

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
July 7, 2010 - 5:00 p.m.**

In Attendance were:

Randy Mair, Planning Commission – Chairperson
John Jorgensen, Planning Commission
Kent Olsen, Planning Commission
Chris Peatross, Planning Commission
Dean Burton, Planning Commission
Edward Roberts, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Merlan Murphy	Eagle Estates
Shalon Reynolds	Eagle Estates
Greg Reynolds	Eagle Estates
Scott Hacking-DEQ	
Bob West	Eagle Estates
Roland Uresk	Eagle Estates

Commissioner Mair opened the meeting at 5:00 P.M.

Commissioner Mair asked if any of the Planning Commissioner’s had any ex-parte contacts or conflicts of interest associated with either item on the agenda. There were none so the hearing proceeded.

PUBLIC HEARINGS:

- A. Request by Bob West for amended final plat approval of Eagle Estates, Phase 4, located generally west of 3200 West between 500 North and 660 North, in Section 13, Township 2 South, Range 2 West, in Hancock Cove, northwest of Roosevelt.**

Mr. Hyde stated the preliminary plat of the Eagle Estates Subdivision, Phase 4, was approved by the Planning Commission on March 7, 2007 subject to the following conditions:

- 1. The 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 12th lot in Phase 4, whichever occurs first.

Mr. Hyde stated the developer has not complied with this condition as the two year time period has passed and the second access route to 3000 West has not been completed. By letter dated August 20, 2007, the County Commissioners agreed to pay 75% of the cost of paving this new connector road from 3000 West to 3200 West if the developer provided the road base and 25% of the paving costs. Due to the passage of time, the developer would need to confirm with the Road Department and County Commissioners whether this offer is still valid and complete this requirement prior to recording of the amended plat map.

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.

Mr. Hyde stated no homes have been built in this subdivision. The developer has not received an operating permit for the water system serving this phase from the Utah Division of Drinking Water. The water system will need to be completed and have an operating permit issued or bonding must be posted, prior to recordation of the amended plat map.

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.

Mr. Hyde stated the required bonding (an Irrevocable Letter of Credit from Celtic Bank) was posted for this subdivision phase on August 10, 2007. However, due to a downturn in the economy, the subdivision improvements were not constructed and the bond expired on August 10, 2008.

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.

Mr. Hyde stated such signs have not been installed as the roadways in Phase 4 were never built.

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.

Mr. Hyde stated the roadways in Phase 4 were never constructed per the 2007 plans.

The final plat of the Eagle Estates Subdivision, Phase 4, was approved by the County Commissioners on March 12, 2007 requiring the bonding for improvements, no occupancy of any homes until the improvements are installed and accepted for both roads and street signs. Mr. West has requested that Eagle Estates Phase 4 be modified from 22 lots to 7 ranging in size from 4.02 to 11.36 acres.

Mr. Hyde referred the commission to page 5 of the staff report regarding a letter from the road supervisor approving the roads within the subdivision before final approval of the

requested subdivision amendment. (Such letter must be provided before recording of the amended plat unless bonding to guarantee such improvements is submitted). Farm and Home Title will need to provide an updated title report before final approval.

Mr. Hyde stated Mr. West proposes to vacate a public right of way that currently exists between Lots 5 & 6 and between Lots 6 & 7 (connecting the 660 North and 500 North cul de sacs). The state code requires such plat amendments to be considered during a public hearing, with notice given at least ten days prior. The County Commissioners may approve a plat amendment containing a right of way vacation only if they find that good cause exists for the vacation of right of way and that the public interest will not be harmed. In this case, staff will recommend that the public right of way connecting 660 North to 500 North not be vacated. Instead, it should be designated on the plat for future development should owners decide to re-subdivide their parcels closer to the one-acre minimum lot size in the future. This requirement will protect the public's interest in an efficient circulation system that provides more than one way to access parcels in the event of an emergency.

Mr. Hyde stated the amended plat requires the construction and County Road Department acceptance of the cul de sacs on 660 North and 500 North. Due to the large size of the proposed lots, the gravel county road standards may be used. If the lots in Phase 4 are re-subdivided in the future, pavement should be required at that time. If road acceptance is not received prior to recording of the amended plat, bonding must be required. No building permits will be issued in this phase until the roadways have been accepted by the County Road Department for maintenance. In addition, during the 2007 public hearings on Eagle Estates Phase 4, it was required that the developer construct a second access to 3000 West for Eagle Estates. This access was to be completed by March 2009 but was not as development of Phase 4 did not progress. Although the proposed number of lots in Phase 4 would decrease from 22 to 7 under this amendment proposal, the need for this second access continues to exist to serve all four phases of Eagle Estates. This extension of 660 North to 3000 West must be completed to a paved county standard or be bonded for, prior to recording of this amended plat. No building permits will be issued in this phase until this connection to 3000 West has been accepted by the County Road Department for maintenance.

Mr. Hyde received a call from Mrs. Earlene Page who owns property where the new road will be built and is concerned there will be frost and water problems if the road is not installed and insulated properly. Mr. West has talked with her and assured her there will not be any issues.

