



MINUTES OF THE CARBON COUNTY PLANNING COMMISSION MEETING
-December 3, 2024

IN ATTENDANCE

Gary Taylor, Chairman
Kurt McFarlane, Vice Chairman
Jeff Peters
Lisa Simmons
Paul Anderson
Oran Stainbrook
Scott Bruno (remotely)

OTHERS ATTENDING

Ben Grimes
Commissioner Tony Martines

EXCUSED

Trapper Burdick

ABSENT

Bradley Marston

STAFF

Todd Thorne, Planning & Zoning Administrator
Doris Johnston, Administrative Assistant
Commissioner Larry Jensen

1 The meeting began at 4:30 pm
2

3 **1) Call to Order and Roll Call**

4 Chairman Gary Taylor took a roll call and a quorum was present

5 **2) Pledge of Allegiance**

6 **3) Meeting Minutes**

7 No minutes were available for review.

8 **Motion:**

9 *Jeff Peters made a motion to table the minutes until the next meeting. Paul Anderson seconded. By*
10 *unanimous decision, motion carries.*

11 **4) Conflict of Interest**

12 No Conflicts

13 **5) PUBLIC HEARING on the proposed annual amendments to the Carbon County Development**
14 **Code**

15 **Motion:**

16 *Paul Anderson made a motion to open the public hearing at 4:32 pm. Jeff Peters seconded. By*
17 *unanimous decision, motion carries*

18 Todd Thorne explained the biggest update is the subdivision change to the structure that there is no
19 concept approval required. Todd added they can still come in for concept but it is not required. The

Planning Commission will review preliminary and final approval will be done by the Zoning Administrator. The State does not allow the Planning Commission to approve final. There will be four review cycles to review and after the fourth review, the applicant will move forward. This is State mandated. Todd Thorne said he thinks there will be more changes in January, 2025.

Public Comment:

Todd Thorne said he received one phone call from Lynna Topolovec. Todd went through the changes with Mrs. Topolovec. Since this is State mandated she had no comments or concerns.

Todd went through the other changes:

Section 5 on Conditional Use Permits: Whoever (Planning Commission or Zoning Administrator) grants the Conditional Use Permit, also does the extension.

Section 9-Definitions: A definition for “Substantial Action” was added. Todd explained the definition as “installing water, gas, utilities etc... and also encompasses circumstances where progress is delayed or prevented due to legal action or similar constraints.”

Section 12-Added 12.12.3-Utility Depth: 24 inches is the County minimum for utility depth.

Motion:

Paul Anderson made a motion to close the public hearing at 4:37 pm. Kurt McFarlane seconded. By unanimous decision, motion carries.

6) Review and recommendation decision to County Commission on the proposed annual amendments to the Carbon County Development Code

Motion:

Jeff Peters commented that he did not get a chance to review this extensively and asked if everyone had gone through the changes. Oran Stainbrook, Paul Anderson and Lisa Simmons all commented they did review it. Todd Thorne said they are welcome to review it more but the State wants the updates to be done by the end of the year. The plan was to send it to County Commission on December 18, 2024 so there is a two-week window to review it. Todd Thorne said we started this review in October. Jeff Peters said he will not hold this up and if he has any concerns he will contact Todd Thorne.

Motion:

Paul Anderson made a motion to approve the updates for recommendation to County Commission. Kurt McFarlane seconded. By unanimous decision, motion carries.

7) Review and possible Concept approval for a condominium development in the Bolotas area of Scofield on parcel 2A-0012-0000 for Kenny Parcell-7 Scofield LLC

Ben Grimes represented Kenny Parcell. Mr. Grimes said the concept is to construct 13 condominium units. Mr. Grimes showed the layout of the project. The units shown are 2 story, 2400 square feet with 2

53 car garages. Mr. Grimes said for this project they propose relocating the public road parallel to the
54 UDOT right of way. This will allow Unit 1 to be constructed. Mr. Grimes showed the well and booster
55 pump on the and said this would be an 8-inch line. Mr. Grimes gave the power line locations and added
56 this will need to be evaluated. Mr. Grimes said in the existing road between Units 10 & 12, there is a
57 sewer manhole. Mr. Grimes is meeting with the Scofield Special Service District. (SSSD) to talk about
58 connecting to the sewer system.

