

Sevier County Planning & Zoning Commission
June 8, 2022

Minutes of the Sevier County Planning Commission meeting held on the eighth day of June, 2022 in the Commission Chambers of the Sevier County Administration Building, 250 North Main, Richfield, Utah. Those present included: Chairman Lisa Robins, Vice-Chairman Rob Jenson, Tyler Moore, Troy Mills, and Larry Hansen.

Others attending included: Building Official/Zoning Administrator Jason Mackelprang, Building, and Zoning Secretary Mistee Robbins, County Road Superintendent, Bob Watts, and those listed on the roll.

Deanna Cowley was excused.

Chairman Lisa Robins welcomed the Planning Commission, and those in attendance. Chairman Robins then led in the Pledge of Allegiance.

Minutes of the May 11th Planning Commission Approved:

Minutes of the May 11th, Planning Commission meeting were reviewed, and approved on a motion made by Troy Mills, second; Larry Hansen, unanimous.

Zoning Administrator Update:

Jason Mackelprang stated that building is still going strong, and that the building and zoning both, are staying consistently busy.

Public Hearing for the Road Encroachment Ordinance and an Amendment to Title 13:

At this time, Chairman Lisa Robins made a motion to close the regular meeting, and open the public hearing for the road encroachment ordinance and an amendment to Title 13. Second; Larry Hansen, unanimous. Attorney Mark Ward, from South Jordan, Utah is here to give an overview to the Planning Commission, and to the public that is in attendance. Mark Ward explained that he was hired to consult with the County Road Department, the Building/Zoning Department, County Administrator, Malcolm Nash, County Attorney, Casey Jewkes, and County Recorder, Jason Monroe.

At this time Mark Ward discussed the main topics, covering the details on what a road encroachment entails, and for subdivisions, vacating roads, Class B and Class D roads, and an overview on the proposed ordinances for each one. There were explanations on the road vacation ordinance, and the concepts. Mark Ward explained that the County Building Department already has the signature sheet for new construction that includes the Road Department's signature regarding the encroachment permit. That form has been in place for many years, however, Mark Ward stated that the county road department has not had adequate time to review road encroachments, therefore, a part of the new ordinance would state that they would now have 20 days for review. Mark Ward stated that the new ordinances for the road encroachment is basically cleaning up the previous ordinances and adding teeth to them. There has been so much growth, that now is the time to get serious. Building/Zoning Administrator Jason Mackelprang stated that Title 13 came from his office on subdivisions. Jason Mackelprang also stated that it is State law on being able to combine two lots in an already approved subdivision without having to go through the planning commission process. Title 13 Subdivision Ordinance is mirroring of what we did with the encroachment ordinances. Mark Ward explained that vacating a road means disowning our interest in the road, and no longer claiming it as a county road.

There being no public comment, Troy Mills made a motion to close the public hearing, and re-open the regular meeting, second; Rob Jenson, unanimous.

Troy Mills made a motion refer approval of the Road Encroachment Ordinance, Road Vacation Ordinance, with the amendment to the Title 13 to the County Commissioners, second; Larry Hansen, unanimous.

Conditional Use Permit Approval for Kirk Harris-Gravel Pit:

