

**MINUTES OF COMBINED COMMISSION WORKING AND REGULAR SESSION  
MEETING HELD JULY 08, 2013 BEGINNING AT 10:00 A.M. IN CONFERENCE  
ROOM #1, IN DUCHESNE, UTAH**

***Present***

Commission Chairman Ronald Winterton; Commissioner Kirk J. Wood, Commissioner Kent R. Peatross, Deputy County Attorney Anthony Wilcox, Public Works Director Glen Murphy, Property Owner Brett Stuart, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

***Public Works/Landfill Department Update***

Director Murphy reported that the Road Department is working on the North Crescent Road (County Road 180) in Roosevelt with XTO. We are putting in culverts and then we will gravel it.

Director Murphy also reported that they are also putting culverts in the Altamont area on County Road 129, getting it ready to pave this fall.

Director Murphy stated that there was a flash flood near Tabiona due to the rain storms so they will clean it up with a grader.

***Discussion Of Roads And Fire Safety***

*Emergency Management Director Mike Lefler joined the meeting at 9:12 A.M...*

Mr. Stuart presented the attached packet and thanked the commission for taking the time to listen to his concerns. Mr. Stuart stated that he has been paying taxes in Duchesne County for twenty (20) years. Argyle Estates is no different from your neighborhood other than he has dirt roads and forest that has proven to be very dangerous due to fires. His biggest concern is over the years, there have been illegal gates with locks placed on county D roads. This is a major problem that he has tried to resolve with the county for several years and nothing has been done. He has been discussing road issues with locked gates across county roads in Argyle Canyon for five (5) years and it's very frustrating. He feels that he has been put on the back burner with these issues and concerns. If there is a fire, he needs to plan an escape route for his family and neighbors in all directions. If we are running from a fire and we get to an illegal gate, we basically burn. It is the commissioner's duty to enforce the law and protect the citizens of Duchesne County. He feels that by not enforcing the law on the illegal locked gates that it has gotten out of control. He is talking about approximately twelve (12) locked gates in his area where he and his neighbors are willing to help the county locate, GPS, and remove all locked gates. He has used the 1976 County D Road Map to collect the information that he has.

Commissioner Peatross stated that he spoke to Mr. Stuart recently and told him that they are dead end roads on private property, which means we don't have a right to go onto that property. The thing that would help us is if we had the entire organization provide us an evacuation plan or some kind of an authorized use plan. The general public has to have a purpose for us to enforce the right of use. We had people in here a year ago telling us that the county has no rights to go through their property. Mr. Stuart stated that if it's a D road, it is within our right to drive across. Commissioner Wood stated that we have found a lot of discrepancies on our D Road Map so one of the possibilities that have been brought up is any D Road that ends on private property may be vacated. Director Lefler stated that in the International Fire Code, there is a section on locked gates and escape routes, but he was not prepared for this discussion because he just found out about it. Commissioner Peatross stated that we have had a hard time validating the 1976 County D Road Map through the process that the county commission used back then because they didn't go through the public hearing process appropriately. We are claiming it and we have it, but when push comes to shove, we aren't sure we can win that argument. You have to establish the claim. All that the minutes show is that the county adopted a map that was provided to the Utah Department of Transportation (UDOT); there is no mention of a public hearing being held. What we are trying to do now, is validate those maps. Mr. Stuart suggested that the commission follow D Road law and no gates are to be placed on a D Road unless they have come to the county and received a permit approved by the commission and absolutely no locks. Enforce the D Road laws according to your D Road Maps. Let people prove to you that they are not D Roads. Chairman Winterton stated that the county's responsibility is to make sure that you have access to your property in the

subdivision. That is why we have the Planning and Zoning Department. If it's a private road, it's up to the landowner as to how to access it. His understanding is that the State of Utah or the County just drew the lines on the map and there is no evidence of a public hearing being held to receive public input on the map. Commissioner Peatross stated that we can't find where the county followed due process. The next step would be to go out and get affidavits verifying history of public use of the road, which would be a long process and would take up a lot of resources. What happens on the road in Argyle Estates is up to the property owners because they are private. In the covenants it states that all property owners are to maintain the roads within the subdivision, so it is his understanding that if there is a locked gate in the subdivision, it's a civil matter. It sounds like the biggest issue for Mr. Stuart is the county D and B roads. We need to find out what the county's responsibility is within that subdivision. Commissioner Peatross stated that the best way to do it is to force every controversial road into court. Mr. Stuart stated that it shouldn't be his responsibility to take these roads into court; it's the responsibility of the county. He allows people to travel across his land and he is not on a county road, it's private, but he wants to be able to utilize his land. Commissioner Peatross stated that he has the same philosophy as Mr. Stuart does. He couldn't care less if people went across his property and expects people to respect it when they do. You make a good point and he thinks we should ask the attorney's office to review this again. Maybe these roads need to be tested for due process and the map is already being challenged right now, so we will find out what the validity of it is. Mr. Stuart stated that as a citizen he is following the map and the D road guidelines. It's up to the county and the commission to enforce the law. He has done a lot of research over the past years and in the packet, there is a lot of useful information. All of these gates keep popping up and he is very frustrated. Chairman Winterton stated that a D road is a two track, what you see is what you get. If you get off of those tracks, you are trespassing. Mr. Stuart stated that when a gate gets put up, they go out in the meadow looking for a way around and trash it. If you create a loop, you won't see the damage because they have no reason to go off of the trail. He feels that it would be a benefit to the landowner to remove the gates and he is willing to discuss this with land owners. He would prefer that people put in cattle guards instead. The State of Utah has grant money available to provide cattle guards. He hopes that he and the commission can work together on this. Chairman Winterton stated that we will ask our attorney's to look further into this and if appropriate write letters asking that the locks be removed. He has been told to choose your battles wisely and feels that they don't need to be looking for more fights; we don't have the resources. We appreciate you coming in and discussing this with us.

