

Sanpete County Planning Commission Meeting

August 8, 2012, 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

Present are: Planning Commission Chair Thell Stewart, Gene Jacobson, Steve Anderson, Mary Anderson, Leon Day, Joe Nielsen, Paul Rasmussen, Sanpete County Commissioner Steve Frischknecht, Sanpete County Zoning Administrator Scott Olsen and Sanpete County Deputy Clerk Gayelene Henrikson.

Meeting is called to order by Chair Thell Stewart.

CLINT CHARLES HAMPTON: REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR A COAL TRANSFER YARD ON HIS PROPERTY. THE PROPERTY IS LOCATED WEST OF AXTELL AND THE SEVIER RIVER AND SOUTH OF THE AXTELL ROAD IN THE A-ZONE WITH 60 ACRES ON S 11284X. THEY WILL USE THE REDMOND SALT MINE ROAD TO THE WEST AND SOUTH TO ACCESS THE STATE ROADS. A COAL YARD IS PERMITTED IN THE A-ZONE WITH A CONDITIONAL USE PERMIT.

Clint Charles Hampton and his father, Keith Hampton are present. Scott Olsen reviews his request. His business will have 3 trucks to carry an average 36 tons of coal from Sufco five to six days a week. The property will house a 400 ton stockpile of coal. Discussion ensued about his business operations.

The trucks will be covered and travel on the established west roads through Sevier County. Concern is over the 10 ton per load weight limit signs on the Axtell road. Scott has researched why and when the sign was placed. The signs came after the new bridge was completed but he hasn't been able to find out why it is limited. The bridge isn't weight limited. When the bridge was being completed AXTSSD had concerns about trucks going through Axtell. Before the commission can approve the conditional use permit, knowledge about what the sign is for needs to be discovered so the project can be in compliance of the sign. Can the sign be moved to the bridge? Commissioner Frischknecht doesn't have a problem with the trucks on the road, but the project needs to have a recommendation from the SSD #1. The commission wants to approve the conditional use permit with a stipulation that the travel route for the trucks will not go through Axtell.

Other stipulations discussed are concern from the community with the coal dust and road repairs. Should there be a stipulation on how to minimize the dust? The dust should be minimal if the piles are watered down. Water is available on the property. It was decided to wait for complaints, then have required remedies. The remedies were not discussed.

Mr. Anderson questioned who is responsible for the repairs on the road if the road fails? The property is along a county road. Mr. Hampton pays property taxes. A solution was not met.

Mr. Nielsen questioned about the location of the proposed pasture property verses the property to the west which is waste ground. Mr. Hampton pointed out that if he moves the

request to the west, the trucks could enter the property from the Salt Mine Road. That property is in the intersection of Axtell and Salt Mine road, not by the river. The problem is that the property to the west is a different parcel number with different adjoining property owners so they would need to wait another 30 days for the process to be completed. Mr. Hampton didn't want to wait another 30 days to go through the process of changing his request to the other property, if he could be approved of the conditional use permit on this location.

Motion is made by Leon Day to table the request so more research can be done on the weight limit sign issue and Mr. Hampton can modify his application to request a conditional use permit on the other parcel. The motion is seconded by Paul Rasmussen and the motion passes.

SCOTT OLSEN, ZONING ADMINISTRATOR: DISCUSS AND REQUEST FOR APPROVAL TO AMEND THE SANPETE COUNTY LAND USE ORDINANCE, ADD CHAPTER 14.51 IN-INDUSTRIAL ZONE, TABLE OF STANDARDS AND INFO.

Scott Olsen and Leon Day presented their revisions to the members. Thell Stewart publicly thanked and complimented Mr. Day for his continued work on the preparations of the Industrial zone.

Topics were discussed using the ideas that have already been brought to the table and the new revisions from Mr. Olsen and Mr. Day. Commissioner Frischknecht would like to see the ordinance not so restrictive and use conditional use permits. Doing so will make the zone more inviting instead of all the ramifications.

The members agree on the Public Access Frontage and Road Width Standard.

Under Special Provisions:

Sections A & B were discussed. Section A needs to be fixed by taking out "sight obscuring and no material or merchandise shall be stored to a height greater than that of the enclosed fence or wall" and include a "6' safety fence or wall". Sections B & C deal with junk and garbage.

The commission needs to decide what is needed to make the yard look nice. Should we stipulate "unsightly" in the zone? What is "unsightly"? If the "unsightly" is a product of the business, then is it "unsightly"? Do we enforce from the beginning or after a complaint? One solution is to wait until the complaint and then pull the conditional use permit and review the permit.

