

MINUTES
REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, December 2, 2009

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

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

Absent: None

Others Present: Brenda Short, Danielle Short

CALL TO ORDER 7:02 P.M.

1. Open Public Comment.

Brenda Short said that she and her daughter, Danielle, are attending this meeting because Danielle has a school assignment to observe a government meeting in process.

2. APPROVAL OF MINUTES

Regular Meeting of November 4, 2009.

Dave corrected the spelling of his last name. Then Dave motioned to approve the Minutes from November 4, 2009. Marie seconded the Motion. Dave, Mary Beth, and Marie approved the Motion. Lou abstained. The Motion passed with three in favor and one abstaining.

REPORTS

3. Town Council Meeting – Chair.

Mary Beth reported that the Town Council reviewed Ordinance 2006-3 at their last meeting and asked the PLUC to make certain changes and then send it back to the Town Council for approval. The Ordinance is on tonight's agenda, so the requested changes will be considered later in the meeting.

4. Building Permit Agent.

Two electrical permits and one Routine CUP were issued.

NEW BUSINESS

5. Discussion and possible action re: annual update and renewal requests for Conditional Use Permits.

Faylene presented and explained the 2009 Year End Conditional Use Permit Report. As of December 2, 2009, there were 25 permit renewals, one permanent designation, 6 new permits issued, one reapplication, one nonrenewal, and two non-responses. Ten requests for business licenses were received. If there are additional responses before the December 16, 2009, Town Council Meeting, Faylene will make corrections to the report, then prepare a cover letter that explains organization of the report.

Lou motioned to approve the renewals of the Conditional Use Permits. Dave seconded the Motion. Dave, Mary Beth, Marie, and Lou approved the Motion. The Motion passed unanimously.

OLD BUSINESS

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

Dave motioned to untable Item 6, A Resolution Establishing a Procedure for Minutes. Marie seconded the Motion. Dave, Mary Beth, Marie, and Lou approved the Motion. The Motion passed unanimously.

Mary Beth suggested extending the time frame in which PLUC members shall edit Draft 1 of the Minutes from five business days to seven business days. All members were in favor of this extension. There was no more discussion of the Resolution.

Lou motioned to approve the Resolution as amended. Dave seconded the Motion. Dave, Mary Beth, Marie, and Lou approved the Motion. The Motion passed unanimously.

7. Discussion and possible action re: Ordinance 2006-3: A Resolution Establishing the Planning and Land Use Commission and Designating Land Use and Appeal Authorities.

Mary Beth presented a draft of changes to Ordinance 2006-3 that were requested by the Town Council at their last meeting. She reported that she had talked to David Church who said that in our form of government the Mayor appoints all board members of the Land Use and Appeal Authority with the advice and consent of the Town Council. Changes in Section 1 of the Ordinance reflect this change. In addition, separate sections were created for the Planning Commission and for the Appeal Authority, as requested by the Town Council.

A review of the draft included clarification that the standards for review of appeals in Section 3.1 refer to the Planning Commission in hearing appeals on whether a land use application is routine. Changes in Section 4 reflect the mayor's responsibility to appoint and reappoint members of the Planning Commission and the Board of Adjustment. Section 4.1.4, paragraph 3, states that BOA review is to the record.

The paragraph added in item #8 on page 8 is based on material from the Land Use training which Mary Beth attended. In other changes, the time period in which the BOA must decide an appeal is no longer tied to the date of the Minutes. In Section 4.1.9 the deadline was changed from 15 days to 10 business days. And, the title change for Section 4.20 was for clarification.

Mary Beth asked for further discussion and comments on the revised draft. Committee members agreed that the comments from the Town Council were good and that a better document had been created.

Lou motioned to approve Ordinance 2006-3 as amended. Dave seconded the Motion. Dave, Mary Beth, Marie, and Lou approved the Motion. The Motion passed unanimously.

8. Discussion re: reviewing and amending town ordinances that limit the number of livestock which can be kept on five acres of land (tabled).

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

Committee members discussed the importance of addressing this issue. There is currently no limit on the number of livestock that can be kept on a lot. However, anyone who raises livestock for sale or compensation must have a conditional use permit, which could limit the number of livestock in order to limit the impact of the business on neighbors. Dave expressed concern because we have an unconfined aquifer in Castle Valley. Livestock, or even junk cars, are a possible source of contamination. Marie stated that the size of the lots themselves (five acres) seemed to suggest a limit in the number of livestock that could be supported in that space. There was no way to mitigate any negative effects of its impact so as not to exceed the impacts of permitted uses in the same zone. She related a conversation with Craig Call about residential/agricultural zoning. He told her that because we are zoned Residential/Agricultural, the Town can only limit the number of livestock per lot. If Castle Valley states this in our zoning ordinance, then the limit could also apply to agricultural conditional use permits with livestock.

Dave motioned to table item #8. Marie seconded the Motion. Dave, Mary Beth, Marie, and Lou approved the Motion. The Motion passed unanimously.

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

Lou motioned to untable Item #9. Dave seconded the Motion. Dave, Mary Beth, Marie, and Lou approved the Motion. The Motion passed unanimously.

Mary Beth reported that at the last Town Council meeting she brought up the subject of combining all Castle Valley zoning ordinances into one zoning ordinance. She

suggested that a table of contents would make the document easy to access. She stated that it is not currently clear how many zoning ordinances are in effect in Castle Valley. With further discussion, PLUC members thought that a single document could be organized on the Town website with icons for each item in the Table of Contents. Interested persons could then click on the icons that led to the information for which they were searching. Marie suggested adding a search option. Mary Beth reported that the County has organized their zoning ordinances into a single document. Dave stated that organizing all Castle Valley zoning ordinances into a single document should be a priority for PLUC. All members agreed. Mary Beth will find out if there is a required procedure for rescinding the original ordinance before it can be added to Ordinance 85-3. Dave suggested adding all zoning ordinances into a single document that was logically organized, and then going back and reviewing each section individually. Members felt it would be best to focus first on organizing the document to avoid getting bogged down in specific ordinances in the process.

Marie motioned to retable Item 9. Lou seconded the Motion. Dave, Mary Beth, Marie, and Lou approved the Motion. The Motion passed unanimously.

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

ADJOURNMENT: 7:43 P.M.

APPROVED:

ATTESTED:

Mary Beth Fitzburgh, Chairperson Date
Planning and Land Use Commission

Denise Lucas, Town Clerk Date