### ***Discussion Of Payroll Adjustments***

*Assessor Greg Garff, Sheriff Travis Mitchell, Chief Deputy Dave Boren, Deputy Clerk Auditor Robin Rega, Chief Deputy Clerk JoAnn Evans, & Cynthia Wardle from the Sheriff's Office joined the meeting at 9:52 A.M...*

Deputy Clerk Rega stated that public safety employees are calculated in a 28 day time frame and it confuses the clock in Kronos. She suggested that they calculate them in 14 day period. Sheriff Mitchell stated that we need to differentiate between overtime and straight time. Ms. Wardle stated that this change would be easier for us to calculate and for the officers to understand. They are working 170 hours in 28 days so you will pay 1 hour of overtime so they will benefit 30 minutes per pay period. Sheriff Mitchell doesn't see that this change will impact his budget. Chairman Winterton stated that he is okay with the concept.

*Deputy County Attorney Grant Charles joined the meeting at 10:15 A.M...*

Deputy Clerk Evans stated that they would like to be more consistent with state law by paying out the comp time each week rather than bank it. Sheriff Mitchell stated that he feels this change will be beneficial. Chairman Winterton stated that he is in favor of trying it until the end of the year and see how it works out. Commissioner Wood stated that the policy needs to be updated and reviewed by the Attorney's Office then approved by the commission.

*Entered recess by general consent at 10:33 A.M...*

*Re-entered Combined Commission Meeting at 10:46 A.M...*

### ***Prize Drawing For Phase 6 Of The Junk Vehicle Removal Program***

*Combined Working & Regular Commission Meeting July 08, 2013*

*County/Community Planning Administrator Mike Hyde joined the meeting at 10:46 A.M...*

Administrator Hyde stated that in the first five phases of the program, 1,057 junk vehicles have been removed and \$10,570.00 in cash prizes has been awarded. Phase six has just been completed with the removal of 152 vehicles which means \$1,520.00 is on the line today. Assistant Casper pulled tickets out of a bowl with the following results:

- 1<sup>st</sup> \$760- Jenny Stratton
- 2<sup>nd</sup> \$304- Chad Sizemore
- 3<sup>rd</sup> \$228- Allen Hempworth
- 4<sup>th</sup> \$152- Shawna Hoffman
- 5<sup>th</sup> \$76- Jenny Adams

Administrator Hyde stated that he will contact the winners.

### ***Consideration Of A Surface Damage Waiver***

Administrator Hyde stated that we were approached by Brock Land Management LLC working for El Paso trying to close out a well site north of the old Roosevelt Airport. The county acquired this property from Roosevelt City in 1981 which includes an oil well that was drilled by Chevron back in 1974. El Paso plugged and abandoned it in 2006 and they would like to get our signature on the surface damage waiver that indicates that we are okay with the nature of the property as they close it off. El Paso does hold us harmless against anything that comes up with an environmental issue later on. Weed Supervisor Ron Johnson has reviewed the site for weed issues and suggested that we don't do anything to it so it doesn't stir it up because it will create more potential for weeds. There is a well access road that people are using to access their homes, so that access should not be blocked. Chairman Winterton stated that he spoke to Supervisor Johnson last week and at that time he recommended fencing around it due to a potential liability due to the ATV activity going through the property. Attorney Charles stated that he has reviewed this and feels it's not going to change the liability issues. We could post no trespassing signs around the property. You could post signs, but give certain property owners permission for access or put up no ATV signs. *Commissioner Peatross suggested that they do a field trip to this location with the Attorney's Office. Commissioner Wood motioned to authorize Chairman Winterton to sign the Surface Damage Waiver. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

### ***Consideration Of Vouchers***

*Deputy Clerk Auditor Connie Sweat joined the meeting at 11:10 A.M...*

The commission reviewed vouchers # 125238 through 125286 dated July 8, 2013, in the amount one hundred sixteen thousand three hundred ninety eight dollars and eighty three cents (\$116,398.83) as presented by the Clerk Auditor's Office. *Commissioner Peatross motioned to approve the vouchers as presented by the Clerk Auditor's Office. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

### ***Consideration Of A Business License Application For Aztec Well Servicing Co.***

Deputy Clerk Sweat stated that this business is a drilling company. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

### ***Consideration Of A Business License Application For Brand X Construction LLC***

Deputy Clerk Sweat stated that this business will haul gravel using one semi-truck. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

### ***Consideration Of Minutes For Combined Commission Meeting Held July 01, 2013***

Assistant Casper stated that these minutes are not ready to be considered.

***Closed Meeting –***

*Commissioner Peatross moved to go into and out of closed session for the purpose of discussing the purchase, exchange, sale, or lease of real property at 11:17 A.M. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

*-Re-entered Combined Commission Meeting at 11:26 A.M...*

***Consideration To Take Action Discussed Under Closed Meeting***

*No action was necessary.*

***Closed Meeting –***

*Commissioner Peatross moved to go into and out of closed session for the purpose of discussing pending or reasonably imminent litigation at 11:26 A.M. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

*-Re-entered Combined Commission Meeting at 11:40 A.M...*

***Consideration To Take Action Discussed Under Closed Meeting***

*No action was necessary.*

***Closed Meeting –***

*Commissioner Wood moved to go into and out of closed session for the purpose of discussing personnel issues at 11:40 A.M. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

*-Re-entered Combined Commission Meeting at 12:28 A.M...*

***Consideration To Take Action Discussed Under Closed Meeting***

*No action was necessary.*

*Entered recess by general consent at 12:55 A.M...*

*Re-entered Combined Commission Meeting at 1:30 P.M...*

***Public Hearing 1:30 P.M. – Moved to Commission Chambers***

***Consideration Of An Appeal Of A Planning Commission Decision To Grant A Conditional Use Permit To Dale And Kelari Wilkerson To Relocate Their First Call Propane Business At 3796 W 3000 South (Ioka Lane)***

*County/Community Planning Administrator Mike Hyde, Dale Winterton, Kelari Winterton, Lanny Ross, Irene Hansen, Terry Scholes, Melody Scholes, Debbie Foote, Jerry Foote, Dane Huber & Dana Madson joined the meeting at 1:30 P.M...*

Chairman Winterton opened the public hearing and stated that he needed to declare a possible conflict due to being related to Dale and Kelari Winterton and will only be involved in voting if there is a tie.

