

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
July 11, 2018 - 5:00 p.m.**

In Attendance were:

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

Visitors:

Jeremy and Natalie Taylor	Junk Yard-CUP
Nathan Hall, DEQ	
Ed and Jeanie Henry	Junk Yard-CUP
Greg Garff	Junk Yard-CUP
Daniel Taylor	Junk Yard-CUP
Guy and Janice Taylor	Junk Yard-CUP
David Oman	Junk Yard-CUP
Kaleb Thomas	Junk Yard-CUP
Shawn Taylor	Junk Yard-CUP
Roger Hill	Junk Yard-CUP

Chairman Wells 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.

The Beals were not present so the commission moved to the Taylor hearing first.

PUBLIC HEARINGS:

A. Request by Jeremy & Natalie Taylor for a Conditional Use Permit to allow a junk yard on Lot 18-40, Uintah View Ranches Subdivision, located on the south side of 5000 South, in the Blue Bench area north of Duchesne.

Mr. Hyde referred the commission to some site photos in their packets and stated the applicants are proposing to maintain a junk yard at the subject location, which is zoned Agricultural (A-5). Junk yards are permitted in the A-5 zone as a conditional use.

A junk yard is defined in the zoning ordinance as: *The use of any lot, parcel or land for the*

storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery. All junkyards shall be screened by natural objects, plantings, fences, or other appropriate means so the junkyard is not visible from the main traveled way.

The planning commission may grant a conditional use permit in compliance with this title if, from the application and the facts presented at the public hearing, it finds:

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 public health, safety and general welfare and detrimental to owners of property and improvements in the vicinity if conditions are not imposed to protect land, air, water and visual quality.

The Utah Department of Environmental Quality has a Solid and Hazardous Waste Division that regulates junk yards and scrap metal operations. The Division needs to be consulted by the applicant to determine if that agency will require the submittal of a "Plan of Operation" for the facility. Approval of the DEQ Solid and Hazardous Waste Division or an exemption from that agency must be submitted to the county in a timely manner.

The Utah Department of Environmental Quality has a Water Quality Division that regulates discharges of storm water from junk yards and scrap metal operations. The Division needs to be consulted by the applicant to determine if that agency will require the submittal of a "Storm Water Pollution Prevention Plan (SWPPP)" for the facility. Approval of the DEQ Water Quality Division or an exemption from that agency must be submitted to the county in a timely manner. The applicant has stated that vehicle fluids will not be drained onto the ground.

The Utah Department of Environmental Quality has an Air Quality Division that regulates discharges of pollutants into the air, such as may occur with cutting of metal with a torch. The applicant states there will be no dismantling on the property and no cutting torches will be used. Thus, it is not necessary that this agency be contacted by the applicant.

The zoning ordinance requires that *"all junkyards shall be screened by natural objects, plantings, fences, or other appropriate means so the junkyard is not visible from the main traveled way."* In this case, the main traveled way is 5000 South. Photos taken from 5000 South show that the consolidated storage area, which will be at least 850 feet south of the main traveled way, will be screened from view from the main traveled way due to the existing contours of the ground.

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 support the creation of a new business site, knowing that conditions of approval will be imposed to protect rural residential and agricultural interests in the area.

The purposes of the Zoning Ordinance are set forth below:

A. The purpose of this title is to implement the goals and policies of the county general plan. This title contains standards, provisions and requirements intended to protect the health, safety and welfare of the citizens of the county by ensuring that neighbors, adjacent and neighboring properties are protected from potential negative impacts in the development and use of land and resources. It is the intent of this title to provide a means of ensuring predictability and consistency in the use of land and individual properties, and to guide and direct the development of land.

