

**Planning Commission Meeting
County Administration Building - Duchesne, UT
August 3, 2022**

In Attendance were:

Connie Sweat, Planning Commission Vice Chairman
Bobby Drake, Planning Commissioner
Shilo Hatch, Planning Commissioner
Ken Richens, Planning Commissioner

Mike Hyde, Community Development Administrator
Mike Gottfredson, Assistant Community Development
Becky Broadhead, Executive Secretary of Community Development

Visitors

Scott Duncan
Steve Vincent
Susan Hamilton

Vice Chairman Sweat opened the meeting at 5:00pm and read the Rules of Order. She asked if any of the Commission Members 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 proposed amendment to Lots 130-131 of the Utah Mini Ranches Subdivision, Phase 4, to amend the boundary line between the two lots and relocate an associated public utility easement. The property is located at 9944 S. Big Buck West in the Duchesne area.

Mr. Hyde explained that the existing home on lot 131 was found to be constructed over the property line between lots 130 & 131. In order to resolve this problem, the property owners have gotten together and had a survey prepared which will relocate the property line and the associated public utility easement around the existing house that as shown on the survey. Normally, Lot Line Adjustments can be approved administratively by the Planning and Zoning Department, however, in this case since there is also a public utility easement to be relocated it has to go through a public hearing process in accordance with Utah law to be approved by the county commissioners on recommendation by the Planning Commission. In the report, it indicates that all state laws and requirements have been met for amending a plat and a public easement. It also indicates that the proposal has been provided to all the utility companies in the area to see if they have any issues. There were no issues reported. Tri-County health has taken an initial look at this and they have indicated the septic system serving the existing home is on the south side of that home which could put it close to the relocated property line. Therefore, they will be

requiring the applicants to file a request for an existing inspection of the system and after that's done the health department will send the inspector out there and they will look at where the tank and the drain field are and try to pinpoint whether these relocated property lines will be ok in relation to that system. If by chance the drain field gets to a point where it crosses this new property line there could be an easement on lot 130 for that drain field on lot 131. This will be determined after this inspection happens. If that is the case the survey will need to be slightly amended. Based on those findings, the staff recommends to the planning commission that you recommend to the County Commissioners the approval of this amended plat subject to the review and approval of the Tri-County Health Department.

Mr. Hyde asked if there were any questions? Commissioner Sweat asked a question about the waste water. If it is really close to the new boundary line will we have to meet on this again or can they just adjust it as needed? Mr. Hyde replied that under this recommendation it could be sent forward to the county commissioners knowing that it has to have the Tri-County Health Department's approval. After that inspection occurs, if there are any changes that need to be made to the survey, those would be presented to the County Commissioners. Commissioner Drake stated that it would likely not be a boundary improvement but would be an easement for that, right? Mr. Hyde replied saying potentially and that it could be that this survey will be fine after that inspection occurs. Hopefully it won't have to change, however, there is always that possibility. Commissioner Sweat replied saying that they will just do an as built inspection? Mr. Hyde stated yes, and said that the County Commission hearing is scheduled for August 15, 2022 at 1:30pm which will give us a few days for the Tri-County Health Department inspection to be done.

Commissioner Sweat asked if the applicant would like to speak? Ms. Hamilton asked to address the commission. She started out by saying another agent and her brokered this property. This encroachment issue came to us as a bombshell afterwards. What we think happened was when the survey was done they believe they shot transit from the wrong survey monument that was in the cul-de-sac on the radius.

Commissioner Sweat asked if there are any other persons who would like to speak?

Steve Vincent asked to address the commission. He stated that he lives in the home on lot 130. He is currently going through the process of finding a contractor to come out and take a look at his septic system as it has currently quit working. The way the driveway was constructed it appears the driveway was built over the top of the septic tank and it appears to be caved in. The driveway was put in by the previous owners, Mr. Vincent

stated, and we had no idea where anything was located. I recently learned that I need to work with Tri-County Health Department to get their ok on this too.

Mr. Hyde told Mr. Vincent that as he looks to correct this problem he will want to coordinate with the Tri-County Health Department as they have a list of contractors who are certified and do this kind of work. Mr. Vincent explained that he's pumped the tank twice now. After the first time when Aero-Stream pumped it and it didn't work, he hired another company, Webb Services, to come back and pump it out a second time. They didn't really tell him anything so Mr. Vincent bought a new lid for it and put it back together. It still filled up with water again so he believes the waste line has been disrupted somehow at this point. Mr. Vincent said he has had his wife go down to the city to live while he lives at their residence and figures out what to do. Mr. Vincent explained that his home owners insurance will not pay for it so he will have to pay for it himself which will be difficult as he told the commission he is on a fixed income.

