

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
March 7, 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, Larain Mobley

**Visitors:**

**Agenda Item**

Darrin Brown	All
Scott Hacking	
Shane & Kevin Duncan	Mountain West Propane C.U.P.
Meldrin & Louise Olsen	
Ross Tabberer	Chapman/Dyno Nobel C.U.P.
Paul Schmiesing	
James Montella	
Shane Long	
Michael & Jackie Davenport	The Cedars Plat Amendment
Jeremy Davenport	
Robert West	Eagle Estates #4 Prelim. & Final Plat
Greg & Shalon Reynolds	
Alyssa Miles	
Desiree Lambert	
Barbara Powell	
Roger Brockbank	Royal Stewart Prelim. Plat
Tim & Trish McDonald	
Merlan Murphy	
Jim Young	
George & Jane Gurr	

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

**Introduction of Kirk Wood, Duchesne County Commissioner**

Mr. Hyde stated that Commissioner Wood was unable to attend due to illness.

**PUBLIC HEARINGS:**

**A. Request by Kevin and Shane Duncan for a Conditional Use Permit to establish a commercial use (office and shop building for Mountain West Propane and D & D Construction) in an Agricultural-Residential zone located in the SE ¼ of the SE ¼ of Section 12, Township 1 South, Range 2 West (located at 7000 North, 3000 West) about two miles SW of Neola.**

Mr. Hyde stated that the applicants are proposing to construct a shop and office for their propane and construction businesses on a 38-acre parcel located near 3000 West and 7000 North. The zoning ordinance allows such commercial uses in an AR-5 zone with a Conditional Use permit. In 1999, the county approved a rezone of one-acre within this property for the location of a 30,000-gallon propane storage tank. The proposed office and shop building would be located on about 1.5 acres located just north of the storage tank and this would be located about 3 miles to the north of the prior location that was approved last year. Mr. Hyde stated that there was an appeal on the previous location but that the County Commissioners approved that site but since that time the Duncan's have decided to move their operation next to the storage tank that is already in existence and this keeps everything together.

Mr. Hyde stated that looking at the Conditional Use permit criteria we need to look at the findings and conditions to see if they are in compliance.

1. The proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety or general welfare.

Mr. Hyde stated the proposed use would consist of a metal maintenance shop building with an attached office building, parking and driveway areas, landscaping and a 500-gallon propane dispenser. Empty propane tanks would be stored at the site for maintenance, such as repainting. The facility requires a permit and inspections from the State Fire Marshal's office. Tri-County Health Department will require plans for the wastewater disposal system.

2. The proposed uses comply with the goals and policies of the Duchesne County General Plan.

Mr. Hyde stated that the general plan states that future growth and development decisions should be made with sensitivity to rural residential/agricultural interests. Mr. Hyde stated that in light of these plan policies, the Conditional Use request should be approved to support the expansion of an existing business, knowing that conditions of approval would be imposed to protect rural residential and agricultural interests in the area.

3. The property is of adequate size to permit the business in such a manner that will not be materially detrimental to adjoining and surrounding properties.

Mr. Hyde stated that the 38-acre site is of sufficient size and around two acres of the 38 acres would actually be utilized for the business. The nearest home (Olsen) is about 1,250 feet to the northwest. Mr. Hyde stated that aerial photos show that the site is in a sparsely populated area.

Mr. Hyde stated that other criteria in regards to a Conditional Use Permit would be: (1) That the site would be landscaped and maintained and that the design, setbacks, fences, walls and buffers would be adequate for the area. Mr. Hyde stated that if the applicants maintain the existing perimeter vegetation on the site, the use would be well buffered from the surrounding area. (2) Provisions of parking facilities. Mr. Hyde stated that the county has no standards for the number of parking spaces to be provided at various business sites. However, the Planning Commission should ensure that the driveway to this facility is widened to at least a 20-foot wide durable surface, to accommodate ingress and egress by customers and propane trucks and meet code for fire truck access. (3) The provision of required streets and highway dedication and improvements and adequate water supply, sewage disposal and fire protection. Mr. Hyde stated that no additional right of way is needed at this location. There is no culinary water at this location so water would be obtained by getting a well permit. Sewage disposal will be designed in accordance with Tri-County Health Department standards. Fire protection would come from the Neola Fire Department, which is about 3 miles away. The State Fire Marshal's oversight of the propane storage facilities will reduce the fire danger. (4) Regulation of signs. The County does not have a sign ordinance regulating sign size, height or location. However, sign size should be limited to 32 square feet and should not interfere with traffic at the business driveway intersection with 3000 West. (5) Nuisance factors such as noise, smoke, dust etc. Mr. Hyde stated that the Duchesne County Nuisance Ordinance prohibits noise that would be annoying to residents between 9:30 P.M. and 7:00 A.M. Dust control conditions are needed to prevent dust from becoming a nuisance. Painting of propane tanks must be done in a manner that complies with the International Mechanical Code and does not result in the release of paint fumes into the atmosphere in a manner that may create a nuisance.

