

61 public works director that energy production traffic will place an undue burden on the
62 county road system **and that upgrades or repairs are needed or seasonal load**
63 **limits or compression brake limits must be imposed.** If an encroachment or road
64 use permit is required, a letter or copy of the permit with conditions for use, signed by
65 the public works director, must accompany any application for a conditional use
66 permit.

67 C. Facilities for Hazardous Materials: Location of any facilities for liquids, chemicals,
68 explosives, flammable, hazardous or toxic materials shall be in compliance with all
69 applicable federal and state laws and building codes (including the fire code). When
70 oil and gas wells are located in an H²S area, H²S warning signs shall be located on the
71 site at all times. **Operators of well sites in areas where H²S gas is likely to be**
72 **encountered shall provide occupants of buildings, located within 660 feet of the**
73 **well head, with H²S gas safety information before drilling commences.**

74 D. Well Site Engines: Well site engines shall be powered by electricity when located
75 within six hundred sixty feet (660') of a dwelling, provided that the power company
76 has adequate capacity to supply such power. Engines located at well sites not served
77 by electricity shall be muffled to mitigate noise impacts.

78 E. Painting Well Production Facilities: Well production facilities, such as pumps, tanks,
79 separators and appurtenances, shall be painted to blend with the surroundings, **with**
80 **the color choice to be made by the surface owner from the standard BLM color**
81 **palette.**

82 F. Distance From Dwellings: The well site (measured from the wellhead) shall be located
83 at least six hundred sixty feet (660') from any existing **primary or secondary**
84 **dwelling (as defined in the county tax rolls) and a like distance from any building**
85 **open to the public,** unless the owner(s) of said dwelling(s) **or building(s)** consent in
86 writing (in a surface use agreement or otherwise) to a lesser distance.
87 Notwithstanding the foregoing and for the avoidance of doubt, said distance shall not
88 apply to any current or pending oil and gas drilling facilities/production (already
89 subject to an existing oil and gas lease or associated with an application for a permit
90 to drill filed with the Utah division of oil, gas and mining). The provisions of this
91 subsection apply only to oil and gas drilling facilities/production which are applied
92 for and oil and gas leases granted after the effective date herein. In cases where the
93 setback to an existing dwelling **or building open to the public** is less than three
94 hundred feet (300'), such well pads shall be fenced with a six foot (6') tall fence and
95 signed to discourage entry, unless the property owner consents in writing to waive the
96 fencing requirement. ~~In cases where surface uses consist of commercial or industrial~~
97 ~~businesses, recreation facilities, public uses or educational facilities, fencing~~
98 ~~requirements for well sites shall be addressed in a surface use agreement with the~~
99 ~~property owner.~~

100 **G. Lighting: Well site lighting shall be installed with shielded fixtures so that light**
101 **is directed toward the work area in accordance with safety standards but**
102 **restricted from causing nuisance glare on nearby roads and agricultural-**
103 **residential zones or on lands used for residential purposes.**

104 ~~G. State, Federal Permit: Before drilling, the applicant shall receive a verbal approval or~~
105 ~~written permit to drill from the Utah division of oil, gas and mining or other state or~~
106 ~~federal agency. Such authorization shall be provided to the county before drilling~~
107 ~~commences.~~

108 **H. Dust Control: Operators of oil and gas drilling and production facilities shall**
109 **have a master dust control plan approved by the TriCounty Health Department**
110 **and shall implement such plan at each individual well site and along well access**
111 **roads located in areas where sensitive dust receptors exist.**

112 ~~H. Plan For Reclamation: A reclamation plan shall be submitted to the Utah division of~~
113 ~~oil, gas and mining, when required by that agency, for each proposed well site,~~
114 ~~pipeline, excavation, roadway, and area of disturbance. Roadways may remain in~~
115 ~~place upon capping the wells.~~

116 I. Sanitary Facilities: Well sites, during the site preparation, drilling, completion and
 117 production phases, shall be served by sanitary facilities for employees, as approved
 118 by the sanitary sewer authority (TriCounty Health Department).

119 J. ~~Guarantee: A copy of the performance bond or other good and sufficient surety shall be~~
 120 ~~submitted to the county, in an amount required by the Utah division of oil, gas and~~
 121 ~~mining, pursuant to Utah administrative rules.~~

122 **J. Staking: All surface owners shall be notified in writing of well site, pipeline and**
 123 **access road survey staking operations prior to such staking taking place.**

124
 125 **SECTION 2.** Section 8-6-1 of Title 8, Zoning Regulations, is amended as follows:
 126

127 **8-6-1: TABLE OF USES:**

128 A. Scope: The table of uses identifies the uses allowed within each zoning district of the
 129 county.

130 B. Purpose: The purpose of the table of uses is to implement the goals and policies of the
 131 county general plan. The table of uses identifies uses allowed as a permitted use
 132 (identified as "P" in the table of uses) and uses allowed as a conditional use (identified as
 133 "CU" in the table of uses). Uses not identified as either a permitted or conditional use are
 134 deemed to be a prohibited use (identified as "X" in the table of uses).

