



PLANNING COMMISSION MEETING
117 South Main Street, Monticello, Utah 84535. Commission Chambers
March 14, 2024 at 6:00 PM

MINUTES

GENERAL BUSINESS

Welcome / Roll Call

Planning Commission Chair Trent Schafer called the meeting to order at 6:33 pm. Delay of starting due to technical difficulties.

PRESENT:

Chairman Trent Schafer
Vice-Chairman Lloyd Wilson
Commissioner Cody Nielson
Commissioner William John Johnston
Commissioner Shea Walker
Commissioner Melissa Rigg
Commissioner Ann Austin
County Administrator Mack McDonald
Planning & Zoning Administrator Kristen Bushnell
County Chief Deputy Attorney Mitch Maughan
Deputy Attorney Jens Neilson
Board of County Commissioner Silvia Stubbs

Pledge of Allegiance

The Planning Commission conducted the Pledge of Allegiance.

Approval of Minutes

1. Minutes for Meeting on February 8, 2024

Time stamp 0:02:00 (audio)

Chairman Schafer found grammatical errors in the Love's Truck Stop Transcript on page #57, line 3, to change "economics" to "commission" and on page #58, line 3 to be corrected to read "several comments through email".

Commissioner Rigg wanted to ensure that her second motion to approve the application of the Love's Truck Stop being complete was included in the transcript.

Motion made by Commissioner Rigg to approve the meeting minutes with corrections.
Seconded by Commissioner Johnston.

Voting Yea: All in favor.

Motion carries.

PUBLIC COMMENT

Public Comment was offered for anything not on the agenda. Public Comment will be allowed for individual Administrative and Legislative Items.

Commissioner Wilson had a public comment on Chapter 10 - Overnight Accommodations Overlays. He highlighted that we have existing nightly rentals that would like to obtain "conforming" status but there is nothing in our ordinance to transition these existing property uses. Administrator Bushnell responded that this is a large part of the efforts in the new ordinance and zone map considerations. Rouge properties are a huge issue in our county and the clear prohibition of overnight rentals is in effect. Commissioner Wilson stated that there is a large concern from the public of people who have bought investment properties, which are now "non-conforming", and therefore cannot be extended upon the existing uses. While this issue has existed for several years, Administrator Bushnell assured that the clarity of the new ordinance is only a few months out at this point. After the new adoption we can focus our efforts on those properties that were out of compliance and continue to be out of compliance.

Commissioner Nielson asked about the zoning maps and asked about when the Planning Commissioners would be able to review them. Administrator Bushnell will set up a work session for the Planning Commissioners to review the Draft Ordinances and Zone Maps.

ADMINISTRATIVE ITEMS

2. Review of Current Planning Commission By Laws, Kristen Bushnell, Planning Administrator

Time stamp 0:24:40 (audio)

Administrator Bushnell returned to the By Laws from our previous meeting. A letter of interest and interview has been conducted for the La Sal position. An interview will be set up with William Johnston and then the Board of County Commissioners will appoint a new member for the new 4-year term.

Administrator McDonald spoke to the process of changing any of the By Laws. There may be items that we want to open up, such as the preference given to planning commissioners having construction, architecture, planning experience, etc. There are other items such as the required 4-hours of annual training that we cannot adjust. Any changes are recommended to the Board of County Commissioners.

Commissioner Austin asked about the By Laws as "advisory guidelines" and does that take the power of the law out of these policies and procedures. Administrator McDonald stated that the

By Laws set a procedure for both staff and commissioners to abide by. Commissioner Walker noted that later in the document there is a lot of legal language. Attorney Jens Nielson summarized that the By Laws give a clear framework for operations but ultimately they could be suspended and we would operate directly off of State Codes.

Chairman Schafer asked for this item to be placed on the next meeting agenda so that all Planning Commission members may have time to review and redline the document.

