

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
April 4, 2007 - 5:00 p.m.**

In Attendance were:

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

Excused: Thomas Rather

Absent: Larain Mobley

Visitors:

Agenda Item

Lezlee Whiting	
Vickie Herrera	Cedar Mtn. 6 Amended Plat
Roger Brockbank	Royal Stewart Subd. Final Plat
Tim & Trish McDonald	
George & Jane Gurr	
Dave Florence	David Florence Subd. Prelim. Plat
Kevin Turpin	Sandwash Lake Estates Final Plat
J. D. Brisk	
Bob Muggleston	
Joe & Joan Steed	Duchesne Mini Ranches 6
Connie Sweat	
Clinton Moon	

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

Introduction of Kirk Wood, Duchesne County Commissioner

Commissioner Wood was out of town so unable to attend.

PUBLIC HEARINGS:

- A. Request to amend the plat of Cedar Mountain #6, Lot 83 to divide a 9.96 acre lot into lots 5.86 and 4.1 acres in size, by Vivian Jensen and Angelo**

Herrera (located in the NW ¼ of Section 29, Township 3 South, Range 8 West, southeast of Fruitland).

Mr. Hyde stated that County Road 218 already divides Lot 83, which run south of the Bandanna Ranch Sales Office sign along Highway 40 east of Fruitland. The applicant wants to make the property to the west of the road a 5.86-acre lot and the property to the east a 4.1- acre lot. Mr. Hyde stated that Cedar Mountain #6 was approved in 1980. The original plat had 114 lots and the majority were 10-acre lots. To date, there are twenty of the original lots that have been divided. Mr. Hyde stated that there is a five-acre minimum lot size in the area but with Fruitland water can go down to a minimum of one-acre. A letter from the Fruitland Water District was received on December 5, 2006 verifying that culinary water is available.

Mr. Hyde stated that a letter dated March 16, 2007 from Tri-County Health Department was received stating their approval of the lot split.

Mr. Hyde stated that in regards to fire that there are no fire hydrants on the Fruitland Water system at this location but that the Fruitland Fire station is located about two miles to the northwest. The County has adopted the Utah Urban Wildland Interface Code in 2006 and as of January 22, 2007 the County has decided to apply this code to all building sites located outside of incorporated cities or towns.

Commissioner Sweat asked if perc tests had been done on each of these lots because they were not shown on the survey map. Mr. Hyde stated that Tri-County Health would not have sent in their approval had perc tests not been done but stated they are not shown their location on the map.

As there was no further testimony the hearing was closed.

Commissioner Brough motioned that the Planning Commission recommend to the County Commission the approval of the amended plat, subject to the following conditions:

1. The applicants shall insure that their surveyor submits an electronic copy of the plat amendment to the County Recorder's office.
2. Development on these two lots will be required to hook on to the Fruitland water system.

Commissioner Fabrizio seconded that motion and it passed unanimously.

B. Request by Roger Brockbank for final plat approval of the Royal Stewart Subdivision, Phase 1, 30 proposed lots located in Section 18, Township 2 South, Range 1 West in Hancock Cove (1000 North at 2060 West).

Mr. Hyde referred to preliminary plat approval on March 7, 2007 with six conditions. In regards to the first condition Roosevelt City has started doing the engineering on the

water system in this subdivision. In a letter received from Roosevelt City it indicates that they have enough culinary water for this subdivision but that there is not enough water to provide fire hydrants. So this will need to be resolved prior to the final plat being recorded and before any of the lots can be sold. Mr. Hyde stated that a 6-inch line could be run to 3000 West or go south to the South Cove with an 8-inch line or that the fire department needs to know that they can not pump from fire hydrant that are put into place until there is sufficient water available. Mr. Brockbank stated that this was brought to his attention the morning of April 4, 2007. Mr. Brockbank stated that he did have time to speak with Roger Eschler and Brad Hancock and they feel that this can be resolved but the discussion at this time has been very preliminary. Mr. Brockbank has also spoke with Charlie from Horrocks Engineering representing the concerns of Roosevelt City and he needs to put together a model that determines the amount of gallons per minute and in the discussions within the next few years the system could be upgraded in this area and so this would resolve the concerns.

