

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
April 5, 2006 - 5:00 p.m.**

**In Attendance were:**

Leon Sweat, Planning Commission Chairman  
Chris Peatross, Planning Commission  
Randy Mair, Planning Commission  
Shelly Fabrizio, Planning Commission  
Larain Mobley, Planning Commission  
Mike Hyde, Community Development Administrator  
Laraine Dickinson, Planning Secretary  
**Excused:** Dean Brough, Thomas Rather

**Visitors:**

Jay & Sharlene Duke  
Guy Wasescha  
Mike Guinn  
Shane & Kevin Duncan  
Lori Nebeker  
Jim Nebeker  
Kevin Turpin  
J.D. Brisk  
Gary & Fran Haycock  
Ted Kappen  
Ila P. Gingell  
Clint Peatross  
Dan McConkie  
Kirk Beecher  
Vince Isbell  
Joan Steed  
Connie Sweat  
Clinton Moon

**Agenda**

Machine Maintenance  
  
Mtn. West Propane, Inc.  
  
Cabinland, LLC  
  
Duchesne Mini Ranches

Commissioner Sweat called the meeting to order at 5:00 P.M.

Chairman Sweat asked if anyone on the commission has had any contact with or any involvement with any of the items on the agenda. Commissioner Mair stated that his brother-in-law was involved with Cabinland LC. Chairman Sweat asked if he felt that he needed to remove himself and Commissioner Mair stated that he didn't feel he needed to. Dan McConkie stated that he felt Commissioner Mair needs to recuse himself being related to Mr. Brisk of Cabinland LLC.

## **PUBLIC HEARINGS:**

- A. **Machine Maintenance & Technical Advisors, LLC, requesting a Conditional Use Permit to allow a machine shop to be constructed at 10288 South Pariette Road (just north of Newfield Exploration Company) on property described as that portion of the South ½ of the North ½ of Section 10, Township 4 South, Range 2 West lying west of the Pariette Road (County Road #33 in the Pleasant Valley area.**

Mr. Hyde stated that the Duke's have 160-acres lying east and west of the Pariette Road in the Pleasant Valley area. They plan to develop the westerly 53-acres just north of Newfield Exploration and to construct an 80 X 100 foot commercial building to house a machine shop. The business serves the bearing and equipment repair needs for utility power plants/dams, metal producing mines, cement plants, pulp and paper mills and other industry throughout 17 western states. Mr. Hyde stated that this is an agricultural/residential area but commercial uses are permitted with a conditional use permit. The applicants may pursue a rezone later if necessary.

Mr. Hyde stated that the criteria for this application are:

1. 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 public health, safety or general welfare.

**Tri-County Health Department will deal with wastewater disposal on the property and other health matters. Aerial photos show that other property in the area is mostly agricultural with the exception of Newfield Exploration Company. Thus, the proposal would not be injurious to other property or improvements in the vicinity.**

2. The proposed use will be located and conducted in compliance with the goals and policies of the Duchesne County General Plan and the purposed of this ordinance.

**The Duchesne County General Plan contain an objective that the County will continue to support efforts to recruit, expand and retain businesses in the county in order to diversity the economic base.**

3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.

**Mr. Hyde stated that the property size is more than adequate to accommodate this operation, which includes an 8,000 square foot office-shop building, parking, landscaping and an equipment yard.**

Mr. Hyde stated in addition there are a few other conditions that need to be considered in this type of operation and those are:

1. That the site is suitably landscaped and maintained with setbacks, fences, walls and buffers of the building and other structures are adequate to protect and preserve.

