

**Minutes for the
Daggett County Planning & Zoning Meeting
January 20, 2016**

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

Members Absent: Al Ladeau-excused

Guest Present: Niel Lund; county attorney, Paul Sawyer and Ray Ruble.

1. Welcome and call meeting to order: Woody welcomed everybody and called the meeting to order at 6:01 PM.

2. Consideration & Discussion: Approval of minutes from December 9, 2016. Stew motioned to approve minutes as written, Woody seconded. All in favor, motion passed.

3. Public comments: 5 minutes if needed. No public comments.

4. Consideration and Discussion: Resignation letter from Stew Leith. Woody read Stew's letter into the minutes. "I hereby tender my resignation as planning & zoning board member to begin 1/6/2016. I do not have the time to effectively fulfill my duties as board member anymore. Sincerely, Stew Leith." Stew prefaced this with saying he will stay on as long as he can until the board is able to replace him.

Woody spoke about the meeting yesterday, the County RMP (Resource Management Plan). As the CRMP is written Woody has asked Jack Lytle to let the Planning & Zoning board review it in small increments. Woody said the Federal law is that the County can be a major player in land use decisions if there is a plan in place. The state has tried to say they want more control over the Federal land in the state and they need to figure out how to make that work. The State Legislation started was HB 323 which says the County needs to have more specific management plans for private land, state land and planning & zoning is the vehicle that codifies that and then has to be passed by Ordinance by the Commissioners. So over the next year to 15 months Mark Ward is writing the CRMP on 28 topics. As Mark completes this the board will be tasked with reviewing them and doing a zoning layer for the county. That is not a requisite of HB 323 though. The Public Lands Committee, the Conservation District, the County Attorney, The County Commissioners and the Planning & Zoning board will all review the CRMP. Mark suggested getting some key people involved in this process. April 1, 2017 is the deadline for having this complete, then it goes to the County Commission, then it goes to the state for the 2018 legislative session. There was also discussion about maybe amending the Planning & Zoning Bylaws to possibly allow one member to be either from Manila or Dutch John.

5. Consideration & Discussion: Ray Ruble/ Paul Sawyer property. Carrie said Allen Campbell has recorded splitting the whole ranch among the family under agriculture. Ray now owns the 40 acres

around the 2 houses and he owns a total of about 180 acres. So now Ray has deeded the 5 acres that the houses are on back to the trust and the trust deeded everything back to Ray the 184 acres which included the whole 40 acres around the houses. Now Ray wants to split off 20 acres of the 40 and he will sell that to Paul. Ray has asked for recommendation on how to split this. If it should be north and south or east and west. Ray would like to split it north and south. Paul showed the board on a plot map what they would like to do. Paul asked if this needs to have a survey or if they can get a legal description without one. Carrie said Lesa Asay, county assessor, said as long as it is divided along section lines that would be legal. Carrie asked Paul if his bank will want a survey and Paul didn't know at this time. Chad said the other 20 acres that will be left will be land locked and he suggested that they record an easement to that piece. Ray said the highway can connect it and there was another road he could access it from. Carrie said one of the requirements to be exempt from plat requirements is a minor subdivision may not be within 1000 feet from another minor subdivision. Carrie had Kym check to see if there were any other minor subdivision. Kym said Gary Pallensen's is 650 feet. Carrie said they can still subdivide but they may not be exempt from the plat requirements. Paul asked if this was considered a subdivision and Woody said anything you take a piece out of a bigger piece of land it is a subdivision. Brian said there are provisions when its agricultural land, which this land is currently zoned Ag-20 and it will stay Ag-20. Brian asked if Pallensen's subdivision would come into play since it is within the town limits. Kym said Sunshine subdivision is 450 feet away, Carrie questioned if this was 1000 ft from the whole lot or just the 20 acres they are subdividing off, that was unclear. There was a discussion on the distances and the subdivision that it could be closer to is a major subdivision. Woody asked Niel for advice. Brian wondered if the ordinance was not referring to subdivisions nearby but maybe pieces that may have been previously broke off so somebody can't create a major subdivision one piece at a time. Woody said again we are discussing if they are exempt from plat requirements, they can split the land, just will they need to get a survey or not. Woody said based on what he is seeing there seems to be enough gray area that he feels they would need a survey. Carrie asked if Paul needs to meet all the requirements of state code 17-27a-605 subsection 2 or just one of them. Paul asked what getting a plat meant Woody said it is the survey and they will give you a plat map. Niel said they need to meet all the requirements to be exempt and he thinks they are exempt from the plat requirements since this is agricultural land. The board said under section 2 of 17-27a-605 this land cannot be used for non agriculture purpose, the new owner of record completes, signs and records with the county recorder a notice describing the parcel of legal description stating that the lot or parcel is creating for ag purposes as defined in section 59-2-502 and will remain so until further zone change permits other uses. Paul will also need to fill out a conditional use application for the ranch house on the property and the fee is \$20.00 for that. Ray said his intention is to set the 20 acres off, it will not be in Paul's name, then Paul can purchase the 20 acres. After discussion it was recommended by Niel and the board to get a survey and easement to the back 20 acres but not required by planning & zoning at this time.

