

DUCHESNE COUNTY PLANNING COMMISSION MINUTES

Duchesne County Administration Building, Commission Chambers

March 6, 2024 at 5:00 PM

Attending

Planning Commission: Connie Sweat, Chairman; Annette Miller, Vice Chair; Thomas Winterton, Member; Terry Nelson, Member; Kelsey Carter, Member.

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

Visitors: Benson & Katie Swain, Darrell Lynn & Brooke Hadlock, Mike Gollinger, Connie Bunnell, Steve Turner, Maverick & Jennifer Peterson, Chris & Tori Sumner, Mary Michelle Spencer

Meeting began at 5:00 PM.

Public Hearing

Mike Gottfredson presented:

- ❖ Request by Maverick Peterson & Jennifer Brown (Peterson & Brown LLC) for a conditional use permit to operate a trucking and excavation business, with mechanic's shop, in the Uintah View Ranches subdivision north of Duchesne.

Findings of Fact (see attached).

Mike Gottfredson asked if the commission had any questions.

- Terry Nelson asked, in reference to the map, if there is an oil and gas pad that is there.
- Mike Gottfredson replied yes.

Connie Sweat called for any proponents to come to the podium.

- Maverick Peterson explained that they want to put in a shop for their business as their company has grown. They have ample room to put a building up on the land they have and intend to put up a nice pipe fence as well as to spruce the area up.

Connie Sweat asked if there were any other questions for the proponents. There were none.

- Maverick Peterson asked a question in regards to the fire hydrant that will need to be put in. He wanted to know if they need to put the fire hydrant in the highway easement or can they move the fire hydrant closer to his building.
 - Mike Hyde came to the podium and said that normally the fire hydrant would be put right next to the right-of-way highway line. The Planning Commission might want to build some flexibility in to condition #6 to say, "Prior to occupancy of the shop building, the owners shall fund the installation of a fire hydrant as approved by the East Duchesne Water District and the Duchesne County Fire Marshall."
 - Thomas Winterton asked Mike Gottfredson for clarification on his Findings and Facts that stated sometimes hydrants just don't work. Thomas understood from his presentation that there is latitude given already to work with the conditions in place. He asked if they need additional language or was that the intent to begin with to work within whatever the Fire Marshall comes back with as a recommendation.

- Mike Gottfredson stated that the written approval provided by the Fire Marshall was his intent to provide that flexibility. However, Mike Hyde's recommendation of added language to #6 would help explain what Maverick Peterson would like to have considered when working with the applicant.
- Terry Nelson asked Maverick Peterson a question regarding the drawing which shows 322' from Highway 87 to the building on the map. Terry asked if Maverick was intending to slide the building back farther. Maverick stated his concern was since he's paying for a fire hydrant he wondered if he could put it closer to his building to help cut down on insurance costs if possible.
- Connie Sweat disclosed that she is on the East Duchesne Water Board and she strongly recommended that Maverick Peterson work with Mike Lefler in Emergency Management and with the Water District to determine where the fire hydrant needs to be. She continued by saying theoretically the fire hydrant generally is on a main line because it needs to be a certain size of pipe with a certain amount of flow to maintain a fire hydrant. Connie continued by saying she wasn't sure Maverick Peterson would want to run an 8" line from the road to his prospective building. She ended by saying she understood what Maverick was saying. She stated that insurance has big concerns, especially out here in the Basin, and they always want to know where the fire hydrant is relative to someone's house. She stated that we have volunteer fire fighters in Duchesne County and it's a long way between houses. Connie highly recommend Maverick work with everyone involved.
 - Maverick Peterson thanked Connie and said that he would.
 - Thomas Winterton added to the conversation by saying sometimes distance from the fire hydrant to someone's house or property is a good thing so if the fire is too close to someone's house they can get to the fire hydrant more easily and quickly.

Connie Sweat asked if there were any opponents. There were none.

Connie Sweat closed the hearing and called for a motion.

- Thomas Winterton motioned to approve the CUP contingent upon the conditions that had been listed with the added verbiage on Condition #6 that Mike Hyde stated. Annette Miller seconded the motion. Motion carried 5-0.

Mike Gottfredson presented:

- ❖ Request by Edward Patterson for a conditional use permit to operate a commercial outdoor storage facility on property owned by Brett Pierce in the Fruitland area.

Findings of Fact (see attached).

Mike Gottfredson asked if the staff had any questions.

