

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

In Attendance were:

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

Visitors:

Iliel Salguero

Mechanic Shop-CUP

Chairman Moon opened the meeting at 5:00 pm and read the rules of order. He asked if any of the Planning Commission members had any ex-parte contacts or conflicts of interest associated with any item on the agenda. There were none, so the meeting proceeded.

PUBLIC HEARINGS:

A. Request by Iliel A. V. Salguero for a Conditional Use Permit to operate a mechanic's shop, at 7209 West Bluebell Road (Lot 34A of the Cedarview Properties Subdivision, Phase 2, Unit 3) located northwest of Roosevelt.

Mr. Hyde stated the applicant is seeking approval to operate a mechanic's shop at his property on the south side of the Bluebell Road, in the Cedarview area. He has previously worked for Palmer's Tire and Thacker's Repair, but has been laid off due to the slow economy. He has an existing shop, where he is working on his own vehicles; but would like to be able to operate the shop as a business. The property is zoned A-5, which is an agricultural zone with a five-acre minimum lot size. Commercial uses are permitted in the agricultural zones of the County with a Conditional Use Permit.

The conditional use permit criteria include:

- 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 property owners and the public health, safety and general welfare if conditions are not imposed to regulate hours of operation, ensure compliance with health department rules and screen the view of vehicles that would be stored at the shop awaiting repair.

- 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 site for a new business, provided that conditions of approval are imposed to protect rural residential 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 subject property is 15 acres in size and contains five existing homes and a garage. Fifteen acres is large enough to operate the proposed mechanic's shop building with no significant impact on surrounding properties. The nearest homes are located about 700 feet to the southeast, 1,600 feet to the southwest and 1,650 feet northwest of the mechanic shop building.

Additional standards for conditional use permits 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.

There are currently about a dozen vehicles stored outdoors on the site. Some of these vehicles are owned by individuals other than the applicant, who have abandoned them at the location. It is common for mechanic shops to have outdoor storage of vehicles waiting to be repaired or abandoned by a vehicle owner who cannot afford repairs. Such vehicles should be stored within a sight obscuring fence or wall, at least six feet in height, to obscure their view from nearby residents and from the public traveling on the Bluebell Highway. Such fencing or wall should be constructed prior to the issuance of a business license for the mechanic shop.

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 access to the proposed business is via the Bluebell Highway, which is a paved county road. However, upon leaving the county road, one must travel over dirt roads that include sections of the old highway. These roadways are not maintained by the County and are not in good condition for all-weather travel. The applicant has expressed an interest in acquiring more direct access from the highway, immediately north of his property; however, that will take time to address with the property owners (Judith Hires and Bill George). In the short term, the applicant should at least provide ingress and egress over roads that meet the standard of the Wildland Urban Interface Code for all-weather public access and fire truck access to the property, as determined by the Fire Marshall.

Dirt-surfaced areas on the property used for the parking, movement and storage of vehicles should also be provided with a gravel or rock surface to provide for all-weather

access and to reduce blowing dust.

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.

The subject property has frontage on the old Bluebell Road, which has a width of 20 feet according to the 1979 subdivision plat. Since the road has been relocated to the north by the County, there is no need for additional road right of way. However, these former sections of county road need to be upgraded to a standard of the Wildland Urban Interface Code for all-weather public access and fire truck access to the property, as determined by the Fire Marshall.

Water: The existing homes on the subject property receive water from a private well. The existing shop building does not have water service. If the applicant desires to connect the building to water in the future, he will need to obtain approval from the Utah Division of Water Rights to appropriate groundwater for that purpose.

Sewer: When the homes on the property were constructed, the applicant received approval of a wastewater permit from the TriCounty Health Department. If the existing shop building is provided with bathroom facilities in the future, the applicant will need to apply for another wastewater disposal permit from the health department and install a wastewater system to serve the building. A building permit will be required for any alterations or additions to the building.

There is no water system with fire hydrants in this area. Before the county issues a business license, the applicant must work with the Building Official and Fire Chief to meet code requirements for fire protection before a Certificate of Occupancy is issued for converting the building from a private garage to a commercial mechanics shop.

D. Signs: Regulation of signs.

Mr. Hyde indicated the applicant would like to install a sign readable from the Bluebell Highway; however, he does not own any frontage on the county road. He would first need to obtain the property or a lease from the property owner. If a business sign were to be proposed in the future, the Planning Commission has generally limited such signage in agricultural-residential areas to 32 square feet in size. To maintain residential character, new signs should not be illuminated nor constructed above the roof lines of the building.

