

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
September 6, 2006 - 5:00 p.m.**

In Attendance were:

Leon Sweat, Planning Commission Chairman
Shelly Fabrizio, Planning Commission
Thomas Rather, Planning Commission
Randy Mair, Planning Commission
Chris Peatross, Planning Commission
Mike Hyde, Community Development Administrator
Laraine Dickinson, Planning Secretary

Excused: Dean Brough, Larain Mobley

Visitors:

Agenda Item

Doug & Mary Newby
LaMar Larsen
Glen Larsen
VaLoy Sudbury
Nancy Simpson

K & M Homes

Chairman Sweat called the meeting to order at 5:00 P.M.

PUBLIC HEARINGS:

Request by Doug Newby, K and M Homes, Inc., requesting a Conditional Use Permit for a modular cabin construction business and display model located in Section 35, Township 3 South, Range 7 West, in the Pinion Ridge area.

Mr. Hyde stated that Mr. Newby inquired about opening up a home business where he would build modular cabins. The proposed use does not qualify for a home occupation permit due to the county standards not allowing for outside storage associated with a home occupation. So with an outdoor display of a model cabin's this did not work out. So the only way to consider this proposal would be as a commercial use in a residential area.

Mr. Hyde stated that before this conditional use permit is issued the following criteria need to be met:

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 that the proposed use will consist of a display model cabin that the applicant wishes to place on his property to attract business, with a sign on the roof of the model cabin with a phone number, so interested parties could inquire about the cabins. This would be only a model cabin and other cabins would be built on site and not at this location. There will be a slight increase of traffic using the Highway 40 access and driveway to the site. However, the amount of traffic is not expected to be such that will be detrimental to properties in the vicinity. Mr. Hyde stated that he had received a phone call from UDOT and they stated that they did not see a problem with traffic.

2. The proposed use will be located and conducted in compliance with the goals and policies of the Duchesne County General Plan and the purposes of this ordinance.

Mr. Hyde stated that the Plan indicates that the county wishes to encourage business activity and that the county will support efforts to recruit new businesses, retain existing businesses and assist with the expansion of existing businesses. So in this case the General Plan would be complied with.

3. That the property is large enough size to accommodate the proposed business and that it will not be materially detrimental to adjoining and surrounding properties.

Mr. Hyde stated that this is a twelve-acre site so it is of adequate size to house this model cabin and provide space for customer parking. There is already an existing home on the property and the model cabin would be out closer to Highway 40. The frontage road where customers would enter has already been graveled.

Mr. Hyde stated the other criteria for a conditional use permit:

1. The site be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all building and other structures are adequate to protect property.

Mr. Hyde stated that placing a model cabin on this site would not create a need for landscaped buffers or fencing because the model home would fit into the character of the area, which already contains primary and secondary homes and recreation sites.

2. Provisions of parking facilities, including vehicular ingress and egress.

Access to the property is via Highway 40 and an access to a frontage road located to the west of the property frontage. The applicant intends to inquire with UDOT about the possibility of obtaining direct access from the property to Highway 40 but this would be depending upon a UDOT decision.

3. The provision of required street and highway dedication and improvements

and adequate water supply, sewage disposal and fire protection.

Mr. Hyde stated there is no additional right of way needed for the highway. There is no water system in this area and a cistern serves the existing house on the property. The model cabin will not be occupied, so there will not need to be a septic system. And when customers come to view the model cabin the applicant has indicated that they will provide a portable toilet for that purpose. Since the model cabin will not be occupied, fire protection is less of a concern.

4. Regulation of signs.

The County does not have a sign ordinance regulating sign size. The applicant proposes to erect a sign on the roof with a phone number for the public to call to inquire about the cabins. The size of the sign would be 8 X 10 feet in size and is depicted in the application.

5. The mitigation of nuisance factor such as noise, dust, odors etc.

Mr. Hyde stated that the applicant plans on constructing the model cabin on the property but future cabins would be constructed on the purchaser's property. So this would dramatically reduce the potential for nuisance factors on the property affecting surrounding property owners. If the model cabin sells, another will be built on the site to replace it.

6. The regulation of operating hours for activities affecting normal schedules and functions.

Mr. Hyde stated that the applicant has indicated that they will keep operating hours from 8:00 A.M. and 5:00 P.M. The applicant also indicated that there would be no business activity in the early morning or late evening hours.

Chairman Sweat asked if the applicant had any comments to Board. Mr. Newby indicated that he did not. Chairman Sweat asked if anyone in the audience had any questions.

LaMar Larsen stated that he thought that it would be a benefit to the area and it would be an improvement.

VaLoy Sudbury stated that she had no objection to this. There were some concerns with traffic and vandalism but with this only being a model cabin and there would not be people in all the time she felt better.

Chairman Sweat asked Mr. Newby to come forward because he had some questions. Chairman Sweat's only concern was that it was stated in the findings that Mr. Newby would provide a portable toilet for when customers were on the property looking at the model cabin. Chairman Sweat asked is the portable toilet going to be all that you are

going to have or is it going to be permanent? Mr. Newby stated that he was going to buy a portable toilet from the sanitary business east of Duchesne and have them service it each month. Chairman Sweat asked if Mr. Newby had spoke with Tri-County Health and had they approved this. Mr. Newby stated that he had not spoken with Tri-County Health. So, Chairman Sweat stated that in the conditions for approval, it should be added that the issue with the restroom facility be approved by Tri-County Health.

Commissioner Peatross asked Mr. Newby if he had received any inquiries about his cabins as of yet because of a similar business that started out small and has now become larger so my main concern is if we need to include in your conditions a limitation as to how many cabins will be permitted on the property at one time. Mr. Newby stated that he would be buying a lumber package for the first one. Mr. Newby stated that he works for a general contractor so they would be doing the footings, foundations etc. on site. Our goal is to build about 10 cabins a year. Commissioner Peatross stated that his only concerns were that the one model cabin and maybe one cabin under construction at a time would be allowed on the property at a time. Commissioner Peatross asked if the cabins would be log or stick framed and Mr. Newby stated that they would be stick frame with 2 X 6 exterior walls so all we would be building is the exterior shell and the customers would be finishing the interior themselves.

Commissioner Rather moved that the Planning Commission approve the Conditional Use Permit requested by Doug Newby, K & M Homes, Inc., subject to the following condition:

1. Prior to opening for business at this location, the applicant shall provide the graveled driveway and parking areas shown on the plans and obtain the portable toilet.

Commissioner Fabrizio seconded the motion and it passed unanimously.

Minutes: Approval of the August 2, 2006 minutes

Commissioner Fabrizio moved to approve the minutes as written.
Commissioner Rather seconded the motion and it passed unanimously

Commission Comments and Staff Reports:

- A. Fall conference of Utah Chapter of American Planning Association, September 28 and 29, Provo – deadline for registration September 19, 2006.**

Mr. Hyde stated that this conference has one session designed for Planning Commission members but it may be best if Planning Commission members could attend the Utah Local Governments Trust sessions.

B. Planning Commission Training through Utah Local Governments Trust.

Mr. Hyde stated that the Certified Community Planner Seminar are available for anyone to attend, if you are interested let us know which date you would like to attend and we will get you registered. Commissioner Sweat stated that he would be interested in the December seminar and Commissioners Mair and Rather stated that they were interested but would have to let us know later which dates would be convenient.

Mr. Hyde stated that Forrest Bird is no longer with the Road Department so there will be a new supervisor announced at a later date.

Adjournment:

Chairman Sweat adjourned the meeting at 5:30 P.M.
Commissioner Fabrizio seconded the motion and it passed unanimously.