59 Mr. Grimes added to the left of Unit 12 & 13, the road would be dedicated as a public access to the
60 general area. Mr. Grimes explained the lots owned by Grako and Pendleton are land locked.

61 Kurt McFarlane asked where the parking was for the condominiums. Mr. Grimes said there will be a
62 driveway coming in and they would have 2 car garages.

63 Mr. Grimes explained they are trying to resolve the property line issues. Mr. Grimes said they have
64 notified all adjacent property owners that they will be surveying the property. They have asked for their
65 cooperation to try to determine what they think they own. Mr. Grimes added they have had no response.
66 Mr. Grimes concluded that they will work with the neighbors and provide a drawing to them to show
67 what is determined.

68 Paul Anderson had questions about the setbacks and location of property lines on the north. Mr. Grimes
69 explained there is distortion when taking an aerial photo.

70 Mr. Grimes showed the drainage flow line directions. There is no established drainage plans in Bolotas
71 or Madsen Bay. They would anticipate grading the slopes and putting in a detention pond.

72 Mr. Grimes said they are in the process of evaluating the water system to make sure it is adequate for
73 additional connections.

74 Paul Anderson asked if the sewer system can handle this. Todd Thorne said they will need to do an
75 analysis for capacity. Mr. Grimes restated that he is meeting with the Scofield Special Service District
76 (SSSD) to discuss this. Todd Thorne said this whole area is on a community septic system. The leach
77 field is on the opposite side of the highway. Mr. Grimes explained the system in more detail. Jeff Peters
78 asked who inspects this. Todd Thorne said it is inspected by the SSSD and coordinate with the Health
79 Department. They give the County a report on this. Mr. Grimes commented if the capacity is not good
80 for 13 additional, they will drop the number or upgrade the system.

81 Kurt McFarlane asked if Mr. Grimes has met with UDOT. Mr. Grimes said no but it is existing and
82 access is already there. Kurt McFarlane said they could require turn lanes if homes are put there and
83 design it to UDOT specs. Kurt McFarlane said new development triggers this.

84 Todd Thorne said conceptually they have met all the requirements. There is more analysis with
85 preliminary such as storm drainage, UDOT, water/sewer line drawings and other requirements. For

preliminary they would need 90% of the drawings completed.

Paul Anderson asked about adequate parking for short term rentals. Todd Thorne said they would need to provide one parking spot per bedroom and a business license if doing nightly rentals.

Jeff Peters asked for verification on and Airbnb vs. Condo. Todd Thorne said an Airbnb is rented out at a nightly rate. A condo is usually just one family. The exchange of money is what triggers the nightly rental. Paul Anderson asked if the intent is for individuals or to rent them out. Mr. Grimes replied his clients plan is to sell them as condominiums. Mr. Grimes explained by State Code an HOA can add covenants to restrict renting them out. Todd Thorne agreed with this.

Lisa Simmons asked about planned open space requirements. Todd Thorne said there are requirements and he will research this.

Scott Bruno commented that Units 9, 10, 12 & 13 seem to be on County property. Scott added that Unit 6 may be in contention with Earnshaw and Lambson properties. Scott continued that there are some major boundary issues in this area. Scott added one of the requirements of a concept plan is the property boundaries. Scott was unsure that this could be approved.

Todd Thorne explained the intended County road goes through units 9, 10, 12 & 13. Mr. Grimes explained he has discussed the road issue with Commissioner Jensen and asked if that road can be abandoned. Mr. Grimes said the property owned by Munk sits right across this road. Mr. Grimes said this is an issue that needs to be resolved. Mr. Grimes explained per State Law, if the road is abandoned, the adjoining properties get their share of that road to the center line of the road or if it is a single property it is given to that property owner.

Mr. Grimes said he has done extensive surveys in this area and the lines shown is his belief of where the property lines are. There are overlaps and gaps and existing deeds that are not easily resolved. Letters have been sent to all adjacent property owners for their input with no response. Mr. Grimes explained he can do the survey, send it out to the owners, and they can challenge it if they want. We are giving them the opportunity to do this. Mr. Grimes added he has found survey markers for Mr. Parcell's property and stated the Ransom's and Kershaw's are encroaching on it. Mr. Grimes went through all the other adjacent property owner's information in detail regarding the boundaries. The main issue is on the west side with the Tomlin parcel where the legal description on the deed has not been updated to meet the survey done years ago. Mr. Grimes said this would be up to the adjacent owners to correct this. Mr. Grimes agrees there are issues but feels they can be worked out during this process.

