

Sevier County Planning & Zoning Commission
March 11, 2020

Minutes of the Sevier County Planning Commission meeting held on the eleventh day of March, 2020 in the Commission Chambers of the Sevier County Administration Building, 250 North Main, Richfield, Utah. Those present included: John Worley, Troy Mills, Gary Leaming, Caryl Christensen, and Lisa Robins.

Tyler Moore and Larry Hansen were excused.

Others attending included: Sevier County Executive Administrator Malcolm Nash, County Attorney Casey Jewkes, County Commissioner Garth 'Tooter' Ogden, County Commissioner Scott Johnson, County Commissioner Ralph Brown, Deputy Clerk/Auditor Barbara Crowther, Rural Community Consultants Ryan Robinson and Mike Hansen, and others as listed on the roll.

Minutes of February 12th approved:

Minutes of the February 12th Planning Commission meeting were reviewed and approved on motion by John Worley, second Gary Leaming, unanimous.

Public Hearing to consider changes to Title 14 Zoning Ordinance:

Vice-Chairman Troy Mills then closed the regular meeting and opened a public hearing to consider an ordinance and General Plan update related to Zoning, Subdivisions, Signs, Flood Plains, Road, and Moderate Income Housing. Vice-Chairman Mills indicated that they would be taking comments on each part of the ordinance changes, one part at a time.

County Executive Administrator Malcolm Nash gave a brief overview of the entire project, then turned the time over to the Mike Hansen and Ryan Robinson, both of Rural Community Consultants, to review the changes recommended. Mr. Robinson then gave a brief overview of the changes being proposed on the Title 14, Zoning Ordinance, which included a new industrial and commercial area, as well as a different type of strategy for the valley areas of a 1 acre minimum, with lot sizes being determined by the amount of land needed for water and septic. John Worley asked about what other counties do, and whether or not they have 1 acre areas. Discussion followed with specific areas being reviewed on the map. Vice-Chairman Mills then opened the meeting for comments from the public.

Steven Wall, Richfield, discussed the current zoning and the possibilities to subdivide under the current ordinance that would still allow farming. He expressed his concern about the ability of the farmers to spray their fields if 1 acre lots were allowed everywhere in the County. He reminded the Planning Commission that clustering was available under the current 5 acre minimum zoning, which would also allow bonus lots if development was clustered. Mr. Wall encouraged the Planning Commission to keep the current minimum of 5 acres and noted the other entities that change would affect, including the School District who would need to provide buses for the children in those homes. He ended his remarks by noting that requiring 5 acres doesn't necessarily mean that there will be 5 acre weed patches everywhere.

RK Nielsen, Monroe, said he has farmed for several years, then rented out farmland, and is now farming again. He said his neighbors are always mad because he is creating dust, noise, etc., and they are always unhappy. He said the 5 acre minimum is a plus because there are fewer neighbors, making the area more agriculture. He then talked about his daughter and her home in Idaho, where smaller lots are allowed, and the problems they have now because there are too many wells and septic systems in their area. He says he takes Monroe water to drink when he goes to visit her because the water tastes so bad. He said the area there was all agriculture at one time, and we are heading in the same direction if we allow the smaller lots to be subdivided. He said we need to be concerned with the quality of well water, etc. He spoke

about the current Monroe water system, and that they are still fighting with the septic in Monroe because the well water is coming from ground water, and the septic systems are polluting something there. He said he is very worried about the proposed 1 acre lots.

Blaine Breinholt, Richfield, designer of septic systems and certified soil tester in the area, spoke about the well protection zone that is needed to maintain clean water, and that the entire 1 acre lot would be utilized with the well protection area. He talked about the current State requirements and the different types of soil in the area. He then spoke about the soil types and percolation rates in the Monroe area, and the need for larger lots.

Mike Grimlie, Central Utah Public Health Department, talked about the well protection areas and the differences in well protection zones for the different types of soils. He also discussed the high clay content and the more stringent requirements for wells on the higher clay type soils with a minimum lot size of 1.3 acres just for the well. He noted that if septic systems were required, larger lots would be needed.

Barbara Crowther, Richfield, said she had read the proposed ordinance and had several concerns beginning with the proposed 1-acre lots. She reviewed the history of Zoning requirements in Sevier County with no required lot size until 1975, when three acre minimums were instituted County Wide, then the 5 acre minimums put in place in 1999 where the discussion at the time involved keeping the County as an agriculture area. She noted that the Board of Adjustments needed 5 members to allow for diversity, and that taking away the minimum lot size would remove the ability of the Board to deny variances that just would not work. She questioned the use of the words 'recreational vehicle' in 14.44.020 as it was not clear that they were referring to an RV and not an ATV, that the Conditional Use Permit table still included RA5 and GRF5 areas and was in need of a key. She asked what/who the Development review committee was, and that the pictorial graph for the Conditional Use Permits should show the permits should go through all levels of administration if needed and not simply Zoning Administrator or Planning Commission or County Commission. She encouraged the Planning Commission to consider a larger minimum lot size in keeping with our current General Plan.

