

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
January 6, 2016 - 5:00 p.m.**

In Attendance were:

Ken Moon, Planning Commission, Chairman
Kathy Giles, Planning Commission
Edward Roberts, Planning Commission
Allen Lindsay, Planning Commission
Brad Wells, Planning Commission
Bobby Drake, Planning Commission
Ken Richens, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Austin Nolden	Nolden-CUP
Nate Robinson	IWM-CUP
JT Martin	IWM-CUP
Russell Sorenson	IWM-CUP

Chairman Moon opened the meeting at 5:00 pm. He welcomed Mr. Ken Richens to the Planning Commission and thanked him for his willingness to serve on the board.

Chairman Moon opened elections for the 2016 Chair and Vice-Chair. Commissioner Giles nominated Chairman Moon for a second term. Commissioner Drake seconded the motion and it passed unanimously. Commissioner Lindsay nominated Commissioner Drake for Vice-Chair. The motion was seconded and it passed unanimously.

The rules of order were read and Chairman Moon asked if any of the Planning Commission Members had any ex-parte contacts or conflicts of interest associated with either item on the agenda. There were none, so the meeting proceeded.

PUBLIC HEARINGS:

- A. Request by Integrated Water Management for a Conditional Use Permit to erect an off-premise advertising sign on property owned by Ochenta, LLC located on the west side of the intersection of Highway 87 and 2000 South, in the Blue Bench area, north of Duchesne.**

Mr. Hyde stated the applicants are proposing to erect an off-premise advertising sign at the

intersection of Highway 87 and 2000 South (the access road to the Blue Bench landfill). Such signs require a conditional use permit in the A-5 zone.

Some criteria for approval include the following.

- 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.**

Mr. Hyde stated the proposed sign could be detrimental if it were placed too close to the highway or if it is not designed to withstand wind forces.

The proposal has been reviewed by UDOT Region 3 and they were not able to verify the width of their right of way at this location. UDOT requested that the applicant have the Ochenta property surveyed or take other actions to verify the location of the property lines. The sign cannot project into the highway right of way or onto another owner's property.

The applicants have had the proposed sign designed by a licensed structural engineer. If the permit is granted, the applicant will need to obtain a building permit and have the sign installation inspected to ensure that it is installed in accordance with the approved plan.

- 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.**

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 support signage to direct clients to an existing business site, provided that conditions of approval are imposed to protect public health, safety and welfare.

- 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.**

The property on which the sign is proposed is a vacant parcel that is 80 acres in size. This provides sufficient space to locate the proposed sign, which is anticipated to be located near the north property line of the parcel.

The general provisions for on and off premise advertising include.

1. No advertising sign or structure shall be erected which by reason of its size, location, shape, content, coloring, or manner of illumination might be confused as a traffic control or warning device. The applicant had indicated the proposed sign will be illuminated with solar-powered lighting. This lighting cannot be of a color or flashing nature that would cause confusion for drivers along Highway 87.

2. No advertising sign shall be erected within a public right of way. The location of the highway right of way will need to be determined by a survey or other means as required by UDOT Region 3.
3. All advertising signs shall comply with the provisions of the national electrical code and international building code in effect at the time the sign is proposed to be erected. Signs involving electrical wiring or connections shall be erected only by a licensed and bonded contractor. Where required by the building official, signs shall be designed by a structural engineer, licensed by the state of Utah, to ensure the proposed sign structure will comply with all construction code requirements. Mr. Hyde indicated before the installation of the sign, the plans will need to be submitted to the Duchesne County Department of Building Safety for approval and a building permit.
4. No advertising sign shall exceed a height of fifty feet (50'), measured from the abutting roadway grade. The applicant has indicated the proposed sign will be 18 feet above ground level, and perhaps slightly lower than 18 feet above the grade of Highway 87.
5. No advertising sign shall be attached to a motor vehicle or trailer that is not actively in use for transportation purposes or not currently licensed and insured for use on public roads. Any such signage in place as of the date of this section shall be removed within a three (3) year amortization period beginning on the date this section was approved. The proposed sign is not designed to be attached to a motor vehicle or trailer.
6. No advertising sign shall be placed on a motor vehicle or trailer that could impede the driver's ability to safely operate that vehicle. Advertising signs placed on a motor vehicle or trailer shall be securely affixed in a manner to prevent such signage from becoming dislodged by wind forces. Mr. Hyde has indicated this provision is not applicable.
7. Off premises advertising sign requests shall contain the written permission of the property owner. Mr. Hyde noted the property owner (Ochenta LLC) has granted written permission to place the sign on his property by letters dated October 29 and October 30, 2015. Permission was granted subject to the sign being no more than 8 x 12 feet in size and subject to indemnification of the owner from any liability associated with the sign.
8. All advertising signs shall be maintained in good repair and shall be repaired by the sign owner within ninety (90) days of receipt of a notice to repair from the county. The building official may order or cause the immediate removal of a sign deemed to constitute a public safety hazard. Mr. Hyde informed the applicant the sign must be kept in good repair or the county will issue a notice to repair the sign or remove it.
9. Advertising signs shall be removed after a business is closed or the product or service advertised is no longer available. Removal of said signs shall be

accomplished by the sign owner within ninety (90) days of receipt of a notice to remove from the county. Mr. Hyde stated if the business or services advertised on the sign cease to exist at the location just east of the sign, the sign shall be modified accordingly or removed as stated above.

