

STERLING TOWN PLANNING & ZONING COMMISSION MEETING MINUTES

Tuesday June 13, 2023

1. Pledge of Allegiance.

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

Zeb calls the meeting to order at 7:05

2. Roll Call:

Judy Wadley, present, Loretta Denton, present; Gedeon Jarvis, present; Zeb Wignall, present; Keenan Pearson, present.

Staff present: Kris Winkel.

Community Present: Scot Hill, Sam & Linda Maestas, Lyle Young, Robert Gibb, Luke Rowley, Kyle Denton, Tami Privett.

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

Gedeon makes a motion to pass the minutes for May 9, 2023 with one grammatical error corrected. Keenan seconds the motion. The Commission agreed unanimously to pass the minutes.

4. Discuss all Commissioners to complete OPMA training on the State Auditor's website at

All training certificates have been presented. This item is resolved.

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

Tami states that you don't have to pass the whole plan at once, you can pass portions at a time and if you pass it all as one big lump, we may miss something. Loretta agrees.

Zeb states we need to highlight what part we want changed so they can re-write it in legal terms.

Kris states the last section that was discussed was in March section 13-3-130, special uses.

Keenan brings up the new subdivision laws in the state of Utah. He states we have a year and a half to implement it. If we haven't updated our procedures by then, any residential buildings would have to seek state approval. Also since he is on the City Council, he should not be on the Planning and Zoning commission or abstain from voting on the council. If this is in the current city ordinance, we need to change it. Keenan states we may be able to shrink the size of planning and zoning and we may be able to share the appeal authority with several other towns.

Judy states that it is her understanding there should be one person on the P&Z commission that makes sure the proposed subdivision conforms to the standards and ordinances of the town and if it does not, it is returned to the builder for changes. This can go back and forth several times until it is finally approved. The entire planning and zoning agrees to it and the 15-day clock starts. Judy explains that the person who gives the final approval can be with Six Counties and this new process was signed into law May 3, 2023 by the Governor.

Keenen states he learned at the Six Counties meeting that many mayors of smaller municipalities requested a 45-day window instead of the 15-day window for subdivision approval. They are going to look into this.

Judy states code S.B 174 Effective Date May 3, 2024. Regarding moderate income housing report. It is only for a city of the 1st, 2nd, 3rd or 4th class or a city of the 5th class with special considerations. But according to Utah code 10-2-301 (f) a municipality with a population under 1,000 is a town that is exempt from having to do the report.

6. Discussion on Annexation including Sam Madeus property.

Sam & Linda Maestas, Scot Hill, Lyle Young, Robert Gibb and Luke Rowley are all present to voice their desire to annex into the Town of Sterling. Sam states that Robert Quayle has also voiced interest in annexation.

Lyle talks about annexing his property by Bob Young on the west side and he would like to get city water out to the Gedges if they are looking to annex that far on the south side.

Robert Gibb states that he is interested in annexing due to when they raised the road, it was raised about 5 feet and about every three months it flushes down and buries my spring and I'm too old to be digging that out.

Scot Hill has a cabin on the reservoir road and has been there for a year and a half. He explains his well has dried up and needs culinary water.

Luke Rowley asks how the training on annexation went.

Kyle Denton states he is present to learn.

Keenan Pearson explains that recently there was a training on annexation offered with Six Counties but when he arrived at the training they had canceled the annexation part due to lack of interest. Keenan continues that he has been investigating annexation to see if there is a grant that may help pay to bring the water across the Hwy. He was told that typically the town and/or the landowners would need to cover the cost. If the town can't do this the closest person to the water source pays to get the water to their property and the subsequent neighbors would reimburse that person and pay additional to get to their property and so on.

