

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
August 7, 2013 - 5:00 p.m.**

**In Attendance were:**

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

**Visitors:**

Pastor Fabian Reyes	Guest Ranch-Resort
Iglesia Christiana Pentecostes Eben Ezer	Guest Ranch-Resort
Raquel Gonzales	Guest Ranch-Resort
Debra Lindsay	
Pamela Winn	Guest Ranch-Resort
Eric Larsen-TriCounty Health	
Don Winterton-Special Service District #2	
Mike Hawley-Jones and DeMille	
Eric Major-Jones and DeMille	

Chairman Mair opened the meeting at 5:00 pm and read the rules of order. He asked if any of the Planning Commission had any ex-parte contacts or conflicts of interest associated with any item on the agenda. There were none, so the hearing proceeded.

**PUBLIC HEARINGS:**

- A. Continuation of public hearing to consider revocation of a conditional use permit issued February 5, 2013 to Scott Hagman for a labor camp, at approximately 6000 West 6250 South, for failure to abide by the terms of the permit requiring installation of a fire hydrant.**

Mr. Hyde stated at the July 3, 2013 Planning Commission meeting, since the fire hydrant project had not been completed, the Commission recessed the public hearing until August 7, 2013. On July 30, 2013, Mr. Hyde contacted Johnson Water and found that the project had been completed and Johnson Water sent a letter for confirmation.

Mr. Hyde recommends the Planning Commission close the public hearing and consider Mr. Hagman to be in compliance with the terms of his Conditional Use Permit.

Commissioner Olsen motioned to close the hearing and consider Mr. Hagman in compliance. Commissioner Lindsay seconded the motion and it passed unanimously.

**B. Request by Fabian Reyes for a Conditional Use permit to establish a Guest Ranch/Resort Lodge for the Iglesia Cristiana Ebenezer of Magna, Utah, at Lot 17, Sundance Ranch Subdivision, Unit E, approximately five miles SW of Neola.**

Mr. Hyde referred the commission to some site photos and stated earlier this year, the county received a report of the construction of a church in the Sundance Ranch Subdivision. Since no building permits had been applied for, the Building Department visited the site and found that some construction work had been started. Upon contacting the owner, it was discovered that a church retreat for a church in Magna, Utah was being envisioned for this property. The applicant stated there would be weekend retreats, day use and week-long summer camps. The subject property is zoned A-5, Agricultural with a 5-acre minimum lot size. Places of Religious Assembly (churches) are allowed in all zones in the county as an outright permitted land use. However, the proposed use does not involve the construction of a church; but a facility that staff interpreted to best meet the definition of a “guest ranch” or “resort lodge,” which are conditional uses in the A-5 zone.

*GUEST RANCH: A facility, including either a single building or resort cabins, which serves as a destination point for visitors and generally has accessory recreational facilities for the use of guests.*

*RESORT LODGE: A facility, including either a single building or resort cabins, which serves as a destination point for visitors, and generally has accessory recreational facilities for the use of guests. Guest residency is limited to no more than ninety (90) days.*

The conditional use criteria include:

- 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 with the establishment of this facility, those associated with this church will have an opportunity to escape the Wasatch Front to recreate and have a spiritual experience. It is important that they be able to do so in a manner that is safe and not detrimental to property owners in the vicinity.

The TriCounty Health Department has reviewed the plans for the facility and has approved the wastewater disposal system for a maximum of 51 people. This shall be established by condition as the maximum occupancy of the retreat at any one time.

The applicant has indicated there will be ten cabins, a shower/restroom building, a kitchen and a pavilion which will all need building permits from the Duchesne County Building Department to ensure that they meet building code safety standards.

Construction may commence only after construction plan review and approval by the county.

On June 3, 2013, the applicants received approval from the Utah Division of Water Rights to drill a water well on the property. The well has been approved for the use of up to 50 people in ten cabins, with one preparation kitchen and two bathrooms. Water use for up to ¼ acre of irrigation was also approved. Water use is anticipated to occur mostly between April and October. This water will need to be tested and approved for use by the TriCounty Health Department prior to public consumption.

