

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
December 4, 2019 - 5:00 p.m.**

In Attendance were:

Brad Wells, Planning Commission, Chairman
Kathy Giles, Planning Commission
Bobby Drake, Planning Commission
Ken Richens, Planning Commission
Ryan Clark, Planning Commission
Connie Sweat, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Dave Rigby	Cove Acres
Neil Wilkerson	Cove Acres
Trevor Wilkerson	Cove Acres
TJay Woffinden	Cove Acres
Chad and Terra Rich	Cove Acres

Ben Henderson, Duchesne County Public Works Director

Chairman Wells 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 any item on the agenda. There were none, so the meeting proceeded.

Commissioner Hansen presented Commissioner Giles with a plaque and thanked her for her 8 years of service on the Planning Commission. She reminded all the Commissioners this is a public service and thanked them for their input and dedication to Duchesne County

PUBLIC HEARINGS:

A. Recommendation to the County Commissioners regarding proposed amendments to the plat of the Cove Acres Subdivision requested by the Duchesne County Public Works Department.

Mr. Hyde stated on July 30, 2018, the Duchesne County Commissioners received a request from Chad & Terra Rich to install a gate across a Class D public road that provides access to a portion of the Cove Acres Subdivision in the Bluebell Road area northwest of Roosevelt. The request was made in an attempt to reduce traffic near two dwelling units abutting this road, just north of the Bluebell Road.

On December 31, 2018, the Commissioners requested the County Surveyor to prepare a plat amendment survey that would establish a new access road at a safer location. This new access road is proposed on the Jessica Walters property, by relocating Aspen Street westerly and improving it to County standards.

FINDINGS OF FACT:

- A. None of the subdivision lot lines or lot sizes are being amended by this proposal.
- B. The existing access road (Aspen Street) connecting the Bluebell Road to the Cove Acres Subdivision has a right of way width of 34 feet. This roadway would be abandoned and replaced by a new right of way to the west, with a width of 66 feet. The road would be upgraded from a dirt road to a county-standard road, which will enhance access to lots in the vicinity. This proposal moves the access road farther away from the existing home and outbuildings on the Walters property.
- C. The proposal requires the owner of Parcel B [Jessica Walters] to sign the amended plat survey and dedicate the new road right of way. If she is unwilling, the proposal will need to be amended.
- D. Section 17-27a-609.5 of the Utah Code requires, when vacating public rights of way in an approved plat that notice of a public hearing be given to owners within 300 feet of the right of way to be vacated. Such notice was mailed on November 15, 2019.
- E. Section 17-27a-609.5 of the Utah Code requires, when vacating public rights of way in an approved plat, that findings be made that good cause exists for the vacation and that the public interest of any person will not be materially injured by the proposed vacation. In this case, there is good cause for the vacation and realignment of the subject road right of way as it moves the road farther west of the existing home and provides room for a county standard road. The proposal also would help resolve a safety issue at the next subdivision access road to the west. By relocating and upgrading this road access, the public interest standard will be met. The County Public Works Department will construct the new road to County standards in a manner that will improve access to lots in the subdivision.

Mr. Hyde's recommendation is that the Planning Commission recommend to the County Commission the adoption of the Findings of Fact and Conclusions set forth in this report and approval of the amended plat of the Cove Acres Subdivision.

Commissioner Drake stated his concerns about the lot lines on the aerial. Mr. Hyde stated they are not exact.

Commissioner Wells asked if the county was going to build one good road for the public to use.

Ben Henderson the Public Works Director for Duchesne County stated they would move the access to the east with a 66' right of way off the Bluebell highway with good access for everyone to use.

There was some discussion about the culvert, how wide the road would be and the process for now and in the future.

Commissioner Wells feels that having the gate by the Rich's homes would be much safer for the children.

With no other comments or concerns from the commission Chairman Wells invited anyone in favor of this proposal to speak.

Terra Rich, an adjoining property owner, stated her concerns there is a lot of traffic in that area and between the two homes there are 7 children, with the rental pretty close to the road that is currently being used. Having the gate would at least slow the traffic down. Mrs. Rich is just concerned about the safety of the children. Mrs. Rich also thanked the County Commissioners and the Planning Commission for their efforts and consideration.

