

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
March 5, 2008 - 5:00 p.m.**

In Attendance were:

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

Visitors:

Lex Fabrizio
Darrin Brown
Tim McDonald
Steve Knight
George & Jane Gurr
Mark & Brenda Thurston
Steve & Miriam Roberts
Kelly Bird (MLWUA)

Agenda Item

All
Plat Amend East Sterling

Plat Amend Dale Gines Subd.

Subdivision Ordinance Amend.

Vice-Chairman Mair opened the meeting at 5:00 PM.

PUBLIC HEARINGS:

- A. Recommendation to the County Commissioners regarding a request by Tim McDonald to amend the plat of the East of Sterling Meadows Subdivision to vacate the public roadway on the north side of Lots 2 and 3 and the utility easement extending between 650 North and 750 North along the east boundary of Lot 3 and the west boundaries of Lots 1 and 2. Located in Section 18, T2S, R1W in the Hancock Cove area, NW of Roosevelt City.**

Mr. Hyde stated that the county approved the East of Sterling Meadows Subdivision in 1992 and in 1993 Tim McDonald purchased lots in this subdivision and requested that

the county vacate a portion of 750 North which is a cul de sac that extends into this subdivision from the Sterling Meadows Subdivision to the west. The County Commissioners at that time agreed verbally to abandon that road however it was discovered that the county did not legally go through the process of amending that plat to remove that road. So now Mr. McDonald is going through the legality to have this road removed from the records. The other thing that would change on this plat would be an easement that runs between 650 North and 750 North. That easement would be vacated also. Mr. Hyde stated that in doing this, Lot 2 would become landlocked so to resolve this issue, the owner of Lot 3 would dedicate a 20 foot wide access easement across the east side of Lot 3 to serve Lot 2.

Mr. Hyde stated that there is no subdividing of lots and so there was no need for health department approval, new roads or a title reports.

Vice Chairman Mair asked if there were any questions.

Commissioner Sweat asked if the utility easement through there in the 20-foot easement would that continue or would that be abandoned also. Mr. Hyde stated that it would be abandoned also between the two streets.

Commissioner Sweat motioned that the Planning Commission recommend to the County Commission the approval of the amended plat.

Commissioner Peatross seconded that motion and it passed unanimously.

B. Recommendation to the County Commissioners regarding a request by Mark and Brenda Sue Thurston to amend the plat of the Dale Gines Subdivision to divide Lot 7/8 into parcels 5.5 and 11.21 acres in size and to dedicate rights of way along the south boundary of Lots 1 and 2 and the north boundary of proposed Lot 7/8 A. Located in Section 2, T3S, R5W, between the Duchesne River and the River Road, north of Duchesne City.

Mr. Hyde stated that the Dale Gines Subdivision is just south of Highway 35 in the Utahn area. This amendment is to divide Lot 7/8 into two lots and to provide right of way access across the bottom portion of Lots 1 and 2.

Mr. Hyde stated that an approval letter from Tri-County Health Department was received on February 19, 2008. Also, there must be water available for each lot since they are less than forty acres. There is an existing well on the easterly lot and there has been a well permit granted for the westerly lot but right now the two lots share the existing well.

Mr. Hyde stated that a Title Report has been prepared and the current lender has agreed to the lot split. Also, before the plat can be recorded the owners of Lots 7/8, 1 and 2 will need to sign the plat.

Commissioner Olsen asked Mr. Hyde to explain that additional access, why below Lot 2 it shows a 66-foot easement and below Lot 2 it only shows a 33-foot easement. Mr. Hyde stated that it is not required to have a full 66-foot access because it is a private driveway serving one home.

Vice Chairman Mair asked if there were any questions or comments.

Commissioner Olsen motioned that the Planning Commission recommend to the County Commission the approval of the amended plat.

Commissioner John Jorgensen seconded that motion and it passed unanimously.

C. Continuation of Public Hearing on recommendation to the County Commissioners regarding proposed amendments to the Subdivision Ordinance regarding Minor Subdivisions, Flood Hazards, Lot Width to Depth Ratio and Subdivision Improvement Guarantees.

