

**MINUTES OF COMMISSION COMBINED WORKING SESSION AND REGULAR
SESSION MEETING HELD AUGUST 27, 2012, BEGINNING AT 1:00 P.M. IN
COMMISSION CHAMBERS, IN DUCHESNE, UTAH**

Present

Commission Chairman Kirk J. Wood, Commissioner Ronald Winterton, Commissioner Kent R. Peatross, Winter River, LeeAnn Hill, Liisa Hancock counsel for Neil Wilkerson, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Absent

Deputy County Attorney Marea Doherty.

Opening Comments

Chairman Wood offered the prayer. There were no other comments.

Public Comment/Other Business

Mr. River stated that on August 14, 2012 he filed a complaint about Stacey Williams on an illegal building taking place on lots V-0237, V-0238, and V-0239 in Vista Valley. There has been a stop work order on that building and he has been here several times to get a copy and keeps getting told by Building Official Karl Mott to come back. He has been here five times to get it and it is still not done as of today. Commissioner Winterton stated that he will look into this.

Consideration Of Payment Vouchers

Deputy Clerk Auditor Connie Sweat joined the meeting at 1:09 P.M...

The commission reviewed vouchers #122502 through #122550 dated August 27, 2012, in the amount of one hundred twenty two thousand six hundred five dollars and seventy six cents (\$122,605.76) as presented by Deputy Clerk Sweat. *Commissioner Peatross motioned to approve the vouchers as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Tax Adjustments – Assessor

The commission reviewed the attached tax adjustment. *Commissioner Peatross motioned to approve the tax adjustment as recommended by the Assessor's Office. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Miss Bliss Jewelry

Deputy Clerk Sweat stated that this business is near Roosevelt. They make jewelry and accessories and they go to vendor events and shows; they do not sell out of their home. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Rocky MT Pumping Services

Deputy Clerk Sweat stated that this is a contract pumping business in the oil field. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Unit Drilling Company

Deputy Clerk Sweat stated that this business is in the oil and gas industry from Casper, Wyoming. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Minutes For Regular Commission Meeting Held August 13, 2012

Commissioner Peatross motioned to approve the minutes as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Minutes For Combined Commission Meeting Held August 20, 2012

Commissioner Peatross motioned to approve the minutes as corrected. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Public Comment/Other Business

Chad Booth with the County Seat joined the meeting at 1:21 P.M...

Mr. Booth stated that he is here to give the mid-year report on the County Seat. In the course of the year, we have covered a broad range of topics such as jail funding from contract perspective and cap perspective, collecting and assessing, special documentation on wilderness, wildfires, and animal control. A part of the reason he is here, is to see what we are missing. We are broadcasting fifteen times a week. The only place we are missing cable coverage is in Washington County, but he hopes to have the entire state covered by the end of the year. We have approximately thirty thousand viewers a week. We have opportunities to make time changes as we go into season three. A possibility is to have both broadcasts at the end of the day at 4:30 p.m. We now have twenty counties involved in the program and everyone has indicated that they want to renew for a third season with the exception of Carbon County. We have a weekly staff meeting and there was a suggestion that we do the pledge of allegiance to the flag weekly on our show. We thought about visiting classrooms around the State of Utah to have them do it. We would have to give up twenty five seconds of programming. He would like to get the school districts to pick this up as a part of their curriculum.

Closed Meeting -

No discussion was necessary.

Public Hearing- 1:30 P.M...

County/Community Planning Administrator Mike Hyde, Kent Wilkerson, Neil Wilkerson, Jone Wells, Brad Wells, Roger Alexander, Chris Alexander, Bryce Green, Deborah Alexander, & Anne Marie Hancock joined the meeting at 1:30 P.M...

