

## MINUTES

### REGULAR MEETING

#### PLANNING & LAND USE COMMISSION

Date: Wednesday, May 7, 2008

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

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

Others Present: Jack Campbell, Damian Bollerman

**CALL TO ORDER** at 7:03 pm by Mary Beth

Communications from the Public -None

Approval of minutes:

#### **1. Regular meeting of March 5, 2008**

Two corrections, Dave move to accept as amended, Greg 2<sup>nd</sup> All aye

#### **2. Regular meeting of April 9, 2008**

Greg accept as amended with corrections, Dave 2<sup>nd</sup> All aye

### **REPORTS**

#### **4. Building Permits Update**

2 Building Permits were issued, Hired Faylene Roth, trained 5/6/08.

### **NEW BUSINESS**

#### **5. Discussion and possible action re: reviewing and amending 95-6 (Building Permit Process)**

A draft was sent by Mary Beth, to members. The changes in the new draft are as follows:

1. This ordinance will allow changes to forms without having to do a formal resolution.
2. The town would have 10 days to approve the building permit application.
3. If any drainage changes have been made, a permit can be denied.

4. The applicant would have 6 months from the time they receive zoning approval from the Town to get their building permit from the County.

Greg and Marie asked for the 10 day approval period would a special meeting need to be held. Mary Beth explained this would be 10 days from the date PLUC meets, and once all signed forms and agreements are met. A line should be added to the form. Jack doesn't see this explained clearly enough. Greg asked if a line can be added for rejected or approved.

Mary Beth asked if 10 days is sufficient? Marie said this would be close to 2 weeks, more than enough time. What about time limits on building permits? Dave mentioned that Jeff says Castle Valley abuses this the most already. If this is tied together with Grand County, are we protecting our interlocal agreement? Dave asks that Castle Valley has on their form where Grand County Building Inspector signs his name; we have in bold DO NOT GRANT APPROVAL AFTER SUCH DATE. After that date it would be no longer a valid permit.

Mary Beth asked if Grand County would take offense to this? Dave is willing to talk to Jeff, showing him that instead of Jeff being asked to police the application, Castle Valley shows the time limit on the permit. Mary Beth brought up another idea, where our Building Permit agent-signs, we have an expiration date listed. Dave says this would self police it without encumbering Grand County Building Department or our Town Clerk. Jack said this would also stop those that apply much earlier and have them wait until it is closer to their building time.

Mary Beth says on the Information sheet given out, we can have the expiration date on it where they sign their initials. Marie likes nine month limit, Greg says most banks have six month limit on their construction loans, but then some builders can have up to a 2 year limit. Dave urges for six month limit. Jack asks to keep it consistent. Mary Beth suggests they could renew within the 6 month period. Dave asks that there should be an administrative charge for renewing. Mary Beth answers if no changes in zoning were made during the period it would only take a few minutes to renew. But if there have been changes to our ordinances, research and /or changes on plans will need to be done, and then they are subject to repay the permit fee. This is in Section 6A

Jack asked in Section 6A if a new permit is required, it must conform to the zoning ordinance in effect. Mary Beth said all Building Permits must be in compliance with the current zoning in effect at the time of application. Mary Beth stated that another meeting will be held, and then a public hearing before it goes to Town Council. Marie asked if the new zoning being passed by Town Council now be affected. Jack suggests changing compatibility to compliance. The word flexible should also be taken out. A public hearing will be scheduled for next month.

Dave motions to have Mary Beth make the recommended changes, email to commission and have a Public Hearing before next meeting. Greg 2<sup>nd</sup> the motion, All aye

## **OLD BUSINESS**

### **6. Discussion and possible action re: processes and procedures for reviewing building permits by the Building Permit Person and for the PLUC to operate under, including communication channels to forward information to the TC, tabled**

Dave motioned to untable Greg 2<sup>nd</sup> All aye

The document "Building Permit Procedure Outline" was reviewed. This was written up by Mary Beth from Leta's training-notes and from working as the Building Permit Agent. Mary Beth will have the Building Permit Agent keep the active files accessible. Dave asks that dates could be put on tab. Also Jeff could give a list of Castle Valley permits to our agent. We could have our agent ask Jeff monthly who had applied from Castle Valley and report to the Planning and Land Use Commission. Mary Beth said at this time we have no regulation or ordinances to require owners to have the Certificate of Occupancy. Jack mentioned it's to the owner's advantage not the Town's to have this. The owner must request this from the Building Inspector.