- Thomas Winterton asked how would the proponent direct people to use the correct road in order to access the commercial outdoor storage facility? He asked if they will use signs to direct people.
 - Mike Gottfredson stated that direct signage was not in the proposal itself. It is not a requirement for them to have directional signage. The Emergency Management Director and

the Fire Warden require signs be put in on all new roads that are being used by the public and roads that comply with the Wildland Urban Interface Code. He said when Cedar Mountain #6 was built those requirements were not there so that signage is hit or miss depending upon where someone is located. Therefore, no requirement was made or recommended for this conditional use permit

- Mike Hyde stated that this would be a good question for the applicant when they have their time at the podium.
- Thomas Winterton stated that as a commission member, his personal feelings aside, if we are telling the public they can't use Highway 40 to access this storage facility, and there were no signs telling the public how to access this storage facility, his assumption would be that Highway 40 would be the way customers will access this storage facility rather it is allowed or not. Thomas added if he pulled in off Highway 40 and saw their business right there, and there were no signs, that is something he would do.
- Mike Gottfredson stated that was a good question.

Connie Sweat called for any proponents to come to the podium.

- Mike Gottfredson replied they were not there.
- Thomas Winterton asked if the proponent indicated where their gate would be.
- Mike Gottfredson replied that it is on the frontage road by Highway 40.
- Annette Miller reiterated this is why signage would be important.
- Thomas Winterton asked with the way it is accessed now could the storage facility property be accessed by using the County Road Shed whether it is allowed or not.
 - Mike Gottfredson answered, yes. Mike continued by saying the access road that goes to the County Road Shed was put in for that purpose only and has not been approved for any commercial purposes.

Connie Sweat asked if there were any opponents.

- Connie Gollinger Bunnell stated she is the MPO for the Gollinger family. She continued by saying her family bought 10 acres four generations ago that is right next to the proposed storage facility property. They are concerned about security, fire (junk cars with gasoline in them), theft, and the reduction of their property value if they ever decided to sell.
- Steve Turner (Connie Gollinger Bunnell's partner) talked about the agreement their family made with Duchesne County when they were negotiating with the county for the easement to the County Road Shed. The road that is adjacent to the front of the County Road Shed was put in specifically because they took away their access to their property when they put the County Road Shed in. They now come in the gate by the County Road Shed, go down the fence line and up to our place. He stated that is one of the agreements the Gollinger's made with Duchesne County when they made this road. It has worked out very well for their families as well as Duchesne County because it has a rear-end entrance/exit. They can come in with heavy equipment into the County Road Shed. He was concerned when he read that the proponents could have 10 spaces to park. He expressed concern that there will

not be enough room for them to use with 10 cars. Another issue we are concerned about is the theft issue. There was a proposal made in the past by Brett Pierce to build a facility in this same location which would facilitate crashes off of Highway 40. Duchesne County rejected the request. The families concern is that what has happened around their property in the past will become another one of those sites filled with junk. He presented pictures he had taken around their property to the planning commission to show all the debris that has accumulated over the past several years. They found it interesting when he was taking these photos that the south side off of Highway 40 has a lot of junk on its side whereas the north side off of Highway 40 does not have any junk. One of these junky places is directly behind the County Road Shed, and it keeps piling up more junk. This is also the location where one of the people living there claims he's growing pot and has offered it to some of our children. He said he relayed this information to the narcotics team, and he will do it again. Some of the road workers have told them that they've watched these people use back hoes to fill in holes they've used as their latrine. He said this concerns them a lot too. Steve Turner stated he was a cop for 32 years. He said he knows that fences and locks are only used to keep honest people out and the others don't pay them any mind. If they put nice vehicles in this facility he said he could almost guarantee there'll be a theft problem. It's a long way out to where we live for the Duchesne County Sheriff's Office, and the sheriff's office is not necessarily over staffed with officers, which makes it hard to get out to their place to stop anything bad from happening. This is a big concern for them where they are only 750' away from this proposed storage facility.

