

**DUCHESNE COUNTY PLANNING COMMISSION MINUTES**  
Duchesne County Administration Building, Commission Chambers  
August 2, 2023 at 5:00 PM

**Attending**

**Planning Commission:** Connie Sweat, vice-chair; Annette Miller, member; Shilo Hatch, member; Shon McKinnon, member.

**Staff:** Mike Hyde, Director of Community Development; Mike Gottfredson, Deputy Director of Community Development; and Becky Broadhead, Community Development Secretary.

**Public:** Jana Park; Eric Park; Guy Taylor; Janice Taylor; and Greg Miles, Duchesne County Commissioner.

The meeting began at 5:00 PM. Commission Vice-Chair Connie Sweat read the rules of order. She asked if any of the Commission Members had any ex-parte contacts or conflicts of interest associated with any item on the agenda. There were none.

**Public Hearing**

Connie Sweat opened the public hearing regarding the request by Eric Park for a conditional use permit to operate an outdoor storage facility on the north side of Starvation State Park Road (SR 311), west of Duchesne City.

Mike Gottfredson presented the following:

**FINDINGS OF FACT**

**1. PROPOSAL DESCRIPTION**

Eric Park is proposing to operate an outdoor storage facility on his 11.19 acre parcel, located on the north side of Starvation State Park Road, 1.63 miles outside of Duchesne. Commercial uses, including outdoor storage facilities, are allowed in the A-5 zoning district with a conditional use permit.

**2. HISTORY OF EVENTS**

July 12, 2023	The application was submitted.
July 12, 2023	The application was deemed complete.
July 17, 2023	Notice mailed to property owners within 300 feet of the subject property.
July 19 & 26, 2023	Notice of Public Hearing published in Uintah Basin Standard.
August 2, 2023	Planning Commission Hearing.

**DUCHESNE COUNTY ZONING CODE**

**8-13-1: SCOPE AND PURPOSE:**

- A. Issuance: Conditional use permits may be issued as provided by this title for any of the uses for which a conditional use permit is required as identified in the table of uses and the table of site development standards, as set forth in Chapter 6 of this title.
- B. Purpose: The purpose of the issuance of a conditional use permit is to allow the proper integration into the county of uses which may be suitable only in specific locations in a zoning district, or only if such uses are designed, arranged or conducted on the site in a particular manner.
- C. Conditions: A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed land use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use permit may be denied.

**8-13-2: APPLICATION FOR PERMIT:**

All requests for a conditional use permit shall be made on the application form provided by the county, detailing the nature of the conditional use request. The applicant shall also provide the necessary information identifying the purpose of the conditional use request, and all required information shall be provided to the planning office twenty-one (21) days prior to the planning commission meeting. The planning commission is authorized to render a final decision on the issuance of a conditional use permit following the review and receipt of a recommendation from the zoning administrator.

**8-13-3: PUBLIC HEARING REQUIRED:**

All applications for a conditional use permit shall be made in accordance with the provisions of this title, and shall be the subject of a public hearing held before the planning commission for which a minimum of fourteen (14) days' public notice has been provided and the planning staff notifying all property owners by U.S. mail within three hundred feet (300') of the proposed conditional use.

**8-13-4: FINDINGS AND CONDITIONS FOR APPROVAL:**

- A. Findings Required: The planning commission may grant a conditional use permit in compliance with this title if, from the application and the facts presented at the public hearing, it finds:
  - 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.

**Findings: The proposed use will not be unduly detrimental or injurious to property or improvements in any vicinity, and will not be detrimental to public health, safety, or**

**general welfare. Solid waste and seven (7) junk vehicles are currently on the property, and must be disposed of for the proposed use to be accommodated.**

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.

**Findings: 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. The proposal complies with this section of the General Plan as a new business would be supported that will not impact rural residential and agricultural interests, provided the property is brought into compliance with County nuisance and solid waste ordinances.**

The purposes of the Zoning Ordinance are set forth below:

8-1-2: PURPOSE:

- A. 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.
- B. These purposes are met by:
  1. Providing the means of implementing the various policies and other provisions of the county general plan;
  2. Generally directing and guiding land development so more intense development is located in areas of the county having the necessary services and facilities sufficient to meet the demands of the proposed development;
  3. Promoting the public health, safety and general welfare by regulating the location and use of buildings, structures and land for residential, commercial and other specified uses;
  4. Protecting landowners from potential adverse impacts from adjoining uses;  
and

