



DUCHESNE COUNTY
Planning Division
734 North Center Street
Duchesne, Utah 84021

FINDINGS REPORT FOR THE DEFA'S DUDE RANCH SUBDIVISION PRELIMINARY PLAT

Duchesne County Planning Commission
September 2, 2026

<u>FILE NAME:</u>	Findings Report Defas Dude Ranch Subdivision
<u>LAND USE APPLICATION REQUEST TYPE:</u>	Subdivision Preliminary Plat
<u>APPLICANT:</u>	Judy Price, Alfonzo Defa Family Limited Liability Company
<u>LOCATION:</u>	Section 26, T. 2N., R. 9W, U.S.B. & M.
<u>ZONING DISTRICT:</u>	A-5 Agriculture, 5-acre minimum lot size
<u>PROPOSAL:</u>	Approve the land use application for a subdivision preliminary plat for the Defa's Dude Ranch, located on North Fork Road, north of Hanna, dividing it into six (6) lots, to be known thereafter as the Defa's Dude Ranch subdivision.

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FINDINGS OF FACT

PROPOSAL DESCRIPTION

Alfonzo Defa Family LLC, requests the Duchesne County Planning Commission approve their land use application for a subdivision preliminary plat to divide Parcel #00-0003-7923 into six (6) lots, and for this subdivision to be known as the Defa’s Dude Ranch subdivision. Parcel #00-0003-7923 is located on North Fork Road, north of Hanna. Approval of this land use application:

- 1) allows the applicant to begin construction of the infrastructure required for the proposed development; and
- 2) allows the applicant to prepare a subdivision final plat for the proposed development.

HISTORY OF EVENTS

July 15, 2026	Feasibility approval from TriCounty Health Department
September 18, 2026	Land use application for a subdivision preliminary plat submitted to the Planning Division by the applicant.
September 18, 2026	Land use application completeness review by Planning Division staff finds the land use application incomplete and sends the applicant all outstanding land use application requirements and their corresponding references in Duchesne County code.
September 18, 2026	Land use application fee payment made by the applicant posted to Duchesne County.
August 19 - September 2, 2026	Public hearing notice posted at the Duchesne County Administration Building, the Duchesne County website, and the Utah Public Notice Website.
August 20, 2026	Public hearing notice mailed to property owners within three hundred feet (300.00’) of the property proposed for the subdivision preliminary plat land use application.
August 26, 2026	Public hearing notice published in the Uintah Basin Standard.
September 2, 2026	Planning Commission meeting scheduled to hold a public hearing and to review the subdivision preliminary plat land use application for approval.

DUCHESNE COUNTY CODE COMPLIANCE REVIEW

1. Subdivision Administration and Enforcement

Plats Required

- A. Content Of Plat: Unless exempt under section 9-3-4 of this title or not included in the definition of a "subdivision" under section 9-1-4 of this title, whenever any lands are divided, the owner of those lands shall have an accurate plat made of them that sets forth and describes:
1. All the parcels of ground divided, by their boundaries, course and extent, and whether they are intended for streets or other public uses, together with any areas that are reserved for public purposes; and
 2. The lot or unit reference, the block or building reference, the street or site address, the street name or coordinate address, the acreage or square footage for all parcels, units or lots, and the length and width of the blocks and lots intended for sale.
- B. Acknowledgment, Certification, and Approval:
1. The owner of the land shall acknowledge the plat before an officer authorized by law to take acknowledgment of conveyances of real estate.
 2. The surveyor making the plat shall certify it.
 3. The county legislative body shall approve the plat as provided in this title. Before the legislative body may approve a plat, the owner of the land shall provide the legislative body with a tax clearance indicating that all taxes, interest and penalties owing on the land have been paid.
- C. Filing, Recording: After the plat has been acknowledged, certified and approved, the owner of the land shall file and record it in the county recorder's office.

The preliminary plat survey meets the requirements of this section.

Subdivider Agreements

- A. Agreement To Comply: Prior to any preliminary approval of a subdivision, the subdivider shall enter into an agreement with county as follows:

AGREEMENT

This agreement is made by and between [insert name here], hereafter called "subdivider," and Duchesne County, a municipal corporation of the state of Utah. Subdivider hereby acknowledges receipt of a copy of the Duchesne County subdivision ordinance, specifications, and standard drawings. Subdivider hereby acknowledges that he or she has read the subdivision ordinance (or that an agent of the subdivider has), and that he or she understands the provisions of the subdivision ordinance, the specifications, and the standard drawings and that he or she will fully and completely comply with the provisions and requirements therein contained to the best of his or her ability.

Dated this [insert day number] day of [insert month], [insert year].

