

Minutes for Planning & Zoning

February 17, 2016 6:00 PM

Commission Chambers

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

Members absent: Al Ladeau-excused.

Guest Present: Dave McDonald-Trout Creek

1. **Welcome and call meeting to order:** Woody called the meeting to order and welcomed everybody at 6:00 PM.
2. **Consideration & Discussion: Approval of minutes from January 20, 2016.** Following corrections were made. The top of page 3 says if a RV should read if an RV. Number 7, second line should read issued not issue. Number 5 should read conditional use permit not condition use permit. Brian motioned to approve minutes with changes but then recused himself since there is a full quorum. Chad motioned to approve minutes with changes. Stew seconded. All in favor motion passed.
3. **Public comments: 5 minutes if needed.** Dave McDonald said as a member of the Dutch John Town Council he would like to find out what the status is on building permits and Certificate of Occupancies for Delta Plan are. Dave said the Town Council would like to know the status for the purpose of issuing business licenses. Dave said they have 12 2 story 2 bedroom cabins, 3 single story 2 bedroom rental cabins, 6 original shire cabins and 4 of the new small cabins. Carrie said the 3 big cabins have CO's, the 12 cabins along the Trout Creek property all have building permits and are not finished and the 6 shire cabins have building permits but no CO's have been issued for those. The 4 small ones have been in question and Dave Orr told Carrie that those are the ones that were brought in and they haven't placed them yet. Dave McDonald said they were not brought in that they were stick built on concrete foundations last summer. Chad asked where the 4 small cabins are located and Dave said they sit on the opposite side from the original 6 next to the bath house. Woody asked Carrie to look into all this. Carrie asked if they have built something and were never permitted would this fall to Dutch John Planning & Zoning. Dave said if they have not been permitted there is a penalty for having constructed them and not bought a building permit and he thinks that the county would want to collect that and have Matt inspect them. Dave said as an update status on Dutch John P&Z that they do not have Matt Tate, the building inspector, on staff yet. Woody asked what the plan for Matt was as far as schedule, was he still only coming on Mondays? Dave said they feel they would be able to work with him on just Mondays and if that fails to serve the needs of the

community then that might change. Dave said he is an engineer and the state allows him to do inspections in lieu of a building professional and he can work with Matt on certain inspections. Carrie asked if Matt Lucas has started building yet. Dave said Matt has the footing trenches is all. Brian asked if Dutch John has their Planning & Zoning Ordinances finished yet and Dave said they are close. Dave asked if the next thing he was here about could be moved up on the agenda. The board agreed to discuss item 8-H follow up/old business-Trout Creek. Woody asked the board if they have had a chance to review the email thread that Carrie had sent them. It is in regards to the sewer line that Trout Creek ran across the Delta Plan property. Thompson Davis sent Karen Perry an email addressing sewer line issues. Dave showed the board the plans for Trout Creek that Planning & Zoning approved. In that it shows the 6 inch sewer connector going to RDA property at that time, now the property belongs to Delta Plan. The 6 inch line connects to an 8 inch line on Delta Plans property. Dave showed on the Trout Creek plan where they put the new pipe, which is not as it shows on the approved plans. Dave said Delta Plan connected the 12 cabins to the line that Trout Creek put in. Dave said what Delta Plan is complaining about is the new sewer pipe that Trout Creek installed. Dave said it was County property at the time they did this and Warren Blanchard came out and said ok to the new line. Dave said there is no easement for them to connect to the sewer line. Dave said if the County sells the land out from underneath the sewer usage the County then has to find and pay for a new route to get sewer for Trout Creek. Dave said he asked Planning & Zoning a number of times to look at a drainage easement as well, and now Delta Plan has filled the drainage canal and have built cabins there and last fall it flooded the entire site. Dave said the line that is there is a 4 inch line and they had to change to a 6 inch line and the easiest way to get through Delta Plans trees was to dig in a different place. Dave said Delta Plan planted 20 trees down the existing sewer line from Trout Creek. Carrie said what she thinks Delta Plan is questioning is how come they put a new 6 inch line in instead of doing what was on the approved plan. Dave said it was to miss the trees and it was a 4 inch line and needed to be a 6 inch line. The 4 inch line is still in place. Woody said there is another issue as Trout Creek will need an easement for the new 6 inch line. Dave said the other issue is they surveyed a general utility easement all the way to the end of the property, 15 feet on the Trout Creek side of the property. He said they have that document ready to record. Dave said he offered Delta Plan to connect to the 6 inch sewer line that runs Trout Creek's property. Dave said it would of required the pipe to be increased from 6 inch to 8 inch and he said all Delta Plan had to pay was the increase of the size of pipe. Dave said Delta Plan also connected power across the property line and that is illegal. The transformer is on Trout Creek's property and Delta Plans distribution panel is partially on Trout Creek's property. Dave said Trout Creek could refuse Delta Plan access to power if they choose to and if Delta Plan does not get reasonable about a sewer line easement they will have to run a new power line and redo the power to the 12 new cabins. Dave said the other problem is Delta Plan has built the 3 big cabins on the 8 inch sewer line. Dave said Warren told him that in order for Delta Plan to build there they had to sign a document that said if that line ever has a problem they are 100% liable for all the repairs. Carrie said she has never seen that document in the file. More discussion about the water lines in Dutch John. Dave discussed the eastern property line along South Blvd, there should be a 15 foot easement for utilities and he said there

