

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

In Attendance were:

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

Visitors:

Lamont Moon	Moon PUD-CUP
Cody and Cassie Ames	Ames Repair-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 Cody & Cassie Ames for a Conditional Use Permit to operate a small engine and electronics repair/service business at 800 North 2060 West, in the Royal Stewart Subdivision northwest of Roosevelt.

Mr. Hyde referred the commission to their packets and some site photos of the applicant's home and proposed shop area and stated they are seeking approval to operate a small engine and electronics repair/service business. The electronics repair will be done inside the home. Small engine repair will be done in the garage, with starting and testing to occur outdoors. The property is zoned R-1, which is a residential zone with a one-acre minimum lot size. Commercial uses and certain home occupations are permitted in the residential zones of the county with a Conditional Use Permit.

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 and ensure that equipment being repaired is stored out of public view.

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 home based business, provided that conditions of approval are imposed to protect rural residential interests in the area.

The Conditional Use permit criteria includes:

- 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 1.21 acres in size and contains an existing home and attached garage. All of the homes in the Royal Stewart Subdivision are on lots approximately one acre in size and the homes are fairly close together. Given the small lot sizes in the area, it will be important to impose conditions to minimize noise and visual impacts to maintain the residential character of the property. If such conditions are complied with, the business should be able to function without detrimental impacts to adjoining and surrounding properties.

Some additional 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.**

Mr. Hyde indicated there is a six foot tall privacy fence around the applicant's rear yard. Any equipment stored on the site awaiting repair must be kept behind this fence to buffer the visual impacts of the proposed use.

- 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.**

The applicant's lot has a three-car wide driveway and 155 feet of frontage on 2060 West, which provides plenty of parking for customers doing business at the site. 2060 West is a paved County Road that will provide adequate ingress and egress for the business.

- 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 access from the North Cove Road to 2060 West, which are paved County roads capable of handling the traffic associated with the proposed business. The existing home on the subject property receives water from Roosevelt City and the existing home on the property has an onsite wastewater system that has been

approved by the TriCounty Health Department. The business should not cause capacity issues with this system. The applicants will need to be cautious not to dispose of engine fluids onto the ground or into the septic system. There is a fire hydrant located within 500 feet of all homes within this subdivision as required by the subdivision ordinance. 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 operating the repair shop in the private garage.

D. Signs: Regulation of signs.

The home occupation sign standards allow for one non-illuminated, flush wall mounted identification sign, two square feet or less in size. This standard should be applied in this case.

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

Mr. Hyde stated the business has the potential to generate noise from testing and running small engines. Conditions should be imposed to ensure that such noise does not occur 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 Cody & Cassie Ames, subject to the following conditions:

1. Before opening for business:
 - A. The applicants shall comply with all requirements of the building and fire codes as determined by the County Building Official and Fire Chief to allow the use of the residential garage for a repair shop.
 - B. The applicants shall obtain a county business license.
2. Business signage affixed to the property shall be limited to that for home occupations: One non-illuminated sign, flush wall mounted to the home, not to exceed two square feet in size.
3. Noise on the property associated with the business shall be limited to the hours between 7:00 A.M and 9:30 P.M.
4. Applicants shall not allow engine fluids to drain into their septic system or onto the ground.
5. Equipment being stored and awaiting repair shall be stored in an enclosed building or behind a fenced enclosure.

Mr. Hyde stated there have not been any complaint's or phone calls objecting to their application and asked if there were any questions of the staff report. There were none so the applicant was invited to speak.

Cody Ames, applicant and property owner stated they will do computer and phone repairs in the house and small engine (lawnmowers, 4 wheelers, tillers) repair in the garage area. Mr. Ames asked the Planning Commission if they had any questions?

Chairman Moon asked if they were okay with the conditions for approval. Mr. Ames stated they did not have any concerns.

With no one in the audience to speak either in favor or opposed to the applicant's request. The public hearing was closed.

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

B. Recommendation to the County Commissioners regarding a request by Lamont Moon/LG Moon LLC for approval of a Planned Unit Development (PUD) to be known as the Upper Duchesne River Camp, located in the Hanna area.

Mr. Hyde referred the Planning Commission to their packets and some site photos of the location and stated the applicant Lamont Moon (LG Moon LLC) owns a 36.64-acre parcel located along the Duchesne River, just south of the intersection of Highway 35 and the

North Fork Road. He desires to sell eight campsites along the river, ranging from 0.58 to 2.44 acres in size. Each lot has access to a Hanna Water District connection and an RV dump station located west of Lot #1.

