

## **Tropic Town Planning Commission Meeting**

Minutes of the Tropic Town Planning Commission Meeting  
Held January 4, 2018 at 6:00 p.m. in the Tropic Town Heritage Center

**PRESENT:** Steve Hill, LaMar Feltner and Dennis Pollock ~ Marie Niemann Town Clerk

**OTHERS:** Tyson Brinkerhoff, Mclain Mecham, Annette Chynoweth, Karleen McInelly, Levi Holm, Scout Holm, Travis & Karalee Holm,

**CALL TO ORDER:** Steve Hill

**MINUTES:** N/A

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Levi Holm – Building permit application was submitted in 2015 for 11 cabins and an office; the cabins were built, but not the office. A request to build the office was presented as well as approval for the motel. Dennis reemphasized, as it has been done in all previous project discussions with them, there is no water/sewer connections and reported some information will be available in January town board meeting. Levi reported all the people he talked with the town cannot stop the building, just cannot connect to the w/s system until available. Comments regarding attorney were made; Commission commented stating if that's the direction the Travis would like to take.

Travis Holm asked about relocating and using connections; Dennis said yes, but the cabins or structures that he disconnected from would need to be removed/torn down. Travis asked if this was the town's, county's or state's rule; Dennis responded asking how does the town verify you wouldn't be using the connection in the cabins and the office? Discussion continued regarding connections and building permits; until the sewer capacity issue is resolved, there are no w/s connections available and a building permit cannot be issued. Travis asked the best anyone can do is to sit and do nothing, Dennis said yes, or go somewhere else and build where there is sewer capacity and the infrastructure available; which Travis responds was they are already doing.

Continuing, Travis asked what the hang-up was on the motel and subdivision. Dennis again stated no building permits can be issued without w/s connection; the subdivision is not up to code: water lines need to be recertified because it has been sitting empty, water flow for fire hydrants, roads, curb/cutter 3-4 inches higher than the road, etc. Travis stated that all that can be done after the building permit is issued; Dennis responded that a building permit cannot be issued and didn't understand why there was a discussion – LaMar agreed. Travis wants to move forward and asked what needs to be done – Again, he was told no building permits will be issued to any project without w/s connections – there is no sewer capacity.

Travis commented on being led down a path to build and want to proceed; Dennis asked why they didn't build at the time they planned in 2015? Was there a building permit purchased, which are only good for 1 year? Travis stated no – Zak did not. Continuing, Travis asked if he could build an office without water and sewer; responding, Dennis asked a storage unit? Replying, Travis said yes, one he could operate an office out of. The Commission would need to see engineered plans, site plans to scale, etc., not personally drawn up; recalling their previous site plans that were signed off and approved, but not the ones given to the County for the permit. Because of this, ALL commercial projects are required to have engineered plans. Travis again asked if he went and got the plans the Commission would approve. Dennis stated no, they would need to see the plans; no approval until the plans are reviewed; continuing, Travis asked again if the Town would approve if he got engineered plans; and again he was told No.

Levi asked when the information is going to be available on the w/s studies; Dennis reported the council was told some information is available; Engineers will be in January's board meeting on the 18<sup>th</sup>.

Tyson asked if the Town had established a plan on what percentage of the connections will be issued to commercial vs. residential; Dennis added that whatever commercial connection will be allocated, not all go to one project. This led to a discussion on the number of projects waiting in line for connections, and depending on what the report reveals; what direction does the town take to expand the lagoon, funding the project, etc. Travis asked if he could help fund the sewer lagoon project – responding, Dennis reported Travis was second in line; if he would like to make a contribution to the town it would be appreciated, but not to expect to be put ahead of another project and be given connections.

Dennis continued to state, it is a given that a larger sewer lagoon is needed, but the size will depend on how much the Town can afford, which will dictate how many connections will be available and all the new capacity can't be given to one project – connections will need to be allocated out and accommodate growth over the next 20 years; discussed w/s rate increase for both residential and commercial to accommodate growth, if a new sewer lagoon is built.

Tyson Brinkerhoff: Application was presented for the remodel of the Pizza Place; engineered plans and plot plan was reviewed. Inside remodeling includes the relocation of public bathrooms, larger kitchen, pizza oven, etc. adding a pickup counter, laundry room expansion, redoing electrical, installing grease traps, etc. All was found to be in order.

