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SPRINGDALE APPEAL AUTHORITY

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Springdale City Office
118 Lion Blvd.
Springdale, UT 84767

COPY

Reported by Russel D. Morgan, CSR.73

1 the proposed entrance to the parcel must traverse slopes
2 greater than 30 percent, which does not meet the criteria of
3 the community's ordinances in regards to disturbance of
4 steep slopes.

5 The participants' representative at the last
6 meeting provided slope analysis provided by a professional
7 land surveyor. And other information was provided to the
8 hearing officer at that meeting along with public comment.

9 After that public meeting, a decision was issued
10 denying the request. The focus of this reconsideration
11 request is paragraph 18 of the decision, which was made in
12 2015, which states that a definitive survey of the
13 prescriptive easement in relation to the subject parcel may
14 identify access without the need to disturb slopes of
15 30 percent or greater. And that's the issue at hand today.

16 Tom, I'll turn some time over to you to make a
17 staff presentation.

18 MR. THOMAS DANSIE: Thank you. Mr. Sizemore, as
19 you mentioned, the applicants have requested a rehearing
20 based on that paragraph 18. Just to put on the record, that
21 request was allowed by an interpretation of the town council
22 concerning Section 10-3-3 M of the town code which prohibits
23 refileing of a variance application for one year. In the
24 event an application is denied, the applicant requested the
25 council to interpret that section such that they could ask

1 not for a new variance, but for a rehearing based on
2 additional evidence.

3 And so, the additional evidence the town council
4 granted or interpreted the ordinance such that that request
5 could be made. So, the new evidence that the applicants are
6 presenting today consist of a declaration from Mark Schraut,
7 a professional surveyor, stating that the only access to the
8 subject property from Kinesava Drive is that identified on
9 the survey submitted with a variance application.

10 They have also submitted a pre-production of the
11 online GIS Personal Map from Washington County, Washington
12 County Recorder's Office showing the subject property and
13 also showing a representation of Kinesava Drive. And then
14 they have included two Google map images, again, showing the
15 subject property and it's relationship to Kinesava Drive.

16 So, that's the additional information. From the
17 staff's standpoint it encourages the hearing officer to
18 analyze that. When we get, with respect to paragraph 18,
19 and then make a determination based on that, whether or not
20 this additional information warrants a different decision,
21 obviously, that you are aware paragraph 18 is only one of
22 the reasons or one of the findings for the denial.

23 And so, we encourage the hearing officer to use
24 the same evaluation criteria with this rehearing as with the
25 original hearing.

1 ADMINISTRATIVE HEARING OFFICER: Thank you. Mr.
2 Jenkins.

3 MR. JENKINS: Thank you. It's been fairly well
4 summarized what our position is. And as I looked at the
5 denial of the variance the first go around, it did seem as
6 though there was almost a request. I don't know if I would
7 call it a request. But you noted that the information you
8 had at hand didn't necessarily show whether the prescriptive
9 easement would have historically continued on into such a
10 location where you could avoid a 30 percent slope area.

11 So, what we did is look at that and provided what
12 additional information we could to show that or to support
13 the position that the prescriptive easement ends on the
14 property adjacent to the Lane's property. It doesn't go
15 through and continuing back up.

16 The Google Maps, that the reason they are sort of
17 helpful is, historically, it would show how it subjects.
18 It's typical in this environment that when you disturb
19 vegetation it remains disturbed for quite some period of
20 time. And that you would typically be able to see, from an
21 aerial view, tracks or of prior right-of-way that had been
22 used.

23 And none of that appeared to be evident from those
24 Google Maps, that the road appeared on those maps as it
25 appears essentially today at the end of that adjacent

1 property.

2 The same thing with the mapping that we were able
3 to pull off at the county. Mark Schraut, obviously, is here
4 for another matter, but was the surveyor of that piece. He
5 is very familiar with the area. And, in his impression,
6 there isn't another access off of Kinesava Drive that he
7 would be aware of in his experience and his time in this
8 area to -- there wouldn't be another point of access other
9 than the one we identified in his survey.

10 The other thing that it does for the Lanes is if
11 access is denied at this only point of access, then for
12 them, the property becomes essentially useless. And not
13 that it -- not that it has direct application to this
14 variance of reconsideration, but what the Lanes had to do
15 between the denial of their variance and to preserve their
16 rights, and today, is file with the ombudsman a takings
17 claim.

