

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
August 1, 2007 - 5:00 p.m.**

In Attendance were:

Chris Peatross, Planning Commission Chairman
Leon Sweat, Planning Commission
Dean Brough, Planning Commission
Shelly Fabrizio, Planning Commission
Kent Olsen, Planning Commission
Dean Burton, Planning Commission
Mike Hyde, Community Development Administrator
Laraine Dickinson, Planning Secretary

Excused: Randy Mair

Visitors:

Agenda Item

Stacey Williams
Dean Taylor
Keith Eddington
Robert Zitting

Junk Yard C.U.P.

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

PUBLIC HEARINGS:

- A. Re-open public hearing (recessed from January 3 and July 11, 2007) on a request by Stacey Williams for a Conditional Use permit to store junk vehicles on Lots 37-40 and 46, Block E, Unit 1, Vista Valley Subdivision, Section 22, Township 3 South, Range 8 West.**

Mr. Hyde stated that this public hearing is being reopened from the January 3, 2007 meeting. In the agenda there is a list of events that has lead up to this point.

Mr. Hyde stated that this property has been a subject of code enforcement due to the large number of junk vehicles on the property and the large number of complaints that had been received. In September 2005 Larry Farnsworth had been out to the property and removed 30 vehicles but looking at the current photos there is still quite a bit of junk

still there. Mr. Hyde stated that in talking with Mr. Williams one way in handling the situation would be to apply for a conditional use permit for a junkyard. Mr. Hyde read into the minutes the definition of a junkyard. This approach was taken so that Mr. Williams could store junk vehicles even though it would not be run for commercial purposes because otherwise it is in violation of Duchesne County's Nuisance Ordinance.

Mr. Hyde referred to the minutes of the January 3, 2007 meeting when Stacey Williams Jr. stated that they had some funds available to build a 40 X 70 foot building on the property but stated that it would take them about six months to accomplish this. So at that time the Planning Commission agreed to recess until the July 11, 2007 meeting and then look into the progress of what had been done and if the building had been constructed and the vehicles stored inside. Mr. Hyde referred to some photos that had been taken on July 25, 2007. The building has not been erected and there was some fencing done and some footings had been started. Although there are some construction materials such as rebar and concrete blocks on the site to start a building, that has not been done.

Mr. Hyde stated that there are two reports, one with findings for denial and one with findings for approval. In the findings for denial it looks at the adverse impacts it would have on the surrounding area. In the findings for approval, it states conditions that would need to be met such as fencing, no advertising signs to direct people into their property because the roads are in poor condition and the applicant disposing of any fluids from the junk vehicles so as not to contaminate the property or surrounding properties.

Mr. Hyde stated that the property is in the Vista Valley Subdivision and is located just northeast of the Strawberry Pinnacles turnoff.

As there were no questions of staff, Chairman Peatross asked for the applicant to speak.

Mr. Eddington representing the applicant stated that was a pretty accurate account of what has happened up to this point. He stated that the applicant had taken some pictures of the area but indicated that they were similar to the photos that were in the agenda.

Mr. Eddington stated that the applicant stated to him that the building would not have to be as large as previously indicated both for financial reasons and are not anticipating storing that many vehicles. Mr. Eddington stated that they Mr. Williams is willing to comply with any conditions that the Planning Commission feels needs to be put into place to proceed with the Conditional Use Permit but as previously mentioned it is not Mr. Williams' goal to run a junkyard.

Commissioner Olsen asked what's the purpose of the building? Mr. Eddington stated that it was just to store the vehicles in.

Mr. Hyde asked Mr. Eddington that he had indicated that his client stated that at this time he did not feel that the building would have to be as large as first indicated (that they could possibly be able to have a smaller building) but looking at the photos, it would seem that even a 40 X 70 foot building would be too small. Mr. Hyde asked if they were planning on removing any more of the vehicles that are located on the property? Mr. Eddington stated that there is a trailer with stuff in it that will be hauled out and they have indicated to me some of the other things that would be hauled out including another 5 or 6 vehicles. Mr. Hyde stated that there are at least 20 vehicles there and if only 5 or 6 vehicles are going to be hauled off there would need to be a pretty good size building to store the remaining vehicles.

Mr. Hyde mentioned that some additional time was requested to get the building up and it has already be seven months, so how much more time would be needed? Mr. Eddington stated that he has no way of knowing and that Mr. Williams is on a fixed income and the last time we met, Mr. Williams was going to receive help from family members to get this done and I am not sure what has been accomplished there. Mr. Hyde stated that at this time there has not been an application made for a building permit and that would be the first step. Mr. Eddington stated that there was some confusion with that; in that Mr. Williams hoped that some of the application fees toward the conditional use permit could be used toward getting the building permit.

Commissioner Sweat asked Mr. Hyde is it my understanding that a junkyard does not apply if all of the vehicles are stored? Mr. Hyde stated that if there were a building large enough to store all of the junk inside then there would be no nuisance ordinance violation and then there would be no need for a conditional use permit.

As there was no additional testimony from the applicants, Chairman Peatross called for opposition testimony.

