

Juab County Planning Commission

March 16, 2022

Welcome & Prayer

Chairman Quinton Kay called the meeting of the Juab County Planning Commission to order on Wednesday, March 16, 2022, at 7:00 PM in the Juab County Commission Chambers in Nephi, Utah. Vice Chairman Nichols said the prayer.

Commission Members Present:

Chairman Quinton Kay, Vice Chairman Shirl Nichols, Commissioner Leslie Rice, County Commissioner Richard Hansen, Administrator Colby Park - via phone, and Secretary Tracy Painter.

Others Present:

Terry Messersmith, Weston Bonham, Karl Brough, Blaine Malquist, Brandon Aagard, and Marty Palmer.

Public Hearing - Public Noticing Changes to Land Use Code

Chairman Kay opened the hearing for the Public Noticing Changes at 7:00 PM. He called for public comments.

Blaine Malquist said that he read the proposed changes and also the state code. He said that it says you can post in public places or on the county website or on the State website. He would rather it said “and” instead of “or”. Many people do not have computers and will not be able to see it on a website. If it’s posted on the county website one time and then in public buildings the next, people will not know where to look. So, consistency is important.

Quinton explained that the county is proposing to change the requirements in the Land Use Code to match the State’s requirements for notice of public meetings and public hearings.

Colby explained that the main reason we are wanting to change it is the county code is outdated and has the newspaper requirement in it. He also pointed out that anyone can subscribe to the State Public Notice Website and receive email notification when a selected entity has posted a public notice. He said that was a good point that not everyone has a computer or email.

Quinton read the state code. The proposed change to the definition of reasonable notice says: “136. Reasonable Notice of Public Hearings and Public Meetings on Adoption or Modification of Land Use Regulations. The requirements of reasonable notice are met if notice of the hearing is mailed to each affected entity at least 10 calendar days before the public hearing; posted in at

least three public places within the county and on the county's official website; and posted on the Utah Public Notice Website at least 10 calendar days before the public hearing or mailed at least 10 days before the public hearing to each property owner whose land is directly affected by the land use ordinance change and each adjacent property owner within five hundred (500) feet of the area under consideration. The requirements of reasonable notice for public meetings are met if notice of the meeting is posted at least 24 hours before the meeting in at least three public locations within the county or on the county's official website and posted on the Utah Public Notice Website at least 24 hours before the public meeting."

The proposed change to the public hearing section of the amendments to the map or ordinance says "Before any amendment or change shall be passed by the Legislative Body, a public hearing shall be held as provided by law. Notice of such hearing shall comply with Utah's public notice statutes regarding adoption and/or amendment of county ordinances and land use regulations. After the required hearing on the proposed amendment, the Legislative Body may adopt or reject such amendment.

County Commissioner Hansen asked if the county attorney reviewed the proposed changes. Tracy told him it was the wording that was sent from his office.

Chairman Kay closed the public hearing at 7:10 PM.

Public Hearing - Lot Area and Frontage Minimum Changes to Subdivision Ordinance

Chairman Kay opened the hearing for subdivision lot size minimum and frontage minimum at 7:10 PM. He explained that the subdivision ordinance does not have a minimum frontage requirement. The commission felt there needed to be a minimum. The proposed changes read: "All lots shown on the subdivision plat must conform to the minimum area of one acre and the minimum frontage width requirement of 125'."

Marty Palmer asked what the old minimum requirement was. Quinton explained that there was no former minimum. This change applied to subdivision lots only.

Terry Messersmith asked if the county ordinance allows for PUD's. He was told yes, it is a 2.5 acre minimum for lot size and a 50 lot minimum in the PUD. It also has to have its own water source, the ordinance for PUD's is quite extensive.

Terry Messersmith asked if he could come up and ask some questions. Quinton had him sign the roll. He asked if he built one house on 2.5 acres if the county still allowed the pledge of other acreage that is not contiguous. He was told yes if all the property is in the same zoning district. He asked if he wanted to build 3 houses would he have to do a subdivision. He was told he would have to subdivide, and he would have to asphalt the roads.

