

Minutes for the  
Daggett County Planning & Zoning Meeting  
November 18, 2015 at 5:30 PM

Members Present: Woody Bair; Chair, Stew Leith, Chad Reed, Brian Raymond; alternate, Carrie Poulsen; alternate and secretary.

Members Absent: Al Ladeau-excused

Guest present: Ray Ruble, Paul Sawyer, Niel Lund; County Attorney

1. **Welcome by Woody Bair** and meeting called to order at 5:35.
2. **Approval of minutes from October 21, 2015.** Brian motioned to approve minutes as written, Stew seconded. All in favor, motion passed. It was not on the agenda but Woody asked for any public comments and there was not any.
3. **Discussion and consideration: Ruble Property.** Ray Ruble asked if he could get a variance for property that is not in compliance with the ordinances because it has two residences on one lot. Ray has inherited the lot from the family and his daughter would like to buy it. Since it has to go through a mortgage company and the mortgage company said since it is not in compliance that if the planning & zoning board could give them a letter giving them permission to rebuild the home if it should burn down. Woody asked what the current zoning is. The homes sit on a 5 acre lot that was just recorded and deeded and never went through the rezoning and subdivision process. Technically the lot is still zoned AG-20 and is nonconforming. Carrie showed the board a picture of the lot showing both house and the shops. Paul explained that the family is trying to close the Mary Ruble trust and would like this done by the end of the year. Paul said he is committed to getting the zoning changed or whatever he needs to do to bring the property into compliance. He just needs the letter for now. Woody asked what the options would be to bring the property into compliance and they are to get some sort of variance, split the lot and put each house on its own lot or subdivide and put the houses on 20 acres instead of 5 and a ranch house is allowed on 20 acres. There was discussion about when the new home was built that a ranch house was allowed as it originally sat on more land before they recorded the 5 acres. Ray said at this time he is not ready to change the lot to 20 acres. Woody asked Niel what additional liability the county would have if the board provided this letter. Niel said we cannot provide a letter promising to do something illegal. We cannot disregard our ordinance and let them rebuild a home that is already non-compliant. It needs to be brought into compliance before we would let them rebuild. The split of the 5 acre lot done in 2009 is not grandfathered in because it was done after the Ordinances took effect 1994. Niel asked if the 5 acre lot was split at the same time they built the second home and it was built before in 2006. There was discussion on the state code and separating out agriculture land. Brian said under ag-20 and ag-40 a ranch house is allowed with a conditional use permit and then the house would be conforming. Niel read part of the state code and division of agricultural land is

exempt from the plat requirements if it qualifies as agriculture land and not used for any non agricultural purposes and stays agriculture land you can subdivide by just recording it. There was discussion of what greenbelt means but that does not apply to this piece of property. Woody read Article IX, Section 904.

*A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.*

Woody asked if this applies. Niel said the county would not have any liability if the board gave the bank a letter referencing this ordinance and let them interpret it how they would like. Woody said a new home would have to stay within the same parameters as the old home. Woody would also like to preface this with making a recommendation to bring this property into compliance with the ordinances in the future. Ray asked what subdividing a lot encompasses. Niel said there is an application, having the 2 lots surveyed, the board and the County Commission would need to hold public hearings. Further discussion if they changed the lot to 20 acres. If they do decide to make it 20 acres it will not have to have a survey as it will fall under the State Code requirements for splitting agricultural land. Woody asked for a motion. Stew made a motion to provide a letter stating that the 5 acres is nonconforming AG-20 and to reference Article IX section 904. Chad Reed seconded, all in favor, no other discussion. Motion passed. Carrie will have the letter ready next week.

- 4. Consideration and Discussion: Checklist for building permit consistency.** Woody asked Carrie to present what she has come up with, titled Stick frame & general building information. Carrie explained the first page is a general information checklist. The second page is what is already attached to the subdivision application and the third page is the Wildland Urban Interface (WUI) general information. There was discussion about charging a deposit for plan reviews. The deposit would go towards the building permit fee but there would be no refund as this would cover the building inspector's fee for review. There was discussion as to how much to charge and thought it should be \$200 for non commercial and \$600 for commercial. Carrie will discuss with Matt Tate on what he thinks would cover his cost and the board likes the idea of a flat fee to cover at least most of the expense. Discussion on who enforces the WUI code and it is the County Fire Warden who through Forestry Fire and State Lands, who is seasonal and finished for the season. Chad suggested a point in regards to not having utilities hooked up until there is a building permit and reference the code that applies. Woody would also like the homeowner's association approval to be in writing as part of the application process. Woody suggested having a place advising when you need a building permit. Chad motioned to table for further review. Stew seconded, all in favor, motion passed.
- 5. Consideration and Discussion: Planning & Zoning bylaws.** Brian and Carrie will continue to work on the bylaws. Brian asked if the board wants the "purpose of the commission in the bylaws". Niel said it is standard to have it. Brian asked Niel if the bylaws have to be approved by the County

Commissioners and he thought we had the authority but it wouldn't hurt to have them approved by the Commissioners. Chad feels that the Commissioners do have to approve the bylaws. Brian asked if the board would like field trips added to the itemized agenda's. The board feels it could be an as needed item. Discussion on order of business on the agenda. Brian suggested the order be field trip, roll call, public hearings, approval of minutes, public comments, new business items, old business items and follow up, goals, next agenda items. Woody said on G 41 that he feels that since it is such a small commission that in the case of a tie vote that the chair should be able to cast a vote but cannot make a motion. The board feels that the chair could make a second. After discussion Chad motioned to table until the next meeting for further review. Stew seconded, all in favor, motion passed.

