

**MINUTES OF THE REGULAR PUBLIC MEETING OF THE UINTAH COUNTY COMMISSION
JANUARY 5, 2004**

ATTENDANCE: CHAIRMAN DAVE HASLEM, COMMISSIONERS JIM ABEGGLEN AND MIKE MCKEE.
PARTICIPANTS: BRIAN TUCKER, PAT CONN, ED ZURBUCHEN, J.C. BREWER, GAYLA CASPER, RICK HAWKINS, HEATHER HOYT, STEVE WALLIS, MIKE WILKINS AND WES BADEN.

MINUTES RECORDED BY SUEANN BURRASTON, DEPUTY CLERK-AUDITOR

PLEDGE: COMMISSIONER ABEGGLEN

PRAYER: COMMISSIONER MCKEE

MINUTES OF DECEMBER 23, 2003 WERE APPROVED AS PRESENTED.

WARRANTS DATED 12-30-03 IN THE AMOUNT OF \$528,524.48 WERE APPROVED AS PRESENTED BY MICHAEL W. WILKINS, CLERK-AUDITOR.

TAX MATTERS -

CLERK-AUDITOR-S OFFICE - MIKE WILKINS:

ALFRED CHRISTENSEN REQUESTED A REFUND OF TAXES PAID FOR THE YEAR 2002 ON TAX SERIAL #04:076:0301 THRU 04:076:0344 (24).ORDER OF APPROVAL FROM THE UTAH STATE TAX COMMISSION FOR APPEAL 03-0027. AMOUNT OF REFUND \$81.80 PER UNIT, TOTALING \$3,599.20.

ALFRED CHRISTENSEN REQUESTED A REFUND OF TAXES PAID FOR THE YEAR 2003 ON TAX SERIAL #04:076:0301 THRU 04:076:0344 (24). AT THE LOCAL 2003 BOARD OF EQUALIZATION THE ASSESSOR-S OFFICE STIPULATED TO THE VALUE HANDED DOWN FOR THE 2002 STATE APPEAL. ORDER OF APPROVAL FROM THE UTAH STATE TAX COMMISSION FOR APPEAL 03-0027. AMOUNT OF REFUND \$84.38 PER UNIT, TOTALING \$3,712.73.

COMMISSIONER MCKEE MADE A MOTION TO APPROVE THE REFUND OF TAXES FOR TAX YEAR 2002 AND 2003. COMMISSIONER ABEGGLEN SECONDED. MOTION PASSED.

ASSESSOR-S OFFICE - GAYLA CASPER:

CAROL FLETCHER REQUESTED AN ABATEMENT OF TAXES FOR THE TAX YEAR 2003 ON PARCEL #6-42-49. THIS PERSONAL PROPERTY TAX WAS ATTACHED TO CAROL FLETCHER-S REAL PROPERTY. SHORTLY AFTER ATTACHMENT PAYMENT WAS MADE TO ASSESSOR-S OFFICE. AMOUNT OF ABATEMENT \$97.01.

COMMISSIONER MCKEE MADE A MOTION TO APPROVE THE ABATEMENT. COMMISSIONER ABEGGLEN SECONDED. MOTION PASSED.

PLANNING - PUBLIC HEARING - ZONING AMENDMENTS TO CHAPTER 17:76 - CONDITIONAL USES & HOME OCCUPATIONS - BRIAN TUCKER:

