

Washington County Planning Commission Meeting March 12, 2019

The Washington County Land Use Authority Meeting was held on Tuesday, March 12, 2019 in the Council Chambers of the Washington County Administration Building at 197 E. Tabernacle, St. George, UT. Chairman Slade Hughes opened the meeting at 1:30 p. m. He explained meeting protocol and then led the Pledge of Allegiance.

Commissioners present: Dan Briggs (Alternate acting as a regular member on Item #2 only), Shayne Durrant, Kevin Jones, Mark Owens, Reed Scow (Alternate acting as regular voting member), Doug Solstad, and Jon Walter.

Excused: Brandon Anderson.

Staff present: Scott Messel, Community Development Director; Natalie Nelson, Deputy County Attorney; Eric Clark, Deputy County Attorney; Doreen Bowers-Irons, Administrative Assistant; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Kim Hafen, County Clerk, Dean Cox, County Commissioner.

I. CONDITIONAL USE PERMIT AMENDMENT. Review of a conditional use permit amendment request for a rural recreation grounds and facility on Parcels 1135-1-TR-HV, 1135-3-HV, 1135-4-HV, and 1135-5-HV. The parcels are located at 3955 N. Kolob Road on Kolob. The properties are zoned OSC-20 (Open Space Conservation 20 acre minimum lot size). The applicant is Zion Under Canvas.

Mr. Messel provided the amended site plan, maps, and traffic data. He reported Zion Under Canvas received conditional use approval for a rural recreation ground in the OSC-20 (Open Space Conservation 20 acre minimum lot size) zone in 2017. The “glamping” project is called Zion Under Canvas. Under Canvas also owns and operates “glamping” resorts in Yellowstone, West Glacier, and Moab. The site is located on several parcels on Kolob Road, which are: Parcel 1135-1-TR-HV, Parcel 1135-3-HV, Parcel 1135-4-HV and Parcel 1135-5-HV. The site was approved for 66 guest tents, restroom buildings, laundry facilities, staff dorm rooms, and a commercial kitchen. There are several styles of tents. The “Suite” tents are 366 square feet with a wood burning stove, king size bed and sofa. They also include an internal bathroom with a sink, shower, toilet and bath. The “Deluxe” tents are 228 square feet and include a king size bed and wood burning stove. They also contain a shower, sink and toilet. The “Safari” tents are 192 square feet and include a king size bed and wood burning stove. These tents do not have individual bathroom facilities but are situated within 250’ of a communal bathroom facility that contains 3-6 bathroom units. Large tents will be used for guest check-ins and covered dining. All tents are lit by battery powered lanterns. Zion Under Canvas will operate seasonally from approximately February through November depending on weather and visitor demand. Guests will make reservations online. The camp will employ approximately 20-30 individuals that will oversee maintenance, kitchen, housekeeping, reception, night audit, and management. The facility is staffed 24-7. The facility will have dumpsters located in an inconspicuous location on the property. The facility will be solar powered. There is a designated parking area. Guests make reservations online.

The project has been successful and the applicants are now requesting approval of two new phases. Phase 1 will consist of 11 additional tents and Phase 2 will consist of an additional 10 tents. The 21 additional tents will bring the total number to 88 for the Zion Under Canvas Facility. All 21 of the new

tents will have in-suite bathrooms. The utilities will meet all applicable County and State requirements. The submitted site plan shows the tents will be accessed via an 8' wide cart path similar to the existing paths in the project. The applicants have indicated that the road will be widened to 21' per the fire marshal requirements for access. The proposed changes require an amendment to the approved conditional use.

Recommendation:

Staff reviewed and recommended that the Planning Commission approve the amended conditional use permit for the rural recreation grounds and facilities based on the following findings and subject to the following conditions:

1. The project's proximity to Zion National Park, Kolob and other outdoor destinations helps meet the demand for approved camping in this part of Washington County.
2. The conditional use is in harmony with the character and intent of the OSC-20 (Open Space Conservation 20 acre minimum lot size) zone.
3. The well, water s and septic systems must be approved by applicable local and state agencies.

Commissioner Owens asked if there had been any complaints received on the existing project since the permit was issued. Mr. Messel answered no.

A few minor questions were asked and answered regarding the access and the cart path surface material. Jaimie Schmidt thanked the commission and staff for their time. She reported the proposed road paths will be a gravel surface and treated for dust abatement. She clarified that they are planning to do a 12 ft. wide one way road.

Additional questions were asked and answered regarding fire prevention capabilities and sanitary waste collection.

Commissioner Durrant commented it was a great development. Ms. Schmidt indicated it is their most successful camp in the country.

Todd Edwards, County Engineer informed the commission and applicant that during staff meeting, the fire department indicated that the pond must remain full in order to fight any fire that may take place. He asked that the commission make it a condition of approval. Ms. Schmidt stated it was not a problem and their engineer is working to address the concern. A short discussion on the fire protection and pond levels ensued.

MOTION: **Commissioner Durrant MOVED to approve the amended conditional use permit request for the rural recreation grounds and facilities on Parcels 1135-1-TR-HV, 1135-3-HV, 1135-4-HV, and 1135-5-HV. The parcels are located at 3955 N. Kolob Road on Kolob. The properties are zoned OSC-20 (Open Space Conservation 20 acre minimum lot size). The applicant is Zion Under Canvas, based on following findings and subject to the following conditions:**

1. The project's proximity to Zion National Park, Kolob and other outdoor destinations helps meet the demand for approved camping in this part of Washington County.
2. The conditional use is in harmony with the character and intent of the OSC-20 (Open Space Conservation 20 acre minimum lot size) zones.

3. **The well, water, and septic systems must be approved by applicable local and state agencies.**
4. **The pond must be kept full and maintained to ensure fire protection for the project.**

Commissioner Solstad SECONDED. Chairman Hughes asked if there was any further discussion on the motion. There being none, he called for a vote. The motion carried unanimously.

Chairman Hughes announced he has a conflict of interest on Item #2 and recused himself from the discussion and voting and stepped off the podium. Vice Chair Solstad then took over the meeting.

II. CONDITIONAL USE PERMIT. Review of conditional use permit request for a Rural Recreation Grounds and Facilities project on Parcel 7139-G-NW. The parcel is located at approximately 800 North Cotton Ranch Road in Veyo. The approximate 20 acre parcel is zoned OST-20 (Open Space Transition 20 acre minimum lot size). The applicants are Pine Valley Mountain, LLC/Slade Hughes.