**Mr. Hyde stated the county doesn't have specific landscaping standards but we would recommend that a detailed plan for the landscaping should be presented to the county and the improvements installed prior to occupancy of the building.**

**The building will be a metal building compatible with the Newfield Exploration building. The county has no particular design guidelines for structures in effect.**

2. Provisions for parking facilities, including vehicular ingress and egress.

**Mr. Hyde stated the developers would pave the parking and driveway areas.**

**There are two proposed access points about 100 feet apart onto Pariette Road that will require permits from the County Road Department.**

3. Improvements for adequate water supply, sewage disposal and fire protection.

**Mr. Hyde stated that the water will come from Johnson Water District and the applicants are cooperating with the water district to provide an easement across the property to facilitate expansion of the service line in that area to serve other properties. Tri-County Health Department approval of a wastewater disposal system will be required prior to the issuance of a building permit.**

4. Regulation of signs.

**Mr. Hyde stated the applicants indicate that they will place a 4 X 4 foot sign in the landscaped area between the two access drives. The county does not regulate sign size or height.**

5. Nuisance factors such as noise, smoke, dust, odors etc.

**Mr. Hyde stated the applicants indicate that their operations take place within an enclosed building, which will prevent any nuisance factors from affecting the environment. They do plan to store up to 100 tons of tar sands in a fenced area behind the building and use a front-end loader in conducting some tests on equipment, so there would be some noise there.**

**The business will have some storage of propane and propyl bromide, which will be used in the tar sands testing. Those facilities will need to be inspected by the State Fire Marshall's Office before they can be utilized.**

6. The regulation of operating hours for activities affecting normal schedules and functions.

**Mr. Hyde stated that normal business operations would be Monday-Friday between 7:00 AM and 5:00 PM. But sometimes would operate later hours**

**or on weekends to accommodate customers orders.**

Commissioner Mobley asked Mr. Duke what they use to generate the power to recover your oil shale. Mr. Duke stated that they would be using Moon Lake Electric.

Mr. Duke stated that he has been in this business for the last 15 years in West Valley City. Mr. Duke feels that we are more advanced in this field than most in business and there is always new technology. He stated that they don't want to build these units just for this area but would crate them because there are companies in 17 other states that use them.

Commissioner Fabrizio asked how many people they would employ and Mrs. Duke stated eventually several but right now it would be Jay, our son, a brother-in-law and maybe one more. Mr. Duke stated subcontractors in the area would do most of the work, and we try to hire local people.

Chairman Sweat asked do you generate sufficient amount or any of amounts of hazardous waste that would need special handling. Mr. Duke stated that they would not but he indicated with their application they submitted their MSDS sheets. Mr. Duke referred the Planning Commission to the bottom of paragraph 3 on the MSDS. Mrs. Duke stated that it is totally environmentally safe and is contained, there are no tailing ponds, no emissions and they don't use very much water and there is low pressure.

Mr. Hyde stated to the Planning Commission that a letter from Duchesne County Chamber of Commerce from Irene Hansen the director, her letter is in support of the Duke's application.

Mr. Wasescha stated that he is the Duke's realtor and is in favor of this and thinks that it will bring the county good revenues in the future.

Mr. Guinn, Newfield Exploration Co., stated that his only concerns are that the landscaping is attractive and that the area be fenced and that it be clean. The Duke's expressed a desire to be good neighbors.

Commissioner Fabrizio moved to approve this Conditional Use Permit with the following conditions:

1. Applicants shall submit a detailed landscaping plan and install such landscaping prior to a Certificate of Occupancy being issued for the business. If conditions do not allow the installation of landscaping prior to occupancy, a bond may be posted.
2. Applicants shall obtain permits and approval from the state fire marshal for propane, oxygen, acetylene and chemical storage prior to storing such materials on the property.
3. Applicants shall obtain Tri-County Health Department approval of their wastewater disposal system prior to issuance of a building permit.

4. Applicants shall obtain County Road Department approval of access drives to the Pariette Road prior to constructing these access drives.

Commissioner Mair seconded the motion and it passed unanimously.

**B. Mountain West Propane, Inc. requesting a Zoning Map Amendment (from Agricultural-Residential (AR-5) to Commercial) to allow the construction of a shop, office and propane dispenser northwest of the intersection of 3000 West and 4000 North, Section 30, Township 1 South, Range 1 West (Cedarview area).**

Mr. Hyde stated that the Duncan's are currently operating their business from their home at 4491 N. 3000 W. in Cedarview. The Business is outgrowing the current location and a site is needed that provides more parking and room for a shop to maintain the business vehicles. Steve Duncan owns some unproductive agricultural land near a Devon Oil Company well on 4000 North, just east of 3000 West, which is being proposed as a new site for this business. The land must either be rezoned to commercial or a conditional use permit granted to allow this proposed use at this location. The Duncans have elected to pursue the rezone option.

