

Sanpete County Planning Commission Meeting

May 14, 2025 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

Attendees: Planning Commission Chair Curtis Ludvigson, Co-Chair Cody Harmer and Board Members: Claudia Jarrett, Gene Jacobson, Justin Atkinson and Jo-Anne Riley. Sanpete County Zoning Administrator Steven Jenson and Sanpete County Deputy Clerk Heather Pyper. Also in attendance is Sanpete County Commissioner Mike Bennett and Commissioner Jim Cheney. Sanpete County Recorder Talisha Johnson joined via ZOOM. Reed Hatch has been excused.

Meeting is called to order by Chair Curtis Ludvigson.

Role Call: Justin present, Gene present, Cody present, Curtis present, Jo-Anne Riley present, Claudia present and Reed Hatch Excused.

I. Approval of the Agenda

The motion is made by Claudia Jarrett to approve the agenda.

The motion is seconded by Jo-Anne Riley. All in favor, none opposed and the motion passes. Vote by voice: Justin Atkinson aye; Cody Harmer aye; Curtis Ludvigson aye; Claudia Jarrett aye; Gene Jacobson, aye; Jo-Anne Riley, aye.

II. Discussion with John Chartier from the State of Utah Quality about Major Subdivisions and Public Water Systems and individual wells

This item has been tabled until June's meeting.

III. Discussion to recommend approval to updates for fire mitigation for the Freedom Ranch Plat B Subdivision. The affected subdivision is located Northeast of Mt. Pleasant, Utah. More specifically described as Parcel #S-22506X16, and S-22506X15

Doug Johnson is present. Steven Jenson presents the item. Mr. Jenson reminds the Commission that the Freedom Ranch Subdivision appeared on April's agenda for a plat amendment involving a lot line adjustment between two lots within the subdivision. It was brought to their attention that the road exceeded the allowable length and required updated fire mitigation measures or a secondary access. Mr. Johnson states that the cul-de-sacs do not meet the current Ordinance, which was updated two years ago, but notes that the subdivision was originally approved in the 1990s under the regulations in place at that time. Mr. Jenson

Sanpete County Planning Commission Meeting

May 14, 2025 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

states that once the necessary updates are completed and approved, they can proceed with the plat amendment. He adds that a fire suppression system and water hydrants have been installed, and all that remains is approval from the Fire Marshal. Mr. Johnson mentions that Max Lewis, the Fire Warden, and Sam Draper, the Fire Chief of Mount Pleasant, have visited the subdivision and inspected the fire system. He then explains the details of the subdivision's water system. Cody Harmer confirms that there is an access road in place and that a cul-de-sac is not necessary. Mr. Johnson reiterates that the fire system is already installed and, per the ordinance, if approved by the Fire Warden, it fulfills the wildfire mitigation requirements. Mr. Jacobson asks how difficult it would be to obtain an easement for the road. Mr. Johnson responds that they are not willing to pursue that option. Mr. Harmer inquires whether the road can be drawn on the Mylar. Mr. Ludvigson seeks clarification regarding whether a secondary access road is required. Mr. Johnson states that Max Lewis and Sam Draper have been to the property, tested the fire system, and will be submitting a letter to Steven Jenson to confirm their findings.

The motion is made by Claudia Jarrett to approve updates for fire mitigation for the Freedom Ranch Plat B Subdivision. The affected subdivision is located Northeast of Mt. Pleasant, Utah. More specifically described as ***Parcel #S-22506X16***, and ***S-22506X15***. Pending the submission of the letter from the Fire Warden.

The motion is seconded by Cody Harmer. All in favor, none opposed, and the motion passes.

IV. **Discussion for possible approval for a 1 lot Major Subdivision (Chickenhawk Estates) application by Shyanne Spencer & Zayne Cologie. The parcel is located Southeast of Fountain Green, and is in the RA-2 Zone. The subdivision would contain 1 lot of 1.50 +- acres. Parcel # S-21513X2**

Shyanne Spence and Zayne Cologie are present. Steven Jenson presents the item. Mr. Jenson states that this parcel is within one thousand feet of another subdivision. The Mylar copy of the survey has been reviewed and approved by the Recorder's Office and submitted for final review by the Planning Commission. An Owner Affidavit has been signed, notarized, and

