

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
July 7, 2021 - 5:00 p.m.**

In Attendance were:

Ryan Clark, Planning Commission-Vice Chairman
Brad Wells, Planning Commission
Bobby Drake, Planning Commission
Ken Richens, Planning Commission
Connie Sweat, Planning Commission
Jenny Giles, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Lance and Sue Denver
Lacey Cloward
Jake Woodland

Red Feather Subdivision
Red Feather Subdivision
Wildcat Sand LLC-CUP

Vice-Chairman Clark opened the meeting at 5:00 pm and read the rules of order. He asked if any of the Planning Commission Members had any ex-parte contacts or conflicts of interest associated with any item on the agenda. There were none, so the meeting proceeded.

PUBLIC HEARINGS:

- A. Request by Lance Denver and Lacey Cloward for preliminary plat approval of the 17-lot Red Feather Subdivision located at 560 West 2000 South in the Roosevelt area.

Mr. Hyde referred the commission to their packets and some aerial photos of the site and stated the applicant is proposing a subdivision, consisting of 17 lots, averaging just over one acre in size, on 22.024 acres of land located on the south side of the Pole Line Road [2000 South] about one-half mile west of South State Street, in the Roosevelt area.

Preliminary plat requirements.

Staff Report.

The preliminary plat shall be drawn to a scale suitable to show sufficient detail and shall be on twenty-four by thirty-six-inch (24" X 36") paper. The plat and attached documentation shall show:

- A. The proposed name of the subdivision (there shall be no duplication of subdivision names within the unincorporated portion of Duchesne County). **(Provided)**
- B. Phased development shall include a master plan showing all future

development in phases and their relationship to each other. In such cases, a drawing of the prospective future street system of the part submitted shall be considered in light of adjustments and connections with the future street system of the larger area. The preliminary plat shall show all property owned or optioned by the subdivider pertaining to the proposed subdivision at hand. **(There is no phased development anticipated at this time).**

C. Sufficient information to locate accurately the property shown on the plat. The nearest section corner tie must be shown. **(Provided)**

D. The names and addresses of the subdivider, the registered surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided shall be shown on the preliminary plat. **(Provided on the plat or official county plat maps)**

E. Contours at intervals to show the topography of the land shall be shown. **(Provided)**

F. The boundary lines of the tract to be subdivided, including total acreage proposed for subdivision. **(Provided)**

G. The location, widths, and other dimensions of all existing or platted streets and other important features such as easements, railroad lines, water courses (including irrigation canals and ditches), exceptional topography, bridges and buildings within or immediately adjacent to the tract of land to be subdivided. **(Provided; but the existence of easements crossing the property remains to be verified after receipt of a title report during final plat review).**

H. Existing power lines, sewerage, storm drains, irrigation canals, water supply mains, and culverts within the tract and immediately adjacent thereto. **(There is an existing eight-inch water line in 2000 South that will provide culinary water service to the proposed subdivision. The nearest public sewer is one-half mile to the east in South State Street. The plat shows that power and phone lines are available to extend into the subdivision from the Pole Line Road).**

I. The locations, widths and other dimensions of proposed public streets, private streets, utility easements, parks, other open spaces and lots, with proper labeling of spaces dedicated to the public, or designated as private streets. **(Provided)**

J. Buffer zones where noncompatible uses adjoin a proposed subdivision. **(Not applicable)**

K. North arrow, and bar scale. **(Provided)**

L. A review copy of proposed protective covenants, if applicable. **(Proposed CC&Rs have been provided).**

M. A statement of the existing zoning. **(Existing zoning is A-5, Agricultural-Residential, with a five-acre minimum lot size. However, with culinary water, the zoning becomes R-1, which allows lots down to one acre in size).**

N. Proposed address of each lot. **(Provided)**

O. Area of watershed, highlighting the resource areas of freshwater, groundwater, wetlands, and salt water, showing the various storm water best management practices in a systems approach. **(A review of the drinking water source protection zone map provided by the Utah Division of Drinking Water reveals no such zones in the vicinity of this subdivision).**

