

**DUCHESNE COUNTY**

**PLANNING COMMISSION MEETING**

**JANUARY 6, 2016**

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**REQUEST TYPE:** Conditional Use Permit  
**APPLICANT:** Austin Nolden  
**PROPOSAL:** Roustabout Service  
**LOCATION:** 9022 S 12000 West, in the NW ¼ of the NW ¼ of Section 3,  
Township 4 South, Range 3 West, in the Bridgeland area.  
**ZONING DESIGNATION:** A-5/R-1

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## FINDINGS OF FACT

### **1. PROPOSAL DESCRIPTION**

The applicant is seeking approval to operate an oilfield roustabout service from his home in the Bridgeland area. The applicant owns two parcels of land; one contains the dwelling unit and is zoned R-1 due to the culinary water connection. The business office is in the home. The other parcel, where the business shop and equipment storage area would be located, is zoned A-5. Commercial uses are permitted in the agricultural and residential zones of the County with a Conditional Use Permit.

### **2. HISTORY OF EVENTS**

December 10, 2015	The application was submitted.
December 10, 2015	The application was deemed complete.
December 14, 2015	Notice mailed to property owners within 300 feet of the subject property.
December 22 & 29, 2015	Notice of Public Hearing published in the Uintah Basin Standard
January 6, 2016	Planning Commission hearing.

### **3. DUCHESNE COUNTY ZONING CODE**

#### **8-13-1: SCOPE AND PURPOSE:**

- A. Issuance: Conditional use permits may be issued as provided by this title for any of the uses for which a conditional use permit is required as identified in the table of uses and the table of site development standards, as set forth in Chapter 6 of this title.
- B. Purpose: The purpose of the issuance of a conditional use permit is to allow the proper integration into the county of uses which may be suitable only in specific locations in a zoning district, or only if such uses are designed, arranged or conducted on the site in a particular manner.
- C. Conditions: A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed land use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use permit may be denied.

#### **8-13-2: APPLICATION FOR PERMIT:**

All requests for a conditional use permit shall be made on the application form provided by the county, detailing the nature of the conditional use request. The applicant shall also provide the necessary information identifying the purpose of the conditional use request, and all required information shall be provided to the planning office twenty one (21) days prior to the planning commission meeting. The planning commission is authorized to render a final decision on the

issuance of a conditional use permit following the review and receipt of a recommendation from the zoning administrator.

**8-13-3: PUBLIC HEARING REQUIRED:**

All applications for a conditional use permit shall be made in accordance with the provisions of this title, and shall be the subject of a public hearing held before the planning commission for which a minimum of fourteen (14) days' public notice has been provided and the planning staff notifying all property owners by U.S. mail within three hundred feet (300') of the proposed conditional use.

**8-13-4: FINDINGS AND CONDITIONS FOR APPROVAL:**

A. Findings Required: The planning commission may grant a conditional use permit in compliance with this title if, from the application and the facts presented at the public hearing, it finds:

1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or general welfare.

**Findings: The proposed use has the potential to be detrimental to other properties and the public health, safety and general welfare if conditions are not imposed to regulate hours of operation, control dust and reduce the amount of dirt, rock and mud that could be tracked onto 12000 West by business vehicles.**

2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.

**Findings: The Duchesne County General Plan states that future growth and development decisions should be made with sensitivity to rural residential and agricultural interests. The plan indicates that the county wishes to encourage business activity and support efforts to recruit new businesses, retain existing businesses and assist with the expansion of existing businesses. In light of these plan policies, the Conditional Use request should be approved to provide a new site to relocate an existing business, provided that conditions of approval are imposed to protect rural residential and agricultural interests in the area.**

**The purposes of the Zoning Ordinance are set forth below:**

**8-1-2: PURPOSE:**

- A. The purpose of this title is to implement the goals and policies of the county general plan. This title contains standards, provisions and requirements intended to protect the health, safety and welfare of the citizens of the county by ensuring that neighbors, adjacent and neighboring properties are protected from potential negative impacts in the development and use of land and resources. It is the intent

of this title to provide a means of ensuring predictability and consistency in the use of land and individual properties, and to guide and direct the development of land.