Mr. Anderson commented that owners need to have the responsibility of keeping areas safe. The project should have a safety fence and a section for the unsightly materials. Junk needs to be fenced but not the whole yard. The ordinance should read: a 6' minimum chainlink fence around the areas of operation and a sight-enclosure fence around the areas of refuge and garbage.

Mr. Jacobson commented about fencing, setbacks and the aesthetics. Safety has more importance than unsightly material when dealing with the fencing and aesthetics.

Mr. Olsen stated to accommodate the auto salvage in the Industrial Zone, then the Matrix has to be written as such. The Matrix has auto salvage use in the Industrial Zone. Should we change the matrix to stipulate junk cars with conditional use permits?

State Highway setbacks:

The distance for a setback on a State Highway is discussed. Mr. Day revised the setback for the right of way back to 50' from the highway. Discussion about the containment fence or walls and landscaping in front of the wall or fence and what is categorized as junk ensued.

Mr. Anderson suggested the general rule should be to have an enclosure of garbage, a nice looking front and a site plan that shows how the developer will meet the criteria. Then the planning commission can review the proposal and guide the development so that it is pleasing and attractive.

Mr. Olsen pointed out that the Matrix has permitted uses in the Industrial Zone that don't come to the planning commission for approval. Do we change the Matrix so all the proposals in the Industrial Zone come to the planning commission for approval? The ordinance needs to be written stating if the development is a permitted use it still must come to Planning Commission for approval of the project.

Site Plan:

The commission approved the overall changes to the site plan review and approval. Under #2 it was suggested to have it read "including, but not limited to". Mr. Day commented to the fact that the county doesn't have any engineering standards.

Mr. Anderson suggested adding a paragraph stating the developer is responsible to identify any potential flood sources to existing natural flows and determine any impacts and then design a plan to mitigate any modifications or change to the existing natural flow.

Special Provisions:

Sight Obscuring Fences or Walls:

Mr. Day added this section. The overall paragraph is accepted with a few changes- removing the words "for aesthetics" on the type of fence and "long term" on the maintenance and adding "safety" to the purpose of the fence.

Temporary Waiver of Requirements to Encourage Enterprise Development:

Mr. Day added a temporary waiver. Mr. Jacobson voiced concern over who can waive. Everything that is in the ordinance so far is about public safety and water. If it isn't needed in the ordinance then it shouldn't be in the ordinance. Commissioner Frischknecht expressed concern- once a precedence is started it's hard to change it. Mr. Day discussed the reason he put the waiver in. It was decided not to include the waiver.

Modify Section J:

J. Buffer Zone: The commission expressed a desire to meet with the cities and come to an agreement to the conditions in the buffer zone of each city. They want each city with a buffer zone to come to an agreement in regards to utilities and services extended to developments within the buffer zone. Commissioner Frischknecht suggested the commission attend a Mayors & Commission Meeting and present the Industrial Zone at the meeting.

Axtell is a Special Service District (SSD), so they aren't included on the list of cities with buffer zones.

Mr. Day will make changes to the ordinance and the planning commission will review the ordinance next month.

APPROVAL OF MINUTES

Motion is made by Leon Day to approve the Planning Commission minutes of July 11, 2012 with minimum corrections. The motion is seconded by Paul Rasmussen, and the motion passes.

With no further business before the Planning Commission, motion to adjourn is made by Mary Anderson. The motion is seconded by Joe Nielsen, and the motion passes.

The meeting is adjourned at 8:18 P.M.

**Chapter 14.51
IN - Industrial Zone**

Sections:

14.51.010 Purpose

14.51.020 Table of Standards

14.51.010 Purpose

The IN - Industrial zone has been established to provide land within Sanpete County that may be uniquely located to accommodate industrial uses. Generally Sanpete County prefers that such uses are located within close proximity of established municipalities where infrastructure and required services are available.

