



The applicant has indicated that the number of vehicles for sale at any one time will not exceed three and they will be stored inside existing garage buildings on the property (unless the vehicle is being actively driven by the owner). If the business grows to where vehicles exceed the capacity of the buildings, the applicant indicates that he will move the business to a location within a nearby city.

The conditional use permit criteria 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 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 maintain the residential character of the business site.

- 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.**

The subject property consists of two lots, with a total of 12.78 acres of land. The property contains an existing home with an 816 square foot detached wood frame garage and a 600 square foot detached metal building in which vehicles associated with the business will be stored. The property is large enough to operate the proposed vehicle sales business with no significant impact on surrounding properties. The nearest homes are located about 780 feet to the southeast [Kennedy], 830 feet to the north [Evans] and 920 feet southwest [McDonald] of the shop building.

The additional criteria for approval 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.**

Mr. Hyde stated the property contains several trees and landscaped areas as shown on the site photos submitted. Activity associated with the business will be at the house, which is set back over 400 feet from the access road (250 North). Based on those considerations and the applicant's commitment to keep vehicles inside an enclosed

building, no additional fencing, walls or landscaping should be required.

**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.**

As indicated by the site photos, there is ample parking for customer vehicles near the home, where vehicles will be available to view. Ingress and egress is available via a single lane driveway; however, the photos show sufficient level area along the driveway in the event that two vehicles need to pass, going opposite directions. The driveway areas appear to have a sufficient surface for all weather use.

**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.**

Roads: The property receives access to State Highway 87 via 250 North [County Road #135] which is paved to a width of 25 feet (which meets the standard for two travel lanes). The Lone Pine Ranch Estates subdivision plat dedicated 50 feet of road right of way for public use. There are no plans for acquiring additional right of way identified at this location. This road is sufficient to handle the small amount of additional traffic associated with the proposed business.

Water: The property receives water from the Upper Country Water District. The proposed business will have a very minimal impact on water usage at the property.

Sewer: The property has an onsite wastewater disposal system. The proposed business will have a very minimal impact on the amount of sewer generated at the property. Business customers would use restroom facilities, if necessary, in the existing home.

Fire: The detached wood frame garage needs no additional work to ensure that it meets building and fire codes for storage of vehicles. The detached metal building was apparently moved onto the property without a building permit or submittal of engineered plans to the county. The building department was thus unable to determine if this building is in compliance with building and fire codes.

**D. Signs: Regulation of signs.**

Mr. Hyde stated if the applicant installs signage, it should be limited in size to preserve residential character. If a sign were installed on the west side of Highway 87, it would need to be on the applicant's property and be located to avoid creating a vision clearance hazard at the intersection with 250 North. A sign visible from the highway or at the driveway entrance should not exceed 32 square feet in size, be non-illuminated and comply with all other county sign regulations in Section 8-9-14 of the county zoning ordinance.

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

This small scale vehicle sales business is not anticipated to generate significant amounts of noise or dust. The Duchesne County Nuisance Ordinance allows noise from motor vehicles between the hours of 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. Conditions should be considered to ensure that vehicle noise, which could disturb surrounding residents, does not occur earlier or later than these allowed times.

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

The applicant has indicated that normal business hours will be from 9:00 AM to 5:00 PM. Such hours are within the guidelines of the Nuisance Ordinance for the generation of noise.

Mr. Hyde's recommendation is that the Planning Commission approve the Conditional Use Permit requested by Whit Beal, subject to the following conditions:

1. Before opening for business:
  - A. The applicant shall demonstrate compliance with Utah DMV regulations for the operation of a vehicle sales business.
  - B. The applicant shall obtain a county business license.
2. Signage needed to direct customers to the business shall be located on the applicant's property and be located to avoid creating a vision clearance hazard at the intersections of Highway 87 with 250 North and 250 North and the applicant's driveway. A sign visible from the highway or at the driveway entrance shall not exceed 32 square feet in size, be non-illuminated and shall comply with all other county sign regulations in Section 8-9-14 of the county zoning ordinance.
3. Motor vehicle noise on the property, associated with the business, 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. All vehicles offered for sale on the premises shall be stored within an enclosed building when not being viewed by a prospective purchaser (unless said vehicle is being actively driven by the owner). If the business grows to a point where outdoor storage of vehicles is necessary, such storage shall be screened from the view of surrounding residents or the business relocated to a commercial setting.

Mr. Hyde asked if there were any questions of the staff report. There were none. Chairman Moon invited the applicant to speak.

Whit Beal, applicant and property owner thanked Mr. Hyde for his efforts and the commission for their time. Mr. Beal stated he felt there is a need for a vehicle sales office and wanted to see how it goes.

Chairman Moon asked if he is ok with the conditions for approval. Mr. Beal stated he was.

Commissioner Drake asked how many vehicles would he have at a time. Mr. Beal stated only 3 or 4 for now and if there gets to be many more he will move his sales office.

With no other questions or comments either from the commission or anyone in the audience the hearing was closed.

Commissioner Drake motioned to approve the Conditional Use Permit requested by Whit Beal, subject to the conditions stated in the staff report. Commissioner Lindsay seconded the motion and it passed unanimously.

**NEW BUSINESS:**

**A. After meeting adjourns, re-inspect Jeff & Roni Potter property for compliance with terms of Conditional Use Permit granted June 4, 2014.**

Mr. Hyde reminded the commission at the June 4, 2014 meeting of the Duchesne County Planning Commission, a public hearing was held regarding a request for a Conditional Use Permit to operate a scrap metal yard for up to one year on property owned by Best Western Land, LLC located at 808 North 20250 West (CR #297), between Duchesne and Talmage. Since then, two six month extensions have been approved. The property owner has requested there be no more extensions and the conditional use permit has expired. Mr. Hyde suggested the commission walk the property and check for scrap and old vehicles with missing parts. After the visit, they can advise staff whether the Potters are in compliance or if other enforcement measures need to be taken.

**Minutes: Approval of July 6, 2016 minutes:**

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

**Commission Comments and Staff Information Items:**

None

**Adjournment:**

Meeting adjourned at 5:30 p.m. The Planning Commission then traveled to the Potter site visit and returned to the Administration Building at 6:45 p.m.