

**Washington County Land Use Authority Meeting
October 13, 2015**

The Washington County Land Use Authority Meeting was held Tuesday, October 13, 2015 in the Council Chambers of the Washington County Administration Building located at 197 E. Tabernacle, St. George, UT. The meeting was convened by Chairman Doug Wilson at 1:30 p.m. He led the Pledge of Allegiance, after which, he explained meeting protocol.

Commissioners present: JoAnn Balen, Deborah Christopher, Dave Everett, Kim Ford, Rick Jones, and Mike Stucki.

Staff present: Scott Messel, Community Development Director; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Doreen Bowers-Irons, Planning Secretary; Natalie Nelson, Deputy County Attorney; Dean Cox, County Administrator; Ron Whitehead, County Public Works Director.

I. CONDITIONAL USE PERMIT REVIEW. Review of the conditional use permit for play house type structures on Parcel BSH-37-NW and Parcel BSH-38-NW, which are located at approximately 200 South Stage Coach Drive in Brookside. The conditional use was approved on August 12, 2014. The property is zoned RE-40 (Residential Estates 40,000 square foot minimum lot size requirement). The applicant is Randy Paul.

Mr. Messel presented pictures, documents, and maps of the property. He reported Mr. Paul is an artist. He builds exhibits, play houses, tree houses, and fantasy type structures that you might see at a theme park, zoo, or a themed hotel. In the photos you will see a tree house structure that he built in a client's yard. Mr. Paul wanted to build several similar playhouse type structures on his property in the Brookside Summer Homes Subdivision in Brookside for his kids and grandkids. He owns Parcel BSH-37-NW, which is lot 37 and Parcel BSH-38-NW, which is lot 38. He has already built a play house that is fake rock and blends into the existing rocks on the property. Besides the rock structure, he described that he would build a Rapunzel's tower and a Hobbit-hole. The Hobbit-hole would include a storage room for his equipment and supplies. After discussion and review in the August 12, 2014 Planning Commission Meeting, a Conditional Use Permit was approved for Mr. Paul to construct several play structures for his family to enjoy. The approval was based on the following findings and conditions:

1. The proposal is in harmony with the character and intent of the RE-40 (Residential Estate 40,000 square foot minimum lot size) zone.
2. Similar projects that the applicant has built are located in high-end residential developments.
3. The conditional use was properly noticed.
4. That the structure be for private use only and not for commercial use.
5. That if the structures become neglected or in disrepair that they be removed.
6. All structures shall meet the lot line setback requirements for both properties.

Recently, staff received a letter, (which was provided) and several phone calls complaining about Mr. Paul's property and what was approved as part of the conditional use permit. Several of the neighboring property owner's requested to share their concerns with the Planning Commission which, they were able to do during the "Call to the Public" portion of the September 8, 2015 Planning Commission Meeting. Attachment #3 is the minutes from that meeting. Washington County Code 10-18-10: REVOCATON: states: "A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit and the

applicant shall be notified of revocation by the County". It was determined that the conditional use permit shall be reviewed for compliance in a regularly scheduled planning commission meeting.

CONCERNS:

Septic. More often than not, a playground or playhouse is constructed after the primary dwelling is constructed. During the initial review of the Conditional Use Permit application, it was determined that since there is not a dwelling or bathroom facility on site that a restroom, port-a-potty, or alternate means for waste disposal approved by the Southwest Utah Public Health Department be required. The applicant received approval for a portable camping toilet chair with a bucket to collect the waste. The waste is then emptied into the existing septic tank on Lot 37. The County and the Health Department have received complaints about how the waste is handled. The method of waste disposal has not changed from what was approved by Southwest Utah Public Health Department and conditional use approval. The waste is collected in a bucket and emptied into the existing septic tank.

