



DUCHESNE COUNTY
Community Development Department

LAND USE APPLICATION

EFFECTIVE MARCH 6, 2025

Instructions

Please fill out this form in its entirety. Submit the completed form and all applicable attachments to the Duchesne County Community Development Department for an application review. If deemed complete by the Department, the date for a Planning Commission decision will be assigned. Please note: a complete land use application does not equate to a land use decision, approval, or denial.

Project Name: WEM Operating Horse 2 Pad

Applicant: ABT Mechanical Inc, by Adam Merritt (owner) Owner: ABT Mechanical Inc.

Address: 454 Commerce Rd. Orem, UT 84058

Address: 454 Commerce Rd. Orem, UT 84058

Email: [REDACTED]

Email: Same

Phone: [REDACTED]

Phone: Same

Project Location or Legal Description: WEM Operating Horse 2 Pad - Parcel No. 00-0009-8164, Duchesne County, UT

Current Land Use: Vacant/Undeveloped Land

Proposed Land Use: Oil and Gas Drilling and Production Site

Culinary Water Connection: Yes ☐ No ☒

Zoning District: A-2.5 Agricultural

Acknowledge

The above said applicant for themselves or through their agent hereby agrees to be bound by all provisions of the Subdivision and Zoning Ordinances of Duchesne County, and to strictly comply with the terms thereof. They further represent all information provided as part of this application is, to the best of their knowledge, true and correct.

Signature: [Signature]

Date: 09/25/2026

FOR INTERNAL USE ONLY

Approved by: _____

Date of Planning Commission Decision: _____

FEES

Land Use Request

	Fee	Fee Total
SUBDIVISION PRELIMINARY PLAT lot count _____	\$25.00	\$ _____
SUBDIVISION FINAL PLAT lot count _____	\$25.00	\$ _____
SUBDIVISION Plat Amendment (if public hearing required)	\$650.00	\$ _____
MINOR SUBDIVISION	\$300.00	\$ _____
VARIANCE OF ZONING ORDINANCE	\$500.00	\$ _____
ZONING DISTRICT CHANGE OR TEXT AMENDMENT	\$650.00	\$ _____
FLOODPLAIN DEVELOPMENT PERMIT	\$75.00	\$ _____
CONDITIONAL USE PERMIT	\$500.00	\$ _____
CONDITIONAL USE PERMIT FOR OIL AND GAS DRILLING AND PRODUCTION SITE	\$700.00	\$ _____
APPEAL OF STAFF DECISION TO PLANNING COMMISSION	\$200.00	\$ _____
APPEAL OF PLANNING COMMISSION DECISION	\$500.00	\$ _____
		Total \$ _____

The Community Development Department charges fees to compensate for the cost of processing land use applications. Payments may be made by cash, check (payable to "Duchesne County"), or credit card.

ATTACHMENT A

STATEMENT OF APPEAL AND GROUNDS FOR APPEAL

WEM OPERATING – HORSE 2 PAD

Administrative Conditional Use Permit

Subject Property: Parcel No. 00-0009-8164

Appellant: ABT Mechanical Inc.

Authorized Representative: Adam Merritt, Owner

Affected Property: Parcel No. 00-0009-8198

I. DECISION BEING APPEALED

ABT Mechanical Inc., through its owner and authorized representative, Adam Merritt, hereby appeals the September 25, 2026 administrative decision of the Duchesne County Community Development Department approving WEM Operating's Conditional Use Permit for the Horse 2 Pad and the following three wells:

Pinto 4-4-8-11-6H

Pinto 4-4-8-11-4H

Pinto 4-4-8-11-45H

The County's September 25, 2026 Final Decision identifies the oil and gas drilling and production site as Parcel No. 00-0009-8164.

The Final Decision further provides that any person with standing may appeal the administrative decision to the Duchesne County Planning Commission by submitting the required application and filing fee within ten days of the date of the letter.

This appeal is timely filed pursuant to Duchesne County Code §8-13-5-4(N).

II. APPELLANT AND STANDING

ABT Mechanical Inc. is the owner of Parcel No. 00-0009-8198, property immediately adjoining or in the immediate vicinity of the proposed Horse 2 oil and gas development.

Adam Merritt is an owner and authorized representative of ABT Mechanical Inc. and has represented the company throughout the Horse 2 administrative proceedings.

Duchesne County provided notice of the proposed Horse 2 Conditional Use Permit to ABT Mechanical Inc./Adam Merritt as an affected property owner within the County's applicable 660-foot notification area.