Mr. Hyde stated that in regards to the roads in the subdivision that the applicant needed to have the roads completed or a bond posted prior to recording the final plat and Mr. Brockbank has indicated that he has elected to post a bond.

Mr. Hyde mentioned Condition #6 of the preliminary plat about fencing of the irrigation pond on Mr. Young's property which is to the south of the proposed subdivision. A letter dated March 14, 2007 from the applicant outlines the fencing agreement that has been reached with Mr. Young.

Mr. Hyde stated that there was a gas line easement discovered so a lot line adjustment that was not on the preliminary plat appears on the final plat.

Tim McDonald stated that he has concerns with a pond and pump irrigation system that Mr. Brockbank has stated that he is going to make available to property owners. Mr. McDonald stated that they are on that same system and that Mr. Brockbank had not been in contact with him to let him know of his intent. Chairman Peatross stated that the Planning Commission does not regulate irrigation water. Mr. Hyde stated that it would be best to get together with Mr. Brockbank and discuss this matter.

Mr. McDonald stated that he was hoping that the subdivision could be delayed until the property owners in the vicinity could get with the road department and get something done with the North Cove Road because it is very dangerous and with more traffic coming into the area it will only make it worse.

Trish McDonald stated that the North Cove Road is a big concern and it is a bus route. There will be children with the new subdivisions going in and it is going to be very dangerous unless something is done.

Tom Sprouse asked for an explanation of the one-acre lot sizes. Mr. Hyde that the zoning in this area is a 2½ -acre lot size but the county laws allow people with culinary

water connections to have one-acre lots and they need to pass perc test for a septic system before this can be approved.

Commissioner Mair stated that living in the area he is aware of the concerns with the road and stated that the county designated it as a truck route before their moving into the area. Mr. Hyde stated that to his understanding the truck route is going to be moved to the South Cove Road so that will eliminate some of the truck traffic but would increase residential traffic with this 30-lot subdivision. So it would be up to the Planning Commission to decide whether or not that traffic will make that big of an impact to the area. Also if the school bus stops in front of the subdivision a turn out could be provided but a discussion with the developer would need to take place to see if this option is feasible. Commissioner Sweat asked if the school bus stopped in front of this subdivision and Commissioner Mair stated that it stops at about every other home on that road. Commissioner Fabrizio pointed out that when Phase 2 of this development is completed then the school bus would be able to loop around rather than back track, which they do not do.

As there was no further testimony, the hearing was closed.

Commissioner Sweat 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 Royal Stewart Subdivision, Phase 1, subject to the following conditions:

1. No occupancy of homes in this phase will be allowed until all roads and street signs have been completed by the developer and accepted by the county.
2. No occupancy of homes in this phase will be allowed until the water system, including fire hydrants, has been inspected and approved by Roosevelt City and the Utah Division of Drinking Water.
3. The developer, or the surveyor, shall provide an electronic copy of the final plat to the County Recorder when recording the final plat.
4. The final plat shall not be recorded until the developer; Roosevelt City and the County Fire Official agree how to provide fire protection.

Commissioner Brough seconded that motion and it passed unanimously.

C. Request by David Florence for preliminary plat approval of the David Florence Subdivision, 3 proposed lots located in the SE ¼ of Section 12, Township 2 South, Range 5 West, in the Talmage area.

Mr. Hyde stated that the applicant is proposing a subdivision of three lots ranging from 2.51 to 2.66 acres located south of Pinn Willies on the NE side of Highway 87. The applicant has plans for three homes and possibly two commercial buildings on the property. Mr. Hyde stated that for the commercial buildings the applicant would need to apply for a conditional use permit.