Keenan talks about some resources in the state that will be able to offer some guidance. He further explains that we cannot annex any new land until we can show that we can sustain the water. He explains we are currently getting a water master plan and recently had a water survey. Keenan states that we are in a good situation with water although some don't agree. He reiterates that the county and state will not allow us to start with annexation until we show we can handle the water and increase our impact fees. The Town of Sterling submitted a grant for the water Master Plan at the end of May. The grant will cover half of the cost of \$15,000. Since he had a water survey done and submitted the grant, we won't have to wait the typical 6 months for an answer, we will be able to move through that process faster. Keenan credits Tami for her assistance with filling out the grant application and currently waiting on the CIB board to look at it. Starting next month, July 2023 the state legislature will provide Six Counties with extra funding to municipalities to provide a legal expert that will work with 5-6 towns and help work through the kinks with annexation and other issues. Town of Sterling submitted a grant for the water Master Plan at the end of May

Luke Rowley asks where the Town of Sterling gets their water? Mayor answers the lower spring (provides most of the water) which has been going since the 1800s and two upper springs and a well. Keenan explains that we need to prove to the state and county that we can sustain the water needs prior to annexation. Luke explains that he has 1.89 well water shares and the water has sulfur in it and asks if the Town would be willing to trade the 1.89 well water shares for two water hookups? Luke states that if yes, he is being charged for 2 water hook ups, the town is getting his shares and the city wins all the way around and you already have water on my property because my house is on city water.

Keenan states that there is a city ordinance from 2018 that prohibits the town from providing new hookup to outside of the town. Luke states that the state of Utah has requested that all towns stop giving water hookups outside of town due to the drought situation at the time, but in this situation, you would win all the way around. Luke asks that this be re-addressed. Keenan agrees that this may be something to address with the city council and further stated that some towns may still offer water outside of town limits but in the event of a future annexation, they would have to sign an agreement that they cannot fight the annexation.

Zeb states that it needs to also be addressed to those who do the survey because if we obtain more water rights, that will help the town.

Judy shares what she learned at the land use training. She talks about state resources that can help address this issue with regards to water. There is someone that is supposed to start next month with Six Counties to help specifically support towns with annexation and water issues and funding as well.

Keenan explains that other towns actually have you buy water shares and bring them in if you want to develop your land even if it's inside the town limits, it's part of their building process. Keenan states that he feels we have enough water, not everyone agrees with him. He shares that a recent report shows that our system isn't working as well as it should and that is

something we need to look at. Again Keenan states that the county or state will not allow us to look at annexation until we show that we have the water. One item that goes along with this is we are required to increase our impact fees. If we were to annex now with our current impact fees, it would bankrupt the town. Tami explains that we have to charge what it would cost to bring the water to the developments. The recent survey done will help determine what the true costs would be.

Luke Rowly asks what the current impact fee is and Tami replies \$1750 which would not even cover the cost of digging a trench.

Kyle Denton asks why we are not using the water well. Keenan states that the well is good water but not as good as the spring water but its water that we are not using. He explains that the well water is tied to the springs and if they produce less water than historically expected, we can draw on the well that same amount. Keenan continues that drawing on the well water is a good thing because pulling water out is a cost. The well is flushed.

Tami explains there is an initial fee to turn on the pump but once it's running the cost goes down. Tami suggests the town put in the budget another well so if one of the springs runs dry, we have another storage facility if this is feasible.

Zeb explains the electricity company is charging the demand fee and if you pump it, you may as well run it.

Discussion continues on the location of the water tanks and how much they hold.

Sam Maestas shares that Robert Quayle is interested in annexation and is getting ready to dig for water for a couple of contracts. Keenan states he does not know how long the annexation process takes. The town could use their attorney but since Six Counties is providing that resource in July, they would rather wait. Sam asks if the town of Sterling would consider selling some water shares to pay for the infrastructure? Keenan states that may be okay and the town would have to have so many water shares. He states that this is not about how much water people have brought but it's about how much water the town has that we have access to. Sam states he would like to be put on the list for potential purchase of water.

Zeb states that this is a bad plan for the town and goes against annexation. Kris asks Sam if he is asking to purchase Sterling Water? Sam clarifies stating that he is under the impression that he has to trade water shares to get a water hookup, in other words buy a water hookup. Zeb states that yes, but you would have to be annexed in and if you go over three houses, that is a subdivision and this is when it comes into play that you would need to provide "X" amount of water for the property. Judy adds "and paved roads." Sam states at present he does not have enough water to water his fields and build a house. Judy adds that one house is fine, but when you add additional structures, that is when the issue of paved roads comes into play. Sam states he did not realize that.

