

**MINUTES OF COMBINED COMMISSION WORKING AND REGULAR SESSION
MEETING HELD AUGUST 19, 2013 BEGINNING AT 9:00 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, Building Official Karl Mott, Janelle Huxford, and Chief Deputy Clerk JoAnn Evans taking minutes of the meeting.

Discussion And Consideration Of An Appeal To The Building Department Regarding The Construction Valuation For A Pending Building Permit Application

Official Karl Mott stated that he has adopted a table for evaluating how much to charge for building permits. It is based on the square footage of the house and how much per square foot. He sends out questions to contractors to make sure that he is in the same ball park as they are with their figures. For some reason when tabulating this particular (Ms. Janelle Huxford's) building permit it calculated a lot higher than the owners (bank) and the Assessor's Office did. The Building Official's estimate came in at five hundred forty nine thousand three hundred eighty seven dollars and eighty cents (\$549,387.80). The owner (bank) appraisal came in at three hundred ninety four thousand five hundred sixty eight dollars (\$394,568.00) and the Assessor's Office appraisal came in at three hundred ninety three thousand two hundred ninety seven dollars (\$393,294.00).

There was discussion on if this could set a precedent if we did not follow the calculations from the Building Officials office. Commissioner Peatross stated that if there is sufficient paper work from the Assessor's Office and a bank (certified appraiser), he feels that could be enough documentation to change the calculations from the Building Officials office. Commissioner Wood agreed to this suggestion. Official Mott stated that this does not happen often, but occasionally it does and we have to make adjustments. *Commissioner Peatross motioned to change the appraisal to the one the bank provided. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Public Works/Landfill Department Update

Director Murphy stated they are just finishing up on CR 9 just this morning. They are working on CR43 over by Myton City, and should be done there in the next couple of days. Starting on Monday they will be working in the Strawberry area.

There was some discussion on contacting UDOT about putting up some stop signs around the Roosevelt area.

Discussion Of Land Transfers Near Midview Reservoir

Cancelled –Individual to discuss this issue did not appear before the commission.

Consideration Of Vouchers

Deputy Clerk Auditor Connie Sweat joined the meeting at 9:28 a.m.. Deputy Clerk-Auditor Robin Rega joined the meeting at 9:33 a.m..

The commission reviewed vouchers # 125679 through 125783 dated August 19, 2013, in the amount one hundred forty two thousand six hundred twenty six dollars and eighty nine cents (\$142,626.89) as presented by the Clerk Auditor's Office.

Commissioner Wood motioned to approve the vouchers as presented by the Clerk Auditor's Office. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of A Business License Application For Lil' Tykes Preschool

Deputy Clerk Sweat stated that Lori Olsen has turned a home into a preschool. This business has been signed off by Planning & Zoning Director Mike Hyde as well as the Building Official Karl Mott. They have all of their state licensing in place too.

Commissioner Wood 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 Combined Commission Meeting Held August 05, 2013

Commissioner Wood motioned to approve the minutes with the necessary changes. Chairman Peatross seconded the motion. All commissioners voted aye and the motion passed.

Commission Calendaring

Entered recess by general consent at 10:16 A.M...

Public Hearing began at 1:30 P.M.

Present for Public Hearing

Commission Chairman Ronald Winterton; Commissioner Kirk J. Wood, Commissioner Kent R. Peatross, Planning and Zoning Director Mike Hyde, Uintah Basin Standard Reporter Steve Puro, and Chief Deputy Clerk JoAnn Evans taking minutes of the meeting.

Public Hearing – Consideration Of Resolution No. 13-11, A Resolution Amending The Public Lands Section Of The Duchesne County General Plan To Incorporate The Conservation Plan For Greater Sage Grouse In Utah As Duchesne County’s Plan For Sage Grouse Conservation And Management In The Strawberry And Carbon Sage Grouse Management Areas

Clerk-Auditor Diane Freston entered the meeting at 1:35 p.m.

Director Hyde stated that, as the commission knows, as a result of a closed door settlement agreement between the Obama administration’s Justice Department and environmental groups the federal government is having to amend its resource management plans for several BLM field offices and several of the national forests to better protect sage grouse habitat. The state of Utah has adopted a sage grouse conservation plan in February of this year. With the adoption of the state conservation plan, the counties have expressed their intent to use the state’s plan for those federal and DWR lands within the counties. In May of this year, the commissioners adopted Resolution No. 13-09 that expressed the county intent to amend the general plan to do just that. We basically would use the state’s plan as ours. We waited for a while to see if the state would amend their plan and found out they have no plans to do so. With that information we went ahead and held some public hearings. The Public Lands committee met on July 30th and has recommended that the general plan be amended as shown in Resolution No. 13-11. The county Planning Commission met on August 7th. They too are recommending that you adopt Resolution No. 13-11. Compliance of the state plan on Private lands, local government lands, and SITLA lands within the sage grouse areas are strictly voluntary.

Public Hearing closed at 1:51 P.M...

