

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
May 1, 2013 - 5:00 p.m.**

In Attendance were:

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

Visitors:

Gaylen Robison	RV Park-CUP
Jim Dieter	RV Park-CUP
Nadine Nelson	RV Park-CUP
Patty Reed	RV Park-CUP
Adrian Van Os	RV Park-CUP
JT Martin	IWM Rezone
Nate Robinson	IWM Rezone
Robert Meeks	IWM Rezone
Dale and Kelari Winterton	Propane-CUP
Dallas Murray-Johnson Water	
Dan Huber	Propane-CUP
Jerry Foote	Propane-CUP
Terry Scholes	Propane-CUP

Chairman Mair opened the meeting at 5:00 p.m., read the Rules of Order and 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. Recommendation to the County Commissioners regarding a request by Integrated Water Management LLC for an amendment of the Duchesne County Zoning map from Agricultural-Residential (A-5) to Industrial for approximately 89.1 acres of land, located at 20250 West 2000 South, northwest of the Blue Bench Landfill, in the Duchesne area.**

Mr. Hyde referred the commission to their packets including some aerial photos of the

location and a letter from IWM explaining the rezone request and stated the applicants operate a produced water evaporation and injection facility on the subject property located just northwest of the Blue Bench Landfill. The property is zoned A-5, Agricultural-Residential. A conditional use permit was issued in 2008 to allow the existing land use. The applicants are proposing to convert two or more of the evaporation ponds to solid waste disposal facilities for the receipt of oilfield exploration and production wastes, such as used drilling mud and used reserve pit liners. Solid waste disposal facilities are allowed only in the industrial zone; thus a zoning map amendment has been requested.

The criteria for a zone change are as follows.

1. The overall community benefit of the proposed amendment.

Mr. Hyde stated the subject property contains three ponds used to evaporate brine water produced by the oil and gas industry. These ponds are capable of producing nuisance odors that can affect a large area downwind of the facility. Granting of the rezone request would allow the property owners to convert the use of two or more of these ponds to landfill purposes, licensed by the Utah DEQ, Solid & Hazardous Waste Division, which would reduce the potential for odor generation to the benefit of the overall community. The permit process with the Utah DEQ Division of Solid & Hazardous Waste will ensure that the planned facilities are constructed and operated in accordance with state environmental standards.

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.

3. Compatibility with the neighborhood.

Aerial photos show that there is predominately vacant land in this area, with a few home sites to the north and east. The major features in this area are the Blue Bench Landfill and oil wells. The current produced water evaporation facility is operating under a conditional use permit that was granted by the Duchesne County Planning Commission in 2008. Produced water evaporation was started on this property in 1983. Granting of the rezone request would allow the conversion of a portion of the facility to solid waste disposal, which would be more compatible with the neighborhood due to the anticipated reductions in odor generation associated with evaporation ponds.

4. What changes have occurred in the neighborhood since the zoning

ordinance and map or latest amendment was enacted.

Mr. Hyde stated there has been very little change in this neighborhood since the A-5 zone was established in this area. Some additional home sites have been established in the Sundance West area to the north. Very little housing has been constructed in the areas to the south, west and east. Development is limited by the lack of culinary water, irrigation water and improved roads. If the number of evaporation ponds at this facility is decreased, that could encourage others to invest in residential development in the area.

5. Whether the change in the use for the affected properties will unduly affect the uses of adjoining properties and the consideration of the applicant's interest.

Mr. Hyde stated the change in use of the subject property occurred when in 1983, when produced water disposal ponds were first located on the site. The proposed change in zoning would allow the property owners to shift the use of two or more of these evaporation ponds to landfill purposes; with the emphasis being on disposal of oilfield wastes; such as used drilling mud and used reserve pit liners, not household waste.

The applicant is trying to meet a need for disposal sites for exploration and production wastes generated by the energy industry. The existing lined ponds can be converted from brine water evaporation to landfill cells under the regulation of the Utah DEQ Division of Solid & Hazardous Waste. The proposal seems to be of benefit to the applicant and the community.

Mr. Hyde recommended the Planning Commission adopt the findings and conclusions and recommend the County Commissioners' approval of this rezone, requested by Integrated Water Management LLC, from Agricultural-Residential (A-5) to Industrial.

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

Mr. J T Martin, Managing Director of Integrated Water Management, thanked Mr. Hyde and the Planning Commission for their time and efforts. Mr. Martin stated the rezone is consistent with the future plans of IWM, with the elimination and control of the odors together with the empty ponds and liners already in place this seems like a viable option to stay in business and be competitive with other companies such as RNI. It is close to the landfill and in a central location to serve the west side of Duchesne County in the industry we are already familiar with. The proposal is still in the planning stages and IWM is hoping to find a market and are making some plans for the future. Mr. Martin asked if there were any questions.