The Planning Commission considered a conditional use permit for a gravel pit for Kirk Harris located at 1200 East Rifle Range Road, Richfield. Jacob Olsen with Jones and DeMille Engineering used the big screen to show the Planning Commission how Kirk Harris is going to get out of the FEMA violation. Mr. Olsen explained that they went through the FEMA permitting process and the Sevier County Flood Damage Prevention Ordinance. Mr. Olsen explained that the basins are a max. of 3 feet in depth, and does not exceed that. The basins capture debris and sediment, and the goal is to catch the debris and sediment before it clogs the culverts. Jacob Olsen also explained that back in 2018 when Mr. Harris first moved dirt, he excavated below, with no embankment. Jason Mackelprang, who is the County Flood Zone Administrator is requiring a no rise. Jacob Olsen discussed the water elevations, and explained that there will be a slight rise on this model, but that it will be .3 feet less than the required foot. Mr. Olsen also explained that Kirk Harris does know and acknowledge that he is to keep up the maintenance. Kirk Harris explained to the planning commission that the reason why he is wanting to do this gravel pit is to help with the flooding that happens every year. The gravel pit part of this will help pay for the maintenance. Tyler Moore inquired that if Mr. Harris fails to maintain the basin, will it go back to how it is currently, in which Mr. Harris stated yes. Troy Mills stated that he is hesitant to approve the conditional use because of the road department denial letter. Tyler Moore asked Bob Watts if he would explain the letter of denial on the road. Bob Watts approached the planning commission with his tablet and showed them, along with Kirk Harris why he feels this is a safety issue. Bob Watts explained that the bridge is too narrow, and with too large of trucks driving on it, it will create safety issues. Bob Watts explained that the Sevier Valley Canal bridge is too inadequate, and that trucks turning on that bridge are a safety issue. Bob Watts stated that the bridge would need to be improved, and made wider in order for Bob Watts to approve the bridge. Bob Watts stated that the gun range can have a lot of traffic at certain times. Kirk Harris stated, and showed the planning commission pictures of his trucks on that road and bridge. Kirk Harris stated that his 10-wheeler is 30 feet long, and that he agreed that the corner is tight on the turn, but doable. Tyler Moore inquired about the oncoming traffic, in which Kirk Harris stated that when he made the turn, that he did turn into what would be the traffic, but that the traffic is not busy enough or steady. Kirk Harris commented that a side by side went through the other day, and Kirk just waited for it to pass. Troy Mills inquired about a fire truck being able to get through, in which Bob Watts stated that a ladder truck would not be able to, but a small fire truck would be ok. Bob Watts commented that there is no sign or weight limit posted on the bridge at this time, which is a concern for him. Tyler Moore also asked if Bob Watts could explain the SITLA easements that were talked about in the road department letter. Bob Watts explained the SITLA easements, which were read from the road department denial letter, and also stating, *"there are several County Class D Roads that the County has been issued SITLA Easements on this property that cannot be altered, closed, gated, or obstructed in any way."* Kirk Harris stated that Tooter Ogden, (Commissioner Ogden) told Kirk that he would have the roads eliminated. Bob Watts disagreed with that statement and said that he was not told about that. Kirk Harris kept inquiring if he could get the approval for his conditional use permit with contingencies. Jason Mackelprang stated that the road issue should go through the County Commission. Troy Mills stated that he does not feel good about approving this on contingencies. Larry Hansen commented that this is a conditional use permit, and that as a

planning commission, they can approve with set conditions. Rob Jenson agreed. Troy Mills stated that his biggest concern is the bridge and the road. Troy also stated that he would need the bridge and roads addressed by the county road department, in writing, that the conditions have been met on the bridge and the road before he would feel good about the approval. Kirk Harris asked Bob Watts what he could do to improve the bridge, and what the requirements would be. Bob Watts stated that the bridge would need to be widened. Kirk Harris asked if that would be the responsibility of the county road department, in which Bob Watts stated that it would be Kirk's responsibility. Tyler Moore asked if the two roads can stay open, in which Kirk Harris stated he did not know why they would need to, but that yes, they would stay open. Bob Watts commented that with all the traffic on the gravel road, that it will turn to powder. In which Kirk Harris stated he would keep that road maintained. Larry Hansen stated that a sign should be put on the bridge with the weight limit. Larry also stated that there are weight limit signs on bridges all over the county with both weight and length limits. Tyler Moore agreed that the signs should be posted. Larry Hansen inquired if we are doing this to eliminate those going across the bridge period, or making it a liability warning with the sign, so that there is a warning for the bridge. Tyler Moore stated that it is a safety aspect, and that they want the county road department to write that they have accepted the proposed changes on the access road. The roads need to stay open, and to have signs posted. Bob Watts stated that Kirk would be responsible for the payment of the signs, and the Road Department will install them. Kirk Harris will also maintain the road and bridge. Rob Jenson made a motion to approve the conditional use permit with the listed conditions, second; Tyler Moore, unanimous.

