

Minutes for the
Daggett County Planning & Zoning Meeting
September 21, 2016

Members Present: Chad Reed; acting chair, Joe Jacobs, Al Ladeau, Brian Raymond; alternate, Carrie Poulsen; alternate & secretary.

Members Absent: Woody Bair-excused.

Guest Present: Jack Lytle; County Commissioner, Chad Woolley; County Attorney, Hank Gutz, Mike Musselman, Mark Silver, Mark Cook, Mike Cook, Douglas Cook, Bonnie Cook, Jim Fariello, Jon Wilde.

1. Welcome and call meeting to order. Chad Reed, acting chair welcomed everybody and called the meeting to order at 6:00 PM.

2. 6:00 PM Public Hearing to obtain comments regarding the adoption of the section of Daggett County's Resource Management Plan Regarding Wilderness and Related Special Designations. Mr. Reed called the public meeting to order and asked if there was anybody that wanted to speak to this issue. Hank Gutz representing the Public Lands Committee feels this is a very strong instrument and in favor of the county and he supports it. Mike Musselman seconded what Mr. Gutz said. Mr. Lytle said this is part of the requirement per house bill 323 requiring the county to have a Resource Management Plan. Mr. Lytle said as a cooperating agency we are also dealing with the Forest Service on the forest plan revision on the Ashley National Forest. One of the reasons we are doing it piece by piece right now is as things are needed for the coordination and cooperation with the Forest Service in their planning effort. There are certain parts of our plan that need to be reinforced and one of them is the wilderness section. Mr. Lytle said this part of the plan was what was developed after the PLI process. Mr. Reed thanked the PLI committee for their work on this and feels it is very accurate document based on the input into that committee and what came out of it. Mr. Lytle said the one thing missing from this document is the exhibits that show what designations exist within the county either with the BLM or the Forest Service relative to wilderness, ACEC's and Wilderness Study Areas, roadless designations and areas with wilderness characteristics. Mr. Reed asked how many meetings the PLI had to develop this document. Mr. Gutz said this was in coordination with Mark Ward and the draft he presented. Mr. Lytle said there was a PLI meeting every week for at least 4 or 5 months. Mr. Lytle showed some of the exhibits to the public. Mr. Raymond said he thinks the document is good but feels it backs the county into a corner and it doesn't leave us any wiggle room. If we get a republican president it will be fine but another democrat and it could be worse. Mr. Raymond said he is not against this document but he said when they were having the PLI meetings somebody said we can't negotiate on that because it is against the general plan. It also requires the county to do things that the county does not have money for, like personnel. He feels this is good information but feels there is challenges enforcing this and if we truly want to develop some of our recreational opportunities this may not allow it the way we think it will

unless we are completely able to do everything in here we want but sees it as a difficult task. Mr. Reed stated that this was said in one of the PLI meetings as well. Mr. Musselman asked if Mr. Raymond had a better solution. Mr. Raymond said this document gives us no negotiation room and this is very clear cut, which isn't necessarily bad, it just backs us into a corner and if we follow this plan there is no way out of it. Mr. Raymond also stated he will not be voting on this as he is an alternate board member tonight as we have a full quorum present. Mr. Jon Wilde, chairman of the PLI counsel and zone director for Utah Conservation Commission, and Zone Director for Utah Association of Conservation District. He said he was in meetings on Monday with both these associations. They spoke about what is being proposed with the Forest Service Plan. He discussed what happened at the Forest Service meeting regarding the roadless area and would entertain and exchange for the roadless area for the wilderness area and that did not go over well. Mr. Wilde has read the document and feels he can support it. No other comments from the public. Adjourned out of the public hearing at 6:25 and into the regular session at this time.

3. Discussion and Consideration: Daggett County Resource Management Plan Regarding Wilderness and Related Special Designations. Mr. Ladeau recused himself as he has not had time to read the document. Carrie asked if Mr. Ladeau recused himself if Mr. Raymond could vote and the Mr. Woolley said he could. Mr. Reed asked for a motion. Mr. Raymond suggested a motion to table until the exhibits can be seen and should be part of the document before Planning and Zoning approves it. Mr. Ladeau motioned to table for further information regarding the exhibits, Mr. Jacobs seconded. All in favor, motion passed. Mr. Musselman, Mr. Gutz and Mr. Wilde left at this time.

4. Discussion and Consideration: Minutes from August 17, 2016. Mr. Jacobs made a motion to accept the minutes from August 17, 2016, Mr. Ladeau seconded. All in favor, motion passed.