Mr. Messel provided a map and site plan of the project. He reported the applicant is requesting conditional use approval for a Rural Recreational Ground and Facility on Parcel 7139-G-NW. The parcel is approximately 20 acres in size. The project is proposed to have approximately 128 RV pads, 10 tent pads, and 9 cabinettes. A bathroom facility will be provided on site. The driving surface is proposed to be gravel. This item was tabled by the Planning Commission in last month's regularly scheduled Planning Commission for the applicant to provide additional information on the proposal. The applicant has submitted more information on how the project will move forward. It has now been broken into 3 phases. Phase 1 will consist of fifty-two RV campsites, the road improvements, and required utilities such as a waste treatment system and culinary water. Phase 2 includes the remaining proposed RV sites, a recreational room, the laundromat, and caretaker living quarters. Phase 3 includes the mini cabins, a pavilion, and park space. The traffic study requested in the February meeting was completed and submitted. The applicants are willing to follow the recommendations as outlined in that traffic study. Concerns about this project becoming a trailer park or a place for long term housing have been raised. Washington County defines RV (Recreational Vehicle) as "*a vehicle, regardless of size, which is not designed to be used as a permanent dwelling, and in which the plumbing, heating and electrical systems contained therein may be operated without connection to outside utilities and which are self-propelled or towed by a light duty vehicle. Designed for recreational use, camping or temporary occupancy.*" This definition is very similar to HUD's definition of a RV (Recreational Vehicle). The County does not permit RV's as a dwelling. This conditional use is for short term recreational/camping. The National Forest Service has a 14-day maximum on length of stays for camping. The BLM allows for an approximately 21-day limit on camping. The Planning Commission may find it appropriate to set a similar maximum length of stay at the Pine Valley Mountain Recreation Facility. Any permanent structures such as the caretaker housing, restrooms, laundry facility, and pavilion will require a building permit. The applicant is going to plant trees and shrubs to provide screening from neighboring properties. The applicant has stated that the project will meet the requirements of the International Fire Code.

Recommendation:

The Planning Commission may approve the proposed conditional use based on the following findings and conditions:

1. Rural Recreation Grounds and Facilities are a conditional use in the OST-20 (Open Space Transition 20 acre minimum lot size) zone.
2. The waste water system must meet all applicable County, State, and Health Department requirements.
3. The developer must follow the recommendation of the traffic study.
4. The project must meet the applicable culinary water standards and codes established by the applicable Federal, State, County, and local agencies.
5. The proposed Rural Recreation Grounds and Facilities will help fill the niche for tourist/ visitors who want options other than a hotel or short term rental for their stay in Washington County.
6. The proposal meets the purpose and intent of the OST-20 (Open Space Transition 20 acre minimum lot size) zone.

Commissioner Durrant queried what the time frame of the phasing for build out would be.

Slade Hughes and John Leavitt addressed the commission. They answered that the phasing would take place as the project tends to grow. Phase 1 will include the restrooms to accommodate the tent sites.

Commissioner Jones commented that a letter from the fire district regarding the project was submitted with concerns of the project being in compliance with the International Fire Code and NFPA 1194.

Mr. Messel stated the fire district does not want to provide a will serve letter nor is one from the fire district a requirement. Should the planning commission approve the request, a condition of approval could be that the project meet all fire code requirements which includes the Utah Wildland Fire Code. There are standards for subdivisions but not for rural recreation or RV facilities. Other communities who have something similar to this requires fire hydrants at the entrance and then one every 500 feet. The applicants have agreed to meet all fire protection requirements.

Commissioner Owens reviewed and addressed the issues submitted in a letter from the Concerned Citizens of Veyo-Brookside Community Residents. County Code 10-18-5, which he cited, gives specific guidelines for noticing. He asked if the applicant met those requirements. Mr. Messel answered they had. He explained the signage requirements and the signage issues that were brought to staff's attention. Staff then contacted all the applicants and had them repost the notices to meet the code.

Commissioner Owens reported on concerns of other requirements that were not provided at submittal which included: the elevations, automobile circulation, drainage plans, trash collection, fencing, screening, and landscaping. Mr. Messel asked Mr. Hughes to address the concerns.

Mr. Hughes stated several dumpster trash collection sites are planned throughout the project. They will originally have one and add more as the project grows. Mr. Messel explained that one of the requirements is to have some type of garbage collection service and the receptacles will need to be a non-vinyl, site obscuring enclosure. Mr. Hughes indicated that the other requirements will be addressed as the project is developed and that they will meet all requirements imposed.

Commissioner Briggs asked the applicants if they were planning to have a high occupancy of people from the west or east coast. He quantified the question by noting in looking through the proposed regulations, he noticed the proposal shows a gun free zone. He noted he carries a gun, so he would never visit it. Mr. Hughes answered guns would be allowed on the property but no shooting would be allowed within the property. A short discussion regarding guns on the property took place between Mr. Hughes and Commissioner Briggs.

Commissioner Jones recited the proposed regulations regarding site occupancy and the length of stay. He noted it indicates 14 days with an auto renewal. But then it states auto renewal based on performance. Mr. Hughes replied that some people stay for a shorter length of time and others would like to stay longer. If someone wanted to stay longer, we would have the option of allowing them to stay. The request would be reviewed to ensure that the guests are abiding by the rules and regulations and address any concerns in order to allow them to stay for up to 30 days. If the commission does not want people to stay longer than so many number of days, we will abide by that condition.

Commissioner Durrant commented it gives autonomy to regulate who is in the park and how they behave to be allowed to stay.

Commissioner Jones asked about the water. He stated that some of the documentation that was submitted and shared with the commission indicates that the provided water will come from Veyo Culinary Water. The claim is that the water system is already overtaxed on current subscribers. He asked how that would be addressed. Mr. Leavitt and Mr. Hughes asserted they had enough water shares to service the project.

Vice Chair Solstad asked to address the question. He stated our responsibility is to review and approve the scope of feasibility of the project and not all the specifics governed by other agencies. We can make a condition that they have approval from those other entities. It is not our job to say you cannot have the conditional use permit because there is no water. It would be up to the applicant to get a will serve letter from the proper agency. At that point, we have done our due diligence.

Commissioner Jones stated his concern was that the president and only employee of the Veyo Water Association are the applicants. So you can't ask them for a will serve letter. Commissioner Solstad responded by saying that it was his assumption the applicants would recuse themselves as Mr. Hughes had done today. If not, that is the responsibility of the Water Board and not ours. Mr. Messel reported the applicants have been in contact with representatives from the State and DEQ regarding the concerns. It would be between the applicant, the water company, and the State to work everything out. We are only approving the use with a requirement that the water issue will be worked out. They will not be able to move forward if they don't have the water.

After some discussion, the planning commission was comfortable putting a requirement in place that the water be approved by the water entity and a will serve letter be submitted.

Commissioner Owens went back to the code regarding requirements of submittal items that were not included in the project application. Vice Chair Solstad asked Mr. Messel if he had any comments on the concern. Mr. Messel answered he had none. If they are not there, the applicant will need to provide them.

Additional discussion regarding the required submittal items with the application occurred. It was noted that when projects come through, conditions of approval are put in place before the applicant can move forward with the project. This makes it less costly for the applicant at the time of the request. In addition, some of the required items will be addressed when the project comes in for permits.

Vice Chair Solstad asked staff if they were required to follow the code strictly, in which case we would have to deny the application at this point. Or, are we allowed to follow precedence and potentially approve this because that is what we have done in the past. Commissioner Owens stated that we cannot go against code and say well that's what we did in the past no matter how we feel about the project. We are required to go with what is currently required and what has been submitted. Vice Chair Solstad concurred.

