

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
November 5, 2014 - 5:00 p.m.**

In Attendance were:

Kent Olsen, Planning Commission, Chairman
Ken Moon, Planning Commission
John Jorgensen, Planning Commission
Edward Roberts, Planning Commission
Kathy Giles, Planning Commission
Brad Wells, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Chris Thomsen, Roosevelt City	O'Driscoll-CUP
Jay and Pat O'Driscoll	O'Driscoll-CUP
Roger Eschler	O'Driscoll-CUP
Ed Winn	O'Driscoll-CUP
Kirk Campbell	O'Driscoll-CUP
Thad Beal	O'Driscoll-CUP
Doug Jenkins	O'Driscoll-CUP
Drew and Stacy Eschler	O'Driscoll-CUP
Milton Eschler	O'Driscoll-CUP
Rod and Laural Conrad	O'Driscoll-CUP
Tracy Morris	Re-zone

Chairman Olsen opened the meeting at 5:00 PM and read the rules of order. He asked if any of the Planning Commission members had any ex-parte contacts or conflicts of interest associated with any item on the agenda. Commissioner Jorgensen stated he had received a phone call about the O'Driscoll hearing but had not read the staff report or knew any details at that time. No one in the audience was opposed to Commissioner Jorgensen participating in that hearing, so the meeting proceeded.

PUBLIC HEARINGS:

A. Request by Jay & Patsy O'Driscoll for a Conditional Use Permit to locate a trucking business (J&M Hot Oil Service) on the west side of South State Street, just north of the Bonanza power line, in the Roosevelt area.

Mr. Hyde referred the commission to their packets and some site photos of the location and stated the applicant is proposing to operate a hot oil business from this location; initially to include just two trucks (one that is actively used and one back-up vehicle). The business office is currently located at the applicant's home at 280 E North Poco Drive in Roosevelt City. In the future, the applicants may locate their residence and a truck shop at this site. Currently, all maintenance and repair work is done at a Roosevelt diesel

mechanic's shop. Commercial uses such as this are a conditionally-permitted use in the agricultural-residential zones.

The Some criteria for approval include the following:

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 public health, safety and welfare issues potentially associated with this business include the generation of dust and noise from truck operations and the presence of propane gas on the trucks. Conditions should be considered to require that truck operation areas have a durable surface and dust control to minimize dust generation. Noise could be bothersome to residents as business vehicle operations will occur on weekdays between 5:00 AM and 8:00 PM. Conditions should be considered to address noise impacts if nearby residents are exposed to nuisance noise.

Mr. Hyde explained typically hot oil trucks contain two, 250 gallon propane tanks, for a total capacity of 500 gallons. The amount of propane on board trucks parked at this location will often be less than that. In this case, one truck will be in active use and a second truck available as a spare. Many homes in the County have propane tanks ranging from 250 to 1000 gallons where Questar Gas service is not available.

Due to the recent propane explosion at Adler Hot Oil in the Naples area of Uintah County, public concern regarding propane facilities has risen. The Adler incident was associated with human error parking a truck with full propane tanks in a heated space, which caused the tanks to vent and the gas ignited when sparked. In this case, the vehicles will be parked outdoors on a 25 acre parcel. If a shop is built in the future, the applicants know from the Adler experience to not make the same mistake.

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 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, provided that conditions of approval are imposed to protect rural residential and agricultural interests in the area.

3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.

Mr. Hyde stated the subject property is 25.26 acres in size. The property contains sufficient space for parking and storage of the two trucks currently associated with the business along with the future home and shop. The parcel is large enough to allow the

business to operate and not be too close or detrimental to surrounding residential uses. The nearest existing dwellings are located about 360 feet to the northwest, 1150 feet to the northeast, 1000 feet to the southeast and 720 feet to the southwest. Table 3804.3 of the International Fire Code allows above-ground LP Gas containers with a capacity of 501 to 2000 gallons to be located within 25 feet of a building or property line. The risk of damage to other properties from the presence of propane tanks is mitigated by these setbacks exceeding 500 feet.

The additional conditional use criteria:

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 due to the size of the property and the setbacks from the truck parking area to surrounding dwellings, the installation of fencing, walls or new vegetative buffers is not necessary. The applicants plan to plant some trees on the property in the future to enhance its appearance.