BRIAN EXPLAINED THAT IN OCTOBER OF 2003 THEY REQUESTED THAT THE CURRENT ORDINANCES REGARDING CONDITIONAL USES BE AMENDED CREATING MORE WORKFUL AND ENFORCEABLE ORDINANCE-S THAT WILL PROTECT THE RIGHTS OF PROPERTY OWNERS, NEIGHBORS, THE PUBLIC AND THE COUNTY. A SECTION WAS ADDED TO THE ORDINANCE ENTITLED NO PRESUMPTION OF APPROVAL 17.76.040. WHICH IS TO MAKE IT CLEAR TO THE APPLICANT THAT THE LISTING OF A CONDITIONAL USE DOES NOT NECESSARILY MEAN THE PERMIT WILL BE GRANTED. A SECTION ENTITLED APPEALS 17.76.080. WAS MODIFIED IN ORDER TO FORMALIZE AND CLARIFY AN APPEALS PROCEDURE. BRIAN SAID THE OLD ORDINANCE HAD AN APPEALS PROCEDURE BUT IT WAS MURKY AND IT WAS UNCLEAR IF IT WAS ENFORCEABLE. A SECTION ENTITLED BASIS FOR ISSUANCE OF CONDITIONAL USE PERMIT 17.76.070. WAS MODIFIED. THAT ORDINANCE WAS MODIFIED TO FURTHER

CLARIFY THE REQUIREMENTS THAT MUST BE MET IN ORDER TO ISSUE A CONDITIONAL USE PERMIT. THERE IS NO PRESUMPTION OF APPROVAL AND A CONDITIONAL USE PERMIT SHOULD ONLY BE ISSUED AT CERTAIN TIMES AND UNDER CERTAIN CRITERIA, SO THIS WAS JUST MADE CLEARER AND OBVIOUS. A SECTION ENTITLED REVIEW PROCEDURE 17.76.050 WAS MODIFIED IN ORDER TO FORMALIZE AND CLARIFY THE APPLICATION AND REVIEW PROCEDURE. A SECTION ENTITLED COMPLIANCE AND INSPECTION 17.76.090 WAS MODIFIED TO FORMALIZE AND CLARIFY THE STANDARDS TO WHICH AN APPLICANT MUST ABIDE BY THE CONDITIONS IMPOSED AND THE DUTIES OF THE ZONING ADMINISTRATOR AND ALSO THE CHIEF BUILDING OFFICIAL INSURING THAT THE CONDITIONS ARE FOLLOWED. A SECTION WAS ADDED TO THE ORDINANCE ENTITLED NOTIFICATION REQUIRED 17.76.110 WHICH FORMALIZES WHAT THEY ARE AND ARE NOT GOING TO DO IN TERMS OF NOTICING ADJOINING PROPERTIES DOWN THE ROAD. ON THE AVERAGE CONDITIONAL USE PERMIT EVERYBODY WITHIN 1000 FEET WILL BE NOTIFIED, AND ALSO ANYONE WHO THE ZONING ADMINISTRATOR OR THE PLANNING COMMISSION FEELS SHOULD BE NOTIFIED WILL BE INCLUDED IN THAT NOTIFICATION.

CHAIRMAN HASLEM ASKED BRIAN REGARDING THE NOTIFICATION REQUIRED WITH A CONDITIONAL USE PERMIT DOES IT NEED TO BE ADVERTISED IN THE NEWSPAPER ?

BRIAN SAID IT WILL BE PART OF THE PUBLIC MEETING SO IT WILL BE ADVERTISED AS AN ITEM IN THE MEETING. IT WILL HAVE A DESCRIPTION OF WHAT IT IS.

A SECTION WAS ADDED ENTITLED AMENDMENT OF A CONDITIONAL USE PERMIT 17.76.120. SOMETIMES CONDITIONAL USE PERMITS ARE GRANTED BUT THEY ARE NOT EXACTLY WHAT PEOPLE NEED OR THEY EXPAND THEIR BUSINESS OR THE PROPERTY GOES INTO DIFFERENT OWNERSHIP AND THEY NEED SOMETHING DIFFERENT OUT OF THEIR CONDITIONAL USE PERMIT SO THIS GIVES THEM AN OPPORTUNITY TO AMEND THEIR CONDITIONAL USE PERMIT. A SECTION WAS ADDED ENTITLED REVOCATION 17.76.130 WHICH FORMALIZES THE PROCESS THAT NEEDS TO BE FOLLOWED TO REVOKE A CONDITIONAL USE PERMIT. HOME OCCUPATIONS 17.76.140 IS REPEALED BY THIS ORDINANCE, IN RELEVANT LANGUAGE REGULATING HOME OCCUPATIONS IS NOW PUT INTO THIS CHAPTER WHERE IT SHOULD BE BECAUSE HOME OCCUPATION IS A CONDITIONAL USE.