B. These purposes are met by:

1. Providing the means of implementing the various policies and other provisions of the county general plan;
2. Generally directing and guiding land development so more intense development is located in areas of the county having the necessary services and facilities sufficient to meet the demands of the proposed development;
3. Promoting the public health, safety and general welfare by regulating the location and use of buildings, structures and land for residential, commercial and other specified uses;
4. Protecting landowners from potential adverse impacts from adjoining uses; and
5. Directing and managing, through the establishment of use districts, the type, distribution and intensity of activity.

**Findings: If the applicant meets the Conditional Use permit criteria and complies with the conditions of approval, the purposes of the Zoning Ordinance will be met.**

3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.

**Findings: The parcel on which the applicant's home is located is 6.166 acres in size. This parcel is surrounded by another parcel owned by the applicant, which is 10.592 acres in size. The proposed business use would be on the northerly section of the 10.592 acre parcel. This parcel is of sufficient size to locate the proposed outdoor equipment storage area and future shop building with no significant impact on surrounding properties.**

B. Conditions:

1. In approving a conditional use permit, the planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of the county general plan and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses in the general vicinity. Minimum conditions shall be included for produced water disposal facilities, extraction of earth products and residential treatment or secure treatment facilities as indicated in section 8-13-5 of this chapter.

2. When approving a conditional use permit, the planning commission may impose such requirements and conditions as follows: location, construction, maintenance, odor control, operation, site planning, traffic control, dust control, noise, time limits and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The planning commission may require guarantees or other evidence that such conditions will be met and complied with.

**8-13-5-5: ADDITIONAL CONDITIONS SPECIFIED:**

These conditions may include:

- A. Landscaping, Design: That the site will be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the area.

**Findings: The applicant has a significant amount of oilfield pipe stored on the property for future use in fencing. He also plans on a chain link or vinyl fence around the future shop if the oilfield becomes more active. The applicant plans to plant trees near the entrance to the property to enhance the appearance. As there are no other dwelling units located in the immediate vicinity on the west side of 12000 West, the need for buffering is minimal.**

- B. Parking: Provisions of parking facilities, including vehicular ingress and egress, loading and unloading areas and the surfacing of parking areas and driveways to specified standards.

**Findings: While the business currently has two employees, it can have 10-12 employees when oilfield activity is booming. Many of those employees take their work trucks home rather than store them at this location. It is estimated that there would be 3-4 vehicles making trips to and from the facility on an average day. Equipment that will be based at this location include a dump truck, two bucket trucks, two backhoes, two dump trailers, three 30-foot 5<sup>th</sup> wheel trailers, a skid steer and a welding trailer. With the anticipated business traffic, conditions should be imposed to ensure that driveways, parking areas and storage areas are provided with an adequate rock base and clean surface material to reduce dust and minimize rutting and the tracking of rock, dirt and mud onto 12000 West. Installing pavement between the front property line and the edge of existing pavement on 12000 West would help.**

- C. Streets, Water, Sewer, Fire Protection: The provision of required street and highway dedication and improvements, and adequate water supply, sewage disposal and fire protection.

**Findings: The property is accessed by 12000 West, which is a paved county arterial road that connects Highway 40 to Highway 87. The road is improved to sufficient standards to accommodate truck traffic and the minor increase in traffic anticipated with this business.**

**Water to the existing home and proposed business shop is provided by the East Duchesne Culinary Water District.**

**When the home was constructed, the applicant received approval of a wastewater permit from the TriCounty Health Department. If a business shop is constructed in the future, and it contains bathroom facilities, the applicant will need to apply for another wastewater disposal permit from the health department.**

**The nearest fire hydrant is located just north of the applicant's driveway entrance. If the applicant constructs a business shop in the future, he will need to obtain a building permit and work with the Building Official and Fire Chief to meet code requirements for fire protection before a Certificate of Occupancy is issued for the building.**

**The future plans could include the location of diesel fuel storage tanks on the property. Before doing so, the applicant will need to submit a plan to the Duchesne County Fire Chief for review and approval to ensure compliance with the Fire Code.**

D. Signs: Regulation of signs.

**Findings: The applicant has submitted no signage plans. If a business sign were to be proposed in the future, the Planning Commission has generally limited such signage in agricultural-residential areas to one sign, not to exceed 32 square feet in size.**

E. Nuisances: The mitigation of nuisance factors, such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.

**Findings: The business has the potential to generate noise from truck or equipment operations in late night or early morning hours.**

