

Planning and Zoning Commission Meeting

Thursday, August 3, 2017

Minutes

7:00 p.m. Deweyville Town Hall

Attendance: Chairman Jeff Spenst Commissioner Eric Page
Commissioner Les Fryer Commissioner Lesley Kendrick
Commissioner Dale Meservy Recorder/Clerk Kathy Gudmundson

Absent:

Visitors: Fred and Bonnie Paragello, Larry Wilkinson, Cathy Wood, Kim Richins, Mike and April Litchford, Michael and Pam Litchford, Claine Smith, Alan Zobrist, Jim Flint (Hansen & Assoc), Kent McMurdie, Shelby Braegger, and Farrell Oldroyd

Meeting opened at 7:00 p.m

Welcome: Jeff Spenst: Chairman--Chairman Spenst led us in the Pledge of Allegiance and Commissioner Fryer gave us a thought.

1. Approval of Agenda

MOTION: Commissioner Kendrick moved to approve the agenda. Commissioner Fryer seconded the motion. Motion passes unanimously.

**Aye Votes: Chairman Spenst Commissioner Page
Commissioner Kendrick Commissioner Fryer
Commissioner Meservy**

2. Approval of Planning Commission Meeting Minutes: July 6, 2017 minutes, July 19, 2017 work meeting minutes, and August 1, 2017 work meeting minutes.

MOTION: Commissioner Kendrick moved to approve the July 6, 2017 minutes. Commissioner Fryer seconded the motion. Motion passes unanimously.

**Aye Votes: Chairman Spenst Commissioner Page
Commissioner Kendrick Commissioner Fryer
Commissioner Meservy**

MOTION: Commissioner Page moved to approve the July 19, 2017 minutes. Commissioner Kendrick seconded the motion. Motion passes unanimously.

**Aye Votes: Chairman Spenst Commissioner Page
Commissioner Kendrick Commissioner Fryer
Commissioner Meservy**

MOTION: Commissioner Page moved to approve the August 1, 2017 minutes. Commissioner Fryer seconded the motion. Motion passes unanimously.

**Aye Votes: Chairman Spenst Commissioner Page
Commissioner Kendrick Commissioner Fryer
Commissioner Meservy**

3. **Kent McMurdie subdivision--discussion of plans to subdivide--**Mr. Jim Flint of Hansen & Associates presented the plans for the first phase of the McMurdie subdivision. It is a three phase subdivision. Lots 1-7 will be the first ones and they will all have highway access. Lots 8 & 9 with have a shared access, 10-13 will be a street off the highway. Lot 14 will need a new water connection. The Commission decided we need a UDOT letter and a fire marshall letter approving these entrances. There will be four fire hydrants along the road and more internally. There are water rights for the lots out of Dewey Springs. This subdivision will be named the Coldwater Mountain estates.

MOTION: Commissioner Kendrick moved to approve the Coldwater Mountain estates pending UDOT and the fire marshal's approval. Commissioner Fryer seconded the motion. Motion passes unanimously.

**Aye Votes: Chairman Spenst Commissioner Page
Commissioner Kendrick Commissioner Fryer
Commissioner Meservy**

4. **Shelby and Lynette Braegger House--**Shelby Braegger presented their house plans along with the building permit signed by Steve Bench. The Commission asked them to be sure the property lines are staked so that they are within the setbacks.

MOTION: Commissioner Fryer moved to approve the Braegger building permit. Commissioner Page seconded the motion. Motion passes unanimously.

Aye Votes:

Chairman Spenst

Commissioner Page

Commissioner Kendrick

Commissioner Fryer

Commissioner Meservy

5. **Michael Lee Litchford Jr. House**--Mike Litchford Jr. wants to purchase the lot off the highway which is .95 of an acre. He wants to buy 1 1/2 acres from his father's lot which is only 4.52. The properties are deeded separately. Mike Litchford Sr. knows they don't have 5 acres and are a non compliant lot but it should be grandfathered in. Chairman Spenst said the vote has to be unanimous. Chairman Spenst explained that if anyone complains, the Litchford's will have to go through the appeals process. The town has a litigator who would have the final vote for approval. Mike Litchford listed several reasons that building further up the hill such as the water table and septic system would be better. Commissioners' Kendrick and Page explained that they were abstaining not voting against the plan.

MOTION: Commissioner Meservy moved to approve the preliminary Litchford plans and property changes according to their drawing and the Commission grandfathers the changes due to the length of ownership. Commissioner Fryer seconded the motion. Motion passes.

Aye Votes:

Chairman Spenst

Commissioner Fryer

Commissioner Meservy

Abstained Votes

Commissioner Kendrick

Commissioner Page

Claine Smith House--Their house is next to the Braegger's. He needs to get the Health Department to do a perc test. He, also, needs to fill out a building permit and get it approved by Steve Bench.

MOTION: Commissioner Page moved to approve the preliminary Claine Smith request for a building permit pending the Health Department and building permit approval and a set of building plans. Commissioner Kendrick seconded the motion. Motion passes unanimously.

Aye Votes:

Chairman Spenst

Commissioner Page

Commissioner Kendrick

Commissioner Fryer

Commissioner Meservy

6. **Lisa Hinck- Solar Panels**--The panels must be inspected by Steve Bench and the Commission needs a map to approve the setbacks. This sets right next to her property line. It has to have an electrical inspection.

MOTION: Commissioner Kendrick moved to approve the Hinck Solar Panels pending a setback map. Commissioner Fryer seconded the motion. Motion passes unanimously.

Aye Votes:

Chairman Spenst

Commissioner Page

Commissioner Kendrick

Commissioner Fryer

Commissioner Meservy

7. **Oldroyd building permit**--Chairman Spenst read the minutes from the meeting where Mr. Oldroyd's building permit was approved. Mr. Oldroyd stated that he is not getting three phase power and he has no intention of having any other employees. Mr. Oldroyd spoke to Kim Richins and Cade Spackman and explained his intentions. He will only have himself as an employee. There will not be any deliveries and he only has 200 amp power and has no plans to get three phase power. Chairman Spenst explained that there is no commercial zoning in Deweyville. There are only home based businesses. Mr. Oldroyd stated he would have R55 insulation which should eliminate any noise or odors. Chairman Spenst explained that we had consulted with our attorney who suggested we bring Mr. Oldroyd into a meeting to explain his intentions. He would only be working 2 or 3 days a week. Kim Richins and the other neighbors said they don't have a problem as long as there isn't noise or odors. There will be a wall to block off the 1500 feet allowed for both fire and zoning as requested by Steve Bench. Mr. Oldroyd was given a copy of the home based business zoning by Chairman Spenst.

8. **Planning and Zoning Book revisions**

9. **Public Comments:** Mr. Peragallo works for Whitaker Construction and is concerned about all the new construction in Deweyville. He feels there needs to be checks and balances in our zoning. Kim Richins has issues with the neighbors animals. He is concerned that there is no enforcement of the laws.

Adjourn: Adjourned at 8:36 pm.

MOTION: Commissioner Meservy moved to adjourn the meeting. Commissioner Page seconded the motion. Motion passes unanimously.

Aye Votes:

Chairman Spenst

Commissioner Page

Commissioner Kendrick

Commissioner Fryer

Commissioner Meservy