

Duchesne County Planning Commission Meeting Minutes

Date: June 26, 2024

Location: Duchesne County Administration Building, Commission Chambers

Time: Meeting called to order at 5:00 PM

Commissioners Present:

- **Connie Sweat (Chair)**
- **Shon McKinnon**
- **Terry Nelson**
- **Thomas Winterton**
- **Kelsey Carter**
- **Annette Miller**

Commissioners Absent:

- **Shilo Hatch**

Staff Present:

- **Mike Hyde (Community Development Department)**
- **Mike Gottfredson (Community Development Department)**
- **Josh Felter (Administrative Assistant)**

Opening Remarks:

Chairperson Sweat welcomed everyone, introduced Josh Felter as the new Administrative Assistant, and acknowledged Becky Broadhead's service and transfer to the Clerk Auditor's Office.

Disclosure:

Chairperson 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:

- **Commissioner Nelson:** Disclosed prior conversations with Jake Woodland and Gordon Moon regarding agenda item D and attendance at the stakeholder meeting.

- **Commissioner McKinnon:** Disclosed a discussion with Mike Hyde about a future agenda item concerning a sand mine.
 - **Chairperson Sweat:** Disclosed communications with Mr. Moon and other elected officials, and a site visit related to Agenda Item B.
 - **Commissioner Carter:** Disclosed a conversation with Mr. Moon.
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Agenda Item A: Conditional Use Short-term Rental Application by Andrew Allen
Staff Presentation:

- **Presented by:** Mike Gottfredson
- **Staff Recommendations:** Finding of fact can be found on file with the community development department.

Questions and Discussion:

- **Commissioner Nelson:** Asked about the specifics of the Floodplain Development Permit and how it would affect future development on the property.
 - **Response from Mike Gottfredson:** Noted that Developments are reviewed in the subdivision and building permit process.
 - **Commissioner Winterton:** Inquired about the measures to ensure compliance with floodplain regulations over the long term.
 - **Response from Mike Gottfredson:** Reassured the commission that the county actively monitors developments within floodplains through periodic reviews and inspections. Compliance with floodplain regulations is a continuous requirement, and any deviations could result in corrective actions or penalties to ensure safety and adherence to standards.

Decision:

- **Motion:** To approve the conditional use permit with the listed conditions.
 - **Seconded:** Unanimously approved.
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Agenda Item B: Conditional Use Permit by Chris Ivester for a Portable Sawmill and Firewood Storage

Staff Presentation:

- **Presented by:** Mike Gottfredson
- **Staff Recommendations:** Finding of fact can be found on file with the community development department.

Questions and Discussion:

- **Commissioner Nelson:** Inquired about the specifics of dust suppression methods and their effectiveness.
 - **Response from Mike Gottfredson:** Detailed the types of dust control measures planned.
- **Commissioner Winterton:** Asked about long-term strategies for compliance and monitoring.
 - **Response from Mike Gottfredson:** Highlighted the planned periodic reviews and conditional use verification efforts.
 - **Chris Ivester:** Raised questions about the necessity of further discussions with UDOT given existing approvals and inquired about specific fire marshal requirements.
 - **Response from Mike Gottfredson:** Confirmed that coordination with UDOT and compliance with fire safety regulations directed by the fire marshal were part of the permitting process. Emphasized that these requirements were necessary to ensure public safety and operational efficiency, and that existing approvals do not negate the need for ongoing engagement with these agencies.
- **Chris Ivester:** Asked about alternative access routes if UDOT required additional measures such as installing a traffic light.
 - **Response from Mike Gottfredson:** Indicated that alternative access routes would be considered if UDOT's requirements were deemed too burdensome, and emphasized that the current application would be treated separately from previous approvals.
- **Chairperson Sweat:** Expressed concerns about potential property encroachments and compliance with the original conditional use permit. Noted that during a site visit, it appeared that the operation had expanded south, potentially onto others property, and sought clarification on whether the expansion remained within the applicant's property boundaries.
 - **Response from Chris Ivester:** Confirmed that the expanded area was leased and maintained that the core operations, including the wood processor, remained on his property.
 - **Response from Mike Gottfredson:** Acknowledged the concern and stated that any necessary amendments to the original conditional use permit could be discussed separately to ensure compliance.

Decision:

- **Motion:** To approve the conditional use permit with the recommended conditions.
 - **Seconded:** Unanimously approved.
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Agenda Item C: Proposed Flare Gas Power Generation Facility Ordinance 24-407

Staff Presentation:

- **Presented by:** Mike Hyde
- **Staff Recommendations:** Finding of fact can be found on file with the community development department.

Questions and Discussion:

- **Commissioner Carter:** Inquired about the specific measures for vibration reduction and how they would be monitored.
 - **Response from Mike Hyde:** Explained that vibration monitoring equipment would be installed, and regular checks would be conducted to ensure compliance with acceptable vibration levels. Necessary adjustments would be made to mitigate any adverse effects.
- **Commissioner Winterton:** Questioned the scope and impact of the project on the local community, particularly regarding the economic benefits and tax contributions of the industry.
 - **Response from Mike Hyde:** Acknowledged the significant contributions of the industry in terms of jobs, taxes, and overall economic benefits. Emphasized the need to balance these benefits with the environmental and infrastructural impacts of the project.

