

MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, October 1, 2014
Time: 6:30 PM
Place: #2 CV Drive, Castle Valley Community Center

Present: Mary Beth Fitzburgh, Marie Hawkins, Bill Rau
Absent: Laura Cameron, Jen Goff
Clerk/Recorder: Faylene Roth
Others Present: Susan Roche, Judith Kirvan, Mike Higgins

REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION (PLUC)

1. CALL TO ORDER

Vice-Chair Fitzburgh called the Meeting to Order at 6:32 P.M.

Open Public Comment.

None.

2. APPROVAL OF MINUTES

Regular Meeting September 3, 2014.

Hawkins moved to approve the Minutes of September 3, 2014, as presented. Rau seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

3. REPORTS

Correspondence.

None.

Town Council Meeting – Chair.

Fitzburgh reported that the Town Council put out a Request for Proposal for bids for the water study to help with watershed protection for the Town. She said that Jeff Whitney will attend the next Town Council Meeting to discuss Grand County's decision to join the Federal Emergency Management Agency's flood insurance plan. She noted that Grand County already has a flood plain map, whereas Castle Valley does not. According to Fitzburgh, the Town Council plans to discuss changes in the Board of Adjustments (BOA) at its next Meeting.

Hazard Mitigation Committee (HMC) – Rau

Rau said that he missed the last Committee Meeting but reported that they held a telephone conversation with a representative from Rocky Mountain Power concerning questions about the power lines in Castle Valley. He said a RMP representative will attend the next HMC Meeting to help answer questions raised during the phone conversation as well as any additional questions. According to Rau, the various HMC subcommittees are currently drafting reports and hope to present a combined report within the next few months. He said that some of the HMC suggestions may be referred

to the PLUC for further attention. Rau was unable to outline specific questions presented to RMP since he was not present at the HMC Meeting.

Permit Agent.

Roth presented the Building Permit Report for September 2014 which included an electrical upgrade on Lot 124 and a studio on Lot 249. Rau questioned whether there was a limit on the size of studios. The permitted studio is 1252 S.F. Fitzburgh said there is no size limit. Roth asked for clarification on a lot owner's proposal to sell home-roasted coffee beans from his residence. Fitzburgh said that as a business it would require a Conditional Use Permit (CUP). PLUC Members generally agreed that casual sales would not require a CUP but noted that the roaster could not post his physical address.

Procedural Matters.

Roth reported that she had emailed David Church, attorney for Utah League of Cities and Towns, to determine if Utah State Law restricts who must sign prepared Minutes when the Chair is absent and who may attest to the signing of the Minutes. According to Roth, Church replied that local policy—not state law—determines who signs the Minutes and who attests to them. PLUC Members agreed that future Minutes would be signed by the Chair unless his/her absence was prolonged and that the PLUC Clerk would attest to the Chair's signature.

NEW BUSINESS

None.

UNFINISHED BUSINESS

4. Discussion and possible action re: assess the effectiveness of the Town's current appeal authority of a three member Board of Adjustments, consider alternate forms and determine the form that best meets the community's long-term need for a fair and effective appeal authority (tabled).

Rau moved to untable Item 4. Hawkins seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh expressed her support for Rau's suggestion that the PLUC recommend to the Town Council that they find a single person to act on variances and appeals within the Town boundaries. She reported that she had talked with Cameron who also supported this approach. Fitzburgh had not talked with Goff so did not know her opinion.

Fitzburgh favors selecting a person with legal expertise. She read from the Appeal Authority Ordinance for Morgan County, Utah, for which Meg Ryan of Utah League of Cities and Towns serves as Appeal Authority: "The appeals and variance hearing officer shall, as a minimum, have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings regarding land use, land development, and regulatory codes dealing with issues related to land use." According to Fitzburgh, Morgan County is a small-populated rural community. Fitzburgh suggested that the Town hire an attorney to serve as Appeal Authority for Castle Valley. She mentioned Christina Sloan (Moab attorney)—who has handled land-use issues for the Town—as a possible candidate. Fitzburgh read further from the Morgan County Ordinance: "The appeals and variance hearing officer shall be considered an independent contractor; and as such will enter into a yearlong contract for services at the beginning of each appointed term."

Fitzburgh offered to prepare amendments to Ordinances 2006-3 and 85-3 that would be necessary for a single appeal authority. Hawkins expressed discomfort with a single person—and one who lives outside the community as well—making decisions regarding local issues. She suggested asking for volunteers to serve on the BOA as needed. Rau, too, asked whether the appeals and variance decisions could be managed with volunteers in the same way the Complaint Resolution Committee operates. Fitzburgh replied that BOA members must be appointed at a Town Council Meeting before they can serve. PLUC Members agreed to continue discussion at their next Meeting in the following sequence: (1) discuss preferences for a single appeal authority or for a three-member board; (2) review necessary amendments to Ordinances 2006-3 and 85-3 if a single appeal authority is preferred; (3) schedule a Public Hearing for the December 3, 2014, PLUC Meeting.

Hawkins moved to retable Item 4. Rau seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

5. Discussion and possible action re: regulations for solar panels, windmills, and other alternative energy structures (tabled).

Left tabled.

6. Discussion and possible action re: reviewing and amending Ordinance 96-1: Watershed Ordinance (tabled).

Left tabled.

7. Closed Meeting (if needed).

None.

ADJOURNMENT

Hawkins moved to adjourn the Meeting. Rau seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh adjourned the Meeting at 7:05 P.M.

APPROVED:

ATTESTED:

Laura Cameron, Chairperson

Date

Faylene Roth, PLUC Clerk

Date