B. These purposes are met by:

1. Providing the means of implementing the various policies and other provisions of the county general plan;
2. Generally directing and guiding land development so more intense development is located in areas of the county having the necessary services and facilities sufficient to meet the demands of the proposed development;
3. Promoting the public health, safety and general welfare by regulating the location and use of buildings, structures and land for residential, commercial and other specified uses;
4. Protecting landowners from potential adverse impacts from adjoining uses; and
5. Directing and managing, through the establishment of use districts, the type, distribution and intensity of activity.

Mr. Hyde stated if the applicant meets the Conditional Use permit criteria and complies with the conditions of approval, the purposes of the Zoning Ordinance will be met.

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 ten (10) acres in size, which is of sufficient size to locate the proposed junk yard. However, locating such a facility close to current and potential residential uses raises the possibility of noise and visual degradation concerns. Thus, conditions should be imposed to require noise control and hiding the

stored materials from view from the main traveled way. To do this, stored items should be consolidated at a location on the property at least 850 feet south of the edge of pavement on 5000 South. The application states that this consolidation will occur on the southerly 2.5 acres of the ten acre site.

Some additional 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.

To preserve the appearance of the area, the permit, if granted, should include a requirement to consolidate the storage area far enough from 5000 South to screen the stored vehicles and other items from view from the main traveled way.

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 public will not be doing business or bringing materials to the site. The use is associated with a hobby rather than a commercial enterprise. Thus, there is no need for an improved parking lot or a business license.

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 indicated the subject property has legal access to Highway 87 via County Road #343 [5000 South]. No additional right of way is required at this location and 5000 South was paved in the recent past. Water supply and sewage disposal is not required at this location as there is no office or public use of the site. Adequacy of the access road for fire protection and compliance with the Wildland Urban Interface Code will need to be discussed with the County Fire Marshal.

B. Signs: Regulation of signs.

Since the public will not be doing business at this location, no signage is necessary.

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 suggested due to the proximity of the junk yard to dwelling units, reasonable conditions should be imposed to prevent noise impacts.

The county nuisance ordinance sets forth the following noise standards:

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 any mechanical device, operated by compressed air, steam, gasoline or otherwise, unless the noise created is in connection with work being done by authorized agencies or an agricultural activity and/or is effectively muffled between the hours of nine thirty o'clock (9:30) P.M. and seven o'clock (7:00) A.M.*

Mr. Hyde's recommendation is that the Planning Commission approve the Conditional Use Permit requested by Jeremy and Natalie Taylor, subject to the following conditions:

1. By July 31, 2018, the applicant shall:
 - a. Consolidate stored materials in the southerly 2.5 acres of the property, at a location at least 850 feet south of the edge of pavement on 5000 South.
 - b. Provide for emergency vehicle access to the junk yard in compliance with the Wildland Urban Interface Code, as determined by the County Fire Marshal.
2. By August 31, 2018, the applicant shall:
 - a. Obtain an approval of the facility or an exemption from the Utah DEQ Solid Waste Division.
 - b. Obtain an approval of the facility or an exemption from the Utah DEQ Water Quality Division.
3. The applicant shall restrict hours of activity at the junk yard to those permitted by the Noise Disturbance section of the Duchesne County Nuisance Ordinance (7 AM to 9:30 PM).

Mr. Hyde stated there are 2 letters in your packets one from Mr. Taylor stating what his intentions are making sure the surrounding property owners are not affected by his proposal the other one is from an adjoining property owner completely opposed to the Taylors proposal stating if will affect the value of their property.

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

Commissioner's Lindsay and Moon are concerned about the 6'high dirt berm that is a lot of dirt on that windy bench.

Commissioner Clark asked if he had any of the permits he will need. Mr. Taylor stated they are working on them.

With no other comments or questions Chairman Wells invited the applicant to speak.

Jeremy and Natalie Taylor, the applicants stated during a power point presentation this property was not going to be a junk yard, just storage for a few cars and supplies mostly for derby cars. He has a home on the next lot to the east that he rents out and they use the property for recreation on the weekends they are in town. Mr. Taylor hopes to use the back 300 feet of the lot and prefers to use a dirt berm rather than a fence as he has one for the dirt bike trail for his children they keep it watered and it stays crusty. The applicants have indicated they would like a little more time to comply with the conditions of approval.

