

Juab County Planning Commission

April 21, 2021

Welcome & Prayer

Chairman Quinton Kay called the meeting of the Juab County Planning Commission to order on Wednesday, April 21, 2021 at 7:02 PM in the Juab County Commission Chambers in Nephi, Utah. He welcomed those attending. Commissioner Leslie Rice offered the prayer.

Commission Members Present:

Chairman Quinton Kay, Vice Chairman Shirl Nichols, Commissioner Leslie Rice, Commissioner Mike Kramer, Commissioner Steven Bunker, County Commissioner Richard Hansen, Administrator Colby Park, and Secretary Tracy Painter.

Others Present:

DeEtte Worthington, Marvin Kenison, Doran Kay, Ed Newton, Dean Blackhurst, Kevin Ockey, Kaleb Washburn, Marc Washburn, Mike Sperry, Brent Jensen, Jay Erwin, LuWayne Walker, and Bronc Walker.

Minutes

The commission reviewed the minutes of the March 17, 2021 meeting.

Vice Chairman Shirl Nichols moved to accept the minutes of the March 17, 2021 meeting as written. Commissioner Mike Kramer seconded the motion. The motion carried.

Agricultural Protection Area Application

The planning commission met with the members of the Agricultural Protection Area Advisory Board. Tracy explained, years ago the Juab County Commission appointed the East Juab Water Conservancy Board as the Advisory Board for agricultural protection area applications. Colby explained that we have received an application for an agricultural protection area from Vincent Family Farms. They have applied for several parcels totaling 18,765.73 acres. Colby showed them the map that shows all the parcels. Chairman Kay explained that they want to protect their agricultural use from future development on neighboring properties. Property owners adjacent to the protection area can still do the things allowed in the Land Use Code on their property, however it protects the agriculture property from nuisance complaints.

Colby explained that state code requires us to notify all property owners within 1000 feet of the parcels proposed for the protection area. For the last 15 days we have had to collect public

comments. Most of the phone calls and people stopping in the office just wanted an explanation of what an agricultural protection area was and how it would affect their property. Another common question was why it is so big? He also explained that it protects the property, to some extent, from eminent domain for public utilities and roads.

The property is zoned Outlying (O1) and Grazing, Mining, Recreation, Forestry (GMRF1).

Shirl asked what the planning commission and the advisory board are supposed to do. Colby explained that they were supposed to address any concerns they may have, look at the comments and concerns that were received, and make a recommendation to the County Commission. The County Commission will hold a public hearing held on May 3, 2021 and make the final decision.

Quinton asked if the Advisory Board had any questions, comments, or concerns. Dean Blackhurst asked if there was a process to reverse the protection area once it's in place, could the property owner request it be removed. Colby explained it would probably be a similar process, he said that the protection area is reviewed every 20 years.

Colby read the things that they are supposed to consider. 1) whether or not the land is currently being used for agricultural production; 2) if the land is currently zoned for agricultural use; 3) whether the land is viable for agricultural production; 4) the extent and nature of proposed farm improvement; and 5) anticipated trends in agricultural and technological conditions. Quinton asked what constitutes agricultural production. He was told grazing, cattle ranching, more than just crops. Colby said that he thought that most of the Vincent property is cattle grazing. Colby read information off the application received from Vincent Farms.

County Commissioner Richard Hansen said that he felt like it was important to protect agricultural lands, landowner needs to be able to continue to farm without worry of being encroached upon. He also said when they presented the application to the county commission, they said part of their plan may be to put in a pig farm. He said that he was very supportive of the application.

Duran asked how close the pig farm would be to the Little Sahara Recreation Area. He was told several miles. Colby clarified that in the county commission meeting they said that they would not be opposed to doing an operation like a pig farm, they did not come out and say that they are doing one, they just do not want to limit their options, they are in the business to make money. He also said that right now it is a cattle operation.