Mr. Hyde referred to the proposed subdivision ordinance amendment and stated that the bold print is new wording and the over struck text would be deleted. The rest of the language is existing code.

Mr. Hyde stated that in discussion at the last meeting in Section 1 there was no opposition with that section.

Mr. Hyde stated that in regards to the next paragraph it was noted that the county is currently giving three-day notice to property owners within three hundred feet of a minor subdivision. Mr. Swasey commented that people should be given more time in case they were on vacation or out of the area. So, even though State Law requires a three day notice we are proposing to up that to a seven-day notice.

Mr. Hyde stated that in the February meeting we were proposing that with a new subdivision plat that the developer show not only areas that are within a 100-year flood zone as mapped by FEMA but also areas that are within an inundation zone. But, due to some concerns with that we are proposing to require only the mapping of the 100-year flood area and that would be after there has been a FEMA flood study done. That will be a few years out. Mr. Hyde stated that it would be good to have the ordinance in place so that when FEMA does have our flood zone areas identified, subdividers would also show that on their preliminary plats. Also on the final plats a description or notation of lands subject to flooding would be required so that people would be aware of the possibilities of flooding. This would not show the inundation area if there were to be a dam failure.

Mr. Hyde referred to page 5 of the Subdivision Ordinance Amendment (Section F) referring to the width depth ratio. Right now if a new lot is created in the county the depth cannot exceed 5 times the width. In the February meeting it was proposed to reduce that standard to lots that are less than 200 feet in width and Jerry Allred (County

Surveyor) requested that we base our minimum width on an aliquot part, such as 1/32nd width of a Section. The typical section being 5,280 feet give or take and 1/32nd of that would be 165 feet give or take. So if there is more than 165 feet the lot can be as deep as you want but if it is less than that the depth cannot be more than 5 times the width.

Mr. Hyde stated that the rest of the ordinance is dealing with making sure that our bonding requirements for public improvements are consistent and equitable regardless of the type of bond that one posts. In the amended version it would state that no matter what type of bonding whether it be an Escrow account with the county or an Irrevocable Letter of Credit from a bank or a Surety Bond the county would require a bond of 125% of the estimated cost to make sure that they are done. When they have been approved the county would release 90% of the guarantee and hold 10% of the guarantee for one year. That guarantees that after that one-year period a re-inspection would be done to see if any flaws has appeared and if the developer does not fix the problems the county would be able to use that 10% to do any repairs.

Mr. Hyde stated that Mr. Swasey also brought to our attention that when a subdivider does not bond and does the improvements before final plat the code does not require that 10% one year guarantee. So the recommendation is that the developer would not have to bond for the 125% but would be required to bond for the 10% one year guarantee even if the improvements are completed and accepted prior to final plat approval.

Mr. Hyde referred to a list of other counties in the State and what their bonding requirements are and many of those counties also require bonding ranging from 110% to 150% for construction costs so Duchesne County is about in the middle at 125%. Some of the counties require from 10% to 50% of the bond held after the construction has been completed for up to two years. Mr. Hyde stated that there was a State Law that passed in the 2008 legislative session, which states that counties could use a one-year guarantee period but could bump it up to two years depending on weather conditions to see if the improvements have held up.

Vice-Chairman Mair asked if there were any questions or comments.

Commissioner Peatross asked in regards to the 100-year flood I do not see it in the text anywhere that talks about the waivers. Mr. Hyde stated that the County Commission are considering adding those waivers into the Building Permit process not the Subdivision Ordinance. Commissioner Peatross asked then is that something that the Planning Commission needs to make a motion on or is it just for discussion at this time? Mr. Hyde stated that it is not a part of the Subdivision Ordinance it is just something that the County Commission is looking at the County has received response back from two Realtors and thus far no one likes the idea because it would be harder to get loans. Commissioner Peatross asked then right now the issue with the waivers is not included in the proposed ordinance and it would be up to us as a commission to put it in the Subdivision Ordinance. Mr. Hyde stated that was correct.

