

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
June 6, 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  
Mike Hyde, Community Development Administrator  
Laraine Dickinson, Planning Secretary  
**Excused:** Randy Mair

**Visitors:**

**Agenda Item**

Jay & Sharlene Duke	Machine & Maintenance CUP
Berniece Bawden	
Shawn & Patty Elworthy	GASCO Energy CUP
Richard Ross	
Dave Florence	David Florence Subd. Final Plat
Kirk Christensen	
Jolene Archibald	Amended Plat Cedar Mtn 6 Lot 67
Robin Smith	
Scott Hacking (DEQ District Engineer)	
David Stauffer	A-1 Contractors CUP
Alesha Williams	Tonka Land Trust CUP
Maria Fabrizio	
Don Smith	
Mark Ward	Twin Knolls/Wrinkles Road

Chairman Peatross called the meeting to order at 5:25 P.M.

**PUBLIC HEARINGS:**

- A. Request by A-1 Contractors, for a Conditional Use Permit to operate an RV Park in the Commercial zone at 2455 West Highway 40, Section 31, Township 3 South, Range 1 West, in the Roosevelt area.**

Mr. Hyde stated that this is a proposed 72-space recreational vehicle park across Highway 40 south of Basin Builders Supply.

Mr. Hyde recommended approval of the request, subject to several conditions.

Mr. Hyde stated that there was one phone call from Brighton Farms to the east of this proposed RV park and their concern was if there was going to be fencing so that no one could trespass or trash blow onto their property. Mr. Hyde stated that the code requires that a fence be provided and it does show a 6-foot fence on the plan.

Chairman Peatross asked what the difference from a mobile home and an RV. Mr. Hyde stated that in the State code it states the difference and that an RV is designed and built for vacation or short term occupancy whereas a mobile home could be a permanent dwelling.

Commissioner Sweat asked if this would be on a sewer system or is it going to be on a septic system? Mr. Stauffer stated that it would be on a septic system. Mr. Hyde stated that looking at drawing 0-3 the septic system is in the southeast corner of the property and so everything drains to the southeast. These plans have been revised with Tri-County Health and a State Agency that have been helping Mr. Stauffer. Mr. Hyde stated that Mr. Stauffer had been working with Roosevelt City to see what the cost would be to bring the city sewer system down the highway to the property. Mr. Stauffer stated that it was less than a mile but that it would be very expensive.

Commissioner Sweat motioned that the Planning Commission approve the Conditional Use Permit requested by David Stauffer and A-1 Contractors, subject to the following conditions:

1. No mobile or manufactured homes may be placed in the park.
2. Prior to opening the RV Park for business:
  - a. The applicant shall obtain a Duchesne County business license.
  - b. All site plan improvements shall be completed.
  - c. At least one tree and an irrigation system shall be provided for each RV space.
  - d. Outdoor lighting shall be provided at all park roadway intersections.
  - e. Tri-County Health Department or State of Utah approval must be obtained and verification provided to the county.
  - f. Lane and entrance improvements to Highway 40 shall be permitted, completed by the developer and accepted by UDOT Region 3.
3. The applicant shall control dust from the gravel access roads either by application of a dust inhibitor or paving.

Commissioner Brough seconded that motion and it passed unanimously.

**B. Request by Alesha Williams and the Tonka Land Trust, requesting a Conditional Use Permit to establish an auto impound yard and machine**

**shop in a Residential (R-1) zone located on the north side of 6250 South, just west of Highway 40, in Section 23, Township 3 South, Range 2 West in the Myton area.**

Mr. Hyde stated that this property is located on 6250 South which is the road going west to the Midview and Lake Borham area just north of Myton. Mr. Hyde stated this is in a residential zone but there has been some commercial activity in the area such as Link Trucking and Lamb Trucking.

