

Sanpete County Planning Commission Meeting

January 10th, 2024, 6:30 P.M.

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

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

Meeting is called to order by Gene Jacobson.

APPROVE THE AGENDA

Motion is made by Cody Harmer to approve the agenda for January 10th, 2024. The motion is seconded by Rex Brown, and the motion passes. All in favor, none opposed.

PUBLIC HEARING FOR THOMAS & JERRI FUHRIMAN HAVE FILED A PETITION TO AMEND THE PLAT OF THE SAGE AND CEDAR SUBDIVISION. THE AFFECTED PROPERTIES ARE LOCATED NORTH OF FAIRVIEW. THIS WILL BE ADDING AN ADDITIONAL LOT TO THE SUBDIVISION. LOT 1 WILL BE 5.50 ACRES, LOT 2 WILL REMAIN 9.12 ACRES, AND LOT 3 WILL BE 23.72 ACRES. PARCEL #S-64133, AND S-64134.

Thomas and Jerri Fuhriman are present. Chair Gene Jacobson states that two of the Planning Commission Board members have joined the meeting via ZOOM due to the stormy weather. Steven Jenson, Zoning Administrator reports on the agenda item. The Zoning Department has received the amended mylar that reflects the survey of the property; it has been reviewed and approved by the Records office and is now submitted for final review by the Planning Commission for recommendation to the County Commission. The owner affidavit has been signed and notarized, as well as the police, fire and ambulance waiver. Septic tank permit for the additional lot has been obtained. A letter from Fairview City has been submitted stating that they intend to provide power to the subdivision. The Utah Division of Water Rights has approved one acre foot of domestic use water; which meets the minimum requirement. Sanpete County Road Supervisor has approved the access from the County Road. Taxes and fees are paid and up to date. Current title search was submitted that shows no issues with the property. Due to compliance with the Subdivision Ordinance, the Zoning Department recommends approval of the Planning Commission. Chair Gene Jacobson states that this subdivision has been reviewed in the past. Claudia Jarrett questions whether or not the owner's property extends into the road. Discussion ensues regarding the information that was provided in previous meetings. The road is a state road therefore the ownership does not extend into the road but is adjacent (parallel). Mr. Jenson explains that when this application was addressed by the County Commission previously, it was agreed upon by them that this application was prior to the adoption of the new ordinance and could meet the 40' wide easement rather than the 66' easement. The original subdivision approval included access approval from State Roads according to Mr. Jenson. No public comment is made.

Motion is made by Cody Harmer to approve the recommendation to move this forward for approval of the County Commission with the amendment of the Sage and Cedar Subdivision serial #'s 64133 and 64134. The motion is seconded by Rex Brown, and the motion passes. Claudia Jarrett addresses whether or not this is a small or minor subdivision. Mr. Jenson states that it is a minor but under the new ordinance it is now called a small. Commissioner Hatch explains the previous confusion regarding the classification of the subdivision due to the application submission prior to the new ordinance; it was originally addressed as a major. Part of the property included with the new amendment was originally part of another subdivision in the area that had been vacated. Commissioner Hatch explains that after consulting with the County Attorney the application is technically a minor. Claudia Jarrett has concern regarding the official record reflecting the correct term defining the subdivision. Chair Gene Jacobson states that the mylar does not identify the subdivision as small or minor. Motion is restated by Cody Harmer to recommend that the agenda item moves forward; the amendment of the Sage and Cedar Subdivision on parcels # S-64133 and S-64134. The motion is seconded by Rex Brown, and the motion passes. All in favor, none opposed. Steven Jenson states that this will be presented to the County Commission in the first meeting in February because it needs to be a public hearing as well.

PUBLIC HEARING TO CONSIDER AND POTENTIALLY RECOMMEND TO AMEND THE SANPETE COUNTY ROADWAY DESIGN AND CONSTRUCTION MANUAL AND SUBDIVISION ORDINANCE.

