

**Minutes for the
Daggett County Planning & Zoning Meeting
October 19, 2016 6:00 PM**

Members Present: Woody Bair; chair, Chad Reed, Al Ladeau, Allan Wood, Carrie Poulsen.

Members Absent: Joe Jacobs; excused.

Guest Present: Jack Lytle; commissioners, Darrin Brown; Tri County Health. Mark Silver, Jim Fariello, Mark Cook, Mike Cook, Doug Cook, Bonnie Cook; all property owners in Taylor Flat. Shane Niederer, Bob Niederer, Hank Gutz.

1. Woody Bair welcomed everybody and called the meeting to order at 6:00 PM.

2. Woody Bair welcomed Allan Wood as new Planning & Zoning Board member.

3. Discussion and consideration of minutes: September 21, 2016. Al Ladeau motioned to approve minutes as written, Chad Reed seconded. All in favor, motion passed.

4. Public Comments: No comments.

5. Discussion and consideration: Shane Niederer, owner of property at 855 W. Hwy 43, Manila. Violation of Ordinance Article VI Section 604 regarding short term rentals. He would like to discuss changing this Ordinance to allow short term rentals or a possible variance. Shane Niederer explained why he would like this ordinance changed. This is a second home for them and felt this would be a good use of the home when they are not there. He feels the positives outweigh the negatives and wants to pay the fair taxes and the correct water bill. Mr. Bair noted that all the owners that were found renting their homes on a short term basis were sent out violation letters. Mrs. Poulsen read the Article VI Section 604 which states the minimum rental permitted shall be 30 days. Mr. Niederer referenced the fact that Dutch John allows short term rentals with a Conditional Use Permit and he would like to see something like that. Mr. Gutz asked what the current zoning is on the property and Mrs. Poulsen said according to a building permit when the Millers owned it was zoned Ag-20. Mrs. Poulsen stated the land is in 2 parcels. Mrs. Poulsen stated that per the county attorney, Chad Woolley, the property does not need to be zoned commercial if we decide to make it subject to a conditional use permit. The table of uses would need to be changed showing what zones would allow a conditional use regarding short term rentals. The question was asked on how the property would be taxed and that would be a question for the assessor. The board has previously discussed this issue in past meetings. Mr. Reed asked if Mr. Niederer has spoken with any of his neighbors explaining what he wants to do with the property. Mr. Gutz was present and said he is not against it but feels there are a lot of issues with it. Mr. Wood asked what the difference is in this and running a business out of your home. That will need to be researched. Mr. Reed asked if Mr. Niederer had read the Dutch John ordinance regarding this and he has and feels it

would fit the needs of the county. Mr. Lytle stated that maybe after 5 years of them having a conditional use permit then maybe it could be a permitted use, and to keep the limit to 10% of the homes in the county. After discussion the board would like to keep working on this and get public input. Mr. Lytle asked if the board wants it to be a formal public hearing or publicize that the board is accepting input at a specific meeting to avoid delays and save the formal public hearing for when the board has the document ready. There was discussion in regards to short term rentals creating jobs for the local community and possibly creating some short term affordable housing. Mr. Reed motioned to have an item of short term rental on the next agenda for public input either written or verbal. Mr. Ladeau seconded. Mr. Bair had one question on the logistics regarding publicizing this. The board suggested putting something in the county newsletter; sending a mailing out to anybody that received a violation letter and chamber of commerce meetings. All in favor, motion carries.