P. Plans or written statements regarding the proposed storm drainage facilities and other proposed special improvements such as planting and parks, and any grading of individual lots. **(Culvert installation and drainage facilities at the street intersection will need to be coordinated with and approved by the Duchesne County Public Works Director, prior to construction. Site grading disturbing more than one acre of land requires a stormwater permit from the Utah Department of Environmental Quality, Water Quality Division. There is no piped storm drainage system in this area.)**

Q. The proposed layout, dimensions, area, and number of each lot. Lot area shall be calculated including the gross acreage and the net acreage (gross acreage less the abutting road rights of way). **(Provided)**

R. Established 66' right-of-way to existing County B road, state route or US highway. **(A connection to a County B Road, known as the Pole Line Road [2000 South], exists on the north side of the subdivision. A road approach permit has been approved by the Duchesne County Road Department).**

S. Proposed construction, and permanent fencing along appropriate subdivision boundaries as determined by the Planning Commission. The fencing shall be as indicated in the subdivision standards. **(No perimeter fencing is proposed as there appears to be no active agricultural use or other incompatible use on abutting lands. It is preferred that perimeter fencing be left to the individual lot owners' choice.)**

T. The proposed Public Offering Statement, for subdivisions with ten or more lots, as outlined in Section 16.12.020 and any other items as established by the Planning Commission. **(Not required if the property lies within the boundaries of a city or a county which:**

- 1. Has a planning and zoning board using at least one professional planner;**
- 2. Enacts ordinances that require approval of planning, zoning, and plats, including the approval of plans for streets, culinary water, sanitary sewer, and flood control; the subdivision will have the improvements described above plus telephone and electricity; and at the time of the offer or disposition the subdivider furnishes satisfactory assurance of completion of the improvements described above.**

U. An approval letter from the sanitary sewer authority (Tri County Health Department) shall be on file with the planning office. The developer shall submit the following to the Tri County Health Department for their approval and approval shall be of record with the planning office ten working days prior to scheduling the preliminary plat before the Planning Commission:

V. Areas subject to flooding in the event of a 100-year flood as determined by an adopted flood study. **(Duchesne County has not been mapped for flooding and the subject property is not located near any streams that are known to be a flooding risk).**

W. An approval letter from the county fire authority which shall specify the

requirements for the subdivision to comply with the Fire Code and the Wildland Urban Interface Code. **(Due to the availability of an eight-inch water line to serve the development, there will be two fire hydrants located in the subdivision to meet the Fire Code. Wildland Urban Interface Code compliance is determined during the building permit process for each new home.**

X. An approval letter from an authorized canal company representative when the canal's centerline is located within one hundred feet (100') of a proposed subdivision. **(There are no known canals within 100 feet of the boundaries of this subdivision.**

Section 9-6-1 Relation to adjoining street system.

The arrangement of streets in a new subdivision shall make provisions for the continuation of the existing streets in adjoining areas (or their protection where adjoining land is not subdivided), insofar as such may be deemed necessary by the Planning Commission for the public welfare. The street arrangement shall not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. All subdivisions shall be connected by a road to an existing County B road or to a state road for access to the subdivision. All subdivision roads shall have an access road constructed to B road specifications, accessing each lot (to and through), with the exception of a minor subdivision. **(The preliminary plat must make adequate provisions for the continuation of roads to serve adjoining lands. In this case, topography prevents likely road access to the south. Vacant lands to the west have access to the Pole Line Road. Lands to the east are already developed and have adequate access).**

Section 9-6-2 Streets.