**The Duchesne County Nuisance Ordinance contains the following regulations for truck and equipment noise:**

G. Noise Disturbances:

**1. The following acts are declared to be violations of this subsection, but such enumerations shall not be deemed to be exclusive:**

- a. Parking a motor vehicle with the motor or auxiliary equipment in operation on a public right of way or on private property between the hours of nine thirty o'clock (9:30) P.M. and seven o'clock (7:00) A.M., if the noise so produced is plainly audible within a dwelling unit. This subsection shall not apply to: county or publicly owned vehicles or equipment; commercial construction equipment; the normal operation of commercial or private vehicles designed and used for transportation of passengers; or to other commercial or private vehicles being loaded or unloaded, including sanitation and waste disposal vehicles.**
- b. The use of a motor vehicle, motorcycle or motorized vehicle, whether or not designed for use on public roads, at any time or under any condition of grade, load, acceleration, deceleration, movement, or at rest, whether**

**or not in repair or operated in such manner as to create loud or unnecessary grating, grinding, rattling, motor winding, squealing, screeching or other tire noise, or any other unnecessary noise.**

**Based on the nuisance ordinance standards, the applicant should minimize activities that produce nuisance noise later than 9:30 PM and earlier than 7:00 AM.**

F. Operating Hours: The regulation of operating hours for activities affecting normal schedules and functions.

**Findings: The applicant states that normal business hours are from 7 AM to 7 PM, with occasional call-outs earlier or later in the day. Such hours are within the guidelines of the Nuisance Ordinance for the generation of noise. The business office is in the home. Business activities would occur primarily at oilfield locations, with the land near the home being used for equipment parking and storage, employee parking and equipment maintenance.**

#### **8-13-6: TERM OF PERMIT:**

Unless there is substantial action under a conditional use permit within a period of eighteen (18) months of its issuance, the permit shall be considered null and void.

#### **8-13-7: REVOCATION OR MODIFICATION OF PERMIT:**

A. Authority: If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the planning commission shall hold a public hearing on the question of modification or revocation of a conditional use permit granted under the terms and the provisions of this title.

B. Conditions: A conditional use permit may be modified or revoked if the planning commission finds that one or more of the following conditions exist:

1. The conditional use permit was obtained in a fraudulent manner.
2. The use for which the conditional use permit was granted has now ceased for at least six (6) consecutive calendar months.
3. One or more of the conditions of the conditional use permit have not been met.

C. Modification by Planning Commission: Additionally, the conditions under which a conditional use permit was originally approved may be modified by the planning commission without the consent of the property owner or operator, if the planning commission finds that the use or related development constitutes or is creating a demonstrated nuisance. Should reclamation be necessary, complete restoration, to such an extent that the area will not depreciate the surrounding property or impair the beauty of the landscape, shall be accomplished within a twelve (12) month time frame.

### **CONCLUSIONS**

1. The request will comply with the Conditional Use Permit requirements of the Duchesne County Zoning Code, provided that conditions are imposed.
2. The request is valid.

### **RECOMMENDATION**

Recommended Motion: I move that the Planning Commission approve the Conditional Use Permit requested by Austin Nolden, subject to the following conditions:

1. By July 1, 2016, all business driveways, parking areas and equipment storage areas shall provided with an adequate rock base and clean gravel surface course to control dust from business vehicle movement.
2. By July 1, 2016, the applicants shall install pavement between the front (east) property line and the edge of existing pavement on 12000 West to minimize the tracking of rock, dirt and mud onto the County road.
3. Owner shall obtain a building permit from the County before starting construction on the proposed shop building and comply with all requirements of the building and fire codes as determined by the County Building Official and Fire Chief. If the future business shop building will have restroom facilities, the owner must obtain a wastewater disposal permit from the TriCounty Health Department.
4. If a business sign is proposed in the future, such signage shall be limited to one sign, not to exceed 32 square feet in size.
5. Motor vehicle and equipment noise on the property shall be limited, to the greatest extent possible, to the hours between 7:00 A.M and 9:30 P.M. on weekdays, 8:00 A.M. to 9:30 P.M. on Saturdays and 9:00 A.M. to 9:30 P.M. on Sundays.
6. Future location of diesel fuel storage tanks on the property may occur only after the owner submits a plan to the Duchesne County Fire Chief for review and approval, to ensure compliance with the Fire Code.

Mike Hyde, AICP  
Community Development Administrator