Portage Planning and Zoning

Wednesday, September 4, 2019

Portage Town Hall

25880 N 9000 W Portage, Utah

Minutes

**Attendance**: Council Member Martina John, Norma Lasa, Darrell Bell, Chelsie Nelson, Lisa Bingham, Trevor Siebert

Katherine Munns; Town Clerk.

**Absent:** Cathe Runyan

**Visiting:** Grant and Susan Bell, Amanda Loftiss

**Call to Order - 6:00 PM**

**Opening Ceremony: Pledge of Allegiance -** Norma Lasa **Prayer -** Darrell Bell

**1.** The minutes were not done printing so the commission moved on to the next agenda item.

**2.** **Grant Bell** presented his plan to subdivide his land into three 4.33 acre lots ruffly. Grant stated that he needed to find out what they needed to do for the water. It’s about 962 feet of water main. There will also have to be a fire hydrant down at the end.

The Bell’s need to wait for the fire hydrant decision from the Council.

**Lisa Bingham -** Asked to refresh her memory, she asked; rural residential what is it currently? She thought it was five acres.

**Chelsie Nelson -** Informed Member Bingham that the change was made to two acres.

**Motion** to approve Grant Bell’s request to go ahead with his subdivision by Trevor Siebert and seconded by Darrell Bell. All aye.

**Motion Passed.**

The Bell’s will attend the Town Council meeting next week.

**3.** Mariah Huggins presented her building lot plan. However Mariah Huggins said that they got their perk test done and have gone as far as they can without the water protection zones information and the health department won’t sign off on it (the mylar) until they know the water protection zones.

Mariah also brought some information about the water zones and was thanked for it.

She explained that her septic field would be 420 feet back and to the right and far enough away from this (the well) and it will flow two different way away from the well house.

**Member Martina John -** Informed Mariah that she will need a letter from the Bear River Health Department that the ground passed that Perk test and that she should bring that to Town Council next week.

**Motion** to approve Mariah Huggins (Steve Huggins) subdivision by Darrell Bell, seconded by Chelsie Nelson. All aye

**Motion Passed.**

**Voting on the minutes**

**1. Motion** to approve the September 4, 2019 minutes by Trevor Siebert, seconded by Norma Lasa. All aye

**Motion passed.**

**4.** Skip going over new building permit procedures ~~before~~ Clerk Munns didn’t print off the right document.

**5.** Trevor Siebert, has the indexing all done; he said he made it navigable, marked headings, added a table of content so that it will auto populates with the page numbers, each section has its own page numbers so it will say 101.1, 101.2 then when it goes to 102 it will say 102.1 and excreta for ease of editing. Index is there; he sent it back to clerk Munns just add new information. He will teach the clerk how to make changes.

Trevor also stated just for clarification and for the record he did not change any verbiage or the ordinances in any way, all he changed was is he added formatting and navigation tools to the document and that he no longer has an official copy of them and that he sent them back to Clerk Munns.

**6.** RV resolution.

**Trevor Siebert** - With the research that I have done I’m good with 90 days or less. Because most of the towns say none at all. I looked at towns our same size The ones that said anything at all say only in designated RV parks. No long term stays on personal resident’s.

**Member Martina John** - I have also done extensive research and I totally concur with you. Also most RV parks don’t let you stay longer than 180 days a year. Only 90 days unless you meet all the requirements.

**Lisa Bingham** - So how many of you that moved to Portage that would rather in live in Bothwell or Plymouth or Malad?

**Norma Lasa** - I lived in Malad for 15 years.

**Lisa Bingham** - Yeah I know but didn’t you move to Portage for a reason? Because it had its own identity? We are looking at all these other towns for our identity and we already have one. I didn’t move to Portage because I wanted to live in Bothwell, I moved to Portage because I wanted to live in Portage.

