

**BOARD OF COUNTY COMMISSIONERS OF UINTAH COUNTY, UTAH**

**ORDINANCE NO. 05-17-2010, O2  
NATURAL RESOURCES EXTRACTION AND EXCAVATION**

**AN ORDINANCE AMENDING TITLE 17, "ZONING" CHAPTER 17.116 "MISCELLANEOUS LAND USE REGULATIONS" SECTION 17.116.250 "NATURAL RESOURCES EXTRACTION AND EXCAVATION" IN THE UINTAH COUNTY CODE;**

**Section 1. Purpose of Ordinance.** The purpose of this ordinance is to amend Title 17 "Zoning" Chapter 17.116 "Miscellaneous Land Use Regulations" Section 17.116.250 "Natural Resources Extraction and Excavation"

**Section 2. Authority for Ordinance.** Section 17-27a-102 and 501 of the Utah Code Annotated (1953, as amended) which expressly mandates that the legislative body of each Utah County may enact land use ordinances.

**Section 3. Modification.** The Uintah County Code, Title 17, Section 17.116.250 "Natural Resources Extraction and Excavation" is hereby amended as follows, to wit:

**17.116.250- NATURAL RESOURCE EXTRACTION AND EXCAVATION**

1. Natural resources extraction and excavation is a conditional use in the MG-1, A-1, and RFM zones. The following are the general requirements for considering the use of land in the county for natural resource extraction and excavation:
  - A. A conditional use permit shall be obtained prior to beginning any operations.
  - B. In order to support the intended commercial mineral extraction or excavation uses, the minimum acreage shall be a total of five acres.
  - C. Development shall adhere to Uintah County Codes.
2. All applications for a natural resource extraction and excavation conditional use permit shall be accompanied by the following materials:
  - A. A completed application form for a conditional use permit.
  - B. Evidence of ownership or control over the land and a legal description of the property where the extraction operation will be located.
  - C. A site plan.
  - D. Excavation operations plan.
  - E. A reclamation plan.
  - F. A written statement detailing how the proposed conditional use complies with County Code.
  - G. Dust and noise control plans.
3. In addition to the requirements outlined in 2 (A-G) above, conditional use permit applications for oil and gas wells must meet the following requirements:
  - A. Oil and gas wells shall not be located closer than one thousand (1000) feet to any dwelling unit, unless written permission is given by the owner of such dwelling unit.
  - B. Oil and gas wells shall be located in such a manner as to not negatively impact existing irrigation systems.

C. The use of electric engines is encouraged by the County, however, in the event that an electric engine cannot be used the applicant must demonstrate how engine noise will be controlled so as not to have a harmful effect on neighboring property owners.

D. When oil and gas wells are located in an H2S area, H2S monitoring equipment shall be located on site at all times.

4. Natural resource extraction and excavation shall include but not be limited to:

A. Gravel, sand and rock quarries (including rock crushers).

B. **Oil and gas wells (see subsection six (6) below).**

C. Oil refinery, oil shale, tar sands, and asphalt processing facilities, and other resource extraction and processing plants, and accessory by products storage, handling and shipping facilities, including evaporation and disposal facilities in accordance with 17.76 of Uintah County Code.

D. The storage and processing of forestry products and other like resources.

E. Extraction and processing of gilsonite.

F. Mining and processing of minerals and coal yards.

5. This section applies to all lands within Uintah County whether privately owned or owned or managed by governmental agencies **except as outlined in subsection six (6).**

**6. Exemption**

A. **Any oil or gas wells that are on land that is owned or managed by a governmental agency will not require a Conditional Use Permit.**

**Section 4. Effective Date.** This ordinance shall take effect, fifteen (15) days after enactment, and after depositing of a copy in the Clerk-Auditor's Office and publication in a newspaper having general circulation in the County, as required by Utah Code Annotated section 17-53-208.

**ENACTED** this the seventeenth (17<sup>th</sup>) day of May, 2010.

**IN WITNESS THEREOF:**

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DARLENE BURNS, Chair

Darlene Burns	_____ Aye	_____ Nay	_____ Abstain	_____ Absent
Michael McKee	_____ Aye	_____ Nay	_____ Abstain	_____ Absent
Mark Raymond	_____ Aye	_____ Nay	_____ Abstain	_____ Absent

**ATTEST:**

**REVIEWED:**

\_\_\_\_\_  
MICHAEL W. WILKINS  
Clerk-Auditor

\_\_\_\_\_  
JOHN H. GOTHARD  
Deputy County Attorney