Mr. Hyde stated if a food preparation kitchen is provided, it will need to be inspected by the TriCounty Health Department and evidence of approval provided to the County prior to public use of the facility.

The facility is located in an area where wildland fire is a concern. With no water system or fire hydrants in the area, other provisions will need to be made to reduce fire danger. Fire pits must be constructed to standards approved by the Duchesne County Fire Department. Also, the applicants should meet with the Fire Department to determine what fire protection or fire suppression measures need to be taken before occupancy of the facility is allowed.

**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 provides that future growth and development decisions should be made with sensitivity to rural residential and agricultural interests. The plan also supports the expansion and improvement of recreational opportunities, facilities and services within the county, whether on public lands or in conjunction with other entities, agencies and special interest groups. In light of these plan policies, the Conditional Use request may be approved to support the creation of a new recreational facility, only if conditions of approval can 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 indicated the subject property is 9.96 acres in size, which provides enough space to accommodate the proposed recreational use. However, reasonable conditions of approval should be considered to ensure that the use does not detrimentally impact adjoining and surrounding properties.

Some additional conditions include:

**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 indicated the property has pinion pine and sagebrush vegetation, which should be maintained to the extent possible; except where cleared to provide for building sites, recreation facilities and to provide a defensible space around buildings to reduce fire danger. Due to the lack of water at this location, irrigation has been limited by the Division of Water Rights to ¼ acre of land. With the fairly large number of persons attending this facility, it will be important for the boundaries to be established so that attendees do not wander onto other property owner's lands. The site plan shows a pipe fence along the lot's frontage on the access road. Additional fencing and/or signage will need to be erected to identify the south, west and east borders of the site prior to occupancy of the facility.

**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.**

The site plan indicates that a gravel driveway and parking area will be provided on the northwest side of the property. The applicants will need to supply adequate base rock and gravel to ensure that an all-weather driving surface exists, prior to occupancy of the site. The parking area will need to be sized to accommodate the maximum number of vehicles anticipated. With an occupant load of 51 and an average of 2-3 persons per vehicle, room for 17 to 25 vehicles to park should be provided.

**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 property is accessed by the paved Cedarview Road to 8000 North. County road maps indicate that 8000 North is paved for one mile; then the road turns to gravel as it enters the Sundance Ranch subdivision. The gravel road accessing the subject property is not maintained by the county but is maintained well enough to support oil well truck traffic. It should be adequate to support light-duty vehicles traveling to this facility. The street right of way width of the access road is 66 feet, which meets county standards. Water supply, sewage disposal and fire protection were addressed previously.

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

In agricultural-residential areas, signage is typically limited to 32 square feet to avoid a commercial feel. In this case, one facility identification sign would be appropriate; provided that it does not exceed that size.

**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 the application indicates that music would be utilized at the camp; but not later than 10 PM. The Duchesne County Nuisance Ordinance contains the following provisions regarding noise:

***Section 8.16.100. Noise Disturbances.***

A. *The following acts are declared to be violations of this Section, but such enumerations shall not be deemed to be exclusive:*

6. *The use or operation of any device designed for sound production or reproduction, including, but not limited to, any radio, television set, musical instrument, stereophonic equipment, phonograph, loud speaker, sound production or reproduction device, bell, drum or chime, between the hours of 9:30 p.m. and 7:00 a.m., so as to be plainly audible within any dwelling unit which is not the source of the sound, or use of such equipment on public property or on a public right-of-way so as to be plainly audible fifty feet (50') or more from the source of the sound. The County Sheriff may grant an exemption from this subsection to allow a person reasonable use of public property or the right-of-way to broadcast music or speech.*

7. *The gathering of any number of persons upon premises, either public or private, and the creation of excessive noise from the collective voices of such persons between the hours of 9:30 p.m. and 7:00 a.m. Excessive noise means noise that is plainly audible within any dwelling unit that is not the source of the sound.*

Mr. Hyde stated conditions should be imposed to ensure that no noise occurs earlier than 7:00 AM or later than 9:30 PM that would be plainly audible within dwelling units in the area. Aerial photos show that the nearest home is located about 1,000 feet south of the south boundary of the subject parcel.