Commissioner Mair asked if there is already industrial zoning at the Blue Bench Landfill. Mr. Hyde replied that the landfill is currently zoned industrial.

With no one else to speak either in favor or against the proposed zone change the public hearing was closed.

Commissioner Jorgensen motioned that the Planning Commission adopt the findings and conclusions and recommend that the County Commissioners approve the rezone,

requested by Integrated Water Management LLC, from Agricultural-Residential (A-5) to Industrial. Commissioner Roberts seconded the motion and it passed unanimously.

B. Request by Gaylen Robison for a Conditional Use Permit and Variances to construct an RV Park on a 3.86-acre site at 80 N 500 West in Myton. The subject property is located north of Highway 40 and west of 500 West, partially in Myton City and partially under county jurisdiction.

Mr. Hyde referred the commission to their packets and some photos of the location and stated the applicant owns two adjoining parcels that, when combined, consist of 3.86 acres of land. Approximately 2.1 acres is in the county and approximately 1.7 acres is within Myton City. He would like to construct a 2 phase, 22-space, RV park on the property. Myton City has agreed to allow the County to process this request. Myton City has also agreed to allow Mr. Robison to connect to Myton City water and sewer without annexing the county portion to the City. The parcel within the county is zoned commercial due to its proximity to Highway 40. The parcel within Myton City is zoned residential (R-15). The county zoning ordinance states that RV parks are a conditionally permitted use in the Commercial zone. A variance is required to the 5.0-acre minimum parcel size for RV parks and the 150-foot setback of RV Park entrances from a street intersection.

The conditional use permit 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 the Myton area has seen the development of several RV facilities in the past few years, which provide an alternative housing source for construction and oilfield workers. The County has heard no claims that these existing facilities are unduly detrimental or injurious to property or improvements in the vicinity. In this case, public health is ensured as the facility will be served by Myton City sewer. Safe drinking water will be supplied by the Myton City water system. Public safety is not compromised as the property has good access from Highway 40 via an existing City street at 500 West. The access road will be designed as a paved, one-way fire lane for emergency vehicle access. Visitor parking spaces are being provided to help ensure that the fire lane is not blocked by parked vehicles. The RV spaces are being designed so that RV's may be parked with at least 15 feet of separation for fire safety.

- 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.**

The Duchesne County General Plan contains the following statements with respect to the construction and energy industries, which this RV Park would support: *“Today, extractive-use industries: livestock, timber, mining, and oil; remain the backbone of the region's economy. The County continues to encourage and support these industries, acknowledging that industry patterns, fluctuating markets, and changing political winds predict periodic good times followed by lean.”* In this case, the applicants intend to

provide this RV Park to support the construction and energy industries [as well as the tourism industry], which is beneficial to the economy of the county and in compliance with the general plan. 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 zoning ordinance requires a minimum size of 5.0 acres for an RV Park to ensure that there is enough space for the RV spaces, landscaping areas, setbacks, accessory structures and other site features. In this case, the property is 3.86-acres in size. This is still enough land for a small RV Park, provided that a variance to the standard is granted. The Planning Commission has the authority to grant or deny variances associated with Conditional Use Permit applications. The criteria for variance decisions are as follows:

A. Literal enforcement of the zoning district provisions of this title would cause an unreasonable hardship for the applicant not necessary to carry out the general purpose of the zoning district or this title. The Planning Commission shall not render a finding of unreasonable hardship if the alleged hardship is self-imposed or solely economic.

Mr. Hyde stated the general purposes of the zoning ordinance are listed in the staff report. Enforcement of the 5.0-acre minimum size for RV parks would prevent the applicant from siting the proposed facility, which complies with county general plan policies to promote new businesses and support the construction, tourism and energy industries. The proposed RV Park is in an area that has city water and sewer available, which reduces the amount of land needed (for an onsite wastewater disposal system) and this justifies the smaller parcel size.

B. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district. No finding of special circumstances shall be made unless they relate to the hardship complained of and deprive the property of privileges available to other properties in the same zoning district.

Mr. Hyde explained the County has very limited acreage of land with commercial zoning. Most of it is located in strips along major highways. The commercial zoning in the Myton area is different in that most of the commercial lands are in the city limits versus in the county. There is very limited commercial land available abutting this proposed facility that could be acquired to add the additional 1.14 acres to meet the 5.0-acre standard. Again, the presence of city sewer is a special circumstance applying to this property that does not exist in many areas of the county. This allows for a reduction in lot area as no lands need to be devoted to onsite wastewater disposal.

C. The variance is essential to the enjoyment of a substantial property right possessed by other property in the zoning district.

Mr. Hyde stated that granting this variance would allow this property owner the same rights of others inside the City limits nearby, where RV parks have been developed on much smaller parcels. For example, the K&M RV Park, just east of Ute Petroleum has about 40 RV spaces on 1.36 acres. Another RV Park on the Young property on Center Street has about 6 spaces on .34 acres. The RV Park on the north end of 400 West has about 24 spaces on 1.03 acres.