Ms. Hamilton spoke up from the audience and said she may have a solution to this problem. She explained that Tri-County Health has asked her to hire someone to come out and look at the ends of the leech field. This will be the first thing they do. It was decided that Mr. Vincent and Ms. Hamilton will work together to try to get this problem fixed.

FINDINGS OF FACT

1. PROPOSAL DESCRIPTION

The county approved the Utah Mini Ranches Subdivision, Phase 4, in 2001. A home was constructed on Lot 131 in 2004 and it has been discovered that the home was built over the property line onto Lot 130. To remedy this problem, the plat amendment survey was prepared to jog the property line and associated public utility easement around the home.

2. HISTORY OF EVENTS

May 12, 2022	The application was submitted.
July 13, 2022	The application was deemed complete.
July 14, 2022	Notice of hearings mailed to property owners within 300 feet
July 20 & 27, 2022	Notice of hearings published in the Uintah Basin Standard
August 3, 2022	Planning Commission meeting.
August 15, 2022	County Commissioner's hearing.

3. DUCHESNE COUNTY SUBDIVISION CODE

9-5-4: VACATING OR CHANGING SUBDIVISION PLAT, PUBLIC STREET, RIGHT OF WAY OR EASEMENT:

Proposals to vacate or change a subdivision plat, public street, right of way or easement shall be processed in accordance with Utah Code Annotated sections 17-27a-608, 17-27a-609 and 17-27a-609.5, and subsequent amendments thereto, with public notice of such actions to be given as provided by Utah Code Annotated section 17-27a-208, and subsequent amendments thereto.

UTAH CODE FOR PLAT AMENDMENTS

17-27a-608. Subdivision amendments.

- (1) (a) A fee owner of a lot, as shown on the last county assessment roll, in a plat that has been laid out and platted as provided in this part may file a written petition with the land use authority to request a subdivision amendment.
Findings: A written application has been received.
- (b) Upon filing a written petition to request a subdivision amendment under Subsection [\(1\)\(a\)](#), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section [17-27a-603](#) that:
 - (i) depicts only the portion of the subdivision that is proposed to be amended;
 - (ii) includes a plat name distinguishing the amended plat from the original plat;
 - (iii) describes the differences between the amended plat and the original plat; and
 - (iv) includes references to the original plat.
Findings: The required plat amendment survey has been received.
- (c) If a petition is filed under Subsection [\(1\)\(a\)](#), the land use authority shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being amended at least 10 calendar days before the land use

authority may approve the petition for a subdivision amendment. **Findings: A notice of the proposal was mailed to property owners in the vicinity on July 14, 2022 and to affected utility entities on July 15, 2022.**

- (d) If a petition is filed under Subsection [\(1\)\(a\)](#), the land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:
 - (i) any owner within the plat notifies the county of the owner's objection in writing within 10 days of mailed notification; or
 - (ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

- (e) A land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision. **Findings: Since all of the owners in the subdivision will not sign the plat amendment survey, a public hearing will be held by the County Planning Commission on August 3, 2022 and by the County Commissioners on August 15, 2022. There are no piped sewer lines in this development and the culinary water line serving these lots is located in the roadway.**

- (2) The public hearing requirement of Subsection [\(1\)\(d\)](#) does not apply and a land use authority may consider at a public meeting an owner's petition for a subdivision amendment if:
 - (a) the petition seeks to:
 - (i) join two or more of the petitioning fee owner's contiguous lots;
 - (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
 - (iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join the petition, regardless of whether the properties are located in the same subdivision; **Findings: while there is a lot**

line adjustment associated with this plat amendment, there is also a public utility easement adjustment, which requires a public hearing.

