

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
February 3, 2016 - 5:00 p.m.**

In Attendance were:

Bobby Drake, Planning Commission
Edward Roberts, Planning Commission
Allen Lindsay, Planning Commission
Brad Wells, Planning Commission
Ken Richens, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Nathan Coulter	Mesa Development
Randy Toon	Mesa Development

Vice-Chairman Drake opened the meeting at 5:00 pm and read the rules of order. He asked if any of the Planning Commission Members had any ex-parte contacts or conflicts of interest associated with the agenda. There were none, so the meeting proceeded.

PUBLIC HEARINGS:

A. Recommendation to the Duchesne County Commissioners regarding a request by Nathan Coulter, Mesa Development, Inc., to vacate an existing roadway easement within Lots 21 and 22 of the River View Estates Subdivision.

Mr. Hyde stated the applicants originally sought to remove or “vacate” a 100-foot wide roadway easement across the west side of Lots 20, 21 and 22 of the River View Estates Subdivision. The easement is interfering with development plans for an RV park on Lots 21, 22 and 23. The request was then amended to include easement vacation only within Lots 21 and 22.

Mr. Hyde indicated proposals to vacate or change a subdivision plat, public street, right of way or easement shall be processed in accordance with Utah Code Annotated sections 17-27a-608 and 17-27a-609, and subsequent amendments thereto, with public notice of such actions to be given as provided by Utah Code Annotated section 17-27a-208, and subsequent amendments thereto.

A petition signed by the owner of all of the lots adjacent to and served by the roadway easement has been received. Good cause exists for the granting of the roadway easement vacation request as the easement is interfering with development plans for

an RV park on the abutting lots, which are owned by the applicants. If the property owners sign and record a deed restriction holding Lots 21-23 of the River View Estates Subdivision together as one parcel and agree to not sell them separately, then the easement would no longer be needed to guarantee legal access to each of those lots.

Mr. Hyde explained there needs to be a hearing and notice for proposals to vacate a public street, right-of-way, or easement. The legislative body, the County Commission, has scheduled a public hearing for February 8, 2016. Notice of the Planning Commission and County Commission hearings was mailed on January 22, 2016 to all property owners abutting and within 300 feet of the easement. Notice was mailed to the following affected entities on January 22, 2016: Moon Lake Electric, Questar Gas, Duchesne County Road Department and Strata Networks

Mr. Hyde stated notice was posted in the vicinity of the easement on January 22, 2016, published in the Uintah Basin Standard on January 19 and 26, 2016, posted on both the Utah Public Notice and Duchesne County websites.

Good cause exists for the granting of the plat amendment and easement vacation request. The public interest and the interests of property owners in the vicinity will not be harmed if the easement is vacated, provided that the property owners sign and record a deed restriction holding Lots 21-23 of the River View Estates Subdivision together as one parcel and agree not to sell them separately.

Mr. Hyde's recommendation is that the Planning Commission recommend to the County Commissioners approval of the request to vacate the 100-foot wide roadway easement located within Lots 21 and 22 of the River View Estates Subdivision, provided that the property owners sign and record a deed restriction agreeing to hold Lots 21 – 23 of the River View Estates Subdivision together as one and agree not to sell them separately.

Mr. Hyde referred the commission to their packets and some site photos and stated on April 1, 2015 the commission approved the applicant's request for a Conditional Use Permit for 2 RV Parks in this same area.

Mr. Hyde asked if there were any questions of the staff report. Vice-Chairman Drake asked Mr. Hyde if the agreement to hold as one parcel was a binding document. Mr. Hyde stated it would be binding but could be rescinded if not needed in the future.

With no other questions Vice-Chairman Drake invited the applicant to speak.

Nathan Coulter, applicant and partner in Mesa Development, Inc., stated they are willing to vacate the easement but also have a description prepared for an easement thru the rv park for access to all lots.

There was some discussion between Mr. Hyde, the Planning Commission and Mr. Coulter whether to continue with the vacation of the easement and hold it together as one parcel or to recess the hearing until Mesa Development can get a legal description

for the easement and revise their RV plat.

Mr. Coulter agreed to continue with the vacation and hold the lots as one parcel for now.

Mr. Randy Toon, partner in Mesa Development stated there is a 24' access road for Kinder Morgan to use thru the rv park to the south line of lot 23. Mr. Toon is in support of vacating part of the easement but needs the easement along lot 20 so the park has access for their lots.

Commissioner Lindsay asked Mr. Toon if they needed to improve the class D road to the west in the future will there still be enough room. Mr. Toon replied there was plenty of room.

Vice-Chairman Drake asked if there was anyone else in the audience to speak either in favor or opposition of the applicant's request. There were none so the public hearing was closed.

There was some discussion about the RV plan revision, creating a description of the easement and access to lot 23.

Commissioner Wells wondered if approval was granted, would it be possible for Mr. Hyde to administratively rescind the documents needed. Mr. Hyde stated if there is a plat amendment submitted he could rescind the deed restriction.

Vice-Chairman Drake asked if such a plat amendment would include a description of the easement showing the roads and access thru lot 23. Mr. Hyde replied yes.

Commissioner Wells motioned that the Planning Commission recommend to the County Commissioners approval of the request to vacate the 100-foot wide roadway easement located within Lots 21 and 22 of the River View Estates Subdivision, provided that the property owners sign and record a deed restriction agreeing to hold Lots 21 – 23 of the River View Estates Subdivision together as one and agree not to sell them separately. With the understanding that staff can rescind the deed restriction if it is not needed in the future. Commissioner Richens seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of January 6, 2016 minutes:

Commissioner Lindsay moved to approve the minutes of January 6, 2016. Commissioner Roberts seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

Mr. Hyde stated there is still time to accept applications for the March meeting. There could be an application for the gravel pit in Timber Canyon and possibly the Mesa Development RV Park plat revisions. Mr. Hyde informed the members about the APA Spring Conference in Vernal on May 19th and 20th and will keep them posted on the times.

Adjournment:

Meeting adjourned at 5:30 p.m.