

**SANPETE COUNTY COMMISSION
BOARD OF APPEALS MEETING**

June 3, 2025, 10:00 AM

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

Present are: Commission Chair Scott Bartholomew, Commissioner Mike Bennett and Jim Cheney. County Clerk Linda Christiansen.

Meeting is called to order by Commission Chair Scott Bartholomew.

**JOHN R. ROMERO REPRESENTING WHISPERING PINES PROPERTY OWNERS ASSOCIATION:
DISCUSSION AND POTENTIAL APPROVAL OF A VARIANCE FROM 6.35 ACRES TO 4.35 ACRES
IN ORDER TO SECURE LAND AROUND THE WHISPERING PINES WATER UTILITY ON PARCEL
#26963X8, ACCOUNT #R031359.**

John Romero presents the agenda item. Mr. Romero addresses the information he supplied in a packet that was sent to the Commissioners prior to the meeting. The property he would like to discuss in today's meeting is located in Whispering Pines Phase 3 which is a recreational community located east of Mt. Pleasant. The Whispering Pines Association owns approximately twenty-three acres of open space. Mr. Romero explains they have a water utility that was created to support the residents in the eighties. The association owns all of the equipment but not the land around the water utility. Mr. Romero is the President of the Association and he is trying to protect the future of the water system. One property owner, Tom Fassio, has owned a majority of the property around and in the subdivision but he also owns the land around the water utility. Mr. Fassio is interested in doing a land swap; by adding two acres to his home and the association needs two acres to cover the water utility. This way they can fence it and not have to worry about purchasing land. The association has 6.35 acres of open space; it is vacant land with a parking lot and a few trash cans. Mr. Romero points out the area of the potential two acres they would like to split off for the land swap on a picture he supplied in his packet. By giving Mr. Fassio the two acres off of the 6.35-acre lot, he understands there is a minimum lot size requirement for a building lot. His argument is that this piece will remain open space and will not be used for a building lot and he is requesting a variance on the lot size. This land swap will give them the ability to protect their water utility with a fence but also gives them ownership to their system. Eventually they would like to add an additional water tank. Mr. Romero states he is hoping to correct a mistake made years ago by seeking a variance to go from the 6.35 acres of open space to 4.35. Commissioner Cheney questions what the remaining 4.35-acre lot will be used for. Mr. Romero states it will remain open space. They really need the two acres to make the plan work; the swap would not be feasible for both parties with a 1.35 acres to retain five acres. Mr. Romero states they will do what they have to and if the Commission says no they will go back to Mr. Fassio for another proposal. Commissioner Bartholomew does not want to set a precedence. Steven Jenson inquires as to whether or not the property the association is swapping with Mr. Fassio is within the subdivision. The response is no. If the property swap affects the subdivision lots, the process is very complicated and will require a plat amendment. The Commissioners request the County Recorder, Talisha Johnson to attend the meeting. Discussion ensues in regards to the process of the land swap and recent State Code changes to amending subdivision plats. Mr. Romero is not sure if the 6.35-acre lot

is part of the Whispering Pines Subdivision plat. Talisha Johnson arrives to the meeting but does not have any previous knowledge of the issue before the Commission today. Description of the property location is given to Ms. Johnson and it is determined that the 6.35-acre parcel is NOT located within the subdivision; therefore, it is located in the unincorporated county area. Discussion continues as to whether or not the properties being discussed are within the subdivision or not. Based on the tax description, Ms. Johnson confirms the property is not located in the subdivision. Steven Jenson readdresses the request made to reduce the lot size below the minimum of five acres, which would make it a non-confirming lot. It could never be built on or developed. Commissioner Bartholomew asks if they are willing to sign a statement (recorded with the deed) in regards to their knowledge of the non-confirming lot; would that be acceptable? Neither of the lots that are involved in the land swap lie within the boundaries of the subdivision; both are located in the unincorporated area. Ms. Johnson states they can file a deed restriction on the non-confirming parcel. Those present in the meeting agree that this would be a good solution for all parties. Ms. Johnson states this scenario is comparable to an Ag split with a recorded deed restriction. Mr. Romero poses the question of what would happen if the property became or remained five acres, would the restriction be lifted. He does not want to make a final decision without consulting with the Association Board. He wants the Board to understand that they can never sell the property for a building lot and it has to remain open space. Commissioner Bartholomew agrees that he can go back to the Board and if they agree to the terms, Mr. Romero can work with Steven on finalizing documents. Motion is made by Commissioner Bennett to approve the variance from 6.35 acres to 4.35 acres with the deed restriction that it is a non-confirming parcel and it can never be built on. The motion is seconded by Commissioner Cheney, and the motion passes.

Motion is made by Commissioner Bennett to adjourn. The motion is seconded by Commissioner Cheney, and the motion passes.

The meeting is adjourned at 10:16 A.M.

ATTEST: 

Linda Christiansen
Sanpete County Clerk

APPROVED: 

Scott Bartholomew
Commission Chair