

**UINTAH COUNTY PLANNING COMMISSION
MEETING MINUTES
FEBRUARY 19, 2025**

Planning Members Present:

Craig Nebeker	Travis Allan
Mike Eskelson	Aaron Averett
Jessy McKee	Desiree Evans

Planning Staff Present:

Deanna Nyberg
Matt Cazier
Gwen Miles

6:00 PM Planning Commission Meeting

Welcome: Planning Commission Chairman, Travis Allan welcomed everyone to the meeting.

Minutes: Approval of the January 15, 2025 Planning Commission Minutes.

Motion: Mike made a motion to approve the January 15, 2025 Planning Commission Minutes. Desiree seconded the motion, and the motion passed. Roll Call: Craig, yes; Mike, yes; Jessy, yes; Desiree, yes.

Disclosures:

PUBLIC HEARING: CONDITIONAL USE PERMIT

- 1. Devin Cook** – Requesting a conditional use permit for a **Flag Lot with access on a County Road** located at 3380 E 5300 S, UT, Serial Number 06:061:0192.

Deanna introduced an application for a conditional use permit for a flag lot submitted by Devin Cook. The property, located at 3380 East, 5300 South, spans 17.66 acres and is zoned A1 agricultural. Cook seeks to create two flag lots with access using 5300 South, a Class D county road for access. The planning commission is the land use authority and will make the final decision. The new flag lot ordinance requires a conditional use permit part of the access was on a public right of way, or the access was at the end of a stubbed or dead end road which is why this came before the planning commission.

Deanna provided background on the access route and showed images of the property, pointing out power lines running 175 feet into the land. She also noted a requirement to stub access to properties over 10 acres unless deemed unfeasible or unnecessary. Additionally, she explained that while Cook is dividing only two lots, regulations require access to be treated as if developing four lots, necessitating a 46-foot-wide easement with a 32-foot driving surface dedicated to the county.

Mike questioned the necessity of a 46-foot easement and whether it applied to more than two flag lots. Deanna clarified that the rule applies if the property exceeds five acres or is five times the minimum lot requirement. Mike expressed concerns about the fairness of the requirement in certain cases. Discussion continued about road conditions, easements, and maintenance. Matt explained that 5300 South is a Class D road, not maintained regularly by the county, though it could be upgraded. Travis inquired whether upgrading it to a Class B road might allow more development.

Devin Cook addressed the commission, explaining that he had initially sought planning and zoning guidance before purchasing the property. He was previously told he could create two lots, but after learning he could do four, he expressed interest in that possibility. Deanna confirmed that approval for up to four lots could be granted. Cook explained that power lines restrict some land use but believed there was sufficient frontage for four lots. Travis suggested that upgrading the road might enable a full subdivision, but Cook dismissed the idea, citing the rural nature of the land and limited water shares.

Deanna clarified that Cook may need to deed part of the access road to the county, expanding it to 46 feet. Cook assumed the county already had a deeded easement but was informed it may not meet the new width requirement. Discussion turned to the necessity of stubbing access to neighboring properties, particularly a 26-acre property to the north and another large property to the south, which contains a gulch. Cook opposed additional stubbing, expressing concerns about overdevelopment of farmland, despite his profession as a general contractor. As the discussion progressed, Jessy inquired about the water in the gulch, to which Cook confirmed that water consistently runs through it year-round.

Travis opened public hearing

Terry Dugan explained that he owns property at the back of 5300 South and had a 60-foot easement when he moved there. He was required by the county to build a road to county specifications at his own expense before receiving a building permit. For two years, he and his wife worked through meetings to get approval, and they have since maintained the road themselves. He expressed frustration over new developments potentially bringing more neighbors, increased traffic, and dust, which concerns him due to his health issues. He noted that people already speed through the area and emphasized that he does not want a dense subdivision. He also mentioned installing power, water, and phone lines without reimbursement and noted that the water pressure is inadequate. He questioned whether he should adjust his property lines to account for road width and mentioned signing paperwork for the county to take over maintenance of the road, though they have not done so. He expressed frustration, dealing with issues like snowdrifts and reckless drivers. He expressed concerns about increased development, recalling the challenges he faced in getting approvals and the financial burden he carried alone. Deanna reassured Dugan that the maximum number of lots possible under current conditions was four. Craig questioned whether there was already an easement in place that would impact Dugan's obligations. Matt explained that if a recorded easement exists, the county would control it, but it was unclear whether one was in place. He noted that Dugan had to follow a different and more complex process 18 or 19 years ago, as flag lots were not an option then. Travis inquired whether Dugan could receive reimbursement for the work he had done, but Matt stated that reimbursement agreements did not exist at the time. Policies have since improved to be more structured and fair, but past cases remain unchanged. Aaron asked if the road included an old-style turnaround, which Matt suspected was added in the 1970s. Mike questioned the county's jurisdiction over part of the road, and Matt speculated that an early developer may have gone bankrupt, leaving the area undeveloped. He explained that if the area were vacant today, the county would require road improvements before issuing building permits. Matt suggested that property owners could work with the county to get the road classified as a Class B gravel road, ensuring county maintenance. Craig noted that if this happened, flag lots would not be necessary.

