

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
November 7, 2012 - 5:00 p.m.**

In Attendance were:

John Jorgensen, Planning Commission – Chairperson
Randy Mair, Planning Commission
Kent Olsen, Planning Commission
Kathy Giles, Planning Commission
Allen Lindsay, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Debra Lindsay	All
Larry and Kitty Rasmussen	Rasmussen-CUP
Edythe P Larson	All
John Wills	Rasmussen-CUP
Teresa Haggard	Taylor-CUP
Bobbette Hymas	Taylor-CUP
Randy and Sadie Taylor	Taylor-CUP
Debi Tracy-Uintah Basin Standard	
Dennis and Charlotte Jensen	Taylor-CUP
Bob Hymas	Taylor-CUP

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 any item on the agenda. There were none, so the hearing proceeded.

PUBLIC HEARINGS:

- A. Request by Larry Rasmussen for a Conditional Use Permit to locate a truck parking area and future truck shop on 3.49 acres of land located in the SE ¼ of the SE ¼ of Section 8, Township 2 South, Range 1 West, on the east side of the Neola Highway at 1000 North, in the Roosevelt area.**

Mr. Hyde referred the commission to their packets and some site photos of the location. He stated the applicant is proposing to construct a new truck shop, with truck parking and storage yard, for his water hauling business, at this location. When completed, the applicant states that there would typically be two trucks parked at this location (additional

trucks are typically kept at a location in the Red Wash area south of Vernal). Most truck repair work is done at Basin Diesel Service in Roosevelt. Commercial uses such as this are a conditionally-permitted use in the agricultural-residential zones.

The criteria for approval are as follows:

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 project will initially contain a truck parking area with electrical outlets. In the future, either on this site or a site to the west that may be acquired, the applicant would like to construct a truck shop; approximately 8,000 square feet in size. At that time, the applicant would be required to install a wastewater disposal system. A culinary water connection exists. This property is located in a residential area, with homes located to the northwest and south. To promote public safety and discourage children from accessing the site, fencing should be installed along the site perimeter within a reasonable time given the approach of winter.

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 states 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 3.49 acres in size, which is of sufficient size to locate a truck parking area and future truck shop. However, locating such a facility close to a residential use raises the possibility of safety and noise concerns. Thus, conditions should be imposed to require site fencing and hours of operation/noise generation that comply with the county nuisance ordinance, should noise complaints be received.

Additional approval criteria 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 indicated the initial phase of the project would provide a truck parking area with electrical service. The site plan shows no landscaping or fencing. Since there is a residence on the northwest side of the subject property, it would be reasonable for safety to require fencing of this parcel's perimeter to deter children from accessing an area where heavy trucks will be operating. When the truck shop is proposed in the future, the applicant should be required to provide the county with a site landscaping plan that shows at least xeriscape landscaping in areas not occupied by buildings, driveways and parking areas.

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 ingress and egress would be via a UDOT-approved access to Highway 121 and a county Class D road (1000 North). This road is a lane that is not wide enough for two-way traffic involving heavy trucks. The applicant does not own all the way to the highway but is hoping to purchase those intervening lands from Rod Elder. If those lands are acquired, the applicant should be required, within a reasonable time frame, to widen 1000 North to a paved width of at least 24 feet to accommodate the proposed water truck movements. The applicant has indicated there will not be any public/customer parking at the site. Thus, the on-site parking area could be finished with gravel over base rock to provide an all-weather surface. This surface must be maintained well enough to prevent the tracking of mud onto Highway 121 from this site.

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 Utah Department of Transportation has approved the existing road approach from the Neola Highway for this commercial use. At this location, 1000 North is a county Class D Road, which has no dedicated right of way and is not maintained by the county. There is no need to require right of way dedication at this time as the county has no plans to improve or maintain this road. The site plan shows that city water is available to serve the property. When the truck shop is built, the wastewater disposal system will need to be submitted to the TriCounty Health Department for review and approval. Floor drains are not allowed at truck shops served by a septic system. If a truck shop is built, fire protection will need to be addressed by the applicant in coordination with the Building Official and Fire Chief during the building permit process. Installation of a fire hydrant may be required.