Mr. Hyde stated that in considering a rezone request there are some criteria that need to be met before a rezone is approved.

**1. The overall community benefit of the proposed amendment;**

The overall community, especially those who utilize propane fuel in their buildings, would benefit from the enhanced services and efficiencies envisioned by this business as a result of the rezone request and relocation.

**2. Consistency with the goals and policies of the general plan;**

The general plan states that future growth and development decisions should be made with sensitivity to rural residential/agricultural interests. The plan indicates that the county wishes to encourage business activity and that the county will support efforts to recruit new businesses, retain existing businesses and assist with the expansion of exiting businesses. So that is why we are meeting tonight to see if this will impact any of the surrounding property owners.

**3. Compatibility with the neighborhood;**

A site visit and photos show that there is only one sing-family dwelling in the area and it is owned by the Nebekers, which is to the southeast of the site. The closes existing land use is the abutting oil well and the remaining lands in the area are used for grazing.

**4. What changes have occurred in the neighborhood since the zoning ordinance & map or latest amendment was enacted;**

There have been a few new homes built in the area the Nebeker's being the newest one. However, housing growth has been slow due to the lack of culinary water in the Cedarview area.

**5. Whether a change in the use for the affected properties will unduly affect the uses for adjoining properties; and**

The adjoining properties are the oil well and some farmland. The applicants business would consist of a shop, office and dispenser, which would have a

minimal impact on the neighborhood. The business would operate Monday through Friday, with some Saturday deliveries. The office hours would be from 8:00 AM until Noon. Traffic would be limited to two delivery truck drivers, a part-time secretary and a small percentage of customers who pay their bills in person or arrive at the site to have small propane cylinder filled. The proposed use would not have undue impact on adjoining properties, unlike the existing oil well near the site, which would have a greater impact.

**6. Consider the interest of the applicant.**

Mr. Hyde stated at this time the applicants are currently operating their business from their home, where there is insufficient space for parking, vehicular movement and a vehicle maintenance shop. Granting of the rezone request would allow the applicants to construct this facility at a point about a half-mile south of their current operation.

Chairman Sweat asked if there were any questions or comments.

Shane Duncan (Mountain West Propane, Inc.) stated that the propane dispenser is a 500-gallon tank with a pipe cage and cabinet that locks the hoses and switches. It is a typical residential size tank and there isn't another one in the area. We chose this site because of location and for economic reasons, one being that there is an existing access to the oil well and we would use that same entrance. The ground is non-productive agricultural land with a lot of rock so there wouldn't be a rock fill to the parking area but we would bring in some gravel.

Chairman Sweat asked if the 500-gallon tank would be the only one there and Mr. Duncan stated that they would probably have some older tanks that we would refurbish and paint them so some of them would be brought to this site. Chairman Sweat asked if these would be active or inactive tanks and Mr. Duncan stated that they would be inactive tanks but right now they are at customers homes and so we would bring them in to repaint them and then take them out again. Mr. Hyde asked if they would have a paint booth in the shop so that the fumes wouldn't escape from the building and Mr. Duncan stated that they would. Commissioner Mair asked if there would be any bulk storage at this site and Mr. Duncan indicated that there wouldn't be, because they have their bulk storage approximately 3 miles to the north.

Lori Nebeker stated they are the homeowners nearest to this site and they have some concerns with the propane business this close. Mrs. Nebeker stated they have 3 small children that catch the school bus just east of the site and she has concerns with their safety and the safety of the other children. Also there are concerns with loaded trucks in the area and the possibly of an explosion, especially with the oil well there. Mrs. Nebeker stated that she spoke with Mrs. Duncan on the phone in regards to the business being this close and Mrs. Duncan stated that they were tried of looking out their window and seeing the storage tank there, but Mrs. Nebeker stated that she didn't want to look out her window and that's all she had to see. Mrs. Nebeker was also concerned with the fact that if the county starts rezoning the area once you open it up to one then there will be more coming and she doesn't feel that an agricultural area should

be turned into a commercial area.