Mr. Hyde stated the developer has constructed a water line along 500 North into Phase 4. However, an Operating Permit from the Utah Division of Drinking Water has not been received. Water will need to be extended to the west end of the cul de sac on 660 North. Fire hydrants will need to be installed in accordance with fire department requirements. These improvements must either receive an operating permit or be bonded for prior to recording of the amended plat. Water system improvements must be completed and accepted prior to the issuance of building permits in this subdivision).

Mr. Hyde stated that subdividers are required to declare any irrigation company

involved on all subdivision proposals and furnish a development plan (if an irrigation company is involved) to cover the following:

- A. Identifying the delivery system designed as part of the development.
- B. The subdivider and/or homeowners' association are responsible for receiving and delivery of any water resources being provided by any irrigation company.

In this case the developer indicates that irrigation water will be provided to the lots in Eagle Estates, Phase 4. Consequently, an irrigation water system development plan will need to be approved by Dry Gulch Irrigation Company prior to recording of the amended plat and the installation of the irrigation system improvements must occur before recording of the final plat (unless irrigation improvements are bonded for) and such improvements must be completed to the satisfaction of Dry Gulch Irrigation before the issuance of building permits.

Mr. Hyde stated it is staff's recommendation to send the request to the County Commission for approval of the amended plat of Eagle Estates, Phase 4, subject to the following conditions:

1. Prior to recording of the amended plat, the developer shall:
 - a. Complete gravel county road standard improvements to the 660 North and 500 North cul de sacs and receive acceptance by the Duchesne County Road Department or post bonding to guarantee such improvements are completed within one year.
 - b. Complete paved county road standard improvements for the extension of 660 North eastward to 3000 West and receive acceptance by the Duchesne County Road Department or post bonding to guarantee such improvements are completed within one year.
 - c. Complete water system, including fire hydrant and irrigation water improvements to serve the subdivision and receive an operating permit for such improvements from the Utah Division of Drinking Water and approval from Dry Gulch Irrigation or post bonding to guarantee such improvements are completed within one year.
 - d. Submit an updated title report for review.
 - e. Amend the plat to include a future 66-foot wide public right of way connecting the 660 North cul de sac with the 500 North cul de sac.
2. Prior to the issuance of building permits in Phase 4 of Eagle Estates, the road, water, irrigation water and fire hydrant improvements listed in Condition #1 above shall be completed and accepted by the County Road Department, Dry Gulch Irrigation and the Utah Division of Drinking Water.
3. Prior to re-subdivision of any Lot in Phase 4 of Eagle Estates, the public road right of way (including any future use rights of way connecting 660 North with 500 North) abutting said Lot shall be paved to Duchesne County standards.

Mr. Hyde stated there are some photos in your packets of the proposed subdivision and asked if there were any questions of the staff report.

Commissioner Olsen is concerned about the right of way on 660 North and who the owner is. Mr. Hyde stated Mrs. Page and Mr. West both own the land in that area.

Bob West, developer of Eagle Estates is pleased with Mr. Hyde's report and asked if there were any questions, explaining that the road department wanted 2 more feet of base and 100 foot cul de sac that will be finished after the amendment is approved, the fire hydrant has been installed at the fence line and the water lines are already installed.

Commissioner Mair asked if the water lines have been inspected. Mr. West explained Charlie Skewes has sent Mr. Hacking a report.

There was some discussion between Mr. West and Mr. Hacking about the different lot sizes and the inspections that will need to be finished. Mr. Hacking does not anticipate any problems.

Commissioner Mair asked if there will be any problems with the septic tanks. Mr. West indicated there are 2-3 perc holes per lot. Mr. Hacking stated there should still be new inspections done on each lot with the new boundaries.

There was some discussion between Commissioner Mair and Mr. West about the Page right of way and the 2 cul de sacs.

Commissioner Jorgensen asked if the 2007 letter from the County Commissioners was still in effect. Mr. Hyde stated Mr. West will have to renegotiate with the County Commissioners regarding for the terms of that letter.

Commissioner Olsen asked Mr. West how each lot will get the irrigation water. Mr. West replied each lot will have their own riser and showed the commission how the water will be dispersed from the pond.

There was some discussion between Commissioner Jorgensen and Mr. West on the number of shares of water, the size of lots, how the water could be used and distributed. Mr. West stated he has 80 shares between the 7 lots.

Commissioner Olsen asked Mr. West who owns the stock certificate from Dry Gulch after they purchase a lot. Mr. West stated the property owner does, but there is a water association they can join. At this time Mr. Roland Uresk, attorney for Mr. West explained how the water company would work if the property owners are willing to join thus turning over the water certificate and becoming a stock holder in the water company. There will be a Board of Directors to govern the company.

There was some discussion between the Planning Commission, Mr. West and Mr. Uresk on how the water company, Dry Gulch and the property owners that do not want to join the association can all come together.