A. Specifications and Requirements: All streets shall be twenty-four (24) feet of travel surface with a three-foot shoulder on each side within a sixty-six (66) foot wide right-of-way, except that PUDs, mobile home parks, and within the residential zones (R-1 and R-1/2), roads may be twenty-four (24) feet of travel surface with a three-foot shoulder on each side within a fifty (50) foot wide right-of-way. A one-way single lane street shall be sixteen (16) feet travel surface with a three-foot shoulder on each side within a fifty (50) foot right-of-way. All proposed subdivision streets in the R $\frac{1}{2}$ and Commercial zones shall be paved and provided with curb, gutter and sidewalks meeting county standards. All proposed subdivision streets in the R-1 and Industrial zones shall be paved to county standards. All proposed subdivision streets in the A-2 $\frac{1}{2}$ and A-5 zones shall be paved unless a variance is granted by the County Commission (on recommendation of the Planning Commission), taking into consideration location, lot size, distance to existing paving, anticipated traffic flows and undue hardship. **(A sixty-six-foot-wide right of way is being provided for the new street [560 West]. This road must be paved to county standards).**

1. *Minor terminal streets (cul-de-sacs) shall be no longer than the maximum length established for each zone. Note: Road loops within the subdivision are exempt, however; all spurs count towards the maximum length.*

- a. Residential zone (R-1/2), one thousand three hundred twenty (1,320) feet;
- b. Residential rural zone (R-1), two thousand six hundred forty (2,640) feet; **(The cul de sac is about a ¼ mile long, which is half of the maximum standard).**
- c. Two and one-half acre agricultural zone (A-2.5), three thousand nine hundred eighty (3,980) feet;
- d. Agricultural zone (A-5), five thousand two hundred eighty (5,280) feet;
- e. Agricultural (A-10) zone, no limit providing there is a one hundred (100) foot diameter travel surface turnaround bubble every two thousand six hundred forty (2,640) feet within a one hundred twenty (120) foot wide right-of-way easement recorded.

2. *Where a street is designed to remain only temporarily as a dead-end street, an adequate turning area shall be provided. **(An adequate cul de sac turnaround will be provided at the south end of 560 West. The right of way diameter for this cul de sac is 120 feet and the paved diameter will need to be at least 100 feet).***

3. *Where a street dead-ends into a subsequent phase of the same subdivision, a temporary, graveled one hundred (100) foot diameter (one hundred twenty (120) foot right-of-way) turnaround and an easement of right-of-way on the property shall be required. **(Not applicable).***

B. Intersections. The intersection of more than two streets at one point shall be avoided. Streets shall intersect at a ninety (90) degree angle, where practical. **(The plat complies with this standard).**

C. Standard Street Sections. All proposed streets, whether public or private, shall conform to the County street cross section standards as now or hereafter adopted by the County. **(The proposed street meets the paved county standard).**

D. Street Grades. Street grades over a sustained length shall not exceed the following percentages: on arterial streets eight percent; on collector streets ten percent. Street grades shall be a minimum of 0.5 percent except as allowed by the County Planning Commission. The cross slope of the street cross section is defined in the standard drawings. Slight variations from these requirements may be approved by the County Planning Commission. **(No excessive street grades are proposed).**

E. Bridges. Design and construction of new bridges, whether essential for the overall circulation plan of the County or required only to serve a subdivision, shall be approved in advance by the Road Supervisor. **(No bridges are required).**

F. Reimbursement Agreement. In the situation where the construction of a subdivision street would be of financial benefit to subsequent subdividers, enabling access to a subdivision without road construction and dedication, the original subdivider may draft a protection reimbursement agreement with the County, subject to and in accordance with Section 9-2-3 of this title. **(No reimbursement agreements have been requested in this**

case).

G. Excavations and Fills. Subdivision development adjacent to a natural drainage channel, or within any marsh or wetlands which will result in any discharge of excavated fill materials, may require obtaining a permit from the U.S. Army Corps of Engineers prior to the issuance of local permits for the deposition of fill material into any wetland or stream channel. This determination shall be made as part of the preliminary plat staff review. **(The Utah DEQ Water Quality Division requires a storm water permit when one acre or more of land is excavated. No wetlands or stream channels are involved).**

H. *Private Roads.* In a subdivision where a homeowners' association will be responsible for road construction and maintenance, the minimum requirement for road construction shall be: *twenty-four (24) foot road travel surface with a three-foot shoulder on each side within a sixty-six (66) foot right-of-way. Said road shall be the same specifications as a County B road.* **(No private roads are proposed).**

I. Culvert Requirements. The minimum requirement for culverts on road construction is fifteen (15) inches by thirty (30) foot length.