18 And the basis for that would essentially be they
19 historically had access until the town amended its
20 ordinances, and then its ordinances would have done
21 something to have created a regulatory taking. And that
22 would be a problem that the recognition of this historic
23 access of the location shown in the survey of Mr. Schraut's,
24 all of that would be avoided.

25 I think that this information we present today

1 sort of closes the loop on, or answers the question maybe is
2 a better way to say it, on that paragraph 18, wondering if
3 maybe because of that -- I understand to you a prescriptive
4 easement, you get what rights historically you had to an
5 extent you have them and for the full length of that. And
6 so, if there was a continuation of that prescriptive
7 easement through the adjacent property back into the Lane
8 property, then maybe we could all avoid this today. But
9 since there isn't, we can't.

10 At that point, if you have any questions, Mr.
11 Sizemore, I would be happy to answer anything you may have.

12 ADMINISTRATIVE HEARING OFFICER: Okay. As I have
13 analyzed the materials that have been provided for this
14 reconsideration, I did some measuring on the maps provided.
15 I would note for the record that in September of 2015 I did
16 a site visit in preparation for the first hearing. And I
17 would concur that the materials provided indicate very
18 clearly that the prescriptive easement ends on the adjacent
19 parcel and that there is no evidence of a prescriptive
20 easement making its way back to the subject parcel. That's
21 correct.

22 However, it is the case that there is a gate on
23 the property line between the subject parcel and the parcel
24 where the prescriptive easement ends. And disturbance on
25 the ground indicating that an access has been historically

1 provided from the adjacent parcel to the subject parcel in
2 recent times. And a gate is literally right there on the
3 fence line indicating access to the parcel. Are you aware
4 of any indications that that access is there and available
5 for use as part of the prescriptive easement?

6 MR. JENKINS: I'm not aware of that. What I am
7 aware of is that the adjacent property owner, that the Lanes
8 have reached out to that adjacent property owner trying to
9 resolve this issue with them. And there has been no
10 resolution. There has been a refusal. In fact, the request
11 for this reconsideration, the hearing would have been set
12 earlier, however, the Lanes were in serious negotiations,
13 talks with that adjacent owner hoping to resolve all of
14 this. That broke down and nothing resolved.

15 The adjacent landowner does not see that the Lanes
16 have a right through their property to get to the upper
17 portion of the Lane property.

18 And so, with prescriptive easements, again, they
19 are, no one knows what extent they are, really, until a
20 court decides what they are. Because it's all a matter of,
21 how many years was it used? How many years of nonuse? Was
22 it used continuously for that period of time? And any
23 interruption of that continuous use would essentially
24 restart the clock. So, there is, as I see it, no evidence
25 that there has been that continuous sort of use that would

1 sustain a prescriptive easement past where it appears to
2 dead end now on the adjacent property and not circulating
3 back up to the Lane property.

4 ADMINISTRATIVE HEARING OFFICER: Are you aware, in
5 your research, where the service for the adjacent property
6 owner ends in terms of utilities? And in typical utility
7 fashion there is a distribution line and then a feeder line
8 into the home. So, there should be an electrical service, a
9 telephone service, perhaps a water service from distribution
10 to laterals that feed the adjacent home. Are you aware of
11 the location of any of those laterals into a distribution
12 line for any of those kinds of utilities?

13 MR. JENKINS: I'm not. I would say that I didn't
14 see that as the -- I didn't see utility service as the
15 subject of the road access issue, so we did not look into
16 those issues. And I guess, as I stand here, I still maybe,
17 can you help me -- I'm not understanding why the utility
18 lateral line --

19 ADMINISTRATIVE HEARING OFFICER: In my mind, that
20 would indicate continuous use, because utility providers
21 would have been accessing and maintaining their distribution
22 system to the laterals. So, that would indicate that
23 definitive extent of the prescriptive easement. And perhaps
24 that's only for a court to decide.

