

**Regular Meeting Minutes**  
**Castle Valley Planning & Zoning Commission**  
**April 12, 2006**

**Commissioners present:** Marie Hawkins, Michael Peck, Valli Smouse and Chair, Pam Hackley.

**Members absent:** Vickie Kress.

**Others present:** Karen Nelson, Leta Vaughn, Dave Erley. Jeff Johnston arrived at close of meeting.

**Clerk/Recorder:** Rebecca Martin.

**2. Adoption of March 8, 2006 Minutes**

Marie moved, and Valli seconded, to approve the minutes. **Minutes approved as presented.**

**3. Communications from the Public.** None.

**4. Building Permit Update**

Leta reported that she has given out one electrical permit and sent out seven information packets.

Update on Eric Bjornstad's request for a temporary dwelling permit. The Powerhouse lane residents are being evicted. Eric tried to bring a mobile home to CV, but it didn't meet the HUD requirements. He switched to a travel trailer and then to another mobile home. The county allows for him to bring the trailer up to code, but CV does not.

Leta has updated and prepared the building forms to be placed on the Town website. Other website work is underway, and the forms will be posted to the site as soon as possible.

Pam reported that Damian, Leta and Pam met to go over the steps of the drainage review process. Darr Hatch, Town Road Supervisor, was unable to attend. According to the Mayor/previous Road Supervisor, development may not change drainages where they exit a property. Activities in perennial streams have specific restrictions under State Statute; Castle Creek is such a stream. The Road Supervisor signs off on the Town drainage review; the building agent does not, but by signing the certificate of occupancy acknowledges that the drainage review was conducted and approved. Pam discussed concerns about not knowing what laws/statutes pertain to drainages that are not perennial and having the road supervisor sign off on drainage reviews. In the General Plan, under environmental goals, there is one paragraph about flood hazard, maintaining drainages, etc. Discussion ensued about flash flood experiences in the history of CV.

Discussion ensued about the Castle Valley Drainage Study, which is said to be on file with other studies that have been done. **A future project is to inventory the maps in the Town Building, and to determine if drainage maps exist.** Karen suggested that at least one copy should be made of the threadbare maps. Valli suggested that any maps we have may need to be updated, and that the concept was for the drainage information to be revisited periodically. The road department has the only known copy of the drainage study. Pam recommended that a clear process is needed to avoid liabilities.

**Valli moved, and Michael seconded the motion, to recommend that the TC look into the drainage review for the building permit process, and review, update and copy the drainage map. Motion passed unanimously.**

Pam asked about the B&B permit status. Leta said they were issued a building permit to renovate a storage shed just before she was hired. Under their contract, they can not turn this into another room unless they remove one of the existing rooms. They requested to have the shade shelter extension counted as part of the footprint of the building. That request was granted on the advice of Jeff Whitney, who said they are taxed on that so it would count. Discussion ensued about the history of incremental growth on this lot.

## **5. Town Council Information and Requests.**

Item numbers 15, 16 & 17 (of this agenda) are requests from the TC.

Rebecca forwarded an email to the TC to include the P&Z in personnel policy meetings.

Rebecca also requested that the TC formalize the process whereby information, mandates and/or tasks are transferred from one body to the other, and **asked the P&Z to help to define this process from their side.** This is to avoid things slipping between the cracks and to add clarity.

Pam was requested to check with Bob, as TC liaison with the P&Z, on the definition of “advice and consent”. Bob said it does mean “vote”.

**6. CUP Status Report:** Rebecca reported that all Conditional Use Permits are now up to date after the annual review process. A draft of the (certified) letter that would be sent to those who do not respond to the annual update questionnaire in the final round (to inform them that the Town considers their CUP to be ending by default) is available for editing if anyone has the interest to look at it.

A CUP request has come in from Gil Gonzalez (and Kurt Bishop) on Lot 186, and will be on the next P&Z agenda. Pam had written an official letter to Gil, who was originally told that a CUP was not required for the Castle Valley Grapevine because it was not a money making venture. Now that ads will be sold, a CUP will be required. (letter to Gil included)

## **7. CUPs Lot 77: Karen Nelson/Steve Meleski, Horse Mountain Plaster and Stucco.**

Karen presented their request. Steve has acquired a contractor’s license. The business involves: phone calls and bookkeeping occurring in the house, tools and materials stored on the property, all jobs done off the property. Vehicle traffic: occasional deliveries, although most materials are dropped off at the given work site. Days of operation: 5 days per week, 8 AM to 7 PM, with the total always less than 40 hours per week and always less than 7 days per week. Storage: 1 building. Number of business vehicles: 1 pick up truck.

The current (Zoning Ordinance 85-3) lists operating requirements/restrictions including 6 days per week, lists hours, and one building of 1,200 square feet. Discussion ensued about the need to rewrite the Zoning ordinance to consolidate and clarify the Conditional Use information.

