

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
January 4, 2006 - 5:00 p.m.**

In Attendance were:

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

Visitors:

Agenda Item

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|-----------------|-------------------------------|
| W. Scott Danley | Danley Family LLC Subdivision |
| Rodney Rowley | “ “ “ “ |
| Bob West | Stonegate Phase II |
| Curtis Dastrup | Zoning Amendment Ioka Lane |
| Ed Casper | |
| Dave Casper | |
| John Jorgensen | |
| Gary Scholes | |
| Todd Killian | |
| Clyde Killian | |
| Dave Laycock | |

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

Welcome Commission Appointees

The Planning Commission welcomed Randy Mair who is replacing Michael Barneck.

Election of Officers for 2006

Commissioner Brough motioned to retain Leon Sweat as Chairman for 2006.
Commissioner Peatross seconded the motion and it passed unanimously.

Commissioner Rather motioned to retain Chris Peatross as Vice-Chairman for 2006.
Commissioner Sweat seconded the motion and it passed unanimously.

PUBLIC HEARINGS:

Recommendation to County Commission regarding the rezoning of lands, located generally along the north and south sides of Ioka Lane between 4000 and 6000 West, from Industrial to Agricultural-Residential.

Mr. Hyde stated that last fall we processed an application from Richard Ross and Curtis Dastrup to rezone some land on Ioka Lane. Mr. Ross had purchased a piece of ground from Mr. Dastrup intending to build a home there and found out the property was zoned Industrial so Mr. Hyde stated at that time some of the property was rezoned back to Agricultural-Residential. Mr. Hyde stated that's when it was realized that none of the property owners had been notified of the zone change, which took place about 1999 and were unaware that their property had been zoned industrial in that area. The subject area extends from 4000 West to 6000 West and there are some businesses in the area. Mr. Hyde stated since last fall the property owners have been notified and asked if they would like to keep it Industrial or if they would like it rezoned back to Agricultural/Residential. With the replies that were received most of the property owners wanted it changed back with the exception of the existing businesses in the area and they would like to remain Industrial.

Mr. Hyde stated that before this can be presented to the County Commission we need to make sure it meets the criteria and there are six factors to consider.

- 1. The overall community benefit of the proposed amendment;**
It appears that much of the immediate community does not see this industrial zoning as a benefit.
- 2. Consistency with the goals and policies of the general plan;**
The general plan contains policies aimed at preserving the rural, agricultural character of the county. There are a number of homes in the area, with culinary water and highway access, which makes this a viable area for residential growth.
- 3. Compatibility with the neighborhood;**
A survey of land uses in the vicinity reveals that there is a small concentration of industrial uses in the 4000 block of Ioka Lane; however, most of land is being used for residential and agricultural purposes.
- 4. What changes have occurred in the neighborhood since the zoning ordinance & map or latest amendment was enacted;**
Since the Industrial zone was established in this area in 1999 but there was not adequate property owner involvement at this time. It was based on an idea that maybe it would make sense to have more industrial zoning in this area. There has been no additional industrial development since that time so it has been desired to return it to residential which is preferred by most of the property owners in the area. We do understand that Bro Brothers LLC has acquired additional property to the west and east of their existing property and we received a letter from them by fax 1-4-06 stating they own approximately 32 acres on the south side of Ioka Lane and they wish to maintain the industrial zoning to that property, but that the 15 acres south of

the 800 foot returned to residential.

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

The proposed zone change would not result in the change of use of affected properties; but rather would make existing uses conforming to the zoning ordinance and map.

6. Consider the interest of the applicant.

The applicant in this case is the county planning department. The request was initiated by the county since the county apparently approved the rezone of many of these lands to an industrial designation with inadequate citizen input.

Chairman Sweat asked for any comments or questions.