5. Directing and managing, through the establishment of use districts, the type, distribution and intensity of activity.

**Findings: 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.

**The subject property is 11.19 acres in size with junk vehicles and other detritus scattered throughout. Access is from the Starvation State Park Road (SR 311) on the south side of the property. The proposed outdoor storage area is located in a natural bowl that is accessed by an existing two-track road. The nearest dwelling is about 80.00 feet from the eastern property line, and about 400.00 feet from the proposed outdoor storage area. The property is surrounded on all sides by private land.**

**The property is sufficiently large for the proposed commercial use. An outdoor storage facility could be accommodated following the clearing and disposal of junk vehicles and other solid waste present, excavation of the site, and the installation of infrastructure needed for successful operation. The proposed use can operate in a manner that is not detrimental to surrounding property owners if noise is controlled pursuant to the Duchesne County Nuisance Ordinance and trespass is discouraged.**

B. Conditions:

1. In approving a conditional use permit, the planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of the county general plan and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses in the general vicinity. Minimum conditions shall be included for produced water disposal facilities, extraction of earth products and residential treatment or secure treatment facilities as indicated in section 8-13-5 of this chapter.
2. When approving a conditional use permit, the planning commission may impose such requirements and conditions as follows: location, construction, maintenance, odor control, operation, site planning, traffic control, dust control, noise, time limits and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The planning commission may require guarantees or other evidence that such conditions will be met and complied with.

**8-13-5-5: ADDITIONAL CONDITIONS SPECIFIED:**

These conditions may 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.

**Findings: Views into the proposed outdoor storage area is obscured by its setting inside a natural bowl. A seven (7) foot fence with security wire and gate is proposed as part of this commercial use. Fencing is set back from the nearest property line by approximately 80 feet. Lighting is also proposed for the facility for clients accessing the property during darker hours, but before closing.**

**The location of the outdoor storage facility, and the proposed fencing and gate, are sufficient for the buffering and setback requirements to protect the property and preserve, and/or enhance the appearance and character of the area, provided that all junk and solid waste is removed.**

- 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.

**Findings: Public access to the property is from Starvation State Park Road (SR 311). As mentioned, there is an existing two-track road connecting the access point at Starvation State Park Road to the proposed outdoor storage area. The proposal suggests parking for up to four (4) vehicles within the storage area. It is also proposed for the driveway and the storage area be graveled.**

**Approval of the location, design, and construction of the proposed business ingress and egress must be obtained from the Utah Department of Transportation (UDOT) Region 3 office prior to the operation of the proposed commercial use. The parking area is sufficient for up to four (4) vehicles. Gravel, or some other dustless material, is required. The driveway must be constructed to meet Wildland Urban Interface (WUI) code road requirements as determined by the Duchesne County Fire Warden prior to the operation of the proposed commercial use**

- 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.

**Findings:**

**Roads: Public access to the property is from Starvation State Park Road (SR 311), a minor collector functional class road. This access is about 104.50 feet to the west of the intersection of County Road 91 and Starvation State Park Road. The applicant**

**will need to upgrade this existing access road to accommodate two-way traffic and meet WUI Code standards. A permit is required from UDOT Region 3 and these improvements must be completed prior to opening for business.**

**Water: No drinking water system is included as part of this proposed commercial use. TriCounty Health does not require a drinking water system for an outdoor storage facility.**

**Sewer: No wastewater system is included as part of this proposed commercial use. TriCounty Health does not require a wastewater system for an outdoor storage facility.**

**Fire: The proposed facility must include a fire extinguisher on site. The facility must meet WUI code requirements for defensible space and emergency vehicle access.**

D. Signs: Regulation of signs.

**Findings: The applicant desires to place a sign at the entrance to the property and on the gate to the proposed outdoor storage facility. All signs must comply with Duchesne County ordinances (8-9-14, 8-13-5-5-D). Signage cannot encroach into the State Route right of way.**

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

**Findings: Nuisance conditions currently exist on the property in the form of junk and solid waste. All junk and solid waste must be properly disposed of prior to opening for business.**

- **The Duchesne County nuisance ordinance defines “junk” as “all 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.” (Duchesne County Code 3-1-4)**
- **The Duchesne County solid waste ordinance 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.” (Duchesne County Code 3-4-3)**