25 MR. JENKINS: Well, and to the best of my

1 knowledge, and the Lanes have not indicated otherwise, there
2 is no utility service that goes off of, and I can't remember
3 the name of the adjacent property owner, but there are no
4 utility lines that extend beyond that adjacent property line
5 and go back to the Lanes. So, even if we work off the
6 premise that we have a main line that goes off and
7 terminates, then we have lateral lines that service
8 individual properties, the only lateral lines that were
9 servicing any property, service the adjacent property and
10 don't go up to the Lane property. So, if we look at even
11 the utilities as, at least, as I understand your description
12 of it, that would terminate and end again at a point that
13 does not touch the Lane property.

14 ADMINISTRATIVE HEARING OFFICER: Okay. Do you
15 have any other items that you would like to present at this
16 time?

17 MR. JENKINS: Well, I think even in terms of the
18 ordinance -- let me go to that section of the code so I
19 don't misstate it. And I know you have cited it in your
20 prior findings. I believe it is -- well, let me look at
21 your findings so I don't misstate it. Okay. It was right.
22 Section 10-25-N subsection (k). That's the ordinance that
23 recognizes and, if you will, grandfathers in these historic
24 accesses. And the historic access to the Lane property is
25 as shown on the Schraut survey right at the lower corner of

1 the Lane property. So, if they have access on that, then we
2 have another section of the code that says, well, we have
3 this 30 percent slope. And if I recall correctly, and
4 forgive me if I misspeak, but I think that that 30 percent
5 slope that came into looks like later than even the
6 grandfathering of the access.

7 So, what we have is an earlier section of the
8 ordinance that would have recognized this access without
9 reservation because the historic access and a later section
10 of the code seeming to take that away. And so, I think to
11 construe the later section of the code, to remove a, what I
12 will call a vested right at that point, because, not vested
13 in terms of whenever they have their application in to build
14 or anything, because I understand that application, get a
15 full complete application and then you vest. But it's tough
16 to vest in something that existed at this point where there
17 weren't ordinances, then ordinances come in to effect, and
18 then you are grandfathered. I would suggest that that is
19 the point of the vesting for that access so that it can't be
20 by later ordinance be removed, because they have already
21 vested in that right. That would be my analysis of the
22 ordinances in addition to the new factual information on
23 this.

24 ADMINISTRATIVE HEARING OFFICER: Okay. Anything
25 else?

1 MR. JENKINS: Not unless I can do anything to
2 convince you of my thinking.

3 ADMINISTRATIVE HEARING OFFICER: Okay. I would
4 turn to staff and, just, you have listened to this analysis
5 of vesting and what comes first. Do you have any response
6 in terms of the application of the ordinance?

7 MR. THOMAS DANSIE: Yeah. Just to -- thank you,
8 Mr. Sizemore. Just to maybe clarify a little bit what the
9 order of the ordinance is that Mr. Jenkins laid out, the
10 prohibition on disturbance on 30 percent slopes was a
11 feature of the 1992 ordinance. In 1992, the town adopted a
12 fairly significant overhaul of their ordinances. I believe
13 you are actually both pretty familiar with that process?

14 MR. JENKINS: Yes.

15 MR. THOMAS DANSIE: So, that 30 percent slope
16 ordinance was a key feature of that 1992 ordinance. This
17 section that Mr. Jenkins referenced, N-25-10(k), was
18 actually added in 2006.

19 MR. JENKINS: So, I got it backwards.

20 MR. THOMAS DANSIE: So, the order is actually
21 mixed up.

22 MR. JENKINS: Okay. Given that mixed up order, I
23 would still then say the later controls the earlier, because
24 the historic access being recognized and grandfathered at a
25 later date even after they had recognition of the 30 percent

1 slope issues to then come in later in their ordinances to
2 amend the grandfather, I think, has to mean something. That
3 later ordinance, I think, would be the controlling view for
4 the access.

5 ADMINISTRATIVE HEARING OFFICER: Another question
6 for the staff. Have you done any kind of analysis on these
7 essentially nonconforming lots in the community and how many
8 of them would exhibit this kind of a dilemma with 30 percent
9 slopes impeding the ability to utilize that property? Does
10 that make sense?

11 MR. THOMAS DANSIE: It does make sense. And we
12 have not done a formal analysis of all of these properties
13 throughout the town.

14 ADMINISTRATIVE HEARING OFFICER: Okay. Anything
15 else, Mr. Jenkins?

16 MR. JENKINS: I think that's all I have. I hope
17 it's enough, at least, for my side.

18 ADMINISTRATIVE HEARING OFFICER: Okay. I would
19 then open the floor to any public who is here to make
20 comments. Come on up. State your name for the record.

