



Planning & Zoning Commission
69 N. Paradise Pkwy, Bldg. B
PO Box 472, Garden City, UT 84028
Phone: 435-946-2198

PLANNING & ZONING MEETING
April 18, 2018
SCHOOL DISTRICT BOARD ROOM
PARIS, ID.

ATTENDANCE: CHAIRMAN RON JENSEN
ALBERT JOHNSON-VICE CHAIRMAN
STEVE HARDY
KRISTY CRANE
KAY BECK
SEAN BARTSCHI
DEVIN BOEHME
MITCH POULSEN, ADMINISTRATOR
WAYNE DAVIDSON, SECRETARY

Chairman Jensen started the meeting at 7:03pm and asked Sean Bartschi to lead the pledge of allegiance.

There are no changes to the agenda.

- **Motion** to approve the agenda is made by Devin Boehme, seconded by Steve Hardy, all in favor.

Don Jensen Rezone

Mitch asks if the sign in sheet has been around to everyone. He then explains the rules for hearings.

- **Motion** to go into hearing for the Don Jensen rezone was made by Steve Hardy, seconded by Sean Bartschi, all in favor.

Don Jensen wants a rezone one acre of his land that is along Bench Road to Rural Community. It is zoned Ag now and wants to split an acre off of a large piece. Mitch explains rules for rezone. This property fits the requirements of the rezone.

Don explains why he wants to split off some space for family. Shows on the screen where he wants to split a one-acre lot. He had it surveyed already. Would allow 30 feet along the lot for access to the field in the back. Would have a separate septic system for the new building and use the water from the existing home which is on the neighboring property.

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Comments from the crowd, Paul MacPherson owns property North of him, asks how much is he rezoning? Answer, It's only one acre. What about his tax values? Answer, nothing would change. No other comments.

- **Motion** to close hearing was made by Devin Boehme, seconded by Albert Johnson, all in favor.

Deliberation, this meets the requirements of the rezone.

- **Motion** to approve Don Jensen rezone was made by Albert Johnson, second by Kristy Crane, all in favor.
- **Motion** to approve the Don Jensen lot split was made by Albert Johnson, seconded by Sean Bartschi all in favor.

Ephraim Hoge rezone

- **Motion** to go into hearing for the Ephraim Hoge rezone is made by Sean Bartschi, seconded by Devin Boehme all in favor.

Mitch shows that Ephraim had submitted the paper work. Ephraim wants to split off three lots on his property which lies between Paris and Bloomington on the West side of US Highway 89. Two of the lots will be accessed from Painter Lane, the third smaller lot will be accessed from Highway 89. County ordinance allows up to four residences along a private drive without improving the road. There are two other homes already using painter lane. The new lots will have individual wells and septic.

Ephraim shows on the screen where he wants to have the lots. He had the Health Department come and approve the ground for septic systems. He realizes that the smaller lot, about $\frac{3}{4}$ of an acre, may not be large enough to support a septic system and he may divide that lot into the others and only split off two lots. He has built a new access to the new house from the highway now, allowing the smaller lot to have its own access from the highway and he will have the other two lots accessed from Painter lane. His property line goes to the center of Painter Lane. He spoke to a lawyer about the road and was told that if the road has been open to the public for years then it's prescriptive and gets to remain in use by the public. He would install the utilities on his land parallel to the road. The road is not maintained by the county since it's private. Comments from crowd. Brent Lewis Mayer of Paris has been asked, is Paris City providing water? They connected Bloomington and Paris water systems for safety and redundancy reasons. Ephraim asked the city if he could connect his house to the city water. The Mayor said they had some legal questions, but can it be done? In city meeting they had a vote and agreed to let him hook onto the city water. Others have been allowed to connect private lines before. They allowed Ephraim to connect but they may not allow any others.

