

1 **ORDINANCE #24-407**

2
3 **AN ORDINANCE AMENDING TITLE 8, CHAPTER 7 OF THE**
4 **DUCHESNE COUNTY ZONING ORDINANCE REGARDING**
5 **FLARE GAS POWER GENERATION**

6
7 WHEREAS, a new land use has appeared in Duchesne County, involving the installation of
8 generators powered by flare gas at oil and gas well sites, to generate electricity for the bitcoin
9 mining industry; and,

10
11 WHEREAS, flare gas power generation sites have demonstrated impacts on surrounding
12 property owners; especially noise and high frequency vibration; and

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14 WHEREAS, Duchesne County finds it necessary to incorporate this new land use into the county
15 zoning ordinance and establish standards to help mitigate the impacts of the use; and

16
17 WHEREAS, the Duchesne County Planning Commission conducted a public hearing on May 1,
18 2024 regarding these proposed amendments to the Zoning Ordinance and has recommended
19 approval; and

20
21 WHEREAS, the Duchesne County Commission has conducted a public hearing regarding these
22 proposed amendments on May 6, 2024 and accepted the Planning Commission recommendation.

23
24 BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS that:

25
26 SECTION 1. Section 8-2-1 of the Duchesne County Code is amended to include a new
27 definition as follows:

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29 **FLARE GAS POWER GENERATION: Electric power generated from gas**
30 **produced or emitted due to upstream or midstream oil and gas operations/facilities**
31 **routinely addressed through the practice of open flaring. Flare gas power**
32 **generation may be used to power on-site operations, sold back to the grid, or used**
33 **for other energy-intensive operations or activities. This definition is not intended to**
34 **include power generation necessary for operation of an oil and gas drilling and**
35 **production facility when a power company is unable to provide adequate purchase**
36 **power to the facility.**

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38 SECTION 2. Section 8-6-1 of the Duchesne County Code is amended to add one new land use
39 to the Table of Uses as follows:

40
41 8-6-1: TABLE OF USES

	A-10/A-5	A-2 ½	R-1	R -½	C	I
<u>FLARE GAS POWER</u>						
<u>GENERATION</u>	<u>CU</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>CU</u>	<u>CU</u>

47 SECTION 3. Chapter 9, Supplementary Regulations, of the Duchesne County Code is amended
48 to add a new Section 8-9-19 as follows:
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50 **8-9-19: FLARE GAS POWER GENERATION**
51

- 52 1. **All flare gas power generation shall comply with the noise standards of**
53 **Duchesne County Nuisance Ordinance, Section 3-1-4-G. To ensure compliance**
54 **with these standards:**
55
- 56 a. **The operator of the proposed flare gas power generation facility shall**
57 **conduct a noise study to determine pre-existing ambient noise levels in the**
58 **area. A noise level recorder shall be placed in each of the four (4) cardinal**
59 **directions, at a distance of 2,640 feet from the edge of the facility site.**
60 **Ambient noise levels shall be recorded for a period of fifteen (15) days and**
61 **the data provided with the conditional use permit application.**
62
- 63 b. **Noise emitted from the flare gas power generation facility site shall not cause**
64 **an increase in the ambient noise level above 60 decibels, as measured in the**
65 **four (4) cardinal directions, at a point 2,640 feet from the edge of the facility**
66 **site. In the event that a conflict arises concerning the noise emitted from the**
67 **facility, the operator shall conduct a subsequent noise study to verify that the**
68 **facility is operating within the 60 decibel noise emission standard set forth**
69 **herein. If not, the facility shall not be operated until further study shows**
70 **that compliance is achieved.**
71
- 72 2. **Flare Gas Power Generation facilities must be set back at least 2,640 feet from**
73 **the nearest primary or secondary residence or building open to the public, and**
74 **be placed in fully enclosed and insulated buildings to mitigate noise impacts.**
75
- 76 3. **Flare Gas Power Generation equipment must be installed with industrial**
77 **vibration isolation systems or other vibration reduction technology approved by**
78 **the County.**
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80

81 SECTION 4. Severability. If any court of competent jurisdiction declares any Section of this
82 Ordinance invalid, such decision shall be deemed to apply to that Section only, and shall not
83 affect the validity of the Ordinance as a whole or any part thereof other than the part declared
84 invalid.
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87 SECTION 5. Effective Date. This ordinance shall become effective fifteen (15) days after
88 publication.
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91 DATED this 6th day of May, 2024.
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Duchesne County
Zoning Ordinance Amendment
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ATTEST:

Chelise Jessen
County Clerk/Auditor

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

Irene Hansen, Chairman

Greg Miles, Member

Tracy Killian, Member