Mr. Hyde stated that a letter had been received from Wade and Ellen Bowthrope who own 75-acres to the west and they stated that they did not have a problem with this request. Their only concern would be that their property taxes would go up due to this business being in the area. Mr. Hyde replied that property taxes were based on what is on their property not what someone else has on theirs.

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

Kevin Duncan (Mountain West Propane) stated that the reason for changing from the previous approved location is because they already have some of their operation at this

site and to provide more space. Mr. Duncan stated that they thought it would be better to keep all of the operation at one location rather than spreading it out over several locations. Mr. Duncan stated that at this time there would be very little traffic from customers and so for the most part the traffic in and out of this site would be their own vehicles.

As there was no additional testimony in favor, Chairman Peatross called for those in opposition.

Meldrin Olsen asked if this would be a retail type of business? Mr. Duncan stated that it was not maybe once in a while a customer may come in for a 5-gallon bottle, 25-gallon bottle or even a heater but it will not be a place where they will be running a retail business. Mr. Duncan stated that this would be more of a shop rather than a store.

Mr. Olsen stated that his biggest concern is the storage of propane in the area and the possibilities of an explosion and what kind of an effect it would have on the area. Also another concern would be with noise. Mr. Hyde stated that if in the future there are noise problems that are not resolved after bringing them to the Duncan's attention, and then the county should be notified.

Louise Olsen stated that a big concern would be dust. She stated that she has asthma. Mr. Hyde stated that is why the county is encouraging that the vegetation barrier stay in place to block the noise and dust in the area, also if the driveway and parking area is graveled with clean rock this should alleviate any dust problems. Mr. Hyde stated that if there is a dust problem contact the Duncan's first so that they can deal with the problem.

Chairman Peatross asked if there were any other questions or comments and there were none.

Commissioner Sweat motioned that the Planning Commission approve the Conditional Use Permit requested by Mountain West Propane, subject to the following conditions:

1. Prior to opening for business at this location, the applicant shall:
  - a. Submit evidence of compliance with all requirements of the State Fire Marshal for propane storage.
  - b. Receive a well permit and health department approval of a wastewater disposal system.
  - c. Provide a driveway, at least 20 feet wide that is constructed to accommodate heavy truck movements and two-way traffic.
  - d. Provide parking areas constructed to accommodate heavy truck movements and include landscaping between the parking areas and the proposed building.
2. Applicant agrees to not allow business operations before 7:00 AM or later than 9:30

PM in accordance with the Nuisance Ordinance.

3. 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 3000 West.
4. Applicant agrees to promptly mitigate dust if blowing dust is observed from the access road and parking-driveway areas.
5. If painting of propane tanks is to occur in a building on-site, applicant shall comply with Mechanical Code provisions for indoor painting facilities.
6. Applicant agrees to maintain perimeter vegetation around the site to serve as a buffer zone.

Commissioner Mair seconded the motion and it passed unanimously.

**B. Request by Dyno Nobel LTD. for a Conditional Use Permit to establish a commercial use (explosives storage and distribution site) in an Agricultural-Residential zone, on property owned by Roger and Nile Chapman (RN Industries) located in the West ½ of the SE ¼ of Section 4, Township 2 South, Range 2 West, about five miles southeast of Bluebell.**

Mr. Hyde stated the applicants are proposing to operate an explosives storage and distribution site on land leased from RNI on the north side of the Bluebell Highway, about seven miles northwest of Roosevelt.