Mr. Hyde's recommendation is the Planning Commission approve the Conditional Use Permit requested by Integrated Water Management, subject to the following conditions:

1. Before construction of the sign, the applicant shall:
 - a. Verify the location of the Ochenta LLC property lines and highway right of way line by a property survey or other means acceptable to Duchesne County and UDOT Region 3. The sign may not project beyond the Ochenta LLC property lines onto another private property or the Highway 87 right of way.
 - b. Submit sign design plans to the Duchesne County Department of Building Safety and obtain a building permit.
2. Illumination of the sign cannot be of a color or flashing nature that could cause drivers along Highway 87 to confuse the sign for a traffic control device or emergency vehicle.
3. The sign must be kept in good repair.
4. If the business or services advertised on the sign cease to exist at the location advertised, the sign shall be modified accordingly or removed as directed by the County.

Mr. Hyde referred the commission to their packets and some site photos of the proposed location and their current sign and asked if there were any questions of the staff report. There were none so the applicant was invited to speak.

Nate Robinson, applicant and member of Integrated Water Management, stated they just want the public to see where they are located and thanked Mr. Hyde for his efforts.

With no one else in the audience to speak either in favor or against the applicants request, the hearing was closed.

Commissioner Drake motioned to approve the Conditional Use Permit requested by Integrated Water Management, subject to the conditions stated in the staff report. Commissioner Roberts seconded the motion and it passed unanimously.

B. Request by Austin Nolden for a Conditional Use Permit to operate an oilfield roustabout service at 9022 S 12000 West, in the Bridgeland area.

Mr. Hyde referred the Planning Commission to their packets and some site photos of the proposed location and stated 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.

The conditional use criteria are as follows:

- 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.**

Mr. Hyde stated 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.**

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.

- 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.**

Mr. Hyde stated 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.

Additional conditions to be considered are:

- 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.

Mr. Hyde stated 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.

Mr. Hyde stated 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 5th 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.

Mr. Hyde stated 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 applicant has indicated 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.

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.

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:

F. 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.

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

Mr. Hyde stated the applicant has indicated 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.

Mr. Hyde's recommendation is 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.

Mr. Hyde asked if there were any questions or comments on the staff report. There were none.

Chairman Moon invited the applicant to speak.

Austin Nolden, owner of Austin's Roustabout Service, LLC stated they just need a place to park his trucks and trailers since the slow down in the oilfield. For now, there will not be a shop or any pre fabrication work at this location.

There was some discussion with the Planning Commission and Mr. Nolden about condition #2 and whether all other business need to lay pavement and who is requiring that. Mr. Nolden wondered if he could just lay rock and pave later when business picks up. Commissioner Roberts suggested he could install pavement if gravel doesn't work.

Chairman Moon asked if there were any other questions or comments. There were none and with no one in the audience to comment either in favor or against the applicant's request, so the hearing was closed.

Commissioner Lindsay motioned to approve the Conditional Use Permit requested by Austin Nolden, subject to the conditions in the staff report with condition #2 to read as follows: If the improvements required in Condition #1 prove to be inadequate to minimize

the tracking of rock, dirt and mud onto the County road, the Planning Commission reserves the right to require the applicants to install pavement between the front (east) property line and the edge of existing pavement on 12000 West. Commissioner Roberts seconded the motion and it passed unanimously.

NEW BUSINESS:

Status report on the Potter Conditional Use Permit and Site Inspection.

Mr. Hyde stated Mr. Hammond is not opposed to extending their permit and will be here in late March or early April to see the Potter's progress. Mr. Hyde suggested the commission plan to attend a site visit when Mr. Hammond arrives.

Commissioner Wells motioned to extend the Potter's Conditional Use Permit until June 30, 2016 to allow time for a site inspection with the property owner. Commissioner Drake seconded the motion and it passed unanimously,

Minutes: Approval of December 2, 2015 minutes:

Commissioner Roberts moved to approve the minutes of December 2, 2015. Commissioner Lindsay seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

None

Adjournment:

Meeting adjourned at 5:35 p.m.