

**MINUTES**  
**REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION**

Date: Wednesday, November 4, 2009

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

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

Absent: Lou Taggart

Others Present: Jack Campbell

CALL TO ORDER: 7:02 P.M.

1. Open Public Comment.

None

APPROVAL OF MINUTES

2. Regular Meeting of October 7, 2009.

Marie motioned to approve the Minutes as they are. Dave seconded the Motion. Greg, Dave, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

REPORTS

3. Town Council Meeting – Chair.

Mary Beth reported that nothing from the PLUC was reviewed at the last Town Council Meeting.

4. Building Permit Agent.

Mary Beth issued a building permit for a studio with full bath to Lot 93.

NEW BUSINESS

5. Land Use and Open Public Meetings Training.

Mary Beth attended two trainings during the last month. She reported that anyone who serves on a board or is a municipal employee needs to attend an Open Public Meetings Training once a year. The Chair is responsible to see that board members have the opportunity to attend a meeting and that the requirement is met. She reported that the Open Meetings trainer recommended that board members declare any conflict of interest they might have. While it is not required that members recuse themselves from voting on related issues, it was recommended that they do so. Another item that was presented at the Training was a requirement that a draft version of meeting

minutes be made available to the public in a reasonable amount of time and before the next meeting. It is not required to post the draft minutes on the website. Boards also need an official policy for adoption of minutes. Other items covered at the Training Meeting were: adhere to the agenda; ensure that agenda items were specific enough to inform the public of what will be discussed; establish a policy about how records are given out and whether or not there is a charge; and a review of the selection of officers. Commission members discussed the possibility of including the following practices currently used by the County Planning Commission: have an agenda item asking each member to report any *ex parte* communications, as well as conflicts of interest, regarding issues before the board, at the start of each meeting; and state on the agenda whether items are action or non-action items.

From the Land Use and Planning training presented by Meg Ryan, Mary Beth reported that a town's general plan should be reviewed every year to see if we are on track with our goals and updated once every five years. According to the definition of "land use ordinance" given at the training, things such as a town's budget and nuisance ordinance should not be considered a land use ordinance. For the Town of Castle Valley, culvert ordinance and a watershed protection ordinance would most likely be considered a Land Use Ordinance. Another item presented at the training was that all Land Use ordinances written by a town should be assembled into one Town Zoning Ordinance document. Again, for the Town of Castle Valley, that would mean incorporating the fencing, lighting, electrical, etc., ordinances and related resolutions into Ordinance 85-3. The topic of *ex parte* communications between board members and the public was also covered at this training. Mary Beth reported that it was suggested at the training that communication to a PLUC member regarding issues being considered by the PLUC be put in writing by the person making the communication or reported at the PLUC meeting in the following manner: "I talked to so-and-so about this and this is what they thought." She suggested an agenda item for these types of reports. There was discussion among members about how appropriate these changes were for the Town of Castle Valley. Jack Campbell felt that reporting communications would ensure that everyone was on the same page dealing with the same facts. He also suggested that codification of the Town's ordinances would provide an opportunity to tighten them up. PLUC members discussed how they would approach codification of the ordinances. It was suggested that ordinances could be amended and then codified into one document or that ordinances could be codified "as is" and amended later.

6. Discussion and possible action re: A Resolution Establishing a Procedure for Minutes.

Mary Beth read a proposed resolution for a PLUC procedure for adoption of minutes. It is based upon the procedure used by the Town Council. PLUC members decided that a first draft of the minutes will be sent only to PLUC members within seven business days of the PLUC meeting. It is to be labeled **Draft 1** and dated. PLUC members will review and submit changes to the PLUC Clerk within five business days of receipt of Draft 1. A second draft titled **Draft 2** and dated will be sent to PLUC members and posted on the Town website at least two business days before the next

PLUC meeting. This draft will use strike-through format to show changes and will show a watermark stating “Unapproved Draft” on each page. Draft 2 will be included in the PLUC meeting books. The official version of the minutes will be finalized and posted on the Town website within ten business days of approval and signature by the PLUC Chair. Members felt that posting of the draft minutes on the Town website would serve to make them available to interested individuals. Mary Beth will rewrite the resolution incorporating changes made and email a copy to members.

Marie motioned to table Item 6. Dave seconded the Motion. Greg, Dave, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

#### 7. Meeting dates for 2010.

PLUC members reviewed the 2010 calendar and set meeting dates for the next year. Meetings will be held on the first Wednesday of each month. Faylene will write up these dates and give them to Denise who will post them.

#### OLD BUSINESS

#### 8. Discussion and possible action re: Proposed Amendments to Ordinance 2003-3: An Ordinance Encouraging the Movement of Deer within Castle Valley by Limiting the Use of Exclusionary Fencing (tabled).

Greg motioned to untable Item 8. Dave seconded the Motion. Greg, Dave, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

After spending the past month considering how to proceed with the fencing ordinance, board members expressed their opinions. Greg felt that the Town Council wanted to keep the current ordinance as is. Mary Beth thought that there were important issues in the ordinance regarding loopholes, setbacks, and numerous restrictions that should be resolved. Dave thought that comments from the Town Council were constructive and that the Council would be receptive to amendments. Jack said it would be good to at least clarify the ordinance. Faylene asked about which version should be included in the building information packets. Mary Beth directed that the 2005 draft currently in the packets should be replaced with the current ordinance. Mary Beth will ask Denise to put the current version on the Town’s website.

Item 8 was not retabled.

#### 9. 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 Item 9. Greg seconded the Motion. Greg, Dave, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

Mary Beth reported that she talked with Meg Ryan at the Land Use and Planning training meeting about the definition of “stay” in Section 32-4. Ryan confirmed that

the phrase “stays all proceedings” means if someone files an appeal there will be a stay on all building. According to Ryan, we can delete this phrase or we can put a time frame within which the BOA must hear the appeal. If we want someone to decide whether the appeal was appropriate, we need to talk with an attorney. Ryan suggested 30 days as the time frame for hearing an appeal, but Marie was concerned that time period would be too long if the appeal turned out to be frivolous. Most members felt that it was correct to retain the stay but agreed that the time frame should be shortened. Members agreed that the BOA shall fix the time for a hearing within five business days and hold the hearing within 15 business days from the filing of the appeal. It was noted by board members that they should work to get a full BOA board or hire one person on retainer.

Dave motioned to approve Ordinance 2006-3 as noted. Greg seconded the Motion. Greg, Dave, Marie, and Mary Beth approved 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 five acres of land (tabled).

Left tabled

11. Discussion and possible action re: reorganization and revision of Zoning Ordinance (tabled).

Left tabled

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

ADJOURNMENT: 8:19 P.M.

**APPROVED:**

**ATTESTED:**

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**Mary Beth Fitzburgh, Chairperson    Date**  
**Planning and Land Use Commission**

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**Denise Lucas, Town Clerk                      Date**