

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
January 4, 2012 - 5:00 p.m.**

In Attendance were:

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

Visitors:

Gary Kendall	Maready CUP
Barbara Bird	Maready CUP
Roddie Bird	Maready CUP
Irene Hansen	Maready CUP
Darrin Brown-Tri County Health Department	
Bob West	Maready CUP
Doug Maready	Maready CUP
Jeff Taylor	Maready CUP
Mike Taylor	Maready CUP
Greg Buxton	Maready CUP
Scott Hacking-DEQ	

Chairman Jorgensen opened the meeting at 5:00 PM.

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

Election of a Chair and Vice-Chair for 2012

After some discussion Commissioner Olsen moved that Commissioner Jorgensen remain Chair for 2012, Commissioner Moon seconded the motion and it passed unanimously. Commissioner Moon moved that Commissioner Mair serve as Vice Chair for 2012. Commissioner Burton seconded the motion and it passed unanimously.

Mr. Hyde stated the County Commissioners have appointed Commissioner Jorgensen for another term and stated Kathy Giles will join the Planning Commission next month as the newest commissioner replacing Shelly Fabrizio.

PUBLIC HEARING:

Request by Douglas Maready for a Conditional Use Permit to establish a public use water ski facility at 801 S 3000 West, in the Roosevelt (Hancock Cove) area.

Mr. Hyde referred the planning commission to photos in their packets and stated the applicant is proposing to construct a public use water ski facility consisting of two lakes, parking area, clubhouse, a new dwelling for the applicant (that will serve as a caretaker dwelling/visitor's quarters in the future) and a garage/storage building. The buildings will be located on a 10-acre parcel that is zoned Industrial. The two lakes, which comprise a majority of the footprint of the use, will be located primarily on an 80-acre parcel that is zoned Residential. Commercial uses such as this are a conditionally-permitted use in the residential zones. The northerly portions of the property will be reserved for future residential use. The southeast portion of the site is anticipated for agricultural use, using the lakes for irrigation.

The planning commission may grant a conditional use permit in compliance with this title if, from the application and the facts presented at the public hearing, it finds:

- 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 Potential detrimental impacts from the proposed use include additional vehicle traffic, noise from boat motors and crowds, safety issues associated with water bodies, effects on the water table due to seepage, creation of mosquito habitat, dust from disturbed surfaces and loss of open space. If conditions can be imposed to mitigate these potential impacts, the permit may be granted.

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

The applicant indicates that an average day could have 20-30 vehicle trips to and from the facility. If a ski competition were to be held, the numbers would increase; however, that would likely be just once annually. It is hard to tell what impact the facility will have on the paved county road (3000 West) that provides access to this property. After one year of facility operation, we will better know the impacts. If usage or traffic impacts prove to be more than anticipated, the applicant should be required to make improvements to 3000 West (such as turn lanes at the facility entrance) if required by the Duchesne County Public Works Director (or County Commissioners, on appeal).

Noise impacts can be controlled by regulated hours of operation and by physical barriers such as trees and walls. Physical barriers and security measures can also reduce the hazard associated with water bodies. An effort must be made to discourage

unauthorized access to the facility. These measures will be addressed more fully below.

Mr. Hyde stated due to the high water table in the area and the lakes will not have a liner, seepage into the ground may occur. The applicant plans to have an engineer look at the seepage issue and design mitigation measures to prevent seepage from impacting other properties in the area.

Standing water can create mosquito breeding habitat. The applicant plans to work with an engineer and the Duchesne County Mosquito Abatement office to ensure that this issue is addressed.

During excavation and construction of the facility, there is a likelihood of blowing dust during windy conditions. The applicant's excavation contractor must have a dust control plan in place and follow said plan during the course of construction. The applicant will be responsible for controlling dust until vegetation is re-established in disturbed areas.

Mr. Hyde stated although some open space would be lost, the project will retain more open space than if it were to be subdivided into residential lots. The applicant plans to retain most of the existing trees and a majority of the 90-acres will not be disturbed by this proposed project.

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

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 parcels involved in this request are 79.37 and 10 acres in size. Most of the buildings and facilities would be located on the 10-acre parcel, which is zoned industrial. Most of the lakes themselves would be located on the 79.37-acre parcel, which is zoned residential. A majority of the 90 acres will be left undisturbed by this project. Provided that conditions are attached to the permit and adequate design features installed before operations begin, these parcels are large enough to accommodate the proposed use in a manner that will not be detrimental to surrounding

properties.

Some additional criteria for approval are as follows

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 it is the applicant's plan to construct a six-foot concrete barrier wall and gated entry along the 3000 West road frontage to provide security and reduce hazards and liability. If the facility is successful and funds are available the fence could be extended along the south property line in the future to create a buffer between the facility and industrial lands. Wire fencing would be used for security around the remaining perimeter of the property. Most existing trees on the property will be retained and additional trees planted behind the wall to help reduce noise impacts. Public areas will be landscaped in a park-like manner.