BRIAN SAID THAT THE PLANNING COMMISSIONER RECOMMENDED THESE AMENDMENTS UNANIMOUSLY.

ED ZURBUCHEN ASKED WHEN PROPERTY CHANGES OWNERSHIP WHAT HAPPENS?

BRIAN SAID IF THE PROPERTY CHANGES OWNERSHIP THE CONDITIONAL USE PERMIT RUNS WITH THE LAND. IT DOESN'T MATTER WHO OWNS IT, THE CONDITIONAL USE PERMIT WILL CONTINUE ON, BUT THE PERSON WHO COMES INTO OWNERSHIP LATER WILL HAVE TO FOLLOW THE SAME CONDITIONS AS THE ORIGINAL LAND OWNER.

ED ASKED IF THE CONDITIONS ARE CHANGED DO THEY NEED TO REFILE?

BRIAN SAID THE ONLY REASON THEY WOULD NEED TO REFILE IS IF THEY WERE TO HAVE A DIFFERENT USE IN WHICH CASE THEY WOULD APPLY FOR A NEW CONDITIONAL USE PERMIT OR THEY WOULD HAVE TO REFILE IF THEY DIDN'T CONTINUE THE USE FOR A YEAR, AND THEN THE CONDITIONAL USE PERMIT WOULD EXPIRE. OTHERWISE IT DOESN'T EXPIRE UNLESS YOU QUIT THE USE.

COMMISSIONER ABEGGLEN MADE A MOTION TO ADOPT THE AMENDMENTS TO THE ORDINANCE. COMMISSIONER MCKEE SECONDED. MOTION PASSED.

PLANNING - PUBLIC HEARING - ADDING CHAPTER 17:90 - RESIDENTIAL FACILITIES FOR THE ELDERLY & HANDICAPPED - BRIAN TUCKER:

BRIAN SAID UINTAH COUNTY-S CURRENT ZONING LAWS GOVERNING RESIDENTIAL FACILITIES FOR ELDERLY AND DISABLED PERSONS ARE ILLEGAL BECAUSE THEY REQUIRE THE ESTABLISHMENT OF AN

ADVISORY COMMITTEE. BRIAN SAID THEY HAVE DRAFTED A NEW ORDINANCE 17:92.

WES BADEN GIVE APPROVAL OF THE ORDINANCE BEING CHANGED TO 17:92 RATHER THAN 17:90.

HEATHER HOYT ASKED BRIAN IF THE DEFINITION OF DISABLED PERSONS INCLUDE THOSE WITH DRUG AND ALCOHOL PROBLEMS?

BRIAN SAID YES IT DOES BUT IT DOES NOT INCLUDE THOSE WHO ARE CURRENTLY USING, THEY HAVE TO BE IN AN ACTIVE RECOVERY PROGRAM.

ED ZURBUCHEN ASKED WHEN THIS ORDINANCE WILL COME INTO EFFECT ?

BRIAN SAID 15 DAYS AFTER IT IS ADOPTED.

WES BADEN SAID THIS IS THE TIME FOR PUBLIC INPUT. THERE ARE TWO ISSUES THAT HAVE EMERGED, 1) IS THERE ANY PUBLIC SENTIMENT ABOUT LIMITATION OF THE NUMBER OF PEOPLE LIVING IN THESE FACILITIES? 2) IS THERE ANY FEELING ONE WAY OR ANOTHER ABOUT WHETHER THEY SHOULD BE ALLOWED IN A R-1 ZONE AS APPOSED TO BEING LIMITED TO R-2 AND R-3 ZONES?

WES SAID THAT PUBLIC INPUT WILL HELP GIVE BRIAN A SENSE OF WHICH WAY WILL BE THE BEST WAY TO GO.

