

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
August 5, 2020 - 5:00 p.m.**

In Attendance were:

Brad Wells, Planning Commission, Chairman
Ken Richens, Planning Commission
Ryan Clark, Planning Commission
Gary Sorensen, Planning Commission
Jenny Giles, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

David Koons-TriCounty Health Department	
Gary Stand-TriCounty Health Department	
Russell Tillack	Taylor-CUP
Guy and Janice Taylor	Taylor-CUP
Colleen Butterfield	Taylor-CUP
Jonathan Potter	Taylor-CUP
Bob Hamlet	Taylor-CUP

Chairman Wells 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. There were none, so the meeting proceeded.

PUBLIC HEARINGS:

A. Request by Guy Taylor for a Conditional Use permit to establish a junk storage yard on approximately one acre of a 23.28-acre parcel on the bench north of the Rock Creek Road in the Utahn area.

Mr. Hyde referred the commission to their packets with some site and aerial photos along with several letters to the applicant over the years. Mr. Hyde stated the applicant, in response to enforcement action taken by the County starting in 2007, is proposing to maintain a junk yard at the subject location, which is zoned Agricultural (A-5). Junk yards are permitted in the A-5 zone as a conditional use.

A junk yard is defined in the zoning ordinance as: *The use of any lot, parcel or land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery. All junkyards shall be screened by natural objects, plantings, fences, or other appropriate means so the junkyard is not visible from the main traveled way.*

Junk is defined in the Nuisance Ordinance as: *Inoperative motor vehicles, motor vehicle parts, abandoned automobiles and vehicles, machinery, machinery parts, appliances or appliance parts, iron or other metal, glass, paper, lumber, wood, or other waste or discarded material.*

Section 3-4-3 of the County Code defines Solid Waste as: *All putrescible and nonputrescible solid and semisolid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes and shall include other discarded material classified as solid waste by state and federal law or regulation.*

Conditions for approval of a Conditional Use Permit include 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 proposed use has the potential to be detrimental to public health, safety and general welfare and detrimental to owners of property and improvements in the vicinity if conditions are not imposed to protect land, air, water and visual quality.

The Utah Department of Environmental Quality has a Solid and Hazardous Waste Division that regulates junk yards and scrap metal operations. For junk yards with dismantling operations, the Division would need to be consulted by the applicant to determine if that agency will require the submittal of a "Plan of Operation" for the facility. However, since the applicant states that no dismantling will occur at this location, no such plan is required.

The Utah Department of Environmental Quality has a Water Quality Division that regulates discharges of storm water from junk yards and scrap metal operations. However, this Division does not require a permit when the junk yard is designed for storage only and not dismantling.

The Utah Department of Environmental Quality has an Air Quality Division that regulates discharges of pollutants into the air, such as may occur with cutting of metal with a torch. The applicant states there will be no dismantling on the property and no cutting torches will be used. Thus, it is not necessary that this agency be contacted by the applicant.

The zoning ordinance requires that *"all junkyards shall be screened by natural objects, plantings, fences, or other appropriate means so the junkyard is not visible from the main traveled way."* In this case, the main traveled way is the Rock Creek Road [County Road #93]. Due to the significant elevation change between this road and the storage site and the existence of pinon-juniper trees screening the site, it is not anticipated that junk storage would be visible from the main traveled way. There are existing junk vehicles and parts located within view of the county road on the lower elevations of the property. These vehicles and parts will need to be relocated to the hilltop site within a reasonable time.

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. In light of these plan policies, the Conditional Use request should be approved, if conditions of approval are imposed to protect rural residential and agricultural interests in the area.

If the applicant meets the Conditional Use permit criteria and complies with the conditions of approval, the purposes of the Zoning Ordinance will be met.

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 23.28 acres in size, which is of sufficient size to locate the proposed junk yard. Only one acre of the parcel would be used. However, locating such a facility close to current and potential residential uses raises the possibility of visual degradation concerns. Thus, conditions should be imposed to require obscuring the stored materials from view from the main traveled way. This will require relocation of vehicles and parts from the lower elevations of the site along the county road to the hilltop location in a reasonable time frame.

