



MEETING MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION
TOWN OF CASTLE VALLEY

Date: Wednesday, March 8, 2023

Time: 6:30 PM

Place: CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE Electronic Meeting Due to COVID-19

Electronic Meeting Determination

Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), Ryan Anderson, Chair of the Town of Castle Valley Planning and Land Use Commission, issues this Determination supporting the decision to convene an electronic meeting of the Planning and Land Use Commission via Zoom conference call without a physical anchor location. Due to the COVID-19 pandemic, Meetings at the anchor site may present substantial risk to public health and safety. Taking into consideration public health orders limiting in-person gatherings, the average "at risk" age of Town residents and the limited space in the Town building, the Planning and Land Use Commission will continue to hold meetings by electronic means. This determination expires 30 days after the day on which the Chairman has made the determination. The public can join the Zoom conference call Meetings or submit comments through emails.

Meeting ID: 660 541 0108 Passcode: 84532

Option 1 Dial-in phone number (US): (253) 215-8782 follow prompts.

Option 2 Join the online meeting (must have computer speakers and microphone):

<https://zoom.us/j/6605410108?pwd=Q05sYm5qQ0lpNIY5TVp2bTU5VnZjQT09>

CALL TO ORDER REGULAR MEETING

Determination and Roll Call:

Chairman Ryan Anderson called to order the Regular Meeting at 6:33 PM and issues the Electronic Meeting Determination. It is determined that because the meetings are now hybrid, the determination should be updated for next month's meeting to reflect this change.

Commission Members Present: Ryan Anderson, Julie Baird, Marie Hawkins, Jeff Whitney, and Colleen Thompson

Clerk: Jessica Maw

Others Present: Jazmine Duncan and Jocelyn Buck

1. Adoption of Agenda – Baird moves to adopt the agenda, Whitney seconds. Motion passes unanimously.
2. Open Public Comment – Jocelyn joined to ensure hybrid meeting was set up okay.
3. Approval of Minutes Regular Meeting 2.1.2023 - postponed
4. Reports –
 - Correspondence: None
 - Town Council Meeting: Town Council requested NFIP from last PLUC meeting be forwarded to them so they could get questions to the NFIP team.

- Building Permit Agent Report: Thompson gives reports. In January, Lot 190 for residential septic and for residential building plans, both approved. In February, Lot 420 for remodel and lot 204 for roof mount solar. Lot 55, Temporary Dwelling Permit being renewed.
- Procedural Matters: There have been intermittent connection issues with the town's email. If anybody notices these issues, please contact Colleen to troubleshoot

NEW BUSINESS

5. Discussion re: bills passed in state legislature session affecting the town: S.B. 174 Local Land Use and Development Revisions; S.B. 199 Local Land Use Amendments; and H.B. 406 Land Use, Development, and Management Act

S.B. 174 Local Land Use and Development Revisions specific to Castle Valley: Defines the circumstances under which a garage may be included in the definition of an internal accessory dwelling unit; and amends a political subdivision's authority with respect to restrictions and requirements for internal accessory dwelling units. Ryan asks if the League of Towns and Cities had input. Jazmine suggests PLUC reviews it to be sure nothing in the language conflicts with the town's ordinance, although she doesn't initially feel that would be required. PLUC also should look at our subdivision ordinance, which is quite old so it should be reviewed for conflicts with the changes in the bill. Jeff states for the most part, it doesn't affect the town. It doesn't appear the town meets the definition for a specified community that would require the town to do all of the reporting other communities do. It does clarify that garages are a part of the overall structure of the house, as long as there is a common wall (not a detached garage).

S.B. 199 Local Land Use Amendments specific to Castle Valley: Disallows referral of a referendum to voters for municipal land use laws passed by a vote of the local legislative body. Jazmine states it's included mainly for PLUC's information, no additional action needed. If a law passed without an unanimous vote, a referendum would still be allowed. Ryan states there were bills that were put forth that looked to increase the number of votes needed to pass a referendum, but did not pass. The current number of votes to pass is still 50% plus 1. Colleen asks if there's ever been a referendum for land use in the town. Ryan and Jeff confirm there has not been.

H.B. 406 Land Use, Development, and Management Act Modifications specific to Castle Valley: Modifies the circumstances under which a municipality may adopt temporary land use restrictions; and modifies the way private properties and municipalities may use development agreements. Jazmine states the town has in the past issued temporary land use restrictions, so we should be clear on what this bill is clarifying. Ryan indicates a development agreement could relate to the Under Canvas development and their process of approval. Although it isn't in the town's boundaries, it could be helpful to understand.

