

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
March 6, 2019 - 5:00 p.m.**

In Attendance were:

Brad Wells, Planning Commission, Chairman
Bobby Drake, Planning Commission
Ken Richens, Planning Commission
Ryan Clark, Planning Commission
Connie Sweat, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Bruce and Cindie Dodenbier

Family Practice-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.

PUBLIC HEARINGS:

A. Request by Bruce and Cindie Dodenbier for a Conditional Use Permit to establish a medical clinic at 4601 N 16750 West in the Altamont area.

Mr. Hyde referred the commission to their packets and some site photos of the proposed business and stated the applicants are proposing to convert an existing dwelling unit to a medical clinic. The building is located on a 6.0-acre lot located just north of the Altamont rodeo grounds. A commercial use such as a medical clinic is a conditionally permitted use in the A-5 zone.

The conditional use criteria 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 if safe ingress and egress is provided, if there is sufficient parking area, if the change of use is done in compliance with Building and Fire Codes, if the TriCounty Health Department has no concerns with a medical clinic using an on-site wastewater disposal system and the applicants comply with anticipated conditions of approval, there should be no anticipated impacts on surrounding property owners or the public health, safety and welfare.

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 contains the following statements with respect to establishment of new businesses.

“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 County supports orderly and responsible residential, commercial, industrial, and recreational growth and feels that there are areas within the County suited to accommodate these types of development.”

“Duchesne County, through its zoning ordinance, encourages a mixture of land uses which helps shorten commuter trips, reduces vehicle miles traveled (VMT), encourages walking and biking and reduces energy consumption.”

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 is six acres in size, which provides ample size and dimensions to conduct the proposed use in a manner that will not be detrimental to adjoining and surrounding properties. The nearest homes are located 500 and 750 feet to the southwest, which provides an adequate buffer from the proposed business.

Additional Conditional Use 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.

Mr. Hyde stated the aerial photos indicate that the subject building is surrounded by trees and vegetation. There is no need for additional landscaping, fences or walls to buffer surrounding property owners from impacts of the proposed use. The nearest home (not owned by the applicants) is located about 500 feet to the southwest [Cory Uresk]. A home on the Leoncini property is about 750 feet to the southwest.

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 zoning ordinance requires off-street parking for medical clinics at the rate of one space per 200 square feet of floor area in the clinic. The applicants 888 sq. ft. will be

used for the clinic, which requires 5 parking spaces. The proposed parking area is 47 feet X 82 feet, which is large enough for 8 spaces. The applicants plan to gravel the parking area initially and pave it later if funds permit. Ingress and egress would be via an existing driveway located at the southeast corner of the property. This driveway would be graveled to a width of 27 feet to provide for two way traffic.

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 from 16750 West and 4500 North [County Road #342] 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 traffic associated with the proposed medical clinic.

Water: The property receives water from a private well. The proposed business will have a very minimal impact on water usage at the property. The Utah Division of Water Rights has indicated that there would be no need to amend their water rights for this well as the small clinic would likely use less water than an average dwelling unit. However, the TriCounty Health Department will require that the applicants meet the Non-Public Water rules before opening the clinic.

Sewer: The property has an onsite wastewater disposal system. The proposed clinic will likely generate less sewage than an average family would generate. TriCounty Health (TCHD) has reviewed the proposal and will require that the applicants apply for an Existing Inspection of the onsite wastewater system to ensure that the existing system is functioning properly and that the drain field lines are long enough for the proposed use. TCHD also indicates that the facility, since it obtains water from a private well, will need to comply with their Non-Public Water regulations.

Fire: Conversion of this structure from a residence to a medical clinic will require a building permit and a change of occupancy classification. Through this process, the Building Official and Fire Chief will ensure that the facility complies with the applicable building and fire codes.

D. Signs: Regulation of signs.

The applicants have indicated they will erect two non-illuminated business signs; one flush-wall mounted to the building at the entrance and other attached to their fence at the driveway entrance. The proposed sign size was not indicated. To preserve the residential-agricultural character of the area, a condition should be imposed to ensure that the signs do not exceed 16 square feet in size and remain unlit.

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 medical clinic is not anticipated to generate significant amounts of noise, dust or other nuisance impacts.

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

The applicants stated that normal business hours would be from 9:00 AM to 5:00 PM. They plan to start with Friday hours and expand to two days or more per week if demand warrants. These hours are not anticipated to adversely impact residents in the vicinity.

Mr. Hyde stated the applicants currently have a county business license to operate an office associated with their business from their home located at 4697 N 16750 West (just north of the proposed clinic). This license requires that the applicants travel to the client rather than bring clients to the home. If this permit is granted, the business license will need to be amended to include the correct clinic and office location.

Mr. Hyde's recommendation is approval of the Conditional Use Permit requested by Bruce and Cindie Dodenbier, subject to the following conditions:

1. Before occupying the facility and opening the clinic for business, the applicants shall:
 - a. Obtain a building permit to remodel the structure and a Certificate of Occupancy allowing the change of the occupancy classification, which will verify that the change from a residence to a medical clinic is done in compliance with the Building and Fire Codes.
 - b. Modify their business license application to reflect the new location of the clinic and office.
 - c. Provide an off-street parking area for at least five vehicles and a driveway access at least 24 feet wide; both with sufficient gravel surface to allow for all-weather access and reduce dust from vehicle movement.
 - d. Obtain approval of an Existing Inspection from the TriCounty Health Department to ensure that the on-site wastewater disposal system is sufficient for the proposed use.
 - e. Provide the County with evidence of compliance with the TriCounty Health Department's Non-Public Water regulations associated with the commercial use of a private water well.
2. Business signage shall be limited to two signs; one flush-wall mounted to the clinic building and one located on the fence near the driveway entrance. Such signs shall be non-illuminated and each sign shall not exceed 16 square feet in area.

Mr. Hyde indicated TriCounty health has some additional requirements including an existing inspection to make sure the drain field is long enough and adequate for the staff and clients.

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

Cindie Dodenbier, applicant, stated she has been a nurse practitioner for 20 years with certificates in family practice, pain and addiction and is ready to start a small clinic in the basin so she won't have to travel for work. Currently she travels 4 days during the week and is here on the weekends. She feels the clinic will be a great asset to the county and to her clients.

Commissioner Wells asked her if she is ok with the conditions for approval. She stated they are and will do anything they need to do make this venture a success.

There was some discussion with the commission about the sign size and its placement.

Bruce Dodenbier spoke and praised his wife's concern and the care she gives her patients. Also he would like to thank Mr. Hyde and the building officials Karl Mott and Cody Fisher for their hard work and efforts in this matter.

Commissioner Wells asked if there were any other questions or comments. There were none and with no one in the audience to speak either in favor or opposed to the applicants request. The public hearing was closed.

Commissioner Drake motioned to approve the Conditional Use Permit requested by Bruce and Cindie Dodenbier, subject to the conditions stated in the staff report. Commissioner Richens seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of February 6, 2019 minutes:

Commissioner Richens moved to approve the minutes of February 6, 2019. Commissioner Clark seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

Mr. Hyde indicated there was nothing on the agenda for next month yet, but there is still some time to apply. He also reminded the commission about the trainings in Price and Vernal encouraging the members to attend those trainings if possible.

Adjournment:

Meeting adjourned at 5:50 p.m.