

**Minutes**  
**PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING**  
**May 10, 2006**  
**Castle Valley Community Center**

**Pam Hackley called the meeting to order at 7:00 PM.**

**Commissioners Present:** Pam Hackley, Valli Smouse, Vickie Kress.

**Members Absent:** Marie Hawkins and Michael Peck.

**Others Present:** Aaron Davis, Kurt Baker, Leta Vaughn, Jim Tharp, Jeff Johnston.

**1. Election of Chair and Vice-Chair**

The Commission to elect a new Chair for the P&Z; Pam has resigned from the commission. **Valli moved to nominate Vickie Kress. Vickie moved, and Pam seconded, to nominate Valli Smouse.** No discussion. **Motion passed with Pam and Vickie voting yes. Valli abstained.**

**Pam moved to alter the order of the agenda to bring CUPs and Public comments to the beginning of the agenda. Motion passed unanimously.**

**9. Discussion and possible action re: CUP application for Lot 186 – G. Gonzales and K. Baker, Castle Valley Grapevine - a home occupation for publishing a newsletter (new item).**

Gil Gonzales presented an application for a CUP. Production of the Castle Valley Grapevine is growing and the cost is rising. They have become interested in having the option to charge minimally for advertisements. Printing is done in Town. Kurt does the design work. Anyone may submit an article. A mailbox has been placed at Lot 186 to receive submissions. No signs are requested. No comments from adjoining neighbors have come in either pro or con. The applicants have read and understand the Zoning Ordinance.

**Pam moved to recommend approval of this CUP and to pass it on to the TC with the one condition that they comply with the conditions in (CV Zoning Ordinance) 85-3. Motion passed unanimously.**

**4. Communications from the Public**

Aaron Davis presented a proposal from Joan Sangree for a Temporary Accessory Dwelling (TAD) for Joan's mother. The TAD would also be used as an office for Joan to meet with her clients both while her mother was living in the trailer and while the trailer was empty. A 1997 trailer is available from Powerhouse Lane that could be placed on Lot 9, which has a well. Lot 10 has two septic, a house and a well. Discussion ensued about TAD parameters, lot line adjustments, septic and well sites, legal setbacks, minimum lot size. The new trailer could have dwelling and office uses.

**A P&Z workshop meeting was scheduled to deal with this issue for Monday, May 22, at 7PM, pending Joan's agreement on the time/date.**

**8. Discussion and possible action re: CUP application for Lot 157 – J. Johnston, JRJ Construction - a home and premise occupation for construction contracting (tabled).**

Jeff Johnston presented an application for a CUP and business license, including a premise occupation for tool storage. Bookkeeping, computer and phone use would temporarily occur in the RV on Lot 157 and in the rental (on Lot 141) and would eventually be done from the house (on Lot 157). Discussion ensued about whether a house is required or implied in the conditional use section of 85-3. Jeff is working as a subcontractor for the next two years. He uses a half-ton truck. 99% of the work and materials are at the job sites. His State license is included. He has read the Conditional Use section of the Zoning Ordinance. Adjacent lot owners who contacted Jeff were all in favor of this CUP on Lot 157.

**Vickie moved, and Pam seconded, to pass on to the TC the recommendation to approve this CUP for Lot 157. Pam moved, and Vickie seconded, to amend the motion to include conditions set out in 85-3 as well as the “anything not expressly permitted is prohibited”. Amendment passed Unanimously. Motion was called. Motion passed unanimously.** No further discussion.

**Pam moved to go to item 3. Vickie seconded. Motion passed unanimously.**

### **3. Approval of Regular Meeting Minutes of April 12, 2006.**

The following changes to the minutes were suggested:

- Item 4, paragraph 4: Delete Darr’s name from the list and add: “Darr, the Town Road Supervisor, was not able to attend.”
- Item 4, paragraph 4: change the next sentence to read: “According to the Mayor/previous Road Supervisor, development may not change drainages where they exit a property.”
- Item 4, paragraph 4: add “under state statute” after the word “restrictions”.
- Item 4, paragraph 4: after “the building agent does not”, add “but by signing the certificate of occupancy acknowledges that the drainage review was conducted and approved.”
- Item 4, paragraph 4: after “laws/statutes pertain to drainages”, add “that are not perennial”.
- Item 5: Delete brackets and bracketed words.
- Item 6, paragraph 2, second line: replace “whose” with “who”.
- Item 7, paragraph 6, 1<sup>st</sup> sentence 2<sup>nd</sup> line: replace “her professional business license” with “Steve’s State professional license”.
- Item 13: after “this was dealt with above”, add “in item 6”.
- Item 15: replace “draft included” with “draft and email correspondence included”.
- Item 16: replace “motion passed” with “motion passed unanimously”.
- Item 17, 2<sup>nd</sup> paragraph: should read “letter to the TC requesting consideration of the CUP is still needed”.

**Pam moved to accept minutes as amended. Vickie seconded. Motion passed unanimously.**

### **2. Approval of Special Meeting Workshop Minutes of April 18, 2006.**

The following changes to the minutes were suggested:

- All references to 96-3 should refer to it as a Resolution.
- Step 4: delete parentheses with contents; sentence shall read “Leave this clause as per original copy”.
- Last paragraph: replace “nuisances” with “lighting”.

**Pam moved to accept the minutes of the April 18 Special Meeting & Workshop as amended. Vickie seconded. Motion passed unanimously.**

## **Reports**

### **5. Building Permit Update**

Leta reported that one building permit was issued this month on Lot 147.

