

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

Date: Wednesday, February 4, 2009

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

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

Others Present: Jack Campbell, Tom Kolar

CALL TO ORDER at 7:01 PM by Mary Beth

1. COMMUNICATIONS FROM THE PUBLIC:

Jack asked if PLUC could send out their agenda to other residents who request it, just as the Town Council does. He also commented on the Grand County Council meeting concerning the closing of Matrimony Springs stating that Mr. Adamson (Health Department) received a coliform reading during testing. He said it was an early warning sign that potential contaminants from the surface could be getting into the water.

APPROVAL OF MINUTES

2. Regular meeting of December 3, 2008

Minor changes were discussed. Lou motioned to approve the December 3, 2008 minutes as amended. Dave seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

3. Regular meeting of January 7, 2009

Minor changes were discussed. Marie motioned to approve the January 7, 2009 minutes as amended. Lou seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

REPORTS

4. Building Permits Update

No Permits issued in January

NEW BUSINESS

5. Discussion regarding contracts for non complying structures

No discussion was held for the PLUC is not the Land Use Authority for non complying structures. The Town Council will need to address this.

6 Discussion regarding duties and responsibilities of planning and land use commissioners

Mary Beth asked to clarify what the PLUC says to property owners regarding any Town business. She asked that if you are not aware of the correct answer or method to follow, find out before you recommend any advice. She asked that members read and know what Ordinance 85-3 allows and does not allow. According to State law, commissioners must declare any financial interest verbally at a public meeting at the time it is applicable.

Although commissioners are not required to abstain from voting on such matters, it was recommended at our last training that commissioners abstain from both the discussion and vote on a matter in which they have a material conflict of interest or if they feel unable to make an unbiased decision. In The Utah Handbook for Municipal Officials there is a section on ethics. She asked that the members be familiar with it.

Jack commented that it is crucial that commissioners refrain from having private conversations with land use applicants who are lobbying their position. Mary Beth commented that we should take public comment from property owners on legislative issues such as proposed amendments to land use ordinances, but that information regarding land use applications should be discussed and presented at public meetings or with the appropriate Town employee. Dave reminded the members that we take on the responsibility and are obligated to serve our community. We need to be careful how we speak in public and in our meetings. Dave suggested that whatever is approved at a meeting be put into writing for the land use applicant for clarity.

7. Discussion and possible action re: amending 2006-3

Discussion on Ordinance 2006-3 a resolution establishing the Planning and Land Use Commission and Designating Land Use and Appeal Authorities. Some simple changes were discussed and recommended to clarify the ordinance.

More work will need to be done at later date on the section pertaining to the Appeal Authority, such as setting term limits and determining how each member gets appointed. Mary Beth also proposed that a committee be formed consisting of a member from the Town Council, herself, and a member of the Board of Adjustments to write information for the Town's website regarding the process for making an appeal to the Appeal Authority. Dave asked for the document to be consistent so that PLUC members and Board of Adjustment members are appointed in the same way. He asked whether it should be the Mayor's right to nominate an appointee or should it be anyone on the Council?

Jack suggested that when referring to ordinance 85-3 we should say "as amended" to refer to latest ordinance and not the original document. It now states the PLUC Chair will only serve for a maximum of 2 years, but that we might not want to prevent someone who is willing and qualified from continuing to serve in this capacity. Dave asked that a Zoning map for Castle Valley be included in 85-3. Dave asked if Marie had been re-elected as Vice Chair. She was not and it will be on the March agenda. All members agreed to not set a limit on serving as chair or vice chair and that elections for both

officers still be held at the first regular meeting of each year.

Dave motioned to table this item. Lou seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

OLD BUSINESS

8. 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

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

Dave motioned to untable this item. Lou seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

Commissioners discussed a draft of recommended changes to 85-3 regarding this topic which also included amendments to definitions clarifying how height and floor area are measured and how a roof is defined. Mary Beth mentioned that she and Faylene had discussed this and felt that these areas were unclear when trying to apply the latest amendments to 85-3 regarding height and square footage requirements. Commissioners decided that a definition for floor area be added stating that it be measured from exterior wall to exterior wall and includes all spaces within that area such as stairwells, closets, and other non-habitable space. It was agreed that “one-family” dwelling be changed to “single-family dwelling” and that “dwelling unit” be changed to “dwelling” throughout the document. It was agreed to add a definition for roof since we count square footage as anything that is directly below a roof and that it be defined as anything that permanently covers a building or structure and is made of non-permeable material and that screening, canvas, plastic and other types of non-permeable or non-permanent materials are not considered roofs. Also, we are recommending adding the following to the definition of combined square footage, “Decks and balconies that are not covered by a roof shall not be counted in calculating the Combined Square Footage.” We will hold a public hearing at our March meeting on these recommended amendments.

Mary Beth recommended that height be measured from the lowest point of finished grade only and not from finished or natural grade, whichever is lower. In order to determine natural grade, a lot must be surveyed and this will increase costs significantly for property owners. Greg suggested that requiring a survey is asking too much. Dave said that we need to have height measured from natural grade or finished grade, whichever is lower, to prevent someone from building up a tall pile of dirt as a building pad thereby increasing the visual height of the building. It was asked how a property owner would determine natural grade on a lot that already had a lot of alterations made to the grade? Dave suggested that we add wording requiring property owners to submit a lot survey in order to establish natural grade before a building permit can be obtained. Lou asked why not just limit the height one can pile up dirt to build on? It was agreed that height be measured from the lower of natural grade or finished grade and that the clause “a point

two feet above natural grade” be taken out. Jack suggested that the ordinance state that property owners must obtain a building permit before any earthmoving or dirt work can be done.

A public hearing needs to be held at the March 4th meeting.

Greg motioned to retable this item. Dave seconded the motion. Greg, Dave, Lou, Marie and Mary Beth approved the motion. The Motion passed unanimously.

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

Dave motioned to untable this item. No second was given. The item remained tabled.

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

Left tabled

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

ADJOURNMENT at 8:59 PM by Mary Beth

APPROVED:

MARY BETH FITZBURGH, PLUC CHAIR

DATE

ATTESTED:

DENISE LUCAS, TOWN CLERK

DATE