

**DAGGETT COUNTY PLANNING AND ZONING
REGULAR MEETING MINUTES
TUESDAY DECEMBER 17TH 2024 @ 6:30 P.M.
DAGGETT COUNTY COURTHOUSE COMMISSION
CHAMBERS**

MEETING CALLED TO ORDER: Chairman Reed called the meeting to order at 6:40 P.M.

PRESENT: Chad Reed, Allan Wood, Heidi Steele

EXCUSED: Carrie Poulsen, Alan Staggs

GUESTS: Jack Lytle, Colton Christenson

NEW BUSINESS:

- There are no minutes from last meeting to review at this time.
- Colton Christenson is representing Juleen Brady to discuss a Brady Family Trust minor subdivision on parcel number 01-0074-0232 serial number A232.

He is working on the application.

We will need to have a public hearing to rezone from AG-20 to RR-1.

- Proposed ordinance amendments for Daggett County to comply with SB174 (2023) and HB 476 (2024).

Motion to approve the amendment as written below on page 2 and send to Commission for final approval was made by Heidi Steele and seconded by Allan Wood.

- Proposed updates to our RMP before the BLM travel management Dino North planning process resumes in January.

Motion to approve the update as written below on page 5 and send to Commission for final approval was made by Allan Wood and seconded by Heidi Steele.

- Next meeting scheduled January 21, 2024 at 6:00 p.m.

May need to have public hearing prior to meeting.

May have Kent Snider hold Open Meeting Training.

If you will not be at the training session please do online training:
<https://training.auditor.utah.gov/courses/open-and-public-meetings-act-training-202>

4

- Jack Lytle thanked everyone for the work they are doing for Daggett County.

ADJOURNMENT: Chad Reed adjourned the meeting at 7:15 P.M.

1

PROPOSED ORDINANCE AMENDMENTS FOR DAGGETT COUNTY TO COMPLY WITH SB 174 (2023) AND HB 476 (2024)

ARTICLE 8-8B: SUBDIVISIONS FOR SINGLE-FAMILY, DUPLEX, OR TOWNHOMES

Note: The existing sections 8-8B-1 through 8-8B-4 related to concept plans could be relocated to Article 8-8A-6 *et seq.* This reorganization allows for a clear distinction between general subdivision procedures and the specific requirements mandated by SB 174 and HB 476 for single-family, duplex, and townhome subdivisions.

Note: These new provisions specifically apply to subdivision applications for single-family, duplex, or townhome subdivisions and should be integrated alongside existing sections without replacing current requirements related to concept plans or other subdivision types. For subdivisions not covered under SB 174 or HB 476, the existing regulations continue to apply. **8-8B-1: Administrative Land Use Authority**

A. Designation of Authority

The Planning Director or their designee is hereby designated as the Administrative Land Use Authority responsible for the review and approval of subdivision applications contemplated in Chapter 8, Article 8B.

B. Duties and Responsibilities

1. Conduct initial reviews of preliminary subdivision applications for single-family, duplex, and townhome subdivisions.
2. Hold a single public hearing if deemed necessary at the preliminary application stage.
3. Complete final subdivision reviews administratively, without requiring additional public hearings unless an appeal is filed.

4. Ensure compliance with state-mandated timelines and maximum review cycles.

8-8B-2: Applicability

The provisions in this article apply specifically to subdivision applications for single-family dwellings, duplexes, or townhomes. All other types of subdivision applications shall be governed by the existing provisions of this chapter, unless otherwise amended.

8-8B-3: Preliminary Subdivision Application and Review Process

A. Preliminary Application Requirements

The applicant shall prepare and submit a complete preliminary subdivision application, which must include:

1. A preliminary layout plan.
2. Supporting documentation as required by the application checklist.
3. Payment of all required fees.

B. Administrative Review Timeline

The Administrative Land Use Authority, as defined in Section 8-8B-1, shall complete the initial review of a complete preliminary subdivision application within 30 business days of submission.

C. Public Hearing Requirement
A single public hearing may be held at the discretion of the Administrative Land Use Authority during the preliminary review process if deemed necessary. Only one public hearing is allowed for the entire subdivision approval process, in accordance with state law.

8-8B-4: Final Subdivision Application and Administrative Approval

A. Final Review Process

The final subdivision application shall be reviewed administratively by the Administrative Land Use Authority without requiring additional public hearings, unless an appeal is filed. The

Administrative Land Use Authority **shall** complete the final review within 40 business days of submission of a complete **final** subdivision application.

If additional information or **modifications** are required, the applicant shall be notified in writing, and any subsequent review shall proceed in compliance **with the** mandated timelines. The Administrative Land Use **Authority** must ensure that requested modifications are specific and include citations to relevant ordinances, standards, **or** specifications that require the changes. The final review process is intended to be an administrative-only procedure, with no additional

hearings **unless** under appeal.

B. Review Cycles

The Administrative Land Use Authority **may** request additional information or modifications to **the** plans during the review process. However, in compliance **with** state law, the number of review cycles for **both** **preliminary** and final subdivision applications shall not exceed four. Each review cycle includes **the** following steps:

1. The applicant submits **a** complete final subdivision application.
2. The Administrative Land Use Authority reviews the application and provides a response indicating any required modifications or additional information **needed**.
3. The applicant responds to the Administrative Land Use Authority's requests, addressing each required modification.
4. The Administrative Land Use Authority completes the subsequent review based on the applicant's revisions.

