

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
October 3, 2007 - 5:00 p.m.**

In Attendance were:

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

Visitors:

Agenda Item

Scott Hacking (Tri-County Health Dept.)
Jay O'Driscoll
Eddy & Abby Roberts
Alan Bench
John Winder

Conditional Use Permit
Deerfield Subdivision

Chairman Peatross opened the meeting at 5:00 PM.

Chairman Peatross asked if any of the planning members had any prior contact or a conflict of interest on any of these items? Commissioner Sweat stated that he has had contact with Mr. & Mrs. Roberts in obtaining water for their subdivision since he is on the Fruitland Water District Board. Commissioner Olsen stated that he had connection with the water in regards to Jay O'Driscoll. There were no objections expressed to these Commissioners participating in the hearing.

PUBLIC HEARINGS:

- A. Request by Jay O'Driscoll for a Conditional Use Permit to construct and operate a fresh water trucking depot with storage tanks on a 36.88-acre parcel located at 2829 West, 8000 South, in the NW¹/₄ of the NW¹/₄ of Section 31, Township 3 South, Range 1 West, in the Myton area.**

Mr. Hyde stated that the applicant plans to drill a well and sell fresh water to be trucked to the oilfield. This requires a conditional use permit as this would be a commercial use in an Agricultural- Residential zone. Mr. Hyde stated that there are some aerial photos in the agenda packet showing where the property is located, which is southeast of Myton.

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

1. The impact to public health, safety or general welfare.

The proposed use would not require a sewage disposal system. However, a building permit would be required for the water tanks and the tanks would need an engineered design to ensure that they have an adequate foundation and are designed to prevent failure and spillage. The building permit process would ensure that public health, safety and general welfare are protected.

2. The proposed use is in compliance with the goals and policies of the Duchesne County General Plan.

Mr. Hyde stated that the county does encourage development on private land as long as it is done in a responsible manner. The county continues to support the extractive-use industries mining, oil and gas development.

3. The proposed property is of adequate size so that it is not detrimental to adjoining or surrounding properties.

Mr. Hyde stated that the applicant owns two adjacent parcels totaling 76.88 acres, the O'Driscoll have an existing home in the NW corner and the proposed truck depot would use about 2.5 acres in the NE corner of the property. There is about a half-mile distance between this site and the nearest residence, which helps mitigate any detrimental effects.

Mr. Hyde stated that other criteria for a conditional use permit are as follows:

1. Landscaping is needed such as fences or buffers to protect the property and preserve and/or enhance the appearance and character of the area.

Mr. Hyde stated that due to the lack of development in the area, no water connection and that most of the property would be left in agricultural use there would be no reason to provide additional landscaping.

2. Parking facilities including ingress and egress.

Mr. Hyde stated that this would be an unmanned facility so there are no parking requirements. The ingress and egress would be obtained from a gravel county road known as 8000 South. The applicant would need to obtain a driveway approach permit from the County Road Department prior to constructing the driveway. Also truck-maneuvering areas would need to have adequate rock base to allow for all-weather/all season use to minimize the amount of mud that could be tracked onto the nearby paved county road.

3. Adequate water supply, sewage disposal and fire protection.

Mr. Hyde stated that there is not going to be an office building or restrooms at the site, so there is no need for culinary water or a septic system. Fire protection would be from the nearby Myton City Fire Station. The County Road Department has reviewed the request to determine if the existing road improvements in the area can accommodate the increased heavy truck traffic and a letter dated September 25, 2007 from the Road Department with their comments. They will require that trucks leave the site eastbound on County Road 46 (8000 South) and use the paved truck route into Myton. Trucks leaving the site would not be able to travel westerly on County Road 46 (8000 South) nor would they be allowed to use County Road 44 (3000 West).

4. Regulation of signs.

Mr. Hyde stated that the applicant does not anticipate having a sign at this location but if in the future the size should be limited to 32 square feet and 8 feet in height.

5. Nuisance factors such as noise, dust and these types of impacts.

Mr. Hyde stated that the applicant estimates that truck traffic would average one or two per day. This would be fairly low level of traffic but in the future if the truck traffic were to increase then noise and dust problems could result.

6. Hours of operation.

Mr. Hyde stated that trucks could visit the depot to obtain water 24 hours a day, 7 days a week. This could create additional noise in the area however; the proposed depot is ½ mile southwest of the closest dwelling. Again, if the number of trucks were to increase, these hours could become a problem.

