

DUCHESNE COUNTY PLANNING COMMISSION MINUTES
Duchesne County Administration Building, Commission Chambers
April 3, 2024

ATTENDING

Planning Commission: Connie Sweat, chair; Annette Miller, vice-chair; Shon McKinnon, member; Kelsey Carter, member; Terry Nelson, member; Thomas Winterton, member.

Staff: Mike Hyde, Director of Community Development; Mike Gottfredson, Deputy Director of Community Development; Becky Broadhead, Community Development Executive Secretary

Visitors:

Allen Smith; Connie Gollinger Bunnell; Steve Turner; Carol Gollinger; Pat Gollinger; Mike Gollinger; Edward Patterson; Gordon Moon; Zane Lay; Wendell L Myrick; Travis Grant; Treaven Grant; Leslie Pearson-Rich; Ken Moon; Wes Hanberg; Bart Kettle; Nathan Hall; Lisa & Jerry Sagers; Ryan Fairbanks; Jake Woodland; Heather Ivie; Garrett Taylor; Hyrum Winterton; Shelly Brennan; Jeff Crozier; Greg Simms; Scott Duncan (on-line).

Meeting began at 5:00 PM.

Connie Sweat opened the meeting by reading the Rules of Order for a Public Hearing which asks if there are any members of the commission who wish to announce pre-hearing contacts, site visits or conflicts of interest. The following planning commission members spoke to this matter:

1. Annette Miller: Has had pre-contacts regarding Item F of the agenda, but felt she could remain impartial at this hearing. She also stated she will step off the dias when Item C on the agenda comes up as it is her conditional use permit request.
2. Terry Nelson: Has had pre-contacts regarding Item F of the agenda, but felt he could remain impartial at this hearing.
3. Thomas Winterton: Has had pre-contacts regarding Item F of the agenda, but felt he could remain impartial at this hearing.
4. Kelsey Carter: He is a Javelin Energy Land Man. Has had pre-contacts regarding Item F of the agenda, but felt he could remain impartial at this hearing.

Public Hearing

Mike Gottfredson presented:

- A. The continuation of the public hearing on a request by Edward Patterson for a conditional use permit to operate a commercial outdoor storage facility on property owned by Brett Pierce in the Fruitland area.

Findings of Fact (Which can be found on file with the Community Development Department).

Mike Gottfredson asked if the commission had any questions.

- Annette Miller asked if Addendum #2 was ever signed by the county?
 - Mike Gottfredson said that Brett Pierce provided the information to us, and per his verbal conversation with the county was accepted by them. Mike has not seen the actual signed addendum, but he is confident with the information he has seen. Brett Pierce would not have sold this property without the addendum being accepted by the county.

Connie Sweat asked if there were any proponents who would like to come to the podium and speak?

- Edward Patterson, facility operator, stated that he believes he has presented everything that is needed for this conditional use permit to be considered. He asked the planning commission if they had any questions for him.
 - Terry Nelson asked what his hours of operation will be.
 - Edward Patterson stated that the hours of operation will be 8am – 10pm.
 - Terry Nelson asked if there will be someone at the gate to let people in and out.
 - Edward Patterson stated that there will not be. People will be able to electronically access their business with a key card.

Connie Sweat asked if there were any opponents?

- Mike Gollinger stated that he was happy to hear that the issue with how to get in and out of this business has been resolved. He asked how will this road be maintained and also how big is this road? He stated that there is no power in this area. Our last request is who do we contact if we have any problems or concerns?
 - Mike Gottfredson clarified the access to this property and also that the county doesn't anticipate a lot of traffic on this D road. If there are any problems people should contact Edward Patterson. If the concerns are not resolved with Edward Patterson, those with the concern(s) should contact the Duchesne County Community Development Department.
 - Edward Patterson reiterated that if there are any concerns or problems he is happy to help anyone. He stated he is at his home that borders this property almost always or Brett Pierce who is the property owner, could also address concerns.
- Kelsey Carter asked Mike Gottfredson about the hours of 7am – 9:30pm and wondered if these are the correct business hours.
 - Mike Gottfredson stated that those hours are associated with noise nuisances. He clarified that the conditional use permit is for running the business from 8am – 10pm which is just fine, provided that no nuisance noise occurs after 9:30pm.

As there were no additional testimony or questions, Connie Sweat closed the hearing and called for a motion.

- Shon McKinnon motioned to approve the CUP for an outdoor storage facility subject to the recommended conditions of approval. Thomas Winterton seconded the motion. The motion passed unanimously 6-0.

