

PLANNING & ZONING COMMISSION

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**PLANNING & ZONING MEETING**

**June 20, 2018**

**SCHOOL DISTRICT BOARD ROOM**

**PARIS, ID.**

ATTENDANCE: CHAIRMAN RON JENSEN

ABERT JOHNSON-VICE CHAIRMAN

STEVE HARDY

KRISTY CRANE

KAY BECK

SEAN BARTSCHI

DEVIN BOEHME

MITCHPOULSEN, ADMINISTRATOR

WAYNEDAVIDSON*,* SECRETARY

Chairman Jensen began at 7:04 and welcomed everyone.

The pledge of allegiance was led by Kristy Crane.

Chairman Jensen asked if the agenda was good for approval. Mitch asked to rearrange the order of the agenda allowing the quicker hearings to go first.

**Motion** to reorder the agenda to allow Ephraim Hoge septic system waiver first then Paul Peterson second, then Land Use Ordinance third then Subdivision Ordinance last, was made by Kristy Crane, seconded by Kay Beck, all in favor.

**Motion to go into hearing for the Ephraim Hoge Septic System Waiver** was made by Albert Johnson, seconded by Devin Boehme, all in favor.

Mitch explains the rules, tells how hearings work, he then gave his staff report, Ephraim proposed a subdivision. We don’t’ have a provision for septic tanks in subdivisions, Our attorney told us that we need that. The attorney said we should use a waiver to allow this. This meeting is to discuss the provision allowing septic tanks in the Ephraim Hoge subdivision.

Comments in favor, none.

Comments against, Kade Grunig says he thinks the commissioners denied the subdivision, he has concerns of the whole subdivision, not just the septic system. Like the cattle guards, all neighbors have livestock. He thinks the property has wet lands, wants the board to think of the wet lands. Did the commissioners reject the entire subdivision? Mitch thinks it was a remand, to correct the septic system. Kade thinks he should be heard for the access issues. Ron and Mitch aren’t aware of issues from the commissioners, only the septic system. Kade reads the state statue about subdivisions. He feels it will cause congestion on the road. His concern is the narrow road and the danger of passing cars and turning around. The road is a single lane now. He wants the road to be widened to the county standards. Kade has a map of wet lands as determined by his employer, apparently Rocky Mountain Power. Ron said we don’t’ have control of were the septic systems go, that is the health department.

Mike Derricot, thinks the sewer permits should be issued before they go any further. The requirements are getting tighter. Thinks they should have it done before. For their information. Kade thinks Ephraim was wanting city water. The board says Ephraim was getting wells approved.

Roy Bunderson, question, thinks the first public hearing was not notified in time. It was explained by our attorney that since Kade called the day after posting then he knew, and that is all that is needed. Roy asks if there is a court case to review. Mitch says yes

**Motion** to close the public hearing was made by Steve Hardy, seconded by Albert Johnson all favor.

What to do. Board is confused from the commissioners meeting, they aren’t sure what to do. We haven’t done this before. Stephine Bonnie, the county attorney, says we should probably change the ordinance and allow a waiver to allow this next time. The board wants to send it back to commissioners. Ephraim Hoge came in the meeting about this time. Roy Bunderson, from the audience, says the hearing is closed and the board can’t reopen the hearing to allow Ephraim to speak since it’s not an agenda item to hear Ephraim. The board agrees. Steve thinks we should ask for a wet land study. The health department has approved it already they didn’t worry about the wet lands. Sean asks for map showing application. Mitch says the Army Corp. of engineers and Idaho lands are notified of new subdivisions and will tell us if they have problems with it. They haven’t contacted the Planning and Zoning.

**Motion** by Kristy Crane to allow the septic waiver, seconded by Devin Boehme, Steve Hardy opposes, all others in favor. Motion carries.

**Motion to go into hearing for the Paul Peterson cargo container conditional use Permit** is made by Albert Johnson, Seconded by Kay Beck, all in favor.

Paul Peterson wants a cargo container on his property, actually it’s already there. He ordered it and then asked about the permit. Mitch says there wasn’t anyone who contacted him to speak against it. Paul says he will paint it when he can. When the weather is better.

No comments from the audience.