Vice Chair Solstad voiced his concern that we just approved Under Canvas's project and now we seem to be requiring different things for this project. Now that the issue has been raised, what is the proper thing to do going forward. Commissioner Scow pointed out most cities require that whatever is being requested, all documents pertaining to the project must be in front of you before approval is granted. If it they not there, it won't be approved and they will move on to the next item.

Vice Chair Solstad confirmed that conditional use approval is administrative and technically does not have to come before this body. Mr. Messel responded that is correct. There are some that are required to come before the planning commission and some that are approved by staff. If this were a planned development, subdivision, or commercial subdivision, we would have all of those items up front and they would need to be reviewed at the planning commission level. The rural recreation conditional use is different. If the planning commission wants to have all items in place before they review a conditional use request, staff will make that happen. But understand, there are consequences with either way. There may be complaints on how long it takes to get through the process.

Commissioner Durrant stated he understood and agreed with the commission's responsibility to follow codes as written. However, every single requirement or detail thought of is not necessarily reviewed at this point. The conditional use could be approved in order for the project to move forward with conditions placed on it. What we are saying is that this meets the general criteria of the codes. If we have been doing it wrong then we need to correct that.

Mr. Messel reviewed and cited the code Commissioner Owens referred to; pointing out that the last line at the end of the code states: "*and any other information that the planning department may deem necessary to properly consider the application*". If the item is going to be reviewed and receives the approval anyway, it has been up to staff to move or not move the project forward.

Commissioner Jones asked if the project was granted approval with the conditions, who would go out and review and or enforce those conditions. Mr. Messel answered it would be staff and the entities who require certain items i.e. business licensing, building, health, etc. If it is determined they are not meeting the requirements of the conditional use permit, it can be revoked. If need be, the permittee could also come back to amend the conditional use permit just as Under Canvas had done. There are ways to ensure the conditional use meets the requirements imposed.

Additional discussion on required submittal documents occurred. Ms. Nelson pointed out that based on the last sentence cited by Mr. Messel, it was her belief that the commission would not be going against the code by reviewing and approving or denying the request. It puts it on the planning staff to ensure the items are met.

Commissioner Walter stated at the last meeting we requested a traffic study which was received. There are other items we need in order to make an informed determination. One item he would question is the density of the project. In looking at the proposal density in comparison to other rural recreation and camp grounds, this one is much higher. In reviewing the code, it does not address a specific density. That may be something we need to look at so someone doesn't come in with the intent to put in a thousand or more sites. We need to provide the applicant as much clear direction as we can for them to move forward with the project and not spend money on something which may not be approved.

Commissioner Scow asked Mr. Edwards if there was a determination on the density and traffic for a dirt road versus an asphalt road and if that was something we should be thinking about. Mr. Edwards provided the background of the county code regarding public access. A traffic study is required at a certain criteria. The lowest threshold is 100 vehicle trips per day during peak hours. This particular

road does not meet that threshold, so the County would not require a traffic study. Access to this project is from a State owned highway so it would be up to UDOT to address the traffic requirement. In the other projects comparable to this one, we required an all-weather road. He then pointed out that when Under Canvas came in for approval they did not submit the documentation being discussed. They received conditional use approval then brought in the documents showing drainage, septic, water, etc. We have never looked at density in the past. As for the traffic study, we would not require one. It is not a problem with the county road, the problem is with the intersection.

Commissioner Jones asked about the concerns of fire trucks or emergency vehicles. Mr. Edwards answered fire trucks are long but not much wider than a standard vehicle. There should not be a problem on the road. There is enough room to pass. We have not looked at it from a specific standpoint. However, if an all-weather road with culverts for storm drainage are required, then we will look at it more specifically.

A brief discussion regarding the road and improvements occurred.

Commissioner Durrant pointed out there has been a lot of attention on this project, which is good. Everyone has different thoughts on what the density in a rural recreation facility should be and it does need to be addressed. However, in fairness to everyone, that burden should not be put on the applicant. If we need to address the density issue, then we should. It is not fair to the applicant to decide what those densities limits are. The applicant currently meets the requirements needed for this particular use permit. They have provided everything needed to move the project forward. We are getting a lot of push back and public comment and a lot of opposition to this, which is fine, but we need to treat everyone fairly and equally. The applicant has been willing to provide us the information we have asked for. There has been a lot of accusations and miniscule nit picking to try to stop this project and deemed it unfair to the applicant. We owe the applicant the same treatment we give everyone else. We should not require more information at this point. We have what we need. All we are doing is approving the use then the applicants can work with staff and the other entities to move the project forward.

Vice Chair Solstad called for a motion. Commissioner Durrant began to make the motion when a member of the audience stood up stating he would like to speak on the matter. Vice Chair Solstad informed him that the matter was not up for public hearing. The gentleman, who did not provide his name, inquired as to why not.

Vice Chair Solstad answered this is a conditional use and an administrative decision. The commission took public comments at the last meeting. The gentleman argued with the commissioners that it was a public meeting and he and others should be allowed to speak to the issue as it was not properly noticed. Vice Chair Solstad replied that may have been the case last time but not this time. The commission and the gentleman argued the point of it being a public comment meeting. Vice Chair Solstad asked Mr. Messel if the project was properly noticed. Mr. Messel explained the noticing issue that occurred last month with this and other applicants. Staff corrected the problem and had all of the notices reposted. The answer to the question was that it was properly noticed as well as the others reviewed today.

Mr. Messel reported that conditional uses are setup by State Code as an administrative decision. He referred to and cited State Code verbiage. This is a public meeting but not a public hearing. Last month, the commission was willing to take comments from the public. That was their discretion. The commission is not required nor obligated to take comments on conditional uses.

Commissioner Durrant averred that he had pointed that out during the last meeting. We spent 2 1/2 hours in that meeting and he was unwilling to do that again.

An unidentified woman from the audience stood up and purported that Mr. Hughes stated the public could speak for 5 minutes each. The commission responded that is only on Public Hearings, which this is not. He asked that everyone take their seat.

Mr. Messel stated we can note their objection and review it. Vice Chair Solstad indicated that the point was made. He then asked for advice from the county attorney.

Another unidentified woman stood and declared that they would like to contest that this is not a public hearing issue based upon State Law that states "anyone who contests an application, has the right to speak in a public hearing". She was informed this was not a public hearing and was asked to take her seat. She continued to argue the point that the item should be a public hearing and referred to State Code 17-27A-302 §5 §B §3.

Vice Chair Solstad declared a 5 minute recess for the attorney, Mrs. Nelson, to review State Code at 2:34 pm and reconvened the meeting at 2:43 p.m.

Ms. Nelson presented her findings and interpretation that based on State Code, if there is a protested application then there can be a public hearing. However, that is not referred specifically to conditional use permits. Conditional use permits, under State Code are considered an administrative decision and a public hearing is not required. However, if the commission chose to do so, they can take comments from the public. Vice Chair Solstad summarized the information provided by Ms. Nelson for clarification.

Vice Chair Solstad stated we took public comments at the last meeting and had received plenty of correspondence. This meeting will not be opened to public comments. He then called for a motion.