Mr. Zitting stated that his property is to the east and he would like to see this request for a conditional use permit for a junkyard denied because for seven months there have been no steps taken to relinquish the problem. Mr. Zitting stated that he does not mind if there is an additional three months given to get a building up but there needs to be some, sort of time line for this to be completed. Mr. Hyde stated in regards to Mr. Zitting's property, it sits up higher in elevation than Mr. Williams' property, so it does not matter the height of the fence, whatever is stored inside the fenced area would be visible from Mr. Zitting's property. Mr. Zitting stated that it is his understanding that Mr. Williams does not want a conditional use permit for a junkyard, so deny the conditional use permit and just have him construct a building.

Chairman Peatross stated that one way to eliminate any problems would be to tag the vehicles that need to be removed and have a short-term time line to have them removed and move forward with getting a building permit and at least put forth some effort into solving this problem.

Commissioner Brough stated that looking at the pictures, not a lot has happened since January and looking at the building materials here, there is not enough for building the size of building that is needed. There seems to be more junk around than some vehicles that want to be saved.

Mr. Hyde stated that it is up to the planning commission to either approve or deny this application and then we will go from there to give the applicant a time limit to take care of this matter. If nothing has been done to eliminate the nuisance violation, then it would be up to me to issue a citation and have them appear in court due to the nuisance ordinance violation.

Commissioner Sweat stated that, looking at the pictures, if the applicant is to put the vintage vehicles into a building that would take care of 25%, leaving 75% that would not be taken care of and so that would still be a junkyard. There are things like old truck beds made into trailers, water tanks, boat, old trailers etc. that probably are not going to be restored and so it is going to take a large building to store all of these items to get them out of site so this would not be a junk yard.

Commissioner Sweat asked Mr. Eddington about the recent photos he had in regards to building materials and the foundation that the applicant has begun to dig. Mr. Eddington stated that what he has shows some of the foundation that has been started and rebar plus about four pallets of cement blocks. Mr. Eddington passed around the photos.

Chairman Peatross wondered if we as a commission could give them 30-days to apply for a building permit. Mr. Hyde stated that 30-days really is not enough time to go through the building permit process. Mr. Zitting stated that it has been since January and nothing has taken place yet. Chairman Peatross stated that if a 30-day limitation is given, it could be looked at to see if a building permit has been applied for. Commissioner Sweat stated that the building permit is a separate issue and what we need to decide is to either approve or deny the conditional use permit.

Commissioner Burton asked if this is denied, then what are the consequences for these folks? Mr. Hyde stated that the recourse would be to go with the nuisance ordinance and check back to see what progress has been accomplished within a reasonable amount of time. If nothing seems to be going forward, then a citation would need to be issued and then it would go before the judge. Mr. Hyde stated that if the Planning Commission denied this request then I would ask the applicant to submit building plans to the building department with 2 weeks or 1 month at the latest. Mr. Eddington asked how detailed do the plans need to be, can the applicant draw them up or do they need to be engineered? Mr. Hyde stated that they would need to provide foundation design, wall design and roof design etc. the Building Department would determine if engineering is required. Mr. Eddington stated that if it needs to be an engineered plan then the Mr. Williams would need more time. Chairman Peatross stated that they could submit what they have and then the Building Department would be able to let them know just exactly what they would need to have.

The public hearing was closed.

Commissioner Brough motioned that the Planning Commission deny the Conditional Use Permit requested by Stacey Williams.

Commissioner Sweat seconded that motion and it passed unanimously

Minutes: Approval of the July 11, 2007 minutes

Commissioner Brough motioned to approve the July 11, 2007 minutes with one correction.

Commissioner Burton seconded that motion and it passed unanimously.

Commission Comments and Staff Information Items:

Chairman Peatross stated that he heard from the County Commission meeting on July 30, 2007 that there were some concerns in the wording as to the definition of a water source.

Mr. Hyde stated that dispute is with the Larsen Springs Subdivision on the North Fork of the Duchesne River just northwest of Hanna. They are creating 9-lots and they are .6 mile from the Hanna Water and they feel that their minor subdivision should be approved since the subdivision ordinance states that a minor subdivision must have a "proposed" water source. This means that the water must be there and be available to hookup. Hanna Water is saying they could run the line to there but the landowner pays for the extension. So the interpretation is been taken two different ways, the landowner is taking it one way and the County has another meaning. The minor subdivision process cannot be used when a water extension is required. So maybe the wording would need to be changed from "proposed" to "approved."

Mr. Hyde stated that the rezone with Roger Brockbank and Bob West was approved with a larger buffer for the Conover property also a deed restriction that prohibits junkyards, landfills, composting facilities and feed lots.

Commissioner Kirk Wood entered the meeting at 5:35 PM

Mr. Hyde introduced Commissioner Wood to the Planning Commission. Commissioner Wood stated that the County Commissioners appreciate the fine job that is being done and to keep up the good work.

Adjournment:

Commissioner Sweat motioned to adjourn the meeting at 5:45 PM
Commissioner Brough seconded that motion and it passed unanimously.