

Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
July 11, 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
Kent Olsen, Planning Commission
Dean Burton, Planning Commission
Mike Hyde, Community Development Administrator
Laraine Dickinson, Planning Secretary

Visitors:

Agenda Item

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| Roland Uresk | |
| Lee Giles | Larsen Springs Subdivision |
| Max Giles | |
| Bob West | Rezone |
| Kitty Conover | |
| Bobby Richardson | |
| Gerald Cooper | |
| Gene Ostler | |
| Brenda Mehl | Real Estate Sales Office C.U.P. |
| Stan Meacham | Oilfield Pipe Yard C.U.P. |
| Tom Meacham | |
| Karly Knight | Brad Knight Subdivision |
| Paul Percival | |
| Jeff Poulton | Pheasant Meadow Estates Subdivision |
| Steve Clinger | |

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

Two new members of the Commission were welcomed to their first meeting. Dean Burton will be representing the Upper Country replacing Tom Rather and Kent Olsen will be representing the Neola area replacing Larain Mobley.

PUBLIC HEARINGS:

- A. Re-open public hearing (recessed from January 3, 2007) on a request by Stacey Williams for a Conditional Use permit to store junk vehicles on Lots 37-40 and 46, Block E, Unit 1, Vista Valley Subdivision, Section 22, Township 3 South, Range 8 West. (Notice: A recess of this hearing to the August 1, 2007 meeting has been requested by the applicant's attorney).**

Chairman Peatross stated that a letter had been received from Mr. Williams' attorney requesting that the public hearing be recessed until August 1, 2007 due to the fact that he would be out of town.

Commissioner Mair motioned that the public hearing for Stacey Williams be recessed until the August 1, 2007 planning meeting.

Commissioner Brough seconded that motion and it passed unanimously.

- B. Request by Lee Giles and the Giles Family for preliminary plat approval of the Larsen Springs Subdivision; a 9 lot subdivision in Section 18, Township 1 North, Range 8 West in the North Fork Duchesne River area.**

Mr. Hyde stated that this proposed subdivision is about six miles northwest of Hanna along the Duchesne River and the North Fork Road runs through the property. The subdivision would consist of 9-lots ranging in size from 9.09 to 20.11 acres and there are no new roads that need to be constructed as each lot has frontage on the county road.

Mr. Hyde stated that a letter from Tri-County Health Department had been received dated May 23, 2007 for the approval of wastewater disposal on each of the lots or approved existing septic systems on three of the lots.

Mr. Hyde stated that there is an easement that goes from the county road, across a canal and the Duchesne River, that provides access to the land on the west side of the river. Before a bridge could be built, plans would need to be submitted to the U.S. Army Corps of Engineers and Utah Department of Natural Resources for their approval.

Mr. Hyde stated that Lot 1 and Lots 5-9 exceed the lot width to depth ratio, (the depth exceeds five times the width) so a variance would be required. Mr. Hyde stated that the subdivision ordinance requires that no lot shall be bisected by a road or stream in subdivisions with lot sizes less than 20-acres minimum. Lots 1, 2, 4 and 5 are less than 20-acres so a variance is required. Mr. Hyde stated that these two standards are on the books to make sure that all lots are buildable and are not too narrow. Each of these lots are 330 feet wide so there is not a problem in this case.

Mr. Hyde stated that a concern with this subdivision is water. The county has a requirement that lots smaller than forty acres need to have a water source whether it is

culinary water connection or a well or spring source. A letter received from the Hanna Water District states that their water line currently is about .6 mile south of the proposed subdivision so, before final plat approval, this line will need to be extended to serve the subdivision or bonding submitted to the county in the amount of 125% of the construction cost. Another alternative is to obtain a well or spring water development rights from the Division of Water Rights.

Mr. Hyde stated that another concern is fire protection, with the nearest fire hydrant being .6 mile to the south and the nearest fire station about 13 miles away in Tabiona. The previous Fire Official suggested that sprinkler systems be provided in each new home rather than provision of additional fire hydrants. Commissioner Brough asked what the standards were for the Wildland Urban Interface Code in dealing with sprinkler systems in new homes. Mr. Hyde stated that the county has adopted the Wildland Urban Interface Code and the Subdivision Ordinance requires fire protection and it is up to the fire officials to determine the best way to achieve this. So, if there are inadequate water lines, or a lack thereof, sprinkler systems are another way to handle the situation. Commissioner Brough stated that if and when the water lines are extended I would think that there still needs to be a fire hydrant put in even though the fire station is thirteen miles away. There would still need to be a water source there if the Hanna Water District does extend their lines. The Planning Commission were in agreement that the subdivision ordinance states there is a need for fire protection but that it does not specify that sprinkler systems need to be installed.