Mike mentioned a similar situation at Moonshine Arch, where the county negotiated with property owners to establish a road. Matt explained that the situations were different, as the county upgraded that road for access to the Moonshine Arch trail.

Deanna asked whether access points needed to be determined immediately, to which Matt replied that as long as flag lot rules were followed, access specifics did not matter. Aaron sought clarification on easements, and Matt explained that if the property were dedicated to the county, it would no longer be considered an easement but a public road. Mike conducted a quick property search, finding deeds for a water and power line but no transportation easement. However, he noted that the property lines along 5300 South are generally 60 feet wide, making road dedication straight forward. Aaron and Mike discussed the feasibility of alternative access points, determining that additional stubs were unnecessary. Jessy noted that the northern property already had two access points, making additional connections redundant given the challenging terrain.

Travis closed the public hearing.

Aaron made a motion to approve up to 4 flag lots using the existing 5300 south, and no required stubbing due to other existing accesses. Mike seconded the motion and the motion passed. Roll Call: Craig, yes; Mike, yes; Aaron, yes; Jessy, yes; Desiree, yes.

PUBLIC HEARING: LAND USE ORDINANCE AMENDMENT

Amendments to Chapter 17.33 Uses - Considering changes to the Dog Kennel ordinance.

Deanna opened the discussion by presenting proposed changes to the dog kennel ordinance, particularly increasing the required lot size from half an acre to at least one acre to align with other counties. She also suggested allowing administrative approval for kennel permits instead of requiring committee approval. A key issue was whether renters should be allowed to obtain kennel permits, as current rules restrict permits to property owners. Jessy supported allowing renters to apply with property owner consent, while Travis opposed it, citing concerns over accountability. Matt suggested requiring notarized property owner approval to ensure transparency.

The group debated the maximum number of dogs before requiring a kennel permit, currently set at three, with a fourth dog requiring a kennel permit. Travis questioned this limit, arguing that many permits were granted to individuals with too many dogs in poor conditions, leading to complaints. Matt defended the current regulations, emphasizing strict requirements for kennel construction and maintenance. Enforcement challenges were discussed, with examples of past non-compliance cases, including one in Ballard where a permit holder failed to meet conditions and faced revocation.

Noise was another major concern, with Travis suggesting decibel levels as a measure of compliance. The group discussed setbacks and minimum lot sizes, with proposals for 100-foot

distances from property lines, 150 feet from roads, and 200 feet from homes which would effectively require properties to be larger than an acre for kennels. The conversation also touched on distinguishing responsible dog owners from those who create nuisances, with Desiree advocating for fair yet enforceable regulations.

Discussion held addressing enforcement difficulties, particularly regarding indoor kennels. Travis raised concerns about whether supervision could be adequately monitored and whether individuals might circumvent commercial kennel regulations by keeping dogs indoors.

Jessy left at 7:44

Discussion held centered on distance requirements, dog supervision, and the distinction between residential and commercial kennels. The group discussed a 200-foot setback from the nearest home including a 50-foot setback from the road. Discussion held concerning the definition of “inside dogs,” with the consensus that both inside and outside dogs must be supervised when outdoors. Travis worried that even supervised dogs could create noise issues, while Craig questioned if video supervision was acceptable. Matt clarified that enforcement would focus on noise and cleanliness rather than proving supervision

Mike raised concerns about residential properties operating as commercial kennels. Matt suggested commercial kennels be reviewed by the planning commission, while Deanna emphasized that keeping dogs indoors doesn’t automatically classify a property as a commercial kennel. Travis worried about loopholes allowing people to exceed dog limits by claiming supervision from inside their homes, but Matt reassured that noise regulations would still apply. The debate extended to whether stricter enforcement was necessary, with Deanna arguing that kennel permits provided structured oversight rather than creating loopholes.

The planning commission discussed their involvement in regulating dog ownership. Travis expressed concerns about excessive noise and smell, particularly from large groups of dogs. Matt suggested researching Duchesne County’s approach, possibly allowing more dogs under certain conditions. The discussion included commercial kennel requirements, such as facilities and equipment, and whether kennel owners should be required to live on the property for liability reasons.

Travis proposed restricting kennel permits to property owners to prevent renter-related issues, a suggestion that was ultimately accepted to ensure consistent management and liability oversight. The conversation briefly touched on regulations for other animals like pigs and goats. The group decided to gather more information from Duchesne County and scheduled a future work session for further discussion.

Motion: Craig made a motion to adjourn, Mike seconded the motion. The motion passed unanimously. Roll Call: Craig; yes; Mike, yes; Desiree yes; Aaron, yes.

Meeting adjourned at 8:13 p.m.