

Sanpete County Planning Commission Meeting

February 12, 2014, 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

Present are: Planning Commission Chair Leon Day, Gene Jacobson, Joe Nielsen, Paul Rasmussen, Nathan Palmer, Curtis Ludvigson, Loren Thompson, Sanpete County Zoning Administrator Scott Olsen and Sanpete County Deputy Clerk Gayelene Henrikson and Sanpete County Commissioner Steve Frischknecht.

Meeting is called to order by Chair Leon Day.

MATTHEW AND MELODY CHRISTENSEN: REQUESTS APPROVAL OF A FINAL PLAN FOR A 1-LOT MAJOR SUBDIVISION ON PARCELS S 61122 AND S 7338X ON APPROXIMATELY 1.2 ACRES. LOCATED NORTHEAST OF MANTI IN THE RA-1 ZONE ADJACENT TO THE RACKHAM SUBDIVISION

They are present. Mr. Day reviews their request. Mylar is provided. Mr. Olsen reviewed the Mylar. Road frontage has been adjusted. The west property line is angled from the original property line to accomplish the width for road frontage. They have approval for water, sewer and road. No public comment.

Motion is made by Joe Nielsen to approve the final plan for a 1-lot major subdivision called M & M Subdivision on parcels S 6122 and S 7338x with approximately 1.2 acres. Located northeast of Manti in the RA-1 zone. The motion is seconded by Loren Thompson, and the motion passes.

PEP FAMILY LTD AND KATHLEEN DINKEL: REQUESTS APPROVAL OF A PLAT AMENDMENT OF PINE CREEK MEADOWS SUBDIVISION LOT LINES BETWEEN LOT #1 AND LOT #2, LOT #2 AND LOT #3. THE CABINS ARE BUILT ACROSS EACH LOT LINE.

Kathleen Dinkel, Tyler Pedersen, Pearl and Elray Pedersen are present. Mr. Day reviews their request. Mylar is not provided. Mylar will be signed before item is heard by County Commission. About ten years ago the HOA President showed them the rebar markers with survey tape to establish the location of the property lines and they built the cabins using those markers. Recently, the owners of lot #3 resurveyed for the sale of the property and discovered the boundary errors. Ludlow Engineering then resurveyed the lots and created a solution that meets the county boundaries and using the acreage and the angles of the land drew the lines to have the cabins within the correct lots. Lot # 4 is not changing. Lot lines conform to the 10' setback for the cabins, maintaining the frontage. Pinecreek Ranch Association sent a letter approving the lot line adjustment.

Mr. Jacobson questioned if the County surveys the property before issuing building permits. Mr. Olsen stated they review road frontage setbacks. Bill Bowles, adjoining property owner from the audience, agreed with the lot line adjustment.

Motion is made by Curtis Ludvigson to approve a plat amendment, according to their surveyor, of Pine Creek Meadows subdivision lot lines between lot #1 and lot #2, as well as lot #2 and lot #3. The motion is seconded by Paul Rasmussen, and the motion passes.

ASPEN GROVE ASSETS: REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT FOR A 492-LOT CEMETERY ON PARCEL S 26317X2. LOCATED SOUTHEAST OF MT. PLEASANT ADJACENT TO TWIN OAKS SUBDIVISION WITH 18.01 ACRES IN THE A ZONE

David Asay, Bill Bowles and Jeff Kunz are present. Mr. Day reviews their request. Aspen Grove Assets submitted additional information prior to the commission meeting. Mr. Olsen iterates that this is not a religious issue and hopes an agreement can be reached.

Discussed ownership of the cemetery. Aspen Grove Assets is a for-profit corporation, who develops properties. Apostolic United Brethren (AUB) is a stockholder, non-profit corporation. The business plan states the cemetery will be owned by Aspen Grove Assets, Inc. DBA Twin Oaks Cemetery and maintained as a DBA relationship under the jurisdiction of the area Bishop of the AUB. Mr. Asay stated the Cemetery will have a board as a DBA of Aspen Grove Assets which would be Twin Oaks Cemetery.

