

**MINUTES OF THE REGULAR MEETING OF
THE RUSH VALLEY PLANNING & ZONING COMMISSION
HELD ON SEPTEMBER 7, 2022 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, Scott Hawkins, Blaine Russell and Carl Wall

Appointed Officers and Employees Present: Attorney Rob Clegg, Engineer Doug Kinsman and Clerk/Recorder Patty Rowe

- 1. Roll Call.** Boone Baird, Blaine Russell, Scott Hawkins and Carl Wall
- 2. Approval of Meeting Minutes for 07-06-2022.** Scott Hawkins made a motion to approve the minutes as written for 07-06-2022. Blaine Russell seconded the motion. All present voted in favor and the motion carried.
- 3. Appointment and Swearing in of New Planning & Zoning Commission Member.** Clerk/Recorder Patty Rowe completed the swearing in and signing of the Oath of Office for Paul Bishop with a term of office for four years.
- 4. Approval of Building Permit Application for Chad Hymas at 1801 W. Highway 199.**

Architect Dallas Nelson presented the design of the reconstruction of the burned down lodge that was permitted previously. Since then, Mr. Hymas has decided he would like to expand the building to include sleeping quarters for guests of his leadership retreats. The new area would be approximately 12,000 square feet, would be connected to the building and would serve the guests who were at the lodge as part of the experience. There has been some question as to what type of approval is necessary, but the Hymas' goal is to have some formal assurance that the concept they are presenting is generally in compliance with the ordinances, zoning and other requirements of the town of Rush Valley. After that they would go into full design of the building with engineering and go through the permit process to amend the original permit and add to the scope of it. Carl Wall said that we do not have any process in place or anything that we can give to them physically (an application or permit) assuring them that it will fall into the scope of the existing permit. He further said that indeed the Hymas' do have a permit for the lodge and we can grant them a permit for the addition to the lodge. Once we get back approval from Ensign Engineering whether it meets what can be done as code and whether it is acceptable as a dude ranch activity, does not drive whether there is an approved building permit. We cannot grant them a building permit without their plans. Tim Pack, Attorney for Mr. Hymas said that the land management code does not require full building plans to issue a building permit, just a site plan, which has been provided. Today they are simply requesting an amended building permit for the new addition because no one knows exactly what it is going to look like yet.

As it progresses, things will be submitted to the engineer to make sure they are in compliance with the code. For now, they are just requesting a building permit.

Carl Wall asked if the Hymas' are requesting an alteration to the current building permit or a second building permit for the addition. Dallas Nelson said he thinks their goal is to amend the original building permit that was issued in late June. He wants to understand the process of approval and oversight that the town has for a permit. Back in January, Mr. Hymas presented the idea for reconstruction of the lodge and was not issued a building permit at that time. He then went through the formal design, engineering and review process in May and was issued the permit in June. Carl Wall asked Mr. Hymas if in January, did the Planning & Zoning Commission approve a building permit that was conditional upon the town receiving the certified plans? Mr. Hymas' response was inaudible. Carl Wall said that indeed we granted the permit without engineered plans but with the condition that we would receive them. Dallas Nelson said that the formal coordination with Ensign Engineering happened six months later with assurance that they would not have to backtrack clear back to the Planning & Zoning Commission approval level. They are hoping that they do not spend the next three months and tens of thousands of dollars just to be shut down by the planning department or other processes through the town.

Attorney Pack said because the scope has changed, they thought it would be good to come back and say they are doing a little more. He calls it an amended building permit not a new building permit. Boone Baird said that he believes it is a new building permit. Carl Wall asked Doug Kinsman and Attorney Clegg if we are able to amend a building permit. Doug Kinsman said it depends on how much modification is happening to the original structure from the new plans that we have not seen yet. Doug thinks we should do a second permit. Dallas Nelson said that the site plan is very basic and there will be some modest adjustments to the original design for the addition and they will have to revise the original set, although it will be very similar. Doug Kinsman asked if they are going to proceed with the construction on the original permit? Attorney Pack said that usually after a building permit is issued the plans are submitted. He wondered if there is someone from the town that can work with the architect to make sure what they are designing is in line with the code.