Public Comments:

- **Sean Welch**, representing Crusoe Energy: Discussed the benefits of the project, emphasizing the reduction in flare gas emissions and the positive impact on air quality.
- **Rikki Hrenko-Browning**, representing the Utah Petroleum Association: Echoed Mr. Welch's comments, appreciating the revisions made to balance reducing flaring and protecting air quality. Highlighted some concerns about duplicative measures but expressed overall support.
- **Zane Lay**, representing Ovintive: Thanked the commission and planning staff for considering industry's viewpoints and structuring the ordinance to address community needs.

Decision:

- **Motion:** To recommend approval of the ordinance by the county commissioners.
 - **Seconded:** Unanimously approved.
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Agenda Item D: Proposed Ordinance 24-409 for Oil and Gas Drilling and Production Facilities

Staff Presentation:

- **Presented by:** Mike Hyde
- **Staff Recommendations:** Finding of fact can be found on file with the community development department.

Questions and Discussion:

- **Commissioner Carter:**
 - **Question:** What prevents stakeholders from having discussions now instead of postponing the ordinance?
 - **Response from Mike Hyde:** The county commissioners likely wanted to receive the Planning Commission's recommendation first before further stakeholder discussions.
- **Commissioner Winterton:**
 - **Preface:** Expressed respect for the county commissioners and emphasized the importance of discussing the ordinance's merits without personal attacks.
 - **Question:** Clarified the timeline for stakeholders receiving the ordinance. Asked when the public received the current ordinance.
 - **Response from Mike Hyde:** The ordinance was sent out on June 6th.
 - **Comment:** Noted for the record that the ordinance has only been available since June 6th.
 - **Question:** Raised concerns about the perceived rush to pass the ordinance and whether delaying it would significantly impact the effective date.
 - **Response from Mike Hyde:** Difficult to predict the exact impact of delaying the ordinance.
 - **Comment:** Stated feeling pushed and rushed in the process, with concerns about the commissioner's impartiality.
- **Commissioner Miller:**
 - **Question:** Inquired about the urgency from the county commissioners to complete the ordinance.
 - **Response from Mike Hyde:** County commissioners are receiving daily complaints about road impacts and feel an urgent need to address them.
- **Mike Gottfredson (Community Development):**
 - **Comment:** Shared that several million dollars from the county's rainy-day fund had been used for road repairs this year due to industry impacts.

Public Hearing and Comments:

- **Alan Smith:** Emphasized the historical importance of the oil industry to local ranches and supported option 3 to allow more time for stakeholder input.

- **Cameron Cuch (Uinta Wax):** Stressed the need for regulatory certainty and requested option 3 for more stakeholder collaboration.
- **Zane Lay (Ovintive):** Highlighted concerns about the ordinance's impact on capital deployment and supported option 3 to enable a collaborative process.
 - **Question from Mike Hyde:** Asked about experiences with road improvement issues in Uinta County.
 - **Response from Zane Lay:** Explained the process in Uinta County involves minimal fees and more administrative handling.
- **Scott Duncan (XCL Resources):** Advocated for option 3 and emphasized the industry's ongoing efforts to mitigate road impacts. Committed to participating in collaborative meetings.
 - **Question from Commissioner Nelson:** Asked about commitment to a timeline for collaboration.
 - **Response from Scott Duncan:** Committed to ensuring proper meetings are scheduled and industry participation.
- **Rikki Hrenko-Browning (Utah Petroleum Association):** Voiced process concerns and supported further collaboration. Highlighted issues with the timing and impact fee aspects of the ordinance.
 - **Question from Commissioner Nelson:** Asked about previous requests for designated truck routes.
 - **Response from Rikki Hrenko-Browning:** Confirmed that requests had been made but not fulfilled.
- **Gordon Moon:** Expressed concerns about the ordinance's heavy-handed language and supported option 3 for a more collaborative approach.
- **Ronald Winterton:** Criticized the perceived urgency and discriminatory nature of the ordinance and supported taking more time to consider its broader impacts.
- **Scott Duncan:** Reiterated commitment to addressing road impacts and supported option 3 for more stakeholder involvement.

Decision:

- **Motion:** To recess the ordinance indefinitely until the Jones and DeMille traffic study is completed and the public has had at least eight weeks to review it.
- **Seconded:** Unanimously approved.

New Business:

- **Topic:** Consideration of changing the August 7th meeting date due to a conflict with concert night at the Duchesne County Fair.
 - **Decision:** It was decided not to move the August 7th meeting date.

Information Only:

- Discussed the ongoing collaboration with Duchesne City and Roosevelt City on airport improvements.
 - Noted that the ordinance for airport improvements applies only to lands within the county near the airport, not within city limits.
 - Provided updates on Roosevelt City's ongoing process for their own airport overlay regulations.
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Motion to Adjourn:

- A motion to adjourn the meeting was made and seconded.
- The meeting was adjourned at 7:36 PM.