

**PLANNING AND ZONING COMMISSION
REGULAR MEETING and WORKSHOP**

Date: March 8, 2006

Time: 7:00PM

Place: Castle Valley Community Center

1. Call to Order: Meeting called to order by Chair, Pam Hackley, at 7:01 PM.

Members present: Pam Hackley, Michael Peck, Marie Hawkins, Vickie Kress, Valli Smouse.

Others present: Jack Campbell.

Clerk/Recorder: Rebecca Martin.

2. Approval of Meeting Minutes of January 11, 2006 and January 31, 2006: Valli moved to adopt the January 11 P&Z minutes and the January 31 P&Z Minutes as presented. Michael seconded. Motion passed unanimously.

3a. Communications from the Public

A letter of resignation was received from Eric Johanson from his training position as Building Permits Agent. (letter attached). Leta Vaughn has been trained by Ron Mengel and all indications are that things are going well. Leta has been asked to attend P&Z meetings.

A request will be forwarded to the Town to include the P&Z in the discussion of the personnel Policy Manual.

Reports

3b. Building Permit Update

Valli suggested that a change on a non-conforming use – a contracted use - such as the B&B, should probably come through the P&Z. One version of the request says a storage building is to be rebuilt, and another version said the storage building is to be changed to a two-car garage. The history of B&B buildings creeping from their original uses to rental rooms, was discussed. Discussion ensued about whether the use is specified on the building permit, and whether a use must be specified in cases where there is a commercial use/premise occupation on the lot. **Pam will discuss these items with Leta.**

Pam spoke about the current issue whether someone moving onto an empty lot should be given a temporary dwelling permit or a building permit. Questions include: if a trailer is more permanent, does it need to be on a foundation, skirted, etc.?

This will be placed on the next P&Z agenda.

5. Conditional Use Permits Status

Lot 387: the P&Z recommendations are currently before the TC.

Lot 77: the owners are in the process of splitting into two businesses/CUPs as recommended by the P&Z

Lot 181: this is a new request.

Valli suggested that the agenda should state the Lot number, person's name and what the conditional use would be so people can tell what the issues are.

4. Town Council Information and Requests

Pam presented an informational copy of a Proposal for Establishment of a Complaint Resolution Board, drafted by Bob Lippman, which the TC may request the P&Z to comment on in the near future. (draft Resolution attached) This is meant to bring a gentler phase into the enforcement process. If

someone is not willing to participate in the community process for resolving complaints, then other enforcement measures would be taken. **Pam asked the Commission to take a look at this and be thinking ahead towards recommendations, questions, etc., in anticipation of a formal request from the TC to review this.**

Michael commented that levying a fine is an important part of the process, because then the County, to whom CV already pays taxes can be asked to handle enforcement. Vicky asked if there are currently no fines. Discussion ensued about the history and current process re: enforcement.

Pam will ask Bob to forward this proposal to P&Z members electronically.

Old Business

6. Discussion and possible action re: changes to land use sections of Utah State Code in Senate Bill 60 "LUDMA" (tabled until March 8 meeting).

Michael moved, and Valli seconded, to take this motion off the table. Motion passed unanimously.

Pam and Valli have drafted an Ordinance officially establishing the P&Z. Discussion ensued about the process for continuing the LUDMA revisions. Michael advocated a workshop-like session.

The P&Z will pass on to the TC a recommendation to designate the TC as the Land Use Authority and the Board of Adjustment (BoA) as the Appeal Authority for the Town of Castle Valley.

Attention will be paid to changes which relate to how conditional uses are handled. Discussion ensued about the need for different categories of conditional uses, with the idea that some uses may be considered such low impact uses as possibly not to be required to get a conditional use permit. Further discussion is deemed necessary.

Vickie and Marie will go through the CUP files and compare them to the zoning ordinance and to LUDMA with a goal to bring them into alignment.

Michael noted that this work represents the pieces that are the building blocks of the General Plan.

Valli moved to table this item. Vickie seconded. Motion passed unanimously.

7. Discussion and possible action re: Proposed Amendments to Ordinance 2003-3, "An ordinance encouraging the movement of deer within Castle Valley by limiting the use of exclusionary fencing" (tabled). Item remained tabled. A workshop is still needed to move this along. The re-write of the ordinance still needs some work.

8. Discussion and possible action re: Draft of an Aquifer Protection Ordinance (tabled). (AKA Fuel Storage Ordinance) Item remained tabled. **Valli, Marie and Vicky will look over the draft ordinance.** This item requires a workshop also.

