

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

In Attendance were:

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

Visitors:

Agenda

Darrin Brown	All
Dennis Petersen	
Robert Mugleston	Bluebell Estates Amended Plat
Jess & Deanna Knight	
Warren Brandow	Hidden Meadow LLC
Ellis Muir	
Taylor Thayne	

Chairman Sweat opened the meeting at 5:00 P.M. Chairman Sweat asked if any of the Commission members has had any involvement with Kevin Patterson, Sky View Estates LLC or Warren Brandow and Hidden Meadow LLC. All of the members indicated that they had not excluding Chairman Sweat and he stated that he had some involvement with Hidden Meadow LLC and so when the public hearing for them came up he would recuse himself.

PUBLIC HEARINGS:

- A. Kevin Patterson, requesting preliminary plat approval for the Silver Wolf Subdivision, consisting of 13 lots on 14.8 acres of land located in Section 10, Township 2 South, Range 3 West, on the east side of the Upalco-Bluebell highway, about two miles north of Upalco.**

Mr. Hyde stated that the preliminary plat was brought before the Planning Commission in June but was recessed because health approval had not been received.

Darrin Brown (Tri-County Health Department) stated that the health department was

unable to have a letter ready but he would give verbal approval and have a letter sent over. They have not provided the health department with a plan approval for the drinking water system but I noticed in the recommendation that the State Division of Drinking Water approval would be one of the conditions. Mr. Brown stated that there are some concerns as to who is going to construct these lines. Mr. Hyde stated that the developer is responsible for engineering and building the water lines and will need to receive approval from the Division of Drinking Water and from the Upper Country Water District to get a operating permit.

Mr. Hyde stated the applicant is proposing a 13-lot subdivision with lots ranging from 1.1 to 1.51 acres on 14.8 acres of land located east of the Upalco-Bluebell Highway, about two miles north of Upalco. The road entering the subdivision will need to be built to county standards and the east end of the road will be left opened for future extension to the east.

Mr. Hyde stated that the covenants that are required by the County are acceptable except for one thing that will need to be changed before they are recorded. They currently state that either the property owners or the County will enforce the covenants and the County does not want to be involved in enforcing private covenants.

Mr. Hyde stated that a letter of approval from the Upper Country Water District was received dated May 23, 2006. The water line extension will need to be designed by an engineer and include fire hydrants.

Mr. Patterson was unable to attend the meeting. No one else wished to testify.

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 Silver Wolf Subdivision, subject to the following conditions:

1. Prior to final plat approval:
 - a. The new road (including road sign and drainage facilities at the intersection with 12000 West) shall be constructed to County paved road standards and accepted by the county or a bond posted.
 - b. The water system (including fire hydrants) shall be constructed and approved by the State Division of Drinking Water and the Upper Country Water District, or a bond posted.
 - c. The covenants shall be amended to eliminate reference to county enforcement.

Commissioner Rather seconded the motion and it passed unanimously.

B. Sky View Estates LLC, requesting to amend Lots 8 and 9, Bluebell Estates Subdivision to transfer 4.21 acres of land from Lot 8 to Lot 9. Located in Section 15, Township 2 South, Range 3 West, north of

Upalco and east of the Big Sand Wash Reservoir.

Mr. Hyde stated that Lot 8 is about 20 acres and Lot 9 is about 27 acres and we understand that the owner of Lot 8 is having some financial problems and in order to take care of these issues they would like to sell Lot 8 and add 4.21 acres to the owner of Lot 9. So there are no new lots being created and it is just moving lot lines and this is why they are asking for a plat amendment.

Mr. Hyde stated that Tri-County Health Department has issued a letter dated June 21, 2006 giving approval and there is Upper Country Water available. We have also received the Title Report.

Jess Knight (Mgr. Sky View Estates) stated that Sky View Estates LLC had recently purchased Lot 8 back from a relative that was having financial difficulty so that this piece of property could stay in the family.

Chairman Sweat asked in regards to a letter received from the financial institution, in the last sentence it states "If and when the Property is sold at the price agreed to by my client, and after my client receives the sale proceeds, my client intends to reconvey its deed of trust on the property with my assistance", has this been done? Mr. Knight stated that it had.

Chairman Sweat asked if there were any questions or comments.

Commissioner Fabrizio moved that the Planning Commission recommend to the County Commission the approval of the amended plat as requested. Commission Mobley seconded the motion and it passed unanimously.

Chairman Sweat turned the Public Hearing of Hidden Meadow LLC over to Commissioner Peatross as he recused himself.

C. Warren Brandow and Hidden Meadow LLC, requesting final plat approval for the Hidden Meadow Subdivision, Phase 1, consisting of 45 lots on 120.92 acres of land located in Section 24, Township 3 South, Range 9 West, south of Fruitland.

Mr. Hyde stated the preliminary plat was approved by the Planning Commission on June 7, 2006 meeting subject to the standard conditions such as the roads need to be bonded for or built and the water system built or bonded for prior to final plat approval. Mr. Hyde stated that the roads and water system are not in yet and so the developer is planning on placing a bond for these although the bonding has not been finalized at this time. They do have until Monday when this goes before the County Commissioners. If acceptable bonding is not received prior to this meeting then the final plat will be unable to be recorded until bonded is provided. Mr. Hyde stated that an updated Title Report has been received.

Commissioner Brough stated that in the June minutes it stated that the waterlines to the subdivision are 8 inch lines but that the waterlines in the subdivision would be 6 inch lines, so why not go with 8 inch lines in the subdivision so that fire hydrants can be installed. Mr. Brandow stated that it is an insurance problem where the Fruitland Water District does not want to be liable for a fire situation where in the case the hydrant did not have the water needed that they would be held responsible. The Fire Marshall has agreed that if Hidden Meadow put in four "dry sumps" where the tanker trucks can suck the water out that would be adequate.

Vice-Chairman Peatross asked if there was any questions or comments. No one else wished to testify.

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 Hidden Meadow LLC subdivision, subject to the following conditions:

1. When 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 and flushing hydrants 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.

Commissioner Rather seconded the motion and it passed unanimously.

Vice-Chairman Peatross turned the meeting back over to Chairman Sweat.

Minutes: Approval of the June 7, 2006 minutes

Commissioner Brough motioned to approve the minutes as written.
Commissioner Peatross seconded the motion and it passed unanimously.

Commission Comments and Staff Reports:

Mr. Hyde stated that the appeal filed against Mountain West Propane has been denied by the County Commission so they have upheld the Planning Commission's decision.

Mr. Hyde stated the next meeting will be August 2, 2006 and there are a couple proposed amendments to the Subdivision and Zoning Ordinances because every year the legislature meets and makes changes to the law and then we need to react to that and make changes to coincide with their changes.

Adjournment:

Commissioner Brought motioned to adjourn the meeting at 5:25 P.M.
Chairman Sweat seconded the motion and it passed unanimously.