Mr. Hyde stated that the criteria would be (1) the location would not be detrimental to the public health, safety or general welfare. Mr. Hyde stated the proposed use would consist of a 100 X 250 foot fenced area, containing a magazine for the storage of up to 2,000 pounds of explosives, a magazine for the storage of up to 10,000 detonators, and space to park semi-trailers containing up to 85,000 pounds of blasting agents. Mr. Hyde stated that the introduction of explosives into any area immediately raises public safety concerns. The federal Bureau of Alcohol, Tobacco, Firearms and Explosives regulate storage of explosives. The applicant has provided a table of federal regulations indicating that 200,000 pounds of explosives can be stored safely on this location based on the distance from the proposed storage facility to existing public roads and inhabited buildings.

Mr. Hyde stated that the nearest potential residential lots would be to the northeast, which are owned by Elmer J. Haggadone and a dwelling could eventually be placed within 1,800 feet of the facility, which would reduce the safe storage amount to 16,000 pounds unless the storage area were barricaded or buffered. These sites are monitored daily by the employees and at least annually by federal officials. If development occurs near the site the required barricades would immediately need to be constructed to comply with federal safety standards. Barricades typically consist of a berm 5 feet wide and as tall as the magazine.

Mr. Hyde stated that one reason for establishing this facility in Duchesne County is that Uintah Basin customers of Dyno Nobel are currently being served from their operation in Moab. So at this time they are required to travel over treacherous roads, such as Indian Canyon. This new location would be much more suitable for serving oil and gas companies in the basin.

(2) That the proposed use is in compliance with the Duchesne County General Plan. Mr. Hyde stated that the General Plan indicates that the county encourages business activity and will support efforts to recruit new businesses, retain existing businesses and assist with the expansion of existing businesses.

(3) That the property is of an adequate size as not to be detrimental to surrounding properties. Mr. Hyde stated that the site is of sufficient size to accommodate the site improvements proposed by the applicant and should not be detrimental to surrounding properties. The proposed use could be considered accessory to the existing uses at RNI, which generate more truck traffic and other impacts.

Mr. Hyde stated that other conditions that may need to be looked at would be; (1) Landscaping, buffers, fencing or walls would need to be constructed to protect the proposed property. The applicant has indicated that a 6-foot chain link fence with barbed wire at the top and locked gates will be constructed around the site for security purposes. The magazines are above ground vaults that are locked, bullet resistant and fireproof. (2) Provisions for parking facilities, loading and unloading areas and driveways to specified standards. Mr. Hyde stated that access to the site is via the Bluebell Highway to the existing RNI road. The access road already has substantial water truck traffic and the proposed leased site would have adequate rock base and gravel to support heavy vehicle traffic year round. (3) Provisions for adequate water supply, sewage disposal and fire protection. Mr. Hyde stated that there is no dedication of right of way needed and there is no need for water or sewage disposal facilities at the proposed site. Restroom facilities would be available at the RNI business nearby. The proposed site is within the Roosevelt emergency service area and a defensible space would be cleared around the site to comply with federal safety rules. (4) Regulation of signs. Mr. Hyde stated that "Danger" signs would be placed on the perimeter fence in locations that would not align with the magazines in the event a person uses the signs for target practice. A sign would be installed at the entrance to the facility to notify emergency responders of the explosives storage site with phone numbers to call in the event of an emergency. (5) Nuisance factors such as noise, vibrations, dust etc. Mr. Hyde stated that the applicant indicated that initially there would be only one employee at the site with only one load of explosives leaving per day. (6) Operating hours for activities affecting normal schedules and functions. Mr. Hyde stated it is anticipated that an employee will arrive on site at 5:30 AM Monday through Friday and an occasional Saturday. The employee would be loading a truck until 7:00 AM and departing for oil and gas sites around the basin and should return early afternoon. So these hours of operation are not likely to cause a problem given the nearest resident is almost a mile away.

Mr. Hyde stated that several phone calls had been received expressing concerns with this in the area and after explaining the circumstances their concerns seemed to be lessened.

