

MINUTES
REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, November 7, 2012

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Laura Cameron, Mary Beth Fitzburgh, Marie Hawkins

Absent: None

Others Present: Rebecca Martin, Bill Rau, David Rhoads

CALL TO ORDER: 7:02 P.M.

1. Open Public Comment.

None.

APPROVAL OF MINUTES

2. Regular Meeting October 3, 2012.

After discussion of whether the last sentence in Item 4 was correct in stating that "...there will be a six-month period to develop better guidelines for home/premises occupations during which Conditional Use Permits for the occupations listed may be denied..." it was agreed to leave the statement as is. Mary Beth explained that formal initiation of a review of amendments to Ordinance 85-3 prohibiting certain home and premises occupations allows the PLUC and Town Council to deny a conditional use permit for an occupation that would be illegal under the new ordinance, but does not mean that it must be denied as would be the case if a moratorium on certain occupations had been imposed.

PLUC Members accepted Laura's suggestion that the last sentence in Item 5 be changed to read, "She [Faylene] will consult with the new State Sanitarian this month." Laura also reported that Lily Houghton is the new Sanitarian.

Marie motioned to approve the October 3, 2012, Minutes as amended. Laura seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

REPORTS

3. Town Council Meeting – Chair.

Mary Beth reported that the Town Council had approved Robert Lippman's application for a Permanent Conditional Use Permit for a wind turbine. Laura noted that Lippman had offered to install and test the wind turbine at a lower height and to raise it to the requested height only if the turbine did not operate efficiently at the lower height. Mary Beth reported that Lippman had since met with the neighbor who had submitted the initial concerns about the turbine's placement and height, and according to Lippman, the neighbor was now okay with its placement and the originally requested height.

4. Building Permit Agent.

Faylene summarized the Building Permit Report and informed PLUC Members of the change that Michael Dunton had made in his building plans for his sculpture studio. She reported that he had removed the wall that separated the carving area from the welding/cutting area, but that the separate rooms for hazardous material storage and the compressor were retained.

5. Procedural Matters.

None.

NEW BUSINESS

6. Meeting Dates for 2012.

The following schedule for next year's PLUC Meetings was approved. All Meetings will occur on the first Wednesday of the month except where noted at 7:00 P.M. at the Castle Valley Community Center.

January 9, 2013 (second Wednesday)	July 10, 2013 (second Wednesday)
February 6, 2013	August 7, 2013
March 6, 2013	September 4, 2013
April 3, 2013	October 2, 2013
May 1, 2013	November 6, 2013
June 5, 2013	December 4, 2013

Faylene will publish the 2013 Meeting Schedule as required (bulletin boards and websites) and in the Times Independent at the same time that the Town Council publishes their 2013 Meeting Schedule.

7. Discussion and possible action re: compiling survey results.

Laura reported that she had opened and date stamped 168 General Plan surveys that had been received since October 10, 2012, the date when PLUC Members and the PLUC Clerk first met to review early returns. She recalled that there were 70 returns from residents, 59 from nonresidents, and 39 from part-time residents. Faylene reported that another 14 surveys had been received since October 31. Mary Beth suggested that surveys continue to be accepted until we have completed data entry.

In setting up the spreadsheet for analysis, Laura suggested that residents be numbered 1.1, 1.2, 1.3, etc., nonresidents 2.1, 2.2, 2.3, etc., part-time residents 3.1, 3.2, etc. She reported that many of the nonresidents did not answer all the questions. Overall, she considered that respondents had provided interesting comments and good suggestions.

Faylene reported that she will meet with Jeff Fink tomorrow morning (Thursday, November 8, 2012) to begin work on setting up an Excel spreadsheet so that we can begin entering survey data. Laura will also participate in the meeting with Jeff. The spreadsheet setup will be reviewed by all PLUC Members before data entry begins.

Mary Beth asked that the following issues be considered in setting up the spreadsheet: (1) provide a way to record the number of people who do not answer a particular question; and (2) provide a way to treat ambiguous answers.

PLUC Members established a goal of completing data entry of all surveys by the end of January 2013. Laura Cameron, Mary Beth Fitzburgh, Tory Hill, Faylene Roth, and possibly Jeff Fink are available to help with data entry.