Connie Sweat opened the hearing with agenda Item B.

Mike Hyde presented:

B. Request by Mountains West Ranches for a conditional use permit to allow surface mining (gravel and rock crusher) on 10 acres of a 478.4-acre parcel located north of Starvation Reservoir.

Findings of Fact (Which can be found on file with the Community Development Department).

Mike Hyde stated that he needed to amend the findings to reflect that there is a secondary home within a ½ mile south of the gravel pit.

Mike Hyde asked if there were any questions from the Planning Commission? There were none.

Connie Sweat asked for any proponents who would like to come to the podium and speak?

- Treaven Grant came to the podium and addressed a couple of concerns people have with this gravel pit. We do not anticipate the Class B County Road having too much traffic. If there are any problems with dust control we are happy to work with the county, since this is a Class B road, to help suppress the dust. He stated that he has contacted the DEQ regarding air quality and dust control and they advised him to calculate some things to do with the disturbed acreage, machinery, and roads. If crusher emissions fall under 5 tons per year, we are exempt from needing an air quality permit. I have been in contact with TriCounty Health and Joe Hadlock is currently reviewing our dust control plan. He will soon have an answer back to me. As far as the Storm Water Prevention Plan (SWPP), I've contracted with Tory Caufford who is an engineer. Their firm will tell us what they will require us to do with a SWPP. Treaven did have one change to correct the map he turned into Mike Hyde to identify another route that stays within our property. He also said he had the map if we need to use the southerly direction for the ingress/egress.

Connie Sweat asked if there were any opponents? There were none.

Connie Sweat asked if any of the planning commission had questions?

- Terry Nelson asked Treaven Grant about the reclamation and did Treaven commit to mining one acre at a time and then reclaiming it?
 - Treaven Grant answered yes.

- Terry Nelson asked if this situation is something the county monitors?
 - Mike Hyde stated that the applicant will need to let us know when they have completed mining on the first acre and invite the staff to go up there to see if they have met the county material pit finishing standards in order for us to give them the ok to proceed.
- Treaven Grant stated that they have identified a ten acre zone that is within that 473 acre parcel.
- Thomas Winterton stated that Treaven talked about the air quality and if they're under the 5 tons they would be exempt. He asked Treaven if they fell under the 5 tons?
 - Treaven Grant replied yes. We were at 1.3 or close to that number.
- Terry Nelson asked Treaven how often he has to do re-calculations?
 - Treaven Grant said he didn't see that clarified, but he could ask. He told Terry he had a copy of the rule if you would like it at this time.
- Connie Sweat asked Mike Hyde if the DEQ doesn't need a permit will they let Duchesne County know?
 - Mike Hyde answered that we will need something in writing from the DEQ before Mountains West Ranches can start work.
- Thomas Winterton asked Treaven Grant if they change anything on their operations do they need to let anyone know?
 - Treaven Grant answered yes, and it is his assumption that they are asked to reassess and report any changes to the Utah DEQ.
- Kelsey Carter asked Treaven Grant where does he see access roads coming out of the area?
 - Treaven Grant showed the planning commission his map.
 - Kelsey Carter stated the planning commission had a similar situation on item F. He asked Treaven if he was willing to help out with any road related costs that his company may generate during this project?
 - Treaven Grant replied yes.

Connie Sweat asked if there were any other questions? There were none.

As there was no one present in opposition, Connie Sweat closed the hearing and called for a motion.

- Annette Miller motioned to approve the CUP subject to the conditions recommended by staff. Shon McKinnon seconded the motion. The motion passed unanimously 6-0.

Connie Sweat opened the next hearing with agenda Item C.

Annette Miller left the dias at this time.

Mike Hyde presented:

C. Request by Bart & Annette Miller for a conditional use permit to allow a short-term rental at 7089 N 1000 W in the Neola area.

Findings of Fact (Which can be found on file with the Community Development Department).

Mike Hyde asked if there were any questions from the Planning Commission?

- Thomas Winterton asked how often does the well water safety testing happen? Does it happen on a regular basis, yearly or is it a one-time deal?
 - Mike Hyde stated TriCounty Health will give them the guidance on how often this well water testing should happen.
- Thomas Winterton continued by asking about the 20 night rental. He stated that a short-term rental can be up to 30 days. He asked Mike Hyde if this is something Duchesne County has requested?
 - Mike Hyde said no. This is something the applicant estimated in their submittal.
- Thomas Winterton asked if they wanted to rent every day of the month could the applicant?
 - Mike Hyde answered yes.

