

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
May 4, 2011 - 5:00 p.m.**

In Attendance were:

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

Visitors:

Lana Barrett	Rezone
Dennis Montgomery	Rezone
Loreen Montgomery	Rezone

Chairperson Jorgensen opened the meeting at 5:00 PM.

Chairperson Jorgensen asked if any of the Planning Commission had any ex-parte contacts associated with the agenda. There were none, so the hearing proceeded.

PUBLIC HEARINGS:

A. Recommendation to the County Commissioners regarding a request by S&M Homestead Enterprises for the rezoning of a 79.38-acre parcel located on the east side of 3000 West, about ½ mile north of the Roosevelt Airport, from Agricultural-Residential 2.5 to Industrial.

Mr. Hyde referred the commission to some aerial photos in their packets showing the location and the industrial surroundings. The applicants' property is located on the east side of 3000 West, about ½ mile north of the Roosevelt Municipal Airport and associated industrial park. The applicants propose to change the zoning of their parcel from agricultural-residential (2.5 acre minimum lot size) to industrial, which is the same as the zoning existing to the south and west. The table of land uses allowed in the zoning districts is attached to demonstrate which land uses are allowed in the current zone and which would be allowed on the property if the rezone is approved.

The criteria for rezone approval include the following:

1. The overall community benefit of the proposed amendment.

Mr. Hyde stated the establishment of more industrial business sites aids in business establishment, relocation and expansion, with generates jobs and income for the community. The key is to locate such business sites in places that will not detract from the rights of other property owners. Comments received as part of the public hearing process will enable the county to determine if this location is appropriate.

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

Mr. Hyde stated the General Plan contains the following statements regarding private land use:

“Duchesne County feels that residential, commercial, and industrial development on private land should be allowed to continue in a responsible manner and in locations that contribute to the economic and social well-being of County residents. The County will continually review and amend its existing ordinances as necessary to accurately and adequately reflect the land-use preferences of Duchesne County residents.”

The rezoning criteria of Section 8-1-7 of the zoning ordinance are established to aid the Planning Commission and County Commissioners in determining which land use districts are appropriate in specific areas of the county. If those criteria are met, it can be presumed that the proposal will be consistent with the general plan. Roger Eschler with Roosevelt City has commented that the proposal appears to be in compliance with the city master plan.

3. Compatibility with the neighborhood.

Mr. Hyde stated the aerial photos show that the neighborhood consists of vacant land in the immediate vicinity, with rural residential development to the northwest and northeast and industrial development, including Burdick Paving, Leon Ross Well Drilling and the Roosevelt Municipal Airport Industrial Park, to the south and southwest.

Mr. Hyde reminded the commission about a 68-acre industrial subdivision, known as the 3000 West Parkway, was approved by the county on lands to the west of the subject property on May 7, 2008; however, due to the downturn in the economy, this subdivision was not developed. However, the rezoning of this property was approved on July 30, 2007, subject to a condition that a deed restriction be placed on the property prohibiting junk yards, landfills, feedlots and composting facilities from locating on the property. Such a deed restriction could be considered in this case as well.

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

Mr. Hyde stated the latest zoning map amendment in this area was the industrial zoning of 68 acres of land to the west, across 3000 West. Due to the downturn in the economy in 2008, that land has not been occupied. With high oil prices, economic

activity in the area has rebounded to a degree and business sites seem to be more in demand.

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

Mr. Hyde stated if a condition is imposed to require a deed restriction on the property prohibiting businesses that have detrimental impacts, such as junk yards, landfills, feedlots and composting facilities, the rights of residential property owners in the vicinity will not be unduly affected.

6. Consider the interest of the applicant.

Mr. Hyde stated the applicant has received inquiries about the potential use of this property for industrial purposes. Obviously, being able to sell land for such purposes would be in the best interest of the applicant.

Mr. Hyde recommends the Planning Commission adopt the findings and conclusions herein and recommend the County Commissioners' approval of this rezone, requested by S&M Homestead Enterprises, LLC, from Agricultural-Residential (A-2.5) to Industrial, provided that a deed restriction be recorded on the subject parcel, before it or any portion is sold, prohibiting junk yards, landfills, feed lots and composting facilities.

Mr. Hyde stated he has prepared some findings for denial if the commission is not comfortable with recommending approval for the rezone at this time.

Mr. Hyde received comments from Darren Brown with Tri County Health stating the health department in general is opposed to industrial zoning in the county without public sewer facilities because of the nature of industrial business.

Mr. Hyde asked if there are any questions of the staff report.

Commissioner Jorgensen asked about restrictions for the septic systems. Mr. Hyde stated Tri County Health will regulate those issues during the wastewater permit process.

Commissioner Jorgensen asked if there were any other questions or comments. There were none so the applicant was invited to speak.

Lana Barrett, manager of S&M Homestead Enterprises, LLC, thanked Mr. Hyde for the information in the staff report and addressing the issues that need to be dealt with. The applicants have had some requests to sell some property for industrial buildings and storage. Ms. Barrett stated since the property is already in an industrial area the rezone from residential to industrial would be appreciated and asked the commission if there were any questions.

Commissioner Moon asked if there were any ground water issues on this land. Ms. Barrett stated there is a flowing well on the land.

Commissioner Jorgensen asked if there were any other questions either for or against the applicant's request. There were none so the hearing was closed.

Commissioner Moon motioned that the Planning Commission adopt the findings and conclusions herein and recommend the County Commissioners' approval of this rezone, requested by S&M Homestead Enterprises, LLC, from Agricultural-Residential (A-2.5) to Industrial, provided that a deed restriction be recorded on the subject parcel, before it or any portion is sold, prohibiting junk yards, landfills, feed lots and composting facilities. Commissioner Olsen seconded the motion and it passed unanimously.

Mr. Hyde stated the recommendation will go to the County Commissioner's for public hearing on Monday May 16th at 1:30 p.m.

NEW BUSINESS:

None

Minutes: Approval of April 6, 2011

Commissioner Mair moved to accept the minutes of April 6, 2011.

Commissioner Fabrizio seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items

Commissioner's Roberts and Moon stated their experience at the zoning conference was interesting and informative. They feel the work Mr. Hyde does is informative and professional and the commission appreciates the work he does. Mr. Hyde stated the importance of staying within the bounds of the zoning ordinances and not being swayed by public clamor. Also there will be a June meeting with applications for an RV park, guest ranch, trucking business, a gun smithing business and perhaps others.

Commissioner Mair asked about the SOB ordinance amendment. Mr. Hyde stated it was still on the back burner for now as the attorney is still working on the Hancock case.

Adjournment:

Meeting adjourned at 5:30 p.m.