

MINUTES
REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
June 14, 2006, at the Castle Valley Community Center

Call to Order: 6:59 PM

Commissioners present: Michael Peck, Marie Hawkins, Vickie Kress, Gil Gonzales.

Others present: Michael Dunton, Leta Vaughn, Dale Silverman, Greg Hemsley, Rick Lamb.

Clerk: Rebecca Martin

1. Election of Chair and Vice Chair.

Marie nominated Michael as Chair. Gil seconded. Motion passed. Marie, Vickie and Gil voted aye. Michael abstained.

Vickie nominated Marie as Vice Chair. Gil seconded. Motion passed. Gil, Michael and Vickie voted aye. Marie abstained.

Vickie moved to change the order of the agenda to review the conditional use permit applications in items 8 & 9 before discussing minutes. Gil seconded. Motion passed unanimously.

Conditional Use Permits

8. Discussion and possible action re: CUP application for Lot 413 – M. Dunton/C. Williams - a home and premise occupation for a multi-media art studio/workshop.

(permit application and two letters from adjacent owners included with these minutes)

Discussion ensued about a letter of concern received.* Michael Dunton answered questions on the following topics accordingly. Business hours: Michael was hoping for 12 hours per day, 7 days per week. Traffic: may include UPS and trucks the size of construction trucks. Noise: power tools limited to indoor only. There is an enclosed shop next to his house. This has been up and running for 10 years. Waste: steel is gathered and taken to GJ, and standard construction waste is handled locally. Waste is relatively small. Hazardous materials: 10 gallon quantities of muretic acid, solvents, oxyacetylene torches, all properly stored. Odors: it is small enough scale that there has been no problem living right next to it. Outdoor lighting: porch lights are covered, portable lights are used occasionally. Screening: the shop is exposed to the South. Retail sales: items are sold elsewhere; there is no storefront. Fire prevention: a hose is “right there”; this protects the house as well. Graystoke has read and is willing to comply with the zoning ordinance including working hours 8 to 6, six days per week. Advertising: current advertising does not include street address; no signs.

*Rebecca spoke with the complainant who then asked to change the words “I do oppose” to “I am concerned about” because he had not realized that conditions had not yet been placed on the permit. He will hope to have a report on the permit conditions. Rebecca sent him the zoning ordinance for reference.

Discussion ensued about further informing the complainant and/or gathering further comment.

Marie moved to approve Michael’s CUP and Premise Occupation for Lot 413 with all of the conditions outlined in (Zoning Ordinance) 85-3. Vickie seconded. Motion passed unanimously. Rebecca will send information on this recommendation to the interested property owner. The P&Z Chair will sign the recommendation that will be passed on to the TC.

9. Discussion and possible action re: CUP application for Lot 28 – D. Silverman, a home and premise occupation for a small scale welding workshop.

(permit application and letter from property owner included)

Discussion ensued and Dale answered questions on the following topics. Welding area: 60’ graveled circular drive area with a dirt hill on one side and the house next to it; no indoor shop. No large scale welding happens on site; this is primarily a mobile welding service. Equipment: all equipment is attached to his one ton

truck; he doesn't own a grinder; he uses an oxyacetylene torch is used. Fire suppression: water hoses and sprinklers; currently no fire extinguishers on truck. Office activities happen at the house. Noise: it is loud enough for earplugs on site; it would be about as loud as a lawn mower from a neighboring lot. Time: the welder is set up for about six minutes at a time; Dale works 50 hours/week at another job so work would be spread out, not deadline oriented. Dale has no employees, no signs, no retail, no advertising.

Greg Helmsley, owner of Lots 36 & 37, commented about noise mitigation for outdoor welding and hours of operation. He has just retired from welding, has welders in his own shop, is concerned and does not want to have to wear earplugs on his property. He would be OK with it if it is kept to the Ordinances where it isn't bothering neighbors.

Dale explained that this is very small scope no more than his current hobby level, and not requiring a shop at this scale. He has been doing this level of work already and hasn't had a complaint. He appreciates quiet, has three small kids, wants to avoid ruining his own place, and hopes to have mutual good relations with neighbors. He was a fire fighter in CA and is aware of safety measures. He expressed willingness to work with neighbors should any adjustments become necessary.

Discussion continued related to aesthetics and fire issues. Dale has read and will abide by the Town's Ordinances. Rick Lamb encouraged him in the direction of building a shop and expressed support for people doing things (CUPs) on their lots.

Vickie moved to (recommend approval of Dale's application for) a CUP and premise occupation for Lot 28 for small scale welding using equipment mounted on a one-ton truck with the following –proposed conditions:

- **Will quit working upon noise complaints from neighbors**
- **Will mount fire suppression equipment on truck**
- **Will maintain a 60-foot circle of gravel as the working area**
- **Will not work in high wind conditions.**

Gil seconded. Motion passed unanimously.

Vickie moved to attend to the Building Permits Update before reviewing minutes. Gil seconded. Motion passed unanimously.

5. Building Permit Update

Leta reported that one building permit was given this month, to Karen Nelson, for Lot 77.

