

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
June 7, 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
Mike Hyde, Community Development Administrator
Laraine Dickinson, Planning Secretary
Excused: Randy Mair, Thomas Rather

Visitors:

Agenda

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| Craig Garrick | Hidden Meadow |
| Ellis Muir | |
| Nathan Hainsworth | |
| Dan Jolley | |
| Ron Simper | |
| Matthew Mack | |
| Jess L. & Deanna Knight | Lake Fork River |
| Scott & Vickie Hagman | |
| Lenore Hagman Davis | |
| Jerry Allred | |
| Joe Steed | Duchesne Mini Ranches #3 |
| Connie Sweat | |

Chairman Sweat opened the meeting at 5:00 P.M.

Chairman Sweat asked if any of the Board Members has had any contact with any of the applicants and if they would need to recuse themselves. The Board Members indicated that they had not. Chairman Sweat stated that he had with Hidden Meadow Subdivision and would recuse himself from that hearing and turned it over to Vice-Chairman Chris Peatross.

PUBLIC HEARINGS:

- A. Hidden Meadow LLC, requesting preliminary 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 that the request is for preliminary plat only at this time. The applicant is proposing a residential/equestrian subdivision, consisting of 45-lots, ranging from 1.81 to 7.69 acres on lands located on half to one mile south of the Fruitland General Store, west of 45000 West. The master plan shows that this is the first of three phases anticipated by the developer. The 7.69-acre lot is the proposed site of an indoor riding arena and equestrian center. The largest residential lot is 4.18 acres.

Mr. Hyde stated that the staff report indicates whether the preliminary plat complies with the subdivision ordinance of the county. The first being road access and there is a county road that runs north and south which is 45000 West, then you would go down about a ¼ mile, where it turns westerly. The second is a letter dated May 18, 2006 from Tri-County Health Department for the approval of the wastewater disposal and the plat contains the information required by this section.

Mr. Hyde stated in relation to adjoining street systems, property owners to the east (Wilcox Investments) will have frontage on the new road and also the street system connects to existing roads in the Valle del Padres subdivision to the west which connects to 46000 West and goes back to Highway 40. So this standard has been met.

Mr. Hyde stated because of lot sizes that the roads in this phase will need to be paved to county standards, so before final plat approval this will need to be done or a bond will need to be posted to cover paving. Mr. Hyde stated that there will need to be a turn around at the SE corner of Lots 47 and 50 unless the developer plans on finishing the other phases soon. Street signs in this development will need to be provided by the developer and coordinate with the county road signs.

Mr. Hyde stated in regards to easements at this time they are not showing on the preliminary plat so the final plat will need to show utility easements along lot lines. The final plat will also need to include an easement to allow fire department access to the pond and dry hydrant proposed on Lots 4 and 5.

Mr. Hyde stated that a letter from the Fruitland Water District was received indicating that water would be available. The plans for the water system have been prepared by a licensed engineer and will need to be inspected and approved for operation or bonded for prior to final plat approval.

Mr. Hyde stated in regards to fire protection the Fruitland Water District has not allowed fire hydrants on their system in the past. In this case an eight-inch line will be extended southerly from the Fruitland Store into the subdivision. The water lines in the subdivision will be six-inch lines. The Fire Department has met with the developers and has accepted dry hydrants to be placed at existing ponds and at Current Creek to suffice for fire protection in this area. The Fruitland Fire Department is just north of the subdivision and underground water storage is located there. The fire hydrants and fire protection facilities will need to be installed or bonded for prior to final plat approval.

Mr. Hyde stated that some property owners to the southeast of Phase 1, that there are some property line and fencing issues but that they are not butting up to Phase 1 so they will need to be dealt with when Phases 2 and 3 are presented. There also seems to be some irrigation water concerns that will need to be ironed out with the parties involved before this gets finalized.

Vice-Chairman Peatross asked if there were any questions from the Planning Commission and there was not, so he asked if there was a representative for Hidden Meadow that would like to comment.

Craig Garrett (representative for Warren Brandow) stated that they were working with the Fire Department to work out the secondary pond, which does not reflect on the preliminary plat. Mr. Hyde stated that there is a pond in existence now but that there is a draw that Mr. Brandow had indicated the possibility of damming this and making a pond for fire protection. Commissioner Brough asked Mr. Hyde if there was water in the draw all the time and where did the water come from. Mr. Hyde stated that there was not water there all the time. Mr. Garrett stated that the Fire Marshall indicated that with the issues of damming off the creek then the next possibility would be to put in a large water storage tank and so they are looking into this.