D. The granting of the variance will not substantially affect the goals, objectives, policies or standards of the county general plan and will not be contrary to the public interest.

Mr. Hyde explained by granting this variance it will not conflict with the policies of the general plan, which encourages facilities such as this to support the construction, tourism and energy industries. The general plan also calls for a variety of housing types to meet the needs of all income levels, which RV Parks contribute to.

E. The spirit of the requirements and provisions of section 8-3-4 of this title shall be observed and substantial justice done.

Section 8-3-4 establishes the Board of Adjustment, which reviews variance requests that are not granted administratively or by the Planning Commission in conjunction with another land use decision. Substantial justice would be done, if the variance is granted, provided that the other RV park standards are met by the applicant.

Section 8-11-2 of the zoning ordinance establishes the following specific standards for RV Parks:

Recreational vehicle parks shall be conditionally permitted only after a determination that these additional standards are met.

A. Size: Recreational vehicle parks shall be a minimum of five (5) acres in size.

Mr. Hyde stated it is recommended that a variance to this standard be granted as justified by the findings above.

B. Prohibited Homes: Mobile and manufactured homes, as defined in section 8-2-1 of this title, shall not be allowed in recreational vehicle parks.

The applicant must ensure that spaces are not occupied by mobile or manufactured homes as the spaces are not designed for such units.

C. Entrances: No entrance from the recreational vehicle park shall create undue hazard or hardship on a residential development, and no entrance shall be located closer than one hundred fifty feet (150') from the

intersection of two (2) streets.

Mr. Hyde stated the proposed entrance is located approximately 280 feet north of the intersection of 500 West and 100 North. The proposed entrance is offset about 35 feet from the intersection of 500 West and 100 North. A variance to this standard is required; and may be granted if the following criteria are met.

- A. Literal enforcement of the zoning district provisions of this title would cause an unreasonable hardship for the applicant not necessary to carry out the general purpose of the zoning district or this title. The Planning Commission shall not render a finding of unreasonable hardship if the alleged hardship is self-imposed or solely economic.**

Mr. Hyde stated the general purposes of the zoning ordinance are listed previously in this report. Enforcement of the 150-foot entrance requirement from a street intersection would prevent the applicant from siting the proposed facility, which complies with county general plan policies to promote new businesses and support the construction, tourism and energy industries. The existing home sits in the middle of the property, which requires the entrance to be either north or south, which encroaches into the 150-foot required setback from an intersection. The county prefers that the entrance be as far from Highway 40 as possible.

- B. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district. No finding of special circumstances shall be made unless they relate to the hardship complained of and deprive the property of privileges available to other properties in the same zoning district.**

There are special circumstances in this case because of an existing home in the center of the property, which prevents the entrance from being located in the center of the property to meet the 150-foot setback.

- C. The variance is essential to the enjoyment of a substantial property right possessed by other property in the zoning district.**

Mr. Hyde explained that granting the variance would allow this property owner the same rights of others inside the City limits nearby, where RV parks have been developed on much smaller parcels. For example, the K&M RV Park, just east of Ute Petroleum has about 40 RV spaces on 1.36 acres. Another RV Park on the Young property on Center Street has about 6 spaces on .34 acres. The RV Park on the north end of 400 West has about 24 spaces on 1.03 acres. The 150-foot entrance setback does not apply in the Myton city limits.

- D. The granting of the variance will not substantially affect the goals, objectives, policies or standards of the county general plan and will not be**

contrary to the public interest.

Mr. Hyde stated by granting the variance there will be no conflict with the policies of the general plan, which encourages facilities such as this to support the construction, tourism and energy industries. The general plan also calls for a variety of housing types to meet the needs of all income levels, which RV Parks contribute to. Locating the entrance as proposed gives RV drivers the opportunity to get off Highway 40 in a safe manner avoid making a sharp turn on the south side of the existing house.

E. The spirit of the requirements and provisions of section 8-3-4 of this title shall be observed and substantial justice done.

Mr. Hyde stated Section 8-3-4 establishes the Board of Adjustment, which reviews variance requests that are not granted administratively or by the Planning Commission in conjunction with another land use decision. Substantial justice would be done, if the variance is granted, provided that the other RV park standards are met by the applicant.

D. Setback; Screening: All recreational vehicles shall be set back at least fifty feet (50') from any public right of way. Park boundaries are to be screened with fencing and/or vegetation at least six feet (6') in height.

The applicant has indicated the site plan shows that all RV spaces would be set back at least 50 feet from the Highway 40 and 500 West rights of way and screening trees will be placed along the south and east park boundaries. Such trees will need to be planted prior to opening the park for business. There is existing fencing of various types along the west and north sides of the property. This fencing will need to be upgraded to a sight-obscuring design, with a height of at least six feet, before occupancy of the park.

