

MINUTES

REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, November 5, 2008

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Mary Beth Fitzburgh, Greg Halliday, Lou Taggert, Dave Erley

Absent: Marie Hawkins

Others Present: Jack Campbell

CALL TO ORDER at 7:02 PM by Mary Beth

1. Communications from the Public:

None

APPROVAL OF MINUTES

2. Public Hearing and Regular meeting of October 1, 2008

Mary Beth found three minor corrections. Dave motioned to approve the minutes as amended, and Lou seconded the motion. Greg, Dave, Lou and Mary Beth approved the motion. The Motion passed unanimously.

REPORTS

3. Building Permits Update

No permits issued in October

Mary Beth stated the Town Council approved the six month limit on the building permit application. Mary Beth asked if a date stamp and stamp with the word EXPIRES is needed or can the Building Permit agent use the date stamp and write "EXPIRES" in with red ink on ALL COPIES. After discussion, it was decided that the date stamp and writing "EXPIRES" on all copies will work the best as the building permit has multiple copies.

NEW BUSINESS

4. Discussion and possible action re: Amending the conditional use permit application

Some minor corrections were made to the new application.

Dave motioned to approve the application as amended. Greg seconded the motion. Greg, Dave, Lou and Mary Beth approved the motion. The Motion passed unanimously.

5. Discussion and possible action re: scheduling regular PLUC meetings for 2009

The 2009 calendar was reviewed. The PLUC will meet the first Wednesday of each month at 7:00 PM.

Greg motioned to approve the schedule for the 2009 meetings. Lou seconded the motion. Greg, Dave, Lou and Mary Beth approved the motion. The Motion passed unanimously.

OLD BUSINESS

6. Discussion and possible action re: Amending ordinance 85-3 regarding the conditional use permit process, designating land use authorities, and designating an appeal authority. Tabled

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

The members discussed the attorney's response. The table he prepared is to be included as reference only. Mary Beth asked to follow Town Council's example in using illustrations. The table will be in Section 1.2.6

There was a discussion on having the PLUC Chair approve routine Conditional Use Permit (CUP) Applications instead of the PLUC Clerk. This could be problematic since the PLUC is the appeal authority for routine designations of CUP Applications. It was suggested that it would be more reasonable for the Town Clerk to handle routine CUP Applications and report any approved routine applications to the PLUC. Jack is worried if a routine CUP is approved with out any review the appeal may not be valid. Dave agrees there needs to be balance. Dave wants to have the PLUC as the appeal authority and the PLUC Chair to approve routine CUP applications. After some discussion of the various options it was decided that the Building Permit Agent should approve routine CUP Applications if willing.

Another correction was suggested for the conditional use permit application. It was suggested that a line be included on page one asking, "Please provide a brief description of the proposed use/business".

Greg motioned to approve the Conditional Use Permit Application with the corrections and additions. Dave seconded the motion. Greg, Dave, Lou and Mary Beth approved the motion. The Motion passed unanimously.

The pages with changes to 85-3 were reviewed. Discussion was held on metallic storage tanks. Marie had concerns about them being reflective. Greg suggested using the phrase "non reflective, flat finish colored to be similar to surrounding soil and vegetation" instead.

Again the table prepared by attorney was reviewed. It was agreed to move the routine Conditional Use Permit to the Building Permit Agent's Column.

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

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

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

Mary Beth stated she had received an inquiry from a lot owner wanting to start a no-kill shelter for dogs. Currently there is no limit on the number of dogs a lot owner can have. In 85-3, on pg 10, Section E it states, "raising or boarding of livestock for sale or compensation" needs a conditional

use permit. Mary Beth suggested that we add the words “and other animals” after “livestock”. Greg suggested expanding this to include other animals as well and that using a table limiting animals would be preferred. Jack stated that the barking dogs would be a nuisance issue.

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

8. 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 and Mary Beth approved the motion. The Motion passed unanimously.

Dave prepared notes for comparison, looking at other areas, such as Park City, which defines a dwelling unit as one which includes a kitchen. The PLUC needs to specify what to include in the definition of a dwelling unit: provisions for sanitation, cooking, and sleeping. Questions were asked about what is the dwelling designed as? Is it a residence or sleeping quarters with a kitchen? Is it secondary living quarters? Jack mentioned including the definition of habitable space.

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

9. Discussion and possible action re: updating the Deer Fencing Ordinance (Greg Halliday), tabled left tabled.

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

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

Dave requested the definitions be alphabetized. Dave has an electronic version and he can create a separate file with the changes. Mary Beth asked that the Town Council first review the changes we are working on now before moving forward with organizational changes.

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

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

ADJOURNMENT at 8:18 PM by Mary Beth

APPROVED:

MARY BETH FITZBURGH, PLUC CHAIR

DATE

ATTESTED:

DENISE LUCAS, TOWN CLERK

DATE