

MINUTES
REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, September 2, 2009

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

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

Absent: None

Others Present: Jack Campbell, Irma van der Steenstraeten

CALL TO ORDER: 7:01 P.M.

1. Open Public Comment.

Mary Beth read an anonymous letter dated August 19, 2009, addressed to the Town of Castle Valley expressing concern about having to remove pre-existing fencing if the amendments to Ordinance 2003-3: An Ordinance Encouraging the Movement of Deer within Castle Valley by Limiting the Use of Exclusionary Fencing is passed. The writer sought clarification of the status of pre-existing fences if the Ordinance is passed and felt that pre-existing fences should be grandfathered or granted non-conforming status.

Members discussed key changes made to this document. It was the intention of the PLUC to allow any fencing to continue as a non-conforming use if built prior to the passage of the current ordinance (May 2003) or prior to any new approved amendments. A clause could easily be added to this effect. The PLUC deleted language from a previous draft that would have required residents to remove non-complying fencing upon sale of the property, because we agreed that it was not consistent with what is currently required in 85-3 and is most likely not consistent with Utah State code 10-9a-511 - non-conforming uses and non-complying structures.

APPROVAL OF MINUTES

2. Regular meeting of August 5, 2009.

Lou motioned to accept the Minutes as presented. Marie seconded the Motion. Lou, Marie, Mary Beth, and Greg approved the Motion. Dave abstained. The Motion passed with four in favor and one abstaining.

REPORTS

3. Building Permit Agent.

One electrical permit was issued for an upgrade on Lot 402.

NEW BUSINESS

4. Review of Non-Routine CUP Application for Lot 328.

Mary Beth presented the CUP application from Irma van der Steenstraeten for use of an accessory building in an art and design business. Mary Beth reviewed the size of the studio, the use of chemicals, presence of fire extinguisher, limit on number of cars visiting the studio, and signage permitted. The applicant agreed to the conditions required in 85-3 for Premises Conditional Use Permits.

Greg motioned to recommend approval of the CUP as presented to the Town Council. Lou seconded the Motion. Lou, Marie, Mary Beth, and Greg approved the Motion. Dave abstained. The Motion passed with four in favor and one abstaining.

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).

Dave 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, Dave, and Greg approved the Motion. The Motion passed unanimously.

Mary Beth reviewed changes made to this Ordinance since the last meeting. Committee members clarified duplications in Sections 1 and 3 which designate a committee to nominate and interview potential PLUC members with final approval by the Town Council. Vacancies shall be filled by the Mayor, with the advice and consent of the Town Council. Language in Sections 18 and 20 was adjusted to make appointments of BOA members consistent with appointment of PLUC members as described in Sections 1 and 3.

Section 32 incorporates the outcome of the discussions from last month's meeting regarding standards for review of appeals. The standard of review is identified as "to the record" with notification that appellants may reapply to the Land Use Authority if new information might change its decision. Time periods were identified as calendar days or business days. Minor corrections and typos were corrected where noticed.

Members scheduled a Public Hearing for the October 7, 2009, PLUC meeting. Mary Beth will forward the Ordinance as corrected to current BOA members for feedback before the Hearing.

Dave motioned to retable Ordinance 2006-3 with agreed changes. Greg seconded

the Motion. Lou, Marie, Mary Beth, Dave, 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 (tabled).

Left tabled

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

ADJOURNMENT: 7:35 P.M.

APPROVED:

ATTESTED:

Mary Beth Fitzburgh, Chairperson Date
Planning and Land Use Commission

Denise Lucas, Town Clerk Date