

DUCHESNE COUNTY

PLANNING COMMISSION MEETING

APRIL 1, 2015

REQUEST TYPE: Conditional Use Permit
APPLICANT: Mesa Development, Inc.
PROPOSAL: RV Park
LOCATION: Duchesne River near Highway 35 in the Utah area
ZONING DESIGNATION: A-5

REPORT CONTENTS

FINDINGS OF FACT.....2

CONCLUSIONS 11

RECOMMENDATION..... 11

FINDINGS OF FACT

1. PROPOSAL DESCRIPTION

Mesa Development owns a 4.57-acre parcel on the south side of Highway 35, just east of the Duchesne River Bridge. An illegal RV Park has existed on this parcel since 2013, when the property was owned by Randy Toon. This RV Park has been the subject of code enforcement action by the County. If the conditional use permit is granted, this land use, known as the “Mesa RV Park” on the site plan, will become a legal, permitted use. The plan shows three RV spaces, with a potential for five spaces in the future. On March 13, 2015, there were two RVs present at this location.

Mesa Development also co-owns abutting lots 21, 22 and 23 of the River View Estates Subdivision (jointly with Randy and Robin Toon). The applicants are seeking approval of the “Riverside RV Park” at this location, with nine RV spaces shown and space for growth. The applicants have started construction and moved RV units onto the property prior to obtaining a conditional use permit. On March 13, 2015, there were three RVs at this location and three “park model” units, for a total of six dwelling units.

The subject properties are zoned A-5, Agricultural. The county zoning ordinance states that RV parks are a conditionally permitted use in the A-5 zone.

2. HISTORY OF EVENTS

September 9, 2014	The application was submitted.
March 4, 2015	The application was deemed complete.
March 9, 2015	Notice mailed to property owners within 300 feet of the subject property.
March 17 & 24, 2015	Notice of Public Hearing published in the Uintah Basin Standard
April 1, 2015	Planning Commission hearing.

3. 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: In this case, public health will be ensured as the plans for the RV Parks have been reviewed and approved by the TriCounty Health Department, which serves as Duchesne County's culinary water authority and sanitary sewer authority.

The health department approval for the Mesa RV Park was for three spaces, all located parallel to Highway 35. These three RV spaces obtain water from an existing well, which can have three connections per health department water rules. These three RV spaces have a wastewater collection and disposal system as shown on the plans. A site inspection on March 13, 2015 revealed, in the Mesa RV Park, one RV located in Space 4 or 5, which is shown as a "future" space on the plan, which does not currently have access to water and sewer service. This unit needs to be moved immediately to one of the vacant, approved Mesa RV spaces (1, 2 or 3) or to one of the approved spaces in the abutting Riverside RV Park.

The health department approval for the Riverside RV Park was for nine spaces, (three on Pad C, three on Pad F, two on Pad A and one on Pad B). The three spaces on Pad C obtain water from a well located near Space #1. Spaces 1-3 have a sewage collection system that pipes waste to a leach field north of the roping pen. A site inspection on March 13, 2015 revealed three RVs and one park model unit located on Pad C. One of these units needs to be moved immediately (off of the property or onto one of the vacant spaces approved on the plan by the health department).

Pads A and F currently have no RV units on them. Pad B is approved by the health department for one RV. It currently has two park model units on it. Space #4 on Pad B is served by a well that also is slated to serve the two RV spaces on Pad A. If a second unit is to remain on Pad B, then only one unit can be placed on Pad A unless an amended plan is approved by the health department.

The subject property lies along the Duchesne River, which is a water and floodplain under the jurisdiction of the US Army Corps of Engineers, Bountiful Utah office and the Utah Division of Water Resources. Photos taken at the site on March 13, 2015 reveal that the applicants have deposited a large amount of rock and earth material along the riverbank. The Corps indicate that no permit was obtained for this work. No additional work should be allowed at this RV Park and no additional RV units moved in, until such time as compliance with Corps of Engineers/Division of Water Resource requirements is achieved.

The State of Utah Department of Environmental Quality has a Water Quality Division. Construction stormwater control permits are required from that agency when more than one acre of land is to be disturbed. In this case, about 15 acres of land were disturbed on the west side of the Duchesne River. State DEQ personnel have verified that the developers did not obtain the required stormwater permit before starting construction. No additional work should be allowed at this RV Park and no additional RVs moved in, until such time as compliance with DEQ Water Quality Division requirements is achieved.

