

**Sevier County Planning & Zoning Commission**  
**June 11, 2014**

Minutes of the Sevier County Planning Commission meeting held on the eleventh day of June 2014 in the Commission Chambers of the Sevier County Administration Building, 250 North Main, Richfield, Utah. Those present included: John Worley, Evelyn Nielsen, Mike Miles, Kelly Alvey, Brenda Malmgren, Caryl Christensen, and Ralph Brown.

Others present included: Zoning Administrator Larry Hanson, Commissioner Gordon Topham, Commissioner Gary Mason, Commissioner Garth 'Tooter' Ogden, Deputy Clerk/Auditor Barbara Crowther, and others listed on the attached roll.

**Minutes of March 12<sup>th</sup> and May 14<sup>th</sup> Planning Meetings approved:**

Minutes of the March 12<sup>th</sup> Planning Commission meeting were reviewed and approved on a motion by Evelyn Nielsen, second Brenda Malmgren, unanimous.

Minutes of the May 14<sup>th</sup> Planning Commission meeting were reviewed and approved on a motion by Evelyn Nielsen, second Mike Miles. Motion passed with Brenda Malmgren and Kelly Alvey abstaining.

**Zoning Administrator Update:**

Zoning Administrator Larry Hanson updated the Planning Commission on conditional use permits applied for including a farmers market in Joseph, and applications he expects to receive including a subdivision/cabins for the oil riggers as well as a recycling center for crushed glass to make landscaping materials.

Mr. Hanson then reviewed the proposed zone change from A5-25 to RA in the Elsinore Addition area, noting that prior to 1998 the area had been classified as an R-1 which did not allow animals or businesses and had been changed to A5-25 in 1998 to match the zoning of the surrounding area. Mr. Hanson said the Planning Commission would take comments on the zone change during the public hearing section of the meeting, and explained that legal businesses that had gone through the proper conditional use permit and licensing process would be able to stay in the area after the zone change. He noted that all other businesses would either need to come into compliance or be moved to a different location.

**Elsinore Addition Clean Up Discussion:**

Discussion followed concerning the clean-up effort in the Elsinore Addition area, and the notification letter that was sent to all property owners and residents.

A former resident reviewed her personal situation as she owns a lot in the Elsinore Addition, sold the lot and trailer, and is in the process of repossessing the trailer. She said that she was in compliance when the trailer was sold, but the occupants have trashed it, and she will not have enough time to complete the repossession and get the trailer removed prior to the August 1<sup>st</sup> clean-up deadline.

Zoning Administrator Hanson said he would be working with each property owner on an individual basis, and if they are working on coming into compliance (and start before the last

minute) then he could allow additional time. Discussion followed with the attendees concerning whether or not Mr. Hanson has the authority to send a letter requiring clean-up, that the Zoning Administrator does have that authority, that the LDS bishops have offered volunteer labor to assist those who are disabled and unable to clean up the area, and that dumpsters will be available to haul off trash. Further discussion followed concerning putting the stored metal and other items inside of a shed or storage area, and those types of items indoors and not just stacked up all over the property, that the dumpsters would be community dumpsters and not individual dumpsters, and that perhaps usable wood and metal items be put in a different area during the clean-up. Commissioner Garth 'Tooter' Ogden said that although the residents can take trash up to the landfill, it would save time for them to use the roll-off dumpsters. Discussion then followed concerning the different types of refuse, the need to separate the refuse, the definition of junk, and what types of items can be stored and where, and the feeling from some of the residents that the County is infringing on their constitutional rights to own property. The residents questioned why Elsinore Addition was being targeted, and why start the clean-up now and not 30 years ago. Zoning Administrator Hanson explained that they are not the first area that clean-up has been requested, nor will they be the last. He then reassured everyone that the County will not be entering into homes to tell the residents what they could and could not have, but would be looking at the land around the homes. Discussion then turned to whether or not the residents are incorporated in Elsinore because they pay water to Elsinore Town.

Dennis Cupp said he was the spokesman for the residents, and talked about the ability of the County to deprive people of their stuff by naming it junk and making them move it or taking it away. He then listed several different laws that the County has broken by requiring everyone to clean up their areas and depriving them of their property without due process, and quoted different lawsuits and their results through the appellate court which strongly favored the property owners. He said that while they applaud the efforts of the County, the residents do not agree with the method nor want the legal precedence on the people because most are elderly or poor. Mr. Scott said that any action should be in a judicial trial, and that this ordinance has not been through a trial. He said that they are all on the same side, but they want this clean-up on a voluntary basis without the threats.

Brenda Malmgren said she is sorry the residents feel they are being attacked because of the deadlines, that she understands their side, but asked how it would be carried out without a deadline.

Commissioner Topham spoke briefly about prior clean-up efforts in the Elsinore Addition area, noting that the voluntary efforts undertaken in the past did not have very many participants. He said that the enforcement was added so that action would be taken, and that the Commissioners had been working with the Zoning Administrator and the County Attorney during this process.

Jean Shoop, Elsinore Addition resident, asked whether or not any of the Planning Commissioners lived in the Elsinore Addition, or knew anyone living there or had even talked to anyone living there to see if they liked it.

