

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

Date: Wednesday, October 7, 2020

Time: 6:30 PM

Place: Conference Call

Electronic Meeting Determination

Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), Bill Rau, Chairman of the Town of Castle Valley Planning and Land Use Commission issues this Determination supporting the decision to convene electronic meetings of the Planning and Land Use Commission via Conference Call without a physical anchor location. Due to the COVID-19 pandemic Meetings at the anchor site may present substantial risk to public health and safety. Taking into consideration public health orders limiting in-person gatherings, the average "at risk" age of Town residents and the limited space in the Town building, the Planning and Land Use Commission will continue to hold meetings by electronic means. This determination expires 30 days after the day on which the Chairman has made the determination. The public can join the Conference Call Meetings or submit comments through email.

Present: Ryan Anderson, Marie Hawkins, Bill Rau, Colleen Thompson, Stephen Curtis.

Absent: None

Others Present: Jack Campbell, Jazmine Duncan, George Holling, Peggy and Norman Llewellyn, Bruce Keeler, Sue Anderson, Russell Cooper

Clerk/Recorder: Susan Curtis

CALL TO ORDER REGULAR MEETING (some attendees optionally shared video)

Electronic Meeting Determination read by Rau

Rau called the Regular Meeting to Order at 6:30 P.M.

1. **Public Comments** - none
2. **Approval of Minutes**
Regular Meeting of September 2, 2020
Thompson moved to approve the Minutes as presented. Hawkins seconded the Motion. Anderson, Hawkins, Rau, Curtis, and Thompson approved the Motion. The Motion passed unanimously.
3. **Correspondence** - none
4. **Town Council Meeting Report** —Thompson
201007 Report on 9/16/20 Town Council meeting
 1. TC approved Amendments to Ordinances 85-3 sections 4.2-4.5 and 2003-3 regarding commercial agriculture designation for fences.
 2. TC approved Resolution 2020-8 Fee Schedule to add a fee for encroachment permits.
 3. TC discussed cost of neighborhood cleanup day which is still on for November 7.
 4. TC approved Adoption of the Castle Valley General Plan and sent it for copy editing.

5. Building Permit Agent Report —Thompson

• **Permit Activity:**

TOWN OF CASTLE VALLEY - Building Permits Report

Approval Date Between 9/1/20 And 9/30/20

Approval	Lot	Road	Owner	Type	Purpose	Description	Height	Sq Ft <=19	Sq Ft >19
9/3/2020	054	Lazaris Lane East	Holdings, Inc., HF	Building	Barn		24	0	1296
9/21/2020	443	Firecliff Lane	Ambrose, Robert & FI	Building	Deck	Amended Covered dec	0	784	0
9/22/2020	162	Buchanan Lane West	Shurtleff, Cory	Electrical	Residence	Elec service installed 3/	0	0	0
9/22/2020		Buchanan Lane West		Septic	Residence	4BR	0	0	0
9/30/2020		Buchanan Lane West		Building	Accessory B	Pump house	0	120	0
9/30/2020		Buchanan Lane West		Building	Barn	Barn	0	1836	0
9/30/2020		Buchanan Lane West		Building	Residence	2BR 3BA, 2 floors	23	0	4737
9/30/2020	054	Lazaris Lane East	Holdings, Inc., HF	Building	Garage	Garage addition to hou	0	0	1672
9/30/2020	162	Buchanan Lane West	Shurtleff, Cory	CLUC	Barn	Barn w/plumbing & ele	0	1836	0

TOWN OF CASTLE VALLEY - Conditional Use Permits Report

Approval Date Between 9/1/20 And 9/30/20

Approval	Lot	Road	Applicant	Type	Purpose	Business Name	Routine	Perm
9/26/2020	430	Rimrock Lane	David Rhoads	Home Occupation	IT company, Online repair, sales of computer acc	Hi Tech Solutions	<input checked="" type="checkbox"/>	<input type="checkbox"/>

• **Updates on Recent Applications:**

#054 Sunroom addition
Determined nonroutine, on tonight's agenda.

#332 Saunders
1. Waiting for TDP renewal or notification of decommissioning
2. Has submitted building plans to the county but all I have so far is a plot plan. Waiting for more information.