Mr. Hyde stated that the applicants currently have an impound yard in Vernal but they would like to relocate to their property in Myton. Mr. Hyde stated that the main concern about impound yards is the tendency to become an eyesore when viewed from Highway 40. So if this is approved there are several conditions and these should mitigate any impacts this would have on the county.

Mr. Hyde stated that the nearest fire hydrant is approximately ½-mile away and the county would like the applicant to work with Myton City to get a fire hydrant within 500-feet of the property. Also the county would want a fence around the impound yard and the applicant's site plan shows a 10-foot privacy fence on the east side of the property and an 8-foot privacy fence around the remainder of the property.

Commissioner Sweat asked if there has been any discussion about hazardous materials such as oils, gases, antifreeze etc. Chairman Peatross stated that it states in the staff report that this is an impound yard and machine shop so you are not dismantling any vehicles correct. Mr. Hyde stated that they have not asked for a junkyard permit and so the vehicles are staying intact.

Commissioner Brough asked if there had been any property owners in the vicinity that had called or letters received in objection to this proposed impound yard. Mr. Hyde stated that he had not received any.

Don Smith (Basin Engine & Towing) stated that with an impound yard you do at times get some junkers either from DUI's and others that have been involved in some bad accidents and so a lot of times these vehicles are just taken to Basin Industries for disposal. Most of the vehicles won't be seen but there will be times when there will be vehicles visible from Highway 40.

Mr. Smith stated that in regards to a problem with hazardous materials we are setup with Emerald Recycling and they pick up such things as oils, gases, antifreeze etc.

Commissioner Brough asked what would be the time frame of how long a vehicle would be left in the yard. Mr. Smith stated that if a DUI's case if towed on a Friday or Saturday then usually it would be picked up on Monday but in cases when they don't have the money then it could be left longer and in some cases depending on the circumstances a vehicle could be left as long as 90-days. And in some cases if the vehicles have been abandoned then I would have to wait for the State to come so that I can receive title to get rid of them.

Commissioner Brough motioned that the Planning Commission approve the Conditional Use Permit requested by Alesha Williams and the Tonka Land Trust, subject to the following conditions:

1. Prior to opening for business at this location, the applicant shall:
  - a. Obtain Tri-County Health Department approval of a wastewater disposal

- permit.
  - b. Obtain a Duchesne County business license.
  - c. Obtain a certificate of occupancy from the Duchesne County Building Department and complete the improvements shown on the site plan.
  - d. Work with Myton City to install a new fire hydrant at the driveway entrance.
2. Applicant agrees to not allow business operations before 7:00 AM or later than 9:30 PM in accordance with the Nuisance Ordinance.
  3. Applicant agrees that the principal business sign shall be limited to 32 square feet in size and shall be placed in a manner to not create a traffic hazard at the driveway entrance to 6250 South.
  4. Applicant agrees to promptly mitigate dust if blowing dust is observed from the parking or driveway areas.
  5. The driveway to this facility shall be constructed to at least a 24 foot- wide durable surface, to accommodate ingress and egress by customers and meet code for fire truck access.

Commissioner Fabrizio seconded that motion and it passed unanimously.

**C. Request by Machine Maintenance & Technical Advisors L.C., requesting a Conditional Use Permit to establish a commercial machine shop building in an Agricultural-Residential zone located on the east side of the Pariette Road, slightly north of Newfield Oil, in Section 10, Township 4 South, Range 2 West, in the Pleasant Valley area.**

Mr. Hyde stated that this area around Newfield Oil is expanding with similar businesses, which are oil field related. Mr. Hyde stated that Mr. and Mrs. Duke were in last year to open a bearing business and now they are proposing to construct an 80 X 150 foot commercial building that would house a shop for refurbishing bearings but would house other tenants such as building contractor, a landscaping contractor, a home décor distributor, and a tool distributor. Mr. Hyde referred to a photo of their current building and business in West Valley City.

Sharlene Duke stated that their main interests are to make the area more beautiful and would hope that future businesses would do the same. Mrs. Duke stated that in the future their plans are to build more in this area.