Several of the attendees questioned why the area is being singled out for clean-up. Commissioner Mason responded that the County is going forward at this time because there were offers of volunteer help from the ecclesiastical leaders in the area.

**Public Hearing to consider zone change in Elsinore Addition:**

Before opening the microphone for comments, he explained the purpose of the public hearing and what happens during a public hearing, including the time limit for each speaker. Chairman John Worley then opened the meeting for comments from the public regarding the proposed zone change from A5-25 to RA.

Marci Sweigert, Elsinore Addition, expressed concern about the change in the ordinance because she has had horses in the past and would like to get another horse. She wanted to know if she will be able to have a horse on her ½ acre, and may also in the future like to open a business from her home.

Zoning Administrator Hanson reminded everyone about the difference between the current zoning of the area and the proposed zoning, which would specifically affect the number of allowed animal units and businesses. He referred to the current zoning ordinance appendix to explain how to interpret the number of allowed animals and the types of businesses.

Dennis Scott, Elsinore Addition, said he was representing the people who had signed a petition regarding the change in the zoning ordinance. He submitted the petition to the Planning Commission.

Ron Sandin, Elsinore Addition, said he lives in the addition and is very happy. He said he moved there to have some stock, which includes two jackasses and three horses. He expressed concern that if the change goes through he will not be able to have the animals, and that is one of the reasons they purchased property in that location. Mr. Sandin then referred to the letter sent out by the Zoning Administrator, which mentioned an error in the zoning classification, and suggested that it was double jeopardy because the county has changed it two times.

Dorothy Linfor questioned why the zone is being changed at this time, and said that she thinks the zone is great. She said she would like to start a business such as a bunkhouse or a grooming operation in the future and doesn't know if that will be allowed if the zone is changed.

Zoning Administrator Hanson reviewed the purpose of the zone change again, noting that the previous R1 zone did not allow any type of animals, unless they were pets, and no businesses. Furthermore, he suggested that when the zoning ordinance was changed, it was changed to the most lenient zone possible and the County is simply trying to bring it back to what it was before.

Ralph Shoop, Elsinore Addition, noted that the lot sizes are smaller in the Elsinore Addition than specified in the RA zone, and asked about how that would affect the current lot sizes. Mr. Shoop then said he doesn't care if there are businesses there including dog grooming, salvaging, etc. because Staker Parsons is running a business across the street and he currently experiences hearing the rock crushing machine at 3:30 am, as well as dust, etc. from that business. He said

he doesn't mind anyone having animals out there such as a horse or a pig, and noted that the people there cannot afford to live in better places. He asked the Planning Commission not to kick people out.

Matthew Cupp said he felt that the zoning could be changed into or out of anything and could be changed to fit anyone's needs. He requested in behalf of the people, that the zoning be left alone. He said they would like to demand a vote on the matter by the people it is going to affect.

Jennifer Jorgensen said when she moved out to the Elsinore Addition the area was residential. She said at the time it was too restrictive as they were denied business licenses and animals. She asked about allowing people to purchase lots to bring their lot size up to the required size. She again said she moved there when it was residential and wanted it to remain that way, then noted that she moved to another area because she didn't want to listen to the farm animals.

Elizabeth Gier said that what the Planning Commission is doing is ridiculous and they should leave folks alone.

Claude Foreman, Monroe, said he doesn't live in the Elsinore Addition, but does own property. He said he is representing 69 lot owners who were not contacted by Mr. Cupp and the residents who met and put together the petition. Mr. Foreman said he would like to work with the County to clean up the lots, and indicated that the zoning change is like trying to put a round peg in a square hole. He said that the proposed zone does not fit what is there, and said the businesses that are there should be allowed to remain. He asked that the residents and the lot owners get together to form an association to work with the County. He also requested that the zone change be held off for approximately 90 days.

Attorney Jared Peterson told those assembled that the County Commissioners have the ability to change the zone or amend the zone to fit the area. He said he is currently working with Mr. Foreman to try to establish some common ground between the County, the lot owners, and the residents so that we can all work together and be satisfied.

Commissioner Gary Mason said that he had a solution. He suggested that the Elsinore Addition incorporate and become a town so they could make their own laws, set their own rules, and elect their own representatives.

Marguerite Forman, Monroe, said that is what her husband is proposing. That they form their own incorporated town and work together to set their own rules to benefit both the residents of the area and the landowners.

Chairman Worley then closed the hearing. He suggested that the Planning Commission not make any decisions or recommendations to the County Commission without additional discussion on the matter. He requested the matter be tabled and considered at a later meeting of the Planning Commission. He then clarified to the attendees that the zone change is on hold, but the clean-up effort will still be going on and the August 1st deadline is still in effect.

Ralph Brown said that the ordinances have been in effect for a long time, and noted that this all started because people came to him as an ecclesiastical leader asking for help with clean-up in the area.

After discussion, Chairman Worley moved to table the zone change ordinance, second Caryl Christensen, unanimous.

Commissioner Topham then encouraged the people to get their own township together so that they can make their own zones, etc. and said that the County would help with that.

Meeting adjourned at 7:33 p.m.