

**Minutes For The**  
**Daggett County Planning & Zoning Special Work Meeting**  
**September 9, 2015 at 6:00 PM**

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

**Members Absent:** Al Ladeau

Guest Present: Jack Lytle, Niel Lund

1. **Welcome:** Woody Bair welcomed everybody and called the meeting to order at 6:00 PM
2. **Consideration and Discussion: Review of Daggett County Ordinances.** Woody asked the board how they wanted to proceed. Stew asked if the board was still handling Dutch John. Woody said Jack Lytle had told him that the board still was. Chad said one of the Dutch John City Council members told him we are not. Stew asked about working on the Dutch John Ordinances and Woody would like to just start on the Daggett County Ordinances and not worry about Dutch John for now. Woody said the only real problem is there are some things that are pending in Dutch John, Delta Plan for instance has some ongoing building permits. Jack said from the counties perspective we may have to finish all pending files. Woody said what he sees is the need for us to do the HB 323 part. (Brian Raymond arrived). Woody asked where the board left off on ordinance review and we had got to Article V. (Niel Lund arrived). Niel said Mark Ward is a better person to ask on the HB 323. Niel said what Carrie printed for the board was the draft workbook from Sterling of the codification of the County Ordinances which is different than HB 323. Niel said Sterling is reviewing our ordinances to organize, look for inconsistencies with state law & make suggestions on things we should keep or not keep. Sterling has done that and put together a workbook for us to review. Niel said the goal is to make the codification of Ordinances the law and will supercede everything prior to this. Woody asked if this will be consistent with HB 323, Neil explained that HB 323 is a separate general plan and this is more of a Land Use Ordinance. Niel will check to make sure that our ordinances aren't inconsistent with HB 323. The board decided to read each section to themselves and have discussion after each subsection. Niel said the first major concern is he is not sure if this entire Ordinance was ever passed by ordinance it seems as if it was just by resolution that says we are going to pass this Ordinance. Chad asked what year that was and Niel said 2006 possibly. Brian said when Cindy took over he and her went through the ordinances and found where changes were made and there are some places that there is no ordinance making the change or reference. He said hearings were held and brought to commission and shows approved but it was not done by ordinance. Niel said what he is anticipating will happen is that there will be public hearing and possible a separate hearing for Title 8 before the whole Ordinance is codified and make recommendations to the Commissioners. Niel said he will recommend that the County Commissioners have public hearings on the whole codification. Brian said the board

has been going through the process of reviewing the current ordinances and is it appropriate to put them in now even if they have not gone through the public hearing process? Niel said the changes that we have made to include, unless urgent, because this won't be completed until next year.

The board started with Chapter 1, Title, Purpose, Intent, General Provisions. 8-1-1: Declaration. The change was to add "and subdivision". Niel said right now there is a separate ordinance for zoning and subdivision and this would put them both in Title 8. After discussion the board's decision was yes.

8-1-2: Purpose and Applicability: the change is the inclusion of "and subdivision" and correcting the Utah Code section so it references the correct code section. After discussion the board's decision was yes.

B. Applicability: Sterling feels this is unnecessary. Niel explained and the board agreed to remove B.

8-1-3: Short Title, Niel said if there is going to be a new Ordinance adopted it might need to be renamed 2015 Amended Zoning and Subdivision Ordinance For The Unincorporated Area Of Daggett County. Niel will find out. The board's response is yes to add the underlined of subdivision and will question the name itself.

8-1-4: Interpretation: No changes.

8-1-5 Amendments.

A-1: Procedures: After discussion the board said yes to the suggestion of omission of strikeout text and inclusion of underlined.

A-2: After discussion the board said yes to suggestion of strike out text and inclusion of underlined. Brian questioned is there a provision for board of adjustment and Niel will check on this, double check definition as well. Chad said he had read if there is an appeal that the County Commissioners can appoint a board that was not on planning and zoning. Niel said he would like to create an ordinance that says the County Commissioners are the default appeals board. Brian said the provisions for the board of adjustment are in Chapter 5 of Title 8 per the \* in number 2.

B-1. No change

B-2 . No change

B-3. No change

C. After discussion the board said yes to the change of public meeting and not public hearing. The board's response, after reading Utah Code 17-27a-205, to the second part was to recommend to the County Commissioners to provide notice as provided in Utah Code Annotated section 17-27a-205. Woody asked what the process was to initiate this moving forward and should it be on the agenda next week? Niel said if we wanted this done sooner, but it is still an amendment and would need a public hearing. Chad said to go through as much as we can and decide if there is more that would need discussed. The board decided to wait and go through the whole thing and then have a public hearing.

