

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
July 2, 2008 - 5:00 p.m.**

**In Attendance were:**

Shelly Fabrizio, Planning Commission Chairperson  
Leon Sweat, Planning Commission  
Randy Mair, Planning Commission  
John Jorgensen, Planning Commission  
Kent Olsen, Planning Commission  
Mike Hyde, Community Development Administrator  
Laraine Dickinson, Planning Secretary  
**Excused:** Chris Peatross, Dean Burton

**Visitors:**

**Agenda Item**

Darrin Brown (Tri-County Health)  
Scott Hacking (DEQ)  
Glen Barney

All  
  
Glen Barney Roosevelt Subd.

Chairperson Fabrizio opened the meeting at 5:00 PM.

Chairperson Fabrizio asked if any of the Planning Commission had any involvement with either item on the agenda? No one had.

**PUBLIC HEARINGS:**

**A. Recommendation to the County Commissioners regarding a request by Jim Nebeker, JN Trucking, to rezone a 7-acre parcel from Agricultural-Residential to Industrial. The property is located at the SW corner of 4000 West and Ioka Lane in Section 2, Township 3 South, Range 2 West.**

Mr. Hyde stated that Mr. Nebeker now has his business on the northwest corner of 4000 West and Ioka Lane but has purchased seven acres on the southwest corner of that same intersection and would like to build an office building and truck shop. At this time it is zoned Agricultural-Residential, so it would require either a rezone or a conditional use permit and the applicant has elected to seek a rezone rather than a conditional use permit.

Mr. Hyde stated that the criteria for a zone change are:

1. The overall community benefit of the proposed amendment.

Mr. Hyde stated that the rezone would create a new site for an expanding local business that currently employs about 80 people providing water and drilling fluid hauling for the oil and gas industry. So, the expansion would generate socio-economic benefits for the community.

2. Consistency with the goals and policies of the general plan.

Mr. Hyde stated that if the rezone criteria are met, it could be presumed that the proposal would be consistent with the general plan.

3. Compatibility with the neighborhood.

Mr. Hyde stated that by the aerial photos there is a commercially zoned triangle south of Ioka Lane near Highway 40. The neighborhood has a mix of single family residential and business uses and is projected to have more business use in the future due to its Highway 40 location. So, the proposed use would be compatible with existing and proposed development at this location.

4. What changes have occurred in the neighborhood since the zoning and map or latest amendment was enacted.

Mr. Hyde stated that about seven years ago, the County enacted some countywide zone changes so, along Ioka Lane, west of Highway 40, an industrial corridor was established, based on the existence of businesses such as Jim Nebeker Trucking, Petroglyph and Iowa Tanklines. When one property owner was unable to construct a home in this industrial corridor, a rezone was considered and passed in January of 2006 that restored most of the Agricultural-Residential zoning to the sites not currently being used for business purposes.

5. Whether a change in the use for the affected properties will unduly affect the uses for adjoining properties.

Mr. Hyde stated that a trucking business could have impacts, such as noise, that could affect adjacent properties; however, noise associated with Highway 87 and Highway 40 is already an impact. The applicant has contacted the nearest residential property owner, Aaron Manning, who submitted a letter dated May 29, 2008 stating that he had no objections to the applicant's plans.

6. Consider the interest of the applicant.

Mr. Hyde stated that the proposed rezone would change 7 acres of land to the Industrial zone and allow the business to expand.

Commissioner Olsen asked if the access to the property would be off of 4000 West or would it be off of Highway 87? Commissioner Jorgensen stated that looking at the site plan there would be two accesses, one on Ioka Lane (Highway 87) and one on 4000 West. Mr. Hyde stated that he thought the trucks would be using the Ioka junction rather than 4000 West. Commissioner Jorgensen stated that it would probably depend on whether the State would grant him access on Highway 87 where it would be directly across from any existing access into Petroglyph. Mr. Hyde stated that before the applicant would be able to get a building permit, there would have to be an access permit from UDOT and they will indicate just where the access would be allowed.

