

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
February 7, 2007 - 5:00 p.m.**

In Attendance were:

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

Excused: Shelly Fabrizio

Absent: Larain Mobley

Visitors:

Agenda Item

Connie Sweat
Connie McCurdy
Leonard & Jeanne Lilienthal
Dick Linnarz
Gerald & Christy Leavitt

Duchesne Mini Ranches #6
Amended Plat Lot 41 Cedar View Prop.

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

PUBLIC HEARINGS:

- A. Recommendation to County Commissioners regarding a request by Connie McCurdy to amend the plat of Cedar View Properties, Lot 41, Unit 3, Phase 2, located on the south side of the Bluebell Highway, NW of Roosevelt.**

Mr. Hyde stated that Cedar View Properties, Unit 3, Phase 2 Subdivision was approved by the county in 1979 with 59 lots all except for one are ten acres. Since the approval of this subdivision there is a five-acre minimum lot size in the area so all of these lots have the potential to be divided. Mr. Hyde passed around an aerial photo so that the commission would be better oriented where the property was located.

Mr. Hyde stated that the requirements for a plat amendment have been met.

Mr. Hyde stated when this subdivision was approved by the county in 1979 there was a

30-foot wide easement for access. One of the conditions for approval of this plat amendment the county is asking that there be a 33 feet of right a way on the east side of these two parcels, which would be combined with 33 feet on the east side of the road to eventually make a 66 foot wide right of way.

Mr. Hyde stated that a letter of approval from Tri-County Health Department was received on January 17, 2007 for the wastewater system. Since these lots are less than 40 acres in size a water source must be provided. The applicants have submitted letters dated October 20 and November 13, 2006 from the State Engineer verifying that private wells have been approved for each lot. The well permits from the State Division of Drinking Water were issued on December 15 and 22, 2006.

Mr. Hyde stated that since the last plat amendment the county as of January 22, 2007 has adopted an ordinance, which will apply the Urban Wildland Interface Code standards for fire protection, and this would apply to any land located outside of the city limits in the county. So when the owners come in for a building permit each lot will need to be evaluated according to the Wildland Fire Code and they will need to clear vegetation if any to provide a fire break. Mr. Hyde stated that the Fire Marshal did not require a sprinkler system in the building as they have in the past due to this new code.

Commissioner Sweat asked have the well permits been issued and is it potable water? Mr. Hyde stated that the State Engineers Office has issued well permits for the property owner's right to appropriate ground water and they usually do not issue them if there has been problem with wells or water in the surrounding areas. Mr. Hyde stated the county does not require that the well be drilled and flowing at this time.

Commissioner Mair asked if the access into the property was off of a county road. Mr. Hyde replied that the access is via a 30 foot easement from the Bluebell Highway which will be upgraded to 33 feet.

Chairman Peatross asked if there was anyone that would like to comment in favor of this plat amendment or anyone that might have some concerns.

Leonard Lilienthal stated that they own three lots in this area. His concerns are that it was stated there are no worries with wells in this area but we are having problems with our well and neighbors are having similar problems with their well. He stated that if the county lets one person subdivide then everyone else will want to divide and then there will be so many wells that none of us would have water. Mr. Hyde stated that if there are concerns with the drilling of wells in this area then it would be wise for that person or persons to contact the Division of Water Rights because they would be better in answering their questions regarding wells in this area.

Mr. Lilienthal stated his understanding was that this was a 10-acre minimum and did not realize that they could be divided. Mr. Hyde stated that this is a 5-acre zone even though the lots in Cedar View Properties were divided into 10-acres lots. Chairman Peatross stated that the only way they would not be able to divide these lots would be if

there was something in the restrictive covenants or if the zone were changed to A-10.

Christy Leavitt stated that when she spoke with Mr. Hyde it was her understanding that this property could not be divided unless it had culinary water. Mr. Hyde stated that it is a county requirement that any property under 40-acres have a water source and since there is not culinary water available in this area the applicant needs to apply for a well permit through the Division of Water Rights. Mrs. Leavitt stated that she wasn't sure how she felt about the people in this subdivision dividing their lots although Connie McCurdy was dividing to give 5-acres to her daughter. Mr. Leavitt stated that he and his wife have very different views on what people are able to do with their own property and he feels that if they are able to divide then they should be able to do so. Mr. Leavitt stated that he is all for people to do this and build a home rather than having to rent.