- (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
- (v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - (A) owned by the petitioner; or
 - (B) designated as a common area; and
- (b) notice has been given to adjoining property owners in accordance with any applicable local ordinance. **Findings: Notice has been given to adjoining property owners on July 14, 2022.**
- (3) A petition under Subsection [\(1\)\(a\)](#) that contains a request to amend a public street or county utility easement is also subject to Section [17-27a-609.5](#). **Findings: This section of the state code applies to vacation of a public street or easement. In this case, the public utility easement would not be vacated; but relocated around the existing home.**
- (4) A petition under Subsection [\(1\)\(a\)](#) that contains a request to amend an entire plat or a portion of a plat shall include:
 - (a) the name and address of each owner of record of the land contained in:
 - (i) the entire plat; or
 - (ii) that portion of the plan described in the petition; and
 - (b) the signature of each owner who consents to the petition.
- (5) (a) The owners of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those properties if the exchange of title is approved by the land use authority in accordance with Subsection [\(5\)\(b\)](#).

- (b) The land use authority shall approve an exchange of title under Subsection [\(5\)\(a\)](#) if the exchange of title will not result in a violation of any land use ordinance.
- (c) If an exchange of title is approved under Subsection [\(5\)\(b\)](#):
 - (i) a notice of approval shall be recorded in the office of the county recorder which:
 - (A) is executed by each owner included in the exchange and by the land use authority;
 - (B) contains an acknowledgment for each party executing the notice in accordance with the provisions of [Title 57, Chapter 2a, Recognition of Acknowledgments Act](#); and
 - (C) recites the legal descriptions of both the properties and the properties resulting from the exchange of title; and
 - (ii) a document of conveyance of title reflecting the approved change shall be recorded in the office of the county recorder with an amended plat.
- (d) A notice of approval recorded under this Subsection [\(5\)](#) does not act as a conveyance of title to real property and is not required to record a document conveying title to real property.
- (6)
 - (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection [\(6\)\(c\)](#).
 - (b) The surveyor preparing the amended plat shall certify that the surveyor:
 - (i) holds a license in accordance with [Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act](#);
 - (ii) (A) has completed a survey of the property described on the plat in accordance with Section [17-23-17](#) and has verified all measurements; or

- (B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
- (iii) has placed monuments as represented on the plat.

Findings: The survey prepared meets these requirements.

- (c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision recorded in the county recorder's office.
- (d) Except as provided in Subsection [\(6\)\(a\)](#), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

4. COMMENTS RECEIVED

The proposal has been submitted to Moon Lake Electric, Dominion Energy, Strata Networks and the South Duchesne Culinary Water District. Any comments received from these affected entities will be reviewed during the public hearing.

CONCLUSIONS

1. The request will comply with the requirements of Duchesne County.
2. The request is valid.

RECOMMENDATION

Commissioner Drake recommend that the County Commission adopt the proposed amendment subject to the approval of Tri-County Health Department.

Commissioner Hatch seconded the motion. The motion carried with a unanimous vote.

B. Request by XCL Resources for a Conditional Use Permit to establish a labor camp on lands owned by DJ Crozier Land & Livestock LLC, located just south of 3186 S 4250 West (Stone Well Service), in the Ioka area.

Mr. Hyde presented the staff report on XCL Resources and explained It is located on a former oil well site just south of Ioka Lane. He went on to explain that it's a natural location for a labor camp for XCL Resources as they drill more oil and gas wells in the area. The property is abutting areas that are zoned industrial, however, when the industrial zoning occurred in that area this property was not included and remains still in an A5 zone. Labor camps are a Conditional Use in an agricultural zone. The Tri-County Health Department regulates labor camps and requires a labor camp plan review approval. The Tri County Health Department approval was received today. The main things they look at are: waste water disposal, water supply and solid waste disposal. The county requirements require: a site plan, floor plans of the labor camp units with their square footage. (It must have 100 square feet of floor area per occupant.) In this layout there is thirteen modular labor camp units with a total of 3632 square feet. We require legal access to the camp which they do have. We ask if there are any structures in the labor camp that are dedicated solely to dining, office, recreation or other uses. That is not the case here as each of the thirteen units has its own kitchen and dining areas, and living and bedroom space. The next item is water, sewer and solid waste. Those are verified by Tri-County Health Department as meeting the standards for labor camps. There is no need for storm water control facilities in this case as we do not have storm sewers in that area. The pad is fairly flat so you won't see a lot of run off from it. They also need to have fire protection, power and medical facilities. There is an existing fire hydrant in front of Stone Well Services which is close enough to this camp to be utilized if needed. There are fire extinguishers in each unit, and medical facilities at UBMC in Roosevelt are adequate facilities if needed. We require bonding to ensure the owner's property is brought back to where it was before the labor camp came in when it is no longer needed. Whoever is running the labor camp has the financial responsibility that guarantees they will remove everything when they leave. That bond has been submitted. The Duchesne County Building Department needs to be coordinated with so if this permit is approved any building permits for the temporary placement of these living quarters is approved and given a certificate of occupancy from the building department. UDOT Region 3 requires that the operators of the camp pave the driveway access from the existing edge of Highway 87 pavement to the right of way line of the highway. The staff recommendation is to approve the labor camp Conditional Use Permit for XCL Resources. Mr. Hyde asked if there were any questions?