Commissioner Sweat asked Mr. Hyde if the magazines were grounded or needed extra grounding due to the area being in a high lighting area. Mr. Hyde stated that Dyno Nobel would need to follow all of the federal regulations and procedures to make the area safe.

Chairman Peatross asked the applicant if he had anything to add.

Ross Taberer (Dyno Nobel LTD) stated that they have been working with the gas and oil operations supplying them with explosives for fifteen plus years in this area. Mr. Taberer stated that their concerns are with the frequency of travel over UDOT roads and if this Conditional Use permit were approved, then it would lessen travel through populated areas and lessen their travel time from Moab, UT. Mr. Taberer stated that they are highly regulated by UDOT with driving regulations and the hours that operators are allowed to travel and with the boom in the oil fields it is getting harder and harder to stay in compliance because our drivers are having to go further out. So this site would be a win-win situation all the way around.

Mr. Taberer stated that they have an emergency plan in an event that something should happen. They have highly trained people to handle these types of situations. At this time we do not have anyone in this area trained but there is a course coming up that would be available for someone to be trained, so at this time there are two people in Moab and two people in Lehi that are trained. Commissioner Brough stated that there could be a person or persons that might be trained and Mr. Hyde stated that Mr. Taberer could get in touch with the Fire Official Georg Adams to see if anyone has been locally trained.

Mr. Taberer stated in regards to questions regarding the size of the site being big enough for the separation of the magazines stored in the area. He referred to a table from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Justice Section 555.218 that they would be well under the storage limited for the size of the site. The other question was, are the storage containers grounded and Mr. Taberer stated that they would all be grounded with a 6-foot copper-grounding rod. Commissioner Sweat asked if the ATF did any testing to make sure that a 6-foot ground is sufficient and Mr. Taberer stated that he did not think that they do.

Chairman Peatross asked about the storage magazines and their security. Mr. Taberer stated that they are fire and bullet resistant and they have double alloy locks on each magazine. Chairman Peatross asked if more than one magazine would have to be broken into to arm an explosive and Mr. Taberer stated that was correct. Mr. Taberer stated that he oversees eight sites in the west with six sites storing explosives at this time and in his thirty some years in dealing with explosives he has never had any explosives stolen from a site. It was asked if there would be someone there around the

clock and Mr. Taberer stated no there would not. There would be a person there to load at around 5:30 AM until 7:00 or 7:30 AM and would leave for deliveries and would not return until around 3:00 PM. Ryan Chapman of RNI stated they have employees in and out through out the day and so there will be someone watching the site at most times of the day and there is only one way in and one way out. Mr. Taberer stated that at this time the ATF does not require around the clock guard.

As there was no additional testimony or questions, the hearing was closed.

Commissioner Mair motioned that the Planning Commission approve the Conditional Use Permit requested by Roger and Nile Chapman and Dyno Nobel Ltd., subject to the following conditions:

1. Prior to opening for business at this location, the applicant shall:
  - a. Submit evidence of compliance with all requirements of state and federal agencies for explosives storage.
  - b. Provide a driveway and parking area surface that is durable and dust free.
  - c. Obtain a business license from the county and coordinate with the Duchesne County Fire and Emergency Management Director, Georg Adams, 435-738-1181.
2. If noise complaints are received by the county in association with this business activity, applicant agrees to not allow business operations before 7:00 AM or later than 9:30 PM, in accordance with the Nuisance Ordinance.
3. Applicant agrees to promptly mitigate dust if blowing dust is observed by a complainant from the access road and parking-driveway areas.
4. Applicant agrees to immediately construct required barricades, such as earthen berms, if future development occurs near the site and generates the need for berms under federal regulations.

Commissioner Brough seconded the motion and it passed unanimously.

**C. Recommendation to the County Commissioners regarding a request by Michael and Jackie Davenport to amend the plat of The Cedars Subdivision, Lot 3, located in the SW ¼ of Section 27, Township 1 North, Range 1 West, about three miles NE of Neola.**

Mr. Hyde stated that The Cedars Subdivision was approved in 1986 it is located on the north side of 10000 North at 0 West. The three proposed lots would receive access to 10000 North via a 33 foot easement on the west side which could be widened to 66 foot in the future if lands to the west are re-platted.