Connie Sweat asked if there were any proponents who would like to come to the podium and speak?

- Annette Miller came to the podium and said she appreciated how well Mike Hyde had presented her request for a CUP for their short-term rental. She asked the planning commission if they had any questions for her?
 - Thomas Winterton asked Annette Miller how is the transient room tax collected?
 - Annette Miller stated that it will be collected by Airbnb and Vrbo through their website.

Connie Sweat asked for any other proponents who would like to come to the podium? There were none.

Connie Sweat asked if the planning commission had any questions? There were none.

Connie Sweat closed the hearing and called for a motion.

- Terry Nelson motioned to approve the CUP subject to the conditions recommended by the staff. Shon McKinnon seconded the motion. The motion passed unanimously 5-0.

Connie Sweat opened the next hearing with agenda Item D.

Mike Gottfredson presented:

D. Request by Ryan Ross for a conditional use permit to construct a commercial office building at 2537 S 3925 W in the Roosevelt area.

Findings of Fact (Which can be found on file with the Community Development Department).

Mike Gottfredson asked if the commission had any questions?

- Terry Nelson asked Mike Gottfredson for clarification on the terminology presented for a home office and a small office for commercial use.
 - Mike Gottfredson stated if it is operated solely as a home office the proposal could be approved as a home occupation and this conditional use permit is not required. Mike Gottfredson continued by explaining that there will be two small offices with a bathroom that Ryan Ross can use as a rental commercial space under this permit.

Connie Sweat asked if there were any proponents? The proponent was not present.

Connie Sweat asked if there were any opponents?

- Wes Hanberg said he wasn't sure if he was directly an opponent, but he would speak. He said that he represents Johnson Water as their manager. He continued by saying if someone is looking for water they typically contact them first to make sure they will have water. Ryan Ross has a residential connection, but with this proposed building, there is a board approval process he needs to go through first. If it's a new meter connection there is a process for that to happen. His concern was if he had not seen this public notice this CUP may have been passed and they might not be able to get water from Johnson Water because they never came to them in the beginning.
 - Connie Sweat explained to Mr. Hanberg that this CUP is only to allow Ryan Ross to place a commercial use in a residential zone. Mr. Ross will have to go through the process of getting a building permit. The planning commission is only addressing the actual land use itself and not the water connection. Ryan Ross will need to demonstrate that he has secured a water connection from Johnson Water when he applies for a building permit in order for the permit to be accepted.
 - Wes Hanberg stated he understood, and continued by saying when agenda item B was presented by Treaven Grant, he had to have all his water needs worked out before he came to the Planning Commission. Wes stated that he believes that water for commercial property should be no different.

Connie Sweat asked if there were any other comments? There were none.

Connie Sweat closed the hearing and called for a motion.

- Thomas Winterton motioned to approve the CUP based on the Findings of Fact. Annette Miller seconded the motion. The motion passed unanimously 6-0.

Connie Sweat opened the next hearing with agenda Item E.

Mike Hyde presented:

E. Recommendation to the County Commissioners regarding Ordinance #24-405, amending the Flood Damage Prevention chapter of the County zoning ordinance.

Findings of Fact (Which can be found on file with the Community Development Department).

Mike Hyde asked if the commission had any questions.

- Terry Nelson asked Mike if presently there was no FEMA clarification in the county for flood zoning right now?
 - Mike Hyde answered saying that was not quite true. We do have official FEMA maps for inside the Duchesne and Myton City limits. FEMA is working with the Utah Division of Emergency Management as they do their flood studies here in the county. They will be using that information later on and it will take about a year or two. Eventually we will have flood insurance rate maps for all of those areas that are being studied. Areas that won't be studied will typically be tribal lands, BLM lands, and Forest Service lands. Most of the private lands in the county are being studied and the consultants are actively trying to contact property owners to access their properties to be able to take a closer look as they do this analysis. Mike Hyde asked Mike Gottfredson if he had anything to add?
 - Mike Gottfredson replied yes and continued by saying the state has been very active here as you can see with this recommendation. We do have as part of this risk map process base level engineering data which will show you where those 1% zone A or 100 year flood plains are located. We do not have the base flood elevation, which is what you need in order to calculate finished floor elevations.