Commissioner Brough asked if the building would be similar to the one in the Staff Report and Mr. Duke stated that it would be an up-scaled version with better windows and if there are to be tenants they will be required not to store anything outside. Everything would be inside as not to be visible from the road. So hopefully this would be some encouragement for others building in the area to do the same.

Chairman Peatross asked if there were to be tenants having a business operation, would they have to apply for a Conditional Use Permit also? Mr. Hyde stated no this conditional use permit is for the six bay building and at this time we know of one business that would anchor this and that would be the Duke's but with the other bays it is uncertain what type of business would be going in there. So this Conditional Use Permit would allow commercial use of the entire building not just one bay but each

tenant would have to obtain a Duchesne County Business License. Chairman Peatross stated that not knowing of a similar case where there would be more than one tenant in a building but with the conditions being imposed on this permit then each tenant would have abide by those conditions. Mr. Hyde stated that the septic system would have to be approved by Tri-County Health Department with the worst-case scenario but would think that tenants would likely be related to the oil field business. Mr. Duke stated that they have had people approach them when they heard of their plans and stated that they would be similar businesses and that the traffic should not increase that much because they would likely be making deliveries in the oil field.

Berniece Bawden asked if there would be something that the Commission could think of that would not be feasible to put into this proposed building. Chairman Peatross stated that maybe a busy retail business or something involving children such as a daycare center.

Commissioner Fabrizio motioned that the Planning Commission approve the Conditional Use Permit requested by Machine Maintenance and Technical Advisors LC, subject to the following conditions:

1. Prior to opening for business at this location, the applicant shall:
  - a. Obtain a wastewater disposal permit from the Tri-County Health Department.
  - b. Obtain a building permit from the Duchesne County Building Department.
  - c. Obtain a business license from Duchesne County.
2. Applicant agrees to not allow business operations generating nuisance noise before 7:00 AM or later than 9:30 PM in accordance with the Nuisance Ordinance.
3. Applicant agrees that the principal business sign shall be limited to 32 square feet in size per business and shall be placed in a manner to not create a traffic hazard at the driveway entrance to the Pariette Road.
4. Applicant agrees to either pave the parking, driveway and maneuvering areas or promptly mitigate dust if blowing dust is observed and reported from those areas.
5. Applicant agrees to construct the business driveway to a width of at least 20 feet and to a standard that will allow fire truck access and turn around space.

Commissioner Sweat seconded that motion and it passed unanimously.

**D. Request by GASCO Energy and Myton Oilfield Rentals for a Conditional Use Permit to establish an office and shop in an Agricultural-Residential zone located on the east side of the Pariette Road, southeast of Newfield Oil, in Section 10, Township 4 South, Range 2 West, in the Pleasant Valley area.**

Mr. Hyde stated that this is an existing home across the Pariette Road from Newfield Oil and this would be used as a field office and employee residence and the applicants would like to construct a 1500 square foot metal shop building. Mr. Hyde stated that Gasco currently has an office in Roosevelt; however this location would be much closer to the Wilkin Ridge and Wrinkles Road areas.

Mr. Hyde recommended approval of the Conditional Use Permit, subject to conditions.

Mr. Hyde stated that when Mr. Ross built the home, a fire hydrant was installed by Johnson Water District.

Shaun Elworthy stated that he is an employee of Gasco Energy and Myton Oilfield Rentals, which is a subsidiary of Gasco. Mr. Elworthy stated his wife and himself would be the ones living in the home and wants to enclose the carport, which would serve as an office for pumpers to stop by and pick-up and drop their books off. Also there would be 1 or 2 people there throughout the day.

Chairman Peatross asked if there was anyone with questions or comments. There was none and so the public hearing was closed.