Administrator Hyde stated that the subject property is located on the east end of Ioka Lane almost to Highway 40. The subject property has about an acre of land that is zoned commercial, but the other five and a half acres is in the residential agriculture zone. The Winterton's want to move their propane business on this property, so they are required to get a conditional use permit to have a business on this property. At the Planning Commission Public Hearing in May, we received testimony from the applicants in favor and a number of folks were against. We received a petition from a number of folks in the area that are opposed to it. At that time, the Planning Commission didn't have any findings for it to justify denial of the request, they only had a staff recommendation for a conditional approval the Planning Commission recessed their hearing to their June meeting and directed staff to prepare findings to allow for the denial of the request, which it did. At the June Planning Commission Public Hearing, it came to a 4-2 vote to approve the conditional use permit with the attached findings. The Planning Commission felt that the conditions for approval were appropriate to mitigate impacts of the proposed use.

Commissioner Peatross asked if there is a sufficient waterline for hydrants for fire

protection.

Administrator Hyde stated that according to the findings, there is a four inch line Johnson Water line on Ioka Lane. They will probably need to do some type of fire protection inside their building, unless that line can be replaced with a larger line. He believes that 500 feet is the maximum distance from a facility like this to a fire hydrant.

Dane Huber stated that he appreciates the appeal being heard today. Some of the people within his neighborhood feel that they weren't treated fairly. When he votes for somebody he asks that they represent the majority of the people and right now they are not being represented. The majority of the people don't want this at this location. It's not that we are against Dale Winterton; we just don't want their propane tanks next to our house. Two of the 6.6 acres is usable space. He is an ex-state trooper who has dealt with hazardous material. Mr. Huber presented a slideshow and stated that there was a propane tank that was on fire in the winter where everyone within a one mile radius was evacuated and all of the fire hydrants were frozen, so it had to burn itself out. He lives 350 feet from the proposed site. They will house five, thirty thousand gallon storage tanks. He is all about promoting business in the county, but there are other places for this type of business. One of the county's report said that it shouldn't be approved, but it still got approved. If you plan for the worst you can hope for the best. If you have a propane tank explode, you will have to shut down two main highways. Ioka Lane is a dangerous road when you turn onto Highway 40. Now you are going to put an access for hazardous material to turn out there. He hopes that the commission will vote against this.

Jerry Foote stated that he has property near the proposed site. The conditional use permit says that the Planning Commission may grant a conditional use permit if the Commission, from the application of the facts presented at the public hearing, finds that 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 health, safety, and welfare. In one conclusion it states that the request does not comply with the requirements in the Duchesne County Zoning ordinance and that the request is not valid. Why are we having this hearing? His position is that he doesn't have anything against Dale Winterton or his business. But if we continue to allow commercial buildings and commercial property to encroach on residential and agriculture farmland, what good is our zoning ordinance. It gives four reasons for denial. We want this denied; it's too close to homes and residential areas. He has worked with hazardous materials and we evacuated everything within one mile radius which would shut down Ioka Lane and Highway 40. The Duchesne County general plan says that it should be denied. If you take out the State Highway and the gulch from the 6.6 acres, you are down to 4.1 acres of usable property. The other propane businesses are on a lot more acreage.

Terry Scholes stated that he lives on Ioka Lane and wanted to echo his support to what Dan and Jerry have already mentioned. We gathered a petition from people who are within a half mile of the proposed propane site. Emergencies only happen every so often, but you can't predict when something is going to happen. He has witnessed a 30,000 gallon propane tank explosion where there wasn't enough water to put it out so it burned itself out. Mr. Scholes expressed concerns with property values being affected by this business moving in and that the homes will be unsellable if this permit approved.

Dale Winterton stated that there were several misleading things brought up by the opposing party. The findings that were mentioned were possible findings not approved findings. He will go along with the 4.1 acres being usable as mentioned by the opposing property owners. According to the county GIS computer mapping, Big T Propane has their entire propane operation on less than one acre and there are residents all around this business. Mountain West Propane is on three acres of ground. A-1 Propane is on 1.5 acres of ground. There are residents around these businesses. The power point production showed a propane tank inside a building on a truck that blew up; this was caused by human error or negligence. Our shop will not have propane trucks parked in it; the only time we might have a truck inside is to change the oil and that's it. He is the only driver at their business, so there won't be excessive or new traffic. Propane is dangerous; there is no doubt about it. Propane has to be handled with caution and respect. He has been dealing with it for 28 years and based on his experience he doesn't claim to know it all.

He has to follow State and Federal guidelines and regulations. They receive random inspections from the Fire Marshall and because of that he feels that he can provide a safe and reputable business. We have agreed to all conditions of the conditional use permit and will mitigate any possible issues they may have. These are the reasons, we ask the commission to uphold the Planning Commission's findings and grant the conditional use permit.

Commissioner Peatross stated that according to the drawing, there is a possibility of five tanks, is that correct.

Mr. Dale Winterton stated that is the conceptual drawing. We put down what we thought we might have someday. Right now we have a 19,354 gallon storage tank. There are a lot of different sizes of storage tanks. He has no idea exactly what size storage tanks he will have. We anticipate that in the future we will purchase more, but right now, we have no intention of doing so.

Commissioner Peatross stated that you mentioned several companies and the size of property that they are on; do you know what sizes of storages tanks that they have?

Mr. Dale Winterton stated that A-1 has a 18,000 gallon storage tank and a 8,000 gallon tank. Big T has a 30,000 gallon storage tank and an 18,000 gallon tank.

Commissioner Wood asked how many acres the business is currently located on.

