

**PLANNING AND ZONING COMMISSION
MINUTES FOR May 6, 2021**

In Attendance:

Commissioners

Oscar Miranda
John Freeman, Chairman
Dan Muth, Vice-Chairman
Kay Hauser (Absent)
Carey Dobson (Absent)
Bobby Fite
Brad Peterson
Traegen Knight (Absent)
Michael Bargiel

Staff

Matthew Fish, Director
Shanna Pearce, Plan Reviewer

Working Lunch Session

Item #1 Brief discussion and update of the Vernon Community Area Plan.

Matt Fish explained his involvement with the Vernon area plan and introduced Dave Nehaus, Vernon Fire Chief and Chairman of the Vernon Community Plan Committee.

Mr. Nehaus explained where the committee left off due to the COVID-19 pandemic and how they are moving forward. He explained the progress they had made to get the questionnaire to the public and requested the assistance of the county in getting this out to the community. He explained the planning area and expressed concerns with getting this out to all the residents. He explained the involvement of the prior Community Development Director and their concerns with the costs. He stated that the planning committee would like to limit mailing the questionnaire to just full-time residents, that would give them immediate response and not have to wait for mail time. They are wanting to start moving forward under the direction of the commission.

Discussion of the planning area and what residents to include in mailing the questionnaire.

Mr. Miranda expressed his concerns with not including all residents. Mr. Nehaus explained his feelings with those that do not live in the area full-time have no impact on the area today. Mr. Miranda stated that his concern was that they were not soliciting information from other residents.

Mr. Miranda also noted that open meeting laws need to be compliant, including sub-committees. Mr. Nehaus stated he was unaware of this but would follow this moving forward.

Mr. Freeman confirmed and explained the requirements moving forward. Mr. Nehaus agreed and stated it was not an attempt to avoid the process, they were following the direction they have received from the county.

Mr. Muth discussed the area map vs. fire district map. Mr. Nehaus explained the map. Discussed the Concho planning area. Mr. Nehaus provided the history in determining the area. Mr. Muth noted the challenges of the area and his concerns that the planning area was too large to address individual needs. Mr. Nehaus explained their reasons in choosing the area.

Mr. Freeman suggested that they use the Assessors Plat index for help in creating their distribution list and explained the legality of including all area residents to provide equal representation vs. excluding residents that the committee felt would not exercise their property rights; their rights being equal to full-time residents.

Mr. Miranda expressed concerns that they were not reaching out to enough people and recommended they have a statistical sampling to make it valid.

Mr. Nehaus explained the concerns that the county had with the cost and that they had determined their list based on previous advice from the county.

Mr. Bragiel asked how they knew that residents were not there all the time. Mr. Bragiel recommended taking the list of residents received from the county and mail to every third or fifth resident. Mr. Fish stated that staff would work with Mr. Nehaus is creating a mailing list. Commissioners agreed.

Mr. Nehaus provided a rough cost estimate based on 10% of the residents in the area. Mr. Freeman clarified that the commission had made no decision on the creation of a mailing list at this time that a determination would be made when a list was provided to the commission. Mr. Nehaus stated they would follow the recommendations from the county.

No further discussion. No action taken.

Item #2 Discussion of amending the building valuation date table used in determining building permit fees.

Matthew Fish provided staff report. Explained that staff had researched the fee's in other counties and that the county was right in line; therefore, staff recommended not to amend the building fees at this time.

Discussed the current growth in the county. Mr. Freeman questioned if the current fees covered the administrative costs. Mr. Fish stated that right now there was not a need to increase fees and explained that they may need to be looked at in the future based on tax revenue. Commissioners agreed to address at a future meeting.

Mr. Muth expressed his concerns with the current labor costs and the need to be able to self-sustain administration costs, so costs do not have to come directly out of the general fund.

Mr. Peterson shared that his research with other contractors averaged \$80 per square foot.

Mr. Freeman requested this item be put on the agenda in six months. Commissioners agreed.

Mr. Muth suggested a study from 2007 to date for a more complete and accurate study. Mr. Bragiel suggested the same study be done from other departments.

No further discussion. No action taken.

Item #3 Discussion of a proposed Wind Energy Generation ordinance to establish standards for development.

Mr. Fish provided staff report and explained the ordinance that had been recommended to staff in 2011.

Commissioners discussed staffs recommended changes.

Mr. Fish questioned the name “Commercial Renewable” and the reasons for using “Commercial “and asked if the commission had other recommendations. Mr. Peterson explained his experience was with “renewable” energy. Mr. Fish explained what this ordinance covered. Commissioners recommended “Utility.”

Mr. Fish went over the definitions and questioned if a definition was needed for solar panels. Commissioners disagreed and recommended having a broad definition.

