

MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, March 1, 2017
Time: 6:30 PM
Place: #2 CV Drive, Castle Valley Community Center

Present: Ryan Anderson, Mary Beth Fitzburgh, Harry Holland, Bill Rau
Absent: Marie Hawkins
Others Present: None
Clerk/Recorder: Faylene Roth

CALL TO ORDER

Rau called the Regular Meeting of the Planning and Land Use Commission (PLUC) to order at 6:34 P.M.

1. Discussion and possible action re: annual election of chair and vice-chair.
Fitzburgh moved to nominate Rau as Chair for 2017. Anderson seconded the Motion. Anderson, Fitzburgh, Holland, and Rau approved the Motion. The Motion passed unanimously.

Anderson moved to nominate Fitzburgh as Vice-Chair for 2017. Holland seconded the Motion. Anderson, Fitzburgh, Holland, and Rau approved the Motion. The Motion passed unanimously.

2. **Open Public Comment** – None.

3. **Approval of minutes.**

Regular Meeting of February 1, 2017.

Rau explained that he had misreported at the last PLUC Meeting that the Town Council (TC) planned to hold a Public Hearing on the water user agreement and ordinance at its next (March) Meeting. He corrected that to say the TC plans to hold a public meeting on the subjects in March.

Holland moved to accept the Minutes of the Regular Meeting of February 1, 2017, as presented. Anderson seconded the Motion. Anderson, Holland, and Rau approved the Motion. Fitzburgh abstained. The Motion passed with three in favor and one abstention.

4. **Reports.**

Correspondence.

Rau read from a letter from Rural Community Consultants, asking for comments on the survey for the County Resource Management Plan.

Town Council Meeting – Rau.



Rau reported that four representatives from Rocky Mountain Power (RMP) spoke at the last TC Meeting. According to Rau the RMP reps acknowledged the problems and outages in Castle Valley over the past year—if not longer—and informed the TC of the work they are doing to correct the problems. RMP spent \$1.5 million last year putting in more poles across the LaSal range (beginning approximately 11 miles south of Porcupine Rim) to prevent power lines from bumping into one another and clearing vegetation from their right of way to enable repair crews to more easily access the easement. They have budgeted another \$1.1 million for additional work in 2017. In September 2017 they plan to be working in Castle Valley to put new poles down from Porcupine Rim. They said a helicopter will be necessary for this section. In addition, the RMP reps said they will be adding 50 new poles and cross arms in the Castle Valley section.

Anderson asked whether RMP intended to put lines underground. Fitzburgh responded that there had been an earlier agreement with a different power company to put lines underground, but reported that RMP has said it will not pay for that. She observed that Ordinance 85-3 requires power lines over private property to go underground, at the owner's expense.

Rau reported that John Groo, Water Agent, had informed the TC that a revised draft of the water ordinance and water user agreement will be available in the next few weeks and will be posted on the Town website. He noted that the draft addresses some of the concerns raised by the public at the last TC Meeting. The revised draft will be discussed at the March TC Meeting.

Rau also reported that the annual Town clean-up is being planned for April 8. The Town plans to cover the expense for one load per property. Lot owners will be charged for additional loads.

County Resource Management Plan Report - Rau

Rau reported that Rural Community Consultants (RCC) had held a not-well-publicized meeting last month in Grand County Council Chambers to take questions from the public about how to record comments. RCC has created a survey with 28 topics for comment. Comments can be generic by rating the importance of each topic, or comments can respond to the accuracy and currency of the background resources provided. Rau said that the consultants welcome any additional resources that can be provided. The survey is available at www.grandrmp.org. Rau said to click on the resource icons for each topic to read the background information. He noted that the energy section was deficient, in his opinion, especially regarding the area north of I-70 which ignored the impact of transport connections between gas and oil wells in the area.

Fitzburgh reported that the PLUC had previously written a letter for TC consideration regarding watershed protection for CV. She will consult with Mayor Erley to determine if it has been forward to RCC. The deadline for comments is March 6.

Rau said that there will be other chances for comment after the draft is prepared. The draft will first go the County Planning Commission then to the County Council before being submitted to the State. Rau said he had the impression that the consultants recognize that the process is “moving very fast.”