Gary Graham, Monroe, is living on 80 acres that are currently in the GRF 20 zone. He wants to subdivide out 4 parcels, one for each of his children, so that they can build homes. Under the current ordinance, he does not have enough property to do this. He would like the required 20 acre lots in his area to be whittled down to 5 or 10 acres each. Would like to see this addressed as well.

Vice-Chairman Mills then closed the Title 14 Zoning Ordinance section of the public hearing. Caryl Christensen thanked those who made comments on behalf of protecting farmers, and said she felt the 1 acre minimum would be false advertising because that is not enough property for both a well and septic system. She also expressed concern that the Road Department had not been contacted and given the opportunity to comment on the changes. Discussion followed concerning perhaps requiring 2 or 3 acres to build in the valley to allow for taking corners of agricultural land to develop, variances on the ordinances, that it is difficult to make the ordinance work for everyone just the way they want it, and that the Planning Commission is doing the best they can to give the most they can to the public without diluting the services offered by the County. After discussion, Caryl Christensen moved to table the proposed changes to Title 14 Zoning Ordinance, second Gary Leaming, unanimous.

Discussion followed concerning what action should be taken at this time on Title 14, and it was decided to discuss the matter further at the next Planning Commission meeting.

Vice-Chairman Mills then opened a Public Hearing for comments on the proposed changes to Title 13 Subdivision Ordinance. Ryan Robinson and Mike Hansen of the Rural Community Consultants reviewed the proposed changes to the Subdivision ordinance. They noted that the Development Review Committee would be staff or whoever the County wanted to bring in to review the design and plan of a subdivision prior to meeting with the Planning Commission. They also noted that with this revision, minor subdivisions of 4 lots or less could be approved by Planning Commission, with major subdivisions of anything over 4 lots still being considered by the County Commission with a recommendation from the Planning Commission.

Eric Larson, Health Department, asked that the Health Department be involved with ANY subdivision decision whether 2 lots or 200.

Blaine Breinholt, Richfield, noted that sometimes the home is built and THEN they ask that the septic system be designed.

Mike Grimlie, Central Utah Public Health Department said that Sevier County has been pretty good on providing a checklist and requiring Health Department approval before building, but some of the cities have not been that kind.

Ralph Brown, County Commissioner, said that the current zoning ordinance is an outdated ordinance, and the County Commission is concerned about fire protection and encouraging people to build in the ½ acre lots near municipalities and receiving services from those municipalities. He then said that there will never be a one size fits all ordinance and encouraged utilizing the existing roads that we have for future development.

Richard Nielsen, Monroe, said he herds sheep, and asked that fencing be required on the subdivisions. He talked about trailing rights and the difficulties he has keeping his sheep on the roads with no fencing, noting that he often has to purchase shrubs, etc. when they are destroyed by his sheep herds.

Vice-Chairman Mills then closed the hearing on Title 13 Subdivision Ordinance. Further discussion followed on who makes the final decision, that the proposed subdivision ordinance would require the developer to make any improvements, that the ordinance would require a subdivision if less than 1000 feet separate developments. After discussion, Caryl Christensen moved to approve the changes to Title 13 Subdivision Ordinance, and recommend it to the County Commission, second John Worley, unanimous.

Vice-Chairman Mills then opened the Title 12 Sign Ordinance portion for comments. Mr. Robinson said that this portion of the code is driven by State Code, which covers a large variety of signage including political and transitory signage. He said the proposed ordinance would add definitions that are not covered by State Code. There were no comments from the public.

After discussion, Lisa Robins moved to approve the proposed Title 12 Sign Ordinance with the requirement that it be updated to match State Law after the current legislative session, and recommend it to the County Commission, second John Worley, unanimous.

Vice-Chairman Mills then opened the Affordable Housing Plan for comments. Mr. Robinson reviewed this update to the current General Plan which includes housing strategies as recommended by the Housing Commission. Currently, the County is not required to do this, but to be prepared to meet requirements of SB34 from the 2019 Legislative Session, they are recommending the County replace this section of the

General Plan with their suggested version to be 'ahead' of the game with any future requirements put out by the Housing Commission.

County Commissioner Ralph Brown said that if a business came to the County, and there is not enough housing for the business, they could purchase property and develop housing.

Hearing no further comments, the public hearing was closed. After discussion, John Worley moved to approve the update to the Affordable Housing portion of the General Plan, and recommend the change to the County Commission, second Lisa Robins, unanimous.

Vice-Chairman Mills then introduced the Flood Plain Plan portion. Mike Hansen, Rural Community Consultants, said that FEMA is coming out with additional information in April, and suggested tabling this portion of the plan. The Planning Commission took no action.

Discussion followed concerning scheduling a work session for the Planning Commission and County Commission to discuss Title 14.

There being no other business to come before the Board, Lisa Robins moved to close meeting, second John Worley, unanimous.

Meeting adjourned at 7:25 pm.