

**Minutes for the
Daggett County Planning & Zoning Meeting
Commission Chambers
February 25, 2015 12:00 PM**

Member Attending: Chair, Woody Bair; Chad Reed, Stew Leith

Guest Attending: Secretary Carrie Poulsen, Kevin Rushton.

Members Absent: Al Ladeau, Ryan Morgan, alternate Brian Raymond.

Item 1: Woody Bair welcomed everybody and brought the meeting to order at 12:00 PM.

Item 2: Approval of Minutes from January 21, 2015. Stew motioned to approve the minutes as written; Woody seconded the motion as Chad was not present at the January 21, 2015 meeting. All in favor; minutes approved.

Item 3: Nominations and election of Board positions: Vice Chair and others if necessary.

Chad Reed made a motion to nominate Stew Leith for Vice Chair. Woody seconded. All in favor. Stew Leith elected as Vice-Chair.

Chad Reed made a motion to move Item 7 to number 4 position. Stew seconded, all in favor, motion passed.

Item 7: Kevin Rushton: Consideration and Discussion of a building permit for an accessory building. Setbacks of accessory building on a 5 acre lot in Mountain View Subdivision, a PUD.

Kevin Rushton presented his building permit application to the board. He explained that he wants to build a steel building 50 feet back from the property line of the road and Carrie said it is 60 feet back from the property line. Kevin said the problem is it is going to be in front of the main dwelling and there already is an accessory building in the front. He said there is already 8 other properties in the subdivision that have accessory buildings in front of the dwellings. Stew said he does not see a problem with this as he is not blocking anybody's view. Chad asks if the field to the east is his hay field and Kevin said it is. Carrie explained that she thinks the intent of the ordinance is to keep accessory building behind main dwellings, but the HOA does not have anything in their by-laws stating accessory buildings have to be behind main dwellings and she was told by Allan Wood that they go by County Ordinances. Carrie explained that she spoke with Neil Lund, the County Attorney and he said the ordinance depends on your interpretation on how you are reading it. As long as he is meeting the 60 foot setback can you make him go 6 feet behind the main dwelling just because it is set back further than the 60 feet? Chad asked about the restrictive covenants for Mountain View and they are just using the R-5 zoning if their covenants don't speak to setbacks. Allan Wood is not the president of the homeowners association now but he was at the time the by-laws were written. Brett Poulsen is now the president. Carrie asked that since this is a PUD that Kevin would have to get a letter from the homeowners association approving the building, the board agreed. Woody felt that if the board gets the letter and since there is existing

properties that area in the same situation the recommendation from the board is that the PUD needs to adopt some rules pertaining to this rather than just deferring to the county. Woody feels that if somebody was to take this more letter of the rule that there could be an interpretation that all accessory buildings have to be behind main buildings and we wouldn't allow that by the county ordinances. Stew Leith made a motion to accept the Rushton building permit with the exception that his setback be 60 feet at the front and with a letter from the HOA. Chad Reed seconded the motion. All in favor, motion passed.

Item 4: Consideration and discussion to adopt a 2015 Planning & Zoning meeting schedule.

There was discussion as to why Woody wanted this on the agenda. Stew said the problem with trying to put together a meeting schedule is not knowing what is going to happen in Dutch John with their Planning & Zoning. Woody said he has tried to ask a couple of people for some feedback as far as what they are going to do and what we need to continue to do. Chad asked if Dutch John was continuing to have community meetings and nobody was sure, but Woody did say the Dutch John Advisory Committee is no longer meeting. Chad said there is a state statute process that they can have their own Planning and Zoning. More discussion took place about Dutch John having their own Planning and Zoning took place. Woody asks how can we proceed in trying to get Dutch John to commit or allow us to continue working as usual on anything pertaining to Dutch John. Chad said if somebody comes to the board and wants to do something we are obligated to do it. Woody said he would assume that unless the County Commissioners told the board otherwise we have to act. Woody asked the board how they want to proceed with scheduling this year's meetings. Chad suggested that he believes that the citizens of Dutch John need to hold a meeting and Jack Lytle should be there with the information about state statute and say this is what you need to do. Woody asked if we could draft a recommendation to the commission for them to make an action item on Dutch John for or against trying to push for a Planning & Zoning Committee. Chad said this would be good so we don't have Dutch John residents questioning anything we do. More discussion took place regarding Dutch John and future plans. Chad Reed made a motion to draft a request from the County Commission what does Planning & Zoning need to do to proceed and their recommendation on where they would like us to go with Dutch John planning. The board would like clarification to proceed. Stew Leith seconded, all in favor, motion passed. Woody added that the board would be willing to give the Commission the things that we have identified problems with goals to pass on. The board also offered to host a workshop for any new Dutch John board members.