We were told last week in our meeting that they will be getting this information to us shortly. The county is trying to decide how best to get this information out to the public. Right now, if you go on to the Duchesne County Parcel Viewer you can turn on one of the layers which will show you the 100 year Flood Plain, however, we cannot tell you exactly what that elevation is yet. This change will make it so those requirements that are recommended by the state are in place for when that data comes out.

- Thomas Winterton said he is trying to understand the consequences of this zoning ordinance. 1. This ordinance is to make sure one can get flood insurance, correct? 2. Earlier you said there are two different standards and Duchesne County is going to use the most restrictive one. Why are we going with the most restrictive one?

- Mike Hyde responded saying to the first question he was correct. On the second question, this is the requirement that the Division of Emergency Management has set forth as we prepared this ordinance to comply with their requirements. Eventually, we will get to the point where if someone is going to build along a stream they will be able to have an elevation of the 100 Year Flood. The property owner will have a surveyor go there and verify with an elevation certificate that their finished floor level is a foot above the flood level so it will reduce flood losses over the course of time.
- Thomas Winterton replied that it doesn't prevent them from putting a structure in it just modifies whether they are able to get flood insurance or not and the construction methods they will use?
 - Mike Hyde replied yes and it helps them to know how much fill they need to bring in to elevate their site and which flood proofing treatments they need.
 - Thomas Winterton continued with a question by asking when this gets done, talking about the survey, it will not be ambiguous to interpretation, but it will be a solid plan?
 - Mike Gottfredson told Thomas he was exactly right. That is one of the issues that we have ran in to. One of the reasons FEMA has required us to have flood insurance is because we do not have that specific data on those elevations. Once we get those elevations the public will be able to see exactly where those elevations are so that they can adjust accordingly. One of our goals is to get this in to a position where surveyors, builders, or anyone can see a map and get those elevations so they can move forward with their development.

Connie Sweat asked if there were any proponents? There were none.

Connie Sweat asked if there were any opponents? There were none.

Connie Sweat closed the hearing and called for a motion.

- Thomas Winterton motioned to recommend approval of Ordinance #24-405 by the Duchesne County Commissioners based on the Findings of Fact.
Shon McKinnon seconded the motion. The motion passed unanimously 6-0.

Connie Sweat stated that this ordinance will move on to the Duchesne County Commissioners for a public hearing on April 15, 2024 at 1pm.

Connie Sweat opened the next hearing with agenda Item F.

Mike Gottfredson presented:

- F. Recommendation to the County Commissioners regarding Ordinance #24-406 amending the County zoning ordinance provisions regarding flare gas power generation, labor camps and oil and gas drilling and production facilities.

Findings of Fact (Which can be found on file with the Community Development Department).

Mike Gottfredson asked if the commission had any questions?

- Thomas Winterton stated he had many questions, but he would start from the county side first. He asked if the county has determined if the conditional use permits were going to have to go through hearings or will it be done administratively?
 - Mike Gottfredson replied administratively, an application would need to be submitted to our office.
- Thomas Winterton then asked if the county has decided what the work load will be and if that work load will require additional help? Also, will this cause big delays on the oil fields side?
 - Mike Hyde responded that the administrative conditional use permits are heard by staff initially. There will be an application fee, and we will notify people within 300' of the property that is being proposed for a site. The notice will include a findings document indicating whether or not the proposal complies with the conditional use permit criteria. We have been doing administrative conditional use permits for many years for oil and gas wells that are on locations that are in the R1 or A-2.5 zone, but we haven't required those permits in the A-5 and A10 zone where a lot of wells have been going. The staff would make an administrative decision and any one who disagrees with that decision has 10 days to appeal that administrative decision to the planning commission. If it was a controversial case the planning commission could end up hearing it at one of these planning commission meetings, and after the planning commission makes that decision, people would then have 10 days to appeal that decision to the Duchesne County Commissioners.
- Thomas Winterton asked if the county had estimated what the added work load would be in the Community Development office?
 - Mike Gottfredson replied that it would be significant. There could be a person hired specifically for this purpose. Their job would be to administer administrative conditional use permits for oil and gas and other conditional use permits.
- Terry Nelson asked if the county had any forecasts on how many have been appealed?
 - Mike Gottfredson replied no.
 - Mike Hyde added that he hadn't recalled any of those administrative conditional use permits being appealed up to the planning commission level.
- Thomas Winterton asked if Duchesne county researched other counties that have oil and gas drilling to get this information?
 - Mike Gottfredson stated that 7 counties were looked at including some in Colorado and Uintah County. We specifically sought out specific communities that had a similar

background. None of the counties we reviewed allow outright oil and gas development. We found that Duchesne County is the only county that does. Flare Gas Power Generation is something fairly recent and few currently regulate it. The specific language regarding roads comes direct from our 2017 Transportation Master Plan.