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 applicant has indicated that currently, one business truck per day would make trips to and from this proposed facility. No customers would need to access this location. The business office is currently located at the applicant's residence in Roosevelt. Parking and driveway areas need to be provided with an all-weather surface; however, since the public will not need to access the site, pavement is not required for the parking areas. Sufficient base rock and gravel should be utilized to maintain an all-weather surface and avoid rutting and tracking of mud onto South State Street.

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 receives access from South State Street, which is a paved county road. No additional right of way needs have been identified at this location. Construction or improvement of a driveway access to the business site will require consultation with and a road encroachment permit from the Duchesne County Public Works Department. Culinary water is available at this location from the Johnson Water district. When a home is located on the property, a wastewater permit for the septic system will need to be obtained from the TriCounty Health Department. Fire protection would be from Roosevelt City. At the time a building permit is requested for the future shop, the county fire officials will determine if a fire hydrant needs to be placed at the facility entrance from South State Street.

D. Signs: Regulation of signs.

The applicant has indicated there are no plans to erect business signs for this location.

If signage is installed in the future, signage should be limited to one sign, 32 square feet or less in size, to help maintain residential-agricultural character of the area.

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 suggested a condition should be considered to address potential noise impacts on nearby residential uses, if noise becomes audible in surrounding dwelling units. To reduce dust generation, the access road from South State Street to the truck parking area needs to be provided with a dust-free surface or be treated with dust suppressants such as magnesium chloride or lignin sulfonate or frequent watering during dry conditions. The county nuisance ordinance sets forth the following noise standards for motor vehicles:

F. Noise Disturbances:

1. *The following acts are declared to be violations of this subsection, but such enumerations shall not be deemed to be exclusive:*
 - a. *Parking a motor vehicle with the motor or auxiliary equipment in operation on a public right of way or on private property between the hours of nine thirty o'clock (9:30) P.M. and seven o'clock (7:00) A.M., if the noise so produced is plainly audible within a dwelling unit. This subsection shall not apply to: county or publicly owned vehicles or equipment; commercial construction equipment; the normal operation of commercial or private vehicles designed and used for transportation of passengers; or to other commercial or private vehicles being loaded or unloaded, including sanitation and waste disposal vehicles.*
 - d. *The use of any mechanical device, operated by compressed air, steam, gasoline or otherwise, unless the noise created is in connection with work being done by authorized agencies or an agricultural activity and/or is effectively muffled between the hours of nine thirty o'clock (9:30) P.M. and seven o'clock (7:00) A.M.*

Based on the standard above, if noise from parked trucks is plainly audible within a dwelling unit between 9:30 P.M. and 7:00 A.M., this constitutes nuisance noise. Reports of such noise to the County would result in the applicants either changing their operating hours or this permit may be subject to revocation. Noise is not anticipated to be a problem since the nearest homes to the truck parking area are, according to aerial photos, about 360 feet to the northwest, 1150 feet to the northeast, 1000 feet to the southeast and 720 feet to the southwest.

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

The applicant has stated that his truck will leave between 5:00 A.M. to 6:00 AM and return by 8:00 P.M. on weekdays. If noise earlier than 7 A.M. or later than 9:30 P.M. becomes audible in a dwelling unit in the vicinity, the applicants must either adjust their operating hours to meet the nuisance ordinance standards or the permit may be subject

to revocation.

Mr. Hyde's recommendation is that the Planning Commission approve the Conditional Use Permit requested by J&M Hot Oil Service, subject to the following conditions:

1. Owners agree that noise from truck operations shall be minimized to the greatest extent possible. If the County receives complaints that noise from truck operations is audible within surrounding residences between 9:30 PM and 7:00 AM, the applicant will need to adjust the hours of operation or this permit may be subject to revocation.
2. Owners agree to provide and maintain sufficient base rock and gravel in parking and driveway areas to maintain an all-weather surface and avoid rutting and tracking of mud or rocks onto South State Street.
3. Owners agree to limit dust by treating their truck operation areas on the property with dust suppressants such as magnesium chloride, lignin sulfonate or frequent watering during dry conditions.
4. Owners agree to limit any future business signage on the premises to one sign not to exceed 32 square feet in area.
5. Owners shall obtain a road encroachment permit from the Duchesne County Public Works Department before constructing or altering a driveway approach to the property from South State Street.
6. Owners agree to install a fire hydrant on the Johnson Water line, if deemed necessary by the Duchesne County Fire and Emergency Management Director, before occupying a truck shop on the property.

