

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
December 6, 2006 - 5:00 p.m.**

**In Attendance were:**

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

**Excused:** Larain Mobley

**Visitors:**

**Agenda Item**

Stephen Clinger  
Brady McClellan  
Andrew McClellan  
Jeff Poulton  
Bruce Peatross  
Erik Wilcken  
Deanna Knight  
Jess Knight  
Reva Patterson  
Kevin Patterson  
Clair Miles  
Lee Miles  
Warren Brandow  
Susan Hamilton  
Greg Howell  
John Schofield

Pheasant Meadow Subdivision

Silver Wolf Subdivision

Hidden Meadow Subdivision

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

**PUBLIC HEARINGS:**

- A. Request for amended final plat approval of Hidden Meadow Subdivision, Phase 1, located in Section 24, Township 3 South, Range 9 West, in the Fruitland area.**

Chairman Sweat recused himself from the Hidden Meadow discussion and turned the

meeting over to Vice Chair Peatross.

Mr. Hyde stated that the proposed residential subdivision, consisting of 47 lots, ranging from 1.81 to 7.69 acres is located just south the Fruitland Store and west of 45000 West.

Mr. Hyde stated that the preliminary plat was approved by the Planning Commission in June 2006 and the final plat was approved by the County Commissioners in July 2006 subject the developer installing the water system and roads or posting a bond for the improvements prior to the recording of the final plat. Since that time, the developer has been unable to come up with the financing that was proposed to be available to do all of Phase 1 consisting of 47 lots. So the developer is requesting that the Planning Commission consider a revision of the final plat approval and divide Phase 1 into three sub phases, with Phase 1A consisting of 14 lots, 1B consisting of 11 lots and 1C consisting of 22 lots. Mr. Hyde stated that if the Planning Commission recommended this to the County Commissioners there would need to be bonding in place for each phase prior to recording of the plats.

The construction cost estimate for Phase 1A is \$221,340.00, which will require bonding of \$276,675.00 before the final plat for Phase 1A may be recorded.

The construction cost estimate for Phase 1B is \$161,220.00, which will require bonding of \$201,525.00 before the final plat for Phase 1B may be recorded.

The construction cost estimate for Phase 1C is \$1,194,948.00, which will require bonding of \$1,493,685.00 before the final plat for Phase 1C may be recorded.

Mr. Hyde stated that a revised public offering statement has been received reflecting the new phasing of the development. Also an updated title report has been received.

Mr. Hyde stated that the only concern is that with the original 47-lot proposal the 47 lots had access from two different directions the first being 45000 West which runs along the east side of the Fruitland Store and the secondary access being 46000 West which is not a County "B" road and there is not the required right of way there. This access is a gravel road and is only one lane wide from Highway 40 south to the Valle del Padres replat and so it would need to be brought up to county standard for it to become a primary access. The proposed Phase 1A is on the west side of the development so there would be a problem using the road from Valle del Padres to Highway 40 because it has not been improved. Also Phase 1B does not have a connection to 45000 West which is east of the Fruitland Store.

Commissioner Mair asked Mr. Hyde if there was a time limit on the bids for the other two phases. Mr. Hyde stated that if there were a gap in time it would make sense to have updated bids due to inflation costs. The bonding costs listed were based on today's costs so these would need to be updated periodically.

Commissioner Peatross stated so then what the commission is looking at is conditional approval on the three sub phases. Mr. Hyde stated that is correct, the plan is to sell all

of Phase 1A in order to finance Phase 1B and the same with Phase 1C.

Mr. Brandow stated that with personal financing and the selling of the lots in the replated Valle del Padres they are able to move forth with the next 14-lots of Hidden Meadow Phase 1A. Mr. Brandow stated that the person that purchased the lots in Valle del Padres would be buying the lots in Phase 1A after the plat has been recorded.

Mr. Brandow stated that they would be bonding for the pavement and the rest of the improvements would be paid for. Also with the access on 46000 West they are eager to complete as Taylor Thayne uses this route to bring in his equipment. Mr. Brandow stated that it was his impression that 46000 West was already a county road so if it is not then we need to get this taken care of. Commissioner Rather asked if there would be any issues with right of ways and Mr. Brandow stated not that he was aware of. Mr. Hyde stated that he had spoken with Glen Murphy the county road supervisor and he stated that 46000 West is not a county road. Mr. Hyde stated that when Valle del Padres was approved with access in that direction so there is a precedent of use there.