- Thomas Winterton asked if a lot of this proposed ordinance is specific to the roads?
 - Mike Gottfredson answered yes. The requirements that are in the oil and gas production facility section aren't changed except for the section that says, "administrative conditional use permits are required in R1, R1/2 and A2.5. Now it says, "it is required for all zones." The language that I read to you earlier from the Master Transportation Plan is now going to be part of the code so developers know specifically what is required of them as far as the administrative conditional use permit goes.
 - Mike Hyde added this ordinance would force the companies to have conversations with our road department prior to the well being drilled instead of the road department noticing the road damage after the fact. By having these conversations ahead of time, the road department can work with the companies to try to direct traffic to roads that may already be built to industrial truck traffic standards, or they may say that this road has to be improved to industrial truck traffic standards before the companies begin their projects.
- Thomas Winterton stated that he is in favor of figuring out how to protect our roads, but he has a lot of concerns about how encompassing this will be.
 - Connie Sweat asked who will be actually armoring up the road?
 - Mike Gottfredson replied that it states in our proposal that if there is determination there are impacts on roads that increase the overall volume by 25% then that will be considered extraordinary use. It would be required that the person who is proposing the development address and provide the resources that will help improve those roads prior to that operation commencing. This is being done on purpose so that there can be a variety of options to help get it to that improved level.
- Annette Miller asked if that is part of the process of the Conditional Use Permit to go through the Duchesne County Roads Dept.?
 - Mike Gottfredson stated it is just like any other conditional use permit. The two parties that are mentioned specifically are the zoning administrator, which is the community development director, and the road department supervisor. Once there is a determination that there will be some extraordinary use the time line will be specific to each case.
- Thomas Winterton asked about Labor Camps and if they were permanent or temporary?
 - Mike Gottfredson replied that it is the same definition we already have and the only change that we have recommended is instead of being allowed outright in commercial

- and industrial areas they will require a conditional use permit. This is specifically so the health department guidelines are followed as required.
- Thomas Winterton asked if someone requests a building permit for a Labor Camp the process can be lengthy. I'm starting to see how time wise this could become very time consuming.
 - Mike Hyde replied that the big unknown is how long the TriCounty Health Department will take to get the health approval of the labor camp plan. We won't move forward until the operator/owner has health department approval.
 - Thomas Winterton asked if as a planning commission can we strike some of these parts out?
 - Mike Gottfredson replied, yes, if you see something that is a concern based on the criteria that we use to review ordinances. Is it a benefit to the community, does it comply with the general plan, does it comply with zoning ordinances? These are the three things that you would consider when thinking of striking some parts.
 - Terry Nelson stated that Labor Camps are quite a complex situation. There are state rules that regulate a Labor Camp, the amount of days it can be there and the permitting process.
 - Thomas Winterton asked Terry if he sees this as helping or hurting?
 - Terry Nelson said he sees it as adding a step. He said he'd like to see what some of the companies have to say about it.
 - Mike Hyde stated that Labor Camps already have to go through this process if not in the commercial or industrial zone.

Connie asked if there were any proponents wishing to support passage of the ordinance?

- Jacob Woodland/Wasatch Energy Management/Uintah Basin Sub Committee Co-Chair for the Utah Petroleum Association. I would submit for the record, as has already been done with the letters you have received. The concern we have is not the change to the ordinance being the problem, it is the manner in which the stake holder engagement has been or not been addressed. As an industry, we agree that there is a necessity to maintain our transportation infrastructure. We ask that the matter of approval or submission be tabled until appropriate stake holders can be involved.
 - Mike Hyde asked Jacob Woodland how much time he anticipated it would take to come back together and address some of these issues?
 - Jacob Woodland replied that he believed a month would be minimum because some of the changes here need to be vetted through either professional within the industry (including legal counsel) to look at what all the implications would be in order to be able to appropriately address it. I think there is a very positive track record of working through the association when it comes to policy and rulemaking. There is a high level of engagement and cooperation, and we look forward to that opportunity. The intent is not to denigrate any individual or group, but the draft we have in front of us has only been in the stake holder's hands for a week.