isn't. Dave discussed the fact that Delta Plan filled in the drainage ditch between the properties and Carrie said she has an inspection sheet from Matt Tate that says they have to fix that before he will issue any more Certificate of Occupancies to them. Dave said the plan in Dutch John administration is any complex commercial development should be a PUD and he said he is going to ask Delta Plan for a PUD application. This will include storm drainage and easement plans. Dave does not feel Delta Plan should be allowed to operate until they fix the drainage problem from filling in the drainage ditch to an engineered standard. Dave said the other problem they have caused is drainage from Trout Creek. Now Trout Creek has had to reengineer the road so it slants back into the hill to create drainage there. They are going to take it into the parking lot and drain the water out to Little Hole Road and it was cost Trout Creek \$30,000. Woody said this was on the agenda just as discussion and not as an action item. More discussion regarding the sewer line, different size of lines and easements. Dave discussed another piece of property up Little Hole Road and he may want to develop it in the future and will need a general utility easement. Dave said Johnny Spillane is the owner of Trout Creek. Dave is just helping Mr. Spillane with the development and he should be notified of everything. Dave will get Carrie Mr. Spillane's contact information. No further discussion.

4. **Consideration & Discussion: Hensley Variance.** Woody's first question that this is an application for the Board of Adjustment and that is the County Commissioners right now. Woody asked if Planning & Zoning should be discussing this. Carrie said it was on the County Commissioners agenda today and they approved it. Jack wanted Planning & Zoning approval as well. One of the reasons for the Commissioners approving it is the Ordinance change of the setbacks on 5 acres or more of accessory buildings not being allowed in front of the primary building. The new ordinance would allow accessory buildings to be in front of main buildings on 5 acres or more. This was approved by Planning & Zoning in 2012 but was never passed by Ordinance. When the County's codification is completed this will be part of it. Woody asked the board if they reviewed his application. In Mr. Hensley's variance application it says "Also consider proposed planning change under review to remove this requirement for lots of 5 acres or more. All lots in Mountain View Estates are 5 acres." Woody would like in our statement that this board has no purview over Mountain View Estates because it's an HOA with covenants in that regard. Carrie said she thinks Mr. Hensley might be saying that just to let the board know his lot is in Mountain View Estates and therefore it is 5 acres so this new ordinance would apply. Chad Reed made a motion that under the condition of the motion that was made in 2012 in regards to the change, he motions to concur the motion of accepting this variance made by the County Commission acting as the Board of Adjustment and referencing to the Commission that those changes have not been made but it is in the process. Also that Planning & Zoning is not the Board of Adjustment and this motion is merely an advisory act. Stew Leith seconded, all in favor. Motion passed.
5. **Discussion: UCIP training on April 13-15 2016.** Chad motioned to table. Stew Leith seconded, all in favor. Motion passed.
6. **Building permit report:** Woody said he is concerned with the building inspector splitting his time on Monday between Dutch John, Manila and the counties inspections. He feels the county will be at a further disadvantage if he splits his time. The board would like a formal