Additional conditions of approval for Conditional Use Permits 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 stated to preserve the appearance of the area, the permit, if granted, must include a requirement to screen the stored vehicles and other items from view from the main traveled way. Vehicles existing on the property within view of the Rock Creek Road must be relocated to the hilltop site by a date certain. The applicants feel that they can complete that work by the end of summer [September 21, 2020].

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 the public will not be doing business or bringing materials to the site. The use is associated with family personal vehicle storage rather than a commercial enterprise. Thus, there is no need for an improved parking lot or another business license.

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 subject property has legal access to County Road #93 via Class D

Roads. No need for additional right of way has been identified at this location. Water supply, sewage disposal and fire protection are not required for the proposed junk yard as there is no office or public use of the site and no dismantling or use of equipment that could start a fire.

D. Signs: Regulation of signs.

Since the public will not be doing business at this location, no signage is necessary.

E. Nuisances: The mitigation of nuisance factors, such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.

Due to the proximity of the junk yard to dwelling units, reasonable conditions should be imposed to prevent noise impacts.

The county nuisance ordinance sets forth the following noise standards:

G. Noise Disturbances:

1. *The following acts are declared to be violations of this subsection, but such enumerations shall not be deemed to be exclusive:*
 - a. *Parking a motor vehicle with the motor or auxiliary equipment in operation on a public right of way or on private property between the hours of nine thirty o'clock (9:30) P.M. and seven o'clock (7:00) A.M., if the noise so produced is plainly audible within a dwelling unit. This subsection shall not apply to: county or publicly owned vehicles or equipment; commercial construction equipment; the normal operation of commercial or private vehicles designed and used for transportation of passengers; or to other commercial or private vehicles being loaded or unloaded, including sanitation and waste disposal vehicles.*
 - 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 standards above, the applicant will need to ensure that no nuisance noise is generated earlier than 7:00 AM or later than 9:30 PM. Since there will be no dismantling of vehicles, noise impacts are not anticipated.

Dust is not anticipated to be an issue since there will be a low volume of traffic entering and leaving the property and no ground disturbing excavation is anticipated.

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

Mr. Hyde stated any activity at the site that could cause noise will need to be kept within the hours allowed by the nuisance ordinance (7 AM to 9:30 PM).

Mr. Hyde's recommendation is that the Planning Commission approve the Conditional

Use Permit requested by Guy Taylor, subject to the following conditions:

1. By September 21, 2020, the applicant shall remove all junk vehicles and parts from the lower elevations of the property near the Rock Creek Road and relocate them to the designated area on the bench.
2. The applicant shall restrict hours of activity at the junk yard to those permitted by the Noise Disturbance section of the Duchesne County Nuisance Ordinance (7 AM to 9:30 PM).

Mr. Hyde asked the commission if there were any questions or comments of the staff report. There were none.

Chairman Wells invited the applicant to speak.

Guy Taylor, The applicant and property owner, thanked Mr. Hyde and stated he is ok with the conditions of approval. Mr. Taylor is waiting for scrap metal prices to go up a little before he hauls the metal away.

Mr. Taylor asked the commission if they had any questions or comments. There were none.

Chairman Wells invited anyone in the audience to speak in favor of the applicant's request.

Colleen Butterfield, an adjoining property owner stated she is ok with the applicant's request.

Robert Hamlet, stated he works on and off with Mr. Taylor and was in support of his request.

With no other questions or comments and no one to speak either in opposition or neutral to the applicant's request the public hearing was closed.

Mr. Hyde stated Mr. Taylor has participated in both the junk vehicle removal contest and the trailer removal program and would like to thank him publicly for his efforts to beautify the county.

Chairman Wells thanked Mr. Taylor and thought this would be a good idea.

Commissioner Richens motioned to approve the Conditional Use Permit requested by Guy Taylor, subject to the conditions stated in the staff report. Commissioner Sorensen seconded the motion and it passed unanimously.