Scott Hawkins said it is a dude ranch but with the new 20 rooms it is a commercial hotel in an agricultural area in an A-40 zone. Carl Wall said that we have issued a conditional use permit for a dude ranch which allows for people to stay there. Dallas Nelson said that it is not a hotel where guests check in, but for guests of the lodge that are there for retreats. It is not going to be used as a hotel, motel or Airbnb. Doug Kinsman said he thinks the question is this a conditional, permitted use that the Planning & Zoning Commission will allow. Shondell Hymas said that she understands that when they originally applied for the building permit, it was approved and then it was issued six months later. They are asking for the permit to be approved now, not issued. Once the engineering process is completed, it will be issued. Boone Baird said both a building permit and a conditional use permit application were submitted. Carl Wall said that this is an error and there should only be the building permit application, the conditional use permit application should be discarded.

Carl Wall asked if any of the council has questions on this matter. Shondell Hymas asked to clarify that the zoning will remain the same as the permit that was issued previously. Boone Baird asked if all of the requirements are included on the site plan. Carl Wall said that setbacks and height are not an issue. Scott Hawkins mentioned that another parking lot is included on the new site plan. Carl Wall said that 60 foot of open space in the parking area is required, not including parking stalls for the fire trucks to turn around. Blaine Russell said that he thinks this is a motel with a conference room. Carl Wall said that he thinks this is applicable to a dude ranch, but not a hotel or motel. Paul Bishop asked how many rooms they are planning on. Dallas Nelson said there are 20 plus or minus one or two depending on how the final design turns out. Ensign Engineering will determine the limit of occupancy based on square footage. It will have to meet code. Carl Wall stated that we are voting on a building permit for an addition to the lodge. Blaine Russell made a motion to approve the building permit for the addition to the Hymas' lodge. Boone Baird seconded the motion. All present voted in favor and the motion carried. Carl Wall stated it is contingent on the approval of the engineered plans.

- 5. Approval of Conditional Use Permit for Brooke Broadhead at 179 N. Park Street.** Brooke Broadhead would like a conditional use permit (CUP) for a microblading business to be ran out of her home. Carl Wall asked how many clients would be at her home at a given time and Brooke said one at a time. Carl Wall asked the commission if this really requires a conditional use permit. Brooke said that she was told by the county she needs a CUP to receive a business license. Carl Wall said that is true however they will also accept a statement from the Planning & Zoning chairman saying the commission does not require a CUP. Carl does not think it is necessary to issue a CUP for this type of business where there is only one vehicle at the home at a time. Scott Hawkins said that the code book requires a CUP for any home occupation, so the book will need to be modified. This will be a single issuance with no renewal necessary. Scott Hawkins made a motion to approve the conditional use permit for Brooke Broadhead. Blaine Russell seconded the motion. All present voted in favor and the motion carried. Brooke Broadhead paid \$50 for the CUP.
- 6. Approval of Conditional Use Permit for Vickie Metcalf at 1544 W. Highway 199.** Vickie Metcalf would like a conditional use permit allowing her son to live in a travel trailer on her property. She needs her son to help get her property and home ready for the winter and is hoping they will only be there until the end of October. Carl Wall said that it will require water, electrical and to be directly hooked to a septic system. Vickie Metcalf said the trailer is self-contained with a portable tank that her son takes to a disposal site on his truck. Carl Wall said this is not acceptable because there is risk of contamination when handling and moving the tank. The trailer cannot be moved closer to the home's septic system. Vickie Metcalf said the electrical plug is installed specifically for the trailer and the water supplied to the trailer is with a hose from the home. The electrical outlet will need to be inspected to ensure that it meets code. Scott Hawkins made a motion to approve the CUP upon inspection of the electrical connections. Boone Baird seconded the motion. All present voted in favor and the motion carried. The CUP will be issued through October 31, 2022 at which time re-application will be required. Vickie Metcalf paid \$50 for the CUP.

7. **Approval of Conditional Use Permit for Sam Coyle at 85 E. Heather Way.** The Coyle's home burned down recently, and they are requesting a conditional use permit to live in a travel trailer until they can re-build their home. Carl Wall said they can issue a CUP for up to 18 months. There must be a connection to a septic system and water and electrical must be available. Tandy Coyle said there has been a temporary electrical connection installed and there will only be one trailer on the property. Scott Hawkins made a motion to approve the CUP. Blaine Russell seconded the motion. All present voted in favor and the motion carried. The CUP will be issued through March 1, 2023 at which time re-application will be required. Tandy Coyle paid \$50 for the CUP.
8. **Public Comments.** None
9. **Adjourn.** Scott Hawkins made a motion to adjourn. Paul Bishop seconded the motion. All present voted in favor and the motion carried. The meeting ended at 7:59 p.m.