- Mike Gottfredson replied that we want to find a solution that can be supported at a base level.
 - Jacob Woodland stated there has been some instances that have crept up in the last 24 months that have exacerbated the problem that have laid simmering under the surface. It is worth noting that when we look at roads and infrastructure on the whole, if we took the last 30 years there is a lot of infrastructure that is the direct result of industry that simply would not exist. Whether that is maintenance on B Roads, or improved D road access, we have to recognize some significant impacts that have happened recently. On the whole, if we take a 15,000 foot view we are going to realize that industry has been and continues to be and will be in the future a partner in doing what is necessary to maintain the health and safety as well as enjoyment we have here in Duchesne County.
 - Mike Hyde asked Jacob if he had a list of questions he has on hand for the county to review?
 - Jacob said he does. He suggested that as we start looking at dates to submit these questions two weeks prior to the date so the staff could prepare to answer. This is usually how this happens. We would be up for submitting some formal concerns and questions in a manner that would allow sufficient time to prepare to have meaningful discussion on a date where the stake holders can meet.
 - Mike Hyde stated that the sooner we can hear those questions and concerns the faster they can be addressed.

- Tracy Killian came to the podium. He stated that the commissioners are not anti-industry. He stated he's been a commissioner for 1-1/2 years, and he would bet they've met 12-15 times with different companies. It is always the same thing. They just give us the run around about how they'll help us or if they won't. We've had one company that has stepped up and participated immensely in the last six months. On this time frame, let's not drag it out because we're losing time. We are on old county roads that have families living down them. We have a widowed woman that we've just took her road back to a gravel road that had been an oiled road for 30 years. We have no time frame for when these roads will be fixed. It is happening very rapidly. We just don't have time to wait for an extended period of time. We tried really hard out at the Utah Legislature this year to get some money. It didn't happen. That's who I would tell everyone to contact. Go to your legislator and let's get some of that severance money back. They leave us until the last minute and then they dismiss our need when we weren't asking for the world. It's this industries money that they're being taxed on. I have nothing against the industry. Please let's work together and move this on or we won't have any roads left.
 - Jacob Woodland thanked Tracy Killian for his comments and reminded everyone that their request is to come to the table in a timely manner.

 - Gordon Moon addressed everyone on behalf as a surface owner and a mineral owner. He stated he is on the board of Utah Royalty Owners Association, and he also sits on the State Division of Oil and Gas Board representing mineral and surface owners. They do a lot of work and put in millions of dollars before they ever put a bit in the

- ground. Over half our tax base comes directly from the oil field through centrally assessed property. That tax is charged to the oil companies via ad valorem tax. Half of school district funds, county funds right down to the road budget is paid for by the oil field. The mineral lease money has gone down because the oil field has moved on to private land and our portion of the severance tax is not enough. We all recognize there needs to be more money coming in for county roads. In my conversations with the oil companies they want to come to the table and figure it out. My problem is a conditional use permit for every single well in Duchesne County. I believe it is not the way to address the problem. There are only five or six major operators in Duchesne County. I would suggest to get them around the table with the road department, county commission and some experts as Jacob Woodland mentioned earlier and figure out what is fair. There is a huge difference in impact on a road with a ten well pad versus a one well pad. To run it through a conditional use permit every single time with the road department and a zoning coordinator to try to figure out what the answer is on each road is very time consuming. I just don't see how that can work let alone you'll have to send out public notices to all the property owners within 300' of the property. It is good to hear people's concerns, but a somewhat reasonable objection can cause a delay in the process to the Duchesne Planning Commission and if it is appealed again to the Duchesne County Commissioners it becomes an even bigger delay. Therefore, my recommendation is that you do not recommend this to the Duchesne County Commissioners and that you encourage them and whoever else is involved from the county to sit down with the oil companies and figure out a plan. Figure out if there should be an impact fee on every well or if it is well specific and draw up some parameters for the different types of wells and different types of roads. Don't leave it to a poor road department head and a planning supervisor to look at every single well and go through the entire conditional use permit. My fear is if we put every well through a conditional use permit a couple of times it will send the message to the oil companies that we are not pro oil and gas, and we just need them to build Duchesne's county roads. I would suggest to hire an Oil and Gas Liaison. For the Commissioners to hear every call and complaint and concern about noise, dust or whatever is just too much. There needs to be a liaison who can communicate to the commissioners what is going on.
- Mike Gottfredson asked Gordon Moon about the Oil and Gas Liaison he referred to. He asked him to explain a little more.
 - Gordon Moon replied that the oil companies are half our tax base, half of our jobs, half of our economy, and I believe that justifies a point person who can answer our questions. Someone who can know what is going on, who can know what the county commissioners want and also what you guys want. I think this is where you start and then if companies aren't coming to the table then you make them do a conditional use permit. My experience is the companies want to be good neighbors.
- Hyrum Winterton addressed the planning commission as himself and as President of Utah Royalty Owners Association. I know there is a problem. What I see here is the road stuff. Let's spend some more time on dealing with the infrastructure issues. I contacted XCL today to see if they had anybody attending the planning commission meeting