Commissioner Austin had a few suggestions ready. She asked about the agenda timeline having 3 days prior to the meeting being adequate time. Administrator McDonald explained that State law states to post within 24 hours of the meeting time. We would like to give Planning Commissioners at least 3 days in the future to give time to acknowledge staff reports and content. Commissioner Walker noted that the By Laws currently state that Planning Commission Packets will go out the Friday prior to the meeting week. This would mean that staff needs to hold the deadline to that Friday morning to full and complete applications and payments.

The fee schedule has also been updated to be comparative with our neighboring counties.

Commissioner Austin asked for time at the beginning of each meeting to call for any “Conflicts of Interest” to be disclosed prior to meeting discussions, similar to the Board of County Commissioners. Administrator McDonald suggested that we include this just after the Pledge of Allegiance so that there is more transparency with the public. If conflicts of interests arise that does not mean that you cannot vote. This needs to be updated to match State Law. Chairman Schafer mentioned that it seemed appropriate not to vote if there is a monetary stake. Administrator McDonald clarified that we can have stricter standards than the State Codes if we would like.

Commissioner Austin asked for clarification on travel expenses. Administrator McDonald clarified that travel per diem would only pertain to those going somewhere for training, etc.

Commissioner Riggs asked for clarification on the discussions between commission members in private prior to the Planning Commission openly, and publicly, hearing and discussing items during Planning Commission meetings. Administrator McDonald clarified that this is governed by the Open Meetings Act. We have to be cautious of having a quorum and discussing sway of votes in private conversations while ensuring the ability of commissioners to discuss between one another for historical context and information. Commissioner Nielson asked to relook at the wording of this section to clarify what is permissible. There needs to be clarification on the term “Public Hearing”. County Commissioner Stubbs highlighted that this is also part of the ethics of being in a public position where community members are going to want to discuss topics with us but that we need to maintain impartiality until after a decision has been made at a public meeting. Attorney Nielson further agreed that this is to give respect and due diligence to the process of the Planning Commission. Commissioner Rigg suggested that we make this paragraph into two separate sections to clarify the boundaries permitted in communications between staff and commissioners.

3. Annual Open Meetings Act Training, Jens Nielson, San Juan Deputy Attorney

Time stamp 1:08:40 (audio)

Due to the delay of beginning the meeting tonight and the technical difficulties with our monitors we will move this agenda item to our next meeting in April.

LEGISLATIVE ITEMS

4. Consideration and Approval of a Conditional Use Application for a HipCamp to be Located near Looking Glass Rock for Where the Wild Things Camp, Steven Alba

Time stamp 1:09:30 (audio)

Administrator Bushnell gave an overview of the Conditional Use Application for a HipCamp consisting of sixteen (16) primitive camping sites, four (4) bathrooms and two (2) parking areas. Existing roads and fire rings would be utilized. The property is currently under the Agriculture (A-1) Zone.

The Planning Commissioners discussed the conditions of this permit to include:

- Must coordinate with the Division of Drinking Water to avoid a public water system or the creation of a Public Water System and pass that off through the County Administrator
- Must comply with any state or federal fire restrictions
- Must comply with all building permit requirements
- Must comply with San Juan County Health Department requirements and Utah State water system requirements. Including having an engineer design the appropriate septic systems for the uses.
- Must comply with San Juan County business license requirements.

Bryan Torgenson, SITLA representative, had public comment on the establishment of this new HipCamp adjacent to the Under Canvas Development. He has concerns for the legitimacy of the operations that are already happening at this site, hosts on the site, emergency, restroom operations, occupancy and parking regulations per site, power supplies, structures permanency, trash logistics, gas line easements, signage, and water supply. He is concerned for the harmonious relationship with Under Canvas and maintaining a level of proper permitting and business licensing.

Commissioner Nielson commented on the policing of having such strict guidelines and the specificity of defining when, how often, who and how to ensure trash removal, toilet pumping, etc. He would like to see another establishment have the ability to also use their property, despite the breadth of the level of development. He also clarified that the county is receiving the appropriate taxes for these types of overnight rentals.