Consideration Of An Appeal Filed By Neil Wilkerson, Of A Planning Commission Decision To Grant Minor Subdivision Approval To Paul Wells To Divide Lot 4 Of The Gardenbrook Subdivision into three one-acre lots

Administrator Hyde stated that this is an appeal of the Planning Commission's decision that upheld a hearing officer's decision to approve a minor subdivision amending the plat of the Gardenbrook Subdivision, lot 4. Paul Wells and family applied to the Planning and Zoning Department on June 7, 2012 to have lot 4 divided into three, one acre parcels. The Health Department approved the land division on June 26, 2012 and we sent out a notice of our intent to approve the minor subdivision to all property owners within three hundred feet. There was an administrative hearing requested that was held on July 10, 2012. Administrative Hyde serves as a hearing officer, conducted the meeting, and prepared findings to support the approval of the request. The decision was appealed to the Planning Commission. The Planning Commission held a public hearing on August 1, 2012 where they voted unanimously to approve the plat amendment dividing the parcel into three parcels. The Planning Commission's decision has been appealed to you by Neil Wilkerson. There was an appeal packet that has been provided to us (see attached). The criteria for the decision are within the Duchesne County subdivision ordinance regarding minor subdivisions. We have prepared two sets of findings, one is to grant the appeal and the other is to deny the appeal. The differences in the two findings are:

- (1) Minimum lot size; the plat shows the parcel is three acres and the survey map shows three, one acre parcels. This is due to rounding, which is a common procedure for surveyors. In this case, the three lots range from .9932 acres to .9948 acres which is anywhere from 225 to 296 square feet less than a full one acre. In your findings you have the option to treat these as one acre parcels by rounding or to not accept the rounding.
- (2) The requirement to have a public right of way access. With minor subdivisions, we see a wide range of access arrangements. We see private easements that provide for private driveway access. We see Class D Road access, which are public roads not maintained by the county. We also see Class B Road access. 2250 West is a Class B Road on the county road map and there is a sixty six foot right of way on the Gardenbrook Subdivision plat. It was later determined that there was not sixty six feet between Gardenbrook and the North Cove Road and the county was in litigation with Mr. Wilkerson that resulted in a settlement agreement that is attached to his appeal application as Exhibit J with an associated map. It turns out that we have just less than thirty feet of a right of way at the North Cove Road that narrows down going north. The key thing here is that minor subdivisions don't require that there be a full county standard access road as long as there is legal access. In the findings to deny the request and approve the appeal, we note that there is less than the full sixty six

feet of right of way. The normal twenty four foot pavement with two, three foot shoulders standard for county roads does not exist also. In the findings to uphold the Planning Commission's decision and deny the appeal, we note that the right of way abutting the Well's property is their fair share of the sixty six feet. The plat and the survey show that they have thirty three feet of right of way on both the north and west sides of their property and they do have legal access.

Chairman Wood asked if Attorney Doherty has had a chance to review this information. Administrator Hyde stated that she has been provided all of the documents, but he hasn't heard from her on this. If you want to recess the hearing until she has an opportunity to review it would be an option.

As there were no further questions, Chairman Wood called for the appellant to speak.

Ms. Liisa Hancock presented to the commission additional and repetitive exhibits and has additional summary points of arguments she would like to add as part of the record (see attached). She stated that we disagree with the characterization with the proposed subdivision as a minor subdivision lot. We don't believe it meets the requirements in Chapter five of the Duchesne County code. It says that they don't need a rezone, but we feel that is incorrect. The property has currently not been properly rezoned. They are asking for a subdivision that is one acre lots, but they must first rezone the property. Under Duchesne County code 8-5-1, it provides the various districts and the various requirements for those districts. An A-2.5 district currently this requires a 2.5 acre minimum zone and that's what property lot 4 of the Gardenbrook Subdivision is currently zoned at. The purpose of this zone is to conserve and protect farms and other open land uses, foster orderly growth in rural areas and prevent land development and agriculture land use conflicts. In a A-2.5 district, they don't need a specific water sewage connection; they can use a wastewater system permit and a non-public water source. In Section B, it establishes the residential districts. It provides that a residential district of the county require one acre minimum and R-1/2 requires .5 acre minimum. This provides residents for what the Wells want to do on their property. We take issue with this part of this code and parts of the compliance with this code. It says that a one acre district requires a public water source and a Tri County Health Department wastewater system permit. She understands that a public water system is about ready to be on the property although it's not currently on the property and there have been no official changes to the official zoning map. Our .5 district requires a public water source and a public sewer system to the family dwelling. Her current understanding is that there may be access to the public water source connection, there is no public sewage system immediately available. In the findings provided by the Planning Commission from the initial hearing officer, there are study's being performed for the area on sewage, but it's currently not in place and there is no actual physical process implementing the sewage in this area this leads us to our argument that currently, if they want to subdivide the full acreage of the areas 2.98 and they want to subdivide into three, one acre lots although it's a very small difference, they can't get to one acre specifically for each of these lots so they are required to follow the R-1/2 zone and she has looked through the Duchesne County Code and she can't find anywhere that allows for rounding up and she thinks there is a purpose for the different divisions of acreage. It's very specific, if they wanted to allow for rounding up it would be in the code and it's not there or the residential zoning districts would accommodate that. One of the reasons they haven't rezoned this area or gone through the formal zoning process which we argue needs to occur before the subdivision can be put in place is it states that it is not necessary to rezone property to this higher density zone when the official zoning map shows available public water service. In their findings of facts, they state specifically that they are not going to record this subdivision until the official zoning map is changed and until the public water source is put in. Unfortunately that's not how the code reads, it reads before a subdivision or a rezone can be done, it needs to be on the official zoning map first. That has not occurred at this point and it needs to occur before pursuant to the statute. We take issue with the statute for the following reason; it's in violation of the Duchesne County Code and the Utah County Code, which governs how counties are to apply their land provisions. In the Utah State Code 17-27-A-104 states that except as provided in subsection (2), a county may enact an ordinance imposing stricter requirements or higher standards than are required, by