Setbacks. There have been complaints that the playhouse structures don't meet the setback requirements. Condition #6 of the Conditional Use Permit approval states: "All structures shall meet the lot line setback requirements for both properties." The Brookside Summer Homes Subdivision is located in the RE-40 (Residential Estates 40,000 square foot minimum lot size requirement) zone. The setbacks in the zone are 25' front and 10' side and rear (10-8D-5). The Brookside Summer Homes Subdivision was approved in the mid 1960's, long before Washington County's current subdivision ordinance(s). This subdivision does not meet Washington County's current subdivision ordinance(s) and would not be able to be approved as it was in the 1960's. The Brookside Summer Homes Subdivision is considered legal nonconforming or "grandfathered". Access to each lot in the subdivision is provided by a "perpetual use easement through, across, and over all of the said lots for public utility and road purposes". Other than showing the access as a 20' road on the plat, there is not a legal description or location dimensions of where the access is located; but instead it arbitrarily meanders across, over, and through the lots in the subdivision (*See Attachment 4*). There are several lots; such as lots 1, 2, 3, and 4 that are not shown to have any access to the easement on the plat. As individual lots in this subdivision have developed, some property owners have moved the location of the access easement road to more convenient locations on their lot. The front yard setback is usually established by what lot line is adjacent too, or abutting, a dedicated public right of way, or private street. The Brookside Summer Homes Subdivision does not have a public right of way, or private road. If the access easement followed lot lines it would be easier, or at least less arbitrary to establish where the front yard setback should be measured from. With that being said, referring to the attached plat, which lot line should be the front yard lot line on Lot 12, Lot 13, Lot 47, Lot 51, Lot 30, and Lot 31? Should the lots have multiple front yard lot line setbacks? On the attached aerial (*See Attachment 5*) the pink colored lines are the lot lines. Notice the placement of the existing structures on each of the lots in this aerial. It is clear to see there are some challenging setback issues. The ambiguity and difficulty of arbitrarily determining front yard lot lines, along with the challenging topography and the fact that the Santa Clara River runs through the subdivision could render a number of the approved lots unbuildable. Again, the Brookside Summer Homes Subdivision is considered a legal nonconforming subdivision. Because of the complexities of this non-conforming subdivision with nonconforming lots, the County treats all lot lines as interior lot lines. In 10-8D-6 Modifying Regulations: it states, "Accessory buildings located at least ten feet (10') away from the main building may have a three foot (3') side or rear property setback on interior lot lines." By treating the play structures similar to an accessory building, they could be

located as close as three feet (3') from any of the property lines. The playhouse structures meet the setback requirement(s).

Building Permit. There have been complaints that building permit(s) should be required for the playhouse structures. Title 9 of the Washington County Code is statutorily referred to as the *Building Code Ordinance of Washington County* states, "The most recent version adopted by the State of Utah of the following codes and the appendices and the state's amendment are incorporated by reference and adopted as the building codes of Washington County: International Building Code, International Mechanical Code, International Fuel Gas Code, International Residential Code, International Fire Code, International Energy Conservation Code, International Plumbing Code, International Electrical Code, HUD Code, and the Model Manufactured Home Installation Standard." As the date of this staff report, the State of Utah has not adopted the 2015 International Residential Code (IRC). The 2012 International Residential Code (IRC) is the currently adopted code. Under Section R105 PERMITS: R105.2 Work exempt from permit states: "Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet..." Although the ceiling height of each level of the "Rapunzel's Tower" playhouse is not required to meet the seven foot ceiling height requirement for a "story" of habitable space, it may be determined that it is appropriate for Mr. Paul to get a building permit for the two level play structure.

The play structures are below the square footage requirement for a building permit. The play structures are below the maximum height requirement in the RE-40 (Residential Estates 40,000 square foot minimum lot size requirement) zone. The play structures are in various stages of construction. Mr. Paul has submitted the specs for the custom windows and doors that will be installed in the "Rapunzel's Tower".

Use. A condition of the original approval was that the structures be for private use only and not for commercial use. Understanding that the structures have not been completed, there have not been any complains about the structures being used commercially. The condition is being met.

Recommendation:

Staff has reviewed the expressed concerns as well as the original conditions of approval. Staff finds Mr. Paul's project to be in compliance with the conditions and findings of the approved Conditional Use Permit. With that being said, Staff recommends that the Planning Commission take no action.

Commissioner Ford clarified the 200 square foot exemption requirement for a building permit if it was for one or two level building. Kurt Gardner, Building Official addressed the question stating the exemption was for a single story building. That is what makes this tower questionable, however, both levels are still less than 200 square feet.

Commissioner Everett commented on the lot lines shown and asked how people would know where the lot lines are, based on the plat presented. Mr. Messel stated the lot lines in Brookside have been a real challenge. Lot surveys were done but they do not match.