One of the criteria of the planning commission is whether an item is needed in the County. Through research some of the commission members found that Mt Pleasant City is willing to set aside 4 acres (5000 lots) of their cemetery to provide space for the Twin Oaks community. Mr. Day presented an option to have Aspen Grove meet with surrounding municipalities to discuss setting aside an area in their cemetery for Aspen Grove community. There is adequate room in the surrounding municipal cemeteries for the subdivision. Mr. Day shared what the fees are for Mt Pleasant cemetery. Mr. Jacobson pointed out that some cemeteries designate areas with ornaments to differentiate groups buried in the cemetery. The overall concern is whether the cemetery is needed and if the cemetery will be kept up, because a cemetery doesn't make money. Mr. Asay stated the community isn't welcome in the Mt Pleasant community, why would they be welcoming in the graveyard. Mr. Kunz can't answer if the cemetery board would approve to use the Mt Pleasant cemetery and this option doesn't meet their goals nor deals with their application.

Mr. Kunz responds they have dollars and space available to economically provide the means for those who wish to be buried in this cemetery. The community signed a petition stating a need for the cemetery. He feels the community has a need just like anything else that comes to the board. Discussed problems with subdivision at the time of purchase. As the subdivision has developed they have found problems and want the county to help fix them. Aspen Grove will remove boulders and prepare the ground with their own excavation equipment. The campground is the only thing they have developed.

Other cemeteries in the county are in A zone. The cemetery will be set back 365 feet from road. Mr. Kunz compared the cemetery conditional use permit that was granted to Mr. Tullis to this request. Mr. Olsen shared the conditions that are placed on the conditional use permit for the Tullis cemetery. Mr. Jacobson doesn't want to continue erring in granting this conditional use permit.

Discussed Utah State Code Title 8- endowment care, a trust fund of \$25,000 - \$100,000 for fees to ensure upkeep of cemeteries versus using the municipal option. Discussed keeping the cemetery in the corporation name to continue the endowment care. The concern is

turning the public cemetery into a religious cemetery to no longer be classified for the endowment, no matter the denomination. The Commission wants a condition stating Aspen Grove Assets can't change the cemetery to a religious one thus removing them from the Title 8 statute. Discussed rules of changing ownership. The county should be notified of any change in ownership. Discussed the phasing of the plots.

Mr. Jacobson clarified his use of incremental development- the vision is there and instead of presenting the whole development plan, items are presented one by one. He questioned why they want their own cemetery instead of using the municipal cemeteries.

Mr. Bowles stated that he respects the commission and knows they want what is best for the county. He would like them to take into consideration why they want their own cemetery. The reason they want their own cemetery infringes on Mr. Olsen's statement at the beginning of this meeting, but stated it's because of Priesthood, dedication, community and the power of God. They want to build a community that has the power of God for all those who will respect the Constitution of the United States. To have a place of refuge all can flee to and have the power of God upon it. This is their lives, desires and hopes for anyone, no matter the denomination, as long as they are honest, law abiding citizens, who abide by the Constitution of the United States. He further stated Mr. Palmer is a good man as well as everyone else on the board. Aspen Grove has followed every law and code in the development of the subdivision. Their community has been a progressive development over the years. The needs have changed to accommodate the growth. Agriculture is still a priority to provide for the community. The area boundary of their community who would be eligible for burial in the cemetery under the status of a member is Sanpete County.

Mr. Nielsen appreciated his heartfelt answer. He would like to work together to have a dedicated burial area for their community and realizes the request would be different if the county didn't have enough room in other cemeteries.

