

MINUTES

REGULAR MEETING

PLANNING & LAND USE COMMISSION

Date: Wednesday, March 5, 2008

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Karen Nelson, Mary Beth Fitzburgh, Greg Halliday, Dave Erley, Marie Hawkins

Others Present: Jack Campbell

CALL TO ORDER by Karen Nelson at 6:39 pm

1. Communications from the Public

Jack Campbell spoke concerning the last public hearing the Town Council had on the house size restriction, in the last few meetings it was stacked with those against the limits.. There was no support from those for the restrictions. He feels there are some unethical unfair dealings going on, some people were not allowed to speak. Town Council will let it go, then any building permits that come through will be approved. Greg said he had spoke with the mayor, pointing out many residents want limits. Mary Beth expressed that the point system is far off from PLUC recommendation and the proposal should go back to PLUC, this may not be valid for the point system for it is not what PLUC proposed. Dave says Craig Call told Town Council they have the amunition to support the limit. Many see the need to set a 7,000 sq ft limit now. Jack asks if PLUC members could call Town Council and gently encouraged them to support limits. Jack also mentioned Town Council only has the option to pass something, but should use PLUC recommendations.

Marie stated something must be done now, later go back and set the up a new system. Dave feels the survey is debased, precedent has set the heights, setbacks, and the largest house, but now we need to protect our water shed by limiting bathrooms. Jack says the precedent does not apply, even though we have 30 ft high houses it does not mean we have to allow more we can set a height limit.

Approval of minutes:

2. Workshop meeting of June 8, 2007 Marie motioned to approve the minutes as amended, Greg 2nd. Karen, Greg and Marie aye, Dave & Mary Beth abstain

3. Regular meeting of Feb 6, 2008 Mary Beth motioned to approve the minutes as amended. Greg 2nd the motion. Karen, Mary Beth, Greg and Marie aye, Dave abstain

Reports

4. Building Permits Update:

NEW BUSINESS

None

OLD BUSINESS

5. Discussion and possible action re: reviewing and amending our Conditional Use Permit rules, tabled

Karen talked with the Mayor, he stated the Town Council wants PLUC to make sure we are within legal perimeters, we need to know if the Conditional Use Permit runs with the land or the resident. Mary Beth asked for this to be discussed with Craig Call. PLUC wants to have a contact person willing to work with Craig Call and report to the commission. Karen asked if Mary Beth would consider, PLUC may need to ask Town Council first, PLUC would give their questions be asked, then all correspondence should be recorded or better emailed carbon copied to all. This contact person would give a synopsis of the call or of conference calls

Mary Beth is to ask Town Council if Craig Call has answered this or if he has reviewed our CUP application

Mary Beth motioned to table, Greg 2nd the motion. All aye

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

Karen motioned to untable Dave 2nd the motion.

Mary Beth asked for a definition of dwelling, instead of saying what it can or cannot have i.e. stove, bath. We also need to define what an accessory building can have. Dave asked about how the dwelling was previously used and when a new home is built. Karen responded that our decommissioning contract covers it. Greg asked what we are trying to say is no one can be living in the 2nd dwelling. Karen said legally you cannot have another living in separate dwelling. Castle Valley does have TAD for Medical reasons but it must be moveable.

Karen states the language must be consistent. Jack asks that duplexes need to be covered too. Greg asked to leave it at ONE DWELLING PER LOT.

Mary Beth will define accessory building. Greg asked will Castle Valley have any authority to monitor. Dave mentioned that our complaint resolution does.

Karen motion to retable Greg 2nd. All aye

7. Discussion and possible action re: replacing the Board of Adjustments with a single appointed person as our appeal authority?, tabled

Karen motion to untable Mary Beth 2nd the motion

Karen spoke with David Church, we would need to appeal the ordinance and write an ordinance to outline you want to set up the appeal authority. Get how specific, it can be one person, appointed or hired. When someone applies for a variance Castle Valley will need to have someone appointed. Marie is uncomfortable with one person, and wants to know why not a board? Karen says it is hard to get people, could have a three person board. Dave asks if one person is chosen, can we get a outside person who is an expert and deemed neutral, such as an Attorney who knows land use policies.

Karen likes the idea of having three serving. Dave asked is it PLUC or Town Council that would appoint them? Jack stated there may be state code on board of adjustments. Greg asked if POA president would be interested? Jack said it is difficult, you need group to discuss. Many difficult and/or serious

issues are discussed and can get arbitrary. Karen will write up a (blurb) summary for PLUC to present to Town Council.

Mary Beth motioned to retable, Dave 2nd All aye

8. Discussion and possible action re: Land exchange between lots 261-Morck and 262-McMullen, tabled

Mary Beth motioned to untable, Dave 2nd All aye

Brian McMullen has given the survey of the two properties to Karen, each lot is having a square the same size. Each lot will retain 5 acres. Karen recommends approving. Dave asked why the exchange? Karen said one had to cross the other's land to access theirs.

Dave motion to approve and to pass on to Town Council Greg 2nd All aye.

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

Leave tabled

10. Report, discussion and possible action re: updating the Deer Fencing Ordinance (Greg Halliday), tabled

Greg motioned to untable Dave 2nd All aye

Karen stated she had talked with Jeff Whitney about walls. He said only walls with sight obscuring, fences or walls over 6 ft. or 4 ft tall on road easement need a permit. Higher fences must be at the 25 ft setback. This is to prevent blocking the view of road.

Greg says any fence over 6 feet that is between neighbors is called a spite fence and must have both neighbors approval. Jack says the community feeling can change when compounds are formed.

Mary Beth says this ordinance is made for deer, use the deer exclusionary of only one acre. Dave states this will prevent a stockade.

Mary Beth motioned to retable Greg 2nd All aye.

11. Discussion and possible action re: Town Council's request to review all Town Ordinances for consistency and effectiveness of all enforcement and penalty provisions, tabled

Leave Tabled.

Karen motioned to adjourn, Mary Beth 2nd All aye

Adjournment at 8:02 PM. By Karen Nelson

Attest

Approved

Town Clerk

PLUC Chairman