tonight. His answer was all the operators pushed for a postponement of this hearing and hoped they weren't meeting on these issues tonight as their regulatory team is out this week on Spring Break. He continued by saying the county sprung this on us very fast and it could be detrimental if not implemented properly. I am asking you to slow down on this so that we can get their input. They feel like they haven't had time to put something together. They want to come to the table and work something out. I agree with everything that Gordon stated.

- Mike Gottfredson stated that Scott Duncan of XCL is here on-line.
- Scott Duncan stated that he represents XCL Resources and he agrees with what everyone has said. From the XCL stand point, I believe we have showed the county that we support some of the concerns that are trying to be addressed. As a whole, like Jacob Woodland said, if we could all get around the table and discuss some of these concerns I think we could come up with some solutions to them without demanding requirements placed upon the operators. A month sounds really quick to me, but I've seen other things happen that quick. If I had my wishes I would like two to three months to put together a plan. I don't believe it is industry not wanting to come together with the county to come up with a solution.
- Gordon Moon stated that to date we have had four meetings with the counties through Utah Petroleum Association so we are not starting at ground zero. Is a month quick? Yes. Would 60 days be more reasonable? Yes. The industry has had some time to digest some of these concerns over the last year or two. We've tried to come up with solutions. There are reasons that those meetings failed to vet out actionable items which probably aren't worth discussing here.
- Connie Sweat asked Gordon if they have a group that they are meeting with now?
 - Gordon responded that they do not have a formal committee per se, but maybe for a little bit of context he would share a personal story with everyone. He was working for another operator three years ago when Uintah County told them to get in their offices now! They started to meet at that point and tried to address some of the concerns that were pressing at the time. Since that time our industry has changed. The consolidation of our operations, industry wide, has made that one instance a singular event and now it is over a broader range of our operations. That particular one had to do with sand mining and transportation of frac sand. Now we look at consolidation of pads from a 3 or 4 well pad to a 12 or 16 well pad. That changes things! We had those four meetings sponsored by Utah Petroleum Association with county representatives. In each instance, we requested as an industry what they needed from us. The request was to bring maps in of what we were doing as an industry. They wanted to know where our areas of focus were. We met a few months later, and we provided all of the data we were asked to provide. The intent was for the counties to provide information based on the data and usage on specific heavy haul roads. They said the sooner we could get them the information requested the better. We never saw a result from that request. In our third meeting, Commissioner Norton from Uintah County cut me off, ironically, and said, "Let's cut the fluff. We

failed as a county to provide the data you needed.” I’m just giving this as context that as industry we are not coming saying this is a horrible idea. We’ve got information we started with Uintah County so we won’t be starting at ground zero. We do recognize there is a concern. None of us have had sufficient time to really dive in. These problems are really two years old. Let’s look at Highway 191. How long ago were the concerns raised and how long did it take to address the issues? How long did the processes take to get the money out of the legislature for the improvements? Emmie Lou just got an email today from the UDOT representative announcing the 2024 construction schedule telling us that the 2025 schedule will be forth coming sometime this year. They are still holding discussions. We are talking about one highway between here and Price. That was a couple years in the making coming up with the solution, the funding and now the implementation which we are in the middle of right now. I totally agree with Commissioner Killian. This can’t wait a year. We’re losing ground. With that said I think there has to be sufficient time to address this issue the right way.

