

MINUTES
PUBLIC HEARING ON PROPOSED AMENDMENTS TO ORDINANCE 2006-3 - A
RESOLUTION ESTABLISHING THE PLANNING AND LAND USE
COMMISSION
AND DESIGNATING LAND USE AND APPEAL AUTHORITIES
and
PUBLIC HEARING ON PROPOSED AMENDMENTS TO ORDINANCE 85-3
REGARDING THE PREVENTION OF SECOND DWELLINGS AND
DEFINITIONS
and
REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, March 4, 2009

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Mary Beth Fitzburgh, Dave Erley, Marie Hawkins

Others Present: Jack Campbell

PUBLIC HEARING

1. Call to Order at 7:03 by Mary Beth
2. Public Hearing on proposed amendments to Ordinance 2006-3 - A Resolution Establishing the Planning and Land Use Commission and Designating Land Use and Appeal Authorities.

Jack asked for clarification of how the original term limit dates were set. He suggested that all terms start at the beginning of the year instead of half in June and half in December. Mary Beth explained that the terms were set by the original PLUC to establish a rotation schedule for new members. It was agreed that the term rotation schedule should be given more thought at a later date.

3. Adjournment of Public Hearing.

Marie motioned to close the Public Hearing. Dave seconded the Motion. Dave, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

PUBLIC HEARING

1. Call to Order at 7:11pm by Mary Beth.
2. Public Hearing on proposed amendments to Ordinance 85-3 regarding the prevention of second dwellings and definitions.

Jack initiated a discussion of habitable space, living quarters, and IBC definition as criteria for determining whether a building is a second dwelling. He suggested stating that “for the purposes of this ordinance, if one or more of these are evident...”

Mary Beth confirmed that outdoor canning kitchens do not count as a second kitchen.

3. Adjournment of Public Hearing.

Marie motioned to close the Public Hearing. Dave seconded the Motion. Dave, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

REGULAR PLANNING AND LAND USE COMMISSION MEETING

1. Call to Order at 7:15 pm by Mary Beth.
2. Open Public Comment.

None

APPROVAL OF MINUTES

3. Regular meeting of February 4, 2009.

Minor corrections to the minutes were made. Dave motioned to approve the February 4, 2009, minutes as amended. Marie seconded the Motion. Dave, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

REPORTS

4. Building Permits Update.

No building permits issued.

NEW BUSINESS

5. Election of new Vice-Chairperson.

Dave motioned to nominate Marie for Vice-Chairperson. Marie seconded the Motion. Dave, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

6. Discussion and possible action re: amending Ordinance 85-3 regarding the prevention of second dwellings and definitions.

The Commissioners discussed the definition of **dwelling** in Section 1.3.2.I.1. Dave wondered whether allowing an outdoor kitchen provided a loophole for a 2nd dwelling if the residents were willing to cook outdoors. Mary Beth stated that the new definition still restricts individuals from living in an accessory building. Each accessory building can have either one kitchen or one bathroom but not both. The decommissioning contract requires that either the bathroom or the kitchen must be removed from the prior dwelling.

Mary Beth asked whether the first line should read “permanent” human habitation. The consensus was that the line should read as is.

Mary Beth reviewed other minor changes to the Definitions Section of Ordinance 85-3 that pertain to dwelling units and single-family dwellings. They included clarification that decks and balconies not covered by a roof are not counted in combined square footage and instructions on measuring floor area. Also covered were changes in terms, including **one-family dwelling** to **single-family dwelling** and **dwelling unit** to **dwelling**. After a discussion of the definition of **roof**, the Commissioners decided to delete canvas and plastic and only allow shade cloth and screening as coverings that are not considered roofs.

Dave motioned to approve amendments to Ordinance 85-3 as amended tonight. Marie seconded the Motion. Dave, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

OLD BUSINESS

7. Discussion and possible action re: amending Ordinance 2006-3 (tabled).

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

Mary Beth reviewed changes made to this document since the last meeting and asked for discussion. Marie asked whether a time limit should be set on appeals. The consensus was not to do so at this time. Jack asked for clarification of the last sentence in Section 18 pertaining to the Appeal Authority. Mary Beth explained that any review by the Board of Adjustments could only be based upon conditions and information that were available at the time of the original decision.

Marie motioned to approve the amendments to Ordinance 2006-3 as amended. Dave seconded the Motion. Dave, Marie, and Mary Beth 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).

Left tabled.

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

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

Mary Beth initiated a discussion (based on an email from Jim Lindheim) regarding whether the height of roof solar panels would be considered in the calculation of building height. She suggested that ground solar panels be regulated, as windmills currently are, through the conditional use permit process. The consensus was that this topic requires additional research before making a decision.

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

Left tabled.

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

Left tabled.

ADJOURNMENT

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

Adjourned at 8:33 pm.

Approved

Mary Beth Fitzburgh, PLUC Chair

Date

Attested

Denise Lucas, Town Clerk

Date