135 C. Zoning Districts Described:

136 A-10 Agricultural 10 acres minimum

137
 138 A-5 Agricultural 5 acres minimum

139
 140 A-2.5 Agricultural 2.5 acres minimum

141
 142 R-1 Residential 1 acre minimum

143
 144 R-1/2 Residential 1/2 acre minimum

145
 146 C Commercial

147
 148 I Industrial

149
 150
 151 **TABLE OF USES**

	A-5, A-10	A-2.5	R-1	R-1/2	C	I
Accessory dwelling	P	P	P	CU	X	X
Agricultural experiment station/field station	P	P	P	X	P	X
Agricultural retail sales/products processing and storage	P	P	CU	X	P	X
Airport	X	X	X	X	CU	P
Airstrip	CU	X	X	X	CU	P
Assisted care center	CU	CU	CU	CU	P	X

Bakery	X	X	X	X	P	X
Bank	X	X	X	X	P	X
Bed and breakfast	CU	CU	CU	CU	P	X
Billboard	CU	X	X	X	P	P
Boarding house	CU	CU	CU	CU	P	X
Building material or garden store	CU	CU	CU	X	P	CU
Cabinet shop	X	CU	CU	X	P	P
Campground	CU	CU	CU	X	P	X
Car wash	X	CU	CU	X	P	P
Cemetery	P	X	X	X	P	P
Child daycare facility	P	P	P	P	P	X
Commercial uses	CU	CU	CU	CU	P	P
Composting facility	P	CU	X	X	P	P
Concentrated animal feeding operations (CAFO), provided they are a minimum of 10,000 feet from incorporated towns, platted subdivisions, public or private water wells, public springs, and public water intakes and 1,000 feet from property lines	CU	X	X	X	X	X
Contractor shop/office	CU	CU	CU	CU	P	P
Convenience store	X	CU	CU	CU	P	P
Distribution center	CU	CU	CU	X	P	P
Dwelling, multiple-family	CU	CU	CU	CU	CU	X
Dwelling unit: one-, two-, three- or four-family	P	P	P	P	P	X
Emergency care facilities	CU	CU	CU	X	P	P
Exotic animals	X	X	X	X	X	X
Farm	P	P	P	X	P	P
Fish farm	P	CU	X	X	P	X
Golf course	CU	CU	CU	X	P	X

Guest ranch	CU	CU	X	X	P	X
Home occupations (*see definition of "home occupation" in section 8-2-1 of this title for a list of home occupations permitted outright or conditionally in these zones)	P	P/CU*	P/CU*	P/CU*	P	P
Indoor recreation	CU	CU	CU	CU	P	CU
Junkyard	CU	X	X	X	CU	P
Kennel	P	CU	X	X	P	P
Labor camp	CU	CU	X	X	P	P
Landfill	X	X	X	X	X	P
Laundry, self-service	X	CU	CU	CU	P	P
Livestock auction facility	P	X	X	X	P	X
Major facility of a public utility/utility service facility	P	P	P	CU	P	P
Manufactured or mobile home park	CU	CU	CU	CU	CU	X
Meat or poultry processing facility	P	CU	X	X	P	P
Membership club	P	CU	CU	CU	P	P
Motel/hotel	X	CU	CU	CU	P	X
Nursery	P	P	P	X	P	P
Nursing home	X	CU	CU	CU	P	X
Oil and gas drilling facilities/production <u>*See standards in Section 8-13-5-4</u>	P*	CU*	CU*	CU*	P*	P*
Planned unit development (PUD)	P	P	P	X	P	X
Power plant	CU	CU	X	X	CU	P
Private club	X	X	X	X	P	X
Produced water disposal facility	CU	X	X	X	X	CU
Public/private educational facility, place of religious assembly (church), veterinary clinic and hospitals	P	P	P	P	P	P
Public uses	P	P	P	P	P	P
Reception center	X	CU	CU	CU	P	X
Recreational vehicle park	CU	CU	CU	CU	CU	X

Recycling processing/collection facility	CU	CU	CU	CU	P	P
Residential facility for persons with a disability/elderly persons	P	P	P	P	P	X
Resort lodge	CU	CU	CU	CU	P	X
Resource family home	P	P	P	P	P	X
Restaurant	X	CU	CU	CU	P	P
Retail store	CU	CU	CU	CU	P	P
Sawmill	CU	X	X	X	P	P
Secure treatment facility	X	X	X	X	CU	X
Sexually oriented business, provided they are a minimum of 1,000 feet from a place of religious assembly, public park or public or private school accredited by the state, public libraries, public buildings, and daycare centers	X	X	X	X	CU	CU
Surface or subsurface mining	CU	X	X	X	CU	CU
Telecommunications site/facility	P	P	P	P	P	P
Temporary use/stands for the retail sales of produce grown on the premises	P	P	CU	X	P	P
Unlicensed motor vehicle, as not herein defined as a "junkyard"	P	CU	CU	CU	P	P
Vehicle service center, sales, rental	CU	CU	CU	CU	P	P

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SECTION 3. Severability.

If any court of competent jurisdiction declares any Section of this Ordinance invalid, such decision shall be deemed to apply to that Section only, and shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.

SECTION 4. Effective Date. This ordinance shall become effective fifteen (15) days after publication.

DATED this ___ day of _____, 2013.

ATTEST:

DUCHESNE COUNTY
 BOARD OF COMMISSIONERS

 Diane Freston
 County Clerk/Auditor

 Kirk J. Wood, Chairman

 Ronald Winterton, Member

 Kent R. Peatross, Member