Chairman Sweat asked Mr. Duncan about how far from the proposed site area is it where the children catch the school bus and Mr. Duncan stated he wasn't really sure and just estimated that it was about 200 to 300 yards. Mr. Hyde stated that on the aerial map provided that by the scale on the map it was about 1/8 of a mile. Mrs. Nebeker stated that she feels that this business shouldn't be allowed at this site and should either be moved to where the bulk storage tanks are or into an already established industrial or commercial zone.

Jim Nebeker stated that he owns 120 acres around where Chris and Lori Nebeker's home is and he feels that if the proposed property is zoned commercial then it will depreciate the value of his property.

Mr. Duncan stated the reasoning for choosing this site over the bulk plant site is because we load about 2/3 of our product at the Bluebell gas plant that is only about 2 to 3 miles from this site, so basically it's more convenience and economical reasons. Mr. Hyde asked Mr. Duncan why this site was considered rather than the bulk plant site or even the property across the street from his home. Mr. Duncan stated that the property across the street was too wet and would have to have too much fill and rocks brought in so that the big trucks would be able to park there. Also as to the bulk plant site other than moving some cedar trees and improving the road that would be a possibility but with the big transports pulling in and out of there we wanted to keep our other business out of there.

Mr. Hyde asked for Mr. Duncan's view as to what his prospects were for screening the area so that this wouldn't hinder the neighbors view whether it is vegetation or fencing. Mr. Duncan stated that in discussions with the neighbors, the trees to the south of the proposed shop would be left although some trimming would need to be done due to safety reasons as to entering the road. Also stated that on one side of the shop they would put siding or brick to make it more attractive and maybe a flowerbed or something like that in the front.

Commissioner Mobley asked what the zoning was in the area where the storage tanks are and Mr. Duncan stated that he was pretty sure that it was a commercial zone but wasn't positive. And at the proposed site the reasoning for a rezone versus a conditional use permit was financing reason. Commissioner Mair stated that his concerns with the size of a commercial piece of property surrounded by agricultural land and Mr. Hyde stated there use to be some concerns with spot zoning where some parcels were small but State Land Laws have changed and there is no minimum size a parcel needs to be for a rezone.

Mr. Nebeker stated that he has been involved with propane and two propane fires and both occurred during the loading and unloading of the tanks so there is danger involved. We have two bullet tanks in the area and I feel that they shouldn't be there either. I believe that they should be in an industrial zone and not residential/agricultural.

Commissioner Peatross stated that he would have preferred that this had come up as a Conditional Use Permit rather than a zone change for such a small area but either way it really doesn't make much difference. Commissioner Peatross stated that he has a 1000-gallon tank next to his home, and so do most people in the rural area but does see the hazard but so are agricultural fuel storage and above ground storage for diesel and gas.

Mr. Hyde stated that the Planning Commission could recommend this for approval to the County Commissioners for their April 10<sup>th</sup> meeting with the findings that have been presented or recess this hearing until our May 3<sup>rd</sup> meeting to allow the preparation of findings for both approval or denial, so that both parties can review both sides.

Mr. Duncan asked the Nebeker's whether it would make any difference whether this is a zone change or if it were a Conditional Use Permit. The Nebeker's stated that it wouldn't make any difference whereas the risks still remain an issue.

Commissioner Peatross moved to approve the rezone based on the findings of the staff report, and present it to the County Commission meeting on April 10, 2006 for their consideration.

Commissioner Fabrizio seconded the motion with 4 in favor and Commissioner Mobley abstaining.

**C. Cabinland LLC, requesting preliminary plat approval for Sandwash Lake Estates, Phase 1, consisting of 14 lots located in Sections 9, 15 and 16, Township 2 South, Range 3 West (west side of the Upalco-Bluebell Highway, roughly two miles north of Upalco).**

Chairman Sweat stated for the record that Commissioner Mair has been recused from this discussion.