- Connie Sweat asked if Steve Turner would come over to the dias and show the planning commission members where his place is located on the map that he passed out to them. At this point, a conversation pursued with the planning commission members and Steve Turner.
 - Mike Gollinger came up to the podium and stated they appreciated the road that Duchesne County built for them. He stated they are concerned about the amount of room available on the road to their property when they have boats or trailers hooked on to their vehicles. Fire Danger is a big concern to them too. Mike stated he's been a mechanic all his life and he knows what happens when automobiles sit around. Fuel lines tend to degrade and serious things can happen. He reminded the planning commission that there is another storage facility very close to their property at the intersection of Red Creek Road and the Fruitland Big G Store off Highway 40. Mike stated that they have had problems with the property owner and the person running the facility. Their question would be if the person running the facility would be respectful of the property as well as their neighbors property. They would rather not look out their window and see a lot of vehicles and boats. They feel like this would be another opportunity for people to bring in things that don't belong in this area.
- Terry Nelson asked Mike Gollinger if their property and the 10 parking spots on the road were parallel to the counties fence.
 - Mike Gollinger answered, yes.
- Mike Gottfredson asked if he could address this question. He continued by saying the parking that was indicated by the applicant would be along the road that parallels Highway 40 and would not be allowed down the access road.
 - Mike Gollinger commented that would work great and that wouldn't be a problem for them.

- Connie Sweat asked if the applicants request for parking was only for dropping off a customer's boat or trailer and not for leaving their vehicle there.
 - Mike Gottfredson answered yes and that the parking will be subject to the on street parking regulation.
- Thomas Winterton asked how close on the ingress/egress was it to being completed right now.
 - Mike Gottfredson answered that from the road that runs parallel to Highway 40 it is not named or numbered yet. The road is a single track and would need to be upgraded to WUI Code Standard.
- Terry Nelson asked what was the length of the road.
 - Mike Gollinger answered saying his guess would be 100 yards from the 90 degree turn.
- Thomas Winterton asked what the difference was between where they are allowed to turn off versus where the County Road Shed is located.
 - Mike Gottfredson said it is approximately 1 mile. Mike continued by explaining some items that were mentioned. 1. Junk Vehicles refer to vehicles that cannot drive off on their own. These vehicles would be found in violation. He said that Duchesne County takes this very serious. The penalty for a Junk Vehicle Violation is a Class B Misdemeanor with a fine of \$1,000 per incident, and Duchesne County can charge up to one incident per day. The money can add up very fast if junk vehicles are found. As part of the conditional use permit, junk vehicles are not allowed, therefore, the conditional use permit would be pulled if junk vehicles are found and not addressed. 2. Fire is a real concern out there. The spacing and the buffering that happens when places are put in for public use have different standards that are put in place by Nathan Robinson, our Fire Warden, prior to approval of the conditional use permit. Mike Lefler, our Fire Marshall, has reviewed this project and saw if there is any other kind of buffering that they would need. No other required fire suppression was needed with the number of vehicles that will be allowed with this conditional use permit. We want to make sure that we are responsible in following the WUI Code Standards so that it mitigates those kind of impacts.
- Mike Gollinger made a final remark. He stated he was a police officer in Ogden for over 30 years. During this time, he came to a planning commission meeting where one of the commissioners made a comment. The former planning commission member stated that people from Ogden were hauling there junk out here to Duchesne County. It didn't sit well with me then. However, as I have been up here as much as we have for the last ten years I have seen people's automobiles grow from two or three in their front yard to the problem I showed you earlier in the pictures I presented to you. This is why we are sensitive to this automobile issue. I see it as a short jump to happening again. I believe that we as residents and property owners need to be cognizant of this issue and try to make the community look better.
- Mike Hyde responded that his recommendation would be since the applicant was not here and there are some unanswered questions, the planning commission leave the hearing open and recess it until the next meeting on April 3, 2024. I would ask Mike Gottfredson to encourage the applicant or his operator to be here to answer the following questions. 1. How do they intend to direct people using the facility to get to their storage facility off of the two access points of Highway 40 since they cannot use the County Road Shed access? 2. Is the southerly yellow route on 6500 South improved to WUI Code standards for two way traffic? 3. On Condition #5, is the road leading to the facility approved for two-way traffic? Is that condition needed for the entire southerly yellow route on the map on 6500

South? He ended by saying for these three reasons, he believe a recess to April 3, 2024 would be in order.

- Thomas Winterton asked if this is done on a motion.
 - Mike Hyde replied yes.

Connie Sweat called for a motion to recess the motion until April 3, 2024.

- Terry Nelson motioned to recess the motion until April 3, 2024 with the questions that still need to be answered. Kelsey Carter seconded the motion. Motion carried 5-0.

Mike Gottfredson presented:

- ❖ Request by Benson Swain for a variance to the zoning setback requirements for his property at 1990 West 9000 North in Neola.

Findings of Fact (see attached).

Mike Gottfredson asked for any questions from the planning commission. There were none.

