

Regular Meeting

Planning & Land Use Commission

Wednesday, November 1, 2006

Castle Valley Community Center

Call to Order: Meeting called to order at 7:07 PM. Vice-Chair, Marie Hawkins, presided.

Commissioners Present: Gil Gonzales, Vickie Kress, Marie Hawkins, Michael Peck.

Absent: Michael Peck

Others Present: Valli Smouse, Jack Campbell, Mary Germain, Greg Halliday, Susan Halliday, Mary Rees.

Town Clerk: Rebecca Martin

1. Communications from the Public.

An inquiry came in from a party interested in purchasing Lot 137, which currently has a five-acre, 8' deer fence, asking if the fence would have to be lowered upon sale of the property.

There was some discussion of the current exclusionary fence ordinance and whether the fence violated the current fencing ordinance. **Vickie will work with Rebecca on this.**

2. Approval of Minutes: Special Meeting Minutes of September 19, 2006, General Plan Workshop IV.

Vickie moved to accept the September 19, 2006 minutes. Gil seconded. Motion passed unanimously.

3. Approval of Minutes: Regular PLUC Meeting Minutes of October 4, 2006.

Vickie proposed the following change to clarify the intent of her comments:

Item 5, par. 2: replace “many changes” with “any material changes”.

Vickie moved to accept the October 4, 2006 minutes with this change. Gil seconded. Motion passed unanimously.

4. Approval of Minutes: Special Meeting Minutes of October 17, 2006, General Plan Workshop IV.

Vickie moved to accept the October 17 minutes as presented. Gil seconded. Motion passed unanimously.

Reports

5. Building Permit Update

The Commission received a written report from Building Permits Agent, Leta Vaughn listing building permits for two lots in October: building and septic permits for Lot 327, Kathryn Hess and a building permit for Lot 245, the Bove residence.

New Business

6. Discussion & possible action re: New Building Permit for the Bed & Breakfast, Lot 424, Jim and Mary Germain.

Mary Germain read aloud a letter to the PLUC as part of a request for a building permit for a garage on Lot 424, at the B&B. Mary and Jim Germain purchased the B&B in November of 2006. She explained that all of the buildings on the property are the ones that were originally on it with one being a replacement for one that fell down. The contract does not allow the B&B to expand beyond 9 living units and the Germain specifically intend not to do that. (letter included)

It was explained by Vickie and Valli that the B&B has been evolving and that in the past, garages and other buildings on this lot have been turned into sleeping quarters for the Bed and Breakfast. It is therefore a concern for the Town that if a garage with storage is built to replace the shed that is falling down, it should remain a garage with storage. Marie clarified the contract does now run with the land, unlike when the business had a conditional use permit. Valli commented on the B&B business expansion and contract history. As the Mayor who signed the contract, she explained that the B&B is the only commercial endeavor outside the conditional use permit process and the contract was an attempt to allow the B&B to exist without commercial zoning.

Vickie inquired about the inspections called for in the contract. Rebecca is unaware of the process for Fire Department inspections, and knows of no Town inspections done in recent years. Mary said Jim Adamson inspects the spa every two weeks and could inspect other things if he needed to. Mary said they would be open to having the fire department and/or Planning and Zoning come do inspections and to audit what is there compared to the contract.

Marie asked about the traffic of the business. Mary said they have been full 20 days, that spring and fall are the busiest and winter the least busy. They have received no complaints and feel that they are good neighbors.

Gil asked about the February building permit they received but did not act on. Mary explained that they have been too overwhelmed. This original permit was for a 16' X 32',

two story, 15' high outbuilding. The current permit request is for a 24' X 36', one story, 12' high building. He asked about the future walls and Mary said they are for storage and a workshop. Mary agreed they would be open to signing an addendum to the contract that says this is a garage, with no plumbing, and would be used only as a garage, workshop and storage. Greg felt this was a replacement for an existing building. **Vickie proposed doing an addendum to the existing contract that runs with the land.**

A TC Public hearing on this addendum and building permit was proposed for Thursday, November 16, 2006, at 6:30 PM. Rebecca will check with the Mayor and post the hearing. Vickie and Mary will create an addendum for TC approval.

Vickie moved to approve the permit for the garage on lot 424 and move it on to the Town Council for review on November 16 with an addendum to the contact. Gil seconded. Motion passed unanimously.