MOTION: **Commissioner Durrant MOVED to approve the conditional use permit request for the proposed Rural Recreation Ground and Facility on Parcel 7139-G-NW. The property is located at approximately 800 North and Cottom Ranch Road in Veyo. The parcel is zoned OST-20 (Open Space Transition 20 acre minimum lot size) zone. The applicants are Pine Valley Mountain, LLC/Slade Hughes based on the following amended findings and conditions:**

- 1. The traffic study was completed and the results were submitted to the County.**
- 2. That the length of stay was defined by the applicant to be 14 days.**
- 3. That the will serve letters from the water and fire will need to be submitted.**
- 4. Rural Recreation Grounds and Facilities are a conditional use in the OST-20 (Open Space Transition 20 acre minimum lot size) zone.**
- 5. The waste water system must meet all applicable County, State, and Health Department requirements.**
- 6. The developer must follow the recommendation of the traffic study.**
- 7. The project must meet the applicable culinary water standards and codes established by the applicable Federal, State, County, and local agencies.**
- 8. The proposed Rural Recreation Grounds and Facilities will help fill the niche for tourist/visitors who want options other than a hotel or short term rental for their stay in Washington County.**
- 9. The proposal meets the purpose and intent of the OST-20 (Open Space Transition 20 acre minimum lot size) zone.**

Commissioner Scow SECONDED. Vice Chair Solstad asked if there was any further discussion on the motion.

Commissioner Jones stated there should be clarification on the conditions which he stated:

- 1. Under the documentation that we already have, he cited Item 5.**
- 2. The traffic study should be part of the record as it has been completed. Vice Chair Solstad pointed out it was already in the findings.**
- 3. We need a will serve letter from culinary water.**
- 4. Meeting the fire code requirements.**

He questioned the number of days of stay allowed. He noted he had 21 days. Mr. Durrant responded that he went with the number of days Mr. Hughes put in his statement of application. A discussion regarding the length of time to stay and what Mr. Hughes requested ensued that included the original 14 day stay with an auto renewal. Mr. Durrant commented that what the applicant requested he saw no need to alter that. Mr. Jones clarified the stay 14 days with auto renewal. He asked for how long. Mr. Durrant replied not indefinitely. They could stay another 14 days. Vice Chair asked Mr. Durrant if his intent was to allow the length of stay to the 14 day request by the applicant and allowing 1 renewal for a maximum of 28 days. Mr. Durrant confirmed that was his intent. Vice Chairman Solstad stated his preference would be that there would be no auto renewal band only a certain number of days.

Mr. Durrant stated he would amend the motion to a 28 day limit.

Mr. Edwards questioned the motion by stating his understanding that the motion would include an all-weather road access. Vice Chair Solstad thanked him and stated they were still discussing the findings and conditions and his concerns were noted.

Vice Chair Solstad stated he had a few notes he wanted to address whether to include in the motion or amend the motion. Besides staff's recommendations:

- 1. To meet the fire code.**
- 2. To have an improved all-weather road surface.**
- 3. Some type of landscape or screening.**
- 4. A durable enclosure for refuse collection.**
- 5. Will serve letters.**
- 6. A defined limit of number days allowed to stay.**

Commissioner Walter commented that in camp grounds it is typically two to three weeks maximum to stay. He would recommend that they don't create a scenario where people are allowed a lengthy stay. The other commissioners concurred. After discussing the length of time per stay allowed, the commission concluded that a maximum of 21 day stay allowance with no auto renewal.

Commissioner Durrant MOVED to AMEND his motion to the following:

1. The traffic study was completed and the results were submitted to the County.
2. That the length of stay shall be 21 day maximum with no auto renewal and that the visitors leave the site and not move to another slot.
3. That the will serve letter from the water will need to be submitted.
4. That the project will meet the Fire Codes.
5. Rural Recreation Grounds and Facilities are a conditional use in the OST-20 (Open Space Transition 20 acre minimum lot size) zone.
6. The waste water system must meet all applicable County, State, and Health Department requirements.
7. The developer must follow the recommendation of the traffic study.
8. The project must meet the applicable culinary water standards and codes established by the applicable Federal, State, County, and local agencies.
9. The proposed Rural Recreation Grounds and Facilities will help fill the niche for tourist/visitors who want options other than a hotel or short term rental for their stay in Washington County.
10. The proposal meets the purpose and intent of the OST-20 (Open Space Transition 20 acre minimum lot size) zone.
11. That an enclosed, non-vinyl screened dumpster for trash be installed.
12. That an all-weather road surface be installed.

Commissioner Scow **SECONDED** the amendment. Vice Chair Solstad called for a roll call vote:

Commissioner Briggs	Yea
Commissioner Durrant	Yea
Commissioner Jones	Nay
Commissioner Owens	Nay
Commissioner Scow	Yea
Commissioner Walter	Nay

Vice Chair Solstad gave a brief explanation and report to quantify his decision for his vote. He then voted Yea. The motion carried 4 to 3 for approval.

Chairman Hughes returned to the podium and took over the meeting. A short recess for the attendees to exit the chambers took place. The meeting then resumed at 3:00 p.m.

III. CONDITIONAL USE PERMIT. Review of conditional use permit request for a Rural Recreation Grounds and Facilities project on Parcels 1384-M and 1384-P. The property is located near Apple Valley. The approximately 40 acres is zoned OST-20 (Open Space Transition 20 acre minimum lot size). The applicants are Jerry and David Eves.

Mr. Messel provided a map of the area and site plan of the project. He reported the applicants are requesting a conditional use permit for a Rural Recreation Grounds and Facilities on Parcels 1384-M and 1384-P which, are located southwest of Apple Valley. The parcels are zoned OST-20 (Open Space Transition 20 acre minimum lot size). Each parcel is 20 acres in size. The proposed plan is for 8 self-contained "Tiny Homes" which, are basically a home on wheels. They will develop 8 building pads dispersed throughout the 40 acres for the homes to be located on. At this time, the applicant is proposing to take the homes to a dump station to handle the waste water. They will also fill the tiny

homes with potable water. The applicant has indicated that at some point in the future, they plan to develop a central septic system in order to dump the waste water on site. They are also planning to drill a well to provide onsite culinary water. They will have cinder gravel roads to access the sites. They will be using solar power.

The item was reviewed at the March 5, 2019 Staff Meeting. The Health Department advised the applicants that instead of having a central septic system, they would prefer each pad have its own separate system as they were concerned about the surface impact of the dumping. The DEQ representative advised the applicants that if the expected number of people who might be staying there was 25 or more, they would need to have a public water system. The applicants reported they will follow all County, State, and Federal agencies imposed requirements for the project.

Recommendation:

Staff recommends the Planning Commission approve the conditional use permit for the Rural Recreation Grounds and Facilities based on the following findings and conditions:

1. The conditional use was properly noticed.
2. The request meets the applicable requirements outlined in Washington County Code.
3. That the project must meet the Urban Wild Land Interface Code.
4. That the required water and sanitary systems shall meet County, State, and Federal agencies codes and standards.

David Eves reported they are moving forward to develop the site and will meet all the requirements of the Health Dept. for the septic system, the water requirements, and DEQ.

