

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
February 1, 2012 - 5:00 p.m.**

**In Attendance were:**

John Jorgensen, Planning Commission – Chairperson  
Dean Burton, Planning Commission  
Randy Mair, Planning Commission  
Kent Olsen, Planning Commission  
Edward Roberts, Planning Commission  
Ken Moon, Planning Commission  
Kathy Giles, Planning Commission  
Mike Hyde, Community Development Administrator  
CoraLee Sanchez, Planning Secretary

**Visitors:**

Kimberly Jiron	Rock Solid CUP
Abelecio Jiron	Rock Solid CUP
Todd Moon	Rock Solid CUP

Chairperson Jorgensen opened the meeting at 5:00 PM and welcomed Kathy Giles to the Planning Commission.

Chairperson Jorgensen asked if any of the Planning Commission had any ex-parte contacts associated with the agenda. Commissioner Moon stated his family used to own the property sold to Mr. and Mrs. Jiron but does not feel that will effect his decision. No one objected to Mr. Moon participating, so the hearing proceeded.

**PUBLIC HEARINGS:**

**Request by Abelecio and Kimberly Jiron for a Conditional Use Permit to operate a palletized stone business (Rock Solid Designs) at 10155 S 9250 West, in the Bridgeland area.**

Mr. Hyde referred the commission to the photos in their packets and stated the applicants are operating a palletized rock business from a residential-agricultural zone; which requires a Conditional Use Permit and a county business license. Rock is trucked to this site from federal, state and private lands and palletized into wire baskets for shipment to market. The applicants intend to place a permanent residence and vehicle-equipment maintenance shop on the property in the future.

The Planning commission may grant a conditional use permit if they find:

**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 potential detrimental impacts from the proposed use include noise from trucks and equipment. Also, traffic on the gravel driveway serving the business could create additional dust in the area. However, the applicants indicate that an average day would have two business vehicles leaving the property in the morning and returning in the evening. Two or three semi-trucks would haul rock to market during an average week. This small amount of traffic will reduce the possibility of dust problems. Noise impacts can be controlled by regulated hours of operation.

TriCounty Health Department regulations will ensure that wastewater generated at the site is disposed of in an acceptable manner.

**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. In light of these plan policies, the Conditional Use request should be approved to support the creation of a new business site, knowing that conditions of approval will be imposed to protect rural residential and agricultural interests in the area.

**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 2.25 acres in size. Based on the site plan, it appears that the parcel is large enough to accommodate a small stone yard, future shop and house and several outbuildings without being detrimental to adjoining properties. The site is surrounded by agricultural lands which buffer this use from the nearest residential use, which is located about 1,100 feet southwest of the southwest corner of the subject parcel.

Some additional criteria and conditions of approval include

**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 appearance and character of the area, as shown by photos in the application, is characterized by farms and ranches with dwellings, outbuildings and the customary outdoor storage of equipment, vehicles and other materials. The proposed use is surrounded by agricultural or vacant land and is located about 1,100 feet

northeast of the nearest dwelling. Due to this natural buffer, there is no need for fencing, walls or landscaped buffers to protect adjacent land character.

**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 2.25-acre parcel contains sufficient graveled areas for parking, loading and unloading areas. Only one employee joins the applicants to work from this location. The gravel driveway from 9250 West has been improved with a sufficient surface to accommodate truck movements.

**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 subject property has easement access from a paved county road (9250 West). The gravel driveway into the parcel has been improved with a surface that will accommodate trucks used in the business. This roadway serves agricultural lands to the north and south. The road and farm access areas will need to be kept clear of rock, equipment or other items that would hamper access by farm equipment or emergency vehicles.

Water is supplied by the East Duchesne Culinary Water Improvement District. A wastewater system has been approved by TriCounty Health to serve the future home. Currently, the applicants are residing in an RV on the property. Wastewater drains into a holding tank which is pumped out regularly by Waste Logistics, which also supplies and services a portable toilet at the site.