Mr. Brandow asked Mr. Hyde if there was any right of way and Mr. Hyde stated that apparently not. Mr. Brandow asked Susan Hamilton (owner of Freedom Realty) at the time he bought the property wasn't there a right of way in place. Ms. Hamilton stated that in the preliminary title report the county road went to the gate next to Wilkerson's house but was not a county road past that even though it is graveled and looks like a county road. Mr. Hyde stated that at that gate there is now a sign that states private property no trespassing. Mr. Hyde stated that the developer would need to get in contact with the property owners from that point down to Valle del Padres and to receive a right of way from them in order to widen the road.

Commissioner Rather stated that he had some concerns with approving this without the right of way in place for the road improvements for 46000 West. Mr. Hyde stated that if the right of way cannot be obtained the developer would need to come back with an amended final plat showing access from an alternative way. Commissioner Brough asked where is the access to the county road in Valle del Padres and it was pointed out that access was from 46000 West which is not a county road.

Commissioner Fabrizio 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 revised final plat of the Hidden Meadow Subdivision, Phase 1, subject to the following conditions:

1. Before the final plat is submitted for recording, the subdivider's surveyor shall provide the county with a disk containing the final plat drawing in an AutoCAD compatible format, such as dxf, dwg or shp.
2. Developer agrees that the water system, including fire protection measures and the roads (including street signs) shall be constructed and accepted prior to occupancy of any dwelling in the subdivision.
3. Developer agrees that bonding acceptable to the county shall be submitted prior to recordation of the final plat of any of the three sub-phases of Phase

- 1.
4. Developer agrees to include county standard right of way and road improvements to 46000 West from Highway 40 to the Valle del Padres subdivision in Phase 1A of Hidden Meadow. This condition will be null and void if Phases 1A and 1B have primary access from 45000 West.

Commissioner Mair seconded the motion and it passed unanimously.

**B. Request for final plat approval of Silver Wolf Subdivision, located in Section 10, Township 2 South, Range 3 West, in the Bluebell area.**

Mr. Hyde stated that this is a subdivision consisting of 13 lots, ranging from 1.1 to 1.51 acres on lands located on the east side of the Upalco-Bluebell Road, about two miles north of Upalco. The Planning Commission approved the preliminary plat on July 5, 2006, subject to the roads being completed or a bond posted and the water system being completed or a bond posted prior to final plat approval. Mr. Hyde stated that at this time the roads and cul de sac has been completed and a letter has been received from the County Road Department dated November 28, 2006. Mr. Hyde stated that this is the first subdivision that has required paving and that has been completed except for the cul de sac that has been graveled until at which time it is vacated for future development. Mr. Hyde stated that the water system is installed but has not received an operating permit from the State Division of Drinking Water and that will have to be received prior to the recording of the final plat.

Mr. Hyde stated that a current title report has been received and it indicates that there is an easement for the Moon Lake Water Users Association for an irrigation ditch and an easement for Gary Operating Company for a pipeline also exists. The irrigation easement has been added to the final plat. The pipeline easement is a blanket easement for a pipeline that does not exist.

Mr. Hyde stated that the roads are guaranteed for one year and a bond of 10% approximately \$5,400.00 needs to be posted in the case that something goes wrong with the roads in that time frame. If nothing goes wrong then the bond would be released in November of 2007.

Deanna Knight stated that she had been in contact with the head engineer overseeing the water system from Horrocks Engineering, John Schiess and he has submitted everything that was needed to comply with the State Division of Drinking Water. Mrs. Knight stated that the operating permit should be received in time for the County Commissioner meeting on 18<sup>th</sup> of December.

Commissioner Mair stated that the Gary Company easement across the property, it's not specific to the location and wondered if anyone had contacted El Paso. Mr. Hyde stated to Mrs. Knight that this would be the natural gas pipeline that showed up on the title report. Mrs. Knight stated that she had spoken with Jerry Allred (County Surveyor) who looked over that and he stated that it was general for the area that there was

nothing actually crossing this land. Mrs. Knight stated that when they developed Bluebell Estates across the street, El Paso said that they would reroute the pipeline rather than go through the subdivision and El Paso stated if need be they would do the same here. Commissioner Mair stated that his only concern with this is as long as it's standing it is still an easement so I would rather they abandoned it or something to that effect. Kevin Patterson stated that at one time there was a concern and if they ever needed to use that easement then they would respect the road and come down the road with that easement. Chairman Sweat stated that he was in agreement with Commissioner Mair and that it would be better if there were some kind of written agreement in regards to the easement rather than just word of mouth. Mrs. Knight asked what route would you suggest we take if there is no one to contact. Chairman Sweat stated that just for your own protection try routes of abandonment or that it doesn't exist rather than think that they would just come down the road when in fact it could be cheaper for them to come through the property. Chairman Sweat pointed out that this is not an issue with the Planning Committee but just for the developer's protection.

