

## SEPTEMBER 12, 2007 MINUTES

### REGULAR MEETING

#### PLANNING & LAND USE COMMISSION

Date: Wednesday, Sept 12, 2007

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Karen Nelson, Dave Erley, Marie Hawkins, Greg Halliday Absent: Gil Gonzales

Other Present: Dave Rhoads, Jack Campbell, Michael Ashcraft, Alice Drogan

#### **CALL TO ORDER at 6:42 pm by Karen**

#### **1. Communications from the Public**

Brian McMullen lot #259 has 11 +acres at the top of Pope /Miller Lane it has a natural divide with an arroyo. Right now there may be an encroachment with roads on the property. He is wondering if moving lot lines is possible. Zoning ordinances say each lot must be a minimum of 5 acres. It was suggested he go to County Recorder, Merlene Mosher. Brian would like to swap equal portions with his neighbor, Bill Morck. They have measured with GIS & GPS and the swap would be about .25 acre. Karen asked that he write a letter of intent to PLUC with a map and full explanation of what he is requesting. Greg suggested he have it surveyed, there will also be deed changes Dave reminded each lot must maintain 5 acres, min lot size. One side of the property has topography issues; can he sell the ½ on Miller? Karen stated lots must always maintain 5 acres. Jack Campbell said he must check zoning ordinance first. Greg will check the subdivision/dividing lots ordinance. Dave gave copy of Zoning Ordinance to Brian.

#### **Approval of minutes:**

#### **2. Regular meeting of June 8, 2007 Tabled**

#### **3. Regular meeting of July 11, 2007 Marie motion to adopt Greg 2<sup>nd</sup>, All aye Dave abstain**

#### **4. Special meeting July 24, 2007 Marie motion adopt, Greg 2<sup>nd</sup> All aye**

#### **5. Public Hearing and regular meeting of Aug. 1, 2007 Greg motion Dave 2<sup>nd</sup> All aye**

#### **6. Special meeting of Aug. 3, 2007 Dave motion accept Marie 2<sup>nd</sup> All aye**

#### **7. Special meeting of Aug 22, 2007 Tabled**

#### **REPORTS**

#### **8. Building Permits Update:**

No new Building Permits issued

## NEW BUSINESS

**Karen made the motion to bring up item #11 Greg 2<sup>nd</sup>, All aye**

**11. Discussion and possible action re: request for change to Premise Occupation Permit for Dave Rhoads, Lot 430.** Country Roads Mobile Mechanic Service, Dave Rhoads is asking to make a change to work on 2 vehicles at a time on his property, possibly one could be town's equipment. Neighbors are aware he had applied for mobile, and the conditions of oil storage, shop, welding etc. Dave is finding it is easier and more efficient to work at home. Greg asked how is he preventing an oil accident spillage. Dave has all his cleaning and storage is protected form overhead and spillage with a pan. He is using plywood over gravel now, prevent spills and with awing overhead. He wants to add slab at sometime. Dave E asked what is a reasonable time to put in slab. Greg asks if 60 days is reasonable. This would be the middle of Nov? PLUC needs a letter from Rhoads, stating the slab to be done within 60 days. Check with neighbors before going ahead. Jack suggests this letter to neighbors, states large vehicles may be blocking their view shed. Dave says the vehicles now are stored & screened from road with vegetation. Karen lets give one week will notify. Karen, do we approve with conditions? A concrete slab within 60 days of final approval from TC. PLUC will check w/neighbors if required and back to Rhoads with answer. Greg motion w/conditions Marie 2<sup>nd</sup> All aye

Karen-will have on Town Council agenda for next week.

### **9. Discussion and possible action re: Adoption of 2006 International Building Code and other associated codes.**

Ordinance 2007- \_\_\_\_ adopting the IBC and other associated codes read by Karen. Adopting these codes will bring us in line with the county. PLUC recommends to the Town Council to adopt the 2006 International Building Code and other associated codes. Greg motioned to accept the ordinance as written, Dave 2<sup>nd</sup> All "aye"

### **10. Discussion and possible action re: Decommissioning of second dwellings.**

This is the same contract that has been on file and used in past. Ranna is currently working on a new one and this form will be used for now. Karen entertained a motion to table until Ranna completes the new one. Greg motioned to table until a current contract is finished. Marie 2<sup>nd</sup> before a vote was taken, Michael asked what is decommissioning? He asked to see the contract. Karen gave the definition as a Property Owner using a RV, or a trailer etc as a temp dwelling while building their permanent dwelling. This contract allows them to keep the temp dwelling on property once they must remove the utilities -water, septic, elec. Owner agrees to decommission and to never use as a human habitation again which includes sleeping, bathing, and preparing meals. Greg mentions it can still be used as storage or a studio just not as MIL or guest house. This is to enforce the second dwelling ordinance. Michael says he has neighbors on two sides of him, violating this ordinance. Greg tells him when three neighbors complain, the nuisance ordinance can be used. Marie says any noise, dogs traffic, and/or double occupancy are reasons for complaint. Karen asks him to write a letter to the Town with his complaints. A mediator system is used before getting into the enforcement procedures, steps will be taken first. The Nuisance Ordinance has teeth; the county attorney can be involved. Fines penalties, etc. Greg found the ordinance and its number is 2006-6