Commissioner Olsen asked if there is a fisherman's easement through the property? Mr. Hyde stated that he was not certain and the surveyor probably did not pick up on it on the title report but that it would need to be shown on the final plat if there is.

Lee Giles the applicant for this proposed subdivision stated that there is no one that wants to build at this time. It was stated in a will that the property would be divided so that each child received twenty acres. So the purpose of this is to get the property into individual's names at this time so there won't be problem for the grandchildren at a later date.

Mr. Giles stated that just recently there have been a couple of new homes that have gone in three or four miles up the road and to my knowledge they were not required to put in sprinkler systems. Mr. Hyde stated that if these homes are in the North Fork Ranchette Subdivision, their water source is a community well and I am uncertain what type of agreement was made between them and the fire official at that time.

Mr. Giles stated that Hanna Water District indicated that it would be up to the developer to extend the water line and Mr. Giles stated would be an extreme expense and so they would probably apply for a well permit if and when someone built and we also have spring rights so there is that possibility.

Max Giles stated in regards to the fire trucks and the time it would take to get to the property I understand but there is a larger truck, which carries extra water. There is

ample time to return to the fire hydrant already there if need be.

Max Giles stated that the road is a forest service road and not a county road so I just wanted to clarify that. Mr. Hyde stated that on the final plat you would be dedicating the right of way within the subdivision as a public right of way. Mr. Hyde stated that the county has a road maintenance agreement with the forest service.

There was some discussion between the Planning Commission members that if the subdivision ordinance indicates that there needs to be fire hydrants in place then there should be fire hydrants if and when the water line is extended.

Max Giles stated that there seems to some concerns about a water source and at one time the spring in the area was good water and had been approved and so if there were any questions Horrocks Engineering were the ones that were involved. Mr. Giles stated that they could file for this spring permit but if nothing were done within 2 years then it would have to be reapplied for.

Mr. Hyde stated that one question was not answered about the fisherman's access because it did not show up on the title report. Lee Giles stated that there is not an access through their property but that they are able to travel the river. Mr. Hyde stated that they would need to notify their surveyor and make him aware that it would need to show on the final plat map. Lee Giles stated that it is 50-foot from center of the river on each site.

Chairman Peatross motioned that the Planning Commission adopt the Findings of fact and Conclusions set forth in the Staff Report and approve the preliminary plat of the Larson Springs Subdivision, and the two variances, subject to the following conditions:

1. All dwellings constructed in the subdivision shall be provided with fire protection required by code at the time a building permit is requested.
2. Prior to final plat approval, either Hanna Water must be extended to the subdivision or a bond posted that guarantees extension of the water system within one year. Another option would be well permits or spring development approved by the Utah Division of Water Rights. Fire hydrants shall be placed on the Hanna Water District line if extended.
3. A bridge accessing lands west of the Duchesne River shall not be constructed until plans are approved and permits issued by the US Army Corps of Engineers and the Utah Dept. of Natural Resources.

Commissioner Sweat seconded that motion and it passed unanimously.

C. Re-open public hearing on a revised request by Roger Brockbank and Bob West for rezoning of lands located in the south half of Section 24, Township 2 South, Range 2 West, on the west side of 3000 West, north of the Roosevelt Airport, from Residential (R-1) to Industrial.

Commissioner Olsen recused himself as he had an ex-parte contact with opponents in this matter.

Mr. Hyde stated that this rezone has been scaled back from the previous hearing on May 2, 2007, which at that time it was approximately 84 acres of the 108-acre site and now it is approximately 61-acres. Mr. Hyde stated that at that time there was a 300-foot buffer to separate the residential zone from the industrial zone but there was no buffer for the Conover property, which is located on the eastside. Back in May, this was denied by the Planning Commission and then went to the County Commissioners, which at that time it was recessed and the applicants returned with the scaled back version. So the Conover property would have a 300-foot buffer except for the southwest corner, which would be a 150-foot but the buffer for the other residential area to the north would be approximately 800-feet.