Clair Miles a property owner to the north had some concerns with the septic systems that would be going in on the lots that abut to his property line and the way the ground slopes and the ledge rock on some of those lots that the waste would be draining onto his property. Mr. Miles indicated that on Lot 7 there are two pipelines for irrigation water on the east side he didn't see where it showed on the plat map and that they had been there for over 20 years. Commissioner Peatross asked is this east of the canal and Mr. Miles stated that it was. Mr. Hyde stated that there is a 15 feet easement on both sides of the canal as indicated on the plat map. Chairman Sweat asked if the approval letters from Tri County Health had been received. Mr. Hyde stated that when the preliminary plat was approved back in July that there had been a perc test on all 13 lots but when the lots are purchased each property owners will have to work with Tri County Health in regards to the septic system including leach fields. Mr. Miles indicated that some of the test holes were closer to the road and he thought that the test holes would be where the septic systems would be placed. Mr. Patterson stated that when the preliminary plat was started it was understood that random test holes were needed but since that time things had changed and each lot needed it own perc test and so that is why some of the test were in the road and to the front of some of the lots. Mr. Patterson stated that if there were a septic problem it would be more of a problem within the subdivision rather than with Mr. Miles field to the north. Chairman Sweat asked Mr. Hyde about the regulations regarding a perc test. Mr. Hyde stated wherever a perc test is done the home needs to be within 50 feet of that test or a new test needs to be done. Mrs. Knight indicated to Mr. Miles that each septic system would have to be individually engineered for each lot so it cannot be put on the lot anywhere.

Chairman Sweat asked if there were any other comments or questions.

Mr. Lee Miles stated whom would they need to contact if something happened, would it be Tri County Health or Duchesne County if for some reason their property was contaminated or would they have to deal with it on their own. Also on lots 6 and 7 for

instance when irrigation is going on, those two lots have a tendency to have up to a foot of water on them and what would be the recourse there. Mr. Hyde stated these are 1-acre lots, which are the smallest lot size you can have with a septic system with Tri County Health, and if there were a health problem with the septic then there would be room on the property for a replacement system. Mr. Hyde stated that if they notice a problem then let the health department or the county know and some action can be taken. Mr. Patterson asked with the irrigation water whose responsibility is it to make sure that there isn't problem. Mr. Hyde stated that the canal is Moon Lake Water Users Association and if there is a problem then the developer would need to take some action so there isn't flooding to the property with ditches or whatever it takes to keep the water out.

Commissioner Brough 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 final plat of the Silver Wolf Estates Subdivision, subject to the following condition:

1. Developer agrees that an operating permit from the State Division of Drinking Water shall be received or a bond posted prior to recordation of the final plat.

Commissioner Peatross seconded that motion and it passed unanimously.

**C. Request for preliminary plat approval of the Pheasant Meadow Estates Subdivision, located in the South ½ of Section 28, Township 3 South, Range 2 West, in the Myton area.**

Mr. Hyde stated that this is a proposed subdivision of 15 lots, ranging from 7.92 to 19.37 acres with most of the lots in the ten-acre range. The property is located between Highway 40 and the Duchesne River generally between 6000 West and 7000 West, south 7500 South, west of Myton. In addition to this property the developer has 40 acres along the west side of 6000 West for an additional four 10-acre lots. The Health Department is requiring monitoring of the percolation test holes and approval for this area has not been granted at this time. Access to the proposed subdivision would be via 6000 West, 6500 West and 7500 South, which are county maintained and provide access to Highway 40. Mr. Hyde stated that there would be one new road created with this subdivision with a cul de sac at the end extending west from 6500 West. It will be built to county standards and graveled and the county is not asking that the cul de sac be able to extend because the river is so close and extension would not help the property to the west.

Mr. Hyde stated that on November 15, 2006 approval from Tri County Health Department was received for the wastewater disposal for each lot.

Mr. Hyde stated there are deed restrictions being proposed to prevent re-subdivision within the first ten years. After ten years there is Johnson Water available and they would be able to re-subdivide and at the time of a plat amendment the Planning Commission at that time would make a decision about paving and those kinds of

improvements. A letter dated October 12, 2006 was received from Johnson Water District stating there was water available but the developer would need to construct the water system improvements or post a bond prior to final plat approval. Johnson Water has a 3-inch line now in the platted area but is requiring the developer to up grade their system to an 8-inch line.