Commissioner Sweat stated that Ioka Lane is scheduled for paving or repaving in 2010 and was wondering if it was going to be widened. Mr. Hyde stated that he had not heard of that project but that they would be putting in a center turn lane from Roosevelt City to the Ioka junction this summer and realigning the "Y" in the intersection.

Commissioner Olsen was wondering about a fire hydrant. Mr. Hyde stated that Johnson Water indicated that there is an 8-inch water line both on Ioka Lane and 4000 West and there would need to be a new fire hydrant installed for this new facility. Lanny Ross indicated that they would prefer the fire hydrant on the north side of the property rather than the east side. Commissioner Mair asked if having the fire hydrant would need to be included in the recommendations? Mr. Hyde stated that it would be dealt with during the building permit process.

Commissioner Mair asked if there had been any contact from Zobell's that own property in this area? Mr. Hyde stated that the only contact was from Mr. Manning.

Chairperson Fabrizio asked if there were any questions or comments?

Darrin Brown (Tri-County Health Department) stated that he was not necessarily opposed to this zoning but wanted to make a statement that Tri-County Health Department is generally opposed to zoning Industrial where there is not public sewer. There tends to be trouble down the road since industrial allows certain things that can be done by permit but are not allowed without a sewer system, for example, no floor drains and no truck washes would be allowed, these types of things may be implied because of the industrial zoning. So, even though there is quite a bit of industrial in this area but you may want to keep in mind that in industrial areas typically there is sewer.

So, in the past Tri-County Health Department has tried to help with funding to extend existing sewer lines to these areas.

Chairperson Fabrizio asked if commercial zones had the same qualifications? Mr. Brown stated that they could it would just depend on what they were doing. Mr. Brown stated that in an industrial zone there would be some type of industrial discharge, which may not always be the case but most likely it is. Mr. Brown stated that there have been some facilities that have put drains in and were not supposed to and nobody knows where that discharge goes to.

Mr. Hyde asked Mr. Brown if through the building permit process and the obtaining of a wastewater permit for this facility, Tri-County Health Department would have the opportunity to talk to the applicant and inform them that they would not be able to have the floor drains and the truck wash. Mr. Brown stated that the health department looks at sewage disposal which is from restrooms and we don't see the rest of it and a lot of times the plans do not show the floor drains and include what types of processing is going to be done. Mr. Brown stated that in most cases they see the plans for the office, which includes the restrooms and showers and then later when we go out to the site there is a semi-truck wash.

Mr. Brown stated that when people buy in an Industrial area they just assume that there is sewer in the area and in most cases there is not.

Commissioner Sweat asked Mr. Hyde if in deciding on the recommendation for this Rezone should we include in the conditions that no floor drains or semi-truck wash is allowed? Mr. Hyde asked Mr. Brown if this rezone is approved should I include in the approval letter to Mr. Nebeker that they need to be in contact with the health department or Scott Hacking as to what would be allowed to go into this facility? Mr. Brown stated that would be good, so Mr. Nebeker knows what exactly he is up against.

Commissioner Olsen asked if Mr. Brown knows what type of facility there is across the street at the existing facility? Mr. Brown stated that he was uncertain because he had not been out there. Scott Hacking stated that they realize that there is a problem with some places that are grandfathered in but this is just a preventive measure for future development.

Commissioner Jorgensen stated that there is a lot on concern in the area about these oil and water trucks being washed out on the gravel there because of the slope and the tendency for it to go into the creek. Mr. Brown stated that they have received a couple of complaints. Commissioner Jorgensen stated some of the people in the area were wondering if the existing facility was going to be moved across the street, which would be away from the creek, but this is where all of the trucks are serviced. Mr. Brown stated these issues are a lot easier to deal with if the facility is on the sewer. Mr. Hacking stated that the recommendation that Mr. Nebeker consult with Tri-County Health and myself would help because depending on what there is going to be here, there would be a possibility that there would need to be storm water berms to keep run-off water from leaving the property and things like that, which we would be able to help with.