Mr. Hyde stated this is a preliminary plat application for property located on the northeast corner of Big Sandwash Reservoir. There are two phases proposed, the first consisting of 14-lots and the second phase (which is not being looked at tonight) consists of 18-lots.

Mr. Hyde stated one issue associated with this proposal is the status of the right-of-way access between this property and 12000 West (the Upalco-Bluebell highway). The map shows a 66-foot right-of-way however, the actual width, based on the fence-to-fence measurement of this road on the east side of 12000 West, is 40 feet. This does not meet our subdivision standards. They will be unable to access Phase 1 through this 40-foot easement. So prior to Final Plat approval the applicant will have to acquire some additional property either to the north or to the south.

Mr. Hyde stated approval from Tri-County Health Department has been received by letter dated March 24, 2006. There are some concerns regarding health related issues.



Mr. Hyde read into the record a letter received from Moon Lake Water Users Association regarding their concerns. Our assumption with the septic systems is that the health department will require each potential home in this development to have a perc test and wastewater permit and that they will design systems that will work in this area.

Mr. Hyde stated that in relation to adjoining street systems in Phase one, it is not practical to extend any of the roads to serve adjoining property due to the location of the reservoir. In Phase two, consideration will need to be given to extending the two cul de sacs north and westerly to serve other lands in the future. Regarding streets this application was accepted by the county back in April of 2003, which was about 18 months before our new road standards went into effect. Due to the size of the lots paving would not have been required. Although prior to final plat approval, the developer will need to either construct and receive approval of the roads from the road department or post a bond for 125% of the cost of constructing the roads. A temporary turnaround is being proposed where the road in Phase one dead-ends at the boundary near Lots 2 and 3.

Mr. Hyde stated the roads in this development are proposed to be private roads that will be maintained by the homeowner's association. This enables the association to create a gated community if they wish.

Mr. Hyde stated that the developer would be responsible for the cost of providing street signs at all of the street intersections. Such signs shall be installed or bonded for prior to final plat approval.

Mr. Hyde stated the lot design standards are met and the key concern is that all lots are buildable. One concern is with Lot 7 that has an oil well located on it, so on the final plat it will need to be determined whether or not the lot is buildable. Also, the developer is negotiating with the Division of Wildlife Resources regarding the establishment of a fisherman's parking lot and restroom facility on Lot 14. The resulting parcel or easement associated with this use will need to be reflected on the final plat.

Mr. Hyde stated in regards to easements, the title report indicated water line easements provided to Upper Country Water District through this property back in 1992 and 1994, so in the final plat it will need to show the location of these easements.

Mr. Hyde stated that a letter from Upper Country Water District was received on February 9, 2006 stating that water was available, but since the first letter a more recent letter was received that Mr. Hyde read into the record. Water lines will need to be put in before final plat approval or they will need to be bonded for. Also fire hydrants will need to be put in with the 1000-foot spacing or will need to be bonded for prior to final plat approval.

Kevin Turpin stated that this site was selected because of its location and the beautiful surroundings.

Dan McConkie stated that his first information on this fisherman's way across his property was 25-foot wide. Mr. Hyde stated that Mr. McConkie's property lies south of the east-west approach, which is Bluebell Estates Lots 1 and 2. Mr. McConkie stated that to his understanding the north-south road the old paved highway has been vacated and Mr. Hyde stated only by the State the County has not vacated it. Mr. McConkie's main concern is with the access into this subdivision and the old highway that the State vacated and when and how Duchesne County obtained the rights to this property.

Mr. Kappen stated that several months ago, there was meeting regarding this road. The DWR, a member from the Attorney General's Office and Mr. Brisk attended. At this time the road was declared open because it had not been gated over a ten year period of time, which by State statute makes the road a public access. Chairman Sweat stated that as far as the County is concerned this is still considered a "D" road.

Mr. McConkie stated that he could validate for Mr. Brisk, in my conversation with Walt Donaldson yesterday the DWR fishery division is in fact pursuing the agreement that has been discussed here tonight. Their intention is to make this work and fence in this area. When it is completed they are going to talk to me about fencing the portion across the north end of my property.