Quinton asked if they could take some out if they did not think that some of the parcels should be in the protection area. Quinton asked if the advisory committee thought all of the property should be included. Doran Kay suggested that they look at the areas closely to see if there is a possibility of future development. Ed Newton said that he would like to see it preserved for ranching, etc. but he can see the possibility of development in the area. There is rail transportation and highways and could possibly need changing in 20 years. Doran Kay asked someone to explain what the protections are. Colby explained that agriculture protection areas

protect farmers against nuisance lawsuits, unreasonable restrictions from state and local agencies on farm structures and practices, changes in zoning designations, and roads cutting through their farms. Someone asked if there were any county roads through the property. The roads did not show on the map and no one was sure. Dean Blackhurst said that he was a part of a protection area up north and there were all kinds of roads running through it.

Kevin Ockey said that he was on the side of the rancher. He can see the benefit of protecting the use. Ed Newton said that he would like to see it preserved, he has seen too many times when agriculture uses were pushed out by roads, solar panels, etc. Doran Kay said that if they wanted to lock it up like that, he was all for it. Quinton said that he thought it was important for existing roads to be protected also. Tracy said that she thought that existing roads would stay but new roads would have issues.

Commissioner Shirl Nichols moved that they recommend the County Commissioners approve the Vincent Family Farms application for an agricultural protection area to include the properties listed in the application and the County Commissioners hold a public hearing on the matter. Commissioner Leslie Rice seconded the motion. The motion carried.

Sunrise Mountain Subdivision Preliminary Plat

Kaleb and Marc Washburn with Mike Sperry presented the preliminary plat for the Sunrise Mountain Estates Subdivision. The subdivision is located on Goshen Canyon Road north of White Barn Estates.

Quinton asked Mike to remind him of the access issue. Mike explained that on Goshen Canyon Road the driveways have to be 250' apart. Lot 1 will have a deeded shared access with lot 1 of White Barn Estates, which is where Kaleb lives, and a no access line along the frontage. The other lots have a designated driveway 250' apart with no access lines along the frontage except for the driveways.

They are doing a shared well with White Barn. Colby said the Fire Marshal did not have any comments. The Health Department said that they will have to get wastewater permits for each lot. The County Recorder has not returned any comments yet. Mike said he looked over it and it looked good. Quinton asked if there were any corrections if they could still be made. Yes, anything can be changed before the final plat is done. Colby said that he would check the addresses to make sure they were correct.

Commissioner Mike Kramer moved to approve the preliminary plat for the Sunrise Mountain Estates Subdivision. Commissioner Steven Bunker seconded the motion. The motion passed unanimously.

CJW Ranch Zone Change Request

Brent Jensen and Jay Erwin explained that the CJW Ranch is a family ranch located south of Levan. The property goes from the Tuck-A-Way Hills area down to the highway. He explained that they are currently zoned A1-160, they are contiguous to the A1-50 zone. They have about 198 acres. They would like the zoning changed to A1-50.

Quinton said he did not have any concerns about changing the zoning where the property had frontage along the highway. Mike questioned if they were going to access off the highway or off the road by the cemetery. They want to build up in the trees and access from the road by the cemetery. Mike was not sure how it would work without them building and accessing down by the highway, he did not want to open a can of worms for other people to build on a D road. Colby said that he and Lynn went out to look at the road and it is a decent road. Lynn told him that it should not really be a D road because it was more like a private drive. Colby said that there was at least 300' of frontage on the part of the class B improved road.

Quinton said were two options, they could do a small lot subdivision. Brent said that they really did not want to go the subdivision route. Colby said that the problem he and Tracy had was that the parcels they want to build on are located up higher and did not have the frontage on a B road. We cannot find anything for a developed subdivision for the Tuck-A-Way Hills, but these lots all come with water, no one knows what the requirements were back in the 50's when these lots were split. Quinton said that the other option was to resurvey the parcels and design them so they front the highway. Shirl did not see an additional impact to the county, there are already homes in the area.