Signs: Regulation of signs.

Business signs may be placed on the premises. A building permit would be required if such signage is mounted on a pole or with electrical components. Off premise signage is not permitted in an A-2.5 zone. On-premise advertising should be limited to 32 square feet in size to maintain residential character of the area.

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 the proposed use on the property will contribute to noise associated with vehicle and equipment movements. Due to the proximity of residences to the northwest and south, provisions should be made to limit nuisance noise. Based on the standard above, if legitimate complaints are received by the county, noise from operations at this location should not be generated before 7:00 AM or after 9:30 PM.

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

1. Applicant recognizes that off-premise advertising is not allowed in the A-2.5 zone and will consult with the County before installing any signs on the premises. On-premise signs should be limited to 32 square feet in size to maintain residential character.
2. Prior to beginning truck parking at this location, the applicant shall provide an all-weather parking and driving surface on the property to prevent mud from being tracked out onto Highway 121.
3. By July 1, 2013, the applicant shall fence the perimeter of the property with a fence at least six feet in height.
4. Within six months of the potential acquisition of the Elder property to the west, the applicant shall widen 1000 North to a paved width of at least 24 feet.
5. Prior to constructing a truck shop at this location, the applicant shall:
 - a. Obtain approval of a site landscaping plan from the Community Development Director;
 - b. Obtain a wastewater permit from the TriCounty Health Department (floor drains are not allowed in shops served by a septic system);
 - c. Receive approval of fire protection plans from the Building Official and Fire Chief (installation of a fire hydrant may be required);
 - d. Obtain a building permit.
6. Should noise complaints be received, the applicant agrees to limit noise from truck motors to the hours set forth in the Nuisance Ordinance (7:00 AM to 9:30 PM).
7. Applicant recognizes that off-premise advertising is not allowed in the A-2.5 zone and will consult with the County before installing any signs on the premises. On-premise signs should be limited to 32 square feet in size to maintain residential character.

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

Larry Rasmussen, the applicant and property owner, stated he has trucks and equipment scattered all over and would like to locate it all in a centralized location. The plug-ins have been installed and he wants to be ready to go for the winter.

Commissioner Jorgensen asked if the location would be for truck storage and if all the

equipment was in working order. Mr. Rasmussen stated he has 2 trucks working every day, some trailers, a dump truck and a backhoe. There might be a little storage of equipment not in working order, but it will not become a junk yard.

Commissioner Jorgensen asked if there were any other questions.

John Wills, adjoining property owner stated 1000 North is a private road built by Burdick Paving many years ago to serve a gravel pit. It is paved and only one business will be using it.

Commissioner Mair asked Mr. Rasmussen if he has any problems with the recommended conditions for approval stated in the staff report. Mr. Rasmussen replied he does not; he just wants everything in place before winter hits. He wants it to look nice when he is finished.

With no other comments and no one in opposition to speak the public hearing was closed.

Commissioner Giles motioned to approve the Conditional Use Permit requested by Larry Rasmussen, subject to conditions 1-7 stated in the staff report. Commissioner Mair seconded the motion and it passed unanimously.

B. Request by Randy & Sadie Taylor for a Conditional Use Permit to establish a gravel pit and rock crusher on approximately 80 acres of a 150-acre parcel located in the SE ¼ of Section 9, Township 3 South, Range 4 West on the Blue Bench about five miles northeast of Duchesne.

Mr. Hyde stated Randy and Sadie Taylor are applying for this permit to authorize a gravel pit, with rock crushing, on approximately 80 acres of a 150-acre parcel located in the Blue Bench area. Extraction of earth products is a conditionally permitted use in the A-5 zone. It is anticipated that rock from this location will be used for El Paso oil well pads and access roads in the vicinity and for other construction activities.

After highlighting sections of the staff report Mr. Hyde stated some criteria and conditions of approval including public safety and welfare, Utah DEQ permits, noise, dust free conditions, complying with the county's material finishing standards, bonding and reclamation. Heavier truck traffic can be anticipated on 5000 South, a graveled county road that is scheduled to be paved in the summer of 2013 (after utilities and fences have been moved and the road built up about two feet in elevation). The Public Works Director has registered no concerns with the proposal and the proposed gravel pit could provide a convenient source of rock for the 5000 South road improvement project. Mr. Hyde referred the commission to their packets, some site photo and maps of the proposed location.