Mr. Hyde also prepared Findings to Deny the applicant's request. In those findings, the request will not comply with all of the Conditional Use Permit requirements of the Duchesne County Zoning Code. The 2 differences are first, the proposed use at the proposed location will be unduly detrimental or injurious to property or improvements in the vicinity, and will be detrimental to the public health, safety or general welfare as it will generate early morning truck noise in a residential area and introduce additional hazards associated with propane and second, the mitigation of nuisance factors, such as noise associated with early morning (5:00 A.M.) truck operations, is hard to achieve unless the truck(s) were to be stored at a commercial or industrial location.

Mr. Hyde stated the planning office received an e-mail from Mr. Keith Sherwood owner of Oilfield Class Transports, Inc., stating his support for the approval of the applicant's request.

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

Jay O'Driscoll, applicant and property owner, stated he is the owner of J and M Hot Oil Service, and owns two trucks but one is a back-up only in case the other one breaks down. He has worked in this business for over 25 years with employers including Adler and D and M Hot Oil Companies. Mr. O'Driscoll stated he has a lot of experience in this field and was a good employee for the companies he worked for and will be in his own business. He wants to build a home, be a good neighbor, drive truck and retire in a few years. At that point, the trucks will sold and there will be no need for this permit.

Mr. O'Driscoll asked if there were any questions. There were none.

Commissioner Olsen asked if there was anyone in the audience to speak in favor of the permit. There was none so Commissioner Olsen invited anyone opposed to the application to speak.

Drew Eschler, adjoining property owner, is opposed to Mr. O'Driscoll's application stating this is a residential area not a commercial or industrial zone. He stated the residents in the area have invested time and money in their homes and the neighborhood and do not want it to become an industrial or commercial area. Mr. Eschler read the County Zoning Ordinance that states in Section 8-1-2

"The purpose of this title is to implement the goals and policies of the county general plan. This title contains standards, provisions and requirements intended to protect the health, safety and welfare of the citizens of the county by ensuring that neighbors, adjacent and neighboring properties are protected from potential negative impacts in the development and use of land and resources. It is the intent of this title to provide a means of ensuring predictability and consistency in the use of land and individual properties, and to guide and direct the development of land."

Mr. Eschler also noted there are many families with small children in the area and their health and welfare should be considered. Hot Oil trucks are larger than normal trucks and it is hard to see smaller children when they are playing outside. The county has industrial and commercial areas already zoned for these purposes and they should not be allowed in residential areas. In closing, Mr. Eschler stated this will set a precedence and other companies will move to this area if this is allowed. In 2010, with the explosion at Adler Hot Oil Company and the \$2.5 million dollars in damage and another in 2013 damaging shops and homes, all on human error, we do not want the same mistakes made in this area.

Mr. Eschler thanked Mr. Hyde for his efforts in preparing the staff reports and stated this application does not belong in a residential area with an access road that is only 20 feet wide. It does not meet the criteria for the county's zoning ordinances and read the conclusions from the Findings for Denial that state;

The request will not comply with all of the Conditional Use Permit requirements of the Duchesne County Zoning Code; specifically:

- a. The proposed use at the proposed location will be unduly detrimental or injurious to property or improvements in the vicinity, and will be detrimental to*

the public health, safety or general welfare as it will generate early morning truck noise in a residential area and introduce additional hazards associated with propane.

- b. The mitigation of nuisance factors, such as noise associated with early morning (5:00 A.M.) truck operations, is hard to achieve unless the truck(s) were to be stored at a commercial or industrial location.*

Mr. Eschler asked if there were any questions.

Commissioner Olsen asked about the setbacks to the proposed shop and if there was already oil field traffic on this road. Mr. Hyde stated he should meet those requirements when the applicant applies for his building permit and there is already truck traffic that uses State Street.

Thad Beal, an adjoining property owner, stated he is against the applicant's request. He moved here 11 years ago and lives within 770 feet of the proposed facility. Mr. Beal indicated Roosevelt City has paved 5th East and has plans to incorporate this area into the city. He added with the number of young families with small children in a residential area it is not safe and there are industrial areas Mr. O'Driscoll can operate a business from. The applicant's request should be denied.

