

STAFF REPORT

DUCHESNE COUNTY

PLANNING COMMISSION MEETING

MAY 7, 2008

FILE NAME: Prairie View Estates Subdivision (Preliminary Plat)
APPLICANT: Kirk and Kellee Grant
PROPOSAL: 4-lot residential subdivision
LOCATION: Section 36, Township 3 South, Range 5 West
ZONING DESIGNATION: R ½

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FINDINGS OF FACT

1. PROPOSAL DESCRIPTION

The applicants are proposing a residential subdivision, consisting of 4 lots, each 1 ¼- acre in size, on five acres of land located between the Duchesne LDS Stake Center and the Duchesne UDOT Maintenance Shop, north of Duchesne City. The five-acre parcel being considered for development was created by minor subdivision on February 28, 2008. Further minor subdivision cannot occur for one year; thus, this subdivision is being processed as a standard subdivision to avoid that waiting period.

2. HISTORY OF EVENTS

March 20, 2008	The application was submitted.
April 22, 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 of hearing published in Uintah Basin Standard
May 7, 2008	Planning Commission meeting.

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

Section 16.16.030 Preliminary plat requirements.

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

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.

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.

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 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.

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 freshwater, groundwater, wetlands, and salt water, showing the various storm water 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 planting and parks, and any grading of individual lots.

Q. The proposed layout, dimensions, area, and number of each lot.

R. Established 66' right-of-way to existing County B road, state route or US 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 or more lots, as outlined in Section 16.12.020 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. 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:

1. Wherein onsite wastewater systems are proposed, the location of soil classification and percolation tests are shown proposing such use. Such location shall be indicated by "o" or a similar symbol.
2. Wherein onsite waste water systems are proposed, the results of all final soil and 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. For any subdivision containing lots under 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 Section 16.28.030 (C) of this code.
4. For any subdivision, if a public water supply is proposed, the applicant shall obtain a letter of approval from the Division of Drinking Water and 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.

(The above requirements have been met. The plat contains the information required by this section. Health Department approval is not required, as Duchesne City water and sewer will serve the subdivision).

Section 16.24.010 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 proposed subdivision has frontage on and access to a County Road bordering the southwest corner of the subdivision known as Workman Drive. The Road Department issued an approach permit for the new private driveway on March 31, 2008).**

Section 16.24.020 Streets.

A. 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 public road is not required in this case as up to five lots may be served by a private roadway. This standard came into effect when the County adopted the Wildland-Urban Interface Code in 2006. The applicant is providing a thirty-foot wide access easement that will be graveled and privately maintained. As further development occurs, landowners to the west could provide an additional 30 feet of right of way to allow for a public road, if needed. It is anticipated that this area will be annexed to Duchesne City at some point in the future and, if the lots are divided into smaller sizes, the city-standard road improvements would then occur).**

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; **(The private road is about 650 feet in length and would be provided with a temporary hammerhead turn around at the north end, until such time as the road is extended to the north. The turn around has been designed to accommodate a fire truck and other large vehicles.)**
- b. Residential rural zone (R-1), two thousand six hundred forty (2,640) feet;
- 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 temporary turnaround is provided at the north end of 21250 West until such time as that road is extended).**

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.

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.

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; 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.

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 16.08.040 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 (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. **(In this case, a private driveway easement is providing legal access rather than a private road, which is allowed for subdivisions with five or fewer lots).**

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 will be responsible for the cost of providing street signs at the street intersection. The developer shall coordinate with the County Road Department in the purchase, manufacture and installation of such signs.)**

Section 16.24.030 Lots.

- A. 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. 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.

- C. Buildings constructed on corner lots shall comply with the minimum setback for both streets, as provided in the County zoning ordinance.
- D. Side lines of lots shall be at approximately right angles to the street line, or radial to the street line.
- E. 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.
- F. Lots shall not exceed a ratio of five to one length to front. This standard is waived if the lot frontage width is $1/32^{\text{nd}}$ of the Section width or greater.
- G. 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 16.24.040 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 plat contains an access easement along the west side. The plat also shows the existing utility easement bordering the subdivision to the east, where water, sewer and gas lines are located. There are no drainage channels or flood zones on the property).**

Section 16.24.050 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. **(Acceptable covenants have been received)**

Section 16.28.030 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. All streets shall be surfaced, graded and maintained in accordance with the standards and specifications of Duchesne County. **(Since the lots would be provided with private driveway access to the public road, this standard is not applicable).**

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:

1. All roads into and within a subdivision are completed to County B road specifications, including the standards of Section 16.24.020 of this code (to and through) and approved by the County Road Supervisor.
 - a. 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.
 - b. 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 16.28.050 of this chapter, shall be in place to cover at least one hundred twenty-five (125) percent of the costs of road construction, thereby guaranteeing the installation of said roads.

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.

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.
2. Evidence that wells proposed as water sources can be adequately isolated from all present or potential sources of pollution.
3. 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.
4. 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, water is available from existing Duchesne City water lines, as set forth by letter dated March 7, 2008).**

- 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.
 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.

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 current Duchesne City fire hydrants are located at the UDOT Maintenance Shop [some 350 feet north of the north boundary of the subdivision] and at the LDS Stake Center [some 450 feet south of the south boundary of the subdivision]. The existing hydrants do not provide service within 500 feet of each of the new lots. A new hydrant will need to be installed at a location approved by the Fire Department, at the expense of the applicant, prior to recording of the final plat and issuance of any building permits in this subdivision.**
- c. An exception to the fire protection requirements of (a) and (b) 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 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). **(City sewer lines exist on the east side of this subdivision to serve these proposed lots).**

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.

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. Fire Hydrants. 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). **(As stated above, one new fire hydrant will need to be installed on the Duchesne City water system, at the expense of the developer, at a location approved by the Fire Department.)**

K. 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 the issue is raised by other landowners abutting the proposed subdivision prior to or during the public hearing).**

L. 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 16.12.020. **(Not required as fewer than ten lots are being created)**

M. 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.

N. 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 Code. This code sets forth standards intended to make developments in rural areas less susceptible to Wildland fire danger. Due to this subdivision being located within an area served by city water and fire hydrants, in close proximity to the Duchesne City fire station, a wildfire protection plan has not been required in this case.

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 adopt the Findings of Fact and Conclusions set forth in this Staff Report and approve the preliminary plat of the Prairie View Estates Subdivision, subject to the following conditions:

1. Developer shall provide an additional fire hydrant, with improved fire truck access, on the Duchesne City water system at a location approved by the Fire Department, prior to the recording of the final plat, unless bonding is posted.
2. Developer shall work with the County Public Works Department in the provision of street signs, which shall be installed prior to occupancy of homes in the subdivision.

Report Prepared by:

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Community Development Administrator