Upon receiving the County's notice on July 17, 2026, Adam Merritt immediately contacted Duchesne County, objected to the proposed development and requested an administrative hearing.

That July 17 correspondence informed the County that ABT Mechanical Inc. had plans for future residential use of its property and expressed concern that the proposed oil and gas development immediately adjacent to the property would adversely affect its use and value.

Adam Merritt subsequently appeared and participated in the August 5, 2026 administrative hearing concerning Horse 2.

ABT Mechanical Inc.'s ownership of property immediately adjoining or in the immediate vicinity of the proposed development, together with the potential direct effects of the proposed development upon that property, provides standing to pursue this appeal.

III. GROUNDS FOR APPEAL

A. THE ADMINISTRATIVE RECORD DOES NOT ADEQUATELY ESTABLISH COMPLIANCE WITH THE COUNTY'S SURVEY-STAKING NOTIFICATION REQUIREMENT.

Duchesne County Code §8-13-5-4(H) provides:

“All surface owners shall be notified of oil and gas drilling and production site, pipeline and access road survey staking operations affecting their property prior to such staking taking place.”

The County's September 25 Final Decision acknowledges that two property owners appearing at the August 5 administrative hearing raised concerns regarding WEM's compliance with this requirement.

Following the hearing, Duchesne County requested verification from WEM that the requirements of §8-13-5-4(H) had been satisfied.

WEM's August 26 response specifically acknowledges that WEM did not provide ABT Mechanical Inc. or the Skeens property with the staking notice contemplated by §8-13-5-4(H).

WEM's stated justification was that neither property was a surface-owner parcel “on which the survey staking was authorized.”

The language used by WEM, however, is not the language contained in §8-13-5-4(H).

The ordinance does not limit notification exclusively to owners of parcels “on which survey staking was authorized.” Rather, the ordinance requires notification to surface owners regarding well-site, pipeline and access-road survey staking operations “affecting their property.”

The County's Final Decision states only that the County requested verification from WEM, received WEM's responses dated August 14 and August 26, and “accepts this verification.”

The Final Decision does not explain the County's interpretation of the phrase “affecting their property,” nor does it identify the evidence supporting the conclusion that the staking, pipeline or access-road survey operations did not affect ABT Mechanical Inc.'s property.

ABT Mechanical Inc. therefore requests that the Planning Commission independently determine:

the proper interpretation of §8-13-5-4(H);

the meaning and scope of the phrase “affecting their property”;

the locations where Horse 2 well-site, pipeline and access-road surveying and staking occurred;

which properties were affected by those activities;

which surface owners received notice before those activities occurred; and

whether WEM complied with §8-13-5-4(H) before the associated staking took place.

B. THE ADMINISTRATIVE RECORD SHOULD ESTABLISH THE COMPLETE HORSE 2 ACCESS ROUTE AND THE LEGAL AUTHORIZATION FOR USE OF THAT ROUTE.

Horse 2 will require access by drilling equipment, construction equipment, water trucks, service vehicles, production-related vehicles and other oil-field traffic.

The Horse 2 project involves at least two separate surface parcels. The Horse 2 Pad itself is located on Parcel No. 00-0009-8164, owned by Tina Miera, while Parcel No. 00-0009-7810, owned by Heber Restorations LLC, is associated with the Horse 2 access road.

WEM's August 26 correspondence states that it has valid and current Surface Use Agreements with these Horse 2 surface owners and that memoranda of those agreements have been recorded.

The existence of a separate surface parcel associated specifically with the Horse 2 access road demonstrates that the Horse 2 development depends upon surface access beyond the well-pad parcel itself.

Duchesne County Code §8-13-5-4 regulates matters directly related to that access, including road encroachments, access-road dust control, access-road survey staking, surface disturbance and transportation considerations.

ABT Mechanical Inc. therefore requests that the Planning Commission determine whether the administrative record adequately establishes:

the complete access route between the public highway and Horse 2 Pad;

each privately owned parcel traversed or otherwise used by that route;

the legal authorization relied upon by WEM for each privately owned portion of the route;

whether any existing private, subdivision, HOA or other road easements relied upon by WEM encompass the contemplated oil-and-gas construction, drilling and production traffic;

whether additional surface-use, access or road agreements are required;

whether any new road approaches or activities within County rights-of-way require County encroachment permits;

whether access-road survey staking complied with §8-13-5-4(H);

whether applicable access-road dust-control requirements have been adequately addressed; and

whether the proposed route complies with the Duchesne County Transportation Master Plan and other applicable transportation requirements.

