

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
December 6, 2017 - 5:00 p.m.**

In Attendance were:

Kathy Giles, Planning Commission, Chairman
Ken Moon, 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

Visitors:

Levaughn and Karla Gines	Jones-Rezone
Dennis Jones	Jones-Rezone
Roger and Connie Jones	Jones-Rezone
John Breakfield	Jones-Rezone
Ron Winterton-County Commissioner	
Welby Weimer	Weiner-CUP

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.

Mr. Hyde thanked Commissioner Roberts for his 8 years of dedicated service on the Planning Commission. Commissioner Winterton presented Commissioner Roberts with a plaque and thanked him and the other commissioners for their service to the county

PUBLIC HEARINGS:

A. Request by Welby Weimer for a Conditional Use Permit to operate a gunsmithing business at 9998 South 11000 West, in the Bridgeland area.

Mr. Hyde stated the applicant is proposing to operate a gunsmithing business (predominately knife and gun manufacturing, pistol grips, gun accessories, specialty ammunition, etc....) at his home in the Bridgeland area. The property is zoned R-1 due to the presence of a culinary water connection. Home occupations involving firearms sales & services are allowed in the R-1 zone with a Conditional Use Permit. The business also produces wood carvings and corn- hole games.

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 firearms can be a public safety issue if not handled properly. In this case, firearms will be stored safely and securely to meet federal requirements. If zoning approval is received, the Bureau of Alcohol, Tobacco and Firearms will have an agent inspect the premises to ensure safety requirements are met. Ammunition used for firearms testing will be kept in small quantities in a separate secured location from guns. Test firing of guns does occur at this location (shots are fired into a large tree or wood blocks at short range); but there are no other homes nearby to be affected. Shots are fired to the north, away from Highway 40. Aerial photos show the nearest home is located about 1,700 feet to the southeast. There is a vacant home about 1,800 feet to the southwest.

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. The proposal complies with this section of the general plan as a new business would be supported.

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 0.44 acres in size and contains an existing shed that would be used for the business. The parcel is sufficiently large and has an existing structure to accommodate the proposed business and permit the business to operate in a manner that is not detrimental to surrounding property owners.

The additional conditional use permit criteria 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.

The applicant has indicated there will be no significant outdoor storage of equipment or other materials associated with the business, there is no justification for requiring fencing or buffers.

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 there is safe public access to the site from Highway 40 via a private

driveway at 11000 West]. Deliveries will be received via UPS-Fed Ex sized trucks. If a larger truck delivery is necessary, arrangements will be made to accept the delivery at another location. There is good sight distance at the driveway entrance. There is sufficient parking area on the property near the home for the small amount of customer traffic anticipated. Most of the business is done by phone, which minimizes customer traffic to the home and the operator will often meet a purchaser in town to complete a transaction. The applicant also sells at gun and knife shows, county fairs, Cowboy Christmas and similar events.

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. Findings:

Mr. Hyde stated the property is accessed from Highway 40 via a private driveway at 11000 West. No highway right of way dedication or improvements, such as turn lanes, are required for such a small business. The property receives water from the East Duchesne Water District. The proposed business will have a very minimal impact on water usage at the property. This location has an onsite wastewater disposal system. There should not be any impact on the amount of sewage generated at the property as no public restroom facilities will be offered. The nearest fire hydrant is located at the Bridgeland church, about 2 miles to the northwest of the property. The applicant has received a building and fire code inspection of the shed proposed to be used for the firearms business. It was determined that a fire extinguisher needs to be mounted in the building and a permit obtained to change the occupancy classification of the building. Such permit will need to be obtained prior to the issuance of a business license.

D. Signs: Regulation of signs.

The applicant has indicated there are no sign plans at this time and has no desire to try attracting the attention of drivers on Highway 40. If a sign were to be installed in the future, it must be limited to that normally permitted for home occupations: two square feet in size, non-illuminated and flush-wall mounted to the residence or the shop 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.

Mr. Hyde stated this business is not anticipated to generate significant amounts of noise as test firing of firearms occurs sporadically (an average of five rounds every two weeks as a firearm is tested). More extensive testing will occur at the "shooting range" along Highway 191 in Indian Canyon. The Duchesne County Nuisance Ordinance allows noise 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 noise, which could disturb others, 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 states that business hours will be Wednesday, Thursday and Friday,

between 10:00 AM and 5:00 PM. These hours are less than what normally occurs at the “average” home occupation.

Mr. Hyde’s recommendation is that the Planning Commission approve the Conditional Use Permit requested by Welby Weimer, subject to the following conditions:

1. Outdoor storage associated with the business shall be minimized and temporary.
2. Any future business sign shall not exceed two square feet in size, shall be flush-wall mounted to the home or shop and be non-illuminated.
3. Applicant shall obtain a building permit to change the occupancy of the building from a storage shed to a shop building and mount the required fire extinguisher.
4. Applicant shall provide the county with evidence of compliance with all licensing requirements of the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. Firearms and ammunition shall be kept stored in a safe and secure manner. Test firing of firearms shall be minimized at this location.
5. Upon completion of conditions #3 and #4 above, applicant shall obtain a Duchesne County business license.