this chapter, so you can enact stricter requirements not looser requirements by the statute. In 17-27-A-302, this has been codified in your code under the Planning Commissions power of duties word for word and she believes it's in 8-15-8 of the Duchesne County Code. In 8-1-7 says prior to recommending the adoption, rejection, or revision of any zoning district amendment, the Planning Commission shall hold a public meeting. That "shall" is important, it's mandatory and has to be required. In this case that has not been required. Shall consider criteria for approval and they list various lists of criteria; the overall community benefit of the proposed amendment; constancy with the goals and policies of the general plan; compatibility with the neighborhood; here we have neighbors who have signed that they believe that this is not compatible. Changes in the neighborhood will unduly affect neighboring parties and the interest of the applicant. They haven't gone through the hearing for the rezone because of the reliance on 8-1-5, it's not necessary. However, we believe it's in conflict with your own 8-15-8 and the Utah State Code that allows for a streamlined provision for zoning, but it has certain requirements for when a streamlined review may occur. It requires that the signatures and approval of all abutting property owners be provided before a streamlined approval process for a rezone can occur. The 8-1-5 doesn't comply with either the Duchesne or Utah State Code because in this situation, we can't go there the neighbors haven't approved this. The streamlined process doesn't allow for a public hearing, it restricts due process notification of the neighbors. There has been no notification of rezone provided to the neighboring properties and that's a violation of their constitutional right. It also results in absurd results, because C provides for a commercial district and D provides for an industrial district. B states that as long as there is access to a public water source, you can have a residential line district or residential 1/2 if there is also a public water sewage system anywhere without any notices or any hearings. The absurd results will be that you will have commercial and industrial districts that could potentially have a home located in the middle of industrial buildings. We believe that it needs to be rezoned first, if not then under the 1/2 because they do not meet the 1 acre requirement they need to follow the R- 1/2 acre rezone which provides public sewage and under the R-1 before the subdivision can be approved there needs to be a change to the official planning map and that again is mandatory. Again, the findings that they are going to wait to report this subdivision to comply with that until after the water system is in place is in violation. It may be a minor violation, but it is a violation of a mandatory requirement. Additionally, the Duchesne County code under 9-3-2 subsection 20 requires a subdivision after approved to be recorded within ninety days and that can't occur here until the Utah Division of Drinking Water grants an operating permit on the water system that's been provided until the zoning map has been changed; again, there is a violation there. Her understanding is that any rezone needs to go through the Board of Adjustments first and then the County Commission; that process has not been applied here. We say that a minor subdivision doesn't apply here and that they are required to go through with the regular subdivision requirements. We assert that it violates it again the minimum lot size has not been complied with. The water source currently has not been complied with until after those issues she has addressed. We also have concerns with the infrastructure. The concern is that the sanitary district is only requiring sewage systems to be located one hundred feet away from Mr. Wilkerson's water source. We believe that the distance should be greater if this is going to be approved. Next, D, all parcels have public right of way, no additional right of way is required to be dedicated pursuant to the official map per county standards; we argue that there is no compliance with this. In Exhibit K, it shows currently the right of ways allowed over the access road to the development. In Exhibit B, it shows a zoomed out view of the different areas that we are talking about. Exhibit A prior to that shows the prior subdivision to get your variance a little bit on there. Exhibit B shows in the right corner you will see three properties next to each other, one is the Wilkerson's property in the middle and the heavier bolded outline is the Hallet property. Her understanding is this lot 4 is located directly north of the Wilkerson property. Her understanding is that the only way to access this proposed subdivision is via that road that goes between the Hallet property and Mr. Wilkerson's property coming off of the road that is the North Cove Road. They may have the appropriate right of way next to their property above the Hallet property, but they don't have the required access to actually get into their subdivision via the only access road. Exhibit K shows the road is currently 21.8 feet and its short under the A-2.5 zoning, which Wilkerson's is currently zoned at and the Hallett's property is