This appeal does not presently assert that WEM lacks the necessary access rights. ABT Mechanical Inc. has not yet been provided the complete underlying title and easement documents necessary to make that determination.

Rather, ABT Mechanical Inc. requests that the Planning Commission determine whether the administrative record sufficiently establishes the access necessary to implement the approved land use and compliance with applicable County requirements.

C. THE PLANNING COMMISSION SHOULD DETERMINE WHETHER THE ADMINISTRATIVE RECORD SUPPORTS THE REQUIRED FINDINGS FOR THIS PARTICULAR PROJECT AND LOCATION.

Duchesne County's Conditional Use Permit provisions require consideration of the effect of a proposed conditional use upon neighboring property and public health, safety and general welfare.

The County's conditional-use standards include findings concerning whether a proposed use at the proposed location will be unduly detrimental or injurious to property or improvements in the vicinity or detrimental to public health, safety or general welfare, and whether the property is adequate to allow the use to be conducted without material detriment to adjoining and surrounding properties.

In addition, the oil-and-gas-specific provisions of §8-13-5-4(N)(2) provide that an administrative oil and gas Conditional Use Permit may be approved with conditions designed to reasonably mitigate anticipated adverse impacts.

Accordingly, the relevant question is not simply whether oil and gas development is generally permissible in Duchesne County.

The question presented by this appeal is whether the administrative record for this particular project, at this particular location, adequately supports the findings and mitigation necessary for approval.

ABT Mechanical Inc. respectfully requests that the Planning Commission identify and review the evidence supporting those findings, including evidence concerning:

the actual location and proximity of neighboring properties and existing residences;
the Horse 2 well pad and production facilities;
the complete access-road route;
the proposed pipeline route or routes;
anticipated heavy-truck and equipment traffic;
road impacts;
fugitive dust;
drilling, completion and production noise;
vibration;
nighttime lighting and glare;
emergency access and emergency-response considerations;
site security;
spills and hazardous-material response;
H₂S notification and response where applicable;
applicable surface-use and access rights; and
other site-specific impacts identified in the administrative record.

The Planning Commission should determine whether the administrative record contains sufficient project-specific evidence to support the County's approval and whether the conditions imposed are reasonably designed to mitigate the anticipated adverse impacts of this particular development.

D. THE COUNTY SHOULD DETERMINE WHETHER THE LOCATIONS OF NEIGHBORING PROPERTIES AND RESIDENCES WERE ACCURATELY IDENTIFIED AND CONSIDERED.

During the August 5 administrative hearing, concerns were raised regarding the location and proximity of neighboring property and existing residential use relative to the proposed Horse 2 Pad.

Another affected property owner has asserted that the County's understanding of the directional location of his existing residence relative to the Horse 2 Pad was inaccurate.

ABT Mechanical Inc. does not rely upon that property owner's specific factual assertions as facts concerning ABT's property.

However, the location of neighboring residences and property boundaries is directly relevant to several County requirements and permit conditions, including lighting, noise, notification, mitigation and evaluation of anticipated adverse impacts.

Accordingly, ABT Mechanical Inc. requests that the Planning Commission verify from reliable mapping, surveys and County records:

the location of the Horse 2 Pad and wellheads;

the location of neighboring property boundaries;

the location of existing neighboring residences and buildings relevant under County ordinance;

the distances between those structures and the proposed facilities; and

whether the administrative decision was based upon accurate spatial information.

Where property boundaries or locations materially relevant to the County's decision are disputed, ABT Mechanical Inc. requests that those discrepancies be resolved through reliable survey or other competent evidence before they are relied upon to support the required findings.

E. THE APPROVAL SHOULD ADEQUATELY ADDRESS THE SITE-SPECIFIC IMPACTS OF HORSE 2 UPON NEIGHBORING PROPERTY.

The Horse 2 Final Decision imposes conditions concerning surface disturbance, lighting, dust, sanitation, staking, noise and H₂S.

For example, the approval requires WEM to control dust both at the site and along access roads, directs lighting away from nearby roads and lands used for residential purposes, and imposes certain noise-mitigation requirements.

Those requirements themselves demonstrate that the anticipated effects of an oil and gas development can extend beyond the physical boundaries of the well pad.