Mr. Hyde stated the county looks at the following criteria for a rezone:

1. The overall community benefit of the proposed amendment.

Providing additional land for business location is beneficial to the economic health of the community. Healthy growth in the oil and gas industry has generated a need for more business sites and there is a shortage of industrial sites in the county.

2. Consistency with the general plan.

The county is supportive of business expansion and the provision of land to site new or expanding businesses where there are adequate facilities. The proposed location is approximately one mile from Highway 40, with culinary water available and emergency services are available from nearby Roosevelt.

3. Compatibility with the neighborhood.

Existing industrial uses exist to the south of the proposed rezone. A buffer zone varying in width from 300 feet to 530 feet and 810 feet has been retained to ensure compatibility with this proposed rezone and the existing residential area.

4. The changes in the neighborhood that have occurred recently.

The most recent changes in the zoning map in this area occurred in 1999 when some industrial lands had been added.

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

With the 300 to 810-foot wide buffer zone to the north and west, the change of this zone to industrial will not unduly affect the uses of adjoining properties.

6. Consider the interest of the applicant.

The applicant has submitted a revised map with a larger buffer zone to protect existing residential lands from any adverse impacts.

Mr. Hyde stated that there are some aerial photos, the minutes from the May 2, 2007 meeting, a list of the land uses permitted in the existing and proposed zones and corresponding letters from the residents to the north with the latest letter dated July 5, 2007.

Chairman Peatross asked if there was anyone that would like to respond to this matter pertaining to the revised rezone with the larger buffer (no need to take up any more

time with what had been discussed on the May 2, 2007 meeting).

Bobby Richardson stated that the only thing to add would be that back in May when the Planning Commission recommended denial of with the 300-foot buffer that it would be detrimental to the residence to the north but even with this revised map the Conover property still only has a 300-foot buffer. So my question is if a 300-foot buffer was not adequate at that time then how can it be adequate at this time?

Mr. Hyde recommended to Chairman Peatross that Mr. Richardson summarize for the record the letter dated July 5, 2007 from the residents to the north. Mr. Richardson stated that their concerns were:

1. A poor definition for the proposed usage of the property by the developers.
2. Environmental impact issues such as decreased air quality (noise, dust, heavy truck traffic, etc.).
3. Public safety concerns of the proposed entrance into the property and trucks coming out that traffic on 3000 South would not be able to see this area properly. Also it was our understanding that the property that remains residential should have a public entrance and exit for school buses and emergency vehicles and under the proposed rezoning there is no consideration for these needs.

Chairman Peatross stated that it is understandable that the Conover property would be the most affected by this rezone.

Mr. Richardson stated that one of the main things that has been discussed that there is a lack of industrial land and just on the east side of this road on 2000 South there is a very large section that has been zoned industrial and there does not seem to be people running to build on it.

Gerald Cooper stated that even with the larger buffer, that still won't take care of all of the lights, noise, traffic etc. Mr. Cooper stated that also in the letter Mr. Richardson had indicated that the existing property owners have a concern with their property values and the affect this proposal will have.

Kitty Conover stated that they are planning on building a new home and this has not given them much of a buffer. In regards to the speed limit on 3000 West, going in one direction it is 35 MPH and in the opposite direction it is 25 MPH.

Mrs. Conover stated that there is still a concern with dust and with an industrial area right next to our property there is still going to be a problem there and I do not feel that there will be much watering to keep the dust down.

Mrs. Conover stated that Mr. West had stated previously to the existing property owners to the north that if this were approved he would guarantee that the remaining acreage would be deeded to be residential and I am just wondering how he is going to do that. And I would like to make it clear that we as a neighborhood are still very much opposed

to this being rezone to industrial. At an early time, Mr. West had stated to us that Mr. Brockbank and himself would set up a meeting so that we were all able to voice our opinions and maybe come up with a suitable solution in this matter and that never did happen.

Chairman Peatross asked Mr. West if the buffer would remain an R-1 zone and would there be any restrictive covenants?

Mr. West stated that in the May 2, 2007 meeting and the County Commission meeting we took into consideration the property owners concerns and everything that has been submitted to the commission now has taken those suggestions into consideration.

Mr. West stated that in regards to the letter, that in a rezone the applicant does not go into detail because at that time it is uncertain as to what types of businesses would be interested in the property being rezoned.

Mr. West stated that in regards to the environmental impact those issues would be addressed at the time of development and what types of businesses would be going in. These would all have to go through health department approval.