Curtis Dastrup, John Jorgensen, and Clyde Killian spoke with the same concerns about the rezoning and not being notified prior to it being rezoned into industrial. At this time, Mr. Dastrup stated that he didn't have a concern with the current businesses being zoned industrial but did want all the rest of the property in the area returned back to residential/agricultural. Mr. Jorgensen stated that he thought Amy Price's property should go back to residential/agricultural due to the fact that none of the property owners were notified before it was rezoned industrial. Mr. Killian asked if Amy Price had been notified of any of these changes. Mr. Hyde stated that all property owners along this corridor had been notified and notices included in their letter as to whether they want to zoning to remain industrial and changed back to residential/agricultural and most responded they wanted it changed back to what it was before the 1999 rezone. Mr. Hyde stated that he had received a letter on 11-7-05 from Amy Price and she asked to keep her property industrial.

Commissioner Peatross asked for clarification of which properties were going to return back to residential/agricultural. Mr. Hyde stated that only the shaded properties on the map would be industrial and all of the other property along that corridor would be returned to residential/agricultural.

Mr. Hyde stated for the record that back in 1999 I think the staff at that time recommended a blanket zone change. It was probably advertised as part of a big picture where the county rezoned not just one area but several areas at a time. Theoretically, it would have been better to work with the individual owners in those areas to determine their wishes and have hearings that were more specific like we have now.

Commissioner Brough moved that the Planning Commission adopt the findings and conclusions herein and recommend approval of this rezone by the County Commissioners.

Commissioner Peatross seconded the motion and it passed unanimously.

Request by Robert S. West for approval of Stonegate, Phase II, a 36-lot

subdivision located on the south side of South Cove Road, west of Roosevelt.

- 1. Preliminary Plat**
- 2. Final Plat**

Mr. Hyde stated that the proposed residential subdivision, consisting of 36 one-acre lots except lot 59, which is approximately 3.2 acres, is on 39.32 acres of land located south of the South Cove Road and east of Ostler Corner in Hancock Cove.

Mr. Hyde stated there is a continuation of the road system from Stonegate Phase 1. The cul-de-sacs west and south have the ability to be extended to the Christensen's property also on the south cul-de-sac there is also the ability here to extend a road into the Lisonbee's property to the east. Mr. Hyde stated that approval from Tri-County Health has been received and Mr. West has connections from Roosevelt City for water service. Fire hydrants will be placed at points in the middle of the three cul-de-sacs, which meets the county requirements. The same covenants and public offering statement used for Phase 1 would be used in Phase 2.

Mr. Hyde stated this application was deemed substantially complete prior to the adoption of the new subdivision ordinance so that the roads in this development will match up to the roads in Phase 1, so there will be no paving in this case.

Commissioner Mair asked Mr. West in the Public Offering Statement his concern was who was going to install these irrigation water lines and who will be in charge of the Auxiliary Water (Secondary Water). Mr. West stated he had met with his contractor and they mapped out what was going to be done with the six-inch lines and the 3-inch lines for delivery. Mr. West stated they are going to be forming a water district. Chairman Sweat asked if it wasn't already in a Special Service District and Mr. West stated it was in the Dry Gulch Irrigation and they only deliver water to the source. There will be a line on the far east side and then the present line go though about half way as the main delivery line and then go to the back of each lot and divert a 2-foot "T" so each lot is served with a 1-inch riser. Commissioner Mair stated he still wanted to know if it was going to be maintained by a homeowners association or a water district and Mr. West stated it will be formed when appropriate. Mr. Hyde stated that maybe the Public Offering Statement should be clarified so that buyers know how this will be dealt with. Commissioner Rather asked if there was enough water for each resident to have water and Mr. West stated that there are 48 shares of water with each lot receiving one share or less. Mr. West stated with a sprinkler system it probably would not take 1 share of water so even if they have only half share of water it would be adequate for the area. Chairman Sweat asked then bottom line there would enough water for these 1-acre lots and Mr. West stated with sprinklers because they can be controlled. The buyers will be given one share at closing or form a water association when there is enough to form the association and then it will be monitored by the association and they will only be able to obtain water when there is water available. Commissioner Mair asked will the water shares be tied to the lots or are they individuals going to be able to sell them out of there so that it affects everyone on the line. Mr. West stated right now they are being sold with the lots but with the understanding that when the association is formed they

can call for the water shares. Commissioner Mair stated he would like it to show somewhere the specific number homeowners it will take to form the association but at that point it will take effect and be maintained by the association. Mr. Hyde stated that the auxiliary water is not a requirement of the county to approve the preliminary plat it is just an amenity that Mr. West has provided.

