

Juab County Planning Commission

September 15, 2021

Welcome & Prayer

Chairman Quinton Kay called the meeting of the Juab County Planning Commission to order on Wednesday, September 15, 2021 at 7:03 PM in the Juab County Commission Chambers in Nephi, Utah. He welcomed those attending. Commissioner Shirl Nichols said the prayer.

Commission Members Present:

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

Others Present:

Gary Goodwin, Kaleb Washburn, Seth Atkinson - Nephi City Administrator, Corey Christensen - Mayor, Levan Town, Nathan Memmott - Nephi City Council, and Skip Worwood - Nephi City Council.

Minutes

The commission reviewed the minutes of the planning meeting held on August 18, 2021.

Commissioner Mike Kramer moved to approve the minutes of the August 18, 2021 meeting as written. Commissioner Shirl Nichols seconded the motion. The motion carried.

Gary Goodwin/USA Motortoys Conditional Use Permit Application

Gary Goodwin representing USA Motortoys and Kaleb Washburn presented the commission an application for a conditional use permit to put a storage warehouse for his business. For almost 20 years Gary has had a business that imports wholesale motorcycles and motorcycle parts. It is currently located in Lindon. He is going to buy Lot 1 of the Sunrise Mountain Estates Subdivision on Goshen Canyon Road and 5 acres of the dedicated land directly behind it. He will build his house on the lot and the warehouse will be on the 5 acres behind it. He will extend the private access road to get to the warehouse. Shirl asked what kind of traffic he would have. Gary said that there will be a container that comes in once or twice a month and will be there for a couple hours while they unload it and then it will be taken off. Then there will be a truck a couple times a week come and take inventory out. He said it was a wholesale business. He said the motorcycles go in and out in boxes, they seldom take them out and assemble them. Quinton asked if it was ok to use the pledged property. Colby and Tracy said that the pledged property could not be used for residential housing or be pledge for a building permit but another

use like this would be ok. Quinton asked if the DRC had a chance to look at it. The road department was the only comment so far. Quinton also asked if he was going to have a bathroom or an office in the warehouse. Gary said that he was planning on it. They will run the water from the house. Colby said that we will need to check with the Health Department in Richfield to make sure that it will not count as an 8th hook-up to the subdivision well. The Nephi Health Department office will have to look at it for the wastewater system. Tracy said that they will get complete DRC comments before the public hearing. The road, even if its private, will have to be all season for fire. The next step is to call for a public hearing. Quinton asked if they were using the house as frontage.

Commissioner Mike Kramer moved to advertise and hold a public hearing on the conditional use permit application for Gary Goodwin/USA Motortoys at their next meeting on October 20, 2021. Commissioner Leslie Rice seconded the motion. The motion carried.

Levan, Mona, Nephi Growth Area District Discussion

Seth Atkinson, Nephi City Administrator, Councilman Nathan Memmott - Nephi City, Councilman Skip Worwood – Nephi City, and Mayor Corey Chirstensen - Levan Town were present to discuss the letter they submitted to the Planning Office. Shirl said that he has read the letter and has discussed it with Seth a little bit. He said that Nephi and Levan have the issue with the power and buying out a development from Rocky Mountain Power. He didn't feel like Mona had the same issue because Rocky Mountain Power is their electrical provider. He did see that there is a problem with Nephi and Levan.

Quinton said that he understands that they are concerned about developments in the GA district. Colby explained the GA District is there as a protection for the cities. If it's done away with, we have no restrictions regarding development in the area. Currently if a developer proposes a subdivision in the GA District, first step is they are referred to the city.

Seth agreed that is a good thing with the GA District. However, the problem is if annexation is denied, they can develop under the city's code anyway. He said Nephi City's code allows for higher density and to have a higher density subdivision in the county creates problems with having to buy out Rocky Mountain Power at the time the subdivision is annexed and it's difficult to maintain a transportation plan.

Quinton explained that he thought the GA District was put in place to give some protection to the cities. He further explained that when we did the General Plan, growth was to be encouraged to take place in or near the cities. The county does not have services to provide for subdivision development. He also said that there is a balancing point with private property rights, if a developer owns land and wants to develop lots to sale, or have lots for his kids, or both, he should be able to develop his property. We have gone to a small lot incentive subdivision to accommodate that situation.

Seth explained that they understand private property rights. They feel that the larger lot subdivisions will redevelop when the city growth reaches them. A home on a five-acre lot will

redevelop and subdivide again when city growth reaches it. They are concerned that if a developer is denied annexation, he can now develop a higher density subdivision out in the county using the city's ordinance. The electrical issue is a problem but not the only one, they don't know where they want roads, or they may not even want a residential subdivision in the proposed area. He feels like we are on the same page in wanting to protect the growth area, but they want to restrict the higher density in the growth area.