Mr. West stated that with property value concerns we feel that the property values will increase due to the R-1 property that will remain to put new housing in the area.

Chairman Peatross asked how the applicants would go about restricting certain types of businesses from going in? Mr. Hyde stated that looking at the table of uses you could go through and indicated which types of businesses would be feasible and which types of businesses would not be feasible in this particular area. Mr. Hyde stated that the Planning Commission could recommend to the County Commissioners approval of this rezone with certain deed restrictions such as no junk yards would be allowed or a recycling type of business. Chairman Peatross stated that maybe where the buffer is smaller like next to the Conover property there could be a buffer within a buffer so that the impact would not that great in that particular area.

Chairman Peatross asked the existing residents that are present if they would be willing to go through and have a say in what you would and would not like to see go in or are you totally against it? Mr. Cooper stated that they as a community have gotten together and discussed this and there is a reason why industrial lands are buffered from residential lands and so we are pretty much in agreement that we don't want this in our area.

Mr. Richardson stated that an industrial area produces an eyesore but my main concern is that an industrial area is established and sooner or later it becomes an abandoned industrial site. Mr. Richardson stated that if you drive around my property to the old airport road today all those sites are full but just a year and a half ago a lot of them were empty and filled with junk.

Commissioner Sweat was excused at 6:22 PM

Commissioner Brough stated that at the May 2, 2007 meeting he was opposed to the proposed rezone and sometimes it is hard to come to a fair conclusion but it is my feeling that Mr. West has attempted to create more of a buffer to separate the residential from the industrial. Commissioner Brough stated that when Berry Petroleum was in for a conditional use permit there were a lot of property owners that were opposed but if you look at that situation it was paved and fenced and it looks good so in this case I think that we are looking at the bad and not looking at the good. Commissioner Burton asked is there a certain buffer that is required? Mr. Hyde stated that at this time there is nothing in the code that states to how large a buffer would need to be.

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

Commissioner Mair seconded that motion and it passed unanimously.

D. Request by Derek and Brenda Mehl for a Conditional Use Permit to establish a real estate sales office in a Agricultural-Residential zone on the west side of Highway 87, Lot 7 of the rocky ridge Subdivision, in Section 18, Township 3 South, Range 4 West, in the Talmage area.

Mr. Hyde stated that this property is located southwest of Highway 87 just before Pinn Willes. Mr. Hyde stated that the Mehl's already have a home on the property but would like to construct a 28 X 32 foot commercial log office building for a real estate office and at a later date maybe a new storage building added for a potential property maintenance business.

Mr. Hyde stated that looking at the conditional use permit criteria:

1. Looking at whether or not this proposal would not be unduly detrimental or injurious to other properties in the vicinity.

In the Rocky Ridge Subdivision, there are eight recreational lots ranging from 6 to 19 acres in size. To the north of the property, there is an oil storage site and maintenance sheds. To the east of the proposed site are Highway 87 and a home site on Lot 6. To the south are two, 20-acre lots that are unimproved. To the west is a 295-acre agricultural parcel. Provided that the proposal has health department approval and safe access to and from Highway 87, this would not be detrimental to public health, safety or general welfare.

2. Compliance with the General Plan.

The County encourages future growth and development but decisions should be made with sensitivity to rural residential/agricultural interests.

3. Making sure that the property is adequate in size as not to be detrimental to surrounding properties.

The property is 12.75 acres and this should provide ample space for the existing home

and the proposed office building without disturbing others.

Mr. Hyde stated that in other conditional use permit criteria:

1. That the site is suitably landscaped and maintained.

The property is characterized by scattered pinion pine and juniper, which provides suitable landscaping for the site. The log design will enhance the appearance and character of the area.

2. Provisions of parking facilities, including ingress and egress and driveways.

The County does not have standards for the number of parking spaces for various types of businesses but that the driveway should be 20-foot wide durable surface, to accommodate ingress and egress by customers and meet code for fire truck access. The applicants are proposing a second driveway access to serve the office from Highway 87 so they would need to contact UDOT Region office in Orem to obtain that permit. Where there is an existing driveway, they may have to use it to access the proposed business site.

3. Concerning water, sewage disposal and fire protection.

Upper Country water is available to serve the property and the water line serving this area is 4" in diameter, so no fire hydrants are nearby with the closest one being by Pinn Willes. A wastewater permit would need to be obtained from Tri-County Health Department before a building permit is issued.