A short discussion took place regarding the buildings that appear to be built on lot lines or right next to lot lines throughout the subdivision. It was pointed out the lot lines are arbitrary and some buildings throughout the area do not meet setbacks either. All the lot lines are considered interior lot lines and therefore the setback could be 3' from the property line but would still need to be 10' from the primary structure.

There were additional questions on the previous surveys that were done.

Todd Edwards, County Engineer stated the subdivision was platted in 1960. He explained how the plat survey was done using wooden hubs with a nail and washers in the top that were put in the ground. Since then, the hubs have been eaten by termites, moved or destroyed. If you try to resurvey back into those off the control, it does not fit. The surveys are off up to a hundred feet. In order to really rectify this issue, a completely new plat would need to be done showing the road and lot lines. The road is not a public road.

A discussion on how the properties are deeded, the roads and how the road goes through the lots took place.

Randy Paul addressed the commission and asked if they had questions.

Commissioner Christopher asked if there was a residence on the property. Mr. Paul answered not at this time. Commissioner Christopher then asked him if he had any suggestions on what could be done to ensure safety for children who might go play on the structures.

Mr. Paul explained the access to the structures. He reported he ordered custom windows and doors for the tower that took a long time to make; however, they should be delivered in a few weeks. Once those are installed, the structure will be more secured. He stated when he originally applied for the conditional use permit, the tower was shown to be included in the structures he planned to construct. He understands it is two stories but he did not present it as anything but a two story structure. It is still under the 200 square foot size. Some materials that are used in the playhouse take time to acquire. He indicated he would finish the tower as quickly as possible; however, he wants it to be built to the best of his ability. He thanked the staff and the commission for the work they have done on the project.

Commissioner Jones and Mr. Paul discussed the terrain and steepness of the lot.

Commissioner Ford asked staff if there was an expiration date on the conditional use permit. Mr. Messel answered there is none.

Motion: Commissioner Ford MOVED to take no action on the conditional use permit.

There was some comments and concerns from the audience members who wanted to speak on the item.

Commissioner Ford then withdrew the motion to give the individuals who wanted to speak on the item a chance to do so.

Commissioner Stucki declared that unless there is something new to add to what was previously reported at the last meeting, then they should be permitted to speak but if it is a repeat of what was presented, then we should not waste our time with it.

Chairman Wilson stated we have duly noted all comments, complaints, and public comments on this item. There has been extensive homework and review by staff to take into account all of those considerations. If anyone has new information they want to add, they can come to the podium and present them. However, if they have already been heard and addressed, we do not want to hear them. This is not a public hearing.

Kathy Tanasz apologized for Mr. Mendenhall not being able to attend as he is the representative of the Brookside residents and presented the issues last month to the planning commission. She stated she had information on the septic issue. She provided pictures and claimed they were of the septic tank lid and the "potty chair" that was approved for use. She explained that pictures 1, 2, and 3 were of the lid to the septic tank and shows that had not been opened in long time, which would indicate the waste has not been dumped as reported it would be. Pictures 4, 9, and 10 are of the "potty chair" with human waste that was never dumped. Based on the dates of the pictures, picture 4 was taken 10-9-2014. The waste was there for two months after the conditional use permit was granted. Pictures 9 and 10 were taken 9-6-2015 nine months after still showing human waste.

Chairman Wilson asked Mr. Paul if he had provided the pictures. Mr. Paul stated he had not. Chairman Wilson then asked Mr. Paul if the pictures were of his property. Mr. Paul stated he had not seen them and did not know what they were of or where they were taken. Chairman Wilson then asked Mr. Paul if he had the property posted with no trespassing signs or if he allowed people onto his property. Mr. Paul reported he did not have signs. He does not invite people onto his property but neither does he have it posted. He wants to be a good neighbor.

Mrs. Tanasz claimed that Mr. Mendenhall took the pictures and that he was granted permission to be on the property. He is the caretaker of Mr. Paul's property because he is a full time resident. She claimed that based on the pictures showing the existing septic tank has not been used for the disposal of the human waste, this fact shows failure to comply with what was approved by the Southwest Public Health Department and the conditional use permit approved by this planning commission. She pointed out that there was no water on that property up until two months ago so they could not rinse out the buckets.

Mr. Paul answered the claims, stating that the reason the septic tank has not been opened as claimed is because he and his family use the property to camp on. They have not camped there since the conditional use permit was granted. Unless there is D.N.A. on the waste, I don't know whose it is. I can declare it is not mine or my family's.