[insert name of subdivider/agent]

No agreement was submitted as part the land use application.

- B. Corporate, Partnership Signature Requires Notary: The form of a corporate or partnership signature shall include a provision for a notary in which the subdivider represents that the person signing for the corporation or partnership has the authority to execute the agreement for the corporation or partnership, and a corporate seal.
- C. Reimbursement Agreement:
1. In the situation where the construction of subdivision improvements would be of financial benefit to subsequent subdividers, the original subdivider may draft a reimbursement agreement with the county, subject to approval by the county road supervisor, the county attorney and planning commission (who must recommend the same to the county commission), and the county commission, and in accordance with all county ordinances. This agreement must be submitted at the time of final plat approval. A reimbursement agreement shall be made by the subdivider requesting repayment of construction fees based on:
 - a. A prorated amount determined by the amount of improvement utilized.
 - b. prorated amount established on an annual basis, decreasing the amount of fee to be reimbursed to the original developer with a time frame not to exceed ten (10) years.
 2. Payment of construction fees shall be from any new subdivision utilizing improvements provided for herein, when a reimbursement agreement exists, and shall be paid prior to final plat approval of a new subdivision, to the original subdivider.
 3. The maximum amount to be paid back to the original subdivider shall not exceed fifty percent (50%) of the original construction costs.

This section does not apply to this subdivision application.

Preliminary Plat Application Fee

At the time of the filing of the preliminary plat, the subdivider shall deposit with the county planning office, a nonrefundable fee made payable to the county. The county commission shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the county for the expense of checking and reviewing such preliminary subdivision plats.

Fee paid on August 18, 2026.

2. Subdivision Review Procedures

Review Procedures Specified

The county commissioners or the planning commission shall use the following guidelines to regulate subdivision review:

- A. Phased Development: Phased development may be required on all subdivisions where the planning commission or county commission deems it best to develop the property in an orderly and feasible fashion. See section 9-3-6 of this chapter.
- B. Denial Based on Hardship to County: A subdivision may be denied on the grounds that it places an undue hardship on the county and the services the county provides (i.e., road maintenance, school bus routes, and tax increases to other county residents due to "urban sprawl").
- C. Approval Based on Homeowners' Association: If the county commissioners or the planning commission finds that the costs of providing services to a subdivision would be excessive, such a finding can be the basis for disapproval

of a subdivision. The subdivider may then, if so desired, provide that the services within the subdivision would be provided by a homeowners' association. Additionally a subdivider may propose a homeowners' association in other situations where development and the use of the subdivision would best be accomplished by such an association. If the respective commissions find that the association can provide the necessary services, the subdivision may be approved.

D. Steps to Initiate Subdivision Review

1. Subdivider Inquiry and Land Use Application Filing

The subdivider submits an application for subdivision approval using the Duchesne County Land Use Application Form after the subdivider contacts the Planning Division for information concerning the County subdivision requirements and compatibility with the County General Plan, and discusses with staff members the proposed plan of development prior to preparing any plats, plans or charts.¹

2. Filing Fee Paid for the Land Use Application for a Subdivision Preliminary Plat

The subdivider pays the preliminary plat fee.

3. Subdivider Verification of Application or Exemption of the Utah Uniform Land Sales Practices Act

The subdivider ascertains that he or she has made application or provides proof of exemption with all requirements of the Utah uniform land sales practices act, Utah Code Annotated section 57-11-1 et seq., as amended.

4. Subdivider Submittal of Documentation

- a. Preliminary Plat, digital or paper copy, prepared by a licensed surveyor
- b. TriCounty Health Department Subdivision (On Site Wastewater) Feasibility Approval letter
- c. Moon Lake Electric Association Service Availability letter
- d. Public Offering Statement

For any subdivision of ten (10) lots or more, a public offering statement covering all items identified in section 9-3-2 of this chapter.

5. Staff Review and Public Hearing Notice

The county planning staff will review the documents and make recommendations. Ten (10) working days are allowed for completion of staff review and to notify, by mail, adjoining property owners within designated distance as established by the planning director. Said notice of the date, time and place of the planning commission public hearing to consider the preliminary plat must be mailed not less than three (3) days before the public hearing and be addressed to the record owner of each parcel within three hundred feet (300') of the subject property. As an alternative to mailed notice, the county may post notice of the hearing on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability and print quality that is reasonably calculated to give notice to passersby, at least three (3) days in advance of the hearing. Notice of a preliminary plat associated with a multiple unit residential, commercial or industrial development shall be provided to all affected entities.²

6. Preliminary Plat Placed on Planning Commission Meeting Agenda

Upon completion of the staff review, the county planner's office will place the item on the planning commission agenda. Health department approval is mandatory prior to an item being placed on the planning commission agenda, which means this approval must be received ten (10) working days prior to the planning commission meeting. In the event any checklist requirement is lacking at close of business on the Friday preceding the

¹ Duchesne County Code [9-3-1 REVIEW PROCEDURES SPECIFIED](#) D-1 Steps to Initiate Subdivision Review, and 9-4-2 [PRELIMINARY PLAT FILING](#).