Mr. Hyde stated that during the building permit application, the Building Department would ensure that the building complies with the Wildland Urban Interface Code.

4. Regulation of signs.

The County does not have a sign ordinance regulating sign size, however due to the nature of the site the sign should be limited to 32 square feet and should not interfere with traffic.

5. Nuisance factors such as noise, dust, dirt etc.

The proposed use is not likely to create any of these nuisance factors.

6. Operating hours.

The applicant indicates that hours of operation will vary with season of the year, but not start earlier than 10:00 AM or go later than 5:00 PM. Such hours would not have an adverse impact on residential uses in the vicinity.

Commissioner Olsen asked in regards to the operating hours, how could it be specified that they would be done by 5:00 PM? Chairman Peatross stated that this is not a limit we as a commission are putting on this. Mr. Hyde stated that the applicant the hours of operation, but we recognize that occasional client could stay later.

Chairman Peatross asked if there were any other comments or questions. There were none so the public hearing was closed.

Commissioner Mair motioned that the Planning Commission approve the Conditional Use Permit requested by Derek and Brenda Mehl, subject to the following conditions:

1. Prior to opening for business at this location, the applicant shall:
 - a. Obtain Tri-County Health Department approval of a wastewater disposal

- permit.
 - b. Obtain a Duchesne County business license.
 - c. Obtain a certificate of occupancy from the Duchesne County Building Department and complete the improvements shown on the site plan.
 - d. Comply with the provisions of the Wildland Urban Interface Code.
2. Applicant agrees that the principal business sign shall be limited to 32 square feet in size and shall be placed in a manner to not create a traffic hazard at the driveway entrance to Highway 87.
 3. The driveway to this facility shall be constructed to at least a 20-foot wide durable surface, to accommodate ingress and egress by customers and meet code for fire truck access.
 4. Access to Highway 87 shall be via the driveway serving the existing residence unless a new access permit is issued by the Utah Department of Transportation.

Commissioner Olsen seconded the motion and it passed unanimously.

E. Request by Stan Meacham for a Conditional Use Permit to establish an oilfield pipe yard in an Agricultural-Residential zone on the west side of Highway 40, at MP 106.7, Section 14, Township 3 South, Range 2 West in the North Myton Bench area.

Mr. Hyde stated that the property is located across Highway 40 from Link Trucking. Mr. Meacham recently purchased 40 acres from Myton City.

Mr. Hyde stated that the criteria for conditional use permits are:

1. That the location would not be unduly detrimental to the public health, safety or general welfare.

The main concern here would be acceleration and deceleration lanes on Highway 40, due to large trucks entering and leaving the site with the high rates of speed on Highway 40. UDOT will have to determine the length these lanes will have to be. There is an existing driveway that UDOT may ask to be closed when the new driveway is built.

2. Compliance with the County General Plan.

The plan indicates that the county encourages business activity and that the county will support efforts to recruit new businesses, retain existing businesses and assist with the expansion of existing businesses.

3. The property is of adequate size.

The property is 40-acres in size so this provides ample space for a pipe yard, office and shop building. However, screening of the pipe yard should be considered to reduce detrimental visual impacts to surrounding properties.

Mr. Hyde stated that a letter dated December 12, 2006 states that Myton City is available to serve this property with culinary water. There are no fire hydrants nearby, however there is a pond that could be pumped from at the Myton water facilities to the west if needed.

Mr. Hyde stated that signs would need to be limited in size as not to interfere with traffic safety at the business driveway intersection with Highway 40.

Mr. Hyde stated that the applicants have agreed to control the noise and the dust. The Duchesne County Nuisance Ordinance prohibits noise that is bothersome to others later than 9:30 PM or earlier than 7:00 AM on weekdays. Morning noise limits are 8:00 AM on Saturdays and 9:00 AM on Sundays and holidays. The applicant indicates that hours of operation would typically be usual daytime hours; however, the oilfield can occasionally require pipe products to be loaded at any time throughout the day.

Mr. Hyde stated that a letter had been received from Kent Haueter regarding his mother, Bernice Haueter's property. Nothing should be done that would cause any kind of land/water contamination or related pollution. Other things to consider would include reasonable upkeep and appearance of the site and buildings. Mr. Meacham stated that he agrees with the Haueters and would like the property to look better not worse.