**Motion** to close the hearing is made by Albert Johnson, seconded by Devin Boehme, all in favor.

**Motion** to approvethe Paul Peterson cargo container conditional use permit is made by Sean Bartschi, seconded by Devin Boehme, all in favor.

**Motion to go into hearing for the Land Use Ordinance Amendments** is made by Kay Beck seconded by Sean Bartschi, all in favor.

Mitch explains we are doing this because we didn’t have the last ordinances or changes to the ordinances since 2007 adopted correctly and there has been confusion about what actually is in the ordinances. We have already had public hearings on most of the changes, and the commissioners also approved the changes. The board was acting under the assumption that all past changes to the ordinances we correctly adopted. In this meeting the board will attempt to clear up and clarify the Land Use Ordinances. The audience is reminded that comments should be for and about the Land Use Ordinance.

Comments,

Dale Thornock, sees a camp ground being built now, at White Beaches Subdivision. He reads from the land use ordinances page 16. Which talks about campgrounds. Also from page 19 and page 34. These define an RV and tell that a camp ground can only be built in commercial zoning. He says if two or more campgrounds are on a lot then it’s a campground. Dale wants the ordinance enforced.

Kandice Anderson trying to understand what is happening. Can someone put something in for themselves, like camping on your own land? If someone wants to can’t they just do it. Wants the ordinance to clarify.

Bill Stock went back to 2002 and found ordinances that has been thought of as officially adopted but was not, starts reading discrepancies. Points out to Mitch some of the numbering of dates of ordinances. He went through these “puppies” line by line. Chapter two definitions, page ten cluster or clustered, common open space wants these underlined as new. Page 12 driveway is new. Dwelling unit is different in land use and subdivision. Easement new. Page 14 height WCF is new. Page 15 lot different in subdivision and lot width. Page 17 nonstructural storm water open space, new. Road classification page 20 is it accurate? Page 22 subdivider is new. Chapter 3 page 24 rural conservation district never adopted, matrix not adopted, it’s new. Section 9A, section 12 rural district, not adopted, matrix, new. Large scale planned unit development should be an “R”. no one knows what “R” means. On the matrix. Kennels page 30 were originally “P” now it’s changed to “C” don’t know why the change. Page 33 fire station in original, lakeshore is blank this amendment it’s conditional it’s new. Page 35 carnivals and circus, do we require a permit at the fairgrounds? Page 35 setbacks minimum thinks they have all been changed. Stream set back 35 feet, 75 feet? Mitch says we may have approved these before but never got them adopted. Bill says that’s right just trying to clean up the act. Page 37 alternative access reverences a wrong place. Page 43 detailed accessory… caretakers home parking. Think about it. With the rental of short term rental might need more parking. Page 44 references chapter 3 which part? Section 7AE page 47 number B manufactured homes double wide new. Page 54, G is new. Page 57 section cargo containers it’s a money maker. Why does the county care? Page 70-chapter 11 page numbers off, chapter 11 strange number system. Section 11-6 part of the 2002 document put in the latest one, isn’t clean and nice. Chapter 13 is new, and not in the index.

Roy Bunderson neutral in all this, discussed this with commissioners and others. P & Z has been doing this as they should have. There has been a disconnect. Never got codified, the board didn’t know it wasn’t. We have 79 pages and 49 pages in the ordinances. Always tried to be a good land owner, it’s appalling that we need 128 pages to tell us how to run our property. Don’t want puppets telling us how to run our lives. Don’t want everyone to suffer because someone doesn’t do a good job. He submits it’s better served developing what we really want. Go through it all and decide what we want in the entire document. Then we will have a new document subject to less challenges. He has multiple changes but won’t go through it all now. Some changes never got done right, there has been some bungling. Thinks the P & Z has done a good job for what they have tried. Willing to accept the document in general. It’s a pretty decent document. Asks is it valid, wants to accept the new document and not worry about the strike throughs or underlined parts. Now that we know we have the problems, we need to fix them. Take it as a total document, so someone don’t come back with nit picking complaints. By doing that it will supersede all other amendments and clear the plate and start again without a technical issue holding things up. It probably requires another hearing but there probably won’t be too many things to change. It’s a break in the chain, it’s a mess, can’t find it in the courthouse. It’s about deciding how to move forward now. Says the P & Z has a lot of power with people’s land.

From the audience Mike Derricaot why is everything a money maker. Mitch says most hearings are a money loser. Why do we need a permit for everything, storage units? Why?