21 MR. RANDY TAYLOR: Randy Taylor. I am a member of
22 the planning commission. I have a question for Tom. Is
23 there a buildable area on this lot given that they had
24 access to it? Is there 30 percent slopes that would prevent
25 them from actually placing the house on it?

1 MR. THOMAS DANSIE: There are -- there is an area
2 on the property which is relatively flatter that has
3 non-30 percent slopes.

4 MR. RANDY TAYLOR: So, there is a buildable area
5 possibly?

6 MR. THOMAS DANSIE: There's areas less than
7 30 percent slopes. Obviously, you also need to factor in
8 setbacks and easements and all sorts of things. And I
9 haven't done that specific analysis on this property because
10 we haven't had a development application. But, in terms of
11 the slopes, there was definitely a flatter area on top of
12 the property that potentially could be a buildable area.

13 MR. RANDY TAYLOR: Do they need to cross
14 30 percent slopes on the property to get to the flatter
15 area?

16 MR. THOMAS DANSIE: I think that's the crux of the
17 variance decision.

18 MR. RANDY TAYLOR: Okay. Thank you.

19 ADMINISTRATIVE HEARING OFFICER: Any other public
20 who would like to make comments? All right. Seeing none,
21 then, the normal process then in analyzing and responding to
22 a variance request is to take the information that I have
23 received at this public hearing and to do some further
24 analysis and then produce a decision document as was done in
25 September. So, because most of this information was

1 provided in the previous proceedings, it shouldn't take very
2 long for me to generate that decision document.

3 MR. JENKINS: Okay. Appreciate that.

4 ADMINISTRATIVE HEARING OFFICER: Thank you.

5 MR. JENKINS: Anything else before I go? Okay.

6 Thanks.

7 ADMINISTRATIVE HEARING OFFICER: Thank you very
8 much. All right. We'll move on then to the second item of
9 business on the agenda. This is an application by The Mesa,
10 represented by Mark Schraut, requesting a variance for
11 parcel S-128-C, allowing a cut slope greater than 10 feet
12 high and allowing disturbances on natural slopes 30 percent
13 or greater in grade.

14 Again, I will do a short summary of what I have
15 analyzed, allow the staff to make a short presentation, and
16 then turn it over to the applicant's representative for a
17 presentation.

18 As I have received the information about this
19 application and done my preliminary analysis, I found that
20 this is not the first time this request has been made to the
21 community, that being 2009. This request was presented to
22 the Board of Adjustment in place in 2009. And a hearing was
23 held, at which time, an approval of the variance request was
24 made. And the reason that we are here today is that another
25 provision of the ordinance indicates that if the requested

1 action doesn't happen within one year, the variance is
2 nullified, and you have to start over again, essentially,
3 with the variance request. And so, Tom, would you like to
4 give a staff report?

5 MR. THOMAS DANSIE: Thank you. As you mentioned,
6 Mr. Sizemore, the request, this variance request is for
7 relief from two sections of the code. The first is Section
8 10-15-7, which limits the heighth of cut slopes to 10 feet
9 in heighth. And the second is 10-15-9, which prohibits the
10 disturbance of natural slopes which exceed 30 percent in
11 grade. The request is made to allow the improvement of an
12 access road that would serve The Mesa project.

13 The Mesa is an artist retreat, artist residency
14 center, that has been proposed for sometime but has not yet
15 been developed. The project proponents are now looking at
16 potentially developing that in the near future. And one of
17 the major obstacles to development of that project is
18 access. The proposed access to the property follows the
19 course of an existing dirt road. The existing dirt road
20 provides access to the town's one million gallon water tank.

21 And for the purpose of service vehicles, that road
22 is adequate. However, to serve the proposed Mesa project,
23 that road would need to be widened and the grade of the road
24 need to be reduced in several locations to meet fire code
25 standards. Because of the steep slopes which the road

1 traverses, making those improvements will require
2 disturbance of slopes greater than, natural slopes greater
3 than 30 percent in grade and will also require cut slopes
4 greater than 10 feet in heighth. And so, that's the reason
5 for the applicant's request.

6 Mr. Sizemore, you mentioned the previous variance
7 request, so I won't go into that. I will note that the
8 applicant has also made an application for a grading permit
9 to the planning commission. Obviously, that grading permit
10 will be contingent on the appeal authority, on the hearing
11 officer's action on this variance request.