• **2020 Temporary Dwelling Permit to Date**

Renewals and New Permits

Lot	Renewal	Approval	Owner	Type	Conditions	Notes	Non-Routine
045	9/22/2022	9/22/2020	Chonchon LLC	TDP			<input type="checkbox"/>
176	7/31/2022	7/31/2020	Catherine Carpenter	TDP		Trailer for son, septic pump out by Zunich Bros bi-monthly (semi?). Subm 7/27/20	<input type="checkbox"/>
298	3/16/2022	3/16/2020	LLC AllSmiles Prop. & Jam	TDP		Overpaid \$20, kept it as late fee for extra time required by BPA (3 mos overdue)	<input type="checkbox"/>
303	6/1/2022	6/1/2016	Scott Crueger	TDP	Septic System	Airstream Trailer	<input type="checkbox"/>
331	2/1/2022	2/1/2018	Chris Fukui & Tricia Rodge	TDP		Processed 5/22/19 (app was tardy)	<input type="checkbox"/>
378	7/29/2022	7/29/2020	Mathew Percy	TDP		On septic	<input type="checkbox"/>

6. Procedural Matters

- **Update on action items from previous PLUC meetings, including Discussion re. Livestock Committee**

- PLUC team to email Clerk with updates on action items June – September
- Thompson stated there is a livestock update and administrative update
- Livestock Update

- Bruce Keeler informal livestock owner survey presented with data completed to date:

Table 1

Lot	Horse/ mule	Cattle	Swine	Goats	Sheep	Chickens	GH/Peafowl (poultry only)	(hoofed)
1	3							
2						24. 45 max		
3						12		
4				3				
5	3			2				
6	1			7				
7	3					7		
8								
9	3							
10	2							
11						25		
12						6		
13	5	1 milk 1 bull 1 steer	2 weaners			15	9 GH, 9pea	
14			1	20 (9 adult)		30		
15		1 steer	1		2 lambs	4		
16		4 steer						
17	3							
18						10		
19						12		
20			?					
21		?	?			?		
22		?	?			?		
23						30		
24						48 (max 65)		
Totals	23	-15	5-10	32	2	-13 lots	8 lots	16 lots

- Keeler - included 24 known lots with livestock on sheet shown above and stated he was unable to contact some of the livestock lot owners, and those would add about 4 lots. Interesting to talk to people who have livestock and what livestock they expect to have and what they think the limits might be.
- Overall numbers - Keeler started by saying 6 lots only have horses, 1 lot only has cattle (by CV Inn on Amber, they have 4 steers, Bruce didn't know about these until a few days ago). 1 lot with goats, 8 lots only have chickens.
- Horses - Most lots that have horses have between 1 and 5 horses; the majority of these lots have 3 horses. The lot with 5 horses has multiple species of animals.
- Goats - As far as goats go, 1 lot has 3 goats, and there are 3 other lots with goats, one lot has 2 goats, one lot has 7 goats, one lot 20 goats (9 of 20 are adults, other 11 are subadults).
- Chickens - As far as chickens go, we have a rather large spread of how many chickens people have. One lot is to have 24 chickens soon, they indicated they have had as many as 45 in past, but doubt they will be anywhere that number again. Another lot has 12 chickens, another 7 chickens, a lot with chickens only at 25, another lot with 6, another lot with multiple species has 15 chickens, another lot with multiple species has 30 chickens, and there are 2 lots with 10 and 12 chickens, a single lot with 30 chickens, a lot with just chickens has 48 and owner indicated the max number, likely not get that high, might be 65 chickens. One lot has 9 guinea hens (free range) and 9 peacocks (penned), this is one of the multiple species lots.
- Unknown - there are 3 lots that Keeler has no clue how many animals are on these lots, has talked with lot owner and the owner is interested in talking with Keeler, should be able to sort out and talk in future.