Commissioner Leslie Rice moved to hold a public hearing for the CJW Ranch zone change request. Commissioner Steven Bunker seconded the motion. The motion carried.

LuWayne & Bronc Walker – Conditional Use Permit

LuWayne and Bronc Walker presented their application for a conditional use permit to operate an RV storage facility on property they own south of their home. The property is accessed off Old Highway 91 on Nebo Ranch Street and by a 50' deeded right-of-way. The commission looked at a map of the area and the access. Quinton asked if the other property owners were ok with the proposal. LuWayne said that it should not matter because it was a county B road.

They are going to just have open air, no buildings. They will have security cameras and will have put down some gravel. Tracy said there will probably be some requirements for fire protection.

After discussion, Quinton explained the plan so everyone had the same understanding. He said that they would have to bring the access up to at least a gravel B road standard and dedicate it to the county, then when they got in their property, they would have to have put gravel down. Quinton asked if they would be ok with the conditional that they provide the private

ingress/egress through LuWayne's parcel with his home and another gate for emergency use. Leslie asked if they could dedicate a road that was on someone else's property. Quinton said that LuWayne would have to talk to Marlin to get permission. After further discussion it was determined that the deeded access was just an ingress/egress for him to access his property and not a right-of-way to build a road. Shirl suggested that Marlin might agree to allow the road because it would increase the value of his property. Tracy asked if they want to go ahead and have the public hearing and iron out the access issues later.

The commission suggested that they access on the north side of the property by going up the Nebo Ranchettes Subdivision road and a private drive through his property. LuWayne said that he would still like to have the access on the south for emergencies. They suggested that he talk to Marlin and see if he would let him gravel an emergency access. Bronc said that they would go with the private access on the north side. Quinton said that private drive would have to be graveled for emergency vehicles. The county road standard says private drives need to be 30".

Commissioner Leslie Rice moved to hold a public hearing for the LuWayne and Bronc Walker Conditional Use Permit at their next meeting. Commissioner Mike Kramer seconded the motion. The motion carried.

Mammoth Discussion

Leslie wanted to discuss building in Mammoth. There are people who own these small parcels of property in Mammoth who want to build on them or sell them so someone can build on them. Most of the interest is for "tiny" homes. Tracy said that the county ordinance says that all dwellings have to be at least 20' wide, so 20 x 20 would be the smallest that could be built.

Leslie said that since the acreage requirement to build is so high, there are many vacant lots that no one takes care of. Shirl asked if the county owns several parcels. Tracy and Colby both thought they sold them. But they have deed restrictions on them that they cannot be built on. Leslie was wondering if there is way to make it a smaller requirement where is used to be a city. Mike asked if the deed restrictions were in place because of available services. No one knew for sure, but they suspected that was the reason. There is no water available, they have to haul in water for the existing homes.

Commissioner Hansen said that if the information they got at their commission meeting was correct, there are people building all over there without permits, they are building on old foundations. Colby and Tracy told him that they have issued a few permits to "rebuild" an existing home, they must use the old footprint. Quinton expressed his concerns about lots not being big enough for a wastewater system and the water problem. If you do not have both, you cannot build. Colby said that most of what he has seen, is people wanting to buy the small pieces and park their trailers on for the weekend and leave. Quinton said that there were no problems with using it for recreation purposes. He said that he did not have an answer for Mammoth but if they do not have the water and wastewater, they don't qualify for a permit.

Other Business

Shirl asked Colby if he was able to get some information for the zoning changes. Colby gave the commission members a copy of some sample ordinances from other counties to take home and review. Shirl said that he wants to make sure we do not forget to have the discussion.

Quinton asked if someone has figured out the transportation plan for one-mile intervals along Old Highway 91. That has not been done. He would also like to see that completed.

Adjourn

The meeting adjourned at 9:25 PM.