Mr. Hyde recommends the planning commission approve the Conditional Use Permit requested by Randy & Sadie Taylor, for extraction of earth products, subject to the

following conditions:

1. Owners or their authorized agent(s) shall control dust and noise so neither becomes a nuisance.
 - a. A dust control plan approved by the TriCounty Health Department and Utah DEQ shall be implemented throughout the course of the operations by the owners or authorized agents. Dust control agents shall be applied at active portions of the site and on gravel access roads between the site and the nearest paved road during periods of hauling. To control dust, owners shall either prevent gravel truck use of 5000 South to the greatest degree possible until such time as 5000 South is paved (scheduled for Summer 2013) or provide for adequate dust control along 5000 South (in coordination with the Road Department) until it is paved.
 - b. Owners and their authorized agents shall comply with the following hours of crusher operation: (7:00 AM to 9:30 PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays).
2. Owner(s) or their authorized agents shall reclaim the property in accordance with the county's "Material Pit Finishing Standards" and protect the public from any hazardous conditions on the site.
3. A DEQ Air Quality permit shall be obtained for the crusher and a copy provided to the County prior to the start of crushing operations.

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

Randy Taylor, the applicant and property owner stated he has been approached by El Paso and Duchesne County to supply product for a new road and oil locations in the area.

Commissioner Mair asked if the crusher company will get the necessary permits and abide by the conditions for approval. Mr. Taylor stated yes, it is a local company and they know what is expected of them.

Commissioner Jorgensen asked if there were any other questions.

Bob and Bobbette Hymas, adjoining property owners, are opposed to the crusher being in the area, they have an elderly lady living with them, small children and are concerned about the dust and increased truck traffic. They are also concerned that 5000 South, bordering their parcel, is a private road and the Taylors should not be allowed to use it for business and feel there is another route they could use to the north.

There was some discussion about 5000 South, the county's intentions for paving, acquired right of ways and increased heavy traffic. Mr. Taylor stated that the County Road Department had agreed to pave 5000 south up to the pit access road.

Mr. Hyde reminded Mr. Taylor that either he or the company operating the pit will be responsible to keep the dust under control. The road abutting the Hymas parcel is a class D County Road.

There were no other comments so the public hearing was closed.

Commissioner Olsen motioned to approve the Conditional Use Permit requested by Randy & Sadie Taylor, for extraction of earth products, subject to the conditions stated in the staff report. Commissioner Lindsay seconded the motion and it passed unanimously.

C. Recommendation to the County Commissioners regarding a zoning ordinance text amendment to establish official Planning Commission rules of order and procedure.

Mr. Hyde explained this amendment has been proposed to bring the zoning ordinance into compliance with Utah law (HB 267), which was amended in 2011 to require that Planning Commission rules of order and procedure be adopted by Ordinance. Having formal rules of order and procedure will benefit all members of the community as they participate at Planning Commission hearings whether as an applicant or interested party. Mr. Hyde explained the changes and additions to the ordinance and stated the Planning Commission will follow the Robert's Rules of Order 10th Edition. The Rules of Order will be read at the beginning of every Planning Commission meeting.

Mr. Hyde recommended that the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Zoning Ordinance as set forth in proposed Ordinance #12-305.

With no questions or comments from the planning commission and no one either in favor or opposed wishing to speak, the public hearing was closed.

Commissioner Mair motioned the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Zoning Ordinance as set forth in proposed Ordinance #12-305. Commissioner Olsen seconded the motion and it passed unanimously.

D. Recommendation to the County Commissioners regarding a zoning ordinance text amendment to address issues associated with lot size rounding, lot size calculations, multiple zoning districts on one parcel and multiple permitted uses on parcels.

Mr. Hyde stated Duchesne County proposes to amend its zoning ordinance to address issues associated with lot size rounding, lot size calculations, multiple zoning districts on one parcel and multiple permitted uses on parcels. The amendments have been proposed to provide for clarity and consistency in the administration of the zoning ordinance.

