

## MINUTES

### REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, December 3, 2008

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

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

Others Present: Patrick O'Kelly, Damian Bollerman

#### CALL TO ORDER REGULAR MEETING at 7:03 pm

##### 1. Communications from the Public:

None

Greg motioned to suspend the order of business and move to item number 6. Lou seconded the motion. The Motion passed unanimously.

##### 6. Discussion and possible action re: approval of building permit for an addition on lot #76

Patrick O'Kelly owner of Lot #76 requested a building permit for an accessory building that would include a garage, screened porch and outdoor kitchen and two offices upstairs. In reviewing the plan it was discussed that the new building is separate and will not touch the current dwelling already on the lot, and no bathroom will be included. Three walls surrounding the outdoor kitchen will be all screens, with several sliding screen doors. The owner was reminded that only one dwelling unit per lot is allowed. The structure is only to cook & eat in; the garage is to be used to park their car and the rooms upstairs will be used as offices.

Mary Beth said that the PLUC is only reviewing the outdoor kitchen portion of the building permit and that Faylene will work with the property owners on all other Town zoning requirements. The building permit will be approved for the outdoor kitchen in the proposed building as long as the owners provide: Plans drawn to scale with a floor plan, elevations and plot plan (plot plan does not need to be to scale). Floor plan should show that the windows and doors off of the kitchen will be screened and not using glass or wood on the door and window schedule. The three walls (all but the wall which connects it to the rest of the building) that enclose the kitchen area should be labeled as screen on the floor plans and the elevations should show that the exterior wall is screen and not some other material.

Lou motioned to approve addition for outdoor kitchen and garage with the conditions as noted. Dave seconded the motion. The Motion passed unanimously.

Marie motioned to suspend the order of business and move to item number 7. Lou seconded the motion. The Motion passed unanimously.

##### 7. Discussion and possible action re: letter to the BLM regarding oil and gas leases.

Marie encouraged the PLUC members to write personally or to let Town Council write the letter to BLM regarding the sale of oil and gas leases in the Castle Valley and Grand County area. Mayor

Damian presented the letter he had written in behalf of the Town and passed the letter for members to read.

There was discussion on different ways to approach the BLM with our concerns and that we should present all factors, including watershed protection, erosion, night sky, geological and archeological issues.

PLUC members agreed to move forward on ordinances to protect Castle Valley's watershed and aquifer.

Greg motioned to return to the order of business. Lou seconded the motion. The Motion passed unanimously.

## **APPROVAL OF MINUTES**

### **2. Regular meeting of November 5, 2008**

Dave motioned to approve the minutes as presented, Greg seconded the motion. Marie abstained. The Motion passed with four in favor, one abstained.

## **REPORTS**

### **3. Building Permits Update**

Three permits issued, one permit pulled

### **4. Report from Land Use Training and upcoming agenda items**

Mary Beth reported on the training Dave, Marie and she attended by the Utah League of Cities and Towns in Moab. The roles and duties of planning commissioners were reviewed at the training. It was emphasized that as PLUC members we see land use ordinances being applied, become aware of areas that need greater clarification and that any rule which requires an interpretation should be thrown out or clarified. The PLUC plans to keep this in mind and make recommendations to the Town Council as they become aware of such things.

Other potential upcoming agenda items for the new year were discussed, including amending our current watershed protection ordinance to prevent, as much as possible, oil and gas drilling on BLM land that might negatively affect our watershed.

Greg and Mary Beth will write letters of interest to Town Council to remain on commission. Their terms expire December 31, 08. The Chair's term will expire December 31, 2008.

## **NEW BUSINESS**

### **5. Discussion and possible action re: approval of building permit to rebuild building destroyed by fire at the Castle Valley Inn**

Members do not see an issue with the application. The Inn is not adding any more space for their business. The Garage will increase square footage but stays within the limit of current Town zoning requirements. Owners are willing to comply. A special meeting will be scheduled next week.

## **8. Discussion and possible action re: annual update and renewal requests for Conditional Use Permits**

Dave motioned to approve the list of all requested renewals with the caveat that the clerk will call the outstanding four residents who have not yet returned their questionnaires to ask if they want to renew. Greg seconded the motion. The Motion passed unanimously.

## **OLD BUSINESS**

## **9. 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 the item. Lou seconded the motion. The Motion passed unanimously.

Members have reviewed the changes. Lou has concerns that the use of the words non-conforming and non-complying are not consistent throughout the document. The attorney made the changes due to state law in the definition section only. It was decided that the PLUC will make no changes to the sections containing the terms non-conforming & non-complying yet, but will wait until the Town Council has approved other recommended changes. State Law requires us to adopt changes to these terms.

Dave motioned to accept as amended ordinance 85-3 regarding the conditional use process, designating land use Authority and designating an appeal authority. The current changes to wording of non-complying and non-conforming are to be left out. Lou seconded the motion. The Motion passed unanimously.

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

Left tabled

## **11. Discussion and possible action re: reviewing and amending our definition and language for second dwellings, tabled**

Lou motioned to untable the item. Dave seconded the motion. The Motion passed unanimously.

Mary Beth reviewed the notes from past meetings, defining a dwelling unit. Members want to get more specific than the International Building Code (IBC) definition.

Definitions for kitchen, kitchenette must be specific. It was proposed that only one dwelling with a kitchen and a bath be allowed, and that all accessory buildings be allowed to have one or the other but not both. Mary Beth will send out a draft, that will include wording to prevent subdividing, and renting out a secondary dwelling unit. The definition will need to go with decommissioning contract.

Dave motioned to retable the item. Greg seconded the motion. The Motion passed unanimously

## **12. Discussion and possible action re: updating the Deer Fencing Ordinance (Greg Halliday), tabled**

Greg motioned to untable the item. Dave seconded the motion. The Motion passed unanimously.

Discussion was held on keeping the 4 foot limits and if wrought iron was dangerous. Each section was discussed. Example of the SITLA fencing was discussed. It is low, with 4 foot posts and 3 foot fencing. This keeps cows out, but deer can jump it.

Questions were raised about the legality of requiring property owners to bring their fence into compliance with the sale of the property or to replace barbed wire when repairing a fence. This is inconsistent with sections of 85-3 regarding non-conforming uses. The Town Council will have to get legal advice on this issue.

As for continuous fencing, Mary Beth talked with someone from the DWR on how wildlife reacts to this. Elk will break about every 1.5 miles and deer will break at about  $\frac{3}{4}$  of a mile. It was suggested having a break every  $\frac{1}{4}$  mile. Dave will come up with maximum and minimum lengths for the perimeter of fencing enclosing an acre for the next meeting.

Greg motioned to retable the item. Lou seconded the motion. The Motion passed unanimously.

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

Left tabled

Greg motioned to adjourn. Dave seconded the motion. The Motion passed unanimously.

**ADJOURNMENT at 8:45 PM**

**APPROVED:**

\_\_\_\_\_  
Mary Beth Fitzburgh, PLUC Chair

\_\_\_\_\_  
Date

**ATTESTED:**

\_\_\_\_\_  
Denise Lucas, Town Clerk

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Date