

**MINUTES OF THE REGULAR MEETING OF
THE RUSH VALLEY PLANNING & ZONING COMMISSION
HELD ON SEPTEMBER 6, 2023 AT THE RUSH VALLEY TOWN HALL
52 SOUTH PARK STREET, RUSH VALLEY, UTAH
THE MEETING BEGAN AT 7:00 P.M.**

Planning & Zoning Commission Members Present: Boone Baird, Paul Bishop, Scott Hawkins, Blaine Russell and Carl Wall

Appointed Officers and Employees Present: Attorney Rob Clegg and Clerk/Recorder Patty Rowe

- 1. Roll Call.** Paul Bishop, Boone Baird, Blaine Russell, Scott Hawkins and Carl Wall
- 2. Approval of Meeting Minutes for 07-12-2023.** Blaine Russell made a motion to approve the minutes as written for 07-12-2023. Scott Hawkins seconded the motion. All present voted in favor and the motion carried.
- 3. Approval of Conditional Use Permit for John Mohr for Home Business at 98 North Main Street.** John Mohr was present at the meeting and stated that he would like a CUP for a fencing company, Mohr's Ranch and Range Fencing. He will have railroad ties, t-posts, equipment, trucks etc. at his home to support his business. Carl Wall said the lot size is 1.19 acres and is a RR-5 non-conforming lot. Scott Hawkins asked Mr. Mohr if he is planning to store his railroad ties in a way that is acceptable to the fire department. Mr. Mohr said that he bundles and stacks them along the north of his property where there is an existing fire lane with full access to his property. Depending on the time of year, he will have more or less ties stored. There will also be equipment and trailers stored around his property. There will be no business out of his home so there will be no parked cars. He does have several fire extinguishers on site because he is doing some welding and cutting. He has graveled the side driveway and moved his propane tank away from where he does the welding and cutting. The CUP will include a requirement to maintain vegetation around the area and also leave an area of six feet open around the fence line. Scott Hawkins made a motion to accept the Conditional Use Permit for John Mohr with the stipulations mentioned above. Paul Bishop seconded the motion. All present voted in favor and the motion carried. Carl Wall reiterated that the CUP is for the sole purpose of saying that because it is not zoned for commercial use it is giving Mr. Mohr permission to operate his business on his property. The CUP does not expire and can only be revoked if the stipulations are not complied with.
- 4. Approval of Building Permit for Jerami Ferris for Hay Barn at 2 Arthur Circle.** Jerami Ferris was not present at the meeting.
- 5. Public Comments.** Polliann Pierce, 1269 North Church Street received a letter from the Town of Rush Valley that they were not in compliance because solar panels were installed on their home without a permit. She said that the solar company told them they would take

care of the permitting and she does not know when the panels were installed. Ms. Pierce was told that the Clerk/Recorder has been in communication with the solar company, but they have not submitted the required paperwork to date. Carl Wall said that he believes the intent of the letter is to get a permit in place and that does involve a fee. The reason for the permit is to ensure that the roof can hold the additional weight of the solar panels. The solar company is on the agenda for October 4th to obtain the building permit. Attorney Rob Clegg told Ms. Pierce that it is not the town's job to chase around paperwork. According to the Clerk/Recorder, the first correspondence with the solar company was August 9th when they were told what paperwork was required. On August 22, the incomplete paperwork was submitted and they were informed that they missed the deadline for the September agenda. The rest of the paperwork, including the drawings, was received on September 5th.

Ms. Pierce was also told that the building permit will not be issued on October 4th, because it must go through engineering, and can take 6-8 weeks to be reviewed by them. Boone Baird mentioned that the letter states that they must correct the issue within thirty days, and it is obviously not going to be corrected by then. Boone wants it put on record that there will be no prosecution in 30 days because the Pierce's are showing due diligence by showing up at tonight's meeting. Attorney Clegg agreed that is correct, and the letter is only as binding as anyone decides to impose it. The Clerk/Recorder said that she will remind the solar company that they need to be present at the meeting to answer any questions. Carl Wall recommended that Polliann be present at the meeting as well.

Scott Hawkins brought up a concern that John Mohr had built a shed without a permit. Carl Wall said according to John Mohr, there was a building there previously with power, but he added some switches and plugs and also re-built the shed and it became larger. Because the building appears to be larger than the 120 square feet restriction and the power has been modified, he is willing to come in for a permit. Attorney Clegg said that anytime a building has utilities running to it, no matter the square footage, it should require a permit so that inspections can be done.

Patty Rowe commented that it seems that some people do not know when a permit is required. There are a couple of signs around town that state that building permits are required. We are a self-reporting town and the more we bring residents into compliance, the more people will know. Attorney Clegg also recommended that building permit information should be placed on the town's website.

- 6. Adjourn.** Scott Hawkins made a motion to adjourn. Blaine Russell seconded the motion. All present voted in favor and the motion carried. The meeting ended at 7:48 p.m.