Discussion ensued about whether there can be a storage building for each business, or whether both must total less than 1,200 square feet. There is some inconsistency with how CUPs are written over time. It was determined that each business could have its own storage.

Conditions discussed for this were: no signs, 5 vehicles per day, days of operation 6 days per week, 8AM to 7PM, storage in the boat house. No comments have been sent by adjoining land owners. Karen will provide a copy of the professional license required for this business from the State of Utah.

Discussion ensued about the CUP process. The P&Z is required by the TC to place conditions on the permit, although the Zoning Ordinance outlines a full set of restrictions.

Michael moved to pass (to the Town Council) the following recommendation with the proviso that Karen provide a copy of Steve's State professional license for the file, Valli seconded. "The conditions of the current Ordinance 85-3 as amended will be met, the applicant has signed off on this, and anything not expressly allowed is prohibited." Motion passed unanimously. [tape 1, side 2, 1/3 through]

**8. Lot 157: Jeff Johnston, JRJ Construction.**

Valli moved, and Michael seconded the motion, to postpone this item until Jeff shows up. Motion passed unanimously.

**9. Lot 181: Damian Bollermann, Sweetwater Well Service.**

Damian was not able to attend this meeting. Discussion ensued whether Damian would have to be here to construct the conditions. It was decided that he had met with the P&Z at the previous meeting and had given sufficient information.

Michael moved, and Valli seconded, to pass (Damian Bollermann's CUP) on to the Town Council and recommend approval with the conditions in the Zoning Ordinance 85-3 (as amended 4/17/04). Motion passed. Those in favor: Valli Smouse, Michael Peck, Marie Hawkins. Abstained: Pam Hackley.

**10. LUDMA (tabled)**

Valli moved to take this off the table. Michael seconded. Motion passed unanimously.

Vickie and Marie met to go over Conditional Use section of LUDMA. Pam suggested that when Vickie returns, a workshop will be held to continue the work.

Valli moved, and Michael seconded, to send the Conditional Use aspect of LUDMA to a workshop, and to set a date after Vickie Kress gets back.

**11. Fencing Ordinance (tabled)**

Michael moved, Marie seconded, to take off table Motion passed unanimously.

Discussion ensued about enforcement issues. Pam said it is difficult to move forward on (Ordinances and Ordinance revisions) until the TC gets their ducks in a row (on enforcement).

Valli moved, and Michael seconded, to table this item. Motion passed unanimously.

**12. Aquifer Protection Ordinance (tabled)** Remained tabled.

**13. Annual CUP Review (tabled)** This was dealt with above in item 6.

**14. Town Clerk Role in relation to P&Z**

Rebecca reported that action was taken on this specific item at last TC meeting. Clerk time tracking continues and Jim is compiling it into a report to the TC at their next meeting (the April 19<sup>th</sup>). Jim had said that all of the P&Z tasks would be lumped together for the report. This item will be dropped from the (P&Z) agenda.

**15. Draft Ordinance Establishing PLUC and Designating Authorities.**

The TC asked to have a lawyer review this, and agreed that this item could be passed on to David Church as opposed to Gerry Kinghorn. This draft has been passed on to David Church. Pam has asked what kind of procedure David Church would like to follow with this type of

process. David Church has not yet responded to the draft or the inquiry. (draft and email correspondence included)

**Michael moved, and Valli seconded, to table. Motion passed unanimously.**

**16. Complaint Resolution and Land Use Enforcement.**

The March 28 workshop to address items 16 & 17 was overridden by a need to address water critical rights issues. Bob forwarded the proposed ordinance for the P&Z to begin working on it.

**Valli moved that the PLUC hold a workshop pertaining to 16 & 17, and if questions or proposals are developed that they be passed on to the TC. Michael seconded. Motion passed. Workshop time and date: Tuesday, April 18, 6 PM. Pam will send out an email announcement/reminder about this. Marie will bring notes on this to the workshop. Pam will email the draft to the Commission once again to insure everyone has it. This will be placed on the agenda for the TC.**

**17. Review of Town Ordinances and Resolutions** This was dealt with along with # 16 above.

Michael mentioned that he will not be available for the next P&Z meeting on May 10.

Discussion ensued to follow up with CUPs. For Lot 157, the letter to the TC requesting consideration of the CUP is still needed. Plot plan needs dimensions on buildings and setbacks, state license, days of operation. **Michael moved, and Valli seconded the motion, to table this item** (item 8).

Pam noted that the zoning ordinance says a conditional use application must be in 30 days prior to the next P&Z meeting.

**18. Adjournment**

**Valli moved, and Michael seconded, to adjourn. Motion passed unanimously. Meeting adjourned at 8:52 PM.**

ATTEST:

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Rebecca Martin, Clerk/Recorder

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Date