E. Roadways; Lighting: All interior park roadways shall be at least fifteen feet (15') in width for one-way traffic and at least twenty four feet (24') in width for two-way traffic. All road construction is to conform to the standard road specifications of the county. Outdoor lighting shall be required along said roads

Mr. Hyde stated the interior park roadways are one way roads, with traffic flow in a counter-clockwise direction. This was done to move the entrance away from Highway 40 and avoid a sharp turn immediately upon exiting the highway. Directional signage identifying the entrance and exit must be installed prior to opening for business. The road will be paved to a width of 20 feet to meet the standards of a fire apparatus access road per Section 503.2.1 of the International Fire Code. The site plan shows that spaces 1-10 would be completed in Phase 1 of the project, with spaces 11-22 in Phase 2. However, the entire roadway loop will need to be completed in Phase 1 to provide for egress from the RV Park back to 500 West. Lighting is proposed to be provided by a

centrally-located existing yard light and 3-foot tall solar-powered lights at each RV space. These lights will need to be installed prior to opening for business.

F. Open Areas: All areas within the court park not intended as roadways shall be landscaped and maintained with lawns, trees and shrubs designed to provide privacy and noise containment. Exceptions include, but are not limited to, one required hard surface parking space per recreational vehicle space, restroom facilities, manager's office, solid waste facilities and recreational buildings.

The applicant has indicated each RV space contains room for a vehicle to be parked in front of the RV. Visitor parking for nine vehicles is also provided. The manager resides in the existing dwelling, which has its own parking area. The applicant has conferred with K&K Sanitation and agreed on a location of the solid waste dumpster on the west side of 500 West. No restroom facilities are being provided, so only RVs with toilet facilities can be allowed in the park. As shown on the site plan, open areas will be landscaped with trees and lawn areas. This landscaping, including appropriate irrigation improvements, must be completed prior to opening for business unless weather conditions prohibit such plantings until the next growing season.

G. Dimensions of Spaces: Each recreational vehicle space shall be at least thirty five feet (35') in width and at least sixty feet (60') in length. No recreational vehicle or add-on shall be located closer than fifteen feet (15') from any other recreational vehicle or add-on.

The site plan does not show space boundary lines for the RV Park, just the locations of the actual parking pads. The pads are 65 feet in length, which meets the standard. The width of the driving surface of the pads is 15 feet. The purpose of the 15-foot setback standard is to minimize the spread of fire from one space to another. In this case, the site plan shows that the average center-to-center distance from space to space is 30 feet. If the average RV is 8 feet wide and it is parked in the center of the space, the average separation will be 22 feet, which exceeds the minimum of 15 feet. The separation could be less than 22 feet toward the front of some spaces as they are not parallel to each other.

H. Density; Water and Sewer: Density shall conform to the zone in which the development is situated. State approved common water system and state approved common sewerage systems (septic or otherwise) are mandatory for a recreational vehicle park. No other density or water/sewerage systems proposals are acceptable. Clustering of recreational unit spaces is permissible. For the purposes of this title and title 9 of this code, when calculating the number of units for a development for density purposes, recreational vehicles shall be calculated as eight (8) recreational vehicles

per one dwelling unit.

Mr. Hyde indicated the commercial zone does not provide a density limit for RV parks. Since the facility would be served by Myton City water and sewer, as opposed to a septic system and private well, higher density is possible. Based on the standard above, 22 RV spaces equates to about 2.75 equivalent full time residential units. That number of housing units on nearly four acres of land is an acceptable density.

- I. Business License Required: Prerequisite to operation of any recreational vehicle park in the county shall be the obtaining of a business license. The license is issued only after inspection by the building official. It is unlawful to operate a travel trailer court recreational vehicle park without first obtaining a license, and said license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements of the county.**

Mr. Hyde stated the applicant will need to obtain a Duchesne County business license prior to opening the RV Park for business. Before the license can be issued, an inspection of the facility will be conducted to determine whether all of the improvements shown on the approved site plan have been completed. If, due to circumstances beyond the applicant's control, some of the improvements have not been completed before occupancy is desired, the applicant may choose to post financial surety to guarantee the completion of said improvements within an agreed time frame.

- J. Code Compliance: In addition to meeting the above requirements, all recreational vehicle parks shall conform to the requirements set forth in the code of camp, trailer court, hotel, motel and resort sanitation requirements, as adopted by the state board of health. Plans for recreational vehicle parks shall be provided to the Tri-County health department for review and approval prior to construction.**

Mr. Hyde explained, TriCounty Health Department reviews RV Park plans in Duchesne, Daggett and Uintah counties for compliance with state administrative rules. (*The health department issued their letter of approval on March 11, 2013.*)

- K. Site Plan: A site plan (see requirements in section 9-4-3 of this code) is necessary for the planning commission to determine that all requirements of this title are met.**

A site plan has been prepared for the project by Greg L. Buxton, P.E., Civil Engineering Technologies, LLC of Roosevelt.