D. No change.

8-1-6: Conflicts. No Change

8-1-7: Effect On Previous Ordinances And Maps. After discussion the board agreed to add the inclusion of subdivision of land and.

8-1-8: Completion of Required Improvements. Niel read 8-8H-4. Woody said it seems like Sterling is recommending that the County has a guaranteed bond recommended by the engineer and the county attorney. Niel said Sterling is saying that 8-1-8 and 8-8H-4 are different. Chad feels that the county should require a bond for protection and to make sure a project will be completed and to ensure the quality of a subdivision. After discussion the boards response was for the developer to be able to file a bond with the County Commissioners as suggested in 8-1-8 A but with the approval of the county engineer and county attorney.

Chapter 2- Definitions and Rules. Woody asked if there was a copy of what the board had previously worked on and nobody had one at the meeting. Woody recommended skipping Chapter 2 for further review and working on it at the next work meeting. The board agreed. Chapter 3- Administration And Enforcement.

8-3-1 A, B, C # 1-3 no changes and the board has no changes that they want to make. There was discussion as to who the enforcement officer was and it is also the building inspector. Niel suggested we could add enforcement officer to the definitions to clarify who it is. Chad asked if the sheriff's office had the authority to issue citations or stop work orders. Niel was not sure what the sheriff's jurisdiction is, Chad said at one time they could. Neil said he didn't see why they couldn't continue to enforce that then. Woody asked a question about number 3 as to what our recourse was if the building inspector does not keep good records. Carrie will ask the current inspector if he is keeping any copies. The board wants something added to the effect that the planning office is to keep records. Number 4: Make reports, after discussion the board agreed to omit the strikeout of and zoning. No changes on number 5. There was discussion on who could be the building inspector. Carrie said Matt Tate said you have to be licensed by the state. There was the question if somebody could get a state licensed inspector that wasn't under contract with the county to perform inspections. Chad asked how would they report to the county in regards to meeting our ordinances and filing any paper work. Brian said they would have the responsibility by code to do so. Woody asked if we needed an amendment that said who could be an approved building inspector? Brian suggested getting Niel's advise as he had stepped out for a minute. Woody asked if something could be said that the builder must notify the county office if using a different building inspector so the zoning office can get copies of all records. Niel stepped back in and the board asked him regarding 8-3-1;C number 3 and 4, regarding the building inspector shall keep careful and comprehensive records and all those shall be in the planning and zoning office, but it does say that but the wording needs to be added that the inspector needs to provide all records to the planning & zoning office. It is making the assumption that the inspector works out of our office, but he is contracted from somewhere else. And also if the inspector is no longer contracted with the county that the records stay county property. Discussion on number 5 was can a contractor hire a different licensed state building inspector if ours is not available. Chad asked if they did what would his obligation be to the county as far as providing documentation? Woody asked if something could be added saying someone could use a different state licensed inspector but must register or comply with the zoning office and meet all record keeping requirements. This discussion came

up because of number 5 but could be added under records or somewhere. Chad asked if it would need to be approved by the County Commissioners to allow another building inspector to work in the county.

8-3-2: Building Permits To Comply: After discussion the board agrees to omit the strikeout of town. After reading this section Niel said he does not feel that a different building inspector should be allowed to be hired by a contractor.

8-3-3: Site Plans Required. The term administrator should say building inspector and in no case shall the sheet size be no smaller than 8 1/2x11 sheet. No changes on number 1-9.

8-3-4: A. Building Permits. Discussion of government or privately financed and owned projects needing building permits. Board agreed to accept the underlined of, or the. Check state code for how big detached accessory buildings need to be. This say 120 but we have been saying 200 square feet needs a permit. Also IB needs to be 1b.

B. Form. No Change in number 1 through 3. Niel questioned the title of "Form". He will check on this.

C. The board agrees to remove the strikeout text of and; and to add a . and the next sentence to start with "The". Ended on 8-3-4 D.

**3. Old Business:** Carrie advised that at the last meeting there was a motion to recommend to the County Commission the Tension Membrane Ordinance but there needs to be a public hearing first. Niel recommended adding it as an agenda item since the agenda has not been posted yet. Do not alter the minute's just make a note of the intent and reference the agenda item. Woody advised Stew will act as chair at the next meeting.

**4. Item for next agenda:** As noted in minutes. Schedule another work group meeting. Discuss change in regular meeting time and day. Schedule Tension Membrane public hearing. Discussion on when to schedule the regular meetings. Stew made a motion to adjourn. Chad seconded. All in favor. Meeting adjourned at 8:10 PM