Commissioner Giles asked if there are any other businesses in the area. Mr. Hyde stated there is Crozier Oilfield Services (portable toilets) to the west with access from 2500 South off of State Street.

Commissioner Olsen asked about the other residents in the area that drive trucks home. Mr. Hyde stated one truck is allowable as a home occupation, but no business use without a residence in a residential zone.

Kelly Smith, an adjoining property owner, appeared. He works for R and R Propane. He stated even 1 truck is not safe; they all leak and you cannot see or smell propane. Mr. Smith stated he is not against Mr. O'Driscoll owning a business or making a living in the hot oil industry but not in a residential area with families and small children.

Doug Jenkins, an adjoining property owner, is against the applicants request also. He stated he is concerned for his family's health and safety. Not only will there be noise and dust associated with the applicant's request, he will work 12-15 hours, 6 to 7 days a week. Mr. Jenkins feels there should be a way to check his log books to determine the times he leaves the site and returns.

Chris Thomsen, a representative of Roosevelt City, stated their concerns about the possibility of having more than one truck with this permit. As with any business they usually grow, which means more trucks and more employees. Roosevelt City has considered annexing this area into the city boundaries for their potential growth. The City would discourage approval of this application in a residential area as they should locate in an industrial area of the county. Roosevelt City limits truck traffic in the city boundaries and

with the enclosure of the ditch to the north of this location adding sidewalks and the additional new school in the area there is a concern for the children walking to and from school. It is Roosevelt City's hope the Planning Commission will deny the applicant's request and have Mr. O'Driscoll operate his business in an established industrial area.

Commissioner Jorgensen stated his concerns for the children and the new school in the area.

Rod Conrad, an area resident living south of this location, stated his concerns about the health and safety of his family. He moved here 11 years ago to live in a residential area not an industrial zone. Most residential propane tanks are filled once a year with approximately 1000 gallons of propane not a truck load every day or twice a day. Mr. Conrad is definitely against Mr. O'Driscoll's approval of this request and wants him to operate his business elsewhere.

Mr. Conrad stated the Adler hot oil explosion is a perfect example of why hot oil trucks should not be in a residential area.

Mr. Hyde informed the audience this hearing is not for a proposed zone change. It is an application for a conditional use permit for a specific use. Conditional uses must be approved if conditions can be imposed to mitigate the impacts to a neighborhood.

Mr. Edwin Winn, a property owner and concerned resident, stated he moved here 14 years ago to live in a quiet residential neighborhood. He is concerned about safety of his family, the property values and the effects of static voltage with the transmission lines in the area. Mr. Winn stated Mr. Sherwood would be in support of his application as he was the one who sold Mr. O'Driscoll the property.

Kirk Campbell, an area resident, stated his concerns about the narrow road and access, the negative impacts that will arise from leaks, breaks and late night accidents.

Roger Eschler, an area property owner and concerned citizen, stated there are a couple of items the commission should consider. This area is zoned for single family homes as R-1 and the second one is Mr. O'Driscoll should look into his future with the expansion of his business. History has shown if you give an inch they will take a mile. It will be difficult to reverse the decision that will be made tonight and precedence will be set. Roosevelt City's growth on State Street will severely be limited as this area will slowly become an industrial zone if this application is approved. As of now with the access to water and sewer from Roosevelt City there are many homes, joggers, people who walk, bike riders and small children who play. Mr. Eschler is against the applicant's request and feels the commission should deny the request before the situation gets out of control.

Commissioner Olsen asked if there were any other comments. There were none so the applicant was invited to speak in rebuttal.

Mr. O'Driscoll stated there will be one truck and one driver. His intention is to drive, build a home, retire and sell the truck. There are already crude trucks, hot oil trucks and trucks hauling sand and gravel that drive thru and live in the area. Mr. O'Driscoll also stated if his home was built he wouldn't even need this permit, as one truck is allowed as a home occupation.

In rebuttal, Mr. Beal stated no company stays small.

Mr. Roger Eschler asked what happens when Mr. O'Driscoll adds another truck and driver because business is doing great?

Mr. O'Driscoll stated this is a one man show.