Mr. Hyde stated that access would be from Highway 87 and a permit from UDOT will be needed to change the access point from a private road to a public road.

Mr. Hyde stated that a letter dated March 2, 2007 was received from Tri-County Health Department with their approval.

Mr. Hyde stated that Upper Country Water is available and it is proposed to extend private service lines to each lot from an existing line along Highway 87. On the final plat it will need to show the existing power line easement in the area. Mr. Hyde stated that there is an existing 8-inch water line serving this area and a fire hydrant exists near Pinn Willies.

Mr. Hyde stated that a letter from the owners of Pinn Willies had been received and they had no objection to this proposed subdivision.

David Florence stated that they would be doing the road whether or not this was approved and stated that Lee Moon owns the road to the right of my property and he owns the actual access and has given me permission to use that access and so this will help Mr. Moon out as well. So when the road is completed then it would be a county road. Mr. Florence stated that he had been in contact with Barry Sawsak with UDOT and he stated that they are 3 weeks out, so it will be at least another week and a half before Mr. Sawsak would be able to check out the access from Highway 87.

Mr. Florence stated that Lot 1 would be more of a commercial use with a rental home and storage and Lots 2 and 3 would be for single- family dwellings.

As there was no further testimony, the hearing was closed.

Commissioner Brough 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 David Florence Subdivision, subject to the following conditions:

1. Prior to recording the final plat, the developer shall either construct the required gravel road improvements or post an acceptable bond in an amount not less than 125% of the construction cost estimate.
2. Developer shall work with the County Public Works Department in the provision of a street sign, which shall be installed prior to occupancy of buildings in this subdivision.
3. The final plat shall include easements for existing and proposed utilities that cross the proposed lots.
4. Prior to construction of the new county road, developer shall obtain an access permit from the Utah Department of Transportation.

Commissioner Mair seconded that motion and it passed unanimously.

D. Request by Cabinland LLC for final plat approval of the Sandwash Lake Estates Subdivision, 14 proposed lots located in Sections 9, 15 and 16, Township 2 South, Range 3 West (west of the Upalco-Bluebell Highway, 2 miles north of Upalco).

Commissioner Mair stated that his brother-in-law is involved with Cabinland LLC and just wanted the Planning Commission to know about this in the case that he would need to recuse himself. The members of the Commission stated that as long as he could make a fair judgment then there did not seem to be a problem. No one in the audience objected.

Mr. Hyde stated that on April 5, 2006 the Planning Commission approved the preliminary plat and at that time there were 14 lots. Since that time they have added an additional 2 lots that are at the north end of High Point Road. Chairman Peatross asked with the additional two lots is there not a need to do an amended plat. Mr. Hyde stated that since it was the preliminary plat and it is a minor adjustment it could be added to the final plat without having to have a plat amendment.

Mr. Hyde stated that the conditions for the preliminary plat approval were:

1. Prior to final plat approval roads and street signs needed to be done or a bond needs to be provided. The applicants plan to post a bond, which an irrevocable line of credit from Zion's Bank was received April 4, 2007.
2. Prior to final plat approval water lines and fire hydrants need to be done or a bond needs to be provided. The applicants plan to post a bond for this.
3. Prior to final plat approval a legal access from Upalco-Bluebell Highway and 1000 North into the subdivision. The applicants have purchased land from Dannie and Charlene McConkie that provides county road access and a deed was recorded January 3, 2007.
4. Existing easements needed to show on final plat and this has been done.
5. That Lot 7 shows the area that is subject to oil well use. The oil well takes up most of Lot 7 and so it is doubtful that it will be buildable until the well site is abandoned and reclaimed.
6. The final plat show the fisherman's access and this is shown on the plat, which is to the east of Lot 14.

Mr. Hyde stated that a Title report dated February 22, 2007 had been received.

