

Sevier County Planning & Zoning Commission
August 13, 2014

Minutes of the Sevier County Planning Commission meeting held on the thirteenth day of August 2014 in the Commission Chambers of the Sevier County Administration Building, 250 North Main, Richfield, Utah. Those present included: John Worley, Evelyn Nielsen, Mike Miles, Caryl Christensen, and Ralph Brown.

Kelly Alvey and Brenda Malmgren were excused.

Others present included: Zoning Administrator Larry Hanson, County Commissioner Garth 'Tooter' Ogden, Deputy Clerk/Auditor Barbara Crowther, and others listed on the attached roll.

Minutes of the July 9th Planning Commission meeting approved:

Minutes of the July 9th Planning Commission meeting were reviewed and approved as corrected on a motion by Evelyn Nielsen, second Caryl Christensen, unanimous.

Zoning Administrator Update:

Zoning Administrator Larry Hanson reported there are four subdivision possibilities of one or two lots in the following locations: Bear Valley, by Bend in the Road Subdivision, Sevier, and one group did not specify where in the County. Mr. Hanson then reviewed the information he had provided, and clarified that the non conforming uses do not go away with ownership changes as long as the next owner has the same uses within a year. In other words, the present use can continue regardless of ownership unless the use lapses for 1 year, and then the property would be required to follow the current zoning. He also referred to the State Law that gives the Planning Commission the authority to enforce the zoning laws. The Planning Commission asked for additional information on the power plant, and Mr. Hanson said there had been no news on the decision from the court.

Zone change recommended from A5 to RA for Elsinore Addition:

Chairman Worley then opened the meeting for comments from the public. He said that the same rules apply as last time and requested that those wishing to speak stated their name, where they live, and keep their comments under 2 minutes. There were no individual comments. Discussion followed concerning the cleanup efforts in the area, that violation notices will not be given out until the piles of wood are burned, that violation notices will only be given to those who are not making progress at all, that the Bishop of one of the wards had been changed, and which businesses would be affected if the zone was changed. Ralph Brown then responded to a question concerning whether or not he had been given a grant for low income housing in the Elsinore Addition. Mr. Brown said he did know of some programs that were available to veterans for assistance, as well as some additional funding for others, and asked that anyone interested speak with him after the meeting. He stressed that any work he did in the Elsinore Addition at this time would be volunteer and not for profit. Further discussion followed concerning vehicles that are being restored or worked on and how many of these vehicles would be allowed on each lot.

Claude Foreman, Monroe, then spoke about creating an additional zone to accommodate what is already there. Discussion followed concerning spot zoning, that a zone similar to the other zones in the County would still be spot zoning if that was the only location utilized by the new zone, and the possibility of limiting rentals in the Elsinore Addition. Zoning Administrator Hanson said that the County could not make limits on rental properties, and suggested Mr. Foreman speak with an attorney for some additional advice.

Discussion then followed concerning the number of animals allowed under the proposed zone, the differences between the new zone and the current zone, the businesses that will be affected, that those businesses are not following the current zone either, how the change would affect any future building, that grandfathering means that what is there now legally will be legal regardless of who owns or purchases it but any new structures would need to meet the RA zone requirements, septic system requirements and setbacks for the septic system, that two lots may be needed for building, that there would need to be enough space for a replacement septic area, what hardships would be placed on the residents if the zone changed, and requirement for a kennel license if more than 3 dogs were acquired. The Planning Commission then asked if there were any further questions from the residents. Further discussion followed concerning whether or not the fire hydrants would be improved, that the water is provided by Elsinore Town, that Elsinore Town will not allow any more hookups in the addition at this time, the size of the water lines, where the water lines are located on the lots, the method for fighting fires in the area by utilizing water trucks, the possibility of forming special service district that would allow the residents of the Elsinore Addition to apply for funding to upgrade the water lines, and whether or not the residents in attendance wanted the change of zoning. Most of the residents indicated that they wanted the zoning to remain the same as it will currently affect the livelihood of two residents who depend on their current business activities to make a living. Zoning Administrator Hanson said he is still in favor of the zone change. Chairman Worley and Commissioner Ogden indicated they are also favoring the zone change, and Chairman Worley outlined the steps that the County Commission would have to take prior to making a final decision. After discussion, Evelyn Nielsen moved to recommend changing the zone in the Elsinore Addition from A5 to RA to the County Commission, second Caryl Christensen. All voted aye during a roll call vote. Motion passed.

Meeting adjourned at 7:10 p.m.