ED ASKED IF YOU ONLY ADOPTED A R-1 ZONE AREN'T YOU DISCRIMINATING AGAINST THE OTHER ZONES.

COMMISSIONER ABEGGLEN SAID A R-1 ZONE IS PRIMARILY FOR A SINGLE FAMILY RESIDENTIAL HOMES. R-2 ZONE-S ALLOWS FOR DUPLEXES AND FOUR PLEX-S. R-4 ZONES ALLOWS UP TO A SIXTEEN PLEX. ZONING EFFECTS TRAFFIC PATTERNS, SEWER AND WATER. THERE ARE CERTAIN RIGHTS PEOPLE WANT AND SHOULD HAVE. COMMISSIONER ABEGGLEN SAID AS A COMMISSION THEY FEEL THAT THESE FACILITIES SHOULD NOT BE ALLOWED IN THOSE ZONES, THEY SHOULD BE ALLOWED IN R-2 OR R-3 OR R-4 ZONE BECAUSE THEY HAVE MULTIPLE USES.

CHAIRMAN HASLEM SAID IN THE STATE CODE IT READ THAT THEY WILL BE COMPATIBLE TO THE STRUCTURES AROUND THEM.

BRIAN SAID IF A RESIDENTIAL FACILITY FOR A DISABILITY LOOKS THE SAME AS YOUR HOUSE IT HAS TO BE ALLOWED. IF IT LOOKS LIKE A HOSPITAL OR A CLINIC IT DOES NOT NEED TO BE ALLOWED .

RICK HAWKINS SAID HOW ARE YOU EVER GOING TO DENY A LICENSE WITH THESE GUIDE LINES. HE SAID HE FELT THAT A BOX OF PROBLEMS IS GOING TO BE OPENED UP.

COMMISSIONER ABEGGLEN SAID STATE LAW SAYS YOU WILL HAVE AN ORDINANCE THAT ALLOWS THEM INTO OUR CITY OR COUNTY. NOW IT IS A MATTER OF CAN WE RESTRICT THEM IN CERTAIN AREAS OF OUR COUNTY?

HEATHER SAID AS ONE WHO HAS FOUGHT THIS BATTLE, SHE SAID SHE DOESN'T CARE WHERE IT IS AS LONG AS THERE IS A DECISION MADE.

COMMISSIONER MCKEE SAID HE FEELS THAT COUNCIL NEEDS TO REVIEW THIS ?

STEVE WALLIS SAID THE ORDINANCE DOESN'T DEAL WITH ELDERLY UNLESS THEY ARE DISABLED.

BRIAN SAID THERE IS A DIFFERENT SECTION THAT DEALS WITH ELDERLY.

CHAIRMAN HASLEM SAID THIS WILL BE FURTHER DISCUSSED AND BROUGHT BACK AT A LATER DATE.

ORDINANCE #01-05-04 - AN ORDINANCE OF THE UINTAH COUNTY BOARD OF COMMISSIONERS RELATING TO THE CARE, RELIEF AND BURIAL OF INDIGENTS IN UINTAH COUNTY - HEATHER HOYT:
HEATHER SAID PRIOR TO THIS THERE HAS NOT BEEN AN ORDINANCE TO GUIDE THEM ON HOW TO DEAL WITH THIS SITUATION.

COMMISSIONER ABEGGLEN MADE A MOTION TO ADOPT ORDINANCE #01-05-04 WITH THE NOTED CHANGE BEING MADE IN SECTION 4. COMMISSIONER MCKEE SECONDED.

MIKE WILKINS ASKED IF THIS ORDINANCE SHOULD INCLUDE TRANSIENT PEOPLE, AND SHOULD THIS BE A RESOLUTION OR AN ORDINANCE?

WES BADEN SAID IT SHOULD BE POLICY BY MEANS OF ORDINANCE.

COMMISSIONER ABEGGLEN SAID THE COUNTY HAS NO RESPONSIBILITY TO PEOPLE PASSING THROUGH OUR COUNTY.