Mr. Taylor also wonders if he is being singled out or if these rules apply to everyone? He stated and has photos of many other residences and farmer fields that have a lot more junk on their properties and they don't have to get a conditional use permit.

Mr. Taylor asked if there were any questions.

Commissioner Lindsay stated a dirt berm would have to be 12' wide at the base to be 6' high.

Commissioner Clark asked if he had a contractor to build the berm. Mr. Taylor replied yes he did.

With no other questions or comments, anyone wishing to speak in favor of the applicant's request was invited to speak.

Kaleb Thomas, stated he is a contractor and uses the Taylor's lot to store his concrete forms sometimes. Mr. Thomas feels that if the Taylors request is approved, with some organization and maintenance it will be good for all involved.

David Oman, stated it's a reasonable request and feels that Mr. Taylor has good intentions.

Jeannie Henry, wanted to thank the Taylors for their presentation and feels if they berm the property for some dust control there shouldn't be any problems. Mrs. Henry stated there are a lot of property owners that are not in compliance, Mr. Taylor is trying and the commission should honor his request.

Guy Taylor, a local business owner, stated his concerns about some parcels of land in the county and the rules needed to clean them up. The county should encourage clean up. Mr. Taylor also had comments about the county ordinances and the need to avoid infringing on private property rights.

Mr. Hyde replied to Mr. Taylor that states, cities and counties adopt laws to maintain public health, safety and welfare that is why we are here. Mr. Wells commented that we do have junk and trailer removal programs to help the citizens with their clean up they just need to be willing to participate in those programs.

With no one else to speak in favor of the request those in opposition were invited to speak.

Roger Hill, an adjoining property owner, stated upon their retirement they had seen the area and like the location on the bench with desert landscaping and not a lot of homes so they decided to build. Mr. Hill commented on a timeline of the letters and correspondence with the county and ultimately feels that having a junk yard in the neighborhood will decrease property values and be an eyesore for the county.

Commissioner Drake asked if in 2015 if the Taylor's stuff was there when he bought his lots and built his home. Mr. Hill replied it was.

There was some discussion with Commissioner Wells and Mr. Hyde about the Conditional Use permit process and how such permits must be approved if reasonable conditions could be imposed to mitigate anticipated detrimental impacts.

Shawn Taylor, adjoining property owner, stated his comments about the presence of the oilfield and if this area is residential, industrial or commercial and suggested the commission considers these problems as well.

With no one else to speak either in favor or in opposition the applicants were invited to speak in rebuttal.

Jeremy and Natalie Taylor both spoke and stated they live by a gravel pit in Wasatch County and live with the conditions of their permit. The Taylors feel they have made some changes and organized their stuff. After all this is their property and they do want it to be nice. Mr. Taylor stated there are many commercial businesses in the area. This is not a business it's a hobby and fun for our family.

With no other speakers the public hearing was closed.

There was some discussion whether this permit is necessary and some changes with the conditions and their timelines.

Commissioner Drake motioned to approve the Conditional Use Permit requested by Jeremy and Natalie Taylor, subject to the amended conditions which allowed until November 30, 2018 in condition #1 and removed the requirement for an earthen berm. Commissioner Richens seconded the motion and it passed unanimously.

B. Request by Whit Beal for a Conditional Use Permit to allow a vehicle sales business (Machinehead Motorsports) on property owned by Thad & Lynda Beal, located at 366 W 2000 South, in the Roosevelt area.