14.51.020 Table of Standards

IN - Standards	Requirements
Area	20 Acres Minimum
Density *	1 acre minimum lots
Public access Frontage and Road Width	No access to the public road from a drive way. Two entrances with a 50' minimum setback, a required 60' wide frontage and/or connecting road through proposed development, with allocated space in the set back to allow for future expansion of the public road.
State Highway setbacks	90' from highway right of way for all structures and a distance of 250' off of highway right of way for containment fences or walls for materials, merchandise or solid waste for storage, salvage, junk or unsightly business operations.
Setbacks Front & Rear Side	30' perimeter on all sides, and as per International Building Code and the International Fire Code separation for all set backs.
Maximum Height of structures	As per International Building Code and International Fire Code
Height of solid fences or other solid structures within front setback	3' minimum height and as per all UDOT and Sanpete County safety codes and regulations.
Permitted/Conditional Uses	(See Land Use Matrix) <i>Appendix A</i>

***All divisions of property require a subdivision process meeting the Sanpete County Subdivision Ordinance requirements.**

PERMITTED USES:

Uses solely permitted in the industrial Zone are as follows:

All uses listed in the Land Use Ordinance; Land use Matrix as permitted or requiring conditional use permit in the IN – Industrial Zone.

Sexually oriented businesses as defined in section 14.76.290 as Adult Uses.

- A. Sexually oriented businesses, which are classified as follows: Adult Arcades; Adult Bookstores, Adult Novelty Stores, Adult Video Stores; Adult Cabarets; Adult Motels; Adult Motion Picture Theaters; Adult Theaters; Escort Agencies; Semi-nude Model Studios; and all Sexual Encounter Establishments, as such uses are defined subject to the definitions, requirements and provisions, including location requirements and subject to the following location and distance requirements:

- B. No sexually oriented business shall operate or be established within 1000 feet of any of the following:
- 1 churches, synagogues, mosques, temples, or other buildings used primarily for religious worship and activities;
 2. public or private educational facilities including child day-care facilities, pre-schools, elementary schools, intermediate schools, and high schools, including school grounds and athletic facilities which are used primarily in connection with school-related activities;
 3. public recreation areas or facilities including but not limited to parks, playgrounds, picnic areas, athletic fields or courts, libraries, public trail systems, community centers, and other analogous facilities;
 4. privately owned amusement parks or recreation facilities.
- C. No sexually oriented business shall operate or be established within 1000 feet of a boundary of a zoning district which allows residential use as a permitted use.
- D. No sexually oriented business shall be located within 1000 feet of any other sexually oriented business.

Site Plan Review and Approval:

A. Scope:

An applicant for a building permit in the IN- Industrial Zone shall submit a site plan to the Zoning Administrator and/or the Planning Commission with the contents listed below. The Zoning Administrator shall review the plan and shall approve a building permit thereto only if the standards of this and the other sections of the ordinance are met.

Exception: The Zoning Administrator may reduce certain requirements of the site plan review for existing industrial facilities and sites that are amending existing approved site plans.

B. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show:

1. Building locations and use of all existing and proposed structures on the subject lot.
2. Utility locations, including water, power, lighting, telephone, cable TV, sewer or septic tank locations, and fire hydrants.
3. The location and names of all public and private streets and required street improvements, access points, loading areas, yard setbacks, ingress and egress drives, parking areas, landscaped areas, site drainage and holding ponds.
4. The location of all canals, power lines, gas lines and other utility lines on the subject lot and the boundaries of all recorded easements located on the lot.
5. The location and cross sectional drawing of proposed walls and fences.
6. The names, addresses, and telephone numbers of the owner of the lot to be built on (subject lot), the developer of the project, and the architect or other designers.
7. An identification of any areas where the subject lot has been graded by past cuts or fills; also contour lines, if the land has more than a five percent (5%) slope, and a grading plan if cuts or fills will be undertaken to prepare the site, and such other improvements as may be required relating to the specific use proposed.
8. An identification of any contaminated and unstable soils, fill material types, fault lines or other natural hazards affecting the subject property.
9. The location and identification of each use of land and each building adjacent to the boundaries of the subject lot.
10. The property boundary lines, legal description and dimensions of the subject lot; the property lines of all adjoining lots (but only extending for a distance of three hundred feet away from the boundaries of the subject lot); and an identification on each lot of the name and address of the property owner.
11. Design of phased plan if applicable with time table for completion.
12. North point.

C. Pre site inspection and approval:

A pre development site inspection and approval is required (with applicable fee, as per standards of building department inspection fees) before final approval and any permits are issued; as pertaining to the lots removal of all junk, garbage, and waste.

D. Limitation:

Review and approval of final site plan from Zoning Administrator and Planning Commission shall precede the issuance of any building permit for structures, site improvements or utility system installations. Upon approval of the final site plan by the Zoning Administrator and/or Planning Commission no buildings or uses of land other than those depicted and approved on such plan shall be permitted.

E. Supplementary Regulations:

Uses within this zone shall also comply with the applicable requirements set forth in the requirements and procedures applicable within all zones and all other provisions of this Land Use Ordinance and the Sanpete County Subdivision Ordinance.

