

Minutes, Feb 6, 2008

REGULAR MEETING

PLANNING & LAND USE COMMISSION

Date: Wednesday, February 6, 2008

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Greg Halliday, Mary Beth Fitzburgh, Karen Nelson

Absent: Marie Hawkins, David Erley

Others Present: Jack Campbell, Aaron Davies

CALL TO ORDER: by Karen Nelson at 6:33 pm

1. Communications from the Public None from Public, Karen did read letter from Mayor requesting PLUC's attention to Zoning Ordinance issues. (Letter attached)

Approval of minutes:

2. Regular meeting of June 8, 2007 Marie has requested to make revisions and will be discussed at next meeting.

3. Regular meeting of Jan, 9, 2008 Mary Beth asked for some changes for clarity. Mary Beth motioned to accept minutes with the changes. Greg 2nd the motion. All aye

REPORTS

4. Building Permits Update:

No Building Permits were issued in January. One certificate of Occupancy for Karen Nelson Lot # 77 was signed. Agent has received calls concerning the new Land Use changes from a potential Property Owner. (Myers)

NEW BUSINESS

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

Mary Beth & Karen asked what Mayor meant. Greg thinks he wants PLUC to address any impact to neighbors, will there be noise, traffic etc.

Karen asked if Town Council has received the revised CUP Application. Jack mentioned at last meeting they didn't. Debbie had emailed and given Denise a copy to give Town Council.

Uniform conditions same type of businesses should have same condition as other. An example if winery property sells, new owner would need to renew the CUP. If they do not renew or miss a year would need to apply again for the permit.

Greg asked the question how can Castle Valley have the CUP go with land after it is sold? If the permit is for a Massage Therapist, Welder, or Wood shop, it would limit the seller who to sell to or what the buyer can do with the property?

Greg recommends the CUP is renewed annually. A new owner must renew within a time frame or original CUP is void or null. No CUP can go perpetually. Greg mentioned windmills, irrigation ponds, would need renewal also and must conform to bldg codes.

Greg motion to table Mary Beth 2nd. All aye

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

What makes it a second dwelling? Mary Beth says with a bathroom/kitchen.

Karen read 85-3 definition. Mary Beth says the Decommission Contract explains it well. PLUC needs to be consistent, Dwelling is “Human Habitation”.

Greg read the Webster's Dictionary definition “shelter in which people live”

Greg says we are trying to prevent someone having people living in. We may add more than we need. Greg make it simple and direct. Have only one structure for habitation. The bathroom/kitchen may not be a issue. Issue is someone builds a studio has a bathroom and small kitchen and then says their parents move in.

Mary Beth sees we still need a definition to clarify this. Jack Campbell mentioned how in past two definitive structures with house was the limit. Attorney says its enforcement. Mary Beth said we can make it more difficult for people to have second dwelling by clarifying definition.

Reasonable time frame 30 day minimum rental addresses this issue.

Karen mentioned in past any accessory building with plumbing was brought to PLUC for review.

Mary Beth motioned to table Greg 2nd All aye

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

Karen needs to call David Church, he works for League of Cities & Towns for his explanation. Jack Campbell says this is difficult for one person. Greg asked if the Property Owners Association board can do this? Karen says it's a legal requirement for the Town.

Gregg asks does it need to be separate from PLUC? Can authority be employee? Our Complaint Resolution Board is members of PLUC, Town Council & residents. Aaron said a job description is needed, see what have other towns done. Greg will contact Moab City.

Jack mentioned the person should know ordinances, for they will ask about variances and appeals. Robert Soldat, Dave Erley, Susan Ullery, and Jennifer Mengel were the last members on Board of Adjustments.

Greg asks can we possibly appoint someone as issues comes up.

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

OLD BUSINESS

8. Discussion and possible action re: Land exchange between lots 261 and 262, (tabled)

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

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

Greg motioned to take off the table for discussion, Karen 2nd All aye.

Karen needs to speak with Jeff Whitney to see what defines a solid wall or solid fence. Our Ordinance hasn't addressed this yet. Greg anything over 6 ft on property line is spite fence. A homeowner who wants privacy close to home doesn't exclude deer.

Karen wants to start with walls/ solid fences. How does Grand County define it? If a permit is required it should be referenced with building forms. Need to insert language for this.

Greg motion to table Mary Beth 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

Mary Beth motioned to adjourn the meeting. Greg 2nd the motion. All aye

Adjournment made by Karen at 7:33 PM.

Approved

PLUC Chair _____ Date _____
Karen Nelson

Attested

Town Clerk _____ Date _____
Denise Lucas