Gene Jacobson addresses the Commission and residents in attendance. Mr. Jacobson identifies the list of things that the Commission would like to address in the road document. Mr. Jacobson reads a portion of item #1.7.2; it addresses upgrading needed to address future development. Mr. Jacobson gives an explanation of road classifications. He states that 90% of the roads in Sanpete County that will be discussed are B roads; which means county maintained. Based on traffic, roads are classified by a design standard. Within the classification, there is a design standard based on the current and future traffic flow. Some of the design standards are: how wide does the road need to be, is asphalt required, types of gravel, dirt or composition of the road, etc. If a road falls into a certain classification, the standards for that road will be required. There are tables and figures in the manual that spell out the design standards for the road classifications. Thomas Fuhrman asks how the traffic flow is determined? Gene Jacobson explains that the answer is in Table 1. Mr. Jacobson gives some examples of ways that the traffic flow is determined. A residence brings in 10 traffic counts a day, a condo or mobile home is 7 a day and a hotel is 10 per room which is classified in the State document. Examples are given. State Code specifies that a County can designate a particular road as an assessment area. Justin Atkinson proposes the question of whether the assessment would take place one time or is it on going? Commissioner Hatch explains the process to petition SSD1 which is the special service district that decides which county roads are eligible for improvements and/or asphalt. Commissioner Hatch believes that it is a one time assessment. It is explained by Mr. Jacobson that a lot of one lot subdivisions are being approved in the same area; at some point the number of lots then require the next property owner to apply as a major subdivision. An asphalted road would then be required which is a huge expense. Once an original parcel or development exceeds

four lots it is then considered a major. This issue is one of the main issues that the Commission wants to address and find a better way to address the one lot subdivisions. Mr. Jacobson reads from the new manual; 1.8.1 new roads to be built by developer. When new roads are proposed to be built by a developer that serves more than five homes, the developer will include an analysis by an engineer. It does not specify asphalt in a private roadway. Jo-Anne Riley states that another reason this has been discussed is the question of who will maintain the road? Mr. Jacobson would like the Road access form, that is signed by the County Road Supervisor, to also verify that the manual specifications have been met. There is a discussion on deciphering between public and private. Figure #5 will potentially be added to the manual. Discussion ensues addressing various scenarios of road standard requirements and how to make the standards clear in the document. When and how a traffic study is required needs to be clarified in the document as well. Leon Day, whom is attending via ZOOM, states that qualified engineers need to follow the guidelines and there will be no issues. Mr. Jacobson explains that based on the discussion so far there will not be a lot of changes to the document. This discussion is more for clarification of the actual requirements specified in the document. Another item discussed is the requirement of a Right of Way on both sides of the road. The issue is that some neighbor's that may own the other side, won't give the footage needed for approval. Amendments can be made to the manual to address the issues that have been discussed. Mr. Jacobson believes that the spirit of the document is to improve the roads for public safety. Jo-Anne Riley feels this discussion is needed but should be discussed further to clarify all of the regulations going further. Discussion ensues again regarding enforcement and who verifies the road requirements are being met. Steven Jenson agrees that a lot of it would fall on the Zoning Department; in conjunction with the engineer design, as well as, the standards specified in the code. Commissioner Hatch states that he thought the work done was to make for better subdivisions and he does not believe they are there yet. Discussion continues amongst the Commission members on solutions to clarify the requirements. Claudia Jarrett suggests that the discussion is wrapped up and discussed further at another time. Motion is made by Cody Harmer to continue this discussion at a later date. The motion is seconded by Justin Atkinson, and the motion passes.

CAMERON COOK HAVE APPLIED FOR A 1 LOT SMALL SUBDIVISION (SILVER CREEK RANCH) WEST OF MORONI LOCATED IN THE AGRICULTURE-ZONE. THE SUBDIVISION WOULD CONTAIN 1 LOT OF 5.525 ACRES. PARCEL # S-25268

Steven Jenson presents the agenda item. Mr. Jenson reports that the mylar has been reviewed and approved by the Records office and submitted for final review. The County Road Supervisor has approved the access off of the County road. The police, fire and ambulance waiver has been signed and notarized, as well as, the owner affidavit. Septic tank permit has been obtained from the Health Department. Utah Division of Water Rights approval has been obtained for one domestic use; they meet the minimum requirement of one acre feet of water and the water is in the applicants name. A letter from Rocky Mountain Power has been received stating intent to install power to the subdivision. A copy of the current title search has been submitted and shows no issues with the property. Taxes and application fees have been paid and are up to date. A complete application has been submitted and the Zoning Department is recommending the subdivision for approval by the Planning Commission.