Commissioner Brough 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 Hidden Meadow Subdivision, Phase 1, subject to the following conditions:

1. Prior to final plat approval:
 - a. The New roads (including road signs, temporary cul de sacs at the phase boundaries and drainage facilities) shall be constructed to County paved road standards and accepted by the county or a bond posted.
 - b. The water system (including the dry hydrant and legal, improved access thereto) shall be constructed and approved by the State Division of Drinking Water and the Fire Department, or a bond posted.
2. The final plat shall include the dedication of right of way between the existing county road and the subdivision.

Commissioner Fabrizio seconded the motion and it passed unanimously.

B. Sky View Estates LLC, requesting approval for the Lake Fork River Subdivision consisting of 8 lots located on 40.87 acres of land (NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, Township 3 South, Range 2 West, Duchesne County) located roughly three miles northwest of Myton.

1. Preliminary Plat

Mr. Hyde stated the applicant is proposing a residential subdivision, consisting of 8-lots,

ranging from 5.0 to 5.48 acres in size on 40.87 acres of land located on the south side of 6250 South, west of the Lake Fork River Bridge, about three miles northwest of Myton.

Mr. Hyde stated that there is an existing county road to the north side of the property and a new cul de sac known as 6900 West, which enters into the property.

Mr. Hyde stated a letter dated the 17th of May 2006 from Tri-County Health Department was received for approval of wastewater disposal and the plat contains the information required.

Mr. Hyde stated looking in relation to adjoining future street systems. The developer and the county have talked with the landowner to the south (Terry Abbott) to see if he had any interest in extending the road down to the border of the property to serve some of his land. Mr. Abbott stated that he felt he had enough access to his property from other means and did not feel that he needed access from this new road to the north end of his property at this time.

Mr. Hyde stated that in the subdivision that due to the lot sizes that this road would require gravel rather than paving and where it is a cul de sac there would be no through traffic. The cul de sac is approximately 900-feet long, which complies with the county standard. And before final plat approval a street sign will need to be provided at the intersection of 6900 West and 6250 South and the developer should coordinate with the County Road Department.

Mr. Hyde stated in regards to easements the plat contains an easement for Utah Power and Light for an overhead power line running along the west side of the property. There is a 20-foot utility and access easement on the south side of the property.

Mr. Hyde stated that acceptable covenants have been received. The main concern with covenants is that properties are well maintained and that they are not junked up.

Mr. Hyde stated in regards to water Johnson Water District stated the availability by a letter dated January 21, 2006. The district expressed a willingness to provide 33 connections however the clay soil limited the number of lots to eight. There is no irrigation water available for this property but this is not a county requirement.

Mr. Hyde stated for fire protection there would be a fire hydrant at the intersection of the new road and the county road also down further in the cul de sac and a flush hydrant at the south end of the water line to keep the water from going stagnant.

Mr. Hyde stated that the ground in this area is fairly flat in this area and the only drainage problem would be along the new roadway. So when the new roadway is constructed the contractor will need to coordinate with the County Road Department to ensure proper storm drainage.

Mr. Hyde stated in regards to fencing it can be required if the surrounding property uses are not compatible with housing. Fencing can either be required up front or individually when people are purchasing their lot and chose the fencing of their choice.

Chairman Sweat asked if there was anyone that would like to speak in favor or against this at this time.

Jess Knight (manager of Sky View Estates LLC) stated that he felt that Mr. Hyde had covered the issues at hand did not have any other comments to make.

Scott Hagman stated that he has cattle in the area and is pretty sure that the property will need to be fenced. Chairman Sweat asked Mr. Knight if there were any provisions or anything in the mill to provide fencing. Mr. Knight stated that there are no plans to fence because not knowing what the property owners will have and what types of fencing they will want. Mr. Knight stated that it was his understanding that Utah is a fence in state and not a fence out state, so if you have animals then you need to fence them in. Mr. Hyde stated that Mr. Knight was correct in the fencing issue but however in the subdivision ordinance the Planning Commission has the ability to require fencing when there are incompatible uses. Chairman Sweat asked if there was fencing there now and Mr. Hagman stated that there was but that they were very old. Mr. Hagman stated that the fences would not keep the cattle or sheep out of this area. Chairman Sweat stated the two parties needed to get together and work something out between them because here in Duchesne County the Planning Commission can enforce the developer to fence if there is a problem. Mr. Hagman's stated that his only point is that the developer needs to make the buyers aware of the situation with the cattle and sheep in the area and that there will need to be fencing. Mr. Hagman asked if they could put in a feedlot and Commissioner Peatross stated that that would come under a Conditional Use Permit and would need to be approved if by zoning codes it is indeed permitted in this area.

