

MINUTES OF THE REGULAR MEETING OF THE RUSH VALLEY PLANNING COMMISSION HELD ON MAY 11, 2016 AT THE RUSH VALLEY TOWN HALL, 52 SOUTH PARK STREET, RUSH VALLEY, UTAH. THE MEETING BEGAN AT 7:09 P.M.

Planning Commission Members Present: Blaine Russell, Scott Hawkins, Jeff Neil and David Smith

Appointed Officers and Employees Present: Attorney Joel Linares and Clerk/Recorder Amie Russell

REGULAR AGENDA:

1. Discussion and Review of Agenda Items by Planning Commission. There was no discussion on the agenda items by commission members.

2. Roll Call. Present were Planning Commission members Blaine Russell, Scott Hawkins, Jeff Neil and David Smith. Ed Johnson and Lacey Burrows were excused. Blaine Russell is acting as chairman at this meeting.

3. Approval of meeting minutes for 04-13-16. Jeff Neil made a motion to approve the 04/13/16 minutes as written. David Smith seconded the motion. All present voted in favor and motion carried.

4. Carey Allred – Review of Conditional Use Permit. Carey Allred was present at the meeting. The CUP issued still can be use dependent on the plan of the applicant. We are in the 12 month period and there are only 6 months left on the CUP. Carey Allred still wants to put a home on the property. David Smith asked if he was willing to use the CUP for the use of the 5th wheel. Scott Hawkins commented that where the 5th wheel is setting is where the house will be built/placed.

Carey Allred commented they have decided to put a modular home on the property. They were going to turn the garage into a home, but that was rejected by the Planning Commission. The front yard setbacks need to be 20' off Church Street and Juniper 20'. The side and rear setbacks will need to be 6'. It needs to be 20' from the property line, not the road. It is up to the property owner to know where the property lines are. The measurements of the proposed home are 26' x 56'. Carey stated there are plans that the garage can be attached to the house. There needs to a 20' setback from the property line, this includes any porches that are larger than 6'x 6'. Any new structure has to meet the current setback requirements. If there is enough room the garage can be attached to the home as long as widows are not blocked. There cannot be structures

totaling more than 14,000 square feet. Scott Hawkins commented to Carey he can't put structures totaling greater than 10% of the lot size, which would be 1,400 square feet. This is just an estimate, Carey will need to know what the property area is. He will need to take the plot map, measure it out that is scaled so the commission can see the property lines, where the house is and the measurements of the setbacks. The shed may need to be removed, but this will depend on what the square footage of the property is. Scotty further commented for Carey to make sure the new structure will fit on the property, prior to purchasing it. Any new structures must meet the current setbacks.

Carey asked what was going to be done about the money that was paid for the inspections that were never done. Attorney Linares asked Carey if any inspections were done. Carey responded no. Attorney Linares commented he shouldn't have to pay for services if they weren't provided. Services rendered need to be paid, it can be transferred to the new permit and pay the inspections done by the new inspectors. There was no decision made on the Condition Use Permit at the April Planning Commission Meeting. This item was tabled.

Attorney Linares explained even if there was an existing foundation and building it doesn't automatically mean it can be lived in. In this case a garage, but there is no power, water or septic. There are requirements for it to be inhabitable and there are public safety issues that come into effect.

Attorney Linares asked Carey if it was economically feasible for him to draw up a plan, buy this home, and place it on this property while you still own your other home or do you need to sell your other property in order to do this. Carey responded from now to six months he intends to pay a loan off to get another loan to help get plans together to get this house. Attorney Linares explained if he is moving in the direction of putting a modular home on the property the CUP still can be used. If he needs to finish the other home and sell it prior to doing this Attorney Linares recommends letting the CUP lapse and go dormant and then come out and start over. Attorney Linares asked Carey if he understood he needed to prepare a plat map of the property with the new home on the map showing the setbacks. The house plan cannot be approved until the commission sees it. Carey commented he is here to make sure what needed to be done and to ask about the money he paid up-front for the inspections.

Carey Allred commented he wasn't sure where the septic tank was located. Attorney Linares stated the County Health Department should have records of where the septic tank is located. It will need to be inspected.

Attorney Linares again asked if it was economically feasible for him to have a house on this property in six months. Carey responded no. Attorney Linares suggested terminating the CUP so he is not running all his time out. He can bring #5, Zoning Approval, at a later date with a plat map that shows the setbacks are met. Then it can be reviewed. As far as the amount paid for

inspections, anything that hasn't been used for inspections, will be returned to you. Amie Russell will need to look in to this and get details if any payments have been made for inspections.

Scott Hawkins commented as long as he doesn't stay in his trailer for more than 14 consecutive days he will not need a CUP. Carey commented about the power connection. The town inspector will inspect the electrical before Rocky Mountain Power will connect it. Jeff Neil commented normally to get power you need to have a building permit. Rocky Mountain Power will want to know what will be required by you. Jeff Neil commented Carey needed to contact Rocky Mountain Power and they will have an estimator come out and look at the needs. Rocky Mountain Power is responsible for everything to the meter, past the meter is the owner's responsibility.

Carey asked if eventually he can take down the wall and put the garage door back up. This is permissible.

Jeff Neil made a motion to terminate the current CUP and refund the money that wasn't used for inspections and to table #5 Zoning Approval for a home for a later time when Carey comes back with a plat map. Scott Hawkins seconded the motion. All present voted in favor and the motion carried.

5. Carey Allred – Zoning Approval. This item was tabled in the motion of item #4 above.

6. Cody & Camree Engman – Zoning. Codee and Camree Engman were present at the meeting. They had maps of the property, they have proposed to buy the two lots to the West of Main Street and to the North of Park Street. They are proposing to build on the West parcel. There is a well and power on the back parcel further west. These are both 5 acre lots. The property is being sold by a brother and sister. Camree Engman commented the lot was originally one, but they each inherited half of it so they have to buy it from each of them. Attorney Linares commented the only issue he is seeing with this so far is there is no history of the subdivision with the town. Jeff Neil commented we can require a title search. Attorney Linares commented they may have decided to skip the town process and do it on their own. Jeff commented this may fall into the category of a major subdivision. Attorney Linares asked if Jeff thinks it has been divided more than the allowed lots. Jeff Neil commented he believes the ground of Cecil's was divided after 1978, he is not sure though. Attorney Linares asked if Cecil was the father of the listed in individuals. The applicants didn't divide the property. Attorney Linares commented we will have to make the current owners clean this up. Jeff Neil commented the applicants want access off of Main Street which is an existing improved road. The driveway can be a private lane and will have to be an improved gravel, 15 foot road to support emergency response equipment. Attorney Linares commented the subdivision will need to be made part of the town's records. A title search showing the history on both parcels of property will need to be provided,

so this can be cleaned up. Blaine Russell commented he believes the bottom of the property was a 40 acre piece with the road splitting it and at one time belonging to Joe Russell and then he gave it to Merna. Jeff Neil believes this was before 1978, but he thinks the property being considered was divided after 1978. Jeff Neil made a motion to table this item until a title search showing history of both parcels is provided. Scott Hawkins seconded the motion. All present voted in favor and the motion carried.

7. Public Comments. Kyle Hickman asked what happened at the water meeting this morning. Attorney Linares felt the meeting went very well. The room was full, there were many representatives from the community and surrounding areas. They Mayor and the attorney for the water conservancy district did a great job.

8. Adjourn. Blaine Russell made a motion to adjourn. Scott Hawkins seconded the motion. All present voted in favor and the motion carried.