Brandon Aagard asked if there was a minimum requirement for the number of lots you could put in a subdivision, does two lots make a subdivision? He was told the minimum was 3 lots, maximum of 19 for the incentive subdivision with pledge. The property has to be contiguous, and you have to pledge 10 acres per lot, minus the building lot.

Chairman Kay closed the public hearing at 7:20 PM.

Public Hearing - TNT Land and Holdings -G Overlay Zoning

Chairman Kay opened the public hearing for the zone change request made by TNT Land & Holdings at 7:20 PM. He explained that the -G overlay zoning allows for a gravel pit. He understood that this was an existing gravel pit. Terry Messersmith and Weston Bonham were representing TNT. Terry explained that they have been using the pit for several years and didn't know that it wasn't permitted until they received word from the county commission. They have been using it for their own needs. They thought that it might be best to list it as a commercial pit and get some sales tax for the county out of it. Quinton asked how many acres it was. Terry told them 20 acres. Quinton asked if they would ever go beyond the 20 acres. Terry told him their initial thoughts were to level it out so they can farm it but it is very rocky so it might be more beneficial to mine it out. Quinton also asked if the road was decent. Terry explained that the road is a decent road but it is kind of dangerous getting on the highway so they built a new road going south through some of their other property and enter further down the road at a safer location. The new location has a longer field of vision in both directions. His neighboring property owners are supportive of the use.

Quinton asked if there were any other questions or comments. Colby just wanted to make everyone one aware the this was only for the -G overlay zoning. It does not give them a permit for a gravel pit, it's just the first step. Quinton confirmed with him that they were recommending to the County Commission the -G overlay zoning. That is what they will do.

Terry asked how he applied for the actual permit. Tracy said that they need to get a conditional use permit. Quinton said that maybe they could call for the hearing and hold it at the next meeting if they get their application in. We will look into it and ask the attorney if we can go ahead.

Chairman Kay closed the public hearing at 7:32 PM.

Minutes

The commission reviewed the minutes of the February 16, 2022 meeting.

Commissioner Shirl Nichols moved to approve the minutes of the February 16, 2022 meeting as written. Commissioner Leslie Rice seconded the motion. The motion carried, all voted in favor.

Land Use Code Changes Recommendation - Public Noticing

Quinton said that the public comments recommended that we change the “or” to “and”. He asked how the other commissioners felt. Leslie said she was comfortable with the “and” because not everyone has access to a computer. Quinton wanted them to know that if it says “and” then there is no option, it must be posted to the public places and the county website. Colby said that we plan to still post it in the public buildings, the county website and the State Public Notice website so there’s no problem if they want to make that change.

Commissioner Leslie Rice moved to recommend the County Commission approve the proposed changes to the Land Use Code with the “or” being changed to “and”. Commissioner Shirl Nichols seconded the motion. The motion carried, all voted in favor.

Subdivision Ordinance Change Recommendation

Chairman Kay asked if the commission had any comments. They did not.

Commissioner Shirl Nichols moved to recommend the County Commission approve the proposed changes to the one-acre minimum lot size and 125’ minimum frontage requirements in the Subdivision Ordinance as presented. Commissioner Leslie Rice seconded the motion. The motion carried, all voted in favor.

TNT Land and Holdings Zone Change Recommendation

Quinton said that he didn’t have a problem with it. It was in a good location, and it is an existing pit. Commissioner Hansen agreed. Shirl pointed out that they do not come out on a county road, the road they enter on is a state highway.

Commissioner Leslie Rice moved to recommend the County Commission approve the request for adding the -G overlay zoning to the indicated 20 acres of parcel XD00-4014. Commissioner Shirl Nichols seconded the motion. The motion carried, all voted in favor.

The planning commission discussed holding the public hearing for the TNT Conditional Use Permit. Commissioner Leslie Rice moved to hold a public hearing at the next planning meeting for the TNT Land and Holdings conditional use permit, contingent upon they submit their application in time, and we check with the county attorney to confirm that we can hold it. Commissioner Shirl Nichols seconded the motion. The motion carried, all voted in favor. Colby will check with Ryan and Perry.

South Forty (Paul McPherson) Preliminary Plat

No one was present representing South Forty Subdivision. No action was taken.