Mr. Hyde stated that the lots range in size from 5.07 to 6.73 acres and that this subdivision is intended to be a gated community. So the roads will be graveled to a county standard and the Homeowners Association would maintain the roads. The area opened to the public would be the fisherman's access.

Commissioner Sweat asked Mr. Hyde that in Phase 2 of the Sandwash Lake Estates are there going to be more cul de sacs and will the County Road accessing Phase 1 be

the only main access and Mr. Hyde stated that in the preliminary plat showing both phases there will be an access to the north also.

Chairman Peatross asked if the applicants had anything to add or comment.

Kevin Turpin stated that there would be two gates one being at the main entrance off of the county road and the second one will be further south going in the last cul de sac.

Chairman Peatross asked if anyone else had anything to add or comments.

Bob Mugleston stated that he represents Lots 3, 4, 5, 6 and 7 of Bluebell Estates (all of the lot owners next to the road all the way down to the fisherman's access). Mr. Mugleston stated that his main concerns are with the fisherman's access and how DWR is planning on keeping people off of their properties. Mr. Mugleston stated that they have invested nearly \$19,000.00 worth of fencing to protect their property where they are building their home and are building four other homes which belongs to family members. He stated that in recent weeks due to conditions in the area there has been nine vehicle that have driven through their property to get to the lake since there is no other access to the lake but through the fisherman's access and the boat ramp.

Mr. Mugleston stated that at this time there are no plans that have been presented to anyone showing restrooms, garbage location, parking facilities and a place for vehicles to turn around once they are in this area. It was brought up at one time that there would be facilities for 14 to 15 vehicles. The garbage is a big problem at this time already and what is going to be done about that, it was stated at one time that they would pay me to do garbage clean up and I indicated that I did not want to do this. So Mr. Mugleston stated who is going to maintain and oversee this area because at this time even with speaking with Ed over to DWR in Vernal he did not have answers. Until these issues are resolved Mr. Mugleston had a problem with the fisherman's access area.

Mr. Turpin stated that last year, during preparation of the preliminary plat, the property for the fisherman's access had been walked off with Bob Cowdell of the DWR and still at this time there are no final plans that have been drawn up. Mr. Turpin stated that to his understanding there would be a small parking area at the far south end at the 66-foot wide portion, with a pit toilet at the bottom southeast corner next to the parking lot. Then it narrows to a walk path down to the reservoir because they do not want anyone driving to the edge of the water line nor does the Water Conservancy District. Mr. Turpin stated that Bob has since retired and now Ed with the DWR in Vernal has the description and the plat so that he can review there is also an appraiser going out so they can finalize the deal and buy the property. Mr. Turpin indicated that discussion about a fence and what type that would run along both sides of the 66-foot wide easement into the fisherman's access. Mr. Hyde asked Mr. Turpin about RV's going into the 66-foot turn around and whether or not that would be enough room and maybe considering selling or leasing the lower part of Lot 14 to the DWR to make the area a

little bigger. Mr. Turpin stated that DWR indicated that this would be a day use only and that there will be no overnight camping.

Chairman Peatross asked if there was anyone else that had anything to add or comment. There was none.

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 final plat of the Sandwash Lake Estates Subdivision, Phase 1, subject to the following conditions:

1. No occupancy of homes in this phase will be allowed until all roads and street signs have been completed by the developer and accepted by the county.
2. No occupancy of homes in this phase will be allowed until the water system, including fire hydrants, has been inspected and approved by the Upper Country Water District and the Utah Division of Drinking Water.
3. The developer, or the surveyor, shall provide an electronic copy of the final plat to the County Recorder when recording the final plat.

Commissioner Sweat seconded the motion and it passed unanimously.

E. Request for reconsideration of the February 7, 2007 conditions of approval for Duchesne Mini Ranches, Phase 6 by Highland Development.