Mr. Meacham stated the UDOT has done quite a lengthy study as to making a decision on the lengths that the acceleration and deceleration lanes need to be and so they have put about a four-month moratorium on it until they can decide how much they are going to have to widen Highway 40. So at this time they are saying about 170 feet on one side and 180 feet on the opposite side. Mr. Hyde stated that Barry Sawsak of UDOT has indicated to him that it has not been determined the exact length and so in the recommendation it has been left open until UDOT has determined the length that is needed for these lanes.

Tom Meacham asked Mr. Hyde if UDOT had indicated how much longer the acceleration and deceleration lanes were going to be because they already had received a bid from Burdick Paving. Mr. Hyde stated that he did not know and was not sure as of yet whether UDOT knew for sure.

Tom Meacham stated that it would be a storage yard for new pipe and not old rusty or oily pipe so contamination would not be an issue.

Commissioner Brough motioned that the Planning Commission approve the Conditional Use Permit requested by Stan and Tom Meacham, subject to the following conditions:

1. Prior to opening for business at this location, the applicants shall:
 - a. Construct and receive approval of the wastewater disposal system permitted by the Tri-County Health Department.
 - b. Obtain a Duchesne County business license.
 - c. Obtain a certificate of occupancy from the Duchesne County Building Department and complete the improvements shown on the site plan.
 - d. Construct and receive UDOT approval of the required acceleration and deceleration lanes on Highway 40, with the length of such lanes to be determined by UDOT after additional study. UDOT will also require closure of the existing access drive after it is replaced by the new driveway access.
 - e. Shield pipe storage areas from view by adjoining properties with a sight-obscuring fence at least six feet in height.

- f. Obtain Myton City water to serve the facility.
2. Applicants agree that the principal business sign shall be limited to 32 square feet in size and shall be placed in a manner to not create a traffic hazard at the driveway entrance to Highway 40.
3. The driveway to this facility shall be constructed to at least a 20-foot wide durable surface, to accommodate ingress and egress by large trucks and meet code for fire truck access.
4. Applicants agree to control noise and dust so neither becomes a nuisance to property owners or residents in the vicinity.

Chairman Peatross seconded that motion and it passed unanimously.

The public hearings were recessed at 7:00 PM and resumed at 7:10 PM.

F. Request for final plat approval of the Brad Knight Subdivision, five lots in Section 1, Township 3 South, Range 2 West (North Myton Bench Road at 3550 West).

Mr. Hyde stated that this is proposed residential subdivision, consisting of 5 lots, ranging from 1.3 to 5.9 acres in size on 20 acres of land located on the north side of the North Myton Bench Road, about one half mile east of Highway 40. Three of the lots face the exiting road and the two larger lots in back will access on the improved gravel cul de sac.

Mr. Hyde stated that the Planning Commission approved the preliminary plat back in October 2006. At that time it required that a new road be built to county standards and the Duchesne County Road Department accepted the new road for maintenance by letter dated June 11, 2007.

Mr. Hyde stated that the water system (including fire hydrant) must be constructed and approved by Johnson Water District and State Division of Drinking Water or a bond posted prior to recording the plat. Mr. Hyde stated that at this time the county has not received the operating permit from the State Division of Drinking Water for the water system but Johnson Water stated they would need to supply them with a little more information so that should be received soon.

Mr. Hyde stated that one complicating problem with this subdivision is that the Knight's sold Lot 5 to another party prior to final plat approval and so the owners of Lot 5 will need to sign the final plat and the covenants along with the Knights. After the final plat is recorded, the Knight's will have to record an amended deed to those owners of Lot 5 which would change from a meets and bounds description to a description including the Brad Knight Subdivision.

Karly Knight stated that when she spoke with the State Division of Drinking Water that they stated that since their water line is less than 500 feet long that the Knight's would

not have to get approval from them but since Johnson Water had submitted their application they would go ahead with getting their approval. Mr. Hyde stated that Johnson Water did some other improvements in the area, which pushed the project over the 500-foot threshold.

Mrs. Knight stated that they did not realize that in selling Lot 5 that they were doing it illegally but stated that they do understand the process that needs to be followed in creating a subdivision. Mrs. Knight stated that the owners of Lot 5 do not have a problem with signing the final plat or the covenants.

