

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
August 3, 2011- 5 p.m.**

**In Attendance were:**

John Jorgensen, Planning Commission – Chairperson  
Dean Burton, Planning Commission  
Randy Mair, Planning Commission  
Shelly Fabrizio, Planning Commission  
Kent Olsen, Planning Commission  
Ken Moon, Planning Commission  
Mike Hyde, Community Development Administrator  
CoraLee Sanchez, Planning Secretary

**Visitors:**

Zack Garner CUP-Shop  
Lee Hill-UBAOG

Chairperson Jorgensen opened the meeting at 5:00 PM and asked any of the Planning Commission members had any ex-parte contacts associated with the agenda. There were none, so the hearing proceeded.

**PUBLIC HEARINGS:**

**A. Request for a Conditional Use Permit by Zack Garner to establish a commercial shop and storage building for an oilfield welding business in a residential zone at 6219 S Highway 87 in the Duchesne area.**

Mr. Hyde stated the applicant is proposing to construct a 2,400 square foot commercial shop/storage building associated with his oilfield welding business. Commercial uses are a conditionally-permitted use in the residential zones.

The criteria and conditions for approval are as follows.

**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 the proposed use consists of a 40 X 60 foot shop/storage building with a restroom. The site will be served by East Duchesne Water and a private wastewater disposal system. There will be no floor drain in the building. The wastewater system must receive approval from the TriCounty Health Department before installation, to protect public health.

Conducting such a business in a residential area has the potential to generate noise, exhaust and vibrations. However, this area does not have dense residential development and heavy truck traffic is common on Highway 87. The applicant is the only employee of the business and his business truck is driven home. A flatbed trailer may be parked at the site part time. Building this shop/storage building will enable the applicant to move his business from his home, located in a residential area along the East River Road, about four miles east of Duchesne.

Public safety could be jeopardized if ingress & egress to the site did not provide adequate sight distance. In this case, Highway 87 is straight and fairly level, with good sight distance in each direction. UDOT approved a shared access serving this property and the Fabrizio property to the south on March 20, 2008.

Fuel storage can pose a safety or health hazard if not designed properly. Fuel storage tanks in excess of 300 gallons in size are regulated by the Fire Code. The applicant must design, install and maintain any fuel storage in accordance with Fire Code standards. The applicant currently anticipates no fuel facilities at this site.

The proposed building lies northwest of the Duchesne Municipal Airport. Prior to the issuance of a building permit, the applicant will need to receive a letter from Duchesne City verifying that his plans do not conflict with the airport master plan or associated regulations adopted by the City.

**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**

Mr. Hyde stated the Duchesne County General Plan states that future growth and development decisions should be made with sensitivity to rural residential and agricultural interests. The plan indicates that the county wishes to encourage business activity and support efforts to recruit new businesses, retain existing businesses and assist with the expansion of existing businesses. The general plan also calls for support of the oil and gas industry, which this proposed use would serve. In light of these plan policies, the Conditional Use request should be approved to support the creation of a new business site serving the energy industry, knowing that conditions of approval will be imposed to protect rural residential and agricultural interests in the area.

If the applicant meets the Conditional Use permit criteria and complies with the conditions of approval, the purposes of the Zoning Ordinance will be met.

**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.**

Mr. Hyde stated the subject property is 10 acres in size, which provides adequate space for the proposed shop/storage building and the parking of vehicles and trailers

associated with this business. Surrounding properties are residential and commercial in nature, with businesses on the KW Robinson, Fabrizio and Lupold properties nearby. The public hearing will reveal whether any of the nearby residents feel that the proposed use will be detrimental.

**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 proposed building would be set back from Highway 87 about 150 feet. Most of the site would be left undisturbed, except for the building location and the driveway and parking areas. There could be an outdoor storage area but the applicant intends to store most material (such as oilfield pipe) in the building. If there is outdoor storage, it should be fenced with at least a six foot tall sight obscuring fence to enhance the appearance of the area. The applicant has plans for an irrigated row of trees along the highway frontage.

**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.**

Mr. Hyde stated the public is not anticipated to visit this site to do business. The applicant is the only business employee that would be present. He estimates that he may only access the site about 20% of the time. Driveway and parking areas would accommodate his welding truck and trailer. With very light to no customer traffic, there is no need to install paved and striped parking areas.

**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 proposed use would be served by an East Duchesne Water connection and a private wastewater disposal system. Street access is provided by State Highway 87, via an approved, shared access point. During the building permit process, the Building Official and Fire Chief will determine whether fire protection standards will require the installation of a fire hydrant. Any future fuel storage above 300 gallons will need to meet Fire Code standards.

**D. Signs: Regulation of signs.**

Mr. Hyde stated there will not be any signs at this time. If a business sign is considered in the future, it should be limited to 32 square feet in area, which is a standard applied by the Planning Commission in the past for signs in residential zones.

**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 trucks and equipment can generate nuisance noise, smoke from exhaust, dust from driving surfaces and vibration. Since this business has one welding truck and one flatbed trailer, such impacts are not expected in this case.

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

Mr. Hyde stated the applicant has indicated the building will be predominately for storage and that he will access it about 20% of the days he works. His usual working hours are 7:00 AM to 5:00 PM; but his work is done in the oilfield, not at the proposed building.

Mr. Hyde recommends the Planning Commission approve the Conditional Use Permit requested by Zack Garner, subject to the following conditions:

1. Fire protection shall be provided for the building as required by the Duchesne County Building Official and/or Fire Chief. Applicant shall work with the Fire Chief to ensure that any fuel storage on the property, if proposed in the future, is in accordance with the Fire Code.
2. Applicant shall limit noise generating operations at this location to 7:00 AM to 9:30 PM.
3. Applicant shall construct the parking and driveway areas with adequate road base and gravel to minimize the tracking of mud onto State Highway 87.
4. If business signage is installed in the future, it shall not be greater than 32 square feet in size.
5. If outdoor storage areas are utilized, such areas shall be fenced with a sight-obscuring fence at least six feet in height.
6. Prior to the issuance of a building permit, the applicant must receive a letter from Duchesne City verifying that his plans do not conflict with the airport master plan or associated regulations adopted by the City.

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

Zack Garner, applicant stated he does not have any questions or comments regarding the staff report and indicated he has a waste water permit from TriCounty Health and an East Duchesne water connection.

There were no other questions or any one in opposition to the applicant's request, so the hearing was closed.

Commissioner Moon motioned to approve the Conditional Use Permit requested by Zack Garner, subject to the conditions stated in the staff report. Commissioner Fabrizio seconded the motion and it passed unanimously.

**NEW BUSINESS:** None

**Minutes:** Approval of June 1, 2011

Commissioner Burton moved to approve the minutes of June 1, 2011.

Commissioner Moon seconded the motion and it passed unanimously.

**Commission Comments and Staff Information Items:** None

**Adjournment:** Meeting adjourned at 5:15 p.m.