There was some discussion between the Planning Commission and Mr. Thomsen about county standards, ordinances and Roosevelt City's annexation plans and the consequences of violating the county nuisance ordinance.

Commissioner Wells wondered why it's ok for the farmers in this area to farm and haul hay all day and all night. But Mr. O'Driscoll can't pull in and out of his driveway to go to work and make his living.

Mr. O'Driscoll in closing stated he does not want to live in an industrial zone either. He has lived and worked in the oil field all his life and just wants to make a living until it's time to retire.

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

After some discussion among the Planning Commission on their options, Commissioner Giles motioned that the Planning Commission approve the Conditional Use Permit requested by J&M Hot Oil Service, subject to the conditions stated in the staff report. Commissioner Roberts seconded the motion and it passed with a vote of 5-1 with Commissioner Jorgensen voting no.

Mr. Hyde reminded the audience that the Planning Commission's decision could be appealed to the County Commissioner's within 10 days.

B. Recommendation to the County Commissioners regarding a request by Duchesne Crossings LLC to establish a reimbursement agreement associated with the construction of a new turn lane on Highway 40 at 6250 South, in the Myton area.

Mr. Hyde referred the commission to their packets and some site photos and stated on September 5, 2013, Duchesne Crossings LLC received approval of a minor subdivision to create two new five-acre parcels at the NE corner of Highway 40 and 6250 South in the Myton area. The owners amended that minor subdivision in March of 2014 to divide the property into three parcels; 4.15, 3.13 and 2.72 acres in size.

Duchesne Crossings has constructed and leased their first building on the 2.72-acre parcel. UDOT Region 3 agreed, after a traffic study was completed, that the anticipated traffic flow associated with the first building was not enough to warrant a right turn lane from northbound Highway 40. However, such a lane was required before a second building could be occupied. Construction of the required right turn lane (funded by Duchesne Crossings LLC) was completed during the summer of 2014 and the second building, on the 3.13-acre parcel, is under construction. The cost of constructing the right turn lane was \$118,049.50.

Based on provisions in the Duchesne County Subdivision Ordinance, a subdivider may request a reimbursement of up to one half of the construction costs of improvements installed that also benefit other property owners in the vicinity. The subdivider, through his attorney and in coordination with County planning and legal staff, has drafted a proposed reimbursement agreement that would require the next two developers, within the defined benefitted area, to pay a pro-rated reimbursement, which would decrease slightly over the ten year period.

Mr. Hyde recommends that the Planning Commission review the proposed agreement and after, the public hearing is closed; recommend that the County Commissioners authorize the Chair to sign the agreement. The County Commission hearing has been scheduled for 1:30 PM on November 17, 2014.

Mr. Hyde asked if there were any questions of the staff report.

There was some discussion about state or county laws and the land values and property owners that will be effected by this agreement.

Commissioner Olsen asked if there was anyone in the audience to speak either in favor or against the proposed agreement. Tracy Morris, an affected property owner, was present and expressed no concerns. There were no other so the hearing was closed.

Commissioner Moon motioned to approve the agreement and send it to the County Commissioners for approval. Commissioner Giles seconded the motion and it passed unanimously.

B. Recommendation to the County Commissioners regarding a request by Western Land Developing for an amendment of the Duchesne County Zoning map from Agricultural-Residential (A-5) to Industrial. The subject property is 50 acres of land, owned by Western Fluid Services, located on the north side of 6250 South, east of Highway 40, in the Myton area.

Mr. Hyde stated Western Land Developing owns 50 acres of land on the north side of 6250 South, east of Highway 40 and the new Duchesne Crossings Industrial Park. The applicants have a business in mind for the property and need the industrial zone. In considering a proposed amendment to the zoning ordinance and map, the applicant shall identify, and the planning staff, planning commission and the county commission shall consider, the following factors:

1. The overall community benefit of the proposed amendment.

Mr. Hyde stated the overall community benefit of the proposed amendment would be

the provision of 50 acres of additional business sites to support the local economy and energy industry.

2. Consistency with the goals and policies of the general plan;

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.”*

Mr. Hyde stated 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.