Sanpete County Planning Commission Meeting

May 14, 2025 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

submitted by the applicants. A septic permit has been obtained from the Central Utah Health Department. A letter from Rocky Mountain Power has been submitted, stating their intent to provide power to the subdivision; however, as of today, the power has not been stubbed. The Utah Division of Water Rights shows the applicants have been approved for 1 acre-foot of water for domestic use. This meets the minimum requirement, and the water rights are listed in the applicants' names. The well has not yet been drilled. The Sanpete County Road Supervisor has signed off on access to the property from the county road. A Police/Fire/Ambulance waiver has been signed, notarized, and submitted by the applicants. Property taxes are current and paid. A copy of the current title search has been submitted and shows no issues with the property. The application fee has also been paid. Based on this application and the requirements for a Major Subdivision, the only outstanding items are the stubbing of power and the drilling of the well. Mr. Jacobson comments that the property is a beautiful location to build a home but notes a couple of challenges the applicants will need to address. These include the requirement for underground power and the presence of a wash approximately fifteen feet deep. He further explains that, generally, when development occurs near or beneath a wet structure, certain additional requirements must be met. Mr. Jacobson states the following items need to be included on the plat: the well location, a prescriptive easement from Fountain Green, a cross-section of the apron, setback lines, the location of the culvert, and a title for the plat.

The motion is made by Claudia Jarrett to table the 1 lot major subdivision (Chickenhawk Estates) application by Shyanne Spencer & Zayne Cologie. The parcel is located Southeast of Fountain Green, and is in the RA-2 Zone. The subdivision would contain 1 lot of 1.50 +- acres. ***Parcel # S-21513X2***. Pending an updated Preliminary Plat, well drilled, application to Board of Adjustments.

The motion is seconded by Cody Harmer. All in favor, none opposed, and the motion passes.

Mr. Ludvigson states he's concerned about what Rocky Mountain Power will do about the wash. Mr. Jacobson suggests requesting a variance on the power pole going across the wash

Sanpete County Planning Commission Meeting

May 14, 2025 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

then underground up to the property. Ms. Jarrett states, it's not the Planning Commission that does a variance it's the Board of Adjustments which is the County Commissioners.

V. Discussion for possible approval for a 3 lot small subdivision (BMR Ranch) application by Kyle Spencer. The parcel is located North of Millburn, and is in the Agriculture Zone. The subdivision would contain 1 lot of 107.32 +- acres, Lot 2 of 107.29 +- acres, and lot 3 of 107.27 +- acres. Parcel # S-20151, S-20275, and S-20279

Tony Scarpino and Lynn Rindlisbacher are present. Ms. Jarrett brings to attention that a parcel number is missing from the agenda and asks if the item can still be approved. Ms. Johnson clarifies that the only parcels she platted were #20279 and #20275. Mr. Ludvigson states that parcel #S-20151 will be excluded from the discussion tonight and asks if anyone from the public is opposed to this. No one voices opposition. Steven Jenson presents the agenda item. The Mylar copy of the survey has been reviewed and approved by the Recorder's Office and submitted for final review by the Planning Commission. An Owner Affidavit has been signed, notarized, and submitted. A septic permit has been obtained from the Central Utah Health Department. A letter from Fairview City has been submitted, stating that they intend to provide power to the subdivision. The Utah Division of Water Rights shows that the applicants have been approved for three acre-feet of water for domestic use. This exceeds the minimum requirement of one acre-foot per lot. The water rights are in the applicants' names. The Sanpete County Road Supervisor has signed off on the access to the property from the county road. A Police/Fire/Ambulance waiver has been signed and notarized by the applicants. Property taxes are current and paid. A copy of the current title search has been submitted and shows no issues with the property. The application fee has also been paid. This application meets all ordinance requirements, and the Zoning Department recommends approval by the Planning Commission. Mr. Ludvigson asks if three separate wells will be drilled. The response is yes. Ms. Jarrett asks for clarification as to why a Major Subdivision application was not filled out instead of a Small Subdivision application, as the item appears to qualify as a major subdivision. Mr. Jenson explains that two separate applications were submitted and that the applicants chose to file under the small subdivision process. Mr. Jacobson notes that the title report lists 46 easements, but only 45 appear on the

Sanpete County Planning Commission Meeting

May 14, 2025 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

plat. He reads off some of the missing easements. A discussion ensues regarding the discrepancies in the easement documentation.

The motion is made by Gene Jacobson to approve the 3 lot small subdivision (BMR Ranch) application by Kyle Spencer. The parcel is located North of Millburn, and is in the Agriculture Zone. The subdivision would contain 1 lot of 107.32 +/- acres, Lot 2 of 107.29 +/- acres, and lot 3 of 107.27 +/- acres. ***Parcel #S-20275, and S-20279. Excluding Parcel # S-20151.*** Subject to all easements and exceptions as found of Title report be platted on the Preliminary Plat.