Commissioner Jones inquired of the septic system design and water. Mr. Eves stated they had been working with the health department on the design of the system and will do what is required by them. Mr. Eves indicated they are doing a point of diversion and will drill a well for potable water.

Mr. Edwards stated he would like to see a condition that an improved all-weather road surface be installed.

Commissioner Owens verified that the proper noticing was done. Mer. Messel answered it had been.

Questions were asked and answered on the length of stay which, it was determined to be no more than 14 days.

Motion: **Commissioner Owens MOVED to approve the conditional use permit request for the Rural Recreation Grounds and Facilities on Parcels 1384-M and 1384-P. The parcels are located near Apple Valley. The approximately 40 acres is zoned OST-20 (Open Space Transition 20 acre minimum lot size). The applicants are Jerry and David Eves based on the following findings and conditions:**

1. The conditional use was properly noticed.
2. The request meets the applicable requirements outlined in Washington County Code.
3. That an improved all-weather road surface be installed.
4. That staff approves the drainage.
5. That the maximum stay would be 14 days.

6. That the project must meet the Urban Wild Land Interface Code.
7. That the required water and sanitary systems shall meet applicable County, State, and Federal Agencies codes and standards.

Commissioner Reed SECONDED. Chairman Hughes asked if there was any further discussion on the motion. There being none, he called for a vote. The motion carried unanimously.

IV. PUBLIC HEARING/ZONECHANGE. Public Hearing and review for a zone change request of Parcel 7005-A-1-B-NC from the existing A-20 (Agriculture 20 acre minimum lot size) zone to the M-1 (Manufacture) zone. The property is located at approximately 1700 N. Highway 18 in Enterprise. The parcel is 8.08 acres in size. The applicants are Eldon J. and Samuel G. Harker.

Mr. Messel provided a map of the area. He reported the applicants own a steel building erection company for prefabricated steel structures. They are requesting to change the zoning designation of Parcel 7005-A-1-B-NC, from the A-20 (Agriculture 20 acre minimum lot size) zone to the M-1 (Manufacture) zone. The approximate 8.08 acre parcel is located on the border of Washington and Iron Counties at approximately 1700 N. Highway 18 in Enterprise. The property is accessed from the Iron County side. The applicants are requesting the zone change to accommodate a staging area for the vehicles, trailers, etc., for their construction business. The applicants currently have the property under contract contingent on the zone change taking place.

Recommendation:

Staff has reviewed the requested zone change from the A-20 (Agriculture 20 acre minimum lot size) zone to the M-1 (Manufacturing) zone and would recommend that the planning commission hold the public hearing and then, if they are comfortable with the rezone moving forward, may make a recommendation to the County Commission to approve the zone change request, based on the following findings:

1. The public hearing and zone change request was properly noticed.
2. The public hearing was held on March 12, 2019 in the regularly scheduled Planning Commission Meeting.
3. The zone change would allow the applicant a means to utilize the property in a beneficial way.

Whit Roundy stated the Harker's were unable to attend the meeting so he would be representing their interest in this request.

Commissioner Durrant asked if the property would be fenced. Mr. Roundy replied eventually. He purported that in the future they would like to build a small shop but right now they just want a place to stage their construction equipment. They don't work in the area and are not here very often so the equipment storage would be minimal. They would have trailers, backhoes, and other like type of equipment.

Commissioner Jones posed a question to Mr. Messel that this is in an A-20 zone but we are only talking about 8 acres. Mr. Messel explained that State Code allows farmers to section of their properties for tax purposes or whatever other purpose they needed. Many of these lots were created over time. Some are grandfathered in and some are not. Because the applicants are changing the use and the parcel does

not meet the minimum lot size requirement, they lose the grandfather status. In order to comply with zoning they need to rezone the property to meet the minimum lot size.

Chairman Hughes asked about the ownership of the property. He pointed out that during the staff meeting it was disclosed that the property is under contract and not owned by the applicants. Mr. Roundy stated the Harker's have a purchase agreement for the property contingent on the zone change being approved. Mr. Messel confirmed that a copy of the purchase agreement had been submitted to the county.

Commissioner Scow voiced his concerns with the M-1 zoning classification and the size of the parcel. He asked if restrictions could be put on the parcel as to the intent the applicants had indicated for the property.

Commissioner Solstad indicated he also had the same type of question. He commented on the proposed use and wondered if there is another zone that would work better and be less of an impact to the area and residences nearby. Mr. Messel indicated the applicants would be able to do anything that is allowed in the M-1 zone.

Mr. Messel stated in researching the zones and the codes for this use, the M-1 zone was the closest fit and staff felt the M-1 zone was the most appropriate. If it was used for farming or ranching, then the equipment storage would be allowed. The applicants are not farming the land so the equipment storage would not fit in the Ag zone.

Commissioner Durrant noted the area was wide open and asked if the zone change would adversely affect the area. Mr. Messel explained the surrounding area and the uses. He pointed out the location of the closest subdivision.

Commissioner Solstad inquired if another zone would work better for the applicants to store their equipment under a conditional use permit.

The commission and staff discussed the options for the equipment storage on the property. Letters were received from residents near the site voicing concerns for the future use if the equipment storage ceases. Mr. Roundy explained that the long term plan is to construct an office on the site. A discussion regarding the zoning change ensued. Mr. Roundy noted the applicants would be ok with any zone the commission feels would suit the property and use better.

Chairman Hughes opened the public hearing.

Belva Gardner, declared she lives in the nearby subdivision. She expressed her concerns which included access off of the highway that may require a turning lane. The size of the parcel and the precedents it sets for smaller acreages. The proposal as presented is probably not an issue now but could be in the future. Also the dust, the noise, and traffic. She asked the commission to scrutinize the access and not allow it to come off the highway.

Ed Bowler stated he owns property surrounding the parcel and runs livestock on it. He had concerns with regards to the fencing. He understood that Washington County is a "fence out" area. He would request that the applicants install some type of fencing to keep the animals secured.

Mr. Roundy indicated the applicants are planning to fence the area for security purposes.

A short discussion regarding the fencing and access took place. Commissioner Walter asked about the large buildings across from the site. Mr. Bowler informed him that the one on the north is a cubing facility but was in Iron County. The one on the south was a potato cellar. He did not know what the use currently was.

Todd Edwards advised the commission that in a manufacturing zone site plan approval is required at the time of building. They will bring the site plan back to this body at that time for approval.

Chairman Hughes closed the public hearing.

A lengthy discussion that included questions and answers regarding the area, the surrounding property uses, fencing requirements and a suitable zone for the project the occurred. After discussing a suitable zone for the project and the surrounding area, the commission concluded that leaving the property in an agriculture use was the best solution. They concurred that the A-5 (Agriculture 5 acre minimum lot size) zone would be the best fit and agreed that the requested staging use be conditionally approved.

Chairman Hughes called for a motion.