6. Consideration and discussion: RV wastewater system on property. Carrie said a land owner applied for a wastewater permit and it was for one recreation vehicle on a lot. Carrie said the lot was located in Sunshine subdivision. Carrie asked for the boards thoughts on allowing this and Chad said no we should not allow this. Per the County ordinance, section 1501. Woody read this Ordinance. Woody asked

what the property was zoned to see if an RV park was allowed. Carrie wasn't for sure at this time but thought it was R-1-8. Carrie presented a letter she has drafted detailing Section 1501. After discussion Chad motioned to mail the letter with the corrected date for the next Planning & Zoning meeting. Stew seconded. All in favor motion passed.

7. Building Permit Report: Carrie presented the spreadsheets of the reports from 2014-2016. Carrie said Matt did do a final on the Henline home in Dutch John and issued a Certificate of Occupancy. Brian said he was at the Dutch John council meeting last night and it was brought up that Dutch John Resort has 4 rental units that never got building permits or Certificates of Occupancy. Brian said they said they didn't get one because they are less than 100 square feet. Carrie said she has asked Dave Orr about these and he told her they are not in use yet. Carrie asked if these have been rented out yet and Brian didn't know. They do need to get building permits and Certificate of Occupancy for these. There was also discussion on the shower house they put in and they never got a building permit for that either. Niel said they told him it was temporary structure for the workers but they are letting guest use the shower house. Niel said this is under Dutch Johns jurisdiction now. Brian said this issue may come up again in the county as far as people not understanding if they have a small building and want to rent it out they don't think they need a building permit and may want to rent it out or use as a dwelling. Chad said we need to look at the wording on the square footage and Woody wants this reviewed in the next meeting.

8. Public Lands Report: Woody discussed this earlier in the meeting.

10. Old Business/follow up: Hand out By-laws that were approved by the Commission December 22, 2015. Tension Membrane Ordinance 15-24, Commission held public hearing December 29, 2015. Commission approved the new fee schedule presented to them on December 22, 2015. Newsletter article regarding Planning & Zoning "did you know". New board member. There was some wording that Niel needed to change on the Tension Membrane Ordinance. Carrie will follow up on this and will get the board copies as soon as it's finalized. The new fee schedule can't go into effect until the ordinances are all codified and the public hearings are held as the current fees are part of the Ordinance. Carrie asked if she could start collecting the deposits on building permits since that is not part of the Ordinance. Niel said if it doesn't say anything in the Ordinance then he thinks it's ok to collect a deposit on building permits. Woody would like the CRMP (County Resource Management Plan) mentioned in the newsletter article and that the board has openings for 2 board members.

11. Items for next agenda: Minimum square footage and use requirements for small accessory buildings. Next regular meeting is February 17, 2016 at 6:00 PM. Next work meeting is February 10, 2016 at 5:30 PM. Niel suggested possibly changing the meetings to Tuesday nights so Chad Woolley, Niel's counterpart, can attend while Niel is deployed. Chad Reed can't attend Tuesday meetings until after May. Carrie said Curtis Mills had asked for a reduction on his building permit fees in Commission today because he says Rick Summers, past building inspector, told him the slab he poured for a garage was ok. The current inspector said it is not and now he has to fix it. There was no documentation that Rick gave the ok on the slab. The Commission tabled it for further review.

9. Consideration and Discussion: Ordinance Review. Chapter 6, Zoning Districts

Article D. CENTRAL DEVELOPMENT DISTRICTS C-D

SECTION:

8-6D-1: PURPOSE: Yes to include "The purpose of this district is"

8-6D-2: PERMITTED USES: Yes to include "None."

8-6D-3: CONDITIONAL USES: Yes to strikeout MR 30, CN, CS, CH and CG. The board also decided to strike out RM30. Yes to the inclusion of CN, CS, CH and CG districts are conditional uses in the CD districts.

8-6D-4: SPECIAL PROVISIONS: A. Change to read as follows with the inclusion of the underlined: Lot Size: Any parcel located in the Central development district larger than one acre at the time of passage of this article may be divided or developed only under planned unit development approval. No new lot smaller than one acre may be created.

No change to B.

8-6D-5: AREA, WIDTH, FRONTAGE, YARD, COVERAGE, HEIGHT REGULATIONS: Yes to the inclusion of "The area, width, frontage, yard, coverage, and height regulations are"

Next meeting start on Chapter 7 after finishing the chart in Chapter 6 starting at bone in the chart.

Meeting adjourned at 8:00 PM.