

**MINUTES  
REGULAR MEETING  
PLANNING & LAND USE COMMISSION**

Date: Wednesday, August 6, 2008

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Mary Beth Fitzburgh, Dave Erley, Lou Taggart, Greg Halliday, Marie Hawkins

Others Present: Jack Campbell, Danny Pricket, Ray Taylor, Damian Bollermann

1. Call to Order at 7:05 PM by Mary Beth

Welcome new Commission Member Lou Taggart.

2. Communications from the Public. There were no comments.

**APPROVAL OF MINUTES**

3. Regular meeting of May 7, 2008. Dave asked to change the word "votes" to "urges", on Page two.

Greg motioned to approve the May 7 minutes as amended. Dave seconded the motion. Greg, Dave, Marie and Mary Beth approved the motion. Lou abstained. The motioned passed with four in favor and one abstaining.

4. Approval of Minutes: Regular meeting of July 9, 2008

Dave motioned to table approving July 9 minutes. Greg seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

**REPORTS**

5. Building Permits Update

Lot #20 Richardson requested a variance for well location. This request was referred to Jennifer Mengel with the Board of Adjustments.

**NEW BUSINESS**

**6. Discussion re: reviewing and amending town ordinances that limit the number of livestock which can be kept on 5 acres of land (Greg)**

Greg Halliday will need more time to do research. It was suggested looking to the Humane Society of United States or The Department of Agriculture, and also to look at what is allowed under Utah's State Code on livestock for RAR zoning.

Dave motioned to table this item. Greg seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

## **7. Discussion and possible action re: adding conditional use permit information sheet to permit packet information**

Mary Beth gave out the form with the Frequently Asked Questions (FAQ) and steps for the Conditional Use Permit Application. This is an informative and interesting handout for someone applying. Mary Beth wants to ask the attorney if it is true that agricultural businesses only need a business license and not a conditional use permit since this is a permitted use. The Deer fencing ordinance may need to be included with not only height but length.

Discussion was held if a business license is required for Castle Valley business owners; it was clarified only if the business is using their Castle Valley address as their business address. Damian and Mary Beth discussed whether or not a conditional use permit would be required for residents who have a business license in Moab but use their Castle Valley residence for storage of equipment.

Greg suggests writing out the words instead of using abbreviations on the information form. Mary Beth recommends having this information on the Website also.

Dave motioned to table this discussion. Greg seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

## **8. Discussion and possible action re: permit for lot 113**

Mary Beth stated that she had heard the owners may have wanted to remodel the outbuilding on the lot into a guest house and that this was not allowed under current Town ordinances because it would create a second dwelling. Ray Taylor presented the construction plans for property owner Frances Wapner. Ray Taylor said that the owner asked to remodel the existing garage to match the home on the same lot. It will be used for storage of equipment and include a fitness room. Ray was given a Building Permit package which includes forms for the owner including the form allowing only one dwelling per lot. Mary Beth stated that this form specifically states that "Guest houses, apartments, duplexes, or other construction creating more than one dwelling per platted lot are prohibited under the present Town of Castle Valley zoning ordinance." She said that if the owners ever turn this outbuilding into a "guest house" in the future they would be in violation of Town ordinances.

Greg motioned to approve the building permit from based on what the plans show and as long as the owner continues to meet our ordinances and signs all the required forms. Dave seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

Jack commented that building permit applications such as this should always be brought to the PLUC for review and approval.

OLD BUSINESS

## **9. Discussion and possible action re: reviewing and amending our Conditional Use Permit rules (Mary Beth), tabled**

Dave motioned to untable this item. Greg seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

Starting with page 11, a discussion was made on having 60 calendar days for the PLUC or an applicant to appeal a decision regarding whether or not an application is routing or non routine. On

page 12 a provision must be added for a hearing for the applicant if the Town amends, refuses to renew, or revokes a conditional use permit. The Attorney recommended not setting a time limit on when such a hearing would occur in case the Town needs to act quickly. The ordinance currently states that one employee is allowed. Marie would like to bump up that number to two or more employees per business.