**Chelsie Nelson -** When you moved here did you have any idea there was a RV resolution?

**Lisa Bingham** - I immediately got on this Planning and Zoning when I moved here so yes.

**Chelsie Nelson** - But did you know; hey I could live in an RV on someone’s property for this long. ~~and live there as long as you want?~~

**Lisa Bingham** - Well no but I was moving to a small town.

**Chelsie Nelson -** You knew you were moving to a nice rural community.

**Lisa Bingham -** Yes

**Member Martina John -** Was you on board when the 2013 resolution was made?

**Lisa Bingham** - I was not.

**Member Martina John -** Then asked member Bell if he was on the committee back then.

**Darrell Bell -** I was I but do not recall it though.

**Member Martina John -** We don’t have any minutes from 2014 back.

**Clerk Munns had to stop the meeting and put new batteries in the recorder. Just a few seconds delay in the meeting.**

**Member Martina John -** Was concerned because the 2013 records are not complete and the Town does not have an actual record of the 2013 RV resolution being passed. The Town Council meeting minutes are not in the Towns records.

**Darrell Bell -** Stated that he would look thru some zoning stuff from that time period.

**Trevor Siebert -** What does anything that happened in 2014 (2013) have to do with what we are talking about now?

**Member Martina John and Norma Lasa** - Because if it’s not in the minutes did it even get change/passed?

**Trevor Siebert** - So this one would be the first one then.

**Member Martina John -** That’s what I’m saying. I don’t know how that works if it wasn’t officially voted on by the Town.

**Lisa Bingham** - So what you are saying is that we don’t have an RV ordinance?

**Member Martina John** – That’s what I don’t know because there is no records.

**Trevor Siebert -** Don’t we send these to the public website?

**Clerk Munns -** there is nothing before 2014

**Darrell Bell -** I don’t think anyone else has any records so what I accidentally saved maybe the only existing records.

**There was a lot of discussion on records Clerk Munns printed out; Member Martina John was a bit confused on dates. It was established that we have no records showing the 2013 RV resolution was ever passed.**

**Chelsie Nelson - So we should just go forward with what we are doing.**

**Member Bingham -** So what was going on in 2013 that they decided to do one?

**Member Martina John -** That’s why I wanted to see the two minutes before this to see why they did this. Why did they make this and we have nothing.

**Trevor Siebert** – We want to do this one anyway now right.

**Member Martina John -** Yes sir.

**Trevor Siebert -** I know that I had reservations before but I am good to go now. I’m not getting hung up on that 90 days now so. You talk about identity; I wanted to make sure that I made my decision off something other than my emotions. Because I feel like that’s the only fair thing for me to do for the Town.

**Lisa Bingham –** What’sBox Elder County? Because that effects you cause you are in the county.

**Trevor Siebert** **and Chelsie Nelson** - 30 days.

**Trevor Siebert -** This was greater than anywhere else that I found it was generous and I feel that if I make my decision off my emotions that I’m not being fair to everybody in the town.

**Chelsie Nelson** - I feel that we are being way generous. Come all summer stay with your family.

**Lisa Bingham** - I think that it this started out as an emotional thing. When it was brought to this body to begin with is because of one situation.

Several members said it was not one situation there were around a half a dozen.

**Darrell Bell** - And no matter what we do it won’t fix that situation.

**Lisa Bingham -** I don’t necessarily think something is broken when there is only one thing that prompted it.

Several members said again it wasn’t necessarily that one it was all the others that prompted it.

**Norma Lasa** - I think that it’s better to nip things in the bud when a problem starts to arise than wait until it gets out of hand and then try to control it.

**Lisa Bingham** - I agree with you on that. I also think that we are going to make it difficult for ~~to~~ people that were not abusing the privilege but have for years come and did that very thing. So we are penalizing people that aren’t being a nuisances to nip it in the bud and I don’t think that that’s necessarily a good thing.

**Chelsie Nelson** – K were it started and the problem was one person. Then we brought it to Town council. you are picking one person.

**Several** members said it was several people again.

**Lisa Bingham** - No I’m not.

**Member Martina John** - It may have started out as one but once it was brought to attention more started popping up. So Lisa you are opposed to 90 days?

**Lisa Bingham** - I am.

**Member Martina John** - Ok let me refresh your memory from July 3rd. “Chelsie Nelson suggested 30 days max. Lisa Bingham thought that was too short and that the commission needed to find a middle ground at 90 days.”