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

The Clerk created/forwarded a synopsis of the last TC meeting to the P&Z (list included). Related discussion included:

- The Mayor agreed to pass a written synopsis of information to the P&Z from each TC meeting; no official report has been forwarded so far.
- The P&Z request for the TC to review the Drainage Review Process and update the Drainage Map was discussed; misunderstandings may be occurring in communicating about this; Pam intends to write up a clarifying memo about this for the TC.
- Information that goes to the TC must be ready 48-72 hours ahead of time for them to prepare.
- Re: Complaint Resolution Process: The TC requested that the P&Z change the words “complainant” and “complainee” or define them.

- Re: Complaint Resolution Process: Penalties and Fines were not yet discussed.
- Lots 77 & 181 CUPs were approved.
- Re: the Enabling Legislation: No action was taken pending a reply from David Church who has it on his desk to review. Pam will endeavor to continue communications with him.
- Clean up day is scheduled for May 20. Appliances with Freon will be accepted this year for a \$10 disposal charge; otherwise clean-up is free.
- Re: Clerical error omitting Section 3 of Ordinance 85-3: the TC has received differing advice from Kinghorn on this over time re: whether simply to re-post it or to re-adopted it instead.

Discussion ensued over whether the whole ordinance would be open for discussion if a hearing is whether written legal clarification is needed on specific points, and the legal status of enforcement procedures between the last amendments and now. Kinghorn has said that 85-3 has been in force the whole time, because it was a clerical error. Pam is forwarding a chronology of 85-3 changes to the TC.

Valli commented for the record she hopes that in the Future (the TC and P&Z) can have better communication with the TC, better direction for the P&Z, and more frequent discussion. In 5 months, she has had no communications from the Town. **Valli will write a memo from this meeting to the TC.**

### Conditional Use Permits

**7. Conditional Use Permit status report.** None.

### Old Business

**10. Discussion and possible action re: Changes to the Land Use Sections of Utah State Code in Senate Bill 60 “LUDMA” (tabled).** Item remained tabled.

**11. 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).**

**Vicki moved to un-table this item. Pam seconded. Motion passed. Pam and Vickie: for. Valli: against.**

Discussion ensued about whether this ordinance is needed, inconsistencies in (the version that is currently on the books), the lengthy efforts towards revision, the goal to make it as succinct as possible, and the possibility of including this in 85-3. Leta noted there are no requests for fencing all five acres or for agricultural designation. Rebecca said fencing requests do come in, but none have exceeded the current ordinance so far. This is currently “in the P&Z’s ballpark”.

**It was decided that a workshop would be scheduled once the other two commissioners return. Pam moved to table, Vickie seconded. Motion passed unanimously.**

**12. Discussion and possible action re: Draft of an Aquifer Protection Ordinance (tabled).**

Item remained tabled.

**13. 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).** Item remained tabled pending advice from David Church.

**14. Discussion and possible action re: Town Council request to finalize a proposed Complaint Resolution Process and Board and a Uniform Procedure for Zoning and Land Use Enforcement (tabled).** This item awaits review by/further direction from TC. This will be on next week’s TC agenda as a tabled item.

**Vickie moved to un-table this item, Pam seconded. Motion passed unanimously.**

Pam suggested some definitions for “complainant” and “complainee” as follows: Under item 2 of the proposed draft ordinance, Pam would add a first sentence to say “A person or persons (“complainant”) may submit a written complaint to the Town...” The second sentence would read “All written complaints received by the Clerk/Recorder shall be forwarded to members of the CRB.” New sentence: “A certified letter shall be sent to the person/property owner complained about (“respondant”).”

Pam suggested adding a severability clause (clause15). “If any part of this ordinance is found to be unconstitutional or in conflict with Federal or State law, such a finding shall not the remaining ordinance.”

**Pam moved, and Vickie seconded, to incorporate these recommended changes into the draft and send it to the TC. Motion passed unanimously.**

**15. 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).**

Item remained tabled.

**New Business**

**16. Discussion and possible action re: Recommendation to Town Council to increase the hourly wage rate for Town Building Permit Agent.**

Pam suggested that \$12/hour is no longer adequate, and that Leta has taken the job seriously and deserves a merit raise. She has been working at this rate for well over three months.

**Vickie moved and Pam seconded, to increase the Town Building Permit Agent pay rate to \$16 per hour to bring the pay scale in line with other Town employees, and in recognition of her good job performance. Motion passed unanimously.**

**17. Discussion and possible action re: Recommendation to Town Council concerning Planning Commission budget for Town Budget FY 2007**

Discussion ensued about the possible need to hire a professional consultant on Zoning and other Ordinance Review issues. Other P&Z budget items include the pay rate for Leta and the possible need to pay a separate Clerk.

**Pam moved to recommend to the TC to add a line item to the FY 2007 budget for consulting services to deal with review of Ordinances and Resolutions for consistency.** The amount discussed was \$2,000. **Vickie seconded. Motion passed unanimously.**

Discussion ensued about oversight for the Building Permits Agent, i.e., who should sign pay sheets and assessed performance. Jim Lindheim has been developing personnel policies. Pam has reviewed this and made comments, e.g., it did not have an employee evaluation process. **This will be placed on the next P&Z agenda.**

**Adjournment**

**Pam moved, and Vickie seconded, to adjourn. Meeting adjourned at 9:05 PM.**

**ATTEST:**

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**Rebecca Martin, Clerk/Recorder**