Chairperson Fabrizio asked if there were any questions or comments? There were none so the hearing was closed.

Commissioner Sweat motioned that the Planning Commission adopt the findings and conclusions herein and recommend approval of this rezone from Agricultural-Residential to Industrial to the County Commissioners, with the condition that the County Commissioners indicate that Mr. Jim Nebeker work with Tri-County Health and Scott Hacking (DEQ) prior to any building.

Commissioner Mair seconded that motion and it passed unanimously.

**G. Request by Glen Barney for preliminary plat approval for the Glen Barney Roosevelt Subdivision, consisting of 9 lots located in the SW ¼ of Section**

**36, Township 2 South, Range 2 West and the NW ¼ and NE ¼ of Section 1, Township 3 South, Range 2 West, USB&M (located on the south side of Highway 40 at the Ioka Junction).**

Mr. Hyde stated that the property is located on the south side of Highway 40, at the Ioka junction. The majority of this property falls within the Commercial zoning strip that parallels Highway 40; thus, the zoning is considered Commercial. The applicant is proposing a subdivision, consisting of 9 lots, ranging from 1.69 to 2.92 acres in size. Mr. Hyde stated that Mr. Barney currently has a building here.

Mr. Hyde stated that for a subdivision it is determined whether or not all the lots are buildable. Mr. Hyde stated that the plat contains the information required, with the exception that there would be no restrictive covenants and addresses would be assigned until the building and driveway locations are determined. An approval letter dated June 19, 2008 was received from Tri-County Health Department. Mr. Hyde stated that Lot 9 which is a triangular lot has not had a perc test on it as it is an existing lot although if someone wanted to build on this lot they would have to go through the Health Department to obtain a wastewater permit. Commissioner Jorgensen asked if the triangle lot had enough acreage? Mr. Hyde stated that there is no minimum lot size in a Commercial zone but if the property is on a septic system there is a minimum of 1-acre, which it has.

Mr. Hyde stated that the property would receive "B" road access from Highway 40 and Region 3 UDOT would need to provide written approval to upgrade the current highway access to a public road access prior to final plat approval. Also, that the required 66-foot right of way access is half within this plat and half within the Wacker property to the west. The final plat would need to have both owners dedicate this right of way to the county. Commissioner Jorgensen asked if the house above this uses the same access and Mr. Hyde stated that they do but the only portion of the road that would be dedicated to the county would be that which serves this particular subdivision. Mr. Hyde stated that the proposed subdivision makes provisions for the extension of public roads to the east and south. A temporary turnaround would be provided at the east of the plat in case the property to the east is ever improved. Mr. Hyde stated that in Commercial zone paving is required and in most cases curb and gutter are required but in this case there is no curb and gutter in the area so paving is adequate and the thickness of the paving would be determined by the County Road Department.

Mr. Hyde stated that Mr. Barney would need to get in touch with UDOT about the access to see if the present access would be adequate and if it would have to have turn lane and if it would fit into the new alignment that is being planned for that intersection of Highway 40 and the Ioka junction.

Mr. Hyde stated that the plat would include easements for existing natural gas lines and the proposed water line that would serve this subdivision and show the necessary placement of the fire hydrants. Mr. Hyde stated that there was an easement for an irrigation ditch running along the base of the hill but the Dry Gulch Irrigation District has provided a letter indicating that they have abandoned this ditch, so this easement would not have to be shown on the final plat.

Mr. Hyde stated that a letter from the Johnson Water District dated May 5, 2008 indicated that water is available. The new water lines must be constructed and approved by the Utah Division of Drinking Water or a bond posted prior to final plat approval.