Scot Hill asks how it typically works with getting a water hookup. He states that he was talking with Kris before the meeting and she said something about \$6,000. Kris clarifies that 35+ years ago her dad's well dried up and he paid something around \$6,000 and turned over all his water and well rights to the town of Sterling. She stated to Scot that you don't get to have a water hookup and keep your water rights.

Keenan states that what most towns do is have people bring irrigation water and other water shares and if they are going to build they turn over those water shares and pay the impact fee to get the water hookup. Sam asks what if someone does not have a water share to give. Keenan explains that those outside of town are required to bring their own water share, this is a building code requirement. However, if we annex in, anyone who is inside the town limits at that point or has started building (has been approved to build) and ask for city water, we have to provide it and at that point they are not required to bring water. This is one of the reasons the state and the county want us to prove we can sustain the growth and have the resources to do so.

Luke Rowley adds this is why they have a bigger impact fee than \$1750. He states that most cities have an impact fee between \$8,000-10,000 and a normal town is between \$12,000-17,000. A water share for this area is going for \$9,000.

Tami stresses that part of the town plan needs to consider all those who annex in, will not be able to build. One of the first things we need to do is set up the areas and impact fee before we decide on annexation.

Loretta states that Steve Lund wants to annex in. Sam states that he is on the same road as Steve and that he and Scott are planning on drilling a well and Scott just got his well last week. Same states that he is deciding if he should drill a well or hold off until annexation. Sam states he owns 6 springs and Kyle asks if he owns the rights. Sam thinks so. Loretta asks if Lyle can get water by going past the cemetery and across the creek. Zeb states the water has to loop, no dead ends to avoid stagnant water.

Sam enquires if there is an area the town is looking to annex? Zeb answers the most beneficial area to annex for the town would be Palisades because the houses are all there, the water hookups are all there. They are on their own water system but if we annexed it the town of Sterling would become responsible for it. Keenan states there are many factors to consider in annexation and we could consult with the town attorney but with Six Counties bringing in a resource that can help with these issues, we will reach out to this resource in July.

Sam asks about grants for annexation. Keenan states that he has talked with Steve Lund who wants to annex in and is in the State Legislature and he has not heard of any grants to assist with annexation.

Sam asks if the town annexed Steve Lunds houses, would they be willing to continue down the road and annex Bob and himself? Keenan states that the biggest chunk to annex will be the most cost effective and after talking with our fire chief, Palisades would be the best option

because we do have water going up there already. Keenan explains that annexation is a whole process and there is no reason why we wouldn't do several chunks to avoid going through the process more than once. But any portion we choose to annex in, we will have to show how we will maintain it. One of the requirements of annexation is providing reasonable assurance that you will be able to take care of that area better than the county can. Tami adds that we also need to show that it looks good on paper and how it is feasible to do in the area in question. Financially we have to prove that we can satisfy the code before the annexation policies begin; town plan, building code, impact fees. If the town goes bankrupt, it impacts all the residents. Our annual budget is very small. The Commission discusses how long it takes for the annexation process.

Sam asks if he drills a well can he still annex it later. Luke replies if the only reason he is annexing is to get water and he drills a well, he is defeating the purpose, he may as well just stay county. Sam agrees that his motivation for annexation is to get water.

Discussion on irrigation water:

Scot Hill talks about his half share of irrigation water and if that can be switched to culinary water. Keenan states that it depends. Zeb states that it depends on what kind of irrigation shares, some can be transferred and others cannot. Scott states he is grandfathered in and asks if his half irrigation water share can be transferred to a whole culinary share. Zeb asks if he has a half share of underground water or irrigation water. Scot is not sure but thinks it is irrigation. Zeb asks if he bought an underground right for his well. Scot states that it came with the house, an underground right. Zeb asks that it came with an underground right and an irrigation right? Scot answers, yes and states its his understanding that when he was grandfathered in the half share is equivalent to a full share. Scot states that he will have to talk to Ken Gilbert. Kyle adds that Sterling did do some half shares and there are about 10 half shares on the North Six Mile side. Kyle states he will need to check on that.