Commissioner Drake asked if the labor camp is operating right now? Mr. Hyde replied that his understanding is that it is and this is being done to make it legal.

Commissioner Sweat asked if the bond needs to be renewed as it appears to have expired in Dec. of 2021. Mr. Hyde said it would need to be and a copy given to us.

As there were no further questions of staff, Chairman Sweat called for the applicant to speak.

Scott Duncan spoke on XCL Resources behalf. He stated that they have a blanket bond and it has been renewed already. He said he will send a copy to the Planning and Zoning Department. Mr.

Hyde asked Mr. Duncan if he is ok with the conditions of approval? Mr. Duncan stated that they are willing to do whatever they need to in order to be in compliance with the standards of the Conditional Use Permit. He stated that they were unaware of the Conditional Use Permit being needed for their labor camp. When they found out they needed one they have been willing to do what is needed to secure the permit. Mr. Duncan stated that he wanted to add that there has been a change in use for the access road. We have four oil wells down that road directly east from XCL Resources. I don't know how that pavement requirement got missed, but we will make sure that paperwork happens and is taken care of to comply as well. He stated they recently just paved another driveway the road off of Ioka Lane as well.

FINDINGS OF FACT

5. PROPOSAL DESCRIPTION

XCL Resources has developed a labor camp on an abandoned oil well site located south of the Stone Well Service business site in the Ioka area. Labor camps are permitted in the A-5 zone with a conditional use permit.

6. HISTORY OF EVENTS

July 13, 2022	The application was submitted.
July 13, 2022	The application was deemed complete.
July 15, 2022	Notice mailed to property owners within 1,320 feet of the subject property.
July 20 & 27, 2022	Notice of Public Hearing published in the Uintah Basin Standard
August 3, 2022	Planning Commission hearing.

7. DUCHESNE COUNTY ZONING CODE

8-13-1: SCOPE AND PURPOSE:

- A. Issuance: Conditional use permits may be issued as provided by this title for any of the uses for which a conditional use permit is required as identified in the table of uses and the table of site development standards, as set forth in Chapter 6 of this title.
- B. Purpose: The purpose of the issuance of a conditional use permit is to allow the proper integration into the county of uses which may be suitable only in specific locations in a zoning district, or only if such uses are designed, arranged or conducted on the site in a particular manner.

- C. Conditions: A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed land use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use permit may be denied.

8-13-2: APPLICATION FOR PERMIT:

All requests for a conditional use permit shall be made on the application form provided by the county, detailing the nature of the conditional use request. The applicant shall also provide the necessary information identifying the purpose of the conditional use request, and all required information shall be provided to the planning office twenty-one (21) days prior to the planning commission meeting. The planning commission is authorized to render a final decision on the issuance of a conditional use permit following the review and receipt of a recommendation from the zoning administrator.

8-13-3: PUBLIC HEARING REQUIRED:

All applications for a conditional use permit shall be made in accordance with the provisions of this title, and shall be the subject of a public hearing held before the planning commission for which a minimum of fourteen (14) days' public notice has been provided and the planning staff notifying all property owners by U.S. mail within three hundred feet (300') of the proposed conditional use.

8-13-4: FINDINGS AND CONDITIONS FOR APPROVAL:

- A. Findings Required: The planning commission may grant a conditional use permit in compliance with this title if, from the application and the facts presented at the public hearing, it finds:

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.

Findings: The proposed use would not be detrimental to properties in the vicinity as they are either vacant, agricultural or zoned industrial. The proposed use would not be detrimental to public health provided that the applicant receives TriCounty

Health Department approval of the water and wastewater facilities and an operating permit for the labor camp. The building permit process will ensure that the units are located in accordance with building safety standards. Occupancy limits in the camp (at least 100 square feet of living space per occupant) will limit the impacts of the use on public health, safety and general welfare.

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.