The motion is seconded by Jo-Anne Riley. All in favor, none opposed, and the motion passes.

VI. Discussion for possible approval for a 1 lot small subdivision (Allred Dream application by Shaylen Allred & Robin Wentz. The parcel is located South of Fountain Green in the Agriculture zone. The subdivision would contain 1 lot of 9.75 +/- acres. Parcel # S-21707X4

Shaylen Allred and Robin Wentz are present. Steven Jenson presents the item. The Mylar copy of the survey has been reviewed and approved by the Recorder's Office and submitted for final review by the Planning Commission. An Owner Affidavit has been signed, notarized, and submitted. A septic permit has been obtained from the Central Utah Health Department. A letter from Rocky Mountain Power has been submitted, indicating their intent to provide power to the subdivision. Power poles have been installed. The Utah Division of Water Rights shows the applicants have been approved for 1 EDU at 1 acre-foot for domestic use, which meets the minimum requirement. The water rights are in the applicants' names. A well has been drilled per the Division's records, and a drill report has been submitted. The Sanpete County Road Supervisor has signed off on access to the property from the county road. A Police/Fire/Ambulance waiver has been signed and notarized by the applicants. Property taxes are current and paid. A current title search has been submitted, showing no issues with the property. The application fee has been paid. This application meets all

Sanpete County Planning Commission Meeting

May 14, 2025 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

ordinance requirements, and the Zoning Department recommends approval by the Planning Commission. Mr. Jacobson asks if a copy of the minutes from the last meeting (October 9, 2025) is available. Mr. Jenson responds no. Mr. Harmer states he believed this application had been reviewed previously. Mr. Allred confirms and notes that one of the main concerns was the power poles located within the right-of-way. He states that they have remained in communication with Rocky Mountain Power and have also spoken with Tom Seely, the County Road Supervisor. Mr. Allred explains that Tom Seely emailed them confirming that the poles are fine to remain for now, but if they cause issues in the future, Rocky Mountain Power is willing to place them underground. Mr. Jacobson responds, "When someone hits one and gets killed, what do we do? Is that when we put them underground?" Ms. Wentz replies that it is the power company's responsibility. Mr. Jacobson disagrees, stating, "It is not, it is yours." He adds that he had previously spoken to individuals when the installation began and was told the applicants insisted on continuing the work. Ms. Wentz denies this, explaining that she was on-site the day the poles were installed and no such conversation occurred. Mr. Jacobson asserts that the ordinance requires all power lines to be placed underground. Ms. Riley states that the ordinance is in place and cannot simply be changed. Ms. Wentz asks if a letter from Rocky Mountain Power stating their willingness to remove the poles would suffice for the application to move forward. Mr. Jacobson replies that it would, only if the promise is bonded. Mr. Atkinson suggests that the applicants obtain a more formal, contractual agreement from Rocky Mountain Power confirming they will relocate the poles. Mr. Ludvigson requests to see the letter from Tom Seely. Mr. Jenson clarifies that the letter is not from Mr. Seely directly, but from Rocky Mountain Power stating they spoke with him. Ms. Jarrett inquires about the fence line. Ms. Wentz states they have a fence line agreement. Ms. Jarrett then asks if it would be possible to run a power pole up to the parcel, then go underground from there. Mr. Harmer comments that it was a new line and, therefore, should have been placed underground initially. Mr. Ludvigson recommends the applicants return to Rocky Mountain Power and request that the poles be placed underground. Mr. Harmer suggests sending the minutes of this meeting to Rocky Mountain Power as evidence that the application cannot be approved due to the power pole issue. Tensions rise during the discussion about the power poles. Mr. Ludvigson asks Mr. Jenson if he would be willing to

Sanpete County Planning Commission Meeting

May 14, 2025 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

assist the applicants with navigating the process with Rocky Mountain Power. Mr. Jenson agrees. Due to multiple overlapping conversations, it becomes difficult to accurately capture all statements being made. Discussion continues regarding the power pole issue.

The motion is made by Cody Harmer to table the 1 lot small subdivision (Allred Dream) application by Shaylen Allred & Robin Wentz. The parcel is located South of Fountain Green in the Agriculture zone. The subdivision would contain 1 lot of 9.75 +/- acres. ***Parcel # S-21707X4***. Pending the Power correction, Enforcement officer sign and submit a letter that the property has been cleaned. Fence Line Agreement is recorded with the Sanpete County Recorder's office.

Mr. Ludvigson asks, why the application can't be approved based on the letter from Rocky Mountain Power. Mr. Atkinson says he believes it would be a safety issue. Mr. Harmer states, he doesn't believe Rocky Mountain Power will deal with this issue immediately.