Laura reported that Town Clerk Ali Fuller had said that some residents have indicated they would like to see the survey results displayed on the Town website. PLUC Members agreed. Mary Beth asked Faylene to let Ali know what our timeline is for data entry.

8. Discussion and possible action re: ordinance interpretation related to uses regarding an agricultural use.

Mary Beth related that PLUC Members will be considering the following: definition of “agriculture” as stated in the Castle Valley zoning ordinance; impacts of the requested activity; how the State defines “agriculture” and how other municipalities define this type of business in terms of land use categories. Mary Beth then read a letter submitted by Rebecca Martin in which Martin outlined her proposal for a composting business on her lot which would include four large bins that could be turned and aerated with a backhoe.

Mary Beth commented that if composting were to be considered an agricultural activity, then it would be allowed as a permitted use as defined in Ordinance 85-3. If composting were not to be considered an agricultural use, then a conditional use permit would be required for the activity and could require specific conditions to be met beyond what is defined in Ordinance 85-3.

Some impacts; such as, location, traffic, smell, flies, attraction of “critters,” materials added to compost, safe levels of manure, and guarantee of qualities like seed-free, no-GMO, or organic were briefly discussed. It was noted that one of the reasons for livestock limits in the Town’s zoning ordinance was to limit the amount of manure produced on a lot and that this would also be a concern for composting. If the Town determines that this business is an agricultural use, part of that determination should include a limit on the amount of manure brought onto the lot so that it is equivalent to that produced by the permitted number of livestock in 85-3 section 4.2.A PERMITTED USES FOR RAR-1 ZONE.

PLUC Members agreed to research how this type of business is defined by the State and how it is categorized in other communities throughout the state.

9. Discussion and possible action re: review of upcoming Conditional Use Permit Renewals.

Faylene submitted an early report of CUP renewals for 2013. The report listed the names of those who currently hold CUPs for home or premises occupations in Castle Valley, and it used the format currently provided by the Town database. Faylene asked that PLUC Members review the list before the December PLUC Meeting when renewals will be recommended and forwarded to the Town Council for their approval at their December Meeting. She asked that, if anyone has concerns or questions about a specific occupation, they email her for additional information.

PLUC Members also considered what information they want to see on the report. It was agreed that mailing addresses were not necessary and that CUPs that required no renewal—like the wind

turbine not be included. Also, any agricultural use, and the Castle Valley Inn would not be included because they do not require CUP's.

It was agreed to include the following: home or premises occupation status, routine or nonroutine status (beginning with those CUP's that began after these categories were established), original approval date, name of applicant rather than property owner, and a brief description of the occupation. It was decided not to include a list of individual conditions in the report. If the database cannot be set up to record this information for this year's report, then Faylene will adapt the format from last year's report to include the above information. It was also decided that a formal letter acknowledging the cancellation of the Conditional Use Permit will be sent to anyone who does not respond to the renewal request.

UNFINISHED BUSINESS

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

Left tabled.

11. Discussion and possible action re: formal initiation of amendments to 85-3 prohibiting the following for home and premises occupations: motor vehicle, trailer or boat repair shops; auto body and/or fender repair shops; manufacture, assembly or repair of heavy equipment, major appliances, engines or motors; junk yards; and mortuaries or crematoriums.

Mary Beth reported that the PLUC will be researching how similar communities within the State, especially those without a commercial zone, treat these types of home businesses. She noted that Castle Valley is unique among towns in allowing premises occupations in addition to home occupations. According to Mary Beth, premises occupations allow use of outbuildings on the property; whereas, home occupations must take place within a limited square footage of the home.

David Rhoads reported that he had been circulating a petition amongst Castle Valley residents and had received 32 signatures in support of his request for an on-site auto repair shop. He asked the Commission how he could get more information on this issue for himself.

PLUC Members suggested that he search the websites for the Utah State Code, as well as for surrounding towns (such as, Green River, UT) and towns with no commercial district (such as, Rockville, UT). Mary Beth also suggested that Rhoads formally submit his petition to the PLUC at a future Meeting when he is ready.

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

Left tabled.

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

Left Tabled.

14. Closed Meeting (if needed).

None.

ADJOURNMENT

Laura motioned to adjourn the Meeting. Marie seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

The Meeting was adjourned at 8:34 P.M.

APPROVED:

ATTESTED:

Mary Beth Fitzburgh, Chairperson Date

Alison Fuller, Town Clerk Date