Mr. Hyde stated a title report dated January 26, 2007 was prepared by Sunrise Title Company. It shows that there is a mortgage holder who must approve this division prior



to being recorded. A letter from them was received on February 19, 2007.

Mr. Hyde stated that since the two new lots will be less than 40 acres in size, a water source must be provided. The applicants have submitted letters from the State Engineer dated December 15, 2006 verifying that private wells have been approved for each new lot. Tri-County Health Department has issued a letter dated January 17, 2007 giving approval for the lot split.

Chairman Peatoss asked if anyone had questions or comments. There were none so 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 condition:

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

Commissioner Fabrizio seconded that motion and it passed unanimously.

**D. Request by Bob West for approval of Eagle Estates, Phase IV, consisting of 22 lots located in Section 13, Township 2 South, Range 2 West, in Hancock Cove.**

**1. Preliminary Plat**

Mr. Hyde stated that the applicant is proposing a 22-lot subdivision with lots ranging from 1.59 to 6.34 acres located west of 3000 West, between 330 and 750 North in Hancock Cove. Mr. Hyde stated that access to the subdivision from 3000 West is at 330 North. Other possible accesses into the development include 660 North. If and when Snow's develop property to the north 750 North would provide a desirable secondary access. As part of this plat approval, this developer should commit to paying a fair share cost of this additional access improvement, based on a percentage of the total number of lots served by the connection compared to 22 lots in this phase. It would not be fair to include the entire 43 lots in Eagle Estates in this formula as the county approved the first three phases without the second access point. Mr. Hyde stated that the roads in this phase would need to be paved due to the R-1 zoning and the average lot size is about 2 acres. Mr. Hyde stated that the temporary cul de sac at the south end of 3430 West is located within the phase so it would need to be a paved surface at least 100 feet in diameter.

Mr. Hyde stated that the plat contains all necessary easements, an irrigation pond on Lot 3 and an easement from the pond south and easterly for irrigation water delivery. Also there is a 100-foot wide power line easement running diagonally through the subdivision, impacting Lots 6, 7, 15-20 and 22.

Mr. Hyde stated that before the final plat can be recorded the water line and roads would need to be constructed or bonded for. Water line plans including fire hydrants

will need to be approved by Roosevelt City and the State Division of Drinking Water prior to construction. Also, an operating permit from the State Division of Drinking Water will need to be obtained by Roosevelt City prior to occupancy of any homes in this phase.

Chairman Peatross opened the public hearing

Shalon Reynolds stated that she owns Lot 3 of Eagle Estates Phase 3. Mrs. Reynolds stated that one of her concerns is with the septic systems because systems on lots 4 and 5 needed to have special systems put in due to the water table in the area. In Phase 4 on the preliminary plat it shows that all of the lots have had perc test except for Lot 22 and what is the reason for that. Also they have a well and have concerns with too many septic systems in the area contaminating their well and who would be responsible if this were to happen. Darrin Brown stated that even though a test hole has been done on each lot, owners would have to have their own septic system approved by Tri-County Health Department. Mr. Brown stated that Tri-County Health does not check for wells in the area because of the culinary water in the area and stated that property owners with wells are responsible for their own well and protecting it. Mr. Brown stated that there is a 100-foot setback from a septic system and drain field to a private well. Mr. McDonald stated that shouldn't perc tests be done when the water table is up and not in the middle of winter when the water table is down because if there is that many new homes going in and the water table is up then there is definitely going to be problems.

Mrs. Reynolds stated that with only one way in and out there is quite a bottleneck with the comings and goings and especially when everyone is taking their children to meet the school bus and leaving for work. Mr. Hyde stated that the county does not require that there be more than one access in and out but we are recommending that Mr. West get with the Snow's and talk about the feasibility of improving 750 North for another access.

Mrs. Reynolds asked why all of the property owners in the previous phases were not notified of this meeting. Mr. Hyde stated that by law only the property owners within 300 feet needed to be notified but that it is also put in the newspaper prior to the meetings.