Mr. Hyde recommended approval of the Conditional Use Permit and Variances requested by Gaylen Robison, subject to the following conditions:

1. Prior to opening for business, the applicant shall:
 - a. Complete installation of landscaping (lawn and trees) and appropriate irrigation facilities, as shown on the site plan.
 - b. Complete installation of sight-obscuring fencing, at least six feet in height, along all private property lines on the north and west sides of the park.
 - c. Complete installation of all RV Pad, utility and road improvements shown on the site plan, including lighting and solid waste disposal facilities described in the application. Electrical and plumbing permits shall be obtained from the Duchesne County Building Department prior to installation of the utilities.
 - d. Complete installation of directional signage to clearly identify the entrance and exit points to the park.
 - e. Obtain a Duchesne County business license.
 - f. Complete documents with the Utah State Tax Commission for the collection of transient room tax and submit evidence of completion to the County.
2. If the applicant is unable to complete all of the site improvements required in 1 (a-d) above prior to opening for business, the applicant will be allowed to post financial surety in an amount of 110% of an engineer or contractor's estimate to complete such improvements within six months.
3. No mobile homes shall be allowed in this park.
4. Since there is no restroom building, RVs with no toilet facilities shall not be allowed in the park.
5. The RV Park may be completed in phases; however, the entire roadway loop shall be completed in Phase 1.

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

Gaylen Robison, owner of Sundance Kid RV Park, thanked Mr. Hyde for his patience and appreciates his efforts. Mr. Robison stated he just wants to have a nice park where people can camp and enjoy themselves and believes an RV Park would be nicer to look at rather than weeds and sagebrush.

Commissioner Mair asked if he had any concerns about the conditions for approval. Mr. Robison stated there should not be a problem with any of them.

Greg Buxton, Civil Engineer and designer of the park, stated if the variances are approved the offset will be at 1st North and no new traffic will be introduced at the intersection. Mr. Robison owns almost 4 acres of land which is ample space for this RV Park since the other parks in the area have much less in acreage. Both Mr. Buxton and Mr. Robison have put a lot of work into designing this project which was patterned after the park at Bottle Hollow. It is our intent to make it look nice and be functional and feel is will be a great asset to Myton City and Duchesne County.

Mr. Buxton asked if there were any questions. There were none.

Commissioner Mair asked if anyone in favor of the proposal wanted to speak. There

were none. Those opposed to the applicant's request were invited to speak.

Adrian Van Os, a Myton City resident and RV Park owner, stated his concerns about not being notified about this proposal. Mayor Cooper stated a year ago there will not be any new RV parks within Myton City. Mr. Van Os feels the commission should not make any decisions until the residents of Myton can meet with the Mayor and council to get an explanation. Mr. Van Os is not opposed but 2 or 3 trailers in each park is not going to make anyone a living.

There was some discussion on how long that commercial zoning has been in place and whether they are creating an island. Mr. Hyde clarified that there is no minimum size for a parcel to be zoned commercial per state law.

Mr. Van Os stated there was one resident to the south that was not notified. If my park is full it is ok-if not there is no need for another park in the area. The residents feel they have some issues with Myton City that need to be addressed.

Commissioner Olsen asked Mr. Van Os if the other parks are full. He stated his is and K and M has had some water problems and are only about ½ full but they are trying to fix those problems.

Mr. Van Os opened his park in June of 2008, had it full but with the recession it emptied fast and he just filled it up again. Commissioner Olsen asked where his park is located. He replied about a block NW of Fort Myton along the river.

Mr. Hyde asked Mr. Van Os how many spaces he supplies. He replied he has 24 spaces but only maintained 10-12 for 2-3 years.

Patty Reid, Myton resident appeared to speak. She was denied a RV Park permit because Myton city said no more. Mrs. Reid is also concerned she was not notified. This property is not commercially zoned, it is a swamp with no drainage and if her handicapped son cannot have a park with 3 spaces, Mr. Robison should not be able to have 22 spaces next to her sons property. Mrs. Reid feels the commission should not make a decision until the residents can meet with Myton City to resolve some issues and Duchesne County should not shove this proposal down their throats.

Jim Deiter, co-owner of Fort Myton, feels this will increase the traffic issues that are already a problem and Mr. Robison is trying to push this thru without the citizens of Myton knowing what is going on and stated Myton City should not be able to turn this over to Duchesne County to make their decisions for them.

Nadine Nelson, Co-owner of Fort Myton, stated if she had known this project was in the works they would have not purchased the store. They are concerned about the traffic and transient issues that will arise with the addition of another RV Park and there is not enough land for a 22 space park on that piece of property. Commissioner Mair asked if there were any other comments.

