

# MINUTES

## ADAMS COUNTY PLANNING & ZONING COMMISSION

### Regular Meeting

November 19, 2018, Adams County Courthouse

7:00 p.m.

**Members Present:** Royce Bauer, Julie Burkhardt, Dennis Nau, Joe Warner, Al Becker, Mark Peterson

**Members Absent:** None

**Others Present:** Building Inspector Don Horton, P&Z Administrator Wendy Green

**Public Present:** None

1. **Call to Order:** Vice-Chairman Joe Warner called the meeting to order at 7:02 p.m.
2. **Review Agenda:** Royce Bauer moved to approve agenda as presented; seconded; passed.
3. **Approval of Minutes:** Royce Bauer moved to accept the minutes of the October 15, 2018 regular meeting as presented; seconded; passed.

#### 4. **New Business**

Don Horton provided guidance to the Commission on holding public hearings based on his years of experience. Horton and the Commissioners discussed the challenge of moving business along in a timely manner, given the need to provide proper public notice at least two weeks before a public hearing and allow Commission ample time to consider all the facts. For items that are straightforward and noncontroversial, the Commission may want to make a decision the night of the hearing. In many cases, though, Horton advised that it would be better to wait and reach a decision on their recommendation at the following regular Commission meeting. The Commission can also recommend to the Board of County Commissioners to hold an additional public hearing.

If a project requires rezoning, the rezoning question should be decided first, before the subdivision or other matter is heard. Horton noted that the Commission can recommend certain *conditions* be met in order to approve the application. It's called a Conditional Use Permit because the County can allow certain uses *under stipulated conditions*. Any changes to the approved use at a later date will require another application and review by P&Z.

Commission and Horton discussed situations like the Kesler Conditional Use Permit application. When a CUP is required, that process should be completed prior to building and septic permits being issued. Horton explained the miscommunication between his office and Jeff Batten with Southwest District Health; each thought the other had okayed the placement of the manufactured home with new septic system. Horton issued a permit to place a manufactured home with the understanding that it would be connected to an existing septic system. The applicant then

decided to add a new system; Batten saw that they had a building permit, so he proceeded with his review for a new system. Those steps should not have occurred until P&Z heard the application for the Conditional Use Permit. County precedent has established that more than two dwellings with septic systems on a parcel changes the use from single-family residences associated with agricultural use to potential commercial use. There was a question about whether there is any agricultural use on the Kesler parcel.

Administrator Green reported that the BOCC heard the Kesler application at the November 13, 2018 meeting and tabled the decision until November 20<sup>th</sup> so they can hear from Jeff Batten about the addition of a third septic system on that 5-acre parcel in the Middle Fork Weiser River floodplain. Green reminded the Commission that there must be a clear line of logic from the Comprehensive Plan to the Ordinance to their decision. Can a reasonable person see the basis for your decision, according to County Ordinance? Can you cite sections of our ordinances to explain why you recommended approval or denial of an application?

Horton reviewed the basic process for building a home in the county outside a subdivision: Must be a minimum of 5-acre lot; applicant must get a septic permit from SWDH; then applicant obtains a building permit.

Commissioners agreed that they will not hear or decide on an application that involves sanitation approval without hearing testimony from Southwest District Health.

Bauer left the meeting at 7:48.

In response to a question about the process of updating the Comprehensive Plan and ordinances, Horton recommended the Commission first look at sections that are causing concern or confusion or do not seem to meet the needs of the county anymore. He reminded them to look forward and think about how residents want the county to look in the coming decades. There is a steady stream of building permits coming through his office, and we should expect more requests for subdivision development and multi-family housing. Our ordinances do not anticipate or provide for some of that growth and change. Changes to the comp plan and ordinances are required to involve a public process.

Horton left the meeting at 7:58.

Commissioners agreed to wait to elect a new chairman until the BOCC appoints a replacement for Rich Laine. They decided not to meet in December unless an application comes in that requires a public hearing before the January meeting. Administrator will keep them apprised of any active applications. In the meantime, the Commissioners will review the Comprehensive Plan on their own time in preparation for beginning the updating process at the January meeting.

**5. Upcoming Meetings:**

Next Regular Meeting: January 21, 2018 at 7:00 p.m.

**6. Adjournment**

Meeting adjourned at 8:57 p.m.

*Jack Wilson*  
Chairman

Date 1/21/19