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

Mr. Hyde stated it appears that the heaviest use of the property would occur during the summer, with week-long summer camps being offered. There could also be day usage and weekend retreats. Operating hours are 24 hours a day for this type of facility; however, as stated above, conditions should be imposed to help prevent activities from generating nuisance noise conditions that could disturb the peace in the area late at night or early in the morning.

Mr. Hyde recommended that the Planning Commission approve the Conditional Use Permit requested by Pastor Fabian Reyes, Iglesia Cristiana Pentecostes Eben-Ezer, subject to the following conditions:

1. Occupancy at this facility shall be limited to no more than 51 persons at a time, unless otherwise approved by the TriCounty Health Department.
2. Applicants shall obtain construction plan approval and a building permit for the cabins, restroom/shower building, kitchen and pavilion before proceeding with construction.
3. Applicants shall drill a water well and have such water tested and approved by the TriCounty Health Department prior to opening the facility to visitors.
4. If a food preparation kitchen is provided, it will need to be inspected by the TriCounty Health Department and evidence of approval provided to the County prior to public use of the facility.

5. Fire pits must be constructed to standards approved by the Duchesne County Fire Department.
6. Applicants shall meet with the Duchesne County Fire Department to determine what fire protection measures need to be taken before occupancy of the facility is allowed.
7. Applicants shall erect fencing and/or signage, to identify the borders of the site and deter trespass onto adjoining lots, prior to occupancy of the facility.
8. Applicants shall construct a driveway and parking lot with adequate base rock and gravel to provide an all-weather parking lot, to accommodate 17 to 25 vehicles, prior to occupancy of the facility.
9. Applicants agree to limit identification signage to one sign not exceeding 32 square feet in area.
10. Applicant shall enforce rules at the retreat to ensure that no noise occurs earlier than 7:00 AM or later than 9:30 PM that would be plainly audible within dwelling units in the area.

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

Fabian Reyes Pastor of the Iglesia Cristiana Pentecostes Eben-Ezer Church of Magna along with his interpreter and Secretary of the church Raquel Gonzalez, stated their willingness to comply with the conditions of approval and appreciated Mr. Hyde's work on the staff report.

Commissioner Olsen asked Pastor Reyes about the location and some discussion continued with the commission about right of way, access, ownership and maintenance of the Sundance Ranch Subdivision roads.

With no one else to speak in favor of the proposal anyone in opposition was invited to speak.

Pam Winn, a neighboring resident, stated her concerns about the noise. the increased traffic the amount of people that will attend these retreats, the conditions of the roads which are not continually maintained. She moved out there for the peace and quiet and does not want this retreat in her neighborhood and feels her property values will decrease.

Commissioner Jorgensen asked what kind of traffic travels the roads. Mrs. Winn explained mostly oilfield and some summer residents.

Commissioner Giles asked if she was part of the Sundance Ranch Subdivision. She stated she owns lot 20 in unit E. Commissioner Giles reminded her she owns property in a legal subdivision with a total of 54 lots.

Commissioner Olsen asked about any other access. Mrs. Winn replied there is a private road entering the area from the south.

There was some discussion about the aerial photos and location of the neighboring homes.

Commissioner Olsen asked about the notification given. Mr. Hyde stated notice was given the same as any other permit, mailed to owners within 300 feet of the boundaries, published in the legal notices for 2 weeks in the Uintah Basin Standard and listed on the states Public Notice website.

Mr. Hyde has received some letters from Diane Phillips of Monarch Ranches, Donna Brown, and e-mails from Lee and Elaine Boren and Sharrol Anderton all are concerned about the roads and traffic, water supply, sanitary conditions, the encroachment on neighboring property owners, the noise and number of people that will be at the retreat. They do oppose the approval of this permit.

Commissioner Jorgensen asked how often would there be retreats or any kind of events. Pastor Reyes stated 1 to 2 times a month usually Friday, Saturday and Sunday.