All voted in favor to keep tabled

## **OLD BUSINESS**

### **12. Report, discussion and possible action re: updating the Deer Fencing Ordinance (Greg Halliday), tabled**

Motion was made to untable by Dave Greg 2<sup>nd</sup> All aye- Greg presented the revised ordinance with the new language to be added is in red. The revisions include reducing the height to 48 inches, new owners will need to comply with previous stated requirements as long as it doesn't have prohibited fencing like barb wire. Many of the deer fences have a double fence and would need to remove the top layer. If they have the 6 ft wire then they must remove or cut the top 2 ft off. It is a known fact that horses need 5-6 ft and may require additional inside fencing. Dave asked if Colin Fryer has the old barb fence on outside borders? That is a SITLA issue, on government land. Greg says its height is 4 ft but has prohibited wiring. Some strands are barbed, some not. If SITLA does sell, the new owner is responsible to replace. Marie asked about electrical fences? Do they affect the deer? Greg sees them jump it. Greg worried about having teeth to enforce it. Under # E failure to comply is threat of lien, (lien was spelled incorrectly on the fencing ordinance working draft). Karen asked if we approach lawyer or does the Town Council. We must have enforcement abilities; we can start the lien process as property is being sold. Greg remarks when the previous property owner has had exclusionary fencing they must have had reason for it. Jack asked about field fencing, does the ordinance include the smooth wire or rail. That conflicts with #4. Greg says field/farm fence is same. Barb or razor ribbon is similar and both are prohibited. Brian makes the comment isn't it easier to say what is NOT allowed, then to say what is. Greg mentions wooden fences, they need a bldg permit only if over 6 ft. which is called spite fence. Jack asked if this was adopted for commercial reasons, it hasn't been passed in years, thinks the original purpose was for Agricultural/commercial purposes. Dave made the motion to table with a definition of commercial agriculture. Have this ready for Oct meeting. Marie 2<sup>nd</sup> All aye

### **13. Report, discussion and possible action re: streamlining the Conditional Use Permit process (Marie Hawkins), tabled.**

Marie presented the new revised Conditional Use Permit Application, from the CUP 06/07 she took out the request for the Federal Tax ID number, Karen wants to keep the questions: does your business require a license from the State of Utah Department of Professional Licensing Service and are you in compliance? Read and understand all of the town ordinances. The applicant will not need to read all but at least the ones pertaining to CUP process. PLUC wants the new application printed out for next meeting. Marie wanted to keep it simple. Greg asked why if no impact to the Valley do they need it? Karen answered for revenue reasons and Marie agreed too but also to know what is going on. Jack asks how do you define impact?

Karen read questions on Form A about increased traffic, storage, noise, fumes odors, out buildings etc. Would your neighbors know you have business? Do you need Licenses, Federal ID, etc. Alice mentions this is just to know what is going on, what the demographics are. If they can complete Form A they are not to be charged. Dave asks what if there is impact? Alice wants the registration of businesses. Dave thinks in future the Town Council may ask them to come forward especially if complaints are filed. Jack feels the original documents ask those impacts. According to Dave, 99 out of 100 may slide through with the minimum hassle of more paperwork. Town Council has the right to review any permit through full permit process especially if any question of any impacts comes up. Form B will be charged and processed with meetings and letters from neighbors.

Greg Motion Dave 2<sup>nd</sup> All aye to table for new revisions

**14. Discussion and possible action re: updating Aquifer Protection Ordinance/Fuel Storage Ordinance tabled** Keep tabled until Alice is finished. Good plan from 1997, just need some expanding.

Karen motion to untable Dave 2<sup>nd</sup> All aye-**Drop from agenda**

**15. Discussion and possible action re: Town Council's request to review all Town Ordinances for consistency and effectiveness of all enforcement and penalty provisions, tabled**

Karen when we revise the Ordinance 85- 3 will be part of the process.

**Karen motioned to adjourn, Greg 2<sup>nd</sup> All aye**

**Adjournment at 8:00 PM**

**Attest**

**Approved**

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**Denise Lucas**

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**PLUC Chairman**