*	CU*	CU*	CU*	P*	P*
Planned unit development (PUD)	P	P	P	X	P	X
Power plant	CU	CU	X	X	CU	P
Private club	X	X	X	X	P	X
Produced water disposal facility	CU	X	X	X	X	CU
Public/private educational facility, place of religious assembly (church), veterinary clinic and hospitals	P	P	P	P	P	P
Public uses	P	P	P	P	P	P
Reception center	X	CU	CU	CU	P	X
Recreational vehicle park	CU	CU	CU	CU	CU	X
Recycling processing/collection facility	CU	CU	CU	CU	P	P
Residential facility for persons with a disability/elderly persons	P	P	P	P	P	X
Resort lodge	CU	CU	CU	CU	P	X
Resource family home	P	P	P	P	P	X
Restaurant	X	CU	CU	CU	P	P
Retail store	CU	CU	CU	CU	P	P
Sawmill	CU	X	X	X	P	P
Secure treatment facility	X	X	X	X	CU	X
Sexually oriented business, provided they are a minimum of 1,000 feet from a place of religious assembly, public park or public or private school accredited by the state, public libraries, public buildings, and daycare centers	X	X	X	X	CU	CU
Surface or subsurface mining	CU	X	X	X	CU	CU
Telecommunications site/facility	P	P	P	P	P	P
Temporary use/stands for the retail sales of produce grown on the premises	P	P	CU	X	P	P

Unlicensed motor vehicle, as not herein defined as a "junkyard"	P	CU	CU	CU	P	P
Vehicle service center, sales, rental	CU	CU	CU	CU	P	P

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**SECTION 5. Severability.**

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

**SECTION 6. Effective Date.** This ordinance shall become effective fifteen (15) days after publication.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

DUCHESNE COUNTY  
 BOARD OF COMMISSIONERS

\_\_\_\_\_  
 Diane Freston  
 County Clerk/Auditor

\_\_\_\_\_  
 Ronald Winterton, Chairman

\_\_\_\_\_  
 Kirk J. Wood, Member

\_\_\_\_\_  
 Kent R. Peatross, Member