Carrie stated that the intent of Item 4 was to discuss setting up the schedule for Planning & Zoning meetings for 2015. Woody said he would like to discuss Item 4 and Item 5 together.

Item 5: Consideration and discussion of Ryan Morgan not continuing on the board due to lack of attendance. Carrie sent an email to Ryan on January 26, 2015 and did not receive a response. Woody will follow up. Stew said what he had heard was Ryan would like to stay on the board if we change the meeting back to night. Woody said yes. Stew asked if the board wants to change the meetings to night to accommodate one person. Woody said he is fine either way. Chad said Wednesday is the only day or night he can do. Stew said he likes the day meetings. Stew asked if we change the meetings to nighttime will Ryan attend. Woody said yes he will. Stew asked how late we will have to have the meeting and Woody said 6:00 PM. Carrie has spoken with the clerk's office regarding scheduling the room at night and Tuesday or Wednesday nights is ok. Carrie stated one bonus to having day meetings is if we need Neil Lund, county attorney or Kym Slagowski, GIS or any other office that the courthouse is open and have more resources. Woody said he has spoke with Ryan and told him that if the board moves the meetings to 6:00 PM and he still doesn't come to at least 2 meetings then the board will ask

him to resign. More discussion on Ryan's attendance on other boards as well. Chad said one of his concerns is that Carrie will have to change her hours. Carrie said she will have to check with Jack on how to handle it. It will only be one day a month that she will have to make some changes. Chad said the people that a night time schedule will help will be the summer people, weekenders and the general public. Woody said another wrinkle is we have advertised for an alternate board member and still have not had anybody apply so he said if we can get a commitment from Ryan it will be good to keep him on the board. Stew asked if Ryan stays on the board is it full and it is except for still needing one alternate. Carrie asked what if he asked Ryan to be an alternate. Woody asked if we can determine that or would it have to go to the County Commissioners? Chad said he has never had that happen. Stew asked that if Ryan asked to be placed as an alternate because he can't attend all of the meetings would that be enough justification. Stew feels that we need to give Ryan a chance to attend the night meetings, Woody feels the same way. Stew made a motion to change the meetings to 6:00 PM to accommodate Ryan Morgan with the exception that if he has 3 unexcused absences then the board will ask him to resign. Chad Reed seconded, all in favor motion passed. Carrie asked what night the board would like to meet and they want to keep it on the third Wednesday of each month. Motion restated as discussed. Woody asked for a second, seconded by Chad Reed, all in favor, motion passed.

Item 6: Follow up: Lucas Project: has plat been recorded. Is there an ordinance recorded.

Dutch John Zoning Committee

Dutch John Map: reflect any changes

Dutch John: 600' commercial corridor: has commission scheduled a public hearing.

Woody said these items are just to make sure the Planning & Zoning board is caught up to date and that everything is recorded and any new maps in the Ordinance binders that reflect any changes. Chad made a comment that the website does not match the pages in our binders. Woody had a disc of ordinances and gave it to Carrie to research.

The Lucas Project Mylar Woody said he remembered signing it. Carrie spoke with the recorder's office and they are not sure if they need to keep the Mylar on file or if they can just record ordinance #15-05. But that ordinance is wrong and needs to be amended. The original ordinance has been recorded and Jack is supposed to be meeting with the Lucas's regarding getting the Mylar. Carrie stated also that The Draw is on that same ordinance and has been recorded and is final. Carrie said the other follow up is the 600' commercial corridor and Carrie has spoken with Sue Olorenshaw, clerk, and the County Commissioners have not scheduled a public hearing yet. Sue said a tentative date is March 17, 2015. Woody would like this item as a follow up next month. Woody said he wants to make sure that The Lucas project and the 600' commercial corridor in Dutch John is completed as far as Planning & Zoning is concerned.

Woody asked to move Item 8: Ordinances to the last item always. Chad made a motion to move line item 8 to line item 11, Stew seconded, all in favor motion passed.