A motion was made by LaMar Feltner to recommend this project to the Town Council for approval ~ Second by Dennis Pollock. Motion carried

Along with this same building project is part 2 of the project is to relocate 6-six rooms being removed from the Pizza Place remodel; the 1<sup>st</sup> step was the rezone of property which public hearing was held in December 2017. This property has a water/sewer connection; which will be utilized ~ No additional w/s connection were needed/requested. With this change in the lodging facilities they will be in compliance with the ADA. Commission reviewed engineered plans and found all to be in compliance. A motion was made by LaMar Feltner to recommend Phase 2 of the project to the Town Council. Second by Dennis Pollock – Motion carried.

Dagoberto Acosta: Mr. Acosta was not in attendance. Commission discussed the request for the relocation of a single-wide modular home. Upon further discussion and comments, it was revealed the home is a trailer and not a modular home.

Annette Chynoweth: Addressed the planning commission concerning short term rentals; Annette prepared an address asking for the governing body of Tropic to lift the ban on them; proposed that she be approved to use Cheryl Graham's home as a vacation rental. Annette addressed the impact on small businesses is less on the Town's infrastructure, but still having a positive economic impact on the town. Referencing Tyson/McLain's business, zoning project, Annette asked for change. Other points she addressed why STR's are a positive business included: well-kept yards, no dogs, junk cars, no trash and the tenants would be more pleasant for the neighbors than the residents/renters that have lived there in the past. Annette expressed the on-premises requirement is unreasonable; the purpose of a STR is for the tenants to have privacy and feels not issuing any more vacation rental licenses based on a nuisance caused by another business is punishing her and others.

Responding the commission addressed the issues being faced, one is the zoning. Though the concept is having the main commercial zone located along Main Street extending 1 block West/East, keeping commercial from bleeding into the residential areas, the property is not zoned that way. The Bryce Canyon Inn development connects to property already zone Commercial. The proposed property does not abut commercially zoned property so there can't be a zone change.

Continuing, Annette read a statement regarding property rights and development; LaMar apologized for interrupting, but explained there isn't anything they can change right now.

The Town has laws/codes in place that need to be followed, until they are changed; can't bend the rules for one and not others – no need for zoning or other ordinances; it may be a bad law, but it is still a law until its changed. This led to a discussion on code enforcement, Town's zoning, process of changing the zoning and the need for public input; Dennis welcomed everyone's ideas and input for the general plan and zoning of Tropic. A reminder there is a vacancy on the Town Council for anyone who would like to serve. Regarding the creation of a zoning map, contact has been made with Justin Fischer at the County and the Five County Association of Government to locate the electronic file of the zoning map; also looking into is a software program to update/create a new zoning map.

Dennis clarified that there isn't a ban on STR's, just not allowing them in residentially zoned areas. If someone would like to have a small business of vacation rentals, properly zoned land is available to purchase.

Nathaniel Steed: Recommendation for approval was given to Nathaniel to build a barn on property located in Bryce Meadows; it has since expired and the lot sold to Mr. Acosta. A request to move build the barn on another lot was presented. Plot plans with setbacks and description was not available; will need to review plot plans before recommendation can be given.

Another project discussed was for a detached garage ~ Nathaniel has 2 other lots back-to-back one has a spec house with which he would like to build the garage for and it would cross property lines. Commission expressed one concern which would be the property line and setback. A property line adjustment would need to be done through the County. Discussed the options available; line adjustment was recommended, which doesn't allow one lot to be sold without the other.

Both projects will need plot plans showing setbacks, and brought to the planning commission before it can be recommended to the Council. Discussed the zoning of the property, Nathaniel believes it is Agricultural and asked for the setback requirement.

#### Other Items

Karleen was with the understanding Mr. Bates was on the agenda ~ No call, email or voice message was received to add him on the agenda. Karleen McInelly was asked to present information from Greg's attorney regarding the use of septic tank for his RV Park; state law states if the Main sewer line is more than 30 feet from the property line, Greg doesn't have to connect and could install a septic tank system. Steve Hill acknowledged this information, but once the sewer line was accessible, they would have to connect on.

Continuing, Water connections, use of the Town's Well and water rights were discussed; testing, managing, and operating the Well is costly. Karleen stated that the State will take away the Town's water right for the Well if not used. Dennis reported a water study is also being made to address water concerns.

#### Adjourn

A motion was made by LaMar Feltner to adjourn – Second by Dennis Pollock. Motion carried.

Approved this 1<sup>st</sup> day of February 2018  
Marie H Niemann – Tropic Town Clerk