12 ADMINISTRATIVE HEARING OFFICER: Thank you. Mr.
13 Schraut, are you representing the applicants?

14 MR. MARK SCHRAUT: I am. Thank you. I don't know
15 if you have taken a look at the road on the other side of
16 the Lion Boulevard here.

17 ADMINISTRATIVE HEARING OFFICER: Yes.

18 MR. MARK SCHRAUT: The 20-foot width requirement
19 is coming from the fire marshal. I had conversations with
20 him about getting some lenience on that to be able to reduce
21 it with the road in a few places. And he was adamant that
22 we need to maintain the 20-foot width. With that, to bring
23 the road up to that standard we would not be able to have
24 any kind of residence up there. And the whole purpose of
25 this project is an artists residency. It's limited in

1 nature. But without the variance approval, we can't meet
2 the fire marshal's conditions. And, again, this road's been
3 there much longer than the ordinance has been in place.

4 ADMINISTRATIVE HEARING OFFICER: Okay. Any other
5 comments you need to make at this point?

6 MR. MARK SCHRAUT: Well, I have been working with
7 these people on and off for about 13 years now. The delays
8 have been due to the fact that their fund raising has not
9 been what they had expected. But, finally, in the last
10 years some money has been coming in. They are in a position
11 to actually build the project.

12 ADMINISTRATIVE HEARING OFFICER: Okay. I do have
13 a number of questions based on my analysis. First question
14 I have is for the staff. And that is, what circumstances of
15 change between July 2009 and today's date that would
16 indicate a different recommendation from the staff? Because
17 in 2009, the staff made a very clear recommendation that the
18 variances should be granted. What circumstances have
19 changed that might change the recommendation of the staff?

20 MR. THOMAS DANSIE: Thank you, Mr. Sizemore.
21 Maybe just to re-characterize the recommendation from the
22 staff in 2009, I believe the staff recommendation was that
23 there were arguments both in favor and against granting the
24 variance. And the staff recommendation at that time was
25 that strong arguments could be made both ways. However, the

1 arguments in favor could be seen to outweigh the arguments
2 against. So, it was a recommendation to approve, but
3 qualified, based on the fact that you could make an argument
4 the other way.

5 Having clarified that, there have not been
6 significant changes in circumstances in terms of ordinance
7 or regulation between that time and now that would impact
8 the analysis.

9 ADMINISTRATIVE HEARING OFFICER: Okay. There is a
10 statement in the staff report from 2009 that indicates
11 granting the requested variance will not affect the general
12 plan or be contrary to the public interest. Do you stand by
13 that statement?

14 MR. THOMAS DANSIE: Again, I think that you could
15 make arguments both based on the general plan and the public
16 interest. I think you could make argument both in favor and
17 against granting the variance. The general plan, obviously,
18 contains a plan which is protecting sensitive slopes and
19 protecting fuchsia. And that's the reason why we have the
20 grading regulations that we do that limit the hydro-grade
21 cuts. And in that regard, yes, granting would be contrary
22 to the spirit of the general plan.

23 However, the general plan also contains strong
24 statements of support for the development of an arts
25 community and specific stage of support for The Mesa

1 project. So, taken in that regard, there is support for
2 making allowance for The Mesa project, and granting the
3 variance would be a strategy to help support The Mesa
4 project.

5 So, again, as I've clarified earlier, I think you
6 can make arguments both for and against the variance, and
7 reliance on the general plan follows right in line with
8 that. There are sections of the general plan that argue for
9 the variance and sections that argue against them.

10 ADMINISTRATIVE HEARING OFFICER: Okay. Thank you.
11 Question for the applicant's representative. In the records
12 of the previous hearings held about this item, there was
13 long discussion about gating the road. And in that
14 application materials you have made for this consideration,
15 you have a rendering that shows a gate. Are you proposing a
16 gated road?

17 MR. MARK SCHRAUT: Yes.

18 ADMINISTRATIVE HEARING OFFICER: Okay. Have you
19 coordinated with the city? Because, again, this access
20 provides access to the water tank. Is the City in agreement
21 to have a gated?