Jeanne Lilienthal stated that she had some concerns with property owners being able to divide their property because they bought 10-acres and later bought an additional 20-acres so people would not be able to build around them. Mrs. Lilienthal stated if the county continues to let people divide their ground then at some point there will be a city atmosphere and she would rather see it stay the same because eventually this is going to interfere with the view and the county atmosphere will be gone and that is why we bought here.

Commissioner Sweat stated that his only concern is with access. Is there already a road or is there an existing right of way for the person or persons to come and go? Mr. Hyde stated that there is access on the east side of the property but that it does not meet county standards. Mr. Hyde stated that in 1979 it was approved as a private road system. Mr. Hyde asked Mrs. McCurdy the condition of the road leaving the Bluebell Highway down to the McCurdy property. Mrs. McCurdy stated that it is a dirt road but that she thought that it had some road base because she doesn't seem to have any problems getting in or out with her vehicle. Mrs. McCurdy stated that at this time they have some financing with their loan to do some work on the road.

Chairman Peatross stated that he can see the concerns of the surrounding neighbors but stated that this is a 5-acre zone and the McCurdy's have proceeded with this matter legally and so I don't feel that the Commission needs to make any other restrictions with this. Mr. Hyde stated that if the Lilienthal's have concerns with more of the lots being divided then they along with other property owners in the area could try and have a certain area rezoned to a 10-acre zone and that would stop a 10-acre lot being divided into 5-acre lots.

Mr. Lilienthal asked if the oil field company puts in a road are they responsible to maintain them because I have repaired our road twice and I was wondering if the county has anything to do with maintaining them. Chairman Peatross stated that these are private roads. Mr. Hyde stated the county only maintains roads that are dedicated public right of ways and built to the county's standards and accepted for maintenance.

Commissioner Sweat motioned that the Planning Commission recommend to the

County Commission the approval of the amended plat, subject to the following condition:

1. The applicants shall insure that their surveyor submits an electronic copy of the plat amendment to the County Recorder's office.

Commissioner Rather seconded that motion and it passed unanimously.

B. Request by Duchesne Land LC for preliminary plat approval of Duchesne Mini Ranches, Phase 6, a 55-lot subdivision located south of Highway 40, east of Duchesne.

Mr. Hyde passed around an aerial map so the Planning Commission could get a better objective as to where the property is located stating that it was just south of Highway 40. This is a proposed subdivision of 55-lots, ranging from 2.5 to 4.2 acres in size. Mr. Hyde stated this phase is located west of Coyote Canyon and Utah Mini Ranches Phase 4 and this is the sixth of twelve phases anticipated by the developer, Duchesne Land LC.

Mr. Hyde stated that access into this property would be from County Road #29 and the Arzy Mitchell Circle, which would be extended from Utah Mini Ranches, Phase 4. A more direct route to Highway 40 would be possible if there were access through the Moon Property to the north but even if there were access, UDOT has not approved that access for use by this subdivision. Right now it is mainly an oil field road and is not maintained by the county. So prior to final plat approval we should discuss the possibility of providing a more direct access to Phase 6 for owner convenience and fire protection. Mr. Hyde stated that since September of 2004, UDOT has stated their concerns with the development in this area and that acceleration/deceleration lanes will eventually be needed and so at the time of building permit issuance a \$220.00 fee would be collected for these improvements.

Mr. Hyde stated that a letter dated November 20, 2006 from Tri-County Health Department has been received for wastewater disposal approval. They do have some concerns with lots 1-12 because there is a drainage course that comes down through there on the north side the road and as they look at individual septic systems on that row of lots that drainage may have to be relocated. This is not a drainage that has water in it all the time it depends on rainstorms and snowmelt.