Commisisoner Sweat motioned that the Planning Commission approve the Conditional Use Permit requested by Gasco Energy and Myton Oilfield Rentals, subject to the following conditions:

1. Prior to opening for business at this location, the applicant shall:
  - a. Obtain a wastewater disposal permit from the Tri-County Health Department.
  - b. Obtain a building permit from the Duchesne County Building Department.
  - c. Obtain a business license from Duchesne County or modify the existing license.
2. Applicant agrees to not allow business operations generating nuisance noise before 7:00 AM or later than 9:30 PM in accordance with the Nuisance Ordinance.
3. Applicant agrees that the principal business sign shall be limited to 32 square feet in size and shall be placed in a manner to not create a traffic hazard at the driveway entrance to the Pariette Road.
4. Applicant agrees to either pave the parking, driveway and maneuvering areas or promptly mitigate dust if blowing dust is observed and reported from those areas.
5. Applicant agrees to construct the business driveway to a width of at least 20 feet and to a standard that will allow fire truck access and turn around space.

Commissioner Fabrizio seconded the motion and it passed unanimously.

**E. Recommendation to the County Commissioners regarding a proposal to amend the plat of Cedar Mountain #6, to divide Lot 67 into two 5-acre lots, proposed by Clifford and Jolene Archibald and Robin Smith.**

Mr. Hyde stated that Cedar Mountain #6 Subdivision was approved in 1980 and it is located between Highway 40 and Currant Creek, southeast of Fruitland. Originally the plat had 114 lots, which the majority of them are 10-acre lots but there have been 21 lots that have been divided into 5-acre lots. For lots with Fruitland water, the minimum lot size is one acre. Mr. Hyde stated that with this proposal the request is to divide one 10-acre lot into two 5-acre lots.

Mr. Hyde stated that on April 25, 2007 a letter of approval had been received from Tri-County Health Department.

Mr. Hyde stated that the applicants have submitted a letter from the Fruitland Water District, dated August 8, 2005, verifying that culinary water is available. Also a Title Report dated April 30, 2007 has been received from Sunrise Title Company.

Mr. Hyde stated that fire protection out in this area is from the Fruitland station, located about two miles to the northwest. There are no hydrants on the Fruitland Water system at this location. Mr. Hyde noted that the county fire official has stated that when a building permit is requested, the provisions of the Utah Urban Wildland Interface Code will help protect the dwelling against fire hazards.

Mr. Hyde stated that there is an existing home on the westerly half and so the easterly half could be a future building site. Chairman Peatross asked if the existing home was currently hooked-up to the Fruitland water and Mr. Hyde stated that it is, according to the letter received from the Fruitland Water District.

Chase Smith stated that at this time they would like to build a garage but in the future would like to build a retirement home.

Chairman Peatross asked if there were any questions or comments. There was none and the public hearing was closed.

Commissioner Brough motioned that the Planning Commission recommend to the County Commission the approval of the amended plat, subject to the following conditions:

1. The applicants shall insure that their surveyor submits an electronic copy of the plat amendment to the County Recorder's office.
2. Development on these two lots will be required to hook on to the Fruitland water system.

Commissioner Fabrizio seconded the motion and it passed unanimously.

**F. Recommendation to the County Commissioners regarding the final plat of the David Florence Subdivision, located on Highway 87, in Section 12, Township 2 South, Range 5 West in the Talmage area.**

Mr. Hyde stated that this proposed subdivision consist of 3-lots located south of Pinn Willies on the NE side of Highway 87.

Mr. Hyde stated that on April 4, 2007 the Planning Commission approved the preliminary plat with four conditions:

1. Road improvements or a bond posted.  
The road improvements have been completed and were accepted by the County Road Department by letter dated May 7, 2007.
2. Installation of a street sign.  
The Road Department has verified that they have the required street sign and will install it when their schedule allows.
3. Final plat shall include easements and existing proposed utilities.  
A Title Report was received that showed all the easements that was used by the County Surveyor Jerry Allred to put all the easements on the final plat.