Greg Reynolds stated that there is already a foundation going up on Lot 18 of Eagle Estate, Phase 4 and how can this happen before the phase has even been approved. He also stated that he had asked Mr. West to purchase the property behind theirs so that there would not be neighbors there. Mr. Hyde stated that Mr. West applied for a building permit for a home on the full 49 acres and if and when this subdivision was approved then the home would be on lot 18. Mr. Reynolds stated that he thought that the property owners in the area should have an option to buy any additional property before it is subdivided. Mr. Reynolds stated that on Lot 22 he hits his golf balls out into that area and it has water on it and was just wondering if that is the reasoning for not having a perc test done on that particular parcel. Commissioner Brough asked Mr.

Reynolds how often there is water on the property in that area and Mr. Reynolds stated that during the summer months it is most always covered with water. Commissioner Brough stated that if there is water in the summer months then maybe there is the possibility that there is a broken irrigation line and this could be a problem.

Chairman Peatross stated that there are certain criteria that need to be met and if all of the criteria are met then the Planning Commission has to weigh all of the options and approve or disapprove.

Barbara Powell stated that her concerns were pretty much that same as the previous speakers and stated that her biggest concern was with the safety of the children in the area and with the growth there is going to be more traffic. There are approximately 31 children in the area now and there are more coming from the growth in the area so if there were some way to get a school bus in the area to pick up children that would help but at this time with only one access the school bus will not enter. Mr. Hyde asked if another access were available into this subdivision would the school bus be able to take that route? Mrs. Powell stated that she was not sure but would get in touch with the school district and get their views on this matter and see if it were possible. Commissioners Brough and Mair stated that they have been in the area when the traffic has been bad and they were all in agreement that another way in and out should be a necessity.

Alyssa Miles stated that her concerns were the same as the other people that had spoken with regards to the area and it's growth. She referred to a letter that had been sent in with her concerns and she read that into the record.

Chairman Peatross asked if there were any other concerns? There was not so he stated that he had written down some of the questions that needed to be directed to Mr. West. Chairman Peatross stated that the first question was why there was not a perc test done on Lot 22. Mr. West stated that perc tests had been done all the way around the area so there shouldn't be a problem with lot 22 passing perc also there was a leak in the irrigation line and that has been fixed.

Chairman Peatross asked if the roads are county or private. Mr. West stated that they are County and so Chairman Peatross stated that if there is a problem with the roads then the County Road Department should be contacted for any repairs that need to be done. Mr. Hyde asked Mr. West if he is willing to work with the Snow's to improve 750 North as another access into this subdivision and Mr. West stated that he was willing. Commissioner Brough asked Mr. West, what time frame are we looking at? Mr. West stated, "When needed." Mr. Hyde stated that when Snow's develop they will probably be starting on 1000 North first and then would move down to 750 North second. Mr. West stated that he has the easement on 660 North to go through and that there is an easement between lots 15B and 16 that would go to 750 North. Commissioner Brough asked could either of these be completed with gravel so that they could be a secondary access in and out? Mr. West stated that at this time it is possible for traffic to go out 750 North. Mrs. Miles stated that 750 North during the winter and raining months that

road is almost impossible to travel due to the mud. Discussion continued between the Planning Commission and Mr. West and what kind of solution could be made for a second access in and out. Mr. Hyde recommended that when 11 lots had been sold that either 660 North or 750 North needed to be completed. All of the Planning Commission agreed that there needs to be a second access but Chairman Peatross stated that even though he agrees that there needs to be a second access his thoughts were to look at all alternatives in the matter and not say it needs to go in now and where it needs to go.

Mr. West stated that all of Eagle Estates Subdivision was a master plan. Commissioner Fabrizio stated that in the letter and attached master plan of Eagle Estates it shows that 660 North went out to 3000 West and wondered why at this time that access is not possible. Mr. West stated that he was unable to acquire the 33 foot easement when the plan was drawn up and so that is why that was not finished and that is why it shows a cul de sac there. The Planning Commission was in agreement that a second access was needed and it needed to be completed either when 11 lots sold or in a two year time frame which ever came first.

