

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
May 3, 2017 - 5:00 p.m.**

In Attendance were:

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

Jeff Henderson, Public Lands Committee

Visitors:

Matt Brotherson	Brotherson-CUP
Brent Brotherson	Brotherson-CUP
Dennis Wilson	CRMP
Deb Lindsay	
Allan Rydman	CRMP
John Beck	CRMP
Daniel Burk	

Chairman Giles opened the meeting at 5:00 pm and read the rules of order. She 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. Continuation of hearing on a request by Matt Brotherson for a Conditional Use Permit to operate a vehicle sales business at 17466 W 3000 North, in the Boneta area.

Mr. Hyde stated the applicant is seeking approval to operate a motor vehicle sales business at his residence. The property is zoned R-1, which is a residential zone with a one-acre minimum lot size. The Duchesne County Zoning Ordinance includes some provisions for home occupations. Including an accessory use consisting of a vocational activity conducted inside a dwelling unit, conducted by the individuals who reside therein, with up to five FTE of non-resident employment (provided adequate on-site parking is available), provided that the home occupation is clearly subordinate to the use of the parcel for dwelling purposes, does not change the character of the parcel and meets the following standards:

A. Does not include the outside storage of goods, materials, or equipment.

The proposal includes the outdoor storage of up to five vehicles; thus, a conditional use permit is required.

B. Has signage limited to a non-illuminated, flush wall mounted identification sign two square feet or less in size.

The Utah Motor Vehicle Dealer licensing rules require that a sign at least 24 square feet in size be installed at motor vehicle dealer locations. Since this sign will exceed that permitted for home occupations, a conditional use permit is required.

C. The following occupations are allowed by conditional use permit in the R1/2, R-1 and R-2.5 zones and permitted outright in the other zones:

appliance repair, cabinet making, dance instruction to more than two (2) individuals at a time; firearms sales and services, food catering, hair salons, unless limited to two (2) stations, motorized garden tool repair, such as, but not limited to, lawnmowers, chain saws, and leaf blowers, pest control, painting of vehicles, trailers, boats, and like vehicles/vessels, photo developing, real estate or brokerage offices, upholstery and furniture repair, vehicle-related uses such as, but not limited to, the cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease, or rental, and towing of vehicles (the dispatching of vehicles such as limousines, taxicabs, and ambulances is allowed as a home business so long as those vehicles need not regularly come into the vicinity of the subject residence), welding, nursing homes, health care, including physicians, psychologists, chiropractors, hypnotics and massage therapists.

Mr. Hyde stated a conditional use permit is required for vehicle sales businesses in the R-1 zone.

D. Complies with all required Federal and State licensing requirements.

The applicant will need to comply with all state licensing requirements for motor vehicle dealers.

The criteria for approval 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 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.

Mr. Hyde stated the subject property is a one-acre parcel; however, lands bordering the parcel are owned by the applicant's father [Brent Brotherson] and written permission has been obtained from him to use a garage and grounds on the adjoining parcel for vehicle storage. The property and adjacent areas are large enough to operate the proposed vehicle sales business with no significant impact on surrounding properties. The nearest homes are located about 1,470 feet to the northeast (Merlin & Kim Rasmussen), 1,250 feet to the southeast (Ryan & Michelle Lindsay) and 1730 feet to the southwest (Doug & Sandra Swasey).

Additional criteria for approval includes the following.

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.

The applicant indicates that vehicles will be stored inside his father's garage to the west of the home and in the applicant's two-car garage. However, some vehicle storage could occur in the yard area between the home and the father's garage. Utah DMV rules require that there be a display area for at least three vehicles. This display area must be denoted by a fence, chain or some other approved method. Whatever method is utilized will need to be installed at least 33 feet north of the center of the county road.

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.

There is safe public access to the site from State Highway 87 to County Road # 111 [18000 West] to County Road #110 [3000 North] which are paved roads. Site photos show that there is ample parking for customer vehicles on a paved strip in front of the home, where the business office will be located. The majority of the business will be conducted over the internet, which will reduce the amount of customer traffic to the home.