**This business is not anticipated to generate significant amounts of noise. The Duchesne County Nuisance Ordinance allows noise between the hours of 7:00 A.M and 9:30 P.M. on weekdays, 8:00 A.M. to 9:30 P.M. on Saturdays, and 9:00 A.M. to 9:30 P.M. on**

**Sundays. Conditions should be considered to ensure that noise, which could disturb others, does not occur earlier or later than these allowed times.**

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

**Findings: The applicant proposes to hold hours of operation to 7:30 AM to 9:00 PM, all year. As indicated in the ADDITIONAL CONDITIONS SPECIFIED Section E, the applicant is required to follow the Duchesne County noise ordinance regulating operating business hours.**

**8-13-6: TERM OF PERMIT:**

Unless there is substantial action under a conditional use permit within a period of eighteen (18) months of its issuance, the permit shall be considered null and void.

**8-13-7: REVOCATION OR MODIFICATION OF PERMIT:**

A. Authority: If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the planning commission shall hold a public hearing on the question of modification or revocation of a conditional use permit granted under the terms and the provisions of this title.

B. Conditions: A conditional use permit may be modified or revoked if the planning commission finds that one or more of the following conditions exist:

1. The conditional use permit was obtained in a fraudulent manner.
2. The use for which the conditional use permit was granted has now ceased for at least six (6) consecutive calendar months.
3. One or more of the conditions of the conditional use permit have not been met.

C. Modification by Planning Commission: Additionally, the conditions under which a conditional use permit was originally approved may be modified by the planning commission without the consent of the property owner or operator, if the planning commission finds that the use or related development constitutes or is creating a demonstrated nuisance. Should reclamation be necessary, complete restoration, to such an extent that the area will not depreciate the surrounding property or impair the beauty of the landscape, shall be accomplished within a twelve (12) month time frame.

**CONCLUSIONS**

1. The request will comply with the Conditional Use Permit requirements found in Title 8 Zoning Regulations of the Duchesne County Code, provided that conditions are imposed.
2. The request is valid.

**RECOMMENDATION**

Recommended Motion: I move that the Planning Commission approve the Conditional Use Permit requested by Eric Park, subject to the following conditions:

1. A Duchesne County business license shall be obtained and maintained for the duration of this conditional use permit.
2. The applicant shall obtain UDOT's written approval of the property access location, design, and construction at Starvation State Park Road (SR 311) prior to the start of business operations.
3. The driveway, parking area, and outdoor storage area shall meet WUI code standards as determined by the Duchesne County Fire Warden, prior to the start of business operations, and said standards shall always be maintained.
4. The driveway must be improved to accommodate two-way traffic prior to the start of business operations and be maintained for the duration of this conditional use permit.
5. WUI code defensible space shall be maintained for the duration of this conditional use permit.
6. Signs must follow Duchesne County Code 8-9-14, 8-13-5-5-D. To be compatible with the character of the A-5 zoning district, signs must comply with the following:
  - a. Placed on premise only (includes on a gate or fence);
  - b. Are not internally lit;
  - c. Does not exceed 32 square feet per sign;
  - d. Does not encroach into Starvation State Park Road's (SR 311) right of way.
7. All junk and solid waste must be removed from the site and properly disposed of prior to the start of business operations.
8. Business operating hours must adhere to the Duchesne County noise ordinance (3-1-4-G).

As there were no questions for staff, Connie Sweat called for the applicants to speak.

Jana Park: This property is in my husband's name, but I am the master mind behind the project. This project has been in the works for the last 1-1/2 years. We believe it is the perfect place to let the public store their boats and campers. We have met with UDOT. We have to submit engineering drawings to UDOT for their review and final approval for the driveway access at SR 311. We bought this property in December of 2022. We have been working with Daryl E. May, the owner of the adjacent property to the east, to have him remove the remaining junk cars and solid waste for the past 8 months. We gave Mr. May until September 1, 2023, to get his belongings off our property. If at that time he hasn't accomplished it we will arrange to do it as we feel we have given him adequate time to move his things. We have hired a contractor who will fill in a big hole on our property using dirt from the existing hill. He will also level out our driveway by Highway 311 which will make it look a lot better. In a few years, our vision is to add a convenience store with snacks, swimsuits, marina equipment, merchandise for those who need it on the way to the Starvation Reservoir Marina. A one stop shop is our vision. We hope to add boats and kayak rentals in the future. We are approximately 1/2 mile from Starvation Reservoir, and we believe we can do very well with this kind of a business at this location. We believe with the growth of incoming vacationers that are coming to Starvation Lake that this will not only be a win for us, but a win for Duchesne County.