² Duchesne County Code [9-3-1 REVIEW PROCEDURES SPECIFIED](#) D-5 Steps to Initiate Subdivision Review

scheduled planning commission meeting, the planning director shall remove the proposal from the planning commission agenda.

7. Planning Commission Meeting: Review and Action

The planning commission will meet and review the preliminary plat and take action. The subdivider or agent must attend and present the plat.

The land use application form for this subdivision preliminary plat was submitted on August 18, 2026. A public hearing notice was published in the Uintah Basin Standard on August 26, 2026, and posted in the Duchesne County Administrative Building and on the Duchesne County website beginning on August 18, 2026. The public hearing notice was mailed to record owners of parcels within three hundred feet (300') of the proposed land use on August 20, 2026.

Private Roads Changed to County Roads

The owner of a private road connecting a subdivision proposal to an existing state route, U.S. highway, city street or county B road, who desires to have said private road become part of the county road system, shall deed the necessary sixty six foot (66') right of way to the county from the existing state route, U.S. highway or county B road. This is in addition to signing the owner's dedication on the subdivision Mylar. Upon the road supervisor finding that the road has been constructed to the current county minimum road specifications, and deeded to the county, as ascertained by the county attorney, then by both the planning commission and the county commissioners approving the subdivision, the road becomes a county B road.

No roads are proposed to be dedicated to Duchesne County. These roads are preexisting Class D roads.

Phase Development

When the planning commission has approved a project master plan for development, no subsequent phase shall be considered until the prior phase is fifty one percent (51%) sold and recorded in either a trust or warranty deed, or a quitclaim deed, with the county recorder, or the developer may furnish certified copies of real estate purchase contracts to be reviewed and approved by the county attorney; additionally, all improvements in the current phase shall be completed.

This subdivision preliminary plat land use application does not propose to be part of a phased development. If the applicant elects to subdivide this property as part of a phased development, or if the Planning Commission or County Commission determines that this development should be a phased development. Otherwise, this section does not apply.

Establishment of Homeowner's Association

- A. Requirements: In the event that a homeowners' association is required to take the responsibility of improvement construction and maintenance, the subdivider must establish a corporation which, among other things, shall provide for the creation of a homeowners' association, consisting of owners of property within the development with voting rights. Said association shall be made responsible for the maintenance of the common property and facilities, including open space, roadways, water supply, reservoirs, and water distribution facilities, solid waste disposal facilities, and common domestic sewerage disposal facilities, and shall levy an equitable assessment on the owners or occupants within the development, as determined by vote, which assessment is sufficient to cover the costs of said maintenance.

- B. Dedication Of Common Areas And Facilities: Notation shall be made on the final plat, indicating all areas, systems and facilities to be held in common, and the use to which they shall be put.
- C. Taxes On Common Property: Ownership and tax liability of said open space, and all buildings and structures held in common ownership, shall be assigned to the association or corporation in a manner acceptable to the county attorney, and made a part of the conditions of the plan approval.
- D. Additional Standards: Property development standards, or improvements in excess of the minimum standards or improvements, as set forth in these regulations, and in the county zoning ordinance, may be imposed as conditions of approval, where it is determined by the county planning commission that they are necessary to ensure proper maintenance of the development.
- E. Conformance With State Statute: All of the above shall conform with the provisions of the condominium ownership act, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.
- F. Amendments Require Planning Commission Approval: All items specifically noted in the approval process cannot be amended without prior approval of the planning commission.

No homeowner's association is proposed as part of this land use application. If a homeowner's association is required for improvement construction and maintenance of common property and infrastructure, the final plat shall be amended to include notations indicating all areas, systems, and facilities to be held in common, and the use to which they shall be put.

3. Subdivision Preliminary Plats

Preliminary Consultation

Each person who proposes to subdivide land in the county may consult with the county director of planning, zoning and community development before preparing any plats, charts or plans, in order to become familiar with the county subdivision requirements and general plan for the territory in which the proposed subdivision lies, and to discuss the proposed plan of development of the tract. If a pre-application meeting is requested by the subdivider, it shall be held within fifteen (15) days of the request. At such meeting, the Planning Director or designee shall provide the applicant with the application form, the fee schedule, the applicable regulations, a complete list of standards for the project, preliminary and final plat checklists of items required with the application and feedback on the proposed plan of development.³

The Preliminary Consultation was held on June 25, 2026, at the Duchesne County Community Development Department offices. Previously, the Planning Division Director provided the applicant with the land use application form and its fee schedule, all applicable regulations, a print-off of County road standards, and a checklist of requirements for subdivision preliminary and final plats. Planning Division staff provided feedback on proposed plan of development through a printout of a reviewed and annotated pre-application preliminary plat survey.