Special Provisions:

A. Storage of Materials and Merchandise: All storage and merchandise shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.

B. Junk: Storage of "junk" or partially or completely dismantled automobiles shall be enclosed within a sight obscuring wall or fence of not less than six feet (6') in height, and material so stored shall be kept below the height of the fence or wall.

C. Solid Waste Storage Facilities: Solid waste storage facilities shall be located at the rear of the main building or behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.

D. Parking: Parking shall be as required by applicable requirements of this title or business occupancy use or an addendum thereto.

E. Lighting: Lighting shall be as required by this chapter or other applicable requirements of this title or business use.

F. Utilities: All developments shall be served by a source of culinary water and quantity as per State Water Rights requirements for the occupancy. Sewer or septic tank as may be approved by the Sanpete County Public Health Department and Electrical power from a power company whose area of service covers the proposed business site location and a letter from each such company along with the site plan required in this chapter.

G. Fire Protection: Adequate water for fire protection as required by the International Building Code and the International Fire Code for the occupancy type and the Sanpete County subdivision ordinance. Where Municipalities are involved in providing these services, a letter shall be submitted from each such company along with the site plan required in this chapter.

H. Hours of Operation: The planning commission may establish hours of operation in order to eliminate excess noise, lighting or other nuisances.

I. Sexually Oriented Businesses: "Sexually oriented businesses", as defined in section 14.76.290 of this code, shall comply with all site, building and lighting requirements set forth in this code. In the case of conflict, the most stringent requirements shall prevail.

J. When the IN - Industrial Zone is to be located within a municipalities RA Zones: the standards, setbacks and other site plan modifications to these requirements may be implemented to meet the municipalities zoning regulations and standards only if the municipality WILL extend required Utilities and Services to the proposed Industrial Zone development.

Recommended revisions to the Draft IN – Industrial Zone Ordinance – Leon Day

Recommended revisions under 14.51.020 Table of Standards:

Public access Frontage and Road Width

No access to the public road from a driveway. Two entrances with a 50' minimum setback, a required 60' wide frontage and/or connecting road through the proposed development, with allocated space in the set back to allow for future expansion of the public road.

An exception may be allowed to have only a single entrance if the frontage on the public road is less than 1000 feet. In this case the road must have a loop allowing large trucks and emergency vehicles to enter and leave the development without having to back up.

State Highway setbacks

Discussion

As we discussed this ordinance it was decided to attempt to keep unsightly things from being seen from Sanpetes State Highways. The initial concept was to keep things back away from the road. Later we adopted the concept of sight obscuring fences or walls. I think having both is overkill (requiring a fence or wall setback 250' from the highway right of way). My current thinking is that a fence or wall should be enough as long as it keeps things out of sight. So I propose that we remove the large setback and increase the requirement for the wall or fence to obscure the unsightly view. To do this I propose that the fence height along State highways be such that from a point six (6) feet above the roadway that the fence or wall prevents the viewing of those things desired to be out of sight. Also to add a landscape buffer in front of the wall.

Recommended revisions under:

State Highway setbacks

50' from highway right of way for all structures. Containment fences or walls for materials, merchandise or solid waste for storage, salvage, junk or unsightly business operations shall be set back for enough to provide a landscape buffer zone between the highway right of way and the fence or wall. The sight obscuring fence or wall shall be high enough so that the unsightly view can't be seen from six (6) feet above the roadway for a distance along the frontage of the development and 1000 feet beyond.

Site Plan Review and Approval:

B. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show:

