

Juab County Planning Commission

January 19, 2022

Welcome & Prayer

Chairman Quinton Kay called the meeting of the Juab County Planning Commission to order on Wednesday, January 19, 2022, at 7:02 PM in the Juab County Commission Chambers in Nephi, Utah. He also 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:

John Osburn, Mike Sperry, Ammon Elison, Brady Barney, and Garrick Hall.

Minutes

The commission reviewed the minutes of the October 20, 2021 meeting. A typo was found in the third line of the John Phillipson discussion, “for” was typed and should be “from”.

Commissioner Leslie Rice move to approve the minutes of the October 20, 2021 meeting with the mentioned corrected typo. Commissioner Shirl Nichols seconded the motion. The motion carried, all voted in favor.

The commission reviewed the minutes of the November 10, 2021 work session.

Commissioner Mike Kramer moved to approve the minutes of the November 10, 2021 work session as written. Commissioner Leslie Rice seconded the motion. The motion carried, all voted in favor.

Horse Heaven Estates Subdivision Preliminary Plat

Mike Sperry, representing Jim McWilliams, presented the commission with the preliminary plat for the Horse Heaven Estates Subdivision. The commission previously approved the vicinity plat. Mike said that he has been working with UDOT, they are requiring 1,000’ in between entrances. He thinks what they have laid out will get UDOT approval, they still want some triangle site requirements. Quinton said that he has the frontage on the improved class B or better road. He asked if they had their water. Mike said that it was in a change application pending with the State and that was like a 6-month process. Water is under contract just waiting for the change application to go through.

Colby went over the Development Review Committee's comments. Richard with the health department said that they need to get the feasibility study done, they will also want a soil test on each lot. The fire marshal has not gotten back to us with comments yet. The county road department is not involved since it is a state highway. Debbie, the County Recorder said it needed addresses. Mike said that they will pledge the additional 35 acres that is contiguous.

Commissioner Mike Kramer move to approve the preliminary plat for the Horse Heaven Estates Subdivision. Commissioner Leslie Rice seconded the motion. The motion carried, all voted in favor.

Paul McPherson Vicinity Plat

Mike Sperry also representing Paul McPherson presented the vicinity plat for a subdivision. It will be seven lots and the additional acreage will be the 160 acres per lot of other property he owns. It is located east of the Valley View Subdivision they just approved on 800 South Nephi.

County Commissioner Richard Hansen told the commission that they were working on an ordinance that would reimburse someone if they built a road and another developer developed on that road. They would have to pay back half the cost.

The road department would like Paul to go up from 500 West and meet with the new road that Jim McWilliams built for his subdivision. Tracy told them that Lynn said that the portion that looks paved is double chipped sealed and would have to be asphalted. Mike asked what would happen if they wanted to come down from airport road. They discussed how the reimbursement to the person who built the road would go. Mike asked if that would be the same if Paul came up the other way. He was told it would. Quinton asked if the pledge property was adjacent to the development. They will be pledging the 160 acres per lot. Colby said that he didn't know how the State was going to handle the water with the other subdivision being so close. They would have to get that approval.

Vice Chairman Shirl Nichols moved to approve the vicinity plat for Paul McPherson's subdivision on 800 South, Nephi. Commissioner Mike Kramer seconded the motion. The motion carried, all voted in favor.

John Osburn Zone Change Request

John Osburn presented his request for a zone change on his property currently zoned A1-50 to HC. He said that he jumped the gun about 5 years ago and built a tree house on his property and started renting it out on Air B and B. He did not get a building permit or a business license. It is heated for year-round rental. He has also built on the property a fire pit and pavilion with a spa. There is also a building with a bathroom facility, showers and laundry. He said Verl Wilkey, the county building inspector came out and inspected and said that he would pass it for code. He built it to be a resort. Shirl agreed that it was quite nice. He also said that he thought that we should continue to look at the ordinance for the short-term rental permits instead of proceeding with the zone change. He said that he was willing to work on a draft ordinance. They looked at his parcel and the way the property was laid out. John told them that he did obtain a permit from the State of Utah for the bridge to the treehouse. The commission asked him how they would get out if there was a fire. He told them that there was only the one way in and out and there were fire extinguishers located in the treehouse.