Scott Bruno had concerns and felt that the property boundaries need to be established and issues resolved for concept approval.

Todd Thorne explained there are issues in this area and from a concept perspective, Todd's opinion was

119 it meets the requirements but it is up to the Planning Commission. Todd added, before preliminary
120 approval, these items need to be resolved and the drawings need to be at 90% and know where
121 everything is.

122 Scott Bruno commented we have never had the property boundaries not defined on a concept plan. Todd
123 Thorne commented Ben Grimes knows this area well and the Bolotas area boundaries have a high level
124 of disfunction. Mr. Grimes gave a history of the Bolotas area issues and the need to resolve the problems
125 with property lines. The County Commission at the time when Mr. Grimes was the County Surveyor
126 assigned him to resolve the issues in Bolotas. The project died due to the cost and that it was up to the
127 property owners.

128 Mr. Grimes assured that his client, Mr. Parcell, will have his property lines resolved before this project is
129 final because they understand the Planning Commission cannot approve anything that is not on property
130 that you own. Mr. Grimes explained this is a legitimate lot but they need to work out the fine details of
131 the west and south lines and the road. Mr. Grimes gave some background on the Clear Creek area and
132 the replotting in this area.

133 **Motion:**

134 Jeff Peters made a motion to approve the concept plan under the premise that the concept plan meets the
135 Carbon County Development Code Section 6.3.2. with the knowledge there are still boundary issues to
136 be worked out.

137 Paul Anderson said he thinks we are struggling with this because there is no definitive boundary.

138 Todd Thorne said from his perspective, the Planning Commission can either approve the concept design
139 or table it with the applicants consent until those boundary issues are resolved or deny it. Mr. Grimes
140 commented he could record the deeds as they are written and come back, but that seemed very unfair.

141 Jeff Peters commented and felt we are holding Mr. Grimes to a different standard if he does that.

142 Paul Anderson asked what the difference is between the county plats vs. what is presented. Mr. Grimes
143 said the Recorder's office plats deeds that are written and determine acreage and do not determine
144 property boundaries. Mr. Grimes explained on original deeds from 1920 to now, 99% of the time they do
145 not match. Mr. Grimes added many of the survey markers have been removed and lost. Also, anyone can
146 write a property description and record a deed. The Recorder has to record it. Many of these are
147 incorrect. This is the State's fault for not requiring deeds to be written by a professional.

148 Mr. Grimes restated the black line is his interpretation as a professional of where the line is.

149
150 Motion is on the table
151

Motion:

Lisa Simmons seconded the motion by Jeff Peters. By majority decision, motion carries. 4 yeas; 2-nays
Yea's-Paul Anderson, Lisa Simmons, Jeff Peters, Oran Stainbrook
Nay's- Kurt McFarlane, Scott Bruno

8) Review and approval of the 2025 Planning Commission Meetings Schedule

Todd Thorne explained these are all on the first Tuesday except September is the second Tuesday due to Labor Day. Also, November 4 is election day and November 11 is Veteran's Day. Todd asked if the Planning Commission if they want to have the meeting on November 4 or on a Thursday, November 6 or Monday, November 10. Jeff Peters suggested Thursday, November 6, 2025. The Planning Commission agreed.

Motion:

Jeff Peters made a motion to move the November 4 meeting to November 6 and approve the Planning Commission Meeting Schedule. Kurt McFarlane seconded. By unanimous decision, motion carries.

9) Updates on Previous Items and Upcoming Projects - Todd Thorne

Todd Thorne gave the updates.

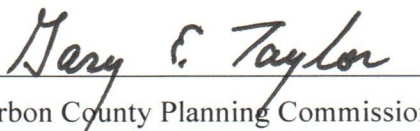
John Henrickson for the Scofield development may be bringing in concept plans for the January meeting.

Jeff Peters asked when any comments need to be submitted by on the Development Code updates from today. Todd Thorne said as long as he has them by December 17, 2024.

10) Adjourn

Motion:

Kurt McFarlane made a motion to adjourn at 5:40 pm. Lisa Simmons seconded. By unanimous decision, motion carries.



Carbon County Planning Commission Chairman/Vice-Chairman