5. Public Comments: 5 minutes per person as needed. Everyone present is on the agenda.

6. Discussion and Consideration: Mark Silver, Taylor Flat ordinance violations. Mr. Silver sent several pictures of ordinance violations in Taylor Flat. He said he came to a meeting about 3 years ago with the same complaints. He said it is not clear to him what can be done on the 970 lots in Taylor Flat as there has never been any enforcement out there. His question is what are the rules? He understands the need of the 6 lot requirement. He stated there is a large green structure that was built 15 feet into the road. He feels he has questions and doesn't feel he gets any answers. Mr. Reed said he has been involved for several years and understands Taylor's Flat has been an ongoing issue. Mr. Reed believes that in the conversations that he has had with the board that they are at the point that we have a county attorney that will help us and to make sure there is some enforcement of the Ordinances and the rules for Taylor Flat. Mr. Silver asked about accessory buildings and the permitted uses. He said if there is no permitted use how can you have an accessory building? Mr. Raymond said the permitted use is a residential use, he said it's not a "permit". Mr. Raymond said on the chart of uses it's the permitted use of that land and an accessory can be accessory to a residential home, doesn't mean you have to have a home first. Mr. Silver feels we are sunk then because we will have 970 lots of accessory buildings. Mr. Woolley said he has read all the information Mr. Silver sent in and said we are not sunk. The issue is our ordinances and the rules are a living document; it's not something that can't change. Mr. Woolley said Planning & Zoning is to hear this sort of information and to make a determination of what they think the

rules should be and present that to the County Commissioners. Mr. Woolley said there are 2 issues he see's. One is how the ordinances would be interrupted right now and are those buildings in violation of the law and based on his research and he feels Mr. Raymond is close to the answer. When we are saying permitted use we are not saying permit, we are saying allowed use. So based on Mr. Woolley's reading of the code accessory building are an allowed use. The accessory buildings still have to follow the ordinances and one of the rules is you can't live in an accessory building. The other issue is resources and priorities and the ability to enforce these rules. Mr. Reed agreed. More discussion on how to clean up Taylor Flat. The board thanked Mr. Silver for his research and the detail he put into it. Mr. Silver said there is another problem on the flat as far as how it was subdivided and lot lines. Discussion regarding a building that was built on the road and Mr. Woolley said the fact that it is there now doesn't mean it can't be removed. Mr. Reed said where there are issues that are not grandfathered in because of time and how the ordinances were then there is something that can be done as our ordinances are a living document. Mr. Raymond asked if the RDA can help in Taylor Flat. Mr. Raymond explained what the RDA is and how it can help with improvements but it is complicated. Mr. Woolley said that as the county attorney he wants Mr. Silver to know that the county takes his complaints seriously and doesn't want him to think we are ignoring the rules and letting people do what they want. Mr. Reed asked for a motion as this is a consideration item. Mr. Cook said the board may want to hear what he has to say before the board makes a motion.

7. Discussion and Consideration: Mark Cook-Taylor Flat property. Mr. Cook owns 24 lots and recently brought in 2 single wide trailers to Taylor Flat. He said they are headed into the permitting process now. He said he has bought the electrical service but has not installed it as they do not have the permit yet. He said they have sat down with Matt Tate and have a plan on how to make the buildings conform to the ordinances as far as sizes and foundation and said he has given verbal approval from Matt. Mrs. Poulsen said Mr. Tate can say what needs to be done as far as construction and foundation but as far as what ordinances fit he doesn't really have jurisdiction over that, other than to help enforce them. Mr. Cook said it will fit the ordinances. Mrs. Poulsen asked if it will as far as size requirements and Mr. Cook said it will. Mr. Cook said the trailers have a federal inspection. Mrs. Poulsen asked what year the trailers are and Mr. Cook said late 90's to early 2000's, he wasn't sure. Mr. Cook spoke with Tri County regarding a septic system and does not anticipate a problem. The next step will be water. Mr. Cook said his neighbor has a well and it is 1 part per million from failing and he paid approximately \$20,000. Mr. Silver said somebody did a water test and said there was arsenic in the water so he pulled water test on all the other wells on The Flat and ran it through and did not find any trace of arsenic so he's not sure how they found arsenic. Mr. Cook said just having 6 lots doesn't fly as a well has to be 200 feet in any direction from a septic system. Mr. Cook said he spoke with Darrin Larsen of Tri County and was told they prefer them to drill a well but conceded that they could haul water with an approved system. Mr. Reed said the information regarding the 200 feet is probably accurate but Daggett County was told by Tri County just the 6 lots were required. Mr. Raymond said originally Daggett County was told 100 feet so that has changed now. Mr. Cook said he came in to get his building permit and was told there is an ordinance against the hauling of water. Mr. Cook asked the board if they would consider allowing the hauling of water. Mr. Cook said if the county would allow another source of water in Taylor Flat it would allow a lot of 16000 feet to have a septic system on it. Mr. Cook read Tri Counties rules that said in