zoned at. It's required a 60 foot right of way across the property, but that right of way doesn't exist. It is her understanding that there is a 12 foot access that is a private road that is being used by the county that has never been deeded over to the county. In order for a subdivision to be approved, this needs to be a 24 foot asphalt way with 3 feet on either side of a shoulder and then at a minimum if we are considering this as a R-1 a 55 foot right of way that we argue under the A-2.5 standard that it requires a 66 foot right of way that the code that defies that is under Duchesne County 9-1-4. It's interesting in 9-1-4, it says that the roads and right of ways shall be constructed as follows and again "shall" is mandatory as per Duchesne County Code 9-1-1. Those are requirements that must be followed for public streets, lanes, walks, etc.

Wilkerson's property is not a minor subdivision or is Hallet's property, in order to get to the Gardenbrook Subdivision this access needs to be appropriate and comply. Exhibit C shows the line of the property that Mr. Wilkerson deeded over to the county years ago. Exhibit D is another rendering of the area showing again that it doesn't meet the requirements. Exhibit E contains several photos; you can see that there is no room for a shoulder on either side of the road that is required. Exhibit G shows the signatures of neighbors and property owners who are opposed to the rezone and are opposed to the subdivision, some of them are here today. Exhibit H shows again the infract, this is another finding of a minor subdivision that they need to provide an accurate map. The road shows that it's wider than it really is. It also incorrectly shows that the lot is three acres, when it's 2.98; that needs to be accurate before any subdivision can be provided. This doesn't comply with 9-3334 because it does require additional dedication of additional land and it does require construction of a shoulder on the side of the road, so it doesn't satisfy those requirements. Variances can be granted however, they haven't asked for any. Under the "shall" for the width they can't, but they also have to go through the proper variance process. This property can be used in a number of different ways without being subdivided into three, one acre lots. We aren't taking away any uses, one use at this point, yes, but it doesn't rise to the standard set forth by Utah Law for a showing of special circumstances or conditions. It also doesn't meet the standard of that the variances are necessary for preservation and enjoyment of a substantial property right. They can still have all of the uses allowed under A-2.5. There are Utah Code segments that preserve farmland that this would be violating. In Exhibit I, this is an email exchange between Administrator Hyde and Kent Wilkerson who is Neil Wilkerson's son. Administrator Hyde on June 6, 2012 tells Kent Wilkerson that the request has been withdrawn by the applicant and that he may come back with a new request and a new notice will be mailed out at that time period. As she has gone through the findings, if those dates of mailings and notifications were provided by Administrator Hyde, he has a history of events of the findings and facts for the Planning Commission. In there, it does say that a new minor survey was received on June 7, 2012 and on June 26, 2012 a revised application was deemed complete and that an administrative hearing was requested, but there is nothing stating that a new notice was mailed to her client or the other property owners. This is a violation of the requirements of the statute that the notice needed to be mailed to the properties that a decision was being considered on this matter that was never provided to her client. Her client did not receive proper notification of the Planning Commission meeting; he was on top of things and found out about the commission meeting. In conclusion, wherever there is a "shall", it has already been legislated that you must comply and there are no exceptions unless you have gone through the proper process. The automatic rezone does not apply and cannot apply; it's in contradiction with the Utah Code. There is not substantial compliance with the minor subdivision or with the zoning requirements or with the water or the road requirements. Substantial requirements are not an available action at this point where the county has already set forth what mandatory provisions should be considered.

As there were no questions of Ms. Hancock, Chairman Wood called for testimony in favor of the minor subdivision.