(The conditions that have been set are: a letter from the County Road Department that covers the bridge and road safety issue, the roads being open, being limited to a 10-wheeler or less, being maintained by Kirk Harris, and his company. Signage with the weight limit)

Minor Subdivision Approval for Chad Brown-Bear Valley Subdivision:

The Planning Commission considered a minor subdivision for Chad Brown located north of Burrville, in the Koosharem grid. Troy Mills inquired about the fire protection on the paperwork, stating that it read it is not required. McClain Farmer with Jones and DeMille Engineering stated that this property is not incorporated into a town or community meaning there is no fire suppression. Tyler Moore stated that he did not see an annexation letter in the paperwork, in which Jason Mackelprang stated that this property is located nowhere close to a town, therefore an annexation letter is not required. Troy Mills asked if their water has been resolved, in which Chad Brown stated yes. Chad Brown also stated that Garkane will be providing the power. Larry Hansen made a motion to approve the minor subdivision, second; Tyler Moore, unanimous.

Conditional Use Permit Approval for Ben Roberts-Miniature Golf Course:

The Planning Commission considered a conditional use permit for alterations to the existing miniature golf course for Ben Roberts located at Hillside Mini Golf Course. Ben Roberts explained that the development would include short term nightly rentals, 10 total, however in this first phase it would only be 4. The 4 rentals would be like small homes, 1-2 bedrooms, small kitchen area, and living room. Approximately 480 sq. ft. each. Rob Jenson inquired if this property included the golf course and if this property was currently under contract, in which Ben stated that they are doing their due diligence, if they do not get approved for the conditional use permit, that they will not purchase the property. Ben Roberts also stated that they would like to fix up the golf course and add batting cages. They would like to make this property something fun for kids to do. The access points are on the Washburnville Road, and in the middle, there is a paved road which will be where the guests will access for the rental homes, and the north access will be for the batting cages. Rob Jenson inquired if the surrounding neighbors had been notified about the possibility of the alterations, in which Ben stated, no they have not. It was suggested by

Rob Jenson that as a courtesy to the surrounding neighbors, that Ben talk with them about his plan for the golf course and nightly rentals. Ben stated that he has been in the hospitality field and is interested in speaking with the neighbors as well. Ben stated that he feels the community is excited for something fun to do, and that the home is separate from the golf course, on its own parcel. Even though this was not a public hearing, the planning commission did allow comments to be made by Paul and Kaycie Torgerson, a surrounding neighbor. Paul Torgerson stated he, along with the neighbors Kent Shepherd, Gardner, Tally, and Foreman are not in favor of the renovations for risk of traffic, lighting, noise, dust, etc. Ben Roberts commented that the golf course is and has been existing for several years already, 30 years according to the Richfield Reaper. Ben stated he is only wanting to make it look nicer, and improve the overall aesthetic. Paul Torgerson agreed that the renovations and updates would be nice, however, their concern will be the nightly rentals, traffic, lighting, and the noise. Quiet hours are a part of Ben's plan already, also stating that the lighting will not change, except for the light bulbs, and that he will have cameras around the cabins to make sure that the renters are abiding by the quiet hours. Rob Jenson commented that he knows firsthand that when youth baseball teams get together for example, they all crowd in one area to hang out. Rob Jenson inquired how will the 1-2 bedroom rentals be handled if more than the allotted amount of people show up. Ben Roberts stated that with the technology on his phone, with the cameras, he will be able to see firsthand what is going on, and will handle accordingly. Ben Roberts stated that this is seasonal, and that all he wants to do is make the golf course look nice, and add to it, adding the rentals, and giving the community something fun to do. Jason Mackelprang stated that the rentals will be classified like the "tiny homes" which they have to meet all building codes, and with these rentals being a "resort", resorts are required to have a 13D fire system. The conditions that were set are: maintaining the dust, noise, weed/debris, lighting, quiet hours, and maintaining the hours of 11am to 10 pm, closed Sunday, also not allowing excessive parking, and that parking will be regulated by the owner. Troy Mills stated that this conditional use permit falls into the matrix in the zoning book, and is allowed, therefore he made a motion to approve the conditional use permit with the set conditions, second; Larry Hansen, unanimous.

There being no further business, Troy Mills made a motion to close the meeting, second; Tyler Moore, unanimous.

Meeting adjourned at 7:43 pm