6. Discussion and consideration: Daggett County Resource Management Plan section regarding Wilderness and Related Special Designations. A public hearing was held September 21, 2016. This item was tabled during the September 21 meeting due to lack of exhibits that need to be attached to the document. All of the exhibits are attached to the document now. Mr. Lytle stated that none of the maps were created, they are copies or shape files from existing documents. Mr. Bair asked if anybody had any questions. Mr. Gutz made comments regarding the Forest Service Resource Management Plan for Wilderness which currently Daggett County has none and feels we let them slide in and until this is passed and says we are opposed to any wilderness designations without consideration to the reduction of roadless areas and opening the territory up to putting in some recreational trails, harvest management areas and watershed development. Mr. Gutz feels the county needs to take a stand on these issues. Mr. Lytle said the Forest Service is still accepting comments regarding this and they are still in the process of developing the inventory part of it not the designations outright. Mr. Reed stated for public record he would like it stated that there were 12 or 13 people on the Public Lands Board and there were several meetings held and feels there were lots of opportunities for the public to come and make comments. Mr. Reed is on the PLI Board and feels this document portrays what happened in the meetings. Mr. Reed motioned to accept the Daggett County Resource Management Plan section regarding Wilderness and Special Designations document and recommend to the County Commissioners. Mr. Ladeau seconded, all in favor. Mr. Wood recused himself as this is his first meeting. Motion carries. Mr. Lytle stated that it is not that we do not value the wilderness experience or the places that are wilderness or the roadless. Those values are there within the county, it's the designations and the strings that are attached. Mrs. Poulsen will write a letter of recommendation to the County Commissioners.

7. Discussion and consideration: Taylor Flat

- **Taylor Flat Ordinance violations. Small cabins used as dwellings without building permits, junk, abandoned trailers, outhouses, etc.**
- **Darrin Brown from Tri County to discuss hauling potable water to the area. Currently Daggett County Ordinances do not allow it.**

Mr. Bair asked Mr. Silver if he had any comments and he does not at this time. Mr. Fariello spoke in regards to the small cabin he has on his lot which is less than 200 square feet. He stated that he does not live in the trailer, he lives in Denver. He said the cabin is self contained, there is no wastewater going onto the property and he has a composting toilet. He would like to see the county take a look at allowing a special use permit allowing these small cabins on Taylor Flat. Mr. Lytle asked how many beds are in the cabin. Mr. Fariello said it has 2 beds and a loft and can sleep up to 8 people. Mr. Lytle asked if the composting toilet can accommodate 8 people, Mr. Fariello said it could. Mr. Lytle asked if the cabin was still portable and Mr. Fariello said it does not have a foundation and could be loaded and moved. More discussion was had on the portability of the structure, wastewater issue and permits. Mr. Bair stated that it seems like people would like multiple uses at Taylor Flat and that comes with multiple problems. Mr. Ladeau went to Taylor Flat and sent some pictures to Mrs. Poulsen and they were a lot of the same ones from Mr. Silver that the board has seen. Mr. Ladeau said he would like to see some changes to the ordinances regarding Taylor Flat that everybody out there can live with. He feels small homes are popular and would work in Taylor Flat. More discussion was had regarding the infrastructure in Taylor Flat. Darrin Brown gave a brief history of Taylor Flat. It was approved in the 1960's with public water and sewer which neither was built. The health department issued a moratorium in 1997 and it said they are not going to allow any building and a letter was sent to all the owners saying that they needed to figure out water and sewer issues, nothing happen. Then in 2003 or 2007, he couldn't remember for sure, the county sent a letter out and asked the residents what they wanted to do. Out of that came the Tri County letter of requirements for 6 lots so there was room to drill a well and install a septic system. Mr. Brown said that is what the residents agreed to and if they want it changed it needs to go before Planning & Zoning and the County Commissioners. Mr. Reed asked if the 6 lot requirement was determined by some of the perk test performed out there and it was. Mr. Brown stated a letter was sent to each owner with these requirements and they were given the opportunity to comment. Mr. Brown said the 6 lots also need to be combined so there was a buildable lot. Mr. Brown said they will look at proposals for a change. He also said no matter what kind of residence there is you have to have water and sewer and this is a requirement by building code also. Mr. Brown stated originally this was laid out as a full time subdivision but this could change but he doesn't think we should do this without input from the owners of the lots. Mr. Bair cited Greendale as an example for subdivisions having their own water treatment systems. Mr. Bair appreciated Mr. Fariello's argument to allow small cabins but we have to consider all the land owners out there and what they want. Mr. Reed asked Mr. Brown if he could help us with any options on meeting water and sewer in Browns Park. Mr. Brown said there has to be an onsite wastewater system, it could be a holding tank, but a holding tank would require the owners to create a special service sewer district to take care of them. The special service district would see that they are installed right, maintained, and pump them. The owners would have to pay for this as far as having a pumping truck and where to haul the waste to. The other option would be to create a large onsite wastewater system that would service several lots. Mr. Bair said all of this is not the responsibility of the county, all the letters sent out were to get the residents to create what they wanted since the developer left it. Mr. Reed said the state now allows special service districts. Mr. Brown stated that the residents can drill a well and have up to 7 connections and beyond that there needs to be a public water system. Mr. Silver asked if Tri County regulates camp trailers and they do not since everything is self contained. Mr. Reed did state that Daggett County does have an ordinance stating