general water hauling is not an acceptable permanent method for culinary water. Mr. Cook feels the county is trying to overlay modern subdivision rules when this is a recreation area. Mr. Reed said the county is bound by these ordinances and for right now that is what this board has to go by and does something fit in the ordinances right now. Mr. Cook understands he won't get an answer tonight but would like the board to look at this. It was recommended also that the residents of Taylor Flat consider forming an HOA. Mr. Reed said when Tri County allows something like this they need to notify the county. Mrs. Poulsen said she spoke with Mr. Larsen of Tri County and he said if something is against your ordinances then the board has to follow the ordinances. Mr. Cook said the ordinance against hauling of water is buried in the subdivision ordinance so it's hard to find. Mr. Cook asked if a conditional use could be granted until things are figured out and Mrs. Poulsen said this is not listed as a conditional use in the area under the table of uses and Mr. Reed agreed. Mr. Raymond asked if this was in the subdivision ordinance and this is an existing subdivision would this apply. Mr. Woolley will have to research this. Mr. Woolley said he does not have a problem with the hauling of water and his main concern is health, and Tri County is more worried about health also. Mr. Woolley said he thinks this ordinance covers subdivisions and Taylor Flat is a subdivision. Mr. Cook said he also read about nonconforming and feels Taylor Flat is nonconforming. Mr. Cook said he will speak with Tri County again regarding this. Mr. Cook referenced several counties that allow the hauling of water. Mr. Cook asked what his next step should be. Mr. Reed asked Mr. Cook if he is asking for a continuation on research into a change in the ordinances concerning septic and the hauling of water. Mr. Cook said mainly just the hauling of water and if the board could make special considerations for a subdivision. Mr. Woolley said yes they could, especially Taylor Flat being so unusual and with the issues it has but this will be a long process and won't help Mr. Cook right now. Mr. Woolley said he will look at the ordinances but if this does apply the next step will be to look at an ordinance change and stated the process for that. Mr. Lytle asked if there are any other subdivisions in the county that have lots that are 100x100 and without services, and there are not any. Mr. Lytle said that would give some qualifiers and if there is any ordinance work that could be done that would be specific to Taylor Flat, without being specific to Taylor Flat, where there are existing lots that are 100x100 and no services and if you happen to have one of these lots in a platted subdivision then maybe there can be an exception for hauling water that doesn't preclude the rest of the county from having that opportunity. Mr. Reed asked the board if they agreed to have this continued on the next agenda and can get to a resolution, ordinance change or if Tri County is going to make changes so planning & zoning will be aware of it. Mr. Raymond asked Mr. Silver if he was against the hauling of water to Taylor Flat and he is not. Mr. Cook asked if the 2 trailers he has sitting on the property is in violation and asked if they could stay until they can get this worked out. Mr. Reed said that basically we do want the ordinances enforced and the board is trying to do that for health and safety reasons. Mr. Lytle suggested maybe having a grace period if somebody is trying to work with planning & zoning like Mr. Cook is. Mr. Reed asked how much grace period should be allowed. Mr. Ladeau would like to see some changes in Taylor Flat in general. Mr. Reed said he believes the direction of this planning commission is that within the next 2 if not 3 meetings we have talked about the issuing of violations with a dead date of when those violations will be corrected and feels we need to keep moving in that direction. It's been expressed by this board that that is where we want to go and needs to be decided when we are going to start issuing violations and how much grace period we are going to allow. He feels violations need to be addressed whether ordinances get changed or not.

Mr. Reed asked for a motion. Mr. Fariello asked if the board would like to wait on a motion since he has the same issue. No action on item 6 or 7 yet.