Mr. Hyde stated the applicant received a Conditional Use Permit from the Planning Commission on August 3, 2016 to operate his motor vehicle sales business at 13434 W 250 North, located northwest of Upalco. That property has been sold and the applicant is

now seeking approval to operate the business at his temporary residence (with his parents, Thad & Lynda Beal). The property is zoned A-5, which is an agricultural zone with a five-acre minimum lot size; however since the property has a culinary water connection, it is considered to be zoned R-1. Commercial uses are allowed in the R-1 zone with a Conditional Use Permit. The Duchesne County Zoning Ordinance allows provisions for Home Occupations.

Some 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.**

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

If the applicant meets the Conditional Use permit criteria and complies with the conditions of approval, the purposes of the Zoning Ordinance will be met.

- 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 7.27 acres in size. The property contains an existing home with a large detached metal shop building in which vehicles associated with the business will be stored; when not being actively driven. The property is large enough to operate the proposed vehicle sales business with no significant impact on surrounding properties. The closest homes to the shop building are located about 645 feet to the southeast [Winn], 875 feet to the southeast [Peterson] and 900 feet to the southwest [Watkins].

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 stated the property contains several trees and landscaped areas as shown on the site and aerial photos submitted. View of the shop building is also partially obscured by an elevated rocky area east of the driveway. Activity associated with the business will be conducted at the house, which is set back about 200 feet from the road and near the shop, which is set back about 250 feet from the county road (2000 South – Pole Line Road). Based on those considerations and the applicant’s commitment to keep vehicles inside an enclosed building when not being actively driven; 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.

The site photos show that there is ample parking for customer vehicles between the home and the shop, where vehicles will be available to view. Ingress and egress is available via a driveway about 22 feet wide at its narrowest point, which is sufficient for two-way traffic. 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 from the Pole Line Road [2000 South] which is a paved county road. There are no plans for acquiring additional right of way identified at this location. This road is improved to a standard sufficient to handle the small amount of additional traffic associated with the proposed business.

Water: The property receives water from the Johnson 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 sewage generated at the property. Business customers would use restroom facilities, if necessary, in the existing home.

Fire: The applicant will need to coordinate with the Building Official and Fire Chief to determine if any permits or improvements are needed to allow vehicle storage in the shop building.

D. Signs: Regulation of signs.

The Utah Motor Vehicle Dealer licensing rules require: *“A permanent sign, not less than 24 square feet in size must be either painted on the dealership office, attached to the office with nails or bolts, or placed on posts in the display yard that have been securely anchored in the ground. The sign must fully identify the dealer’s principle place of business and show the full name of the dealership as it is licensed. A picture of the principle place of business and sign should be submitted to MVED along with the application, forms and fees.”* The required sign will need to be on the applicant’s

property and be located to avoid creating a vision clearance hazard at the intersection with the driveway. The required sign shall be non-illuminated and comply with all other county sign regulations in Section 8-9-14 of the county zoning ordinance. Such signage must be removed if the business ceases to operate at this location.

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 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 would 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 coordinate with the Building Official and Fire Chief to determine if any permits or improvements are needed to allow vehicle storage in the shop building.
 - C. The applicant shall contact the County Clerk's office to re-activate his business license at this new location.
2. Signage needed to identify the business shall be located on the applicant's property and be located to avoid creating a vision clearance hazard at the intersection of the Pole Line Road and the applicant's driveway. One sign is allowed (not exceeding 24 square feet in size) which shall be non-illuminated and shall comply with all other county sign regulations in Section 8-9-14 of the county zoning code and with Utah DMV rules.
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. Commissioner Clark asked if Mr. Beal would have to work with the building department to change the use of the ag building. Mr. Hyde replied he would.

With no other questions and no one in the audience to speak either in favor or against the applicant's request the public hearing was closed.

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

NEW BUSINESS:

None

Minutes: Approval of June 6, 2018 minutes:

Commissioner Moon moved to approve the minutes of June 6, 2018. Commissioner Lindsay seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

Mr. Hyde stated the deadline for the August 1st meeting was today July 11th, with no applications so, our next meeting will be September 5th.

Adjournment:

Meeting adjourned at 6:50 p.m.