

FINDINGS OF FACT

DUCHESNE COUNTY

PLANNING COMMISSION MEETING

MAY 7, 2008

FILE NAME: Canyon Breeze Meadow Subdivision (Final Plat)
APPLICANT: Carl Foote
PROPOSAL: 6-lot subdivision
LOCATION: SE ¼, NE ¼, Section 19, Township 1 North, Range 1 West
ZONING DESIGNATION: A-5

REPORT CONTENTS

FINDINGS OF FACT.....2
CONCLUSIONS.....6
RECOMMENDATION AND
CONDITIONS OF APPROVAL 6

FINDINGS OF FACT

1. PROPOSAL DESCRIPTION

The applicants are proposing a residential subdivision, consisting of 6 lots ranging from 2.5 to 3.65 acres in size. The property is located on the west side of 2000 West [the Uintah Canyon Highway], about 2.5 miles north of Neola.

The Planning Commission approved the preliminary plat for this subdivision on May 7, 2008, subject to the following conditions:

1. All roads serving lots in this subdivision shall be constructed to paved county standards and accepted by the County Road Department prior to recording of the final plat, unless bonding is provided. If the final plat specifies private road maintenance, the gravel county standard will suffice.
2. All new dwellings constructed within this subdivision shall be provided with a residential fire sprinkler system, prior to the issuance of a Certificate of Occupancy.
3. The developer shall be responsible for providing a street sign at the intersection of 11650 North and 2000 West prior to the occupancy of homes in the subdivision. The developer shall coordinate with the County Road Department in the purchase, manufacture and installation of such signage.

2. HISTORY OF EVENTS

April 15, 2008	The application was submitted.
April 23, 2008	The application was deemed complete.
April 23, 2008	Notice mailed to property owners within three hundred feet (300') of the subject property.
April 29 & May 6, 2008	Notice published in the Uintah Basin Standard
May 7, 2008	Planning Commission meeting.
May 12, 2008	County Commissioners review of final plat

3. DUCHESNE COUNTY SUBDIVISION CODE (findings are listed in bold type)

Section 16.20.020 Final plat required.

After compliance with the provisions of Section 16.20.010, the subdivider shall submit a final plat twenty-four (24) inches by thirty-six (36) inches and one eleven (11) inch by seventeen (17) inch copies thereof to the planning office. The final plat and accompanying information shall be checked by the Planning Department for compliance with Titles 16 and 17. Such plat shall be submitted to the planning office at least ten working days prior to a regularly scheduled Planning Commission meeting in order to be considered at said meeting. A complete proposal is necessary to have the application placed on the Planning Commission agenda.

Section 16.20.030 Final plat requirements.

The final plat shall consist of a sheet of tracing Mylar at least three mil in thickness, approved by the County, to the outside trim dimensions of twenty-four (24) inches by thirty-six

(36) inches, and the border line of the plat shall be drawn in heavy lines, leaving a space of at least one-half inch on the bottom, top, and right side, with at least one and one-half inches on the left side. The plat shall be so drawn that the top of the sheet faces either north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on the Mylar with approved waterproof black ink. The plat shall be made to a scale suitable to show sufficient detail and the workmanship on the finished drawing shall be neat, clean and readable. The plat shall be signed by all parties duly authorized and required to sign, and shall contain the following information:

- A. A subdivision name in bold letters at the top of the Mylar as approved by the Planning Director, and a vicinity map locating the subdivision.
- B. A north point arrow, bar scale of the drawings and date.
- C. Accurately drawn boundaries showing the proper bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines.
- D. The widths, lengths, bearings, (including basis of bearing), and curve data on center lines of proposed streets, and easements; the boundaries, bearing the dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, and the numbers of all lots, blocks, and parts consecutively by numbering approved by the Planning Commission. Private roads shall also be labeled.
- E. Parcels of land to be dedicated as public parks or to be permanently reserved for private common open space shall also be titled "public park" or "private common open space," whichever is applicable.

(The mapping requirements of subsections A-E above have been met)

- F. The standard form approved by the Planning Commission for all subdivision plats lettered for the following:
 - 1. Legal description of the land for the subdivision.
 - 2. Registered professional land surveyor's "certificate of survey."
 - 3. Owner's dedication certificate, including any records or other known interests.
 - 4. County Planning Commission's certificate of approval.

