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Present: Angie Zetterquist, Chris Harrild, Josh Runharr, Nolan Gunnell, Jason Watterson, Rob Smith, Brady Christensen, Jon White, Lee Edwards

Christensen welcomed and **Watterson** gave opening remarks

05:31:00

Agenda

Watterson motioned to accept Agenda; *Gunnell* seconded; **Passed 4, 0.**

05:31:00

Minutes

Gunnell motioned to approve 12 July 2018 minutes; *Watterson* seconded; **Passed 4, 0.**

05:32:00

Consent Items

Christensen informed the public of how consent items work.

Smith motioned to remove item #2 from the consent agenda; *Gunnell* seconded; **Passed 4, 0.**

#1 Ron Stagg Subdivision 1st Amendment

Watterson motioned to recommend approval for #1 on the consent agenda; *Smith* seconded; **Passed 4, 0.**

05:35:00

#2 Wellsville Rising Subdivision

Zetterquist reviewed the staff report for the Wellsville Rising Subdivision.

Christensen informed the public that water issues are not something the planning commission has control over.

Staff and **Commission** discussed access to Lot 1.

Theresa Liechty commented regarding concerns with water.

Christensen responded that water rights being applied for are posted in the newspaper and people can protest the water rights at that time and that the state water engineer controls that.

Phil Bankhead commented that he is representing Darley Springs and with concerns to how the new homes will affect the spring and in opposition to the project.

Evan Bankhead commented that he is representing the Clayton Spring Ditch and with concerns to how the new homes will affect the spring and in opposition to the project.

Derrick Henry commented with concerns with for water, and traffic and concerns for children on the road.

Mr. Bankhead asked about access to Lot 1 and if it meets County Code.

Runhaar responded that access meets County Code.

Mr. Bankhead commented that the road isn't wide enough for a semi to be parked on the road.

Jed Willets, the applicant, commented on traffic, water, wells, and stated that the application met the County requirements.

Gunnell asked about the water rights.

Mr. Willets responded there are 4 water rights in the person's name who owns the property.

Gunnell asked if there would be a point of diversion on each of the 4 lots.

Mr. Willets responded there would be.

Smith asked if a change application had been filed with the state water engineer and if it had been approved.

Mr. Willets responded that the applicant had and he would check on the status of the application.

Smith commented for those who have concerns with water should contact the state engineer.

Runhaar commented that the plat cannot be recorded until the water rights are approved.

Mr. Willets commented that to file the development application required all that information before it could be submitted to planning and zoning in the owner's name.

Smith responded that the water right is not approved until the change application has been approved. One water right is established but the other three are pending.

Mr. Bankhead responded that if the other subdivision floods it is in the summer due to irrigation. However, in the spring all those homes have water in their basements and asked about the access to Lot 1.

Runhaar responded that Lot 1 has to access off the private drive not the intersection.

Staff and **Commission** discussed the road, road width, and access to Lot 1.

Watterson motioned to approve the Wellsville Rising Subdivision with findings & the 5 conditions, addition of a 6th Condition, and the noted amendment to condition 4 and conclusions; *Smith* seconded; **Passed 4, 0.**

06:06:00

#3 Creekside Estates Subdivision

Zetterquist updated the Commission with the access updates. Smithfield City has provided a letter approving access.

Dennis Thornley read a statement in opposition of the subdivision.

Duane Williams commented that the property is owned jointly by 6 people and will try to do the best they can in regards Mr. Thornley's concerns.

Gunnell inquired about some line work on the subdivision plat.

Mr. Williams responded that it was a utility easement and that is where the lots will be connecting to their utilities.

Smith motioned to approve the Creekside Estates Subdivision with findings, conditions, and conclusions; *Watterson* seconded; **Passed 4, 0.**

06:15:00

Regular Action Items

#4 Public Hearing (5:45 p.m.): Applewood Hollow RU5 Rezone

Smith recused himself from this agenda item and left the room.

Zetterquist reviewed the staff report for the Applewood Hollow RU5 Rezone.

06:22:00

Gunnell motioned to open the public hearing for the Applewood Hollow Rezone; *Watterson* seconded; **Passed 3, 0.**

Laurie Jacobsen commented in behalf of Nibley City with concerns for access and septic.

Brett Skinner commented on access. The north access is through an easement on his property but the access will need to be looked at if future subdividing were going to occur.

Gunnell asked if Mr. Skinner had a copy of the easement.

Mr. Skinner replied that his understanding was the easement was limited to the Daines' household. If the access is going to only be the south bridge there should not be an issue.

Andrew Daines, the applicant, commented that he has requested a continuance to address the concerns that have been brought forward.

Christensen commented that if the applicant decides to pursue this application, he needs to contact Nibley City and the County to try and resolve the issues with septic before bringing it back.

Edwards commented this is a legislative act; there is not an appeal to Council.

Staff and **Commission** discussed what water source protection is and how that effects the Commission's decisions and what the differences are between the different zones. County ordinance prohibits septic tanks to be placed in zones 1 and 2 for a water source protection. The property is located within a higher zone that is not restricted in the County Code.

Mr. Daines commented that this property is zone 4.

6:34:00

Watterson motioned to close the public hearing; *Gunnell* seconded; **Passed 3, 0.**

Edwards commented that a quorum was needed for a motion to continue the item. **Smith** returned.

Gunnell motioned to continue the Applewood Hollow Rezone up to 90 days; *Watterson* seconded; **Passed 4, 0.**

06:36:00

#5 Public Hearing (6:00 p.m.): Walker Property Rezone

Zetterquist reviewed the staff report for the Walker Property Rezone.

Staff and **Commission** discussed the current use of the property.

6:40:00

Gunnell motioned to open the public hearing; *Smith* seconded; **Passed 4, 0.**

John Eccles commented that he was speaking on behalf of the property owner. The owner has made several improvements to the land and is ready to move on to a new project.

Per Danfors, the applicant, commented that the plan was to improve the water source and install a septic system and run a construction business there.

06:43:00

Gunnell motioned to close the public hearing; *Watterson* seconded; **Passed 4, 0.**
Smith motioned to recommend approval to the County Council for the Walker Property Rezone with the stated findings of facts, conditions, and conclusions; *Gunnell* seconded; **Passed 4, 0.**

06:44:00

#6 Discussion: Amendment to Title 17.07

Moved to October's agenda.

#7 Training: Meeting Procedures

Moved to October's agenda.

06:46:00

Smith motioned to adjourn; *Gunnell* seconded; **Passed 4, 0.**

Adjourned