Mr. Buxton, in rebuttal to the concerns about the drainage issues stated that has been designed in the plans with a substantial amount of structural and pit run material included in the parking spaces as well as the road thru the park. Mr. Buxton also states the criteria for the spacing and acreage is based by the State of Utah and the Department of Environmental Quality with comparisons with the way water systems are developed and the amount of water needed for a residential property.

There was some discussion between Mr. Hyde, Mr. Robison and Mr. Buxton about the issues with Myton City, any meetings and conversations they might have attended and the improvements they want to make to the community.

Commissioner Olsen asked Mr. Hyde about the notification process. Mr. Hyde replied all owners within 300 feet of the park boundaries were notified by mail according to the addresses on the taxrolls and notice was published in the paper for 2 weeks prior to the hearing.

Mr. Van Os, after conversations with Myton City in 2011 was under the impression that they were approving log cabin rentals not an RV Park. As far as the landscaping and improvements made to the existing parks, Mr. Van Os stated he has personally invested \$14,000 in his business. Mayor Cooper claims she has fought this diligently and apparently it has slid under the table and the residents are very upset.

Mrs. Reid is concerned with the traffic congestion, the need for a traffic light, the zoning issues and the lights inside the park which will be a nuisance to her son's residence.

Commissioner Giles encouraged Mrs. Reid to allow the county to process this request and discuss her issues with Myton City.

There was some discussion with the commission, Mr. Hyde and Mr. Buxton about UDOT access and additional driveways, and the lighting at the proposed park.

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

The Planning Commission felt the application meets the criteria for approval but does agree that Myton City has some problems to deal with.

Commissioner Roberts motioned to approve the Conditional Use Permit and Variances requested by Gaylen Robison, subject to conditions 1-5 as stated in the staff report. Commissioner Olsen seconded the motion and it passed unanimously.

L. Request by Dale & Kelari Winterton for a Conditional Use Permit to operate a propane business (First Call Propane) on Lot 10 of the Amended Uintah Mountain Vista Subdivision, Phase 1, located at approximately 3796 W 3000 South (Ioka Lane) in the Roosevelt area.

Mr. Hyde directed the commission to their packets, some site photos and the Winterton's letter of intent which was included with their application. He stated the applicants are proposing to purchase this site from Lanny & Kathy Ross for the new location of First Call Propane which is currently located just west of the Top Stop on Highway 40 in Roosevelt. Initial improvements will include a bulk propane storage tank and a storage area for customer tanks. The future, perhaps in 2014, could see the addition of an office-shop building. Additional bulk storage tanks could be added in the future as the business grows.

The southeast corner of this site is zoned commercial; however, the majority of the parcel is zoned Agricultural-Residential (A-5) or R-1, once it receives a Johnson Water connection. Commercial uses are a conditionally permitted use in the A-5 and R-1 zones. This is the same site that had a conditional use permit granted in June 2011 for the Wilson Supply business, which was instead constructed easterly on Highway 40. The 2011 permit has expired.

The conditional use permit criteria are as follows:

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 detrimental impacts associated with conducting such a business in a residential-agricultural area include potential danger in the event of a fire or explosion. There is also the potential to generate bothersome truck noise or blowing dust. Inadequate ingress and egress from Ioka Lane or inadequate screening of parking and tank storage areas may also cause detrimental effects. If conditions are imposed and complied with, these potential detrimental effects can be mitigated.

The International Fire Code provides setback standards for fuel tanks. In this case, the existing propane tank contains 19,354 gallons when full. Potential future tanks are likely to be 30,000 gallons in size. Conditions will need to be imposed to ensure that the facility meets all requirements of the Fire Code and that plans are approved by local and state fire authorities.

The county nuisance ordinance sets forth the following noise standards for motor vehicles:

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.

Mr. Hyde indicated based on the standard and exemption above, if noise from truck operations at this location is plainly audible in a nearby dwelling and generates complaints to the County, the applicant shall strive to conform to the 7:00 AM to 9:30 PM hours of operation and minimize, to the extent possible, late night and early morning noise.

If the storage yard generates blowing dust, the applicant should be required to apply dust inhibitors if complaints are received.

Safe ingress and egress from Ioka Lane will be regulated by the Utah Department of Transportation. Any upgrading of existing driveways or location of new driveways must be reviewed and approved by UDOT. The applicant will need to get an access permit and pave the approach.

Tank storage and truck parking areas should be screened by sight-obscuring fencing at least six feet in height to buffer the view of such storage from the abutting residential lands to the west.

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. 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.

Some additional criteria and conditions for approval include.

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 subject property is 6.6 acres in size, which will provide adequate space for the future shop and office building, bulk tanks, customer tank storage, parking and driveway areas and landscaping. Surrounding properties are agricultural or rural residential in nature, with homes on several parcels to the west. Commercial uses exist farther west at 4000 West. The public hearing will reveal whether any of those nearby residents feel that the proposed use will be detrimental, given the anticipated conditions of approval designed to mitigate negative impacts.