Councilman Memmott said that to build out in the county you must have a certain amount of acreage. He feels like it is kind of a loophole that if they do a subdivision in the growth area, they don't have to have all the acreage. He said that they were asking to require the same acreage in the growth area that is required elsewhere in the county. Tracy said that if they aren't on the city water system and have a well for water, they still can only have 7 lots or they have to do a public drinking water system which can be costly. Colby said that the subdivision by Mona is the only one we've had in the growth area. Nathan said that they were trying to be forward thinking before there was a problem. Quinton explained that the reason they did the growth area the way it is, is to encourage growth in the cities, they made it easier to develop hoping to get annexation. Nathan said that it creates a problem for Nephi and Levan because they will have to go around them with their power. Councilman Worwood said that they will have to go around them because they won't be able to afford to buy them from Rocky Mountain Power which will create an island of the county within Nephi City. Seth explained that if someone builds a home on 10 acres and the city grows out to them a developer will pay that money because now, they can annex and put in 20 lots. The existing house may even get torn down. However, if there is a high-density subdivision already there, it will not redevelop, and the homeowners will not want to pay to buy out Rocky Mountain Power and the city couldn't afford to buy it out.

The cities and the county need to get together and see what the plans are regarding zoning and growth areas. The county is currently working on identifying areas for industrial and commercial zoning. It is really the only way to prohibit residential development. By identifying zones, we are hoping to reduce the number of conditional uses permits we have allowing industrial uses in the agriculture zone. We are also working on a transportation plan for Old Highway 91, reserving an access every mile. It would be a good idea to get with the cities and coordinate our efforts. It would also be a good idea to have commercial and industrial uses try to annex because they can provide power cheaper and faster. The island annexation has help with the ability to provide city services to businesses. Seth explained that Hansen Welding has paid a substantial amount to Rocky Mountain Power to hook up power for his business. If he would have annexed, he could have been hooked up to Nephi power for a lot less money. Now he foresees the city growing around them because they will not want to pay Rocky Mountain to get out and then also pay Nephi to hook them up. The city cannot afford to buy out Rocky Mountain for them so they will grow around him leaving an island of the county within the city.

Quinton suggested that we invite the city planning commissions to our meeting. Seth asked if a temporary land use ordinance could be put in place for the growth area. Quinton didn't really want to do that. It was suggested to keep the ordinance the same just adjust the lot size requirement. Quinton asked if the city planning commissions could come meet with them in a work session. Nathan asked if we could go forward with the change in lot size. Quinton said that

we could probably call for a public hearing. Seth also suggested that there be regular meetings between the city staff and the county staff. He would like to adjust the growth area to match their annexation plan. They tentatively scheduled the second Wednesday in November at 6:00 PM.

Other Business

Mike asked if he wanted to put in a warehouse out by Levan what are his requirements, can he put one up on property that is pledged? He would have to get a conditional use permit and get site plan approval. Quinton said that he we need to address frontage requirements. We need to look at this warehouse and a frontage requirement for small subdivision lots. He feels like it should be at least 100' for the subdivision. Quinton said that he didn't care if he uses his house as frontage but in another situation, they need to have frontage.

Quinton asked if we could call for a public hearing on the change for the GA District acreage. Colby said that he thought they could where it was on the agenda.

Commissioner Leslie Rice move to hold a public hearing on changing the wording on the GA District subdivision requirements. Commissioner Shirl Nichols seconded the motion. The motion carried.

Shirl said that he reviewed the short-term rental ordinance, and he has made some notes. He said that the ordinance requires a working bathroom must be in the same building as the rental space. He left his notes for us to review.

Colby asked about farm labor dwellings. He asked if the house has to have frontage. In this case they want to put the homes in an area that is out of the farm ground and that parcel does not have frontage, but it is adjacent to another parcel in the same name that has frontage. Quinton asked what happens in 50 years the kids decide to sell the farm. How are you going to get to the house? Shirl asked if we could require a recorded easement for a driveway from the frontage to the homes. Mike suggested that they combine the parcels then the parcel would have frontage. They thought it would be okay as long as the property is in the same owner's name, and it has frontage. Colby suggested that one of the conditions could be they have to have an ingress/egress agreement or a recorded easement. They decided that if the parcels were in the same name, it can be used for frontage.

Adjourn

The meeting adjourned at 8:55 PM.