Jazmine indicates PLUC should review the bills, and suggest changes to the town's ordinance where applicable.

UNFINISHED BUSINESS

6. Follow-up discussion re: FEMA flood insurance

Ryan sent a thank you note to the FEMA representatives following the last meeting, also indicating the PLUC and Town Council may be forwarding questions soon. He received a response including the PowerPoint an NFIP application, a sample template of resolutions, and a sample template of an ordinance. They offered their support to the town throughout the application process, should the town choose to go that route.

Jeff said he spent a good deal of time the last month with the county's Floodplain Administrator Bill Hulse determining the benefits of participation with FEMA for the Moab City and Grand County. Flooding last year didn't meet the threshold for disaster benefits. He feels the amount of money available in the case of a disaster is somewhat miniscule compared to damage potentially sustained.

However, participation in the program sets guidelines for construction that could be overall beneficial. It wouldn't hurt Castle Valley to go by those guidelines, and they would have to be adopted. It would also open up the possibility for property owners to obtain flood insurance, whereas they are not able to right now because there has been no determination of flood hazard areas, despite the community knowing there are areas prone to flooding. There are definitely some properties that are not just in a floodplain, but in a floodway that are susceptible to significant flood events.

Bill Hulse advised Jeff that if the town decides to participate in the NFIP, the county would fold the town into his current administration of the county's program. This could be then signed off by a town representative such as the Roads Manager or Building Permit Agent.

Jazmine asks Jeff his opinion of the town adopting the FEMA guidelines without participating at this time. If the town did that, existing construction would be pre-firm and would still be able to get private flood insurance. He would advise new construction not be allowed outside FEMA guidelines. Jeff cautions that Moab's flood last year came out of the floodplain and affected properties not within the floodplain, so there could also be historic flood events. The county Floodplain Administrator could provide those guidelines to the town for use when signing off on future permits. This would also affect Temporary Dwelling Units, storage containers, camper trailers, etc.

Marie asks how many people would probably really need flood insurance. Jeff guesstimates probably 20-30 houses. Marie indicates that's almost 10% of the town. Jazmine asks if someone is living here already and has a mortgage, wouldn't the owner have some kind of insurance that would cover them. Jeff indicates the town is not considered a flood area, so they may not be covered for flood. Once mapping is completed, a person wouldn't be able to get a mortgage inside a floodplain unless private flood insurance could be purchased from a company like Lloyds of London. If the town joins NFIP, flood insurance could be purchased through a company like Farmer's Insurance.

Ryan will reach out to the FEMA representatives requesting further information be mailed to the town for further review by PLUC and Town Council. Procedurally, eventually the Town Council would like a recommendation from the PLUC whether to join or not, but we are still in the research phase. Jazmine says there should be further research done so that when the maps come out, the decision could be made quickly on whether to join. However, it would be in the town's best interest to adopt building guidelines proactively for the safety of the community. Julie indicates there should also be public input through a public hearing.

Marie wonders if there will be surprises when the map comes out. There could be changes to the guidelines made ahead of the mapping, then further changes may be needed after. Jeff indicates he was surprised when Spanish Valley was done when compared to past topographical maps. The county's current topographical map is in 3' contours. The LIDAR can go down to fractions of an inch.

Whitney moves to table this agenda item, Thompson seconds. Motion passes unanimously.

7. Discussion & Possible Action re: creating town survey

Ryan indicates where this was left off, some survey questions may need to be worded differently. There is still some time, but it would be good to look at this now in order to best improve the survey. The last survey was split up into interest sections, which created some challenges when work was divided amongst people causing a lack of cohesion.

Jeff states during the last survey, he saw it had some members of the community dismayed by the way it was directed. There were feelings they were directed by the survey rather than it encouraging an open discussion. He asks if a copy of the last survey could be sent out to help identify sensitive wording that could be changed. Colleen indicates a copy is on the website.

Colleen noticed during the process last time that the previous survey was just tweaked a little. It may be more helpful this time around to take a step back and take a more ground-up approach, which could be helpful with the issue with the language.

8. Dark Sky Application Update

Colleen says it has been a bit dormant because everyone on the committee was so busy, but a meeting is being scheduled for the next few weeks to continue pursuing the town's certification. Jazmine says some public outreach efforts will be starting soon. Ryan asks if Dark Sky should be included in the survey. Jazmine states since the ordinance was just recently created and adopted, she doesn't believe so. There is already a process for issuing a complaint with the town.

CLOSED MEETING - None

ADJOURNMENT – Whitney moves to adjourn. Motion passes unanimously. Meeting adjourns at 7:45 PM.

Jessica Maw Henderson