Candice Anderson, not familiar with it. Likes the idea of having a new document to make it easier to see and use. Wants a final document to review instead of one with the markings on it. People need a document that we all can understand.

Bill Stock explains the markings in the marked-up document for new and deletions.

**Motion** to go out of hearing is made by Albert Johnson, seconded by Devin Boehme all in favor.

**Motion to into hearing for the Subdivision Ordinance Amendments** is made by Sean Bartschi, seconded by Steve Hardy all in favor.

Comments, Bill stock has gone through this one too. Exemption number 6 page 3, land for estate settlement. Says when the judge divides land as part of an estate settlement it don’t have to go through P & Z. Page 4 exemption land and over lay zone. Never been adopted. Not it any other ordinance why is it there? In overlay zone the exemption for dividing 5 acres. Page 5 buildable area new. Dwelling unit definition different. Lot on page 8 definition is different from land use. Open space different on page 11. Safe legal access references chapter 5 what section in the chapter. Page 15 lot splits number 12 ag 40 , number 13 is new not adopted. Page 29 section H streets improvements missing a number 7. Page 37 Section V building height is new to this ordinance.

Roy Bunderson, reaffirm comments on this ordinance. Some changes, page 2 addition for buffer zone around streams of 75 feet. Sean says we meant to toss it out last meeting and we’ll change it. Roy, page 3 exemptions allocations of land of deceased, it’s done by operation of law. Sometimes the property gets divided by the court. Thinks it results in a taking if the county directs how the land can or can’t be used. Thinks it contrary to the community. Divorce is also a time it would be useful for the court to divide. Defacto subdividing page 7, question. Page 11 public hearing notice, recommends change wording to registered mail so everyone knows who was notified. Page 14 wet lands, wants to see it simpler and by the Army Corp. Page 23 number 35 housekeeping. Page 27 number 4 item 5 & 6, completion determination, how do we make the determination? Housekeeping page 32 sanitary sewer how many miles is it from the lake? Page 38 item 10 boundary fencing. Would change maintenance wording to saying maintenance in it’s entirety. When you have to enforce something the board will need it documented and have it dated and the revisions dated so everyone knows.

Kade Grunig definition of a driveway page 7, wants it changed. Wants less than four homes, and limit the length for a subdivision. Bill Stock says driveway is different from a road in a subdivision. Kade, talking about subdividing. To avoid congestion.

Mike Derricot page 29 notes that road slope should be 8% item 10, why do we allow 10 %? The developer has to go by the 8% rule so fire trucks and other equipment can manage it, just have the 8% as the rule.

**Motion** to go out of hearing is made by Devin Boehme, seconded by Albert Johnson, all in favor.

Deliberation Land Use ordinance, how do we do this? It isn’t the law to have everything noted or marked to use this document. Idea of a brand new ordinance? If we debate among ourselves the things may not get resolved. We should get a base document. The issues that came up tonight are easily fixed, and if we have to fix something else we can do it later. There are enough changes tonight that we should do another hearing. Issues to discuss would be, Subdivision ordinance, the part about estate decisions that don’t fit the ordinance. Page 4 buffer zones at creeks will be 25’. Notifications certified mail. Can we change the fee structure. Page 27 page 29 road slopes, page 32, 38 fencing subdivider will bear the cost yearly. Land use ordinance page 57 cargo containers conditionally on lakeshore and recreationally? Page 17 obstructed street. Page 9 CAFO (cattle feeding operation)

Estate planning leave it in.

Parking page 44 more parking for rentals. In chapter 39 state statute is about parking. Family lot split, can we adjust it? Number of lots could be as many as 4 to the family, and as small as 1 acre, and as large as 10 acres.

**Motion** by Albert Johnson to allow Family Lot Splits to be up to ten acres, and to as many as four children with only one child per lot. Seconded by Sean Bartschi, all in favor.

**Motion** to combine the Land Use Ordinance and the Subdivision Ordinance into one document is made by Albert Johnson, seconded by Devin Boehme, all in favor.

**Motion** to approve last month’s meeting minutes is made by Albert Johnson, seconded by Kristy Crane, all in favor.

**Motion** to adjourn is made by Devin Boehme, seconded by Kristy Crane all favor at 10:16pm.