Connie Sweat asked for and received clarification regarding the location of proposed fencing. She then inquired about proposed signage.

Jana Park: My idea is to have the sign to our business on the hillside that faces SR 311. If we put it back any further people won't be able to see it. As far as noise goes, our plan is to put up a concrete sound wall around Daryl May's property. I believe his idea is to move his junk vehicles and solid waste from our property to his. I am not sure how he will do that as we don't believe he has enough room to fit any additional junk vehicles or solid waste. Our fencing plan is to create a buffer between our property and his belongings.

Mike Gottfredson: We will continue to work with Mr. May to help him clean up his property. If he doesn't remove his junk vehicles and solid waste off your property by a date agreed upon by yourselves and Mr. May, please have him contact Chris Floyd, the Duchesne County Code Enforcement Officer.

Jana Park: He has cleaned out about 50% of his stuff so far. However, it still looks like a big mess and it will be nice to have it cleaned up.

Mike Gottfredson: To clarify, as long as you adhere to the Duchesne County sign ordinance for commercial properties (see 8-13-5-5 Option D), you may place the sign at a location of your choosing (the exception being within the UDOT right of way).

Connie Sweat: I referred to the fencing because I thought the gate would have your sign on it. I can see now that the gate is not by SR 311.

Jana Park: The contractor that we hired is going to put proper drainage on our property so we don't have problems with water in the future.

Shon McKinnon: Regarding business hours of operation: if you have my boat and I want to go fishing and pick my boat up from you at 5am, or I come in off the water at midnight and want to store my boat with you again, what do I do? Would you consider using a controlled access system, such as key cards, or even using a gate attendant?

Jana Park: We are looking at a key pad gate so someone doesn't have to be there all the time. There will be a code people need to use to enter and we will have surveillance 24/7 to keep it secure.

Mike Gottfredson: We need to be clear about your operation hours. It is ok for people to enter before or after the noise ordinance hours, but they will have to maintain compliance with the noise ordinance if they are coming and going in the off hours of your business.

Jana Park: It will be enforced. It is not anticipated to be loud at all during those hours.

Shon McKinnon: Should we add an amendment to Recommendation #8 clarifying hours of operation?

Mike Hyde: You might want to consider a slight amendment to Recommendation #8 adding a sentence to indicate customers may have access to their equipment earlier or later than those nuisance ordinance hours provided it doesn't become a problem. There is only one surrounding home near this location so I don't anticipate customers will generate noise complaints.

Shon McKinnon: Yes, I can't imagine the noise would be much more than the surrounding traffic.

Jana Park: Correct.

Connie Sweat: In regards to your lighting, will your lighting be inside your fencing and will it be on 24/7?

Jana Park: Yes, lighting will be on after dark for security reasons. It is pretty secluded where we will have our fenced outdoor storage facility. I do not see it as being a problem.

Connie Sweat: Are there any other questions for the applicant at this time? [There were none.]

Connie Sweat: Are there additional proponents who would like to speak at this time? [There were none.]

Connie Sweat: Do we have any opponents that would like to speak at this time? [There were none.]

Connie Sweat: With no additional comments from the public, we will close the public hearing, and discuss the Eric Park conditional use permit application.

Mike Hyde: I have a proposed addition to Condition #8. It reads, "Customer access to stored equipment will be allowed 24/7 provided such does not become a nuisance for others."

Shon McKinnon: Jana, are you good with that added verbiage?

Jana Park: Yes.

Connie Sweat: Seeing no further discussion by the Planning Commission, I will entertain a motion from the Planning Commission at this time.

Annette Miller: I move that the Planning Commission approve the conditional use permit requested by Eric Park, subject to the conditions recommended in the Staff report, and including the amendment to Recommendation #8, as discussed.

Shilo Hatch: I second. [The motion passed unanimously.]

### **New Business**

There was none.

**Minutes**

Shon McKinnon: I move we approve the minutes from July 5, 2023.

Annette Miller: I second. The motion passed unanimously.

Annette Miller: I move we adjourn.

Shon McKinnon: I second. The motion passed unanimously.

The meeting was adjourned at 6:02pm