Mr. Peatross stated in regards to the MLWUA letter on the plat we have indicated on every lot that there is a feasible site that complies with Environmental Health Regulations.

Commissioner Peatross moved that the Planning Commission adopt the Findings of Fact and Conclusions set forth in this Staff Report and Approve the preliminary plat of the Sandwash Lake Estates, subject to the following conditions:

1. Prior to final plat approval, developers shall install roads and street signs or post a bond for the installation of such improvements. Storm drainage culverts and street sign design shall be coordinated with the County Road Department.
2. Prior to final plat approval, all water lines and fire hydrants within this phase shall be installed and approved for use by the Utah Division of Drinking Water or a bond shall be posted to ensure the completion of the water lines and hydrants.
3. Prior to final plat approval, developers shall demonstrate that they have legal B road access to their subdivision from 12000 West. This means at least a 50-foot wide right of way.
4. Existing easements for the Upper Country Water District must be shown on the final plat.
5. The area within Lot 7 that is subject to oil well use must be shown on the final plat so it can be determined if this lot is buildable.
6. The area within Lot 14 that is subject to the fisherman's access and parking area shall be shown on the final plat so it can be determined if this lot is buildable.

Commissioner Mobley seconded the motion and it passed unanimously.

**D. Duchesne Land LC, requesting preliminary plat approval for Duchesne Mini Ranches, Phase 2, consisting of 43 lots located in Sections 17 and 20, Township 4 South, Range 4 West, southeast of Duchesne.**

Mr. Hyde stated this is a preliminary plat for Duchesne Mini Ranches, Phase 2, consisting of 43-lots ranging from 2.5 to 4.39 acres located east of Duchesne Mini Ranches, Phase 1 and south of the Utah Mini Ranches, in the Duchesne Area. The master plan for the area shows two more phases of the Duchesne Mini Ranches extending to the south, including an additional 100 lots.

Mr. Hyde stated this subdivision would have access via private roads and County Road #29 to Highway 40. In September of 2004 when the county was considering the Silver Moon Ranch Subdivision, UDOT informed the county of their concerns with the number of lots in this area there would be more and more traffic entering and leaving the highway in this area. At that time it was determined to start setting some money aside for acceleration and deceleration lanes when they are needed. UDOT has estimated the cost of this project at approximately \$150,000.00 and they are looking at the developers in the area to help fund it. Although eight phases of Utah Mini Ranches and phase one of Duchesne Mini Ranch were approved before this went into effect only Silver Moon Ranches and phase 2 of Duchesne Mini Ranches are affected at this time. With the cost of \$150,000.00 we divided that by the number of lots we had approved in the Utah Mini Ranches Master Plan plus the number of lots in Silver Moon Ranches and it was calculated at \$220.00 per lot.

Mr. Hyde stated Tri-County Health Department has sent a letter of approval dated March 22, 2006 but stated they had some concerns with lots 4-8 and 11 will be difficult to develop due to lack of soil and steep slopes and so these will need to be dealt with prior to final plat approval.

Mr. Hyde stated that the Road Department has sent a letter dated March 21, 2006 stating that the roads have been inspected and approved. The application for this development was received on October of 2004, one year prior to the adoption of paving standards for county roads. The preliminary plat does not make provision for temporary turn-arounds on three streets. They are located near lots 26 and 27, 19 and 22 and 17 and 19. Prior to final plat approval the temporary turn-arounds will need to be constructed and approved by the Road Department although if the roads in this area are extended prior to final plat approval, these temporary turn-arounds will not be necessary. Mr. Hyde stated that the street signs in this area need to be installed or bonded for prior to final plat approval.

Mr. Hyde stated that Tri-County Health Department indicated that Lot 11 does not appear to have a location for a wastewater system so it either needs to be incorporated into Lots 10, 12 or 14 or an easement provided for wastewater disposal off-site.

Mr. Hyde stated the Utah State Division of Drinking Water has indicated that the South Duchesne Water District currently provides drinking water to this area and is currently improved to provide 298 connection and we understand that there is roughly 91 connections at this time, so there is room for growth at this point.