that you cannot camp more than 16 days out of 30. Mr. Lytle asked about tents or teepees when they do not have any facilities. Mr. Silver asked about outhouses and Mr. Brown said you have to have a permit for an outhouse and nobody has acquired a permit in Taylor Flat for one. Mr. Cook spoke regarding being able to haul water to Taylor Flat. At this time it is against the county ordinance to do so. Mr. Cook feels being able to haul water would alleviate the need for 6 lots as you won't need a well. Mr. Cook does know that the system would have to have an engineered design and pass Tri County inspection. Mr. Cook said the cost of a well is prohibitive for them to be able to enjoy the land. Mr. Reed asked Mr. Brown if Tri County allows hauling water, how big of tanks are required and for how many people. Mr. Brown read the Tri County ordinance. Mr. Brown said one thing that first needs to be decided is what kind of development the county wants to create in Taylor Flat, whether recreational or full time residence. Mr. Brown said if the county allows the hauling of water it will change the type of development. One of the main points of the ordinance is water hauling is allowed if no other water source is available and at this time there is a water source by means of drilling a well. Mr. Brown said this is a reason why he would really need the county's support if they decide to allow the hauling of water. More discussion regarding the 6 lot minimum and how specific a well and septic would have to be placed. Mr. Cook does not feel a Special Service District (S.S.D.) will happen right now as people are just too scattered. He feels if people could start developing the lots then there would be a basis to one day establish a S.S.D. Mr. Cook asked if the ordinance is not changed if they could receive a variance to be allowed to haul water. That would need to go to the Board of Adjustment which is the County Commissioners at this time. Discussion was had regarding composting toilets. Mr. Brown said they are allowed and it does not reduce the requirement for an onsite wastewater system. Mr. Gutz said they lost 250 acre feet of culinary water in 2007 that was dedicated to Taylor Flat because the residents did not show any interest in it and that changed the structure of Taylor Flat. Mr. Silver is against the hauling of water and tiny homes. Mr. Bair said if we allowed the hauling of water then each lot owner would be paying for their own water. Jack said the county could still say 6 lots are required for a septic system if we allow the hauling of water. Mr. Silver feels there are 5 rules to be able to build in Taylor Flat; water, power, septic, minimum frontage and minimum of 6 lots, and he feels the county is throwing all of those out the window. Mr. Brown said if the county makes any changes to the 6 lot requirement that will be the development you will get, it won't go back. Mr. Lytle discussed the newer needs of the property owners, but also in understanding that, but it is buyer beware. Mr. Lytle said the county does not owe anybody anything and Mr. Reed said even in 1997 that was expressed. It was up to the property owners to try to figure it out and it still hasn't been. Mr. Lytle said he understands that it is part of the county and there are needs there as we require building permits and have ordinances that exist. Mr. Lytle asked what the threshold for change in Taylor Flat is. Discussion regarding the 6 lot requirement. Mr. Cook said they are not asking the county to fix the problems, they are only asking if they can haul the water. Mr. Cook asked if they could apply for a variance to be able to haul water for a few years. Mr. Silver said his main complaint is the trash on Taylor Flat and Mr. Cook said part of the problem creating the trash is the 5 rules and people trying to circumvent them. Mr. Cook said they feel hauling water is a viable option to consider and it is being used other places, and would facilitate people being able to develop their property. Mr. Gutz asked about fire suppression and Mr. Cook said in wild land fire urban areas they require a 3,000 gallon tank and a well is useless. Mr. Bair said there are 3 questions regarding Taylor Flat; does it need to change, does it warrant the county changing it with or without