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 that ingress and egress will be provided by a new driveway to 3000 West, which is a paved county road. A road approach permit has been obtained by the applicant from the Duchesne County Public Works Department for the driveway being constructed. The driveway into the project must be designed to support heavy vehicles, such as fire and garbage trucks. It will also need to be surfaced to prevent the tracking of mud and rock onto the paved county road. The applicant plans on road base and gravel initially, with paving of the driveway in the future.

Parking areas will be needed for an estimated twenty vehicles on the average day, with overflow parking areas for up to forty vehicles should there be a competition held at the facility. Time will tell whether the parking area will be sufficient or require expansion. All parking areas must be provided with a durable and dust-free surface. This may include base rock and clean gravel initially; however, paving may be appropriate in the future based on the level of usage.

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 Duchesne County Public Works Department has provided the applicant with a letter indicating that 3000 West can provide suitable access to the project. There will need to be a suitable road approach, approved by that office. If the project proves to be popular and grows, improvements at the driveway entrance may be needed to provide for safe turn movements. The applicant must consent to providing additional road right of way and financing such improvements should the need arise. The applicant has a request in to Roosevelt City for a culinary water connection to serve the facility. This request will be heard at a Roosevelt City Council meeting after design of the facility is complete, including a fire hydrant assessment. Sewage disposal

is governed by the TriCounty Health Department, which will require a wastewater permit. To address fire protection, the applicant will need to coordinate with Roosevelt City and the Duchesne County Fire Chief to determine if a fire hydrant is needed to serve the facility and what other fire protection measures will be required.

The applicant has been in contact with the Utah Division of Water Rights and the Dry Gulch Irrigation District regarding the change in use of his existing water rights to fill the lakes. Indications are that such change of use will be approved next spring if the conditional use permit is received.

D. Signs: Regulation of signs.

Mr. Hyde stated the applicant indicates there will be an attractive entry feature, with landscaping and an entrance archway including the facility name. In the interim, signage may consist of a banner attached to existing fencing. In residential areas, signage is usually limited to 32 square feet in size and is not illuminated. However, the entry to this facility will be in an industrial zone; so signage is less of a concern. The applicant should submit signage plans to the Community Development Director for review and approval before installation.

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 studies at similar facilities have shown that noise levels are not likely to be in excess of the noise generated by truck traffic on 3000 West. Powerboats with extremely noisy propulsion and exhaust systems should be prohibited, especially during early morning or late evening hours. Nuisance ordinance time limits should be followed and be included in the park rules.

Mr. Hyde stated 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 applicant will be responsible for controlling dust during construction, between construction and establishment of new vegetation and during operation of the facility. Construction crews must have a dust control plan in effect and equipment to implement it. Disturbed areas should be replaced with surface features that minimize dust generation. Gravel parking and driveways will need application of dust inhibitors or pavement if dusty conditions are observed.

If the facilities result in mosquito breeding habitat being created, that will also create a nuisance. The applicant will need to work with his engineers and the Duchesne County Mosquito Abatement office to ensure that water is not allowed to stagnate and appropriate measures are taken to mitigate this impact. The applicant has received a letter from Mr. Weight stating there should not be any problems and it sounds like a worthwhile project for our recreational community and has his support.

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

Mr. Hyde stated the applicant has stated that the facility would be open to the public no earlier than 8:00 AM and would close by nightfall. There may be some use of the facility by private members between 7:00 AM and 8:00 AM. Any motorized usage will need to comply with the nuisance ordinance time limits noted above. The facility will have a cable tow, which will be used for summer water activities but could also be used for snowboarding in the winter if sufficient snow is received. There will be no Sunday operations.

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

1. Prior to opening for business, the applicant shall:
 - a. Obtain permission to change the use of existing irrigation water rights from the Utah Division of Water Rights.
 - b. Obtain a road approach permit from the Duchesne County Road Department.
 - c. Construct perimeter fencing and walls, a gated entry and install landscaping in public areas. Trees shall be installed behind the concrete wall along 3000 West to help reduce noise.
 - d. Construct driveways that support heavy vehicles to a standard approved by the Duchesne County Fire Chief and a standard that reduces the tracking of dirt, rock and mud onto 3000 West. Future paving is encouraged.
 - e. Construct parking areas for at least 20 vehicles (including vehicles with boat trailers) and overflow parking for an additional 20 vehicles. Future paving is encouraged.
 - f. Obtain culinary water either from Roosevelt City or a private well.
 - g. Obtain a wastewater permit from the TriCounty Health Department.
 - h. Obtain approval of sign plans from the Community Development Director.