Preliminary Plat Filing

A preliminary plat shall be prepared in conformance with the standards, rules and regulations contained herein; and one eleven inch by seventeen inch (11" x 17") copy and one twenty four inch by thirty six inch (24" x 36") copy thereof

³ 9-4-1 Preliminary Consultation

(see section 9-4-3 of this chapter) shall be submitted to the planning office for approval or disapproval. The preliminary plat and accompanying information shall be submitted to the planning office at least twenty one (21) days prior to a regularly scheduled planning commission meeting in order to meet public noticing requirements.⁴

The land use application form for this subdivision preliminary plat was submitted on August 18, 2026. A digital copy of the preliminary plat was provided earlier. The application was determined complete on August 18, 2026. The preliminary plat was submitted to the Planning Division at least 21 days prior to the Planning Commission meeting. See the HISTORY OF EVENTS section of this report for more information.

Public Hearing Required

All applications for a subdivision preliminary plat land use application approval shall be made in accordance with the provisions of Duchesne County Code Title 9 and shall be the subject of a public hearing held before the Planning Commission. A notice of the public hearing shall be posted a minimum of fourteen (14) days prior to the hearing taking place. This notice shall also be mailed all record owners of parcels within three hundred feet (300') of the land use application subject property no fewer than three (3) days prior to the public hearing.⁵

A public hearing notice was published in the Uintah Basin Standard August 26, 2026, and posted in the Duchesne County Administrative Building and on the Duchesne County website beginning on August 19, 2026. The public hearing notice was mailed to record owners of parcels within three hundred feet (300') of the proposed land use on August 20, 2026.

Requirements for Preliminary Plat

The preliminary plat shall be drawn to a scale suitable to show sufficient detail and shall be on twenty-four inch 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 the county).
- 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.
- C. Sufficient information to locate accurately the property shown on the plat. The nearest section corner tie must be shown.
- 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.
- E. Contours at intervals to show the topography of the land shall be shown.
- F. The boundary lines of the tract to be subdivided, including total acreage proposed for subdivision.

⁴ Duchesne County Code 9-4-2 [PRELIMINARY PLAT FILING](#).

⁵ Duchesne County Code [9-3-1 REVIEW PROCEDURES SPECIFIED](#) D-5 Steps to Initiate Subdivision Review

- G. The location, widths and other dimensions of all existing or platted streets, and other important features such as easements, railroad lines, watercourses (including irrigation canals and ditches), exceptional topography, bridges and buildings within or immediately adjacent to the tract of land to be subdivided.
- H. Existing power lines, sewerage, storm drains, irrigation canals, water supply mains and culverts within the tract and immediately adjacent thereto.
- I. The locations, widths, and construction specifications 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. This requirement must be accomplished by submittal of a subdivision improvement plan prepared by a civil engineer licensed to practice in Utah.
- J. Buffer zones where noncompatible uses adjoin a proposed subdivision.
- K. North arrow, and bar scale.
- L. A review copy of proposed protective covenants, if applicable.
- M. A statement of the existing zoning.
- N. Proposed address of each lot.
- O. Area of watershed, highlighting the resource areas of fresh water, groundwater, wetlands and salt water, showing the various stormwater best management practices in a systems approach.
- P. Plans or written statements regarding the proposed storm drainage facilities and other proposed special improvements, such as plantings and parks, and any grading of individual lots.
- 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).
- R. Established sixty six foot (66') right of way to existing county B road, state route or U.S. highway.
- 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.
- T. The proposed public offering statement, for subdivisions with ten (10) or more lots, as outlined in section 9-3-2 of this title, and any other items as established by the planning commission.
- U. An approval letter from the sanitary sewer authority (Tri-County health department) shall be on file with the planning office verifying subdivision feasibility. 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 (10) working days prior to scheduling the preliminary plat before the planning commission:
 - 1. Wherein on site wastewater systems are proposed, the location of soil classification and percolation tests are shown proposing such use. Such location shall be clearly indicated by "o" or a similar symbol.
 - 2. Wherein on site wastewater systems are proposed, the results of all final geotechnical reports and soil and or percolation test results shall be shown in the box table form on, or attached to, the plat over the signature of the person qualified to perform such tasks. This may be supplemented by a soils report from the local soil conservation district identifying the types of soils within the proposed subdivision area and identifying any soils constraints for a subdivision.
 - 3. The preliminary plat shall contain a statement indicating the distance from the proposed subdivision boundary to the nearest public sewer line(s) and state the agency with jurisdiction over said line(s).