Mr. Hyde stated at this time the Duchesne County Fire and Emergency Management Supervisor and the applicants have not met on the matter of fire hydrants although the subdivision ordinance has always required such protection. The applicants do however have 300,000 gallons of storage so we are recommending that some hydrants be placed in Phase 2 of Duchesne Mini Ranches. Duchesne County has \$100,000.00 of revitalization funds earmarked for water districts to obtain approximately 50 fire hydrants for installation on public water systems. So we are recommending South Duchesne Water District apply for some of these hydrants.

Commissioner Fabrizio asked on lots 4, 5, 6, 7 and 8 what are you going to do about the wastewater systems on these. Mr. Isbell stated that these lots would handle a septic system. On these lots the placement of the home will be determined by where the wastewater system can be placed. Commissioner Fabrizio asked so when you sell that lot and the property owner decides to build their own home, do you have restrictions as to where the home can be built. Mr. Isbell stated that the Property Owner's Association and the Technical Committee have precedence as where the home can be placed and this is in the Restrictive Covenants. Mr. Peatross stated that on the Final Plat, those lots in question would show that they would need an alternative system.

Mr. Peatross stated some concerns with the road study and the determination of how traffic there is from residents and oil well trucks, so right now there is more oil traffic than resident traffic. Mrs. Steed stated that in comparison with Silver Moon Ranch, which is larger lots and recreational she feels that not only families but buddies will be involved in the traffic whereas in Utah Mini Ranches and Duchesne Mini Ranches there will be a different caliber of people which would consist of mostly retired people. Mr. Hyde responded that the availability of culinary water in the mini ranches would lead to more development and more turns on Highway 40. The traffic study will determine when and where the lanes are needed.

Connie Sweat stated that Utah Mini Ranches and Duchesne Mini Ranches do not qualify for the fire hydrants that the county has from the funding they received because they are privately owned. Mr. Hyde stated that letters had been sent to Upper Country Water, Johnson Water, South Duchesne Water etc. indicating that they were available and stated maybe a second opinion would be warranted.

Commissioner Fabrizio moved that the Planning Commission adopt the Findings of Fact and Conclusions set forth in this Staff Report and approve the preliminary plat of the Duchesne Mini Ranches, Phase 2, subject to the following conditions:

1. Prior to final plat approval, developers shall post a bond in the amount of \$11,825.00 to cover a share of the future costs of acceleration and deceleration lanes on Highway 40.
2. Prior to final plat approval, developer shall consolidate the unbuildable Lot #11 into an adjoining lot or lots, provide an easement for wastewater disposal on another lot or otherwise demonstrate an ability to build on said lot and dispose of wastewater.
3. Prior to final plat approval, developer shall install street signs or post a bond for the installation of street signs of a design approved by the county road department.
4. Prior to final plat approval, all water lines within this phase shall be installed and approved for use by the Utah Division of Drinking Water or a bond shall be posted to ensure the completion of the water lines.
5. Prior to final plat approval, the developer shall install fire hydrants on the eight-inch water lines at locations approved by the County Fire Official. It is recommended that developer apply for additional fire hydrants to be located on the trunk line serving prior phases, in coordination with the County Fire Official.
6. Developer understands that the current water supply system is rated for 298 connections by the State of Utah Division of Drinking Water. Since more than 298 lots have been platted, there is no guarantee that each of the 43 lots in this phase will have water available until water lines serving the area are upgraded.

Commissioner Mair seconded the motion and it passed unanimously.

### **Minutes: Approval of the March 1, 2006 minutes**

Commissioner Mair moved to approve the March 1, 2006 minutes as written. Commissioner Mobley seconded the motion and it passed unanimously.

### **Commission Comments and Staff Reports:**

Mr. Hyde stated that there would be a Certified Community Planner Seminar coming up in June and anyone interested should attend. As soon as information is received it would be sent out to the commission. Also the Utah APA Spring Conference would be coming up in May in Vernal and anyone interested in this should attend.

### **Adjournment:**

Commissioner Fabrizio moved to adjourn the meeting at 7:30 P.M. Commissioner Peatross seconded the motion and it passed unanimously.