HEATHER SAID SHE HAS BEEN HELPING THESE PEOPLE WITH THE SALVATION ARMY.

COMMISSIONER ABEGGLEN SAID THE BUDGET FOR THIS IN THE PAST HAS BEEN WAY TOO HIGH. COMMISSIONER MCKEE SAID HE BELIEVES THE STAFF HAS SCREENED THE INDIVIDUALS VERY WELL.

COMMISSIONER ABEGGLEN SAID THIS ORDINANCE IS A GOOD START.

ED ZURBUCHEN ASKED UNDER THE STATE CONSTITUTION AREN'T WE OBLIGATED TO PASS THE INDIVIDUAL ON THROUGH OUR COUNTY.

COMMISSIONER MCKEE SAID MOST COUNTIES DO NOT OFFER THIS.

HEATHER SAID WE ARE TOTALLY UNIQUE IN THIS AREA OF HOW WE HANDLE THINGS.

ED SAID HE THINKS THIS ORDINANCE WILL BE GOOD ACCOUNTABILITY TO THE PUBLIC.

CHAIRMAN HASLEM SAID THERE HAS BEEN HELP PROVIDED FOR ONE INDIVIDUAL AND THEN THEIR FAMILY STARTS REQUESTING HELP. THERE WAS A LOT OF ABUSE WITH THIS PROGRAM.

RICK HAWKINS SAID THE WORD TRAVELS FAST IN THIS REALM.

ED ASKED HOW MUCH MONEY WAS SPENT LAST YEAR.

COMMISSIONER ABEGGLEN SAID ABOUT \$4,800.00, THE BUDGET HAS BEEN CUT FOR 2004.

HEATHER SAID THIS WILL BE A GOOD WAY FOR OTHER ENTITIES TO GET THE WORD SO THE COUNTY IS NOT THE ONLY PLACE THAT PROVIDES HELP.

MOTION PASSED.

JOHNSON WATER DISTRICT - EASEMENT - COMMISSIONER MCKEE:

COMMISSIONER MCKEE SAID JOHNSON WATER DISTRICT'S LINES HAVE BEEN IN FOR A NUMBER OF YEARS, HOWEVER THEY HAVE SOME UPGRADES THAT THEY ARE LOOKING INTO. TO RECEIVE GRANT MONEY THEY NEED OFFICIAL DOCUMENTATION OF THE RIGHTS THEY WERE GIVEN YEARS AGO.

COMMISSIONER MCKEE MADE A MOTION TO APPROVE THE EASEMENT PENDING LEGAL REVIEW . COMMISSIONER ABEGGLEN SECONDED. MOTION PASSED.

GRANTS - ACCEPTANCE AND ADOPTION OF UINTAH COUNTY MUSEUM FEASABILITY STUDY - HEATHER HOYT:

HEATHER EXPLAINED TO THE COMMISSION THAT THEY HAVE WORKED HARD THIS PAST YEAR WITH THE MUSEUM CONSULTANTS ON THE FEASABILITY STUDY FOR THE NEW MUSEUM. THE STUDY WAS NEVER OFFICIALLY ACCEPTED AND ADOPTED IN A PUBLIC MEETING. HEATHER SAID SHE IS CURRENTLY WORKING ON A SIZABLE GRANT TO THE INSTITUTE OF MUSEUM AND LIBRARY SCIENCES. AS PART OF THAT GRANT THE FEASABILITY STUDY NEEDS TO BE ACCEPTED AND ADOPTED IN A PUBLIC MEETING, AND SPECIFICALLY THEIR MISSION AND VISION STATEMENT.

THE MISSION OF THE UINTAH COUNTY MUSEUM IS TO OFFER AN ENTERTAINING, EDUCATIONAL AND ENJOYABLE FAMILY EXPERIENCE THAT CHRONICLES THE ACTIVITIES AND PRESERVES THE HISTORIES OF ALL THE PEOPLES OF THE UINTA BASIN FROM THE FIRST PEOPLE FORWARD, TEACHING ITS VISITORS THE VALUES OF A DIVERSE AND DYNAMIC POPULACE. THE MUSEUM WILL ATTRACT OUT-OF-TOWN VISITORS BY FOCUSING ON PROGRAMMING RELATED TO THE OLD WEST, CONTRIBUTE TO THE COUNTY-S ECONOMIC DEVELOPMENT, AND CREATE A GATHERING PLACE AND A FOCUS OF PRIDE FOR THE COUNTY-S PEOPLE.