Gene Jacobsen states that the subdivision is approximately half a mile to one mile west of the road going from Moroni to Wales; the “T” junction. Claudia Jarrett expresses concern on whether or not the property extends into the road. Cody Harmer states that is only the case for privately owned roads. Discussion ensues on whether or not the property ownership extends into the road. Leon Day, the engineer for this subdivision, responds via ZOOM that the road used to be a UDOT road. Mr. Day was able to locate right of way monuments. Mr. Day also discussed this particular road with the right-of-way department in Richfield; they verified that there is a well established right-of-way that follows the fences. The statement has been noted on the mylar. Commissioner Hatch questions whether or not it was a state highway that was abandoned back to the County; Mr Day affirms that he believes that is true. Mr. Day also states that the Cook’s own property in the road. Gene Jacobsen refers to the County plat which shows ownership where the road is located; therefore the County does not own any of the road and taxes are being paid by property owners. Chris Davis and Cameron Cook own part of the road. Examination of the County plat ensues in order to determine how much property Mr. Cook owns into the road. Gene Jacobson states that his interpretation of the County plat is that the lot is not extended far enough south into the road to reflect the actual location of the property line on the mylar that has been submitted. Motion is made by Cody Harmer to accept the Silver Creek small subdivision on parcel # 25268 if the plat is amended to show the property boundary moved to meet the other property owners boundary (Chris Lee Davis). Discussion continues regarding whether or not the tax notice reflects that it is less the State Highway. Gene Jacobson verifies that the subdivision is not in a flood zone. County Recorder, Talisha Johnson reads the legal description for the parcel and affirms that 1.50 acres is deeded separately and it states less a county road. Commissioner Hatch believes that Mr. Day is correct based on the legal description. Property serial #25268x is the 1.50 acre piece of property that was split off of the original parcel. Cody Harmer rescinds his previous motion. Motion is made by Cody Harmer to approve Silver Creek Ranch; a one lot small subdivision on S-25268. Motion is seconded by Justin Atkinson and the motion passes. All in favor, none opposed.

KUBIC ENTERPRISES LLC (KRIS JORGENSEN) HAS APPLIED FOR A 6 LOT MAJOR SUBDIVISION (FOX RUN) 1-MILE SOUTH OF MAYFIELD. IT IS LOCATED IN THE RA-2 ZONE AND AGRICULTURE-ZONE. PARCEL # S-11141X, S-11139X1, AND 11139X3.

Kasey Peterson is present. Steven Jenson reports that the concept plan was presented to the Planning Commission previously. Mr. Jenson states this subdivision application is for a major subdivision. The power is already installed on the property. Septic tank permits have been approved through the Health Department. Utah Division of Water Rights has approved 10 acre feet of water for domestic use; one acre foot has been allotted to each lot and the water is in the applicants name. Mr. Peterson states that two wells have been drilled and water is on site. A shared well agreement will be used. The mylar has been reviewed by the Recorder’s office and it has been approved. It has been recommended by the Zoning Department for approval by the Planning Commission. The County Road Supervisor has signed off on the access from the county road. Utah Heritage Credit Union has signed an irrevocable letter of credit regarding the agreement that the developers will pave the road (with a double chip-seal) in the spring of 2024. Rocky Mountain Power submitted a letter

indicating that they will supply power. As previously stated, power is already onsite and it is underground. A current title search has been submitted with no issues or concerns with the property. Taxes and application fees are paid and up to date. Mr. Jenson states that there is a road easement of 66' through lot one and two, as per the suggestion of the Planning Commission at the time of concept plan. The police, fire and ambulance waiver has been signed and notarized; as well as the owner affidavit. Based on the application submitted the Zoning Office is recommending the Planning Commission's approval. Claudia Jarrett questions why the subdivision has been downsized from eight lots to six. Mr. Peterson states that it was done in order to maintain frontage on the existing roads. Cody Harmer comments that he likes the fact that the concept plan was presented and the developer took the suggestions from the Commission and made the changes needed for a complete submission. Motion is made by Cody Harmer to approve to move Kubik Enterprises LLC 6 lot major subdivision Fox Run to the County Commissioners serial #'s S-11141X, S-11139X1, and 11139X3. The motion is seconded by Jo-Anne Riley, and the motion passes. Commissioner Hatch mentions that he doesn't know if double chip sealed road application is required, and he is not sure that double chip sealed qualifies as an asphalt road. It is stated that the subdivision application had been submitted prior to the new ordinance.

