

# Sanpete County Planning Commission Meeting

November 8<sup>th</sup>, 2023, 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

Planning Commission Chair Gene Jacobson, Board Members K. Rex Brown, Curtis Ludvigson, Jo-Anne Riley, Claudia Jarrett and Cody Harmer are present. Sanpete County Zoning Administrator Steven Jenson, Sanpete County Clerk Linda Christiansen. Commissioner Reed Hatch and County Recorder Talisha Johnson are present via Zoom. Board Member Justin Atkinson is excused.

Meeting is called to order by Gene Jacobson.

## APPROVE THE AGENDA

Motion is made by Claudia Jarrett to approve the agenda as is. The motion is seconded by Rex Brown and the motion passes.

## JOSEPH & ANNALISA BAILEY HAVE APPLIED FOR A 1 LOT MAJOR SUBDIVISION (BUCKSKIN GROVE SUBDIVISION) EAST OF WALES LOCATED IN THE AGRICULTURE ZONE. THE SUBDIVISION WOULD CONTAIN 1 LOT @ 8.95 ACRES. PARCEL # S-25827X

Joseph and Annalisa Bailey are not present. Steven Jenson explains that based on the new 1000' rule in the ordinance, this application is considered a major subdivision. County Road Supervisor signed off but it does need to be paved. Owner Affidavit is signed and notarized. Septic tank permit has been obtained. Water is approved and they have one acre foot of water. Letter of feasibility has been obtained from Rocky Mountain Power. Current title Search has been completed. Taxes are paid and up to date. Buffer zone application is signed and the application fees have been paid. Discussion ensues regarding the many scenarios that have been addressed to avoid expansion of the road that fronts the Bailey's property. Chair Gene Jacobson explains that he feels the County has gone above and beyond to figure out a way to avoid the major subdivision criteria in this case. The Commissioners, Scott Collard and Reed Hatch have tried to find a way to avoid enforcing the road criteria because of the unique road situation. Gene Jacobson and Steven Jenson have spent hours going through the ordinance and reviewing all possible scenarios to avoid the road requirements being enforced and yet it is not the end result that the applicant was hoping for. Mr. Jacobson mentions that two of the four subdivisions presented on the agenda tonight were started before the new ordinances were adopted. Mr. Jacobson went to the property of the proposed subdivision and noticed that the Maple Leaf (Minor) Subdivision that was previously approved in that same area, had the power installed above ground. The new ordinance as well as the old, require the power to be installed underground. Therefore this is a violation to the code and the approval given previously. Mr. Jacobson expresses concern that the requirement of utilities installed underground must be met regardless of the other subdivision in the vicinity. Commissioner Hatch comments that he talked to Ryan Savage, a Surveyor out of Sevier County; he expressed they had issues similar to Sanpete's in

requiring “patches” of asphalt to meet the road requirements. The suggestions Mr. Savage made would require changes to the new ordinance but it is worth considering. Sevier County’s solution is that a developer (home owner) records a document that commits them to pay for their share of asphalt if the road is ever to be asphalted. This avoids the issue of having patches of asphalt along dirt or gravel roads. Axtell is a prime example of many one lot subdivisions within 1000’ of each other. The first developer does not have to pay for an asphalted road but the second developer does; according to the new ordinance. Mr. Jacobson questions how the County collects the money from the property owner to pave the road. Commissioner Hatch states that the agreement is attached to the deed, it is recorded and ultimately if they don’t pay their portion it can be added to their taxes. The Planning Commission plans to meet in December to review some of the ideas that have been proposed regarding roads and adjustments that could be made to the new ordinance. Mr. Jacobson reads from the Sevier County Ordinance that Commissioner Hatch mentioned. The hope is to improve the adopted ordinance; it is a living document that can be adjusted as seen fit. Discussion ensues regarding minor and major subdivision requirements. Mr. Jacobson brings up a suggestion that rather than base the road requirements on the subdivision number of lots, it would be based on the traffic count on the road. Ms. Jarrett addresses the concern of whether or not to readdress the application once the road issues are discussed further or proceed with the application as is. Mr. Jenson states that the issue still relates to the contiguous property; the Bailey’s property was part of the original parcel that is now a four lot subdivision. The concerns in the more populated areas such as Axtell are discussed. Joseph and Annalisa Bailey have joined the meeting. Mr. Jacobson addresses the Bailey’s and informs them of the previous discussion regarding the power installed above ground being a violation. Ms. Jarrett questions whether the applicant wants this application to be considered as a major subdivision or pull the application and reapply after the road discussion. Mr. Bailey states that he will not build a road and he might as well sell due to the money it is costing him. Mr. Jacobson states that the Commission is bound by the Ordinance. The Bailey’s explain that they thought the lot was buildable and no one is going to buy it now. Motion is made by Claudia Jarrett to approve the one lot major subdivision called Buckskin Grove Subdivision to include all ordinances that pertain to a major subdivision parcel # 25827x. The motion is seconded by Cody Harmer, and the motion passes.