The motion is seconded by Jo-Anne Riley. All in favor, none opposed, and the motion passes.

Mr. Jacobson reads from Ordinance 13.24.150, Utilities to be underground Unless otherwise determined by the Land Use Authority, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the applicant. All utilities shall be developed in provided easements and shall extend to the property line of every lot within the subdivision. Mr. Ludvigson suggests somebody from the County needs to have a conversation with Rocky Mountain Power. Mr. Ludvigson states he can sympathize with the applicants dealing with Rocky Mountain Power. Ms. Jarrett points out that Rocky Mountain could've possibly put the poles outside the fence line so they wouldn't have to get the easements from all the property owners.

VII. Discussion for possible approval for a 1 lot small subdivision (Morstad) application by Dean & Brandi Morstad. The parcel is located Southwest of Fountain Green in the

Sanpete County Planning Commission Meeting

May 14, 2025 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

Agriculture zone. The subdivision would contain 1 lot of 10.09 +/- acres. Parcel # S-20175

Mr. Jacobson points out that this parcel is in Indianola, not Fountain Green. Mr. Jensen states that based on the parcel information and the submitted documentation, it is located in Fountain Green. The Mylar copy of the survey has been reviewed and approved by the Recorder's Office and submitted for final review by the Planning Commission. An Owner Affidavit has been signed, notarized, and submitted. A septic permit has been obtained from the Central Utah Health Department. The applicant plans to install ground-mounted solar panels for power on the property. Because of this, a Conditional Use Permit will be required. The Utah Division of Water Rights shows that the applicant has been approved for 1 EDU at 1 acre-foot for domestic use, which meets the minimum requirement. The water rights are in the applicants' names. The Sanpete County Road Supervisor has signed off on access to the property from the county road. A Police/Fire/Ambulance waiver has been signed and notarized by the applicants. Taxes are current and paid. A current title search has been submitted and shows no issues with the property. Only \$500 of the required \$1,500 in fees has been paid.

The motion is made by Cody Harmer to table the 1 lot small subdivision (Morstad) application by Dean & Brandi Morstad. The subdivision would contain 1 lot of 10.09 +/- acres. ***Parcel # S-20175***. Pending corrections, adding the easement and pay the fee.

The motion is seconded by Claudia Jarrett. All in favor, none opposed, and the motion passes.

VIII. Discussion and possible recommendation on updating Sanpete County Subdivision Ordinance 13.24.205 Addendum On Water Requirements. To require a meter be installed on a well before a building permit will be issued.

Mr. Ludvigson presents the item. He states that a Public Hearing was held on this item last month, during which many citizens shared comments and concerns. Mr. Harmer states that he and Mr. Jacobson spoke with representatives from the State Division of Water Rights. He

Sanpete County Planning Commission Meeting

May 14, 2025 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

explains that an important take away from that conversation was that for a 1-acre-foot domestic use application, if a meter is required, it will be addressed at the time the well is proofed. Any application for more than 1.5 acre-feet will automatically require a meter, as it must be engineered. Mr. Ludvigson asks for clarification on whether the State handles this requirement. Mr. Harmer confirms that it must be approved by the State Water Engineer. Mr. Jacobson adds that the individual he spoke with mentioned they used to measure water flow by filling a five-gallon bucket and timing it with a watch. He also noted that the State does not enter private property to investigate. Mr. Atkinson states that he believes the State is more concerned with larger water users. He poses a hypothetical question: if the County required 1.5 acre-feet, would that mean wells would have to be metered, proofed, and certificated? Mr. Harmer responds yes. Mr. Ludvigson notes that this could lead to a problem, where people might intentionally overuse water just to “prove up” on their rights. Mr. Harmer agrees and explains that if the State finds an overage during proofing, they will then investigate. He concludes that since the State isn’t overly concerned, the County likely shouldn’t be either. Ms. Jarrett shares that she sensed strong concern in the comments from the Sanpete County Water Conservancy District about not wanting the County to end up like Iron County. Mr. Jacobson points out that during the Public Hearing, Mr. Olson failed to mention that a water study was conducted by the Water Conservancy District in 2023. He believes there won't be significant changes in the new study currently being conducted. Mr. Jacobson adds that Hayden, from the State Division of Water Rights, is also waiting for this study to be completed so the information can be used as needed. He also states that he spoke with the woman conducting the new study, and she said that in 2023, all major springs and the areas tested—primarily municipalities—were doing well. Mr. Harmer expresses concern about the sheer number of wells being installed, though he notes that metering will not affect the number of wells. Ms. Jarrett voices concern about the lack of data from those wells. Mr. Harmer states he would support a moratorium or a cap on the number of wells in the County. Mr. Jenson explains that, as he learned at the R6 Summit, a moratorium can only last for six months, and a new one must have a different justification each time; the same reasoning cannot be reused. Mr. Atkinson suggests that once the Water Conservancy District completes

Sanpete County Planning Commission Meeting

May 14, 2025 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

its study, they could advocate for requiring meters on wells. A discussion follows regarding the implications of allowing 1.5 acre-feet of flow.