J. Street Signs. Street or road signs, designed to a standard acceptable to the County Public Works Department, shall be installed at all street or road intersections at the expense of the developer. **(The developer shall coordinate with the Road Department in the provision of a street sign at the intersection of 560 West and 2000 South. Such signage must be installed before occupancy of any homes in the subdivision).**

Section 9-6-3 Lots.

A. Arrangement and Design: The lot arrangement and design shall be such that the lots will provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future utilities, rights-of-way, and other requirements.

Frontage: Each lot shall have frontage on a public street dedicated by the subdivision plat, or an existing publicly dedicated street which has not become public by the right of use and is at least twenty-four (24) feet wide travel surface with three-foot shoulders on each side.

Corner Lots: Buildings constructed on corner lots shall comply with the minimum setback for both streets, as provided in the County zoning ordinance.

B. Side Lines: Side lines of lots shall be at approximately right angles to the street line, or radial to the street line.

C. Remnants: Remnants of lots less than the minimum size required by the zoning ordinance after the subdividing of a larger tract shall be added to adjacent lots rather than allowed to remain as unusable parcels. In no event shall the subdivision of land create a lot which does not conform to the zoning ordinance requirements of Duchesne County.

- D. Length Ratio: Lots shall not exceed a ratio of five to one length to front. This standard is waived if the lot frontage width is 1/32nd of the Section width or greater.
- E. Prohibited Division of Lots: No lot shall be bisected by a road or stream in subdivisions with lot size less than twenty (20) acres minimum.

(The lot design standards above have been met)

Section 9-6-4 Easements.

Easements for culinary water, sewerage, power, irrigation water, storm water drainage, and other utilities shall be provided by the subdivider and designated on the plat as required to accommodate the utility systems in the subdivision. Where natural drainage channels, interceptor systems, or flood zones cross the subdivision, the subdivider must obtain the necessary permits to modify such drainage facilities, and shall designate the channels, systems, or flood zones, and any associated restrictions, on the plat. **(The final plat will need to contain all necessary easements, including any that are noted on the required title report).**

Section 9-6-5 Vistas-Restrictive covenants.

Any subdivision to take place in Duchesne County within direct sight from any federal, state highway or County road, or any other location that the Planning Commission believes would have significant impact by reason of the public view, shall, prior to acceptance of the preliminary plat from the Planning Commission, have drafted ample restrictive covenants to protect the view. If aforesaid covenants are not ample, in the opinion of the Planning Commission, to protect the scenic vistas existing in the proposed area, the commission may deny said subdivision proposal. Aforesaid denial postpones preliminary plat approval until such time as acceptable covenants are drafted. At such time as restrictive covenants are drafted to protect the public vista in the proposed subdivision, the Planning Commission may approve such subdivision approval. At the time the subdivider can present evidence that the accepted covenants are binding upon the proposed property the Planning Commission may proceed with final plat approval. **(Final covenants will need to be reviewed by the Planning Commission prior to final plat approval.)**

Section 9-7-3 Improvements required.

The owner of any land in or platted as a subdivision shall install the following improvements in compliance with the specifications contained in the technical specifications and standard drawings:

Street Grading and Surfacing.

*All streets shall be surfaced, graded and maintained in accordance with the standards and specifications of Duchesne County. **(The road serving the lots in this subdivision will***

need to be improved to county paved standards prior to final plat approval unless a bond is posted to guarantee such improvements).