Mr. Dale Winterton replied by stating that it's currently on less than a quarter of an acre. He is approximately 500 feet from Winterton Suites. As long as we handle our product responsibly and with respect we can mitigate the potential for harm.

Kelari Winterton stated that when we created the conceptual drawing, it was a guess of what we would have if we could have our business as big as we want it to be. We plan to purchase a 30,000 gallon storage tank within 3-5 years. It costs a lot to expand and we put down what we would do with the land if we possibly could, it was a concept not an immediate plan.

Mr. Dale Winterton stated that there are potential agreements with Johnson Water to help mitigate problems with access, so we are on the agenda for the next board meeting with them to discuss a shared access on the east side of the property where we wouldn't have trucks leaving or accessing Ioka Lane. We want the storage tanks as far north as possible on the property. There are state and federal regulations from property lines.

Mrs. Wilkerson stated that they have a piece of ground that is zoned commercial that they could use, but they don't want it there because they couldn't utilize the entire property. The proposed area is a hard area where you have there are businesses mixed in with residents and everything across the road to the south is zoned commercial.

Lanny Ross stated that Johnson Water recently installed an 8 inch water line within 300 feet of the property line just west of Mr. Huber's home to make it available for fire protection. The 4 inch line mentioned earlier is separate and on the other side of the road.

Mr. Huber stated that his main point is that nobody wants it. This has a lot of liability on the county's end. If this is approved, they intend to grow. The tax paying voters don't want it.

Mr. Foote stated that you can have human error. You can mitigate anything, but it doesn't alleviate it. That's why we want to keep this away from houses. How do we have zoning ordinances against this, but we are still considering this. It's your responsibility to make sure that you don't have this kind of a business encroaching on residential. You are supposed to look out for the interest of the public. If you deny this, it doesn't mean you are denying the business, you are only denying that the business be at this location.

Commissioner Wood asked how many people in the audience have propane tanks next to their home.

Mr. Dale Wilkerson, Mr. Foote, and Mr. Scholes raised their hands.

Commissioner Peatross stated that our job is also to promote business. Mr. Foote works for the energy industry and he also is concerned that we are losing our agriculture, but the reality is that there is a property right to do what they want within zoning and safety issues; he knows firsthand, because he sold property ten years ago and it was the first time he ever made any money in the cow business. This is a private property right, he wishes that our issue here was about safety instead of property right. His point is not to use the loss of agriculture land as an argument for this. That is happening everywhere you go. How many wonderful acres of agriculture land do we have houses on now? It's not our position to say that it has to be agriculture. The reality of zoning ordinances is we put them there and look at the conditions to determine if they should be changed.

Mr. Foote stated that it is people like you that allow it to happen. You are overriding the zoning ordinance to satisfy one person. You aren't concerned about the people in the area you are only concerned about the business.

Administrator Hyde stated that that when the Planning Commission or County Commissioners makes a land use decision you have to determine whether or not your decision is backed up by complying with the ordinances that are on the books. We can interpret the ordinance and the requirements two different ways and you can come up with a set of findings to justify a decision to deny or approve. It's up to the decision makers; the County Commissioners in this case, to look at the potential findings to decide which ones are the best to adopt. The majority of the Planning Commission felt that the findings to approve were justified. In this situation, the findings to deny focus on the safety and the findings to approve focus on mitigation to help it fit in.

Commissioner Peatross stated that as he studies the findings, the findings to approve the appeal seem to be more compelling.

Attorney Charles stated that from a legal standpoint, it's the commission's discretion to go either way.

Administrator Hyde stated that with propane facilities, there is a minimum 25 foot setback from residents that is established by the fire code.

Commissioner Wood stated that this is the first time that he has seen the findings and he would like more time to review this. A lot of us are sitting on a time bomb with a propane tank sitting next to their homes.

Attorney Charles stated that conditional use permits are considered on a case by case basis with the facts specific to the request. The commission should be focused on the facts rather than emotion.

Commissioner Peatross stated that the reality is this is a property rights issue. The problem we are facing as a commission is that there are no rules in place saying that this can't happen. He is interested in seeing what else there is out there as far as safety rules or setbacks. It's unfortunate that the county hasn't looked at this in the past as far as a setback ordinance. Sometimes progression puts these types of facilities in these areas. He is hesitant to put this decision off, but he would like to look at a neutral point of view and see if there is another perspective out there to give us grounds to deny or approve based from a neutral perspective. He would like to see if there are any independent reasons to support the emotional side of this. We are going to ask Administrator Hyde to help us look at professional expertise from other counties to see if we can support the appeal argument. Today we do not have the facts to support the emotion based appeal that is being proposed.

Chairman Winterton stated that we make decisions based on the best interest of the public. If you want to put a one mile radius from homes on a business like this, there is not one person in here who is buying propane from a business that has a home that far away from it. As a propane customer, what will happen is that it will raise the cost of

propane for them to be farther away. He thinks that we need to take our time and study this a little more.

*Entered back in Combined Commission Meeting at 3:30 P.M...*

*Commissioner Peatross motioned to recess this hearing until 1:30 P.M. on July 29, 2013. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

*Entered back in Public Hearing at 3:32 P.M...*

### **Consideration Of Ordinance No. 13-314, An Ordinance Amending Title 8, The Duchesne County Zoning Ordinance**

Administrator Hyde stated that in 2013 legislature passed three bills that require the county zoning ordinance to be amended with respect to site plans, residential facilities for elderly persons, and residential facilities for persons with a disability and public notice requirements for zoning map amendments. The Planning Commission reviewed the proposed amendments on June 5, 2013 and conducted a public hearing on July 3, 2013. It is recommended that this ordinance be passed.