PLUC Members agreed that comments from PLUC Members should be submitted as private individual comments without reference to PLUC Membership.

Permit Agent - Roth.



Roth submitted a report for building permit activity which included two residential building permits, one electrical permit, and one Certificate of Occupancy review. She reported that Kyle Yelderma, Lot 431, had submitted a request for permission to add solar panels to the roof of the noncomplying structure on his lot. Fitzburgh replied that the PLUC had previously decided that he would have to request a variance for this.

Procedural Matters – None.

NEW BUSINESS

5. Discussion and possible action re: setbacks for driveways and propane tanks.

Rau presented a map from the County Assessor's office showing the lot line between Lots 175 and 176. He said that the owner of Lot 175 had expressed concerns to him about the intention of the owner of Lot 176 to put in a driveway along the property line which appears to cut into his property and to locate a modular home exactly at 30 feet from the property line and to put in a propane tank. The owner of Lot 175 had asked the PLUC to consider setbacks for driveways and propane tanks.

Rau noted that an earlier driveway on Lot 176 starts on top of a culvert and questioned whether that created a problem. Fitzburgh said that the current Right-of-Way Encroachment permit would prevent that situation now. Both she and Holland noted that there were no setbacks for driveways and that there were driveways on both their lots that ran along the property line. Rau said that Hawkins had told him by phone that propane tank locations were determined by the propane company and that they looked for a location close to the house and to the driveway. No one knew whether propane companies had established setbacks from houses.

Fitzburgh referred to Ordinance 85-3, Section 8.3. She said this section needs correction because it does not differentiate between conditions required for fuel tanks and for propane tanks. She cited a reference that propane tanks be one foot off ground, five feet from other structures, and accessible by the gas company.

Fitzburgh responded to the complaints by the owner of Lot 175 by saying the incursion of the driveway into the neighboring lot is something for the property owners to resolve. She said, that if not resolved, a complaint can be filed with the Town and handled through conflict resolution. Rau will ask the Roads Manager to look at the culvert situation.

Roth asked for clarification of whether a Right-of-Way encroachment inspection is required before any new driveways are put in. Fitzburgh cited the ordinance requirements that there be no change to the points of entrance or exit of any wash, drainage or waterway on a lot and that culvert installation requires consultation with the Town.

Rau reviewed the action items identified in this discussion:

- Owner of Lot 175 should discuss driveway location with neighbor. Detailed maps are available from County Recorder's office.
- If solution unsatisfactory, a formal complaint can be filed with the Town. The Mayor would form a committee for conflict resolution.
- Rau will ask the Roads Manager to inspect the culvert situation at the beginning of the driveway.
- Rau will discuss the right-of-way encroachment form with the Roads Committee.
- PLUC Members will review the application of Ordinance 85-3, Section 8.3, to propane tanks. Rau noted the need to research setbacks for propane tanks.



UNFINISHED BUSINESS

6. Discussion of an outline of issues/questions re: group and/or Town solar energy (tabled).

Rau reviewed the revised draft of a request to ask the TC to consider establishing a committee to assess the feasibility of some form of a community solar system in Castle Valley. If the Town agrees to undertake the study, he said he would expect them to establish a committee to start gathering background information. He anticipated that a complete study would require a year or longer and would likely require some paid input from a consultant.

Fitzburgh observed that the current solar amendments under consideration designate solar systems as an accessory use and/or agricultural use. She said the current wording would not allow community solar gardens or co-ops but suggested that the language could be altered to accommodate this.

Anderson proposed that the ordinance could also be changed at a later date if a community solar plan was adopted at a later date.

Rau noted that the proposed solar amendments state that the Town “encourages” solar. He said it could be changed to say both “individually and collectively.”

Fitzburgh said this would also require a change in the definition section.

Holland suggested that it might make sense for the Town to set goals for renewable energy use and make this project part of that goal. He said that Moab has set a goal of 100% renewable energy for municipal use by 2030 and for the public by 2031.

There was brief discussion about other options than solar: wind turbines, geothermal. There was also brief discussion of the challenges for community systems within Castle Valley because of its layout and the distance between homes.