Mr. Hyde stated that the cul de sacs in this phase fall within the county standards, although Connie's Trail could extend to the east to Coyote Canyon Road in the future but with the wash that needs to be crossed the subdivider has decided not to make that connection at this time. Some of the roads in Phase 7 will need to be improved to county standards as part of Phase 6 so that lots 35-55 will have access. Mr. Hyde stated at this time the private roads are being developed but due to weather conditions it has prevented the Road Department from evaluating the status of the road improvements and what need to be done to bring them up the county standards. This

can be taken care of before final plat approval or a bond will need to be posted. Mr. Hyde stated that the street signs have been ordered on November 21, 2006 from Interstate Barricades.

Chairman Peatross asked about the property between Phase 6 of Duchesne Mini Ranches and Phase 4 of Utah Mini Ranches who owns that. Mr. Hyde stated that this property is owned by Duchesne Land LC and could be a future golf course but at this time it is just open space.

Mr. Hyde stated that the plat contains the necessary easements, which include easements for existing water and power lines.

Mr. Hyde stated that with prior phases there are 298 water connections and it is the county's understanding that 109 of these connections have been made so there is room for growth. Chairman Peatross asked do we have an update on how Duchesne City is doing with the upgrades to their water system. Mr. Hyde stated that Duchesne City has to do some upgrades to their system before South Duchesne Water District can upgrade their system for the 804 connections. Commissioner Brough asked if and when they get closer to the 298 connections is it stated in the public offering statement that there may or may not be water for future phases. Mr. Hyde stated that the public offering statement would come with the final plat and at this time he did not have a copy but stated that it would probably be good to have it in there.

Mr. Hyde stated that in regards to fire protection in prior phases of this development fire hydrants have not been provided, but by agreement with the county fire official the developers have agreed to install flushing hydrants at the end of all cul de sac water lines and there would be a connection for the pumper trucks to utilize the water. On January 26, 2007, Georg Adams met with Connie Sweat and asked if fire hydrants could be installed on an existing 8-inch line between Lots 1 and 12 and also asked to put in a six-inch line rather than the 4-inch line that is in prior phases for fire protection. This would meet the provisions of Utah's new Wildland Urban Interface Fire Code.

Mr. Hyde stated that during consideration of this preliminary plat the Planning Commission may want to discuss whether or not a sixth condition should apply that would state: Prior to final plat approval, Developer shall acquire legal access to Phase 6 from Highway 40 via Coyote Canyon Road and improve this access to county standards. Commissioner Rather asked who the property belonged to and has there been any contact with that person? Mr. Hyde stated that Mrs. Sweat could better answer that question as to what contact has been made if any. Commissioner Mair stated that looking at the map the phase in whole looks like one big cul de sac with only one road in and out of this Phase 6 other than access through Moon's property. The commission discussed between themselves the entering and exiting of this particular phase and problems that could come into play if for instance there were a fire on Connie's Trail near the wash, there would be the fire department trying to get in and property owners trying to get out, with only one access in and out. Mrs. Sweat stated that Glen Murphy (County Road Official) has been out to this area with her and it was

his recommendation not to put a culvert in. Commissioner Sweat asked this is a cul de sac now, will at any time in the future will this connect to the Coyote Canyon Road? Mrs. Sweat stated that she did not know. Mr. Hyde suggested that the Planning Commission look at the master plan map and it would better show where the roads are and how they will connect to the other phases. Mrs. Sweat stated that at this time Duchesne Land LC has not received approval from UDOT for an approach from Highway 40 to the Coyote Canyon Road and so there was not need to try and get a 66-foot easement from Clinton Moon until approval from UDOT for the approach. The commission stated that this will more than likely be used as an access unless of course UDOT barricades this off and it was stated that if the road at Coyote Canyon Road where to be finished then maybe UDOT would be more apt to approve the approach. Chairman Peatross stated that the developers should have their surveyor take a look at an additional access in and out of this phase and maybe they could come up with a solution prior to final plat approval. Commissioner Sweat suggested to have the developer look into the feasibility of another access and not dictate where another access needs to be. Just look into the possibility of another access at some point.