Item 9: Building permits report. Carrie presented a spread sheet of all open building permits on file. Carrie stated that she sends a copy of this spreadsheet to Jack and she will copy the rest of the board in so they can be aware of building in the county. The board feels this will be beneficial to them. Carrie asked the board to look at the building permit for James Chesley for a shipping container. Matt Tate, building inspector, said he didn't think they were allowed in Daggett County. Carrie stated that there are already several of these types of containers in the county. Woody asked where his property is, it is

on Deer Run Drive in the county. Woody asked if there was a statue that expresses that they are not allowed and there is not one. Carrie stated that the assessor said that she cannot tax shipping containers. Board had discussion about allowing shipping containers in the county. Woody asked that as long as the builder is meeting setback requirements should the board be able to say what the building looks like. Chad said since it is not addressed in the ordinance that Mr. Chesley can't have a shipping container then we have to allow it. More discussion regarding shipping containers in the county took place. Woody asked if you have to get neighbors permission to obtain a building permit, and you do not unless there are restrictive covenants in place. Woody asked what the procedure was to amend an ordinance. We would need to have a public hearing to add an ordinance. Woody asked if the board felt if this was a big enough issue to do this. Discussion took place regarding shipping containers as to maybe having an ordinance regarding shipping containers but have the wording as to what size lot they would be allowed on. Chad feels that the surrounding property owners should have some say when it comes to containers. Stew then brought up the old trailers on properties and how to handle them. Chad suggested imposing fines and then financial they are put in a hardship situation then they have to pay to remove them. Carrie suggested possible having the fire department burn them and Chad suggested then somebody might want the metal. Woody suggested that this could be one of the boards goals is to identify some things that we could clean up around the county. Chad would like this on a future agenda. Chad went back to the shipping container issue and that the board cannot stop the current building permit for one. Chad feels that we need to do some research on what other small counties allow as far as shipping containers. Carrie suggested to maybe requiring a variance or conditional use to have a shipping container then it gives neighbors a chance to voice an opinion on it. Woody asked Carrie when doing her research to look for wording on how other counties word any ordinance regarding shipping containers. No other discussion on the building permit report. Members ask that the report be sent every month when Carrie sends the agenda out.

Item 10: Goals; Ordinance discrepancies, Dutch John setbacks, Dutch John master plan definition of low density, Dutch John subdivision and County subdivision have different definitions.

Woody said anything regarding Dutch John he would like some guidance from the County Commissioners on based on earlier discussion.

Future goals were discussed. Ask commission as addressed on Item 4 regarding forming a Dutch John Planning & Zoning board. Chad would like to find an additional training for the board. Carrie told the board that there is some classes that UCIP is having March 26 and 27. Chad asked if there is a current Board of Adjustment. Carrie said she did not believe there is a current board. Chad said there needs to be a B.O.A. in place to make sure the letter of the law has been followed. Side yard setbacks for accessory buildings need to be made clearer. How to handle shipping containers? Continue to work on definitions. Woody said the board needs to review the revisions made so far to the County Ordinances. Chad asked Carrie to review the CD of ordinances to see if it matches the website and what the board has in their binders.

Item 11: Old business. No old business to discuss.

Item 8: Ordinances; Article II, Rules and Regulations. Start on #71 and through ordinances as time permits.

The board wants to adopt the definition that is in Dutch John ordinance.

#71. Zoning Administrator: The County Commission shall designate a staff person to carry out the responsibilities of the Zoning Administrator. The staff person designated is referred to in this Ordinance

as the "Zoning Administrator." It is the responsibility of the Zoning Administrator to ensure all processes, procedures and other provisions of this Ordinance are consistently and equitably applied and to effect the general administration and enforcement of this Ordinance.

Chad motioned on #71 to adopt the wording that is in the Dutch John Ordinance for Zoning Administrator. Stew seconded, all in favor, motion passed.

Woody asked that the board read page 10-30 Article III through Article VII and be prepared with any questions they have. Stew motioned for the board to read Article III through Article VII and come prepared. Chad seconded, all in favor, motion passed.

Item 12: Items for next agenda.

Carrie to bring final draft of definitions and email definitions out to the board before. Bring any new definitions that need to be added. Article III through Article VII.

Next meeting scheduled for March 18, 2015 at 6:00 PM at the Courthouse.

Meeting adjourned at 1:50 PM.