MOTION: Commissioner Solstad MOVED to deny the approval of the zone change request for the M-1 (Manufacture) zone and would recommend to the County Commission that they approve the zone change request of Parcel 7005-A-1-B-NC from the existing A-20 (Agriculture 20 acre minimum lot size) zone to the A-5 (Agriculture 5 acre minimum lot size) zone. The property is located at approximately 1700 N. Highway 18 in Enterprise. The parcel is 8.08 acres in size. The applicants are Eldon J. and Samuel G Harker based on the following findings and conditions:

1. The public hearing for the zone change was properly noticed.
2. The public hearing was held on March 12, 2009 in the regularly scheduled Planning Commission Meeting.
3. The proposed zone change will bring the property into compliance and allows a means to utilize the property in a more beneficial way.
4. The proposed zone change is consistent with the General Plan.
5. The proposed storage shall be a conditional use.

Commissioner Durrant SECONDED. Chairman Hughes asked if there was any further discussion on the motion. There being none, he called for a vote. The motion carried unanimously.

Chairman Hughes voiced his opinion of the motion to deny the M-1 (Manufacture) zone change request. The zone requested would have fit in the area and that is the zone the applicant had requested. His belief was that a positive recommendation should have been given.

The Commission took a short recess at 3:47 p.m. and reconvened at 3:58 p.m.

V. PUBLIC HEARING/ZONECHANGE. Public Hearing and review of a zone change request for Parcel 7200-F-DVF from the existing OST-20 (Open Space Transition 20 acre minimum lot size) to the A-5 (Agriculture 5 acre minimum lot size) zone. The 5 acre parcel is located at approximately

1315 N. Horseman's Park Dr. in Dammeron Valley. The applicants are Dammeron Valley Vineyards LLC/Mark & Mary Bold.

Mr. Messel stated this item is in conjunction with Agenda Item VI. He provided a map of the area then stated the applicants are requesting to change the zoning designation of Parcel 7200-F-NW, which is located at 1315 N. Horseman's Park Dr. in Dammeron Valley, from the OST-20 (Open Space Transition 20 acre minimum lot size) zone to the A-5 (Agricultural 5 acre minimum lot size) zone. The parcel is approximately 5 acres in size. Currently, the property is a vineyard with several vines planted and producing. The applicants are requesting the zone change and a conditional use permit to operate a winery production business. The plan is to construct a building for the production of the wine. Due to the change of use the zone change is required as the size of the lot does not meet the existing zone. The proposed building will have restroom facilities inside the building. Water is available to the property. In the beginning there will be no tasting, only production, so there should be no negative impact of traffic on the road. There are some concerns of the waste from the wine by-product. The applicants will need to work with the Southwest Utah Public Health and Department of Environmental Quality for the by-product waste to ensure there will be no negative impact.

Recommendation:

Staff has reviewed the requested zone change from the OST-20 (Open Space Transition 20 acre minimum lot size) zone to the A-5 (Agriculture 5 acre minimum lot size) zone would recommend that the planning commission hold the public hearing and if they are comfortable with the project moving forward, may recommend the County Commission approve the zone change request based on the following findings and conditions:

1. The zone change and public hearing were properly noticed.
2. The public hearing was held on March 12, 2019 in the regularly scheduled Planning Commission Meeting.
3. The zone change would allow the applicants a means to utilize their property in a beneficial way.
4. The proposal is consistent with the General Plan.

Mark Bold addressed the commission and introduced John Delany, his partner in the project. He explained the history and reconfiguration of the parcel. He reviewed the plan for the winery production business. He stated they were requesting the required conditional use permit to meet the ATB (Alcohol and Tobacco Bureau) and DABC (Department of Alcohol Beverage Control) the requirements in order to produce the wine. He noted it is a lengthy process.

Chairman Hughes opened the public hearing.

John Delany commented that they will have the winery and in the future, onsite tasting. Commissioner Owens asked of the hours. Mr. Delany answered they have not finalized the plans yet. Everything is still speculative right now. Tentatively they will be Tuesday through Saturday between the hours of 12:00 p.m. to 5:00 p.m.

Mr. Bold reported on the amount of wine produced from past years.

Questions were asked and answered along with a brief discussion that occurred between the applicants, the commission, and staff with regards to the distribution of the wine produced, the DABC requirements, and the operation of the winery.

There were no other public comments.

Chairman Hughes closed the public hearing.

Mr. Messel advised the commission that they could review the conditional use in the future for an amendment to allow for visitors, tasting and purchasing of the wine as approved by DABC.

Commissioner Solstad asked for clarification on the discrepancy of the lot square footage. Mr. Bold explained the .03 acre discrepancy was from when the parcels were combined and then re-separated due to septic permit issues. The parcel was originally 5 acres but when the county recorded the deed, it came back as 4.97 which, in his opinion, would be a public taking of the property. After a short discussion regarding the parcel size, it was determined that the discrepancy may have been a clerical or survey error and the 5 acre minimum lot size zone was met.

MOTION: Commissioner Walter MOVED to send a positive recommendation to the County Commission to approve the zone change request for Parcel 7200-F-DVA located at 1315 N. Horseman's Park Dr. in Dammeron Valley, from the OST-20 (Open Space Transition 20 acre minimum lot size) zone to the A-5 (Agricultural 5 acre minimum lot size) zone. The applicants are Mark & Mary Bold, based on the following findings:

- 1. The public hearing and zone change request were properly noticed.**
- 2. The public hearing was held on March 12, 2019 in the regularly scheduled planning commission meeting and there was no opposition.**
- 3. The proposed zone change is consistent with the General Plan.**
- 4. The zone change would allow the applicants a means to utilize their property in a beneficial way.**

Commissioner Owens SECONDED. Chairman Hughes asked if there was any further discussion on the motion. There being none, he called for a vote. The motion carried with Commissioner Solstad abstaining.

VI. CONDITIONAL USE PERMIT. Review of a conditional use permit request for a winery business on Parcel 7200-F-DVF. The 5 acre parcel is located at approximately 1315 N. Horseman's Park Dr. in Dammeron Valley. The applicants are Mark & Mary Bold.

This item is in conjunction to the above Agenda Item V.

Mr. Messel reported staff has reviewed the conditional use permit request for a winery production business on Parcel 7200-F-NW located at 1315 N. Horseman's Park Dr. in Dammeron Valley, based on the following findings and conditions:

1. The conditional use permit request was properly noticed.
2. The property meets the minimum lot size zoning requirement.
3. The proposal is an appropriate use in the A-5 (Agriculture 5 acre minimum lot size) zone.
4. The project must meet the applicable fire codes, building codes, construction standards, culinary and waste water standards. Will serve letters and or permits are required from the applicable federal, state and local agencies and special service districts.
5. There will be no negative traffic impact to the area.

Todd Edwards reported this area is subject to flooding and had flooded in the past. He wanted to make sure everyone was aware of that. When the building is constructed they will need to meet the requirements of building in the flood area which, will be addressed by the building dept.

MOTION: Commissioner Solstad **MOVED** to approve the conditional use permit request for a winery operation on Parcel 7200-F-DVA located at 1315 N. Horseman's Park Dr. in Dammeron Valley. The applicants are Mark & Mary Bold, based on the following findings and conditions:

1. The conditional use permit request was properly noticed.
2. The property meets the minimum lot size zoning requirement.
3. The proposal is an appropriate use in the A-5 (Agriculture 5 acre minimum lot size) zone.
4. The project must meet the applicable fire codes, building codes, construction standards, culinary and waste water standards. Will serve letters and or permits are required from the applicable federal, state and local agencies and special service districts.
5. There will be no negative traffic impact to the area.