Mary Beth reminded the members this is more for information on what the agent does and how PLUC will oversee the agent. All members agree this is good and can be removed from agenda.

### **7. Discussion and possible action re: reviewing and amending our Conditional Use Permit rules (Mary Beth), tabled**

Dave move to untable, Greg 2<sup>nd</sup> All aye.

Discussion was held on Craig Call's response to the Conditional Use Permit questions. In 2006 the Town Council was authorized as the Land Use Authority, in most towns the Planning Commission is usually the land use authority. Greg mentioned the Town Council is the elected body and can delegate. Jack says the PLUC can recommend to the Town Council for any legal issues to approve.

Dave read the question and Craig Call's answer. His answer included that there should be a provision delegating an advisory role to the PLUC if the Town Council wishes to continue the practice of having the PLUC review CUP applications first. Conditions can be made by PLUC. Mary Beth gave examples of conditions given in the past. In the future we need to have conditions that meet a set of standards, as well as safety and health factors. Marie asked then does the conditional use permit run with the land? Dave & Mary Beth agreed that Craig Call says we can say that it does not have to run with the land if we follow the steps he outlined. Dave wants 85-3 to clearly justify this.

Mary Beth said we need a draft, send it to the Town Council, Rebecca Martin had made a list of all conditions given to Conditional Use Permit applicants. Some are number of clients, time, and traffic. Marie and Mary Beth both want to add protecting our aquifer, have a standard for disposal and storage of fluids, toxic, etc. Marie asked this to be number one. Mary Beth will write a draft with clearer standards and will ask Craig Call to clear up any confusion. Mary Beth was also told by Craig Call we can have the two versions of the Conditional Use Permit Application.

Greg motion to table, Marie 2<sup>nd</sup> all aye

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

Greg untable, Dave 2<sup>nd</sup> all aye.

Mary Beth will need to ask Craig Call to define this. Dave wanted to know if we can ask what he recommends, Mary Beth said our Certificate of Occupancy form requires the Building Permit Agent to check that it is a single family dwelling. Single Family Dwelling needs to be more clearly defined so that the Building Permit Agent can complete this task. Mary Beth will ask for Craig Call to

define this. The International Building Code (IBC) has a dwelling unit definition- "A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation." Greg agrees to ask Craig Call.

Dave motions to table Greg 2<sup>nd</sup> all aye.

**9. Discussion and possible action re: replacing the Board of Adjustments with a single appointed person as our "appeal authority", tabled**

Marie motions to untable Dave 2<sup>nd</sup> All aye

Mary Beth asked Craig Call's opinion on having one appointed person, and if a lay person should have training or use the three Board of Adjustment members, currently we have five but not sure how many are active could only be 3 or 4. Greg asked if someone will contact the current Board of Adjustment members and ask if they are willing to keep serving on the board. Dave will call Robert Soldat, Mark Webster, and Jen Mengel. Dave mentioned when speaking to Lance Christie, he said the Grand County Board of Adjustments Chair or vice chair would be willing to assist Castle Valley.

Marie said she is more comfortable with three or more serving. A letter from the Mayor requested PLUC replace our current Board of Adjustments; Mary Beth needs to check this with Craig Call and ask the procedure to changing from five to three or to a single appointed person. What is the required training or expertise? Dave's opinion is that with what our Board of Adjustments is going through it would be better to have just one and that someone is well trained. Mary Beth said we could require training for the three chosen or choose an expert (planner) but they may charge money for that. Damian said they are our last stop before litigation. It could be our attorney? Lance Christie suggested to Dave one with Findings of Fact knowledge is ideal. Mary Beth summarized that while commissioners feel strongly that our Appeal Authority should be experienced, well trained, and objective there are also concerns that it is too much responsibility for just one person. Also, if we appoint one person such as the Lance Cristy, he might not be available in 5 years when an appeal authority might next be called on to review an appeal. Mary Beth proposed that we take some time to consider how to reconcile these different concerns.

Greg motioned to table Dave 2<sup>nd</sup> all aye

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

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

**Greg motion to adjourn Marie 2nd the motion. All aye**

**ADJOURNMENT** at 9:16 pm by Mary Beth.

**APPROVED:**

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**MARY BETH FITZBURGH PLUC CHAIR**

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**DATE**

**ATTESTED:**

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**DENISE LUCAS, TOWN CLERK**

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**DATE**