- Multiple Species Lots - The other thing not touched on yet, one of multiple species lots has sheep, cattle, and swine, and all of these are seasonal animals. One of the things come across is that most people with pigs get pigs in spring to raise as weaners, raise for approx. 4 months and then butcher, and same goes for 2 lambs and steer, keep for 4 months and then butcher. Interesting with some breeds of pigs that you don't pen, they are put in pasture with other animals and when do this don't have a wallow, no fly problem, and no smell problem, but when/if have in small confined area then the pigs get pretty disgusting.
- Horse Owners - The horse owners recognize, most only want 3 or 4 horses max, but do have issue that horses can live up to 30+ years old and once cannot ride them will not want to get rid of them as part of the family. A concern from horse owners is that they would want to be allowed to have limits on horses so that they can replace them and not have to send the old ones to the slaughterhouse.
 - Hawkins - commented that livestock committee already discussed this and no one wants to see this happen and can assure the owners of this.
- Pigs - Keeler did not find anybody that thought 30 pigs allowed in current ordinance is anywhere near realistic - way too high, did not find any problem with that
- Livestock Owners Issues Voiced - need a clear distinction when animals are considered not sub adults, need a clear realistic distinction, this is not a straight across the board timeframe for every species. Another concern/point brought up frequently: if raise livestock for meat, milk, etc., some concern that might not legally be able to sell meat, eggs, other products in Valley without being labeled commercial, and then would get into commercial issues.
- Swans & Ducks - did not get to Swans or Ducks, thinks only one or two places in Valley that have these.

Discussion:

- Rau - thanked Bruce for talking with all these folks and information helpful to the livestock committee. Asked if anything else to report from livestock committee.
- Thompson - nothing else to report, was waiting for Keeler to do survey. If we do livestock ordinance amendments incrementally, should address 30 pigs first as no one thinks this is a good number, and then think about other possible amendments.
- Anderson - question for Bruce - looking at spreadsheet at #13, peacocks are penned or caged what about the other animals? Are the animals on 5 acres or larger lot?
 - Keeler - think 5 acres but could be larger, chickens are free range during day, pigs are penned, milk cow, bull, steer, and horses are corralled or penned and don't roam around on lot.
 - Thompson - know this lot, they have had animals for years, are at end of road with no close neighbors.
- Keeler - forgot to mention majority of lots with livestock are on the Castle Rock side of the valley in the flat; only 3 livestock lots known on Rim side of Castle Valley Drive.
- Thompson Administrative Matter -
 - Thompson - met with county building department today and due to COVID things are moving more to online submission, currently Town can only take checks and cash, with online submission could optionally pay online with credit card. Not sure who to talk to about this, maybe Tory or Town

- Council, just found out about it today. Will take a while to get rolling, but could help with reducing face-to-face to get a building permit.
- Duncan – sounds like a good idea, would like to know what else is entailed and the fee charged to Town to use this function.
 - Hawkins – usually around 3% fee charged per transaction, Duncan agreed.
- **Discussion re. Yearly renewals for Conditional Use Permits and Business Licenses**
 - Clerk – let PLUC know this process will be starting soon with target to get letters out by October 20, will be reaching out to Rau and Thompson on letter and reports.
 - Thompson – clarified that Temporary Dwelling Permit renewals happen all through the year and Conditional Use Permits get renewed every December.

NEW BUSINESS –

7. Discussion and possible action re: a nonroutine building permit application for a sunroom addition on lot 54

Rau – know Thompson has been working on this and will turn over to her to review the summary she provided that was very helpful and see where we are.

Thompson – first ask PLUC members if they had a chance to review the summary documents, Anderson and Curtis reviewed documents, Hawkins skimmed the information.

Thompson – Background - building permit applicants come to Thompson as BPA with their plans and other required information. BPA reviews and makes sure zoning issues are ok and then signs the county permit application and then applicant goes to county. In 2008 and previous, the Town zoning approval did not have an expiration built in; the county has a 6-month expiration and easily renewed if plans have not changed. In 2007, the Town started looking at square footage caps, changing some setbacks, and putting an expiration date on zoning approvals. Town had a moratorium that started in March of 2007, one 6-month moratorium, and then renewed for 6 months which ended in March of 2008. A roughly 8-week window occurred between moratorium end and zoning amendment, and several people rushed to obtain permits to beat clock on new limitations. Lot 54 was one of these, Jeff Whitney was another, and a couple other lot owners got a few permits – between 5 and 10 people got what are called “pocket permits” that are good essentially almost forever, albeit with some caveats.