Mr. Hyde stated that on February 7, 2007 the preliminary plat for Duchesne Mini Ranches, Phase 6, was approved with eight conditions and the applicants are requesting reconsideration on Conditions #6, #7 and #8. Condition #6 required improvement of the access via the Coyote Canyon Road to Highway 40. Mr. Hyde stated that Coyote Canyon Road is a "D" road and it is the most feasible access into Phase 6 of Duchesne Mini Ranches and so the Planning Commission required that the applicants acquire access from Moon's across their property and obtain UDOT approval to access Highway 40. This would make this a "B" road, which is a county maintained.

Mr. Hyde stated that the applicant met with UDOT representatives at the Region 3 office on March 22, 2007. The applicant is willing to improve this access but it will take time and so the applicant would like the Planning Commission to reconsider this condition and give the applicant more time rather than requiring this prior to final plat approval.

Mr. Hyde stated that with Condition #7 it stated that the developer should investigate the feasibility of providing a second access. On the final plat it shows that Connie's Trail has been extended east to the intersection of the Coyote Canyon Road and Arzy Mitchell Circle. The developer can put in a culvert through the wash, which would make a secondary access into Phase 6. So, this condition would no longer be applicable.

Mr. Hyde stated that Condition #8 stated that the developer needed to investigate the feasibility of installing a fire hydrant(s) on the existing eight-inch water line within the phase. In regards to this the applicants have provided copies of two letters, the first letter is from Georg Adams (Duchesne County Fire Official) to the State Department of Environmental Quality dated November 2000 and in that letter he indicates that fire protection is not being provided in the water system at this stage of the project and that no fire hydrants would be installed however he has requested some means of filling the 3,000-gallon tanker that would go out there to fight the fire. However, flushing hydrants have been installed as a means to re-fill fire tankers in the case of a fire. Also at the end of a letter dated April 18, 2006 it indicates that there are plans for two or more additional water tanks to serve additional connections as the subdivision develops. Mr. Hyde stated that in review of the letters received from Mr. Adams that the Planning Commission could eliminate Condition #8, however the applicants must realize that the county has since adopted the state Wildland-Urban Interface Code and that additional fire protection will be required in future phases, potentially including larger water lines and more water storage.

Mr. Hyde stated that a decision on the reconsideration request needed to be made before moving onto the final plat decision.

Commissioner Fabrizio asked in regards to Condition #6, have the applicants received access from the Moon's or have they not. Mr. Steed indicated that he had spoke with Clinton Moon about the access and Mr. Moon had agreed to dedicate access through his property. Mr. Steed stated that access approval for the main entrance into the Mini Ranches took over a year and half to get and although the process is not as lengthy now he indicated that it would still take some time to receive approval from UDOT. Mr. Steed indicated that the State is doing a study of Highway 40 and until that study is done he is not certain how or if any additional accesses off of Highway 40 will play into that study. So Mr. Steed stated that with this in mind I hope that the access at this time would not hinder future development of my subdivision moving forward but if UDOT approves this access Mr. Steed indicated that there is not a problem in building the access off of Coyote Canyon Road.

Commissioner Sweat stated that he has a problem with requiring Coyote Canyon Road access "as soon as possible." There needs to be a time line so it does not go on indefinitely. Chairman Peatross asked what is the status on the access being a "D" road and can UDOT come in and put a gate across at any time? Mr. Hyde answered no, because the public has been using it, so the issue is only widening the access from what it is now to the 66-foot wide county standard. So it is improving an existing access versus a new access. We would be dealing with the UDOT Region 3 Office and there is adequate spacing between accesses so there shouldn't be a problem there. Between, the Planning Commission it was discussed as to what type of time line there should be. Mr. Steed stated that there is an additional access into this phase, which is not the shortest but this access via Coyote Canyon road was suggested because it would make access easier for property owners as well as emergency vehicles. Mr. Steed also stated that he had suggested that further west there is a "B" road access

across from the sewer ponds that would be even closer to the city limits. Although this access would be much tougher to build I am willing to build this one or even both if it is approved by UDOT. Commissioner Brough agreed with Commissioner Sweat that there needs to be some kind of time line and not as soon as possible. Mr. Hyde stated that if a "B" road is what is being requested then this would be a county application to UDOT rather than a private application. Mr. Steed stated that at this time he would be willing to improve the Coyote Canyon Road up to where he would need UDOT approval and then when approval is granted by UDOT the additional 30-feet or so could be done later to connect to Highway 40. Mr. Hyde suggested based on the discussion tonight Condition #6 from the preliminary plat, it could be changed to read "as soon as possible but no later than two years".