B. Recommendation to the Duchesne County Commissioners regarding amendments to the County Zoning Ordinance.

Mr. Hyde reminded the commission about the work session in July and stated Duchesne County proposes to amend its zoning ordinance to address the following; most of which is associated with changes to state law made by the 2020 legislative session. Those amendments and definitions are as follows:

Section 1. Adds a new definition of who qualifies as an “adversely affected party” in the event of an appeal of a decision.

Section 2. Amends the powers and duties of the Planning Commission to protect the rights of applicants and “adversely affected parties” and clarifies the public hearing process when the Planning Commission is making a recommendation to the County Commissioners.

Section 3. Amends enforcement procedures as a result of state law changes and local code enforcement changes.

Section 4. Clarifies that the minimum lot size standards of the zoning districts do not apply to parcels created for the purpose of establishing an un-manned public or private transportation, utility service or telecommunications facility. Also allows for lots to be reduced down to one acre in size not only with a culinary water connection, but in cases where there is a sanitary sewer connection.

Section 5. Contains additional amendments regarding the appeal rights of applicants and adversely affected parties.

Mr. Hyde’s recommendation is that the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Duchesne County Zoning Ordinance as set forth in proposed Ordinance #20-378.

With no questions or comments on the amendments to the zoning ordinance, Chairman Wells closed the hearing and asked for a motion.

Commissioner Sorensen motioned that the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Duchesne County Zoning Ordinance as set forth in proposed Ordinance #20-378. Commissioner Clark seconded the motion and it passed unanimously.

C. Recommendation to the Duchesne County Commissioners regarding amendments to the County Subdivision Ordinance.

Mr. Hyde stated that Duchesne County proposes to amend its subdivision ordinance to address the following; most of which are associated with changes to state law made by the 2020 legislative session:

Section 1. Amends, adds or deletes definitions to comply with recent state code changes.

Section 2. Amends the process of appealing a decision of the Planning Commission, regarding a variance request, to the County Commissioners rather than to the County Board of Adjustment.

Section 3. Minor amendments to the enforcement provisions of the subdivision ordinance.

Section 4. New section per state code regarding the handling of violations of the subdivision ordinance.

Section 5. Establishes an appeal process in the subdivision ordinance, with appeals of staff decisions to the Planning Commission and appeals of Planning Commission decisions to the County Commissioners.

Section 6. Amends the sections regarding exemptions from the subdivision plat requirements to conform to state code revisions.

Section 7. Adds two additional requirements for approval of a preliminary subdivision plat (approval from the local fire authority and from a canal company if the proposed subdivision is located within 100 feet of a canal).

Section 8. Changes the references to state code associated with the vacating or amending of a subdivision plan, public street, right of way or easement.

Section 9. Addresses changes to state code regarding the dedication of streets and other public places.

Section 10. Amends provisions associated with subdivision improvement completion assurance and improvement warranties to be consistent with state code amendments. Reduces the amount of bonding from 125% of the construction cost estimate to 100%. Prohibits the County from requiring improvement completion assurance for landscaping and infrastructure improvements that are not required to meet building or fire codes, flood or stormwater management provisions, street and access requirements or other essential public safety improvements.

Mr. Hyde's recommendation is that the Planning Commission recommends to the Duchesne County Commissioners the approval of the amendments to the Duchesne County Subdivision Ordinance as set forth in proposed Ordinance #20-379.

Mr. Hyde asked if there were any questions or comments. There were none.

Chairman Wells asked for a motion.

Commissioner Richens motioned that the Planning Commission recommends to the Duchesne County Commissioners the approval of the amendments to the Duchesne County Subdivision Ordinance as set forth in proposed Ordinance #20-379. Commissioner Clark seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of July 1, 2020 minutes:

Commissioner Sorensen moved to approve the minutes of July 1, 2020.
Commissioner Giles seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

None

Adjournment:

Meeting adjourned at 5:40p.m.