Reed Sleight with the ditch company South Field ditch. This project has some concerns for him. When changing from farming to residential things change that he doesn't like. Wants to protect his ditch and the company. Doesn't know who would eventually come in and would they have trouble with the ditch. The ditch company burns the ditch every year, could be trouble for homes with smoke getting into homes, and doesn't want them complaining to the ditch company. Also worries about water subbing into the homes. He is proposing that Ephraim put whole ditch along his property in a culvert or pipe. He thinks it would be safer for everyone. States the ditch

company has a prescriptive easement along the ditch but wants a deeded easement, so everyone knows. His main requests are he wants a deeded easement and ditch in a pipe. If the pipe is deep enough it could be plastic otherwise galvanized. In future they may need to get more water across the road. Don't want to change the position of where the ditch is now. He suggests that Ephraim could get an engineer in to design it. Ephraim says he looked into the pipe issue. He also looked into the ordinances and can't find any ordinance to require him to pipe it. He found it would cost \$10,000 to pipe it. Ephraim wants to build a hog wire fence near the ditch to keep the children out of the ditch, so he isn't worried about the safety of the water in the ditch. Ephraim says he might pipe it for the section near his house anyway. Reed thinks we should be looking further than today. Thinks the developer should put it all in at first. Reed wants the right of way to be deeded.

Michelle Reilly owns property South of Painter Lane including half of Painter Lane. She didn't think you could cross the ditch with a road. She was told you can cross the ditch with a sufficient culvert. Asks do they need to make improvements to the road? Answer, the road is private, and the county allows up to four homes on the road. Improvements are up to those that use the road. Whitney Grunig lives at top of Painter Lane, they recently built a home there. They bought this lot for a reason, they don't want more people there. They worry about plowing more snow because of what the others might leave on the road. She thinks Ephraim needs an easement from the other property owner, Michell Reilly, even though she never got an easement from both owners of Painter Lane before building, only from Michelle Reilly. She asks if more than four houses are on the lane would they have to bring the road up to county standards. Answer is yes, up to four houses are allowed on a private drive without improvements. She has a lot of concerns. Burning ditches can get crazy. Might get leaking from water. Easement is a concern. Ephraim states the Grunigs never asked him for an easement to cross his property says its' a public lane now. She will be bringing farm equipment on the road.

Dale Thornock comments about the access, never heard about the private road being owned after years of use. Also worries about the access to the highway being approved. Ephraim explains that he has changed the access to his home as requested by the highway department. Dale says he don't know where the 30 feet came from, it should be the same as it has been.

Jared Mattsen farms ground near there and has concerns about congestion with other homes. Whitney asks about the septic does it need 5 acres? Years ago, the board used the state standard, but it's relaxed now. It's based on soils now as determined by the health department. If the soils will allow the septic it's okay. The health department requires test holes approved on the property before as part of the preliminary plat. She asks do they need to install fire hydrants by ordinance? Answer. This is too small of a subdivision to require hydrants.

- **Motion** to close the hearing is made by Sean Bartschi, seconded by Devin Boehme, all in favor.

Deliberation. Concerns? Board doesn't think they have responsibility for the ditch. Asks Mitch about the road. Shows the plat having a 30-foot easement they aren't sure why but it's on Ephraim's property. Asks Ephraim about the 30-foot easement says it's for utilities easements. The private drive doesn't need turn arounds for large trucks. Mitch says the big subdivisions require bigger water systems. What about requiring sewer to hook up if the lots are less than 5 acres. Mitch spoke with Stephanie Bonnie it's our ordinance and we can interpret it. Protecting

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the lake usually plays into the decision. In farm land it's different. It's really up to the health department although our ordinance doesn't say that. On small subdivisions it's hard to justify a road improvement because of the cost. Access is really a problem. Is it enough? If Ephraim owns half of the road he has the access to it just like the other owner. Will plowing the snow cause other problems. What about garbage? The other property owners take it to the highway now. Two considerations, water, but it's not our consideration. The ditch company has the rights in place for the ditch. Comes down to right of way. Is there enough meet in the ordinance to justify a no. Answer is no. The ordinance allows for private drives.