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 the northerly third of the property is a riparian area that will be left in a natural state. The southerly two-thirds of the property will be improved with buildings, paved and graveled parking and graveled tank storage and truck parking areas. Any remaining areas, outside of the gate, should be landscaped. Adequate sight-obscuring fencing, walls or landscaped buffers should be placed around the tank storage areas to reduce the visual impact on residents to the west. Security fencing will be installed on the other property lines, with the exception of the riparian area, where a 4-strand barb wire fence is anticipated.

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 offices will be required to provide off street parking at the rate of one space per 300 square feet of floor area. The future shop will need parking at the rate of one space per employee on the maximum shift. One space designed for the disabled may also be required by the Building Code. Parking spaces, outside the gate, must be surfaced with asphalt, concrete or other durable and dustless surface.

Tank storage and truck parking and maneuvering areas must be provided with adequate road base and gravel to prevent rutting and tracking of mud onto the highway. Unpaved truck maneuvering areas may need to be treated with dust inhibitors to prevent nuisance dust conditions. Ingress and egress drives will need to be designed to facilitate the flow of truck and customer traffic in a way that does not cause a safety hazard on Ioka Lane (Highway 87). Driveway plans must be submitted to Region 3 UDOT for review and approval.

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 explained UDOT has not requested additional highway right of way or roadway improvements (such as turn lanes) at this location. Water would be supplied from a four-inch Johnson Water District line that is located in Ioka Lane. Sewage disposal requires a wastewater permit from the TriCounty Health Department before a building permit can be issued. Before occupancy of the proposed building, the applicants will need to provide fire protection measures as approved by the Building Official and Fire Department. This may include the installation of a fire hydrant if none exist in the vicinity.

D. Signs: Regulation of signs.

Due to the residential nature of the area, on-premise business signs should be limited to 32 square feet in size, per sign. Any off-premise business signs must be reviewed and approved by UDOT 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 the nuisance noise can be mitigated by the hours of operation contained in Section 3-1-4 (G) of the County Code, referred to above. Noise audible

inside a nearby residence between 9:30 PM and 7:00 AM should be avoided, even though the nuisance ordinance has an exemption for commercial vehicles loading and unloading.

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

The applicant has indicated that standard operating hours are 7:00 AM to 6:00 PM on weekdays. The business is closed on weekends and holidays. Occasionally, services are offered beyond the standard hours during extreme weather conditions, if a customer runs out of propane or is having a service issue.

Mr. Hyde stated the proposal has been submitted to UDOT Region 3 for comments regarding highway access. UDOT reviewed the proposal at a meeting on April 16, 2013. UDOT's comments are as follows:

1. The access point needs to be defined as a 30' max and needs to be paved to the right of way line. We need a detail of how this will be built that meets UDOT specs.
2. This road has an access category of 6 which requires 200' spacing between access points. They may have to move it slightly to achieve this.
3. It appears they plan parking on the right of way, which will not be allowed.

Mr. Hyde recommended the Planning Commission approve the Conditional Use Permit requested by Dale & Kelari Winterton, subject to the following conditions:

1. Prior to opening for business at this site, the applicants shall:
 - A. Provide fire protection measures, such as a fire hydrant, as approved by the Building Official and Fire Department and obtain approval from local and state fire authorities for the size and placement of bulk propane storage tanks.
 - B. Complete fencing of the site, with privacy fencing, at least six feet in height, on at least the west side.
 - C. Construct the truck parking and driveway areas (inside the gate) with adequate road base and gravel to minimize the tracking of mud onto Highway 87 (Ioka Lane).
 - D. Upgrade existing driveways or construct new driveways to Ioka Lane (Highway 87) as approved by UDOT to facilitate safe truck ingress and egress.
 - E. Obtain a Duchesne County business license.
2. Prior to the occupancy of the future office-shop building, the applicants shall:
 - A. Construct paved parking areas (outside the gate) at the rate of one space per 300 square feet in the office and one space per employee in the future shop; plus one parking space designed for the disabled, if required by the Building Official.

- B. Landscape sections of the property, outside of the gate, not developed in buildings, parking, or driveway areas as approved by the Community Development Director. Xeriscape landscaping is acceptable if irrigation water is not available. Landscaping is not required in the riparian area on the north side of the property. Landscaping shall be completed prior to occupancy of the future office-shop building or during the first growing season after such occupancy.
 - C. Obtain a Certificate of Occupancy from the Building Department.
3. If noise from truck operations at this location is plainly audible in a nearby dwelling and generates complaints to the County, the applicant shall strive to conform to the 7:00 AM to 9:30 PM hours of operation and minimize, to the extent possible, late night and early morning noise.
 4. If the tank storage or truck parking and maneuvering areas, inside the gate, generate blowing dust, the applicant shall be required to apply dust inhibitors, if complaints are received.
 5. On-premise business signs shall be limited to 32 square feet in size per sign. Any off-premise business signs must be reviewed and approved by UDOT before installation.