Mr. Hagman asked about the size of the homes and why are they allowing them to be so small with only 1200 square feet for one story and 1500 square feet on a two story. Deanna Knight stated that we based this on very simple home plan. A three-bedroom, 1 ½ bath is a traditional plan size and most people will put in a basement which will double the square footage. Chairman Sweat asked if this is only the minimum required and Mrs. Knight stated that it was and they could build bigger. Mrs. Hagman stated that she knows what they are selling the lots for and asked why couldn't they rise the minimum size of the homes a little to bring in a little better type of people. Mrs. Knight stated that with the price of the property it would be leaning more toward the middle-class clientele rather than a lower-class clientele because the amenities would already be in place. Mr. Knight stated that in regards to garbage the covenants states that there will be no storage of junk vehicles and they will have to keep their yards cleaned up. Mr. Hagman asked would a modular home be acceptable in this area and Mrs. Knight stated that mobile homes would be restricted in this subdivision but through some realtors they understood that it is against to law to discriminate against modular homes.

Mrs. Hagman asked if this could be broke up into 1-acre lots or will it stay 5-acre lots. Mr. Hyde stated that after this is recorded then if someone wanted to subdivide their 5-acre lot then they would need to go through the plat amendment process and generally go through this same process. Mrs. Hagman asked if whomever buys one on these lots will they be able to have a business there and Mrs. Knight stated that whatever the county allows and they will have to go through the county for permits and whatever else would be needed. Mr. Hyde indicated that the county zoning ordinance regulates the types of businesses allowed in homes.

Lenore Hagman Davis stated that she lives adjacent to this property. She asked when they had their perc tests done how deep was the water there. Mr. Allred (Duchesne County Surveyor) stated that he was the surveyor and they dug 10-foot holes as prescribed by the health department and did not encounter any ground water on any of them.

Mrs. Davis asked if there were any plans for landscaping and Mrs. Knight stated that they are in the CC & R's. Mrs. Davis stated that she is completely and totally against this subdivision. Mrs. Davis stated that her concerns are with pollution, dust, dirt and noise. She stated that the area was pretty clean. Mrs. Davis asked if there was any way that in the CC & R's it could include that that the property owners have a three-acre setback from their property line. Mr. Knight stated that a three-acre setback would be rather restrictive and the unlikelihood of the property owner wanting to build back closer to the Hagman property simply because of the cost for hookups and driveway etc. Mr. Knight stated that they did not feel it necessary to tell buyers that you are only able to build on the front 2-acres of a 5-acre lot.

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 Lake Fork River 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 6250 South) shall be constructed to County gravel 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, or a bond posted.
2. A cattle guard shall be installed to county specifications along the new road, at a point near 6250 South approved by the County Road Department.
3. Prior to occupancy of dwellings in this subdivision, property owners shall be responsible for fencing to control livestock.

Commissioner Mobley seconded the motion and it passed unanimously.

2. Final Plat

Chairman Sweat stated that the Planning Commission would move on to the final plat for Lake Fork River Subdivision.

Mr. Hyde stated that prior to final plat approval the Knight's needed to either have the new road (including road sign and drainage facilities at the intersection with 6250 South) constructed to County gravel road standards and accepted by the county or a bond posted. Mr. Hyde stated the developers have provided the county with an irrevocable standby letter of credit from Key Bank in the amount of \$100,000.00 to ensure construction of the road and water system. The contractor's estimate was \$47,680 and the minimum amount required by the county for surety would be \$59,600.00 so even with the expenses of putting in a cattle guard this should be sufficient. The other requirements for final plat approval have been met, such as the Title Report, bonding is in place and this does not require a public offering statement.

Commissioner Peatross 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 Lake Fork River subdivision, subject to the following conditions:

1. When the final plat is submitted for recording, the subdivider 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 road (including street sign) shall be installed and accepted prior to occupancy of any dwelling in the subdivision.