Mary thanked the PLUC.

7. Discussion & possible action re: Rules of Order, November 8, General Plan Open Forum on Water.

Vickie read an email from Karen.

Vickie paraphrased Karen's suggestions saying public comment is good, and it is also good to stay focused to reach resolution on things. Vickie suggested some ideas to insure that everyone is heard, and the meeting is not dominated by just a few people, e.g., perhaps using an existing Public Comment Form, a timer with an agreed upon time limit, and/or some ground rules.

Marie liked the idea to allow people to give up their time to others who may wish to speak longer than a 5 minute limit. Valli liked that the hearing form also gives you something in writing and provides a forum for those who may not wish to speak. Gil commented Alice would be good as a moderator.

Vickie moved to advertise the public hearing comment form along with the posting for the meeting and have copies available for anyone who wants to comment early/comment in writing only, and to have them available when they walk in the door. Gil seconded. Motion passed unanimously.

Vickie moved to limit the time that someone can talk to 5 minutes during the November 8 meeting, and if they are in the middle of something someone can donate time, to insure equal and broad representation from the community, and then allow a 2 minute follow up time after everyone is heard. Gil seconded. Motion passed unanimously.

Old Business

8. Discussion & possible action re: Creating a Public Survey re: the Castle Valley General Plan. (tabled)

Remained tabled.

Marie gave a brief update on the General Plan Questionnaire process. People who wish to suggest public survey questions to be sent out for the General Plan Questionnaire were asked to get them in to the PLUC.

Greg commented that a motion sensor on outdoor lighting is better than leaving lights on all the time. Discussion ensued about how to formulate such a question, whether this is already addressed under environmental considerations/energy efficiency, whether an ordinance should address this or not, whether this can be handled by educational materials accompanying building permits or perhaps handled by directly approaching owners who have continuous lighting.

9. Discussion and possible action re: Update of Aquifer Protection Ordinance/Fuel Storage Ordinance. (tabled)

Remained tabled.

10. Discussion & possible action re: Update of Deer Fencing Ordinance. (tabled)

Remained tabled.

11. Discussion and possible action re: Town Council request to review all Town's Ordinances and Resolutions for consistency and effectiveness of all enforcement and penalty provisions. (tabled)

Remained tabled.

Greg Halliday asked about progress in eliminating junkyards and expressed concern that someone should then go in to inspect the soil for contamination and determine whether it has reached the aquifer yet.

Re: Nuisance Ordinance: Marie and Vickie said this would be part of the draft Nuisance Ordinance handed off to the TC. Greg said the TC is having trouble determining how to enforce it, which always was the problem. Jim Adamson's involvement was discussed. Greg suggested digging some test holes to see how deep the contaminants go. Dave Hawks crushed 105 cars.

There was agreement that our aquifer issues are vital for Castle Valley.

Re: Drainage Issues: Greg inquired who handles drainage issues, i.e., the changing of water flow. It was established that bringing clear examples of the problems to the TC is the first step; the Road Department and the TC handle drainage. Valli commented

drainage is all in the forefront right now, with discussion of engineers, getting rock, the road supervisor, equipment, etc. Jack noted the overarching principle is people shouldn't change the water flow in drainages. Gil brought up an example where someone used his backhoe to move water to another ditch further from his house and the resulting flow wiped everything out.

The current drainage review process, as part of every building permit, was discussed. Having someone go out to each lot to explain drainage/give advice to people in that process was viewed as desirable. Marie would like to see something in the ordinances that is clear about this. Greg commented on the sheet flooding and a drainage-change situation on Chamisa. There are areas where ditches are higher than the road so the water runs down the road.

Jack suggested that the general plan could include a reference to drainage and keeping the water in its existing drainages, which could perhaps eventually serve as a basis for an ordinance. Marie said it is good this flooding happened before the general plan review. She advocated a drainage permit that is separate from the rest of the process so it is noticed.

Adjournment

Vickie moved to adjourn. Gil seconded. Motion passed unanimously. Meeting adjourned at 8:11 PM.

Approved:

Attest:

Marie Hawkins, Acting PLUC Chair

Denise Lucas, Town Clerk

Agenda Posted: October 31, 2006 on the following official public notice boards: Notice Boards at CV Mailboxes, Community Center Parking Lot, and Community Center Entrance and www.castlevalleyutah.com