6. **Building Permit Report.** Carrie updated the board on what inspections Matt Tate has done. The board would like to see all the Dutch John permits finalized as soon as possible. No further discussion.
7. **Public Lands Report.** Brian informed the board that there have not been any Public Land meetings recently. He said there had been an HB 323 meeting and they met with UBAG and they have hired a consultant to help them with their planning process.
8. **Consideration and Discussion: Follow up from July 11, 2012 for rezoning ordinance amendment.** Carrie advised the board that she found some minutes from July 11, 2012 the board had discussed changing the ordinance that requires garages be behind all homes. They had approved a change that if the lot was 5 acres or larger that the garage did not have to be behind the dwelling. Carrie could not find that they held public hearings or sent it to commission. Stew motioned to table for further review in the future, Chad seconded. All in favor, motion passed.
9. **Follow Up.**
  - a. **Dutch John Resort-Issued part A of C-Store remodel, foundation permit.** The board would like the plans for the rest of the permit emailed to them when Dutch John brings them.
  - b. **Hand in Hand Outdoor Veterans Camp-received engineered wastewater plans.** Carrie will follow up with Eric at Tri County to find out if they were approved.
  - c. **Tension Membrane Ordinance-Review changes & recommend to County Commissioners.** Board approved and Carrie will send recommendation to the County Commissioners.
  - d. **Hand out Shipping Container Ordinance- When codified will be in the books.**
  - e. **Planning & Zoning Article for Newsletter-Discuss possible monthly tips or advice.** The board would like to see something in the newsletter every once in awhile for now. They would like an advice section maybe, the checklist as an example of what to put it in. Carrie asked if the commissioners need to approve anything Planning & Zoning put in the newsletter and they do not.

**10. Consideration & Discussion: Ordinance Review.** Chad motioned to take a 5 minute recess, Stew seconded, all in favor, motion passed. Back in session at 7:10 PM. Started ordinance review on Chapter 4, Planning Commission.

**8-4-1- Appointment, term, removal.** Discussion on if members need to be registered voters. The board does not feel there is a need for that. Discussion on adding the wording of being a resident in the unincorporated county, the board does not feel that change is needed either. Niel will find out if there is a gender neutral description instead of using the term he. If not Woody would like to task Sterling with finding a gender neutral term. Discussion on removal of a member and no changes were made.

**8-4-2: Organization, meetings and records:** Change how many members consist of a quorum from 4 to 3.

**8-4-3: Members serve without compensation:** No change. Check on stipend for travel expenses.

**8-4-4: Contracts and employment:** Niel will check on the wording of the phrase "its work" in the second line.

**8-4-5: Powers, duties and responsibilities:** Changes made as follows. Made Entry upon land a separate line item B.

- A. Reports and Recommendations;** The planning commission may make reports and recommendations relating to the plan and development of the county to county officials and agencies, other organizations and citizens. It may recommend to the county commission programs for public improvements and the financing thereof.
- B. Entry Upon Land;** The planning commission, its members and employees, in the performance of its functions, may enter upon any land at reasonable times to make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote county planning.
- C. Zoning Plan:** lettering change from B to C
- D. Master Plan:** lettering change from C to D. 1. No change. 2. No change. Niel said HB 323 will address the master plan for the county.
- E. Adoption of master street plan:** lettering change from D to E.
- F. Approval and recording of subdivision plats:** lettering change from E to F. Strikeout "From and after the time when the planning commission shall have adopted a master street plan, and shall have certified the same to the county commission," Yes to change from hearing to meeting.
- G. Other powers and duties:** lettering change from F to G. Yes to strikeout text of hereafter. Capitalize A in 27a.

The board skipped Chapter 5: Board of Adjustment. The County Commission is acting as the Board of Adjustment. Niel will speak with the Commissioners to clarify them acting as board of adjustment and the statute now providing for an "appeal authority".

## Chapter 6, Zoning Districts

**8-6-1: Establishment of Zoning Districts:** Yes to strikeout of twenty six (26) and inclusion of following. After discussion no change on how many zoning districts there are in the county. Brian suggested the possibility of adding a mixed use zone in the future. It was decided to leave all the zones in the ordinance until after HB 323 is finished.

**8-6-2: Filing of Ordinance and Map:** Yes to inclusion of county and yes to strikeout of the local jurisdiction and (see appendix Bf.

**8-6-3: Rules for locating boundaries:** No change on A, B or C. D may have a change once the board reviews number 5 Board of Adjustment.

**11. Goals:** The board is still looking for a new full time member.

**12. Items for next agenda.** Next work meeting is scheduled for November 24, 2015 from 6:00 to 8:00 PM. Stew motioned to adjourn, Chad seconded. All in favor, meeting adjourned at 8:40 PM.