

MINUTES
PUBLIC HEARING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, October 1, 2008

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

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

Others Present: Jack Campbell

CALL TO ORDER PUBLIC HEARING: at 7:00 Pm by Mary Beth

PUBLIC HEARING ON PROPOSED AMENDMENTS TO ORDINANCE 85-3 REGARDING THE CONDITIONAL USE PERMIT PROCESS, DESIGNATING LAND USE AUTHORITIES, AND DESIGNATING AN APPEAL AUTHORITY

Jack commented that we should use the term "Town Council", for clarity, instead of council. In the definition section it does not have "council" defined until section OO. Jack made a suggestion that if you use the term "council" then we should use the term "Town Council" with (council) in parentheses. Jack also suggested as a general comment that the Grand County ordinance has charts leading people to the correct Land Use Authority. As an example, a person needing a Building Permit could look at the chart to find the correct Land Use Authority to go to. Jack requested that if the Land Use Clerk is the Land Use Authority for routine conditional use permits, to add language stating that the Clerk must go to the PLUC chair for review. He also commented that the community needs to be notified either by the PLUC or Town Council when approvals for routine conditional use permits have been made. Jack asked that since routine conditional use permits are for a business with no impact and a notice is not sent to neighbors, could the clerk send a mini version to abutting neighbors letting them know their neighbor has applied and that they could see the application at the Town Office? He asked a question about the terms "noncomplying buildings" and "nonconforming uses" on page 3 of the amended document. Mary Beth answered that he should refer to Pages 22 & 23 of 85-3 to see what the Town's policy is with regards to these terms. She explained that they are two separate things, - an example of a noncomplying building would be when the Town allows a 500 square foot addition that can be up to 30 feet tall. A nonconforming use is something grandfathered in. She explained a noncomplying building may not look legal but is allowed as an exception under certain conditions.

Jack asked if the PLUC should have another person besides the Clerk approve the routine conditional use permits. He also asked if the definitions of routine and non routine application on page 8 could be defined more clearly. He had some concern on pg 11, regarding reviewing conditional use permit applications, about how we define negative impact. Jack liked how on page 15, #13 we addressed noise crossing property lines. In the second paragraph of Section I.1.1, Jack suggested deleting "(also known as the Castle Valley River Ranchos)" because of the legal issues this term might raise. "Castle Valley River Ranchos" has a different geological boundary than the Town of Castle Valley.

Mary Beth read the information in the planning handbook about noncomplying structures and nonconforming uses that stated, "In 2006 changes were made to the law in this area. Virtually all cities and towns need to amend their ordinances pertaining to nonconforming uses. Most will need to add a new concept of noncomplying structure. The new definitions that were added are:

1. "Noncomplying Structure: A structure that:
 - (a) legally existed before its current land use designation;

(b) because of one or more subsequent land use ordinance changes, does not conform to setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.”

2. “Nonconforming Use: A use of land that:

(a) legally existed before its current land use designation;

(b) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and

(c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.”

Jack asked if the definitions can be alphabetized. Mary Beth responded the PLUC can make these kinds of changes when we work on reorganizing the whole document.

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

ADJOURNMENT OF PUBLIC HEARING at 7:27 pm by Mary Beth

MINUTES

REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, October 1, 2008

Time: 7:00 PM Place: #2 CV Drive, Castle Valley Community Center

CALL TO ORDER REGULAR MEETING at 7:27 pm by Mary Beth

1. Communications from the Public: None

APPROVAL OF MINUTES

2. Regular meeting of September 3, 2008

Minor changes were discussed. Lou motioned to approve the September 3 minutes as amended. Dave seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

REPORTS

3. Building Permits Update

There were 2 permits for remodels and a certificate of occupancy review for D. Brown.

Greg requested that the Building Report be kept in our books for review.

A brief discussion was held on the purpose of the Town's policy on Certificate of Occupancy reviews.

NEW BUSINESS

4. Discussion and possible action re: Annual renewal and update request letter and questionnaire for Conditional Use Permits

The annual letter and form were reviewed by members. The Clerk wants to get these letters out in November to have back in time for the PLUC & Town Council meetings in December. A few minor changes were made to the letter and renewal form.

Marie motioned to approve the annual Conditional Use letter and form as amended. Lou seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

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

After briefly reviewing the document the members discussed the comments from the public hearing. From the comments, these changes were made:

In the second paragraph of Section I.1.1, “(also known as the Castle Valley River Ranchos)” was deleted.

The PLUC Chair will approve “routine” conditional use permit applications instead of the PLUC Clerk.

Language will be added stating that the Town will send notice, briefly describing any approved “routine” conditional use permit to each abutting property owner.

Updates will be made for the definitions for nonconforming building/structure and nonconforming use due to changes made to state law in 2006.

Language will be added in section I.4.1 to make it a permitted use for non-metallic, above ground, culinary water storage tanks, as long as they are not more than 12 feet tall.

It was discussed that the language in 85-3 designating the various land use authorities for each land use application is confusing for the average lot owner. The PLUC plans to write a summary using more simple language that can be provided to residents on the Town website and on the Conditional Use Permit Information Sheet.

This draft document will be sent to attorney to review the changes. At the next meeting, the members will review comments from the attorney.

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

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

The members briefly reviewed the application and made some minor changes. Mary Beth will amend the application and email to members for review before the November meeting.

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

OLD BUSINESS

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

Left tabled

8. 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.

This has been completed and can be removed from agenda.

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

Left tabled

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

Left tabled

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

Left tabled

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

ADJOURNMENT at 9:40 pm by Mary Beth

APPROVED:

MARY BETH FITZBURGH, PLUC CHAIR

DATE

ATTESTED:

DENISE LUCAS, TOWN CLERK

DATE