Greg likes it the way it is at one employee. Lou agrees keeping it at one employee. CUP's have been approved for more than one employee per business in the past and this concerns Dave. Mary Beth asked each member for their opinion. Many agree with one employee per business, up to two employees. A discussion was held involving "drop in" customers and what hours of the day customers should be allowed on the premises. Members agreed between the hours of 8:00 am to 8:00 pm. Questions were discussed on what the maximum number of customers allowed on the premises should be in a given day. This number can be set on a case by case basis. Dave wants the PLUC to consider the accumulative and future effects of this section. What if several businesses exist at the end of one street and there are customers coming to each of these businesses each day? How might this effect other neighboring residents? Lou says we need to set a standard, and look into all scenarios. The PLUC can also set hours of operation for any noise producing businesses activities.

The Attorney said that he would have to research how to accomplish the current requirement that states "No structure or fixture associated with the premises occupation can be built such that the valuation of the property changes from residential to commercial.

Jack comments the primary concern is to protect the Residence's Quality of Life.

Mary Beth will make the changes and send the revised draft to members for review at next meeting.

Greg motioned to table this item. Marie seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

#### **10. Discussion and possible action re: reviewing and amending our definition and language for second dwellings, tabled**

Dave motioned to untable this item. Greg seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

Dave had sent out to the members a definition of kitchen/kitchenette by email, Mary Beth had sent the International Building Code (IBC) definition for a second dwelling unit. This is the language the Town currently uses for decommissioning a unit. The IBC defines Habitable spaces as- "living, sleeping, eating cooking" and that "bathrooms, toilets, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces". Mary Beth suggested that we could define accessory buildings as those spaces that do not include habitable spaces as defined by the IBC. Dave will send out definitions to everyone again to review.

Jack liked the approach of having accessory building defined as those spaces that do not include habitable space.

Greg motioned to retable this item. Dave seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously

#### **11. Discussion and possible action re: replacing the Board of Adjustments with a single appointed person as our "appeal authority", tabled**

Greg motioned to untable this item. Dave seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously

Dave had sent to all members a suggestion to make a recommendation to the Town Council to have Castle Valley's Board of Adjustments made up of two Castle Valley residents and one member from Grand County's Board of Adjustments. Mary Beth stated that we will need to amend ordinance 2006-3 in order to add more specifics regarding term limits for board members and how they are appointed.

Ordinance 2006-3, section 6 lists the state code describing what Planning Commissions are responsible for. One responsibility is making recommendations to delegate an appeal authority. The PLUCs job is to deliberate and recommend this. Mary Beth stated that she feels it is important for the PLUC to have a good working relationship with the Town Council so she wants to make a simple recommendation to the Town Council that would not require making any amendments to an ordinance until we know what direction the Town Council wants to take on this issue. All members agreed to make this recommendation to the Town Council.

Greg motioned to recommend to the Town Council to approve changing the Board of Adjustments from a five member board to a three person board comprised of Jennifer Mengel, Rob Soldat, and Lance Christie. Lou seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

## **12. Discussion and possible action re: updating the Deer Fencing Ordinance (Greg Halliday), tabled**

Greg motioned to untable this item, Marie seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously

Greg has typed up the ordinance and will distribute to the members to review before the next meeting.

Dave motioned to retable this item. Greg seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously

## **13. Discussion and possible action re: reorganization and revision of Zoning Ordinance 85-3, tabled**

Dave motioned to untable this item. Greg seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously

Dave stated this is a cumbersome document; we need to go back and take a look at it. First it needs to be organized in a logical order. The TAD section may need its own document or be added to the end. Marie suggests having a workshop and agrees that the TAD section should in a separate document Mary Beth will look into having it in two ordinances, one in 85-3 and another in a separate ordinance that is uncomplicated and easy to understand. Questions were asked if 85-3 can be more user friendly with appendixes. An information sheet or outline was suggested. Jack asked if this is something Craig Call would need to answer.

Greg motioned to retable this item. Dave seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously

Dave motioned to adjourn the meeting. Greg seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously

**ADJOURNMENT at 9:08 PM by Mary Beth.**

Attest

Approved

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Town Clerk

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PLUC Chairman