Chairman Sweat stated that another concern would be the issue about fire hydrants. Mrs. Sweat stated that when she met with Mr. Adams and Mr. Hyde that Mr. Adams had agreed last spring that what they already had plan approval for the developer could go ahead with 4-inch lines and flush hydrants. Mrs. Sweat stated that she has had state plan approval for that and have had since September of 2004. Only part of the line is in but there are two operating permits for two sections of line. Mrs. Sweat stated that a 6-inch line does not support a fire hydrant according to the State or the Engineer so putting in a 6-inch line doesn't help the fire hydrant situation and would change the plan approval that has already been received. Mrs. Sweat showed the Commission on the map where the water lines were and where they would be going in with the operating permits already received.

Commissioner Sweat asked if there were plans to put hydrants on the eight-inch line? Mrs. Sweat stated that the pressure in the 8-inch water lines was so great that it would blow the hydrant out of the ground especially near the pump house.

Commissioner Brough asked is the eight-inch line running across the top of Phase 6 going to be the main water line for Phases 7 and 8? Mrs. Sweat stated that the 8-inch water line is their main transmission line from the large storage tank and that Phase 6 is the last phase that they have plan approval for and for future phases they will have to go back to the State Engineer. Commissioner Mair stated that future phases would need to be brought up to standards from this point on. Commissioner Sweat stated that there is no way it would be possible to hook an 8-inch line onto a 4-inch line so maybe at this time it would be an appropriate time to address that they need to be increased to a 6-inch or 8-inch line for fire protection and future uses. Discussion between the Planning Commission stated that since this is already an approved plan through Phase 6 for the water lines but for future phases the developers would need to let their contractors know that larger lines would be required so if they wanted to put in larger lines in Phase 6 then it would prepare them for Phases 7 & 8.

Commissioner Mair motioned that the Planning Commission adopt the Findings of Fact and Conclusions set forth in this Staff Report and approve the preliminary plat of Duchesne Mini Ranches, Phase 6, 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. Prior to final plat approval, the developer shall investigate the need to upgrade water lines in Phase 6 to accommodate water needs in future phases to the south.
3. Prior to final plat approval, the developer shall receive approval of the roads from the County Public Works Department or provide financial surety in the amount of 125% of the estimated construction cost to finish said roads (amount not determined at this time).
4. 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 55 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.
5. Developer shall complete the installation of street signs, roads, the water system and flushing hydrants in this phase prior to occupancy of any dwellings in the phase.
6. Prior to final plat approval, the developer shall acquire legal access (including UDOT approval) to Phase 6 from Highway 40 via Coyote Canyon Road and improve this access to county standards.
7. Prior to final plat approval, the developer shall investigate the feasibility of providing a second vehicular access to this phase (such as extending the Connie's Trail cul de sac to the east).
8. Prior to final plat approval, the developer shall investigate the feasibility of installing a fire hydrant(s) on the existing eight-inch water line within the phase.

Commissioner Sweat seconded that motion and it passed unanimously.

Minutes: Approval of the January 3, 2006 minutes

Commissioner Sweat motioned to approve the minutes of January 3, 2007 with the amendment stating that Commissioner Mair was wondering if denial of the junkyard was appropriate at this time since the applicant was going to be putting up a storage shed and in that case there would be no need for a conditional use permit.

Commissioner Mair seconded that motion and it passed unanimously.

Commission Comments and Staff Information Items:

It was mentioned that there would be training seminars in April and May for any of the commission that would be interested in attending.

The matter of a commissioner's attendance was brought up. Chairman Peatross stated that he would contact that member to see the feasibility of attending more of the meetings in the future.

Commissioner Sweat asked about the new County Commissioner Kirk Wood and was just wondering if the planning commission would have an opportunity to meet him and Mr. Hyde stated that he would ask if he could attend the meeting on March 7, 2007.

Adjournment:

Commissioner Mair motioned to adjourn the meeting at 6:55 P.M.
Chairman Peatross seconded that motion and it passed unanimously.