5. Permanent address for each lot.
6. County Commissioner's certificate of approval attested by the County Clerk.
7. County Recorder's certification of recording.
8. Established 66 ft right-of-way to existing County B road or state route or U.S. highway.
9. An affidavit from the County Treasurer showing that all taxes are current.
10. An acknowledgment from the developer or their agent that the state of Utah Department of Business Regulation stating guidelines for the Land Sales Practices Act have been met for subdivisions having ten lots or more.
11. A letter from the Road Supervisor approving the roads within the subdivision.
12. The public offering statement as outline in Section 16.12.020.
13. Title report.
14. Any other items on the checklist as approved by the Planning Commission.

(The requirements in #1-9 above have been met. A public offering statement is not required as fewer than ten lots are proposed. Road Department approval of the new road [11650 North] will be required prior to recording of the final plat, unless bonding is posted. A title report, dated April 22, 2008 has been received and used by the surveyor to note easements on the plat. Because the title report revealed a Zion's Bank trust deed on the property, the bank must issue a written clearance to subdivide prior to recordation of the final plat).

Section 16.20.050 Final plat approval.

The final plat and associated documents shall be reviewed by the staff. The County Road Supervisor shall check the road engineering requirements of the drawing, check the road construction drawings, and determine the amount of the surety to assure construction of the road improvements where necessary. After approval and signature by the County Road Supervisor, the plat and/or surety agreement shall be submitted to the County Attorney for approval.

The final plat shall be reviewed by the Planning Commission, which shall act on the plat as submitted within sixty (60) days after its presentation to the commission or, if modified, within sixty (60) days of the presentation of the latest modification. The Commission shall then

either approve or reject the subdivision final plat. If approved, the Planning Commission shall express its approval through the signature of the Commission chairman and shall forward the plat to the County Commission.

The final plat shall be reviewed by the County Commission, which shall act on the plat as submitted within sixty (60) days after its presentation to the Commissioners or, if modified, within sixty (60) days of the presentation of the latest modification. The Commissioners shall then either approve or reject the subdivision final plat.

No final plats shall be recorded in the office of the County Recorder, and no lots included in such final plat shall be sold or exchanged, unless and until the plat is so approved, signed, and accepted.

Any final plat not so approved and signed, or which shall not be offered for recording within ninety (90) days after the date of final approval, unless the time is extended by the County Commission, shall not be recorded or received for recording and shall have no validity whatsoever.

It is unlawful for any person to change the lines, drawings, lot sizes or shapes, or any other provision of a plat after it has been received by any person whose approval is required. Any plat that is changed in violation of this paragraph is void and the subdivider shall be guilty of a Class B misdemeanor and, upon conviction thereof, be punished by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than six months, or by both fine and imprisonment. In addition the County may compel the person recording the plat to withdraw the plat from the recorder's office or to file a notice, or the County may itself file a notice that the recordation of the plat is void. The County Recorder is responsible for recording all subdivision plats. The subdivider shall be responsible for all recording and associated fees.

All final plats submitted for recording shall be accompanied by a disk containing the final plat drawing in an AutoCAD compatible format, such as dxf, dwg or shp.

Section 16.20.060 Dedication of Streets and Other Public Places

- A. Plats, when made, acknowledged and recorded according to the procedures specified in this code, operate as a dedication of all streets and other public places, and vest the fee of those parcels of land in the county for the public for the uses named or intended in those plats.
- B. The dedication established by this section does not impose liability upon the county for streets and other public places that are dedicated in this manner but are unimproved.

In 2006, Duchesne County adopted the Utah Wildland Urban Interface Code. This code sets forth standards intended to make developments in rural areas less susceptible to Wildland fire

danger. Roads in the development will meet fire access standards. Residential sprinkler systems will be required and other standards will be addressed during the building permit process.

CONCLUSIONS

1. The request will comply with the requirements of the Duchesne County Subdivision Code, provided that conditions are imposed.
2. The request is valid.

RECOMMENDATION

Recommended motion: I move that the Planning Commission recommend to the County Commission the adoption of the Findings of Fact and Conclusions set forth in this report and approval of the final plat of the Canyon Breeze Meadow Subdivision, subject to the following conditions:

1. All roads serving lots in this subdivision shall be constructed to county standards and accepted by the County Road Department prior to recording of the final plat, unless bonding is provided. If the final plat specifies private road maintenance, the gravel county standard will suffice.
2. All new dwellings constructed within this subdivision shall be provided with a residential fire sprinkler system, prior to the issuance of a Certificate of Occupancy.
3. The developer shall be responsible for providing a street sign at the intersection of 11650 North and 2000 West prior to the occupancy of homes in the subdivision. The developer shall coordinate with the County Road Department in the purchase, manufacture and installation of such signage.
4. The final plat cannot be recorded until Zion's Bank issues a written approval to subdivide the property on which they hold a trust deed.