

easement. The size of the existing easement has interfered with the plans of one owner to construct a detached garage/shop building.

According to the Duchesne County Subdivision ordinance, proposals to vacate or change a subdivision plat, public street, right of way or easement shall be processed in accordance with Utah Code Annotated sections 17-27a-608 and 17-27a-609, and subsequent amendments thereto, with public notice of such actions to be given as provided by Utah Code Annotated section 17-27a-208, and subsequent amendments thereto.

Mr. Hyde stated a petition has been received from the property owner on the north side of the subject easement. The original easement was platted at a width of 60 feet as there were parallel utility lines in the area (a secondary water irrigation line and a gas line associated with oil wells in the area). Kinder Morgan has since released their interest in the right of way associated with the gas line and the pipeline has been removed. Owners of all of the lots within 300 feet of the subject properties and all affected utility providers have been notified of the public hearing by mail. Good cause exists for the granting of the partial utility easement vacation request. The easement has interfered with development plans for an accessory building on Lot 24. Utility companies can provide service to the lots within the subdivision from the County Road [2060 West] and no objections have been received from Dominion Energy, Moon Lake Electric, Strata Networks, Roosevelt City and the Royal Stewart Water Company.

According to Utah Code 17-27a-208, there must be a hearing and notice for a proposal to vacate a public street, right-of-way, or easement. The legislative body, the County Commission, has scheduled a public hearing for January 11, 2021. Notice of the Planning Commission and County Commission hearings was mailed on December 10, 2020 to all property owners abutting and within 300 feet of the easement. Coordination with affected utility entities was accomplished by the applicant. Notice was posted in the vicinity of the easement by the petitioner. Notice was published in the Uintah Basin Standard on December 22 and 29, 2020. Notice also appeared in the Utah Public Notice Website and the Duchesne County website.

Mr. Hyde's recommendation is that the Planning Commission recommend to the County Commissioners the approval of Ordinance #21-382 to vacate the northerly and southerly ten feet of the public utility easement located within Lots 24 and 25 of the Royal Stewart Subdivision.

Mr. Hyde asked if there were any questions of the staff report.

There was some discussion about the easement and narrowing it.

Troy Gadd, co-applicant and property owner stated there was not a need for the 60 foot easement so Mr. Gadd and Mr. Foote requested the utility companies and Kinder Morgan to reduce it to 40 feet, so the easement would be 20 feet on each side. Mr. Gadd thanked Mr. Hyde for his efforts during this process.

With no one in the audience to speak either in favor or against the applicant's request, Chairman Sorensen closed the public hearing.

Commissioner Drake motioned to recommend to the County Commissioners the approval of Ordinance #21-382 to vacate the northerly and southerly ten feet of the public utility easement located within Lots 24 and 25 of the Royal Stewart Subdivision. Commissioner Clark seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of November 4, 2020 minutes:

Commissioner Wells moved to approve the minutes of November 4, 2020. Commissioner Sweat seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

Mr. Hyde stated there was nothing for the February 3rd meeting at this time. Commissioner Giles asked about the response to the Trails Committee. Mr. Hyde stated they were still looking for a few representatives but have had some interest and a few applicants. Mr. Hyde thanked Commissioner Wells for serving as chairman for the last 2 years.

Adjournment:

Meeting adjourned at 5:30p.m.