Gil asked about new construction he sees going on. Discussion ensued. New construction must have CV building permits, i.e., the county cannot issue a permit without a CV signature, but some may be ongoing so the permit may have been issued a while ago. If multiple modular homes are moved onto a lot, the old one(s) must be decommissioned.

Gil inquired who enforces the question whether a new CUP has complied with any State standards for setting up a business. Rebecca noted that the Town asks on the CUP application whether they need a State License or not, and the owner is taking responsibility at that point.

Leta reported Jeff Whitney strongly suggests that we need to adopt a new code for CV. We should legally adopt the IRC (international residential code), which the County has been using for 6 years, instead of the UBC (universal building code) that CV adopted (Ord. 85-1). This would affect the minimum square footage buildable before a building permit is needed. People can read that square footage on the County website, but a different square footage is allowable without a permit in CV. **Leta will try to get the UBC and IRC electronically to pass it to everyone for review.**

Discussion ensued about whether someone could try to by-pass the CV building restrictions if they find a more lenient Grand County clause. Legally they may not go forward without a CV building permit. There is an interlocal agreement whereby Grand County will not issue a permit without a CV signature.

Two “avenues” of communication were discussed for passing recommendations to the TC. The TC can request a specific recommendation and the P&Z can work on it. Or the P&Z can make an unsolicited recommendation based on information they have.

2. Approval of Regular Meeting Minutes of May 10, 2006.

Name spelling corrections for Kurt Baker and Gil Gonzales were incorporated. **Vicky moved to adopt the May 10, P&Z (regular Meeting) minutes. Gil seconded. Motion passed unanimously.**

3. Approval of Special Meeting Workshop Minutes of May 22, 2006.

A typo was corrected; “log lines” was changed to “lot lines”. **Vickie moved to adopt the May 22 P&Z minutes. Motion passed unanimously.**

4. Communications from the Public. None.

Reports

6. Town Council Information and Requests. None.

OLD BUSINESS

Michael asked for an update on the standing of (old business items). Rebecca reported as follows:

11. Discussion and possible action re: changes to land use sections of Utah State Code in Senate Bill 60 “LUDMA” (tabled). This is “in P&Z’s bucket”. The work is to review the Town’s compliance with May 2005 law changes in the Land Use and Development Management Act and to recommend any necessary changes to the TC.

12. Discussion and possible action re: Proposed Amendments to Ordinance 2003-3, “An ordinance encouraging the movement of deer within Castle Valley by limiting the use of exclusionary fencing” (tabled). This was given to the P&Z to correct the definition of commercial uses, then sent to the TC with that improvement, then sent back to the P&Z for a general overhaul.

13. Discussion and possible action re: Draft of an Aquifer Protection Ordinance (tabled). This has also come back to the P&Z after being sent with corrections to the TC. This is AKA “Fuel Storage Ordinance”. Copies of the existing Aquifer Protection Ordinance are available in the set of Ordinances, and is being distributed to the TC to familiarize them with it.

14. Discussion and possible action re: Address comments made by Town Council and UT League of Cities and Towns on a Proposed Ordinance Establishing the Planning and Land Use Commission and Designating Land Use and Appeal Authorities and consider revisions and recommendation to Town Council (tabled). Pam has received suggestions from David Church and is putting together a written memo to the P&Z to pass on that information. Pam was unable to attend this meeting due to illness. This has been passed to the TC, so depending on Pam’s information it is now either in the TC or the P&Z “bucket”.

15. Discussion and possible action re: Proposed Ordinance Establishing a Complaint Resolution Board and Uniform Enforcement Process (tabled). The terms “complainant” and “complainee” have been clarified (as per TC request) and this will be passed to the TC at next week’s meeting. Michael noted that there could be issues with another board being created, and the resolution function may end up being done by the TC.

The TC has been discussing clarifying mandates and communications to the P&Z, including sending a representative to P&Z meetings.

16. Discussion and possible action re: Town Council request to review all Town's Ordinances and Resolutions for consistency and effectiveness of all enforcement and penalty provisions (tabled).

Rebecca will re-send the request (written by Bob Lippman) to review all Ordinances and Enforcement Issues to the P&Z.

Michael commented that three priorities, in order to give the Town a basis of operation, must be to handle the Enforcement Clauses, Enabling Legislation and other LUDMA issues.

Gil moved to table items 11, 12, 13, 14, 15 and 16. Vicky seconded. Motion passed unanimously. Vicky remembered that these would stay tabled unless un-tabled in any case.

NEW BUSINESS

17. Discussion & possible action re: Review of TC Personnel Policies.

The P&Z had asked to be involved in the discussion of the personnel policies. (copy of proposed draft included) **The P&Z decided to express formally to the TC to be involved in discussions of the personnel policy issues/included in the Policy workshop.**

18. Discussion & possible action re: Changing P&Z Regular Meetings to the 1st Wednesday of the Month.

Marie moved to change P&Z meetings to the 1st Wednesday of month, starting in August, 2006. Gil seconded. Motion passed unanimously. The August meeting will be on August 2nd.

ADJOURNMENT

Vickie moved to adjourn. Everyone seconded. Motion passed unanimously. Meeting adjourned at 8:45 PM.

ATTEST:

Town Clerk