**Lisa Bingham** - I may have said that but that was a middle ground.

**Member Martina John** - You voted on the 90 days.

**Trevor Siebert** - The 90 days was not set in stone

**Darrell Bell** - That was never voted on and passed in my mind. There was so much talking, I don’t care what you got wrote down.

**Member Martina John** - Those are the minutes. But I am not opposed to relooking at things I talked to the Town Council and I have their amounts that they are.

**Trevor Siebert** - So to be clear we didn’t vote on the resolution back in July.

**Chelsie Nelson -** We voted on the resolution and it did not pass last time.

Several members said the 90 days was voted on, but the resolution it’s self did not pass last month.

**Member Martina John** - Right. I also want to add setbacks.

She then went on to read what the state and HUD describes the different between the RV and mobile home because she was concerned that the mobile home would fall under the RV resolution but it does not. They are two different things in our ordinances under section 102 - 31 in the index it say a mobile home must meet ANSI standards which RV do not. It also says that RVs are built, they are sufficient for temporary living they are not designed for permanent living.

Our ordinance right now is letting you live in that permanently.

**Lisa Bingham -** What? This?

**Trevor Siebert and Chelsie Nelson -** Both said the old one.

**Member Martina John -** Stated you stay for a 181 days and leave for a week and come back and stay for 181 days that’s pretty much living there permanently. So we need to fix that problem.

**Darrell Bell -** Stated that a mobile home has to be on some sort of foundation and anchored down with skirting so they are not the same.

**Member Martina John** – An RV is considered an accessory building do we want to have setbacks or come visit and park where ever you want and be happy?

**Chelsie Nelson -** I think as long as they are not on Town property.

**Trevor Siebert** - I think as long as they are on their own property and not the Towns, I say let them park them wherever they want on their property. I’m not ready to start telling people where they can park their campers.

No setbacks? Several members said yes no setbacks.

**Lisa Bingham** - The issue that was brought here that got all this going could it have been satisfied by the current one, and my question is this: the first bullet point on there says that the utility connections for sewer, power and water. shall be the same as for residential homes and must meet Box Elder County and the Town of Portage requirements and code. Is that person in question not fulfilling that already? Are they hooked up to sewer, power and water correctly?

**Trevor Siebert** - I don’t know and I feel like it’s not about one person. (interrupted)

**Lisa Bingham** – That’s my point, if we have an ordinance that we can enforce for these one’s that aren’t doing it the way that their supposed to.

**Chelsie Nelson -** If we have this ordnance we can go show it them.

**Member Martina John** – I think since we don’t have any documented proof that it exists, let’s start a brand-new one.

**Chelsie Nelson -** Either way we are making a brand new one.

**Trevor Siebert** - We felt that there were inconsistencies with the old one whether it was real or not. This is the new one. (Interrupted)

**Lisa Bingham** – Now let’s remember the conversation. The biggest thing was the 180 days.

**Trevor Siebert** – That was the biggest contention point yes. That doesn’t mean that we didn’t want to change the rest of it.

**Member Martina John -** 180 days gone a week 180 days.

**Lisa Bingham** – What ever.

**Chelsie Nelson** - Because we wanted to make it safe for fires and (interrupted)

**Lisa Bingham** – The last bullet point says they are required to meet the same cleanliness and fire safety as all other lots in the town and that it has to meet the county and the Town of Portage’s requirements and code. That’s my whole point about this, why are we fixing something when it’s already there.

**Trevor Siebert** - Expect for the one that says the 180 days leave then come back.

**Lisa Bingham** - Ok, so let’s just change that to only 180 days a year.

**Chelsie Nelson** – No one’s having a problem with anything on here other than the amount of days.

**Trevor Siebert** - Wanted to compare the resolution old with the new.

**Member Martina John** - It’s got a lot of the same stuff in there the one of the major ones is the water use section we need to add that (and change it in the water ordinance) because; that’s why when we are doing our ordinances we need to start going over everything. Because that doesn’t match the book.