The Utah Department of Transportation has been asked to comment on the proposal, since the RV Parks obtain access from Highway 35. UDOT Region 3 is requiring that the Mesa RV Park access be improved with pavement, between the edge of existing highway asphalt and the highway right of way fence. The access through the fence needs to be widened to at least 24 feet to facilitate two-way traffic. UDOT has not required any improvements at the intersection of Highway 35 and the County Class D Road that serves the Riverside RV Park.

Fire Protection is one additional public safety concern. Due to the lack of a culinary water system and fire hydrants in this area, the applicants will need to coordinate with the Duchesne County Fire and Emergency Management Director to provide an alternate method of fire protection. A “dry hydrant” using water from the adjacent

Duchesne River has been discussed. If this alternative is selected, the applicants will need a permit from the Utah Division of Water Resources to install such a hydrant in the river and install a sign at the hydrant noting that the water is for emergency (fire-fighting) use only.

If the project is found to comply with the specific zoning ordinance requirements for RV Parks, any other public safety and general welfare issues will be adequately addressed and undue detrimental impacts on surrounding properties should not occur.

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 contains the following statements with respect to the construction and energy industries, which this RV Park would support: “Today, extractive-use industries: livestock, timber, mining, and oil; remain the backbone of the region's economy. The County continues to encourage and support these industries, acknowledging that industry patterns, fluctuating markets, and changing political winds predict periodic good times followed by lean.” In this case, the applicants intend to provide this RV Park to support the construction and energy industries [as well as the tourism industry], which is beneficial to the economy of the county and in compliance with the general plan.

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.

Findings: The zoning ordinance requires a minimum size of 5.0 acres for an RV Park to ensure that there is enough space for the RV spaces, landscaping areas, setbacks, accessory structures and other site features. In this case, the Mesa RV Park section, on the east side of the river, is 4.57-acres in size. The abutting Riverside RV Park section on the west side of the river contains 15.07 acres. The total size is 19.64 acres, which complies with the standard.

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.

8-11-2: RECREATIONAL VEHICLE PARKS:

Recreational vehicle parks shall be conditionally permitted only after a determination that the following standards are met:

A. Size: Recreational vehicle parks shall be a minimum of five (5) acres in size. **Findings: The proposed RV Park is 19.64 acres in size, which complies with this standard.**

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

not large enough for placement of mobile or manufactured homes. In this case, “Pads D and E” could potentially accommodate such a dwelling, provided that health department approval is received and a building permit issued. A variance to this standard should be granted in this case due to the large pad sizes shown on the plan.

C. Entrances: No entrance from the recreational vehicle park shall create undue hazard or hardship on a residential development, and no entrance shall be located closer than one hundred fifty feet (150') from the intersection of two (2) streets. **Findings: The proposed entrance to the Mesa RV Park section is located approximately 675 feet west of the intersection of Highway 35 and the Rock Creek Road. The proposed entrance to the Riverside RV Park section is located approximately 675 feet south of the intersection of Highway 35 and the Class D road serving this area. This standard is met.**

D. Setback; Screening: All recreational vehicles shall be set back at least fifty feet (50') from any public right of way. Park boundaries are to be screened with fencing and/or vegetation at least six feet (6') in height. **Findings: The site plan for the Mesa RV Park section shows that RV space #1 would be located 30 feet south of the Highway 35 right of way line. These spaces are 35 feet wide, which allows the actual RV unit to be set back 50 feet from the public right of way. The northernmost point of the Riverside RV Park section is located about 315 feet from the closest right of way on Highway 35. The setback standards are met.**

Fencing or screening of the park boundaries is required. No fencing is proposed in this case and the applicant would like to use existing vegetation to meet the screening requirement. The fencing requirement is designed to buffer RV Parks from surrounding roads and properties and help deter trespassing. Given the location of the Mesa RV Park adjacent to Highway 35, construction of a substantial fence along the highway right of way is advisable for safety; especially if children were to occupy this park. Such a fence should be at least six feet in height and replace the existing short wire fence along the highway.

Fencing or screening of the Riverside RV Park section is less of an issue as this section is not located next to the state highway. However, boundary fencing on the north and south property lines would help deter RV park occupants from trespassing onto abutting private lands. A site visit and photos indicate that there is a short wire fence along the north property line. This fence should be upgraded to a fence at least six feet in height and similar fencing should be installed along the south property line. The Duchesne River and a public road abut the RV Park on the west and east.

