

Sevier County Planning & Zoning Commission
March 14, 2012 Minutes

Minutes of the Sevier County Planning Commission meeting held on the fourteenth day of March 2012 in the Commission Chambers of the Sevier County Administration Building, 250 North Main, Richfield, Utah. Those present included: Evelyn Nielsen, Caryl Christensen, Kelly Alvey, Ralph Brown, and Mike Miles.

Chairman John Worley and Brenda Malmgren were excused.

Others present included: Zoning Administrator Larry Hanson, Deputy Clerk/Auditor Barbara Crowther, Road Superintendent Mark Rickenbach, and others as listed on the attached roll.

Minutes of February 8th Planning Commission meeting approved:

After review, Caryl Christensen moved to approve the minutes of the February 8th meeting with the corrections noted, second Kelly Alvey, unanimous.

Conditional Use Permit for accessory dwelling approved:

Duane and Dora Bresee met with the Planning Commission to request a conditional use permit for an accessory dwelling on their property near Koosharem. Mr. Bresee reviewed how he came to own the property noting that by the time he had 'clear title' to the property the zoning laws had changed and required at least 40 acres to build anything. He said they looked around at other mountain properties to see what other people had done. Then since there was power on the property, they installed a well and a septic tank before bringing in two mobile homes, park models. Mr. Bresee indicated they were informed after quite some time that they were illegal, and at that time they scheduled a meeting with the Board of Adjustments requesting a variance on the amount of property required. He said the Board of Adjustments approved his request, so he paid for the building permits and presumed they were 'legal' and had met County requirements. Discussion followed concerning the current application, that the Land Use Permit is incomplete as the zoning classification, parcel size, legal description, and description of their request is not listed, that the Planning Commission requires proof of ownership prior to making any decisions, that they are now in the GRF20S zone, that the size of their parcel is 15.7 acres, that a variance had been granted by the Board of Adjustments allowing one cabin, that two structures were already on the property, that the Board of Adjustments made the lot a legal building lot by their decision, and that the Bresee's were requesting approval for an accessory dwelling (or second building) on their lot. Caryl Christensen asked the Bresee's about septic and well service for both dwellings. Further discussion followed concerning the need for a copy of the variance from the Board of Adjustments, the amount of approved well water, that no one lives in either cabin on a permanent basis, the use designated by the water right, and why a building permit had not been purchased prior to moving and attaching the structures to the lot. Ralph Brown asked whether or not an inspection had been done by the Building Inspector, noting that the Building Inspector must approve all dwellings prior to occupation. The Planning Commission discussed whether or not a decision on this request would set a precedence for how they should handle any others who may be in a similar situation, whether or not there should be less stringent regulations because this was a cabin with only seasonal occupancy, and whether or not they could or should require a letter from the Building Inspector be in the file stating that he

was either not going to inspect the cabins or that he approved them for occupancy. After discussion, Ralph Brown moved to approve a Conditional Use Permit for the Bresee's for an accessory dwelling with the conditions that an approval from Board of Adjustments, and proof of ownership be provided, second Mike Miles, unanimous. The Planning Commission also requested that the Bresee's provide proof of occupancy or a letter that the cabins would not be inspected from the Building Department.

Conditional Use Permit approved for FlatIron Construction for gravel pit operation:

Matt Barnes, FlatIron Construction, met with the Planning Commission requesting permission to operate a gravel pit on River Bottom Ln. Mr. Barnes said they won a bid to provide gravel to UDOT, and explained that this application is for that specific project. Mr. Barnes then noted that the equipment will be removed and the property reclaimed upon completion of the project. Discussion followed concerning the number of trucks involved in moving the gravel, that the Planning Commission would like a copy of the contract with UDOT included with the application, and whether or not a signature on the Land Use Application by Jared Beard, an engineer for UDOT, would suffice as permission from UDTO to operate the gravel pit on their property. Mike Miles asked to be recused from this discussion as he works for UDOT. Further discussion followed concerning the need to possibly post a bond for possible wear and tear on the Sevier County road, and that an encroachment permit would not be approved by the Road Department until a Conditional Use Permit had been approved by the Planning Commission.

Lynette Christensen, Sevier, said she lives just to the north side of the pit in a brick home. She said her father lives with her and he is on oxygen. Ms. Christensen expressed concern of the amount of dust involved in the project, and the speed of the trucks that would be traveling past her home. Mr. Barnes noted that the crusher would be on the other side of the pit, and showed her a map of the proposed operation. Ms. Christensen told him that the wind always blows from the southwest, and again stated that she was concerned about dust, as well as the speed of the trucks.

The Planning Commission asked about whether or not the operation would have a water truck on site to control the dust. Further discussion followed concerning the placement of the stockpiles, and Road Superintendent Mark Rickenbach suggested changing the placement of fine and course agg piles to perhaps minimize the dust in the wind and protect the Christensen property.

Ed Story, Sevier, said he lives on the south end of this parcel, and expressed concern over the dust control as well as maintenance of the road due to the increased traffic on the road.

Road Superintendent Mark Rickenbach said that maintenance of the access road would be the responsibility of FlatIron Construction, and would be part of their encroachment permit. Mr. Barnes assured everyone that it was standard practice to maintain the roads. Mr. Barnes also noted that if the water truck couldn't keep up, they would use dust suppression on the road. Further discussion followed concerning the hot plant listed on the plan, what it is, that it is where the asphalt is made, that there wouldn't be heat, but that there would be smell from the hot plant, and that the smell would permeate the neighboring properties regardless of where the hot plant was placed. Mr. Barnes reminded the Planning Commission that the project is just short term,

and would be done by the end of the summer. After discussion, Ralph Brown moved to approve a Conditional Use Permit for FlatIron Construction with the following stipulations: that an encroachment permit is obtained from the Road Department, that they maintain total dust control of the site including dust suppression on the piles, and that the fine and course agg stockpiles are switched to minimize dust, second Kelly Alvey. All voted aye with Mike Miles abstaining.

There being no further business, meeting adjourned at 7:00 p.m.