



PLANNING COMMISSION
REGULAR MEETING-October 4, 2016

IN ATTENDANCE

Chairman Richard Tatton
Reed Phillips
Tom Paluso
Don Torgerson
Todd Thorne, Director of Planning
Christian Bryner, County Attorney
Doris Johnston, Admin Assistant

OTHERS ATTENDING

David Cunningham
Cody Ware
Julie Nielsen

EXCUSED

Danny Blanton
Commissioner Jake Mellor
RD Campbell

The meeting was called to order at 4:30 PM

- 1) **Call to Order**
- 2) **Pledge of Allegiance**
- 3) **Review and approval of previous meeting minutes**

Tom Paluso approved the minutes from August 2, 2016 as written. Reed Phillips seconded. By unanimous decision, minutes approved.

- 4) **Review and possible concept approval of a 4 lot Subdivision without public improvements for Addy Estates located at approximately 3620 Spring Canyon Road, Parcel 2-141, for Julie Nielsen.**

Julie Nielsen explained this is her family's property that needs to be divided into 4 lots between them. There is approximately 20 acres. Christian Bryner asked Julie who owns the land. Julie replied the Elegante Estates.

Christian Bryner had concerns on having documentation of who has the authority to subdivide the property. Julie stated that her mother and cousin have power of attorney or authority from the six title owners to act on their behalf on this property to be sold. Don Torgerson and Christian Bryner explained the County needs to see all the documentation, chain of title and signatures, from all title owners in order to proceed. Don and Christian had many legal questions. Christian Bryner stated he would look at the

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deed to see who is named on the title. If all 6 people are title owners and there is a power of attorney then it should be fine to proceed.

Chairman Richard Tatton asked if Julie Nielsen could possible get all the documents together for Christian Bryner and once items are in order legally, come back at a later date to review the subdivision with the Planning Commission. Julie agreed to do this.

Tom Paluso asked if the lots are buildable. Julie Nielsen replied not in the condition they are in right now and they are in a flood plain. The property is being divided for personal family reasons and so each gets a portion of land. Julie Nielsen may want to acquire these lots after they are divided. Don Torgerson explained that taxes may go up if it is deemed a subdivision and buildable lots. Julie explained this land will remain grazing land, not residential and no plans for putting buildings on them. Don and Christian explained that the intent of a subdivision is to be buildable lots.

Todd Thorne explained these are zoned Mining and Grazing and are not buildable at this time due to the slope and flood plain. Christian Bryner asked that we make sure we deem these lots non buildable so the assessor taxes these correctly and not as residential. Don Torgerson explained that if the end goal is for Julie to end up with these lots for nonresidential use, there may be a different route to consider.

Cody Ware asked if this could be considered for an agricultural waiver. Tom Paluso asked if there was any other way than a subdivision to divide these up. Christian Bryner suggested getting all the documents in order and planning staff will look into the agricultural waiver option.

Julie Nielsen explained she wants the easiest way to divide these lots up for her family.

Tom Paluso made a motion to table the application for concept of a 4 lot Subdivision for Julie Nielsen until a future meeting. Don Torgerson seconded. By unanimous decision, item tabled.

5) Review and possible recommendation to County Commission for a Conditional Use Permit for a Planned Mountain Development, located in Clear Creek, Parcels 2A-1245 & 2A-1244 for David Cunningham.

David Cunningham explained he wants to sell off some of the land he owns in Clear Creek area in 10 acre lots. In order to do this he must have a Planned Mountain Home Development Subdivision. Todd Thorne explained that first he will have to do the Conditional Use Permit for the Planned Mountain Development as required by the Development Code. Mr. Cunningham would then do the concept for

a Planned Mountain Development including roads, density, buildable areas for any future uses. Mr. Cunningham explained he went to the property with Brady Bradford from the Health Department, Curtis Page, County Engineer and Todd Thorne, Planning Director to view the property. Mr. Cunningham explained there looks to be enough flat areas in each lot and he would blade the roads. Mr. Cunningham said he has interested buyers for lots 14, 15, 16 and 17.

Todd Thorne presented an overlay map of the property with the slope percentages showing the buildable areas (30% slope or less) of each lot.

Christian Bryner spoke on the process of considering the “use” tonight with a CUP and the concept of the Planned Mtn. Development and then return at a later meeting for Preliminary/Final on the Planned Mtn. Development. Christian also explained the code requires the roads to come off of open public county roads. The main road access is a County Class B road even though the Forest Service may have some claim. The County considers it to be sufficient to grant access to these properties. Mr. Cunningham explained he also has an easement from neighbors.