If the applicant fails to address a review comment in the response, the review cycle is not complete, and the subsequent review cycle **may** not begin until all comments are addressed. Additionally, **unless** a change is necessitated by the applicant's adjustment to a plan or an update to a phasing plan, **any** change or correction not addressed or referenced by **the** Administrative **Land** Use Authority during the review process is considered waived, except for modifications necessary to protect public health and safety or to enforce state or federal law. The Administrative Land Use Authority **may** request additional information or modifications to **the** plans during **the** review process.

8-8B-5: Appeals

A. Appeal Process

If an applicant wishes to appeal the decision of the Administrative **Land** Use Authority regarding **a** preliminary or final subdivision application, the appeal shall be handled as follows:

1. Subdivision Improvement Plan Appeal: If the appeal is related to subdivision improvement plans, the appeal shall be reviewed by an appeal panel assembled in accordance with U.C.A. 17-27a-507(5)(d). The panel shall consist of the following members:

One licensed engineer designated by the county.

One licensed engineer designated by the land use applicant.

One licensed engineer agreed upon and designated by the two designated engineers.

2. Subdivision Ordinance Review Appeal: **If the** appeal arises from subdivision ordinance review, **the applicant may** appeal to a designated appeal authority.

B. Appeal Hearing Timeline

1. For appeals related to subdivision improvement plans, **the appeal panel** shall be assembled and shall review **and issue** a decision within 10 business **days after** the appeal request is received.

2. For **appeals** related to subdivision ordinance review, **the designated appeal authority shall** conduct a review and hearing of **the appeal** within 30 business **days of** receiving the appeal request **and shall issue** a decision to affirm, modify, **or** overturn the decision of the Administrative Land Use Authority.

C. Appeal Costs

1. The land use applicant shall pay 50% of the cost of the appeal panel and the county's published appeal fee.

2. Any member of the appeal panel **may not have an** interest in the application that is the subject of the appeal. The Planning Commission shall conduct a **review** and hearing of the appeal **within 30** business **days of** receiving the appeal request **and shall issue** a decision to affirm, modify, **or** overturn the decision of the Administrative Land Use Authority.

8-8B-6: Effective Date and Transition Provisions

These amendments **shall become** effective immediately upon **approval** by the Daggett County Commission. All subdivision applications submitted **after the effective date** must comply with the requirements outlined in **this article**.

8-8B-7: Approval of the Final Subdivision Application

Approval **of the final** subdivision application shall **not** require planning commission or county commission approval. If a **final** subdivision application complies **with** the requirements of this section and applicable county ordinances, **the County shall** approve the final subdivision application.

RMP:

Ensure access to emergency responders for fires, medical incidents, search and rescue and **similar** efforts.

It is the policy of Daggett County that the Bureau of Land Management must **explore**, in addition to **all** existing **routes**, opportunities for new routes to be opened so as to enhance recreational opportunities, tourism, or to advance the BLM's multiple-use mission **in** any way as part of any resource management planning process or any implementation level planning process,

Daggett County has the policy and objective to prioritize public motorized uses of routes on federal land unless certain parcels are congressionally designated for non-motorized use.

It is the policy of Daggett County that there is a presumption that a purpose **and** need **exists for** each route on federal lands located within the county's boundaries. This presumption may only be rebutted if the federal government proves *by* clear and convincing evidence that there is no purpose or **need for** the route. **The** presumptive purpose and need of the routes in Daggett County include, but are not limited to, hunting, fishing, mineral exploration and extraction activities, fire breaks, search and rescue needs, scenic viewsheds, watershed management, wildlife management, vegetation management, livestock management, exploration, utility and infrastructure management, water management, staging areas for other uses such as OHV and biking, loop connectivity, having multiple entrance and egress points for safety, and recreation. It is the policy of Daggett County to preserve existing roads and to authorize use thereof to promote recreational opportunities to those with physical disabilities and limitations.

It is the policy of Daggett County that any federal classification of a "redundant" route or a "**spur**" route is not a valid reason for route closures by any federal agency on public lands. On the contrary, such routes provide connectivity and access **to** different experiences for the public, offer a safer experience by offering alternative routes to common areas, and they serve **all** of the purposes mentioned in policy the policy on the **third bullet of this email**).

(see

It is the policy of Daggett County that the BLM must recognize the State of Utah and Daggett County's vested property rights in our R.S. 2477 rights-of-way as part of any travel management planning process

or resource management planning process. **In** *Karie Cnty v. U.S.*, **2:10-cv-01073-CW**, Dkt. 792 (D. Utah Aug. 9, 2024), the federal district court held that the BLM must treat the State of Utah and counties as "holders" of vested title rights in these R.S. 2477 rights-of-way even if title has not been adjudicated or perfected in court. Therefore, Daggett County does not give the BLM any authority or right to close any R.S. 2477 rights of way that the County has an interest in.