8. Discussion and consideration: Jim Fariello-Taylor Flat property. Mr. Fariello was at the meeting last month. He has a small cottage on a lot in Taylor Flat. He checked with Tri County Health since last time he was here the board was concerned about him not having 6 lots. He said Tri County will let him apply for a holding tank which will eliminate the need to have 6 lots since he will not have a septic system. He said it is a dry cabin and he has a composting toilet and he removes all waste product from it. He said his tax value went up because of the cottage and asked where the value came from and was told it was valued the same as the KOA cottages. He said he does not live in the cottage, his residence is in Colorado. He said he was told that anything under 200 square feet does not need a building permit so he had this built to be 196 square feet. He would like the board to consider a special use permit for people that only have one lot and will get a holding tank for a waste system. Mr. Raymond clarified that the 200 square feet is for accessory buildings only and not being dwelt in and used for storage only. Mr. Fariello said he was told by Tri County that the 6 lot requirement might be wrong. Mr. Reed said they have not told us that and if they change a ruling they need to let us know. Mr. Ladeau made a motion to have a special meeting regarding Taylor Flat and this motion includes items 6, 7 and 8 of this agenda. Mr. Jacobs seconded, all in favor, motion passed. Mr. Reed said in item 12 we will discuss a date for the special meeting. Carrie will let the Taylor Flat residents attending tonight's meeting know when the special meeting will be. The board would like Darren Brown of Tri County Health to attend and possibly the building inspector and Mr. Woolley or one of his colleagues.

9. Discussion and consideration: Ordinance complaint filed with Daggett County Planning & Zoning-property on Ylincheta Lane. Carrie presented the board with the violation that was filed with the county. Mr. Reed said this is not the only violation like this in the county. Carrie said the person filing the complaint would like to remain anonymous at this time. The complaint states that the property owner is using travel trailer as residence, has many travel trailers and has power and no building permit and multiple dogs on the property. Carrie has also received verbal complaints on this property as well. Mr. Raymond asked how often they are in the travel trailers and they are there every weekend. There are 2 trailers that stay there all the time. Mr. Raymond said the ordinance does state that you can camp on your property for 16 days out of 30 so how are they in violation of the ordinance? Carrie said she needs clarification on the ordinances because it says you can store your trailer so what is the difference between storing and staying for 16 days. Mr. Reed said the people around this lot feel they live in a subdivision where there are homes and in that subdivision we have a trailer park and they are asking is this a trailer park or isn't it? Mr. Raymond said he doesn't like the situation and feels it is not fair to other property owners but the way ordinance reads and unless its changed, the 16 day rule is unenforceable. It doesn't have to be 16 days consecutive its just 16 days out of 30 total. Mr. Reed read the mobile home and travel trailer ordinance, Article XV. Then he read section 1504 of this chapter. Mr. Woolley said he would make the argument that if they are staying in the travel trailer 16 days out of 30 then they are in violation. Mr. Raymond made the comment that the KOA had times when it wasn't full and people could have been staying there where it is a permitted use for travel trailers instead of in a residential area. Mr. Raymond feels the ordinance needs to be rewritten so it is clearer. Mr. Woolley

said the best way to fix the Ordinances is to take them by complaints that come in and if there appears to be a problem. One example for instance if there is a residence on the lot then it's ok to store a travel trailer but maybe not ok on a vacant lot. And look at the residential code and in some areas say that it's not ok to store trailers or boats at all. Mr. Woolley says there hasn't been any change because there isn't enough momentum to make a change. Mr. Ladeau said it could force some people out if we try to enforce or change the code and they contribute to the tax base. Discussion on permits for power and per Matt Tate said you can get a permit for just power but there are some restrictions on it. Mr. Woolley asked if the complainant would say that the people have been there 16 days out of 30 then Mr. Woolley would press forward with the complaint and would they say it in court if it came to that. If either of these answers are no then our ordinance is too unclear to be able to do anything. Mr. Raymond said another idea is to send the owner a letter regarding the occupation of this lot and how many trailers he has on it and quote the county ordinances regarding travel trailers and that they may be in violation since they are using the lot as a campground in a residential area. Mr. Ladeau can think of 7 different places where there are trailers parked and that could mean as many as 50 people spending money in the community and he doesn't think we should do anything as it is impossible to prove that they are staying in the trailer 16 out of 30 days. The board does not want an informative letter sent to the owner at this time and Mr. Woolley asked Carrie to clarify with the complainant if they are staying in the trailer more than 16 days out of 30. If she does say yes then that changes things. Mr. Ladeau motioned to table for further discussion based on the complainants answer, Mr. Jacobs seconded. All in favor, motion passed.