Mr. Hyde explained in the past, some have argued that the county cannot authorize a certain use, activity or practice unless specifically allowed by the zoning ordinance.

This is not realistic as the county does not have the resources to regulate every conceivable land use and defers regulation to the state in some cases. The second issue is lot size. Because of the way land was originally surveyed by the General Land Office, a section of land in Duchesne County may not be a full 640 acres, a quarter section may not be a full 160 acres, a quarter-quarter section may not be a full 40 acres, and so on. According to the County Surveyor, and the Manual of Surveying Instructions, Section 3-34, the distance between regular section corners is to be "normal" according to the plan of survey, with certain allowable adjustments not to exceed 25 links (16.5 feet) in 40 chains (2640 feet) or 33 feet in 5280 feet. Thus sections as small as 5247 feet by 5247 feet or as large as 5313 feet by 5313 feet are considered "regular" sections. Thus, lot sizes within 98.75% of the minimum lot sizes specified by this code should be allowed to be rounded up to meet said standards. This amendment also addresses issues including whether lot size may include the area within right of ways, how to interpret the zoning of parcels in more than one zoning district and whether multiple principal structures are allowed on a parcel.

Mr. Hyde recommends that the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Zoning Ordinance as set forth in proposed Ordinance #12-306.

Mr. Hyde asked if there were any questions of the staff report. There were none and with no one either in favor or opposed wishing to speak, the public hearing was closed.

Commissioner Lindsay motioned to recommend to the Duchesne County Commissioners the approval of the amendments to the Zoning Ordinance as set forth in proposed Ordinance #12-306. Commissioner Mair seconded the motion and it passed unanimously.

E. Recommendation to the County Commissioners regarding a subdivision ordinance text amendment to address issues associated with the processing or minor subdivisions.

Mr. Hyde stated the proposed amendment (ordinance 12-307) amends the subdivision ordinance addressing some issues associated with the processing of minor subdivisions. The amendments clarify that:

- a. A minor subdivision can be approved after public notice is given to property owners within 300 feet. A hearing is required only if interested parties request an administrative hearing or appeal the hearings officer's decision to the Planning Commission or County Commissioners.
- b. An applicant for a minor subdivision is not expected to obtain public right of way from another property owner to obtain minor subdivision approval.
- c. Minor subdivision surveys may be amended after approval.
- d. Minor subdivision surveys must be filed with the County Surveyor.
- e. Pursuant to SB 174, 2012 Utah Legislature, and Section 17-27a-605 of the Utah Code, the county must provide a means for property owners to divide

agricultural lots if a document is signed and recorded committing the property owner to keep the agricultural parcel(s) in agricultural use until otherwise approved by the county.

Mr. Hyde explained the changes are necessary to provide clarity and certainty for the processing of minor subdivisions.

Mr. Hyde asked if there were any questions or comments.

Commissioner Mair asked about the electronic filing. Mr. Hyde stated the County Recorder's office has stated they no longer require an electronic copy.

With no one else to present speak in favor or opposed to the amendment, the public hearing was closed.

Commissioner Olsen motioned the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Subdivision Ordinance as set forth in proposed Ordinance #12-307. Commissioner Mair seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of October 3, 2012 minutes

Commissioner Olsen moved to approve the minutes of October 3, 2012. Commissioner Lindsay seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items

Commissioner Jorgensen excused himself for the next two meetings as he is starting cancer treatments and will not be back until the February meeting. Mr. Hyde wished Commissioner Jorgensen well with his treatments. He reported that the County Commissioners decided not to vacate the road in Neola as recommended by the Commission. The Commissioners wanted to maintain flexibility to build the road if needed, if the town decided to expand the rodeo grounds that would be a viable route for access to a redevelopment project. Also, dead-end streets in the area are resulting in garbage trucks backing up. Snow plows do not plow dead-end streets. There was some discussion on the December 5th meeting with the continuation of the IWM hearing, another ordinance amendment and a rezone application on the Harmston bench north east of Roosevelt.

Adjournment:

Meeting adjourned at 6:12p.m.