

**MINUTES OF THE REGULAR MEETING OF
THE RUSH VALLEY PLANNING & ZONING COMMISSION
HELD ON DECEMBER 1, 2021 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, Scotty Hawkins, Jeff Neil, Blaine Russell and Carl Wall

Appointed Officers and Employees Present: Attorney Rob Clegg and Patty Rowe

- 1. Roll Call.** Boone Baird, Blaine Russell, Carl Wall, Scotty Hawkins and Jeff Neil
- 2. Approval of Meeting Minutes for 11-03-2021.** Blaine Russell made a motion to approve the minutes as written for 11-03-2021. Scotty seconded the motion. All present voted in favor and the motion carried.

Patty Rowe said there are also minutes from two public hearings that were held last month, and Attorney Clegg agreed that they should be approved in this meeting. Scotty Hawkins made a motion to approve the minutes from the public hearing for an Ordinance Amending the Rush Valley Land Management Code to Require a Minimum of a 60-Foot Front Yard Setback from the Centerline of All Road Easements and Private Roads. Boone Baird seconded the motion. All present voted in favor and the motion carried.

Scotty Hawkins made a motion to approve the minutes from the public hearing for Consideration of an Application for a Concept Plan on Kirk Estates, a Major Subdivision. Carl Wall seconded the motion. All present voted in favor and the motion carried.

- 3. Public Hearing for an Ordinance Amending the Rush Valley Land Management Code to Address Active Solar Energy Devices 10kW and Smaller as a Permitted Use.**

The public hearing opened at 7:03 p.m.

There were no public comments and the public hearing closed at 7:04 p.m.

- 4. Public Hearing for an Ordinance Amending the Rush Valley Land Management Code to Require a Minimum of a 60-Foot Front Yard Setback from the Centerline of All Road Easements and Private Roads.**

The public hearing opened at 7:05 p.m.

There were no public comments and the public hearing closed at 7:06 p.m.

5. **Public Hearing for Consideration of an Application for a Concept Plan on Kirk Estates, a Major Subdivision.** Jeff Neil excused himself from the public hearing and turned it over to the co-chair, Blaine Russell.

The public hearing opened at 7:07 p.m.

Dustin Neil, spokesman for the family of Kirk Estates Subdivision said they are not big city developers; it is family business being split amongst children and grandchildren. He believes the application is adequate to receive concept phase approval.

The public hearing closed at 7:08 p.m.

Attorney Clegg asked that we go to Items 8, 9 and 10 while Jeff Neil is out of the room.

6. **Consideration of an Ordinance Amending the Rush Valley Land Management Code to Address Active Solar Energy Devices 10kW and Smaller as a Permitted Use.** Scotty Hawkins made a motion to approve and send the ordinance to the town council. Boone Baird seconded the motion. All present voted in favor and the motion carried.
7. **Consideration of an Ordinance Amending the Rush Valley Land Management Code to Require a Minimum of a 60-Foot Front Yard Setback from the Centerline of All Road Easements and Private Roads.** Scotty Hawkins made a motion to approve and send the ordinance to the town council. Carl Wall seconded the motion. All present voted in favor and the motion carried.
8. **Consideration of a Request for Variance from Kirk Estates, a Major Subdivision, on the Open Space Requirement.** As per Attorney Clegg's recommendation, Dustin Neil was asked to address the request for variance. Dustin Neil, spokesman for Kirk Estates Subdivision stated that they wrote up the variance according to how it is written in chapter 15 (he believes) of the Land Use and Development Code. In reading that, their interpretation is that the variance is applicable here due to prior subdivisions not having to meet the open space requirements. That is the basis for them applying for the variance. They feel they met all required items.

Blaine Russell asked if any of the commission members had questions for Dustin Neil. Patty Rowe, Clerk/Recorder asked that the variance request be read into the record for public information. Attorney Clegg said that should happen before the vote. Blaine Russell asked if they are going to go ahead with the variance on this application. Attorney Clegg said that his understanding is that they are going to go ahead with it. Carl Wall said that is another topic for another agenda. Carl Wall made a motion to accept the variance request as written by the Kirk Estates. Scotty Hawkins seconded the motion. All present voted in favor and the motion carried.

9. Consideration of an Application for a Concept Plan on Kirk Estates, a Major Subdivision.

Carl Wall asked Dustin Neil if on the furthest north lot, will they be planning on having the exclusion of the well area from their north neighbor. Dustin Neil said that will be shown on the preliminary map. Scotty Hawkins made a motion to send the concept plan forward to the town council. Carl Wall seconded the motion. All present voted in favor and the motion carried.

Attorney Clegg reminded Blaine to read into the record the variance request on Item 8. He said that it did not need to be read verbatim, just the description of the variance and that all commission members have read and contemplated it. Blaine read the following:

"Kirk Estates Major Subdivision requests a variance to the Open Space requirement located in Chapter 15.1.13-15.1.18. of the Rush Valley Land Use and Development Code. Pursuant to Utah Code Title 10 Chapter 9A Part 7 Section 702, we believe that all five criteria are found in favor of the variance in order for it to be valid (reference 10-9a-702-(2)(a) (i-v)."

Chairman Jeff Neil returned to the room and we went back to Items 6 and 7 on the agenda.

10. Request for Extension on Conditional Use Permit – Paul Bishop. Paul Bishop, 365 East Highway 199, said that he thinks they are close. This is his first request for a 6-month extension. Boone Baird asked for an update of what has been accomplished. Paul Bishop said he has been working on the septic system and getting the well approved. He also had to do a lot of paperwork to get all of the lines straightened up to where it would be five acres. He does not know if they will break ground until spring. Scotty Hawkins made a motion to extend the Conditional Use Permit for six months. Carl Wall seconded the motion. All present voted in favor and the motion carried. Carl Wall said that there will be the possibility of one more extension on this permit.

Patty Rowe asked to put on record that Sam Coyle was due for his Conditional Use Permit extension this month. When she spoke to Sam Coyle, he told her that his parents have moved the trailer to Grantsville, and we can close the Conditional Use Permit.

Scotty Hawkins said the Coyle's have moved another trailer in and he will watch to see if anyone is living in it. He also mentioned that Mike Zimmerman has moved a 65-foot modular unit in without a permit and we need to get a letter to him. Patty Rowe said there are also a couple of trailers on Johnson Lane that need to be dealt with.

Carl Wall asked when and how these instances get reported to the town council. What is the avenue for that reporting? Attorney Clegg said that because we do not have a code enforcement officer, the mayor will send out a letter. The protocol is to watch, take pictures and go from there. The mayor has determined that he would rather send a letter to have a person come into compliance rather than having them prosecuted. Carl Wall wants to know if the initial report of a trailer being lived in has to be a formal report or a word of mouth given to the mayor. He also asked if somebody comes to him reporting a trailer being lived in, who does he report it to and does that count as an official report. Attorney Clegg said yes, it should be reported to the mayor, and yes, that would be an official report. Patty Rowe said that the way she understands it from a recent conversation with the mayor, is that the mayor gives them two weeks and then sends a letter by certified mail asking them to come to the next soonest Planning & Zoning Commission meeting to apply for a Conditional Use Permit.

11. Public Comments. None

12. Adjourn. Scotty made a motion to adjourn the meeting. Carl seconded the motion. All present voted in favor and the motion carried. The meeting ended at 7:26 p.m.