Cody Harmer mentions that when the Commission meets for further discussion he would like to address property that is part of an original parcel; and that it should be considered in the original approval not at a later date as it is in this situation. Mr. Jacobson requests that Mr. Jenson consult with the County Attorney on the legality of situations that may be exempt from the scenario presented by Mr. Harmer.

**PEDRO ZUBELDIA REVOCABLE TRUST (PEDRO ZUBELDIA) HAS APPLIED FOR A 2 LOT MINOR SUBDIVISION (JUSTUS WELLINGTON SEELY DESCENDANTS) SOUTHEAST OF SPRING CITY LOCATED IN THE AGRICULTURE ZONE. THE SUBDIVISION WOULD CONTAIN 2 LOTS @ 5.50 ACRES, AND 13.03 ACRES. PARCEL # S-27353X6**

Pedro Zubeldia is present. Steven Jenson, Zoning Administrator addresses the agenda item.

This subdivision application was submitted prior to the adoption of the new ordinance so it doesn't fall within the requirement of needing to comply with the 1000' distance of an existing subdivision; and there is a subdivision across the road. Research of the property revealed that the property is part of an original subdivision of three lots that was split in 1982; therefore the two additional lots would put the original parcel at five lots. A discussion needs to take place regarding the classification of this submission due to the findings of the research. The mylar has been accepted and reviewed by the Recorder's office. County Road Supervisor has signed off on the access to the property. Police Fire and Ambulance waiver is signed and notarized; as well as the Owner Affidavit. Septic tank permits have been obtained for each lot. The Utah Division of Water Rights has approved their application for over two acre feet of water, with a minimum of one acre foot requirement being met into an existing well. There is a shared well agreement with this application. The letter of feasibility has been approved by Rocky Mountain Power. A copy of the title search has been submitted and shows that there are no issues with the property. The taxes are paid and up to date. And the application fees have been paid. The mylar reveals that the property line does not extend into the road. There is an irrigation easement between the road and the property line. There is ample frontage but there is no County road adjacent to the property. Mr. Jenson addresses the history of the property split in 1982 that was mentioned previously as per the request of Mr. Jacobson. The County's grandfather date is in October of 1981. Discussion ensues regarding the dates of property splits and whether or not this property is considered a major subdivision based on the split history. Commissioner Hatch questions how it is not a major because the property did not exist until 1982, therefore it is not grand fathered. The question is how many splits have occurred off of the original parcel of land? Mr. Jenson replies that this would create lot 4 and 5. Mr. Jacobson questions the requirement of asphaltting a road because in this scenario the property owner nor the County owns the road that is being used as an access. Commissioner Hatch addresses the issue of whether or not it is a major or minor first; the application needs to be identified correctly before addressing the road discussion. The property was split in 1982 and the existing cabin was built after that. The County Recorder, Talisha Johnson verified that the split occurred in March of 1982. Mr. Zubeldia addresses the Commission and reveals that this is the first time that he has heard about the 1982 split causing an issue. Ms. Jarrett has concern as to why the application was accepted as a minor. Mr. Jacobson states that there is no question that this should be a major subdivision. Mr. Jenson accepts fault for not verifying the original parcel history prior to putting the item on the agenda. Mr. Jacobson addresses the County Recorder, Ms. Johnson on whether or not a title policy would reveal the property split history. Linda Christiansen, County Clerk comments regarding the conversation of property split research. Ms. Christiansen was formerly in the Building Department and completed many property researches. Ms. Christiansen explains that somewhere along the line of new Zoning Administrators the task of property research was lost. Property split history was researched before considering an application for approval and the 1981 date has always mattered in application review. Ms. Christiansen explains a grand fathered exemption; if a property existed prior to 1981 the acreage requirement did not have to be met but frontage and setbacks did. In the past, one house could be built on the original parcel (how it existed prior to 1981) after that the second house was considered a

subdivision. Motion is made by Cody Harmer that the Pedro Zubeldia application is tabled due to advertising error, parcel #27353x6. The motion is seconded by Jo-Ann Riley, and the motion passes.

Mr. Jacobson explains that if the application was denied, Mr. Zubeldia would have to start over. By tabling the application it can be advertised on the next agenda properly. Mr. Zubeldia will need to meet with Mr. Jenson to clarify the documents needed for the next meeting. Mr. Ludvigson has concern on the road ownership and how the paving requirements are determined.