PLUC Members agreed to send the request to the TC. Anderson recommended they call for a task force rather than a committee. Roth reminded Members of the different posting and meeting requirements for official committees and informal committees. Official committee meetings must follow the rules of the Open Meetings Act.

Rau will change “committee” to “task force” in the document and send it to Roth who will submit it to the Town Clerk for consideration at the next TC Meeting. Fitzburgh will attend the TC Meeting as the PLUC representative.

Fitzburgh moved to untable this item. Anderson seconded the Motion. Anderson, Fitzburgh, Holland, and Rau approved the Motion. The Motion passed unanimously.

Rau authorized the inclusion of the discussion made before the item was untabled.

7. Discussion and possible action re: updating Ordinance 2011-1 to adopt the most recent building codes used by Grand County (tabled).

Anderson moved to untable Item 7. Fitzburgh seconded the Motion. Anderson, Fitzburgh, Holland, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh said she will present a draft for consideration at the April PLUC Meeting which could be presented at a Public Hearing at their May Meeting.



Fitzburgh moved to retable Item 7. Anderson seconded the Motion. Anderson, Fitzburgh, Holland, and Rau approved the Motion. The Motion passed unanimously.

8. Discussion and possible action re: amendments to Ordinance 85-3 to establish regulations for solar panels (tabled).

Fitzburgh moved to untable Item 8. Anderson seconded the Motion. Anderson, Fitzburgh, Holland, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh reported that she has not yet received any responses from the attorney requests she sent out for review of the proposed amendments. She suggested that the PLUC proceed without attorney input at this point. She observed that the proposed routine/nonroutine solar permits follow the same format the Town uses for building permits and conditional use permits. She said that the decision for attorney review could be deferred to the TC if they decided it was needed. Fitzburgh said that she will present a revised draft at the April PLUC Meeting that would change the designation of solar systems from strictly accessory use and that would accommodate some kind of community solar endeavor.

PLUC Members agreed that the recommendation to the TC would include a suggestion that they have a legal review of the proposal. Fitzburgh said that if an attorney advised changes to the proposed amendments, the document would be returned to the PLUC for revision.

Anderson moved to retable Item 8. Holland seconded the Motion. Anderson, Fitzburgh, Holland, and Rau approved the Motion. The Motion passed unanimously.

9. Discussion re: future amendments to Ordinance 85-3 (tabled).

Fitzburgh moved to untable Item 9. Anderson seconded the Motion. Anderson, Fitzburgh, Holland, and Rau approved the Motion. The Motion passed unanimously.

Rau addressed the need to review ordinances relating to septic systems during the next year. Holland agreed to take the lead on the research. Anderson offered to help.

Fitzburgh suggested that Holland contact Laura Cameron who did extensive research on septic systems as a prior PLUC Member. Fitzburgh also said that the State Sanitarian, Orion Rogers, had asked the Town to pass an ordinance requiring pumping of septic tanks upon sale of property. She said that, currently, pumping on sale is required for mortgages but not for non-mortgage sales. She also noted that additional septic information is available on the Town website (including instructions on how to measure the amount of sludge in order to determine when pumping is required) but said that public outreach could be improved—possibly a bi-yearly informational meeting. She indicated that requiring septic tank pumping every 3-5 years has also been suggested.

Holland will introduce a new Agenda Item when he is ready to proceed.

Rau suggested leaving this Item on the Agenda until after he reports on group housing. He also commented on the ongoing demand for governments to keep their ordinances current and updated. He said that hearing about this from the Moab City government made him realize how important the PLUC's work is in attending to the issues really important to Castle Valley. Fitzburgh replied that she feels that CV is "pretty up-to-date" with its ordinances.



Holland moved to retable Item 9. Anderson seconded the Motion. Anderson, Fitzburgh, Holland, and Rau approved the Motion. The Motion passed unanimously.

10. Closed Meeting - None.

ADJOURNMENT

Holland moved to Adjourn. Anderson seconded the Motion. Anderson, Fitzburgh, Holland, and Rau approved the Motion. The Motion passed unanimously.

Rau adjourned the Meeting at 7:45 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date

APPROVED