Dale Thornock believes the board should consider everyone to be safe.

What can they require Ephraim to do to the road? Improvement to the road could be put in when more than homes are built. Ephraim is providing his own access so it's a none issue. Will he scrap the idea of the ¾ acre lot? Ephraim thinks he would divide the lot into the others so there will only be two lots split. The board feels they can't turn it down. Is it a subdivision? They say it is, only small. Does he need 5 acres to allow septic systems. Other small subdivisions have been allowed with lots less than 5 acres.

- **Motion** to approve Ephraim Hodge subdivision if Ephraim Hoge will condense the three lots down to two eliminating the smaller lot is made by Sean Bartschi, seconded by Albert Johnson, Steve Hardy voted no, all others voted yes, motion passes.

Robert Garner variance

- **Motion** to go into public hearing for Robert Garner was made by Devin Boehme, seconded by Sean Bartschi, all in favor.

Mitch spoke to Stephine Bonnie if there is a structure that already don't meet setbacks shouldn't allow more wrong. However, if it's already in violation and it won't make things worse, it is the discretion of the board. Robert Garner has a house in Fish Haven that was built some time ago. The deck is right on the property line of the adjoining property. He wants to redo the deck and enclose it with the house. He is asking for a variance to be allowed to build within the setback which is 5 feet. He also wants to remodel the roof of the house and move a detached garage to a neighboring lot.

Robert explains he came in 18 years ago bought this place 4 years ago. Has other properties. Says the home has some issues. Wants to remodel the wood deck to a stone patio. The deck is on the property line. The deck is elevated now, will have to fill in underneath wants to move the garage to the back of the lot. Wants to change the roof of the house to less steep. He says none of his neighbors care what he does, the chances of lawsuit is nil. Mike Knapp the contractor for Robert, says the deck will be further away from the set back from where it is now. Eric Halverson a neighbor says it will be effectively the same foot print. Quoting the Bonnie letter, if the foot print is not worse than not double violating. Robert thinks all neighbors are okay with it. Thinks it will look better.

No comments from the audience.

- **Motion** to go out of hearing is made by Albert Johnson, seconded by Kay Beck, all in favor.

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Deliberation the board feels it isn't making things worse and, in some areas, it will be better, the end result being a little further from the lot line.

- **Motion** to approve the Robert Garner variance was made by Albert Johnson, seconded by Devin Boehme, all in favor.

No old business to discuss.

Work meeting. Commissioner Brad Jensen joins the meeting. Ordinances. Mitch has taken the 2008 ordinances has added the other approved ordinances but not signed. There have been some ordinance changes that were approved by the board and Commissioners, but they never got finished legally. The board was unaware of the requirement to have the changes published in the paper before they are legal. There still might be some changes that should be done. Like the estates ordinance and divorce.

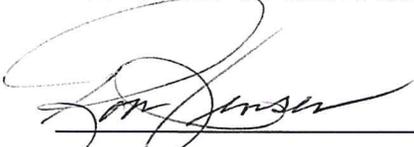
The ordinances with these changes have already been approved just never finished legally. Mitch recommends a summary statement defining the different subdivisions adding which requirements are needed. Public, private and county road definitions. Need to get the ordinance repaired so we are covered. Need to have a public hearing to propose the changes or get the ordinances in correctly. There are some details Kristy brings up that should be corrected to be clear.

They want to go to public hearing next month if possible. Mitch will try to make the changes and get them to the meeting next month for a hearing. He is busy this time of year and may not get the changes done in time for a May meeting, so it may have to be in June.

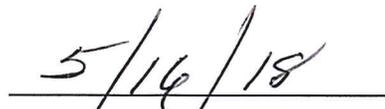
Last month's minutes weren't ready for approval they will approve them next month.

- **Motion** to adjourn was made by Kristy Crane, seconded by Devin Boehme all in favor at 10:03 pm.

APPROVAL OF MINUTES:



Ron Jensen, Chairman



Date