

STERLING TOWN
PLANNING & ZONING COMMISSION MEETING
MINUTES

Tuesday May 9, 2023

1. Pledge of Allegiance.

Council, staff and community present stand and recite the pledge of allegiance.

2. Roll Call. Judy Wadley, present; Gedeon Jarvis, present; Loretta Denton, present; Keenon Pearson, present; Zeb Wignall, present.

Staff present: Tami Privett; Deputy Clerk recording minutes. Kris Winkel excused.

Community Present: Brent Opolus, Diane Denton, Bryan Sullivan, Sam Maestas, Tanner Denton, Luke Rowley, James C Egner Jr, Catharine Egner, Jenny Sullivan.

Meeting called to order by Zeb Wignall at 7:05pm.

3. Reading and Approval of Minutes from Previous Meeting(s).

Commission members' names mis-spelled and corrected.

Mayor Pearson makes a motion to approve minutes with a correction to Judy and Zebs names. Gedeon seconds the motion. The Commission unanimously agrees. Motion passes.

4. Commissioners to complete OPMA training on the State Auditor's website at <https://training.auditor.utah.gov/courses/open-and-public-meetings-act-training-2022>. It is on the emails sent with this agenda to all parties. Zeb and Keenen will present their certificates at the next meeting.

5. Discussion on Annexation.

A member of the community discusses that he is looking to build and needs water and would like his property to be annexed. He describes his property and that it touches the town limits. He asks if it is possible to be annexed in.

Zeb brings up that Max Otten supposedly had three water hookups. Mayor Person states that they found out that Max has two water hookups and one is not being used

and it needs to be tied to the property and the Town is not sure what property it is going to be tied to. Yvonne Larson is doing research on this.

Mayor Pearson states that there are many people interested in annexation and the Town is looking into this. He explains that our Fire Chief has encouraged more annexation due to the fact that they are servicing more people outside of the town limits than inside.

The member of the community states that Mike Allen has told him that the property is already subdivided by the county already.

Judy states that the county is looking into subdivisions with 3 or more houses and explains it has to do with roads and specifications for the actual building/pouring of the road.

Mayor brings up problems with people's private driveways and access by others. He states that at a recent meeting he attended he learned that if you have 4 or more houses in a subdivision, then the roads have to be paved.

Mayor Pearson states that they will have to address impact fees. The member of the community states they are motivated to build and will be moving June 1st to rent and as soon as the commission and council know the impact fees, he would like to know what they are.

Mayor Pearson states that they will have to address impact fees; getting the water piping and meter to the house. The current price will not cover the cost and it will be considerably raised.

Sam Maestas states that the current commercial impact fees states a $\frac{3}{4}$ inch line is \$2,500, the 1 inch is \$4,500 and the 1.5 inch is \$10,000. The meter itself is \$5,000.

Zeb shares what he knows Manti has been doing with impact fees. In 2023 the impact fees are about \$6,000 with an increase every year of 3% for several years and then after that it will increase 1.5%. Zeb asks if we would have to have a survey done in order to increase the impact fees. Mayor Pearson answered yes.

Sam Maestas asks about possibly having RV rentals on his property. Mayor states there has been some push back with having a commercial zone in Sterling. Mayor states that if we bring the land into Sterling, he doesn't see a

problem, but there is a process. Zeb states he does not see a problem and is not sure if Sam is required to seek approval from Sterling due to the fact that the location of this rental is outside of town at this time.

Mayor explains that some of the commission and council are attending a training later this month specifically about annexation. He apologizes for not having all the answers yet.

Some statements from the community were not recorded due to they did not talk loudly enough or into the microphone.

Commission talks about the concern that people are buying trailers to live in and the concern with sewer. Mayor asks if we can ask them about where they are dumping/emptying their sewer. He was told no and the people can empty their septic tanks as often as they want to pay for it. Gedeon brings up if they are not tied into an existing septic system, where are they dumping their waste? Gedeon explains that it's not ideal to empty trailer waste into a septic system and that it affects the bacteria that breaks it down negatively.

Commission discusses the cost of getting the water across the highway. Tami states that it used to be that when you approach someone to annex in, then they do not have to come up with any of the cost. Mayor Pearson states this is no longer the case. The town can approach someone or others can approach the town to annex in and either way, they will have to come up with the impact fees as long as they are told.

Zeb states that up at Max's place, on the east side it's simple because the water is already there, but on the north west side, the water is not there and it will be a huge cost to get it across the Hwy.

Gedon brings up that everyone on the west side has a 4-inch line and it needs to be 8-inches. Mayor states that the Council is working on a CIB grant to take care of that and loop the water around instead of having a dead end.