Re-entered Combined Commission Meeting at 1:51 P.M

After discussion in the Public Hearing, Commissioner Peatross moved to adopt Resolution No. 13-11 as recommended. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

RESOLUTION # 13-11

A RESOLUTION AMENDING THE PUBLIC LANDS SECTION OF THE DUCHESNE COUNTY GENERAL PLAN TO INCORPORATE THE CONSERVATION PLAN FOR GREATER SAGE-GROUSE IN UTAH AS DUCHESNE COUNTY’S PLAN FOR SAGE GROUSE CONSERVATION AND MANAGEMENT IN THE STRAWBERRY AND CARBON SAGE GROUSE MANAGEMENT AREAS

WHEREAS, over 52% of the land within Duchesne County is public land and the historical and continued utilization of these public lands and their resources are vital to the development and continued prosperity of Duchesne County; and

WHEREAS, the Duchesne County Commissioners, after receiving recommendations from the Planning Commission and Public Lands Committee, have determined it is in the best interest of Duchesne County to create and implement a Duchesne County Greater Sage-grouse Management Plan to guide, promote and encourage decision-making processes concerning the greater sage-grouse; and

WHEREAS, a General Plan was adopted by the Board of County Commissioners in 1997, which has been amended several times since, which remains a current and reliable framework for the future growth and development of Duchesne County; and

WHEREAS, the Duchesne County General Plan includes a public lands portion which considers the best strategy for future growth and development; and

WHEREAS, federal land managers are required to ensure that management decisions are consistent with local government's approved plans, ordinances, and policy to the fullest extent possible; and

WHEREAS, the public lands portion of the general plan must be dynamic and adopted to the current realities faced by Duchesne County; and

WHEREAS, it is the intention of Duchesne County to adopt the *Conservation Plan for Greater Sage-grouse in Utah*, as implemented by the State of Utah, (hereinafter "State Plan") as Duchesne County's Sage-grouse plan; and

WHEREAS, although Duchesne County has managed for the Greater Sage Grouse within the County, the United States Fish and Wildlife Service under the Endangered Species Act of 1973, et seq., has stated its intention to review the status of the Greater Sage Grouse throughout its habitat, including parts of Duchesne County; and

WHEREAS, Duchesne County has actively participated in the open and public process in the development of the State Plan, including having county commissioners attend a number of the meetings and having a county commissioner sit as one of the members of the local sage grouse working group; and

WHEREAS, Duchesne County encouraged the Local Area Working Group to develop and submit, to the state committee, sage-grouse management protocols; and

WHEREAS, the State of Utah took a grass-roots approach in developing its State Plan by soliciting local governments and the local working groups to identify specific boundaries and threats to the Greater Sage-grouse; and

WHEREAS, these protocols were discussed and thoroughly vetted by biologists, conservationists, ranchers, industry, and government officials over a period of a couple of years and were submitted to the State of Utah for inclusion into the State Plan; and

WHEREAS, the State Plan calls for the active management of sage-grouse habitat utilized by more than ninety percent (90%) of the sage-grouse residing in Utah.

NOW, THEREFORE, THE DUCHESNE COUNTY GENERAL PLAN IS AMENDED AS FOLLOWS:

Introduced, Sensitive, Threatened and Endangered Species

Introduced, reintroduced, sensitive, threatened and endangered species; recovery plans; experimental populations; and related guidelines and protocols are addressed in this section. The County supports the Endangered Species Act of 1973, which is administered by the United States Fish and Wildlife Service, and recognizes that it is intended to prevent the extinction of threatened and endangered plant and animal species by preserving the ecosystems upon which these species depend. The County also realizes that various species play an important role in the natural environment and may have important future values that are presently unknown.

It is the position of Duchesne County that:

- a. No threatened and endangered species shall be proposed for listing in Duchesne County until verifiable scientific data has been available to the public that there is a need for the designation, that protections cannot be provided by other methods, and the area in question is truly unique compared to other area lands.
- b. Buffer zones for the protection of threatened and endangered species or other special designations are not acceptable.
- c. The County does not believe that it is the intention of the Act to restore all original habitats once occupied by a specific species, but only the amount needed to protect the species from extinction.

- d. These designations or reintroduction often grow beyond the stated boundaries and scope and result in detrimental effects on the area economy, life style, culture and heritage. The Fish and Wildlife Service shall exclude areas from critical habitat designation if the economic damage is considered too great.
- e. Designation or reintroduction plans, guidelines, and protocols must not be developed or implemented without full County involvement and public disclosure.
- f. Any analysis of proposed designations or reintroductions must be inclusive and analyze needed actions associated with the proposal to prevent growth beyond the scope and boundaries.
- g. Recovery plans must provide for indicators to track the effectiveness of the plan and identify at the point recovery has been accomplished.
- h. Such designations shall provide access for reservoirs, maintenance of irrigation facilities, fire, weed and pest control.
- i. Devaluation of private property by the Endangered Species Act is a “taking” under the 5th Amendment of the U.S. Constitution and compensation must be paid.
- j. **On BLM, National Forest, Utah Reclamation, Mitigation and Conservation Commission and Utah Division of Wildlife Resources lands within the Strawberry and Carbon Greater Sage Grouse Management Areas in Duchesne County, the Greater Sage-grouse shall be managed in accordance with the 2013 State of Utah Conservation Plan for Greater Sage Grouse in Utah and any subsequent amendments thereto. On private, local government and SITLA lands within the sage grouse management areas, compliance with this plan is strictly voluntary.**

DATED this _____ day of _____ 2013.

ATTEST:

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

Diane Freston
County Clerk/Auditor

Ronald Winterton, Chairman

Kirk J. Wood, Member

Kent R. Peatross, Member

Chairman Winterton adjourned the meeting at 1:53 P.M.

Adjourn

Read and approved this 26th day of August 2013.

*Ronald Winterton
Commission Chairman*

*Diane Freston
Clerk/Auditor*

*Minutes of meeting prepared by JoAnn Evans*_____