Mrs. Jone Wells stated that our position is we aren't here on a rezone matter. We have followed all of the laws that the county has in affect right now. Mr. Wilkerson still has a personal vendetta against the county. We have followed the county code as it exists right now as a minor subdivision. We have followed every county ordinance and rule that we have been told to do. City water has been run to the lots and there

was also a connection made to the North Cove Road, so that there would be enough pressure to put out a fire. We have been issued a permit by the State Division of Drinking Water; it was received on August 8, 2012. We are in compliance with Tri County Health and the wastewater permits have been issued. We have hashed through all of the issues in public hearings and Tri County Health has said that we have followed everything that they require. On the rounding up issue, we have followed what the county has deemed acceptable and what their standards are. If the county is not going to accept rounding up, then they need to go back and look at all of the other parcels in the county that have already been rounded up and are being charged for taxes as if they have the rounded up number. If it's an acceptable practice and the county is already doing it, we think you should be allowed to keep doing it. The land issues are the same thing with the right of way. We were told by the county that in front of our land, we have the 66 foot right of way and it was acceptable by the county with what we want to do. If you have to have that much of a shoulder as Ms. Hancock mentioned, she suggests that you look at all of the county roads. The county just re-did the North Cove Road, which goes into the land by Mr. Wilkerson's house. This road was not any wider than the road that goes to her property. Now the road is paved and there are no shoulders anywhere. That road has not been a safe road for the twenty seven years that she has been there. On the right of way issue, Mr. Wilkerson has parked his trailer, tractor, campers, and trucks on the county's right of way, so it looks a lot smaller than it actually is. This property hasn't been used as farmland in over twenty years, it's zoned residential. Mr. Wilkerson is running a business on his land, so why are they worrying about maintaining agriculture? We haven't asked for a building permit yet. We are trying to go through the proper process and follow the county rules and ordinances. On the petition, the people who signed are renters who live next to the land. Mr. Wilkerson's wife signed the petition and told her that she isn't opposed to us subdividing the land and that she thinks we have the right to do whatever we want with our land. If people are so opposed to it, they would be here at the hearings. On the due process, she got proper notification and that's a county issue. If she got notice, she would think so did everyone else listed on the back page of the notice she received. We are not asking for variances or rezones, we have done everything the county has asked. She would like the commission to deny the appeal, so we can go ahead and get the lots divided.

As there were no questions, Chairman Wood asked for rebuttal testimony.

Mr. Kent Wilkerson stated that his mom specifically stated to him that she doesn't care for the duplexes that are in the back. The interesting thing is that the county code allows that permitted use there, but three of them on small size lots. He works for Summit County and reviews subdivisions. You have a substandard road and as he reads the code, it says the road needs to be brought up to reasonable standards to help protect the citizens. He finds things in the code that the commission can direct change on that would be very meaningful. The purpose is to establish reasonable standards for the properties that you're adjacent to. As commissioners, you have the option to direct your staff to change it to make it something that helps your community. He has the following recommendations: Change the code to where you have an existing subdivision, you can't automatically go in there and further hack up a lot. He sees points on this that you should take action on to help improve your code and improve the value of Duchesne County. It will ultimately help you resolve challenges and issues such as this.

Mr. Brad Wells stated that he realizes that Kent Wilkerson wants to induce other counties preferences on us, but that's other counties, not us. He spoke to Neil and Kathy Wilkerson about the possibility of buying this property if they didn't want him to do what he wants with it, but they didn't want to buy it and they still want to tell us what to do with it. The fact is that there are no covenants in the subdivision and to say that you can't divide a piece of ground is asinine. To tell us that we should be like someone else's county is asinine as well.

Ms. Liisa Hancock stated that she understands that property rights are always hard on individual property owners. It tends to bring out strong emotions as you have probably seen many times. County codes containing zoning and subdivision processes were enacted for the purpose of providing structure and providing an