Commissioner Walter **SECONDED**. Chairman Hughes asked if there was any further discussion on the motion. Commissioner Owens enquired if the commissioners wanted to address the hours of operation as a condition. The commissioners discussed the hours of the operation which included the time the pickers and field hands started work and the hours of the winery and tasting would take place. Commissioner Solstad stated he did not feel a condition of the hours of operation was necessary and no amendment was made. No additional discussion took place and Chairman Hughes called for a vote. The motion carried unanimously.

VII. PUBLIC HEARING/ZONE CHANGE. Review and public hearing for a zone change request of Parcel 4039-A-HV from the existing A-20 (Agriculture 20 acre minimum lot size) to the A-5 (Agriculture 5 acre minimum lot size) zone. The approximately 5 acre parcel is located on Hidden Valley Road in Leeds. The applicant is Mesa View Vineyards, LLC.

Mr. Messel stated this item is in conjunction with Agenda Item VIII. He provided a map of the area then stated the applicant is requesting to change the zoning designation of Parcel 4039-A-2-HV, which is located on Hidden Valley Dr. in Leeds, from the A-20 (Agriculture 20 acre minimum lot size) zone to the A-5 (Agricultural 5 acre minimum lot size) zone. The parcel is approximately 5 acres in size. Currently, the property is a vineyard with several vines recently planted. The applicant is requesting the zone change and a conditional use permit to operate a winery production business. At this time, the applicant is planning to use Conex cargo containers for the production of the wine. Due to the change of use the zone change is required as the size of the lot does not meet the existing zone. The applicant is proposing to have a port-a-potty on site. Water to the parcel is delivered through Angel Springs Water and there are fire hydrants on the property. There will be no tasting, only production, so there should be no negative impact of traffic on the road. There are some concerns of the waste from the wine by product. The applicant has indicated that the waste would be composted. The applicant will need to work with the Southwest Public Health and Department of Environmental Quality for the byproduct waste to ensure there will be no negative impact.

Recommendation:

Staff would recommend that the planning commission send a positive recommendation to the County Commission to approve the zone change request for Parcel 4039-A-C-HV located on Hidden Valley Road in Leeds from the A-20 (Agriculture 20 acre minimum lot size) zone to the A-5 (Agricultural 5 acre minimum lot size) zone. The applicant is Mesa View Winery/Michael B. Jackson, based on the following findings and conditions:

1. The public hearing and zone change request were properly noticed.
2. The public hearing was held on March 12, 2019 with no opposition.
3. The proposed zone change is consistent with the General Plan.
4. The zone change would allow the applicants a means to utilize their property in a beneficial way.
5. The proposal is consistent with the General Plan.

Michael Jackson, owner of Mesa View Vineyards addressed the commission. He stated he was in the same position as the former applicants with regards to the size of property and was requesting a zone change and conditional use permit in order to move forward with his winery operation business. He pointed out that the area is a perfect location for growing grapes.

Commissioner Jones asked Mr. Jackson if they were going to do tasting. Mr. Jackson not at this point. However, he wouldn't mind having the option in the future. He explained they recently planted the grapevines and it will take a few years before the production gets up to speed. He noted there will be 3 containers on the property that will be used to process the wine. Questions arose regarding the containers and their use which, were addressed.

Ian Crowe explained to the commission that he was helping Mr. Jackson move the business forward. There will be three 40' Conex boxes on site where they will process and store the wine and to store their equipment.

A short discussion regarding the wine tasting and sells of the product occurred. Mr. Crowe explained the state requirements for tasting and selling the product. He asked if the applicant could receive approval now for the tasting portion for the future. The commission agreed they were not comfortable giving approval for the tasting. The applicant was advised when they got to that point they could come back and amend the conditional use permit to allow for the additional uses.

Chairman Hughes opened the public hearing.

There was no one who wished to speak on this item.

Chairman Hughes closed the public hearing.

MOTION: Commissioner Jones **MOVED** to send a positive recommendation to the County Commission to approve the zone change request for Parcel 4039-A-2-HV located on Hidden Valley Rd. in Leeds, from the A-20 (Agriculture 20 acre minimum lot size) zone to the A-5 (Agricultural 5 acre minimum lot size) zone. The applicants are Mesa View Winery and Michael Jackson, based on the following findings:

1. The public hearing and zone change request were properly noticed.

2. **The public hearing was held on March 12, 2019 in the regularly scheduled planning commission meeting with no opposition.**
3. **The proposed zone change is consistent with the General Plan.**
4. **The zone change would allow the applicants a means to utilize their property in a beneficial way.**

Commissioner Scow SECONDED. Chairman Hughes asked if there was any further discussion on the motion. There being none, he called for a vote. The motion carried unanimously.

VIII. CONDITIONAL USE PERMIT. Review of a condition use permit request for a winery on Parcel 4039-A-HV. The approximately 5 acre parcel is located on Hidden Valley Road in Leeds. The applicant is Mesa View Vineyards, LLC.

Mr. Messel stated this item is in conjunction with Agenda Item VII.

Recommendation for the Conditional Use Permit:

Staff reviewed the conditional use permit request and would recommend that the planning commission grant approval for a winery production business on Parcel 4039-A-2-HV located on Hidden Valley Road in Leeds, based on the following findings and conditions:

1. The conditional use permit request was properly noticed.
2. The property meets the minimum lot size zoning requirement.
3. The proposal is an appropriate use in the A-5 (Agriculture 5 acre minimum lot size) zone.
4. The project must meet the applicable fire codes, building codes, construction standards, culinary and waste water standards. Will serve letters and or permits are required from the applicable federal, state and local agencies and special service districts.
5. There will be no negative traffic impact to the area.

MOTION: **Commissioner Jones MOVED to approve the conditional use permit request for a winery operation on Parcel 4039-A-2-HV located on Hidden Valley Rd. in Leeds. The applicant is Mesa View Vineyards, LLC/Michael Jackson, based on the following findings and conditions:**

1. **The conditional use permit request was properly noticed.**
2. **The property meets the minimum lot size zoning requirement.**
3. **The proposal is an appropriate use in the A-5 (Agriculture 5 acre minimum lot size) zone.**
4. **The project must meet the applicable fire codes, building codes, construction standards, culinary and waste water standards. Will serve letters and or permits are required from the applicable federal, state and local agencies and special service districts.**
5. **There will be no negative traffic impact to the area.**

Commissioner Durrant SECONDED. Chairman Hughes asked if there was any further discussion on the motion. There being none, he called for a vote. The motion carried unanimously.

IX. PUBLIC HEARING/ZONE CHANGE. Review of a zone change request of Parcel 8197-NW from the A-10 (Agriculture 10 acre minimum lot size) zone to the RA-1 (Residential Agriculture 1 acre minimum lot size) zone. The approximate 8 acre parcel is generally located at 801 W. Veyo Gunlock Road in Veyo. The applicant is Trent Bowler.