Loretta states that she is on board with annexing what Sam Matues has proposed in the creek bottom but asks how far out are we wanting to go? Mayor Pearson states that we do need to have some surveys done and part of it will address if the Town can sustain the increase.

Zeb stresses the importance to be careful with the annexation stating that even though Sam Mateus has said he does not want to do a lot with his property, he does have a lot

of property and there is no stopping him and that is potentially a lot of water hookups. Tami states that he could sell all or some of his land. Mayor brings up the potential water the town can acquire with Sam and Steve Lund annexing it. Zeb agrees but we should be careful with how much we annex in. Mayor states that we will not be annexing it until we get the water master plan done. Zeb also brings up that any annexing done, makes the town responsible for keeping up the roads. Mayor asks if there is a loan or grant for things like this? The Commission talks about the benefits and risks of annexation regarding roads.

Mayor Pearson will get clarification on requirements the Town will need to meet prior to annexation.

The Commission will get more answers to the annexation questions and future impact fees.

6. Discussion for an ordinance prohibiting high density housing.

Mayor states that Fountain Green has a city ordinance prohibiting high density housing and he will email the Fountain Green mayor to get further guidance on their ordinance and he will bring it to the next Planning & Zoning meeting.

7. Discussion on Brent Opolus building a couple small cabins on property.

Brent Opolus asks about building/running a little farm store on his property for his wife to sell her Alpaca yarn that she makes. He asks how far back from the road he would need to build. He states he would like to build a couple of cabins on the lower property and a couple more on the higher property.

Judy asks how large would the cabins be and he answers about 8 feet by 16 feet, large enough to have a bed in for people to sleep in. Judy states concern regarding plumbing and hiking for the rentals. Brent states at first they will bring up porta potties and if it goes well, he will look at putting permanent foundations and a septic system in and add showers.

Zeb asks if he will be accessing the cabins via the pasture road. Brent answers yes he wants to keep everything the same. Zeb states he is not certain what the cabins would be classified as.

Loretta states that the cabin would need to be 30 feet back from the road.

Mayor Pearson states that he may have to get a permit and explains that the rules change when it's a building where people will sleep in, the criteria may be different and

he would need to check with the county. Brent states he is looking for other means for income once he is retired. He states that the cabins are for people to rent like an Airbnb to be on the farm with the Alpacas. Mayor states the Alpaca store might be considered a home based business.

Loretta states there are two things he is asking about; the Alpaca store and the cabin rentals.

Gedeon asks if the cabins are something that can be moved or will they be permanent explaining that it would have to be 10 feet from the property line on each side and 30 feet from the front. But if it's moveable like a shipping container, it could be a foot off the property.

Brent will follow up with the county on any requirements or permits he may need.

Loreeta tells Brent he will also need a plat.

Zeb states he will research the classification of a home based business.

8. Discussion on Keenen Pearson building a greenhouse and shed.

Keenen states that he would like to put in a 10 ft by 20 ft greenhouse and a 10 ft by 10 ft shed on his property that will NOT be on a permanent foundation and both structures are less than 200 square feet. It will be at least 10 feet from the fence and on each side. I have done the research and want to make sure there are no issues. It will go behind the house, a place to keep tools and a greenhouse.

All commission members see no problems with this plan.

9. Question on city code concerning above and below ground propane tanks.

Mayor asks if anyone on the commission knows about any rules or suggestions on this issue. Currently there may not be a town ordinance. Zeb asks if this might be a state issue/requirement. Gedeon states it should be 15 feet from the building and underground.

10. Discussion on Greg Wayman, Sterling ATV building.

Zeb states that Greg was approved for the building in back of the ATV place. It is one foot off the property line which was okay with the county if he put fire stuff on the wall. Greg did not finish the wall and prefers to be able to wash off that wall, so he has traded some land with Gary Bringhurst. They have traded the back land which is 83 by 38 feet.

The Commission looks over the plans.

Zeb explains which land was traded for which and that it was already approved to be put in one corner, but instead he is flipping it the other way and traded land with Gary Bringhurst. Greg wants to make sure it's okay to go ahead with this new plan.

Gedeon asks if it will be facing east and west instead of north and south. Zeb answers yes.

Commission discussed how far back from the road the building will be.

Mayor Pearson makes a motion to approve Greg Wayman's Sterling ATV Building as presented. Loretta seconds the motion. The Commission unanimously agreed. Motion passes.

11. Discussion on Tim Denton storage Shed.

Diane states she has an opportunity to purchase an old school portal that is 20 by 30 feet and shows on her plat how perfectly it fits on her property. Diane explains that she wants to use part of it as storage and the other part to have family party's in. Diane states she feels it is a great idea and is here to get approval from the town. Diane presents her plot map on cardboard.