COMMISSIONER MCKEE ASKED THAT THE WORD EDUCATIONAL BE ADDED TO THE MISSION AND VISION STATEMENT.

COMMISSIONER ABEGGLEN MADE A MOTION TO APPROVE THE UINTAH COUNTY MUSEUM FEASABILITY STUDY PENDING THE NOTED CHANGE. COMMISSIONER MCKEE SECONDED. MOTION PASSED.

RE-ZONE OF PROPERTY NEAR MAESER CORNER @ APPROXIMATELY 500 NORTH 2500 WEST FROM RA1 TO C1 - PUBLIC HEARING - BRIAN TUCKER:

BRIAN EXPLAINED THAT THIS AREA IS CURRENTLY BEING TAXED AS COMMERCIAL BUSINESS. THE PLANNING COMMISSION RECOMMENDED THIS RE-ZONE.

JC BREWER ASKED IF ALL THE PROPERTY OWNERS HAD BEEN NOTIFIED?

BRIAN SAID THEY WERE NOTIFIED TWICE.

COMMISSIONER ABEGGLEN MADE A MOTION TO APPROVE THE RE-ZONE. COMMISSIONER MCKEE SECONDED. MOTION PASSED.

RE-ZONE OF COMMERCIAL PROPERTY IN GUSHER, UT NEAR 9000 EAST FROM A1 TO C1 - PUBLIC HEARING - BRIAN TUCKER:

BRIAN EXPLAINED THAT THIS PROPERTY HAS BEEN USED AND TAXED AS COMMERCIAL.

MIKE WILKINS ASKED WHO WAS THE REPRESENTATIVE HE HAD SPOKE TO?

BRIAN SAID HE WASN'T SURE.

BRIAN SAID THAT KAY ANDERSON WAS SENT NOTIFICATION OF THE POSSIBLE RE-ZONE.

COMMISSIONER ABEGGLEN MADE A MOTION TO APPROVE THE RE-ZONE. COMMISSIONER MCKEE SECONDED. MOTION PASSED.

CONTRACT AUTHORIZATION - AUTHORIZATION TO SIGN RURAL COUNTY AGRC CONTRACT - HEATHER HOYT:

HEATHER TOLD THE COMMISSION THAT SHE HAD RECEIVED CONTRACTS FROM A.G.R.C.'S OFFICE FOR 2004 MONEY. THE CONTRACT SAID THE EVALUATION COMMITTEE HAS DETERMINED THE PROCESS TO DISTRIBUTE THE FISCAL YEAR 2003 FUNDS RECEIVED FROM U.S. CONGRESS. UINTAH COUNTY WILL RECEIVE \$10,000.00, WITH THIS MONEY THE COUNTY IS EXPECTED TO DELIVER THE FINAL MATERIALS TO THE ATTORNEY GENERAL'S OFFICE AND THE A.G.R.C. ALSO A SUMMARY OF DELIVERABLES IS TO BE RECEIVED BY A.G.R.C. BY JUNE 30, 2004.

COMMISSIONER MCKEE MADE A MOTION TO AUTHORIZE THE SIGNING OF THE A.G.R.C. CONTRACT. COMMISSIONER ABEGGLEN SECONDED.

ED ZURBUCHEN ASKED WHAT DOES A.G.R.C. STAND FOR?

HEATHER SAID AUTOMATED GEOGRAPHIC REFERENCE CENTER.

MOTION PASSED.

ADJOURN: 3:02 PM

DAVE HASLEM - CHAIRMAN

MICHAEL W. WILKINS - CLERK-AUDITOR