- Current State August/September 2020 – Lot 54, in August/September of 2020, submitted 3 of these 2008 pocket permits/zoning approvals to go ahead and build. It's understood that building inspector and county has to re-review all plans as code has changed. One of the stipulations by the Town (on 2008 application signed by applicants) is that if there are “substantive” changes in layout, use, or structural, then application has to be re-reviewed. Lot 54 Barn permit had no changes at all and was approved; other two permits more complicated, one for garage ended up being approved after some negotiation, and they have 6 months to submit to county or Town approval expires. The third permit is a hard one, for sunroom addition on house. Difficult because for BPA to review and determine if substantive changes, need to look at original plans from 2008 and compare to plans being submitted now. Currently proposed sunroom is a kit, but Town and Holling have no 2008 plans; 2008 county application was never submitted, so documentation is lacking. After study and reviewing with several people BPA determined the renewal request nonroutine, which goes to PLUC to decide what to do. With all the built and unbuilt permits on lot 54, Town currently having a 7,000-square foot per lot cap, lot 54 is already over 9,000 square feet – and there is no record of sunroom square footage from 2008.

Discussion:

Hawkins – asked how much in SF is the kit? Thompson stated thinks between 600 and 700 square feet and Holling concurred. Hawkins asked what side of house is sunroom going on; Sunroom going on south side of house.

Holling – wants to make comment: the house square footage on record is not accurate and thinks probably over 7000 square feet but not 9,000 square feet either.

Thompson – In 2015 George applied to renew the garage addition on 2008 permit, there's a lot of information and email discussion in file from 2015, including square feet calculations for built and unbuilt permits (by Faylene Roth and Mary Beth Fitzburgh), this is where 9,000 square feet comes from. Sunroom not included in this square footage, a note is in file says we don't know square footage or have plans of sunroom. Lot 54 also has a unbuilt permit for greenhouse with kit from same company that is much bigger, Holling telling Thompson same plans, but it's much bigger.

Holling - stated greenhouse is in same manufacturer catalog and if were to build, it is larger than the sunroom.

Thompson – greenhouse is not being renewed at this time, all we have in file is plans for a deck and small screen porch (100-120 square feet), and county has no record of deck or screen porch on paper or digital record. Screen porch is in same location as proposed sunroom.

Holling – this was on separate permit and he has seen documents recently but don't have in front of him, Henderson permit had both screened in area and deck.

Thompson – up to now, before possible workflow changes in near future, applicants provide mostly blank county application that BPA signs as zoning authority, and this goes to county, so the 2008 copy in Town file is one that county has not seen yet and therefore has no permit number (also very faint due to carbons). Holling had more legible originals of county apps and provided those to Thompson. County does not have any information on deck/porch permit.

Holling – 2007 permit for deck and as building deck Town said need building permit and applied for it, don't know why didn't get to county, do have a building permit in Holling records.

Thompson – county has no record of this. County does purge plans after about 5 years to save space, but they keep permit information.

Holling – generally law says need to keep for copy for a year after permit is expired or is completed. The problem comes in on this one as this is open permit and records were not kept. Can provide background, when submitted, the horse shed, greenhouse, garden shed was all on one permit and someone in Town split up in 3 – 4 permits and not in Holling handwriting, and took permit and split out, Holling submitted this all at once.

Thompson – scanned all plot plans in Lot 54 file with proposed and existing structures and sent to PLUC members; none of the plans have a picture or mention of sunroom, just the screen porch in same location.

Holling – already issued on porch permit and approved and no reason to resubmit, as Thompson mentioned everything was done in a hurry, Damian told them have a few days to get everything in and they needed to hurry and very short window to get everything in and are where we are.

Thompson – any questions? Need to determine whether to approve addition of sunroom, due to lack of information.

Anderson – would this permit complete all permits requested in 2008?

Thompson – no, there are still permits for a run-in shed, garden shed, and greenhouse.

Holling – garden shed was built, greenhouse and horse run-in shed have not been built.

Thompson – how big is garden shed?

Holling – less than 200 sq ft and not an occupied building.

Anderson – to help understand, what is size of lot 55 garage? Trying to understand size.

Holling – not sure, needed storage space.

Rau – the sunroom would be behind the garage to the south?

Holling – would be perpendicular from kitchen door, probably wouldn't see from road as garage on lot 55 blocks view.

Rau – prior to 2008 when 85-3 was changed, were there any square footage limits in ordinance?