Mr. Hyde stated that a letter from an adjoining property owner (Bernadette Hayes) was received stating that she sees no reason why this conditional use permit should not be approved.

Chairman Peatross asked if any of the planning members had questions?

Commissioner Sweat asked if the particular property is in an established water district?

Mr. Hyde stated that it is in the Johnson Water District. Commissioner Sweat stated that it was his understanding that in an application for a well drilling permit, the water district can contest that permit, is that true? Mr. Hyde stated that in the application process, the water district and surrounding property owners could contest the drilling of a well in this area. Mr. Hyde stated that if they do not get the water rights then this would no longer be considered because they need the water rights to proceed. Mr. Hyde stated that at this time there has been no comment from Johnson Water.

Jay O'Driscoll stated that he had spoken to Johnson Water about leasing or drilling a well and stated that Johnson Water had not given him a reply and so right now I am at a loss as what to do. Mr. O'Driscoll stated that he had applied for his permit from the State of Utah and I do have the road access permit so I am working on that now. Mr.

Hyde asked to provide the county with a copy of the well permit if the Division of Water Rights approves one.

Commissioner Sweat asked if there would be a problem with noise or dust in that area? Mr. O'Driscoll stated that he did not think so but if there becomes a problem with dust in the future I would water the road to keep the dust down.

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

Commissioner Olsen motioned that the Planning Commission approve the Conditional Use Permit requested by Jay O'Driscoll, subject to the following conditions:

1. Applicant shall obtain water rights from the Utah Division of Water Rights prior to appropriating water for the requested purpose.
2. Applicant agrees to limit business signage to one sign not to exceed 32 square feet in size and 8 feet in height.
3. Applicant agrees to obtain a driveway approach permit from the County Road Department and provide adequate rock base on the site to minimize the tracking of mud onto nearby paved county roads.
4. Applicant agrees to submit engineered plans and obtain a Building Permit prior to start of construction of the water tanks.
5. Applicant agrees to limit truck traffic to no more than five (5) trucks per day. If truck traffic is proposed to increase beyond that level, a new Conditional Use Permit will be required.
6. Applicant agrees to direct truck traffic to use the haul route identified by the County Road Department in their letter dated September 25, 2007.

Commissioner Mair seconded that motion and it passed unanimously.

B. Request by Edward and Abigail Roberts and Alan and Katie Beach, for preliminary plat approval of the Deerfield Subdivision, consisting of 8 lots on 38.32 acres of land located in the SE ¼ of the NE ¼ of Section 14, Township 3 South, Range 9 West, in the Fruitland area (5000 block of 46000 West).

Mr. Hyde stated that this a proposed residential subdivision consisting of 8 lots, 7 of which are 5.04 acres in size and one is 3.4 acres, on 38.32 acres of land located west of 46000 West between Highway 40 and 5000 South. Mr. Hyde passed around some photos taken of the area.

Mr. Hyde stated that an approval letter dated September 14, 2007 was received from Tri-County Health Department so a perc test had been done on each of the eight lots.

Mr. Hyde stated that access to this property is via 46000 West, which is a graveled county road and there have been provisions made for the extension of the cul de sac (5375 South) to serve property to the west for future development.

Mr. Hyde stated that there are two large easements on the property, which are a 20-foot easement for a Red Creek Irrigation Company pipeline on Lots 3, 6 and 7, also an easement 50 feet wide for the Moon Lake Electric power transmission line running through Lots 5-8 and a 20-foot easement across the east side of Lots 1 and 8 for another power line.

Mr. Hyde stated that a letter from Fruitland Water District was received September 14, 2007 stating that water was available under some conditions such as payment of impact fees and provision of irrigation water shares prior to final plat approval. Also, that waterline plans would need to be approved by the State Division of Drinking Water. Right now, there is a three-inch water line that serves this property and the State Division of Drinking Water has required that the developers run a six-inch line to serve the subdivision so the water plans would need to be amended to show the six-inch line rather than the three-inch line.

Mr. Hyde stated that in regards to fire protection, the Fruitland Water District system is not approved for fire flows and so fire hydrants are not allowed on the system. So, in lieu of standard hydrants, the Fire and Emergency Management Supervisor has agreed to allow the subdivision provided that each new home in the subdivision is provided with a residential fire sprinkler system. Mr. Hyde stated that there would also be a flush hydrant at the end of the cul de sac for the primary purpose of keeping water from becoming stagnant in the dead-end water line. However, the Fire department has requested that a valve be provided by the developer that would allow a fire truck to hook onto the hydrant and accept water via gravity flow. A tag would need to be placed on the hydrant marking it as a "free flow only, do not pump."

