

Emery County Planning & Zoning
Meeting Minutes
May 14th, 2025 1:00 p.m.

Join Zoom Meeting

<https://zoom.us/j/4353813570?pwd=NWduRlZzRCtGNUdnd1d0NkNNdmxIZz09>

passcode:Emery

IN ATTENDANCE: Gary Arrington, Bart Cox, Tyler Jeffs, Bruce Wilson, Bill Dellos, Jim Jennings, Commissioner Jordan Leonard, Natalie Olsen

EXCUSED:

VISITORS:

1. Welcome:

Gary welcomed all in attendance and opened the meeting.

2. Discuss/Approve/Deny of the April 9th, 2025 Meeting Minutes:

Bill made a motion to approve the minutes with a second from Bruce. Voting was unanimous.

3. Discuss/Approve/Deny: Michael Madsen Minor Subdivision.

He has 6 acres out on coal haul road. He plans to put a house there and come down when they can. He has worked to get water and power and is going to start building in the near future. It does meet the minor subdivision point system. It will just be one lot with one house. Gary said if he qualifies under the ordinance there is no reason to deny it. Mike said he did just realize he needed two water shares instead of one so he is looking for one more water share. Orangeville city just moved a resolution to go ahead and lease one of theirs until he can find another water share.

Bill made a motion to approve the Michael Madsen Minor Subdivision as long as it qualifies under county ordinance with a second from Tyler. Voting was unanimous.

4. Discuss/Approve/Deny: J&R Minor Subdivision.

Jim said last month the Commission looked at the mapping together. There were some discrepancies and so the minor subdivision was tabled. Those discrepancies have now been fixed.

Bruce made a motion to approve the minor subdivision with a second from Bill. Voting was unanimous.

5. Presentation: Ainsworth/Brotherson

Brothersons: Stephanie stated that she has been here a number of times. The Ainsworths have a neighboring property adjacent to the Brothersons. Both properties reside in both county and city jurisdiction. The Ainsworths have been hosting wedding events which have been quite a disturbance for the community. Last year they happened every weekend over the course of a 8-9 week period. The Brothersons did not get to enjoy any of their weekend time in their backyard because of the wedding processions and a lot of loud music. It was told to the Brothersons that it would be just an airbnb with potential to become a wedding venue, which never happened. There are no codes or protections to help mitigate any of the trespassing, indecent exposure or loud music. The Brothersons are trying to find a common ground. They would like to establish conditional use that would be met by privacy fencing, sound decibel meters, preventing trespassing, preventing light shows that shine in the windows at night, all of those things. They want to be able to enjoy their own back yard when these weddings are taking place.

Ainsworths: Robert Cummings; attorney at Spencer Thayne: The understanding coming into this meeting was that it was going to be an informal discussion to reach a resolution between the parties that would be facilitated by someone from the county. His concern is the firm represents counties, cities and municipalities so if there is action taken by the Commission or a recommendation that may run an ethical issue for him that he needs to have vetted out. Also, because they were unaware of a proposal to have a Conditional Use permit with certain conditions in place, he is concerned about due process and concerns and would like to go over those concerns more in depth. He would like to have this discussion/presentation tabled and placed on the June 11th Planning Commission meeting.

It was asked if there are any events before June 11th? The Ainsworths said they did have a wedding scheduled for June 7th but they cancelled because of concerns that the Brothersons would photograph them against their will. They believe they should have privacy when they rent the venue. They also didn't want the concern of being harassed by the Brothersons. So no events booked before June 11th.

Lee Moss: He wanted to say that the noise is excessive even across the creek. And also was wondering why the fence should be a 50/50 cost. He thought the Ainsworths should put up the fence because they are the ones that need to have the people stay on their property.

6. Discuss/Approve/Deny: Recommendation on Ainsworths/Brothersons to the Emery County Commission.

Bill made a motion to table the discussion and recommendation with a second from Bruce. Voting was unanimous.

7. Discuss/Approve/Deny: Enforcing Ordinances.

Tyler: He did read the ordinances and there are some good things about enforcements but they aren't very clear. Tyler wants to make a difference so that we don't have issues with people doing whatever they want on their property and thinking its ok. If we dont have enforcements why even have an ordinance. He knows we are working through the

General Plan but wants to put a specific plan of action in place so when there is an issue we know how to handle it and what fines and penalties are assessed and how they are collected.

Gary said everything that Tyler is asking for is not this Planning Commission's responsibility. That belongs to the county itself. They need to hire a code officer. We put the ordinances together and the county hires the enforcer.

Tyler's concern is if the county is willing to enforce the ordinances.

Commissioner Jensen is wanting to minimize ordinances and have as minimum as possible.

Tyler asked if the Planning Commission came up with a plan that said here is the course of action on people that are not living by a particular ordinance is the county willing to enforce that.

Commissioner Jensen's answer to that was, If someone is directly negatively impacted, he thought we could talk about issues. He also said that maybe there could be a grace period.

Commissioner Jensen said that he believes If someone is living in a camp trailer they ought to pay property taxes.

After a lot of discussion Gary said they just want to know in the next month or so the direction the County Commission wants to go as far as what we ordinance and what we ignore.

Commissioner Leonard said the answer to Tyler's question is that the Planning Commission and Emery County Commission identify the challenges together and create something that we can follow through with. We do need to develop something to where we can say this is what we are going to enforce. The challenge is we don't have an enforcement officer. We are going to have to fill that chart.

8. Discuss/Approve/Deny: General Plan.

Nothing to Report

9. Discuss Any other Business:

Nothing to Discuss

10. Adjourn:

Bill made the motion to adjourn the meeting. The next meeting will be held June 11th at 1:00 am.