

Minutes for the
Daggett County Planning & Zoning Meeting
April 20, 2016 at 6:00 PM

Members Present: Woody Bair; Chair, Al Ladeau, Chad Reed, Joe Jacobs, Brian Raymond; alternate and Carrie Poulsen; secretary and alternate.

Members Absent: None

Guest: Dave Orr and Thompson Davis; Dutch John Resort, Chad Woolley; county attorney, Jack Lytle; Commissioner.

1. Welcome and call meeting to order: Woody welcomed everybody and called the meeting to order at 6:00 PM.

2. Consideration and Discussion: Approval of minutes from March 16, 2016 and March 24, 2016.

Changes to March 16 minutes are in number 7 correct spelling of actual and put "see notes" in quotation marks. Chad made motion to approve March 16, 2016 minutes with changes, Joe seconded. All approved, motion passed. Changes to March 24, 2016 minutes are under number 4, 8-8-B1 third line remove the second word "had" and add a coma after approved. Joe motioned to approve March 24, 2016 with changes, Chad seconded. All in favor, motion passed. Brian will follow up on interstate and intrastate pipeline companies to see if it's in the code. After discussion keep definition of Legislative body as Daggett County board of county commissioners.

3. Public comments: No public comments.

4. Consideration and Discussion: Election of Vice Chair: Chad Reed and Al Ladeau were nominated by Joe. Al declined as he is leaving the board in about 3 months. Chad's nomination was seconded by Woody. Nominations closed. All in favor of Chad Reed for Vice Chair, no opposed. Chad Reed was elected new Vice Chair.

5. Consideration and Discussion: Delta Plan One; Drainage Plans. Carrie said Thompson and Dave are in attendance to present their engineered drainage plans for Dutch John Resort. Thompson said what they are trying to do is get a Certificate of Occupancy on the first 6 cabins out of the 12 being built. He said Matt Tate has done a final on them and they passed. He said they received a letter from Planning & Zoning saying that a C.O. would not be issued until there was an engineered drainage plan submitted. He said then he was told that they had to actually have the drainage ditch complete before they could get a C.O. The letter he is talking about was sent to them on March 23, 2016. Dave Orr explained how the drainage ditch would flow. He said the pond the on the map is not the size it will be. It shows a one acre pond and they want a 2 acre pond and there will be cabins around it eventually. Thompson said the engineer told them a one acre pond at 10 feet deep would handle the drainage. The plans they

submitted are 100 year N.O.O.A. plan. Chad asked if there is any construction that needs to be completed in the ditch. Dave said it needs to be dug out to be 4 feet wide and 2 feet deep. Dave explained some more details of the drainage system. Dave said they are probably a month and a half away from having it completed. Chad asked if they said what time of year there could be potential flooding, and felt that it is this time of year that there could be a potential threat of flood. Thompson said they didn't say exactly, they focused on the whole period of time and obviously there are surges. Woody asked if they indicated if the pond was full what the additional capacity would be. Dave said there is an overflow valve that could be opened and a culvert for the water to run through. Woody passed the letter that was sent to the board for them to read. Woody said the first inspection that identified this as an issue was September 14, 2015. The note on this inspection said that a drainage ditch is required to be cut in behind or in front of the cabins and joined to the ditch before final on 6 cabins. Dave said they did not see this inspection report; they are given to the contractor. Thompson said the problem is they were going into winter and would not have been able to get anything done. Carrie said this inspection was the red flag that kept the board on top of this to make sure it was completed. Woody said the reason for the letter is the Dutch John Ordinance calls for a drainage control plan and it has to be initiated. Thompson said Karen Perry recommended they get on the Commissioners agenda to discuss this. Carrie said the first time they met with the commission it was not on the agenda, they were on the agenda the following week, April 12, 2016. Jack called Woody after the meeting to discuss this. Woody told Jack that he wouldn't feel right even bringing this to the board until there was an engineered plan. Dave had an engineered plan the next day. Chad Woolley said at the County Commission meeting it sounded like there was maybe some middle ground in being able to issue a Temporary Certificate of Occupancy. For the record Woody spoke by phone with some of the board members. He first spoke with Chad Reed and advised him of the situation, then he spoke with Joe Jacobs. At that time the 3 board members did not feel it was in the best interest of the county to move forward with issuing a Certificate of Occupancy. Woody said if the board stays with that decision that Delta Plan has the option to appeal to the Board of Adjustment, which is the Commissioners at this time. Thompson said in the regulations it does make some provisions for a Temporary Certificate of Occupancy. He asked for that to be a consideration. Jack asked in terms of the plans that are presented, do they plan on having plans that will represent what they want to do, in terms of the pond being bigger. Dave said yes they will. Jack said the revision date and title need to be corrected. The current copy has been corrected and the title is ok since it does say drainage, per the engineer. Dave said the revision will be completed in about a week. Joe asked how long until the ditch will be completed. Thompson felt that the pond could be completed in a few days and the ditch just needs some backhoe work. The more difficult issue will be the 2 culverts as they need to be ordered. Chad Reed said he would like to compliment them on what they have accomplished there and it looks great, but he said at this time he is in objection to allowing a Certificate of Occupancy to be issued until the drainage ditch is complete. He said this is for protection of the county. Dave asked if it was in concern for the upper or lower cabins. The lower cabins have CO's, it's the upper cabins they are now asking for. Chad said his concern is for anywhere the water could flood and the safety of the guest there. More discussion on how flood water would flow. Woody said they filled in the drainage ditch that was on the property and feels that if the new drainage ditch does not get completed, that us withholding CO's is our way of insuring that Ordinance of having a drainage ditch is enforced. Chad feels the board needs to