Commissioner Fabrizio 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 Eagle Estates Subdivision, Phase 4, subject to the following conditions:

1. Developer shall provide a second County B standard access to this subdivision from 3000 West at either 660 North or 750 North. Such access shall be completed and accepted by the county within two (2) years of the date of final plat approval by the County Commissioners or prior to the sale of the 12<sup>th</sup> lot in Phase 4, whichever occurs first.
2. Prior to construction of the water system, the developer shall obtain plan approval of the County Fire Department (for fire hydrant placement), Roosevelt City and the Utah Division of Drinking Water. Prior to occupancy of homes in this phase, an operating permit for the water system must be issued by the Utah Division of Drinking Water.
3. Prior to recording the final plat, the developer shall either construct the required road and water system improvements or post an acceptable bond in an amount not less that 125% of the construction cost estimate.
4. Developer shall work with the County Public Works Department in the provision of street signs, which shall be installed prior to occupancy of homes in this phase.
5. Roads within this phase shall be paved to county standards. The temporary cul de sac at the south end of 3430 West shall be paved to a diameter of 100 feet.

Commissioner Sweat seconded that motion and it passed unanimously.

## **2. Final Plat**

Mr. Hyde stated that the final plat of Eagle Estates would be the same as the

preliminary plat with recommendations of four conditions that he read into the minutes. Chairman Peatross asked then the conditions on the preliminary plat would they remain the same and Mr. Hyde stated that they would remain in place and these are the recommendation just for the final plat.

Commissioner Brough motioned that the Planning Commission recommend to the County Commission the adoption of the Findings of Fact and Conclusions set forth in this report and approval of the final plat of the Eagle Estates Subdivision, Phase 4, subject to the following conditions:

1. The final plat shall not be recorded until either a bond is posted or the required road and waterline improvements are constructed and accepted.
2. 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.
3. 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.
4. The developer, or the surveyor, shall provide an electronic copy of the final plat to the County Recorder when recording the final plat.

Commissioner Fabrizio seconded that motion and it passed unanimously.

At 7:45 PM Chairman Peatross motioned for a 10-minute break and it passed unanimously. The meeting resumed at 7:55 P. M.

**E. Request by Roger Brockbank for preliminary plat approval of the Royal Stewart Subdivision, Phase 1, consisting of 30 lots located in Section 18, Township 2 South, Range 1 West, in Hancock Cove.**

Mr. Hyde stated that this is a proposed residential subdivision consisting of 30 lots in Phase 1 with lots ranging in size from 1.05 to 1.86 acres, located south of 1000 North at 2060 West, in Hancock Cove.

Mr. Hyde stated that there is culinary water available through Roosevelt City so the developer will need to submit plans to Roosevelt City and the Utah Division of Drinking Water. There will also need to be fire hydrants in this subdivision so the developer will need to contact Georg Adams to determine where the hydrants need to be. A letter from Tri-County Health Department has been received with their approval. Each property owner would be responsible for getting their wastewater permits.

Mr. Hyde stated the proposed subdivision has access to 1000 North, which is also known as the North Cove Road. Arrangements are being made for the future extension of streets to vacant lands to the south. No road extension is needed to the east due to the gulch or to the west due to existing development. The roads in this subdivision will need to be paved due to the county requirements. Mr. Hyde stated that there would be a 66-foot right of way between lots 16 and 17 to the south. Chairman Peatross asked

what was the purpose for that right of way and Mr. Hyde stated so in the future if the property owners to the south ever wished to develop then there would already be a right of way there.

Roger Brockbank (applicant) stated that at this time he did not have anything further to add to Mr. Hyde's report but asked the Board for their approval of the preliminary plat.

Commissioner Sweat asked in regards to the road in the subdivision where it loops around is there not some kind of regulation on the distance between those two roads. Mr. Hyde stated that there is on state highways but not on county roads. Mr. Brockbank stated that the County Surveyor designed this so he thought that everything was OK.

Merlin Murphy (Dry Gulch Irrigation) stated that there is an irrigation pipeline that runs through lots 53 to 44 in Phase 2 of Royal Stewart Subdivision and drains into a pond to the south in Mr. Young's property. He stated that he wasn't sure if it was a 12 or 15-inch line that was 32 inch under ground and there can not be anything built on top of these lines but that the developer could move the line to the west side of the proposed Phase 2 at the developer's expense. Mr. Hyde asked what the easement with was on that line and Mr. Murphy stated that it is a 60-foot easement. Mr. Murphy stated that he realizes that this does not affect Phase 1 but just wanted the developer to be aware of this pipeline when they propose Phase 2.