**TIM & LINDSAY BEESLEY HAVE APPLIED FOR A 1 LOT MINOR SUBDIVISION (BEESLEY ACRES) WEST OF MOUNT PLEASANT LOCATED IN THE BC ZONE. THE SUBDIVISION WOULD CONTAIN 1 LOT @ 7.30 ACRES. PARCEL # S-26027X**

Tim and Lindsay Beesley are present. Steven Jenson presents the agenda item. Mr. Jenson explains that similar to the previous application it was submitted prior to the ordinance change in June. There is a subdivision that was approved across the highway within the 1000' distance. Mylar has been reviewed by the Recorder. UDOT has signed off on the access to the property off of a State Road. Police Fire and Ambulance waiver has been signed and notarized. Septic tank permit has been obtained from the Health Department. Utah Division of Water Rights has approved the application for one domestic use, which meets the minimum requirements for the County. Mt. Pleasant City has submitted a letter stating that they will supply power. A copy of the current title search has been obtained and taxes are paid and up to date. The Sanpete County Buffer Zone application has been submitted and has been signed by Mt. Pleasant City. The property is located in a Business Commercial Zone which requires a conditional use permit and it has been approved by the Zoning Department. Ms. Jarrett states that if family members that own property in the same area ever decide to build, their application will then be considered a major subdivision. Mr. Jacobson questions whether or not there are fences on the property. Usually a fence line agreement is included with the application. Ms. Johnson explains that the fences are addressed in the boundary description. Motion is made by Cody Harmer to recommend for approval the Tim and Lindsay Beesley one lot minor subdivision, Beesley Acres, Parcel # 26027x. The motion is seconded by Curtis Ludvigson, and the motion passes.

**BRET & AUDREY YARDLEY HAVE APPLIED FOR A 1 LOT MINOR SUBDIVISION (BRET YARDLEY MINOR) WEST OF MAYFIELD LOCATED IN THE AGRICULTURE ZONE. THE SUBDIVISION WOULD CONTAIN 1 LOT @ 7.48 ACRES. PARCEL # S-10459X1**

Bret and Audrey Yardley are present. Steven Jenson, Zoning Administrator presents the agenda item. The one lot minor subdivision mylar has been reviewed and recommended for approval by the Records office. The County Road Supervisor has approved the access from the County Road. The Police Fire and Ambulance disclaimer and owner affidavit have been signed and notarized. The septic tank permit has been obtained from the Health Department. A letter from Centerfield City has been submitted stating they will supply culinary water to the Subdivision. Rocky Mountain Power submitted a letter stating that they will supply power. The title search has been completed and there are no issues with the

property. Taxes are up to date and paid. The application fees have also been paid. The zoning office recommends the application for approval. Mr. Yardley clarifies that a main waterline for Centerfield splits and the second waterline essentially ends at his property. The home location will be placed in the area that the pivot will not run. Commissioner Hatch noticed that the correct identification is a small subdivision; not a minor, according to the new ordinance. Mr. Jacobson explains the State Code definition between minor and small. The Board does not believe that the minor discrepancy of the noticing would deter approval today. Mr. Jenson will reach out to the surveyors in the County regarding the change in verbiage. It is agreed upon by the County Recorder that the word minor can be crossed out on the mylar. Motion is made by Curtis Ludvigson to approve Bret & Aubrey Yardley application for a one lot subdivision west of Mayfield located in the Ag Zone, parcel # S-10459x1. The motion is seconded by Rex Brown, and the motion passes. Mr. Yardley expresses gratitude towards the Board; they have a tough job.

#### **APPROVAL OF MINUTES**

Motion is made by Cody Harmer to accept the Planning Commission minutes of October 11<sup>th</sup>, 2023 with no corrections. The motion is seconded by Jo-Anne Riley, and the motion passes.

Discussion ensues in order to schedule a date in December for a work meeting. Due to the fact that the Board does not have a scheduled meeting in December, it is agreed to schedule the work meeting for the regular day and time of Board meetings. Commissioner Hatch expresses concern on deciphering between a developer and someone that just wants to build a home. Mr. Harmer comments that in order to be fair each application needs to be evaluated on a case by case basis. Commissioner Hatch believes that sets a precedence. Discussion continues as to how to address the road issues with minor and major subdivisions. Mr. Ludvigson addresses the Bailey's property issues and if it could have been caught before now. The Bailey's admitted that they assumed everything was ok. The work meeting is scheduled for December 13<sup>th</sup>, 2023 at 6:00 PM.

With no further business before the Planning Commission, motion to adjourn is made by Claudia Jarrett. The motion is seconded by Curtis Ludvigson, and the motion passes.

The meeting is adjourned at 7:56 P.M.