## **ORDINANCE #13-314**

### **AN ORDINANCE AMENDING TITLE 8, THE DUCHESNE COUNTY ZONING ORDINANCE**

WHEREAS, the 2013 Utah Legislature approved SB 153, which eliminated county regulation of elderly residential facilities and limited county regulation of residential facilities for persons with a disability; and

WHEREAS, the 2013 Utah Legislature approved HB 236, which defines the term “site plan” and limits their legal effect; and

WHEREAS, the 2013 Utah Legislature approved HB 88, which modified the public hearing notice requirements associated with zoning map amendments; and

WHEREAS, the Duchesne County Planning Commission has conducted a public hearing regarding proposed amendments to the Zoning Ordinance to comply with SB 153, HB 236 and HB 88 and has recommended approval of this Ordinance.

BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS that:

**SECTION 1.** Section 8-2-1, Definitions, of Title 8, Zoning Regulations, is amended as follows:

~~ELDERLY PERSON: A person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.~~

~~RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A facility as defined by Utah Code Annotated section 17-27a-103, as amended.~~

**SITE PLAN: A document or map that may be required by a county during a preliminary review preceding the issuance of a building permit to demonstrate that an owner’s or developer’s proposed development activity meets a land use requirement.**

**SECTION 2.** Section 8-9-10, of Title 8, Zoning Regulations, Residential Facilities for Elderly Persons, is repealed in its entirety and replaced with the following:

#### **8-9-10 SITE PLANS**

**A site plan submitted to the County for approval of a building permit:**

- A. If modified, may not be used to impose a penalty on a property owner;
- B. Does not represent an agreement for a specific layout;
- C. Does not bind an owner from future development activity or modifications to a development activity on the property; and
- D. Is superseded by the terms of a building permit requirement.

**SECTION 3.** Section 8-9-11 of Title 8, Zoning Regulations, Residential Facilities for Persons with Disability, is amended as follows:

**8-9-11: RESIDENTIAL FACILITIES FOR PERSONS WITH DISABILITY:**

A. Requirements: Residential facilities for persons with a disability shall be an outright permitted use throughout the county in all zones in which the residential uses are allowed; however, they are required to obtain permits that verify compliance with the same building, safety, and health regulations as are applicable in the same zone to similar uses that are not residential facilities for persons with a disability.

~~B. Substance Abuse Facilities: Residential facilities for persons with a disability that are substance abuse facilities and are located within five hundred feet (500') of a school shall provide, in accordance with rules established by the department of human services under Utah Code Annotated title 62A, chapter 2, licensure of programs and facilities:~~

- ~~1. A security plan satisfactory to local law enforcement authorities;~~
- ~~2. Twenty four (24) hour supervision for residents; and~~
- ~~3. Other twenty four (24) hour security measures.~~

~~C.~~ **B.** Licensing; Monitoring: The responsibility to license programs or entities that operate facilities for persons with a disability, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with:

1. For programs or entities licensed or certified by the department of human services, the department of human services as provided in Utah Code Annotated title 62A, chapter 5, services to people with disabilities; and
2. For programs or entities licensed or certified by the department of health, the department of health under Utah Code Annotated title 26, chapter 21, health care facility licensing and inspection act.

**SECTION 4.** Section 8-1-7 of Title 8, Zoning Regulations, Amendments to Title and Map, is amended as follows:

**8-1-7: AMENDMENTS TO TITLE AND MAP:**

A. Application: A proposed amendment to this title and map may be initiated by any property owner, any person residing in the county, any business owner, the county commission, planning commission, board of adjustment or the county staff by filing an application for zoning ordinance and map amendment.

~~B. Procedures:~~

- ~~1. Prior to recommending the adoption, rejection or revision of any zoning district amendment, the planning commission shall hold a public meeting in accordance with the procedures of this title after receiving the report of the planning staff and providing at least five (5) days' notice in three (3) public places in the county or on the county's official website, and notifying the applicant and all property owners by U.S. mail within three hundred feet (300') of the proposed zoning district amendment, including any such owners located within an adjacent jurisdiction. In lieu of mailed notice to property owners, the county may post notice on the property with a sign of sufficient size, durability, print quality and location that is reasonably calculated to give notice to passersby. All required information shall be provided to the planning office at least ten~~

~~(10) working days prior to the planning commission meeting.~~

~~2. After the planning commission has reviewed the application and made its recommendation to the county commission, the planning staff shall schedule the zoning ordinance or map amendment before the county commission agenda. The county commission shall schedule a public hearing to consider the planning commission recommendation. Notice of the date, time and place of the first public hearing shall be:~~

~~a. Mailed to each affected entity at least ten (10) calendar days before the public hearing;~~

~~b. Posted:~~

~~(1) In at least three (3) public locations within the county; and~~

~~(2) On the county's official website; and~~

~~c. (1) Published in a newspaper of general circulation in the area at least ten (10) calendar days before the public hearing; or~~

~~(2) Mailed at least three (3) days before the public hearing to:~~

~~(A) Each property owner whose land is directly affected by the land use ordinance change; and~~

~~(B) Each adjacent property owner within the parameters specified by county ordinance.~~

**B. Notice of public hearings and public meetings on adoption or modification of land use ordinance.**

**1. The County shall give:**

**(a) Notice of the date, time, and place of the first public hearing to consider the adoption or modification of a land use ordinance; and**

**(b) Notice of each public meeting on the subject.**

**2. Each notice of a public hearing under Subsection (1)(a) shall be:**

**(a) Mailed to each affected entity at least 10 calendar days before the public hearing;**

**(b) Posted:**

**(i) In at least three public locations within the county; or**

**(ii) On the county's official website; and**

**(c) (i) Published:**

**(A) In a newspaper of general circulation in the area at least 10 calendar days before the public hearing; and**

**(B) On the Utah Public Notice Website at least 10 calendar days before the public hearing; or**

**(ii) mailed at least 10 days before the public hearing to:**

**(A) Each property owner whose land is directly affected by the land use ordinance change; and**

**(B) Each adjacent property owner within 300 feet of the boundary of the rezone area.**

**3. Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be posted:**

**(a) In at least three public locations within the county; or**

**(b) On the county's official website.**

**4. (a) If a county plans to hold a public hearing in accordance with Section 17-27a-502 of the Utah Code to adopt a zoning map or map amendment, the County shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within the proposed map at least 10 days prior to the scheduled day of the public hearing.**