Mr. Hyde referred the commission to their packets and some site photos of the location and stated we have not received any calls or comments on the applicant’s request.

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

Welby Weimer, the applicant and property owner stated he was recently laid off from Uintah Machine, but wants to stay in the area and make a living.

Commissioner Roberts asked if he can accept the recommended conditions of approval. Mr. Weimer said yes he was.

Chairman Giles asked if there was any one in the audience to speak either in favor or opposed to the applicant’s request. There were none so the public hearing was closed.

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

B. Recommendation to the County Commissioners regarding a request by Dennis Jones to rezone 80 acres of land located northeast of Tabiona from A-2.5 to A-5.

Mr. Hyde stated the applicant has been approached by an entity interested in extracting earth products from his property located northeast of Tabiona. A gravel pit is not an allowed use in the current A-2.5 zone. If the zoning is changed to A-5, the applicant would then be able to apply for a Conditional Use permit to potentially authorize the proposed use.

The criteria for approval are.

1. The overall community benefit of the proposed amendment;

Mr. Hyde stated the overall community benefit of the proposed amendment is that it is the first step toward the potential establishment of a gravel pit that could supply rock products needed in this section of the county for road and other construction projects.

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.”

Mr. Hyde stated 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. The proposed map amendment has been requested to address the preference of the property owner.

3. Compatibility with the neighborhood;

The neighborhood land use is agricultural in the lowlands with vacant forested areas at higher elevations. Changing the zoning to require a larger minimum lot size is consistent with the neighboring parcels, most of which are in excess of five acres in size.

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

Mr. Hyde stated the latest amendment of the zoning map occurred in this area (and county-wide) in 1999. At that time, property owners were not notified of the zoning changes by direct mail; instead, the county held public meetings in several communities (including Tabiona) and advertised the proposals in the media. In the Tabiona area, properties along Highway 35 and Tabby Lane were assigned commercial or residential zoning due to the highway access and the availability of culinary water connections. The A-2.5 zone was established to the east and west of the main roads as a transition between the Commercial and R-1 zones and the A-5 zones located farther from the main roads. Little has changed since 1999 as growth has been fairly slow in the Tabiona area. However, growth is beginning to occur with the purchase and development of land in the area by Young Living Ranch and such growth demands nearby rock products.

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

By itself, the change in zoning will have no impact on adjoining properties. If the rezone is approved, the anticipated application for a conditional use permit will follow. Separate public hearings will be held to determine if the proposed gravel pit (initially on five acres of the 80 acres requested for rezoning) will unduly affect the uses of adjoining properties.

6. Consider the interest of the applicant.

Mr. Hyde stated the interest of the applicants is to rezone the property and be able to apply for a permit to authorize the extraction of earth products, which is not permitted in the current A-2.5 zone.

Mr. Hyde's recommendation is that the Planning Commission adopt the findings and conclusions herein and recommend the County Commissioners' approval of this rezone, requested by Dennis W. Jones, changing approximately 80.0 acres of land from Agricultural (A-2.5 to Agricultural (A-5).

Mr. Hyde referred the commission to an aerial photo of the proposed zone change showing the proximity to the boundaries of Tabiona and asked the commission if they had any questions of the staff report. There were none so the applicant was invited to speak.

Dennis Jones, applicant and property owner just asked the commission if they had any questions.

Commissioner Moon asked if Mr. Jones was the land owner. Mr. Jones stated he owns all the property in that section except 2 parcels.

Commissioner Richens asked what kind of material they would be extracting and how long they would be in operation.

Mr. Jones asked Lavon Gines to answer those questions.

Lavon Gines, owner of Crossroads Concrete, stated tests are showing 18 feet of gravel product, so we could be there a while.

Commissioner Giles asked if there was anyone else wishing to speak.

John Breakfield, a neighboring property owner, is neither in favor or opposed to the applicant's request. He is just wondering which road they will be using. Mr. Gines indicated they were meeting with Mr. Henderson Public Works Director for Duchesne County for his suggestions.

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

Commissioner Roberts motioned to adopt the findings and conclusions herein and recommend the County Commissioners' approval of this rezone, requested by Dennis W. Jones, changing approximately 80.0 acres of land from Agricultural (A-2.5 to Agricultural (A-5). Commissioner Richens seconded the motion and it passed unanimously.

NEW BUSINESS:

Consider adopting the meeting schedule for 2018.

Commissioner Moon motioned to adopt the meeting schedule for 2018. Commissioner Lindsay seconded the motion and it passed unanimously.

Minutes: Approval of November 1, 2017 minutes:

Commissioner Roberts moved to approve the minutes of November 1, 2017. Commissioner Drake seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

None

Adjournment:

Meeting adjourned at 5:30 p.m.