ABT Mechanical Inc. requests that the Planning Commission determine whether the conditions imposed adequately address the reasonably anticipated site-specific impacts of Horse 2, including:

heavy truck and equipment traffic;

impacts to private and subdivision roads;

fugitive dust generated by access-road traffic;

drilling, completion and production noise;

vibration;

nighttime lighting and glare;

odors and emissions;

site security;

emergency notification and emergency access;

spill prevention and response;

H₂S notification and response where applicable;

location and effects of pipelines and production equipment; and

interference with the use and enjoyment of immediately neighboring property.

The issue is not whether these impacts necessarily will occur at any particular magnitude. The issue is whether they constitute reasonably anticipated adverse impacts that should be evaluated and, where appropriate, mitigated before or as part of approval.

F. THE PLANNING COMMISSION SHOULD REVIEW WHETHER THE CONDITIONS IN THE FINAL DECISION ARE SUFFICIENT TO MITIGATE THE ANTICIPATED ADVERSE IMPACTS OF THIS PARTICULAR SITE.

Duchesne County Code §8-13-5-4(N)(2) provides that if an operator's application complies with the applicable provisions, the administrator shall approve the permit or approve it with conditions designed to reasonably mitigate anticipated adverse impacts. The administrator may deny the permit only if reasonable conditions cannot mitigate those anticipated impacts.

The Horse 2 Final Decision imposes nine conditions addressing regulatory compliance, surface disturbance, equipment color, lighting, dust, sanitation, staking, noise and H₂S.

However, ABT Mechanical Inc. requests review of whether those conditions adequately address the particular characteristics of Horse 2, including its proximity to neighboring property, existing residences, private access roads and surrounding development.

If the Planning Commission determines that the CUP should remain approved, ABT Mechanical Inc. requests consideration of additional reasonable and legally authorized site-specific conditions, as supported by the administrative record, including:

- identification of the specific approved heavy-truck access route;

- appropriate restrictions or routing measures for unnecessary oil-field traffic through residential portions of surrounding developments;

- appropriate road maintenance and repair requirements attributable to project traffic where authorized by law;

- enforceable dust-control measures for heavily traveled unpaved access roads;

- appropriate drilling, completion and production noise mitigation;

- additional lighting controls where necessary;

- site-security measures;

emergency-notification procedures for affected neighboring property owners;
spill and hazardous-material response procedures;
H₂S notification and response procedures where applicable;
identification of pipeline routes and production equipment locations;
verification of necessary access and road authorizations;
verification of required survey-staking notifications; and
other reasonable mitigation supported by the administrative record.

G. THE PLANNING COMMISSION SHOULD REVIEW THE UNDERLYING EVIDENCE RATHER THAN RELY SOLELY UPON THE APPLICANT'S REPRESENTATIONS REGARDING COMPLIANCE.

The staking issue illustrates why review of the underlying administrative record is warranted.

Following the August 5 administrative hearing, Duchesne County asked WEM for additional information regarding compliance with §8-13-5-4(H).

WEM subsequently acknowledged that it did not provide the specific staking notice contemplated by subsection H to ABT Mechanical Inc. or the Skeens property, while asserting that such notice was not required because those properties were not the surface-owner parcels upon which the relevant staking was authorized.

The County's Final Decision states that the County "accepts this verification."

The question presented on appeal is not merely whether WEM made that representation.

The Planning Commission should determine whether WEM's interpretation is consistent with the actual language of the ordinance and whether the evidence in the administrative record supports the conclusion reached by the Zoning Administrator.

Duchesne County's Planning Commission procedures state that its land-use decisions must be based upon findings from the staff report or evidence and testimony relating to the applicable criteria.

ABT Mechanical Inc. therefore requests review of the underlying evidence concerning staking, access, surface ownership, road use, neighboring property and mitigation.

IV. PROPERTY USE AND ECONOMIC IMPACT

ABT Mechanical Inc. informed Duchesne County in writing on July 17, 2026 that it had plans for future residential use of Parcel No. 00-0009-8198.

That statement was made immediately after receiving notice of Horse 2 and before issuance of the September 25 Final Decision.

ABT Mechanical Inc. is concerned that placement and operation of a three-well oil and gas drilling and production facility immediately adjacent to or in the immediate vicinity of its property, together with associated access roads, truck traffic, noise, dust, lighting and industrial activity, may adversely affect the property's future use, enjoyment, marketability and fair market value.

ABT Mechanical Inc. is obtaining additional information concerning these potential impacts.

Because this appeal must be filed within a short appeal period, ABT Mechanical Inc. respectfully requests the ability to present relevant supporting evidence concerning these impacts during the appeal process to the extent permitted by the Planning Commission's procedures.