Mr. Hyde stated that the covenants have been submitted and are acceptable. Also the plat contains all the necessary easements, including existing easements for power lines, water lines and gas lines.

Mr. Hyde stated that the issue with fire hydrants is that even though the developer is putting in 8-inch lines the 3-inch lines feeding them would not be sufficient. The developer has reached an agreement with the Fire Marshal, Georg Adams, to require all new homes in the subdivision to be provided with an automatic sprinkler system prior to occupancy. That requirement would go away when Johnson Water upgrades their lines to 8-inch, which could take many years.

Mr. Hyde stated that there are no storm water issues because the property is relatively flat but ditches and culverts would need to be installed as required by the County Road Department.

Mr. Hyde stated that no adjoining property owners have notified the Planning Department requiring fencing to separate them. The property to the south is Indian land. There is farm fencing existing in the area.

Jeff Poulton (Developer) stated that along with his associates Brady and Andrew McClellan they are trying to keep a ranch feel rather than a city feel with keeping the lots bigger.

Mr. Poulton stated that in regards to the sprinkler systems they had done some research and have found it to be quite economical with the cost ranging from \$1.00 to \$1.50 per square foot with new construction and the track record for saving lives is almost 100%. Mr. Poulton stated that they would be putting in the fire hydrants up front although they won't be able to use them at this time until Johnson Water upgrades their water lines. Commissioner Peatross stated that his only concern with installing the fire hydrants will they be labeled or have some kind of lock on them so that the fire department will know that there would not be sufficient water to supply the hydrants. Mr. Hyde stated that Johnson Water would need to coordinate this with the County Fire Official.

Chairman Sweat asked if there were any other questions or comments.

Commissioner Peatross stated that he has some concerns with how the Fire Official decides which source of fire protection each development requires such as, fire hydrants, sprinkler systems, water storage tanks etc. Mr. Hyde stated that within the county there can not be any one way because of the lack of water in some areas and

the existing water lines in other areas that are not large enough to supply water to fire hydrants so each situation needs to be dealt with individually. Commissioner Brough stated that he needed to agree with Commissioner Peatross about mandating whether or not a sprinkler system need to be installed. Commissioner Brough stated that he thought that it should be up to the builder what kind of fire protection would work for them also this particular subdivision is only about three miles away from a fire station and there are other subdivisions that are much further away. Chairman Sweat noted that these things have been negotiated prior to coming to us so the Planning Commission is not mandating any of this.

Commissioner Peatross motioned that the Planning Commission adopt the Findings of Fact and conclusions set forth in this Staff Report and approve the preliminary plat of the Pheasant Meadow Estates Subdivision, subject to the following conditions:

1. Prior to final plat approval, all water lines (and fire hydrants within 500 feet of each lot) within this subdivision shall be installed and approved for use by the Utah Division of Drinking Water and the Johnson Water District or a bond shall be posted to ensure the completion of the water system.
2. Prior to final plat approval, the developer shall receive approval of the new road construction from the County Public Works Department or provide financial surety in the amount of 125% of the estimated construction cost to finish said road.
3. Developer shall complete the installation of roads (including street signs) and the water system prior to occupancy of any dwellings in the subdivision.
4. As agreed by the developer and county fire official, all dwellings constructed in the subdivision shall be provided with an automatic fire sprinkler system prior to occupancy (unless the Johnson Water System has been upgraded with hydrants and adequate fire flows prior to said construction).

Commissioner Mair seconded that motion and it passed unanimously.

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

Chairman Sweat motioned to approve the November 1, 2006 minutes with corrections. Commissioner Brough seconded the motion and it passed unanimously.

### **Election of Chair and Vice Chair 2007**

Election for a Chair and Vice Chair was held. Commissioner Brough nominated Chris Peatross as Chair and Commissioner Fabrizio also nominated Dean Brough as Chair. With no more nomination a vote was taken with Chris Peatross elected as Chair and Dean Brough elected as Vice Chair.

### **Approve 2007 Meeting Dates**

Commissioner Brough motioned to accept the Duchesne County Planning Commission



2007 meeting dates on the first Wednesday of every month at 5:00 P.M. excepting the July meeting will be held on the second Wednesday.  
Commissioner Rather seconded the motion and it passed unanimously.

**Adjournment:**

Commissioner Brough motioned to adjourn the meeting at 6:30 P.M.  
Chairman Sweat seconded that motion and it passed unanimously.