Commissioner Rather moved that the Planning Commission adopt the Findings of Fact and Conclusions set forth in this Staff Report and approve the preliminary plat of Stonegate Subdivision, Phase 2; with the condition that the Public Offering Statement be amended to address in more detail the construction, operation and maintenance of the secondary water system planned for the development.

Commissioner Brough seconded the motion and it passed unanimously.

Chairman Sweat continued on with the Final Plat of the Stonegate Subdivision, Phase 2.

Mr. Hyde stated the only additional thing with the Final Plat is that the roads and water lines are not in yet so the developer has the option of posting a bond or the other option is put the improvements in prior to recording the final plat.

Commissioner Fabrizio moved 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 Stonegate Subdivision, Phase 2, subject to the following condition:

1. The final plat shall not be recorded until either a bond is posted or the Required road and waterline improvements are constructed and accepted.

Commissioner Peatross seconded the motion and it passed unanimously.

Request by the Danley Family LLC for approval of the Danley Family LLC Subdivision, a 2 lot subdivision located on the east side of Highway 35, north of Hanna.

- 1. Preliminary Plat**
- 2. Final Plat**

Mr. Hyde stated this is apparently the first phase with 2-lots and there could be additional development to the north on the remaining 38 acres. Mr. Danley has been working with UDOT and they have agreed to an access to the 2 lots. It will be a private access at this time but could be changed to a public access if further development happens in the future. Tri-County Health Department has approved the 2-lots, Hanna Water connection is available and Hanna Water has indicated that there can be a fire hydrant placed on their line near the entrance to the driveway to the 2-lots.

Chairman Sweat asked Mr. Hyde about the paving requirements for subdivisions and Mr. Hyde pointed out that this was a private access so there were no paving

requirements. If they developed the other 38 acres then we would possibly be looking at paving requirements.

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 Danley Family LLC subdivision with no conditions.

Commissioner Mair seconded the motion and it passed unanimously.

Mr. Hyde stated in regards to the Final Plat the Title Report shows that the property still has a lien holder. Owen Joe Curry and his wife Vivian have submitted a letter indicating they were fine with the property being divided down even though there is still money owed. Another issue is that the fire hydrant has not yet been installed so before the final plat is recorded the hydrant needs to be installed or a bond posted for 125% of the estimated cost to have it installed.

Chairman Sweat move 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 Danley Family LLC Subdivision, subject to the following condition:

1. Prior to recordation of the final plat, the developer shall install a new fire Hydrant at the entrance to the subdivision or post a bond to ensure such work is completed prior to issuance of any building permits in the subdivision.

Commissioner Fabrizio seconded the motion and it passed unanimously.

Minutes: Approval of the December 7, 2005 minutes

Commissioner Peatross moved to approve the minutes of December 7, 2005 Planning Meeting. Commissioner Rather seconded the motion and it passed unanimously.

Commission Comments and Staff Reports:

Mr. Hyde stated the Hancock Cove decision on the Residential Treatment Center for the Hancock's the County prevailed on several of the counts the fair housing issue and the other was the desire to have 50 to 60 bed facility. However, the court found that the County Commission's findings in denying the Conditional Use Permit for a 10-bed facility were not adequate. The findings didn't show that there was an incompatibility or that the roads were unable to handle the traffic associated with a small facility like this. Where were are now is that the Hancock's have the permit which was granted by the Planning Commission for a 10-bed facility with several conditions including a fire alarm system be installed, monthly meetings with the neighbors, and a definition of which types of clients will be allowed there. Substantial criminal activities will not be permitted in their history. It remains to be seen whether the applicants will proceed on that basis or not. The next level of appeal would be to the State Supreme Court.

Adjournment:

Commissioner Brough moved to adjourn the meeting at 6:05 PM.
Commissioner Peatross seconded the motion and it passed unanimously.