The PUD criteria include:

A. Minimum Area: No planned unit development shall have an area of less than ten (10) acres.

The area of the proposed planned unit development is 10.0 acres, which is the minimum size required.

B. Location to Public Services and Facilities: All planned unit developments shall be located where adequate public services and facilities are available to meet the needs of residents.

Mr. Hyde stated in this case, the subject camping lots have access to culinary water from the Hanna Water District, according to a letter from the district dated March 18, 2016. Sewage disposal would be handled by a RV dump station and wastewater system that was approved by the TriCounty Health Department by letter dated August 17, 2016.

C. Public Hearing Required: Since planned unit developments are considered their own zoning district, all applications require a public hearing.

Public hearings will be held on October 5, 2016 and October 17, 2016 by the Duchesne County Planning Commission and the Duchesne County Commissioners.

D. Ownership: The development shall be in single, partnership or corporate ownership, or under option to purchase by an individual or a corporate entity at the time of application, or the application shall be filed jointly by all owners of the property.

At the time of application, the property is owned by Lamont Moon of LG Moon LLC.

E. Structures, Open Spaces: The planning commission shall require such arrangements of structures and common or public open spaces with the site development plan as necessary to assure that adjacent properties will not be adversely affected.

The applicant has indicated structures are being proposed by this planned unit development. Common open space areas are being provided at the RV dump station (2.0 acres) and along the Duchesne River (50 foot wide fisherman's access easement along the west side of the river, totaling 1.73 acres). These open space areas will have no adverse impacts on adjacent properties.

F. Height, Intensity of Uses: Height and intensity of buildings and uses shall be arranged around the boundaries of the planned unit development or zones. However, unless conditions of the site so warrant, buildings located on the periphery of the development shall be limited to a maximum height

of two (2) stories.

Mr. Hyde stated no buildings are proposed to be constructed within the planned unit development. The eight lots proposed will be RV campsites only.

G. Area, Width, Coverage: Lot area, lot width, yard and coverage regulations shall be determined by approval of the site plan.

The minimum size of an RV space in an RV Park is 35 X 60 feet (.05 acre). The proposed RV lots are .58 acres to 2.44 acres in size, which provides plenty of area and lot width to park RV units to camp on the proposed lots.

H. Density: Density of dwelling units per acre may be doubled as allowed in the district in which the planned unit development is located.

Mr. Hyde stated the subject property is zoned R-1 due to the availability of Hanna Water. The usual minimum lot size would be one acre. The ten acre site could thus have up to ten lots, which is more than what is being proposed by this PUD. In this case, reducing the lot sizes below one acre is acceptable given that wastewater disposal does not occur on the lots but at an RV dump station within the common area of the PUD.

I. Cluster Development: The minimum area requirement may be reduced to a specific minimum lot size for cluster development.

The minimum area requirement of one acre is proposed to be reduced in this case, with lots of .58, .71, .73, .81, .86, .89, .98 and 2.44 acres in size. Clustering these smaller camping lots allows for establishment of a common area for the wastewater disposal system at the RV dump site.

J. Minimum Open Space: The common or public open space minimum required for a planned unit development shall be twenty five percent (25%) of the total acreage.

The planned unit development contains 10.0 acres, which results in an open space minimum of 2.5 acres. Common open space areas are being provided at the RV dump station (2.0 acres) and along the Duchesne River (50 foot wide fisherman's access easement along the west side of the river, encompassing 1.73 acres). The total open space calculates to 3.73 acres, which exceeds the minimum standard.

K. Preservation, Maintenance And Ownership of Open Space: Preservation, maintenance and ownership of required common or public open space within the development shall be accomplished by:

1. Dedication of the land as a public park or parkway system; or
2. Complying with the provisions of the condominium ownership act, Utah Code Annotated section 57-8-1 et seq., as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.

Mr. Hyde stated the applicant will need to prepare a legal document, to record with the plat, establishing an entity that will oversee the maintenance and repair of the RV dump station and associated common areas.

K. Landscaping, Fencing, Screening: Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission, together with other required plans for the development.

Mr. Hyde stated the development plan has been presented to the Planning Commission. No landscaping is needed to supplement the natural trees and grasses in this river bottom area. No fencing or screening is needed given the proposed use as camp sites.

Additional PUD regulations require the plan to include:

A. The use or uses, dimensions, sketch elevations, and locations of proposed structures.

The proposed use is for RV campsites. The plan submitted shows the dimensions of each site and the locations of common areas. No permanent structures are proposed.

B. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping and other open spaces.

Pedestrian access is being retained along the riverbank for recreational purposes. Each lot will have sufficient space for RV parking. No public uses are being proposed. Open space areas will have natural landscaping.