1. Building locations and use of all existing and proposed structures on the subject lot or parcel.
2. The location of existing and proposed utilities including culinary water and fire hydrants; irrigation canals, pipelines and service connections; natural gas pipelines and service connections; electric power lines and service connections; site lighting; telephone, fiber optic, broadband, cable TV and other communication lines; sanitary sewer lines, septic tanks, drain fields and connections; site drainage details including storm drain pipelines, catch basins and detention/retention basins; any other existing or proposed utilities or services.
3. The boundaries of all recorded easements located on the subject lot or parcel, or required off the lot or parcel to service the lot or parcel. The recording data for the easement shall be shown on the plan and copies of the recorded easement submitted with the site plan.
4. The location, names and boundaries of all public and private streets and required street improvements, access points, loading areas, yard setbacks, ingress and egress drives, and parking areas. The location and boundaries of easements required to implement the plan.
5. The location and cross sectional drawing of proposed walls and fences. For sight obscuring walls and fences the plan shall describe the type of fence and give sufficient details to determine the aesthetic look of the wall or fence.
6. A landscape plan or details of existing or proposed landscaping for the site.
7. The names, mailing addresses, email addresses, and phone numbers of the owner of the lot or parcel to be built on (subject lot), the developer of the project, and the architect/engineer or other designers.
8. An identification of any areas where the subject lot has been graded by past cuts or fills; also contour lines, if the land has more than a five percent (5%) slope, and a grading plan if cuts or fills will be undertaken to prepare the site, and such other improvements as may be required relating to the specific use proposed.
9. An identification of any contaminated and unstable soils, fill material types, fault lines or other natural hazards affecting the subject property. The flood zone determination.
10. The location and identification of each use of land and each building adjacent to the boundaries of the subject lot or parcel.
11. The property boundary lines, legal description and dimensions of the subject lot or parcel; the property lines of all adjoining lots or parcels (but only extending for a distance of three hundred feet away from the boundaries of the subject lot or parcel; and an identification on each lot or parcel of the name and address of the property owner. This requirement may be met if the required data is shown on a copy of a Record of Survey map if such map is on file with the county surveyors office or a subdivision plat has been recorded since the counties land use ordinances have been in effect. If the lot or parcel is not a lot of a recorded subdivision nor has a Record of Survey been filed then a land survey depicting the required data is required and a Record of Survey must be filed with the county surveyors office. An unaltered copy obtained from the Recorders office of the Subdivision Plat or Record of Survey will be included with the site plan set to verify the data required to be derived from it.
12. Design of phased plan if applicable with time table for completion.
13. North point and scale. Multiple sheets should be used as required to keep the site plan set uncluttered and easy to read. Text shouldn't be so small that it is hard to read. The

use of legends and tables is recommended for organization and clarity.

14. Both paper and digital (PDF) copies of the site plans shall be submitted. The approved plan with signatures shall be scanned in color and a digital (PDF) file delivered to the Zoning Administrator.

Recommended revisions under:

Special Provisions:

Add two more sections.

Sight Obscuring Fences or Walls: Sight obscuring fences or walls shall be of a type that is acceptable to the Planning Commission for aesthetics. Since the purpose of the fence or wall is to keep things out of sight then the fence or wall design itself should be aesthetically pleasing. Landscaping in front of the wall to improve the look should be considered and is recommended. Long term maintenance of a pleasing look is required.

Temporary Waiver of Requirements to Encourage Enterprise Development: Upon request of the developer, recommendation by the Planning Commission, and approval by the Sanpete County Commission, a temporary waiver for up to five (5) years of some industrial zone requirements may be approved by Sanpete County to aid the development of Industrial Zone businesses. These waivers shall require a public meeting to address mitigation measures required before approval. Such an agreement will be in the form of a written agreement which specifically states the terms, time limits and consequences of failure to abide by the conditions of the temporary waiver.

Modify Section J as follows:

J. When the IN – Industrial Zone is to be located within a municipalities RA Zones (Buffer Zone): the standards, setbacks and other site plan modifications of this chapter may be modified and implemented according the municipalities zoning regulations and standards only if the municipality WILL extend required Utilities and Services provided by the municipality inside its boundary to the proposed Industrial Zone.

Each municipality wanting to implement this provision shall provide to Sanpete County the modifications desired to the county's ordinances. The Sanpete County Planning Commission shall then consider the modifications. After the Sanpete County Planning Commission and the municipality have come to a mutual understanding to the modifications and the Utilities and Services to be extended to Industrial Zone developments in the municipalities RA Zones (Buffer Zone), the Planning Commission may then approve the modifications and recommend to the Sanpete County Commission that the modifications be included in this chapter (Ordinances Amended).

As each municipality's modifications are approved they shall be placed in this chapter below:

Industrial Zone modifications for each Sanpete County Municipality:

Axtell:

No modifications approved.

Centerfield:

No RA Zones (Buffer Zone)

Ephraim:

No modifications approved.

Fairview:

No modifications approved.

Fayette:

No modifications approved.

Fountain Green:

No modifications approved.

Gunnison:

No modifications approved.

Manti:

No modifications approved.

Mayfield:

No modifications approved.

Moroni:

No modifications approved.

Mount Pleasant:

No RA Zones (Buffer Zone)

Spring City:

No modifications approved.

Sterling:

No modifications approved.

Wales

No RA Zones (Buffer Zone)