orderly process to apply for and to obtain change. Essentially, in this situation, there are appropriate processes that have been set forth by the Duchesne County Code that have not been followed and have either not been communicated effectively or misunderstood. The rezone needed to be done prior to and it is in conflict with the other laws set forth. The minor subdivision has specific requirements before the minor subdivision process can even occur and those weren't followed. Although water has been potentially provided, at this point there is no sewer connection if it's deemed to require the ½ acre standards. The water had not been provided prior to the minor subdivision being established it was still in construction and again the zoning process needed to be changed. What has happened to other properties does not apply to the current situation if people didn't bring up the code or did not fight those. Variances can be asked for on rounding up or other issues, but they have not been asked for. The code doesn't just require a right of way next to the property; it requires an appropriate and legal access to the subdivision. The legal access is not there and there is no room for a shoulder. The preservation of the farmland, part of farmland preservation applies that the purpose is to provide open land areas even on agriculture industries such as Mr. Wilkerson's is allowed. A duplex is allowed on the 2.5 acres, but it's the greater land area that is to be preserved that is not occurring in this situation. In the rebuttal to their petition, their argument there, they haven't provided any evidence that they are not land owners in the property or that people are in approval. We have provided a petition that has names listed. They haven't provided any evidence of that. This does directly affect Mr. Wilkerson's property, it's a problem to him and he can bring up these things. The fact that Mr. Wilkerson may have had an opportunity to purchase the property; if they don't have the sufficient funds to do that is what is applicable here is the code and how it should be applied and that's what we are asking.

Commissioner Peatross asked Mr. Neil Wilkerson if he is on a well or if he has hooked up to the culinary system.

Mr. Neil Wilkerson stated that yes, he is on a well and that he doesn't plan to hook onto the culinary system.

Commissioner Peatross asked if all of the signees on the petition live within the appropriate notification distance.

Mr. Neil Wilkerson stated that not all of them live within the three hundred foot notification boundary.

Ms. Liisa Hancock stated that regardless of who signed, they have signed and people are here today to oppose it. If there is any opposition, then the expedited process should not be applied.

Chairman Wood stated that there have been several things that have been presented today that need to be addressed by our attorney. His recommendation would be to continue the hearing.

Commissioner Peatross stated that in regards to the discussion of the road right of way, we have roads all around the county that do not fit the current standard. The current standard is what we build to as we build new roads, but we have subdivisions all over the county that come off of roads of this type and he doesn't feel that it's a legitimate argument for the access issue on this. The thing that concerns him is that he wants to focus on the process issue that has been brought up to make sure that we have followed the appropriate notification timelines and those types of things. He supports Chairman Wood's suggestion in postponing this to allow time for the attorney to review the case.

Mrs. Deborah Alexander stated that she is concerned about her well in the event that something goes wrong with the septic system, her well could be contaminated; there is no guarantee.

Chairman Wood stated that you run the risk of contaminating your well with your own septic system. If it breaks underground, you don't know about it until your

drinking water is contaminated. It's a legitimate concern, but anyone who has a septic system runs the same risk. Your septic system could contaminate your neighbor's well. That's a Tri County Health issue and they regulate those items.

Mr. Brad Wells stated that as we ran the waterlines for this project, we did drop a water connection at each one of these individuals' lots at no cost to them. The only cost to them would be to tie onto it. The septic systems will be put in beyond the boundary that Tri County Health has set.

Mr. Neil Wilkerson stated that he doesn't want to hook onto city water, his water is better. The big issue here is that he has been bit three times now by that subdivision and the laws and rules haven't been followed when it was built in the first place. The people that built it, drew this property used Lloyd Halletts, and Emo Hadlocks private driveway as part of this Gardenbrook Subdivision. That is where he and the county have been in troubles since it first happened. He went to the county commissioners, attorneys, and the Planning and Zoning Department who told him nothing will happen there. But this is the third time something has happened. The issue needs to be handled at the time when the subdivision is put in, not years later when you can't go back on the people who did it to fix the mess.

Ms. Liisa Hancock stated that as far as prior roads and different things, we don't know if there were variances granted on those roads for subdivisions, we don't have a history on those subdivisions. What we deal with now, is the proposed subdivision and this proposed road. The others are separate, and what happened in other cases, doesn't apply to this situation.

-Entered back into Combined Commission Meeting at 2:52P.M...

Commissioner Peatross motioned to recess this hearing until September 17, 2012 at 1:30 P.M. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Commission Calendaring

Adjourn

Chairman Wood adjourned the meeting at 3:03 P.M...

Read and approved this 1st day of October 2012.

Kirk J. Wood

Commission Chairman

Diane Freston

Clerk/Auditor

Minutes of meeting prepared by BobbiJo Casper _____