Mr. Hyde stated that there does not seem to be storm water issues but there would be a ditch on the north side of the road to channel water down to an existing ditch along 46000 West. The lots are big enough that most of the water run-off from buildings should just seep into the ground.

Mr. Hyde stated that in regards to fencing, there has been no request to upgrade the fencing so unless someone requests it there is no need at this time and the property owners can install their own fencing at a later date.

Commissioner Olsen stated that in the covenants it states that there is irrigation water, would that be available for the property owners to water their lawns? Abby Roberts stated that they do have irrigation water shares and it would be available to the property owners at an additional cost.

Chairman Peatross asked if there were any questions?

John Winder asked in the staff report on page 6 (G) referring to excavations and fills, I realize that there would be moving of dirt to develop this subdivision but are there any provisions to protect our property that they do not encroach? Mr. Hyde stated that through the building permit process each lot would be looked at and I would think that they would build closer to the road and not towards the back of the property, which would lessen the chance of encroachment.

Mr. Winder stated that in regards to storm drains, it was stated that a ditch would be put in on the north side of the road but nothing on the south side and most of the water in that area flows south. Mr. Hyde stated that there is a natural drainage to the south and this would take care of any water that did not seep in to the ground.

Mr. Winder asked if the plans for the water lines had been approved and Mr. Hyde stated that they had with a six-inch water line. Mr. Winder stated his concern would be then if there is only a three-inch line supplying a six-inch water in the future is this going to be sufficient if there is more development in the area. Mr. Hyde stated that in the future developers would need to work with the Fruitland Water District and the State Division of Drinking Water to make sure there is adequate water for future development. Commissioner Sweat stated that the three-inch line is for the existing homes only and it will not be upgraded it would only serve those 3 homes. In regards to the impact fees, those would be charged to the developer and the developer would be responsible for putting in the new lines.

Mr. Winder asked if there is a sewer line on 46000 West? Mr. Hyde stated no, that wastewater is handled by septic systems.

Mr. Winder asked about fencing and in the review of the staff report it was mentioned that each property owner would erect their own fencing so that means there would be no consistency. Mr. Hyde stated that unless the developers added what types of fencing would be allowed in their covenants then as long as they meet building codes they would be allowed. Mr. Winder asked so the barbwire fencing that is there now is acceptable? Mr. Hyde stated that in a rural setting such as this it is common to see four-strand barbwire however, the photos show the existing fencing to be in poor condition. Edward Roberts stated that the property owners to the north and the west had agreed pay ½ the cost of new fencing to keep the farm animals out of this proposed subdivision and I would be willing to extend that same option to Mr. Winder on a stock fence until each property owner did their own fencing.

Mr. Winder asked what types of homes would be going in such as primary, secondary, log cabin etc. Chairman Peatross stated that in the past, there use to be clarification as residential and recreational but not in existence now. Mr. Hyde stated that in this area you could see year round or secondary homes. Mr. Roberts stated that their hopes are for full time residents and not for camp trailers and those types of things.

Mr. Winder asked about the sprinkler systems inside the homes, is that for existing homes or is it just for new development? Mr. Hyde stated that is a common provision now where there are not adequate fire flows.

Chairman Peatross asked if there were more questions. There was not, so the public hearing was closed.

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 Deerfield Subdivision, subject to the following conditions:

1. Prior to construction of the water system, the developers shall obtain plan approval of the Utah Division of Drinking Water. Prior to final plat approval, an operating permit for the water system must be issued by the Utah Division of Drinking Water and all impact fees and water shares shall be provided to the Fruitland Water District.
2. Prior to final plat approval, the developers shall either construct the required road to county gravel standards or post bonding 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 the subdivision.
4. Developer agrees that all homes constructed within the subdivision shall be provided with a residential fire sprinkler system approved by the Building Official and Fire Department prior to occupancy.
5. Developer agrees to provide a fire department connection to the flush hydrant at the end of the cul de sac and to mark the hydrant with a tag specifying, "free flow only, do not pump."

Commissioner Fabrizio seconded that motion and it passed unanimously.

Minutes: Approval of the September 5, 2007 minutes

Commissioner Mair motioned to approve the September 5, 2007 minutes as written.

Commissioner Sweat seconded that motion and it passed unanimously.

Adjournment:

Commissioner Mair motioned to adjourn the meeting at 5:50 PM
Chairman Peatross seconded that motion and it passed unanimously.