2. No developer or agent shall sell, exchange, or offer for sale, any subdivided lot in the proposed development, nor shall approval be given until one of the following conditions are met:

a. All roads into and within a subdivision are completed to County B road specifications, including the standards of Section 9-6-2 of this code (to and through) and approved by the County Road Supervisor.

b. If existing B roads accessing the proposed development are not up to the present County minimum standards a need for road improvement is being created by the developer, therefore, if the road is not on the County road improvement schedule, the developer can either upgrade the County road or any other road to County specifications accessing the site, or wait for the County to improve the existing B road as per their maintenance schedule. **(The B road accessing this subdivision, known as 2000 South, is constructed to county standards).**

3. A cost estimate of said road construction, approved by the County Road Supervisor, shall be submitted. A bond or other surety acceptable to the County, as outlined in Section 9-7-5 of this chapter, shall be in place to cover at least one hundred twenty-five (100) percent of the costs of road construction, thereby guaranteeing the installation of said roads. **(Upon preliminary plat approval, the developer may construct the subdivision roads, after approval of plans by the Duchesne County Public Works Director. Prior to recording of the final plat, the subdivision roads must be accepted for maintenance by the Duchesne County Public Works Director or a bond must be posted in the amount of 100% of the construction cost estimate for said roads. Prior to occupancy of any homes within this subdivision, road improvements shall be accepted by the Duchesne County Road Department and road signs shall be installed at the intersection).**

B. Lot Sizes 40 Acre or Larger. All subdivisions with lot sizes 40 acres or larger shall have a potable water source, which may include hauled water and cistern storage, as approved by the culinary water authority.

C. Lot Sizes Less Than 40 Acres. All subdivisions with lot sizes less than 40 acres shall have an approved water source and/or an approved water system. Hauled water and cistern storage is not allowed. The developer / subdivider shall provide and comply with the following.

Evidence that the applicant has the legal right to use water under a valid water right whether owned by the applicant or by contract, or other type of legal documentation, allowing the applicant to use water as proposed. The water rights must be sufficient to meet the anticipated yearly demand and peak day demand of the system.

Evidence that wells proposed as water sources can be adequately isolated from all present or potential sources of pollution.

If individual wells are proposed as sources of supply for each subdivision lot, or if non-public water supply wells are proposed to serve several lots, a statement from the culinary water authority must be submitted indicating the feasibility of obtaining ground water

suitable in quantity and quality to serve the proposed residences throughout the subdivision area. The Tri-County Health Department serves as the culinary water authority in this case.

If individual or non-public springs are proposed as sources of supply for a single or several subdivision lots, the quantity, quality and legal right for each source must be determined and proven in the same manner as required for public water systems, and the information must be submitted for review, Subdivision lots must be large enough to permit required separation of culinary springs from present and potential pollution.

D.Public Water Supply System. For subdivisions with proposed Public Water Supply System, the subdivider shall install water lines to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. The location of the water mains shall be approved by the County Road Supervisor. Subdivision water lines shall be a minimum of eight inches in diameter and service laterals shall be a minimum of three-fourths inch in diameter. All water lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision on all existing or proposed streets (where applicable). All systems shall be installed to meet the minimum standard designs for drinking water. **(In this case, culinary water is available from the Johnson Water District as indicated in their letter dated March 12, 2021. Before construction of the new water system within the subdivision, construction plans must be engineered and approved by the district. After construction, the water lines and fire hydrants shown on the plat must be inspected by the water provider. Prior to occupancy of any homes in the subdivision and prior to the recording of the final plat, the new water lines must be approved by the District for use or bonding must be posted in the amount of 100% of the cost estimate to install said system).**

E.Minimum Standards for water systems. Water systems shall be designed in compliance with this code and Utah Administrative Rule R309-550.

1. Approval for Plans and Specifications for Public Water Supply Projects.
 - a. The Executive Secretary with the State of Utah Division of Drinking water must approve, in writing, all engineering plans and specifications for public drinking water projects prior to construction.
 - b. Operating permits shall be obtained by the public water system prior to placing any public drinking water facility into operation as required in R309-500-9 Division of Drinking water program.

In this case, the Utah Division of Drinking Water has issued a letter dated June 9, 2021 that gives Johnson Water the authority to install water lines up to 16 inches in diameter without needing plan approval and an operating permit from the Division, provided that there are no booster pumps involved and improvements are built to standard specifications.