Quinton told him that he was concerned about building code. Colby said that Verl, the county building inspector went and looked at it and was willing to sign off on it. Quinton was worried that it would fall out of the tree and someone would get hurt. John told him that it was insured. He also told him that there are 24 steel and wood supports in concrete around the outside. He is on a septic system. He needs to get a building permit. He has the land ownership worked out.

Colby said that coming up with something similar to that Summit County Colorado ordinance would be a way to help him out. Quinton said that we need to get something going but it is something that may take a couple of months. John said that he can rent out in the winter because it is heated. Shirl went over what he thought needed to be done, the construction sign off, the fire marshal sign off, and the commission needs to get to work on the ordinance. He is going to have to apply for a building permit and a business license. John will contact the fire marshal and work with him.

Gary Goodwin Site Plan

Colby went over the location along Goshen Canyon Road, his house will be east of the warehouse fronting the road. Gary explained that the motorcycles come in shipping containers, they unload them and warehouse them then send them out in crates. He said that they don't do a lot of local assembling, it is mostly wholesaling in and out. He has four guys that work for him and there's one or two trucks a month inbound and outbound might be twice a week. They reviewed the site plan. The private entrance will have to be upgraded. The fire marshal will want to make sure there is plenty of room to turn around. Quinton said that there should be some radiuses lined out on the access off Goshen Canyon Road, Lynn should look at that and make sure there is plenty of room for the trucks. The Health Department has already approved the septic system. They were ok with the water coming off his house.

Commissioner Leslie Rice moved to approve Gary Goodwin's site plan for his warehouse. Commissioner Steven Bunker seconded the motion. The motion carried, all voted in favor.

TM Crushing LLC Zone Change Request

Brady Barney and Ammon Elison presented the commission their request for the -G overlay zone to be added to property they own east of Mona. Brady said that they have owned this property by the Kilgore pit for 10 or so years. They now have the opportunity use that resource. They were told that many of the existing pits are not in compliance with the county's ordinance. He said that they are very particular about always being in compliance with ordinances that they work under.

Quinton explained that there is a reason that the overlay was put into place. He said reason one is the whole east bench is permitted gravel pits and the people of Mona were very upset about it. Number 2 the gravel pits never conformed to the rules and number 3 they tear up the road. There is no need for that many pits up there, that area is saturated, and we should not have ever let that many open.

Brady asked what they were supposed to do with the property. It was correctly zoned when they bought it. He said that they are compliant players.

Colby reminded the commission that any permits issued now would be under the new gravel pit ordinance and the existing pits are grandfathered in.

Quinton said that he was opposed to it and wouldn't vote for a zone change. He said that we don't get anything out of them. All the sales tax from the sales of the gravel goes to wherever their main office is located, and we only get torn up roads. The county gets all the impact and none of the benefit. Brady said that they mag chloride and put recycled asphalt on all their roads. He said that they are not in it to just pull material and leave, they want to provide jobs and more development down here and help the economy. Brady asked what they could do to come up with a solution, he didn't want to just walk away from the property. Quinton said that he was just one voice on the commission.

Leslie said that she didn't know what they could do. She would like to verify with other places that they do play by the rules and are what they say they are. She also said that she thought that other places had ways in place to make someone pay if they damage roads. Brady said that they bonded with Utah County for road damage repairs. They gave them cash money Utah County held on to for road repairs, they never had to use it, but it was there. He said that he can't pay for issues that have come up in the past with other companies, but he can make sure his side is right.

Quinton said that he was unwilling to put the overlay in place. Leslie asked what they could do about the zoning being right at the time they purchased. Tracy said that you have to comply with the ordinance in effect at the time of the application. We can confirm that with the attorney.

Shirl wasn't prepared to make a zone change tonight. Colby told them the zone change couldn't happen tonight all they could do was to call for a public hearing. Shirl said that he would like to figure out a way to offset the county's costs from the impacts of these pits. Brady told him that in Tooele County they turn numbers in for the annual revenue and they send them a bill for an annual tax. Shirl said that is something that the county needs to figure out to make this work.

