

**Sevier County Planning & Zoning Commission**  
**January 11, 2017**

Minutes of the Sevier County Planning Commission meeting held on the eleventh day of January 2017 in the Commission Chambers of the Sevier County Administration Building, 250 North Main, Richfield, Utah. Those present included: Brenda Malmgren, Caryl Christensen, Mike Miles, Kelly Alvey, John Worley, and Ralph Brown. Others attending included: Building Official/Zoning Administrator Jason Mackelprang, County Attorney Dale Eyre, Deputy Clerk/Auditor Barbara Crowther, and others as listed on the roll.

Lisa Robins was excused.

**Minutes of September 14<sup>th</sup> and December 14<sup>th</sup> meetings approved:**

After discussion, John Worley moved to approve the September 14<sup>th</sup> Planning Commission Minutes, second Kelly Alvey. All ayes with Brenda Malmgren abstaining.

Ralph Brown then moved to approve the December 14<sup>th</sup> Planning Commission minutes, second Kelly Alvey, unanimous.

**Building Inspector/Zoning Administrator update:**

Building Inspector/Zoning Administrator Jason Mackelprang said he is currently working on a Resource Management Plan, and there may be a request for a family cemetery request in the Accord Lake area on a 28-acre piece of property. Chairman Mike Miles noted that there will be a Sevier County Safety Summit to discuss zero fatalities, and making our roads and intersections safer. He said it would be beneficial for the Board to attend if they are able to because they often discuss access.

**Planning Commission Business:**

Chairman Miles announced that Brenda Malmgren is leaving the Planning Commission, and that Ralph Brown is changing positions within the County as he was elected to the County Commission. After discussion, Caryl Christensen moved to put the current officers of the Planning Commission in by acclamation, making Mike Miles the Chairman, and John Worley the Vice Chair, second John Worley, unanimous.

**Report on the Division of Water Rights:**

Chairman Miles said that Kirk Forbush, Division of Water Rights, would not be attending the meeting because he is in Salt Lake City at a meeting. He then said that Mr. Forbush had indicated that there is no rule of law through his office requiring use of a water right remain the same. Mr. Forbush said that if the individual had a water right, they could use the water for the use it is approved for or change its use.

**Discussion of Ordinance 2009-5-1 involving Culinary Water Systems:**

County Attorney Dale Eyre then met with the Commission concerning the 2009 Ordinance which requires each dwelling has its own well, or a water system is engineered for additional homes. Chairman Miles explained that the Planning Commission wanted one dwelling per well because we could then avoid property disputes and legal disputes. County Attorney Eyre said the County Commission had added a compromise by allowing an engineered well to serve more than one home. Discussion followed concerning the need for a shared well agreement if the well served more than one dwelling or property owner, that the agreement should be somehow attached to the land, whether or not the water ownership would follow the deed of the home, that the agreement should include who pays for repairs of the well, and that the water concerns needed to be compared against the scarcity of water. County Attorney Eyre said that with the current ordinance, all of our worst fears could come true because we do not address any

type of water ownership or shared well agreement. Further discussion followed concerning the possibility of adding items to the ordinance, the suggestion that we require the applicants to comply with the Central Utah Public Health Water rules, whether or not the shared well agreement covers the water rights question, that perhaps we should require disclosure by having the information on the well recorded with the property, possibly requiring shared water rights, easements, and the shared well agreement to be recorded with the deed, the possibility of requiring meters on the well to track water usage, and that the risk of contamination of the water increases with each hole you punch in the ground. The Planning Commission suggested beefing up our current ordinances by adding a requirement for a shared well agreement, putting the shared well and water right on the deed (or requiring it to be recorded with the deed), to require water usage be metered, and to require that applicants follow the Central Utah Public Health water rules. Other concerns the Planning Commission wanted addressed included: shared easements, meeting State Code requirements, and having the system engineered if it serves more than one home. The specific items the agreement addresses should include: the financial agreement for repairs or upkeep of the well, possibly a requirement for well insurance, storage of water both locations of storage and requirements of water storage, and possibly an escrow to pay for repairs/reclamation or bonding. The Planning Commission asked the County Attorney to draft an updated ordinance as directed.

The regular meeting ended at 6:45 p.m.