Both Loretta and Zeb have been to the location and have visualized the plan with Tim and Diane. Zeb asks Diane if it will be a permanent structure and she answers, yes. Loretta asks about the septic system and Diane states it will run into the existing one next to the cabin.

Judy asks how far from Derek Denton's yard it will be, and Diane answers 3 feet. Diane clarifies that all the property is Dereks.

Zeb states he does not have any issues with the proposal.

Mayor Pearson asks if it will be on a permanent foundation and Diane answers yes. Mayor states that he has no problems with the proposal and states she will need to get a permit.

Gedeon makes a motion to pass the Tim Denton Storage and Party Room Shed. Loretta seconds the motions. All those in favor; commission unanimously agrees. Motion passes.

12. Discussion on Wade Anderson House

Commission reviews plans for Tausha Anderson's mothers house.

Zeb states that they have already been approved for a house in the lot in question but it has expired. The Anderson's asked for an amendment but Zeb suggested a whole new one.

Judy asks if the setback is 30 feet from the center or the edge of the road? Judy looks it up and reads from the Utah Code: "Homes shall be set back at least 30 feet from the front property line with a side yard requirement of at least 20 feet from the property line." Zeb states that it looks like it's 25 feet on the plans. Zeb suggests the commission approve these plans as long as they change the setback from 25 to 30 feet.

Tami asks if there is a form that should be filled out and signed for them to take to the county? Zeb states that it will need to go to council first. Zeb and Mayor agree there should be a form or application that should be signed. Tami suggests that there be access to the application and instructions on the website. The Commission agrees.

Mayor Pearson will obtain the form and send it out to all the Commission.

Gedeon makes a motion to pass Wade Anderson House with the exception of changing the set back to 30 feet in the front on the property line. Keenen Pearson seconds the motion. The commission unanimously agrees. Motion passes.

This will now go to the Town Council.

13. Discussion on Bryan Sullivan greenhouse.

Bryan talks about his greenhouse project they have been working on for the past two years. He explains it is a greenhouse that is anchored to the ground using two posts and it's not a structure with a foundation. Instead we are building over a hole that is about 3 feet deep. He apologies for not obtaining permission two years ago. He further describes the structure and asks if they are okay to allow the Sullivans to proceed with the project.

Mayor states he has been doing some research on what a permanent structure is and shares that a neighbor of Bryans has complained. The neighbor feels that anything dug into the ground is a permanent structure. Mayor states that the State of Utah does not have their own definition of a permanent structure but following is the general definition; "A permanent foundation means any structural system capable of transferring loads from the structure to the earth to a depth below the established frostline without exceeding the safe bearing capacity for the supporting soil and." Sanpete.com definition

of a permanent structure; “A continuous stem wall constructed on concrete or masonry set on approved footings and is required by the uniform building code.” Mayor states that the town of Sterling does not have a definition of a permanent structure and we will have to go with Sanpete County’s definition.

Commission discussed if a non-permanent structure would need a permit.

Mayor states that the question raised is should the greenhouse be 10 feet back from the property/road line. In Mayor’s research the greenhouse is not a permanent structure and as long as it follows along the fence line, there should not be an issue. Mayor states that he could not find any supporting evidence that once you dig a hole, you have a permanent structure. Mayor states that the complainant also states that the greenhouse might be under set back and again the Mayor could not find any laws or ordinances that support this. Mayor states there is a county form you can fill out for a waiver against the 200 feet for agriculture buildings, sheds, greenhouse etc.

Mayor Pearson will get the form to Bryan Sullivan to fill out and get to the County.

14. Discussion on Tanner Denton building of fence.

Tanner did not speak loudly enough or into the microphone and his statements were not heard.

Mayor Pearson states he did ask Tanner to come to the meeting and in the meantime Mayor has not been able to find the guidelines and refers Tanner to the county.

Gedeon suggests putting a sign up if it continues to be an issue.

A motion is not required for this issue.

15. Discussion on Town Planning & Zoning draft from Jones & DeMille for Sterling

Due to the time and long agenda, Mayor Pearson makes a motion to table the discussion on the Town Planning & Zoning draft from Jones & DeMille until next month. Judy seconds the motion. The Commission unanimously agrees. Motion passes.

16. Committee Business.

No new business other than the above at this time.

17. Adjournment.

Mayor Pearson makes a motion to adjourn the meeting. Judy seconds the motion. The commission unanimously agrees. Motion Passes.

Zeb adjourns the meeting at 9:07.