Commissioner Jorgensen stated in regards to bond issues and the 10% being held for at least one year to guarantee the work, I recommend that we follow suit with Uintah County and hold the 10% for two years especially if we have a heavy winter such as this last one. There was some discussion regarding whether or not to extend the improvement guarantee up to two-years for instance with a winter like this year. If roads are constructed in gullies or washes then they would be more apt to deteriorate more rapidly. Mr. Hyde suggested that everyone be treated equally and so it would need to be decided either to have it for one-year or make it two-years. Commissioner Peatross asked if the Road Supervisor had been called out to do any repairs on new roads or has there been any feed back from the road department concerning these types of concerns. So if there seems to be problems then this needs to be taken into consideration but if not then there is no reason to create problems. Mr. Hyde stated that he had not heard of any problems as to where the county needed to go out and do any repairs on new improvements that have been made.

Commissioner Peatross stated that maybe this should be brought up to the County Commission and to get some input from the County Road Department to see if there has been problems or issues in the past before making a final decision. Commissioner Sweat stated that if there hasn't been a problem in the past then I feel that the 10% of a bond should not be held any longer than the one-year time period.

Kelly Bird (MLWUA) stated that he can see some concerns with the County Commission about the flood waiver but our only concern is to let people be aware of the possibilities of flood problems in those lower areas and what the potentials could be. Also when the FEMA flood study is done that could cover most of the areas that we now have concerns with. Mr. Hyde stated that FEMA has indicated that at this time they are going to be doing study in the more populated areas and so it may a couple of years before they get to Duchesne County. Mr. Bird stated that they don't want anything like what happened in St. George to happen here and so it is just to get the word out so people are aware of the potential.

Commissioner Sweat asked if the main concerns regarding guarantees are with the roads or are there more things involved? Mr. Hyde stated that mostly roads because with water lines the water districts would maintain those after they have been installed.

Commissioner Jorgensen motioned that the Planning Commission adopt the findings and conclusions herein and recommend approval of this subdivision ordinance text amendment by the County Commission with the stipulation that they check with the County Road Department to ensure that a one-year guarantee is adequate.

Commissioner Olsen seconded that motion and it passed unanimously.

Minutes: Approval of the February 6, 2007 minutes

Commissioner Sweat motioned to approve the February 6, 2007 minutes as written. Commissioner Jorgensen seconded that motion and it passed unanimously.

Commission comments and Staff Information Items:

Darrin Brown stated that he wanted to inform the Planning Commission of things that were happening with the Health Department. One thing was with drinking water rules regulating private drinking water systems. The Division of Drinking Water regulates water connections to a public water system, but some of the difficulty we have had is the private water systems, which is the one to seven connections. So if you want to create a subdivision and have three people to connect to a single well the Health Department tries to regulate that but there are no rules. The Health Department is in the process of writing those rules and there will be public hearings held in each of the three counties the last week of March. This is so that there would be an outline to follow in putting in private systems.

Mr. Brown stated that the Health Department is also in the process of making applications to the State for alternate waste water systems; these include mound, filtered, gray water and several other systems that are not allowed in our area currently but we hope that by the end of the year to get approval to do some of these systems.

Mr. Brown stated that in the past there hasn't been a problem with the systems that we now have approval for but when the price of land goes up there is then a need for alternate systems so that the ground can be developed. There was some discussion about gray water systems and having the opportunity of putting these systems in especially if a person is hauling their water. Mr. Brown stated that these types of systems are costly and so there has not been a need but things are starting to change and so the health department is gearing up for these changes. Mr. Brown stated that Duchesne County would benefit from residents using gray water systems.

Mr. Hyde stated that Commissioner Olsen asked if the Conditional Use permit, which was denied for Titian Development in the Vonsville area was appealed. Mr. Hyde stated that they did not but decided to approach it a different way and stay north of the zone boundary on those lots. None of their buildings would extend south of the commercial zone boundary.

Adjournment:

Commissioner Sweat motioned to adjourn the meeting at 6:00 PM
Commissioner Peatross seconded that motion and it passed unanimously.