Mr. Hyde stated that there is no piped storm drainage in this area, so the road design would need to take into account any drainage that would come off the hill behind the property and provide adequate culverts were needed. Commissioner Jorgensen stated that regarding run-off water and drainage, the Dry Gulch ditch has been used in the past but since it has been buried the spring run-off water that has no place to go runs down the road. So, Commissioner Jorgensen stated that he felt that especially in the spring there is going to be problems with run-off water with the ditches being buried, so there should be some type of drain system in the area or there is going to be problems with

future development. Mr. Hyde stated that this is something that the applicant would have to have his engineer look at, with the water or drainage coming off the hill provisions would have to be made and maybe a detention basin on one of the lots. Commissioner Olsen asked if the ditch behind this proposed subdivision is still open or has it been filled in? Mr. Barney stated that in some places it has been filled in and in some places it is still opened. Commissioner Jorgensen stated that the ditch has only been abandoned for the last four or five years since the pipe system has been put in.

Chairperson Fabrizio opened the hearing to the public for any comments.

Mr. Barney stated that his residence and shop are located at this site where he runs a small masonry business. In regards to the use of the lots Mr. Barney indicated that he would like to put storage units on one of the lots, which would not require water or a septic system and the remainder of the lots to be sold for future commercial use.

Commissioner Jorgensen asked which of the lots Mr. Barney is planning on using for storage units and Mr. Barney indicated that it would probably be Lot 3.

Commissioner Mair stated that Mr. Hyde mentioned a gas right of way that comes back to service your home. Commissioner Mair asked where the new road cuts through is there going to be another right of way back to the subdivision? Mr. Barney stated that there has been a new easement created to bring the 2-inch gas line back to feed the subdivision. Mr. Barney stated that Mountain Fuel originally had an easement and they have given me an updated version which is now owned by Questar which is a 20-foot wide easement that comes up the side of the road and down along the edge of the canal. So, it has been marked and is visible to see where you can and cannot build.

Commissioner Sweat asked if the lots were going to be residential or commercial? Mr. Hyde stated that in a Commercial zone a person is allowed to have a single-family dwelling, duplex, four-plex etc as long as there is health department approval. Mr. Barney stated that is why the lots are bigger is in the case someone would want to build multiple dwelling because of the housing shortage.

Commissioner Sweat stated that on one plat map the subdivision is named the Glen Barney Roosevelt Subdivision and on another it is referred to as the Sheehan Subdivision, do you know which name it is going to be? Mr. Barney stated that Legend Engineering has kept him confused also I indicated that it should be the Sheehan Estates or the Sheehan Subdivision and they keep putting my name on the plat. Mr. Hyde stated that as long as the final plat indicates one or the other there should not be a problem.

Mr. Hyde stated to the Planning Commission that he had received an e-mail from the owner of Pumpers, Inc., which is just north of Lot 3 and his concerns were with single-family dwellings and the complaints that might occur because of his business. So he was opposed if it were going to homes rather than commercial businesses. Commissioner Sweat stated that that would make sense to keep it commercial when most of the area is commercial.

Chairperson Fabrizio asked if there were any other comments or questions, there were none so the public hearing was closed.

Commissioner Mair motioned that the Planning Commission adopt the Findings of Fact and Conclusions set forth in this Staff Report and approve the preliminary plat of the Glen Barney Roosevelt Subdivision, subject to the following conditions:

1. All roads serving lots in this subdivision, including the temporary turn-around at the east end of 3050 South, shall be constructed to paved county standards and accepted by the County Road Department prior to final plat approval, unless bonding is provided. The portions of the temporary turn-around exceeding the 66-foot right of way may be graveled. Curb, gutter and sidewalk improvements are not required at this location.
2. All water lines and fire hydrants shall be constructed and an operating permit received by Johnson Water from the Utah Division of Drinking Water prior to final

plat approval, unless bonding is provided.