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 vehicle or equipment operations in late night or early morning hours. The Duchesne County Nuisance Ordinance contains the following regulations for vehicle 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.

Mr. Hyde's recommendation is that the Planning Commission approve the Conditional Use Permit requested by Iliel A. V. Salguero, subject to the following conditions:

1. Before opening for business:
 - A. All business access roads, driveways, parking areas and vehicle storage areas shall be provided with an all-weather surface to control dust from business vehicle movement and meet the minimum standards of the Wildland-Urban Interface Code, as determined by the Fire Marshall.
 - B. The applicant shall construct a sight-obscuring fence or wall at least six feet in height to obscure the view of all vehicles associated with the business that are stored on the property.
 - C. The applicant shall comply with all requirements of the building and fire codes as determined by the County Building Official and Fire Chief and obtain a Certificate of Occupancy to change the use of the existing private garage to a commercial mechanics shop.
 - D. The applicant shall obtain a county business license (after A, B and C above are completed).
2. If an off-premise business sign is proposed along the Bluebell Road in the future, such signage shall be limited to one sign, non-illuminated, not to exceed 32 square feet in size and the sign owner must either own or lease the sign site. On-premise signs shall also be limited to 32 square feet in size, not be illuminated and shall not exceed the roof line of the shop building.

3. Motor vehicle and equipment noise on the property shall be limited, 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.
4. If the shop building will have restroom facilities in the future, the owner must first obtain a wastewater disposal permit from the TriCounty Health Department, approval to appropriate groundwater for such purpose from the Utah Division of Water Rights. A permit from the County Building Department is required for alterations or additions to the shop building.

Mr. Hyde asked if there were any questions of the staff report. There were none.

Chairman Moon invited the applicant to speak.

Iliel Salguero, applicant and property owner stated he has worked in the mechanic's industry since he moved to the basin. He and his wife want to stay here and raise their family and he is hoping the mechanic's shop will allow him to do that. Mr. Salguero stated he has started working on the fence and has talked to the adjoining property owner about possibly buying some additional land for a better driveway into his property.

Chairman Moon asked Mr. Salguero if he was ok with the conditions for approval. Mr. Salguero stated he hated to do a lot of work on the road into his property mostly because of the cost but he will do what he needs to if the permit is approved. Mr. Salguero also indicated the roads are good in the summer but they are a mess in the winter and knows that will need to be addressed.

There was some discussion about the road issues, both the road base and access and how much time the commission is willing to allow Mr. Salguero for those improvements. After the discussion it was agreed and motioned by Commissioner Drake that the Planning Commission approve the Conditional Use Permit requested by Iliel A. V. Salguero, subject to the following conditions as amended:

1. Before opening for business:
 - A. The applicant shall construct a sight-obscuring fence or wall at least six feet in height to obscure the view of all vehicles associated with the business that are stored on the property.
 - B. The applicant shall comply with all requirements of the building and fire codes as determined by the County Building Official and Fire Chief and obtain a Certificate of Occupancy to change the use of the existing private garage to a commercial mechanics shop.
 - C. The applicant shall obtain a county business license (after A and B above are completed).
2. If an off-premise business sign is proposed along the Bluebell Road in the future, such signage shall be limited to one sign, non-illuminated, not to exceed 32 square feet in size and the sign owner must either own or lease the sign site. On-premise

signs shall also be limited to 32 square feet in size, not be illuminated and shall not exceed the roof line of the shop building.

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4. If the shop building will have restroom facilities in the future, the owner must first obtain a wastewater disposal permit from the TriCounty Health Department, approval to appropriate groundwater for such purpose from the Utah Division of Water Rights. A permit from the County Building Department is required for alterations or additions to the shop building.
5. The applicant is given one year from the date of this letter to improve all business access roads, driveways, parking areas and vehicle storage areas with an all-weather surface to control dust from business vehicle movement and meet the minimum standards of the Wildland-Urban Interface Code, as determined by the Fire Marshall. The Planning Commission will review the permit at their July 2017 meeting to assess the progress and determine whether additional improvements need to be done.

The motion was seconded by Commissioner Roberts and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of April 6, 2016 minutes:

Commissioner Drake moved to approve the minutes of April 6, 2016.
Commissioner Giles seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

None

Adjournment:

Meeting adjourned at 5:30p.m.