ABT Mechanical Inc. does not contend that its planned future residence presently qualifies it for provisions of the County ordinance that expressly depend upon an existing dwelling or building identified in County records.

V. REQUEST FOR COMPLETE ADMINISTRATIVE RECORD

For purposes of meaningful appellate review, ABT Mechanical Inc. respectfully requests that the Planning Commission's consideration include the complete administrative record upon which the September 25 decision was based, including, as applicable:

WEM's Horse 2 Conditional Use Permit application and amendments;
staff reports and findings;

site plans, plats and surveys;
maps showing the complete Horse 2 access route;
maps showing proposed pipelines;
correspondence between WEM and Duchesne County concerning Horse 2;
WEM's August 14 and August 26 submissions referenced in the Final Decision;
records concerning survey and staking activities;
records identifying affected surface owners;
records concerning access-road use;
records concerning County road encroachments;
records concerning transportation review and compliance with the Transportation Master Plan;
records concerning mitigation measures and permit conditions;
records or evidence relied upon concerning neighboring property boundaries and existing residences;
DOGM, BLM or other agency records actually relied upon by the County in reaching its decision; and
any other documents or evidence relied upon by the Zoning Administrator in issuing the September 25 Final Decision.

VI. ADDITIONAL EVIDENCE

This appeal is being filed within the short appeal period established by Duchesne County Code.

ABT Mechanical Inc. is continuing to obtain records relevant to the issues raised herein, including recorded easements and property records, access-road information, state and federal permitting records, property-value information and other evidence concerning the anticipated effects of Horse 2.

ABT Mechanical Inc. respectfully requests the opportunity, consistent with the Planning Commission's applicable procedures, to submit additional relevant evidence before or during consideration of this appeal.

VII. REQUEST TO PRESERVE THE STATUS QUO PENDING APPEAL

Because physical site disturbance, road work or other construction occurring before the Planning Commission decides this appeal could alter conditions relevant to the issues presented and could make certain requested relief more difficult to provide, ABT Mechanical Inc. respectfully requests that Duchesne County determine whether applicable law authorizes the County to preserve the status quo or otherwise defer County-authorized construction or site-disturbing activity associated with the Horse 2 Conditional Use Permit while this timely administrative appeal is pending.

If the County determines that such authority exists, ABT Mechanical Inc. requests that it be exercised until the Planning Commission has decided this appeal.

This request is made without asserting that filing the appeal itself automatically stays the permit.

VIII. REQUESTED RELIEF

For the reasons stated above, ABT Mechanical Inc. respectfully requests that the Duchesne County Planning Commission:

Accept this appeal as timely filed;

Recognize ABT Mechanical Inc. as an adversely affected party with standing to appeal the Horse 2 administrative decision;

Review the complete administrative record underlying the September 25, 2026 Final Decision;

Determine whether the administrative record supports the findings required for approval of Horse 2 at this particular location;

Determine the proper interpretation and application of Duchesne County Code §8-13-5-4(H), including the phrase “affecting their property”;

Determine whether the evidence establishes compliance with applicable survey-staking notification requirements for the well site, pipelines and access roads;

Determine the complete Horse 2 access route and whether the administrative record establishes the necessary access and applicable regulatory compliance for that route;

Verify that property boundaries, neighboring residences and other spatial information materially relied upon in the decision are accurate;

Determine whether all applicable surface-owner and impacted-owner requirements were satisfied;

Determine whether the conditions imposed adequately mitigate the reasonably anticipated adverse impacts of Horse 2 upon adjoining and surrounding properties;

Reverse the administrative approval if the Planning Commission determines that applicable requirements were not satisfied and the deficiencies cannot appropriately be addressed through reasonable conditions;

Alternatively, remand the matter for additional investigation, evidence, findings and consideration if the administrative record is insufficient to determine compliance;

Alternatively, modify the approval by imposing additional reasonable, site-specific conditions necessary to mitigate anticipated adverse impacts;

Determine whether applicable law authorizes preservation of the status quo or deferral of County-authorized site-disturbing activity during this appeal and, if so, grant such relief; and

Grant such other relief as the Planning Commission determines appropriate under Duchesne County Code.

Respectfully submitted,

ABT MECHANICAL INC.

By: Adam Merritt

Owner / Authorized Representative



Affected Property: Parcel No. 00-0009-8198

Address: 454 Commerce Rd. Orem, UT 84058

Email: Adam@abtmechanical.com

Phone: 801-205-0778

Date: 09/25/2026