**Member Martina John** - Honestly I am fine with the 90 days but I would really honestly sway to 120 cause that’s 4 months and that gives you all the summer months.

**Lisa Bingham** – What was the consensuses of the Town Council?

**Member Martina John** – We had one you know what I mean what I like 30 days, one 120, I said I’m 90 but I will conceder 120, one 180 he counter offered at 150.

**Trevor Siebert** - So they were all over the place? We offer them out recommendation and they will hash it out from there.

**Member Martina John** - Yes.

**Motion** to approve Resolution 2019-05 for the RV referencing the RV rules and regulations and ordinances. Provided we correct the capitalization and spelling errors present. by Trevor Siebert, seconded by Chelsie Nelson.

**Member Martina John** – Anybody want to throw a counter on the 90 days in there? It’s open on the table.

**Lisa Bingham** - It sounds like the Council was leaning to more then 90 as well.

**Trevor Siebert** – There’s been a motion and a seconded.

**Lisa Bingham** - You’re forcing a vote.

**Trevor Siebert** – Essentially.

**Member Martina John** - I want to make sure that everybody has a chance because we voted on this last month with the 90 days and it was not passed. So let’s make sure. 90 days we are going to do a roll call.

**Trevor Siebert-** I motioned for the resolution, so I feel like voting on the 90 days is null and void. Cause 90 days is in the resolution.

**Member Martina John -** I want all of us to have a chance, because the reason this was not passed last month was because of the 90 days.

**Trevor Siebert** - I understand that.

**Member Martin John** - I want a roll call.

**Darrell Bell** - 120

**Chelsie Nelson** - I’ll go for 60

**Norma Lasa** – I’ll go for 90

**Lisa Bingham** - I see your reasoning with the 4 months so I would be ok with 120.

**Norma Lasa** – I’ll compromise for 120

**Trevor Siebert** - I say 90 or less I’d go for 60 as well.

**Member Martina John** - So we are at a tied.

**Lisa Bingham** - I’ll make a motion that to do a roll call vote on the number of days. Seconded by Darrell Bell.

Lisa 120, Trevor 90, Darrell 120, Chelsie 60, Norma 90

**Lisa Bingham** – Well if everyone is set on their numbers and I think that we kind of are, and in interest of time in I would like to motion that we hold over to next month.

**Trevor Siebert** – Who we missing missing Cathe?

**Member Martina John** - She said 180 last time.

**Trevor Siebert** - Well things can change in a month.

**Member Martina John -** I just feel that we need to make a motion for the 90 days or not.

**Darrell Bell -** Can we make a motion to pass this with either 90 or 120 and let the Town Council make a decision?

**Member Martina John** – Yes yes

**Trevor Siebert** - No it’s our thing to do.

**Clerk Munns** - You can send it to Town Council and they can say they don’t want the 90 days.

**Member Martina John** - Ok let’s take a vote on the 90 days and let the Town Council decide.

Several members want to vote on the motion that was made.

**Member Martina John** - called for the votes on the motion that Trevor Siebert made and that was seconded by Chelsie Nelson.

Trevor Siebert aye. Norma Lasa aye, Chelsie Nelson aye, Lisa Bingham nay, Darrell Bell nay.

**Motion Passed.**

**Trevor Siebert - S**o take it to Town Council.

**Lisa Bingham to Trevor Siebert** - You are very clever. Call for a vote before its finished being discussed.

**Trevor Siebert** - Clever? We just kept going in circles. I felt like we talked about it for months.

**Lisa Bingham** - Well you don’t get to make that determination by yourself.

**Darrel Bell** - We made these decisions as a group.

**Lisa Bingham** - Well we weren’t done discussing it. And that’s not the way you do things.

**Trevor Siebert** - I’m sorry that it rubbed you the wrong way.

**Lisa Bingham** - No that’s not the way it’s done period.

**7.** Discuss water protection zones.

**Member Martina John** - would like to add zones to what we have in our ordinance. Would someone like to look that up it’s in the zones I believe.