recommendation made that the next time that the building inspector's contract is discussed that there is not a conflict with his time being split and Daggett County gets a separate day from Manila and Dutch John. Woody asked about the status of Delta Plan's C-store remodel. Carrie said they received the final portion of the building permit for the structure today. Carrie said other than that there is nothing new to report. Discussion in regards to the last bigger cabin that Delta Plan is building and that one is close to getting a final inspection. Discussion regarding the sewer lines on Delta Plan's property and Trout Creek. Woody would like a timeline of when Trout Creek hooked up to the sewer line, when the trench was dug, were the changes approved that Trout Creek made, etc. There needs to be a procedure when someone hooks a new line into the sewer or water connection. There was also a question of charging a connection fee when they hooked these new lines in and getting an inspection. Carrie called Jesse in Dutch John to see if he was involved at all in this line being hooked up and he was not. There was discussion on who owns the 8 inch line on Delta Plan's property. Chad said that line was not put in for the full intention of Delta Plan or whoever would own that. That was put in for the opportunity of future development all the way down Little Hole Rd. Discussion on being able to continue that line across Trout Creek property if there is not an easement. Woody asked what of this discussion has to do with Planning & Zoning. Brian said the one thing that needs to be addressed by Planning & Zoning is that Dave McDonald of Trout Creek did not follow the procedures of changing the location of the line from what he originally submitted. The board needs to decide how to handle builders when they change plans and do not get approval and update their plans. Woody said from Planning & Zoning perspective there are a few problems that need to be addressed. One is the drainage ditch that Delta Plan filled in without reengineering it; two is the easements of all the utilities. Chad said we need to recommend to the Commissioners to find out about the easements in Dutch John, they also need to find out what payments were made for connections and what inspections were made.

7. **Public Lands Report:** Woody asked if Mark Ward was still working on the CRMP and Brian said he is under contract so he should be.
8. **Follow up/old business.** A. Tension Membrane Ordinance 15-24, still not completed by Commission yet. B. Wounded Warrior/Hand in Hand. They have built the bathroom facilities on the deck. Carrie asked Eric of Tri-County if he has received everything he needs to approve the wastewater system and he has not yet. The board would like Matt Tate to do an inspection and see if they have hooked anything to sewer/septic lines yet and to see if another stop work order needs to be issued. Brian suggested possibly sending a letter to the contractor of record to advise him of the board's concerns. There was a question of when the last stop worker was lifted what the building inspector allowed them to build before getting final approval from Tri-County. There was discussion regarding the water at the sight and how it will impact the other users in the area of the spring. C. Newsletter article, the board would like the same article ran as last month. D. RV wastewater system. Carrie spoke with the owner and she is not putting an RV wastewater system in. There was a misunderstanding and the home she is looking at is called an RV park model. Carrie advised her of the minimum size requirement for a dwelling. E. New board member. Carrie will send Woody a volunteer application per his request. F. Ruble property. No update. G. Dutch John Resort and H. Trout Creek. Both G and H have already

been discussed earlier in the meeting. Delta Plan has received the rest of the building permit for the remodel of the C-store.

9. **Consideration & Discussion:** Ordinance review: Chad Reed motioned to table, Stew seconded. All in favor, motion passed.
10. **Next Agenda Items:** As discussed through the meeting. Next regular meeting will be March 16, 2016 from 6:00 to 8:00 PM. Find out from Niel when he can attend another work meeting to work on codification. Either March 2 or March 9. Stew motioned to adjourn. Chad seconded, all in favor. Motion passed. Meeting adjourned at 7:45 PM.