Commissioner Stucki asked who is actually performing the work on the structures. Is it family or hired employees? Mr. Paul answered that Bang Concrete poured the concrete and he had done the other work. Mr. Mendenhall stopped and talked to the foreman for Bang Concrete about toilet use but the foreman informed Mr. Mendenhall that the workers have been told to use the facilities when they leave for their lunch break and not to relieve themselves on the property.

Alvin Lundgren stated he is a neighbor to the property in question. His belief was that a site plan was not submitted when the project was proposed where the playground construction would occur.

However, at the time the conditional use permit was granted, it was clear to the planning commission what the front property line was. There was a long discussion about interior/exterior property lines. That discussion was not held and it is not referenced in the minutes. What was mentioned in granting the conditional use permit is that the property observe the 25' setback from the front property line. Personally, I will tell you that the pink lines indicated on the plat, staff has presented, do not correspond to the property lines in relation to the topographical map. He pointed out some of the distances is far less. When the planning commission saw this the first time they said this is the front property line and clearly, there is no other logical conclusion that can be reached. There are no, never has been, any roads going this direction the only one is the roads running parallel with the westerly, Mr. Paul's lot. The only logical conclusion is that this is the front line for Mr. Paul's lots. The recommendation two years ago was that he remained 25' back from that line. He has not done that. Therefore, he is in violation of the conditional use permit and this matter should be revoked or cured.

Chairman Wilson thanked Mr. Lundgren for his comments.

No others spoke on the item and Chairman Wilson asked if there was any discussion from the commission.

Commissioner Ford commented that his feeling was that Mr. Paul calculated the setbacks from the road rather than from the line. From his view the lines are all arbitrary. There are structures in the middle of some of the property lines. It would appear as if the lot lines were done from the road.

Commissioner Jones asked if there was a HOA in Brookside. It was reported there was none. It had been disbanded years ago.

Chairman Wilson commented there is precedents with where the structures are located throughout the development.

A lengthy discussion on the lot lines, surveys, the structures, and the setback issues took place.

Mrs. Tanasz readdressed the commission and reported that when Mr. Mendenhall built his home he was required to meet the 25' setback. She did not know where the pink lines came from. Then corrected her statement by stating they came from the 1965 plot plan. It is not applicable. She commented on the other properties in the area and how they complied with the surveyed lines when they built their homes eighteen years ago.

Dean Cox, County Administrator commented that in looking at this there are a lot of inconsistencies and the lines may be wrong but I do not see properties meeting the 25' setbacks. I see lines crossing homes all over the place. It could be arbitrary to say that one standard for you but we have another standard for someone else.

Commissioner Balen asked Mr. Cox if he thought the survey was accurate or does it need to be resurveyed. Mr. Cox answered that to single out one person and treat them differently than everything else that is on the ground could be problematic.

Mr. Messel stated it goes back to some of these properties that run along the access. It would be nice if there was a dedicated roadway but there is not. It would be easier if the property lines where correct but that is not the case; and how do you tell someone where the lot lines are located.

Commissioner Balen stated there is no way to solve the property line issue unless a new survey is done and a new plat recorded. That would be a bigger nightmare with the location of the existing homes now.

Mr. Edwards stated the development was not surveyed well. The GIS Department and surveyors now are just doing their best to put a representation on the property corners.

Mr. Lundgren attempted to readdress the commission and Chairman Wilson stated they would not hear anymore from the public. The Commission will conclude their discussion and make a decision. At that point, Mr. Stucki stated he was ready to make a motion. Chairman Wilson allowed him to do so.

Motion: Commissioner Stucki **MOVED** to take no action on the conditional use permit for playhouse type structures on Parcel BSH-37-NW and Parcel BSH-38-NW, which are located at approximately 200 South Stage Coach Drive in Brookside. The conditional use was approved on August 12, 2014. The property is zoned RE-40 (Residential Estates 40,000 square foot minimum lot size requirement). The applicant is Randy Paul. Commissioner Balen **SECONDED**. Chairman Wilson asked if there was any discussion. There being none he then called for a vote. The motion carried with all six (6) Commissioners voting in favor.

The conditional use permit will stand.

II. CONDITIONAL USE PERMIT. Review conditional use permit request for a campground on Parcel 1144-A-7-HV, which is located approximately 3 miles north on Dalton Wash Road. The property is zoned OST-20 (Open Space Transition 20 acre minimum lot size required). The applicant is Tydon Oler.