Chairman Peatross asked if anyone had other comments in regards to revisions to the preliminary plat, there were none.

Commissioner Sweat stated that he had a question to Condition #8 of the preliminary plat and was wondering in regards to the water lines are they grandfathered in and does this mean that you intend to continue to do this from today on. Mr. Steed stated that it was because they had a master plan and that is why they had met with Mr. Adams back in 2000. Commissioner Sweat asked so what you are saying is that your entire water system is grandfathered and you have no intention of adhering to the Wildland-Urban Interface Code. Mr. Steed stated that he had just received a copy of those codes and at this time he had not had to time to read it. Commissioner Sweat stated that he understands if the water lines are already in but in future phases he felt they needed to abide by the laws. Mr. Steed stated that of course if it is a law that they would abide by the laws. Chairman Peatross asked if the future water lines have been designed and Mr. Steed answered that they have. Mr. Steed indicated that the 4-inch water line within the subdivision is at the lowest point and as we go up the mountain further the lines get larger. Mr. Hyde stated at this time we don't know how the Wildland-Urban Interface Code will impact this subdivision, we are just saying that in future subdivision development there would need to be increased coordination between the fire officials and developers.

Commissioner Brough motioned that the Planning Commission amend Conditions #6 of the preliminary plat to remove the requirement for acquisition and improvement of the Coyote Canyon access route prior to final plat approval but state "as soon as possible or no longer than two years". And Conditions #7 and #8 of the preliminary plat approval are removed.

Commissioner Mair seconded that motion with Commissioners Mair, Fabrizio, Peatross and Brough in favor and Commissioner Sweat abstaining.

F. Request by Highland Development for final plat approval of Duchesne Mini Ranches, Phase 6, 55 proposed lots located in Sections 5 and 8, Township 4 South, Range 4 West, southeast of Duchesne.

Mr. Hyde stated that with the revisions of the preliminary plat in place then the final plat is routine. Mr. Hyde stated that the developer has bonding in place with an account at Zion's Bank to take care of any improvements.

Chairman Peatross asked if there were any other questions or comment in regards to the final plat and there were none.

Commissioner Fabrizio motioned that the Planning Commission recommend to the County Commission the adoption of the Findings of Fact and Conclusion set forth in this report and approval of the final plat of the Duchesne Mini Ranches, Phase 6, 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 roads, water system, flushing hydrants and street signs shall be installed and approved prior to occupancy of any dwelling in Phase 6.
3. Condition #6 of preliminary plat approval is amended to remove the requirement for acquisition and improvement of the Coyote Canyon access route prior to final plat approval. The route is still required; however, the timing is changed to "as soon as possible, but not later than two years from the date of final plat approval."
4. Condition #8 of preliminary plat approval is removed. However, developers should coordinate with the county fire official prior to water line installation in additional phases to ensure compliance with the Wildland-urban interface code.

Commissioner Mair seconded that motion with Commissioners Brough, Fabrizio, and Peatross voting for and Commissioner Sweat abstaining.

Minutes: Approval of the March 7, 2007 minutes

Commissioner Sweat motioned to approve the March 7, 2007 minutes as written. Commissioner Mair seconded that motion and it passed unanimously.

Adjournment:

Commissioner Mair motioned to adjourn the meeting at 7:00 P.M. Commissioner Brough seconded that motion and it passed unanimously.