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

Dale and Kelari Winterton, owners of First Call Propane, stated they have been in business since August, 2010 and Mr. Winterton has worked in the industry since 1983 either installing tanks, delivering propane or managing the employees of the companies he has worked for. As the business grows, we have noticed the need for more space as the current space we are leasing has no facilities. After looking at many locations, this one seems to meet our needs for now and in the future. The area is mostly commercial businesses and close to the highway for truck access. Mr. Winterton stated they are okay with the conditions listed in the staff report and noted the State of Utah can revoke the location and business if upon inspection they deem it an unsafe environment. There are strict guidelines both State and Federal along with Homeland Security that need to be addressed.

Commissioner Jorgensen asked Mr. Winterton about the concerns of the neighbors. Mr. Winterton stated he has visited with Mr. Crowley and his concern is just that they install a privacy fence between the business and his home. Many county residents have large propane tanks in their yards as a heating source, tanks for their BBQ's and natural gas lines for home use. The Winterton's will be inspected either announced or on the spot inspections by the State Fire Marshall; residents are not subjected to those inspections. Mr. Winterton has indicated there are potential hazards with all aspects of any business. He is hoping to conduct a safe and profitable business for themselves and their employees.

Commissioner Mair asked if there was anyone else in the audience wanting to speak in favor of the applicant's request. There were none so anyone opposed to the request was invited to speak. Commissioner Mair mentioned there was a letter received from Cloyd and Carolye Davis. Their residence is just behind Gary's Insulation and east of this location about ½ mile.

Mr. Terry Scholes, an area resident, lives near this location and is concerned about the negative property values, the potential hazards including explosions referring to the explosion in Jensen a couple of months ago. Mr. Scholes works in the oil and gas industry and has done for over 30 years. A fire hydrant will not put this kind of fire out. There is a petition to deny the applicant's request signed by the area residents opposed to the application stating their concerns, which was presented to the Planning Commission.

Dan Huber, an area resident, implied the county should expand their boundaries of notification and be concerned with the protection of the community. Mr. Huber stated his concerns about the potential explosions, increased traffic issues and noise from trucks and their jake brakes and the 4 inch water line will not even begin to fight a fire like the one that this could produce. Mr. Huber plans to contact the UDOT- Region Three Director with his concerns about access from Highway 40 and the Ioka Lane. Mr. Huber does not want to risk the safety of his family so the Wintertons can have a propane company in the neighborhood. Had he known they were going to or could even expand to this location he would have built his home in another area. He urged the commission to consider the risks involved with a decision like this one.

Jerry Foote, an area resident, feels the county should expand the notification area also explaining there are serious safety issues including the increased truck traffic on an already busy highway and there have been some serious accidents involving propane. Mr. Foote stated even though there are Federal and State regulations, accidents can and will happen. If the commission has ever seen the destruction an explosion can cause, Mr. Foote feels you would not even consider this application.

Dallas Murray, Director for Johnson Water and adjacent property owner, stated his concerns as there is an irrigation riser on their property and after trying to sell the property numerous times without being successful, it is still a concern. He is also concerned that a water connection has not yet been purchased and wonders if they are intending to do so. Mr. Murray's third concern is the access and UDOT approval. With their lack of issuing access permits in the area, would the Winterton's land lock the Johnson Water parcel.

There were no other comments so Mr. Winterton was invited to speak in rebuttal.

Mr. Winterton stated negligence and human error are the cause of most accidents and no matter how careful people are, accidents can still happen. There will not be any of

the trucks parked inside the buildings or in any confined space. Mr. Winterton feels he is responsible and wants to be a good neighbor and a successful business man.

There was some discussion between Mr. Winterton, Mr. Scholes, Mr. Huber, and the commission about human error, safety issues, hours of operation and if the commission would want this business in their neighborhood.

Kelari Winterton, applicant and owner of First Call Propane stated the issues can be mitigated. Accidents can and will happen but she is hoping safety will come first. They will comply with the conditions for approval and get the permits needed to operate and yes, she would not hesitate to build a home next to their shop and raise her family.

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

After discussion, Commissioner Jorgensen motioned to recess the hearing until June 5th so Mr. Hyde can prepare findings to deny the request as an option for the commission. Commissioner Giles seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of April 3, 2013 minutes.

Commissioner Olsen moved to approve the minutes of April 3, 2013.

Commissioner Roberts seconded the motion and it passed unanimously with Commissioner Giles abstaining as she was absent.

Commission Comments and Staff Information Items

Mr. Hyde explained there is a possibility of 8-10 public hearings for the June 5th meeting.

Adjournment:

The meeting adjourned at 7:30 p.m.