Mr. Messel reported the applicant has withdrawn his request and therefore no discussion needs to take place.

III. CONDITIONAL USE PERMIT. Review conditional use permit request for private recreation grounds on Parcel KT-2-13-HV, which is located at approximately 700 West Kolob Terrace Drive in Kolob. The property is zoned SFR-1 (Seasonal Forest Residential 1 acre minimum lot size required). The applicants are Lyle & Lori Wood.

Mr. Messel provided a site plan and area map. He stated the Wood's have submitted a conditional use permit application for private recreation grounds for their family on Parcel KT-2-13-HV, which is approximately 1 acre in size. They plan to build 3 small log cabins and a pavilion. Each cabin will be approximately 24' x 36' in size, and will face east. Each cabin will have a kitchen, bathroom, living room and a loft. The cabins will be hooked to the existing on-site septic system. The septic system has been reviewed by Southwest Utah Public Health Department. The plans for the structures will be reviewed with the building permit. The structures meet the setback requirement for the SFR-1 (Seasonal Forest Residential 1 acre minimum lot size) zone.

Recommendation:

Staff has reviewed the proposal and recommends that the Planning Commission approve the conditional use permit subject to the following condition and based on the following findings:

1. The proposal is in harmony with the character and intent of the SFR-1 (Seasonal Forest Residential 1 acre minimum lot size required) zone.
2. The conditional use was properly noticed.
3. That the grounds and facilities are for private use only and not for commercial use.

Commissioner Ford asked if the Heath Department had reviewed the septic system. Mr. Messel answered they had. There is a 1,250 gallon tank, which would support four of the cabins being proposed. The applicants will only construct three.

Commissioner Everett asked if the cabins were for seasonal use. Mr. Messel answered yes. If the Wood's want to use the cabins in the winter, they would need to find a way to get to the property, such as snowmobiles as the road is not maintained in winter.

A discussion between Chairman Wilson and Mr. Messel occurred regarding the zoning and areas where this type of use is allowed as a conditional use permit in order to allow for family reunions/gatherings or recreation.

Chairman Wilson confirmed that the project will meet the requirements for the conditional use permit. Mr. Messel reported it would.

Lyle Wood explained what they would like to do with the property. They have owned the property for 10+ years. They would just like to build small cabins for the family to use. They are also going to construct a pavilion on the property. The septic was installed a number of years ago.

Commissioner Everett asked if there is an existing cabin and the applicant is adding three more. Mr. Wood stated there is not an existing cabin. They will only have the three cabins and the pavilion.

Commissioner Ford asked how many cabins could be placed on the property. Mr. Messel indicated if they can meet the setbacks and septic system requirements, they could potentially have eight cabins. They originally wanted eight, which did meet the setback requirements, but there was not sufficient septic capacity.

Chairman Wilson reported on the findings. He then asked if there were any questions. There were none. He then called for a motion.

Motion: **Commissioner Balen MOVED to approve the conditional use permit request for private recreation grounds on Parcel KT-2-13-HV, which is located at approximately 700 West Kolob Terrace Drive in Kolob. The property is zoned SFR-1 (Seasonal Forest Residential 1 acre minimum lot size required). The applicants are Lyle & Lori Wood, based on the following findings:**

1. **The proposal is in harmony with the character and intent of the SFR-1 (Seasonal Forest Residential 1 acre minimum lot size required) zone.**
2. **The conditional use was properly noticed.**

3. That the grounds and facilities are for private use only and not for commercial use.

Commissioner Stucki SECONDED. Chairman Wilson called for a discussion on the motion. Commissioner Stucki clarified the motion was to include the findings. Commissioner Balen confirmed they were to be included. Chairman Wilson then called for a vote. The motion carried with all six (6) Commissioners voting in favor.

IV. ZONE CHANGE AND PUBLIC HEARING. Review of request to rezone Parcel NCR-2-2-NS from A-20 (Agricultural 20 acre minimum lot size requirement) zone to A-10 (Agricultural 10 acre minimum lot size requirement) zone. The approximate 17 acre parcel is located at 54 West North Canyon Trail. The applicants are Washington Wheat and Livestock, LLC/ Hal Torgersen, agent.