2. Water Main Design. The distribution system shall be designed to PSI required [by state rules] (at ground level) at all points of connection, under all conditions of flow, but specially during peak day flow conditions, including fire flows.

3. Source Sizing, Peak day demand and Average Yearly Demand. Sources shall legally and physically meet water demands under two separate conditions. First, they shall meet the anticipated water demand on the day of highest water consumption. This is referred to as the peak day demand, Second, they shall also be able to provide one years supply of water, the average yearly demand.

4. Minimum Water Main Size. For water mains not connected to fire hydrants the minimum line size shall be 4-inch diameter. Minimum water main size serving a fire hydrant lateral shall be 8-inch diameter. **(Eight-inch lines and two fire hydrants are proposed in this case).**

5. Fire Protection.

a. The design of the distribution system shall be consistent with the current fire code adopted by Duchesne County. As specified in this code, minimum fire flow requirements are:

(i) 1000 gpm for one-and two-family dwellings with an area of less than 3600 square feet.

(ii) 1500 gpm or greater for all other buildings.

b. The location of fire hydrants shall be determined by the Duchesne County Fire and Emergency Management Supervisor. Spacing between fire hydrants shall be no greater than 1000 feet. **(The plat shows two proposed fire hydrants [at the SE corner of Lots 2 and 5] which is sufficient to provide coverage within 500 feet of each lot).**

d. Water mains not designed to carry fire flows shall not have fire hydrants connected to them.

e. The design engineer shall verify that the pipe network design permits fire flows to be met at representative locations while a minimum pressure of 20 psi is maintained at all times and at all points in the distribution system.

F. Sewerage Collection. For subdivision with proposed Sewerage Collection, the subdivider shall connect to the sanitary sewerage and provide adequate lateral lines to the property line of each lot. Such sewerage connections and subdivision sewerage systems shall comply with the regulations and specifications of, and shall be approved by the sanitary sewer authority (Tri-County Health Department). Subdivision sewerage lines shall be a minimum of eight inches in diameter, and one four-inch diameter line shall be installed for each residential unit. All sewerage lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision of all existing or proposed streets (where applicable). A public sewage collection system shall be required in all cases where:

1. On site wastewater disposal is deemed unfeasible by the sanitary sewer authority or a licensed geotechnical engineer or hydrogeologist, if such expertise is deemed necessary by the county; or

2. Lot sizes are proposed to be less than one net acre; or
3. The subdivision or minor subdivision boundary is located within a distance of one hundred fifty feet (150') multiplied by the number of proposed lots, in all anticipated phases of the subdivision, from an existing public sanitary sewer line.

A variance to the above standards may be requested from the land use authority. In considering such a variance, the land use authority shall consider factors such as natural features, annexation policies and the willingness of the agency with jurisdiction over the sewer system to accept the subdivision for service.

(The Tri-County Health Department issued a letter on May 6, 2021 stating that these 17 lots are feasible to develop with onsite wastewater systems. Extension of a public sewer system was not required).

G. Storm Water. The subdivider shall properly dispose of storm water. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements. The minimum size storm drain shall be fifteen (15) inches, where applicable. For subdivisions other than minor subdivisions, an engineer's report shall be required. **(Ditches must be provided on both sides of the road to convey storm water to natural drainage courses. Culverts will need to be placed at locations where deemed necessary by the Public Works Department. If more than one acre of land is disturbed in the construction of the road, a Utah DEQ Water Quality Division storm water permit will be required.)**

H. Monumentation. Subdivisions shall be surveyed according to the provisions of the Utah Code Annotated and recorded with the County Surveyor. Survey monuments shall be accurately set and established at angle positions on the subdivision boundary.