**(b) The notice shall:**

**(i) Identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;**

**(ii) State the current zone in which the real property is located;**

**(iii) State the proposed new zone for the real property;**

**(iv) Provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;**

**(v) State that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;**

**(vi) State the address where the property owner should file the protest;**

**(vii) Notify the property owner that each written objection filed with the county will be provided to the municipal legislative body; and**

**(viii) State the location, date, and time of the public hearing described in Section 17-27a-502 of the Utah Code.**

**(c) If a county mails notice to a property owner in accordance with Subsection (2)(c)(ii) for a public hearing on a zoning map or map amendment, the notice required in this Subsection (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent separately.**

**5. The Planning Commission shall consider all written objections received during their public hearing process and forward a copy of all such objections to the County Commissioners.**

~~3.~~ **6.** The county commission is designated as the land use authority for zoning text or map amendments. The commission shall consider the proposed zoning ordinance text or map amendment and the recommendation of the planning commission pursuant to the procedures established by this section and Utah Code Annotated. The county commission may approve the amendment, revise the proposed amendment and approve the proposed amendment as revised, or reject the proposed amendment. There is no minimum area or diversity of ownership requirement for a zone designation. Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or the invalidity of a county decision.

C. Criteria for Approval: In considering a proposed amendment to the zoning ordinance and map, the applicant shall identify, and the planning staff, planning commission and the county commission shall consider, the following factors:

1. The overall community benefit of the proposed amendment;
2. Consistency with the goals and policies of the general plan;
3. Compatibility with the neighborhood;
4. What changes have occurred in the neighborhood since the zoning ordinance and map or latest amendment was enacted;
5. Whether a change in the use for the affected properties will unduly affect the uses of adjoining properties; and
6. Consider the interest of the applicant.

D. Effect of Amendment: An amendment to the zoning ordinance and map shall not authorize the development of land. After an amendment has been approved by the county commission, no development shall occur until the required development permits and licenses have been issued by the county.

#### **SECTION 5. Severability.**

*If any court of competent jurisdiction declares any Section of this Ordinance invalid, such decision shall be deemed to apply to that Section only, and shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.*

**SECTION 6. Effective Date.** *This ordinance shall become effective fifteen (15) days after publication.*

DATED this 8<sup>th</sup> day of July, 2013.

ATTEST:

DUCHESNE COUNTY  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Diane Freston  
County Clerk/Auditor

\_\_\_\_\_  
Ronald Winterton, Chairman

\_\_\_\_\_  
Kirk J. Wood, Member

\_\_\_\_\_  
Kent R. Peatross, Member

***Consideration Of Ordinance No. 13-315, An Ordinance Amending Title 9, The Duchesne County Subdivision Ordinance***

Administrator Hyde stated that the legislature also passed three bills that require the county subdivision ordinance to be amended with respect to subdivision improvement guarantees, parcel boundary adjustments and administrative hearings. The Planning Commission has also reviewed this and recommended approval.

**ORDINANCE #13-315**

**AN ORDINANCE AMENDING TITLE 9, THE DUCHESNE COUNTY  
SUBDIVISION ORDINANCE**

WHEREAS, the 2013 Utah Legislature passed SB 153, which provides consistent statewide standards for subdivision infrastructure improvement bonding; and

WHEREAS, the 2013 Utah Legislature passed HB 130, which specifies that parcel boundary adjustments and boundary line agreements are no longer subject to the approval of a land use authority; and

WHEREAS, the 2013 Utah Legislature passed HB 279, which authorizes counties to establish an administrative hearing process by Ordinance; and

WHEREAS, the Duchesne County Planning Commission has conducted a public hearing regarding these proposed amendments and has recommended approval of this Ordinance.

BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS that:

**SECTION 1.** Section 9-1-4, of Title 9, Subdivision Regulations, is amended to add new definitions and amend existing definitions as follows:

**9-1-4 DEFINITIONS:**

**IMPROVEMENT COMPLETION ASSURANCE: A surety bond, letter of credit, cash, or other security required by a municipality to guaranty the proper completion of landscaping or infrastructure that the land use authority has required as a condition precedent to:**

- (a) Recording a subdivision plat; or**
- (b) Beginning development activity.**

**IMPROVEMENT WARRANTY: An applicant's unconditional warranty that the accepted landscaping or infrastructure:**

- (a) Complies with the municipality's written standards for design, materials, and workmanship; and**
- (b) Will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.**

**IMPROVEMENT WARRANTY PERIOD: A period:**

**(a) No later than one year after a municipality's acceptance of required landscaping; or**

**(b) No later than one year after a municipality's acceptance of required infrastructure, unless the municipality:**

**(i) Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and**

**(ii) Has substantial evidence, on record:**

**(A) Of prior poor performance by the applicant; or**

**(B) That the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.**

**PARCEL BOUNDARY ADJUSTMENT: A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:**

**(a) No additional parcel is created; and**

**(b) Each property identified in the agreement is unsubdivided land, including a remainder of subdivided land.**

SUBDIVISION: A. Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions.

B. "Subdivision" includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and
2. Except as provided in subsection C of this definition, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

C. "Subdivision" does not include:

1. A bona fide division or partition of agricultural land for agricultural purposes;
2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
  - a. No new lot is created; and
  - b. The adjustment does not violate applicable land use ordinances;
3. A recorded document, executed by the owner of record:
  - a. Revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
  - b. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;
4. A bona fide division or partition of land in a county, other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:
  - a. An unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company or intrastate pipeline company; or
  - b. An unmanned telecommunications, microwave, fiber optic, electrical,

or other utility service regeneration, transformation, retransmission, or amplification facility; or

5. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:

- a. No new dwelling lot or housing unit will result from the adjustment; and
- b. The adjustment will not violate any applicable land use ordinance.

D. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county subdivision ordinance.