Discussed criteria items listed on 14.68.050 Land Use Ordinance, pg 32. Reviewed with the whole commission what the conditions are and made sure all criteria is met. The commission had issues with the actual need for another cemetery and the possibility of Aspen Grove Assets changing their criteria in regards to Utah State Code Title 8. They did take into consideration the petition the residences signed in favor of a cemetery. Mt Pleasant surface water won't affect or be affected by the cemetery. State Water Rights and State Environmental Quality saw no problem with water and location of the cemetery.

Mr. Olsen added a condition to review progress of the cemetery, the recordings, and adhering to the conditions every 5 years.

It was decided to vote and see the result instead of pursuing the municipal cemetery option.

Conditions for Aspen Grove Assets Conditional Use Permit for Cemetery:

1. Fencing around the cemetery.
2. Human burials only.
3. May not expand the 492 lots further.

4. Publically define the burial plot charge for inside or outside the community and have the fees similar to surrounding communities; Must remain a public cemetery.
5. Adhere to business plan submitted to Planning Commission on February 12, 2014.
6. A new deed recorded with the county, describing the new cemetery parcel apart from the 18 acres.
7. No crematory, niches, or crypts.
8. All burials require vaults or urns.
9. Obey all Utah State laws and titles included but not limited to Utah State Code (UC) Title 8-4. The cemetery must remain eligible for and participate in an Endowment Care Cemetery.
10. UC 26-2-16: Certificate of death -- Duties of a custodial funeral service director, an agent of a funeral service director, or a dispositioner -- Medical certification -- Records of funeral service director or dispositioner -- Information filed with local registrar -- Unlawful signing of certificate of death.
11. UC 26-2-17: Certificate of death -- Registration prerequisite to interment -- Burial-transit permits -- Procedure where body donated under anatomical gift law -- Permit for disinterment.
12. UC 26-2-18: Interments -- Duties of sexton or person in charge -- Record of interments -- Information filed with local registrar.
13. UC 26-2-19: Rules of department for transmittal of certificates and keeping of records by local registrar.
14. UC 8-3-1: Plats of cemeteries shall be recorded.
15. UC 8-3-2: Burial rights -- Certificates.
16. UC 8-3-3: Transcripts to be filed for record.
17. UC 58-9: Funeral Services Licensing Act.
18. UC Rule R436-8: Authorization for final disposition of deceased persons.
19. Minimal review of conditions every 5 years.

Motion is made by Loren Thompson to approve a conditional use permit for a 492 lot cemetery on parcel S 26317x2 with the outlined conditions. The motion is seconded by Paul Rasmussen.

Voting results

Curt Ludvigson- aye; no harm to County.

Paul Rasmussen- aye; has concern with the need; county not in business of taking care of cemeteries.

Joe Nielsen- no

Nate Palmer- abstained

Loren Thompson- yes; item met 9 out of 10 criteria requirements. The one they didn't meet is subjective to what the families would want and the right to use their property.

Leon Day- yes

Gene Jacobson- no; mind set on having their own cemetery, even though there isn't a need.

Motion passes. The commission will review the actual conditional use permit before the chairperson signs the permit.

APPROVAL OF MINUTES

Motion is made by Nate Palmer to approve the Planning Commission minutes of January 8, 2014 with no corrections. The motion is seconded by Loren Thompson, and the motion passes.

With no further business before the Planning Commission, motion to adjourn and have a work meeting is made by Curtis Ludvigson. The motion is seconded by Joe Nielsen, and the motion passes.

The meeting is adjourned at 8:43 P.M.

WORK MEETING- MATRIX IN THE LAND USE CLASSIFICATION, ROADS, CONDITIONAL USE PERMITS AND CEMETERIES

Discussed cemeteries with a conditional use permit. For next months agenda recommend a moratorium on any more human/animal cemeteries to the County Commissioners, as well as a work meeting for the same items listed under the work meeting for this meeting.

With no further business before the Planning Commission, motion to adjourn work meeting is made by Paul Rasmussen. The motion is seconded by Joe Nielsen, and the motion passes.

The meeting is adjourned at 8:48 P.M.