

## Planning & Zoning

### Special Work Meeting Minutes

December 2, 2015 at 5:30 PM

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

Members Absent: Al Ladeau; excused.

Guest Present: Jack Lytle; County Commissioner

1. Welcome: Woody Bair welcomed everybody and called the meeting to order at 5:35 PM.
2. Consideration & Approval of minutes from November 4, 2015 special meeting. Stew Leith motioned to approve minutes as written, Brian seconded. All in favor, motion passed.
3. Public Comments: No public comments.
4. Consideration & Discussion: Review of Daggett County Ordinances. Start on Chapter 5, Board of Adjustment.

Chapter 5: Board of Adjustment

Section 8-5-1: Appointment, Term, Removal.

- A. Created:** Niel said this will need to be changed or adjusted. At this time the County Commissioners serve as the BOA and if they decide to appoint a separate BOA then they can follow these procedures. A paragraph will need to be added stating this and Niel will check with Sterling on the wording and if not he will write it and make it official for the Commissioners to act as the BOA. Niel advised to leave the wording in for appointment, term and removal. Leave this as a line item A and new paragraph saying County Commission acts as BOA unless otherwise appointed or stated as item B. Change term to one year instead of 5. Jack Lytle asked if 2 people from the planning & zoning board could be added to the 3 commissioners to cover the 5 member obligation. Niel said there shouldn't be members on the appellant board that were on the original deciding board, but you can as long as not more than half of the members of the board of adjustment are not members of the planning commission. Niel said we could change the BOA to only require 3 members. Chad asked Niel if residents of the Town of Manila could sit on the BOA. Again, Niel will ask Sterling for language that if the BOA members can't be appointed from the planning commission that the County Commissioners can appoint themselves. Woody asked if there is a time limit to have the board appointed. Jack suggested the ordinance to read that the board will be developed as needed and their term will be one year and used accordingly. It was determined that this whole section will be in question based on what wording Niel and Sterling come up with. Niel suggested that the board needs to be

appointed for a one year term and before any appeal comes up so there is no prejudice. Jack suggested having a pool of 10 names if possible to draw from.

**B. Effect on Present Members:** Yes to complete strikeout of letter B.

8-5-2: Powers and Duties:

- A. Appeals:** Yes to strikeout of “the administrative officer or agency in charge of the administration of this title.”
1. Powers Specified:
  2. Appeals: change administrative official or agency to the planning commission. Discussion on if someone wants to appeal a fee and it was decided that fees are set by County Commissioners and someone would have to appeal to the County Commission so leave it out of this section.
  3. Special Exceptions: Completely strike this out as there is nothing in State Code. The Planning & Zoning Board wants these brought to them not the Board of Adjustment.
  4. Variances: Now becomes number 2. Yes to change “zone plan” to “master plan” and “zoning resolutions” to “this title”.
  5. Special Question: Now becomes number 3. Chad motioned to completely strike out 1 and 2 under Special Questions. No number 3 or 4. Stew seconded, all in favor.
- B. Vote Necessary:** Chad Motioned to Strikeout completely as subsection 8-5-4 covers this, Stew seconded it, all in favor.

Niel is going to check to see what other jurisdictions do in regards to referencing state code requiring each county adopting a land use ordinance shall by ordinance establish one or more appeal authorities to hear and decide request for variances, appeals from decisions and appeals from fees. Also the wording of requiring adversely affected parties to present to an appeal authority every theory of relief that it can raise in district court. Niel said that is not in the ordinance but it should be and where to add it. This is in regards to referencing state code 17-27A-701.

8-5-3: Action by the Board: Yes to omission of strikeout “by” and change to “be”.

8-5-4: Voting of the Board: Strikeout of “or special exception”.

8-5-5: Meetings and Rules: To read as follows.

- A. Meetings:** no changes
- B. Conduct:** The chairperson of said board of adjustment or in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall be open to the public.
- C. Notice:** The board shall fix a reasonable time for any meeting and shall give at least thirty (30) days’ public notice thereof. Where appeals are to be heard, thirty (30) days’ public notice of the meeting and twenty (20) days’ written notice by mail to last known address,

shall be given all owners of real property located within a two hundred foot (200') radius of the property in question.

**D.** Minutes, Records: no change other than lettering to D and make it Minutes and Records.

**E.** Clerk: no change other than lettering to E.

8-5-6: Appeal to Board: To read as follows. Appeals to the board of adjustment may be taken;

**a;** by any person aggrieved by the inability to obtain a building permit, or by the decision of any administrative office, or agency based upon or made in the course of the administration or enforcement of the provisions of this title.

**b;** by any officer, department, board of bureau of the county affected by the grant or refusal of a building permit or by other decision or an administrative office or agency based on or made in the course of the administration or enforcement of the provisions of this title. The planning commission shall transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was based. (Ord 94-13, 1-19-1994). Omit the fee language and "officer whose decision is being appealed" and replace it with the planning commission. It needs to say somewhere that the applicant needs to provide the grounds for their appeal and what type of appeal they are filing.

8-5-7: Authority Limited: Strikeout "and exceptions".

8-5-8: Further Appeal to Court: After discussion no change.

8-5-9: Request to Appear Form: Chad motioned to include the form in the code with the following changes. Stew seconded it, all in favor. The board feels that any special use permits would go through Planning & Zoning not the Board of Adjustment and the Planning & Zoning board took out any special exceptions previously in 8-5-2-B-2 so strikeout number 3 completely. Number 4 becomes number 3. Also in the note part change how many cases the board may consider from 3 to 2. Any fee appeal will need to go to the County Commission since they set the fee schedule. In number 2 change resolution to ordinance. Niel said if there are changes to the form in the future that the state legislature does say it shall be substantial in the following form so that allows for changes without possibly having to make an ordinance change.

On December 9, 2015 start on Chapter 6 Zoning Districts Article A.

**5. Old Business:** Niel said he received an email from Sue Olorenshaw asking for a final document on the Tension membrane Ordinance. Carrie said she had sent one to her and will follow up with Sue.

**6. Items for next agenda:** Next meeting is December 9, 2015 from 5:30 to 8:30 PM. Elections for chair and vice chair. Set 2016 meeting dates. Fee schedule update and possible changes to fees and discuss deposits on building permits. Stew motioned to adjourn, Chad seconded. All in favor. Meeting adjourned at 8:40 PM.