Thompson – It's complicated. In 2007 there was a 5000 square foot limit of living space in 85-3, but it counted living space only, not space like garage, no total cap per lot, but living space limit. If PLUC is interested, found 2007 Karen Nelson document with rationale for proposed changes. Can send to PLUC members. She was chair of Planning Commission at that time.

Anderson – would like to get copy of document.

Thompson – cloudy on what to do, in re-evaluating now, if square footage different but have no clue what sunroom square footage was in 2008, do we evaluate on 2008 or 2020 rules?

Hawkins – are we just talking about the sunroom?

Thompson – the sunroom is last of three current applications left to decide on, 2 others already approved.

Hawkins – so we are talking about 600 square feet or so? Thompson stated about 660 sq ft, Rau commented which is living space, Thompson not sure if living space, Holling would not call it living space, Thompson stated living space was a 2008 thing not a criterion now, just have total 7,000 per lot unless previously approved permit exists.

Hawkins – in 2008 everything was wide open and 600 square feet of sunroom is not a big deal and records are gone.

Thompson – have to abide by letter of ordinances and those have changed, have had lengthy discussions on topic with Town staff, as Town employee have to follow rules, determined this to be non-routine building permit so PLUC to review as Land Use Authority.

Proposed Solution Discussion:

Holling – asked, the horse-run in shed not built yet, how many square feet is that?

Thompson – will have to look, did already offer to trade square footage from other unbuilt permits, idea suggested from building inspector.

Holling – very seldom compromise, but willing to if can get resolved, to surrender horse shed in southeast corner, should be close in square footage .

Thompson - reviewed square footage of all buildings from 2015, 882 square footage for run-in shed, a good tradeoff for sunroom.

Rau – before approve, would need in writing to remove the permit for the run-in shed.

Holling – will sign conditionally in exchange if sunroom to be approved.

Rau – want void signed first and then based on what hear will approve sunroom.

Thompson – can we put both conditions on one document?

Rau – Yes, what do other PLUC members think about this?

Hawkins – supports.

Anderson – supports with contingency discussed to sign document to not build run-in shed.

Thompson – yes would see it as letter that Holling willing to void permit for run-in shed in return for approval on sunroom.

Holling – this would be a conditional approval subject to us surrendering.

Rau – No, signed simultaneously, Holling signs first and then Town signs.

Holling – can't be effective until both things happen and can easily put that in the document, it is a document, here is permit in exchange, Hollings surrender by signing and other permit will be valid.

Rau – Holling signs first then Rau signs.

Holling – may have to discuss with lawyer.

Rau – always contact lawyer, and agreed to sign simultaneously.

Thompson – will write clause in letter that agreement will not take affect until both parties have signed the document, how's that?

Rau – agree with Colleens approach.

Hawkins – if could do in person would be simultaneous.

Thompson – hard to do this today with COVID.

Thompson – will come up with something in writing and won't take effect until both sign and I can drive around to get signatures.

Thompson - do we need a motion?

Rau – do I hear a motion to move ahead on resolving nonroutine application in form Colleen has outlined and we have discussed?

Thompson – move to approve the application renewal for 2008 permit for a sunroom addition on lot 54 provided we have agreement where landowner voids a run-in shed unbuilt permit at 882 square feet in return for approx. 660 square feet sunroom addition on house, with a document that will void the run-in shed permit at same time as agreeing to approve sunroom permit.

Rau – sounds good do I hear a second?

Hawkins – second.

Thompson moved to make the motion. Hawkins seconded the Motion. Anderson, Hawkins, Rau, Curtis, and Thompson approved the Motion. The Motion passed unanimously.

UNFINISHED BUSINESS - none

CLOSED MEETING – None.

Summary/Action Items for September 2 PLUC Meeting:

1. PLUC - email June – September action item updates to PLUC Clerk
2. Livestock Committee – start draft wording to amend livestock ordinance for number of pigs allowed per lot.
3. Thompson – send copy of Karen Nelson 2007 document to Anderson.
4. Thompson – write up document for Hollings and Town to sign that will void the run-in shed permit at same time as agreeing to approve sunroom permit and obtain signatures.

ADJOURNMENT

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



Rau adjourned the Meeting at 7:40 P.M.

APPROVED:

ATTESTED:

Bill Rau 11/7/20
Bill Rau, Chairperson Date

Susan Curtis 11/7/20
Susan Curtis, PLUC Clerk Date

FINAL