*Section 8-11-3 (A) of the zoning ordinance states: Use of Recreational Vehicles: Nothing in this chapter shall be interpreted to prohibit storage of a recreational vehicle when not in use on property of the owner, so long as not utilized for housekeeping, living or sleeping purposes (an exception is allowed for bona fide guest usage not to exceed 30 days). Recreational vehicles shall not be stored on property so as to obstruct the view of traffic, or to create a nuisance for adjoining property owners.*

*Section 8-11-5 (A) of the zoning ordinance states: Recreational Vehicles: It is unlawful to place any recreational vehicle on any lot or parcel of land in the county and to use the same for permanent human habitation, except when located in a recreational vehicle park.*

Mr. Hyde stated the occupancy of an RV is allowed for a maximum of one year, while a property owner completes construction of a permanent home on a site. The applicants will either need to move this RV to an approved RV park or obtain a building permit for a permanent home, within a reasonable time.

In a related matter Mr. Hyde stated the applicants have combined two storage buildings together to form one building that likely exceeds 200 square feet, includes habitable space and may require a building permit. The applicants must contact the Building Department to discuss whether a permit is required for this or any other existing

buildings on the site.

**Signs: Regulation of signs.**

Mr. Hyde stated the applicants have no business sign plans as they do not market rock products to the general public.

**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 that noise is a potential problem when equipment is being used in a residential area. However, this area contains active agricultural operations where equipment use is routine. The county nuisance ordinance sets forth the following noise standards for motor vehicles:

*G. Noise Disturbances:*

- 1. The following acts are declared to be violations of this subsection, but such enumerations shall not be deemed to be exclusive:*
  - a. Parking a motor vehicle with the motor or auxiliary equipment in operation on a public right of way or on private property between the hours of nine thirty o'clock (9:30) P.M. and seven o'clock (7:00) A.M., if the noise so produced is plainly audible within a dwelling unit. This subsection shall not apply to: county or publicly owned vehicles or equipment; commercial construction equipment; the normal operation of commercial or private vehicles designed and used for transportation of passengers; or to other commercial or private vehicles being loaded or unloaded, including sanitation and waste disposal vehicles.*

Based on the standard above, nuisance noise from motorized operations at this location should not be generated before 7:00 AM or after 9:30 PM. The applicants indicate that their normal operations would occur after 8:00 AM and cease by 6:00 PM. The applicant will be responsible for controlling dust. Gravel parking and driveway areas will need application of dust inhibitors if dusty conditions create a nuisance to surrounding residents. That is not likely given the distance from the site to the nearest residence.

Mr. Hyde recommends the Planning Commission approve the Conditional Use Permit requested by Abelecio and Kimberly Jiron, subject to the following conditions:

1. The applicants shall obtain a business license for this location by February 27, 2012.
2. During operation of the facility, the applicant shall control dust so it does not become a nuisance.
3. Noise that is audible at residences in the vicinity, which could be considered a nuisance, shall not be generated at the facility earlier than 7:00 AM or later than 9:30 PM.

4. The applicants shall either move their RV to an approved RV Park or obtain a building permit for a permanent dwelling on the property within 90 days. If they elect to obtain a building permit, continued occupancy of the RV is allowed for a maximum of one year after the building permit is issued, while the permanent dwelling is constructed.
5. The applicants shall contact the Building Department by February 15, 2012 to determine if a building permit is required for any of the existing buildings on the site.
6. Applicants shall maintain the access easement and farm access areas free of rock, equipment or other items that would hamper access by farm equipment or emergency vehicles.

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

Abelecio Jiron, owner of Rock Solid Designs, stated the rock business is a very simple business there are not any set hours and very little machinery to operate. They just need a place to store the equipment, sort and pack the rocks for delivery. Mr. Jiron stated while Mr. Hyde was on site he showed him the equipment while explaining the process.

Commissioner Jorgensen stated since there was no one else present to speak regarding the applicant's request, so the hearing was closed.

Commissioner Burton motioned to approve the Conditional Use Permit requested by Abelecio and Kimberly Jiron, subject to the conditions stated in the staff report. Commissioner Roberts seconded the motion and it passed unanimously.

**NEW BUSINESS:**

None

**Minutes: Approval of January 4, 2012 meeting**

Commissioner Moon moved to approve the minutes of January 4, 2012.

Commissioner Olsen seconded the motion and it passed unanimously.

**Commission Comments and Staff Information Items**

Mr. Hyde anticipates receiving one application for the March meeting; a gravel pit between Duchesne and Bridgeland. There was some discussion with the commission about the SOB ordinance and the labor camp and RV Park regulations.

**Adjournment:**

Meeting adjourned at 5:25 p.m.