Findings: The Duchesne County General Plan contains the following statements with respect to the construction and energy industries, which this labor camp would support: “Today, extractive-use industries: livestock, timber, mining, and oil; remain the backbone of the region's economy. The County continues to encourage and support these industries, acknowledging that industry patterns, fluctuating markets, and changing political winds predict periodic good times followed by lean.”

In this case, the applicants have developed this labor camp to support the energy industry, which is beneficial to the economy of the county and in compliance with the general plan.

The purposes of the Zoning Ordinance are set forth below:

8-1-2: PURPOSE:

- A. The purpose of this title is to implement the goals and policies of the county general plan. This title contains standards, provisions and requirements intended to protect the health, safety and welfare of the citizens of the county by ensuring that neighbors, adjacent and neighboring properties are protected from potential negative impacts in the development and use of land and resources. It is the intent of this title to provide a means of ensuring predictability and consistency in the use of land and individual properties, and to guide and direct the development of land.
- B. These purposes are met by:
 1. Providing the means of implementing the various policies and other provisions of the county general plan;
 2. Generally directing and guiding land development so more intense development is located in areas of the county having the necessary

services and facilities sufficient to meet the demands of the proposed development;

3. Promoting the public health, safety and general welfare by regulating the location and use of buildings, structures and land for residential, commercial and other specified uses;
4. Protecting landowners from potential adverse impacts from adjoining uses; and
5. Directing and managing, through the establishment of use districts, the type, distribution and intensity of activity.

Findings: If the applicant meets the Conditional Use permit criteria and complies with the conditions of approval, the purposes of the Zoning Ordinance will be met.

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.

Findings: The property on which the labor camp is proposed is a 2.63-acre portion of a 211.59-acre parcel that was used as an oil well pad in the past. This is of sufficient size to accommodate the proposed labor camp.

B. Conditions:

1. In approving a conditional use permit, the planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of the county general plan and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses in the general vicinity. Minimum conditions shall be included for produced water disposal facilities, extraction of earth products and residential treatment or secure treatment facilities as indicated in section 8-13-5 of this chapter.
2. When approving a conditional use permit, the planning commission may impose such requirements and conditions as follows: location, construction, maintenance, odor control, operation, site planning, traffic control, dust control, noise, time limits and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The planning commission may require guarantees or other evidence that such conditions will be met and complied with.

8-9-12: LABOR CAMPS:

A. Requirements: Labor camps, in addition to complying with the sanitation requirements of Utah administrative rule, shall be permitted in accordance with the following standards:

1. Labor camps are a permitted conditional use in the A-10, A-5 and A-2.5 zones and are permitted outright in the commercial and industrial zones. Labor camps are not permitted in the R-1 and R-1/2 zones. **Findings: The property is zoned A-5; thus, a conditional use permit is required.**

2. Applicants for a labor camp shall provide the zoning administrator with a site development plan containing the following:

a. Dimensions, orientation and vicinity of the parcel. **Findings: A site plan has been submitted that shows the dimensions, orientation and vicinity of the parcel.**

b. Location, size, number and types of proposed housing units. At least one hundred (100) square feet of floor area shall be provided for each occupant. **Findings: The location, size and number of the housing units is shown on the site plan. There are 3,632 square feet of total floor area in the 13 housing units and a maximum occupancy of 24 workers, so the minimum of 100 square feet of floor area per occupant has been met.**

c. Legal access to the camp. **Findings: There is legal access to the labor camp from State Highway 87 (Ioka Lane). Comments from UDOT Region 3 are pending and may generate the need for a condition of approval.**

d. Location, size, number and types of proposed dining, office, recreation or other nonresidential facilities. **Findings: There are no buildings dedicated solely to dining, office, recreation or other nonresidential uses. Each structure contains its own kitchen facilities.**

e. Location of water, sewage and solid waste disposal facilities. **Findings: The labor camp is provided with culinary water by water hauling to storage tanks and the wastewater system consists of holding tanks that are pumped and the waste disposed of at an approved site. Solid waste disposal needs are met by a dumpster located at the NE corner of the labor camp, serviced by K&K Sanitation. The TriCounty Health Department will ensure that water, wastewater and solid waste are handled appropriately. If the applicants have not received health department approval of an operating permit prior to the public hearing, acquisition of such approval will be a recommended condition of approval.**

f. Stormwater control facilities. **Findings: There are no paved surfaces that would generate the need for storm water control and there are no storm sewer facilities in this area.**

g. Fire protection, power and medical facilities. **Findings: Fire protection will need to be coordinated with Mike Lefler, Duchesne County Fire and Emergency Management Director. There is an existing fire hydrant in front of the Stone Well Service business, about 400 feet from the entrance to the labor camp. Fire extinguishers are provided in each labor camp structure as shown on the floor plans. Medical facilities are available nearby in Roosevelt City at the Uintah Basin Medical Center.**