show due diligence in ensuring that the drainage ditch is completed. Thompson would like to find a compromise on execution of the drainage ditch. Jack said they also need time for inspections and such on the finished drainage, and doesn't want them to feel like we keep moving the target date. Discussion on penalties if the project is not completed within a timely manner and what reassurance does the board have that it will be completed if they issue the CO's. Chad Woolley recommended issuing a 30 day Temporary Certificate of Occupancy and if the ditch is not completed within 30 days don't issue a permanent Certificate of Occupancy. Chad W. feels this would be incentive for them to complete the project. The final result needs to be to engineered standards, so the ditch can handle the water and for there to be safety for any guest or residents there. Their engineer needs to stamp the final as built plans saying the system there can handle the flow of water. Dave Orr asked if the engineer would inspect or the building inspector. The board feels it would be the engineer. Woody asked for any more discussion. Chad said if we consider a 30 day temporary Certificate of Occupancy is it just for the 6 cabins? Brian asked what the time table was for the 2nd six cabins to be completed. Thompson said they should be finished in 30 days as well. At this time they only have a final from Matt on the first six. Joe Jacobs motioned to approve issuing a Temporary Certificate of Occupancy for 30 days on the first 6 that have passed a final inspection. Al seconded. More discussion took place. Chad would like the wording in the motion that if the drainage is not in place that no Certificate of Occupancy will be issued for the 12 cabins when 30 days expires. Jack questioned the 4 cabins that they have not applied for a building permit on and will need Certificate of Occupancy permits as well. Brian said those are different but need to be addressed tonight. Chad W. feels the motion could be simplified. Motion stands, all in favor motion passed. No other Certificate of Occupancies will be issued if the drainage ditch is not in place then and the as built plans stamped by an engineer and a letter saying it is in compliance. This will not need to come before the board again if they provide what is required as Matt Tate has the power to issue Certificate of Occupancies. The 30 days will be from the time Matt signs the temporary CO. After discussion Thompson will get a building permit for the 4 smaller cabins, these cabins have electricity, and then have a Certificate of Occupancy issued. Daggett County can issue these permits as these 4 cabins were there prior to the incorporation of Dutch John. Thompson stated that Jack Lytle has also told them in the past they need permits for these cabins. No further Discussion.

6. Building Permit Report: Carrie presented the current building permit report. Woody asked about Delta Plans permit for the store, if it was for just the fly shop end or for both ends. It was for the entire remodel and that is the last permit for us to deal with, after the 4 smaller cabins. Chad said Curtis Mills has been building further and probably needs another inspection. Carrie will let Matt know. Woody said Monte and Heidi Morris should have had a final by now as well. Discussion in issuing 6 month extensions and keeping track on if we are fining people if their permit is expired and they do not apply for an extension. No further discussion.

7. Public Lands Report: Jack said there is no change, but the extensions have been approved on HB 323. Jack will contact Mark regarding collaboration on the schedule involving HB 323 in regards to Planning & Zoning reviewing it. No further discussion.

8. Follow up/old business:

a. Tension Membrane Ordinance 15-24. Carrie will follow up with Sue on the finalization on this.

b. Hand in Hand Project: Eric Larsen of Tri-County is no longer over this project. It is Cami Hadlock and she said she is still waiting for wastewater plans from Brownie Thomlson and water system plans from Sunrise Engineering.

c. New board Member: Still need one full time board member.

d. Ruble Property: No update.

9. Consideration & Discussion: Ordinance review: Chapter 8, Article G: Plat Amendments and Amendments to Subdivisions. Sterling suggest the county should refer to Utah code Annotated section 17-27a-608 et seq., as the state has emended their legislation relative to vacating and amending subdivision plats. The board agrees to refer to state code 17-27a-608 for this entire section.

8-8G-5: Appeal plat amendment and record of survey subdivision amendment decisions:

An aggrieved party may appeal the decision of the county commission concerning a subdivision amendment to district court, as provided in Utah Code Annotated section **17-27a-801**, as amended

(Res. 07-23, 12-4-2007; amd. 2015 code)

Sterling has updated the above highlighted statute reference. Yes the board agrees.

Chad W. will check on lot line adjustment if this changes with the entire section.

Start on Chapter 12: 8-12-2: Mobile home park regulations on May 18, 2016.

10. Next Agenda Items: Discussed this before number 9. No new agenda items so far. Next scheduled meeting is May 18, 2016 at 6:00 PM at the County Courthouse.

Meeting adjourned at 8:00 PM.