4. The developer shall obtain an access permit from the Utah Department of Transportation.

Mr. Hyde stated that UDOT issued the required permit on May 22, 2007 and the widening of the road connection to State Highway 87 has been satisfactorily completed.

Mr. Hyde stated that there is an existing fire hydrant just west of this property.

Dave Florence stated that the only difference from the preliminary plat is that the water line has been moved toward the east to coincide with an existing hook-up already there. So all of the home sites will be to the west of the water line so all the homes will be 20 to 30 feet away from the water lines.

Mr. Florence stated that there was an easement put in between lot 3 and lot 2 because there is a natural road existing there now and this is an access for lots 2 and 3 and the plans are to gravel that road before the homes are put in and gravel will also be added to lot 1. Chairman Peatross asked are you referring to private drives and Mr. Florence indicated that he was.

Chairman Peatross asked if there were any comments or questions.

Kirk Christensen (Upper Country Water) stated that for this subdivision all the water meter cans will be set along the highway and it will be up to the applicant to run the lines into the subdivision.

There were no other comments so Chairman Peatross closed the public hearing.

Commissioner Fabrizio motioned that the Planning Commission recommend to the County Commission the adoption of the Findings of Fact and Conclusions set forth in this report and approval of the final plat of the David Florence Subdivision, subject to the following condition:

1. The developer, or the surveyor, shall provide an electronic copy of the final plat to the County Recorder when recording the final plat.

Commissioner Sweat seconded that motion and it passed unanimously.

**G. Recommendation to the County Commissioners regarding proposed amendments to the public land use policies of the general plan; establishing specific policies for the Twin Knolls/Wrinkles Road area in portions of Township 11S, Ranges 15, 16 and 17 East and portions of Township 10 South, Range 17 East.**

Mr. Hyde stated that Duchesne County desires to amend its general plan to clarify longstanding policies for public land use with the geographic region known as the Twin Knolls/Wrinkles Road region of Southeast Duchesne County. Wrinkles Road is the last road that runs east and west before you go down to Nine Mile Canyon and the Twin Knolls area is just northwest of the Sandwash Recreational area on the Green River.

Mr. Hyde stated that the proposed amendment to the county's General Plan is a result of the Bureau of Land Management proposing an alternative in its Resource Management Plan update for the Vernal Field Office that would manage lands in this



area to preserve wilderness characteristics. In the current general plan the county has policies regarding wilderness areas already in place, which states the county already has 250,000 acres of wilderness in the county being in the High Uintah Wilderness Area. The county feels that wilderness designation is inconsistent with the philosophy of multiple use and sustained yield and adversely affects the County's economy in terms of the grazing, tourism, and timber industries and water resources.

Mr. Hyde stated that it is the position of Duchesne County that:

- a. Wilderness designation is inconsistent with the multiple use mandate.
- b. Additional wilderness designation shall be opposed.
- c. Such designations shall provide access for reservoirs, maintenance of irrigation facilities, fire, weed and pest control.
- d. Valid existing rights are to be protected in wilderness areas.
- e. Proper monitoring of the affect of a wilderness area on the community and economic stability of the county shall be required.

So with BLM looking at these areas in the southeast part of the county as possible wilderness the County wants to go on record with these proposed plan amendments for that specific region.

Mr. Hyde stated that in Section 3 the county continues to want to see the mineral resources developed in these areas, such as Gasco just to the north of this area and it is known that there are natural gas resources in this area also.

Mr. Hyde stated that in Section 4 it states that the county wants to maintain livestock grazing because there is already grazing in the area to whatever levels the land is able to support.

Section 5 the county wants to maintain and manage the watershed in a way that provides the best water yields off the property and this takes a vigorous program of chemical or mechanical treatments to remove woody vegetation and biomass, to stimulate the return of the grasses to historic levels.