Commissioner Giles asked if the gate had been approved. Mr. Hyde replied it was but the commission asked the Rich's to wait to install it until this process was finished.

Commissioner Clark asked if the gate would be locked and wondered if the road was a county road would be vacated. Mr. Hyde stated the route could still be used and the gate would not be locked. Commissioner Clark suggested the road be vacated.

There was some discussion about changing the status of that class D road and the process to vacate it but that was not on the agenda for this hearing and would need to be addressed at another time by a separate process.

Commissioner Richens suggested the gate be locked for the Rich's safety and the new route be used.

With no other comments in favor of the applicant's request anyone in opposition was invited to speak.

TJ Wofffnden, renter opposed to the request, stated he is ok with the idea and the safety issues but the new route blocks off the direct access and over time the road will deteriorate. Mr. Henderson stated the new access would be built to federal standards with 8-10 feet of road base and approximately 20 feet wide for the wildland urban interface standards, with no natural soils. Mr. Wofffinden asked if the road by the Rich's would ever become a class D road. Mr. Hyde stated it is currently one and unless it is vacated would remain that way.

Dave Rigby, an adjoining property owner, stated his concerns about prescriptive easements, the oilfield traffic, the access to 1200 Cove Acres lots, the river drainage in the area and the fact that he does not want the new road by his lot.

(At this time Chairman Wells placed a 10 minute time limit on any additional comments)

Neil Wilkerson, a concerned property owner, stated he has already hired a lawyer to fix this same problem in the past. It was decided then this is a public Class "D" road and should remain that way. It is inconvenient to turn off the Bluebell highway and have to

make two other turns. If everything was left as is, it's one turn and you are on your way. He wonders why everybody needs to change for the Rich's benefit

Chairman Wells wondered if the gate could be installed but not locked. Mr. Hyde stated after this process is finished yes it could.

Trevor Wilkerson, a property owner, stated his concerns about safety and whether a new access would be better or not make any difference for future use and development.

With no other comments in opposition, Chairman Wells invited anybody to speak either in rebuttal or with any final comments.

Chad Rich, an adjoining property owner, stated he is concerned about the safety for the children in the area and is in favor to move the access road. Mr. Rich also thanked Duchesne County for their help with this process.

Commissioner Giles asked Mr. Wilkerson if he has ever helped with the maintenance of the current road. Mr. Wilkerson stated he has not.

Commissioner Clark asked if the new road will be 66 feet wide. Ben Henderson stated the 66 foot right of way for the new access is being donated by Mrs. Walters. The road it's self would not be that wide.

There was some discussion about with the commission and Ben Henderson about how the road would be built and trying to make it work for all parties involved.

With no other questions or comments the public hearing was closed.

Chairman Wells invited a motion.

Commissioner Giles motioned that the Planning Commission recommend to the County Commission the adoption of the Findings of Fact and Conclusions set forth in this report and approval of the amended plat of the Cove Acres Subdivision. Commissioner Drake seconded the motion and it passed unanimously with Commissioner Richens voting against the motion, feeling that the County should let the property owners create a solution to avoid exposing the County to litigation.

B. Request by Jefferie VanAusdal for a Conditional Use Permit to maintain a junk yard for personal use at 5028 W 940 South in the Roosevelt area.

Chairman Wells opened the public hearing and stated the applicant has requested to recess the hearing until January 8, 2020. Commissioner Wells called for a motion. Commissioner Sweat motioned to recess the request by Jefferie VanAusdal for a Conditional Use Permit to maintain a junk yard for personal use at 5028 W 940 South in the Roosevelt area until the January 8, 2020 meeting. Commissioner Clark seconded the motion and it passed unanimously.

NEW BUSINESS:

Chairman Wells requested a motion to consider the 2020 meeting schedule. Commissioner Sweat motioned to accept the schedule as presented. Commissioner Clark seconded the motion and it passed unanimously.

Minutes: Approval of November 6, 2019 minutes:

Commissioner Giles moved to approve the minutes of the December 4, 2019 meeting. Commissioner Richens seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

None

Adjournment:

Meeting adjourned at 6:30p.m.