Quinton and Shirl agreed that it should be tabled to further discuss the matter. Colby recommended that they call for the public hearing. Quinton told him that they were going to either say yes or no or table it, he wasn't calling for a public hearing.

Commissioner Mike Kramer moved to table making a decision on the request for a zone change made by TM Crushing until their next meeting. Commissioner Shirl Nichols seconded the motion. The motion carried, all voted in favor.

Brady said that he would send a list of references to Colby.

Large Concentrated Animal Feeding Operations Ordinance Discussion

Colby passed out copies of the state's ordinance about what a county ordinance can have as far as regulating large concentrated animal feeding operations. Garrick Hall was present to help and answer questions, he has helped other counties develop ordinances. He works for Farm Bureau. Garrick explained that there have been other counties adopt a CAFO ordinance (concentrated animal feeding operation) which is defined as 1,000 animals units or more. It can be any kind of animal if it meets the number requirements. Some of the ordinances were to restrictive so the State Legislature addressed it with the bill that says if a county wants to regulate these feeding operations, these are the parameters that you have to follow when drafting the ordinance. It had a deadline of February 1, 2022 but they are getting that pushed back to give more time. The county needs to determine where these CAFO's can be located. He told the commission to take their time and write a good ordinance.

Colby said he and Tracy have talked about it and thought that maybe allowing it in an overlay zone like the gravel pits. He expressed the importance of taking the time to develop a good ordinance so we don't end up hurting the farmers in the area. He just wanted to get the info out and let the commission review the state's parameters and think of places that they could be allowed.

Public Noticing Requirements Change to Land Use Code

Colby reported that our ordinance requires a public notice to be published in a newspaper, the State no longer requires publishing in a newspaper. The State requires that a notice be posted 10 calendar days before the public hearing in at least 3 public places or on the official county website and posted on the Utah Public Notice website. He passed out the proposed wording changes. He will have the attorneys look it over and make any changes they feel are necessary.

Commissioner Mike Kramer moved to hold a public hearing on the proposed changes to the wording of the requirements for noticing of public hearings. Commissioner Leslie Rice seconded the motion. The motion carried, all voted in favor to hold the public hearing.

Other Business

Leslie asked if there was anything they could do that would help people getting kicked out of their rental homes because the owners are selling them. They can't find places that they can afford to live in so they are buying RV's to live in and they are being told that they can't live in an RV. She was wondering if there was a way to make it legal to live in travel trailers. Quinton said that probably wouldn't be a good idea because they really don't have a permanent wastewater system and could be a health hazard. Tracy said that several communities are changing rules to allow people to have apartments in their basements. Quinton said that might be one way we could help. Leslie said that it's an issue that needs looked at. Quinton suggested to talk to the county commission about it.

Quinton reported that there was a boarding house north of Mona that was renting out rooms and it was getting out of hand. The guy is adding another 5 or 6 bedrooms. He is creating them in his garage. There have not been any building permits issued for construction. He is on a septic system that was approved for his family. He doesn't have a license to operate a boarding house. Quinton asked what we could do about. There is no ordinance addressing long term rentals. We may need to come up with something because it is only going to get worse.

Quinton asked if we ever got a frontage requirement for building lots in subdivisions. We didn't go through the process to change it. They discussed 100'. They wanted to bring it up next month on the agenda and get the process going.

Quinton asked what we received from the communities about zoning, growth areas, and transportation plans. Most of the communities have said that they want their annexation areas as their growth areas. We haven't received anything else from anybody. We need to get going on an update for the General Plan after we hear from the communities. Colby said that we did apply for a grant, and we have budgeted for an update. We also need to work over the Growth Area ordinance. Quinton asked if we need to have another work session with just the county and get this figured. We need to get the information from the cities before we could have a work session. The members decided that they would go to the community's planning meeting that they represent.

Shirl asked if Commissioner Hansen could ask the attorney about the tax that the gravel company mentioned about paying in Tooele. Richard told him that the State has final control of the gravel pits. They tried to get the point of sale to be where the product was mined so the sales tax would go to that county, but the legislation failed to pass. They didn't think it could be a tax that they were paying to Tooele County, but they must have an agreement with them to pay something.

Adjourn

The meeting adjourned at 8:55 PM.