**Trevor Siebert -** asked what ordinance is it. What number is it?

**Member Martina John -** I do not know that’s why I said asked someone look it up.

**Trevor Siebert -** I thought we were going in order when we did the ordinances.

**Member Martina John -** We are not going in order we are correcting them. I am the head of this board and I’m putting my foot down and that’s the final decision on that. Because we need to correct as we go thru this book. Because we are wasting our time correcting 103 if it’s in 110 so that’s how we are going to do it.

**Trevor Siebert -** You’re driving.

**Member Martina John -** Well I’m gonna drive in 4-wheel drive.

I just want to put the brief definition zones 1,2,3 and 4 is the water protection zones.

In our master plan we have the circle map.

**Darrell Bell -** said and maybe put a reference to where the big detail is.

Utah code r309-600-9 the delineated water zone.

**After** a long discussion.

**Trevor Siebert -** So we voted on this but it’s not in here.

**Member Martina John -** Yes. We need to keep notes on what we change and what we add. That’s why we never accomplish anything and we always go backwards. Because we don’t have copies of what we vote on and no changes are made to our codes.

**Trevor Siebert -** So we really need to get updated on what we have done year to date.

**Member Martina John -** Yes.

**Lisa Bingham -** We really do cause we can’t say add this to that without knowing what that is.

**Member Martina John** - Let’s just bag this, I will go thru all the minutes and see what I can find.

**Trevor Siebert and Darrell Bell** - (In the back ground of recording) are talking about that it is a good idea to have Utah codes in our ordinances and that it would be a good idea to have in there so we can reference it.

**Member Martina John -** Is talking to clerk Munns about; that we really need to keep a list of what we have gone thru and when. So we don’t have to go back thru all the minutes. (also in the background.)

**Clerk Munns -** Well don’t you guys have notes.

**Member Martina John - LOL**

**Lisa Bigham and Trevor Siebert - K**ept saying we can’t add to it if it’s not in here (the codes)

**Member Martina John -** Just kept saying it’s in here.

**Everyone** was on board to create a working document. So that we will be able to find items more easily. SEE **A.** BELOW FOR MORE DETAIL

**8.** Discuss overhead view setbacks

**Member Martina John** - Personally remembers creating these. These were voted on and passed however it was decided to take them out before the Town Council January 2019 public meeting. At the January meeting they were inadvertently left on the agenda and passed by Town Council.

**Members** of the Planning and Zoning commented they didn’t care and to leave them in place.

**Clerk Munns** asked - So what’s going on with this?

**Several** members - Nothing.

**Clerk Munns** - Am I taking it out?

**Several** members - No.

**Trevor Siebert -** Just leave it as it is.

**A.** **Written by Clerk Munns:** With the last 2 agenda items there was confusion and the commission decided that there needed to be a working copy of the ordinances so that they could keep the changes in place and not get lost.

Clerk Munns will make a physical copy that she keeps in the Town Hall that they will make the changes to and also a digital copy.

Clerk Munns is going to make a google document that all the commission will have access to and she will bring a computer to the meeting and make the changes to the digital copy as they are being voted on in the commission meeting.

This is to stop all the confusion of what has been talked about already so that the commission is not wasting time.

**Written by Member Martina John:** The commission had a lengthy discussion about a working copy and how know one knows what has been done and what is put where and that this has caused a lot of productive time loss trying to figure out what is what.

Everyone wants a printed working copy as well as an electronic one.

They all feel that this will help with the all the chaos at the meetings which will allow us to be more productive.

9. Discuss All setbacks diagrams bottom portion

**Member Martina John -** asked the commission if they should change the diagram to ~~33~~ (30)ft for the setbacks or should the builder get a survey?

**Darrell Bell** - They need to get a survey, because you don’t know where the propter line is. You can’t go off fence line. You can’t say go off x amount from the center of the road because all our roads are different.

**Member Martina John -** I know we voted on this but it is not in the official copy.

**Lisa Bingham** - I don’t think that it is unreasonable to ask for a survey for a new build because then if there are mistakes it’s not on the Town.

**Member Martina John** - I know that we had already voted on this but it was never changed and it was added to the official copy. So we need to put the correct verbiage in there.