Mr. Hyde asked Mr. Uresk if he has any objections to the language in the conditions of approval. Mr. Uresk stated if the water company is formed the water company would have to approve the irrigation systems design; not Dry Gulch Irrigation Company.

Merlan Murphy, Dry Gulch Irrigation Company, stated Mr. West and Eagle Estates have an outdated system and need to make some upgrades to supply the property owners with the

water they need. Dry Gulch wants Mr. West to pipe and meter the water from the class D canal to Eagle Estates. This would eliminate the wet and boggy problems they have in that area.

There was some discussion with Mr. Murphy on how Dry Gulch and the water company can make this updated system work for every one involved.

Commissioner Mair asked if there are any other questions. There were none. So the opposition was invited to speak.

Greg Reynolds, an Eagle Estates property owner, has some concerns and is upset with the way the present system is operated. Mr. Reynolds feels he shouldn't have to fix the lines and pumps when they break and then be charged for the parts after they (Mr. Reynolds, Jesse Duncan and Gene Ostler) have fixed the lines. Mr. Reynolds feels that there should be someone in control with the power to repair the damaged lines and make the repairs. Mr. Hyde stated the water company could be beneficial to form to address such issues. Commissioner Jorgensen feels Dry Gulch should shut the water supply off until the system is updated. Mr. Reynolds feels the leaks in the pond need to be fixed because the water table is so high in the area with any digging you hit water.

Mr. Hyde asked Mr. Hacking if there would need to be new perc test holes on the 7 lots. Mr. Hacking replied speaking for Darren Brown feels there should be new test holes drilled.

There was some discussion between the commission and Mr. Murphy regarding the high water table and the changes that need to be made.

Commissioner Mair asked if there were any other comments or questions. There were none so Mr. West was invited to rebut.

Mr. West stated he is not willing to make the changes Dry Gulch wants him to make so he will continue with the 22 lots and not move ahead with the 7 lot amendment.

Mr. Hyde stated the option to proceed with the initial 22 lot subdivision is defunct since the conditions were not met before time expired.

There was some discussion between the commission, Mr. Hyde, Mr. West and Mr. Uresk about Mr. West's options as to the water, roads and the 22 to 7 lot subdivision amendment.

Mr. Hyde proposed some possible changes in the conditions for approval. Mr. Uresk stated the verbage in the proposed changes would be ok for Mr. West.

Commissioner Mair asked Mr. West if he still wanted to continue with the amendment process. Mr. West, Mr. Uresk and the Planning Commission had some discussion about Mr. West's options and the reality of what those options consist of. Mr. West explained the need for the amended plat and the fact that he wants to supply water and larger lots for his clients. Mr. West, after some discussion decided to continue with the 7 lot amendment, the water company and work with the irrigation company.

Commissioner Olsen asked Mr. West if he will be paving the roads or just have them graveled. Mr. West and Mr. Hyde stated the connector road would be paved and the cul de sacs will be graveled to county specifications.

Commissioner Peatross motioned that the Planning Commission recommend to the County Commission the approval of the amended plat of Eagle Estates, Phase 4,

subject to the following conditions.

1. Prior to recording of the amended plat, the developer shall:
 - a. Complete gravel county road standard improvements to the 660 North and 500 North cul de sacs and receive acceptance by the Duchesne County Road Department or post bonding to guarantee such improvements are completed within one year.
 - b. Complete paved county road standard improvements for the extension of 660 North eastward to 3000 West and receive acceptance by the Duchesne County Road Department or post bonding to guarantee such improvements are completed within one year.
 - c. Complete water system, including fire hydrants, to serve the subdivision and receive an operating permit for such improvements from the Utah Division of Drinking Water or post bonding to guarantee such improvements are completed within one year.
 - d. Submit an updated title report for review.
 - e. Amend the plat to include a future 66-foot wide public right of way connecting the 660 North cul de sac with the 500 North cul de sac.
2. Prior to the issuance of building permits in Phase 4 of Eagle Estates, the road, water and fire hydrant improvements listed in Condition #1 above shall be completed and accepted by the County Road Department and the Utah Division of Drinking Water.
3. Prior to re-subdivision of any Lot in Phase 4 of Eagle Estates, the public road right of way (including any future use rights of way connecting 660 North with 500 North) abutting said Lot shall be paved to Duchesne County standards.
4. If irrigation water is provided, a water company shall be formed to serve this subdivision. Design of the irrigation water delivery system shall be developed in coordination with the Dry Gulch Irrigation Company.

Commissioner Roberts seconded the motion and it passed unanimously.

B. Request by A&R Development Company for preliminary plat approval of the August Meadows Subdivision, Phase 1, located on 47.8 acres of land southeast of the intersection of 2500 North and 3000 West in the Roosevelt area.

Commissioner Jorgensen motioned to recess the request by A&R Development for preliminary plat approval hearing until August 4, 2010 at 5:00 PM. Commissioner Burton seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes:Approval of June 2, 2010

Commissioner Jorgensen moved to approve the minutes of June 2, 2010.
Commissioner Olsen seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

None

Adjournment: Meeting adjourned at 6:45 p.m.