PEDRO ZUBELDIA REVOCABLE TRUST (PEDRO ZUBELDIA) HAS APPLIED FOR A 2 LOT MAJOR 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

Steven Jenson explains that this application is considered a major subdivision due to the original parcel splits. The mylar has been reviewed and approved by the County Recorder and recommended for approval by the Planning Commission. The County Road Supervisor has approved the access to the property off of a county maintained gravel road. The owner affidavit and the police, fire and ambulance waiver have been signed by the owner and notarized. Septic permits have been obtained. Utah Division of Water Rights has approved two acre feet of water for domestic use and one acre foot is allocated to each lot. And the water is in the applicants name. Rocky Mountain Power has submitted a letter stating they will provide power to the subdivision. A copy of the current title search has been submitted and there are no issues with the property. The taxes and application fees are paid and up to date. Due to the complete application submission the Zoning Department is recommending the Planning Commission's approval. This subdivision has been discussed by the Commission for quite some time and the members discuss some of the previous concerns. Mr. Jenson states that one issue pertained to the existing cabin that Mr. Zubeldia wanted to use for an ADU. The new ordinance accommodated the square footage of the cabin, therefore he had to wait for the ordinance to be passed. Mr. Zubeldia could not have an ADU in the WUI Zone, therefore he had to apply for a major subdivision in order to utilize his property the way that he had hoped. After researching the property, it was discovered that no one owns the road. The road is a gap that is unclaimed property. Mr. Jenson states that based on the discussion in a previous meeting, the road does not need to be asphalted along the frontage because there is no ownership. Discussion ensues regarding the road concerns. One easement is for the irrigation company. It is agreed upon that the road scenarios have

been discussed to great lengths; with no real solutions, the Commission feels the approval needs to go forward. Cody Harmer states that he has concerns for further development in this area going forward. Motion is made by Cody Harmer to move the Justus Wellington Seely Descendants Subdivision for approval from the County Commissioners; parcel # S-27353x6. The motion is seconded by Rex Brown, and the motion passes. All in favor, none opposed.

SHAD & D'LYN MAYNE HAVE APPLIED FOR A 1 LOT MAJOR SUBDIVISION (MAYNE SUBDIVISION) NORTHWEST OF WALES LOCATED IN THE AGRICULTURE-ZONE. THE SUBDIVISION WOULD CONTAIN 1 LOT OF 5.86 ACRES. PARCEL # S-25103X4

Steven Jenson explains that this is the last subdivision within 1000' of an existing subdivision on each side; which classifies it as a major subdivision. The mylar has been reviewed and approved by the County Recorder. County Road supervisor has signed off the access off of the County road. The owner affidavit has been signed and notarized; as well as the Police, Fire and Ambulance Waiver. Septic tank permit has been obtained and is on file. Utah Division of Water Rights has approved one acre foot of water for domestic use and the water is in the applicants name. A power service permit was issued for power which is present on the lot. A copy of the current title search has been submitted and shows there are no issues with the property. Taxes and application fees have been paid and are up to date. It is the recommendation of the Zoning Department that this application is recommended for approval. The lots had been split as agricultural splits originally and then sold to different owners. The owners tried to apply for a building permit because they were unaware of the requirement to go through the subdivision process to make the lot buildable. Discussion ensues regarding whether or not there is an easement and the width of the easement. The mylar does not reflect a width. Steven Jenson states the Planning Commission will see many more agricultural split properties. Some people are splitting their properties as agricultural lots to avoid the subdivision process but the properties are not buildable. Justin Atkinson addresses emergency services road requirements that need to be met. The width is not indicated on the easement and 66' is required. Motion is made by Cody Harmer to table the 1 lot major subdivision application for Mayne Subdivision pending application corrections. The motion is seconded by Justin Atkinson, and the motion passes. All in favor, none opposed.

APPROVAL OF MINUTES

Motion is made by Claudia Jarrett to approve the Planning Commission minutes of November 8th, 2023 with no corrections. The motion is seconded by Cody Harmer, and the motion passes.

Gene Jacobson addresses Commissioner Hatch regarding whether or not he feels there is improvement to the ordinances and he states he doesn't feel the requirements are fully effective yet. An engineer designs the road but no one follows through to see that the requirements are met. Discussion ensues regarding ways to improve the enforcement of the standards. Steven Jenson accepts responsibility to do a better job of verifying the standards have been met. Comments made by Leon Day regarding the road requirements are read by

the County Clerk. Members of the Commission and Steven Jenson make suggestions of ways to improve the Planning Commission application and processes. Mr. Jenson will be implementing a new online program that will help improve the application process. Gene Jacobson suggests that Commission members should make a list of improvements that can be made to the road standards manual. A work meeting has been scheduled for January 24th, 2024.

With no further business before the Planning Commission, motion to adjourn is made by Rex Brown. The motion is seconded by Justin Atkinson, and the motion passes.

The meeting is adjourned at 9:17 P.M.