Jim Young (property owner to south) stated that he has a settling pond just south of this proposed subdivision and was wondering what precautions have been taken to protect future residents especially the children from this pond, he stated that no one has drowned in it but certainly does not want anything like this to happen. Mr. Young asked whose responsibility is it to prevent something like this from happening, would it be the developer or would it be me? Mr. Hyde recommended the commission turn to page 14 of the Staff Report (Item K). There it says fencing may be required if requested by abutting landowners. Chairman Peatross asked how far from the proposed subdivision is the pond and Mr. Young stated that it is right on the boundary. Mr. Young stated that he has a pivot in the area for irrigation and depending on the height of the fence if one is put in, he stated that it could interfere with the pivot so that it could not go around the pond. Chairman Peatross stated that we could not require them to fence your pond, the only thing that we could require would be for the developer to fence the boundary of the subdivision. Chairman Peatross that that it could state in the restrictive covenants that property owners erect their own fencing. Commissioner Sweat stated that in talking with the developer there could be a solution with erecting a fence on the south border of the subdivision.

Tim McDonald stated that he owns property to the west of Phase 2 and if they decide to move the irrigation line will he have to give up 30 feet of his property for part of that 60 foot easement. Chairman Peatross stated that he did not think that they could make him do that.

Mr. McDonald stated that if this subdivision is approved is there any chance that they

will be widening North Cove Road because the traffic there now is very bad and with future development the traffic is going to only get worse.

Trish McDonald stated that her concerns are pretty much the same as what was heard earlier. Her main concerns are with lot sizes getting smaller and smaller, with more septic tanks in the area and especially with the traffic that will result from these newer subdivisions. The North Cove Road is a school bus route and she stated that she was very concerned for the children on that road. She stated that the speed limit on that road is 35 MPH and there is not a vehicle that travel at that speed.

Jane Gurr stated that her concerns were the same but especially wanted everyone to know that the North Cove Road is already very dangerous and is only going to get worse with development unless something is going to be done to make it better.

Commissioner Brough stated that he has some concern with the long stretch of road through Phase 1 with a temporary cul de sac at the south end of the property. Mr. Hyde stated that the county allows 2640 feet by code and this is not exceeding that limit.

There was some discussion about the south end of the development and whether or not fencing should be a condition that needs to be added when the developer comes in for final plat approval.

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

1. Prior to construction of the water system, the developer shall obtain plan approval of the County Fire Department (for fire hydrant placement), Roosevelt City and the Utah Division of Drinking Water. Prior to occupancy of homes in this phase, an operating permit for the water system must be issued by the Utah Division of Drinking Water.
2. Prior to recording the final plat, the developer shall either construct the required road and water system improvements or post an acceptable bond in an amount not less than 125% of the construction cost estimate.
3. Developer shall work with the County Public Works Department in the provision of street signs, which shall be installed prior to occupancy of homes in this phase.
4. Roads within this phase shall be paved to county standards. A temporary cul de sac at the west end of 550 South shall be graveled to a diameter of 100 feet.
5. The final plat shall include easements for utilities, existing pipelines, the existing two-track road following the pipelines and the gulch.
6. Developer shall resolve fencing issues associated with an irrigation pond on the James Young property to the south prior to final plat approval.

Commissioner Mair seconded that motion and it passed unanimously.

**Minutes: Approval of the February 7, 2007 minutes**

Commissioner Mair motioned to approve the minutes of February 7, 2007.  
Commissioner Sweat seconded that motion and it passed unanimously.

**Commission Comments and Staff Information Items:**

Chairman Peatross stated that he had been in contact with Larain Mobley and asked if she was still interested in being on the Planning Commission and at that time she stated that she was, but later she called Chairman Peatross and stated that due to personal circumstances that would be best if she removed herself. Chairman Peatross stated that he had indicated to her that she would need to send in a letter of resignation to the County Commission so that they could advertise that this position would now be available.

**Adjournment:**

Commissioner Sweat motioned to adjourn the meeting at 8:35 PM  
Commissioner Brough seconded that motion and it passed unanimously.