Paul Percival asked if in the Knight's restriction would there be anything that indicates that fencing would need to be in place on the road because three or four times a year I move cattle and it is getting hard to get enough people to help so that the cattle do not enter into people's yards down that road. Commissioner Brough stated that the road is opening up all the time and with more development going on it is only going to open up more. Mr. Percival stated that it might be something for the Planning Commission to look into adding to their subdivision ordinance (something about fencing new subdivisions in agricultural areas as to keep farm animals out). Mr. Hyde read into the minutes the part of the subdivision ordinance about fencing and usually with fencing it might be required along the sides but that it does not require fencing along a road. Commissioner Brough stated that looking at the plat map there is a possibility of three driveways and then the public access so it would be hard to require or demand that this be fenced. Mr. Hyde asked Mr. Percival if he notifies people along the road in advance of the cattle drive so they could protect their property. Mr. Percival answered no.

Chairman Peatross asked if there were any comments or questions and there were none so the public hearing was closed.

Commissioner Olsen 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 Brad Knight 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. The purchasers of Lot 5 must sign the final plat and the covenants prior to recording. After recording, the subdivider shall issue a corrected deed to the purchasers of Lot 5 with the new legal description.
3. Written approval of the water system must be received from the State Division of Drinking Water prior to recording of the final plat.

Commissioner Fabrizio seconded that motion and it passed unanimously.

G. Request for final plat approval of the Pheasant Meadow Estates Subdivision, 15 lots in Section 28, Township 3 South, Range 2 West (between Highway 40 and the Duchesne River, between 6000 West and

7000 West, south of 7500 South).

Mr. Hyde stated that the preliminary plat was before the Planning Commission back in December 2006 and it consists of 15 lots, ranging from 7.92 to 19.37 acres in size.

Mr. Hyde stated that one minor change has been made to the final plat and that is the new cul de sac. It originally came straight out to 6500 West and now it jogs around some existing corrals.

Mr. Hyde stated that before the final plat can be recorded, the water lines need to be approved by Johnson Water District and the State Division of Drinking Water. The county has received approval from Johnson Water but still has not received approval from the State Division of Drinking Water.

Mr. Hyde stated that the new road has been to be constructed and approved by the Duchesne County Road Department and a letter dated May 7, 2007 was received approving the road within this subdivision. The County Road Department will install the new road sign.

Mr. Hyde stated that since Johnson Water District serves this subdivision and there is only a 3-inch feeder line. The subdivider was required to put in 8-inch lines. There is not adequate water for fire flows even though there were fire hydrants required. Until Johnson Water upgrades their lines, it has been required that sprinkler systems be installed in these homes. The developer has accepted this and will be putting this requirement in their restrictive covenants and public offering statement.

Mr. Hyde stated that a letter from Zion's Bank, which holds a trust deed on the property had been received with their approval of the property being subdivided.

Chairman Peatross asked with a sprinkler system being installed would the line into the home have to be increased? Jeff Poulton stated that the proper protocol to get the permit you need to get a licensed installer and they do tests at the time to determine the correct flow and this determines what is needed to install this correctly. Mr. Poulton stated that sprinkler systems are low flow and the sprinkler would only go off in the room where it is needed and so it not like the entire system would be activated. Chairman Peatross asked Mr. Poulton what the expense would be to have a sprinkler system installed? Mr. Poulton stated with a standard home the expense would be \$1.00 to \$1.50 per square foot, so for instance with a 3,000 square foot home the cost would be between \$3,000.00 and \$4,000.00. Mr. Poulton stated that speaking with distributors and installers they stated that the ratio of surviving a fire is much greater and they would not live in a home without a sprinkler system.

Chairman Peatross asked if there were any comments or questions. There was not so the public hearing was closed.

Chairman Peatross 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 Pheasant Meadow Estates 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. Prior to recording of the final plat, approval of the water system shall be received from the State Division of Drinking Water.

Commissioner Mair seconded that motion and it passed unanimously.

Minutes: Approval of the June 6, 2007 minutes

Commissioner Brough motioned to approve the June 6, 2007 minutes as written. Commissioner Fabrizio seconded that motion. Commissioners Brough, Fabrizio and Peatross in favor and Commissioner Mair abstained being he was excused and Commissioners Burton and Olsen abstained, as they were not yet appointed to the Planning Commission.

Commission Comments and Staff Information Items:

Mr. Hyde stated that the next meeting is August 1, 2007. Commissioner Mair stated that he would be unable to attend.

Adjournment:

Commissioner Mair motioned to adjourn the meeting at 7:40 PM. Commissioner Brough seconded that motion and it passed unanimously.