4. For any subdivision containing lots under forty (40) acres in size, and if a private water supply is proposed, the applicant shall submit adequate water rights and proof of water availability, flow and quality, in accordance with subsection 9-7-3C of this title.
 5. For any subdivision, if a public water supply is proposed, the applicant shall obtain a letter of approval from the culinary water authority (Tri-County health department) stating the water supply meets the safe drinking water standards, or a letter from the water district ascertaining sufficient amount of culinary water for the subdivision can be provided and water lines are being installed to each lot.
- V. Areas subject to flooding in the event of a 100-year flood, as determined by an adopted flood study or the best available data.
- W. An approval letter from the county fire authority which shall specify the requirements for the subdivision to comply with the Fire Code and Wildland Urban Interface Code.
- 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.

The following are itemized notes in response to the review of this section of subdivision code addressing how the applicant met the listed preliminary plat requirements, what other steps yet need to be taken to be granted approval, or if a requirement was met or not met in lieu of other improvements or plans accepted by the Planning Division Director. Not all sections are addressed, but these notes are itemized by number for convenience and reference.

#01 Digital Survey Accepted

The preliminary plat was provided by the applicant and accepted by the Planning Division as a digital copy in lieu of paper copies. The survey was drafted to a scale suitable to show sufficient detail of the development.

#02 Consultation with Utah DEQ

The applicant is working with the Utah Department of Environmental Quality on some specific items relating to drinking water, and commits to having any approvals required completed prior to approval of the Final Plat.

4. Subdivision Design Standards

Relation to Adjoining Street System

The arrangement of streets in a new subdivision, including minor subdivisions, 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, including minor subdivisions, shall be connected by an official Class B or Class D road to an existing county B road or to a state road for access to the subdivision. All subdivision and minor subdivision roads where county road maintenance is desired, shall have an access road constructed to B road specifications, accessing each lot. All subdivision and minor subdivision roads intended for private maintenance shall be constructed to the standards of the Wildland Urban Interface Code.

No note, annotation, conveyance, or dedication of roads is present on the land use application form or the preliminary plat survey.

Streets

- A. Specifications And Requirements: All streets shall be twenty four feet (24') of travel surface with a three foot (3') shoulder on each side within a sixty six foot (66') 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 feet (24') of travel surface with a three foot (3') shoulder on each side within a fifty foot (50') wide right of way. A one-way single lane street shall be sixteen feet (16') of travel surface with a three foot (3') shoulder on each side within a fifty foot (50') right of way. All proposed subdivision streets in the R-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-2.5 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.
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 feet (1,320');
 - b. Residential rural zone (R-1), two thousand six hundred forty feet (2,640');
 - c. Two and one-half (2 1/2) acre agricultural zone (A-2.5), three thousand nine hundred eighty feet (3,980');
 - d. Agricultural zone (A-5), five thousand two hundred eighty feet (5,280');
 - e. Agricultural (A-10) zone, no limit, providing there is a one hundred foot (100') diameter travel surface turnaround bubble every two thousand six hundred forty feet (2,640') within a one hundred twenty foot (120') 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.
 3. Where a street dead ends into a subsequent phase of the same subdivision, a temporary, graveled one hundred foot (100') diameter (120 foot right of way) turnaround and an easement or right of way on the property shall be required.
- B. Intersections: The intersection of more than two (2) streets at one point shall be avoided. Streets shall intersect at a ninety-degree (90°) angle, where practical.
- 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.
- D. Street Grades: Street grades over a sustained length shall not exceed the following percentages: on arterial streets eight percent (8%); on collector streets ten percent (10%). 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.
- 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.
- 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.

- 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.
- 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 foot (24') road travel surface with a three foot (3') shoulder on each side within a sixty six foot (66') right of way. Said road shall be the same specifications as a county B road.
- I. Culvert Requirements: The minimum requirement for culverts on road construction is fifteen inches (15") in diameter by thirty feet (30') in 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.

No new streets are presented to be dedicated as part of this subdivision preliminary plat.