Mr. Messel showed the plat and area maps. He reported the North Canyon Ranches Subdivision Phase II is a 2 lot subdivision that was approved in 2008. The 2 lots are essentially flag lots. The flag lots have an approximate 50' wide private road right-of-way and utility easement from Harmony Drive. The private road goes through Lot 1 of North Canyon Ranches Subdivision Phase I. The private road right-of-way cuts across the northwest portion of Parcel NCR-2-2-NS, which is Lot 2 of North Canyon Ranches Subdivision Phase II. The applicant wants to do a lot line adjustment to take the approximate 2.7 acres of Lot 2 that is separated because of the access and add it to Lot 1. The adjustment makes Lot 2 approximately 17 acres in size, which does not meet the minimum lot size requirement for the A-20 (Agricultural 20 acre minimum lot size requirement) zone. The applicant is requesting to rezone Lot 2 from A-20 (Agricultural 20 acre minimum lot size requirement) to A-10 (Agricultural 10 acre minimum lot size requirement) zone.

Recommendation:

Staff has reviewed and recommends that the Planning Commission recommends approval of the zone change request based on the following findings:

1. The zone change was properly noticed.
2. The zone change requested is consistent with the General Plan
3. The adjusted lot lines makes for a better lot configuration. The zoning needs to be changed to meet the lot size.
4. The A-10 (Agricultural 10 acre minimum lot size requirement) zone is appropriate for this parcel.

Motion: Commissioner Stucki MOVED to open the floor for the Public Hearing. Commissioner Ford SECONDED and the floor was open to public comments.

Gene Beck reported he owns Lot 1. He also owns the three acre piece being represented that will be sold. He supports the request for the rezone. He is a neighbor to the property and is also planning on rezoning his property in the near future to the A-10 zone. He asked the commission to recommend approval for the rezone.

There were no other comments.

Motion: Chairman Wilson stated all in favor of closing the public hearing say aye. All commissioners responded by saying aye and the floor was closed.

Commissioner Everett asked for clarification on who is allowed to rezone the property. Shouldn't it be the owner? Mr. Messel stated Mr. Torgersen is the representative of the owner and the owner did request this rezone before the commission today. He pointed out on the map which lot was being rezoned. It was not Lot 1; it was only Lot 2.

A question was raised if the lot would then be divided into two 10 acre lots. Mr. Torgersen stated there is only enough water for the one lot and therefore, the lot would not be split. Mr. Messel stated if in the future the applicant does want to split the lot they would have to do a subdivision and not a lot line adjustment or a lot split. In order to subdivide the property they would need to meet all of the requirements with regards to lot size to fit the zoning, septic system, and water.

The commission reviewed the findings after which Chairman Wilson called for a motion.

Motion: Commissioner Balen **MOVED** to recommend the County Commission approve the request to rezone Parcel NCR-2-2-NS from A-20 (Agricultural 20 acre minimum lot size requirement) zone to A-10 (Agricultural 10 acre minimum lot size requirement) zone. The approximate 17 acre parcel is located at 54 West North Canyon Trail. The applicants are Washington Wheat and Livestock, LLC/ Hal Torgersen, agent, based on the following findings:

1. The zone change was properly noticed.
2. The zone change requested is consistent with the General Plan.
3. The adjusted lot lines makes for a better lot configuration. The zoning needs to be changed to meet the lot size.
4. The A-10 (Agricultural 10 acre minimum lot size) zone is appropriate for this parcel.

Commissioner Stucki **SECONDED**. Chairman Wilson called for a discussion on the motion. Commissioner Christopher clarified the motion was to include the findings. Commissioner Balen confirmed they were to be included. Chairman Wilson then called for a vote. The motion carried with all six (6) Commissioners voting in favor.

V. ORDINANCE AMENDMENT. Review of amendments to Title 11 regarding Subdivisions.

Mr. Messel stated in the previous work meeting we discussed the subdivision ordinance and some of the issues associated with approving a subdivision in areas where no curb, gutter and sidewalk exists. The staff reviewed some of the changes discussed at the work meeting and made some additional changes. We want to make the subdivision ordinance work and make it easier. We have broken the changes down by zone; so any subdivision where the lots are larger than 40,000 sq. ft. would not be required to install curb, gutter, and sidewalk; any lots smaller than the 40,000 sq. ft. would be required to install curb, gutter, and sidewalk. He gave a few examples of areas throughout the county.