- Scott Duncan added he agrees how quickly we can come together and how unified we can be on a solution without adding the additional burden to the county, to the operators and everyone else.
- Allan Smith came to the podium and responded as a third generation rancher. Prior to 10 years ago, I was President of the Utah Royalty Owners. We consider the oil industry as our partners. What’s good for the oil industry is very good for the land owners. Very few of us are not impacted by the oil industry. My recommendation is that you table this to allow time for everyone to get together as a group and see what everyone can come up with as a solution. One thing that has not been mentioned here, I know the oil industry has provided a lot of electricity. Out in my country in the Koch Oil Field, we have a subdivision that I’ve asked the oil companies once they put in these electrical lines to please leave them there because we’ll probably utilize them in the future. I’m sure that happens all through the county. The oil companies have been a lot of help. I appreciate everything they do for our county, and I would ask that you allow more time for all parties involved to come up with a good solution.
 - Connie Sweat thanked Allan Smith and agreed that we really appreciate the electricity they have taken to many remote areas.
- Jeff Crozier came to the podium representing Javelin Energy Partners. He said that he agreed with everything everyone has said here today as an opponent. Just today someone from the county referred a land owner to me and I was able to go meet them and resolve their concern. I believe the biggest concern is people wanting to be heard. I would highly recommend the county to hire an Oil & Gas Liaison. I would also like to recommend a date of June 15, 2024, to recess to.
 - Kelsey Carter replied that June 15, 2024 falls right between our two planning commission dates in June.
 - Terry Nelson asked Commissioner Killian what date he thought would work best?

- Commissioner Killian said that he would like to give them until July 1, 2024. He added that he is speaking for himself, and he would need to get approval from the other two commissioners.
- Annette Miller proposed that we move the July 3, 2024 Planning Commission Meeting to June 26, 2024. This would make us have two planning commission meetings in June, but it would give these guys roughly 2-1/2 months to prepare.
- Gordon Moon stated that he felt we might be talking about two different things. We might be talking about having another public meeting where a decision is made versus informal stake holder meetings leading up to that point. Would this date be the time that we hope to see where a recommendation is made or will we need to have stake holder meetings before then?
 - Connie Sweat asked if this would involve the planning commission?
 - Traci Killian replied it would more than likely be the county commissioners.
 - Gordon Moon stated that the stakeholders should be involved in the meeting too. He said what typically happens is those who meet are those who are being impacted by the problem and the solution. This would include the policy makers and the staff (Mike Hyde and Mike Gottfredson). What we end up seeing is from the policy makers who state that on this day or on these dates we need to have certain decisions made. The stake holders have the opportunity to respond within a time period and a discussion ensues. Sometimes those aren't face to face meetings. Sometimes these are zoom meetings or trading emails back and forth. July is a hard month because of holidays. Realistically, we need to move the time up or after July
- Traci Killian asked if he could suggest to separate these issues at hand into three different items. He felt that starting with the flare gas would be the best.
 - Mike Gottfredson replied that there needs to be a recommendation from the planning commissioners to the county commissioners. That recommendation may be that they do not adopt this ordinance.
- Terry Nelson stated that he agreed with Traci Killian that these points of discussion are three different issues.
- Terry Nelson motioned to separate the three points of discussion into separate ordinances. Kelsey Carter seconded the motion. The motion passed 6-0.
- Annette Miller motioned that we move the July 3, 2024 planning commission meeting to June 26, 2024 and recess this hearing until the June 26, 2024 at 5pm. We would also ask for an update to the issues on the June 5, 2024 meeting. Terry Nelson seconded the motion. The motion passed 6-0.
- Gordon Moon shared a thought. On their board whenever they are having a policy discussion with stake holders, they always designate two or three of the board members to be part of the discussion. This helps everyone to not show up cold.

- Mike Hyde asked if the planning commission would like to nominate three people to be involved in these discussions outside of planning commission meetings?
 - It was decided amongst the planning commission that Thomas Winterton, Terry Nelson and Shon McKinnon would be the three individuals to attend the subcommittee meetings with the oil companies.

There was discussion regarding exparte contacts at the Planning Commission level.

- Gordon Moon asked if it is ok if he calls Thomas Winterton?
 - Mike Gottfredson answered by saying that it is recommended that you do not unless you talk to all the planning commissioners.
- Gordon Moon asked if he can call a county commissioner?
 - Mike Gottfredson answered, yes, as they are a legislative body, but the Planning Commission is not.

New Business

Connie Sweat asked if there was any new business? There was none.

Minutes

Connie Sweat called for a motion regarding the March 6, 2024 Duchesne County Planning Commission Minutes.

Terry Nelson moved to approve the minutes. Annette Miller seconded the motion.
The motion passed 6-0.

Information Only Items

Utah Planning Commission Training Seminar Reminder on April 24, 2024. The planning commission members were told to get a flyer from Mike Gottfredson if they hadn't got one already and were interested in attending.

The meeting was adjourned at 9:00 pm.