The motion is made by Cody Harmer to not update the Sanpete County Subdivision Ordinance 13.24.205 Addendum On Water Requirements. To require a meter be installed on a well before a building permit will be issued at this time. Pending information from the water studies that will be completed that could change the Ordinance in the future.

The motion is seconded by Justin Atkinson. All in favor, none opposed, and the motion passes. Jo-Anne Riley abstained from motion.

Mr. Jacobson states that during his research on water requirements, he found that all the aquifers are currently in good condition. Ms. Jarrett adds that she listened to a tape recording from a Mount Pleasant City Council meeting, during which Megan Jensen from Rural Water gave a presentation on groundwater. She explains that the presentation was primarily directed at cities and focused on the issue of septic tanks—not being pumped out every five years as recommended. Ms. Jarrett expresses concern that the County may face a larger problem with contaminants entering the ground, which ultimately affect the aquifers.

Not on the Agenda

Mr. Ludvigson gives the floor to Commissioner Cheney. Commissioner Cheney states that, according to State law, a shared well can serve up to seven homes. He notes that the County currently does not have any regulations in place to prevent a developer from phasing a subdivision by building seven homes on one well, then extending the subdivision and repeating the process. Commissioner Cheney expresses concern that cities will eventually annex these subdivisions, leaving the responsibility of maintaining and upgrading the infrastructure to the cities—and ultimately, their residents.

Discussion ensues regarding wells, subdivisions, and the potential challenges of avoiding the need to become a formal water system.

IX. Discussion and reports from R6 Regional Growth Summit by those who attended.

Sanpete County Planning Commission Meeting

May 14, 2025 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

Ms. Riley states that she sent the Commission members email slides from a presentation she attended. She shares a few takeaways, starting with the reminder that each Commission should have a set of by-laws, and asks if they do. Mr. Jenson responds that they are included in the Land Use Ordinance. Ms. Riley continues, noting that in another session, an attorney discussed road access. According to the attorney, if a road on private property has been used regularly by the public for 10 years, it is now considered a public road. In such cases, cities and counties are legally required to recognize and maintain the road. Ms. Jarrett explains that Sanpete County already has a system in place for this, identifying such roads as Class B and Class D roads, which are essentially dedicated prescriptive easements. Mr. Atkinson adds that, based on his interpretation of the attorney's comments, jurisdiction over the road would fall to the entity in whose boundaries the road lies. Mr. Harmer comments that changing this system now would create a mess. Ms. Johnson notes that Sanpete County and Cache County are the only two counties in Utah that do not have full ownership of their roads. Ms. Riley shares another insight from the Summit: the distinction between legislative items—such as decisions to change policies—and administrative items, which are based strictly on existing evidence and information. She also mentions that, in her Public Meetings class, it was recommended to have law enforcement present if the Commission anticipates heightened tensions. Ms. Pyper states that she did request law enforcement presence at the last Public Hearing. Ms. Riley further explains that during a Public Hearing, the Commission should not engage in discussion, but instead listen to the public, thank them for their comments, and then move to the next speaker. Mr. Jacobson acknowledges that he mistakenly engaged with an applicant during the meeting and apologizes to the Commission. Mr. Atkinson agrees and says he appreciated the road discussion from the class he attended, and also mentions that he attended the Truth in Taxation class with Commissioner Cheney.

X. Open and Public Meeting Acts Training

Mr. Ludvigson states he completed the training so this item was not discussed.

Sanpete County Planning Commission Meeting

May 14, 2025 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

XI. Approval of minutes from April's meeting

Motion is made by Claudia Jarrett to approve the Planning Commission minutes from April 9, 2025, with no corrections.

The motion is seconded by Justin Atkinson. All in favor, none opposed, and the motion passes

XII. Adjournment

With no further business before the Planning Commission, a motion to adjourn is made by Claudia Jarrett. The motion is seconded by Jo-Anne Riley. All in favor, none opposed, and the motion passes. The meeting is adjourned at 8:46p.m.