Mr. Muth noted there was no provisions for an annual review and would be doing a disservice to the county residents if nothing was added and recommended a bi-annual staff review and brining to the commission as needed.

Commissioners discussed the use of a bond for cleanup, Section 439.U. Mr. Freeman recommended adding the use of bond’s in the language.

Mr. Fish questioned the minimum notification area of 300 feet noted in Section 445.A.2. Commissioners agreed on one mile. Mr. Muth recommended adding from the “project” boundary. Mr. Muth clarified project boundary as property boundary.

Mr. Fish explained the current process for experimental studies and questioned if a conditional use permit (CUP) should be required. Discussed the height, FFA regulations. Mr. Muth’s concerns with towers popping up all over the county and abandonment. Mrs. Pearce recommended a CUP with no fee. Mr. Muth questioned if this could be handled with a building permit. Mrs. Pearce questioned if the process could be done by staff. Mr. Muth recommended a permit for MAP and attaching the application to the CUP.

Commissioners discussed the notification process. Mr. Freeman clarified the MAP. Mrs. Pearce questioned the use of a Temporary Use Permit. Commission discussed notification and timeline. Mr. Fish recommended a yearly permit. Mr. Muth questioned whom the applicant would be. Commissioners discussed landowner vs. company or joint applicant. Mr. Muth added that all the conditions & cleanup cost should not be attached only to the landowner. Mr. Bragiel suggested for staff to look into other counties and with the county attorney.

Mr. Freeman recommended to continue the discussion on the next agenda.

No further discussion. No action taken.

Mr. Freeman called to order the regular meeting at 1:10 p.m.

Mr. Freeman suspended the regular meeting at 1:10 p.m.

Item #4 Discussion of a proposed recreational vehicle policy.

Mr. Fish provided staff report and went over changes and expressed his concerns with living in the RV permanently and being on septic.

Mr. Fish questioned Section 803 to include flood plains. Mr. Freeman recommended adding Hazardous Environment Placement language.

Mr. Fish questioned adding a screening definition under Section 802.

Commissioners discussed and recommended adding:

Section 802.1 by adding a broader definition to include for modified cargo containers or similar structures, tiny house, those designed for human habitation, for travel or for recreational purposes.

Section 802.3 removing staffs recommendation “not as a storage unit” as the definition covers this as presented.

Section 802 by adding a definition for screening. Agreed not shorter than 6 feet and not taller than 7-foot fence and must be harmonious with the area.

Section 803, no discussion.

Section 804 by adding a start date and end date and adding a grace period for obtaining permit.

Commission discussed enforcement, notification, and grandfathering.

Mr. Bragiel questioned how this affected Greer. Mr. Freeman read Section 803.1. Continued discussion of RV use in Greer, zoning, and prohibited uses. Commission recommended for staff to discuss with the county attorney.

Section 805.4 change appeal location, not to Board of Adjustment and Appeals.

Section 805.5 adding penalties and fines, following Article 11 of the zoning ordinance.

Section 805.6 fee fluctuates like a building permit.

Section 806 by adding to the definition language to address the screening to conceal most of the RV and everything that goes with it.

Commissioners recommended to adding mobile and manufactured homes, agreed they were covered under the zoning ordinance with the 15-year or newer rule.

Section 807 adding for penalties and fines.

Mr. Muth referred to the cleanup policy implemented by the prior director and recommended to continuing forward.

Section 808 no recommendations.

No further discussion. No action taken.

Regular Meeting

Item #1 Call to Order.

Chairman John Freeman called the regular meeting to order at 1:10 p.m. and suspended to continue the work session discussion.

Chairman John Freeman reconvened the regular meeting at 1:50 p.m.

Item #2 Roll Call/Determination of a Quorum.

Chairman John Freeman determined a quorum was present; six (6) commissioners present.

Item #3 Call to the Public

No public comments.

Item #4 Approval of the minutes from the April 1, 2021 meeting.

No discussion.

Chairman John Freeman opened for a motion.
Commissioner Brad Peterson motioned to approve as presented.
Commissioner Oscar Miranda seconded the motion.

Vote, unanimous

Item #6 Report from Staff to the Commission

Mr. Fish acknowledged commissioner Jim Thornhill and his many years of service with the county and the community.

Mr. Freeman expressed his gratitude of Mr. Thornhills contribution to the county and his community.

Mr. Fish advised of the two conditional use permits received and will be on July's agenda.

Item #7 Adjourn

Chairman John Freeman opened for a motion to adjourn.
Commissioner Brad Peterson motioned to adjourn.
Commissioner Bobby Fite seconded the motion.

Vote, unanimous.

Adjournment 1:56 p.m.