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.
- B. 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 feet (24') wide travel surface with three foot (3') shoulders on each side.
- C. Corner Lots: Buildings constructed on corner lots shall comply with the minimum setback for both streets, as provided in the county zoning ordinance.
- D. Side Lines: Side lines of lots shall be at approximately right angles to the street line, or radial to the street line.
- E. 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 the county.
- F. Length Ratio: Lots shall not exceed a ratio of five to one (5:1) length to front. This standard is waived, if the lot frontage width is one thirty-second ($1/32$) of the section width or greater.
- G. 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 land use application meets the standards of this section.

Easements

Easements for culinary water, sewerage, power, irrigation water, stormwater 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 preliminary plat includes illustration of public utility easement lines and water distribution lines.

Vistas; Restrictive Covenants

Any subdivision to take place in the county within direct sight from any federal or 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 planning 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.

No restrictive covenants are proposed as part of this land use application.

5. Subdivision Improvements

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:

A. Street Grading and Surfacing:

1. All streets shall be surfaced, graded and maintained in accordance with the standards and specifications of the county.
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 title (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.
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 percent (125%) of the costs of road construction, thereby guaranteeing the installation of said roads.

No roads are present or have been constructed as part of this preliminary plat. No cost estimate of road construction has been submitted to the Planning Division. As such, no bond or other surety has been submitted and held by county. No roads are presented to be constructed or dedicated as part of this preliminary plat land use application.

- B. Lot Sizes Forty Acres or Larger: All subdivisions with lot sizes forty (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 Forty Acres: All subdivisions, including minor subdivisions, with lot sizes less than forty (40) acres shall have an approved water source and/or an approved water system. The developer/subdivider shall provide and comply with the following:
 - 1. 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 and be approved by the Utah Division of Water Rights.
 - 2. Evidence that wells proposed as water sources can be adequately isolated from all present or potential sources of pollution with a one hundred foot (100') radius well protection zone depicted, on each lot proposed to be served by a private water well, on the subdivision plat.
 - 3. If individual wells are proposed as sources of supply for each subdivision or minor subdivision lot, or if nonpublic water supply wells are proposed to serve several lots, a statement from the culinary water authorities must be submitted indicating the feasibility of obtaining groundwater suitable in quantity and quality to serve potential residences throughout the subdivision or minor subdivision. The Tri-County Health Department and the NE Region office of the Utah Division of Water Rights serve as the culinary water authorities in this case. If either of the culinary water authorities cannot verify that sufficient water (via culinary connections, water wells, spring development or hauled water) exists to serve all new lots or parcels in a proposed subdivision or minor subdivision, the minimum lot size in such subdivisions is forty (40) acres, regardless of the designated zoning district.
 - 4. If individual or nonpublic 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, with the subdivision or minor subdivision plat providing a spring protection zone approved by the TriCounty Health Department and the Utah Department of Environmental Quality.
 - 5. Water hauling is allowed pursuant to the TriCounty Health Department Water Hauling Rule.

Wells are present and approved for use.

- 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 (8") in diameter and service laterals shall be a minimum of three-fourths inch (3/4") 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.
- 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 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.
2. Water Main Design: The distribution system shall be designed to psi (at ground level) at all points of connection, under all conditions of flow, but especially during peak day flow conditions, including fire flows as required in R309-500-9 division of drinking water program.
3. Source Sizing, Peak Day Demand And Average Yearly Demand: Sources shall legally and physically meet water demands under two (2) 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 year's 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 four inch (4") diameter. Minimum water main size serving a fire hydrant lateral shall be eight inch (8") diameter.
5. Fire Protection:
 - a. The design of the distribution system shall be consistent with the current fire code adopted by the county. As specified in this code, minimum fire flow requirements are:
 - (1) One thousand (1,000) gpm for one- and two-family dwellings with an area of less than three thousand six hundred (3,600) square feet.
 - (2) One thousand five hundred (1,500) gpm or greater for all other buildings.
 - b. Fire hydrants shall be installed. Such fire hydrants shall be of a type, size and number as adopted by the county fire marshal and installed in such locations as approved by the county fire marshal. A fire hydrant shall also be placed at the end of every cul-de-sac in which the water line dead ends (where applicable). Spacing between fire hydrants shall be no greater than one thousand feet (1,000').
 - c. An exception to the fire protection requirements of subsections E5a and E5b of this section may be granted if a suitable statement is received by the local fire protection authority.
 - 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 twenty (20) psi is maintained at all times and at all points in the distribution system

This development is served by private wells. Final review and approval of culinary water improvements will be considered during the Final Plat approval process.

There are no hydrants included in this survey. Hydrants are required, with the minimum standard for the subdivision to have lots be within four hundred feet (400') of a hydrant. Written approval or verification of consultation with the Duchesne County Fire Marshal is required prior to approval of the preliminary plat. Only the Fire Marshal may waive this requirement in writing.