C. Total number of acres in proposed development.

The total acreage in the development is 10.0 acres.

D. Such other pertinent information, including, but not limited to, residential density, coverage and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this title.

Mr. Hyde stated the fact that the proposed development is limited to camping lots rather than residential development makes it reasonable and desirable to apply regulations and requirements differing from those ordinarily required by the zoning ordinance.

Section 8-8-2 (A) of the zoning ordinance provides that a Planned Unit Development constitutes an amendment of the zoning map, which can only be approved by Ordinance adopted by the County Commissioners. Also, Section 8-8-7 (A) below refers to County Commission approval of a PUD. Thus, a public hearing will be held by the County Commissioners as well.

Some additional criteria for approval includes.

1. The overall community benefit of the proposed amendment;

The benefit of establishing the PUD overlay zone at this location is that persons who have been allowed to camp along the Duchesne River on the applicant's property will now be able to purchase their camp sites.

2. Consistency with the goals and policies of the general plan;

The General Plan contains the following statements regarding private land use:

"Duchesne County feels that residential, commercial, and industrial development on private land should be allowed to continue in a responsible manner and in locations that contribute to the economic and social well-being of County residents. The County will continually review and amend its existing ordinances as necessary to accurately and adequately reflect the land-use preferences of Duchesne County residents."

The rezoning criteria of Section 8-1-7 of the zoning ordinance are established to aid the Planning Commission and County Commissioners in determining which land use districts are appropriate in specific areas of the county. If those criteria are met, it can be presumed that the proposal will be consistent with the general plan.

3. Compatibility with the neighborhood;

Mr. Hyde stated the proposed PUD is located in a recreational area and will continue the use of the subject property for recreational purposes.

4. What changes have occurred in the neighborhood since the zoning ordinance and map or latest amendment was enacted;

There have been no changes in the neighborhood that would run counter to the establishment of the proposed camping lots at this location.

5. Whether a change in the use for the affected properties will unduly affect the uses of adjoining properties; and

No change of use is being proposed. The PUD would simply allow those who have been camping at this location to be able to purchase their camp sites.

6. Consider the interest of the applicant.

The interest of the applicant is to respond to the wishes of those who have historically camped at this location to be able to purchase their camp sites.

Mr. Hyde's recommendation is the Planning Commission adopt the findings and conclusions herein and recommend the County Commissioners' approval of this Planned Unit Development and associated overlay zone, requested by Lamont Moon (LG Moon LLC), designating 10.0 acres of land as the Upper Duchesne River Camp PUD. The PUD plat may not be recorded until the applicant prepares and records a legal document establishing an entity responsible for the maintenance and repair of the RV dump station and the common areas within the development. Mr. Moon has

provided the county with such a document which was prepared by Gayle McKeachnie.

Mr. Hyde asked if there were any questions of the staff report.

Commissioner Giles asked Mr. Hyde if each lot would have their own water connection and if there were going to be cabins and permanent structures would the property owners still need any building permits. Mr. Hyde stated each lot would have access to a water connection and they will need to contact the building department for any structure the owners build.

Chairman Moon invited the applicant to speak.

Lamont Moon, applicant and member of LG Moon LLC, thanked Mr. Hyde for his efforts in completing the staff report and making this process easier than he had envisioned. There will be a water connection on each lot if the owners wish to purchase one. Mr. Moon stated they had built a bridge for access and then people just wanted to rent a camping spot for the weekend and family vacation two or three weeks out of the year and they have been using them for years.

There was some discussion about the easement serving the Warm Springs Retreat subdivision and if it is maintained by the county. Mr. Moon stated that is a private road and there is no county maintenance.

Chairman Moon asked if there was anyone in the audience to speak either in favor of or against the applicant's request. There were none so the public hearing was closed.

Commissioner Lindsay motioned that the Planning Commission adopt the findings and conclusions herein and recommend the County Commissioners' approval of this Planned Unit Development and associated overlay zone, requested by Lamont Moon (LG Moon LLC), designating 10.0 acres of land as the Upper Duchesne River Camp PUD. Commissioner Richens seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of September 7, 2016 minutes:

Commissioner Lindsay moved to approve the minutes of September 7, 2016. Commissioner Drake seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

Mr. Hyde stated next month there will be a meeting for consideration of a Zoning Ordinance change that will allow the county to participate in the National Flood Insurance program with FEMA.

Chairman Moon suggested the Planning Commission be a little more pro-active on the zoning in the county and requested each member receive, at the next meeting, a zoning map of the county with current zoning for the commissioners to review.

Adjournment:

Meeting adjourned at 5:30 p.m.