Proposed Changes to Subdivision Ordinance - Road Requirements

Colby explained that Lynn Ingram, Juab County Road Superintendent, has requested that we add to the subdivision ordinance that a developer of a subdivision must lay the full 24' of asphalt when constructing a road in their subdivision or to their subdivision. The commission reviewed the proposed changes which read:

“Street Grading and Surfacing - All streets dedicated to the public use shall be graded and surfaced, from curb to curb (when curb is required) or a minimum of twenty-four feet (24') oiled surface, in accordance with the standards and specifications of Juab County.

- a. In subdivisions that abut existing oiled streets, the developer shall surface the area from the existing oiled surface to the subdivision with a minimum of twenty-four feet (24') oiled surface, in accordance with the standards and specifications of Juab County. ~~as required by the planning commission.~~
- b. In subdivisions that abut existing streets that are not presently surfaced, the developer shall surface the traveled portion of the existing street and surface to the subdivision with a minimum of twenty-four feet (24') oiled surface, in accordance with the standards and specifications of Juab County. ~~as required by the planning commission.”~~

The commission thought “oiled” should be changed to “asphalted”. Colby explained that a road would have to be built to county specs and we used “oiled” because that is what was used already in the code. Shirl said that the statement that it must be built to county code will dictate that it must be asphalted. Quinton asked if “oiled” was used anywhere else in the code. Colby thought it was that’s why we used it. Quinton said that we better stick to “oiled” if it’s used elsewhere.

Commissioner Shirl Nichols moved to hold a public hearing at their next meeting for the proposed change to street grading and surfacing requirements in the subdivision ordinance. Commissioner Leslie Rice seconded the motion. The motion carried, all voted in favor.

Short Term Rental Ordinance

Shirl explained to the public attending what the short-term rental ordinance was about. Colby explained that this ordinance was to come up with something to protect the public and the county when people operate these vacation rentals. Quinton asked what the areas that were marked red and blue meant. Colby explained that they are items that we need to look at and determine if we need to keep, change, or get rid of. Quinton said he had a question on 2.7, he suggested that the ordinance state that licenses expire December 31st of the current year. Tracy suggested it could say short term rental licenses shall expire annually on December 31st. Shirl explained that this draft is more refined than the last one we looked at. Leslie asked if this ordinance will apply to someone who just rents out once in awhile. Shirl told her that people are going to watch those that rent out for a business and will let us know they are in violation of the ordinance but someone who rents out for a few days every now and then is not going to be

noticed. Quinton reminded us that this just addresses short-term, and we are going to have to do something about boarding houses in the future.

Shirl looked over section 4. He asked if Juab County had an alert system for fires. If we don't, that section needs to be cleaned up. We can check with the Fire District to see if there is a location they post fire restrictions. Colby suggested that we shorten it up to say - in the event of a fire ban within Juab County, the responsible agent is required to notify renters of the current fire restrictions within Juab County. These are the type of things that need cleaned up.

Other Business

Quinton asked if everyone had a chance to talk to their communities about their road plans and zoning.

Karl Brough from the Nephi City Planning Commission was present. Quinton asked him if Nephi City had talk to them about coming up with a transportation plan and zoning. He said that they had not. Karl said that they talked about a by-pass road that parallels main street. He said that they want to find out what the county wants to do, they have been talking about light industrial out by the airport. Quinton told him that was the kind of information we are looking for because the county is going to try to go with what the cities want to do. Karl said that they have a plan, they are going to have highway commercial around the freeway interchanges, then around that there will be high density residential, then as a buffer for that, medium density residential, and then the low density residential. This is the information that we need, they need to get it to Colby and Tracy.

Shirl explained that we need to get a transportation plan so we can preserve these corridors if developers want to put in a subdivision. Quinton told him that we need to get this information so we can get going on a re-write of our General Plan. He suggested that we have a work meeting again with the cities and would like to shoot for the first Wednesday in May. Shirl wondered if Nephi was ready why don't we meet with them during the April meeting. They asked Karl to let his planner and city know about the meeting on April 20th.

Adjourn

Meeting adjourned at 8:24 PM.