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 receives access to State Highway 87 via 18000 West [County Road #111] and 3000 North [County Road #110]. These roads are paved and are sufficient to handle the small amount of additional traffic associated with the proposed business. There are no plans for acquiring additional right of way identified at this location. The applicant has an Upper Country Water connection this type of business should not have any impact on their water usage at the property. The property has an onsite wastewater disposal system. The proposed business will have a very minimal impact on the amount of sewage generated at the property. Business customers would use restroom facilities, if necessary, in the existing home. There are no fire hydrants installed on 3000 North in this vicinity. The applicant will need to request a building and fire code inspection of the garage(s) proposed to be used for vehicle storage to determine if they are constructed sufficient for vehicle storage. The business will not generate a fire hazard beyond that typical for a family with a large number of vehicles.

D. Signs: Regulation of signs.

Mr. Hyde has indicated Utah DMV rules require a sign at least 24 square feet in size for the business. To maintain residential character, 24 square feet should be the maximum allowed. Such signage should be flush-wall mounted to the garage on the applicant's father's property and be non-illuminated. No other signs or attention devices should be permitted.

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. 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 8:00 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 the Planning Commission approve the Conditional Use Permit requested by Matt Brotherson, 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 request a building and fire code inspection of the garages to be used for vehicle storage and ensure that all requirements are met.
 - C. The applicant shall obtain a county business license.
2. Signage shall be limited to 24 square feet in size and shall be flush-wall mounted and non-illuminated. No other business signs or attention devices are allowed.
 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 demarcated by a fence, chain or other method approved by the Utah DMV. Such vehicle storage perimeter improvements shall be set back at least 33 feet from the centerline of 3000 North.

Mr. Hyde referred the Commission to their packets and some site photos, letters from Mr. Brotherson and his father Brent Brotherson who owns the garage he will be using if he needs extra storage for the vehicles and the DMV requirements for automobile sales..

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

Matt Brotherson, applicant, stated they just want a small business on the side maybe with the sale of 4-5 cars per year just for some extra cash.

Commissioner Lindsay asked if he was ok with the conditions for approval. Mr. Brotherson stated he had no problem with them.

Chairman Giles asked if there was anyone in the audience to speak in favor, opposed or neutral to the applicant's request. There were none so the public hearing was closed.

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

Jeff Henderson from the Public Land Use Committee joined us at this time.

B. Recommendation to the County Commissioners regarding the County Resource Management Plan and General Plan update (Public Lands Committee to join Planning Commission for this hearing).

Mr. Hyde reviewed the new comments he has received on the current draft of the CRMP and stated it can still be amended if changes need to be made. He also thanked Daniel Burk who was in attendance for his work on the maps for this project.

Committee Member Henderson stated his concerns for the people trying to make a living in the timber industry and how difficult it is to get the permits they need.

Hr. Hyde noted the comments he has received from the BLM, they are lengthy and a work in progress. There is still time to comment if there are any more concerns. The County Commissioner's first public hearing will not be until July 17, 2017. They will have public meetings to review the CRMP on May 22nd and June 19th.

With no other comments Chairman Giles asked for a motion.

Commissioner Drake moved that the Planning Commission recommend the current draft of the County Resource Management Plan to the County Commissioners recognizing that further amendments will be necessary before final adoption. Commissioner Roberts seconded to motion and it passed unanimously. There was no motion or recommendation from the Public Lands Committee as a quorum was not present.

NEW BUSINESS:

None

Minutes: Approval of the minutes:

Commissioner Lindsay moved to approve the minutes of the April 5, 2017 meeting. Commissioner Wells seconded the motion and it passed unanimously.

Approval of the combined Planning Commission and Public Lands Committee meeting minutes.

Committee Member Henderson moved to approve the minutes of April 5, 2017. Commissioner Lindsay seconded the motion and it passed unanimously. Commissioner Drake abstaining from both votes as he was absent from those meetings.

Commission Comments and Staff Information Items:

Mr. Hyde reminded the commission of the Annual Planning Commission training & dinner, Thursday, May 11, 4:00 PM to 8:00 PM, Uintah Conference Center, Vernal.

Adjournment:

Meeting adjourned at 5:30 p.m.