

**MINUTES  
REGULAR MEETING**

**PLANNING & LAND USE COMMISSION**

Date: Wednesday, Nov.7, 2007

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Karen Nelson, Greg Halliday, Dave Erley, Mary Beth Fitzburgh, Marie Hawkins

Others: Jim Tharp

**CALL TO ORDER:** 6:35 PM by Karen Nelson

Welcome to Mary Beth Fitzburgh as new member of Planning and Land Use Commission. She was sworn in by Denise Lucas, Town Clerk.

1. Communications from the Public

Jim Tharp asked if the fencing ordinance has moved forward? It is on tonight's agenda. Commission has been working on a definition of commercial agriculture. Jim T asked if Commission will kill the grandfathering clause on resale of the property.

**Approval of minutes:**

2. Regular meeting of June 8, 2007, this was a workshop for the General Plan, Debbie will take notes from the recording and have ready for next meeting.

3. Special meeting of Aug 22, 2007 Dave asked to add the 2 words supply & demand to his sentence. Dave says it is supply and demand. We have 441 lots and it would be difficult for current residents if the huge homes come in. They will want the water, energy etc for their homes, providing that may take from others that are already here. Greg motioned as amended Marie 2nd All aye Mary Beth abstained

4. Regular meeting of Sept 12, 2007 Karen found error in property owner name, -5th line his neighbor Bill Morck not Simmons. Also on 3rd line from bottom Karen stated lots must always be 5 acres. In Old business strike the word 'like'. Where the word lien is spelled incorrectly add in the fencing ordinance working draft. Dave motioned Greg 2nd All aye Mary Beth abstained.

**REPORTS**

5. Building Permits Update:

Sept 7, Mitch Stock for Joan Harvey, Lot 338 Taylor. Addition to existing house.

September 27, Oattman Lot 152 Buchanan. Septic Permit

Oct 8, Ken Sikora Lot 208 Shafer. House (1 bdrm, 1 bath) with attached garage. 1275 sq ft.

Oct 8, Darr Hatch Lot 109 Pace. Storage building and pump house. 1728 sq ft

Oct 20, George Hollings Lot 54 Lazaris Lane. Barn 36 x 24

Oct 23, Jay Shotwell Lot 323 Keogh Lane. Yurt on a concrete slab, Temporary Dwelling and Septic Permit

Oct 30, Bill Morck Lot 261 Pope Lane. Land exchange with Lot 262 Brian McMullen

J Shotwell, Lot # 323 No bldg permit or temp needed for his Yurt or slab to set it on. Karen will discuss w/ mayor. Owner does need to pay \$5.00 for septic permit. Debbie will send letter of explanation and return his check.

### **NEW BUSINESS**

6. Discussion and possible action re: Land exchange between lots 261 and 262, a survey is required, may need a lawyer for the legal forms. Greg reminds that both owners understand they must each maintain the 5 acres minimum.

7. Discussion and possible action re: reorganization and revision of Zoning Ordinance 85-3 Some items are missing, need to remove any items not relevant; review other communities to see if ours line up w/ state. Start with an outline to start, Marie suggested having a workshop. All do some homework beforehand. Karen has seen others online.

Items to consider: Organize, correct language, underground fuel storage, owners not change drainage. Take out long story, remove the word Yarn. Be consistent w/ county, i.e. Town says a building permit is needed for any accessory building or dwelling. IBC does not. Dave as a small community we should be in line w/ state & county. Make it easier for legal issues and save money. Have justification if changing it to something different. The survey showed it is a high priority, needs reorganizing to be more understandable.

Marie motioned to table, Greg 2<sup>nd</sup>. All aye

### **OLD BUSINESS**

8. Discussion and possible action re: Decommissioning of second dwellings. (Ranna), tabled

9. Report, discussion and possible action re: updating the Deer Fencing Ordinance (Greg Halliday), tabled Dave motioned to take off the table Greg 2<sup>nd</sup>, All aye. Group discussion on definitions of what is commercial agriculture and what is needed for ordinance. A variety of definitions has been found. Greg read one from Durham, NC that requires IRS Schedule F for farmers. Not a hobby but seen as a business. Can the Town ask for schedule F?

Mary Beth found Utah's state code for the Products of Agriculture, Dave presented what he had Googled for agriculture easement when 80 % of income derived from agriculture. 17-41-101 is 50% of processed merchandise. Dave asked if the Winery uses 50% of their crops then they are commercial. Greg prefers asking for the Schedule F requirement.

More discussion followed on the difference of definitions.

Karen entertained a motion to table and asked the committee to read more on these. Greg motions to study the definitions of commercial agriculture and table until more information is available. Greg will use the 2003-3 and add the definition Marie 2<sup>nd</sup>, All Aye.

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

Dave motioned to untable, Mary Beth 2<sup>nd</sup> Karen and Mary Beth like it as written. Marie feels it is straightforward. Dave asked about form B, at the Planning training, he heard the CUP runs with the land. When a CU is approved in Utah it is ran with the land not the owner. If sold, and the new owner maintains the conditions it stays. i.e. Would Webster's vineyard, if sold, he would have to pull his vineyard out? Mary Beth the CUP does need yearly renewal for this reason

Dave Motion to send to TC the new revised CUP for their review and adoption. Greg 2<sup>nd</sup> All Aye

11. 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

Marie motioned to adjourn. Greg 2<sup>nd</sup> All Aye  
Adjournment. At 8:02 pm

**Approved**

\_\_\_\_\_  
Karen Nelson PLUC Chair

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Date

**Attested**

\_\_\_\_\_  
Denise Lucas

\_\_\_\_\_  
Date