

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

Date: Wednesday, June 3, 2009

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

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

Absent: Lou Taggart

Others Present: Jack Campbell, Stephen Heinrich, Janina Schmidt

CALL TO ORDER: 7:01pm

1. Open Public Comment.

None

APPROVAL OF MINUTES

2. Regular meeting of May 6, 2009.

Minor corrections to the minutes were made. Greg motioned to approve the May 6, 2009 Minutes as amended. Marie seconded the Motion. Greg, Marie, and Mary Beth approved the Motion. Dave abstained. The Motion passed with three in favor and one abstaining.

REPORTS

3. Building Permit Agent

No building permits were issued in May. One routine CUP and business license was issued to Lot 188.

NEW BUSINESS

4. Request for TAD for Medical Purposes on Lot 177

Steve and Janina were present to pursue their submitted application for a TAD for Medical Purposes. Mary Beth reviewed the recommendation to be passed on to the Town Council to approve the request based on the lot owner's application and the physical inspection of Lot 177. Recommendation for approval is contingent upon a certification of infirmity from a Utah doctor 60 days after the family members have moved to Utah. Applicants requested permission to seek a physician in Grand Junction since Moab doctors are reportedly not taking new patients at this time. Mary Beth stated that Ordinance 85-3 requires the opinion of a Utah doctor and several options for meeting this requirement were discussed.

Applicants were informed that they will need to apply to the Town of Castle Valley for temporary use of water rights for a secondary residence when the Town starts to issue water rights agreements and that when the medical condition for which this TAD approval is granted ceases to exist, they will have 60 days to remove the TAD.

Mary Beth will notify members of the Town Council of this application so that they can submit questions to the applicants before the Town Council meeting, since the applicants may be unable to attend the meeting. PLUC members asked that, if unable to attend, the applicants should have a representative present to answer questions on their behalf.

Greg motioned to recommend approval for the TAD for Medical Purposes on Lot 177. Marie seconded the Motion. Greg, Dave, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

#### 5. Discussion and possible action re: decommissioning contracts.

Mary Beth reviewed changes made to this document to bring it into compliance with recommended changes to Ordinance 85-3. Definitions of the terms "previous" and "dwelling" were clarified as well as the decommissioning procedure of a temporary dwelling. Minor changes were made to the Penalties section and the fine set at \$2,500.00. The Change of Use section was rewritten to accommodate use of the dwelling as a TAD for Medical Purposes as provided for in Ordinance 85-3.

A discussion of a report prepared by Lou on the cap for penalties due on various classes of misdemeanors was discussed. PLUC members considered three options for enforcement. One option is court action which requires the Town to classify the offense as a misdemeanor and issue a citation when a violation occurs; a judge in District Court would hear the case. A second option is civil action which means the Town would place a lien on the property or on the property tax. The third option is for the Town to hire an administrative judge to hear violation cases and set fines. Members discussed the importance of making the penalty section consistent with the penalty sections of other Town Ordinances. The general consensus was that classifying any violation as a misdemeanor was the best

enforcement option for Castle Valley. Members agreed that since the decommissioning contract is not an ordinance but a contract between the Town and property owners, a fine was an appropriate penalty.

Greg motioned to approve the Housing Decommissioning Compliance Contract as amended. Marie seconded the Motion. Greg, Dave, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

Mary Beth will pass on the recommended amended Decommissioning Contract to the Town Council for their approval.

6. Discussion of procedure for public inquiries regarding the status of building permits and conditional use permits within Castle Valley and the release of that information.

If an answer to the request can be procured within a reasonable time (15 minutes), then the PLUC Clerk will research the request and respond appropriately to the inquiry. A “yes” or “no” answer can be given to these inquiries, as is done by the Grand County Building Department. If an answer to the query is not easily obtained, the PLUC Clerk will ask the PLUC Chair for direction on how to proceed.

OLD BUSINESS

7. 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

8. Discussion and possible action re: updating the Deer Fencing Ordinance (tabled).

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

Changes were made to address the Ordinance to “lot owners” and not “leasees;” to limit privacy fencing to fifty (50) feet in length when more than fifty (50) feet from a structure or residence; and to designate any violation of this Ordinance as a Class B misdemeanor.

A Public Hearing will be held at the July 1, 2009, PLUC meeting on Ordinance 2003-3 Amended: An Ordinance Encouraging the Movement of Deer within Castle Valley by Limiting the Use of Exclusionary Fencing.

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

9. Discussion and possible action re: reorganization and revision of Zoning Ordinance 85-3 (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: 8:58 P.M.

**APPROVED:**

**ATTESTED:**

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

\_\_\_\_\_  
**Denise Lucas, Town Clerk      Date**