- i. Install a fire hydrant to serve the facility if required by the Roosevelt City Fire Department or the Duchesne County Fire Chief.
 - j. Obtain a county business license.
 - k. Obtain a letter from the Duchesne County Mosquito Abatement office recognizing the adequacy of design features and mitigation measures to prevent mosquito breeding habitat at this facility.
 - l. Implement and construct design features from an engineering study that will address water seepage and prevent negative impacts to other properties in the area from water.
2. During construction and operation of the facility, the applicant and his contractor(s) shall control dust from disturbed surfaces, including parking areas and driveways, 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. There shall be no Sunday business hours. The use of boats with load engines/exhaust systems shall be discouraged.
4. Applicant irrevocably consents to provide additional road right of way for 3000 West should road improvements be needed at the driveway intersection in the future. Applicant further agrees to finance such road improvements (such as turn lanes) that can be directly attributed to impacts created by this project, as determined by the Duchesne County Public Works Director, or County Commissioners, on appeal.

Mr. Hyde asked if there were any questions of the staff report. Commissioner Olsen asked if it is possible to change the use of water rights from irrigation to recreational. Mr. Hyde stated the applicant will need to work with Dry Gulch Irrigation and the Utah Division of Water Rights to accomplish that.

There were no other questions so the applicant was invited to speak.

Doug Maready, the applicant stated Mr. Hyde explained the details of the project in the staff report and thanked him for his efficiency. Mr. Maready stated the reasons for the park is, at the level of competitive skiing that he is, just skiing on a manmade lake is unproductive. There needs to be a level of technicality, and a regulated course that is set up at all times for practice and competitions. Mr. Maready explained where the additional facilities are in Utah. There are eight in total and a waiting list to join each one.

Mr. Maready asked if there were any questions.

Commissioner Olsen asked Mr. Maready if the irrigation water use can be changed and how many shares he will need. Mr. Maready stated Bob Leake from the Division of Water Rights has indicated that once the permit has been approved there should not be a problem changing the status from irrigation to recreational. Civco Engineering has

provided Mr. Maready with some estimated figures to fill the lake. At this time, they should need approximately 25 shares the first year to fill the 12 foot deep by 2300 foot long lake. The boatless cable tow lake will be 600 feet long, 125 feet wide and 5 feet deep. Mr. Maready stated the smaller lake would be recreational and the longer one would be just for competitive skiing.

There was some discussion about Dry Gulch Irrigation rules, use of irrigation and culinary water, evaporation and the use of a liner if need be with the commission and Mr. Maready.

Irene Hansen, Economic Development Director for the Chamber of Commerce stated this project will diversify our economy together with our Agriculture, Oil and Gas Industry, Hidden Springs and Hickens Chickens that are all very successful right now. Ms. Hansen stated there are drawbacks to living in a small community without rail lines, a major airport or an interstate and wanted to thank Mr. Maready for investing his time, talents and the dollars needed for this project.

There were no other comments in favor so anyone in opposition was invited to speak.

Mike Taylor, father of Jeff Taylor (a property owner next to the proposed location) stated their concerns about water quality, mosquitoes and boat noise. Mr. Maready stated the ground water will be addressed with the help of Civco Engineering and if need be we can use clay soil or a liner together with circulation. There will be sound barriers such as trees, the cement wall and stated the sound dissipates since the water will be below existing ground level. There will not be any jet boats allowed on the lake. Mr. Maready stated he wants everything to be safe and enjoyable for the neighborhood.

Commissioner Moon asked how many skiers will be on the lake at any given time. Mr. Maready replied only one at a time.

Commissioner Burton asked what will you do with the excavated soil. Mr. Maready replied it will be used to berm up the sides and construct the lakes.

Commissioner Jorgensen asked if there were any other questions or comments.

Greg Buxton, a registered civil engineer and nearby property owner, states this is a great project very positive for the community and will be beneficial for all involved. He is confident that any problems with ground water or mosquitoes could be taken care of with clay soil or liners and pumping circulation systems.

Darren Brown, TriCounty Health stated his concerns about needing a culinary water hook up instead of a well for domestic use as they would get better use from that. There are concerns that this facility is not within TriCounty Health jurisdiction but they would like to review the waste water plans, make sure there are adequate water fountains and showers, make sure the water seepage does not effect any septic or water systems,

and be able to check the water quality on the beaches to insure safety for the general public.

Mr. Hyde suggested the commission revise the conditions for *1f to obtain culinary water from Roosevelt City* and *1g to Obtain waste water permit and any other authorizations from Tri County Health Department.*

Mr. Maready welcomed the testing from TriCounty and wants the water and beaches to be safe for his family and the public that will enjoy this facility.

Commissioner Jorgensen asked if there will be a lifeguard at the small pond and play area. Mr. Maready stated there will be a lifeguard.

Commissioner Jorgensen asked if there were any other questions or comments. There were none so the hearing was closed.

Commissioner Moon asked Mr. Maready if he was ok with the proposed conditions of approval. Mr. Maready replied yes.

Commissioner Moon moved to approve the applicants request subject to the conditions as amended. Commissioner Mair seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of December 7, 2011

Commissioner Olsen moved to approve the minutes of the December 7, 2011 meeting. Commissioner Mair seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items

None

Adjournment:

Meeting adjourned at 6:15 p.m.