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

shall be required along said roads. **Findings: The site plans for the Mesa RV and Riverside RV sections show a typical road section 18 feet in width for one-way roads and 24 feet wide for two-way roads. These roads will need to be constructed with adequate road base to meet the minimum standards of a fire apparatus access road per Section 503.2.1 of the International Fire Code. These roads will need to be inspected and approved by the Fire Department prior to the issuance of a business license.**

A March 13, 2015 site inspection revealed that the entrance to the Mesa RV Park is not the required width of 24 feet. To provide the required width for two-way traffic, the existing access and gate from Highway 35 will need to be widened. Also, there is currently not sufficient rock base in the turn-around area. In the Riverside RV Park, the access road from the County Class D Road also has not been constructed to the required width of 24 feet for two-way traffic. Also, the roadway between the roping pen and the river has been graded but does not have the required 18-foot wide gravel surface.

Lighting is proposed to be provided by existing yard lights located on five power poles spread through the Riverside RV section and one yard light existing in the Mesa RV section.

F. Open Areas: All areas within the court park not intended as roadways shall be landscaped and maintained with lawns, trees and shrubs designed to provide privacy and noise containment. Exceptions include, but are not limited to, one required hard surface parking space per recreational vehicle space, restroom facilities, manager's office, solid waste facilities and recreational buildings. **Findings: Each RV space contains room for a vehicle to be parked next to the RV. No restroom or shower facilities are being provided, so only RVs with toilet facilities can be allowed in the park.**

As shown on the site plan, open areas in the Riverside RV section will be landscaped with trees supplementing the existing vegetation; some of which are already planted. No additional landscaping is proposed in the Mesa RV section. These trees, including appropriate irrigation improvements, must be completed prior to moving additional units into the Riverside RV Park, unless suitable bonding is provided to the County.

Solid waste disposal in the Mesa RV park section is provided at the south end of the cul de sac. Solid waste disposal in the Riverside RV section would be provided by a separate waste receptacle at each pad. Final design will need to be coordinated with the garbage collector selected. No recreational buildings are proposed. The Riverside RV section does have a roping area that can be used by tenants. Both sections have frontage on the Duchesne River for recreation.

G. Dimensions of Spaces: Each recreational vehicle space shall be at least thirty five feet (35') in width and at least sixty feet (60') in length. No recreational vehicle or add-on shall be located closer than fifteen feet (15') from any other recreational vehicle or add-on. **Findings: The site plan for both the Mesa and Riverside RV park sections shows a standard space size of 35 x 60 feet. This provides enough space for a 15-foot setback between RV units, which are usually 8 feet wide, exclusive of “tip-outs.” The purpose of the 15-foot setback standard is to minimize the spread of fire from one RV to another. Pads B, D and E contain additional space that, if provided with utilities, could be used for additional RV spaces or perhaps dwelling units.**

H. Density; Water and Sewer: Density shall conform to the zone in which the development is situated. State approved common water system and state approved common sewerage systems (septic or otherwise) are mandatory for a recreational vehicle park. No other density or water/sewerage systems proposals are acceptable. Clustering of recreational unit spaces is permissible. For the purposes of this title and title 9 of this code, when calculating the number of units for a development for density purposes, recreational vehicles shall be calculated as eight (8) recreational vehicles per one dwelling unit. **Findings: The County allows more than one dwelling unit on parcels provided that health department standards are met.**

In this case, the Mesa RV section would be served by a private well and meet the health department rules for water systems with 1-3 connections. If two additional RV spaces are developed, the water system will need to meet health department rules for 4-7 connections. The wastewater system for the Mesa RV section was approved for up to five RVs by letter dated March 25, 2014.

The Riverside RV section would have three water wells; with each well serving three RV spaces under the health department rules for water systems with 1-3 connections. RV spaces 1-4 would be served by a septic system, with a drain field located northwest of the roping pen. RV spaces 5 and 6 would be served by a septic system, with a drain field located just southeast of these spaces. RV spaces 7-9 would be served by a septic system, with a drain field located southeast of the roping pen. These wastewater facilities must be approved by the TriCounty Health Department before being put into use.