The commission and staff discussed in detail the changes to the ordinance. Mr. Whitehead and Mr. Edwards gave comments favoring the changes.

Commissioner Stucki asked about the change of width from 100' to 150'. Mr. Messel explained the intent of the change. The larger subdivision zones only have a 100' width, which could mean

100 feet width with very deep lots. The intent is to make the larger lots look like larger lots from the street. In addition, there are other reasons such as driveways, culverts, etc.

Mr. Edwards stated the 150' change was something he would like to see. Currently, we allow two driveways into any parcel and there can be 40 feet of pipe. So if you only have 100' you have two 40 foot driveways and mostly pipe in front of the lot. The idea is to help in cleaning out the ditches and making the properties look more like larger lots.

Additional discussion regarding the width requirements, curb, gutter, and sidewalk and the zones where those improvements would and would not be required took place.

Mr. Whitehead gave a history of the ordinance requiring curb, gutter, and sidewalk. He indicated this is what they originally had in mind and believes this to be a better fit for the County.

The unusual conditions and the variance procedure were briefly discussed.

Antone Bringhurst stated he was in favor to the ordinance changes. He and his siblings have 160 acres on Smith's Mesa in a family partnership that was established in 1975, which they inherited. In 1997, they decided to dissolve the partnership and subdivide the property giving each sibling a parcel. Deeds were made up for the four parcels. They kept the property together because of federal regulations. As time has gone on, they got caught with the curb, gutter and sidewalk requirement in order to subdivide and have not been able to so. This ordinance will address that issue. He asked if there were any other issues they might need to abide by or is the curb, gutter, and sidewalk the only thing that would be required. He explained the location of the property and the easements, roads, etc that are on it.

Mr. Messel stated this is a good example of the ordinance working. This ordinance amendment is for zoning. As far as anything holding up the subdivision process, once the plat is submitted for review those other items will be addressed and will depend on what is on the plat. He could not speak to what the subdivision issues would be as the plat would need to be submitted first.

Richard Wright stated he also has property on Smith's Mesa and asked if the changes would be for all properties there or only Mr. Bringhurst's property. He was informed it would be for all private properties larger than an acre within the unincorporated areas of the county.

Mr. Messel informed the commission that the next step would be to put the Ordinance Amendment on for a public hearing if the commission was satisfied with it. He asked how they wanted to proceed, to put it on the agenda as a public hearing or further discuss the amendments. The commission felt comfortable with the changes and told Mr. Messel to put it on the next agenda as a public hearing.

The Public Hearing will be on the next Agenda for the meeting to be held on November 8, 2015.

VI. STAFF DECISIONS. Decisions from the Land Use Authority Staff Meeting held on September 01, 2015.

Mr. Messel reported on the Land Use Authority Staff Meeting held on October 06, 2015. Staff reviewed the above items, which were the only items before staff for review.

VII. MINUTES. Consider approval of the minutes of the regular planning commission meeting held on September 08, 2015 and the work meeting held on September 22, 2015.

The commission reviewed the September 08, 2015 minutes and Chairman Wilson called for a motion.

MOTION: Commissioner Stucki **MOVED** to approve the minutes of the September 08, 2015 meeting as written. Commissioner Everett **SECONDED**. Chairman Wilson called for discussion on the motion. There being none he called for a vote. The motion carried with all six (6) Commissioners voting in favor.

MOTION: Commissioner Stucki **MOVED** to approve the minutes of the September 22, 2015 work meeting with one correction. Commissioner Christopher **SECONDED**. Chairman Wilson called for discussion on the motion. There being none he called for a vote. The motion carried with all six (6) Commissioners voting in favor.

VIII. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on planning items; County initiated.

There were no items to review.

IX. COMMISSION & STAFF REPORTS. General reporting on various topics; County initiated.

There were no items to review.

Commissioner Stucki thanked Staff for putting the link to comment on the BLM Draft Resource Management Plan on the County Website. It made it easier to submit comments.

Ron Whitehead gave a brief history on the platting for the Brookside Subdivision and reasons why it is off with the lot lines. He explained the process that would be needed to correct the issue.

Commissioner Balen also provided history of the development.

Commissioner Everett moved to adjourn the meeting at 3:30 p.m.

Doreen Bowers-Irons, Planning Secretary

Approved: 10 November 2015