**E.. A bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels.**

**F. A parcel boundary adjustment.**

**SUSPECT SOIL: Soil that has:**

**(a) A high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;**

**(b) Bedrock units with high shrink or swell susceptibility; or**

**(c) Gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.**

**SECTION 2.** Section 9-3-3 of Title 9, Subdivision Regulations, is amended as follows:

9-3-3: MINOR SUBDIVISION REVIEW PROCEDURES:

The community development administrator is the land use authority for minor subdivisions and shall act as the hearing officer for minor subdivisions, **including minor subdivisions that amend a platted subdivision, under the administrative hearing authority given in Section 17-53-228 of the Utah Code**. A notice of intent to act upon a minor subdivision request shall be mailed to property owners within three hundred feet (300') of the land being subdivided. Said notice to be mailed at least seven (7) days in advance of the administrative decision date. The community development administrator shall use the standards in the definition of "minor subdivision", as defined in section 9-1-4 of this title, in making the decision to approve, approve with conditions, or deny the request. The planning commission shall serve as the appeal authority for administrative minor subdivision decisions. For minor subdivision parcels created under the HB 1001 exemption, the above review process is not required. However, prior to the issuance of a building permit for such a parcel, the following shall be provided to the county, in addition to any submittal requirements of the department of building safety:

A. A site plan showing the location of the proposed building in relation to parcel boundaries prepared by a surveyor licensed in the state, to ensure that the building meets safety setback standards of title 8 of this code;

B. Proof of purchase of a culinary water connection if the parcel is less than two and one-half (2 1/2) acres in size;

C. Proof of an approved water right, from the state division of water rights, for a private water well, or proof of purchase of a culinary water connection, if the parcel is between two and one-half (2 1/2) and forty (40) acres in size;

D. Evidence of legal access to the property that complies with this title and the wildland urban interface code;

E. Evidence of wastewater permit approval from the sanitary sewer authority for the new

parcel.

**SECTION 3.** A new Section 9-2-9 of the Subdivision Regulations is added to read:

**9-2-9. LOT LINE ADJUSTMENTS, PARCEL BOUNDARY ADJUSTMENTS AND BOUNDARY LINE AGREEMENTS**

- A. **Lot line adjustments, which adjust a lot line in a platted subdivision, may be approved by the community development administrator if:**
1. **No new lot is created;**
  2. **The adjustment does not violate the provisions of the Duchesne County Zoning or Subdivision Ordinances;**
  3. **The adjustment is approved by the Tri-County Health Department with respect to domestic well and wastewater system location;**
  4. **Access and utility easements are provided if deemed necessary by the community development director**
  5. **A record of survey is submitted to the community development director for review and approval.**
- B. **Parcel boundary adjustment.**
- (1) **A property owner:**
- (a) **May execute a parcel boundary adjustment by quitclaim deed or by a boundary line agreement as described in Section 57-1-45 of the Utah Code; and**
  - (b) **Shall record the quitclaim deed or boundary line agreement in the office of the county recorder.**
- (2) **A parcel boundary adjustment is not subject to the review of a land use authority; however, it is strongly encouraged that parcel boundary adjustments be submitted to the community development director for the same review provided for lot line adjustments.**
- C. **Boundary line agreement.**
- (1) **As used in this section, "boundary line agreement" is an agreement described in Section 57-1-45 of the Utah Code.**
- (2) **A property owner:**
- (a) **May execute a boundary line agreement; and**
  - (b) **Shall record a boundary line agreement in the office of the county recorder.**
- (3) **A boundary line agreement is not subject to the review of a land use authority; however, it is strongly encouraged that boundary line agreements be submitted to the community development director for the same review provided for lot line adjustments..**

**SECTION 4.** Section 9-7-5, Guarantee of Improvements, is amended to read:

**9-7-5: GUARANTEE OF IMPROVEMENTS IMPROVEMENT COMPLETION ASSURANCE AND IMPROVEMENT WARRANTY:**

In lieu of actual construction and completion by the subdivider and acceptance by the planning commission of the improvements required by this title and title 8 of this code, and before approval of the final plat by the county commissioners, the subdivider shall guarantee the installation and construction of the required improvements within one year from the date of approval of the final plat **by providing the County with an improvement completion assurance from the options below** and guarantee that the improvements shall be free from defective material or workmanship, for an **improvement warranty** period of ~~two (2) winters (based on the spring equinox)~~ **one year** from the date of completion by one or more of the following methods:

A. Escrow **Account:**

1. The subdivider shall deposit with any insurance company, bank or savings and loan institution in an escrow account an **improvement completion assurance in an** amount of ~~money~~ equal to at least one hundred twenty five percent (125%) of the costs of the improvements required by this title and title 8 of this code, not previously accepted by the county. The costs of the improvements not accepted and not installed or constructed shall be determined by an engineer

or licensed contractor and reviewed by the county road supervisor. The escrow agreement shall be subject to approval by the county attorney and shall be signed by the subdivider, the county and the escrow holder, and shall contain substantially the following:

*AGREEMENT*

*The undersigned hereby promises and warrants that it has in an escrow account for the benefit of Duchesne County, the sum of \$\_\_\_\_\_, which represents at least 125% of the estimated costs of the improvements not accepted by Duchesne County and not constructed or installed by the developer of the subdivision.*

*The undersigned hereby agrees that the foregoing sum of money shall be used exclusively for the purpose of paying the costs of materials, and construction and installation of the improvements required by the Duchesne County subdivision ordinance. The undersigned further agrees that the money held in this escrow account shall be paid out to the contractors installing and constructing the required improvements only upon an order executed by an authorized officer of Duchesne County and the subdivider.*

*The subdivider shall not withdraw from the escrow account any amount in excess of 100% of the estimated cost of the improvements, but shall pay from other sources any costs for such improvements which exceed 100% of the costs estimated by the engineer or licensed contractor and approved by the county road supervisor.*