Mr. Messel stated this item is in conjunction with Agenda Item X. He provided a map of the area then stated the applicant is requesting to change the zoning designation of Parcel 8197-NW, which is located at approximately 801 W. Veyo Gunlock Rd. in Veyo from the A-10 (Agricultural 10 acre minimum lot size) zone to the RA-1 (Residential Agriculture 1 acre minimum lot size) zone. The parcel is part of a larger piece that was conditionally approved to have an accessory dwelling. The dwelling was completed and the applicant sectioned off a 2.61 acre portion and recorded it, which created an illegal subdivision. The applicant came into the county to rectify the issue and requested the RA-1 (Residential Agriculture 1 acre minimum lot size) to meet the zoning for the 2.61 acres. The applicant was informed that in order to meet septic density the lot would need to be a minimum of 8 acres. The applicant then amended the subdivided parcel to 8 acres. In speaking with Mr. Bowler it was determined the zone request should be amended to the A-5 (Agriculture 5 acre minimum lot size) zone as it would better fit his needs. However, the notice had gone out to rezone the parcel to the RA-1 (Residential Agriculture 1 acre minimum lot size) zone. The planning commission has the authority to change the requested zone to better fit the parcel and the area. The purpose of the zone change is to bring the parcel into zoning compliance so the applicants can legally subdivide the property.

Recommendation:

Staff has reviewed the proposed zone change would recommend that the Planning Commission recommend the County Commission approve the requested zone change based on the following findings and conditions:

1. The public hearing for the proposed subdivision was properly noticed.
2. The public hearing was held on March 12, 2019.
3. The application and final plat meets the applicable Washington County Codes.
4. The proposed lot size meets the A-5 (Agriculture 5 acre minimum lot size) zone.
5. The proposed subdivision is consistent with the General Plan.
6. The proposed subdivision approval is contingent upon the zone change being approved.

A short discussion for clarification regarding the provided map of the property, its size and septic requirements took place.

Chairman Hughes opened the public hearing.

No one wished to speak on this item.

Chairman Hughes closed the public hearing.

MOTION: Commissioner Solstad **MOVED** to make a recommendation to the County Commission to approve the zone change request for Parcel 8197-NW from the A-10 (Agriculture 10 acre minimum lot size) zone to the A-5 (Agriculture 5 acre minimum lot size) zone. The approximate 8 acre parcel is generally located at 801 W. Veyo Gunlock Road in Veyo. The applicant is Trent Bowler based on the following findings:

1. The public hearing for the zone change request was properly noticed.
2. The public hearing was held on March 12, 2019 with no opposition.
3. The proposed zone change is consistent with the General Plan.
4. The proposed zone change would bring the subject parcel into zoning compliance to legally subdivide the 8 acre portion from the larger section.
5. The applicant agreed that the A-5 (Agriculture 5 acre minimum lot size) zone was a better zoning designation for the property and his needs.
6. That the subdivision of the parcel is anticipated to be approved on the next item on the agenda.

Commissioner Durrant SECONDED. Chairman Owens asked if there was any further discussion on the motion. There being none, he called for a vote. The motion carried unanimously.

X. PUBLIC HEARING/PRELIMINARY AND FINAL PLAT. Review of a preliminary and final plat request for a 1 lot subdivision of Parcel 8197-NW. The approximate 8 acre parcel is generally located at 801 W. Veyo Gunlock Road in Veyo. The applicant is Trent Bowler.

Mr. Messel provided a map of the area Mr. Messel stated this item is in conjunction with Agenda Item IX. He provided a map of the area then stated the applicant is attempting to purchase Parcel 8197-NW, which is located at approximately 801 W. Veyo Gunlock Rd. in Veyo. The parcel was part of a larger piece, Parcel 8196-B-NW, that was conditionally approved to have an accessory dwelling. The accessory dwelling was under construction when the parcel was then illegally subdivided. The mortgage company contacted the county for information on the new dwelling and was advised by the county that the parcel was an illegal split. Utah Code Annotated section 17-27a-601 and Washington County Title 11 require that any tract or parcel of land that is divided into two or more parcels constitutes a subdivision, and must go through the subdivision process. The applicant came into the county to rectify the issue and requested a zone change and subdivision approval. The original proposed subdivision request was for 2.61 acres which, did not meet the minimum size requirement for compliance to have a septic system. The applicant then acquired additional property to meet the 8 acres minimum lot size requirement. The preliminary and final plats were submitted and reviewed by staff and was deemed that they meet the requirements of a one lot subdivision. Because the home had a building permit and was constructed under the conditional use permit, the certificate of occupancy was issued once it was completed.

Recommendation:

Staff has reviewed the proposed preliminary and final plat would recommend that the Planning Commission hold the public hearing and if comfortable with it, approve the request based on the following findings and conditions:

1. The public hearing for the proposed subdivision was properly noticed.
2. The public hearing was held on March 12, 2019.
3. The application and final plat meets the applicable Washington County Codes.
4. The proposed lot size meets the A-5 (Agriculture 5 acre minimum lot size) zone.
5. The proposed subdivision is consistent with the General Plan.
6. The proposed subdivision approval is contingent upon the zone change being approved.

Chairman Hughes opened the public hearing.

No one wished to speak on this item.

Chairman Hughes closed the public hearing.

MOTION: Commissioner Durrant **MOVED** to approve the preliminary plat and final plat for the proposed 1 lot Subdivision of Parcel 8197-NW. The property is located at approximately 801 W. Gunlock Road in Veyo. The applicant is Trent Bowler based on the following findings and conditions:

1. The public hearing for the proposed subdivision was properly noticed.
2. The public hearing was held on March 12, 2019 with no opposition.
3. The preliminary and final plat meets the applicable Washington County Codes.
4. The proposed lot size meets the requirements of the A-5 (Agriculture 5 acre minimum lot size) zone.
5. The proposed subdivision approval is contingent upon the zone change being approved.

Commissioner Jones **SECONDED**. Chairman Owens asked if there was any further discussion on the motion. There being none, he called for a vote. The motion carried unanimously.

XI. STAFF DECISIONS. Report of the Land Use Authority Staff Meeting held on March 05, 2019.

Mr. Messel reported staff reviewed the items presented at today's meeting in the Staff Meeting held March 05, 2019. There were no other projects.

XII. MINUTES. Consider approval of the minutes of the regular planning commission meeting held February 12, 2019.

Chairman Hughes asked if there was any comments on or corrections to the minutes. There being none he called for a motion.

MOTION: Commissioner Durrant **MOVED** to approve the minutes of the February 12, 2019 as written. Commissioner Jones **SECONDED**. The motion carried unanimously.

XIII. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on planning items.

There was nothing to report.

XIV. COMMISSION & STAFF REPORTS. General reporting on various topics.

There was nothing to report. Commissioner Jones suggested holding training meetings for the planning commissioners. Mr. Messel indicated staff would work to hold a work meeting for training purposes in the future.

Commissioner Jones MOVED to adjourn the meeting at 4:45 p.m. Commissioner Scow SECONDED. The meeting then adjourned.

Doreen Bowers-Irons

Doreen Bowers-Irons, Planning Secretary

Approved: May 14, 2019