- F. Sewerage Collection: For subdivisions and minor subdivisions with proposed sewage 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 (8") in diameter, and one 4-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.

There are no sewer systems reasonably near this subdivision.

- G. Stormwater: The subdivider shall properly dispose of stormwater. 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 inches (15"), where applicable. For subdivisions other than minor subdivisions, an engineer's report shall be required.

There are no stormwater permits submitted as part of this application. No part of this property is proposed to be developed, nor surface disturbed, as part of this subdivision.

- H. Survey Monuments: Subdivisions shall be surveyed according to the provisions of 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 inch (1/2" x 18") 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.

The application meets the requirements of this section.

- I. Potable and Nonpotable Water Systems: It is illegal for any person to connect together a culinary water system and a nonpotable water system by any method.

The application meets the requirements of this section.

- 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.

There are no adjacent properties where the adjacent uses are found to be noncompatible with this subdivision.

- 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 of this title.

The Duchesne County Planning Commission is supported by professional planners, granting an exemption to the applicant requiring a public offering statement, per State Code.

- 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.

This requirement will be reviewed as part of the Final Plat submission and review process.

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

This section does not apply to this application.

Water Users' 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.

The applicant did not indicate that they were involving any irrigation company to deliver water as part of this development.

Improvement Completion Assurance and Improvement Warranty:

In lieu of actual construction and completion by the subdivider and acceptance by the planning commission of the improvements required by this title and title 8 of this code, and before approval of the final plat by the county commissioners, the subdivider shall guarantee the installation and construction of the required improvements within one year from the date of approval of the final plat by providing the county with an improvement completion assurance from the options below and guarantee that the improvements shall be free from defective material or workmanship, for an improvement warranty period of one year from the date of completion by one or more of the following methods:

- A. Escrow Account:
 - 1. The subdivider may deposit with any insurance company, bank or savings and loan institution in an escrow account an improvement completion assurance in an amount equal to at least one hundred percent (100%) of the costs of the improvements required by this title and title 8 of this code, not previously accepted by the county. The costs of the improvements not accepted and not installed or constructed shall be determined by an engineer or licensed contractor and reviewed by the county road supervisor. The escrow agreement shall be

subject to approval by the county attorney and shall be signed by the subdivider, the county and the escrow holder, and shall contain substantially the following:

AGREEMENT

The undersigned hereby promises and warrants that it has in an escrow account for the benefit of Duchesne County, the sum of \$, which represents at least 100% of the estimated costs of the improvements not accepted by Duchesne County and not constructed or installed by the developer of the subdivision.

The undersigned hereby agrees that the foregoing sum of money shall be used exclusively for the purpose of paying the costs of materials, and construction and installation of the improvements required by the Duchesne County subdivision ordinance. The undersigned further agrees that the money held in this escrow account shall be paid out to the contractors installing and constructing the required improvements only upon an order executed by an authorized officer of Duchesne County and the subdivider.

The subdivider shall not withdraw from the escrow account any amount in excess of 100% of the estimated cost of the improvements, but shall pay from other sources any costs for such improvements which exceed 100% of the costs estimated by the engineer or licensed contractor and approved by the county road supervisor.

A sum equal to 10% of the estimated costs of improvements shall remain with the escrow holder for a period of one year after all improvements are made and completed. If, after one year, all or any of the required improvements are not installed, constructed and maintained according to the standards required by the Duchesne County and the subdivision ordinance of the same, Duchesne County shall notify in writing the subdivider that the defects must be corrected. If the defects are not corrected within ninety (90) days, Duchesne County may, but shall not be required to, correct the defects and charge to the escrow holder the costs of correcting the defects.

The escrow holder shall, on receiving reasonable proof from Duchesne County of the defect and that Duchesne County has incurred the cost of correcting the defect, pay to Duchesne County from the escrow account the cost of correcting the defect, and the escrow holder shall be held harmless by the parties by reason of payment to Duchesne County.

If, after one year from the date Duchesne County accepts the improvements required by its subdivision ordinance, the required improvements remain substantially free from latent defects, Duchesne County shall certify such fact to the escrow holder, and the escrow holder shall release to the subdivider any money still held in the escrow account, and the escrow holder shall be discharged of its obligation to Duchesne County.