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

applicants will need to obtain a Duchesne County business license prior to moving additional units onto either site. Before the license can be issued, an inspection of the facility will be conducted to determine whether all of the improvements shown on the approved site plans have been completed. If, due to circumstances beyond the applicant's control, some of the improvements have not been completed before occupancy is desired, the applicant may choose to post financial surety to guarantee the completion of said improvements within an agreed time frame.

Also, the applicants will need to complete documents with the Utah State Tax Commission for the collection of transient room tax and submit evidence of completion to the County.

J. Code Compliance: In addition to meeting the above requirements, all recreational vehicle parks shall conform to the requirements set forth in the code of camp, trailer court, hotel, motel and resort sanitation requirements, as adopted by the state board of health. Plans for recreational vehicle parks shall be provided to the Tri-County health department for review and approval prior to construction. **Findings: The TriCounty Health Department reviews RV Park plans in Duchesne, Daggett and Uintah counties for compliance with state administrative rules. The health department issued their letter of approval for the Mesa RV section on September 10, 2014 and for the Riverside RV section on March 4, 2015. However, as stated above, a site inspection on March 13, 2015 revealed that the approved plans are not being adhered to.**

K. Site Plan: A site plan (see requirements in section 9-4-3 of this code) is necessary for the planning commission to determine that all requirements of this title are met. **Findings: Site plans for both the Mesa RV Park and the Riverside RV Park have been prepared by Apex Engineering, Inc. The improvements shown on these plans will need to be completed before any additional RVs or park model units are moved into either park, unless bonding is posted to guarantee construction of such improvements by an agreed date.**

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 of the Duchesne County Zoning Code, provided that conditions are imposed.
2. The request is valid.

RECOMMENDATION

Approval of the Conditional Use Permit for Mesa Development, including a variance to allow dwelling units other than RVs, subject to the following conditions:

1. Prior to moving any additional RVs or park model units into either section of the RV Park, the applicants shall:
 - a. Resolve any compliance issues with the US Army Corps of Engineers and Utah Division of Water Resources regarding fill placed along the Duchesne River bank.
 - b. Resolve any compliance issues with the Utah DEQ Division of Water Quality regarding disturbance of land without a storm water permit.
 - c. Construct the required driveway approach to the Mesa RV Park from Highway 35 in accordance with UDOT standards set forth in a UDOT access permit.
 - d. Comply with the plans approved by the TriCounty Health Department for the Mesa RV Park by moving the RV off Space #4.

- e. Comply with the plans approved by the TriCounty Health Department for the Riverside RV Park by reducing the number of units on Pad C from four to three and by either moving the second unit off Pad B or decreasing the number of units on Pad A from two to one.
 - f. Complete installation of fire protection facilities approved by the Duchesne County Fire and Emergency Management Director. A “dry hydrant” using water from the adjacent Duchesne River may be utilized. If this alternative is selected, the applicants will need a permit from the Utah Division of Water Resources to install such a hydrant in the river and install a sign at the hydrant noting that the water is for emergency (fire-fighting) use only.
 - g. Complete installation of trees and appropriate irrigation facilities, as shown on the site plan.
 - h. Complete installation of all RV Pads and utility improvements shown on the site plan. Electrical and plumbing permits shall be obtained from the Duchesne County Building Department prior to installation of the utilities.
 - i. Complete installation of the access roads (18’ wide for one-way roads and 24’ wide for two-way roads) and receive approval from the Duchesne County Fire Department.
 - j. Complete installation of directional and one-way road signage to clearly identify the entrance to the park sections and the direction of travel.
 - k. Install a six foot tall fence along the north side of the Mesa RV Park and along the north and south boundaries of the Riverside RV Park.
 - l. Provide solid waste disposal facilities to serve each RV space.
 - m. Complete documents with the Utah State Tax Commission for the collection of transient room tax and submit evidence of completion to the County.
 - n. Obtain Duchesne County business licenses for the two RV Parks.
2. If the applicants are unable to complete all of the site improvements required in Condition #1 above prior to moving additional units onto the property, the applicant will be allowed to post financial surety in an amount of 110% of an engineer or contractor’s estimate to complete such improvements within six months.
 3. Since there is no restroom building, RVs with no toilet facilities shall not be allowed in the park.
 4. The applicants shall obtain approval of all water and wastewater facilities from the TriCounty Health Department before occupancy of the RV spaces or pads served by such facilities.

Mike Hyde, AICP
Community Development Director