Commissioner Walker asked questions to the applicant regarding some of the logistics of directions getting to the camp and the rules that they ask the public to follow on primitive camping. Alba was able to clarify that this camp was created last year and they have decided to really develop this idea and try to get things established and conforming this season. He explained that tent sites, fire rings, some tables, port-a-potties, non-potable water supply for fire protection, host availability, and parking areas are provided for guests.

Signage and fencing is a critical element to separating the two establishments in such close proximity. SITLA would be willing to work with the applicant to ensure that visitors are getting to the correct locations with appropriate signage.

Commissioner Wilson informed the applicant that if transitioning this parcel into a commercial use that the greenbelt exemption would be dissolved and that the landowner would then have to pay rollback taxes on the property. The process of Greenbelt designations was discussed and more information will have to be gathered by the applicant of the estimates of taxes that would be due if rollback was applied.

Commission Walker asked for clarification on the conditional uses of maintaining building permits, etc. Administrator Bushnell clarified that those conditions would apply if this establishment wanted to expand in the future. Such conditions as fire suppression do not necessarily need to be specifically clarified at this point in time but that this general statement means that staff will continue to work with the applicant to find solutions to what those specific guidelines would be with fire/emergency services, health department, and others ensuring the safety and welfare of the public.

Commissioner Rigg asked about the possibility of putting this decision on hold and the ramifications of that to the applicant if we wait. Administrator Bushnell clarified that there are many businesses in this position and that they are “not compliant” and therefore may not operate until getting an approved Conditional Use Permit and business license. She further clarified for Commissioner Nielson that even if a business is not compliant and may also not have a business permit, that as a part of the HipCamp umbrella they are still paying taxes.

Attorney Nielson commented for the commission to consider the full spectrum of this type of operation. He suggested not to get hung up on the specific logistics of the operations, as those will be worked through staff as we move forward. The greenbelt consequences may be substantial enough to turn away from this project. Administrator McDonald suggested the applicant table this decision due to the Greenbelt rollback.

Motion made by Commissioner Nielson to table the application until more information was gathered by the applicant. Seconded by Commissioner Rigg.

Voting Yea: All in favor.

Motion carries.

5. Consideration and Approval of a Temporary Conditional Use Application for a RV Trailer extension during home build to be Located at 304 Bobbie Lane in La Sal, Victor Najera

Time stamp 2:01:30 (audio)

Administrator Bushnell gave an overview of the Temporary Conditional Use Application for a RV trailer to be on site during a home build in La Sal. The applicant plans to have water, septic and power within two (2) months. Once construction is completed the temporary set up will be disassembled.

The Planning Commissioners discussed the conditions of this permit to include:

- Must protect any existing well water sources from contamination.
- Must comply with the Utah Division of Drinking Water requirements for any water storage tanks on the site.
- Must comply with all building code and permit requirements.
- Must comply with San Juan County Health Department requirements.
- Must comply with San Juan County business license requirements.

Motion made by Commissioner Rigg to approve the Temporary Conditional Use Permit with the conditions listed above. Seconded by Commissioner Nielson.

Voting Yea: All in favor.

Motion carries.

6. Review of Tomco Preliminary Plat Subdivision, Ben Tomco

Time stamp 2:07:00 (audio)

Administrator Bushnell gave an overview of the Preliminary Plat of the Tomco Subdivision.

Tomco explained the existing structures and planned fencing. He explained that the current undertakings were between family members. The plat will continue to be worked through staff to obtain a final plat.

Language will need to be provided addressing the “Overnight Rental” language from the county attorneys.

Motion made by Commissioner Austin to recommend approval of the subdivision to the Board of County Commissioners. Seconded by Commissioner Wilson.

Voting Yea: All in favor.

Motion carries.

BUILDING PERMIT(S) REVIEW

6. March Building Permits

Time stamp 2:15:00 (audio)

ADJOURNMENT

Time stamp 2:20:00 (audio)

Commissioner Johnston explained his position to stay on the Planning Commission to see through a few items that he feels strongly about. Our next step would be to interview Commission Johnston and the Board of County Commissioners will make a decision.

Motion to adjourn was made by Commissioner Rigg. Seconded by Commissioner Walker.

Voting Yea: All in favor.