3. The developer shall be responsible for providing street signs at the intersection of Highway 40 and 3600 West and at 3050 South and 3600 West. The developer shall coordinate with the County Road Department in the purchase, manufacture and installation of such signage, prior to the occupancy of any buildings within the subdivision.
4. The final plat shall include a dedication statement from the property owners to the west for their share of the 66-foot right of way for 3600 West.
5. Prior to final plat approval, the applicant shall receive permission from the Utah Department of Transportation to upgrade the access road to Highway 40 at the location shown.

Commissioner Sweat seconded that motion and it passed unanimously.

#### **Minutes: Approval of the May 7, 2008 minutes**

Commissioner Sweat motioned to approve the May 7, 2008 minutes as written. Commissioner Jorgensen seconded that motion and it passed unanimously.

#### **Commission Comments and Staff Reports:**

Mr. Hyde stated that Mr. Brown (Tri-County Health Department) and Scott Hacking (DEQ) are here to explain the new rules about a 200 foot radius around wells for a protection zone from contamination.

Mr. Brown stated that the Board of Health has passed the drinking water rules that were proposed and are now in effect. Mr. Brown stated that he had brought in a copy of those rules.

Mr. Brown stated that in a previous meeting regarding the Canyon Breeze Meadows Subdivision there was some discussion about the lot size requirements. Mr. Brown stated that if the well were grouted there would need to be a 100-foot buffer and if the well were non-grouted then there would need to be a 200-foot buffer and in most cases the wells even though the well driller states that it is a grouted well it is only grouted down 30-feet and we do not consider that a grouted well it needs to be 100-feet deep. Mr. Brown stated that there are letters that are going to be sent out to well drillers so that they know what the rules are.

Mr. Brown stated that if a 200-foot radius is taken that is almost 4 acres and that does not include the home or the septic system. So, what the Health Department wants is to have Planning Commission to be aware when considering the size of lots in future planning.

Mr. Brown stated that he would leave a copy of the rules, which are not signed but will get a signed copy to Mr. Hyde for you to have.

Commissioner Mair asked if there could be a home built on the property with a separation from the well and septic system? Mr. Brown stated there needs to be 200-foot area with nothing around it that would potentially contaminate the well.

Commissioner Jorgensen stated that a well then needs to be a least a 100-foot deep before it can be grouted and Mr. Brown stated that is correct but that there are steps that can be taken to lessen the depth of the well.

Mr. Brown stated that if four people in a subdivision need a 200-foot buffer then the lots are definitely going to increase in size. Commissioner Jorgensen stated that then a 5-acre lot size is going to be the minimum if you have a well. Mr. Brown stated that each case would be considered separately. Commissioner Jorgensen stated that in some cases the well depth could be 75-feet or less with good water and if you drill deeper the water is bad. Mr. Brown stated that typically in drinking water rules the shallower the well the worst the water because there is surface water contamination.

Mr. Hacking stated that in the zoning ordinance it states “with Health Department approval the lot size can down to 2½ acres in size” and with this new ruling it may be more difficult to obtain that. So, Commissioner Sweat stated that mostly this would be determined on a case-to-case basis and Mr. Brown stated that it would.

Mr. Brown stated that with the new health department office in Vernal there would be a full facility, so when the lab is up and running rather than send samples to Salt Lake City it can be done in Vernal. So, if there are any issues with drinking water we are able to get the results quicker and it would be open to the public.

**A. Proposed special meeting in mid-July**

Mr. Hyde stated that in our May meeting there was a wastewater disposal ponds on the Wells Draw Road for Todd Bro (Iowa Tanklines), which was approved with no opposition. However, after it was approved word got out and some of the people did not receive notice because they were too far away and attended a meeting with the County Commissioners and opposed. Mr. Hyde stated that Mr. Bro was weighing the possibility of moving the facility 2½ miles to the southwest down to what is called the BLM fence road. So, in case Mr. Bro decides to do this we may need a special meeting rather than wait until the August 6, 2008 meeting.

**Adjournment:**

Commissioner Sweat motioned to adjourn the meeting at 6:00 PM  
Commissioner Jorgensen seconded that motion and it passed unanimously.