3. Culinary water, wastewater disposal and solid waste disposal facilities shall be approved in writing by the culinary water authority and the sanitary sewer authority prior to receipt of county approval. **Findings: The site plan shows the location of the water supply and sewage disposal tanks on the north side of the labor camp trailers. The TriCounty Health Department serves as the county's culinary water and sanitary sewer authority. The health department must approve an operating permit for the applicant's labor camp. If this approval is not received by the date of the hearing, a condition of approval will need to be considered. The current occupancy of the site is 24 employees. The health department plan review approval will specify the maximum occupancy.**

4. Labor camp applicants shall provide the county with financial surety that the camp will be dismantled and the area reclaimed to natural condition. The amount of surety shall be at least one hundred twenty five percent (125%) of a contractor's estimate to restore the site to a condition approved by the property owner. **Findings: This bonding requirement is to protect the property owner and applies to cases where a company (XCL Resources in this case) is proposing to locate a labor camp on another's property. The applicants have submitted a bond of \$100,000 showing their commitment to restoring the site to its original condition. This bond expires in December 16, 2022. Evidence of the continuation of this bond will need to be submitted to the County prior to its expiration date.**

5. Labor camp applicants shall obtain building permits for structures and obtain a certificate of occupancy from the county building official prior to occupancy. **Findings: If this conditional use permit is approved, the applicant must coordinate with the Duchesne County Building Official and obtain any required building permits and a certificate of occupancy.**

6. In the event the applicant fails to provide the services and facilities required above, the labor camp may be closed and ordered to vacate. These remedies are in addition to the remedies provided in this title for failure to comply with this section.

8-13-6: TERM OF PERMIT:

Unless there is substantial action under a conditional use permit within a period of eighteen (18) months of its issuance, the permit shall be considered null and void.

8-13-7: REVOCATION OR MODIFICATION OF PERMIT:

A. Authority: If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the planning commission shall hold a public hearing on the question of modification or revocation of a conditional use permit granted under the terms and the provisions of this title.

B. Conditions: A conditional use permit may be modified or revoked if the planning commission finds that one or more of the following conditions exist:

1. The conditional use permit was obtained in a fraudulent manner.
2. The use for which the conditional use permit was granted has now ceased for at least six (6) consecutive calendar months.
3. One or more of the conditions of the conditional use permit have not been met.

C. Modification by Planning Commission: Additionally, the conditions under which a conditional use permit was originally approved may be modified by the planning commission without the consent of the property owner or operator, if the planning commission finds that the use or related development constitutes or is creating a demonstrated nuisance. Should reclamation be necessary, complete restoration, to such an extent that the area will not depreciate the surrounding property or impair the beauty of the landscape, shall be accomplished within a twelve (12) month time frame.

CONCLUSIONS

The request will comply with the Conditional Use Permit requirements of the Duchesne County Zoning Code, provided that conditions are imposed.

The request is valid.

RECOMMENDATION

Approval of the Conditional Use Permit requested by XCL Resources, subject to the following conditions:

1. The applicant shall:
 - a. Obtain a building permit and certificate of occupancy for the labor camp structures from the Duchesne County Building Department.
 - b. Obtain a UDOT permit and pave the driveway approach to the facility from the edge of Highway 87 (Ioka Lane) pavement to the highway right of way line.
2. Occupancy in the labor camp shall be limited to the number of employees specified by the plan approved by the TriCounty Health Department.

Commissioner Richens made a motion to adopt the following Findings of Fact and approve the request by XCL Resources to obtain a Conditional Use Permit under the conditions that had been laid out by Mr. Hyde.

Commissioner Drake seconded the motion. The vote was unanimous.

New Business

None

Approval of Minutes from July 6, 2022

Commissioner Sweat asked for an approval of last months minutes on July 6, 2022.

Commissioner Drake made a motion to approve the minutes.

Commissioner Richens seconded the motion. (Commissioner Hatch abstained.) The motion was passed 3-0-1.

Adjournment

Commissioner Drake moved to adjourn the meeting.

Commissioner Hatch seconded the motion.

The Planning Commission meeting was adjourned at 5:38pm.