



**MINUTES**  
**REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION**

Date: Wednesday, December 5, 2018  
Time: 6:30 PM  
Place: #2 CV Drive, Castle Valley Community Center

Present: Ryan Anderson, Marie Hawkins (arrived 6:34 P.M.), Pamela Gibson, Bill Rau, Colleen Thompson

Absent: None

Others Present: Jack Campbell, Jazmine Duncan

Clerk/Recorder: Faylene Roth

**CALL TO ORDER REGULAR MEETING**

Rau called to order this Regular Meeting of the Planning and Land Use Commission (PLUC) on Wednesday, December 5, 2018, at 6:30 P.M.

**1. Open Public Comment.**

Campbell stated that his understanding of ownership of road easements--expressed at the last PLUC Meeting--was wrong. He said he now understands that ownership is retained by the property owner but that the road easement grants control of its use to the Town.

Duncan thanked Rau for his service as chair of the PLUC for the past three years.

**2. Approval of Minutes.**

**Public Hearing and Regular Meeting of November 7, 2018.**

Gibson moved to approve the Minutes of November 7, 2018, as presented. Anderson seconded the Minutes. Anderson, Hawkins, Gibson, Rau, and Thompson approved the Minutes. The Minutes passed unanimously.

**3. Reports.**

**Correspondence.**

Rau summarized a letter from Tana Kincaid suggesting the Town require solar installation for all future second homes within Castle Valley. She offered to do additional research. Rau asked Roth to link Kincaid with Bruce Keeler (CV Energy Information Officer) for further conversation.

**Town Council Meeting - Thompson.**

Thompson reported that the Town Council (TC) did not discuss the exclusionary fence request for Lots 54 and 55. They did discuss concern regarding hunting boundaries and stray gunfire and said their advice to Town residents was to report violations to the sheriff's department. In addition, Thompson reported that discussion of the temporary land use regulation regarding Conditional Use Permits for livestock exceeding one and one half (1.5) Animal units per acre was left tabled.

Thompson also reported that the TC held a Special Meeting on November 20, 2018, to accept the decision of the State Ombudsman's Office that the Holling permit for solar installations on Lots 54 and 55 were submitted in sufficient form to require consideration



under the Land Use Ordinance in use at the time. According to Thompson, Mayor Duncan had explained the basis used by the Ombudsman's Office that differentiated between form and substance of the applications. In this case the State said that the form was sufficient for review and the questions regarding substance should be handled during the review of the applications. The TC gave the Building Permit Agent the go ahead to rule the applications as nonroutine and schedule them for PLUC review at its January 2019 Meeting. The TC will inform Zacharia Levine (Town's Appeal Authority) that no ruling is required from him on the Hollings' appeal Roth will notify the applicants that their solar permit will be put on the January 2019 PLUC Agenda. She will make copies of the applications available for PLUC Members to review in advance.

**Permit Agent - Interim Permit Agent - Roth**

**- Permit Activity.**

Roth reported that (1) a Certificate of Land Use Compliance was approved for an agricultural hoop house on Lot 284, (2) a building permit was approved for a manufactured home on Lot 445, and (3) a Temporary Dwelling Permit renewal was approved for Lot 55.

**- Updates on Recent Applications.**

Roth reported that a new routine-Conditional Use Application was received from a current CUP holder for a second business. She said she is waiting for the complete application and said that the application will be approved this month but the first business license will be issued for 2019. According to Roth, CUPs received at the end of the year are handled this way. If the applicant were to need a 2018 business license for the rest of this year, s/he would be charged an additional administrative fee of \$10.00.

**Procedural Matters.**

After discussion of rotating the PLUC Chair role each year or considering other models, PLUC Members decided to lessen the load on the elected chair by spreading responsibility for leading the discussion of separate Agenda items amongst themselves. The PLUC Chair would continue to lead the Meetings. Thompson reported that her reading of Town Minutes during 2007-2010 revealed that different individuals were serving as the point person for particular items. Rau asked PLUC Members to identify ongoing or upcoming issues for which they would be willing to take the lead.

Rau reported that a PLUC Member has expressed interest in assuming the Building Permit Agent (BPA) position. The Town determined that it is legal for a PLUC Member to serve as the BPA as long as s/he recuses her/himself on any appeals to the PLUC regarding a BPA decision or other issues if a potential conflict were involved. It was noted that a BPA determination that an application is nonroutine would not require recusal because the determination is just naming the PLUC as the land use authority. If an appeal were made regarding the determination, then the BPA would recuse her/himself from the PLUC ruling.

**- General Plan Survey Review**

Rau presented a fresh copy of the draft of the General Plan Survey which includes edits made by individual working groups since the November PLUC Meeting and comments from him. PLUC Members restricted their review to comments on whether to delete, retain, or modify selected questions. Rau will provide a revised draft for the next Meeting. He asked PLUC Members to review this draft before the next Meeting and make further suggestions.

Anderson will consult John Groo regarding how the Town's RAR-1 zoning affects the Town's water rights.



**NEW BUSINESS**

**4. Discussion and possible action re: recommendation to the Town Council for approval of nonpermanent conditional use permits and business license renewals for 2019.**

Roth submitted the final list of 28 Conditional Use Permit (CUP) renewals, 20 Business License requests, and one nonpermanent conditional use renewal for a windmill. She also reviewed a summary of responses received regarding the variety of licensing requirements for home and premises occupations within Castle Valley and the reported use of flammable and hazardous materials used by permit holders. The summary notes that Lot 280 still needs to provide information regarding certification from Utah Department of Agriculture and Food and that Lots 387 and 413 are expected to provide certification of inspection of their fire suppression equipment by December 31, 2018.

According to Roth, windmills and wind generators are currently considered permanent conditional use permits that run with the land. PLUC Members agreed that the applicant of this CUP could apply for a permanent CUP.

Gibson moved to recommend to the Town Council approval of the nonpermanent conditional use permit and the 28 conditional use permit renewals and the 20 business license requests with the caveat set forth in the Summary prepared by Faylene Roth regarding lots 280, 387, and 413. Thompson seconded the motion. Anderson, Hawkins, Gibson, Rau, and Thompson approved the motion. The motion passed unanimously.

**UNFINISHED BUSINESS**

5. **Discussion and possible action re: amendments to Ordinance 95-6: An Ordinance regarding the Building Permit and Other Land Use Permit Processes to align it with proposed amendments proposed to Ordinance 85-3 (tabled).** – Left tabled.
6. **Discussion and possible action re: amendments to Ordinance 85-3, Section 4.9 to include the specific operating requirements described in Section 4.10.1 (A – L) (tabled).** – Left tabled.
7. **Discussion and possible action re: proposed amendments to Ordinance 2003-3 (tabled).** – Left tabled.
8. **Discussion re: storage of fuels and hazardous materials within the Town (tabled).** – Left tabled.
9. **Discussion re: future amendments to Ordinance 85-3 (tabled).** – Left tabled.
10. **Closed Meeting (if needed).** – None.

**ADJOURNMENT**

Hawkins moved to adjourn the Meeting. Gibson seconded the motion. Anderson, Hawkins, Gibson, Rau, and Thompson approved the motion. The motion passed unanimously.

Rau adjourned the Meeting at 8:55 P.M.

**APPROVED:**

**ATTESTED:**

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**Bill Rau, Chairperson**

**Date**

**Faylene Roth, PLUC Clerk**

**Date**