9. Discussion and possible action re: Annual review of Conditional Use Permits (tabled).

Valli moved to take this item off the table. Michael seconded. Motion passed unanimously.

Discussion ensued about the annual CUP questionnaire and renewal process.

Valli moved, and Michael seconded the motion, to have the Clerk send a certified/return receipt letter to any or all CUs who did not reply to the CUP questionnaire as of today stating that the conditional use is officially retired according to the Town, and if they are still in business they must re-apply. Motion passed unanimously.

10. Discussion and possible action re: Review of Planning Commission Enabling Legislation, By-laws, Terms of Service (tabled).

Michael moved, and Valli seconded, to take this item off the table for discussion. Motion passed unanimously.

A draft of an ordinance was crafted by Pam (copy attached*). This is in response to the need for an ordinance ordaining the P&Z, which is required. Even if there was a Resolution or some other form of decision in the past, it must be an ordinance.

Discussion ensued about the technical differences between “advice and consent” vs. a nomination by the Mayor with a vote by the Council. (Code 10-3-830.) Valli read aloud from 1st page of Mayor’s Powers and Duties re: advice and consent. **Pam will ask Bob to look at this and give an opinion.**

A typo will be corrected.

Adopt the general ethics wording described in the P&Z handbook from ULCT to guide Commission member.

Language will be included to say the P&Z isn’t making decisions in workshops.

Hearing minutes shall be recorded as a synopsis of the proceedings with a recorded audio back-up.

The Land Use Authority for the Town of Castle Valley is the TC.

The Appeal Authority for the Town of Castle Valley is the BoA.

The document will be formatted as an ordinance.

Michael moved, and Valli seconded, that this proposed establishment of the P&Z with all of the changes from this meeting be sent to the TC with a recommendations for them to adoption it. Motion passed unanimously. (*copy of revised version to go to TC also attached)

11. Discussion and Possible Action re: Proposed Amendments to An Ordinance Providing for Zoning in the Town of Castle Valley, Utah No. 85-3, amended 3-17-04 and to set a public hearing date before the Planning and Zoning Commission (tabled)

Michael moved, and Valli seconded a motion to take this item off the table. Motion passed unanimously. This item has been rendered obsolete by the granting of the variance by the BoA to Lot 77 (at BoA meeting on March 4, 2006). **Rebecca will pass the final B0A minutes to the P&Z.**

New Business

12. Role and job tasks of Town Clerk in relation to Planning Commission

Discussion covered what the Clerk presently does for the P&Z and what the P&Z would like the Clerk to do for the P&Z. Record-keeping is not caught up, but is a statutory responsibility.

Time-saving efforts were discussed and the following decisions made: the Clerk will produce one set of meeting materials, and P&Z Members will come in and complete their packets (at 6:30 PM) before the meetings. P&Z Members will help with room set-up and break-down. Help will be forthcoming with the CUP annual mailing, and the Clerk may solicit help in handling the CUP mailings going out to adjacent property owners.

During meetings, changes to the working documents can be made by a designated P&Z member, with minutes taken by someone not involved with the decision-making. The value of “integrated knowledge” was noted, i.e., having the Clerk involved with both TC and P&Z meetings.

The possibility of another staff member being brought on to aid the Clerk with some tasks was discussed briefly.

Pam will talk with Jim Lindheim about this (item 12, entire topic). Everyone will show up at 6:30 PM for the next meeting to make copies and to help set up the room.

13. Discussion re: Recommendation to Town Council concerning compliance with 10-9a-302 (3) the appropriate delegation of power to at least one Land Use Authority and with 10-9a-302 (4) the appropriate delegation of power to at least one Appeal Authority. (handled above in item 10)

Cris & Jack have organized the ordinances in groups by function, e.g., substantive/core ordinances, administrative ordinances, etc. Thanks to Cris and Jack for doing that work. There is more work to be done in integrating the history of CV with the present. Tom Reese, Lois Oliver, and others have history.

It was noted that the General Plan, dated August 15, 2001, apparently ends with item 8, with the goals, and then does not go on to its logical end. **This document needs revision work also.**

14. Adjournment

Valli moved, and Michael seconded, to adjourn the Meeting. Meeting adjourned at 9:45 PM

WORKSHOP: Orientation of Planning Commission Members by Town Clerk

Date: March 8, 2006

Time: Immediately following the regular meeting

Place: Castle Valley Community Center

The Clerk introduced the P&Z Members to the computer, the office layout, the location of files and records, and the protocol for locking up the building and fire safe file cabinet. The orientation lasted just over fifteen minutes.

ATTEST:

Rebecca Martin, Clerk/Recorder

Date