Mr. Hyde referred the commission the staff report and some aerial photos indicating that there are a number of existing businesses in close proximity to this proposed rezone. The Duchesne Crossings Industrial Park abuts this property to the west. The major tenant in that development is Enervest Energy. The second industrial building in that development is now under construction. There is a Newfield oil well on the subject property. To the east is the Karl Lamb oilfield supply warehouse and to the west is Basin Transmission (both of which received conditional use permits from the Planning Commission). To the north and northwest are a trucking terminal on the east side of Highway 40 and the Runners pipe yard on the west side (another conditionally permitted use). There is existing industrial zoning in the area (abutting the subject property on the north and west) as shown by the existing zoning map. Rezoning of the subject property would be compatible with the neighborhood, which has evolved, with the robust energy industry, to become a business cluster.

4. What changes have occurred in the neighborhood since the zoning ordinance and map or latest amendment was enacted.

In recent years, several businesses have located in this vicinity to serve the community and oilfield. The Planning Commission has either changed the zoning or granted conditional use permits to support these businesses. The Johnson Water District has water lines and fire hydrants in the area to serve these businesses; however, additional fire hydrants may be needed as the subject property develops. These changes in the neighborhood and the existing industrial zoning to the west and north would support rezoning of this site for additional business use.

5. Whether a change in the use for the affected properties will unduly affect the uses of adjoining properties.

Mr. Hyde stated with the change of use of this property from agricultural to industrial

would continue the recent trend in the area, which has seen a change of use from vacant land to oilfield-related businesses. The proposed zoning and businesses expected to locate in this area are unlikely to have undue adverse effects on the adjoining properties but should be complementary to those properties.

6. Consider the interest of the applicant.

The interest of the applicants is to rezone the property for a specific development that they have in mind, which would provide a service to the energy producers in the area. Rezoning to industrial could also provide additional business sites and promote the highest and best use of the property, given its location near other industrial parcels.

Mr. Hyde's recommendation is the Planning Commission adopt the findings and conclusions and recommend the County Commissioners' approval of this rezone, requested by Western Land Developing, changing 50 acres of land 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.

Tracy Morris, applicant and Manager of Western Land Developing, stated they applied for a permit 2 years ago to build some offices of the west side of the county received the permit but opted to sell some acreage instead of building at that time. Now they are ready to expand their business and feel a rezone would be compatible to the area. They have purchased a Cleary building, hired an excavator and are ready to start the process. Mr. Morris asked if there were any questions. There were none.

Commissioner Olsen stated since there was no one in the audience to speak either in favor or against the applicant's request the hearing was closed.

Commissioner Wells motioned to adopt the findings and conclusions and recommend the County Commissioners' approval of this rezone, requested by Western Land Developing, changing 50 acres of land from Agricultural-Residential (A-5) to Industrial. Commissioner Moon seconded the motion and it passed unanimously.

D. Recommendation to the County Commissioners regarding proposed Ordinance #14-331, amending the Duchesne County Zoning Ordinance.

Mr. Hyde referred the planning commission to Ordinance #14-331 and stated an intent to be consistent with state law regulating retail tobacco specialty businesses. Also, the proposed ordinance would clarify lot size standards, define and regulate on-premise and off-premise signs and reinstate industrial uses into the table of uses.

Mr. Hyde's recommendation is the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Zoning Ordinance as set forth in proposed Ordinance #14-331.

There was some discussion about the use and regulation of signs on private property.

Mr. Hyde asked if there were any questions of the staff report. There were none and no one present to offer testimony, so the hearing was closed.

Commissioner Giles motioned to recommend to the Duchesne County Commissioners the approval of the amendments to the Zoning Ordinance #14-331 as stated in the staff report. Commissioner Wells seconded the motion and it passed unanimously.

E. Recommendation to the County Commissioners regarding proposed Ordinance #14-333, amending the Duchesne County Zoning Ordinance.

Mr. Hyde stated that Ordinance #14-333 has been withdrawn.

NEW BUSINESS:

None

Minutes: Approval of August 6, 2014 minutes:

Commissioner Jorgensen moved to approve the minutes of August 6, 2014. Commissioner Giles seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

Mr. Hyde indicated that Commissioner Olsen's term would end after 8 years on the commission after the December meeting. He reminded Commissioners Moon and Lindsay their terms would end in December also but they can serve another term if they would like to by writing a letter to the County Commissioners stating they would like to be re-appointed.

Adjournment:

Meeting adjourned at 7:35 p.m.