

MINUTES
REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, August 5, 2009

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

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

Absent: Dave Erley

Others Present: None

CALL TO ORDER: 7:00 P.M.

1. Open Public Comment.

None

APPROVAL OF MINUTES

2. Regular meeting of July 1, 2009.

Marie motioned to approve the Minutes as drafted. Lou seconded the Motion. Lou, Marie, and Mary Beth approved the Motion. Greg abstained. The Motion passed with three in favor and one abstaining.

Mary Beth reported that the Town Council approved the changes that had been proposed by PLUC, with a few minor alterations, to Ordinance 85-3. She also queried committee members to see if they want to receive email notifications of building permit applications prior to the next scheduled meeting, in the same way that they are notified of Routine CUP approvals. Those present agreed that they would like to receive an email so that they are kept informed of new approvals between meetings. Members also agreed to have the Building Permit Agent include type of structure and square footage information in the building permit report.

REPORTS

3. Building Permit Agent.

One building permit was issued for a residence on Lot 154.

NEW BUSINESS

4. None

OLD BUSINESS

5. Discussion and possible action re: Ordinance 2006-3: A Resolution Establishing the Planning and Land Use Commission and Designating Land Use and Appeal Authorities (tabled).

Lou motioned to untable the discussion of Ordinance 2006-3: A Resolution Establishing the Planning and Land Use Commission and Designating Land Use and Appeal Authorities. Greg seconded the Motion. Lou, Marie, Mary Beth, and Greg approved the Motion. The Motion passed unanimously.

Mary Beth initiated a discussion of the draft revision of Ordinance 2006-3 based on the Huntington City documents reviewed at the July 1, 2009, meeting.

In Section 1 she suggested a change in the method of appointment of members to the PLUC and the Board of Adjustments (BOA). It is currently the sole responsibility of the mayor to interview and appoint PLUC members and BOA members, with the advice and consent of the Town Council. Committee members discussed alternative methods for appointment of members, including appointments by the PLUC chairperson or a review committee of various compositions. The consensus of those present was that a committee composed of the Mayor, a Town Council member, and a PLUC member would provide a balanced screening of new appointees. Mary Beth will draft wording for this proposal.

New language was inserted into Section 23 to require that all meetings between BOA members and applicants for appeals and variances be conducted in an Open Public Meeting and that all communications to BOA members be made part of the public record. Language in Section 27 outlines what is expected of the Minutes recorded for BOA meetings and what citations of law and ordinances and documentation are required to be placed on record. Mary Beth pointed out that the BOA should have access to the Town Attorney which would have to be included in the Town budget. Once a good working draft is approved by the PLUC, it will provide an opportunity to train and get feedback from current BOA members. Information regarding appeals to the BOA should be put on the Town website once approved by the TC. Also discussed was the importance of having a formal procedure and form regarding the filing of an appeal or variance that the Town Clerk can process.

Pertaining to Section 30, a brief discussion of compensation for BOA members, perhaps in the form of a retainer, was nixed.

Committee members discussed the pros and cons of holding appeal decisions to the standard of "de novo" or "to the record" facts. Marie was concerned that "to the record" was not flexible enough. Mary Beth responded that new conditions would allow applicants to reapply for a building permit. Greg reminded committee

members that the BOA is the final appeal before court. Typos in the document were corrected and some ambiguities clarified, including designating time restrictions as calendar days or business days, as appropriate.

Greg motioned to retable Item #5. Lou seconded the Motion. Lou, Marie, Mary Beth, and Greg approved the Motion. The Motion passed unanimously.

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

Left tabled.

7. Discussion and possible action re: reorganization and revision of Zoning Ordinance.

Lou reported that many towns in Washington and Oregon, as well as Castle Valley, include things such as TADs in their main zoning ordinances and that it would not need to be in a separate ordinance as previously discussed. She will draft a TAD application based on the existing one soon. Lou also reported that her research of how different towns list definitions in their ordinances revealed that in most cases each definition was not given a letter designation as done in the Castle Valley ordinance.

Greg motioned to retable Item #7. Lou seconded the Motion. Lou, Marie, Mary Beth, and Greg approved the Motion. The Motion passed unanimously.

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

ADJOURNMENT: 7:53 P.M.

APPROVED:

ATTESTED:

Mary Beth Fitzburgh, Chairperson Date
Planning and Land Use Commission

Denise Lucas, Town Clerk Date