Chairman Richard Tatton explained the need for perpetual road access to all the lots and Mr. Cunningham will need show descriptions at the final. Cody Ware and David Cunningham agreed.

Mr. Cunningham stated his initial intent was to just sell parcels in 10 acre lots with road access to each. Due to the Development Code requirements, the Planned Mtn. Development needed to be done. Mr. Cunningham asked if there was any way to do this without the Planned Mtn. Development. Christian Bryner’s answer was no, but asked if the Commission sees any way to do it differently.

Don Torgerson explained the Planned Mountain Home Development Subdivision has protections and imposes standards that just parceling off 10 acre lots do not.

Mr. Cunningham asked if there was any way to get a variance to sell in 10 acre parcels if all the roads are put in to required standards and there is sufficient area to build and a cash bond was posted. Mr. Cunningham needs to sell this ground in order to put the roads in.

Christian Bryner and Don Torgerson explained once the subdivision is approved, when lots are sold, then the road(s) would have to be put in before they close on the purchase of the house.

Don Torgerson explained the developer posts a bond for the improvements that will be put in. This protects the purchaser and the bond is released once the improvements are complete.

Christian Bryner explained the County could do a development agreement that would work for Mr. Cunningham and possibility of a cash bond once he has sold a certain number of lots.

Todd Thorne explained first we need the Conditional Use Permit approved and then a Public Hearing with approval from County Commission. The County would need an engineer's estimate on the project and we would need to do the financial agreement with the conditions.

Christian asked besides a final plat, what else needs to be done to complete the Subdivision. Todd responded the biggest concern was the access and roads, the septic and the water. Todd questioned if there is enough water in the area. Tom Paluso suggested a private cistern could be considered. Mr. Cunningham explained he has spoken with PRWID on the possibility of getting a water right through a trade from a water share.

Todd Thorne explained a Conditional Use Permit is a required because of the zone and Water Shed and a Planned Mtn. Home Development is a Permitted Conditional Use not a Permitted Use like other subdivisions.

Christian Bryner and Don Torgerson suggested doing only one Public Hearing for both the CUP and the final on the Planned Mtn. Home Development to streamline the process. The risk is investing the money and possibly not getting approval at the Public Hearing.

Cody Ware, surveyor, explained all he needed to do on this plat was to add roads.

Chairman Richard Tatton asked for a motion to approve recommendation to the County Commission for a Conditional Use Permit for a Planned Mountain Home Development for David Cunningham. Tom Paluso made this motion. Don Torgerson seconded. By unanimous decision motion carries.

Don Torgerson made a motion to also approve recommendation for Concept of the Planned Mountain Home Development for David Cunningham. Tom Paluso seconded. By unanimous decision, motion carries.

Tom Paluso made a motion to schedule Preliminary and Final on the Planned Mountain Home Development review and possible approval at the next Planning Commission meeting or at a special meeting if necessary. Reed Phillips seconded. By unanimous decision, motion carries.

Todd Thorne commented that we will need the development agreement drafted up, with CC&R's and the bond requirements before the meeting.

Mr. Cunningham questioned if he could get the first lots closed now with the conditions of the development agreement. Christian Bryner explained he could not close yet until Final approval was given and also the County Recorder will be reluctant to proceed without a Finalized Subdivision Plat. Don Torgerson explained he would be better off getting the subdivision finalized first.

The timeline of the process was discussed.

6) Review of past developments and upcoming projects and items. Todd Thorne

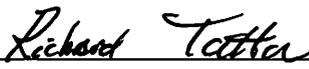
Todd Thorne explained we are currently updating the County Resource Management Plan and have met with consultants. These updates will have to come before the Planning Commission and County Commission for review and approval. Todd will forward any updates of chapters to the Planning Commission as he gets them for comment. This plan needs to be complete by May 2017. At the next meeting the consultant will go through a brief overview.

Todd also said the Development Code updates are in process.

Chairman Richard Tatton asked about yearly training for the Commission. Christian Bryner explained we need Open and Public Meetings Act training. Todd commented that Price City is doing training in December that we could attend.

7) Adjourn

Tom Paluso made a motion to adjourn. Reed Phillips seconded. By unanimous decision, meeting adjourned at 5:42 PM



Richard Tatton, Chairman