(Authorized Signature)

2. The escrow agreement may contain such additional provisions as the parties deem necessary.

B. Irrevocable Letter of Credit:

1. The subdivider may file with the county an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution to serve as improvement completion assurance, which letter shall contain provisions substantially similar to that required in the escrow agreement. The form of the irrevocable letter of credit shall be substantially as follows:

Name of Bank

SUBDIVISION PRELIMINARY PLAT
Defa's Dude Ranch Subdivision
Alfonzo Defa Family LLC
September 2, 2026

Address
Irrevocable Letter of Credit
To: Duchesne County
Date:
Letter of Credit No.:

Gentlemen:

We hereby establish our irrevocable letter of credit in your favor for the account of (insert name of subdivider, subdivider's address) up to the aggregate amount of \$ (insert amount available by your draft(s)) drawn on sight on (insert name of bank, address of bank), accompanied by (here insert terms which give Duchesne County control over payments). The terms would ordinarily read:

A statement signed by the officer of Duchesne County dated not later than (insert estimated completion date plus a couple of months' leeway) as follows:

We certify that the on site improvements related to the (insert name of subdivision) have not been completed in accordance with county ordinances and that this drawing represents the amount necessary to complete those on site improvements. We hereby agree with drawers, endorsers and bona fide holders that all drafts under and in compliance with the terms of this credit will be duly honored upon presentation and delivery of documents as specified to the drawee or drawn and presented for negotiation on or before (insert completion date as set forth) at our bank.

Yours very truly,

Authorized Bank Officer

2. Upon completion and written acceptance of the improvements guaranteed by the irrevocable letter of credit, the county shall release its interest in ninety percent (90%) of the improvement completion assurance, with the remaining ten percent (10%) held as an improvement warranty for one year. One year after acceptance, if the improvements continue to meet county standards, as determined by the county public works department, the county will release its interest in the ten percent (10%) improvement warranty. Upon completion and written acceptance of the improvements, the county shall release its interests in the entire letter of credit.
- C. Bond: The subdivider may furnish and file with the county planner a bond with corporate surety in an amount equal to one hundred percent (100%) of the cost of the improvements not previously installed, as estimated by an engineer or licensed contractor and approved by the county road supervisor, to assure the installation and construction of such improvements within twelve (12) months immediately following the approval of the subdivision plat by the commissioners, which bond shall be approved by the commissioners and county attorney. Upon completion and written acceptance of the improvements, guaranteed by the bond, the county shall release its interest in ninety percent (90%) of the bond, with the remaining ten percent (10%) held for one year. One year after acceptance, if the improvements continue to meet county standards, as determined by the county public works department, the county will release its interest in the ten percent (10%) bond. Upon completion and written acceptance of the improvements, the county shall release its interests in the entire bond.

No improvement completion assurance was indicated or plan submitted as part of this subdivision land use application. No improvements are proposed as part of this subdivision.

- D. Improvement Guarantee Required: If the subdivision improvements are completed and accepted prior to final plat approval, an improvement warranty of ten percent (10%) of the actual improvement construction cost shall be deposited with the county. One year after acceptance, if the improvements continue to meet county standards as

determined by the county public works department, the county will release its interest in the ten percent (10%) improvement warranty.

Requirements in this section will be reviewed as part of the Final Plat review process.

- E. Extension Of Warranty Period: Notwithstanding the above, if the county determines, for good cause, that a one year improvement warranty period would be inadequate to protect the public health, safety and welfare, such warranty period may be extended up to one additional year if the county has substantial evidence on record or prior poor performance by the applicant or that the area upon which the improvements will be constructed contains suspect soil and the county has not otherwise required the applicant to mitigate the suspect soil.
- F. Partial Release of Improvement Completion Assurance: Notwithstanding the above, the county may authorize partial release of the improvement completion assurance as portions of the required improvements are completed and accepted by the county or other approval authority.
- G. In accordance with Utah Code, Duchesne County does not require an applicant to provide improvement completion assurance for:
 - 1. Landscaping or an infrastructure improvement that the county has previously inspected and accepted:
 - 2. Infrastructure improvements that are private or are not required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.

CONCLUSIONS AND RECOMMENDATIONS

Report Conclusions

- 1. The request complies with the requirements of the Duchesne County Subdivision Ordinance.
- 2. The request is valid.

Recommended Motion

I move the Planning Commission adopt the findings and conclusions of this findings report, and approve the preliminary plat of the DEFA'S DUDE RANCH SUBDIVISION, subject to the following conditions:

- 1. Any required consultation or permits from the Utah Department of Environmental Quality be held and issued prior to Final Plat approval.
- 2. Applicant will provide the Planning Division with an approval letter from the Duchesne County Fire Authority.
- 3. Applicant will provide a title report to the Planning Division as part of the Final Plat approval process.

SUBDIVISION PRELIMINARY PLAT
Defa's Dude Ranch Subdivision
Alfonzo Defa Family LLC
September 2, 2026

Recommended to the Planning Commission this day, September 2, 2026, by

Planning Division Designee



Mike Gottfredson AICP
Assistant Community Development Administrator