22 MR. MARK SCHRAUT: The road is gated at this time.
23 The City has a key to the gate as well as The Mesa. We
24 propose to move the gate to the bottom of the hill. Right
25 now it's located in the worst possible spot. The grade is

1 very steep at the gate. And to avoid any confusion, since
2 the complex intersection we are creating at the bottom, this
3 road would not be open to the general public. And we don't
4 want people heading up there by mistake then having to turn
5 around where it's almost impossible to do so. Putting a
6 gate at the bottom of the hill should alleviate that issue.
7 That rendering we are referring to is also part of the
8 earlier submittals. It's the same gate that was proposed at
9 that time.

10 ADMINISTRATIVE HEARING OFFICER: Okay. Mr.
11 Dansie, does the community have any concerns with the gate
12 and the location as proposed?

13 MR. THOMAS DANSIE: Yeah. As Mr. Schraut
14 indicated, there is a gate on the road currently. And so,
15 the presence of a gate is not overwhelmingly concerning to
16 the town. We do have statements in our ordinance that
17 discourage gated communities and gated access to
18 subdivisions. This would be somewhat different because it's
19 not a subdivision, and, certainly, controlling access up
20 that road could be to the benefit of the town. Like the
21 larger concern of the town, and I have discussed this with
22 Mr. Schraut, he's just made reference to the complex nature
23 of the intersection with a driveway entering Lion Boulevard
24 very close to the intersection of a proposed new street
25 would interrupt with the conjunction with the new

1 development. That's the town's larger concern, is just the
2 complexity of that intersection.

3 ADMINISTRATIVE HEARING OFFICER: Help me
4 understand the landownership around that intersection. Just
5 from my analysis with the materials I have been provided,
6 I'm really not positive I understand what's publicly owned
7 and what's privately owned in that vicinity.

8 MR. THOMAS DANSIE: Good question. If you look on
9 the map that's on the -- using the wrong maps. If you look
10 on the map that's on the screen, this line right here which
11 is dashed and then becomes solid and then is dashed again,
12 that is the property boundary. And, on this side, which
13 would be the southwest side of that property boundary,
14 that's The Mesa property.

15 On the northeast side, that is Town of Springdale
16 property. So, this, the intersection itself, occurs
17 entirely on property that's owned by the Town of Springdale.
18 I made reference to the fact earlier that Mr. Schraut has
19 made application for a grading permit for this road. And
20 that will be considered by the planning commission. And one
21 of the things that the planning commission will be
22 considering in their review of that grading plan, grading
23 permit proposal will be the nature of an intersection. The
24 complexity of the intersection and, obviously, the fact that
25 the proposed road does traverse property that's owned by the

1 Town of Springdale.

2 ADMINISTRATIVE HEARING OFFICER: Okay. My
3 understanding from materials provided is that this is in a
4 public use zone in the current configuration of zoning in
5 the community. And that this is a planned development
6 request. Am I correct?

7 MR. THOMAS DANSIE: It's not specifically a
8 planned development request. It's a request for artists,
9 residency units. So, residential units for artists.

10 ADMINISTRATIVE HEARING OFFICER: This road
11 traverses then private land. Is it a dedicated road or are
12 we back into a prescriptive easement situation?

13 MR. THOMAS DANSIE: The road is on property owned
14 by The Mesa. There is an easement on that road for the
15 benefit of the Town of Springdale to access the water tank.
16 But the property itself is owned by The Mesa. So, it won't
17 become a dedicated road, a public road, it will sort of,
18 basically, is the driveway or the access to The Mesa project
19 and continue also to provide access to the town's water
20 tank.

21 ADMINISTRATIVE HEARING OFFICER: Can you locate
22 for me the water tank location?

23 MR. THOMAS DANSIE: Now, I'm not sure if it shows
24 up on this. Doesn't show up there. So, let me come back up
25 to another map. So, on this aerial image that was included

1 with the staff report, let's see if I can get this a tiny
2 bit bigger. The red outline property here is The Mesa
3 property. You can see the access road showing up on the
4 arrow image. At this point, where there is a Y in the road,
5 that's where The Mesa is accessed, would wrap around up to
6 the top of their property. If you were to continue straight
7 on that access road to its terminus, there is the town's
8 water tank.

9 ADMINISTRATIVE HEARING OFFICER: Thank you. All
10 right. I think I have asked the questions that I identified
11 in my analysis. Mr. Schraut, do you have any other items
12 that you would like to present on behalf of the applicants?

