

Planning Commission Regular Meeting Minutes

Members Present: - Michele Mounter-Excused, Scott Keller, Stephen Hull, Duane Williams, Dave Hendricksen, Jeff Winterton, Vaughn Rasband.

Staff: Brian Preece-Town Planner, and Karen Mair- Clerk/Recorder.

Public: Bob Kowallis, Linnie Casper, Scott Enos, Brenda Enos, Shawn Casper, Lynn Fautin, Jessica Shepherd, Shawn Taylor, Alan Brown, Susan Widdison.

Call to Order: 7:00 p.m.

Prayer: Scott Keller

Pledge: Steve Hull

Approval of Meeting Minutes for April 17, 2025 – Steve Hull asks the Commission if they have read through the minutes, and if there were no questions he would accept a motion to approve the minutes. David Hendricksen makes a motion to approve the minutes for April 17, 2025. Duane Williams seconds the motion. Voting is unanimous. Minutes are approved as written.

Public comment – No public comments.

Proposed Subdivision of the 6.61-acre property located at 3312 South Probst Lane (2900) West, Charleston UT 84032. Parcell number 20-0289.

This property is owned by Spencer Quin -Alex Fisher

Brain Preece takes a moment to explain the new subdivision approval that is now required by state law. Cites that were under 5000 had until December of 2025 to put this law into effect. As you all know, we did adopt the state mandated subdivision ordinance. With this new ordinance, the state legislature has taken away most of the requirements that we were previously doing to approve subdivisions away. The Planning Commission can only hear the application proposal one time, and we are allowed to hold one public hearing. The Planning Commission cannot ask for another meeting, nor can the public hearing be continued. The only thing that the Planning Commission can consider at this point is whether it meets the zoning requirements or it doesn't. State law states that if it meets the zoning requirements, we must approve it. Once you are satisfied that it meets the zoning requirements, the applicant then will make a final plat and submit it to the Planning Director, Towns Attorney, and the Towns

Engineer. With this new subdivision ordinance, the Town Council no longer has any say in the approval of subdivisions.

Brian explains that the proposed property is located at approximately 3312 South Probst Lane (2900 West). The property is approximately 6.158 acres. The existing parcel is proposed to be subdivided into 3 parcels. The parcel that contains the existing home, or Lot 1, will be a 2.499-acre lot and the new parcels or Lots 2 and 3 will be 2.027 acres and 1.831 acres respectively. This will be a private drive; therefore, it will require its own snow removal and upkeep. There will be CC&Rs recorded with each lot. Our subdivision zoning limits private drives to 5 lots. Our ordinance does allow 1-acre lots, but the health department requires an average of 2-acre lots. Brian states that with his review of the application, this meets the laws of the town's requirements and the state subdivision and the zoning requirements, therefore he recommends that the Planning Commission approve the subdivision application.

Steve Hull opens the public hearing.

Bob Kowallis asks if there is enough water in the aquifers for the water department to provide for this subdivision. Brian states that that will be decided in the final approval. Bob stated that it would be more beneficial to know that upfront. Brian stated that he understands the frustration, but the law states that all we can do is determine that this meets the requirements. All of this will be confirmed by the Towns Engineer before it is approved.

Lynnie Casper asks if there will be a strong enough bridge since this will be going over the canal. Since this canal holds the runoff water, we would like to make sure that there won't be anything that would impact or block the runoff water. She also asks if there has been any consideration for the neighbors that live around this proposed subdivision stating that this would impact their lives. Brian states that this isn't something we can consider according to state law.

Scott Enos has concerns about all the entrances and exits on Probst Lane. He feels that this is just bad planning. He states that when all the other landowners develop the impact to Probst Lane is going to be insane. Brian states that according to the land use there could be a home every 200 feet. It will significantly become more dense, unfortunately this is what the current zoning allows. Scott Enos asks about sanitation and mail deliveries. Brian stated that it is up to the county sanitation department and the postal service to determine. Scott asks about landscaping, at what rate does landscaping have to be done. Brian states that 70 percent of the land needs to be landscaped. Scott asks what the timeline is. Brian states that there is no timeline. Spencer Quinn stated that he is trying to be considerate of the neighbors and has tried to address all the concerns. He wants to be a good neighbor. He is here to listen to the concerns of the town residents and try to address them. Scott feels that if the concerns of the residents won't make any impact, the meeting is worthless. Brian stated that this was the reason for the ordinance. They didn't want the concerns swaying the decisions.

Shawn Casper asks if the subdivision will require sewer. Brian states that they will be on septic systems since sewer does not exist. Shawn asks about water. Brian states that they will have to provide water to each lot. Since the main home is on a well, he will either have to convert the system to handle two more homes or make the necessary connections with the water district. **Brenda Enos** is concerned about lighting that would impact their home since they live directly across from this subdivision.

Lynn Fautin asks about fire hydrants. Brian states that there will have to be fire hydrants that meet the code with the engineer and Wasatch Fire District.

Jessica Shepherd asks if there will be rules that govern these subdivisions on timelines of when landscaping must be completed. Brian states that these can be addressed through the CC&Rs. CC&Rs can restrict how many or what kinds of animals can be allowed to a timeline for landscaping. Jessica asks if these CC&Rs will be made public. Brian states that once they are approved, they will be recorded in the county, and anyone can go in and view them.

Shawn Taylor He is impressed to see that the neighbors are being able to talk out their concerns. We should all strive to be good neighbors to each other.

Alan Brown has concerns about the well that is currently supplying water to the existing home. Alan states that he has concerns about using the existing well to supply the other lots. The Charleston Water Conservancy does not allow wells. This one slipped by the Water Conservancy because the irrigation company did not notify the water district that this was being perused. We, as a district, protest these permits since they interfere with the town water supply that sits underneath the water well being drilled. Brian states that if they want to use the well for the other lots, they will have to file a change permit, and the district will have to be notified. Spencer states that they have no intention of upgrading the well system. We must notify that the easement contains the well.

Susan Widdison asks about the septic system with the original home. She has concerns about the leach fields that do not exist. Steve states that the health department would make the decisions about what would need to happen with the existing home and any new home that may be built.

Steve Hull closes the public hearing.

Dave Henderickson asks if this meets all the requirements according to the subdivision ordinance.

Steve Hull asks if there is a way to force landscaping or strongly recommends that landscaping needs to be done. Brian Preece indicated that it can be included in the CC&R for all 3 lots. Brian states that we cannot legally deny hold Certificate of Occupancy for landscaping issues.

Scott Keller asks if they can make recommendations that the HOA of this subdivision for animals and landscaping? Spencer states that he is open to all recommendations.

Vaughn feels that HOA has stronger stipulation for landscaping. Brain states that we have the right to enforce the CC&Rs. We do not have the right to enforce the architectural part. Vaughn doesn't like the growth but realizes it is happening anyway.

Dave Hendricksen makes a motion to approve the preliminary approval for the 6.61-acre subdivision. Duane Williams seconded the motion. All in favor. Motion carried.

Steve Hull asks the members if there are any other questions. With no further questions, the meeting is adjourned.

The meeting adjourned at 8:00 pm.

Submitted by Karen Mair,
Charleston Town Clerk

Approved 9-24-2025