Mr. Hyde asked the pastor about people wondering onto other properties, the noise and music concerns. He replied there would only be an amplifier and guitar but it would be on the low side(acoustic) and they would be respectful of the neighbors. The church will mark the boundaries with a metal fence. If people are walking around, they are supervised and he reminded the commission this is a spiritual retreat.

Commissioner Lindsay asked what kinds of groups would be attending these retreats. Pastor Reyes replied typically youth groups (13-18), women or men and no single families alone. There should not even be 50 people at a given retreat at one time.

Mr. Hyde asked about transportation to the guest ranch. Pastor Reyes stated they have a bus and a van so the parking should not be a problem.

Commissioner Mair asked if they have any concerns about the conditions for approval. Pastor Reyes stated they are aware of the neighbors concerns and assured the commission they will comply with the conditions and if there are any complaints they will be taken care of promptly.

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

Commissioner Lindsay expressed concern about the class D road situation. Mrs. Winn stated the photos Mr. Hyde took of the roads in their packets are not as they appear. They are full of ruts and washboarded most of the time. Commissioner Giles stated there are 50+ lots in this subdivision. Maybe the road should be up graded but feels the applicant's request should not be denied because of the road. Commissioner Olsen asked the pastor if the retreats are all year. He replied, usually between April and October.

With no other comments the public hearing was closed.

Commissioner Giles motioned the Planning Commission approve the Conditional Use Permit requested by Pastor Fabian Reyes, Iglesia Cristiana Pentecostes Eben-Ezer, subject to the conditions stated in the staff report. Commissioner Olsen seconded the motion and it passed unanimously.

**C. Recommendation to the County Commissioners regarding proposed Resolution #13-11 amending the Duchesne County General Plan to incorporate the *Conservation Plan for Greater Sage-grouse in Utah.***

Mr. Hyde reviewed the proposed Resolution 13-11 to amend the general plan to incorporate and recognize the 2013 State of Utah *Conservation Plan for Greater Sage-grouse in Utah*. This plan provides for active management of sage grouse habitat in eleven sage grouse conservation areas in Utah; two of which are partially within Duchesne County. After reviewing some maps of the Carbon and Strawberry management areas, Mr. Hyde stated the goal of the state plan is to maintain sage grouse habitat and create new habitat so the bird is not listed by the US Fish and Wildlife Service as a threatened or endangered species. The plan applies to all lands (within the two sage grouse management areas partially in the County) managed by the Bureau of Land Management, Ashley National Forest, Utah Reclamation, Mitigation and Conservation Commission and the Utah Division of Wildlife Resources. On private, local government and SITLA lands, compliance with this management plan is strictly voluntary.

There was some discussion about hunting, permits and the goal of this resolution between the commission members and Mr. Hyde. No one appeared to speak in favor or against the request, so the public hearing was closed.

Commissioner Lindsay motioned the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the General Plan as set forth in proposed Resolution #13-11. Commissioner Giles seconded the motion and it passed unanimously.

### **New Business**

- A. Presentation of draft Duchesne County Transportation Plan by Jones & DeMille Engineering.

Mike Hawley and Eric Major from Jones and DeMille, along with Don Winterton from the Special Service District #3 presented a draft transportation master plan outlining the long term needs for development and maintenance of the roads within Duchesne County. Jones and DeMille plan to have some public meetings to receive input from the public on the importance of these issues prior to the Planning Commission conducting a public hearing to make a recommendation to the County Commissioners.

### **Minutes: Approval of July 3, 2013 minutes**

Commissioner Jorgensen moved to approve the minutes of July 3, 2013. Commissioner Lindsay seconded the motion and it passed unanimously.

### **Commission Comments and Staff Information Items**

Mr. Hyde updated the commission on the First Call Propane appeal and stated the County Commission upheld the Planning Commission decision with a 2-0 vote. The September 4<sup>th</sup> meeting could include applications for a gravel pit, storage for explosives in the Roosevelt area and possibly a re-zone, gun shop and an RV park in the Hanna area.

### **Adjournment:**

Meeting adjourned at 7:00 p.m.