

MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, December 4, 2013
Time: 6:30 PM
Place: #2 CV Drive, Castle Valley Community Center

Present: Chair Mary Beth Fitzburgh, Members Laura Cameron, Jen Goff, Bill Rau
Others Present: Leta Vaughan
Absent: Marie Hawkins
Clerk/Recorder: Faylene Roth

CALL TO ORDER

Fitzburgh called the Meeting to Order at 6:34 P.M.

1. Open Public Comment.

None.

APPROVAL OF MINUTES

2. Regular Meeting November 6, 2013.

Rau moved to approve the Minutes of the Public Hearing and Regular Meeting of November 6, 2013, as presented. Cameron seconded the Motion. Cameron, Fitzburgh, Goff, and Rau approved the Motion. The Motion passed unanimously.

REPORTS

3. Correspondence.

None.

4. Town Council Meeting – Chair.

Fitzburgh reported that the Town Council stated at their November Meeting that the renewal of the Castle Valley Inn's business license for 2014 will be contingent upon both parties signing the new Contract. The PLUC can recommend approval of the Inn's business license pending signing of the Contract. She said that the Council plans to impose a penalty on the Inn of \$3500.00 for Contract violations. The penalty was assessed at \$1,000.00 per year for three years plus \$500 for a carport violation. According to Fitzburgh, the new Contract is available for review on the Town website and a Public Hearing will be held by the Town Council at its December Meeting.

5. Permit Agent.

Roth submitted a report for permit activity during the month of November 2013. It showed two Conditional Use Permits issued—a Routine-CUP for Justin Maxwell, Lot 117, for an office for a refrigeration, air conditioning, and heating repair business and approval by the Town Council of the Non-routine CUP for Greg Nunn, Lot 306, for a small jerky and meat processing business.

No building permits were issued.

6. Procedural Matters.

Roth reviewed the 2014 PLUC Meeting dates, the final Meeting Procedures document from the November PLUC Meeting, and a chart showing the Retention Schedule used for PLUC documents.

NEW BUSINESS

7. Discussion and possible action re: recommendations to the Town Council for approval of conditional use permit and business license renewals for 2014.

Roth presented a report of CUP and business license renewal requests for 2014.

Fitzburgh informed the PLUC of a conversation she had with Randy Jorgen about the need for business licenses within Castle Valley. She reported that she explained to him the State of Utah's requirement that all businesses obtain a business license from their local municipal or county authority. She also discussed with him the inactive status created by the PLUC for businesses that are not currently producing income.

According to Fitzburgh, some municipalities define who needs to get a business license based on the amount of annual income. North Ogden, Utah, puts the income level at \$500.00 which corresponds to the Internal Revenue Service guidelines for who must report self-employment income and pay Social Security self-employment tax. PLUC members discussed the need to amend Ordinance 85-3 to clarify who needs to obtain a business license from the Town. It was also observed that Section 4.7.6(3) of Ordinance 85-3 states that cessation or suspension of a conditional use permit for a period of 12 or more months is cause for revoking a CUP. PLUC Members agreed they need to examine how this restriction applies to the inactive status offered to conditional use permittees this year.

PLUC Members also discussed an email from Ray Taylor who questioned the need for a business license for his business. He stated that in previous years the Town offered business licenses as an option, not a requirement. Roth will contact Taylor to explain the State, County, and Municipal requirements for business licenses.

Members discussed the Town's responsibility regarding business licenses requirements for CUP holders. Rau stated that it should be the responsibility of individual businesses to obtain a business license and not the responsibility of the Town to assure they have one. Members agreed

that for this year the Town will remind applicants of the need for a business license and to do further research on this topic in 2014. Members also agreed to consider future amendments to our Land Use Ordinance in the new year to clarify the link between CUP approvals or renewals and business license requirements.

PLUC Members reviewed the inspection requirements for Rick Fullam's CUP for Fullam's Fireworks. They observed that the Town had not required annual inspections since the United States Bureau of Alcohol, Tobacco, and Firearms inspects Fullam's facilities when his federal permit renews. Roth reported that Fire Chief Ron Drake had indicated to her that he would be inspecting the storage facility at Fullam's so that the current Castle Valley Fire District would be aware of its location and design.

Goff moved to recommend approval to the Town Council of Conditional Use Permit renewals and Business License requests as presented pending payment of all fees and for the Castle Valley Inn Business License pending signing of the Amended Contract with the Town of Castle Valley. Cameron seconded the Motion. Cameron, Fitzburgh, Goff, and Rau approved the Motion. The Motion passed unanimously.

UNFINISHED BUSINESS

8. Discussion and possible action re: General Plan Review (tabled).

Rau moved to untable Item 8. Goff seconded the Motion. Cameron, Fitzburgh, Goff, and Rau approved the Motion. The Motion passed unanimously.

PLUC Members reviewed and discussed amendments made to the last draft of the General Plan Review. Minor changes and deletions were made to the document during the discussion. Members agreed that a title page, a table of contents, and numbering each section would be desirable tools for users of the General Plan.

Rau will submit layout suggestions to the PLUC by email within the next few days. Fitzburgh will prepare a final draft to post on the Town website within the next few weeks. The PLUC will hold a Public Hearing on the General Plan document at their January 8, 2014, Meeting.

PLUC Members agreed that once the General Plan was approved, they would list and prioritize the items that the PLUC should address. They suggested that the Town Council, Road Manager, Water Agent, and Disaster Mitigation Committee should do the same and that a joint workshop might be useful. Fitzburgh will place this item on the PLUC Agenda after Town Council approval of the General Plan.

Rau moved to retable Item 8. Cameron seconded the Motion. Cameron, Fitzburgh, Goff, and Rau approved the Motion. The Motion passed unanimously.

9. Discussion and possible action re: regulations for solar panels, windmills, and other alternative energy structures (tabled).

Left tabled.

- 10. Discussion and possible action re: reviewing and amending Ordinance 96-1: Watershed Protection Ordinance (tabled).

Left tabled.

- 11. Closed Meeting (if needed).

None.

ADJOURNMENT

Cameron moved to adjourn the Meeting. Goff seconded the Motion. Cameron, Fitzburgh, Goff, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh adjourned the Meeting at 8:24 P.M.

APPROVED:

ATTESTED:

Mary Beth Fitzburgh, Chairperson Date

Alison Fuller, Town Clerk Date