*A sum equal to 10% of the estimated costs of improvements shall remain with the escrow holder for a period of ~~two winters~~ **one year** after all improvements are made and completed. If, after ~~two winters~~ **one year**, all or any of the required improvements are not installed, constructed and maintained according to the standards required by the Duchesne County and the subdivision ordinance of the same, Duchesne County shall notify in writing the subdivider that the defects must be corrected. If the defects are not corrected within ninety (90) days, Duchesne County may, but shall not be required to, correct the defects and charge to the escrow holder the costs of correcting the defects.*

*The escrow holder shall, on receiving reasonable proof from Duchesne County of the defect and that Duchesne County has incurred the cost of correcting the defect, pay to Duchesne County from the escrow account the cost of correcting the defect, and the escrow holder shall be held harmless by the parties by reason of payment to Duchesne County.*

*If, after ~~two winters~~ **one year** from the date Duchesne County accepts the improvements required by its subdivision ordinance, the required improvements remain substantially free from latent defects, Duchesne County shall certify such fact to the escrow holder, and the escrow holder shall release to the subdivider any money still held in the escrow account, and the escrow holder shall be discharged of its obligation to Duchesne County.*

*(Authorized Signature)*

2. The escrow agreement may contain such additional provisions as the parties deem necessary.

**B. Irrevocable Letter Of Credit:**

1. The subdivider shall file with the county an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution **to serve as improvement completion assurance**, which letter shall contain provisions substantially similar to that required in the escrow agreement. The form of the irrevocable letter of credit shall be substantially as follows:

*Name of Bank  
Address*

*Irrevocable Letter Of Credit*

*To: Duchesne County Date:  
Letter of Credit No.:*

*Gentlemen:*

*We hereby establish our irrevocable letter of credit in your favor for the account of (insert name of subdivider, subdivider's address) up to the aggregate amount of \$ (insert amount available by your draft(s)) drawn on sight on (insert name of bank, address of bank), accompanied by (here insert terms which give Duchesne County control over payments). The terms would ordinarily read:*

*A statement signed by the officer of Duchesne County dated not later than (insert estimated*

completion date plus a couple of months' leeway) as follows:

We certify that the on site improvements related to the (insert name of subdivision) have not been completed in accordance with county ordinances and that this drawing represents the amount necessary to complete those on site improvements. We hereby agree with drawers, endorsers and bona fide holders that all drafts under and in compliance with the terms of this credit will be duly honored upon presentation and delivery of documents as specified to the drawee or drawn and presented for negotiation on or before (insert completion date as set forth) at our bank.

Yours very truly,

Authorized Bank Officer

2. Upon completion and written acceptance of the ~~road~~ improvements guaranteed by the irrevocable letter of credit, the county shall release its interest in ninety percent (90%) of the ~~guarantee~~ **improvement completion assurance**, with the remaining ten percent (10%) held **as an improvement warranty** for ~~two (2) winters~~ **one year**. ~~Two (2) winters~~ **One year** after acceptance, if the road improvements continue to meet county standards, as determined by the county public works department, the county will release its interest in the ten percent (10%) ~~guarantee~~ **improvement warranty**. Upon completion and written acceptance of the water or sewer system improvements, the county shall release its interests in the entire letter of credit.
- C. Bond: The subdivider shall furnish and file with the county planner a bond with corporate surety in an amount equal to one hundred twenty five percent (125%) of the cost of the improvements not previously installed, as estimated by an engineer or licensed contractor and approved by the county road supervisor, to assure the installation and construction of such improvements within twelve (12) months immediately following the approval of the subdivision plat by the commissioners, which bond shall be approved by the commissioners and county attorney. Upon completion and written acceptance of the road improvements, guaranteed by the bond, the county shall release its interest in ninety percent (90%) of the bond, with the remaining ten percent (10%) held for two (2) winters. Two (2) winters after acceptance, if the road improvements continue to meet county standards, as determined by the county public works department, the county will release its interest in the ten percent (10%) bond. Upon completion and written acceptance of the water or sewer system improvements, the county shall release its interests in the entire bond.
- D. Improvement Guarantee Required: If the subdivision improvements are completed and accepted prior to final plat approval, an improvement ~~guarantee~~ **warranty** of ten percent (10%) of the actual road construction cost shall be deposited with the county. ~~Two (2) winters~~ **One year** after acceptance, if the road improvements continue to meet county standards as determined by the county public works department, the county will release its interest in the ten percent (10%) ~~bond~~ **improvement warranty**.
- E. Notwithstanding the above, if the County determines, for good cause, that a one-year improvement warranty period would be inadequate to protect the public health, safety and welfare, such warranty period may be extended up to one additional year if the County has substantial evidence on record or prior poor performance by the applicant or that the area upon which the improvements will be constructed contains suspect soil and the county has not otherwise required the applicant to mitigate the suspect soil.**
- F. Notwithstanding the above, the County may authorize partial release of the improvement completion assurance as portions of the required improvements are completed and accepted by the County or other approval authority.**

## SECTION 5. Severability.

*If any court of competent jurisdiction declares any Section of this Ordinance invalid, such decision shall be deemed to apply to that Section only, and shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.*

**SECTION 6. Effective Date.** *This ordinance shall become effective fifteen (15) days after publication.*

DATED this 8<sup>th</sup> day of July, 2013.

ATTEST:

DUCHESNE COUNTY  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Diane Freston

\_\_\_\_\_  
Ronald Winterton, Chairman

County Clerk/Auditor

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Kirk J. Wood, Member

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Kent R. Peatross, Member

*Entered back in Combined Commission Meeting at 3:42 P.M...*

*Commissioner Wood motioned to adopt Ordinance No.13-314. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

*Commissioner Wood motioned to adopt Ordinance No.13-315. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

***Commission Calendaring***

***Adjourn***

*Chairman Winterton adjourned the meeting at 3:42 P.M.*

*Read and approved this 29<sup>th</sup> day of July 2013.*

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*Ronald Winterton  
Commission Chairman*

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*Diane Freston  
Clerk/Auditor*

*Minutes of meeting prepared by BobbiJo Casper* \_\_\_\_\_