Mr. Hyde stated in Section 6 it states that the county wants to maintain traditional access to outdoor recreational opportunities. Not just solitude experiences that one might find in the wilderness but being able to drive out and sight see.

Section 7 the county wants to maintain and keep all existing roads opened. With wilderness designation, many of them could be closed.

Section 8 the county recognizes that the region needs to protect historical sites.

Section 9 is to manage the region as not to interfere with the property rights of private landowners.

Section 10 states that there are State School and Institutional Trust Lands scattered

throughout in this area and their main goal is to raise revenue for the schools.

Section 11 states that so-called wilderness characteristics in this area would violate the Federal Land Management Act, contradict the State's Public Land Policy and contradict the Plans of Duchesne County.

Section 12 states that imposing any Area of Critical Environmental Concern ("ACEC"), outside of the canyon rim of Nine Mile Canyon would be opposed by the County.

Section 13 shows the County's opposition to any streams in the area being designated as Wild and Scenic because that would also conflict with the multiple use opportunities in the area.

Section 14 discourages the BLM from establishing what is called a Visual Resource Management Class I or II rating in this area. In Class I, the landscape would be unaltered and in Class II it allows very minimal changes in the landscape.

Mr. Hyde stated that the Planning Commission does not get involved in Public Land issues because Duchesne County has a Public Land Use Committee. They had a meeting on May 29, 2007 and made some recommended changes, which have been built into this amended document.

Mr. Hyde stated that Duchesne, Uintah and Daggett counties have hired Dave Allison, a consultant, who has provided some comments and also Mark Ward with the Utah Association of Counties has helped prepare this proposal.

Chairman Peatross asked if the other two counties were amending their plans also. Mr. Hyde stated that they were along with other counties in the State that have similar areas with wilderness characteristics. Mr. Hyde stated that the reason that the Planning Commission needs to be involved is because it is amending the General Plan.

Commissioner Sweat stated that he was completely for this because of similar areas such as in the High Uintas a person needs to be 50 feet from a stream so you can no longer camp near a stream. Commissioner Brough stated that if something like this is not done then it limits who is able to use these types of properties.

Commissioner Sweat stated that looking at the map, which involves this area, it does not look like it falls into the wilderness characteristics category.

Mark Ward stated that BLM themselves did a fifteen year inventory from 1976 to 1991 and did not find this area to be suitable for wilderness area, but it wasn't until the mid-90's that the Clinton administration did a re-inventory and stated that there were some wilderness characteristics in this area. Mr. Ward stated that this is even though the county has a general plan in place telling BLM that the county is specifically pointing out this particular area and that way the BLM cannot say that the county was not clear on what area.

Chairman Peatross asked if there were any more comments and there was not so the public hearing was closed.

Commissioner Brough motioned that the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the General Plan as recommended by the Public Land Use Committee and with amendments suggested by Dave Allison.

Commissioner Sweat seconded that motion and it passed unanimously.

**Minutes: Approval of the May 2, 2007 minutes**

Commissioner Sweat motioned to approve the May 2, 2007 minutes as written. Commissioner Fabrizio seconded that motion and it passed unanimously.

**Commission Comments and Staff Information Items:**

Mr. Hyde stated that the next meeting would be on July 11, 2007 due to July 4, 2007 being a holiday.

Mr. Hyde stated that the two positions vacated by Larain Mobley and Tom Rather have been difficult filling but stated that Dean Burton of the Talmage area and Kent Olsen of the Neola area were interested but have not yet submitted anything. Commissioner Brough stated that in the advertising of one of the positions stated that it was for the Talmage area but in fact it is for the Upper Country area so that was misleading. Commissioner Brough asked if there was a map defining the specific areas that each Planning Commission Seat was over. Mr. Hyde stated that he had not seen a map that specified the area for each Planning Commission seat.

**Adjournment:**

Commissioner Fabrizio motioned to adjourn the meeting at 7:00 PM  
Commissioner Sweat seconded that motion and it passed unanimously.