10. Discussion and consideration: Ordinance violations, short term rentals. Carrie said she sent a letter to Trinity Properties, owner is Dr. Richard Hadlock, and Niederer property owners regarding short term rentals. Carrie received a phone call from the owner of the Trinity Properties who said he would cease renting out his home on a short term basis. Carrie has not heard back from Mr. Niederer. Carrie said Dr. Hadlock had received a letter from the homeowners association advising him this was against the bylaws of the Flaming Gorge Acres subdivision on July 15, 2015. Mr. Reed feels short term rentals need to be discussed more in depth in another meeting. Mr. Raymond asked if a bed and breakfast was allowed and Carrie said she couldn't find it as an allowed use in the table of uses. No motion made at this time. Continue on next agenda.

11. Discussion and consideration: Guest homes or accessory dwelling units. Mr. Ladeau made a motion to table. Mr. Jacobs seconded, all in favor, motion passed.

12. Discussion and consideration: Nightly rentals. Mr. Ladeau made a motion to table as this goes along with number 10. Mr. Jacobs seconded. All in favor, motion passed.

13. Building Permit Report. Nothing new to report. Carrie gave Mr. Tate copies to have him continue to work on getting the older permits finalized.

14. Public Lands Report. Mr. Lytle said Mike Hansen of Rural Planning would like to have a kick off meeting next Tuesday September 26, in regards to the C.R.M.P. The Forest Plan is moving forward and trying to make valuable comments as a county, right now they are more in the data gathering process

and not writing anything yet. Mr. Reed asked if there was anybody hired to work with the county regarding this and there is not at this time. Mr. Reed suggested it may be a good idea to have someone inform the county on the process.

15. Follow up.

- **Violation letters sent out.** Mr. Beers called and asked if he could have more time to clean up his property located at Taylor Flat due to illness. Mr. Fariello said it looked like he had done some clean up. The Schofield violation has been discussed previously. Letter was sent out September 8, and Carrie has also called Tri County for health reasons. Jamie Butler of Taylor Flat lot number T-A-114 called July 20 to request a building permit application be mailed to her and Carrie has not received it back yet. Carrie sent her first letter on June 28 and a second letter on August 23, 2016. Mr. Silver said this lot has an outbuilding with a shower. Mr. Reed said this needs to be followed up on as she is in violation, Mr. Tate left a complaint investigation at her property on August 15, 2016 advising her she needed a permit for her solar system and wood stove and that she cannot live in the shed. Mr. Reed would like this turned over to the county attorney.
- **Letter to Utility companies.** Mr. Reed asked if a letter has been sent in the past and Mr. Raymond thought there had been. Mr. Woolley will re-draft the letter that Chase drafted. Mr. Lytle asked if it should be sent from the Commissioners or Planning and Zoning. Mr. Raymond suggested it coming from the county attorney.
- **2 new board members still needed.** Mr. Ladeau will only be attending one more meeting and will be leaving November 12, 2016 and Mr. Jacobs is having a surgery and will be out for awhile.
- **Old Business.** Mr. Raymond said the code needs to specify that an accessory building is not a dwelling. People have the impression that if it is under 200 square feet then they don't need a permit and don't realize they can't dwell in it. Mr. Silver suggested that a site plan be required not matter what the size is. Mr. Woolley said that you could say an engineered plan is not required but at least to scale and a north indicator. He said maybe we could make some changes to the website as to the requirements of accessory buildings. Mr. Ladeau asked if there was ever a resolution regarding bunk houses, a shed less than 200 square feet and 2 bunks in it. Mr. Raymond said that is not an accessory building and would need a permit. Mr. Ladeau said the town of Manila allows park model homes, the county does not at this point. He wonders if this could be an option on some of these smaller lots and have a one bedroom septic system and that would maybe keep people from putting travel trailers on the lot. Mr. Raymond feels by allowing smaller homes this could open up more problems and we are limited by state code as well. He said the size requirements are the only way to disallow a single wide mobile home. Mr. Reed asked if some of the towns that allow park units have them in a P.U.D.

16. Next Agenda Items. Schedule next meeting. Next regular meeting on October 19, 2016 at 6:00 PM. Tentative meeting to discuss Taylor Flat issues set for October 12, 2016 at 6:30 PM. Discuss short term rentals, violations, Taylor Flat, Wilderness and Related Special Designations. Meeting adjourned at 9:16 PM.