Connie Sweat called for any proponents to come to the podium.

- Benson Swain stated that he and his wife, Katie, have lived in Neola their entire lives. They bought this property about ten years ago with an old trailer on it. They want to help clean up Neola, but they can't improve/develop their property without a variance. He then asked the planning commission for any questions they may have for him.
 - Terry Nelson asked about what water district the Uintah Canal belonged to.
 - Benson Swain replied it is Tribal/BIA.
- Kelsey Carter asked if all the easements were in effect when they purchased the land.
 - Mike Gottfredson asked Kelsey if he meant the right-of-way.
 - Kelsey Carter replied yes.
 - Mike Gottfredson replied they are set and held by UDOT and they surveyed it in the 1950's. Duchesne Counties is a 66' easement 33' off the center line.
- Thomas Winterton asked on the western side of the easement how close do you propose to put the buildings there off of the canal easement.
 - Benson Swain replied from the west side the setback will be 16'.
- Terry Nelson asked where that will put their parking.
 - Benson Swain said it will be on the north side.
- Mike Gottfredson asked to make a note of clarity. He stated that what we as a planning commission are considering tonight is based on the application on the Findings that were presented to you tonight.
- Thomas Winterton asked if the right-of-way line and the canal easement extends beyond the right-of-way-line and does the canal easement go beyond the 16'.
 - Mike Gottfredson replied when it comes to the canal easement or the right-of-way you can go right up to the edge of it. You just cannot build into it.

Connie Sweat asked for any opponents.

- Chet Sumner came because Benson Swain came to their home when he was at work and talked with his wife. Benson wouldn't let his wife take any copies of what his proposal was so she couldn't look over the proposal with her husband. Chet stated he is a building contractor and has been for 40+ years. He said he is very familiar with what Benson is proposing now that he can see the proposition. With what he is proposing there is no way they can get 10 cars in to five tiny homes. The ditch right-of-way belongs to BIA not Duchesne County. He stated that BIA approve the canal crossing before anything can happen. He continued by saying to put a bridge in he knows the answer will be a no as right now they do not want any more encroachments. Chet walked over to the planning commission to explain to everyone what he was talking about. The canal easement is only 48'.
 - Mike Gottfredson stated that he was correct. He said if there are scaling issues we need to take that in to account for the width of the property.
- Chet Sumner continued stating his concerns about tiny homes. The congestion right across from the store and post office will create an even worse situation if these tiny homes are allowed with two cars per tiny home.
- Mary Michelle Spencer who lives in the house to the east of the lot was concerned about it being a lot like a labor camp. She was very concerned about safety issues.
- Lorraine Sumner stated concerns that there is not enough room for building, parking, and garbage cans.
- Darrell "Lynn" Hadlock stated that he was neutral on this issue. He is pro property rights. He is more concerned with the precedent that can be set in issuing a variance and what that does for the next person who wants to do it.
- Brooke Hadlock stated she is concerned about the slippery slope that this variance could make in their small community.

Connie Sweat asked if the proponents would like to address any concerns the opponents brought up.

- Katie Swain came to the podium and stated that as far as the canal goes they have been in touch with the BIA. They discussed having this canal put in a culvert for the entire length of the canal. They have not got a final decision on this proposal yet.

Connie Sweat closed the hearing.

Connie Sweat asked for any other questions from the planning commission.

- Thomas Winterton asked for a clarification on the variance. He asked if each variance given is done on a case by case basis.
 - Connie Sweat answered correct. She continued by explaining that the planning commission is only dealing with the variance at hand. She stated that any building on the property will need to go through the Duchesne County Building Department for approval.

Connie Sweat called for a motion.

- Thomas Winterton motioned to grant the variance by reducing the setbacks by what has been requested and by the Findings that had been presented. Terry Nelson seconded the motion. The

motion carried 5-0.

New Business

Mike Gottfredson talked to the planning commission about the UBAG Training Seminar coming up on 4-24-24. He invited any planning commission member to attend and that the county would reimburse mileage.

Connie Sweat talked with the planning commission about Shilo Hatch's 16 yr old son (a planning commission member's son) needing to have a heart transplant that has just transpired during the past week.

Minutes

- Annette Miller motioned to pass the February 6, 2024 minutes. Thomas Winterton seconded the motion. The motion passed 5-0.

Information Only Items

Mike Hyde reported that the next planning commission meeting would be on April 3, 2024 with at least three items on the agenda at the time.

The meeting ended at 7:10pm.