1. Each lot corner shall be staked with a minimum monument of a one-half inch by eighteen (18) inch iron rod, or permanently placed plug where applicable.
 2. Any public land survey corners used shall be indicated on the plat. The plat shall give the location and description of each public land survey corner used, for the survey of the subdivision.
3. Staking of all lots shall be completed immediately following the approval of the subdivision plat by the Planning Commission. All permanent survey monuments shall remain in place, or be reset at the subdivider's expense, and all subdivision plats shall be tied to a section corner of record.
4. Minor corrections may be performed to correct survey errors if the following criteria are met:
- a. Such correction shall not violate the zoning established in the area.
 - b. Lots shall not be added or subtracted from the plat.
 - c. The existing general configuration of lots does not change.
- I. Potable and Non-potable Water Systems. It is illegal for any person to connect together a culinary water system and a non-potable water system by any method.
- J. Fencing of Subdivisions. A fencing of material acceptable to the Planning Commission

shall be installed to a height acceptable to the Planning Commission, along all boundaries with the properties adjacent to the subdivision where adjacent uses are found to be noncompatible by the Planning Commission. **(Fencing may be required if adjoining property owners request it as part of the hearing process).**

K. Public Offering Statement. Any subdivision, with the exception of a minor subdivision, shall be required to provide a complete public offering statement as outlined in Section 9-3-2. **(A public offering statement is not required in this case -see exemption on Page 4).**

L. Title Report. A complete title report shall be provided on all subdivisions. Said reports shall be submitted to the County planning office at the time of final plat submission. **(A title report must be provided prior to final plat approval).**

M. Special Road Improvement. Land owners desiring road improvements beyond minimum requirements specified herein shall create special service and/or improvement districts within their subdivision per Utah Code.

In 2006, Duchesne County adopted the Utah Wildland Urban Interface (WUI) Code. This code sets forth standards intended to make developments in rural areas less susceptible to Wildland fire danger. Section 4.5 of this code requires that a Fire Protection Plan be prepared for new subdivisions. The Duchesne County Fire Department has agreed that this parcel is not within a high wildfire hazard and hazards will be mitigated by the provision of a water system with fire hydrants. Thus, a fire protection plan is not required.

Section 9-7-4 Water user's association compliance.

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.

Mr. Hyde recommended that the Planning Commission adopt the Findings of Fact and Conclusions set forth in this Staff Report and approve the preliminary plat of the Red Feather Subdivision, subject to the following conditions:

1. Final protective covenants shall be provided and approved by the County at the final plat approval stage.
2. The final plat shall include any easements revealed after preparation of a title report.
3. A DEQ storm water permit shall be obtained if construction of this subdivision disturbs one acre or more of land and if required by the DEQ Water Quality Division.

4. Prior to final plat approval and occupancy of any homes in the subdivision, all subdivision road improvements, including ditches, culverts and street signs, shall be installed to county standards and accepted by the Public Works Director, unless a bond in the amount of 100% of the construction cost estimate is posted.
5. Prior to final plat approval and occupancy of any homes within the subdivision, all subdivision water system improvements, including fire hydrants, shall be constructed in accordance with plans approved by the Johnson Water District and approved for use by the District, unless a bond in the amount of 100% of the construction cost estimate is posted.

Mr. Hyde asked if there were any questions or comments.

Commissioner Wells was concerned about the 1 acre lots given what happened with Stonegate subdivision. Mr. Hyde stated that Tri-County Health required additional analysis and there should not be any issues. Mr. Denver stated Timberline Engineering Company has indicated there should not be any problems.

Lance Denver, the developer, thanked Mr. Hyde for his efforts and stated this development will be up-scaled spec homes between 1500-2000 square feet, have paved roads and buried utilities. Mr. Denver asked the commission if they had any questions.

Commissioner Sweat asked about Johnson water serving the subdivision. Mr. Denver stated they have a will-serve letter, with 8" lines which should be ample service.

Commissioner Wells asked about above-ground storage tanks for gas and diesel? Mr. Denver stated only propane tanks will be allowed.

Jake Woodland asked about paving the roads in any subdivision. Mr. Hyde stated 1 acre lots require paved roads, and 5 acre lots are to county gravel standard.

With no other questions or comments and no one in the audience to oppose Mr. Denver's request, the public hearing was closed.

Commissioner Clark asked for a motion.

Commissioner Richens motioned to approve the preliminary plat of the Red Feather Subdivision, subject to the conditions stated in the staff report. Commissioner Drake seconded the motion and it passed unanimously.