**Motion** to change the setback to read 30 feet from the property line as indicated by a professional survey in section 115. Motion Lisa Bingham Seconded by Darrell Bell. All aye

**Motion Passed.**

**Lisa Bingham -** Are we going to talk about the building permit procedures? Because I think that it would be important to add that we require a professional survey.

Still moving on and will come back to the building permit procedures.

**Bold number**10. Discuss Section 103 of ordinances

**Trevor Siebert** – Cause according to my notes we’ve been through it. ~~this section.~~

**Member Martina John -** Yes we have but we are going back again. The commission was presented the draft of 103.6. I wanted to clarify this because we never know what we are talking about right. Darrell (right) our conversation every time someone comes in for a building permit is: I don’t know do we need one for that? I don’t know what do you think? Right. There were several rights and yes’s.

**Member Martina John -** Stated she was very flustered from this meeting.

So please read through it.

There was some confusion with what Member Martina John wrote and was trying to explain. Member Martina John wanted to add in whole ordinances section 104.9, 104.3, 104.7 and 104.8 to section 103.6. This was very confusing to the members.

**Chelsie Nelson -** Pointed out that she was listing them as reference. But instead of the whole sections just put the numbers so that it would be easy to find the information.

All the members liked this better.

**Member Martina John -** Said for giggles sakes put your hand over the 104 sections and pretend they are not there for a minute.

Once the confusion was cleared up Member Martina John explained what she was trying to put forward.

**Lisa Bingham -** said this is in the wrong place and this and that that says fees and we don’t have any fees.

**Lisa Bingham -** asked where did this come from?

**Member Martina John -** said I typed it.

**Trevor Siebert -** said from her brain.

**Lisa Bingham -** said this came from somewhere else and I highly doubted Member John typed it.

**Member Martina John -** said let’s just read this one little section at a time.

**Lisa Bingham** - Why?

**Member Martina John -** let’s just stay with the same one that every time someone comes in we don’t know what this means.

**Trevor Siebert -** went over what the commission had already changed. What they took out or added to make that section more clear.

**Clerk Munns - I think that the biggest problem is the word portable.**

**Darrell Bell - Yes and I think that we decide to stop saying that and to only go off size. Portable is not in the ordinance anywhere so stop saying it.**

**Chelsie Nelson** - Yes I remember that.

**Trevor Siebert** - Well size but also if it will have electricity and or water.

**Member Martina John** - OK well let’s just move on then.

**Trevor Siebert -** then read the changes that were proposed to the section already.

**Member Martina John –** Said that her idea was that every shed put in the town have a Portage building permit no fees just a permit.

**Darrell Bell -** If I decide tomorrow that I want to put up a shed I’m not waiting 5 weeks, to get it on the agenda to get a permit.

**More members -** Were opposed to this.

**Lisa Bingham -** That’s why we changed it.

**Trevor Siebert -** This will be in the working copy that we get.

**Member Martina John –** So let’s wait until we get a working copy and that she would like one **Please**.

There was much, much more conversation, will continue with working copy.

Move on

Go back to the building permit procedures.

**Trevor Siebert** - The one thing I saw was the Perk test which stands for Percolation test. It needs to have the proper name.

**Lisa Bingham** - Lets put the part that the owner needs a professional survey in the #3 spot then renumber everything after and it will read: Town of Portage requires a professional survey of property is required to determine proper setbacks.

**Trevor Siebert** - Let’s also add professional before all references to surveys.

**Lisa Bingham** - We should also change from requirements to process because some of these aren’t requirements.

The commission discussed what words should be bolded to emphasize important information. Spelling and grammar was fixed as well.

Member Martina John Typed this (There were quite a few changes discussed and they will be typed out and add to our list of changes and both of our working copies and the draft copy of the building permit procedures.)

**Motion** to adjourn by Trevor Siebert, seconded by Darrell Bell. All aye.

**Motion passed.**

**Adjournment: 8:10 pm**

**/S/Katherine Munns:Town Clerk/Recorder /S/Martina John:Council Member**