Kyle elaborates on the half shares but did not speak into the mic.

Tami asks why Mayfield has to meter irrigation water, is that because the city owns it? Kyle Denton explains that it depends on where the water is pulling from. Currently there are a few pulling from Palisade and we keep track of where it's going. Lyle Young explains that it is coming, that every connection will be metered and that includes irrigation water. Zeb agrees with Kyle stating that he has also heard this information. Currently the Palisade irrigation water is not controlled or run by the Town of Sterling, so it may not apply to us yet.

Keenen states that by Oct 2024 every town will have to survey all lead pipes. It will be a state funded survey. Those who have lead pipes will have to implement a plan with Sunrise Engineering to replace them. Kris talks about the effects of lead poisoning in children.

Commissions concerns with Annexation:

Zeb states that we need to have some rules or regulations with annexation in regards to water. The concern is if a lot of land is annexed and the owner wants to later build, they can't just have

as many water hook ups as they want. "We need to be careful how we do this." Zeb brings up that they could turn around and sell 200 lots and the town is going to have to provide the water. Kris states that it seems like they also want to keep their well and spring water shares even after annexing.

Tami talks about the importance of making it clear to the county what the towns plans are, including a map of what is wanted in the buffer zones, deciding what areas you want zoned for industrial with no residential within the industrial zone and the residential zones outside of town being 5 acre lots, etc.

Judy agrees with the importance in concentrating on setting up the zones.

Tami states importance in planning for roads as well. Tami states that the county said three years ago that if you take a map of your area and with a marker or red pencil mark where you wanted roads to start and turn it into the county, and make changes and upgrades later if needed. Zeb agrees and states that when we loop water we need to think about looping roads. Those who wish to annex don't understand the cost the town will have to incur. Judy agrees that starting with zones and roads will give us a skeleton to begin with. Tami states that you can start with the skeleton, turn it into the county and add detail or rules as you go. Zeb adds that with the 5-acre lots, one water hook up will be given and any further building after that, they will have to provide their own water. Tami adds or they would have to sell it as a subdivision that has gone through the approval process. Zeb states that they may just want one water hookup but then they start selling lots off for \$60,000 each and things change real fast. Tami states that the half-acre shares are going for more than \$100,000.

Keenan states that planning and zoning can make suggestions but the Town Council passes the law. Tami states that she thinks the town can just draw it out on paper and turn it in, in the meantime. She states that starting somewhere and changing your mind later is better than not having a plan at all.

Commission discussed the risks in not using all the water you have and potentially being taken from you for not using it. Judy states that water cannot be taken from the town for not using it.

Keenan suggests we send out an email with the link for the Jones & DeMille each month on which section to review; Admin Code title 12 which is subdivisions. I think this is the first one we should look over since the legislation rules have changed. We will review this next section at the planning and zoning on July 11th. The Commission agrees.

Zeb states that we need a new map printed that we can draw on. The county would have a geographical map of Sterling and surrounding areas, at least 2 mile radius around Sterling.

Discussion on Fire Hydrant at Kyle Dentons Home:

Kyle Denton asks about the fire hydrant in front of his yard and requests that it be removed. He explains that the property line changed several years ago and the fire hydrant used to be on the

corner and since the property line changed, it's now in his driveway which has become problematic. Keenen states that he has talked with Nick and they agree it has to be repaired. Kyle asks if it can be moved? Kris will put this on the Agenda for the Council meeting. Kyle asks if he needs to be present at the meeting. Commission encourages all residents to attend commission and council meetings, but it will be brought up even if he is not present.

7. Discussion on new law for subdivisions.

See discussion above in Jones and DeMille.

8. Adjournment.

Gedeon makes a motion to adjourn the meeting. Loretta seconds the motion. Commission unanimously agrees to adjourn the meeting.

Zeb adjourns meeting at 9.07