B. Request by XCL Resources for approval of a plat amendment to vacate and relocate a road right of way abutting Lots 1, 2, 58 and 59 of the Cove Estates Subdivision located on the west side of 3000 West in the Roosevelt area.

Mr. Hyde referred the commission to their packets and stated that XCL Resources is proposing to construct an oil well location in the Cove Estates subdivision north of the Roosevelt airport. The platted access road serving the lots runs through Lots 1, 2, 58 and 59, which are owned by MTR Business Properties LLC (Leon Ross). From aerial photos, it appears that these lots are being used by an oilfield service company and improvement of the road would disrupt the operation. Thus, the relocation of the road is being proposed to

the north side of Lots 1 and 2 and the west side of Lot 2.

Mr. Hyde stated an application was received in December of 2011 to process this proposed plat amendment and relocate the subject road right of way. The application was not pursued at that time. Recently, interest in finalizing this plat amendment arose as XCL Resources is planning an oil well on lots to the west and will need a truck access to the area. All of the owners of lots where the road would vacated and relocated have signed the Mylar plat amendment survey map.

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 road vacation and relocation request. Development of the existing right of way would disrupt a business site. Utility companies can provide service to the lots within the subdivision from the relocated right of way. No objections have been received from Dominion Energy, Moon Lake Electric, Strata Networks or Roosevelt City.

Mr. Hyde has indicated the legislative body, the County Commission, has scheduled a public hearing for July 12, 2021. Notice of the Planning Commission and County Commission hearings was mailed on June 15, 2021 to all property owners abutting and within 300 feet of the right of way to be vacated and to the affected utility entities. Notice was posted in the vicinity of the existing and relocated road by the petitioner. Notice was published in the Uintah Basin Standard on June 23 and 30, 2021. 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 #21-387 to amend the plat of the Cove Estates subdivision to relocate the subject road right of way.

Mr. Hyde asked if there were any questions or comments.

Commissioner Drake stated although there will be two turns instead of one, it looks like it will be a better road for future development.

Paxton Mars, XCL representative, joined the meeting by zoom and stated XCL has acquired a surface use agreement from Leon Ross for a new location and feels this will better for Mr. Ross and the oil company for future development. Mr. Mars asked if there were any questions.

There were none and no one in opposition to speak so the public hearing was closed.

Commissioner Clark asked for a motion. Commissioner Drake motioned to recommend to the County Commissioners the approval of Ordinance #21-387 to amend the plat of the Cove Estates subdivision to relocate a road right of way. Commissioner Clark seconded the motion and it passed unanimously.

NEW BUSINESS:

A. Request by Jake Woodland, Wildcat Sand LLC, for an amendment of a conditional use permit approved on November 4, 2020 to add 10 acres of land to a frac sand mining area, located in the Ioka area.

Mr. Hyde referred the commission to an e-mail from Jake Woodland, a Finley Resource representative, stating they would like to amend their Conditional Use Permit that was approved in November of 2020 to mine frac sand. At that time there was a 10 acre parcel in between the Patry properties owned by Jeremiah Crowley. Finley has executed an agreement with Mr. Crowley to mine his parcel. Mr. Woodland stated all the original conditions would still apply, it would be easier to mine all the parcels.

Mr. Hyde recommended to the commission that they could allow staff to modify their permit and add the 10 acres to their CUP.

With no other questions or comments, Commissioner Sweat motioned to modify the Wildcat Sand Conditional Use Permit approved in November to add the 10 acre Crowley parcel. Commissioner Richens seconded the motion and it passed unanimously.

Minutes: Approval of May 5, 2021 minutes:

Commissioner Richens moved to approve the minutes of May 5, 2021. Commissioner Drake seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

Mr. Hyde stated there was nothing for the August meeting yet, but there was still a little time before the deadline. He also took a minute to introduce Mike Gottfredson, He will be an Assistant Planning Director in the Planning and Zoning Department.

Adjournment:

Meeting adjourned at 6p.m.