Commissioner Fabrizio seconded the motion and it passed unanimously.

C. Duchesne Land LC, requesting approval for Duchesne Mini Ranches, Phase 3, consisting of 47 lots located in Section 20, Township 4 South, Range 4 West, southeast of Duchesne City.

1. Preliminary Plat

Mr. Hyde stated that the applicant is proposing a residential subdivision, consisting of 47 lots, ranging from 2.5 to 3.42 acres. There will be a \$220.00 collected per lot as in the prior phases for acceleration/deceleration lanes that will be needed in the future US Highway 40.

Mr. Hyde stated that approval letter from Tri-County Health Department had been received dated May 9, 2006. The roads have already been approved for this phase and a letter was received from the county road department dated May 31, 2006. The road signs had already been ordered by the developer and they will be installed when they arrive. The covenants will be the same as in Phase 2.

Mr. Hyde stated that the water system has been the main controversy and referred to

page 11 of the Staff Report as to some of the background on those issues. Mr. Hyde stated that Utah Division of Drinking Water has given their approval for 298 water connections at this point and there are about 100 connections thus far, so there are approximately 200 remaining connections. Mr. Hyde stated that there are some improvements that need to be made in the Duchesne City water system before they can go above the 298. Mr. Hyde stated that it is understood that Duchesne City has grant funds to upgrade their water system and this work is likely to be completed before the number of hookups in the “mini ranches” exceed the current ceiling or 298, but if it isn’t completed then the county would need to stop issuing “Certificates of Occupancy” for homes there and the Steed’s are aware of this.

Mr. Hyde stated that in regards to fire hydrants in this area that it had been worked out with the Fire Official when Phase 2 of Duchesne Mini Ranches was approved. Flush hydrants and some tank storage will be utilized for fire protection.

Chairman Sweat asked if there were any comments or questions.

Commissioner Brough 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 3, subject to the following conditions:

1. Developers agree that \$220.00 per lot shall be collected by the county at the time of building permit issuance to cover a share of the future costs of acceleration and deceleration lanes on Highway 40 to serve the development.
2. 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. The bond shall be in an amount not less than \$58,170.00.
3. 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 in the overall mini ranch development, there is no guarantee that each of the 47 lots in this phase will have water available until water lines are upgraded in Duchesne City pursuant to the February 17, 2004 Sunrise Engineering report. Duchesne County will withhold building permits, if necessary, if the 298 connections are made prior to the required water system upgrades being completed.
4. Developer shall complete the installation of street signs, the water system and flushing hydrants in this phase prior to occupancy of any dwellings in the phase.

Commissioner Mobley seconded the motion and it passed unanimously.

2. Final Plat

Chairman Sweat stated to Mr. Hyde to proceed with the finding on the final plat for Duchesne Mini Ranches, Phase 3.

Mr. Hyde stated that with the four conditions listed in the preliminary plat approval the first one will be complied with as building permits are issued. The second condition

regarding the waterlines bonding has been received for this phase. The third condition regarding water connections the county will monitor the number of building permits so that they do not exceed 298 connections. And the fourth condition is the completion of the installation of the street signs and flushing hydrants prior the any occupancy in this phase.

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 Duchesne Mini Ranches, Phase 3, subject to the following conditions:

1. When the final plat is submitted for recording, the subdivider 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, flushing hydrants and street signs shall be installed prior to occupancy of any dwelling in Phase 3.

Commissioner Brough seconded the motion and it passed unanimously.

D. 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 in health department approval had yet to be received.

Chairman Sweat moved to recess this hearing until the July 5, 2006 Planning Meeting.

Commissioner Brough seconded that motion and it passed unanimously.

Minutes: Approval of the May 3, 2006 minutes

Chairman Sweat moved to approve the minutes as written.

Commissioner Mobley seconded the motion and it passed unanimously.

Commission Comments and Staff Reports:

Commissioner Peatross asked about the Conditional Use Permit by Shane Duncan for Mountain West Propane. Mr. Hyde stated that it had been appealed and would be going to the County Commission on June 12, 2006 so a final decision had not yet been made.

Adjournment:

Commissioner Peatross moved to adjourn the meeting at 7:27 P.M.

Commissioner Fabrizio seconded the motion at it passed unanimously.