input, and if it does need to change what should it look like. Mr. Bair asked if this should be a work group meeting. Mr. Reed stated that the County Attorney, Mr. Woolley, will help the county with enforcement regarding the trash. The other two issues are water and sewer. Mr. Wood asked if it was legal to haul water to Taylor Flat. Mr. Brown stated that there are 2 situations in the Tri County rules that allow water hauling. One is for recreational property where there is not year round access, this doesn't meet that because people live there year round. The other situation is if there is no way to get water, and that is the debate that needs to be had since there is the option to drill a well. This is a Tri County rule since this is a non-public water system. Public systems are regulated by the State. Mr. Bair closed discussion at this time. Mr. Bair stated at this time we it seems that water can be hauled, per Tri County, and if the County Ordinance is changed to allow it. The discussion needs to be had regarding the minimum lot requirements for a septic will be, and that may be site by site. Mr. Lytle suggested that maybe if the owner of the lots meet four of the five requirements and water is the only thing keeping you from building, then maybe there is room for concession. Mr. Lytle said having just one lot does not meet any of the five requirements. Mr. Ladeau asked what the minimum septic system is and Mr. Brown said it is 2 bedrooms and one bedroom is 2 beds. More discussion regarding Mr. Fariello's property and the requirements for a wastewater system and water. Mr. Cook asked if he could separate out his issue from the whole issue of Taylor Flat. Mr. Cook said he meets the 6 lot requirement, power, septic and minimum frontage. Mr. Cook asked if he could apply for a variance to be able to haul water. Mr. Bair read the state code regarding variances. Mr. Bair said as far as planning & zoning is concerned as of right now the hauling of water is not allowed. Mr. Brown said in the Tri County rules Mr. Cook can get a permit to drill a well if he cannot get a variance. Mrs. Poulsen asked if Tri County can help the county as far as the abandoned trailers, trash and outhouses. Mr. Brown said Tri County can only help regarding the outhouses as it has waste associated with it. Mr. Ladeau asked if owners can combine wastewater systems and Mr. Brown said you can, this might help Mr. Fariello in his situation since he only has one lot. At the end of the discussion Mr. Cook discussed applying for a variance, Mr. Fariello will have to either have 6 lots or work something out with his neighbors, and Mr. Woolley is working with the County as far as handling the enforcement of the ordinance violations regarding nuisances. Mr. Ladeau suggested having a county crew clean up the property and billing the property owners. Mr. Bair asked for a motion. The Planning & Zoning board can't suggest Mr. Cook apply for a variance. Mr. Cook has to apply to the Board of Adjustment for that. Mr. Ladeau motioned to continue work on Taylor Flat and continue to stay on the agenda. Mr. Reed seconded. All in favor, motion passed.

8. Discussion and Consideration: Action plan on handling the Daggett County Resource Management Plan. Mr. Bair suggested having it given to the Planning & Zoning board in increments and not the whole thing at once as this is a lot of material. Mr. Lytle said that is what they are trying to do. Mr. Bair asked if they want the information as it comes in or at the monthly meetings. The board would like it as it comes in. Mr. Bair explained the C.R.M.P. to Mr. Wood and why Planning & Zoning is involved in the process.

9. Building Permit Report: No major changes. Mr. Tate is working on clearing up some of the older permits.

10. Public Lands Report: Discussed in number 8.

11. Old Business:

- Draft of letter to Utility Companies regarding the need for a building permit before installing utilities. Mrs. Poulsen spoke with Mr. Woollsey and he is ok with the originally letter drafted by Mr. Andrizzi.
- Violation letters sent out previously. Mrs. Poulsen spoke with Jamie Butler on October 4 and she stated she would turn in her permit for her wood stove and solar system. She has also spoken with Matt Tate. The board would like a list of Taylor Flat violations. Mr. Silver's is pretty good but it is incomplete.
- New board member still needed. Mr. Ladeau's last meeting so we will still need another member. He would like to stay as an alternate but will only be here 5 months out of the year.
- GIS: Zone map for Daggett County. Carrie will have this on the next agenda as it was not ready yet.

Next meeting scheduled for November 16, 2016 at 6:00 PM. Meeting adjourned at 8:45 PM by Mr. Bair.