13 MR. MARK SCHRAUT: Well, I don't have the exact
14 year, but I believe it was since the previous variance
15 request was granted, The Mesa partner, with the town
16 engineer, they were doing some road improvements as well,
17 and had them install, the contractor install conduits for
18 power and electricity -- or electricity, phone lines and a
19 pressure sewer line that run up to the Y at this point. So,
20 town's been well aware of the progress being made on this.
21 And the town actually designed the improvements that went
22 into the road.

23 ADMINISTRATIVE HEARING OFFICER: Okay. Mr.
24 Dansie, does the community have any standards on the width
25 of driveways, private driveways that access property?

1 MR. THOMAS DANSIE: We do. We have a minimum
2 standard and a maximum standard. The minimum standard is
3 12 feet in width at the very shortest. For commercial
4 developments that's wide. But, say, for a single-family
5 residence, the minimum width we have is 12 feet. And the
6 maximum width we have, I believe, is more than that, 30 some
7 odd feet for a driveway.

8 ADMINISTRATIVE HEARING OFFICER: And, help me.
9 I'm not sure I remember specifically now. The width of the
10 road up there is approximately 20? Am I correct?

11 MR. MARK SCHRAUT: The width now, it varies. But,
12 typically, it's 12 to 15 feet wide.

13 ADMINISTRATIVE HEARING OFFICER: Okay. All right.
14 Anything else, Mr. Schraut?

15 MR. MARK SCHRAUT: That's all I have.

16 ADMINISTRATIVE HEARING OFFICER: Thank you.

17 MR. MARK SCHRAUT: Thank you.

18 ADMINISTRATIVE HEARING OFFICER: I'll open the
19 floor up then to the community. Any members of the
20 community that would like to come up and comment on this
21 application? Again, please, state your name for the record.

22 MR. RANDY TAYLOR: Randy Taylor. I just have a
23 question. Was there any regrading done when the new water
24 tank was being constructed? Was the road modified at all
25 during that time?

1 MR. THOMAS DANSIE: The surface of the road was
2 graded and a new base coarse of road base was put down.
3 Obviously, there was a lot of excavation in the roadway for
4 the water, upgraded waterline and some of the conduit that
5 Mr. Schraut mentioned. But in terms of the width or overall
6 grade of the road, those were left essentially unchanged.

7 MR. RANDY TAYLOR: Thank you.

8 ADMINISTRATIVE HEARING OFFICER: All right. I
9 believe that I have received the information that I have
10 required.

11 Give one more opportunity for any public comment.
12 Hearing none then, as I indicated in the previous
13 application, Mr. Schraut, I will then take all of this
14 information under advisement and develop a decision
15 document. Again, since this has been heard before and we
16 have a lot of public record already in place, I don't
17 anticipate that that will take very long. And I will
18 generate a decision document and provide it to the
19 community. Any questions in that regard?

20 MR. MARK SCHRAUT: No. You are quite clear.

21 ADMINISTRATIVE HEARING OFFICER: All right. Any
22 other business that needs to come before the appeal
23 authority this afternoon? Hearing none then, I will close
24 this public hearing.

25 (Whereupon, the proceedings were concluded at 2:42 p.m.)

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C E R T I F I C A T E

STATE OF UTAH

COUNTY OF WASHINGTON

THIS IS TO CERTIFY THAT THE FOREGOING PROCEEDINGS WERE
TAKEN BEFORE ME, RUSSEL D. MORGAN, A CERTIFIED SHORTHAND
REPORTER IN AND FOR THE STATE OF UTAH, RESIDING AT
WASHINGTON COUNTY, UTAH;

THAT THE PROCEEDINGS WERE REPORTED BY ME IN STENOGRAPHY,
AND THEREAFTER CAUSED BY ME TO BE TRANSCRIBED INTO
TYPEWRITING, AND THAT A TRUE AND CORRECT TRANSCRIPTION OF
SAID TESTIMONY SO TAKEN AND TRANSCRIBED TO THE BEST OF MY
ABILITY IS SET FORTH IN THE FOREGOING PAGES 2 to 26.

Russel D. Morgan
RUSSEL D. MORGAN, CSR
LICENSE #87-108442-7801

March 28, 2016.



